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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

SENATE—*Monday, January 25, 1988*

The 25th day of January being the day prescribed by House Joint Resolution 436 for the meeting of the 2d session of the 100th Congress, the Senate assembled in its Chambers at the Capitol, at 12 noon.

Mr. REID. The Senate will come to order. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Father of us all, help us to hear and take seriously the wisdom of God as expressed in the words of the psalmist:

***"Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in his law doth he meditate day and night. And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper. The ungodly are not so: but are like the chaff which the wind driveth away, Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous. For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish."*—(Psalm 1). Amen.**

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk shall please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 25, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is now recognized.

Mr. BYRD. Mr. President, I thank the Chaplain for his excellent prayer.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CERTAIN SENATE RULES

Mr. BYRD. Mr. President, I ask unanimous consent that rule III and rule IV, paragraph 1, of the Rules for the Regulation of the Senate Wing, and rule XXXIII, paragraph 1, of the Standing Rules of the Senate be suspended for the purpose of the response by the majority leader to the State of the Union Address today.

Mr. STEVENS. Mr. President, reserving the right to object, and I shall not object, I would like to state that it is my understanding that the chairman of the Rules Committee has cleared this matter.

I have been contacted by the distinguished majority leader, as the ranking Republican on the Rules Committee. I wonder, if there would be no objection that following the request of the majority leader, I could put in the RECORD the letter that was sent by the majority leader to our Republican leader, setting forth the terms under which this unanimous-consent request has been agreed to.

The ACTING PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, January 23, 1988.

Hon. ROBERT DOLE,
Republican Leader,
U.S. Senate,
Washington, DC.

DEAR ROBERT: This will refer to our telephone conversation in which we discussed the use of the Senate floor for the Democratic Response immediately following the President's State of the Union Address on Monday evening.

As one who is very particular about the Senate's rules and regulations, I specified that the use of the Senate Chamber in this instance would be under the following strict conditions:

(1) The precedent is limited to "the formal response" to the President's State of the Union Address.

(2) The precedent is further limited to "the formal response" carried by one or more of the major networks.

(3) Only a Senate Leader (myself in this instance) would be using and speaking from the Senate Chamber.

(4) The occasion is the official response by one of the two major political parties—the party not in control of the White House.

(5) There is no participant in the response other than a Senate Leader; the response follows immediately after the President's address to the two Houses; and no charts or other visual aids will be used.

(6) There will be no audience present in the galleries or on the floor of the Chamber, the only persons present being the network pool camera personnel.

Inasmuch as the State of the Union Address occurs only once a year, and the President speaks from the House Chamber, I feel that this request is appropriate, especially when limited to the foregoing restrictions. At such time as the Democratic Party may be in control of the White House in a future year, the Republican Leader would be entitled to the same privilege.

With best regards.

Sincerely yours,

ROBERT C. BYRD.

Mr. DOLE. Mr. President, if the majority leader will yield—and reserving the right to object—I have discussed this at length with the majority leader. I have no problem with it. I think it has been very tightly circum-

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● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

scribed, as the letter will indicate, and I have no objection to the request.

I appreciate the majority leader calling me in South Dakota, in Rapid City, on Saturday. We had a good discussion. I had been apprised earlier by the distinguished Senator from Alaska, through staff.

I thank the majority leader for his courtesy.

The ACTING PRESIDENT pro tempore. Without objection, the request of the majority leader is granted.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I thank the distinguished Senator from Alaska [Mr. Stevens], who is the ranking member of the Rules Committee, and I thank Mr. Ford, who is the chairman of the Rules Committee.

The restrictions are very, very tight, and the precedent they will set is one which, of course, will be the privilege of the leader on the other side of the aisle at some point in the future.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTIONS OR RESOLUTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I shall shortly suggest the absence of a quorum.

It would be my plan today, as I indicated to the distinguished Republican leader on the day before yesterday, that the Senate conduct no business today of any controversial nature. I do not plan to make any motion to take up any such business today.

The Senate should go out shortly, following a quorum call. It will be a live quorum. It need not necessarily be a rollcall for the quorum in this instance. But I would hope that our Senators would come in quickly, and then the Senate would go out and await the President's address to the joint session of the two Houses this evening.

The Senate will come back in tomorrow. I should say to my very distinguished friend, the leader on the other side of the aisle, that it would be my plan tomorrow to go to the Grove City legislation. I hope we can work this out so that perhaps there could be a time agreement.

I also wish to express the fervent hope that once the nomination of Mr. Kennedy to the Supreme Court of the United States is reported to the Senate, we can work out an agreement whereby action by the Senate on that nomination can be expedited.

In view of the fact that I am expressing various hopes, I also express the hope that we would not run into a filibuster on the Grove City legislation. If we can work out some kind of time agreement on that, this would enable us then to bring in the Kennedy nomination at any point, dispose of it and any other legislation that we might expedite.

The distinguished Republican leader will be discussing these matters with his colleagues. I will be discussing these matters with our colleagues.

Tomorrow, there will be the regular Tuesday luncheon caucuses, beginning at 12:45 p.m. and continuing, let us say, until 2 o'clock.

I want to get some idea as to what the weather is, what it will be like in the morning, because I do not want to bring us in for a 9 o'clock rollcall in the morning with heavy snow on the ground. We will seek not to inconvenience Senators in that regard by coming in a little later tomorrow than we might otherwise come in.

Does the distinguished Republican leader have any question?

I think that will suffice.

QUORUM CALL

Mr. BYRD. Mr. President, I shall now suggest the absence of a quorum. It will be live. I hope Senators will come to the floor quickly and help us to get the live quorum early, after which there will be a brief period for morning business; and I ask unanimous consent that Senators may speak during that period for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Burdick
Byrd
Dodd
Dole
Domenici
Ford
Grassley
Hollings
Inouye
Leahy
Proxmire
Reid
Simpson
Stevens

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia [Mr. Byrd] to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. Bentsen], the Senator from Oklahoma [Mr. Boren], the Senator from South Dakota [Mr. Daschle], the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee [Mr. Gore], the Senator from Florida [Mr. Graham], the Senator from Alabama [Mr. Heflin], the Senator from Louisiana [Mr. Johnston], the Senator from Hawaii [Mr. Matsunaga], the Senator from Maine [Mr. Mitchell] and the Senator from Illinois [Mr. Simon] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. Chafee], the Senator from Maine [Mr. Cohen], the Senator from Minnesota [Mr. Durenberger], the Senator from Utah [Mr. Garn], the Senator from Pennsylvania [Mr. Heinz], the Senator from Nebraska [Mr. Karnes], the Senator from Wisconsin [Mr. Kasten], the Senator from Oregon [Mr. Packwood], the Senator from New Hampshire [Mr. Rudman], the Senator from Pennsylvania [Mr. Specter], and the Senator from California [Mr. Wilson] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 5, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—73

Adams
Armstrong
Baucus
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Glenn
Gramm
Grassley
Harkin
Hatch
Hatfield
Helms
Hollings
Humphrey
Inouye

Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Wirth

NAYS—5

Hecht
McCain
Quayle
Symms
Weicker

NOT VOTING—22

Bentsen
Boren
Chafee
Cohen
Daschle
DeConcini
Durenberger
Garn
Gore
Graham
Heflin
Heinz
Johnston
Karnes
Kasten
Matsunaga
Mitchell
Packwood
Rudman
Simon
Specter
Wilson

So the motion was agreed to.

The ACTING PRESIDENT pro tempore. With the addition of Members voting who did not answer the quorum call, a quorum is present.

THE NEW SESSION OF CONGRESS; ACTIVE AND FORWARD LOOKING

Mr. BYRD. Mr. President, the 100th Congress now begins its second session. We begin this session on the eve of a Presidential election. All eyes are increasingly on Iowa and New Hampshire and other primaries. All eyes are on the candidates of both parties who now seek the affirmation of the voters. But while the Presidential election surely attracts our attention, the work of Congress must go on.

This Congress must be active and forward-looking, smoothing the road ahead for the next President, be he Republican or Democrat. We must be the helping hand, the vital link of continuity between a new Presidency and the power of Government to effect positive change.

The American people already know that the time for self-deception is over. America's future cannot be defined by some outdated ideological past. America must begin to get ready for its future.

So we must be forward—looking and active. We cannot be idle and mark time. We cannot waste the little time we have in which to prepare America for its future. The American people expect that of us and we must not disappoint them.

Partisanship will surely be an element in our debates. But we must not allow partisanship to overwhelm us. Last year was a year of more than usual partisanship and acrimony. The Congress and the administration, more often than not, were at odds with each other. Stalemate, frustration, and lost opportunities were frequently the results.

But 1987 was also a year when a bipartisan coalition of Republicans and Democrats in the Senate joined together in a common effort to check the excesses of those not in the mainstream.

On issues of great importance to the Nation—the clean water bill, the highway bill, the nomination of Judge Bork, interpreting the ABM Treaty, the majority of the appropriations bills, the trade legislation which passed this Senate by more than 70 votes, and the budget deficit—this bipartisan coalition consistently held together and moved beyond party affiliation. Our battle was not against a genial President so much as it was a battle for the belief that the purpose of government is to build-up rather than tear down.

The 100th Congress returns to at least four immediate issues—the passage of the trade bill, the confirmation of Judge Kennedy to the Supreme Court of the United States, Contra aid, and the Senate's constitutional responsibility to give its advice and consent or to decline to give its advice and consent, on the INF Treaty. Of these immediate issues little need be said. We are all familiar with the terrain.

The trade bill is now in conference. Differences between the House and Senate versions must be negotiated. It is my hope that this most important bill will be sent to the President by early March. The confirmation of Judge Kennedy should be speedy. I intend to vote for his confirmation. I believe I will be joined by the majority of my colleagues.

Contra aid will once again be revisited. We have been up this hill and we have been down it so often the path is very well beaten. Congress should continue its role of keeping the diplomatic alternative alive despite the continued desire by the White House to seek a military solution.

Our primary concern remains the question of Soviet power in the hemisphere and the nurturing of democratic and humane societies. In particular, I have urged the Secretary of State on a number of occasions to open up negotiations with the Sandinistas with the goal of eliminating Soviet bases, influence, and advisers in Nicaragua. Such an initiative is long overdue.

The Senate has already begun to uphold its constitutional responsibilities with regard to the INF Treaty. Every effort will be made to insure that the novel verification process in the INF Treaty is sound. The treaty will be considered thoroughly, as will its import for the future of our Atlantic alliance.

In the closing days of the last session the first housing bill in 7 years was passed and became law. In this session, Congress will finish the work it started last year to free millions of elderly Americans from the fear of costly catastrophic illnesses. We are also determined to renew the Federal commitment to education with the passage of the conference report on the Elementary and Secondary Education Act.

Other important issues will also be on the table. Finding a cure for AIDS, reform of banking laws, a free trade agreement with Canada, and a continuing review of aviation safety. I also believe that we need to examine the way in which Congress and the executive branch handle the budget with an eye to improving the process.

Looming over all of our efforts must be our collective awareness that a policy of borrowing and debt has mortgaged our future and that of our children. The leadership budget package passed by the Congress in the close of the last session was a significant bipartisan effort at deficit reduction. But we should not concede that our work is done. We must be vigilant to ensure that the agreement is carried through to its conclusion, while also being prepared to respond to new economic developments.

Finally, the Senate must make every effort to insure the integrity of its own House. Here, I speak to the issue of campaign finance reform. As I have said before and I say again, democracy can not be given over to an aristocracy of money. The power of money to corrupt and eat away at the integrity of the Government is powerfully clear.

The Congress has much to do. We must be active and forward looking. We must move America beyond the narrow ideology of the past that has so dominated the Reagan era. We must prepare America for its future. We have much to do.

FEDERAL ELECTION CAMPAIGN ACT—1987 YEAREND REPORT

Mr. BYRD. Mr. President, the mailing and filing date of the 1987 yearend report required by the Federal Election Campaign Act, as amended, is Sunday, January 31, 1988. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 12 noon to 4 p.m. on the filing date for the purpose of accepting these filings. In general, reports will be available to the public 24 hours after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

NOTICE CONCERNING ANNUAL REGISTRATIONS OF MASS MAILINGS

Mr. BYRD. Mr. President, in view of the approaching February 1 filing date, I would like to remind Senators of the requirements concerning registrations of mass mailings under Senate Rule 40.

Members are required to register annually such mailings. The 1987 calendar year filings will be due on February 1, 1988. Mass mailing registrations are also accepted on an "as mailed" basis if Members so desire.

For your information, the following are excerpts from Rule 40:

> . . . 3. (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in Section 3210(a)(6)(E) of Title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.
>
> (b) the Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed and a description of the group or groups of persons to whom the mass mailing was mailed . . .

The Senate Office of Public Records will be open from 8 a.m. to 9 p.m. on the filing date for the purpose of accepting these filings.

For further information, please do not hesitate to contact the Public Records Office on (202) 224-0322.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask that the time of the two leaders be reserved momentarily and that the Senate proceed with morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes.

WHY THE UNITED STATES SHOULD MOVE CAUTIOUSLY ON SDI RESEARCH SPENDING

Mr. PROXMIRE. Mr. President, two experts for the Union of Concerned Scientists [UCS] have written a superb analysis of the strategic defense initiative. Peter Clausen is director of research for UCS. Michael Brower, a physicist is a UCS arms analyst. Clausen and Bower recommend continued research on missile defense at a robust level of $2 to $2.5 billion per year. The prime purpose of this research would be to deter the Soviets from renouncing the ABM Treaty and deploying missile defenses unilaterally. They recommend directing the research at low altitude rockets to protect military targets such as land-based missiles and command centers. The research should also be directed at meeting Soviet countermeasures, that is, decoys and fast burn boosters. The UCS experts contend the program would save a great deal of money. It would also protect the ABM Treaty. It would make large nuclear weapons reductions much more feasible. And it would give a clearer picture of the real outlook for effective missile defense as time passes.

Let us not kid ourselves about this SDI Program. It is already far and away the most costly military research program that has ever engaged this or any other government. This is true although the Congress has reduced the spending for the program far below the administration's requests. If the Congress should continue the SDI spending to try to achieve the President's dream of population defense, SDI spending would shoot up to over $100 billion each and every year. The President and the SDI's most fervent supporters are determined to lock the Nation permanently into this project in the remaining months of the President's term in office. This is the obvious motivation behind the push for early deployment of SDI. It is the reason for the reinterpretation of the ABM Treaty by the administration. This push for an SDI population defense has already become a leading issue in the 1988 Presidential election. A Republican victory in 1988 would be hailed by SDI supporters as a mandate for pushing ahead with SDI. Clausen and Brower make a devastating analysis of the technical feasibility of SDI and early deployment. They contend that the heart of early deployment is a two-stage rocket. Five to ten rockets would be carried on a battle station or kinetic-kill vehicle. The battle stations would orbit the Earth at an altitude of between 250 and 600 miles. This would bring battle stations periodically in range of Soviet missiles. Because the Earth orbit would take the battle stations out of range of Soviet missiles during most of their Earth orbit, this would require several thousand battle stations to cover all Soviet missiles. The technology that SDI has tested has two weaknesses. First, it is too heavy to be placed in a space-based rocket. Second, it can be jammed or fooled.

Even if these technical problems are solved, there remain three further drawbacks: First, since the rockets would orbit at 600 miles and less in altitude only a few would be in a position to fire at Soviet ICBM's at any given time. This would require a very large number of rockets to be deployed for each missile that is intercepted. If the Soviets tightly cluster their missiles, which they could easily do, as many as 100 rockets would be require for every ICBM. The Soviets could frustrate this defense by simply increasing their ICBM deployment.

Second, the Soviet could reduce the burn time of their ICBM's to 2 minutes by relatively simple design changes. Such a reduction in burn time would require a big increase in U.S. battle stations. A really fast-burn booster of less than 1 minute would defeat the satellite-based kinetic-kill vehicles [SBKKV] completely. Martin Marietta and Lockheed studies show that burn time could be shortened to 1 minute with only a 25 percent or less loss in payload.

Third, the Soviets could easily develop space mines that could closely pursue a defensive satellite until ordered to explode. Or the U.S.S.R. could use an interceptor rocket as an antisatellite device. The United States has already done this.

Whatever technique the Soviets chose to combat SDI would have the great advantage denied to the defense, of being able to choose the time to strike. Furthermore, one ASAT can destroy a defensive platform carrying five or more rockets and their accompanying sensors, computers, and communications equipment.

The SDI weapons of the future, lasers and particle beams, require vast improvement. American Physical Society experts recently estimated the degree of improvement required as ranging from a factor of 100 to a factor of 1 million. That is, the improvement would have to range from hundredfold to millionfold in power, accuracy, reliability, et cetera. Does that make such improvement impossible? Certainly not. But it makes it very costly. It also will require decades, perhaps even centuries, to achieve it. The cost will be enormous and the results of the research are likely to serve the offensive transmission of nuclear weapons at least as well as the defense against intercontinental ballistic missiles.

All of this is why the United States strategic defense policy should be to proceed with a relatively modest and limited program designed to hedge against and discourage the U.S.S.R. from renouncing the ABM Treaty.

TRIBUTE TO DON ROGERS

Mr. PROXMIRE. Mr. President, all of the members of the Senate Banking Committee were saddened to learn that one of its former staff members, Don Rogers, died last Monday. Don served on the staff of the committee from 1953 to 1958. He played a major role in the writing and passage of the landmark Bank Holding Company Act of 1956. When he left the staff in 1958 he helped form the Association of Bank Holding Companies which under his leadership has become a force for progressive banking regulation.

I had just arrived as a freshman member of the Banking Committee in

1957 during Don's last year on the staff. I was impressed with the thoughtful and professional way in which he served all the members of the committee. He was especially helpful to me during my first year of service on the committee.

Over the years, I got to know Don better as an able spokesman for the bank holding company movement. He was a frequent witness before the committee and played a constructive role in every major banking bill passed by the committee during the last three decades.

Don Rogers set the standard for what a legislative representative should be. He was honest, professional and thoroughly knowledgeable of the industry he served. We agreed on some things and disagreed on others. But there was never any doubt that he represented his industry with absolute integrity.

In his long and distinguished career, Don enjoyed the deep respect of all the members of the committee. His advice and counsel will be sorely missed. On behalf of all the members of the Banking Committee, I extend our profound sympathy to his family.

GLASS-STEAGALL ACT OF 1933

Mr. PROXMIRE. Mr. President, in the next several weeks, Congress will be considering fundamental changes in financial law. We will be revisiting the Glass-Steagall Act of 1933.

Fortunately, the fourth estate has covered this issue in some detail and our Nation's editorial writers have devoted considerable time to the subject.

Today, I submit for the Record a number of editorials from Texas newspapers. The Dallas Morning News, for example, dedicated a three-part series to the argument that reform is necessary, and that this reform requires that the monopoly enjoyed by security firms—an unintended effect of Glass-Steagall—must be busted.

I ask unanimous consent that the editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Dallas Morning News, Jan. 7, 1987]

The Nation's Financial System Is a Mess

Ask any American to name top problems facing the nation, and it's a good bet the words "financial system" will not be uttered—unless perhaps the respondent is a banker.

Yet, if reform of the financial system is not quickly undertaken, the nation could be flirting with a near-term collapse of that system and, in the slightly longer term, loss of world leadership in financial services.

Consider:

One in 10 U.S. banks—1,484 to be precise—is considered by the Federal Deposit Insurance Corp. to be in "trouble."

One in five savings and loans is considered to be in "deep trouble" by the Federal Savings and Loan Insurance Corp.

No U.S. bank remains among the world's 10 largest, and only three remain among the top 20. The world's seven largest banks are Japanese. A single Japanese securities firm, Nomura, is responsible for financing one-third of the entire national debt of the United States.

Some of this nation's largest banks are threating to return their bank charters and either become state banks outside the Federal Reserve system or to stop being banks and become financial institutions without the right to either gather deposits or make commercial loans.

Unregulated subsidiaries of non-financial firms such as Sears and General Motors raised their share of the U.S. credit from 9 to 19 percent in the last 10 years.

Although a topic even less sexy and more complex than tax reform, reform of the nation's financial system must become a top agenda item for the new Congress. Congress should: a) define the activities that may be undertaken by various types of financial institutions and the markets they may serve; b) determine to what degree market forces will be allowed to shape the future of the financial system; and c) redesign the financial regulatory system to meet the radically altered structure of the industry.

From the Great Depression until the mid-1970s, the nation's financial "central different institutions (commercial banks, investment bankers, thrifts and insurance companies) existed to do specific jobs without treading on each others' territory, and where non-financial concerns were prohibited from financial services altogether. Banks were not allowed to pay interest on demand deposits (checking accounts), and the amount of interest that could be paid on time deposits was fixed by the government (by Regulation Q). It wasn't too difficult to pay a fixed low rate for deposits, loan them out to creditworthy borrowers, and show a profit.

But over the past decade, this "central nervous system" has undergone severe shocks. The first shock came when market interest rates shot far above levels the government allowed depository institutions to pay for time accounts. Hundreds of billions of dollars in savings fled banks and thrifts for vehicles such as "money market mutual funds," which were created by securities firms and offered near-checking account convenience with high rates of interest. Congress responded by "deregulating" interest rates. Almost overnight, banks were taken from a protected and predictable status to the fierce disciplines of the marketplace. This deregulation has forced banks to compete (pay higher prices) with a variety of non-bank entities for capital while institutions from Sears to Merrill Lynch have continued to encroach on bankers' turf by offering additional traditional banking services.

Another shock arrived with those computer technologies that turn money into electrons and send them whizzing about the globe (and across state boundaries) at the speed of light, thereby greatly thwarting government efforts to control the money supply, capital flow or exchange rates.

A final shock occurred when a variety of bad debts began to crash in on banks and thrifts. The first round hit the big multinational lenders when falling commodity prices undermined the ability of many foreign governments (Mexico, Brazil, Poland) to repay hundreds of billions in loans. Other U.S. banks were hit when loans to energy concerns and farmers went sour.

Thrifts (which primarily use savings from small investors and channel them into mortgage investments) got into trouble when they found themselves having to pay high market rates for deposits while their loan portfolios were primarily low-interest, long-term mortgages. To get more money into the thrifts, Congress allowed 20 percent of their deposits to be invested in non-mortgage investments like commercial real estate. Lacking the expertise to make wide-ranging loans, many savings and loan institutions poured billions into bad deals.

The financial system has done the best it could to adjust. But it has had to do so without much guidance from Congress or even those regulatory agencies currently charged with managing the system. This has occurred because Congress has deadlocked over whether the government should act forcefully to maintain the walls between types of financial institutions, between commerce and finance, and between states, or whether to encourage the rapid metamorphosis of the financial institutions toward large, nationwide, diverse enterprises guided more by the demands of the market than the visions of regulators.

Whatever the merits of available options, the most unacceptable option is inaction. Government must provide the framework for the nation's financial nervous system. If it fails to do so, it courts disaster as individual savers and investors lose confidence in the system, as Americans turn to foreign alternatives to meet their money needs and as experimentation increasingly defies the ability of regulators to assure safety and soundness.

[From the Dallas Morning News, Jan. 8, 1987]

The System Needs to be Unchained

The United States' financial system is being called on to do an increasing number of jobs:

Finance large multinational corporations as well as small- to medium-sized businesses. Provide venture capital for ideas that still are gleams in entrepreneurs' eyes. Keep thousands of governmental entities funded. All this and still supply credit to individual consumers in a wide range of income brackets.

At the same time, the U.S. financial industry is as much under siege from Japanese and European competitors as are other industries. And, as with other industries, the foreign competition operates with far fewer constraints. Japanese and most European banks labor under far fewer restrictions than do U.S. banks, and some may even engage in "merchant" banking (equity ownership for investment purposes). Many foreign banks are not required to maintain specific amounts of reserves.

U.S. financial institutions are caught because populist laws build walls between types of institutions, between state markets and between commerce and finance. At the same time, the international marketplace demands large, sophisticated enterprises able to offer a wide variety of financial services and products at the lowest possible cost. Historically, many Americans have been leery of nationwide financial conglomerates and a concentration of assets in fewer hands. But we must now accommodate ourselves to new realities. If the U.S. financial industry fails to serve the world marketplace, foreign institutions will—at great profit. That will mean a continued withering of U.S. financial muscle and a growing dependency of American industry and consumers on foreign sources of capital. Main Street, U.S.A., worries over losing control of its local destiny to New York, or Chicago, or even Dallas, when it should worry about a shift to Tokyo, or Paris, or London. Americans also must realize that if foreign havens offer lower costs, financial concerns will take their jobs and leave. A competitive U.S. financial system means U.S. industry, workers and consumers will be the first to benefit.

A new U.S. financial system should:

Continue the dual system of state and national chartering of financial institutions. Most financial innovations—including the development of thrifts, branch banking and current moves toward interstate banking—had their beginning with the states. Continuing this "federal" system should act as a balance against concentrations of power and financial assets, and ensure responsiveness to the needs of heartland America.

Allow the creation of federally chartered financial services holding companies that would be allowed to own and operate subsidiaries offering a cafeteria of financial services, and be able to operate nationwide. Such holding companies could themselves be owned by a commercial enterprise, provided that enterprise was willing to comply with tough regulatory requirements intended to assure that a failing retailer or manufacturer could not dip into its financial services subsidiary to postpone disaster. This would allow the development of "one-stop shopping" financial service corporations with national networks, great economies of scale, high levels of expertise and the ability to garner the large asset base required to compete in the world marketplace.

To move quickly down the road toward this market-oriented financial system the 100th Congress should:

Repeal those portions of the Glass-Steagall Act and other laws limiting the activities of different types of financial institutions. A new "financial institutions act" should replace these laws to allow for those financial services holding companies previously described.

Repeal the McFadden Act and the Douglas Amendment to the Banking Act of 1956 to allow for full interstate banking and unlimited branching. Texas has, at no small urging from the Federal Reserve, torn down all walls barring out-of-state banks from acquiring banks in Texas, and the sooner the rest of the nation follows suit the better.

Also repeal those sections of the Bank Holding Company Act that prevent the ownership of banks by commercial firms and the purchase of thrifts by banks. This may be the only way out of our current morass of troubled banks and thrifts without the Treasury Department having to cover billions in deposit losses.

Restructure the nation's regulatory system to reflect the new shape of the U.S. financial system.

Will this brave new world of banking mean an end to small local banks? To the contrary, deregulation may be their only hope. Consider: If an insurance company offers a five-year tax-deferred annuity at the same interest rate as a bank can offer a certificate of deposit, many local savers will opt for the annuity. The bank loses deposits and loan capacity, while the faraway insurance company gains money to invest in faraway real estate. But if the local bank also can offer annuities through its own insurance subsidiary, it will retain its asset base.

What many Americans often fail to understand is that their hometown banks are as unwilling to sink money into risky local loans or economies as the money giants. They, too, can ship money around the world with the flick of a switch. However, the strength of the larger institutions may enable them to take risks that smaller bankers cannot. The larger banks will offer economies of scale that small banks cannot in some instances, while smaller local banks will have their own advantages, such as more personalized services.

In a new, market-based system, the consumer will profit from competition that will lower costs and improve service. And what the U.S. will have is a financial system able to meet the needs of a diverse marketplace.

[From the Dallas Morning News, Jan. 9, 1987]

REGULATION NEEDS TO BE REVAMPED

A new U.S. financial system shaped by market forces will require greater regulatory supervision, not less. We are not talking about total deregulation, but different regulation that gives market forces more play.

It will be important to make certain that a financial conglomerate does not make use of inside information obtained by its commercial banking subsidiary to benefit its other subsidiaries. With greater concentration of financial power, it will be important to carefully enforce antitrust and fraud provisions.

The objectives of any system of regulation should be to: a) maintain the safety and soundness of the system; b) protect consumer interests; and c) promote competition and efficiency.

Today's unwieldy system complicates the attainment of these goals. Today, a national bank may be subject to regulation and supervision by the comptroller of the currency, the Federal Reserve Board and the Federal Deposit Insurance Corp. Not only does this multiple-supervision approach result in time-consuming, expensive duplication, it can result in dangerous confusion and conflict.

At the same time, there is widespread disagreement over who should regulate what. The New York Bank Board this month voted to allow New York state banks (including Morgan Guaranty and Chemical Bank) to underwrite certain types of securities in contravention of Federal Reserve policy. The move sets up a showdown over who's boss.

As long ago as 1984, the President's Task Force on Regulation of Financial Services recognized the need for substantial changes in the nation's financial regulatory system. While the task force made no recommendations regarding further deregulation of the industry, the report's tone indicated sympathy for deregulation. Privately, several of the members suggest events since 1984 have made the case for further deregulation even more compelling and urgent.

Among those task force recommendations that should be adopted by the 100th Congress are:

The reduction of three bank regulating agencies to two, with no bank regulated by more than one agency. The task force called for the creation of a "federal banking agency" within the Treasury Department to regulate "national" banks, with the Federal Reserve maintaining authority over state banks with membership ("member" banks) in the Federal Reserve System. This reform will stand up even if current restrictions on permissible activities by types of financial institutions were dropped and full national interstate banking allowed.

The delegation of federal supervision of "state" member banks to state regulators deemed capable by the Federal Reserve, with the Fed retaining final authority over standards and compliance.

The transfer of authority over what banks can or cannot do from the Federal Reserve to the new federal banking agency. However, in a fully deregulated system where a financial holding company could engage in any financial holding company could engage in any financial activity, there would be no need for this type of regulation.

The delegation of authority to the Federal Reserve over the very largest financial holding companies so that the Federal Reserve can fulfill its responsibilities to control the nation's money supply and to oversee foreign lending. Such a company might be defined as any holding company controlling 1 percent of the nation's financial assets or 5 percent of any given market activity.

The retention of the FDIC and Federal Savings and Loan Insurance Corp. to provide deposit insurance, but without their current regulatory responsibilities. These newly constitued entities would work with the federal banking agency and with state agencies to review issuance of insurance to all institutions.

Whether the current financial system is allowed to slowly evolve or is unchained by significant deregulation, the recommendations of the task force provide a solid starting point of regulatory reform.

However, it is important to realize that technology alone will likely so change the face of the money industry over the coming years as to make a continual evolution necessary. Indeed, in the not so distant future, technology likely will render the bricks-and-mortar banks a memory as home and office terminals allow executives and consumers alike to establish lines of credit and shop the world for optimal credit terms and investment opportunities. Deals then could be consummated with the tap of a key.

Whether the nation's financial system and its regulatory shadow evolve to meet changing market and technological realities is in doubt. Banking reform is a complex subject with no broad constituency among the general population. Change is resisted by a small number of powerful lobbies determined to protect their turf and profits. The result has been drift, the growing danger of a systemwide failure and the loss of world market share to foreign competitors.

Congress and the White House should join forces to put reform of the financial system on the front burner, and turn up the heat.

[From the Dallas Times Herald, Feb. 8, 1987]

PERMIT BANKS TO COMPETE

In the aftermath of the stock market crash of 1929 and the collapse of the American banking system, Congress passed the Glass-Steagall Act which separated bank operations from investment activity on the theory that it was not safe for banks to enter this type of legalized gambling with depositors' money. That theory was appropriate to an era when banking was a localized endeavor lacking federal depositors' insurance guarantees.

But nearly 60 years later, in an era of international electronic financial exchanges, with billions sloshing around the globe overnight, lingering restraints from the age of rural America are inappropriate. They dangerously hamper the ability of U.S. financial groups to compete with their international counterparts. Congress, which has intermittently debated the issue for the past four years, must immediately repeal the Glass-Steagall Act of 1933 and develop a modern regulatory system.

The issue is urgent because the Federal Reserve Board is planning to rule by the end of April on the request of three New York Banking companies—Citicorp, J.P. Morgan, and Bankers Trust—to expand their services to incude underwriting commercial paper, mortgage-backed securities, and municipal revenue bonds. They also want to offer consumer services such as credit cards and auto loans through non-banking subsidiaries.

Not surprisingly, the major Wall Street firms are opposing any expansion of financial services by banks—though these same firms have moved wholesale into the banking business. The commercial paper market is worth more than $300 billion annually, and more than $100 billion in municipal revenue bonds were underwritten last year. Permitting banks to enter this arena would bring more competition to a relatively closed marketplace and increase consumer services.

Federal Reserve Board Chairman Paul Volcker publicly supports banks expanding into these areas as well as into underwriting corporate stocks and bonds. However, he adds that the nation would be better served if changes were to come through legislation, rather than the piecemeal regulatory route. He is correct. The regulatory route, by definition, is not permanent. Its rulings are subject to change with each new administration. America's financial system needs the stability provided by congressional action.

The expansion of banking services is not without peril. Congress should examine carefully the role of federal insurance corporations under an expanded system. A bank's investment is one of its own, non-banking subsidiaries should not be insured with the public's money, for example. And antitrust and securities laws should be adapted to prevent bank-owned investing arms from benefiting improperly from insider information gleaned from its regular banking business. But these are not insurmountable problems. Congress need only act, prudently, and quickly.

[From the Fort Worth Star-Telegram, Mar. 23, 1987]

A MATTER OF FAIRNESS—CONGRESS SHOULD LIFT RESTRICTIONS FROM COMMERCIAL BANKS

Because of a 1933 law, which seemed necessary in a nation caught in the grips of the Great Depression, American banks find themselves in 1987 at a competitive disadvantage with foreign banks and other financial institutions, most of which did not even exist 54 years ago.

The time has come—indeed, it's long overdue—to change that situation.

At issue is the Glass-Steagall Act, which severely limits the type of business a bank may conduct. Specifically, it prohibits U.S. commercial banks from underwriting corporate debt or equity offerings in the United States. It effectively separates bank operations from investment activities and was designed to thwart banking speculation in the stock market, such as occurred on Wall Street in the 1920s and which was blamed in many quarters for contributing to the 1929 crash.

In hindsight, stock speculation wasn't so much at fault as was failure by the Federal Reserve to halt the precipitous decline in bank reserves as panicky depositors removed their money. Nevertheless, Glass-Steagall became the law of the land and remains in effect today, when its provisions are actually a threat to the stability of the national banking system, which already has troubles aplenty.

In the years between 1933 and 1987—and particularly during the past decade—the number of "non-banks" that have entered some phase of the banking business has mushroomed. Also, foreign banks, which operate under much less-restrictive regulations, have seized the financial initiative in this country.

Foreign banks now provide more than one-fifth of all loans made to U.S. businesses, having doubled their share of that market in eight years. They also have opened more than 600 offices in this country, triple the number 10 years ago. A single Japanese securities firm is financing one-third of the U.S. national debt.

Restrictions, such as Glass-Steagall, prevent U.S. banks from competing evenly for that business.

Meanwhile, investment banks (which are not the same as commercial banks) and other financial entities are permitted to own savings and loan firms and conduct various activities in direct competition with commercial banks without having to hew to the same narrow restrictions. Ford Motor Co., for example, owns a savings and loan association. The same is true of Sears, Roebuck. Goldman, Sachs, Merrill Lynch and Shearson Lehman Brothers all own "non-bank banks" that either accept demand deposits or make commercial loans.

Those firms, of course, are content with the status quo and are lobbying intensely to keep Glass-Steagall in effect. After all, the commercial paper market is worth more than $300 billion annually, and more than $100 billion in municipal revenue bonds were underwritten last year. Opponents have thus far been successful in side-tracking a bill in the U.S. Senate that would allow banks to underwrite mortgage-backed securities, revenue bonds and commercial paper.

Fortunately, the war is not over. Sen. William Proxmire, D-Wis., sponsor of legislation to grant commercial banks some of the expanded powers needed to compete against "non banks," has vowed to continue the fight. In fact, the Senate could get the opportunity to vote on the matter within the next two weeks.

If senators at that time aren't impressed by the fact that the changes have been endorsed by President Reagan, Vice President George Bush's task force on the regulation of financial services and Federal Reserve Board Chairman Paul Volcker, they should be impressed by the fact that passage of the bill would help stabilize an ailing industry and, in the process, grant the type of competitive balance to banks that they deserve in a rapidly changing world.

[From the San Antonio Express-News, July 5, 1987]

OUTDATED BANK LAW SHOULD BE SCUTTLED

When a major law controlling an industry is more than 50 years old, you can be sure it's outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and, indirectly, the American economy.

In writing Glass-Steagall, experts sought to separate the commercial securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortunately, their explanation of the Depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's largest 25, whereas seven ranked in the top 10 not too many years ago. As a result they're finding it increasingly difficult to compete with well-capitalized banks of Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commercial paper, for example, even though many businesses increasingly use that form of short-term unsecured credit instead of relying on traditional bank loans.

Thus, banks have lost some of their most reliable customers. A law intended to protect banks from high-risk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commercial paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities for banks: stock brokerage, underwriting of insurance and municipal revenue bonds, operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

[From the Dallas Times Herald, Aug. 4, 1987]

BANKING BILL SHOULD WORK

After months of wrangling over massive legislation to deal with the savings-and-loan crisis and new-wave banking, Congress and the White House have fashioned a workable bill that should sail through the legislative process.

The bill, passed Monday by the House and expected to win approval in the Senate Wednesday, still places too many restrictions on "non-bank banks," the expanded financial institutions that are certain to dominate the future. But it is an eminently supportable bill. It shows what the threat of a presidential veto can accomplish when wielded by a negotiator as adroit as Treasury Secretary James Baker.

The most controversial section of the bill deals with the recapitalization of the Federal Savings and Loan Insurance Corp., which guarantees deposits up to $100,000 in the nation's thrift institutions. The FSLIC has been technically insolvent for months, primarily because it lacked the resources to take over the assets of scores of bankrupt savings and loans.

Its request for a minimum of $15 billion in new financing was blocked by Texas Reps. Jim Wright, D-Fort Worth, and Steve Bartlett, R-Dallas. They insisted the regulators give bankrupt savings and loans a chance to work out their problems as the Texas economy improves and argued for limiting funding to $5 billion. Their forbearance provisions, however, drew a promised presidential veto because they effectively precluded regulatory control of the savings and loan system.

The agreement worked out by Mr. Baker removes the most onerous features of the forbearance clause, while still making it difficult to close soundly managed thrifts that are victims of the depressed economy. There is now a three-year sunset provision, which allows sufficient time for well-managed institutions to recover before being subject to more stringent federal oversight. The legislators also agreed to a $10.8 billion refinancing for the FSLIC.

The compromise bill does not resolve the need for banks to expand their services or permit other fiscal institutions, such as insurance companies and investment houses, actively to enter banking. It skirts the issue by freezing the existing number of non-bank banks at the present 168 for one year. Congress should spend that period thoroughly evaluating the nation's antiquated banking and investment laws with a view toward eliminating the unnecessary strictures that impede American banks from competing in a global marketplace.

Despite its flaws, the bill has positive features for all segments of the banking community and the banking public.

[From the Dallas Times Herald, Oct. 19, 1987]

Bankers Check Hole Cards

Bankers have not had so many character-building experiences since the 1930s. Fluctuating interest rates, the soaring national debt, the dwindling American share of international trade, the growing power of foreign banking concerns and the rise of virtually unregulated financial-services companies have put the industry on the ropes.

The industry is now "circling the wagons," says Charles Pistor, vice chairman of First Republic Bank Corp. in Dallas and president-elect of the American Bankers Association, which is convening here this week. Domestically, the banking industry is hobbled by the Glass-Steagall legislation of the Depression era, which prohibits it from engaging in a host of financial services routinely offered by foreign competitors and non-bank banking companies. Congress will have to rectify this inequity or the competitive ability of the banking industry will be permanently stifled.

The bankers meeting in Dallas also must determine how to make their industry more attractive to consumers. Federal Reserve Chairman Alan Greenspan notes, "The basic products provided by banks—credit evaluation and diversification of risk—are less competitive than they were 10 years ago." Corporate borrowers routinely utilize computerized data banks to analyze investment risks and turn to the commercial paper market for financing.

Mr. Pistor says the banks are already changing to meet the challenges. They are consolidating facilities, combining departments, offering new services such as trading floors within the banks themselves and expanding to interstate operations. That type of innovation propelled the American banking industry into the forefront of world finance. With luck it will see American banking through a turbulent future.

[From the Dallas Morning News, Oct. 21, 1987]

Banking Outlook—Industry Needs Help to Rebound From Recent Woes

Fear of rising interest rates is one of the primary reasons for the stock market meltdown. One of the less-discussed reasons for recent increases in interest rates is the losses suffered by banks from real estate, farming, energy and foreign loans. When banks have to set aside billions to cover loan losses, they try to make up those losses by increasing interest rates.

Banking has undergone tremendous strains the past few years. Financial markets have been deregulated. Non-banking institutions have begun to compete with banks by offering traditional banking services while the banks have remained hamstrung by regulations restricting their activities.

The obvious way to put the U.S. banking industry back on top is to jettison the burden of ancient regulation designed for another time and place. The Glass-Steagall Act, which restricts banks from participating in investment banking and other activities, should be repealed. So should restrictions on full interstate banking. So should restrictions against commercial enterprises owning banks.

Yes, a new regulatory framework will have to be designed to protect against abuses of such newly granted freedoms, but the efficiencies of a banking industry freed from its old chains would be a boon to consumers large and small.

Charles Pistor, chairman of Dallas' First Republic, takes command of the American Bankers Association today at that organization's Dallas convention. Pistor's challenge will be to rally the forces of banking deregulation, reassure a public that is feeling depression jitters from the stock market meltdown and convince the Congress a new day for banking must dawn if American banks are to do their part for the U.S. economy.

[From the Dallas Times Herald, Nov. 24, 1987]

Let Banks Be Nonbanks

Federal Reserve Board Chairman Alan Greenspan is right in urging that banks be allowed to expand their services to include a broad range of securities underwriting. The shock of the stock market crash last month and the timidity of world stock exchanges and international investors now makes it more imperative than ever that the American banking industry be allowed to diversify and meet growing international competition.

Since 1933, banks and thrifts have operated under the constraints of the Glass-Steagall Act, which was intended to ensure the stability of banking institutions by preventing them from engaging in speculative ventures such as stocks and securities. It was a proper response in the '30s, when the stock market crash had triggered a convulsion in the nation's banking industry. But the act has outlived its usefulness.

American banks and thrifts now face hefty competition from brokerage firms, insurance companies and other non-banking conglomerates such as Sears, Roebuck & Co. which have purchased banks or added banking services to their existing financial operations. In addition, the reaction of the international stock markets to each other following the Oct. 19 crash graphically illustrated the increasing globalization of banking.

Chairman Greenspan's call to remove the shackles from the nation's banks represents a reversal of the Fed's previous policies. But he now joins Federal Home Loan Bank Board Chairman Danny Wall in calling for the repeal of Glass-Steagall.

The Senate and House are both considering repeal bills, while the securities industry lobbies frantically against them. Congress should reject their arguments as self serving and against the public interest. It is time to lay Glass-Steagall to rest.

[From the Fort Worth Star-Telegram, Nov. 27, 1987]

Deregulating Banks—Some Restrictions Need To Be Lifted

When the Glass-Steagall Banking Act was passed in 1933, consumers wrote checks on banks, bought farm implements from Sears, Roebuck and traded stocks with Merrill, Lynch.

Times have changed. Although operations of commercial banks remains strictly limited by law, other businesses have entered banking. Investment brokers and mercantile companies offer checking accounts, securities transactions and insurance services and have their own real estate arms—all under one roof.

Congress should revamp the nation's banking regulations to recognize the changes.

Yet those who talk of deregulating the nation's banks, or of tossing out the Glass-Steagall Act, misspeak their own case. The government must regulate banking to protect not only the public but also the banks themselves. If nothing else, federal insurance of bank deposits must be maintained, and with it comes federal regulation.

The question is the degree of regulation and the specific limitations on commercial banking activities needed in the face of growing financial services competition.

Sen. William Proxmire, D-Wis., long a foe of bank deregulation, proposes allowing bank holding companies to own securities affiliates, with Federal Reserve Board approval. Congress probably should go even further and create a really level playing field by allowing banks to sell insurance, broker real estate and offer the same wide range of financial services as "non-banks."

This can be done, says the Federal Deposit Insurance Corp., without compromising the safety and reliability of traditional banking operations.

Congress has been tip-toeing up to this politically sensitive issue. When the Federal Savings and Loan Insurance Corp. was reorganized last summer, Congress put a freeze on expansion of banks and non-banks into other financial services, but with a promise that it would develop a permanent policy to meet changing conditions.

That moratorium ends March 1. By that time, Congress should develop rational regulations—not outright "deregulation"—that will free commercial banks to compete in the financial services market without removing the safety net.

[From the Dallas Morning News, Dec. 6, 1987]

Banking Reform—Critical Issue Shouldn't Be Lost in Political Shuffle

Among the more critical issues you are unlikely to hear debated in the ongoing presidential campaign is banking reform. The issue is considered too esoteric and boring to trot out before TV debate audiences. If so, that's sad. Reform of banking regulations is among the more critical issues of our time.

Financial services is still one area where the United States excels. And in an era where capital is dominant, financial expertise and strength are keys to national competitiveness. Yet, U.S. banks are hamstrung by antiquated regulations written a half-century ago for an era long gone.

Fortunately, the issue may be moot by the time the next presidential inauguration rolls around. The chairman of the Senate Banking, Housing, and Urban Affairs Committee—William Proxmire, D-Wis.—has had another change of heart and has come down foursquare on the side of dropping restrictions on interstate banking and on commercial banks engaging in investment banking activities and insurance sales.

Proxmire has two powerful allies. One is Sen. Jake Garn, R-Utah, the ranking Republican on the committee. The other is Alan Greenspan, chairman of the Federal Reserve Board. Greenspan's support for amending the Glass-Steagall Act is a welcome change from the opposition evidenced by his predecessor at the Federal Reserve, Paul Volcker.

All these men understand that we have put U.S. commercial banking in what Proxmire calls a "1933 model straitjacket." By allowing its banks to participate in investment banking and certain other financial activities, the U.S. should gain better customer services and lower banking prices. Yes, there will be additional consolidation among financial institutions of all types, but that is necessary to balance the muscle of the behemoth banks in Japan and Europe.

The primary obstacle to the Proxmire/Garn bill is fear that allowing banks to be all things financial contributed to the Great Depression. Yet, there is now a consensus among financial experts and historians that financial diversification within banks played no role in that dark event.

The threesome now pushing for a new era in banking has a real shot at winning. Proxmire could certainly leave no finer legacy to his country after long years of national service than banking deregulation. But just in case some party pooper in the House throws up a roadblock, it would be well if some smiling interrogator at some debate should ask the presidential contenders their stands on banking reform.

A RIVAL FOR THE SPACE PALACE

Mr. PROXMIRE. Mr. President, every Member of the Congress must be aware of the absolute necessity that the Congress hold down Federal spending wherever possible. This should include even projects as exciting and promising as scientific experiments in space. The exploration and development of space offers our most promising frontier. We have made a great start with our sensationally successful visit by American astronauts to the Moon. Sure that was 20 years ago. But prudent progress in space will not be achieved every year like a new football season or even every 4 years like the Olympics.

The next big American space project is the space platform. Here is a program that could cost $30 billion. It could tell us a great deal about the practicality of using space for pharmaceutical research and a wide variety of quality fabrications in the gravity-free environment of space. Why can we not achieve much of that space progress by using the far less costly incremental approach? Why not try a man tended—instead of a man occupied space station? This way much of the space work could be accomplished for a far lower cost. A private group of entrepreneurs has proposed precisely this approach. Many private and public clients could use the station, paying simply the cost required for the particular project. The cost to the Federal Government would be a small, in fact, a very small fraction of the space station palace. It would have the discipline of private operation with private funds.

The New York Times has written a superlative editorial challenging the Congress to meet this economical, modest, money-saving challenge. As chairman of the subcommittee of the Senate Appropriations Committee that funds our space program, this Senator welcomes the chance to take this prudent and practical course. I ask unanimous consent that the editorial from the January 15, 1988, New York Times be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A RIVAL FOR THE SPACE PALACE

The space station NASA wants to build a luxury sky hotel with a sky-high price tag, now at $32 billion. Congress has at last decreed that the agency should also consider supporting a much smaller, privately operated space station that costs a mere $700 million and can do many of the same things. NASA seems petrified that Congress may next wonder why it needs a palace in space if a mobile home would do nearly as well.

The Industrial Space Facility, to be built by Space Industries of Houston, is an orbiting laboratory designed to be tended by astronauts, not inhabited by them. That makes it far simpler and cheaper than the space station. It would be launched into orbit on the shuttle, and astronauts would visit periodically to monitor experiments in low gravity crystal growing and materials processing. If successful, extra modules could be added.

With no humans lumbering around, the lab would be free of vibrations, an essential quality for many space experiments. It has as much power as the Soviet Mir space station. Devised by Maxime Faget, once a top NASA designer, the lab is built from off-the-shelf parts and could be launched in 1991. The space station won't be ready until 1997 at the earliest. To erect the space station requires 20 shuttle flights, the lab just one.

The lab thus seems a better bet than investing in a full-fledged space station right away. Yet NASA doesn't see it that way. The space agency apparently prefers hardware to results. If cheap access to space had been the agency's top priority, it could have pressed long ago to reduce the cost of launching payloads from the present $3,600 per pound to $400 per pound, a project the Air Force and NASA have just begun. The agency might have discovered the Antarctic ozone hole 10 years ago in data from the Nimbus 7 satellite, but it invests so little in analysis that most data from space sit unanalyzed in NASA's vaults.

The agency says it has no need to lease space on the private orbiting lab, and that the lab does not compete with the space station: most experiments need to be continuously watched, as the space station makes possible, not merely visited every four months. But the orbiting lab, with its big solar panels, could supply the power to double the shuttle's time in space, allowing for some extended experiment watching. And doubtless some experiments now designed for continuous monitoring could be adapted to the lab.

The Industrial Space Facility looks like a carefully designed, cost-effective way of exploiting specific goals in space. On careful scrutiny, Congress might find the lab could achieve many of the goals promised for the space station, allowing the station to be postponed or scaled down. The money and shuttle flights saved could then be invested in getting results from space, instead of building hardware for hardware's sake.

AMERICA—STILL THE GREAT COUNTRY!

Mr. PROXMIRE. Mr. President, on December 31 the Washington Times carried a column by a great American thinker, a former professor, and a superb writer. The person is Max Lerner. Here was a refreshing affirmation of faith in our country by a person who has been a very sharp and astute critic. Lerner specified concisely most of the ailments that plague our country:

> The trade balance, the dollar in the dumps, the overall deficit blight, the homeless, the jobless, the underclass, the falling test across, the rising entitlements, the shoddy quality of competing American products, the greed, the corruption, the collapse of tinsel values—in sum a civilization clearly on its way down history's greased chute to a secondary limbo.

But then he goes on to say that we are just beginning to understand the nature of the emerging world in our age of the information revolution. The question—says Lerner—is "whose science, whose technology, whose ideas, whose myths circle the world and animate it."

And that nation—says Lerner—is the United States. We are the mainframe—to use a computer model. And listen to this:

> America is the center still of the world's energies and of the world's attention. In power terms, it remains the world's Rome. In creative terms it is also Greece. It offers the standing threat of a brain drain to every nation that keeps its gates open for emigration. It is what the young and talented dream of—even as they curse it. To paraphrase Ralph Waldo Emerson, when they fly America—America is the wings.

Lerner has given this country an inspiring lift. For any American who feels depressed about his country, this remarkable wise man has given us a reason to be confident and proud and so I ask unanimous consent that this Max Lerner column, "America, the Main Frame," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

AMERICA, THE MAIN FRAME

[By Max Lerner]

At year's end, when our media are abuzz with men, events and personalities of the year, I venture a more dubious and disturbing speculation.

What does 1987—and the '80s thus far—show us about whether America is itself in decline? What do they portend about its vaunted status as the world's prime power?

The answer implied in most of the year-end roundups by experts is a bleak one. The trade balance, the dollar-in-the-dumps, the overall deficit blight, the homeless and jobless, the underclass, the falling test scores, the rising entitlements, the shoddy quality of competing American products, the greed, the corruption, the collapse of tinsel values—in sum, a civilization clearly on its way down history's greased chute to a secondary limbo.

Yet, just as clearly, I feel they are wrong. Their assessments deal with the discontents that every civilization suffers during its life course, but not with the creativeness that negates the negations, and betokens a continuing life force.

I believe we are only just beginning to understand the nature of the emerging world in our age of the information revolution. The question is no longer which power controls the seas, or whose armies swarm over the land or whose planes darken the skies. Overriding this military strength—and its economic base as well—is the question of whose science, whose technology, whose ideas, whose myths circle the world and animate it.

The Japanese, for a complex of reasons, are now challenging America's technological and economic leadership. The West Germans, the British, the French, are reasserting their long-standing claims as major players. The Chinese have awakened to the new technology and are inching toward a market economy. Finally, General Secretary Mikhail Gorbachev's Russia is showing some signs of abandoning its long winter of isolation and is probing the possibilities that only the West offers.

The world in which these nations clamor to play a prime role is no longer an international but a transnational world. The nation is still the governmental unit but no longer an economic or technological one. Cutting across national boundaries, the necessities of instant information have irrevocably linked every money market of the world. With volatile currencies and interest rates, every corporation of any scale must cope with both trade and finance markets worldwide.

Obviously the national prides, fears and interests, the protectionist barriers, the rival bashing, the xenophobias, are still there. But they need perspective. There is a world within the womb of our past and present world, struggling to be born. The thing that rakes America with so many inner conflicts is its position at the very center of this process of birth.

The news of the "parallel processing" supercomputer to which IBM has now committed its energies, offers a hint of the nature of the emerging global community.

To use the computer model—as good a metaphor these days as any—every nation in the world (along with its economy and its culture) may be seen as a parallel processor, attacking its own problems as creatively as it can, vying with the others to its utmost. But in the end there is the "mainframe," as the technical jargon goes, which performs a mediating and synthesizing function for the whole.

That, I assert, is still America. it is the center still of the world's energies and of the world's attention. In power terms, it remains the world's Rome. In creative terms, it is also Greece.

It offers the standing threat of a brain drain to every nation that keeps its gates open for emigration. It is what the young and talented dream of—even as they curse it. To paraphrase Ralph Waldo Emerson, when they fly America, America is the wings.

A century from now some other civilization may have overtaken America's mainframe primacy. That will happen if Americans get even more money-greedy and power-giddy than they are, and if they neglect or consume the very seed corn of their greatness—the education of their young.

Right now, however, none of the other Great Powers have achieved the combination of strengths that will enable it to displace America. That is why Mr. Gorbachev, who wants more than anything else to be admitted to the world community, knocked so energetically at America's doors for entrance, he knew where, right now, the central energy is.

DECEMBER GOLDEN FLEECE

Mr. PROXMIRE. Mr. President, I awarded my December Golden Fleece to the Department of the Army for digging a hole and burying $159,000 of taxpayers dollars on decorative trees and shrubs which died within a year and had to be uprooted. The Army succeeded in treeing the taxpayer this time and should turn over a new leaf. This spending was truly bush league.

During September 1986, the Army at Fort Belvoir, VA, found a stray $159,000. Rather than returning this money to the taxpayer, they decided to spruce up their fort, which has 4,000 acres of trees and shrubs that nature has already provided. They spent $35,000 for the landscaping design. Then on September 29 and 30, right before the fiscal year ended, they spent the other $124,000. This smacks of year-end spending just to get money off the books. I suspect it was a last ditch effort to bury the money before it expired at Fort Belvoir.

What did the taxpayer buy? Faulty landscape design work along with holly bushes, summit ash trees and various other shrubs for areas around buildings. These buildings include the general's office building, the commissary, the finance and accounting office building, and others. This was in the midst of thousands of acres of trees that could have been used for transplanting or tree farming.

Evidently the trees and shrubs did not take well to this military approach to gardening. As the seasons passed, so did the greenery. Finally, they bit the dust. On December 5, 1987, the Army dug up the brown, shriveled plants, which had become an eyesore. The Army has really dug themselves in on this one. Their efforts to make parts of Fort Belvoir look like a posh English garden have failed. The trees and shrubbery were nothing more than a forgotten gleam in some officer's eyes. But the taxpayers had plowed $159,000 into this garden of sorrows only to reap an empty purse.

VOLUNTARY SCHOOL PRAYER ACT

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I send a bill to the desk and ask for its immediate consideration.

Mr. BYRD. Mr. President, I object to the immediate consideration of this measure. I will not object to the introduction of it. I could not object to the introduction of it. The Senator would be introducing the bill on the next legislative day. I have no desire to do that. I object to the immediate consideration of it.

May we have the title of the bill read?

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. BYRD. I know what the Senator seeks to do. He spoke to me about this measure earlier. He intends to use rule XIV to get it on the calendar, and I want to cooperate in every way that I can.

Does he wish to have the first reading at this time?

Mr. HELMS. Yes. I ask for first reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. HELMS. Mr. President, I now ask for second reading.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, I object to second reading today.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will stay at the desk.

Mr. HELMS. Mr. President, I as always am grateful to the distinguished majority leader for his cooperation.

Mr. President, the time is long overdue for Congress to exercise its very clear prerogative under the U.S. Constitution to restore voluntary prayer to the schools of America. Therefore, I am today again introducing legislation to do precisely that.

I am confident that in days to come we may hear the same old shopworn arguments against my proposal. But I do hope that, for once, Senators and others who presume to make such arguments will at least take the time to read article III of the U.S. Constitution, which clearly confers upon Congress the authority—and, I believe, the absolute duty—to remove from the Federal courts the jurisdiction over cases involving voluntary school prayer, Bible reading, or religious meetings in schools.

Mr. President, literally millions of Americans have long been pleading that this be done. In December, just before Congress adjourned, I met with Martha Rountree, who has been a leader in nationwide efforts to restore school prayer. Martha Rountree is a distinguished American. It was she, Mr. President, who years ago founded the NBC television program, "Meet the Press." She was the first moderator of "Meet the Press." She now heads the Leadership Foundation, with headquarters in Washington, which represents countless thousands of God-fearing men and women throughout the United States.

Mr. President, the restoration of school prayer in America should be given a top priority this year as candidates seek the votes of citizens in campaigns for the Presidency, the Congress and other public offices. Candidates should be asked to take a stand, to say yes or no, on the question of school prayer.

I suspect that if Martha Rountree and countless thousands of other fine women have their way, the candidates will indeed be asked. This is a priority that should no longer be pushed aside with phony rhetoric and specious reasoning.

One way or another, Mr. President, I intend to see that the U.S. Senate votes on this issue in the coming months.

So, it is no concidence that I have chosen this day, the first day of the 2d session of the 100th Congress, to reintroduce my school prayer bill. One month ago today we celebrated the birth of Jesus Christ who suffered and died for the sins of mankind.

During the adjournment of Congress, I have talked with, and reviewed letters from, countless citizens of the State I am honored to represent in the Senate. Their concerns are many—at least as many as the desks of Senators in this Chamber—yet, whether the issues discussed were abortion, pornography, crime, sodomy, drugs, teenage suicide, AIDS, there is a common thread linking almost all of them: The collapse of America's moral fiber.

The vast majority understand that it was a predictable result of our shift away from the God-fearing Nation we once were—a shift to the secular, anti-God Nation we have now become.

I do not say this lightly: Unless we as a nation are willing to return to the Judeo-Christian principles which the Founding Fathers established as this Nation's cornerstone, our future will be short-lived. Unless we as a nation are willing to invoke God's guidance and help, we are rapidly approaching the point when we will self-destruct.

All of us, especially those of us in Congress, should take the time to read Benjamin Franklin's counsel 200 years ago at Philadelphia.

On December 20, I listened with great respect to the majority leader's impressive comments after the morning prayer. While recognizing his "profound belief in God's place in our constitutional system," Senator BYRD recounted our Founding Fathers' recognition of the power of prayer. He recounted how Benjamin Franklin had stood before our contending forefathers at the Constitutional Convention of 1787 to express his belief in the sacred writings which say: "Except the Lord build the house they labor in vain that build it." The majority leader related how the morning prayer was "the supreme moment of the day" for him and that he felt it affected the "very system of representative democracy that we have."

I wholeheartedly agree with the distinguished majority leader. I walked over to his desk and commended him on December 20. God not only has a place in our constitutional system, He has a place in our Nation's schools as well. If the legislators of this country are entitled to pray for divine blessing upon their work, then so are our schoolchildren.

Yet, with the aid of liberal activist jurists in the Federal courts, this Nation has run afoul of its intended course, Mr. President. In a series of decisions since 1962, the Supreme Court has barred our children from invoking God's aid for their daily endeavors.

As a result, school administrators and students alike interpret the myriad of Supreme Court prohibitions on religious practices as official disapproval of theistic religion, going far beyond strict neutrality.

In the State of Florida, a school principal felt personally compelled to remove pictures of the Bible club from the high school annual with his scissors.

A teacher in North Carolina was prohibited from reading her Bible on her lunch hour.

Students have been prohibited from praying in their cars while on school property.

Three separate studies have noted textbooks in the public schools systematically shun the role of religion in molding the Nation and motivating our leaders because publishers feel Supreme Court decisions require such censorship. Students are even prevented from merely carrying their personal Bibles on school premises.

Mr. President, barring God from our classrooms was not the intent of our Founding Fathers who wrote the U.S. Constitution. Prof. Edward Corwin, a distinguished constitutional scholar declares:

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the bar of that phrase.

Prof. Charles Rice of Notre Dame Law School explains:

> It has been incorrectly asserted, by the Supreme Court and others, that the establishment clause ordained a government abstention from all matters of religion, a neutrality between those who believe in God and those who do not. An examination of the history of the Clause, however, will not sustain that analysis. Its end was neutrality, but only of a sort. It commanded impartiality on the part of government as among the various sects of theistic religions, that is, religions that profess a belief in God. But as between theistic religions and those nontheistic creeds that do not acknowledge God, the precept of neutrality under the establishment did not obtain. Government, under the establishment clause, could generate an affirmative atmosphere of hospitality toward theistic religion, so long as no substantial partiality was shown toward any particular theistic sect or combination of sects.

So, Mr. President, we have a duty to restore to the Nation the Constitution's original intent regarding religion. Our Founding Fathers' sole intent was to prohibit the establishment of a national church; all remaining issues concerning church-state relations were left strictly with the States.

That is why my legislation will restore the framers' original intent by exercising Congress' authority under article III of the Constitution. The bill will curtail the appellate jurisdiction of the Supreme Court, and the general jurisdiction of the inferior Federal courts, so that Federal courts no longer have the power to hear cases involving voluntary school prayer, Bible reading, or religious meetings in the public schools. Congress has the right to implement article III. Congress has the duty to do so.

Implicit in my bill is the understanding that the American citizen will have recourse to a judicial settlement of his rights, but this settlement will be made in the State courts of this

Nation, not in the Federal courts. My legislation will effectively replace the nonsense produced by Federal judges on school prayer during the past two decades—and reclaim the common sense and practical experience of the American people over the prior 170 years.

So I reiterate: Our forefathers gave Congress the authority—and, I believe, the duty—to limit the jurisdiction of the Supreme Court and/or the other Federal courts when, in the judgment of Congress, the Supreme Court exceeds its purview. The framers would not have granted Congress such authority unless they intended Congress to exercise it when necessary. I will be urging Senators to exercise that constitutional prerogative.

Restoring balance and freedom to the public schools regarding religion and prayer will return this country back to the right course. Until we do that, we will succeed no better than the builders of Babel in correcting the problems plaguing our Nation, our schools, and our children.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voluntary School Prayer Act".

SEC. 2. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1260. Appellate jurisdiction: limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter and in accordance with section 2 of Article III of the Constitution, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any state statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any act interpreting, applying, enforcing, or effecting any state statute, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.

"(b) For purposes of this section, the term 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1260. Appellate jurisdiction; limitations.".

SEC. 3. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end therof the following new section:

"§ 1365. Limitations on jurisdiction

"Notwithstanding any other provision of law and in accordance with section 2 of Article III of the Constitution, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1260 of this title.".

(b) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"§ 1365. Limitations on jurisdiction.".

SEC. 4. The amendments made by this Act shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

Mr. HELMS. Mr. President, I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The majority leader.

Mr. BYRD. Mr. President, the distinguished Senator from North Carolina has introduced legislation that would bring about a return to the time in our history when we had school prayer. I favor a constitutional amendment to that end. Tennyson said that more things are wrought by prayer than this world dreams of.

It is very difficult to get a two-thirds vote in both Houses to support a constitutional amendment on this score. The late Senator and Republican leader Everett Dirksen tried, and I supported his effort. But notwithstanding the difficulty, one certainly needs to stand up for what he believes. It is my belief that what we take out of the classroom today will be taken out of the Nation a quarter of a century away, and what we put into the classroom today will be pervasive through the Nation a quarter of a century away. I am of the old school that no harm is done to anybody in having prayer. I can listen to the other man's prayer. I can listen to any man's prayer. And I can respect him for praying to his god.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. HELMS. Mr. President, I do thank the distinguished majority leader for his comments. I reiterate what I said in my statement earlier, that I was profoundly inspired by the majority leader's remarks just before Christmas when he discussed the prayer of the Chaplain that morning, and as the Senator may know I included that in my remarks. I commend him again, and I thank him for his statement, and I thank him for his help.

Mr. BYRD. Mr. President, I thank the Senator and I thank him for feeling as he does about this matter and the fact that he does take a stand for it and is proud to take a stand for it.

TOUGH INF QUESTIONS

Mr. HELMS. Mr. President, during the adjournment of Congress I ran across an article in Defense News written by the distinguished Senator from Alabama Mr. SHELBY, entitled "Tough INF Questions Confront the Senate" and subtitled "Will the World's Greatest Deliberative Body Live Up to Its Name?"

I was deeply impressed by Senator SHELBY's succinct presentation of the major issues raised by the proposed INF Treaty. I was equally impressed by the distinguished Senator's understanding of the overriding importance of detailed and careful Senate consideration of the treaty, and of the unseemliness of allowing the treaty to be rushed through this body without the scrutiny it deserves and that the security of the United States requires.

Mr. President, our distinguished friend from Alabama did not have, as I did, the great privilege of serving in the Senate with the late Jim Allen of Alabama, but I am confident that Senator SHELBY knew and admired Jim Allen as much as any of us. I mention that, Mr. President, because Senator SHELBY's question—will the world's greatest deliberative body live up to its name?—reminded me so much of the perspective Senator Allen brought to the Senate.

I believe that it was the same perspective that the framers of the Constitution envisioned. It was a perspective of caution, of carefulness, of refusal to be stampeded, and of genuine deliberation and deliberate craftsmanship in structuring both legislation and treaties. It was a perspective, I believe, that the framers particularly sought and expected with regard to the international entanglements and dangers that could result from treaty commitments made in haste.

So Mr. President, I commend Senator SHELBY for his insistence that—and I shall quote him, "The Senate should carefully inspect the treaty, examine the full negotiating record and consider any and all ramifications to our national security before reaching a conclusion." I also commend him for showing so many of the admirable characteristics of one of the greatest Senators from his State and indeed one of the greatest Senators in the history of the Senate, Jim Allen.

Mr. President, I ask unanimous consent that the article by Senator SHELBY to which I have just referred be printed in the RECORD. I also ask unanimous consent that an article from the Tuscaloosa News of January 5, 1988, on the same subject matter also be printed in the RECORD.

There being no objection, the articleswere ordered to be printed in the RECORD, as follows:

[From the Defense News Monday, Dec. 14, 1987]

TOUGH INF QUESTIONS CONFRONT SENATE—WILL "WORLD'S GREATEST DELIBERATIVE BODY" LIVE UP TO ITS NAME?

(By Richard Shelby)

The signing of the INF (Intermediate-range nuclear forces) agreement has been hailed by the administration as a foreign policy victory. However, numerous members of the U.S. Senate, the body charged by the

Constitution to ratify treaties, have expressed grave concerns over the possible effects of such an agreement.

In a television interview before the summit, President Reagan said he believes that those who oppose the treaty ". . . have accepted that war is inevitable and that there must come to be a war between superpowers." However, it is perhaps more accurately thought that war with the Soviet Union is not inevitable, but rather there must be a strategic equilibrium to keep the peace.

With this second line of reasoning in mind, the Senate should thoroughly and exhaustively investigate this agreement. Although the Foreign Relations Committee is charged with reporting the treaty to the full Senate, Majority Leader Robert Byrd requested both the Armed Services and Intelligence Committees to hold hearings and report their findings.

These committee members must grapple with some tough questions regarding the effect of this treaty on NATO's conventional force structure, on NATO's nuclear capabilities and on verification. Further, the appointed committee members should painstakingly examine the entire INF U.S.-Soviet negotiating record, given the recent controversy over the broad vs. narrow interpretation of the ABM Treaty. Obviously, this process is too important to be treated as a rubber stamp approval.

Basically, the INF treaty eliminates all U.S. and Soviet nuclear missiles with ranges of 300 to 3,000 miles, namely the U.S. Pershing IIs and ground-launched cruse missiles (GLCMs), and the Soviet SS-4s, SS-12s, SS-20s and SS-23s.

In 1979, NATO decided to support a dual-track policy of deploying Pershing IIs and GLCMs while simultaneously negotiating to eliminate them and the Soviet SS-20s. NATO made this decision for several reasons. First, there existed no comparable, NATO counterpart to the Soviet SS-20. Second, the NATO doctrine of "flexible response" required an intermediate link between tactical and strategic weapons. Third, the deployment was a means to politically share the burden of the responsibility of nuclear war with five other nations, rather than just the United States. It took considerable courage for European governments to support this deployment in the face of an effective Soviet propaganda attack. Now these missiles may be removed.

With the removal of INF weapons from Europe, and subsequently their destruction, NATO still is confronted with the same threat it faced in 1979. The Warsaw Pact holds a tremendous advantage in conventional forces over NATO. Other than the F-111, the NATO commander would only have battlefield tactical nuclear weapons at his disposal. Thus, the concern exists among some Europeans that by removing INF weapons, we have made Europe safe for a conventional war.

How capable are we of bolstering our conventional forces to the point where NATO could compete with the Warsaw Pact? U.S. defense budgets and those of our allies are shrinking, not growing. The Army, our prime resource for conventional defense, may be forced to cut its fiscal 1989 budget by 10 percent. Will our European allies, who have historically spent much less on defense than the United States, now spend more? Not likely. Obviously, the possibility of linking the INF treaty and Soviet conventional force reductions is an issue that must be debated by the Senate.

Looking ahead, the post-INF nuclear options available for NATO must be explored. One alternative would be a retargeting of other systems, such as sea-launched cruise missiles. This concept was rejected in the late 1970s because such action did not reflect the political resolve of land-based missiles. It is apparent this policy should be reconsidered. Another option of NATO is to increase their dependence on land-based aircraft, such as B-52s and F-111s equipped with air-to-surface missiles. However, the question remains of European governments basing these aircraft on their soil, while successfully fighting the public relations battles.

Finally, Soviet history points to several ominous and realistic questions demanding consideration during the Senate ratification hearings. Why are we entering into a treaty when it has been undeniably confirmed that the Soviets repeatedly, and even recently, violated the ABM Treaty? Would the monitoring of just one Soviet missile plant in Votkinsk be enough to ensure compliance? What assurances do we have that the Soviet delay in specifying the location of all their SS-20s was not a ploy to hide the quantity of these mobile missiles?

The administration will be working overtime to bring the INF Treaty to a vote swiftly on the Senate floor with the goal of moving quickly to a START agreement.

The Senate should carefully inspect the treaty, examine the full negotiating record and consider any and all ramifications to our national security before reaching a conclusion. The Senate has been called the world's greatest deliberative body. It is the hope of many that it lives up to its name.

[From the Tuscaloosa News, Jan. 5, 1988]

SHELBY SKEPTICAL ABOUT INF PACT

(By Tommy Stevenson)

U.S. Sen. Richard Shelby, D-Ala., said Monday he remains skeptical about the pending INF missile treaty with the Soviets, citing what he said was the failure of Moscow in the past to keep its word.

Shelby faced a variety of issues, ranging from the missile treaty to the economy, at the Northport Civic Center Monday morning in his first town meeting of the new year.

The freshman senator from Tuscaloosa, who is in his second year of a six-year term, has promised to visit each of Alabama's 67 counties each year. He told a standing-room only crowd in the Northport City Council chambers that he made good on his promise last year and was "starting right here at home" to fulfill his pledge in 1988.

In brief opening remarks before he opened the public forum to questions, Shelby said he would like to see the world free of nuclear arms, but "I don't know if that's practical. I know we can't do it unilaterally—I know we better not."

Shelby is one of the few Democratic senators who has not come out in support of the INF treaty signed by President Reagan and awaiting Senate confirmation. The treaty is designed to eliminate most intermediate nuclear missiles in Europe.

"I would like to see us make meaningful and real long-range progress in negotiations with the Soviet Union and their implement treaties that will be kept," he said. "But most treaties that the Soviet Union has entered into, they haven't kept over the years.

"So, that's why I am a little skeptical about the INF treaty that the president just signed with Gorbachev. I would like to believe all of that," he said, adding that he doesn't believe it yet.

In response to questioning, Shelby said he believes "we missed the boat" in net linking the INF treaty with a reduction in conventional weapons in Europe.

"I believe the president was in such a hurry, and was too anxious to grab at something that would be a big headline in the papers and on television and so forth because he was politically damaged here," Shelby said.

"But when you go out and embrace the Soviets on the INF treaty I think it was a mistake and a mistake for this reason—he did not link the conventional reductions to the nuclear removal over there.

"So the Soviet Union, once this is done, will have a decided advantage in Europe," he said, pointing out that the Russians outnumber NATO 4 to 1 in tanks in Europe.

"But if there are corresponding conventional reductions, then the INF treaty wouldn't look so bad, but standing alone, I think it's dangerous."

Although Shelby would not commit himself on how he will vote once the treaty is up for final confirmation, he admitted the pro-treaty forces in the Senate had enough votes to make it "a done deed."

Shelby said the Middle East "is a powder keg" and criticized Reagan's commitment of forces to the region as "a half-baked policy."

He also reiterated his support of a balanced budget amendment to the U.S. Constitution and pointed out that he had been a sponsor of legislation for such an amendment in his eight years in the U.S. House prior his election to the Senate in 1986.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ONE HUNDREDTH CONGRESS RETURNS

Mr. DOLE. Mr. President, I want to join the distinguished majority leader in welcoming our colleagues back to the 100th Congress. It has been a productive recess for most of us: a time for family, friends, and constituents; a time when many of our colleagues have traveled to the far corners of the Earth; while still others have traveled to the far corners of Iowa and New Hampshire and States close by.

Mr. BYRD. West Virginia.

Mr. DOLE. West Virginia.

Now it's back to business. We accomplished much last year. We have even more to accomplish this year.

HISTORIC VOTES

No doubt about it, this promises to be a year of historic votes and events: The Senate will vote to fill the vacancy on the Supreme Court; we will vote on a landmark nuclear arms reduction treaty; we will conclude the first two centuries of the symbol of our democracy, the U.S. Congress; and we will also be the Congress that works with Ronald Reagan in the final year of his history-making Presidency.

SIX COLLEAGUES' FINAL YEAR

This will also be the final year for six of our colleagues: three Republicans and three Democrats; six Americans who have made this a better place because of their presence:

JOHN STENNIS

A Senate legend: respected, admired and irreplaceable. The man from Mississippi who set the standard to which all of us aspire. It was Senator STENNIS who taught a young BOB DOLE what the big leagues were all about.

BILL PROXMIRE

Yes, 9,782 consecutive rollcall votes and still counting. It probably should be 9,783 now. A staggering record that speaks volumes about the kind of dedication the Senator from Wisconsin has brought to this body.

BOB STAFFORD

Vermont's champion of the environment, whose legacy is cleaner air and water. He is certainly, I think, one of the outstanding Members of this body, someone who is respected on both sides of the aisle. We thank him for his leadership.

LAWTON CHILES

The Senator from Florida, who devoted himself to the thankless budget chores. He did an outstanding job. That is a very, very difficult chairmanship. He did what he had to do. His tireless efforts will long be remembered.

PAUL TRIBLE

A tenacious and articulate young spokesman for the people of Virginia, who made a choice because he wanted to be closer to his family and to his State. Certainly, his leadership and dedication will be missed.

DAN EVANS

A respected voice of reason in this Chamber. A man we can best honor by passing one of his top priorities—the line-item veto.

RONALD REAGAN

This is also Ronald Reagan's final year in office. But don't get any ideas that this President is a "lame duck." Don't even think it! Ronald Reagan will be out front, leading the way as he has for the past 7 years: He's still the dominant player in this town.

INF

I have pledged to the President that I will lead the fight to win overwhelming, bipartisan support for one of the crowning achievements of the Reagan Presidency—the INF Treaty. At the same time—and I believe the distinguished majority leader will support me on this point—the Senate can, and will, strengthen the treaty through additions that will not require renegotiations with the Soviets.

UNFINISHED BUSINESS

Of course, there is plenty of other major business awaiting our attention.

I know that the majority leader has the primary responsibility, but I will assure him now, as I have in the past, that we want to cooperate. Leadership requires cooperation on both sides. A leader is helpless without cooperation. We will do the best we can.

I know that there are a number of controversial issues. Hopefully, most we can agree on, get time agreements, get our work done, try to follow the new schedule that the majority leader has outlined, and make it work. It can work only if we have cooperation on both sides, Members on both sides.

TRADE

Our conferees will take another crack at producing the kind of trade bill we all want: tough and effective in opening up foreign markets, but not the kind that simply builds walls around America. The American farmer, too, will be watching closely to make certain we are doing all we can to make our agricultural abundance competitive overseas.

CONTRAS

The first major decision of this session will be on aid to the democratic resistance in Nicaragua—the so-called Contras. Without Contra aid, there would have been no "Arias plan." Without Contra aid, Ortega would never have signed the Arias plan. And without continued Contra aid, the Arias plan will never work.

It is that simple.

So we must come up with a formula that will signal our desire for peace; without undermining our commitment to freedom;

That will support the Arias plan; without letting Ortega and his cronies off the hook.

I have suggested either delaying the vote, or an escrow of lethal aid. I look forward to hearing the President's recommendation this evening. And I fully expect he will offer a sound and flexible plan, which will put America where it should be—on the side of peace and freedom.

I have not been consulted by anyone in the White House about its Contra package. I am not quite certain what they may propose.

There are a couple of things you can do: You can delay it, but you will have to pass a resolution to do that. But the White House is looking for some creative packaging in an effort to win enough votes. It is going to be very difficult. You could delay the vote or have some kind of escrow account for it, or perhaps follow a plan suggested by the distinguished former Governor of Virginia, Governor Robb.

HEALTH CARE

Catastrophic protection continues to be a top priority. After talking about a solution to this ever-increasing threat to our elderly and their families, we are closer than ever to reaching a cost-effective, sensible final product. Again, we will continue to work with the conferees to get the best deal for the taxpayers.

AIDS

Still "public health enemy No. 1."

I am committed to spending whatever it takes to battle this nightmare, although the bottom line is making certain our scarce budget resources are being put to the best possible use.

We have had a lot of bipartisan cooperation with Conservatives and Liberals, Republicans and Democrats, but there are still three issues we have not yet resolved: testing, confidentiality, and antidiscrimination. These are areas in which we need all the help we can obtain from the experts. Hopefully, we will not become bogged down in partisanship or political wrangling over AIDS, because it is something we need to address.

RURAL AMERICA

With the landmark 1985 farm bill, and last year's important farm credit legislation, we have helped rural America slowly pull itself out of a deep hole. But there is still a long way to go. We must continue to search for innovative new ways to revitalize rural America: in technology, in transportation, in education, and in the marketplace both at home and abroad.

ENVIRONMENT

We must continue the fight for cleaner air. And also for some sensible solutions to the nuclear power question. Today, I will be introducing legislation that will help resolve some of the controversies plaguing nuclear powerplants and their evacuation plans.

OBLIGATION

Mr. President, these are just some of the challenges facing the remaining days of the 100th Congress. I will continue to work closely with the distinguished majority leader to make this place work. Oh yes, we will have differences—and the usual spirited debate on the issues—but, together, we have demonstrated that we can—and will—get the job done. The Senator from Kansas would like to compliment the distinguished majority leader for his cooperation and leadership last year. There will be more of the same between us this year.

The distinguished majority leader did an outstanding job last year. I did not agree with him on everything he did, but he did a good job. We worked and worked until we finally got it done.

I congratulate my colleagues on this side who, I believe, in most cases were able to either cooperate with the majority leader or indicate, as we should, right up front, that we could not, in order not to keep people guessing. If we have a strong difference of opinion, I will try to convey that to the majority leader. If we can get a time agreement, that will expedite the business.

We have an obligation that we take very seriously; an obligation to work for all the people: not Democrats, or Republicans. But for the American people. It is their business—their futures—that we have in our hands.

So let's get to work.

Mr. BYRD. Mr. President, I thank the Republican leader for his statement. I thank him for his assurance of cooperation. I thank him for the cooperation that was given last year. There were a few occasions—but they were indeed few—in which we did not have the cooperation of the minority; and we have to expect that from time to time, regardless of which party is in the minority. For the most part, I did not have to grumble very much about the minority.

The Republican leader saw to it that we had the appropriations bills cleared for action. We passed 10 of those appropriations bills in the Senate last year, and we would have sent them separately to the White House. But there were reasons—and they will be explained from time to time—as to why all the bills ended up in the one, big continuing resolution.

I do not like that approach. I urged that we not follow that approach. As a matter of fact, the House Democratic leadership and the Senate Democratic leadership were agreed that we would send some separate bills down to the White House. But we were so late in getting the reconciliation measure passed, with the November 20 deadline facing us, that we could not break those bills out and send them down without jeopardizing them via a possible veto, so we had to pass the sequester situation which was threatening.

It is my hope that this year we can avoid these problems and send down those bills separately.

Also, the distinguished Republican leader, Mr. Dole, and the Republicans on this side who helped to manage the bills were very cooperative in working out the amendments, moving the amendments along on reconciliation measures on the continuing resolution, and it was demonstrated how with the cooperation from the minority the Senate was able to expedite action on these measures and move them along and I think overall give to people a good account of our stewardship here last year.

I welcome that offer of cooperation again. Without it, as the Republican leader has said, the Senate would be able to do little but would stand stalled and pathetically impotent before the world.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there are two or three housekeeping matters.

Mr. DOLE. They have been cleared.

NOTIFICATION TO THE HOUSE

Mr. BYRD. Mr. President, with the clearance of the Republican leader, I send to the desk a resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 354) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 354) was agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT

Mr. BYRD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 355) informing the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 355) was agreed to, as follows:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

APPOINTMENT OF MEMBERS TO COMMITTEE ON NOTIFICATION TO THE PRESIDENT

The PRESIDING OFFICER. Pursuant to the resolution, the majority and minority leaders are appointed members of the committee.

PRINTING OF COMMITTEE RULES

Mr. DOLE. Mr. President, I ask unanimous consent that paragraph 2 of rule XXVI, requiring the printing of committee rules in the Congressional Record by March 1 of this year, be suspended for those committees who have made no changes in their rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOR PRIVILEGES

Mr. DOLE. Mr. President, I ask unanimous consent that for the second session of the 100th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate staff members as space allows.

The PRESIDING OFFICER. Without objection , it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the treaty between the United States and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles (Treaty Document No. 100-11), transmitted to the Senate today by the President of the United States.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (the Treaty). The Treaty includes the following documents, which are integral parts thereof: the Memorandum of Understanding (the MOU) regarding the establishment of a data base, the Protocol on Elimination governing the elimination of missile systems, and the Protocol on Inspection regarding the conduct of inspections, with an

Annex to that Protocol on the privileges and immunities to be accorded inspectors and aircrew members. The Treaty, together with the MOU and the two Protocols, was signed at Washington on December 8, 1987. The Report of the Department of State on the Treaty is provided for the information of the Senate.

In addition, I am transmitting herewith, for the information of the Senate, the Agreement Among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland Regarding Inspections Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (the Basing Country Agreement), which was signed at Brussels on December 11, 1987. The Basing Country Agreement confirms that the inspections called for in the Treaty will be permitted by the five Allied Basing Countries. The Report of the Department of State discusses in detail the terms of the Basing Country Agreement. Also attached for the information of the Senate are the notes exchanged between both the German Democratic Republic and Czechoslovakia and the United States.

The notes acknowledge that these countries agree to the United States' conducting inspections, under the Treaty, on their territory. Identical notes also are being exchanged between the Soviet Union and the five Allied Basing Countries.

The Treaty is an unprecedented arms control agreement in several respects. It marks the first time that the United States and the Soviet Union have agreed to eliminate, throughout the world, an entire class of their missile systems. Significantly, the eliminations will be achieved from markedly asymmetrical starting points that favored the Soviet Union. The Treaty includes provisions for comprehensive on-site inspections, including the continuous monitoring of certain facilities, to aid in verifying compliance. To a much greater extent than in earlier arms control agreements between the United States and the Soviet Union, detailed information has been, and will continue to be, exchanged by the Parties in order to facilitate verification of compliance. Finally, the United States and the Soviet Union have agreed on cooperative measures to enhance verification by national technical means.

The missile systems to be eliminated consist of all U.S. and Soviet ground-launched ballistic missiles and ground-launched cruise missiles having a range capability between 500 and 5500 kilometers. The launchers for such missiles and unique elements of their related support structures and support equipment also will be eliminated. The shorter-range missiles to be eliminated under this Treaty are those with a range capability between 500 and 1000 kilometers. They must be eliminated within 18 months after the entry into force of the Treaty. Intermediate-range missiles, having a range capability between 1000 and 5500 kilometers, are to be eliminated in two phases within three years after entry into force of the Treaty. Elimination will take place at designated locations and will be subject to on-site inspection as an aid to verifying compliance.

In the MOU, the United States and the Soviet Union have provided detailed information on the location of all missiles, launchers, and related support structures and support equipment subject to the Treaty. Each Party is required to provide updated data on a routine basis after the Treaty enters into force.

The Treaty provides that on-site inspections are permitted at specified locations in the United States and the Soviet Union as well as in the Basing Countries in Western and Eastern Europe where U.S. or Soviet missiles, launchers, and related support structures and support equipment subject to the Treaty are or have been located. The different types of "short-notice" on-site inspections for which the Treaty provides are designed to contribute to our ability to verify Soviet compliance, while protecting all U.S. and Allied nuclear and conventional forces not subject to the Treaty as well as other sensitive intelligence and defense facilities.

In addition to "short-notice" on-site inspections, the Treaty provides for other types of on-site inspections, including the continuous presence of U.S. inspectors at the Soviet facility at Votkinsk, at which SS-25 and SS-20 missiles have been assembled, and a continuous Soviet presence at the identified facility at Hercules Plant #1, located at Magna, Utah, at which stages of Pershing II missiles formerly were produced.

The Treaty is the culmination of six years of negotiations with the Soviet Union. To a large extent, the Treaty is the result of Allied solidarity in support of the fundamental objectives established by NATO's "dual-track" decision in 1979. Our Atlantic and our Asian and Pacific Allies have been closely involved throughout the period of negotiation, and they fully support the Treaty. The Treaty enhances our collective security by eliminating an entire class of Soviet missile systems that has been a major concern for over a decade. Our European Allies will continue to be well protected by the significant U.S. nuclear forces remaining in Europe, by the independent British and French nuclear deterrents, and by conventional forces, which include over 300,000 U.S. troops.

I believe that the Treaty is in the best interests of the United States and represents an important step in achieving arms reductions that strengthen U.S. and Allied security. Therefore, I urge the Senate's advice and consent to its ratification.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

IN RECOGNITION OF THE ACHIEVEMENTS OF WALTER GERKEN

Mr. CRANSTON. Mr. President, in November of last year, the family, friends, and colleagues of my good friend, Walter Gerken, gathered in Los Angeles to honor the accomplishments and the commitment of this fine man. The occasion was the presentation of the Raymond E. Baldwin Medal, the highest honor awarded by the Wesleyan University alumni body "for extraordinary service to the university and to the public interest." Walter, a member of Wesleyan's class of 1948, was the 12th recipient of the award, which is named for the only person to hold Connecticut's three highest offices—Governor, U.S. Senator and chief justice of the State supreme court.

A brief summary of the many organizations that Walter has contributed his considerable talents to more than demonstrates why his alma mater chose to honor him. Over the last three decades he has served nearly 30 corporations, foundations and colleges as director, trustee or Governor. These include the Times Mirror Co., Carter Hawley Hale Stores, Inc., Southern California Edison Co., and the Whittaker Corp.; the Beckman Laser Institute and Medical Clinic, the California Nature Conservancy and the Orange County Performing Arts Center; and the University of California at Irvine, Occidental College and Wesleyan University.

In addition, Walter has chaired the California Business Roundtable, the board of Occidental College, the United Way of Los Angeles County, the University of California at Irvine Foundation and that university's board of overseers. In the current academic year, he is also serving as regent's professor at Irvine. In that capacity, he takes part in seminars, lectures, and conferences within the Graduate School of Management.

Remarkably, Walter has managed to do all this in his spare time. Professionally, he's been every bit as busy and productive. In 1967, he joined the Pacific Mutual Life Insurance Co., as a financial vice president. Today, he is chairman of the executive committee of the board of that company. Walter's commitment to his industry matches his commitment to his community: he served as chairman of the American Council of Life Insurance in 1981.

Mr. President, Walter Gerkin more than deserves the recognition he received last November. His concern for and his dedication to his family, his friends, his community, and his industry make him deserving of our thanks and admiration as well. I'm very proud to call Walter Gerkin my friend, and I'm very pleased to say so here today.

SENATOR DOLE'S STATEMENT IN SUPPORT OF INF TREATY

Mr. LUGAR. Mr. President, today the distinguished minority leader, Senator Robert Dole, made an eloquent statement in support of the INF Treaty before the Committee on Foreign Relations. I believe the statement is an important articulation of the reasons for supporting the President's INF Treaty. I share those same views and ask that Senator Dole's statement be printed in full so that all Members can benefit from his views on this all important debate on the INF Treaty.

The remarks are as follows:

Remarks of Senator Bob Dole Before the Senate Foreign Relations Committee

Mr. Chairman, Senator Helms, members of the committee, and Secretary Shultz: I welcome this opportunity to state my strong conviction that the INF Treaty is in America's national security interest; and the Senate should give "advice and consent" to its ratification. As leader of the Republican Party in the Senate, I have pledged to President Reagan that I will work closely with him to achieve that important goal.

200 years ago, the framers of the Constitution decided that the Senate should have a central, unique role in the treaty-making process. Throughout two centuries, the Senate has taken its role very seriously; and made many, many important contributions to our Nation—by considering; by adding to; and, on a few occasions, by rejecting treaties before it.

Every one of the 100 Americans who are privileged to be Members of the Senate today intend to perform their roles in that same tradition.

Immediately upon completion of the negotiations leading to the signature of this treaty by the President, and General Secretary Gorbachev, I undertook my own intensive study of it.

Although strongly disposed to support my President whenever I can, I was determined to reach an independent judgment on the treaty's merits. The people from Kansas that I represent; and the Republicans that I lead in the Senate—expect, and indeed demand, no less from me.

So I took the opportunity to discuss the treaty with some of this Nation's most prominent leaders, including former Presidents Nixon and Ford. I met with Secretary of State Shultz and Secretary of Defense Carlucci, and with National Security Adviser Powell. I was briefed by Admiral Crowe, and the heads of several of our intelligence agencies; and by Max Kampelman, who heads our Geneva negotiating team. And I talked to many defense and arms control specialists outside the Government: for example, my fellow Kansan, General Bernard Rogers; Henry Kissinger; and Jeanne Kirkpatrick.

In light of the intense importance of the treaty to our NATO allies, and in the face of conflicting reports about the European view of INF, I also talked with Italian Prime Minister Goria, British Prime Minister Thatcher, and German Chancellor Kohl—each of whom confirmed strong support for the treaty.

In short, I did my homework. And because I did, I can say now with confidence: This is a good treaty—good for America; Good for NATO.

What makes it a good treaty?

It is the first agreement which will actually reduce—and not just limit the growth of—the nuclear stockpiles of the superpowers. It is the first agreement which will result in the elimination of two entire classes of nuclear weapons.

Just as important, it is an agreement which firmly establishes the principle that—in arms control—equal reductions do not always mean fair, or stabilizing, or acceptable reductions. In fact, when the Soviets have more, they must reduce more. Anything less will not produce an agreement that preserves the security interests of the United States and the alliance.

This concept—asymmetrical reductions to equal levels—is a principle that we must adhere to, as we move forward on conventional arms reductions in Europe.

Finally, INF is an agreement that can be verified. Because the treaty's double-global-zero levels ease the verification problem, the intelligence chiefs I consulted assured me that—with adequate resources—they can do the verification job.

So those are my basic conclusions—the basic reasons why I believe the Senate should give advice and consent to ratification of this treaty.

But let me add this: I not only believe the Senate should give its advice and consent to this treaty. I believe we can strengthen the security of the United States, and the President's hand in future negotiations—as we have done with many other treaties throughout our history. I believe we can make constructive additions to this treaty—in ways that will not require renegotiation with the Soviet Union.

On December 17th, when I met with the President to advise him of my decision to support the treaty, I also told him of concerns which I—and other Senators—have which the Senate would want to address. I suggested that the Senate very likely would seek to make additions to the treaty—additions which could take the form of reservations, understandings, declarations, or even domestic legislation. But additions which would be constructive, and aimed at strengthening our overall position—not at killing—the treaty. President Reagan assured me he was prepared to work cooperatively with the Senate, in just that vein.

So let me outline three areas which I have identified to date in which I believe the Senate can—and ought to—act.

First, treaty compliance. The simple fact is: The Soviet treaty-compliance record is dismal. I do not want to see the INF Treaty we ratify this year—turn up on the first compliance report the next President sends to the Congress.

The Soviets need to understand—up front—that there will be serious consequences for cheating on this treaty. I look forward to working with members of the committee to craft language which will address this important need.

At a minimum, the Senate should go on record, first, that the United States would view a violation as an extraordinary event—justifying our withdrawal from the treaty; and second, demanding, at the least, that we suspend our treaty obligations, or take some other proportionate response, in case of a Soviet treaty violation. That kind of declaration would send a strong political message to the Soviets that the Senate will back any American President who takes a tough stance in reaction to Soviet violations.

This committee will also be working with the Intelligence and Armed Services Committees, in addressing two other areas which I believe need to be addressed: verification, and theater forces in Europe. I would like to share with you, as I will later with those committees, my concerns on these matters.

On verification, I believe we may well need to beef up our own capability to insure effective verification under the regime established in the INF Treaty. Here I refer both to technical systems; and to steps which will insure the retention of the skilled, experienced professionals we need to do the job.

Effective verification will not come cheap; but ineffective verification would exact a cost far higher than this Nation can ever afford to pay—the cost of a less secure America.

On "theater forces," we should take full advantage of the opportunity the "INF Treaty" debate affords us to examine NATO's overall security posture. Eliminating INF systems from Europe requires that we focus our attention on those forces which will remain; and which will bear the burden of discouraging—deterring—"Warsaw Pact" attack.

We simply cannot allow our theater forces to be in a state which invites Soviet Attack, Soviet threats, or Soviet bluffs. Therefore, I believe the Senate must focus on three specific aspects of the theater forces issue.

First, we need to make clear that our "residual nuclear forces" in Europe—short-range nuclear weapons, including dual-purpose aircraft and artillery—will remain in Europe until the conventional arms imbalance is redressed.

Second, we should declare our readiness to undertake those "theater force modernization programs" which are necessary to insure the credibility of our deterrence. We should expect no less from our NATO allies.

And, finally, we should stress that a conventional arms reduction agreement—covering the area from the Atlantic to the Urals; and based on the INF principle of "asymmetrical reductions to equal and stabilizing levels"—is the highest arms control priority for the NATO alliance.

Mr. Chairman, last Tuesday at the University of Iowa, I spoke at greater length about some of these same subjects. In the hope that my comments might be of interest to the committee, I would like to put the text of that speech in the record.

Mr. Chairman, the INF Treaty is a "milestone achievement." But it is only the first step on a long and uncertain road.

I think there is probably unanimous agreement in this committee; in the Senate; and in this country—about where we would like that road to take us: Toward greater security for America; toward greater peace for the world.

But getting there is not going to be easy.

We have learned some lessons from the INF experience; lessons about dealing from strength; about preserving the deterrence which has kept us free, and at peace. Lessons about standing together, as an alliance and as a country; and about sticking to our principles, when we are right. The fact is that—in the face of persistent criticism—President Reagan's steadfast pursuit of a good agreement—and nothing less—is what made the "INF Treaty" reality.

I hope the Senate will take cognizance of those lessons, and let them point the way for our own deliberations.

More important, I hope the country will consider these lessons, too. And that they will shape our own strategies and policies as we conduct our relations with the Soviets; as we seek to strengthen our alliances; and as we look at further arms reduction agreements, to make our country, and our freedom, more secure.

BICENTENNIAL MINUTE

JANUARY 22, (1917): WILSON'S "PEACE WITHOUT VICTORY" SPEECH

Mr. DOLE. Mr. President, Senators have made many memorable speeches in this Chamber but 71 years ago this week a President of the United States delivered an important address, from the rostrum before us. At 1 p.m. on January 22, 1917, President Woodrow Wilson was escorted into the Chamber by a committee of Senators, and took a seat to the right of Vice President Thomas R. Marshall, the presiding officer.

At that time the First World War was raging in Europe, with England, France, and Russia combatting Germany and Austria. The United States had maintained its neutrality—Wilson had just won reelection under the slogan: "He Kept Us Out Of War"—but German infringements upon United States neutrality rights were increasingly pressuring the Nation into war. On this day, however, President Wilson addressed the Senate, "as the council associated with me in the final determination of our international obligations," to outline his vision for permanent peace in the future.

Wilson took the bold step of calling for a "peace without victory." This was difficult to propose in wartime, but he argued that "victory would mean peace forced upon the loser * * *. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last." The warring powers, of course, ignored and ridiculed Wilson's proposals, and even the United States forgot them as soon as this Nation entered the war in April 1917. When World War I ended, not by "peace without victory," but with the total defeat of Germany, the resulting peace was built upon the quicksand that Wilson had predicted, leading to a Second World War just 20 years later.

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on December 23, 1987, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture;

H.R. 1454. An act to permit private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program; and

H.R. 3674. An act to provide congressional approval of the Governing International Fisheries Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills were signed on December 29, 1987, during the sine die adjournment of the Senate, by the Acting President pro tempore [Mr. BYRD].

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on December 30, 1987, during the sine die adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker had signed the following enrolled bills and joint resolution:

S. 1389. An Act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments;

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training of the security matters of persons who are involved in the management, operation, and use of Federal computer systems, and for other purposes;

H.R. 278. An act to amend the Alaska Natives Claims Settlement Act to provide Alaskan Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections to the Federal Employees' Retirement System, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; and

H.J. Res. 436. Joint resolution providing for the convening of the second session of the One Hundredth Congress.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills and joint resolution, except H.R. 278, were signed on December 30, 1987, during the sine die ajournment of the Senate, by the Acting President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of February 3, 1987, the bill H.R. 278 was signed on January 21, 1988, during the sine die adjournment of the Senate by the Act of President pro tempore [Mr. BYRD].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 30, 1987, he had presented to the President of the United States the following enrolled bill:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. A concurrent resolution providing for a joint session of Congress to receive the President's Message on the State of the Union.

The message also announced that the House has agreed to the following resolutions:

H. Res. 346. A resolution authorizing the appointment of a committee on the part of the House to notify the President that a quorum of each House is assembled.

H. Res. 347. A resolution directing the Clerk of the House to inform the Senate that a quorum of the House is assembled; and

H. Res. 349. A resolution relative to the death of the Honorable Dan Daniel, late a representative from the Commonwealth of Virginia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2323. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the second annual report on trade policies and market opportunities for U.S. Farm exports for 1987; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2324. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a rpeort on the conversion of the aircraft maintenance function at Columbus Air Force Base, Mississippi, to performance by contract; to the Committee on Armed Services.

EC-2325. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the equipment maintenance function at Sheppard Air Force Base, Texas, to performance by contract; to the Committee on Armed Services.

EC-2326. A communication from the Secretary of Defense, transmitting, pursuant to law, certification of certain requirements that must be met for the obligation of funds for the Naval Advanced Tactical Aircraft Program and the Air Force Advanced Tactical Fighter Program; to the Committee on Armed Services.

EC-2327. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report of the Corporation for 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-2328. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the annual report of the Export Administration for fiscal year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-2329. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Government Securities—An Examination of Views Expressed About Access to Brokers' Services"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2330. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Semiannual Report to Congress on the Effectiveness of the Civil Aviation Security Program"; to the Committee on Commerce, Science, and Transportation.

EC-2331. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on Motor Vehicle Theft; to the Committee on Commerce, Science, and Transportation.

EC-2332. A communication from the Chairman and Members of the Interagency Committee on Cigarette and Little Cigar Safety, transmitting, pursuant to law, the policy recommendations of the Committee; to the Committee on Commerce, Science, and Transportation.

EC-2333. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, copies of the concluded agreements referred to in the legislation approving the Compact of Free Association for Palau; to the Committee on Energy and Natural Resources.

EC-2334. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the viability of the domestic uranium mining and milling industry; to the Committee on Energy and Natural Resources.

EC-2335. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on review and comments on the official national development plan required of Palau; to the Committee on Energy and Natural Resources.

EC-2336. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of lease revenues; to the Committee on Energy and Natural Resources.

EC-2337. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of lease revenues; to the Committee on Energy and Natural Resources.

EC-2338. A communication from the Director of the Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report on activities involved with Federal Lands Cleanup Day 1987; to the Committee on Energy and Natural Resources.

EC-2339. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project negotiated under the Clean Coal Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2340. A communication from the Secretary of the Interior and the Secretary of Commerce, transmitting jointly, pursuant to law, a report on activities of their departments with respect to the Emergency Stripped Bass Research Study; to the Committee on Environment and Public Works.

EC-2341. A communication from the Administrator of NASA, transmitting, pursuant to law, a biennial report on the state of our knowledge of the Earths upper atmosphere, particulary the stratosphere; to the Committee on Environment and Public Works.

EC-2342. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on "Management of Wastes from the Exploration, Development, and Production of Crude Oil, Natural Gas, and Geothermal Energy;" to the Committee on Environment and Public Works.

EC-2343. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, a report entitled "First Annual Report to the Secretary of the Army and the United States Congress;" to the Committee on Environment and Public Works.

EC-2344. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Studies of Urban-Rural and Related Geographical Adjustment in the Medicare Prospective Payment System;" to the Committee on Finance.

EC-2345. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the Generalized System of Preferences (GSP) and Chile; to the Committee on Finance.

EC-2346. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the National End-Stage Renal Disease Patient Registry Required by Public Law 99-509; to the Committee on Finance.

EC-2347. A communication from the President of the United States, transmitting, pursuant to law, a report on the Centralized System of Preferences (GSP); to the Committee on Finance.

EC-2348. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on the status and operation of the State and Local Government Fiscal Assistance Trust Fund for the fiscal year 1987; to the Committee on Finance.

EC-2349. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on Medicare for the fiscal year 1984; to the Committee on Finance.

EC-2350. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Use of Tax Deductions for Donations of Conservation Easements;" to the Committee on Finance.

EC-2351. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States; to the Committee on Foreign Relations.

EC-2352. A communication from the Executive Director, Navajo and Hopi Indian Relocation Commission, transmitting, pursuant to law, a report on a review of their accounting systems in use during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2353. A communication from the Deputy Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report on the evaluation of the systems of internal administrative control in effect during the fiscal year ending September 30, 1987 for the agencies of the Executive Office of the President; to the Committee on Governmental Affairs.

EC-2354. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report entitled "National Endowment for the Arts Workbook for Evaluation, Improvement and reporting of Internal Control Systems;" to the Committee on Governmental Affairs.

EC-2355. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report on an evaluation of the system of internal accounting and administrative control of the Federal Emergency Management Agency (FEMA); to the Committee on Governmental Affairs.

EC-2356. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the 1987 reviews of the Education Department's financial management; to the Committee on Governmental Affairs.

EC-2357. A communication from the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, a report on the evaluation of the system of internal controls of the Federal Labor Relations Authority (FLRA) for Fiscal Year 1987; to the Committee on Governmental Affairs.

EC-2358. A communication from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report on an evaluation of the system of internal controls of the Equal Employment Opportunity Commission for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2359. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a proposed Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2360. A communication from the Chairman, Committee for Purchase From the Blind and Other Severly Handicapped, transmitting, pursuant to law, a report on an evaluation by the Committee on its system of internal controls; to the Committee on Governmental Affairs.

EC-2361. A communication from the Vice President and Treasurer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the internal accounting and administrative controls of the Corporation, as of December 31, 1987; to the Committee on Governmental Affairs.

EC-2362. A communication from the Special Counsel, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report on an evaluation of the internal accounting and administrative control of the Board in effect during the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-2363. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on an evaluation of the Department's internal control system in effect during the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-2364. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a report on an evaluation of the Commission's internal accounting and administrative control in effect during the fiscal year ending September 30, 1987; to the Committee on Governmental Affairs.

EC-2365. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report on a review of the Department's management control system; to the Committee on Governmental Affairs.

EC-2366. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, a report on an evaluation of the Administration's systems of internal accounting and administrative control in effect during the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-2367. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative control in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2368. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2369. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2370. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2371. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2372. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2373. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2374. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2375. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2376. A communication from the Associate Director for Management, United States Information Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2377. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Program Fraud Civil Remedies Act; to the Committee on Governmental Affairs.

EC-2378. A communication from the Secretary to the Commission of Fine Arts, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2379. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2380. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Workforce—Low Activity in Awards Program for Cost Savings Disclosures"; to the Committee on Governmental Affairs.

EC-2381. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2382. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Biannual Audits of the Advisory Neighborhood Commissions—Wards 1, 2, 4, and 5 for the period October 1, 1985 through September 30, 1986"; to the Committee on Governmental Affairs.

EC-2383. A communication from the Deputy Secretary of Commerce, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-116 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-117 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-118 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-119 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-120 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-122 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2390. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Inspector General, Agency for International Development, for the period April 1 through September 30, 1987; to the Committee on Governmental Affairs.

EC-2391. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Integrity Act—Continuing Efforts Needed to Improve Internal Control And Accounting Systems"; to the Committee on Governmental Affairs.

EC-2392. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative control in effect for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2393. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2394. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Concerns Relating to the Boxing and Wrestling Commission, December 11, 1987"; to the Committee on Governmental Affairs.

EC-2395. A communication from the Acting Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2396. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2397. A communication from the Commissioner of the Immigration and Naturalization Service, transmitting, pursuant to law, copies of an order adjusting the status of a certain alien pursuant to section 13(c) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2398. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the International Research and Studies Program; to the Committee on Labor and Human Resources.

EC-2399. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the Employment of Minorities, Women, and Individuals With Handicapped in the Federal Government for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2400. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for fiscal year 1987; to the Committee on Small Business.

EC-2401. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, a report on the extent to which activities at VA health-care facilities have been performed by contractors; to the Committee on Veterans' Affairs.

EC-2402. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, the July 1987 Biennial Report of the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

EC-2403. A communication from the Acting Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current programming plans for food assistance under Public Law 480 for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2404. A communication from the Director of the Office of Management and Budget, Executive Officer of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated January 1, 1988; pursuant to the order of January 30, 1975, as amended by the order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2405. A communication from the Acting Director of the Selective Service System, transmitting, pursuant to law, the semiannual report on the Selective Service System for the period April 1 through September 30, 1987; to the Committee on Armed Services.

EC-2406. A communication from the Secretary of Defense, transmitting, pursuant to law, certification that the design selected for the Navy Advanced Tactical Aircraft will accommodate essential Air Force peculia requirements for such aircraft; to the Committee on Armed Services.

EC-2407. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the interim annual report on the Neighborhood Development Demonstration Program for 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-2408. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC-2409. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Urban Mass Transportation Administration quarterly report for the fourth quarter of fiscal year 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-2410. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of the extension of the time period for acting upon the appeal in South-West Railroad Car Parts v. Missouri Pacific Railroad Company; to the Committee on Commerce, Science, and Transportation.

EC-2411. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a copy of the Board's letter to the Office of Management and Budget appealing the fiscal year 1989 allowance for the Board; to the Committee on Commerce, Science, and Transportation.

EC-2412. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, notice of a delay in the submission of comprehensive program management plans for the Wind and Ocean Energy Programs; to the Committee on Energy and Natural Resources.

EC-2413. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the current report in the series "Progress in the Prevention and Control of Air Pollution in 1986"; to the Committee on Environment and Public Works.

EC-2414. A communication from the Acting Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Department's fifth annual report for the deployment of Federal Interim Storage, entitled "Implementation Plan for Deployment of Federal Interim Storage Facilities For Commercial Spent Nuclear Fuel"; to the Committee on Environment and Public Works.

EC-2415. A communication from the secretary of the Treasury, transmitting, pursuant to law, the United States Government Annual Report for the Fiscal Year Ended September 30, 1987; to the Committee on Finance.

EC-2416. A communication from the Acting Director of the United States Information Agency, transmitting, pursuant to law, a report stating that action has been taken by the United States Government in response to an official report from the Republic of El Salvador for emergency import restrictions under the Convention on Cultural Property Implementation Act"; to the Committee on Finance.

EC-2417. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the Fiscal Year 1987 Annual Reprt on the operation of the Special Defense Acquisition Fund; to the Committee on Foreign Relations.

EC-2418. A communication from the Commissioner, United States Section, International Joint Commission, transmitting, pursuant to law, the 1986 Activities Report of the International Joint Commission; to the Committee on Foreign Relations.

EC-2419. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 7, 1988; to the Committee on Foreign Relations.

EC-2420. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to enhance the procurement test authority of the Administrator for Federal Procurement Policy; to the Committee on Governmental Affairs.

EC-2421. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2422. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a proposed plan for contributions to the Thrift Savings Fund; to the Committee on Governmental Affairs.

EC-2423. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative control in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2424. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2425. A communication from the Assistant Secretary of Energy (Management and Administration), transmitting, pursuant to law, a report on proposed revisions to two Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2426. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on the Foreign Service Retirement and Disability System for fiscal year 1986; to the Committee on Governmental Affairs.

EC-2427. A communication from the Records Officer of the United States Postal Service, transmitting, pursuant to law, notice of a computer matching program; to the Committee on Governmental Affairs.

EC-2428. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2429. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2430. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2431. A communication from the Acting Attorney General of the United States transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2432. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2433. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2434. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a proposed Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2435. A communication from the Secretary of the Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2436. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report setting forth the findings and conclusion of the Secretary's review of an allegation that disability retirement regulations were violated by an employee of the Bureau of Reclamation who was working while using the balance of his sick leave; to the Committee on Governmental Affairs.

EC-2437. A communication from the Federal Co-chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2438. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "review of Annual Reports of District Agencies"; to the Committee on Governmental Affairs.

EC-2439. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2440. A communication from the Managing Director of the Interstate Commerce Commission, transmitting, pursuant to law, a report on its competition advocacy program; to the Committee on Governmental Affairs.

EC-2441. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2442. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2443. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office in December 1987; to the Committee on Governmental Affairs.

EC-2444. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2445. A communication from the Chairman of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during calendar year 1987; to the Committee on Governmental Affairs.

EC-2446. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2447. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the recent awarding of the Young American Medals for Bravery and Services for calendar years 1985 and 1986; to the Committee on the Judiciary.

EC-2448. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, the annual report of the Court for fiscal year 1987; to the Committee on the Judiciary.

EC-2449. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, the Second Five-Year Report on Library Photocopying of Copyrighted Works; to the Committee on the Judiciary.

EC-2450. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1986 Annual Report on the National Health Service Corps and NHSC Scholarship Program; to the Committee on Labor and Human Resources.

EC-2451. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first report of the Council on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-2452. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for NIDR—Rehabilitation Engineering Centers; to the Committee on Labor and Human Resources.

EC-2453. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—Secondary Education and Transitional Services for Handicapped Youth Program; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-372. A resolution adopted by the Cameron County, Texas Industrial Commission favoring the consideration of Cameron County in the relocation of military bases from the Panama Canal Area; to the Committee on Armed Services.

POM-373. A resolution adopted by the Naval Reserve Association supporting a requested increase in full-time support personnel for the Naval Reserve; to the Committee on Armed Services.

POM-374. A resolution adopted by the Naval Reserve Association supporting a program to test and prove out SPUR implementation in Readiness Command Region TEN before full scale implementation; to the Committee on Armed Services.

POM-375. A resolution adopted by the Naval Reserve Association commending the Armed Services YMCA for its services to young Americans in uniform; to the Committee on Armed Services.

POM-376. A resolution adopted by the Naval Reserve Association relating to officer cuts in each of the military services; to the Committee on Armed Services.

POM-377. A resolution adopted by the Naval Reserve Association relating to a standby system to provide health care personnel; to the Committee on Armed Services.

POM-378. A resolution adopted by the Naval Reserve Association relating to outpatient fees for care provided by uniformed services medical facilities; to the Committee on Armed Services.

POM-379. A resolution adopted by the Naval Reserve Association relating to support for combat medical readiness and resources; to the Committee on Armed Services.

POM-380. A resolution adopted by the Naval Reserve Association relating to reserve use of the commissary; to the Committee on Armed Services.

POM-381. A resolution adopted by the Naval Reserve Association relating to the new GI bill; to the Committee on Armed Services.

POM-382. A resolution adopted by the Naval Reserve Association in support of the COOP program; to the Committee on Armed Services.

POM-383. A resolution adopted by the Naval Reserve Association relating to total coordination for sealift resources; to the Committee on Armed Services.

POM-384. A resolution adopted by the Naval Reserve Association relating to raising the 60-point annual retirement credit limitation; to the Committee on Armed Services.

POM-385. A resolution adopted by the Naval Reserve Association relating to promotion inequity of Naval Reserve officers; to the Committee on Armed Services.

POM-386. A joint resolution adopted by the Second Olbiil Era Kelulau; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 2-0081-12, SD1

"Whereas, the Micronesian Claims Act of 1971 which was enacted by the United States Congress created the Micronesian Claims Commission; and

"Whereas, it was the duty of the Micronesian Claims Commission to receive, examine, adjudicate, and render final decision, in accordance with the laws of the Trust Territory and international law, with respect to (1) the claims of Micronesian inhabitants of the Trust Territory who suffered loss of life, physical injury and property damage directly resulting from the hostilities between the governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the United States Armed Forces (Title I), and (2) those claims arising as postwar claims between the dates of the securing of the various islands of Micronesia by United States Armed Forces and July 1, 1951 (Title II); and

"Whereas, the governments of Japan and the United States entered into an agreement in 1969 to contribute exgratia the equivalent of 10 million dollars (US currency) to the Micronesian inhabitants to the Trust Territory to compensate them for their sufferings caused by World War II, each government contributing the equivalent of 5 million dollars (US currency) (Title I); and

"Whereas, the Micronesian Claims Commission issued awards under Title I in the amount of 34,349,509 dollars in US currency; and

"Whereas, since there were insufficient funds to pay the entire amount of the awards, each claimant was paid a pro rata share of the award; and

"Whereas, the remaining unpaid balance of the award made under Title I of the Micronesian Claims Act of 1971 is 24.3 million dollars; and

"Whereas, in 1977 the United States Congress authorized the appropriation of funds to pay the 50 percent of the unpaid awards owed by the United States if Japan would contribute its 50 percent share; and

"Whereas the congressional records of the United States Congress made it very clear that the United States Congress will appropriate and pay to Micronesian claimants the 24.3 million dollars, which represents the unpaid balance of the award made to Micronesian claimants under Title I, if the Secretary of Interior certifies to the United States Congress that the government of Japan had contributed to the Micronesian governments an equivalent of 12 million dollars in aid; and

"Whereas, the officials from both the Interior Department and the State Department had confirmed and informed the United States Congress that the Government of Japan had contributed more than 12 million U.S. Dollars in aid to the Micronesian governments since 1978; and

"Whereas, it is the will and the desire of the Palauan people to be paid their war claim awards in full before the termination of the Trusteeship Agreement; and

"Whereas, a good number of individuals due awards have died, and others are about to follow the same path, without ever receiving the total amount due to them for their suffering and property damages during World War II; now therefore

"Be it resolved, That the 100th United States Congress is hereby urged and requested, by the House of Delegates, Second Olbiil Era Kelulau, Sixteenth Special Session, December 1987, the Senate concurring, to appropriate and approve the 24.3 million dollars war claim awards for the Micronesian claimants; and

"Be it further resolved, That certified copies of this resolution be transmitted to the President of the United States, Presiding Officers of the Senate and of the House of Representatives of the 100th United States Congress, Secretary of the U.S. Department of Interior, President of the Federated States of Micronesia, President of the Republic of the Marshall Islands, Governor of the Commonweath of the Northern Marianas, the President of the Republic of Palau, the Speaker of the House of Delegates and the President of the Senate of the Second Olbiil Era Kelulau."

POM-387. A petition from a citizen of Santa Ana, California, expressing concern with the proposed conditions of participation for skilled nursing and intermediate care facilities; to the Committee on Finance.

POM-388. A resolution adopted by the Senate of the Commonweath of Pennsylvania; to the Committee on Finance:

"RESOLUTION

"Whereas, A fee on imported crude oil and refined petroleum products would directly increase the costs of production and manufacturing for Pennsylvania industries using petroleum products, including industries critical to Pennsylvania's economic growth and prosperity; and

"Whereas, The increased production costs resulting from such a fee would impair the ability of Pennsylvania industries to compete in international markets; and

"Whereas, Such a fee would directly increase the costs to other users of petroleum products, including those who are dependent on oil and oil products to heat their homes and those who use oil-generated electricity; and

"Whereas, The increased costs to industry and to homeowners from such a fee would not be uniformly distributed geographically or among economic sectors but would be borne disproportionately by those industries and regions of the nation most dependent on petroleum products; therefore be it

"Resolved, That it is the sense of the Senate that neither the President of the United States nor the Congress of the United States should impose fees, taxes, quotas or tariffs on imported crude oil and refined petroleum products; and be it further

"Resolved, That copies of this resolution be sent to the Pennsylvania delegation of the Congress of the United States.

POM-389. A joint resolution adopted by the Legislature of the Commonweath of Pennsylvania; to the Committee on Finance:

"RESOLUTION

"Whereas, due to economic downturns and double digit unemployment, Pennsylvania's unemployment compensation system was compelled to borrow a substantial amount from the Federal Unemployment Account in order to meet compensation payments; and

"Whereas, the system and Pennsylvania employers were unable to repay this debt by the originally established deadline and therefore became subject to a credit loss penalty which increases annually; and

"Whereas, this accumulated penalty has placed and will continue to place a burden on Pennsylvania employers, averaging $126 per employee in 1988; and

"Whereas, by 1989, this penalty will exceed the amount of the debt by more than $272 million; and

"Whereas, a coalition of Pennsylvania employers, unions and the General Assembly has made successful efforts to restore the fiscal integrity of the unemployment system and to repay interest-bearing and non-interest-bearing debts; and

"Whereas, this projected overpayment can be avoided if the Federal Unemployment Tax Act is amended to cap the automatic accrual of penalties and reduce the penalty in the last year of debt repayment; and

"Whereas, such amendments to the Federal Unemployment Tax Act are currently being considered in the United States Senate (through S 1254) and the United States House of Representatives (through HR 2801); therefore be it

"Resolved (the House of Representatives concurring), That the General Assembly memorialize the Congress of the United States to support and enact an amendment to section 3302 of the Federal Unemployment Tax Act to provide limitation on the credit loss penalty applicable to employers with outstanding loan balances, and to prevent overpayment of the debt; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress and to each member of Congress from Pennsylvania."

POM-390. A resolution adopted by the Naval Reserve Association relating to Federal income tax relief for reserve personnel; to the Committee on Finance.

POM-391. A petition from a citizen of Evansville, IN, favoring ratification of the nuclear arms limitation treaty recently concluded with the Soviet Union; to the Committee on Foreign Relations.

POM-392. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

"RESOLUTIONS MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO URGE THE SOVIET UNION TO ALLOW REFUSENIKS TO EMIGRATE

"Whereas, the Massachusetts House of Representatives urges the Government of the Soviet Union to allow the following refuseniks to emigrate: Valdimir and Izolda Tufeld, the Kuznetsch family, Zycheslav and Mila Livshets, Emmanuel Tvladze, Boris and Vladimir Dorodny, Semyon Gluzman, Vadim Teter, Alex Guinter, Natalia Blayveis-Safronova, Leonid Volvovsky, Igor Smirnoff, Marianna Protopopov, Yuli Kosharovsky, Eva Dragoon, Felix Fridlender, Alexander Paritsky, Alex Chernick, Valery Bykhovsky, Iosif Kaplenko, Michael Foingersh, Benjamin Charny, Boris Boim, Alexander Feldshtein, Gennady Khasin, Irina Urovitsky, Boris and Elena Kimelfeld, Yevgeny Lein, Emil Mendzheritsky, Lev Sheiba, Mark Ocheredyansky, Mikhail Mechnicov, Boald Zelichenock, Abe Stolyar, Lev Shapiro, Irina, Ada, and Alexander Garger, Ilya Vaitsblit, Josehph Latinsky, Edward and Nine Nadgornyi, Vladimir Doshevsky, Irina Alievskaya, Victor Fulmacht, Mark and Ada Lvovsky, Michael Kazanevich, Gersch Paikin, Alla Pilatovsky, Lev Furman, Yakov Rubinovich, Moisey Terlitsky, Yuri Zieman, Alexander Zhukovsky and Pokotillo family; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges the Government of the Soviet Union to allow refuseniks to emigrate; and be it further

"Resolved, That copies of these resolutions be forwarded by the Clerk of the House of Representatives to Secretary Mikhail Gorbachev, the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-393. A resolution adopted by the County of Hawaii, Hawaii, recognizing the relocation and internment of Japanese Americans as a grave injustice and urging passage of legislation relative to this injustice; to the Committee on Governmental Affairs.

POM-394. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

"RESOLUTION

"Whereas, the retirement security of millions of American workers is being undermined by the growing practice among employers of terminating financially sound employee pension plans; and

"Whereas, workers often lose major pension benefits when such terminations occur which can wreck a worker's retirement security; and

"Whereas, the object of employers in these terminations is to drain the so-called "excess assets" from these pension plans so that they can use the funds for other corporate purposes benefitting themselves; and

"Whereas, since 1980, some 1,300 pension plans covering more than 1.6 million participants have been terminated so that companies could appropriate $16 billion of so-called "excess assets" from these plans; and

"Whereas, the funds being siphoned off by companies really belong to their workers, since a pension plan is not a conditional or discretionary gift by the employer but represents current wages withheld to pay a benefit on retirement; and

"Whereas, all responsible experts in the private pension field agree that action is needed to curb the abuses that are occurring with pension plan terminations and the reversion of excess assets; therefore be it

"*Resolved,* That the Senate of the Commonwealth of Pennsylvania call upon the Congress of the United States to enact legislation that will recognize that pension fund assets are the deferred wages of workers and are held in trust for workers and retirees and that, therefore, employers have no right to appropriate such funds for other purposes; and be it further

"*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each Member of Congress from Pennsylvania.

POM-395. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Labor and Human Resources:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR ADDITIONAL OSHA INSPECTORS

"Whereas, there has been an alarming increase in fatal disabling accidents in the workplace and on construction sites throughout the country; and

"Whereas, the rise in avoidable industrial accidents has been generally attributed to budgetary cutbacks to the Occupational Safety and Health Administration resulting in serious reductions in the agency's staff of investigators and inspectors which severely hampers the agency's ability to provide for all Americans a safe working environment; and

"Whereas, all citizens of this Nation ought to be able to engage in their daily labors secure in the knowledge that all precautions have been taken to guarantee their physical and mental integrity within the workplace; now therefore be it

"*Resolved,* That the Massachusetts Senate hereby respectfully urges the Congress of the United States to enact legislation enabling the Occupational Safety and Health Administration to increase its staff of inspectors and investigators in order to reduce the incidence of tragic and senseless industrial accidents in this Nation; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of the Congress and to each Member thereof from the commonwealth."

REPORTS OF COMMITTEES SUBMITTED DURING SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of December 22, 1987, the following reports of committees were submitted on January 22, 1988, during the sine die adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 96. An original concurrent resolution to express the sense of the Congress on the proposed revision of the United States agreement for nuclear cooperation with Japan (with additional views).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

A. 1999. A bill to extend until January 1, 1989, the waiver granted by the Federal Communications Commission to the New York Post in connection with the Federal Communications Commission's rule relating to the common ownership of a daily newspaper and certain television stations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. SIMON, and Mr. INOUYE):

S. 2000. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity; to the Committee on the Judiciary.

By Mr. HELMS:

S. 2001. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers; read the first time.

By Mr. CRANSTON:

S. 2002. A bill to extend the period during which a special agricultural worker may apply for adjustment of status of that of an alien lawfully admitted for temporary residence, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 2003. A bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes; to the Committee on Finance.

By Mr. BIDEN (for himself and Mr. THURMOND):

S.J. Res 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 354. Resolution informing the House of Representatives that a quorum of the Senate is established; considered and agreed to.

S. Res. 355. Resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. SIMON, and Mr. INOUYE):

S. 2000. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity; to the Committee on the Judiciary.

HATE CRIMES STATISTICS ACT

Mr. CRANSTON. Mr. President, today I am introducing a bill that would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity. Data would be collected on such crimes as homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and other crimes as the Attorney General considers appropriate. I am pleased to be joined in introducing this bill by the Senator from Massachusetts [Mr. KERRY].

Mr. President, I am aware that other legislation is pending in the Senate which mandates the collection of data regarding crimes against racial, ethnic, and religious groups. However, these bills do not require that data be collected on crimes against gay and lesbian individuals. I am introducing this bill today because I believe that crimes based on prejudice against gay and lesbian individuals are just as reprehensible as crimes based on any other type of prejudice. The purposes of the data collection effort we would require the Attorney General to undertake will best be served if all incidents of crimes based on prejudice are compiled. In fact, the House Judiciary Committee has approved a bill, H.R. 3193, which is identical to the bill I am introducing today. I therefore hope that we can reach consensus on this issue in the Senate.

Mr. President, the seriousness of the problem of crimes based on prejudice against individuals because of their race, ethnicity, religion, or sexual orientation, is well-documented. A recently completed report commissioned by the National Institute of Justice [NIJ] entitled "The Response of the Criminal Justice System to Bias Crime: An

Exploratory Review," October 7, 1987, reviewed evidence regarding the incidence of "bias" or "hate" crimes, defined as "words or actions designed to intimidate an individual because of his or her race, religion, national origin, or sexual preference." The report notes that the evidence suggests that bias crimes are widespread and increasing. The report further explains that "[b]ias crimes may be turning more violent: compared with the past, a larger proportion of incidents appear to involve personal injury as opposed to vandalism." Additionally, the report indicates that "[t]he most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians." Of these groups, the report found that "[h]omosexuals are probably the most frequent victims."

The NIJ report's finding that homosexuals are frequently the victims of hate crimes is corroborated by the data collection efforts which have been undertaken by organizations and State law enforcement agencies. For example, the National Council of Churches recently released a report on hate crimes which documents the growing incidence of hate violence. The report, entitled "They Don't All Wear Sheets: a Chronology of Racist and Far Rights Violence—1980-1986," explains the members of the Ku Klux Klan "have increasingly targeted gay and lesbian individuals for physical attack and intimidation. In addition, a largely spontaneous wave of homophobic violence appears to be sweeping the Nation."

The scope of the problem is further emphasized by reports of hate crimes documented by the National Gay and Lesbian Task Force. In 1985, the task force received 2,042 reports of hate crimes directed at gay and lesbian individuals, and in 1986 it received 4,946 reports of hate crimes.

Furthermore, there is evidence that the public's fear and lack of information regarding the AIDS epidemic are causing an increase in attacks against gays. This issue is thoroughy discussed in an article entitled "'Gay Bashing'—AIDS Fear Cited as Attacks on Male Homosexuals Grow" which appeared in the Los Angeles Times, April 10, 1986. That article quotes a number of representatives of organizations and agencies from around the country who point out that the incidence of crimes against gays is growing and is related to the public's fear of AIDS. Mr. President, I ask that the full text of this article be entered in the Record at the conclusion of my remarks.

Unfortunately, Mr. President, the problem of violence against gay and lesbian individuals is very serious in my home State of California. For example, last April the staff of the AIDS project Los Angeles and a person with AIDS were harassed and assaulted outside the project's food bank. Partly in response to this incident, the Gay and Lesbian Community Services Center of Los Angeles established a hotline to document the incidence of violence against gay men and lesbians in the Los Angeles area. During the months of May through November of 1987, that hotline received 125 calls from Los Angeles gay and lesbian residents complaining of a variety of incidents including verbal abuse, physical or verbal threats, assault, robbery, hate mail, and other forms of harassment. Additionally, the San Francisco-based Community United Against Violence organization reports that as of June 30, 1987, it has recorded double the number of severe assaults against gay and lesbian individuals which have required hospitalization or surgery, as compared to a similar time period in 1986.

Because of the incidence of hate crimes in California, the State attorney general established the Commission on Racial, Ethnic, Religious, and Minority Violence in May 1984 to determine the nature and extent of violence perpetrated against blacks, Hispanics, Asians, native Americans, religious groups, lesbians, gay men, elderly persons, and disabled persons. Through public hearings the commission determined that in every region of the State, incidents have occurred in which racial, ethnic, religious, and sexual minorities have been harassed, intimidated, assaulted, and even murdered. As a result of the commission's findings and recommendations, California law enforcement agencies conducted a pilot project to identify the preliminary steps that are needed to establish a statewide system of collecting data on hate crimes. Legislation is currently pending in the California legislature to implement the findings and recommendations of that pilot project throughout the State.

Mr. President, other States have also undertaken efforts to develop effective and workable systems of collecting data on the incidence of hate crimes. Yet, currently there is no ongoing, in depth effort to collect relevant data nationwide. The NIJ report, mentioned earlier, was merely an "exploratory" review—as indicated in its title—and it points out that a more comprehensive effort is needed to "understand the severity, pattern, and location of bias crimes. With improved data collection, law enforcement officials and prosecutors will be better able to make appropriate resource allocation decisions and to target specific neighborhoods or organizations for special attention."

While it is clear that a Federal mandate to collect national hate crime data is needed so that we can make better decisions regarding legislative solutions and the needed allocation of our limited resources at the Federal level, the bill I am introducing today is not intended to subvert those efforts at the State level, such as that undertaken by California, to establish systems of documenting hate crimes. I would expect the Attorney General, in carrying out the mandate of this bill, to work cooperatively with ongoing State efforts.

In conclusion, Mr. President, I would like to stress to my colleagues that this bill I am introducing today represents an important first step in addressing the very serious problem of the incidence of hate crimes in the United States. To be effective, it is absolutely imperative that every form of prejudice which motivates hate crimes be addressed, whether that prejudice is directed at individuals because of their race, ethnicity, religion, or their sexual orientation. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) In General.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1988 through calendar year 1992, data on the incidence of criminal acts that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) Limitation on Use and Content of Data.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(c) Annual Summary.—The Attorney General shall publish an annual summary of the data acquired under this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1988 through fiscal year 1993.

[From the Los Angeles Times, Apr. 10, 1986]

"Gay Bashing"—AIDS Fear Cited as Attacks on Male Homosexuals Grow

(By Ruth Snyder)

San Francisco.—A group of teen-agers, shouting "diseased faggot" and "you're killing us all," dragged David Johnson from his car in a supermarket parking lot last December, beat him with their skateboards, kicked him and clawed his face.

Johnson's jaw and three ribs were broken, his head was gashed, his kidneys bruised, and his face and neck cut with deep fingernail scratches.

"I just keep thinking . . . why did this happen? What did we do?" said Matthew Holoway, Johnson's lover who was with him when he was attacked.

"It shattered our lives," Johnson said.

Johnson was an apparent victim of "gay bashing"—attacked solely because he was a homosexual. His assailants have not been found.

Gay activists say that physical attacks against homosexuals are increasing at an alarming pace here and elsewhere.

They attribute at least part of the increase to a fear of AIDS, the deadly disease that has most commonly stricken gay men in this country. They also charge that the belief of conservative religious groups that the AIDS epidemic is God's way of punishing the gay community has spurred anti-gay sentiment.

"It's like giving them a carte blanche, saying it's OK to beat up gays," said Dr. Ian Barlow, a San Francisco psychologist who counsels victims of anti-gay violence.

Community United Against Violence, a San Francisco agency serving victims of anti-gay violence, reported the number of clients it served in 1985 increased 61%, from 185 to 298, over the previous year. The New York City Gay and Lesbian Anti-Violence Project reported a 41% increase in the same period.

A poll conducted last year by the Philadelphia Gay and Lesbian Task Force concluded that homosexuals are four times more likely to be victims of violence than the general urban population.

"Anti-gay violence has reached epidemic proportions," said Kevin Berrill, manager of the Washington, D.C.-based National Gay and Lesbian Task Force's project on violence.

Law enforcement officers, though, are divided on whether gay bashing is increasing. For instance, Lt. Paul Seidler, the San Francisco Police Department's liaison to the gay community, said he personally believes it is on the rise. But Ray Benson, deputy chief of the Mission District Police Station, which covers the Castro District, the largest gay neighborhood in San Francisco, says he has no reason to believe that is true.

Law enforcement officers in the Los Angeles area also say they have seen no increase. "We don't have any systematic attacks on gays," said Capt. James Cooke of the West Hollywood Sheriff's Station.

Some gay activists disagree. Eric Rofes, executive director of the Gay and Lesbian Service Center in Hollywood, asserts that "Los Angeles is seeing an increase in anti-gay violence." However, neither he nor other gay activists in the Los Angeles area can document any increase. The only California organization to keep statistics on the issue is Community United Against Violence, which records attacks only in San Francisco.

Similarly, police keep no statistics on attacks against gay.

There's no box to check off on the police report form. They can mention it in the body of the report but no one is really tracking it," Seidler said.

Still, a number of cases have received public attention in the last two years.

In Stockton in February, the body of Virgil Scott, a minister of the Metropolitan Community Church, which has a predominantly homosexual congregation, was discovered in the trunk of his car. Scott, who was also gay, had been badly beaten and suffered multiple stab wounds.

At least 20 Metropolitan Community Churches nationwide have been burned in the last 13 years and several dozen ministers and staff members have either been assaulted or received death threats, according to church officials in Los Angeles. The church has formally requested an FBI investigation into the "concentrated effort to murder, terrorize and otherwise deprive ministers and others of their civil rights." An aide for Sen. Alan Cranston (D-Calif.) said the senator will also ask for an FBI investigation.

Last month a New Jersey gay man was assaulted by three men, who extinguished cigarettes on his face, tied him to the back of their truck and drove along a road dragging him in tow. Local gay activists say he was attacked because he was gay.

A man arrested for the 1985 shooting and killing of a gay man in Vermont explained why he shot the victim he had never met: "I killed him because he looked like a fag."

In January, three youths who were among a group in 1984 who attacked John O'Connell, a San Francisco gay man, were convicted of second-degree murder. Witnesses said O'Connell was walking down the street with a friend, when the youths—shouting "faggot"—jumped them. O'Connell fell and struck his head on the curb. He died two days later.

In some cases homosexual men and women say they are being victimized, not by violence, but by the threat of violence.

Jim Langham, who works as a health care products distributor in San Francisco, says he has been repeatedly chased and shouted at by a group of teen-agers who live in his neighborhood.

"I have to live with this every day," said Langham. "They scream 'AIDS, AIDS, you've got AIDS.' They just stalk me like an animal—like a wolf pack. Sometimes I feel angry, like going and beating up the little punks."

The New York project reported that 28% of the incidents it documented in 1985 involved violence against people with AIDS or explicit use of AIDS-related epithets by the assailants.

"One of the reasons I see it increasing is because AIDS has been used as a way of legitimizing anti-gay attitudes," said Randy Schell, a counselor at Community United Against Violence in San Francisco.

"People are getting the message that gay equals AIDS, that it's OK to hate these people and it's OK to do something about it."

Another reason for the increase, Berrill said, may be a backlash against the gay rights movement.

"We are more visible now and that makes us more vulnerable to people who hate us and would hurt us," Berrill said.

Groups like Community United Against Violence are urging victims of gay bashing to fight back. The first step, says Schell, is to persuade victims to report attacks to police.

According to a report last year by Mayor Dianne Feinstein's Criminal Justice Council, "community outreach data suggests that 82% of anti-gay attacks were not reported to the police."

Gay advocacy groups in Philadelphia, New Jersey and New York also estimate that more than 75% of the victims never report gay-bashing attacks to authorities.

The National Gay and Lesbian Task Force says in a recent report that the reasons victims keep silent are clear: "Those who work with such victims cite fear of exposure and discrimination, fear of reprisals and fear that the police will be indifferent or even hostile."

"There is a real material basis for that kind of fear," said Carmen Vasquez, community outreach coordinator for the San Francisco project. "It wasn't very long ago that police were raiding bars and arresting people for sodomy. There is little basis for trusting the police, but we're starting to take steps in that direction."

"The most important thing is not to suffer in silence," said Schell, who learned first-hand about homosexual attacks six years ago when assailants repeatedly slammed his head against a lamp post.

Advocacy groups like Schell's and the New York project are helping victims fight back with a variety of services. They are providing hot lines staffed by trained peer counselors, escort services for those who feel they may be in danger, volunteers to go with victims to the police, and court monitoring.

The San Francisco group is also reaching out to potential gay bashers. More than half of the assailants, according to the project's 1985 report, were white males under the age of 18.

Because of that, two volunteers—one gay man and one lesbian—visit family life classes at Bay Area high schools to talk about themselves and to answer questions.

At a recent high school presentation, students sat forward in their chairs and the air was full of waving hands. They asked questions like "When did you become gay?" or "Aren't you afraid of getting AIDS?"

"To unlearn stereotypes you need to be able to talk to real life human beings who can answer questions. We try to reduce the tensions brought on by ignorance and fear that can lead to hostility and violence," Vasquez said.

Johnson, who was beaten up last December, said that at first he withdrew and then he became angry. He has now directed part of his anger at the supermarket that owned the parking lot where he said he was attacked. A lawsuit filed by Johnson alleges that the store security guard remained inside during the 30-minute attack, despite pleas for help from Holloway.

Both Johnson and Holloway say they will never forget the attack.

"No one can know what it was like to turn around and see them ripping off the car door and dragging David out," Holloway said, "I thought, 'My God—what if it was a straight man's wife or child?' "

● Mr. KERRY. Mr. President, I am very pleased to join with my good friend Senator ALAN CRANSTON in introducing and sponsoring the Hate Crime Statistics Act. This is an important piece of legislation which would provide for the acquisition and publication by the Attorney General of data about crimes that manifest prejudice based on race, religion, ethnicity, or affectional or sexual orientation.

One year ago, Senator CRANSTON and I introduced the Civil Rights Amendments Act of 1987, to protect the civil rights of gay Americans. The legislation which we introduce today continues and extends that effort. This legislation is a companion bill to H.R. 3193, which has over 85 cosponsors in the House, and which was recently reported out favorably by the House Judiciary Committee.

Hearings which have been held in the House on this legislation indicate that there is a serious problem in America with hate crimes of all types, including violence against blacks, Hispanics, Asian-Americans, Jews, Arab-Americans, and gays. While there are other bills in the Senate which would address some of these issues, none of them until now has addressed all of them together, including especially the serious problem of antigay violence.

This year, in 1988, it is even more important that we address the problem of violence against gay Americans. The epidemic of AIDS has spread throughout our society, and it continues unabated. Unfortunately, along with AIDS has come an increase in prejudice and violence against gay Americans in certain parts of our society. This problem can only be addressed by confronting it directly. The collection of statistics on hate crimes, and the publication of an annual report by the Attorney General on the subject, is a first and important step in that process.

As we look around us, we see too many examples of hate crimes and crimes of violence and prejudice in our society. From Howard Beach to Forsyth County, from New York and Boston to Los Angeles and San Francisco, such crimes are an ugly fact of life. As legislators, we must be sensitive to this problem and strive to find a solution. For, as Martin Luther King once wrote, "Injustice anywhere is a threat to justice everywhere."●

By Mr. HELMS:

S. 2001. A bill to restore the right of voluntary school prayer in public schools and to promote the separation of powers; read the first time.

(The remarks of Mr. HELMS and the text of the legislation appear earlier in today's RECORD.)

By Mr. CRANSTON:

S. 2002. A bill to extend the period during which a special agricultural worker may apply for adjustment of status to that of an alien lawfully admitted for temporary residence, and for other purposes; to the Committee on the Judiciary.

SPECIAL AGRICULTURAL WORKER'S PROGRAM

Mr. CRANSTON. Mr. President, I rise today to express my serious concerns regarding the progress of the Immigration Reform and Control Act's Special Agricultural Workers [SAW] Program, and to introduce legislation which I believe is necessary to assure the success of the SAW Program.

My colleagues may recall that the SAW Program was incorproated into the new immigration law to assure that the reforms provided for under the new law would not have an unfair negative impact on the agricultural industry which traditionally has relied heavily on undocumented workers. Because we realized that it was in our country's interest to assure that farmers have an adequate legal work force to harvest their crops, the SAW Program was designed to provide legal status for workers, without regard to whether they were currently residing in the United States, who could demonstrate that they previously worked for a period of time in American agriculture.

While the idea we had when we passed this law was a good one, Mr. President, we must now ask whether it is working. For my home State of California, the answer to this question is extremely important. Agriculture is California's leading industry, and it is estimated that one-half of all undocumented immigrants in the United States reside in California. Also, California is the principal destination for undocumented farmworkers from outside the United States.

To answer the question as to whether the SAW Program is working, I recently conducted three forums in the agricultural regions of California. The response was unanimous: The SAW Program is not working as we intended it to.

VIEWS OF CALIFORNIA FARMERS AND FARMWORKERS

While there are many reasons to be concerned about the possible failure of the SAW Program, Mr. President, I am pleased to report that both farmers and farmworkers expressed to me that the new program has provided them with an opportunity, for the first time, to attempt cooperatively to comply with the new law. I heard from farmers who are actively supporting legalization efforts through such organizations as the alien legalization for agriculture [ALFA], as well as from farmers who, on an individual basis, have tried to assist workers in gathering the necessary documentation to establish the required work history. This, I believe, is a significant positive development.

Perhaps it is because of this development that the information I received in all three forums, from both farmers and farmworkers, was consistent. That is, that many farmworkers who might qualify for SAW status are not coming forward to apply, or are unfairly excluded from the program.

FACTORS DETERRING SAW APPLICANTS

Witnesses explained that it is proving difficult and time-consuming for many farmworkers to gather the necessary documentation to establish prior work history because, in many cases, a worker must contact a number of employers throughout the State in order to substantiate that she or he worked 90 days between May 1985 and May 1986. It was reported that sometimes farmers or labor contractors have not kept adequate records, refuse to provide the records for personal reasons or because required deductions were not properly recorded—that is, social security, unemployment, et cetera—or demand that the worker pay exorbitant fees for documents which will verify previous employment. Also, some farm operations have been consolidated, or farm labor contractors have lost their license, so that workers have no way of obtaining necessary records.

Furthermore, both farmers and farmworkers explained that the failure of INS to establish a uniform national policy that ineligible family members will not be deported if one member of the family qualifies for legalization, is keeping many eligible SAW applicants from applying.

Witnesses also complained that the fees INS charges for legalization, and the cost of an appeal if the initial application is denied, is proving burdensome for farmworkers who generally are among this country's poorest workers.

PROBLEMS WITH INS' ADMINISTRATION OF THE SAW PROGRAM

Both farmers and farmworkes agreed that the policies and inconsistent procedures of INS regarding the SAW Program are imposing unfair burdens on those seeking to legalize their status. For example, witnesses reported that different INS offices have different documentation requirements; some offices will accept signed affidavits as sufficient proof of work history, others require detailed work records signed by the employer. Witnesses also complained that INS has overreacted to some incidents of fraud and has made its documentation requirements unreasonably rigorous.

Furthermore, witnesses pointed out that INS instituted some limitations on the SAW Program which were not authorized by the statute. For example, until recently, INS would not allow individuals to apply for the SAW Program in the United States unless they could show that they arrived in the United States before June 26, 1987. Some witnesses complained that policies such as this have resulted in significant hardship for those farmworkers who thought they did not qualify for legalization and therefore left the United States.

Witnesses also reported that in some regions of the State the border patrol is being overly aggressive in apprehending and detaining workers who have applied, or are in the process of applying, for SAW status.

There was also general agreement that INS has not conducted an adequate and timely public education campaign regarding the SAW Program. Some witnesses reported that, because of the general lack of information regarding what the law requires and when the law requires it, some workers were fired during the last harvest season because farmers mistakenly believed they might be vulnerable to sanctions unless the workers had current work authorizations.

CONCERNS REGARDING STATUTORY REQUIREMENTS

Concern was also expressed, Mr. President, regarding the statutory requirements for the SAW Program. Both farmers and farmworkers explained that the statutory requirement that a worker prove employment in agriculture for 90 days between May 1, 1985, and May 1, 1986, unfairly excludes workers who are entitled to benefit from the SAW Program because of their long and consistent work history in American agriculture. Farmers pointed out that specialty crop workers have erratic employment depending on the crop, season, and market for the particular crop, and may not have accumulated the required 90 days during the specified employment period, although they normally work full time in the fields. Witnesses also explained that the law's employment requirement excludes workers who may have a substantial work history in American agriculture but, because of extenuating circumstances—that is, illness—may not be able to prove employment during the 1985 through 1986 period.

Witnesses also complained that many workers are unfairly excluded from the SAW Program because of the statute's requirement that only farmworkers who have worked in perishable crops, as defined by the Department of Agriculture, are entitled to apply for legalization under the SAW Program. Farmers and farmworkers pointed out that the regulations promulgated by the Department of Agriculture defining perishable are unreasonably exclusive because many crops were not included which are, in fact, perishable and closely related to some crops which were included. For example, Christmas trees were included, pine trees were not; ground cover was included, sod was not. Also, witnesses complained that cotton, which is as perishable as many crops which were included, was excluded.

Witnesses also noted that there is no provision in the law which requires INS to subpoena work records on behalf of a worker when the employer refuses to provide the documentation. Both farmers and farmworkers agreed that such a procedure is sometimes necessary, and without the intervention of INS in these cases, the only recourse a worker has is to file a private lawsuit.

Finally, some farmers complained that the employment sanctions provisions of the law are unfair because the law puts farmers in the position of being policemen. Farmers explained that they are not prepared to detect fraudulent documents, and they are concerned that they may unfairly be subjected to sanctions.

THE POSSIBILITY OF LABOR SHORTAGES

Most farmers agree that if a labor shortage is to occur, it will happen after the SAW application period closes, when they will become vulnerable to sanctions for employing undocumented workers. They expressed concern that those workers who fail to qualify or do not apply for legalization will leave the country, and a number of those who do qualify may leave the agricultural industry for better-paying jobs. They explained that they are likely to experience a labor shortage in 1989 due to the fact that the Replenishment Agricultural Workers [RAW] Program, which is intended to address this problem, is not due to be implemented until 1990.

INS OPTIMISM IS SUSPECT

Mr. President, in response to some of the concerns which were expressed to me at my public forums, an INS representative in Washington countered with a statement to the press that alien legalization "is a hugely successful program." This representative claimed that INS expects to meet its projection that 2 million—including both SAW applicants and non-SAW applicants—will apply for legalization by the close of the programs' application periods.

Well, Mr. President, whether INS will meet its own projections is an open question. Many people have explained to me that the easy cases were filed first, and that the rate of applications to be filed in the next months will decrease. Furthermore, I would like to point out that the 2 million figure INS relies on really doesn't mean much. We all know that it is very difficult to get an accurate count of the undocumented. For example, some estimates I've seen indicate that there are over 2 million who might qualify for legalization in California alone.

My point is, Mr. President, that the success or failure of the legalization program cannot solely be determined by numbers. We must consider the purposes we hoped to accomplish when we passed the immigration reform legislation, and whether INS is implementing the law so as to accomplish those purposes. From all reports I have received, the effort by INS will fall short of our expectations.

NEW LEGISLATION

To address some of the concerns that were presented to me at these forums, I am introducing today a bill that will focus on two specific issues.

First, both farmers and farmworkers explained that many workers cannot meet the act's requirement that they prove 90 days of employment in agriculture between May 1, 1985, and May 1, 1986. Therefore, the bill I am introducing today will extend the qualifying period so that 90 days of agricultural labor performed between May 1, 1985, and December 31, 1986, will qualify a person to apply for legalization under the SAW Program.

Second, both farmers and farmworkers agreed that INS was slow in publicizing the SAW Program so as to reach all who may qualify, and, in some instances, imposed unauthorized restrictions on the program which excluded individuals Congress intended to be included in the program. These problems, along with the problems which many farmworkers are encountering in securing the necessary documentation, warrant an extension of the SAW application period. Therefore, my bill will extend the application period for the SAW Program by 6 months so that it will terminate on May 31, 1989, rather than November 30 of this year. It is important that Congress not wait until the last moment to extend this deadline. The agricultural industry needs to know well in advance that the labor needed to harvest crops next year will be available so they can plan accordingly.

CONCLUSIONS

In conclusion, Mr. President, I would just like to reiterate that our country has much at stake in assuring the success of the legalization programs we authorized in the 1986 immigration reform legislation. When we passed that law we realized that our country stood to benefit if undocumented workers, who have made a significant contribution to our economy through the labor they have performed, could legalize their status and begin to participate openly in our society. The contribution of these workers to our economy is especially evident in the agricultural industry.

We must, therefore, make every effort to guarantee that the SAW Program succeeds. From the reports I have received, there are many farmworkers who may unfairly be denied the benefit of legalization. We must not allow this to happen. I believe the legislation I am introducing today is necessary to assure the success of the SAW Program, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210(a) of the Immigration and Nationality Act (8 U.S.C. 1160) is amended—

(1) in paragraph (1)(A), by striking out "18-month" and inserting in lieu thereof "24-month";

(2) in paragraph (1)(B) (in the text following clause (ii)), by striking out "12-month period ending on May 1, 1986" and inserting

in lieu thereof "period beginning on May 1, 1985, and ending on December 31, 1986"; and

(3) in paragraph (2)(A), by striking out "1984, 1985, and 1986," and inserting in lieu thereof "1984 and 1985 and during the period beginning on May 1, 1985, and ending on December 31, 1986,".

By Mr. GRAMM:

S. 2003. A bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes; to the Committee on Finance.

TAX EXEMPTION FOR DIESEL FUEL USED FOR FARMING PURPOSES

● Mr. GRAMM. Mr. President, today I am introducing legislation to correct a problem created by a provision in the recently enacted budget reconciliation law.

Currently, farmers and ranchers are exempt from paying the 15 cent-per-gallon excise tax on diesel fuel in those cases where the fuel is used solely for farming purposes. However, as a result of this change in the law, they will now be forced to pay the tax at the time of purchase. In many cases, this will have the effect of increasing their costs for diesel fuel by some 25 percent. This is not to say they owe this money, for they will be eligible to apply for a refund of the full amount of taxes paid when they file their tax returns.

It's as if somebody in Government said, "How can we make life tougher for farmers?" and the answer was, "Make them pay a tax they don't even owe." There is no legitimate reason for the Federal Government to have the use of farmers' hard-earned money for as long as a year when they don't owe it in the first place.

This is no time to be piling more bureaucratic recordkeeping requirements on our producers while they are adjusting to the market-oriented farm programs of the 1985 farm bill. This idea is a first cousin to the contemporaneous recordkeeping requirements imposed by the Internal Revenue Service a few years ago where owners of private vehicles used in business travel were required to keep log books.

Today I am introducing legislation which will remove the new requirement that farmers and ranchers pay this tax at the time of purchase.

Because the new tax requirement will not take effect until April 1, it is my hope this bill will be approved soon by the Congress so that farmers and ranchers will never have to feel the effects of Congress' misjudgment. I strongly encourage all Senators to join this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX EXEMPTION FOR DIESEL FUEL USED FOR FARMING PURPOSES.

(a) In General.—Section 4093 of the Internal Revenue Code of 1986 (relating to exemptions; special rule) is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Farm Use.—Under regulations prescribed by the Secretary, the tax imposed by section 4091 shall not apply in the case of sales of any taxable fuel for use or used on a farm for farming purposes.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to sales after March 31, 1988.●

By Mr. BIDEN (for himself and Mr. Thurmond):

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week"; to the Committee on the Judiciary.

NATIONAL SAFE KIDS WEEK

● Mr. BIDEN. Mr. President, last year, the Nation watched in hopeful anxiety as rescuers worked for more than 2 days to free a Texas girl from a deep well where she had fallen. Our hopes were fulfilled as Jessica McClure was pulled from underground alive and alert.

Our shared relief at this rescue, however, should not displace the sense of tension and concern that swept across the country as we asked ourselves, "How could this happen?" We would like to think that the world of our children is filled with promise rather than danger, with comfort rather than threats. We would like to think that way, but we cannot afford to.

The fact is that accidental injury is the leading cause of death among America's children. Often in the Senate we are confronted with daunting statistics, but I would ask my colleagues to consider the mere name of one measure of this threat to our children. There is a statistic called the YPLL, which stands for years of potential life lost. Even the coldest possible scientific language cannot remove the sense of human tragedy. It is estimated that so-called unintentional injuries claim the lives of nearly 8,000 children in this country every year, and approximately 50,000 more are left permanently disabled. Every year, one out of every four American children under the age of 15 is involved in an accident.

And there is an even deeper tragedy. Many, if not most, of these accidents could be prevented. It doesn't take the discovery of new medical technology to address this problem. What it does take is awareness, education, and a sense of responsibility—an acknowledgement that this killer is out there, in our children's world, and that the tools to fight it are also there. It's up to us to put those tools to use and to teach our children how to be safe kids.

Today, I am privileged to join—and to ask my colleagues to join—a national campaign to prevent accidental injuries among American children. The campaign of training and educational programs is being implemented by the National Coalition to Prevent Childhood Injury, which includes organizations such as the National Safety Council, the American Red Cross, the national organizations of the Girl Scouts and Boy Scouts and the American Academy of Pediatrics.

In order to help launch the national safety campaign, I am introducing a resolution to designate May 16-22 as "National Safe Kids Week." This resolution is a small step, to be sure, but in this effort—where awareness is a primary key to unlocking a safe future for American children—it is an important step.

It has often been said that our children are the future, our greatest natural resource as we look toward the 21st century. As a legislator, a citizen, and—most important—as a parent, I agree with that assessment. There are dangers from which we cannot protect our children. But in the area of preventing accidental injury, we can make a difference; we can cap many of the wells into which our children might fall.

We have the power to be rescuers ourselves—every State, every community, every household, and every individual. We share the opportunity and the obligation. It is my belief and my hope that the Senate can take a leading role in this national effort, and "National Safe Kids Week" would be a good place to start.●

ADDITIONAL COSPONSORS

S. 492

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts [Mr. Kerry], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of S. 492, a bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

S. 533

At the request of Mr. THURMOND, the names of the Senator from Texas [Mr. Gramm], the Senator from Rhode Island [Mr. Pell], the Senator from Nevada [Mr. Reid], the Senator from Kentucky [Mr. McConnell], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 801

At the request of Mr. JOHNSTON, the name of the Senator from Texas [Mr. Gramm] was added as a cosponsor of S. 801, a bill to facilitate the national distribution and utilization of coal.

S. 824

At the request of Mr. SPECTER, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture or extrajudicial killing, and for other purposes.

S. 1201

At the request of Mr. PROXMIRE, the names of the Senator from North Carolina [Mr. Sanford], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of S. 1201, a bill to prevent consumer abuses by credit repair organizations.

S. 1242

At the request of Mr. HUMPHREY, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 1242, a bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered, and to prohibit the provision under title X of the Public Health Service Act of Federal family planning funds to organizations that perform or refer for abortions, except where the life of the mother would be endangered, and for other purposes.

S. 1474

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1474, a bill to require that any U.S. Government support for military or paramilitary operations in Angola be openly acknowledged and publicly debated.

S. 1659

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1659, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and credit for contributions to, education savings accounts.

S. 1660

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1660, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of educational savings accounts the earnings on which will not be taxed.

S. 1661

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1661, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and a credit for contributions to, education savings accounts but to provide that the earnings of such accounts will be taxable.

S. 1662

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1662, a bill to provide for the issuance of educational savings bonds a portion of the interest on which is exempt from taxation, and for other purposes.

S. 1761

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Ms. Mikulski], the Senator from North Dakota [Mr. Burdick], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1830

At the request of Mr. SANFORD, the names of the Senator from Kentucky [Mr. Ford], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1835

At the request of Mr. Evans, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 1835, a bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President.

S. 1849

At the request of Mr. Melcher, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of S. 1849, a bill for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson.

S. 1988

At the request of Mr. Breaux, the names of the Senator from Texas [Mr. Gramm], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of S. 1988, a bill to amend the Merchant Marine Act of 1920.

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 215

At the request of Mr. Durenberger, the names of the Senator from Nevada [Mr. Reid], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 218

At the request of Mr. Lautenberg, the names of the Senator from Michigan [Mr. Riegle], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 229

At the request of Mr. Warner, the names of the Senator from New Mexico [Mr. Domenici], the Senator from Kansas [Mrs. Kassebaum], the Senator from New York [Mr. Moynihan], the Senator from Florida [Mr. Chiles], the Senator from Ohio [Mr. Metzenbaum], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE RESOLUTION 270

At the request of Mr. Lautenberg, the names of the Senator from Delaware [Mr. Biden], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE RESOLUTION 355—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. BYRD submitted the following resolution; which was considered and agreed to.

S. Res. 355

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 354—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. Res. 354

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTICES OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled the first in a series of hearings on legislation to improve the Small Business Administration's Minority Small Business and Capital Ownership Development [MSB/COD] Program, more frequently referred to as the SBA section 8(A) Program. The initial hearing is scheduled for Tuesday, February 2, 1988, commencing at 10 a.m. It will be held in the committee's hearing room in SR-428A.

The Committee will be receiving testimony on S. 1993, the Minority Business Development Program Reform Act of 1987, a bill which I introduced along with Senator Weicker and Senator Kerry on December 21, 1987. Testimony will also be received on H.R. 1807, the Capital Ownership Development Reform Act of 1987, a similar bill which passed the House on December 1, 1987.

During this initial hearing, testimony will be received from the Administrator of the Small Business Administration, representatives of the General Accounting Office, the Administrator of the Office of Federal Procurement Policy, and representatives of the National Academy of Public Administration, which recently completed for SBA for a management review of the organization and operation of the MSB/COD Program. Subsequent hearings, which will be scheduled for late February and early March, will focus on testimony from organizations representing the minority business community as well as individual program participants and program graduates.

Further information concerning the committee's hearings on this important effort may be obtained from the Committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled on Senate Joint Resolution 231, to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes.

This hearing will take place on January 28, 1988, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Allen Stayman at (202) 224-7865.

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of two oversight hearings before the Committee on Energy and Natural Resources.

The hearings will be held on Monday, February 1, 1988, and Tuesday, February 2, 1988, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Testimony will be received regarding proposals before the Federal Energy Regulatory Commission to: First, clarify certain requirements of the Public Utility Regulatory Policies Act of 1978 [PURPA]; second, provide guidelines for the use of competitive bidding systems to acquire nonutility power under PURPA; and third, create a new category of Independent Power Producers [IPP's] who would be subject to reduced regulation under the Federal Power Act.

For further information regarding the hearings, you may wish to contact Bill Conway, senior counsel for the committee, at (202) 224-7149. Those wishing to testify or who wish to submit a written statement for inclusion in the hearing record should write to the Committee on Energy and Natural Resources, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a field hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

This hearing will be held on Monday, February 8, 1988, beginning at 9 a.m. and concluding at noon, in the Walla Walla Room of the Red Lion Motor Inn, 304 South East Nye Avenue, Pendleton, OR.

Testimony will be received regarding S. 1613, to authorize the Secretary of the Interior to construct, operate, and maintain the Umatilla Basin project, Oregon, and for other purposes.

For further information regarding the hearing, you may wish to contact Russell R. Brown, professional staff for the committee, at (202) 224-2366. Those wishing to testify or who wish to submit a written statement for inclusion in the hearing record should write to the Committee on Energy and Natural Resources, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

ADDITIONAL STATEMENTS

NATIONAL GEOGRAPHIC SOCIETY

● Mr. STAFFORD. Mr. President, I stand before the Senate to recognize the outstanding contribution the National Geographic Society has made to this country. In its charter statement, the National Geographic Society sets out for itself the task of increasing and disseminating geographic knowledge. The society has taken up this mission in earnest, achieving respect and admiration for it's outstanding efforts to promote geographic literacy among the citizens of our Nation.

Attaining geographic literacy for all the citizens of our Nation is a crucial goal, a goal we are far from reaching. At hearings held last fall, we learned that knowledge of geography is woefully lacking among school-aged children. As a consequence, my good friend Senator Bradley and I organized a successful campaign to declare November 15–21 as Geography Awareness Week. During that time activities promoting geography literacy were carried out across our Nation. Geography Awareness Week is a good beginning, but it is not nearly enough. In the past 10 years geography as a subject of study has all but disappeared from American classrooms. In the mind of this Senator, geographic illiteracy is a stumbling block to achieving economic competitiveness and a threat to our environmental well-being.

Recognizing the need to increase awareness of geography, Gilbert Grosvenor, the president of National Geographic is steering the society on a long-range program of geography education. Educational efforts are not new to that organization. National Geographic has earned a reputation of being America's premier promoter of global understanding through education. Among it's many educational efforts, the society makes maps available to junior and senior high schools, distributes a newsletter with a mailing list of 20,000 and offers a curriculum in geography for children from kindergarten through 12th grade.

In keeping with it's mission to educate children about geography, the National Geographic Society recently launched a $20 million campaign to fight the problem of geographic illiteracy. This will enhance the ongoing program which for the past 3 years has been offering teachers opportunities to increase their knowledge of geography and to share this knowledge with their peers. In fact, working with teachers in schools is the centerpiece of the society's thrust for geographic literacy and the future path of it's efforts.

Under the able leadership of Gilbert M. Grosvenor, the society has continued to bring the world to the doorsteps of American homes through the National Geographic magazine. Unequalled in excellence for it's thorough treatment of cultural, climate, and global issues, the National Geographic magazine has made a major contribution to the cultural literacy of our Nation's citizens. At no time over it's long history has the society lowered it's standard of excellence for the National Geographic magazine. The award winning photography and intellectually rigorous reporting has given, and continues to give, a first class view of people and places many Americans may never visit, but nonetheless must understand and appreciate.

In a time when the world seems to be shrinking, we cannot afford to ignore the impact geography makes on world affairs. We cannot close our eyes to cultural diversity, to differences in our planet's surface and to the ways geography influences human welfare.

It is with great admiration, then, that I stand before you to congratulate the National Geographic Society as it celebrates its centennial. More than any other organization, the National Geographic Society has promoted global understanding. I commend the society for it's many worthwhile initiatives and applaud it's efforts on behalf of all our citizens. When our young people have an appreciation for the impact of geography on the human condition, we as a nation will be better equipped to carryout our mission of preserving world peace and promoting harmony among the people living on our planet.●

RECOGNITION OF JOSEPH D. MONTICCIOLO

● Mr. D'AMATO. Mr. President, I rise in recognition of the outstanding Government service of Mr. Joseph D. Monticciolo, FAIA. For more than 27 years, Mr. Monticciolo has served the Federal Government with distinction. His service has benefited the lives of citizens, communities, and this country.

Since 1981, Joseph D. Monticciolo has served as the regional administrator and regional housing commissioner of the U.S. Department of Housing and Urban Development, region II. In this capacity, Mr. Monticciolo directed all the Department's programs and activities in the States of New Jersey, New York, the Commonwealth of Puerto Rico and the U.S. Territory of the Virgin Islands. He provided overall managerial supervision and direction to three field offices and two service offices totaling approximately 1,000 employees. He represented and supported the administration's policies in the region, providing input for the development of major housing and community development policies under consideration by the administration. Mr. Monticciolo also served as the Department's principal field liaison with Governors and other State officials.

Prior to serving as the regional administrator, Joseph D. Monticciolo held several positions in region II of the U.S. Department of Housing and Urban Development: from 1977 to 1981 he served as the regional director for program coordination; from 1974 to 1977 he served as the director of the New York area office; from 1971 to 1974 he served as the deputy director; from 1967 to 1971 he served as project planner and production coordinator in the Housing Assistance Administration.

From 1961 to 1967, he served as the regional architect for the Federal Aviation Administration, eastern region; from 1960 to 1961, he served as the architect/engineer, USAF Continental Air Command, Mitchell Field, NY, and Warner Robins AFB, GA.

His professional organization memberships include: American Institute of Architects [AIA], Washington, DC, 1967 to present, regional director, AIA National Board of Directors, 1980–82, elected to the college of fellows of the American Institute of Architects, 1981, member, New York State Board for Architecture, 1982 to present. He was nominated for the Rockefeller Public Service Award in 1973 and the Arthur S. Fleming Award in 1975. He is also the recipient of the James William Kideney Award from the New York State Association of Architects, 1981, and the prestigious Kemper Award from the American Institute of Architects, 1987.

Other professional affiliations include membership on the board of directors of St. Christopher-Ottilie Child Care Facilities, the Columbus Citizens Foundation, the Order Sons of Italy in America, the American Arbitration Association, member on the advisory board of Hofstra University, board of visitors of the graduate school University Center of CUNY, and the board of trustees of the Italian Board of Guardians.

During November 1981 Joe Monticciolo was appointed by President Reagan to serve as the chairman of the Federal Regional Council [FRC], Region II. The FRC was charged with improving intergovernmental relations, responding to problems which involved more than one Federal department or agency, and overseeing administration program priorities.

Joseph Monticciolo received a bachelor of architecture from the University of Illinois, 1960 and became a licensed registered architect, New York State, 1966 to present, he received an honorary doctorate degree from the graduate school of the City University of New York, 1987. He is also the recipient of numerous HUD, public service awards and honors for accomplishments in the field of housing, community development and architecture from local/State associations and private foundations. He has not only shown a dedication and commitment to housing and community development policies and programs, but showed a keen sense of commitment to community revitalization efforts regionwide.

Mr. President, I ask that my colleagues join me in honoring Joseph Monticciolo for his untiring service to so many. He skillfully administered programs that were designed to provide safe and decent housing, as well as programs that enhanced the economic viability of our cities, towns and villages. His participation in the Federal Government has been recognized by many and serves to promote housing and economic development for the future.●

THE RETIREMENT OF MARCUS HALBROOK

● Mr. PRYOR. Mr. President, at the end of 1987, Marcus Halbrook retired from his position as executive director of the Bureau of Legislative Research for the Arkansas Legislature. He had held that job since September 1953.

This may strike the uninitiated as being simply the retirement of a prominent State employee from a long-held position of some importance to the State Legislature of Arkansas. What it means, however, is a great deal more.

Marcus Halbrook has been the conscience, the guiding force, and the institutional memory of the Arkansas House and Senate for the past 34 years. He has personally written most of the legislation our State has acted upon during that time, and it is to Marcus that legislators have turned time and again for advice, counsel, support, and encouragement. He has a fine legal mind and a razor-sharp accuracy with the English language.

I was a member of the Arkansas Legislature during the early 1960's, and 10 years later I was Governor of the State for two terms. During those times in office, I worked closely with Marcus and came to know and respect the fairness and dedication of his large spirit. There was no one with his grasp of the legislative process, and no one with a better sense of politics and the art of compromise, with the practical know-how that's necessary for getting a bill passed.

I'm not alone in saying this, Mr. President. Marcus Halbrook has been recognized by the National Conference of State Legislatures, by the Council of State Governments, and by numerous commissions and task forces throughout the country charged with improving their legislative processes. He has worked with the Eagleton Institute of Politics at Rutgers as a liaison with State legislatures.

What an understatement, Mr. President, to say that Arkansas will miss Marcus Halbrook. Governors, legislators, State employees, members of all boards and commissions, and the people of my State wish for him a long and distinguished retirement, and we thank him for so many years of truly dedicated service.●

CENTENNIAL OF SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION

● Mr. GLENN. Mr. President, I am proud to join my colleagues today in celebrating the 100th anniversary of the Sheet Metal Workers' International Association. On January 25, 1888, seven local unions met in Toledo, OH, and founded this solid, hard-working organization. The association grew rapidly, and today membership totals 150,000. During the past 100 years, its members have left the quality mark of sheet metal craftsmanship in every community across the United States and Canada.

I am proud to be an honorary member of the Centennial Committee for the Sheet Metal Workers' anniversary celebration, and to recognize the efforts of generations of sheet metal workers who made this special anniversary possible. Although the past century has brought many changes to the sheet metal industry, the association has successfully met these challenges and has committed itself to innovation, progressive action, and dedicated service to its members.

Sheet metal workers have played a historical role in the building of our Nation. The Statue of Liberty owes her existence to sheet metal craftsmanship. One hundred years ago the statue was clothed in copper by skilled sheet metal artisans. In 1986, members of the union restored and refurbished her original sheathing.

The expertise and hard work of sheet metal craftsmen created the famed *Spirit of St. Louis* for Charles Lindbergh in 1927. This custom-made plane, constructed to exacting specifications, completed the first nonstop flight across the Atlantic. The association's involvement with flight continued with the American space program. In July 1969, when men landed on the Moon in the *Apollo 11* spacecraft, sheet metal workers were there again—with every weld in the command module made by union artisans.

Sheet metal workers were also pioneers in other areas of technology. They were instrumental in creating the first aluminum iron lung. This is only one of many contributions sheet metal workers have made to the health care system—laboratory, dental, medical, and hospital equipment are also made by these workers. And association members worked at home and abroad during World War II, lending their expertise and dedication to the war effort.

The Sheet Metal Workers' International Association is one of the Nation's oldest trade unions, and is highly regarded for its dedication and commitment to its members. The association instituted the first pension, health and welfare funds in the building trades, and has been recognized for its leadership in apprenticeship and training programs. The association has cooperated successfully with management in establishing state-of-the-art training programs to expand productivity and job opportunities. The late Edward F. Carlough, general president of the association, was instrumental in the formation of these programs. His son, Edward J. Carlough, current general president, continues the tradition of leadership today.

Today's centennial celebration will be marked by the grand opening of the Edward F. Carlough Gallery and the exhibition, "Sheet Metal Craftsmanship: Progress in Building," at the National Building Museum in Washington, DC.

The National Building Museum is a fitting place for these two exhibits because its mission is to commemorate and encourage the American building arts. The Edward F. Carlough Gallery will be the museum's first endowed gallery and is a gift from the Sheet Metal Workers' International Association. The gallery will feature revolving exhibits, with the first one highlighting the artistic and engineering challenges involved in creating the Statue of Liberty.

The concurrent exhibit, "Sheet Metal Craftsmanship: Progress in Building," is sponsored by a consortium of sheet metal industry groups. Union members, contractors, and other industry members contributed their labor, skills, tools, and materials to fabricate a towering sheet metal structure which chronicles the use of sheet metal in American architecture. The structure will house historic exhibits and a working sheet metal shop. The exhibit will remain at the National Building Museum through August 1988, and I hope that many people will take the opportunity to visit the exhibit and learn more about the great contributions of the sheet metal industry.

I congratulate the members of the Sheet Metal Workers' International Association on their centennial anniversary, and I hope they will continue to serve America for many more years to come.●

TRIBUTE TO ERIC WILKERSON, OF KENT STATE

● Mr. GLENN. Mr. President, I rise today to pay tribute to Eric Wilkerson, an outstanding young football player at Kent State University.

Eric has just completed his third year as a tailback for the Golden Flashes and has already become one of Kent's all-time leading rushers. During the past season, Eric rushed for an average of 111 yards per game, the highest total in the Mid-American Conference and 17th in the Nation. He gained 2,074 all-purpose yards—yardage gained rushing, catching passes, and returning punts and kickoffs—tops among the Nation's division I-A players. And his kickoff returns averaged 23.4 yards, leading the Mid-American Conference and ranking him the 19th in the Nation.

Over the past 3 years, Eric has rushed for 2,524 yards, placing him third on Kent's all-time rushing list. With another year left, he stands an excellent chance of propelling his way to the top of the list.

In recognition of his performance, Eric was selected as the Mid-American Conference player of the year. Eric graduated from Cleveland Central Catholic High School and is currently majoring in graphic design at Kent State.

If past is prologue, Eric can look forward to an outstanding future. I want to congratulate him on his achievements and wish him the best of success.●

UKRAINIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, January 22 marked a day of hope and inspiration for the Ukrainian people and for all those who cherish freedom. It was on this day in 1918 that the proud and strong people of Ukraine threw off the chains of oppression and established their independence. One year later the Ukrainian Rada passed the Act of Union, uniting all the territories of the Ukraine into one nation.

In honoring the brave Ukrainian patriots of 70 years ago it is fitting that we also pay tribute to those who against enormous and often life-threatening odds continue their quest for human liberty. It has been more than a decade since 10 courageous Ukrainians joined together, despite constant harassment and intimidation, to monitor compliance with the Helsinki accords by forming the Ukrainian Helsinki Monitoring Group. Although their activities were brought to a virtual halt by the arrest and lengthy imprisonment of the members, a new effort is now under way to revitalize the monitoring group and resume its functions.

Among those whose lives have been dedicated to the quest for freedom and who serve as an example to all of us are Iosyp Terelia and Danylo Shumuk, who served combined sentences of more than 60 years in prison for their human rights activities. Both recently left the Soviet Union and came to the West to tell their stories, and have received special recognition by Americans for Human Rights in Ukraine, the Commission on Security and Cooperation in Europe, and Amnesty International. Yet there were many more whom they were forced to leave behind: Mykola Horbal, Lev Lukyanenko, Petro Ruban and seven other Ukrainian activists struggling just to survive inside the notorious Perm Camp 36-1; Hanna Mykhaylenko and Vasyl Spinenko, incarcerated without cause or redress inside psychiatric facilities; and countless others who suffer in silence and anonymity.

At the same time that we recognize the heroism and personal sacrifice of those being persecuted in their quest for liberty, we must give special recognition to the outstanding accomplishments of those who have brought that same spiritual strength and the rich Ukrainian heritage, here to the United States. The large and active Ukrainian-American community in the United States has made an invaluable contribution to the cultural and economic development of our country through participation in the arts, sciences, politics, business, and other endeavors. We in Maryland are proud to have an active community of Ukrainian-Americans who have enriched our State tremendously with their profound ties to family, church and community, their hard work, and their involvement in public service.

As we reflect on the accomplishments, hopes, and dreams of Ukrainians everywhere, we must renew our pledge to speak out on behalf of those who still lack the most basic human rights and freedoms. This year marks the millenium of Ukrainian Christianity, an anniversary of great historical and religious significance, yet our celebrations will be dampened by the knowledge that the Ukrainian Catholic Church is still suppressed by the Soviet Government and that in the U.S.S.R. the practice of religion is thwarted. The abiding strength and courage of the Ukrainian people give us hope for a brighter future.●

APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns for the day, which it will, that it stand in adjournment over until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be dispensed with and that any motions or resolutions over, under the rule, not come over; that there be a period for the transaction of routine morning business not to extend beyond 30 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDAY RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess beginning at 12:45 p.m. until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The recess will accommodate the regular party conferences.

Mr. President, for the convenience of Senators, the weather being what it is and what it may become, I will not have any rollcall vote tomorrow before the hour of 2 o'clock.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now stand in recess awaiting the call of the Chair, if it is agreeable with the Republican leader.

There being no objection, the Senate, at 1:20 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 2:27 p.m., when called to order by the Presiding Officer (Mr. SHELBY).

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I am authorized by the Republican leader to proceed without his presence to conduct the following business.

I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 236.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 236) providing for a joint session of Congress to receive the President's message on the State of the Union.

Mr. BYRD. Mr. President, I ask that the clerk read the resolution.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 25, 1988, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 236) was agreed to.

Mr. BYRD. Mr. President, Senators should assemble in the Chamber at 8:30 p.m. for the purpose of gathering to proceed in a body to the hall of the House of Representatives, where the two Houses will receive the address of the President of the United States on the State of the Union.

Following the joint session, immediately upon the conclusion of the joint session, the Senate will stand in adjournment under the provisions of House Concurrent Resolution 236.

ADJOURNMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now stand in adjournment until the joint session begins as provided for in House Concurrent Resolution 236, and I ask unanimous consent that upon the conclusion of that joint session the Senate then stand in adjournment in accordance with the order previously entered until 11 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request?

RECORD OPEN UNTIL 4 P.M.

Mr. BYRD. Mr. President, in the meantime, I ask unanimous consent that the CONGRESSIONAL RECORD remain open for statements by Senators and for the introduction of bills and resolutions until 4 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, it is so ordered.

There being no objection, the Senate, at 2:31 p.m., adjourned in accordance with the provisions of House Concurrent Resolution 236, and the previous order until 11 a.m. tomorrow, Tuesday, January 26, 1988.

HOUSE OF REPRESENTATIVES—*Monday, January 25, 1988*

This being the day fixed by the 20th amendment of the Constitution of the United States and Public Law 100-229, for the annual meeting of the Congress of the United States, the Members of the 100th Congress met in their Hall and, at 12 noon, were called to order by the Speaker of the House of Representatives, Hon. JIM WRIGHT.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, even as we give You praise and thanksgiving for the bountiful gifts of the world, so we ask Your blessing on our responsibilities to be faithful to the high calling of service in this assembly. Help us to be good stewards of the riches of our land and to be eager ambassadors of understanding and good will. May the works of justice be accomplished and the deeds of mercy be celebrated. In spite of the differences inherent in our free land, may we see each other as colleagues working together toward the dreams and hopes that are our heritage and sharing the same good spirit that makes us one people.

We especially remember in this our prayer the life and work of DAN DANIEL and we commit him to Your loving spirit. May Your almightly hand and Your everlasting peace be with him and those he loved and may Your grace keep each of us all our days. In your name, we pray. Amen.

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device to determine whether a quorum is present.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—280

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Craig
Darden
Davis (MI)
DeFazio
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dixon
Dorgan (ND)
Downey
Dreier
Duncan
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Flippo
Foglietta
Foley
Ford (TN)
Frost
Gallegly
Gejdenson
Gekas
Gilman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Henry
Herger
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hughes
Hutto
Inhofe
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lott
Lukens, Donald
Lungren
MacKay
Madigan
Markey
Martin (IL)
Matsui
Mavroules
Mazzoli
McCandless
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nichols
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Panetta
Pashayan
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Roth
Rowland (GA)
Roybal
Sabo
Saiki
Sawyer
Saxton
Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Staggers
Stallings
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tauke
Thomas (GA)
Torres
Traxler
Udall
Upton
Valentine
Volkmer
Walker
Waxman
Wheat
Whittaker
Whitten
Wolf
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

☐ 1215

The SPEAKER. On this roll call, 280 Members have answered to their names, a quorum.

Under the rule, further proceedings under the call were dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 25, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a telegram received from the Honorable Gentry Crowell, Secretary of State, State of Tennessee, advising that based upon the unofficial returns the apparent winner of the special election for the Fifth Congressional District of the State of Tennessee held on January 19, 1988, was the Honorable Bob Clement. An official election certificate will be issued by the Secretary of State on January 26, 1988, and transmitted to the House of Representatives.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

[Western Union Telegram]

STATE OF TENNESSEE,
Nashville, TN, January 21, 1988.

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives, Washington, DC.

DEAR SIR: This is to advise that a special election to fill the vacant seat from, Tennessee's Fifth Congressional District was held on January 19, 1988. The apparent winner of the election is Bob Clement, Democrat. The unofficial returns are as follows: Bob Clement, 56,090, Terry Holcomb, Republican, 32,765, Joe Driscoll, Independent, 604, Suzanne Stewart, Independent, 678. Official election certification will be completed January 26, certified duplicate original will be sent to you upon completion. Facsimile copy will be sent as well. Thank you for your assistance.

GENTRY CROWELL,
Secretary of State.

SWEARING IN OF HON. BOB CLEMENT OF TENNESSEE AS A MEMBER OF THE HOUSE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee, Mr. BOB CLEMENT, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. Will the Honorable BOB CLEMENT of Tennessee kindly step forward and take the oath of office.

Mr. CLEMENT appeared at the bar of the House and took the oath of office.

The **SPEAKER**. The gentleman from Tennessee is a Member of the House of Representatives.

RESPONSE OF HON. BOB CLEMENT

(Mr. CLEMENT asked and was given permission to address the House for 1 minute.)

Mr. CLEMENT. Mr. Speaker, it is indeed a real honor and a real pleasure to have the opportunity to be here with you in the greatest deliberative body in the history of the world.

I am looking forward to getting to know all of you on a first-name basis.

I had the opportunity at Greenbrier to get to know a lot of you. Bill Cosby was there and talked to my daughter, Mary Elizabeth, and asked Mary Elizabeth, "What is your name?"

And she said, "Mary Elizabeth Clement."

"Well, why are you here?"

"My daddy just got elected."

So it is good to be here with all of you, knowing that I am the 435th Member of Congress, the least most powerful Member of Congress.

Thank you, Mr. Speaker, for giving me the oath.

Mr. Speaker, during the last year I have met thousands of people. It was clear that we all shared the core values which make our country and our community strong and vibrant.

We agreed, for example, on the need to instill excellence into our educational system, to protect the retirement years of our older citizens, including those affected by the Social Security notch, and to turn our children away from drugs.

We also agreed on the need to make our Government fiscally responsible, to make international free trade fair, and to reward initiative and selflessness.

Mr. Speaker, I look forward to realizing those values. I want to join you and the other Members of this deliberative body in setting the priorities necessary to move this country forward.

Thank you for giving me the opportunity to say my 1 minute's worth, and thank you, family and friends, for coming so far to see me take the oath today.

Mr. FOLEY. Mr. Speaker, I know I speak for Members on both sides of the aisle in congratulating and welcoming our newly elected Member from Tennessee.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. FOLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 346) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 346

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 346

The **SPEAKER**. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL].

NOTIFICATION TO THE SENATE

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 347) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF ENROLLED BILLS SIGNED DURING SINE DIE ADJOURNMENT

The **SPEAKER**. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Wednesday, December 23, 1987:

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes;

H.R. 1454. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program; and

H.R. 3674. An act to provide congressional approval of the governing International Fishery Agreement between the United States and Japan; to implement the provisions of annex V to the International Convention for the Prevention of Pollution From Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes.

And the Speaker signed the following enrolled bills and joint resolution on Wednesday, December 30, 1987:

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involveld in the management, operation, and use of Federal computers systems, and for other purposes;

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections to the Federal employees' retirement system, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes;

H.J. Res. 436. Joint resolution providing for the convening of the 2d session of the 100th Congress; and

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

DAILY HOUR OF MEETING

Mr. PEPPER. Mr. Speaker, I offer a privileged resolution (H. Res. 348) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 348

Resolved, That until otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 2 o'clock post meridiem on Wednesdays; 11 o'clock ante meridiem on all other days of the week up to and including May 14, 1988; and that from May 16, 1988, until the end of the second session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
December 28, 1987.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:53 a.m. on Monday, December 28, 1987, the following message from the Secretary of the Senate: That the Senate agreed to the House amendment to the Senate amendments to H.R. 2598.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. DAN DANIEL, U.S. REPRESENTATIVE FROM THE STATE OF VIRGINIA

Mr. SISISKY. Mr. Speaker, I offer a privileged resolution (H. Res. 349) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 349

Resolved, That the House has heard with profound sorrow of the death of the Honorable Dan Daniel, a Representative from the Commonwealth of Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The **SPEAKER**. The gentleman from Virginia [Mr. Sisisky] is recognized for 1 hour.

Mr. SISISKY. Mr. Speaker, it is my sad duty to report to the House the passing of our dear friend and colleague, Dan Daniel, who so ably represented the Fifth District of Virginia for the past 19 years.

As I said on television the other evening, Dan was truly a Virginia gentleman. He was a Virginian, through and through, steeped in all of the highest principles of our Founding Fathers, a great believer in Jeffersonian democracy, and yes he was a gentle man.

All of us who knew him could not escape the feeling that here was a man, from humble beginnings, who felt very deeply and very personally the importance of every issue which came before this House.

Dan was unapologetically a conservative, but he recognized that we cannot sweep problems under the rug, and he was therefore always open to options or alternative approaches to deal with the problems when he could not in good conscience support the original proposal.

He will be sorely missed in this House, but he will leave a tremendous void on the House Armed Services Committee, where he so faithfully served for so long. As chairman of the Subcommittee on Readiness, he was directly responsible for 8 percent of the national budget, but he treated each item, each problem, as though it were his personal duty. He was thorough in his approach and wanted to make certain that every dollar met a specific need. He was concerned about the needs of our Armed Forces and felt correctly that without a strong national defense, "all other matters are academic."

As chairman of the moral, welfare and recreation panel, his responsibility was the oversight for all military post exchanges and commissaries around the world—an awesome task in itself.

Yet, he also found time to represent his district in an unexcelled manner and served his constituents in ways which went far beyond the call of duty.

Dan was faithful in his stewardship of the office, he was loyal to his friends, zealous of the Nation's good, and had a sense of duty which was hard to equal.

When he died at 5:20 p.m. last Saturday in Charlottesville, it was almost precisely 4 days after he had reluctantly announced his retirement at the end of this term. As he said in his statement on January 19, he had reached the point where he felt he could no longer give "a 100-percent effort" because of health problems. A 75- or 90-percent effort from Dan Daniel would be more than most could give, but this would, in his words, "not be fair to the people I represent and would be inconsistent with my basic work ethic."

This is what Dan Daniel told the press on January 19. I can tell my colleagues that Dan Daniel told me the same thing on the evening of January 18.

I am sure I join all of my colleagues in extending sincere condolences to his wife Ruby and his son Jimmie Foxx Daniel, and, of course, to his two grandchildren.

Mr. Speaker, we will depart the House steps for Andrews Air Force Base to go to Danville, VA, tomorrow, at 11:45 a.m. The funeral services are ar 2 p.m. at Mount Hermon Baptist Church in Danville, VA, and, of course, our estimated arrival back here should be at 5 p.m.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am more than happy to yield to the distinguished Speaker.

Mr. WRIGHT. Mr. Speaker, I should like to join the gentleman from Virginia [Mr. Sisisky] in expressing our sadness which I know all of us feel over the passing of one so quintessentially a part of this body. Dan Daniel epitomized in his life that much overused term "gentleman." He was indeed a Virginia gentleman. The phrase fitted him like a well-tailored shirt. In each of his public and private expressions Dan Daniel was courtly, genteel, and yet every inch a man. I cannot imagine anyone who is not moved by the passing of somebody so essentially honorable, so fundamentally decent, who contributed as much as he did to the deliberations of this Chamber.

So I join in sadness and in expression to his loved ones of such solace and consolation as we may impart and join in the prayer that his spirit may endure and he may rest in peace.

□ 1245

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to my colleague, the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for taking the well and the lead in bringing this resolution to the floor. This is a sad day for me and for my wife, Mary. We have come to love Dan and indeed we were with him just a week ago. To stand here today I am still in a state of shock, as I am sure we all are.

Dan was a great man, as my colleague from Petersburg has pointed out. He represents an era in Virginia that is fast fading, that will be almost impossible to replace. His dedication to his constituents, his dedication to his State, his dedication to his country by his previous service as national commander of the American Legion and the invaluable service that he has given us and all future generations of Americans here in this House and on the Intelligence Committee as well as the Armed Services Committee.

Indeed out prayers go out to DAN and to Ruby and Jimmie Foxx and their grandchildren.

I appreciate the gentleman from Virginia granting me this time.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. Mr. Speaker, I am delighted to yield to my colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman in the well as well as the other members of the Virginia delegation for taking this time.

DAN DANIEL, in my opinion, is really the great American story, coming from poor beginnings, working in a mill in Danville, VA, and rising up as the vice president and total manager of that mill.

DAN served in the Navy for 2 years in World War II. After that he came back to Danville and became active in the American Legion and other veterans' organizations and was the national commander of the American Legion for 1 year.

I believe DAN came to Congress about 20 years ago and the Congress saw his abilities and he was placed on the Armed Services Committee as soon as he came to Congress, and eventually he worked his way up to become chairman of the Readiness Subcommittee. If there is anything that has ever been done good for this country it has been done by DAN DANIEL as the head of the Readiness Subcommittee. I am happy to say I served on that subcommittee as the gentleman in the well does and several others who will talk here. Our readiness is in the proper position. We have as fine young men and women as we have ever had in the service, and it is under the all-voluntary system. DAN DANIEL has had a lot to do with having our Nation prepared.

I would state to the gentleman in the well that I hope we can come up with something in the Defense Department or some area of defense that could be named in memory of DAN DANIEL, and members of the Armed Services Committee should begin work on that.

DAN loved the Prayer Breakfast Group which we attended every Thursday morning. He was our president of the Prayer Breakfast Group. He was going to participate Thursday a week in the National Prayer Breakfast.

He will be totally missed by all of us in this Chamber and by many Americans. I thank the gentleman for giving me this time and want to express my sadness to his wife, Ruby, and to Jimmie, his son, and to his grandsons.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I thank the gentleman from Virginia [Mr. SISISKY] for taking out this time. I want to join the other Members in expressing my sorrow on behalf of myself and my wife at the death of DAN DANIEL, and to his family, his wife, Ruby, and to his son Jimmie and to his constituents and friends.

I think there will be much more to say at a later time. The gentleman from Mississippi [Mr. MONTGOMERY] talked about his services. But I think the most important thing said was by the Speaker of the House, the gentleman from Texas [Mr. WRIGHT], in describing DAN DANIEL by saying that the one word that sums up his life is that he was a real "gentleman," an individual who I went to for guidance on so many items. I know we all just regret and want to express our sorrow to his family.

I agree with the gentleman from Mississippi [Mr. MONTGOMERY], at the appropriate opportunity we should do something in his memory so that it will live on long after this.

Mr. SISISKY. Mr. Speaker, I would add to the gentleman that we are going to plan a special order hopefully Wednesday a week for more Members to have an opportunity to express themselves.

Mr. PICKETT. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. PICKETT. Mr. Speaker, I want to add my remarks to the remembrances of DAN DANIEL, a gentleman who I always spoke of as being the grand gentleman of Virginia, someone who carried himself in a proud manner, someone who always spoke well, was a good friend, a hard worker, and a credit to our State. He will be missed.

I would like to add my condolences to his family and say that I hope that we will be able to carry on in the future and do those things that DAN has started here in the Congress. He was known as a friend to our Defense Establishment, and I know that those of us who have worked with him will want to see the things that he has started continue on.

I thank the gentleman for yielding.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, I thank my friend from Petersburg, Mr. SISISKY, for making it possible for us to say this near to the occasion of DAN's untimely death those things that come first to our hearts and our minds.

It has been my privilege to have known DAN DANIEL since 1968 when I found myself newly elected to the General Assembly of Virginia, a body in which he was then serving and had served for a number of years before he came on here and began his exemplary service that we have all come to love and respect him for.

DAN DANIEL is certainly the very epitome of that finest of all of the traditions that Virginians speak of with pride, and that is the tradition of public service, giving of oneself in the service of the public good.

DAN DANIEL has done that all of his life in a very special kind of way. In all of the years that I knew him, both as a legislator in Richmond and the time in which I served with him here, and I am sure this is true of all of my colleagues who have served here with him much longer than I, there has never been a moment when he was other than the very essence of civility, courtesy, decorum, not an unkindly word or deed have I ever known or observed or even had attributed to DAN DANIEL, a very, very special man and one that I and all of those in the House will miss a very great deal.

Our hearts, our sympathy, our deepest condolences go out to his lovely wife, Ruby, to his son, Jimmie, to those grandchildren, to all those who knew and loved DAN DANIEL.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, California is a long way from Virginia, but I am confident that all 45 Members of the California delegation join me in deep sorrow on learning of the passing of our good friend, DAN DANIEL.

DAN had the office next to mine in the Rayburn Building for the past few years, and his wonderful staff and my staff spent much time together. DAN was always courteous and helpful. At Christmastime he had the nicest party in the world, and we all went down and sat and chatted with him and his wonderful wife, Ruby. We met the other members of his family.

Often DAN and I would talk about golf because both of us played. DAN right up until the last few months played very, very well. He was always a great sportsman. He loved the game, he was a great outdoorsman.

It always seemed to me that DAN lived in the tradition of the great State of Virginia, and we from California, a rather new State as time goes, should be eternally grateful to the statesmen of Virginia and especially people like DAN DANIEL and so many Members of the House here from Virginia who 200 years ago almost singlehandedly created our Nation and wrote the Declaration of Independence and the Constitution and are the authors of so much of what is important in American lives.

So, Mr. Speaker, we do miss Dan, but we are all better off for having had the opportunity to experience the friendship of this gentle, dignified, good man, and our sympathies go to his wife, his children, his grandchildren and, of course, the members of his loyal staff here in Washington and to his hometown constituency.

Mr. SLAUGHTER of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I appreciate the gentleman yielding to me and also extend my appreciation to him for introducing this resolution today on Dan Daniel.

Dan Daniel was an outstanding legislator in the General Assembly of Virginia where he served many years and in the Congress of the United States. In both bodies he was recognized as one the leaders for the abilities that he had and for the dedication which he showed in all of his actions.

Dan was a gentleman of the highest character. He always did what he thought was for the benefit of his State and his country.

In the field of national defense, by his own choice, he became an expert and he has contributed to the national defense of this country over the past 20 years immeasurably, and indeed all of the United States has benefited by his activities in that area.

He will be missed by his friends, his family of course, and by so many people in his district and throughout Virginia, and indeed his passing is a loss by our country.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I join my friends in expressing my sorrow at the passing of our friend and colleague, Dan Daniel of Virginia.

Truly, he represented fully the basic values which have made our country great, values which we need to remember and on which we should build.

His contributions to defense, to our veterans, and to the people of his district, his State, and the Nation leave a great record which is a challenge to all of us.

It was my privilege to have Dan as a close friend, one whom we shall miss.

To his wife, Ruby, and other members of his family, I extend my deepest sympathy at their loss.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the distinguished minority leader.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I was so distressed when early Sunday morning I heard the news on the air that our good friend, Dan Daniel, had passed away, because it was only in this past week that we were both together in a setting out on the west coast where some of us were playing golf, no secret about that. And of course Dan being such a good athlete in his earlier years, a baseball player, and ultimately all of the times we have played golf together, I hope my Democratic friends will not take any offense to my recounting the last words we had together. It just so happened that that evening I was to make some comments or a speech of some sort and we jocularly said Dan, would you mind coming along. And he said no, I do not think I need to hear your speech, Bob. I think everything you would say would be perfectly in concert with what I probably would say under the same conditions.

I mention that only because Dan Daniel and I, although coming from opposite sides of the aisle, voted together a great many times on the floor of this House. He was certainly one of those outstanding individuals who you then come to know as a friend for just having served together in this body.

□ 1300

As I said, I was so distressed to learn that so shortly after announcing that he would not run for reelection Dan should pass from the scene. But I wanted to express my unbounded sympathy to his lovely wife and the members of the family for them to know how much we are going to really miss seeing our friend, Dan Daniel, around the floor of the House.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SISISKY. Mr Speaker, I thank the distinguished leader.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Virginia.

I appreciate the fact that he has taken this time so that we can say briefly today what I think we will say at greater length at some time in the future how much we will miss Dan Daniel.

I had the honor of being regional representative for the region in which Virginia and Maryland are both members, and in the course of my discussing various issues to be considered by the House with the members of our region, I had the opportunity of meeting with Mr. Daniel on a number of occasions. He was of course some 20-plus years my senior. It has been mentioned that he was a gentleman of the first rank; and that he was, though much senior to me in the House, he always was solicitous of my views, always took the time to discuss with me his positions, and one other thing that struck me most, and I think it was indicative of the kind of Representative that Dan Daniel was and the kind of representation that he gave to Virginia and our Nation, was that he never failed to articulate on any of the major issues that confronted our House. In his discussions with his constituency, with all the interest groups in his constituency, he solicited their views and their opinions, and rarely, if ever, failed to act on their advice and what he perceived to be in the best interest of his State and of his Nation.

We will all miss Dan Daniel. He brought to the House of Representatives a quality of character and commitment that America could be proud of and that his State was indeed proud of, and I join my colleagues in lamenting his loss.

Mr. SISISKY. Mr. Speaker, I thank the gentleman.

Mr. ROWLAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am glad to yield to the gentleman from Georgia.

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have heard my colleagues in this House describe Dan Daniel, and I agree with everything they have said about him, but there is one trait that he had that I came to personally know after he became ill, and that trait is courageousness.

If you recall, Dan went off last year. He went to have himself examined, and he found that he had an aneurysm of his aorta, and he came back, and he was told there that there is no surgery that could be done for him. I talked with him on several occasions about this, and he had that weakness in that vessel and he knew that someday that vessel was going to rupture and that he would not live very long after that. But in spite of that he was courageous, he carried on his activity in this House, he carried on his activities outside of this House.

I came to know him really well in the Thursday morning Prayer Breakfast that we have here. He was president of that prayer breakfast. So Dan Daniel to me was a courageous person. He represented the people of his district and his State and this country in a way that was exemplary. He was to me a gentleman's gentleman, a legislator's legislator. He was to me the epitome of what Members of the U.S. House of Representatives should be. He will be sorely missed by the Members of this House, by the people that live in his district, the State of Virginia, and this entire country, and I extend to his entire family my deepest sympathy. He was a true friend of mine and a great American in my opinion.

I thank the gentleman for yielding.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Georgia.

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Speaker, I thank my friend from Virginia for taking this time and thank him for yielding to me.

Mr. Speaker, greater love hath no man than he who is willing to lay down his life for his friends. DAN DANIEL was that kind of man.

Before coming to Congress more than 33 years ago, I had the great privilege of being a commander both on the district and local level of the American Legion, and I followed DAN DANIEL's tenure when he was national commander, and I can say to this body and to his family that they can be proud of the work he did for the veterans, for the widows and orphans of this country, and then after coming to Congress 19 years ago he took up that great vigil of defending democracy and doing everything he could as a member of the House Committee on Armed Services.

So I want to rise today briefly in associating myself with remarks made by the previous speakers about what a great American and a great patriot DAN DANIEL was and to extend to his family our deepest sympathy.

Mr. Speaker, I thank my friend for yielding.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Illinois.

Mr. HUTTO. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Speaker, some of us knew the condition of DAN DANIEL, we knew that he was going day to day, and so his passing was a shock, although it was not a complete surprise to those of us who knew him so closely. I had the opportunity to be on the Armed Services Committee with DAN DANIEL for the nearly 10 years that I have been here, and I certainly would echo the comments that have been made earlier about DAN DANIEL.

This body has lost one of its finest Members. Someone has commented about how distinguished DAN DANIEL looked, and indeed, he did look the part of a Congressman, and he performed as a Congressman should. There is not any greater patriot that I know of than DAN DANIEL, and it has been mentioned that he was the national American Legion commander; he has done everything that he possibly can to see that we have a strong nation.

It was my privilege to serve as the ranking member under him on the Readiness Subcommittee which he chaired. We have worked very closely together, and I believe that DAN DANIEL probably is the single individual who has done more for our forces to see that they had the wherewithal to do their job. He was a perceptive man who realized that just glamorous tanks and guns and airplanes would not do it, but people were important, that you have to give them what they need to do the job. And so he fought for making sure that they had the spare parts, that they had what they needed to do their job well.

So he will be sorely missed, not only by those of us who worked with him personally, but by the House of Representatives, the Congress and the people of America because he truly was a great statesman and a great American.

I and my wife, Nancy, extend to Ruby and their family our deepest sympathy. Our hearts and prayers are with them at this time.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Florida.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for yielding.

On the night of January 18 I received a call from Congressman DANIEL from his home in Virginia, and DAN told me that he had made up his mind not to run again. He told me that his reason for making this decision was based on the fact that he felt he could not give it the full attention that the office deserved, and then on the night of Saturday, January 23, my telephone rang to tell me that my friend of 20 years had passed away.

Mr. Speaker, DAN DANIEL in my judgment epitomized God and country and family. He was extremely proud of his Virginia heritage, and he followed in the footsteps of the Washingtons, the Jeffersons, and Patrick Henrys.

DAN DANIEL will be sorely missed on the Armed Services Committee, but DAN will be remembered not for his support of sophisticated and expensive and futuristic military weapons and hardware, but rather he will be mentioned, and he will be memorialized in the hearts of those who knew of his love and his concern for people demonstrating time and time again his support of commissaries, housing, and day care centers.

Certainly those of us who meet each Thursday morning at the House Prayer Breakfast will sorely miss our friend, DAN DANIEL, who had such a great love for prayer, and God, and his own church, and his own family.

I recall his lovely great old hymn, "Amazing Grace," and he asked that in arranging the program for this year's Prayer Breakfast, the song, "How Great Thou Art," will be sung, and when that song is rendered, I will certainly think of my friend DAN DANIEL. He indeed fought a good fight, he kept the faith, and I extend my deepest sympathy to his wife and to his son and all members of his immediate family.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Alabama.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to extend my sympathy to Congressman DAN DANIEL's family and all the people of the great State of Virginia who returned him to Congress for so many years and who truly loved this man. To me he was truly one of the most dignified and courtly people, not only in demeanor and looks but in character. I think he had an extraordinarily strong dimension to his character.

I did not have the privilege of serving on a committee with DAN, but I got to know him rather belatedly in the past several years. He encouraged me to go to the Prayer Breakfasts along with Congressman MONTGOMERY, and I have been going when I can. The fact is that that Thursday morning has meant an awful lot to me. It has meant a lot to me primarily because of the camaraderie and the wonderful spirit that really is mirrored and has been mirrored by the head of the Prayer Breakfast, DAN DANIEL.

I found out about his passing away at our issues conference this weekend when a number of DAN's colleagues and their families were gathered together. We heard it from BILL HEFNER. We were having a segment of the program where we devoted it to some entertainment, and he was the master of ceremonies par excellence. So BILL HEFNER, a good friend of DAN's, told the House Members and those present that DAN had passed away. I thought that the way that BILL handled it was really beautiful, because he did, I think, what DAN would have wanted him to do. He sang for the entire group in DAN's memory "Amazing Grace." I think that the lyrics to that song really truly portray the feeling that we all have about DAN—"Amazing Grace, How Sweet Thou Art."

He had a tremendous influence on all of us. Most of us probably will never really realize how great his influence was. God bless him, and God bless his wonderful family.

Mr. SISISKY. Mr. Speaker, I thank the gentlewoman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, with the passing of DAN DANIEL, we have lost a great friend. The House has lost a great friend, one that will be almost impossible to replace when it comes to loyalty to his country and his constituents.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Oklahoma.

☐ 1315

Mr. McCURDY. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to join our colleagues in giving our sympathies to the DANIEL family and to say just a word about a truly remarkable and very memorable person.

I served on the Armed Services Committee with DAN and had the privilege of serving on his subcommittee when he was chairman of the Readiness Subcommittee, and also had, I think, a very cherished experience of serving on the House Intelligence Committee with Congressman DANIEL.

He was a very thoughtful, a very serious person, who, I think, exemplifies the values of this great Nation. He, as so many of our colleagues have indicated, was truly a gentleman. When you think of Virginia and what you consider a southern gentleman, you would have to of course think first of DAN.

He was a person who was strong of character, certainly held the highest values that we as Members seek to achieve.

I think his commitment to our country and to our people and the freedoms that we all cherish will long be remembered in this body.

So many times we would always be able to find DAN back there leaning against the rail by the center aisle. We always knew where to find him, but more importantly, we always knew where he stood, whether it was in defense of this great Nation, whether it was in the military arena, in armed services, he made such a valiant fight and stood up for the readiness of our Nation, knowing that it was more than just systems, it was the people and that they needed to be supported in military personnel.

Also, he had a strong inner commitment to maintain the freedoms and liberties of the citizens of this Nation, but more importantly throughout the world.

He will be missed. We send again our respects to his family. We will miss him very much.

I thank the gentleman for his leadership and certainly for taking this time in honor of our late colleague.

Mr. STUMP. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, had the privilege of serving with DAN on two different committees, on the Armed Services Committee and the Intelligence Committee. More than that, I had the opportunity to serve with DAN as an officer of the Prayer Breakfast that meets frequently here in the Capitol. Last year DAN spoke to the National Prayer Breakfast and in his comments in a message from the House he made the statement to the audience that the thing he looked forward to the most each week was our weekly Prayer Breakfast here.

We are going to miss DAN. DAN was supposed to be on the program this year.

I think DAN was truly the epitome of a southern gentleman, and probably one of the most patriotic Members of this body.

We will miss him, and my condolences to Ruby and his family.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, on behalf of the entire West Virginia delegation, Mr. Speaker, I want to join my colleagues in expressing my deepest sympathy over the loss of our dear friend and dear colleague, DAN DANIEL.

Coming from the neighboring State of West Virginia, we shared many problems in agreement with each other. I know during my 12 years in my service in this Congress of the United States, DAN's counsel and his advice and his friendship were most important to myself and I know to the other Members of the West Virginia delegation.

Although not serving on a committee with him, his advice in matters that were of concern to the national security of this Nation was certainly advice that I took under serious consideration and advisement in all such matters.

Probably as much as any Member of this body, DAN DANIEL was concerned, No. 1, about the national security of these United States of ours. It was that concern that brought to his standing in this Congress the highest of respect from all our Members and indeed from all his constitutents that sent him back to the Congress by such overwhelming margins.

I know that DAN was a personal friend. We shared many times of relaxation together, especially back in my home State of West Virginia on the golf course, I might add. His counsel was often sought there also, because he was such a sports enthusiast.

I know having learned of his passing for the first time this past weekend at our Democratic Issues Conference in my home State of West Virginia, I thought immediately of the times that we had shared and the friendship we had shared on those golf courses at that very setting where we were this weekend.

So again on behalf not only of myself personally, but of our entire West Virginia delegation, I join in expressing our sympathy to DAN's wife and to his family and to his constituents.

Mr. FAZIO. Mr. Speaker will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I just want to say a few words of remembrance of my friend, DAN DANIEL. I served on the Armed Services Committee with him during my first year here in the Congress and during that first freshman year, DAN and I developed a friendship that has lasted through the remaining time that DAN was able to serve with us in this House.

I want to say that I thought of DAN DANIEL more than someone concerned with simple concepts of national defense, but as someone who was deeply dedicated to the needs and the morale of the men and women who serve in the military. DAN was first and foremost with the infantrymen, with the seamen, with the airmen, with the men and women who do the very difficult job of defending our country on a daily basis.

He looked and acted like the epitome of the confederate officer. If you looked at DAN DANIEL, you could see him standing there in that gray uniform of, I am sure, his ancestors, but he never really forgot, I am sure, part of his tradition, the contributions that the average person makes to the service of their country and to the defense of the Nation and the freedom that we all enjoy.

I think DAN in great detail made it his task to make sure that those people, for example serving on a flat top out there in the Mediterranean or on a post up against the Warsaw Pact in Germany really had the kind of attributes, had the kind of services, had the kind of life that made it possible for them to serve their country to the epitome.

I really think DAN should be most remembered for the contributions he has made to the men and women in uniform.

At this time I would simply like to add my condolences to his family and to his constituents that he served so well for so many years.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the distinguished majority leader, the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding and thank him on behalf of the House for taking this time in honor of the memory of DAN DANIEL of Virginia.

I think it has been clear from the comments made by Members on both sides of the aisle from every region in the country how thoroughly the gentleman from Virginia, Mr. DAN DANIEL, will be missed in this body. It has been said time and again that he was the epitome of what we regard as service in the House of Representatives in the great tradition of his State and his commitment not only to the nationally security of the United States, but to the welfare of all Americans, he was truly an outstanding and exemplary Member and his memory will be cherished as his service will be missed.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for giving us the opportunity to say a few words, and yet it is impossible to adequately express our sense of loss or to adequately express our sympathy to his lovely wife, Ruby.

To say he will be missed is an understatement. We knew him not only as a fellow member of the Armed Services Committee, we knew him not only as an outstanding American, having risen through the years from rather humble beginnings, through World War II with a distinguished service record, to the epitome of the heights of the American Legion, being at least at that time the only enlisted commander of the U.S. American Legion, later becoming a Member of Congress, a subcommittee chairman, and someone who looked out for the American soldier, sailor, airman, and marine, as few others do; but in a more personal sense, we will miss him as a friend, as a colleague whose advice was always good, whose demeanor was always that of a gentleman and one who epitomized the phrase, a Virginia gentleman.

We will truly miss DAN DANIEL. He was a great American.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Florida.

(Mr. BENNETT asked and was given permission to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, one of the finest Americans we have had in this great country of ours, DAN DANIEL, has passed to his reward in Heaven. I am sure he is in Heaven because he certainly was a man with his heart and his soul in things that were good for mankind and for our great country, a man of determination, of character, of humility, and real leadership.

Of all the people I have served with in the 40 years I have been in Congress, I cannot pick out anybody that I have a higher regard for than the fine gentleman from Virginia, DAN DANIEL, and with great sadness I pay my respects to the family and his many friends and hope that they will realize that they were blessed like all of America was by the presence of this great man in this institution.

Mr. STRATTON. Mr. Speaker, the passing of our much beloved and respected colleague, DAN DANIEL, the day before yesterday has dealt a heavy blow to the House of Representatives and to the committees he served—the House Armed Services Committee and the House Select Committee on Intelligence. Oddly the press noted that DAN was the only member of the Virginia delegation without a college degree.

But DAN had graduated cum laude from the College of Hard Knocks, and his knowledge came from experience—the best teacher of all.

Those of us who had the privilege to know DAN DANIEL and to hear his sage comments on military problems know that when DAN DANIEL asked a colleague to yield it was in the process of giving the most concise and practical suggestion that could be made.

DAN DANIEL as the chairman of the Readiness Subcommittee had the toughest assignment of all to corral the funds that would provide the pay of our troops and would provide the weapons for our soldiers, sailors, airmen, and marines.

In spite of the budget cuts made in the Gramm-Rudman-Hollings legislation, DAN managed to see that our need for readiness in personnel, in construction, and in weapons was not overlooked.

As a former national commander of the American Legion, DAN stood strongly for those who had served their nation in time of war. Single-handedly DAN DANIEL saved one of the last remaining portions of the beach at Wakiki, the R&D hotel for veterans and retirees at Fort DeRussy. DAN vowed to see that this last bit of Oahu's beach was reserved, as it was intended to be, for rest and recreation for veterans and their families.

DAN DANIEL was selected by Speaker Tip O'Neill some 3 years ago to fill a vacancy on the House Select Committee on Intelligence, one of the most prestigious committees in the Congress. Tip knew the distilled wisdom that DAN DANIEL possessed, and Tip wanted that wisdom because he believed that the experience of a former commander of the American Legion could be vastly helpful in dealing with foreign governments.

I can remember when our committee went on overseas trips invariably the military leaders in many countries already knew DAN DANIEL because, as national commander of the American Legion, DAN had visited them earlier and always had good advice on how our committee should handle certain problems.

Those of us who saw DAN on a daily basis saw that his medical problems were slowing him down, but he never complained. He never lost his smile and his sense of humor. And, as he had done in the Armed Services Committee, he would not hesitate to correct some Member when DAN knew he had missed the crux of some argument on the floor. In his quiet voice DAN'S contribution was on the beam—as Tip O'Neill recognized at the very start.

We will surely miss him. Oh for the touch of a vanished hand and the sound of a voice that is still.

(Mr. SISISKY asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. SISISKY. Mr. Speaker, I thank the gentleman and before I yield back the balance of the time, DAN expressed to me last week his concern about how he would be remembered in history. A Virginian will do that, and obviously we have heard today how he will be remembered.

As a Virginia gentleman, he was a very religious, a deep thinking person, and the greatest patriot of this Nation I have ever seen in the love for this country, not for the State, but the love for this Nation. I think he will be remembered as a true servant of the people.

Mr. Speaker, I include the following article from the Danville Register of January 20:

[From the Danville Register, Jan. 20, 1988]

NO STATUE, ONLY RESPECT

Writing in the Lives of Plutarch in the 2nd century B.C., Cato the Elder, a Roman statesman and historian, mused upon the meaning of greatness in this way—"I would much rather have men ask why I have no statue, than why I have one."

In a telephone conversation yesterday evening, F. Seward Anderson, the mayor of Danville, reached back in time for those words to describe the impact and influence of Fifth District Rep. W.C. "Dan" Daniel, who, just hours earlier, made public his decision not to seek another term in the House of Representatives. After 29 years of public service, the last 20 atop Capitol Hill, the dean of the Virginia Congressional delegation will return to the homeplace in Danville.

In a special way, Daniel is the personification of Cato's words. The beau ideal of the citizen-legislator, Daniel may not be the stuff of statues, but a harder-working, more dedicated Congressman would be difficult to find. He embraced the hopes, aspirations, goals and ideals of a sprawling district, roughly the size of Connecticut, and made them his own. This diligence, this devotion to detail, figured significantly in his decision to step down. Though not, in his words, a "sick man," he believes his current physical condition renders him incapable of satisfying a demanding work ethic—and the needs of the people proud to be called his constituents.

By his own admission, Daniel is more of a "participant" in, rather than a initiator of, public policy. A fiscal conservative and a proponent of a strong national defense, the 73-year-old Democrat has shunned the limelight, much preferring to work behind the scenes in committee. With the possible exception of his 19 Watchdog of the Treasury awards, he is perhaps most pleased with the excellent voting record—96 percent, one of the best in Congress—he has forged in his 20 years in the lower house. Despite this low-key profile, he has aggressively taken care of his constituents, especially in matters of textile and tobacco legislation. Whether it be fighting for the designation of Red Hill, home of Patrick Henry, as a national historic site or helping to block the location of a nuclear waste deposit in Pittsylvania County, Daniel has worn the interests of the Fifth District on his sleeve.

More than just an examplar of Tip O'Neill's dictum that "All politics is local," Daniel also dealt deftly in statecraft. As the chairman of the Readiness Subcommittee of the House Armed Services Committee and a member of the Permanent Select Committee on Intelligence, he has widened his scope beyond the borders of the Fifth and is ever cognizant of America's mission in the world. In Daniel's eyes, only an America strong and indefatigable is capable of succoring the growth of freedom and liberty throughout the world.

Daniel's doggedness in promoting the well-being of both the United States and the Fifth District may stem from the fact that he has truly lived the American Dream. Born of farm parents, Daniel grew up during the Depression. In 1939, he gained employment at Dan River, Inc. as an hourly wage-earner and gradually rose to the position of Assistant to the Board Chairman of DRI. Before entering politics, he served as president of the Virginia State Chamber of Commerce; he is also a former National Commander of the American Legion.

For all his success, however, W.C. "Dan" Daniel is essentially a simple man. Take, for instance, his unswerving—and uncluttered—vision of a Congressman's duties. Speaking to a group of students one day, he said that a legislator best serves his constituents by being present on the floor at voting time, working on designated committees, being accessible to the folks back home, and keeping said neighbors informed. One of the last vestiges of the so-called "Byrd machine," this throwback has unstintingly remained loyal to his vision of the dedicated citizen-legislator.

But then, as Anderson said, Dan Daniel is nothing if not constant. In an effort to grasp the essence of Daniel's character, Danville's mayor said, "He is consistently fair, consistently conservative, and consistently a gentleman." His presence in the House will be missed, most definitely by his fellow Congressmen, but most of all by us, the citizens of the Fifth District for whom he has toiled so tirelessly.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. FOLEY. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m. tonight, Monday, January 25, 1988, to a joint session of the two Houses.

PROVIDING FOR JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 236) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 236

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 25, 1988, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESS TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess today subject to the call of the Chair.

The SPEAKER pro tempore (Mr. Pickett). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO WEDNESDAY, JANUARY 27, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Wednesday, January 27, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPOINTMENT AS MEMBERS TO NATIONAL ECONOMIC COMMISSION

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the provisions of section 2101, Public Law 100-203, and the order of the House of December 21, 1987, the Speaker appointed the following individuals on the part of the House to the National Economic Commission on January 11, 1988:

From the House of Representatives, Mr. Gray of Pennsylvania; and

Mr. Felix Rohatyn of Washington, DC; and

Mr. Robert Strauss of Dallas, TX.

ANNOUNCEMENT OF ADJOURNMENT TO 2 P.M., WEDNESDAY, JANUARY 27, 1988

Mr. FOLEY. Mr. Speaker, I take this time to make the announcement that when the House adjourns today, it will adjourn to meet at 2 p.m. on Wednesday, January 27, 1988.

The House will not be in session tomorrow, January 26, 1988, out of respect to the memory of our departed Member, Dan Daniel of Virginia.

□ 1330

LEGISLATION TO CURE THE BUDGET PROBLEMS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am going to introduce a bill today which could go a long way to cure the budget sickness that overcomes this House every single year. It would call for if the Congress should fail to adopt a budget by its deadline of September 30 that the next day automatically would be reenacted the previous year's budget. No more the continuing resolutions of 30 days creating another crisis within that 30 days, no more the pressure of checks that would be forced not to be delivered by the Government because of a deadline not met, no more the spectacle of a President of the United States forced to sign an unacceptable budget because of the threat of a shutdown of the Government operations throughout the world, no more the crisis, never ending, that besets the Congress of the United States.

I know that one thing militates against passage of this bill, and that is that it makes sense. But I hope that we can overcome that illness of ours so that this country can be put on a straight basis for a budget process.

CONTRA AID

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, President Reagan will tonight make a last pitch for more Contra aid in the name of peace and democracy in Nicaragua. But does this administration really support the peace process? Didn't we learn from the Iran-Contra affair that this administration cannot be trusted to keep its word in Central America?

As the Iran-Contra committees concluded in their report:

> The common ingredients of the Iran and Contra policies were secrecy, deception, and distain for the law. A small group of senior officials believed that they alone knew what was right. They viewed knowledge of their actions by others in the Government as a

threat to their objectives. They told neither the Secretary of State, the Congress nor the American people of their actions. When exposure was threatened, they destroyed official documents and lied to Cabinet officials, to the public and to elected representatives in Congress. They testified that they even withheld key facts from the President.

Time and again we have learned that a flawed process leads to bad results, and that a lawless process leads to worse.

Again, I ask you, can we trust this administration's pronouncements of support for the peace process. I think not.

Further Contra aid will not be an insurance policy for peace, but a death sentence for the peace process.

LEGISLATION WOULD STOP $8 MILLION TO FRENCH SCHOOLS

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, tonight President Reagan will make a renewed plea for the line-item veto. I can't think of a better reason for why the line-item veto is needed than the $8 million appropriated in the continuing resolution for construction of private religious schools near Paris, France, as part of "refugee assistance."

Today, I'm introducing legislation which would stop this expenditure. The legislation would simply eliminate the earmark in the CR, allowing full funding for truly needy refugee programs. I'm pleased to have as original cosponsors, Congressmen COATS, COURTER, CRANE, CROCKETT, DERRICK, GUNDERSON, HENRY, INHOFE, KONNYU, MCGRATH, PORTER, RHODES, SKEEN, SLAUGHTER of Virginia and UPTON.

The $8 million is simply unjustifiable.

First, it will result in cutting United States assistance to millions of Ethiopian and Afghan refugees who are far more in need of assistance. There are 1 million Ethiopian refugees in Sudan, 3 million Afghan refugees in Pakistan, and thousands of Nicaraguan refugees in Central America who get assistance under the refugee program. Many of the Afghan refugees are living in mud huts, and few of their children have any education. The State Department has told me they have little choice but to cut these programs because of earmarks such as the one funding French schools. The CR provides $346 million for refugee assistance in fiscal year 1988, the same amount as fiscal year 1987.

Second, this expenditure is totally inconsistent with our other refugee programs. Refugee assistance normally does not go to developed countries. France is the 10th wealthiest nation in the world. Nor does other refugee assistance go to construct religious schools. Ironically, French law prohibits their Government funds from going toward constructing religious schools. So does ours.

Third, refugee assistance is generally targeted to recent refugees who intend to return to their home country. The United Nations does not classify these North Africans in France as refugees. They are French citizens. I do not dispute that some of these North Africans now in France may need educational assistance, and they may be persecuted.

However, with limited U.S. dollars available for refugee assistance, are they needier than starving Ethiopians in Sudan? Are they needier than 3 million Afghans in Pakistan? Moreover, is the 10th wealthiest nation in the world unable to provide for them? I believe that the answer to these three questions is a resounding "no."

None of the major Jewish organizations in Washington had anything to do with this appropriation. They didn't know about, and they aren't interested in getting the $8 million funded. In fact, Washington Jewish Week strongly denounced the $8 million appropriation in an editorial. They said:

> It is inappropriate for U.S. taxpayers to support such projects out of the public treasury. As the State Department pointed out, the North African Jews in question have lived in France for decades; they are not refugees. And it is certainly not the business of the United States to aid the citizenry of a prosperous, developed nation like France.

This unfortunate incident is a perfect example of why massive CR's are such a terrible way to legislate.

We need the line-item veto to stop projects like this. But until we get it, let's take care of this unjustifiable appropriation legislatively.

I've been asked why I am going after this $8 million expenditure. Some of the CR conferees were quoted as saying that Senator INOUYE "doesn't ask for much so why not give him this one."

I'll tell you why. Because it isn't right. That's what editorials across the country have been saying about this provision. That's what dozens of constituents have been telling me. Squandering the public's money in such a covert and unjustified way can't be condoned by Congress, regardless of the fact that the offender doesn't "ask for much."

CALLING FOR INVESTIGATION OF ACTIVITIES OF SOME DEMOCRATIC MEMBERS OF CONGRESS IN CENTRAL AMERICA

(Mr. INHOFE asked and was given permission to address the House for 1 minute.)

Mr. INHOFE. Mr. Speaker, I have just returned from Oklahoma and read with great concern about the activities in Central America of some of our Democratic colleagues in this House. According to press reports, they have been advising the Communist Sandinista government in Nicaragua on what it must do to help them in their efforts to defeat additional aid for the Democratic resistance.

I firmly believe that these actions violate the constitutional separation of powers. These Members have joined with a foreign government to devise ways to defeat the foreign policy of the United States of America.

Under the Constitution, the executive has the power to conduct foreign relations, checked by congressional powers of budget and of declaring war.

I do not by any means question the right of these Members to oppose U.S. policy or to seek a change in policy. However, they should work within the constitutional framework of the U.S. Government or with the citizens of the United States to achieve these changes. No one will doubt that their conduct is a violation of the constitutional separation of powers, but, Mr. Speaker, I cannot believe that a much more serious violation was not committed by the delegation and I intend to cause an investigation into their conduct.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PICKETT). On behalf of the Speaker, the Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

TELEVISION VIOLENCE ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, along with Congressman ED FEIGHAN of Ohio, today I am introducing the Television Violence Act of 1988, which would allow the television industry to undertake collective voluntary measures to curb the violence in programming seen by children without running afoul of the antitrust laws for a period of 3 years. This bill would not impose regulation on broadcasters, but instead would provide an opportunity for them to discuss voluntary guidelines for cutting down on television violence.

Most scientists studying in this field agree that there is a causal relationship between televised violence and later aggressive behavior in children. They may disagree about the strength of this relationship, but when one considers that there are over 50 million viewers under the age of 16 in this country, any relationship is alarming and deserving of close attention. There is no question that television violence is pervasive; from Saturday morning cartoons to Friday night Miami Vice, children are exposed to scenes of graphic violence. Because the average child watches over 30 hours of television each week, the television ranks high on the list of major influences in the process of growing up. Parents are careful about how they behave in front of their children, and school programs and curricula are subject to close scrutiny, yet television brings explicit and violence into our living rooms every day. Some studies have shown that childhood television viewing was a better predictor of teenage aggression than social class, parents' behavior, child-rearing practices, and host of other qualities.

Apart from possibly inspiring children to commit violent acts, either as children or later in life, constant exposure to graphic violence desensitizes adults and children to the effect of violence in real world, and introduces an acceptance of violence as a way to resolve our differences.

This issue is not new, and the statements I have just made are widely accepted. Indeed, Members of Congress in both Houses have sought legislative solutions to this problem for many years. However, legislative solutions are constrained, fortunately, by the first amendment of the Constitution which protects free speech. We should not and cannot dictate the content of television programming. An obstacle to a voluntary reduction in violence by the networks is that, in this intensely competitive business, it is commonly held that violence sells. Each network is reluctant to take unilateral steps to reduce violent programming for fear of slipping in the ratings. At the same time, our antitrust laws prohibit these large industrial competitors from meeting to discuss ways to address the issue as an industry.

I believe that the bill I am introducing today addresses the industry's concerns, and more importantly, the concerns of parents for the education and future of their children, without violating the first amendment. This bill simply provides the television industry with a narrow exemption from the antitrust laws for a period of 3 years so that its members may meet to discuss and implement voluntary guidelines to reduce television violence. The networks are not required to meet, nor to write and disseminate guidelines, nor to implement them. This law would just provide the opportunity to do so. Furthermore, the exemption granted is narrowly drawn so that anticompetitive discussions and agreements would remain subject to the antitrust laws.

In conclusion, this bill addresses a difficult and insidious problem—the blight on our Nation's children caused by a constant barrage of graphic violence on television. This bill may result in a significant change in the industry's approach to programming content, and it may not. In any event there is no cost to the American taxpayer. By introducing the bill, I am clearly hopeful that the broadcasters will use this opportunity to address this problem. If not, we will have lost time and some hope, but we would be no worse off than we are today. I hope that my colleagues will join me in moving it to enactment.

TRIBUTE TO THE LATE HARRY RANDOLPH POSNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is with a deep sense of personal loss that I call to the attention of my colleagues the passing of my longtime friend, Harry R. Posner, who died on Christmas Day in Chicago at the age of 80.

Harry, who retired in 1985, was assistant general counsel of the Chicago Park District for 20 years and a practicing attorney in Chicago for more than 50 years. In the 1930's he was Cook County's first assistant State's attorney, he served as president of the 32d ward Democratic organization for 16 years, as a member of the board of directors of Hebrew Theological College, was president of Temple Sholom, grand master of the Beehive Masonic Lodge, cofounder and president of Schar Lodge of B'nai B'rith, and Chicago chairman of the Multiple Sclerosis Foundation where he gave so generously of his time and effort for more than 35 years.

During World War II, Harry was a lieutenant commander in the Navy, and for his heroic service during wartime in the Pacific theater, he merited a Purple Heart award.

Many outstanding accomplishments as well as countless contributions to his community marked Harry's life, yet he was always a modest and unassuming individual who embodied the finest virtues of mid-America. He was never pretentious; he was always open, approachable, and kind, and believed in the best in everyone else.

To know Harry Posner was to respect his intelligence and rely on his integrity. His dedication to the highest standards was an inspiration to his friends and fellow citizens, and he will be long remembered by those of us who had the privilege of enjoying his friendship.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Betty, and to his son, Michael.

WORLD WAR I VETERANS TO BE HONORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, it is a great honor to announce the formation of a committee to coordinate a series of programs planned in November 1988 to honor the estimated 150,000 surviving veterans of World War I.

I am proud to serve as a member of the board of governors of this committee, which is officially known as the American Expeditionary Forces WW-I National Commemoration Committee. The group is planning activities all across the country this fall in conjunction with the 70th anniversary of the armistice and the end of America's participation in World War I.

The committee estimates that approximately 150,000 of the more than 5 million who served in that war are still living among us today. I agree wholeheartedly with committee chairman Jerry L. Hester who said, "It is fitting that the Nation focus attention on these surviving veterans who made sacrifices for all of us."

Other members of the National Commemoration Committee include Gen. Bennie L. Davis, USAF (retired); Lt. Gen. Charles G. Cooper, USMC (retired); Winston Roche, past national commander, Veterans of World War I; Gen. Frederick Kroesen USA (retired); and Rear Adm. Paul Engle, USN (retired). Also assisting the committee are the Department of the Army's Chief of Military History and the Veterans of World War I.

The centerpiece of the commemoration is a major three-part television series on America's role in World War I, including its role in creating the NATO alliance. The series will be produced by Varied Directions of Camden, ME. In addition to the TV series, there will be other celebrations in Washington, DC and throughout the United States. I look forward to working with the committee to make this effort a big success and I plan to update my colleagues here in the House on the developments as the year goes by.

SOLUTIONS TO GUARANTEED STUDENT LOAN DEFAULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. COLEMAN] is recognized for 15 minutes.

Mr. COLEMAN of Missouri. Mr. Speaker, Education Secretary William J. Bennett's recent disclosure of guaranteed student loan [GSL] default rates has focused attention on critical questions which must be addressed by Congress and the higher education community in the coming months. The Secretary has announced immediate program reviews of 500 schools with default rates above 50 percent. Based on current data, an additional 2,000 of the 7,300 institutions participating in the GSL Program have default rates greater than 20 percent and face administrative action barring them from all Federal aid programs.

Clearly, the program is in serious difficulty when almost one-half of current costs are due to defaults which are likely to exceed $2 billion annually by the end of the decade. Defaults, now representing the third largest expenditure by the Department of Education, undermine public confidence and take away limited Federal resources from education programs. In the short term, immediate steps must be taken to restore the integrity of the program. We must also reexamine the social policies which have shaped the evolution of the program since 1965.

The GSL Program originally provided minimally subsidized loans for middle-income students during the 1960's and 1970's, a period of rapidly rising college costs. Such loans help to provide middle-income families a choice between a State institution and generally more expensive private colleges and universities.

During the 1980's, however, the GSL Program has served growing numbers of low-income and minority students, as Federal assistance to financially needy students shifted from grants to repayable loans. During the last 10 years, as loans have increased from 17 percent to almost 50 percent of the student aid package, the program, in effect, shifted from one which provided choices to middle-income students to one which increasingly provides educational access to lower income students. When Congress, under pressure to reduce spending, mandated a "needs test," the trend toward eliminating many middle-income students from eligibility was accelerated.

Since their inception in 1965, GSL's have evolved into a $3.5 billion program with an annual new loan volume of $9 billion. These GSL's provide education opportunity to some 4 million student-borrowers at 7,300 institutions. Thirteen thousand private lenders participate and are insured by guaranty agencies operating in all 50 States. Forty-seven secondary loan markets provide additional capital for loans and collection services.

Congress is not equipped to micromanage a complex program with a cumulative loan volume in excess of $82 billion. However, Congress can and must distinguish between the various responsibilities of all of the major participants—schools which certify the student's status and need, guarantors which approve the loan, lenders who make the loan, and students who can borrow up to $17,250 for undergraduate study and $54,750 for graduate and professional programs.

Of the important players, schools are now coming under increased scrutiny in Congress and by the Secretary of Education, because, along with students themselves, schools are the program's chief direct beneficiaries. Indeed, the correlation between a school's dropout rate and placement record and the rate of GSL loan defaults is virtually undisputed. It is axiomatic that the quality of a school's educational program, its counseling, and its administrative practices can have a direct impact on the default rate of its students.

Recent studies have given us increased insight into the general characteristics of student defaulters. These "high risk" students are frequently low-income borrowers, attending trade and technical schools or community colleges. Likely defaulters tend to be first-year students who drop out before completing their education or training program. They tend to borrow small amounts, usually a single loan, and consequently do not account for a disproportionate percentage of the default loan volume. Finally, the overwhelming majority of defaulters fail to make the first payment on their loan.

To decrease the number of loans going into default and to minimize defaults due to poor administrative practices, the following changes in the program should be made.

SCHOOLS

Institutions, particularly those producing a disproportionate number of GSL defaults, should be required to disclose accurate placement rates to prospective students and show a greater commitment to retaining those students who do enroll. This is common sense. But presently, schools have few incentives to prevent GSL borrowers from beginning study and then dropping out. Anecdotally, it seems that many defaulters are either unwilling to repay loans for education they did not receive or they are unable to pay due to low wages or unemployment. In either case, defaults are an index of lost educational opportunity.

Schools with high rates of default should be required to counsel the borrower before the first disbursement of the loan, outlining the conditions of the loan and emphasizing the borrower's responsibilities. As incredible as it may seem, some defaulters never fully understand that GSL assistance is a loan that must, at the conclusion of study or training, be repaid. The currently mandatory exit interview should be supplemented by written communication during the 6-month grace period after completion of the educational program, reinforcing borrower information and outlining the loan repayment schedule and provisions for deferring payment under certain circumstances. Finally, schools should also be required to certify and update four references for lenders and guaranty agencies to assist in locating borrowers whose loans are either delinquent or in default.

To provide incentives for lowering GSL defaults, schools with excessive default rates should be required to pay a 5-percent supplemental insurance premium on loans they certify for students borrowers. Twenty percent of these funds would support enhanced collection efforts by guaranty agencies; the remaining 80 percent would offset Federal reinsurance costs.

Further, schools undergoing "limitation, suspension and termination" proceedings due to high defaults should be required to pay a "user fee," offsetting the administrative and oversight costs to the Department of Education. Finally, high-default institutions should be encouraged to purchase defaulted loans of former students before reinsurance by the Federal Government of that loan.

LENDERS

Loans are paid out by the lender in two or more installments or "disbursements." Because the overwhelming majority of dropouts occur during the early weeks of an educational program, the first disbursement of a loan to students attending high-default schools should be delayed until the student successfully completes at least the first month of the program. Such a delayed disbursement would reduce, in effect, the actual risk of making loans to high-risk students.

To improve communication and enable schools to assist in preventing defaults from occurring in the first place, lenders should be required to send a copy of the first delinquency notice and final demand letter to the institution.

Lenders should notify the school within 30 days of the sale of a loan to a secondary market or other purchaser to enable schools to share relevant information with the actual holder of the loan regarding the status of the student. Finally, lenders should be expressly prohibited from making loans in excess of the amount certified by the school as needed.

GUARANTORS

To improve communication between schools and guaranty agencies, guarantors should be required to notify schools of loans delinquent over 120 days—the definition of "default"—or changes in borrower status. Institutions can then verify the accuracy of the information, indicating changes in enrollment status or conditions for deferment, and providing updated information on the student to aid in collection efforts.

Presently, each guaranty agency has the discretion to establish its own collection practices, within general guidelines established by the Department of Education and in conformity with individual State laws. We must encourage more uniform practices by all agencies, based on the notification, collection, and litigation methods of the most effective guarantors.

CONGRESS

Congress should amend the Higher Education Act to establish a uniform definition of default. An annual net default rate, which would measure the percentage of loans which default in a given year, taking into account collections and repayments, would accurately indicate default reduction and improved collection efforts. If schools, for example, must reduce default rates by 1990 under Secretary Bennett's plan, then we must have an analytical means to monitor and measure accurately their progress.

Congress should extend IRS authority to offset costs by retaining Federal income tax refunds of defaulters. This program generated approximately $250 million during its 2 years of authorization and is projected to generate a further $140 million in fiscal year 1988. This authority expired on September 30, 1987, and Congress should act on pending legislation to make it permanent.

In the months ahead, after we have completed some of the necessary procedural changes, Congress should begin a comprehensive reevaluation of the Guaranteed Student Loan Program and its social policy goals. We must remember that the GSL Program is an investment in America's future. We must ensure that, in the future, it continues to guarantee the very educational opportunities which are now jeopardized by the rising costs of defaults.

□ 1345

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. FOLEY), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House following the legislative program and any special orders heretofore entered was granted to:

(The following Members (at the request of Mr. COLEMAN of Missouri) to revise and extend their remarks and include extraneous material:)

Mr. COLEMAN of Missouri, for 15 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GRAY, of Illinois, for 5 minutes, on January 27.

Mr. FRANK, for 60 minutes, today.

Mr. FRANK, for 60 minutes, on January 27 and 28.

Mr. FRANK, for 60 minutes, on February 1, 2 and 3.

Mr. OLIN, for 60 minutes, on February 16.

Mr. SISISKY, for 60 minutes, on February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COLEMAN of Missouri) and to include extraneous matter:)

Mr. MCDADE.

Mr. SOLOMON.

Mr. BROOMFIELD in two instances.

Mr. ROTH in two instances.

Mr. LAGOMARSINO.

Mr. LOTT.

Mr. GALLO in two instances.

Mr. DAUB in three instances.

Mr. MCEWEN.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous material:)

Mr. LOWRY of Washington.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. VENTO.

Mr. SMITH of Florida.

Mr. PEPPER.

Mr. FUSTER.

Mr. LIPINSKI.

Mr. FAUNTROY.

Mr. KILDEE in two instances.

Mr. ROYBAL.

Mr. CARR.

Mr. BROOKS.

Mr. FLORIO.

Mr. TORRES in two instances.

Mr. BONIOR of Michigan.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

On December 23, 1987:

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes;

H.R. 1454. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program; and

H.R. 3674. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes.

On December 30, 1987:

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involved in the management, operation and use of Federal computer systems, and for other purposes;

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the Act, and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections to the Federal Employees' Retirement System, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; and

H.J. Res. 436. Joint resolution providing for the convening of the 2d session of the 100th Congress.

SENATE ENROLLED BILL SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

On December 30, 1987:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program;

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes;

H.R. 1464. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to the invested temporarily in Government Securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Resources Extension Act of 1978, and for other purposes;

H.R. 3674. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan: to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections relating to the Federal Employees' Retirement System, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes;

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involved in the management, operation, and use of Federal computer systems, and for other purposes; and

H.J. Res. 436. Joint resolution providing for the convening of the 2d session of the 100th Congress.

On January 22, 1988:

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of earlier today, the Chair declares the House in recess until approximately 8:40 p.m. today.

Accordingly (at 1 o'clock and 50 minutes p.m.) the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 47 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 236. Concurrent resolution providing for a joint session of Congress to receive the President's message on the State of the Union.

The message also announced that a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill during the recess today:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 236 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Washington [Mr. Foley];

The gentleman from California [Mr. Coelho];

The gentlewoman from Ohio [Ms. Oakar];

The gentleman from Michigan [Mr. Bonior];

The gentleman from California [Mr. Edwards];

The gentleman from Illinois [Mr. Michel];

The gentleman from Mississippi [Mr. Lott];

The gentleman from Wyoming [Mr. Cheney];

The gentleman from California [Mr. Moorhead]; and

The gentleman from California [Mr. Lagomarsino].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from West Virginia [Mr. Byrd];

The Senator from California [Mr. Cranston];

The Senator from Hawaii [Mr. Inouye];

The Senator from South Carolina [Mr. Hollings];

The Senator from New York [Mr. Moynihan];

The Senator from New Jersey [Mr. Lautenberg];

The Senator from Kansas [Mr. Dole];

The Senator from Wyoming [Mr. Simpson];

The Senator from Rhode Island [Mr. Chafee];

The Senator from Colorado [Mr. Armstrong];

The Senator from Mississippi [Mr. Cochran];

The Senator from Minnesota [Mr. Boschwitz]; and

The Senator from South Carolina [Mr. Thurmond].

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 2 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The **SPEAKER**. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 151)

The **PRESIDENT**. Mr. Speaker, Mr. President, distinguished Members of the House and Senate: When we first met here 7 years ago—many of us for the first time—it was with the hope of beginning something new for America. We meet here tonight in this historic Chamber to continue that work. If anyone expects just a proud recitation of the accomplishments of my Administration, I say let's leave that to history; we're not finished yet. My message to you tonight is: Put on your work shoes—we're still on the job.

History records the power of the ideas that brought us here those 7 years ago. Ideas like: the individual's right to reach as far and as high as his or her talents will permit; the free market as the engine of economic progress; and as an ancient Chinese philosopher, Lao-tzu, said: Govern a great nation as you would cook a small fish; do not overdo it.

These ideas were part of a larger notion—a vision, if you will, of America herself. An America not only rich in opportunity for the individual but an America, too, of strong families and vibrant neighborhoods; an America whose divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this Nation.

All of this was made possible by an idea I spoke of when Mr. Gorbachev was here: the belief that the most exciting revolution ever known to humankind began with three simple words: "We The People"—the revolutionary notion that the people grant government its rights, and not the other way around.

And there is one lesson that has come home powerfully to me, which I would offer to you now: Just as those who created this Republic pledged to each other their lives, their fortunes, and their sacred honor; so, too, America's leaders today must pledge to each other that we will keep foremost in our hearts and minds not what is best for ourselves or for our party, but what is best for America. In the spirit of Jefferson, let us affirm that, in this Chamber tonight, there are no Republicans, no Democrats, just Americans.

Yes, we will have our differences. But let us always remember: what unites us far outweighs whatever divides us. Those who sent us here to serve them—the millions of Americans watching and listening tonight—expect this of us. Let's prove to them and to ourselves that democracy works even in an election year.

We have done this before. And as we have worked together to bring down spending, tax rates, and inflation, employment has climbed to record heights; America has created more jobs and better, higher-paying jobs; family income has risen for 4 straight years, and America's poor climbed out of poverty at the fastest rate in more than 10 years. Our record is not just the longest peacetime expansion in history but an economic and social revolution of hope, based on work, incentives, growth, and opportunity; a revolution of compassion that led to private sector initiatives and a 77-percent increase in charitable giving; a revolution that—at a critical moment in world history—reclaimed and restored the American dream.

In international relations, too, there is only one description for what, together, we have achieved: a complete turnabout, a revolution. Seven years ago, America was weak and freedom everywhere was under siege; today, America is strong and democracy is everywhere on the move. From Central America to East Asia, ideas like free markets and democratic reforms and human rights are taking hold. We've replaced "Blame America" with "Look Up to America." We've rebuilt our defenses; and, of all our accomplishments, none can give us more satisfaction than knowing that our young people are again proud to wear our country's uniform. In a few moments, I'm going to talk about three developments—arms reduction, the Strategic Defense Initiative, and the global democratic revolution—that, when taken together, offer a chance none of us would have dared imagine 7 years ago, a chance to rid the world of the two great nightmares of the postwar era. I speak of the startling hope of giving our children a future free of both totalitarianism and nuclear terror.

Tonight, then, we are strong. Prosperous. At peace. And we are free. This is the state of our Union. And if we will work together this year, I believe we can give a future President and a future Congress the chance to make that prosperity, that peace, that freedom, not just the state of our Union, but the state of our world.

Toward this end, we have four basic objectives tonight. First, steps we can take this year to keep our economy strong and growing, to give our children a future of low inflation and full employment. Second, let's check our progress in attacking social problems where important gains have been made but which still need critical attention. I mean schools that work; economic independence for the poor; restoring respect for family life and family values. Our third objective tonight is global: continuing the exciting economic and democratic revolutions we've seen around the world. Fourth and finally: our Nation has remained at peace for nearly a decade-and-a-half, as we move toward our goals of world prosperity and world freedom—we must protect that peace and deter war by making sure the next President inherits what you and I have a moral obligation to give that President: a national security that is unassailable and a national defense that takes full advantage of new technology, and is fully funded.

This is a full agenda. It's meant to be. You see, my thinking on the next year is quite simple: let's make this the best of eight. And that means: it's all out, right to the finish line. I don't buy the idea that this is the last year of anything; because we're not talking here tonight about registering temporary gains, but ways of making permanent our successes. That's why our focus is the values, principles, and ideas that made America great. Let's be clear on this point: We're for limited Government because we understand, as the Founding Fathers did, that it is the best way of ensuring personal liberty and empowering the individual so that every American of every race and region shares fully in the flowering of American prosperity and freedom.

One other thing we Americans like is the future; we like the sound of it, the idea of it, the hope of it. Where others fear trade and economic growth, we see opportunities for creating new wealth and undreamed of opportunities for millions in our own land and beyond. Where others seek to throw up barriers, we seek to bring them down; where others take counsel of their fears, we follow our hopes. Yes, we Americans like the future and like making the most of it. Let's do that now.

And let's begin by discussing how to maintain economic growth by controlling and eventually eliminating the problem of Federal deficits. We have had a balanced budget only eight times in the last 57 years. For the first time in 14 years, the Federal Government spent less, in real terms, last year than the year before. We took $73 billion off last year's deficit compared to the year before. The deficit itself has moved from 6.3 percent of the GNP to only 3.4 percent. And perhaps the most important sign of progress has been the change in our view of deficits. You know, a few of us can remember when, not too many years ago, those who created the deficits said they would make us prosperous and not to worry about the debt because "we owe it to ourselves." Well, at last there is agreement that we can't spend ourselves rich.

Our recent budget agreement, designed to reduce Federal deficits by $76 billion over the next 2 years, builds on this consensus. But this agreement must be adhered to without slipping into the errors of the past—more broken promises and more unchecked spending. As I indicated in my first State of the Union, what ails us can be simply put: the Federal Government is too big and it spends too much money. I can assure you, the bipartisan leadership of Congress, of my help in fighting off any attempt to bust our budget agreement. And this includes the swift and certain use of the veto power.

Now, it is also time for some plain talk about the most immediate obstacle to controlling Federal deficits. The simple but frustrating problem of making expenses match revenues—something American families do and the Federal Government can't—has caused crisis after crisis in this city. Mr. Speaker, Mr. President, I will say to you tonight what I have said before—and will continue to say: the budget process has broken down, it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas: budget deadlines delayed or missed completely, monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill—and a Federal Government on the brink of default.

I know I'm echoing what you here in the Congress have said because you suffered so directly—but let's recall that in 7 years, of 91 appropriations bills scheduled to arrive on my desk by a certain date, only 10 made it on time. Last year, of the 13 appropriations bills due by October 1st, none of them made it. Instead, we had four continuing resolutions lasting 41 days, then 36 days, 2 days, and 3 days, respectively. And then, along came these behemoths. This is the conference report, a 1,053-page report weighing 14 pounds. Do you remember this? This is a reconciliation bill, 6 months late, that was 1,186 pages long, weighing 15 pounds, and the long-term continuing resolution. This one was 2 months late, and it was 1,057 pages long, weighing 14 pounds. That was a total of 43 pounds of paper and ink. You had 3 hours, yes, 3 hours to consider each, and it took 300 people at my Office of Management and Budget just to read the bill so the Government wouldn't shut down.

Congress shouldn't send another one of these. No. And if you do, I will not sign it.

Let's change all this; instead of a Presidential budget that gets discarded and a congressional budget resolution that is not enforced, why not a simple partnership, a joint agreement that sets out the spending priorities within the available revenues?

And let's remember our deadline is October 1st, not Christmas; let's get the people's work done in time to avoid a footrace with Santa Claus. Yes, this year—to coin a phrase—a new beginning. Thirteen individual bills, on time and fully reviewed by Congress.

I am also certain you join me in saying: Let's help ensure our future of prosperity by giving the President a tool that—though I will not get to use it—is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States, the right to reach into massive appropriations bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

And let's take a partial step in this direction. Most of you in this Chamber didn't know what was in this catch-all bill and report. Over the past few weeks, we have all learned what was tucked away behind a little comma here and there. For example, there's millions for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers. And that's not to mention the $.5 million so that people from developing nations could come here to watch Congress at work. I won't even touch that. So tonight, I offer you this challenge. In 30 days, I will send back to you those items, as rescissions, which if I had the authority to line them out, I would do so.

Review this multibillion-dollar package; that will not undercut our bipartisan budget agreement. As a matter of fact, if adopted, it will improve our deficit reduction goals. And what an example we can set: that we are serious about getting out financial accounts in order. By acting and approving this plan, you have the opportunity to override a congressional process that is out of control.

There is another vital reform. Yes, Gramm-Rudman-Hollings has been profoundly helpful, but let us take its goal of a balanced budget and make it permanent. Let us do now what so many States do to hold down spending and what 32 State legislatures have asked us to do; let us heed the wishes of an overwhelming plurality of Americans and pass a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means.

Reform of the budget process—including the line-item veto and balanced budget amendment—will, together with real restraint on Government spending, prevent the Federal budget from ever again ravaging the family budget.

Let's ensure that the Federal Government never again legislates against the family and the home. Last September, I signed an Executive order on the family requiring that every department and agency review its activities in light of seven standards designed to promote and not harm the family. But let us make certain that the family is always at the center of the public policy process, not just in this administration but in all future administrations. It is time for Congress to consider—at the beginning—a statement of the impact that legislation will have on the basic unit of American society, the family.

And speaking of the family, let's turn to a matter on the mind of every American parent tonight—education. We all know the sorry story of the sixties and seventies—soaring spending, plummeting test scores—and that hopeful trend of the eighties, when we replaced an obsession with dollars with a commitment to quality, and test scores started back up. There is a lesson here that we all should write on the blackboard a hundred times—in a child's education, money can never take the place of basics like discipline, hard work, and, yes, homework.

As a Nation we do, of course, spend heavily on education—more than we spend on defense—yet across our country, Governors like New Jersey's Tom Kean are giving classroom demonstrations that how we spend is as important as how much we spend. Opening up the teaching profession to all qualified candidates; merit pay, so that good teachers get A's as well as apples; and stronger curriculum, as Secretary Bennett has proposed for high schools—these imaginative reforms are making common sense the most popular new kid in America's schools.

How can we help? Well, we can talk about and push for these reforms. But the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, to the parents and teachers.

My friends, some years ago, the Federal Government declared war on poverty, and poverty won. Today, the Federal Government has 59 major welfare programs and spends more than $100 billion a year on them. What has all this money done?

Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.

It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.

States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

Let us give the States even more flexibility and encourage more reforms. Let's start making our welfare system the first rung on America's ladder of opportunity—a boost up from dependency; not a graveyard, but a birthplace of hope.

Now let me turn to three other matters vital to family values and the quality of family life. The first is an untold American success story. Recently, we released our annual survey of what graduating high school seniors have to say about drugs. Cocaine use is declining and marijuana use was the lowest since surveying began. We can be proud that our students are just saying "no" to drugs. But let us remember that ending this menace requires commitment from every part of America and every single American—a commitment to a drug-free America. The war against drugs is a war of individual battles, a crusade with many heroes—including America's young people, and also someone very special to me. She has helped so many of our young people to say "no" to drugs. Nancy, much credit belongs to you, and I want to express to you your husband's pride and your country's thanks. I surprised you, didn't I?

Now, we come to a family issue that we must have the courage to confront. Tonight, I call America—a good Nation, a moral people—to charitable but realistic consideration of the terrible cost of abortion on demand. To those who say this violates a woman's right to control of her own body—can they deny that now medical evidence confirms the unborn child is a living human being entitled to life, liberty, and the pursuit of happiness? Let us unite as a nation and protect the unborn with legislation that would stop all Federal funding for abortion—and with a human life Amendment making, of course, an exception where the unborn child threatens the life of the mother. Our Judeo-Christian tradition recognizes the right of taking a life in self-defense.

But with that one exception, let us look to those others in our land who cry out for children to adopt. I pledge to you tonight, I will work to remove barriers to adoption and extend full sharing in family life to millions of Americans, so that children who need homes can be welcomed to families who want them and love them.

Let me add here: so many of our greatest statesmen have reminded us that spiritual values alone are essential to our Nation's health and vigor. The Congress opens its proceedings each day, as does the Supreme Court, with an acknowledgment of the Supreme Being—yet we are denied the right to set aside in our schools a moment each day for those who wish to pray. I believe Congress should pass our school prayer amendment.

Now, to make sure there is a full nine-member Supreme Court to interpret the law, to protect the rights of all Americans, I urge the Senate to move quickly and decisively in confirming Judge Anthony Kennedy to the highest court in the land and to also confirm 27 nominees now waiting to fill vacancies in the Federal judiciary.

Here then are our domestic priorities; yet if the Congress and the administration work together, even greater opportunities lie ahead to expand a growing world economy; to continue to reduce the threat of nuclear arms and to extend the frontiers of freedom and the growth of democratic institutions. Our policies consistently received the strongest support of the late Dan Daniel of Virginia. I am sure all of you join me in expressing heartfelt condolences on his passing.

One of the greatest contributions the United States can make to the world is to promote freedom as the key to economic growth. A creative, competitive America is the answer to a changing world, not trade wars that would close doors, create greater barriers, and destroy millions of jobs. We should always remember: protectionism is destructionism. America's jobs, America's growth, America's future depend on trade—trade that is free, open, and fair.

This year, we have it within our power to take a major step toward a growing global economy and an expanding cycle of prosperity that reaches to all the free nations of this Earth. I'm speaking of the historic Free Trade Agreement negotiated between our country and Canada. And I can also tell you that we're determined to expand this concept, South as well as North. Next month I will be traveling to Mexico where trade matters will be of foremost concern. And, over the next several months, our Congress and the Canadian Parliament can make the start of such a North American accord a reality. Our goal must be a day when the free flow of trade—from the tip of Tierra del Fuego to the Arctic Circle—unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the United States-Canadian border so long has been—a meeting place, rather than a dividing line.

This movement we see in so many places toward economic freedom is indivisible from the worldwide movement toward political freedom—and against totalitarian rule. This global democratic revolution has removed the specter—so frightening a decade ago—of democracy doomed to permanent minority status in the world. In South and Central America, only a third of the people enjoyed democratic rule in 1976. Today, over 90 percent of Latin Americans live in nations committed to democratic principles.

And the resurgence of democracy is owed to these courageous people on almost every continent who have struggled to take control of their own destiny. In Nicaragua, the struggle has extra meaning because that nation is so near our own borders. The recent revelations of a former high-level Sandinista Major, Roger Miranda, show us that, even as they talk peace, the Communist Sandinista Government of Nicaragua has established plans for a large 600,000-man army. Yet even as these plans are made, the Sandinista regime knows the tide is turning and the cause of Nicaraguan freedom is riding at its crest. Because of the freedom fighters, who are resisting Communist rule, the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities, and release a few political prisoners.

The focus is on the Sandinistas, their promises and their actions. There is a consensus among the four Central American democratic presidents that the Sandinistas have not complied with the plan to bring peace and democracy to all of Central America. The Sandinistas again have promised reforms; their challenge is to take irreversible steps toward democracy.

On Wednesday, my request to sustain the freedom fighters will be submitted which reflects our mutual desire for peace, freedom, and democracy in Nicaragua. I ask Congress to pass this request; let us be for the people of Nicaragua what Lafayette, Pulaski, and Von Steuben were for our forefathers and the cause of American independence.

So, too, in Afghanistan, the freedom fighters are the key to peace. We support the Mujahidin. There can be no settlement unless all Soviet troops are removed and the Afghan people are allowed genuine self-determination. I have made my views on this matter known to Mr. Gorbachev. But not just Nicaragua or Afghanistan; yes, everywhere, we see a swelling freedom tide across the world—freedom fighters rising up in Cambodia and Angola, fighting and dying for the same democratic liberties we hold sacred. Their cause is our cause. Freedom.

Yet, even as we work to expand world freedom, we must build a safer peace and reduce the danger of nuclear war. But let's have no illusions. Three years of steady decline in the value of our annual defense investment have increased the risk of our most basic security interests, jeopardizing earlier hard-won goals. We must face squarely the implications of this negative trend and make adequate, stable defense spending a top goal both this year and in the future. This same concern applies to economic and security assistance programs as well. But the resolve of America and its NATO allies has opened the way for unprecedented achievement in arms reduction. Our recently signed INF Treaty is historic because it reduces nuclear arms and establishes the most stringent verification regime in arms control history, including several forms of short-notice, on-site inspection. I submitted the treaty today, and I urge the Senate to give its advice and consent to ratification of this landmark agreement.

In addition to the INF Treaty, we are within reach of an even more significant START agreement that will reduce United States and Soviet long-range missile or strategic arsenals by half. But let me be clear: our approach is not to seek agreement for agreement's sake, but to settle only for agreements that truly enhance our national security and that of our allies. We will never put our security at risk—or that of our allies—just to reach an agreement with the Soviets. No agreement is better than a bad agreement.

As I mentioned earlier, our efforts are to give future generations what we never had: a future free of nuclear terror. Reduction of strategic offensive arms is one step. SDI another. Our funding request for our strategic defense initiative is less than 2 percent of the total defense budget. SDI funding is money wisely appropriated and money well spent. SDI has the same purpose and supports the same goals of arms reduction. It reduces the risk of war and the threat of nuclear weapons to all mankind. Strategic defenses that threaten no one could offer the world a safer, more stable basis for deterrence. We must also remember that S.D.I. is our insurance policy against a nuclear accident—a Chernobyl of the sky—or an accidental launch or some madman who might come along.

We have seen such changes in the world in 7 years: as totalitarianism struggles to avoid being overwhelmed by the forces of economic advance and the aspiration for human freedom it is the free nations that are resilient and resurgent. As the global democratic revolution has put totalitarianism on the defensive, we have left behind the days of retreat—America is again a vigorous leader of the free world, a Nation that acts decisively and firmly in the furtherance of her principles and vital interests. No legacy would make me more proud than leaving in place a bipartisan consensus for the cause of world freedom, a consensus that prevents a paralysis of American power from ever occurring again.

But my thoughts tonight go beyond this. And I hope you will let me end this evening with a personal reflection. You know, the world could never be quite the same again after Jacob Shallus, a trustworthy and dependable clerk of the Pennsylvania General Assembly, took his pen and engrossed those words about representative Government in the Preamble of our Constitution. And in a quiet but final way, the course of human events was forever altered when, on a ridge overlooking the Emmitsburg Pike in an obscure Pennsylvania town called Gettysburg, Lincoln spoke of our duty to Government of and by the people and never letting it perish from the Earth.

At the start of this decade, I suggested that we live in equally momentous times—that it was up to us now to decide whether our form of Government would endure and whether history still had a place of greatness for a quiet, pleasant greening land called America. Not everything has been made perfect in 7 years—nor will it be made perfect in seven times 70 years—but before us, this year and beyond, are great prospects for the cause of peace and world freedom.

It means, too, that the young Americans I spoke of 7 years ago—as well as those who might be coming along the Virginia or Maryland shores this night and seeing for the first time the lights of this capital city, the lights that cast their glow on our great halls of Government and the monuments to the memory of our great men—it means those young Americans will find a city of hope in a land that is free.

We can be proud that for them, and for us, those lights along the Potomac are still seen this night—signaling, as they have for nearly two centuries and as we pray God they always will, that another generation of Americans has protected and passed on lovingly this place called America, this shining city on a hill, this Government of, by, and for the people.

Thank you and God bless you.

[Applause, the Members rising.]

At 9 o'clock and 50 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER pro tempore [Mr. FOLEY]. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 54 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. MINETA. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE DAN DANIEL

The SPEAKER pro tempore. Pursuant to House Resolution 349, the Chair appoints as members of the funeral committee of the late DAN DANIEL the following Members on the part of the House:

Mr. PARRIS of Virginia;
Mr. FOLEY of Washington;
Mr. MICHEL of Illinois;
Mr. COELHO of California;
Mr. BLILEY of Virginia;
Mr. WOLF of Virginia;
Mr. BATEMAN of Virginia;
Mr. BOUCHER of Virginia;
Mr. OLIN of Virginia;
Mr. SISISKY of Virginia;
Mr. PICKETT of Virginia;
Mr. PRICE of Illinois;
Mr. CONTE of Massachusetts;
Mr. STRATTON of New York;
Mr. McDADE of Pennsylvania;
Mr. DICKINSON of Alabama;
Mr. DUNCAN of Tennessee;
Mr. BEVILL of Alabama;

Mr. MONTGOMERY of Mississippi;
Mr. NICHOLS of Alabama;
Mr. ALEXANDER of Arkansas;
Mr. BIAGGI of New York;
Mr. CHAPPELL of Florida;
Mr. STOKES of Ohio;
Mr. JONES of Tennessee;
Mr. DELLUMS of California;
Mr. GILMAN of New York;
Mr. MOAKLEY of Massachusetts;
Mr. MOORHEAD of California;
Mr. MURTHA of Pennsylvania;
Mr. LAGOMARSINO of California;
Mr. HEFNER of North Carolina;
Mr. HYDE of Illinois;
Mr. MINETA of California;
Mr. AKAKA of Hawaii;
Mr. KILDEE of Michigan;
Ms. OAKAR of Ohio;
Mr. RAHALL of West Virginia;
Mr. SKELTON of Missouri;
Mr. WEISS of New York;
Mrs. BYRON of Maryland;
Mr. DANNEMEYER of California;
Mr. HUTTO of Florida;
Mr. LEATH of Texas;
Mr. MATSUI of California;
Mr. ROTH of Wisconsin;
Mr. STENHOLM of Texas;
Mr. WHITTAKER of Kansas;
Mr. COATS of Indiana;
Mr. EMERSON of Missouri;
Mr. GUNDERSON of Wisconsin;
Mr. HERTEL of Michigan;
Mr. MCCURDY of Oklahoma;
Mr. MCGRATH of New York;
Mrs. KENNELLY of Connecticut;
Mr. CARR of Michigan;
Mr. COOPER of Tennessee;
Mr. KASICH of Ohio;
Mr. MOLLOHAN of West Virginia;
Mr. RAY of Georgia;
Mr. RICHARDSON of New Mexico;
Mr. ROWLAND of Georgia;
Mr. VALENTINE of North Carolina;
Mr. DARDEN of Georgia;
Mrs. BENTLEY of Maryland;
Mr. COBLE of North Carolina;
Mr. MCMILLAN of North Carolina;
Mr. ROWLAND of Connecticut;
Mr. DAVIS of Illinois;
Mr. HARRIS of Alabama;
Mr. HOCHBRUECKNER of New York; and
Mr. LANCASTER of North Carolina.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

ADJOURNMENT

Mr. MINETA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), pursuant to House Resolution 349 and under its previous order, the House adjourned until Wednesday, January 27, 1988, at 2 p.m. in memory of the late Honorable DAN DANIEL of Virginia.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2617. A letter from the Secretary of Agriculture, transmitting the second annual report on the agricultural trade policies of other governments and market opportunities for U.S. agricultural exports, pursuant to 7 U.S.C. 1736r(c); to the Committee on Agriculture.

2618. A letter from the Assistant Secretary of the Army (Financial Management), transmitting a report of the value of property, supplies and commodities provided by the Berlin Magistrate for the quarter July 1, 1987, through September 30, 1987, pursuant to Public Law 99-190, section 8014 (99 Stat. 1205); Public Law 99-591, section 9010 (100 Stat. 3341-102); to the Committee on Appropriations.

2619. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1988, pursuant to 2 U.S.C. 685(e); to the Committee on Appropriations and ordered to be printed.

2620. A letter from the Deputy Secretary of Defense, transmitting a report on the specific source of funds for the Nicaraguan Democratic Resistance, pursuant to 10 U.S.C. 114nt; to the Committee on Armed Services.

2621. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide authority for the Armed Forces to recover and examine certain remains; to the Committee on Armed Services.

2622. A communication from the President of the United States, transmitting the second annual report on the National Security Strategy of the United States, 1988, pursuant to Public Law 99-433, section 603(a); to the Committee on Armed Services.

2623. A letter from the Secretary of Defense, transmitting certification that the design selected for the Naval Advanced Tactical Aircraft [ATA] will accommodate essential Air Force peculiar requirements, pursuant to Public Law 99-661, section 206(b)(1) (100 Stat. 3840); to the Committee on Armed Services.

2624. A letter from the Secretary of Defense, transmitting certification that the requirements of the Navy's Advanced Tactical Aircraft [ATA] and the Air Force's Advanced Tactical Fighter [ATF] have been finalized, pursuant to Public Law 99-661, section 206(b)(3) (100 Stat. 3840); to the Committee on Armed Services.

2625. A letter from the Secretary of Housing and Urban Development, transmitting the 1987 interim annual progress report on the Neighborhood Development Demonstration Program, pursuant to 42 U.S.C. 5318 nt; to the Committee on Banking, Finance and Urban Affairs.

2626. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the annual report of the Corporation for 1986, pursuant to 42 U.S.C. 8106(a); to the Committee on Banking, Finance and Urban Affairs.

2627. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Concerns Relating to the Boxing and Wrestling Commission," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2628. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Annual Reports of District Agencies," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2629. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Alleged Pay Raises for the University of the District of Columbia Departmental Chairpersons, Assistant and Associate Deans," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2630. A letter from the Secretary of Education, transmitting a copy of Notice of Final Priorities for NIDRR—Rehabilitation Engineering Centers, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2631. A letter from the Secretary of Education, transmitting a Notice of Final Annual Funding Priorities—Secondary Education and Transitional Services for Handicapped Youth Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2632. A letter from the Secretary of Education, transmitting the annual report of the International Research and Studies Program, fiscal year 1987; to the Committee on Education and Labor.

2633. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the annual report on the Employment of Minorities, Women and Individuals with Handicaps in the Federal Government for fiscal year 1986; to the Committee on Education and Labor.

2634. A letter from the Secretary of Health and Human Services, transmitting the 1986 Annual Report on the National Health Service Corps [NHSC] and NHSC Scholarship Program [NHSCSP], pursuant to 42 U.S.C. 254b(g); 42 U.S.C. 2541(i); to the Committee on Energy and Commerce.

2635. A letter from the Secretary of Transportation, transmitting the 1987 report on motor vehicle theft, pursuant to 15 U.S.C. 2034(a)(1) and (b)(1); to the Committee on Energy and Commerce.

2636. A letter from the Acting Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the annual report of progress in implementing requirements of the Superfund Amendments and Reauthorization Act, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2637. A letter from the Administrator, Environmental Protection Agency, transmitting the current report, "Progress in the Prevention and Control of Air Pollution in 1986," pursuant to 42 U.S.C. 7613; 42 U.S.C. 7521(b)(4); 42 U.S.C. 7606(d); to the Committee on Energy and Commerce.

2638. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the management of wastes from the exploration, development, and production of crude oil, natural gas, and geothermal energy, pursuant to 42 U.S.C. 6982(m); to the Committee on Energy and Commerce.

2639. A letter from the Chairman, Interagency Committee on Cigarette and Little Cigar Fire Safety, transmitting policy recommendations pursuant to the final technical report concerning the production of cigarettes less likely to ignite mattresses and upholstered furniture, pursuant to 15 U.S.C. 2054 nt; to the Committee on Energy and Commerce.

2640. A letter from the Secretary, Interstate Commerce Commission, transmitting the Commission's notice that Docket No. 40073, South-West Car Parts Company versus Missouri Pacific Railroad Company, has extended the time period for acting on the appeal by an additional 60 days to January 6, 1988, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

2641. A letter from the Secretary of Health and Human Services, transmitting the first report on Alzheimer's Disease, pursuant to Public Law 99-660, title IX, section 912(b)(1) (100 Stat. 3805); to the Committee on Energy and Commerce.

2642. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of transmittal No. 01-88, concerning a proposed Memorandum of Understanding with the NATO Maintenance and Supply Agency on the Consolidated Procurement of Munitions for NATO, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2643. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed transfer of defense articles and defense services valued at time of acquisition at $15.75 million or more by the Government of Norway to the Government of Spain (transmittal No. NC-11-88), pursuant to 22 U.S.C. 2753(d)(3) (AECA section 3(d)(3); 94 Stat. 3131, 95 Stat. 1519); to the Committee on Foreign Affairs.

2644. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Australia of Tempest MXT-1200A KSB message terminals and MXT-1200A RO matrix printers (transmittal No. MC-9-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2645. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement for the production of significant military equipment in a country not a member of NATO (transmittal No. MC-8-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2646. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Taiwan of AN/TVS-5 Crew Served Weapons Sights (transmittal No. MC-4-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2647. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting Presidential Determination Number 88-5, with a justification, authorizing the provision of assistance to Pakistan, pursuant to 22 U.S.C. 2429a(a)(2); 22 U.S.C. 2375(e); 22 U.S.C. 2429(b)(i); to the Committee on Foreign Affairs.

2648. A letter from the Director, Defense Security Assistance Agency, transmitting the Department's annual report on the operation of the special defense acquisition fund for fiscal year 1987, pursuant to 22 U.S.C. 2795b(a); to the Committee on Foreign Affairs.

2649. A communication from the President of the United States, transmitting a bimonthly report on progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2650. A letter from the Secretary of Commerce, transmitting the annual report on Export Administration for fiscal year 1987, pursuant to 50 U.S.C. app. 2413; to the Committee on Foreign Affairs.

2651. A letter from the Secretary of Commerce, transmitting a report on the extension for the period January 21, 1988 through January 20, 1989, of export controls maintained for foreign policy purposes, pursuant to 50 U.S.C. app. 2405(f); to the Committee on Foreign Affairs.

2652. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2653. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2654. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report, on behalf of the Secretary, prepared in consultation with Justice, Drug Enforcement Administration, Customs and the Central Intelligence Agency, which includes the appropriate certifications by the Secretary, is the second of a series on official involvement in narcotics trafficking by governments and senior officials, and provides additional information on the investigation into the murder of DEA Agent Camarena and the issue of "hot pursuit" raised with the Government of Mexico, pursuant to 22 U.S.C. 2291-1 Public Law 99-570, section 2013(a) (100 Stat. 3207-66); to the Committee on Foreign Affairs.

2655. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the annual report for fiscal year 1986 on the Foreign Service Retirement and Disability System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2656. A letter from the Comptroller General, General Accounting Office, transmitting a list of reports during the month of December 1987, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2657. A letter from the Acting Attorney General, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2658. A letter from the Acting Secretary of State, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2659. A letter from the Administrator of Health and Human Services, transmitting the Department's notice of proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2660. A letter from the Administrator, Panama Canal Commission, transmitting an evaluation of the Commission's system of internal accounting and administrative control in effect during the year ending September 30, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2661. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2662. A letter from the Director, Arms Control and Disarmament Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2663. A letter from the Chairman, Board of Governors of the U.S. Postal Service, transmitting the Board's annual report for calendar year 1987 on its activities under Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2664. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2665. A letter from the Chairman, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2666. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2667. A letter from the Acting Secretary, Department of the Treasury, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2668. A letter from the Assistant Secretary for Management and Administration, Department of Energy, transmitting the Department's notice of altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2669. A letter from the Administrator, Department of Health and Human Services, transmitting the Department's notice of proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2670. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notification of altered Federal records systems submitted by the Civil Division, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2671. A letter from the Director of the Office of Management and Budget, transmitting a draft of proposed legislation to enhance the procurement test authority of the Administrator for Federal Procurement Policy; to the Committee on Government Operations.

2672. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2673. A letter from the Deputy Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2674. A letter from the Chairman, Farm Credit Administration, transmitting a report on compliance with the requirements of the internal accounting and aadministrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2675. A letter from the Chairman, Federal Communications Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2676. A letter from the Director, Federal Emergency Management Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2677. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2678. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2679. A letter from the Administrator, General Services Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2680. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2681. A letter from the Managing Director, Interstate Commerce Commission, transmitting a report of the actions taken by the Commission to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2682. A letter from the Secretary, Mississippi River Commission, Corps of Engineers, transmitting a report of the Commission's compliance with the Government in the Sunshine Act of calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2683. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2684. A letter from the Chairman, National Capitol Planning Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2685. A letter from the Chairman, National Credit Union Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2686. A letter from the Chairman, National Endowment for the Arts, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2687. A letter from the Executive Director, Navajo and Hopi Indian Relocation Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2688. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); to the Committee on Government Operations.

2689. A letter from the Director, Peace Corps, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2690. A letter from the Chairman, Postal Rate Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2691. A letter from the Secretary of the Interior, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2692. A letter from the Secretary of the Treasury, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2693. A letter from the Secretary of Agriculture, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2694. A letter from the Secretary of Defense, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2695. A letter from the Secretary of Education, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2696. A letter from the Secretary of Education, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2697. A letter from the Secretary of Energy, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2698. A letter from the Secretary of Housing and Urban Development, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2699. A letter from the Secretary of Labor, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2700. A letter from the Secretary of Transportation, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2701. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2702. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2703. A letter from the Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2704. A letter from the Board Members, U.S. Railroad Retirement Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2705. A letter from the Administrator, U.S. Small Business Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2706. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2707. A letter from the Comptroller General, United States General Accounting Office, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2708. A letter from the Director, U.S. Information Agency, transmitting the Agency's third annual report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2709. A letter from the Chairman, United States International Trade Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2710. A letter from the Records Officer, United States Postal Service, transmitting notice of a new computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2711. A letter from the Administrator, Veterans' Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2712. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives (H. Doc. No. 100-160); to the Committee on House Administration and ordered to be printed.

2713. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2714. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2715. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2716. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2717. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2718. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report on activities involved with Federal Lands Cleanup Day 1987, pursuant to 36 U.S.C. 169i-1(c)(1); to the Committee on Interior and Insular Affairs.

2719. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting the final phase I report on the Bureau of Reclamation's groundwater recharge demonstration program, pursuant to 43 U.S.C. 390g-1(d) Public Law 98-434, section 3(d) (98 Stat. 676); to the Committee on Interior and Insular Affairs.

2720. A letter from the Attorney General, Department of Justice, transmitting certification of the region comprised of the Federal judicial districts for central and southern Illinois and those established for the State of Indiana, to the Circuit Court of Appeals for the Seventh Circuit, pursuant to 28 U.S.C. 581 nt; to the Committee on the Judiciary.

2721. A letter from the Chief Immigration Judge, Executive Officer for Immigration Review, Department of Justice, transmitting a list of individuals erroneously included among the cases forwarded during the 99th Congress, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2722. A letter from the Commissioner, Immigration and Naturalization Service, transmitting copies of orders entered into for certain persons, pursuant to 8 U.S.C. 1255b(c); to the Committee on the Judiciary.

2723. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting certification that the Department cannot state that section 8142 will interfere with any ongoing criminal investigation with respect to the Arms Export Control Act, pursuant to Public Law 100-202; to Committee on the Judiciary.

2724. A letter from the Register of Copyrights, Library of Congress, transmitting a copy of the second 5-year report on Library Photocopying of Copyrighted Works, pursuant to 17 U.S.C. 108(i); to the Committee on the Judiciary.

2725. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting the annual audit report of the Pacific Tropical Botanical Garden, calendar year 1986, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

2726. A letter from the Clerk, U.S. Claims Court, transmitting the court's report for the year ended September 30, 1987, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

2727. A letter from the Presiding Judge, U.S. Court of Appeals, transmitting a report from the independent counsel concerning a matter that warrants no action; to the Committee on the Judiciary.

2728. A letter from the Administrator, Office of Juvenile Justice and Delinquency Prevention, transmitting a report on the use of official mail in the location and recovery of missing children, pursuant to 39 U.S.C. 3220 nt.; to the Committee on Post Office and Civil Service.

2729. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a proposed plan for delayed contributions to the thrift savings fund by Federal employees, pursuant to 5 U.S.C. 8432 nt; to the Committee on Post Office and Civil Service.

2730. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of a report by the Secretary of the Interior of the conclusion of the investigation of an allegation that disability retirement regulations were violated by an employee of the Bureau of Reclamation who was working while using the balance of his sick leave, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

2731. A letter from the Chairman, Inland Waterway Users Board, Department of the Army, transmitting the Board's first annual report with respect to construction and rehabilitation priorities on the inland waterways, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Public Works and Transportation.

2732. A letter from the Secretary of Transportation, transmitting the Urban Mass Transportation Administration quarterly report for the fourth quarter of fiscal year 1987, pursuant to 49 U.S.C. app. 1603(h)(1); to the Committee on Public Works and Transportation.

2733. A letter from the Federal Highway Administration, Department of Transportation, transmitting a report on recommended improvements to reduce traffic congestion for Charlotte Amalie, U.S. Virgin Islands, pursuant to Public Law 100-17, section 170(b) (101 Stat. 217); to the Committee on Public Works and Transportation.

2734. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting the Department's notification of the delay in submission of the annual revisions to the comprehensive program management plans for the Wind and Ocean Energy Programs; revised plans to be submitted within 90 days, pursuant to 42 U.S.C. 9203(c), 9002(d); to the Committee on Science, Space, and Technology.

2735. A letter from the President, National Academy of Sciences, transmitting the report of the Academy's Super Collider Site Evaluation Committee in response to the request of the Department of Energy for an independent technical evaluation of the proposals it received for locating the Nation's proposed superconducting super collider [SSC]; to the Committee on Science, Space, and Technology.

2736. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2737. A letter from the Administrator, Veterans Administration, transmitting a report on the extent of contractor performance of activites at VA health-care facilities during fiscal year 1987, pursuant to 38 U.S.C. 5010(c)(7) (96 Stat. 1449); to the Committee on Veterans' Affairs.

2738. A letter from the Administrator, Veterans Administration, transmitting a revised Biennial Report of the Advisory Committee on Former Prisoners of War, as a substitute for the material previously forwarded (Ex. Com. No. 2039), pursuant to 38 U.S.C. 221(c); to the Committee on Veterans' Affairs.

2739. A communication from the President of the United States, transmitting a report on the application of sections 501 and 502(c) of the Trade Act of 1974, as amended, to the GSP Program, pursuant to 19 U.S.C. 2464(a)(2); to the Committee on Ways and Means and ordered to be printed.

2740. A communication from the President of the United States, transmitting notification of his intent to suspend indefinitely Chile's status as a GSP beneficiary, pursuant to 19 U.S.C. 2462(a); to the Committee on Ways and Means and ordered to be printed.

2741. A letter from the Acting Director, United States Information Agency, transmitting a report on the official request from the Republic of El Salvador for emergency import restrictions on significant pre-Hispanic archaeological material, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

2742. A letter from the Secretary of Health and Human Services, transmitting a report on Urban-Rural and Related Geographical Adjustments in the Medicare Prospective Payment System and its impact on rural hospitals, pursuant to 42 U.S.C. 1395ww nt; to the Committee on Ways and Means.

2743. A letter from the Acting Under Secretary of Agriculture, International Affairs and Commodity Programs, transmitting the second quarterly commodity and country allocation table showing current programing plans for food assistance for fiscal year

1988, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2744. A letter from the Deputy Assistant Secretary for Supply, Maintenance and Logistics Plans, Department of the Air Force, transmitting notification of the decision to convert from government to contractor performance the technical training equipment maintenance function at Chanute Air Force Base, IL, which is the most cost-effective method of accomplishment, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly to the Committees on Appropriations and Armed Services.

2745. A letter from the Administrator, Agency for International Development, transmitting a report on the origin, contents, destination and disposition of humanitarian goods and supplies transported by the Department of Defense for fiscal year 1987, pursuant to Public Law 98-525, section 1540(e) (98 Stat. 2638); Public Law 99-145, section 306(a) (99 Stat. 617); jointly to the Committees on Armed Services and Foreign Affairs.

2746. A letter from the Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the Department's fifth annual report for the deployment of Federal interim storage, entitled "Implementation Plan for Deployment of Federal Interim Storage Facilities for Commercial Spent Nuclear Fuel," pursuant to 42 U.S.C. 10155(f); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2747. A letter from the Secretary of Energy, transmitting a copy of his determination of the viability of the domestic uranium mining and milling industry for calendar year 1986, pursuant to 42 U.S.C. 2210b(a); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2748. A communication from the President of the United States, transmitting a report on developments since the last report of July 10, 1987, concerning the national emergency with respect to Libya, pursuant to 50 U.S.C. 1641(c); 50 U.S.C. 1703(c); 22 U.S.C. 2349aa-9(c); jointly, to the Committees on Foreign Affairs and Ways and Means, and ordered to be printed.

2749. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting copies of the concluded agreements referred to in section 101(d)(1)(C) of Public Law 99-658, the legislation approving the Compact of Free Association for Palau; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

2750. A letter from the Assistant Secretary of the Treasury (Management), transmitting a report on the status and operation of the State and Local Government Fiscal Assistance Trust Fund for fiscal year 1987, pursuant to Public Law. 99-272, section 14001(a)(8) (100 Stat. 328); to the Committee on Government Operations.

2751. A letter from the Comptroller General, transmitting a report on the compliance of Department of Defense with providing additional drug law enforcement assistance to civilian agencies; review of the memoranda of agreement specifying the distribution of such assistance, pursuant to 10 U.S.C. 374 nt; jointly, to the Committees on Government Operations and Armed Services.

2752. A letter from the Comptroller General, transmitting a report on the review of the United States-Mexico opium poppy and marijuana aerial eradication program, pursuant to 22 U.S.C. 2291 nt.; jointly, to the Committees on Government Operations and Foreign Affairs.

2753. A letter from the Secretary of Energy, transmitting a comprehensive report on the seventh project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program entitled "The Appalachian Project", pursuant to Public Law 99-190; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space and Technology.

2754. A communication from the President of the United States, transmitting his determination and certification relating to efforts to achieve a cease-fire agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance, pursuant to Public Law 100-202, section 111(b)(2)(A) (H. Doc. No. 100-158); jointly, to the Committees on Appropriations, Foreign Affairs, and the Permanent Select Committee on Intelligence, and Armed Services and ordered to be printed.

2755. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to make two technical amendments to laws relating to drug interdiction; jointly, to the Committees on Armed Services, Merchant Marine and Fisheries, the Judiciary, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE:

H.R. 3841. A bill to provide for demonstration projects for the improvement of child care, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 3842. A bill to authorize the Secretary of Defense to adjust rates of pay for members of the Armed Forces stationed overseas in order to offset the effects of foreign currency fluctuations; to the Committee on Armed Services.

By Mr. DAUB:

H.R. 3843. A bill to require that a pay adjustment for Members of Congress may not be made except by a recorded vote on a bill or resolution relating to that subject matter only, to deny Federal retirement annuities to Members of Congress convicted of any felony, and for other purposes; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

By Mr. DAUB (for himself and Mr. Dorgan of North Dakota):

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 3845. A bill to amend the municipal bankruptcy law to provide for special revenue bonds and for other purposes; to the Committee on the Judiciary.

By Mr. FAWELL (for himself, Mr. Crane, Mr. Konnyu, Mr. Inhofe, Mr. Coats, Mr. Crockett, Mr. Courter, Mr. Derrick, Mr. Gunderson, Mr. Henry, Mr. McGrath, Mr. Porter, Mr. Rhodes, Mr. Skeen, Mr. Slaughter of Virginia, and Mr. Upton):

H.R. 3846. A bill to remove the earmark of $8 million for the construction of educational facilities for North African Jewish refugees in France; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. GEKAS (for himself, Mr. Penny, Mr. Parris, Mr. Nielson of Utah, Mrs. Bentley, and Mr. Porter):

H.R. 3847. A bill to amend chapter 13 of title 31, United States Code, to provide for an automatic continuing resolution for the U.S. Government; jointly, to the Committees on Appropriations and Rules.

By Mr. GLICKMAN (for himself and Mr. Feighan):

H.R. 3848. A bill to exempt from the antitrust laws certain activities relating to alleviating the negative impact of violence in telecast material; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 3849. A bill to amend title XVIII of the Social Security Act to eliminate Medicare part B premium increases for months during which an individual resides outside the United States; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JONTZ (for himself, Mr. Nagle, Mr. Johnson of South Dakota, Mr. Penny, Mr. Perkins, Mr. Glickman, Mr. Gordon, Mr. Stenholm, Mr. Flippo, Mr. Sikorski, Mr. Tallon, Mr. McCloskey, Mr. Pickle, Mr. Hatcher, Mr. English, Mr. Harris, Mr. Evans, Mr. Lancaster, Mr. Campbell, Mr. Stallings, and Mr. Moody):

H.R. 3850. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 3851. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such Act between July 1, 1973, and April 1, 1980; to the Committee on Education and Labor.

By Mr. LENT:

H.R. 3852. A bill to amend title 38, United States Code, to provide for the prorating of veterans compensation and pension for the month in which the death of a veteran occurs; to the Committee on Veterans' Affairs.

H.R. 3853. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of any participant in any State or local government plan so much of any distribution from such plan as represents his allocable share of tax-exempt interest of such plan; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 3854. A bill to repeal the provision of the fiscal year 1988 continuing resolution that bars the Federal Communications Commission from modifying, or extending waivers from, certain rules relating to common ownership of a daily newspaper and a television station; jointly, to the Committees on Appropriations and Energy and Commerce.

By Mr. MOLINARI (for himself, Mr. Green, Mr. Lent, Mr. Downey of New York, Mr. McGrath, Mr. Ackerman, Mr. DioGuardi, and Mr. Garcia):

H.R. 3855. A bill to extend until January 1, 1989, the waiver granted by the Federal

Communications Commission to the New York Post in connection with the Federal Communications Commission's rule relating to the common ownership of a daily newspaper and certain television stations, and for other purposes; jointly, to the Committees on Appropriations and Energy and Commerce.

By Mr. MONTGOMERY:

H.R. 3856. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the Reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. RAHALL (for himself, Mr. Murphy, Mr. Mollohan, Mr. Boucher, and Mr. Staggers):

H.R. 3857. A bill to clarify the intent of Congress regarding the interim presumption of eligibility for black-lung benefits; to the Committee on Education and Labor.

By Mr. TORRICELLI:

H.R. 3858. A bill to establish a National Mars Commission, and for other purposes; jointly, to the Committees on Science, Space and Technology and Foreign Affairs.

By Mr. VANDER JAGT (for himself and Mr. Levin of Michigan):

H.R. 3859. A bill relating to the treatment of certain workers' compensation funds; to the Committee on Ways and Means.

By Mr. ROTH:

H.J. Res. 438. A joint resolution designating October 7, 1988, as "National Teacher Appreciation Day"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 236. A concurrent resolution providing for a Joint Session of Congress to receive a message from the President on the State of the Union; considered and agreed to.

H. Res. 346. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. WHITTEN:

H. Res. 347. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. PEPPER:

H. Res. 348. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. SISISKY:

H. Res. 349. A resolution expressing the condolences of the House on the death of Representative Daniel of Virginia; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

261. By the SPEAKER: Memorial of the Second Olbiil Era Kelulau, Republic of Palau, relative to the appropriation and distribution of War Claims awards to Micronesian claimants; to the Committee on Interior and Insular Affairs.

262. Also, memorial of the Nineteenth Guam Legislature, Agana, Guam, relative to the two redrafted Articles of the proposed Commonwealth Act of Guam; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FROST:

H.R. 3860. A bill for the relief of Xochiquetzalli Carreto; to the Committee on the Judiciary.

By Mr. McGRATH:

H.R. 3861. A bill for the relief of Sundaram Srinivasan; to the Committee on the Judiciary.

By Mr. MRAZEK:

H.R. 3862. A bill for the relief of Maurice G. Hardy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Gingrich.

H.R. 42: Mr. Applegate.

H.R. 303: Mrs. Smith of Nebraska, Mr. Shays, Mr. Hastert, and Mr. Vander Jagt.

H.R. 544: Mr. Conte.

H.R. 620: Mr. Boucher.

H.R. 637: Mr. Bilirakis and Mr. Feighan.

H.R. 792: Mr. Gallegly.

H.R. 975: Mr. Brown of California.

H.R. 1213: Mr. Nielson of Utah and Mr. Wolf.

H.R. 1437: Mr. Gallo.

H.R. 1438: Mr. Weldon and Mr. Inhofe.

H.R. 1531: Ms. Pelosi, Mr. Dornan of California, and Mr. Courter.

H.R. 1555: Mr. Emerson.

H.R. 1721: Mr. Hyde.

H.R. 1782: Mr. Stallings, Mr. Dymally, Mr. Madigan, Mr. Wolf, Mr. Badham, Mr. Matsui, Mr. Vento, and Mr. Stenholm.

H.R. 1834: Mr. Evans, Mr. Gray of Pennsylvania, Mr. Waxman, and Mr. Roe.

H.R. 1917: Mr. Bilirakis and Mr. Mfume.

H.R. 2168: Mr. Stark.

H.R. 2502: Mr. Roybal and Mr. Clay.

H.R. 2517: Mr. Gray of Illinois.

H.R. 2609: Mr. de Lugo and Mr. Swindall.

H.R. 2667: Mr. Berman, Mr. Miller of Ohio, and Mr. Tallon.

H.R. 2692: Mr. Goodling.

H.R. 2695: Mr. Johnson of South Dakota.

H.R. 2717: Mr. Hertel, Mr. Kastenmeier, Mr. Moakley, and Mr. LaFalce.

H.R. 2724: Mr. Moakley.

H.R. 2762: Mr. Bustamante, Mr. Berman, and Mr. Robinson.

H.R. 3193: Mr. Bryant, Mr. Waxman, Mr. Espy, Mr. Roe, Mr. Conte, and Mr. Mrazek.

H.R. 3265: Mr. Vento, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Fauntroy, Mrs. Collins, and Mr. Chapman.

H.R. 3291: Mr. Ford of Tennessee, Mrs. Collins, Mr. Mica, Mr. Carr, Mr. Clay, Mr. Owens of New York, Mr. Bustamante, Ms. Oakar, Mr. Dwyer of New Jersey, Mr. Rowland of Connecticut, Ms. Pelosi, Mr. Waxman, Mr. Fish, and Mr. Mazzoli.

H.R. 3322: Mr. Bruce, Mr. Leach of Iowa, Mr. Martinez, Mr. Livingston, Mr. Robinson, and Mr. Savage.

H.R. 3340: Miss Schneider, and Mr. St Germain.

H.R. 3361: Mr. Gray of Pennsylvania, Mr. Lott, Mr. Walgren, Mr. Yates, Mr. Roe, Mr. Jones of North Carolina Mr. Wolf, Mr. Wortley, Mr. Kemp, Mr. Crockett, Mr. Borski, Mr. Penny, Mr. Lowry of Washington, Mr. Smith of Florida, Mr. Foglietta, Mr. Lagomarsino, Ms. Kaptur, Mr. DeFazio, Mr. Moakley, Mr. Fascell, Mr. Coleman of Texas, Mr. Cardin, Mr. Ravenel, Mr. English, Mr. Wheat, Mr. Stratton, Mr. Hyde, Mrs. Bentley, Mrs. Collins, Mr. Schumer, Mrs. Meyers of Kansas, Mr. Fauntroy, Mr. Owens of New York, Mr. Martinez, Mr. Buechner, Mr. Mrazek, Mr. Quillen, Ms. Slaughter of New York, Mrs. Boxer, Mr. Jacobs, Mr. Bates, Mr. Lancaster, Mr. Kastenmeier, Mr. Levine of California, and Mr. Feighan.

H.R. 3440: Mr. Chandler and Mr. Solarz.

H.R. 3454: Mr. Boehlert, Mr. Brennan, Mrs. Byron, Mr. Davis of Michigan, Mr. Ford of Michigan, Mr. Gray of Illinois, Mr. Kildee, Mr. Moakley, Mr. Owens of New York, Mr. Saxton, Ms. Snowe, Mr. Tallon, and Mr. Wolpe.

H.R. 3485: Mr. Mica.

H.R. 3505: Mr. Gregg, Mr. Solomon, Mr. Foglietta, Mr. Conte, Mr. Brown of California, Mr. Hughes, Mr. Panetta, Mr. Clarke, Mrs. Boxer, Mr. Ford of Tennessee, Mr. Emerson, Mr. AuCoin, Mr. Gilman, Mr. Weiss, Mr. Martinez, Mrs. Morella, Mr. DioGuardi, Mr. Morrison of Connecticut, Mrs. Collins, Mr. Edwards of California, and Mr. Feighan.

H.R. 3598: Mr. Dwyer of New Jersey.

H.R. 3619: Mr. Horton, Mr. Dwyer of New Jersey, Mr. Rinaldo, Mr. Owens of New York, Mr. Espy, Mr. Saxton, Mr. Owens of Utah, and Mr. Matsui.

H.R. 3646: Mr. Barnard, Mrs. Collins, Mrs. Roukema, and Mr. Fish.

H.R. 3657: Mr. Goodling, Mr. Hammerschmidt, and Mr. de Lugo.

H.R. 3695: Mr. Dornan of California, Mr. Lagomarsino, and Mrs. Collins.

H.R. 3722: Mr. Bilirakis.

H.R. 3737: Mr. Andrews.

H.R. 3742: Mr. Horton, Mrs. Johnson of Connecticut, Mr. Clarke, and Mr. Edwards of Oklahoma.

H.R. 3764: Mr. McCollum, Mr. Fascell, Mr. LaFalce, Mr. Chapman, Mr. Hutto, and Mr. MacKay.

H.R. 3783: Mr. Fauntroy, Mr. Lehman of California, Mr. Hughes, and Mr. Vento.

H.R. 3784: Mr. Fauntroy, Mr. Hughes, Mr. Vento, and Mr. Lehman of California.

H.R. 3794: Mr. Crane and Mr. Applegate.

H.R. 3800: Mr. LaFalce and Mr. Shumway.

H.R. 3816: Mr. Coleman of Texas, Mr. Richardson, Ms. Pelosi, Mr. Gonzalez, Mr. Roybal, Mr. Owens of New York, Mr. Flake, and Mrs. Collins.

H.R. 3840: Mr. Frank.

H.J. Res. 8: Mr. Shays.

H.J. Res. 50: Mr. Gilman, Mr. Michel, Mr. Coelho, Mr. Moody, Mr. Hoyer, Mr. Smith of New Hampshire, and Mr. Foley.

H.J. Res. 260: Mr. Perkins, Mr. Crockett, Mr. LaFalce, Mr. Levin of Michigan, Mr. Gingrich, Mr. Gonzalez, Mr. Solarz, Mr. Towns, Mr. Flippo, Mr. Dicks, Mr. Boland, Mr. Clay, Mr. Traficant, Mr. Bosco, Ms. Snowe, Mr. Howard, Mr. Henry, Mr. Matsui, and Mrs. Meyers of Kansas.

H.J. Res. 289: Mrs. Collins, Mr. Hochbrueckner, Ms. Pelosi, Mr. Roberts, Mr. Skeen, Mr. Solarz, and Mr. Upton.

H.J. Res. 292: Mr. Boehlert, Mr. Burton of Indiana, Mr. Espy, Mr. Frenzel, and Mr. Mack.

H.J. Res. 332: Mr. Gonzalez, Mr. Henry, Mr. Taylor, Mr. Schuette, Mr. Studds, and Mr. Vander Jagt.

H.J. Res. 369: Mr. McHugh.

H.J. Res. 373: Mr. Swindall, Mr. Buechner, Mr. Hefner, Mr. Dicks, Mr. Goodling, Mr. Duncan, Mr. Valentine, Mr. Sundquist, Mr. Conte, Mr. Cooper, Mr.

Torricelli, Mr. Price of North Carolina, Mr. Robert F. Smith, Mr. Jones of Tennessee, and Mr. Traficant.

H.J. Res. 383: Mr. Studds, Mr. Espy, Mr. Levin of Michigan, Mr. Wheat, Mr. Smith of New Jersey, Mr. Pickett, Mr. Lungren, Mr. Dingell, Mr. Weldon, Mr. Brooks, and Mr. Kildee.

H.J. Res. 386: Mr. Atkins, Mr. Badham, Mr. Bryant, Mrs. Collins, Mr. Crockett, Mr. Dannemeyer, Mr. de la Garza, Mr. Dyson, Mr. Fish, Mr. Frenzel, Mr. Gray of Illinois, Mr. Hyde, Mr. Kostmayer, Mr. Mineta, Mr. Molinari, Mr. Mollohan, Mr. Richardson, Mr. Rodino, Mr. Staggers, Mr. Stallings, Mr. Studds, Mr. Berman, Mrs. Boggs, Mr. Cheney, Mr. Erdreich, Mr. Horton, Mr. Kasich, Mr. Ravenel, and Mr. Wise.

H.J. Res. 399: Ms. Pelosi, Mr. Clay, Mr. Gonzalez, Mr. Wolpe, Mr. Bartlett, Mr. Dornan of California, Mr. Lewis of California, Mr. Sawyer, Mr. Thomas A. Luken, Mr. Oberstar, Mr. Hubbard, Mr. Hefner, Mr. Hamilton, Mrs. Kennelly, Mr. Traficant, Mr. McEwen, Mr. Dellums, Mr. Dixon, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Leland, Mr. Mfume, Mr. Cheney, Mr. Murphy, Mrs. Vucanovich, Mr. Pashayan, Mr. Green, Mr. Pepper, Mr. Manton, Mr. Miller of California, Mr. Quillen, Mr. Coats, Mr. Montgomery, Mr. Pickle, Mr. Regula, and Mr. Solomon.

H.J. Res. 419: Mr. Andrews, Mr. Grant, Mr. Gray of Pennsylvania, Mr. McGrath, Mr. Boland, Mr. Frost, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dymally, Mrs. Morella, Mr. Towns, Mr. Mack, Mr. Sisisky, Mr. de Lugo, Mr. Garcia, Mr. McMillen of Maryland, Mr. Berman, Mr. Blaz, Mr. Bliley, Mr. Espy, Mr. Fauntroy, Mr. Donnelly, Mr. Fuster, Mr. Buechner, Mr. Fazio, Mr. Oxley, Mr. Evans, Mr. Dyson, Mr. Hall of Texas, Mr. Bilbray, Mr. Perkins, Mr. Kolter, Mr. Conte, Mr. Lancaster, Mr. Lujan, Mrs. Boxer, Mr. Dixon, Mr. Kostmayer, Mr. Gonzalez, Mr. Hansen, Mr. Hefner, Mr. Hoyer, Mr. Hutto, Mr. Ireland, Mr. Henry, Mr. Wyden, Mr. Kildee, Mr. Wilson, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Flippo, Mr. Lewis of Georgia, Mr. Daub, Mr. Natcher, Mr. Lantos, Mr. Akaka, Mr. Owens of New York, Mrs. Collins, Mr. Pepper, Mr. Ravenel, Mr. Rowland of Georgia, Mr. Torricelli, Mr. DioGuardi, Mr. Owens of Utah, Mr. Gray of Illinois, Mr. Bevill, Mr. Wheat, Mr. Bosco, Mr. Price of North Carolina, Mr. Hefley, Mr. Chapman, Mr. Wolf, Mr. Leath of Texas, Mr. Hammerschmidt, Mr. Kolbe, Mr. Nelson of Florida, and Mr. Bennett.

H.J. Res. 429: Mrs. Johnson of Connecticut, Mr. Fazio, Mrs. Collins, and Mr. Manton.

H. Con. Res. 201: Mr. Solomon, Mr. Hammerschmidt, Mr. Kolbe, and Mr. Hefley.

H. Con. Res. 216: Mr. Dornan of California.

H. Res. 210: Mr. Bateman and Mr. Ravenel.

H. Res. 311: Mr. Holloway, Mr. Lagomarsino, and Mrs. Meyers of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

110. By the SPEAKER: Petition of the Council of the County of Hawaii, Hilo, Hawaii, relative to the Rural Economy Act of 1987; to the Committee on Agriculture.

111 Also, petition of the New York City Council, NY, relative to the Urban Development Action Grant Program; to the Committee on Banking, Finance and Urban Affairs.

112. Also, petition of the Council of the County of Hawaii, Hilo, Hawaii, relative to S. 1009 concerning the wartime relocation and internment of civilian Japanese Americans; to the Committee on the Judiciary.

113. Also, petition of Mr. Earl Hunwardsen, relative to the U.S. Congress; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FOREIGN INVESTMENT: WHERE IS IT GOING?

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to an article that appeared in the December 13, 1987, New York Times Magazine, entitled "Foreign Money, U.S. Fears" by Martin and Susan Tolchin.

The huge drop in the value of the dollar over the last 2 years has made U.S. industrial and other capital assets the world's "best buy" for foreign investors. Foreign investment in everything from our largest manufacturing firms to big city skyscrapers has skyrocketed in recent years.

This article gives a great deal of information about the increase in foreign investment in the United States and the concerns many have about how little we know of how and where these investments are being made. I am happy to say that the House trade bill contains a provision which would provide for the registration and disclosure of large foreign investments in the United States.

Mr. Speaker, at this time I would like to insert this article in the RECORD, and I urge my colleagues to read it.

[From the New York Times Magazine, Dec. 13, 1987]

FOREIGN MONEY, U.S. FEARS

(By Martin and Susan Tolchin)

The Capitol corridors were crowded this fall with hundreds of lobbyists who had descended upon House and Senate negotiators working on the final stages of the omnibus trade bill. Few were as resolute as those lobbying against a House-passed amendment that would require major foreign investors in America to disclose their identities and holdings.

Representatives of Japanese, British, Swiss, Canadian, German, Dutch, Taiwanese and Korean investors were among the leaders of a coalition of 50 who met regularly to plot strategy and make lobbying assignments.

"I've never seen such a concentrated show of force by foreign lobbyists," said Representative John Bryant, a Texas Democrat and sponsor of the legislation. "They've really turned on the heat."

His amendment has become the center of an emerging debate on foreign investment that has brought the investors and their American lawyer-lobbyists to Federal agencies, state legislatures and city halls, as well as to Capitol Hill.

Noboby knows the full extent of the foreign funds, some of which cross United States borders with the stealth and anonymity of illegal aliens. But the combined reports of several Federal agencies indicate that more than $1.5 trillion has poured into the United States from around the world, $1.3 trillion of it since 1974.

As foreign investment has increased, so has the political activity of investors from abroad. Nearly 100 political action committees (PACs) formed by foreign-owned companies contributed $2.3 million to 1986 Congressional campaigns, compared with $1 million in 1984. Although they represent only a small part of the 3,152 PACs that contributed $132.2 million to the campaigns last year, the foreigners' activities have created considerable concern, particularly in Congress.

Foreign lobbyists also are becoming skilled at obtaining support at the grassroots level. In September, for example, the Confederation of British Industry wrote the Metrocrest Chamber of Commerce in Carrollton, Tex, that if the Bryant amendment became law, "its effect would be to . . . deter new and future investment proposals." The letter was promptly forwarded to Representative Bryant.

Foreign lobbying actually begins when prospective investors negotiate terms with the American mayors and governors who circle the globe wooing foreign investors. Thus, Toyota obtained a $125 million package from state and local officials when the Japanese automaker agreed to build a $1.1 billion plant in Scott County, Ky. Included were funds for land, site preparation, job training and highway improvements. The plant, scheduled for completion next year, is expected to provide 3,500 jobs.

Foreign investment, lobbyists say, has created 3 million jobs. And along with fresh infusions of capital to dying industries, it has brought new technology and managerial techniques to American companies facing obsolescence, rebuilt the nation's cities, reshaped rural areas, heightened real-estate values, stimulated art sales, preserved agricultural land, increased the pool of venture capital, lowered home mortgage rates and underwritten record budget deficits.

But the most significant benefit of foreign investment, many lobbyists argue, is that it furthers the historic goal of the United States to reduce the restrictions on the free flow of goods, services and capital throughout the world. Since World War II, the United States has been the leading advocate of free trade and the reduction of tariffs worldwide, as well as the prime mover behind the engines that power those goals: the General Agreement on Tariffs and Trade, the International Monetary Fund and the World Bank.

In the aftermath of October's Black Monday stock market crash, lobbyists say, it would be senseless to take any action that could lead to the flight of foreign money.

Some in Congress warn, however, that the United States is becoming addicted to foreign capital. They fear that this overdependence has made the United States vulnerable to the vagaries of foreign investment, and that the withdrawl of foreign investment could wreak havoc on the economy. A reminder that the threat of withdrawal is not an idle one came in November, with the announcement by Volkswagen that it plans to close its 2,500-employee Pennsylvania plant.

Others lament the loss of profits that are taken out of the country. They contend that some foreign investors have hidden agendas, such as the acquisition of American technology, avoiding protective tariffs, cornering market shares, and using foreign investments as a trade weapon to destroy American corporate rivals in this country. And they warn that major decisions affecting the lives of American citizens and, possibly, the security of the nation, are now being made in foreign capitals—Tokyo, London, Riyadh.

Members of Congress also are concerned about the lack of reciprocity on the part of many foreign governments whose nationals invest in the United States. They note evidence that some investors in third world countries are merely sending back American foreign aid rather than investing in their own hard-pressed countries. Some say that states are giving away too much to lure investors, while the late William J. Casey, Director of Central Intelligence, called foreign investments "a Trojan horse," because of national security problems resulting from the foreign acquisition of American technology.

In addition, union leaders have been concerned with what they consider the antiunion practices of many foreign investors who are unaccustomed to vigorous unions or to laws that protect the employment rights of women and minorities.

But the Reagan Administration has been strongly supportive of foreign investments. "The United States welcomes foreign direct investment that flows according to market forces," the President told a White House audience in 1983. "We believe that there are only winners, no losers."

Others, like Felix Rohatyn, the investment banker, fear that the decline of the dollar will lead foreigners to withdraw their market investments and convert them into direct investments in American industry "at bargain basement prices."

Indeed, in the aftermath of Black Monday, firms specializing in corporate takeovers reported a rash of inquiries from foreign investors seeking to locate vulnerable companies as targets of potential acquisitions. Meanwhile, the Commerce Department's Office of Trade and Investment Analysis reported last month that a combination of a falling dollar, a strong consumer base and protectionist worries had encouraged more foreign companies than ever to build production plants in the United States. The office identified 1,051 direct foreign investments in 1986, up from 912 in 1985.

"We are a dependent nation that is beginning to lose control of its fate," Senator Dale Bumpers, Democrat of Arkansas, told the Senate during the debate on the Bryant amendment. "I can foresee a time when . . . our foreign creditors and foreign owners will demand concessions from us, just as OPEC [the Organization of Petroleum Exporting Countries] has done on several occasions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These concessions will undermine our independence."

At the very least, critics say, the United States should know the source and extent of foreign investment. That is the purpose of the Bryant amendment, which was narrowly approved by the House Energy and Commerce Committee by a 21-20 vote and survived a challenge in the full House by a vote of 230-190. In the Senate, however, a massive lobbying effort helped bring on its defeat by a vote of 83-11. House and Senate negotiators are now seeking to reconcile the two bills, and are expected to complete work early next year.

The House-passed measure would affect only those with "a significant interest"—more than 5 percent—in a United States business or real estate property with assets of more than $5 million or sales of more than $10 million. Such investors would have to list their identity and holdings. Those with a controlling interest of more than 25 percent in an American business with assets or sales of more than $20 million would have to furnish more information: a balance sheet, income statement, location of United States facilities and the names of company directors and officers.

Lobbyists against the Bryant amendment have included representatives of these American subsidiaries: Fujitsu, Toyota, Nissan and Honda (Japan); Northern Telecom, Alcan Aluminium and General Research Corporation (Canada); Batus and B.P. (Britain); Sandoz, Ciba-Geigy and Nestlé (Switzerland); Shell Oil and Unilever (the Netherlands and Britain); and Miles (West Germany). They are represented by some of Washington's top lawyer-lobbyist firms, including Patton, Boggs & Blow (Batus), and Akin, Gump, Strauss, Hauer & Feld (Fujitsu). They have been joined by White House and Commerce Department officials as well as representatives of some United States multinationals, including E. I. du Pont de Nemours & Company and American Express.

Supporters of the disclosure amendment say that information has been so limited, hidden in bureaucratic quagmires or actually kept secret, even from Congress, that American officials often don't know who is investing in the United States, or whether they are from friendly nations like Canada, or hostile ones like Libya and Iran. Nor do American officials always know whether a foreign investor represents a legitimate business enterprise, a front for a hostile government or a criminal involved in illicit ventures. Indeed, many investments bear few signs of their real foreign owners, as various Congressional committees discovered when they sought to uncover the United States real estate holdings of Ferdinand E. Marcos, the deposed Philippine leader. And before an alert Central Intelligence Agency official blew the whistle in the mid-1970's, the Russians nearly completed the purchase of three banks in California's Silicon Valley, in an effort to obtain information on high-tech companies.

But critics of the proposal warn that it could stanch the flow of foreign investment that has been crucial to the nation's economy. Paul A. Volcker, former chairman of the Federal Reserve Board, warned in April that "legitimate actual and potential investors would be deterred by the risk of revealing proprietary information, and would take their money elsewhere."

Representative Norman F. Lent of East Rockaway, N.Y., the ranking Republican on the Energy and Commerce Committee, has called the disclosure bill "controversial, burdensome, confusing and inflexible," and warned that it could cause "a severe outflow of capital and produce a severe, negative impact on our economy and on the present and future jobs of millions of American workers. It could hurt foreign-held United States companies by forcing them to disclose confidential data to their employees or competitors, when American-owned companies are protected.

But to others, the disclosure amendment underscored a concern about the growing political power of foreign investors. Known foreign ownership of American assets more than doubled from 1981 to 1986, and increased by 25 percent in 1986. Some 75 percent to 80 percent of this money is in Treasury bills, stocks and bonds and other portfolio investments. The remainder is in manufacturing facilities, warehouses and assembly plants. During recent years, foreign investors have been heavy purchasers of Treasury bills, and are believed to hold 10 percent to 20 percent of the $2 trillion national debt.

"It is the biggest change taking place in our economy today," Representative Bryant says. "To consciously remain ignorant of the extent of this phenomenon can't possibly be justified. Every other nation in the world watches foreign investment much more carefully than we do."

Foreign lobbying against the Bryant amendment is the latest example of a historical reversal. For much of the nation's history, American investors have circled the globe, investing in overseas ventures, exporting their culture and intervening in foreign governments. Now, the tables are turned.

Some in Congress warn that foreign investment compromises the political independence of government officials. Senator Jeff Bingaman, Democrat of New Mexico, questioned, for example, how a Senator from a state with substantial foreign investments could play an active role in curbing the national trade deficit.

The Japanese, who recently replaced Canadians as the third-largest foreign investors (behind the British and Dutch), have also become the most politically active. They specialize in what some have called "threat power." Last year, Japanese investors warned Congressmen that the proposed repeal of investment tax credits—which rewarded companies for reinvesting in their plants and facilities—would lead them to curtail their investments in the United States. Despite their efforts, Congress repealed the tax credits.

Saudi Arabians threatened to divest themselves of their American securities, mostly Treasury bills, in 1979 rather than comply with Congressional requests to disclose the extent of their holdings. With the assistance of Treasury officials, these holdings remain listed in the aggregate of all Middle Eastern countries rather than by nationality.

The influence of foreign investors has even penetrated a closed meeting of the House Ways and Means Committee, which ranted an exemption in the 1986 tax bill to the Esselte Pendalflex Corporation, a Swedish-owned office products company in Garden City, L.I.

The political activity generated by foreign investors has become aggressively visible. "When Japanese companies invest in the United States, in addition to being welcomed on the local level, they would like to see Congressmen, Senators, the President, Vice President and Secretary of the treasury," says Jiro Murase, a New York lawyer who represents 200 Japanese companies.

"They don't just stop at the Washington level," says Senator Lloyd Bentsen, Democrat of Texas and chairman of the Finance Committee, "You hear from their distributors and contractors back home right away."

Foreign lobbyists have amply demonstrated they can also play hardball on state issues. Executives of Sony of America, a subsidiary of the Japanese company, threatened both the Florida and California legislatures, from 1984 to 1986, with cancellation of plans to build facilities in their states unless they repealed their unitary taxes, which are based on a company's worldwide profits, rather than just the amount of sales within the state. The tax was initially imposed a half-century ago by states that felt they were not getting their fair share of taxes for products made, warehoused or otherwise enhanced in their states but sold elsewhere.

Florida responded by repealing the tax in a hastily called session during Christmas week in 1984. California was more resistant. A coalition of Japanese and European investors made campaign contributions to a number of state legislators and also used the considerable political weight of their leaders. British Prime Minister Margaret Thatcher personally lobbied President Reagan on the issue. Last year, California repealed the tax.

I do not think foreign nationals have any business in our political campaigns," said Senator Bentsen, sponsor of a law that prohibits foreign interference in American elections, during a Senate debate on the subject. "They cannot vote in our elections, so why should we allow them to finance our elections? Their loyalties . . . lie with their own countries and their own governments.

Some major PACs of 100 percent foreign-owned companies and their contributions to 1986 Congressional campaigns include: Joseph E. Seagrams (Canada), $169,000 to 166 candidates; Shell Oil Company (the Netherlands/Britain), $160,000 to 206 candidates, and Brown & Williamson (Britain), $111,575 to 132 candidates. Like domestic PACs, the foreign PACs tend to give to incumbents, especially those highly placed on key committees.

PAC contributions also filter down to local political organizations and candidates. The PAC of the Shell Oil Company, for example, gave $726,000 in contributions and loans to an organization that sought to block a proposed oil tax that was presented in a referendum before California voters in 1980. The proposal was defeated by a whopping 66 percent of the vote. California law allows companies to contribute to local campaigns, and the Federal Election Commission has ruled that in such cases, foreign-owned domestic companies can do likewise.

The Federal Election Commission has repeatedly asked Congress to clarify the legality of foreign PACs, in view of a 1974 amendment to the Federal Election Campaign Act, which specifically prohibits foreign nationals from contributing to political campaigns. The roots of this act trace back to the late 1930's, when Congress passed the Foreign Agents' Registration Act in an effort to prevent foreign governments from pushing the United States into war in Europe.

Some foreign lobbyists say that they are merely seeking to correct the injustices suffered by their clients, who sometimes feel betrayed by various regulatory restrictions placed upon them after mayors and governors have promised non-interference with their management.

Public officials stress that they do not give foreign corporations any benefits not offered to domestic corporations that relocate in their cities and states. But some critics question why foreign investors, who have been wooed with financial aid, tax abatements and assurances of labor peace, should be given advantages over domestic competitors.

"Why are we using American taxpayers' money to put Komatsu in business in Tennessee?" asks Senator Jim Sasser. Komatsu, a Japanese manufactuer of earth-moving equipment, has received local tax advantages, as well as funds for training workers, to locate in Chattanooga. "Why are we using taxpayers' money to help Komatsu beat Caterpillar's brains out?" (Ironically, Caterpillar has moved one of its operations to Korea.)

Representative Don Bonker, Democrat of Washington and chairman of the Foreign Affairs Subcommittee on International Economic Policy and Trade, laments the competition among the states, which dissipates needed resources. "Mayors and governors are concerned with microeconomics," he says, "and the Congress should be concerned with macroeconomics. The real thinkers around here are concerned about the long-term cost of the capital inflows. It's subsidizing the present with the hardships of the future."

Two decades ago, a book on foreign investment sent waves of alarm through the European Community. "The American Challenge," by Jean-Jacques Servan-Schreiber, warned that the invasion by American multinational was dominating Europe's economy and destroying its traditional industries.

The scenario never materialized. The oil crisis of 1973 diminished America's industrial power and, more important, the Europeans rose to meet the American challenge by reorganizing their industries and becoming more competitive. Former colonialists themselves, they understood all too well the relationship between economic and political power.

The current debate on the Bryant amendment indicates that Congress is finally beginning to understand that foreign investment is not a totally free lunch. Senator Tom Harkin, Democrat of Iowa and the major sponsor of the Senate disclosure amendment, argues that "over time, as ownership of our assets is transferred overseas, so is the authority to make important business and economic decisions affecting the prosperity and independence of our nation."

Politicans on both sides of the issue agree that they must walk a thin line, and adopt policies that continue to reap the benefits of foreign investment while minimizing its risks. Should they fail to meet this challenge, they say, the danger of losing a measure of political and economic sovereignty may become a reality.

VOCATIONAL EDUCATION WEEK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FAUNTROY. Mr. Speaker, February 7 marks the commencement of the week which has been designated as Vocational Education Week by the American Vocational Association, a 47,000-member professional association serving educators and administrators in all fields of vocational/prevocational education programs. The national theme of the week is "Vocational Education: The Competitive Edge."

I would like to take this opportunity to congratulate the DC Board of Education, its Committee on Career Development and Vocational Education and its chairperson, Phyllis Etheridge Young, our superintendent of schools and chief State school officer, Dr. Floretta Dukes McKenzie, the deputy superintendent, Dr. Andrew Jenkins, and the assistant superintendent of the DC Public Schools Division of Career and Adult Education, Dr. Otho E. Jones, on their excellent job of providing quality vocational education programs in the District of Columbia. In addition, I would like to extend my best wishes to all concerned for a rewarding and productive National Vocational Education Week.

ENROLLMENT

National Center for Education Statistics show clearly that vocational education benefits a great number of Americans. Almost 16 million individuals were enrolled in public vocational education programs as of 1984, 60 percent in secondary programs, and 40 percent in post-secondary programs. Approximately 95 percent of all high school graduates take at least one vocational course in high school. Enrollment in vocational education is almost evenly divided among male, 47.4 percent; and female, 47.8 percent; students. Minority students account for about 22.6 percent of the enrollment in vocational education, a percentage which is roughly equal to minority representation in the general population.

Statistics further reveal that vocational education serves students of all socioeconomic levels. The difference in vocational Carnegie units earned among high school students of low, middle, and high socioeconomic levels is very slight, ranging from an average of 5.2 Carnegie units for students from the low socioeconomic level to an average of 3.0 Carnegie units for high socioeconomic level students.

Vocational education also serves students of all ability levels. While college-bound graduates average 2.7 vocational credits in high school, those in general programs average 4.6 credits and those in vocational preparation programs average 6.5 credits.

EDUCATIONAL ATTAINMENT

In addition, statistics show that participation in vocational education programs is linked with academic success. Sixty percent of all high school vocational graduates enter some form of postsecondary education than is generally recognized. According to a recent study, 38 percent of the vocational graduates surveyed had finished or were still enrolled in a 4-year college or other training programs. Moreover, another recent study shows that for many students, vocational education appears to make a difference between dropping out and staying in school.

FUNDING

Vocational education, originally funded under the George Barden Act, is presently funded under the Carl D. Perkins Act, Public Law 98-524, and with State and local dollars. Federal dollars constitute 11.4 percent of all vocational education expenditures at State and local levels.

CONCLUSION

In conclusion, I wish to invite all my colleagues to join me in supporting National Vocational Education Week. Anyone interested in our local vocational education efforts may contact the DC Public Schools Division of Career and Adult Education, located at the Brown Administrative Unit, 26th and Benning Road NE., Washington, DC 20002, at 724-4178.

DO WE REALLY WANT TO HELP THE SOVIETS?

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ROTH. Mr. Speaker, last month in an NBC Today Show, Jane Pauley hit the nail on the head when she asked this question: "The bottom line is that Gorbachev wants the Soviet Union to become an economic superpower with our help. Do we really want to help?"

Not surprisingly, the answer from the business industrialist heading up the United States-U.S.S.R. Trade and Economic Council was yes. There's an adage that a person's view is always colored by his or her perspective and his or her interests.

From the point of view of this Member, a headlong rush to sign Russian trade deals will undermine America's technological edge in the United States-Soviet military equation. While short-term profits may be realized, playing the role of technological enabler to the Soviets is not in the long-term interest of the United States.

Rehauling the Soviets' telecommunications network, modernizing its machine tool industry, and upgrading its engineering capabilities are but a few of the billion dollar trade deals activities being discussed between Washington and Moscow. According to one high-ranking Soviet official, 26 proposals from United States firms have good prospects for agreement within the next few months.

Can the United States really be taken seriously by our Cocom partners when we threaten sanctions against countries that don't safeguard their technology from the Soviet bloc, while at the same time we rush to sign billion dollar trade deals with the Soviet Union? We cannot have it both ways. But I think the American people recognize which of the two objectives is more important. And I'm quite sure that the American people would answer Jane Pauley's question much differently. I'm convinced that their answer would be a resounding no.

I encourage my colleagues to review the following article that appeared on December 16, in the International Trade Reporter which details a number of the United States-Soviet trade deals and trade talks currently underway.

SOVIET UNION—TRADE SHOULD BE MORE PROMINENT IN NEXT SUMMIT, COMMERCE SECRETARY TELLS REPORTERS

Trade should play a more prominent role in the next U.S.-Soviet summit than it did in last week's meeting between President Reagan and Soviet General Secretary Mikhail Gorbachev, Commerce Secretary C. William Verity said Dec. 14.

Verity met with a small group of reporters after the summit, at which the two governments endorsed expansion of trade and economic relations and called on the U.S.-U.S.S.R. Joint Commercial Commission to develop proposals to improve bilateral economic relations.

The Reagan Administration and Soviet government, in the joint statement issued after the summit, also agreed that commercially viable joint ventures complying with each country's laws could aid development of commercial relations.

Verity told reporters the communique was encouraging from an economic and trade point of view because both sides said the joint commission should examine the situation. The joint statement also called on the commission, at its March meeting in Moscow, to reduce barriers to the point that trade questions could be discussed at the next Reagan-Gorbachev summit, expected during the first half of next year.

The commerce secretary also said the summit statement was encouraging because both sides endorsed joint ventures.

Trade was not a major focus of the summit—which concentrated more on arms control issues—although the issue did come up, as had been expected (4 ITR 1525, Dec. 9, 1987), in a number of forums, including a meeting between Gorbachev and U.S. business executives.

EMBASSY SESSION FOR EXECUTIVES

Gorbachev met with about 70 U.S. business officials at the Soviet Embassy Dec. 10 to press for major U.S. investments in joint ventures. Soviet sources said the U.S. executives included broadcaster Ted Turner, David Rockefeller of Chase Manhattan Bank, Felix Rohatyn of Lazard Freres & Co., and Duane Andreas of Archer-Daniels-Midland Co. The session was followed by a small group meeting with several business leaders and Verity.

Occidental Petroleum Corp. Chairman Armand Hammer said the general secretary had spoken of the importance of "consortiums," such as the one Occidental and Italy's Montedison SpA plan to develop and operate a petrochemical complex (4 ITR 1453, Nov. 25, 1987).

Gorbachev, according to Bunge Corp. Chairman Walter Klein, "said all the right things."

"The Soviets means to have improvement," he said. "Therefore they are going to do as much as they can. I don't say it will last forever, but he certainly got a great deal of applause, and those in the room who have not dealt with the Soviets were charmed," Klein said.

James Giffen, president of the U.S.-U.S.S.R. Trade and Economic Council, said Gorbachev had pointed out that Soviet rules on joint ventures will keep changing until workable arrangements can be achieved.

Giffen said that Gorbachev and U.S. business leaders had discussed "some major proposals" for expanding trade, but he said he could not elaborate.

TWENTY-SIX POSSIBLE U.S. VENTURES

Able G. Aganbegyan, chief of the economic branch of the Soviet Academy of Sciences, told reporters Dec. 9 that 26 proposals from U.S. firms for joint ventures have good prospects for agreement within the next few months.

He said the industries included machine building, food-stuffs, light industry, waste processing, chemicals, biotechnology, agriculture, and infrastructure projects.

The Soviet official also said he had discussed joint ventures during the summit trip, both in New York and in Washington, and said he would be returning to the United States in February or March for more talks in New York. He said the talks had been with firms in the machine building, light industry, food processing, chemical, and agricultural fields.

Aganbegyan, who said there needed to be a five- to 10-fold increase in bilateral trade with the United States, said the 26 U.S. proposals were among some 300 proposals for joint ventures, including 45 U.S. proposals which have been received under the new joint venture law. He also noted that there are now 13 operational joint ventures, including one with a U.S. firm, Combustion Engineering (4 ITR 1425, Nov. 18, 1987).

BARRIERS TO INCREASED BILATERAL TRADE

Soviets traditionally cite lack of U.S. most-favored-nation treatment as a barrier to increased bilateral trade. The quality of Soviet goods is also often mentioned as a problem. When asked which was the greater problem for U.S.-Soviet trade, Aganbegyan said they were both problems, but that discriminatory tariff treatment was more important.

One product the Soviets could sell to the U.S. market is automobiles, he told reporters, suggesting that Soviet cars could be sold as second or third cars, as the Yugo or Hyundai autos are sold in this country now.

When asked about grain sales, he told reporters the Soviets would like to cut grain imports, adding that Moscow is taking measures to increase production. During the 1990s, he said, the Soviets hope to halt large-scale imports of grain except for soybeans.

He also said the Soviets want to cut domestic consumption of oil and told reporters there are good prospects for oil in the Soviet Union, citing new deposits in the Caspian region, Siberia, and the Sakhalin region.

On making the ruble convertible, Aganbegyan said the Soviets are planning the move for around 1989 or 1990, saying Moscow is first interested in making the Soviet currency convertible in the socialist market. He said he would recommend that Moscow start with making the ruble convertible domestically before allowing it to be converted on the international market.

Aganbegyan noted that Moscow is interested in joining the General Agreement on Tariffs and Trade—which he said the Reagan Administration opposes—adding that the Soviets currently are establishing contacts with the European Community. The Soviet official told reporters Moscow is planning more cooperation between the countries of Eastern Europe and the EC on the one hand and the Soviet Union and individual Western countries on the other.

JEC MEETING

Aganbegyan also met for about 90 minutes with three members of the Joint Economic Committee of Congress. Present at the meeting were Sens. William Proxmire (D-Wis) and Paul Sarbanes (D-Md) and Rep. James H. Scheuer (D-NY). But trade was not a major topic of discussion, according to a committee source who was present at the meeting.

Proxmire reportedly pointed out to Aganbegyan that the Soviets had been borrowing to a significant extent from the West, with imports from the West decreasing, a contention which Aganbegyan did not challenge.

The committee source said his impression was that the entire emphasis on the Soviet side was on improving domestic performance and that there was no great reliance on imports from the West.

The question of illegal Soviet acquisition of Western technology came up, although the Soviet academician reportedly responded that such transfers did not pose a major risk to the United States because countries that borrow other countries' technology remain behind competitively.

AIR SERVICE AGREEMENT

In addition, Secretary of State George Shultz and Soviet Foreign Minister Eduard A. Schevardnadze Dec. 9 signed and exchanged diplomatic notes amending the U.S.-U.S.S.R. Civil Air Transport Agreement of 1966 to authorize joint use of aircraft by Pan American World Airways and Aeroflot for non-stop air service between New York and Moscow.

The State Department said the two sides agreed to set up joint non-stop service starting in May 1988, and the agreement authorizes use of Pan American aircraft.

A department spokesman called the move a "concrete example of mutually benefical commerce" between the United States and the Soviet Union.

RESTORING THE CAPITAL GAINS PREFERENCE

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing a bill that will restore preferential tax treatment for capital gains. This legislation will encourage desperately needed capital formation which will translate into more economic growth and more jobs.

My bill would reinstate special long-term capital gains exclusions similar to the exclusion provided prior to the Tax Reform Act of 1986. The new exclusions would similarly apply to all capital assets as defined in section 1221 of the Internal Revenue Code of 1954 and to those assets qualifying for capital gains treatment under section 1231 of the Code.

A 25-percent exclusion would be allowed when a taxpayer held an asset for at least 2 years, but less than 5 years. A more favorable 50-percent exclusion for assets held for more than 5 years is provided.

In addition, no exclusion would be provided in any case for assets used for farming purposes unless the taxpayer or a member of the taxpayer's family materially participates in the operation of the farm.

I think this bill reflects the necessity for legislation which will encourage investment and risk taking by Americans, which will in turn result in more jobs and greater productivity at virtually no cost to the Treasury.

RESTORATION OF CAPITAL GAINS PREFERENCE BASED ON PERIOD CAPITAL ASSET HELD

(a) RESTORATION OF CAPITAL GAINS PREFERENCE.—Sections 301, 302, and 311 of the Tax Reform Act of 1986 (relating to repeal of capital gains treatment), and the amendment made by such sections, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied as if such sections, and amendments, had never been enacted.

(b) HOLDING PERIOD INCREASED TO 2 YEARS.—

(1) IN GENERAL.—The provisions amended by section 1001 of the Tax Reform Act of 1984 are each amended by striking out "6 months" and inserting in lieu thereof "2 years".

(c) AMOUNT OF PREFERENCE BASED ON HOLDING PERIOD.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction for gross income—

"(A) 25 percent of the gain described in paragraph (2), and

"(B) 50 percent of the gain described in

"(2) ASSETS HELD LESS THAN 5 YEARS.—The gain described in this paragraph is the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year taking into account only gains and losses on property held by the taxpayer for at least 2 years but less than 5 years.

"(3) ASSETS HELD 5 YEARS OR MORE.—The gain described in this paragraph is the lesser of—

"(A) the excess of —

"(i) the net capital gain for the taxable year, over

"(ii) the gain described in paragraph (2), or

"(B) the net capital gain for the taxable year taking into account only gains and losses on property held by the taxpayer for at least 5 years.

"(4) SPECIAL RULE FOR DETERMINING HOLDING PERIOD FOR PROPERTY USED FOR FARMING PURPOSES.—

"(A) IN GENERAL.—For purposes of this subsection, the taxpayer shall not be treated as holding property used for farming purposes for any period unless there is material participation by the taxpayer (or a member of the family of the taxpayer) in the operation of the farm throughout such period.

"(B) DEFINITIONS.—For purposes of subparagraph (A), the terms 'farming purposes', 'material participation', and 'member of the family' have the meanings given such terms by section 2032A."

(2) CORPORATIONS.—Subsection (a) of section 1201 of such Code (relating to alternative tax for corporations) is amended by striking out plus at the end of paragraph (1) and by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) a tax of 27 percent of the net capital gain described in section 1202(a)(2), plus

"(3) a tax of 20 percent of the net capital gain described in section 1202(a)(3)."

EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1987.

THE HONORABLE DAN DANIEL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. MATSUI. Mr. Speaker, this weekend our country lost a dedicated public servant and we in Congress lost a treasured friend with the death of Representative DAN DANIEL. As we mourn his death, I ask my colleagues to take a few minutes to consider the many contributions of this great American.

Many of us are familiar with DAN's achievements in Congress. Elected to the U.S. House of Representatives in 1968, DAN was the dean of the Virginia delegation and the chairman of the House Armed Services Subcommittee on Readiness. He brought to his work a keen understanding that people, not weapons, were the most critical element of our national defense. During his tenure as chairman significant improvements were made in military maintenance and many other indexes of readiness, and morale, welfare and recreation programs made many significant improvements.

I was fortunate enough to benefit from DAN's commitment to national security just last year, when he took time from his busy schedule to join me for a trip to Mather Air Force Base in Sacramento. This was a particularly trying time for me, as the proposed closing of Mather would have involved serious changes both in our national defense and in the economy of my district. DAN's careful analysis of Mather's operation and his subsequent support for keeping it open helped prevent the Air Force from making a serious mistake that would have weakened our national defense. DAN cared a great deal, and I will certainly never forget him.

DAN's wisdom was cultivated during a life of public service. Born in Chatham, Virginia, DAN grew up during the Great Depression and was a member of the Civilian Conservation Corps for 2 years. He served in the Navy during World War II, and was elected State commander of the American Legion in 1951. In 1956 he became the first Virginian to be elected national commander.

His achievements and character were recognized around the world. He was an honorary member of veteran's associations in Canada, Italy, Belgium, France, and Israel, and received numerous civic awards in the United States, including the Salvation Army's "Others" award.

Mr. Speaker, I believe I can speak for all Members of Congress in saying that we will miss DAN very much, and that we offer his family our deepest condolences.

THE SUBURBAN TEMPLE OF WANTAGH'S 35TH ANNIVERSARY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LENT. Mr. Speaker, I rise today to recognize an occasion of great importance to the Jewish community of Wantagh, NY. This year, the Suburban Temple of Wantagh marks its 35th anniversary, and the congregation will be holding a gala celebration on May 6 to commemorate this event.

Back in 1952, the temple began with only 12 families who joined together to establish a reform Jewish congregation. At that time, they met in a small restaurant on Merrick Road in Wantagh. But with dedication and perseverance, they were able to purchase the land the temple sits on today.

Two years later, the ground was broken at the present temple site and, in 1965, the building was completed and the synagogue's doors were opened to all who wished to join. Over the years, the temple has served the community well as a place to gather and worship with family and friends. Today, the congregation takes great pride in its membership of over 700 families.

This anniversary represents the conviction and commitment of the temple's founders and all those who have worked to further Jewish culture and religion in their community. Their dedicated efforts will preserve this legacy for their children and future generations.

In closing, I'd like to congratulate the congregation on this important occasion and offer my best wishes for the Suburban Temple of Wantagh's continued success as one of the community's most valued institutions.

KILDEE URGES PEACEFUL SETTLEMENT OF ISRAELI-PALESTINIAN CONFLICT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. KILDEE. Mr. Speaker, I have been a strong supporter of the State of Israel all my life; not for strategic reasons but for moral and ethical reasons. The Jewish people have suffered too much throughout their long and illustrous history without the protection of a state of their own. Most observers agree that the Nazi Holocaust would never have occurred if European Jews had had a safe haven, like Israel, in the 1940's.

However, as a friend of Israel, I feel compelled to join with those Israelis who have spoken out against the continuing violence in the Israeli-occupied territories between Israeli soldiers and Palestinian demonstrators. At least 38 Palestinians have been shot dead by Israeli soldiers and hundreds of others wounded in the last few weeks of rioting. Unfortunately, I can find little comfort in Israeli Defense Minister Yitzhak Rabin's new policy of substituting severe beatings for live bullets as a means of suppressing the demonstrations.

Over the weekend, more than 50,000 supporters of Peace Now rallied in Tel Aviv to protest the government's policy in suppressing the civil disturbances in the occupied territories. As Peace Now leader Tzali Rehsef said at the demonstration, "The hard fist, the harder fist, the iron fist—where has it gotten us? We have come here tonight in our tens of thousands to say no." In the short run, Rehsef and his colleagues are concerned with the continuing occupation's dehumanizing effect on the young Israeli soldiers serving in the territories. As the mother of a soldier serving in the occupied territories put it, "In Lebanon I was afraid for his life. Now I am afraid for his soul."

In the long run, these Israelis are deeply worried about the ultimate consequences of the occupation for Israel's moral and political values as a democratic nation. They and other thoughtful Israelis realize that the overwhelming weight of the Israel Defense Forces can and will eventually bring the current round of Palestinian demonstrations to end. However, they also realize that no amount of military force can crush the spirit of the Palestinian people or extinguish their desire for self-determination in their own homeland.

Mr. Speaker, some say that it would be too easy for us to sit here in the safety of the Halls of Congress and offer advice to the Israeli people and Government who have lived for the last 40 years surrounded by hostile neighbors bent on their destruction. However, I feel that to remain silent at this time would be an even greater disservice to the Israeli people. The Israeli-Palestinian conflict cries out for a solution based on mutual recognition of both peoples' right to self-determination and their desire to establish a just and lasting peace for all nations in the region.

The U.S. Government can play an important role in facilitating negotiations between Israel and her neighboring Arab States and the Palestinian people. As a superpower and as an unshakeable friend of Israel, our Nation must be an active participant in bringing together the various parties to this long-standing conflict. A just and comprehensive solution to this conflict can and must be found. But our silence will not contribute to that goal.

PICO RIVERA, CA CELEBRATES ITS 30TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TORRES. Mr. Speaker, the city of Pico Rivera was incorporated on January 29, 1958, and is now celebrating its 30th anniversary as a city. The city is a combination of two historic unincorporated communities: Pico and Rivera. The union of these two areas, each of which had its own strong tradition, has been a happy and successful one. Today, Pico Rivera is a city of 60,000 residents with its own excellent school district and a record of economic and social growth.

It is a model city for others to follow. The leaders of the city have fashioned a balance between the contract system and services by city employees that has proven to be highly successful. Under wise leadership by a succession of dedicated city councils and planning commissions, Pico Rivera has developed into a well-balanced community of industrial, commercial and residential land use.

Pico Rivera is a family-oriented community of well-maintained residential properties. Its beautiful parks are highly patronized. Many organizations work closely with city government to provide a variety of healthful outlets for people of all ages, Pico Rivera operates 20 baseball fields which are busy day and night. The city's Olympic size swimming pool was used for training purposes in the 1984 Olympics. In conjunction with the U.S. Army Corps of Engineers, the city was able to develop a Bicentennial Park in the Whittier Narrows area. The complex includes a stadium, public campgrounds, stables and a municipal golf course with driving range, pro shop, plus a restaurant to serve area residents.

To assure a continued high-quality environment for the entire community, Pico Rivera operates a multifaceted housing assistance program. An extremely active redevelopment agency has completed one major shopping center and is now completing a major industrial development with the assistance of an urban development action grant from the Federal Government. Pico Rivera has begun work on the rehabilitation of Whittier Boulevard, including new storefronts and new offstreet parking facilities. It also works closely with the Northrop Corp. which is developing its advanced systems division on 220 acres within the city limits.

Further, Pico Rivera has extremely capable and progressive civic leaders. The city council members include: Mayor Garth Gardner, first elected in 1972 and served on the planning commission for 13 years; Mayor pro tempore James M. Patronite, elected in 1974 and served on the incorporation committee in 1956; Councilman John Chavez, elected in 1978 and served on the planning commission for 5 years; Councilman Alberto Natividad, elected in 1982 is retired from the Los Angeles County Sheriff's Department; and Councilman Gil de La Rosa, also elected in 1982 and served for 14 years as a member of the board of the el Rancho unified school district.

Mr. Speaker, on Firday, Janauary 29, 1988, the city of Pico Rivera will celebrate this important occasion with a dinner-dance at the Whittier Hilton Hotel, I ask that my colleagues in the House of Representatives join me today in saluting the people of Pico Rivera by extending to them best wishes for a future of accomplishment and achievement as successful as the past 30 years. It is an honor for me to represent the people of Pico Rivera in Congress during their 30th anniversary.

STATE SPONSORED TERROR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BROOMFIELD. Mr. Speaker, on November 9, 1987 a South Korean airliner exploded near the Burmese coast. The direct result: 115 innocent people lost their lives so that North Korea could prevent the success of the Summer Olympic games.

Earlier this month Kim Hyon Hui, an agent of Communist North Korea, admitted to South Korean authorities that she, along with a male accomplice, carried out orders to bomb a South Korean passenger jet. Their instructions came from the highest levels of the North Korean Government. Her confession should serve as a chilling reminder of the respect Communist nations attach to human life.

How did the South Koreans manage to extract this confession from Miss Hyon Hui? By the use of excruciating torture so often synonymous with totalitarianism? No; instead, according to media reports, Kim Hyon Hui freely gave her story after she was exposed to South Korean newspapers, television and allowed to view everyday life in South Korea. The diet of propaganda and fabrications which she was fed in North Korea could not stand up to reality.

Her story is one of many which demonstrates Communist affinity for terrorism. In addition to North Korea, the Soviet Union, Cuba—which actively supported the bombing by refusing to participate in the Seoul Olympic games—and several Eastern bloc nations all engage in equipping and training many of the world's terrorists.

Over 15 years ago world opinion was shocked by the terrorist killing of Israeli Olympic athletes in Munich. Today the recent crimes of North Korea are just as heinous and cold blooded. The fact that these deaths are the product of state policy is even more frightening. Yet, the international community has not stood with one voice in condemning the state sponsored terrorism of North Korea. The criminal government of North Korea will go unpunished and the deaths of 115 innocent airline passengers will be recorded as yet another human sacrifice for communism.

FAMILY REUNIFICATION CASE DEMANDS ACTION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. JEFFORDS. Mr. Speaker, I would like to express my concern for Elena Keiss Kuna who is seeking an exit visa from the Soviet Union so that she can be reunited with her relatives in Israel. Since her initial refusal in 1974, she has reapplied every 6 months to no avail. The Leningrad OVIR has continually denied her application, claiming she has knowledge of state secrets. However, Elena has not worked for more than 10 years. Furthermore, when she was employed in the Leninetz plant, her position involved no exposure to sensitive information.

As a result of her application, Elena has been stigmatized as a refusenik and has been unable to find employment. Currently, Elena's mother, sister, niece, and nephew all reside in Israel. Her mother, who is permanently hospitalized, lives with the hope of seeing her family reunited.

Even though Soviet authorities in recent years have made progress in the resolution of family reunification cases, there are a number of cases, including Elena's that demand action. It is imperative that Congress continue to bring attention to cases such as Elena's in an effort to encourage compliance by all the signatories to the provisions of the Helsinki final act and the Madrid concluding document.

Included for the record is the text of the letter I am sending to General Secretary Gorbachev requesting Elena's release from the Soviet Union.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 1988.

MIKHAIL S. GORBACHEV,
General Secretary, CPSU,
The Kremlin,
Moscow, USSR.

DEAR MR. GENERAL SECRETARY: I would like to commend you for the recent progress your government has made in the resolution of family reunification cases. The continuing Soviet commitment to the Helsinki Final Act and the Madrid Concluding Document is a promising sign of Soviet willingness to bridge U.S.-Soviet mistrust. However, there are a number of cases which demand consideration.

Specifically, I am concerned about Elena Keiss Kuna, who is seeking an exit visa so that she can be reunited with her relatives in Israel. Since her initial refusal in 1974, she has reapplied every six months to no avail. The Leningrad OVIR has continually denied her visa application, claiming she has knowledge of state secrets. However, Elena has not worked in more than ten years. Furthermore, when she was employed at the Leninetz plant, her position involved no exposure to sensitive information.

Currently, Elena's mother, sister, niece and nephew are all residing in Israel. Her mother, who is permanently hospitalized, lives with the hope of seeing her family reunited again. In light of these circumstances, I hope your government will reconsider Elena's case and will allow her to join her family in Israel.

Thank you for your attention to this matter.

Sincerely,

JAMES M. JEFFORDS,
Member of Congress.

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100 YEARS OF CHURCH HISTORY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. GALLO. Mr. Speaker, this year, Our Lady of Sorrows Roman Catholic Church in South Orange, NJ, celebrates its 100th anniversary as a force for good in the community. This active community, which includes the expanding Seton Hall University campus, deserves our special recognition today.

In honor of this milestone, I am requesting that portions of the Church history be included in the RECORD of today's proceedings.

FROM THE CHURCH'S HISTORY

The Church in New Jersey was flourishing. Whereas in 1854 there had been only one church school in the State, by 1874 there were 80 such schools with a total enrollment of 20,000 Catholic children. Fostered by the presence of a Catholic seat of higher learning, Catholicism in South Orange grew rapidly. The founding of a village parish became essential.

In 1887, Rev. John Francis Salaun was appointed first pastor of the South Orange parish by Rt. Rev. Winand M. Wigger, the third Bishop of Newark. Father Salaun, a native of Brittany, France, had volunteered his services on the cholera ship in Lower New York Bay and later had served at Seton Hall.

On the 3rd of January, 1887, the Articles of Incorporation of the parish were signed by Bishop Wigger, the Very Rev. William P. Salt, Vicar General of the Diocese, Father Salaun and Messrs. Paul Fuller and Henry P. Finlay, lay trustees. Three months later these articles were filed with the county clerk in Newark and the corporate existence of the parish began.

The Board of Trustees of the new parish continued to meet at Seton Hall while they planned for a church. They thought at first to locate the new building on a tract directly east of the Edwin Taylor Estate opposite Grove Road (South Orange Bulletin, Aug. 13, 1887). We don't know what made them change their mind about that site, but not long after they purchased the property at Fourth and Academy Streets and asked Augustus Eichorn of Orange to be architect for a church there. A $1,345 contract for the foundation and masonry work was given to Henry Becker of South Orange; Jos. M. Smith Bros. of Newark won the contract for carpentry work with a bid of $7,000. Inside and outside painting was given to Timothy Donnelly of South Orange, at a price of $675.

The cornerstone of the first church of Our Lady of Sorrows was laid Sunday afternoon, December 21, 1888. The stone contained copies of the South Orange Bulletin, the Newark News and Journal, the New York Herald and World, several Catholic publications, a list of the Church trustees signed by Bishop Wigger, the Rev. Charles Mills, and others, lists of the members of the Village Board and Township Committee and Board of Health and a number of coins. (Bulletin, Dec. 8, 1888). About 300 persons attended the cornerstone Ceremonies. Rev. Charles Mills delivered the short address on the principles of Catholicism and reviewed the efforts of parishioners to have a church of their own. . . .

"The first church of Our Lady of Sorrows was dedicated Sunday, September 22, 1889, by Bishop Wigger. The Bulletin of September 21st announced that the Chapel of the Immaculate Conception at Seton Hall will be opened to the parishioners of the village for the last time tomorrow morning (Sept. 22nd) at the 6:30 Mass. The new Church of Our Lady of Sorrows will be dedicated in time for the 8:00 Mass. The Rev. J. F. Salaun, Pastor, has decided to spend his last days in France and not return to America as originally planned. The same paper a week later recorded that the choir for the dedication ceremonies was composed of Seton Hall College students—and several good singers from Jersey City.

"The same issue of the paper reported this: A pretty frame structure, the new Church is located on a slight elevation on the corner property of Academy and 4th Streets. The Church has three altars. The main altar is furnished more completely than main altars in most Churches, while the altars of the Blessed Virgin and St. Joseph are strikingly neat and attractive. The pews and general interior of the edifice are constructed mainly of yellow pine.

The Church in New Jersey continued to flourish. By 1890 the Diocese of Newark had 168,000 Catholics, 191 priests, 109 churches, 15 chapels and stations, 20 charitable institutions, 1 seminary, 3 colleges and 93 church schools attended by about 25,000 students. In addition to the diocesan clergy, the priests included Benedictines, Carmelites, Dominicans, Franciscans, Jesuits, Fathers of Mercy and Passionists. There were many Christian Brothers. In addition to the Sisters of Charity, religious communities of women included Benedictines, Sisters of Christian Charity, Dominicans, Franciscans, Sisters of the Good Shepherd, Sisters of Notre Dame, Sisters of Peace, Little Sisters of the Poor, and Sisters of St. Joseph.

A year after the dedication of its church, the parish was ready to lay the cornerstone for its school. Bishop Wigger made his annual visitation on Sept. 14, 1890, and participated in the events of a full day. At the 8:30 Mass, about 75 boys and girls received their First Holy Communion from their pastor, Father Carroll. That evening they were confirmed by Bishop Wigger. In the afternoon Bishop Wigger presided at the cornerstone ceremonies for the new school.

The current church is a monument to the vitality of Catholic life and culture in South Orange. It was dedicated May 3, 1931, by Most Rev. Thomas J. Walsh, Bishop of Newark. The slender, Cross-topped metal fleche of Our Lady of Sorrows overlooks the village. . . .

It was in June 1957 that Archbishop Boland appointed Rt. Rev. Msgr. John H. Byrne our pastor. The monsignor was born in West Orange and baptized in St. John's Church, Orange. He attended Bayley Hall and Seton Hall College. After completing his studies at Immaculate Conception Seminary, then at Seton Hall, he was ordained April 11, 1920, in the Immaculate Conception Chapel where parishioners of the present parish of Our Lady of Sorrows first worshipped. Monsigor's first pastorate was St. Luke's, Hohokuns, with a mission at Allendale, N.J., the Church of Our Guardian Angel. Immediately before coming to South Orange, he spent 14 years as pastor of St. Mary's Church, Jersey City. It was while at St. Marys' that he was named a domestic prelate with the title of Right Reverend Monsignor.

At Our Lady of Sorrows, Monsignor Byrne is assisted by Rev. Joseph A. Hearns, Rev. Lester A. McGuinness and Rev. John J. Krozser. Frank Radel has been a lay trustee since 1945, Louis Kernan since 1957. There are 950 students in the school and more than 2,100 families in the parish.

The present is promising. The parish debt, which was $600,000 in 1957 when Monsignor arrived, is now in the neighborhood of

$100,000. The spiritual wealth of Our Lady of Sorrows is suggested by the 150,000 Holy Communions distributed each year and the parish's many vocations to the religious life.

It is no easy thing to write a history of a parish. So much of what can be said smacks of brick and mortar. The important, underlying life of the parish must be left unsaid—the sacrifices offered, the graces received, the daily efforts of each of us to glorify God and to live together in His peace. Of the future, we know only that He will be with us all days, even to the consummation of the world.

GORBACHEV CAN'T DEFY HUMAN-RIGHTS TIDE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HERTEL. Mr. Speaker, I would like to submit for inclusion in the Congressional Record an article on the recent summit meeting which appeared in the Wall Street Journal on December 16. It is a reflection on, and a thoughtful analysis, in my judgment, on what really was achieved and on how the human rights issue suffered severe neglect by the administration, as well as on the intolerable manipulations by Secretary General Gorbachev. The article, entitled, "Gorbachev Can't Defy Human-Rights Tide," follows:

GORACHEV CAN'T DEFY HUAMAN-RIGHTS TIDE

(By Morris B. Abram)

Now that the much celebrated summit between President Reagan and General Secretary Gorbachev has ended, it is appropriate to evaluate the meeting in light of its own agenda. On Oct. 30, in a joint statement convening the summit, Mr. Gorbachev promised to make substantial headway on human rights. The cryptic statements made at the conclusion of the summit may not tell the full story of the achievements in that area; President Reagan's assurance of "future, more substantial movement" on the issue of human rights is certainly encouraging. However, some of Mr. Gorbachev's statements on the subject are deeply troubling.

In a discussion of the right of emigration. Mr. Gorbachev said of the U.S.: "What right does it have to be the teacher—who gave it the moral right?" This challenge invites the simple answer that the right comes from pledges made by the Soviet Union. In three separate international documents—the Universal Declaration of Human Rights, the International Covenant on Civil and Politic Rights and the 1975 Helsinki accords the Soviet Union guaranteed that "Everyone shall have the right to leave any country, including his own."

When Mr. Gorbachev went on to say to the president, "You are not the prosecutor and I am not the accused," he was mistaken. The Soviet Union, having given the international community its pledge, also gave the community the right and duty to judge its compliance with the international human-rights agreements. It bestowed upon mankind the right to judge the Soviet Union's performance. When President Reagan advocated the cause of human rights, he spoke for all mankind.

Mr. Gorbachev compared the human-rights situation in his country with unemployment in the West. Although the poverty we see in our country merits serious concern, only a cynic would equate such problems with the denial of basic human rights: freedom of speech, freedom to assemble and petition one's government, and the right to leave one's country.

Mr. Gorbachev excused and explained Soviet refusal to grant emigration visas by referring to "state secrecy concerns." This is an absurd position that contradicts the statement he made in Paris in 1975 that even if a person possessed secrets, the secrets' usefulness would expire in five (and at most 10 years). Some refuseniks who have never held any significant posts or any positions sensitive to national security have been held in the Soviet Union for more than 17 years on the grounds of "state secrecy concerns."

Furthermore, two new Soviet laws are designed to further constrict Jewish emigration. The first requires any Soviet Jew who applies for a visa to produce an invitation from an immediate family member in Israel. Thousands do not qualify. The second, the so-called "family law," requires that every applicant have permission to emigrate from family members in the Soviet Union. This device permits the Soviet Union to manipulate reasons for refusal while disguising its role.

There never can be a normal relationship between the Soviet Union and the West until the Soviets normalize their conduct of human rights. Similarly, trade relations never will be normal until the conditions that gave rise to the Jackson-Vanik and Stevenson amendments are redressed. The next move is up to Mr. Gorbachev.

Based on the actions taken by his government while Mr. Gorbachev was in Washington, there is every reason to be skeptical of his intentions. When Americans were marching in Washington last week in support of basic human rights in the Soviet Union, a similar demonstration in Moscow by Soviet Jews and others who have been denied visas was roughly broken up by police. That action speaks much louder and clearer than any of Mr. Gorbachev's rhetoric about glasnost.

It is to be hoped that the treaty on intermediate-range nuclear missiles will be a major step toward peace. But as John F. Kennedy said a few weeks before he was slain: "Is not peace, in the final analysis, a matter of human rights?" Last week more than 200,000 Americans joined in a freedom raly in Washington to insist that the Soviet Union comply with the human-rights standards that it has pledged to mankind. They represented the entire spectrum of American political, religious, ethnic, labor and cultural life. Mr. Gorbachev cannot defy the tides of history no more than legend says King Canute attempted to defy the ocean's tides.

REPUBLICAN CONTRIBUTIONS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LOTT. Mr. Speaker, on Dec. 21, 1987, the Washington Post ran an article by Eric Pianin entitled, "House GOP Frustrations Intensify," which fairly accurately described the abuses our party has been subjected to in this 100th Congress.

On December 29, the Post published a letter from our distinguished Republican Leader [Mr. MICHEL] in response to the article, in which he discussed the positive contributions made by Republicans in this Congress. While our protests over majority abuses of power often receive the most attention, the fact remains that our Members continue to labor on constructive legislative alternatives, and that our ideas do make a difference.

Our Republican leader can be credited with helping to foster this spirit of constructive involvement, despite the many frustrations that come with being on minority turf. At this point in the RECORD, Mr. Speaker, I insert the letter from our Republican leader, and commend it to the reading of my colleagues. The letter follows:

[From the Washington Post, Dec. 29, 1987]

THE MINORITY LEADER REPLIES

The Post ran an article [Dec. 21] about the Republican minority in the House of Representatives. The article addressed the "painful reality" of minority status in the House and all that it entails. It mentioned the abuses that Republicans are subjected to by the Democratic majority.

By omission, however, the article left the impression that the minority party has no influence in the development of public policy, and in fact has reached a point of such permanency that it has been reduced to "an unhappy collection of handwringers and complainers."

While we wring a hand now and then and at times a complaint may be heard from our patient and enduring ranks, we spend most of our time working. During this Congress, the House Republican positions on farm credit, catastrophic health care, welfare reform and particularly trade will be far closer to what the nation will ultimately have as public policy than those the Democratic majority forced through the House. So, too, can our imprint be found on what the House did not do—the costly experimentations in social policy, the destruction of defense policy and, to a lesser degree, fiscal policy.

Yet it is not simply in specific legislative proposals that House Republicans have a beneficial impact. We have through sheer necessity become the embodiment of parliamentary vigilance, ever on the alert to identify, challenge and, at times, even prevent some of the more blatant procedural abuses of the majority. In fighting the Democratic procedural juggernaut, House Republicans represent all that is best in our nation's parliamentary tradition. They also serve who only reserve the right to object.

Nothing is so boring to the layman as a litany of complaints over the more obscure provisions of House procedures. It is all "insider baseball." Even among the media, none but the brave seek to attend to the howls of dismay from Republicans over such esoterica as the kinds of rules under which we are forced to debate. But what is more important to a democracy than the method by which its laws are created?

We Republicans are all too aware that when we laboriously compile data to demonstrate the abuse of legislative power by the Democrats, we are met by reporters and the public with that familiar symptom best summarized in the acronym "MEGO"—my eyes glaze over. We can't help it if the battles of Capitol Hill are won or lost before the issues get to the floor by the placement of an amendment or the timing of a vote. We have a voice and a vote to fight the disgraceful manipulation of the rules by the Democrats, and we make use of both. All we need now is media attention, properly directed to those boring, but all-important, House procedures.

The fact is that Republicans in the House are far more productive and creative as a minority than Democrats in the House are as a majority. All the Democrats have (and, alas, it is often enough!) is sheer numbers. They are as bereft of ideas as they are of credible presidential candidates.

It is time for a new assignment and a greater challenge for Republicans who, through the uses of adversity, have learned how this House should operate. Since Democrats have so badly abused and disfigured the body of power entrusted to the majority, the next step seems obvious—a Republican majority.

ROBERT H. MICHEL,
Office of the Republican Leader, U.S. House of Representatives.

TRIBUTE TO MAYOR CECILE F. NORTON

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HOWARD. Mr. Speaker, the borough of Sea Bright, N.J., has had the good fortune for the last 20 years to have Cecile F. Norton as its mayor. As the representative of Sea Bright in Congress, I have had the good fortune of working closely with Mayor Norton for all of these years. She has been an outstanding public servant, and certainly one who deserves special recognition upon her retirement from office.

Ceil Norton is often referred to as the "First Lady of Sea Bright" because of her devotion to her constituents and because of her grace and intelligence that are her trademarks. She has been a loyal friend to so many, myself included. She has conducted her private and her public life with kindness and compassion. The strong vote of confidence she has received year after year from the residents of Sea Bright is a testament to her wise and evenhanded leadership. It is not unusual for Mrs. Norton's political opponents to express admiration for her and, in fact, she has run unopposed in the last several elections.

Mayor Norton closed her farewell address to borough residents in December with the words, "I love you all." There is no question that all of us feel the same way about Ceil Norton.

The Asbury Park (NJ) Press editorial of January 11 which follows provides a good account of and appropriate tribute to this fine public servant.

CECILE NORTON RETIRES—SEA BRIGHT MAYOR STEPS DOWN AFTER 20 YEARS

Cecile F. Norton's first taste of politics came more than half a century ago when she and her husband, Robert, ran afoul of a state law that classified any residence where four or more dogs were kept as a kennel requiring a $100 license.

"A hundred dollars was a lot of money in those days," she recalled recently, and her late husband was the devoted owner of four German shepherds. The Nortons sued the state, succeeded in overturning the law, and discovered the joy of the fray that is an essential attribute for anyone who devotes years to politics.

Mrs. Norton had found a calling that was to last for decades. She helped build the Democratic Party in Sea Bright in the 1940s and '50s, and became a member of the Borough Council in 1955, after several years' service on the Board of Education, and on the planning committee that helped form the Shore Regional High School district. After 12 years as a council member, she was elected mayor. By then she was well on her way to becoming a major player in the region's political affairs, a member of the state and Monmouth County Democratic committees.

And she served as mayor for 20 years, until the council's organization meeting this month. Mrs. Norton did not seek reelection last November, but her handpicked successor, Councilman Andrew B. Manning, was elected in her stead. One of Manning's first official acts was to appoint Mrs. Norton to the Planning Board, and the council quickly confirmed it. Mrs. Norton, now 80, may have relinquished the reins, but she does not intend to lose touch with the borough's affairs.

In a brief farewell address, she thanked residents for the honor of being their mayor, expressed pride in the services the borough provides its residents, and pledged she would "always be ready to help" the new mayor and council.

"Sea Bright is losing a strong and dedicated leader," declared her successor, and he is right. Mrs. Norton served the borough ably and vigorously, and became a political leader at a time when few members of her sex were contesting elections and seeking an active role in government. She was appointed to set up Monmouth County's Office on Aging in 1974 and a year later she became Monmouth County's first woman freeholder, when she was appointed to complete an unexpired term. The only election she ever lost, for a full term on the Board of Freeholders, pitted her against Republican Jane G. Clayton, now the Monmouth County clerk. The margin was just 39 votes.

But Mrs. Norton's public career was as successful as it was long, and it's not entirely over yet. Her constituents and scores of other admirers wish her the best in her well-earned retirement.

A TRIBUTE TO PETER McGUIRE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. MANTON. Mr. Speaker, on December 11, 1987, a Washington institution died at age 81 in Fort Lauderdale, FL. He wasn't the Peter McGuire who some claimed founded Labor Day in this country, and he wasn't Tip O'Neill or Eddie Patton of New Jersey, both for whom he was frequently mistaken. He was instead the Peter McGuire who represented the Hotel Employees and Restaurant Employees [HERE], the Transportation, Communications Union—now TCU and formerly called the "Brotherhood of Railway and Airline Clerks"—and a variety of other labor and retiree organizations.

A large affable Irishman with a distinctive growl in his voice he had the advantage of being once met, always remembered. Even after only knowing him briefly all had to be impressed with other qualities. He was the kind of human being for whom the words honesty, decency and loyalty were invented to describe. He "gave a damn." As a recent article in the January 1988 edition of "the Catering Industry Employee" said, "Pete believed there still was room in life for compassion and consideration for the little people."

Peter was born in New York City in 1906. He spent most of the last 25 years in Washington representing working people and retired working people. Nevertheless, he remained the quintessential west side Irishman. He was raised in Manhattan's Hell's Kitchen and he relished explaining to the uninitiated that it was more accurately Held's Kitchen named after Held, the German proprietor of a frequently visited watering hole on the west side.

Before his move to Washington, DC, he worked intensively with volunteer groups, to preserve the idea among young people that decency was right and delinquency wrong. To the people in his old neighborhood, he became "mister volunteer." Because of this he was subsequently recognized by the West Side Businessman's Association as the honorary mayor of Hell's Kitchen.

When Pete graduated from Blessed Sacrament Elementary School on the west side, he went to work, out of necessity, as an electricians' helper wiring the luxury mansions of uptown Manhattan. Then he joined the fledgling movie industry, and became a member of the International Alliance of Theatrical Stage Unions [IATSE], local 52, which was established in 1924. When he died he had a paid up book in IATSE.

When the movie industry left for Hollywood in 1929, Pete drove armored cars, then became chief of guards and guides in the newly built Empire State Building. He worked there 9 years, and said that the best fringe benefit of the job was the people he met. In a recent interview for New York's Irish Echo Newspaper, Pete said one of them in particular, Kathleen Liebner, was "'* * * pretty bright, she married the boss." Of course, the boss was Pete and they were married in 1936. Kathleen died in 1961. To this day if you visit the Empire State Building, just before you are admitted to the tour you'll be greeted by a large picture of Peter with Fay Wray taken around the time of the filming of the original King Kong movie.

Pete next worked as a laborer's foreman for the 1939-40 New York World's Fair. When the fair closed Pete made the move that determined the rest of his career. In 1941, he took a job with the New York Central Railroad and was involved quickly in union affairs with the Brotherhood of Railway and Airline Clerks [BRAC]. By 1950, he was vice chairman of BRAC's New York State Legislature Committee.

In the late 1960's, he was called to Washington to serve as BRAC's national legislative representative.

Jim Kennedy, now the executive secretary treasurer of the Railway Labor Executives Association and one who worked and lived with Pete a la the "odd couple" during Pete's years in Washington said:

> There's an expression often said and rarely justified "he's a living saint" but it was true about Peter. If there is a heaven, and I know there is, Peter is there growling at Saint Peter and arguing for better working conditions for the angels and even hell's angels for that matter.

During his very productive years as legislative representative for TCU/BRAC and here, Pete played a key role, sometimes the key role, in guiding legislative victories for working people through the U.S. Congress. His personality and his compassion carried him to a close working relationship with a generation of U.S. Senators and Representatives.

During the last years of his career, though he never experienced a twilight era, Peter joined the Washington legislative office of here to help newly appointed Bob Juliano establish contacts and initiate a legislative/political program. Pete's tutorial skills are demonstrated in Bob's emergence in the last decade as one of the most widely respected and effective lobbyists in Washington.

Somehow also during these 20 years in the District of Columbia, Pete managed to represent often for a song or a gold badge the interests of the Concerned Seniors for Better Government, the National Association of Retired and Veteran Railroad Employees, and the International Union of Police Associations. He truly believed he was doing God's work in all these endeavors. As here president Ed Hanley said in a recent tribute to Peter, "There's no way Pete's special brand of Irish charm and fellowship can be duplicated."

Pete is survived by his sister Marie Gitto of Pompano Beach, FL, his brother Charles of New York City, several nieces and nephews and scores of adopted ones who all came to know and love him as "Uncle Buster."

We have all lost a lot by his death but we all gained so much more because he lived and worked among and for us.

JIM CLARK RETIRES AS PRESIDENT OF GREATER VENTURA CHAMBER OF COMMERCE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring to the attention of my colleagues the retirement as president of the Greater Ventura Chamber of Commerce of my constituent, Jim Clark.

Jim has been a resident of Ventura since 1970 and a member of the Chamber of Commerce since 1979. Since that time he has served as chairman of the Governmental Affairs Committee and was elected a director in 1984, vice president 1985, president-elect 1986 and president of 1987.

Jim's term as president was marked by a 30-percent increase in membership, making the Ventura Chamber the largest in numbers of business members along the California coast between Los Angeles and San Francisco. Additionally he was responsible for establishing the award-winning "Ventura Business" as the Chamber's monthly newsletter, keeping the members abreast of current and future activities of the organization. Revisions to the city's smoking and sign ordinances were achieved, mainly through his efforts, and he spearheaded efforts which led to the justification for a 4-year university to be located in Western Ventura County and selection of Ventura as the first choice for a site on which to build it.

Mr. Clark is a native of Ashland, OH and a graduate of the U.S. Naval Academy. Shortly after graduation he married Suzy also of Ashland. His Navy career included tours on carriers, battleships, cruisers, and destroyers as well as schooling at the Naval Postgraduate School in Monterey, giving him a postgraduate degree. Duty in Washington, DC followed and then he was assigned to duties at the Naval Weapons Systems Engineering Station at Port Hueneme, CA. While there he headed three departments and was responsible for the design, construction and testing of a 95-foot remote-controlled Anti-Ship Missile Defense Test Boat which survived all range weapons threats and continues to this day to serve as a drone launching vessel for the Pacific Missile Test Range. At his retirement from the Navy in 1976, he had served the third longest tour of duty ever at Port Hueneme.

Mr. Clark embarked on a career in real estate after his retirement from the Navy and opened his own office, Tugboat Realty in 1981. He is a member of the Ventura Board of Realtors and was a director from 1983 to 1985, serving as the board's secretary/treasurer in 1985. In addition, he was a director of the California Association of Realtors in 1984-85 and continues to serve as a trustee of the Ventura board's political action committee and has been recognized nationally for his political action involvement.

Yachting and boating activities take up most of Jim's spare time. He is a member of the Ventura Yacht Club and served on its board of directors from 1982 to 1987 and was the club's commodore in 1985. He currently serves on no less than seven regional, statewide, national and international boating and yachting organizations. He is 1988 commodore of the Association of Santa Barbara Channel Yacht Clubs, president of District 16 of the International Order of the Blue Gavel (the Past Commodore's Club). He is an officer or member of numerous other boating organizations and in 1980 was awarded the Yacht Club and Ventura Port District's prestigious Merril C. Allyn Award for outstanding service to recreational boating. Other activities and awards are simply too numerous to mention.

In 1987, Jim and Suzy returned to Ashland, OH, where Samaritan Hospital awarded him and his family its Award for Excellence in Medical Care at its 75th anniversary celebration. The hospital was originally given to the city by Clark's grandfather, J.L. CLark.

Jim's other leisure activities include rose culture, gardening, and wine tasting. He is a member of the Consumer Tasting Panel of Mirassou Winery, one of California's oldest family-owned wineries. He is also a judge and life member of the International Chili Society. He judges chili at country fairs and conducts chili cookoffs and declares chili to be his and America's favorite meal.

Please join me in wishing Jim many more years of his chosen activities and best wishes to him and his lovely Suzy.

A CONGRESSIONAL SALUTE TO D.C. STUDENTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FAUNTROY. Mr. Speaker, when the history of the 20th century is written, deeply woven in its fabric will be the saga of how, in the latter part of the 20th century, this Nation ended the tyranny of taxation without representation for its last colony—the citizens of its Nation's Capital.

That history will have to record that 39 bright and committed young people from the District of Columbia fashioned a magnificent stride toward their own freedom when they carried out a mission on behalf of all the people of the District of Columbia by traveling to Atlanta, GA, for the third national celebration of the birthday of Dr. Martin Luther King, Jr., to enlist people of conscience from across the Nation in support of D.C. statehood.

These students included representatives from the University of the D.C. and the following District of Columbia public schools—Louis Charles Rabaut Junior High School, William H. Taft Junior High School, Frank W. Ballou Senior High School, Benjamin Banneker High School, Calvin Coolidge Senior High School, Theodore Roosevelt Senior High School, the Washington Dix Street Academy, and the Washington, DC, School Without Walls, including participants from Mayor Barry's Youth Leadership Institute. I thought you, Mr. Speaker, would like to know the names of these young people to whom posterity will owe a debt of gratitude.

They are: Dennis Abrams, Darlene Allen, Dwayne Bailey, Lisa Brooks, Sheila Bunn, Stanley Burley, Ricardo Canales, Danna Carter, Carla Y. Cyrus, Carolyn Dennis, Sabreena Geddie, Baxter W. Greene, Michael V. Harold, Karin L. Harrison, Lee Hayden, Jr., Ronnelle Johnson, Kito D. Jones, Kwanza M. Jones, Meta Jones, Jacqueline R. Maki.

Angela R. Manning, Lisa McCurdy, Hewlette Pearson, Kathie Shoulders, Cynthia Smith, Patricia A. Smith, Wallace Southerland III, Furard Tate, Tracey L. Taylor, Gary M. Thompson, Cornell R.H. Twilley, Cheryl A.M. Waldron, Kevin R. Waller, Stacye V. Whyte, Susan Whyte, Clyde E. Williams II, LaToya Woodbury, Joseph T. Wyche, Charles H. Young.

NATIONAL TEACHER APPRECIATION DAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ROTH. Mr. Speaker, I am today introducing a resolution that will continue the fine tradition that was begun with the first "National Teacher Appreciation Day."

"National Teacher Appreciation Day," first inspired by Jhoon Rhee, founder of Tae Kwon Do, Inc., honors perhaps our most dedicated and valuable citizens: the educators of our youth.

Education is one topic which touches our society on all levels, literally affecting all Americans. At the general end of the spectrum, education is vital for America as a whole as it strives to compete in the international market and to be influential in world affairs. At my seventh annual Great Lakes Conference on Exports, we had numerous experts speaking on "Japan-United States Competitiveness." A recurring theme throughout this conference was the vital role education plays in maintaining a competitive edge.

At the particular end of the scale, every individual needs education to survive in our complex society. Study after study has shown the importance of a high school education in staying above the poverty level. Any attempts at welfare reform, also, recognize the indispensable role that training plays in achieving independence from welfare.

However, a mastery of invaluable knowledge, as great as that is, is only part of the educational experience. The transformation of thoughts and knowledge into tools and action, the social skills, the humanizing which education provides us, is at least as important as the knowledge which education imparts. To often we forget the major role teachers play in teaching children to perform in a social, interactive setting. Components of this are cooperation, diligence, courtesy, order, self-discipline and respect.

As Jhoon Rhee points out in his essay, "Let's Honor Our Teachers by Observing a Teacher's Day," "Without essential discipline, children will never fully understand what respect means. Without student respect for teachers, which is the first step to learning, they will never be able to realize their full learning potential." In seeking to give our children the best education possible we have, I fear, forgotten the indispensable role which discipline and respect play in the development of our children. This does not only mean development in the sense of emotional growth and civic responsibility, but, also, development academically. As Jhoon Rhee says, "We all remember from childhood that from those teachers whom we respected the most, we learned the most. Nobody wants to learn from someone for whom they have no respect."

"National Teacher Appreciation Day" gives teachers the honor we owe them and encourages the respect from students that they deserve. A day of honor, however, is not all that this commemoration represents. By setting aside a day of commemoration for our teachers, we can better appreciate throughout the year how much we owe them. This engendering of respect for teachers, always, and not just on one day, is what this day is really for.

It is for this reason that I propose October 7, 1988, as "National Teacher Appreciation Day." It places special emphasis on our teachers' invaluable part played in students' growth both academically and as people. It calls for efforts to foster due respect to teachers, as that is a necessary prerequisite for learning.

I urge your support for a renewal of "National Teacher Appreciation Day" for our teachers, our students, and our society.

THE FARMER FUEL TAX RELIEF ACT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing a bill which will relieve farmers of a bureacratic and financial nightmare in the Internal Revenue Code by allowing them to purchase their diesel and gasoline fuel without giving the Government the use of their money. Since farmers are exempt from the tax on fuels for off-road use the collection of this tax followed by the farmer filing quarterly or annually for a tax refund simply adds to the red tape in the Government and steals capital from the pockets of our Nation's farmers. The last people the Government should be borrowing from is America's farmers.

The passage of the 1986 and 1987 tax bills exacerbated the problem by moving the point of collection of the Federal fuel taxes up to a higher point in the distribution ladder. The 1987 bill, which I opposed, is particularly hard for farmers to stomach because other off-road users were provided with an exemption from paying the tax; for example, State and local governments.

In addition, my bill permits registered wholesale dealers, who post a bond or supply other proof of financial responsibility, to purchase gasoline without payment of the tax. This provision was originally offered by Mr. PICKLE and approved by my committee, Ways and Means, but was not adopted by the Conference Committee in the Reconciliation Act of 1987. Finally, my bill will also clarify that the Secretary of the Treasury is to provide regulations so that gasohol blenders are assured the reduced rate they are entitled to when purchasing gasoline for use in blending gasohol.

HON. JOHN FUJIO AISO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. MATSUI. Mr. Speaker, it is with great sadness that I bring to my colleagues' attention the death of Hon. John Fujio Aiso on December 29, 1987. John Aiso was a man that I and many others were proud to know, and he leaves behind an outstanding record of personal achievement and public service.

John broke an important racial barrier when he became the first Nikkei judge in the continental United States with his appointment to the Los Angeles Municipal Court in 1952. Known for his abilities and sense of justice, he served in California courts until his retirement 21 years later, by which time he held a seat on the Second District Court of Appeals.

His distinguished judicial career came after many other contributions to his country. He entered the U.S. Army in 1941 as a private, but he rose to the rank of lieutenant colonel and served as the director of academics at the Military Intelligence Service Language School before leaving the Army in 1947. He continued to serve as a reserve officer until his retirement at the rank of colonel in 1965. He was awarded the Legion of Merit for his distinguished service.

Adding to the tragedy of this loss is the senseless cause of John's death. He died from head injuries sustained when an assailant knocked him to the ground in an unsuccessful attempt to steal his wallet. It is a cruel irony that one who did so much to stop crime should die as a victim of crime.

Mr. Speaker, John Aiso exemplified the virtues that made the United States the great Nation that it is today. A man who fought for freedom and worked daily to uphold justice, he set standards that Americans of all races should strive to achieve. His survivors, his wife Sumi, daughter Emi, and son John, Jr., have suffered a great loss, and my deepest condolences go out to them.

A TRIBUTE TO SEAN MACBRIDE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LENT. Mr. Speaker, on January 15, the world mourned the passing of a truly remarkable individual, Mr. Sean MacBride, whose diplomatic career and dedicated work for human rights won him international recognition.

Sean MacBride's distinguished career spanned nearly 70 years. As a young man, he became actively involved in the cause of Irish nationalism and went on to serve as chief of staff of the IRA during the 1930's. He obtained a law degree at Dublin's National University and, following a brilliant career as one of the most successful trial lawyers in Dublin, Sean MacBride helped establish a new faction in Irish politics, the Republican Party. He was elected to Parliament in 1947 where he served until 1958.

In 1948, Sean MacBride entered the international political arena with his appointment as Irish Foreign Minister. As a lifelong advocate of human and individual rights, Mr. MacBride may best be remembered for founding Amnesty International in 1961. He served as the organization's chairman until 1975 and as Assistant Secretary General of the United Nations from 1973 until 1976.

Sean MacBride was a long-time friend of the Ad Hoc Congressional Committee on Irish Affairs, of which I am a member, appearing before the committee on several occasions to discuss issues relating to Ireland and Northern Ireland. One issue that prompted considerable debate both in Ireland and in the United States was the antidiscrimination code he sponsored, the "MacBride Principles," which called on American companies operating in Ireland to offer equal employment opportunities to Roman Catholics.

In 1974, he was honored with the Nobel Peace Prize for his work to promote human rights, and 3 years later, he was honored with the International Lenin Prize for Peace Among Nations for his efforts to end the arms race and achieve world peace. He is only the second person to win both these distinguished awards.

Sean MacBride's remarkable achievements earned him international respect and admiration, and his significant contributions to ensure human rights and world peace should be a source of great pride for all Irish-Americans. Sean MacBride will be missed, but his legacy lives on.

TRIBUTE TO ELIAS H. GALVAN RECIPIENT OF LULAC COUNCIL 2043 EDUCATOR OF THE YEAR AWARD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TORRES. Mr. Speaker, I rise to pay tribute to Mr. Elias H. Galvan for his outstanding dedication and service to education.

Last year Mr. Galvan was honored by the League of United Latin American Citizens [LULAC] as the "Educator of the Year," for his commitment and distinguished service as an administrator and educator in my district.

A native of Las Cruces, NM, Mr. Galvan attended New Mexico Western University and East Los Angeles Junior College. He earned his bachelors and masters degree from California State University at Los Angeles. He and his wife, Helen, have nine children.

Mr. Galvan began his career in education with the Los Angeles City School District as a teacher. As a television teacher specialist with the Pasadena Unified School District he coauthored and participated in an audio-lingual visual multimedia program for teaching Spanish. Later, as the district foreign language supervisor and manager of the closed circuit television stations, Mr. Galvan served as the producer and moderator for an educational television series sponsored by the California State Department of Education. His talent and administrative ability led to his promotion as principal at John Muir High School in Pasadena. Mr. Galvan later transferred to Norwalk High School for 5 years and currently serves as the principal for John Glenn High School in Norwalk.

In addition to his function as an exemplary administrator, Mr. Galvan has always actively participated in several community organizations, such as educational task forces, scholarship committees, Little League, and affirmative action committees. Mr. Galvan has provided testimony at hearings held in Los Angeles by the House of Representatives Committee on Education and Labor. He most recently was lauded for his success in increasing parental involvement in the educational process.

Mr. Speaker, I ask my colleagues to join me, the Galvan family, and the members of LULAC Council 2043 in commending Mr. Elias H. Galvan for his extraordinary commitment to educational excellence and service to the community.

COMMEMORATING UKRAINIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BROOMFIELD. Mr. Speaker, on January 22, the Ukrainian-American community commemorated the 70th anniversary of the establishment of an independent, democratic Ukrainian nation.

On January 22, 1918, the people of the Ukraine proclaimed their independence after centuries of domination by other countries. For a short 3 years, Ukrainians governed themselves and determined their own future through a democratically elected parliament. Externally the Ukraine enjoyed diplomatic ties with England, France, and many other countries, and internally Ukrainian culture and dreams thrived.

However, in 1921 that free nation was crushed by the soldiers of the expanding Soviet Empire. The Soviet Army swept into the Ukraine and established a puppet government there, thus beginning the suffering of the Ukrainian people under the Kremlin's dictatorship.

The years since 1921 have witnessed the Soviet engineered Ukrainian famine of 1932–33, efforts by the Soviet Government to destroy the culture and the self-identity of the Ukrainian people, and the contrast soul-crushing burden that comes from living under the tyranny of the Kremlin's dictators.

Through all this, the Ukrainian spirit has not been crushed, and with such events as the January 22 commemoration, Ukrainian-Americans join the people of the Ukraine in the hope for a free and independent Ukrainian nation.

Mr. Speaker, the commemoration of Ukrainian independence 70 years ago is important not just for Ukrainians, but for all who cherish freedom. All Americans share a kinship of freedom and independence in their hearts, and we too suffer as long as they must bear the yoke of tyranny. The United States must review its resolve to support the hopes of a once again free and sovereign Ukrainian nation.

DANA STONE REMEMBERED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. JEFFORDS. Mr. Speaker, today I would like to pay tribute to Dana Stone, a freelance photographer who covered the Vietnam war and was captured in Cambodia in 1970. He has since become one of our missing.

Dana grew up in my home State of Vermont, in the small crossroads town of White River Junction. He was an intelligent young man who was always willing to travel and accept daring new adventures. His friends refer to his "extra energy," and his eventual decision to go to Vietnam came as no surprise to those close to him. Photography had not always been a hobby of Dana's, but it was in this that he found his true passion.

Dana's dedication to photography was recognized by both friends and associates. According to one close friend:

> Dana Stone stood out among these young free-lancers. He was persistent and agressive, competing not so much with them as with himself.

The Vietnam war was a painful experience for virtually all who served there. That was no less true for the countless news reporters and photographers like Dana Stone who voluntarily went to Vietnam to observe and relate the truth of that war.

Dana originally had joined the U.S. Navy before our involvement in Vietnam. Discharged later after the discovery of a heart murmur, he chose to involve himself in Vietnam in a different way, as a freelance photographer. In a sense, capturing the war through his photographs became Dana's mission. With each photograph he recorded the reality of the war and brought that reality home for everyone to see. His understanding of the deep, varied and confusing emotions that surrounded the Vietnam experience were evident in his vivid photographs of the war.

Dana's talents did not go unrecognized. In July 1966, for instance, he was awarded third prize in UPI's monthly picture contest. But sadly, like so many others, Dana never returned home from the war he photographed. Like the American soldiers who remain MIA's, Dana is among the missing.

Mr. Speaker, in many ways, the controversy in Vietnam is not something Americans like to remember. But as we recognize and honor the contribution of those who heroically fought for this country, we cannot affort to forget the courage of those who risked their lives to capture the truth in photographs, on camera and on paper.

KEEPING THE WATER FLOWING

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. GALLO. Mr. Speaker, we often take for granted the routine elements of our lives, even those elements that make life itself possible. A dependable supply of water is one of those services that we rely on heavily, but rarely do we give credit to the men and women who keep this community lifeblood flowing.

Baldassare (Bill) Ferraro, who is retiring as superintendent of the Southeast Morris County Municipal Utilities Authority after 40 years of service to the people of Morris County, NJ, has dedicated his entire working career to the ever-expanding effort to keep the water flowing.

Bill's wife, Olga David Ferraro, will also retire, after 11 years of dedicated service at the authority, from her position as the authority's assistant board secretary and the executive secretary to the authority's Executive Director Harry Gerken. Bill and Olga met when she joined the authority and they were married 6 years ago.

When Bill began his career in 1948 with the Morristown Water Department, this historic community was located in a rural area of New Jersey with very specific, but limited, water needs. By the time he was appointed superintendent of the Water Department in 1975, the surrounding area was well on its way to becoming the center of growth and development that it is today.

In 1977, Bill undertook one of the great challenges of his life when he became superintendent of the newly formed Southeast Morris County Municipal Utilities Authority [SMCMUA].

Today, more than 60,000 people are served by the SMCMUA. Residential and commercial water customers, including many of Morris County's Fortune 100 companies, are directly served as a result of the dedication and leadership provided by Bill during this period of record growth and development.

I had the opportunity to work closely with Bill, Olga and the dedicated employees of the SMCMUA during that critical period of time in the mid-1970's when the current system was in the critical planning stages. Bill's years of service, working his way up through the ranks within the Water Department, gave him the experience and the insight needed to undertake the challenges associated with development of a water system in a rapidly growing area.

The true measure of the SMCMUA's success is the fact that the people being served today take for granted an essential service being provided in a quietly effective way.

We wish Bill and Olga Ferraro a long, healthy and happy retirement together. They deserve our recognition and our heartfelt thanks for a job well done in service to the people of Morris County, NJ.

HONORING UKRAINIAN INDEPENDENCE DAY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HERTEL. Mr. Speaker, I rise today to honor the courageous and enduring spirit of the people of the Ukraine.

Seventy years ago this month, the people of the Ukraine put forth a proclamation of the independence of Ukraine and founded the democratic Ukrainian National Republic. This was a momentous step in the history of Ukraine. They wanted to live freely and independently, preserving their unique cultural and socal heritage while living without persecution and fear.

Unfortunately, just 2 years later, Communist Russia annexed Ukraine and forced it to give up its sovereignty. Over the last 70 years, the Soviet Union has tried to destroy the national consciousness of the citizens of the Ukraine by many unconscionable means. Reported famines, executions, deportations, and political incarcerations have outraged the free nations of the world for decades.

The domination of the Soviet Union has not dimmed the spirit or national pride of Ukrainians at home or around the world. An underground struggle, begun in the early years by the Organization of Ukrainian Nationalists, has continued. In 1941, the restoration of Ukraine's independence was declared, but was subdued by the Germams and Ukraine eventually fell under the power of the Soviet Union once again.

The pride and determination in evidence then have continued to this day. We in the free world celebrate this spirit and support the people under siege in Ukraine today.

I ask my colleagues to join me in honoring this anniversary. We look forward to the day when all Ukrainians will celebrate independence openly and freely.

THE 70TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. STRATTON. Mr. Speaker, I rise today in commemoration of the 70th anniversary of the Declaration of Independence by the Ukranian Central Rada, the Parliament of Ukrainian people.

Although Congress was not in session on the actual anniversary date, January 22, that did not deter us from joining our Ukrainian friends and relatives—and all those who love freedom—to reflect on the brief period of Ukrainian independence and to deplore the oppressive actions of the Soviet Union. The Soviet government continues to deny the most basic human rights to the people of the Ukraine and other captive nations, and we cannot stand silently by.

Many of us take the basic human rights for granted—freedom of religion, of self-determination, and of speech. The Ukrainian people still long for them. We who have these rights must not be complacent; we must double our efforts to assist these people in their struggle to remove the shackles of persecution.

This year is especially important because 1988 marks the millennium of Christianity in Kievan-Rus. Ukrainians throughout the world will join to observe this glorious occasion. We cannot forget, however, that some will not be able to participate in this joyous celebration. Religious persecution against all faiths persists in the Soviet Union. It is our duty to assist all captive people in their struggle to regain the freedom to practice their faith without fear of harassment.

Let me reiterate my own commitment to the efforts of the Ukrainian people to recapture the freedoms they so very briefly enjoyed and to reaffirm my support for the elimination of all religious and personal oppression throughout the world.

WHO SAYS WE'RE ENEMIES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DOWNEY of New York. Mr. Speaker, in December of 1987, while all of this city buzzed with the excitement of the signing of the INF Treaty, a number of us were given the opportunity, indeed the honor, to meet with a small group of United States and Soviet veterans who had also traveled to Washington to celebrate what we all hope is a new and promising turn in the course of the United States-Soviet relationship.

The veterans with whom we met have played a particularly important part in one of the more promising encounters our two nations have ever had. They were the veterans who, on April 25, 1945, crossed the Elbe River to meet, share some food, some stories, and a much-needed respite from the Nazi forces. Though soldiers from very different places, they quickly realized that they had much in common, perhaps most importantly, a common interest in survival.

Since 1945 these veterans have come together to form the Elbe Alliance, a group of concerned veterans who realize that our two nations still share some common interests. In an effort to educate both American and Soviet citizens on a history of relations that has often been cooperative rather than confrontational, they have prepared the following fact sheet which they have asked that I share with my colleagues here. A copy of their work follows:

"WHO SAYS WE'RE ENEMIES?"—TWO CENTURIES OF COOPERATION BETWEEN AMERICA AND RUSSIA

(Compiled by The Elbe Alliance)

The greatest misconception characterizing and largely guiding US-Soviet relations is the belief that the United States and the Soviet Union (earlier Czarist Russia) have been historical, implacable enemies. Nothing could be further from the truth. For more than two centuries, often in "seasons of our greatest need," to quote a famous American writer, the peoples and the governments of these two world powers have cooperated as allies and even partners in areas of vital concern.

U.S. REVOLUTIONARY WAR

Did you know that Catherine the Great of Russia assisted American revolutionaries by establishing the League of Armed Neutrality to challenge British interference with world shipping, thereby allowing Washington's army to be supplied?

Did you know that Catherine the Great refused to go along with British General Gage's scheme to hire 20,000 Russian mercenaries to fight against the American patriots?

Did you know that at least four Ukrainians fought in the American Revolution along side the American revolutionaries?

Did you know that the Revolutionary War hero, John Paul Jones, served in the Russian navy during the second Russo-Turkish War?

CRIMEAN WAR PERIOD

Did you know that during the Crimean War (1853-6) the U.S. Government was virtually Russia's sole friend and that it gave valuable supplies, including arms, to Russia?

Did you know that American surveyor George Washington Whistler oversaw the construction of the first long-distance railroad in Russia (Moscow to St. Petersburg) and that he received the Order of St. Anne conferred by the Russian Czar in 1847 for that achievement?

U.S. CIVIL WAR

Did you know that the end of serfdom in Russia in 1861 gave new courage and impetus to those who were striving to end slavery in the United States?

Did you know that in 1863, four days after the Union defeat at Chickamaugua, an Imperial Russian fleet sailed into New York harbor to provide valuable moral support and to discourage Britain from intervening on behalf of the Confederacy?

Did you know that the Far East fleet of the Russian Imperial Navy assisted in putting out a large fire in San Francisco and warded off a rumored Confederate attack by sea?

Did you you know that John Turchin, an emigré from Russia, fought in the Civil War and eventually became a Union general?

Did you know that Mark Twain after the Civil War in 1867, acknowledging Russia's significant help, said, "America owes much to Russia—is indebted to her in many ways—chiefly for her unwavering friendship in seasons of our greatest need"?

POST-CIVIL WAR ERA

Did you know that the first Europeans to discover, explore and settle Alaska were Russians and that in 1867 the mutually beneficial sale of Alaska to the United States added a half of a million square miles to American territory?

Did you know that the Russian Grand Duke Alexis visited the United States in 1871 and that Ulysses S. Grant visited Russia in 1877?

Did you know that Turkey Red wheat brought by Russian Mennonite emigrés to the United States in the 1870s made the Plains states the breadbasket of the nation and even the world?

Did you know that the U.S. provided lifesaving relief to millions of Russians during the Great Famine of 1892?

EARLY 20TH CENTURY

Did you know that President Teddy Roosevelt served as the mediator at the Portsmouth Peace Conference in 1905 which ended the Russo-Japanese War on terms very favorable to Russia?

Did you know that the helicopter was developed in Kiev during 1909-1919 by Ivan Sikorsky who later emigrated to the United States where his invention made its first flight in 1939?

Did you know that Kansan George MacDowell was the first American awarded the Order of Lenin in the 1920s for his work in reorganizing Soviet agricultural production?

Did you know that the first transpolar flight over the North Pole began in Moscow and ended on June 20, 1937, in Vancouver, Washington, after which the three Russian aviators went on a triumphal tour of the U.S. culminating in a ticker-tape parade in New York City and a meeting with President Franklin Roosevelt at the White House?

WORLD WAR II

Did you know that many historians believe that Nazi Germany would have won World War II without the great sacrifice and cooperation of the United States and the Soviet Union acting in their mutual interests?

Did you know that by July 1943 the United States was shipping one million tons of food, medicine and war materiel a month to the Soviet Union?

Did you know that on the same historic day American and Soviet forces met at the Elbe River to ensure Germany's defeat—April 25, 1945—the San Francisco Conference opened which founded the United Nations?

Did you know that on V-Day in May 1945 a crowd of thousands of cheering and waving Soviets gathered outside of the American Embassy in Moscow in a demonstration of gratitude for the support Americans gave in the victorious war effort?

These historical highlights compiled by THE ELBE ALLIANCE, P.O. Box 1776, Lawrence, Kansas 66044, U.S.A. Full permission granted herewith to copy and distribute this information. THE ELBE ALLIANCE welcomes your support of its U.S.-Soviet educational activities and cooperative projects in the "Spirit of the Elbe."

DEATH OF SANTIAGO POLANCO-ABREU

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FUSTER. Mr. Speaker, it is with considerable sadness and regret that I rise to inform the Members of this House of the death on January 18 of a former colleague, Santiago Polanco-Abreu, who was Resident Commissioner of Puerto Rico from 1964 to 1968. He was the 10th Resident Commissioner in the House since Federico Degetau Gonzalez first represented Puerto Rico in 1901.

Mr. Polanco-Abreu will be remembered by those who served in the Congress in the mid-1960's as a dedicated, hard working and effective representative who served the Congress and the people of Puerto Rico well. He will also be remembered as a very likeable and congenial Member of Congress who made a great many friends for Puerto Rico at a time when Puerto Rico needed—and still needs—all the friends it can get. The reason for that is because, as you know, the Resident Commissioner from Puerto Rico is the sole representative in Congress of about 3.5 million U.S. citizens.

Interestingly, one of the last public appearances made by Mr. Polanco-Abreu was to go last July to the San Juan Airport to welcome Speaker JIM WRIGHT, his longtime friend, to Puerto Rico. It was symbolic of his feeling for the House and its Members that Santiago Polanco-Abreu carried with him for many years, even after he left the Congress in 1968.

"Chaguin," as he was known in Puerto Rico, had a lifetime of public service to the people of our island Commonwealth. He was born in Bayamón, Puerto Rico, in 1920 and received his undergraduate and law school degrees from the University of Puerto Rico. He was legal adviser to the Tax Court of Puerto Rico in 1943-44, a member of the American Bar and Puerto Rico Bar Associations, and one of the founders of the Institute for Democratic Studies in San Jose, Costa Rica.

Moreover, Mr. Polanco-Abreu served in the Commonwealth House of Representatives from 1948 to 1962, and was speaker of the House in 1963-64. In 1951 and 1952 he was a member of the constitutional convention of Puerto Rico, which drafted the constitution that created the Commonwealth of Puerto Rico. From that evolved the novel Commonwealth status that endures today as the basis of the free association between Puerto Rico and the United States—a political status that has served well the interests of both the United States and Puerto Rico.

In short, Mr. Polanco-Abreu was in on the groundwork that brought about the success story in the Caribbean that Puerto Rico has become. It is a testimonial to the far-sightedness of the Members of Congress in the 1950's who helped in the creation of the Commonwealth of Puerto Rico—elevating it from the status of territory.

Santiago Polanco-Abreu was always "there" in this House to explain the special circumstances of Puerto Rico and to win friends for the Commonwealth along the way. Thus, his contributions to this body and to Puerto Rico are considerable, and his untimely death at only 67 years of age will be mourned as a major loss to responsible public service.

FRANK HORTON SCHOLARS FUND

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BROOKS. Mr. Speaker, I rise to pay tribute to a close friend and colleague, Congressman FRANK HORTON. FRANK has served in this body for 25 years and in that time has worked tirelessly to improve the quality of life of the youth of this Nation. Best illustrated by his work to create the Department of Education, Congressman HORTON's record on education issues is second to none.

This record has not been lost upon his constituents. Recently, FRANK was honored by his friends and colleagues in the Rochester community. At this grand event many Members of this body stood to honor FRANK for his leadership and achievements. Rarely have I seen such a magnificent tribute to such a superb man.

The event was attended by over 1,200 friends and supporters and was in every respect a gala worthy of the man. The tribute raised over $500,000 which will be devoted to the creation of the Frank Horton Scholars

Fund at Rochester Institute of Technology, one of the Nation's leading institutes of technology and innovative educational programming.

The tribute afforded many of us the opportunity to better understand the contribution that FRANK HORTON and RIT are making to economic growth and development in upstate New York and across the Nation. Further, we came to understand the reason that FRANK HORTON, who has worked tirelessly to protect the economic interests of the Northeast-Midwest region of the Nation, should select RIT as the beneficiary of the Horton Scholarship Program. RIT, like FRANK, is committed to providing opportunities for excellence to young people around the country.

The Horton Scholars will be a select group of young men and women who have demonstrated outstanding scholarship in a variety of fields. With FRANK's personal participation and guidance, the Horton Scholars will concentrate their energies on areas which FRANK deems of greatest national significance. Undoubtedly, the excellence at RIT. These centers—Microelectronics, Imaging Science and Advanced Manufacturing Technologies, the Academic Health Science Center, and the National Technical Institute for the Deaf—which FRANK has championed through the years—will provide these scholars the resources needed to become national leaders in their respective fields.

The Horton dinner, and the scholarships for which it raised funds, was a magnificent tribute to a great man. I was proud to participate and feel certain that this legacy will contribute to the economic and social well being of the community and the nation through generations to come.J. 019-060 Payroll No.: 78655 - Folios: 1MC to -Date: 1-25-88

CONGRESSIONAL PAY RESPONSIBILITY ACT OF 1988

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing the Congressional Pay Responsibility Act of 1988. The purpose of this bill is twofold. First of all, it will require Members of Congress to vote on their pay adjustments. Furthermore, the bill will terminate the pension of Members of Congress who are convicted of a felony.

It became clear last year that Members of Congress should bite the bullet and share in the burden of deficit reduction. However, this was not the case as the House of Representatives managed to increase their pay without ever voting on the issue.

The Quadrennial Commission recommended in December 1986 that salaries for Representatives and Senators be increased. Subsequently, the administration's 1988 budget introduced on January 5, 1987, proposed a pay increase to $89,500. The Congress had 30 days—until February 4—to override the $89,500 proposal.

While the Senate voted down the pay increase on January 29, the House of Representatives did not. Thus, without a vote, the House allowed salary increases for Members of Congress to go into effect on February 4.

It is time for Members of Congress to be accountable for their actions; the Congressional Pay Responsibility Act of 1988 will do just that.

THE TELEVISION VIOLENCE ACT OF 1988

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FEIGHAN. Mr. Speaker, where do soldiers gun down dozens of Charlies, not once, not twice, but every week? Where do psychopaths ravage the streets, beating, raping, sawing victims in half, only to reappear in other episodes? Where are cartoon characters zapped, run over and blown to bits, again and again and again? On television, that's where. And our children may be the ultimate victims of exposure to this violence.

The evidence is overwhelming: violence on television has a harmful effect on viewers' attitudes and behavior, especially when those viewers are children. The National Institute of Mental Health [NIMH], the American Psychological Association, the American Academy of Pediatrics, and the Surgeon General of the United States, among others, have each documented the causal link between television violence, on the one hand, and aggressive and destructive behavior, on the other.

A 1982 NIMH report, which analyzed a decade of research on television violence, found that these studies shared several disturbing conclusions. First, many studies found that frequent viewers of television violence tended to become desensitized to violence in the real world, thus decreasing their concern for actual victims of violence. Second, many found that viewers of television violence came to see violence as an acceptable way of resolving conflict. Third, many found that television violence created generalized fear among viewers. As the report of the Attorney General's 1984 Task Force on Family Violence stated, "Evidence is becoming overwhelming that, just as witnessing violence in the home may contribute to normal adults and children acting out violent behavior, violence on television * * * may contribute to the same result."

Unfortunately, television violence has become such a powerful ratings tool that it is difficult for any one network to restrict its use. The television industry is reluctant to undertake joint action to curb this violence because of possible antitrust exposure.

Although there is no easy answer to the problem of violence on television, the Television Violence Act of 1987 would allow broadcasters to move toward their own solution. The bill would provide a narrowly drawn antitrust exemption to certain members of the television industry which permits them to discuss, develop, and disseminate voluntary guidelines on the subject of televised violence. The measure, which does not prescribe what the voluntary guidelines should contain, also includes a 3-year sunset provision.

While I recognize the serious first amendment concerns that would be raised by any attempt on the part of the Government to restrict the content of television programming, I believe that this bill presents no threat to freedom of speech or artistic expression. It simply places responsibility for the regulation of televised violence where it should rest—on the shoulders of public minded broadcasters, cable operators, and producers.

Mr. Speaker, I look forward to working with my distinguished colleague, DAN GLICKMAN, to make this bill a reality. We must untie the broadcasting industry's hands so that it can confront violence on television.

UKRAINIAN INDEPENDENCE DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LIPINSKI. Mr. Speaker, on January 22, Ukrainians throughout the world observed the 70th anniversary of their homeland's proclamation of independence. For the sons and daughters of this fine land it was a day of pride. It was a day to remember the noble struggle their forebears fought for the cause of a free Ukraine.

The freedom and independence won in that struggle was ultimately lost when the Ukraine fell into the clutches of communism. But what inspired and grew out of that struggle—the Ukrainian people's dedication to and love of that freedom—is something the Soviet Union can never take away.

Ukrainians have suffered countless losses at the hands of their Communist captors. All have lost their liberty, many their lives. But, the strength that marked their struggle for independence still lives. And, nowhere is it more apparent than in the survival of Christianity in this oppressed nation.

This year marks the millenium of Christianity in the Ukraine. Last month, Senator DECONCINI and I introduced a joint resolution, House Joint Resolution 429, deploring the Soviet Government's active persecution of Ukrainian religious believers. I urge all of my colleagues to join us in asking the Soviet Government to legalize the Ukrainian Orthodox and Ukrainian Catholic Churches.

It is a tribute to these proud people that they have remained true to the hope for a free Ukraine in which religious believers may practice their faith freely and openly. This is a hope that we here in the U.S. Congress must not abandon and one that I implore all of you to consider today.

UKRAINIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BONIOR of Michigan. Mr. Speaker, today is the day when the work of the second session of the historic 100th Congress begins. I want to take a few moments to discuss a subject of great importance to myself and many of my constituents.

On January 22, 1988, Ukrainians around the world commemorated the 70th anniversary of the creation of the democratic Ukrainian National Republic. The independence of the Ukrainian state was short-lived as it fell victim to Soviet imperialism. But, Mr. Speaker, January 22 serves to remind Ukrainians and all of those committed to freedom that one day Ukraine will regain its place in the family of free nations.

We have all heard much about the new atmosphere of glasnost or openness which is reportedly occurring in the Soviet Union. I say reportedly, Mr. Speaker, because although there is a smiling new leader in the Kremlin, it is not apparent that there is much glasnost touching the lives of those in Ukraine.

Early last December, while the light side of glasnost was dazzling Washington with the visit from General Secretary Gorbachev, the dark side of Soviet repression was seen by three Ukrainian human rights activists.

On December 8, 1987, Vyacheslav Chernovol, Mikhail Goring and Ivan Gell, with their fellow activist Armenian Paruir Airikyan were arrested on trumped-up drug charges. They were detained for 8 hours as they tried to board a train in Lvov, Ukraine to attend a Moscow conference on human rights.

Clearly, Mr. Speaker, for these Ukrainian activists who were only recently released from prison the message from Soviet authorities was this: You are free, but only if you abide by our rules. This incident typifies the repression that has fallen upon the Ukrainian people since the Soviets occupied their country in 1921. It brings to life the old cynical saying "The more things change, the more they stay the same."

Not that we should be surprised by this. It seems that Ukrainian Communist party boss Scherbitsky is considered to be the leading opponent to glasnost within the Kremlin. He is the man who is charged with breaking the spirit of Ukraine and he knows that his job will only be made harder with glasnost. And it is because the yearning for freedom resides so strongly in the hearts of the Ukrainian people that Soviet authorities exert so much energy to force Ukrainians into the Soviet mold.

Evidence of Soviet policy to extinguish the Ukraine national identity is voluminous. It spans the 71-year history of the Soviet occupation of Ukraine. Starting with mass exterminations in the 1920's, induced famines in the 1930's, and Stalinist terror in the 1940's, the Soviet's have pursued a comprehensive strategy to suffocate the rich cultural, religious, and social fabric of Ukraine.

By gagging the artists, poets, and writers—those who record the stirrings of the Ukrainian soul—Soviet authorities hold captive the evolution of a whole culture. By outlawing the Ukrainian Orthodox and Ukrainian Catholic churches, Soviet authorities ignore the internationally recognized human right to free worship and spiritual fulfillment. The repression of religious freedom is especially abhorrent this year as those in Ukraine—the cradle of Christianity in Eastern Europe—should be joyfully celebrating the millennium of Christianity in their nation.

An finally, Mr. Speaker, by forbidding the speaking of Ukrainian and burning libraries to limit the availability of Ukrainian literature, Soviet authorities are robbing Ukraine of the social tools which bind generation to generation.

What hope can we hold for glasnost on an international level, when it is seemingly such a hypocrisy on a domestic level? If a government remains an enemy of its people, how can it ever be expected to be a reliable friend on an international level?

As we reflect on the significance of Ukrainian Independence Day, let us remember the struggle that goes on each day in the Ukraine. Let us be strengthened by our Ukrainian brothers and sisters who thirst for freedom and reject the death penalty to which Soviet authorities have sentenced their culture. We can take heart in our efforts because we know in the deepest way that they are not in vain. We know that the fight for freedom persists inside the Ukraine and that one day all Ukrainians will reach the peak of freedom enjoyed by other nations.

EDUCATION DEPARTMENT SHOULD ENFORCE THE LAW

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. SOLOMON. Mr. Speaker, the Department of Education has confirmed it will not attempt to collect Federal higher education assistance which was illegally obtained by students who failed to register with Selective Service.

Public Law 96-250, the Solomon amendment, requires students to register with the Selective Service System as a condition to receiving Federal higher education assistance. Yet, it is Education Department's intention that students who refused to register for several years not be required to refund the grants or loans which were illegally obtained. The Department of Education should be aware that this is unacceptable to the U.S. Congress.

Notwithstanding, that these young men have refused to register as required by the law and that they have fraudulently represented registering, the Department of Education will allow them to go scot-free. Not only will these men not be prosecuted by the Department but they will not even be required to reimburse the Government for the illegally obtained grants. In effect, what this policy is telling America's young men is that they can receive a cash award for refusing to face their responsibilities and abide by the law.

The Department of Education has thus far refused to initiate prosecutions for at least two violations of the law: The failure to register as required by the military Selective Service Act and for false statements that the student has registered. On top of this, the Department has failed in its responsibility to the American taxpayers to collect the debt owed the U.S. Treasury. I call upon Secretary Bennett to take prompt action to correct this action which is an insult to the American taxpayers and an insult to the 98 percent of America's young men who have abided by the law by registering with Selective Service.

THE MIDDLE EAST SITUATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. GREEN. Mr. Speaker, I would like to bring to the attention of my colleagues the text of a telegram sent by Rabbi Alexander M. Schindler, president of the Union of American Hebrew Congregations, to Israeli President Chaim Herzog.

Rabbi Schindler puts the current tragic situation in Gaza and the West Bank in its correct historical perspective. Yet, I think he speaks for many of us when he states that the Israeli Government's policy in putting down the riots "serves only to shift responsibility for the neglect and abuse of the Palestinians from the Arabs to the shoulders of Israel."

I commend the full text of Rabbi Schindler's statement below to everyone who has an interest in Middle East peace.

TEXT OF STATEMENT

I am deeply troubled and pained in sending you this message, but I cannot be silent. The indiscriminate beating of Arabs, enunciated and implemented as Israel's new policy to quell the riots of Judea, Samaria and Gaza, is an offense to the Jewish spirit. It violates every principle of human decency. And it betrays the Zionist dream.

It is moreover, a self-defeating and therefore counter-productive policy. Far from bringing order, it will only increase the cycle of violence and intensify hatred. It also threatens to erode the support of Israel's friends here in the United States, who are dismayed by what they see on their television screens and read in their daily newspapers.

I know that the Palestinian Arabs who are rioting in the administered territories have consistently been exploited and victimized by the Arab states and by the PLO, who have chosen military confrontation over political accommodation, who (except for Egypt) have refused to come to the peace table and whose response to Israel's invitation to negotiate has been aggression and terrorism.

I know that the Palestinian refugees have been living in camps for 40 years because their Arab brothers would do nothing to alleviate their plight, either by integrating them into their societies or by improving the conditions that breed today's despair, frustration and hatred.

I know that every proposal by governments, international organizations and Israel itself to resolve the refugee situation has been rejected for four decades.

Your government's latest policy serves only to shift responsibility for the neglect and abuse of the Palestinians from the Arabs to the shoulders of Israel.

Clearly, the decision must be yours. We live in safety, you and your children live under the gun. Still, we owe you the truth as we see it. Israel's present policy, as announced by the Minister of Defense, is morally wrong and practically unavailing. We plead with you to bring this madness to an end.

Respectfully,
Rabbi ALEXANDER M. SCHINDLER.

A SALUTE TO GOVERNOR AND MRS. ROBERT P. CASEY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. McDADE. Mr. Speaker, the Easter Seal Society of northeastern Pennsylvania is holding a community salute to Governor and Mrs. Robert P. Casey on February 5 in Dickson City, PA.

This special event will not only honor the special contributions of Pennsylvania's first family, but it will focus attention on the excellent work of the Easter Seal Society of Northeastern Pennsylvania for the past 55 years.

The Governor and Mrs. Casey are long-time supporters of Easter Seals. Governor Casey served as statewide chairman of the Easter Seal Campaign while he was Pennsylvania's auditor general, and Mrs. Casey played an important role in the presentation last March of the 1987 Easter Seal Telethon.

The society provides a number of programs and services for residents of Lackawanna, Wayne, Wyoming, and Susquehanna Counties as well as the Wyoming Valley in northern Luzerne County. They include occupational and physical therapy, nursing services, provision of equipment, recreation, adult day care and a polio survivors support group.

The society operates under the philosophy that individuals with handicaps desire and have the right to live in dignity within the limits of their capabilities and to be responsible for their own welfare and destiny. The society believes that all persons are entitled to services needed for maximum development of their potential as accepted and contributing members of society.

I am very pleased to bring to the attention of my colleagues in the House of Representatives the fine work of the society and the unique contributions of Governor and Mrs. Casey. My congratulations to the Caseys and to the society for enriching the lives of the people of northeastern Pennsylvania.

BRIAN J. SIMPSON HONORED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LEWIS of California. Mr. Speaker, it gives me great pleasure to have this opportunity to recognize a longtime friend, Mr. Brian J. Simpson. Mr. Simpson is the outgoing president of the San Bernardino Area Chamber of Commerce. Because he has contributed immensely to the significant advancement of that organization and to the improvement of the local community, I feel he is deserving of special recognition and the highest commendations.

Brian Simpson's strong leadership and personal involvement were responsible for the chamber's newly adopted proactive stance. Under his leadership, the chamber reactivated its political action committee, formed a governmental relations committee, and increased its involvement in local and State business issues in one of the fastest growing communities in this country. The chamber played a key role in attracting the city's first major convention in several decades. In addition, the chamber presented a proposal to the city council for the formation of a visitor and convention bureau which will be established in early 1988. Due to Brian's aggressive leadership, professional baseball made a highly successful return to San Bernardino after an absence of 30 years, with the formation of the San Bernardino Spirit. The Spirit broke a 40-year-old class A California League attendance record.

Other chamber accomplishments conducted during Brian's term as president include high visibility campaigns which promoted business within geographical business districts of the city. The chamber was very instrumental in attracting new businesses to the rapidly growing city of San Bernardino. Also, during his term in office the chamber developed, published, and distributed San Bernardino Business, its highly acclaimed monthly newspaper, to 5,000 area businesses. San Bernardino Business is recognized as one of the top leading chamber publications in the State of California. The chamber's increased involvement, heightened visibility, and improved services led to increased membership and membership involvement.

In addition to his admirable work within the chamber, Mr. Simpson has devoted many years of service to the community by serving on the board of directors of several notable organizations, including the local YMCA and the San Bernardino Arrowhead United Way. He served as a member of the board of directors and a coach of the San Bernardino Junior All American Football Program, a member of the Citizen's Advisory Committee-Redevelopment Agency, uptown project, and as a member of the City Parks and Recreation Commission from 1985 to date. Brian has volunteered countless hours of assistance to the San Bernardino Community Against Drugs. He has served as a member of the board of directors and president of the San Bernardino County Bar Association. As the founder, member of the board of directors and president of Tel-law, Inc., a nonprofit system which disseminates free, generalized, legal information to the general public over the telephone in 13 different States. Brian's many contributions and achievements were recognized by the San Bernardino Valley Board of Realtors when he was given that organization's Citizen of the Year Award in 1987.

Throughout his career, Brian has been an active, responsible, dedicated member of the community and has lived up to the highest democratic ideals. In recognition of his dedication, he is indeed most deserving of special recognition, and it is with great pride and admiration that I salute Mr. Brian J. Simpson and offer sincere wishes for continued success in the future.

DIANE SCHUUR WEEK

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LOWRY of Washington. Mr. Speaker, Gov. Booth Gardner of Washington State has proclaimed January 9–16 as "Diane Schuur Week." Diane, a resident of my hometown of Renton, WA, is a Grammy-award winning jazz singer who has been heralded as "the next Ella Fitzgerald."

Her new album, "Diane Schuur and the Count Basie Orchestra" is currently and has been No. 1 on the Billboard jazz chart for several weeks. The singer, who has been blind since birth, has staged many critically acclaimed appearances throughout the country and has appeared on NBC's "Tonight Show" and ABC's "20/20."

I ask my colleagues to join in the observance of "Diane Schuur Week" in recognition of the singer's significant contributions to jazz throughout the world.

FOREIGN INVESTMENT AT UNHEALTHY LEVEL

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, last April, on the floor of the House during the debate over the Bryant amendment to strengthen disclosure requirements for foreign investment in the United States, I spoke in support of the amendment and cited a document that had been read to several of my colleagues and myself at a breakfast meeting at the Woodrow Wilson Center on March 3.

The memo discussed how Japanese investment would be used in the United States to maximize political influence and economic leverage. In an unfortunate incident, Mr. Speaker, I recently found out that the memo was a hypothetical example by the Wilson Center. It was not made clear that the memo was not authentic at the breakfast meeting and I was never given a copy of the document to judge for myself.

While I apologize to my colleagues for this regrettable error, I stand firm regarding the unhealthy level of foreign investment in the United States. A Washington Post article on October 22, 1986, reported that the Japanese Trade Ministry had proposed a $200,000 grassroots campaign to promote their trade interests. In the Washington Times last Wednesday, it was reported that foreign investors are forming a lobbying group to promote their interests. While I favor a prudent level of foreign investment in the United States, Mr. Speaker, there must be a disclosure and review. As Members of Congress, we must always remember that foreign investors, by their very nature, will have different values and objectives than will Americans. This is what concerns me, Mr. Speaker, and that is why I spoke on the House floor in support of the Bryant amendment last April.

TRIBUTE TO ROBERT AND BEVERLY COHEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two close friends, Robert and Beverly Cohen. Robert and Beverly are outstanding members of the community who have dedicated their time and energy to a wide range of projects to serve the community. They are being honored for their selfless efforts by the Sephardic Hebrew Academy at its 1988 scholarship banquet on January 26, 1988.

Robert serves as chairman of the board of Bayco Financial Corp., one of the largest and most prestigious management, consulting, sales and leasing companies in the South Bay area. He has played a major role in the development of numerous commercial and residential developments, including the South Bay "Skypark" which received the acclaimed Los Angeles Beautiful Award. Robert is currently a member of the board of directors of Marymount College and a member of the Masons and the Shriners.

Beverly serves as a vice president of the Sephardic Hebrew Academy and of the Los Angeles Sephardic Home for the Aged. She is also an Eastern Star member of the Shriners and serves on the executive committee of the State of Israel Bonds Golda Meir Club.

Beverly and Robert are active supporters of and donors to a long list of community organizations. Their associations include the YMCA, City of Hope, the Salvation Army, Palos Verdes Art Association, Big Brothers of America, Anti-Defamation League, the Exchange Club, United Jewish Welfare Fund, and the Associates for Troubled Children. They are cofounders of Ben Gurion University in Los Angeles.

It is my distinct honor and pleasure to ask my colleagues to join the American Jewish community and me in saluting Robert and Beverly Cohen. Their philanthropy and devotion to serving the community is heartening and of great benefit to a large number of people. Robert and Beverly's efforts certainly deserve to be recognized.

UNITED STATES AND NORWEGIAN EXPORTS OF NUCLEAR MATERIAL TO ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HAMILTON. Mr. Speaker, on December 1, 1987, I wrote to the Department of State asking for its comments on an op-ed article which appeared in the November 25, 1987, New York Times concerning the export of nuclear material by the United States and Norway to Israel. The article discussed possible diversions to military purposes of heavy water for nonmilitary purposes and the apparent unwillingness of the United States and Norway to insist on inspections of nuclear materials supplied for peaceful purposes.

The op-ed, my letter of December 1, 1987, and the State Department reply on January 21, 1988, are attached for the information of my colleagues:

[From the New York Times, Nov. 25, 1987]

NEW NUCLEAR FOLLIES?

(By Gary Milhollin)

WASHINGTON.—For nearly 30 years, countries have sold nuclear materials around the world with the requirements that the importing nations promise to use them for peaceful purposes and permit on-site inspection. These two pledges are the main barrier between civil and militay use of the atom.

It now appears that—for the first time in history—a country, Israel, has broken the peaceful use pledge. It also appears that a second country, France, may have broken it, and that the civilian exports of a third, Norway—possibly made without the pledge—have gone freely into bombs. With this, the entire framework of nonproliferation seems threatened. Does anyone care?

Israel has just admitted that, for more than 20 years, it has been making plutonium in its Dimona reactor with heavy water imported from Norway. Heavy water, deuterium oxide, is essential to the manufacture of plutonium and tritium: the nuclear weapon materials.

Israel had promised to restrict the plutonium to peaceful use and to allow international inspections of plutonium made with Norway's heavy water. According to the Central Intelligence Agency, however, Israel is using the heavy water to make bombs. And Israel refused to allow any inspections.

Israel may also have made plutonium by using heavy water imported from the United States under similar pledges. America admits that heavy water sent to Dimona was not inspected for the first 17 years after it was exported. Moreover, America has not asked for the kind of inspection that would show what the water was used for.

France established and continues to build its thermonuclear arsenal with tritium made with heavy water imported from Norway. France gave Norway a string of certificates stating the "end use" of each heavy water shipment, but Norway won't reveal what the certificates say. If they don't require peaceful use, Norway has deliberately helped France make the hydrogen bomb. If they do require it, France, too, has broken the peaceful use pledge.

Neither world security nor the nuclear export trade can accept such a breakdown in nuclear protocol. The nonproliferation treaty, and every other effort to combat proliferation since the 1960's, assume that the peaceful use and pledges will be kept. To preserve the credibility of their policies against proliferation, Norway and the United States must now enforce their rights.

Under terms of the export agreements, both Norway and the United States have the right to conduct inspections in Israel to assure that the heavy water is and has been used for peaceful purposes. If Israel refuses, both would have the right to withdraw the heavy water summarily. Norway can also demand assurances that France has used its heavy water in peaceful applications.

All these rights are clear. Enforcing them would unquestionably slow the spread of the bomb. They are nondiscriminatory and don't raise regional issues. They are the one sure way to deal with proliferation.

Why aren't they used? Why won't the State Department, perpetually in search of something to do about proliferation, inspect its heavy water in Israel? Why won't it ask Israel to honor Norway's rights? Why won't Norway disclose and enforce what ever rights it has in France? The answer seems to be that the United States endorses Israel's bomb, Norway endorses France's and that both America and Norway value smooth relations with their allies above nonproliferation.

World attention will soon focus on the superpower summit meeting, where a minor arms control pact will be signed. In the rest of the world, which is less stable, countries will continue to make bombs they really intend to use. Perhaps it is time to shift our gaze and watch the risks that count.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 1, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, DC.

DEAR MR. SECRETARY: I write to the Department of State asking for its comments on an op-ed article which appeared in the November 25, 1987 *New York Times* by Gary Milhollin concerning the exports of nuclear material by the United States and Norway to Israel.

This article discusses apparent diversions to military purposes of heavy water supplied for non-military purposes and the unwillingness of the United States and Norway to insist on inspections of nuclear materials supplied for peaceful purposes.

I would appreciate a detailed response of the State Department to this op-ed piece, including information on the extent of our discussions with Norway and Israel on this matter.

Thank you for your consideration of this issue.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 21, 1988.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of December 1 which asked for comments on a November 25, 1987 *New York Times* op-ed article by Mr. Gary Milhollin concerning exports of heavy water to Israel by the U.S. and Norway.

The United States shipped 3.9 tons of heavy water to Israel in 1963 subject to peaceful use assurances provided by the Israeli government and subject to the U.S.-Israel nuclear cooperation agreement, which has since expired. The agreement provided for direct, bilateral inspections of material, equipment and technology supplied by the U.S. to ensure it was used solely for peaceful purposes. In 1965, however, the agreement was amended in connection with the entry into force of a trilateral U.S.-Israel-International Atomic Energy Agency agreement pursuant to which the Agency undertook to apply safeguards to that U.S.-origin material, in lieu of the United States.

That agreement was superceded by a new trilateral agreement of April 4, 1975, (which was extended on April 7, 1977, and is currently in force) which contained a comparable provision. Pursuant to these agreements the U.S. right to conduct bilateral inspections on nuclear material, equipment or material supplied under its agreement with Israel is suspended unless the IAEA is unable to apply safeguards. Suspension of U.S. bilateral safeguards while IAEA safeguards are being applied is a standard feature of our agreements for peaceful nuclear cooperation. The U.S., in fact, does not currently conduct direct, bilateral inspections pursuant to its agreements for peaceful nuclear cooperation anywhere in the world.

The U.S.- supplied heavy water in question is on the appropriate safeguards inventory for Israel and inspections are being carried out regularly. The U.S. is satisfied that the IAEA safeguards currently being applied to the U.S.-origin heavy water are adequate to ensure that the material is used for peaceful purposes only. At present the heavy water is in storage at the Nahal Soreq research facility.

There is some Norwegian-origin heavy water in Israel, as Mr. Milhollin has pointed out. It is our understanding that the Norwegian and Israeli Governments are engaged in negotiations to find an acceptable means to resolve questions about the use of the heavy water. We understand that an Israeli delegation visited Norway to discuss this issue with the Norwegian Government and that discussions are continuing. Neither party has sought our involvement in this issue. With respect to our general policy regarding non-proliferation and IAEA safeguards, we do support the application of full-scope IAEA safeguards to all nuclear material in non-weapons states as well as adherence to the Non-Proliferation Treaty (NPT). In the case of Israel, specifically, we have consistently urged the Israeli government to adhere to the NPT and to accept IAEA safeguards on all its nuclear activities. Both U.S. law and policy prohibit any significant U.S. nuclear cooperation with Israel absent such steps.

With best wishes,

Sincerely,

J. Edward Fox,

Assistant Secretary, Legislative Affairs.

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ANNUNZIO. Mr. Speaker, our country just celebrated the 200th anniversary of our Constitution. The commemoration of this anniversary has given us an opportunity to reflect on the true worth of the liberties our Constitution has guaranteed us.

The Ukrainian nation was once guaranteed liberty, too. Seventy years ago, on January 22, 1918, the Parliament of the Ukrainian people, called the Ukrainian Central Rada, declared their independence. They established a form of government based on the inherent rights of each individual. The government which declared Ukrainian freedom, however, was able to remain in power for only 4 short years before falling to the Soviet Government.

The Ukrainians since then have suffered in many ways their loss of liberty—not the least of which is their loss of freedom to worship openly. This loss is felt acutely this year in particular which marks the Millennium of Christianity in the Ukraine. In recent decades, the Soviet Union has done all that it possibly could to destroy free religious worship in the Ukraine, in conjunction with the Soviet Union's general destruction of Ukrainian culture.

The Ukrainian Catholic and Ukrainian Orthodox Churches and the Ukrainian liberation movement have endured similar fates. Both are outlawed; both have been downtrodden. The Soviet Union has done its best to eliminate both of them, and to "Russify" Ukrainian culture as well.

Yet the various Ukrainian churches and the Ukrainian liberation movement have managed to survive. This is due to the brave men and women who have sacrificed so much—even their lives—to regain the legitimate existence of the Ukrainian churches and nationhood.

The persecution the Soviet Government inflicts upon religious believers in the Ukraine is not only an outrage to common decency, it is a violation of the Universal Declaration of Human Rights. It is in support of the elimination of religious persecution in the Ukraine that I have cosponsored House Joint Resolution 429. Mr. Speaker, I include at this point in the Record the text of House Joint Resolution 429, which follows:

H.J. Res. 429

Joint resolution deploring the Soviet Government's active persecution of religious believers in the Ukraine

Whereas, 1988 marks the Millennium of Christianity of Rus'-Ukraine, officially adopted by Kievan Prince Volodymyr the Great in a ceremony on the banks of the Dnieper River one thousand years ago; and

Whereas, today freedom of religion is a fundamental right which is explicitly guaranteed by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe; and

Whereas, the Soviet Government has violated the Universal Delcaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe by engaging in, among others, the persecution of religious believers and the systematic liquidation of the historic and national churches in the Ukraine; and

Whereas, the Ukrainian Orthodox and Ukrainian Catholic churches, both forcibly liquidated in the 1930's and 1940's respectively, have remained outlawed while their clergy and laity have been murdered, imprisoned, or exiled for their religious beliefs; and

Whereas, despite decades of severe persecution, Ukrainian Orthodox and Ukrainian Catholic believers to this day continue to practice their faiths clandestinely for fear of persecution by Soviet authorities; and

Whereas, the Soviet Government has in addition, sought to restrain and undermine the spiritual mission of the Evangelical Church in the Ukraine, and has established restrictive legislation in direct contravention of the Biblical precepts that undergird the evangelical movement; and

Whereas, many members of the Ukrainian Evangelical churches, in particular unregistered Baptist and Pentecostal congregations, are currently imprisoned and harassed for their faith; and

Whereas, suspected clergy and lay members of the Ukrainian Orthodox, Ukrainian Catholic, Baptist and Pentecostal churches are victimized by job discrimination, their access to religious literature is restricted, and they are subject to various forms of harassment such as house searches, interrogations, and arbitrary arrests by Soviet authorities; and

Whereas, despite the Soviet Government's policies of religious persecution in the Ukraine, faith in God is widespread among Ukrainians as evidenced by the underground Ukrainian Catholic movement which embraces hundreds of priests headed by a number of secret bishops assisted by more than one thousand religious women in orders; and

Whereas, Ukrainian Catholic catacomb bishops, priests and laity have placed themselves in direct danger of KGB persecution by appealing to the Kremlin to end its legal prohibition of the Ukrainian Catholic Church: Now, therefore, be it

Resolved, That the Congress of the United States, in both Houses assembled, deplore the Soviet Government's active persecution of religious believers in the Ukraine, as well as the forcible liquidation of the Ukrainian Orthodox and Ukrainian Catholic Churches; and be it further

Resolved, That on the occasion of the Millennium of Christianty in the Ukraine, the Congress of the United States—

(1) sends its greetings to the Ukrainian people as they mark this solemn event in the history of the Ukrainian nation;

(2) voices its concern for those Ukrainian religious believers who are persecuted for attempting to exercise their rights to religious worship;

(3) urges the President, the Secretary of State, the United States delegation to the United Nations, the United States delegation to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe to continue to speak out forcefully against violations of religious liberty everywhere and specifically in the Ukraine during this anniversary year;

(4) calls upon the Soviet Government to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe, and release all those imprisoned for their religious beliefs;

(5) discourages officials of the United States Government from attending the commemoration of the Millennium in the Union of Soviet Socialist Republics, so long as individuals remain imprisoned for their religious beliefs and the Ukrainian Catholic and Ukrainian Orthodox churches remain outlawed; and

(6) urges, in observance of the Christian Millennium, the United States Government to call on the Soviet Government to ban its prohibition of the Ukrainian Orthodox and Catholic Churches in Ukraine.

The U.S. Government and the Soviet Government have just completed a long-awaited summit meeting. The primary focus of this summit meeting, arms control, is extremely important. Human rights, however, are no less important and should never be left to fall by the wayside. In an effort to emphasize this to the leaders of the Soviet Union, several of my colleagues and I sent a letter on December 22 to General Secretary Mikhail Gorbachev denouncing the forced exclusion of several people, including three Ukrainians, from an informal human rights seminar that took place in Moscow last December, and stressing how such actions could "weaken trust and confidence between our nations."

I am proud to join with Ukrainian-Americans in this Nation and Ukrainians the world over in commemorating the 70th anniversary of Ukrainian Independence Day and in reaffirming our support of the Ukrainian struggle for religious and political freedom, with the hope that one day the Ukraine will again assume its rightful place in the community of free nations.

TRIBUTE TO DAVID CASTRO

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. STARK. Mr. Speaker, the citizens of Alameda County gathered on January 21, 1988, to honor an outstanding humanitarian. Tribute was paid to David Castro during a testimonial dinner acknowledging his exemplary contributions to the Hispanic community.

Mr. Castro has worked tirelessly to improve his fellow Hispanics' economic status. In earlier years, he was both a business agent and the first Hispanic to hold an executive board position in a local Teamster's Union. Weathering threats and intimidation, Mr. Castro organized workers at a food cannery and in agricultural fields.

The most severe test for David Castro was to turn the 1964 Civil Rights Act into reality. To quote Mr. Castro:

> In many ways, I was ahead of my time. As soon as that bill was passed, I set out to get more jobs for minorities and to make sure that women were placed in the kinds of jobs that men always held. In 2 years, I was able to get 151 women in men's jobs.

But David Castro's efforts to help do not stop at jobs. He works to provide people with affordable housing and to provide educational opportunities for young people. He is a founder, director or member of at least three dozen statewide organizations in California. These organizations provide career opportunities, scholarships, consumer services and other objectives to promote the well-being and self-image of Hispanics.

I am proud to salute David Castro. I join his many friends in thanking him for decades of compassionate, dedicated service. He is a champion of the people.

A TRIBUTE TO THE MICHIGAN STATE SPARTANS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. CARR. Mr. Speaker, hail the Spartans of Michigan State. After nearly a decade of Rose Bowl domination by the PAC-10, the Spartans roared into Pasadena on New Years Day and came away with a Rose Bowl victory over Southern California, 20-17. Michigan State University is in East Lansing, MI and I'm proud to represent them and I wanted to pay tribute to their win.

Their win was the first for the Big Ten Conference since 1981 and only the third for the conference since 1969. We may not represent the Big Ten in the Rose Bowl that often, but we're proud to win when we do.

The Spartan offense was led by running back Lorenzo White with 113 yards gained on 35 carries and two touchdowns. Quarterback Bobby McAllister passed seven times, and completed four of 128 yards. Split end Andre Rison was the key receiver, catching two passes for 91 yards, the first for 55 yards setting up State's second TD, and the second for 36 which led to State's winning field goal.

Middle linebacker Percy Snow was the tackle leader for MSU with 15 solo and two assisted efforts for 17, and was named the game's "Outstanding Player". Strong safety John Miller picked off two interceptions, with Joe Bergin and Kurt Larson each getting one interception. Plus, I cannot forget to mention the outstanding effort of Coach George Perles.

One of the really great participants of the game were the Michigan State fans. Of the more than 103,000 in attendance, officials estimate 30,000 of those were connected to State and I was proud to be one of them! Green and White spirit was everywhere.

The Spartans finished the year with a record of 9-2-1, their highest win total since 1966.

Hail the Spartans! Hail Green and White spirit! Hail Michigan State, Big Ten Champs and winner of the 1988 Rose Bowl.

U.S. CAN'T BE OSTRICH-LIKE IN FACE OF FISCAL PROBLEMS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. PEPPER. Mr. Speaker, now that we have all been privy to the sight of a reeling stock market, I would like to remind my colleagues of my September 21 insertion on page E3619 of the CONGRESSIONAL RECORD. On that day, almost a month before Black Monday, I submitted the prophetic words of Arthur Burck, a Palm Beach, FL, business merger consultant. The title of Mr. Burck's editorial, "Three Inevitabilities: Death, Taxes, and the Market's Collapse," speaks for itself about his knowledge and insight into the workings of our economy. If you did not read Mr. Burck's article then, I strongly encourage you to do so now.

[From the Palm Beach Post, Nov. 1, 1987]

U.S. CAN'T BE OSTRICH-LIKE IN FACE OF FISCAL PROBLEMS

(By Arthur Burck)

"As certain as death and taxes is the inevitability that the market will collapse . . . when it comes, the deluge is likely to shake the foundations of our economy." This was the prediction I made in my article in *The Palm Beach Post* Sept. 14, and entered in the CONGRESSIONAL RECORD on Sept. 21, 1987.

Now what? A massive array of economic, fiscal and business problems will face the nation, expecially after the violent market collapse leaves in its wake a recession or worse, and businesses, government and consumers struggle under the mountains of debt created during the spending binge of recent years.

Add up all these problems and business casualties, and America will face a bleak future—unless we are able to restore financial responsibility, rehabilitate enough of our crippled businesses, and propagate many new high-growth firms. These difficult tasks will require the wisdom of Solomon, the patience of Job and total dedication to the truism, "When the going gets tough, the tough get going."

Those of us who struggled with the seemingly bottomless problems of the Great Depression, and the ensuing challenges of World War II, know that America resolve can overcome great obstacles when our populace finally recognizes that there really is an emergency.

Indeed, our main problem may be in recognizing that an emergency does exist. Ostrich-like, it is human nature to minimize problems, as did Herbert Hoover in an earlier day.

FIESTA: "IN RECOGNITION OF HISPANICS IN THE ENTERTAINMENT INDUSTRY"

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ROYBAL. Mr. Speaker, I rise today to pay tribute to four Hispanic entertainers who are being honored on January 28, 1988, at the Palace Theatre in Hollywood for their professional achievements and commitment to community service. Cesar Romero, Hector Elizondo, Luis Avalos, and Elena Verdugo have made enormous contributions not only to the entertainment industry, but to the people of their communities.

These four entertainers will be honored at FIESTA: "In Recognition of Hispanics in the Entertainment Industry," the proceeds of which will go to AltaMed Health Services Corp., an east Los Angeles health agency. AltaMed was established in 1969 and today serves over 30,000 families each year. AltaMed's La Clinica Familiar del Barrio Foundation will be the direct beneficiary of the FIESTA event.

The honorees were selected by a committee of Hispanics in the entertainment industry as well as by business and community leaders. They were chosen for their consistent contributions to the betterment of life in their communities. These individuals have given freely of their time to support many programs crucial to the community environment.

In this year, Hollywood's centennial, it is fitting to honor these Hispanic actors for their contributions to their profession and for their dedication to helping others. Until recently, Hispanics have been the invisible minority in Hollywood. Cesar Romero, Hector Elizondo, Luis Avalos, and Elena Verdugo are four Hispanics who have torn down this barrier through hard work and through giving back to society. I commend them for their contributions and congratulate them on this occasion.

NATIONAL SCHOOLBUS SAFETY ACT OF 1987

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. SMITH of Florida. Mr. Speaker, I would like to draw your attention to an incident which occurred in Charlottesville, VA while most of us were enjoying the Martin Luther King holiday. On Monday, January 18, a schoolbus accident in Charlottesville left five people injured, including four junior high school students. According to the head nurse at the hospital where the injured were treated, seatbelts in schoolbuses could have prevented some of the injuries suffered by the Albemarle County students.

As the author of H.R. 1815, the National School Bus Safety Act of 1987, I favor the installation of seatbelts on schoolbuses. My bill would mandate that all new schoolbuses be equipped with seatbelts. The only way to reduce the injury and trauma associated with schoolbus accidents is to have our children buckle up on the bus.

I invite my colleagues to join me in cosponsoring the National School Bus Safety Act of 1987. It is for the good of our children, who are our future.

THERE'S NO SUCH THING AS FAIR TRADE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. McEWEN. Mr. Speaker, I would like to commend to the attention of my colleagues a letter sent to me by Mr. Richard N. Olmstead of Fremont, Ohio. I trust my colleagues will find the following information to be of interest.

CLAUSS CUTLERY CO.
Fremont, OH, October 29, 1987.

Hon. BOB McEWEN,
Federal Building,
Hillsboro, OH

DEAR CONGRESSMAN McEWEN: The enclosed article was authored by a respected competitor of our company. I agree 100 percent with Mr. Farrington's position.

An entire American industry will disappear unless positive action is taken.

American quality is superior.

It is impossible to compete worldwide if American manufacturers are excluded from foreign markets.

It is impossible to compete with imports if the imports are unfairly priced.

What does it take to wake our lawmakers up to the reality that a large portion of the foreign trade inbalance is caused by foreign markets being closed to American manufacturers while foreign companies are allowed to flood our market with imports?

It's a double whammy!

Very truly yours,
RICHARD N. OLMSTEAD,
President.

THERE'S NO SUCH THING AS FAIR TRADE—BUT WE CAN DO SOMETHING ABOUT IT

(By James F. Farrington)

As this country's largest manufacturer of household shears and scissors, as well as the oldest surviving company in our field, we have learned a great deal about doing business with other countries.

Our overall conclusion is that there is no such thing as fair trade in the scissors and shears industry among most nations today. For that matter, there is no such thing as fair trade in most industries today.

Our conclusion is based on our cumulative experience in combatting foreign competition from every corner of the world, especially over the past four decades, as well as on extensive research of both industry statistics and the actual practices of several foreign countries and their manufacturers.

To substantiate this claim, let me offer some market data to document the trade imbalance:

Imports of scissors and shears in the U.S. market in terms of dollars have grown sharply year after year. However, domestic sales peaked in 1981 and are heading downward.

The imbalance of trade is depicted more dramatically when market share is analyzed (Figure 2). Imports (dotted) have risen steadily since 1979, while domestic share of the market has declined sharply since that same year.

The growth rates over the past five years by country of origin are equally shocking (Figure 3). The total U.S. market has grown 6.4 percent per year in that period. Domestic sales have risen only 3.9 percent per year, while imports have risen 11.9 percent per year. During the five years, imports have climbed 45.9 percent from Korea, 22.9 percent from Taiwan, 16.8 percent from Germany and 14.2 percent from Japan.

In 1986 alone, imports increased 32.1 percent. Korea topped the list with an increase of 122.4 percent, followed by Taiwan with 41.9 percent, Germany with 29.4 percent and Japan with 27.0 percent. Korea and Taiwan have regularly adjusted their currencies to tie them directly to the U.S. dollar and have thus been able to penetrate our market with ease, in spite of the dollar's decline versus many foreign currencies.

It is crystal clear that imports of scissors and shears are seriously damaging the U.S. industry. This is not taking place because foreign-made products are superior. Far to the contrary, our domestic industry has long been recognized as leaders in producing and marketing high-quality, cost-effective scissors and shears.

Imports have been seizing our market share in our own marketplace because several countries and their manufacturers have targeted the U.S. and are competing unfairly in our market.

These countries are providing their manufacturers with low-interest loans, tax forgiveness, and subsidies for materials and job training. These countries focus on the U.S. market because it is prosperous, of course. But the real reason is that they are either kept completely out of, or are restricted to quotas, in almost all other world markets.

What's more, these same countries are unfairly blocking United States manufacturers from competing in their own domestic markets. They use prohibitive duties to bar imports. For example: Korea has a 30 percent duty; Taiwan has a 30 percent duty; Japan has many different barriers; Brazil has a 70 percent duty, plus a prohibition on our products; Pakistan simply does not permit imports; and Germany, Italy, China and many others have restrictive quotas and excessive duties.

It's bad enough to try to sell to countries that virtually close the doors on you. But, to make a bad situation worse, there's no single agency or office in Washington where our domestic manufacturers can take our case and cry "foul." Instead, there are more than a dozen different agencies or offices, each with a limited area of responsibility. This is clearly an unworkable situation.

All small industries and companies—not just ours—need a responsible voice in Washington. We do not possess enough resources in time or money to wage a fair fight. It is very time-consuming and costly for us to get relief under the present system. History also shows that even when a case is proven, the Administration can choose to ignore the facts. This is very discouraging.

What's more, an increasing number of U.S. jobs are being lost to unfair foreign trade. The loss of 25,000 jobs is equivalent to $1 billion in the national trade deficit. Anyone who thinks we can alter the deficit simply with a currency change or a program to encourage exports has got to be incredibly naive.

Our main conclusion from this frustrating experience is that world trade is played by two sets of rules. We in the United States are playing by the rules of fairness and equality. However, many nations in the rest of the world are violating the international trade agreements. At the same time, our executive and legislative branches in Washington refuse to take positive action.

Sometimes, it seems like we are in a boxing ring, restricted to the Marquess of Queensbury rules, and our opponent is free to use judo or karate.

As a small manufacturer, we ask: Why do our officials meet and make agreements with other countries, when these countries have no intention to stick to the agreements, and when our country has no intention to enforce them?

It is clear that we are fighting a losing battle against countries that are determined to export to the U.S. using any means whatsoever to pirate our share of the market. It will only be a matter of time before our domestic scissors and shears industry is wiped out completely.

In view of this unfair situation in our industry, we can speculate that many other industries are suffering as badly, if not worse, from unfair foreign competition. Help is urgently needed. Our legislators and administrators in Washington can assist the many industries and companies that are in this plight.

First, we need recommendations and guidance. We do not want any handouts, but just the opportunity to prove we can compete.

Many companies, including ours, have been investing heavily year after year to improve productivity and achieve competitiveness. We can compete against foreign producers on a true cost basis.

But, that is not enough. We also need a program from Washington that will require overseas companies to compete fairly. We must find ways to stop unfair practices and create a level playing field. A small company simply cannot fight an entire country that is dedicated to exporting into the U.S., using any means it wishes.

If imports threaten jobs, then Washington should consider incentives to manufacturers to invest time, money and creativity to keep jobs. We should put foreign governments on notice that we will match them incentive for incentive. Then do it!

These are not my views alone. Stanley C. Gault, Chairman of the National Association of Manufacturers, recently had this to say:

"We must provide the economic incentives to improve our quality, productivity, product development, technology, research and cost of capital—and do so in a way that matches what is done for industry by the governments in Europe and the Far East. Also, we should provide American companies with the financing support they need to make them competitive against the financing offered by foreign manufacturers, banks and governments on export sales.

"My own feeling is that if our government announced it would match any credits offered by any foreign government—on any deal, anywhere—this unfair, under-the-table subsidy game would end quickly and we'd see some honest competition."

As Mr. Gault suggests, perhaps we should decide that both parties should play by the same rules—either theirs or ours. If it is their rules, then Washington must get involved.

One course of action would be to create some sort of "America Inc." and get aggressive in our battle. America Inc. would find a way around antitrust, get bank assistance for low-interest loans, provide tax programs to create incentives to keep jobs, and develop ways to slow down aggressive importers who act with impunity to world trade agreements.

Yes, some of these possible solutions sound a bit drastic. That's because the situation is indeed drastic—I am talking about entire industries and their jobs being wiped out as a result of predatory marketing practices which our government permits other countries to get away with in our own marketplace.

FIGURE 1.—SALES IN DOLLARS—SCISSORS/SHEARS IN U.S. MARKET

Year	Imports	Domestic
1976	28,253,000	35,300,000
1977	36,211,000	36,700,000
1978	36,987,000	39,200,000
1979	35,501,000	43,100,000
1980	39,134,000	46,900,000
1981	42,544,000	50,500,000
1982	42,418,000	48,700,000
1983	46,954,000	46,300,000
1984	50,341,000	48,800,000
1985	55,184,000	50,264,000

FIGURE 2.—MARKET SHARE PERCENTAGE—SCISSORS/SHEARS IN U.S. MARKET

[In percent]

Year	Imports	Domestic
1976	44.5	55.5
1977	49.7	50.3
1978	48.5	51.5
1979	45.2	54.8
1980	45.5	54.5
1981	45.7	54.3
1982	46.6	53.4
1983	50.4	49.6
1984	50.8	49.2
1985	52.3	47.7

Five year growth rate

	Percent
U.S. Market	6.4
Domestic Manufacturers	3.9
Imports	11.9
Japan	14.2
West Germany	16.8
Taiwan	22.9
Korea	45.9

[From the Bridgeport (CT) Sunday Post, Aug. 16, 1987]

THERE'S NO SUCH THING AS FAIR TRADE

(By James F. Farrington)

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Our overall conclusion is that there is no such thing as fair trade in the scissors and shears industry among most nations today. For that matter, there is no such thing as fair trade in most industries today.

Our conclusion is based on our cumulative experience in combatting foreign competition from every corner of the world, especially over the past four decades, as well as on extensive research of both industry statistics and the actual practices of several foreign countries and their manufacturers.

Imports of scissors and shears in the U.S. market in terms of dollars have grown sharply year after year, while domestic sales peaked in 1981 and are heading downward. Our domestic share of the market has declined from 55 percent in 1979 to 41 percent in 1986.

The growth rates over the past five years by country of origin are also shocking. The total U.S. market has grown 6.4 percent per year in that period. Domestic sales have risen only 3.9 percent per year while imports have risen 11.9 percent per year. During the five years, imports have climbed 45.9 percent from Korea, 22.9 percent from Taiwan, 16.8 percent from Germany and 14.2 percent from Japan.

In 1986 alone, imports increased 32.1 percent. Korea topped the list with an increase of 122.4 percent, followed by Taiwan with 41.9 percent, Germany with 29.4 percent and Japan with 27.0 percent. Korea and Taiwan have regularly adjusted their currencies to tie them directly to the U.S. dollar and have thus been able to penetrate our market with ease, in spite of the dollar's decline versus many foreign currencies.

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These countries are providing their manufacturers with low-interest loans, tax-forgiveness and subsidies for materials and job training. They focus on the U.S. market because it is prosperous, of course. But the real reason is that they are barred completely or restricted to quotas in almost all other world markets.

What's more, these same countries are unfairly blocking United States manufacturers from competing in their domestic markets. They use prohibitive duties to bar imports. For example:

Both Korea and Taiwan have a 30 percent duty.

Japan has many different barriers.

Brazil has a 70 percent duty, plus a prohibition on our products.

Pakistan simply does not permit imports.

Germany, Italy, China and many others have restrictive quotas and excessive duties.

It's bad enough to try to sell to countries that virtually close the door on you. But, to make a bad situation worse, there's no single agency or office in Washington where our domestic manufacturers can take our case and cry "foul." Instead, there are more than a dozen different agencies or offices, each with a limited area of responsibility. This is clearly an unworkable situation.

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Our main conclusion from this frustrating experience is that world trade is played by two sets of rules. We, in the United States, are playing by the rules of fairness and equality. However, many nations in the rest of the world are violating the international trade agreements.

As a small manufacturer, we ask: Why do our officials meet and make agreements with other countries when these countries have no intention of sticking to the agreements and when our country has no interest in enforcing them?

We are fighting a losing battle against countries that are determined to export to the U.S. using any means whatsoever to pirate our share of market. It will only be a matter of time before our domestic scissors and shears industry is wiped out completely.

In view of this unfair situation in our industry, we can speculate that many other industries are suffering as badly, if not worse, from unfair foreign competition. Help is urgently needed—first, in the form of recommendations and guidance. We do not want any handouts, but just the opportunity to prove we can compete.

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But, that is not enough. We also need a program from Washington that will require overseas companies to compete fairly. We

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As Gault suggests, perhaps we should decide that both parties should play by the same rules—either theirs or ours. If it is their rules, then Washington must get involved.

One course of action would be to create some sort of "America Inc.", and get aggressive in our battle. America Inc. would find a way around antitrust, get bank assistance for low-interest loans, provide tax programs to create incentives to keep jobs, and develop ways to slow down aggressive importers who act with impunity to violate world trade agreements.

Yes, some of these possible solutions sound a bit drastic. That's because the situation is indeed drastic—I am talking about entire industries and their jobs being wiped out as a result of predatory marketing practices which our government permits other countries to get away with in our own marketplace.

TRIBUTE TO THE CHESTER NEWELL AREA CHAMBER OF COMMERCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is indeed a pleasure to pay tribute today to the Chester Newell Area Chamber of Commerce. I had the privilege of addressing this organization and it became clear to me then that special recognition was in order.

Residents of Chester, WV, are clearly in good governing hands as this group of officials exemplify the epitome of loyalty, concern and understanding. Mayor Roy Cashdollar though only in office for 18 months, has done an excellent job, as have the board members.

The Chester Newell Chamber of Commerce represents their constituents well and it is with great pride that I pay tribute to them today.

A TRIBUTE TO COMMISSIONER EDWARD J. MUHL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. CARDIN, Mr. Speaker, I rise today to pay tribute to Maryland's insurance commissioner, Edward J. Muhl, who will be honored for his years of outstanding public service at a banquet in Baltimore on January 29.

Ed Muhl was appointed commissioner of insurance on June 1, 1983, after serving 18 months as deputy commissioner and acting insurance commissioner. His appointment came at a critical time for insurance regulation in Maryland, which, like the rest of the Nation, was facing a liability crisis.

It was my privilege to serve in the legislature and observe the skillful diplomacy of Commissioner Muhl. Without his negotiating skills, the outcome of health insurance, workmen's compensation, tort reform and medical malpractice issues might have been resolved quite differently. Ed is a quiet and effective negotiator, committed to the fair resolution of problems.

As a regulator, Commissioner Muhl balanced the interests of both the consumer and industry. During his tenure, consumer information was greatly improved, as were the procedures for appealing a commission decision.

The State of Maryland has been fortunate to have such an outstanding public servant and I have been fortunate to have Ed as my constituent, my consultant of my Health Advisory Committee, and my friend. Although we are sorry to lose Ed to North Carolina, he has left us a very proud legacy.

TRIBUTE TO THE YOUNGSTOWN MAENNERCHOR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I pay tribute to the Youngstown Maennerchor. This institution is the second oldest singing organization in the State of Ohio. This year the society celebrates its 125th anniversary.

Since the first gathering of the initial nine German members in January of 1863, America has seen five wars. During the Second World War these men were engulfed by a great wave of prejudice and unyielding abuse. Under the weight of such widespread German prejudice, the Maennerchor members reaffirmed their oath of allegiance to this great Nation. They vowed to "aid and support all national and local programs for the ultimate victory of the United States." Their loyalty and commitment to this Nation has been, and is unquestionable.

Members have long sought to preserve their German heritage and culture. Though membership has fallen in recent years, the Maennerchor is optimistic that their numbers will increase as the commemorative concert schedule begins.

The Youngstown Maennerchor represents an integral part of Ohio's German heritage and it is with great pleasure I pay tribute to such an outstanding organization. The members are to be congratulated on their outstanding community contributions and personal character. Thank you, Youngstown Maennerchor, for your gift of song and heritage to our great State.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes 488 and 489 on Thursday, December 17, 1987. Had I been present on the House floor, I would have voted "yea" on approval of the Journal and "no" on the Watkins amendment to the Endangered Species Act.

I was also absent for rollcall vote 493 on Friday, December 18. I would have voted "yea" on approval of the Journal.

TRIBUTE TO THE WOMEN LAW ENFORCEMENT OFFICERS OF OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Ohio's finest, the Women Law Enforcement Officers of Ohio. Their untiring service to the people of Ohio and those of the 17th district, is to be commended and I am proud to represent such a fine group.

Established in December 1986, the organization has committed itself to protect the citizens of Ohio and of the Mahoning Valley, and to uphold the laws therein. Beyond this, the organization seeks to promote equal opportunities for women employed in law enforcement; to support, educate, and promote women in law enforcement; and, to improve the working relationship among men and women in that profession.

The tasks of an officer are vast and the daily job is always potentially life threatening. Somehow, "thank you" seems so insignificant in light of the duties these women perform.

It is with great pride and appreciation that I pay tribute to the members of the Women Law Enforcement Officers of Ohio. They indeed represent the finest of Ohio's citizens.

SHIP ROCKET FUEL BY SEA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LAGOMARSINO. Mr. Speaker, in recent months concern has developed over the practice of shipping rocket fuel and oxidizers by truck to the Western Space Port at Vandenberg Air Force Base. Last fall, at hearings by the House Government Operations Committee, Subcommittee on Government Activities and Transportation, I proposed that the Defense Department look into the feasibility of transporting these materials by sea.

Vandenberg has barge landing facilities on the base, built to accommodate the large external tanks used on the space shuttle. These tanks are shipped from the gulf coast through the Panama Canal, and there is no reason that I know of why nitrogen tetraoxide should not be shipped by the same route.

At my request, the Air Logistics Center at Kelly Air Force Base in San Antonio has agreed to study this transport mode. In the meantime, the center has proposed shipping the materials by truck through downtown Santa Maria on Broadway. This would be a foolhardy thing to do, in my opinion, since the trucks could travel more safely and efficiently down Highway 101, bypassing the downtown section.

I hope the Air Force will reconsider its proposal, and route the fuel down 101 for the time being. In the final analysis, I hope the Defense Department will agree that the real solution to this problem—and the alternative involving the least risk to the fewest number of people—would be to use the barge facilities at Vandenberg.

In that regard, I would like to call to the attention of the Members a recent editorial from the Santa Maria Times, which eloquently states the case for both avoiding Broadway and shipping the fuel by sea, which I request be entered into the RECORD.

TAKE THE ROCKET FUEL OUT TO SEA

We're with Mayor George Hobbs when it comes to the Air Force's proposed rocket fuel route that was scheduled to come through Santa Maria on Broadway. We're especially in agreement with the mayor when he said ". . . nobody would be idiotic enough to run it down Broadway."

What George was saying if in not the same words, is that the Air Force is not idiotic enough to force something this ridiculous onto the people of Santa Maria.

What we think probably happened was that some Pentagon officials sat down with a list of where they couldn't go (through Los Angeles suburbs, through part of San Luis Obispo County, and through Santa Barbara) and drew on a map a route that looked like it might fit the criteria of getting the fuel to Vandenberg Air Force Base. Then they went out and hired a consulting firm to verify their finding.

On many maps Santa Maria looks like an insignificant place and how were these Pentagon people to know the difference since the only political howling had come from the three aforementioned places. Besides, the route through Santa Maria is shorter than the 101 route, according to the consultant, who said this weighed heavily in favor of the Broadway route.

We wouldn't go as far as Mayor Hobbs did and ignore the issue altogether. We have the same faith that the mayor has in the commanding generals at Vandenberg, but we're not as sure as he is that they have the power to override a Defense Department decree on the fuel routing. That's why we believe it is necessary for the council to raise its voice in objection and for the community to be represented at the public hearings on the route that now includes 101 instead of Broadway.

As for an overland route for the rocket fuel, we think the route outlined by the California Highway Patrol is by far the best. It takes into consideration routes previously established for hauling other dangerous and hazardous materials. At least 101 is not as heavily congested as Broadway, and we're sure the extra couple of miles of driving time really isn't significant to the whole picture.

Now that the land route has been disposed of—we hope—let's take a look at a far more practical route. That is by sea.

We know Santa Barbara folks would object to using the channel to haul toxic materials, but sensible folks will readily see the advantages of keeping the rocket fuel out to sea except for when it is to be unloaded at the Vandenberg dock and for the short overland trip to its storage site on the base.

Perhaps the sea route has been overlooked to date because of its simplicity. The solution looks so simple and commonsense that it is understandable that government hadn't even considered it.

TRIBUTE TO MRS. ISABELLE ADALINE PANTON BARRETT OF YOUNGSTOWN, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, I am very pleased to rise today to pay tribute to Mrs. Isabelle Adaline Panton Barrett of Youngstown, OH. She has recently celebrated her 95th birthday. I am honored to represent this outstanding resident of Ohio's 17th District.

Mrs. Barrett has contributed so much of her time to the citizens of Ohio. She worked 25 years in the gift shop of St. Elizabeth Hospital. She accepted a crippled girl into her home and cared for her along with many homeless children of the area. She was a volunteer for St. Vincent de Paul, was a post office auxiliary, sewed quilts for homeless families and the needy, organized and held parties for Indian missions and a host of other missionaries, and she regularly visited the sick and aged at St. Mary's Home. In addition, Isabelle established a scholarship fund through St. Edwards Catholic Church.

Her list of accomplishments and volunteer work is impressive. How privileged Ohio residents are to have such a giving and loving woman living among us. It is with great pride and thanks that I stand before this Congress and pay tribute to Mrs. Isabelle Adaline Panton Barrett of Youngstown, OH.07304

INTRODUCTION OF THE NEW SCHOOL CHILD CARE DEMONSTRATION PROJECTS ACT OF 1988

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. KILDEE. Mr. Speaker, I rise today to introduce the New School Child Care Demonstration Projects Act of 1988.

As many of you know, I am also the sponsor of the act for better child care services. These two bills will deal with separate issues within child care. The act for better child care responds to a crisis in child care services. There are millions of families who need child care desparately in order to work and remain self-sufficient. Too many young children are being placed in less than adequate, if not potentially harmful, child care situations. We need to strengthen and improve the current child care delivery system and provide financial assistance to families who need help in meeting their child care cost immediately.

The New School Child Care Demonstration Projects Act of 1988 offers a relatively small pilot project which would test one new model of delivering child care through the public schools. In contrast, the ABC bill represents a large-scale effort which would help hundreds of thousands of low-income families pay for child care as well as improve the quality and expand the supply of child care for all families. The act for better child services would offer parents a range of options including the use of school-based child care, family day care homes, and community based child care programs.

The enormous need for child care warrants a significant new Federal response. The testing of new models should not be viewed as a substitute to a larger initiative but as a complementary strategy for expanding and improving our child care system.

The New School Child Care Demonstration Projects Act of 1988 will not detract from my efforts toward the act for better child care. In fact, I believe that my introduction of this legislation today indeed will facilitate the swift enactment of the act for better child care serv-

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TRIBUTE TO THE TRUMBULL COUNTY JOINT VOCATIONAL SCHOOL DISTRICT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, today, I rise in order to pay tribute to the Trumbull County Joint Vocational School for providing 10 years of exceptional vocational training in my 17th District of Ohio. This outstanding educational facility has been meeting the needs of high school students and adults alike by offering vocational programs in 28 different areas, including computers and business, health services, technical fields, agriculture and animal care, personal services, construction, automotive, and cooperative education.

Trumbull County Joint Vocational School opened its doors to high school students on September 6, 1978, and the student body is now comprised of 750 students from 15 Trumbull County school districts. The Adult Education Department opened on January 8, 1979, and nearly 6,000 adults are expected to enroll in programs this year.

I salute the fine people at Trumbull County Joint Vocational School for 10 years of outstanding service to their community and for recognizing the needs of not only young adults, but the older ones as well. In particular, I would like to extend my congratulations to Superintendent Dr. Robert J. Williams and Directors Bartley DuBois and Melvin Pentecost for their administration of such an important institution. Mr. Speaker, I am proud and honored to represent quality people such as these and their students.

BLACK LUNG BENEFITS ELIGIBILITY CLARIFICATION ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at ensuring that approximately 10,000 pending black lung benefit claims are fairly treated by the Labor Department.

Entitled the Black Lung Benefits Eligibility Clarification Act of 1988, this bill comes close on the heels of a recent U.S. Supreme Court decision affecting claims filed between July 1, 1973, and April 1, 1980, under the Labor Department's interim regulations.

The central issue in the Supreme Court decision this legislation seeks to address involves what constitutes a presumption of black lung benefit eligibility. According to the majority opinion of the court, a single item of qualifying evidence such as an x ray does not necessarily make a person eligible for black lung disability benefits under the Labor Department's interim program. I disagree. My legislation is premised on the need to clarify the intent of Congress in this matter.

The 1972 amendments to the Federal Coal Mine Health and Safety Act of 1969 clearly indicated the frustration of Congress with the Social Security Administration's management of the Black Lung Program. The amendments sought to expedite the adjudication of benefit claims and to reduce the number of benefit denials. The 1972 law also transferred administrative responsibility of the program to the Labor Department for claims filed after July 1, 1973.

After enactment of the 1972 law, the Social Security Administration's claim approval rate increased due to new paco... regulations the agency had implemented. However, for post-1973 claims, the Labor Department's benefit approval rate remained low. In response, Congress again amended the law in 1977 by requiring the Labor Department to adopt eligibility standards not less restrictive than those of the Social Security Administration.

It was the clear intent of the Congress in 1977 that the Labor Department adopt a similar standard for considering claims filed after July 1973 as that used by the Social Security Administration. This standard allowed a claimant to prove disability based on a single piece of qualifying evidence. My legislation intends to reiterate this criteria and ensure its adoption.

The claimant in the Supreme Court case not only had a qualifying x ray, but two qualifying ventilatory studies and one qualifying physician's opinion as well. Yet, the claimant was denied benefit eligibility.

This is an alarming and dangerous precedent. We have a claimant with not one, but four qualifying pieces of evidence and yet under the standard set by the Supreme Court he was still denied eligibility. It should be obvious to all that corrective measures must be taken.

Mr. Speaker, West Virginia's disabled coal miners who are afflicted with the crippling affects of black lung disease deserve compensation, not additional bureaucratic barriers.

TRIBUTE TO THE ST. JAMES' EPISCOPAL CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is indeed a pleasure to pay tribute to the St. James' Episcopal Church. Their contributions to the 17th District of Ohio deserve special praise.

Rev. Michael S. Jones, the rector of St. James', launched a program to collect Christmas gifts for the underprivileged children of Ohio. The donated gifts were laid at the foot of the Christmas Nativity scene as a gesture of gratitude to God. Since the children that received gifts from St. James' were from low-income families, these presents were probably all Santa brought this year.

The love and care that emanates from St. James' congregation is astounding. The efforts, time and energy invested by the Reverend Michael Jones is greatly appreciated by the people of Ohio. Those especially grateful are the children, the ones who make this world all worth while.

The St. James' Episcopal Church and Reverend Jones have shown to us the depth of giving we are all capable of. May the giving not stop at Christmas but continue without end. It is with great pride that I pay tribute to the St. James' Episcopal Church of Ohio's 17th District.

CONGRESS AND THE CONSTITUTION

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mrs. BOGGS. Mr. Speaker, as we begin the second session of the 100th Congress, I would like to take this opportunity to remind my colleagues that we will observe the 200th anniversary of the Congress of the United States in March 1989. In recognition of that forthcoming anniversary, the Commission on the Bicentennial of the U.S. Constitution has designated 1988 as a year in which to focus on the formation of the first branch of the Federal Government.

After the preamble, which begins with the famous words "We the People," the first order of business in article I of the Constitution is to describe the powers of the Congress, "which shall consist of a Senate and a House of Representatives." It all seems so clear and simple when we read it today. But 200 years ago when the Constitution was drafted by 55 men meeting in Philadelphia, there was a great deal of debate over just what the Congress would be like. Those important debates not only determined the structure of the Congress and the two other branches of the Federal Government, they defined democracy itself.

We take for granted today the idea that "We the People" have the power to elect our representatives in Washington. The framers of the Constitution had their doubts about the wisdom of this practice. Roger Sherman, of Connecticut, and Elbridge Gerry, of Massachusetts, for example, expressed fears that too much democracy was a bad thing. Sherman thought people were easily misled by false information and were not sophisticated enough to make political decisions. He preferred to have the House of Representatives elected by State legislatures, people who had Government experience, rather than the average citizens of the country. Gerry thought the problems the country faced in 1787 were due to an "excess of democracy." The people, he believed, had no respect for public servants.

Other delegates took a different stand. George Mason and James Madison, of Virginia, and James Wilson, of Pennsylvania, believed that the people had to be the great strength of the Government. It was essential to these men that the House of Representatives be elected directly by the people, and the House, in Mason's words would be the "grand depository of the democratic principle of Government." Madison believed that a House elected directly by the people would result in better representatives who would be sensitive to the needs of all the people who elected them.

Two hundred years later we can look at the handiwork of the framers of the Constitution and still see the structure of Congress that they crafted. The House of Representatives is indeed elected directly by the people just as the framers planned it. The fear of too much democracy was tempered by the structure of the Senate, which was, in fact, elected by the

State legislatures for the first 124 years under the Constitution. It wasn't until 1913, as a result of the 17th amendment, that the Senate was elected directly by the people.

The Constitution has not stood still. It was written on paper, not carved into stone, and it has been changed occasionally to expand the principles of democratic Government. It started changing almost immediately. The Bill of Rights, the first 10 amendments, were proposed in the First Congress in 1789 and ratified by the States in 1791. The great amendments following the Civil War, the 13th, 14th, and 15th, abolished slavery, established important principles of citizenship, and guaranteed black Americans the right to vote. The 19th amendment, ratified in 1920, guaranteed that women could vote.

The Congress is the first branch of Government, and the one closest to the people. It is designed to work in conjunction with the executive and judicial branches. The Constitution spells out the duties of each branch. The Congress makes laws, but the President has the power to veto them. The Congress, with a two-thirds vote, has the power to override a Presidential veto. The House of Representatives can investigate and even impeach a President. The Senate acts as the jury in any impeachment. The Supreme Court has the power to declare a law unconstitutional. The Congress has the power to craft a new law to correct the flaws found by the Court. These checks and balances are part of the genius of the Constitution. Each branch works with the others, but each branch also has power to check the excesses of the others.

When these forces are at work, it is the Constitution that is working. It has survived for 200 years, the longest lasting written Constitution in world history, not only because of the work of the framers back in 1787, but because generation after generation of Americans both inside and outside of Government have made it work, by defending it, by following it, and even, on occasion, by amending it. As we celebrate the 200th anniversary of the signing and the ratification of the Constitution and prepare for the bicentennial of the three branches of Government coming up in 1989, we have much for which to be thankful, and we have a large responsibility to sustain this remarkable system of Government for future generations.

For those who desire additional information on the role of Congress, in general, and the House of Representatives in particular, in the structure of our Constitution, I would strongly recommend a pamphlet prepared and published by the Office of the Bicentennial of the U.S. House of Representatives entitled "The Federal Convention and the Establishment of the United States House of Representatives." It is available by request at 138 Cannon Building.

TRIBUTE TO LLOYD S. JONES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, I am very pleased to stand before you and pay tribute to Mr. Lloyd Jones. This year he retires after 52 years of loyal service to the Vindicator as staff photographer.

At 9 years old, Lloyd began his literary career selling the Literary Digest magazine door to door. During high school, he began working weekends and Saturdays in a print shop in Warren, OH. He purchased his first camera with money he earned selling Easter cards. While in college, the Telegram offered Mr. Jones a job that he could now well refuse for it was during the depression and full-time jobs were scarce.

Jones interrupted his career with the paper to serve in the Army Signal Corps during World War II. As a combat motion-picture photographer, Jones filmed historical events and made training films on jungle fighting.

After 3 years of service, he returned to his civilian job which, was not without its dangers for he was attacked three times by his subjects. Regardless, he continued to photograph the world the best and most creatively he knew how. During his career he has covered several decades of political conventions and has photographed Presidents Truman, Hoover, Kennedy, and Eisenhower. Clearly, this man has photographed more than most of us see in a life time.

Mr. Lloyd S. Jones represents the very finest of America's citizens. His life-long commitment of bringing the world to our front steps shall not go without praise. Millions of Americans have unknowingly experienced the world through Lloyd's camera. It is with extreme pride that I pay tribute to such an outstanding man.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

JANUARY 27

9:00 a.m.

Armed Services

To hold hearings to review the NATO-Warsaw Pact military balance, NATO military strategy, and NATO force improvements.

SR-325

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on licensing of rural cellular telephone systems.

SR-253

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to consider proposed committee budget request for 1988, and committee rules of procedure.

SD-538

Energy and Natural Resources

Business meeting, to consider committee budget request for operating expenses for 1988, and other pending committee business.

SD-366

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-316

Judiciary

To hold hearings on the nominations of Wade Brorby, of Wyoming, to be United States Circuit Judge for the Tenth Circuit; Suzanne B. Conlon, to be United States District Judge for the Northern District of Illinois; Richard J. Arcara, to be United States District Judge for the Western District of New York, and Paul V. Niemeyer, to be United States District Judge for the District of Maryland.

SD-226

Labor and Human Resources

Business meeting, to consider S. 1904, to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce, and pending nominations.

SD-430

Select on Intelligence

Closed business meeting.

SH-219

1:30 p.m.

Judiciary

Business meeting, to consider the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States.

SD-226

2:00 p.m.

Armed Services

To continue hearings to review the NATO-Warsaw Pact military balance, NATO military strategy, and NATO force improvements.

SR-325

Select on Intelligence

Closed business meeting.

SH-219

JANUARY 28

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on drug trafficking and money laundering in Panama.

SD-342

Special on Aging

Business meeting, to consider committee budget for 1988.

SD-628

10:00 a.m.

Commerce, Science, and Transportation
Merchant Marine Subcommittee

To hold hearings on S. 1988, to require vessels used to transport sewage sludge and the dredge material removed from and redeposited between any two points within the exclusive economic zone to be built in the United States.

SR-253

Energy and Natural Resources

To hold hearings on S.J. Res. 231, to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau.

SD-366

Finance

Business meeting, to consider proposed committee budget request for 1988.

SD-215

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Labor and Human Resources

To hold hearings to review procedures for cancer detection in women.

SD-430

Select on Intelligence

To hold closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

10:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider proposed committee budget request for 1988.

SR-328A

2:00 p.m.

Select on Intelligence

To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

JANUARY 29

9:30 a.m.

Labor and Human Resources
Labor Subcommittee

To hold hearings to review practices and operations under the National Labor Relations Act.

SD-430

10:00 a.m.

Foreign Relations

To hold closed hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

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Select on Intelligence

To continue closed hearings on the proposed Treaty between the United States and the U.S.S.R. on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

1:00 p.m.

Select on Intelligence

To continue closed hearings on the proposed Treaty between the United States and the U.S.S.R. on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

FEBRUARY 1

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).

SD-366

FEBRUARY 2

9:30 a.m.

Energy and Natural Resources

To continue oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).

SD-366

Rules and Administration

To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Small Business

To hold hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

2:00 p.m.

Select on Intelligence

To resume closed hearings on the proposed Treaty between the United States and the U.S.S.R. on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

2:30 p.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 3

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities market, focusing on events surrounding the stock market crash of 1987.

SD-538

Select on Intelligence

Closed business meeting.

SH-219

FEBRUARY 4

9:30 a.m.

Judiciary

Business meeting, to consider pending committee business.

SD-226

Rules and Administration

To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

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10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 5

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 16

2:00 p.m.

Select on Intelligence

To resume closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

FEBRUARY 17

2:00 p.m.

Select on Intelligence

To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

FEBRUARY 18

2:00 p.m.

Select on Intelligence

To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

FEBRUARY 19

10:00 a.m.

Select on Intelligence

To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).

SH-219

FEBRUARY 23

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

FEBRUARY 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

FEBRUARY 25

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

MARCH 3

9:30 a.m.

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 31

9:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

SENATE—*Tuesday, January 26, 1988*

The Senate met at 11 a.m., and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, omniscient and omnipotent, there is never a time when Your wisdom—Your truth is not needed in our lives. Forgive us when we refuse to believe or ignore or reject the cosmic resource we have in Your divine guidance. May the practical instruction of the Proverbs find its way into our minds and hearts as this final session of the Senate begins.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3:5-6.

We thank You, Father, that Your counsel teaches us, not to be unthinking, but to look to You to illuminate our thinking. It has to be difficult if not impossible for the Senate to conduct business as usual with two national conventions—a Presidential election—and control of the White House and Senate at issue. Grant to the leadership, membership, and staffs of the Senate the awareness of the availability of God's wisdom and strength in the most pragmatic political matters and the most practical circumstances of life. God of love, demonstrate to everyone who labors in the Senate that the infinite provisions of deity are relevant, available, awaiting our acceptance and use. In His name who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 26, 1988.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.
>
> JOHN C. STENNIS,
> *President pro tempore.*

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, I hope that the Senate will be able to proceed to the consideration of the Grove City legislation today. The distinguished Republican leader and I have discussed this. He has indicated that he will do whatever he can on his side to get permission for the Senate to proceed to the consideration of this bill, without any debate on the motion to proceed hopefully. If we could do this, then we can get off to a good week's work.

I had also indicated to the Republican leader and to the Senate on the record yesterday that I would not make this motion prior to the conferences, and I did this because, when I made the statement, I had no knowledge of what the weather would be like today. I felt that there might be difficulty, with a storm upon us almost, in some of our Members being able to get to the Senate today early enough to make any votes. And so I indicated then that we would not have votes before 2 o'clock.

Happily, the weather has turned out better, but I still have my word. It is on the record, and it will be kept.

I do hope that we can proceed, though, at 2 o'clock with this legislation. It is needed. It lifts the horizons of everyone, and it gets us back on the track of where we were before this administration. It deals specifically with discrimination in education, in sex; we are talking about the handicapped, the elderly, women, and race, but it is nothing new. It just puts it back where we were before. And I hope that we can pass this legislation. It is common sense. It is not ideology. It makes good, common sense. When I say it will lift everybody's horizons, that is what we are talking about.

Mr. President, I reserve the remainder of my time.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

MISSION OF ARMS CONTROL: TO STRENGTHEN NUCLEAR DETERRENCE.

Mr. PROXMIRE. Mr. President, why do we need arms control? Why? Think about that for a long minute. This Senator firmly believes in arms control. But why can't we simply rely on the force that has kept the peace for the past 42 years? Why can't we rely on mutual, nuclear deterrence? Now let's not kid ourselves. Arms control has had almost nothing to do with the fact that we have not had war in Europe since 1945—the longest period of European peace in centuries. We have peace between the superpowers not because of arms control treaties. We have it because both sides recognize that the other would surely have the capability if attacked to rely with a nuclear counterattack that would be absolutely devastating. We have peace because both sides fully understand that any war between the Soviet Union and the United States would almost certainly become a nuclear war. And both sides know that such a war would leave only two utterly devastated losers. President Reagan and Secretary Gorbachev have both said there would be no winners in a nuclear war. Both have said that a nucelar war must never be fought.

So we have had more than 40 years of superpower peace and we can expect to have 40 more or 400 more for this one simple overwhelming reason: War would mean a double suicide. But can arms control contribute nothing to sustaining this peace based on deterrence? Mr. President, the fact

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

is that arms control has in fact contributed greatly to the peace we have enjoyed for four decades and it is essential if we are to continue to live in a peaceful world. To date the most significant arms control treaty has been the Antiballistic Missile Treaty. The ABM Treaty has contributed to peace by reinforcing the credibility of the deterrent of both superpowers. Consider briefly the history of the ABM Treaty. In the 1960's the Soviets were pushing hard to develop an antimissile system. Russia has a very long tradition of stressing defense in their military forces. So they took the initiative in developing an ABM system that was the forerunner of our SDI. Our Presidents and Defense Secretaries in both Democratic and Republican administrations vigorously opposed the Soviet antimissile or SDI push. We served notice on the Soviet Union that if they persisted in their SDI project it would threaten the credibility of our nuclear deterrent and we would go all out with all our technological and economic strength to build offensive missiles that would overwhelm it. The Soviets finally recognized the United States could and would build an irresistible offensive nuclear force. So they agreed to the U.S.-drafted and championed ABM arms control treaty. That treaty has a single purpose: To kill the Soviet SDI in order to preserve the credibility of the deterrent of each superpower and in doing so to continue the full and mutual understanding that a U.S.-U.S.S.R. war would be a total disaster for both sides. So arms control in the form of the ABM Treaty helped keep the peace by maintaining the mutual nuclear deterrent.

The INF Arms Control Treaty makes a different kind of contribution to the maintenance of peace. First the INF contribution is not in the reduction or elimination of nuclear missiles. That represents a minor element. The real contribution of INF is in its advancement of verification of compliance for arms control agreements between the two superpowers. What is the first complaint the distinguished Senators who oppose the INF Treaty raise in connection with this treaty or any arms control treaty with the Soviet Union? The answer always comes through loud and clear. The opponents charge that the Soviets cannot be trusted. They will violate the treaty. Arms control opponents go on to charge that any compliance by the United States will be unilateral and amount to unilateral disarmament. Mr. President, this Senator does not question the proposition that any sovereign country is likely to cheat if its leaders think they can get away with it and if the cheating is construed by its leaders as in the interest of that country. This is why verification is so important. And it is exactly why the provisions of the INF Treaty are so encouraging.

Here's what the INF provides in verification: First the destruction of Soviet missiles will be witnessed by our own experts. Second experts will constantly observe the exits from the Soviet nuclear missile assembly plants. Any egress from these plants by Soviet-produced missiles will be validated by our own observers. Third, our observers will have frequent short notice on-the-spot inspection of the Soviet assembly plants. Fourth, and most important literally hundreds of Soviet missile deployment sites will be opened up to inspection by our remarkably advanced satellites.

Mr. President, this system established by the INF Arms Control Treaty provides this country with precisely the kind of thorough verification we need—not only to proceed with the INF Treaty but to go much further. The one way this country can hold down its vast military spending without diminishing our national security is to reach arms control agreements, especially with respect to conventional arms that will enable us to make reductions in our military forces that will be matched by corresponding reductions in Soviet forces. This will permit us to maintain our national security while reducing its crushing burden. It will permit the Soviet Union to do the same. Both nations can gain both in nationwide security and economically.

But once again, Mr. President, the realistic contribution arms control can make to peace is to use arms control not to eliminate nuclear weapons. That is an impossible and counterproductive dream. Arms control's prime contribution to peace is in reinforcing the credibility of the nuclear deterrent of both sides.

ARCHAIC RESTRAINTS OF GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the editorials from the Colorado newspapers arguing for repeal of the Glass-Steagall Act be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Rocky Mountain News, Oct. 7, 1987]

BANKS HELD HOSTAGE BY ARCHAIC RESTRAINTS OF GLASS-STEAGALL ACT

An overhaul of U.S. banking law is in order, Senate banking-committee chairman William Proxmire said last week. Colorado Sen. Tim Wirth, who also sits on the panel, seconded the assertion:

The two lawmakers speak sense. The dilemma at issue is the growing competitive weakness of the American banking industry. The remedy is to loosen governmental ties that bind.

The 1933 Glass-Steagall Act, which regulates the industry, long ago outlived its usefulness. In fact, it has become a positive drag on efficiency. Exhibit A: Only a handful of American banks in 1987 are among the world's top 25. In contrast, not that long ago, seven were among the top 10. The consequence of that downward trend is that lucrative business is being diverted to institutions in Europe and Japan.

Glass-Steagall's protective embrace is smothering. While firms such as General Motors and Sears have moved into the financial-services arena, banks are forbidden from branching out in innovative ways—the brokering of stocks and bonds, for instance, and the underwriting of insurance, are off limits.

Moreover, banks can't underwrite commercial paper, mortgage-backed securities, and revenue bonds issued by states, counties and local communities. This prohibition is especially damaging in a period when many firms are issuing securities to raise money instead of going to lenders.

Partly as a result of such restrictions, Proxmire pointed out, the bank share of lending has declined "very sharply" in recent years. More than half of housing loans now are packaged and sold as securities, because they are seen as safer, cheaper and more liquid than mortgages held by banks or S&Ls.

Wirth favors revising Glass-Steagall to fashion a more "rational and logical" system. Proxmire plans to introduce a bill that would allow banks to get into the securities business and brokers to get into banking (while prohibiting mergers between the two kinds of institutions to prevent undue concentration of financial power).

Though their approaches differ somewhat, both lawmakers have the right thrust. Financial institutions have been undergoing dramatic change for years, but outmoded government rules have distorted the course of the industry's evolution. The distortions have hindered progress toward greater productivity and profitability.

Cumbersome regulations have also slowed the development of competition. The banking industry deserves the freedom to be more innovative. Consumers deserve the benefits of increased competition that would flow from increased industry freedom.

[From the Denver Rocky Mountain News, Nov. 30, 1987]

AFTER 54 YEARS, BANKS NEED RELIEF

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial services is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

The measure appropriately would erect a wall between a bank holding company's banking and securities subsidiaries. That is necessary to prevent possible underwriting losses from undermining bank deposits, which are guaranteed by the federal government. Few would argue against the need for this separation in light of the recent stock market crash. In any future crash, banks must not be tempted to dip into their deposit reserves to cover speculative shortfalls.

A new study by the House Government Operations Committee states that the underwriting business is dominated by five large Wall Street firms, which market 70% of all domestic corporate debt. Naturally these firms like the status quo and are lobbying to keep banks off their turf.

However, Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between 1% and 3%. That enormous savings is worth going after.

[From the Denver Rocky Mountain News, June 21, 1987]

ANACHRONISTIC BANKING LAWS UNDERMINE HEALTH OF SYSTEM

When a major law controlling an industry is more than 50 years old, you can be sure it's outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and indirectly, the American economy.

When Glass-Steagall passed, experts sought to separate the commerical securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortunately, their explanation of the depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's top 25, whereas seven ranked in the top 10 not too many years ago. The result is they're finding it increasingly difficult to compete with well-capitalized banks from Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commerical paper, for example, even though many businesses increasingly go to that market instead of relying on traditional bank loans.

As a result, banks have lost some of their most reliable customers. A law intended to protect banks from highrisk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commerical paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities: stock brokerage, the underwriting of insurance and municipal revenue bonds, the operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum, and I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I believe that the minority leadership is down at the White House and at the moment there seem to be no speakers who wish to talk on either side. And we are working toward a possible agreement to take up the Grove City legislation. I think the time is being spent.

I believe I will ask that the Senate stand in recess for 30 minutes, and hopefully by the time the Senate is reconvened we may have some progress to report.

RECESS UNTIL 11:47 A.M.

Mr. BYRD. I, therefore, ask unanimous consent that the Senate stand in recess for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 11:17 a.m., the Senate recessed until 11:47 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GROVE CITY LEGISLATION

Mr. BYRD. Mr. President, as I indicated before the brief recess, efforts were being made to arrive at a judgment that we might be able to proceed to the consideration of the Grove City legislation without any debate on the motion and that hope has come to fruition. The distinguished assistant Republican leader, Mr. SIMPSON, has appeared on the floor, and we have been discussing the matter. I therefore will ask unanimous consent that, at 2 o'clock, when the Senate reconvenes, following the recess for the two conferences, the Senate then proceed to the consideration of the Grove City legislation.

I therefore make that request now. I ask unanimous consent that when the Senate reconvenes following the recess today for the two regular party conferences, circa 2 o'clock p.m., the Senate proceed to the consideration of Calendar Order No. 157, S. 557.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SIMPSON. Mr. President, I do not object and I want to thank the majority leader for his courtesies, as usual, to me. As our majority leader will be unavoidably absent today, and we do on this side of the aisle want to set a tone, as expressed by the President last night, to cooperate, and that can only be done by some very interesting persons—one is the majority leader of the U.S. Senate, the President of the United States, and the Speaker of the House. I hope all three of them will become forthcoming with each other in these coming months so we can be productive. When that does not occur, we do not legislate very well.

So, I thank the majority leader and I may have misfired when I said that I believe Senator DOLE—that was an old twisted view there—I believe I referred to him as the majority leader. Obviously it was a mistake. It will not happen again, I assure you. But I think agreement to go to this, and this has been a contentious issue as the majority leader so knows, but to be able to go to the Grove City issue, I hope, augers well and portends our hope, on this side of the aisle, our wish to cooperate in getting business done.

We do have a lot of business to do and the people of America expect us to do it. We have several who have serious disagreements with this bill as it currently stands but are willing to try amendments, and I would hope and earnestly suggest to the majority leader that we might withhold the filing of cloture for a reasonable time and perhaps the managers will agree to allow some up or down votes on an amendment or two amendments, which are intended to improve the bill. I leave that to the leadership, of course. But I thank the majority leader and on behalf of the minority leader express that the only way to prove up, on producing in this place, is to begin right now. You have to start, and this is our earnest effort at starting.

With that I certainly withdraw any objection and join in the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. This is, indeed, cooperation at the start upon the part of the minority, and it does augur well, I think, for this second session of the 100th Congress. There is a lot of work to be done. This year we have the two party conventions and they will necessitate our being out of session for some time in each case. We have the elections in November, and we ought to try to get our work done in time, before the election, for those Senators and Members of the House who have chosen to run for reelection to be able to get out into their respective States and districts and campaign.

It would be well if the Senate and House did not have to return following the elections to complete work that had to be done but was left undone.

So, with the cooperation of the minority I feel confident that we can do this, and I am not suggesting that I would expect the minority to give consent to every bill that I might want to call up. But, in the main there are measures which have to be done before we do adjourn sine die and, for those instances especially, if the minority can give the Senate cooperation we will finish our work. And I would appeal not only to the minority, but to Senators on all sides of the aisle, to cooperate with joint leadership in moving our work along.

We are going to have 3 weeks of session, and 1 week out of session. The 1 week out of session is not giving Senators anything. I am not doing it for the convenience of Senators, to give them a week off. That is not the point and they know that. They have work to do. They have work to do back in their States. They have work to do here. Committee work can go on and it would be unimpeded and uninterrupted by rollcalls and quorum calls.

So, this is a plan which, hopefully, will produce a more effective session, more productive session. It is not 3 weeks, 3 days per week, Tuesday through Thursday; but it is 3 weeks of 5 days per week. If we can have that understanding and Senators will be prepared to get to work early every day, including Mondays and Fridays, and to a reasonably late hour every day, reasonably late—it might be 5 o'clock on a given day or it might be 6 o'clock or that might be 8 o'clock, or in a particular situation it might be later. But we can get our work done.

I thank the distinguished assistant leader and the leader and those on the Republican side who have been agreeable to taking this measure up without a debate. It could consume a considerable length of time if that had not been done, and I do assure the distinguished leader that it is not my plan or my desire or my intention to file cloture on this measure today or as long as we are making reasonable progress. I would like to hope that we can make resasonable progress and dispose of this measure in a reasonable length of time.

If we are doing that, I have no desire to file cloture. I would hope that on the Kennedy nomination, when reported, when it reaches the calendar, we could take that nomination up without undue delay. As far as I am concerned, and I am only talking for myself personally, we could waive the 2-day rule, take up the nomination, and fill that vacancy. But if we are caught in a cloture situation, we could not take it up except by unanimous consent. I hope that does not give any Senator who might wish to delay this any succor or comfort because he would be putting a roadblock in the way of confirmation of the nomination. I hope we can move to take up the mountain quickly when it is reported to the floor, which I hope will be soon.

I thank the acting minority leader. I am very grateful for this kind of understanding, consideration, and cooperation. It is legislative statesmanship at its best.

Mr. SIMPSON. Mr. President, I thank the majority leader. Let me say that we hope here on our side of the aisle to avoid any creativity with regard to things in dealing with the Kennedy nomination which will be voted on tomorrow in the Judiciary Committee. It should come forward. I would certainly personally want to join and see if we cannot waive the 2-day rule.

Mr. President, I want to take the opportunity in this new session to thank the majority leader for the new schedule, which I know was difficult for all of us to consider. It is certainly of interest and benefit to those of us in the West, Democrats and Republicans alike, who are forced to travel with the schedule we presently have.

This new schedule will enable us in this 1 week to do the Rotary Clubs, the chambers, the town meetings, the Kiwanis, and things that we have to do with regard to our constituents and know that we will not be missing votes, and know, too, that we will have votes on Mondays and Fridays. That word will spread, that every Monday and Friday we will likely have votes.

Mr. President, I do not think any of us will complain about that. That is what we are here for. So I thank the majority leader for that.

Mr. President, I do wish to make a unanimous-consent request, if I might take that up now.

Mr. BYRD. Certainly.

LEAVE OF ABSENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that rule 6, paragraph 2, of the Standing Rules of the Senate, be waived, for Senators WALLOP and MURKOWSKI, for official business, to attend the funeral of President Chiang Ching-kuo, of Taiwan, at the request of the President of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator BINGAMAN is waiting for recognition. I will just take a minute.

I compliment the acting Republican leader and his colleagues for making this request under rule VI. This is the way it ought to be done. This is the way the rules provide that it be done. When Senators wish to absent themselves from the floor of the Senate for a day or two or three, they really should ask the consent of the Senate. The Senate will give that consent. I daresay that a good many Members do not even know that that rule is there. I do not denigrate the actions of anyone. Perhaps they should know that it is there but it is not observed. I hope we will observe that rule, that Senators who wish to be absent can get excused by the Senate on the record

Mr. President, I will ask unanimous consent that morning business continue.

How long does the distinguished Senator wish to speak?

Mr. BINGAMAN. Not more than 8 minutes.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended and that Senators may be allowed to speak for not more than 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOLUNTARY SCHOOL PRAYER ACT

The ACTING PRESIDENT pro tempore. There is a bill at the desk which has been read for the first time. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. SIMPSON. Mr. President, I object and ask that there be no further consideration of that measure at this time.

The ACTING PRESIDENT pro tempore. Objection to further consideration being heard at this time, the bill will be placed on the calendar under rule XIV.

The Senator from New Mexico is recognized.

PRESIDENT REAGAN'S STATE OF THE UNION ADDRESS

Mr. BINGAMAN. Mr. President, last night, President Reagan delivered his final State of the Union Address, and once again he looked back over the past 7 years of his administration through, I fear, rose-colored glasses. Once again he delivered a message to the Nation that avoided or sidestepped a serious confrontation with a problem even he has termed a "national priority."

In one breath the President praised and encouraged a strong national commitment to quality education, but in another, as he has done so often in the past, he sought to undercut congressional efforts to improve our children's education.

President Reagan acknowledged that a creative, competitive America is our only guarantee for a strong and enduring America. Yet he again delivered the message that protecting our Nation's stability through educational excellence was a job better left to someone else—not the Federal Government and certainly not this President.

Although, as he said in his speech last night, "Individuals have the right to reach as far as his or her talents will allow," in President Reagan's agenda, it is the States, localities, and parents who must find the resources to develop and nurture those talents.

The President's goal of reducing the Federal budget deficit is an admirable one, and it is a goal to which I also believe we must strive. But it is time for President Reagan to remove his rose-colored glasses and view this Nation and the world in the proper context. We simply cannot achieve a balanced budget or a "safe and prosperous world for our children" as long as our political system continues to foster an underclass of citizens for whom poverty and the lack of motivation are key components of everyday life.

We no longer live in an isolated environment. Our marketplace is the challenging world of the 21st century, and we simply cannot compete effectively with other nations in that marketplace if we do not address the needs and problems of a growing number of unprepared and undereducated citizens.

If our children cannot read or write—if they lack the crucial skills needed to participate in the work force—then a significant portion of our human assets will be lost. And the loss will not be borne by these children alone. It will be borne by our entire Nation.

A recent estimate of the total lifetime earnings loss from our high school dropouts in 1981 alone is a staggering $228 billion. And nearly $64.4 billion will be lost in tax revenues from those dropouts as well.

What can we do? How can we help our children and turn the ever-increasing class of unprepared youths into motivated, productive members of our society? The answer is simple: Emphasize education.

Indeed, mountains of recorded evidence, including comprehensive studies by President Reagan's own National Commission on Excellence in Education and the Committee for Economic Development, have made clear the fact that quality education, early in life, is a fundamental component in restoring this country's competitiveness. And without the ability to compete, we cannot lead.

Undoubtedly, every Federal dollar spent on education can be a cost-effective investment in our future productivity and competitiveness. But President Reagan consistently has refused to make this investment.

President Reagan's commitment to education is best showcased not in an emotion-charged speech on a snowy winter's night, but on the graphic chart prepared by the nonpartisan Committee for Education Funding.

Mr. President, let me just describe this chart for a moment because I think it correctly depicts the situation that we have faced in the last 8 years. The chart shows education funding levels from fiscal years 1980 through 1988. And there are three lines on this chart. The top line shows the current services starting in 1980 if those services had risen by the Consumer Price Index and had we just maintained the level that we had at that time. The second or middle line shows the actual amounts appropriated by this Congress and approved in bills passed into law.

As you can see, we are at a significantly lower level than we were in 1980 in real spending terms. And the third line, which I think is the crucial one for the point I am making this morning, is the budget request by this President and this administration. You can see from that third line that the President's requests, had they been adopted, would have us today funding education at $14 billion instead of at $21.1 billion as the Congress has approved; not quite half, but approaching half of the level of real spending that we made on education in 1980.

As the chart indicates, this year, under the President's request for fiscal 1988, we would commit only $14 billion. Fortunately Congress saw better, and decided to commit a higher level of spending.

That recommendation is a $5.5 billion—or 28 percent—cut in Federal education programs from the amount Congress fought to secure last year. In nominal dollars, President Reagan's request is $400 million below the level that we invested on education in 1980—or nearly 40 percent below the fiscal year 1980 level after adjusting for inflation.

This attempt to decrease the Federal Government's role in education is nothing new. Since taking office, President Reagan has consistently sought to subvert Congress' efforts to improve the quality of our educational system with Federal funds.

According to the New York Times, President Reagan was willing to spend more on interest payments to foreign investors in 1987 than he was willing to invest in our children's education. In 1987, the Federal Government paid foreign investors nearly $23.5 billion in interest payments. That was 50 percent more than the President recommended we invest in education.

For 7 years this President has submitted to Congress budget requests for education that ignore the strong commitment the American people have made to that crucial issue. He consistently has attempted to thwart the efforts to ensure educational and economic progress that a bipartisan majority in Congress has voted for over the last 7 years.

President Reagan's short-sighted goal of decreasing Federal spending for education under the guise of shifting responsibility to State and local governments, private industry, and individual families, simply ignores the fact that education is a fundamental and essential component in restoring this country's ability to compete.

We must invest wisely in our citizens, especially our children, who are our Nation's future. Any initiative aimed at strengthening our long-term ability to compete must address the needs of all our children, especially those at risk. And to prevent later risks, we must start early.

Strong evidence—the successful completion of high school and college—indicates the important role quality preschool programs play in shaping a child's future. This is where the Federal Government should be. We should be making a serious commitment now to the long-term stability of our Nation.

In the larger scheme of things, the investment I'm advocating is small. Last year, we spent less than $1 for elementary and secondary education of each $100 spent on all functions of the Federal Government. In 1980, we spent $1.10 for every $100. Surely our children are worth at least the level of support we provided to them in 1980.

Thank you, Mr. President.

I yield the floor.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, has the order been entered for the recess of the Senate to accommodate the two party conferences beginning at 12:45 p.m. today and extending until 2 p.m.?

The ACTING PRESIDENT pro tempore. It has.

Mr. BYRD. I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, at 12:23 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KENNEDY].

CIVIL RIGHTS RESTORATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the consideration of S. 557 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

The PRESIDING OFFICER. The Chair suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today the Senate begins consideration of the Civil Rights Restoration Act, one of the most important civil rights measures in recent years. A broad, bipartisan coalition of 56 Senators is sponsoring the bill. Our goal is to reverse the 1984 Supreme Court decision in Grove City College versus Bell, which permits tax dollars to be spent in support of discrimination.

The moment is ripe for Congress to renew its commitment to civil rights. The historic struggle to secure these rights for all Americans has known both triumph and tragedy.

Over the past 200 years, the American people have worked hard to make the promises of the Constitution a reality for all of our citizens. The harsh fact remains, however, that discrimination still prevents too many of our citizens from enjoying the American dream.

Despite the 1954 Supreme Court decision in Brown versus Board of Education, subsequent predictions about the demise of racial segregation proved grossly premature. Faith in what the Brown case would accomplish swiftly turned to frustration and then cynism. It took inspiration and leadership from Presidents Eisenhower and Kennedy, Martin Luther King Jr., and other great leaders to advance the legislation that has achieved so much in the past two decades.

Twenty-four summers ago, Congress distinguished itself by passing the landmark Civil Rights Act of 1964. In enacting this monumental measure, we initiated a new assault against the injustices which pervaded America's social fabric and political order. One of the most significant components of the 1964 legislation is title VI, which prohibits discrimination based on race, color, or national origin in any "program or activity" which receives Federal aid.

In terms of eradicating racial injustice, the success of title VI surpassed our expectations. Under its impact, many engines of discrimination began grinding to a halt. Faced with the prospect of losing Federal aid, schools, hospitals, and State and local governments had no choice but to dismantle their discriminatory practices. For example, black enrollment in colleges increased by 92 percent in the decade of the 1970's.

Influenced by a new national awareness, Congress in the 1970's grew sensitive to additional groups which suffer from the effects of prejudice and discrimination. In this climate, title VI emerged as a prime model for new initiatives. In 1972, Congress enacted title IX, which prohibits sex discrimination in educational programs or activities receiving Federal aid. In 1973, Congress adopted section 504 of the Rehabilitation Act, which prevents the recipients of Federal funds from discriminating against the disabled. And the Age Discrimination Act of 1975 was written into law to guarantee the same protection for the elderly.

Each of these statutes achieved remarkable results. Under title IX, the participation of women in high school and college athletic activities has soared. And their achievements have soared, too, including the extraordinary successes of American women in the summer and winter Olympic games. Equally impressive is the record for section 504, which has brought disabled citizens into the mainstream of American life by dismantling the barriers to education and employment of the handicapped.

But suddenly, in 1984, much of the progress against discrimination in each of these areas was placed at risk by the decision of the Supreme Court in the Grove City College case. In that case, a divided court interpreted the antidiscrimination language in title IX extremely narrowly. Since the only Federal money reaching the college was in the form of student aid, the Court concluded that only the financial aid office was covered by the law. The rest of the college was left free to deny equal opportunities to women.

The decision affects all of the civil rights statutes which prohibit discrimination in federally funded programs or activities, since each of these statutes is identical to the phrasing which the Supreme Court interpreted in the Grove City case. If this decision is permitted to stand, millions of female, minority, disabled, and senior citizens will be denied simple, basic protections.

Repercussions from the decision proved to be swift and substantial. Within a matter of weeks, the Department of Education's Office of Civil Rights dropped 18 antidiscrimination cases in higher education and 4 cases in elementary and secondary education. To date, 674 pending cases have been closed or suspended by the Department of Education.

Regrettably, our Nation has yet to achieve the goal of full justice for disabled persons. Society is often hostile to those who appear different; therefore, progress is particularly slow in breaking down the prejudices which prevent disabled citizens from enjoying full integration. Section 504 is the only Federal statute which prohibits discrimination against disabled persons in employment. In the aftermath of the Grove City College case, numerous section 504 complaints have been dismissed.

The dramatic progress of the past two decades in desegragating our society would never have been possible if the narrow interpretation of the Supreme Court in the Grove City case had been in effect for the first 20 years after title VI was enacted.

From the beginning, the sponsors of this legislation have stated and restated our intention to do nothing more than restore the status quo which existed before the Supreme Court decision in the Grove City College case. The legislative history of the civil rights laws shows that broad coverage is consistent with the original intent of Congress. That construction has been followed by past Democratic and Republican administrations alike, and it deserves to be restored so that we can keep the faith of the four great statutes that protect the basic rights of millions of Americans to be free from federally subsidized discrimination.

Our goal is clear and our legislation is straightforward. The bill adds no new operative language to the four civil rights laws. It merely adds a definition of "program or activity" which restores the meaning that these terms had prior to the Grove City College decision.

Through this legislation, the 100th Congress can reaffirm its commitment to civil rights. There is no justification for discrimination in programs that receive Federal funds. We have already delayed 4 years in restoring these laws to their proper strength, and it is time for the delay to end.

Mr. HATCH. Mr. President, it is with regret that I rise in opposition to S. 557 as it is currently drafted. I hope my colleagues understand that my decision to oppose this bill was not reached easily, nor does it evidence any lack of commitment on my part to guaranteeing civil rights for all Americans. Rather, my concerns reflect the view that we can rectify the problems flowing from the decision of the Supreme Court in Grove City versus Bell without imposing and expanding, without limitation, the Federal Government's power over churches, synagogues, private and religious schools, the private sector, and States and localities. Simply labeling a measure a "civil rights" bill does not negate our responsibility to understand its ramifications or draft it carefully.

I hope my colleagues will indulge me as I provide some background on this issue, because it is critical that we understand the current state of the law, and the ramifications of this legislation. I assume that the rhetoric will be quite impassioned during the next few days, but I hope that the following observations will be taken for what they are—legitimate concerns that we do not destroy one set of civil rights in order to guarantee others.

The simple fact is that, unless we address legitimate concerns such as the coverage of churches and synagogues, religious tenets and abortion, S. 557 may never be able to move through the other body.

It will certainly be vetoed by the President, and that veto will be sustained, in my opinion. And for yet another session we will have done nothing to correct the legitimate concerns confronting title IX, or those who believe in title IX; and I happen to be one of them. We could have solved this problem in 1984 had we had a simple overrule of the Grove City case.

This is the political reality that we are facing today. Mr. President, the four statutes amended by this bill prohibit discrimination on certain bases, "any program or activity receiving Federal financial assistance." That is the present state of the law.

Title VI of the Civil Rights Act of 1964 bans discrimination on the basis of race, color, or national origin. Title IX of the Education Amendments Act of 1972 bans discrimination on the basis of sex, but it is limited to education programs or activities receiving Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 bans discrimination against persons with handicaps; and the Age Discrimination Act of 1975 bans discrimination on the basis of age.

The plain language of these statutes together with their legislative histories demonstrates that Congress always intended the scope of these statutes to be "program specific," as the Supreme Court correctly determined in the Grove City decision. Indeed, the words "program or activity" would appear, by common sense, to mean something less than an entire institution.

Congress has often been criticized for its ambiguity or its mistakes in legislative drafting, but I do not think it made such a wholesale mistake as to expect the entire country to think that the term "program or activity" was a synonym for an entire school, a school system or a State.

Title IX itself makes reference to "an educational institution" and defines the term "educational institution" as broader than a program (20 U.S.C. section 1681(c)). In all honesty we have to admit that Congress knew how to cover an entire institution whenever one part of it received Federal aid, but declined to do so in the antidiscrimination provision of these laws.

Moreover, in section 904 of title IX, Congress prohibited discrimination on the basis of blindness or vision impairment "in any course of study by a recipient of Federal financial assistance for any education program or activity * * *." 10 U.S.C. section 1684. Here, Congress clearly banned discrimination on the basis of blindness throughout the institution by using the word "recipient" in the statute itself—in stark contrast to the more discrete term "program or activity" used in the antisex discrimination provision of title IX and in the other three statutes. Congress clearly knew how to provide institutionwide coverage under these statutes and declined to do so.

Thus, it is important to realize that references by the proponents of S. 557 to the long standing interpretation of these laws are inaccurate. Indeed, while some lower courts did rule that these statutes covered an entire institution whenever any part of the institution received Federal aid, many other Federal courts ruled, as the Supreme Court did, that the statutes were program specific. And, the trend in the lower courts leading to the Grove City decision by the Supreme Court was certainly in that direction. In *Simpson* v. *Reynolds Metals Co.*, 629 F.2d 1226 (7th Cir. 1980), a case brought under section 504 of the Rehabilitation Act before Grove City was decided, the Court said:

> The statute does not, as plaintiff seems to contend, generally forbid discrimination against the handicapped by *recipients* of federal assistance. Instead, its terms apparently require that the discrimination must have some direct or indirect effect on the handicapped person *in the program or activity* receiving federal financial assistance. To be actionable, the discrimination must come *in the operation of the program* or manifest itself in a handicapped individual's exclusion *from the program* or a diminution of the benefits he would otherwise receive *from the program.* 629 F.2d at 1232 (italic supplied).

The Court went on to note that it could find nothing in other parts of the act to show "an intent by Congress that section 504 impose a general requirement upon recipients of Federal grants not to discriminate against handicapped employees who are not involved in a program or activity receiving such assistance." 629 F.2d at 1233. Thus, in Simpson, the court ruled that an employee at one of the defendant's plants could not assert a section 504 claim by virtue of a federally assisted job-training program at the plant because the employee was not a participant in that program. Thus, coverage did not even extend to the entire plant, let alone the entire company.

Likewise, in *Bachman* v. *American Society of Clinical Pathologists*, 577 F. Supp. 1257 (D.N.J. 1983), 1 year before Grove City, the court made an identical finding under a section 504 action:

> It is not enough . . . to show that a person has been discriminated against by a *recipient* of federal funds. Plaintiff must also show that she was subject to discrimination *under the program or activity* for which those funds were received. . . . Section 504 of the Rehabilitation Act imposes a *program-specific* requirement limiting claims brought pursuant to this section to those programs or activities which are federally funded. 577 F. supp. 1262-1263 (emphasis supplied).

Here, a nonprofit medical association received approximately $50,000 in Federal aid to conduct three seminars on alcohol abuse and to publish the proceedings of the seminar. The court ruled that such Federal aid does not subject to coverage the association's board of registry, which develops standards and procedures for entry and promotion in medical laboratories and certifies and registers those who meet competency requirements, including the use of an examination. Had the court ruled otherwise, the standards for certifying clinical pathologists would have been subjected to an equality of result rather than equality of opportunity analysis by Federal agencies and courts.

In *Brown* v. *Sibley*, 650 F.2d 760 (5th Cir. 1981), a case involving a business operated by the state, the Court of Appeals for the fifth circuit held:

> [O]n the basis of the language of section 504 and its legislative history, and on the strength of *analogies to Title VI and Title IX*, we hold that it is not sufficient, for purposes of bringing a discrimination claim under section 504, simply to show that some aspect of the relevant overall entity or enterprise receives or has received some form of input from the federal fisc. A private plaintiff in a section 504 case must show that the *program or activity* with which he or she was involved, or from which he or she was excluded, *itself* received or was directly benefited by federal financial assist-

> ance. 650 F.2d at 769 (italic supplied; one footnote omitted).

The court's footnote at the conclusion of the foregoing passage is highly enlightening and particularly relevant to this debate. The court noted:

> This burden should be slight. *Contrary to popular belief in certain quarters,* federal financial assistance does not materialize out of thin air. Requests in writing must be submitted by the applicant entity to some federal funding authority with respect to a proposed program or activity. If federal financial assistance is approved for the particular program or activity, it cannot be gainsaid that recordkeeping requirements will be imposed on the entity responsible for the expenditure of the federal funds. *Discovery of the receipt and utilization of those funds with respect to particular programs and activities will be the least of plaintiffs' burdens.* 650 F.2d at 769 (italic supplied).

In Brown, the Mississippi Industries for the Blind received Federal aid for its social services program and for its day care center, but not for its production departments. The court held that the production departments were, therefore, not covered by section 504.

For holdings substantially similar to the ones I have cited, I invite my colleagues to read *Rice* v. *President and Fellows of Harvard College,* 663 F.2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1982); *Hillsdale College* v. *Department of Health, Education and Welfare,* 696 F.2d 418 (6th Cir. 1982), vacated and remanded in light of *Grove City College* v. *Bell,* 466 U.S. 901 (1984); *Dougherty County School System* v. *Bell,* 694 F.2d 78 (5th Cir. 1982); and *University of Richmond* v. *Bell,* 543 F. Supp. 321 (E.D. Va. 1982).

Even the proponents of S. 557, at page 11 of the report of the Committee on Labor and Human Resources, admit that the trend in case law immediately preceding Grove City favored the program-specific approach.

Despite this great weight of authority, and the persuasiveness and rationale of so many holdings that these statutes are to be program specific, many of us in this Chamber have been willing since the 98th Congress to provide for institutionwide coverage of all educational institutions receiving any Federal aid under all four statutes.

We are prepared to go beyond Congress' original intent in enacting these four laws to address identified, actual concerns. We are not, however, prepared to extend the regulatory hand of the Federal bureaucracy into churches and synagogues, and every other function and activity of the United States without first demonstrating a need for such intrusion.

That is why it will be hotly opposed on the floor.

In other words, we stand ready, willing, and able to resolve the problems created by the Grove City case, even in ways that are far broader than the law was and the laws that were prior to the Grove City case. But we are not willing to just provide another great big Federal intrusion into everything when we have not justified the intrusion. That is what this bill does. Let nobody be deceived. This is just another big Federal bill using the guise of civil rights to do that which they could never do straight up, and that is to impose more Federal Government on everybody in our society with no real basis for doing so.

It is also important to note that in 3 years of hearings in both Houses on Grove City legislation, with few exceptions, the only evidence that Grove City has had an impact on civil rights enforcement is in the area of education. The Labor Committee heard testimony that many agencies, other than the Department of Education, have stated that Grove City has had virtually no impact on their civil rights enforcement program. They have so stated in writing in response to questions from the chairman of the committee, the senior Senator from Massachusetts.

We are prepared to address concerns in the education context and have so for several years. But if there are discrete problems outside the area of education, they should be dealt with by carefully tailored legislation, not by a catch-all bill that expands the overreaching arm of the Federal Government. This is the approach Congress undertook when it passed the Air Carrier Access Act of 1986 (Public Law 99-435), which protects persons with handicaps from discrimination by airlines.

Mr. President, it is not surprising that advocates of this vastly overexpansive bill have had such a difficult time in producing examples outside of education. According to testimony before the Labor Committee, in fiscal year 1963, immediately preceding the adoption of title VI, the first of these statutes, the Federal Government administered somewhat more than 190 Federal aid programs which provided just under $11 billion to public and private entities. In contrast, by conservative estimate in fiscal year 1985, there were nearly 1,400 programs dispensing over $200 billion in Federal aid. Thus, program-specific coverage under these statutes by itself yields significant and broad coverage—but it does so in ways that can be reasonably defined.

It is also important to note that in the last quarter century, a significant and steady increase in the number of civil rights laws provides additional protection to our citizens. For example, title VII forbids discrimination to employment on various bases. Title II of the Civil Rights Act of 1964 forbids discrimination in public accommodations. The Voting Rights Act of 1965 forbids voting discrimination. The Fair Housing Act of 1968 forbids discrimination in housing. The Age Discrimination in Employment Act of 1967 forbids discrimination on the basis of age in employment. There are other similar laws and executive orders, and many more State and local laws protecting the civil rights of Americans.

THE BURDENS OF INCREASED FEDERAL JURISDICTION

The proponents of this amendment will ask why there should be any problem in dramatically expanding the scope of these laws if the only thing we are doing in banning discrimination. They ask with great indignation—just what is it that myself and others are so worried about protecting? If one does not discriminate, then one should have nothing to fear. That is what they argue.

In fact, however, there is much to fear. All of us elected to this Chamber have heard, at some point, from constituents who are being harassed by Federal agencies running amok. The record of Federal, bureaucratic restraint is an extremely slim volume.

The real issue, here, is one of freedom. The proponents believe that the Federal Government, like some benevolent guardian, knows what is best for this country. They believe the Federal Government must have the authority to regulate every aspect and function of life in this country. Only through such domination will we, as a nation, advance into the kind of society they desire.

This philosophic bent is evidenced in other legislation moving through the Committee on Labor and Human Resources. From plant closing and layoff legislation to the high risk bill, from the array of legislation imposing specific benefits on all employees, some would have the Federal Government involved in every function and activity of the private sector. Such intrusion is simply unwarranted.

At some point we in Congress must come to terms with the fundamental question as to whether there is some limit to the scope of Federal regulatory jurisdiction. I feel there is, and the people out there feel there is. I am not sure whether the proponents of S. 557 would agree.

Justice Powell, Chief Justice Burger, and Justice O'Connor, in their concurring opinion in Grove City, put this issue quite accurately. They said:

> It was and is the policy of this small college [Grove City College] to remain wholly independent of government assistance, *recognizing—as this case well illustrates—that with acceptance of such assistance one surrenders a certain measure of the freedom that Americans always have cherished."* *Grove City College v. Bell,* 465 U.S. 555, 576-77 (1984) (concurring opinion) (emphasis supplied).

Indeed, I believe Judge Abraham Sofaer, currently the State Department's Legal Advisor, but then a Carter-appointed Federal district court judge, captured very well a legitimate concern about the implementation of these statues in a case called *Bryan* v. *Koch,* 492 F. Supp. 212 (1980), aff'd 627 F.2d 612 (2d Cir. 1980). In that case, the decision by the city of New York to close a city hospital, Sydenham Hospital, was challenged by private plaintiffs as illegal racial discrimination under the 14th amendment and title VI—one of the statutes whose scope is greatly expanded by the bill before us.

The hospital served less than 2 percent of the city hospital system's patients, and averaged only 93 inpatients per day. Mayor Koch wanted to close it because of the city's severe financial problems. The hospital served a primarily black community. The plaintiffs, represented by advocacy groups, claimed that the hospital's closure caused a disproportionate impact on minorities and sued the city to block the hospital's closure. 492 F. Supp. at 216.

In so doing, plaintiffs relied on the Department of Health and Human Services' title VI disparate impact regulations. Plaintiffs, supported by the Department, asserted "that a prima facie violation of title VI can be established by proof that the city's decision to close Sydenham has a 'disproportionate impact' upon minorities * * * plaintiffs and Government contend further that a prima facie case can be rebutted only if the city proves that its actions are necessary to achieve legitimate objectives unrelated to race, color, or national origin, and that these objectives cannot be achieved by other measures which have a less disproportionate impact." 492 F. Supp. at 233 (footnote omitted).

In other words, the Government and private advocacy groups argued that by merely having a disproportionate impact on a specifically protected group, any program is suspect. And, the recipient running the federally funded program must defend itself from a charge of racial discrimination. Indeed, the city would have to prove not only that it was innocent, but that there was no better way to achieve its objectives. This is a very intrusive posture.

Even though there was no intention to discriminate, even though the city had a severe financial problem and had to make decisions on how best to allocate scarce resources, the city was put under great pressure to alter its decision.

Judge Sofaer rejected this argument as applied in this case. He wrote, "Any disciplined analysis would reveal [HHS's] formula for what it really is—a vehicle by which HHS, and the other title VI agencies, may assert jurisdiction to review the merits of, and to require the justification for, virtually all important decisions by Federal fund recipients." The judge noted that a Federal agency may not always find fault, "But the power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." 492 F. Supp. at 235. As the judge courageously noted, "[this case] appears * * * to be an effort by plaintiffs to use the Federal courts as a last resort for delaying if not preventing the implementation by elected officials of a painful but purely political decision. Under these circumstances, to delay the closing of [the hospital] for any period * * * would serve to undermine the authority and governing capacity of the city's responsible officials." F. Supp. at 217. The same, of course, can be said of private programs receiving Federal aid.

In this particular case, Mr. President, the judge rejected the allegation of discrimination based on disparate impact. But not every recipient of Federal aid has the legal resources and courage of New York City. Most public and private entities can not withstand such powerful Federal Government pressure or law suits. They all know that it is costly and time consuming to argue with or attempt to resist Federal agencies. They all know they can be sued or face a cutoff of their Federal funds. Lawsuits are costly to defend and create additional delay and uncertainty. Indeed, a different judge less sensitive and courageous than Judge Sofaer, may have decided this very case differently.

Judge Sofaer's very apt warning bears repeating and careful consideration: "* * * the power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." 492 F. Supp. at 325. This power is greatly expanded under the measure before us, and without adequate justification.

In short, the issues that have been raised concerning S. 557 are not whether discrimination should be outlawed. We all oppose discrimination and support the numerous laws that are now on the books, including the four, which are the subject of S. 557. This debate is about the simple proposition that Americans and their institutions should be free from Federal interference when the Federal Government has not demonstrated a compelling basis for such interference.

EXAMPLES OF OVEREXPANSIVENESS

Let me give you some examples of other overexpansiveness of the Federal Government of which I have been speaking.

One of the most glaring misrepresentations about S. 557 is that it is a simple bill which merely returns the law to that point in time when there was allegedly total consensus—the day before the decision by the Supreme Court in Grove City. The proponents would have us believe that at that singular point in time there was no debate over the scope of these four civil rights laws. They seem to contend that everyone, except for a mistaken few, readily agreed that the minute a Federal dollar entered the door, the entire institution was covered.

In fact, as has already been pointed out, the day before the Court's decision, the case law was far from clear. While some argued for a broad interpretation, many others, including the seventh circuit, the fifth circuit, the first circuit and the sixth circuit, believed the law should be applied narrowly. And, this interpretation represented the trend in the lower courts. As the Congressional Research Service pointed out in its anaylsis of S. 557, the Supreme court aligned itself with the apparent majority of lower court decisions that had opted for a construction of program specificity under title IX. (Page 8-9.)

In fact, one could argue that the best way to return the law to what it was prior to the Grove City decision is to leave the decision intact because that was correct law.

The proponents, however, want to go much further. Under the guise of simplicity, they want to broaden the regulatory grasp of the Federal Government beyond what it was in 1984.

Take for example churches and synagogues. Today, and prior to the Grove City decision, if a church or synagogue runs a hot meals program in its basement, only that program is subject to Federal regulation. The remainder of church activities are beyond the Federal Government's reach under these four statutes. Not so under S. 557.

According to the bill, if a church or synagogue runs such a program, it would be considered to be a Federal recipient in its entirety. Consequently, according to the bill, all of the activities and programs of the church or synagogue, whether or not related to the hot meals program, would be subject to Federal regulation. How does this happen?

Paragraph 3 of the operative provisions of S. 557 establishes coverage of corporations, partnerships, sole proprietorship, and other private organizations. It is important to stress that coverage of the private sector extends not only to corporations and other businesses, but to all private organizations of any sort. In other words, a church would be a private organization under paragraph 3 of this bill.

Paragraph 3, in turn, is divided into two parts. Paragraph 3(A) covers five kinds of private entities—those principally engaged in providing education, health care, housing, social services, or parks and recreation, throughout every plant and facility everywhere in the country.

Paragraph 3(B) covers all of the operations of "* * * the entire plant or other geographically separate facility * * * in the case of all other corporations, partnerships, and other private organizations * * * any part of which is extended Federal financial assistance." That is pretty broad coverage.

A church or a synagogue is clearly a private organization. A church is comprised of its own geographically separate facility. So, when one program at a church receives Federal aid, the entire church is covered.

Let's take an example. In the case of a church or synagogue operating a "meals for the elderly" program in its community room, the church or synagogue is a geographically separate facility a part of which—the meals program—receives Federal aid. Therefore, the entire church or synagogue, including its prayer rooms and other purely religious elements, will be subject to all regulatory requirements established under these statutes. Its school and religious classes will be subject to all of these requirements, plus those under title IX. Proponents of S. 557 were quite vocal in committee in demanding this pervasive coverage of religious institutions.

Let's consider another example. A church or synagogue builds a low-income housing project for the elderly or persons with handicaps with the help of Federal aid. Many religious institutions undertake such housing projects. Even though the church or synagogue itself received no Federal financial assistance, under S. 557, not only is that housing project covered, so is the entire church or synagogue.

Again, how would such coverage occur? First, the housing project is an operation of the separate, geographical facility, namely, the church. Thus under the language of bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered.

Second, according to the committee report, the term "geographically separate facility" doesn't mean just the one building where the Federal aid goes, it means all other buildings related in any way to that building in the same locality or even region. According to the committee report, in referring to "an entire plant as the geographically separate facility, the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate." Committee report on page 18. I am not sure my colleagues know that the phrase "geographically separate facility" really means all facilities which appear in the same locality or region.

No evidence whatsoever was presented to the committee that such broad coverage of our most basic religious institutions existed before Grove City. Such coverage would represent a fundamental contempt for these institutions; indeed, contempt was expressed by some during the committee markup.

There are even more ramifications for religious institutions under this measure. According to the plain language of this bill, when the church receives Federal social welfare aid for a noneducation program, and the church or synagogue also conducts an educational program as many of them do; that is, religious classes and instruction, these classes and instruction—at a minimum—would be subject to title IX, with a limited exception in those instances when title IX conflicts with the religious tenets of these schools, assuming that they can show they are controlled by the church or synagogue. This expands title IX. In fact, it appears that if the church or synagogue operates an educational program, and Federal aid goes to any part of the church or synagogue, the entire religious institution becomes subject to title IX.

Mr. President, there are those who do not trust our churches and synagogues to do the right thing by their parishioners and congregations, and prefer to extend the Federal hand over all of their operations. I disagree. When a particular church or synagogue program receives Federal aid, that program itself should be covered, not the entire church or synagogue. We should be encouraging these institutions to provide services in the community rather than discouraging them by subjecting them pervasively to a Federal bureaucracy and private lawsuits just because one of their social welfare programs is federally aided.

What many of my colleagues and I fear—but what well may be the intent of some of the proponents of this measure—is that religious institutions will decline to participate in many social programs rather than undergo the Federal regulation of their religious beliefs. If this possibility of such coverage of religious institutions were remote, if the proponents sincerely have no intention of regulating churches and synagogues, logic would say they would support an amendment which made clear Congress' intent in this area. But they did not. Instead, they specifically rejected an amendment which, with regard to churches and synagogues and only churches and synagogues, would have limited Federal regulation to the programs or activity receiving Federal aid. We do not need a Federal regulator standing in every pulpit and at every altar to have effective civil rights laws in this country.

PUBLIC AND RELIGIOUS SCHOOLS

Another example of overreaching concerns private and religious elementary and secondary schools. In the past, if a private school received Federal aid, the Department of Education would assert jurisdiction over the school but not the entire system to which the school belonged. Under S. 557, however, the result would be different. Regulatory jurisdiction would, to use an old familiar term, "trickle up."

Accordingly, under S. 557, if one school in a private or religious school system receives even $1 of Federal aid directly or indirectly, not only is that entire school covered, but so is every other school in that private or religious school system. Moreover, even the noneducational activities of the school and school system—that is, all of the operations of the school system—would be subject to these four statutes.

How does this happen, Mr. President? Take a look at paragraph 2(B) of the operative provision of this bill. It covers "all of the operations of * * * a local educational agency, system of vocational education, or other school system * * * any part of which is extended Federal financial assistance * * *."

The key here is the phrase "other school system." A "local educational agency" is a public school district. A "system of vocational education" is the next type of school covered. The only thing left to be included in the term "or other school system" is obviously a private, including religious, elementary and secondary school system.

Mr. President, such coverage of private and religious school systems did not exist prior to Grove City. The definition of "educational institution" in the Department of Education's title IX regulation states that such an institution is "a local educational agency [LEA] as defined by section 1001(f) of the Elementary and Secondary Education Act of 1965, a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section." 34 C.F.R. sec. 106.2(j).

The local educational agency described in this definition is a public school system. The institutions referred to in paragraphs (k), (l), (m), and (n) are institutions of higher education or of vocational education. Nowhere in this definition is a private or religious school system covered. Indeed, while an individual private elementary or secondary school may be covered, the phrase "other school system" or "private school system" or "religious school system" is conspicuously absent.

It is not surprising that entire private school systems are not subject to coverage because just one school in the system receives Federal aid. People who attend these schools do so of their own free will, knowing the policies and practices of the school. In the case of religious schools, the Government understandably seeks to tread lightly in order to assure first amendment rights of religious freedom. Notwithstanding the clear definition of existing law, and the obvious intent of Congress in its adoption, an amendment offered during committee markup of S. 557 to limit coverage to the private or religious school itself receiving Federal aid was defeated by an 11 to 5 vote.

RELIGIOUS TENETS EXCEPTION UNDER TITLE IX

There are similar problems with the provisions of the bill addressing religious tenets. In 1972, when Congress enacted title IX, it included a so-called religious tenet exemption which provides that "this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization * * *." 20 U.S.C. sec. 1681(a)(3).

Under this provision, schools controlled by religious organizations can submit a request to the Department of Education for an exemption from a specific title IX regulation if that regulation conflicts with one of the organization's religious tenets. The Department of Education has authority to review these requests and may grant or deny them based on the facts submitted by the organization and the Department's own investigation. Unfortunately, recent changes in the relationship between religious organizations and religious educational institutions have rendered the current exemption inadequate.

In its report, the majority cites a longstanding Department of Education interpretation of the "controlled by" test. Never published as a regulation, this interpretation establishes the following criteria:

> An applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:
>
> (1) It is a school or department of divinity; or
>
> (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
>
> (3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization of an organ thereof.

The problem is that few institutions would qualify under a strict interpretation of this standard because of recent changes in the structure of higher education. In the past, many educational institutions were controlled outright by religious entities. Today, however, many of these institutions, while retaining their clearly defined religious mission, are no longer controlled by a specific church or synagogue. School governing bodies now include not only church members who promote and administer quality education but also individuals who are not members of that religious group.

Similarly, the financial ties between religious organizations and church-related institutions have decreased, and there have been changes in the nature of the denominational affiliation of religious institutions. In sum, many church-related colleges now have lay boards of trustees, diverse funding sources, and less direct denominational ties. Despite these changes, many religious institutions are still valued by parents and students because of the identifiable religious influence they bring to the education process.

In this new environment, the need to protect a student's right of choice has added importance as the specific values and policies of private institutions have become more diverse. Church-related colleges and universities, freely chosen as private institutions by the students who attend them, have traditionally regarded religiously based attitudes about marriage, children, and family life as central to the concerns of their students. Mirroring closely held religious beliefs, some also teach that particular distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant.

Consequently, religious schools act differently than public schools. State schools are extensions of the democratic state and have a constitutional obligation to take a more "neutral" posture on certain value-laden matters. The same is not true for private religious schools. Without a broader exemption for religious schools and institutions, S. 557 would tend to establish an official orthodoxy in private schools concerning these value questions, a serious and unnecessary violation of a very central civil liberty, the first amendment right of religious freedom.

In order to address these concerns, I offered an amendment during the committee markup of this bill to expand the exemption in the bill to cover not only entities controlled by a religious organization but also those "closely identified with the tenets of a religious organization." The amendment was quite narrow in scope. It would not provide exemption to title VI—race—section 504—handicap—or the Age Discrimination Act of 1975—age. The exemption would only apply to title IX, which addresses gender discrimination.

(Ms. MIKULSKI assumed the chair.)

Mr. HATCH. Furthermore, the amendment would not have permitted an institution to be exempt in its entirety from title IX, if one of its policies based on a religious tenet conflicts with title IX. Instead, the exemption would apply only to the particular title IX regulation which conflicted with the religious tenets of that eligible religious educational institution. Title IX would apply to all other aspects and operations of that institution.

What are the concerns which give rise to requests for an exemption? It is our understanding that the title IX regulations which cause problems are those which require abortion to be treated as other temporary disabilities, which prohibit inquiries or actions based on marital or parental status, and which restrict counseling about traditional gender roles in the family. Obviously, this list is not complete, and it may include other concerns based on the moral values imposed by future bureaucracies through new regulations. In areas of obvious religious significance to many schools and institutions, we believe Congress must provide a mechanism that protects not only against discrimination but also ensures the freedom to practice one's religion.

The majority has argued that the Department of Education's current enforcement of the "controlled-by" test negates any need to broaden the exemption. If one looks at the Department's current practice, it is true that the control standard has been broadly interpreted. However, there is no assurance that this practice will continue in subsequent administrations without the necessary statutory revision. Moreover, if this legislation is adopted without the language I am recommending, advocacy groups hostile to the exemption are likely to sue these institutions and the Department of Education to strip the institutions of their exemptions.

If the majority is comfortable with the Department of Education's current treatment of requests for exemptions by religious institutions, shouldn't the law clearly mirror that practice? And, given the more expansive coverage called for in S. 557, we believe Congress cannot ignore the need to adjust this exemption so that it adequately protects deserving institutions.

It has also been argued that if religious schools want to adhere to certain religious tenets, they can always refuse to accept any Federal moneys, thus avoiding a need for an exemption. This is not a realistic choice. With the expansive nature of what is considered Federal aid, it is difficult, if not impossible, for any institution to separate itself entirely from the Federal Government. Moreover, few private schools have such large cash surpluses that they can uniformly bar all forms of Federal student aid. But more importantly, given the legitimacy of the first amendment issues involved, we feel they should not have to face such a Hobson's choice. Why should Congress force a school to choose between providing abortion insurance and accepting Pell grant students?

The proponents have expressed their fear that the amendment would open a large loophole in the Federal Government's prohibition against discrimination. Nevertheless, they offer no examples of such abuse. The amendment offered in committee was virtually identical to language in the Higher Education Amendments of 1986, addressing religious discrimination, adopted by Congress and signed into law in October 1986. It is supported by such organizations as the National Association of Independent Colleges and Universities, the American Association of Presidents of Independent Colleges and Universities, the United States Catholic Conference, Association of Catholic Colleges and Universities, Agudath Israel, and the Catholic Health Association. Unfortunately, it was defeated by a vote of 11 to 5.

I believe language must be included in any Grove City legislation to protect a religious institution closely identified with the tenets of a religious organization if a religious tenet of that organization conflicts with a title IX regulation. The control exemption found in current law is not adequate given the expanded scope of Federal coverage called for in S. 557.

Religious institutions not controlled by churches or synagogues are clearly entitled by the Constitution to protection of their first amendment rights. Surely, we must remember that, of the rights protected in the first amendment, religion is recognized first, before speech, press, assembly and petition. As drafted, S. 557 represents an unacceptable entanglement of church and state. Congress can bar discrimination without trammeling upon the constitutional right to freedom of religion.

NEW LAW

As I mentioned earlier, the proponents regularly contend that S. 557 simply restores the law to what it was prior to the decision by the Supreme Court in *Grove City* v. *Bell*. Yet, an examination of the bill demonstrates that this assertion is simply false.

Currently, there is no language in the four statutes amended by S. 557 which requires an organization to be treated differently based on the nature of the business in which it is principally engaged. According to S. 557, however, if a business or private organization "is principally engaged in the business of providing education, health care, housing, social services, or parks or recreation," it is covered in its entirety when any of its parts receive Federal financial assistance. That coverage is created by paragraphs 3(A)(ii) of the operative provisions of the bill. In contrast, all other private entities which do not receive Federal aid "as a whole" are covered only with respect to a "plant or other comparable geographically separate facility." (Paragraph (3)(B)).

There is virtually no limit to the number of organizations or corporations which will fall into the category of "principally engaged in the business of providing education, health care, housing, social services, or parks or recreation." There is nothing in either the bill or the report of the majority that explains what types of businesses are to be included in these five new categories. For example, many construction companies and all real estate agencies are principally engaged in the business of providing housing. Drug companies are principally engaged in the business of providing health care. Are these the kind of companies the majority intends to cover?

The proponents of S. 557 concede that this bifurcated standard did not exist prior to the decision by the Supreme Court in the *Grove City* case. How then, can one argue that S. 557 simply restores the law to what it was prior to the *Grove City* decision and still concede that a key portion of the bill is brand new law. The proponents, while not explaining this contradiction, argue that private entities and businesses principally engaged in providing education, health care, housing, social services, parks or recreation are, essentially, part of the public sector. According to the committee report on page 20, these companies really "perform governmental functions." Consequently, for them, there can be a total blurring of traditional, legal distinctions between what is considered public and governmental and what is considered private and independent.

During committee consideration of S. 557, Senator THURMOND offered an amendment to treat all businesses that receive Federal assistance in the same manner, regardless of the nature of the business. Unfortunately it, too, was voted down.

In a similar vein, the proponents included in S. 557 a substantive amendment to section 504 of the Rehabilitation Act, exempting "small providers" from making significant structural alterations to their existing facilities if alternative means of providing services to persons with handicaps are available. According to the committee report, pages 23-24, this provision statutorily codifies existing regulations concerning application of this statute to small employers.

While we agree with the motive behind this exemption, it should be recognized that it did not exist in section 504 prior to the decision of the Supreme Court in the *Grove City* case. In fact, not every Federal agency's section 504 regulation contains such an exemption. This provision has been added out of recognition that if section 504 is administered on an institution-wide basis, its requirements will impose, as the proponents acknowledged, "significant costs on small, low-budget providers."

Again, it is impossible to argue on the one hand that S. 557 is simply a restoration bill and at the same time argue that the bill should include a substantive change to section 504 in order to avoid undue economic hardship on some small businesses. It seems that the proponents argue restoration in order to avoid dealing with difficult policy questions, such as abortion or coverage of religious schools, but they feel free to amend substantively these statutes where it is in their interest to minimize the problems caused by the dramatic increase in Federal jurisdiction called for in the bill.

Similarly, section 7 of the bill creates a new exemption from coverage for certain ultimate beneficiaries of Federal financial assistance if such beneficiaries were excluded prior to enactment of S. 557. While we agree with the motive behind this new substantive change in the bill, it does pose several problems.

First, the authors of S. 557 never define who is covered by this exemption. We assume that the purpose of section 7 is to codify an interpretation presently found in some—but unfortunately not all—agency regulations that the pertinent nondiscrimination statutes apply only to covered programs that administer Federal funds for the benefit of others, not the ultimate beneficiaries of Federal assistance themselves. The problem, however, is that without a specific regulatory or statutory reference, it is impossible to determine who the majority intends to cover in its exemption.

S. 557 provides no guidance whatsoever as to the proper coverage of entities such as farmers receiving crop subsidies. We can only hope the proponents' opinion, found on pages 24 and 25 of the committee report, will be sufficient to fill in the gap left by the legislation as drafted. Obviously, to avoid unnecessary litigation, it would be far more prudent to include within the statute a more complete explanation of who is and who is not covered. Without such clarity, there is no assurance that pre-Grove City standards will be codified by the bill in this instance.

A second problem with section 7 stems from the fact that it is drafted as a cap on who may be included within the term "ultimate beneficiary." Only those who were deemed to be an ultimate beneficiary prior to enactment of the bill can benefit from this exemption. On page 25 of the committee report it states:

> Nothing in S. 557 would prohibit recipients of new forms of federal financial assistance created after enactment of the bill from being exempted from coverage as "ultimate beneficiaries," where the type of aid and the nature of the recipient is analogous to the existing categories of "ultimate beneficiaries."

Unfortunately, that is not what the actual language of the bill states. It specifically refers to ultimate beneficiaries excluded prior to enactment of S. 557. Consequently, legislation authorizing a new Federal program will have to include a specific amendment to these four statutes in order to provide ultimate beneficiaries of the new program the same treatment provided their counterparts in existing Federal activities.

The practical difficulties of such an approach are readily apparent. For example, last session, the Labor Committee reported Senator KENNEDY's S. 514, which was entitled, "Jobs for Employable Dependent Individuals" [JEDI]. I supported that bill. I was a spokesman for it on the floor and a cosponsor. It creates a new program designed to target Federal resources to long-term welfare recipients. It did not address the ultimate beneficiary issue. As a result, if S. 557 is enacted before S. 514, individual participants in the JEDI Program will not be afforded the same treatment guaranteed participants in programs created by the Job Training Partnership Act, although the eligibility for these programs overlaps. While this may not be the intent of the majority, it is the legal consequence of S. 557 as currently drafted.

ABORTION

No discussion of S. 557 would be complete without addressing the issue of abortion. The Department of Education's title IX regulations require an educational institution to treat termination of pregnancy by employees like any other temporary disability "for all job-related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment." 34 CFR 106.57(c).

Moreover, the same treatment of termination of pregnancy applies to the provision of "a medical, hospital, accident or life insurance benefit to any of its students." 34 CFR 106.39; id. at 106.40(b)(4)—"A recipient shall treat * * * termination of pregnancy * * * in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan, or policy" of the recipient with respect to students.

Even if S. 557 did not expand the scope of these title IX regulations, abortion-neutral language is necessary to ensure that, whatever its scope, title IX does not require entities to provide abortions or abortion insurance as a condition of the receipt of Federal aid.

Moreover, despite the unpersuasive claims of its sponsors, the Civil Rights Restoration Act would significantly expand the reach of these proabortion regulations. If a hospital has a federally aided education component, the entire hospital, including services to patients, will be covered by title IX and these proabortion regulations. Further, any institution with an educational component—including a hospital—that receives Federal aid to its noneducational components will also automatically have title IX and these abortion regulations applied not only to the unaided education programs, contrary to the pre-Grove City practice, but also to all of those participating in the institution, such as hospital patients.

Thus, a hospital conducting an education program which receives Federal aid to any of its operations, will be required to include abortion services in its obstetrics program. This follows from the "all of the operations of" definition of program or activity and is a clear result of the pervasive, all encompassing coverage of health care institutions set forth in subparagraph 3(A)(ii) of the operative parts of the bill. While proponents of this bill claim that only the educational part of a hospital receiving Federal aid is covered by title IX, the language of the bill goes far beyond that.

The bill plainly defines "the term 'program or activity' and 'program'" as "all of the operations of * * * of an entire corporation, partnership, or other private organization, or an entire sole proprietorship * * * which is principally engaged in the business of providing * * * health care * * * any part of which is extended Federal financial assistance." This is not limited coverage. Indeed, it is ironic that proponents talk about the supposed need for institutionwide coverage, reiterate it in this bill's "findings" clause, and then suddenly describe their bill as extremely narrow in scope when it comes to abortion. As I mentioned earlier, they can't have it both ways. If they are going to broaden coverage to "all of the operations of" health care institutions whenever any part of the institution gets Federal aid, title IX regulations and the proabortion principle embodied in them also apply that broadly. And, if it is illegal under the regulations to provide insurance without covering abortions, how can a hospital covered under S. 557 provide an obstetrics program without including abortion services themselves?

In response to these proabortion regulations and their expansion under the bill, it is my understanding that the distinguished senior Senator from Missouri will offer an amendment which states:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such a person has received any benefit or service related to a legal abortion.

This abortion-neutral amendment denies no one the "right" to an abortion under Roe versus Wade, and forbids discrimination against anyone who has had a legal abortion. Moreover, an institution that wishes to provide abortion coverage is free to do so—it is simply not compelled to do so as a condition of the receipt of Federal aid. Indeed, Congress has regularly voted to forbid the use of Federal funds for abortions.

Unless we adopt an abortion-neutral amendment to this legislation, we will leave in place the anomalous situation in which an institution is, on the one hand, forbidden to use Federal funds to provide abortions, but on the other is required because of the receipt of Federal funds to use its own funds to provide abortion coverage. Surely, this contradictory state of affairs is unsound. Let me note that the committee report's suggestion that the amendment would take away protections against abortion-related discrimination is patently false. The amendment would make clear that title IX does not permit a penalty against a woman who has had a legal abortion.

Another completely specious argument against this amendment is that it is substantive in nature and has no place in a bill ostensibly addressing only the scope of the civil rights statutes. Obviously, this argument is without merit. As I have already mentioned, S. 557, in its current form, already makes several substantive changes in the law. It, itself, does that.

The proponents cannot address substance in their language and then tell those of us deeply concerned about another matter that we are out of bounds when we wish to address existing regulations on so fundamental an issue as abortion.

Some opponents of the Danforth abortion-neutral amendment have argued that the administration can simply repeal the regulations. That is no solution. Pro-abortion advocacy groups could tie up that proposed change for years in Federal court litigation, or, a subsequent administration could put them right back in place. In order to address this problem, we must do so by express legislative provision.

In conclusion, S. 557 should not be enacted in its current form. It calls for a marked increase in Federal jurisdiction, in the regulation of churches and synagogues, private and religious schools, State and local government and all aspects of the private sector, from the corner grocery store to the small farmer to the large corporation. It imposes the Federal Government into all of the activities of religious institutions, unnecessarily trammels the religious freedoms of many colleges and universities, and dramatically expands the scope of Federal regulations that would make the failure to provide abortion services a discriminatory act.

My colleagues will have an opportunity to vote on many of these issues during the next few days. There will be amendments to protect the first amendment right of freedom of religion. There will be amendments to protect religious schools, small providers and portions of the private sector. There will be amendments to clarify the laws concerning religious tenets and ultimate beneficiaries. And, we will have an opportunity to vote on a substitute bill, one which the President would quickly sign into law and one which will quickly solve the problem. We, in fact, could have done this 3 years ago.

There is no interest on this side, of which I am aware, to filibuster this issue, provided that the proponents do not attempt to use the procedural advantages they have to preclude Senate consideration of these amendments. I think the distinguished chairman of the committee, the senior Senator from Massachusetts, will agree that despite the divisive nature of this bill, we have tried to facilitate its consideration. This was true in committee and it is true here on the floor, and it will be, I believe. I hope this spirit continues.

I urge my colleagues to carefully consider the amendments that will be offered, because their adoption is critical to passage of the bill. If we fail to address the scope of Federal regulatory jurisdiction, the abortion issue, religious tenets and the coverage of religious institutions—S. 557 will never become law.

As early as 1984, we could have resolved the problems with the Supreme Court's decision with regard to title IX, where there has been a demonstrated need for relief. We have yet to do so, a failure which all of us who support title IX regret.

It is time for us in this Chamber and in this other body to recognize that we can have effective civil rights laws without regulating churches; we can guarantee equality of opportunity without forcing a Notre Dame to provide abortion services; and, we can guarantee the civil rights of all Americans without sacrificing other constitutionally guaranteed freedoms.

And, unless we come to terms with this fact, the changes in the coverage of educational institutions under all four statutes that so many of us endorse will never have a chance to become law.

I yield the floor.

The PRESIDING OFFICER [Mr. METZENBAUM]. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Civil Rights Restoration Act. This is now the fourth year that Congress has debated a Civil Rights Restoration Act. We must not let another session of Congress end without passage of this important legislation.

It has been almost 25 years since the Federal Government committed itself to ending invidious discrimination in this country. At that time, such discrimination existed in our schools, our public accommodations, in housing and in voting. And all too often, the discrimination was supported and paid for with Federal money. With passage of the Civil Rights Act of 1964, we took the first major step to stop publicly supported discrimination. Under title VI, discrimination based on race, color or national origin was prohibited in any program or activity that received Federal aid.

Title VI became a major vehicle for attacking the separate and unequal society which denied basic civil rights and opportunities to millions of Americans. With time, we realized that invidious discrimination takes many forms and we moved to protect the civil rights of women, disabled persons and the elderly.

Title IX of the education amendments of 1972 prohibits sex discrimination in education program or activities receiving Federal funds. Its mandate was clear, simple and effective, if an educational institution received Federal funds it could not discriminate on the basis of gender.

The Supreme Court's decision in the Grove City College destroyed that simplicity and severely limited the effectiveness of title IX and its companion statutes. The time is now long past due to restore the protections against sex, race, age, and handicap discrimination that were removed by the Grove City decision. That is what the Civil Rights Restoration Act will do, and that is all that this legislation will do.

The educational opportunities lost due to Grove City are gone forever. The young woman denied an athletic scholarship because of Grove City will not apply to college again. The students whose cases were closed because of Grove City now have their college careers behind them.

Education is the door to opportunity—the opportunity to choose one's own destiny. We simply cannot continue to deny even one more student a guarantee of equality, or to subsidize discrimination with Federal aid.

The impact of the Grove City decision has been real and devastating. Since 1984 dozens of discrimination investigations have been dropped. The cases that will never be heard, much less remedied, cover everything from loss of a teaching job held by an elderly woman to denial of admission to medical school for a wheelchair bound student.

Let me conclude by saying discrimination has no place in our society. In education—the key to unlock the golden door of opportunity—our vigilence against the blight of discrimination must be doubly strong. Passage of the Civil Rights Restoration Act will restore the strength to this country's commitment to equality for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of the Civil Rights Restoration Act.

Passage of this legislation will be a landmark in the historic struggle to bring all Americans—black and white, old and young, women and men, the disabled and the able-bodied—into full enjoyment of their inalienable rights. While we have come a long way in this struggle, there is still some distance to go to put an end to racism, sexism, and the attitudes that stereotype the elderly and the handicapped and relegate them to second-class citizenship.

Mr. President, discrimination of any kind is wrong and goes against the American grain. Individuals who practice it must answer to their own conscience. But when institutions that depend on the Federal Government for support discriminate, the Constitution and its guarantees come into play.

A generation ago, the civil rights movement forced us to face up to this fact, and as a result, the Nation made some important promises. One of them was contained in the Civil Rights Act of 1964. It stated that "no person shall, on the ground of race, color or national origin * * * be subjected to discrimination under any program or activity receiving Federal financial assistance."

In subsequent years, this promise was extended to women, by way of title IX of the education amendments of 1972; to the handicapped under section 504 of the Rehabilitation Act of 1973; and to the elderly via the Age Discrimination Act of 1975. Congress made it plain: there will be no Government subsidy for discrimination.

These pledges, together with the enforcement provisions which provide the statutory teeth, represent our most powerful tools for doing away with a separate and unequal existence for any American.

Unfortunately, these tools were taken out of our hands in 1984. The Supreme Court, in the decision *Grove City College* v. *Bell* and later rulings, wrongly interpreted what Congress sought to do in these statutes. It determined that the discrimination ban applied merely to the specific program or activity receiving Federal money, not the entire organization or entity.

Although the Grove City ruling applied to title IX and education programs, it clearly contracted the scope of coverage of all four laws. The same day the Supreme Court handed down Grove City, it issued *Consolidated Rail Corp.* v. *Darrone*, a section 504 case involving employment discrimination by a railroad against a disabled worker. In that ruling, the Court explicitly held that its narrow interpretation of "program and activity" in Grove City applied with full force to section 504.

For nearly 4 years now, recipients of Federal funds—hospitals, nursing homes, corporations, local governments, and universities—have been able to take Government money with one hand and discriminate with the other. And they continue to get away with it.

(Ms. MIKULSKI assumed the chair.)

Mr. WEICKER. I think it important to emphasize at this point that so many times I hear Grove City mentioned. It is done so in the context of discrimination against women, and, more particularly, women in athletics. This is not a piece of legislation directed toward women or women in athletics. It is directed toward women; it is directed toward the elderly; it is directed toward the handicapped; and it is directed toward minorities.

Indeed, add one or two more groups and it really is directed towards all of us.

I want to point out also at this juncture that the failure to remedy the consequences of the Supreme Court decision lies directly on the doorstep of all Americans, not on the doorstep of the Court or just on the doorstep of the Senate or the House.

I stated in the few minutes that I had to speak at the Ebeneezer Baptist Church in Atlanta last Monday, that, in the final analysis, the American people are what make things happen in this Nation. My reference there was the latent discrimination that exists in all of us, from all sections of the country, and how, in the 1950's and 1960's we tried to place the blame on our sister States and their representatives from the South. But indeed such discrimination could not be eliminated until a nation asked that it be eliminated. When a nation asked, it was.

Even though it is called Grove City, which sounds very legalistic, there is nothing very legalistic or narrow or incomprehensible about what has transpired. It is discrimination subsidized by the American taxpayer. That is what is going on. That is what the issue is before this body.

I have never seen any such anticonstitutional behavior so clouded over and masked by flyspecking arguments as has been true in the instant case.

Of course we meant it when we passed legislation saying that Federal funds would be cut off if discrimination took place. I really do not find much fault with the decision of the Court, because it is up to us to be precise. I do not like that decision that was rendered in Grove City, but I can understand it.

What I cannot understand is the failure to do clearly the very simple act of precision that was called for in that the Court ruling. That is our job and it is the job of the American people.

Today in America a black person can walk into a satellite clinic of a major hospital and be denied treatment because no Federal funds support the operation of that particular facility. An elderly person can be denied equal access to bus service if a city uses all its Federal mass transit funds for its subway system, then chooses not to buy "step-up" buses which many older people rely on. A disabled employee, no matter how qualified, can be denied a promotion if the specific department involved receives no Federal money. A student can be sexually harassed without protection of the law if the building in which it occurs was not built with Federal funds.

The force and the promise of the 14th amendment, of due process and equal protection of the laws, and the intent of our civil rights laws, are being denied because of a technicality.

A few specific examples will serve to illustrate the ludicrous way in which these laws are being applied. In *Foss* v. *City of Chicago* (N.D. Ill. 1986), the Court held that a handicapped firefighter who claimed to be improperly fired because of a disability could not sue the Chicago Fire Department under section 504 of the Rehabilitation Act. The fire department did, in fact, receive Federal funds, but the Court found that those funds did not cover the specific duties performed by Foss and therefore he had no protection under section 504.

In United States versus the State of Alabama, a case decided just last October, the 11th circuit court of appeals reversed and remanded a district court finding that the State of Alabama had perpetuated a "dual system" of higher education. According to the district court memorandum, Alabama students were channeled into schools on the basis of their race and the predominantly black schools received far less State funding than white colleges. On appeal, the 11th circuit, citing Grove City, held that the United States could not maintain an action under title VI of the Civil Rights Act of 1964 against a State's system of higher education without specifying which programs and activities within the various institutions received Federal funds and how those specific programs and activities were discriminatory.

In *Walters* v. *President and Fellows of Harvard College* (D. Mass. 1985), a former employee of the building and grounds department of Harvard University alleged that she was harassed on the job and ultimately forced to quit because of her sex. The Court agreed that employment discrimination was prohibited by title IX but dismissed her claim because it found that the maintenance of school buildings where teaching took place was not directly enough related to the education programs that received Federal funds.

In the case *Moire* v. *Temple University School of Medicine* (E.D. Pa. 1985), a psychiatry student claimed she received a failing grade because she rebuffed a professor's sexual advances. The district court dismissed her title IX claim because the professor in question received no Federal grant money, even though the university receives millions of dollars of Federal funds.

These are all court cases. The impact of Grove City has also been felt, with a vengeance, in the executive branch. It is disheartening to recall that the court's ruling was welcomed by the Department of Justice, which had adopted the limited view of the laws a year before the Supreme Court did. Grove City amounted to a judicial stamp of approval and other Federal agencies followed suit. From compliance reviews of institutions receiving Federal financial assistance to investigations of discrimination complaints, these agencies have taken a new and narrow view of their responsibilities. Case upon case has been closed, narrowed in scope or never opened. Our once vigorous enforcement efforts have been replaced by bureaucratic paper chases to pinpoint Federal dollars.

This is particularly true in the U.S. Department of Education. It is estimated that a total of 834 discrimination cases have been dismissed or narrowed due to Grove City. Just days after the Court's ruling, the Department dropped its investigation of sex discrimination in the intercollegiate athletic program at the University of Maryland because the program itself received no direct Federal funding. And this was so, even though the Department had already documented discrimination in travel and other support services to female athletes.

To take another example, a black high school student filed a complaint alleging that her school's chapter of the National Honor Society failed to induct her because of her race. Although she was ranked fifth in her class and took part in many extracurricular activities, she was not among the 16 students invited to join the society. The Department's Office of Civil Rights closed the case because it found the alleged discrimination did not occur in a program or activity directly receiving Federal financial assistance.

In yet another instance involving the Massachusetts Department of Youth Services, an employee claimed that although he passed the exam to become "supervising group worker" and was ranked first on the list for such a position, he was denied it because of his disability. The Office of Civil Rights advised the complainant that although the department received Federal funds the custodial program did not. Case closed.

Madam President, for almost 4 years now, cases such as these, involving vital civil rights, have been taken off the dockets or decided in the discriminator's favor. It's time the Congress of the United States put an end to it. The Civil Rights Restoration Act would do just that.

As its name suggests, this legislation would restore the broad scope of the Nation's four bedrock civil rights statutes. It does not rewrite the substantive language of those laws. It does not redefine who is a "recipient" of Federal financial aid, nor does it redefine what constitutes "Federal financial assistance."

The Federal Government can no longer afford and the American people can no longer tolerate discrimination in any program or activity receiving tax dollars. Last week we celebrated the birthday of Dr. Martin Luther King, Jr. In his letter from the Birmingham Jail, Dr. King wrote: "Injustice anywhere is a threat to justice everywhere." No matter how few it affects or how subtly it occurs, injustice has no excuse. We must never forget that "equal justice under law" is not merely a phrase that graces the Supreme Court building but a principle by which this Nation lives. Unless and until Congress acts to restore full civil rights to minorities, women, the disabled and the elderly, that principle is in peril. I urge my colleagues to join me in giving this legislation their unqualified support.

I also call upon the President to push for its passage. It was Ronald Reagan who said once:

> My belief has always been * * * that wherever in this land any individual's constitutional rights are unjustly denied, it is the obligation of the Federal Government—at point of bayonet if necessary—to restore that individual's constitutional rights.

Right now, President Reagan, the bayonet is being held at the throat of the victims. The Federal Government, by virtue of its funds, is a coconspirator in countless cases of discrimination. Congress and the President must cooperate to restore Government to its proper constitutional role as defender against, rather than perpetrator of, discrimination.

Several weeks ago, this body examined the credentials rather closely of a nominee to the Supreme Court of the United States. At issue was his dedication and commitment to the ideals of the U.S. Constitution. His commitment and his dedication was found wanting, and appointment to that body was denied him. In the course of his confirmation hearings, Judge Bork—I now paraphrase his statement—expressed the belief that the courts were to be the last repository in the defense of the rights of the people of this Nation, that Congress and the executive were the first. The Senate of the United States, the House of Representatives of the United States, and the President of the United States: these were the ones to carry the battle against oppression in whatever form that oppression took place.

Now, Madam President, you know and I know what has been going on around here among Republicans and Democrats alike. During the past decade as civil rights have become less and less popular everybody has been sitting back saying, "Let the courts handle it. We don't have to get involved. It is a hot potato. Let the courts handle it." And then when the courts do handle it, if the decision is not to our liking, we say, "Well, we have got to go ahead and do something about the courts."

This very attitude, I might add, often means that this is a fingerpointing exercise. This very attitude is prevalent in my own State of Connecticut today where the incumbent administration through its commissioner of education has indicated that discrimination exists within our school system. I picked up the newspaper, and do you know what I read? Comments that unnamed legislators will never bring this matter to a vote. The courts will handle it. And the courts probably will handle it. And the legislators will rise up in a mighty wrath as they have on the floor of the Senate saying, we do not like busing, we do not like this or that remedy, when all along we have the first opportunity to make real, to make beautiful the ideals of our Constitution. And yet we could not face up to a tough choice.

Well, we have that opportunity right now. How do you want to have it? If there is discrimination against the disabled by an institution, do you feel that they ought to be denied Federal funds? I do.

I am not interested in eons of time passing as we flyspeck the institution to find out where it is that the discrimination occurs and who ordered it and in what form.

If you cannot get it knocked into your head that discrimination is out in this Nation, period, then you do not deserve the help of the American people, the munificence of our Government.

If you want to discriminate against women, then you should not be permitted to receive Federal funds until you understand that, yes, women are just as equal as anyone else in this Nation, by virtue of the laws and the ideals and the Constitution of this Nation.

If it is the elderly who have had part of their inheritance taken away by an institution, then it is the institution that should suffer momentarily, not those in the declining years of life.

Then, if there are those who still feel that because you are black or Hispanic you must travel a special road in this land of equality, then we must punish those who feel that way, not those against whose neck the sword of discrimination lies.

All of these forms of discrimination are at issue before this body. But, just as important, it also is before the American people, because nothing will happen here that is not demanded by the American people.

I know that many feel that we went so far for a decade that we should go no further. It is embarrassing to have to look at our prejudices in generations past. We are saying that we can only look at so much within our own generation.

Well, if the American people can demand a balanced budget, then they also can demand equality under our Constitution. If the American people can demand a strong defense, then they can also demand the promise of equality for every American.

Ben Franklin said in this Nation the people rule. We will find out about that in the days and votes ahead.

I yield the floor.

Mr. STAFFORD. Madam President, I rise in support of S. 557, the Civil Rights Restoration Act, a bill of which I am proud to be an original cosponsor.

I am joined by 58 of my colleagues in this sponsorship. Clearly a majority of the Members in this legislative body disagree with the Supreme Court's ruling in Grove City College versus Bell. Conversely, I believe that we all agree that Federal funds should not be used to subsidize discrimination.

S. 557 would overturn the 1984 Supreme Court ruling in the case of Grove City College versus Bell, which substantially narrowed the scope of title IX of the Education Amendments of 1972. Title IX, which I helped to author, has provided women with equal opportunities once held at bay to them. These amendments received bipartisan support in their enactment in 1972, and they should receive bipartisan support in their enforcement 15 years later. The enactment of the Education Amendments of 1972 provided women with opportunities to participate in programs and facilities that they had previously been denied access to.

Since the enactment of the Education Amendments of 1972, our Nation has seen an increase in the number of women entering all sectors of the job market. The number of women who were conferred medical degrees in 1972 was 830 out of 9,253 total. In 1985, the number had risen to 4,874 out of a total of 16,041. This represents an increase from 9.0 percent to 30.4 percent. This is an increase of 21.4 percent—quite substantial. Law schools in 1972 conferred a total of 21,764 degrees of which females accounted for 1,498. Today they total 14,421 out of 37,491. That is nearly a 32-percent increase. Undergraduate degrees have shown over a 7-percent increase. Surely we can attribute much of this rise to the passage of these amendments guaranteeing women and girls equal access and equal opportunity.

In regard to the specific ruling of Grove City and its relation to title IX, the Supreme Court unanimously upheld that student aid reaching the college via Pell grants and guaranteed student loans constituted Federal financial assistance to the institution. The Court found, however, that the financial assistance was "program specific" and only the student aid office was bound to abide by the nondiscrimination tenets outlined in the education amendments. This narrow ruling on behalf of the Court essentially allowed the college to deny equal opportunities to women as long as they provided equal access and opportunity within their financial aid office.

The impact of this case was almost instantly seen and felt. In testifying before the Senate Judiciary Committee close to a year after the landmark ruling, then Secretary of Education Bell stated that the Department had been forced to drop 18 higher education and 4 secondary level discrimination cases due to lack of jurisdiction. The current number for fiscal year 1986 is 690 cases that have either been closed in whole or part, reviews dropped or narrowed because of the Grove City ruling. I do not believe it was the Court's intent—certainly it is not our intent—to permit discrimination to exist in any form within our educational system.

The Court ruling affects not only title IX of the Education Amendments of 1972, but substantially narrows 3 other statutes as well; title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. By enacting these statutes the Congress intended to provide an effective and permanent remedy against discrimination. The decision rendered by the high court in *Grove City* v. *Bell* severely narrows this intent. The Supreme Court found the statute to be "program-specific" and not "institution-wide," thereby severely constricting the definition originally intended by the legislators.

S. 557 seeks to amend the affected statutes by more clearly defining the phrase "program or activity." It says that institutions of entities receiving Federal financial assistance should in fact be mandated to adhere to the principals and guidelines set forth in these four statutes. We as legislators must prevent the continuation of discrimination in any form. By failing to enact S. 557 we will in essence be giving our nod to the practice of circumventing the intent of the law.

It is important that we as legislators send a strong message to the rest of the Nation which reaffirms our commitment to equal access and equal opportunity for all individuals. Support and passage of S. 557 accomplishes that goal. We must continue forward in our path toward equal education opportunity, not take a step backward. We must not permit Federal money to aid those who participate in discriminatory practices. It is important to note that no institution has lost any funds as a result of title IX complaints. Rather, complaints have been readily resolved after receipt by the Department of Education through negotiations with the parties involved.

There are many within our ranks who are trying to attach various amendments to this piece of legislation as well as twist the original purpose of this measure. This legislation seeks to restore coverage under the law to pre-Grove City status. It addresses an educational issue—the right of each individual in our Nation to have access to educational opportunities regardless of their sex, race, age, handicap, or religion. Furthermore, it clarifies congressional intent when title IX was enacted that an institution which accepts Federal funds shall treat women students and employees as equitably as their male counterparts in all operations of that institution. I hope that we as legislators can look upon the basic context of this legislation, which is to prevent the practice of discrimination, and not get bogged down amidst amendments that lose the original objective of this measure.

I encourage my colleagues to join the 58 cosponsors of S. 557 in the quick passage of this very important piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I have already nearly a year ago spoken out in favor of the Civil Rights Restoration Act, the act before us today. Thus, I will not repeat those remarks except to say that I fully associated myself with the remarks just delivered by my distinguished colleague from Vermont. He very eloquently set forth the arguments in favor of this act, and I fully support what he has said and I commend him for the splendid leadership that he has given not only in this measure but a whole series of other civil rights measures that have come before this body during his long and distinguished tenure here.

It is my understanding, Madam President, that an amendment will be offered to this act that would in effect overturn the Supreme Court ruling in the case of the *School Board of Nassau County, Florida* v. *Arline*. I am opposed to such an amendment and will briefly set out my views.

In 1987, the Supreme Court held that a schoolteacher who had a history of tuberculosis qualified as "handicapped" under section 504 of the Rehabilitation Act of 1973. In finding that a history of tuberculosis did qualify as a handicap, the Supreme Court recognized that "society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment."

Unfortunately, the disabled are often more handicapped by society's preceptions than by their own physical impairment. The Arline decision itself cites many examples where persons with cerebral palsy, epilepsy, arthritis, and cancer were all subjected to discrimination because of unfounded fears of transmissibility, or merely because disfigurement caused discomfort in those making the hiring decisions.

Section 504 of the Rehabilitation Act provides that:

> No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, or denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

The emphasis behind section 504 and behind the entire Civil Rights Restoration Act is the same. This is the point of the act: When we as a nation give money to a program, Federal taxpayers' money goes to a program, we the taxpayer who are paying for this in turn ask that that program be conducted fairly, that it be conducted intelligently, and that it be conducted in an honorable fashion. Federal funds should not subsidize discrimination. That is all it says. That is what it is all about.

Let me digress for a moment and point out an important distinction—one that is missed often than not in the discussion of the Arline case. "Discrimination," as used in the act, and as it is used in the Arline decision, means just that: Discrimination means a baseless, irrational exclusion. Somebody is kept out for baseless or irrational reasons. Ms. Arline had a history of tuberculosis, which is a contagious disease. But tuberculosis does not present a constant contagion. The generalization that once infected, always contagious, is groundless. It just is not so. The Supreme Court therefore qualified Ms. Arline as protected under 504; namely, she had a handicap, but the Court did not automatically conclude that she must be reinstated in her position, not at all.

There remained a factual determination to be made, a factual determination whether, first of all, was she qualified for the job. That in this case has actually been made. Yes, she was qualified for the job. She had the job. But the other factual determination was, was Ms. Arline indeed noninfectious? If she is infectious and going to injure other people, then, no, she is not qualified; but if she is noninfectious, yes.

Discrimination does not mean excluded for a medically sound reason. It is just the opposite: unless those who are ill, disabled, or mentally impaired are allowed a shot at this factual determination, the factual determination means, is there a medically sound reason for keeping the person out. And if there is not, then that is discrimination. And if they are excluded, kept out for unsound, for less than medically sound reasons, then they will continue to fall victim to ignorance. That is far more handicapping, as I said in the original part of my remarks, than their impairment. All the Arline decision does is give these people a chance.

When section 504 was enacted, Congress sent a message to all those programs that received Federal funds. Essentially, we asked them to "share with handicapped Americans the opportunities for an education, transportation, housing, health care, and jobs that other Americans take for granted." Americans who are mentally or physically disabled, or who have an illness, those with cancer, epilepsy, cerebral palsy, arthritis—the list goes on—have rights, freedoms, and responsibilities.

Sure, that is acknowledged they have responsibilities, but also they have rights and freedoms just like all other Americans.

Section 504, as interpreted by the Supreme Court in the Arline decision, protects those rights by cutting through the myths and misperceptions and requiring reasonable analysis and medical judgment, before we allow the exclusion of any American from a federally funded program.

To require sound thinking and fair dealing when it comes to one's livelihood, or one's education, or one's home to give that to all our citizens is the purpose of civil rights, and I do not think that is too much to ask.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. WIRTH). Who seeks recognition?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, 23 years ago, President Johnson signed into law the landmark Civil Rights Act of 1964. The message was clear: The constitutional guarantee of equal protection would finally be given force of law—the Federal Government would no longer fund institutions that practiced discrimination on the basis of race or national origin.

Fifteen years ago, Congress enacted title IX of the Education Amendments of 1972, with the support of a number of our distinguished colleagues who still serve in this body, including the distinguished chairman. The message was clear: The Federal Government would no longer fund institutions of learning that practiced discrimination on the basis of gender.

In the following years, Congress broadened its efforts to ensure equal opportunity for all Americans by expanding the coverage of antidiscrimination laws to the elderly and the disabled. Once again, the message was clear: The Federal Government would no longer fund institutions that practiced discrimination on the basis of age or disability.

This is a history of progress—a history of which the Senate, we in the Senate, the Congress, and the American people, should be proud. Through this series of actions, Congress translated a fundamental ideal of the Constitution—equal opportunity for all Americans—into enforceable law.

However, that progress was brought to a screeching halt 3 years ago. When the Supreme Court handed down the Grove City decision, congressional intent and years of bipartisan enforcement practices were abandoned. By narrowing the scope of civil rights laws to cover only those specific programs directly receiving Federal funds, rather than the whole institution, the Court heralded a new message to federally funded institutions. It said, in effect, the Federal Government will continue to fund institutions that discriminate, so long as clever accounting measures or other devices ensure that the discriminating departments do not directly receive Federal dollars.

The Department of Education's reaction to this dictum was swift and alarming. Since the decision, over 600 cases of alleged discrimination have been closed solely because Federal funds could not be traced directly to the specific programs named in these complaints.

The congressional reaction to this reversal of traditional enforcement was equally swift. In the Senate, legislation to reinstate the original intent of Congress was introduced only months after the Grove City decision was announced. Impressively, it garnered the cosponsorship of 62 Senators from both sides of the aisle—including both the past and present minority leaders.

Let's consider what has happened to the Civil Rights Restoration Act since 1984, when the leadership of both parties supported its passage.

Most importantly, the intent of the legislation has stayed exactly the same in these 3 years. The bill has one straight forward goal: Restoring civil rights enforcement to its status before the Grove City decision. That is the simple and fundamental goal that united 62 Senators in 1984.

Unfortunately, passage of the bill in 1984 was stalled when opponents wrongly charged that the scope of Federal enforcement would be broadened by the legislation, and that abortion rights would be expanded by the bill.

Since 1984, the language of the bill itself has been made even more specific. For the sake of greater clarity, S. 557 alters only the definition of a "program or activity," rather than amending the definition of "recipient" as the 1984 bill did. As a result, the false claims that were leveled against the original bill—the same claims which have been resurrected against S. 557—are based even less on fact than they were in 1984.

Critics claim that S. 557 expands abortion rights. It does not. Long standing title IX regulations regarding abortion would not be altered in any way by this legislation.

Instead, these regulations would remain unchanged from the form in which they were promulgated by HEW Secretary Caspar Weinberger and the Ford administration 12 years ago. They would remain unchanged from the form in which even the Reagan administration has administered them without modification. Critics of S. 557 would have us believe that abuses of these regulations would run rampant if the bill were to pass. History tells us otherwise. In 12 years of pre-Grove City enforcement, none of these abuses ever came to pass.

Opponents insist that religious hospitals and universities would be forced by this bill to provide or fund abortions against their will. They would not. The bill clearly exempts any institution controlled by a religious organization, if the application of the law would conflict with the religious tenets of that organization. During 12 years of pre-Grove City enforcement of title IX regulations, no institution has ever been denied such a waiver.

Since it was first introduced in 1984, the Civil Rights Restoration Act has been improved so that it clearly does only what it is purported to do—return civil rights enforcement to the status quo before Grove City. The great irony of this debate is that while the legislation has gained focus and clarity toward the goals endorsed by both sides of the aisle in 1984, it has, at the same time, lost support. Now, why is that?

Quite simply, opponents of the Civil Rights Restoration Act have succeeded in changing the terms of the debate. Rather than a referendum on our commitment to civil rights, this bill has somehow become a referendum on wholly unrelated issues.

Several amendments relating to abortion and religious organizations have been introduced. These amendments are not only unnecessary, but are destructive to the overall goal of the bill. For instance, one amendment, which purports to be abortion neutral, would repeal important regulations in force for 12 years which ensure that a woman cannot be discriminated against on the basis of having had a legal abortion.

If Senators wish to attempt to change these title IX regulations, there is nothing to stop them now; there has been nothing to stop them since the regulations were first implemented. They may do so in a host of other, more proper ways—ways which would not hold hostage the most important civil rights legislation of the decade.

The broad-based coalition of organizations, interests and Members of Congress that support this bill have made clear that they will request that the bill be withdrawn, should the Senate approve an amendment making any substantive changes to the affected civil rights laws—regardless of the arguable merits of those changes.

Let there be no misunderstanding, a vote for any of these killer amendments—which may sound good if you say them fast enough—before us is a vote to kill the Civil Rights Restoration Act. I reiterate—for this is the crux of the issue—a vote for any one of these amendments is a vote to cement in place a gaping and disastrous loophole in Federal enforcement of every civil rights law. It is nothing more and nothing less than that.

This debate is not about abortion rights. This debate is about recommitting ourselves to the ideals of equal rights and opportunities. This debate is about rededicating our Government to the elimination of discrimination in the workplace and in the classroom. This debate is about ensuring for future generations that our civil rights laws are more than empty and cynical promises.

A quarter century ago, Americans throughout the country fought long and hard for fundamental civil rights and simple justice. The need then for change in our civil rights laws was obvious and urgent. The need now may appear to be a little less obvious, somewhat better hidden. However, after the folly of Grove City, the need is no less urgent.

Mr. President, I urge all my colleagues to oppose all the amendments before us, and to support the Civil Rights Restoration Act in its unamended form.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

AMENDMENT NO. 1381

(Purpose: To repeal a certain proviso relating to cross ownership of newspapers and television stations)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1381.

At the end of the pending question, add the following:

SEC. . (a) The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further,* That none of the funds appropriated by this Act; or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communication Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100 Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communication Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100 Congress has made a determination of whether that material should be repealed.

Mr. SYMMS. Mr. President, the purpose of this amendment is very direct. It addresses what I consider to be a serious civil rights problem.

Mr. President, since S. 557 purports to be a civil rights restoration bill, it provides an ideal opportunity to redress an injustice which affects what may be the most basic civil right of all—the freedoms of speech and press guaranteed by the first amendment to the Constitution. This amendment will repeal a provision included in last year's continuing resolution which forbids the Federal Communications Commission [FCC] from considering waivers to the rule barring cross ownership of newspapers and television stations in the same market.

As has been widely reported, during the closing hours of the last session, the restriction on waivers was included during deliberations of the conference committee on the continuing resolution. Only a few Senators knew of the provision's existence. The measure was specifically targeted against two particular newspapers, the New York Post and the Boston Herald. These feisty newspapers are both owned by an individual—Mr. Rupert Murdoch—who also owns television stations in New York and Boston and is, therefore, subject to the FCC cross-ownership rules.

Mr. President, I offer this amendment. I do not impugn anyone's motives. Our colleagues all have reasons why they work on various provisions in legislation, and I do not in any way impugn anyone's motives for having included this in the bill.

But I do think that for the rest of us to allow this to happen without attempting to redress what I think was an error, an egregious violation of civil rights and the freedom of speech in this particular instance, would be a violation of our duties and responsibilities.

Mr. Murdoch was able to maintain his FCC licenses while he owned the two papers under existing waivers granted by the FCC. There is every reason to believe that he would have been able to obtain an extension of these waivers were it not for the furtive midnight measure designed to silence his critical voice.

Mr. President, this attack on the first amendment affects all Americans, and condemnation of that measure has been bipartisan. For example, the

Democratic mayor of New York, Edward Koch, cogently described the issues involved in an article he wrote in the Washington Post on January 6, 1988, where he said:

> Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and the Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress.

Mr. President, I ask unanimous consent that Mayor Koch's article, published in the January 6, 1988, edition of the Washington Post, under the title "A Sneak Attack on the First Amendment," be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SNEAK ATTACK ON THE FIRST AMENDMENT

(By Mayor Edward Koch)

Since the earliest days of journalism, the press has been fighting for survival against the powers of oppression. The Sandinistas, for example, shut down La Prensa. But sometimes the enemy is closer to home.

Last month several members of the U.S. Senate launched a sneak attack on the First Amendment by furtively passing legislation that forbids the Federal Communications Commission from considering waivers to the rule prohibiting cross-ownership of a newspaper and a television station in the same market. The target of this underhanded assault on open government was Rupert Murdoch, owner of the New York Post and WNYW-TV in New York, and the Boston Herald and WFXT-TV in Boston. The purpose of the FCC regulation is to keep one owner from dominating competing news media. The purpose behind sneaking the FCC amendment through Congress was to avoid detection of an outrageous mugging of the public interest.

Instead of debating the issues on the Senate floor, thus giving New York Sens. Alfonse D'Amato and Daniel Moynihan a chance to express their opposition, Sen. Ernest Hollings of South Carolina acted in the dead of night. He introduced the anti-Murdoch legislation directly to a House-Senate conference committee. By the time our New York delegation discovered that Hollings had short-circuited the legislative process, it was too late.

For some strange reason, however, Hollings did remember to notify Sen. Edward Kennedy of Massachusetts that he was introducing a bill "aimed directly" at Rupert Murdoch, who would be forced to sell his papers in Boston and New York. Later it turned out that the trail of ink-stained footsteps led straight to Ted Kennedy's door and that he himself had encouraged Hollings to do what he did.

It's not hard to figure out why. Murdoch's Boston Herald, like his New York Post, generally supports the conservative end of the political spectrum. The Herald has been a constant critic of the liberal Kennedy. It's not surprising he'd like to see it sold to another owner. What is surprising, however, is that a staunch advocate of liberalism would subvert liberal principles in the name of hidden self-interest.

I happen to like both Rupert Murdoch and the New York Post. There are those who will cynically suggest that I am supporting Murdoch because he supported me. Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and the Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress. If a fascist gang broke into the Post and burned the building to the ground, we would be up in arms at this blitzkrieg against the press. Should we be any less concerned if the same result is achieved by secret deals in Washington?

Under previous regulations, the FCC had the latitude to make exceptions to the rule prohibiting one owner from running a broadcasting station and a newspaper in the same area. Such waivers recognized that conditions vary from city to city. In New York City, for example, the New York Times owns WQXR radio. The Daily News and WPIX-TV are both owned by the same company. These cross-ownerships are permitted because they were grandfathered in when the new FCC regulations took effect. Does anyone seriously believe that such ownership in any way constitutes a monopoly of the media? Of course not. We have dozens of radio stations and dozens of television and cable channels that represent every conceivable facet of public opinion. In such a market, worries about monopoly of the press are unwarranted.

The former FCC rule recognized that hard-and-fast laws against ownership of a newspaper are likely to be incompatible with the First Amendment of the U.S. Constitution, which guarantees freedom of the press. Waivers were appropriate when local conditions called for them. Rupert Murdoch was appealing for such waivers in New York and Boston. I think he deserves them. New York City has four daily papers to serve a population of more than 7 million. Among them, the four dailies cover the complete range of news stories and political viewpoints. Were we to lose any one of them, it would be a blow to the entire city.

It should be noted that the Post has been running a large annual deficit. Rupert Murdoch is keeping it going anyway. I think he deserves our thanks and gratitude. If the Post and the Herald succumb to this submarine attack from Washington, thousands of employees could lose their jobs.

I am calling upon every presidential candidate, Democratic and Republican, and upon President Reagan himself to urge Congress to reconvene immediately and undo this deplorable act. I will support no candidate—in either the primaries or the general election—who does not join in this defense of the First Amendment. I urge others to take the same stand.

The Kennedy-Hollings measure has defamed our legislative process and undermined our freedom of the press. The anti-Murdoch bill is a direct attack on a cornerstone of American liberty. It must be repealed. Let the FCC make its determination based on the merits of the case. Kennedy and Hollings should recognize the harm they have done and lead the effort to overturn their ill-advised legislation. Rupert Murdoch is an American citizen. The fact that he came from Australia does not mean he deserves to be the victim of a kangaroo court in the halls of Congress.

Mr. SYMMS. There may be many differing views in this body as to the validity or merits of the FCC cross-ownership rules, and I believe there is room for a difference of opinion. However, I think few members of this body would support the concept that those rules should be selectively manipulated by Congress to stifle targeted categories of speech, amounting to blatant legislative censorship. After all, the first amendment says that "Congress shall make no law * * * abridging the freedom of speech of the press."

But in the waning hours of the last session, unbeknownst to most of us, we did pass a law "abridging the freedom of the press." There is simply no other way to describe what the anti-Murdoch amendment did.

Some may argue that the Murdoch measure was simply designed to enforce rigorously the cross-ownership rules. But this argument fools no one. When the Supreme Court upheld the cross-ownership rules in a 1978 decision, it emphasized the importance of FCC discretion in applying the rule. The Justices stressed that "waivers are potentially available" where enforcing the rule could lead to closing down a newspaper. But the anti-Murdoch measure deliberately removes that critical discretion for the manifest purpose of censoring the views of two newspapers. Waivers were barred precisely because the Murdoch papers needed such a waiver.

A more blatant example of targeted, content-related censorship would be difficult to imagine.

Mr. President, the Grove City legislation is the first piece of legislation that has come before the Senate this session. This makes it the only available vehicle for as much as several weeks to cure the damage done by last year's amendment. I therefore urge adoption of my amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. SYMMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside so the Senator from Ohio may address himself to the basic bill before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is fitting that the first bill considered by the Senate in 1988 is the Civil Rights Restoration Act. It is probably even more appropriate that we do so shortly after this Nation has observed the birthday of Dr. Martin Luther King, Jr. I think our action bringing up this matter at this moment on the floor indicates the leadership's concern for the issue and shows a commitment on the part of the Senate leadership to address important and controversial issues this year.

Passage of this bill is long overdue.

I might say parenthetically that last night we heard the President address himself to the matters of the budget and the matters of legislation and appropriations bills being sent to him at the end of the session, talking about some of the procedures that occur in the Senate.

I have to say with no intent to be insulting that I think that the issue that has been made with respect to the present amendment may very well be a matter that this body is going to have to deal with at some point. But I do indeed regret the fact that an effort has been made to attach it to the Grove City bill, this matter that is so basic and so important to civil rights in this country.

This issue has been with us since the erroneous Grove City versus Bell decision by the Supreme Court in 1984.

That decision deprives women, racial minorities, older Americans, and the disabled of basic civil rights protection. The Civil Rights Restoration Act presents a simple issue. It is not a complicated issue. The question is, Do we continue to allow the Federal Government to underwrite discriminatory programs?

This is not an academic exercise. Real people are being denied their basic civil rights because of the Grove City decision. Last year a Federal court of appeals overturned a lower court ruling that Alabama maintained a discriminatory higher education system by favoring traditionally white schools with money and programs over traditionally black schools.

There is not a Member of this body who does not know that is wrong. I do not think there are many Americans who would think that it was right for the State of Alabama to favor traditionally white schools over traditionally black schools. We have tried to move forward since that day when we discriminated against the blacks of this country. We have tried to move to a point where every person in this country is entitled to an equal education, and we have tried to see to it that all will have an equal amount of dollars available.

So for that obvious inequity, that obvious unfairness, there was an effort to hit that issue—to meet that issue in the courts.

The court of appeals relied on the Grove City decision, the one we are attempting to change today. And the plaintiffs were forced to demonstrate discrimination on a program-by-program basis. Friends, you cannot compartmentalize discrimination. You cannot say that just one area of the school discriminates and therefore the rest of the school ought to get Federal dollars. That approach makes no sense. That approach has no reason. Neither Federal dollars nor State dollars should be permitted to be allocated on the basis of race. And if one part of an institution discriminates then the entire institution is tainted by that discrimination.

In 1986 another court of appeals dismissed a discrimination complaint by a deaf person with a mental handicap seeking educational assistance. Here is a deaf person mentally handicapped who goes to court to seek educational assistance. The court declared there was no claim under section 504 of the Rehabilitation Act because Grove City required program-specific proof of Federal funding.

It is time to end these injustices. We reported a clean bill with no amendments out of the Labor Committee and we had strong bipartisan support.

I understand that there are a number of amendments that will be forthcoming and we already have before us one of those amendments. That amendment has no relationship to what this bill is all about. And the other amendments that are being talked about and being circulated do not deal with the basic issue. I say raise the amendments. We can debate them and then vote on them. But let us not confuse the issue.

The Civil Rights Restoration Act is the most important civil rights bill of this decade. It is about restoring basic civil rights protection for millions of Americans. It is not about abortion. It is not about religion. It is not about small business. It is not about contagious disease. Yes, it is not about the question of whether or not a TV and newspaper owner can or cannot continue to own those properties. That is not the issue. Those are important issues where people have strongly-held views. But those issues have nothing to do with this bill.

What is at stake here are the basic civil rights that people marched for, fought for and, yes, even died for. The bill restores protection of those rights.

I urge all my colleagues to support the Civil Rights Restoration Act as reported by the Labor Committee without substantive amendments.

Mr. President, I suggest that absence of a quorum.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina. Will the Senator from Ohio withdraw the request?

Mr. METZENBAUM. I withdraw that request.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer. I am very pleased that the Presiding Officer is the distinguished Senator from Colorado who had quite an experience on the matter I wish to discuss, namely the amendment of the Senator from Idaho, because I think if the Senator from Idaho understands the circumstances he will want to withdraw this particular amendment about Rupert Murdoch's civil rights.

Mr. President, I had no opportunity until yesterday in returning to the Senate from the Christmas break to get involved, you might say, in this inbroglio that has been going on relative to the New York paper, I think it is, and the Boston TV station. I thereupon on yesterday had a conference which, of course, has promptly not been reported. I have not found anything in any newspaper at any time. I had over a dozen reporters there. But I have not seen anything reported about it because I take it that they like what they have written and the editors do not want to have to take back the editorials about the "dark of night" and how things have happened in a very secretive fashion. Bluntly put, the truth is it happened at 10:30 in the morning a week before it was passed.

Let me tell you what is really involved about the so-called dark of night and the civil rights of Mr. Murdoch. My particular concern is that of the Federal Communications Commission. There is no question that we have a runaway animal in the FCC.

If you have been in the communication field, which I have for over 17 years on the subcommittee, as either chairman most of the time or ranking member, you have watched the FCC develop over the years into what, I happen to think, is a wonderful broadcast industry. It is the finest in the entire world. But the particular issue that the Senator and I have in mind about the sense of the Senate was promulgated by none other than by Dean Burch, in the Nixon and Nixon-Ford administration, supported by Richard Wiley, the Chairman of the FCC, until this crowd came to town and has been open season over there in getting rid of nearly any kind of rule and regulation.

I have had legitimate broadcasters come to me and say, "Senator, we have got to do something about it," ergo the matter of the antitrafficking provision. We have always had a provision in the law that you should hold your station at least 3 years and with that antitrafficking provision we have had substantial broadcasters come into the broadcast field that were, as we characterize them, legitimately interested in the long range of improving and supporting the broadcast industry.

Now you are getting financial whiz kids coming in, fly-by-nights, hit-and-run drivers, who come and buy a station, fire all of the news staff to save money, make additional money by putting in five advertisements at the news break rather than three, causing what legitimate broadcasters call clutter and then having turned it into a high-profit operation, sell it off to some other unknowing, who thinks that they are getting a good deal, and as a result two dozen stations were bought and sold just last year alone.

That is what has been going on. Similarly, with children's television, the various rules and restrictions that they had with respect to children's advertisements are gone. The specific provisions with respect to the public interest in the relicensing are gone. Minority ownership has been opposed by this FCC. The FCC is an administrative arm of the U.S. Congress, not the executive branch. And we have, time and again, set forth admonitions and the FCC has in turn done exactly the opposite. The fairness doctrine is gone after 40 years of building up the character, the integrity, and the balance that we have had under the fairness doctrine and we have 18 former Federal Communications Commissioners, Republican and Democratic, bipartisan, saying that this has been the grossest error ever to happen at the FCC, all by administrative rule. We put in a proviso under the appropriations bill year before last to have a study about the fairness doctrine and instead of a study we got repeal. Now let us get to the particular point in mind as a general thing.

The particular point we had in mind year before last in 1985 when you talk about the "dark of night" and how things happen and they are not debated. You will see this has been a running fight. It is pretty good downtown Washington lawyer strategy and Rupert Murdoch strategy. But that is not the case at all. Back in 1985 in the reconciliation bill, not the dark of night, no one complained about it because they knew exactly what we had in mind.

We included language in the reconciliation bill observing the trend of this particular FCC. I read as follows:

> The conferees are concerned with Commission enforcement of the local cross-ownership rules, particularly in the light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest: Furtherance of the private interests of any applicant or license must be subservient to this purpose.
>
> The conferees expect the Commission to review such requests with greater scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration.

This is what we did in the bill you refer to.

We said 2 years ago:

> Any temporary waiver granted should be limited in duration to the amount of time necessary.

That was subsequent, I say to the Senator from Idaho, to an exchange that the distinguished Presiding Officer, who was then the head of our Communications Subcommittee on the House side, now the Senator from Colorado (Mr. WIRTH), had with the particular individual involved.

If I can get the attention of the Senator from Idaho, I am speaking seriously. This is not a laughing matter.

Here is a letter—when you are talking about dark of night in December—this is June 13, 1985, where Mr. TIMOTHY E. WIRTH was addressed by Mr. Rupert Murdoch.

If the Senator from Utah will also listen, I would appreciate it very much, because he will understand it was not any dark of night, and this has been a situation going for quite a while.

I quote Mr. Murdoch:

> I am writing as a followup to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules and the acquisition of the Metromedia broadcast licenses.
>
> In view of your longstanding commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports, that my application for assignment of Metromedia licenses will not seek a permanent waiver of the FCC cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties. The application is now being drafted. We will keep you informed of the progress.
>
> Thank you for your continued interest.
>
> Sincerely, Rupert Murdoch.

That is what he addressed to the distinguished Presiding Officer when he led the communications effort on the House side. When this language was added, I was not even thinking about New York. I was thinking, generally speaking, of the cross-ownership rule.

Mr. Murdoch is not conforming to that representation in that letter about not getting a permanent one.

On the other hand, he is financing a foundation known as the Freedom of Expressions Media Foundation. That Freedom of Expressions Media Foundation was formulated a few years back and we can get into that, about the fairness doctrine.

Before I put this in, I want the attention of the Senator, if I can get it. In November, the Freedom of Expressions Foundation petitioned the FCC for what? Not for a waiver. For repeal of the cross-ownership rule.

I had been hearing, and staffs talk to the FCC, and people follow this, and it has been said that there have been various offers with respect to these particular properties; but the gentleman had written the letter, saying he did not want any permanent waiver and he was going to conform, or now working through this particular foundation in order to abolish the rule.

So here I am with the responsibility, and our particular committee watching all these things come crumbling down over the years, having built up the integrity of broadcasting, about to do away with the cross-ownership rule. Everybody in Idaho has complied with it; everybody in South Carolina. Joe Albritton and the Washington Star had to comply. We know about the Washington Post. It had to sell a TV station here. All of them have complied.

When there was question about the constitutionality and freedom of press, there was an 8-to-0 Supreme Court decision back in 1978 that found just exactly that. The rule was not only in conformance of it but in support of freedom of press. That is exactly what the Court found. We had that argument out. It has been argued in the most superior of all particular bodies—namely, the Supreme Court of the United States. We can reargue that right now, about the freedom of the press. They had the best of lawyers.

So the Court was upholding the cross-ownership rule, and the gentleman was setting us up for one of these repeals like we got with the fairness doctrine.

I wish the Senator would refer to it. It is in page 33 of the continuing resolution. On page 33, I list a lot of things. It was not the dark of night. I am trying to catch a runaway Federal Communications Commission. It reads:

> For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $300,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses: purchase (not to exceed ten) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $99,613,000, of which not to exceed $300,000 of the foregoing amount shall remain available. * * *.

Then we put in all these particular restrictions, if the Senator from Idaho would refer to the particular section he is referring to in his amendment:

> That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a re-

examination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in Statement of Policy on Minority Ownership of Broadcast Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further,* That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments * * *

Then I cite the section of the code under the Federal regulations:

[*Provided further,* That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:] *Provided further,* That no funds appropriated to the Federal Communications Commission shall be used prior to March 22, 1988 to accept or grant any applications to construct or operate cellular systems in rural service areas.

Now, for example, the last one, I say to the Senator, on rural service areas, he is interested in that and I am interested in that, and what has been happening is the FCC put in a lottery system. The advertisements are going on in downtown Geneva, Switzerland, where anybody and everybody you all come and just fill out the papers and there is no financial test and anybody can come and anybody can get that license and, of course, they have no idea of operating that system, and then they go around to the legitimate ones and for a premium then they have to pay the money out, and it does not go really to expanding the system, but it is a shakedown and we wanted to stop it. That is why we put that thing in with respect to the FCC and the sale of cellular licenses because we have the FCC using lotteries without requirements, financially or otherwise with respect to experience.

The VHF stations—they have been trying to do away with our public broadcast—VHF station. We reserved a few of them in the original act and allowing them to be sold off for a lot of money just to get programming because we have strapped public broadcasting in the Congress over the past several years.

This particular provision, I say to Senator SYMMS, was put in at 10:30 on the morning of the 15th, not in the "dark of night." We did not vote on it until December 22. It was put in the presence, if you please, of everybody connected with the particular markup. Senator RUDMAN was there. I advised him. Of course, when he saw it, I said "You know, this is in the Boston area, I think, and it transfers over into your particular viewing and hearing audience or newspaper readership, whichever it is in New Hampshire, because we have campaigned up there."

He knew about it.

The distinguished chairman on the House side, NEAL SMITH knew about it, and I am told later he checked it with his Members on his side and also Mr. ROGERS, the Republican Member there, and they must have had a good 8 to 10 staffers there, so it was not secreted in the dark of midnight at the last minute. It was in there for a solid week. It was in there for a solid week, and it has been an ongoing struggle because they know downtown, their Washington lawyers keep in touch with us and everything else of that kind, and they have been the ones who have been edging up to not just another waiver but permanent repeal.

And that is what your committee wanted to do in charge of communications and I hope the entire Congress wants to do, to not characterize this thing as a sneak operation at midnight, the last minute, not thought out and not justified. It is the most justified procedure I know of and the only way you can take an administrative body and bring them in line, and you can go throughout the bill and we did a lot of things that way. Contra aid never appeared in the House bill. Contra aid never appeared in the Senate bill, but at the President's request in the "dark of night," if you want to characterize it, it was brought in and not in either bill to bring it in the last minute. Of course, we know it was not in the "dark of night" and we debated it fully.

We would be glad to debate this. I was ready to put it in the appropriations bill.

When we came to the continuing resolution markup of the appropriations bill the distinguished Senator from Mississippi, our chairman, said no amendments. He wanted to put in a policy of no amendments whatsoever. And as a result, I had to hold off and put it in then when we marked it up. I was not thinking at the time frankly of any kind of sneaking in, and I was glad to try to take credit with my distinguished colleague from Massachusetts, Senator KENNEDY. When he talked to me he said "Don't sweat it; it is a good idea. I will get it in there."

I already had an idea of putting all these things in.

As a politician we like to get a little credit from our fellow Senators. So I was doing that. But the truth of the matter is I was trying to get to a runaway FCC. If you want to get on his side, more power to you. They have the Washington lawyers and they have the money and they spend out a month of editorials, got demonstrations going on, and everything else of that kind.

I think it is deplorable. You can buy a Congress if you want to. Yes, you can get a foundation, get your money spewed out the editorials and lampoon everybody. But the "dark of night" and midnight and everything else is absolutely false. They never asked me, any of those writers who are spewing this out, including my local newspapers and they have asked that my local newspaper when I got home this week they said "Why don't you write an op/ed piece and we will publish it?"

I will have it ready I hope by the "dark of night" tonight and I will start mailing it out to everybody so they will get the truth of exactly what happened.

I welcome the opportunity from the Senator's amendment to get the sense of the Senate because I would like to get the sense of the Senate.

If they want to do away with all the rules and restrictions on broadcast properties which is brought about the finest of broadcast rules and been adhered to, all upheld in the name of freedom of the press, done legitimately. I do not know any way else I am going to put it in, with everybody in the open daylight at 10:30 in the morning a week ahead of time, then so be it.

But the Senate should not be misled about this ancillary fight that is going on with Mr. Murdoch and my distinguished friend who is more than able to handle himself, the senior Senator from Massachusetts. I am glad to be his friend. I am glad of his interest in this.

I just want the Senator to know that this carries back long ago. I am sure the Senator from Colorado will have a word to say on this. We have been working together, the House and the Senate. The broadcast owners know about this. They understand it. They have adhered to it. And they have taken it up and they have found it constitutional for us under an 8-to-0 decision.

So I have some other things to say about some of these articles, but let me look specifically at the Senator's amendment if I can get a copy of it.

As I see it here, the third proviso under the heading "Federal Communications Commission" and then it quotes that part that we have read here about the FCC and cross ownership.

(b)(1) The Senate finds (A) that there remain serious first amendment questions concerning the constitutionality of the aforementioned proviso * * *

Now I say to the Senator there is not any serious question about the first amendment on an 8-to-0 bipartisan decision, if you want to call in the court about its appointees. There is no serious question over on the House side. There never has been on this side. Cross-ownership has been sustained and I hope in this pandemonium of a rush around here to get the group of Murdock and his money and take over that we will sober up and understand what is at issue here.

(B) That the procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions.

Absolutely false. They had a whole week. We can debate it at any time as we are debating it now.

Violations of the Senate rules—that is outrageous nonsense.

I was here the particular time when we passed the continuing resolution and the distinguished Senator from Washington took the floor and he got up the piles of paper as the President did last night. He said it weighed so much and so many pages and such a stack so high and how can we know, and the distinguished senior Senator from New Mexico and ranking member and former chairman of the Budget Committee said we have gone over this line by line. Other Members got up and said we have been checking it, minority and majority, line by line.

I am not trying to say that there is not any rabbits in the bill. I have been in the legislative process 40 years. There will always be rabbits in the bill.

This was not a rabbit. This was intentional to sustain the constitutional finding of the Supreme Court on freedom of the press and what the Republican leadership of the FCC has given us, Dean Burch and Dick Wiley and all the rest, until we got this runaway group in Mark Fowler. He said at his retirement party: "The greatest gift I gave to anybody as Chairman of the FCC was an 18-month waiver to Rupert Murdoch." And everybody clapped and said "Whoopee." That is the way we are doing business—cash and carry downtown at the Federal Communications Commission.

I want to stop it. I want to stop that nonsense, Senator. This sense of the Senate is totally out of place. You did not talk to me before you put it in. I am the one involved. I will take full responsibility for putting it in.

As I was leaving the country, there was a reporter named Jones from the New York Times who called me. I wrote it and I tried to explain that to him. He acted like it was some kind of a sneaky case or whatever it was. I said, "Oh, no, I take full responsibility." He did not print that.

(c) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

We had a hearing. There was little opposition on this particular matter. We had the hearing in July. We put in a bill, the distinguished Senator from Hawaii and I, which is called the Broadcast Improvement Act. We introduced it in May of last year, 1987. We had hearings in July and no one appeared in opposition to it. This is in there. We have been heard. We have been going along with the rightful procedures.

But when you see this Freedom of Expression Foundation sneaking in in November when we are all involved in Contra aid, the fairness doctrine, and all those other things that we were working on until the wee hours of the morning trying to reconcile a measure, then you have to act and you have to move.

We had been using the regular procedures and you were welcome to come and testify to the committee on our Broadcast Improvement Act. But it is no sneak. It is out in the open daylight and we have had testimony about it.

Paragraph 2:

It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination * * *.

That sounds interesting, but it would have to be retroactive now. They have already acted. They have complied and there has been a legal proceeding. As a result, a judge's order on yesterday gave 45 days, after the court rules, to Murdoch. He has lawyers. You do not need any Senator from Idaho to come in here with this nonsense about it being against the rules of the Senate and all of that. I have been up here for 21, now going on 22, years, and I have never heard that before on any legislation that I put in. I can tell you that right now about the rules of the Senate. This is done in conformance with the rules and I resist and resent any implication otherwise.

Murdoch is defended. He went to court already. He knows how to get injunctions on the spurious nonsense of some constitutional provision that provides only to him.

I was after the FCC, and he knows it. I was after that particular provosion, amongst other provisions, and I have read them out to you. It was a general halter to be placed upon a runaway Federal Communications Commission.

I have other editorials—well, I have a stack of them here—to refer to when we get into the debate if you want to get into it more fully.

But I wish the distinguished Senator would seriously consider this, now that he has heard from the author of this particular provision and how it occurred in the broad daylight of morning at 10:30 in the morning with everybody interested sitting around and all the staffers there and checked out in that particular area. I do not know anything else to do.

The Senator and I have worked on all these committees, and we were all working and marking this up. It is in my bill, and we have had a hearing on it in July. We hope to mark that bill up and have another hearing if the gentleman wishes. But nobody appeared in opposition to the cross-ownership rules, other than this sneaky operation of Rupert Murdoch.

Now, I found out that the prevaricator and the manipulator has gotten the high road of the headlines and editorials and the chairman of the Commerce Committee—doing an honest job trying to protect the broadcast industry, because I do not own any property or have anything in here, other than my track record for integrity and doing a good job on communications—I am the one trying to be charged in a sense of the Senate about violating the rules. That is outrageous nonsense. I wish I had talked to you ahead of time because you and I have been good friends and on the same side of many, many issues. But I can tell you here and now if you had heard from me on this one, you would have known how it happened.

I was glad to put it in. I defend it and I think that is the majority sentiment of the U.S. Congress, both in the House and the Senate.

Mr. KENNEDY. Mr. President, there has been a great deal of discussion in recent weeks about the provision that Senator HOLLINGS and I added to the continuing resolution. Our action was designed to preserve the Federal Communications Commission's so-called cross-ownership rule, which prohibits broadcasters from owning newspapers in the same community.

The cross-ownership rule is a cornerstone of the first amendment and free speech. It helps to ensure diversity of expression in our modern media-dominated society. It has been widely accepted in recent years, and it deserves to be continued—and obeyed.

The fundamental question is whether Rupert Murdoch is entitled to thumb his nose at that law and become the only newspaper publisher in America who can buy a television station and keep his newspaper in the same community.

Mr. Murdoch was well aware of the law when he acquired his television stations in Boston and New York. He had a choice then, and he has a choice now. He can keep his newspaper—or he can keep his broadcasting station. But he cannot keep them both. That is the law, and that is the way the law ought to be. I'm defending the first amendment principle. The principle is right—and Rupert Murdoch is wrong to try to change it. Instead of attacking me, he should try to explain why he thinks he's entitled to an exemption from the law.

Mr. Murdoch is one of the most powerful publishers in the world, and he has been using those powers to ignore the will of Congress, subvert the FCC, and evade the cross-ownership rule.

At the same time, I want to emphasize that the amendment was not directed specifically at Mr. Murdoch or his waivers, but at all persons who would be similarly situated, and at all waivers, now or in the future, in situations where persons such as Mr. Murdoch would be seeking to evade the cross-ownership rule by obtaining a permanent exemption in the guise of a series of temporary waivers.

The present controversy began in 1985, when Murdoch decided to branch out from publishing into television and negotiated the purchase of the Metromedia television stations, which he has now developed into the Fox Television Network. In three of the cities where he purchased TV stations—Chicago, Boston, and New York—Murdoch also owned newspapers, and his purchase of the stations brought him into conflict with the cross-ownership rule.

At the time he acquired the stations, the FCC gave Murdoch temporary waivers to sell the three newspapers involved—the Chicago Sun Times, the Boston Herald, and the New York Post—in order to bring himself into compliance with the cross-ownership rule.

The waivers were of unprecedented duration—2 years in the case of the Chicago Sun Times and the New York Post, and 18 months in the case of the Boston Herald. Murdoch sold the Chicago newspaper within 4 months, and that publication is not an issue now. However, he made no apparent effort to sell his newspapers in New York and Boston. He simply allowed the time to run, and as the deadlines approached, he began a series of maneuvers to persuade the FCC to abolish the cross-ownership rule, or at least extend his waivers indefinitely, in order to keep both his newspapers and his television stations in Boston and New York.

As a member of the Senate Judiciary Committee, I have followed newspaper antitrust issues for many years. I was also familiar with the cross-ownership issue, which is within the jurisdiction of the Commerce Committee, and I was well aware of Murdoch's effort to subvert the rule. After the Senate's unsatisfactory experience with the FCC and the Fairness Doctrine last year, it seemed clear to me that if Congress did not act, the FCC, in the guise of deregulation, would buckle to Murdoch's pressure and abolish the cross-ownership rule.

Last October 15, the Senate passed its version of the Commerce-Justice-State-Judiciary-related agencies appropriations bill. The appropriation for the FCC in that legislation included two specific limitations on the agency. One prohibited the FCC from relaxing its rules encouraging ownership of broadcasting stations by minorities and women; the other prohibited the agency from going along with so-called UHF-VHF swaps, in which profitable commercial UHF stations have been leaning on financially hard-pressed VHF public television stations to swap channels.

At the same time, the Murdoch interests were intensifying their pressure against the cross-ownership rule. An organization often regarded as a Murdoch front, the Freedom of Expression Foundation, petitioned the FCC to repeal the rule. It was widely anticipated that Murdoch would go in behind this petition and ask the FCC to extend his waivers to sell the New York Post and the Boston Herald until any new FCC proceedings on the cross-ownership rule were completed.

In these circumstances, I went to Senator HOLLINGS and urged him to save the cross-ownership rule. Senator HOLLINGS agreed completely with my position on the issue, and he added a provision to the continuing resolution to accomplish this purpose.

Some have questioned our tactics in enacting this provision. I would just make two points here.

First, the provision was not a midnight special—it was added to the continuing resolution on December 15 as part of the ongoing Senate-House conference negotiations. As of that date, the text of the provision was available and remained available throughout the entire week leading up to final House and Senate approval of the conference report in the early morning hours of December 22. Senator HOLLINGS and I did not advertise the amendment, but we did not attempt to conceal it, either.

Second, Congress was already considering other restrictions on the FCC in appropriations bills and it is hardly a surprise that an additional restriction was added. In fact, our amendment was added to the other limitations on the FCC already approved by the Senate on October 15 in the regular FCC appropriations bill. Senators, Congressman, and the administration had been on notice for 2 months that the Senate and House, burned over the Fairness Doctrine, were using appropriations bills as a means to require the agency to comply with the will of Congress.

With respect to the merit of the cross-ownership rule itself, a long-standing principle is at stake. The Communications Act of 1934 established the basic power of the Federal Communications Commission to grant broadcasting licenses in the "public interest, convenience, and necessity."

In a key decision in 1945, the Supreme Court interpreted public interest as including the widest possible dissemination of information from diverse and antagonistic sources. *Associated Press* v. *United States,* 326 U.S. 1, 20.

For almost two decades, until the present controversy, the FCC has been emphasizing diversity, applying increasingly strict rules to prevent media concentration and encourage diverse sources of information for the public.

As early as 1965, the Commission stated that one of its primary objectives was the minimum diffusion of control of the media of mass communications, since diversification of control is a public good in a free society, and is additionally desirable where a government licensing scheme limits access by the public to the use of radio and television facilities.

The cross-ownership rule itself was first proposed in 1970 by a Republican FCC under Chairman Dean Burch. It was adopted in 1975, after an unprecedented 5-year rulemaking proceeding, by a Republican FCC under Chairman Richard Wiley. As the Commission stated in its 1975 opinion:

> If our democratic society is to function, nothing can be more important than insuring that there is a free flow of information from as many divergent sources as possible * * * [I]t is unrealistic to expect true diversity from a commonly owned station-newspaper combination. The divergency of their viewpoints cannot be expected to be the same as if they were antagonistically run.

In the rule adopted in 1975, the ban on newspaper-TV cross-ownership was made prospective; in order to avoid undue disruption of the industry, it applied only to new acquisitions. In general, the rule grandfathered existing cross-ownership arrangements and did not require divestiture of existing newspaper-broadcasting combinations; however, in 16 specific cases, where the only TV or radio station owned the only newspaper in a community, the FCC did require divestiture.

The cross-ownership rule and the grandfather clause were challenged in the courts. In 1977, the D.C. Circuit sustained the rule but rejected the grandfather clause and ordered divestiture of all newspaper-TV combinations.

In 1978, the Supreme Court unanimously—8 to 0—sustained the rule, but reversed the D.C. Circuit on the grandfather clause, on the ground that divestiture would be too disruptive to the broadcasting industry. *FCC* v. *National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978). Justice Marshall's opinion contains a detailed analysis and history of the cross-ownership rule. His opinion specifically reaffirmed the Associated Press decision in 1945 with its emphasis on the need for diversity in sources of information. The opinion categorically rejected a first amendment challenge to the cross-ownership rule, and makes clear that both Congress and the FCC have ample constitutional authority to promote the first amendment goal of diversity of expression by restricting the ownership of broadcasting stations by newspapers.

In 1980, responding to an effort by broadcasters to head off continuing pressure for across-the-board divestiture, the House of Representatives adopted the Communications Cross-Ownership Act by a vote of 310 to 97. That bill codified the FCC rule and the grandfather clause. It died in the Senate, but its purpose was achieved—there is no significant pressure today to require divestiture of the grandfathered newspaper-broadcast combinations. But that is no justification for relaxing the rule now to permit new combinations, as Rupert Murdoch is seeking.

It is true that under the grandfather clause as it applies to New York City, the New York Times was able to continue to own an AM and an FM radio station—WQXR-AM and FM—and the Tribune Co. continues to own the New York Daily News, a TV station, Channel 11, and a radio station, WPIX-FM. But those grandfather arrangements are hardly unfair to Rupert Murdoch. No new cross-ownerships have been permitted in New York City or any other city in America since 1975, and there is no justification to carve a special interest loophole in the law for Mr. Murdoch.

Murdoch ran afoul of the cross-ownership rule because his TV stations in Boston and New York City were purchased in 1986, at a time when he owned newspapers in both cities. The FCC granted temporary waivers for Murdoch to bring himself into compliance with the rule. The waivers expire on March 6, 1988, for New York City and on June 30, 1988 for Boston.

Congress has learned the hard way to be skeptical about anything Mr. Murdoch says or does, and we have also learned the hard way to be skeptical about whether the FCC is willing to stand up to him and apply the same rules to him that it applies to everyone else. Murdoch should never have received a waiver in the first place, let alone a waiver for the unprecedented period of 2 years. Instead, he should have used the 6 to 9 month period in 1985—while his application to purchase television stations for the Fox Network was pending before the FCC—to bring himself into compliance with the cross-ownership rule by disposing of the newspapers. Instead, he obtained a 2-year waiver, and now he wants to make it permanent.

Congress was well aware of Murdoch's intentions from the beginning. At a House hearing in July 1985, Senator WIRTH, who was then chairman of the House Subcommittee on Telecommunications, had an angry exchange with FCC Chairman Mark Fowler over the agency's reluctant enforcement of the cross-ownership rule and its promiscuous grants of waivers of the rule.

In December 1985, as the controversy continued, Congress included a provision in the continuing resolution of that year, strongly admonishing the FCC to enforce the rule and restrict its waivers to the public interest. As the conference report on the resolution explained:

> CROSS-OWNERSHIP RULE WAIVERS
>
> The conferees are concerned with Commission enforcement of the local cross-ownership rules, particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.
>
> The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

At the time he obtained his unprecedented waivers, Mr. Murdoch was less than candid about his intentions. In January 1986, in an effort to mollify Congress and defuse the public controversy over the FCC's extraordinary action, he issued a clear statement denying that either he or his agents were seeking a permanent waiver from the FCC cross-ownership rules. Murdoch said then:

> We stand by and reaffirm representations we made to the FCC. We do not seek an extension of our two-year waiver. There is no basis in fact to recent press reports suggesting otherwise.

That is not the end of this sorry story. At Mark Fowler's farewell party as FCC Chairman, he boasted that his greatest giveaway as chairman was his gift of the 2-year waiver to Rupert Murdoch. Mr. Fowler now claims that the remark was made in jest—but the joke is on the public.

And in 1986, a key aide to Mr. Fowler at the FCC, Tom Herwitz, who had been deeply involved in negotiating media concentration issues, went to work for Murdoch at Fox Television. So much for integrity at the FCC. The agency had been captured lock, stock, and barrel by Rupert Murdoch, and it was long past time for Congress to step in.

Opponents of the cross-ownership rule argue that in recent years, there has been an explosion of new sources of information—new TV stations, new radio stations, and cable TV—and that with this abundance, the rule is no longer needed.

But TV stations remain scarce privileges. There are not available TV channels in the top markets. The number of powerful VHF channels is fixed and cannot be significantly increased—there were 508 VHF stations in 1970, and 518 in 1980. That is why VHF stations sell for half a billion dollars in the largest cities. If a VHF channel opened up in any of the top 50 markets, where over 75 percent of the U.S. population resides, there would be a dozen applicants for it.

The principle of diversity is as valid today as it was in 1970, when the FCC first began its cross-ownership proceeding, or in 1975, when the rule was finally promulgated. The American people obtained their information primarily from television and newspapers. According to a Roper poll, 67 percent get their news from TV—and about 50 percent obtain if from newspapers—the total exceeds 100 percent because the sources of news overlap. These powerful media should be in separate hands. Newspapers can still own TV stations, but not in the same community.

Congress itself has recently stressed the importance of diversity. In 1982, we permitted the FCC to use a lottery for low-power TV stations—called beltway stations because they reach about 15 miles—only if the lottery is weighted in favor of applicants who did not own other media. If the diversification principle applies to thousands of low-power TV stations, it clearly should apply to the much scarcer and more important full-power TV stations and daily newspapers.

In the 1984 Cable Act, Congress again emphasized the need for diversity. We barred local cross ownership of TV and cable. Again, since newspapers are more powerful than cable as sources of information on local issues, it is obvious that the cross-ownership rule should continue to apply to newspapers.

Opponents of the rule also argue that it leads to the death of unprofitable newspapers that could otherwise be subsidized by lucrative local TV stations.

But that argument is nonsense. It has no economic justification. No one wants to see newspapers go out of business. But there are no economies of scale in newspaper-TV cross ownership. The papers and stations are run separately with respect to both news and advertising. And where, as in

Boston, the newspaper is used to promote the TV station, the effects on competition are unfair.

If the issue is subsidizing an unprofitable newspaper to keep it in operation, the subsidy can come from other sources, without violating the cross-ownership rule. The rule did not cause the death of the Washington Star. If Joe Albritton had wanted to subsidize the Star, he did not need to own Channel 7 in Washington to do so. He could have swapped it for a comparable channel in another city, just as the Washington Post did with Channel 9 to comply with the rule. Instead, Albritton sold the Star to Time magazine, which had deeper pockets than he did. In the end, Time folded the Star because of its large continuing losses. It is difficult to believe that Albritton would have kept absorbing the losses, and it is absurd to blame the failure of the Star on the FCC or the cross-ownership rule.

All of us in Congress are well aware of what is going on at the Reagan Federal Communications Commission. Ideology is dictating policy, and deregulation is running amok.

Earlier this year, the agency acted unilaterally, against the will of Congress, to repeal the longstanding fairness doctrine, which requires broadcasting stations to air both sides of controversial issues. When Congress tried to rewrite the doctrine into law, President Reagan promptly vetoed the legislation—and then threatened to veto the entire continuing appropriations bill at the end of the session last month if the bill contained the fairness provision. So now we have no fairness doctrine, and the public interest is the poorer because of it.

The FCC was also proposing, as I have mentioned, to do away with policies fostering minority and women ownership. It was willing to see commercial broadcasters lean on public TV stations to exchange their VHF channels for UHF. Congress stopped these trends that are against the public interest, and we were right to do so. For the same reason, we acted to halt repeal of the newspaper-TV rule.

In 1984 and 1985, the FCC had eased another aspect of the anti-monopoly rules by raising the national limits on TV-FM-AM ownership from seven stations in each category (the so-called 7-7-7 rule) to 12 stations. At the time, the agency said that what is important is the local cross-ownership rules. But in 1987 it began taking aim at eliminating the local rules, first for radio-TV, and then for newspaper-TV. The FCC simply isn't trustworthy in this area, and Congress was right to act.

The provision added to the continuing resolution preserves the existing law. If the cross-ownership rule and other important media first amendment and antitrust laws are to be changed at all, they ought to be changed by Congress, not by a bureaucratic agency bent on end running Congress to implement an ideological agenda.

That was the situation when I went to Senator HOLLINGS. The signals were abundantly clear that history was about to repeat itself. The FCC was about to do again what it had already done to the fairness doctrine, and repeal the basic rule that prohibits media cross ownership. Congress had been burned once by the FCC, and Senator HOLLINGS and I were not about to be burned again. So we took the only practical step available to us.

Finally, let me make one other point. The issue is a fundamental first amendment and antitrust principle. I have no vendetta against the Boston Herald or the New York Post. I may not always agree with their editorial boards or their news coverage—but I do have genuine respect for the papers, their journalists, and their employees. But Rupert Murdoch does not deserve an exemption from the cross-ownership rule—and it would be wrong for Congress or the FCC to give him one.

AMENDMENT NO. 1382

(Purpose: To repeal a certain proviso relating to cross ownership of newspapers and television stations)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1382 to the Symms amendment numbered 1381.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "(a)" the first time it appears and insert in lieu thereof the following:

The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT. Mr. President, I ask unanimous consent that the Symms amendment be temporarily set aside so that I might make a statement.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SYMMS. Reserving the right to object, I say to the distinguished manager of the bill, I think the Senator from Nevada wants to speak on the Grove City bill the same as Senator METZENBAUM did.

Mr. KENNEDY. I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senator may proceed.

Mr. HECHT. Thank you, Mr. President. Thank you, distinguished Senator from Idaho.

Mr. President, I rise today in opposition to S. 557, the Civil Rights Restoration Act. While my objections are many, one of the major reasons I am opposed to this legislation concerns the expanded role that the Federal Government would take on if S. 557 were enacted and the burden this would place on the business community. This bill, it is clear, will only increase that burden.

Because S. 557 expands the scope of current law, I believe that if this legislation is passed, there will be some very negative results. Business representatives have indicated that companies would be less willing to participate in activities such as Federal job training programs if Federal regulation under these statutes are applied to them more broadly than they were before Grove City. Their concern has nothing to do with discrimination. It simply has to do with the vastly increased time and expense required to comply with the full range of Federal regulations that will result from expanded coverage.

Under this legislation, Mr. President, any corporation which receives Federal funding will be dramatically impacted. For example, if a business receives Federal aid of some sort, every division of that business would be covered. As well, if a small, private organization is not covered, yet one of its facilities is, that one facility, and all others associated with it are covered.

Mr. President, there are additional examples of overbroad coverage under this legislation but I want to outline one other that I think is important. The Federal Government is a major benefactor of each State in this Union. I believe in States' rights yet, under this bill, if a State service organization receives Federal assistance for a particular program, not only is that program covered, but the entire unit and all other State or local units are covered as well. Such coverage did not exist before Grove City. Similarly, if the national headquarters of a social service organization receives Federal aid for an activity, all local chapters will be covered. This broad coverage will discourage participation by the private sector in Federal social service programs.

Mr. President, I believe that the Civil Rights Restoration Act will only serve to harm the private sector in our society while increasing the sphere of the Federal Government. The sponsors of this measure have acknowledged that this will be the result if this bill is enacted, even though much testimony given during committee consideration made clear that this was not the situation prior to the Grove City decision. Before Grove City, coverage in the private sector applied only to the specific program receiving federal funding. Mr. President, if these provisions dealing with expanded coverage of the private sector cannot be dealt with in some rational way, I will certainly vote against this measure, and I will encourage my colleagues to do likewise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to preface my remarks by saying that there is probably no other Senator in this Chamber whom I have more admiration or respect for than the distinguished Senator from South Carolina, the chairman of the Commerce Committee. I do work with him on many issues and expect to continue to do so. And I think that Senator HOLLINGS has made a very cogent point here this afternoon. If I understand his argument correctly, he wants to have the FCC, which works as an administrative arm of Congress, to not grant a waiver that he opposes.

In other words, he wants to direct the FCC with respect to cross-ownership rules.

Now, this may well be the position of most Members of the Senate. I think the Senator made a very good argument and it is very tempting to yield to his argument. However, my point of view is that if we have an FCC, that they should be able to set cross-ownership rules and they do have the right to grant a waiver in particular cases where there are extenuating circumstances. That is really what the question is.

Maybe what we need to do is get rid of the FCC and let the Senate and the House set these rules directly. I think that is what the Senator from South Carolina probably would like better. Unfortunately, this amendment has generated some considerable publicity. There have been many columns and editorials about it, and my question is: Did the Senate, in fact, have a full airing of this question, a full hearing of this question? This waiver affects two newspapers and two television stations in the country. Just two, in Boston and New York. It does not affect anyone else. The Senator makes quite a case, I must say, that this was just a coincidence.

It might be that the best thing we could do would be to put this off until tomorrow. I do not know what the leadership wants to do here tonight.

Mr. HOLLINGS. May I respond?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SYMMS. I would be happy to yield to my friend.

Mr. HOLLINGS. I appreciate the objectiveness and deliberateness of the way he is approaching the problem. What happens here is the Senator from Idaho is right. I got the statements but in order to continue that way, and we were going to pass a law at that particular time—you are right. Waivers are given under hardship circumstances, but not to manipulate the original intent against cross ownership.

That is why Mr. WIRTH got that letter from Murdoch 2 years ago, over 2 years ago. He bought the stations knowing he would have to sell the newspapers, he is the one that brought himself into this situation, having a year and a half, and 2 years to sell.

The reason for the waiver was to have time enough to go ahead and make a good college try at selling those properties. He has not. Instead, he has gotten ahold of the Freedom of Expression Foundation that he has been financing and they are petitioning for the outright repeal.

So, this legislation certainly hits many directly. But it was my idea to get ahold of the FCC on all measures. I know my competition in this distinguished body. I respect the distinguished Senator from Oregon. He has different views with respect to broadcast and how it is built up, with the fairness doctrine in the balance. He sees it is a violation of freedom of the press. The Red Lion case and all the rest said absolutely not, and it has been conformed with for 40 years. But he has a different opinion and he and I have debated that.

I included this language because I see the Freedom of Expression Foundation come moving, if you please, to once again take another rule that has been established in law and in practice for everybody. Yes, it affects Mr. Murdoch only because he is the only one trying to repeal the rule rather than what he said in his original letter to Senator WIRTH, then Congressman WIRTH on the House side, that his full intent was to comply.

Now he has gone forward and he says, since this affects him, he has got a constitutional question and it is unconstitutional. Of course he is playing with Washington lawyers and you can delay anything and parlay it around.

But, be that as it may, your particular amendment, Senator, first repeals the provisions of law and then very—I do not want to say cleverly, I do not know if that is intended—but it looks like a sense of the Senate. It is not sense of the Senate. You give outright repeal here on page 1. It is not the sense of the Senate——

Mr. SYMMS. Let me explain, Senator. The first section of my amendment repeals the amendment that precludes cross ownership. Section B is the sense of the Senate that the Senate is asking the courts, while this amendment is in the legislative process, to grant a stay of the order to sell. That is really the basic point.

I think there is always room for a difference of opinion, I say to my good friend from South Carolina. But the point is that in a city the size of New York where you have millions of people, hundreds of individuals newspapers, weeklies, dailies, all kinds of radio and television stations, there is hardly the same situation as you would be in if you went to a town somewhere in the West where you have one daily newspaper and one television station and had one person in control of it.

I am not quite convinced that all Members of the Senate have really focused on this issue, and I am not convinced that they focused on it when this Senate included it in the continuing resolution.

I hear what the Senator has said today. I have to say that I had the impression this was done in conference, that it was not addressed by the full Senate, and that it was more or less done in a hurried situation.

I have no feeling for Mr. Murdoch. I have never met him. I do not know him. I have no contact with him. But I do know this, that when you ask someone to sell an asset the size of the Boston Globe or the New York Post and you tell them they have 30 days, you've really placed a heavy burden on them. I think I would be somewhat concerned if I was asked to sell my farm and they only gave me 30 days to sell it. You might like a little bit of time to at least be able to receive what would be considered a fair market value on one side or the other.

I think those are points that I would like to see talked about. That is why I brought this up this afternoon.

I think it is important. It is the first bill that has come up in the second session of the 100th Congress. It is a civil rights restoration bill. In my view, it provides a perfect opportunity to address this question of cross ownership, freedom of speech and the press as guaranteed by the first amendment.

The Senator from South Carolina made some very good arguments. They are worthy of our consideration. However, there is another point of view that I have referred to. We are living in the information age, and we are not limited to one television station or one newspaper in any one city, particularly in cities the size of Boston and New York. There are massive opportunities for people to get the news. They are not limited to just one source of news.

I know we have an FCC, and the FCC has made an exception on cross ownership.

I said before the Senator from South Carolina arrived on the floor the question is, do we want to let the FCC's ruling on cross ownership with the exception stand or do we want to step in and change it and say that the FCC does not have the authority to grant that waiver.

That is really the issue.

It is a coincidence, maybe, but there are only two places in the United States that were affected, New York and Boston. It is no secret that one of our distinguished colleagues has been targeted occasionally by one of the newspapers in question here. That is probably unfortunate because it distorts the real question.

I do not want to get involved in the politics of it, but I want to go back to the question of cross ownership.

I thank my good friend and colleague, and I hope we will be able to air this issue very well. I would hope that the Senate would ultimately decide on it. I do think it is appropriate that it be addressed in this bill, the first bill that we address in this session, because there is a short timeframe involved. People are aware of the issue across the country. I think it is appropriate that we address it right here on the first day back to work on legislation. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the broadcast property proposals, that has been the contention in many other large cities, and it has been applied in Chicago and Los Angeles. The Senator knew that at the time. Chicago and Boston are relatively the same size, or perhaps Chicago is a little larger. So that is not just the one that it applies to.

You do not give anybody that particular advantage of owning the newspaper and the broadcast property whether the city be small, isolated, or of a metropolitan nature like the city of New York.

Mr. Murdoch knew that. This was intended to cut off the FCC. That is who I am after.

You say that is a single issue. It is your discoloration here. You say we violated the Senate rules.

If the Senator from Iowa will yield, what is the Senate rule we have violated?

Mr. SYMMS. I do not say we have violated Senate rules.

Mr. HOLLINGS. That is what it says, that the procedures involved in this proviso constitute a violation of Senate rules. That is on page 2 of your amendment. That is what disturbs me.

You are not putting it in on the basic merit of the issue. You are using the manipulator's manipulation.

I have to read all of this bank of editorials that say, "We like Hollings and we are shocked." If you read those editorials, they said they are shocked and surprised that the Senator from South Carolina would engage in anything. Heavens above! They are trying to get into a political fight in Boston. I am trying to stop the repeal of the rules by this foundation and by that FCC.

Mr. SYMMS. The sense-of-the-Senate resolution referred to is the scope of the conference.

Mr. HOLLINGS. You do not want to do away with the Contra aid. I am familiar with the conference rules. I can give you a list of things. Contra aid did not appear in that. We put in a proviso about the State Department at their request. You never heard that debated on the floor, but they have a section in the bill that unless authorization is passed, they cannot spend money. We waived that for them. That was not debated on the floor, in the conference rules. I can go through a list of them.

It was not done in the dark of night. It was done by those in authority who were interested in it, with all of their staff members, with everybody to check. That is how it was done.

If we are talking about the rules, there are not any rules that were violated at all with respect to that and they know that. That is what you really want to vote on, whether they had something in the dark of night to verify all of these editorials.

I would like to have a month for people to read my statement and let me get out an op-ed piece and let me write some letters to the editors and get it around so they really understand who is bamboozling who around here.

It is Murdoch trying to bamboozle this Congress in a headlong rush. We have a bill in for this particular issue.

He is not waiving his constitutional question about this being of a spurious nature to get a continuation, not that. But he is coming back through this foundation. We all know he has it greased and now he has the high road of suspicion around with colleagues who have not heard from me for a month. They did not ask me a question. They did not want to know.

I respectfully yield to the distinguished Senator from Colorado. I did not want to take up all the time, but I feel strongly about this and the procedures used and the intent they have.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair. Mr. President, I did not initially come over to get into a debate on the cross-ownership rules, and I will not speak out on this subject at any length tonight. I came over to make an opening statement on the Civil Rights Restoration Act. However, on the cross-ownership issue I would say simply this: I have no fixed opinion on the cross-ownership rules. I was frankly, surprised to learn that a provision on cross ownership was contained in the continuing resolution. I think all of us have a desire to ensure the preservation of as broad a diversity of public expression as possible in this country—this means newspapers, radio, television. And I know the cross-ownership provisions, when they were adopted by the Federal Communications Commission in 1975, were intended simply to prohibit monopoly situations in a mediamarket.

I know nothing more about the Boston Herald-New York Post situation than what I have read in the newspapers. However, I would feel badly if, because of the cross-ownership provisions and their enforcement, Mr. Murdoch was forced to give up the New York Post when there was no buyer, and therefore, the Post went out of business. I do not know if the cross-ownership provisions are actually working adverse to what they intended or not. I think it is well worth extensive hearings to find the answer to this question, because I think we all have the same goal: to try to preserve as many newspapers and radio stations and television stations as we can in this country in all markets.

Mr. President, I would now like to address myself to the Civil Rights Restoration Act, an act which Senator KENNEDY and I cosponsored and introduced in 1984. We are here 3½ years later still trying to pass this act.

I can speak for what the intention is of this Senator, who still is a strong supporter of this act, a sponsor once again of this bill. We are attempting to achieve one simple goal, and that is to reverse the Grove City College versus Bell case and put the law back where it was prior to the Supreme Court's decision in Grove City. Let me explain what I mean by that.

For almost 20 years prior to the Grove City case most people assumed that program or activity meant an institutionwide effect. In the latter years of the Johnson administration we thought that is what it meant. All during the Nixon years, the Ford years, the Carter years, through Republican administrations, Democratic administrations, liberal and conservative interpreters of the words "program or activity" thought they meant on an institution-wide basis. Therefore if the French department at a university received Federal money, the entire university could not discriminate on the basis of sex in education.

Now, that is what we thought it meant. The reason that the words "program and activity" are so important, however, its not just because of the Education Act Amendments in 1972 and the Grove City case. It is because the words "program or activity" appear in almost every significant civil rights statute in the country starting with the 1964 Civil Rights Act, going through the Education Amendments of 1972, going up to the Rehabilitation Act of 1973, the Age Discrimination Act in 1975. Each of these statutes uses the words "program or activity." So that if the interpretation of the Court stands in Grove City, it is not just educational institutions, which may or may not discriminate on the basis of sex, which might or might not lose some Federal funding or be prohibited from discriminating. It is the entire body of civil rights law in this country.

Now, I want to emphasize again what was my understanding, and which I think was no different then that of the bulk of the country who had any knowledge of the early civil rights acts, of what program or activity meant, as to what was intended. Program or activity meant institutionwide; it meant citywide. It meant whatever the institution was. If some segment of the institution got some money from the Federal Government, the whole institution could not discriminate.

However, the Reagan administration's Justice Department argued that program or activity meant narrow, it meant just the program or activity that actually received the money. That is the first time that argument had been made. The Court bought it. So all those of us who are proponents of the Civil Rights Restoration Act are trying to do is to put the law back to what we thought it was prior to the Court's Grove City decision. But that means restoring the law to where it was prior to that Supreme Court decision, so that for purposes of civil rights coverage in this country, program or activity will mean institionwide, not a narrow interpretation of program or activity.

I hope that is what we can confine the discussion to. Whether that be on the subject of abortion or whether that be on the subject of any kind of first amendment liberties involving the religious clause, are we trying to change what the law was prior to Grove City or are we trying to go back to what it was prior to Grove City?

We will probably have plenty of time to discuss cross-ownership on this bill or a variety of other things on this bill unrelated to Grove City. We have very few rules of germaneness in the Senate except on appropriation bills. Anybody can add an amendment to halt Contra funding on an acid rain bill if they choose to do it. That may happen on this bill and I may involve myself in some of those debates. I clearly will vote one way or the other on some of those amendments. But for the moment it is important to realize what we are trying to do. And that is to restore the law as we all understood it, Mr. President, prior to Grove City. So that if you choose to accept Federal money, you can not discriminate in any of your activities throughout the institution. I hope that sets the framework for the debate, Mr. President. I intend to participate in it. I would hope that we would not adopt any amendments that do anything other than attempt to clarify or restore what the law was prior to Grove City.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President. I wanted to make a few comments given my own experience on this issue of cross-ownership that has been so hotly debated here this afternoon. It seems to me it is pretty clear that the atmospherics have gotten far head of the facts, and I thought it might be helpful to put a few of the facts back on the table, many of which have been discussed so eloquently by the Senator from South Carolina.

First of all, this whole issue of cross-ownership is not new. This is not a dead-of-the-night issue. It is one that has been around for a long period of time. As was pointed out, the cross-ownership rule was promulgated by the FCC under the Nixon administration. It has been in effect for a long time. It became significantly controversial during the early 1980's when ownership of television stations began to change. We will all remember the purchase of NBC, and the question became what happens if people who own newspapers buy television stations and that are in the same community, what are the criteria that the FCC is going to set for cross-ownership rules?

A number of us were deeply concerned about that question. As chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, I organized an extensive hearing. Long before Rupert Murdoch even showed up on the scene, we had an extensive hearing with Mark Fowler, then chairman of the FCC. We asked the chairman what the criteria were going to be. Later, in February 1985, we wrote an extensive letter to Mr. Fowler about the criteria, attempting to establish how the cross ownership was going to be handled. I ask unanimous consent, Mr. President, to have that letter included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION AND FINANCE OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 1985.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN FOWLER: As you know, we are extremely concerned about the lack of a coherent policy at the Commission with respect to the granting of waivers of the cross-ownership rules.

While temporary waivers may be justified in cases where clear public policy justifications exist, we are very disturbed by the Commission's apparent attitude that temporary waivers are justified solely upon mere allegations that possible financial hardship or distress sales would result if property cannot be disposed of in what has been termed an "orderly" fashion. Clearly, this attitude is nothing more than an open invitation for parties to seek temporary waivers with an expectation that they be routinely, if not automatically, granted. Moreover, it is particularly important that the mere allegation of financial hardship or distress not be the basis for the granting of a temporary waiver if the Commission has no basis to believe that there will be greater diversity in the ownership of these properties following a waiver period as compared to the situation that existed prior to the transaction being approved.

As you are well aware, we firmly believe that the cross-ownership rules are vitally important in protecting competition and diversity in the marketplace of ideas and that waivers to those rules should be viewed as an extraordinary, not an ordinary, action.

Before the Commission makes any decision with respect to any applications seeking temporary waivers on the sole basis that failure to obtain such a waiver will result in financial hardship or distress sales, we strongly urge you to consider your own words before the Subcomittee on Telecommunications, Consumer Protection and Finance on this very subject just four months ago:

(1) Mr. FOWLER. I think generally we ought not to grant waivers unless a compelling case is shown which demonstrates that a waiver would either not disserve the purpose of the rule and would serve other important public policy goals or that it would serve the purpose of that rule by having granted a waiver. I am generally, though, however, against a policy of liberally granting waivers for two reasons: one, I think it is very poor administrative law; and two, once you do that, I think it is difficult to justify not having to grant other waivers in similar circumstances.

(2) Mr. WIRTH. Therefore, the burden of proof is on the individual coming in for a waiver?

Mr. FOWLER. Yes, sir.

Mr. WIRTH. To make a case that, in fact, they need that waiver?

Mr. FOWLER. If they do not meet the burden, they are required to divest.

(3) Mr. FOWLER. They have got to make their case each time. And if they do not make that case, they will not be granted any kind of a waiver.

(4) Mr. WIRTH. * * * Everybody would like more time . . . What criteria then do you use? What is a distress sale?

Mr. FOWLER. I think the one factor I looked at earlier was—I think the one of the most important, the difficulty of disposing of that particular property.

(5) Mr. WIRTH. Should they come in and make their case as to why they have to do that? You have not told us yet that they have to come in and make that case.

Mr. FOWLER. I thought I did. We require them to make a case in writing as to all of the factors justifying some period of time to divest.

Mr. WIRTH. * * * There [were] no criteria before. There are no criteria now, it seems to me. Again some kind of a standard ought to be out there so that people know what the rules of the business are so you can see what the criteria were or the bases were in a given case that you rely on in determining to grant some period of time for divestiture.

Mr. FOWLER. You have to show the degree of difficulty involved in selling the newspaper.

Mr. WIRTH. It seems to me that there is an important consideration here in terms of again the standards and criteria that you are using on this front. And it is my concern—and you and I have talked about this in the past—that we underline, underscore, and emphasize to people the importance of concentration and cross-ownership, which is the thrust of what I am getting at. And I would hope that you all, in looking at this, make very clear to the applicants our mutual concern about this and the fact that this is not something that is going to go away. It is not going to disappear as some think it may, and that this is an important concern, and to be as strong and clear about that as possible.

Mr. FOWLER. We totally agree, Mr. Chairman.

Media Mergers and Takeovers: The FCC and the Public Interest; Hearings before the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce, 99th Cong., 1st Sess., transcript pp. 60-73 (July 10, 1985).

We want to remind you of this testimony that you offered to the United States Congress as to how the Commission would exercise its responsibilities with respect to the grant of temporary waivers to the cross-ownership rules. Any Commission action that would grant a temporary waiver on the mere allegation that financial hardship or a distress sale would result if a period of time to make an "orderly" disposition of the property was not given, would be totally inconsistent with your statements to Congress.

By your own words, an applicant who seeks a temporary waiver must carry the burden of presenting a compelling case which demonstrates all of the facts that would justify such a waiver, "[a]nd if they do not make that case, they will not be granted any kind of a waiver."

It is one thing for a regulatory agency created by the Congress to disagree with the Congress over the direction of policy, as you have done on a number of previous occasions. It is quite another for you to come before the Congressional committee responsible for overseeing your agency and make commitments as to how you will exercise your responsibility under the Communications Act and then not give up to those commitments either in letter or spirit.

We would seriously urge you to keep your statements to this body very much in mind as you consider taking any further actions that relate to this issue.

With best wishes,

Sincerely yours,

TIMOTHY E. WIRTH,
Chairman.
JOHN BRYANT.
EDWARD J. MARKEY.
JAMES H. SCHEUER.
HENRY A. WAXMAN.

Mr. WIRTH. This is not a new issue. The issue of cross ownership was around starting with Dean Burch in the Nixon administration. It came to a head during the early 1980's when television stations were being purchased and we began to see a turnover, a change of ownership. The issue of Rupert Murdoch's cross ownership came up in 1985. Mr. Murdoch was then a citizen of Australia and was the owner of a number of newspapers in the United States. We are all familiar with the Murdoch newspaper empire.

In 1985, Mr. Murdoch purchased Metromedia, which owned a number of television stations in the United States, including television stations, as I remember it, in Chicago, Boston, and New York. The issue of cross ownership was not the first issue that we raised in discussion with Mr. Murdoch. The first issue we raised with Mr. Murdoch was to remind him that in order to own a television station in the United States you have to be a citizen of the United States. Mr. Murdoch came into my office over in the Rayburn Building and we had quite an extensive discussion.

Mr. Murdoch came in to try to get a sense of what the rules were. He was well represented by very able lobbyists, and we came in and had as I remember it, a very firm session in which I said, "Mr. Murdoch, let me remind you that before you can take ownership of these television stations you have to first become a citizen of the United States." At that point, he said he was going to become a citizen, get his green card and move rapidly to become a citizen so he could legally own these television stations. That was the first issue that we faced with Mr. Murdoch.

The second issue in that discussion was cross ownership. I said, "By the way, while you are complying with the citizenship requirement let me also remind you that there are some very significant cross-ownership requirements." We described those to him. I am sure he knew very well what they were. He was again very well represented. I described in significant detail to him what those cross-ownership requirements were and that we had them for the purpose of avoiding the concentration of ownership of television stations, and newspapers in communities, and in fact of television stations, newspapers, and radio stations. We have had divestiture of radio stations.

It has been pointed out that in the business of freedom of expression that we want to have as many outlets as possible. We do not want to have the concentration of ownership in a few hands, unlike the Australian model. We have the model in the United States which calls for very broad divestiture. We had this discussion. I said, "Mr. Murdoch, I am very leery of giving any kind of a waiver whatsoever. If you are going to purchase Metromedia stations, you know darn well you are going to have to divest. Either refrain from buying the television stations or divest yourself of the newspaper. You know that going in before you lay the money down. I want you to know we are going to insist upon the enforcement of the cross-ownership rules." He said, "No problem. No problem whatsoever."

Let me read to you the letter once again that Mr. Murdoch wrote to me, dated June 13, 1985, following that discussion when he said, "No problem." Let me read you his words:

DEAR MR. WIRTH: I am writing as a follow-up to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules in the acquisition of the Metromedia broadcast licenses.

In view of your long-standing commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports that my application for assignment of the Metromedia licenses will not seek a permanent waiver of the FCC's cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties.

The application is now being drafted. We will keep you informed of its progress.

Thank you for your continued interest.

Sincerely,

RUPERT MURDOCH.

Mr. President, I ask unanimous consent to have that letter included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 13, 1985.

Hon. TIMOTHY E. WIRTH,
Rayburn House Office Building,
House of Representatives, Washington, DC.

DEAR MR. WIRTH, I am writing as a follow-up to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules in the acquisition of the Metromedia broadcast licenses.

In view of your long-standing commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports that my application for assignment of the Metromedia licenses will not seek a permanent waiver of the FCC's cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties.

The application is now being drafted. We will keep you informed of its progress.

Thank you for your continued interest.

Sincerely,

RUPERT MURDOCH.

This was not a letter sent out secretly. In addition to sending that letter to me, Mr. Murdoch, through News America Publishing, Inc., in New York the public relations firm put out the following statement of January 16.

* * * Mr. Rupert Murdoch, in a statement issued in London today, said that neither he nor his agents are seeking a permanent waiver from Federal Communications Commission cross-ownership rules.

He said, "We stand by and reaffirm representations we made to the FCC. We do not seek an extension of our two-year waiver. There is no basis in fact to recent press reports suggesting otherwise."

On November 14, 1985 Mr. Murdoch was granted a two-year waiver from cross-ownership rules in connection with his application for the purchase of the Metromedia television stations.

So Mr. Murdoch is not only on record in a letter to me, but he put out a press release saying he was not seeking a permanent waiver. Is this issue new? No. There is a long history of Mr. Murdoch saying "I seek no permanent cross-ownership waiver." The Congress was concerned about this, so concerned that we forged language which I offered on the House side and the distinguished Senator from South Carolina offered on the Senate side in the reconciliation bill in December of 1985 in which once again we reinforced the congressional concern that the cross-ownership rules be enforced. It is not an issue targeted at anybody in particular. That language is very clear.

Mr. President, I ask unanimous consent to have that reconciliation language be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CROSS-OWNERSHIP RULE WAIVERS

The conferees are concerned with Commission enforcement of the local cross-ownership rules particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.

The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

The purpose of this is simply to say that this is not, as has been argued a little bit on the floor here but more importantly in the press, a new issue. This is not a "sneak attack." This is something that goes back a long way. Let me talk a little bit, if I might, Mr. President, about the equities involved in this.

Mr. Murdoch has gotten a waiver and now through a variety of mechanisms is attempting to get a full permanent waiver of the cross-ownership rule. Tell me how fair that is. There have been a variety of other entities that have owned radio stations, television stations, newspapers, or have owned more than the concentration allowed. What have they done? Have they come in and asked for a permanent waiver? Not a chance in the world. What they have done is to comply with the regulations and comply with the law. I think in particular of CapCities. CapCities purchased ABC. Tom Murphy, the new president of CapCities, at that point came into my office and said, "I have got a problem." He was forthcoming about it. He said, "I have got a problem. We own a greater concentration of television stations and radio stations than we are allowed to own. What is the best way to go about divesting of these?"

Rather than running around and trying to get a waiver, the CapCities people in the most constructive way possible put up the stations that they had to sell and bent over backward to sell those to minority groups in big cities. They were not running around. CapCities and Tom Murphy and company were not trying to get a waiver. They were not trying to backdoor the rules. They were very forthcoming not only about divesting themselves, but divesting themselves in the public interest, doing everything they could to sell those broadcast outlets to minority groups so we could increase diversity of opinion, so we could increase the minority stake in broadcast ownership in the country. Lack of minority ownership is a real problem that we have.

So it seems to me that it is absolutely inequitable for us to say we are going to grant a permanent waiver to one group, Rupert Murdoch, who has apparently been trying to circumvent the law while those people like CapCities and Tom Murphy have been responsibly complying with obeying the law. It scarcely seems to be fair for us to do that.

Third, we have talked a little bit about the FCC here. We have talked about the FCC and how to deal with the FCC, and whether we as a group ought to be going in and telling the FCC what rules and regulations they ought to write. I will tell you that in the last 7 years of history with the Congress dealing with the FCC, when the Congress has sat down with the FCC and worked through a policy, the FCC has ended up being very constructive and we all end up on the same wavelength. There are a number of examples of that.

There were real problems on the concentration of ownership. Mark Fowler and I sat down and instead of the old 7-7-7 rule worked through a concentration of a percentage of markets. That turned out to be a much more equitable way than the 7-7-7 rule. We worked it out. It happened very nicely, and we had the Congress putting the pressure on. The FCC came up, sat down, and worked out a very reasonable situation. There have been a number of examples where that sort of thing has happened.

I think on the minority ownership matter the FCC has not gone nearly as far as I would like to see the Commission do, but I think there has been the opportunity to sit down and work constructively with them. I think what Senator HOLLINGS has attempted to do in this language is to say to the FCC if we are going to have waivers let us sit down and talk about where they are but let us not have a blanket writing in of the waiver.

Finally, let me answer a number of the specific questions that have been raised today. I would like if I might to get the attention of the Senator from Idaho. I would like to answer some of the specific points that he raised earlier which I think are appropriate to raise. I think they were good questions. I think they are ones that we all ought to know the answers to.

First of all, one of the questions raised by the Senator from Idaho was should we be in a position to preclude the FCC from granting a waiver in extenuating circumstances? It is a very legitimate question. If someone has extenuating circumstances should not the FCC be able to give them a waiver? The answer of course is yes. And Mr. Murdoch has had a waiver for 2 years. He knew going in when he bought Metromedia and owned those newspapers what the rules were. We explained them to him in my office. He wrote back and said "I know what the rules are." Then he went on to say, "I have no intention of going after a permanent waiver."

Now what has he done? He has turned around and gone after a permanent waiver. Is 2 years enough time or not enough time to go out and sell these newspapers to avoid the cross-ownership problem?

Well, he put together a package after a lot of wrangling in Chicago; and finally, as I recall, the Chicago Sun Times was sold to a syndicate in Chicago, and the Sun Times is operating.

More than 2 years ago, I knew of a number of offers for the New York Post. To suggest that somehow this ruling is going to shut down the New York Post is nonsense. Mr. Murdoch had years to sell the Post and had offers on the table for the New York Post, which he did not respond to. I talked to a number of groups trying to buy the New York Post that tried to get a response from Murdoch, and they could not get one.

So, while he was saying he had no intention of a permanent waiver, he was not responding, so far as we could determine, to good offers of people who wanted to buy the Post.

It is disingenuous for some—I'm not referring to the Senator from Idaho—to say suddenly we are going to shut down this newspaper. There have been a lot of offers, and he had more than 2 years to sell it.

The second question raised by the Senator from Idaho, a good one, is, why is this provision focused just on these two stations? The question is, Why these two stations?

The answer is that everybody else complied with the rules except Rupert Murdoch. That is why it is focused on these two stations. It has nothing to do with the politics of Massachusetts. It has nothing to do with editorial cartoons. It has to do with the fact that everybody else complied with the law. The only people who have not complied with the law are the Murdoch group, which is trying to get this permanent waiver. That is why this is focused just on these people.

The third question raised by the Senator from Idaho, another good one, is, should we not give him time to be able to do this?

The Senator mentioned if he were forced to sell his farm, he would like to have time to do it. I think we have given the Murdoch group lots of time. He got the waiver in the middle of 1985 and has had more than 2½ years to sell it. He has used that time to try to lobby us to waive the rules. So he has had plenty of time in which to do this.

Finally, a question was raised about the issue of concentration, and the argument was made that we have plenty of outlets, that we have plenty of newspapers and lots of television stations. That is hardly the case. I think that if you will look in New York City, there are very few newspapers. If you look there, there are in fact very few media outlets that everybody has access to.

That is the whole rationale behind the cross-ownership rule: to avoid any individual party from being able to concentrate an enormous amount of media power and to become effectively a bottleneck for public opinion.

The Supreme Court has said, by a vote of 8 to 0, that it is appropriate for us in the United States to have these cross-ownership rules so that we encourage a diversity of opinion; that no single individual, whether it is a powerful network which has complied with this ruling, or Rupert Murdoch, who has not, whether the Washington Post or anyone else, can be a bottleneck opinion. We must have a diversity of opinion. That is the purpose of the cross-ownership rule, and that has been upheld by the first amendment as being fully constitutional.

Mr. President, the history of this is very clear. For anybody to suggest that this was done at the last moment, that this is a political vendetta, is wrong. The facts do not bear that out. I think I have put into the RECORD all the appropriate documentation to lay out very clearly the long history of this particular issue, the fact that we have bent over backward to make clear to Mr. Murdoch what the law was, that he said very clearly on the record that he was going to comply with the law. He was given a long waiver time in which to comply with the law.

Usually, waivers are 2 years; and because of the complexity of these large newspapers, he was given a long waiver time.

We have done everything possible to make sure these newspapers could be sold and that Rupert Murdoch could comply with the law.

It seems to me that we have now seen something of a different situation. The FCC has not acted in the public interest, as they are required to do under the Communications Act of 1934; and it is our responsibility in Congress to act with oversight over the FCC and make sure that they do operate in the public interest. It is that precise public interest standard that has been met by the language in the continuing resolution. I commend the Senator from South Carolina for putting that in, and I commend all the other Senators who were involved in that process who agreed with the Senator from South Carolina that it should be in there. We should keep it in there and table the amendment offered by the Senator from Idaho and move on to the important legislation before us.

I yield the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent to set aside the consideration of the Symms amendment for 7 minutes, so that I may offer my opening statement.

I also ask unanimous consent that my statement appear with the other opening statements on S. 557.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today the Senate begins consideration of S. 557, the proposed "Civil Rights Restoration Act of 1987," the latest version of legislation to address the Supreme Court decision in the case of Grove City versus Bell, decided in 1984. For more than 3 years now, we have heard the clamor from House and Senate Members and the civil rights community demanding reversal of this decision.

"Restore the law to its pre-Grove City state," has been the cry. However, if anything has become clear in the last 3 years, it is that there is wide disagreement on what the state of the law was in this area before that decision.

The sponsors of S. 557 state that they want to restore the broad, institution-wide coverage of title IX and the other statutes addressed in their bill. However, there is strong evidence that coverage prior to Grove City was not institution wide, but program-specific, as the language of the statutes appears to mandate. The fact is, we are probably involved in this exercise today because Congress did not meet its responsibility to pass clear and unambiguous legislation in the first instance. I hope we will not repeat that mistake.

Mr. President, the controversy surrounding Grove City-related legislation has been improperly focused from the start. The question is not whether Federal financial assistance should be allowed to fund discriminatory activities. Indeed, I believe that Americans support the continued prohibition of such use of Federal funds. I have heard no one argue otherwise.

However, the sponsors of S. 557 have chosen to distort this debate by posing the question in simplistic terms under which one is either for their bill or for federally subsidized discrimination. It is a tactic which has served them well on this and other legislation which, regardless of merit, has been touted as critical to the future of civil liberty in our Nation.

The true controversy underlying this legislation is based upon complex, yet subtle questions which arise in the implementation of the accepted policy goal that Federal dollars should not subsidize discrimination. It is here that a number of significant disagreements exist: What breadth of coverage should be invoked as the result of receipt of Federal funds by a particular entity? For example, should an entire multisited corporation be covered under the civil rights statutes when only one part of one of its plants receives Federal assistance? Should certain types of organizations be singled out for especially expansive coverage for no apparent reason—as they are under S. 557?

Should we agree to expanded coverage of a statute under which there are regulations that require others to do with their own money that which is prohibited with Federal money? This is the hypocrisy which would result from expanded reach of the title IX regulations requiring recipients to provide abortion services to students and employees—services which are prohibited from being performed with Federal dollars.

Is it appropriate that we expand coverage under the civil rights statutes to cover, as S. 557 would, all the operations of a church or synagogue merely because it assists the elderly or the needy with the use of Federal dollars? Coverage prior to Grove City would have extended only to the federally assisted program within the church or synagogue. Although the sponsors of S. 557 have argued vigorously in defense of the expansive coverage of churches which would result under the bill, they have presented no evidence of discrimination to warrant such new coverage. Should we not at least have a reason for discarding first amendment religious freedoms?

Mr. President, these are some of the issues which make the proposed "Civil Rights Restoration Act of 1987" controversial. They do not center on the question of whether Federal funds should be allowed to subsidize discrimination. They center on the need for a careful balancing of constitutionally guaranteed freedoms and rights and their relationship to important public policy objectives.

I look forward to the discussion of these and other issues during consideration of S. 557.

REGARDING THE CIVIL RIGHTS RESTORATION ACT

Mr. HARKIN. Mr. President, I am a cosponsor of S. 557, the Civil Rights Restoration Act of 1987 because I deeply believe that Federal tax dollars should not be used by any entity that discriminates against a person on the basis of race, color, national origin, sex, disability, or age.

The Congress has passed four civil rights statutes—title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—that prohibit entities operating programs or activities receiving Federal financial assistance from engaging in discrimination.

These laws specify which entities are covered—entities receiving Federal assistance; the scope of coverage—programs or activities receiving such Federal assistance; the proscribed actions—exclusion, denial of benefits, and discrimination; and the protected classes—persons subjected to discrimination on the basis of race, color, national origin, sex, disability, and age.

On February 28, 1984, the Supreme Court, in Grove City versus Bell and Conrail versus Darrone significantly narrowed the scope of coverage of title IX (sex discrimination) and section 504 (discrimination on the basis of handicap) and by implication title VI (race discrimination) and the Age Discrimination Act.

The purpose of S. 557 is to restore the scope of coverage that existed prior to the Grove City and Darrone decisions. In other words, the bill redefines the phrase "program or activity" to restore the broad institutionwide scope of coverage that existed prior to the decisions.

The bill does not amend the other components of the civil rights statutes. Thus, the bill does not address which entities are recipients of Federal financial assistance and thereby made subject to the prohibitions in the laws. For example, entities or persons such as farmers, who were determined not to be recipients under prior law because they were the ultimate beneficiaries of Federal assistance would not have their status changed by the provisions in the bill.

In addition, the bill does not redefine what constitutes discrimination. Many in the civil rights community would have liked to strengthen and expand the current definition of discrimination. However, it was agreed, in the spirit of bipartisanship, and in an effort to gain passage of the bill, to put aside such agendas and support the restoration principle. Finally, the bill does not redefine the classes of persons protected by the acts.

I believe that an overwhelming majority of the Members of this body support the restoration purpose of this legislation. Most Senators that I have talked to reject the Supreme Court's interpretation that where a college accepts Federal aid in the form of student loans that only its financial aid office is barred from engaging in discrimination and that the rest of the college is free to deny equal opportunities in their course offerings, extracurricular activities, or student programs. All activities at a university that accepts Federal assistance must be free from discrimination.

Further, I believe that most Senators who realize that the executive and judicial branches have interpreted the Grove City decision as extending beyond education, will enthusiastically support restoring a broad interpretation that reaches beyond education to prevent Federal funding of discrimination in such areas as health, transportation, housing, social services, and economic development.

I also believe that most Senators who realize that persons with disabilities have no protections against employment discrimination other than under section 504 will enthusiastically support restoring the broad institution-wide coverage envisioned by Senator Hubert Humphrey, the sponsor of section 504, when he stated: "The treatment and regard for the rights of handicapped citizens in our country is one of America's shameful oversights * * * I am insisting that the civil rights of 40 million Americans now be affirmed and effectively guaranteed by Congress. These people have the right to live, to work to the best of their ability—to know the dignity to which every human being is entitled."

The effective guarantee that Senator Humphrey was referring to has been gutted by the Darrone and the Grove City decisions. A recipient institution may be receiving millions of dollars of Federal aid and at the same time denying employment opportunties to employees with disabilities but the Federal agency responsible for enforcing section 504 will be unable to take any remedial action unless it can identify specific Federal aid tied to the specific activity in which the alleged discrimination occurred.

For example, a person filed a claim that he was discriminated against by the Massachusetts Department of Youth Services on the basis of his handicap. He alleged that although he passed the exam for supervising group worker and was ranked first on the list for such a position, he was not given a supervisory position with reasonable accommodation for his disability. The U.S. Department of Education refused to pursue this case because it could not track the thousands of dollars the Massachusetts Department of Youth Services received to the particular activities for which the person would have been responsible if he had been hired.

In sum, I believe that most Senators support the restoration purposes of the bill. I am still hopeful that those Senators who are considering offering amendments which go well beyond restoring the broad institution-wide coverage of the civil rights laws will realize that the Civil Rights Restoration Act is not the vehicle for such amendments.

I urge my colleagues to get on with the business before us—restoring the scope of coverage of these four Civil Rights Acts that existed before six members of the Supreme Court assumed the role of legislators and rewrote these statutes. People with disabilities, girls and woman, minorities, older persons, and persons who oppose having their tax moneys be used to support discrimination are awaiting our actions.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

J. RUSSELL WIGGINS

Mr. COHEN. Mr. President. I rise to call the Senate's attention to the accomplishments of one of Maine's favorite sons and one of the Nation's finest journalists. The gentleman in question is J. Russell Wiggins, editor of the Ellsworth American, former executive editor of the Washington Post and former U.S. Ambassador to the United Nations.

His many achievements were outlined recently in an article in the January 18 issue of Time magazine, which I would like to have reprinted in the RECORD. At a vital 84 years old, Mr. Wiggins is described alternately as an American original and a curmudgeon. Yet he and his newspaper are beloved by the residents of Ellsworth, the gateway to Acadia National Park. What other weekly would send a correspondent to cover the America's Cup race in Australia and have an editor who is the appointed fence viewer of the town of Brooklin?

I hope the Members of the Senate will enjoy the Time article, "In Maine: A Town and Its Paper."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time, Jan. 18, 1988]

IN MAINE: A TOWN AND ITS PAPER

(By Ted Gup)

Some years back, James Russell Wiggins, editor of the Ellsworth *American* in Maine, wanted to prove to readers how pitifully slow was the U.S. Postal Service. So he proposed a race: he sent letters to a nearby village, one through the Postal Service and others by oxcart, canoe and bicycle. At the pedals was a local celebrity, Writer E.B. White. The Postal Service lost every race, and Wiggins gloated on the front page.

That was big news. Big news elsewhere, though, often doesn't seem quite so pressing in Ellsworth. The October stockmarket crash got one sentence last fall; the blueberry industry, a mainstay of the region, got a five-part series. But nothing is read more closely than the court page, a list of everyone caught speeding or driving tipsy or lobstering without a license. "I want to see if any of my buddies are in there," says Carmen Griffin, a waitress at the Pineland Diner on Main Street. It may be a yawn in Portland, Me., but in Ellsworth, it's front-page news when there's a bumper crop of scallops or the cops seize a pet snake (the headline: Police Put Permitless Pet Python in Pen).

When Editor Wiggins, 84, wanted to tell his readers, many of whom live by and from the sea, what was happening in the America's Cup race, the weekly sent a reporter to Australia. The story was relayed by satellite to Washington, wired to an Ellsworth bank and then walked across Main Street by the bank's vice president.

That's how things have always been done in Ellsworth, one neighbor counting on another. Ellsworth is the shire town of Hancock County, some two-thirds up the Maine coast, and gateway to the summer resorts of Bar Harbor. For more than 200 years, the town has hugged the Union River, which spills out into Union River Bay and eventually the bold Atlantic. The town was named for Oliver Ellsworth, an early Chief Justice of the Supreme Court. Folks here are friendly. They can't help themselves. But Down Easters draw a line between outsiders—"people from away"—and locals. You can be born in Hancock County and still not be judged a local if your parents were "from away." They say, "A cat can have her kittens in the oven and call them biscuits. Doesn't make it so."

Ellsworth has reason to be wary of outsiders, who come here seeking tranquillity and disturb what tranquillity there is. They clog streets, drive up land prices and bring with them some anxieties they hoped to escape. And they talk funny. Not since the fire of 1933 swept down Main Street, consuming 130 buildings, has the character of the town and the region been so threatened. "We're getting a little class," says Victoria Smallidge, owner of the Pineland Diner, who moved here in 1970. Call it what you will, some locals are uneasy about a diner that offers a wine list and tenderloin with bearnaise sauce but holds mashed potatoes and meat loaf in contempt. *American* reporters discuss stories that straddle two worlds: a log-sawing contest in Brooklin, Me., and drug-awareness week at nearby Bucksport High. These days lawyers and real estate agents seem to outnumber clergymen and clam diggers. Even the lilting Down East accent, once spoken as if it were passing over a dip on a backwoods road, is losing its curls.

The *American* began publishing in 1850. There were 5,000 townspeople then, and the paper's slogan was "Americans can govern America without the help of foppish influence." There are now just over 5,000 souls in Ellsworth, and they still bristle at outsiders' arriving in Peugeots with ideas for their town. But change is certain. Some city officials say the population may double in five years. Many fear the region is losing its identity. It is the *American* that is helping to preserve that identity, holding itself up as a mirror of community interests, passions and humor in uncertain times. "It's the one continuity we have in our lives, besides the seasons," says Jack Raymond, a reader from Bar Harbor.

Wiggins and the *American* seem an unlikely pair. He never went to college and didn't take over the *American* until late in life. Before that he was executive editor of the *Washington Post*, then U.S. Ambassador to the United Nations. A great-grandfather, he holds eight honorary degrees, reads up to five books a week and recites Chaucer from memory. He belts out incendiary editorials, writes a sometimes syrupy nature poem and, until recently, had a paper route. He hasn't drawn a salary in two decades. The former Ambassador still holds public office—of a sort. He's Brooklin's appointed fence viewer. He is supposed to settle boundary disputes, but none ever arise. Wiggins is a robust man with snow white hair, eyebrows that arch in incredulity and strong hands beginning to gnarl like briar. In his spare time, he strolls his saltwater farm on Carlton Cove or sails the *Amity*, his sloop. "I picked the name out of the air," he says. "I threatened to name it *Lolita*, an old man's darling, but my wife didn't care for that."

"J. Russell? He's an American original," says Ellsworth's city manager, Herbert Gilsdorf. "For this place and this time, it's probably the best fit between a newspaper and a community I've ever seen, and I don't have any reason to blow the guy's horn 'cause he's harpooned me a couple of times." Folks are proud of the *American*, and why not? It may be the finest—albeit quirkiest—weekly in the nation. "It's a real good pay-pa," says Don Walls as he lowers a 100-lb. crate of lobsters from a wharf in Southwest Harbor; the *American* ran a photograph of Walls' six-year-old son Travis, winner of the fishing derby. "Meant a lot to me and the boy," he says.

Some think Wiggins is a curmudgeon. He grabs onto every subject like a pit bull. He's been railing against the lottery for years. "It's a fraud on the public," he steams. Maybe, but he hasn't even won over his personal secretary, Rose Lee Carlisle; who buys five dollars' worth of lottery tickets every week. When the Maine legislature amended the state constitution, Wiggins wrote an editorial saying the change was "as clumsily executed as a double heart-bypass by a band of butchers wielding a chain saw."

"Like that one, did you?" he asks. Some folks say he's too liberal. Wiggins laughs: "My children and grandchildren are always telling me what a reactionary old bastard I am." He enjoys citing the saying that a newspaper should "comfort the afflicted and afflict the comfortable." But Wiggins can be a softy too. His reporters remember his weeping when a Christmas caroler from a home for wayward boys put his arms around him. Then there is the Wiggins who laughs until he tears. He passes on the latest story from his friend and sailing partner, Walter—Cronkite, that is. Greeting visitors to his 1802 Federal house are life-size cutout figures of Frank and Ed, the yokels from the Bartles & Jaymes ad. "I want you to meet a couple of friends of mine—Frank and Ed," he tells an unwary visitor. He admits to two vices, Scotch old-fashioneds and raspberry sherbet. After he wrote a column about the scarcity of the latter, merchants started stocking it.

On his farm, Wiggins walks among his mallard ducks, chickens, geese and a Norfolk terrier named Red that once belonged to the late White. The elders among the geese—Arthur, the old gander, and Jezebel, the goose—are often featured in Wiggins' Aesop-like bimonthly column. Once a "mover and a shaker," he steered the *Washington Post's* coverage of every crisis from the Berlin Wall to the Viet Nam War. No more. "You can't flatter yourself in the belief that you can leverage the world from the perimeter of Ellsworth, Me.," he says. "But I enjoy rural life a lot better than I do big cities. I'm at home in this environment." Happiness, he says, is an old age shared with Ben Franklin's three faithful friends: "an old wife, an old dog and ready money."

BICENTENNIAL MINUTE

JANUARY 26, 1830:

WEBSTER'S REPLY TO HAYNE

Mr. DOLE. Mr. President, 158 years ago today, on January 26, 1830, Daniel Webster rose in the Old Senate Chamber to deliver one of the most famous speeches in Senate history, and one of the greatest defenses of the American Union. On the previous day, Senator Robert Y. Hayne, of South Carolina, had delivered a speech that denounced a pending tariff bill as unconstitutional and he suggested the superiority of the States over the Federal Government.

The next day, Senator Webster, defender of the tariff and the Union, responded with these emotion-laden words:

> When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, as it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic . . . bearing for its motto . . . Liberty and Union, now and forever, one and inseparable!

In the galleries sat Robert Scott, a Kentucky lawyer, who jotted down his eyewitness description of the scene:

> January 26, 1830. This morning a dense crowd of the most respectable gentlemen and ladies assembled, crowding the floor and galleries. They listened for two hours and a half to Mr. Webster, who spoke with the grandest and most interesting parliamentary eloquence which it has ever been my good fortune to hear. He attacked his antagonist with the most clever satire and cutting sarcasm, refuting his facts and subverting his arguments. . . . Mr. Webster concluded his speech with the most convincing argument and forcible eloquence. . . . He closed in appropriate and eloquent terms, calling for union, happiness, and glory for our common country.

THE 100TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL GEOGRAPHIC SOCIETY

THE NATIONAL GEOGRAPHIC SOCIETY CELEBRATES ITS CENTENNIAL

Mr. PELL. Mr. President, this year marks the 100th anniversary of the founding of the National Geographic Society. With almost 10½ million members, the National Geographic Society is today the largest nonprofit scientific and educational organization in the world. This 100th birthday is an event of considerable importance, and one that should not, and indeed will not go unnoticed.

The concept behind the National Geographic Society began on the evening of January 13, 1888, when 33 men traveled on foot, horseback, and in elegant carriages through the foggy streets of Washington to the Cosmos Club where they convened around a mahogany table to discuss the "advisability of organizing a society for the increase and diffusion of geographic knowledge." In the ensuing 100 years the National Geographic Society has conducted research, sponsored exploration and acted as a leader in education in bringing the knowledge of the wonders of our planet to generations of Americans and other peoples around the world.

The National Geographic Society has supported over 3,300 research projects and explorations—from Hiram Bingham's 1912-15 excavation of the lost Inca city of Machu Picchu, to Donald C. Johanson's 1974 unearthing in Ethiopia of the oldest, most complete skeleton of any human ancestor ever found, to current research on animal behavior and undersea photography.

National Geographic has pioneered advances in communication, from early color photography to laser printing, and has set a standard of communications excellence in the society's publications and films. National Geographic's photographers have won hundreds of awards for their photography and have brought the magnificence of nature and the excitement of discovery to millions.

But most important, I believe, is the National Geographic Society's commitment to education. National Geographic, the official journal of the society, is used by teachers and students everywhere. National Geographic films, television programs, maps and other teaching materials enrich thousands of classrooms every day. And National Geographic WORLD, the society magazine for 8 to 13 year-olds, reaches 1.2 million young readers in 150 countries. As chairman of the Subcommittee on Education, Arts, and Humanities, I am keenly aware of the remarkable contribution the society has made and continues to make to the education of children and adults throughout our Nation and the world.

To celebrate its first 100 years and to begin its second century, I was extremely pleased to learn that the society will establish a $20 million foundation to provide grant support to local and national programs in geography education. As Gilbert Grosvenor said at the announcement ceremony:

> The establishment of the foundation during the Centennial underscores the Society's commitment to making students and teachers a major beneficiary of its century old mission to increase and diffuse geographic knowledge.

Recognition of the National Geographic Society's contribution to a better knowledge of the world around us, however, cannot be accomplished without recognizing the very significant contribution made by the Grosvenor family. From Gilbert H. Grosvenor, who joined the society in 1899 and served as president for 34 years beginning in 1920, to Melville Bell Grosvenor, who joined the staff in 1924 and served as president from 1957 until 1967, to his son, Gilbert H. Grosvenor, the current president who joined the staff in 1954 and became president in 1980, this is a truly talented and dedicated family. They have given to the society, and in reality to citizens the world over, generations of thoughtful, progressive leadership in geography education. We are deeply indebted to them for their unstinting devotion to a noble cause and for their brilliant leadership in accomplishing so much.

Mr. President, I know that the entire Senate joins me in congratulating the society on its first 100 years and in applauding the establishment of the new foundation as the renewal of the society's ongoing commitment and effort to imbue teachers and students with the critically important knowledge of geography.

NOTE

UNITED STATES-JAPAN AGREEMENT FOR NUCLEAR COOPERATION NEEDS REVISION

Mr. CRANSTON. Mr. President, late last year a deeply divided Reagan administration asked the Senate to approve a new agreement to govern United States nuclear cooperation with Japan.

This proposed new agreement, which would supplant an existing accord that runs through the year 2003, would give away completely the United States right to approve commercial use of several metric tons of nuclear bomb-grade plutonium each year by Japan.

The agreement anticipates two to three shipments over and through the United States of hundreds of pounds of plutonium each month for at least the next 30 years.

The agreement proposes to abandon the bipartisan policy of our Government, first enunciated by President Gerald Ford, which discourages widespread commercial use of plutonium.

It will, therefore, not surprise my colleagues to learn that this proposal to depart radically from past U.S. policy was opposed by the Secretary of Defense on urgent national security grounds.

The Department of Defense opposed this agreement in writing.

So did the independent Nuclear Regulatory Commission.

And so have strong majorities of the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

It should thus be clear that opposition to this accord in its present form unites critics in the executive and legislative branches, liberals and conservatives, Democrats and Republicans, nuclear enthusiasts and skeptics.

At issue is not nuclear power per se. The issue here is the national security interests of the United States, which are inadequately protected by the new draft accord.

The Senate Foreign Relations Committee took extensive testimony on this question in two December sessions. We found that the State Department negotiators propose to give away completely the United States right to approve commercial plutonium shipments, shipments which will move through the United States each month in casks that have not been created and tested, to be used in Japanese facilities that have not yet been designed, to be protected by safeguards that have not yet been invented.

The proposal, the committee concluded, is an extreme environmental hazard, a proliferation peril and a would-be terrorists dream come true.

The senior Senator from North Carolina, Jesse Helms, and I do not often agree on international security issues. But we both agree that the proposed new United States-Japan agreement is flawed. We both raised a number of questions about this scheme, as did Senator Adams, who termed the scheme "outrageous," as did Senator Murkowski, who has deep concern about it in his home State, as did Senator Glenn and others.

The Foreign Relations Committee voted 15-3 that the draft agreement was not in compliance with the key provisions of the Atomic Energy Act, and must, therefore, be returned to the President for renegotiation, or resubmission with a waiver of these key provisions. The committee, in a December 19, 1987, letter which I submit for the Record, asked for prompt consultations with senior administration officials, with a reply requested by January 11. A majority of the House Foreign Affairs Committee took similar action.

Under the terms of the Atomic Energy Act, as amended by Congress in 1985, the new United States-Japan agreement cannot now enter into force unless Congress acts affirmatively to approve its provisions.

What has been the administration's response to date?

It has given this body the back of its hand.

It has ignored the Senate committee action.

It has ignored the House concerns.

It has ignored the law.

No response whatsoever was received by January 11, though there have been press leaks about an aggressive lobbying strategy to mislead Senators and to try to pull off a procedural end run on the Congress of the United States.

Mr. President, I am eager to work with this administration to resolve this issue. There are men and women of good will downtown who understand—indeed, who share the legitimate concerns the Congress has expressed about flying tons of plutonium through the United States of America with the Federal Government having no right to bar these Japanese shipments.

But I want to make clear here and now that there are many of us in Congress who will not allow this agreement to move forward until its defects are remedied.

We will not tolerate procedural games and parliamentary end runs by the State Department negotiators.

And while we await the beginning of a serious dialog with administration officials, we will do all in our power to block the entry into force of this new accord.

We have a number of options which we will advance in the days ahead.

We will seek to ensure that the law is upheld. We will seek to protect the rights and the responsibilities of Congress to approve any new nuclear agreement which does not satisfy basic national security safeguards contained in the Atomic Energy Act. Our purpose is simply to uphold the position of the Senate as expressed in our December 19 letter to the President.

I hope we do not have to engage in a parliamentary confrontation. I hope we do not have to contest this draft new agreement with Japan, and all licenses and contracts pursuant to it, in courts of law. I hope we can work with the executive branch in the same spirit of cooperation which marks our present dialog on the INF Treaty to address concerns about blanket approvals for commercial plutonium use.

If not, we're going to have a prolonged fight on our hands, a fight which can help protect our national security interests, but which can do little to improve United States-Japan relations, not to mention relations between Congress and the executive branch.

The letter follows:

U.S. Senate,
Committee on Foreign Relations,
Washington, DC, December 17, 1987.

The President,
The White House,
Washington, DC.

Dear Mr. President: In accordance with the provisions of Section 123b. of the Atomic Energy Act of 1954, as amended, 42 U.S.C. S2153(b) (the "Act"), we are writing to advise you that the Senate Foreign Relations Committee has concluded that the proposed Agreement for Cooperation between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy, submitted to the Congress on November 9, 1987 (the "Agreement"), is not consistent with Section 123 of the Act. The Committee respectfully requests that you renegotiate the Agreement to bring it into conformity with U.S. law. If the Agreement is not renegotiated, then it must be resubmitted to the Congress with an exemption of statutory requirements, in accordance with Section 123a. of the Act, and must await affirmative action by Congress through enactment of a joint resolution of approval.

As made clear in the Conference Report accompanying the 1985 amendment to the Act, "(t)he Congress fully expects . . . that the President will resubmit any agreement for which he has not submitted an exemption if either (Foreign Affairs) Committee during the prior consultation period recommends that an exemption is required."

In submitting the Agreement to Congress, your Administration expressed the conclusion that the Agreement "meets all statutory requirements". The Committee cannot accept this assertion. The proposed Agreement would provide for thirty-year advance consent of extraction, transport and widespread commercial use of plutonium by Japan—activities which, as the Administration itself states, are "unprecedented in . . . nature and scope. . . ." In our judgment, Section 123 of the Act unqualifiedly requires that the United States retain prior approval rights in its agreements for cooperation over the transfer and reprocessing of nuclear material. While the Administration asserts that these requirements are met, the implementing Agreement exercises in Article 1 the consent rights provisions on a one-time basis for the life of the Agreement, a proposal totally incompatible with the provisions of the Act.

The Committee also has serious reservations about the finding that the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security—inasmuch as this determination was made arbitrarily in the face of serious, written objections from both the Department of Defense and the Nuclear Regulatory Commission. The Committee also finds fault with the Administration's interpretation of the Act's requirements with regard to the "timely warning" criterion. Congress intended in the Nuclear Nonproliferation Act for timely warning to be something more than a mere restatement of the general test of "inimicality" which the Act provides for subsequent arrangements. Rather, Congress intended timely warning to be a technically-based criterion, judged in light of the workability of safeguards and physical security measures. Since the Administration has not made such a determination, we do not believe that the exercise of consent rights in the Agreement is consistent with the requirements of Section 131b.(2) of the Act. Consequently, the safeguards and physical security criteria of Section 123 of the Act are not met.

The Committee is deeply concerned about the major policy implications of the precedents which would be established by entry into force of this Agreement. Testimony taken by the Committee indicates that the U.S. is preparing to give blanket authorization for the next 30 years to air-shipment of several hundred kilograms of weapons-usable plutonium each month over and through U.S. territory. Before embarking on such a perilous course—which could seriously jeopardize our nonproliferation interests while posing a grave environmental risk—we wish to consult with the Administration very closely. It is therefore our purpose in this letter to stop the "ninety day clock", and to begin a good faith dialogue with all parties on how the fundamental deficiencies in the Agreement can be corrected.

The Committee has reached these judgments on the basis of its own investigations, as well as its lengthy hearing conducted on December 15, 1987. Accordingly, the Committee finds that the Agreement must either be renegotiated, or, at a minimum, resubmitted with an exemption from the appropriate provisions of Section 123 of the Act. The Committee requests that your Administration communicate its intentions to the Chairman and to the Ranking Republican Member by January 11, 1988, in order to provide sufficient time to consider necessary legislative action and other remedial options.

Sincerely,

Claiborne Pell, Chairman; Jesse Helms, Ranking Republican Member; Alan Cranston, Chairman, Subcommittee on Asia and Pacific Affairs; Frank H. Murkowski, Ranking Republican Member, Subcommittee on Asia and Pacific Affairs; John F. Kerry, Rudy Boschwitz, Paul Simon, Terry Sanford, Paul S. Sarbanes, Brock Adams, Daniel P. Moynihan, Christopher J. Dodd, Nancy Landon Kassebaum, Larry Pressler, Joseph R. Biden, Jr.

WASHINGTON HARVARD SEMINAR

Mr. PRESSLER. Mr. President, on October 20, 1987, I sponsored a 1-day "Washington Seminar" for Harvard Law School graduates from the classes of 1970, 1971, and 1972. Over 125 graduates from across the Nation and overseas were in attendance to hear several presentations on Washington political affairs and national issues.

During the seminar, many speakers—including Members of the U.S. Senate, the President's Cabinet, the Supreme Court, local legal professionals, and members of the Washington press corps addressed current issues facing the Nation. I would like to take this opportunity to thank all of my colleagues who participated in the event.

The first presentation of the day was by Jay Stevens, 1973 Harvard Law School Graduate and Deputy Counsel to the President, who discussed White House operations and the role of Counsel to the President. Two distinguished members of the Senate Foreign Relations Committee, Senator JESSE HELMS and Senator JOHN KERRY, led an informative discussion on foreign policy issues and their interests on the Foreign Relations Committee.

At a luncheon in the Russell Senate Caucus Room, Supreme Court Justice Antonin Scalia addressed the group with a lively, interesting talk regarding his role on the Supreme Court and the day-to-day life of a Supreme Court Justice.

During the afternoon, Leslie Stahl, CBS News National Affairs Correspondent, gave an analysis of the national media and how public perception of many Government officials is affected by the media. Senator JOHN CHAFEE, a 1950 graduate of Harvard Law School, and chairman of the Senate Republican Conference, outlined the duties of the Republican Senate leadership and how the U.S. Senate agenda is developed.

The new U.S. Secretary of Commerce, C. William Verity, discussed his role as the new Secretary of Commerce and his goals for his term as Secretary.

Senator ARLEN SPECTER, a member of the Senate Judiciary Committee reviewed his reasons for voting against Judge Robert Bork's nomination to be a Supreme Court Justice.

Senator WARREN RUDMAN one of the coauthors of the Gramm-Rudman-Hollings Deficit Reduction Act, described that legislation, and discussed his duties as vice chairman of the Iran-Contra Committee. Senator ALAN SIMPSON described his work as the Senate Republican whip.

Wayne Kelley, publisher, of Congressional Quarterly and Richard Cohen, congressional reporter for National Journal, together discussed the coverage of politics in Washington and national policy issues.

Also, two prominent Washington attorneys, J.D. Williams and Tad Davis provided insights into the role of the Washington lawyers in shaping national policy issues.

The seminar was a great success, and I thank all of the Harvard Law graduates who attended and participated.

I ask unanimous consent that an agenda of this day's events and speakers be printed in the RECORD.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

HARVARD LAW SCHOOL WASHINGTON SEMINAR, OCTOBER 20, 1987

Welcome remarks by Senator Pressler.

The President's Counsel.—Jay Stevens, Deputy Counsel to the President, will discuss White House operations and the role of Counsel to the President.

Foreign Affairs Issues.—Senator Jesse Helms and John Kerry, members of the Senate Foreign Relations Committee, will discuss timely foreign policy issues.

Washington Law Practice.—Prominent Washington legal practitioners, J.D. Williams and Tad Davis, will give an insight into the role of the Washington lawyer in shaping national policy.

Luncheon.

Keynote address: Supreme Court Justice Antonin Scalia.

The Senate Leadership.—Senator John Chafee, chairman of the Senate Republican Conference, will discuss the role of the Senate Leadership Offices in developing and managing the Senate agenda.

International Trade.—C. William Verity, U.S. Secretary of Commerce, will discuss international trade issues.

The Washington Press Corps.—Lesley Stahl CBS News National Affairs Correspondent followed by Wayne Kelley, Publisher, Congressional Quarterly; Richard Cohen, Congressional Reporter, National Journal. They will discuss covering of politics and national policy issues.

The Bork Debate.—Senator Arlen Specter, member of the Senate Judiciary Committee will discuss the Bork nomination.

Budget Issues and the Iran-Contra Hearings.—Senator Warren Rudman, co-author of the Gramm-Rudman-Hollings Deficit Reduction legislation and Vice Chairman of the Iran-Contra Committee, will discuss development in both areas.

Open Senate Forum.—Senators Robert Dole, Claiborne Pell, Ted Stevens, and Alan Simpson will stop by for short presentations throughout the afternoon.

JOHN J. WILLIAMS

Mr. BIDEN. Mr. President, Delawareans were saddened earlier this month by the passing of former Senator John J. Williams on January 11.

For more than two decades, John Williams was known as "the Conscience of the Senate" for his high standards of personal integrity and for his unyielding belief in government accountability. His life was a testament to the concept of "public service," and this body in particular was the better for his having served here.

I was 3 years old when John Williams was elected to the Senate, and it was only 2 years before I arrived here that he announced his retirement. During the time that I was growing up, nurturing my interest in public service, and beginning my own career, John Williams was the preeminent political leader in Delaware.

That leadership was not due to a powerful political organization, nor was it due to partisan political considerations here in Washington, for during much of his tenure, his party controlled neither the White House nor either House of Congress. Instead the nature of John Williams' leadership was the best kind—leadership by example. For it was through the strength of his character and the sincerity and firmness of his convictions that John Williams set the standard of honor for public servants everywhere.

His pursuit of that standard knew no partisan bounds, whether the offenders were highly placed members of an administration he supported, or employees of the Senate who would tarnish this body in pursuit of personal gain. When it came to the partisan political considerations of his deeds, John Williams let the chips fall where they may, taking great care to protect the reputations of innocent and honorable men and women. His 24 years in the Senate, the longest tenure of any Senator in our State's history, is proof that, contrary to the old maxim, an honest man can succeed in politics.

All of this may sound a little old-fashioned to some people. Sometimes in a world where we too often measure success in material terms, the idea of doing right for its own sake and seeking excellence as an achievement rather than simply as a slogan does seem out-of-fashion. But those of us who were fortunate to know John Williams had a living reminder that the ideals of honor and integrity are timeless.

John Williams was a man of honor, not because he tried to be, but because he did not know how to be anything else. It was a part of his being. And those of us who felt it was the end of an era when he left the Senate feel the loss even more deeply now that he has left us altogether. But at the same time, because we all recognized John Williams as so essentially American, his life, and even his passing, serve to remind us that honor and integrity are a part of the fabric that makes this Nation what it is.

The people of Delaware, and the Members of this body, will miss him a great deal.

And that is good, for it means that we will not forget the ideals that he stood for.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM-97

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

When we first met here 7 years ago—many of us for the first time—it was with the hope of beginning something new for America. We meet here tonight in this historic Chamber to continue that work. If anyone expects just a proud recitation of the accomplishments of my Administration, I say let's leave that to history; we're not finished yet. So my message to you tonight is: Put on your work shoes—we're still on the job.

History records the power of the ideas that brought us here those 7 years ago. Ideas like: the individual's right to reach as far and as high as his or her talents will permit; the free market as the engine of economic progress; and as an ancient Chinese philosopher, Lao-tzu, said: Govern a great nation as you would cook a small fish; do not overdo it.

These ideas were part of a larger notion—a vision, if you will, of America herself. An America not only rich in opportunity for the individual but an America, too, of strong families and vibrant neighborhoods; an America whose divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this Nation.

All of this was made possible by an idea I spoke of when Mr. Gorbachev was here: the belief that the most exciting revolution ever known to humankind began with three simple words: "We The People"—the revolutionary notion that the people grant government its rights, and not the other way around.

And there is one lesson that has come home powerfully to me, which I would offer to you now: Just as those who created this Republic pledged to each other their lives, their fortunes, and their sacred honor; so, too, America's leaders today must pledge to each other that we will keep foremost in our hearts and minds not what is best for ourselves or for our party, but what is best for America. In the spirit of Jefferson, let us affirm that, in this Chamber tonight, there are no Republicans, no Democrats, just Americans.

Yes, we will have our differences. But let us always remember: what unites us far outweighs whatever divides us. Those who sent us here to serve them—the millions of Americans watching and listening tonight—expect this of us. Let's prove to them and to ourselves that democracy works even in an election year.

We have done this before. And as we have worked together to bring down spending, tax rates, and inflation, employment has climbed to record heights; America has created more jobs and better, higher-paying jobs; family income has risen for 4 straight years, and America's poor climbed out of poverty at the fastest rate in more than 10 years. Our record is not just the longest peacetime expansion in history but an economic and social revolution of hope, based on work, incentives, growth, and opportunity; a revolution of compassion that led to private sector initiatives and a 77-percent increase in charitable giving; a revolution that—at a critical moment in world history—reclaimed and restored the American dream.

In international relations, too, there is only one description for what, together, we have achieved: a complete turnabout, a revolution. Seven years ago, America was weak and freedom everywhere was under siege; today, America is strong and democracy is everywhere on the move. From Central America to East Asia, ideas like free markets and democratic reforms and human rights are taking hold. We've replaced "Blame America" with "Look Up to America." We've rebuilt our defenses; and, of all our accomplishments, none can give us more satisfaction than knowing that our young people are again proud to wear our country's uniform. And in a few moments, I'm going to talk about three developments—arms reduction, the Strategic Defense Initiative, and the global democratic revolution—that, when taken together, offer a chance none of us would have dared imagine 7 years ago, a chance to rid the world of the two great nightmares of the postwar era. I speak of the startling hope of giving our children a future free of both totalitarianism and nuclear terror.

Tonight, then, we are strong. Prosperous. At peace. And we are free. This is the state of our Union. And if we will work together this year, I believe we can give a future President and a future Congress the chance to make that prosperity, that peace, that freedom, not just the state of our Union, but the state of our world.

Toward this end, we have four basic objectives tonight. First, steps we can take this year to keep our economy strong and growing, to give our children a future of *low inflation* and *full employment*. Second, let's check our progress in attacking social problems where important gains have been made but which still need critical attention. I mean *schools that work; economic independence for the poor;* restoring respect for *family life* and *family values.* Our third objective tonight is global: continuing the exciting *economic and democratic revolutions* we've seen around the world. Fourth and finally: our Nation has remained at peace for nearly a decade-and-a-half, as we move toward our goals of world prosperity and world freedom—we must protect that peace and deter war by making sure the next President inherits what you and I have a moral obligation to give that President: a *national security* that is unassailable and a national defense that takes full advantage of new technology, and is fully funded.

This is a full agenda. It's meant to be. You see, my thinking on the next year is quite simple: let's make this the best of eight. And that means: it's all out, right to the finish line. I don't buy the idea that this is the last year of anything; because we're not talking here tonight about registering temporary gains, but ways of making permanent our successes. That's why our focus is the values, principles, and ideas that made America great. Let's be clear on this point: We're for limited Government because we understand, as the Founding Fathers did, that it is the best way of ensuring personal liberty and empowering the individual so that every American of every race and region shares fully in the flowering of American prosperity and freedom.

One other thing. We Americans like the future; like the sound of it, the idea of it, the hope of it. Where others fear trade and economic growth, we see opportunities for creating new wealth and undreamed-of opportunities for millions in our own land and beyond. Where others seek to throw up barriers, we seek to bring them down; where others take counsel of their fears, we follow our hopes. Yes, we Americans like the future and like making the most of it. Let's do that now.

And let's begin by discussing how to maintain economic growth by controlling and eventually eliminating the problem of Federal deficits. We have had a balanced budget only eight times in the last 57 years. For the first time in 14 years, the Federal Government spent less, in real terms, last year than the year before. We took $73 billion off last year's deficit compared to the year before. The deficit itself has moved from 6.3 percent of the G.N.P. to only 3.4 percent. And perhaps the most important sign of progress has been the change in our view of deficits. You know, a few of us can remember when, not too many years ago, those who created the deficits said they would make us prosperous and not to worry about the debt—"We owe it to ourselves." Well, at last there is agreement that we can't spend ourselves rich.

Our recent budget agreement, designed to reduce Federal deficits by $76 billion over the next 2 years, builds on this consensus. But this agreement must be adhered to without slipping into the errors of the past—more broken promises and more unchecked spending. As I indicated in my first State of the Union, what ails us can be simply put: the Federal Government is too big and it spends too much money. I can assure you, the bipartisan leadership of Congress, of my help in fighting off any attempt to bust our budget agreement. And this includes the swift and certain use of the veto power.

Now, it is also time for some plain talk about the most immediate obstacle to controlling Federal deficits. The simple but frustrating problem of making expenses match revenues—something American families do and the Federal Government can't—has caused crisis after crisis in this city. Mr. Speaker, Mr. President, I will say to you tonight what I have said before—and will continue to say: the budget process has broken down, it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas: budget deadlines delayed or missed completely, monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill—and a Federal Government on the brink of default.

I know I'm echoing what you here in the Congress have said because you suffered so directly—but let's recall that in 7 years, of 91 appropriations bills scheduled to arrive on my desk by a certain date, only 10 made it on time. Last year, of the 13 appropriations bills due by October 1st, none of them made it. Instead, we had four continuing resolutions lasting 41 days, then 36 days, 2 days, and 3 days, respectively. And then, along came those two behemoths—a reconciliation bill, 6 months late, that was 1,186 pages long, weighing 15 pounds, and the long-term continuing resolution, 2 months late, that was 1,057 pages long, weighing 14 pounds. Not to mention the 1,053-page conference report weighing 14 pounds. That was a total of 43 pounds of paper and ink. You had 3 hours, yes, 3 hours to consider each, and it took 300 people at my Office of Management and Budget just to read the bill so the Government wouldn't shut down.

Congress shouldn't send another one of these. And if you do, I will not sign it.

Let's change all this; instead of a Presidential budget that gets discarded and a congressional budget resolution that is not enforced, why not a simple partnership, a *joint* agreement that sets out the spending priorities within the available revenues? And let's remember our deadline is October 1st, not Christmas; let's get the people's work done in time to avoid a footrace with Santa Claus. Yes, this year—to coin a phrase—a new beginning. Thirteen individual bills, on time and fully reviewed by Congress.

I am also certain you join me in saying: Let's help ensure our future of prosperity by giving the President a tool that—though I will not get to use it—is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States, the right to reach into massive appropriations bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

And let's take a partial step in this direction. Most of you in this Chamber didn't know what was in this catch-all bill and report. Over the past few weeks, we have all learned what was tucked away behind a little comma here and there. For example, there's millions for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers. And that's not to mention the $.5 million so that people from developing nations could come here to watch Congress at work. I won't even touch that. So tonight, I offer you this challenge. In 30 days, I will send back to you those items, as rescissions, which if I had the authority to line them out, I would do so.

Review this multi-billion-dollar package; that will not undercut our bipartisan budget agreement. As a matter of fact, if adopted, it will improve our deficit reduction goals. And what an example we can set: that we are serious about getting our financial accounts in order. By acting and approving this plan, *you* have the opportunity to override a congressional process that is out of control.

There is another vital reform. Yes, Gramm-Rudman-Hollings has been profoundly helpful, but let us take its goal of a balanced budget and make it permanent. Let us do now what so many States do to hold down spending and what 32 State legislatures have asked us to do; let us heed the wishes of an overwhelming plurality of Americans and pass a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means.

Reform of the budget process—including the line-item veto and balanced budget amendment—will, together with real restraint on Government spending, prevent the Federal budget from ever again ravaging the family budget.

Let's ensure that the Federal Government never again legislates against the family and the home. Last September, I signed an Executive Order on the family requiring that every department and agency review its activities in light of seven standards designed to promote and not harm the family. But let us make certain that the family is always at the center of the public policy process, not just in this Administration but in all future administrations. It is time for Congress to consider—at the beginning—a statement of the impact that legislation will have on the basic unit of American society, the family.

And speaking of the family, let's turn to a matter on the mind of every American parent tonight—education. We all know the sorry story of the sixties and seventies—soaring spending, plummeting test scores—and that hopeful trend of the eighties, when we replaced an obsession with dollars with a commitment to quality, and test scores started back up. There is a lesson here that we all should write on the blackboard a hundred times—in a child's education, money can never take the place of basics like discipline, hard work, and, yes, homework.

As a Nation we do, of course, spend heavily on education—more than we spend on defense—yet across our country, Governors like New Jersey's Tom Kean are giving classroom demonstrations that how we spend is as important as how much we spend. Opening up the teaching profession to all qualified candidates; merit pay, so that good teachers get A's as well as apples; and stronger curriculum, as Secretary Bennett has proposed for high schools—these imaginative reforms are making common sense the most popular new kid in America's schools.

How can we help? Well, we can talk about and push for these reforms. But the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, to the parents and teachers.

My friends, some years ago, the Federal Government declared war on poverty, and poverty won. Today, the Federal Government has 59 major welfare programs and spends more than $100 billion a year on them. What has all this money done?

Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.

It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.

States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

Let us give the States even more flexibility and encourage more reforms. Let's start making our welfare system the first rung on America's ladder of opportunity—a boost up from dependency; not a graveyard, but a birthplace of hope.

Now let me turn to three other matters vital to family values and the quality of family life. The first is an untold American success story. Recently, we released our annual survey of what graduating high school seniors have to say about drugs. Cocaine use is declining and marijuana use was the lowest since surveying began. We can be proud that our students are just saying "no" to drugs. But let's remember that ending this menace requires commitment from every part of America and every single American—a commitment to a drug-free America. The war against drugs is a war of individual battles, a crusade with many heroes—including America's young people, and also someone very special to me. She has helped so many of our young people to say "no" to drugs. Nancy, much credit belongs to you, and I want to express to you your husband's pride and your country's thanks.

Now, we come to a family issue that we must have the courage to confront. Tonight, I call America—a good Nation, a moral people—to charitable but realistic consideration of the terrible cost of abortion on demand. To those who say this violates a woman's right to control of her own body—can they deny that now medical evidence confirms the unborn child is a living human being entitled to life, liberty, and the pursuit of happiness? Let us unite as a Nation and protect the unborn with legislation that would stop all Federal funding for abortion—and with a Human Life Amendment making, of course, an exception where the unborn child threatens the life of the mother. Our Judeo-Christian tradition recognizes that right of taking a life in self-defense.

But with that one exception, let us look to those others in our land who cry out for children to adopt. I pledge to you tonight, I will work to remove barriers to adoption and extend full sharing in family life to millions of Americans, so that children who need homes can be welcomed to families who want them and love them.

And let me add here: so many of our greatest statesmen have reminded us that spiritual values alone are essential to our Nation's health and vigor. This Congress opens its proceedings each day, as does the Supreme Court, with an acknowledgement of the Supreme Being—yet we are denied the right to set aside in our schools a moment each day for those who wish to pray. I believe Congress should pass our school prayer amendment.

Now, to make sure there is a full nine-member Supreme Court to interpret the law, to protect the rights of *all* Americans, I urge the Senate to move quickly and decisively in confirming Judge Anthony Kennedy to the highest court in the land and to also confirm 27 nominees now waiting to fill vacancies in the Federal judiciary.

Here then are our domestic priorities; yet if the Congress and the Administration work together, even greater opportunities lie ahead to expand a growing world economy; to continue to reduce the threat of nuclear arms and to extend the frontiers of freedom and the growth of democratic institutions.

One of the greatest contributions the United States can make to the world is to promote freedom as the key to economic growth. A creative, competitive America is the answer to a changing world, not trade wars that would close doors, create greater barriers, and destroy millions of jobs. We should always remember: protectionism is destructionism. America's jobs, America's growth, America's future depend on trade—trade that is free, open, and fair.

This year, we have it within our power to take a major step toward a growing global economy and an expanding cycle of prosperity that reaches to all the free nations of this Earth. I'm speaking of the historic Free Trade Agreement negotiated between our country and Canada. And I can also tell you that we're determined to expand this concept, South as well as North. Next month I will be traveling to Mexico where trade matters will be of foremost concern. And, over the next several months, our Congress and the Canadian Parliament can make the start of such a North American accord a reality. Our goal must be a day when the free flow of trade—from the tip of Tierra del Fuego to the Arctic Circle—unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the U.S.-Canadian border so long has been—a meeting place, rather than a dividing line.

This movement we see in so many places toward economic freedom is indivisible from the worldwide movement toward political freedom—and against totalitarian rule. This global democratic revolution has removed the specter—so frightening a decade ago—of democracy doomed to a permanent minority status in the world. In South and Central America, only a third of the people enjoyed democratic rule in 1976. Today, over 90 percent of Latin Americans live in nations committed to democratic principles.

And the resurgence of democracy is owed to those courageous people on almost every continent who have struggled to take control of their own destiny. In Nicaragua, the struggle has extra meaning because that nation is so near our own borders. The recent revelations of a former high-level Sandinista, Major Roger Miranda, show us that, even as they talk peace, the Communist Sandinista government of Nicaragua has established plans for a large 600,000-man army. Yet even as these plans are made, the Sandinista regime knows the tide is turning and the cause of Nicaragua freedom is riding at its crest. Because of the freedom fighters, who are resisting Communist rule, the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities, and release a few political prisoners.

The focus is on the Sandinistas, their promises and their actions. There is a consensus among the four Central American democratic presidents that the Sandinistas have not complied with the plan to bring peace and democracy to all of Central America. The Sandinistas again have promised reforms; their challenge is to take irreversible steps toward democracy.

On Wednesday, my request to sustain the freedom fighters will be submitted which reflects our mutual desire for peace, freedom, and democracy in Nicaragua. I ask Congress to pass this request; let us be for the people of Nicaragua what Lafayette, Pulaski, and Von Steuben were for our forefathers and the cause of American independence.

So, too, in Afghanistan, the freedom fighters are the key to peace. We support the Mujahidin. There can be no settlement unless all Soviet troops are removed and the Afghan people are allowed genuine self-determination. I have made my views on this matter known to Mr. Gorbachev. But not just Nicaragua or Afghanistan; yes, everywhere, we see a swelling freedom tide around the world—freedom fighters rising up in Cambodia and Angola, fighting and dying for the same democratic liberties we hold sacred. Their cause is our cause. Freedom.

Yet, even as we work to expand world freedom, we must build a safer peace and reduce the danger of nuclear war. But let's have no illusions. Three years of steady decline in the value of our annual defense investment have increased the risk of our most basic security interests, jeopardizing earlier hard-won goals. We must face squarely the implications of this negative trend and make adequate, stable defense spending a top goal both this year and in the future. This same concern applies to economic and security assistance programs as well. But the resolve of America and its NATO allies has opened the way for unprecedented achievement in arms reduction. Our recently signed I.N.F. treaty is historic because it reduces nuclear arms and establishes the most stringent verification regime in arms control history, including several forms of short-notice, on-site inspection. I submitted the treaty today, and I urge the Senate to give its advice and consent to ratification of this landmark agreement.

In addition to the I.N.F. treaty, we are within reach of an even more significant START agreement that will reduce U.S. and Soviet long-range missile or strategic arsenals by half. But let me be clear: our approach is not to seek agreement for agreement's sake, but to settle only for agreements that truly enhance our national security and that of our allies. We will never put our security at risk—or that of our allies—just to reach an agreement with the Soviets. No agreement is better than a bad agreement.

As I mentioned earlier, our efforts are to give future generations what we never had: a future free of nuclear terror. Reduction of strategic offensive arms is one step. S.D.I. another. Our funding request for our Strategic Defense Initiative is less than 2 percent of the total defense budget. S.D.I. funding is money wisely appropriated and money well spent. S.D.I. has the same purpose and supports the same goals of arms reduction. It reduces the risk of war and the threat of nuclear weapons to all mankind. Strategic defenses that threaten no one could offer the world a safer, more stable basis for deterrence. We must also remember that S.D.I. is also our insurance policy against a nuclear accident—a Chernobyl of the sky—or an accidental launch or some madman who might come along.

We have seen such changes in the world in 7 years: as totalitarianism struggles to avoid being overwhelmed by the forces of economic advance and the aspiration for human freedom, it is the free nations that are resilient and resurgent. As the global democratic revolution has put totalitarianism on the defensive, we have left behind the days of retreat—America is again a vigorous leader of the free world, a Nation that acts decisively and firmly in the furtherance of her principles and vital interests. No legacy would make me more proud than leaving in place a bipartisan consensus for the cause of world freedom, a consensus that prevents a paralysis of American power from ever occurring again.

But my thoughts tonight go beyond this. And I hope you will let me end this evening with a personal reflection. You know, the world could never be quite the same again after Jacob Shallus, a trustworthy and dependable clerk of the Pennsylvania General Assembly, took his pen and engrossed those words about representative Government in the Preamble of our Constitution. And in a quiet but final way, the course of human events was forever altered when, on a ridge overlooking the Emmitsburg Pike in an obscure Pennsylvania town called Gettysburg, Lincoln spoke of our duty to Government of and by the people and never letting it perish from the Earth.

At the start of this decade, I suggested that we lived in equally momentous times—that it was up to us now to decide whether our form of Government would endure and whether history still had a place of greatness for a quiet, pleasant greening land called America. Not everything has been made perfect in 7 years—nor will it be made perfect in seven times 70 years—but before us, this year and beyond, are great prospects for the cause of peace and world freedom.

It means, too, that the young Americans I spoke of 7 years ago—as well as those who might be coming along the Virginia or Maryland shores this night and seeing for the first time the lights of this capital city, the lights that cast their glow on our great halls of Government and the monuments to the memory of our great men—it means those young Americans will find a city of hope in a land that is free.

We can be proud that for them, and for us, those lights along the Potomac are still seen this night—signaling, as they have for nearly two centuries and as we pray God they always will, that another generation of Americans has protected and passed on lovingly this place called America, this shining city on a hill, this Government of, by, and for the people.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

1988 LEGISLATIVE AND ADMINISTRATIVE MESSAGE—MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

1988 LEGISLATIVE AND ADMINISTRATIVE MESSAGE—A UNION OF INDIVIDUALS

INTRODUCTION

In one sentence of 52 words, the Framers of our Constitution announced the proper ends of government in a free society:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The six purposes listed in the Preamble for establishing the Constitution serve as a lasting measure of the legitimate role of government. An American President has no more sacred duty than to ensure that the government stays within the constitutional limits that protect individual liberty. In assessing this Administration's policies and proposals now and for the future, the fundamental blueprint remains the Preamble of the Constitution.

In the past 7 years, our Administration has worked to restore a vision of government that was the Founders' own—a vision of a free and self-reliant people, taking responsibility for its own welfare and progress through such time-tested means as individual initiative, neighborhood and community cooperation, and local and State self-government. The return of responsibility and authority to the individual American is now leading to a virtual renaissance in America of liberty, productivity, prosperity, and self-esteem.

Our foreign and defense policies are geared to protect American freedom against external threats, to guarantee that our liberties are secure from the aggressions of those whose values are not founded in human freedom. Protection of liberty today means not just a strong America, but also a common defense with our allies of the free world. It gives me pride to report that our mutual efforts are being rewarded with a new growth of democracy and a renewed respect around the world for this country and what it stands for. At home our challenge remains to achieve full participation in the longest peacetime economic expansion on record—in the almost unlimited prosperity which flows from genuine human freedom.

This statement of Administration policy is organized according to the six basic tenets for which the American people first ordained and established the Constitution:

Page

I. To Form a more Perfect Union........... 2

II. To Establish Justice............................ 8

III. To Ensure Domestic Tranquillity........ 12

IV. To Provide for the Common Defense. 18

V. To Promote the General Welfare........ 28

VI. To Secure the Blessings of Liberty..... 63

I. TO FORM A MORE PERFECT UNION

In setting aside the Articles of Confederation for a new Constitution, the Framers acknowledged that the governmental deficiencies of the new Nation were of their own making. They understood that if the American republic were to endure and prosper, its organizing principles would have to be revised. The constitutional system the Framers produced has been the wonder of the free world, but after 200 years some aspects of that system are in need of repair and reform. Accordingly, I propose the following measures to "form a more perfect Union."

A. *Balanced Budget Amendment*

Before the Great Depression, the idea that the Federal government should balance its budget on a yearly basis was treated as though it were part of the Constitution. The economic crisis, and later World War II, forced the abandonment of this policy. But what may have been necessary in those national emergencies is now a permanent feature of the Federal government.

There is no question that continued Federal budget deficits, fueled by higher spending, are bad for the economy. Unfortunately, our political system makes it extremely difficult to reduce the deficit. The public interest in spending restraint is a generalized one, diffused among the entire citizenry. The special interests favoring spending on any particular program are smaller, but they fight much harder to maintain or increase spending.

Certainly, there are constructive proposals that would help control spending. Since 1981, our budgets have sought billions of dollars in reductions of outdated and outmoded programs. Members of the Congress and private think tanks have also identified wasteful spending. But the political process's inability to overcome inertia, along with the persistence of special interests, has led many Americans to despair of achieving budgetary balance without constitutional reform. That is why 32 States have applied to the Congress to call a constitutional convention for the purpose of proposing a constitutional amendment to require a balanced budget—only two States short of the number required by Article V of the Constitution.

In previous years, the Senate has approved such a balanced budget amendment that would obviate such a convention, but the House has failed to support it. This is clearly the option I prefer to achieve the constitutionally mandated balanced budget desired by the overwhelming majority of the American people.

It is imperative that the Congress consider such an amendment as a major priority for 1988, and I will be a willing partner in that enterprise.

B. *Budget Process Reform*

It is widely acknowledged, by the Congress, the press, and the American people, that the current budget process is not working. The Budget Act of 1974 was purported to streamline and rationalize the budget considerations by the Congress. The new process was to "force" the various committees to consider their recommendations in the context of the entire budget and ensure that proper attention was paid to the bottom line—the deficit.

In both substance and form, the process has failed. Deadlines are routinely missed or ignored. Enforcement mechanisms are rarely employed. Debates over the same issue occur three and four times a year. And from the size of the deficit, the process has obviously failed to provide fiscal discipline.

Over the last 7 years, total revenues paid to the Federal government have increased by over $250 billion. But total expenditures have increased by some $325 billion. Part of the increased spending, $125 billion, or half of the increase in revenues, was devoted to rebuilding our national defenses. But last year, the government spent $140 billion more on domestic programs than in 1981 and $70 billion more on interest payments due to the deficit. And for every dollar the Congress has cut from my defense request, they have added $2 to domestic spending.

Nowhere is the failure of the budget process more evident than in the annual process of developing the appropriations bills that establish discretionary spending levels making up just under one-half the total budget. The regular process requires that 13 separate appropriations bills be sent to the President well in advance of the October 1 beginning of a new fiscal year. But the norm has been anything but normal—during the last 7 years, the Congress sent only 10 of the 91 required bills on time. In the last 2 years, not one bill has been on time and all 13 have been collapsed into one massive piece of legislation.

These increasingly large spending bills, passed at the last moment before existing funding expires, deny the Congress and the Executive the ability to adequately examine their contents. The Congress cannot truly vote on their merits and the President has little ability to employ a veto.

While Gramm-Rudman-Hollings has helped restore some fiscal discipline, it simply adds another layer to an already broken process. The threat of across-the-board cuts is only partially effective as major portions of the budget are exempt. And G-R-H does not produce what a truly effective budget process should; namely, a thorough consideration of spending priorities within the constraints of available revenues. To assist the next administration in attaining the deficit targets contained in the Gramm-Rudman-Hollings law and achieve a balanced budget within the next few years, the following changes in the budget process are proposed:

Joint Budget Resolution. The budget process has so degenerated in recent years that the Presidential budget is routinely discarded and the congressional one regularly goes unenforced. The product of this breakdown is a concurrent resolution, requiring neither consultation with the Administration nor the signature of the President. As a remedy, I propose that henceforth the Congress and the Executive collaborate on a joint resolution that sets out spending priorities within the revenue available. The requirement of a Presidential signature would force both branches of government to resolve most policy issues before formulating appropriations measures. The budget process could be further improved by including in the budget law allocations by committee as well as by budget function.

Individual Transmittal of Appropriations Bills. The current practice of transmitting full-year omnibus continuing resolutions oversteps appropriation committee/subcommittee jurisdictions. More important, it does not permit the Legislative and Executive branches to exercise proper scrutiny of Federal spending. Therefore, I propose a requirement that appropriations bills be transmitted individually to the President.

Strict Observance of Allocations. During the 1980s, an unacceptable budget practice evolved of disregarding congressionally approved function allocations. Funds regularly were shifted from defense or international affairs to domestic spending. I strongly urge that each fiscal year separate defense and non-defense allocations be made and enforced through a point-of-order provision in the budget act.

Enhanched Rescission Authority. Under current law, the President may propose rescissions of budget authority, but both Houses of Congress must act "favorably" for the rescission to take effect. The Supreme Court in the *Chadha* decision (1983) effectively moots even this limited authority. I propose a change of law that would cure the legislative veto defect and require the Congress to vote "up or down" on any Presidentially proposed rescission, thereby preventing the Congress from simply ignoring the rescission or avoiding a recorded vote.

Adopt Biennial Budgeting. The current budget process consumes too much time and energy. A 2-year budget cycle offers several advantages—among them, a reduction in repetitive annual budget tasks, more time for congressional oversight and consideration of key spending decisions in reconciliation, and fewer gimmicks, such as shifting spending from one year to the next. I am calling on the Congress to adopt biennial budgeting, beginning with a trial 2-year Defense budget.

Truth in Federal Spending Legislation. As part of my Economic Bill of Rights proposal, I outlined legislation that provides for "Truth in Federal Spending." Soon I will transmit legislation that will require any future legislation creating new Federal programs to be deficit-neutral; this will be done by requiring the concurrent eneactment of equal amounts of program reductions or revenue increases. Additionally, my proposed legislation would require that all future legislation and implementing regulations be accompanied by financial impact statements detailing the measure's likely economic impact, including the effect on State and local governments. Enactment of this proposal would be an important step toward reassuring the American people that the Congress is serious about controlling government spending.

C. *Line Item Veto*

A President should have the same tools to control spending that 43 governors have. I will forward my proposal for a line item veto. It would allow future Presidents to remove from spending bills those items that are extraneous—without threatening the continuation of vital government programs. The Congress could override each veto by a two-thirds vote in each House. The budget crisis, however, also demands immediate action. For example, last month the Congress presented me with a catchall spending bill with many extraneous and costly provisions, some of which had been considered for the first time in conference. I am asking the Congress immediately to accept the responsibility for making its own processes work, rather than giving up and resorting to a continuing resolution.

D. *Super-majority Tax Amendment*

Our Founding Fathers knew that without economic freedom there can be no political freedom. Even before our Nation was full-born, nine colonies assembled in a "Stamp Act Congress" and worked their will to oppose taxation without representation. Today, we must once again resolve to put an end to irresponsible taxation and spending. We have fallen into a costly and dangerous habit, which could threaten our future prosperity, burden future generations, and reduce the incentive of individuals and businesses to create more goods and services.

It is clear that we need a mechanism to control expenditures of Americans' hard-earned money. To this end, I will send to the Congress a proposed constitutional amendment to require a super-majority vote in the Congress in order to increase the tax burden on our citizens. I urge the Congress to act expeditiously in approving this amendment and to send it to the States for ratification.

E. *Federalism—Returning Power to the People*

At the time of my first State of the Union address, it was apparent that the limited national government envisioned by the Framers had been replaced by a national government whose involvement in domestic affairs was limited only by its own will. The Founders understood that unchecked central authority threatens individual liberties. Accordingly, they constituted a Federal system of government, with all powers not specifically granted by the Constitution to the national government reserved to the States and to the people.

We have sought to revitalize the principle of federalism by reforming the institutional processes of the national government. This past October, I signed Executive Order 12612, which requires Executive officials to ensure that all proposed policies and legislation comply with federalism principles and to conduct a formal federalism assessment as appropriate, and which restricts Federal preemption of State laws. The Congress should review its legislative procedures to determine whether reforms similar to those in Executive Order 12612 are warranted.

The National Governors Association and the Advisory Commission on Intergovernmental Relations, as well as State and local officials, have been examining possible amendments to the Constitution that would restore the structural balance of power between the national government and the States. If we in Washington are unsuccessful in reviving the constitutionally crucial principle of federalism, it may become necessary to consider such proposals.

II. TO ESTABLISH JUSTICE

For 200 years our Republic has enjoyed a constitutional system that is the envy of the world. By its own terms and by the will of the American people, the Constitution is the supreme law of the land. Yet, in recent years, some have advocated and at times have succeeded in promoting a laxity in the observance of the terms of its text. Fortunately, I can count as one of the most satisfying legacies of my presidency the work my Administration has done to restore the foundations of American government through an insistence on the faithful interpretation and observance of the Constitution.

A. *Judicial Appointments*

In the elections of 1980 and 1984, I promised the American people that I would nominate judges and justices to the Supreme Court who would be faithful to the Constitution. I have kept that promise.

Our written Constitution, adopted and ratified by the people 200 years ago and amended several times since, is our fundamental law. Every government official takes an oath to abide by its provisions. For Members of the Congress, this should mean enacting laws only in pursuance of the powers set forth in the Constitution. As President, this means taking care that the laws are faithfully executed. To the courts falls the task of adjudicating cases or controversies according to the Constitution and the laws made under it. In so doing, judges must faithfully interpret the text of the Constitution, as well as laws passed by the Congress, as written, in accordance with their original meaning. To do otherwise would constitute a usurpation of legislative power never intended by the American people. With this in mind, I have been careful to nominate only judges faithful to this principle. I urge the Senate to be guided by the same standards in exercising its constitutional duty in the confirmation process.

Part of faithfully interpreting the law is seeing to it that those convicted of crimes are dealt with fairly but firmly. In this respect, I am particularly proud of my judicial appointments. Federal court records indicate that between 1981, when I first took office, and 1984, the average sentence handed down by a Federal court per conviction increased dramatically—by over 100 percent for rape, over 100 percent for burglary, and over 60 percent for murder. I will continue to nominate judges who are tough on crime. When the Senate adjourned last year, 27 judicial nominations were left pending—an unprecedented number—and other vacancies are yet to be filled as well. The Chief Justice of the United States has stated that the high number of vacancies is contributing to an enormous backlog for the Federal courts. The Senate must act expeditiously to confirm these judges.

B. *Civil Rights*

Among the greatest imperatives in establishing justice is the elimination of discrimination based on race, sex, and other immutable characteristics. Discrimination based on religion is equally invidious. This Administration has held high the banner of equal opportunity for all Americans, and we will not retreat from the fight against discrimination wherever it exists.

Our achievements have been significant. We have successfully prosecuted racial hate groups and have achieved more convictions for criminal civil rights violations than any previous administration. We have moved aggressively to enforce our Nation's voting rights laws, thereby securing for thousands of citizens the most fundamental of all rights—the right to help shape their future with a ballot.

In desegregating our Nation's public schools, we have placed the emphasis where it should be—on enhancing educational quality for all children.

I am particularly proud of our successes in moving America closer to the constitutional ideal of a color-blind society open to all without regard to race. In the workplace, we have rejected the use of quotas and have insisted on fair treatment in hiring and promotion decisions. And after 3 years of effort by this Administration, the Fair Housing Initiatives Program has finally been authorized. The Federal government will now be able to provide direct assistance to State and local governments, as well as public and private organizations, investigating complaints of housing discrimination. The 20th anniversary of the Fair Housing Act of 1968 is an appropriate time to strengthen the statute by increasing the penalties for those convicted of housing discrimination and by extending the protections of the Act to handicapped persons. This Administration will submit appropriate legislation to achieve this purpose. Every American is entitled to freedom from discrimination—to be judged on the basis of qualification and performance, not on stereotypes and unfair assumptions.

Currently pending in the Senate, however, is a bill whose vague and sweeping language threatens to subject nearly every facet of American life—from the corner grocery to the local church or synagogue to local and State government—to intrusive regulation by Federal agencies and courts. Ironically it does so in the name of civil rights. This Administration opposes this overreaching legislation known as the Civil Rights Restoration Act of 1987 (S. 557). In its stead, I have proposed a bill that provides institution-wide coverage under the appropriate civil rights statutes of educational institutions receiving Federal aid while avoiding an unwarranted expansion of Federal jurisdiction. My proposal, the Civil Rights Act Amendments of 1987 (H.R. 1881), also ensures adequate protection of religious tenets under Title IX and makes clear that no institution must provide insurance coverage for abortions or perform abortions as a condition of the receipt of Federal aid.

C. *Protection of Victims of Obscenity and Child Pornography*

In establishing justice we must be ever mindful that our cherished constitutional freedoms cannot be distorted to protect activities that exploit the innocent and defenseless. The production and distribution of obscene materials, as well as child pornography, are such activities. Our Administration has made the elimination of these materials to top domestic priority.

The Attorney General's Commission on Pornography report has resulted in several new law enforcement efforts, foremost among these being the establishment of a special enforcement unit within the Department of Justice. In a single operation in 1987 more purveyors of child pornography were federally indicted than at any time in history, and the first Federal obscenity racketeering convictions were recently returned in Virginia. However, much more can be done to protect our children and families if the Congress enacts my proposed Child Protection and Obscenity Enforcement Act of 1987. It would criminalize buying and selling children for use in pornography, and it would also prohibit dial-a-porn and cable obscenity. It would strengthen our laws against organized crime traffic in hard-core obscenity.

D. *Legal Services for the Needy*

Provision of needed legal services for those who cannot afford them is an important goal of our society. Unfortunately, the current system administered by the Legal Services Corporation (LSC) is not working. Each year the Congress has mandated that a large portion of these funds be allotted to a group of "National and State Support Centers." Since 1975 these law reform think tanks have been criticized for political involvement and have not provided and day-to-day service to the poor—the original intent of the LSC. Instead, they have concentrated on social "law reform," without regard to a particular client's needs. I call on the Congress to disallow LSC funds for political think tanks or "support centers" and through strong and specific legal language to limit any political lobbying by LSC grantees. All LSC funds should be used to assist *directly* the poor in need of legal help.

There is another way in which the needy are being badly served by LSC. A congressionally mandated policy of "Annual Presumptive Funding" precludes the possibility of awarding LSC grants on a competitive basis. LSC must be able to demand results from grantees or give other prospective grantees opportunity better to serve the poor. While stability is desirable, we must be able to weed out inefficient or incapable grantees.

III. TO ENSURE DOMESTIC TRANQUILLITY

The leading threat to domestic tranquillity comes in the form of criminal offenses of citizen against citizen. When I took office crime rates were soaring. The public, with good reason, felt unsafe in our streets and often even in homes and places of work. Determined to give America back to its law-abiding citizens, our country is in the midst of the most vigorous crime-fighting effort in its history. Passage of the Comprehensive Crime Control Act of 1984, appointment to the bench of Federal judges who are tough on crime, and an unprecedented attack on organized crime are efforts that have paid off. In spite of our successes, however, much remains to be done.

A. *Restoration of the Federal Death Penalty*

Federal statutes currently provide for capital punishment for the offenses of espionage, treason, murder, and certain other felonies such as air piracy. Except in the case of the air piracy statute, enacted in 1973, these death penalty provisions are not accompanied by appropriate procedures required since the Supreme Court's 1972 decision in *Furman* v. *Georgia* to prevent disparate application. In this respect, the Congress has lagged well behind the State legislatures, more than 40 of which have acted to adopt appropriate death penalty procedures since the *Furman* decision.

Fortunately a solution is at hand. The Comprehensive Crime Control Act of 1984 created the United States Sentencing Commission to promulgate sentencing guidelines to insure consistent, tough, and equitable sentencing. The Commission should go forward now to set in place procedures to permit the constitutional imposition of capital sentences for the most serious Federal offenses.

B. *Criminal Justice Reform Act*

To protect further society from criminals, the Congress should act promptly on the Criminal Justice Reform Act, which I transmitted last year. By statute it would establish uniform procedures that would allow death penalty provisions in current Federal statutes to be enforced according to recent Supreme Court decisions. It also contains important reforms to curb the abuse of *habeas corpus* by convicted criminals and to promote truth in the courtroom by ensuring that evidence obtained by the police through reasonable searches and seizures can be used at trial. These important protections for the public will complete the anti-crime effort we began with the Comprehensive Crime Control Act of 1984. They were approved by the Senate in 1984 and in part by the House of Representatives in 1986. The time has come—this year—to enact them into law.

C. *Victims of Crime*

In 1982 my Task Force on Victims of Crime pointed out that all too often crime victims suffer doubly—they are first victimized by criminals and then by an inadequate justice system. My Administration has put into effect a number of the Task Force recommendations. The most important of these has been the development of model legislation mandating the protection and fair treatment of crime victims, which by 1986 had become the basis for legislative action in nearly two-thirds of the States. I am directing the Attorney General to press forward on the remaining Task Force recommendations.

D. *The Fight Against Terrorism*

Innocent Americans and freedom-loving people across the world have become the victims of terrorists. But this Nation will not be held captive to the will and whim of terrorists.

This Administration is considering a series of legislative proposals designed to strengthen our hand against terrorists. These include proposals for the expeditious removal of aliens from the United States who are engaged in terrorist activity and proposals providing for criminal and civil forfeiture of terrorists' assets.

State-sponsored terrorism, fomented by governments whose conduct and support for such acts put them outside the community of nations, remains a scourge on the international scene and a particular threat to our citizens and interests. We must further develop the rule of law against these criminals by denying terrorists the legitimacy of international instruments condoning their activities. The Senate should give its advice and consent to ratification, with certain reservations, of Additional Protocol II to the 1949 Geneva Conventions, which would serve to promote basic human rights. The Administration has rejected Additional Protocol I, which would give combatant status to terrorist organizations, and I welcome congressional support of this decision.

E. *Organized Crime*

For over a half-century this Nation has been plagued by organized crime. Due to vigorous efforts by Federal investigators and prosecutors, some of the most infamous leaders of organized crime are now facing long jail terms. This progress has come through a new strategy aimed at penetrating crime syndicates and targeting their leadership for prosecution. Strike forces have focused on several major cities such as Cleveland, Kansas City, and Boston. One of our most recent successes was in March of 1987 when a jury in New York returned 18 guilty verdicts in the "Pizza Connection" case involving $50 million in laundered proceeds from heroin sales by an organized crime group. In addition, our Administration's Comprehensive Crime Control Act of 1984 has enabled police to detain pending trial certain organized crime figures who previously could have made bail and has dramatically expanded our ability to seize and forfeit the assets of mob members.

Yet, mob-run crime is still a grave problem. Obscenity, extortion, drug importation and sales, loan sharking, illegal gambling, and murder are all crimes that we intend to hit hard during the remainder of this Administration. Our goal is to put "the mob" out of business through vigorous use of both criminal and civil statutes, by purging organized crime elements from labor organizations, and by targeting the newer, "emerging" organized crime groups to ensure that they never wield the mob's power and influence.

F. *Prison Capacity Expansion*

One result of our increased efforts to fight crime is that the number of criminals serving time in Federal prisons has increased dramatically—nearly 80 percent since 1981. We anticipate that the Federal inmate population will continue to increase in the future, particularly in light of the enhanced criminal penalties contained in the Anti-Drug Abuse Act of 1986 and the new sentencing guidelines. One of my top priorities for the next year will be to increase substantially the construction of new prison space to accommodate the increased number of criminals being removed from our streets.

G. *Drug Free America*

In the past 7 years, the Nation has made tremendous gains towards a drug free America. Today, public attitudes are clearly against the use of illegal drugs, and drug awareness is increasing. The national prevention effort has taken off with its own strong momentum. Individuals and communities, businesses and schools are taking a firm stand against the use of illegal drugs. Most important, the number of drug users is down; and our children are showing us that they are willing and able to say "no" to drugs.

We are on our way to a drug free future. Still, illegal drugs continue to destroy the lives and the hopes of hundreds of thousands of Americans each year, especially young people whose future lies before them. Since the beginning of my Administration, I have committed the Federal government to provide national leadership and support to the national crusade, encouraging and assisting private sector efforts and aggressively pursuing Federal responsibilities to stop the supply and use of illegal drugs. The National Drug Policy Board, which I established by Executive Order on March 26, 1987, has ensured that our Federal agencies work together effectively and efficiently. The Board has named lead agencies for all facets of the anti-drug program to improve coordination throughout the government and enable us to achieve maximum impact with our resources. To this end, the Board has developed a series of nine interrelated strategies.

Five strategies are aimed at reducing the supply of illegal drugs: enhanced *international* cooperation; stepped-up *interdiction* of drugs coming into the country; improved *intelligence* on drug activities; stepped-up *investigations* to eliminate drug trafficking organizations; and targeting *prosecution* of top drug organizations. Simply put, we are working with our allies throughout the world to reduce the amount of illegal drugs produced or processed; making sure that as little as possible of those illicit drugs enter this Nation; and Federal, State, and local officials are working together to investigate and prosecute to the fullest these merchants of destruction.

And we are working to reduce the demand for drugs. Nancy and I join the millions of parents across the country who know too well that real progress toward the goal of a drug free America will best be measured by preventing individuals who do not use drugs from beginning to use them and by convincing those who do use to stop.

Our four strategies to reduce demand are: *prevention education* to keep young people from becoming drug users; reduction of drug use by *high-risk youths;* improved community-based *treatment* for addicts whose drug habits have removed them from the American mainstream; and fostering attitudes of intolerance toward drug use on the part of *mainstream adults.*

Every American should be able to enjoy a drug free workplace. Schoolchildren should have drug free schools. Every citizen should be able to rely on a Federal work force free from drugs. And every American should be able to enjoy a drug free transportation system. This Administration is working in partnership with private employers and State and local governments to ensure all four.

We are proceeding with a cooperative national effort to reduce and eventually eliminate drugs from government housing projects. The Department of Education issued *Schools Without Drugs* and has mobilized school, parent, and community efforts to take drugs away from young people and give them back their lives.

These efforts have already begun to produce results. In 1987, for the first time since the National Institute on Drug Abuse began its annual survey of high school seniors in the early 1970s, a significant drop—one-third—in current cocaine use was revealed. Ninety-seven percent of the seniors polled disapproved of regular cocaine use, and 87 percent disapproved of even trying it—strong evidence that cocaine use is no longer "in" among young Americans.

Finally, as the Nation's largest employer, the Federal government is committed to establishing a model for a drug free workplace that deals constructively with illegal drug use. We are establishing a broad drug education training program for all employees. The program includes testing of employees holding safety-sensitive positions. For example, the Department of Transportation has already implemented drug-testing programs for employees in such positions, including air-traffic controllers and airline safety inspectors. Indeed, fair and accurate drug testing is one of the few effective ways to ensure that illegal drug users begin the process of rehabilitation. Agency programs that include random testing to identify these drug users will be ready for implementation in 1988. We are putting our money where our heart is. In the past 7 years, there has been a three-fold increase in Federal spending to fight drugs, bringing the total close to $3.5 billion this year.

I worked closely with the Congress to enact the Anti-Drug Abuse Act of 1986, which embodies a national commitment to fight drug abuse through: increased criminal penalties, improved criminal investigation and prosecution, demand reduction, better international cooperation, and more effective interdiction. The Act also established the White House Conference for a Drug Free America. Already it has hosted six regional forums to facilitate information gathering and interchange on various aspects of the drug issue. The Conference will hold a national assembly in Washington next month that will expand upon the findings of the regional conferences, showcase the best of the Nation's efforts, and highlight new proposals for combatting drug use in this country. I look forward to the group's final report this spring in order to work with the Congress to implement its recommendations and promote our vision of a drug free America.

IV. TO PROVIDE FOR THE COMMON DEFENSE

Our Government has no higher duty than defense of the freedom of the American people. On this point, Alexander Hamilton and James Madison, two of the most eminent Framers of our Constitution, were in complete agreement. Wrote Alexander Hamilton in *The Federalist*, "The circumstances which endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed." James Madison concurred, "The means of security can only be regulated by the means and the danger of attack."

In our constitutional framework, the President and the Congress share the vital responsibility for ensuring our national security. Within this same constitutional framework, however, the President has important independent powers. Both of these constitutional principles apply to the agenda of national security issues we will face in 1988 and beyond.

Our two branches of government clearly share powers in such areas as planning and budgeting for the maintenance of our defense capability; the ratification of treaties, as in the case of the INF Treaty; and foreign economic and security assistance, that vital instrument of our foreign policy. At the same time, the Congress must respect the constitutional wisdom that only the President can act as the effective Executive agent in the conduct of foreign relations. This truth is long established in our constitutional law and practice. And the President, in order to act effectively in the Nation's behalf, needs the flexibility to respond, within the framework of law, to often unpredictable and fast-moving challenges.

In 1980, I promised as my first priority to rebuild our national defenses to meet the Soviet military challenge and to retore America's standing as leader of the Free World. Immediately this Administration went to work to rebuild our military, to restore morale in the services and national pride among our people, and to make America once again the leader of free nations. As a result, we are now able to deal from strength with our adversaries and to promote and sustain the efforts of valiant men and women around the globe who are struggling to win or preserve their freedom. Peace is our goal, but we must guard the power and responsibility to meet every challenge.

A. *East-West Relations*

On the basis of our renewed strength, and a policy of realism in the pursuit of peace, we have in the past 7 years taken great strides toward a world in which freedom can flourish. In the coming year, we face new challenges and new opportunities, and I hope that the Congress will be my partner in addressing both.

Today I have submitted to the Senate for its advice and consent to ratification the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles. This INF Treaty is the first agreement ever to *reduce* and not simply *limit* the buildup of nuclear weaponry, and it provides for the elimination of an entire class of U.S. and Soviet nuclear missiles. It contains the most stringent verification regime in the history of arms control. This treaty represents the culmination of 6 years of hard negotiation. After the West showed strength and solidarity, the Soviets joined us in an agreement to ban such weapons on both sides.

On the basis of similar strength and fortitude, and support from the American people and the Congress, we are engaged in serious negotiations with the Soviet Union on an agreement that could reduce strategic nuclear offensive forces by 50 percent. The United States and Soviet Union are negotiating for effective verification measures that would make it possible to ratify the U.S.-U.S.S.R. Threshold Test Ban Treaty of 1974 and Peaceful Nuclear Explosions Treaty of 1976.

These accomplishments depend on maintaining our strength. It should now be unmistakably clear that our determined program to rebuild our military strength and my Strategic Defense Initiative have spurred major advances in arms reduction, as well as strengthening our own and allied security. These efforts must not be undercut.

In addition, I must reiterate what I said last year—that legislating Soviet arms control positions into American law is not the way to get good agreements. I will veto legislation that undermines national security and undercuts our negotiating position.

The issue between East and West, of course, is not simply arms control. Efforts by the Soviet Union and its surrogates to suppress freedom are major sources of international tensions. Experience shows these efforts to be significant obstacles to improvements in U.S.-Soviet relations.

Human rights and regional conflicts are key issues on my agenda with the Soviet Union. Unfortunately, I can report to you only very limited improvement in both of these areas. For instance, while a few Soviet political prisoners have been released, and there has been some increase this past year in the emigration of Soviet Jews, many more prisoners remain, and many thousands of Soviet Jews are still denied the basic right to emigrate. Furthermore there has been no significant change in Soviet involvement in or provocation of regional conflicts, despite the repeated Soviet lip service to the need for peaceful solutions.

B. *Defense Budget*

Our defense budget proposals represent an essential program for maintaining our defensive strength. The defense budget has already been reduced to levels that will require us to delay the achievement of important defense objectives. Anything less will jeopardize not only our national security and that of our allies but also the prospects for fair agreements negotiated with our adversaries.

With this in mind we must continue with the Strategic Modernization Program as an essential guarantor of Free World security at the same time as we seek clear-cut and effectively verifiable strategic arms reductions. We must also continue the modernization of nuclear, conventional, and chemical deterrence forces supporting our commitments to our allies. Additionally, we must ensure that the conventional force disparities between NATO and the Warsaw Pact are redressed through a combination of negotiated reductions and the strengthening of NATO capabilities.

My Strategic Defense Initiative (SDI) is not simply a program of research and development of new technology. It offers hope of a reorientation of strategy—hope for a world in which strategic defenses, which threaten no one and can block a ballistic-missile attack, play a greater role in maintaining deterrence. This is a vital program. It is an investment in a safer world for our children, and it is insurance against violations of arms reduction agreements. It reinforces our negotiating efforts. I will ask the Congress to provide increases in funding necessary for essential SDI research, development, and testing. It is a cornerstone of our security strategy for the 1990s and beyond. And when it is ready, we will deploy it.

Despite reductions in defense funding, we must attempt to maintain the strength of our technology base, pursuing new developments in conventional weapons technology. We must also continue our Armaments Cooperation initiatives with our allies to realize improvement in acquisition management and the advantages of shared technological advances among our allies.

We will maintain, where necessary, the deployment of U.S. military forces throughout the Free World as a deterrent to those who might act to threaten peace and freedom and as evidence of solidarity with our allies and other friendly nations.

We must continue to develop and to exercise our capabilities to respond to low-intensity conflict. These simmering confrontations below the threshold of large-scale conventional war undermine the political, economic, and security interests of the United States and its allies and friends.

We must complete the revitalization of our special operations capability begun early in this Administration and preserve that capability in the ensuing years.

Similarly, we need a vital and effective intelligence capability. We must ensure that this capability is effectively managed and that the President has the ability to employ its flexibly. I will not accept legislation governing the conduct of intelligence activities that does not preserve the flexibility that is required if our intelligence community is to do its job. To improve the military intelligence support to U.S. military commanders, especially in the vital area of human intelligence collection, I am seeking legislation to authorize the Secretary of Defense to establish commercial entities to provide cover for certain Department of Defense foreign intelligence collection activities.

As we address the resources requirements for our defense efforts, we must also streamline the process of resource allocation. For this reason, I urge the Congress to shift fully to a 2-year defense authorization and appropriation cycle. This Administration continues to press initiatives that streamline and strengthen the Federal procurement process to dramatically increase competition in the award of Federal contracts. We are placing particular emphasis on the findings of the Blue Ribbon Commission on Defense Management (The Packard Commission) and especially those recommendations having government-wide effect.

C. *Democracy and Freedom*

America's goal is both peace and freedom. Americans have always believed that liberty was not the birthright of a fortunate few but of all mankind. And we are inspired in this period by the stirring sight of democracy flourishing anew in many regions of the world—from Latin America to the Philippines to the Republic of Korea.

Most remarkable is the struggle of those directly resisting aggression sponsored by the Soviet Union and its surrogates—in Afghanistan, in Cambodia, in Nicaragua, and in Angola.

I strongly support the cause of the brave Freedom Fighters of Nicaragua. On this issue there have been differences between the Executive branch and the Congress, but there are also shared principles: that there must not be a Cuban or a Soviet-bloc military base in Nicaragua, because such a base would threaten the United States and the other nations in the Hemisphere; that Nicaragua must not pose a military threat to its neighbors or provide a staging ground for subversion or destabilization; and that Nicaragua must respect the basic freedom and human rights of its own people, including the original pledges the Sandinista regime made to the Organization of American States in 1979.

It is now widely accepted that democracy *within* Nicaragua is the core issue in the conflict in Central America. It is the attempt of the Communist Sandinista regime to consolidate its monopoly of power that has led to armed rebellion. The Guatemala Peace Accord, reached last August, recognizes the importance of democracy within Nicaragua—of total amnesty for political prisoners, of negotiations with the armed resistance for a ceasefire. The outcome of the January 15 San Jose meeting to evaluate compliance with the Guatemala Peace Accord presents important opportunities to further peace and democracy in the troubled Central American region.

At the San Jose Summit there was a clear consensus among the four Central American democratic presidents that the Sandinistas had not complied with the Peace Accord. By making his last-minute promises President Ortega acknowledged the accuracy of that judgment.

The key issue is whether the Sandinistas are now committed to genuine and enduring democracy or do they just seek the elimination of the Nicaraguan Democratic Resistance.

The Nicaraguan Democratic Resistance is the best insurance policy for keeping the peace process on track and producing a democratic outcome in Nicaragua. This is not the time to falter in our support for the Freedom Fighters. The United States must not abandon those fighting for democracy in Nicaragua until true democracy is attained.

In Afghanistan, we maintain our firm and unwavering support for the heroic struggle of the Afghan Resistance against the Soviet occupation. We will never agree to any steps that put the Afghan Resistance, or Afghan hopes for self-determination, at risk.

We support a peaceful solution, but such a solution can be achieved only if the Soviet Union withdraws its forces promptly and completely and allows Afghans themselves to determine their political future. As I reminded Secretary General Gorbachev during the December Summit, a prompt and permanent Soviet withdrawal would open the way to futher improvements in U.S.-Soviet relations. Let 1988 be the year that sees an end to the Soviet occupation of Afghanistan.

We shall continue our policy in the Persian Gulf to promote stability in the region, maintain freedom of navigation, and promote peace between Iran and Iraq. This bloody conflict has been prolonged because of Iran's intransigence and its attempts to intimidate and threaten the countries of the area and disrupt freedom of navigation. As a result of our policy, we have broadened and strengthened our relationship with the countries of the Gulf Cooperation Council, and our vital interest in the free flow of oil in and out of the Gulf has been protected. We are actively pursuing an arms embargo resolution against Iran, which has refused to comply with the cease-fire demand of the United Nations Security Council.

At the same time, we will work actively to promote peace between Israel and its Arab neighbors. The violence in the West Bank and Gaza is a vivid reminder of the dangers of the status quo. We, along with those in the area, must work together to give the Palestinians a reason for hope, not despair. Stability in the Middle East requires a just and lasting settlement of the Arab-Israeli conflict—a settlement that both assures Israeli security and recognizes the legitimate rights of the Palestinians. We are committed to achieving such a settlement.

The cause of democracy and freedom worldwide is promoted by our program of economic and security assistance to our allies and friends. Central to our security and to the preservation of peace are our ties with allies and friends, including NATO and our East Asian allies—Japan, Korea, the Philippines, and Thailand. Enormous progress has been made in this decade in restoring America's influence in the world and in expanding the horizons of democracy. To further reduce our foreign assistance programs would be a tragic mistake. Economic assistance, especially when coupled with wise internal policies, helps friendly countries prosper; security assistance helps them carry the burden of their self-defense, often in regions of strategic importance for the Free World. In many cases, our aid programs help countries on whose territory there are facilities that support the mutual defense or whose democratic aspirations we wish strongly to support—such as the Philippines. Our assistance programs have also been vehicles for encouraging structural economic policy reforms that promote prosperity, in part through greater reliance on free markets. This crucial support for basic American goals must be restored.

Since the enactment of comprehensive reform of our Nation's immigration laws in the fall of 1986, the flow of illegal aliens across our southern border has been reduced significantly. Our Nation continues to provide open avenues of legal immigration that each year allow 600,000 people to join our ranks as permanent residents. As in the past, a significant portion of these new arrivals are individuals seeking refuge from oppression in their home countries. I am pleased to report the Department of Justice has taken two important steps toward fairer, more expeditious consideration of the asylum applications of persons suffering persecution because of their religious and political beliefs. An Asylum Policy and Review Unit, charged with reviewing asylum cases, has been created directly within the Department. In addition, a change has been proposed in the Immigration and Naturalization Service that would give specially trained Asylum Officers jurisdiction to interview applicants and render decisions, while preserving for each applicant an opportunity for a new hearing before an independent immigration judge. Our Administration is also studying a further restructuring of the asylum process to ensure that asylum and refugee cases are considered from a humanitarian perspective.

As General Vessey's visit last summer to Vietnam indicated, we remain committed to obtaining the fullest possible accounting of our men missing in action in Southeast Asia.

D. *The Economic Dimension of Freedom*

We remain active in promoting free economic institutions in the developing world. In this connection, the Administration strongly supports the intent of the Caribbean Basin Economic Recovery Expansion Act, which would extend the Caribbean Basin Initiative (CBI) for an additional 12-year period and enhance the program's duty preferences. While not supporting every specific provision in the bill, such as the one concerning sugar, the Administration shares the goal of strengthening the CBI and is proposing modifications and alternatives to reach that goal. In addition, the Senate should give its advice and consent to the ratification of the Bermuda Tax Treaty, and the Congress should enact the complementary tax law changes. These actions would help regularize our economic ties with this strategically important island.

The United States has been in the forefront of Western nations helping Africa to alleviate food shortages due to drought, war, and destructive economic policies as in Ethopia. For example, in June 1987 I set a common goal for all U.S. economic policies and programs for Sub-Saharan Africa—to end hunger there through economic growth and private sector development, and I am now implementing that decision. At the same time, we have had some success in promoting economic policy reform in Africa, which is now bringing the benefits of investment incentives and free markets to a number of countries that began their independence burdened by stultifying centralized structures. Senegal, Ghana, Cameroon, Botswana, and Malawi are some of the countries adopting market-oriented reforms.

To meet future oil supply disruptions that might develop, it is important that additional oil reserves be placed in the Strategic Petroleum Reserve to meet our 75-million-barrel target. In the section "Strengthening America's Energy Security," which follows, I outline several steps that will strengthen America's overall energy security.

I am proud that our Administration has instituted an effective and prudent system of safeguarding our strategic interests in East-West trade. We cannot let our adversaries acquire through trade vital technology that would strengthen their military capability against us. At the same time we are determined to harmonize trade control practices with friends and allies both to enhance their effectiveness and to avoid undermining the competitive position of U.S. exports.

V. TO PROMOTE THE GENERAL WELFARE

As James Madison observed in *The Federalist*, No. 41, the meaning of the "general welfare" is restricted to that public happiness which the government may promote by its clearly enumerated powers. Permitting general and unlimited powers to government, even though these might be used with the best motives, would render the Constitution useless as a safeguard for individual freedom.

This Administration is deeply committed to decreasing the power of the Federal government to its intended scope and to increasing the power of individuals. These policies establish conditions most conducive to individual initiative and enterprise and, consequently, to the creation of wealth and public well-being. The preservation of freedom, the highest value in our Republic, requires placing the rights of individuals above the power of government. The great challenge of our national government is to use only its carefully enumerated powers in promoting the general welfare by empowering individuals to help themselves.

A. *Empowering Individuals to Control Their Own Resources*

If individuals are to possess genuine autonomy then they must be free to control their own resources, to enjoy the fruits of their labor, and to keep what they earn, free from excessive government taxation and spending. To further this ideal, I propose the following six specifics:

1. *Tax Policy.* Experience has shown that higher taxes ultimately fuel higher spending and do not improve the deficit. During the past 7 years, tax revenues generally have increased, but spending has still increased 27 percent more than tax revenues. This is the true source of the deficit.

Those who favor higher taxes ignore the impact of such taxes on the economy. By reducing and reforming taxes we have seen unprecedented economic growth, high rates of job creation, and increasing productivity for over 60 months. During this period of time, the Administration has lowered income tax rates and removed the automatic tax increases caused by inflation. Future tax policy must preserve these and other gains made on behalf of the American taxpayer. Tax increases should also be opposed on the basis of their burden on economic growth. These include, but are not limited to, returning to higher marginal rates for individuals or corporations; repealing indexing; creating a value-added tax or increasing excise taxes; increasing taxes on capital or energy sources; and levying new taxes on securities transfers or corporate takeovers.

2. *Reduction of Capital Gains Tax Rate.* The tax reforms accomplished in 1986 did much to remove provisions that inhibit economic prosperity. The most important piece of unfinished business is to reduce the capital gains tax rate to the level that will generate the savings and investment necessary for future economic growth.

Past experience demonstrates that lowering the capital gains tax rate will mean increased realizations of capital gains upon which taxes are paid. When capital gains tax rates increase, investors tend to hold rather than sell their assets. If investors hold their assets until death, they can pass their untaxed gains on to their children, resulting in no income taxes paid on those gains. When the capital gains tax rate was increased in 1969, for example, it led to an immediate reduction in the amount of capital gains realized. By contrast, a reduction in the capital gains tax rate in 1978 and again in 1981 led to significant increases in capital gains realizations.

Reducing the capital gains tax rate to an agreed-upon optimum should be a cornerstone of tax reform for the 1990's. I will consult with the Congress about achieving this rate reduction as soon as possible.

3. *Raise Revenues with User Fees.* The burden of reducing the deficit must not be allowed to hamper the productive element of society—the private sector. Raising new revenues must be confined to areas where they will not burden productivity. I believe that user fees for services are a sensible alternative to a policy where revenues are unrelated to expenditures, where some citizens are singled out for gain while others are excluded. Additionally, user fees promote efficiency by encouraging individuals to use the proper level of government services.

4. *Spending Restraint.* We all recognize that reducing the size of the Federal deficit is a top priority. The 2-year budget agreement that the Congress and I worked out last fall is a first step. But we must go further and reduce the size and the cost of the Federal Government. I will apply the following principles in considering new appropriations and authorization legislation, which I urge the Congress also to follow: eliminate pork-barrel spending that uses national funds to benefit local interests; work toward subsidy-free business and agriculture marketing; avoid creation of new entitlement programs and additional cost-of-living increase provisions; direct public assistance to the needy; and provide for necessary discretion to promote efficient administration of Federal programs. Moreover, the Congress should avoid attaching appendages to spending bills that authorize unnecessary programs and go beyond the enumerated powers of the National Government.

5. *Government Management Improvements—Government of the Future.* When I became President, one of my earliest priorities was to try to reestablish the proper relationship between the Federal Government (which had grown much too large and too powerful) and the State and local governments; and between government and the private sector. In 1981, through our federalism and deregulation initiatives, we placed greater responsibility at the State and local level and in the private sector. We are continuing those efforts.

But as we look forward to the beginning of the 21st century, we need to update our perspective on the proper role of the Federal Government and examine what needs to be done to prepare for the changes that will take place. For example, we expect the population to grow to over 268 million people. Changes in technology and communication will link the world's economies, trade, capital flows, and travel as never before. I have asked the Office of Domestic Affairs to work with the President's Council on Management Improvement to conduct an indepth review and recommend to me by August what further adjustments have to be made in the Federal role to prepare for these anticipated changes. This summer I look forward to receiving their report, "Government of the Future," which will also incorporate plans of my "Reform '88" program.

Meanwhile, those responsibilities that legitimately fall within the enumerated powers of the executive branch should be managed to deliver quality service to all of our citizens. Our government has a major effect upon the daily lives of all of us through the direct delivery of services, the payment of financial assistance through various entitlement programs, the collection of taxes and fees, and through regulating commercial enterprises. My 1988 management priorities will be to complete the "Reform '88" management improvement program I started 6 years ago; to overhaul the administrative, financial, and credit systems in our Federal Government; to implement productivity and quality plans in each agency; and to direct the Office of Personnel Management to examine the needs of the Federal work force of the future.

My goal, therefore, is to ensure that my administration leaves a "legacy" of good management of today's problems—with plans in place to handle tomorrow's challenges.

6. *Social Security Reports to Participants.* Virtually all workers are required to participate in the social security system. But the average worker does not know the level of benefits that would be paid his family should he die, become disabled, or retire. As a result he cannot make plans for any supplemental benefits and insurance he may need.

I am pleased to announce that before the year is over the Social Security Administration will begin providing upon request reports similar to those frequently provided to employees who receive private sector benefits. The social security report will contain a clear and detailed statement that outlines a participant's credited earnings and social security taxes for each year; indicates his current eligibility status; and sets forth an estimate in current dollars of the current and future benefits available to him.

B. *Freeing the Individual From Government Dependency.*

It is a fact of American life that many Federal programs, while attempting to help the poor, have made them more dependent on the Government. Much is within our reach to help dependent citizens lift themselves to self-sufficiency:

1. *Reducing Welfare Dependency Through Opportunity.* The current welfare system has trapped too many Americans in a dependency on welfare that is hard to break and easy to pass on to succeeding generations. In recent years, a consensus has emerged that it is through work and the acceptance of responsibility that people develop the self-esteem to pull themselves up from dependency.

Last year I launched a major effort to encourage the States, working with established community self-help groups, to undertake a wide range of "workfare" and other responsibility-building reform experiments. Experience has clearly shown that it is in the States that real welfare reform will occur. This was true back in the 1970's in California when we started this movement; it is increasingly the case today. The States and my objective is to make work and self-sufficiency more attractive than welfare. However, because the current welfare system is so complex and restrictive in its endless rules and restrictions, we need legislation to give the States added flexibility and encouragement to undertake truly innovative and individualized reform experiments.

Last August I endorsed H.R. 3200/S. 1655, legislation that represents a constructive and fiscally responsible approach to reducing welfare dependency. This legislation would help more people become self-sufficient through mandatory participation requirements and a flexible work and training program. It would strengthen our ability to require absent parents to support their children. It also contains the broad waiver authority States need to implement their own ideas and make the welfare system more responsive to the needs of each particular State. I call on the Congress to enact this legislation and not use the present consensus on the need to reform our welfare system as an opportunity simply to expand the benefit levels, which would lead to increased dependency.

Even under the limited authority of current law, many States have undertaken or are planning such experiments. To assist them I have established the Interagency Low Income Opportunity Advisory Board to facilitate "one-stop shopping" for the States as they deal with the Federal Government and to advise my Cabinet on the impact of the State proposals on the Federal welfare system.

Recently this Board facilitated multi-program waivers of Federal programs to the States of Wisconsin and New Jersey, enabling them to launch broad-based welfare reform initiatives. Wisconsin's program structures benefits to make participation in work and training programs more attractive than simply collecting welfare. New Jersey's Reaching Economic Achievement ("REACH") program employs widespread mandatory work requirements, together with the services intended to make long-term employment a reality, and promises savings through reduced case loads. We need more such experiments, emphasizing the close tie we know exists between achievement through work and the feelings of self-worth essential to personal economic independence.

2. *Removing Barriers to Home Ownership.* Historically our freedom has been symbolized by the opportunity for every American family to own and occupy housing. The success of our economic recovery program has caused inflation and mortgage interest rates to decline, making it easier for more Americans to buy homes. To make housing even more affordable, this Administration is working with home builders and local officials to overcome government delays and cost-adding regulations. I am also pleased that the recently passed housing bill granted permanent authority for the FHA mortgage insurance program that increases the availability of credit to American home buyers. The bill also accepts my recommendations for extending the availability of rental housing vouchers to rural as well as urban areas. These vouchers will give meaningful choice to the individuals intended to be beneficiaries of housing programs. Moreover, the bill endorses the concept of tenant ownership of public housing. In order fully to empower occupants of public housing to own their own homes, I will be acting on the recommendations of the President's Commission on Privatization to develop a proposal to sell at a discount existing public housing to the current occupants, thus mirroring the success this approach has enjoyed in Britain.

3. *Strengthening the Family.* It is one of our country's most basic principles—where there are strong families, the freedom of the individual expands. The strength and stability of the American family provide essential armor for individuals in the fight against poverty. Only a few years ago, the American household of persons related by blood, marriage, or adoption—the traditional definition of the family—seemed in peril.

I have sought to further policies that recognize the importance of a stable family life. For example, the tax reforms of 1986 contributed to family stability by increasing personal exemptions. Last fall I issued an Executive order on the Family requiring that every department and agency review its proposed activities in light of seven standards designed to promote and not harm the family. The Offices of Management and Budget and Policy Development are charged with the responsibility of reviewing future Executive branch activity to ensure that it meets these standards. In addition, the Congress should require a statement that determines the impact legislation will have on the American family.

In March, I will receive a report from the Office of Policy Development on the impact of existing policies and regulations on the family. At that time I will take administrative action and propose legislation necessary to correct policies that do not conform to the family criteria.

4. *Strengthening Communities Through Enterprise Zones.* Despite the economic prosperity enjoyed by most of the Nation, some regions remain economically depressed. The key to revitalizing these areas is not new or expanded government programs, but free enterprise. In 1981, I proposed the creation of enterprise zones in which economically depressed areas could receive tax and regulatory relief in order to expand private economic activity and opportunity within the zones and create jobs in the process.

More than half the States have set up their own enterprise zones, even without Federal incentives. These zones have created new jobs and spurred billions of dollars in capital investment. Their success is testimony to the power of this concept and is just a small indication of how much could be accomplished if Federal incentives were added to those of States and localities. Adding Federal incentives would make existing zones far more economically attractive and successful and would also encourage more State and local zones. Accordingly, I am renewing my call to the Congress to take up effective Federal enterprise zone legislation that will complement the State programs.

5. *Independence Through Excellence in Education.* Individuals well instructed in basic skills, important knowledge, sound values, and independent reasoning are better equipped to participate in America's continued freedom and prosperity. In 1981, however, our educational system was suffering from a 20-year decline in academic achievement. Yet spending per pupil had nearly doubled since 1970, and Federal spending for education had increased over 3,000 percent since 1960. It has now risen to more than $20 billion. But while funding is very important, money without genuine commitment does not lead to educational excellence.

In 1983, the National Commission on Excellence in Education launched a national renaissance in education by identifying problem areas and suggesting solutions for State and local programs. In its ground-breaking report, *A Nation At Risk*, the Commission recommended that the States and localities return to the basics in curriculum and strengthen high school graduation requirements. Additionally, my Administration urged the States and localities to consider merit pay and competency testing to improve the abilities of educators. As a result of the Commission's and our efforts, some school systems began to turn away from a smorgasbord curriculum and toward a more structured, traditional program designed to educate good citizens and to enable all students to participate in the opportunities our society offers in abundance. But despite this progress, we still have a long way to go. For example, only 5 percent of American 17-year-olds have advanced reading skills; an average high school student takes only 1.4 years of history. In April the Department of Education will complete its review of progress made since the issuance of *A Nation at Risk*.

Last month the Secretary of Education unveiled a model curriculum in a report entitled *James Madison High School*. This report outlined a year-by-year slate of courses in English, social studies, math, science, foreign language, fine arts, physical education, and health, and proposed that they be made graduation requirements for all students. Four years of English would include American, British, and world literature. Three years of social studies would include western civilization, American history, and Principles of American Democracy, with a hefty dose of geography throughout. This is the kind of curriculum that will help America's young people meet the challenges of the next century. Although a public high school curriculum must be set at the State or local level, I hope school officials will examine the model curriculum proposed in *James Madison High School.*

In addition to "back to basics" reforms, American education would benefit from greater parental involvement. In July 1987, as part of my Economic Bill of Rights, I stated that we must recognize the right of parents to have their children educated, publicly or privately, without unreasonable regulation or interference from State or Federal Governments. To that end, I am establishing a working group in the Domestic Policy Council that will examine the parental role in education and make recommendations for strengthening parents' rights.

Improving choice in education continues to be an important goal of this Administration. Study after study has found that when parents have a say and are involved in their children's education, the children do better in school. For example, the Congress should authorize a program of giving parents a choice of schools when providing Federal funds to benefit students.

I will continue to encourage efforts to advance parental choice through expansion of the magnet schools program, as well as in the compensatory education programs financed through Chapter 1 of the Education Consolidation and Improvement Act. Compensatory education programs provide additional services to children most in need of extra help in mastering basic skills. Enhancing parental choice is particularly critical in the education of disadvantaged children, who are the focus of the Chapter 1 program.

But I do not intend to stop there. Polls show that millions of Americans would like, but do not have, the ability of choosing the education program and institution that is best for their children. A voucher system at the State level would empower parents. I will ask the Department of Education to develop model voucher legislation and make it available to the 50 States, so that they can implement programs that promote choice in education.

A college education is part of training for tomorrow's challenges. However, since 1980 the cost of a college education has risen more than twice as fast as the Consumer Price Index, and many Americans are wondering whether their children will ever be able to go to college. Colleges set tuition, not the Federal Government. It is my hope that our Nation's universities will act to reduce the cost of higher education without sacrificing quality in core fields. To help college students from families of limited means, I propose an increase in the maximum Pell Grant to $2300.

I will also ask the Congress to approve creation of College Savings Bonds. These bonds will offer an incentive for lower- and middle-income families to save now for the future education of their children. Interest on bonds used for this purpose will be free from taxation.

While we do our part to help finance college education, students must do their part and act responsibly. Most do, many do not. The taxpayers will spend over $1.6 billion this year to pay off student defaults. To ensure that tomorrow's students do not lose out because Federal guarantees are abused, the Department of Education will propose a rule holding schools and colleges accountable for excessive rates of default on Guaranteed Student Loans. Schools in which there is a disproportionately high number of student defaults will face the loss of eligibility for student aid.

Other policies addressing this problem include: providing better information to students on their duties when they borrow and when their debts are due; use of the IRS to take money owed out of tax refunds; use of collection agencies and litigation to go after the worst offenders; and increasing the incentives for lenders and guarantee agencies to do a better job of collecting loans.

6. *Protecting the Health of Citizens.* Government promotion of public health has enabled many individuals to participate fully in society. The Federal Government now has the opportunity to assist elderly persons who fall victim to catastrophic illnesses and to lead the fight against diseases such as AIDS.

I am asking the Congress to enact my proposal for Federal coverage of catastrophic health care costs incurred by Medicare beneficiaries. This legislation, which I negotiated with the Senate, would provide affordable catastrophic coverage.

Additionally, the Office of Personnel Management has a new proposal before the Congress to help Federal workers deal with long-term health care needs—both nursing home and home health care. This proposal will serve as an example for *privately funded* long-term health care. No new Government funds will be needed to provide this additional insurance. It will be made available through the already-existing life insurance program for Federal employees, with a small additional premium from employees, enrolled in the program.

We must continue to take preventive measures against AIDS while at the same time treating AIDS victims with compassion and care. Although increased Federal funding is not the only solution, I am proposing $1.5 billion in fiscal 1989 for research, treatment, testing, counseling, and education, up ten-fold since 1985. Administration scientists were centrally involved in the discovery of the Human Immuno-deficiency Virus (HIV), developing the HIV blood antibody test and the anti-AIDS drug AZT. And testing has been initiated in human volunteers for two experimental AIDS vaccines.

However, the primary responsibility for avoiding AIDS lies with the individual. As the Surgeon General, the Secretary of Health and Human Services, and the Secretary of Education have been reminding us all, the best way to prevent AIDS is to abstain from sex until marriage and then to maintain a faithful relationship, as well as to avoid illicit drugs altogether. If the American people follow this wise and timeless counsel, if our schools and families and media communicate it effectively, the spread of AIDS can be greatly diminished.

For our young people, education is crucial for AIDS prevention, and parents have the primary responsiblity for this. The Department of Education released *AIDS and the Education of Our Children* last October to assist parents and educators in this effort. This publication reflects my conviction that educational efforts in the schools should be determined locally and with deference to parental values.

In 1987 I announced a policy of expanded routine testing, which is essential for early diagnosis and treatment of infected individuals, for protection of the public, and for assisting Federal, State, and local policymakers in dealing with this epidemic. I also established the Presidential Commission on the HIV Epidemic and will receive their final recommendations this summer.

I have directed the Public Health Service to undertake a comprehensive program to determine the extent of HIV infection and full-blown AIDS. We need to know more about the dynamics of this disease, its prevalence, and its rate of spread. Beginning in March 1988, the Centers for Disease Control will produce quarterly reports on the progress in implementing this program.

I am directing the Food and Drug Administration to accelerate its review of new therapeutics, vaccines, blood-screening tests, and other products to fight this disease.

C. *Freeing Individuals to Pursue Productive Endeavors*

I believe all individuals should have the right to pursue their livelihood in their own way, free from excessive Government regulations and Government-subsidized competition. Greater personal autonomy, not a paternalistic "industrial policy," is the path to greater American competitiveness. As the 1987 Nobel Laureate in Economics, James Buchanan, recently pointed out:

> "We now have in place the scientific and technical tools that enable us to make meaningful comparisons between the workings of an industry in an unregulated, privatized setting and the workings of the same industry in a regulated or controlled setting."

Our experience with deregulation over the past 7 years has demonstrated the superiority of industry inspired by private initiative rather than controlled by Federal regulations. Accordingly, I am instructing my administration to take all possible measure to provide individual Americans with the greatest possible range of economic opportunities, and I invite the Congress to join me in further deregulating our economy and in promoting free trade among free nations. Here are nine areas on which the Administration will focus:

1. *Deregulation of Key Industries.* Back in 1980, I promised to get the Government off the backs of all individual Americans—working men and women, consumers, and businessmen and women. More than 7000 new regulations were issued in my predecessor's last year in office. This had to stop. At my direction, various departments have acted to reduce the scope and cost of Federal regulation. We have accomplished a great deal. For example, we have expedited Federal approval of experimental drugs, making them available to treat serious or life-threatening diseases when other treatments do not work.

Individual Americans have access to more goods and are able to travel more easily and at less cost because of deregulation. today, for the first time in 30 years, the railroad industry is financially stable because of economic deregulation. Shippers and consumers across the Nation benefit from real cost reductions brought on by more competition. And, despite some problems inevitable in a large, dynamic industry, airline consumers now enjoy about $11 billion per year in lower fares, a great number of flight options, and a safe, efficient air transportation system unequaled by any nation. Our free market policies have worked. Although we must continue our vigilance to assure safety, we must not, in any form, re-regulate these industries.

The current relaxation of Federal regulation of the trucking industry has demonstrated the tremendous potential of individual Americans. Now is the time to complete the deregulation process. I ask the Congress to pass the Administration's Trucking Productivity Improvement Act of 1987 to remove the last vestige of Federal regulation of the interstate trucking industry and ensure that the States do not re-regulate the interstate and intrastate operations of interstate trucking firms. Already the progress of rail and trucking deregulation has made the Interstate Commerce Commission an anachronism. It should be abolished as proposed in legislation sent to the Congress last year.

This Administration has sought to promote the free flow of information among individuals by freeing the telecommunications industry from intrusive government control. In this "Age of Information" America risks losing its position as the world's leader in information and telecommunications technology—not because we lack the talent, the resources, or the will, but because we have needlessly regulated our telecommunications industry.

Another area in which deregulation has promoted individual freedom is the broadcasting and cable industries. I have strongly supported the elimination of the so-called "Fairness Doctrine" as an unconstitutional infringement upon the freedom of the press, and I will continue to resist any legislation that attempts to reverse this Federal Communications Commission [FCC] action. This Administration has also insisted in the courts that the cable industry receive the same First Amendment protection as the print media. This is particularly imperative in light of recent technological changes in the industry. One area where First Amendment rights have been dealt a severe blow is the recent codification of the "cross-ownership" rule. This last minute appendage to the Continuing Resolution prevents owners of newspapers and broadcast stations from even seeking a waiver of the rule and thus violates their First Amendment rights. This change could force the closing of newspapers. I strongly support measures to repeal legislative cross-ownership restrictions that inhibit rather than enhance the free market of ideas.

Where the government does regulate economic activity, this Administration has sought to use market-oriented approaches. For example, in the case of airline landing rights, it is important that individuals be able to freely transfer rights to operate within the regulatory regime. Despite the progress we have made on deregulation, more needs to be done. The Office of Management and Budget therefore will continue to assure that agencies, as they develop proposed regulations, evaluate and make public their findings concerning the effect of proposed Federal regulations on private sector employment and commerce.

2. *Reducing Government Reporting Burdens.* Since 1982, my Executive Office has actively sought to reduce the burden of Federal reporting requirements on every individual and business. Each year we have made sizable reductions in paperwork burdens, totalling 560 million man-hours from Fiscal Year 1981 through Fiscal Year 1986. To improve our efforts, the Office of Management and Budget will issue regulations that will provide a more timely and complete description of proposed reporting burdens. Citizens will be encouraged to report back to OMB when, in their experience, the reporting requirement is unduly onerous. The Office of Management and Budget is systematically simplifying Federal procurement regulations and reducing the paperwork burden imposed upon those who want to compete for contracts with the Federal government.

Similarly, the Census Bureau has substantially improved the questionnaires to be used in the 1990 decennial census. These improvements will reduce the paperwork burden on all American households by using a significantly abbreviated "short" form and by making sure that no more households than absolutly necessary are asked to complete the "long" form. These changes will also improve the quality of the information collected.

3. *Strengthening America's Energy Security.* The economic well-being and future security of this Nation depend upon maintaining and building long-term energy security and strengthening the domestic energy industry. We have made considerable progress. While our economy has greatly expanded, we are using no more energy and less oil than we did 10 years ago, and our strategic oil stocks are five times higher. But more needs to be done.

In May 1987, I offered several proposals to enhance our Nation's energy security. The windfall profit tax has raised little or no revenue since the collapse of oil prices in 1985, yet it discourages long-term investment in new domestic oil production. Moreover, it causes oil producers to engage in purposeless record-keeping. It should be repealed.

Last May I signed legislation eliminating restrictions on natural gas use. The Congress should now act to decontrol the wellhead price of natural gas and provide for open access pipeline transportation. Both measures would lead to less demand for imported oil. I also urge action on the Administration's proposal to deregulate many oil pipelines.

This year the Congress will consider our recommendation concerning oil and gas activities on the coastal plain of the Arctic National Wildlife Refuge—the most outstanding onshore oil and gas frontier in this Nation. The Department of the Interior would manage exploration, development, and production of these potentially vast resources while assuring that environmental safeguards are carefully maintained. The Congress should move expeditiously to enact legislation implementing our recommendation.

Development of our offshore energy resources continues to be vital to our economic and energy security. Last year we developed and implemented a 5-year Outer Continental Shelf [OCS] leasing program. Unparalleled in its responsiveness to State and local concerns, this program meets America's need for domestic energy supplies while it continues to provide protection for our important coastal resources.

Lastly, to ensure the future viability of nuclear power in the United States, the nuclear licensing process should be reformed and the Price-Anderson Act should be reauthorized. I urge responsible congressional action in these areas.

4. *Protecting the Environment Without Unnecessary Government Intrusion.* I have always believed that this Nation does not have to choose between a clean, safe environment and a productive economy. Of course, sometimes trade-offs exist and choices have to be made.

America's program for environmental protection is the most comprehensive in the world. And our environmental accomplishments are impressive. We have dramatically reduced air pollution in our cities and restored thousands of miles of waterways without hampering economic growth. We have cut levels of lead in urban air by nearly 90 percent and cleaned up more than 1,000 hazardous dumps and spill sites. And we have made impressive strides in the Superfund hazardous waste cleanup program. Work has been completed at almost 200 sites this year, including many that posed immediate threats to human health and the environment. This brings the total since this program began to over 1,000. In addition, work is underway at more than 700 national priority list sites.

We have recognized the global nature of some environmental challenges and played a leadership role in the world community to meet them. In December, I submitted to the Senate for advice and consent to ratification an international protocol to reduce chemical emissions that may be depleting the stratospheric ozone layer, and I urge early congressional action on this initiative. This protocol is the first time nations of the world have agreed to specific action in order to address a global environmental problem.

Consistent with the report of the National Acid Precipitation Assessment Program, I will again request congressional approval of a 5-year, $2.5 billion program for development of innovative clean coal technologies to reduce further acidic deposition (acid rain) emissions. The Secretary of Energy has begun implementation of the first 2 years' funding provided in the continuing resolution and, at my direction, has formed a panel to advise on innovative technology projects for funding. Additionally, I have reviewed and accepted significant new recommendations from my task force on regulatory relief that will introduce such new technologies into the marketplace more quickly and efficiently:

The Department of Energy will permit preferential treatment for innovative clean coal technology projects, recognizing the risk inherent in such demonstrations.

The Federal Energy Regulatory Commission will support a 5-year demonstration program on rate incentives for innovative technologies.

The Environmental Protection Agency will support and encourage a variety of means to include "bubbles" and interpollutant trading, to achieve emissions reductions.

5. *Strengthening Financial Markets.* With a view to empowering people to engage in productive activity for mutual gain, I am taking steps to reduce arbitrary second-guessing of markets by government regulators who can scarcely hope to administer financial services more efficiently or fairly.

I reassert my support for the procompetitive Financial Modernization Act of 1987, which would repeal Sections 20 and 32 of the Glass-Steagall Act prohibiting affiliations between commercial banks and securities firms. It would permit bank holding companies, with Federal Reserve Board approval, to own affiliates that underwrite or deal in securities. I welcome the bipartisan initiatives of the Senate and House Banking Committees in this area, and I encourage the Congress to consider additional reforms that keep financial services open and competitive and allow the development of innovative services to benefit individuals, businesses, and government. In today's global economy, America's financial institutions must be released from this outdated legal framework so that they will be able to remain on the leading edge in the world marketplace.

The market for corporate control is a vital component of our free enterprise economy. This Administration opposes legislation that would have the effect of making takeover activity more costly and difficult. Such efforts prevent the free flow of capital and make American firms less responsive to competitive forces, often at the expense of shareholders.

6. *Protecting Individual's Property Rights.* It was an axiom of our Founding Fathers and free Englishmen before them that the right to own and control property was the foundation of all other individual liberties. To protect these rights, the Administration has urged the courts to restore the constitutional right of a citizen to receive just compensation when government at any level takes private property through regulation or other means. Last spring, the Supreme Court adopted this view in *Nollan* v. *California Coastal Commission.* In a second case, the Court held that the Fifth Amendment requires government to compensate citizens for temporary losses that occur while they are challenging such a government regulatory "taking" in court.

In the wake of these decisions, this Administration is now implementing new procedures to ensure that Federal regulations do not violate the Fifth Amendment prohibition on taking private property; or if they do take a citizen's property for public use, to ensure that he receives constitutionally required just compensation.

7. *Trade and Competitiveness.* To enable individuals to enjoy the benefits of trade with other countries and to engage in productive activity without the burdens of retaliatory trade barriers, I will continue to encourage a free and fair trade policy. U.S. trade policy must reflect the fact that we live and work in a global economy and that our future prosperity lies in establishing stable, open relationships with our trading partners abroad and competitive, unrestrained markets at home. An effective trade policy, therefore, must pursue two interrelated goals: to extend, by example and by negotiation, the benefits of free trade to the world economy and to enhance, through deregulation and privatization, the free operation of the domestic economy. Only in such a competitive environment will American business reach its productive potential and American workers enjoy the just rewards for their labors.

Last February, I submitted to the Congress a program for making the United States more competitive, much of which was contained in the Trade, Employment, and Productivity Act of 1987. There were six elements to that program, each critical to ensuring America's future economic preeminence: increasing investment in human capital; promoting the development of science and technology; better protecting intellectual property rights; enacting essential legal and regulatory reforms; shaping the international economic environment; and continuing to eliminate the Federal budget deficit by reducing domestic spending. Taken as a whole, this program recognized that government must not interfere with the marketplace but should ensure that the underpinnings of American economic success, such as a well-educated work force and a technological edge, remain strong.

Unfortunately, the Congress has failed to recognize the broad nature of the competitiveness problem and instead has placed too much emphasis on protectionist measures that may defer short-lived adjustment pains but harm the future health of the economy. Protectionism serves as a hidden tax on the American economy, crippling once prosperous industries, throwing Americans out of work, and raising costs for consumers. American business comes to rely more heavily on government and less on the marketplace, while Americans watch their standard of living slip away. Despite the soothing words of its advocates, protectionism represents the triumph of special interest over the general interest. This Administration remains committed to working with the Congress to draft responsible trade legislation, but if that legislation is not free of harmful protectionist measures, I will veto it.

The Department of Commerce is taking two important steps to boost U.S. exports. First, it will launch Export Now, an intensive new effort, supported by the private sector, to inform small, medium, and large businesses of the current opportunities to expand exports. This effort will encourage American business to take advantage of favorable exchange rates, of the market-opening actions of this Administration, and of the support our government agencies can give them in entering new overseas markets. Second, the Department will begin the Malcolm Baldrige Quality Awards program to help restore "Made in the U.S.A." as the symbol of the very best products throughout the world.

No sector of our economy would benefit more from international trade reforms than agriculture. One of my proposals to the General Agreement on Tariffs and Trade (GATT) for negotiations under the Uruguay Round is to eliminate worldwide all subsidies that distort agricultural trade and all agricultural import barriers. I propose that these subsidies and restrictions be phased out over 10 years. We are striving for an agreement on agriculture by the end of this year, in order to hasten access of U.S. farmers to export markets now closed to them. I also propose an international harmonization of health and sanitary measures affecting agricultural trade with the aim of eliminating foreign countries' use of them as disguised trade barriers.

The Nation benefits from the excellence of our scientists, engineers, and researchers. Because it is important that business have adequate incentives to fund research here in the United States, we are seeking enactment of a permanent tax credit for firms engaging in research and experimentation to replace the tax credit that expires at the end of this year. In addition, we are seeking legislation that would permit the allocation of at least 67 percent of a U.S. company's research expenses to its domestic income for purposes of the foreign tax credit.

During this Administration, we have also shifted the focus of Federal investment in R&D to basic research, allowing the private sector to transform this fundamental knowledge into technologies and processes necessary to develop products and services that meet the demands of the marketplace. Federal investment in basic research has grown in real terms by 40 percent since 1981. Last year, I issued an Executive order to facilitate citizens' access to such federally funded basic research. In addition, I am asking the Congress to fund incentives to spur American innovation. I am requesting that we now provide monetary awards to accompany our National Medals of Science and Technology. In addition, I am proposing a new Thomas A. Edison Prize that will challenge Americans from all walks of life to use technology to improve the quality of life in the United States and the world.

This Administration has also proposed construction of a Superconducting Super Collider, which is essential to continued U.S. leadership in high-energy physics and America's scientific and technological competitiveness. Presently, the Department of Energy is studying locations in seven States, and late this summer the Secretary of Energy will select the preferred site for the project. We hope that our allies will share the cost of construction and operation of this facility, as well as the benefits it will afford for new discoveries in basic physics.

The freedom to compete in the marketplace is essential to our concept of liberty. Our antitrust statutes were intended to protect this freedom. Sadly they have been transformed into weapons that competitors use against each other and tools for inappropriate government interference in the marketplace. Additionally, American firms find themselves at a competitive disadvantage with foreign competitors because of the burden and uncertainty fostered by some outdated aspects of our Nation's antitrust statutes. Therefore, I again urge the Congress to adopt my proposed antitrust reforms, particularly those that remove disincentives to pro-competitive mergers. In addition, I am asking the Congress to amend the National Cooperative Research Act to permit some types of joint production ventures. While retaining the protection of the antitrust statutes, this change will help U.S. manufacturing firms develop innovative ways to produce goods and services at competitive prices both here and overseas.

For example, the domestic automobile manufacturing industry has made major strides in improving its competitive position, producing higher quality and more fuel-efficient vehicles. Despite these gains in fuel efficiency, the industry remains restricted by current law, which requires automobile manufacturers to "balance" their line of automobiles to include cars and light trucks that meet corporate average miles-per-gallon fuel economy (CAFE) standards. These standards make it more difficult for U.S. firms to produce automobiles that consumers want to buy. This Administration has proposed the Motor Vehicle Information and Cost Savings Act of 1987 to eliminate this requirement for future model years. This legislation would remove a competitive disadvantage for American firms at a time when the purpose of the CAFE standard has been largely realized and would remove the incentive for domestic auto manufacturers to export U.S. jobs.

Another factor affecting U.S. competitiveness is our civil justice system. During the past 2 years, 47 of the 50 States have enacted tort reform legislation. We strongly supported many of these State initiatives, and we will work closely with the States to achieve further reforms whenever possible. In addition, the Administration is encouraged by the progress of the legislation to reduce the costly product liability insurance spiral and will work with the Congress towards the enactment of effective and meaningful reform of product liability law.

Key to promoting investment in ideas, innovation, and research is ensuring that those investments will be protected. Accordingly, I have proposed as part of my superconductivity legislation to raise legal protection for products resulting from patented processes and to prohibit foreign nations from using the Freedom of Information Act to acquire intellectual property developed by the U.S. Government. Additional measures planned include joining the Berne Convention, which provides international protection for intellectual property, demanding adequate protection of intellectual property rights when negotiating treaties, and pushing hard in the GATT Round for high standards for intellectual property protection worldwide.

8. *Free Trade with Canada.* On January 2 Prime Minister Mulroney and I signed a Free Trade Agreement that, when enacted, will mark the beginning of a remarkable new era. It eliminates all tariffs between the United States and Canada over the next 10 years, promotes free trade in energy, and greatly reduces restrictions on investments. The agreement goes beyond most trade agreements and covers services and investment. It is a "win-win" agreement for both the United States and Canada. Moreover, it sends a signal to the rest of the world: protectionism is not inevitable. Rather, with the political will and commitment, all nations can promote freer

trade to the benefit of each and every citizen. I will soon transmit a bill to implement this agreement and I urge prompt enactment to ensure that the agreement takes effect on January 1, 1989.

In November, the United States Trade Representative, on my behalf, signed a framework agreement with Mexico for discussions on trade and investment. This framework agreement is an important step forward in our bilateral trade relationship that will enable us to work together to address problems, reduce barriers and, thus, increase trade and investment between our two countries.

9. *Freeing the Individual to Work.* Few laws that a government may impose are more injurious to liberty than restrictions on the right to work, as outlined in my Economic Bill of Rights. Today, we are in the 6th year of an economic recovery that has created 14.5 million jobs. In order to continue and to build on that record of growth, we need policies that recognize the changing nature and changing needs of the work force.

These policies include enhanced training for dislocated workers, so that they are able to adjust to a world requiring new and different skills. Our proposed Worker Adjustment Program will address this need in a comprehensive way while increasing the role of States and localities in determining how these funds are best spent. In addition, we are preparing to give States and localities the flexibility to provide remedial training to disadvantaged youth. For thousands of low-skilled young people, this initiative holds the potential to provide a way out of poverty and into a job.

Indeed, the changes in our work force present other challenges as well. More people are working than ever before in our history. There is fuller work force participation across all sectors, and more women are working than ever before. While this helped power our tremendous growth, it has also created tension between demands of work and demands of child-rearing. We need to work with State and local governments and the private sector to identify and develop effective solutions, consistent with our efforts to strengthen the family, to foster practical, voluntary ways to ease this tension.

Several threats to our continued job growth can be found in a range of initiatives pending in the Congress, such as employer-provided health care and health insurance; parental leave; advance notification of plant closings; risk notification; an increase in the minimum wage; labor protective provisions; and a ban on employers using polygraphs to prevent theft. Many of these initiatives have been called "mandated benefits," but a more accurate description would be "mandated costs" or "mandated unemployment." Such mandated costs are particularly harmful to our Nation's small businesses, which are leading the way in job creation in our economic recovery. While many of the objectives sought by such legislation are laudable, they are not the proper subject for Federal mandates.

While well intentioned, the added employment costs would reduce job opportunities, lower wages generally, weaken economic growth, and hinder our competitiveness in world markets. In short, they are efforts to make individuals and companies pay for new government programs, mandated by the government but implemented by the private sector. Rather than forcing employers to provide such coverage, with possible serious adverse side effects for some workers, these decisions should be left to voluntary negotiation between employers and employees.

The adoption of "comparable worth" pay standards, another intrusive form of government intervention into the labor market, has also been proposed. The objective is not to provide equal pay for equal work, a concept I fully support and which I enforce as the law of the land. Rather, "comparable worth" proposals seek to determine the worth of completely different jobs and then empower government panels to assign "fair" and "comparable" wages. Proposals that would establish panels of "experts" to determine how much workers can earn would create the kind of planned economy that has stifled economic growth in other parts of the world. Such wage fixing completely ignores the fact that in a free enterprise economy market forces should determine wages.

We should seek to eliminate existing barriers to employment. For example, when I took office I inherited a rule that, for over 40 years, prohibited individuals from working in their homes to produce knitted garments such as sweaters, caps, and scarves. In 1984, we dropped that rule and permitted employers to hire home workers after obtaining a certificate from the Department of Labor authorizing such employment, thus ensuring that the home workers receive the protection of the Fair Labor Standards Act. The restrictions still apply to six other categories of products, and the Department of Labor will be working to extend the certification procedures for five of the six remaining home work industries.

Another proposal in the Congress would raise the minimum wage, thereby creating additional barriers to employment. Today most people who work at the minimum wage are teenagers and others with limited experience who need these jobs to begin their climb up the economic ladder. Few are heads of households. Higher minimum wages will surely force young and inexperienced workers into unemployment. We should permit a special minimum wage differential for teenagers that would increase employment, on-the-job-training, and future wage growth for the least-skilled workers. Reform of other Federal wage statutes, such as Davis-Bacon, is also needed.

We should avoid so-called anti-"double breasting" laws that would bar firms with union labor from having independent affiliates without union contracts. Anti-double breasting laws reduce job opportunities by raising labor costs and should be left to negotiation between employer and employee.

D. *Empowering Individuals by Opening Up New Areas for Human Endeavor*

One enduring legacy of American frontier society has been a love of bold challenges and wide open vistas. Some 30 years ago we crossed a "new frontier" with a shot into space. Today we continue to face new opportunities and new challenges in opening a limitless universe beyond our tiny globe to exploration and commercial enterprise. But here on Earth as well, whole new sectors of discovery and productivity lie waiting for development through individual creativity and initiative.

1. *Privatization of Government Activities.* Over time, government has accumulated numerous commercial operations, many of which could be performed more efficiently by the private sector. Where such opportunities exist to provide better services at lower cost, we will seek to transfer such services and operations to the most efficient enterprises. This does not imply the abrogation of government responsibility for these services. Rather, it merely recognizes that what matters the most is the cost and quality of the service provided, not who provides it. In addition, there is an important moral consideration—individual liberty would be enhanced and the debilitating effect of public sector growth on human freedom would be reduced.

Even now, government relies extensively on the private sector to provide basic government services in many key programs: the G.I. Bill, Medicare, Medicaid, student loans, food stamps, and many other programs. Further, the government benefits from private sector assistance in disbursing funds electronically, assessing credit worthiness of loan applicants, servicing and collecting payments due the government, and relying on finance accounting systems from the private sector to bring about an extensive upgrading of Executive branch financial management throughout the government. Thus privatization can make government operations more efficient and at the same time provide more convenient service to our citizens.

The Administration sold over $5 billion in government loans to private investors last year, with plans to sell an additional $4 billion in government loans this year. Additionally, we sold the government-owned freight railroad, CONRAIL, to private investors at a price tag of almost $2 billion.

As part of my Economic Bill of Rights, I established the President's Commission on Privatization to accelerate our program of placing greater reliance on the private sector. In its interim report covering government housing programs the Commission recommended expanded use of housing vouchers, tenant management of public housing projects, and sales of public housing units to tenants. The Congress has already enacted a major housing bill that endorses housing vouchers and facilitates the Administration's efforts to encourage tenant management and public housing ownership. Similarly, the Commission has endorsed the sale of government loan assets. The Commission's final report is expected in March and will cover many more opportunities, including prison construction, military commissaries, AMTRAK, Naval Petroleum Reserves, and urban mass transportation. After a careful review of these proposals, legislation will be developed to implement the most promising proposals.

To pursue administrative measures within the Executive branch and implement the findings of the Commission on Privatization, I have created an Office of Privatization within the Executive Office of the President. I have given it the responsibility to investigate and propose privatization opportunities that can be included in my recommendations for the Fiscal Year 1989 Budget.

I will recommend that a comprehensive study be conducted to measure the likely benefits that would occur if we permit the private sector to perform some functions now performed by the United States Postal Service and other government entities.

I will also recommend a series of pilot projects to determine if privatization is the best way to go in other government programs, including operation of minimum security Federal prisons, Federal prison industries, regulatory audits by the U.S. Customs Service, management of Federal multiple-use lands by public and private groups, and waste water treatment facilities funded by Federal grants.

I am further recommending the direct privatization of all or some of several existing government programs where the benefits of privatization are believed to be significant or where studies have already been completed. Included in this category are the Naval Petroleum Reserves, AMTRAK, Federal Crop Insurance, arbitration of tax disputes, government employee housing, the Railroad Retirement Board, the National Finance Center, the National Technical Information Service, the Alaska Power Administration, and the collection of overdue loans to the Federal government. I will also ask for substantially expanded authority to allow individuals to use their private sector credit cards to pay money owed to the government.

In addition, I have recently promulgated an Executive order to foster greater contracting out of services currently provided by the government to private providers, many in America's vital small business community. Study after study, many conducted by the General Accounting Office, demonstrate that savings of between 30 to 40 percent can be achieved by contracting out government work to private business. If all agencies took advantage of contracting-out opportunities, the total savings would amount to $7 billion per year.

2. *New Opportunities in Space.* Nearly 2 decades ago, with courage and bold technological innovation, America pushed back the frontier of space by landing a man on the moon and safely bringing him back. This breakthrough created untold opportunities for scientific discovery and commerce and advanced mankind's age-old dream of exploring space beyond its planetary home.

If America is to continue its leadership in space, we must now forge ahead, exploring space's vast frontier and expanding our free enterprise system to Earth's orbits and beyond. And we must build our long-term space future on a sound foundation that will ensure reliable and economical access to and use of outer space.

I recently adopted an enhanced comprehensive national space policy. This policy reaffirms America's commitment to space leadership as a fundamental national objective and recognizes the importance of both private sector and governmental space activities in achieving critical national goals. And while acknowledging the importance of returning the Space Shuttle to safe, reliable operations, it also stresses that access to space, so vital to America's security and prosperity, must never be limited to any single system.

As a matter of special note, my policy also specifically recognizes the importance of extending the reach of American private commerce to space and establishes goals to guide both civil and national security space efforts in achieving cost-effective, resilient, and reliable means of access to space.

And I am no less deeply committed to the long-range goal of expanding human presence and activity beyond Earth orbit and into the solar system, and I invite the Congress to join with me in endorsing and supporting this new long-term goal.

As the first step, I have directed the National Aeronautics and Space Administration to begin a systematic development of space technologies called Project Pathfinder, which will aid us in deciding where this new adventure should take us, and when. The funding proposed for Fiscal Year 1989 is $100 million.

Second, I am asking the Congress to maintain our strong national commitment to a permanently manned space station. The Fiscal Year 1989 Budget request includes $1.0 billion to achieve this goal, along with a request for a 3-year appropriations commitment from the Congress totalling $6.1 billion.

Third, I will soon announce a major Commercial Space Initiative that includes administrative and legislative action to nurture entrepreneurship in space. By taking advantage of the private sector's innovative excellence, we can maintain and extend America's leadership in space.

My initiative will have three goals: (1) promoting a strong commercial presence in space—we need the private sector to begin to lay the infrastructure necessary for research and manufacturing in space; (2) assuring a highway to space by building on my previous efforts to promote a strong private expendable launch vehicle industry; and (3) building a solid technology and talent base. The engineers and scientists who will be working in space are in school now. We must give them the tools and the enthusiasm to do the job well.

E. *Empowering the People to Participate in the Political Process*

Political enfranchisement in America has evolved in the direction of a more participatory republic. Today any legislation in this area should open up more participation in the political process.

1. *Removing Government Interference with the Political Process.* The right to free speech and the right to participate in the democratic process are two of our most fundamental freedoms. In *Buckley* v. *Valeo*, the Supreme Court held that limits on how individuals spend their own resources in the political process can violate the First Amendment. This is a sound principle. We should make sure "campaign reform" will not have the effect of reducing popular participation in the political process or impairing constitutional rights. Today, there are proposals to restrict certain parts of our electoral process. A more beneficial reform would be the requirement of full disclosure of all campaign contributions, including in-kind contributions, and expenditures on behalf of any electoral activities, including

those in the context of membership communication.

2. *Protecting Civil Servants from Political Pressure.* The Hatch Act was passed in 1939 in response to scandals involving the administration of funds in New Deal programs. It prohibits Federal civil servants from taking part in certain partisan political activities, such as campaigning for public office, participating in party management, or raising political funds. The Clay Amendments in the Congress would severely erode these prohibitions. Although advanced in lofty terms—"the right of government workers to participate more fully in the political process"— their effect would be to politicize the civil service and reduce public faith in government. Federal workers already enjoy their democratic right to vote and to express their political views in a wide variety of other ways.

We do not want to risk a situation in which Federal employees come to believe that their advancement depends on espousing particular views, perhaps the political views of their superiors. Neither should electoral campaigning be allowed to mar cooperation between the political appointees of the President and the civil service establishment, a cooperation crucial to good government. As I have said in the past, the Hatch Act should not be changed or repealed.

3. *Improving the Civil Service.* The past 7 years have witnessed an increasing commitment by the Nation's Federal civil service to qualify in their work and pride in their performance. The abilities of this work force, from the most recently hired clerical worker to the most senior member of the managerial corps, are ready not only to continue the effort to serve the American people, but to take that service to new levels of excellence.

At present, however, the Federal civil service is over-regulated by a system that discourages employee initiative and hamstrings government managers with thousands of pages of restrictive rules and regulations. With the major reforms encompassed in my proposed Civil Service Simplification Act, we can provide substantial incentives for top performance, introducing into our Federal government the classic productive values of the American workplace: entrepreneurial freedom and reward for hard work.

VI. TO SECURE THE BLESSINGS OF LIBERTY

It was the need to secure inalienable, God-given rights from oppression that moved our forefathers to institute a new government in America. Among these individual rights, Jefferson wrote, were "Life, Liberty and the pursuit of Happiness." But, as the Founders of our Republic made clear in drafting a new Constitution 11 years later, their intention was not only to secure liberty but the blessings of liberty as well. To attain these blessings would mean cultivating the values that sustain a free people. George Washington advised our Nation in his Farewell Address,

> "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity."

Following our first President's good counsel, I am leading my Administration in efforts to shore up the moral foundations of our individual freedom:

A. *Protection of the Unborn*

None are more powerless than the unborn. Since the legalization of abortion-on-demand in 1973, there have been an estimated 21 million abortions in this country. I am committed to reducing the number of abortions in this country and reaffirming life's sacred position in our Nation.

The Congress should pass expeditiously my Human Life Bill. The first section of the bill contains a finding that abortion takes the life of a human being that *Roe* v. *Wade* was wrong not to recognize the humanity of the unborn child. The second section would enact, on a permanent and government-wide basis, the Hyde Amendment restriction prohibiting Federal dollars from going for abortion unless a mother's life is endangered. In addition, the Congress should pass the Human Life Amendment.

At my direction, the Department of Health and Human Services is about to issue regulations prohibiting the use of Title X funds (approximately $140 million) for any program that performs abortion, counsels for abortion, or promotes abortion through lawsuits, lobbying, or other such activities. The regulations also require that Title X programs separate themselves from programs that engage in abortion activities. It is clear from the legislative record surrounding the passage of Title X that its purpose, far from promoting abortion, was one of offering an alternative to abortion and indeed reducing the number of abortions. For some time the program as enforced was standing its essential purpose on its head, effectively promoting abortion instead of reducing the incidence of abortion as intended by the Congress.

Another loophole often used to circumvent prohibitions on using Federal funds for abortions is the use of psychiatric recommendations. Currently the law allows for Federal funding only when an abortion is necessary to save the life of the mother. This law reflects the consensus that abortion may be considered when there is a physical threat to the mother. I am directing the Secretary of Health and Human Services to issue regulations that reflect this consensus and make it clear that only when there is physical danger to the life of the mother can Federal funds be used for abortion.

In August 1987 I formed an Interagency Task Force on Adoption that delivered its final report to me on November 13. I will act to implement the Task Force recommendations and propose legislation where necessary. Each year over 140,000 children are adopted, yet thousands of childless families still wait for children to adopt. There are 36,000 children awaiting adoption, of which about 60 percent are "special needs" children. Many have physical or emotional handicaps, belong to sibling groups, or are older children; they are generally more difficult to place.

This Administration will also work with the States to encourage model legislation that promotes adoption. California's Pregnancy Freedom of Choice Act, for instance, allows the State to reimburse licensed nonprofit maternity homes for the costs of maternity care and other pregnancy services. Michigan contracts out special needs adoption to private agencies, reimbursing them for the full cost of adoption services up to $10,000. These are exemplary efforts to provide families for children in need of parental love and care.

B. *Religious Liberties*

The First Amendment protects the right of Americans to freely exercise their religious beliefs in an atmosphere of toleration and accommodation. As I have noted in the past, certain court decisions have in my view interpreted the First Amendment so as to restrict, rather than protect, individual rights of conscience. I have repeatedly affirmed my belief that school prayer on a voluntary basis is permissible, indeed desirable, in the public school. In my State of the Union addresses in 1986 and 1987, I expressed my support for a constitutional amendment that would make it clear that the Constitution does not prohibit voluntary prayer in public schools.

One disturbing development in this area of the law has been the exclusion of religiously affiliated organizations from federally funded programs. A recent lower court decision held unconstitutional my Adolescent Family Life Program because the program included religious organizations among those carrying out its implementation. That decision, if upheld, would effectively require the government to discriminate against religious charitable organizations, even when their participation in a program only serves to further its legitimate secular purpose. The Department of Justice is appealing this ruling that I believe to be inconsistent with the First Amendment. Our forefathers came to this land in large part to secure the rights to freedom of religion and individual conscience that they would later establish as bedrock provisions of our Constitution. We must avoid such perversion of the First Amendment. Rather, as we prepare for the 21st century, we must continue to foster the free exercise of religion that our forefathers understood would provide the moral foundations for American society.

CONCLUSION

These then are the legislative and administrative policies that the Administration will pursue in furtherance of the six purposes for which the American people first ordained and established our Constitution. They have been carefully chosen. For obviously not every policy that a President or a Congress may put forward is compatible with our Constitution, even though that policy might be popular. In order to secure the liberty of individuals and political minorities, the Constitution places a number of carefully considered restrictions on the Federal Government. The Congress does not, for example, possess a general legislative power, nor the President the power of decree. The Framers proscribed both as inconsistent with limited, constitutional government. Thanks in large measure to their wisdom, America has enjoyed the blessings of liberty for 2 centuries. It is my belief that the policies presented in this message will contribute to the continuing restoration of the Federal Government to a sound constitutional footing and thus preserve these same blessings for our posterity in the 21st century.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR 1987—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of Section 809 of the Housing and Community Development Act of 1974 (12 U.S.C. 1701j-2(i)), I herewith transmit the eleventh annual Report of the National Institute of Building Sciences for 1987.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I transmit herewith the sixth annual report of the Tourism Policy Council, which covers fiscal year 1987.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

REPORT TO CONGRESS ON UNITED STATES GOVERNMENT ACTIVITIES RELATED TO THE GREENHOUSE EFFECT—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 9 of Public Law 99-383 (100 Stat. 816), I transmit herewith a report on current government activities in the area of research on the so-called "greenhouseeEffect."

While you will note that extensive investigations of the phenomenon are in progress, we do not plan to establish an International Year of the Greenhouse Effect as suggested in the language of Public Law 99-383.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 308 of Public Law 97-449 (49 U.S.C. 308), I hereby transmit the 17th Annual Report of the Department of Transportation, which covers fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the sixth annual report on Alaska's mineral resources.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills:

On December 18, 1987:

S. 649. An act to amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327).

On December 24, 1987:

S. 1642. An act to designate the United States Post Office at 600 Franklin Avenue in Garden City, New York, as the "John W. Wydler United States Post Office".

On December 31, 1987:

S. 1684. An act to settle Seminole Indian land claims within the State of Florida, and for other purposes.

On January 11, 1988:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on January 25, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill was subsequently signed on January 25, 1988, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 26, 1988, he had presented to the President of the United States the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar pursuant to the provisions of rule XIV:

S. 2001. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 356: An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2004. A bill to provide that the provisions of the National Labor Relations Act and the Labor-Management Relations Act, 1947, shall apply to employees at the Metropolitan Washington airports, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRESSLER:

S. 2005. A bill to amend the Higher Education Act of 1965 to permit guaranteed student loans to students from families with incomes equal to or less than $30,000 without the use of a need analysis, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (by request):

S. 2006. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. DOLE:

S. 2007. A bill to amend the Atomic Energy Act of 1954 to provide for a neutral review by the National Academy of Sciences of emergency evacuation plans necessary for approval of low power and operating licenses for nuclear facilities; to the Committee on Environment and Public Works.

S. 2008. A bill to amend the Atomic Energy Act of 1954 to require consideration of an emergency evacuation plan for a nuclear facility before a construction permit is issued for such facility; to the Committee on Environment and Public Works.

S. 2009. A bill to establish a national advisory council on children's issues, to provide a Federal-State child care grant program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. DOLE, Mr. DODD, Mr. COHEN, Mr. CRANSTON, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WIRTH, Mr. BREAUX, Mr. PELL, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. CHAFEE, Mr. ADAMS, Mr. RIEGLE, Mr. MATSUNAGA, Mr. D'AMATO, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. METZENBAUM, Ms. MIKULSKI, Mr. HARKIN, Mr. WEICKER, Mr. SPECTER, Mr. HEINZ, Mr. BOREN, Mr. SANFORD, Mr. STAFFORD, Mr. REID, Mr. DECONCINI, Mr. CONRAD, Mr. PRYOR, Mr. BINGAMAN, and Mr. FOWLER):

S. 2010. A bill to establish a National Voluntary Reunion Registry Demonstration Program; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. SPECTER, Mr. MELCHER, Mr. BURDICK, and Mr. HECHT):

S. 2011. A bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2012. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL, from the Committee on Foreign Relations:

S. Res. 356. An original resolution authorizing expenditures by the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. ADAMS (for himself and Mr. STAFFORD):

S. Con. Res. 97. A concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2005. A bill to amend the Higher Education Act of 1965 to permit guaranteed student loans to students from families with incomes equal to or less than $30,000 without the use of a need analysis, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT LOAN AMENDMENTS

● Mr. PRESSLER. Mr. President, I feel strongly that no student of ability should be denied the opportunity for a higher education solely because of financial need. That is why I rise today to introduce legislation to help students from lower and middle income families become eligible for guaranteed student loans [GSL's].

Specifically, the legislation would allow students from families with adjusted gross incomes of $30,000 or less to be exempt from further demonstration of financial need as a prerequisite to being granted guaranteed student loans. Parents and students would be required only to submit copies of their most recent tax returns to determine the amount of their adjusted gross income.

Financial need now is determined by the estimated cost of attendance minus the expected family contribution as established by part F—the need analysis requirement in the Higher Education Amendments of 1986. Under my proposal, lower and middle income students would not be required to demonstrate financial need to be eligible for a GSL. However, all GSL applicants, regardless of family income, would be required to fulfill the eligibility requirements of section 484, Public Law 99-498. This would require that GSL applicants:

Be enrolled at an institution of higher education;

Be making satisfactory progress in school—under unusual circumstances, such as the death of a relative, this provision may be waived;

Not owe a refund on a Federal grant;

Not be in default on a student loan; and

Be a U.S. citizen or an eligible noncitizen.

Additionally, my legislation directs the Secretary of Education to conduct a study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education. My bill is entitled, "Student Loan Amendments of 1988."

The Higher Education Amendments of 1986 Act was a compromise. It cut Federal spending, but also was intended to provide adequate financial assistance to truly needy students. Unfortunately, some students are experiencing unforeseen problems as a result of that compromise. Student financial aid eligibility requirements have been tightened. Many loan awards have been reduced. Students who in previous years has received the maximum guaranteed student loan suddenly can obtain nothing. This is not fair.

Students received no warning that they would be forced to find means other than guaranteed student loans to finance their education. It would be in their best interest for Congress to legislate a return to the pre-1986 law. Current law makes it very difficult for students to qualify for guaranteed student loans. Students who in prior years received the maximum loan award of $2,500 are now granted only $300 to $400 loans. Everyone is aware of the soaring cost of higher education, and it is clear that $400 makes a small dent in college student expenses.

The Higher Education Amendments of 1986 enacted many changes in the student financial aid law. The maximum loan award for first and second year students was increased to $2,625. For third, fourth, and fifth year students the maximum was increased to $4,000. Graduate students are able to borrow up to $7,500. The American College Testing Program conducted a study projecting the impact of the Higher Education Amendments of 1986 Act on students applying for financial aid. For the 1986-87 school year, 94 percent of the applicants for GSL's were eligible for a loan. Of those, 89 percent were eligible to receive the maximum loan award. Predictions for the current 1987-88 academic year suggest that only 81 percent of the applicants will be eligible for student financial aid. Additionally, of those eligible for financial aid, only 41 percent will be able to receive the maximum GSL award. The average loan award for all undergraduate and graduate students is predicted to be $2,693. This might seem to be a fair distribution. However, the fact is that 59 percent of the students eligible for student financial aid are receiving very small amounts, with the remainder receiving maximum loans. So the average loan figure is somewhat misleading.

Unfortunately, official statistics for this academic year are not yet available. Loan awards were processed just recently. There has not been enough time to accumulate the statistical evidence necessary to provide that students who in years past had received guaranteed student loans are receiving smaller loans, or none at all. However, after talking with students from my State and receiving hundreds of letters and phone calls from distraught students and parents, I know there is a problem. I am sure South Dakota is not alone in this problem. Students in every State have been affected adversely by the current law. For example, Phil Shreves, financial aid director for the University of Nebraska-Omaha, has estimated that 35 percent of the students at UNO who received GSL's last year will not receive a GSL for the academic year 1987-88. Additionally, over two-thirds of the GSL applicants will be affected by the current GSL eligibility law. For the 1987 fall semester, Tennessee State-Nashville had a drop of about 10 to 15 percent in the number of students who were eligible for GSL's, according to Homer Wheaton, student financial aid director. Mike Novak, the student financial aid director for the University of Texas-Austin, conducted an analysis at his institution of the potential impact of the stricter GSL eligibility requirements. He predicted that about 30 percent of the undergraduate students who received GSL's last year would receive a smaller GSL or would not even be eligible for a loan.

To prove or disprove the need to return to the law prior to 1986 regarding student financial aid, more data are needed. My legislation directs the Secretary of Education, through the Office of Education Research and Improvement or the Center for Education Statistics, to conduct a rapid study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education. Time is of the essence. Students need assistance now. The legislation requires that the results of this study be presented within 6 months of enactment.

While the cost of postsecondary education is rising dramatically, many students are being granted smaller loans. We must address the needs of students who currently are in school, and those who will be attending in the next few years. To cut them off with no warning is extremely unfair. It takes years of financial planning to prepare parents and students for the financial burden of financing an education without guaranteed student loans. I think it would be in the best interest of our country to slowly phase out the program and eventually provide loans for only the truly needy students. However, young men and women in school now must have assistance. This is something they have counted on, and it should not be taken away without adequate warning. Financial aid should be phased out slowly in order to permit students and parents to plan rationally for future educational expenses.

Mr. President, the need for my legislation is clear. No student of ability who wishes to pursue an education should be denied that opportunity. The future of our students and the future of our country are at stake. The escalating cost of a college education requires the government to play a responsive role in allowing individuals to continue their education. If many students are denied the means to pursue a higher education, the security of our Nation could be jeopardized. We need their mental resources and technical skills to compete in this increasingly competitive and technologically sophisticated world.

There are enormous pressures to reduce Federal spending, and I agree that cuts must be made. However, we cannot afford to impose excessive cuts in Federal funding of education. For fiscal year 1980, education programs received 2.5 percent of the total annual Federal outlays. It is estimated for fiscal year 1987 that education programs will receive only 1.9 percent of Federal outlays. This decline in Federal funding for education programs cannot continue. Education is one of the wisest possible investments we can make.

Mr. President, I urge our colleagues to join in support of this important legislation. My bill simply proposes that no student whose parents' adjusted gross income is less than $30,000 will be required to further demonstrate financial need as a prerequisite to being awarded a guaranteed student loan. Additionally, it requires the Secretary of Education to conduct a study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education.

Looking to the future, it is clear that the Government cannot continue to bear the entire burden of funding higher education. That is why I am a cosponsor of S. 1659, S. 1660, S. 1661, and S. 1662 introduced by Senator DOLE. These bills provide tax incentives to parents who start educational savings accounts for their children. S. 1659 is designed after the Individual Retirement Account Program. Contributions would be tax deductible and earnings on such accounts would be tax deferred. S. 1660, S. 1661, and S. 1662 offer other tax incentives to encourage parents to save for their childrens' education. These measures need further fine tuning through the usual legislative process, but they provide a sound basis from which to begin. It is essential that parents save for future educational expenses, and these bills will give them additional incentives to do so.

Let us not overlook the immediate crisis as we develop these better incentives for educational savings. Until an educational savings accounts program actually is implemented, the Federal Government must continue to share in the responsibility of making financial aid available to students. So, again, I urge our colleagues to support my proposal.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Student Loan Amendments of 1988".

ELIGIBILITY FOR GUARANTEED STUDENT LOANS

SEC. 2. Section 428(a)(2)(B) of the Higher Education Act of 1965 is amended to read as follows:

"(B) For the purpose of clause (ii) of subparagraph (A), a student shall qualify for a portion of an interest payment under paragraph (1) if the adjusted gross income of such student's family—

"(i) is less than or equal to $30,000; or

(ii) is greater than $30,000 and the eligible institution has provided the lender with a statement evidencing a determination of need for a loan (as determined under part F of this title) and the amount of such need, subject to the provisions of subparagraph (D).".

NEED ANALYSIS RULE

Sec. 3. The Secretary shall, in carrying out the provisions of the amendment made by section 2 of this Act, apply the provisions of part F of title IV of the Higher Education Act of 1965 on the need analysis as necessary to carry out that amendment.

STUDY ON IMPACT OF 1986 AMENDMENTS ON THE GUARANTEED STUDENT LOAN PROGRAM

Sec. 4. (a) The Secretary of Education, through the Office of Education Research and Improvement or the Center for Education Statistics, shall conduct a study to determine the impact of the amendments made by the Higher Education Amendments of 1986 on students applying for guaranteed student loans under part B of title IV of the Higher Education Act of 1965 and the effects on the enrollments of students in institutions of higher education.

(b) The Secretary shall prepare and submit a report of the study required by subsection (a) not later than 6 months after the date of enactment of this Act containing the findings of the study, together with such recommendations as the Secretary deems appropriate.

EFFECTIVE DATE

Sec. 5. Section 3 of this Act and the amendments made by section 2 of this Act shall take effect with respect to loans made on or after 30 days after the date of enactment of this Act.●

By Mr. PELL (by request):

S. 2006. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to authorize the extension of the Overseas Private Investment Corporation's investment insurance and guaranty programs and to make certain changes in existing programs and policies.

This proposed legislation has been requested by the Overseas Private Investment Corporation and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with a section-by-section analysis of the bill and the letter from the President of the Overseas Private Investment Corporation to the President of the Senate dated November 25, 1987.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

SEC. 2. REFERENCE TO THE ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Assistance Act of 1961.

SEC. 3. UPDATING INCOME LEVELS IN LESS DEVELOPED COUNTRIES.

Section 231 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph by striking out "$896 or less in 1983 United States dollars" and inserting "$962 or less in 1985 United States dollars"; and by striking out "$3,887 or more in 1983 United States dollars" and inserting "$4,171 or more in 1985 United States dollars".

SEC. 4. PROMOTING INVESTMENT POLICY REFORM.

Section 231 (22 U.S.C. 2191) is amended by redesignating subsections 231(g) through (n) as subsections 231(h) through (o), and by inserting a new subsection 231(g) which shall read as follows:

"(g) to be guided by the extent to which the investment policies of the country in which the project is undertaken are consistent with U.S. investment policies;"

SEC. 5. MAINTAINING ECONOMIC STABILITY OF HOST COUNTRIES.

Section 234 (22 U.S.C. 2194) is amended in subsection (a) by inserting after subparagraph (a)(4) the following new subparagraph (a)(5):

"(5) Recognizing that changed political conditions in a developing country may cause investors to disinvest and that such disinvestment may contribute to disruption of the host country's economy, loss of developmental benefits to its citizens and loss of trade benefits to the United States, the Corporation may, to the extent consistent with prudent underwriting, offer insurance against the risk set forth in sections 234(a)(1) (A)-(D) for existing investments, including those otherwise ineligible under section 237(e): *Provided, however,* That insurance for existing investment may be offered only when The Board determines, upon the recommendation of the Secretary of State, that insuring such investment, under guidelines to be issued by the Board, would further the interests of the United States in maintaining the economic stability of the host country.

SEC. 6. FINANCING DEVELOPMENTAL TECHNOLOGY AND PRODUCTS.

Section 234 (22 U.S.C. 2194) is amended in subsection (c) by inserting before the final paragraph the following new paragraph:

"A part of any loan under this subsection may be designated for use by the project sponsor in the development or adaptation in the United States of new technologies or new products or services that are likely to contribute to the economic or social development of less developed countries."

SEC. 7. PILOT PROGRAM OF EQUITY FINANCING IN AFRICA AND CARIBBEAN BASIN.

Section 234 (22 U.S.C. 2194) is amended by deleting the second and third sentences of subsection (c) and the first sentence of the last paragraph of subsection (f), and by adding a new subsection (g), which shall read as follows:

"(g) Pilot Equity Finance Program.—

(1) Authority for pilot program.—In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to establish a five-year pilot program under which it may, on the limited basis prescribed in subparagraphs (2) through (5), purchase, invest in or otherwise acquire equity or quasi-equity securities of any firm or entity upon such terms and conditions as the Corporation may determine for the purpose of providing capital for any project which is consistent with the provisions of this title: *Provided, however,* That the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made or subscribed for with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment: *Provided further,* That the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) of this Section 234 with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

(2) Limitation to projects in Sub-Saharan Africa and Caribbean Basin.—Equity investments may be made under this subsection only in projects in eligible countries in sub-Saharan Africa and the Caribbean Basin.

(3) Additional criteria.—In making investment decisions pursuant to this subsection the Corporation shall give preferential consideration to projects sponsored by or significantly involving United States small business or cooperatives, and shall consider the extent to which the Corporation's equity investment will assist a project's sponsor in arranging the full capital investment required for the project.

(4) Disposition of equity interest.—Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire hereunder within a period of 10 years from the date of acquisition of such interest.

(5) Creation of fund from corporate revenues.—The Corporation is hereby authorized to establish a fund to be available solely for the purposes specified in this subsection and to make a one-time transfer to the fund of $10 million from its income and revenues.

(6) CONSULTATIONS WITH CONGRESS.—The Corporation shall consult annually with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the implementation of the pilot equity finance program established under this subsection.

SEC. 8. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

Section 234A (22 U.S.C. 2194A) is deleted and replaced in its entirety by a new section 234A, which shall read as follows:

"SEC. 234A. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.—(a) COOPERATIVE PROGRAMS.— In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may, to the extent consistent with sections 231 and 234, engage in the following activities—

(1) utilizing its statutory authorities, encourage the development of associations, pools or consortia of United States private political risk insurers;

(2) share insurance risks in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States; and

(3) notwithstanding section 237(e), enter into risk-sharing agreements with United States private political risk insurers to accord protection for investments previously insured by OPIC: *Provided, however,* That in cooperating in the offering of insurance under this subparagraph (3), the Corporation shall not assume net responsibility for more than 50 percent of the insurance being offered in each separate transaction.

(b) ADVISORY GROUP.—

(1) ESTABLISHMENT AND MEMBERSHIP.—The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to twelve members, including the following:

(A) Up to seven persons from the private political risk insurance industry, of whom no fewer than two shall represent private political risk insurers, one shall represent private political risk reinsurers, and one shall represent insurance or reinsurance brokerage firms.

(B) Up to four persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

(2) FUNCTIONS.—The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capacity of the private political risk insurance industry and the development of cooperative programs to enhance the capability of that industry to meet the political risk insurance needs of United States investors.

(3) MEETINGS.— The advisory group shall meet not later than September 30, 1989, and at least annually thereafter. The Corporation may from time to time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

(4) FEDERAL ADVISORY COMMITTEE ACT.— The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 9. RAISING CEILING ON INVESTMENT GUARANTIES.

Section 235 (22 U.S.C. 2195) is amended in subsection (a)(2) by striking out "$750,000,000" and inserting in lieu thereof "$1,500,000,000".

SEC. 10. EXTENDING ISSUING AUTHORITY.

Section 235 (22 U.S.C. 2195) is amended in subsection (a)(5) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1992".

SEC. 11. DEFINING ELIGIBLE INVESTOR.

Section 238 (22 U.S.C. 2198) is amended in subsection (c) by inserting before the final semicolon, the following:

"except that the acquisition of majority ownership of an entity that was theretofore an eligible investor, as defined in section 238(c)(2), by investors who are not themselves eligible hereunder shall not require the Corporation to terminate on grounds of ineligibility any insurance or guaranties previously issued so long as at least 45 percent of the voting interest in such entity continues to be beneficially owned by United States citizens.

SECTION BY SECTION ANALYSIS OF THE PROPOSED OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1988

I. INTRODUCTION

The proposed Overseas Private Investment Corporation Amendments Act of 1988 (hereafter referred to as the Bill) would amend the Foreign Assistance Act of 1961, as amended (hereafter referred to as the Act) in order to extend the authority of the Corporation to issue investment insurance and guaranties and to make certain changes in existing programs and policies.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This Section provides that the Bill may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

Section 2. Reference to the Act

This section states that unless otherwise provided, all amendments or repeals made by the Bill are to the Foreign Assistance Act of 1961.

Section 3. Updating Income Levels in Less Developed Countries

This section would continue the practice, begun in prior reauthorizations, of updating for inflation the per capita income levels established for those groups of countries with respect to which Congress has required the Corporation to either give preferential consideration (the least developed countries) or restrict its activities (the higher income developing countries).

Section 4. Promoting Investment Policy Reform

This section would establish a new policy mandate for the Corporation by requiring that, in addition to its existing legislative guidelines, it also be "guided by the extent to which the investment policies of the country in which the project is undertaken are consistent with U.S. investment policies."

In carrying out this new mandate, the Corporation would, among other things, develop programs of special assistance to countries which are deserving of recognition because of steps they have taken or are taking to improve their investment environment, and would restrict or curtail its operations in countries with investment policies that are flagrantly inappropriate.

Section 5. Maintaining Economic Stability of Host Countries

This section would give the Corporation authority to insure existing U.S. investment for the limited purpose of helping protect a developing country's economy, and the developmental and U.S. trade benefits resulting from the investments, when changed political conditions in the host country make it likely that the investments would be withdrawn.

This authority could only be used when the OPIC Board, upon recommendation of the Secretary of State, determined that insuring such investment would further the interests of the U.S. in maintaining the economic stability of the host country.

Since OPIC traditionally has insured only new investments, guidelines to be issued by OPIC's Board shall limit the insurance of existing investments to situations involving exceptional circumstances, and shall limit the term of such insurance to the period necessary to maintain the economic stability of the host country. The Board's guidelines shall also assure that the issuance of the insurance is consistent with prudent underwriting, taking into account OPIC's Congressional mandate to operate its programs on a self-sustaining basis.

Section 6. Financing Developmental Technology and Products

This section would allow OPIC to designate part of any loan from its Direct Investment Fund for use in the U.S. for the development or adaptation of technologies or products or services that are likely to contribute to the economic or social development of less developed countries. This provision would help the Corporation assure that products produced by projects it supports are optimally adapted to meet the needs and circumstances of host countries.

Under guidelines to be issued by the Corporation, this authority shall only be used where adequate research and development capabilities for adapting the products or technology are unavailable in the host country, and OPIC's role as project lender shall remain as its principal function, i.e., at least two-thirds of any loan shall be used to finance project costs in the host country.

Section 7. Pilot Program of Equity Financing in Africa and the Caribbean Basin

This section would authorize the Corporation to establish a pilot program in sub-Saharan Africa and the Caribbean Basin to assist eligible projects through the provision of limited equity capital. Preferential consideration would be given to projects involving U.S. small business or cooperatives, and the Corporation would be required to consider the extent to which the financing would assist a project sponsor in arranging the full capital investment required for the project, thereby assuring that this authority would be used only in those circumstances where a project sponsor was unable to arrange other equity financing and the project could not meet additional debt service requirements.

The pilot program would be limited to five years, and would be funded by a one-time allocation of $10 million from the Corporation's income and revenues. The Corporation would consult with Congress on an annual basis on the implementation of the program.

In developing guidelines for its pilot equity finance program, the Corporation shall draw upon the knowledge and expertise of those departments and agencies concerned with development of capital markets in developing countries, and shall provide for divestiture of any equity interest it acquires as soon as circumstances permit, recognizing that it is the purpose of the program to help fill the initial capital requirements of desirable projects rather than to develop a permanent portfolio of equity investments by the Corporation. The Corporation shall endeavor to dispose of any equity interest within 10-years of its acquisition and in a fashion that is consonant with U.S. efforts to develop capital markets in developing countries.

Although substantially limited both geographically and in amount (the Corporation's equity interest would be limited to 30 percent of a project's total equity), the pilot program would make the Corporation more competitive with its counterparts in other major OECD countries, all of which have authority to take equity positions in projects they support, and would give the Corporation a valuable tool for fulfilling the Congressional mandate that it facilitate developmental projects in the least developed countries.

Section 8. Enhancing Private Political Risk Insurance Industry

This section would replace the pilot program established in 1985, under which OPIC was to provide reinsurance on a facultative basis, with a program of broader cooperation with the private political risk insurance industry.

The new program would be designed to enhance the growth and development of the private political risk insurance industry through the development of associations, pools or consortia between OPIC and members of the industry; through the sharing of risks in a manner conducive to the growth and development of the private insurance industry; and through agreements between OPIC and private insurers to offer insurance on investments that were previously insured by OPIC.

The new section would also replace the facultative reinsurance advisory group with a broader-based advisory group representing insurers, reinsurers, brokers and users of political risk insurance. OPIC would call upon members of the group, either collectively or individually, to advise it on the private political risk insurance industry and the development of cooperative programs to enhance the capability of that industry to meet the political risk insurance needs of United States investors.

Section 9. Raising Ceiling on Investment Guaranties

This section would raise the ceiling on the Corporation's investment guaranty authority from $750 million, which has been the ceiling since the Corporation was formed in 1971, to $1.5 billion. As of June 30, 1987, the aggregate amount of investment guaranties authorized or committed totaled $598.7 million, and it is estimated that the $750 million ceiling could be reached as early as the first quarter of fiscal year 1988. The new ceiling of $1.5 billion would allow the Corporation to operate the investment guaranty program at current levels through the term of the proposed reauthorization.

Section 10. Extending Issuing Authority

This section would extend the authority of the Corporation to issue investment insurance and guaranties until September 30, 1992.

Section 11. Defining Eligible Investor

This section would revise the definition of "eligible investor," so that OPIC would not be forced to terminate existing insurance or guaranties issued to a U.S. company simply because the percentage of U.S. ownership of the company had fallen below 50 percent. The proposed revision would allow OPIC to keep the insurance or guaranties in effect so long as U.S. ownership remained at or above 45 percent. No change would be made in the definition of eligible investor as it relates to debt investments, i.e., the final determination of eligibility would still be made at the time the insurance or guaranty is issued.

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, DC, November 25, 1987.

Hon. GEORGE H. BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am transmitting today a bill to authorize a four-year extension of the investment insurance and guaranty programs of the Overseas Private Investment Corporation ("OPIC") and to make certain changes in OPIC's authorizing legislation to further refine and improve its existing programs and policies. The Office of Management and Budget has advised that there is no objection to the presentation of this bill to the Congress.

Next year will mark the 40th anniversary of the programs adopted as part of the Marshall Plan to encourage the participation of U.S. private enterprise in the reconstruction and development of Europe. These programs, which were later expanded by the Congress and extended to countries of the Third World, will soon enter their third decade under the management of OPIC, a Government corporation formed by the Congress in 1969 with a mandate to operate a self-sustaining basis.

The reauthorization provided in the enclosed bill would mark the fifth Congressional renewal of the programs since they were placed under OPIC's management. In each year of OPIC's existence, its programs have been operated profitably and we are pleased to report that our net profit for FY 1987 is estimated to be $100 million and that our capital and reserves currently exceed $1 billion. OPIC has received no public funds beyond its original start-up appropriation of $106 million which it has returned to the U.S. Treasury.

OPIC is directed by the Congress to encourage the participation of U.S. private enterprise in Third World development and to support development projects that have positive trade benefits for the United States. With respect to U.S. trade benefits, the projects assisted by OPIC make significant contributions to the promotion of U.S. exports through both project procurement from U.S. sources and the development of Third World markets for U.S. goods and services. These contributions are particularly important in view of the continuing U.S. trade deficit and the increasing evidence of the strong positive relationship between overseas investment and trade.

In the course of its successive reauthorizations, OPIC has also been called upon by the Congress to carry out a number of other mandates. Thus, as directed by the Congress, OPIC gives preference to projects located in the least developed countries. In this connection, OPIC is currently engaged in special efforts to increase private sector investments in the economic development of sub-Saharan Africa and the Caribbean Basin. OPIC is also directed by the Congress to encourage greater participation in its programs by U.S. small business and cooperatives, and in FY 1987, as in previous years, OPIC exceeded Congressional goals for such participation.

OPIC carries out its Congressional mandates through the operation of programs of political risk insurance, investment guaranties, direct loans and investment promotion facilities. We believe that the refinements to these programs that are contained in the enclosed bill will make OPIC even more effective in assisting the economic development of Third World countries, increasing U.S. exports through project procurement and the creation of new markets for U.S. goods and services, encouraging investments in the least developed countries and helping U.S. small businesses and cooperatives compete in the world marketplace.

The principal provisions of the enclosed bill are as follows:

Encouraging Investment Policy Reform in Developing Countries.—To encourage developing countries to improve their investiment environments, thus helping them attract foreign capital and technology to assist their economic development, a new policy guideline would be added to OPIC's authorizing legislation that would require OPIC to consider in the operation of its programs the extent to which a host country's investment policies are consistent with U.S. investment policies.

Maintaining Economic Stability of Developing Countries.—To help maintain the economic stability of a developing country when it appears that political change might cause disinvestment that adversely affects the country's development, OPIC would be authorized in exceptional circumstances, and to the extent consistent with prudent underwriting, to insure U.S. investments already in the affected country.

Financing Developmental Technology and Products.—To help assure that products produced by OPIC-supported projects in Third World countries are optimally adapted to meet the needs and circumstances of host countries, thereby increasing the developmental impact of such projects, OPIC would be authorized to designate part of a project loan for use in the U.S. in the development and adaptation of such products.

Pilot Program of Equity Financing in Africa and the Caribbean Basin.—To further assist sub-Saharan Africa and the Caribbean Basin, two areas of the Third World that are in dire need of developmental projects, OPIC would be authorized to operate in those regions a five-year pilot program, funded by $10 million from OPIC's earnings, for providing small amounts of equity capital to projects, particularly those sponsored by U.S. small businesses or cooperatives, that are unable to arrange other financing.

In conclusion, the Administration believes that OPIC has played an important role in advancing U.S. foreign economic development policies and that its programs can be of even greater value in the future. There is a growing recognition on the part of Third World leaders that foreign private investment can play a vital role in their economic development. This affords a unique opportunity for the U.S. private sector, OPIC and the Congress to help demonstrate the efficacy of the private enterprise system in promoting economic growth while at the same time assisting the international competitive position of the U.S. The improvements in OPIC's programs that are sought in this proposed reauthorization legislation will provide OPIC with additional tools to play an even more effective role in achieving the important goals established for it by the Congress.

Sincerely,

CRAIG A. NALEN.●

By Mr. DOLE:

S. 2007. A bill to amend the Atomic Energy Act of 1954 to provide for a neutral review by the National Academy of Sciences of emergency evacuation plans necessary for approval of low power and operating licenses for nuclear facilities; to the Committee on Environment and Public Works.

S. 2008. A bill to amend the Atomic Energy Act of 1954 to require consideration of an emergency evacuation plan for a nuclear facility before a construction permit is issued for such facility; to the Committee on Environment and Public Works.

NUCLEAR PLANT EVACUATION LEGISLATION

Mr. DOLE. Mr. President, following the accident at the Three Mile Island nuclear facility in 1979, a number of significant changes have been made by both the Congress and the Nuclear Regulatory Commission to decrease the risk of additional accidents as well as establishing procedures to be followed in the event another does occur.

One of the most significant changes has been the requirement for evacuation plans to be in place for an emergency planning zone surrounding a commercial nuclear reactor before a full-power operating license could be granted by the NRC. Unfortunately, as laudable as this requirement is, the current mechanism is flawed in its implementation.

Under current law, a State or its political subdivisions is expected to file an evacuation plan for these plants. However, in the event a State refuses to submit a plan, or if a plan submitted by a State is ruled to be inadequate by the NRC, the operator of the plant may file its own plan with the NRC. This procedure was contained in statute from the outset of the evacuation planning process in 1980.

UTILITY-SUBMITTED PLANS

There are currently two commercial reactors which are entirely constructed and ready for licensing but have had the licenses held up due to a lack of cooperation by a State within the emergency planning zone.

Tens of millions of dollars are being spent each month to pay the interest costs on these multibillion dollar plants as those who reside near these plants watch in astonishment as politicians play Russian roulette with their health and safety. The residents are looking for some assurance that someone is looking out for them—not looking out for political gain.

The first of the two bills I am introducing will help alleviate the fears of these individuals by requiring the NRC to contract with the National Academy of Sciences for a review of the adequacy of the utility-submitted plans. The academy, an independent organization established by Congress in 1863 to advise the Federal Government on "any subject of science or art," would then advise the NRC if the plan met all statutory and regulatory requirements to protect the public health and safety.

Mr. President, the Department of Energy contracted with the academy to study the safety of the Federal production reactors in the States of Washington and South Carolina. The recently completed study pointed out a number of matters which would have to be corrected before the academy would state that the reactors were operating safely. My proposed requirement for a review by the National Academy of Sciences for commercial reactors with utility-submitted evacuation plans would cover some of the same issues already reviewed by the academy for plants owned by the Federal Government.

In addition, I believe a "stamp of approval" by the academy would go a long way toward assuring the nearby residents of a commerical reactor that their welfare was of the utmost concern to the Federal Government.

FUTURE PLANTS

Mr. President, the second bill I am introducing addresses the future of evacuation planning. We all know that hindsight can be 20/20, and with this advantage it is time to review the current system and look for improvement.

If we are truly concerned with the health and safety of those who reside near nuclear plants, the evacuation process should begin before a plant is constructed. Currently, NRC determines whether residents can be safely evacuated only after billions of dollars have been spent to construct a plant. In the case of the two plants where the utility has been forced to submit its own evacuation plan, these billions of dollars may never result in the generation of the promised power for the consumer.

Therefore, I am introducing legislation which will move the evacuation process up-front, in a cooperative effort between the Federal and State governments. I propose to give the States, in effect, a veto over whether a commerical nuclear reactor will be constructed within their boundaries by providing that a State file a preliminary evacuation plan and for the NRC to approve that plan before the NRC could issue a construction permit. However, once that State gave its approval, it would be required to work with the NRC through in the final evacuation plan process.

This process puts the health and safety of the nearby residents first, not last, and assures that political maneuvering will not enter the process while staggering interest bills are awaiting payment by consumers who may never receive the benefit of additional power.

Mr. President, no new nuclear powerplants have been ordered in years. If nuclear is to fit in the mix of domestically produced energy in America's future, some certainty must be placed in the current process. The cooperative efforts of the Federal and State governments will be required, and this bill is a first step in that direction.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 16 of the Atomic Energy Act of 1954 (42 U.S.C. 2231 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 193. REVIEW OF EMERGENCY EVACUATION PLANS.—

"The Commission shall not issue a temporary operating license or a full power operating license for a utilization facility required to be licensed under section 103 or 104b. of this Act to an applicant for such a license required to submit an emergency evacuation plan under this Act unless the emergency evacuation plan of the applicant and any other emergency evacuation plan submitted by a State or local government are reviewed by the National Academy of Sciences and the National Academy of Sciences reports to the Commission with respect to the adequacy of such plans.".

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 185 of the Atomic Energy Act of 1954 is amended by—

(1) striking out "All applicants" and inserting in lieu thereof "a. Subject to the provisions of subsection b., all applicants"; and

(2) adding at the end thereof the following:

"b.(1) No applicant for a license to construct or modify a production or utilization facility required to be licensed under sections 103 and 104b. of this Act shall be granted a construction permit unless each State within the emergency planning zone for such facility submits a preliminary emergency evacuation plan for the facility and each such plan is approved by the Commission.

"(2) The preliminary plan required by paragraph (1) shall include sufficient data for a determination that adequate roads, equipment, and personnel exist or will be provided for the safe evacuation of those who reside in the emergency planning zone.".

(b) Section 182 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"e. The Commission shall not issue a full operating license for a utilization or production facility required to be licensed under sections 103 and 104b. of this Act unless the Commission has approved a final emergency evacuation plan for such facility. The final emergency evacuation plan for a facility shall not be subject to approval by each State within the emergency evacuation planning zone of such facility.".

By Mr. DOLE:

S. 2009. A bill to establish a national advisory counsel on children's issues, to provide a Federal-State child care grant program, and for other purposes; to the Committee on Finance.

FEDERAL CHILD CARE AND CHILD DEVELOPMENT COORDINATION ACT

Mr. DOLE. Mr. President, I am introducing "The Federal Child Care and Child Development Act of 1988." As my colleagues are aware, issues affecting children are in the forefront of our national consciousness today.

NATIONAL ADVISORY COUNCIL ON CHILDREN'S INITIATIVES

Mr. President, there are currently scores of programs relating to children buried in different Federal departments with virtually no interagency coordination. We have child nutrition programs in the Department of Agriculture, health and low-income assistance programs in the Department of Health and Human Services, child and drug abuse programs in the Department of Justice, not to mention education programs at that Department.

Moreover, because the children's program can be secondary to the primary mission of a given Department or Agency, it may not always get the priority attention it deserves. We need one voice within the Federal Government to speak on behalf of children and ensure that their interests are being protected.

To this end, I am including in this bill a provision to establish a national advisory council on children's issues, which would report directly to the President and would be responsible for coordinating programs affecting children in the various Federal agencies and serving as an advocate for children's concerns.

As we head into the 1990's, children's issues are taking on increasing significance as part of the National agenda. Child abuse, drug abuse, teen pregnancy, the high drop-out rate—all these are issues calling out for national attention. We need a uniform, coordinated strategy to deal with these problems. Children need an official, national advocate—one with direct access to the President. Creating such an advisory body will give children's issues the prominence they deserve.

CHILD CARE GRANT PROGRAM

Mr. President, it is time that the Federal Government come to grips with demographic realities. The United States labor force now includes 53 million women. In addition, the growth in the female labor force has occurred primarily among women with very young children, with the result that 50 percent of working mothers have children under 6 years of age, and, of these, 25 percent are single parents.

Finding safe, affordable child care has become a major problem for parents of modest means. Many are confronted with the stark choice of leaving their children at home alone or in the hands of unlicensed providers. Based on current realities, I believe we need a national strategy to deal with this problem. While the Federal Government can't provide all the answers, as some woud have it do, it clearly has a role in this effort.

The Federal Child Care Grant Program to the States which I am proposing would be targeted at increasing the availability of child care services to low- and moderate-income parents. The grants could be used for a variety of activities, including:

Neighborhood child care centers, after-school child care programs, and startup costs for onsite child care offered by small business employers;

Establishment of grandcare programs which would recruit and train senior citizens to serve as child care workers;

Assistance to help family-based child care providers and others meet State licensing standards;

Coordination with existing programs, including Head Start, Chapter One, and preschool programs for disabled children to extend the hours of operation to help employed parents; and

Voucher programs to assist with child care costs for low-income parents.

OFFSETTING COSTS

Mr. President, this type of initiative could be paid for by phasing out the dependent care tax credit for high income families. Although I have been a strong supporter of the dependent care tax credit, I believe we have to reevaluate our priorities, given the Federal deficit situation.

Low- and moderate-income parents desperately need affordable child care. In these tough budgetary times, I believe this is where our Federal child care dollars should be spent. Phasing out the tax credit for upper income individuals could save $300 to $400 million a year.

CONCLUDING REMARKS

Mr. President, my ultimate goal is to have child care programs funded with the grant moneys become self-sustaining. I hope that, with Federal leadership and help, the supply will eventually catch up with the demand. At this point, I also want to make it clear that I am opposed to proposals by which the Federal Government would require employers to provide day care or dictate day care standards. It is the role of the Federal Government to facilitate—no mandate—the provision of child care services.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Child Care and Child Development Coordination Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the incidence of child abuse, child and teen drug and alcohol abuse, teenage pregnancy and high rates of students dropping out of secondary schools, are issues calling for national attention;

(2) the labor force includes over 50,000,000 women, and the growth in the numbers of the women in the labor force has occurred primarily among women with young children; and

(3) safe and affordable child care has become a major problem for parents of modest means and for parents with low incomes.

(b) Purpose.—It is the purpose of this Act—

(1) to establish a National Advisory Council on Children's Issues; and

(2) to establish a Federal child care grant program.

TITLE I—NATIONAL COUNCIL ON CHILDREN'S ISSUES

SEC. 101. ESTABLISHMENT.

There is established the National Council on Children's Issues (hereinafter referred to in this title as the "Council".

SEC. 102. MEMBERSHIP.

(a) Members.—The Council shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Education;

(3) the Secretary of Health and Human Services;

(4) the Secretary of Labor;

(5) the Attorney General; and

(6) the heads of such other Federal agencies as the Council considers appropriate.

(b) Chairperson.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) Quorum.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

(d) Meetings.—The Council shall meet at the call of the Chairman or a majority of its members.

SEC. 103. FUNCTIONS.

(a) Functions.—The Council shall—

(1) review all Federal activities and programs relating to issues involving children;

(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies concerning issues involving children;

(3) monitor, evaluate, and improve programs and activities that assist children conducted by Federal agencies, States and local governments, and private voluntary organizations;

(4) provide professional and technical assistance to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) effectively coordinate and maximize resources of existing programs and activities concerning children's issues; and

(B) develop new and innovative programs and activities to assist children;

(5) collect and disseminate information relating to issues involving children;

(6) serve as an advocate for children; and

(7) prepare the annual reports required by subsection (c)(2).

(b) Authority.—In carrying out subsection (a), the Council may—

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities concerning issues involving children; and

(2) publish a newsletter concerning Federal, State, and local programs which are effectively meeting the needs of children.

(c) Reports.—

(1) Department reports.—Within 90 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and transmit to the Council a report that describes—

(A) each program involving children administered by such agency and the number of children served by such program; and

(B) impediments, including any statutory and regulatory restrictions, to the use by children of each such program and to obtaining services or benefits under each such program.

(2) Council report.—The Council shall prepare and transmit to the President an annual report that—

(A) assesses the nature and extent of the problems relating to children and the needs of children;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to paragraph (1);

(C) describes the accomplishments and activities of the Council in working with Federal, State, and local agencies and public and private organizations in order to provide assistance in resolving issues concerning children;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to paragraph (1); and

(E) specifies any recommendations of the Council for legislation, administrative actions, or other appropriate and necessary actions to resolve such problems and meet such needs.

SEC. 104. DIRECTOR AND STAFF.

(a) Director.—The Council shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Additional Personnel.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) Consultants.—Subject to such rules as may be prescribed by the Council, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(d) Details.—Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

(e) Administrative Support.—The Secretary of Health and Human Services shall provide to the Council such administrative and support services as the Council may request.

SEC. 105. POWERS.

(a) Meetings.—For the purpose of carrying out this title, the Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate. The Council may administer oaths or affirmation to witnesses appearing before the Council.

(b) Delegation.—Any member or employee of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this section.

(c) Information.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

SEC. 106. DEFINITION.

As used in this title, the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 1988.

TITLE II—CHILD CARE GRANT PROGRAM

SEC. 201. DEFINITIONS.

As used in this title:

(1) Child.—The term "child" means an individual who has not attained 13 years of age;

(2) Institution of higher education.—The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(3) Local educational agency.—The term "local educational agency" has the same meaning given that term by section 198(10) of the Elementary and Secondary Education Act of 1965, or any successor statute defining that term for the purposes of Federal assistance to elementary and secondary education;

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services; and

(5) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the trust territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 202. GRANT PROGRAM AUTHORIZED.

(a) General Authority.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to States to pay for authorized activities under a State plan approved under section 205.

(b) Authorization of Appropriations.—There are authorized to be appropriated $300,000,000 for the fiscal year 1989, and $400,000,000 for each of 3 succeeding fiscal years.

SEC. 203. ALLOTMENTS.

(a) Reservations.—The Secretary shall reserve 1 percent of the amount appropriated for each fiscal year under section 202 for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) State Allotment.—

(1) In general.—From the remainder of the sums appropriated under section 202 for grants to States for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of individuals in such State who have not attained 13 years of age bears to the total number of such children in all States, except that each State shall be allotted not less than one-half of 1 percent of such remainder for each fiscal year.

(2) Definition.—For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

(c) Recent Data Required.—For the purpose of this section, the Secretary should use the most recent data available.

(d) Reallotment.—

(1) In general.—Any portion of the allotment of a State under subsection (b) that the Secretary determines is not required to carry out a State plan approved under section 206, in the period that the allotment is made available, should be reallotted by the Secretary to other States in proportion to the original allotment of such States.

(2) Reductions.—The amount that another State is entitled to under paragraph (1) shall be reduced to the extent that such amount exceeds the sum that the Secretary estimates will be used in that State to carry out a State plan approved under section 206 and the amount of such reductions shall be similarly reallotted among States in which the proportioned amount is not reduced.

(3) Treatment.—Any amount reallotted to a State under this subsection shall be considered to be part of the original State allotment under subsection (b) for that year.

SEC. 204. ELIGIBLE PROVIDERS.

For the purpose of this title an eligible provider is—

(1) a unit of general local government;

(2) a local educational agency;

(3) a nonprofit organization, including any organization described in section 501 (c) or (d) of the Internal Revenue Code of 1986;

(4) a professional or employee association;

(5) a consortium of small businesses;

(6) an institution of higher education;

(7) a hospital or health facility;

(8) a family care provider; or

(9) an entity which the State determines is able and appropriate to carry out a project assisted under this title.

SEC. 205. AUTHORIZED ACTIVITIES.

Grants made under this title to a State may be used for—

(1) the provision of child care services to low-income parents and to parents with moderate incomes, including the provision of such services with appropriate fee schedules;

(2) the establishment and operation of neighborhood child care centers, after school child care programs and the startup cost of onsite child care offered by small business concerns;

(3) the establishment of programs which would recruit and train senior citizens to serve as child care workers;

(4) assistance to help eligible providers and family based child care providers to meet the licensing standards required by the State for furnishing child care services; and

(5) the coordination of programs assisted under this title with child care programs operated or assisted by the State and with federally assisted child care programs, including Head Start programs, Federal assistance programs for the education of disadvantaged children in the elementary schools of

the State, preschool programs, and programs for handicapped children, designed to improve the operation of such program with respect to hours of operation for child care services.

SEC. 206. STATE PLAN.

(a) STATE PLAN REQUIRED.—Each State desiring to receive a grant from its allotment under this title shall prepare and submit a State plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF PLAN.—Each such plan shall—

(1) describe the State agency which will administer the programs for which assistance is sought;

(2) describe the authorized activities for which assistance is sought consistent with the provisions of section 204;

(3) provide assurances that the State will provide technical assistance to eligible providers;

(4) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes described in section 204, and in no case supplant such funds from non-Federal sources;

(5) provide assurances that the State will not expend more than 10 percent of the amount received in any fiscal year for administrative expenses;

(6) describe procedures the State will use for eligible providers to submit applications to the State in accordance with section 207, and for approval of applications by the State agency designated under paragraph (1), including appropriate procedures to assure that the State agency will not disapprove an application without notice and opportunity for a hearing;

(7) provide assurances that the State will establish standards for the purpose of this title;

(8) provide such fiscal control and account procedures as may be necessary—

(A) to insure proper accounting of Federal funds paid to the State under this title; and

(B) to ensure the verification of reports required under this title; and

(9) provide such additional assurances that the Secretary may reasonably require.

(c) APPROVAL.—The Secretary shall approve State plans submitted under subsection (b) which meet the requirements of this title.

SEC. 207. APPLICATION FOR GRANTS BY ELIGIBLE PROVIDERS.

(a) APPLICATION.—In order to receive a grant from the State under this title, an eligible provider shall submit an application to the State that—

(1) describes the project for which assistance is sought;

(2) contains assurances that the eligible provider will use the funds furnished in accordance with requirements of this title;

(3) provides assurances that appropriate fee schedules will be established in the case of any project in which child care services are furnished with assistance under this part and that such fee schedules will be based on the annual incomes of the participating families;

(4) provides assurances that procedures will be established for parental involvement in the operation of the project; and

(5) if necessary, the eligible provider will comply with the training and other requirements of section 206(a)(7).

(b) PRIORITY.—In making grants under this title, a State should give priority to applications from eligible providers that—

(1) meet the licensing requirements of the State; and

(2) significantly expand or improve the provision of child care services to children of parents with low incomes and parents with modest incomes.

SEC. 208. EVALUATION.

(a) EVALUATIONS REQUIRED.—Each State agency designated under section 206(b)(1) shall—

(1) conduct an evaluation of projects assisted under this part at least every 2 years and make public the results of that evaluation; and

(2) inform eligible providers of the specific evaluation information that the State agency will need.

(b) REPORT.—

(1) IN GENERAL.—Each State agency designated under section 201(b)(1) shall prepare and submit a report to the Secretary on the evaluations conducted under this section.

(2) SUMMARIES.—The Secretary shall, as part of the annual report of the Department of Education, prepare and submit to the Congress a summary of the evaluations conducted under this section.

SEC. 209. PAYMENTS.

(a) IN GENERAL.—The Secretary shall pay to each State under the State plan approved under section 206 the cost of the activities described in the State plan.

(b) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) SPENDING OF FUNDS BY STATE.—Payments to a State from the allotment under section 203 for any fiscal year may be expended by the State in that fiscal year or in the succeeding fiscal year.

TITLE III—CHILD AND DEPENDENT CARE CREDIT

SEC. 301. CHILD AND DEPENDENT CARE CREDIT COMPLETELY PHASED OUT FOR ADJUSTED GROSS INCOMES ABOVE $80,000.

(a) IN GENERAL.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 0 percent) by the sum of—

"(A) 1 percentage point (but no more than a total of 10 percentage points) for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, plus

"(B) 1 percentage point for each $1,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $50,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.

By Mr. LEVIN (for himself, Mr. DOLE, Mr. DODD, Mr. COHEN, Mr. CRANSTON, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WIRTH, Mr. BREAUX, Mr. PELL, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. CHAFEE, Mr. ADAMS, Mr. RIEGLE, Mr. MATSUNAGA, Mr. D'AMATO, Mr. HOLLINGS, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. HARKIN, Mr. WEICKER, Mr. SPECTER, Mr. HEINZ, Mr. BOREN, Mr. SANFORD, Mr. STAFFORD, Mr. REID, Mr. DECONCINI, Mr. CONRAD, Mr. PRYOR, Mr. BINGAMAN, and Mr. FOWLER):

S. 2010. A bill to establish a National Voluntary Reunion Registry Demonstration Program; to the Committee on Labor and Human Resources.

NATIONAL VOLUNTARY REUNION REGISTRY

Mr. LEVIN. Mr. President, today I am joined by 34 of our colleagues from both sides of the aisle in introducing a humane and much-needed piece of legislation. I am pleased to have the support of Senator DOLE; and Senator DODD, chairman of the Labor Subcommittee of Children, Family, Drugs and Alcoholism and to have the continuing cosponsorship of long-time supporters of this legislation such as Senator COHEN, Senator CRANSTON, Senator MOYNIHAN, and Senator DURENBERGER.

We are all deeply touched by the problems of adult adoptees, birthparents and separated siblings who, often for many years and at great expense, have been looking for each other. The felt need of so many of these individuals to have access to information which may affect their own mental and physical health and influence their own family decisions, is often of great moment. The facilitating of such reunions should be dealt with care, thoughtfulness, and compassion for all the parties involved.

The legislation we are introducing today deals with these needs and emotions in a careful and sensitive way. The bill is designed to avoid intrusion into the life of either party, the birthparent who put her child up for adoption or the child who was adopted. The legislation does not involve the opening of sealed records.

Our proposal would authorize a 3-year demonstration project where adult adoptees and biological parents, and separated siblings, may voluntarily find each other through a centralized National Voluntary Reunion Registry. The system would not search for one party at the request of another. Both parties would have to, on their own, mutually and voluntarily enter into the system in order for a reunion to be facilitated.

The anticipated cost of this program is minimal—expected not to exceed $300,000 the first year—and future costs would be offset by reasonable fees paid by the applicants. Under our proposal, the Secretary of Health and Human Services would be authorized to provide, by contract with public or private nonprofit agencies or organizations, a computerized clearinghouse to facilitate these voluntary, mutual reunions. The legislation contains provisions making it unlawful for information contained in the National Voluntary Reunion Registry to be disclosed for unintended purposes.

Mr. President, a number of sources reveal that there may be as many as 10 million adopted persons in the United States today. According to a report prepared by the American Law Division of the Congressional Research Service:

> It is estimated at the present time that there are five million adopted persons in the United States, of whom some two million are actively involved in a search for the identity of their birth parents. A lesser but still significant number of birth parents are also attempting to locate children they have given up for adoption. These figures may in fact be unrealistically low, due in part to the increasing practice, widespread in some areas, of placing infants for adoption through unauthorized channels. Also, of the adoptees not seeking to learn something of their background, many have been placed with relatives or otherwise grow up with knowledge of the circumstances behind their adoptions; others are children, too young for any such effort; and still others, while interested, are discouraged from trying by the realization that the present state of the law in many states makes any such effort difficult if not impossible.

Mr. President, my office has been involved in extensive research, surveying search groups, interviewing adoptive parent, individuals of the medical and legal professions, reviewing case studies, and personally screening hundreds of individuals who are searching for, or have located, relatives. Additionally, the Governors of the States that now have reunion registries support the concept of a National Voluntary Reunion Registry.

I would like to share with my colleagues excerpts from some of the responses I have received about my proposal from Governors of the 19 States that have implemented State registries. They are as follows:

> September 4, 1987, Governor Donald Schaefer, State of Maryland. "In light of the differing, and often conflicting requirements of the existing local registries and the number of states with no registry at all, we support the legislation you propose."
>
> September 9, 1987, Governor Neil Goldschmidt, State of Oregon: "The Children's Services Division maintains Oregon's registry and the adoption program staff reviewed your proposed legislation. They found your proposal compatible with our state goals and recommended support for the concept of a National Registry."
>
> December 4, 1987, Governor Edward W. Edwards, State of Louisiana: "Generally, I am supportive of the proposed legislation included in your letter as I view it as a means to extend services for those involved in the adoption triangle."
>
> October 26, 1987, State of Illinois: "Governor Thompson referred your letter to the Department of Children and Family Services so your questions could be answered. We, in Illinois, are supportive of the attached proposed legislation."
>
> August 21, 1987, State of Arkansas: "Ray Scott, Director, Department of Human Services, referred your letter to Governor Clinton to the Division of Children and Family Services . . . Yes, Arkansas is supportive of the legislation you are proposing. This legislation appears to be what is needed in order to connect individuals with adoption inquiries throughout the nation.

This proposal also enjoys the support of many adoptive parents, and adoptive parent support groups. As I reflect on the numerous meetings I have had over the years with adoptive parent groups on the issue of a national registry, there are a number that stand out vividly in my mind. For instance, I would like to share with our colleagues excerpts from a letter received from the cofounders of Parents For Private Adoption based in Pawlet, VT, following their meeting with me in my Washington office in June of 1986. Their thought-provoking and sympathic expressions of support of this bill reads, in part, as follows:

> Thank you for inviting us to discuss your bill to establish a national reunion registry. As a national education and support group, we are well aware that this country is in its infancy as it begins to address the controversial issues related to adoption. We wholeheartedly support your efforts to establish a national registry. Now that we are [adoptive] parents, we know even better that our children all too soon will become adults who are entitled to all the rights of any other American. For us, as parents, it is unthinkable to prevent them from knowing the truth about their heritage. Our little daughter was seriously ill recently with an immune system disease. She might have needed a bone marrow transplant. I cannot begin to tell you what peace of mind I had, knowing that all I had to do was pick up the phone and make one phone call—not to a federal or state agency, not to a lawyer, not to anyone but the birthmother herself to arrange for what might have been a crucial, lifesaving transplant." Signed: Margaret Hutchison-Betts, Parents For Private Adoption, P.O. Box 7, Pawlet, Vermont 05761; other co-founders Dr. Alan Betts and Dawn Smith-Pliner.

Mr. President I was deeply touched by a letter I recently received from Mrs. Maureen M. Wahmhoff from my own State of Michigan. Mrs. Wahmhoff is the president of Adoptive Parents Responding In Love which is headquartered in Baraga, MI. Her letter reads as follows:

> I am probably an unusual case since I wear two "hats", I was adopted myself in 1937, and my husband and I have adopted our three children. after searching for my birth mother with no success, I must admit I was a bit hesitant about our children wanting to search. However, I also realize what a quandary they are in just not knowing who their birthparents are, what they look like, etc. Our feeling on this is these are our children in our hearts and nothing is going to change that for either of us. The difficulties in beginning this search are many. As an adoptive parent, I firmly believe we need a registry system whereby our adopted children have a means of making contact with their birthparents whether because of a medical history problem or a physical or emotional longing to meet their parents face to face." Signed: Maureen M. Wahmhoff, Adoptive Parent (President of Adoptive Parents Responding in Love), Rt. 1, Box 360, Baraga, Michigan 49908.

Mr. President, a recent survey conducted by my staff revealed that more and more adoptive parents support efforts of adopted sons and daughters who are seeking to connect with their roots. The organization, Roots and Reunions in L'Anse, MI, recently reported that 75 percent of all requests for reunion assistance last year came from adoptive parents. Not only are these adoptive parents seeking to meet the needs of their sons and daughters, "Our adoptive parents want to set at ease the hearts of their childrens' birth mothers, but are unable to do so," says Mrs. J.A. Swanson, director of the organization.

According to Emma May Vilardi of the International Soundex Reunion Registry [ISRR], "20 percent of ISRR's registry applicants for adoptees under the age of 18 have been made by adoptive parents. Mrs. Vilardi says she has received application requests for prospective adoptive parents "who want to register their newly acquired children for future reunion with their birthparents."

A preliminary Los Angeles study determined that 89 percent of the birthparents they surveyed wanted reunion with their relinquished children when grown, if the offspring so desired.

Many who have sought and succeeded in locating each other, find many troublesome events might have been avoided had their struggle been aided at an earlier time. One such example brought to my attention by a birthmother from Michigan is outlined in the following letter:

> I want to register my support for your voluntary reunion registry. I am a birthmother who surrendered to adoption in 1960. I was pleased and encouraged when Michigan instituted a mutual consent registry in 1980, but was disappointed that no effort was made to notify adoptive parties of its existence. After six years of searching, and the expenditure of over $3,000, I finally located my daughter shortly before her 24th birthday. Because she no longer lived in Michigan, she was unaware of the mutual consent registry, so had not filed. However, she had made a preliminary contact with a Detroit search and support group in 1981, taking the first steps toward finding me. She did not feel comfortable about conducting an all-out search for me at that time, because she feared my rejection of her. Had she attended a support group meeting, she might have learned about the Michigan registry, where I had filed a consent waiver years ago. My daughter was one of two adopted children raised in an unfortunate home situation.
>
> The mother's alcoholism led to her death at the age of 52, leaving the two girls motherless at ages 12 and 14. My daughter left home without finishing high school at age 17, and was totally on her own thereafter. One year later, I had begun to search for her, yet we were kept apart by the current

> adoption system. Because of that system, I also lost my first grandchild to abortion. I have learned that, at age 20, my daughter became pregnant out of wedlock. Being her own sole means of support, and having no family to back her up, she saw abortion as the only realistic alternative open to her. It breaks my heart to realize that at the time she was going through this excruciating decisionmaking process, I was searching frantically for her. If only I could have found her in time, I could have offered her the loving support she needed to bring her child to term and parent it. You will be interested to know that at the present time I am helping a number of adoptive parents in search of their children's birthparents."
>
> Sincerely,
>
> MICHIGAN BIRTHMOTHER.

Dr. Dirck Brown, family therapist and coauthor of Clinical Practice in Adoption (Pergamon Press), has had extensive clinical experience working with families who have adopted, adoptees of all ages, and men and women who have relinquished children in adoption. In recent correspondence to me about the proposed National Voluntary Reunion Registry, he said:

> Your legislation will contribute in a substantial way to the positive emotional and social well-being of all those involved in the adoption experience—adoptees, birth parents, and the adoptive family. Adoptees understand and acknowledge universally that their "real parents" are their adopted parents—that bond cannot be broken by having accurate information about one's birth parents and having the opportunity, as an adult, to have contact with them if that is desired. Thus the right to know on the part of the adopted person supports healthy relationships between the adopted person and his or her parents.

Mr. President, the CRS report I referenced earlier also touches upon the frustration felt by adopted persons, many of whom meet obstacle after obstacle in their pursuit of reunion with their blood relatives. According to the report, "To adoptees searching for their birth parents," the facts are simple and straightforward: they are being denied access to information on their backgrounds and identity which is readily available to the non-adopted. One adoptee recently appealed to a State legislature considering a right to access proposal to "give me the same right to know my roots that you give to those who are not adopted," adding, "How can you deny me my identity by locking away my heritage?" Another noted at the same hearing, "It's really very difficult to communicate to one who is not adopted what it is like to be without the same basic information that the rest of society takes for granted."

Kate Pijanowski of Houston, TX, author of a soon-to-be published book on adoption laws and her struggle over a 25-year period to find her birthmother, recently wrote:

> I do wish you success in implementing the national registry. The adult adoptee feels punished and victimized. * * * I finally succeeded. It only took 25 years, 365 filed pages of inquiries and phone billings crossing six states. There are an additional 85 pages of genealogical documentation. Monetary cost? But the emotional cost was more exacting. I suffer from a genetic kidney disease, but even without that factor, it is my right to know my history, and more important, it is not anyone else's right to deny me and the other 5 million adoptees in this country * * *.

Mr. President, the separation of siblings, including twins and triplets in past years was more the norm rather than the exception. Regrettably, for many siblings, reunion may not come soon enough. Mrs. Vilardi reports that the oldest living adoptee registered with ISRR for reunion with his siblings is 96 years of age. Mrs. Vilardi says, "he knows he was one of 12 children and keeps hoping we will find his siblings. We also have deceased adoptees registered by their children or grandchildren whose births extend back to the 1860's."

Mr. Clyde Worley of Columbia, MO, recently wrote:

> I was adopted, in 1934, and until 1984 was under the impression that I was an only child. In May of 1984 I discovered that I had four older siblings as well as a twin sister. I had no idea of the time and expense involved in locating them. We have been to court in three states, Arkansas, Tennessee, and Mississippi. We have located four of the siblings but, as of yet have been unable to locate the twin sister. My older sister was 11 years old at the time of seperation and had been able to keep track of some of the others. She had also located our birth mother and kept track of her, until her death in 1977. The father passed away in June of 1934. I am very much in favor of your bill to establish a national registry. I know that if such a registry had been in place while the major portion of my search was being done that a great amount of time and money would have been spared.

Let me also share the remarks of a young woman who wrote to me and whom my staff interviewed relative to the proposed National Voluntary Reunion Registry. She is a 41-year-old professor, formerly of a univerity in Connecticut, and she has been searching for her birth mother for 12 years:

> Had I surrendered a child for adoption, I know I would always secretly wonder what had happened to her, if she were alive, if she were well, if she had found a good home. I would wonder what she looked like, what sort of person she had become. I would wonder if she wondered about me. Sociological research done over the last ten years indicates that my projections were not unfounded. The overwhelming majority of women who give up children for adoption are disturbed by these questions all their lives. Many are even haunted by guilt. This is a chapter in their lives that never has an ending. They can never put their thoughts to rest. If only I could speak to the woman who gave me life I could tell her how happy I am; I could tell her about the wonderful people who adopted me and the joy she brought into their lives. And for my part, I could see her, discover the secret of my origin, know the country from which my ancestors came, the story that is my history. I could reenter the bond of life that links all other people. I would see a blood relative—until my daughter was born, I could never discern my features in the face of another, and again and again since my son's birth people have asked me "who does he look like?" I want to know the answer. For twelve years I have been searching. Under our present laws, the search is difficult, frustrating and time consuming. It is often expensive, as well. I worked for two years with a young man searching for his biological parents and when he finally found them, learned that his birth mother and he had both gone to the same adoption agency for information within months of each other and were denied help. Each was assured that the other would not want to know and would suffer from knowledge or contact! We cannot but question why this myth is being perpetuated in the face of direct refutation, personally in this case or more broadly in the face of sociological studies of hundreds of involved parties.

I would also like to bring to the attention of our colleagues excerpts from a letter I received from Thomas J. Bouchard, Jr., Professor of Psychology, Director, Minnesota Study of Twins Reared Apart:

> Because of my work with twins reared apart conducted at the University of Minnesota, I have been contacted by parties interested in the passage of the national reunion registry proposed by Senator Levin.
>
> I have, over the last five years, worked with a large number of twins who were separated early in life and who have experienced adult reunions. The vast majority of these reunions have been monumentally positive experiences for the individuals involved, and in no case has a pair of twins reported that they wish the reunion had not happened. This is not to say that there has never been any emotional turmoil; there has been in some cases. I should mention that my own experience with these twins has resulted in a dramatic change in attitude on my part regarding the ethics of facilitating such reunions. Prior to carrying out research, I would have, at best, been more neutral to the idea.
>
> There is no doubt in my mind about the great value of this registry. As Senator Levin points out, a national registry operated by the Department of Health and Human Services would be far more effective and would be a sensible and humane solution to a difficult problem.
>
> I strongly support the passage of this bill. It strikes me as just the kind of activity in which the federal government should participate. It involves an activity that neither individuals nor individual states can carry out in any effective manner. Participation in this activity is voluntary, and reasonable fees for the service should cover most of the expenses. In addition, such a registry would meet a real human need.

Mr. President, this legislation is based on tested principles. It is similar to the reunion and matching registries that presently exists in 19 States and has been used by various adoptee-birthparent groups, for example, Jean Paton's Orphan Voyage, of Cedaredge, CO; Emma Vilardi's International Soundex Reunion Registry, of Carson City, NV; the Adoption Connection headed by Susan Darke, of Peabody, MA; and Search Triad, Inc., of Litchfield, AZ, headed by Karen Tinkham. These organizations support this legislation because a National Voluntary Reunion Registry system under Federal supervision would, on a far more comprehensive basis inform, coordinate, and expedite the reunions of those persons who mutually wish to be reunited. More importantly, it would insure the necessary confidentiality of the clearinghouse and lessen the time, money, and frustration presently incurred by all persons desiring to find each other.

If either the birthparent or adoptee, siblings, or other birth relative do not seek to know the identity of the other—so be it. But if both want reunion, why not facilitate it. In an age of rootlessness, the search for knowledge of one's own identity certainly should not be squelched now by the simple absence of a National Voluntary Reunion Registry.

I ask unanimous consent that a letter from Luthern Social Services of Texas, Inc., be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Lutheran Social Service
of Texas, Inc.,
December 17, 1987.

Hon. Carl Levin,
U.S. Senate, Russell Building,
Washington, DC.

Dear Senator Levin: I applaud and support your continued efforts to establish a National Voluntary Reunion Registry designed to facilitate contact between adult adoptees and their birthparents, and separated siblings. This is a necessary bill which would validate the real needs of adopted adults and birthparents. It is estimated that there are 5-8 million adopted persons in the United States. A large segment of this population is currently in active search. The largest proportion of our callers are persons seeking contact with original family. This has been consistent for all seven years of our program.

I am the Coordinator of the Adoption Awareness Center, the post adoption component of Lutheran Social Service of Texas (LSST), a state wide agency providing adoption related services to all triad members. The Adoption Awareness Center is one of the oldest agency affiliated post adoption programs in the country, having been established in 1980 to provide services beyond the point of original adoption. As such, we are plugged into a nationwide network of search and support organizations, offering direct search assistance ourselves.

We advocate a national registry, unencumbered with blocking requirements. An example of elements within such a desirable registry would be found in the now existing International Soundex Reunion Registry.

It is our philosophy that the adult adoptees and birthparents wishing contact should have a vehicle for this. Thus a national registry endorsed and publicized by our government would be a major step in facilitating this.

The age of majority that we use in our direct services is 18. Thus, we propose that this age be considered within your bill.

Our experience in the area of search has consistently demonstrated that the need for contact is a core issue for persons involved with adoption. Acting upon this need is determined by personal timing. We have found that well over 95 percent of the birthparents we have approached have been open to contact with their children. These birthparents do not wish to intrude but rather make themselves available. Adopted persons are very protective of the needs of their birthparents and seek them out to fulfill identity needs and other core issues in adoption. Adoptive parents also approach us for assistance in contacting the birthparents of their children. We are experiencing an increase, even when their children are teenagers, of these requests. Our agency has been an active advocate for open adoption, receiving recognition for this practice on a nationwide basis. Publicity about this philosophy and practice has led a large number of persons to seek out our services for search and contact.

Thank you for your understanding of adoption dynamics and for exerting the effort to have this bill become law.

I would like to share with you that I am an adoptive parent of two children, ages 7 and 9, and that we have contact with their birthparents. Even at these tender ages, there has been a need to deal with the realities of adoption. Being able to do this, has been highly positive and confirming for all of us.

Please feel free to contact me if I can be of assistance in your efforts.

Sincerely,

Patricia Dorner, MA, L.P.C.

Mr. LEVIN of Michigan. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to provide for the establishment of a demonstration program which shall facilitate on a voluntary mutual request basis, the reunion of biological parents and adoptees, biological siblings or other biological relatives of adoptees, through a centralized computer network.

SEC. 2. DUTIES OF THE SECRETARY.

(a) The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") is authorized, in accordance with the provisions of this Act, to establish, by contract with public or private nonprofit agencies or organizations, a National Voluntary Reunion Registry System.

(b) The Secretary shall submit to the Congress an annual report of all activities carried out under this Act. The report shall include the following:

(1) The number, nature, recipients, and amounts of contracts entered into under this Act.

(2) The total amount of fees collected.

(3) The number of applications submitted by biological parents, adoptees, siblings, or other biological relatives.

(4) The number of searches ending in a succesful match.

SEC. 3. VOLUNTARY REUNION REGISTRY.

(a) The National Voluntary Reunion Registry authorized under this Act shall provide a centralized nationwide capacity, utilizing computer and data processing methods. Participation in the registry shall be voluntary by all parties involved.

(b)(1) The registry authorized under this Act shall provide that—

(A) a biological parent, or an adoptee over the age of 21 may initiate the matching process by submitting an application to the agency or organization operating the system; and

(B) a sibling or other biological relative of an adoptee may also initiate the matching process whenever—

(i) the biological parent of an adoptee is deceased or his or her whereabouts is unknown;

(ii) the biological parent of an adoptee has consented in writing to the initiation of the matching process; or

(iii) under such other circumstances as the Secretary may determine to be appropriate after taking into consideration the privacy rights and interest of all parties who may be affected.

(2) The Secretary shall establish specific procedures for the purpose of, to the maximum extent feasible, protecting the confidentiality and privacy rights and interests of all parties participating in the program authorized by this Act.

(3) Records pertaining to any individual which are maintained in connection with any carried out activity under this Act shall be confidential and not be disclosed for any purpose without the prior written, informed consent of the individual with respect to whom such record is maintained.

(4) Reasonable fees, established by taking into consideration the costs of services provided for individuals under this Act and the income of such individuals, shall be collected for all services provided under this Act.

(c) The National Voluntary Reunion Registry may include the operation of a similar statewide identification computer system in a State which chooses to participate in the voluntary reunion registry and agrees to provide—

(1) provide necessary coordination with the voluntary identification system provided for in subsection (a) of this section;

(2) provide such financial participation as the Secretary may prescribe by the State; and

(3) establish standards and procedures for the operation of the statewide system which are consistent with those provided for in this Act.

SEC. 4. COUNSELING SERVICES.

The National Reunion Registry established under this Act may include referral to existing programs that provide counseling services.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $300,000 for the fiscal year 1988, and such sums as may be necessary for each of the succeeding 2 fiscal years.

Mr. DOLE. Mr. President, I am pleased to cosponsor the national voluntary reunion registry bill introduced by Senator Carl Levin. This bill goes a long way toward humanizing the adoption process by making it easier for adopted children and their biological parents to reunite. Unfortunately, few means currently exist to help adoptees and their families maintain their genetic heritage. Senator Levin's bill will help address that need for contact at very little cost through the creation of a national clearinghouse to match biological relatives on a voluntary mutual request basis.

Besides the obvious innate human desire to know one's family roots and genetic heritage, there are other important reasons for facilitating communication between adoptees and their birth families. Many of the mental and physical illnesses that plague our society, from alcoholism to sickle cell anemia, have possible genetic links. Adoptees must have access to their genetic history in order to receive the full benefit of modern medicine and to make well-informed decisions about personal health and family. In addition, biological relatives are often the only feasible resource for life-saving procedures such as organ transplants.

The few State matching programs in existence do not adequately serve the needs of biological relatives separated by the adoptive process who wish to reunite, especially when a State boundary must be crossed. This bill will create a centralized interstate computer network, making it possible for relatives to be accessible to one another, should they so desire. The program does not provide access to closed files, nor does it make possible the matching of parties when only one party is searching. Only certain individuals may initiate a search, and all records are confidential and will only be released upon the informed, written consent of the subject of the record.

I believe adopted children need an alternative to spending a lifetime with altered or censored family histories. This clearinghouse will cost less than $300,000 in its initial year and substantially decreased amounts in following years as reasonable fees are collected from applicants. It provides welcome hope to those who feel the very human desire to be reunited with lost family members, and it will reduce some of the mystery and isolation created by the adoption process.

Mr. ADAMS. Mr. President, I am proud to rise as a cosponsor of this legislation which will facilitate the ability of adult adoptees and their birth parents to locate each other through the creation of national adoption registry.

The concept of contact between adult adoptees and their birth parents is an emotional one. There are those who argue that such contact constitutes a violation of the privacy rights of both birth parents and adoptees as well as being a threat to the parental rights of the adopting family. There are also those who argue that the right of adult adoptees to get some level of information about their birth parents is absolute. This legislation goes to neither extreme. It is a sensitive response to the needs and desires of all parties. It balances the right that all of us have to privacy with the understandable desire that all human beings have to know more about who they are and where they come from.

The distinguishing characteristic of this legislation is simple: It establishes a national registry in which, upon request, the names of birth parents and adult adoptees are placed. The existence of such a registry allows for the possibility of matching adult adoptees and birth parents and allowing them to contact each other if they desire to do so. While the legislation establishes a national registry, names of adult adoptees and birth parents are placed in the registry only if the parties request that they become a part of the system. As a result, matches made through the registry require the mutual and voluntary consent of both the adult adoptees and the birth parents.

This bill does not—does not—create open records. This bill does not—does not—create a situation in which unwilling contact is possible. All this bill does is facilitate the possibility of contact if, and only if, both adult adoptee and birth parent make an active effort to allow that contact to take place. Each party must voluntarily place their names in the registry and, as a result, a match can only be made if both parties desire it.

Mr. President, this legislation does nothing more than respond to reality. There are similar voluntary registries in some States and the experience we have had with them proves that the system does protect the rights of all parties. Unfortunately, such State-based systems are restricted, by nature, to the geographic boundaries of the State; since we are a mobile society, that limitation reduces the utility of State-based system. In addition, Mr. President, the plain truth is that without a national registry, both adult adoptees and birth parents are engaged in private searches for each other—searches which do not recognize the privacy rights of the other party. It is my hope that the failure of one party to indicate a willingness for contact by placing their name on the registry will discourage such freelance searches and, as a result, help protect all parties from contact which they may not desire.

Let me conclude these remarks, Mr. President, by paying a special tribute to Senator LEVIN and his staff. I know that they have been working on this legislation for close to 10 years now. I am absolutely convinced that the opposition to this legislation is based on a failure to understand the extraordinary protections which have been built into it. And I am also absolutely convinced that when this legislation is adopted—as I hope it will be—adult adoptees and birth parents and everyone who cares about this issue, will applaud the Senator for Michigan and his staff for their persistence, their dedication, and the creative and responsible way in which they have addressed this issue.

Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator LEVIN, as an original cosponsor of legislation to facilitate the reunions of those adult adoptees, birth parents, and separated siblings who are seeking to find one another. Our bill would accomplish this by establishing a national adoption reunion registry.

The need for this legislation is great. There are presently millions of long-separated adoptees and birth parents who wish to be reunited. Studies have shown that four out of five birth parents desire a reunion with their adopted children. Experience with State registries indicates that a similar percentage of adult adoptees wish to make contact with their biological parents. In addition, there are scores of adult siblings who, separated from their brothers or sisters in early childhood, now seek to be reunited.

Unfortunately, identifying and locating a separated birth parent, child, or sibling can be a costly, time consuming, and frustrating endeavor. Our legislation would greatly streamline this process by enabling interested parties to voluntarily find one another through a centralized reunion registry. At the same time, our proposal would respect the privacy of those who wish to remain anonymous. I believe that this approach represents a careful and sensible way to address the needs and interests of all parties involved. I encourage my colleagues to join me in support of this humane legislation.

Thank you, Mr. President.

Mr. BREAUX. Mr. President, many Americans desperately search for years and sometimes for decades at great economic expense to find their biological parents, siblings, or children. The problems associated in the search for lost relatives are unfortunate and often times unnecessary. Fortunately, however, the pains associated with the search for a lost family member are replaced by the joys of being reunited.

Several States, including Louisiana, have made admirable attempts to facilitate the reunion of those who have been separated from their relatives. Many of these reunions occur as a result of a State-by-State registry. Every State does not have a registry, thus, gaps exist that have prevented the establishment of a comprehensive national registry.

Today I am pleased to be part of an effort that will attempt to facilitate the reunion of perhaps thousands of Americans who have lost track of family members. This effort includes the establishment of a 3 year demonstration project through which biological parents and adult adoptees, and biological siblings, may voluntarily find each other through a centralized system. By this system individuals may make contact with the center independently in order to facilitate the reunion.

The registry is designed to fall under the control of the Secretary of the Department of Health and Human Services. The Secretary would be authorized to create, by contract with public of private nonprofit agencies or organizations, a computerized clearinghouse system to facilitate reunions. There will, of course, be protections to prohibit the information from being used for unintended purposes.

The cost of the program will be minimal for the first year of operation. Thereafter, the cost will be absorbed by a reasonable fee paid by the applicants.

The National Adoption Registry is a needed and vital catalyst to resolving the problems associated with the search of a lost relative. I respectfully ask that my colleagues join me by supporting this important legislation.

Mr. CHAFEE. Mr. President, today I join Mr. LEVIN and several other of my distinguished colleagues in introducing a bill to create a National Voluntary Reunion Registry to assist birth parents, adoptees, and siblings in their search for each other.

This measure that we introduce today will establish a 3 year demonstration project in which biological parents, adult adoptees, and biological siblings may voluntarily find each other through a centralized network. All parties would have to, on their own, voluntarily enter the system. The National Voluntary Reunion Registry would not search for one party at the request of another.

The registry will be developed by the Secretary of Health and Human Services, who through contract with public or private nonprofit agencies will create a computerized clearinghouse system to facilitate a match of requests. The bill contains provisions making it unlawful for information contained in the clearinghouse to be disclosed for unintended purposes.

Because it will be strictly voluntary, this registry will not result in unwelcome or unexpected reunions. In order to reunite an adoptee and his or her birth parent, each must independently contact the registry. It is only when on this independent basis a match is made that a reunion can be facilitated.

Adoption, by definition, is an emotional issue. Some birth parents wish to leave their past behind them, for a number of valid reasons. Some adoptees as well, do not wish to find their birth parent. These wishes are the right of the individuals involved, and we should hold that right in the highest regard.

Yet, the pain and frustration of many adoptees and birth parents is that they do seek each other and are blocked every step of the way by the State laws that assume they wish to remain unknown. If there were any way we could protect the rights of those who wished to remain anonymous, as well as help those who want to be together once again, we should undoubtedly pursue it.

A National Voluntary Registry will create the balance of rights we need. In addition, it will enable families to reunite even if they live on different coasts. As an increasing number of adoptions are made on an out-of-State basis, this is an important factor. State-created registries cannot fulfill this need.

The cost of this clearinghouse and registry is expected to be about $300,000 in the first year, and future costs are to be offset by reasonable fees paid by registrants. It is a small cost to pay to enable dreams of reunions to become reality.

There are many viable reasons birthparents seek their adopted offspring, and just as many viable reasons adoptees seek their biological parents. The news is full of accounts of the long and frustrating searches of people who want nothing more than to know their roots—or their genetic background. I am aware of cases where natural parents were sought to provide organs for transplants for their adopted children. Siblings who were separated at birth conduct their searches with hopes, not of disturbing ghosts of the past, but of establishing familial bonds that were broken because of circumstances of adoptive placement. It could only be a positive result when two people's mutual wish to meet again is made possible because of a simple clearinghouse.

In the spirit of the season, and in support of those who have been searching for a long time—I urge my colleagues to join me in cosponsoring this measure.

Mr. HARKIN. Mr. President, as citizens of a country which prides itself as a melting pot of cultures, many of us are fascinated with our heritage. Iowa, not unlike most other States, is inhabited by a vast array of persons from different backgrounds. I believe many of us gain a sense of pride and a sense of who we are by knowing who our ancestors were. Yet, there are some who do not know the identity of their parents. While I was fortunate to know my parents and my siblings, I am concerned about the many Americans who did not have this opportunity. I am pleased to support Senator LEVIN's bill today which establishes a Voluntary Reunion Registry.

For understandable reasons, our current law protects from inspection the birth records of adoptive children. However, for those cases in which both parties want to find the other, this legislation establishes a system through which biological parents, adult adoptees and separated siblings can locate one another. In order to facilitate a reunion, however, both parties must voluntarily seek this information. Thus, the rights of those individuals who wish to maintain their anonymity are protected.

I want to thank Senator LEVIN for introducing this legislation. I hope this Congress will act swiftly to enact it, thus helping individuals in the search for their families.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. SPECTER, Mr. MELCHER, Mr. BURDICK, and Mr. HECHT).

S. 2011. A bill to increase the rates of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am today introducing S. 2011, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1988. Joining me as original cosponsors of this measure are the committee's ranking minority member, Senator MURKOWSKI, six other committee members, Senators MATSUNAGA, DECONCINI, ROCKEFELLER, SIMPSON, THURMOND, and SPECTER, and Senators MELCHER, BURDICK, and HECHT.

This bill would provide for a fiscal year 1989 cost-of-living adjustment [COLA] in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] paid to the survivors of those who die from service-connected causes. This COLA, which would take effect on December 1, 1988, would be the same percentage as the COLA which will automatically be provided for Social Security and VA pension benefits effective on that same date. According to the most recent—August 1987—projection of the Congressional Budget Office [CBO], the Social Security/VA pension increase will be 5.3 percent. By virtue of Public Law 100-227, enacted on December 31, 1987, the Congress recently provided for a 4.2-percent COLA in the compensation/DIC rates, effective December 1, 1987.

Mr. President, the VA's service-connected compensation program lies at the heart of our system of veterans' benefits. The Committee on Veterans' Affairs has consistently attached the highest priority to the needs of veterans with service-connected disabilities and the survivors of those who have made the final sacrifice. My No. 1 priority in veterans' affairs is meeting the needs of the more than 2.2 million veterans who suffer from disabilities resulting from their service and the more than 310,000 survivors of those who died from service-connected causes.

The disability compensation program provides cash benefits to veterans who have suffered disabilities in the line of duty during active service in our Nation's Armed Forces. The amount paid in individual instances is contingent upon the nature of the veteran's disability or combination of disabilities, the extent to which earning capacity is considered to have been impaired, and the veteran's family status. Compensable disabilities are rated according to the VA's Schedule for Rating Disabilities on a graduated schedule ranging from 10 to 100 percent. Higher monthly rates are payable to totally disabled veterans with certain severe disabilities and combinations of disabilities. A veteran whose disability is rated at 30 percent or more may receive additional compensation for the veteran's spouse, children, and dependent parents. These dependents' allowances are prorated according to the percentage of disability.

As of September 1987, the disability compensation program was providing benefits to 2,212,303 veterans who have service-connected disabilities. This number includes disabled veterans with service during the following periods of conflict: 7,894 World War I veterans, 981,534 World War II veterans, 217,743 Korean-conflict veterans, and 623,430 Vietnam-era veterans. Also, as of September 1987, 674,922 veterans were receiving additional compensation for 1,048,780 dependents.

Mr. President, DIC is paid to the survivors—surviving spouses, unmarried children under the age of 18 and certain children age 18 and over, and certain needy parents—of servicemembers or veterans who died on or after January 1, 1957, from a disease or injury incurred or aggravated in the line of duty during active service.

DIC is paid to surviving spouses at rates determined by the pay grade—service rank—of the deceased veteran. A higher rate is payable if the surviving spouse is so disabled as to be housebound or in need of regular aid and attendance, and additional amounts are payable for the veteran's surviving children. Children become entitled to DIC where there is no surviving spouse, or where a child age 18 or over became permanently incapable of self-support before reaching age 18, or where a child is age 18-23 and pursuing an approved course of education. As of September 1987, DIC benefits were being paid to or for 311,679 surviving spouses and children and 36,086 needy surviving parents. Under section 3112 of title 38, United States Code, the parents' DIC rates are automatically adjusted at the same time and by the same percentage as are Social Security and VA pension benefits.

Assuming a 5.3 percent COLA, CBO advises preliminarily that the cost of our bill would be $471 million in budget authority and $425 million in outlays for fiscal year 1989.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1988".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) In General.—(1) The Administrator of Veterans' Affairs shall, as provided in paragraph (2), increase, effective December 1, 1988, the rate of and limitations on Veterans' Administration disability compensation and dependency and indemnity compensation.

(2)(A) In the case of each of the rates and limitations in sections 314, 315(1), 362, 411, 413, and 414 of title 38, United States Code, that were increased by amendments made by title I of the Veterans' Compensation Cost-of-Living Adjustment Act of 1987 (Public Law 100-227), the Administrator shall further increase such rates and limitations, as in effect on November 30, 1988, by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1988, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) Special Rule.—The Administrator may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) Publication Requirement.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1989, the Administrator shall publish in the Federal Register the rates and limitations being increased under this section and the rates and limitations as so increased.

Mr. MURKOWSKI. Mr. President, I am pleased to join in bipartisan cosponsorship of legislation to provide a cost-of-living adjustment [COLA] for the compensation paid to veterans with disabilities which were incurred while they were on active duty. This bill would also provide a COLA in the benefits paid to the survivors of those who die while on active duty or due to a service-connected cause. The COLA would be effective December 1, 1988, and would be the same percentage increase as the COLA paid to the recipients of Social Security benefits effective that same day.

Mr. President, unlike many benefits paid by the Federal Government, veterans' disability compensation is not indexed. If there is an increase in the cost of living, an act of Congress is required to provide an offsetting increase in veterans' disability compensation and survivors' dependency and indemnity compensation.

This requirement for legislation is both a duty and an opportunity for the Congress It is our duty to protect from inflation the compensation received by veterans injured while on active duty and to their survivors. It is also an opportunity for the Congress to reaffirm that we recognize—and will meet—our obligations to those whose service has protected our Nation and the democratic principles for which it stands.

I enthusiastically embrace that opportunity and duty. That is why I am pleased to join with the distinguished chairman of the Committee on Veterans' Affairs, and other Senators, in offering this legislation. That is why I am pleased to urge my colleagues in the Senate to support this bill.

By Mr. CHAFEE (for himself and Mr. Pell):

S. 2012. A bill to amend the title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; referred to the Committee on Veterans' Affairs.

VETERAN CEMETERY PARTNERSHIP ACT

● Mr. CHAFEE. Mr. President, today I am introducing legislation that aims to use existing funds to expand the State Cemetery Grant Program.

The Veterans Cemetery Partnership Act will expand the State Veterans Cemetery Grant Program, in order for State cemeteries to receive Federal grants to defray the cost of up to 50 percent of their expenses for operation, maintenance, and initial equipment.

It also eliminates the $150 plot allowance that the Veterans Administration now pays directly to State veterans cemeteries each time a veteran is buried there—only for those State cemeteries that receive grants under my legislation.

The State Cemetery Grant Program, which was established in 1978, is designed to assist any State in establishing, expanding or improving State-owned cemeteries for veterans. Currently, States may apply for grants to cover up to 50 percent of these costs, which primarily involve land acquisition and construction.

Unfortunately, the Federal Government cannot realistically assume the full burden of providing veterans cemeteries for all veterans who wish to be buried with their comrades-in-arms. As a result, there are 12 States, including Rhode Island, that do not have a national veterans cemetery, and five more whose national cemeteries are closed to new interments. In addition, there are nine large States whose national cemeteries are too far away from the homes of many veterans and their families. As a result, State veterans cemeteries play a critical role in serving the needs of veterans.

Since the State Cemetery Grant Program was created, only 18 States have applied for 38 grants to establish new cemeteries or expand or improve existing ones. These grant awards have averaged about $600,000.

Many States are reluctant to take advantage of this program because they will not be able to afford the full cost of establishing new cemeteries, and may be forced to abandon or sell State-owned veterans cemeteries because of the inability to maintain them. Thus, there is money left over in the State Cemetery Grant Program budget that we can put to good use.

My bill does not call for the expenditure of any additional funds. Of the funds available to the State Cemetery Grant Program since its inception, almost $4 million has remained unspent. I believe this leftover money should be used to help State veterans cemeteries pay for their operation and maintenance.

Elimination of the plot allowance paid to State veterans cemeteries would consolidate all Federal aid to State cemeteries into one account. Right now, part of the assistance State cemeteries receive come from the State Cemetery Grant Program, while another part, the plot allowances, comes out of the Department of Veterans Benefits—two different offices at the Veterans Administration.

It would also eliminate a technicality in the current law governing the payment of death benefits. At present, this technicality in effect prevents State veterans cemeteries from getting reimbursed for the burial of veterans whose deaths are attributed to service-connected causes.

Perhaps most important, this provision transforms an entitlement into a grant. Although the end result—Federal assistance to State veterans cemeteries—is the same, changing an entitlement into a grant is philosophically very important: It bolsters the Federal-State partnership that was created by the State Cemetery Grant Program. Instead of the Federal Government giving the States a handout, the two are working together to ensure that veterans' needs are met.

In any year that a State does not receive a grant for the maintenance and operation of its veterans cemeteries, it would continue to receive plot allowances from the VA's Department of Veterans Benefits. Burial benefits that are now paid directly to the surviving families of veterans will remain unaffected by my legislation.

The Federal Government stands to benefit from an extension of the State Cemetery Grant Program partnership as well. First, such an extension encourages the States to assume a responsibility that the Federal Government cannot. Second, the States are historically more cost-efficient in their construction and administration of facilities such as veterans benefits. Thus, perhaps the Federal Government would be able to learn something from the States through the Veterans Cemetery Partnership Act.

I believe many veterans have the perception that the Federal Government has forgotten them and their fine service to their country. Perhaps the simplest and most important thing we can do to ensure that veterans are remembered is to provide places where we can go to reflect on their heroism and sacrifice in the name of freedom—places where our veterans will be honored by us forever.

If the Federal Government cannot do this itself, it must ensure that the States are able and willing to provide and maintain these resting places of honor.

I urge all Senators to join me in supporting the Veterans Cemetery Partnership Act.●

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 237, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 260

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 260, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 277

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 277, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 278

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 278, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 430

At the request of Mr. METZENBAUM, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 465

At the request of Mr. METZENBAUM, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 465, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States.

S. 762

At the request of Mr. PELL, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 762, a bill to provide for a Voluntary National Service and Education Demonstration Program, and for other purposes.

S. 840

At the request of Mr. THURMOND, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 936

At the request of Mr. DURENBERGER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 936, a bill to amend title XVIII of the Social Security Act to permit certain individuals with physical or mental impairments to continue medicare coverage at their own expense.

S. 1515

At the request of Mr. HEFLIN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1515, a bill to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.

S. 1519

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1519, a bill to authorize the President of the United States to award congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

S. 1731

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1888

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1888, a bill to establish national standards for voter registration for Federal elections, and for other purposes.

S. 1942

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1942, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population date collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 1957

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1957, a bill to re-establish the authority of the Small Business Administration to make disaster assistance loans in the case of economic injury resulting from currency devaluation.

S. 1970

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1970, a bill to reform procedures for enforcement of the fourth amendment to the Constitution, for collateral review of criminal judgments, and for the imposition of capital punishments, and for other purposes.

S. 2000

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Washington [Mr. ADAMS], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Florida [Mr. CHILES], the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. BURDICK], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from Massachusetts [Mr. KERRY], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. SIMON], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Carolina [Mr. SANFORD], the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. CONRAD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KASTEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. SYMMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from California [Mr. WILSON], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. GARN], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 215

At the request of Mr. DURENBERGER, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the names of the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 234

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Idaho [Mr. MCCLURE], the Senator from California [Mr. WILSON], the Senator from Tennessee [Mr. GORE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 236

At the request of Mr. NICKLES, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 236, a joint resolution to designate the week of January 17 through January 23, 1988, as "National Jaycee Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. GRAHAM], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE CONCURRENT RESOLUTION 97—COMMENDING THE ADMINISTRATION FOR RELIEF EFFORTS ON BEHALF OF ETHIOPIA AND SUB-SAHARAN AFRICA

Mr. ADAMS (for himself and Mr. STAFFORD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 97

Whereas in excess of 5,000,000 people in Ethiopia will need emergency food assistance during 1988;

Whereas additional millions of people in other nations of sub-Saharan Africa will need emergency food assistance during 1988;

Whereas the United States Government and United States private and voluntary organizations have taken a leading role in responding to the food emergencies in Ethiopia and across Africa during the past four years, and were instrumental in saving the lives of several million people; and

Whereas the humanitarian traditions of the American people are best represented by a generous, effective response to the present emergency food needs in Africa without regard to politics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the President, the Secretary of State and the Administrator of the Agency for International Development for their efficient and timely response to the drought and the growing food emergency in Ethiopia and other affected nations of sub-Saharan Africa;

(2) encourages the President, the Secretary of State, and the Administrator of the Agency for International Development to continue and extend all efforts deemed appropriate to preclude the onset of famine in the drought-affected regions of Ethiopia and other sub-Saharan African nations;

(3) in particular urges the President, the Secretary of State, and the Administrator of the Agency for International Development to pursue all appropriate means to ensure the timely delivery of medical supplies and other essential life-saving emergency relief supplies needed to prevent the unnecessary loss of life;

(4) declares that the United States Government response to these food emergencies in sub-Saharan Africa should include all appropriate initiatives to prevent the dislocation of large numbers of persons across national borders and/or into relief camps; and

(5) further declares that the plight of those who have become refugees or have otherwise been displaced as a result of drought, civil strife, or regional conflict in sub-Saharan Africa should be addressed with an emphasis on ensuring the provision of basic human needs, including food, water, shelter, clothing, tools, and seeds.

● Mr. ADAMS. Mr. President, along with Senator STAFFORD, I am submitting legislation which commends the President, Secretary of State, and the Administrator of the Agency for International Development [USAID] for the effective relief efforts they have already undertaken to support the people of Ethiopia and sub-Saharan Africa, and encourages them to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations.

The nations of the world are once again called upon to assist people who are in need of the bare essentials of life. For the second time in this decade, the rains have failed to fall on many of the African nations, most particularly Ethiopia. The drought is expected to affect about 5 million people in a country with a population of nearly 43 million.

There are many factors which have allowed the United States, in conjunction with the international community, to respond much more effectively to this crisis than the one which struck Ethiopia just 5 years ago. The Ethiopian Government has shown encouraging signs that it wishes to deal with this drought situation before it turns into a devasting famine and all the international relief agencies have been able to agree that 1.3 million metric tons of total food assistance will be required initially.

This resolution acknowledges the work of USAID. They have made a concerted effort to lessen the effects of this drought right from the start, and the Congress ought to do everything we can to encourage them to do all they can in the future. Beyond that, this resolution gives the Congress an excellent opportunity to express our concern for the desperate drought situation in Ethipia and bolster international efforts to continue and expand food aid for the people of this area. To date, USAID has committed to delivering over 247,000 metric tons of cereal and about $7 million in transportation costs. In addition to this, they have allocated $300,000 to the United Nations for their efforts in combating the drought.

As a result of these efforts and others, Ethiopia seems likely to receive adequate quantities of food aid. But receiving food and having the ability to deliver it are two different things. Food delivery remains a serious problem. Shortages of trucks and poor road conditions have restricted the inland distribution of the emergency aid. Ethiopia has fewer vehicles and fewer miles of paved road than any other African country. Only two major paved roads traverse the northern parts of the country which have been hardest hit by the drought.

As difficult as transportation is, the major obstacle affecting emergency food distribution is the internal armed conflicts in the northern part of the country between insurgent movements and the Ethiopian Government. I find the policy of using food as a weapon to be intolerable. The aid donated by the international community is a response to an emergency situation; it is designed to help people, not influence politics. It ought to be treated that way by all parties no matter what their political agenda may be. No legitimate purpose can be achieved by using starvation as a means to achieve a political end.

I encourage USAID and all other relief agencies to continue their work in Ethiopia to overcome the difficult situation which the current drought has brought to the area. I also want to encourage my colleagues to join me in this expression of the Congress that we will do everything possible to ensure that hungry people—wherever they are, whoever their leaders may be—do not starve.●

SENATE RESOLUTION 356—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 356

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED

CIVIL RIGHTS RESTORATION ACT

SYMMS AMENDMENT NO. 1381

Mr. SYMMS proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

Sec. . (a) The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

NICKLES AMENDMENT NO. 1382

Mr. NICKLES proposed an amendment to amendment No. 1381 proposed by Mr. Symms of the bill S. 557, supra; as follows:

Strike all after "(a)" the first time it appears and insert in lieu thereof the following: The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade a contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, January 26, 1988, beginning at 2:00 p.m. in Senate Russell 485, to consider the committee's fiscal year 1988 budget, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Drug Trafficking and Money Laundering.

These hearings will take place on Thursday, January 28, 1988 at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee staff at 224-9157.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry will hold a field hearing on USDA food assistance programs. The hearing will be held on January 30, 1988 at 9 a.m. at Kennedy High School Auditorium, Cedar Rapids, IA.

Senator Tom Harkin will preside. For further information please contact Bob Andros of Senator Harkin's office at 224-3254.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, January 26, 1988 at 2 p.m., to hold a business meeting to consider the committee's fiscal year 1988 budget, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CHEROKEE COMMUNITY SCHOOL

● Mr. PELL. Mr. President, in December the Senate overwhelmingly approved the Robert T. Stafford Elementary and Secondary Education Improvement Act. Woven throughout every title of this legislation are provisions which encourage innovation and creativity. This theme is central to the effectiveness of schools and schooling, for it is in trying out new ideas that we expand our thinking of what might be accomplished in a school building. In that regard, I would like to draw attention to a creative use of school facilities which I believe could serve as a model for many other schools nationwide. That school is the Cherokee Community School in Phoenix, AZ.

This public school operates a regular school program during the day. After school, however, the school is turned over to a private operation which offers students and the entire community a wide variety of enrichment classes. These classes include acting, ballet, beginning Spanish, desert survival, crafts, sports, and native American history, to mention but a few. Tuition is charged for each class, and is determined by teachers' salaries, class materials, district rental, liability insurance and janitorial services. Any resulting profit is donated to the school.

I would like to applaud the work of the Cherokee Community School Committee for developing and implementing this program. Their hard work has resulted in a better use of school facilities. By making use of the school building after regular school hours, they have taken advantage of the resource of the school facilities at no additional cost to the school. In so doing, they are able to offer a rich selection of additional classes to students which add dimension and depth to their educational package.

This school, I believe, serves as a powerful example of what might be accomplished by breaking free of the traditional concept of school use. I would hope that this may serve as a model for adoption by other schools, and in addition encourage other innovative ideas in education.●

NEWPORT, RI, A CAPITAL FOR CROQUET

● Mr. PELL. Mr. President, I would like to share with my colleagues news of a new national event in Newport, RI. Internationally renowned for many sporting events, including tennis and yachting, the City by the Sea has added yet another attraction.

Last September, the famous Newport Casino was the site of the first National Croquet Championship ever to be held in New England. The Newport Casino, by the way, may prove to be the home of the earliest known organized croquet club in the world.

The claim is supported by a reference, published in 1865, to "Croquet as played by the Newport Croquet Club" which strongly suggests that the organization of that club predates the establishment of the earliest known Croquet Club in England in 1865.

The U.S. Croquet Association's New England Regional Championships have been held, since their inception in 1982, in Newport. Last year, for the first time, the Newport Croquet Club joined with the Newport Casino Croquet Club and the USCA to stage the national championships in Newport.

I would like to congratulate everyone involved in staging the successful championships and, in addition, I would like to echo the hope expressed by USCA President Jack R. Osborn that the championships "will continue to be invited to return to this delightful City by the Sea."●

"MOSAIC" PROJECT CAPTURES FLORIDA'S JEWISH HISTORY

● Mr. CHILES. Mr. President, I would like to bring to the attention of my colleagues an important and creative project that is currently being undertaken in the State of Florida.

It is called "Mosaic: Jewish Life in Florida," a project to recognize, renew, and celebrate the kinship to the Jewish ancestors who helped forge Florida's history.

The history of Jews in Florida, and their impact on the development of the State, is significant. In one century, south Florida has grown into one of the largest Jewish metropolitan areas in the United States.

"Mosaic" is the first comprehensive study of Florida's Jewish citizenry and their very significant contribution to the development and history of Florida.

It is an exhibition to depict the Jewish experience in the State of Florida from 1763 to 1990. Communities all across the State will participate by assembling one "tile" of the mosaic. These tiles will consist of artifacts and memorabillia reflecting historic moments of the Jewish experience in Florida.

Materials for the tiles include: early-era clothing and household items; religious ceremonial objects; property deeds to early Jewish businesses; minutes from synagogue meetings from early years; early newspaper articles about Jewish events; artwork from homes and synagogues; family trees of early residents, and much more.

With these kinds of artifacts, communities will construct their tiles. The tiles will be put together to make up the mosaic, showing the evolution of Florida Jewish communities across the State. In 1990, when the assembly of the mosaic is complete, the exhibition will formally open and travel the State for 2 years.

Memorabillia for the exhibit date back to 1763, when three Jewish men, fearing religious persecution in Spanish Louisiana, settled in Pensacola and opened businesses. Other items will be as current as 1990, when the exhibit officially opens.

Mr. President, "Mosaic" is an exciting and important undertaking because Jews have played such a significant and colorful role in the history of Florida. They include David Levy, who helped draft Florida's first constitution and was the first Jewish citizen to serve in the U.S. Senate in 1845, and Morris Dzailynzki, who was mayor of Jacksonville in the early 1880's.

With communities all across the country evolving and transforming so rapidly, we have a tendency to look solely to the future and ignore the past. But each of us forges a new link in history.

"Mosaic: Jewish Life in Florida" is a project that allows us to recognize and renew our past, to cultivate our history and unite generation to generation. And perhaps most importantly, it encourages us to use the treasury of our past to build our future.●

THE URANIUM ENRICHMENT ENTERPRISE DEBT OWED TO THE FEDERAL GOVERNMENT

● Mr. HUMPHREY. Mr. President, soon the Senate may be asked to consider legislation relating to the Department of Energy's [DOE] Uranium Enrichment Program. An article in the September 12 National Journal, "Over-Enriched," provides an excellent analysis of issues which will confront the Senate when we consider enrichment legislation.

S. 1846, the Uranium Revitalization Tailings Reclamation and Enrichment Act of 1987, is now pending on the Senate calendar. The bill contains several objectionable provisions. The most outrageous of these would allow the Government's Uranium Enrichment Program to shirk over $8 billion in debt owed to the U.S. Treasury. Whereas the General Accounting Office estimates that DOE owes the Treasury $8.8 billion in unrecovered costs for its Uranium Enrichment Program, S. 1846 magically declares that debt to be just $364 million. I believe that this massive write off can and should be avoided.

Mr. President, I ask that the article "Over-Enriched" from the National Journal, be printed in the RECORD. I urge my colleagues to read this article before making a multibillion dollar mistake.

The article follows:

[From the National Journal, Sept. 12, 1987]

OVER-ENRICHED

(By Carol Matlack)

Lee Iacocca, you're not gonna believe this. The Senate is gearing up to vote on the biggest industrial bailout in U.S. history, and hardly anybody has noticed.

This legislation could cost the Treasury upwards of $8 billion, more than five times what the federal government lent Chrysler Corp. in 1980. And get this, Lee—the money doesn't have to be paid back.

The industry is uranium enrichment, the processing of uranium for use as nuclear fuel. This little-known enterprise, currently in the hands of the Energy Department, has been a government monopoly since the 1960s, when three World War II-era processing plants were turned over to civilian government use. As recently as 1977, the department was the western world's sole civilian supplier of enriched uranimum, with a backlog of orders from domestic and foreign utilities and an ambitious expansion program.

A decade later, the business is a shambles. The United States has lost more than half the world market to foreign competitors and has run up a debt to the Treasury that government analysts put at $8.8 billion. To cut costs, the Energy Department closed one plant in 1985 and mothballed a fourth, unfinished one. More recently, the enterprise has been feeding on itself, selling off its inventory at cut-rate prices. "It's the old joke, 'We're losing money, but making it up in volume,'" said a House aide who has followed the situation.

The inventory will be depleted by next year, and the department's processing costs are so high that it may find few takers if production is cranked back up. Meanwhile, scientists say they've found a cheaper processing method that could save the business, but Energy can't afford to develop it.

The Senate Energy and Natural Resources Committee is expected to vote sometime this fall on legislation to spin off the enrichment business as a government-owned corporation, like Amtrak, and forgive most of its debts. The bill, which has been endorsed by Democratic and Republican committee leaders, is considered likely to pass in the Senate; the House may be more skeptical.

"If Congress fails to act now," the domestic industry "could shut down altogether," said Sen. Wendell H. Ford, D-Ky., chairman of the Energy Research and Development Subcommittee and a chief sponsor of the legislation. Preserving the industry is "a matter of national security," Ford said. In addition to supplying about 90 per cent of the fuel needs of U.S. nuclear plants, the department is the sole source of uranium for the Navy's nuclear fleet. (Weapons-grade uranium is produced under a different program.)

STRATEGIC BLUNDERS

In some respects, the uranium enrichment program was a victim of the down-turn in the civilian nuclear power industry, which left Energy loaded with production capacity and inventory just as foreign competitors were starting to lure customers with lower prices.

But those problems were compounded by strategic blunders that in hindsight, seem astonishing. While utilities were shelving plans for new nuclear plants willy-nilly, Energy was signing contracts obliging it to buy enough electricity to run the enrichment plants at full throttle for many years. When demand slackened, the enterprise was left paying half its annual revenues to the Tennessee Valley Authority (TVA) for unneeded generating capacity, propelling the department toward a politically charged showdown with the government-owned power authority.

Also during the 1970s, Energy invested heavily in a new technology, employing centrifuges that were touted as more economical than the equipment at its World War II-vintage enrichment plants. But the centrifuge technology proved even more expensive, and the department abandoned it in 1985 after investing nearly $3 billion.

By law, the department is supposed to run the enrichment enterprise on a break-even basis. But the General Accounting Office (GAO) and the Office of Management and Budget (OMB) say it has run up its $8.8 billion debt by failing to recoup its full costs from its utility customers. If so, that represents an enormous subsidy to the nuclear industry—and an acute embarrassment to the industry and to the department, which have long maintained that nuclear power pays its own way.

Not surprisingly, utilities contend that the "debt" exists only in the minds of government accountants looking for a gimmick to reduce the deficit. "There is no debt; there never has been a debt," said Loring E. Mills, vice president for nuclear activities at the Edison Electric Institute, the chief trade group of the private power industry. Industry executives also argue that utilities shouldn't be penalized for the department's mistakes.

The proposed Senate legislation essentially accepts that view: It would require the enterprise to repay only $364 million to the Treasury and ignore the remainder. Curiously, no one has gotten very upset.

EVERYBODY WINS

Uranium enrichment is not a sexy industry. Its product is invisible to the public and its three factories are in out-of-the-way places: Paducah, Ky., Oak Ridge, Tenn., and Piketon, Ohio. Discussions about it are heavy with jargon such as "SWUs" (rhymes with "snooze"), short for "separative work units," the standard unit of production.

But there's another reason why the proposed legislation has stirred so little controversy: Almost everyone connected with the industry stands to benefit from it. The Energy Department would get rid of an operation that is giving it fits. Utilities could forget about having to pay off the enterprise's debts, and as a bonus, the government would absorb the cost of decommissioning and cleaning up the enrichment plants when they go out of service. State utility regulators are enthusiastic because lower costs to utilities would mean lower rates for customers. TVA would be taken care of: The proposed government-owned corporation would sell bonds to pay off the disputed electric bills. The enrichment plants would keep running, which pleases Martin Marietta Corp., the contractor that operates them, and the Oil, Chemical and Atomic Workers Union, which represents about half the 6,000 employees. The legislation even helps uranium miners and millers, by imposing higher tariffs on imported uranium and requiring the government and utilities to share the cost of cleaning up uranium mill tailings, a pressing environmental problem in several states.

"They [the bill's sponsors] are saying, 'We'll give you money to go away. We'll just pass it on through to the folks back home,'" said B. Jeanine Hull, a lawyer for the National Taxpayers Union, one of the few groups actively opposing the legislation. "The cost of this legislation is enormous," Hull said, "and all because Sen. Ford is scared that he'll lose Paducah." The Paducah and Piketon enrichment plants are still open; Oak Ridge has not operated since 1985.

DOUBLE WHAMMY

If the enrichment program's woes have escaped public notice in Washington, they're about to hit home, literally, for TVA's three million customers. After complaining for years about huge bills from TVA for unneeded electricity, Energy Department officials announced in July that they would pay only half of what TVA was charging. TVA tried unsuccessfully to block the move, and now the two agencies are girding for battle in the U.S. Court of Claims. Meanwhile, TVA customers are being asked to absorb the lost revenues, in the form of a 6 per cent rate increase to take effect in October.

The dispute has its roots in the late 1960s and early 1970s, when the Energy Department's predecessor agencies contracted with TVA to supply electricity to the Paducah and Oak Ridge plants. Uranium enrichment requires huge amounts of power, and the enrichment enterprise projected that by 1984, it would need 4,485 megawatts—more than enough to supply the District of Columbia on the hottest summer day. That projection far exceeded TVA's generating capacity, but TVA was happy to build more—so long as the government signed "take or pay" contracts promising to pay for the added capacity regardless of whether it was needed.

The nuclear industry's troubles, already evident by the mid-1970s, were a double whammy for the enrichment business. The market for enriched uranium shrank as scores of planned nuclear plants were canceled, and many nuclear plants under construction faced nightmarish cost overruns that raised the cost of the electricity needed to enrich uranium.

TVA officials were well aware of those trends, having scrapped several nuclear projects of their own, and they tried to warn Energy that its projections were out of kilter. But, said Robert CV. Steffy Jr., who heads the TVA power office, "The reaction of DOE [Department of Energy] was, 'We handle the uranium business and you handle the electricity.' . . . DOE as late as 1980 sent us a letter saying they still needed the full amount." When department officials finally asked, in December 1981, to get out of the contracts, they found that tough advance-notice provisions obliged them to keep paying TVA until 1994.

John R. Longenecker, who headed the department's enrichment program from 1983 until this summer, said Energy officials were aware that demand was shrinking but were complacent because TVA initially didn't demand full payment for unused generating capacity. The policy suddenly changed in 1981, he said, when TVA announced that the department's annual bill was rising from $27 million to $120 million.

The department has asserted ever since that TVA is using revenues from the enrichment program to subsidize its other customers and is charging Energy for costs that utilities are not normally allowed to pass along to customers. "They don't see any problem with charging DOE billions of dollars . . . so long as their residential and commercial rates stay down," Longenecker said.

An accounting firm hired by the department reported in June that TVA was overcharging the enrichment program by as much as $350 million annually; a separate study released last month by Milton R. Copulos of the Center for Economic Policy, an affiliate of the Heritage Foundation, arrived at roughly the same figure.

Steffy of TVA said that the department and the studies were wrong. "We set our rates based on our actual costs," he said, adding that "DOE's rates are the same as our other industrial customers'."

TVA has powerful friends in Washington and has gotten remarkably little public criticism of its role in the dispute. In a recent interview, Ford declined to say whether he thought TVA had overcharged the department. The bill he has sponsored would allow the new government corporation to issue bonds and immediately pay off the TVA contracts, no questions asked.

Meanwhile, the planned TVA rate increase is sure to put pressure on Members of

Congress from the Tennessee Valley region to find a solution quickly.

OVERSEAS COMPETITION

Then there is the tricky question of the department's debt to the Treasury. Analysts at the GAO and OMB say that over the past 20 years, Energy and its predecessor agencies should have used enrichment revenues to reimburse the Treasury for the value of the plants and equipment. Instead, revenues were pumped into expansion and improvements while the debt sat on the books, ballooning with interest. "It's like ignoring your mortgage payments and using the money to build an addition on your house," Hull said.

Officials who oversaw the program during those years have left the department, and no one seems able to say why the problem went undetected for so long—and why the enterprise continued to expand while its market shrunk. Longenecker said that until the past few years, "Nobody viewed it as a business. . . . We never did the hard investment analysis." (He left the agency in August, and other Energy officials declined to be interviewed until a replacement has been named.)

When the GAO first reported the debt publicly in 1984, in response to a query from then-Rep. Richard L. Ottinger, D-N.Y., Energy insisted that there was a mistake. But OMB analysts soon seconded the GAO's findings and started pressing the department to raise its prices to recover some of the debt. Under pressure, Energy officials last year imposed a price increase on its customers that would recover $3.5 billion over the next 10 years.

But in trying to repay the debt, Energy runs the risk of pricing itself out of the world market. Two European competitors already are selling enriched uranium at prices considerably lower; Japan is expected to enter the market in a few years, and even the Soviet Union has a sales agent looking for customers in the United States, apparently with little success.

The biggest competitor is Eurodif, a government-owned consortium formed by France and six other countries in the 1970s—ironically, in response to the Energy Department's announcement that it was not accepting new customers because of a backlog of orders. A smaller European consortium, Urenco, is made up of Great Britain, the Netherlands and West Germany. Although Eurodif and Urenco do not publish their prices, department officials estimate that they are selling uranium for $90-$100 per unit. Energy has kept its price at about $120 per unit by cutting back production and selling inventories, but the GAO has estimated that the figure would soar to more than $170 if Energy boosted prices enough to recover the entire debt over 10 years.

Most U.S. utilities still buy from the department, but utility representatives have warned they will switch to foreign suppliers if prices rise. That's not an immediate threat; both Eurodif and Urenco say they won't have enough capacity to serve new customers for several years, and most observers think that U.S. utilities will balk at defecting to Soviet suppliers.

Some Members of Congress have suggested requiring U.S. utilities to "buy American," but that's considered a politically unpalatable solution that would drive away foreign customers who still account for about a third of the department's business.

AVLIS TO THE RESCUE?

For all the depressing news about the enrichment program, there is one encouraging development. Virtually everyone familiar with the program agrees that Energy could dramatically improve its competitive situation by switching to a new technology, called atomic vapor laser isotope separation (AVLIS) under development at the Lawrence Livermore national laboratories in California. AVLIS has performed well in tests; Longenecker estimated that it could reduce production costs to about $60 per unit and be ready for full-scale production by the mid-1990s. France and Japan are developing a similar process, but the United States is believed to be several years ahead.

But the department, with its enrichment revenues consumed by huge electric bills and debt payments, has nothing left for AVLIS. It has provided modest sums for research and development, but for the past two fiscal years, its budget request was cut to zero by the Administration.

Congress restored barely enough to keep the project alive, and there is little hope that it will approve a full-scale production facility. Part of the appeal of a new, debt-free corporation is that it could invest in AVLIS.

The Reagan Administration has sent ambiguous signals on the legislation. The department has endorsed the idea of a government corporation, although many Administration officials eventually would like to see the program placed entirely in private hands. But the Administration may choke on some sweeteners in the bill, especially tariffs on important uranium.

From the National Taxpayers Union's perspective, the proposal is worse than privatization. Hull said the bill would create "an unlimited draw on the Treasury" because, if the corporation didn't break even, it could rely on government subsidies as Amtrak has.

Ford acknowledged that there was no guarantee that the business could be run profitably. But, he said, "I'm optimistic enough to say it will work."●

AN ENCOURAGING EMPHASIS UPON EDUCATION

● Mr. PELL. Mr. President, over the past few weeks, it has been most encouraging to see Governor after Governor place education as one of their highest priorities, if not their highest priority for the coming year.

My home State of Rhode Island is no exception. In schools throughout Rhode Island, change has been evident. As a result, we have expanded vocational education offerings, new adult literacy programs, innovative dropout prevention projects, and pilot programs in early childhood education—just to mention a very few of the new efforts underway in Rhode Island schools.

I am equally proud of the new proposals which Gov. Edward DiPrete, in his state of the State message to our general assembly, set forth to strengthen further the remarkable gains secured over the past several years.

These new efforts include mandating kindergarten for all 5-year-olds in Rhode Island, the establishment of Governor's schools to test new and innovative strategies for early childhood education, and movement to a 60-percent State and 40-percent local funding formula for elementary and secondary education. The commitment to increase funding is something that should be highlighted, for it is an encouraging sign for education and one that we certainly should not lose sight of at the national level.

In higher education, the Governor's proposals are equally as sweeping and important. They include inauguration of a satellite nursing program on Aquidneck Island and the establishment of tax credits for those families saving for a college education. This latter proposal is very similar to the one which I have proposed at the national level, and is something that I firmly believe we should pursue.

We at the national level should not ignore what is happening at the State level where education is literally the issue of greatest concern. It should be a strong message for us at the Federal level to commit even more resources to the vitally important education programs we have in place in elementary, secondary, vocational, and postsecondary education. In view of the very severe budgetary constraints placed upon us, this will not be easy. Yet, it is of critical importance, for it is upon the education and character of our people that our future strength and health of our Nation depends.●

INFORMED CONSENT: MONTANA

● Mr. HUMPHREY. Mr. President, women who are faced with an abortion decision must make a serious choice that would affect them for the rest of their lives. Many women experience emotional, psychological, and physical problems as a result of their abortion procedures. No other medical procedure is performed without an appraisal of the risks that are involved. S. 272 and S. 273 will require that abortion providers also provide basic factual information relating to the procedures, risks, and alternatives to abortion. I ask that three letters from Montana in support of this legislation be entered into the CONGRESSIONAL RECORD.

The letters follow:

JUNE 1987.

DEAR SENATOR GORDON HUMPHREY: This is a hard letter for me to write. I am 72 years old. Forty-eight years ago I had an abortion and I have been sorry every day since. I really had no excuse. My husband owned a small business and money was not too short. But peer pressure exerted an influence. I had one darling two-year-old boy.

When I went with friends to another town to a "doctor" to have the abortion it occurred to me at the last second what an awful thing I was doing. But thanks to being a coward, plus a big shot in the arm to anesthetize me, I went through with it and have been sorry every since. My beautiful son was killed—a pilot in the Air Force.

If only I had done some thinking before the operation instead of ever since, I would be a much happier person—I can never forgive myself. Please help the girls realize the consequences.

NAME WITHHELD.

JUNE 1987.

DEAR SENATOR HUMPHREY: I have had two abortions, one in 1973 when I was 17, and one in 1977 when I was 22. I received absolutely no counseling at either time. Neither the possible physical or emotional side effects were explained. All that was mentioned was that I might bleed a little and to get help if it continued heavy. It was all very clinical. I had no moral training on attitudes concerning abortion. I felt it was my business and my life. I did not see the baby within me as a live human being.

Both times I had tremendous depression afterwards. Also I felt emotionally "numb." I even contemplated suicide. I received psychological counseling after the second abortion for severe depression.

I feel that it is very clear that I had no counseling in this matter. I was not warned about the after effects. I had a miscarriage after each abortion. No one told me of the possible consequences.

Please continue to fight for legislation concerning informed consent.

I. MILLER.

JUNE 1987.

DEAR SENATOR GORDON HUMPHREY: I am 37 years old and obtained an abortion in 1968. I was only 18 and could not foresee the emotional pain that I have suffered. I had a complete nervous breakdown 14 years later.

I received no type of counseling before or after the abortion. I married the boy and have since had two beautiful girls by him. We have been married for 17 years and we both still suffer from terrible guilt.

I feel this is an opportunity to help others. Please use this letter, it will surely make me feel happy to at least try to help other women who will face this traumatic experience.

Sincerely,

B.J. FROM MONTANA.[1]

UKRAINIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, January 22 marked the 70th anniversary of a 3-year period of independence in the Ukraine. In this time of glasnost and improved relations between the United States and the Soviet Union, it is appropriate to remember that the sovereign Ukrainian National Republic thrived from 1918 to 1921, and to renew our commitment to the struggle for freedom in the Ukraine.

Since Congress joined in solidarity with the people of the Ukraine to celebrate this important day last year, some positive changes have occurred in the Soviet Union. Changes which have kept the hope for freedom alive in the hearts of the Ukrainians and their loved ones in the United States.

While the long overdue changes we witnessed last year were welcomed, they did not go far enough. Despite all the talk about glasnost, the Soviets have not made enough progress in the area of human rights. Still, the Soviets deny their citizens fundamental rights guaranteed in the Helsinki accords, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights. Religious freedoms are still severely restricted in the Ukraine. Ukrainians still languish in Soviet prisons for expressing their political and religious beliefs. And Russification of Ukrainian schools is still prevalent.

We must remember the plight of the Ukrainians today and every day. The struggle for freedom in the Ukraine must continue to be our struggle. And we must continue to remind the Soviet Union on all occasions that improvement in human rights will go a long way in improving relations between our two countries.

I hope my colleagues will join me in the struggle for freedom in the Soviet Union so that the Ukrainian dream of freedom will soon be realized.●

BALANCED BUDGET AMENDMENT AND A CONSTITUENT LETTER ON THE BUDGET DEFICIT

● Mr. DECONCINI. Mr. President, once again I come before this body to discuss one of the most presssing problems facing our Nation. I am speaking about the huge Federal budget deficit.

The figures bantered about are mind-boggling: 25 of the last 26 years, and 48 of the last 56 years there has been a Federal deficit. The last 10 years the deficit has exceeded $50 billion; the deficit reduction package passed in December will leave a deficit of $140 billion—$140 billion.

We in the U.S. Senate can not continue to hide our heads in the sand. History has proven that the problem will not take care of itself.

Mr. President, recently I received a letter from two of my Arizona constituents—William and Ann Moore of Tucson. If any of my colleagues thinks the citizenry of this country is unaware of the degree of the problem caused by the deficit, this letter would suggest otherwise.

Mr. President, at this time I would like to read the Moore's letter into the RECORD.

An Open Letter to the U.S. Congress and President Reagan:

We are writing this letter out of frustration and anger and we believe these feelings to be shared by tens of millions of Americans.

During the past several years we have watched in utter amazement the federal budget deficit increase the national debt to proportions that if not reversed will change forever the economic hopes of future generations as we have known them.

You have been elected by the people to protect our economic freedom and security for which we have all worked so hard, for which millions have died and you are not carrying out that responsibility.

Our constitution provides you with open ended spending regardless of the national income and further gives you the power to increase the debt ceiling when you find yourselves running out of credit, leaving we the people as the debtors.

If you think you are above having to answer to us for your selfishness and if you think we do not care—You are wrong.

If you think the American people are not watching and not listening to your every word and not understanding the terrible economic position in which you are putting us—You are wrong.

If you think the budget cutting package where almost one half the cuts are generated by higher taxes and the selling of government owned assets shows great political courage, hard work and leadership—You are wrong.

If you think a meaningful budget cutting package can be achieved by not including entitlements and social security and if you think that the majority of entitlement and social security recipients do not want to help achieve a balanced budget—in order to insure the very future of entitlement programs—You are wrong.

If you think that current low inflation, low interest rates and increased gross national product means that everything is fine and we are not headed for economic paralysis—You are wrong.

If you think we are not close to losing our ability to correct our own economy from within our own borders—You are wrong.

If you think, based on your spending habits and resulting accelerating national debt obligations, we would not be facing the possibility of 400 billion dollar annual deficits should we enter a strong recession—You are wrong.

Make no mistake—The budget cutting decisions that are made during the next few weeks will be some of the most important decisions any of you will make while holding an elected office. Perhaps that's the problem. No real courage to face up to the problems of our country because you want to be elected or re-elected.

Therein lies the fallacy—For the American people will surely fill future elected positions with those who put the national interest first.

WILLIAM B. AND ANN LAURIE MOORE.

Since my first days in the Senate I have worked for the passage of a balanced budget amendment to the Constitution. Last June 1, along with my distinguished colleagues, Senator HATCH and Senator PROXMIRE, introduced Senate Joint Resolution 161, calling for the balancing of the Federal budget as a step in the right direction, addressing the Federal deficit issue.

Today, I again urge that those of my colleagues who have not joined the fight, do so, and become cosponsors of Senate Joint Resolution 161. It is my hope that hearings on this and other balanced budget amendments can be scheduled in the near future, and that the Senate will give this issue the attention it demands and deserves.

As Mr. and Mrs. Moore have so well stated:

> [We] have been elected to protect * * * economic freedom and security, * * * and [we] are not carrying out that responsibility.

Mr. President, I assert that the time for us to assume our responsibility is upon us.●

THE TRAGEDY OF ABORTION

● Mr. GARN. Mr. President, last Friday, you could look out the windows of any of our Senate offices to see tens of thousands of people marching up Constitution from the White House to the Supreme Court. These people were expressing their first amendment rights to free speech and assembly. They were here to protest the Supreme Court decision in the infamous Roe versus Wade case that allows abortions to be performed in every State of our Nation for almost any reason.

For 15 years now, we have felt the sad effects of Roe versus Wade. In those 15 years, the lives of millions of unborn children have been destroyed. Tragic as it is, these lives are often taken without a second thought for the child's suffering, for the grief and sorrow often felt afterward by the parents, and, most importantly, for the loss of a potential lifetime.

As you know, there are many who have hoped that the practice of abortion would become common and routine. But controversy about abortion still exists for a number of reasons. Science and the law become more and more entangled as babies survive at earlier and earlier gestation periods. Women are protesting more often and more vocally that they have been victimized by a system promoting a medical procedure that no one wants to talk about. Just give us your money and it will be over soon, doesn't that offer much consolation when a woman finds out later that what was surgically removed had a heartbeat and fingers and toes.

Mr. President, people around the Nation mourn these lives. The strength of those feelings was evident last week as so many people took the time to come to Washington and protest against the horror of abortion.

We should all be saddened that lives are lost and affected daily by abortion. That is why we must find positive and effective means to change direction. Several bills are before Congress that would give us an opportunity to make change. State legislatures continue to fight for ways to monitor the abortion process and regain the jurisdictional rights that were lost to them in 1973.

As we follow these battles in the courts, as we study the bills before us, and as we provide education to our children and families so they will understand the sanctity of human life, we join in the effort to both mourn and protest the loss of lives by abortion.

We know that the abortion issue has not gone away, and that we must keep fighting to protect life. President Reagan, in his State of the Union Address last night, called upon our Nation to end the tragedy of abortion. I am hopeful that we will make progress in that direction this year.●

TRIBUTE TO DON ROGERS

● Mr. GARN. Mr. President, the death last Monday of Donald L. Rogers was a great loss to the banking industry he so ably represented, to those of us in Government who benefitted so much from his objective counsel and to his many friends who knew him to be a man of absolute integrity.

Don grew up in Steubenville, OH, he graduated from Miami University in Oxford, OH, and then from the College of Law at Ohio State University in Columbus.

Don was brought to Washington in 1953 by Ohio Senator John W. Bricker to serve as a staff member on the Senate Banking Committee. While he was hired by a Republican Senator, Don was the principal staffer for both Republican and Democratic committee members on the landmark Bank Holding Company Act of 1956.

Don left the Banking Committee staff in October 1958, to become the first executive director of the Association of Registered Bank Holding Companies. Over the next 30 years, Don built the association into one of Washington's most respected, and he built for himself a reputation for unquestioned ability, honestly, and integrity.

Don was named president of the Association of Bank Holding Companies in 1976, and he continued to serve with distinction in that capacity until the time of his death.

Those of us who knew Don and worked with him will miss him. I join many others in expressing heartfelt sympathy to his treasured wife, Helen.●

MAJOR TRAFFIC DISASTER AVERTED BY QUICK, RESPONSIBLE REACTION

● Mr. PELL. Mr. President, I want to share with my colleagues the good news that quick and responsible actions by an individual citizen, transportation officials, and the Governor of Rhode Island averted a major traffic disaster last week.

Last Thursday night David Spicer, 32, of Providence, RI, spotted a major vertical crack, more than 5 feet long, in a girder supporting the northbound span of an elevated section of Interstate Route 95 in Providence.

After double checking the next morning, he drove to the Rhode Island Department of Transportation headquarters several blocks away to report the problem. The response was immediate and a credit to both the department and Rhode Island Gov. Edward DiPrete.

Only hours after the discovery of the crack, Governor DiPrete and DOT Director Matthew J. Gill met with State and Federal highway experts under the bridge, where the Governor ordered the northbound span of the interstate be closed to traffic.

Traffic was detoured and emergency repairs were made over the weekend, including a massive steel support structure to act as a temporarily butress. The interstate reopened Sunday evening, only 52 hours after it was closed by the Governor's order.

All of us who use Interstate Route 95, a major north-south artery up the east coast, owe a debt of gratitude to Mr. Spicer for his alert observation, to Governor DiPrete for his rapid decision, and to Rhode Island's DOT for their exceptional response.

Mr. President, I ask that an article from the Providence Journal of January 25, 1988, titled "His Chance Glance Averts a Disaster," and from the Providence Journal of January 26, 1988, titled "Placed in Spotlight by Highway Crisis, DOT Hits a Homer," be placed in the CONGRESSIONAL RECORD.

The articles follow:

HIS CHANCE GLANCE AVERTS A DISASTER

(By Brian C. Jones)

PROVIDENCE.—David Spicer, driving under an elevated section of Route 95 Thursday night, happened to glance up at the superstructure of the highway and saw light glinting through what should have been a solid steel girder.

"There is a God in heaven—I didn't have to look up in that direction," Spicer said yesterday after he had returned for a second look, then sped to the State Department of Transportation to report a tear-like crack in the beam.

Within hours, the Department of Transportation would launch a swift, sure-footed counterattack to what could have turned into a disaster for some of the estimated 100,000 motorists who travel Rhode Island's busiest highway daily.

Among the DOT moves:

As soon as State officials saw the seriousness of the crack, they radioed a highway crew, working farther south on Route 95, to move flashing lights and barriers up the highway to close off one right-hand lane.

Even as that was happening, inspectors on a raised, truck-borne platform under the bridge were finding two more cracked beams and radioed directly from the platform to the topside crew to block still another lane.

Meanwhile, DOT director Matthew J. Gill rushed to the muddy, rutted area underneath the bridge that spans Kinsley Avenue, Promenade Street and the Woonasquatucket River, then soon sped off in his large blue car with license plate number 1 to the State House to brief Governor DiPrete.

DiPrete wanted to see for himself, and conferred with a crowd of state and federal highway experts who had gathered under the bridge with traffic rumbling 29 feet above in the lanes that had been left open.

"Is this supposed to be open like that?" DiPrete asked about the jagged cracks. The experts said no. DiPrete looked at his transportation chief and said: "Matt, look, we better close down Route 95 as soon as possible."

Back at DOT headquarters, engineers had pulled out drawings of the bridge and began to design a huge system of girders as a temporary support.

Richard Kalunian, head of bridge design for DOT, working on the repair plan with engineer Richard Swanson, conferred with Aetna Bridge Co. officials—to make sure DOT's design matched the construction materials the company had on hand. Aetna built the bridge in 1964.

Another team of engineers planned detours—and quickly seized on an emergency plan to pen up the still unfinished Francis Street bridge in front of the State House and a new Route 95 northbound entrance ramp in the Capital Center development project.

TALK TO THIS GENTLEMAN

Spicer, whose 32nd birthday is today, said he was in the area of the bridge Thursday night because he had gone to look for a friend whose work took him to the wholesale produce market nearby.

When he couldn't find the friend, Spicer made a U-turn and, for no special reason, looked up at the highway. It was after 5 p.m.

"I was driving slowly and the light shone through the crack," Spicer said. He thought that was odd. At about 9 a.m. yesterday Spicer went back and saw what was plainly a tear in the giant green girder.

"Gee, that's not right," Spicer said to himself, and, remembering the disastrous collapse in 1983 of the Mianus Bridge on the Connecticut Turnpike, he drove to DOT and was directed to the DOT director's office.

Gill happened to step out of his private office, saw Spicer sitting on a couch in the waiting area, and when he learned why he had come, called over to Charles "Ted" Dolan, a top aide who checks on department operations.

"Drop what you're doing, talk to this gentleman," Gill said. Dolan, a retired Pawtucket police captain, is not a bridge inspector. But when he drove with Spicer and saw the split steel, Dolan said: "My heart stopped."

Dolan brought back Polaroid pictures to Gill's office, and soon top experts, including William Carcieri Jr., DOT's chief engineer, were gathered under the bridge. An inspection truck was ordered.

Lifted up by the truck's raised platform to look at the outside girder on the east side of the highway, Carcieri and other experts spotted a smaller crack in an adjacent beam, then radioed the crew above to shut two lanes, not just one.

As the platform was being lowered, the inspectors looked over at the separate, southbound bridge and spotted a crack in one of the four beams on that structure, and radioed more orders topside to close the high-speed lane.

BY THE GRACE OF GOD

Meanwhile, Spicer, who lives at 14 Woodmont St., Providence, had gone back to work at the pest exterminating service Griggs & Browne Co., more sure than ever of deeply-held religious beliefs: "There is a God in heaven, and through God's grace tragedy was avoided."

Roadblocks placed on northbound Route 95 by now had begun to snarl traffic and Spicer himself was trapped in the developing gridlock.

"I got stuck in my own traffic jam today," he laughed.

PLACED IN SPOTLIGHT BY HIGHWAY CRISIS, DOT HITS A HOMER

(By Brian Jones)

By late afternoon Friday, the engineers and other experts at the state Department of Transportation knew that they had hit what, in the mundane world of public works, amounts to a home run, a grand slam.

Only hours after discovery of a crack as high as a small man in a giant girder of downtown Route 95, DOT had moved to protect life and to get traffic moving again.

The result was that what could have been a catastrophic illness for Rhode Island's most important highway, and the more than 100,000 motorists who use it daily, was reduced to a weekend bout with the flu.

But DOT faced one more hurdle.

How was all this going to play with the public? Or to be more specific, how were the media going to present it to the public? Was DOT going to be—as often has happened in the past—criticized, blamed, hammered?

In a "command center" in the office of chief engineer William Carcieri Jr., perhaps 20 officials responsible for the handling of the biggest highway crisis in state history switched on the 6 o'clock news to find out.

And seconds after a Channel 6 reporter began to describe the mammoth traffic jam that occurred after the highway was closed, someone grumbled knowingly: "Nobody's saying what we did right."

DIRECTOR ACTED IMMEDIATELY

This might be a good point to review the remarkable story of what DOT had done right, starting about 10 a.m. Friday, when pest-control worker David Spicer walked into DOT to say he'd seen a big split in a steel beam.

What might have happened—as it probably does in many bureaucratic offices—is that Spicer would have been told to fill out something in triplicate, to come back tomorrow, to go elsewhere, to call back, to get lost.

Instead, Matthew J. Gill, DOT's director, happened to duck out of his office, saw Spicer, asked if he was being helped, then dispatched a top aide, inspector general Charles "Ted" Dolan, to check his story.

Dolan, who inspects department procedures, not bridges, knew right away that something terrible had happened. So did top engineers. So did Gill. So did Governor DiPrete.

Even as state police were blocking the highway, Richard B. Kalunian, DOT's chief of bridge design, and other engineers were designing a structure to shore up the bridge.

Meanwhile, Edmund Parker, chief of the design section, and his colleagues were plotting detours. They seized on an imaginative idea: to press into service a partly built entrance ramp near the Civic Center, to quickly return traffic to Route 95 just after the break.

IN THE PUBLIC EYE

Construction on the structure and detour began immediately and went on for the next 52 hours. Traffic moved slowly. But it moved. Sunday night Route 95 reopened.

When crises arise in our shared public life in America, we turn to what the "authorities" are doing. Often when we find out, it's a disappointment. Not in this case. DOT knew exactly what to do. It did it fast. It did it right.

That was evident to viewers of Channel 6, and of Channels 10 and 12 and to readers of the newspaper.

But as I was watching the glum, tense DOT people watching the news, I felt a twinge of regret that in addition to trying to pull off a public works coup, they should have to worry about critical news stories.

Then I had another thought. That it wasn't the news media that were watching DOT. Ultimately, it was the public. More than 100,000 drivers would be asking questions, making judgments.

A public agency such as DOT is unlike any other enterprise in America, different than most private business. The difference is that the public agency is on the line, it is accountable.

The people who work in these agencies often are underpaid, underappreciated, subject to political pressure, taken for granted, ridiculed as being on the public dole.

But what makes them special is that they are accountable. Accountable when they fall. Accountable when they hit home runs.

But in either case, it's right that they should worry about the public and what the public will think. That's the price of doing something special.●

NATIONAL JAYCEE WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation to elevate public awareness of the U.S. Jaycees. This measure, Senate Joint Resolution 236, already has considerable support on both sides of the aisle. Sponsored by Senators NICKLES, BOREN, and PRESSLER, Senate Joint Resolution 236 designated the week of January 17 as "National Jaycees Week." We all are interested in promoting community improvement programs, which the Jaycees have worked toward since their organization as the "junior citizens" in 1915. They have been known as the U.S. Jaycees since 1965.

The U.S. Jaycees have greatly benefited society through their support of programs on youth development, government affairs, health, safety, and international affairs. Their emphasis on leadership training and civic involvement have encouraged many young Americans to develop to their full potentials.

I am proud to be a cosponsor of this resolution. It is time that the U.S. Jaycees received recognition for their contributions to humanity and efforts to improving man's lives.●

THE CALENDAR

Mr. BYRD. Mr. President, I shall inquire of the distinguished assistant Republican leader, Mr. SIMPSON, if the following calendar orders have been cleared on his side for action: Calendar Orders Nos. 511 and 512.

Mr. SIMPSON. Mr. President, I advise the leader that those have been cleared for passage on this side of the aisle.

Mr. BYRD. I thank my friend.

ORDER TO INDEFINITELY POSTPONE CERTAIN MEASURES

Mr. BYRD. Mr. President, I ask the distinguished Senator if the following calendar orders have been cleared for indefinite postponement on his side: Calendar Orders Nos. 163, 204, 305, 354, 384, 462, 463, 485, and 509.

Mr. SIMPSON. Mr. President, those items have been cleared on our side of the aisle.

Mr. BYRD. Mr. President, I thank my friend.

I ask unanimous consent that all of those calendar orders which have been cleared for indefinite postponement be indefinitely postponed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I move to reconsider that vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 511 and 512 seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF FRANKFORT NATIONAL FISH HATCHERY

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1143) to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. CONVEYANCE OF FISH HATCHERY TO THE COMMONWEALTH OF KENTUCKY.

Notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without reimbursement, to the Commonwealth of Kentucky, all of the right, title, and interest, including the water rights, of the United States in and to the fish hatchery property located approximately 14 miles due north of the city of Frankfort in Franklin County, Kentucky and known as the Frankfort National Fish Hatchery, consisting of 114.2 acres, more or less, of land together with any improvements and related personal property thereon. The property conveyed by this Act shall be used by the Kentucky Department of Fish and Wildlife Resources as a part of the Kentucky fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

SEC. 2. CONVEYANCE OF FISH HATCHERY TO THE STATE OF NEW HAMPSHIRE.

Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without reimbursement, to the State of New Hampshire no later than December 31, 1987, all of the right, title, and interest of the United States in and to those improvements and related personal property under the Secretary's jurisdiction, including buildings, structures and equipment, associated with the United States' facility known as the Berlin National Fish Hatchery and located in the northwest corner of Berlin township, Coos County, New Hampshire. The improvements and related personal property conveyed shall be used by the New Hampshire Fish and Game Department as a part of the New Hampshire fishery resources management program and if they are used for any other purpose, title to such property shall revert to the United States.

SEC. 3. CONVEYANCE OF FISH HATCHERY TO THE STATE OF WISCONSIN.

Notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without rembursement, to the State of Wisconsin, all of the right, title, and interest, including the easements and water rights, of the United States in and to the fish hatchery property located in the Town of Lake Mills, Wisconsin, and known as the Lake Mills National Fish Hatchery, consisting of the land together with any improvements and related personal property thereon. The property conveyed by this Act shall be used by the Wisconsin Department of Natural Resources as a part of the Wisconsin fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

The PRESIDING OFFICER. Are there further amendments to the bill? If not, the question is on agreeing to the substitute amendment.

The substitute amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes".

ADDITION OF LANDS TO KILAUEA NATIONAL WILDLIFE REFUGE

The PRESIDING OFFICER. The clerk will state the next bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1193) to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, Hawaii.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment.

On page 2, line 22, strike "$8,000,000", and insert in lieu thereof "$4,000,000".

So as to make the bill read:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL LANDS.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire certain additional lands adjacent to the Kilauea Point Wildlife Refuge on Kauai, Hawaii, which shall become part of the Kilauea Point Wildlife Refuge upon acquisition by the Secretary.

(b) DESCRIPTION OF LANDS.—The lands to be acquired pursuant to subsection (a) are—

(1) Crater Hill, comprising approximately 101.1 acres; and

(2) Mokolea Point, comprising 37.6 acres.

SEC. 2. CONSTRUCTION OF ACCESS FOOT PATH.

Upon acquisition of the lands described in section 1, the Secretary of the Interior shall construct and maintain a fence and access foot trails through such lands in order to provide wildlife protection and public access to such lands. Any trails constructed pursuant to this section shall be constructed in a manner consistent with preserving the wild and scenic beauty of the wildlife refuge.

SEC. 3. AUTHORIZATION OF FUNDING

There is hereby authorized to be appropriated to the Secretary of the Interior $4,000,000 to be used to acquire lands and construct trails pursuant to the provisions of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1193) was passed.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider the action on the two bills en bloc and I ask unanimous consent that the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from Amendments to Regulations 47 and 48 of Annex II of the 1966 International Convention on Load Lines (Treaty Document No. 100-12), transmitted to the Senate today by the President of the United States.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate with a view to acceptance by the United States, amendments to regulations 47 and 48 of Annex II of the International Convention on Load Lines, 1966. The report of the Department of State is also transmitted for the information of the Senate in connection with its consideration of these amendments.

The International Convention on Load Lines establishes uniform principles governing the safe loading of ships on international voyages. The annexes, which form an integral part of the Convention, embody the regulations for determining the location of ships' load lines. The annexes also divide the world's oceans into regions in which particular load lines must be observed depending on the season of the year in which the vessels operate. The amendments to regulations 47 and 48 of the Convention, proposed by the Government of Chile, would redefine the boundaries of the seasonal zones intersecting the coast of Chile. The effect would be to extend the tropical and summer zones toward the south to the advantage of both the Chilean coastal trade and visiting foreign trade.

I believe that the proposed amendments will not be detrimental to United States shipping and should be accepted. I recommend that the Senate give early and favorable consideration to these amendments, and give advice and consent to their acceptance by the United States.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ORDERS FOR WEDNESDAY, JANUARY 27, 1988

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized on tomorrow under the standing order, there be a period for morning business not to extend beyond 9:30 a.m. and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF THE PENDING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at 9:30 a.m., the Senate resume consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, it would be my plan at 9:30 a.m. tomorrow to suggest the absence of a quorum at 9:30 a.m. I will move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I will ask for the yeas and nays on the motion. The yeas and nays being granted, that will be a rollcall vote and the call for regular order will be automatic. I ask unanimous consent that the call for regular order be automatic at the end of the 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This means, then, that there will be a rollcall vote at 9:30 tomorrow morning and, upon the conclusion of that vote, the Senate will have already resumed consideration of the pending business and it will resume consideration. I anticipate other rollcall votes early and during the day and throughout the day tomorrow until such hour as the business is completed or debate and action on amendments have run their course.

Mr. President, I inquire of my good friend and colleague, Mr. SIMPSON, as to whether or not he has any further business that he would like to see transacted or any further statement he would wish to make?

Mr. SIMPSON. Mr. President, I thank the majority leader. I would simply report back that during our policy lunch today, our caucus, that we expressed the necessity that you had impressed upon us of meeting the rollcall votes; that the time will be strictly adhered to.

I think that colleagues are aware of that, the 15 minutes, and the necessity for meeting that in this new session and that has been expressed and the importance of that. I appreciate the accommodation to realize weather conditions and those things, as you have expressed, and the 30-minute time for the vote to assure our attendance so we might proceed with our business. We do appreciate that.

Mr. BYRD. Mr. President, I thank my good friend.

ADJOURNMENT UNTIL TOMORROW AT 9:00 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:30 p.m., adjourned until Wednesday, January 27, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1988:

DEPARTMENT OF STATE

EUGENE J. MCALLISTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE DOUGLAS W. MCMINN, RESIGNED.

CHESTER E. NORRIS, JR., OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSSADOR AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

L. FRANCIS BOUCHEY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM OF 6 YEARS, NEW POSITION.

DEPARTMENT OF DEFENSE

JACK KATZEN, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ROBERT B. COSTELLO.

DEPARTMENT OF JUSTICE

ROGER J. MARZULLA, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HENRY HABICHT II, RESIGNED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

CAROL PENDAS WHITTEN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990, VICE PENNY PULLEN, TERM EXPIRED.

U.S. INTERNATIONAL TRADE COMMISSION

DON E. NEWQUIST, OF TEXAS, TO BE MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1988, VICE SUSAN WITTENBERG LIEBELER.

RONALD A. CASS, OF MASSACHUSETTS, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 1996, VICE PAULA STERN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD L. BARNES, OF VIRGINIA.
JOHN M. BESHOAR, OF MARYLAND.

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID M. SCHOONOVER, OF VIRGINIA.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN A. SANBRAILO, OF CALIFORNIA.
ROY ADDISON STACY, OF CALIFORNIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES MICHAEL ANDERSON, OF MARYLAND.
PETER BENEDICT, OF VIRGINIA.
GEORGE CARNER, OF CALIFORNIA.
DAVID ALAN COHEN, OF NEW JERSEY.
JOHN ALEXANDER PATTERSON, OF RHODE ISLAND.
STEVEN WILLIAM SINDING, OF CALIFORNIA.
JOHN R. WESTLEY, OF THE DISTRICT OF COLUMBIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND COUNSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE APPOINTMENTS, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PHILLIP R. AMOS, OF TEXAS.
ROBERT JOSEPH ASSELIN, JR., OF CALIFORNIA.
RICHARD BURKE, OF VIRGINIA.
ROSS CALVIN COGGINS, OF TEXAS.
JOHN PETER COMPETELLO, OF FLORIDA.
JOHN R. DAVISON, OF MARYLAND.
EDWARD A. DRAGON, OF CALIFORNIA.
JOHN J. DUMM, OF VIRGINIA.
WILLIAM B. ERDAHL, OF CALIFORNIA.
DOUGLAS S. FRANKLIN, OF TEXAS.
JOSEPH B. GOODWIN, OF MISSOURI.
LEE R. HOUGEN, OF MISSOURI.
HELENE KAUFMAN, OF THE DISTRICT OF COLUMBIA.
JAMES ALEXANDER LEO, OF TEXAS.
ROBERT M. LESTER, OF NEW YORK.
RICHARD BERNARD NELSON, OF VIRIGNIA.
PAUL J. O'FARRELL, OF MARYLAND.
EDWARD J. PLOCH, OF VIRGINIA.
CHRISTINA HUSSEY SCHOUX, OF CALIFORNIA.
PAUL M. SCOTT, OF VIRGINIA.
J. C. STANFORD, OF FLORIDA.
WILBUR GENE THOMAS, OF OKLAHOMA.
GEORGE A. WACHTENHEIM, OF FLORIDA.
STEPHEN C. WINGERT, OF CALIFORNIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARGARET PURDIE BONNER, OF TEXAS.
STEPHEN P. FRENCH, OF VIRGINIA.
MICHAEL FRANCIS LUKOMSKI, OF VIRGINIA.
KENNETH ARTHUR PRUSSNER, OF VIRGINIA.
ROBERT BRUCE RICHARDSON, OF NEW YORK.
EDWARD J. SPRIGGS, JR., OF MARYLAND.
F. GARY TOWERY, OF VIRGINIA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

LT. GEN. HARLEY A. HUGHES, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL J. DUGAN, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES P. MCCARTHY, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ELLIE G. SHULER, JR., [redacted]FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS N. GRIFFIN, JR., [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS W. KELLY, [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 5044.

To be general

JOSEPH J. WENT, [redacted], U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

CARL E. MUNDY, JR., [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MICHAEL K. SHERIDAN
ROBERT J. WINGLASS
MICHAEL P. SULLIVAN
JARVIS D. LYNCH, JR.
RONALD L. BECKWITH
ROSS S. PLASTERER
MATTHEW T. COOPER
HENRY C. STACKPOLE III
JOHN S. GRINALDS

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE FOR REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS (2100)

HAROLD MARTIN KOENIG

SUPPLY CORPS (3104)

JAMES ALAN MOGART
EDWARD MCCOWN STRAW
HARVEY DONALD WEATHERSON

CHAPLAIN CORPS (4100)

DAVID EDWARD WHITE

CIVIL ENGINEER CORPS (5104)

ALAN KENT RIFFEY

DENTAL CORPS (2200)

RONALD PRESCOTT MORSE

MEDICAL SERVICE CORPS (2300)

CHARLES RAY LOAR

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATES FOLLOW SERIAL NUMBERS):

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RANDALL M. ANDERSON, [redacted] 10/17/87
MAJ. JOAHN V. BARTON, [redacted] 10/14/87
MAJ. THOMAS W. BATTERMAN, [redacted] 10/3/87
MAJ. FORREST C. CLARK, [redacted] 9/11/87
MAJ. THOMAS M. COOK, [redacted] 8/15/87
MAJ. WILLARD G. DELLICKER, [redacted] 8/24/87
MAJ. STEVEN R. DOOHEN [redacted] 10/3/87
MAJ. JOHN F. FLANAGAN, [redacted] 9/14/87
MAJ. MARK P. MEYER, [redacted] 9/20/87
MAJ. JOHN A. PRATT, [redacted] 10/7/87
MAJ. ROBERT C. ROLL, [redacted] 10/16/87
MAJ. JAMES SCUTTINA, [redacted] 9/15/87
MAJ. JOHN R. STRIFERT, [redacted] 10/3/87
MAJ. EDWARD I. WEXLER, [redacted] 9/20/87
MAJ. CHARLES R. YOUNG II, [redacted] 9/13/87

LEGAL CORPS

To be lieutenant colonel

MAJ. JAMES R. WALTI, [redacted] 9/19/87

MEDICAL CORPS

To be lieutenant colonel

MAJ. EDITH P. MITCHELL, [redacted] 10/6/87

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10, OF THE UNITED STATES CODE. (EFFECTIVE DATES FOLLOW SERIAL NUMBERS):

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. MELVIN L. ADAMSON, [redacted] 8/22/87
MAJ. JAMES W. AMASON, [redacted] 9/8/87
MAJ. JOHN D. BIDELMAN, [redacted] 9/13/87
MAJ. RALPH J. CLIFFT, [redacted] 8/22/87
MAJ. JOHN D. DEATON, [redacted] 9/13/87
MAJ. JAMES F. FRANCIS, [redacted] 9/1/87
MAJ. ROBERT B. LEVINE, [redacted] 9/4/87
MAJ. WILLIAM J. LUTZ, [redacted] 9/16/87
MAJ. ROBERT C. MELROSE, [redacted] 8/24/87
MAJ. JAMES D. NELSON, [redacted] 6/1/87
MAJ. ALAN J. OSE, [redacted] 9/12/87
MAJ. STEVEN L. PETTERSEN, [redacted] 9/10/87
MAJ. ERNEST A. PINSON JR., [redacted] 9/12/87
MAJ. EDWARD R. SAIN, [redacted] 8/21/87
MAJ. EDWARD N. STEVENS, [redacted] 8/24/87
MAJ. GLENN B. SYLVEST, [redacted] 8/22/87
MAJ. SIDNEY R. TOLER, [redacted] 8/27/87
MAJ. JOHN A. TRASK JR., [redacted] 7/13/87
MAJ. THOMAS D. WEBSTER, [redacted] 8/4/87
MAJ. MARVIN D. ZOLLMAN, [redacted] 9/19/87

MEDICAL CORPS

To be lieutenant colonel

MAJ. DANIEL E. COLEMAN, [redacted] 7/13/87
MAJ. MICHAEL R. EVANS, [redacted] 8/16/87
MAJ. KEVIN W. OLDEN, [redacted] 9/19/87

DENTAL CORPS

To be lieutenant colonel

MAJ. STEPHEN A. SCHORR, [redacted] 8/6/87

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3353:

MEDICAL CORPS

To be colonel

FLORENTINO V. ALABANZA, [redacted]
HERMAN V. BARNES, [redacted]
THOMAS S. J. BERGER, [redacted]
MURRAY J. CASEY, [redacted]
RAYMOND L. KERCHER, [redacted]
EDWARD S. LINDSEY, [redacted]
MONTE S. MELTZER, [redacted]
JOSEPH H. NELSON, [redacted]
RICHARD W. PERRY, [redacted]
RICHARD D. SCHULTZ, [redacted]

To be lieutenant colonel

JOHN A. BIZAL, [redacted]
GEORGE R. BUCKUN, [redacted]
JOSE E. CARDELL, [redacted]
PETER B. COLLIS, [redacted]
GARY D. DAVIS, [redacted]
REID R. HEFFNER, JR., [redacted]
BRACE L. HINTZ, [redacted]
JONATHAN H. HORNE, [redacted]
GEORGE S. LAKNER, [redacted]
ROSEWELL T. LOWRY, [redacted]
WITIZA P. MARQUEZ, [redacted]
NAGBHUSHAN S. RAO, [redacted]
ROBERT D. VALLION, [redacted]
GEORGE E. VOLK, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3370:

ARMY PROMOTION LIST

To be colonel

HENRY H. GORDON, [redacted]
JOSE M. LEDESMA, [redacted]
EDWARD L. PERRY, [redacted]
RON SCHWACHENWALD, [redacted]

MEDICAL CORPS

To be colonel

CARL W. GRAVES, [redacted]
MICHAEL NORRIS, [redacted]

MEDICAL SERVICE CORPS

To be colonel

WILLIAM H. KALB, [redacted]
JAMES RICHARDS, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

CHARLES W. BROWN, [redacted]
EDWARD J. GIERING, [redacted]
JOHN R. MCCLARREN, [redacted]
JAMES N. MEADE, [redacted]
JOSEPH S. MROZ, [redacted]
JOSEPH W. NOBLE, [redacted]
LARRY I. PARK, [redacted]
GENE J. RICHARDS, [redacted]
CECIL D. VINEYARD, [redacted]
THOMAS E. WILLIAMS, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

MARY L. SMITH, [redacted]

MEDICAL CORPS

To be lieutenant colonel

PABLO LOMANGCOLOB, [redacted]
FARHAD MOATAMED, [redacted]
Y. BARALT PASCUALT, [redacted]
ROB. R. ROTH, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN MONTGOMERY, [redacted]
CECIL G. NEWSOME, [redacted]
MAXWELL L. WARREN, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY NURSE CORPS

To be lieutenant colonel

MARY J. HEGER, [redacted]
DIANE M. HULSEY, [redacted]

To be major

DEBORAH D. WARNER, [redacted]

MEDICAL SERVICE CORPS

To be major

CHARLES F. FERRIS, [redacted]
STEPHEN C. FLETCHER, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 2107:

ROBERT M. BRASSAW, [redacted]
MICHAEL J. MACLANE, [redacted]
ROBERT L. PYLES, [redacted]
ROBERT L. ROUSE, [redacted]
ANTONIO B. SMITH, [redacted]

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE SECTION 531:

BRUCE A. DANIEL, [redacted]
MATTHEW P. HOWELL, [redacted]
DWIGHT D. JENKINS, [redacted]
KENNETH L. LARSON, [redacted]
PAUL J. LEDBETTER, [redacted]
CULLIN L. LUMPKINS, [redacted]
DWAYNE E. MEREDITH, [redacted]
GRANT K. POE, [redacted]
MICHAEL M. SCHMIDT, [redacted]
JOSEPH SPAIR, [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JOHN O. AHNERT, JR, [redacted]
DAVID R. ANSPAUCH, [redacted]
GEORGE C. ARVANETAKI, [redacted]
BRIAN C. BADE, [redacted]
JULIAN F. BATES, [redacted]
RONALD E. BLACKMORE, [redacted]
CECIL G. BRENDLE, [redacted]
GARY A. BREWINGTON, [redacted]
NORMAN D. BROCHU, [redacted]
GEORGE D. BROOKS, [redacted]
JAMES C. BURDICK, [redacted]
JOHN C. CHESTER, [redacted]
ERNEST S. CLARK, [redacted]
JOHN J. CRAWFORD, JR, [redacted]
DAVIS H. CRENSHAW, [redacted]
GARY R. DUPLISSEY, [redacted]
EDWARD A. I. FACEY, II, [redacted]
FREDERICK D. FEINSTEIN, [redacted]
WILLIAM L. FLESHMAN, [redacted]
FREDERICK H. FORSTER, [redacted]
WILLIAM M. FOX, [redacted]
HENRY R. GODSEY, [redacted]
EDWARD L. GRACE, [redacted]
JOEL F. GRASSE, [redacted]
DAVID B. HILL, JR, [redacted]
CURTIS P. JONES, [redacted]
GARY E. KAISER, [redacted]
STEPHEN G. KEARNEY, [redacted]
GEORGE W. KEEFE, [redacted]
RALPH L. KENNEDY, [redacted]
KEITH H. KEPPEN, [redacted]
RAYMOND T. KLOSOWSKI, [redacted]
WILLIAM D. LACKEY, [redacted]
FRED N. LARSON, [redacted]
LARRY D. LESSLY, [redacted]
LAWRENCE A. MACIARIELLO, [redacted]
CLINTON D. MAGSAMEN, JR, [redacted]
RONALD H. MARTINSON, [redacted]
LAWRENCE J. MCCARTHY, [redacted]
KENNETH W. MCGILL, [redacted]
MICHAEL D. MCILHON, [redacted]
JAMES MCINTOSH, [redacted]
THOMAS J. MONFORTE, JR, [redacted]
AUTRY N. NOBLITT, [redacted]
HUGH C. NORRIS, JR, [redacted]
C. D. PAYNE, [redacted]
JAMES L. PIERCE, [redacted]
RICHARD G. PORTER, [redacted]
JOHN F. ROSENBURG, [redacted]
RONALD S. ROSSON, [redacted]
DOUGLAS B. ROUTT, [redacted]
JOHN L. RUPPEL, JR, [redacted]
JOSEPH J. SADOWSKI, [redacted]
DAVID I. SANDERSON, II, [redacted]
EUGENE A. SCHMITZ, [redacted]
LORAN C. SCHNAIDT, [redacted]
DOUGLAS J. SCOTT, [redacted]
JAMES P. SCOTT, II, [redacted]
HILLIARD W. SHEPHERD, JR, [redacted]
JOHN H. SMITH, [redacted]
WILLIAM T. SPARKS, [redacted]
HERBERT J. SPIER, JR, [redacted]
JERRY L. STELLNER, [redacted]
JOE T. STROW, [redacted]
PRESTON M. TAYLOR, JR, [redacted]
JOHN C. TIMMERMAN, JR, [redacted]
THOMAS M. VADNAIS, [redacted]
JAMES W. VANSCYOC, [redacted]
RUDOLPH VENTRESCA, [redacted]
ANTHONY C. VOLANTE, [redacted]
JOHN H. WAYERT, JR, [redacted]
GALE O. WESTBURG, [redacted]
JERRY W. WHITMAN, [redacted]
DELL R. WIGHTMAN, [redacted]
JOHN S. WILKINSON, [redacted]
JIMMIE L. WINDERS, [redacted]

CHAPLAIN CORPS

WILLIAM H. BRIDGES, [redacted]
PHILLIP L. TILLMAN, [redacted]

DENTAL CORPS

JEROME E. FISHER, [redacted]
JOSEPH T. ROBERTS, [redacted]
RONALD C. SZARLAN, [redacted]

JUDGE ADVOCATE

STEPHEN L. GALLAGHER, JR, [redacted]
DENNIS T. GUISE, [redacted]
ROBERT F. HOWARTH, JR, [redacted]
TIMOTHY J. LOWENBERG, [redacted]

MEDICAL CORPS

JAMES C. KIZZIAR, [redacted]
STEPHEN M. KRANZ, [redacted]
JOSEPH M. LONG, [redacted]
WILLIAM T. ONGLINGSWAN, [redacted]
RAVINDRA F. SHAH, [redacted]
RICHARD G. SPINDLER, [redacted]
ARTHUR W. SPIRO, [redacted]
WILLIAM M. WELLS, [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JAMES R. ANNIS, [redacted]
ERNEST R. ARTERBURN, [redacted]
PHILLIP N. ASHBAKER, [redacted]
BOYD L. ASHCRAFT, [redacted]
GEORGE E. BAHAM, [redacted]
ROBERT L. BAILEY, [redacted]
WILLIAM R. BAKER, [redacted]
JAMES D. BANKERS, [redacted]
WILLIAM G. BARNSON, [redacted]
STANLEY H. BARTON, [redacted]
JOHN J. BATBIE, JR, [redacted]
ERWIN P. BECKER, [redacted]
GARY C. BERENSEN, [redacted]
PAUL B. BERMINGHAM, [redacted]
JOHN C. BLACKMAR, [redacted]
LANCE D. BLEAKLEY, [redacted]
BERNARD W. BOGUSH, [redacted]
PETER E. BOGY, [redacted]
ROBERT C. BOWMAN, [redacted]
DENE R. BOYD, [redacted]
JOHN A. BRADLEY, [redacted]
FREDRICK G. BREWER, [redacted]
LARRY D. BROCK, [redacted]
CHARLES T. BRODNAX, [redacted]
JEROLD E. BUDINOFF, [redacted]
MARTIN J. BYRNE, [redacted]
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GEORGE B. CLIFFORD, [redacted]
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HOWARD L. CONKLIN, [redacted]
DAVID W. COOPER, [redacted]
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DAVID B. CORY, [redacted]
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DONALD M. DALTON, [redacted]
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GORDON A. GOLOB, [redacted]
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EUGENE L. HAGGERTY, [redacted]
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JOHN L. HOPPER, [redacted]
HENRY B. HUFNAGEL, [redacted]
PATRICK J. HURLEY, [redacted]
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WILLIAM D. JENKINS, [redacted]
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HAROLD L. LAWRENCE, JR, [redacted]
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CALVERT B. LYON, [redacted]
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JAMES G. MARTIN, [redacted]
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JOHN A. NEHRING, [redacted]
ROBERT A. NESTER, [redacted]
ROBERT W. NICHELINI, [redacted]
JOHN L. NIDIFFER, [redacted]
REESE R. NIELSEN, [redacted]
PETER M. NOYES, [redacted]
GARY H. OLSON, [redacted]
BERNARD F. OPPEL, [redacted]
JESSE U. OVERALL, IV, [redacted]
MICHAEL A. PARMENTIER, [redacted]
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JAMES M. PETTITT, III, [redacted]
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ROBERT L. ROBBINS, [redacted]
GLEN G. RUSWINKLE, [redacted]
LARRY C. SCHAAT, [redacted]
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DENNIS R. SCHNORR, [redacted]
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ROBERT M. SCHUEHLE, [redacted]
ROGER P. SCHULTZ, [redacted]
ROBERT M. SCOTT, [redacted]
FRANKLYN E. SENFT, [redacted]
VANCE R. SHAW, [redacted]
DAVID S. SIBLEY, [redacted]

JAMES E. SIDEBOTTOM, xxx-xx-xxxx
JOSEPH M. SIMPSON, JR., xxx-xx-xxxx
CONRAD P. SKLADAL, JR., xxx-xx-xxxx
PAUL M. SMITH, xxx-xx-xxxx
NELSON D. SMITTLE, xxx-xx-xxxx
KENNETH E. STAGGS, xxx-xx-xxxx
PAUL K. STEHLIK, xxx-xx-xxxx
ROBERT B. STEPHENS, xxx-xx-xxxx
DONALD B. STOKES, xxx-xx-xxxx
DONALD R. STREAMO, xxx-xx-xxxx
WILLIAM H. SWAN, JR., xxx-xx-xxxx
DAVID E. TANZI, xxx-xx-xxxx
JOHN B. TAPPEN, xxx-xx-xxxx
DAN L. TAYLOR, xxx-xx-xxxx
WILLIAM R. TETER, xxx-xx-xxxx
GEORGE O. THUNE, xxx-xx-xxxx
LUTHER J. TILLMAN, xxx-xx-xxxx
MARY W. TODD, xxx-xx-xxxx
VIRGIL J. TONEY, JR., xxx-xx-xxxx
DAVID J. TROEBER, xxx-xx-xxxx
JAMES L. TURNER, xxx-xx-xxxx
WARREN M. VANDERBURGH, xxx-xx-xxxx
NATHANIEL R. VIVIANS, xxx-xx-xxxx
GARY L. WAMSLEY, xxx-xx-xxxx
TERESA M. WARNIMENT, xxx-xx-xxxx
PHILLIP L. WHITE, xxx-xx-xxxx
EDWIN L. WHITMAN, xxx-xx-xxxx
LEONARD D. WILLIAMS, xxx-xx-xxxx
BASCOMBE J. WILSON, xxx-xx-xxxx
STEPHEN B. WITMER, xxx-xx-xxxx
CARL L. WOMACK, xxx-xx-xxxx
RICHARD H. WOMACK, xxx-xx-xxxx
ROBERT A. YOUNG, xxx-xx-xxxx
KARL F. ZELLER, xxx-xx-xxxx

CHAPLAIN CORPS

To be colonel

COLLUM D. BIRDWELL, xxx-xx-xxxx
DENIS A. DIRSCHERL, xxx-xx-xxxx
JOHN E. GROH, xxx-xx-xxxx
LAURENCE E. KELLEY, xxx-xx-xxxx

DENTAL CORPS

To be colonel

JOSEPH A. ANSELMO, xxx-xx-xxxx
TOBY G. COTHREN, xxx-xx-xxxx
RUSSELL G. EYMAN, xxx-xx-xxxx
LARRY L. LINDENSCHMIDT, xxx-xx-xxxx
BARRY L. MATTHEWS, xxx-xx-xxxx
MICHAEL D. PAREY, xxx-xx-xxxx
LLOYD G. THOMAS, JR., xxx-xx-xxxx

JUDGE ADVOCATE

To be colonel

JAMES F. BREITHAUPT, xxx-xx-xxxx
JAMES C. FETTERMAN, xxx-xx-xxxx
DONALD L. MANNING, xxx-xx-xxxx
ROBERT L. MCHANEY, JR., xxx-xx-xxxx
JOHN D. MCQUAID, JR., xxx-xx-xxxx
RICHARD I. MESH, xxx-xx-xxxx
DAVID B. POYTHRESS, xxx-xx-xxxx
MARLIN D. REID, JR., xxx-xx-xxxx
RALPH J. RODAMAKER, xxx-xx-xxxx
DONALD E. VANMETER, xxx-xx-xxxx
RICHARD K. WALSH, xxx-xx-xxxx
MAXIMILIAN J. WELKER, JR., xxx-xx-xxxx
CHARLES L. WIEST, JR., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

FREDRICK S. ARNOLD, xxx-xx-xxxx
LEWIS W. BARTLES, xxx-xx-xxxx
FRANK P. BONGIORNO, xxx-xx-xxxx
DANIEL D. CHAPMAN, xxx-xx-xxxx
MANUEL V. CORPUS, xxx-xx-xxxx
CLAYTON E. CULBERTSON, xxx-xx-xxxx
JAMES K. DEORIO, xxx-xx-xxxx
JAMES P. DYRUD, xxx-xx-xxxx
CHESTER J. GODELL, xxx-xx-xxxx
CLIO A. HARPER, JR., xxx-xx-xxxx
HARRISON B. KELLER, xxx-xx-xxxx
KARL D. KUNER, xxx-xx-xxxx
ROGER D. MATHEWS, xxx-xx-xxxx
ROBERT E. NAYLOR, xxx-xx-xxxx
MARY J. OSULLIVAN, xxx-xx-xxxx
LOUIS F. OWENS, JR., xxx-xx-xxxx
DANIEL L. ROPER, xxx-xx-xxxx
PHILIP M. SCHMIDT, xxx-xx-xxxx
R. J. BLACK SCHULTZ, xxx-xx-xxxx
WILLIAM R. SEXSON, xxx-xx-xxxx
JEFFREY A. SHANE, xxx-xx-xxxx
JOHN W. SIMMONS, JR., xxx-xx-xxxx
ELIJAH T. SPROLES, III, xxx-xx-xxxx
FREDERIC W. STEARNS, xxx-xx-xxxx
VICENTE TAVAREZ, JR., xxx-xx-xxxx
CHARLES V. TRAMONT, xxx-xx-xxxx
FRANK VIERAS, xxx-xx-xxxx
ROSTON M. WILLIAMSON, xxx-xx-xxxx

NURSE CORPS

To be colonel

BERYL ASBERRY, xxx-xx-xxxx
ALICE M. CARTLEDGE, xxx-xx-xxxx
HELEN L. DULOCK, xxx-xx-xxxx
SANDRA J. FAIRBURN, xxx-xx-xxxx
SHIRLEY A. KELLEY, xxx-xx-xxxx
MARY JANE E. KOCH, xxx-xx-xxxx
BARBARA W. MAKANT, xxx-xx-xxxx
ELEANOR M. NEUWIRTH, xxx-xx-xxxx
CAROLYN R. STONE, xxx-xx-xxxx
PATRICIA V. WARCHOCK, xxx-xx-xxxx
CONSTANCE A. WOODS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

JOSEPH A. CURLEY, xxx-xx-xxxx
WILLIAM E. ELLIS, xxx-xx-xxxx
GARRARD P. KRAMER, xxx-xx-xxxx
SAMUEL A. MORSE, xxx-xx-xxxx
ANTHONY J. SANTARSIERO, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be colonel

MARY A. BAUGHMAN, xxx-xx-xxxx
LEROY J. BRONSTEIN, xxx-xx-xxxx
STEPHAN H. CRAMLET, xxx-xx-xxxx
CHARLES M. SHOFF, xxx-xx-xxxx

IN THE ARMY NATIONAL GUARD

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

BEN B. BABIN, xxx-xx-xxxx
CHARLES W. BALLINGTON, xxx-xx-xxxx
FRANK P. BARAN, xxx-xx-xxxx
SANTO L. BONACCORSO, xxx-xx-xxxx
ROGER L. BRILL, xxx-xx-xxxx
THEODORE T. CARLSEN, xxx-xx-xxxx
RANDY L. COCKRUM, xxx-xx-xxxx
THOMAS F. COX, xxx-xx-xxxx
JAMES E. DALTON, xxx-xx-xxxx
LYLE V. FULLER, xxx-xx-xxxx
PAUL G. GEBHARDT, xxx-xx-xxxx
JOSEPH H. GUERREIN, xxx-xx-xxxx
JERALD R. HELGESON, xxx-xx-xxxx
PHILIP G. JACKSON, xxx-xx-xxxx
JOHN W. JONES, JR., xxx-xx-xxxx
JOHN R. KABLITZ, xxx-xx-xxxx
JAMES R. KEYLON, xxx-xx-xxxx
MICHAEL A. KIEFER, xxx-xx-xxxx
DANIEL N. KIRBY, xxx-xx-xxxx
PAUL H. KORECKIS, xxx-xx-xxxx
JIMMY F. LANDRUM, xxx-xx-xxxx
TOMMIE R. LEWIS, xxx-xx-xxxx
GENE LOPRESTE, xxx-xx-xxxx
JEROME A. MARSCHKE, xxx-xx-xxxx
DONALD K. MEETZE, xxx-xx-xxxx
RICHARD J. NAREL, xxx-xx-xxxx
JOE R. REID, xxx-xx-xxxx
GENE R. RILEY, xxx-xx-xxxx
LEE V. RUSSELL, III, xxx-xx-xxxx
RICHARD S. SMALL, xxx-xx-xxxx
JIMMY J. TAYLOR, xxx-xx-xxxx
DAVID M. TUTTLE, xxx-xx-xxxx
ANDREW A. VANORE, JR., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

ROGER T. ARBOGAST, xxx-xx-xxxx
JULIUS H. AVANT, xxx-xx-xxxx
JOHN R. BASEHART, xxx-xx-xxxx
ALVIN C. BLALOCK, III, xxx-xx-xxxx
BRUCE R. BODIN, xxx-xx-xxxx
JAMES R. CARPENTER, xxx-xx-xxxx
PAUL J. CAVISE, JR., xxx-xx-xxxx
HENRY C. CHAPMAN, xxx-xx-xxxx
LAWSON W. DURFEE, xxx-xx-xxxx
CARROLL L. EDGE, xxx-xx-xxxx
STEPHEN L. ELDER, xxx-xx-xxxx
ALAN A. FLETCHER, xxx-xx-xxxx
MICHAEL F. GANTT, xxx-xx-xxxx
JOHN R. GROVES, JR., xxx-xx-xxxx
RICHARD F. HOUSER, xxx-xx-xxxx
CLIFFORD E. KELLER, xxx-xx-xxxx
GARY L. KEYSER, xxx-xx-xxxx
ALEXANDER M. LINDSAY, xxx-xx-xxxx
JEFFREY A. LOZIER, xxx-xx-xxxx
ROBERTO MARREROCORLETO, xxx-xx-xxxx
LARRY E. MATCHETT, xxx-xx-xxxx
MICHAEL J. MCCRORY, xxx-xx-xxxx
JERRY A. MCFARLAND, xxx-xx-xxxx
JAMES T. MILLER, xxx-xx-xxxx
ALFRED T. NEVILL, xxx-xx-xxxx
DWIGHT L. OVERMAN, xxx-xx-xxxx
WALTER PERALESREYES, xxx-xx-xxxx
KENNETH F. PERRY, xxx-xx-xxxx
JOHN G. PHELPS, xxx-xx-xxxx
GERALD D. PURCELL, xxx-xx-xxxx
JAMES B. READING, xxx-xx-xxxx
MICHAEL N. SCHLEUPNER, JR., xxx-xx-xxxx
MANUEL R. SOSA, xxx-xx-xxxx
WILLIAM T. THIELEMANN, xxx-xx-xxxx
KENNETH F. TRUJILLO, xxx-xx-xxxx
CLYDE M. WADSWORTH, xxx-xx-xxxx
BENNETT H. WILLIAMS, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

DAVID I. ABRAM, xxx-xx-xxxx
EDGAR A. MCDANIEL, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

STEPHEN W. LLOYD, xxx-xx-xxxx
LINDA K. SIMS, xxx-xx-xxxx
BEVERLY E. WRIGHT, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

ALGIRDAS A. JUOCYS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL D. STONER, xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Wednesday, January 27, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, gracious God, for the opportunities of a new day. May we have the vision to dream the dreams of justice and understanding and the enthusiasm to labor for our goals. Guided by Your spirit, O God, and encouraged by Your abiding presence, may each of us discover our own responsibilities by doing the work of righteousness in our own day and time. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1193. An act to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI.

The message also announced that pursuant to Public Law 99-624, the Chair on behalf of the President pro tempore, appoints Mr. HEFLIN, Mr. EXON, and Mr. DOLE, to the Eisenhower Centennial Commission.

The message also announced that pursuant to Public Law 81-754, as amended by Public Law 93-536, the Chair on behalf of the Vice President, appoints Mr. SARBANES to the National Historical Publications and Records Commission.

CONGRESSIONAL STAFF SHRINKING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, 2 weeks ago the Washington Post printed an op-ed essay by an ex-Republican staffer from the other body "Memo to Congress: Fire Half Your Staff."

His thesis was simple: Congressional staff have proliferated and this has contributed to a meddlesome Congress.

His facts were wrong: Since January 1981, legislative branch staff has dropped 7.2 percent while executive branch staff, where he is now employed, has grown 6.6 percent.

House employment alone dropped to 11,360 in 1986-87 from 11,570 in 1981-82.

Looking at in it another way: In 1981 there were 14 congressional staffers for every 1,000 in the executive branch. In 1987 the ratio was only 12.5 per 1,000.

One hundred years ago, by the way, there were 36 congressional staffers per 1,000 executive branch staffers, almost triple the ratio today. Bring back the good old days.

DIESEL FUEL EXCISE TAX COLLECTION BILL

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, today I am introducing legislation to correct an injustice tucked away in the 1987 Budget Reconciliation Act.

Slipped into that law is a subtle change to the Tax Code that will require wholesalers to collect the diesel fuel excise tax rather than the retailers.

Off-highway users, such as farmers and ranchers, are exempt from the diesel fuel tax, but they will now have to pay it and then apply for a refund.

This will cost off-road diesel fuel users undue hardship. The law allows farmers to claim a refund or a tax credit but only after the damage has been done.

Most importantly, the new policy will significantly increase up-front fuel costs. Increasing such up-front outlays will intensify the cash-flow problems of many farm operations. And certainly, it makes no sense to burden farmers with the added paperwork that will be necessary to keep track of a tax they paid but do not owe in the first place.

Congress changed the collection procedure to prevent cheating. But this change is incredibly unfair to the majority of those who have purchased and used fuel within the law.

My bill would easily and simply correct the problem, and, in doing so will not reduce the amount of diesel fuel excise taxes the Federal Government collects.

My bill is a commonsense technical correction that would remove one of the coals Congress put in the farmer's Christmas stocking.

At a time when America's farmers and ranchers are starting to "get back on their feet," this is not the time to put an additional burden on agriculture.

FBI INVESTIGATION OF U.S. GROUPS OPPOSED TO REAGAN'S CENTRAL AMERICAN POLICIES

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, this morning, the Wichita Eagle-Beacon newspaper printed a Boston Globe story that revealed that the FBI conducted a massive campaign of surveillance and infiltration of U.S. groups opposed to the Reagan administration's policies in Central America. This investigation, which began as an investigation of allegations of one group's activities, a group called Cispes seem to have gotten completely out of control and eventually reached mainstream labor and religious organizations such as the United Steelworkers, the American Federation of Teachers, the Catholic Church and groups meeting at Wichita State University. What is most alarming about these revelations is that the common thread linking these organizations was the belief that our involvement in Nicaragua and other countries in Central America is wrong.

A teletype from the New Orleans field office in 1983 said:

> It is imperative at this time to formulate some plan of action against Cispes and, specifically, against individuals (deletion) who defiantly display their contempt for the U.S. Government by making speeches and propagandizing their cause.

Our most important constitutional right, which goes to the core of our democracy, is that we have the freedom to hold and express our beliefs without harassment by the Government. The fact that many of us disagree with the Reagan administration's policy toward Nicaragua, or that the Sisters of Charity—one of the groups named in the FBI documents—disagree, should not subject us to suspicion and investigation by the FBI, which is supposed to protect the very rights we exercise.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ORTEGA IS USING THE PEACE PROCESS TO ELIMINATE THE CONTRAS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, 8½ years ago, July 1979, Daniel Ortega and the Sandinistas, who had overthrown that horribly repressive dictator, Anastasio Somoza, made a four-point promise to the Organization of American States and to the people of Nicaragua. They promised free and fair elections, an end to human rights violations, a nonaligned foreign policy, and political pluralism.

Mr. Speaker, we have noticed that just 2 weeks before this critically important vote, which we in the Congress are going to face next week, Daniel Ortega has reaffirmed the promise for the exact same thing. It appears that Ortega is using the peace process to eliminate the Contras. We know full well that it is the existence of the democratic resistance, which has provided the pressure on the Sandinistas to negotiate.

We hope and pray that this very balanced package, which is going to be closely monitored by the Congress, will be implemented. Less than $40 million is the least that we can do, Mr. Speaker.

PRESIDENT REAGAN'S REQUEST FOR AID TO THE CONTRAS WILL KILL THE PEACE PROCESS

(Mr. AuCOIN asked and was given permission to address the House for 1 minute.)

Mr. AuCOIN. Mr. Speaker, Ronald Reagan is saying that warfighting aid to the Contras has forced Nicaragua to the bargaining table and will keep them there.

That's pure baloney. The President knows it. And this Congress shouldn't swallow it.

Six straight years of spending on the Contras did nothing to create this peace process. This process was started—without any help from this administration—by the President of Costa Rica.

President Arias won approval of a plan for peace involving all five nations in Central America. For his efforts, he won the Nobel Peace Prize.

So it was this man who brought the Sandinistas to the table—not the gun barrels of Contra rifles which have been aimed more often at civilians than soldiers inside Nicaragua.

What now does Mr. Arias ask of the United States? What do the other three Central American Presidents, whom we call "our democratic friends," ask of America?

To disapprove new aid to the Contras. Because aid in any form is aid to a standing army. Based in Honduras, for the purpose of overthrowing a neighboring government.

That's a violation of the peace agreement. It'll kill the peace process.

I urge my colleagues to defeat this aid because we have a choice between a peaceful settlement or a major escalation of the war that my colleagues will live to regret.

LET'S NEGOTIATE A UNITED STATES-MEXICO FREE TRADE AGREEMENT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, in his State of the Union Address, President Reagan called for the day "when the free flow of trade * * * unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the United States-Canadian border so long has been—a meeting place, rather than a dividing line."

With a commitment from Congress, I believe we have the opportunity—if we will but seize it—to forge a North American Economic Community to rival that of Western Europe. The free trade agreement with Canada was a crucial step forward. Now is the time to carry the momentum southward to America's third largest trade partner, the Republic of Mexico.

Next week, I will introduce a concurrent resolution expressing the sense of the Congress that the President and our trade representatives should negotiate a free trade agreement with Mexico. Under such an agreement, duties imposed by both countries on each other's imports will be mutually reduced and eliminated. My resolution sets a target date of 5 years for the agreement to take effect—depending, of course, on the status of negotiations, the discretion of the President, and the approval of Congress.

Now more than ever, the time is ripe for a major breakthrough in United States-Mexico trade. Since Mexico's accession to the GATT, the General Agreement on Tariffs and Trade, a little more than a year ago, tariffs and licensing requirements on hundreds of United States products have been lifted. Last November, the United States and Mexico concluded the most sweeping trade agreement in our history, covering everything from steel and textiles to computers and copyrights.

These are but two events in what many are calling Mexico's "second revolution." A decade ago, 75 percent of Mexico's imports, by value, were covered by licensing requirements. Now, less than 25 percent are covered; those remaining are being phased out. Tariffs are being lifted in accordance with GATT requirements. Hundreds of government-owned industries have been sold to private investors. Without exaggeration, Mexico has made more progress toward free trade in the last 4 years than in the previous four decades.

Next month, President Reagan will meet with Mexican President de la Madrid to chart the future course of United States-Mexico relations. Congress can help frame their agenda—and recognize the progress achieved by both nations—by calling for a United States-Mexico free trade agreement. Working together, the United States, Mexico and Canada can transform our continent into the most productive job-machine the world has ever known.

Millions of American workers and their families already depend on trade with Mexico for their livelihood. We owe it to them, and to future generations, to open Mexico's markets and bring our collective strengths to bear on the increasingly competitive global economy. I hope my colleagues will support this legislation. The prosperity of a continent depends on it.

OUTRAGEOUS PERVERSION OF JUSTICE IN EL SALVADOR

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, yesterday in and outrageous perversion of justice, a military court in El Salvador ruled that under the terms of the amnesty program in that country, the killers of four U.S. Marines will be released. I have talked this morning to the family of one of those U.S. Marines, and I think it is that Marine Patrick Kwiatkowski is from my home town, and I went to high school with his mother. I just have to say that I think it is safe to say that this family shares the outrage of many Americans, that a country which receives as much money as it does from the United States is engaged in the process of perverting the amnesty process by releasing these killers. I think it is important for people to understand that if El Salvador goes ahead with this decision, they will lose $18 million of their aid under the terms of an amendment which we installed in the continuing resolution this last December.

Mr. Speaker, I have been in contact with the White House, the State Department, and our Embassy in El Salvador. I appreciate the interest of all of them, and I ask all of them to renew their efforts to assure that this perversion of justice does not take place, and the killers of those four American marines ought to remain in jail.

THE CONTINUING RESOLUTION: THE GIPPER WON'T SIGN IT AND THE BUDGET CLOCK IS RUNNING

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, three cheers for the Gipper! In response to universal disgust over the fiscal year 1988 continuing resolution, President Reagan announced in his State of the Union Address that he won't sign another CR if Congress sends him one. The stage is set to make fiscal year 1989 the year of responsible budget practices.

The President isn't bluffing. He has in hand a letter I sent to him on December 22, signed by 147 Members promising to uphold his veto. So, the situation is simple—this year we must debate, vote and send up 13 separate appropriations bills. Foreign aid, defense, agriculture and all the rest must all come to the floor and have their day in the Sun. They will stand before this body on their own merits, and the Congress will work its will. And that, Mr. Speaker, is as it should be.

To avoid the CR is to avoid the shame which befell us last December. But we must get moving now. The President's budget will be before us soon and time is short. We must analyze and draw upon his efforts and report our own budget resolution on time. Then the authorizers and appropriators must roll up their sleeves and get to work. We must let the Senate know that procrastination on their side of the rotunda will not be tolerated either.

Mr. Speaker, there is no reason we can't send the President 13 appropriation bills separately and on time. Let us see this not as a battle with the Executive, but as a challenge to ourselves to prove to the Nation and the world our basic competence as the world's greatest legislative body.

□ 1415

CONTRA AID

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, the Central American peace plan clearly offers us the best hope for promoting peace and pluralism in Nicaragua.

As a result of the peace process, the Nicaraguan Government has lifted some restrictions on basic political liberties. Most important, the 6-year-old state of emergency and the special tribunals for political crimes have been suspended. The major opposition newspaper, La Prensa, is also now being published again.

President Ortega has also offered to take additional steps to accept wider political dissent. Opposition radio stations will be allowed to broadcast news again. Ortega has also vowed to release over 3,300 political prisoners and to open direct negotiations with the Contras. He has even offered to permit the Contras to form their own political party.

Are these proposals serious? I don't know! However, it will be impossible to tell prior to the Contra vote scheduled for February 3. But one thing is certain. Voting for any form of Contra aid now will certainly kill these peace initiatives, thus killing the best chance we have for promoting democracy in Nicaragua. I urge my colleagues to vote no on the President's $36 million request until we can judge the sincerity of Nicaragua's recent reforms.

Mr. Speaker, to conclude my remarks, I include the following editorial from the January 12, 1988 issue which eloquently addresses this subject:

[From the Milwaukee Journal, Jan. 12, 1988]

ARIAS PEACE PLAN NEEDS U.S. HELP

A little more than five months after its birth, the Arias plan for peace in Central America is languishing, the innocent victim of inaction and hypocrisy. If the plan dies, many people in Central America are likely to die along with it, for the plan is the only evident alternative to continued war, poverty and injustice in the region.

The plan, named for its architect, Costa Rican President Oscar Arias, was signed by five Central American leaders on Aug. 7. Its principal goal is peace and justice in Nicaragua, and it requires the Sandinista government there, as well as the other four countries, to foster democracy. It also requires an end to outside help to rebel groups, notably the contras seeking the overthrow of Nicaragua's government. The five signatories will meet Friday, by which time the plan is supposed to be in place.

In reality, it hasn't been fully implemented. True, the Sandinistas have taken significant steps toward compliance—for instance, they have allowed the re-opening of an opposition newspaper and a banned radio station, permitted the return of exiled dissidents and released some political prisoners. However, they have failed to make other moves required by the Arias formula, such as lifting the state of emergency that curtails civil liberties.

For its part, the United States has proclaimed support of the plan but appears to have worked diligently to kill it, seeking further aid to the contra rebels. Not only does such aid violate the Arias plan; it gives the Sandinistas a gold-plated excuse to perpetuate Nicaragua's state of emergency, and of course the U.S. aid fuels the war that kills innocent people.

On Friday, the five signatories are likely to extend the deadline for the plan. But as one diplomat said, "From the moment deadlines are extended, the process begins to die, just like Contadora"—an allusion to an earlier peace plan that failed to survive. The signatories must do more than extend deadlines and risk killing momentum; they need to increase the heat on the Sandinstas and the U.S. to comply with the plan.

They need to remind Congress, for example, that seven years of U.S.-funded war have failed to produce either peace or democracy in Nicaragua, whereas five months of diplomacy under the Arias plan have produced significant movement. That should rebut claims that more war is the key to a successful strategy in Central America. Congress should demand that the administration support a policy of Central American peace, not war.

RESTORING PREFERENTIAL TAX TREATMENT FOR CAPITAL GAINS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, with the idea in mind that we need to further assist small business, I introduced a bill today that will restore the preferential tax treatment for capital gains. This measure will help foster the formation of capital, and that in turn will mean more economic growth through expansion and more jobs.

My bill would reinstate special long-term capital gains exclusions similar to the exclusions that were provided prior to the Tax Reform Act of 1986. The new exclusions would also apply to all capital assets, as defined in section 1221 of the Internal Revenue Code of 1954, and to those assets qualifying for capital gains treatment under section 1231 of the Code.

My legislation would not establish a 25-percent exclusion when taxpayers hold that asset for at least 2 years, but less than 5 years. A more favorable exclusion of 50 percent would be provided for assets held longer than 5 years.

To try to get some stability back into the management of our money, give some incentives to taking risks, to stimulate risk-taking and entrepreneurship, and to say that we are going to reward extraordinary risk-taking with extraordinary gain, that is the way America has helped to create wealth rather than to allow the Congress to continue to figure ways to redistribute the wealth.

Mr. Speaker, we need to reward substantial risk-taking with substantial benefits. In the end, this will mean more prosperity for all Americans.

DISDAIN FOR LAW NOTED IN THE IRAN-CONTRA AFFAIR

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I rise to express my grave reservations over the continuation of Contra aid. The policy of providing funds to the Contras has been characterized by a number of elements, including a disdain for the law.

As noted in the report of the congressional committee investigating the Iran-Contra affair:

> Officials viewed the law not as setting boundaries for their actions, but raising impediments to their goals. When the goals and the law collided, the law gave way.
>
> When Congress enacted the Boland amendment, cutting off funds for the war in Nicaragua, administration officials raised funds for the Contras from other sources—foreign governments, the Iran arms sales, and private individuals; and the NSC staff controlled the expenditures of these funds through power over the Enterprise. Conducting the covert program in Nicaragua with funding from the sale of U.S. Government property and contributions raised by Government officials was a flagrant violation of the Appropriations Clause of the Constitution.

Mr. Speaker, an element that has been missing in the Contra program has been that of success. I urge my colleagues to deny further Contra funding. It will insure conflict, not peace.

FURTHER CONTRA AID WOULD CONTINUE PRESSURE ON ORTEGA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, freedom is never free.

It must be constantly nurtured, cultivated, and supported. It must be paid for, and sacrifices must be made.

That is one reason why, since Ronald Reagan became President 7 years ago, not a single square foot of land has fallen into Communist hands.

But next week that record will face a grave test.

The fact is indisputable: The threat of the Communist Sandinista regime in Nicaragua is twice as close to the Rio Grande, as that Texas border is to the well of this House.

And if we fail to approve the request the President submitted today, we will be practicing "the politics of retreat, complacency and doubt," to use the phrase of Senator ALBERT GORE a Democratic candidate for President.

Some of my colleagues say even this minimal aid would undermine the tenuous peace process under way in Central America.

But haven't the prospects for peace been undermined much more by the $450 million the Soviet Union poured into Nicaragua just in the last year?

The Soviets realize it takes both money and determination to make their toehold in the region.

But many in this House appear reluctant to spend less than one-tenth of 1 percent of our national defense budget to combat the major Communist threat in our hemisphere.

If we do not stand up for democracy in Nicaragua—in our own continent—then where will we stand up for democracy?

Sending $36 million to the Contras may not be enough to win the war in Nicaragua. But it will be enough to continue the steady pressure on President Ortega to negotiate and accept democratic reform.

INTRODUCTION OF FEDERAL TORT CLAIMS ACT AMENDMENTS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, today, I am introducing a bill to amend the Federal Tort Claims Act [FTCA] to allow victims of Government negligence the ability to sue the Federal Government for damages.

When Congress enacted the FTCA, it thought that it was abolishing the sovereign immunity doctrine—the outdated doctrine based on the ancient adage, "the King can do no wrong." The FTCA was supposed to hold the Government liable for its negligent acts.

While the FTCA was to hold the Government liable for its negligence, Congress did not want the courts second guessing the executive branch's policy decisions; such an intrusion might violate the separation of powers. As a result, Congress provided a limited exemption for acts that fell under the Government's "discretionary function."

A growing number of district and circuit courts have been interpreting the discretionary function exception so broadly that it has almost swallowed the whole of the Federal Tort Claims Act and, in essence, reinstated the sovereign immunity doctrine.

In the most recent case, Allen versus U.S., 1,200 victims living downwind from the nuclear test sites were denied compensation even though the Federal Government was negligent in monitoring testing results and negligent in failing to warn people of the danger they faced from radiation. Tenth Circuit Judge McKay, in his concurrence, stated:

> The FTCA is largely a false promise in all but 'fender benders' and perhaps some cases involving medical malpractice by government doctors.

In Begay versus United States, the Ninth Circuit denied 200 Navajo Indian uranium miners compensation even though Federal agencies were negligent in failing to establish and enforce radiation safety standards when the dangers were first discovered and negligent in failing to warn the miners of the dangers of radiation exposure to their bodies. The court held that the Government's actions fell within discretionary functions. The court stated:

> We agree with the district court that this is the type of case that cries out for redress, but the courts are not able to give it; Congress is the appropriate source in this instance.

It is in the executive branch's discretion to decide whether to engage in uranium mining and above ground nuclear testing, and therefore, it should not be liable for these decisions. But the Federal Government should be liable for their negligence in carrying out these policy decisions.

The judges in both the Allen and Begay cases, as well as other judges, have called on Congress to amend the FTCA; they have been bound by precedence to continue the broad interpretation of the discretionary clause. Congress must act. My bill, today, heeds these judges' calls and will, if enacted, put substantive relief into the Federal Tort Claims Act.

This bill amends the FTCA to delineate between policy formulation and implementation; the courts still would not be able to second guess the executive branch's policy decisions, but the Government would be held liable for the negligent acts it commits in carrying out those decisions. This approach has been advocated by a number of legal scholars.

My bill would not be retroactive, but it would allow future victims to have their day in court; victims should not have to shoulder the burdensome medical expenses for the Federal Government's negligent acts.

The King can and has done wrong, and he should be liable for his negligence.

DAN RATHER'S CONDUCT IN BUSH INTERVIEW LABELED "UNPROFESSIONAL"

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, like many Americans, I am outraged by the manner in which Dan Rather conducted his interview with Vice President BUSH just prior to the President's State of the Union speech. To say that Mr. Rather's conduct last Monday evening was unprofessional is an understatement. In our society, where the media are entrusted with great responsibility, there is simply no excuse for Mr. Rather's conduct or the CBS news department defense of it.

The objectivity and trustworthiness of the media are crucial in a democracy, especially in an important Presidential election year. Dan Rather's bait-and-switch tactics, that is his extension of an invitation to the Vice President to do a live campaign profile and then ambushing him with "Contra aid" and "arms for hostages" accusations, completely undermined these cornerstones of journalistic professionalism and amounted to nothing less than a public mugging.

The Vice President, relying on the integrity of the media, put his trust in Mr. Rather and the CBS network; it was a trust sadly misplaced.

Mr. BUSH correctly stated that Dan Rather was dwelling on mistakes of the past, not reporting news. Rather built his reputation on hard-line reporting, uncovering the bottom line. What CBS and Dan Rather did in this interview was not hard-line reporting nor was it simply reporting the news. It was an embarrassing display of the abuse of a sacred public trust in responsible journalism. Can any of us imagine such a scene with Walter Cronkite or Chet Huntley? Of course not.

The arrogance of Mr. Rather and other media elites should not go unchallenged. Rather says he was "persistent"—most Americans say he was "obnoxious."

NEW LEGISLATION WOULD ADDRESS POTENTIAL ABUSES OF DAIRY TERMINATION PROGRAM

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, we have an obligation to our dairy farmers and our constituents to assure that the Dairy Termination Program is free of abuse.

That program cost $1.8 billion. It required those who participated to have their animals slaughtered or exported and to keep themselves and their dairy facilities out of dairying for 5 years.

The Office of Inspector General has found two potentially major opportunities for abuse. Some leased properties and some properties removed from the control of the producer through bankruptcy or foreclosure could be put back in production before the 5-year period expired.

Today I am introducing a bill to extend penalties to anyone who produces milk on—or makes available for milk production—any facility under DTP restrictions. It also requires the USDA to request voluntary DTP compliance from owners of leased facilities.

Mr. Speaker, we cannot squander the assessments from our dairy farmers or the taxes of our constituents. We must keep these properties out of production. I welcome the support of my colleagues in this effort.

As you recall, under the DTP nearly 14,000 milk producers agreed to go out of the dairy business for 5 years. The prohibition against milk production extended to both the producer and the facilities. In a very early audit of the contracts, the Office of Inspector General discovered that there were two potentially major areas of abuse of the 5-year prohibition against the use of DTP-idled dairy facilities.

First, facilities removed from the producer's control through foreclosure or bankruptcy could be returned to production by a subsequent owner. Although the Farmers Home Administration has agreed not to sell DTP properties in its inventory back into production, there is no restriction on other interim holders or subsequent buyers of such property.

Second, contracts were awarded to some producers using leased facilities. In many cases, there either was no formal lease or lease which would expire well before the 5-year production prohibition was lifted. Nothing guarantees that the owner will not lease the facility right back into production when the current lease expires.

My bill is an attempt to lessen abuse potential. It extends the application of penalties to anyone who produces milk on—or makes available for milk production—any facility under DPT restrictions. It also requires the USDA to contact the owners of leased facilities under DTP restrictions to request voluntary compliance with the DTP contract.

The 5-year clock of prohibition on some of these facilities will not wind down until August 31, 1992. That poses a very real opportunity for undermining the primary purpose of the DTP—to reduce production by idling dairy facilities. We must do all that we can to assure that assessments imposed on our remaining dairy farmers and the taxes paid by all of our constituents are not squandered away in payments when the facilities are being returned prematurely to milk production.

Join me as a cosponsor. Let's make good our promise to our constituents that the DTP would not only kill cows and retire dairymen, but it also would reduce production by idling dairy facilities.

JAPAN CONTINUES SLAUGHTER OF WHALES

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, today several minke whales in the Antarctic will probably meet a bloody end as Japanese harpooners posing as scientists shoot explosive tipped projectiles into their bodies.

In 1972 when it became obvious that several species of whales had been hunted to the verge of extinction, it became the position of our Government that commercial whaling should cease. Every administration since has pursued this goal. Finally in 1982, the International Whaling Commission voted for an international moratorium to begin in 1986. When it became obvious that Japan had no intention of observing the moratorium, our Government negotiated an agreement with Japan. In exchange for a pledge to observe the moratorium, Japan was given a couple of additional whaling seasons and they slaughtered over 6,000 whales. Japan's Antarctic whaling was to end last April. On December 23, the Japanese fleet sailed again to continue their whale killing.

Shame on you Japan. Shame on you.

MORE VIOLENCE IN COLOMBIA RELATED TO DRUG TRAFFICKING

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, anyone who was not aware of the ruthlessness of narcotics traffickers received a rude awakening this week.

Carlos Moauro Hoyos, Colombia's chief prosecutor, was brutally murdered this week by the drug traffickers he had vowed to oppose. He is the third Colombian attorney general victimized by these arrogant criminals.

Our House Select Committee on Narcotics has been reporting the violence that has become a day-to-day ocurence in Colombia.

Colombian drug traffickers announced this week a "total war" on officials who try to extradite them to the United States to face criminal charges.

They are terrorizing and intimidating the entire Colombian Government and its citizenry.

Mr. Speaker, a worldwide full scale war against these drug traffickers and their deadly product is the only way we will succeed in eradicating the menace of drug abuse and narcotics trafficking.

Courageous men and women who will follow in Mr. Hoyos' footsteps need to know that they enjoy our Nation's full support, in addition to our prayers.

□ 1430

LESSON FROM THE IRAN-CONTRA AFFAIR

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, there are many valuable lessons to be derived from the Iran-Contra affair—lessons that are applicable to the current debate over continued aid to the Contras. Let me share with you the following passage from the "Report of the Congressional Committees Investigating the Iran-Contra Affair":

> In a Constitutional democracy, it is not true, as one official maintained, that "when you take the King's shilling, you do the King's bidding." The idea of monarchy was rejected here 200 years ago and since then, the law—not any official or ideology—has been paramount. For not instilling this precept in his staff, for failing to take care that the law reigned supreme, the President bears the responsibility.

> Fifty years ago, Supreme Court Justice Louis Brandeis observed: "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law, it invites every man to become a law unto himself, it invites anarchy."

The Iran-Contra affair demonstrated this administration's total lack of respect for the law. As a nation that strives to set a good example for the rest of world, our credibility has been seriously damaged. The President's request for more aid to the Contras, at such a critical time in the fragile peace process, once again sets a bad example. This request shows a total lack of respect for the peace process, a lack of respect for the hard work and resolve of the Central American leaders, a lack of respect for the people of Central America. This is not the example we should be setting.

ADMINISTRATION'S "ASSURANCES" REGARDING CONTRA AID

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, in case my colleagues have forgotten the history of this administration's "assurances" to this Congress regarding Contra aid, I would like to read a particularly telling excerpt from the bipartisan report of the Iran-Contra Committee.

> When the press reported in the summer of 1985 that the NSC staff was engaged in raising money and furnishing military support to the Contras, the President *assured* the public that the law was being followed. His National Security Adviser *assured* Committees of Congress that the NSC staff was neither soliciting money nor coordinating military support for the Contras. A year later . . . Adm. Poindexter repeated these *assurances* to Congressional Committees . . . When one of (Gen.) Secord's planes was shot down over Nicaragua . . . the President *assured* the public that the U.S. Government has no connection with the flight . . . And several senior Government officials, including Elliott Abrams, gave similar *assurances* to the congress.

Mr. Speaker, the will of the Central American people for peace was borne out in the Guatemala agreement. We should support the peace process, rather than continue to accept the "assurances" of this administration that all this money for more war is really designed to achieve peace.

OPPOSING CONTRA AID

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, right now, in Central America, there is a faint light of hope shining in the darkness of a wartorn nightmare: it is a hope born of the peace plan which the nations of Central America are struggling to implement.

But rather than heeding the wishes of the Central American leaders who are seeking peace, President Reagan has chosen to sabotage their hopes and their independence.

The President has demanded more money for the Contras, so he can send in the CIA with more weapons, to continue an armed conflict in which everyone loses.

Let there be no doubt: if we send more money to the Contras now we will be harpooning the peace process and only prolonging the bloodshed in Central America. More Contra aid is no insurance policy in Central America: it is a death wish for the peace process.

Mr. Speaker, it's time to put an end to this administration's senseless challenge to reason and responsibility.

It's time to send our diplomats, and not the CIA, to Central America.

FOOD, NOT GUNS, FOR CENTRAL AMERICA

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, some while ago one of my constituents called and said that he had been listening to the radio, and he said, "You know, I am a Reagan supporter. I have been a Reagan supporter all my life; like what he says, like what he does; but I heard on the radio he wants to send some contraceptives to Central America. I am opposed to that."

I said, "No, you are confused, not contraceptives. He is talking about Contra aid. He is talking about sending guns to Central America."

"Oh, well," he says, "I support that."

I said, "I kind of figured you would."

Why is it this President and his supporters are so insistent on sending more guns to a region that needs food and education and, yes, birth spacing? Why not send food to Central America, to people who are hungry? Why not send health care to Central America, to people who are sick?

Elliott Abrams, the point person for the debate by this administration on Contra aid, you remember Elliott Abrams, he is the fellow who lied to Congress last year and said he lied to us because he was not authorized to tell the truth. He is the point person now for the Contra debate which will culminate with a vote next week. He apparently believes, based on what I heard him say last week on television, that war is really the only answer for resisting communism in Central America.

He does not understand what many of us, I think, understand and what most American people understand, that peace is an alternative and that President Arias and his three fellow presidents in the region have a peace plan put together that has done more in 6 months than this administration's policy have done in 6 years to bring the Sandinistas to the bargaining table and the region to the brink of peace. This is a very pragmatic test. The peace process has produced movement by the Sandinistas, Contra aid has not.

All these leaders ask is something very small of this country. What they ask is for us not to support additional Contra aid in the middle of this peace process. They ask us to give this peace process a chance to work.

It is embarrassing, in my judgment, for this country to be acting in a way that destroys the peace process. This might work. We need to give it every bit of encouragement that we can to give this peace process a chance. That means we should not pass Contra aid in the middle of this process. The aid we do send should complement negotiations, not undercut them. By that, I refer to food, education, and health.

If the peace process breaks down, there is plenty of time for us to discuss alternatives; but frankly, we ought to support President Arias and his neighbors. We owe them that. We owe the people of Central America that. We owe peace that action, in my judgment.

INTRODUCTION OF H.R. 3850, CORRECTING A PROBLEM FOR AMERICA'S FARMERS

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, I have introduced a bill, H.R. 3850, to correct a problem which we have created for America's farmers.

The Budget Reconciliation Act of 1987 contains a provision requiring farmers to pay excise taxes when purchasing diesel fuel for onfarm use, and then apply for a refund or credit at a later date for the taxes they have paid. This is a dramatic change from the current system under which farmers don't pay this tax to start with, since onfarm use is exempt from the road tax.

America's farmers should not have to pay a diesel fuel tax and then wait for a refund. Under the new law, every time a farmer fills a thousand gallon storage tank he could pay as much as $150 in taxes—money that doesn't belong, and will never belong, to the Government. Yet the Treasury is going to have the use of his money, interest free, for as long as a year. And in order for a farmer to get his money back, he must fill out yet another IRS form, a requirement which will not be popular.

America's farmers are not dishonest, and should not have to pay hundreds or thousands of dollars every year to the Federal Government, and then file a form for the privilege of getting it back. It is estimated that farmers would pay $420 million every year under this new provision, which many will have to borrow, to meet the requirements of this new law.

Individuals who abuse the law ought to be prosecuted; however, all farmers shouldn't have to be punished for something which can be remedied in another way.

H.R. 3850 which I have introduced calls for agricultural users to be exempt from any initial payment of this excise tax. This legislation is endorsed by the American Agriculture Movement, American Farm Bureau, American Soybean Association, National Farmers Organization, National Farmers Union, and National Grange.

I urge my colleagues to join us in seeking to repeal a tax provision which is unfair to America's farmers by cosponsoring H.R. 3850.

CAN WE BELIEVE THE ADMINISTRATION WANTS PEACE IN CENTRAL AMERICA?

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, 6 years of bombs, bullets and diverted funds, 6 years of maimed and murdered civilians, destroyed clinics, ruined rural development projects, 6 years of stonewalling the movement toward peace in Latin America and undermining our democracy here at home.

Consider this excerpt from the Iran-Contra report:

> In the Iran-Contra affair, officials viewed the law not as setting boundaries for their actions, but raising impediments to their goals. When the goals and the law collided, the law gave way.

Can we believe that this administration is sincere in wanting a negotiated peace?

They tell us more Contra aid will help this process. Can we still believe them? I, for one, do not.

Contra aid is no insurance for the peace in Central America. It is a death sentence for the peace process. Let us not vote a single penny more in aid to the Contras.

HARASSMENT OF BLACK ELECTED OFFICIALS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DYMALLY. Mr. Speaker, I come to the well of the House today to place before this Nation a document which challenges the very basic tenets of constitutional rights and abrogation of duty. As chairman of the Congressional Black Caucus and on behalf of my colleagues—I have transmitted this morning to the chairmen of the House and Senate Judiciary Committees and the House Subcommittee on Civil and Constitutional Rights, an affidavit sworn by an FBI agent which alleges an established official policy of that body to initiate investigations of black elected officials without probable cause.

Such a policy represents the ultimate abuse of power and places at risk more than 6,700 elected officials mandated to serve the people of this Nation. The Congressional Black Caucus and the National Black Caucus of State Legislators call for an immediate investigation into these facts.

Mr. Speaker, the actions alleged in this affidavit are deplorable and we offer them for the record in order that people of conscience everywhere will know the impact of unbridled authority. The Congress of the United States must not allow those empowered to enforce the law to make mockery of the instruments of justice and due process.

[In the U.S. District Court for the Northern District of Georgia, Atlanta Division, Criminal Indictment No. CR87-406-A]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn does hereby depose and state that the following is based upon his personal knowledge and is intended for use in connection with the above-captioned case:

1.

I served in the United States Marine Corps during the period of March 1960, through September 1963, and left the service with an honorable discharge. Thereafter, I attended New York University at nights and obtained an A.A.S. (business) degree.

2.

During the period of late 1963 through 1972, I was employed in various capacities in private industry. In 1976, I received a Juris Doctorate degree from John Marshall Law School and was admitted to practice law in the State of Georgia in June 1976.

3.

In February 1979, I was requested to work in an undercover capacity with the Federal Bureau of Investigation (FBI) on a number of occasions. In 1979, I was approached by an Atlanta City official in a criminal case with a proposal whereby he would "fix" the case for the sum of five hundred dollars ($500.00) plus other considerations. The official was an individual named John R. Collicot, a Zoning Inspector for the City of Atlanta.

4.

I advised the FBI of the incident and agreed to work in an undercover investigative capacity with the FBI for purposes of gathering evidence for use in connection with a criminal prosecution of Collicot.

5.

Collicot and others were subjects of audio and video covertly recorded conversations with the undersigned and others. These recorded conversations were highly incriminating and were used by the FBI to persuade Collicot to become a cooperating witness for the government.

6.

Collicot was originally promised that the charges which could be brought against him would be reduced in exchange for his complete cooperation. Collicot agreed to cooperate and participated with the FBI in an extensive program of covertly recorded video and audio tape-recorded conversations with numerous individuals.

7.

The undersigned continued to work with the FBI in an undercover capacity up to and including January 1980, and through June 1982 in an advisory capacity. Throughout a major period of this time, the activities of the undersigned were under the control of Special Agent John C. McAvoy of the FBI, Atlanta office. I worked closely with McAvoy and serveral other Special Agents on a number of investigations. I was routinely admitted to the FBI offices throughout this time and was generally allowed access to FBI records and sources for their investigations. FBI reports regarding investigations in which I was involved were routinely shared with me.

8.

The FBI throughout this time placed a high priority on the investigation of elected and appointed officials in local government. The undersigned understood that this priority was national in scope and not limited solely to the Atlanta office.

9.

Shortly after I began working with the FBI in 1979, I was made aware of an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen." The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. I learned from my conversations with special agents of the FBI that the basis for this policy was the assumption by the FBI that Black officials were intellectually and socially incapable of governing major governmental organizations and institutions.

10.

An upshot of the FBI's Fruhmenschen policy in Atlanta was the investigation generally referred to in the Atlanta FBI field office as "Blue Eyes, Green Eyes and Brown Eyes." This investigation specifically referred to: "Blue Eyes," Eldrin Bell, a top-ranking black police official in Atlanta who has blue eyes; "Green Eyes," Maynard Jackson, the black Mayor of Atlanta at the time who has green eyes; and, "Brown Eyes," A. Reginald Eaves, the Defendant in this case who has brown eyes. The investigation had targeted these particular individuals with the aim of prosecuting them if possible although there was no probable cause to have started the investigation.

11.

The Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, Brown Eyes investigation were conducted throughout the period, 1979-1982, that the undersigned worked with the FBI in Atlanta as described herein. During this time, Special Agent John McAvoy was the first supervisor of the Eaves' investigations.

12.

FBI agents and an Atlanta Police detective assigned to work with the FBI would routinely discuss the progress of their investigations with me. I understood that over a dozen indictable cases against white appointed officials and others in the Northern District of Georgia were dropped and investigations discontinued altogether during this period of time while great effort was put forth in connection with the Fruhmenschen policy and pursuit of the "Blue Eyes, Green Eyes, and Brown Eyes" case, notwithstanding the absence of indictable cases against these three particular targets.

13.

In one instance during this period of time, information was received by the FBI that a then sitting Judge in the Appellate System had received the sum of $15,000.00 in exchange for the Judge's vote and the use of his influence in connection with a case then pending before the Court on which he was then a member. This information was considered reliable by the FBI. Special Agent John McAvoy was instructed by his superiors not to pursue an investigation of this matter because it was "too explosive." The Judge involved was white.

14.

Special Agent McAvoy, in the presence of others, routinely made remarks regarding the targets of his investigative efforts which the undersigned took as strictly racist. An example of these remarks used in connection with his investigation of elected and appointed black officials in the Northern District of Georgia would be, "We've got to get the Fruhmenschen!"

15.

In the fall of 1979, the undersigned was approached by an individual named Russell Weiss. Weiss wished to retain the services of the undersigned for assistance in connection with federal charges then pending against him as well as a conviction before District Judge William C. O'Kelley. Weiss had been sentenced to a prison term. The undersigned was advised by Weiss that Weiss understood the undersigned had "connections" within the FBI and that the undersigned might be able to assist Weiss in obtaining a favorable resolution of Weiss' federal problems.

16.

I discussed Weiss with Special Agent John McAvoy who advised me that Weiss might be useful in the Blue Eyes, Green Eyes, Brown Eyes investigation.

17.

Because I was working with the FBI at this time and because I had been retained as a private attorney by Russell Weiss to assist him in pursuing a favorable resolution of other federal criminal charges pending against him at that time, it was necessary for Weiss to formally waive any conflict of interest claim which he might have regarding the representation of the undersigned. In this regard, the undersigned appeared with the attorney handling the Eaves' investigation, and Special Agent John McAvoy before Judge William C. O'Kelley, the Judge who had sentenced Weiss.

18.

At the meeting, Judge William C. O'Kelley reviewed the possible conflict which might exist in connection with the services rendered by the undersigned since the undersigned was then working with the FBI in an undercover capacity. In writing, Weiss had waived any claim which he might have had regarding any possible conflict. At that time, the undersigned and the Assistant United States Attorney requested that Weiss be allowed to assist the FBI pending the appeal of his criminal case in order that he might continue to assist the government in various undercover operations. The Court granted the request provided that it was advised from time to time regarding Mr. Weiss' activities and whether they were of any use to the government.

19.

Russell Weiss was, prior to his conviction, a notorious nightclub owner in Atlanta. Because of that business, Weiss would from time to time have dealings with city and county officials regarding licensing, zoning and other problems. Weiss was directed by McAvoy to offer a bribe to A. Reginald Eaves in exchange for his influence in connection with a licensing matter fabricated for purposes of the attempted bribe. In late 1979, the undersigned, Russell Weiss, Special Agent John McAvoy and another agent traveled to the Fulton County Courthouse, Atlanta, Georgia, the location of the offices for the Commissioners of Fulton County. Weiss was provided with a tape recorder, microphone and transmitter that could broadcast conversations in which he was involved to a receiver which was located in the auto occupied by the undersigned and Special Agent McAvoy. To conceal the transmitter and tape recorder, Weiss was armed by Special Agent McAvoy with a pistol and the equipment was placed behind the holster containing the pistol.

20.

Weiss was able to meet with Commissioner Eaves and in the discussion which followed, Weiss described the artificial licensing problem which he and Special Agent McAvoy had created for purposes of the FBI's planned bribery attempt. When Weiss indicated that he wanted to pay Eaves money for the use of his influence, Eaves refused and stated that he was a public servant and was routinely available to assist taxpayers with any legitimate problem which they might have with the Fulton County Government and spurned the money that was proffered. Mr. Weiss then left Commissioner Eaves office.

21.

Sometime shortly thereafter, the undersigned together with the Assistant United States Attorney handling the cases and Special Agent John McAvoy advised Judge O'Kelley of Mr. Weiss' undercover activities including the one described herein. When Judge O'Kelley was advised that Weiss was permitted to carry a firearm by the FBI, the Judge became outraged and reprimanded both the Assistant United States Attorney and Special Agent McAvoy.

22.

On other occasions in 1979 and 1980, the undersigned, at the direction of Special Agent John McAvoy, made extensive plans for the possible exchange of money for the official influence of Commissioner Eaves, with Commissioner Eaves' brother, Manuel. On each occasion, no evidence was produced to indicate an actual willingness to participate in such conduct.

23.

I told Special Agent John McAvoy that there appeared no basis for believing that Commissioner Eaves was about to break any law involving the abuse of public office, and no basis for pursuing him. In light of that, I asked him why the FBI continued to focus on Eaves. His reply was simply that they would pursue an investigation because Eaves was a Fruhmenschen and would thus have to break the law. McAvoy used Fruhmenschen to describe black people. The undersigned understood from this and from his knowledge of the investigations by the FBI, that the investigation of Eaves and the other black elected and appointed officials in the Northern District of Georgia was based upon suspicion and racial bias and not upon reliable information or evidence.

24.

As far as the undersigned is aware, the Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, and Brown Eyes investigation of the FBI, were ongoing at the time the relationship between the undersigned and the FBI was terminated in 1982.

I have read the foregoing statement and hereby certify that it is true and accurate to the best of my knowledge and belief.

HIRSCH FRIEDMAN.

VETERINARY MEDICINE STUDENTS PAY BACK STUDENT LOANS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, at a time when it is costing the Federal Government more than $1.5 billion in delinquent student loans, I am happy to report that there are two institutions in the Third Congressional District of Alabama which have no default rates.

No one from either the College of Veterinary Medicine at Auburn University or the School of Veterinary Medicine at Tuskegee University has defaulted on their guaranteed student loans.

In fact, according to an article in the December 1, 1987, edition of the Veterinary Medical News from Washington, published by the American Veterinary Medical Association, only 2 percent of the $34.3 million in guaranteed student loans distributed to veterinary medicine students are delinquent.

Mr. Speaker, I am submitting this article from the American Veterinary Medical Association for the RECORD to make other Members of Congress aware of the fact that these students appreciate the benefits the Guaranteed Student Loan Program has provided them to help offset the high cost of a professional education.

VETERINARY MEDICAL—NEWS FROM WASHINGTON

[Volume 11, Number 23, Dec. 1, 1987]

VETERINARY STUDENTS—LOAN DEFAULTS STAY LOW

The veterinary medical profession is maintaining its excellent record in repaying student loans received under the Health Professions Student Loan program. More than $34.3 million in loans are outstanding, with a corresponding delinquency rate of slightly more than 2 percent. A total of 22 veterinary schools and colleges participate in this important source of federal student financial assistance.

Among the 7 health professions, only optometry has a lower default rate. Only 1 veterinary school is on probation because its delinquency rate exceeds the 5 percent limit. The lowest delinquency rate, 0.01 percent, is boasted by 2 schools.

The Guaranteed Student Loan program is the largest single source of financial aid for veterinary students. It has recently received national attention and criticism for enduring high default rates (see *News from Washington,* November 20); however, no veterinary colleges have default rates for those loans that would be high enough to jeopardize their eligibility.

Loan defaults currently cost the federal government more than $1.5 billion each year. Stating that the government should be "paying for students to attend college, not for cleaning up costs of their defaults," Sen. Dan Quayle (R-IN) recently introduced the Student Loan Default Reduction Act. The bill, S 1879, is an even tougher version of the proposal put forth previously by Secretary of Education William Bennett. Under the Quayle plan, guaranteed student loans would be restricted to schools with loan default rates of less than 20 percent and schools would be required to assume a greater degree of responsibility for their students' failure to pay back their loans. No action has been scheduled on the legislation.

NO ACCOUNTABILITY FOR CONTRA AID

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, some of my colleagues favor Contra aid. Some of my colleagues favor the peace process, but I do not know a single Member of Congress who favors waste of taxpayers' dollars, and the record of Contra aid in this administration is a record of waste and profiteering.

Last year, as a result of a Federal audit, we determined that half of the humanitarian aid we had sent nominally to the Contra forces in Nicaragua ended up in one grocery store in Honduras, a street corner grocery store in Tegucigalpa, owned by the generals in the Honduran army. We were not quite sure we got our money's worth in this humanitarian assistance.

Last year Secretary of State Shultz testified before the House Budget Committee and assured me personally that he could account for the $27 million in Contra aid which American taxpayers sent down there the year before.

□ 1445

I exchanged several letters. I do not have the stack of them to rap on the podium here as the President did with the CR the other night. But I wish my colleagues could see them because as they would read them they would find out the Secretary of State could not provide that information. As the GAO reported, our State Department has shown an utter disregard for spending controls and lack of accountability when it comes to Contra aid.

It is becoming increasingly clear that our Contra aid is being monitored by Johnny Carson's infamous bookkeeper "Loose-Leaf Maurice."

Now the President wants us to throw another $36 million in Contra aid into the dense jungle of waste and profiteering. We cannot afford to waste another penny of the taxpayers' dollars to perpetuate Contra folly in Nicaragua. It is time to give peace a chance and stop squandering tax dollars on the Contra effort.

LEGISLATION TO AMEND LOW LEVEL RADIOACTIVE WASTE POLICY ACT

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I appreciate the opportunity to address the House in support for legislation I am today introducing which would amend the 1980 Low Level Radioactive Waste Policy Act.

This bill would add a section to current law which delegated to the States responsibility for disposal of low-level radioactive waste within their respective jurisdictions. A majority of the States have formed regional compacts which then assume control over the site selection process for location of waste disposal facilities as well as all other tasks associated with the operation of the disposal facilities. The formation of these regional compacts must be approved by the Congress through legislation.

The State of Texas has elected not to join a regional compact and has created the Texas Low-Level Radioactive Waste Disposal Authority to provide a plan for the disposal of its low-level waste.

The effort of the authority in Texas to select a suitable location for the disposal facility have raised strong concerns among west Texans, the area most likely to play host to such a facility, in that political and budgetary considerations appear to have had more influence in the site selection process than scientific or engineering factors.

At the present time, two locations have been selected, both in Hudspeth County and both in my district. A neighboring county, El Paso, has filed suit against the authority alleging that both sites do not meet the siting criteria spelled out in State law. An injunction has been placed on the authority preventing any further work on these two sites while the Texas Supreme Court decides the merits of the suit. Only last week the Texas court ruled against the county thus clearing the way for the final designation of a site and, in turn, spawning a new cycle of litigation in the State court system.

My legislation would essentially duplicate language which is contained in a 1983 agreement between the United States and Mexico on cooperation for the protection and improvement of the environment in the border area. The agreement, which was signed by the Presidents of both countries, provides generally for mutual cooperation in preventing or reducing sources of pollution in their respective territory which affect the border area of the other. The border area is defined as the area situated 100 kilometers—or 60 miles—on either side of the Rio Grande.

The 1983 agreement, and my bill, recognize the need for both countries to act responsibly in respecting our shared border area environment. Certainly, the location or a low-level disposal facility within the defined area—in this case an international waterway that is fed by several surface and ground water sources, the Rio Grande—violates the intent of the agreement and poses a risk to the natural resource H.R. 791 seeks to protect.

Congress has only recently begun to recognize the need to agressively safeguard against ground water contamination. With this legislation, Congress would be demonstrating an appreciation for the role we all must play in acknowledging the interdependence which so characterizes our border area environment.

Finally, Mr. Speaker, I am aware of the general unwillingness of some within this House to revisit an issue—the disposal of low-level nuclear waste—which many feel has already been disposed of. The situation in Texas underscores, at least in my mind, that Congress cannot afford to duck its ultimate responsibility for the threat posed to our population by problems associated with the disposal of such waste when this problem is the direct result of policies pursued at the Federal level.

I am hopeful that testimony developed during committee consideration of this bill would articulate more clearly the need for a more careful monitoring of the actions of the States in addressing this problem. Just as important, I also believe that this legislation could serve as a vehicle for the examination of our legal as well as moral reponsibilities in the field of international pollution and its disposal.

FINDINGS AND CONCLUSIONS OF THE IRAN-CONTRA INVESTIGATION

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANCASTER. Mr. Speaker, I, too, wish to share with this body some of the findings and conclusions of the Iran-Contra investigation:

> The common ingredients of the Iran and Contra policies were secrecy, deception, and disdain for the law. A small group of senior officials believed that they alone knew what was right. They viewed knowledge of their actions by others in the Government as a threat to their objectives. They told neither the Secretary of State, the Congress nor the American people of their actions. When exposure was threatened, they destroyed official documents and lied to Cabinet officials, to the public, and to elected representatives in Congress. They testified that they even withheld key facts from the President.
>
> The United States Constitution specifies the process by which laws and policy are to be made and executed. Constitutional process is the essence of our democracy and our democratic form of Government is the basis of our strength. Time and again we have learned that a flawed process leads to bad results, and that a lawless process leads to worse.
>
> (Excerpt from the Report of the Congressional Committees Investigating the Iran-Contra Affair, H. Rept. No. 100-433, S. Rept. No. 100-216)

CONTRA AID AND THE IRAN-CONTRA SCANDAL

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, how can the Reagan administration expect us to believe that they support the Central American peace process when they have shown nothing but contempt for truth in the past? The hearings on the Iran-Contra affair revealed that officials in this administration felt justified lying to Congress and to the American people in order to promote war in that troubled region.

At the hearings held by the special investigating committees, "Col. Oliver North conceded * * * that he had participated in making statements to Congress that were 'false,' 'misleading,' 'evasive and wrong,'" according to the committee's report. Indeed, North proudly declared that he "didn't want to tell Congress anything."

Mr. Speaker, the administration is misleading Congress again when it argues that $36 million in aid to the Contra terrorists will act as insurance for peace. The truth is that more aid to the Contras will be a death certificate for the peace process. The end of the peace plan will insure a prolonged, bloody war in Nicaragua with no foreseeable end. I urge my colleagues to vote against more war. Give peace a chance. Vote "no" to Contra aid.

COAST GUARD CUTS IN THE CONTINUING RESOLUTION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, cutting the Federal deficit must continue to be one of Congress' highest priorities. Unfortunately, one of our recent exercises in budget-cutting has yielded disastrous results.

I am talking about the $105 million cut in Coast Guard spending, mandated by the continuing resolution we passed last month which is going to undermine the ability of the Coast Guard to carry out its mission, including a number of critical law enforcement functions.

Indeed, if you are a drug trafficker, you will be delighted to know that your chances of evading detection by the Coast Guard have just doubled. That is because budget cuts will force the Coast Guard to cut routine inspections to 55 percent of fiscal year 1987 levels, and it is routine inspections that have, in the past, resulted in 90 percent—that's 90 percent—of all drug interdictions by the Coast Guard. Just 10 percent of Coast Guard seizures are based on intelligence.

These cuts, coming on the heels of past budget cuts, will also adversely affect other important Coast Guard missions, and result in the cancellation of all routine air and surface patrols, the closing of a number of vital facilities, and the reduction of maintenance, aids to navigation, and readiness training.

Mr. Speaker, meat-ax cuts in a vital Government function such as Coast Guard just don't make sense. It's about time we gave the Coast Guard the resources they need to do their job.

NATIONAL "CHALLENGER" CENTER DAY

Mr. DYMALLY. Mr Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 201) to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. OWENS of Utah). Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from Texas [Mr. BROOKS], the chief sponsor of House Joint Resolution 419, designating January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to express my heartfelt appreciation to my distinguished colleagues, the chairman of the Post Office and Civil Service Committee, and the chairman and ranking minority member of the Census and Population Subcommittee, who have agreed to ask for unanimous consent to pass this legislation.

The survivors of the *Challenger* crew have worked diligently to turn into reality their dream of a National Challenger Center to encourage educational opportunities for all Americans in the fields of space research and science. Congress recognized their efforts last year by approving legislation identical to that being considered today.

Passage of this resolution, Mr. Speaker, will serve not only as a memorial to the brave men and women lost in the *Challenger* accident but will also help in the creation of this lasting, working tribute to their ideals and sacrifices. I encourage my colleagues to support the resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. DYMALLY], the distinguished chairman of the subcommittee.

Mr. DYMALLY. Mr. Speaker, I rise today in support of Senate Joint Resolution 201, a bill to designate January 28, 1988, as "National Challenger Center Day." I commend my colleague, Mr. BROOKS, for sponsoring the House companion measure which honors the crew of the space shuttle *Challenger*.

As we remember the crew of the ill-fated mission, we commemorate their commitment to stimulating the interest and promoting the education of American children in space flight.

In paying tribute to the *Challenger* crew, we must continue to encourage the involvement of all Americans in space research programs of our Nation.

Astronaut Ronald McNair was one of seven historical Americans on that mission, and his memory should prompt a renewed commitment to the participation of minorities in the sciences and technology.

If we are to remain competitive globally into the next century, we must take it upon ourselves now to develop and support programs which encourage a higher level of participation by Americans in engineering, computer sciences, physics, and similar fields of study.

Mr. Speaker, I commend the sponsors of this bill and I urge my colleagues to join me in supporting this measure.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Vermont [Mr. Jeffords].

Mr. JEFFORDS. Mr. Speaker, I appreciate the gentleman yielding.

As I did last year, I would like to come forward on this day and commend the sponsor of this resolution for recognizing the contribution of the members of the *Challenger* crew. As we all know, one of the members of that crew was a teacher, Christa McAuliffe. We had looked forward to her participation in that flight as an example of the incredible importance that education plays in this country. It is a horrible irony that it instead highlighted problems in the space program and the need for us to recommit ourselves to improving our educational system as well as the space agency.

So I think it is important we do not forget this day, especially for those of us who are dedicated to improving education in this country. Again I commend the gentleman for introducing this resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I commend the gentleman from Texas [Mr. Brooks] for introducing this resolution and calling attention to our Nation of the importance of the "National Challenger Center Day" for honoring once again that courageous crew of the space shuttle *Challenger* and what they meant to our Nation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 201

Whereas the crew of the space shuttle Challenger was dedicated to stimulating the interest of American children in space flight and science generally;

Whereas the members of the Challenger crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Challenger crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the Challenger for the above-named purposes, and is intended to be the living expression of the Nation's commemoration of the Challenger crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1988, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the Challenger astronauts who died while serving their country, and the importance of the Challenger Center is honoring the accomplishments of the Challenger crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EULOGY FOR THE HONORABLE DAN DANIEL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, yesterday a very large delegation of this House joined the members of the Virginia delegation from the House and the Senate and a great number of other citizens of Virginia and of the Fifth District of Virginia to express our condolences and sorrow at the death of our late colleague, Dan Daniel.

At that ceremony in Danville, VA, yesterday at his home church, the eulogy was delivered by our colleague, the Honorable Bill Nichols of Alabama, in what I think every Member who attended that ceremony will recall as one of the most moving eulogies ever delivered by a Member of this body on behalf of a departed colleague. The gentleman from Alabama [Mr. Nichols] expressed the views of all of the Members at our sorrow at Dan Daniel's death.

Mr. Speaker, I include the remarks eulogizing Dan Daniel at this point in the Record:

Eulogy Given Congressman Dan Daniel, Funeral Services, January 26, 1988, Mount Hermon Baptist Church, Danville, VA

Twenty years ago I first met Dan Daniel when the both of us were seeking seats on the House Committee on Armed Services. My name was selected first and so I ranked Dan by a matter of three minutes and one seat and for twenty years we sat side by side on the committee. I admired many things about Dan Daniel, his Virginia pronunciation of "about" and "house" but I especially appreciated his rural background and the hardships he overcame in his early life. He told me of his bout with tuberculosis and I knew that he had found a job as a teenager in the Danville mill. He was proud of his service with the Civilian Conservation Corps and I knew also that he was the only member of the Virginia delegation who never attended college and yet last night the President of the United States, in his State of the Union Message, viewed by millions of Americans paid respect to this son of a Virginia sharecropper.

It is extremely difficult for me to adequately express the deep bonds of friendship, of confidence, of trust that I had for Dan Daniel other than to say that I had no better friend in the entire Congress. He was a man universally liked and respected by his colleagues across party lines and sectional differences for his loyalty, high principles and patriotism. He epitomized the very spirit of his State's founding fathers, of Washington, of Jefferson, of Patrick Henry—he loved this country to the core and his service on the Armed Services Committee reflects the deep devotion that he held for America. But his two decades of service on the Armed Services Committee will be remembered not necessarily for his support of sophisticated, complex and expensive weapons systems, but for his genuine heartfelt concern for people—the men and women who wear the uniform of the United States of America. His leadership in the Congress in behalf of child care facilities, housing, the GI bill, and commissaries has made military living better for hundreds of thousands of American servicemen and women.

Dan's politics reflected the strong conservative views of those constitutents who entrusted the representation of his State and his country to him when he was first elected to Congress in 1968. He had previously served as a member of the Virginia House of Delegates and he was always attentive to the needs of people who had sent him to represent them in Washington.

And Dan Daniel will be remembered by us all as being a devout Christian with the highest moral precepts and at the time of his death was serving as President of our Thursday morning House Prayer Breakfast. He loved to join in the singing of "Amazing Grace" and in planning the program for this year's national prayer breakfast he asked that one of his favorites "How Great Thou Art" be included in the music.

Over Dan's career in the Virginia Assembly and in Congress he received many honors including the service to mankind award, the George Washington Honor Medal, the Croix du Merite from the Republic of France and was National Commander of the American Legion—but I shall remember him for the concern he showed to everyone. He was always courteous to the elevator operators, to the cleaning woman, to the policemen around the Capitol Grounds.

Everything Dan did he did well. He was a fair and impartial presiding chairman of his Subcommittee on Readiness and he was the very best golfer in the entire Congress. Dan Daniel was indeed a "gentleman's gentleman," he was a "legislator's legislator" and he possessed all the many admirable traits which in my judgment made him the outstanding Congressman that he was.

Dan was solid as a rock, as dependable as the changing of the tide, a champion of old fashion discipline and restraint. He was blessed with an abundance of personal warmth and charm and kindness—a man of character and I shall expect him to be in the "cloakrooms of heaven" on vigil for the arrival of his close friends.

So my memories of Dan Daniel will be memories of gratitude—that I knew him and that perhaps a portion of his character may become a part of me.

The words then of St. Paul's second letter to Timothy would seem appropriate "he has fought the good fight, he has finished the race, he has kept the faith."

Dan Daniel will be sorely missed by his many friends in the Congress and he will be missed by the people he so ably represented in his State of Virginia.

So on behalf of the entire Congress, we extend our deepest sympathy to his devoted wife Ruby and to his son, Jimmy and the other members of the Daniel Family.

And "Dan, I am going to miss you". Too!

ADJOURNMENT TO MONDAY, FEBRUARY 1, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, January 28, 1988, it adjourn to meet at noon on Monday, February 1, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1500

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. OWENS of Utah) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 11:11 a.m. on Tuesday, January 26, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the 17th Annual Report of the Department of Transportation;

(2) Said to contain a message from the President whereby he transmits the report on current government activities in the area of research on the so-called "Greenhouse Effect.";

(3) Said to contain a message from the President whereby he transmits the eleventh Annual Report of the National Institute of Building Sciences for 1987;

(4) Said to contain a message from the President whereby he transmits the sixth Annual Report on Alaska's mineral resources; and

(5) Said to contain a message from the President whereby he transmits the sixth Annual Report of the Tourism Policy Council, which covers fiscal year 1987.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

(For message see proceedings of the Senate of Tuesday, January 26, 1988, **at page 151.)**

REPORT ON CURRENT GOVERNMENT ACTIVITIES RELATING TO "GREENHOUSE EFFECT"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, **at pages 150 and 151.)**

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, **at page 150.)**

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, **at page 151.)**

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceeding of the Senate of Tuesday, January 26, 1988, **at page 150.)**

IN TRIBUTE TO DAN DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, I want to elaborate on my previous comments offered in tribute to our good friend and House colleague, Congressman Dan Daniel. I want to underscore my earlier remarks regarding the loss of this distinguished American and loyal servant of the Fifth Congressional District of Virginia.

The House of Representatives has lost a true friend, who has demonstrated, time and time again, his sense of dedication to the principles of democracy and his faith in the system of government that we are responsible for maintaining and protecting. I was privileged to have worked alongside Dan for years in this Chamber. I valued his counsel and respected his thoughtful views. You always had the impression that his stance on an issue—particularly the major decisions we've faced in the House—was based upon sound reason and thorough research.

The citizens of the Fifth Congressional District were fortunate, indeed, to have had Dan represent them for nearly two decades. They depended upon him for leadership and he always responded. He was active in the American Legion, in civic affairs and he made the concerns of his district the business of Congress. Most importantly, he pursued his legislative tasks with a manner and attitude that impressed us all.

He will be greatly missed. I extend my personal sympathy to the family and friends of my friend, Dan Daniel.

REMARKS OF SPEAKER JIM WRIGHT ON THE STATE OF THE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to commend to the House the excellent and insightful remarks of our Speaker in response to the President on Monday evening, January 25, 1988. Those remarks are as follows:

REMARKS OF SPEAKER JIM WRIGHT ON THE STATE OF THE UNION, JANUARY 25, 1988

We have indeed made a strong start, and I'll tell you a bit about it.

But first I want to say congratulations to President Reagan for having successfully negotiated the INF treaty with the Soviet Union. We pledge him our support in that endeavor.

Six months ago, President Reagan and I joined together in calling for a new peace plan for Central America. A few days later, the five Central American Presidents agreed to move that peace process forward. They are still actively pursuing it. Mr. President, so long as there is any measurable progress toward solving that conflict at the table, I think you and I should give peace a chance.

In national security and the pursuit of peace, there ought not to be Democrats and Republicans—just Americans.

Congress has supported those goals. We provided some $300 billion last year for our military defenses.

But we know that no democracy can be a first rate military power if it becomes a second rate economic power.

As important as our commitments abroad may be, our first obligation is to the American people—and to their future.

Today is the day America looks at itself in the mirror and asks how we are doing.

Consider the State of our Union with me as we reflect upon five major steps the 100th Congress is taking to build America's future.

House bill number 1, our first legislative act, was the clean water bill, to protect the one precious resource upon which all human life depends. Because nearly one out of every five public water systems are now contaminated by toxic wastes, we cannot delay the clean-up no longer.

Yet President Reagan vetoed this bill. He insisted that we cut back sharply on America's commitment to clean water and a safe environment. Fortunately, Congress overrode that veto.

House bill number 2 was the highway bill, to improve and upgrade the network of highways and bridges on which Americans depend.

Twenty percent of the bridges in this country are unsafe—thousands of them built more than 100 years ago.

President Reagan vetoed this highway bill also. He mistakenly called it a "budget buster." That was absolutely incorrect. This bill doesn't add a penny to the national debt. We pay for these highways with our gasoline taxes that make up the Highway Trust Fund, where billions of dollars lie idle. And so we overrode that veto as well.

House bill number 3 is the trade and jobs bill.

Mr. Reagan said a few days ago in Cleveland not to worry about the trade deficit—that it was a sign of strength. But just ask the local people who worked at Dalton Industries or at the General Motors Plant near Cleveland, both of which just closed. Those people just lost their jobs to the trade deficit—as millions of other Americans have done.

In spite of what the President says, the trade gap has risen sharply every year for the past seven years, and was higher last year than ever in our history. This has made America the number one debtor country in the world. That isn't a sign of strength!

Our bill does two things. It provides incentives for other countries to abandon unfair practices which discriminate against American goods—like deliberate red tape which keeps American import applications permanently "under study" and never acted upon, or like unloading a shipload of 200 American automobiles—just one car a day.

We simply require in this bill that other nations treat our American products on their markets just exactly as we treat their goods on our markets. No better and no worse.

The bill also strengthens our ability to compete. Tools and schools. It will improve our research and development, modernize America's aging industrial plants, and equip America's work force with the skills and knowledge we need—so that unemployed industrial workers aren't forced to settle for lower paying jobs.

We can't build a vibrant economy by just delivering pizzas to each other.

So while this Administration has crossed its fingers and hoped for the best, the Congress has acted. We'll send a bill to the President shortly, and we earnestly hope he signs it.

House bill number 4 is the housing bill. In the last few years the hope of home ownership has become a fading illusion for too many American families.

President Reagan asked that we abolish the Federal Housing Administration and increase the price of houses by charging hidden user fees. But we saved the FHA outlawed user fees, and protected home ownership, not just for an affluent few, but for Americans of average and modest means.

We also passed a farm credit bill to stop the epidemic of family farm foreclosures.

And, for the growing number of men, women and children who have fallen victim to the sad new phenomenon of homelessness, our bill reflects our belief that there is no excuse for *any* American to be abandoned by his country to die of starvation or exposure to the weather.

I have always believed in an eleventh commandment—Thou shalt pass on to your children a better world than you received from your parents—and it is to them, America's children, that the great thrust of our legislative program is dedicated.

House bill number 5 is an education bill. Five year ago, the Administration's own commission produced a chilling report on the sagging quality of American education. The report was called "A Nation at Risk."

The President ignored that warning. In each year of his Presidency, he has called for major cuts in education. Last year he called for a 28% cut. This goes beyond foolhardy. In an age when our children will have to cope with semi-conductors, supercolliders and international competition, America will not survive unless this generation is better educated. Education must be our first priority, so our bill increases our commitment to quality education for the first time in seven years.

And if it is disastrous to equip our young with inadequate learning, it is immoral to burden them with our financial debts. The policies of this administration have added more to the national debt in seven years than all its predecessors added in almost 200 years.

A great nation like ours should not be forced to borrow from foreigners to pay our bills, or to lose twenty-four cents from every one of your tax dollars just to pay interest on the National Debt.

In the year ahead your nation's Congress will complete this agenda that we began last year for a stronger, more humane, and more secure America. And if the President will help, we can do it all on a pay as we go basis, and not just keep adding to the debt.

Mr. President, we all have to work on this together. The ancient scribes wrote, "not thine to finish the task, but neither art thou free to exempt thyself from it." We cannot solve all our problems by January 1989. But that doesn't mean we don't have to try.

BANK ISSUES: DON'T FORGET THE CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this second session of the 100th Congress will be a busy one. My colleagues and I must consider many important issues which will undoutedly receive a lot of attention here in Washington as well as around the country. A review of the banking industry coupled with possible changes is among these. I ask my colleagues to bear in mind consumer needs and rights when considering any legislation which might affect the ability of banks to serve all consumers of bank services.

After long, arduous deliberation late in the last session of Congress, we reached an agreement to strive for more fiscal responsibility in Federal spending. Deficit spending, however, is not only an issue in terms of the Federal budget, but has also become a serious problem for individuals in this country. It is my hope that the Congress will adhere to the budget plan not only to decrease the national debt, but also to set an example for the people of this country who have come to rely on credit in a habit of living beyond their means.

While overextension of credit creates a dangerous situation for consumers, the issuers of credit cards are exacerbating the situation by not adequately informing their customers about their credit plans. In not disclosing information on interest rates and other charges, issuers of credit are reaping profit in an unfair and unacceptable manner. Legislation to require that issuers of credit cards disclose interest rates and other charges is essential in providing consumers with the appropriate information to make responsible fiscal decisions. Fairness to consumers is at the heart of this issue, and I intend to work diligently to ensure that such legislation becomes law.

A similar problem exists with regard to home equity loans. In hearings which were held last fall, the need to inform borrowers of fees, rates of interest, and the consequences of defaulting was deemed crucial in protecting consumers. I believe that not providing such information is tantamount to false advertising and must be prevented under the protection of the law.

It is the responsibility of this Congress to consider the effects of banking legislation not only on banking institutions, but also on consumers. I ask that my colleagues remember consumer needs when the House considers banking legislation in this session of Congress. Banking institutions are intended to serve customers in the most efficient and profitable manner possible. This should not be carried to such an extreme, however, the consumers are treated unjustly in the process.

THE IMPACT OF DAIRY PROBLEMS OF CERTAIN ESSENTIAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, it will come as no surprise to anyone that I have taken a special order today to talk in this body about what is certainly one of my very favorite subjects, and that is dairy. However, it may be a surprise that I will not talk to any extent about dairy farmers, but rather, about what impact the present dairy situation will have upon very essential nutrition programs in this House. I would not disappoint my dairy supporters who, I am sure, would like me to spend more time on our dairy situation, since we have some problems there, and I intend to take another special order within a couple of weeks to delineate specifically the outcome of the whole herd buyout, as well as certain recommendations which I will be making with respect to program changes in order to take care of some of the problems we have incurred with that bill. So today I want to talk about a subject which, as a result of the present situation in the dairy program, I believe, requires urgent attention.

Two years ago, when Congress put into motion the 1985 farm bill, that required the Secretary of Agriculture to cut the dairy price support if the overall annual dairy surplus was expected to exceed 5 billion pounds.

The USDA recently relied on that authority to implement a 50-cent-per-hundredweight price cut. And, under law, that cut must be implemented and has been implemented, and also a similar cut will be implemented in 1989 and 1990 if the Secretary so believes the surplus will exceed that 5-billion-pound trigger.

Mr. Speaker, I am here before the Members today to call on the administration and the Congress to support legislation increasing that 5-billion-pound trigger. If we do not, this Congress and this administration will soon have to face the next price cut, and we will be in the position of jeopardizing very valuable nutrition programs, including programs helping the elderly, the disabled, and children, as well as the homeless, to whom we would anticipate giving a substantial amount of help from our surpluses.

Let me explain. What tends to be lost in all the debate about dairy surpluses and the cost of the program is that those surpluses have been used for years to feed the hungry. The Government buys surplus milk, butter, and cheese at a cost considerably lower than the market value, the commercial value. Those surpluses are the foundation of programs such as the school lunch program, elderly nutrition programs, and, until this year, the so-called TEFAP, the Temporary Emergency Food Assistance Program, which has provided emergency food for the homeless.

Now, one of the great ironies and tragedies is that even though Congress last year passed our large assistance bill for the homeless, USDA is already planning to eliminate TEFAP this spring. And why? Because despite a dairy surplus well in excess of 5 billion pounds next year, USDA does not expect there to be enough surplus commodities available to support this emergency food program for the homeless at anywhere close to present levels.

Mr. Speaker, in 1985, when we were in conference, I argued that a higher trigger on price cuts was necessary, warning of the possibility of running out of surpluses that sustain valuable nutrition programs. Unfortunately, that warning is coming all too true.

The USDA cut the dairy price support to $10.60, down a full dollar from where it was just about a year ago and almost $3 from where it was in 1981. It did so, as it was not only authorized but told to do under the law, because of an expected surplus exceeding 5 billion pounds. Even at the USDA projected surplus level of 7 billion pounds, about which I have some serious question, the USDA admits it will not have enough surplus commodities to sustain nutrition programs at their current levels or to sustain emergency programs for the homeless at all.

Let me just give the Members a little bit of information on the dairy program, its cost and where that cost goes. Unfortunately, during this budget-cutting period we spend a great deal of time looking at figures without closely examining what the product of those figures is. In this case the dairy program costs of about $1 billion are not costs without a benefit. They are not waste, they are not additional income to dairy farmers. What they are is cost related to certain programs.

Let me just give the Members a brief idea of where those costs are. First of all, we have the donations of the program to the School Lunch Program. This results in about 3.25 billion pounds of milk equivalent that are going to the School Lunch Program. Also we have some 325 million pounds going to the elderly feeding programs, with some additional 4.1 billion pounds going to the child nutrition program and TEFAP, the Temporary Emergency Food Assistance Program, has been utilizing up to 4 billion pounds of milk equivalent. The total money that would be involved here would be well over $1 billion. In other words, that $1 billion which we look at and some people point out as going to dairy farmers and being an unnecessary expense is not really that. It is necessary to do such basic things as to keep our school lunch program operating at its present level. If we were to eliminate it, it is important to remember the result would not be a cut in Government cost but, rather, we would have to look to the commercial markets to supply the additional amount of food we would have to have to replace the School Lunch Program and other feeding programs.

Now, with respect to this situation where we are having inadequate surpluses, we can basically do four things. We can cut back substantially on the Government assistance programs for the needy. If we do that, however, we will be turning our backs basically on our commitment with respect to domestic programs for our many, many people who are in need, either the homeless, the needy, or the people in school lunch programs. This would, of course, be a course which runs counter to the efforts the Congress has already made to reduce poverty and homelessness and hunger.

Under another option, we would make up for the shortfall by purchasing on the open market the remaining commodities needed for the program, but pursuing this option means considerably higher costs, not only for consumers but for the Government. And a government faced with enormous deficit problems can ill afford to have increasing costs in one program, with the increase being greater than the reduction.

Another option is the one I proposed 3 years ago and which the House agreed upon, and one which I am proposing again today. That is to increase the dairy trigger to 7 billion pounds and make the Secretary of Agriculture's authority to cut the support price discretionary and not mandatory. Incidentally, the House bill that did pass here in 1985 did not contain price cuts but, rather, a mandatory supply program over the 7-billion-pound level. This approach will allow us to maintain our commitment to nutrition programs for the needy without unnecessary cost increases to either Government or to the consumer or to those who are participating in the feeding programs.

If we do not implement these simple changes in the law, we will guarantee the curtailment and probably the eventual demise of most, if not all, of these nutrition programs.

I believe it is important to make the decision discretionary for at least two reasons: First of all, for the reason I have spoken about, to give the Secretary the option as to whether or not he would desire to have a larger surplus to be able to fulfill the commitments that we have to the nutrition programs, but in addition to that, throughout the country we are experiencing regional dislocation because of the low cost of production. This would allow the Secretary, as we await the coming of the 1989 farm bill, the option and the discretion to say we should postpone further price cuts until such time as we can take care of these very substantial regional dislocations which, if they continue and get worse, will result in much higher costs for the consumers in those areas.

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Also, of course, in this process as we move forward, we also will be jeopardizing the livelihoods of innumerable American dairy farmers under the present price cut system who will be forced out of business and potentially on to welfare because of support price cuts that will undermine their ability to farm, and this of course also for me personally coming from a State which has seen serious losses in this regard is an important issue.

Advocates of dairy price cuts continually argue that cuts are a sure fire way to reduce the national dairy surplus, and they are right. The lower the support price, the greater chances that more farmers will be driven out of business and milk production reduced.

The issue, therefore, before us is not the effectiveness of that approach, but how far we can afford to go with it and who do we hurt. Since much of the national dairy surplus is used to support Government nutrition programs, in fact all of it, if you look at the total usage in the near future, the question becomes how much can we afford to cut back on the national surplus before our ability to maintain these nutritional programs is undermined?

Thanks to the success of the wholeherd buyout program, overall production has fallen significantly over the last 2 years. We are now at the point where we need to stabilize that production at a level that will allow us to meet our nutritional program obligations, while curbing excess dairy production.

If the surplus level that triggers annual price cuts remains at 5 billion pounds, we will not be able to meet those nutrition program obligations without incurring significantly higher costs to the Government, and the USDA's own figures confirm that, a zero balance in the level of uncommitted surpluses available for use by nutrition programs.

Last year, for instance, some 8.1 billion pounds of surplus dairy products were used for nutrition programs, although USDA only purchased 5.4 billion pounds of surplus that year. The balance was a carry forward of surpluses. Obviously, as we go forward, if we have, we are not going to be able to have enough at the present projections to meet the current level of distribution of 8 billion pounds.

This year, as I said, there is no prior surplus to call upon to meet that shortfall. The USDA projects a 7-billion-pound surplus, and therefore you will have to look to the commercial levels in order to maintain our present program levels.

This situation will get worse in the coming years because the trigger built into the 1985 farm bill, in my estimation for most of the country, is too low. Despite the fact that USDA projects a 1-billion-pound shortfall for 1988, the 50-cent price cut will most likely be triggered in 1989 and possibly in 1990. This will only exacerbate the situation, unless we act.

The House version of the 1985 farm bill contained the 7-billion-pound trigger I had urged, and again point out not through price cuts, but for mandatory supply management programs; but unfortunately we were forced to accept the Senate's 5-billion-pound price cut trigger in order to win final agreement with the administration.

Now that we have had a chance to measure the impact of the price cuts on the surpluses, we must act to raise the trigger to the level required to meet our commitments to the needy.

My proposal would also remove the straitjacket Congress put on the Secretary of Agriculture when it required the Secretary to do this, even though in his own judgment he might have wished to do something else.

I believe we should give the Secretary the discretion. We need to allow him to look at a number of factors, such as our commitments to the needy and changes in production costs, as well as in regional milk market dislocations, which are occurring around the country and the higher consumer prices, when he evaluates whether he wants to make further price cuts and not do it arbitrarily based upon too low a figure, especially when we have increasing production in areas where they do not consume the milk that is produced.

As I mentioned earlier, I just wanted to say that I will be back here again to go over the situation with respect to the milk price support program and the wholeherd buyout in a couple weeks; but in the meantime, I just hope Members, especially those from urban areas for whom I am pleading, will recognize the ramifications on the helpless, the needy and the homeless in this country, are going to be dramatically affected to the tune of hundreds of millions of dollars by virtue of a cutback in the dairy products that will be available for distribution over the years ahead unless we do, as I believe we must do, act to correct what I believe is a very unfortunate inequity.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFORDS) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 60 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. PICKETT) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on January 28.

Mr. KLECZKA, for 60 minutes, on February 2 and 3.

Mr. KLECZKA, for 10 minutes, on January 28.

Mr. GONZALEZ, for 60 minutes, on January 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOGGS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,089.

(The following Members (at the request of Mr. JEFFORDS) and to include extraneous matter:)

Mr. BUECHNER.

Mr. QUILLEN.

Mr. ROGERS.

Mr. SHUMWAY.

Mr. ARMEY.

Mr. VANDER JAGT.

Mr. SCHAEFER in two instances.

Ms. SNOWE.

Mr. SUNDQUIST.

Mr. BROOMFIELD.
Mr. GILMAN in two instances.
Mr. RINALDO.
Mr. MOLINARI.
Mr. CONTE in two instances.
Mrs. BENTLEY.

(The following Members (at the request of Mr. PICKETT) and to include extraneous matter:)

Mr. ATKINS.
Mr. MONTGOMERY.
Mr. SMITH of Florida.
Mr. ACKERMAN in three instances.
Mr. TRAFICANT.
Mr. FLORIO in two instances.
Mr. FUSTER.
Mr. FRANK.
Mr. YATRON.
Mr. COLEMAN of Texas.
Mr. GARCIA.
Mrs. BOXER.
Mr. LAFALCE.
Mr. MOAKLEY.
Mr. MAVROULES.
Mr. MORRISON of Connecticut in two instances.
Mr. KLECZKA.
Mr. PEPPER.
Mr. LEHMAN of California.
Mr. EDWARDS of California.
Mr. LANTOS in two instances.
Mr. MOODY.
Mr. SOLARZ.
Mr. BENNETT in three instances.
Mr. BORSKI.
Mr. TALLON.
Mr. FASCELL.
Mr. ANDERSON.
Mr. BERMAN in two instances.
Mr. JONES of North Carolina.
Mrs. SCHROEDER.
Mr. WILLIAMS.
Mr. MATSUI.
Mr. LEVINE of California.
Mr. LELAND.
Mr. WYDEN.
Mr. BIAGGI in three instances.
Mr. BATES.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1193. An act to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI; to the Committee on Merchant Marine and Fisheries.

S. 1382. An act to amend the National Energy Conservation Policy Act to improve the Federal Energy Management program and for other purposes; to the Committee on Energy and Commerce.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

(Certification of correct printing of hand enrollment of Public Law 100-203 pursuant to section 8004 of this act.)

H.J. Res. 295. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

(Certification of correct printing of hand enrollment of Public Law 100-202 pursuant to section 101(n) of this joint resolution.)

ADJOURNMENT

Mr. JEFFORDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, January 28, 1988, at 11 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, BOB CLEMENT, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 100th Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. BOB CLEMENT, Fifth District, Tennessee.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2756. A letter from the Assistant Secretary of Defense (Legislative Affairs), transmitting a report, signed by Secretary Carlucci, on "Support of NATO Strategy in the 1990's", which focuses on NATO's ability to maintain its deterrent strategy through the 1990s and the implications of the INF Treaty for that strategy, pursuant to Public Laws 100-180, section 1001; to the Committee on Armed Services.

2757. A letter from the Acting Director, Selective Service System, transmitting the agency's semiannual report for the period April 1, 1987 through September 30, 1987, pursuant to 50 U.S.C. app. 460(g); to the Committee on Armed Services.

2758. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-131, "District-WMATA Easement Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2759. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-125, "D.C. Health Occupations Revision Act of 1985 Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-123, "Emergency Shelter Services for Families Reform Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2761. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-126, "D.C. Public Hall Regulation Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2762. A letter from the Director, Agency for International Development, transmitting the 1987 annual report of the private sector revolving fund, pursuant to 22 U.S.C. 2151f(h); to the Committee on Foreign Affairs.

2763. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification which involves the amendment of a manufacturing license agreement to approve the possible sale of S-70A (Military Designation UH-60) helicopters manufactured in the United Kingdom to 18 other countries (Transmittal No. MC-3-88), pursuant to 22 U.S.C. 2753(d)(3) (AECA sec. 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

2764. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Edward Morgan Rowell, of California, Ambassador Extraordinary and Plenipotentiary-designate to Portugal, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2765. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Chester E. Norris, Jr., of Maine, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Equatorial Guinea, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2766. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2767. A letter from the Administrator, Agency for International Development, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2768. A letter from the Assistant Secretary of State for Administration, transmitting the Department's notification of a new system of records, pursuant to 5 U.S.C.

552a(o); to the Committee on Government Operations.

2769. A letter from the Director, National Science Foundation, transmitting an evaluation of the agency's system of internal accounting and administrative control in effect during the year ending December 31, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2770. A letter from the Director, Institute of Museum Services, transmitting the Institute's report of its activities under the Freedom of Information Act during 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2771. A letter from the Secretary of Health and Human Services, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2772. A letter from the Secretary of Labor, transmitting the Secretary's report on competition in contracting for fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2773. A letter from the Administrator, Veterans Administration, transmitting the Department's notice of a proposal for altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2774. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting notification that the Bureau of Reclamation has approved a deferment of the 1986 construction repayment installment due the United States from Almena Irrigation District No. 5, (District) Pick-Sloan Missouri Basin Program, KS; to the Committee on Interior and Insular Affairs.

2775. A letter from the Attorney General, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar years 1985 and 1986, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

2776. A letter from the Chairman, Administrative Conference of the United States, transmitting the 1986 report of the Administrative Conference for the period January 1, 1986, through December 31, 1986, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

2777. A letter from the Chairman, U.S. Sentencing Commission, transmitting amendments to the sentencing guidelines and commentary which the Commission adopted on December 15, 1987, and January 5, 1988, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

2778. A letter from the Director, Office of Personnel Management, transmitting the 1985 edition of the agency's "Compensation Report", containing statistical and financial information on the Civil Service Retirement System, the Federal Employees Health Benefits Program, the Federal Employees' Group Life Insurance Program, and the pay programs administered by OPM; to the Committee on Post Office and Civil Service.

2779. A letter from the Postmaster General transmitting a copy of the 1987 Comprehensive Statement on Postal Operations which discusses postal programs and policies, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

2780. A letter from the Assistant Secretary of Defense transmitting notification of the decision to convert to contractor performance the computer operations and telecommunications center [TCC] function at Peterson Air Force Base, CO, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

2781. A letter from the Assistant Secretary of Defense transmitting notification of the decision to convert to contractor performance the retail sales warehouse function at Andrews Air Force Base, MD, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

2782. A letter from the Commission on Merchant Marine and Defense transmitting the Commission's second report on Merchant Marine and Defense recommendations, pursuant to 46 U.S.C. app. 1120 nt.; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

2783. A letter from the Secretary of Transportation transmitting the Department's report for 1987 on the recommendations received from the National Transportation Board regarding transportation safety, pursuant to 49 U.S.C. app. 1906 (b); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. Moody):

H.R. 3863. A bill to clarify the treatment of certain property under the amendments made by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. COLEMAN of Texas:

H.R. 3864. A bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that States which are not members of regional compacts for the disposal of nuclear waste may not locate regional disposal facilities within 60 miles of the border with Mexico; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COMBEST (for himself, Mr. Skeen, Mr. Denny Smith, Mr. Marlenee, Mr. Gunderson, Mr. Hatcher, Mr. Wortley, Mr. Lagomarsino, Mr. Boulter, Mr. Roberts, Mr. Penny, Mr. Coleman of Missouri, Mr. Ray, Mr. DeWine, Mr. Herger, Mr. Inhofe, Mr. Barton of Texas, Mr. Grandy, Mr. Emerson, Mr. Armey, Mr. Mack, Mr. Schuette, Mr. Upton, and Mr. English):

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm or for other off-highway uses; to the Committee on Ways and Means.

By Mr. de la Garza:

H.R. 3866. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm or for other off-highway uses; to the Committee on Ways and Means.

By Mr. FISH (for himself and Mrs. Boxer):

H.R. 3867. A bill to amend the Federal rules of evidence to provide an explicit hearsay exception in certain child abuse cases; to the Committee on the Judiciary.

By Mr. LELAND:

H.R. 3868. A bill to provide increased opportunities for disadvantaged business concerns to participate in procurements made by the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:

H.R. 3869. A bill to amend the act providing for the establishment of the Tuskegee University National Historic Site, AL, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OLIN:

H.R. 3870. A bill to amend the Agricultural Act of 1949 to establish joint liability for certain breaches of contracts made under the milk production termination program, and for other purposes; to the Committee on Agriculture.

By Mr. OWENS of New York:

H.R. 3871. A bill to amend part B of title IV of the Higher Education Act of 1965, relating to the guaranteed student loan programs, to reduce the high default rate under that program, and to improve debt collection under that program, and for other purposes; to the Committee on Education and Labor.

By Mr. OWENS of Utah (for himself, Mrs. Bentley, and Mr. LaFalce):

H.R. 3872. A bill to amend section 2680(a) of title 28, United States Code, to narrow the discretionary function exception to the Federal Tort Claims Act; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 3873. A bill to create the parental assistance with tuition savings certificate to assist parents in their efforts to save for their children's postsecondary education; to the Committee on Education and Labor.

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for purchases of savings bonds the redemption proceeds of which are used to pay costs of attendance at postsecondary education institutions, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FASCELL (for himself and Mr. Broomfield) (both by request):

H.J. Res. 439. Joint resolution with respect to the agreement for cooperation between the United States and Japan Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Affairs.

By Mr. HOPKINS:

H.J. Res. 440. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself and Mr. McCollum):

H.J. Res. 441. Joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself, Mr. Gunderson, Mrs. Lloyd, Mr. Fuster, Mr. Boucher, Mr. Lehman of Florida, Mr. Biaggi, Ms. Oakar, Mr. Brooks, Mr. Dyson, Mr. Smith of Florida, Mr. Traxler, Mr. Neal, Mrs. Boxer, Mr. Conte, Mr. Schulze, Mr. Gonzalez, Mr. Konnyu, Mr. Lehman of California, Mrs. Roukema, Mr. Lagomarsino, Mr. McHugh, Mr. Nielson of Utah, Mrs. Collins, Mr. Schuette, Mr. Evans, Mr. McGrath, Mr. Hughes, Ms. Kaptur, Mr. Lipinski, Mr. Howard, Mr. Hyde, Mr.

Ritter, Mr. Jones of Tennessee, Mr. Rowland of Georgia, Mr. Kostmayer, Mr. Denny Smith, Mr. Ortiz, Mr. Jones of North Carolina, Mr. Petri, Mr. Sunia, Mr. Dornan of California, Mr. de Lugo, Mr. Bliley, Mr. Towns, Mr. Fish, Mr. Watkins, Mr. Espy, Mr. Lowry of Washington, Mr. Frost, Ms. Slaughter of New York, Ms. Pelosi, Mr. Weiss, Mr. Martin of New York, Mr. DeWine, Mrs. Vucanovich, Mrs. Bentley, Mr. McDade, Mr. Frenzel, Mr. Levin of Michigan, Mr. Daub, Mr. Rodino, Mr. Roe, Mr. Gray of Illinois, Mr. Sawyer, Mr. Gilman, Mr. Dwyer of New Jersey, Mr. Bosco, Mrs. Saiki, Mr. Porter, Mr. Chandler, Mr. Miller of Ohio, Mr. Schumer, Mr. Wylie, Mr. Gephardt, Mr. Owens of Utah, Mr. Pashayan, Mr. Hefner, Mr. Hertel, Mr. Perkins, Mr. Quillen, Mr. Hochbrueckner, Mr. DeFazio, Mr. Ravenel, Mr. Wyden, Mr. Hutto, Mr. Young of Alaska, Mr. Hatcher, Mr. Skelton, Mr. Smith of New Hampshire, Mr. Miller of Washington, Mr. Pepper, Mr. Spence, Mr. Staggers, Mrs. Patterson, Mr. Wolf, and Mr. Matsui):

H.J. Res. 442. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. HALL of Ohio (for himself, Mr. Leland, Mr. Emerson, Mr. Bereuter, Mr. Dorgan of North Dakota, Mr. Gray of Pennsylvania, Mr. Lewis of California, Mr. Brennan, Mr. Smith of New Jersey, Mr. Mfume, Mr. Gunderson, Mr. Moakley, Mr. Jeffords, Mr. Berman, Mr. McDade, Mr. Bosco, Mr. Wolf, Mr. Crockett, Mr. de Lugo, Mr. Fauntroy, Mr. Clarke, Mr. Gordon, and Mr. Stokes):

H. Con. Res. 237. Concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people of Ethiopia and other drought-stricken nations in sub-Saharan Africa, and to encourage these officials to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself and Mr. Frenzel):

H. Con. Res. 238. Concurrent resolution calling for a modified freeze on Federal spending in fiscal year 1989; to the Committee on Government Operations.

By Mr. CAMPBELL:

H. Res. 350: Resolution to amend the Rules of the House of Representatives to provide that no bill may contain more than one subject; to the Committee on Rules.

By Mr. WYDEN (for himself, Mr. Markey, Mr. Rinaldo, Mr. AuCoin, Mr. DeFazio, Mr. Robert F. Smith, and Mr. Denny Smith):

H. Res. 351: Resolution urging local telephone operating companies to establish community telephone centers to provide free local service for persons who cannot afford residential telephones; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII:

263. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to the nation of Afghanistan; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 382: Mr. Lehman of California and Mr. Saxton.

H.R. 457: Mr. Staggers.

H.R. 458: Mr. Espy and Mr. Kleczka.

H.R. 573: Mr. LaFalce.

H.R. 633: Mr. Dornan of California.

H.R. 778: Mr. Gallegly.

H.R. 911: Mr. Traficant, Mrs. Byron, Mr. Duncan, and Mr. Gejdenson.

H.R. 956: Mr. Shays.

H.R. 1002: Mr. St Germain and Mr. Brown of California.

H.R. 1076: Mr. Applegate, Mr. Barnard, Mr. Daub, Mr. DioGuardi, Mr. Gallo, Mr. Jacobs, Mr. Jenkins, Mr. Lehman of California, Mr. Quillen, Mr. Shays, Mr. Sikorski, and Mr. Spence.

H.R. 1197: Mr. Jontz.

H.R. 1303: Mr. Dymally, Mr. Fazio, Mrs. Boxer, Mr. Dellums, Mr. Miller of California, Mr. Martinez, Mr. Dixon, Mr. Bates, Mr. Morrison of Connecticut, Mr. Gejdenson, Mr. Fauntroy, Mr. Evans, Mr. Savage, Mr. Atkins, Mr. Ford of Michigan, Mr. Wolpe, Mr. Vento, Mr. Towns, Mr. Owens of New York, Mr. Ackerman, Mr. Pease, Ms. Kaptur, Mr. Murphy, Mr. Ford of Tennessee, Mr. Leland, Mr. Jeffords, Mr. Swift, Mr. Lowry of Washington, Mr. Kastenmeier, Mr. Mfume, Mr. Garcia, and Mr. Torres.

H.R. 1352: Mr. Oberstar and Mr. Fish.

H.R. 1620: Mr. Gallo, Mr. Cardin, and Mr. Lantos.

H.R. 1736: Mr. Cooper.

H.R. 1770: Mr. Cooper and Mr. Stokes.

H.R. 1785: Mr. Rodino.

H.R. 1966: Mr. Fish.

H.R. 2248: Mr. Lewis of Florida.

H.R. 2260: Mrs. Boxer, Mr. Leland, and Mr. AuCoin.

H.R. 2532: Mr. Weldon and Mr. Yatron.

H.R. 2611: Mr. McMillen of Maryland, Mr. Schuette, Mr. Smith of Texas, and Mr. Miller of Washington.

H.R. 2776: Mr. Craig and Mr. Espy.

H.R. 2793: Mr. Wortley and Mr. Clinger.

H.R. 2883: Mr. Bonior of Michigan, Mr. Courter, Mr. Frost, Miss Schneider, Mr. Bustamante, Mr. Kennedy, Mr. Lehman of Florida, Mr. Stokes, Mr. Jacobs, and Mr. Ortiz.

H.R. 3044: Mr. Espy.

H.R. 3045: Mr. Espy.

H.R. 3071: Mr. Beilenson, Mr. Atkins, and Mr. Crockett.

H.R. 3119: Mr. Towns, Mr. Bates, Mr. McGrath, Mr. Akaka, Mr. Foglietta, and Mr. Smith of New Hampshire.

H.R. 3130: Mr. Feighan and Mr. Shaw.

H.R. 3250: Mr. Craig, Mr. Stump, Mr. Badham, Mr. Russo, Mr. Berman, and Mr. Murphy.

H.R. 3312: Mr. Smith of New Hampshire.

H.R. 3332: Mr. Johnson of South Dakota, Mr. Coleman of Texas, Mr. Fish, Mr. Coyne, Mr. Matsui, Mr. Schuette, and Mr. Obey.

H.R. 3374: Mr. Bereuter, Mr. Weiss, Mr. Wolpe, Mr. Richardson, Mr. Thomas A. Luken, Mr. Armey, Mr. Upton, Mr. Martinez, and Mr. Dowdy of Mississippi.

H.R. 3410: Mr. Conyers.

H.R. 3440: Mr. Bosco.

H.R. 3511: Mr. Ford of Tennessee, Mr. Bustamante, and Mr. Morrison of Connecticut.

H.R. 3553: Mr. Manton, Mr. Quillen, Mr. Hall of Texas, Mr. Moakley, and Mr. Fazio.

H.R. 3562: Mr. Erdreich, Mr. Flippo, Mr. Garcia, Mr. Gray of Pennsylvania, Mr. Lewis of Florida, Mr. Manton, Mr. Markey, Mrs. Martin of Illinois, Mr. Mrazek, Mr. Nichols, Mr. Waxman, Mr. Dixon, Mr. Hertel, Mr. AuCoin, Mr. Nowak, Mr. Conte, Mrs. Kennelly, Mr. LaFalce, Mr. Gray of Illinois, Mr. McMillen of Maryland, Mr. Ford of Michigan, and Mr. Lehman of California.

H.R. 3622: Mrs. Boxer, Mr. Lujan, Mr. Fazio, Mr. Wolf, and Mr. Hoyer.

H.R. 3698: Mr. Daub and Mr. Sharp.

H.R. 3800: Mr. McMillan of North Carolina.

H.R. 3855: Mr. Hochbrueckner and Mr. Manton.

H.J. Res. 240: Mr. Chappell, Mr. Baker, Mr. Applegate, Mr. Akaka, Mrs. Collins, Mr. Lancaster, Mr. Matsui, Mrs. Meyers of Kansas, Mr. Harris, Mr. Bliley, Mr. Gonzalez, Mr. Fazio, Mr. Evans, Mr. Cardin, Ms. Pelosi, Mr. Mineta, Mr. Fuster, Mr. Wyden, Mr. de la Garza, Mr. Mazzzoli, Ms. Kaptur, Mr. Owens of Utah, and Mr. Ford of Tennessee.

H.J. Res. 304: Mr. Shays and Mr. Bustamante.

H.J. Res. 339: Mr. Russo, Mr. Miller of Ohio, Mr. Shaw, Mr. Roemer, and Mr. Bruce.

H.J. Res. 360: Mr. Young of Florida, Mr. Boucher, Mrs. Bentley, Mr. Staggers, Mr. Weber, Mr. Cardin, Mr. Gunderson, Mr. Beilenson, Mr. Wolf, Mr. Frenzel, Mr. Sabo, Mrs. Morella, and Mr. Sikorski.

H.J. Res. 388: Mr. Hamilton, Mr. Bateman, Mr. Fish, Mr. Mazzoli, and Mr. Michel.

H.J. Res. 391: Mr. Waxman, Mrs. Boxer, Mr. LaFalce, Mr. de Lugo, Mr. Hughes, Mrs. Saiki, Mrs. Collins, Mr. McEwen, Mr. Florio, Mr. Rodino, Mr. Torricelli, Mr. Saxton, Mr. Walgren, Mr. Coyne, Mr. Bunning, Mr. Gonzalez, Mr. Rinaldo, Mr. Mazzoli, Mr. Fish, Mr. Courter, Mr. Vento, Mr. Smith of New Jersey, Mrs. Meyers of Kansas, Mr. Mrazek, and Mr. Madigan.

H.J. Res. 419: Mr. Bryant, Mr. McCloskey, Mr. Wortley, Mr. Lipinski, Ms. Pelosi, and Mr. Roe.

H. Con. Res. 227: Mr. Erdreich, Mr. Gonzalez, Mr. Hughes, Mr. Sikorski, and Mr. Vento.

H. Res. 276. Mr. Whitten, Mr. Jontz, Mr. Holloway, and Mr. Shumway.

H. Res. 290: Mr. Montgomery, Mr. Bustamante, Mr. Lipinski, Mr. Wortley, Mr. Bateman, Mr. Badham, Mr. Coleman of Missouri, Mr. Kasich, Mr. DeLay, Mrs. Johnson of Connecticut, Mr. Ireland, Mr. Bunning, Mr. Lagomarsino, Mr. Davis of Illinois, Mr. Rhodes, Mrs. Collins, Mr. Shaw, Mr. Ritter, Mr. Dowdy of Mississippi, Mr. Tauzin, Mr. Applegate, Mr. Wilson, Mr. Chapman, Mr. Penny, Mr. Jones of Tennessee, Mr. Broomfield, Mr. Barnard, Mr. Fawell, Mr. Courter, Mr. Gingrich, Mr. Porter, Mr. Chappell, Mr. Skeen, Mr. Lowery of California, Mr. Rowland of

Georgia, Mr. COOPER, Mr. ENGLISH, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. SWINDALL, and Mr. KYL.

H. Res. 338. Mr. DORNAN of California, Mr. NIELSON of Utah, and Mr. ERDREICH.

PETITIONS, ETC.

Under clause 1 of rule XXII,

114. The SPEAKER presented a petition of the County Legislature, County of Suffolk, Riverhead, NY, relative to the cost-of-living adjustment for retirees; which was referred to the Committee on Government Operations.

SENATE—*Wednesday, January 27, 1988*

The Senate met at 9 a.m. and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Father in heaven, infected as our American culture is with the spirit of materialism and its worldly wisdom, help us hear and heed the wisdom of Jesus and His prescription for true happiness: "Blessed are the poor in spirit: for theirs is the kingdom of heaven. Blessed are they that mourn: for they shall be comforted. Blessed are the meek: for they shall inherit the earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled. Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his good prayer and for the Scriptures that he quoted. Today, he concentrated on the teachings of Jesus. He told us to be humble. He called attention to the great good that comes from those who are humble, the peacemakers, those who are lowly in spirit, those who are poor. I am glad that the Chaplain recalls these Scriptures to us daily and brings us back away from the precipice of the mad rush of life causing us to focus, as we should focus, on those who are helpless, on those who are homeless, and on those who are indeed in need.

It recalls to my mind a bit of verse which, in that same spirit, reminds us of those who are less fortunate, and what is the real good.

"How far away is the temple of fame?"
  Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
  To plod on his cheerless way.

"How far away is the temple of good?"
  Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
  In its hard and cheerless way.

He was careless alike of praise or blame,
  But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
  And the temple of good are one.

For this is the lesson that history
  Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
  Are the men who live for man.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I reserve the remainder of my time until Mr. PROXMIRE has spoken.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 9:30 a.m., with Senators permitted to speak for no more than 5 minutes each.

The Chair recognizes Senator PROXMIRE.

IS U.S. ECONOMIC POLICY TORPEDOING OUR NATO ALLIES?

Mr. PROXMIRE. Mr. President, recently the distinguished Senator from Michigan, CARL LEVIN, made an extraordinarily useful contribution to the country's understanding of our national security. Senator LEVIN went right to the heart of the most widely believed myth that bedevils the free world's conventional military strength compared to Communist conventional military strength in Europe. For the first time in years, thanks to Senator LEVIN, we have before us in the Congress a serious attempt to analyze the military strength of NATO and the Warsaw Pact, not just in the simple minded terms of the number of tanks and planes and ships on each side, but in terms of the quality and effectiveness of the conventional military power of NATO and the Warsaw Pact. The Levin study shows that when all factors are considered: The numbers of weapons, the quality of weapons, the readiness on each side, the sustainability of forces, the number and quality of personnel and other factors there may be a very rough balance as of right now. This Senator intends to pursue this analysis by Senator LEVIN in detail in a series of speeches over the next month or so.

Today I will address an element of military strength that is basic, but is rarely considered. Senator LEVIN rightly includes it in his analysis. It is economic and industrial strength. Certainly this goes right to the heart of military power. And it would seem that it represents an advantage and a very big advantage for NATO. In fact, Senator LEVIN so counts it. But there is a troublesome problem here.

The January 25 New York Times reports:

> Western Europe's unemployment picture, which has been exceedingly grim for several years, is expected to grow even grimmer over the next few months, as a result of the dollar's plunge which has made American goods more competitive with European products.

The fall in the value of the dollar and the more recent resultant increase in the volume of American exports has been very good news for America in terms of unemployment, profits, and continued growth in our country. But it is bad news, in fact, very bad news, for our friends and allies in Europe and in the NATO alliance. The New York Times calls the statistics staggering. Europe's jobless rate today is 11 percent. No net new jobs have been created in Europe since 1980. Spain has unemployment of 20 percent, Ire-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

land 19 percent, Italy more than 14 percent. Even the strongest economy in Europe and the NATO anchor—West Germany—suffered an increase in its jobless rate with an 8.5 percent in November rising to 9.2 percent in December. Unemployment in France is about 11 percent.

What has this to do with West Europe's military strength? In terms of free Europe's capacity to contribute to NATO's military forces the unemployment may not be a significant factor. But think of the danger these economic very bad times could represent politically to the NATO alliance. The European forces supporting NATO have been largely lead by conservative, strongly anti-Communist governments. Those conservative governments contributed the on-the-spot military personnel, the tanks, the artillery, the planes, and the will to make economic sacrifices to provide NATO with the necessary military capability. Europe's growing unemployment could wreck much of that. New governments elected by constituencies protesting the heavy unemployment might turn away from NATO. So-called peace movements or even pro-Communist movements could slow the European military cooperation with NATO.

The strength of the NATO alliance is a consideration that few have associated with the strength of the dollar. But the connection is clear and powerful. Senator LEVIN is right in including the economic and industrial strength of our European allies as a critical element in comparing the military power of the free world compared to the Warsaw Pact. It is essential, however, that we recognize that free European economic strength is not a fixed and given basis for our reliance. It is subject to the variations in western Europe's economic growth and decline. It is subject to the political consequences of that growth or decline. It also hinges on the effect of United States economic policies on Europe—right now and especially our policies toward the value of the dollar. Of course, we should work toward a correction in our woefully adverse balance of trade, including our adverse balance of trade with Europe. But we should move cautiously and with full appreciation of the fact that while a cheaper dollar increases the volume of American exports and diminishes the competition of European imports, it also may enfeeble the military strength and will of our critically important European allies.

GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials in Tennessee newspapers supporting legislation to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Knoxville (TN) News-Sentinel, Nov. 23, 1987]

DEREGULATING BANKS

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial services is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

The measure appropriately would erect a wall between a bank holding company's banking and securities subsidiaries. That is necessary to prevent possible underwriting losses from undermining bank deposits, which are guaranteed by the federal government.

A new study by the House Government Operations Committee states that the underwriting business is dominated by five large Wall Street firms, which market 70 percent of all domestic corporate debt. Naturally these firms like the status quo and are lobbying to keep banks off their turf.

However, Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent. That would add up to enormous savings that are worth going after.

[From the Memphis (TN) Commercial Appeal, Nov. 21, 1987]

BANK LAW IS OUTDATED

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time, but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

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Mr. PROXMIRE. I thank the gracious majority leader for his generosity in letting me go ahead, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wisconsin for always being here early every morning. He is always here.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time do I have remaining under the leader's time?

The ACTING PRESIDENT pro tempore. The majority leader has 6 minutes 47 seconds remaining.

Mr. BYRD. I thank the Chair. I would like to claim that time now together with recognition under morning business.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ARMS CONTROL AND THE ATLANTIC ALLIANCE

Mr. BYRD. Mr. President, action on the INF Treaty, as the country is well aware, has commenced in the Senate, and it is certain to dominate our work, the news, and the attention of our allies, friends, and our chief adversary well into the spring. It will command the substantial energy and resources of the full Senate on this floor for a number of weeks. Such an agreement is well deserving of our attention, for it is the first major arms reduction agreement in nearly a decade.

From preliminary indications and study, I am favorable inclined toward this accord, although its complexity and import merit careful examination. We must consider carefully what this treaty represents and what lessons it will mean for the future. This treaty, whatever its merits and whatever its flaws, represents an attempt to turn back the tactics of intimidation exercised by the very same power which has cosigned this document with the United States. It is a victory for the West because we stood together under pressure by an antagonist over a long period of time.

But now we must answer this question: Where goes the alliance? Is the threat which brought us together somewhat dissipated with the advent of a dynamic, and stylistic new, PR-conscious Soviet leader? Mr. President, the success or failure of the INF Treaty is in its most important respects future oriented. How will NATO behave? How will the Warsaw Pact countries behave? What will the West need to maintain and, if possible, increase our credible deterrence of any Soviet bloc temptation to test us? I offered an amendment to the fiscal year 1988 DOD authorization bill this past September 26, 1987, asking the Secretary of Defense to analyze this question in depth and to provide the Senate with his analysis at the same time as any INF Treaty was submitted to the Senate. My purpose was not only to review this situation anew, but to make the point of the integrated nature of the INF Treaty with the future of NATO. I am pleased that the Secretary was able to produce a sound study along these lines, and I shall share the unclassified version of that report with my colleagues today.

The study addresses the full range of key questions confronting NATO, including the future of the strategy of flexible response, and the modernization of both nuclear and nonnuclear forces in Europe. It clearly recognizes that we must do better, that we must be more efficient, more creative, that we must work more closely in tandem with our allies, and, most importantly, that we must sustain the political will to take whatever steps necessary to ensure the security of our allies and our own national security. The Kremlin will certainly seek to engender an air of euphoria about East-West relations in order to undermine the resolve of NATO citizens to make difficult choices in spending for defense. The Soviets have already been quick to portray NATO modernization measures as circumvention of the INF Treaty and counterproductive to future arms agreements, while, at the same time continuing to improve their own—meaning the Soviets and Warsaw Pact countries—offensive capabilities. The report addresses in detail the tasks ahead of us, and outlines a "framework for a NATO defense program directed toward strengthening flexible response in all of its dimensions."

Mr. President, I commend the Secretary for this study. I intend to follow it up in detail and to discuss its implications with our European allied leaders over the February recess. Going with me on that journey will be the distinguished chairmen of each of the three committees which will be handling the brunt of the work in examining this treaty and its implications. I have reference to Mr. Pell, chairman of the Foreign Relations Committee; Mr. Nunn, chairman of the Armed Services Committee; and Mr. Boren, chairman of the Intelligence Committee, as well as Mr. Warner, the distinguished ranking member of the Armed Services Committee and a member of the Intelligence Committee. These Senators will accompany me, we will be examining three broad areas of inquiry; among others: First, to evaluate the candid assessments of European leaders as to the advantages and disadvantages of the INF accord; second, to discuss their assessment—the assessment of European leaders—of Soviet strategy and tactics vis-a-vis NATO during the current period and for the immediate future; and, third, to assess the implications for NATO weapons modernization, planning and arms control strategy in a post-INF treaty environment, assuming the treaty is approved for ratification. In other words, where do we go from there?

We will be meeting with European political leaders, both those in power and those in the opposition, as well as military officials, opinion makers, and experts out of government. I intend to share a comprehensive assessment of my findings upon my return and hope that it will contribute to our understanding of the virtues, and possibly the dangers, of the treaty that we have just begun to consider. The Defense Department report "Support of NATO Strategy in the 1990's," will help to focus the attention of the Senate on the ramifications of treaty enactment for the Western alliance. Does enactment of the treaty bode well for the future of NATO? That, in the final analysis, is an important point in enacting the treaty, in approving the ratification thereof—to make the Western alliance more secure for the coming decades.

Mr. President, I ask unanimous consent that this unclassified report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Support of NATO Strategy in the 1990's

(A Report to the United States Congress in Compliance With Public Law 100-180)

The Secretary of Defense,
Washington, DC, January 25, 1988.

To the Congress of the United States:

This Report is in response to requirements in the *National Defense Authorization Act for Fiscal Years 1988-1989,* of December 4, 1987, that I discuss the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s.

Our confidence in maintaining the Alliance's flexible response strategy is explained in President Reagan's January 1988 *National Security Strategy Report.* Before entering into our agreement with the Soviets we made sure that from the standpoint of the military implications of the INF Treaty, NATO's resulting force structure would be fully capable of supporting deterrence—*provided* that we vigorously pursue the necessary modernization, and make effective use of the gains in capability achieved over the last few years.

Consistent with the President's guidance, this report outlines a framework for achieving what the National Security Strategy states must be accomplished to maintain the credibility and viability of NATO forces and strategy. The U.S. is prepared to work in close consultation with our allies to carry out a NATO Defense Program to achieve these objectives.

I am confident that the Congress will support both what we propose, and the INF Treaty.

Frank C. Carlucci.

OVERVIEW

Purpose

The following report concerns U.S. and allied planning for the future security posture of the North Atlantic Treaty Organization.

It responds to the Congressional request (spelled out in the Appendix) that the Secretary of Defense discuss how Intermediate-Range Nuclear Forces (INF) missile reductions fit with NATO objectives and how they relate to the Alliance's flexible response strategy. In so doing, the report reflects consultation with NATO's Supreme Allied Commander, Europe (SACEUR) and the Chairman of the Joint Chiefs of Staff.

It includes seven supporting sections matched to specific questions from the Congress. This Overview discusses these important matters involving flexible response, defense requirements, arms control and developing programs. All involve issues which are integral to the support of NATO and America's overall strategy—aimed at bolstering deterrence, strengthening our alliances, and decreasing Soviet military advantages.

The INF Agreement

The INF Treaty provides for the U.S. and the Soviet Union to eliminate all their ground-launched missile systems with ranges between 500 and 5,500 kilometers, worldwide.

This is a major achievement for NATO and its policy. It not only represents the culmination of years of negotiation with the Soviet Union, but also years of steadfast NATO resolve in maintaining and advancing our shared security interests. At the same time, it should not stimulate a false sense of security nor become an excuse to reduce defense efforts. For decades we have included arms control as one of several measures available to improve our security posture. We have never pursued it as an end in itself.

In 1979, NATO met the rapid expansion in the dangerous nuclear missile threat to Europe with a "dual-track" decision to deploy U.S. PERSHING IIs and Ground-Launched Cruise Missiles (GLCM), and at the same time work to negotiate the reduction of Soviet INF missiles. In the 1980's, the U.S. and NATO also began comprehensive modernization efforts directed toward restoration of badly needed nuclear and conventional capabilities. Together, these initiatives will strengthen our Alliance and will enhance our security, if we are steadfast in pursuing them.

The INF Treaty contributes to NATO security in several ways. First, it will reduce the military threat to Western Europe and Asia. Under its provisions the Soviet Union will eliminate forces capable of delivering over 1600 nuclear warheads. Many of the systems have conventional and chemical warfare capabilities which, of course, will also be eliminated. For this reason, such reductions complement efforts by NATO and other allies to deal with the existing and very serious Soviet advantages in nonnuclear forces.

The removal of a complete class of missile systems will reduce the Soviet Union's ability to strike critical targets throughout Western Europe without recourse to its strategic weapons. In addition to relieving pressures on our own nuclear forces, and related command and control facilities, this should improve NATO's ability to reinforce its conventional forces during wartime by reducing the Soviet threat to air bases, ports, depots, and other facilities essential to that reinforcement effort.

Accompanying this reduction in the Soviet threat is the requirement that our side eliminate forces capable of delivering about 400 nuclear warheads. This will remove a part of our ability to strike targets in Eastern Europe and the Western USSR. Nevertheless, both East and West still will retain robust nuclear and conventional forces and capabilities, including ground-based nuclear systems as well as those carried by aircraft, ships and submarines. Significant risks to us, our allies, and friends in Europe as well as in Asia will remain.

We still have the pressing need to revitalize and strengthen our military capabilities for the 1990s, as was the case prior to the INF Agreement.

The Treaty, in addition to eliminating a category of weapons in which the Soviet Union has enjoyed a significant preponderance, will not impede NATO's ability to maintain and modernize a credible mix of nuclear and conventional forces. The United States will remain prepared to respond to aggression with its full range of forces, including its strategic nuclear arsenal, if necessary. Moreover, British and French independent nuclear forces will not be affected by the Treaty.

A second major way in which the INF Treaty promises to buttress NATO security is by enhancing the credibility of NATO as a whole and showing that our nations have the political will to make—and stand by—the tough decisions necessary to ensure our security, and to preserve our shared values.

The INF Treaty also promotes security by validating sound arms control principles. It affirms the principle of asymmetrical reductions to achieve equal U.S. and Soviet levels, which is now an important precedent for future negotiations in both the strategic nuclear and conventional fields. Moreover, the eliminations are global; they do not simply transfer the Soviet threat from one region of the world to another. And, the agreement does not rely on stated intentions, but rather on a very stringent verification regime.

The Treaty contributes to NATO's objectives. It promises to advance both NATO's military security and its political cohesion.

NATO objectives

In May 1987, the U.S. Joint Chiefs of Staff completed a review of the military significance of arms reductions. They concluded that our security interest would be served by a verifiable agreement to eliminate U.S. and Soviet INF missiles worldwide. That assessment has not changed. However, because of longstanding asymmetries, the INF Treaty must be an integral part of coordinated force planning which is designed to support our strategy. We must ensure the effectiveness and strength of NATO's nuclear and nonnuclear forces as NATO carries out INF reductions. This is a fundamental objective.

The INF Treaty preserves intact NATO's strategy of flexible response as a credible framework for deterring aggression and intimidation. To be effective, flexible response has always required that NATO possess deterrent capabilities that encompass a spectrum of possible responses to aggression. As a part of this overall deterrence posture, NATO maintains a spectrum of nuclear options which would be used to defeat an attack if needed, and to increase the Soviet risks in continuing the aggression.

It remains U.S. and NATO policy to deploy the minimum number of theater nuclear weapons in Europe required to do this job. Though its ground-launched nuclear missiles will be reduced in number, NATO will continue to maintain the forces needed to implement its strategy of flexible response and forward defense. This remains our consistent goal.

NATO military posture

Our military strengths and weaknesses are well-understood by NATO and there is consensus about needed improvements in defense capabilities. The U.S. and NATO also look to arms control where agreements will clearly support our efforts to improve security. In recent times, Congress and this Administration have emphasized armaments cooperation as another means for speeding progress in NATO improvement efforts and for encouraging more acceptance of shared responsibilities.

Our allies, in fact, do more for NATO defense than is commonly recognized, but they can and should do even better. If we are to lower the risks associated with existing and projected conventional imbalances, our European and Canadian allies must find ways to help sustain and go beyond what has been achieved in the past few years. However, our allies are also independent nations, with individual priorities. In the coming months and years, we will all need to do more than perhaps ever before to limit possibilities for weakening our common purpose.

The U.S. commitment to the Alliance mission is clear. We will retain over 300,000 troops and about 4,000 theater nuclear warheads in Europe in support of U.S. and allied forces. An allocation of U.S. Submarine Launched Ballistic Missile (SLBM) warheads remains assigned to SACEUR. U.S. and allied strategic nuclear capabilities should also improve significantly in the 1990s.

Shortcomings in NATO's military posture would have been much more severe had it not been for the greater U.S. investment in defense over the past seven years. However, basic asymmetries still exist because of the Warsaw Pact's geographic advantage in its ability to reinforce land and air forces from the USSR, and the major quantitative advantages it maintains in essentially every category of offensive forces.

Ultimately, the strength of our military posture will depend on whether NATO nations will sustain the political will to take steps necessary to ensure their security. The Kremlin will certainly seek to engender an air of euphoria about East-West relations in order to undermine the resolve of NATO citizens to make difficult choices in spending for defense. The Soviets have already been quick to portray NATO modernization measures as circumvention of the INF Treaty and counterproductive to future arms agreements, while at the same time continuing to improve their own offensive capabilities.

To strengthen our security posture and to maintain the effectiveness of the Alliance as it enters its fifth decade, NATO political and military leaders will have to work harder at not letting our citizens forget the basic lessons we have learned about Soviet respect for strength and how they are prepared to exploit weakness.

NATO plans

The nuclear and conventional modernization and improvement programs which NATO has underway are founded on consistent Alliance policy direction and extensive military planning.

With respect to nuclear forces, these requirements stem most directly from NATO's 1983 decision taken by Defense Ministers at Montebello to modernize NATO's theater nuclear force posture. The program calls for a range of measures to ensure that NATO's nuclear weapons are responsive, survivable, and effective, and on this basis the European nuclear stockpile was also reduced by over 1,400 warheads. NATO must continue with the modernization of its remaining nuclear forces. The NATO modernization programs which have high priority include: development of a dual-capable (nuclear-conventional) longer range follow-on to the LANCE surface-to-surface missile system; development of a tactical stand-off air-to-surface missile (TASM); modernization of nuclear artillery projectiles, dual-capable aircraft, and nuclear bombs; and continued improvement in nuclear security and survivability. None of these programs are constrained by the INF Treaty because the agreement in no way limits systems with ranges below 500 kilometers or dual-capable aircraft.

The NATO Nuclear Planning Group (NPG) is reviewing how the theater nuclear force posture might be further adjusted in light of the security situation following implementation of an INF Agreement.

We will be consulting with our allies in the NPG and will address such adjustments in the U.S. program and budget process. In this way we will narrow the options and focus on approaches which reinforce stability and NATO's force improvement programs.

With respect to conventional forces, the need for substantial improvements was well established long before the Soviets returned to the INF negotiating table. NATO's current Conventional Defense Improvement (CDI) program is designed to remedy or ameliorate the most critical deficiencies in our Alliance's conventional force posture, including areas relating to reinforcement, Follow-on Forces Attack (FOFA) mission, and the counter-air mission in all its dimensions. Moreover, given the massive Soviet chemical arsenal, modernization of U.S. retaliatory chemical weapons also is crucial to our ability to deter at any level of conflict. In addition to pressing ahead with these and other ongoing programs, we will explore certain adjustments to our conventional force structure as well as new initiatives for strengthening flexible response. For example, we will vigorously pursue the potential of longer range air- and sea-launched cruise missiles for a wide range of missions.

Certainly we can envision conventional forces arms control agreements that could complement—although by no means substitute for—our maintenance of an effective military posture. In that regard, the prospective NATO-Warsaw Pact negotiations designated "Conventional Stability Talks" (CST), are still a priority for NATO.

While Soviet and Warsaw Pact intransigence have stalemated the Mutual and Balanced Force Reduction (MBFR) talks in Vienna, NATO has called for the new CST negotiations to deal with the threat arising from Warsaw Pact advantages in Europe. The new talks would encompass a broader geographic zone than MBFR, from the Atlantic to the Urals. We expect East and West can agree that the goal of these negotiations should be to strengthen security in Europe by establishing a more stable balance of conventional forces at lower levels. Our interest must be in eliminating the Pact's capability for surprise attack and large-scale offensive action.

Although we have already negotiated certain confidence building measures, such as notification and observation of large military exercises, major reductions in Pact offensive capabilities are the only arms control cuts which could improve the basic security situation. NATO's conventional force posture can ill-afford sizeable reductions in its standing forces if it is to defend Alliance territory against a Warsaw Pact surprise attack. Any Warsaw Pact reductions should be large and highly asymmetrical. Small reductions, or less asymmetrical ones, would simply make the conventional force balance worse, and more unstable.

The INF Treaty provides no basis for significant changes in U.S. or Canadian force levels in Europe. These forces are the most tangible, most credible guarantee of the fundamental North American commitment to the defense of Europe. Holding our troop levels more or less constant is essential to providing an incentive for the Soviets to negotiate meaningful reductions and to maintaining and, if possible, improving the current conventional balance.

The INF Treaty heightens awareness of that balance; of persisting NATO deficiencies; of the trends in Soviet force posture; of Soviet lines of communciation and reinforcement advantages; and of the importance of stepping up the momentum behind NATO's force improvement efforts.

Some force adjustments may need to be made and are being considered as a result of the INF Treaty. However, the realities of the basic security situation in Europe exist with or without the INF Treaty. The predominant impact of the INF Treaty, in this regard, is not to exacerbate NATO's problems but rather to high-light the risks of neglecting them.

Strengthening flexible response

NATO's military posture will continue to deter. This is so because it is sufficiently robust to confront a potential aggressor with major uncertainties about the consequences of using or threatening the use of nuclear or conventional forces in an attack against NATO. But this favorable judgment is conditional. It depends upon NATO's ability to act decisively to sustain both nuclear and conventional modernization.

The NATO strategy of Flexible Response is itself a reflection of the inherent strength of the Alliance, and of the profound commitment of its members to the common defense of their citizens and of fundamental shared values. We must build on this foundation and revitalize a sense of shared priorities and responsibilities—unambiguously directed toward the absolute requirement for strengthening Flexible Response. This is our mission.

There are many ways to approach this task. We should welcome proposals which are clearly consistent with our mission. However, we cannot afford a debate about that mission. From the perspective of an accountable NATO Defense Minister, the preferred approach is a direct one. The outlines of such a program, relevant to our security in the 1990s, are quite clear. Its goal is well established. The following is a framework for a NATO Defense Program directed toward strengthening Flexible Response in all of its dimensions:

1. In strengthening Flexible Response we must confront two challenges.

First, NATO's most difficult challenge will continue to be providing adequate resources for defense.

Second, NATO's enduring challenge is exploiting the West's technological edge. We must continue to use quality in offsetting the Warsaw Pact's greater numbers. In meeting this challenge we need greater cooperation among NATO nations in all aspects of our defense programs—from research to production to increased interoperability.

2. Strategic forces must remain the backbone of NATO's deterrent. Therefore, continued modernization of systems comprising this element of the NATO Triad is essential to strengthening Flexible Response.

We are hopeful that such modernization will at some point be complemented by the limits of a strategic arms treaty, ideally achieving the 50 percent mutual reductions we have been seeking. However, we must not make our plans dependent upon such an outcome.

Under President Reagan's Strategic Defense Initiative, we also are researching the feasibility of defenses against all types of missiles—defenses which could strengthen our deterrence of attack against our allies, as well as against us.

3. NATO dual-capable forces and forward defense capability must be strengthened. This requires modernization of tactics, systems, and forces which can provide the best assurance for blocking Warsaw Pact attacks on NATO's front lines; for slowing and halting reinforcing forces; for knocking out critical targets in the enemy's rear areas; and for confronting the Soviets with grave risks if they mass troops for concentrated attack.

Achievement of a modern Follow-on Forces Attack (FOFA) capability complemented by vital offensive and defensive counter-air forces, as well as command and control, and active and passive measures for dealing with the combined air-and-missile threat must remain priority objectives. We must also thoroughly explore technology to deliver systems with modern capacity to strike deeper targets. Conventional Stability Talks (CST) may provide options for reinforcing such a strengthened posture, but in the course of such negotiations our dual-capable systems and critical conventional armaments must be appropriately protected. As in the case of START, we must not make our plans dependent on arms control.

4. NATO initiatives for strengthening our defenses must build upon what has been established in planning improvements and in modernizing our forces over the last few years. We must not slide backward. Our Canadian and European allies must take on a greater share of the responsibility we all have for protecting the gains that have been made and building upon them.

5. We must emphasize a better sense of shared priorities in every aspect of the NATO Defense Program. In so doing, we must ensure that there is sufficient balance in the total program to prevent any decisive weakness from developing for NATO or for the U.S. as a result of emphasis placed on any special interest or single priority. This requires much more long-range strategic and budget planning. The following functional management areas must be a major part of such planning. We will thoroughly coordinate priorities among them, and protect such priorities in defense budgets.

a. We must *first* maintain high-level consultations using the NATO Nuclear Planning Group (NPG) for the development of long-range nuclear policy, strategy, and forces recommendations. The aim must be to most effectively maintain the credibility, survivability, security, and safety of NATO's nuclear and dual-capable forces by implementing our modernization programs while also planning for NATO's future security.

b. *Second*, we must focus (1) on those elements of NATO's Conventional Defense Improvement (CDI) Program which have the best long-term prospects for narrowing the gap in the balance; (2) on those which can most effectively be advanced by NATO arms cooperation that results in fielded, highly leveraged systems; and (3) on those which are appropriate for our Canadian and European partners to carry a greater share of responsibility. In this respect, the U.S. approach should not be limited to NATO alone, but must embrace other allies around the world. In setting specific priorities we will seek to avoid inefficient duplicative efforts among nations, as well as military services. Opportunities will be sought for our allies to take the lead in fielding systems for certain missions.

c. *Third*, in guiding our defense preparations, NATO leaders must be creative and open-minded in identifying and refining all possible low-cost measures which can enhance security. We must develop means for ensuring that plans and tactics achieve the most deterrence for our investment. For example, we should find ways for making better use of terrain for barrier planning, and for planning greater flexibility in defensive operations.

d. *Fourth*, we also must further develop what we call "Competitive Strategies", which seek to guide our acquisition process so as to align enduring Western strengths against persistent Soviet weaknesses. Initial analysis indicates that investment in areas such as countering air-and-ground penetration and command and control operations could contribute to raising Soviet uncertainties about the Warsaw Pact's ability to successfully conduct offensive operations.

Ultimately, the future of NATO and our democratic institutions is determined by the judgments of our citizens about how best to allocate resources for their security.

This emphasizes how important it is for our political and military leaders to provide our citizens with a straightforward framework which clearly shows how their resources are applied to missions and a strategy which can be directly related to deterrence and their security. The NATO Defense Program outlined above provides a basis for strengthening Flexible Response and for gaining the support of our publics in pursuing prudent choices for the common defense.

There is no safe and easy way to avoid the burdens of assuring our security through adequate military strength. Arms control can help—as the INF Treaty shows—but only if increased security can be demonstrated to be the goal.

NATO Defense Ministers support the need to move ahead with force improvements consistent with the Montebello nuclear modernization framework and with the NATO Conventional Defense Improvement (CDI) initiative. We will move swiftly to work out the specifics in consultation with them. We will also offer the NATO Defense Program we have outlined to help tie together other elements of our planning and management to focus a revitalized sense of mission for NATO.

We will need Congressional support to advance the NATO Defense Program in the years ahead. Even though defense is likely to be confronted with increasingly constrained budgets, we must ensure—and will so encourage the NATO Defense Ministers—that the prioritized elements of an integrated program along these lines are given special attention as they compete with other priorities.

We have already established our NATO Defense Program priorities in the Department of Defense and are proceeding in their refinement. We must now consult with our allies to ensure that we are joined in a newly relevant sense of direction strengthening our security posture. Above all, we need the firm backing of our citizens, here in America and in Europe.

We need to coordinate our effort and more than ever before to deal with the two basic challenges which confront the NATO Defense Program—getting the most from (1) our resources and, (2) from our technology. Modern cooperative armaments management is a major factor in dealing with these challenges.

Cooperative armaments management

Because both the U.S. and our Allies have significant technological capabilities in areas important to the NATO Defense Program, we see increased cooperation in exploiting our collective industrial strengths to develop and field the weapons and other military assets we will need well into the future. We are taking two important steps in that direction. One involves cooperative research and development efforts, including new and continuing activities supported by the NATO Cooperative Research and Development Program, as well as new work to be carried out under the Balanced Technology Initiative (BTI). The second step involves the planned establishment of a NATO Conventional Armaments Planning System (CAPS).

The NATO Cooperative Research and Development Program was established in 1986 to support joint weapons and material development work on an equitable cost-sharing basis by the U.S. and one or more NATO Allies. Important cooperative activities involving precision guided munitions, standoff weapons, sea mines, surveillance and target acquisition applications; target identification, and NATO frigate for the 1990s have been started. Additional efforts related to air-to-air warfare, missile mobility and tactical missile systems, advanced sensors communications systems, battlefield intelligence, surface ship defense, and other areas important to the defense of Europe are currently being devleoped. To date, $445 million has been appropriated for this program.

The Balanced Technology Initiative is another new defense program that is addressing many problems of considerable importance to our NATO Allies. This program was explicitly established to support the development of technologies important to conventional defense. The program was described in detail in a report to Congress submitted in May, 1987. The estimated cost of the planned work described in the report was more than $1.5 billion over a five-year period. As the BTI program continues, we intend to develop cooperative technology development efforts—as opposed to the systems development activities of the NATO Cooperative Research and Development Program—with our NATO Allies.

The NATO Conventional Armaments Planning Systems (CAPS) is intended to increase cooperation in exploiting our collective industrial strengths and provide a framework for developing armaments plans consistent with NATO long-term planning guidelines. As a part of this effort, NATO force planning adjustments will be identified, addressed, and plans will be made to develop and field weapons and other military systems to meet mission needs. NATO has agreed to begin a two-year trial of CAPS beginning in 1988. We strongly support this initiative. CAPS will provide a much improved framework for harmonizing requirements and setting priorities directed toward strengthening Flexible Response.

The activities described above represent only a small segment of the much larger, comprehensive DoD NATO Defense Program. Included in this major defense effort are much of the DoD Science and Technology Program, numerous advanced tactical weapon and platform development programs, conventional and nuclear weapon modernization programs relevant to the European theater, and a significant fraction of ongoing communication, command, control and intelligence work. The program also includes extensive planning and training efforts to enable effective use of all of our developing capabilities. Many of the elements of the NATO Defense Program are described in detail in other sections of this report.

Conclusion

Improved cooperative armaments management is, of course, a major way of contributing to Alliance confidence and cohesion by reinforcing efficient coordination of priorities and demands made on limited resources. We must improve NATO military and political management structures across the board to ensure that we also reinforce a clear sense of shared priority and responsibility. Consultations among the military and political leaders of the Alliance remain key in that regard.

The following sections of this report provide further background on strategy, nuclear forces, and conventional forces considerations which bear on support of the NATO Defense Program and strengthening Flexible Response in the next decade. Management of modern munitions, Follow-on Forces Attack, and counter-air operations is also elaborated. Finally, the views of NATO political and military leaders, so critical to our mission, are summarized. These discussions all reflect our confidence that we have the strategic vision, the technical capacity, and the will to carry out our mission for the 1990's. We see very difficult challenges, but we have defined them, and we are prepared to face them.

SECTION I—FLEXIBLE RESPONSE STRATEGY

NATO strategic concept

The combined military capabilities of NATO exist in order to maintain security by deterring armed attack, the threat of aggression, or intimidation at any level. If deterrence failed NATO forces would seek to deny the enemy's military objectives and terminate any conflict quickly—restoring deterrence at the lowest level of violence consistent with NATO's objectives.

The military force postures of both NATO and the Warsaw Pact consist of three major elements—strategic systems, theater nuclear forces, and conventional forces. On the NATO side the posture is sometimes referred to as the NATO Triad.

By maintaining the ability to execute military options across a spectrum of conflict from conventional defense up to a large scale nuclear response, the NATO forces posture provides for deterrence. Ultimately deterrence depends on the political cohesion of the Alliance, the credibility of the envisaged response, and the willingness of all of its members to share the risks and responsibilities of collection defense.

INF Treaty and NATO strategy

The INF Treaty is fully consistent with NATO's strategic concept. The Treaty's main provisions call for the following:

Elimination of ground-launched INF missiles within three years after the Treaty enters into force.

A ban on all production and flight testing of Treaty-limited systems.

Cessation of all training, repair, storage, or deployment of Treaty-limited items after elimination is completed.

A stringent verification regime, including on-site inspections.

Elimination of a complete class of missiles eliminates Soviet preponderence is those missiles. In addition, Warsaw Pact conventional and chemical warfare capabilities associated with these missiles are eliminated. Although its land-based nuclear missiles are reduced in numbers, NATO will retain the forces with which to implement its strategy of flexible response and forward defense.

Among the elements of the Treaty which directly support our security objectives are the following:

Land/based Long-Range INF Missiles (LRINF): Since the formal talks with the Soviet Union began in November 1981, we have sought to eliminate all U.S. and Soviet missile systems in this category. Achievement of this goal is the main aspect of the INF Agreement.

Land-based Shorter-Range INF Missiles (SRINF): We have also insisted that an INF Agreement must constrain shorter-range land-based INF Missiles to prevent erosion of a LRINF missile accord by Soviet deployment of such systems. The Treaty satisfies this requirement by eliminating all Soviet missiles in this category. The U.S. has no deployed SRINF systems. The Federal Republic of Germany has unilaterally decided to eliminate its PERSHING IA missiles (armed with U.S. nuclear warheads) after elimination of U.S. and Soviet INF missiles has been achieved.

Reductions on a Global Basis: We have long insisted that any limitations on INF Missiles must be worldwide to prevent the transfer of the threat from one region to another. The Soviets have accepted this in the context of global elimination of both longer- and shorter-range U.S. and Soviet INF missiles.

Limits on Only U.S. and Soviet Systems: Throughout the negotiations, we made clear that bilateral agreements between the U.S. and the Soviet Union will not constrain Third Country forces nor affect existing nuclear programs of cooperation with our Allies. The INF Treaty is true to this principle.

No Involvement of Conventional Forces: No U.S. or NATO conventional capabilities are limited. No limits are imposed on dual-capable (nuclear and conventional) aircraft.

NATO policy development

These outcomes will, of course, require policy and planning action to develop detailed target plans, operation concepts, and other actions related to force management. NATO's Nuclear Planning Group (NPG) reviewed the implications of the INF Agreement before it was signed, and has further planning and analysis underway. In this regard, nothing in the INF missile reduction regime suggests any change in fundamental requirements for modernization and improvement which have been long established by the Alliance—prior to, and independent of an INF Agreement. The critical modernization of theater nuclear forces not limited by the Treaty remains a high-priority for NATO. In addition to nuclear planning, some adjustments and changed priorities may prove desirable in NATO's non-nuclear posture. For example, the air defense mission area is certainly no less important as a result of reliance placed on dual-capable aircraft for longer range missions. Support and attention to the Follow-on Forces Attack mission area and associated long-range conventional delivery missions are no less important.

Although many of the Soviet INF systems being eliminated have chemical capabilities, we remain faced with a substantial chemical warfare threat to all of the NATO allies from other Soviet systems. This was a problem before the INF Treaty and will remain a problem independent of the Treaty. In the absence of an adequate modern chemical retaliatory capability we continue to be forced to rely on the threat of nuclear retaliation to deter Soviet chemical attack. With or without the elimination of INF missiles our posture continues to place too much reliance on nuclear weapons to deal with the chemical threat.

Planning for NATO's future

A new challenge that faces NATO in preparing to support its strategy for the 1990s is how to revitalize the coordinated planning that will be essential to successful force modernization in the face of current budgetary problems. We must ensure that Alliance political will is reinforced by U.S. leadership and that allied solidarity remains as strong as it has been. This can be helped with long-range strategic planning, prioritization, and regular consultation—among other things.

The U.S. must offer a clear and coordinated position in such approaches. At the same time, every aspect of activity must be founded on allied participation. National program decisions will be increasingly linked through Alliance planning relationships.

We will need new initiatives to make best use of our strengths, our technology, and our limited resources. The sections of this Report which follow address various structural components which will contribute most importantly toward strengthening Flexible Response in the 1990s.

SECTION II—NUCLEAR FORCES FOR EUROPE

NATO nuclear planning

For 20 years, NATO's Nuclear Planning Group (NPG) has provided a forum for NATO Defense Ministers to discuss and provide strategic direction to the Alliance's nuclear policy and posture. The NPG and its subordinate body, the High-Level Group, worked to help formulate NATO's December 1979 "dual-track" decision on INF deployment and arms control negotiation.

In 1983, the NPG agreed on modernizing NATO's theater nuclear force posture. This included appropriate reductions in NATO's nuclear stockpile in Europe. Specifically, they identified critical modernization needed, independent of the INF Treaty, to maintain a credible deterrent posture. The resulting program is designed to ensure the remaining warheads and their delivery systems will be responsive, survivable, and effective in the modern environment. The associated warhead withdrawals, in conjunction with an earlier reduction of 1,000 warheads, will bring NATO's stockpile in Europe, following INF reductions, to about 4,000 nuclear weapons.

The main elements of this NATO theater nuclear force modernization program are now as follows:

The development of a Follow-on to the LANCE (FOTL) surface-to-surface missile with increased range, improved accuracy, and improved operating characteristics;

The development of a standoff Tactical Air-to-Surface Missile (TASM);

The modernization of NATO's Artillery-Fired Atomic Projectiles (AFAPs); and

The continued modernization of NATO's dual-capable (nuclear-conventional) aircraft and associated nuclear bombs.

In addition to these measures, the modernization program also provides for correction of maldeployment of nuclear capabilities among and within regions; improvements in the survivability of NATO's nuclear forces; and improvements to their command and control.

For the United States, the Secretary of Defense, as a member of NATO's NPG, has consistently joined NATO Ministers in endorsing this Alliance modernization plan and the "Montebello" framework for the implementation of its range of measures. Many are in progress, but decisions are needed on a number of development programs in order to maintain the momentum of this priority NATO effort.

Strategic systems posture

U.S. forces provide the backbone of the strategic deterrent. United Kingdom and French forces are also part of the strategic equation, although France still remains outside of NATO's formal military structure. In addition, the U.S. commits Submarine Launched Ballistic Missile (SLBM) warheads to SACEUR's plans. Continued modernization of strategic systems is essential for support of NATO strategy in the 1990s.

NATO theater nuclear systems posture

The INF Treaty does not place any limits on nuclear missiles above the range of 5,500 kilometers. Also, Sea-launched and Air-launched Cruise Missiles are not limited. Dual-Capable Aircraft (DCA) which carry nuclear and non-nuclear bombs, and Air-to-Surface Missiles (ASM) are not limited. Short-Range Nuclear Forces (SNF) under 500 kilometers range are not limited. This includes ballistic missiles and artillery capable of firing nuclear projectiles—Artillery Fired Atomic Projectiles (AFAP). It does eliminate ground-launched Longer-Range INF (LRINF) including the SS-20, and Shorter-Range INF (SRINF) missiles.

Needed improvements in our conventional capabilities would help deal with the threat posed by Soviet systems in all the foregoing categories. Just as ours, Soviet systems in this category are essentially all dual-capable and as much a part of the conventional balance as the nuclear balance. Most of theirs pose a chemical warfare threat, as well.

With this said, the Soviets are expected to maintain their vast numerical superiority in the SNF category of missile systems for the foreseeable future. In addition to the 70 kilometer Soviet FROG, the greater range SS-1 (SCUD B), SS-21, and follow-on missiles will continue to present a formidable threat to many NATO airfields, command and control centers, and other facilities. We are not planning to try to directly match this Soviet superiority with our own force of dual-capable systems. However, we will give priority attention to the quantity and quality of capabilities we do have available, or might have, and to the modernization of all our systems. We will also give priority to conventional forces mission areas which can help to offset this threat. That includes, in particular, the FOFA and air defense mission areas—including defensive and offensive counter air, survivability measures, and command and control.

At the same time, conventional arms control proposals which might seek to reduce or limit dual-capable armaments also require careful attention in order to protect fundamentally important NATO capabilities which can be conventional as well as nuclear.

Sections III, IV, V, and VI of this Report elaborate on non-nuclear capabilities which address these objectives.

Planning for NATO's future

The NATO Nuclear Planning Group (NPG) is reviewing how NATO's nuclear force posture might best be readjusted in light of the security situation following implementation of an INF Agreement. This review is aimed at ensuring NATO retains an appropriate spectrum of nuclear capabilities and options.

The Secretary of Defense is prepared to ensure a high-priority for all aspects of the NATO "Montebello" modernization framework, as development programs mature and consultations with our allies proceed. The following views will bear on the evolution of this planning. They address specifically (1) Follow-on to LANCE, (2) the Tactical Air-to-Surface Missile, and (3) Artillery-Fired Atomic Projectiles.

1. Follow-on to LANCE

We should seek to lift the Congressional restriction on development of the Army Tactical Missile System (ATACMS) as a nuclear follow-on to LANCE (FOTL), and that we should seek to implement this modernization element. A combination of MLRS and the ATACMS would offer savings in time to develop the program, in force structure, and in overall costs.

2. Tactical Air-to-Surface Missile

We should make development of Tactical Air-to-Surface Missile (TASM) a high priority.

3. Artillery-Fired Atomic Projectiles

We should continue to seek legislation to remove the Congressional restriction limiting further production of modern artillery-fired projectiles (AFAPs), which are required, as a minimum, to replace deployed older weapons.

As we proceed to evaluate specific systems and programs to support the NATO requirement for theater nuclear modernization it is increasingly important that our overall planning with respect to theater nuclear capabilities, NATO conventional forces, and any arms control proposals is coordinated.

In that regard, it is crucial that we improve NATO's conventional forces in areas which can counter Warsaw Pact theater nuclear systems. This strengthens the conventional conponent of the NATO Triad and also helps deal with potent Warsaw Pact dual-capable threats.

Status of systems

Some relevant U.S. programs which bear on consideration of the NATO theater force posture are outlined below. Many of these systems are dual capable, and therefore can contribute to capability needed in a non-nuclear environment. They include LANCE, TASM, AFAPS, Bombs, DCA, Communications, and SLCM. Allied aircraft and other systems are not included.

1. LANCE and Follow-on to LANCE (FOTL)

The LANCE is a dual-capable, liquid-fueled missile. Deployed with U.S. forces in Europe in 1973, it is also assigned to the ground forces of five NATO allies. The FOTL is a development program to offer increased range, improved safety, force structure savings, and improved survivability and reliability. Survivability would be enhanced as compared to LANCE.

The Army Tactical Missile System (ATACMS) is a conventional missile to be fielded for use with the MLRS. There is a Congressional restriction that precludes a nuclear warhead for the missile. However, study of a nuclear ATACMS concept is permitted. This system could be used to fulfill the FOTL requirement. However, this would require funding and immediate lifting of all Congressional restrictions.

2. Tactical Air-to-Surface Missile (TASM)

TASM is a development program to provide both U.S. and allied dual-capable aircraft (DCA) with the capability to attack high value, heavily defended targets throughout the theater. Currently, NATO's DCA can deliver several types of gravity bombs, but have no standoff nuclear delivery capability—that is, the capability to attack targets without having to penetrate enemy air defenses. Development of a TASM compatible with U.S. and Allied DCA would extend the range of target coverage of these aircraft, improve their in-flight survivability, and allow widespread allied participation in NATO's nuclear forces capable of executing longer range missions.

3. Artillery-Fired Atomic Projectile (AFAP)

AFAPs provide a combination of accuracy, low-yield, and responsiveness that could help defeat large enemy force concentrations near friendly troops. They are deployed with ground forces of eight NATO countries. There are currently several types of AFAPs in the NATO stockpile. These include the older 155mm and 8-inch howitzer system projectiles as well as the modern 8-inch AFAP.

Modernized AFAPs provide significant improvements in security, effectiveness and range compared to the older systems. Currently, we are limited in the total number of modernized AFAPs which can be in the U.S. inventory. This is because of legislation placing a ceiling on total production of such new weapons. Due to this restriction a substantial number of the older AFAP systems must be retained indefinitely in the stockpile in order to meet current requirements and deployments.

4. Nuclear Bombs

The Nuclear Bomb Modernization Program involves replacement of older bombs with modernized bombs. It is directed toward improving the overall safety, security, and effectiveness of the nuclear bomb stockpile. This program is funded, but has been slowed due to Congressional cuts in the DoE and DoD budgets.

5. Dual-Capable Aircraft (DCA)

Three U.S. DCA (the F-111, and F-16 and F-15E) are, or will be, available for employment in NATO.

Currently, F-111 aircraft are deployed at two bases in the UK. Additional aircraft are based in the western U.S. All of these continental U.S. (CONUS-based) F-111s could be used in a conventional role; these aircraft also are available for employment by U.S. commanders in other theaters and provide a rotation and reinforcement base for the worldwide F-111 force. The F-111s provide NATO's only conventional interdiction capability at longer ranges.

The F-15E is a new, long-range interdiction fighter-bomber variant of the F-15 air superiority fighter. It will deliver the full range of precision-guided conventional weapons and tactical nuclear weapons in day or night, and under all-weather conditions. The F-15E will begin entering the force in the early 1990s. These aircraft will significantly augment the capabilities of NATO's DCA, albeit at shorter ranges than F/FB-111s.

The F-16 is a multi-role fighter which is capable of performing close air support, interdiction and air superiority tasks. The F-16 has less range than the F-15E. However, like the F-15E, the newest models will have the capability of delivering precision-guided conventional weapons and tactical nuclear weapons by day or night, and under all weather conditions.

6. Command, Control and Communications

A high priority program to strenghten the survivability of nonstrategic nuclear force communications is deployment of MILSTAR (an EHF satellite system).

7. Sea-Launched Cruise Missiles (SLCM)

The U.S. SLCM is a subsonic, winged missile designed for four different configurations: conventional antiship, conventional land-attack, conventional submunition land-attack, and nuclear land-attack. TOMAHAWK variants are capable of being launched from armored box launchers on surface ships, vertical launchers on submarines or surface ships, and torpedo tubes on submarines with the requisite fire control suite. The nuclear variant of the TOMAHAWK Land-attack Missile (TLAM/N) was introduced in 1984.

The mission of TLAM/N is to enhance the U.S. world-wide nuclear deterrent, and deter Soviet nuclear attack on U.S. naval forces. The TLAM/N concept of operations envisions that the system constitutes an important nuclear capability, but one which should not detract from the ability of general purpose naval combatants to execute critical sea control missions in wartime. Ultimately, the responsiveness of the TLAM/N is dependent both upon the degree of prior mission planning and upon coordination in execution.

SECTION III—NON-NUCLEAR FORCES BALANCE

NATO non-nuclear force posture

NATO is a defensive Alliance facing an adversary postured with significant offensive potential. This potential is characterized by in-place force ratios that substantially favor the Warsaw Pact in main battle tanks, artillery, and numerous other categories of capability including dual-capable (nuclear and conventional) missiles and other Warsaw Pact systems. The potential exists for Pact forces to mount an offensive with high relative force ratios that could overwhelm NATO defenses through concentrated attacks at times and places of the attacker's choosing.

NATO nations program conventional forces to successfully counter a limited non-nuclear attack, and to help deter larger non-nuclear attacks by confronting the aggressor with the prospect of non-nuclear hostilities on a scale that would involve a grave risk of escalation to the use of nuclear capabilities. Should aggression occur, NATO's conventional forces are designed to provide a coherent forward defense. They must afford the flexibility necessary for political control and decision-making, under all circumstances.

NATO relies upon the combination of its full range of non-nuclear, nuclear, and dual-capable (nuclear-conventional) capabilities and its flexible response strategy to deter. Risk assessment is ultimately a continuous subjective process that is carried on in the Department of Defense and Alliance planing headquarters, as well as by political authorities. Supporting analytical inputs vary considerably, depending on assumptions about resources, leadership, warning time, training, mobilization, and uncertainties about political decisions as well as the confusion of the battlefield.

Such analysis done in support of force planning and arms control activities does consistently demonstrate the large Soviet advantages in numbers of forces and quantity of armaments. NATO forces are stretched thin, by comparison. Therefore, our focus in evaluating the balance is on (1) what the significant NATO deficiencies are in that regard; and (2) how to prioritize programs to achieve improvements directed at the most critical deficiencies.

The area of conventional capability is quite complex in terms of planning, programming, and budgeting, to say nothing of measuring "the balance". First, many nations are involved in the NATO force planning context. A variety of national capabilities, doctrines, and programs must be fitted into an overall international military structure. Second, for the U.S., planning must cover worldwide requirements and fit into an integrated global strategy, in addition to European Theater needs. Third, planning involves not only force structure (units, systems, and manpower) but must also provide for a balance of capabilities including the state of readiness of the forces; sustaining them in combat; in some cases, moving them to Europe with reinforcement capabilities; and, finally, investing sufficiently in research and development so that future force structure will be sufficiently modernized to be viable in future environments.

Weighing all these factors, and others, our judgment with regard to NATO forces is that although conventional capabilities have improved over the past few years, major limiting factors remain.

Apart from elimination of certain Soviet INF dual-capable missiles, the INF agreement will not affect the current inventory of conventional force capabilities. However, remaining NATO and Warsaw Pact theater nuclear forces (not banned by the INF Treaty) are essentially all dual-capable (nuclear-conventional). Thus, NATO improvements or Warsaw Pact threats in the nuclear area impact on capabilities in the conventional area, and vice versa. Taking dual capability into account, some adjustments among priorities will prove desirable to accord with the evolving military situation.

Planning for NATO's future

We particularly support current and planned improvement programs in key areas of deficiency and where they provide us leverage. Programs in areas which enhance NATO capability receive high priority in the U.S. Defense Program. To the extent possible, many such programs will be undertaken in cooperation with the allies to take advantage of cost-savings and inter-operability benefits realized through cooperative development, production and logistic support.

NATO Defense Ministers, in pursuing Conventional defense Improvements (CDI), are agreed on planning in accord with nine critical conventional priorities. We are following these baseline priorities carefully, but they will require further refinement and prioritization in planning for the 1990s.

The U.S. must continue its efforts to fulfill security assistance program goals in the Southern Flank Region. These programs support weapons modernization in Greece, Portugal and Turkey as well as help cement cooperative defense arrangements. Security assistance to these NATO allies remains a high priority, even though the programs are under increasing pressure because of overall reductions in the Foreign Assistance Budget.

In reviewing these priorities we also need to consider other factors, for example, the U.S. has a commitment to field ten divisions in Europe within ten days of a mobilization decision. Important to this goal are programs such as POMCUS, strategic lift, host nation support, and unit readiness.

NATO's conventional defense improvements must upgrade NATO's capability to defend both its nuclear and conventional forces. In addition, our chemical modernization program is designed to give NATO a more credible chemical retaliatory capability and reduce our reliance on nuclear weapons to deter a chemical attack. A priority is production of modern binary munitions capable of safe, rapid deployment wherever required. We are also proceeding with important programs to improve our defensive capability for individual and unit protection and decontamination.

We must not seek to further focus well established CDI and other U.S. priorities to ensure we are best investing for the 1990s. In addition to consideration of priorities among these improvements, we intend also to address overall requirements in the context of the recently developed DOD "Competitive Strategy" (CS) initiatives.

Competitive strategies

Work of the first DOD Competitive Strategies Task Force led to a series of recommendations which could improve NATO's military position in relation to the Warsaw Pact. These proposals can complement the CDI and other priorities for strengthening Flexible Response by guiding our acquisition process so as to align enduring strengths against persistent Soviet weaknesses.

Through analysis we are looking for ways to channel long-term military competition into areas where the Soviets function ineffectively and where they obtain minimum results for given costs in time, effort, and money. To enhance deterrence, the recommendations aim at altering the Soviet perception of the correlation of forces and raising the level of Soviet uncertainty about their ability to conduct a successful offensive in the European theater. Should deterrence fail, the proposed programs and strategies would strengthen Flexible Response.

Recommended competitive strategies which we are actively addressing focus on Soviet command and control operations and countering Soviet air and ground penetration capacity. These concepts take advantage of the Soviet requirement for strict time management and maintenance of high tempo operations. NATO advantages in data automation and processing, target acquisition, and intelligence fusion and dissemination can be used to exploit this dependence and provide a springboard for more effective use of NATO's conventional capability.

Soviet lack of success in redressing this program would force them to compete in an arena in which they recognize they have serious weaknesses. Proposals from the Task Force which we are examining in this area offer an improved military capability reflecting a combination of new doctrinal and organizational approaches, innovative operational concepts, existing systems, and emerging technologies. The aim is to channel competition into areas in which we can take advantage of core, long-term strengths enjoyed by the Alliance.

Highlights of four initiatives are as follows:

Countering Soviet Air Operations: The Task force recommended that NATO, led by the United States, enhance its offensive capabilities against Soviet sortie generation by developing a phased attack on the Soviets' main operating bases and air infrastructure led by unmanned aircraft. From a defensive air perspective, the task force recommended measures to strengthen the integrity of NATO's air and ground operations.

Countering Soviet Penetration of NATO Forward Defenses: The Task force recommended developing an asymmetric force capability comprised of an integrated network of long-range, mobile weapons platforms and target acquisition and command and control assets capable of engaging Soviet mobile targets beyond the range of Soviet artillery and Multiple Launcher Rocket Systems.

Stressing the Warsaw Pact Troop Control System: The Task force recommended frustrating Soviet tactical operations by blocking preplanned options. This would force communications to the operational level where a replanning capability exists. By use of direct attack, special operations, and deception, NATO could counter the Pact's ability to devise and execute operational responses.

Countering Soviet Global and Multitheater Operations: Finally, to exploit Soviet aversions to a multitheater, protracted conflict, the task force recommended developing an offensive warfighting capability for conducting large scale joint and combined conventional offensive military campaigns.

As we develop our broad strategic thinking and address the conventional force posture, we must increasingly tie together our strategic perspective focused on flexible response with (1) our approach to conventional and strategic arms control, and (2) the NATO force planning process.

Conventional arms control

For two decades NATO has worked at meaningful conventional arms control in Europe directed toward improving the Alliance security posture. The guiding principle is that the Alliance will not settle for essentially cosmetic outcomes which can result in a false sense of security and no real improvement in stability.

From the beginning, it was on this basis that NATO insisted, first, that the Soviet-proposed European Security Conference (now CSCE) address human rights and other fundamental East-West differences along with building confidence and increasing security in Europe. Second, NATO insisted that before any of its members would participate in such a conference, specific military issues must be addressed. Thus, NATO demanded initiation of talks on Mutual and Balanced Force Reductions (MBFR) in Central Europe. Both negotiations began in the early 1970s.

In the CSCE arena, in 1975, a "Helsinki Accord" was concluded. It contained *inter alia* a security "basket" that required prior notice of certain military maneuvers and encouraged participants to invite observers to such exercises. This was a modest approach to improving stability through confidence-building measures (CBMs).

With respect to the sister MBFR talks, the focus has always been on improving stability at negotiated lower levels of forces. In other words, actual force reductions were the aim, as opposed to confidence-building measures being addressed in CSCE.

By 1986 the Stockholm Conference (Conference on Confidence- and Security-Building Measures and Disarmament in Europe, or CDE), continuing the Helsinki process, reached agreement on a more ambitious, though still modest, package of CBMs. The most significant aspect of this agreement is the inclusion of all Soviet European territory to the Urals. After years of Soviet insistence that Soviet territory must be a sanctuary from the European security equation, that barrier was broken.

This approach to CBMs continues through the CSCE process at the current Vienna Review Conference. NATO countries have agreed that additional confidence-building measures may improve stability. If a balanced outcome at Vienna can be achieved, most importantly including improvement in Soviet human rights performance, it appears that all 35 participating CSCE states will agree to new negotiations in 1988 on more confidence-building measures. We support this.

In the MBFR talks, negotiations have continued for fourteen years. During most of that period the Warsaw Pact refused to discuss current force levels. This meant that there was no way to agree on the size reduction required to reach equal ceilings. In December 1985, NATO proposed dropping its requirement for agreed data, and advanced the idea of taking small asymmetrical reductions. Determining existing force levels through an exchange of data and verification would follow. Then both sides would later reduce to parity within a defined geographic area in Central Europe. The Soviet Union has not yet seriously responded to this proposal.

Having established the principle that all of Europe "from the Atlantic to the Urals" is subject to military measures, NATO called for conventional arms control negotiations covering forces of both alliances in that wider area in 1986. Indeed, continued Warsaw Pact force buildup and modernization, force restructuring, doctrinal changes and considerable improvement in reinforcement capabilities have made it imperative that Soviet forces in the wider zone be addressed if an agreement on conventional forces is to insure security.

By February 1987, all countries of both alliances began meeting in Vienna to negotiate a mandate for these conventional forces negotiations. They are expected to begin in 1988.

At the mandate discussions, NATO and Warsaw Pact nations have agreed on objectives as follows: "to strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attacks and for initiating large-scale offensive action."

Difficult work remains to be done in reaching agreement on armaments and forces subject to negotiation. NATO participants have stated that nuclear weapons will not be included. The Warsaw Pact began by insisting upon inclusion, but their position is no longer clear.

The record of the last fifteen years shows how the U.S. and NATO are committed to working at conventional forces arms control which supports NATO's security interests and improved stability in Europe. Because of the large asymmetries in offensive forces, especially in tanks and artillery, such agreements require substantial reductions in Pact combat capability in forward deployed forces. Small reductions even at favorable ratios would not be in NATO's interest because (a) such reductions do not alter the Warsaw Pact's fundamental advantages, and (b) because they immediately and directly affect NATO's already limited conventional capabilities. The likelihood that the Soviet Union will accept the kind of agreement that protects NATO security interests cannot be predicted. For our part, we will place no reliance on the outcome of such negotiations until it is actually achieved, and a treaty ratified.

Negotiations of this type involve 16 sovereign NATO nations. A Western proposal must be agreed upon by all and take into account a range of security and political concerns. The details of Western proposals are being discussed in a High Level Task Force chaired by NATO's Assistant Secretary General. Not all details have been settled, but there is a remarkable convergence of views. All agree that reductions can help improve stability but cannot in themselves achieve stability. All agree that to be acceptable, reductions must be highly asymmetrical and large on the Warsaw pact side. Moreover, the massive concentration of Soviet invasion forces in Eastern Europe will have to be significantly reduced. All agree that any agreement must be subject to extensive verification measures and other measures that will contribute to stability. Finally, all agree that a negotiated outcome must not weaken our nuclear deterrent capacity.

Our objective is to reduce offensive capabilities, which means the major ground invasion forces of the Warsaw Pact. However, there are substantial risks for NATO in measures in which armaments are involved in such negotiations. Our goal must be strengthened Flexible Response. SACEUR views are an important consideration in our approach to these talks, and are summarized in Section VII.

NATO force planning

U.S. planning and programming, NATO's coordinated planning, and the budget processes of all the NATO members are increasingly interconnected. For the 1990s they must be better structured to respond to Alliance consensus on goals, objectives, and specific programs responsive to strategic guidance.

As we proceed in seeking to exploit NATO strength, we will take care to work within these integrated national and international force planning structures but we will and must address new initiatives and approaches to solving our complex security problem. In so doing, we will want to reduce the danger of using our limited resources inefficiently. This is possible if we: (1) avoid acting without adequate international consultation; and (2) seek to strengthen the established strategic planning and program budgeting systems to make them more responsive to integrated strategic thinking. A simple framework for our NATO Defense Program is key to this.

In order to advance and refine CDI priorities as well as new initiatives based on a NATO strategic framework for the 1990s, we must see that they are coordinated and reflected in specific force proposals by the NATO Military Authorities. NATO Military leaders propose force plans based on the senior NATO Military Committee's Annual Military appreciation, and detailed annual combat-effectiveness reports by each of the three Major NATO Commanders (SACEUR, SACLANT and CINCHAN). NATO force goals for each country, covering a six-year period, are taken into account in those inputs. The goals deemed to be of particular importance for CDI are not "highlighted", and nations have undertaken to make more efforts to implement such "highlighted" goals. The U.S. has been a leader in this process.

We must work to keep this process responsive and modern, tailored to shared sense of priorities throughout NATO and its supporting orgainzation.

SECTION IV—ADVANCED CONVENTIONAL MUNITIONS

Role of advanced conventional munitions (ACM)

Modern technology has permitted great strides in improving conventional system capability and we intend to do more to make best use of our technology. However, in a NATO versus Warsaw Pact confrontation, theater nuclear capabilities form a unique element of the Alliance deterrent. NATO must sustain the capability of forward-based and land-based systems for delivery of nuclear weapons against a wide variety of targets. These include direct defense capabilities with short-range nuclear weapons, nuclear weapons which put massed concentration of Warsaw Pact forces at risk, and weapons which can engage critical targets at longer ranges. At the same time NATO must strengthen its forward conventional forces and give its ground forces greater battle depth and flexibility through modern fire support. It is here that ACM are important, not as substitutes for nuclear fire power.

We believe our allies can cooperate significantly in joint efforts involving ACM in what we call Competitive Strategies. We remain sensitive to NATO's weaknesses and to the Warsaw Pact's established advantages—its quantitative superiority, in particular. However, new opportunities exist for executing Competitive Strategies which attack Soviet weaknesses rather than attempting to match their strengths. ACM can provide options in this regard, but are certainly not an exclusive solution. In any event they have wide application on the modern battlefield.

Allied cost-sharing

Some examples of cooperation among the allies in the application of ACM technology are as follows:

Advanced conventional munitions [ACM]	Sharing allies	Application
Multiple-launched rocket system/terminally guided warhead [MLRS/TGW].	United States, United Kingdom, Federal Republic of Germany, and France.	Antiarmor.
155mm autonomous precision-guided munition [APGM].	Canada, France, Germany, Italy, the Netherlands, Spain, Turkey, and United States.	Antitank.
Modular stand-off weapon [MSOW].	United States, United Kingdom, Federal Republic of Germany, Canada, Italy, and Spain.	Multiple.
Infrared Maverick (65–D)	Italy, Denmark, Germany, the Netherlands, Turkey, and Spain.	Antiarmor.
Antitactical missile [ATM]	Germany and United States	Air defense.
Under the Conference of National Armaments Directors [CNAD], resides cadre group AC/310, that is presently setting up an information center that will contain technical information that NATO ACM engineers/scientists will be able to draw from when designing insensitive/high performance munitions.	France, the Netherlands, United States, United Kingdom, Federal Republic of Germany, and Norway.	All.

Cost-sharing with our NATO allies is already an ongoing, integral aspect of advancing ACM programs. These efforts have been given impetus by FY 86 and subsequent NATO Cooperative Research and Development legislation promoting cooperative programs. NATO allies are actively engaged in cooperative ACM programs that span the acquisition arena from technology through procurement. The potential exists to do more.

Applications

Many types of munitions and systems fall into the general category of ACM. Thus, applications are not restricted to a single mission area. The foregoing table shows that ACM contribute to the Follow-on Forces Attack (FOFA) mission, discussed in Section V; they are part of our modernization of air defense capabilities, discussed in Section VI; and could also be involved in some cases in dual-capable (nuclear-conventional) systems.

Without a doubt ACM contribute in a most important way to the munition, or lethal end of the FOFA capability. However, as is elaborated in Section V, the application of lethal technology to a target involves advanced sensors, fusion capability, and target acquisition means as much as it does and advanced conventional warhead.

Cost-effectiveness

No general assessment can be made about cost-effectiveness in this area of technology application. It depends on the total concept; strategic and tactical objectives; and on the relative effectiveness of each weapon against specific targets. This becomes more apparent in the discussion of an overall concept employing ACM, such as FOFA, described in Section V.

A potential "effective" application for ACM could focus on a Competitive Strategy based on a "Win Early" concept. Under this concept, if our adversary chooses to strike, our response would be to attack his most vulnerable points using ACM. Our success would be dependent upon our ability to identify critical targets and destroy them through selective application of modern conventional munitions in the early days of the conflict. This solution is directed toward rapid attrition of targets having a high payoff.

If we consider the prospect of converting all of our munitions to ACM, this might well be extremely "cost-effective". However, no sophisticated analysis is needed to show that we could not afford to do this no matter how effective the result. Total ACM substitution of the current US $70B stockpile could well cost hundreds of billions. An affordable option, as called out in a "Win Early" strategy, is to utilize our new modern munitions in a way to allow an early transition to the standard stockpile, thereby limiting the total number of ACMs needed to do the job. This solution envisions significant application of modern munitions during the early days of a conventional conflict in Europe. These modern munitions would attack those enemy targets that pose the greatest threat to the survivability of our delivery systems and maneuver units. By engaging the enemy's critical targets early in the war, we would be able to efficiently transition to the employment of the standard stockpile. As our forces become more survivable and the critical enemy target capabilities are reduced, the mix would shift from the utilization of moden munitions to larger quantities of the standard munition.

Planning for the future

The US approach to Advanced Conventional Munitions is managed through the Department of Defense Conventional Munitions Master Plan (CMMP). This planning offers integration, and coordination for the development and acquisition of conventional munitions. It provides programmatic information and analyses on munitions-target pair, that is, those modern munitions or combinations of modern munitions that have been designed and are best suited to defeat specific target types. The planning activity ensures that critical issues associated with conventional munitions are given high-level attention. It also calls for tradeoff analyses to be conducted between specific ACMs in which one conventional munition is substituted for another with the objective of optimizing our potential on the battlefield.

Development of the Master Plan provides the basis for orchestrating a "Win Early" competitive ammunition strategy and produces a document that addresses the feasibility and cost-effectiveness of applying a proper mix of ACMs to the problem of conventional force imbalance. NATO cooperative programs and opportunities are addressed as part of the overall planning objective.

The CMMP is designed to create an affordable, effective mix of conventional munitions in support of our strategy. The Plan addresses near- to long-term objectives through: (1) procurement and/or product improvement of selected modern munitions; (2) accelerated development and/or preplanned product improvement programs; and (3) acceleration of promising munitions R&D programs which have potential for defeating next generation threats. Output from the Department of Defense Balanced Technology Initiative (BTI) is also used to introduce matured technologies into our conventional munitions, and becomes an integral part of the CMMP.

We anticipate the full implementation of the CMMP by April 1988. It will serve as the basic DoD document to guide and support planning to best utilize conventional munitions of every type to achieve a "Win Early" strategy and support our overall modernization efforts.

SECTION V—FOLLOW-ON FORCES ATTACK

The concept

The aim of Follow-on-Forces Attack (FOFA) is to significantly strengthen NATO's forward defense. The concept employs non-nuclear systems and capabilities, including advanced conventional munitions, to help stop the advance of enemy forces. It is a technical and military approach, in this case, designed to delay, disrupt and destroy enemy forces. The concept calls for an improved posture to engage the aggressor at longer range by integrating advanced and emerging technologies into established conventional forces.

FOFA should be viewed as a targeting strategy that supports an overall requirement to interdict an enemy's capacity to launch and sustain an attack. It is one means by which numerically inferior NATO forces can counter numerically superior opponents. In this regard it is a primary focus of the interdiction campaign. It is not a new concept. NATO has always faced the need to conduct such interdiction operations to restrict an agressor's capacity to introduce forces at the Allies' forward line of defense.

Advances in sensor, microprocessing, communications, and munition technologies now make it possible to develop the capabilities to reduce to manageable proportions the number of enemy forces arriving at NATO's battle lines.

FOFA involves operations which employ air-to-surface and surface-to-surface weapons to attack enemy reinforcements and supporting elements enroute to the forward battle area. We combine acquisition, targeting, C^3I and attack systems to mount an integrated interdiction campaign. The FOFA area of operations stretches from just behind the front lines as far into the enemy's rear as our target acquisition and weapon systems capabilities will permit.

Such technologies are now embodied in systems currently in full-scale development and will be entering the inventory starting in 1989. The Advanced Conventional Munitions programs discussed in Section IV support the advance of the FOFA concept.

Employment of conventionally-armed Sea-Launched Cruise Missiles (SLCM) carried on naval combatants in support of SACEUR missions can also contribute to FOFA operations. Employment of SLCMs as well as Air-Launched Cruise Missiles (ALCMs) and other concepts will be thoroughly explored as part of our Competitive Strategies approach.

U.S. and NATO planning for the future

Complementary planning for the FOFA concept is maturing in the U.S. and the Alliance. SACEUR is now developing an operational concept for FOFA in the 1990s and beyond. NATO also has a Long Term Planning Guideline that provides for coordinating armaments and force planning in support of FOFA. SACEUR is focusing on the need for long-range target acquisition and attack requirements, in the context of a conceptual military framework which ties together the various components and prioritizes them.

Most NATO nations have recognized the need to address new and improved FOFA capabilities, and U.S. leadership has provided an important stimulus. The U.S. is developing joint doctrine for FOFA and coordinating the planning for procurement and fielding of FOFA-related systems in an integrated manner among the services and within the Alliance. The Services have jointly identified contributing systems and are working to expedite fielding of key programs.

FOFA systems

The FOFA concept is essentially operationalized through a "system of systems" approach involving sensors, communications, fusion, munitions, and delivery systems. Some of the programs important to the concept are highlighted below. The systems to support FOFA missions are not being developed as FOFA unique or dedicated elements, but rather are part of our overall effort to modernize conventional capabilities. Many of these systems are being cooperatively developed or produced with our allies. However, the integration of the architecture for special missions characterizing FOFA may eventually require dedicated communications equipment.

The actual numbers and types of systems we procure will depend on further development of the concept of operations for FOFA. This will determine the amount of money dedicated to FOFA in the future. Coordinated planning with regard to all the types of systems outlined below is underway in the Department of Defense, and a full range of delivery system options will be evaluated through Competitive Strategies planning and related analysis. In the interim, the Secretary of Defense is ensuring appropriate funding of the projects, summarized on the following pages, among others, as they relate to supporting the NATO Defense Program.

Sensor systems

Air Force

The advanced Synthetic Aperature Radar System II (ASARS II) is an Air Force theater asset employing a high resolution imaging radar system carried aboard the TR1 aircraft. It collects and processes radar imagery in near real time.

Army

GUARDRAIL Common Sensor combines the GUARDRAIL V (COMINT) with QUICKLOOK (ELINT) and the Communications High Accuracy Airborne Location system (CHAALS) on a single platform, the RC-12K.

Intelligence and Electronic Warfare-Unmanned Air Vehicle (IEW-UAV) is a member of an Army family of UAVs. It consists of an air vehicle with a long loiter capability used for reconnoitering areas deep in enemy territory. It can operate in day or night and in all weather environments; it includes several different sensor packages.

Joint

Joint Surveillance and Target Attack Radar System (JSTARS) is a multi-mode joint Army/Air Force program, Air Force lead, to provide Moving Target Indicator (MTI) radar surveillance of the Corps area of influence. The single radar system incorporates both wide area (MTI) surveillance and a limited synthetic aperature spot mode radar capability. Cooperative development with our allies is being pursued in both the NATO Air Force and Army Armament Groups.

Communications systems

Air Force

Joint Tactical Information Distribution System (JTIDS) will provide jam resistant secure information distribution. Through advanced access and counter EW measures JTIDS will conduct rapid, reliable C2 and status information distribution.

Army

The Mobile Subscriber Equipment (MSE) provides secure static and mobile communications to Corps and Division level commanders. Army MSE is based upon the French RITA system and was selected by the U.S. Army after an intensive international competition. MSE allows voice/data/facsimile transmissions which are interoperable with the joint Tactical Communication Systems (TRI-TAC) combat net radios, and commercial telephone systems.

The Army Data Distribution System (ADDS) will assist in near real-time information transmissions using the Enhanced Position Location Reporting System (EPLRS) User Unit (EPUU), Joint Tactical Information Distribution System (JTIDS), and Net Control Stations. The combination of EPLRS with JTIDS will capitalize on the previously separated projects to meet the data transfer requirement throughout Division and Corps.

Fusion, correlation, and processing systems

1. Tactical

Air Force

The Battlefield Coordination Element (BCE), in coordination with the Ground Attack Control Center (GACC), will provide air attack planning support to the tactical ground coordinator. The units will coordinate the air attack plan for use of controlled assets, the execution of these plans, and the reporting of the results of the attack.

Army

The Ground Station Module (GSM) for JSTARS and several other sensors will display and report MTI and FTI (Fixed Target Indicator) data on the enemy situation and his movement. Communications with attack coordinators will be provided by JINTACCS, Landline, and FM radio transmission. A downsized GSM will process sensor data for light forces. The Airborne Radar Demonstration System (ARDS) is an active NATO project which will demonstrate interoperability of both British (ASTOR) and French (ORCHIDEE) development systems with the Army's GSM.

Joint

The Limited Operation Capability Europe (LOCE) currently provides intelligence collection, analysis, and distribution to NATO users over secure communications systems, for early warning, situation assessment and targeting activities. Information provided will assist early target nomination for strike or reconnaissance, and support threat analysis.

In 1990, LOCE is to be developed into the Battlefield Information Collection and Exploitation Systems (BICES) and will combine U.S. and NATO fused intelligence in support of the NATO Central Region.

All Source Analysis System/Enemy Situation Correlation Element (ASAS/ENSCE) will provide commanders a near real time detailed picture of enemy positions from the fusion of data gathered by organic, theater, and national sensors. Automated processing of high volume data and interoperability between Army Divisions/Corps and Air Force Wings will allow coordinated deep attack planning.

2. National

Army

Electronic Processing and Dissemination System (EPDS) is a ground-based, computer-assisted Electronic Intelligence (ELINT) correlation facility for theater and national sensors.

Enhanced Tactical User Terminal (ETUT) is a processing and visual display for ELINT and Imagery Intelligence (IMINT) support of the Corps.

Imagery Processing and Dissemination System (IPDS), the operational version of the Digital Imagery Test Bed (CITB), will provide the tactical commander with the capability to receive and exploit digital imagery in near real time from national and theater level sensors.

Tactical Radar Correlator (TRAC) is a direct downlink system receiving radar imagery in digital format from the ASARS II.

The Echelon Above Corps (EAC) test bed is a limited interim, soft copy, digital imagery exploitation capability which has been deployed in advance of fielding the Joint Service Image Processing System (JSIPS) and the Image Processing Dissemination System (IPDS) in Europe.

Weapons systems

1. Penetrators

Air Force

The B-53G, originally designed to perform strategic, intercontinental, high altitude nuclear strikes, has been modified to provide long-range, deep-attack, conventional missions in some scenarios. It provides a platform for conventional ground attack missions with surface attack missiles as well as conventional bombs in standoff and penetrating modes.

The F-15E (a dual-capable aircraft) will perform interdiction and is capable of carrying guided and unguided conventional weapons and dispensers with various submunitions which will allow it to conduct interdiction and other missions.

In a major standardization effort, the F-16 is in use with five of our NATO allies and is coproduced by them. An advanced model of the F-16, the F-16C/D, is a light weight, multi-role aircraft capable of performing air-to-air, and air-to-ground missions. The aircraft's versatility and its munitions capabilities will enable it to conduct FOFA.

The F-111 is a long-range fighter bomber capable of delivering a range of weapons for deep strike and deep interdiction missions, including FOFA operations.

2. Stand-Off

Air Force

Modular Stand-Off Weapon (MSOW): The purpose of the MSOW Program is to build a series of both short- and long-range stand-off weapons to attack fixed and running targets using a modular approach. Weapons built under this approach can attack a variety of targets including airfields, air defense units, hardened C^3 nodes, and armor. MSOW is a major codevelopment effort in which six allied NATO nations are participating. The funding for U.S. participation in this program has recently been reduced dramatically.

TACIT RAINBOW is a missile system designed to attack enemy radars and is capable of loitering for an extended time over a target until the radar goes active. The missile is currently designed to be launched from air platforms. Cooperative opportunities for TACIT RAINBOW have been offered to selected NATO allies to promote achievement of this capability on a broad basis in the NATO Central Region.

Army

LANCE is an Army Surface-to-Surface Missile (SSM) with conventional as well as nuclear capabilities. It is deployed in relatively small numbers.

Multiple Launch Rocket System (MLRS) is a tracked, ground launcher for the basic, guided semi-ballistic missiles. MLRS is to be the launch platform for the Army Tactical Missile System (ATACMS). MLRS is the result of a cooperative development with four NATO nations, and European production is about to begin.

Army Tactical Missile System (ATACMS) is a short-range Surface-to-Surface Missile (SSM) developed to attack area targets deep in the Corps commander's area of responsibility. Launched from an MLRS platform, the missile is designed to carry various submunitions. It will replace LANCE in the latter's conventional role and is a potential candidate for the Follow-On to LANCE in the nuclear role as well. The U.S. has offered this program for NATO codevelopment and coproduction; it has been offered to all U.S. partners in the MLRS Program.

Navy

The U.S. Sea-Launched Cruise Missile (SLCM) is currently budgeted and on schedule. The conventional SLCM, TOMAHAWK Land-Attack Missile (TLAM/C/D) has an extended range, and could contribute significantly to FOFA by providing a conventional deep-attack capability against fixed installations in the Warsaw Pact.

Air Force

Tactical Munitions Dispenser (TMD) is a new general purpose, 1000 lb. class submunition dispenser capable of dispensing SKEET, Boosted Kinetic Energy Penetrator (BKEP), and Combined Effects Munitions (CEM). It is currently available for use with F-15, F-16, F-4 and F-111.

Combined Effects Munitions is a cluster weapons of 202 CEBs. The bomblets consist of armor-penetrating charges, a fragmenting case and a zirconium incendiary.

The Booster Kinetic Energy Penetrator (BKEP) is a runway attack submunition. When configured for in a TMD for the Direct Attack Combined Munition (DAACM) the system consists of eight BLU-106/B BKEP and twenty-four Hunting BH876 area-denial mines.

SKEET or Sensor Fuzed Weapon (SFW) is an antiarmor warhead, dispensed from a Tactical Munitions Dispenser (TMD). After leaving the dispenser, the submunition detects a tank and fires a self-forging armor-piercing plug at the target.

Laser-Guide Bomb consists of a laser guidance kit attached to a MK-84 warhead. The target is designated for an aircraft, using Forward Looking Infrared Radar (FLIR) or

Low-Altitude Night Targeting Infrared Navigation (LANTRIN) targeting pod.

GBU-15/AGM-130 (glider and rocket version) carry MK-84 or I-2000 warheads and are targeted against high value point targets. They are guided either by television or an imaging infrared seeker and deployed from F-4E or F-111 aircraft.

I-2000 Bombs (Improved 2000 lb Bombs) are designed to attack hardened targets such as bridges, bunkers runways, or command posts. Utilizing a redesigned warhead, in a thicker steel casing, they are able to penetrate hardened targets.

Army

Terminally Guided Warhead (TGW) is a submunition for the MLRS rockets; it is designed to search for and destory enemy armor. TGW development is being undertaken in a cooperative project with France, Germany, and the UK.

Anti-Personnel/Anti-Material (APRM) are air dispensed, high explosive fragmentation submunitions designed for release at a designated height above the ground for LANCE and ATACMS. The APAM submunitions are fuzed to burst on contact with the ground.

SECTION VI—NATO AIR DEFENSE

NATO air defense mission area

NATO's counter-air capability—both offensive and defensive—represents an important and flexible firepower capability which can be employed against fixed installations and against attack from the skies. U.S. air and air defense assets provide a major contribution to NATO, and they also comprise capabilities we need to meet our global defense responsibilities. This mission area will receive continuing high priority.

A significant share of the NATO Conventional Defense Improvement (CDI) effort is already aimed at sustaining a modern and robust air defense capability in the face of an increasingly potent Soviet/Warsaw Pact nuclear, conventional and chemical warfare threat.

The INF Treaty will relieve somewhat the missile threat facing NATO, particularly in the rear areas of Western Europe which are beyond the reach of Warsaw Pact short-range missiles, but the otherwise relentless pace of Soviet weapons modernization continues to threaten critical NATO assets. Increased numbers of attack helicopters, new close air support aircraft, and conventionally-armed, dual-capable, short-range missiles are increasing the threat to our forward fighting forces, key defenses, and certain vital assets. We and our NATO allies have given special emphasis to near term practical steps to defend against the threat through both active and passive defenses. Allied planning has also been quite successful in this mission area.

The Warsaw Pact attaches great importance to the rapid achievement of air supremacy in any conflict. One means available to the Pact to assist in achieving this objective is the use of tactical missiles. In the 1990s, NATO will continue to be threatened by the traditional air threat as well as by remaining theater missiles. The Soviet SS-21s, SS-1s (SCUD Bs), FROGS, SLCMs, ALCMs, and Tactical Air-to-Surface Missiles (TASMs) are not limited under the INF Treaty. NATO's ability to defend against the threat depends on a full range of integrated capabilities and their effective employment. These include modern aircraft, air-to-air and air-to-ground munitions, land-based air defense missiles and guns, tactical missile defenses, as well as command and control, survivability and other passive measures, and electronic warfare systems. Research on new systems and capabilities is also critical to protect against an uncertain future. Investment in all of these areas will be important if we are to achieve needed improvements.

Planning for the future

We are embarked on a significant improvement of NATO's Command and Control system that is crucial to the Alliance's future air defense posture. NATO's Airborne Early Warning and Control (NAEW&C) Program is proving to be an exceptional performer in this area. However, impacting on our air defense capability is the lack of a modern system for discriminating between friend and foe in the air; this is being addressed in NATO through the development of NATO Identification System (NIS). With respect to air base defense, we are making marked improvements, but our posture remains uneven among allies and among different categories of bases. Continued priority planning and action are needed for air base defense, recovery, chemical protection, and dispersal.

The NATO capacity for Defensive Counter Air (DCA) operations is being significantly upgraded with U.S. and allied deployments of PATRIOT and other modern surface-to-air missiles, increases in more capable aircraft, and deployment of modern air-to-air munitions. However, Allied command Europe faces shortages in surface-to-air missiles (SAMs) and air defense gun systems. To redress these and future shortcomings, we intend to take advantage of a number of technological and other opportunities for building on advances made to date in our defensive stance.

NATO plans now provide for marked improvements in aircraft and munitions to carry the battle to the enemy by attacking his airfields, other sources of his air power, and his follow-on forces, as outlined in Section V. However, we have not yet advanced sufficiently in NATO's capacity for standoff attack and hard target kills. It is here that a number of emerging technology initiatives could have the potential for significant payoff. We are limited in long-range aircraft and must examine the mix of stand-off and direct attack munitions, aircraft, and missile delivery systems, as well as target acquisition capabilities appropriate to conducting Offensive Counter Air (OCA) missions. We intend to pursue this.

Countering Soviet air operations (involving both missile and aircraft attacks) is among our highest priorities for the future. There are opportunities in this area for exercising competitive strategy operations, in particular. The Secretary of Defense is ensuring appropriate funding of air defense programs as they relate to the NATO Defense Program. Intensive U.S. and NATO planning in this area will continue to be key and an appropriate balance among all areas in the counter air mission area will continue to be important.

Status of NATO air defense improvements

Important ongoing efforts are summarized below:

US bilateral efforts: Active air defense

US/UK RAPIER Initiative: This was the first of several US bilateral agreements with NATO allies for improving active air defenses in NATO Europe. This initial US/UK effort, became known as the "RAPIER role model." Under the terms of the 1981 agreement, the US has procured and the UK is manning, operating, and maintaining 32 RAPIER Short-Range Air Defense (SHORAD) fire units for the point defense of seven US air bases in the UK.

US/FRG PATRIOT/ROLAND Agreement: This initiative provides for Germany to purchase 14 PATRIOT fire units while the US will provide Germany with 14 additional PATRIOT fire units from previously planned US deployments. In return, Germany will man and operate 12 of the 54 US PATRIOT fire units in Germany (providing medium-to-high altitude air defense) and also procure, man, operate, and maintain 27 ROLAND fire units providing short range protection to three US bases. Because of the coverage provided by PATRIOT, six more U.S. bases will also receive air defense coverage.

US/The Netherlands Agreement: In February 1984, the Dutch Government signed an agreement for the purchase of four PATRIOT fire units. They are planned to buy additional missiles and launchers for these fire units. Moreover, the Dutch have an option to purchase an additional two fire units for a total of six; they are currently studying this option. The Dutch have taken delivery of two fire units and will complete delivery of their four fire units in March 1989.

US/Turkish RAPIER Agreement: In November 1984, the US and Turkey agreed to enter into a cooperative air base defense program. The US will procure 14 RAPIER fire units and associated equipment from the UK as an extension of the 1981 US/UK RAPIER Agreement, and Turkey will man, maintain, and operate them. US Air Force and the Turkish Air Force Command have jointly produced a comprehensive Turkish air defense master plan for future air defense C^3 and weapon acquisition in Turkey.

Priorities for active air defense

The PATRIOT Missile System in NATO: NATO's agreed air defense program called for the fielding of PATRIOT fire units by the US and other NATO allies. US deployment began in 1985 and will be completed in the early 1990s. In addition to providing medium-to-high altitude air defense coverage against the traditional air-breathing threat, PATRIOTs will also have a self-defense and a limited capability to defend NATO vital assets against attack by conventionally-armed tactical ballistic missiles.

The Army's Forward Area Air Defense System (FAADS): With the August 1985 decision to cancel the Army's Division Air Defense (DIVAD) gun weapon system, the Army was forced to reassess just how it would meet its air defense requirements in the forward area. A combination of factors—the cancellation of DIVAD, the need to address other air defense deficiencies which were independent of the DIVAD decision, and an increased threat capability led the Army to seek a systemic solution. Following several months of study, the Army established its FAADS approach to the problem. FAADS, as formulated, consists of five elements: a non line-of-sight rear system; a line-of-sight forward heavy system; a line-of-sight rear system; a combined arms element; and finally, the FADD C^2I element (command, control, and sensors). The chosen system for the non-line-of sight missile system is the FOG-M (Fiber Optic Guided Missile). This system has gone into advanced system development. The Army recently held a competitive selection process to choose an "off-of-the-shelf" to fill the line-of-sight forward heavy role. The Air Defense Anti-Tank System (ADATS) built by Martin Marietta/Oerlikon Buhrle (US/Swiss teaming) was selected and deployment is expected to begin in 1988 and be completed by 1992. Pedestal Mounted STINGER, which is being built by Boeing Aerospace, has been selected as the line-of-sight rear system. FADDS weapons will be added to US corps as an additional or organic capability, providing a capability which does not exist today.

Fighter Aircraft: With the planned deployment of F-15Es to NATO Europe along with NATO's existing US F-111s and allied TORNADOS, capabilities for conducting Offensive Counter Air missions will be greatly increased. Likewise, improvements to US and allied F-16s and a capability to employ the Advanced Medium-Range Air-to-Air Missile (AMRAAM) will serve to improve NATO's traditional Defensive Counter Air operations. Together, these improvements will enhance NATO's ability to gain and maintain a favorable air situation (to conduct offensive and defensive counter-air operations) should the Warsaw Pact choose to attack.

Hawk and the Medium Surface-to-Air Missile (MSAM): The US and several NATO allies maintain the HAWK medium altitude air defense system. HAWK, originally designed in the 1950s, has undergone several Product Improvement Programs (PIPs) to modernize and upgrade its capabilities. The US HAWKs are currently being upgraded by the phase-3 PIP. This PIP improves the reliability, availability, and the maintainability of the HAWKs. Furthermore, phase-3 will enhance the system's mobility and provides the HAWKs with a low altitude multiple engagement capability. The Army has also proposed a plan to further enhance the capability of the HAWK against cruise missiles. Finally, it should be noted that Norway has decided to retain HAWK, but in a modified and upgraded fashion unique to Norway in a system called NOAH—Norwegian Adapted HAWK.

The foregoing highlights do not detail every facet of our priorities in the improvements to NATO's active air defenses, but they do offer an overall picture of some important aspects. The following information highlights other air defense initiatives and passive air defense measures which are priorities in NATO.

Other priorities

UK and French AWACS Purchase: In December 1986, the UK announced plans to purchase six Boeing AWACS aircraft from the US; in 1987 they further announced that they planned to exercise their option for a seventh AWACS aircraft. In February 1987, the French agreed to purchase three AWACS from the US. Further, France has announced that it expects to exercise its option to acquire a fourth AWACS aircraft. Given their compatibility with US AWACS and NATO's 18 Airborne Early Warning & Control (NAEW&C) aircraft, the French and UK AWACS acquistion should greatly enhance NATO's overall capability in this vital area of airborne early warning and control.

The NATO Identification System (NIS): NIS consists of two components: the Direct Sub-System (DSS) component which primarily consists of the Question and Answer (Q&A) component, and the Indirect Sub System (ISS) component. While both components are important, the Q&A component has received the greatest NATO cooperative effort to date as well as the most visibility and public attention. In response to the designation of NIS by the Conference of NATO Armament Directors (CNAD) as a cooperative R&D legislation endeavor (Nunn Amendment), a five nation MOU was signed in October 1987 by representatives of the US, Germany, France, Italy, and the UK. In essence, the MOU provides for cooperation and collaboration on the design and development of the Q&A component. In the US, the Q&A component is referred to as the MARK XV. An October 1987 demonstration and validation of the US, UK, French, and German Q&A components was conducted at the Patuxent River Naval Test Center. This test was highly successful and proved that the systems were compatible and interoperable.

The NATO Air Command and Control System (ACCS): In February 1982, the North Atlantic Council (NAC) tasked the NATO Air Defense Committee (NADC) to undertake a revision of the 1979 Refined Program for Air Defense in Allied Command Europe. The NADC's Panel on Airspace Management and Control Systems (PAMCS) was assigned the task of devising a NATO ACCS Master Plan as part of that revision process. The PAMCS established an ACCS Team to lead and direct the development of the ACCS Master Plan. When fully implemented, the ACCS Master Plan will provide for the total airspace management in NATO, an extremely important undertaking. Of the five volume ACCS Master Plan, Volumes I through IVA have been approved; Volume IVB (the ten regional annexes) are currently out to nations for national staffing. Volume V is the transition-funding plan; it is still being drafted. At the NADC meeting of 17-18 November 1987, national representatives agreed to establishing an Interim ACS Management Organziation under the Defense Support Divison of NATO's International Staff (IS). Therefore, an organization will soon be in place to work the difficult issue of ACCS implementation.

US Bilateral Agreements with NATO Allies: In 1985, USAFE worked out bilateral arrangements with Norway and Denmark for the construction of revetted dispersed aircraft parking at US Collocated Operating Bases (COBs). Under the terms of the agreement, the US would provide material and training for allied teams to manufacture the two-meter square Rapid Runway Repair (RRR) concrete slabs. The allies would then be responsible for manufacturing the slabs and installing them so as to construct dispersed parking pads for US reinforcement aircraft. Additionally, they would install four-meter high reinforced concrete revetments (US provided) on three sides of the parking pad to provide some blast and splinter protection to parked aircraft. USAFE personnel are exploring similar arrangements with Turkey and Italy. The revetted dispersed parking pads offer increased protection to reinforcing aircraft (when hardened aircraft shelters are not available) while at the same time increasing the number and availability of concrete slabs required for RRR should airfield attack occur.

Hardened Aircraft shelters: The NATO goal is to provide hardened aircraft shelters for 100% of the aircraft; however, NATO infrastructure funds will only finance shelters for 70% of the aircraft. To provide sheltering above the 70% level requires funding by the nation involved. For the US, CINCUSAFE has established a policy to shelter 100% of in-place and reinforcing aircraft at US Main Operating Bases (MOBs) and 70% of reinforcing aircraft at collocated operating bases. The Air Force currently has aircraft shelter construction programmed in the FYDP to meet the 100% goal for US MOBs.

Other Passive Measures for NATO Air Defense: The US has been exploring other elements of passive defense with our NATO allies such as the construction of Alternate Launch and Recovery Surfaces (ALARS) for aircraft and the provision of Emergency Landing Strips (ELS) for aircraft; Camouflage; Concealment, and Deception (CCD); Survivable Collective Protection Shelters (SCPS) for chemical/biological warfare protection; Base Recovery After Attack (BRATT) measures to include air base reconnaissance/damage assessment to determine the extent of the damage; Explosive Ordinance Disposal (EOD); Rapid Runway Repair (RRR); and Mobile Aircraft Arresting Systems (MAAS). Camouflage and concealment involve the use of netting to cover equipment and the use of paint to "tone down" runways and structures. Deception includes the use of aircraft decoys and decoys for radar antennas. The U.S. Air Force and Army regularly conduct exercises during which the use of chemical/biological protective clothing and procedures are used and evaluated. The Air Force is engaged in installing SCPS at three US MOBs: Spangdahlem, Bitburg, and Ramstein. Hahn Air Base will be next to receive SCPS. France is also installing its chemical/biological protective shelters, AMF-80, at its air bases. The French have conducted discussions with the Belgians, Dutch, and Canadians trying to win support for use of the France AMF-80 system. To date, only the Canadians have purchased a variant of the France system, AMF-82, for their air bases at Lahr and Baden-Sollingen.

SECTION VII—LEADERS' VIEWS

Confidence in NATO strategy

In their approach to INF, the allies made a solid commitment from which they never deviated. Since 1979 the political and military leaders of NATO in Europe have addressed the Soviet theater nuclear forces buildup directly and unambiguously. In that regard, their actions concerning Alliance security posture speak for themselves.

The decision to deploy INF systems while supporting U.S./Soviet negotiations was taken in the face of considerable political unrest and turmoil which continued to grow for several years. For the European leaders steadfast adherence to this dual-track decision demonstrated the type of political courage so important to the NATO security concept. We should neither presume nor expect anything less in the future.

Both the Ministers of Defense at their December 1987 Defense Planning Committee meeting and the Foreign Ministers at their meeting endorsed the Agreement finally achieved as a result of collective Alliance efforts. The Foreign Ministers said: "We welcome and fully support the Washington INF Treaty. It is fully consistent with the security requirements of the Alliance. It accomplishes an important and longstanding Alliance objective: the elimination of a class of Soviet nuclear weapons threatening the European allies and other regions of the world."

The approach taken in the dual-track process has certainly strengthened NATO because of the confidence demonstrated by the allies in their security policy. NATO ministers, after considering the implications of an INF Agreement, affirmed the viability of NATO's strategy. In November 1987, the Defense Ministers stated that the "strategy of flexible response will continue to be vital to the security of the Alliance.

Support of modernization

The allies have indicated a clear recognition of the need for modernization of both nuclear and conventional components of NATO's forces in support of the strategy. The issue for the future is how well the U.S. and our allies do in protecting the gains we have made and in building upon them.

Although the real increases in U.S. defense spending exceeded by a wide margin the average growth rates on non-U.S. defense programs in the early through mid-1980s, U.S. spending reflected major efforts to make up for real decreases we experienced in the 1970s. At that time our allies were achieving steady real increases. U.S. real defense spending for the early 1970s through the mid-1980s was equivalent to an annual decline of roughly 1 to 2 percent. Comparable non-U.S. spending for defense was two percent real growth per year.

In the Nuclear Planning Group and its related bodies, our allies have recognized, with us, that NATO must continue to fulfill requirements to modernize and increase the survivability of the nuclear forces remaining after an INF Agreement. Our allies have also recognized that additional adjustments may be necessary to ensure a full spectrum of nuclear deterrent options at all ranges.

Our allies also join in supporting our conviction that coordinated programs to modernize and improve NATO's conventional forces must be revitalized. This was established in NATO's CDI Program to redress key deficiencies in NATO's conventional posture. The European allies have shown generally strong performance in meeting established modernization objectives.

Reports from the EUROGROUP nations indicate they are planning to introduce a wide range of new equipment into their forces in 1988. In that year, 250 main battle tanks, over 1,000 other armored vehicles and over 50 pieces of heavy artillery will be introduced into service. The air forces of those nations will bring 200 new combat aircraft into service in 1988, mostly of the advanced TORNADO and F-16 types. Improvements will continue in existing aircraft, survivability and airfield defense. At sea, the EUROGROUP nations plan to introduce seven escorts, three submarines and five mine-warfare vessels, together with smaller vessels and support ships, as well as 25 new aircraft in a maritime role. Support for new initiatives for the future will certainly be based on the effectiveness of transatlantic consultation.

Conventional arms control

Indications are that most of the allies believe the INF accord signals a breakthrough in arms control and security policy. They, of course, support continuing U.S./Soviet START negotiations, and are committed to planning for Conventional Stability Talks (CST) addressing forces in Europe.

Most allies appear to be intent on NATO management of an allied approach to CST negotiations to ensure that these talks complement NATO force improvement initiatives. NATO military authorities will be consulted by political leaders as we prepare for these negotiations, and throughout their conduct. For this reason, SACEUR's criteria for such negotiations are an important consideration. His current views on this subject are as follows:

Suggestions for initial U.S./Soviet asymmetric reductions have possibilities but need more analysis. All reduction proposals should be accompanied by conventional defense capability improvements.

Soviet efforts to circumscribe Alliance force modernization goals must be firmly resisted. The likehood of a new agreement cannot be determined and will depend on Soviet perceptions and willingness to negotiate.

Further SACEUR views

The NATO commander in Europe, SACEUR, has focused on specific military considerations related to the execution of the flexible response strategy. SACEUR points out the need to differentiate between deterrence of Warsaw Pack agression and NATO's ability to respond flexibly to restore deterrence if the nuclear threshold is crossed. As long as NATO maintains a credible linkage between European-based theater nuclear forces, conventional forces, and strategic systems, and a viable and unquestioned ability to execute military options across a spectrum up to general nuclear response, we will continue to have credible deterrence, according to SACEUR.

SACEUR believes it is critical that NATO continue to field nuclear systems that provide a credible, visible (European land and sea-based) mix of both short- and long-range systems. These systems, he believes, must be capable of holding at risk militarily significant targets of the Warsaw Pact to include those in the USSR.

Fundamentally, SACEUR supports the nuclear modernization and CDI programs upon which NATO is embarked. With respect to nuclear forces modernization, SACEUR cites the need for additional dual-capable aircraft (DCA) of longer range, the development of the tactical air-to-surface missile, the LANCE missile follow-on, and modernized artillery munitions and bombs. Also critical, in his view, is the lifting of current congressional restrictions on the number of modernized artillery munitions and also the restrictions on development of a nuclear follow-on to LANCE. According to SACEUR, a nuclear force containing these systems would maintain target coverage while continuing to provide widespread NATO nation participation and the sharing of burdens and risks.

In advancing technology to achieve improvements in non-nuclear deterrence, SACEUR has pointed out that visible nuclear capability has a deterrent value that conventional systems, however high their technology, cannot match.

In the area of conventional capabilities, SACEUR strongly supports the concept of FOFA which is designed to delay, disrupt, and destroy those forces arriving at the forward edge of the battle area (FEBA) and thereby enhance significantly the integrity of NATO's forward defense.

SACEUR believes that NATO's air defense picture is improving. His view is that there are several programs both in development and procurement to bring air defense capability to an adequate level. Among specific systems and programs in the air defense area evaluated by SACEUR are the following:

The introduction of PATRIOT in the central region starting in 1986 greatly enhances NATO's air defense.

The development of an adapted HAWK for Norway starting in 1987 will improve vital point defense in Norway. Danish deployment of further HAWKS will add to defense of the Danish Islands. The U.S. plans to further enhance the capabilities of its HAWKS with the Product Improvement Program (PIP) phase III. Defense of troops and vital assets is being improved by the introduction of new generations of man-carried and short range weapons like ROLAND, Self Propelled RAPIER, JAVELIN and STINGER.

The provision of aircraft for the NATO Airborne Early Warning (AEW) force is complete. Ground environment tasks are due to be completed in the next two to three years. The decision by the UK to obtain its component of AEW will add considerably to the NATO AEW force. Improved deployment options are planned in the northern region.

APPENDIX

PUBLIC LAW 100-180, NATIONAL DEFENSE AUTHORIZATION ACT, FY 1988-89

TITLE X—MATTERS RELATING TO NATO COUNTRIES AND OTHER ALLIES

PART A.—NATO DETERRENCE, SECTION 1001, REPORT ON REQUIREMENTS FOR MAINTAINING NATO'S STRATEGY OF DETERRENCE

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress a report regarding the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s. The report shall include a specific discussion of the implications for such deterrence if the United States and the Soviet Union agree to a treaty which requires the elimination of all intermediate-range nuclear force (INF) missiles having a range between 500 and 5,500 kilometers. The report shall be prepared in consultation with the Supreme Allied Commander, Europe, and the Chairman of the Joint Chiefs of Staff.

(b) FORM AND CONTENT OF REPORT.—The Secretary shall submit the report required by subsection (a) in both CLASSIFIED and UNCLASSIFIED forms and shall include in the report the following:

(1) A discussion of the effect that the elimination under an INF Treaty of intermediate-range missiles deployed by the United States and the Soviet Union would likely have on the ability of NATO to remain an effective flexible response strategy and credible deterrence.

(2) The appropriate numbers and types of nuclear weapons and nuclear-capable delivery systems of the United States not limited by the proposed INF Treaty which the Secretary of Defense recommends for deployment in or redeployment to the European theater if an INF Treaty is ratified and enters into force, including a description of any nuclear modernization program the Secretary has recommended or proposes to recommend as necessary to ensure that NATO will be able to maintain a credible and effective military strategy.

(3) A discussion of the balance between the nonnuclear forces of NATO and the Warsaw Pact in the European theater, the likelihood of NATO making significant improvements in that balance over the next few years, the potential effect of conventional force balance alternatives currently under consideration by the United States Government, and the likelihood and potential effect of a new agreement between NATO and the Warsaw Pact limiting nonnuclear forces on that balance.

(4) A discussion of the feasibility and cost-effectiveness of substituting advanced conventional munitions for nuclear weapons currently deployed by NATO, including a discussion of the costs of such weapons and prospects for sharing such cost among NATO allies.

(5) A description of nonnuclear forces that would be needed to support the operational concept of Follow-on Forces Attack (FOFA).

(6) The status of improvements being made in the air defense of NATO in Europe.

(7) A discussion of the views of the leaders of member nations of NATO (other than the United States) and of the Supreme Allied Commander, Europe (SACEUR), on the matters described in paragraphs (1) through (5).

(c) Deadline of Report.—The Report required by subsection (a) shall be submitted not later than the earlier of—(1) 90 days after the date of the enactment of this act; or (2) the date on which the President submits to the Senate for its advice and consent a Treaty described in subsection (a).

Mr. BYRD. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader yields the floor.

Mr. EVANS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. Evans] is recognized.

Mr. EVANS. Thank you, Mr. President,

AVIATION HISTORY

Mr. EVANS. Mr. President, on Monday of this week, aviation leaders gathered in Seattle for two important events. First, to celebrate the rollout of the two newest models of Boeing airliners, the 747-400 and the 737-400; Second to recognize the remarkable career of "T" Wilson on his retirement as chairmen of the board of the Boeing Co.

In all fields of human endeavor, the most enduring legacy is achievement and the most honored tradition is trust. It is this legacy and this tradition that T.A. Wilson leaves to those who will follow him at the helm of the Boeing Co. as he moves into a new career of busy retirement.

"T", as he is known to his friends, was born in Missouri, the home, ironically, of one of Boeing's biggest competitors. During his briliant career, he truly lived the motto of that great State as he showed everyone what first class management talent could accomplish.

The Boeing Co., throughout "T's" career, has been the world's preeminent producer and seller of commercial aircraft. Today, their market share for free world sales continues to exceed 50 percent despite major competitive challenges both at home and abroad. Sales backlogs continue at record breaking levels.

Recently the company was awarded a major contract to build America's Space Station. Thus Boeing continues as a world leader in space, national security and civilian, air transport.

At a time when we are enthralled by a crisis of competitiveness, "T's" efforts at Boeing are a shining example of American industry at its best. Because he insisted on research, he ensured that Boeing would stay on the leading edge of technology. Because he insisted on quality, he ensured that Boeing stayed in the forefront of sales. We can compete as Americans. Just ask "T."

In a career filled with awards, accolades, and successes, three accomplishments stand out. "T" should perhaps be proudest of his contributions to the security of our country through his work on two of the mainstays of our strategic arsenal, the B-52 bomber and the Minuteman ICBM. These two programs are still heralded by military procurement experts as models of public-private partnership.

For his second major achievement, I turn the clock back to the aerospace recession of 1969, a particularly painful time in the State of Washington. I know, I was Governor at the time. Through decisive and innovative management action, "T" preserved Boeing's manufacturing base and laid the groundwork for the immensely successful years which followed.

For his third major achievement, "T" and Boeing received the prestigious Collier Trophy. In the mid-1970's, as foreign government supported efforts to crack the commercial aviation market intensified throughout the world, Boeing, under "T's" leadership, boldly undertook to develop privately a new family of long-range, fuel efficient aircraft: the 757 and 767. The resounding commercial success of these aircraft is a testament to the courageous vision of T.A. Wilson.

Although "T" will be stepping out of the pilot's seat at Boeing, he will still be in a position to advise the new management from his chair at the board of director's table. He will still be in the front row as Boeing moves toward the 21st century as not only a commercial aviation giant, but as a major defense contractor and space technology innovator.

QUORUM CALL

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 2]

Breaux
Byrd
Evans

The ACTING PRESIDENT pro tempore. A quorum is not present.

The clerk will call the names of absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. Exon] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from Kansas [Mr. Dole], and the Senator from Pennsylvania [Mr. Heinz] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 15, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—76

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—15

Bond
Chafee
Cohen
Gramm
Hecht
Helms
Karnes
Kasten
McCain
McConnell
Nickles
Quayle
Specter
Symms
Weicker

NOT VOTING—9

Cochran
Dole
Exon
Gore
Heinz
Matsunaga
Murkowski
Simon
Wallop

So the motion was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the regular order be automatic on every rollcall, at the close of 15 minutes, which is in accordance with the order of the Senate on every rollcall vote today.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

CIVIL RIGHTS RESTORATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of unfinished business, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

Pending:

(1) Symms Amendment No. 1381, to repeal a certain provision relating to cross ownership of newspapers and television stations.

(2) Nickles Amendment No. 1382 (to Amendment No. 1381), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina, Senator Hollings.

AMENDMENT NO. 1381

Mr. HOLLINGS. Mr. President, with respect to the Senator from Idaho's amendment, relative to repealing the cross-ownership rule, or at least granting waivers, I am pleased that our distinguished colleague from New York is on the floor because he can listen and we will address his concerns.

Mr. BYRD. Mr. President, may we have order in the Senate so Senators can listen to the Senator.

The DEPUTY PRESIDENT pro tempore. The Senate will be in order. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished majority leader. I believe the manager of the bill, Senator Kennedy, and the author of the amendment, Senator Symms, after a few Senators who want to be heard here momentarily, are prepared here to vote.

I say to the Senator from New York [Mr. D'Amato] that in all the years I have been working in the communications field, frankly, I have been a champion of deregulation. I will never forget the extended arguments we had within the Committee of Commerce and the Subcommittee of Communications when our distinguished friend from Rhode Island, Senator Pastore, was chairman.

He opposed the extension of broadcasting licenses from 3 to 5 years. I supported the extension. I said, after all, we as Senators are given a 6-year license, why shouldn't a broadcaster also get a 5-year license, at least? By retaining the shorter term, all you do is guarantee millions and millions of dollars in payments to Washington lawyers to handle ascertainment and relicensing procedures.

Right to the point, I offered an alternative. I said: Let us put the money in to programming and improving public broadcasts, rather than into a bunch of Washington lawyers' pockets.

So I have been in the vanguard of communications deregulation. With some 9,000 radio stations, we figured, that there was ample competition to maintain discipline within the industry. But with respect to all broadcast properties, we have always insisted at the congressional level on the maintenance of certain fundamental rules to safeguard the public interest, to prevent a concentration of sources of information in a community and to ensure that there is as much diversity as possible.

Accordingly, we have had the fairness doctrine to encourage presentation of alternative opinions, and we have had antitrafficking restrictions to encourage ownership by responsible broadcasters rather than by speculators who see stations as quick-buck opportunities.

We have been struggling, in all candor, with the Reagan FCC. We got along with Dean Burch, who originated this cross-ownership rule during the Nixon administration. We supported Richard Wiley, also a Republican who oversaw the adoption of this rule. So it is not a partisan matter and assuredly not a dark-of-the-night manipulation, as I will soon explain further.

The next Chairman, Mr. Fowler, publicly bragged at his retirement party how he had made Mr. Murdoch wealthy, with this 18-month and 2-year waivers. It was the fattest gift he could possibly give, and we all realized that. But we also realized at the time that we should not be snookered.

Back in 1985, Mr. Murdoch came to the Congress and met with our distinguished colleague, the Senator from Colorado [Mr. Wirth]. Mr. Murdoch not only assured him in a letter that he was going to adhere to the cross-ownership rule, he also announced through his PR firm that he would adhere to the rule. So enough of this claim that Mr. Murdoch has been given only a short time to come into compliance. The facts are that he has had more than 2 years to comply.

Nevertheless, this past year, as we watched the Reagan FCC and continually heard reports that one of the few rules left on cross-ownership might be repealed, I, together with the distinguished Senator from Hawaii, put in a bill, the Broadcast Improvement Act, S. 1277, within which section 403 reiterated our commitment, not just to the rule, but to all of the cross-ownership provisions.

I remind the Senator from New York that we had a hearing in July and no one appeared at that hearing in opposition to our proposal.

Nonetheless, in the fall, we continually heard reports that he had no intention of selling. Instead, he intended to renege on his commitment to adhere to the cross-ownership rules. He was going to ask for the rule to be repealed. Indeed, such a request was submitted in November by the Freedom of Expression Foundation, and the FCC is well along in its proceeding to eliminate the rule pursuant to that petition.

I relate that to you because, when we discussed this matter at 10:30 in the morning—not the dark of night—and a full week before we voted on it in the continuing resolution—not the last minute—I stated my misgivings about the FCC for having repealed the fairness doctrine and other longstanding rules. I included provisions relating to the noncommercial VHF stations, minority ownership, cellular licensing, provisions that you will find on pages 33 and 34 of the continuing resolution. My focus was not limited to cross-ownership waivers. When the cross-ownership language was inserted, I informed the appropriate Senators, at a regular meeting, the majority and minority Senators, as well as the chairman and ranking member on the House side. I would daresay there were at least four staffers on our side and probably that many or more on the House side. There were 8 to 10 staffers present, so there was nothing resembling a sneak attack or dead-of-the-night maneuver. That is a figment of distorted imaginations.

I am confident Chairman Neal Smith on the House side checked it out with his Members and I knew at the time, talking to our distinguished ranking member, Senator Rudman of New Hampshire, that he was fully informed.

It was checked off unanimously and thereupon enacted.

The reason the argument is given now that it affects only Murdoch is he is the only one who has a waiver and he wants those waivers extended.

I want to make sure everyone understands why I authored this law. This law serves the useful purpose of ensuring that the intent set forth in the first half of this amendment, that the FCC not modify the existing criteria for permanent waivers, not be evaded through the successive grants of temporary waivers. This applies to any extension of any temporary waiver which is granted, not just the outstanding temporary waivers held by Mr. Murdoch. While Mr. Murdoch's company may be the only one that fits that description today, it is quite likely that others could obtain short waivers and request extensions of those waivers. It is my intention that this law apply in all such cases.

I was not engaged in any conspiracy, although I am delighted to conspire with the senior Senator from Massachusetts any time he wants to conspire. But this was not an occasion of conspiracy. Rather, he asked me about the cross-ownership issue. I was glad to tell him I was prepared to offer a provision. After all, I and the communications staff were watching, and the Washington lawyers were watching. There are many, many parties in both broadcast and newspaper ownership that are watching this issue very closely. There is a lot of money behind it. They appealed it to the Supreme Court in the 1970's, all on this fanciful pretense of freedom of speech and freedom of the press. The truth of the matter is that Associate Justice Marshall in his decision, which was an 8-to-0 decision—found that the cross-ownership rule actually enhances freedom of the press and freedom of speech, and protects against undue concentration.

So there it is. No one can complain that this is an unfair attack on Murdoch. He has known he was going to have to dispose of these properties for almost 2 years in the case of New York and 1 year in the Boston situation. Yet Mr. Murdoch has assumed the pose that he is somehow the aggrieved party. His media voices have trumpeted his point of view. Meanwhile, I was away most of early January and could not respond. It was assumed that the Senator from Massachusetts handled the cross-ownership provision, and that some kind of personal vendetta between him and Murdoch was involved.

Not so at all. Not so at all. On the contrary, I handled it. I take full responsibility for it and I stand by it today. I only wish we could get beyond the intramurals going on in Boston and New York. I understand the standpoint of the Senator from New York. I told him as I told the open media, that I never had the New York Post in mind.

I say to the Senator from New York I was prepared to bring up the cross-ownership provision in the Appropriations Committee, as I related to Senator INOUYE at the time. I said I had amendments on communications issues. However, Chairman STENNIS was saying no amendments, as the Senator from New York will remember, and I said I guess we would have to wait until we got to conference and put in the communications amendments there. So I had no idea of waiting until the last minute, not informing anybody. What's more, the fact is that the lawyers for Mr. Murdoch are extremely well informed. They know what is going on. They have been very cleverly positioning this thing for an appeal. It is clear that Mr. Murdoch has had no intention of carrying out what he pledged to the Congress some 2 years ago both by letter and by news release.

I hope we will not in an ill-considered fashion here do away with one of the last tried and tested rules that protects the interest of the viewing and listening public in the United States. The electromagnetic spectrum is scarce. It is worth millions of dollars. Yet those who use it pay absolutely nothing for it. They pay negligible fees to cover some of the administrative costs, but that is the extent of it. Television stations are often sold for prices as high as $300 million. One in my home town of Charleston sold this past year for $66 million, even though half of the viewing audience is out in the ocean. I can say with confidence that some $60 million of that $66 million was for the spectrum, and only some $6 million was for the equipment and property.

When you rent grazing lands you pay a fee. When you use other properties, for example cut timber, you pay a fee. Yet here we have the FCC which says let the market forces operate, do not pay any fees, let them come in willy-nilly as they wish, and act as though competition is going to control the industry.

We had concentration of the media in Charleston, SC. The newspaper had to sell a radio station in my home town. So it was here in Washington. Mr. Joe Albritton had to sell the Washington Star. Katherine Graham of the Washington Post had to dispose of a television station. Conscientious business people in South Carolina, in all 50 States, have been complying with this rule without objection. Likewise, initially we had no objection from Mr. Murdoch. Yet rather than conform with his commitment to sell the papers, he has now launched a frontal assault he has come around on the cross-ownership rule through the proxy of his Freedom of Expression Foundation. Through its appeal to the courts, the foundation claims that somehow it is unconstitutional to prevent the FCC from repealing the law. It is up to us in Congress to maintain the law.

This will not change anything but keep the law and the policy intact which has been tried and proven and found constitutional by a unanimous Supreme Court.

Mr. D'AMATO addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first take this opportunity to say what I have said privately and sometimes not too privately, that there is no Member of this body for whom I have a greater respect who calls them the way he sees them. Indeed, I have said repeatedly that if the Congress of the United States and if this administration in 1981, rather than engaging in a political exercise, rather than engaging in an exercise of demonstrating its power and at times even going to great lengths to embarrass the Speaker of the House and obtain pyrrhic victories, were to have supported the proposals put forth in good faith in a bipartisan manner by my friend and colleague, the Senator from South Carolina, Senator HOLLINGS, to freeze spending across the board, we would not enjoy a $150 billion plus deficit and worry about what is going to take place 2 months from now when the figures come in and we have to revisit the question of targets, et cetera.

He has the courage to stand and to articulate and take positions that are not just for political expedience or for his own aggrandizement.

Having said that and having had the opportunity for 7-plus years to work with a good friend and colleague, I am forced to disagree as it relates to what has taken place in terms of the passage in the continuing resolution of that provision which no longer will afford the FCC the opportunity as it relates to the fairness doctrine to grant waivers. And let me suggest to my friend that I understand the frustration of dealing with a recalcitrant administration or a commission or a body. Lord knows, we have anguished together on numerous occasions as it relates to the FCC, as it relates to their treatment of the fairness doctrine, as it relates to the minority ownership concepts, and I undertand his outrage. This Senator has had similar experiences, if not with the FCC, certainly with the Nuclear Regulatory Commission, which disregards its own rules, that sets them aside willy-nilly. And I, too, have offered legislation at times to curb their appetite. I have not been successful, and so I understand his feelings for what is a misapplication in many cases of what the spirit and the intent of the Federal communication law should be.

Let me make an appeal, an appeal for fairness, to say that as we look at the 1975 provision which was adopted by the Commission, that rulemaking provision—that was a rule, the expressed policy of which was to say, one, we want to promote the diversity of viewpoints and, secondly, the preservation of competitive advertising markets—that to pass this legislation, this killer legislation that removes from the FCC the ability to grant waivers does not accomplish that.

Now, let us look to the facts, whether they were intended or not. Is this a market that will be enhanced as a result of forcing publisher Rupert Murdoch to make a decision to divest himself of the Post or his media properties? As a practical matter, he is not going to divest himself of ownership of Fox. He is just not going to do it. And what do we have in New York? The New York Times, the Daily News, New York News Day, Staten Island Advance, and the New York Post.

Now, let us look at the circulations of these papers, the profitability of these papers. In every one of these cases we find that every one of the other papers is earning substantially more than the New York Post. And so we have a newspaper that is being subsidized by a publisher and some have indicated to the extent of $15 to $17 million a year. And unless he has that ownership it is unlikely, notwithstanding the offers that have been put forth, that someone is going to continue to subsidize this newspaper indefinitely, as Rupert Murdoch has to date.

What do we accomplish by seeing to it that the FCC has no discretion to look to see whether or not the principle established in 1975 and that was adjudicated and held up, as Senator HOLLINGS has indicated, by the Supreme Court in its decision of 1979 that, yes, indeed, the FCC has the obligation and the authority to see that there is diversity, to see to it that there is a preservation of competitive advertising markets, has been abused?

I suggest to you that as it relates to whether or not the FCC has abused this particular provision, I have failed to see where anyone can demonstrate that they have abused it. I fail to see one case that anyone makes on the floor of this Senate or anyplace else where they can say that the FCC has abused this particular provision, that somehow it flies in the face of competition, fairness, that this is not what the rulemakers in 1975 intended. Indeed, let me point out that there is a community within my same State of New York called Watertown, and there was a newspaper owned by the Johnson family and that same family owned WWNY-TV, the only television station.

By the way let us look and see what New York City has in terms of television stations. It has CBS, it has NBC, it has ABC, it has CNN. Indeed, WOR operates across the river and has crews working in the city, and it has, if anything, the smallest of the stations, channel 5, Fox Television, owned by Murdoch.

Now, I suggest to my colleagues that there is every reason to believe that if a hearing were held, that any responsible, reasonable FCC Commissioner would say that a waiver should be granted. And I have been following the proposed sale. It is not an issue that there is someone ready to buy. The issue is whether or not there is a preservation of competitive advantage, the issue is, are you providing a monopoly as it would have been in the Johnson case in Watertown? Because there the Board refused to extend a waiver and the matter was litigated through the courts. As my friend from Connecticut well knows, the Supreme Court, the final arbiter of these situations, decided that the FCC was within their rights and, furthermore, the fact was that there would not be competition; that you would have, indeed, one common ownership that would control all of the local TV, as well as the printed media, as well as the radio communications. Therefore, pursuant to that decision and under the FCC's cross-ownership rules, they divested themselves of the television and radio properties.

I am not going to go into the fact that the Tribune company has television stations and is grandfathered in, that the New York Times has television stations, radio stations grandfathered in. The fact is that this provision was hastily put forward. I am not going to argue about what has taken place with respect to the operation of the FCC, and I share my colleague's concern that the fairness doctrine, the principles of giving and encouraging minority ownership as it relates to a nation's airways be one that we support.

It is not fair not only to the workers at the New York Post but, more importantly, to the citizens of this Nation. It certainly puts this Congress in the position where it looks like freedom of expression is OK as long as you support my position. Freedom of opinion is all right so long as you do not harpoon me because I am going to suggest that this was a harpoon job. And whoever wants to take the credit for sending that harpoon, take the credit. I do not believe that my colleague from South Carolina for 1 minute believed that this affected any properties outside of Boston. And I know that to be the case because he has indicated that to me. But there were others who were aware of it.

Now, we have 535 Members of this Congress. It is simply not fair that only 1 out of 535 was absolutely aware of the magnitude of this legislation. And it does affect people in my area, but whether it does in New York or any other place really is a secondary issue. It is an issue of fairness. By God, could you imagine if each and every one of us had our opportunity to close or to force to sale or divestiture that news organ that happened to be working us over. I would hate to think what would happen to the people of New York when I got irked or piqued. There would not be any newspapers left.

After all, they have done their job. They have taken me to task, as rightfully they should, and maybe sometimes unfairly in my eyes; and that is why the framers of the Constitution when they came together talked about protection of the press, liberty, and free speech so that we do not have this kind of situation taking place.

I may not have drafted this legislation with the ardor and the fervor of my friend, Senator SYMMS, as it relates to some of the suggestions of the sense of the Senate, et cetera. Certainly, I support the basic overall principle and philosophy to say let us go back to the law of 1975. Let us let the FCC do its job and encourage it to do it in the open and clearly. I support the contention of my friend, Senator HOLLINGS, as it relates to some of their activities in other areas. They have not and it has not been demonstrated that they have applied or failed to apply this doctrine fairly as being established in 1975. Indeed, the Johnson family, notwithstanding their power, notwithstanding their attempts to continue to maintain ownership of the Watertown Times and the local TV station, was forced by this Commission to divest. As the Senator indicated, that basic decision and premise was supported by the Supreme Court. That is not the case here. I would think that if we want to argue this out, then let us do it on the merits of whether or not there should be any waivers of these provisions granted at any time and as it affects this one person. Then let us do it as we are doing it here. Let us do it on the merits, on the record, so that there is no misunderstanding as to what properties are covered.

So while I have the greatest admiration for my dear friend, I would hope that he would reconsider this one provision as it applies in this case and goes far further than even he recognized at the time. Regardless of the outcome, I thank him for his fairness and again I state for the RECORD, I know that FRITZ HOLLINGS has absolutely no idea that the language in the legislation would affect the people of New York, in this case, the oldest newspaper in America, the New York Post.

It certainly does not present any challenge to the fairness doctrine or to the doctrine of diversity. As a matter of fact, many people look forward to it for comic relief. Its flashy headlines will be missed. Its diversity of opinion is something that I believe is good for this Nation, whether or not you agree with their editorial policy or the factual content contained. That is a judgment that the people who purchase and read or choose not to read should be allowed to continue to make.

I yield the floor.

Mr. SYMMS and Mr. WIRTH addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Idaho.

Mr. SYMMS. Mr. President, thank you. I will be very brief.

Mr. President, I have here in my hand the legislative and administrative message that accompanied the President's excellent State of the Union Message Monday night. I want to read very briefly two paragraphs of that.

> This administration has sought to promote the free flow of information among individuals by freeing the telecommunications

> industry from intrusive Government control. In this "age of information" America risks losing its position as the world's leader in information and telecommunications technology—not because we lack the talent, the resources of the will, but because we have needlessly regulated our telecommunications industry.

It goes on with one paragraph about the fairness doctrine, which is not at issue here, and then another paragraph that says:

> One area where the first amendment rights have been dealt a serious blow is the recent codification of the "cross-ownership" rule. This last-minute appendage to the continuing resolution prevents owners of newspapers and broadcast stations from even seeking a waiver of the rules and thus violates their first amendment rights. This change could force the closing of newspapers. I strongly support measures to repeal the legislative cross-ownership restrictions that inhibit rather than change the free market of ideas.

Mr. President, the letter that I have just been passing out here on the floor is a very brief explanation for our colleagues use when they are going to be asked to vote on this amendment very soon, I believe. It just very simply—I call to the attention of my colleagues—explains what the issue will be. Very simply the issue is, should the Senate, by not changing what was done in the continuing resolution, the conference report, force the death of one and possibly of two major American newspapers? As it now stands, the New York Post will be forced to be sold within 45 days following a judgment by the D.C. Court of Appeals. This means that one of the largest newspapers in the country would have to be sold in less time than most of us would normally take to sell our home. This result in my judgment can only chill the exercise of the first amendment rights by the American press. Whatever the motivation of the participants, this is not the procedure by which a fundamentally important decision should be made.

So I urge my colleagues. This is the first opportunity to have an amendment of this sort to correct what I believe was an error that was passed late in December with the rush of Christmas upon us. And I think it would be possible for us to support this amendment and correct what I would consider to be a mistake.

I yield the floor.

Mr. WIRTH addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Colorado.

Mr. WIRTH. Thank you, Mr. President.

I do not want some of the comments that have gone on earlier to go unattended, and I want to make sure we know what the real story of the record is here.

As the Senator from South Carolina pointed out, I had the privilege of chairing the House Subcommittee on Telecommunications for a number of years and spent a great deal of time on this particular situation, the request by Rupert Murdoch for a waiver. This is not a new issue. It has been around for a long time. As has been clearly pointed out, this is not a sneak attack in the middle of the night. This is not an obscure provision tucked away in the recesses of a conference report that nobody knew about.

Anybody who has been watching the history of American broadcasting over the last 3 or 4 years has been acutely aware of the request of Mr. Murdoch for a waiver. In fact he has been granted a waiver and in fact that waiver has been given. Most people have been aware of the fact that it is pretty clear that he was going to come back and ask for a permanent waiver and not the temporary waiver he said he was going to ask for. There is a long history of this. There is nothing new about it whatsoever.

In the earlier comments by my colleague from the State of New York, he talked about fairness. Let us talk about the fairness and the fairness of the situation. The fairness is everybody else in the country has complied with these rules except Rupert Murdoch. That is the situation. Everybody else has complied. Reference was made to what happened here in Washington, what has gone on in South Carolina, what has gone on in Chicago, and what has gone on in a whole variety of places. Everybody else has complied with the cross-ownership rules except this one individual. Who is he to think that he is going to be able to sneak around this set of rules whether he sets up a nonprofit organization, a tax fairness, and advocates his position, whether he goes around with a lot of very high-powered Washington lawyers, or whatever, and that one man is going to be able to obviate these rules. I do not think that is fair whatsoever.

Right in the center of New York, for example, in the State of the earlier speaker, CapCities purchasing ABC complied with the rules. CapCities divested itself of and divested itself very honorably, knowing full well what the rules were going to be. We expected CapCities, an honorable American corporation, which they were, to divest themselves and they did it and did it very, very constructively. Why in the world would we require that of CapCities, ABC, and not require that of Rupert Murdoch, who arrived here from Australia, bought Metromedia, and goes around trying to get us to change the rules?

The one thing I can say for Mr. Murdoch is he did comply with the rules of becoming a citizen of the United States on ownership of Metromedia. We will give him credit for that. I do not think it is fair for him to be going around trying to make the case that he ought to be allowed to have this waiver while nobody else has had it.

Second, argument is made that somehow Mr. Murdoch is going to be allowed at the last minute to divest himself of that property. That is nonsense. The record is clear, and I put all the documentation in the RECORD last night, that Mr. Murdoch knew from the start he was going to have to divest, has known this for at least 3 years, and has not done so.

This is not something he is being required to do, as suggested in the memo handed to us here, that this is a 45-day fire sale, or whatever. Hardly the case. This is something that has been on the docket for more than 3 years. Mr. Murdoch has known that. Everybody else has known that.

In fact, a variety of people years ago went to Mr. Murdoch and said they wanted to buy the New York Post from him and could not get a response from him. What is that? He is so eager to sell the newspaper. Why did he not sell the newspaper?

It goes on to say in this that somehow we are forcing the sale of one of the Nation's largest newspapers. That is not the only alternative. Mr. Murdoch can sell the television station. He does not have to shut down the newspaper. He can sell the television station and get himself out of the cross-ownership bind.

The third point made in this letter, that this is chilling the exercise of first amendment rights by the American press, is a little hyperbole in making a case. But I think the fact of the 8-to-0 Supreme Court decision confirming the cross-ownership rules is certainly a resounding confirmation of that cross-ownership rule as being appropriate for the exercise of first amendment rights, reinforcing the fact that we have to have a lot of diverse choices in a democratic society.

We do not want to allow one or two companies or a handful of individuals to be a bottleneck for the expression of ideas in the United States.

This is not a new issue. Rupert Murdoch has known this for a long time. Everybody else has complied with this rule.

What this issue is about is whether one individual is going to be able to circumvent a clearly laid out set of rules and regulations, whether one individual is going to be able to end-run the intent of the FCC, the intent of Congress; whether one individual, having clearly stated he was going to divest, will be allowed to go back on his word.

I think we want to confirm what is in the continuing resolution, these rules and regulations which are absolutely consistent with what we have done for many years, and we should do that today.

I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). The Senator from New York.

Mr. D'AMATO. Mr. President, this does not force Mr. Murdoch to live up to the law. It is a codification of the rule, 1975, that was put forth, and that was affirmed by the Supreme Court. But it is more than a codification. It takes away the ability to grant the waiver. That is clear. That existed under the law.

When we begin to say that somehow that waiver provision may or may not be exercised as to someone we may or may not like, that is wrong.

If the FCC has abused it, then demonstrate where they have abused it. I have not heard that. My friend from Colorado has not given one example. If you want to say it is an abuse to give him an extension as it relates to a property that is losing $15 million a year—and I heard everybody is going to buy it, from Mr. A to Mr. Z. It is one thing to say you are going to buy it and it is another to put up your money and, if you are going to buy it, to run it as a newspaper. I do not know how many people in this country would run a newspaper and lose $10 or $12 million in a year.

What is it? We do not like him? He is intolerable? He is an ultraconservative? He is an Australian? My family came from Italy. Does it mean because you came from Australia or some other place you are not an American citizen, you are second-class? The greatness of this country is the diversity of its people.

An Australian—you ought to be ashamed of yourself, my colleague, in referring to something like that. He is a U.S. citizen. I resent it. I think it is wrong. It is out of place, absolutely. I wonder if you would take on the New York Times that way. It ought to be interesting to see.

I think it is rather interesting in that the media, even those who do not like Rupert Murdoch and his property, have said that what we have done is wrong, a sneak attack. It is an attack against the very foundations of our Founding Fathers—freedom of the press. It is an abuse of the authority and power we have.

If the FCC rules one way or the other and we do not like it, let us challenge it in court. If you want to say we are taking away their ability to make those decisions, that is what we are doing. We are saying in no way should it be granted under any condition without having the facts. Let him put forth his case. Maybe the FCC will buy it or reject it. Maybe in our analysis we will find it hogwash and will say no longer should the FCC have the ability to grant the waiver, whether it is a temporary or permanent waiver.

We have targeted one person and one person only. This is not a principle of law you are going to apply to everyone, but it should be a principle.

The fact is that I think probably and most likely the FCC would have granted a waiver. Look at the facts: the New York Post losing millions. You have somebody who is willing to operate it. It does not challenge the dominance in terms of news diversity or control or advertising revenues, and certainly the television station does not.

Who are we to say to somebody: "You must sell this one, that one," when the very principle of the law that came about, the rulemaking in 1975, was so that we do not impair that diversity?

We are closing down another avenue, because I expect that within 2 or 3 years, regardless of who purchases this paper, if Murdoch could not make it go, the chances are that no one else will make it go. But that is not the law, and that is not what the law in 1975 was intended to do, to say you must sell. It does not say you must sell. It has granted waivers specifically.

Murdoch has gotten those waivers. Chances are he would get that waiver every 2 years from here on down, and some people may not like it or his editorial policy, and now they choose to take away the discretion that was in the law for the FCC to say whether or not it will grant the waiver. We have removed the discretion from the FCC to grant the waiver.

I think we did it in the dead of night, and there was only 1 Member in 535 in Congress who knew all the implications, and only 5 Members out of 535 in the House and the Senate who even were aware of the provision. Shame on us, but shame on those who have taken advantage of the manner in which we have relied upon each other as it relates to the legislative process.

I yield the floor.

Mr. WEICKER. Mr. President, first, let me express my unbounded admiration for the distinguished junior Senator from New York in eloquently presenting his side of the argument, one that certainly has a great deal of merit.

No. 2, I think it is necessary in any sort of debate of this nature to declare any personal matter that might influence one's decision.

I have to say that I would hope that that is not clouding my own view on the issue as a whole, which I will get to in the second part of my comments. But as one who, by innuendo, has been dragged through the mud by Mr. Murdoch, as one who woke up one morning to read that I had a Communist spy nest in my office because a young intern, unpaid, happened to talk to somebody on the streets of Washington, I can assure you that when it comes to media ownership in the United States, my doubts have nothing to do with his citizenship. I just think he probably is the No. 1 dirt bag owner of any publications or electronic media in this Nation.

I have seen Mr. Murdoch do this to person after person after person, and it has nothing to do with being conservative or liberal. He applies loose standards of language and of terminology to individuals who have caused a great deal of hurt among many, many persons; hurt which is unwarranted. And maybe he has made money, but to me an individual is more important than property.

Second, obviously Murdoch has done well in the United States, and the Senator from New York is absolutely right. That is what this Nation is all about. Obviously he has done well by the policies of the FCC because he has gotten waiver after waiver.

I have not really been able to understand why it is that he continues to go ahead and be excused from the applications of the law.

But the main point that I want to make here today to my colleagues is that the year is 1988. The Grove City decision was handed down in 1984. For 4 years, blacks, women, the elderly, the handicapped have been in the legislative line for their turn on the floor of the U.S. Senate or the House of Representatives, for 4 years, through both Republican and Democratic control of this Chamber. When the Republicans controlled it they tried to ensure that this legislation did not come up; when the Democrats controlled the Senate last year, they were afraid to have the Grove City bill come up because it was going to be controversial. But the bottom line is the same. All the weakest elements of our society have been waiting. Mr. Murdoch has not been waiting. For 4 years he has done very well by this Nation.

I realize we are going to have a lot of amendments to this bill, and I think probably most of them will be relevant to it, and they will be raising points that I disagree with, but that is neither here nor there.

I would hope we could attend to a particular need without clouding it up with extraneous issues.

I did not attend the State of the Union speech because I was with my children that night, but I watched it. Everybody roared with laughter when the President pointed to all the paperwork and procedures that bogged down the whole governmental system.

But what we have before us right now is a perfect example of why that happens. Here we have a valid piece of legislation which has been on hold for 4 years. For 4 years, these most disenfranchised elements of society have waited their turn.

Now is their day, and we have to be concerned with Rupert Murdoch?

So regardless of how we feel about Mr. Murdoch or waivers from the FCC, or media cross-ownership, I would hope that we would go ahead and table this amendment not on the matter of substance, but on the fact that Mr. Murdoch gets his hearings day in and day out. He has his lawyers before the FCC and in court. He has Fox television and all of its publications with which to voice his opinion. He has a voice. He has the money. He has the opportunity, Whereas, the women, the blacks, the retarded, and the elderly who have been stripped of their constitutional guarantees, are still on the outside looking in.

I do not think this country has anything to apologize for in terms of giving Mr. Murdoch his due. Day after day after day, whether it is his opinion or his money, he has done very well.

The subject matters of this legislation have done very badly in the Nation, in its courts, and in its legislature.

I would hope at the appropriate time that this matter will be tabled for the reason that I have described and so that nobody comes back after me and says, "Well, you know Mr. Murdoch didn't like Weicker so Weicker is flying under false colors," I told you exactly what the problem is I have with Mr. Murdoch so we get that right up front. That is neither here nor there.

Really I have to tell you, I have desperately tried along with Senator KENNEDY, and I might add Senator HATCH, to get this piece of legislation before this body and if we take on every single amendment, and I realize it is our right to do so, and a very important right I might add, but I am asking, I am begging my colleagues to please forbear in this instance and let us get on to the business of Grove City.

Mr. HATCH. Mr. President, will the distinguished Senator yield for a comment?

Mr. SYMMS. Yes.

Mr. HATCH. If I can make this point, I think this matter has been debated at length. I think the distinguished Senator from Massachusetts would like to say a few words, but really the way to get rid of this is to vote on it. I believe we are prepared to go to a vote. If we can do so within the next 5 minutes, I think we can have the vote. If we do not, then the White House has called and asked for some time, and frankly I will have to delay it.

Mr. HOLLINGS. Mr. President, if my distinguished colleague from Idaho will yield, I would not want to cut him off. I am prepared to move to table. The reason I do that is I understand the Nickles amendment is in the second degree. The Symms amendment in the first degree.

So the way to get a direct vote on the Symms amendment is simply to move to table. I am prepared to do that when the Senator agrees. I am not going to do it before he says go ahead and do it.

In the light of what the manager of the bill says, I am ready to vote either now or after he makes his comment.

Mr. SYMMS. I might say, if the Senator will yield——

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. SYMMS. I thank the Chair.

Mr. President, I just want to say one very brief thing about the comments of my good friend from Connecticut.

I think the one point we have to make is that the clock is ticking on what is going to happen with respect to the New York Post and this is an opportunity to settle the issue.

Point No. 2, I would say to my colleagues and the distinguished manager and minority manager, and Senator HOLLINGS, if it would be the preference of the committee to temporarily set this aside and go ahead with the bill I would have no objection to it and maybe we could work out an accommodation on it.

If people are going to just hide behind the civil rights bill and not have a clean vote on this, I am not pushing and do not want to push my colleagues on the issue, but I also have no objection to voting on it because if it is voted down, if it is tabled, then there is an opportunity later in this legislation to bring it up again in another form.

But I would say to my colleagues to remember that the clock is ticking and if they vote on this issue thinking that they can say, "Well, we didn't want to clutter up the Grove City bill," that is not the way that it should be interpreted, and we should vote on this issue for what it is and I think we are all aware of what the issue is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are about to vote, and so I would like to make just a few brief points.

First, there is ample justification for the action we took in the continuing resolution last December to preserve the cross-ownership rule. Rupert Murdoch does not deserve to be the only publisher in America who can buy a television station and keep his newspaper in the same community.

Second, the cross-ownership rule and its emphasis on diversity of viewpoints are more important than ever now, in light of our unsatisfactory experience with the FCC and the repeal of the fairness doctrine. Broadcasters are no longer under the constraints of the fairness doctrine to present opposing viewpoints, and the cross-ownership rule, with its focus on diversity, can help to fill the gap.

Diversity is the issue. Some of our opponents in this debate are confusing monopoly and diversity. No one claims Murdoch has a monopoly in New York City. What he has done is reduce diversity. It's a fundamental first amendment principle, and it's been affirmed and reaffirmed by the Supreme Court. Newspapers should not be able to buy television stations in the same community.

Third, there are serious buyers for the New York Post. No one is trying to close the newspaper. The issue is whether Rupert Murdoch is prepared to obey the law, and become a willing seller. He may be a powerful publisher, but he is not a power unto himself. He should play by the same rules as everyone else.

Fourth, the Senator from Idaho is wrong on the facts. There is no immediate crisis facing the New York Post. The March 6 deadline is no longer in effect. The Court of Appeals for the District of Columbia has stayed any FCC action affecting that newspaper until 45 days after the court rules on Murdoch's legal challenge.

Fifth, with respect to adding this provision to the continuing resolution, the Symms amendment is the height of hypocrisy. As we all know, in closing days of the Senate session last month, dozens of riders were added to the resolution, conferring various special benefits on various special interests. Yet the Senator from Idaho is seeking to repeal the only provision that does not confer a benefit, but that steps on the toe of a special interest.

Make no mistake about it. Whatever Senators may feel about the procedures governing the continuing resolution, the cross-ownership amendment was in the public interest. It was designed to protect the public interest and stiffen the backbone of an FCC about to buckle before the onslaught of a powerful special interest named Rupert Murdoch.

And as Senator HOLLINGS has indicated, the amendment was not added in the dead of night, but in the glow of morning, a full week before final House and Senate action on the conference report. And throughout that week, the Senator from New York, Mr. D'AMATO, was a member of the very conference committee that approved it.

Finally, this amendment does not belong on this important civil rights bill. Many of us in both parties have worked hard to bring this underlying legislation before the Senate, and it should become a vehicle for extraneous riders such as this. I hope the amendment will be resoundingly defeated.

I respond to the Senator from Idaho.

Quite frankly, this legislation will probably take 3 or 4 months before it is ever completed in any event. The House of Representatives has a long and trying hearing and debate to look forward to. I am very hopeful that we will get this legislation passed within the next 4 or 5 months, but in terms of the relevancy of time, that should not be persuasive in terms of the membership.

I have a brief statement, but to comply with what I understand is going to be absences with a number of Senators on their way to the White House, I would like to get this resolved, and I see my colleague from South Carolina on his feet, hopefully for the purpose of either voting or——

Mr. SYMMS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

Mr. SYMMS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and statement from the mayor of New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, January 5, 1988.

Hon. STEVEN D. SYMMS,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR STEVE: I am writing to you about a matter of deep concern—the unconscionable action by Senators Kennedy and Hollings in adding language, in conference, to the appropriations legislation that could spell the end of two major American newspapers and cost 2,000 people their jobs.

This tactic, in circumventing the normal legislative process, undermines our democratic foundations. It is an assault on the freedom of the press and unworthy of the men who perpetrated it. The excuse that the action was directed at the situation in Boston is hardly acceptable. And the decision not to inform New York legislators about language affecting their constituents is, at the very least, a breach of legislative courtesy.

I have detailed my position on this matter in the accompanying statement, and I urge you to support Congressional action to undo the damage.

A personal political vendetta cannot be a justifiable reason for government to force a publisher to sell or close his newspapers. One's feelings about The New York Post or The Boston Herald should play no role in determining government's relationship with their publisher. The FCC has a legitimate role to play in making a determination about broadcast licenses. It should be allowed to play that role.

Aside from the gratuitous assault on the freedom of the press, this episode is a blot on Congress' reputation for fair dealing. The legislative process is tainted, perhaps fatally, when procedures are used to prevent consideration in public of important matters. It is not too late to recognize that a serious mistake was made and to reverse it.

Time is of the essence.

All the best.

Sincerely,

EDWARD I. KOCH, *Mayor.*

THE WORST AMENDMENT

(By Edward I. Koch)

Since the earliest days of journalism, the power of the press has been fighting for survival against the powers of oppression. The Sandinistas, for example, shut down La Prensa. But sometimes the enemy is closer to home.

Last month several members of the United States Senate launched a sneak attack on the First Amendment by furtively passing legislation that forbids the Federal Communications Commission from considering waivers to the rule prohibiting cross-ownership of a newspaper and television station in the same market. The target of this underhanded assault on open government was Rupert Murdoch, owner of the New York Post and WNYW-TV in New York, and the Boston Herald and WFXT-TV in Boston. The purpose of the FCC regulation is to keep one owner from dominating competing news media. The purpose behind sneaking the FCC amendment through Congress was to avoid detection of an outrageous mugging of the public interest.

Instead of debating the issues on the Senate floor, thus giving New York Senators D'Amato and Moynihan a chance to express their opposition, Senator Ernest Hollings of South Carolina acted in the dead of night. He introduced the anti-Murdoch legislation directly to a House-Senate conference committee. By the time our New York delegation discovered that Senator Hollings had short-circuited the legislative process, it was too late.

For some strange reason, however, Senator Hollings did remember to notify Senator Kennedy of Massachusetts that he was introducing a bill "aimed directly" at Rupert Murdoch, who would be forced to sell his papers in Boston and New York. Later it turned out that the trail of ink-stained footsteps led straight to Ted Kennedy's door, and that he himself had encouraged Senator Hollings to do what he did. It's not hard to figure out why. Mr. Murdoch's Boston Herald, like his New York Post, generally supports the conservative end of the political spectrum. The Herald has been a constant critic of the liberal Senator Kennedy. It's not surprising he'd like to see it sold to another owner. What is surprising, however, is that a staunch advocate of liberalism would subvert liberal principles in the name of hidden self-interest.

It has been liberals who most fervently defend the rights of a free press. Voltaire set the standard when he said, "I may disagree with what you say, but I will defend to the death your right to say it." Now we'll find out how many Voltaires we have on Capitol Hill, and among the Presidential candidates.

I happen to like both Rupert Murdoch and the New York Post. There are those who will cynically suggest that I am supporting Murdoch because he supported me. Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress. If a fascist gang broke into the Post and burned the building to the ground, we would be up in arms at this blitzkrieg against the press. Should we be any less concerned if the same result is achieved by secret deals in Washington?

Under previous regulations, the FCC had the latitude to make exceptions to the rule prohibiting one owner from running a broadcasting station and a newspaper in the same area. Such waivers recognized that conditions vary from city to city. In New York City, for example, The New York Times owns WQXR radio. The Daily News and WPIX-TV are both owned by the same company. These cross-ownerships are permitted because they were grandfathered in when the new FCC regulations took effect. Does anyone seriously believe that such ownership in any way constitutes a monopoly of the media? Of course not. We have dozens of radio stations, and dozens of television and cable channels that represent every conceivable facet of public opinion. In such a market, worries about monopoly of the press are unwarranted.

The former FCC rule recognized that hard and fast laws against ownership of a newspaper are likely to be incompatible with the First Amendment of the U.S. Constitution, which guarantees freedom of the press. Waivers were appropriate when local conditions called for them. Rupert Murdoch was appealing for such waivers in New York and Boston. I think he deserves them. New York City has four daily papers to serve a population of over seven million. Among them, the four dailies cover the complete range of news stories and political viewpoints. Were we to lose any one of them, it would be a blow to the entire city.

It should be noted that the Post has been running a large annual deficit. Rupert Murdoch is keeping it going anyway. I think he deserves our thanks and gratitude. If the Post and the Herald succumb to this submarine attack from Washington, thousands of employees could lose their jobs.

I am calling upon every presidential candidate, Democratic and Republican, and upon President Reagan himself, to urge Congress to immediately reconvene and undo this deplorable act. I will support no candidate—in either the primaries or the general election—who does not join in this defense of the First Amendment. I urge others to take the same stand. The Kennedy-Hollings bill has defamed our legislative process and undermined our freedom of the press. The anti-Murdoch bill is a direct attack on a cornerstone of American liberty. It must be repealed. Let the FCC make its determination based on the merits of the case. Senators Kennedy and Hollings should recognize the harm they have done, and lead the effort to overturn their ill-advised legislation. Rupert Murdoch is an American citizen. The fact that he came from Australia does not mean he deserves to be the victim of a kangaroo court in the halls of Congress.

Mr. PACKWOOD. Mr. President, yesterday I spoke briefly about the cross-ownership rules, expressing my concern about the possible connection between the decline in daily newspapers in this country and the current cross-ownership rules. I also indicated my interest in seeing this issue reviewed—by the Federal Communications Commission and by the appropriate committees in Congress. Unfortunately, language in the continuing resolution prevents the FCC from conducting a study of the cross-ownership rules this year.

This Symms amendment repeals this language, allowing the FCC to look into the cross-ownership rules. Mr. President, I support the concept of this amendment because I do believe this issue deserves review. However, I am also a cosponsor and strong supporter of the underlying bill, the Civil Rights Restoration Act. Our goal on this bill is to pass it without substantive amendments. Although the Symms amendment does not specifically address the subject of the Civil Rights bill, I fear if the amendment is adopted at this time, it would send the wrong signal to others who might have amendments that they could offer to this bill.

Therefore, consideration of the Symms amendment at this time is premature. However, if other amendments are adopted to the underlying bill, I would reconsider my vote on this amendment. At this time, I must vote to table the Symms amendment.

Mr. RUDMAN. Mr. President, the Symms amendment would repeal a provision in the 1988 continuing resolution that reaffirms the regulations of the Federal Communications Commission prohibiting the common ownership of a daily newspaper and a television station in a major media market.

I support the common ownership regulations—regulations in effect since 1975. They are designed to prevent the concentration of power in the hands of large corporations or individuals, both to conform with antitrust policy and to provide for a diversification of the sources of public information. However, the current members of the Federal Communications Commission do not seem interested in protecting the public interest in receiving a variety of views and opinions. They proved this last year when they voted to abolish the fairness doctrine.

Senator HOLLINGS has been a leader in the effort to attempt to convince the Commission that it has a responsibility to protect the public interest—not just the interests of a few powerful corporations. When he proposed that we reaffirm existing policy in this area to prevent a repetition of the kind of action the FCC took concerning the fairness doctrine, I agreed. The provision is consistent with my views on antitrust policy and on the need for diversity among the major sources of public information.

Regarding the impact of the provision on the Boston Herald and the New York Post, it's worth noting that the individual who controls these newspapers was well aware of the common ownership regulations when he bought television stations WFXT in Boston and WNYW in New York. Indeed, enforcement of the regulations was waived for 18 months for the Boston station and 24 months for the New York station in order that he have time to comply.

While I support the common ownership regulations and believe they should be retained, I would support a modification to allow waivers to be granted to prevent the closure of a newspaper. The regulations are designed to encourage diversity, not eliminate competition. However, the granting of such waivers should be the exception and not the rule, and should be subject to carefully drafted guidelines.

Mr. KERRY. Mr. President, the issue before us today raises a number of important questions, but none are so basic—or as clear cut—as this: Do the FCC's cross-ownership rules represent an unconstitutional assault on the first amendment protections of the freedom of the press?

The answer, Mr. President, is equally clear. It does not, and a review of the Court opinions on this matter make this perfectly clear.

The Federal Communications Commission's broadcast newspaper cross-ownership restrictions bar the initial licensing or the transfer of newspaper-broadcast combinations where there is a common ownership of a radio or television broadcast station and a daily newspaper located in the same community. These regulations were adopted in 1976 after a rulemaking that began in 1970, and are part of a carefully developed body of policies developed over many years to ensure that the Nation's broadcast spectrum serves the public interest.

The cross-ownership rules were challenged in court immediately after they were published by a group calling itself the National Citizens Committee for Broadcasting. Both the D.C. Circuit Court of Appeals, and the U.S. Supreme Court upheld the cross-ownership rules in no uncertain terms. Both found that the FCC had acted within its authority in imposing the rules, and that, indeed, the rules themselves did not violate the first amendment rights of newspaper publishers. The decision was not even a close call.

The decision bears careful reading. The court noted that in setting its licensing policies the FCC has long acted on the theory that diversification of mass media ownership serves the public interest by promoting the diversity of program and service viewpoints as well as by preserving undue concentration of economic power, and that the cross-ownership restrictions were a reasonable and appropriate means of fulfilling the congressional mandate contained in the 1934 Communications Act to allocate the limited broadcast spectrum in a manner consistent with the public interest.

In rebutting the claims of those who argued that the cross-ownership rules violated freedom of the press, the court pointed to the precedent established in the 1969 case upholding the fairness doctrine—Red Lion Broadcasting Co. versus FCC—when it ruled:

> The contention that the first amendment rights of newspapers are violated by the regulations ignores the fundamental proposition that there is no unabridgable first amendment right to broadcast comparable to the right of every individual to speak, write, or publish.

The court noted that the cross-ownership rules do not prevent a newspaper publisher from broadcasting in another community, nor do they single out newspaper publishers for more stringent treatment than other owners of mass media under various cross-ownership rules. In the words of the court:

> Far from seeking to limit the flow of information, the FCC has acted to enhance the diversity of information heard by the public without on-going government surveillance of the content of speech.

This final point is critical, because the court's rulings on first amendment issues within the context of FCC regulation of the broadcast spectrum have repeatedly emphasized the same point: In light of the physical limitations of the broadcast spectrum—and the fact that there are many more persons who wish to broadcast than may do so—"The right of the viewers and listeners, not the right of the broadcasters * * * is paramount." To again quote the Red Lion case the court has clearly ruled that in these circumstances, the FCC is correctly carrying out the intent of Congress when it insures "the widest possible dissemination of information from diverse and antagonistic sources."

It is important to note that the appeals court—while upholding the FCC's authority in this matter, and the constitutionality of the rules—did note that difficulties could arise when the FCC implemented the rules in a manner which is arbitrary and capricious. And the appeals court found that the "grandfathering" of a large number of existing broadcast-newspaper combination by the FCC when it implemented the rules in 1976 was indeed suspect, and it ordered the Commission to review its rules in this regard.

Thus, the constitutionality of the cross-ownership restrictions could not be more clear: Both courts ruled that the rules are authorized, and do not represent an unconstitutional intrusion of the first amendment. The only matter on which there was any disagreement concerned the perception that the FCC had acted in an arbitrary and capricious fashion by applying the rules to certain parties, while exempting others. Yet this is exactly what is being proposed by those who seek to grant special status to the broadcast licenses held by the News America Corp.

Mr. President, it seems abundantly clear that if we truly seek to preserve the neutrality of these rules—and thereby the constitutional foundation on which they rest—we must insure that they are scrupulously enforced upon one and all to whom they apply.

And Mr. President, there can be no doubt that this, and only this, was the purpose of the amendment which the Senator from Idaho now seeks to repeal.

Mr. President, in my opinion, the compelling and eloquent arguments put forth by the Nation's Highest Court are sufficient to justify the action taken by the distinguished Senator from South Carolina last month, and argue against the amendment before us today.

But so many other issues have been raised in this debate, I feel I must take a few moments to address them now as well.

First, there is the issue of process, and of the so-called "dark of night" in which this issue was allegedly incorporated into the continuing resolution last December. I have heard from many of my constituents over these last several weeks about this issue, and I feel I must set the record straight.

It is true that this issue was not the subject of debate on the floor of the Senate at the time the conference report on the commerce, State, justice appropriations bill was added to the corpus of the continuing resolution. It could have been * * * we were here, the lights were burning, and C-span was televising our proceeding for all to see. But there was no request for debate * * * the matter had been discussed—in broad daylight, in not one but two separate conference committee meetings which were open to, and attended by the public and those who represent their interests before us. The amendment had been discussed, and cleared by both Republican and Democratic House and Senate conferees. For better or worse, Mr. President, that is how we do business in a world of complex issues and precious little time.

I for one would prefer that events would have permitted us to take more time to debate more fully many of the important issues contained in the omnibus spending bill. I would have preferred, for example, that the issue of aid to the Contras be debated more fully—and not lumped into a "take-it-or-leave catch-all bill." I wish we had more debate on the fairness doctrine, which was, unfortunately, removed from the CR that same way that the cross-ownership provision was put in. And there are many other issues as well. But all of us understand this process, and it is disingenuous, I believe, to assert, as this amendment does, that the procedures surrounding the passage of the amendment "arguably constitute a violation of the Senate rules." All Senators know that at such times that the rule is unanimous consent—and that any Senator is always within his right to object—and the record will show that there was no objection to the provision at any time.

Another matter which has been raised is the fear that by virtue of the cross-ownership rules New York and Boston will suffer the loss of two newspapers. This need not be so, and it is becoming more clear each day. First of all, the rules do not require that the newspapers be sold at all; News America can just as easily sell off its broadcast properties in Boston and New York, and keep both papers. Just last year, an independent UHF TV station in Boston, WSBK, changed hands for $150 million—and we can presume that the prices paid for broadcasters in New York are even greater. News American purchased it's New York and Boston broadcasters at prices far below that, so that News America has already profited enormously by virtue of the temporary waiver that granted by the FCC in 1984 and 1985.

What if it choses to retain the profitable station licenses, must the papers fail? Absolutely not. Numerous offers have been made for both publications—the profitable Boston Herald is highly sought-after, and according to Monday's Wall Street Journal, even the money-losing New York Post has had four offers ranging from $30 to $35 million.

Finally, Mr. President, I want to address one last issue—an issue that is troubling indeed, and that is the question of how News America's chairman, Mr. Rupert Murdoch, can explain the 180 degree turnaround in his position of whether he would seek a permanent extension of the 1985 waiver. For more than 3 weeks the American people have been subjected to a tirade against this congressional action by a man who seemed genuinely surprised by the cross-ownership rule, and by the congressional insistence that he would have to abide by it as others have for more then a decade. Thus, I was shocked, Mr. President, when I saw the letter that Mr. Murdoch had written to our distinguished colleague from Colorado, Senator WIRTH, just 2 years ago, in which he stated in no uncertain terms that he shared a commitment to diversity and that he would live within its parameters.

THE CIVIL RIGHTS RESTORATION ACT AND THE NEW YORK POST

Mr. MOYNIHAN. Mr. President, on Tuesday, January 26, we began debate on S. 557, the Civil Rights Restoration Act of 1987. The Congress has been trying to pass this legislation for over 3 years. The bill deserves prompt consideration and should not serve as a vehicle for dealing with totally extraneous matters.

Yesterday Senator SYMMS introduced an amendment repealing the action taken in the continuing resolution prohibiting the Federal Communications Commission from extending any current waivers from its cross ownership rule. The result of this action may be to force the sale or closure of the New York Post, whose current waiver expires on March 6, 1988.

On the first day of the second session Senator D'AMATO and I introduced S. 1999, which would extend the New York Post's current waiver until January 1, 1989, and thereafter return the question of waivers to the jurisdiction of the FCC.

Our purpose is a simple one. To help ensure, if at all possible, the survival of the New York Post, and the jobs of the men and women who work for this paper. The amendment would provide the owner of the Post with the time necessary to find a suitable buyer committed to keeping the paper.

In order to accomplish these goals, legislation must pass the House and Senate and be signed by the President before March 6. The prospects for quick passage of the Civil Rights Restoration Act are uncertain. This legislation is not an appropriate vehicle for dealing with the New York Post's situation. It cannot succeed in time, and only serves to impede our efforts to pass this important civil rights bill.

Mr. HUMPHREY. Mr. President, I support Senator SYMM's amendment to repeal the measure which would selectively prevent the Federal Communications Commission from granting a waiver to preserve the Boston Herald and the New York Post.

Yesterday we heard extensive rationalization of why this targeted action should be regarded as a sound regulatory oversight measure rather than a law abridging freedom of the press. I am unpersuaded. The fact remains, as I understand it, that the only parties affected by the antiwaiver measure are the stations and newspapers operated by Mr. Murdoch.

I am not here to make a brief for Mr. Murdoch or his papers. I would note that they bring a point of view to the markets in which they operate which is decidedly different than that of the orthodox liberal papers with which they compete. They are aggressive, trenchant, and opinionated. That may disturb those who are the targets of their barbs; but that is exactly what the first amendment is all about.

The first amendment is intended to preserve robust, wide-open debate on issues of public concern. But the antiwaiver measure inserted in the last continuing resolution will suppress that robust, wide-open debate in the Boston and New York media markets.

One of Mr. Murdoch's papers, the Boston Herald, is distributed in my State of New Hampshire. I would not want to see the diversity this newspaper adds to my State undercut by legislation which was never actually considered by Congress.

Yesterday, opponents of the repeal amendment invoked the Supreme Court's 1978 decision in ECC versus

National Citizens Committee for Broadcasting as a justification for the anti-Murdoch measure. That decision had upheld the general constitutionality of the FCC's cross-ownership rules. What they failed to note was that the Court made several significant statements in that case which indicate why this targeted repeal of the FCC's waiver power presents a totally different situation. As the Court stated:

> The issue before us would be wholly different if the Commission (were) to choose among applicants upon the basis of their political, economic or social views. Here the regulations are not content related; moreover, their purpose and effect is to promote free speech, not to restrict it.

Since the sole victims of the waiver-repeal measure were two newspapers reflecting political views often harshly critical of Members of this body, the question arises as to whether this legislative interference with normal FCC procedures may have been content related.

The Supreme Court made another important qualification in its decision upholding the cross-ownership rules. It went out of its way to stress that "waivers are potentially available from both the prospective and the divestiture rules in cases in which a broadcast station and a co-located newspaper cannot survive without common ownership."

But the measure inserted in the continuing resolution specifically deprived the FCC of the discretion to extend the Murdoch waivers. This action undercuts the very flexibility the Court cited as so important to sustaining the reasonableness of the cross-ownership rules. I think the Supreme Court's 1978 decision highlights the unconstitutionality of the anti-Murdoch measure, rather than demonstrating its validity.

Members of this body are rarely at a loss for words when first amendment rights are allegedly infringed by the two other branches of Government. I suggest that we should be honest enough to recognize that this branch unintentionally and inadvertently infringed on first amendment rights when it passed the antiwaiver provision in the rush to conclude our last session. We can cure this constitutional wrong by adopting the Symms repeal amendment.

Mr. HOLLINGS. Mr. President, the clock is not ticking. The lawyers are ticking and what has happened is they have already got a 45-day delay. They have already defeated the purpose of the waiver. They know how to maneuver the law. I hope they do not know how to manuever this U.S. Senate.

In that light, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is moving to table which amendment?

Mr. HOLLINGS. The Symms amendment.

The PRESIDING OFFICER. The Symms amendment.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina to lay on the table the amendment of the Senator from Idaho [Mr. SYMMS].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr BINGAMAN], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Kansas [Mr. DOLE] and the Senator from Wyoming [Mr. WALLOP] would each vote nay.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 30, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—60

Adams
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Evans
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Stafford
Stennis
Stevens
Warner
Weicker
Wirth

NAYS—30

Armstrong
Bond
Cochran
D'Amato
Danforth
Dixon
Garn
Gramm
Grassley
Hatch
Hecht
Heinz
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Roth
Simpson
Specter
Symms
Thurmond
Trible
Wilson

NOT VOTING—10

Bingaman
Dole
Domenici
Exon
Gore
Heflin
Helms
Murkowski
Simon
Wallop

So the motion to lay on the table amendment No. 1381 was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. HOLLINGS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1384

(Purpose: To ensure that the coverage under this Act does not extend to any part of a religious entity that does not receive Federal financial assistance)

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1384.

Mr. HATCH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

On page 12 strike out "organization.'." and insert in lieu thereof the following: "organization.

" 'INTERPRETATION

" 'SEC. 909. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

On page 12, line 15, insert "(a)" after the section designation.

On page 14, between lines 11 and 12, insert the following new subsection:

(b) Title V of the Rehabilitation Act of 1973 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 509. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 14, line 13, insert "(a)" after the section designation.

On page 16, between lines 8 and 9, insert the following new subsection:

(b) Title III of the Age Discrimination Act of 1975 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 310. Nothing contained in this Act shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 16, line 11, strike out "section" and insert in lieu thereof "sections".

On page 17, line 22, strike out "assistance.'." and insert in lieu thereof the following: "assistance.

" 'SEC. 607. Nothing contained herein shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

Mr. HATCH. Madam President, one of the most critical issues posed by the expansive drafting of S. 557, and I mean expansive drafting, is the manner in which the bill would impinge on religious liberty. The amendment I have sent to the desk has but one purpose. It would make clear that in the case of churches and synagogues, Federal regulatory jurisdiction would extend over only the program or activity at the church which received the Federal assistance. In the cases of churches and synagogues would be applied in a program-specific manner. As drafted, S. 557 extends regulatory coverage to entire churches and synagogues.

This means that churches or synagogues that accept even a dime of Federal money to assist their community through programs such a shelters for the homeless or hot meal programs for the elderly, will expose even their prayer rooms and ministerial functions to Federal Government regulation.

I do not think anybody looking at this would fail to be concerned about that type of broad, expansive jurisdiction.

This coverage results from paragraph 3(B) of sections 3 through 6. Paragraph 3(B) subjects to coverage "all of the operations of * * * the entire plant or other comparable, geographically separate facility to which federal financial assistance is extended * * * any part of which is extended" such assistance. In the case of a church or synagogue operating a meals for the elderly program in its community room, the church or synagogue is a geographically separate facility. Moveover, because the meals programs would constitute Federal aid, the entire church or synagogue, including its prayer rooms and other purely religious elements, would be subject to the gamut of Federal regulation and its accompanying burdens and restrictions, including: Paperwork, onsite compliance reviews, the need to accommodate persons with contagious diseases, expensive accessibility rules, affirmative action requirements, and much more.

This is serious stuff. This bill impinges on religious liberty as badly as any bill I have seen come before this body, except for its predecessor bills, which, of course, have been estopped up to this time.

Indeed, coverage of these institutions goes even farther. A number of churches and synagogues operate housing for the elderly in the locality where the church is located. The housing is often built with Federal aid; often tenants receive Federal subsidies. Under this bill, not only would the housing project be covered, but also the church or synagogue, even if the latter receives no Federal aid. This is true for two reasons: first, the housing project is an operation of the church and under the language of the bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered. Second, according to the committee report, the term "geographically separate facility" does not mean just the one building where the Federal aid goes, it means all other buildings related in any way to that building in the same locality or even region.

There are even more ramifications for religious institutions under this particular measure. According to the plain language of this bill, when the church receives Federal social welfare aid to a non-education program and the church or synagogue also conducts an education program, such religious classes and instruction could be subject to title IX. This expands title IX beyond what anybody thought it was prior to the Grove City case in 1984. In fact, S. 557 could be interpreted to require that if the church or synagogue operates an educational program, and Federal aid goes to any part of the church or synagogue, the entire religious institution becomes subject to title IX, which addresses gender discrimination.

Once again, it is important to note that the coverage of churches and synagogues under S. 557 is not a "restoration" of laws. In fact, no evidence was presented to the committee that such broad coverage of our most basic religious institutions existed prior to the Supreme Court ruling in Grove City College versus Bell. Proponents of S. 557 were quite vocal in committee in their defense of this pervasive coverage of religious institutions. These are those who offer the bill here today. However, there is a fundamental difference between a church or synagogue on the one hand and a manufacturer or defense contractor on the other, a distinction which the majority cavalierly ignores.

In the past, Congress has recognized this difference and trodden most cautiously to avoid interfering with the constitutionally acknowledged activities of religious institutions. The proponents of this bill would have us discard such caution and expand the law to impose the Federal Government directly into the operations of the church—and they would do so despite a lack of any allegation of discrimination that would warrant such action.

Certainly, the threat of such regulation provides a tremendous disincentive to churches and synagogues who are currently serving their communities by providing these needed and valued services. Contrary to the views of the proponents of S. 557, I believe the Government should be encouraging religious institutions to assist in the provision of services to their constituents and communities. Churches and synagogues are often best informed about the problems of the needy and are generally in the best location to deliver services to them.

But even more important are the constitutional implications of the coverage of churches and synagogues under S. 557. Let me quote the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

We must remember that of the rights protected in the first amendment, religion is recognized first, before speech, press, assembly and petition. These rights may be overridden only where their exercise poses a specific and immediate threat, not avoidable by other means, to some supreme public interest. *Thomas* v. *Collins,* 323 U.S. 516, 530-531 (1945); *Wisconsin* v. *Yoder,* 406 U.S. 205, 213 (1972).

William Bentley Ball is one of the greatest authorities on religious freedom in this country and has probably argued more cases before the Supreme Court on these issues than any other person.

As William Bentley Ball stated during the committee hearings on S. 557:

> One of the great reasons for strong protective language in statutes potentially affecting religion is the intolerable burden which may be visited upon a religious body of limited resources while in the toils of an agency blind to all but its own narrow area of "expertise" and *before* the first amendment claim can be aired in court.

Certainly, the free exercise clause of the first amendment is threatened by the broad coverage of churches and synagogues found in S. 557. As the Supreme Court explained in *Abington School District* v. *Schempp,* 374 U.S. 203, 222-223 (1963):

> The free exercise clause * * * withdraws from legislative power, State and Federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority.

Moreover, in *Wisconsin* v. *Yoder,* 406 U.S. 205, 220 (1972), the Court explained:

> A regulation neutral on its face may, in its application, nontheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.

The area of government regulation that burdens the free exercise of religion has been a difficult and less than clear area of law for the Supreme Court. However, the Court has consistently made clear that religious beliefs are absolutely protected from governmental interference. Moreover, recent cases indicate that the Court is developing a standard of review in the area of government regulation of religiously based conduct that is highly protective of free exercise claims. For example, in *Sherbert* v. *Verner,* 374 U.S. 398 (1963), the Court held that the free exercise clause compels exemption for a Seventh Day Adventist from a requirement of a State unemployment compensation statute. The statute required beneficiaries to be ready to accept suitable employment at anytime. However, Sherbert stated that she could not accept employment involving work on Saturday because Saturday was recognized by her religion as the sabbath. The Court held that the statutory requirement could be applied to her only if it served "a compelling State interest." Similarly, in Wisconsin versus Yoder, the Court held the free exercise clause to compel an exemption from a State compulsory education requirement for Amish children whose religiously based way of life could be threatened by the required 2 years of high school education. The Court found that—

> Only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion.

More recently, in *Corporation of Presiding Bishop* v. *Amos,* 107 S.Ct. 2862 (1987), the Supreme Court upheld the broadening of the exemption in title VII for religious organization from the ban on religious discrimination to include not only employees engaged in religious activities but also those who perform "work connected with the carrying on by such corporation, association, educational institution, or society of its activities." The case involved three employees who worked for church-owned enterprises and who were fired because they failed to meet certain religious requirements. Justice White, writing for the Court found that—

> It is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions.

The Court noted that the free exercise clause required only an exemption for the religious activities of religious organizations. However, the Court recognized that the extension of the exemption to the organizations' secular activities served a legitimate function.

> [I]t is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious. The line is hardly a bright one and an organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission. Fear of potential liability might affect the way an organization carried out what it understood to be its religious mission.

This concern, expressed by Justice White, is very applicable here. Regulation of even the ministerial functions of a church or synagogue, as required by S. 557, and the resulting fear of potential liability might well affect the way an organization carries out what it understands to be its religious mission. Such regulation might well be found by the Court to be an interference with belief and thereby a violation of the Free Exercise clause. In any case, regulation of the religious activities of a church or synagogue would surely constitute an unacceptable entanglement of church and State that interferes with the ability of religious organizations to carry out their religious missions.

In enacting this legislation, the Senate need not and must not sacrifice religious freedoms in an attempt to strengthen civil rights protection. So I urge the support of my colleagues for this important amendment.

Let me just say a couple more words.

Madam President, I can see where some feel that the churches have nothing to fear because of the religious entanglement aspects of Supreme Court law, but they do because there are all kinds of special interest groups out there that bring these suits, sometimes for no good reason at all, in my opinion, but many times sincerely bring suits to try and impose their will in courts of law, something that they cannot get otherwise within religious institutions. I can see some of the major religious institutions in our society attacked wholesale, at will and finding themselves spending an awful lot of their religious and spiritual time trying to obtain religious and spiritual experiences in courts of law which generally turn out not to be very religious or spiritual. My feeling is that this is a really important reason why this legislation, standing as it presently does, is bad legislation. I think most people out there who think it through will agree with me and I hope that my colleagues will give great consideration to this amendment because I think it makes a very good point.

Mr. KENNEDY. Madam President, will the Senator yield?

Mr. HATCH. Yes.

Mr. KENNEDY. I appreciate the Senator's yielding.

Just in terms of notifying Members, I wonder whether the Senator from Utah would yield to the majority leader for a unanimous-consent request, which I believe the Senator from Utah has agreed to and which I find acceptable.

Mr. HATCH. I yield.

Mr. BYRD. Madam President, what time would the distinguished Senator and our colleagues be willing to agree to so that all Senators would be notified of a vote?

Mr. HATCH. Madam President, I understand there are a number of Senators from this side who are presently at the White House. I believe we could begin to vote at about 10 minutes after 12.

Mr. BYRD. All right.

Madam President, I understand those Senators who are meeting at the White House will be finishing their meeting at noon.

Mr. HATCH. My understanding is they should be over at noon and they would then require time to return to the floor.

Mr. BYRD. I hope the White House will learn, as the Carter White House had to learn, that this Senate has business to do and that when it calls Senators down to the White House and the Senate is in session doing business, it may cause those Senators to miss votes.

I ask unanimous consent that the vote on the pending amendment——

Mr. HATCH. On the pending amendment.

Mr. BYRD. Occur at——

Mr. HATCH. No later than 12:15.

Mr. KENNEDY. Or a motion to table.

Mr. BYRD. On or in relation to this amendment occur no later than 12:15 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. With all remaining time equally divided.

Mr. BYRD. The time to be equally divided between Mr. HATCH and Mr. KENNEDY or their designees.

Mr. THURMOND. I have about 8 minutes on this amendment and have no objection just so I can get that in.

Mr. HATCH. We will work out the time between the two floor managers.

Mr. BYRD. Madam President, I ask unamimous consent that no amendment to the amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, I remind all Senators that this will be a 15-minute rollcall vote. The curtain goes down at the end of the 15 minutes. Senators who are not here when the curtain goes down, of course, will not make the vote.

The PRESIDING OFFICER. I would like to return to the majority leader's unanimous-consent request that a vote occur at 12:15.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the majority leader's request for the vote to occur at 12:15?

Mr. HATCH. As I understand it, the unanimous-consent request includes the time equally divided between now and 12:15.

Mr. BYRD. Yes, it would be equally divided and the vote would occur at no later than 12:15. I think we ought to make it 12:15 and Senators know that they have until 12:30 to get here.

Mr. HATCH. It certainly will not occur before 10 after 12 is what I am saying.

Mr. THURMOND. Madam President, I have no objection as I stated except I want to reserve the right to speak 8 minutes.

Mr. HATCH. If it would be all right with the distinguished floor manager, the distinguished Senator from South Carolina will take the last 8 minutes before the vote.

Mr. KENNEDY. I would be glad to yield whatever time that I have to the Senator from South Carolina.

Mr. HATCH. Just so he knows so he can have a schedule if he can take the last 8 or 10 minutes before the vote.

Mr. KENNEDY. I would like to give him 8 of the last 12 minutes so we have 4 minutes, if necessary, to respond.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Ohio may need.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will the Senator from Massachusetts be good enough to yield to a couple of questions because I think there is some misunderstanding concerning the applicability of the law as it presently is drafted. I think it might perhaps help if he and I had a colloquy.

Mr. KENNEDY. I welcome the opportunity to yield to the Senator.

Mr. METZENBAUM. I thank the Senator. I have several questions I would like to ask about the impact of S. 557 on religious organizations. Let me assume that a religious organization, a church or diocese or synagogue, receives Federal assistance for a limited purpose. The Federal assistance is to provide assistance to homeless people, to aid refugees or for some other discrete purpose. Under S. 557 will the receipt of such assistance result in coverage of the religious organization in its entirety so that it would be under an obligation not to discriminate in any of its operations?

Mr. KENNEDY. Not under the circumstances that the Senator has described. Coverage of a religious organization is described in sections (3)(a) of the four parts of S. 557—dealing with title VI, title IX, section 504 and the Age Discrimination Act. Section (3)(a) provides for complete coverage of a corporation, partnership or "other private organization" only under two circumstances—neither of which applies to the situation described by the Senator. The first is where assistance is extended to the private organization "as a whole." That would apply where the Federal financial assistance is to bail out a Chrysler or Lockheed Corp., but not where aid is for a particular designated purpose. So, as the committee report says (p. 17):

> A grant to a religious organization to enable it to extend assistance to refugees would not be assistance to the religious organization as a whole if that is only one among a number of activities of the organization.

The second circumstance that results in organizationwide coverage is where the organization is "principally engaged in the business of providing education, health care, housing, social services or parks and recreation." The principal occupation of a church, or a diocese or a synagogue or another religious organization is by definition "religious." So such an organization would not be covered in its entirety even if it conducts one or more programs in education or health care or social services.

Accordingly, a religious organization which receives limited purpose assistance will be covered only as to the "geographically separate" facility—to which the assistance is extended.

As the Senator knows, prior to Grove City we did not draw a distinction between the religious organization and the nonreligious organization. We do draw a distinction between corporations that provide social services whose primary purpose is social services. That is given one requirement, and those whose principal interests are others, such as religious or maybe a private corporation. So what we are basically saying is if you go into a particular parish or a particular synagogue which is receiving money in that particular parish which is a small area in any event, they are providing refugee help and assistance, but they are also providing food assistance, and if they are getting Federal money on refugees they cannot discriminate in that particular parish against the handicapped. That is the limited area.

So we draw a distinction with regard to those institutions that are primarily providing public services, and then within those that are primarily orientated in a different way, a private corporation or a religious group, we say only those particular separated geographical areas that are receiving the assistance would be covered. But we have not drawn a distinction on that prior to Grove City and we never had a problem with it. We never had any kind of issue raised even in the course of the hearings. There was some question with regard to the definition, whether it was sufficiently clear that we were really doing what I just described as what we are doing.

I have a letter here from the U.S. Catholic Conference that says:

> I have been asked by your staff to provide you with a letter concerning one of the three amendments to S. 557, the Civil Rights Restoration Act which the United States Catholic Conference recommended in its testimony before your Committee. That amendment deals with the coverage of church institutions. The Committee Report (S Rep 100-64) accompanying the bill which was approved by the Senate Committee on Labor and Human Resources and is now pending business before the U.S. Senate contains language that addresses the major concerns on institutional coverage which the USCC raised in its testimony. Because of the Committee action, the USCC is no longer seeking such an amendment to the bill.

So I think recognizing again that what this bill is really talking about is the extension of coverage. We are not trying to change what existed prior to the holding in Grove City understanding the historical pattern that existed prior to Grove City, understanding the clarifications that have been made there which have been accepted not only by the Catholic conference but a number of other religious groups. I would hope that we would not further define this in a way which would, I think, undermine the central thrust of the purpose of the legislation.

Mr. HATCH. On this point, would the Senator yield?

Mr. KENNEDY. I would rather wait. I am not going to yield.

Mr. HATCH. It is on this point.

Mr. KENNEDY. I will yield at a time.

Mr. METZENBAUM. I have been waiting patiently to clarify.

Mr. KENNEDY. Then I will come back.

Mr. HATCH. Let us clarify on this point.

Mr. KENNEDY. I do not yield, Madam President.

The PRESIDING OFFICER. The Senator declines to yield. The Senator from Ohio has the floor.

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HATCH. The Senator has misstated even his own bill. It seems to me, is it not——

Mr. KENNEDY. Regular order, Madam President.

Mr. HATCH. Does this Senator not have the right——

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. I thank the Senator for that clear and cogent explanation. My second question has to do with the application of title VI of the Civil Rights Act of 1964, the law that bars discrimination in the use of Federal funds on grounds of race, color, or national origin, as that title would be amended by S. 557. Do you see anything in title VI or S. 557 that would impair the ability of a religious organization to prefer members of the religion in services or benefits it provides with Federal funds?

Mr. KENNEDY. No. As the Senator knows, neither title VI nor any of the other Federal funding statutes we are dealing with here bars discrimination on grounds of religion. S. 557 makes no change in this. Thus, it would not be a violation of title VI for a religious organization to prefer members of the religion in its federally assisted activities unless racial discrimination was practiced in determining membership in the religion. That, of course, was the situation in one of the Bob Jones cases.

Mr. METZENBAUM. Yes, of course, and we could not allow religious preference to become a pretext for racial discrimination. To make sure, however, that I fully understand the Senator's answer, permit me to pose a couple of hypotheticals. Let us assume that a Jewish organization operates a hospital or nursing home facility in New York City and Cleveland and that it accords a preference to Jews in admission to the facility. The organization decides to move the facility to a suburban location because most of the Jewish population now resides in the suburbs and the organization believes it can better serve its membership in this way. Would the organization be liable to a racial discrimination charge under title VI on grounds that it was moving from an area with a large racial minority population to one where there were few minority citizens?

Mr. KENNEDY. In answering the Senator's questions, I should make a couple of general observations. The first is that as the Senator knows, S. 557 is intended to deal with issues of coverage raised by the Grove City decision. It does not alter substantive law. The second is that I do not want to be in the position of rendering opinions and decisions in cases as though I were an administrative law judge or a member of the Federal judiciary.

Mr. METZENBAUM. I understand, although I know the Senator would make a very fine judge.

Mr. KENNEDY. I thank the Senator. In any event, I will assume for the purposes of his question that under some circumstances, it might well be a violation of title VI for a public hospital to relocate from city to suburbs where the result of the move would be a significant decrease in health services to minority citizens. But in the situation the Senator describes where it is a religious organization and the reason for the move is to serve better members of the religion, I do not believe title VI would be violated. Again, I add the caveat that the religious preference could not be a pretext for racial discrimination.

Mr. METZENBAUM. Thank you. Here is another hypothetical. Let us say that a Catholic organization receives Federal assistance that it is free to use for a variety of social services purposes. If it used the funds for youth services, for example to deal with school dropouts, it would assist many minority citizens. Instead, it chooses to use the Federal assistance to help older citizens, for example with a meals-on-wheels service. The reason for the organization's decision is to serve its own constituency better, but the result is that many fewer minority citizens derive benefits from the program. Does the Senator believe there is a potential title VI violation?

Mr. KENNEDY. My answer is the same as to the previous question. I do not know whether there is settled law on the question of whether a public agency may in the exercise of its discretion use Federal assistance in ways that serve members of minority groups less well than others. The answer to that question may well depend on the particular facts and circumstances. But I do believe that a private religious organization could make choices to better serve its members even if the outcome were less minority participation. Again, the caveat is that race cannot be a determinant of membership in the religion.

Mr. METZENBAUM. In answering these questions, is the Senator taking into account the regulations promulgated by departments and agencies under title VI which typically say that a recipient may not "utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race * * *"? In other words, is the answer the same whether an effect standard or an intent standard is used under title VI?

Mr. KENNEDY. I am aware that title VI regulations use an effect standard to determine violations and that the Federal courts have upheld the use of an effect standard. Nevertheless, even under an effect standard, defenses of business necessity are permitted as they are under title VII. So, the kinds of religious preferences the Senator describes would not in my judgment become violations of title VI.

Mr. METZENBAUM. One final question. What if a religious organization preferred members of its own religion in hiring employees under a Federal grant. Would that be a title VI violation if few members of the religion were minority citizens?

Mr. KENNEDY. Again, the answer would be "no" provided there is no racial discrimination in determining membership in the religion. I would point out to the Senator, however, that title VII of the 1964 act does in many circumstances prohibit religious discrimination in employment decisions. Accordingly, such a religious preference, might well violate title VII even if it did not violate title VI.

Mr. METZENBAUM. I thank the Senator for his helpful answers. As the Senator knows, the overwhelming majority of religious organizations in this country abhor discrimination on the basis of race, national origins, sex, handicap or age as well as discrimination based on religion. These groups were a bulwark in the enactment of title VI in 1964 and in subsequent civil rights acts. They are strong supporters of S. 557 as well.

I want to point out that there is available a letter indicating tremendous support from just about all of the religious organizations, although I have not checked the list closely, indicating that they urge prompt passage of the measure as introduced and oppose all amendents. That comes on the stationery of the Evangelical Lutheran Church of America, and includes Presbyterian Church, Reform Judaism, Episcopal Church, and a number of others. I ask unanimous consent that the entire letter and entire list be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVANGELICAL LUTHERAN
CHURCH IN AMERICA,
Washington, DC, January 26, 1988.

DEAR SENATOR: As representatives of the religious community we cannot ignore the most important civil rights issue to come before Congress in many years—the Civil Rights Restoration Act. We urge prompt passage of this measure as introduced, and oppose all amendents.

You are well aware of the 1984 Supreme Court decision, Grove City College v. Bell. In our view this decision dramatically narrowed the coverage of civil rights enforcement under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. We must not allow this digression to continue unabated. Passage of S. 557 will enable us to put a stop to government subsidized discrimination against women, minorities, the elderly and disabled persons.

We have already waited too long to put a halt to the academic institution that says "No" because of a disabling condition. We have waited too long to stop the federally financed school that says "No" because of race or age. We have waited too long to make sure that women are treated fairly and with equity in every department of the University—not only those receiving direct federal aid. We oppose any attempt to delay this measure by amendent, extended debate, or procedural tactic. The time to act is now.

Incidents at Howard Beach and Forsyth County serve as vivid reminders that the long march for civil rights in this nation is not over. We live in an imperfect society which requires protections under the law for all our people, not only a privileged few.

The measure we urge you to support forges no new ground but simply seeks to restore those protections to all our citizens regardless of race, sex, age or disabling condition.

Passage of the Civil Rights Restoration Act is a high priority for our respective religious groups. We appeal to you to make it a high priority in your work, as well.

Respectfully yours,

- Elwyn Ewald, Director, Office for Governmental Affairs, Evangelical Lutheran Church in America
- Mary Jane Patterson, Director, Washington Office; George A. Chauncey, Deputy Director, Washington Office, Presbyterian Church (U.S.A.)
- Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism
- Fr. Robert Brooks; Dr. Betty A. Coats, Staff Officer, Washington Office, Episcopal Church
- James A. Hamilton, Director, Washington Office, National Council of Churches of Christ
- Rev. Jay Lintner, Director, Washington Office, United Church of Christ
- Rev. Robert W. Tiller, Director, Office of Governmental Relations, American Baptist Churches, U.S.A.
- Mark J. Pelavin, Washington Representative, American Jewish Congress
- Rev. Leland Wilson, Director, Washington Office, Church of the Brethren
- Shoshana Riemer, Member, National Legislative Task Force, NA'AMAT/USA
- Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association of Congregations in North America
- David A. Harris, Washington Representative, American Jewish Committee
- Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation
- Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis
- Dr. John M. Swomley, Jr., President, Americans for Religious Liberty
- Rabbi Andrew Baker, Washington Area Director, American Jewish Committee
- Isaac Asimov, President, American Humanist Association
- Sally Timmel, Director, Washington Office, Church Women United
- Herb Blinder, Director, Washington Ethical Action Office, American Ethical Union
- Rev. Carol Cole Flanagan, President, Episcopal Women's Caucus
- Scott Kaplan, Co-Chairman, Commission on Social Policy, United Synagogue of America
- David A. Brody, Director, Washington Office, Anti-Defamation League
- Rev. Dr. Donna T. MortonStout, Associate General Secretary, Issue Development and Advocacy, General Board of Church and Society, United Methodist Church.

Mr. METZENBAUM. Madam President, I appreciate the courtesy extended to me by the Senator from Massachusetts. I yield the floor.

Mr. KENNEDY. I would be glad to yield now to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my distinguished colleague from Massachusetts. I do not think my distinguished colleague has read his own bill because I cannot read it without understanding what it really does mean. I do not think, with all due respect to the National Catholic Conference, they have read the bill either very carefully. If you read under educational—

Mr. KENNEDY. What does the Senator say?

Mr. HATCH. Let me refer to page 10 of the bill.

If you read under "Education Amendments," section 3: "Title IX of the Education Amendments of 1972"—and the other bills are also covered in similar fashion—"is amended by adding at the end the following new section: Interpretation of 'program or activity.' "

Then, section 908: "For the purposes of this title, the term 'program or activity' and 'program' mean all the operations of—" All of them.

I will bring you down to 3(B) on page 12: The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization" which the majority agrees religious institutions are covered by "or sole proprietorship; or (4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3)."

The purpose of this legislation is to ensure that if an entity, public or private, receives $1 of Federal funds, all of the entity is subject to Federal regulation.

So, S. 557 is designed to negate the possibility of program-specific regulation.

If you look at paragraph 3(B) of the operative sections of the bill, that covers all the operations of every private organization which is a geographically separate facility, any part of which is extended Federal financial assistance.

Let us understand that. If the local Catholic church has a food program for the elderly in its basement, literally funded by the Federal Government by $1, that whole Catholic church becomes liable to the rules and regulations of this bill. That is what the language says. You cannot refute the language, no matter what is said here. The church would not qualify under either A-1 or A-2 of this bill, but it would qualify under subparagraph 3.

How can you explain that, if a church would not satisfy the requirements of the definition of subparagraph 3(B)?

I suggest that people who have supported this bill had better start thinking it through. The fact is that it is going to be very intrusive into churches and synagogues and other religious institutions because they are covered under the embracive terms of this statute under the term "private organization." There is no way around it, to be honest with you.

I think churches had better understand that now, because they are going to be faced with problems—lawsuits, compliance reviews, paperwork, bureaucratic ensnarlments—all because they take the time to operate a humble program for the poor in the basement of the church or one congregation of the church or one building of the church.

You cannot say that the language does not say what it says, which is what I think the floor manager has said. He tries to slide it away when he does not read the language of his own bill.

Mr. FOWLER. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. HATCH. I am happy to yield to the distinguished Senator from Georgia.

Mr. FOWLER. I ask this of the Senator from Utah because I was trying to follow the debate and follow his remarks specifically.

Under the bill as cited on page 11, it seems that each paragraph covers a different entity. For example, 2-A on page 11 covers colleges, universities, public systems of higher education. The next paragraph covers local education agencies. But 3-A and 3-B do not refer to religious institutions, do they?

Mr. HATCH. Yes, they do.

In the language of the report of the majority: I think in any reasonable construction of law, the term "corporation, partnership, or other private organization"—"other private organization" would cover almost all religious institutions. There are some churches in partnership. So they are all embraceably covered.

Mr. FOWLER. Will the Senator cite the language in the bill that refers to pages 10 and 11 that would specifically cover religious organizations? It seems to this Senator that the language is clear that it is referring to corporations, yes; educational institutions, yes, entity of States and local communities, yes; but that the language being debated does not refer to a comprehensive religious institution.

Mr. HATCH. Go back to page 10, section 908:

> For the purpose of this title, the term "program or activity" and "program" mean all of the operations of—

If you go to 3-A, that is one aspect of it. But go to 3-B:

> the entire plant or other comparable geographically separate facility to which Federal assistance is extended, in the case of any other corporation, partnership, private organization or sole proprietorship.

Some are partnerships. "Private organization" covers all others, and I do not think there is a dispute by the majority on that, because they have basically stated that in the bill and in the report. "Or sole proprietorship," which is inclusive of other religious institutions.

It clearly is covered in that language, and it clearly covers the institution if you have something in the basement of the church.

Mr. FOWLER. I appreciate the Senator yielding and having this discussion with me. But in reading the bill, if there is discrimination, if any religion uses the pretext of that religion to discriminate in any of its programs, then all of the title VI material under the Civil Rights Act would apply, regardless of any geographical separation. It seems to me that under the bill, as I read it, there is the limitation to geographical entities. I cannot find the language that seems to disturb the Senator from Utah which says that one program, one federally funded program, in the basement of the church, would cover the whole religious institution. If he can cite that, I would like to know it, because that would concern me.

Mr. HATCH. I think the language does cite that, and I have cited it.

The PRESIDING OFFICER. The Chair informs the Senator from Utah that he now has approximately 7 minutes remaining. He has stated that he desires to reserve time.

Mr. HATCH. I will take 30 seconds more, and I will reserve the remainder of the time.

Let me just say this: If there is in fact discrimination, the present law covers it. We do not need this bill to solve discrimination.

Where you get into problems is, let us say there is segregation, with men on one side and women on the other, and some special-interest group, for good or bad reasons, wants to bring suit under the statute because there is some program that has Federal financial assistance.

They are going to be able to do so. They may not win. They can bring suit pursuant to this bill. That language is all embracive, all-inclusive.

Mr. FOWLER. I thank the Senator.

Mr. HATCH. I reserve the remainder of my time.

Mr. KENNEDY. Madam President, first of all, I agree with the interpretation of the Senator from Utah and his description of the Catholic Church and the feeding programs and that is satisfactory to the Catholic Conference the way that has been described, so we do not have that difference on it.

Second, the Senator from Georgia is correct when he talks about the entire plan for a comparable but geographically separate facility. That is what we needed to clarify in the report. Those were the words.

You can say "the entire plant." Does that mean the whole complete diocese or does it include just the parish? And that had been as described on the bottom of page 19 in the report when it says "3 parishes receive Federal aid, the parishes are geographically separate facilities which received Federal aid . . ." Separate facilities.

That is why the only application in these terms, in terms of what we are doing here, in terms of discrimination, would only apply to that separate facility that is actually receiving aid.

Finally, the Senator is disingenuous when he says if there is discrimination, the law will take care of it. That is poppycock. If that were the problem, we would not be dealing with this particular legislation. We have to deal with the whole kind of implications of repercussions of the Grove City decision.

We agree also that the whole parish not the whole religious organization is covered if the parish itself gets the funds.

We had a mutual understanding to try to give the time to the Senator from South Carolina. I indicated to the Chair I would reserve the last 4 minutes of my time. But I would just reserve the last 2 minutes and yield whatever time remains to me to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of this amendment.

Primarily, S. 557 was drafted to cover all the operations of institutions which receive Federal financial assistance. As a general proposition, I do not quarrel with institutionwide coverage under the four statutes addressed by S. 557. We should be clear, however, that such coverage goes well beyond the law prior to the Supreme Court decision in Grove City versus Bell. Additionally, as we will discuss during this debate, S. 557 goes even beyond institutionwide coverage to cover whole systems of institutions—for example private or parochial school systems. In my view this broad expansion of prior law is inappropriate, and I am hopeful the Senate will adopt amendments to limit coverage to institutions.

However, I also believe strongly that there should be one important exception even to the institutionwide scheme of coverage—and that is when the institution is a church or religious institution.

Lest anyone claim that entire churches will not to covered under S. 557, I would urge them to read section 3(B) carefully. Is not a church a private organization, a geographically separate facility? I certainly read this section to include churches.

Mr. President, I realize that it is rare that Federal financial assistance is extended to churches. However, I am informed that some churches participate in one of several federally assisted programs which serve communities across the country. Certainly, all the federally assisted programs operated by a church should be covered under the statutes addressed by S. 557. However, extension of Federal regulation throughout the whole church as a result of such assistance trends very close, if not all over, first amendment rights.

Mr. President, it is true that churches can avoid Federal regulation by refusing to participate in federally assisted programs. However, it appears to me that it is desirable to have churches participating in programs that are beneficial to the elderly, the handicapped, the needy, or to others. Churches are often best situated in our communities to provide these services. We must, therefore, consider whether we want to discourage churches from participating in such programs by imposing upon them regulations which threaten their religious freedom.

Has there been a showing that illegal discrimination in our churches is a problem which justifies the risk of discouraging churches from participating in federally assisted programs? I am aware of no evidence that illegal discrimination is rampant in our religious institutions.

I urge each Senator to think of some of the requirements which must be met by those subject to the statutes being amended by S. 557. How might they apply to churches? How will a church overcome a ruling which determines that its practices have the effect of discriminating against a minority group because too few of that group are a part of the church membership? I submit that in the real world there are going to be serious problems when this test, which now is applied in areas such as voting rights and fair housing, is applied to religious institutions.

Congress should always tread lightly in the area of regulation of religious institutions. Only in extreme cases should such regulation be imposed. In summary, this amendment will simply narrow the application of the provision of S. 557 to the programs in a church or synagogue which receive Federal funds, not the entire religious institution.

I do not think we want to inject the Federal Government into the operation of our churches. This is an important amendment, and I urge its adoption.

Mr. KENNEDY. Mr. President, I want to just point out for the benefit of the membership that there has not been a major religious organization, Catholic, Protestant, Jew, or any other major organization that has requested this amendment. Prior to the Grove City decision there were virtually no complaints about the types of situations which have been described here this afternoon.

During the course of our hearings there were questions about what various words meant in the language and we worked with the various religious groups that were interested and we have received the support of those religious groups that indicate that this responds to any particular concern. That happens to be where we are.

A final point, what we are basically talking about is receiving Federal funds and discrimination. The churches do not want to receive the funds. They do not have to receive the funds, but if there are going to be Federal funds there should not be discrimination. We have found that that has been the teachings of the great churches, part of the great Judeo-Christian ethic and they have been the leaders in our society in helping us to overcome the difficulties of particular problems that we faced in our history.

So I would just hope, Mr. President, that the language which has been worked out, both in the legislation as described by the bill, which follows the past precedent which existed for 15 years depending on which statute but which is general application, same words that we would have sufficient confidence in the past history not to feel that we are going to have to be stampeded into altering and changing the language.

I reserve whatever time that I have.

Mr. HATCH. Mr. President, I ask how much time remains?

The PRESIDING OFFICER. Five minutes and 56 seconds.

Mr. HATCH. I would just point out to my friend and colleague from Massachusetts that our goals are the same with regard to restoration of title IX. I have just as great a desire as he does. In fact, I worked very hard immediately after the Grove City bill to explain to the White House and others involved in the administration that literally we ought to overrule that part of the Grove City bill that this bill in fact overrules, but we ought to do it straight up without trying under the guise of civil rights to expand the law so broadly. On any other bill I think the distinguished Senator from Massachusetts and I can work arm in arm and we could go down the same path and we could resolve these difficulties.

Let me tell you something. These religious institutions who have written in support of this bill or do not want any amendments, I do not know who they are, and I frankly do not know how many of them there are. I know there are thousands of them out there if they knew what was in this bill would be outraged, would be scared to death because this bill goes way beyond what the law was 1 day before the Grove City case was decided.

I know the distinguished Senator from Massachusetts knows that. As a matter of fact, they tried the same ploy back in 1984 when they brought this bill to the Senate floor and I had to stop it. I had to do whatever I could to stop it because it was even worse than this bill, and the ploy was that this is the law as it existed 1 day before Grove City, that it was nothing but a simple overrule, the then bill back in 1984 was nothing but a simple overrule of the Grove City case.

The fact of the matter is that since that day this bill—and I have to give the distinguished Senator from Massachusetts some credit, they have acknowledged that they did not represent it correctly back in 1984, because they have had to make a number of changes to try to accommodate my concerns and others' concerns during the intervening years. They have not done it yet, although I have to admit they made some changes. And they have had to admit, I think, in open committee that they were trying to bring forth a bill that was far broader than the law was on that day.

Now we get here again. We have the same supercilious argument that this is a simple overrule of the Grove City case. Well, it is not a simple overrule. And any church or religious institution or synagogue that does not understand this is going to pay the piper if this bill happens to become law someday.

The fact is I do not think this bill will become law because I do not think it is going to pass. And if it does I think it will be vetoed, for these reasons: because of the expansive nature and the overall intrusion of the Federal Government in ways never contemplated before that this bill does.

Now, let us just be frank about it. They cannot answer their own language in this bill and they know it and I know it. They never have been able to but, because this is what the community wants, they have to come out here and make these arguments on the floor that really do not make sense. Now I harken back to 1984 when they said this is a simple overrule and they tried to sell it then and people found it was a lot more than a simple overrule. Now they are using the same arguments here, and there is no way this is a simple overrule. This expands Federal laws way beyond where they should be expanded and in areas where there has not been one shred of evidence that it needs to be expanded.

In the area of education, I agree. We would have solved title IX in 5 seconds on this floor back in 1984 had they really wanted to solve the title IX problem. What they are really trying to do is they see a chance to vastly expand the rules and regulations and controls by the Federal Government in ways never contemplated by the founders of this country or by anybody else for that matter. And they do it under the guise of civil rights and under the guise of correcting what really is a bad decision with regard to title IX.

The fact of the matter is we can straighten this out by unanimous consent in less than 3 minutes if we really wanted to solve title IX and extend it institutionwide.

You are going to find before this debate is over that on the issue of abortion and other religious issues that are involved that people have real legitimate concerns that this bill does not solve and that this bill creates problems. It is not a simple overrule. It is a great big thrust forward to have the Federal Government dominate all of us.

Frankly, the language says it. It is as clear as a bell. I do not see how any lawyer can argue against it. And to have them come here and say—well, I was very interested in Senator KENNEDY admitting that private organizations, it does include all these religious institutions. There is no question it does. Well, they were not included before, I guarantee you that. So that is a lot more than just the title IX fight back in 1984.

Anybody who thinks this is a simple little bill has got rocks in his or her head. This bill can be intrusive into our lives in ways nobody ever contemplated. I am telling you it is a serious, serious set of problems. And to try and pass it off as a simple overrule and the churches are not going to be hurt by this is poppycock. Wait until these churches have all these lawsuits from groups that are antithetical to them, who like to see churches hurt, who do not want free religions in this country. Wait until that starts. And if it started under present law, can you imagine what it would be under this broadly-drafted thing?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, this bill was reported out of our committee 12 to 4 in a bipartisan way. And I dare say that those 12 members do not have any less of a commitment than my friend, the Senator from Utah, in terms of the first amendment and the separation of church and state.

What you are talking about is discrimination against the handicapped. What you are talking about is discrimination against women. What you are talking about is discrimination against blacks and the elderly.

If they do not discriminate, you have no problems. You have no problems at all.

And whatever the Senator says about it, I know better. I know what is achieved dealing with this particular amendment. And the other provision is an extension of what has worked prior to the Grove City decision. That is what we are talking about, nothing else—discrimination; discrimination.

And we have described it in a way which has been satisfactory in terms of religious groups that are going to be most effective and that has been satisfactory to 12 members of that committee that went through the long course of the hearings on this legislation.

So, Mr. President, I hope that this amendment will be defeated and that the position that has been assumed by the major religious groups in support of this legislation and in opposition to this amendment would be sustained.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Utah [Mr. HATCH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. HECHT] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 56 as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—36

Armstrong
Bond
Boren
D'Amato
Danforth
DeConcini
Domenici
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Nickles
Pressler
Quayle
Reid
Roth
Rudman
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Warner

NAYS—56

Adams
Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
Dixon
Dodd
Durenberger
Evans
Fowler
Glenn
Graham
Harkin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Weicker
Wilson
Wirth

NOT VOTING—8

Cochran
Dole
Exon
Gore
Hecht
Murkowski
Simon
Wallop

So the amendment (No. 1384) was rejected.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

ANNOUNCEMENT OF POSITION ON A VOTE—SYMMS AMENDMENT NO. 1381

Mr. HEFLIN. Mr. President, there was a rollcall vote this morning which occurrred at approximately 11 a.m. There was not time for me to reach the Chamber prior to the completion of that vote. However, had I been present and voting, I would have voted to table the Symms amendment.

The PRESIDING OFFICER. Are there any further amendments to be offered?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1385

(Purpose: To target the application of the definition of program and activity)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1385.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 15, strike out "school system" and insert in lieu thereof "educational institution".

On page 13, line 10, strike out "school system" and insert in lieu thereof "educational institution".

On page 15, line 13, strike out "school system" and insert in lieu thereof "educational institution".

On page 17, line 4, strike out "school system" and insert in lieu thereof "educational institution".

Mr. THURMOND. Mr. President, I believe that we must dispel the notion that S. 557 is merely restorative legislation. The amendment I am offering clearly demonstrates this fact. It will ensure that restorative language is applied to religious and private schools.

Mr. President, this amendment would strike the words "school system" on line 15 on page 11 of the bill and insert in lieu thereof "educational institution". It would make the identical change in language where it appears in each of the operative sections of the bill.

The words "other school system" which appear in this section can mean only one thing—entire private and religious school systems will be covered when only one school, or part of one school, in a system receives Federal financial assistance. It is clear that prior to Grove City, no more than the particular private school that received assistance would have been covered. In fact, regulations promulgated under title IX define "educational institution" as, among other things, "a private elementary or secondary school". This definition only covers a private elementary or secondary school, not the whole school system.

Mr. President, S. 557 would expand coverage to entire private school systems contrary to the narrow interpretation of title IX. This coverage threatens religious liberty by placing the religious goals of those schools in a secondary position to the vast regulatory requirements of S. 557. The Constitution guarantees religious freedom. Therefore, we must tread lightly when it comes to asserting Federal regulation of religion or its institutions.

I believe it is interesting that some claim that prior to Grove City, school systems were covered in their entirety when only a part of one school in the system received assistance. This flies in the face of the testimony of Department of Education witnesses who testified in 1984 on this matter. This flies in the face of the actual practice of the Department of Education.

Additionally, it is one thing to claim that the Supreme Court erred in limiting coverage to the Grove City College financial aid department—that it overlooked previous law which had mandated "institution-wide" coverage. However, it is very hard to believe that the Supreme Court could have erred so badly to interpret Grove City so narrowly if prior law had covered not only institutions, but whole school systems.

Mr. President, I repeat, not only institutions, but whole school systems.

Mr. President, my amendment would result in institution-wide coverage of the religious or private school which receives Federal aid as opposed to coverage of an entire school system. This interpretation is necessary to protect religious and private schools from overreaching by the Federal Government. It would cover more than just the program or activity receiving the assistance, providing for coverage of the whole school. This is the reasonable approach to coverage in this area. I urge adoption of the amendment.

Mr. BYRD. Mr. President, would the Senator enter into a time agreement on this amendment? Would it be possible to have a time agreement on the amendment?

Mr. THURMOND. Mr. President, unless there are some other speakers, that is all I have to say. I would be glad to enter into a time agreement.

Mr. KENNEDY. Mr. President, I would be glad to enter into a time agreement. I would like to take just a brief opportunity.

Mr. THURMOND. I will be happy to enter into a time agreement.

Mr. KENNEDY. Say we take 30 minutes.

Mr. THURMOND. I have no objection.

Mr. KENNEDY. Thirty minutes equally divided.

Mr. BYRD. Thirty minutes equally divided.

Mr. THURMOND. Thirty minutes equally divided suits me.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 30 minutes to be equally divided in accordance with the usual form and that at the expiration of the 30 minutes the Senate vote on or in relation to the amendment and that no amendments be in order.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me make a brief comment to try to put this issue in some perspective. Prior to the Grove City decision, when we had public schools and private schools, we treated them the same. That was the historic pattern and the historic record and we did not find any real complaints during that period of time, nor did we find many complaints about that even during the course of our hearings. We are talking now about discrimination and we applied the same tests in terms of the public schools and the private schools. And then the question has been raised by the Senator from South Carolina, well, how are we going to know whether we have a school system within the private sector. I think that is a legitimate question because generally I think it is understood, if we are talking about a public school system, what schools are included. I think by and large it is understood in the private school system as well.

We have defined that in the course of our report. We have taken the more general language which is in the legislation and defined it in the report. We talk about for two or more schools to be considered a school system there must be some significant linkage between them. Thus, for example, any group of schools whose only connection to one another is that they belong to some unbrella advocacy or membership group or that they are accredited by one central accrediting agency would not constitute a school system. What we are talking about is significant linkage. What we are talking about is common governing. What we are talking about is common funding. If one of those schools receives some help and assistance, if they belong and can be defined as getting common governing, common funding, significant common linkage, the others ought to be covered. That is all that we are doing in this legislation. It is difficult for me to understand why you would want to permit a school to justify discrimination. It would seem to me you want to try to make the case what is the reason for justifying discrimination in the first place? Again, we are talking about the handicapped, we are talking about women and we are talking about minorities, the elderly people. It seems to me that the criteria which have been used here, which have been I think to a more extensive degree spelled out in this report, even clearer than was set out in the initial legislation, understanding that we are building upon the past record and acceptance, ought to be the way that this legislation should be enacted.

So I would hope, Mr. President, that the Senator might be able to give me illustrations about the kind of situations that are so troublesome to him. What schools does the Senator feel ought to be able to discriminate? Because clearly if they are not discriminating, it would not be a matter of concern. And so I would welcome clarification, if we do need further clarification.

Mr. President, have we evenly divided the time prior to the vote?

The PRESIDING OFFICER. The time is equally divided. Each side has 15 minutes.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts has 11 minutes and 20 seconds remaining. The Senator from South Carolina has 15 minutes.

Mr. KENNEDY. If the amendment is accepted, Mr. President, it would permit schools within a private school system to effectively funnel Federal funds to some of its schools while practicing discrimination in other schools. That is basically the problem. And that I think we clearly want to avoid. It is inconsistent, as I mentioned, with the pre-Grove systemwide coverage of private schools under which, for example, the four Catholic dioceses in Louisiana submitted schoolwide, systemwide desegregation system plans to HEW in 1969 pursuant to title VI and it would establish for the first time a different standard for civil rights protection for public and private schools.

That is basicially the case, Mr. President. Consider private schools and public schools on the issue of discrimination equally. We are talking about those that are going to be receiving Federal funds. If there is a question in terms of what constitutes a private school system, we have set out the criteria which is really the result of the hearings and based upon the previous history on this issue prior to the Grove City decision. I think for those who want to alter or change that, they ought to be able to make a case why they think we ought to permit Federal funds to be used for discrimination. Otherwise, I fail to see why there would be justification for this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 15 minutes remaining.

Mr. THURMOND. Mr. President, the bill before us affects all private schools whether they discriminate or not. The argument that private school systems that do not discriminate need not worry is disingenuous. All schools will face regulatory preclearance red tape. This is expensive, time consuming, and detracts from the purpose of educating young people in a religious environment. To say that only bad schools need worry ignores the tremendous impact of Federal intrusion into the lives of all citizens and organizations.

Now, Mr. President, no evidence was presented to the Committee on Labor and Human Resources that, before Grove City, an entire private elementary and secondary school system, including a religious school system, was covered just because one school in that system received Federal aid.

A vague, cryptic reference in the committee report at page 26 to an alleged 1969 example where a private school system of four systems submitted to jurisdiction is unavailing. Proponents of this bill produced none of the facts surrounding this alleged occurrence during hearings. It is possible that all the schools in the system received Federal aid or that the example is otherwise not relevant. The matter was not raised in hearings nor otherwise explained in the committee report.

In any event, whatever the validity or lack of validity of this supposed example, the example predates the adoption of title IX in 1972 and the implementation of the title IX regulations in 1975 which define educational institution. That definition covers an entire public elementary and secondary school system, but not an entire private or religious elementary and secondary school system. That definition is at 34 CFR 106.2(j). This regulation, on the books for 12 years, sets the parameters for how the agency acted in this area. It comes as a definitive agency expression after the enactment of title IX and after this vague reference to 1969.

Ironically, in light of the regulatory definition, adopted 9 years prior to the Grove City decision, the committee report at page 26 claims that failing to cover the entire private school system will establish, "for the first time, a different standard * * * for public and private schools." Not only is this factually incorrect—I repeat, factually correct—as a quick glance at the title IX regulation indicates, it ignores the bill's own double-standard in providing coverage of entire public systems of higher education—subparagraph (2)(A)—but not private systems of higher education. Only the individual private institution of higher education is covered, in contrast to systemwide coverage of public higher education. We seek the latter coverage for private schools at the elementary and secondary level as well.

Mr. KENNEDY. Mr. President, I am somewhat troubled about the reasons for this particular amendment. One of the groups that runs perhaps the largest degree of private schools in the country happens to be the Catholic church. And they have indicated that they do not support this amendment. They have been the ones that would be generally the most affected. You have a number of other groups that run small school systems. But they are by and large the major system so to speak of private schools in the country. There are a number of very distinguished private schools. But they are not systems. But the Catholic church is by and large the largest system and they do not support it.

We talked about the course of the hearings in 1984. We had representatives who came up to speak on the bill oppose the legislation. Let us get that on the record now. They were opposing the legislation. They are not individuals who actually administered that program prior to the Grove City decision.

So I am hard-pressed to justify why we alter and change what has been the existing understanding and the tradition of Gove City where you are going to have school systems—we define that in the report clearly, unequivocally, I believe, in terms of control and fundraising, governing bodies—and define that, that we ought to follow the past tradition that says we are not going to distinguish between the public and the private.

Clearly, it is easier by general definition to describe a public school system for obvious reasons that all of us understand here. But it seems to me to be somewhat troublesome to understand why we are going to save people from themselves when they do not even request it or want it.

That is basically, I believe, why we ought to continue the legislation.

In the course of our hearings we had a good deal of recommendations about how we ought to change the legislation, how we ought to strengthen the legislation, how we ought to weaken it. We made a commitment to try to maintain it. You know, there are those who say let us find out when you use new words what the words mean. We tried to the best of our ability to just continue. And we are continuing on the public and private school application. That is basically what we committed to do. That is what we are attempting to do. Quite frankly, we are reassured in doing that because we have received the support of the church group that would be most affected by this that does not support the amendment.

Mr. President, I hope the amendment will not be accepted.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes and 20 seconds.

Mr. THURMOND. Mr. President, the first amendment gives people the right to practice religion without regulation by the Federal Government. This bill vastly expands coverage of the civil rights laws well beyond what is intended. Private and religious school systems should not be covered in their entirety when only one school receives Federal funds. To do otherwise vastly expands civil rights laws well beyond what has ever been contemplated before.

Mr. President, I predict unless this amendment is adopted you are going to have the Federal regulators going into religious schools, and private schools and disturbing their operation. If they are not discriminating and there is no evidence they have discriminated, why should that occur? Why should we have inspectors and regulators going into private schools, religious schools, to inspect when there is no objection, no facts shown as to discrimination, and to me it is the Federal Government again putting its long arm down into religion, putting its long arm down into private schools and religious schools. I do not think people know what is in this bill. I do not think a lot of people would vote for this bill if they knew what is in it and the effect it is going to have. I suggest to you that this amendment should be passed. It cannot do any harm. And it will give protection that is deserved.

Mr. KENNEDY. Mr. President, I will be prepared to yield back the remaining time in just a moment or two. I do not think there is any question that we have had broad compliance with this legislation over a long period of time. I think that is encouraging. That is very, very hopeful.

The fact remains, Mr. President, that those groups that should resent the long arm of the Federal Government—in this case, the Catholic churches and Catholic schools—are not saying that. There is no testimony that they have been hassled, there is no testimony that they have been harassed, and there are no letters from the various churches or parishes from around the country about how they have been harassed in their local communities. There is none of that. There has been no record of that. To the best of the information we have had, we would not tolerate it or stand for it. And it has not been forthcoming in terms of this particular proposal.

Again, Mr. President, if there is some particular group that is particularly concerned about these issues and if they have a question about their own practices, there is nothing that says that they have to go and take Federal funds. All we are saying is that those are going to be taxpayers' funds that are paid in by hard working men and women from all over this country and that they should not be used for discriminatory purposes to discriminate against the handicapped, or to discriminate against women in our society, the minorities in our society, and the elderly.

If the machine is not broken, why try to fix it, Mr. President? Our commitment is to try to maintain what existed prior to the Grove City decision. We are trying to maintain the same kind of standard, public and private schools, the way it has been interpreted. That has been accepted, to the best of our knowledge the supporters of the legislation, by those groups that would be most directly affected.

So I have no hesitancy, really, in expressing my hope that the Senate will reject this proposal.

I am prepared to yield back the time and proceed to vote.

Mr. THURMOND. Mr. President, my distinguished friend says if there is nothing wrong, do not fix it. That is exactly right. Why not keep it like the Supreme Court passed it down? The Supreme Court of the United States has acted on this matter.

What have you got to fix? What do you want to fix? Do churches have to come in and explain everything and object to everything? The churches of this country rely on Congress to do the right thing. A lot of them do not know anything about what is taking place here.

I say let us protect them, whether they come in and object or not, when most of them do not have any idea of what is going on most of the time concerning a lot of this legislation. It is our duty, as Members of Congress, to protect the churches, protect religious freedom, abide by the Constitution.

I say this amendment ought to be adopted.

The PRESIDING OFFICER. The Senator from South Carolina has 7 minutes remaining.

Mr. THURMOND. I am willing to yield back my time.

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nevada [Mr. HECHT], the Senator from Indiana [Mr. LUGAR], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 16, nays 70, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—16

Armstrong
Garn
Gramm
Hatch
Helms
Humphrey
Karnes
Kasten
McClure
McConnell
Nickles
Pressler
Quayle
Simpson
Symms
Thurmond

NAYS—70

Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Stennis
Stevens
Trible
Weicker
Wilson
Wirth

NOT VOTING—14

Adams
Cochran
Cranston
Dole
Domenici
Exon
Gore
Hecht
Lugar
Murkowski
Rockefeller
Simon
Wallop
Warner

So the amendment (No. 1385) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, regrettably, I missed the last record vote. I fully understand the rules under which the Senate is operating; namely, the 15-minute strict enforcement, and I commend the leadership. But I was unavoidably detained at the White House in a brief meeting with the President of the United States and therefore my absence occurred.

I ask unanimous consent that my statement just completed be entered in the RECORD immediately following the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1386

(Purpose: To clarify that the exemption to Section 901 of the Education Amendments of 1972 shall also apply to entities closely identified with the tenets of a religious organization)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1386.

On page 12, line 11, insert ", or which is closely identified with the tenets of," after "controlled by".

Mr. HATCH. Mr. President, I have to leave here in just a few minutes to go to the Judiciary Committee for the nomination of Judge Kennedy. Senator KENNEDY has to be there and Senator THURMOND and others on the committee. We have nobody to manage the floor on this side. I have laid down this amendment.

I am wondering if I could ask the distinguished majority leader to consider my plight here for a minute?

Mr. BYRD. Yes.

Does this meet with the Senator's situation?

Mr. HATCH. Could I ask for the yeas and nays first?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. What time would the Judiciary Committee have completed its work on the nomination?

Mr. HATCH. I am not sure, but I cannot imagine it taking very long. I think Senator KENNEDY would have more understanding on that than I, because I do not know if there is any opposition to him. If there is no opposition, I would hope that we would be able to report the nomination out of committee certainly by 3 o'clock.

Mr. KENNEDY. Mr. President, that is the only business before the Judiciary Committee. That is the only reason for meeting. I imagine there will be some brief statements, but I would think—we are supposedly meeting at 1:30—for myself I would think we could get back here certainly by 2:30 probably, if not before.

Mr. BYRD. I want to give the Senator my proxy and my statement and ask simply that my statement be put in the RECORD.

Mr. KENNEDY. I will do that.

Mr. BYRD. And my proxy will be in favor of the nomination.

Now, may I ask Mr. HATCH if we could agree?

Mr. HATCH. I will try to be through in an hour. Let us not put a time on it. I certainly want to move this bill and I want to move this as quickly as I can.

Mr. BYRD. Mr. President, the Judiciary Committee will be meeting to report out this nomination, which is an exceedingly important nomination to fill a vacancy on the U.S. Supreme Court, and the managers of the bill that is presently being debated are principals in that action that will occur in the committee. In view of these circumstances, I would propose that we have an hour for morning business in which Senators may come and speak on any subject they wish. In the meantime, if any Senators wish to speak on this matter, they could do so.

Mr. KENNEDY. Mr. President, I hope we could finish our Judiciary Committee by 2:30. I would make every effort to be back here at 2:30. If we are not here at 2:30, if the leadership would put in a short quorum call, I am sure we could commence right after that, and hopefully continue what I think has been good progress on the legislation in the course of the afternoon.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. today and that Senators may speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, the period for morning business now will run until 2:30 p.m. today. In the meantime, there will be no rollcall votes. I would anticipate, from the discussions I listened to here a moment ago, that it would appear there could be a rollcall vote as early as 3:30 p.m. or thereabouts. So I can only say that between now and 2:30 p.m. there will be no rollcall votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT OF CHINA

Mr. HELMS. Mr. President, on January 13, the President of the Republic of China, the Honorable Chiang Ching-kuo, passed away peacefully. So ended 77 years of distinguished service to the Chinese people.

Mr. President, the 20th century has been cruel to the Chinese people. Foreign invasion, war, internal strife, economic collapse, and the violent suppression of human rights has been the norm. Recently a distinguished American economist told the Senate Foreign Relations Committee that just one insane political campaign by the Communists, the "Great Leap Forward," cost the lives of more people than the total of all the casualties of World War II including the holocaust. On the mainland of China today the Chinese people face the prospect of a life of grinding poverty and victimization.

In their pain and humiliation the Chinese people have had twin beacons to guide them and give them hope: the late President Chiang Kai-shek, the father, and the late President Chiang Ching-kuo, the son.

Last month the Congress passed and the President signed the Foreign Relations Authorization Act. The first line of section 1246 reads as follows: "The Congress finds that stability and peace prevail on the island of Taiwan and in the Western Pacific Region." Mr. President, had it not been for the tireless efforts of the late President Chiang, we would undoubtedly have made other, less optimistic findings.

Mr. President, it is difficult to do justice to the achievements of President Chiang and his father on Taiwan. Shall we point to a standard of living 10 times that of the mainland? Shall we compare the great respect for human decency found on the island of Taiwan with the mainland of China where a call for democracy can result in a year of solitary confinement and years in a labor camp? Political leadership of a steady hand pointing in the right direction has made this possible.

As his legacy to the Chinese people President Chiang has ensured that the steady hand will continue. Taiwan-born Vice President Li Teng-hui has been selected to succeed him. The new President has received unqualified support from all quarters, including the military and the party rank and file.

In a 1978 interview with Mr. William Rusher, the publisher of the National Review, President Chiang had the following message for the American people:

> First, I hope the American people will study and understand the true nature of communism: It is treacherous, poisonous.
>
> Second, I hope they will remember who their true friends are.
>
> Third, I hope they will look not only at today, but at tomorrow—and the day after tomorrow.
>
> Fourth, the American people love freedom. That is why they are admired all over the world. But that devotion to freedom brings with it certain responsibilities.

Mr. President, the voice is stilled but the words will be remembered.

RECESS UNTIL 2:30 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, the Senate, at 1:34 p.m. recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FOWLER].

CIVIL RIGHTS RESTORATION ACT

The Senate continued with consideration of the bill.

AMENDMENT NO. 1387

(Purpose: To ensure that the bill does not require that persons, or public or private entities receiving Federal funds perform abortions)

Mr. DANFORTH. Mr. President, I send a second-degree amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 1387.
>
> At the end of the language proposed to be inserted, insert the following: "a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization."
>
> "NEUTRALITY WITH RESPECT TO ABORTION
>
> " 'SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on a person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.' ".

Mr. DANFORTH. Mr. President, this second-degree amendment is the so-called abortion-neutral amendment. It has received a lot of attention, I know, on the part of a number of Members of the Senate and a number of people who watched the course of this legislation. The amendment is offered on behalf of myself and Senators WILSON, MURKOWSKI, LUGAR, QUAYLE, GRASSLEY, DOLE, MCCONNELL, BOSCHWITZ, DURENBERGER, BOND, MELCHER, KARNES, HECHT, HUMPHREY, NICKLES, HATFIELD, THURMOND, GRAMM, HATCH, PROXMIRE, and KASTEN.

Mr. President, I have long supported the concept of fixing the Grove City problem and I would like very much to support S. 557. Back in the 99th Congress, Senator DOLE introduced a bill which was a bill that was designed to remedy the problem that was created by the Grove City case. I was a cosponsor of that bill because I felt very strongly that it was necessary to further the cause of civil rights in this country and that we should not have a system where narrow distinctions were made between various programs within a college and university whereby Federal funds could be received by part of the college but discrimination could be practiced by another part of the college.

Some time ago, I think it was early last year, I was visited by a variety of people, including the Catholic Health Association and the American Hospital Association, who described to me what they considered to be a real problem with S. 557 unless it were amended. The problem as they saw it was that S. 557 would mandate colleges, universities, and hospitals to, at the very least, provide abortion coverage under their health plans and further possibly to provide for abortions themselves, either in university hospitals or even hospitals that were not related to a university but provided some teaching function.

As described to me, I must say that I thought that this was such a far-out result that it had to be an alarmist point of view. I could not imagine that a bill could pass the Congress which would require, for example, a college with a religious tradition to fund abortions in its student health program. And I could not imagine that, for example, the Congress of the United States would pass a bill which could conceivably have the effect of requiring, say, the Georgetown University Hospital to perform abortions in that hospital. It struck me as being so strange that these people must be overreacting.

But I agreed that I would at least look into it because, obviously, it is a serious matter if the Congress of the United States voluntarily or involuntarily sets in motion a process where educational or medical institutions in this country are compelled by Congress to do something which is morally abhorrent to them.

Now, I recognized at the outset that the construction of the legislation and its legal effect was something that I needed help to do. I did not want to be in the position of standing on the floor of the Senate and making representations of points of law. People would say, "Well, you know, when was the last time you practiced law?" And the answer was, "Well, before I entered the U.S. Senate." So I think people would dismiss the Senator from Missouri simply stating what the legal consequences were without any backup strength at all.

So what I did was to communicate with one of the Nation's great law firms, the law firm of Dewey, Ballantine, Bushby, Palmer & Wood. The Dewey, Ballantine law firm, of course, is one of the great law firms of America, with its main office in New York City and offices in Washington and Los Angeles and elsewhere. As a result of my inquiry, Dewey, Ballantine agreed to prepare a legal opinion for me. They did that and they wrote me a letter and also a memorandum of law.

Mr. President, I ask unanimous consent that both the Dewey, Ballantine letter to me and the memorandum of law be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD,
New York, NY, January 21, 1988.
Hon. JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: This is in response to your request for our opinion on whether pending amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. The proposed amendments, known as the Civil Rights Restoration Act, would overturn the Supreme Court's decision in *Grove City College* v. *Bell*, 465 U.S. 555 (1984), which limited the scope of Title IX.

No one can predict with certainty how the pending amendments would be construed in court if enacted in their present form. Nevertheless, we have reviewed the CRRA's language and legislative history to date and past court decisions to determine what results are reasonably possible, assuming enactment of the CRRA.

Title IX already requires covered institutions to pay for abortions if they offer federally funded insurance coverage to their employees and students for other temporary disabilities. But the decision in Grove City means that few institutions are now subject to this requirement. If the CRRA is enacted in its present form, the following results could ensue:

"Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

Our conclusions and the reasoning on which they depend are set out in greater detail in an accompanying memorandum of law.

If we can provide any additional information or analysis with respect to any of the issues addressed in this letter or the accompanying memorandum, please do not hesitate to call on us.

J. PAUL MCGRATH.

[Memorandum]

JANUARY 21, 1988.

THE CIVIL RIGHTS RESTORATION ACT AND THE OBLIGATION TO FUND OR PERFORM ABORTIONS

This memorandum considers whether proposed amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. For the reasons stated below, we have concluded that:

There is a serious risk that the proposed legislation, known as the Civil Rights Restoration Act (CRRA), could require schools, hospitals, and other institutions—even ones with a religious affiliation—to fund or perform abortions; and

The proposed "abortion-neutral" amendment would remove that risk by specifying that Title IX does not require covered institutions to fund or perform abortions.

Title IX provides that "[n]o person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . . ." The Civil Rights Restoration Act would extend Title IX's proscription of sexual discrimination to an entire institution, and not simply to the particular department or division receiving federal funds, thus overturning the Supreme Court's decision in *Grove City College* v. *Bell*, 465 U.S. 555 (1984). See S. 557 and H.R. 1214, 100th Cong., 1st Sess. (1987).

No one can predict with certainty how the pending legislation would be construed in court. The CRRA's legislation history is still being made, and there is no controlling judicial precedent. Nevertheless, we can predict what results are reasonably possible, taking into account past court decisions, the CRRA's language and legislative history to date, and what we understand to be the underlying purposes of Title IX and the CRRA.

Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form:

Education institutions could be required to fund abortions for students or employees;

Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;

Hospitals could be required to perform abortions for the general public; and

Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.

We note that the Senate Committee Report on the CRRA contains language purporting to rule out some, but not all, of these results. It is hazardous, however, to rely heavily on the Committee Report. In several instances its assertions appear to conflict with the unqualified language of the statute itself. The Supreme Court has cautioned that a court should not refer to legislative history if the statutory language is clear. E.g., *Ex parte Joseph Collett*, 337 U.S. 55 (1948); *United States* v. *Public Utilities Commission*, 345 U.S. 295, 319 (1952) (Jackson, J., concurring) (warning against undue reliance on legislative history). And it has refused to follow Committee Report interpretations that conflict with statutory language. See *United States* v. *Shreveport Grain & Elevator Co.*, 287 U.S. 77 (1932).

A vivid illustration of the need for caution in relying on legislative history is contained in the very Senate Committee Report on the CRRA. The authors of that Report maintain that the legislative history of the original Title IX leads to the "inescapable" conclusion that the Act was to be applied institution-wide. Yet despite their confidence on this point, a unanimous Supreme Court decided otherwise in Grove City. The obvious lesson is that isolated statements in the legislative history may not prove dispositive on the interpretation of a statute, particularly where the legislative history is hard to square with the literal language of the statute.

1. *Existing Law*

Title IX prohibits sex discrimination in any "education program or activity" that receives federal funds. The statute does not now define the term "education program or activity." But the Supreme Court addressed its meaning in its 1984 decision in Grove City versus Bell, supra.

The case concerned a college whose students received federal funds to help pay for tuition. The Court unanimously held that the financial aid office, rather than the entire college, was the "program or activity" receiving federal funds. Thus, the financial aid office alone, and not the institution as a whole, was subject to Title IX's prohibitions. Under the principles established in Grove City, a university-affiliated teaching hospital is subject to Title IX only if the hospital itself receives federal funds, and then only in regard to the programs or activities that receive the funds.

Regulations issued pursuant to Title IX establish standards that a covered institution must meet to avoid a finding of sex discrimination. The regulations provide that covered institutions: "shall treat . . . termination of pregnancy . . . in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such [institution] administers, operates, offers or participates in with respect to students. . . ." 34 C.F.R. § 106.40 and 45 C.F.R. § 86.40. Under these regulations, where a covered student health plan pays for treatment of temporary disabilities generally, it must also pay for abortions. Since the regulations also prohibit discrimination with respect to any "service," they arguably go further and require a covered institution to perform abortions on a non-discriminatory basis, and not just to pay for them. As a practical matter, however, Grove City has obviated the need for a definitive resolution of the meaning and potential scope of the regulations. Because Title IX applies only to those portions of an institution that receive federal funds, health plans and university hospitals' medical facilities that do not receive federal aid (and most do not) are not even covered by Title IX or the regulations.

The CRRA would overturn Grove City, broadening the coverage of Title IX and compelling answers to the question of what constitutes unlawful sex discrimination under Title IX and the regulations. We turn, therefore, to an analysis of the potential reach of Title IX as amended by the CRRA.

2. *Application of Title IX to Hospitals*

The CRRA would broaden the application of Title IX by expanding the definition of the term "program or activity." This term is critical to the coverage of Title IX since the Act bars discrimination "under any education program or activity" receiving federal funds.

First, under the CRRA a "program or activity" would include "all of the operation of . . . a college, university, or other postsecondary institution, or a public system of higher education," if any portion thereof receives federal financial assistance. Under this formulation, any hospital affiliated with an education institution would be subject to Title IX, whether or not the hospital itself receives federal funds.

Second, the CRRA would define "program or activity" to include "all of the operation of . . . an entire corporation, partnership or other private organization" that is "principally engaged in the business of providing . . . health care." Read alone, this provision would appear to extend Title IX to all hospitals. But Title IX bans discrimination only under an "education program or activity." The question, therefore, is whether and to what extent the word "education" would limit the newly enlarged definition of "program or activity."

At the very least, this provision would subject to Title IX coverage all of a hospital's educational activities that receive federal funds. It could sweep much more broadly. The CRRA could be interpreted to subject all educational activities of a hospital to Title IX coverage if any portion of the hospital—whether or not educational—received federal funds. It could even be read to provide that all of a hospital's activities would be covered by Title IX if any portion of the hospital received federal funds and if any educational activities took place in the hospital.

The language of the CRRA does not conclusively establish which of these interpretations is correct. The Senate Report suggests a narrow reading, stating that Title IX "would apply only to students and employees of educational programs operated by the hospital, if any." That statement apparently indicates that non-educational parts of the hospital would not be covered. But language on the preceding page of the Report explains that, at least with respect to colleges and universities, the Act is intended to cover all the activities of the institution, whether or not they are educational in nature: "The language 'all of the operations of' an educational institution or system would include, but is not limited to, the following—traditional educational operations, faculty and student housing, campus shuttle bus service, campus restaurants, the bookstore, and other commercial activities."

In light of these conflicting statements in the legislative history, courts might look to other sources in interpreting the CRRA. In fact, several other factors suggest that courts should read the statute broadly.

First, it would be very difficult to draw a line between education and non-education activities, especially since so many facilities in a hospital can be used for both purposes. Should the salary of physicians, for example, be considered an education or a non-education expense? What if the physicians both supervise the activities of interns and treat their own patients? The court might well decide that Congress could not have intended to make the coverage of Title IX turn on such an elusive and problematic distinction, particularly where Congress has given no guidance on how to draw the line.

Second, the whole thrust of the CRRA is to avoid the compartmentalization of discrimination. It rejects the principle that programs or activities should be examined in isolation from the institution as a whole. Thus, an interpretation of the CRRA allowing a hospital to discriminate in its non-education activities merely because it does not also discriminate in its educational component could well be considered contrary to the spirit and underlying purpose of the CRRA.

While the resolution of this issue is unclear, its potential impact on the nation's hospitals is substantial. Numerous hospitals are affiliated with education institutions and could be considered "educational programs or activities" on that account alone. In addition, virtually all hospitals participate in "education" activities of one kind or another, whether or not they are affiliated with an education institution. For example, 1500 facilities, containing forty percent of the nation's hospital beds, offered clinical education in 1978.[1] If the Department of Education or the courts adopted a broad interpretation of the coverage of the CRRA, all of the activities of a large portion of the nation's hospitals would be covered by Title IX. Even a narrow reading of the statute would subject a wide range of activities in thousands of hospitals nationwide to the prohibitions of Title IX.

3. *Who Is Covered?*

Patients of a hospital covered by Title IX could be considered a class of persons entitled to the protection afforded by the Act.

The statute states simply that "no person . . . shall . . . be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any education program or activity receiving federal financial assistance" on the basis of sex. There is no doubt that students are "persons" entitled to Title IX protection. See, e.g., *Cannon* v. *University of Chicago*, 441 U.S. 677 (1979). And, although the lower courts previously were divided on the issue, the Supreme Court has held that employees of education institutions also are covered by the Act. *North Haven Board of Education* v. *Bell*, 456 U.S. 512 (1982). But what about a hospital's patients?

The Senate Report on the CRRA indicates that the amended Title IX would cover only "students and employees." Once again, however, the legislative history may be in conflict with the language of the statute itself.

In North Haven, the Court applied Title IX to employees on the grounds that the Act's "broad directive that 'no person' may be discriminated against on the basis of gender appears, on its face, to include employees as well as students." "After all," the Court explained, "Congress easily could have substituted 'student' or 'beneficiary' for the word 'person' if it had wished to restrict the scope of [Title IX]". Id. at 520–21.

The identical reasoning would support a finding that the Act protects a hospital's patients from discrimination. A patient who was denied admission to a covered hospital or denied a particular service because of her sex might well succeed with a claim that she had been "excluded from participation in, [or] denied the benefits of . . . [an] education program or activity" in violation of Title IX.

4. *Title IX's Applicability to Abortions*

Title IX itself says nothing about abortions. Nevertheless, regulations issued by the Department of Health, Education and Welfare, which remain in effect, require that covered insititutions treat abortion like other temporary disabilities. Specifically, the regulations provide that covered institutions "shall treat . . . termination of pregnancy . . . in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such [institution] administers, operates, offers or participates in with respect to students . . ." 34 C.F.R. § 106.40 and 45 C.F.R. § 86.40. The same standard governs the provision of benefits or services to employees. See 34 C.F.R. § 106.57 and 45 C.F.R. § 86.57. These regulations presently require covered institutions to provide abortion coverage in their student and employee health benefits packages if those packages provide coverage for other temporary disabilities.[2]

The regulations prohibit discrimination with respect to any "service" as well as benefits. Thus, if a university provides its students with health care at the university's own teaching hospital, it might also be required to provide abortion services at that same facility (or make comparable care available at another institution). True, the Senate Committee Report concerning the CRRA states flatly that "Title IX does not now require any institution to perform abortions and no abortions would be mandated if S. 557 were enacted." But the meaning and impact of that statement are problematic. The statement is accompanied by no analysis purporting to reconcile it with Title IX and the existing regulations. And a court might well give it little weight in view of the statute's broad language and purpose.

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[1] J. Hadley, Medical Education Financing 39 (1980).

[2] Although Grove City has limited the impact of these regulations, numerous institutions have entered into voluntary agreements with the Education Department's Office of Civil Rights to modify their student health plans, and at least twelve others have terminated their plans rather than comply with the regulations.

The statement may simply reflect the Committee's assumption that Title IX as a whole has nothing to do with abortion. If a restriction on abortion does not constitute sex discrimination in violation of Title IX, then no institution would be compelled by the Title or by S. 557 to perform an abortion. (On that view, of course, the present regulations would have to be considered invalid.) But if a court were to reject the Committee's premise and conclude that Title IX does outlaw certain restrictions on abortion, it might well consider the Committee's statement irrelevant in deciding what obligations flow from a proper understanding of Title IX's prohibition of sex discrimination.[3]

The effects of the CRRA could, however, be even more far-reaching. As noted above, the protections of Title IX could be extended to a hospital's patients as well as to its students and staff. In that case, the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of Title IX. Although current regulations do not appear to extend the coverage of Title IX beyond students and employees, a future Administration might determine that the regulations should be extended to cover patients as well as students and employees. Furthermore, given the language of Title IX and the rationale of North haven, as discussed above, a court might hold that such a result is mandated by the statute itself.

5. *Religious Exemption*

Title IX, as amended by the CRRA, would require covered institutions to pay for abortions, and it could even be held to require them to perform abortions. Nevertheless, some institutions may be able to avoid this obligation under the Act's exemption for religious institutions. Our analysis indicates, however, that the exemption could be available to many fewer institutions than one might at first suppose.

To be exempted from Title IX for religious reasons, an institution must show that it is "controlled by a religious organization." Under current practice, an institution must in theory demonstrate that: (1) it is a school or department of divinity, (2) it requires students, faculty or employees to espouse belief in the religion of the organization by which it claims to be controlled, or (3) its charter or official publications explicitly state that it is controlled by a religious organization, its governing body is appointed by that organization and it receives significant financial aid from that organization. See S. Rep. No. 64, 100th Cong., 1st Sess. 21 (1987) (1977 HEW Assurance form definition of religiously controlled).

Many educational institutions that are closely affiliated with religious organizations might not be able to satisfy this test—because, for example, they have lay boards of directors or significant nonreligious sources of financial aid. In testimony before the House Judiciary Committee, Father William Byron, President of Catholic University, stated that:

"Over the years . . . colleges once tightly linked to churches began to expand the make-up of their governing bodies. They began to include members who could help promote and administer quality education but who were independent of the controlling religious group. This result, which we see as a positive trend, points to the conclusion that many of these boards are now independent. . . ."

One pertinent example is the institution at issue in the Grove City case itself. Grove City College was affiliated with the Presbyterian church and "retain[ed] its Christian conscience." The college conceded, however, that it was "not controlled or operated by any church." *Grove City College* v. *Bell*, 687 F.2d 684, 701 n.29 (3d Cir. 1982), rev'd, 465 U.S. 555 (1984).

The Senate Report indicates that the Department of Education has granted religious exemptions liberally in the past. Nevertheless, the statutory language that authorizes the exemptions is narrow. Now or under some future Administration the Department of Education could decide to construe strictly the rigorous standards it has already enunciated for considering religious exemption applications under Title IX.

Moreover, a court could determine that the language of Title IX already mandates a narrower reading of the exemption. Although there is no case law interpreting the phrase "controlled by a religious organization" within the meaning of Title IX, one court has interpreted the religious exemption narrowly in a related context. In Fike versus United Methodist Children's Home of Virginia, Inc., a children's home founded by the Methodist church was charged with religious discrimination under Title VII. 547 F. Supp. 286 (E.D. Va. 1982), aff'd on other grounds, 709 F.2d 284 (4th Cir. 1983). The court acknowledged that the home's Board of Trustees was subject to church confirmation and that only Methodists could be trustees. Nevertheless, the court concluded that the home was secular in nature and hence not protected by Title VII's religious exemption.

Thus, the existence of the religious exemption does not necessarily insulate religiously-affiliated schools and hospitals from the application of Title IX. Further, the exemption would provide no protection at all to non-religious institutions with moral objections to paying for or performing abortions.

6. *Effect of the Abortion-Neutral Amendment*

Because of concern about the potential impact of the CRRA on abortions, Senator Danforth has proposed the following amendment to the CRRA:

"Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion."

It is our conclusion that this amendment would accomplish its intended result. It would declare, in the language of the statute itself and not simply in the legislative history, that nothing in Title IX can be held to require any institution to fund or perform abortions. The provision would, of course, displace any contrary regulations. The amendment is neutral on abortion in the sense that it would not forbid a hospital or other covered institution from funding or providing abortions if it should so choose. Further, the amendment would explicitly prohibit covered institutions from penalizing individuals because they have had legal abortions.

7. *Conclusion*

If the CRRA is enacted in its present form, the following results could ensue:

Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD.

Mr. DANFORTH. Before I read excerpts from this letter and memorandum, I would point out that subsequent to being contacted by the American Hospital Association and the Catholic Health Association, which expressed their concerns about the effects of the bill, I was also made aware of the position that was taken by the city of St. Louis. The city of St. Louis has entered into a contractual arrangement with the St. Louis Regional Medical Center to provide medical care for people who are within the city of St. Louis, principally poorer people. By city ordinance, the city of St. Louis has provided that its funds will not be used to provide abortions. Similarly, there is a State statute in Missouri which provides that, as a matter of policy in our State, State funds and public funds will not be used to provide abortions.

The St. Louis ordinance was challenged in court and was specifically upheld by the U.S. Supreme Court.

So, under present law, under the existing set of circumstances and the existing law, it is quite permissible, if we do not change things, it is quite permissible for the city of St. Louis to state that as a matter of public policy it does not want its funds to be used to provide abortions.

The St. Louis Regional Medical Center has also entered into a contractual agreement with Washington University. Washington University is one of the great medical centers in the United States and Washington University provides very high-quality medical advice to the St. Louis Regional Medical Center.

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[3] The Report language is drafted in such a manner that it is susceptible of several alternative interpretations. The Committee may have distinguished between providing abortions and paying for them. Under that view, its statement would be literally true, since covered institutions would not themselves have to perform abortions. But they would still have to pay for them. Or the statement could mean that an institution could avoid performing abortions by giving up its federal funding and removing itself completely from the reach of Title IX. Again, the statement would be literally true but less significant than it first appears. Given the uncertainty about what the Committee's statement means, it is questionable whether a court could give it much weight in deciding precisely what Title IX and the implementing regulations do and do not require.

The concern that has been expressed by the city of St. Louis through its counsel is that the bill, in its present form, would mean that the relationship between Washington University and the Regional Health Center would require the Regional Health Center to perform abortions because the Regional Health Center is an adjunct part of the educational operation of Washington University.

So, said the city counselor for the city of St. Louis, he would recommend that should this bill be adopted, the contractual relationship with Washington University would be terminated.

The effect of that termination would be that the quality of health care provided to indigent people in the city of St. Louis would greatly decline. But that is the position of the city of St. Louis.

Mr. President, I have previously entered into the RECORD both the Dewey, Ballantine letter which is just two pages long, and a 17-page memorandum of law. I am not going to attempt to read the entire letter or the entire memorandum. I am going to read a few excerpts from the letter and from the memorandum. But I would suggest that the legal points made by one of the finest law firms in the country really deserve to be studied by interested Senators.

If you have a question about the legal effect of this legislation in mandating both insurance coverage for abortion and the actual performance of abortions, if you have any doubt about the legal effects and the legal reasoning for this concern, I would urge interested Senators or their staffs to read the letter and read the memorandum. I assume that we will be voting on this issue later in the day. I have got copies on the floor of the Senate of the letter and of the memorandum. You are welcome and you are encouraged to read them.

So, I think that that would be very important for interested Senators to do. I might say that the letter, the Dewey, Ballantine letter and the memorandum have been prepared by Mr. J. Paul McGrath. Mr. McGrath has served twice, as a matter of fact, as Assistant Attorney General of the United States so he is certainly an eminent lawyer in a distinguished law firm.

Well, here are some excerpts, Mr. President, first from the letter of Dewey, Ballantine:

> This is in response to your request for our opinion on whether pending amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions.
>
> No one can predict with certainty how the pending amendments would be construed in court if enacted in their present form. Nevertheless, we have reviewed the CRRA's language and legislative history to date and past court decisions to determine what results are reasonably possible, assuming enactment of the CRRA.
>
> Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;
>
> Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;
>
> Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;
>
> Hospitals could be required to perform abortions for the general public;
>
> Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and
>
> Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

That is from the opinion letter dated January 21, 1988, of Dewey, Ballantine, Bushby, Palmer & Wood, and signed by J. Paul McGrath.

Then the memorandum that bears the same date says, in part, as follows:

> This memorandum considers whether proposed amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. For the reasons stated below, we have concluded that:
>
> There is a serious risk that the proposed legislation, known as the Civil Rights Restoration Act (CRRA), could require schools, hospitals, and other institutions—even ones with a religious affiliation—to fund or perform abortions; and the proposed "abortion-neutral" amendment would remove that risk by specifying that Title IX does not require covered institutions to fund or perform abortions.
>
> No one can predict with certainty how the pending legislation would be construed in court. The CRRA's legislative history is still being made, and there is no controlling judicial precedent. Nevertheless, we can predict what results are reasonably possible, taking into account past court decisions, the CRRA's language and legislative history to date, and what we understand to be the underlying purposes of Title IX and the CRRA.
>
> Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form:
>
> Education institutions could be required to fund abortions for students or employees;
>
> Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;
>
> Hospitals could be required to perform abortions for the general public; and
>
> Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.
>
> The CRRA would define "program or activity" to include "all of the operations of . . . an entire corporation, partnership or other private organization" that is "principally engaged in the business of providing . . . health care."
>
> At the very least, this provision would subject to Title IX coverage all of a hospital's educational activities that receive federal funds. It could sweep much more broadly. The CRRA could be interpreted to subject all educational activities of a hospital to Title IX coverage if any portion of the hospital—whether or not education—received federal funds. It could even be read to provide that all of a hospital's activities would be covered by Title IX if any portion of the hospital received federal funds and if any education activities took place in the hospital.
>
> The protections of Title IX could be extended to a hospital's patients as well as to its students and staff. In that case, the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of Title IX. Although current regulations do not appear to extend the coverage of Title IX beyond students and employees, a future Administration might determine that the regulations should be extended to cover patients as well as students and employees.
>
> Furthermore, given the language of title IX and the rationale of North Haven, as discussed above, a court might hold that such a result is mandated by the statute itself.
>
> Title IX, as amended by the CRRA, would require covered institutions to pay for abortions, and it could even be held to require them to perform abortions. Nevertheless, some institutions may be able to avoid this obligation under the Act's exemption for religious institutions. Our analysis indicates, however, that the exemption could be available to many fewer institutions than one might at first suppose.
>
> Many educational institutions that are closely affiliated with religious organizations might not be able to satisfy the test—because, for example, they have lay boards of directors or significant nonreligious sources of financial aid.

I would point out in that regard, Mr. President, parenthetically, that I take it that St. Louis University and its teaching hospital, Firmin des Loge Hospital, would be covered by title IX, despite the fact that St. Louis University is generally regarded as a Jesuit university because of the fact that it has a lay board of trustees.

> The existence of the religious exemption does not necessarily insulate religiously-affiliated schools and hospitals from the application of title IX. Further, the exemption would provide no protection at all to nonreligious institutions with moral objections to paying for or performing abortions.

Again, Mr. President, parenthetically, the St. Louis Regional Medical Center would be included under that analysis.

(Mr. SANFORD assumed the chair.)

Mr. DANFORTH. And then the legal memorandum winds up as follows:

> It is our conclusion that this amendment would accomplish its intended result.

That is, the amendment I have just sent to the desk.

> It would declare, in the language of the statute itself and not simply in the legislative history, that nothing in title IX could be held to require any institution to fund or perform abortions. The provision would, of course, displace any contrary regulations. The amendment is neutral on abortion in the sense that it would not forbid a hospital or other covered institution from funding or providing abortions if it should so choose.

Further, the amendment would explicitly prohibit covered institutions from penalizing individuals because they have had legal abortions.

Just to elaborate on those points, Mr. President, the amendment that I have sent to the desk is neutral on abortions. It is expressly neutral on the question of abortion. It says that the law cannot be read to mandate the funding for abortions, and that the Federal law cannot be read to mandate the providing of abortions at, say, university hospitals.

It does not in any way prevent those hospitals that want to conduct abortions, those health plans that want to include abortions, from doing so. They are free to do it. It says that the decision on whether or not to fund abortions or to provide abortions is something that is to be determined by the educational institution or by the hospital.

Furthermore, the amendment says that these institutions, say a college, cannot use this amendment as an argument. In fact, it is prohibited—hospitals, colleges, universities—from discriminating against people who have had abortions or who are seeking abortions. So it does not intend to authorize, in fact, it prohibits, penalties against people who have made their own choice for abortion. The question before us is not whether we are getting into the so-called freedom of choice issue. We all have different opinions on that. We are leaving that aside. We are not going to allow any coercion on the individual. But what we are saying is that the institution itself makes its own choice as to whether under its moral judgment it is going to fund abortions or provide abortions.

Finally, the memorandum of Dewey, Ballantine concludes as follows:

> If the CRRA is enacted in its present form, the following results could ensue:
>
> Every education institution that receives Federal funds that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;
>
> Hospitals that are affiliated with a university or that have an education component, also could be required to fund abortions;
>
> Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;
>
> Hospitals could be required to perform abortions for the general public;
>
> Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under title IX's religious exemption; and
>
> Nonreligious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

Mr. President, many Senators, a number of Senators, have come up to me in the last couple of days and asked me, does my amendment change present law? Does it change past law? At what point in time? Are we going back and overturning something that has already happened?

To answer those questions, I would like to describe very briefly the history of the law as it now stands.

Title IX of the education amendments was enacted by Congress in 1972. At the time that title IX was enacted into law, at the time the Congress last acted on this matter, Roe versus Wade had not been decided. Therefore, Mr. President, clearly, at the time of Congress' action, Congress' enactment of title IX, it was not the intention of Congress to mandate that educational institutions pay for people's abortions because abortions were frequently felonies in the various States.

Clearly, it was not Congress' intention in title IX when we passed the law, let us say, the Georgetown University Hospital should be compelled to perform abortions. This was a law that was passed before Roe versus Wade.

In 1975, the then Department of Health, Education, and Welfare, promulgated regulations, and those regulations said that the failure to provide for abortions in a college's health plans was discrimination under title IX. In other words, it was the interpretation of HEW that the failure to provide for abortions in health plans was sex discrimination.

I do not think there has been any court opinion on this subject. The subject was really mooted out when the Supreme Court decided the Grove City case, because the Grove City case had such a narrow interpretation of the coverage of title IX that there was just no possibility that it would ever come up. So right now it is a moot question.

I would argue that when Congress passed the law, clearly it was not our intention to cover abortions and that prior to the decision of Grove City the law on the subject was immature in that it had never really been formulated by the Supreme Court or, to my knowledge, by any other court.

The concern that has been expressed by the Dewey, Ballantine law firm and others, by the American Hospital Association, is, What will happen after this law is enacted? How will it be interpreted either by the Department of Education, or some future Department of Education, or how will it be interpreted by some court?

The concern is that when we pass this bill, if we pass this bill, a court could hold, or an administrative agency could interpret, that Congress has reenacted title IX of the education amendment; that Congress has not only reenacted title IX but Congress has, in effect, ratified the regulations that had been promulgated by HEW which could be interpreted as equating the refusal of a hospital or school to fund or provide abortions with sex discrimination; and that this particular statute would broadly apply the sex discrimination prohibition throughout educational institutions, teaching hospitals, and hospitals that have an adjunct relationship to educational institutions. That is the concern, and the Dewey, Ballantine law firm believes that is a concern that is well founded.

I would conclude, Mr. President, by saying simply this: It seems to me that clearly the Congress of the United States cannot mean to mandate institutions to perform abortions against their moral or religious principles, that Congress cannot mean in this legislation that we want other people to fund abortions even if those abortions are against their most deeply felt religious and moral principles. It would be peculiar in the extreme if the Congress of the United States, having decided under the Hyde amendment that we are not going to fund abortions in the Federal Government, would then turn around and say that Georgetown University is supposed to fund abortions. We cannot mean that. We cannot mean that Georgetown University or St. Louis University or any other college, whether or not church affiliated, is required to provide abortion coverage even if they think it is morally wrong. We cannot believe that. That is not freedom of choice for those who advocate freedom of choice.

It is one thing to say that a woman has a right to an abortion. That is not the issue before us right now. We have different opinions on the woman's right to an abortion. That is not before the Senate today. It is not at issue whether a woman has a right to an abortion. What is at issue is whether we can compel somebody to provide that abortion for that woman either by paying for it or by providing it directly in the hospital.

Now, as the Dewey, Ballantine opinion points out, this is not a settled issue of the law. And when you ask a lawyer to write a legal opinion, that lawyer is almost certainly not going to say something that is just totally predictable. The lawyer is not going to give you an iron-clad opinion. You ask the lawyer to point out the probabilities, the possibilities, what could happen, what could an administrative regulation do in the future, what could a court do in the future, how could a court interpret the law in the future? And Dewey, Ballantine has said that there is certainly a reasonable possibility that either an administrative agency or a court at some future time could hold that Georgetown University, St. Louis University, on and on, is required under its health plan to provide for abortions if it has a health plan, and that it is required to perform abortions.

Mr. President, that is not right. That kind of manipulation by the granting or withholding of the kinds of funds that are the lifeblood of these institutions is not right, for us to so manipulate the decisions of colleges and universities.

People say, am I upsetting the present law? No, I am not upsetting the present law because we have not yet held that the Georgetowns and the St. Louis Universities have to do this. But if we do not speak clearly, if we do not make it clear that this is not our intention, then there is the possibility, reasonable possibility, as the Dewey, Ballantine law firm says, that somebody is going to do it for us, an administrative agency or a court.

I think that this is an important issue, Mr. President. I think it has to do with where values are set in this country. I do believe that there is a role to be played by our private sector in the creation of its own values, and I really do not think we want to cram abortion down the throats of hospitals and colleges and universities that have the deepest religious and moral abhorrence at this practice.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand that the distinguished Senator from California, Mr. WILSON, wishes to address some remarks to the amendment offered by Mr. DANFORTH. I would yield to Mr. WILSON for that purpose, for not a purpose of offering an amendment or a motion of any kind. I would be happy to yield with the understanding that I retain my right to the floor, for that purpose only, for the purpose of the Senator making a statement. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from California.

Mr. WILSON. Thank you, Mr. President. I thank my friend, the distinguished majority leader.

Mr. President, I rise in support of the Danforth amendment. I think the Senator from Missouri has done his usual very careful and very thorough job of explaining his legislation. His analysis of it is correct. But let me—for the purposes of attempting to alleviate some fears that have been expressed to me by some of my colleagues—address some specific points on which he has already touched. Perhaps some elaboration will not hurt.

This is an amendment to what is termed the Civil Rights Restoration Act. But in the particular area of abortion addressed by the Danforth amendment, the underlying Kennedy legislation I think quite arguably goes beyond restoration, as Senator DANFORTH has indicated in his recital of the history of the legislation, and more to the point, Mr. President, the proper question is not what the law was before the Grove City decision but what should the law be. We must ask ourselves what should the law be with respect to a very narrow issue, but one that is tremendously important because it raises the question of fundamental fairness that my friend from Missouri has so correctly and emphatically placed before us.

Let me say that I do not regard the issue that he has crystalized with this amendment as being properly characterized as either prochoice or prolife. Let me explain.

My friend from Missouri, in his views with respect to abortion, is generally characterized as being prolife. On the other hand, I, who rise to support him in this measure, am characterized as prochoice.

What do those phrases mean? They are not really very helpful. Let me give my definition of prochoice. It does not mean that I favor abortion. It means that I favor choice. More importantly, it means that, as a realist, I recognize that women will insist upon having that choice with respect to their own bodies. We have learned the hard way throughout the history of the United States that there are certain laws that are unenforceable. Just recall the Volstead Act, and then remember that an amendment to the Constitution was adopted to repeal it. Prohibition did not work.

Mr. President, if it was important to otherwise law-abiding Americans that they be able to get a drink, an alcoholic beverage, I suggest that whether you or I or the law of the land agree or disagree with the motivation, the thoughts, the feelings of a woman who is determined to seek an abortion, she will nonetheless seek one. That is in fact the history of illegal abortion in America before Rowe versus Wade.

So as a realist, Mr. President, I take the view that Congress does not encourage respect for the rule of law in this Nation, and we do not do anything wise or good when we enact a law that results in widespread violation of that law by otherwise law-abiding citizens who feel fully justified in breaking the law. To focus more specifically on the problem of illegal abortion, I do not think a law wise or good if it drives a 17-year-old girl or a 15-year-old girl who becomes pregnant to seek back-alley medical treatment, or to abort herself with a coathanger. I do not think that is good. I do not think it is wise. I do not think it breeds respect for the law.

But, Mr. President, the Danforth amendment is not prolife, and it is not prochoice. It raises a question of fundamental fairness. It asks how we on this floor can, in conscience, sanction the threat to withhold Federal funds, given an institution for totally different reasons than the funding of abortion, to coerce that institution to provide or pay for abortion-related services when the institution finds it morally repugnant to do so.

Mr. President, the Danforth amendment simply states that there shall be a narrow exemption from the requirements of title IX to avoid the wrong they would otherwise impose, of coercing institutions or individuals that find abortion morally repugnant to pay for or provide abortion-related services against the dictates of conscience.

Let me take back in time some who, perhaps, will not themselves remember that in time of war, the American people have been tolerant of those who did not find themselves able, in conscience, to take up arms against America's enemies. In our history, we have honored those conscientious objections when we found them valid.

Yes, we have allowed people whom the law termed as conscientious objectors to escape the burden imposed upon other able-bodied citizens to bear arms in the defense of this Nation. We did so in recognition of their assertion that they found it impossible to do so, to take a human life, as a matter of conscience. Many conscientious objectors of course distinguished themselves and won decorations for their valor serving as medical corpsmen.

Mr. President, I recall the conscientious objector to military service as clear precedent in our history and in American law for giving recognition to and honoring the assertion of conscientious objection by exempting from a duty, imposed by the law on other citizens, those who find it morally repugnant. We are right to make such exceptions.

And that is what the Danforth amendment is all about. It does not change the law which establishes the right to a legal abortion. It does not change significantly the availability of legal abortion. What it does instead is simply to create a very narrow exemption that permits those who find the provision of or payment for abortion to be morally repugnant, to escape that morally offensive duty.

And for that reason, Mr. President, there is no reason for someone who is prochoice to find a conscientious objection to the Danforth amendment; very much to the contrary. It is entirely consistent to maintain a prochoice position and also maintain that it is wrong to coerce against their will, against their moral principles and judgments, those who find the provision of those abortion-related services repugnant.

The passage and the enactment of the Danforth amendment will not deny to those who seek legal abortion the opportunity to obtain it. It will not alter the rights of those who under existing law have a legal right to abortion but not a right to a federally funded abortion. The Danforth amendment grants to institutions and individuals a very narrowly drawn exemption.

Mr. President, when we were considering this same legislation last fall, I thought to offer an amendment that would have created a similar but much narrower exemption, one that was limited to those who could qualify under the so-called religious tenet exemption. But as I have thought about it in the interval, it seemed to me that a religious tenet exemption was unnecessarily narrow because it would not permit many whose objections are as deeply and as conscientiously held as those of people affiliated with a religious institution the same kind of exemption. It would be unfair to draw a distinction between those who find it against their conscience as a matter of their religious belief and those who find provision of abortion-related services repugnant simply as a matter of moral beliefs. So I favor the broader language of the Danforth amendment which exempts those whose objections are grounded in religious beliefs or secular moral conviction.

The Danforth amendment does a second very important thing.

After assuring that we will not use this blackjack of Federal funding and the threat of taking it away to coerce people to do things they find repugnant in this very narrow sphere having to do with abortion, it offers a second guarantee.

The second sentence of the amendment provides a guarantee that no individual shall be penalized by an institution claiming exemption. If a professor seeking tenure has had an abortion or is prospectively seeking an abortion, she will not be denied tenure for that reason, and will not be denied employment.

The Danforth amendment assures that an individual who has received abortion-related services or prospectively is seeking them will not suffer a penalty because of it. That is an important guarantee. It was not in the minds of those who first offered the exemption for institutions seeking exemption from the requirement to perform or to assist in the performance of abortion. It is a separate but related issue and a critically important one.

I emphasize it for the very simple reason that some of my colleagues have come to me and asked, "Won't the Danforth amendment not only let institutions off the hook, but also give to those institutions which may be exempted the opportunity to penalize unfairly those connected with them whose lives and fortunes they govern?" The answer is that it does not. To the contrary, it prevents any such penalty from being imposed.

So, Mr. President, I ask my colleagues to bear in mind the history of this nation, a nation that in virtually every generation has been compelled to repurchase our freedom by fighting for it, a nation that has sought peace but has been necessarily drawn into wars.

We have felt that the first duty of a democracy is to survive, so that we may make available to our citizens and those who come to our shores all the other benefits of freedom; and therefore we have thought military service a duty in time of war and one that we would not allow people to escape easily. Nor should we. But even in such an emergency, we have honored the claims of those whom the law describes as conscientious objectors.

What the Danforth amendment does is state that those who conscientiously object to performing or to assisting in the performance of abortions shall not be compelled against their conscience to do so. That is a good thing. That is the kind of America we can all believe in. That is the sort of principle we should all honor, whether on the basic issue of abortion we are prochoice or prolife.

The Danforth amendment is about discrimination. The great irony is that it is an effort to fight discrimination of a rather peculiar kind, discrimination against those who assert legitimately, as a matter of conscience, that they cannot perform or assist in the performance of abortion-related services. But for the Danforth amendment, that threat of discrimination will become a reality.

So, I conclude as I began, by saying that there is no reason for those who are prochoice to oppose the Danforth amendment, because it will not affect what they are concerned about. But it will allow them to continue the American tradition of tolerance to those whose moral beliefs, legitimately asserted, demand our respect if not our agreement. To uphold that tradition of tolerance, we must enact the Danforth amendment.

Mr. BYRD. Mr. President, I understand that Mr. HUMPHREY wishes to speak for 10 or 15 minutes. I ask unanimous consent that I may yield to Mr. HUMPHREY for the purpose of a statement only, without losing my right to the floor, so that I be protected in that regard.

The PRESIDING OFFICER. Is there objection? The Chairman hears none, and it is so ordered.

Mr. BYRD. I yield to the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, there can be no doubt that the debate on this amendment is of unusual importance to thousands of institutions and millions of American citizens throughout the Nation. Both opponents and supporters of the amendment feel strongly about the abortion-neutralization provision.

Where the debate on this provision once centered on what the Grove City bill would do with respect to abortion, it is now patently clear that the bill's proponents knew 2 years ago of this bill's wide sweeping, proabortion ramifications. Indeed, they knew, and intended that virtually every institution in America, even remotely connected with the Federal Government, would be forced to provide abortion services. Moreover, virtually every religiously affiliated institution, including hospitals and schools, will be covered by the yawning sweep of this bill's abortion provisions and compelled to go against deeply felt religious and moral convictions.

Current title IX regulations treat the refusal of a title IX recipient to provide abortion coverage as "sex discrimination." The logic is strained, it seems to me, but the argument is that denial of a particular benefit to women only, constitutes discrimination against females.

It is self-evident that only women can have abortions, that only women can conceive and bear children. That is a fact of nature. It is certainly strange in logic to suggest that the denial of an abortion is sex discrimination.

Then, of course, there is the overriding fact, self-evident, however much some may refuse to see it, that abortion takes the life of a living human being who should be accorded all the same civil rights we enjoy. The offspring, after all, of human beings are human beings. How can it be otherwise? Abortion, after all, kills human beings. It is a great injustice, a great tragedy. It is unjust and it is unjustifiable, in that there are better, more humane alternatives.

Nonetheless, under title IX, programs now must provide abortion coverage to female students and employees in the programs.

If unamended, S. 557 would force an organization receiving title IX funds, directly or indirectly, to be subject to title IX regulations. In the case of abortion, that would mean that all institutions, all organizations, in some way receiving title IX funds would have to provide abortion coverage or perform abortions to comply with title IX regulations, or they can choose to violate the regulations and be subject to legal liability for sex discrimination.

You can imagine the advice of counsel of these organizations. You would be compelled, whether your morals and your ethics can accommodate that or not.

Surely, Mr. President, this is an intolerable situation, even for those who genuinely believe that abortion ought to be enforced as a right.

Anyone who looks close enough will see that the Grove City bill before us is not just a simple restoration of civil rights. In fact, it may be one of the most expansive pieces of legislation to come before this body in a long time.

First, S. 557 does not restore the abortion situation to its pre-Grove status where only certain universities would be compelled to provide abortion coverage. S. 557 greatly expands the universe of affected organizations.

Previously only certain university programs were bound by the regulations.

Now the entire university, not just certain programs, but the entire university in its entirety on whatever campuses, wherever, will be bound to perform abortion or to provide abortion coverage, if just one of its programs, anywhere, somewhere, however tangentially, even if just one student benefits by a Federal loan under title IX.

Second, S. 557 actually violates the civil rights of organizations which hold religious or moral or ethical objections to abortion or which respect the sense of the host community that abortions should not be performed, as is the case with the community in St. Louis.

Third, S. 557 denies any intention of respecting the civil rights—the most fundamental of which is the right to life—of the prenatal infant.

The question we must answer is not "does this bill expand abortion rights in any way" but "should this bill expand abortion rights." The answer we hear now from some quarters is a resounding "yes." And they intend and have always intended this bill to advance abortion rights to the fullest extent possible.

An unamended S. 557 will achieve this by forcing institutions to pay for, or actually perform, abortion on demand for students, employees, and the general public, ethical objections be damned.

Unamended this bill is nothing short of a disaster for the schools and hospitals which do not provide abortion coverage. Without the Danforth amendment, this bill reaches the heights of hypocrisy.

For a dozen years the Federal Government has refused and the Congress has legislated so as to preclude the Federal Government from paying for abortions except in the most narrow circumstances. The Medicaid Program has funded abortions only in the narrowest of instances—a total of 250 abortions last year, for example. The Department of Defense, Bureau of Prisons, District of Columbia, Agency for International Development, Indian Health Service, Federal Employees Health Benefits and Peace Corps all have similar restrictions, enacted by whom? By us. That is whom. By this body and the other.

Yet without the Danforth amendment, S. 557 completely brushes aside the logic and the rationale which this body has upheld so many times, indeed which the Supreme Court has upheld in finding that our statutes along those lines are constitutional.

But now if it does not amend S. 557 with the Danforth amendment the Senate is about to say to anyone interested in Federal funds, "In order to receive such funds, you must pay for abortions."

Mr. President, I stress once again this is not an antiabortion amendment. The language is neutral on aboriton. It offers choice. It offers choice to institutions. It offers them a latitude to exercise their ethical and moral judgments and that of the community which hosts them. It neither mandates abortion coverage nor does it prohibit. It neither mandates nor prohibits abortion coverage. Institutions are free to do as they wish but "free to do as they wish" that is the key—"free." The amendment leaves to the particular community or institution the decision to provide or not provide abortions.

The real issue is not the fundamental issue of abortion. We will raise that certainly on more appropriate occasions. The issue is whether you believe that every hospital in America, every educational institution in America, indeed those religiously affiliated or any institution even remotely tied to the Federal Government—which one is not today—should be forced to perform or provide abortion services.

If Senators believe the Government has that right, if that kind of dictatorial regime is justified and ethical, then Senators will have no problem, I suppose, in leaving the bill as is, but if you think there is something wrong with the Federal Government forcing every last institution to dirty its hands with the blood of prenatal infants, then you will want to support the Danforth amendment.

I yield the floor.

Mr. BYRD. Mr. President, I understand the distinguished Senator from Oregon wishes me to yield to him for a statement.

Mr. HATFIELD. I would, Mr. President, and I thank the majority leader, for about I would say 12 minutes.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oregon for not to exceed 15 minutes for the purpose only of just making a statement.

Mr. DANFORTH addressed the Chair.

Mr. BYRD. I ask to be protected in my rights to the floor.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DANFORTH. I wonder if I could just make a unanimous-consent request to add a cosponsor.

Mr. BYRD. Yes, I will do that.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator EXON be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I thank the majority leader for yielding for the purpose of making a few comments on the so-called Danforth abortion-neutral amendment.

Mr. President, the interpretation of Federal statute in the Grove City decision has compelled Congress to reexamine title IX and seek to restore its original intent. I believe that Grove City should be considered by this body and I am pleased to see the Senate once again take up the Civil Rights Restoration Act.

Unfortunately, the rights of the unborn and the rights of women have been placed by the bill's sponsors on a collision course. Unless an abortion-neutral amendment to this legislation is adopted, it is likely that organizations will be forced to violate their corporate consciences because they will be compelled to provide abortion services. If we cannot reach an agreement on this issue we may lose the opportunity to overturn Grove City and women will once again be denied full protection from the intolerable spectre of sex discrimination by educational institutions.

Adoption of this legislation as drafted will push aside those protections for individuals and institutions opposed to abortion in favor of a questionable interpretation that abortions must be funded—and even performed—by hospitals and educators if they are to avoid lawsuits charging sex discrimination and the loss of Federal financial support. Yet the right to deny funding or facilitation of an abortion is long established. Federal law has protected the individuals' right of conscience with respect to this difficult issue. Congress has prohibited the use of Federal funds for most abortion activities and has adopted specific protections from discrimination for any individual who performed or assisted in a legal abortion, or if that person refused to perform or assist in an abortion procedure.

My colleagues on the other side of the issue of abortion have argued forcefully for the right to choose; yet this legislation before us strips away that right and forces the Federal Government into the untenable position of enforcing a prohibition of choice. We must change this bill if we are to truly have a clean piece of legislation which affirms the right to differ. The proposal offered by my distinguished colleague from Missouri is surprisingly simple and straightforward: It says that nothing in this legislation secures or denies any benefit or service related to abortion to any individual, entity or organization. Nor shall any individual be discriminated against because that person has had a legal abortion. This amendment is neutral. Without this amendment this bill is not clean.

I must differ with my colleagues who claim that by passing a clean bill we are in keeping with our original position on the mandatory coverage of abortion. We do not know how the courts will interpret this act. The court could conceivably judge this act as broadly as it judged title IX narrowly in Grove City. After considering many legal opinions on the issue, I have come to the conclusion that it is simply not true that the bill offered today represents the status quo. It would please me greatly if one of the sponsors of the bill could offer a guarantee that the protections afforded now will continue to protect those whose consciences tell them abortion is morally wrong. And I would be greatly interested in learning from the sponsors how, in a nation that does not allow tax dollars to pay for most abortions, the payment for, and provision of, abortion services became rights protected by Federal antisex discrimination statutes?

Congress did not mandate that all federally-funded institutions, save religious-affiliated institutions, must offer abortion services to employees and students. Under this proposal, regulations issued 13 years ago with respect to insurance coverage for abortion would become law and dramatically expanded under the Civil Rights Restoration Act. Without the Danforth amendment, many institutions originally untouched by title IX could find themselves forced to offer a service which is morally unacceptable to them.

It is not my desire today to ignite a full-blown debate on the issue of abortion. This body has considered an endless string of abortion-related amendments to almost every imaginable piece of legislation and yet has reached no real consensus on the question of whether abortion is morally right or wrong. We have reached political agreements but we have not answered the fundamental moral question of when life begins, and thus, when the protections of human and civil rights begin. Roe versus Wade toppled abortion laws in every State, but it did nothing to steady our consciences: as a public body we are just as polarized on this issue now as we were 15 years ago.

We cannot expect to resolve the abortion issue today so we must seek to avoid a clash of differences. An acceptable solution is within reach. It does not have to be difficult. By adopting this amendment, we can set aside the paralyzing abortion debate and attempt to restore for women the protections from sex discrimination originally included in title IX, an effort I wholeheartedly support.

Mr. President, I guess the one positive thing out of this whole matter today is, as ranking member of the Appropriations Committee, I am grateful that this is not on an appropriations measure; that it is standing on its own.

I thank the majority leader for yielding me time.

Mr. BYRD. Mr. President, I have no desire to retain the floor. I am merely trying to protect it until the managers of the bill are on the floor. I would be happy to yield to any Senator for the purposes of making a statement only. Mr. HATCH is here and Mr. KENNEDY was here.

Mr. PACKWOOD. Mr. President, I would like to make a statement. I may later have an amendment; I may not. But, at the moment, I would like to make a statement, if the Senator would yield to me for the purpose of a statement.

Mr. BYRD. May I ask how long would the Senator like?

Mr. PACKWOOD. I would say 7 to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to Mr. PACKWOOD for not to exceed 10 minutes for the purpose of making a statement only, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, let us try to put things in proper perspective if we can as to what we are trying to do with the Civil Rights Restoration Act. Those of us who are proponents of the Civil Rights Restoration Act would maintain that we are simply trying to put the law back in the state it was prior to the Grove City case. Those opposed to the Civil Rights Restoration Act will make the argument we are trying to do more.

We do not think we are trying to do more. And, to the extent they could prove to me we are trying to do more, I will try to accommodate the opponents. But I think what they are really opposed to is the act and the law the way it was prior to Grove City. They do not want to go back to the law prior to Grove City. They want to change the law prior to Grove City.

As far as abortion is concerned, if they could upset the Roe versus Wade decision, I think a great many of the opponents would be happy to do so.

So I want to, if I might, indicate what the law was prior to Grove City involving abortion and educational institutions, religious hospitals, if they had an educational component, a teaching hospital with a nursing school or something like that. Bear in mind the sequence. Roe versus Wade was 1973. Title IX was passed in 1972, but the regulations involving this particular section did not come until 1975. It was after Roe versus Wade.

It is not a question that the regulations were offered first, then came Roe versus Wade, giving an entire new cast to the regulations. We had title IX; Roe; regulations.

Prior to Grove City, this was the situation involving abortion in title IX. One, it prohibited any university from discriminating in the selection of students or employment of faculty or administration on the basis of pregnancy, childbearing, false pregnancy, termination of pregnancy—which, of course, is abortion—or recovery therefrom. And this regulation could prohibit a university from exempting a student or firing a teacher who had an abortion.

Second, it provided that you treat pregnancy, childbearing, false pregnancy, termination of pregnancy, and recovery in the same manner and under the same policy as other temporary disabilities with respect to any medical hospital benefit service plan or policy.

This means that the regulation would require a university-paid health insurance plan for employees or students to cover abortion services unless they had other exemptions for temporary disabilities. All the regulation said is you could not separate abortion out. Abortion was legal in this country. Roe versus Wade said it was legal; you have a right to it.

And these are universities receiving public funds or charitable funds of some kind or another and we have said, "All right. You don't have to have a health plan," period. "Don't want one, don't have to have one."

Next, if you have a health plan, there are certain things you could exclude from it, certain temporary disabilities, if you want. Maybe you think intramural athletics is bad and you do not want to cover it in the health plan. You say, "All right, we don't want to cover it in our health plan, but for $20 a term, for example, extra, you can buy the coverage if you want it. But we are just not going to cover it in the general health plan." And if we had hospitals excluding it, everybody excluding it, you could probably have an abortion exclusion. But that was not common. But to the extent it separated it, there are certain temporary disabilities we will not cover, you could also exclude abortion coverage or add it in the sense you would have to pay

$20 a term or $30 a term, whatever it might cost the university to provide. That is uncommon. It is very seldom the health plan excludes temporary disabilities.

But that is all the law was prior to Grove City. Grove City is unrelated per se to abortion. Grove City was a different issue. Grove City was a situation questioning whether or not a university, if they received Federal funds or funds that were touched by the Federal Government, were prohibited from discriminating throughout the university if some small part of the university got Federal funds.

Example: The French department might get Federal funds. Would that prohibit the English department from discriminating, the athletic department from discriminating?

Prior to the Grove City case, everyone—and I mean Republican, Democrat, conservative, liberal; Gerald Ford, Richard Nixon, Jimmy Carter, right up until the Reagan administration—thought that the title IX regulations meant institutionwide coverage. And this, very frankly, is how we finally were able to get universities and other educational units, schools, high schools, to give equal treatment to women in athletics. This was the opening wedge. And I think there are many, many parents now that are very proud of their track star daughters or basketball star daughters or field hockey star daughters, all of which was really forced upon the educational institutions by title IX. That issue is unrelated at the moment to abortion.

Along came Grove City and the Supreme Court said, no, in defining the term "program or activity." Those were the key words. They are what we call program specific. If the French department gets money, the French department cannot discriminate, but the English department can. And, unfortunately, most importantly, the athletic department can. And most athletic departments do not get Federal money and we are seeing a retrenchment in the equal treatment of women in athletics. You say all of that is unrelated to abortion, except to this extent:

Under the old law, if you thought it was institutionwide coverage and the institution received Federal money, they could not discriminate anyplace in the institution if they provided a health plan; could not discriminate in abortion, if they provided a health plan. That was the law prior to Grove City.

Grove City first raises the issue, therefore, about intitutionwide versus programwide discrimination. But that relates to everything: racial discrimination, it is not just abortion; relates to all kinds of discrimination.

Then you have the second issue, and that is what the Danforth amendment is trying to raise. It is about abortion. He wants to go back prior to Grove City and say: "OK, we will accept institutionwide coverage. We won't argue about the French department versus the whole school or the French department versus the health department or the athletic department. We will go back and accept the whole institutionwide coverage. But we now want to make an exception for abortion, an exception that was not there prior to the Grove City case and which the Grove City case did not touch. It was a different issue.

So, whether or not the Civil Rights Restoration Act as introduced and is being considered on this floor does or does not change the law prior to Grove City, it is very clear that the proponents of the Danforth amendment do want to change what the law was prior to Grove City. They will use the argument that it is immoral, it is unfair to force a Catholic university to provide abortion advice. I want to emphasize: they do not have to provide abortions.

There is an outrageous statement from the Department of Justice today that is just off the wall. Let me read it to you.

> It would also expand the scope of title IX's mandatory abortion regulations to the point that a hosptial receiving one dollar of Federal aid and which conducts an education program would be compelled to perform abortions on demand to the general public.

That is outrageous pap. The bill does not require that. The old law did not require that. I do not know anybody who suggests it requires that.

Now, if worst comes to worst, what happens? Let us say an institution says: This is against our religious beliefs. Then we have in the present law a religious tenet exception. That is also being debated in this amendment to expand the religious tenet exception. In this case you apply, you say: This is religiously opposed to our beliefs and we do not want to do it.

Georgetown University, interestingly, in sort of a tangential case, has a situation involving gay students and the gay students had a club and they demanded that the university recognize their club. Georgetown said that is against our religion. This is a case involving the District of Columbia's discrimination laws. But Georgetown raised the issue they were a religious institution. This violated their religious principles and they should not have to recognize the group. And Georgetown raised the issue of being a religious organization.

They went to the District of Columbia court. In kind of a Solomon-like decision the judge sort of split the difference and said Georgetown does not have to recognize the group in violation of their religious principles but they do have to afford them a room to meet in or they cannot discriminate on that basis. But they do not have to recognize them. And both sides kind of came out reasonably satisfied with the decision.

The reason I raise that point is Georgetown in that case said: We are a religious organization. This violates our principles. They could do the same thing on the abortion regulations.

Mr. President, I have a list, if I can find it. It is 142 colleges that have applied under the current law for religious exception. Every one of them has had their application granted.

As a matter of fact there has never been an application that any university has ever filed applying for the so-called religious exception that has not been granted, under the old law.

So if this act passes as it is now before us, without the Danforth amendment, first, all we do is enforce what the old law was. Second, if you are a religious institution, you file for a religious exception, and so far every single one has received it.

So, we are not requiring any university to provide abortions to the general public. We are not requiring any university to provide an abortion at all in the sense they have to perform them. All we are saying is you cannot discriminate. If you are going to have a health plan and you have no exceptions from that health plan for any kind of temporary disability, you cannot exclude abortion. But if it really violates your religious principles, apply for an exception and at least to date every single university that has applied has received it.

So, Mr. President, I would hope that the Danforth amendment would be defeated. It is one more effort to chip and chink away at the rights of women in this country to make a decision for themselves whether or not they want to have an abortion. I realize it is a relatively small chipping. It is whether or not universities are going to have to pay for a health plan. They do not even have to pay for it. Maybe they are going to charge all the students for it and the students pay themselves under a university group coverage. It is whether or not the university is going to provide coverage for abortion along with all other temporary disabilities. All I am asking is that the law remain as it was prior to Grove City. And I think in terms of this amendment, there is no question in the authors' minds that they want to change what was the law and the regulations prior to Grove City.

Whether any other part of this bill changes or not is a fair debate, but there is no question but what this amendment changes it for those who believe the Supreme Court's decision in Roe versus Wade was right and that women, all women whether they go to college or not, ought to be entitled to make the choice for themselves as to whether they want an abortion or do not. And I would encourage them to vote against the Danforth amendment.

I thank the Chair and I thank the majority leader.

Mr. DANFORTH. What I would like to do is ask unanimous consent to add two cosponsors and then proceed for 5 minutes.

Mr. BYRD. I have no problem with that, Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Missouri for not to exceed 5 minutes for the purpose of making a statement only and for the purpose of asking that additional cosponsors to the amendment be added.

The PRESIDING OFFICER. Is there objection? The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator WARNER, Senator PRESSLER—Senator THURMOND already is a cosponsor—Senator WARNER and Senator PRESSLER be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, just responding to Senator PACKWOOD on the question: Do we want to change the law? Do I want to change the law? The answer to that question is, of course, no, I do not. The law has not yet been interpreted to require hospitals to preform abortions. The law has not yet been interpreted to provide that, for example, Georgetown University funds abortions, to my knowledge.

My position is that we do not want the law to be so construed in the future and the Dewey, Ballantine law firm has written a legal opinion that the law might be construed by a court or by an administrative agency to require a Georgetown University to perform abortions or to fund abortions.

That is the issue: prospectively, in the future, do we want to preclude a court from making such a decision or do we not? My view is that the Congress has never taken a position in the past that it is the position of the Government of the United States to use the power of the purse to coerce educational institutions or hospitals into either funding or performing abortions. Congress has never done that. To my knowledge, courts have not done that. The law now is not that hospitals must perform abortions. The law today is not that Georgetown University Hospital has to perform abortions. The law is not now, today, that Georgetown University has to pay for people's abortions.

My position is that we should make it clear in this bill that a Federal judge in the future or administrative agency in the future is not going to do that. We do not believe, as a matter of policy, that should happen.

Senator PACKWOOD cited a letter from the Justice Department on the effect on hospitals. He said it was outrageous. But the firm of Dewey, Ballantine reached precisely the same conclusion. And I quote again from the Dewey, Ballantine memorandum of law:

> The protections of title IX could be extended to a hospital's patients as well as to its students and staff. In that case the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of title IX.

This is not just the Justice Department. This is the Dewey, Ballantine law firm that has given me the same legal opinion as to what a court can do if it pushes this legislation to its farthest extreme. I want to preclude that.

That is why I have offered the amendment. It will not change the law, but, instead, it is taking a very clear position that the Congress of the United States is not going to force hospitals and universities and colleges into doing something which, under the Hyde amendment, we do not do.

Under the Hyde amendment we have decided we are not going to fund abortions with the taxpayers' dollars. How can we be in a position in the Congress of the United States of deciding that a court is going to have a free run at compelling hospitals and universities and colleges in their health plans and in their medical services to do what we in Congress will not do?

What kind of quirky position would that be? This really would be the law. The bill in its present form, without the amendment, would open the door to wild changes in the status quo, in the opinion of this Senator.

The PRESIDING OFFICER (Mr. DIXON). The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand the distinguished Senator from South Carolina wishes to speak. It is not my desire to hold the floor long. I merely am trying to protect Senators for the moment who have amendments they are preparing.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina for not to exceed 10 minutes for the purpose of making a statement only, and that I be protected in my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for not to exceed 10 minutes, while the right of the majority leader to the floor is protected.

Mr. THURMOND. Mr. President, I rise in support of this amendment.

The amendment that has been offered by the distinguished Senator from Missouri would merely establish that title IX of the Education Amendments of 1972 is to be neutral with respect to abortion.

Mr. President, each year Congress enacts provisions of law that prohibit the use of Federal dollars to perform abortions. This is our consistent policy and one which has been ruled constitutional by the Supreme Court. In light of this fact, it is ludicrous that there is a Federal regulation on the books that requires those who receive Federal financial assistance to make abortion services available.

One can hardly imagine anything more hypocritical than the Federal Government making an activity off limits for its own money at the same time it requires others to use their money for the same activity. Such hypocrisy should be erased from the regulations and any legislation that addresses title IX is an appropriate place to do so.

Clearly, the title IX regulations of the Department of Education on abortion do not reflect the intent of the Congress which approved that law, nor do they reflect the policy of the Congress today. It is simply ridiculous to describe, as these regulations do, the failure to provide abortion services as discrimination on the basis of sex.

Quite frankly, Mr. President, I am having a bit of a hard time understanding why it is so objectionable to remove this regulatory blunder from the books. I am not aware of anyone who has endorsed the policy that failure to provide abortion services is a form of sex discrimination. In fact, in a response to a written question submitted by Senator HATCH, Eleanor Smeal, president of the National Organization for Women, Inc., stated:

> To the best of my knowledge, NOW has not to date taken a policy position that the failure to provide abortion services is a form of sex discrimination.

In responding to the same question, Marcia D. Greenberger, managing attorney of the National Women's Law Center, stated:

> To the best of my knowledge and belief, the National Women's Law Center has never taken the position, as a matter of policy not the law, that failure to provide abortion services is a form of sex discrimination.

Mr. President, if groups such as these have not endorsed this policy—and I am not sure I have ever heard of anyone endorsing this policy—I wonder, then, how it could be the issue which supposedly derailed the Grove City bill in the House during the 99th Congress. I do not understand how an unsupported agency policy could have been allowed to halt the progress of a bill which the chairman of the Labor Committee has called one of the most important civil rights bills of the decade.

We have heard for several years now that this legislation is not the place to address this issue. However, we do not legislate in a vacuum and the fact is, any bill which addresses title IX is appropriate for such an amendment. It is no secret that in moving from program-specific to institution-wide coverage, as S. 557 proposes, regulations will gain broader application. The substance of those regulations, then, is absolutely relevant to the bill.

Mr. President, I believe that the authors of this regulation saw an opportunity to achieve through regulation what the proabortion forces could not achieve through legislation. We should revoke these regulations and now is the time to do it.

I strongly support this amendment and urge its adoption.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator is advised that the Chair, in his capacity as a Senator from Illinois, has made a commitment to object to such a request, temporarily.

Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is it the Senator's purpose to make a brief statement for not more than 10 minutes?

Mr. NICKLES. The Presiding Officer is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. I thank the Chair.

Mr. President, I rise in support of the amendment offered by the Senator from Missouri, and I compliment him for his leadership in this issue, sometimes a confusing issue, but one that is vitally important.

I state to my colleagues that I am surprised, in looking at the amendment of the Senator from Missouri, that there is any opposition whatsoever to this amendment. I have been involved in floor debates dealing with the abortion issue, and I have heard Senators make the pro-choice argument. The Senator from Missouri has an amendment that provides for choice. It states that institutions can provide abortion services or they can decline to provide abortion services. They have had that choice for years. Historically, they have had that choice, and they will continue to have that choice, unless we pass this legislation.

Look at the amendment of the Senator from Missouri. It is very clear; it is very plain, it has been read. I hope my colleagues are aware of it. It says:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion.

It goes further and says:

> Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

That is trying to make it very clear. The institution will not be penalized and the person will not be penalized if they have opted to provide an abortion, but we are trying to say they will not be compelled or forced to provide services for abortion.

We have heard Georgetown University mentioned. Every Senator has countless hospitals, possibly teaching hospitals, in their States which would be covered. Many of those would be violently opposed to teaching and/or providing or subsidizing abortion services.

I talked to one yesterday in my State, and it was not Catholic. It was associated with the Baptists. He stated: "If we were compelled to provide abortion services, we would refuse to do so. It is against our religious convictions. We will not do so. We would not do it." Some way or other, they would not do it. You have to applaud that type of conviction.

Mr. President, some of those who are proponents of this legislation have said: "Wait a minute. This is just pre-Grove City. This is no expansion of power." If this is no expansion of power, certainly they can accept this amendment, because under present-day law these institutions are not required to perform abortion services; and if this amendment is not agreed to, they will be required. If it is not an expansion of power, the Members of the Senate should concur in this amendment.

This is an abortion-neutral amendment. This is not so much a pro-life amendment. This does not outlaw abortion. It just allows institutions the opportunity not to provide, not to be compelled to provide, abortion services.

I am sure that my good friend from Illinois and every other Senator in this Chamber has such institutions in their State. I can think of several in my State.

I heard the Senator from Oregon say that 142 institutions have applied for exemptions under title IX. This has been expanded to such an extent that you would have to have thousands of exemptions, because you have so many religious hospitals that would object to providing the services. I am not sure that the exemption that the Senator from Oregon was talking about would apply if we did not accept the Danforth amendment.

This is a vitally important amendment. I shudder to think of going for example, to St. Anthony's Hospital in Oklahoma City or St. Francis Hospital, big institutions that provide a multitude of outstanding services to my constituents, and telling them, "The Civil Rights Restoration Act of 1987 is a great act in almost every case, but I need to inform you that part of that act says you cannot have sex discrimination, it applies to the entire institution, and therefore you not only have to provide for abortion services for your employees, but since you are also teaching hospitals and you receive Federal funds, and you have recipients of Federal funds in the hospital, and so forth, you have to provide abortion services."

Those are religious institutions, privately funded hospitals that began in our State, and I can tell you they would be most upset. I am upset. I do not want to tell them that. I do not think we will have to tell them that, because I believe that if the Danforth amendment is not adopted, you will not have passage of the Civil Rights Restoration Act of 1987.

Mr. DANFORTH. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. DANFORTH. Let me ask the Senator first on the religious tenet exemption. A religious tenet exemption would not apply, would it, to hospitals that have no conceivable relationship with a religious denomination?

For example, the St. Louis Regional Health Center, which does not now provide abortions because that is the city policy, could not avail themselves of a religious exemption.

Mr. NICKLES. The Senator is correct.

Mr. DANFORTH. I also think I am correct—and the Senator can correct me if I am not—that under the Carter administration, religious exemptions were not granted, and under the Reagan administration they have been. But it is up to the whim of whatever the administration is, whether or not to grant the religious exemption. It is perfectly possible to construe it very narrowly and simply not act on it or not grant the exemptions.

Mr. NICKLES. I do not know how many exemptions the Carter administration did or did not grant.

Mr. DANFORTH. I think it is zero or very close to zero.

Mr. NICKLES. I would not be surprised.

I think the Senator is making an outstanding comment. It is certainly not a policy that should change on administration philosophy.

Mr. DANFORTH. The Senator mentioned St. Anthony Hospital. Maybe it has a nursing program which would bring it within reach of this bill, conceivably. Does the Senator believe that the administrators of St. Anthony Hospital in Oklahoma should be in a position of going through an administrative officer of the Federal Government and begging for an exemption so that the hospital would not have to perform abortions? Is that the position we should put them in?

Mr. NICKLES. I think the Senator is making an excellent point. Administrators of hospitals have a lot of important work to do, and this should not be added, not to mention the fact of the litigation that this would expose them to. That is dollars and services and time that could be better used in servicing their patients, instead of fighting legal battles and class-action suits.

Mr. DANFORTH. Let us say that Georgetown Hospital would have to go to the Department of Education. It is demeaning and it is a tenuous position to be put into, if Georgetown University or St. Anthony Hospital, or St. Mary's Hospital in St. Louis, or whatever, has to go to a Federal bureaucrat and say: "Please, Mr. Bureaucrat, out of the kindness of your heart construe the religious exemption in a way that is beneficial to me."

The Dewey, Ballantine opinion pointed out very clearly that the religious exemption can be very tightly construed and it is not right—I think the Senator will agree—it is just not right to put religious hospitals or hospitals that are affiliated with universities in the position of pleading for an exemption which can be granted or denied at the discretion of the administrative officer.

Mr. NICKLES. I think the Senator is exactly correct.

Again when you think of the issue and how important it is to various institutions to take the issue of abortion in Georgetown or I mentioned St. Anthony's, and I am sure again all Senators have other similar type institutions, the issue is so important to a lot of their strong beliefs, that we are not talking about a minor issue of whether or not something is approved, an insurance claim or something. We are talking about very significant changes in policy that should not really be at the whim of any particular administration as it changes from time to time.

Why in the world would we in Congress mandate the hospitals that they have to provide services and fund services, whether it be insurance or provide those services, when we in Congress through the Hyde amendment say we are not going to fund them, we did not fund abortions with Federal taxpayers' dollars, but yet we would be requiring those institutions to provide that service?

Mr. President, the final point I want to make—and we have a lot of people, probably a strong majority in this body who would like to see this piece of legislation pass—I am confident that if the Danforth amendment does not pass, that the Civil Rights Restoration Act of 1987 will not become law.

I do not know if it has been read or not, but I will read to you comments that the President has stated, which gives me a great deal of confidence that the President will veto the bill if the Danforth amendment is not passed.

On July 30, 1987, he addressed persons active concerning the Grove City issue and I will read what the President had to say. This is President Reagan on July 30, 1987. He said:

> I want, third, to restate our firm opposition to the so-called "Grove City" legislation sponsored by Senator Kennedy. This bill—S. 557—would mean that hospitals and colleges receiving federal funds, even those with religious affiliations, would be open to lawsuits if they failed to provide abortions. In other word, the legislation would virtually force these institutions to provide abortion on demand.

The President goes on:

> I don't mind telling you, this one really touches my temperature control. I don't want to get started, but let me just say this. As far as I'm concerned, every member of Congress should oppose this pro-abortion federal intrusion. * * *

He goes on to say:

> We support an amendment offered by Senator Danforth—an amendment that would eliminate the pro-abortion aspects of that legislation. As I said before, this Administration will oppose any legislation that would require individuals or institutions—public or private—to finance or perform abortions.

Mr. President, I am confident that if the Danforth amendment is not agreed to, the President will veto this entire bill.

So for the proponents of this legislation, I would think that they would like to see the Danforth amendment, which would just guarantee those institutions the right to perform abortions or the right not to perform abortions, agreed to.

Mr. President, I conclude my statement. Again, I would urge the adoption of the Danforth amendment.

I think if we fail to adopt the Danforth amendment, it would be a very serious mistake.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Would the Senator from Oklahoma withhold that last motion?

The clerk will call the roll.

Mr. PACKWOOD. I asked for recognition, Mr. President.

He yielded the floor.

Mr. NICKLES. No. I suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma has suggested the absence of a quorum.

The clerk will call the roll.

Mr. WEICKER. Mr. President, will the Senator yield for a parliamentary inquiry?

I would like to have the record read back.

Mr. DANFORTH. Regular order is correct.

Mr. WEICKER. The Senator yielded the floor and then said he suggested the absence of a quorum.

I would like the record read back.

Mr. PACKWOOD. I believe the Senator from Connecticut is right. The Senator from Oklahoma had yielded the floor.

Mr. NICKLES. No. I suggested the absence of a quorum.

Mr. PACKWOOD Could we have the RECORD read?

The PRESIDING OFFICER. I understand that. The quorum call is in progress. The Senator from Oregon is recognized.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection has been heard.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask to dispense with the further proceedings under the call of the quorum.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the quorum call be suspended.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. There is objection heard. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Adams
Byrd
Danforth
Dixon
Hatch
Inouye
Kennedy
Metzenbaum
Nickles
Packwood
Reid
Stennis
Weicker
Wirth

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. HECHT] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 15, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—75

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stevens
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—15

Chafee
Cohen
D'Amato
Evans
Gramm
Hatch
Helms
Kasten
McCain
McConnell
Nickles
Quayle
Specter
Symms
Weicker

NOT VOTING—10

Bond
Dole
Exon
Gore
Hecht
Murkowski
Rockefeller
Simon
Stennis
Wallop

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BYRD. Mr. President——

The PRESIDING OFFICER. The majority leader.

Mr. DANFORTH. Mr. President, I was recognized. Regular order. The Senator from Missouri has been recognized and has the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I have to say that the Senator from Missouri does not understand the situation that the Senate is in. I have offered an amendment which I think is a very—if I could have order, Mr. President.

Mr. BYRD. May we have order in the Senate, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DANFORTH. Mr. President, I have offered an amendment to the bill which I think really could not be more straightforward. It is an absolutely straightforward, direct, very easy to understand proposition.

The proposition is this: It is wrong for the Congress of the United States to create a situation in which a subsequent court or administrative agency could determine that church-related colleges or hospitals or colleges or hospitals that for other reasons do not want to participate in abortions either have to fund abortions or provide them. That is the point of my amendment.

The point of my amendment is that right now the law is in flux. This is an issue that has not been determined.

Back in 1972 when Congress passed title IX, Roe versus Wade had not even been decided. But the concern is that if we pass this legislation, the combination of title IX, plus a regulation that has been promulgated by the old Department of Health, Education, and Welfare, plus this bill, would create a reasonable possibility that a court could determine that, for example, Georgetown University is required to provide abortions or that, say, Georgetown University could be required to fund abortions in its health plan.

My proposition, Mr. President, is that we do not want that to occur, we should not want that to occur. We should want to mail that right now, so that Georgetown University or St. Louis University, which is a Jesuit hospital, which has a medical school and a hospital, or the St. Louis Regional Health Center, which now, as a matter of policy, does not perform abortions, is not forced to perform abortions by some court reading the combination of title IX, plus the regulations, plus this bill.

Some might say: "That sounds absolutely outrageous. How could a court decide such a thing?" Well, it sounded outrageous when the American Hospital Association came to me. It sounded outrageous when the Catholic Church Association came to me and suggested that that could be the case. So I asked for a legal opinion on the matter.

I went to a well-known firm, one of the finest law firms in this country, Dewey, Ballantine, and I asked them if they would write a legal opinion, and they have done so. They wrote the legal opinion, and they wrote a memorandum of law to attach to the legal opinion. It stated that in the opinion of the law firm, there was at least a reasonable possibility that the law as it would exist if we pass this legislation would result as follows:

> Every education institution that receives Federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;
>
> Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;
>
> Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;
>
> Hospitals could be required to perform abortions for the general public;
>
> Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under title IX's religious exemption; and
>
> Nonreligious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

My amendment, Mr. President, is designed to make it clear that is not going to happen. It is abortion neutral. It is designed to be abortion neutral and it is abortion neutral.

It says that we are not going to require anybody to fund abortions, we are not going to require anybody to provide abortions, and we are not going to prevent anybody from providing or funding abortions.

It says that an institution is not going to be permitted to penalize somebody who has had an abortion. That is fair. That is reasonable, and that is straightforward. I want a vote, and I am prepared to vote. We have gotten ourselves in a quagmire. The other side does not agree. My amendment is a second-degree amendment. I just want a vote on my amendment. What the other side wants to do is to amend my amendment. The way that they can do that is by a motion to recommit. They can get that. I cannot stop that from happening. They will recommit it with language that modifies my amendment that looks fine but is not fine. It undoes it. It undoes it. It wipes out my amendment and that is the point. I mean that is what they are after.

It is not just a substitute or different words for the same thing. It undoes what my amendment tries to do.

Now, Mr. President, I would be absolutely delighted to work with the majority leader and with people on the other side, and just get a vote at some time certain on my proposition. I really think I am entitled to that, to the basic proposition of whether we want to compel organizations, institutions, to either fund or provide abortions that they do not want to do. I am willing to do it. I would suggest some Senators are missing tonight. We can do it, say, at noontime, 1 o'clock, 2 o'clock tomorrow, have a time certain, not get bogged down in a lot of amendments, a lot of procedural rigmarole, and that would be my suggestion to the majority leader.

Mr. BREAUX. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. Of course.

Mr. BREAUX. I would like to ask a question because I am really not certain of the answer, in the sense that I have heard there are some areas that would be affected by the Senator's amendment that are outside of the confines of the existing bill that the Senate is now considering, that there would be existing regulations in fact that are in place, that the bill does not address in any way.

If the amendment of the Senator from Missouri were in effect adopted then changes would be made in those existing regulations that the bill does not address. Can the Senator comment on that?

Mr. DANFORTH. Yes; I would be happy to comment on it. There was no law until 1972. In 1972 Congress passed the title IX of the Education Act. Title IX was passed a year before Roe versus Wade was decided. Clearly there was no intention at the time for Congress to mandate abortions or insurance coverage of abortion.

In 1975, the Department of Health, Education, and Welfare promulgated a regulation and that regulaton equated the unwillingness to perform abortions with sex discrimination. That issue, to my knowledge, was never litigated. The law was really unformed. Then came the Grove City case and the effect of the Grove City case was to moot out those regulations because it so narrowly interpreted title IX that it really had no effect that is pertinent to the situation we are in now.

The position that is taken by Dewey, Ballantine—and I recommend the memorandum and the opinion to any Senator who is interested—the position that is taken by Dewey, Ballantine is that the combination of enacting a law which would tend to put our stamp of approval on title IX and ratify the regulations promulgated by HEW and apply title IX institutionwide and in fact even to hospitals that are not in themselves affiliated with colleges and universities which have some sort of teaching program, such as a nursing program, that that combination of events, that cluster of events, would open the door for a court to create an interpretation which is not now the law and which has not been the law.

It has never been the case before that it could be argued that Georgetown University Hospital could be forced to perform abortions. According to the Dewey, Ballantine law firm, that could be argued, and there is a reasonable possibility that a court would so hold. So that really is the issue.

The issue is not changing some prior law. The issue is acting now to prevent a bizarre result, which the Dewey, Ballantine law firm and the Department of Justice have both said and the American Hospital Association have all said, as a matter of fact, is a reasonable likelihood to occur.

Mr. BREAUX. If the Senator will yield for a following question, I do not want to delay the Senate on this matter, but my agreement with the Senator from Missouri is that this bill should be abortion neutral in the sense we do not make any declaratory judgments one way or the other on the abortion issue. But I think what I am getting from the author of the amendment is that by adopting his amendment, he is in fact recommending and perhaps mandating some changes in how abortion is treated in some of these institutions. So, to me it seems that he is taking it out of the area of neutral and abortion neutral because he is in fact making some changes in some other areas of how abortion is handled.

It seems to me it is hard to argue that it is abortion neutral if in fact changes are required by the Senator's amendment.

Mr. DANFORTH. But I believe it is abortion neutral because it really is not now the law that says a church-related hospital can be compelled to perform abortions. After the HEW decision regulation in 1975 which equated sex discrimination with the refusal to fund abortions in health plans, it is true that some colleges and universities changed their health plans and some terminated their health plans. The matter was never litigated; at least I think that that is correct, that the matter was never litigated. But it really seems to me that as far as the law is concerned Congress has never acted to state that the refusal of a private party to fund abortion is sex discrimination. Congress has never done that.

To the contrary, Congress has said with respect to Federal funds in the Hyde amendment, that we are not going to be in the business of funding abortion. So I really do not believe that it is fair to say that the present state of the law or that the state of the law before the Supreme Court decided the Grove City case was one that compelled unwilling institutions to either perform abortions or to finance abortions.

Mr. BREAUX. I thank the Senator.

Mr. LUGAR. Mr. President, I rise to speak on behalf of the amendment offered by the senior Senator from Missouri. I am pleased to be a cosponsor of this important amendment which has been carefully written to ensure that the bill before us, if enacted into law, will not be construed in a manner adverse to human life.

Mr. President, some may argue that this amendment is not needed. For this reason, it is suggested that current policy on the termination of pregnancies will not change. I wish this were true. Sadly—it is not.

Under the current regulatory policy governing Federal assistance for education, schools receiving Federal assistance have been required to make abortion services available to students and to employees. No exemption is allowed—unless a school can prove that they are controlled by a religious body. As a result, the regulations have been used to force institutions to provide abortions against clear moral conscience, and in violation of the historical convictions of many independent institutions which have been established on religious principles.

Whatever a Senator may feel about the merits of this particular regulatory policy, all must agree that it is controversial and divisive. Until now, that controversy has at least been limited to educational institutions. If the current legislation does not assure abortion neutrality, the controversy which now attends Federal policy in the area of education will be spread to every other area of public policy endeavor. Therefore, I ask my colleagues, and I ask the American people:

Is that what we intend to do with enactment of this bill?

Is that what we should do?

For me it is clear that we should not.

This body is deeply divided on the issue of abortion. This body is divided, and the American people are divided. The debate has gone on for a long time. But as long as the American people are so obviously divided, we as representatives of the people must not coerce private individuals or private institutions into providing abortions.

Those who wish to provide abortion services, are currently free to do so. I do not agree with those who do. I think they are wrong. But they are permitted by law to do as they choose. The bill before us, unless it is amended to ensure abortion neutrality, will deny the influence of conscience on the abortion issue to institutions worthy of our most profound respect.

We have not done this in the past. We certainly should not do it now.

I recognize that most Senators will decide their vote on this amendment as a matter of conscience. This is as it should be. Abortion votes are deeply divided precisely because the issue touches on a matter which means so much to us, not merely as individuals, but as a society, and as a civilization. It has to do with our understanding of human life, and the responsibility of a civlized society to protect innocent human life from preventable harm.

Whatever we may say, it is an undeniable scientific fact that a fetus growing in its mother's womb is an actual, individual, innocent, and very vulnerable human life.

It is undeniable. For this reason, I must oppose public policy that is favorable to abortion.

I realize there are contrary views. But we are only richer if they are articulated frankly and clearly. My colleagues must make up their own minds. I urge those who are undecided to support the protection of innocent human life by voting for the Danforth amendment.

Mr. HELMS. Mr. President, I intend to vote for the Danforth amendment because it will provide some protection to the unborn from the ravages of abortion.

Over the last few days, I have listened to a number of Senators singing the praises of this bill. They have said that S. 557 is a step forward for America; that S. 557 will ensure more rights for the American people than ever before.

What a cruel hoax, Mr. President. S. 557 will not enhance the cause of individual rights. It will destroy it. The abortion issue is one of the best, if not the best, example.

Mr. President, what the proabortionists have been unable to accomplish by going through the front door, they seek to accomplish by going in the back. To the disappointment of the proabortionists, for more than a decade, this Congress has refused to allow Federal tax dollars to be used for the deliberate termination of innocent human life except in the case where the life of the mother would be endangered by carrying the fetus to term. S. 557 not only would force the private sector to provide this service, it could require these institutions to pay for it.

S. 557 will force thousands of hospitals in this country to perform abortions. Religiously affiliated hospitals which do not fall within the religious exemption or other hospitals which refuse to perform abortions will be forced to participate in this holocaust. These hospitals, by the hand of the Federal Government, will be forced to murder millions of God's most innocent human beings. In addition, S. 557 could force these hospitals to pay for abortions for students and staffs through insurance plans.

The Danforth amendment will ensure some protection for the unborn. As I understand the amendment, it will give institutions the right to refuse to participate in the travesty of abortion. It will allow institutions to close avenues for the taking of the life of God's most helpless creatures. It is my understanding, however, that the Danforth amendment is not intended to expand the discrimination hiring protections presently in the Public Health Service Act, the Community Mental Health Centers Act or the Developmental Disabilities Services and Facilities Construction Act.

I urge the adoption of this amendment.

AMENDMENT NO. 1389

(Purpose: Motion to recommit the bill)

Mr. PACKWOOD. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 1389.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, may I inquire how long the amendment is?

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

I move to recommit the pending bill to the Committee on Health and Human Resources with instructions that the committee report the bill back forthwith with the following amendment:

Strike all after the enacting clause and insert in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

Sec. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

Sec. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"Sec. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

Sec. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I would be glad to yield to the distinguished Senator from North Carolina if he wishes me to.

Mr. HELMS. I thank the Senator. I want to either see the amendment or know how long it is. I will either have it read or I want to read it, if I could get a copy of it.

Mr. HATCH. Mr. President, will the distinguished majority leader yield to me?

Mr. BYRD. Mr. President, if the distinguished Senator wishes to see a copy of the motion to recommit with instructions and the instruction I will be very happy to not proceed until he has had that opportunity. I ask unanimous consent that my rights to the floor be protected meanwhile.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. HATCH. Will the distinguished majority leader yield for a comment?

Mr. BYRD. Yes, I yield for a comment with my rights to the floor protected.

The PRESIDING OFFICER. The rights to the floor of the majority leader will be protected.

Mr. HATCH. I have been chatting with the majority floor managers and they are trying to reach an accommodation that we can resolve this matter without going to a motion to recommit, which was done, without going through that, plus a whole lot of other things that we will have to go through if we cannot accommodate each other. I think we are pretty close and we might be able to resolve this. We need just a few minutes to discuss this with the distinguished majority floor manager and the majority leader, of course, and our acting minority leader. So I would suggest that if you will give us a few minutes we can maybe resolve this. If we cannot, it is going to be a long time.

Mr. BYRD. Mr. President, I have no desire to hold the floor. I intend to offer an amendment to the instructions and I intend to fill up the tree, not because I want to but because I am trying to help the manager of the bill on this side. And I can do that. But, at the same time, I want to accord Senators an opportunity to discuss this matter in the meantime. Maybe it will be helpful. How long would the Senator suggest? Ten minutes?

Mr. HATCH. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that my rights to the floor be retained, that no Senator be recognized for the making of a motion or the offering of an amendment or for any purpose other than to speak and then that there be a limitation on the time of not to exceed 10 minutes, at which time I be recognized again.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 6:03 p.m., recessed until 6:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I understand an additional 5 minutes is needed.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that at such time that the quorum is called off, that I be recognized.

The PRESIDING OFFICER. Is there any objection? It is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I had hoped that it could be worked out to the end that there would be a vote tomorrow morning on the Hatch amendment up or down, unamended; that would be followed by an amendment by Mr. METZENBAUM with a vote up or down, no amendments in order thereto; and that would be followed by a vote on an amendment by Mr. DANFORTH up or down, no amendments in order thereto.

I take it that there is no agreement to proceed in that fashion. So I shall proceed as I had earlier indicated that I would.

AMENDMENT NO. 1390

(Purpose: To amend the amendment)

Mr. BYRD. Mr. President, I send to the desk an amendment to the motion to instruct.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Senators KENNEDY, WEICKER, and METZENBAUM proposes an amendment numbered 1390 to the Packwood amendment 1389.

Add at the end of the amendment, the following:

Section: Abortion Neutrality and Rule of Construction.

Nothing in the amendment made by this Act shall be construed to extend the application of the Act so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1391

(Purpose: To amend the amendment)

Mr. BYRD. Mr. President, I send to the desk an amendment to the amendment.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Senators KENNEDY and WEICKER, proposes an amendment numbered 1391 to amendment numbered 1390.

Add at the end of the pending amendment the following:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion."

Mr. BYRD. Mr. President, I am very agreeable to having debate on the amendment. If there is no debate the Chair can put the question, and I do not know whether Senators want to debate this amendment awhile or not. But I am going to yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I regret the situation that we are in right now. I think that the issue is so clear whether the Government of the United States is going to require private hospitals, private universities, private colleges, public hospitals, public colleges, public universities that all have their own positions on abortion, pro or con, to perform abortions, or whether we are going to require them to fund abortions, whether we are going to create a situation that some subsequent Federal judge or some subsequent administrative agency can determine that is the state of the law, that Georgetown University must perform abortions at its hospital or lose all Federal funds, students' aid, and so on.

I think it is an outlandish position to take. I think that this is something that the U.S. Senate should clarify.

The state of the law now is not clear. The state of the law, if we pass this bill, will be even murkier, and an opinion of counsel, very reputable counsel, has held that a court could very well determine that the state of the law subsequent to the enactment of this bill is that abortions are required at Georgetown Hospital or St. Mary's Hospital in St. Louis, or the St. Louis Regional Health Center, or that Avila College in Kansas City, MO, would be compelled to provide abortion coverage under its health plan. Now that is not right.

All I want is a clear statement in the law that that is not right and that that is not what we intend. And I have been trying to get that since 2:30 this afternoon.

I offered an amendment. It was a second-degree amendment. Apparently that threw the Senate into some kind of turmoil. I did not know it was going to throw the Senate into turmoil. It seemed to me a good idea to offer a second-degree amendment so that I could get a vote on this simple proposition.

Well, then we got into this big brouhaha on how can we deny DANFORTH his vote?

So I recognize if there is a motion to recommit, I cannot have the first vote. I am sorry about that. I do not want it to get muddied up, but I cannot get the first vote.

So then, we stood right here in the aisle, the interested Senators, and I thought we had a deal worked out where tomorrow we would go to this issue at about 11:30 in the morning. We would debate it until 1 o'clock. Then we would have a vote on the Metzenbaum shell amendment. It does not have any content. It does not do anything. But we would have a vote on this shell. And then, after an hour passed, after the completion of that, we would have a vote on mine. I do not want to be in that position. I want to vote on mine first. I cannot have that.

Now, clearly if the Senate passes two amendments on the same subject and one amendment is a shell and one amendment has substance, there has to be some statement of what is the position of the Senate. And the agreement, as I understood it in the well, was that the Metzenbaum amendment, even if it were voted up, if we agreed to the Metzenbaum amendment, the effect would be that it would be superseded by my amendment. Even in the U.S. Senate, you cannot say yes and no at the same time.

So that was what I thought was the deal. I did not like it. I did not like the agreement.

Now we are in a position where we are going to have multiple votes on this matter, further confusing us.

You know, Mr. President, one thing I found, having spent this recess back in the State of Missouri, is that the people of my State really do not think we know how to do anything around here. I believe when the President plopped those bills on the House rostrum the other night, that really resonated with the people of this country. They think we just cannot decide anything. And it is true. We cannot. We fuss around forever.

Can we not decide at a time certain tomorrow the simple proposition of whether we are going to say that Georgetown University can determine that its hospitals do not have to perform abortions? Can we not determine on the floor of the Senate at a time certain that Avila College in Kansas City, MO, does not have to fund abortions for its kids and that no Federal judge can make it do that. What is wrong with that?

We do not pay for abortions in the Federal Government. Why should we say that Avila College in Kansas City, MO, has to pay for abortions for its students if it is morally obnoxious to that college? How can we argue for that? Or, if we are going to argue, let us just make a plain argument that there is some rationale for such nonsense and let us vote on it. Let us not deny a Senator a vote.

How many times have I heard the distinguished majority leader stand before the Senate and say: "Let's get on with the business of the Senate. Let's let the Senate determine the issue. Let's let the Senate decide"?

I do not know if I have the votes on this. I would hope I would, because the contrary result is so outrageous. To say that it is not up to Avila College, that it is not up to St. Louis University to determine that it does not want anything to do with abortions, we cannot even say that. We have got to muddy it up; leave the question open. That is the issue before us. Leave the question open, leave the question open so some judge can decide it. That is, I guess, what we want around here—policy decisions made by the judiciary. I mean, we have already gone through this debate in the last few months. Let the Federal judiciary not be bound by the statutes, not be bound by plain language. Give them plenty of latitude to make social policy for this country; to establish our values, create loopholes, fuzziness in the law; to allow the Federal courts to write the law for us. That is ridiculous.

I wish we could just have votes tomorrow, but now we are in this amendment tree.

Parliamentary inquiry, Mr. President. What is the situation? We now have a second-degree amendment pending?

The PRESIDING OFFICER. There is a second-degree amendment pending now to the first-degree amendment to the motion.

Mr. DANFORTH. So I take it we will then vote on that second-degree amendment and then I will offer my amendment. I suppose that is the situation. Or maybe Senator BYRD will get the floor and offer another second-degree amendment. I guess we could be at this for weeks. This could make the question of election reform that we went through last year look like a brief interlude in the Senate's business. We could be voting on second-degree amendments, I take it, forever.

Maybe the distinguished Senator from North Carolina can think up some second-degree amendments that he would like to offer on this bill. He has done that before on occasion. He has a fertile mind. He is perfectly capable of thinking up amendments on a variety of subjects.

All I want to do is vote. And I would plead with the Senator from Ohio to just let me have a vote. I want to go first. I think I should go first. I think that is only fair. But under the rules of the Senate, that can be denied me. That can be denied me, so I go second.

I do not know what the intention of the majority leader is tonight. I guess we will just start voting.

Mr. BYRD. Mr. President, it is all right with me to start voting.

And may I say to my friend, he mourns the fact that he will not have the first vote. But he says that after the vote occurs on the second-degree amendment, then he can offer an amendment, which he has a right to do, and then there could be other second-degree amendments. Well, that would have been the case if the motion to recommit had not been introduced.

I offered a second-degree amendment to the amendment by Mr. HATCH. When that second-degree amendment is disposed of, other second-degree amendments could be offered. So the only thing that is changed is that the shoe is on the other foot.

When we all went off to the Judiciary Committee meeting today to report out the nomination of Mr. Kennedy to fill the Supreme Court vacancy, the two managers were here. The understanding was that we would go into morning business until 2:30, and at 2:30 there would be a quorum call. I think that was pretty well understood among the three of us that were standing here. So we went out.

I put the Senate in recess rather than have a long quorum for an hour because no Senators were here seeking recognition. So I put us in recess until 2:30. Two-thirty came, and nobody put in a quorum. Once in a while I cannot be on the floor. Once in a while I have to leave this floor. I was in my office dealing with a matter affecting West Virginia.

I looked at the clock, 2:30, 2:31, 2:32, I did not hear any quorum call. Well, I thought someone was talking. That is OK.

I came in and find out the distinguished Senator from Missouri plopped an amendment in, an amendment in the second degree. He had a right to do that. I have no beef about the fact that he offered a second-degree amendment. There was nobody on this side.

I do not think I can recall ever offering an amendment in a situation such as we are in here. If there is nobody on that side I am not going to offer an amendment, even if I were not majority leader and did not have the right to first recognition. Put in a quorum and let somebody be on that side. But that was all right. He acted within his rights. But, still it was Mr. KENNEDY's understanding there would be a quorum call and there should have been a quorum call until the managers of the bill were back here.

Well, that is water over the dam and nobody shed any tears over that. So the Senator from Missouri did what he thought he had to do to get a vote first.

Now, within the rules the motion to recommit with instructions was offered. That is of a higher degree than the first- and second-degree amendments that were pending so we start down that tree first.

Now for the question. Why do we not vote? Let us do it on this vote. It is fine with me. We can either vote now or we can, perhaps, enter into an agreement to vote at a certain time tomorrow on the amendment in the second degree and then to the amendment in the first degree, or on the amendment by Mr. PACKWOOD—whatever. Are Senators ready to enter into agreements to vote? At certain times on tomorrow?

Mr. METZENBAUM. Mr. Leader, I am not the manager of this bill. It is not even my amendment. It has been called the Metzenbaum amendment. I am perfectly willing to be identified with it, but it is the Kennedy-Weicker amendment.

I would like to be heard a little bit before coming to some agreement with respect to a vote tomorrow but I would guess that would be appropriate procedure because I think many Members of the Senate may have left thinking there would be no more votes.

Mr. BYRD. Mr. President, if the Senator will allow me on that point, nobody has told Senators that there will not be any more votes.

Mr. METZENBAUM. You said they did?

Mr. BYRD. Nobody. Nobody has told Senators there would not be any more votes. So, if there needs to be a vote, we will send for Senators to return.

Mr. SIMPSON. Mr. President, would the majority leader yield?

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The acting Republican leader.

Mr. SIMPSON. Mr. President, I think I understand the situation and it is difficult and frustrating and here we go. That is the way it is here. That goes with the territory. But we need at least 10 minutes or 15 minutes for a quorum call tonight to get our Members together. If we could have some indication that, even though the Senator from Ohio would like to speak and will at whatever length, if we could agree in concept to getting a unanimous consent where we can deal with these votes tomorrow it would be advantageous.

But I am just throwing that out because we do have people who, I think, had not intended that at this early in the session we would be into a 9 o'clock or 10 o'clock activity. So that is my expression to the majority leader, if there is some way to do that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, may I address myself to this matter rather briefly?

The amendment offered by Senators KENNEDY and WEICKER, with the support of Senator PACKWOOD and myself, other Senators as well, is truly a very simple amendment and notwithstanding the effort to obfuscate the issue, our position is clear and I do not understand some of the things that the Senator from Missouri is saying.

What we are saying in our amendment is that we do not want to touch the issue of abortion. We do not want to add to the rights or detract from the rights in this bill. Let us face it, this is a civil rights bill. This is not an abortion bill. This is not a bill having anything at all to do with that subject and the whole issue has developed because my friend from Missouri wants to affect the whole issue of abortion, not alone with respect to the contents of this bill but way beyond that. And he can quote all the hospitals in the world, and all the big law firms that he wants. But the fact is he is attempting in this civil rights bill to add an amendment to undo something that occurred in 1975, if my recollection serves me right.

We are just saying you may be right, Senator. We do not happen to agree with you, but there is some merit to your position. We respect your right to make that position. But do not confuse the issue. We are suggesting simply that this amendment will say that this bill does not affect, add to, detract or in any way have any impact on the issue of abortion. It is a civil rights bill.

We know about the procedure that has occurred. The fact is, nobody expected this amendment to be on the floor and the distinguished Senator from Missouri saw fit to do that which we call loading up the tree in four separate amendments. He was within his rights. But we and the leaders in handling this matter were over in the Judiciary Committee, voting on the matter of the confirmation of Judge Kennedy to be Justice Kennedy. And nobody expected this issue to develop in this manner.

So, when we came back to the floor we did not have much alternative but to offer a motion to recommit the bill and then to load it up with the extra amendments so that we might have an up-or-down vote on our amendment.

Now then, along came the proposal that the matter be resolved by giving us an up-or-down vote on our amendment and giving them an up-or-down vote on their amendment and I would like the attention of my colleague from Missouri to be sure he understands what I am saying. If you want to agree upon an up-or-down vote on our amendment and subsequently an up-or-down vote on your amendment, we are still prepared to do that. But let me tell you what happened.

We agreed upon that and the next thing I know that a whole cavalcade of Senators went out and I do not know with whom they met but that is immaterial, but they came back with extra language that was not in the original amendment.

I assumed that they might try to do that. It would have been as unfair for us to put in extra language as it was for them to put in extra language. And the extra language they put in was to the effect that, OK, even if you pass your amendment, our amendment supersedes yours. That was not the understanding and I knew that that might come about.

So, before they had ever come back with their proposal I had advised the minority whip: tell them not to bring back any new language. We agreed upon an up-or-down vote on our amendment and an up-or-down vote on their amendment. It was not an up-or-down vote on our amendment as changed or modified or some way made something different, and it was not an up-or-down vote on some new amendment that they might come forward with.

I stand here now and say to you: We are prepared to agree to vote on our amendment up or down tomorrow at 1 o'clock or any other time that the leadership determines is the appropriate time; we are prepared to agree to have such time for debate as the leadership and others agree is appropriate; and then we are prepared to vote up or down on your amendment. We are ready to do that.

We are not prepared to agree to vote on your amendment which says: Notwithstanding any other provisions of this law, our amendment prevails. That was not our understanding. And I do not think you should call upon us to make that understanding.

We are prepared to vote tomorrow up or down on our amendment and then upon your amendment. Whatever the time is agreeable with those of us on this side.

Mr. President, I ask unanimous consent I may put in a quorum call and not lose my right to be recognized immediately upon conclusion of the quorum call.

The PRESIDING OFFICER. Is there objection? The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. If the majority leader will suspend just a moment, under the previous order the Senator from Ohio is to be recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have a unanimous-consent request which I shall propound. It is as follows:

I ask unanimous consent that the pending motion to recommit with instructions and the amendments in the first and second degrees thereto be considered withdrawn;

Providing further, that on tomorrow at 10:30 a.m., the Senate proceed to vote up or down on the Hatch religious tenet amendment, that on any motion to reconsider the vote, there be no time for debate; that upon the disposition of the Hatch amendment, the Senate proceed to the consideration of an amendment by Mr. Metzenbaum, that there be 1 hour for debate on that amendment to be equally divided and controlled by the usual form, that upon the expiration of the hour, the vote be up or down on that amendment, that on any motion to reconsider, there be no time for debate; that upon the disposition of the amendment by Mr. Metzenbaum, there be 1 hour on an amendment by Mr. Danforth to be equally divided and controlled in accordance with the usual form, and that any motion to reconsider there be no time for debate; that upon the disposition of the amendment by Mr. Danforth, the Senate proceed to debate a substitute by Mr. Hatch for S. 557, and there be 30 minutes equally divided, and that the vote be up or down on the substitute amendment by Mr. Hatch, that upon any motion to reconsider, there be no time for debate; that upon the disposition of the Hatch substitute, the Senate proceed to consideration of an amendment by Mr. Humphrey on the Arline amendment, and that that amendment be subject to an amendment by Mr. Harkin and Mr. Weicker in the second degree, provided it be relevant and germane thereto; that there be 1 hour on the amendment in the first degree and one-half hour on the second-degree amendment. Well, let me make it an hour. In the interest of time now, let us make it an hour on each tomorrow to be equally divided and controlled, in accordance with the usual form, and that on any motion to reconsider there be no time thereon; that upon the disposition of that amendment there be an amendment by Mr. Humphrey on small providers and that there be 1 hour on that amendment, equally divided and controlled in the usual form; that there be an amendment by Mr. Harkin and Mr. Weicker in the second degree to the Humphrey amendment on small providers, provided the second-degree amendment is germane and relevant thereto; that there be no more than 1 hour on the second-degree amendment and that it be similarly controlled and divided; that there be no further amendments dealing with abortion. No further abortion amendments be in order.

And, Mr. President, I ask unanimous consent that on debatable motions or appeals—motion to reconsider having already been excepted—or points of order there be a limitation of 20 minutes to be equally divided and controlled in the usual form. I think that is about as far as we have gotten, but if we could get consent on that we could go home.

Mr. HATCH. Reserving the right to object, Mr. President. I wonder if we could change the times a little bit, because I have been informed some of our people may have some difficulty getting here early. I wonder if we could begin the Hatch amendment debate at 11 to go no later than 12.

Mr. BYRD. That is going to be very difficult.

Mr. HATCH. The two abortion amendments are the ones we are going to have some difficulties on. We went ahead and provided both sides an opportunity to be here for those important amendments. There are a few Senators who will not be able to be here at all who are over in Taiwan. But, nevertheless, it is my understanding that the Danforth amendment really should not come up much before 1:30.

Mr. DANFORTH. Mr. President, reserving the right to object, if I could ask the majority leader. My preference would be if the Metzenbaum amendment would be voted on no earlier than 1 o'clock; that there could be, instead of 1 hour, 2 hours of debate before the Metzenbaum amendment; that there be 1 hour of debate on the Danforth amendment; and that neither the Metzenbaum amendment nor the Danforth amendment be amendable and that both be subject to an up or down vote.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments be in order to the Metzenbaum amendment or to the Danforth amendment. I think the original request took care of the up or down part.

Mr. DANFORTH. Pardon?

Mr. BYRD. The original request allowed for an up or down vote.

Mr. DANFORTH. I am sorry; I did not understand that.

Mr. BYRD. Yes.

Mr. DANFORTH. For both of the two amendments.

Mr. BYRD. Yes.

Mr. HATCH. I think all of the amendments would be up or down.

Mr. BYRD. It allowed for up or down votes on all amendments. That was specified.

Mr. FORD. Reserving the right to object, Mr. President, and I do not want to and probably will not. I am looking at the timeframe here that we have started and would be very hopeful that we can have a vote on the Hatch amendment, the Metzenbaum amendment, and Danforth amendment, and the vote on the Danforth amendment occur no later than 2 o'clock. It would help a great deal. If we could stay somewhere close to the original posture of 10:30 and a 15-minute vote, it would be 11:45, I guess. I would like to get the timeframe down to where you vote would be somewhere close to 2 o'clock.

Mr. DANFORTH. Mr. President, reserving the right to object, what I would like to accomplish is to allow, if we could, a total of 3 hours of debate on the Metzenbaum and Danforth amendments; most of the debate occurring before the Metzenbaum amendment. There could be a fairly short debate between the Metzenbaum and Danforth amendments, but there are a sufficient number of people who want to speak on this side that I think 3 hours would be about right. And I also am aware that some Senators will not be here until 1 o'clock.

So it could be possible to accommodate the Senator from Kentucky if we would have those votes—if you could start the Danforth vote at 2 o'clock, say after half an hour's debate after the completion of the Metzenbaum amendment with, say, 2½ hours of debate before the Metzenbaum amendment?

Mr. BYRD. Mr. President, I think if it is outlined in the way that I outlined it, or I will be glad to change it, it would allow a total of something like 3 hours on both amendments before the vote on the Danforth amendment.

If we began the vote on the religious tenet amendment at 10:30, it would be a 15-minute rollcall vote; then at 10:45, you begin the vote on the Metzenbaum amendment.

Mr. DANFORTH. Debate.

Mr. HATCH. You say at 10:30 we have an hour debate?

Mr. BYRD. No, have the vote at 10:30. It is a 15-minute rollcall vote. Upon the completion of that vote, at 10:45, then you debate the Metzenbaum amendment until 1 o'clock. If the vote begins at 1 o'clock, that is 2 hours and 15 minutes of debate. You have a 15-minute rollcall vote, that is 1:15. You have 45 minutes, then, until the 2 o'clock vote. That is exactly 3 hours for the debate in total.

Mr. DANFORTH. That is fine with me.

Mr. HATCH. Reserving the right to object and I do not object, it is my understanding that when you refer to the Danforth amendment, you are talking about the new language that we have been chatting about? The "notwithstanding" language?

Mr. KENNEDY. Would be Senator say that again, please?

Mr. HATCH. With regard to the Danforth amendment, we are referring to the redrafted language that we submitted to you.

Mr. KENNEDY. The Senator is correct.

Mr. HATCH. I submit he could send that amendment to the desk. I think ours is at the desk.

Mr. BYRD. All right.

The PRESIDING OFFICER (Mr. FORD). Is there objection?

Mr. KENNEDY. Mr. President, I would not object. I want to express my appreciation to the majority leader and also to those in the minority who are supporting these amendments, as well as to my good friend, the Senator from Ohio. I think we are making substantial progress. These are issues that are divisive to this body. We are trying to move the legislation forward. I think we will make very substantial headway with this agreement.

I am hopeful we can continue the progress that we made in the early part of today and that we should make tomorrow so that this legislation, which is so important to millions of Americans, can be enacted. But I will not object. I want to express may appreciation to all those who have been part of it. It has only taken us about 6 hours to work out but nonetheless I believe we will make some progress with this proposal.

Mr. HATCH. Will the majority leader yield for just a moment?

Mr. BYRD. Yes.

Mr. HATCH. I would also like to express my appreciation to the minority leader and the majority leader and his staff, both of these staffs, for the work they have done on this. I think this is a good resolution to what has been a difficult set of negotiations and I want to thank both of them for the work they have done, and their staff members. As I understand, it would be expected to start arguing the Hatch amendment at 9:30 tomorrow morning?

Mr. BYRD. Yes, Mr. President, the Senate would come in at 9.

In view of the fact that there is a rollcall vote scheduled at 10:30, we would not have the 9:30 Sergeant at Arms vote.

I would add to the request, if I may have the attention of all Senators so we can be sure, may it be a part of the request that no amendment to any of the aforementioned amendments be in order with two exceptions: Those two being the Humphrey amendments, the two Humphrey amendments. We have specified the amendments that would be in order thereto.

Provided further, that the votes on all amendments enumerated in the first and second degrees as aforementioned will be up and down votes.

Provided further, that all rollcall votes which have already been ordered to be limited in time to 15 minutes be at the end of that 15 minutes closed. The call for regular order is automatic. I think it worked out fine today. I make that as an additional request.

The PRESIDING OFFICER. The acting minority leader.

Mr. SIMPSON. Mr. President, reserving the right to object, and I certainly will not, I have asked the majority leader to be certain that if the time is yielded back on that central amendment, that there be no vote before 2 o'clock. In other words, if time would be yielded back, would that be the understanding, so that we preserve that time for those who need to know that time to be here for that vote?

Mr. BYRD. Yes.

Mr. President, I ask unanimous consent that the time on the 11:30 vote——

Mr. SIMPSON. Just the 2 o'clock, Mr. Leader, would be sufficient for our purposes.

Mr. BYRD. All right. That the vote occur on the Danforth amendment at 2 o'clock.

Mr. SIMPSON. I just wanted to be certain if time is yielded back we will not change that time.

Mr. BYRD. Under this order, it would take unanimous consent to change the order.

Mr. SIMPSON. Then one other thing just for our understanding. We have a substitute amendment for S. 557 which if it were to pass, would effectively foreclose further amendments beyond those that are listed in the agreement.

Mr. BYRD. I hope all Senators understand that.

Mr. SIMPSON. I think they do. The fact that if the Hatch substitute were to pass.

Mr. BYRD. That is a substitute for the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. President, on the amendment in the agreement that was designated as the Metzenbaum amendment, we will modify the language to provide that that be an amendment to be offered by either Mr. Metzenbaum or Mr. Kennedy or Mr. Packwood or Mr. Weicker.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent order is agreed to.

The majority leader.

Mr. BYRD. Let me make sure for the Record that there is a clear understanding as to the agreement that we have just entered. And I should say while the distinguished Republican assistant leader is here, the fact that we are not having an early vote, we are not having a vote at 9:30, which is normally a 30-minute vote, the vote that comes at 10:30 will be a 15-minute vote, not a 30-minute vote.

Second, that vote occurs at 10:30 on the amendment by Mr. Hatch, the religious tenet amendment. That is a 15-minute rollcall vote. There will be a motion to reconsider but there will be no debate on the motion to reconsider. Then the vote on the amendment by Mr. Metzenbaum, et al., will occur at 1 p.m., which means that between the hours of 10:45 a.m. and 1 p.m., the time will be for debate on the amendment that will be offered by Mr. Metzenbaum or Mr. Weicker or Mr. Packwood or Mr. Kennedy. In all cases, the time is to be equally divided and controlled in the usual form.

Upon the disposition of that amendment, no time on a motion to reconsider, there should be 45 minutes remaining, circa 45 minutes before the vote occurs on the Danforth amendment at 2 p.m.

So this would mean coming in at 9 o'clock and starting at 9:30 on the bill. There would be 1 hour of debate, 9:30 to 10:30, on the Hatch amendment. On the Metzenbaum amendment beginning at 10:45, ending at 1 p.m., there would be 2 hours and 15 minutes. On the Danforth amendment, beginning at 1:15 p.m. and ending at 2, there would be 45 minutes on that amendment for debate. But the time for the vote is to be adhered to. If it comes out a minute or two less for debate, the time should be strictly adhered to for the hour, the 2 o'clock vote, for example. That is the way I believe it was requested.

Then it was agreed that there would be 30 minutes on the Hatch substitute for the bill, the time to be equally divided. Then there would be a vote again with no time on the motion to reconsider for debate. And then following that there would be the amendment by Mr. Humphrey, the Arline amendment, subject to an amendment in the second degree. The time on the first-degree amendment would be 1 hour, the time on the second-degree amendment would be one-half hour. If I am misstating it, I hope someone will correct me.

Then upon the disposition of that amendment Mr. Humphrey would call up an amendment designated as the small provider amendment. It would be subject to an amendment by Mr. Harkin and Mr. Weicker, the amendment to be germane and relevant; the time on the Humphrey amendment would be 1 hour, and the time on the amendment in the second-degree would be 30 minutes.

I believe that was the extent of the agreement. I do not think that other amendments are locked out except in case the substitute is agreed to. In that case, other amendments would be locked out. But Senators should know that a motion to recommit is in order at any time prior to the passage of the bill. And a motion to recommit would be in order even after a substitute is adopted and prior to final passage of the bill—the motion to recommit with instructions. Am I correct, may I ask the Chair?

The PRESIDING OFFICER. The Senator is correct. The motion to recommit prior to the passage of the bill is in order.

Mr. BYRD. I think it is a good agreement and I want to express my gratitude to the assistant leader and to the two managers, Mr. Hatch, Mr. Kennedy, and to the other principals, Mr. Packwood, Mr. Danforth, Mr. Metzenbaum, and all other Senators.

I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that a copy of what has been called the Danforth amendment that I will not send to the desk be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment proposed by Mr. Danforth is printed later in the Record under "Amendments Submitted.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe there is one other loophole.

I have a parliamentary inquiry, Mr. President. In the event the substitute is not adopted, of course the pending substitute and the bill are both open to further amendments following the disposition of all the other amendments that have enumerated. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The next question, Mr. President, is this: If the substitute is adopted, would amendments to the underlying bill still be in order and, if so, would there be debate?

The PRESIDING OFFICER. If a substitute for the bill is adopted, no amendments are in order thereafter unless specified in the agreement.

Mr. BYRD. I have a further parliamentary inquiry. I do not believe that amendments to the underlying language in the bill that could conceivably be offered following the Danforth vote and just prior to the vote on the substitute—I believe that amendments, if offered thereto on the underlying language, would have no time for debate thereon but there is that window through which amendments could be offered to the underlying amendment.

The PRESIDING OFFICER. The Senator is correct. If he wanted that excluded, it should be specific in the unanimous-consent agreement.

Mr. BYRD. I think, Mr. President, if I may say to my friend, the assistant leader, that we ought to button that up, also.

Mr. SIMPSON. I would like to do that; but mentioning anything about further amendments on this side, at this hour, and to reopen that unanimous-consent agreement would be very difficult, just too tenuous. Yet, I know what the intent is.

You are talking about no debate.

Mr. BYRD. No. What I am saying is that as it now stands, amendments can be offered to the language that is to be stricken.

Mr. SIMPSON. As it now stands?

Mr. BYRD. As it now stands, and no debate, and that scares me, because any kind of amendment could come in.

I would suggest that we preclude any amendments to the underlying language to be stricken.

Mr. SIMPSON. Mr. President, while the substitute is pending, that would be the case. If the substitute amendment had been completed, that would not be the case. Is that correct?

The PRESIDING OFFICER. While the substitute is pending, amendments to the underlying language would be in order.

Mr. SIMPSON. Mr. President, that would be acceptable, with the understanding about the pending of the substitute amendment.

Mr. BYRD. I ask unanimous consent that amendments, therefore, be precluded to the underlying language.

The PRESIDING OFFICER. Is there ojection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I have two other modifications to the agreement.

I understand that there is a desire that the "relevant and germane" phrase that I used in the agreement be changed to "relevant."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment in the second degree that is enumerated in the agreement to each of the Humphrey amendments have a 1-hour limitation thereon, rather than a 30-minute limitation, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That at 10:30 a.m. on Thursday, January 28, 1988, the Senate proceed to vote, up-or-down, on the Hatch amendment, dealing with religious tenet, with no time for debate on any motion to reconsider that vote.

Ordered further, That upon disposition of the Hatch amendment, the Senate proceed to the consideration of a Metzenbaum/Kennedy/Weicker/Packwood amendment, with the time until 1:00 p.m. to be equally divided and controlled in the usual form, with an up-or-down vote to occur at 1:00 p.m. thereon, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Metzenbaum amendment, the Senate proceed to the consideration of a Danforth amendment, with the time until 2:00 p.m., to be equally divided and controlled in the usual form, with an up-or-down vote thereon to occur at 2:00 p.m., and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Danforth amendment, the Senate proceed to the consideration of a Hatch substitute for S. 557, on which there shall be 30 minutes debate, to be equally divided and controlled in the usual form, with an up-or-down vote to occur at the expiration of that time, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Hatch substitute, the Senate proceed to the consideration of a Humphrey amendment, dealing with Airlines, on which there shall be 1 hour, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That upon the disposition of the Humphrey amendment, the Senate proceed to the consideration of a Humphrey amendment dealing with small providers, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That no further amendments on abortion be in order.

Ordered further, That no amendments to listed amendments be in order, unless so specified.

Ordered further, That no amendments to any underlying language be in order.

Ordered further, That time for debate on any debatable motion, appeal, or point of order shall be limited to 20 minutes, to be equally divided and controlled in the usual form.

Mr. SIMPSON. I thank the majority leader.

I think that is a superb result.

I commend the leader, also, on something we talk about here, quality of life, and with his activity in regard to the 15-minute rollcall automatic under the rules and point of order, it has certainly stirred those on our side of the aisle to answer to the first bell rather than the second, and I notice the same on the Democratic side.

Mr. BYRD. It helps in getting them here on time.

Mr. SIMPSON. That is what we talked about. It may be disruptive. We will have to learn. I will have to learn. But the advance notice, if possible, that we are going to vote is helpful.

That is a very important step to what we all desire on both sides of the aisle and I thank Mr. DANFORTH, Mr. PRYOR, and the majority leader and the minority leader. I do commend the majority leader on that.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his observation, cooperation, and assistance in making it work.

Now, Mr. President, we have other matters.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a brief period for morning business not to extend beyond 10 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CIVIL RIGHTS RESTORATION ACT

Mr. LUGAR. Mr. President, I rise today to speak in opposition to S. 557, not because I am against the furtherance of civil rights in our country, or even because I oppose the professed intent of this bill—to reverse the Supreme Court's decision in Grove City. I support overturning the Supreme Court's decision, but I believe we should do so in a responsible manner without curtailing other fundamental rights such as religious liberty.

When one takes the time to study this bill closely, serious problems are apparent. For example, the language of S. 557 is broad enough that all operations of a church or synagogue would be covered if it engages in any federally assisted activities—the most common example is the Meals on Wheels Program. Churches could avoid Federal regulation by refusing to participate in federally funded programs, but clearly the law should not discourage these institutions from helping the handicapped, the elderly, or other needy groups in their communities.

Currently, under title IX of the Education Act—one of several civil rights statutes impacted by S. 557—institutions which are "controlled by" a religious organization are permitted to claim exemptions from compliance with regulations which conflict with the institution's religious tenets. There is some dispute as to what "controlled by" actually means. Does it mean that a Catholic school which is overseen by a lay board could claim exemption? I think not, from my reading of the bill. I would support a reasonable amendment of this language to include institutions which are closely identified with the tenets of a religious organization.

Other less-publicized problems exist within S. 557. One of these would adversely affect the farmers in Indiana and across the country. Language within S. 557 protects "ultimate beneficiaries" from coverage under the bill. Its sponsors claim that farmers who receive Federal assistance through such programs as crop subsidies and price supports are included in this definition.

A number of my colleagues and I disagree with this "ultimate beneficiaries" reading of the bill. It is my belief that if any disagreement exists on the current wording with respect to farmers, then it makes sense to amend the bill to retain the pre-Grove City treatment of farmers. All farms, farmers, ranches, and ranchers should be exempted unless the program providing the assistance expressly requires coverage. This would allow committees with expertise in this area to draw distinctions between the various recipients of Federal funding—for example, programs targeting small family farmers versus large agri-business enterprises.

Another concern for those of us who are opposed to abortion and the Federal funding of abortion is the expanded scope of existing title IX regulations. These regulations require institutions which receive Federal financial assistance to make abortion services available to employees and students as part of their health care coverage—not to do so is considered discrimination on the basis of sex.

It seems to me that this is blatantly inconsistent with our record of enacting laws which prohibit the use of Federal dollars to perform abortions, which, I might add, has been ruled constitutional by the Supreme Court. An attempt was made during committee consideration of S. 557 to add abortion neutral language. I support this approach, which would allow each federally funded institution to make its own decision as to whether it adopts a prolife or prochoice policy.

Mr. President, I am in agreement with the basic premise of the bill, to overturn the Supreme Court's decision in Grove City. However, unamended, S. 557 goes beyond the pre-Grove City status quo and imposes Federal Government regulation on churches and synagogues, religiously affiliated schools, and farmers. The problems I have noted underscore the difficulty with overly broad coverage, in many cases so broad that it is disproportionate to the benefits institutions or individuals receive from Federal aid. With the addition of the amendments I have outlined, S. 557 would correct the Grove City decision without mandating unbridled Federal Government intrusion where equally important rights and liberties are at stake.

Mr. HELMS. Mr. President, this morning I was absent during rollcall vote No. 3 on Senator SYMMS' amendment. I missed the vote because I was at the White House conferring with the President.

Mr. President, had I been able to be present for the vote, I would have voted against tabling the amendment.

CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. DODD. Mr. President, I cannot state strongly enough my belief that passage of the Civil Rights Restoration Act of 1987 will constitute one of the most important achievements of this Congress. We must make clear once and for all that discrimination against anyone because of their race, sex, disability or age is illegal and will not be federally supported.

The Civil Rights Restoration Act is necessary to reverse the Supreme Court's 1984 Grove City decision. This act will restore the original broad institutional antidiscrimination coverage intended by Congress when it passed the four civil rights bills jeopardized by the Grove City decision—title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

I am deeply concerned about the damage the Grove City decision has already wrought across the country, particularly throughout the educational system. The U.S. Department of Education's Office of Civil Rights has already dropped or drastically limited in scope an estimated 79 cases involving discrimination at all levels of the educational system. This same Department has also closed more than 20 cases which involved employment discrimination against handicapped individuals.

Mr. President, when the Grove City decision was rendered in 1984, I sponsored a resolution

> To express the sense of the Senate that the laws which ensure equal rights with regard to education opportunity for women should be maintained.

I think the U.S. Department of Education's above-cited actions demonstrate beyond any doubt that the original intentions of Congress in passing the Title IX Education Amendments of 1972 must be restored. Clearly this is true not only to eliminate sex discrimination but to eliminate all discrimination across the country.

I think the record prior to the Grove City decision demonstrates unequivocally that the civil rights statutes currently in jeopardy have been among the most effective tools instituted in our society to eliminate discrimination. For example, the educational antidiscrimination statute has had a remarkable record of achievement in opening the doors to equal educational opportunity, as the following facts illustrate—

First, between 1972 and 1982, the percentage of women in medical school rose from 11 percent to 20 percent; in law school from 10 percent to 36 percent; and in engineering school from less than 1 percent to almost 16 percent.

Second, the percentage of all doctoral degrees awarded to women rose from 16 percent to 30 percent during this same time period.

Third, participation by women in intercollegiate athletic programs doubled between 1973 and 1980; and women now account for 30 percent of all college athletes, with women receiving 20 percent of all athletic scholarships.

The basic principle upon which our civil rights laws is founded is as valid today as when the first civil rights laws was passed in 1964—the Federal Government should not do business with those who violate its law or allow public tax dollars to underwrite discrimination. Congress must act now to eliminate discrimination forever throughout this great Nation.

TRIBUTE TO CONGRESSMAN W.C. (DAN) DANIEL

Mr. WARNER. Mr. President, over this past weekend Virginia lost one of their great public servants in Congressman W.C. (Dan) Daniel of Virginia, the dean of our congressional delegation. Yesterday I joined Senator TRIBLE, Governor Baliles, Lieutenant Governor Wilder, Attorney General Terry, many members of the Virginia General Assembly, the Secretary of the Army, and 70 Members of Congress in traveling to Dan Daniel's hometown of Danville to pay our final respects to this great Virginian. My heartfelt sympathies go out to his wife Ruby, his family, and his staff.

In the 9 years that I have served in the U.S. Senate, it has been my privilege to work closely with the members of the Virginia congressional delegation. And in the course of this service, I will always consider the complete trust I enjoyed with Congressman Daniel to be a great strength of my Senate career.

Dan Daniel deeply loved Virginia and our Nation. And, make no mistake about it, Dan Daniel was loved by the people whose lives he touched. The staffs for all members of the Virginia delegation have been deeply saddened by his death, because he knew each by name and always took the time to inquire about their well-being as well as their families.

Congressman Daniel was midway through his 10th term in Congress and had informed his constituents last week he would not seek reelection because of health considerations. He had the courage to make such difficult decisions. He enjoyed a degree of popularity in his southside Virginia district that most Members of Congress can only dream about. He was rarely opposed in his long career in the House of Representatives, most likely because few Virginians could question his performance, and because he stayed in such close touch with the people he was elected to serve.

Dan Daniel held dear the principles cherished by most Virginians, including maintaining a strong defense, limiting the size of Government and fiscal responsibility. Because of our work together on the Armed Services, and Intelligence Committees, I witnessed first-hand his deeply-rooted convictions of the need to repel communism and keep American strong. A veteran of World War II, he was a valued member of the House Armed Services Committee and chairman of the Readiness Subcommittee. And his tenure as National Commander of the American Legion paved the way for his efforts on behalf of America's defenses and the men and women who serve our Nation.

The passing of Dan Daniel represents a deep personal loss to this Senator and, particularly, to those Virginians he faithfully served for so many years.

One had only to look at Dan Daniel—the hawkish profile and silver hair combined with an ever-gentle spirit to be reminded of the essence of the Virginia gentleman. Dan represented our Commonwealth in so many ways, but perhaps none as important as the way he represented Virginia's strong, unaffected spirit.

Dan Daniel was a soft-spoken man who never raised his voice—yet he was always heard clearly.

The words of Thomas Jefferson are fitting in describing the contributions of such a distinguished public servant such as Congressman Daniel—"God grant that men of principle shall always be our principal men."

"CITIZENS BOUNDARY PROPOSAL" AND DEPARTMENT OF INTERIOR GENERAL MANAGEMENT PLAN TO EXPAND THE CONGAREE SWAMP NATIONAL MONUMENT

Mr. THURMOND. Mr. President, in May of 1976, it was my privilege to introduce legislation authorizing the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth southern bottomland forest in the country. In October of that same year, former President Ford signed into law legislation to establish the monument. That legislation, which became Public Law 94-545, not only authorized the monument, but also directed the Secretary of Interior to develop and transmit to Congress a general management plan for the use and development of the monument.

A proposed general management plan was submitted to Congress in 1987. That plan provides for the addition of acreage to the monument, the designation of certain lands within the monument as wilderness, the construction of park visitor facilities, and the improvement of certain roads, parking facilities, and boating ramps. At the present time, the Department of Interior is reviewing public comments on the plan and will be submitting a final plan later this year.

Mr. President, I have reviewed the proposed general management plan of the Department of the Interior as well as a related citizens boundary proposal submitted by interested citizens from South Carolina. While there is much these plans have in common, the citizens boundary proposal would add approximately 7,000 acres to the monument. The Department of Interior plan only calls for adding approximately 2,300 acres. Based on my conversation with local citizens familiar with the area, the monument should encompass a greater area than now being proposed by the Department of Interior. Accordingly, within the next several days I intend to introduce legislation which would implement the citizen's proposal. Furthermore, I want to take this opportunity to urge the Department of Interior to include the citizens proposal in their final general management plan to be submitted to Congress later this year.

Mr. President, this great natural resource has provided valuable outdoor recreational opportunities—hiking, canoeing, camping, and fishing—to residents of the Southeast and the Nation at large. Accordingly, I believe upgrading the Congaree Swamp and including additional acreage will provide a lasting benefit to both present and future generations of Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REQUEST FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I herewith transmit a request in accordance with Section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (P.L. 100-202) for budget and other authority to provide additional assistance for the Nicaraguan Democratic Resistance. Such assistance is essential to enhance the national security of the United States by advancing the prospects for democracy in Nicaragua and security for all of Central America.

Despite the combined diplomatic efforts of the four Central American democracies and the United States to persuade the Sandinista regime in Nicaragua to move toward democracy and to cease its actions that threaten the security of the region, progress towards these goals is far from complete.

The Sandinistas have repeatedly promised democracy to the people of Nicaragua, first before the Organization of American States in 1979 and, most recently, two weeks ago in the Final Communique of the Central American Presidents at the close of the San Jose Summit. In contrast to these assurances, the Sandinistas' years in power have brought repression and poverty to the Nicaraguan people, not democracy.

It has become clear beyond doubt that, without the steady pressure created by an effective Nicaraguan Democratic Resistance supported by a determined United States, the Sandinistas will move toward democracy nor desist from aggression against their neighbors. The United States, in consulation with the governments of the four Central American democracies, is prepared to redouble its diplomatic efforts in support of peace and democracy on the Central American isthmus. However, the success of such efforts depends on the continuation of the pressure that the Resistance provides.

I urge approval of the additional aid I am requesting for the Nicaraguan Democratic Resistance. Congressional approval of this request is essential to assure a democratic future for Central America and to protect the national security interests of the United States.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1988.*

MESSAGES FROM THE HOUSE

At 3:42, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

The message also announced that pursuant to the provisions of section 2101, Public Law 100-203, and the order of the House of December 21, 1987, the Speaker appointed the following individuals on the part of the House to the National Economic Commission on January 11, 1988: Mr. GRAY of Pennsylvania; and from the private sector Mr. Felix Rohatyn of Washington, DC, and Mr. Robert Strauss of Dallas, TX.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, with an amendment in the nature of a substitute:

S. 1721. A bill to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the Executive branch, and for other purposes (Rept. No. 100-276).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 343. A bill for the relief of Pandelis Perdikis (Rept. No. 100-277).

S. 391. A bill for the relief of Hyong Cha Kim Kay (Rept. No. 100-278).

S. 1329. A bill for the relief of Roswitha Starins (Rept. No. 100-279).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 357. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 358. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. Res. 359. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. Res. 360. An original resolution authorizing expenditures by the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself and Mr. DOLE) (by request):

S.J. Res. 241. Joint resolution to disapprove the proposed agreement for cooperation between the Government of the United States of America and the Government of Japan concerning peaceful uses of nuclear energy, transmitted to the Congress by the President on November 9, 1987; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. ADAMS, Mr. BOREN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. COHEN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. TRIBLE, Mr. WARNER and Mr. WILSON):

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. Res. 357. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. PROXMIRE from the Committee on Banking, Housing, and Urban Affairs:

S. Res. 358. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. BOREN from the Select Committee on Intelligence:

S. Res. 359. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. BIDEN from the Committee on the Judiciary:

S. Res. 360. An original resolution authorizing expenditures by the Committee on the Judiciary; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. ADAMS, Mr. BOREN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. COHEN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. TRIBLE, Mr. WARNER, and Mr. WILSON):

S.J. Res. 242. Joint resolution designating the period May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; referred to the Committee on the Judiciary.

PUBLIC SERVICE RECOGNITION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution designating the week of May 2-8, 1988, "Public Service Recognition Week." Last year, 59 of my colleagues joined me in sponsoring a similar resolution honoring the achievements of public servants. That resolution was passed by both Houses and signed by the President. I am quite pleased today that a significant number of my colleagues have joined with me again as cosponsors to recognize public servants across the United States for their unselfish dedication to serving all Americans. The bipartisan support for this resolution is confirmation from this body that we think the public workforce is indeed one of our Nation's most valuable resources and should be recognized as such.

Our governments—Federal, State, and local—have many highly skilled workers whose contributions have a far-reaching impact on the strength and vitality of our Nation. America is viewed throughout the world as a world leader, and the men and women who work in public service for our governments strive to ensure that we maintain this reputation. Assuming a public trust, these individuals provide services to all our citizens. Public servants educate our children, defend our borders, represent our interests to other countries, and are responsible for advancements in medical and scientific research.

From time to time there has been a tendency to criticize and attack Government employees. Despite all of this, public servants continue to be willing and eager to perform their jobs responsively and responsibly, even when the rules of the game have been unclear or constantly and unpredictably changing.

I view public service as a respectable career and a high calling and I am hopeful that our government will continue to attract bright young people who recognize the value and importance of public service. Public employees have made a significant contribution to America's prosperity by supporting the public interest generously and efficiently, and I think they should be proud of themselves and their accomplishments.

I remember President John F. Kennedy, who characterized public service as a noble calling. In a message to Congress in 1961, he said:

> We need to draw upon America's entire reservoir of talent and skill to help conduct our generation's most important business—the public business.

I share President Kennedy's view. Public servants keep our Government running and should be recognized and thanked for their efforts. I am pleased today to sponsor this joint resolution honoring their many outstanding achievements.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security, support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as expressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2-8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. Thurmond, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 639

At the request of Mr. Burdick, the name of the Senator from Vermont [Mr. Stafford] was added as a cosponsor of S. 639, a bill to eliminate restrictions on the taxing power of the State to impose, collect, and administer State and local sales and use taxes on sales in interstate commerce.

S. 675

At the request of Mr. Mitchell, the names of the Senator from North Carolina [Mr. Sanford], and the Senator from Georgia [Mr. Fowler] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 714

At the request of Mr. Specter, the names of the Senator from Alaska [Mr. Murkowski], the Senator from Arizona [Mr. DeConcini], and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Incorporated.

S. 731

At the request of Mr. Inouye, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 731, a bill to amend section 788(d) of the Public Health Service Act to permit schools of nursing to obtain grants for training projects in geriatrics.

S. 1611

At the request of Mr. Kennedy, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 1611, a bill to amend the Immigration and Nationality Act to effect changes in the numerical limitation and preference system for the admission of immigrants.

S. 1630

At the request of Mr. Heflin, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1804

At the request of Mr. Roth, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 1804, a bill to amend the National Wildlife Refuge Administration Act.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from New York [Mr. Moynihan], the Senator from Washington [Mr. Adams], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Connecticut [Mr. Dodd], the Senator from Utah [Mr. Hatch], the Senator from Illinois [Mr. Simon], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1896

At the request of Mr. Cranston, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 1896, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 1988

At the request of Mr. Breaux, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 1988, a bill to amend the Merchant Marine Act of 1920.

S. 2011

At the request of Mr. Cranston, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 2011, a bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans.

SENATE JOINT RESOLUTION 181

At the request of Mr. Wilson, the name of the Senator from Arkansas [Mr. Pryor,] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from Michigan [Mr. Levin], the Senator from Nebraska [Mr. Exon], the Senator from Arkansas [Mr. Pryor], the Senator from Washington [Mr. Evans], and the Senator from New Mexico [Mr. Domenici] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month".

SENATE JOINT RESOLUTION 206

At the request of Mr. Domenici, the names of the Senator from Florida [Mr. Chiles], the Senator from South Carolina [Mr. Hollings], the Senator from West Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Bumpers], the Senator from North Dakota [Mr. Burdick], the Senator from Massachusetts [Mr. Kerry], the Senator from Mississippi [Mr. Stennis], the Senator from Michigan [Mr. Levin], the Senator from Maine [Mr. Cohen], the Senator from Washington [Mr. Evans], the Senator from Utah [Mr. Garn], the Senator from Idaho [Mr. McClure], the Senator from Vermont [Mr. Stafford], the Senator from New Hampshire [Mr. Humphrey], the Senator from California [Mr. Cranston], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 210

At the request of Mr. Wilson, the names of the Senator from Missouri [Mr. Bond], the Senator from New Jersey [Mr. Lautenberg], the Senator from Alaska [Mr. Stevens], the Senator from Utah [Mr. Garn], the Senator from Nevada [Mr. Hecht], the Senator from New Jersey [Mr. Bradley], the Senator from Nebraska [Mr. Exon], the Senator from Tennessee [Mr. Gore], the Senator from Nevada [Mr. Reid], the Senator from Arizona [Mr. McCain], the Senator from Iowa [Mr. Grassley], the Senator from New York [Mr. D'Amato], the Senator from Kansas [Mr. Dole], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. Lautenberg, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. GARN], the Senator from Delaware [Mr. ROTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. MCCAIN], the Senator from Nebraska [Mr. KARNES], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE RESOLUTION 357—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 357

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,464,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 358—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 358

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,705,000 of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 359—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 359

Resolved, That in carrying out its powers, duties, and functions under S. Res. 400, approved May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $2,138,034.00.

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 360—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. BIDEN, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,353,295.69 of which amount (1) not to exceed $75,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "expenses of Inquiries and Investigations".

AMENDMENTS SUBMITTED

URANIUM REVITALIZATION, TAILINGS RECLAMATION AND ENRICHMENT ACT

FORD AMENDMENT NO. 1383

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill (S. 1846) to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing commercial enterprise on a profitable and efficient basis, and for other purposes; as follows:

On page 51, beginning with line 1, strike all of section 1404 through page 52, line 9, and insert in lieu thereof:

"SEC. 1404. CERTAIN PENDING LITIGATION.—The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.".

Mr. FORD. Mr. President, today I introduce an amendment to S. 1846, the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987. The purpose of this amendment, Mr. President, is to acknowledge the settlement of litigation between the Department of Energy [DOE] and the Tennessee Valley Authority [TVA] concerning demand charges owed by the DOE enrichment enterprise for power not taken. The contracts in question were signed in the 1960's and 1970's for TVA to supply power for DOE's Oak Ridge, TN, and Paducah, KY, enrichment plants.

Under the settlement agreement, DOE will make annual payments to TVA over the next 7 years which have a present value of approximately $1.5 billion. DOE will provide additional benefits to TVA through modifications to the contract under which TVA buys uranium enrichment services from DOE. In return, TVA will drop its lawsuit against DOE.

As a result of this agreement, TVA has reduced electric rates in the Valley by 6 percent. I am very pleased about that. Also as a result of this settlement, the enrichment enterprise will face a firm schedule of payments. This stability in future payments to TVA should help to mitigate future increases in the price for enrichment services. Establishing stability in the enrichment price is a first step toward increasing the competitiveness of DOE's enrichment enterprise.

Unfortunately, this agreement does not solve all of DOE's enrichment problems. Legislation, such as S. 1846, which restructures the enrichment program as a Government corporation is urgently needed. In addition to establishing a wholly owned Government Corporation to manage the Nation's uranium enrichment enterprise, this comprehensive uranium legislation is intended to provide for a viable domestic uranium industry and to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites. I urge our distinguished majority leader, Senator BYRD, to begin prompt consideration of this very important piece of legislation.

I also ask unanimous consent that a copy of the agreement between DOE and TVA be printed in the RECORD.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

AGREEMENT

This Agreement is made and entered into this 18th day of December, 1987, between the United States Department of Energy (hereinafter "DOE") and the Tennessee Valley Authority (hereinafter "TVA"):

1. For the period October 1 through December 31, 1987, DOE shall pay TVA, for capacity not being used by DOE, an amount equal to 50% of the charges currently being billed to DOE by TVA for such unused capacity under Contract No. DE-AC05-760R03760, TV-30613A, and Contract No. DE-AC05-760R03761, TV-30614A.

2. In addition to the amounts payable under section 1 hereof, contracts DE-AC05-760R03760, TV-30613A, and DE-AC05-760R03761, TV-30614A (hereinafter the "Contracts") shall be amended by the parties effective January 1, 1988, to provide as follows:

a. DOE shall make payments to TVA in the total amounts and on the dates as provided in the following table:

[In millions of dollars]

Due date	Amount
January 1, 1988	$375
October 1, 1988	465
October 1, 1989	311
October 1, 1990	160
October 1, 1991	160
October 1, 1992	160
March 6, 1994	160

b. With respect to any payment under this section scheduled subsequent to January 1, 1988, DOE may make a prepayment fo up to $50 million. Upon mutual agreement of the parties, any larger amount may also be prepaid by DOE. All prepayments shall be made on the last business day immediately preceding the due date of the payment and shall be credited towards the amount of such payment as shown on the schedule.

c. To any amount due under this section that remains unpaid after the due date, there shall be added a charge equal to the sum of (1) $150 and (2) an amount calculated in the following manner: the average of the interest rates payable on TVA's short-term borrowings (having maturities of less than one year) made during the calendar month preceding the month of the due date is to be applied on a daily basis to the unpaid portion of the amount due for each day of the period from and after the due date to and including the date of payment in full. (In the event that TVA made no short-term borrowings during such preceding calendar month, the amount used in making the late-payment charge calculation shall be the average effective interest rate on 91-day United States Treasury bills (based on the average of the closing bid and asked price) during such preceding calendar month, plus ⅛ of one percent.) TVA will prepare and send to DOE appropriate invoices for any late payment charges that become due under this subsection, which shall be due and payable upon receipt.

d. Payments under this section shall not be subject to the 5 percent reduction provided by the Contracts associated with payments in lieu of taxes.

e. Payments under this section, as made each year in accordance with this section, shall satisfy DOE's obligation for the fiscal year for which they are made for capacity charges due or to become due under the Contracts, except as otherwise provided in sections 1, 3, and 4 hereof.

3. Contract No. DE-AC05-760R03760, TV-30613A shall be amended by the parties effective January 1, 1988, to provide as follows:

a. In addition to all other charges for capacity payable under the contract as amended by this agreement, DOE shall pay charges for a contract demand of 125 megawatts of power and for actual energy use. The charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time.

b. TVA may, at TVA's sole discretion and without any liability, refuse to deliver power exceeding 125 megawatts. If DOE desires delivery of power in excess of 125 megawatts and TVA is willing to deliver such power to DOE, the charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time.

c. Payments due or becoming due under the contract as amended by this section for capacity, energy, or any other reason shall be made by DOE in addition to and not in substitution for any other payments required by this agreement, and shall be billed monthly by TVA.

4. Contract No. DE-AC05-760R03761, TV-30614A, shall be amended by the parties effective January 1, 1988, to provide that TVA may, at TVA's sole discretion and without any liability, refuse to deliver any power to DOE. If DOE desires delivery of any amounts of power and TVA is willing to deliver such power to DOE, the charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time. Payments due or becoming due under the contract as amended by this section for capacity, energy, or any other reason shall be made by DOE in addition to and not in substitution for any other payments required by this agreement, and shall be billed monthly by TVA.

5. Except as otherwise amended by this agreement, the parties' rights and obligations under the Contracts shall remain the same.

6. The parties, by their attorneys, will execute a stipulation in the form of the attached Exhibit 1, to be submitted to the court in the pending litigation styled *Tennessee Valley Authority* v. *The United States of America,* Cl. Ct. No. 513-87-C, jointly moving for an order dismissing said litigation.

TENNESSEE VALLEY
AUTHORITY
C.H. DEAN, Jr.,
Chairman.

DEPARTMENT OF ENERGY
THEODORE J. GARRISH,
Assistant Secretary
for Nuclear
Energy.

CIVIL RIGHTS RESTORATION ACT

HATCH (AND THURMOND) AMENDMENT NO. 1384

Mr. HATCH (for himself and Mr. THURMOND) proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

On page 12 strike out "organization.'." and insert in lieu thereof the following: "organization.

" 'INTERPRETATION

" 'SEC. 909. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

On page 12, line 15, insert "(a)" after the section designation.

On page 14, between lines 11 and 12, insert the following new subsection:

(b) Title V of the Rehabilitation Act of 1973 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 509. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 14, line 13, insert "(a)" after the section designation.

On page 16, between lines 8 and 9, insert the following new subsection:

(b) Title III of the Age Discrimination Act of 1975 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 310. Nothing contained in this Act shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 16, line 11, strike out "section" and insert in lieu therof "sections".

On page 17, line 22, strike out "assistance.'." and insert in lieu thereof the following: "assistance.

" 'SEC. 607. Nothing contained herein shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

THURMOND AMENDMENT NO. 1385

Mr. THURMOND proposed an amendment to the bill S. 557, supra; as follows:

On page 11, line 15, strike out "school system" and insert in lieu thereof "educational institution".

On page 13, line 10, strike out "school system" and insert in lieu thereof "educational institution".

On page 15, line 13, strike out "school system" and insert in lieu thereof "educational institution".

On page 17, line 4, strike out "school system" and insert in lieu thereof "educational institution".

HATCH AMENDMENT NO. 1386

Mr. HATCH proposed an amendment to the bill S. 557, supra; as follows:

On page 12, line 11, insert ", or which is closely identified with the tenets of," after "controlled by".

DANFORTH AMENDMENT NO. 1387

Mr. DANFORTH (for himself, Mr. WILSON, Mr. MURKOWSKI, Mr. LUGAR, Mr. QUAYLE, Mr. GRASSLEY, Mr. DOLE, Mr. MCCONNELL, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. BOND, Mr. MELCHER, Mr. KARNES, Mr. HECHT, Mr. HUMPHREY, Mr. NICKLES, Mr. HATFIELD, Mr. THURMOND, Mr. GRAMM, Mr. HATCH, Mr. PROXMIRE, Mr. KASTEN, and Mr. EXON, proposed an amendment to amendment No. 1386 proposed by Mr. HATCH to the bill S. 557, supra; as follows:

At the end of the language proposed to be inserted, insert the following "a religious organization of the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

" 'NEUTRALITY WITH RESPECT TO ABORTION

" 'SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.' ".

KARNES (AND NICKLES) AMENDMENT NO. 1388

(Ordered to lie on the table.)

Mr. KARNES (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill S. 557, supra; as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

At the end of section 3, insert the following:

"SEC. 909. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 12, line 15, after the words "Sec. 4" insert the following: "(a)".

At the end of Sec. 4 of the bill, add the following new subsection:

"(b) Title V of the Rehabilitation Act of 1973 is amended by adding at the end the following new section:

"SEC. 508. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 14, line 13, after the words "Sec. 5" insert the following: "(a)".

At the end of Section 5 of the bill, add the following new subsection:

"(b) Title III of the Age Discrimination Act of 1975 is amended by adding at the end the following new section:

"SEC. 310. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 16, line 11, strike "section" and insert in lieu thereof "sections".

At the end of section 6 of the bill, add the following:

"SEC. 607. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

PACKWOOD AMENDMENT NO. 1389

Mr. PACKWOOD proposed a motion to recommit with instructions (numbered as amendment No. 1389) to the bill S. 557, supra, as follows:

I move to recommit the pending bill to the Committee on Labor and Human Resources with instructions that the committee report the bill back forthwith with the forthcoming amendment:

Strike all after the enacting clause and insert in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end of the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such state or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

KENNEDY (AND OTHERS) AMENDMENT NO. 1390

Mr. BYRD (for Mr. Kennedy, for himself, Mr. Weicker, and Mr. Metzenbaum) proposed an amendment to the motion of Mr. Packwood to recommit the bill S. 557, with instructions (numbered as amendment No. 1389); as follows:

Add at the end of the amendment, the following:

SEC. . Abortion neutrality and rule of construction.

Nothing in the amendment made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

KENNEDY (AND WEICKER) AMENDMENT NO. 1391

Mr. BYRD (for Mr. Kennedy, for himself and Mr. Weicker) proposed an amendment to amendment No. 1390, proposed by him on behalf of Mr. Kennedy (and others) to the motion of Mr. Packwood to recommit the bill S. 557, with instructions (numbered as amendment No. 1389): as follows:

Add at the end of the pending amendment the following:

No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion.

DANFORTH AMENDMENT No. 1392

(Ordered to lie on the table.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to the bill S. 557, supra; as follows:

Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce that the Special Committee on Aging will be holding a business meeting on Thursday, January 28, 1988, beginning at 9:30 a.m. in Senate Dirksen 628, to consider the committee's 1988 budget, committee rules, and for other purposes.

Those wishing additional information should contact the committee at 224-5364.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, February 3, 1988, at 9:30 a.m. in SR-332 to receive testimony on the nomination of Wendy L. Gramm, to be Chairman of the Commodity Futures Trading Commission.

For further information, please contact John Podesta of the committee staff at 224-2035.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, February 2; Wednesday, February 3; and Thursday, February 4, 1988, beginning at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking minority members on their 1988 committee funding resolutions.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on extension 40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on January 27, 1988, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 27, 1988, to hold a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 27, 1988, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 27, 1988, to hold hearings on rural cellular nonwire licensing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 1143—FRANKFORT FISH HATCHERY

● Mr. FORD. Mr. President, yesterday the Senate passed S. 1143. This action is most gratifying to me and the Commonwealth of Kentucky. Senator McConnell and I introduced S. 1143, legislation for what I hope will be the culmination of several years of effort to resolve the uncertainty over management and funding for the Frankfort National Fish Hatchery. The creation of the Frankfort National Fish Hatchery was the direct result of initiative on the part of the local community and the Kentucky State Fish and Wildlife Department.

Years ago, the Commonwealth of Kentucky realized a need for a fish spawning facility to stock the surrounding waterways. The Commonwealth, therefore, on January 15, 1952, deeded to the United States of America land along the Elkhorn Creek, land acquired from residents of Franklin County, KY, to be used for construction of a warm water fish hatchery. The Federal Government subsequently agreed to operate the facility and has done so over the last 33 years.

Beginning in 1980, the Federal Government consistently attempted to close the facility. These attempts came at a time when improved sport fishing facilities were proving themselves as great tourist attractions, providing jobs and revenues to local, State, and Federal entities.

I have worked diligently each of these last 8 years to secure adequate funding to continue the operation of the Frankfort National Fish Hatchery. Unfortunately, as Federal funding became scarce, $150,000 in fiscal year 1986, the facility itself began to deteriorate as much needed improvements were ignored.

The deed from the Commonwealth of Kentucky to the Federal Government on this donated land contained no restrictions whatsoever. However, a common understanding existed that, as the State of Kentucky assisted in the management of the facility and, for that matter, was responsible for its very existence, the State would receive a larger share of the spawned fish.

Until 1985, Kentucky and the immediately surrounding States did indeed receive the large share, including black bass, walleye, catfish, and blue gill. The Federal Government, in that same year, dedicated 15 ponds, or 25 percent of the pond facilities to produce striped bass to be used for stocking the Chesapeake Bay.

I encouraged the State department of fish and wildlife to look into acquiring the facility and taking control of the management. The Federal Government made it clear in 1980, when proposals to stop funding the facility first appeared before Congress, that the facility was no longer a high priority. Although I welcomed the opportunity to supply the Chesapeake Bay with fish from the Frankfort facility, I felt the original understanding resulting from land conveyance had been broken. Furthermore, conservative estimates indicated that the Frankfort Fish Hatchery needed over $1 million in repairs and improvements to allow the facility to operate up to its full potential. Money, I point out, that would not have been coming from the Federal Government.

The Commonwealth of Kentucky, on October 1, 1986, entered into a memorandum of agreement [MOA] with the Federal Fish and Wildlife Service to assume full operation and associated costs of the facility. The State of Kentucky intends to improve the facility by upgrading the water supply system through a new deep well, construct a new hatchery building, renovate existing structures and repair existing ponds. The State has committed over $70,000 for this year to do so.

Despite the fact that the State of Kentucky has assumed all responsibility for the facility, the Federal Government will continue to benefit from increased tourism and adequate stocking of Kentucky waterways.

Sounds like the perfect arrangement. However, the truth is the intervention and interference of the Federal Government hangs over the heads of those managing the facility. S. 1143 would resolve this matter. More to the point, transferring ownership of the Frankfort Fish Hatchery back to the Commonwealth of Kentucky is the proper and responsible thing for the Federal Government to do. After all, the Federal Government will only be returning what was given to it originally in 1952.●

OLD MAIN—A SUCCESS STORY

● Mr. BOSCHWITZ. Mr. President, I rise today to share with my fellow Senators a tale of success about a building called "Old Main" in Mankato, MN, from an article in the Minnesota Real Estate Journal. The Federal Government is often criticized—many times deservedly—for dragging its feet on important decisions. But the story I'd like to share is one of prompt action and cooperation.

Old Main, which was placed on the National Register in 1983, is the last remnant of the old Mankato State Teachers College. It was built in 1923-24 and is a fine example of the academic style of architecture. Now Old Main is being renovated to provide 85 units of senior housing.

Curt Fisher, of Fisher Commercial Real Estate in Mankato, together with many others, was a leader in the fight to save this building from the wrecking ball. Curt recognized the needs of the community, particularly the need for senior housing, and worked hard with the citizens of Mankato to make the vision a reality. The city of Mankato pitched in by purchasing the building from a developer using proceeds from a tax increment financing [TIF] district, and then selling it to the nonprofit Senior Development Corp.

But it wasn't easy going. Provisions of the Tax Reform Act of 1986, which was signed into law while financing and planning of the renovation was still worked out, could well have stopped the project. The cut in the historic preservation tax credit from 25 to 20 percent, as well as the limitation on passive losses for partnerships, could have killed the project. My office went to work and obtained an amendment to the Tax Reform Act exempting the project and putting it back on track.

I think the story of the renovation of Old Main, which will be completed by next May, is a fitting example of the benefits of cooperation between private investors, and local, State, and Federal Governments. Old Main will provide much needed housing for seniors, while preserving the historic heritage of Mankato.

At this time, Mr. President, I ask that the attached copy of the article on Old Main be inserted in the RECORD.

The article follows:

NEW LIFE FOR OLD MAIN—HALLS OF ACADEME NOW SENIOR HOUSING

When they took the wrecking ball to the auditorium of Old Main, it collapsed after one hit.

Fortunately for the rest of the flagship building of what used to be the lower campus of Mankato State University, structural integrity has not been a problem.

In fact, Old Main appears to be beating the odds, and by next May the renovated building will reopen as an 85-unit market rate senior housing project.

More than once the apartment project has come close to being killed, either because of changes in tax law or historic renovation policy, or because of financial feasibility troubles.

Ground was broken July 29 for the $8 million Old Main Village development. Old Main Village Ltd. Partnership closed last summer on the property in the 400 block of South Fifth Street. Minneapolis-based Wellspring Corp., a barge equipment investment company with a real estate subsidiary, is the general partner in the partnership. State Bank and Mortgage Co. of New Ulm, which put up $1.5 million in equity to help finance the project, is a limited partner.

The senior housing project began, says Curt Fisher of Fisher Commercial Real Estate in Mankato, because area senior citizens were interested in saving the building and because they saw a need for housing.

"Old Main is a very important building in Mankato," Fisher says. The lower campus was abandoned by the university about nine years ago when it consolidated its operations on its hilltop campus overlooking downtown.

The building, listed on the National Register of Historic Places, was one of several in the lower campus sold at auction to Mankato developer Art Petrie by the state of Minnesota.

Placed on the National Register in 1983, Old Main is significant because it is the last remnant of the old Mankato State Teachers College, explains Historical Architect Charles Nelson of the State Historic Preservation Office in St. Paul. In addition, the building, erected in 1923-24, is a good example of the Medieval Revival or Academic style of architecture, Nelson says.

Even though Old Main had its place in Mankato's history, "there was no viable use," Fisher says. "They (Petrie and his partners) tried to look at apartments, but the numbers just didn't work."

Thought was given to leveling the building, allowing for a new development from the ground up. While Petrie concedes that swinging the wrecking ball at Old Main was a consideration, he suggests that the concern the community had about the building's fate was a bit overdone. "I don't think it (demolition) was as close as it was perceived," Petrie says.

The city of Mankato bought it for $500,000, using proceeds from a tax increment financing (TIF) district.

Petrie credits the city's TIF program for the current renovation of Old Main, but takes credit for beginning the project. "We did the original development work and postured it," he says.

The city in turn sold part of the Old Main property for $1 to Senior Development Corp., a non-profit senior citizen group set up to try to renovate the old school building into housing.

Larry Forsythe, Mankato's economic development director, says the city will be reimbursed $360,000 from TIF money for the sale. If they decide to construct a second phase for Old Main Village, the developers have an option for a second parcel, once the site of a physical education building.

Fisher was hired as a development consultant by Senior Development Corp. But when the seniors found they couldn't afford to do the project either, Fisher and the Old Main Village Partnership took over. He assembled a development team that included Life Care Services of Des Moines, Iowa, which will manage the property and helped in design of the renovation; general contractor R.W. Carlstrom Construction Inc. of Mankato; Kagermeier-Skaar Architects Inc. of Mankato; and Allison-Williams Co., a Minneapolis mortgage banker that handled the public sale of $5.7 million in tax exempt bonds.

In addition to the bonds and State Bond and Mortgage Co.'s equity, financing included $1.3 million in investment tax credits for which the project barely qualified.

Soon after deciding to go ahead with the project, Fisher explains, the federal Tax Reform Act of 1986 was signed. The damper the new law put on real estate investment could have meant the end of Old Main Village, but the partnership sought an exemption through Minnesota Sen. Rudy Boschwitz. "It was critical," Fisher says.

Specifically, Nelson explains, the tax law cut the historic preservation tax credit from 25 percent to 20 percent. In addition, the law's limitations on passive losses closed the door to development partnerships passing on project costs to individual investors in the form of tax write-offs.

To their surprise, Fisher says, the exemption was okayed, allowing the project to move ahead. "One of the other things it did was give us some acclaim, which helped with financing."

One other stumbling block came in the National Park Service's review of the project. The park service administers the National Register and its standards state that all parts of a building must be evaluated as a whole.

The developers had expected to tear down the auditorium, added to Old Main in 1924. The space was unusable, Fisher says, and to shore up the rickety room would have been financially prohibitive.

"Had the portion of the building been structurally sound and rehab-able," Nelson says, "the developers would have had to go back to the drawing board and figure out how to renovate it."

Because of the condition of the auditorium, however, demolition was allowed.

"When we took the jacks out and hit once with a wrecking ball, the whole thing (auditorium) collapsed," Fisher says.

Renovation work on Old Main will yield 85 units ranging in size from 575 to 1700 square feet, says Marc J. Weisenburger, vice president of finance for Wellspring Corp. In addition to residential units, the building's library is being converted to a dining room, while the basement will include a swimming pool.

About half the space in Old Main, Fisher says, is common area. That's more than necessary, but it would be balanced against the second phase, which would be a 90-unit high-rise with a skywalk connection to Old Main.

Old Main Village will be the most recent of several renovations on the lower campus. Petrie, who once owned the bulk of the campus, has sold two other buildings:

The old Mankato State University library was converted into the Blue Earth County Government Center and sold to the county.

One of several dormitories, Searing Center, was run by Petrie as student housing for four years after he bought it. Roseville, Minn., developer E.E. "Pete" Parranto bought it from Petrie and tried to convert it to senior housing. Searing Center, however, now sits empty and Parranto has lost it to Norwest Bank Mankato, Petrie says.

Petrie still owns two of the lower campus facilities:

The former Nichols South classroom building is run by Valley Campus Associates, which redeveloped the property into the Nichols Office Center. An adjacent structure, Nichols North, was leveled to make way for a parking lot.

Another student housing facility, Cooper Dorms, was converted into the Colonial Square apartment complex and is owned now by Petrie's Colonial Square Associates.●

JUDICIARY COMMITTEE HEARING ON SUZANNE B. CONLON, NOMINEE FOR U.S. DISTRICT COURT OF THE NORTHERN DISTRICT OF ILLINOIS

● Mr. SIMON. Mr. President, this morning I had the opportunity to present to the Judiciary Committee one of my distinguished constituents, Suzanne B. Conlon. Ms. Conlon has been nominated to a seat on the U.S. District Court for the Northern District of Illinois.

At the outset I would like to thank the distinguished committee chairman for holding this hearing. Unfortunately this position has been vacant for far too long as a result of the administration's delay of nearly 2½ years in choosing a nominee. I commend the chairman for scheduling this hearing and doing his part to see this vacancy filled.

Suzanne Conlon has an excellent academic and professional record. After graduating from Mundelein College, she attended the Loyola University School of Law where she distinguished herself by graduating cum laude and ranking third in her class. She then spent 3 years clerking for the former chief judge of the Northern Illinois District Court, the Honorable Edwin A. Robson. Upon completion of her clerkship she worked as an associate in two well-respected Chicago law firms, Schiff Hardin & Waite and Pattishall, McAuliffe & Hostetter.

In 1972 Ms. Conlon moved from private practice to the U.S. Attorney's Office. During her 9 years of service Ms. Conlon developed a reputation as a hard working and fair individual. I have received letters of recommendation from both a fellow assistant U.S. attorney and defense attorneys praising her for her thoroughness and even temperament. I am pleased to note that in 1980 Ms. Conlon received a special commendation from the former Attorney General Ben Civiletti for successful prosecution of air piracy and kidnap murder cases. This honor, along with her 9 years as an assistant U.S. attorney, reflect Ms. Conlon's commitment to public service, a commitment she can be proud of.

Since leaving the U.S. Attorney's Office in 1986, Ms. Conlon has worked for the U.S. Sentencing Commission and is currently its Executive Director.

In closing I wish to note that I am particularly pleased to be able to speak not only on behalf of a fine Illinois citizen, but on behalf of a female nominee to the Federal court. As of September 1987, the Reagan administration had nominated 320 people to the Federal courts. Of these only 5 were black and 25 were women. I find this to be a very sorry record indeed.

I am pleased the committee now has the opportunity to hold hearings on Ms. Conlon, and I hope that her nomination will spark the selection of other talented women for the Federal judiciary.●

BICENTENNIAL MINUTE

JANUARY 27, (1879): JAMES SHIELDS

● Mr. DOLE. Mr. President, 109 years ago today, on January 27, 1879, James Shields was sworn in as the new Democratic Senator from Missouri. Now, there is nothing unusual in this event alone. What makes it a Senate first was the fact that Missouri was the third State Shields represented in the Senate. Shields had previously been a Senator from Illinois and Minnesota.

Though the only person to represent three different States in the Senate, Shields began his career in this body under difficult circumstances. Emigrating to the United States from Ireland in 1823, he settled in Illinois and was elected to the Senate as a Democrat in 1849. His eligibility was questioned on the grounds that he had not been a U.S. citizen the requisite 9 years at the time of his election, and he was denied his seat. The Illinois Legislature, however, again elected Shields for the same term, and he triumphantly claimed his seat 7 days after the ninth anniversary of his naturalization. He served until 1855, when he failed in his bid for reelection.

Shields moved westward to Minnesota, where in 1858 he became one of that State's first two Senators. On that occasion his seating was challenged on the grounds that Minnesota had not been a State at the time of his election. The Minnesota delegation was finally seated and Shields served until 1859 when, again, he was not reelected. After the Civil War, Shields moved to California, Wisconsin, and finally Missouri, where he was again elected to the Senate to fill a vacancy. He served from January 27 until March 3, 1879, when he declined to run for reelection. Shields died later that year in Missouri.

Throughout the Senate's history, 25 Senators, at one time in their careers, have represented more than one State in Congress. All but two of them—Shields and Waitman Willey, who served in the Senate from Virginia and then West Virginia—served their other term in the House of Representatives.●

FRAUD OF THE DAY—PART 23

● Mr. HEINZ. Mr. President, over the last few months of the first session I presented a series of examples of customs fraud in order to demonstrate the gravity of the problem facing the Customs Service and domestic industries and to make clear the reasoning behind my amendment to the trade bill that would create a private right of action for customs fraud. Today I want to resume that series with Fraud No. 23, and I will continue with additional cases from time to time, as the supply appears inexhaustible. At the same time, I want to indicate that, in the spirit of today's television networks, I also plan to reprise some of the classic frauds of last year—reruns, or golden oldies, if you will—just in case anyone has forgotten them. Needless to say, reprints are also available from my office, and syndication rights will be auctioned off at an appropriate time in the future. Pending all that, however, I want to begin 1988 with a fresh fraud and an important one that involves the high tech sector of our economy.

Today's fraud involves a serious scheme designed to circumvent a major trade arrangement, namely the United States-Japan Semiconductor Trade Agreement of 1986. This particular case illustrates the extraordinary complications often faced by the Customs Service. Had it not been for a confidential informer, this harmful episode might have continued for quite some time, doing incalculable damage.

The Customs Service began investigating a report of smuggled computer chips on September 25, 1986. Working in cooperation with Canadian Customs Agents, the U.S. officers uncovered an elaborate operation specifically designed to profit from the newly imposed trade restrictions on semiconductor chips, which were created to protect U.S. semiconductor manufacturers.

Between March and October, 1986, some $1.1 million in semiconductor products were deliberately misclassified by the culprits who brought the contraband over the United States-Canada border. A vast assortment of NMOS dynamic random access memory chips were purchased by arrangement in Japan at prices well below world and U.S. market prices. The computer chips were then transshipped to Lee & Drummond Ltd., a Canadian importer in Vancouver, British Columbia.

The now convicted smuggler, Paul S. Columbus, a microchip dealer in Huntington Beach, CA, brought nine illegal shipments of Japanese produced semiconductor chips over the United States-Canadian border in a rented automobile. He then sold these restricted items, further reducing U.S. semiconductor manufacturers' market shares while netting a handsome profit for himself and his partners in crime. Mr. Columbus operated with a Japanese distributor, Mr. Kanji Sato, to bring thousands of NEC, Toshiba, and other high quality computer chips to U.S. markets in clear violation of Customs Service material and documentation codes. His conviction would not have been possible without close United States-Canadian cooperation.

The Customs Service investigation of this import violation lasted 11 months. During this period American and Japanese semiconductor manufacturers suffered from the illegal presence of additional computer chips in U.S. markets. Policy makers in both industrial nations continued to face pressures because the agreement designed to assist Americans was not showing substantial beneficial effects, and Japanese sales would continue to remain under restrictions for an extended period.

One of the important lessons of this case is the emasculation of trade agreements by a few nefarious individuals who would make exorbitant personal profits at the expense of carefully designed trade policy. This effort failed because of good work at Customs, close international cooperation, and the good fortune of a private informer. A private right of action provision would be of considerable assistance to the Customs Service in helping enforce the law in the face of an ever-increasing burden of cases, and it would give domestic manufacturers a means to redress the injury they suffer as a result of this criminal activity.●

INFORMED CONSENT NEW HAMPSHIRE

● Mr. HUMPHREY. Mr. President, I ask that a letter from a woman in New Hampshire be entered into the Congressional Record. This woman experienced serious complications from her abortion and had never been advised that such risks were involved. I urge my colleagues to support S. 272 and S. 273 which could prevent such tragedies from occurring. The letter follows:

July 1987.

Dear Senator Humphrey: In my own case, I initially went to a doctor to have a pregnancy test which turned out positive. I remember him telling me that it might be the only child that I would have. But I did not believe him and I was thinking in terms of other possibilities such as becoming married and having an equal chance of having a family under proper circumstances, after this "mistake" had passed.

I was no longer in a full time teaching position and was fearing I'd have to go on welfare, and also that I would expose my wrongdoing to all my family and their friends. I also had a conceited attitude that I was attractive enough to catch a man who I would want to marry under the right circumstances.

I had a friend inform me that on a local radio station there was an ad for a telephone number in New York City to talk about getting an abortion. I called the number and made an appointment to go to the clinic. I was told the procedure, the cost, and that I would get post-abortion counseling if I desired it. When I got there they ran through a brief description of the method and an explanation of the physical aspects only.

They especially inquired about how many weeks into the pregnancy I was. I really had a doubt and was not sure. It was stressed that I had only up to 3 months to make up my mind if I was going to do it or not.

Just before going to the clinic, another friend gave me a Readers Digest article to read about what an abortion procedure is like and its benefits. With this "informed approach," I steeled myself for what I was about to go through. I wish I had had more time to think about my choice, but I kept remembering that I didn't have much time to decide as the three months was almost up. I was also the type of person who, when I made up my mind to do something, went through with it.

I now wish I had just gone home and had the child, because, just as the first doctor had warned, I was never able to have children again. When I was married eight years later, I had to have a total hysterectomy. They removed a benign tumor as large as a cereal bowl. I also had developed endometriosis, a pre-cancerous disease of the fallopian tubes. Along with this I developed diverticulitis, and a chronic skin infection, not to mention my treatment by a psychiatrist for anxiety that I played along with for 5 years prior to my marriage.

If I had had proper counseling, I am almost certain that I would not have gone through with the abortion. I would have made an intelligent choice, one based upon facts rather than fear and ignorance.

Name withheld by request.●

DR. ALVIN C. POWELEIT: A CARING PHYSICIAN

● Mr. McCONNELL. Mr. President, I rise today to enter into the Record an article about a highly respected community leader, Dr. Alvin C. Poweleit. This remarkable physician has dedicated his life to the caring of his fellow man, a goal he has achieved admirably.

Although many physicians provide the same quality care that Dr. Poweleit has provided for four decades, it is his method of providing the care that distinguishes him. As the article mentions, he never turned away a patient who could not pay and he never turned over an overdue bill to a collector. This commitment to service earned him the endearing and everlasting gratitude of his patients.

I hope that my colleagues will take note of the article's content and join me in wishing the best to Dr. Poweleit in his well-deserved retirement.

I ask that the article to which I have referred be printed in the Record.

The article follows:

[From the Kentucky Post, Jan. 12, 1988]

A Caring Physician

Dr. Alvin C. Poweleit's particular brand of medicine was born in a prisoner of war camp in Japan.

During the Bataan Death March and his three years in the camp, Dr. Poweleit, a tank battalion surgeon, vowed if he made it back to America he would spend his life helping people, according to a patient.

When he retired last month, he had done just that.

At 78, the little man with the bow tie and the wisp of white hair was more than just another medical man.

He was a caring physician who always had time to listen. There is a particularly touching story about a child who faced surgery and was afraid. Dr. Poweleit spent several Saturday mornings walking with the child and easing her fears.

He says he never turned away a patient who couldn't pay and he never turned an overdue bill over to a collector.

He was notorious for his waiting room. Patients would spend hours waiting to see him. They groused, but most of them came back the next time.

Neither his payment plan nor his waiting room were particularly good business policies but they grew from Dr. Poweleit's commitment to serve.

It would be easy to say he will be missed and that all doctors should emulate their colleague.

But all of us should follow the example Dr. Poweleit has been setting for the past 30 plus years.

He's earned a wonderful retirement. He carries with him the gratitude of his patients and the entire community.●

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● **Mr. PROXMIRE.** Mr. President, I submit for the RECORD the Rules of Procedure for the Committee on Banking, Housing, and Urban Affairs:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, February 4, 1981)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of the summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session at least 48 hours prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless thirty written copies of such amendment have been delivered to the office of the Committee at or before 2:00 p.m. on the business day prior to the meeting. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 48 hours written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Committee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, addition, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matter on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (before noon, 24 hours preceding his appearance) 75 copies of his statement to the Committee or

Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Fifteen-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority vote of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10-minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10-minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than a report on a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

U.S. GLOBAL MILITARY COMMITMENTS

● Mr. INOUYE. Mr. President, Navy Secretary James H. Webb, Jr., delivered a speech recently to the National Press Club calling for a thorough review of our global military commitments. Mr. Webb's comments are contained in the January 18, 1988, edition of the Wall Street Journal, which I would like printed in the RECORD.

The remarks follows:

[From the Wall Street Journal, Jan. 18, 1988]

U.S. MILITARY: STRENGTH THROUGH FLEXIBILITY

(By James H. Webb, Jr.)

The key question for our leaders in the new year is whether, and how, the U.S. can maintain its commitments throughout the world while reducing the size and force structure of its military. We must establish the guidelines that will take us into the next century.

First, although the NATO alliance is one of the keystones of our military structure, we need to remind ourselves that we are more than a European nation. Moreover, we should bear in mind that no region is better equipped to reassume a great share of the burden of its own defense than Western Europe.

Second, in economic, cultural and political terms the U.S. is becoming more intertwined with Asia. It is imperative that we match those ties with the military capability to protect our interests and honor our obligations in the region.

The Soviet Union already is placing a greater emphasis on Asia. While the Soviets' force structure in Europe has remained relatively constant over the past decade, they have made marked advances in Asia. They have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are fighter, bomber and long-range reconnaissance aircraft. They have increased their Far East Command by 10 divisions over the past 10 years, and now have 530,000 ground troops in East Asia, in addition to 200,000 spread through Mongolia, the trans-Baikal and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is the largest of its four fleets, with 840 warships compared with 750 a decade ago.

SHIFT IN PRIORITY

The Soviets are said to be looking for naval bases in North Korea. They have pursued in recent months a defense relationship with Thailand. For three years running they have attempted to offer a dry dock facility for the Australians in Perth. They have become active in Polynesia and Micronesia. They have continued a close defense relationship with India. And they have done all of this while pursing vigorously a rapprochement with China.

Our responsibility to meet Soviet pressure globally might logically dictate an increase in our Asian presence that would match their obvious shift in priority.

One element in this equation, obviously, must be Japan. The Japanese have recovered from the devastation of World War II, and most Americans believe it is time for the Japanese to assume more of the burden of defending the way of life we share.

The Japanese have made measurable progress on this score. They have increased their defense spending for several years in a row, and regional security demands that they do more of this. I recommended as early as 1973 that Japan include the defense of its sea lanes in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid our alliance without inciting the concern of other nations in the region.

Third, we must consider the Soviets themselves. Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must signal to the Soviets that this is a refinement rather than a reduction of our capabilities.

Fourth, we must pay greater attention to our own hemisphere. Fully 42% of our legal immigrants over the past 10 years have been from Latin America. Latin America's problems are rapidly becoming our problems. The Soviets and Cubans have been more adept at understanding that than many of our own policy-makers.

The Soviets operate roughly 7,600 military personnel in Cuba, and 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than $600 million of equipment to the Sandinista regime. The Cubans contribute 2,500 troops in Nicaragua. Discounting our Southern Command in Panama, the U.S. has 2,300 troops in Guantanamo Bay, Cuba, and 932 operating personnel elsewhere in 27 Latin American countries, 643 of those in Honduras.

In Africa, the Soviet Union and Cuba are heavily involved through troop presence and arms transfers. The Cubans maintain military and technical personnel in 17 African nations, with major combat units in Ethiopia, Algeria, Congo, Angola and Mozambique. The Soviets maintain a continuous naval presence off the coast of west Africa.

Additionally, key water routes and bases around the world continue to be at risk. American basing rights in Panama, Greece, Portugal, Spain and the Philippines will be subject to negotiations in the near future, and it is reasonable to assume that we will lose our lease on Guantanamo Bay in 1999. The southern reaches of the Red Sea have been bracketed by the Soviet influence in Ethiopia and its presence in Yemen. The importance of protecting international waterways into and inside the Persian Gulf should be clear.

It will require extremely careful use of a reduced U.S. force structure, as well as a more enthusiastic participation by other friendly nations, for us to meet such challenges. To the greatest extent possible, forces of the future should be free to deploy and to maneuver, to concentrate at a crisis point and project military force at that point—without the necessity of negotiating base rights or the unavoidable involvement in local conflict that such base rights imply.

POST-INF thinking that conventional forces in Europe be increased because conventional forces in Europe are arguably more at risk without the intermediate nuclear shield does not necessarily mean that this should be a U.S. buildup. Nor does it mean that such a buildup should occur in Europe at all, or even that it be a land-oriented buildup.

Strategy does not dictate that pressure applied by an adversary at one point be countered at exactly that point. If the interests of the U.S. and its allies are threatened or attacked by the Soviet Union in one part of the world, the U.S. could and probably should react at the point most beneficial to its own strengths—anywhere in the world.

And this is the great strength of seapower. We are not a continental land power, except on our own continent, and we never have been. We are a maritime nation be virtue of our geographic position, economic necessity and political commitment.

U.S. seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialist reasons. It maintains international security and stability, including protection of nations we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half our nuclear capability at one-fourth the overall cost for the strategic nuclear Triad.

A credible seapower—which means a naval force that can deploy immediately, stay for as long as necessary, and fight at whatever level of conflict the situation demands—can affect world events quickly and decisively. Our Navy and Marine Corps meet those criteria. This is exactly what we will need more of in the future. Furthermore, while the Navy and Marine Corps participate with the other services in exercises designed to test wartime readiness, they also are continually participating in real-world operations that are essential to keeping the peace—today.

DECADE OF EVISCERATION

It's not necessary to speculate on what would happen if we cut back naval force structure. Those who claim that the past seven years have shown the greatest peacetime buildup of the U.S. Navy—to 569 ships today—forget that the decade that proceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the Navy had been cut to 479 combatants. Operational commitments did not decrease.

The Navy did it with less, and the result was a hemorrhaging of manpower and materiel. Aircraft carriers deploying to the Indian Ocean commonly spent four months and longer at sea, without so much as seeing land, much less visiting a liberty port. By 1980, the Navy was short 22,000 non-commissioned officers.

I'm not sure we'd be lucky enough as a service to survive that sort of misfortune again.●

W. CLYDE GLASS

● Mr. McCONNELL. Mr. President, each spring during the week preceding the Kentucky Derby, two paddlewheel steamboats, the Belle of Louisville and the Delta Queen, race each other on the Ohio River in Louisville. An article I would like to enter into the Record details the account of one such race where the Belle of Louisville outwitted its opponent and raced to victory. What the article does not say is that W. Clyde Glass masterminded the craftiness.

The article does go on to say that Mr. Glass began his life in retirement on Monday after 25 years on the Belle of Louisville's operating board including 18 years as its chairman. Friends of Mr. Glass say that a retirement party is in the works and that they expect the party to be attended by distinguished guests such as city and county officials who will be eager to extend their gratitude to Mr. Glass for his tireless involvement in community activities.

While Mr. Glass served on the boards of directors for many of the finest service organizations in Louisville, his greatest accomplishment is his work with the Belle of Louisville. There is a consensus that had it not been for Clyde Glass, there would be no Belle of Louisville, for without the strong leadership of a successful, independent businessman, this beloved paddlewheel vessel would not be able to serve the community on a nonprofit basis today.

Mike Fitzgerald, the master of the Belle of Louisville and its captain of operations said, "If there is a Mr. Belle of Louisville—he is it." He went on to add that Mr. Glass is a definite leader in the community "* * * because he is involved in many, many community projects. To describe Mr. Glass, you would have to use words such as 'integrity' and 'successful'."

Mr. President, I have inserted this article into the Record because, in light of this fine individual's distinguished record of service, I hope that my colleagues will join me in wishing him the best of luck in his well-deserved retirement.

The article follows:

GLASS ENDS "LOVE AFFAIR" WITH BELLE, STEPS DOWN AS CHAIRMAN

(By Leslie Scanlon)

W. Clyde Glass loves to tell the story of the year the Belle of Louisville outsmarted the Delta Queen, and won the Great Steamboat Race by hiding two tugboats behind Six Mile Island and using them to make a quick turn.

"Ernie Wagner, who was captain of the Delta Queen, was a great big fella," Glass reminisced. "He was truly a riverman. He had a bass voice that you could hear across the river, and he hollered, 'Dirty pool! Dirty pool!' "

Harvey Sloane, now Jefferson County judge-executive, suggested to Glass that the Belle crew perhaps should apologize for their high jinks.

And Glass told Sloane: "You don't apologize in a steamboat race. This is not a canoe race. Anything is fair in a steamboat race, as long as you can beat the other guy."

For the past quarter of a century, Glass has had a love affair with the Belle, despite having had cold feet about her in the beginning. At 78, he is four years older than the Belle, and still is smitten with the white-decked charmer. Yesterday, however, he stepped aside after 25 years on the Belle of Louisville operating board—the last 18 as chairman. Gene Johnson, senior vice-president of the Blue Boar Cafeteria Co., will take over as new chairman.

Glass said yesterday that he thinks "it's time to move over a little bit and let the younger people take it. The finances are in perfect shape, and the boat's in as good a shape as it's been in since it was built, and we've got a crew that's as good as we've ever had, and we had a good season last year. I think it's time to move on."

Glass, a Louisville native, has been drawn to the water ever since he took his skiff out on the river while a student at Louisville Male High School. He has owned boats and been active in the Coast Guard Auxiliary.

Now, he is a successful businessman—chairman of the board of V. C. Glass Carpet Co., which also operates Merchants Ice & Coald Storage Co. and Arctic Ice Co. He is the father of two sons, Kenneth and Ray, and an active community volunteer. His wife of 55 years, Virginia, died on Sept. 26.

C. W. Stoll, who served with Glass on the Belle's board since its inception, said his friend's greatest contribution to the Belle is "his fiscal responsibility" and his insistence that the steamboat be run according to "strict business principles."

"If it hadn't been for Clyde's leadership, the boat wouldn't be operating today," said Neil Whitehead, a former board member who served with Glass for 22 years.

And Mike Fitzgerald, the Belle's captain, said he will never forget the faith Glass showed in him back in 1983, when "they decided to pick a 25-year-old boy to step into the master's position—I don't think I could have come up under a better bunch."

Glass became involved with the Belle in 1962, when Marlowe Cook, who was Jefferson County judge at the time, forked over $34,000 in county money to buy the decrepit steamboat, then called the Avalon, at a bankruptcy auction in Cincinnati. Like a lot of other Louisvillians, Glass thought the boat would soon be called "Marlowe's Folly."

When Cook asked him to join the operating board, Glass told the judge point-blank that "I didn't think he should have bought it."

Now, asked to say what he's proudest of from his years with the Belle, Glass responds: "We're proud that we took a pile of junk and put it into a condition that it became the apple of the public's eye."●

DISAPPROVAL RESOLUTION

Mr. BYRD. Mr. President, I am authorized by the distinguished assistant Republican leader, Mr. SIMPSON, to make the following request, which he approves.

I ask unanimous consent that notwithstanding the provisions of title 42, United States Code, section 2159(i)(2) the majority leader may introduce the disapproval resolution with the agreement of the minority leader at any time prior to the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. Mr. President, did I get the Journal approved today?

The PRESIDING OFFICER. The Journal has not been approved.

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JANUARY 28, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until tomorrow morning at 9:30 a.m.; that no motions or resolutions over under the rule come over; provided further, that the call of the calendar under rule VIII be waived; provided further, that following the prayer the time of the two leaders be reduced to 2½ minutes each, and that upon the expiration of the 5 minutes the Senate then proceed to the resumption of the Grove City bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9:30 tomorrow morning.

The motion was agreed to; and, at 8:56 p.m., the Senate adjourned until Thursday, January 28, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 27, 1988:

DEPARTMENT OF STATE

CHARLES FRANKLIN DUNBAR, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE YEMEN ARAB REPUBLIC.

MILTON FRANK, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

APRIL CATHERINE GLASPIE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

BILL K. PERRIN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

DEPARTMENT OF DEFENSE

RONALD F. LEHMAN II, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE RICHARD N. PERLE, RESIGNED.

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. GERALD E. AMUNDSON, [redacted].
BRIG. GEN. DIONEL E. AVILES, [redacted].
BRIG. GEN. RICHARD D. CHEGAR, [redacted].
BRIG. GEN. JAMES T. CRAIG, [redacted].
BRIG. GEN. WILLIAM A. GANTT, JR., [redacted].
BRIG. GEN. DANIEL F. HITCHCOCK, [redacted].
BRIG. GEN. JOHN W. KNAPP, [redacted].
BRIG. GEN. BERNARD F. LOSEKAMP, [redacted].
BRIG. GEN. ROBERT F. PENNYCUICK, [redacted].
BRIG. GEN. ANTHONY S. SARBANES, [redacted].
BRIG. GEN. GEORGE M. WOYWOD, [redacted].

To be brigadier general

COL. ROBERT J. STRADER, SR., [redacted].
COL. JOSEPH E. TURNER, [redacted].
COL. RONALD E. SNEED, [redacted].
COL. ROLLYN C. GIBBS, [redacted].
COL. ROSS G. PICKUS, [redacted].
COL. JAN H. PAYNTON, [redacted].
COL. RICHARD B. BURLESON, [redacted].
COL. THOMAS S. CUSHING, [redacted].
COL. ALVIN BRYAN, [redacted].
COL. JOHN R. GALVIN, [redacted].
COL. ROBERT C. POOLE, JR., [redacted].
COL. ROBERT D. BROOKE, [redacted].
COL. ROBERT L. MENIST, [redacted].
COL. JOHN E. SCULLY, JR., [redacted].
COL. WILLIAM C. COCKERHAM, [redacted].
COL. TERRENCE D. MULCAHY, [redacted].
COL. JOHN S. GUTHRIE, [redacted].
COL. KENNETH A. BOULDIN, [redacted].
COL. JOHN E. SIMEK, [redacted].
COL. HERBERT B. QUINN, JR., [redacted].
COL. JOHN C. C. ROTH, [redacted].
COL. JON A. STANDRIDGE, [redacted].
COL. MICHAEL D. STRONG, III, [redacted].
COL. FRED E. MARQUIS, [redacted].
COL. ROBERT L. RUTH, [redacted].
COL. JOSEPH F. CONLON III, [redacted].

THE U.S. ARMY NATIONAL GAURD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. FRANK M. DENTON, [redacted].
BRIG. GEN. MARK B. MULLIN, [redacted].
BRIG. GEN. JAMES B. STODDART, JR., [redacted].
BRIG. GEN. BOYD M. COOK, [redacted].

To be brigadier general

COL. JOHN W. CUDMORE, [redacted].
COL. DAVID L. JENNETTE, [redacted].
COL. WARREN J. LAWRENCE, [redacted].
COL. JAMES E. MOORE, [redacted].
COL. JAMES F. RUEGER, [redacted].
COL. ELMER O. SIMONSON, [redacted].
COL. DONALD G. SMITH, [redacted].
COL. JOHN R. WARD, [redacted].
COL. GARY J. WHIPPLE, [redacted].
COL. EDWARD S. BALDWIN, [redacted].
COL. JEROME J. BERARD, [redacted].
COL. JOHN L. BLANDFORD, [redacted].
BRIG. GEN. WILLIAM R. BROWN, [redacted].
COL. DONALD R. BRUNELLE, [redacted].
BRIG. GEN. LOMER R. CHAMBERS, [redacted].
COL. CLAYTON A. HOVDA, [redacted].
COL. JAMES J. HUGHES, [redacted].
COL. JOAB M. LESESNE, [redacted].
COL. JOSEPH N. POULIOT, [redacted].
COL. GLENN N. SLOAN, [redacted].
BRIG. GEN. NED L. TURNIPSEED, [redacted].

COL. ROBERT D. CARTER, [redacted].
COL. ALLEN E. CHANDLER, [redacted].
COL. JAMES L. MURPHY, [redacted].
COL. ROBERT L. MOOREHEAD, [redacted].
COL. RAYMOND F. REES, [redacted].
COL. BENJAMIN W. DAY, [redacted].
COL. ALAN D. JONES, [redacted].
COL. DONALD W. LYNN, [redacted].
COL. GERALD W. PORTER, [redacted].

EXTENSIONS OF REMARKS

BICENTENNIAL OF THE CONSTITUTION

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOGGS. Mr. Speaker, recently, retired Chief Justice Warren Burger, Chairman of the Commission on the Bicentennial of the United States Constitution, issued a year-end report in which he recapped the Commission's activities during 1987, the year in which the Nation celebrated the 200th anniversary of the Federal Convention which drafted and approved the Constitution in 1787.

In his report, Chief Justice Burger recounts a number of activities that occurred under the sponsorship of or in coordination with the Bicentennial Commission. In addition, he highlights some of the plans for future activities that will occur as we observe the anniversaries of the ratification of the Constitution, the establishment of the Federal Government and the approval of the bill of Rights. This information is most helpful to everyone interested in the Bicentennial.

YEAR-END REPORT

(By Warren E. Burger, Chairman, Commission on the Bicentennial of the U.S. Constitution)

THE FIVE-YEAR PROGRAM

For the first year of its existence, this Commission worked under the shadow of the superb program of the Statue of Liberty. Lee Iacocca had successfully employed every mechanism of modern communications methods of making Americans aware of the Statue and its meaning to our nation of immigrants.

After July 4, 1986, we began programs to focus the attention of the country on the Constitution, which most Americans have taken for granted, like good health and good weather. Studies and opinion polls raised serious concerns, such as: (a) most people did not know that the Constitution was the first of its kind, setting up a federal system of divided powers; (b) most had a confused perception of what the separation of powers meant; (c) many did not understand the fundamentals of federalism and the division of authority between state and federal governments; (d) many could not answer relatively simple questions on the Emancipation Proclamation, the Bill of Rights, the Missouri Compromise, the Great Compromise, the Mayflower Compact, Magna Carta and the *Federalist Papers.*

CREATING AWARENESS

The Commission concluded that its first step must be to make Americans aware of the Constitution, how we got it, that it was a "first" in human history and that it was very difficult to get the 13 states to "merge" into a United States. We defined our task as one "to give outselves a history and civics lesson."

To make people aware, a "consciousness" program included the following:

Public service announcements. A public awareness campaign was built around brief TV and radio spots, and ads in magazines and newspapers with pictures of the signing of the Constitution. The advertising Council and an advertising agency in New York provided free assistance for media ads, and it is reliably estimated that free time and space in excess of $25 million was provided during 1987.

Roads to Liberty. A trailer-truck 64-feet long, titled "Roads to Liberty; Magna Carta to the Constitution," with a staff of a dozen trained people, toured more than 100 cities from March to September 1987. It contained an original draft of Magna Carta of 1215, a facsimile of the Mayflower Compact, the Constitution and all amendments, the Northwest ordinance of 1787, and the Connecticut Resolves. This project was co-sponsored by the U.S. Constitution Council of the Thirteen Original States, Inc., and the American Express Company.

High school essay contests. An essay contest on the meaning of the separation of powers drew 13,000 entries from 50 states, two territories and the District of Columbia. The state supreme courts undertook the judging, and prizes were $1000 for each state winner and $10,000 for the national winner. The two winners who tied for first place—Liza Johnson of Ohio, whose ancestral roots are Scandinavian, and Mahbub Majumdar of Washington State, who came from Bangladesh in childhood—were brought to Washington, where they met with congressional leaders and had lunch at the Supreme Court. President Reagan received them and presented the certificates to the two students. Each received a check for $10,000. USA TODAY/Gannett Company financed this contest and the visit to Washington.

Law school essay contest. The law shcool essay contest drew essays from barely half of the accredited law schools. The quality of the essays was excellent, with a University of Maryland student winning the $10,000 first prize. A check on the law school participation suggested that second- and third-year students were concentrating on grades to assure summer "clerkships" in large law firms and did not have time for essay contests.

Constitutional Convention Re-enactment. The 52 high school essay contest winners were named delegates to a re-enactment of the Constitutional Convention of 1787 and met for three full days in historic Williamsburg, Va. (They added several new ideas to the Constitution they drafted: A debt-limit provision and a line-item veto.) This project was co-sponsored with the College of William & Mary and Colonial Williamsburg.

Corporate programs. The American Hotel and Motel Association co-sponsored with the Commission a plan to have placemats (trayliners) in fast-food restaurants, hotel coffee shops, and other eating establishments carry the Preamble to the Constitution. McDonald's restaurants developed on their trayliners a pictorial theme with a quiz. Reports showed that the 1987 series of four placemats were sought by schoolteachers and used as a teaching tool. McDonald's alone reported it used approximately 10 million placemats a day. Various firms carried brief historical messages on breakfast food and milk containers. General Mills reported using 100 million such messages on the company's cereal boxes. International Paper Company produced 25 million milk cartons with brief Constitutional messages, read by millions of schoolchildren in 1987. Champion International has similar plans for 1988.

Private organizations. To carry out the Commission mandate to promote and coordinate Bicentennial events throughout the country, such groups as Boy Scout, Girl Scout and other youth organizations; civic and fraternal groups; labor unions; trade associations; senior citizens groups; handicapped groups; and ethnic groups were encouraged to create Bicentennial programs. As an example, a year-long project co-sponsored by the National Conference of Christians and Jews and numerous other organizations culminated when I, as Chairman, was presented in Philadelphia with hundreds of thousands of signatures from students who had signed copies of the Constitution. We then marked the 200th anniversary of the signing at precisely 4 p.m. September 17 by ringing a replica of the Liberty Bell at Independence Hall, as thousands of bells across America joined in a 200-second tribute to the Constitution.

Religious groups. Religious groups took an active role, particularly during September when sermons and homilies on the Constutition were presented in houses of worship throughout the country.

Federal, state and local programs. The Commission also supported the development of Bicentennial programs by 100 federal government agencies, by Bicentennial commissions in all 50 states and committees in more than 2,200 communities. Hundreds of college campuses and defense installations also have Bicentennial committees at work.

Pocket Constitutions. Pocket-size copies of the Constitution have been issued to millions of people through state and local commissions and private organizations. The Commission's pocket Constitutions contains two appendix items: significant dates to remember on Constitutional history, and a descriptive word index to facilitate reading. As resources permit, we hope to distribute at least 100 million of these pocket Constitutions between 1987–1991.

Teaching materials to schools. Teaching tools for primary and high schools have been sent to teachers of history and social studies. An example is a 100-page book on the Constitution written by historian Richard Morris of Columbia University. More than half-a-million educational booklets produced by The World Book went to teachers and students around the country. A 200-page resource guide published by the Department of the Army is going to 50,000 teachers.

A Celebration of Citizenship. A Celebration of Citizenship on September 16, 1987, drew one of the largest crowds ever to gather at the U.S. Capitol. It was joined by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

President Reagan, Chief Justice Rehnquist, Congressional leaders, the Supreme Court, and the Cabinet, in a tribute to the Constitution. A live radio and television broadcast enabled Americans at home and abroad to participate while more than 100,000 schools nationwide conducted day-long teach-ins on the Constitution. The program was funded by Xerox and Nabisco Brands, Inc. At the climax of the ceremonies the President led a television and radio audience on more than 50 million students in the Pledge of Allegiance to the American flag. Police estimated the crowds at up to 140,000 people. The program was carried by radio to all U.S. military bases.

Speakers Bureau. Members of the Bicentennial Commission have given hundreds of lectures and speeches at colleges, private groups and conventions. A "Speakers Bureau" of more than 300, together with 400 federal and state judges, has been made available through both the federal and state commissions. This will continue.

Communications Advisory Committee. The Commission has had valuable assistance from its Communications Advisory Committee, chaired by Edward Fritts (president of the National Association of Broadcasters), with Jerry Friedheim (executive vice president of the American Newspaper Publishers Association) as vice chairman.

EDUCATION

Commission Education Grants. Education became the centerpiece of the Commission's activities once awareness had been established. The essay contests and the re-enactment of the Constitutional Convention served to inform and enlighten many representative young people. The Commission's Educational Grant Program was equally important. The fiscal year 1987 Educational Grant Program received 222 applications from 46 states and U.S. territories, seeking project funding. The Commission issued grants awards reaching 37 states and the District of Columbia. Funded programs included in-service training, conferences, institutes, video productions on the Constitution, and the development of instructional materials. Total money committed for the fiscal year 1987 program was $997,000. Twenty-two conferences and institutes were funded for elementary, middle and secondary school teachers.

The fiscal year 1988 Educational Grant Program has over $3 million for discretionary grant awards. Awards for the first round of applications will be announced in early March 1988. The second round of awards will be announced by July 15, 1988. The second-round competition encourages proposals on specific themes of the development of the legislative and the executive branches of government.

Center for Civic Education Grants. An appropriation of $2.85 million has been earmarked by Congress for the Center for Civic Education's National Bicentennial Competition on the Constitution and Bill of Rights. It is now being used in schools reaching approximately 500,000 students.

Madison Fellowship Program. Congress approved a $20 million James Madison Memorial Fellowship Trust Fund to encourage outstanding teachers to earn master's degrees focusing on the history, principles and development of the Constitution. A $10 million matching fund must be secured from private sources.

Bicentennial Campuses. The Bicentennial Campus program recognizes the contributions of America's colleges and universities to the celebration of the Constitution's Bicentennial. Over 200 colleges and universities now participate in the program. Each college must establish a Bicentennial committee and plan events for the years 1988-1991. The program also provides the colleges with information and resources to help them develop their commemorative plans.

National Educational Advisory Committee. A National Educational Advisory Committee to the Commission, chaired by Elliot Richardson, former Attorney General of the U.S., and composed of educators and representatives of educational publications, provides counsel to the Commission on a variety of matters.

Educational projects. The Commission has given official recognition to a variety of educational projects; for example, the Macalester College Conference on the Liberal Arts dedicated to the Constitution and freedom of expression, and Claremont Institute's three-year program of annual conferences, lecture series, library exhibits and examinations of political thought on the American founding. Conferences and seminars have been encouraged by the Commission through official recognition and Bicentennial Campuses programs.

Educational programs by corporations. Numerous corporations have been licensed to use the Commission's logo for educational and commemorative purposes. In addition, many corporations have contributed not only to creating awareness of the Bicentennial but to public education as well. For example, Merrill Lynch & Co. underwrote a public television series on the Constitution, and is sponsoring ratification celebrations throughout the country. Polaroid Corporation developed educational materials on the Constitution and distributed them, along with 50,000 Polaroid cameras and film, to photograph student programs on the Constitution in grade schools. Other examples of corporate support: IBM underwrote a major television special on the Constitution that appeared on ABC in September 1987. Gulf & Western released new and revised editions of school texts on the Consitution in 1987. Walt Disney World sponsored a year-long Constitutional exhibit and is putting murals of the famed Christy painting of the signing of the Constitution with life-size reproductions of the delegates in federal court buildings across the U.S.

Playlets. On the theory that active participation can be an effective learning experience, playlets on the Constiutional period are being written for use in the schools with pupils as the actors. For example, one playlet depicts the Virginia ratification convention, and another portrays the Supreme Court's refusal to give advice to President Washington in 1793.

FOUNDATION FOR THE COMMEMORATION OF THE U.S. CONSTITUTION

A group of distinguished American leaders has created this Foundation to secure funding and sponsors for Commission projects Dwayne Andreas (chief executive officer, Archer-Daniels-Midland Company) is chairman, and John A. Meyers (chairman, Time, Inc.) is president.

FUTURE PROGRAMS

The Commission approved a five-year plan with conferences, lectures and symposia at colleges and universities. Under the five-year program, which covers the life of the Commission 1987 dealt with the historical background and framing of the Constitution; 1988 deals with the ratification struggle—including the close-call votes in Massachusetts (187-168), New Hampshire (57-46), Virginia (89-79), and New York (30-27). Programs relating to the first national elections will also be covered; 1989 will emphasize the first U.S. Congress and George Washington's inauguration. The roles of the Legislative and the Executive Branches will be analyzed during these years. In 1990, the role of the Judicial Branch will be studied. And in 1991, the Bills of Rights and later amendments will be studied.

College Forums the Commission will undertake to co-sponsor forums arranged with groups of colleges on each of these subject areas. We will help secure members of Congress and the Executive Branch, and former members of each branch, as well as lawyers, law teachers, historians, political scientists, and others knowledgeable on the subjects. The extent of these programs will depend on private sector funding.

Adult Education. A program is now under way to develop a package of learning materials on the Constitution and civic responsibility, designed for the adult education market. These materials can be used by the network of junior and community colleges, and by other organizations and constituencies which serve the adult learner.

International Participation. The U.S. Information Agency has arranged interviews on Constitutional subjects on its WorldNet, and distributed copies of the Constitution in foreign languages. Interviews by American leaders with scholars, judges and lawyers in other countries reached Europe and South America. Plans are being made for seminars in England, in cooperation with the Four Inns of Court, the Bar Council (Barristers), and the Law Society (Solicitors). Members of the Commission have delivered lectures in various countries and will make visits in coming years. Some countries have sent government officials and scholars to the U.S. to study our system; others have held and will schedule seminars honoring the Constitution.

Broadcasts and writing awards. Jounalists, historians and others will be honored at an awards presentation in April 1988. The National Press Foundation, in cooperation with the Commission, will give awards to authors of articles, series, columns and special sections. Over the next five years, the Institute for Radio-Television at Ohio State University will make awards in nine categories of broadcasting including children's educational television. The goal is to impart greater understanding and appreciation of the Constitution. A program is being developed to identify the best articles on the Constitution during 1987-1991, with publication at the close of the Bicentennial.

Government relations. The Bicentennial Commission has maintained communication with the House of Representatives, the Senate and the Executive and Judicial Branches. The House and Senate Historians and the Chairman of the Bicentennial Committee of the Judicial Conference of the United States have been invited to attend Commission meetings. Discussions have proceeded with the Department of the Interior, the National Park Service, the Department of the Army and other Executive Branch agencies. We have met with the chairman of the New York City Bicentennial Commission in relation to some celebration of the meeting of the first Congress on March 4, 1789, and the first Inaugural on April 30, 1789, in New York City. In 1990, some appropriate celebration should take place with respect to the first convening of the Supreme Court of the United States, on February 1, 1790, in New York.

Pictorial map contests. The Commission is developing map contests relating to historical events of 1770-1791 in the 13 original states. This concepts is in the process of testing in 20 schools.

ALL AMERICANS MUST BE CONCERNED WITH HUMAN RIGHTS VIOLATIONS IN TIBET—REMARKS OF RABBI HERBERT MORRIS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LANTOS. Mr. Speaker, at the save Tibet rally on the steps of the U.S. Capitol a few weeks ago, Rabbi Herbert Morris of the Congregation Beth Israel-Judea in San Francisco delivered a brief talk that sums up the reason for rally and for congressional concern over conditions in Tibet. Indeed, it is a resounding statement of why all Americans should care about what is happening many thousands of miles away on the "roof of the world." I would like to place his outstanding remarks in the RECORD for the benefit of my colleagues:

"And God created man in His image, in the image of God He created him." I've never met Tibetans; Never tasted their food; do not know what language they speak; Never walked through their villages; Never studied their culture; the names of their cities do not come easily to my lips and their national anthem I've never heard played. But I do know this:

"When God created that very first human being, He scooped up soil from all four corners of this world. He took that earth—with all of its colors, the red and brown and black and yellow and white—and said: 'You're entitled to live and none to make you afraid. And you don't have to be all the same color, speak the same language, eat the same food, worship the same God or think the same thoughts.' "

No, I've never met a Tibetan—but he's my brother. He's entitled to live. That is his right. I know that. The same God that created me, created him. I know that! And I know one more thing from the experience and the history and the teaching of my people; to be indifferent to the fate of my Tibetan brother will condemn him and to be indifferent to his anguish condemns me; To be neutral condemns him and to be neutral to his suffering condemns me. To be silent—condemns the Tibetan to a cultural and spiritual death—to be silent, to be silent—condemns me.

JANET CHAMPNEY POSS HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on January 24, 1988, a "Supper of Recognition and Thanks" was held in honor of Janet Champney Poss by her friends and colleagues from the town of Guilford, CT.

A graduate of Wheelock College, Jan continued her studies at Boston University and Columbia University, where she also held a number of administrative positions. She later married Eliasz Poss, a senior engineer at Sikorski Aircraft.

Jan is a leader of the Democratic Party in Guilford. In that role, we have worked together on many causes large and small. Her help was a key part of my success in my first campaign for Congress in 1982 and each of my subsequent runs for reelection. She is a committed activist in the struggle for peace and justice here at home and around the world.

Jan is also well known in Guilford for her volunteer work. She has been involved in a wide range of volunteer activities for the past 23 years, and is Guilford's "Best Volunteer." She chaired the Little Folks Fair, the Shoreline Unitarian-Universalist Society, and the East Shore Adult Day Care Center. In addition, Jan has served as the chairman of the Guilford Human Services Council and the Youth Services Bureau. And the list goes on.

Jan was a founding member of the Guilford League of Women Voters. She was also a founder of the Guilford "A Better Chance" Program, which sponsors inner-city children and provides them with the opportunity to attend several years of school in Guilford, away from the crime and poverty often associated with inner-city schools. Finally, Jan was a founder and part-time manager of the "Hole-in-the-Wall" second-hand clothing store. This store was originally started to finance the Interfaith Housing Board, of which she is now the executive director, but presently helps fund the "A Better Chance" Program.

Mr. Speaker, the people of Guilford and its surrounding communities owe a debt of gratitude to Jan Poss. Her commitment and unflagging energy in her efforts to improve the lives of the people around her are truly remarkable. But most important, I am proud to call her a true and dear friend, and I take great pride in sharing her accomplishments with my colleagues today.

A TRIBUTE TO DR. DAVID E. FARKAS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. David E. Farkas, my good friend and a leader in my community. I became acquainted with David and developed a lasting friendship with him some 30 years ago at Camp Ramah where his endless generosity and strong leadership abilities were already apparent.

David will be honored on January 31, 1988, by the Los Angeles Hebrew High School at a gala dinner/dance at the Beverly Hills Hotel. The Los Angeles Hebrew High School provides a meaningful secondary Jewish education to thousands of students in nine branches throughout the Los Angeles area. A graduate of Hebrew High, David has worked tirelessly for this fine institution in many leadership positions for the past 16 years. He currently serves on the board of directors as president-elect and scholarship chair.

David has given generously of his time and resources to Jewish educational institutions to provide Jewish youths with the best possible educational opportunities. Among his past activities are service as the vice president of Camp Ramah, a member of the Young Leadership Cabinet of UJA, a board member of Heschel Day School, and a board member of Adat Ariel. David continues to aid Jewish youths as a founder of the Hebrew University School of Dentistry, a member of the Patrons Committee at the University of Judaism, and a member of the Society of Founders at the American Friends of Hebrew University. He is also a member of the Prime Ministers Club of State of Israel Bonds.

David's contributions to this community at large are also noteworthy. He graduated from the University of Judaism, the Association of Arts in Hebrew Literature, the Hayim Greenberg Teachers Institute in Jerusalem, Israel, the University of Southern California and the School of Dentistry at the University of Southern California. For the past 20 years he has been a practicing dentist in Sun Valley, CA. He has also served as a member of the School Screening Committee, Dental Health Program, and the Sun Valley Chamber of Commerce.

It is my distinct honor and pleasure to pay tribute to this outstanding individual. I welcome this opportunity to congratulate David and join the Los Angeles Hebrew High School in saluting him for his continued efforts to help our young Jewish people achieve their goals.

MONUMENTS COMMISSION AND KOREAN WAR MEMORIAL PASS MUSTER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, for almost 6 million men and women who sacrificed a part of their lives fighting for the cause of freedom in the Korean war, the journey home has been an incomplete one. While many individuals returned from the fray to rejoin our Nation in peace as they had joined our Nation in war, over 60,000 individuals remained behind in Korea, dead or missing.

For those 60,000 who served their nation admirably, the journey home ended halfway. Those 60,000 went to Korea but did not return from Korea.

There is an opportunity to remember those who served and sacrificed as well as those who served and returned.

In the 99th Congress, I was pleased to have authored legislation establishing the Korean War Memorial. As a symbol, the memorial will honor the ultimate sacrifice, that is, self-sacrifice so that others may live.

In the 100th Congress, I am pleased to have introduced additional legislation that would bring closer to home here on the Mall of Washington, DC, the memory of those who served.

In this area, we have often gathered before as a nation and as individuals to commemorate the fallen. The Vietnam Veterans Memorial is located nearby. Yet throughout this entire area, the only memorial to the thousands who fell or who served in Korea is in Arlington Cemetery. Indeed, that memorial, known as the Meditation Bench, was dedicated only this past summer.

In the effort to bring to reality the dream of a full-scale memorial honoring the Korean war's veterans, the American Battle Monuments Commission had done its share of preparation and work effectively and with dedication.

But on the return road home for the veterans of the Korean war, the efforts of the American Battle Monuments Commission only underscore the fact that there is so much more road left to travel. Although the Federal Government will be providing a portion of the funds necessary to defray the costs of the memorial, there is a need for the public to participate in the creation of the memorial.

Indeed, it is only fitting that this memorial, honoring the sacrifices of Americans on behalf of other Americans should be a national effort.

I am including an article from The Retired Officer, describing the road traveled in the effort to construct a national monument to the veterans of the Korean war by the American Battle Monuments Commission.

The article follows:

A TIME TO REMEMBER

(By Col. Charles D. Cooper)

[The Beginning of the End of War Lies in Remembrance.—Herman Wouk.]

Since its dedication in November 1982, the Vietnam Veterans Memorial has become one of the most popular sites in our nation's capital. Located on the Mall, between the Washington Monument and the Lincoln Memorial, "The Wall" serves as a continuing reminder of the more than 58,000 dead and missing men and women from that extremely divisive period in our nation's history.

Millions visit the Vietnam Memorial each year to gaze upon its stark beauty, to touch the name of a family member, buddy or friend engraved on that polished black granite wall, to leave some small token of recognition to one whose sacrifice went possibly unnoticed in that unpopular conflict.

Since its dedication, "The Wall" has also served as the focal point for many major gatherings, both official and unofficial. This past Veterans Day, thousands of Americans, including the venerable Bob Hope, braved a foot-deep, early November snowstorm to pay tribute to the fallen heroes of the Vietnam conflict.

Yet barely two miles away, on the windswept slopes of Arlington National Cemetery, nestled nearly in the winter shadows of the Memorial Amphitheatre and the Tomb of the Unknowns, stands another memorial, an inconspicuous, granite Meditation Bench.

In this city of magnificient monuments to fallen heroes, it is our lone national memorial to the 5.7 million men and women who served in Korea. Several times each hour, only a stone's throw away, tour buses disgorge scores of visitors who frequently walk unknowingly past the bench on their pilgrimage to the ever-popular Changing of the Guard at the Tomb of the Unknowns.

Engraved in the Meditation Bench are the cruel statistics of a now mostly forgotten war. In the slightly more than three-year duration of the Korean War (six years shorter than Vietnam), 54,246 made the ultimate sacrifice. Some 8,177 are listed as missing in action and 389 prisoners of war are still unaccounted for after nearly 35 years.

It was 12 years after the Korean armistice was signed that the veterans of Pusan, Chosin, Porkchop Hill and a thousand other unfamiliar sounding places received their first national recognition. That came through a lone Korean white pine, planted adjacent to the current memorial site by then Korean President Park Chung Hee.

Then, in July 1987, still another 22 years later, the Korean War Veterans Association joined hands with the No Greater Love organization to dedicate the Meditation Bench.

"The men and women who served our country during the Korean War have never received a national or international tribute," said Carmela LaSpada, chairman of the board of No Greater Love, at the bench's dedication. "They deserve to be recognized by the United States for their contribution to peace and freedom."

In October 1986, less than a year before this belated ceremony, President Ronald Reagan has signed P.L. 99-572, authorizing construction of a monument in the Washington, D.C., area to honor the members of the U.S. Armed Forces who had served in Korea. The $6 million memorial is to be built with private funds except for a federal appropriations of $1 million for design, site preparation, associated administrative costs and partial construction.

On Jul. 20, 1987, the president appointed a 12-member advisory board of Korean War veterans to recommend siting and design and to encourage contribution of funds for the construction and maintenance of the memorial.

With the renewed infusion of awareness generated by the dedication of the Meditation Bench has come a revived interest in building a proper monument to help remove the stigma of the forgotten heroes of Korea. However, to date, little more than $1.5 million has been raised, a major portion of that donated by Hyundai Motor America, a Korean automobile manufacturer. Veterans groups have pledged between $750,000 and $1.3 million.

Unfortunately, earlier private efforts to build a monument raised a considerable amount of money—most of which went to sustain fund-raising and administrative costs—and siphoned off precious, needed funds. This problem has been corrected by placing the program under the American Battle Monuments Commission (ABMC). All contributions made to the Korean War Memorial Fund are fully tax deductible, placed in a special trust account with the U.S. Treasury and will be used solely for the purposes intended.

As the vocal—and visible—Vietnam vets continue to debate over further embellishments to their magnificent monument, isn't it time to remember, to give proper and long overdue recognition to our forgotten heroes of the Korean War?

Your much-needed contributions should be sent to the Korean War Memorial Fund/ABMC, P.O. Box 2372, Washington, DC 20013-2372.

JOHN HULBERT, THE "SILVER-TONGUED LEGISLATOR"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CONTE. Mr. Speaker, as we begin the 2d session of the historic 100th Congress I rise today to continue my series of biographies of former members from western Massachusetts. The subject of today's installment is the eighth man elected to Congress to serve the people of western Massachusetts.

In spite of the odds against him, John Hulbert was elected to serve in the 13th Congress by a margin of about 100 votes where he served until 1817. After the financial disaster he experienced with the failure of the Berkshire Bank in 1809, Mr. Hulbert was able to wage only a perfunctory campaign in the race to fill a vacancy caused by the death of Daniel Dewey. But a traditionally Republican electorate was swayed by the oratory style of this Federalist and sent them to Washington to represent him in 1814.

John Hulbert was born in the Berkshire Country town of Alford in 1770. At the age of 25 he graduated with honors from Harvard University, Cambridge. He began practicing law in Alford in 1797 and shortly thereafter moved to Pittsfield.

On July 5, 1807, the Bank of Berkshire was organized with John Hulbert and Simon Larned appointed directors of the bank. While neither of the new directors were men of distinguished business talent, they were chosen for their notariety as leaders of their respective political parties. Likewise, none of the other board members had any experience in banking. However, by employing an equal amount of Federalists and Republicans and striking a balance between the parties within the bank, it was thought that the bank's success was guaranteed.

Two years after Mr. Hulbert was appointed director, the Berkshire Bank, like many others in the State, lost the confidence of the public. The bills issued by the bank were redeemed at an alarming rate. Finally the State legislature revoked the charter of the Berkshire Bank and as director, John Hulbert was held personally responsible. His property was seized and he was left financially ruined.

But the collapse of the bank did not diminish the respect and stature held by these gentlemen in the town of Pittsfield. On June 3, 1811, Mr. Hulbert organized the Washington Benevolent Society of the county of Berkshire. The objective of the institution was to promote the Federalist Party in the western part of Massachusetts.

With the overwhelming support of this group, his personal popularity, and the negative reaction to excessively harsh criticism from the Sun newpaper, Mr. Hulbert was able to secure the seat left vacant by the resignation of Judge Daniel Dewey.

During his tenure in Congress, John Hulbert was known as the silver-tongued legislator and the Hamilton of Massachusetts for his sharp and colorful oratory. He became deeply involved in the reconstruction of Washington that took place beginning in 1814. The British had burned the Capitol, the White House, and all the executive departments except the Patent Office. And the reconstruction effort required the replacement of the burned buildings as well as the construction of the new Library of Congress.

He was reelected to the 14th Congress but decided not to run for the 15th. After the collapse of the bank and years of public service, Mr. Hulbert instead moved to Auburn in search of economic prosperity. There he practiced as a lawyer before serving in the New York State Legislature.

Despite good health and fine spirits, Mr. Hulbert was seized by a fit of apoplexy on the night of October 19, 1831, and died as a respected and wealthy man.

NATIONAL OSTEOPOROSIS PREVENTION WEEK, MAY 8 THROUGH MAY 14, 1988

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Ms. SNOWE. Mr. Speaker, I am pleased to introduce legislation today, on behalf of myself and 96 of my colleagues, which would designate the week of May 8-14, 1988, as "National Osteoporosis Prevention Week."

This is the fourth consecutive year that I have introduced legislation to promote the awareness and prevention of osteoporosis. Osteoporosis is a major public health problem affecting 24 million Americans, primarily postmenopausal women and older persons. In 1986, the national expenditures for osteoporosis totaled $7 to $10 billion. Since both the cost, and number of Americans affected by osteoporosis are expected to increase in the future, we have a continuing responsibility to inform our citizens about this preventable disease.

Just a few short years ago osteoporosis was a word that was hardly known. Last year, during National Osteoporosis Prevention Week, over 10 million Americans were reached and received information about osteoporosis. Through the efforts of organizations like the National Osteoporosis Foundation, a national voluntary health agency, education about this debilitating disease became even more widespread. Educational and media campaigns were conducted in all 50 States and public service announcements were delivered to over 200 television stations. Over 100 U.S. city newspapers featured articles on osteoporosis and 600 radio stations across the country aired prevention messages. The National Osteoporosis Foundation and 17 other national health and aging organizations distributed over 5,000 Osteoporosis Prevention Week kits which were used by hospital educators and public relation departments.

Osteoporosis is no longer perceived to be a problem only for older women, but rather a condition of concern to individuals of all ages. Called the "silent disorder," osteoporosis is characterized by a gradual loss of bone tissue causing the bones to become progressively weaker and more fragile. Each year osteoporosis is responsible for 1.3 million bone fractures annually, including 250 hip fractures, many of which lead to permanently reduced mobility or death.

This year, the theme of Osteoporosis Prevention Week is "Build a Stronger Future" because it is now believed that osteoporosis is as much a product of lifestyle throughout the life-span as it is genetic predisposition. For example, childhood and young adulthood are critical periods for building maximum bone mass and thereby decreasing the later affects of loss of bone. As a consequence, a diet rich in calcium and weight bearing exercise are essential during this critical period. For young and middle-aged women, diet, regular exercise, and restrictions on both alcohol intake and smoking can help keep bones strong. Older women, too, can take preventive measures to decrease the risk of bone fractures through falls by "fall proofing" their homes, having their vision and hearing tested regularly, using caution when getting up too quickly, and limiting alcohol consumption. At each stage of our lives we can take simple steps to keep our bones healthy.

This year our goal is to reach 50 million consumers and professionals—to make young and old aware of what they can do to prevent this debilitating disease. In keeping with that goal, I want to pay special tribute to the National Osteoporosis Foundation and the following organizations for their work on behalf of National Osteoporosis Prevention Week:

PARTNERS IN PREVENTION

Abbott Laboratories.
American Home Products Corporation.
Coca-Cola Foods.
The Dannon Company, Inc.
Kraft, Inc.
Lederle Laboratories, Division of American Cyanamid Company.
Lunar Radiation Corporation.
Marion Laboratories, Inc.
Mead Johnson Laboratories.
The Merck Company Foundation.
Norwich Eaton Pharmaceuticals, Inc.
Parke-Davis.
The Procter & Gamble Company.
Rorer Pharmaceuticals.
Sandoz Pharmaceuticals Corporation.
Serono Symposia, USA.
The Upjohn Company.
Warner-Lambert Company.

PREVENTION WEEK COSPONSORS

American Academy of Physical Medicine and Rehabilitation.
American Association of Retired Persons.
American College of Obstetricians and Gynecologists.
American Dietetic Association.
American Home Economics Association.
American Hospital Association.
American Medical Association.
American Medical Association Auxiliary, Inc.
American Medical Women's Association, Inc.
American Physical Therapy Association.
American Red Cross.
American School Food Service Association.
American Society for Bone and Mineral Research.
Association for the Advancement of Health Education.
B'nai B'rith Women.
Camp Fire, Inc.
Food Marketing Institute.
Future Homemakers of America, Inc.
Girl Clubs of America, Inc.
Girl Scouts of the U.S.A.
National Association of Area Agencies on Aging.
National Association of State Units on Aging.
National Consumers League.
National Council on the Aging, Inc.
National Council of Catholic Women.
National Council of Jewish Women.
National Council on Patient Information and Education.
National Dairy Council.
National Extension Homemakers Council, Inc.
National Rural Health Network
Nurses Association of the American College of Obstetricians and Gynecologists.
President's Council on Physical Fitness and Sports.
Society for Nutrition Education.
U.S. Department of Agriculture, Extension Service.
U.S. Department of Health and Human Services:
Administration on Aging.
Bureau of Maternal and Child Health and Resources Development.
Food and Drug Administration.
National Institute on Aging.
National Institute of Arthritis and Musculoskeletal and Skin Diseases and the National Arthritis and Musculoskeletal and Skin Disease Clearinghouse.
National Institute of Diabetes and Digestive and Kidney Diseases.
Office of Disease Prevention and Health Promotion YMCA of the USA.

FRIENDS OF PREVENTION WEEK

Alleghany Regional Hospital (Low Moor, VA).
Amarillo Hospital District (Amarillo, TX).
Borgess Medical Center (Kalamazoo, MI).
Bradley Memorial Hospital (Cleveland, TN).
Cape Fear Memorial Hospital, Inc. (Wilmington, NC).
Chelsea Community Hospital (Chelsea, MI).
Corning Hospital (Corning, NY).
Cottonwood Hospital Medical Center (Murray, UT).
Elmwood Medical Center (Jefferson, LA).
Hospital for Special Surgery (New York, NY).
Humana Women's Hospital—South Texas (San Antonio, TX).
Lafayette General Medical Center (Lafayette, LA).
LDS Hospital (Salt Lake City, UT).
Lenox Hill Hospital (New York, NY).
Martha Jefferson Hospital (Charlottesville, VA).
Meadville Medical Center (Meadville, PA).
Mesa Lutheran Medical Center (Mesa, AZ).
Metropolitan Medical Center Foundation (Minneapolis, MN).
Mother Frances Hospital (Tyler, TX).
New England Baptist Hospital (Boston, MA).
North Colorado Medical Center (Greeley, CO).
Our Lady of Mercy Hospital (Dyer, IN).
Riverside Hospital (Newport News, VA).
Sacred Heart Hospital and Rehabilitation Center (Norristown, PA).
Saint Joseph's Medical Center (South Bend, IN).
Shadyside Hospital (Pittsburgh, PA).

Southwest General Hospital (Middleburg Heights, OH).

The South Side Hospital (Pittsburgh, PA).

The Staten Island Hospital (Staten Island, NY).

Western Reserve Care System (Youngstown, OH).

Women's Hospital (Baton Rouge, LA).

Zurbrugg Memorial Hospital (Willingboro, NJ).

THE DEATH OF JOHN GLENN CHASE—A POLICE TRAGEDY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, all too often, the death of one of our Nation's police officers is largely overlooked and soon forgotten. However, Saturday's shooting death of Dallas police officer John Glenn Chase has been different. It has been one of the top stories on network news shows and has made headlines in newspapers around the country.

Like so many police deaths before him, John Chase was killed during a "routine" traffic stop. Thus, his death serves as a tragic reminder of the extraordinary risks our police officers assume on our behalf every day on the job. But, that is only part of the story behind Officer Chase's death. The New York Post reported the shooting this way:

A homeless man shot dead a cop who was begging for his life while a heartless crowd chanted: "Shoot him! Shoot Him!" The homeless man was later gunned down by off-duty patrolmen.

Officer John Chase, 25, had pulled over a car and was writing a traffic ticket Saturday when a crowd gathered and accused the cop of harassing the driver.

Suddenly, homeless man Dudley Williams, 34, began scuffling with Chase.

Williams, described as a street person with a history of mental illness, did not know the driver of the car being ticketed, said cops.

Williams grabbed the officers' .44 magnum revolver and shot him to death as he pleaded for his life.

"The officer was saying, 'Don't shoot me. I'll help you whatever way I can.' But the guy shot him in the head," said witness Melitha Johnson.

A crowd of about 30 people watched—some urging Williams to open fire, shouting, "Shoot him!" according to Police Chief Billy Prince.

Mr. Speaker, I walked the streets of New York City for 23 years as a police officer. During that time, the residents and shopowners on my beat were my friends. They knew they could count on me and my fellow police officers for protection. There was a strong sense of community between all of us. Granted, some of that has changed over the last two decades, but what happened to Officer Chase is simply beyond belief.

I, for one, have long contended that the extraordinary service and sacrifice by our law enforcement officers has been largely unrecognized and underappreciated. But, there is a big difference between a lack of appreciation, and hateful violence aimed at police.

Based on the strong show of support for law enforcement displayed by Dallas residents, including the homeless there, in the wake of Officer Chase's death, it is fair to say that the hateful cries heard before Officer Chase was shot were not representative of society's true feelings toward police. But, that incident forces all of us to question whether we have done enough to support the 600,000 brave men and women in our Nation who have sworn to protect us from crime and violence.

Frankly, I think we can all do a lot more. That's why in 1984, I coauthored a law with Senator CLAIBORNE PELL to authorize a National Law Enforcement Memorial to be built in Washington, DC. Since funding for this memorial is coming exclusively from private contributions, it's an important opportunity for all Americans to express a very special, and long overdue, thanks to the law enforcement profession for all that they do for us. Ultimately, this memorial effort is expected to result in a greater understanding and appreciation of the law enforcement profession's uniquely perilous and important role in our society; as well as a more attentive ear to their needs and concerns. Efforts to build this memorial are well underway, with ground breaking expected by October 1989. Thousands of Americans have already expressed their support for this effort, but it will take thousands more to make it become a reality. I strongly urge all of my colleagues to roll up their sleeves and do what they can to support this very important project. For more information contact the National Law Enforcement Officers' Memorial Fund, Inc., at 1360 Beverly Road, Suite 305, McLean, VA 22101, phone: (703) 960-2320.

There are other ways to express our support. For example, we should be quick to pass two bills pending this Congress to raise the public safety officers death benefit from $50,000 to $100,000, and to regulate undetectable plastic firearms.

This is the least we can do for those that do so much for us each and every day of our lives. Now, more than ever, our law enforcement officers need to know we support them.

At this time, Mr. Speaker, I would like to insert a copy of today's Washington Post article reporting on the funeral of Dallas police officer John Glenn Chase:

[From the Washington Post, Jan. 27, 1988]

THOUSANDS MOURN DALLAS POLICE OFFICER

DALLAS, January 26.—Thousands of law officers, their badges masked in black, ringed a Baptist church and packed a sanctuary today to mourn a policeman killed by a deranged vagrant.

"We're hurting this morning, O God. We don't understand the tragedy of this man whose life was taken from him because of the uniform he wears," Sgt. Carroll Pruitt prayed before the lawmen, who ranged from marshals to paramedics to park rangers.

Meanwhile, thousands of Dallas residents offered a silent show of support for the police department as they drove to work with headlights on. A group of homeless people marched this afternoon to back police, while other citizens scheduled a candlelight vigil.

Chase, 25, died Saturday in a downtown parking lot when a man who lived on the streets wrestled his gun away and, ignoring the officer's pleas for mercy, shot him three times in the face. Carl Dudley Williams, 34, then walked away firing a shot at two pursuing off-duty officers, and was killed in a hail of return gunfire.

Billionaire businessman H. Ross Perot and oilman Ray Hunt have offered planes to transport officers to Chase's funeral Thursday in Des Moines, Iowa. Fort Worth-based American Airlines was to fly the officer's body and family members, including his wife of three months, to Iowa, where her family lives.

LET'S REPLACE OUR ICEBREAKING SHIPS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. JONES of North Carolina. Mr. Speaker, this Nation ignored the deterioration of its minesweeping fleet until the events in the Persian Gulf late last year. We now are paying the price of our neglect and are trying to overcome our weakness, but it will be a long time before we are as prepared as we should be.

A similar crisis is developing with regard to the U.S. presence at sea in the Earth's polar regions. Our fleet of icebreakers operated by the U.S. Coast Guard has declined to the point where it does not adequately serve our national security needs in the Arctic and Antarctic. We now have only four commissioned icebreakers, and two of those were built over 40 years ago during World War II. They must be replaced even though the cost of doing so will be high. I might note that in the defense authorization bill enacted last session, Congress made clear that replacement icebreakers must be constructed in U.S. shipyards.

Recently the U.S. Naval Institute in its publication "Proceedings" carried an excellent article by Rear Adm. Norman C. Venzke, USCG (retired). Admiral Venzke served 5 years as the Coast Guard's Chief Officer of Operations and Program Director, Ice Operations. He also served as commanding officer on two of the Coast Guard's polar icebreakers. His analysis of this looming crisis is right on point. I commend it for my colleagues' review.

NOBODY ASKED ME, BUT . . .

(By Rear Adm. Norman C. Venzke, U.S. Coast Guard (Retired))

FIDDLING WHILE THE ICE GRINDS . . .

The articles on the Arctic in the September 1987 *Proceedings* were disappointing. Aside from the comments of Norman Polmar and Captain Thomas C. Pullen, Royal Canadian Navy (Retired), no attention was given to icebreakers—only aircraft and submarines. One could come away from the issue believing that Canada and the Soviet Union need icebreakers, but not the United States.

In fairness to *Proceedings,* I suspect that an author would have discussed U.S. icebreakers if the government agencies responsible for the program were not, once again, in serious disarray over fundamental questions: What type of polar-capable ships does the United States require? Should we lease icebreakers or buy them?

We have to backtrack to the evolution of the U.S. icebreaker fleet after World War II to understand the contentious confusion that surrounds it today. Of the four U.S. icebreakers now operating, two—the

USCGC *Westwind* (WAGB-281) and the USCGC *Northwind* (WAGB-282)—were built toward the end of the war. The other icebreakers are the USCGC *Polar Star* (WAGB-10) and the USCGC *Polar Sea* (WAGB-11), commissioned in 1976 and 1978 respectively. They are ships of much greater capability than the Wind-class vessels, or another predecessor, the USCGC *Glacier* (WAGB-4), which was decommissioned in June 1987, after serving 32 years.

This gives the United States a fleet of two relatively new and powerful Polar-class ships and two old, increasingly unreliable Wind-class icebreakers. Like the U.S. Merchant Marine, the once-powerful U.S. icebreakers fleet is sliding toward a major crisis.

The aging of the fleet and public controversy over whether users should pay for the services of Coast Guard icebreakers point up the need for a long-range interagency policy on the U.S. icebreaker program. Obviously, the country needs icebreakers to execute operations in support of U.S. policy in the Arctic and the Antarctic. The question was—and apparently still is—just how many icebreakers do we need, and of what type? An interagency committee was formed to study the issue in fall 1982. Included were the offices of the Secretary of Transportation and Management and Budget, the National Science Foundation, the National Oceanic and Atmospheric Administration, the Maritime Administration, the Navy, and the Coast Guard.

From the outset, it was obvious that construction and operating costs were driving the agencies as they developed requirements for the icebreaker fleet. Planners were not formulating the requirements and associated costs first and then determining what was affordable. Some agencies were less than candid about what was needed, because they were concerned about having to pay for part of the construction costs.

In July 1984, the committee finally completed the United States Icebreaker Requirements Study, terminating months of tortuous negotiations. The study recommended that "the U.S. Coast Guard should maintain a fleet of four icebreakers to meet stated requirements," and that "the capital costs of new polar icebreakers should be funded by the Coast Guard." Further, the committee recommended that "work should be started immediately on the design of a new polar icebreaker." And "the design of the new icebreakers should enhance research support while retaining essential escort and logistic support capabilities." In short this was to be a multipurpose fleet capable of meeting the needs of the scientific community while carrying sufficient command-and-control equipment to satisfy the Coast Guard's contingency tasking.

The Coast Guard sponsored a minority recommendation in the study that a fifth icebreaker should remain in reserve for unforeseen contingencies. It was that fifth icebreaker, the *Glacier,* that was decommissioned this year. Meanwhile, the sort of contingency the Coast Guard anticipated has already occurred. As Captain Pullen said in his *Proceedings* article, in 1985 the *Polar Sea* had to circumnavigate North America to carry out Thule resupply and Arctic West operations when the *Northwind* had a machinery breakdown. And in 1987, another *Northwind* breakdown forced the United States to ask for support from Canadian icebreakers in resupplying Thule. So it has been demonstrated twice that the United States cannot always depend upon its icebreakers to carry out their missions.

The United States is approaching a crisis in icebreaking capability. Or perhaps we are already there. Modern and powerful as the Polar-class icebreakers are, there are only two of them. Keeping their Wind-class sisters operating for just a few more years may cost more than $10 million each.

What action has been taken to remedy this problem? Coast Guard officials believed that the issuance of the requirements study report signaled that the agencies involved had reached a compromise that would allow the country to maintain and acquire the icebreakers to meet our national needs. That is not the case.

In 1984, the Coast Guard commenced design of a multipurpose icebreaker capable of breaking 4.5 feet of fast ice or the equivalent at three knots. The design incorporated all reasonable desire of the scientific community and other intended users. Contingent upon the availability of fiscal year 1989 funds, the Coast Guard still plans for the new icebreakers to enter the fleet in 1993.

But relatively new developments—reportedly discussed during recent congressional hearings—are confusing the issue, and may delay the ships' funding and construction:

In the requirements study report, the National Science Foundation agreed to support construction of a multipurpose icebreaker to be operated by the Coast Guard. Now the foundation is recanting that support and lobbying for a single-purpose icebreaking research ship.

There has clearly been a change of the watch at the foundation. Under current federal budget constraints, it is doubtful that the country can afford both ships.

Policymakers are considering whether to lease an icebreaker in lieu of acquiring one for the Coast Guard to operate. There are serious problems with this catchy idea. A lessor will have to procure an expensive icebreaker. But unless the lessor wants to go broke, he will not do so before issues involving the sole-source and multiyear lease are resolved. Legislation would undoubtedly be required to clear the way for such a lease.

The Thyssen-Waff bow form—a development originating in the Federal Republic of Germany—has been recommended as an alternative to acquiring a costly new icebreaker. Reportedly, this bow could convert an old icebreaker into a super icebreaker at low cost. This is an appealing but unproven design. To my knowledge, the Germans are not considering it as a modification to their icebreaker, the *Polarstern.*

So slightly more than three years after the 1984 study was completed, we are back to studying the icebreaker question again. The delay does not benefit the United States.

U.S. polar ship operations are in jeopardy. If anyone doubts it, let's consider the following scenario. Assume that ample funding has been provided to keep the Wind-class ships in satisfactory operating condition. The *Polar Star* and the *Polar Sea* are deployed to Antarctica to carry out logistic support and research operations. Originally, it has been planned to use only one Polar-class and one Wind-class ship in Antarctica, but neither of the Winds could deploy because of a routine availability for one and serious ice damage to the other. It is deep winter in the high Arctic. An emergency occurs there involving U.S. ships. They require icebreaker support. But the United States does not have a highpowered icebreaker that can do the job anywhere in the Northern Hemisphere.

When planning for such a contingency, should we depend upon Canada and the Soviet Union to handle our search and rescue and other missions in the ice? That is the position we have drifted into by permitting our fleet capability to drop below our requirements, just as we have done, by the way, with U.S. minesweeping capability. In the case of icebreakers, let's stop studying the problem. Let's fund them, acquire them, and put those icebreakers to work.

FRANCIS LEWIS HIGH SCHOOL STUDENT SURVEY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the students and staff of Francis Lewis High School in Flushing, Queens County, NY, for publishing an informative survey of its students opinions on current social issues.

Too often we overlook or ignore the opinions and concerns of young people. Our young men and women offer views and insights that we should listen to and can learn from.

Over 2,000 Francis Lewis High School students were surveyed and I would like to share some of their informative answers.

Just 38 percent feel that our Government meets the need of the people; 31.5 percent of the students support Contra aid, 46.1 percent opposed to the aid; 70 percent suport arms control negotiations with the Soviet Union; 70 percent also support AIDS education in lower schools; and 60 percent are opposed to prayer in public schools.

The students were also asked their opinion on issues ranging from equal opportunity employment to surrogate motherhood.

I applaud Francis Lewis High School for this educational survey and wish it similar success in future projects.

I include the results of this interesting survey in the CONGRESSIONAL RECORD:

PARTICIPATORY GOVERNMENT STUDENT SURVEY

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
PART I. ELECTED OFFICIALS		
1. The number of people polled concerned the knowledge of their Congressman was	2,089	....
2. The number of people who knew their Congressman	586	20.0
3. Do you approve or disapprove of the job your Congressman is doing?		
Number polled	2,077	....
Approve	535	25.7
Disapprove	519	25.0
No opinion	1,023	19.3
4. Do you approve or disapprove of the job President Reagan is doing?		
Number polled	2,078	....
Approve	646	31.1
Disapprove	1,060	52.0
No Opinion	350	16.9
5. Did President Reagan know of the Iran/Contra scandal?		
Number polled	570	....
Yes	356	62.4
No	62	14.3
No opinion	132	23.7
6. Should Olive: North be prosecuted?		
Number polled	570	....
Yes	139	24.3
No	280	49.1
No opinion	151	26.5
7. Should there be a maximum age limit for the Presidency?		
Number polled	1,105	....
Yes	671	60.7
No	307	27.6

PARTICIPATORY GOVERNMENT STUDENT SURVEY—Continued

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
No opinion	127	11.5
8. Does our Government meet the needs of the people?		
Number polled	560	
Yes	213	36.0
No	260	46.4
No opinion	87	15.6
9. Are politicans corrupt?		
Number polled	570	
Yes	265	50.0
No	66	15.4
No opinion	197	34.5
PART II. FOREIGN AFFAIRS AND THE MILITARY		
10. Should the United States aid the Contras in Nicaragua?		
Number polled	2,086	
Yes	658	31.5
No	962	46.1
No opinion	466	22.4
11. Should the United States be involved in the Persian Gulf?		
Number polled	1,503	
Agree	506	33.7
Disagree	660	43.9
No opinion	337	19.4
12. Should the United States negotiate with the Russians on arms control?		
Number polled	545	
Agree	381	70.0
Disagree	82	15.0
No opinion	82	15.0
13. Should the United States aid other countries that are threatened by communism and get involved in their foreign affairs?		
Number polled	1,111	
Yes	410	36.9
No	466	42.1
No opinion	233	20.9
14. Should the United States battle terrorism?		
Number polled	560	
Yes	341	60.0
No	150	26.6
No opinion	69	12.4
15. Does the United States spend too much money on defense?		
Number polled	960	
Yes	491	50.1
No	307	31.3
No opinion	182	16.6
16. Should the United States sell arms to other countries in the world?		
Number polled	391	
Agree	123	31.4
Disagree	129	45.6
No opinion	69	22.6
17. Should we be stricter with our immigraiton laws?		
Number polled	560	
Yes	317	56.6
No	166	30.0
No opinion	75	13.4
18. Should the United States spend more money on the space program?		
Number polled	570	
Yes	237	41.5
No	226	39.6
No opinion	107	18.6
PART III. THE ECONOMY		
19. Do you agree or disagree with the way Reagan is handling our economy?		
Number polled	570	
Agree	151	26.5
Disagree	303	53.1
No opinion	116	20.3
20. Some economists think the U.S. economy is heading toward a depression do you agree/disagree?		
Number polled	942	
Agree	336	35.9
Disagree	360	38.2
No opinion	244	25.9
21. Do you think the economic situation in the United States during the next 6 months will get better or worse?		
Number polled	927	
Better	459	49.5
Worse	308	33.2
No opinion	160	17.3
22. Should the United States have a balanced budget?		
Number polled	540	
Approve	393	77.7
Disapprove	73	13.3
No opinion	82	9.0
23. Are the middle-class over taxed?		
Number polled	560	
Yes	415	74.1
No	106	16.9
No opinion	39	7.0
24. Should the U.S. raise taxes?		
Number polled	570	
Yes	83	14.6
No	402	70.5
No opinion	65	14.9
25. Should the U.S. help large companies that are going bankrupt?		
Number polled	391	
Agree	49	12.5
Disagree	298	76.2
No opinion	44	11.3
PART IV. EDUCATION		
26. Should the U.S. spend more money on education?		
Number polled	570	
Yes	430	75.4
No	96	16.8
No opinion	44	7.7
27. Should schools be open year round?		
Number polled	928	
Agree	124	13.3
Disagree	708	76.3
No opinion	96	10.3
28. Should children with AIDS be allowed to attend public school?		
Number polled	959	
Yes	369	40.6
No	433	45.1
No opinion	137	14.3
29. Do you approve of high schools giving out contraceptives without parental consent?		
Number polled	1,130	
Approve	540	47.8
Disapprove	413	36.5
No opinion	177	15.7
30. Should AIDS education be taught in lower schools?		
Number polled	560	
Yes	390	69.6
No	139	24.6
No opinion	31	5.6
31. Should there be prayer in public schools?		
Number polled	560	
Yes	165	29.5
No	319	60.0
No opinion	76	10.5
PART V. WOMEN		
32. Should a woman be able to have an abortion?		
Number polled	2,070	
Agree	1,340	64.7
Disagree	476	23.1
No opinion	252	12.2
33. Are women entitled to the same rights as men?		
Number polled	1,120	
Yes	862	76.6
No	137	12.2
No opinion	107	9.0
34. The United States should back equal opportunity employment?		
Number polled	371	
Agree	263	67.2
Disagree	73	16.6
No opinion	55	14.2
PART VI. SOCIAL ISSUES		
35. Should welfare finances be cut?		
Number polled	1,521	
Yes	596	39.1
No	639	42.0
No opinion	266	16.9
36. Do you approve or disapprove of surrogate motherhood?		
Number polled	1,108	
Approve	419	37.6
Disapprove	494	44.6
No opinion	195	17.6
37. Should homosexuals be segregated from the rest of the people?		
Number polled	560	
Yes	261	46.6
No	203	36.3
No opinion	96	17.1
38. Should there be a gay bill of rights?		
Number polled	539	
Yes	118	21.8
No	269	50.0
No opinion	152	26.2
39. Should we segregate people with AIDS?		
Number polled	551	
Approve	201	36.4
Disapprove	247	44.8
No opinion	103	16.6
40. Should AIDS testing be mandatory?		
Number polled	570	
Yes	328	57.5
No	170	29.6
No opinion	72	12.6
41. Should we have mandatory drug testing?		
Number polled	570	
Yes	293	51.4
No	197	33.5
No opinion	60	14.0
42. Should border babies be housed in your neighborhood?		
Number polled	553	
Approve	244	44.1
Disapprove	173	31.2
No opinion	136	24.7
43. Do you approve or disapprove for having homes in your neighborhood for the handicapped?		
Number polled	593	
Approve	303	54.1
Disapprove	166	29.6
No opinion	124	16.3
44. Should capital punishment laws be enforced?		
Number polled	552	
Approve	314	56.9
Disapprove	141	25.5
No opinion	97	17.6
45. Should mercy killing be considered a crime?		
Number polled	530	
Approve	197	37.7
Disapprove	208	39.2
No opinion	125	23.5

IN RECOGNITION OF ANDREW BARR'S SELFLESS SERVICE TO OTHERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WOLF. Mr. Speaker, I would like to share with my colleagues who were away from Capitol Hill over the Christmas season the story of a lifelong resident of northern Virginia who exemplifies the true spirit of selfless service to his fellow man.

Andrew Barr, of Arlington, VA, spent his Christmas on the streets of Washington, DC, assisting the homeless. He passed out sleeping bags, hats, gloves, sweaters and other items which he had donated to help the less fortunate in our community.

We are fortunate to have a man like Andy Barr in our community and at this point in the RECORD, I would like to insert a copy of a Washington Post article which reports on his good deeds for others.

[From the Washington Post, Dec. 24, 1987]

A MILLIONAIRE'S GOOD WILL MISSION

(By Elizabeth Lazarus)

On a recent Sunday night, Andy Barr and Sammy Smith chatted quietly as they walked toward Barr's dark green van parked at 17th Street and Constitution Avenue N.W. They made an odd pair—Barr, 53, a real estate broker from Arlington who has made millions buying and selling houses, and Smith, 83, an affable man who makes his home on the streets of Washington.

When they reached the corner, the duo stopped. Just a few blocks away the National Christmas Tree glowed red, blue and gold and young carolers sang of good tidings and cheer. But neither man seemed interested.

"Let see your hands," Barr said.

Smith complied.

Barr stared intently at one of Smith's parched hands and muttered, "looks like a medium." With that he climbed into his van and emerged a few seconds later with a pair of gloves and a sleeping bag, both made by L.L. Bean.

"I sure do appreciate this," said Smith, taking the sleeping bag and gloves that complemented the wool hat and sweater Barr had given him a week before. "Thank you, Reverend," he said.

"Oh, I'm no reverend. I'm just a real estate man," Barr said.

Andy Barr is part of an increasing number of residents in the Washington area who are making a commitment to help the homeless.

That commitment takes many forms—some people make sandwiches, others volunteer to staff soup kitchens and shelters, some donate money or clothes, said Mitch Snyder, founder of the Community for Creative Non-Violence.

But Barr is somewhat unusual.

Few people have the resources to donate nearly $15,000 worth of L.L. Bean sleeping bags, hats, gloves, cargo bags, jeans and sweaters, even with a company discount of 15 to 20 percent.

And few actually go to the parks, grates and subway stations to talk to the homeless.

"I like to see the people I help—to touch them on their arm, to shake their hand. It benefits both the recipient and the donor. I almost never refuse [to give them things] even if they come back for seconds," he said.

A self-made man, Barr recalls being hungry once himself—for money.

For more than 20 years, he devoted himself to real estate, buying houses with no money down.

He wrote several books on the subject and even founded his own real estate school.

But several million dollars later, Barr found his appetite for money was more than satisfied. So he closed his office in the late 1970s and started working just a few hours a day, spending the rest of his time enjoying hobbies such as camping and helping out worthy causes, he said.

Until this past November, Barr said he confined his charitable activities mostly to give money to churches and charities as well as to such individuals as Lenny Skutnik, who rescued a survivor of the Jan. 13, 1982, Air Florida crash.

Barr felt Skutnick made a difference.

Barr said that shortly before Thanksgiving he saw a news story about a man who makes 100 sandwiches for the homeless every week.

It moved him to help.

Not sure what would be most beneficial, Barr called Snyder and asked him what he thought about giving sleeping bags to the homeless.

When Snyder told him it was a good idea, Barr wasted no time and ordered 100.

Barr gave the first 50 CCNV volunteers to distribute, Snyder had encouraged Barr to go with the volunteers, but he declined.

"It was cold and windy that night. And Andy Barr didn't want to go out, didn't want to see. But then the next time when I did go out with them, I saw that it was much better giving in person," Barr said.

On Thanksgiving, Barr decided not to go to his sister's home near Atlantic City, N.J. Instead, Barr said he went to the Mall to give out more sleeping bags and $500 in $10 bills.

"It was wonderful to see people using these sleeping bags. I feel I am among friends," Barr said.

"It's such a turnaround. He never did anything like this before,"said Edwina Ogden, Barr's sister. "He lives alone and I was worried about him being alone on Thanksgiving. But he said this past one was the best he had ever had. Money doesn't seem to be a problem in his life. It's almost like the challenge is gone. He has been successful. Now he has another goal in life.

Bert Sikkelee, a minister at Herndon United Methodist Church and an acquaintance of Barr's for four years, said he was not surprised to hear that Barr was helping the homeless.

"He's a kind-hearted, smart, highly motivated man whose mind is always racing. If he sees someone who needs [help], he hands it out. That is very much in character with Andy," Sikkelee said.

"He's doing a good thing," Snyder said. "Best of all he is expressing concern and going out of his way trying to help these people. That is as important as the material things he's giving out. The recognition that someone cares."

In the next few months, Barr said, he would like to distribute waterproof ponchos and shoes. Today he plans to help shuttle people from the CCNV shelter to the Washington Convention Center for a Christmas Eve dinner. And Christmas morning he will give out more sleeping bags, socks and other items to help buffer the cold.

"I identify with these people and can see parts of myself in them, Barr said. " I am not a hero."

FORMER HOBBS NEWSPAPER PUBLISHER SUMMERS DIES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RICHARDSON. Mr. Speaker, this month my home State of New Mexico lost one of its finest newspaper men in the form of Bob Summers, who passed away January 7.

Mr. Summers spent an entire lifetime providing the people of his community, Hobbs, NM, with the day's news. He followed the profession of his father, also a newspaper man, when he joined his brother in launching the Hobbs Daily-News Sun in 1937. To this day, the Daily-News Sun brings to the people of Hobbs the happenings of the world as well as their town.

Mr. Summers talents were not unrecognized because he was the publisher of a newspaper in a relatively small town: just last October he was elected to the New Mexico Press Association's Hall of Fame after already having served as president of that group of journalists. He also believed strongly in public service: he served in the Army, and later as an aide to the Secretary of the Army.

The reigns of the Daily-News Sun in Hobbs have been assumed by a new publisher, but Bob Summers absence from that community's life is already widely felt.

FORMER HOBBS NEWSPAPER PUBLISHER SUMMERS DIES

HOBBS.—Funeral services are scheduled for 10 a.m. Monday for Robert L. Summers, the former publisher of The Hobbs Daily News-Sun.

Summers, 71, died Wednesday at Park Plaza Hospital in Houston, where he had been since Dec. 24, when he fell while on a cruise ship docked in Puerto Vallarta, Mexico. He and his wife, Louise, had sailed Dec. 20 from Los Angeles.

The services will be held in the First Presbyterian Church in Hobbs.

Summers retired as News-Sun publisher last July 17, when the newspaper's reins were assumed by Bill Shearman.

Summers' contributions to New Mexico's newspaper profession were recognized last October when he was elected to the New Mexico Press Association's Hall of Fame.

He was a former president of the NMPA. He served many years on the association's board of directors and was a member of various board committees until his retirement.

Summers was honored by the Democratic Party of Lea County in July for his work in the party. He was the first recipient of the James M. Murray Jr. Award, which designated him as "Democrat of the Year."

His party work had gained the attention of then-President Jimmy Carter, who named Summers as a civilian aide to the secretary of the Army in 1977. Summers served for three years.

After his retirement from the newspaper business, Summers continued to operate Martindale Petroleum Corp. as that company's president.

He also was active in banking for many years. He was a director of First Interstate Bank and a member and former chairman of the bank's executive committee.

Born Aug. 9, 1916, in Hartsville, MO., Summers chose to follow the newspaper profession of his father. He majored in journalism at Southwest Missouri University in Springfield.

Summers' first and only job in the business was with The Hobbs Daily News-Sun, which his brother, Tom Summers, helped form.

Summers joined the organization as an advertising salesman in the summer of 1937. He became advertising director the next year.

By 1941, he had served as circulation director and was editor and general manager.

Summers joined the U.S. Army Air Corps in 1942 during World War II, spending most of his military career in the Panama Canal Zone, where he was a pilot and training instructor.

He was discharged in 1946, and returned to The News-Sun. He became publisher in 1948 when his brother stepped down.

Summers also served as vice president of the Sun Publishing Co. and a member of the board of directors.

He married Louise Caunch on April 14, 1944.

He is survived by his wife; a brother, Dr. W.A. Summers of Detroit, and two sisters, Virginia Cooper of Detroit and Florence Schudy of Houston.

JOSÉ MARTÍ

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GARCIA. Mr. Speaker, tomorrow marks the 135th anniversary of the birth of the great Cuban patriot, José Martí. Martí a writer by profession, was a leader of Cuba's struggle for independence in the late 19th century. So profound is his legacy that he is revered by both the present Cuban regime and the Cuban American community in the United States.

Martí spent several years in exile in New York City where he gathered support for Cuban independence from among others, the fledging Puerto Rican community. I would like to share with my colleagues a brief biography of José Martí written by Carlos Ripoll, a noted

Cuban historian who is currently a professor at Queens College in New York City.

JOSÉ MARTÍ

The importance of José Martí to the American reader does not lie only in the fact that he was a most acute observer of this countrty, nor in his being considered one of the great writers of the Hispanic world. Martí's importance stems as well from the universality and timeliness of this thought.

Martí devoted his life to ending colonial rule in Cuba and to preventing the island from falling into the hands of the United States after the defeat of Spain or under a regime inimical to the democratic principles he held. With those goals, and with the conviction that the independence of the Caribbean was crucial to Latin American security and to the balance of power in the world, he used his talents to forge a nation. Thence the breadth of his works: he was a revolutionary, a statesman, a guide, and a mentor. And because his vast culture enabled him to move freely in the most diverse fields, his teaching is rich indeed.

Martí was born in Havana in 1853. At seventeen he was exiled to Spain for his opposition to colonial rule. There he published a pamphlet exposing the horrors of political imprisonment on the island, which he himself had experienced. Upon graduating from the University of Saragossa, he established himself in Mexico City, where he began his literary career. A military coup d'état led him to depart to Guatemala, but government abuses forced him to abandon that country as well. In 1878 he returned to Cuba under a general amnesty, but he conspired against the Spainish authorities and once again was banished. Then, after a year in the United States, he went to Venezuela to settle, only to have still another dictatorship force him to depart. Martí lived in New York from 1881 to 1895, when he left to join the war for Cuban independence that he had painstakingly organized. There he died in one of its first skirmishes.

During the years he spent in the United States, Martí analyzed American society with clarity and insight as a correspondent for the most influential newspapers of Argentina, Venezuela and Mexico. "In order to know a country," he wrote, "one must study all its aspects and expressions, its elements, its tendencies, its apostles, its poets, and its bandits." This he did, and because of his uncompromising honesty, his chronicles contain both criticism and praise that have sometimes been put to improper use. It was the period when the American experiment in self-government and free enterprise was crystallizing, now strengthening, now undermining moral values. Martí roundly censured materialism, prejudice, expansionist arrogance, and political corruption, and enthusiastically applauded love of liberty, tolerance, egalitarianism, and the practice of democracy. Thus, in October of 1885, contrasting the opulence and poverty in New York, he warned his readers: "It is necessary to study the way this nation sins, the way it errs, the way if founders, so as not to founder as it does. . . . One must not merely take the statistics at face value but hold them up to examination and, without being dazzled, see the meaning they contain. This is a great nation, and the only one where men can be men, but as a result of conceit over its prosperity and of its inability to satisfy its appetites, it is falling into moral pygmeism, into a poisoning of reason, into a reprehensible adoration of all success."

Martí's thought has ethical foundations; as a political theorist and as an artist he can be understood only in terms of his faith in morality. Every inquiry into the nature of man and his role on earth led Martí to identify the good with the true. For him there was no force behind what he considered right unless it had the strength of truth. He believed that "every human being has within him an ideal man, just as every piece of marble contains in a rough state a statue as beautiful as the one that Praxiteles the Greek made of the god Apollo." To attain the salvation of man the only thing needed, he felt, was to free man from apathy and egotism.

The will to affect reality kept Martí from limiting himself to pure speculation, and given his capacity for abstract thought and his ability to reduce it to concrete formulae of conduct—a rare combination—his ideas are of singular value. Martí himself explained it thus: "What proud work could be done by sending forth to face life together three beings who think differently about it: one, like the Brahman and the Morabite, given to the impossible worship of absolute truth, the second to exuberant self-interest, and the third with a Brahman's spirit restrained by prudent reason and going through life as I do, sadly and sure that no reward will come, daily drawing fresh water from an ever recalcitrant stone."

How to achieve a functional accommodation of "truth," "self-interest," and "reason" was the central question posed by Martí. Although he did not systematize his knowledge and, therefore, left no treatise on political science, his works are replete with ideas on the purpose of the State and its relations to society. He thought it possible to reconcile individual with collective needs and disapproved all governmental forms that proposed subjecting either, since freedom was for him the only viable climate for human existence: "A nation is made of the rights and opinions of all its children," he wrote, "and not the rights and opinions of a single class." He knew that the differences and inequalities among men could not be ignored, but that neither could they be left to the whims of history or the manipulation of a single group. Rather, he recommended correcting the imbalances through "social charity and social concern," the objectives of which were, he declared, "to reform nature herself, for man can do that much; to give long arms to those whose arms are short; to even the chances for men who have few gifts; to compensate for lack of genius with education."

Martí's own example lent validity to his doctrines, and the strength of his style enhanced their effectiveness as political and philosophical instruments. His literary work is an invaluable achievement of expression and is conditioned throughout by moral objectives; the artist and the apostle became inseparable in his work. "In literature one should not be Narcissus but a missionary," he proclaimed. For Martí aesthetics was but an aspect of ethics: "Man is noble and inclined to what is best. After knowing beauty and the morality that comes from it, he can never after live without morality and beauty." In his art and as a critic of art he resolutely voiced faith in human perfectibility, a faith in total agreement with his insistence on coupling act with thought.

UNION, NJ, HIGH SCHOOL FARMERS, STATE FOOTBALL CHAMPIONS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RINALDO. Mr. Speaker, I wish to call the attention of the Members of this House to a great success story in New Jersey. It is the Union High School football program under Coach Lou Rettino. In completing another undefeated season, the Union High School Farmers again achieved the distinction of being recognized as the No. 1 ranked football team in New Jersey and one of the top 10 high school teams in the Nation, according to USA Today.

Coach Rettino has built a football dynasty at Union High School. In three of the last four seasons, his teams have gone undefeated, and in only 11 seasons as head coach of the Union High School football team, he has achieved 100 victories. It is a remarkable record when you consider the fact that Coach Rettino and his staff teach the fundamentals of the game to new players each season.

The commitment to excellence at Union High School also extends beyond the playing field into the classroom. A dedicated teaching staff, a sound and efficient school administration led by Superintendent Dr. James M. Caulfield, and parents who care about their children's education have produced a winning attitude in Union High School and the elementary schools. This was recognized by the U.S. Secretary of Education, William Bennett, who a few months ago presented the Union Board of Education with the National Governor's Association Award as 1 of 16 model public school districts in the Nation.

It proves, Mr. Speaker, that athletics and academics go hand in hand with the right kind of leadership and community commitment to excellence. Mr. Speaker, I wish to commend Mr. Walter Shallcross, athletic director, and Coach Rettino and his championship team. It includes the following:

UNION HIGH SCHOOL FOOTBALL ROSTER 1987-88

GRADE 12

Joe Cruz, Joe Dotro, Bob Falzarano, Dean Ferdinandi, Mike Ferroni, Steve Fillaci, Guy Francis, Frank Goveia, Tawan Green, Mike Katz, George Kostis, Chris Markovich, Joe Matina, Al Miller, Anthony Nardone, Tom O'Rourke, Eugene Pierce, John Power, Daryl Scott, Bill Vignes, and Kevin Williams.

HEAD COACH

Lou Rettino.

COACHES

Fred Stengel, Jack DeBarbieri, Jeff Longueil, Chet Czaplinski, Gary Zakovic, Brian Shanahan, Sam Iacobone, Carmine Guarino, Charles King, and Russell Cannavo.

GRADE 11

Cliff Baskerville, Marcus Coley, Steve Donaway, Ralph Johnson, Robert Jones, Sean Lattimore, Mike Magliacano, Marlon Mathews, Russ Menoni, Dave Mollett, Frank Napolitano, Paul Palmucci, Jamal Patterson, Frank Pontoriero, Dave Rego, Nick Ricigliano, Fred Scott, Gerald Smith, Doug Solla, Derrick Vaughan, Anthony Wakefield, James Young, and Richard Zimbardo.

ATHLETIC TRAINER

Mike Zurlini.

STUDENT TRAINERS

Ken DesRochers, Bill Grobes, Tom Krauth, Tom Ollemar, Karen Ostroski, Jenn Regan, and Nicole Hodge.

GRADE 10

Pat Allen, Chris Banks, Scott Binder, Andre Caban, Kirk Patrick Capers, Julio Cepeda, Daryl Crawford, Louis D'Annario, Chris Dupre, Gus Fernandez, Earl Finney, Doran Godwin, James Herrera, Scott Hibbard, Todd Hibbard, Shawn Hodges, Conrad Jones, Robert Kimble, Andre Marksimow, James Martielli, Matt McMurdo, Sam Mickens, Gary Morris, Sean Mullery, Shaun Murray, Robert Pecoraro, Michael Simomson, Kelvin Smith, Martin Soto, Richard Tullis, Van Tran, and Craig Walker.

STATISTICIANS

Nicole Mayo, Kim Policastro, Dannines Soares, and Diane Lang.

THE BICENTENNIAL AND THE FIRST CONGRESS

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOGGS. Mr. Speaker, on January 12, Dr. Ray Smock, the Historian of the House of Representatives and the Director of our Office of the Bicentennial addressed the Capitol Hill Chapter of the Federal Bar Association. Dr. Smock provided the members of the association with an entertaining and inciteful commentary on the First Congress which convened 199 years ago in March, its members and the issues facing the new Federal Government.

As we continue the process of observing the 200th anniversary of our Constitution, its ratification and the establishment of the three branches of our Federal Government, I would like to share Dr. Smock's comments with my colleagues. In addition, I would recommend that anyone desiring additional information about the 200th anniversary of the Congress to contact our Historian, Dr. Ray Smock, or his counterpart in the Senate, Dr. Richard Baker.

The Great Experiment Begins: The First Federal Congress in Action

(By Dr. Raymond W. Smock, Historian of the U.S. House of Representatives)

One Hundred and Ninety Nine years ago the new government of the fledgling United States of America began in New York City amidst the ringing of church bells, the display of flags, and the roar of cannon. It was a time of great promise and of great opportunity for the new nation. Many historians consider the First Federal Congress to be the most productive legislative assembly in the history of the country. Being the First Congress had some built in advantages from the standpoint of history, just as part of George Washington's greatness stems from his large role in setting so many precedents in the development of the Executive branch. But none of this was automatic. The achievements of the First Federal Congress were forged by real people operating in an arena full of political choices. In looking backward two centuries, we get a glimpse of Congress that is both very familiar and very strange to us. The Congress has changed tremendously in two centuries, but in some fundamental ways it has remained the same.

It is such a commonplace to say that the size of the Congress has grown to keep pace with the nation, that I hesitate to even say it. I do so now merely to get us ready for a brief trip back 200 years. One of the cardinal rules of historical understanding is to put yourself in the shoes of the people in the time you are studying. If we begin with today's problems and today's political assumptions, and the realities of today's Congress, we will have a harder time understanding the First Congress. Looking backward two centuries the United States seems deceptively simple. It appears quaint, rustic, romantic, purer, less technical, less complex, slower paced, less urgent. Somehow it also seems nobler, a time, as some claim, when giants strode the land; godlike statesmen whose likes we have never seen since and are unlikely to ever see again. The men who shaped the nation have been elevated to virtual sainthood. We even carry their likenesses with us in our pockets and wallets. But making gods out of the leaders of the Founding period distorts history plays tricks on how we view the past and the present. When we view the personalities and actions of the Members of the First Congress as real people, many quite ordinary, struggling with real day to day political decisions and realize they were persons who had the same kind of strengths and weaknesses as the people in the 100th Congress, then history has meaning for us.

But what I say about the accomplishments of the "saints" in the First Congress is likely to play up their legendary qualities, because so many of the humanizing details have been lost or forgotten. But I am always looking for the telling insight about Congress that gives the Members and the institution a human quality, because I firmly believe that the Congress is the most human of governmental institutions, and the one that most closely reflects American politics and the American character.

Let me give you a brief overview, mostly statistical, of then and now.

Fisher Ames, a Member of the first House of Representatives from Massachusetts, described his colleagues this way.

"The House is composed of sober, solid, old-charter folks, as we often say. At least, I am sure that there are many such. They have been in government before, and they are not disposed to embarrass business, nor are they, for the most part, men of intrigue . . . However, though I am rather less awed and terrified at the sight of the members than I expected to be, I assure you I like them very well. There are few shining geniuses; there are many who have experience, the virtues of the heart, and habits of business."

Nineteen Members of the First Congress had been delegates to the Federal Convention in 1787. Nine of them served in the House and 10 in the Senate. In the House one of the "few geniuses" referred to by Fisher Ames was none other than James Madison, often called the father of the Constitution, who served in the House during the first four Congresses. The Members then were planters, lawyers, merchants, and a few clergymen. Today, in the 100th Congress, the planters have been replaced by businessmen and bankers, not too far removed from the role played by the planters of 200 years ago. Thirty-eight percent of the Members of the First House were lawyers. Forty-two percent of the 100th House are lawyers. In the Senate the percentage of lawyers has risen from thirty-eight percent in the First Senate to sixty-two percent today. There were 65 representatives and 26 senators in the First Congress. Today there are 435 voting House Members and five territorial delegates and 10 Senators. The First Congress handled 143 House-introduced measures and 24 Senate measures, resulting in the passage of 117 bills, compared with 7,522 measures introduced into the 99th Congress on the House side and 4,080 on the Senate side, with a total of 664 bills enacted through 31 standing House committees and 24 standing Senate committees.

The statistical comparisons give us some idea of the dimension of the changes that have transformed the Coangress in two centuries. But they do not tell the whole story, any more than baseball statistics alone can explain the game of baseball. The real test, it seems to me, is to judge the 11,000 persons who have served in Congress in the past 200 years by the job description handed down by the Framers of the Constitution themselves. By that standard the job of the Congress, no matter how well done, is never finished, because the task is to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

I started out by saying the First Congress was the most productive legislative assembly in U.S. history. But if you were there, in New York City, on March 4, 1789, when it all began, you sure wouldn't think that it was going to amount to much. The public turned out to celebrate and cheer for the new Constitution and the new Congress. Flags were everywhere. At 11 o'clock, the hour of the convening of the First Congress under the new Constitution, church bells pealed throughout the city, which at that time had a population of 29,000. The Members who made it to that day's session found the newly renovated Federal Hall, at the corner of Broad and Wall Streets, unfinished, even though carpenters had worked feverishly for months to get things ready. The Members of the House had to meet in makeshift quarters.

Only thirteen House Members, out of 65 who would eventually serve in the First Congress, showed up. The Senate, too, failed to achieve a quorum. Both bodies adjourned in less than an hour, and the guns sounded again and the crowds cheered again, but the Members themselves were disappointed in the anticlimax of their first day under the new Constitution. Fisher Ames of Massachusetts, worried as days dragged into weeks with still no quorum. "We lose credit, spirit, everything. The public will forget the government before it is born," he wrote. Finally on April 1, almost a month after the new government was to begin, the House achieved its first quorum. The Senate followed suit five days later. At last the government was launched.

Two hundred years later, as we prepare for the bicentennial of these events, I wish the House had gotten down to business on March 31, or April 2, or any day other than April 1. I can already see the jokes and media madness that will focus on the fact that the House finally got down to business on April Fool's Day and nothing has changed since! Knocking Congress is as American as Apple Pie, and few will pass up the chance to comment on this unfortunate juxtaposition of dates. Even a Member of the First Congress, Elias Boudinot of New Jersey, wrote to his wife questioning the wisdom of beginning the Congress on Fool's Day.

Once a quorum was achieved the House wasted no more time getting down to business, electing their first Speaker and first Clerk that same day. The Speaker was Frederick Augustus Muhlenberg of Pennsylvania, a huge capable man who was a leader of the influential German community of Pennsylvania, a former clergyman, and Pennsylvania state legislator. The House chose him for his strong experience as a parliamentarian. He had served as Speaker of the Pennsylvania General Assembly from 1780 to 1783.

The First Clerk of the House, John Beckley of Virginia, who served the first four congresses and the seventh, eighth, and ninth congresses, was a young, highly skilled clerk and lawyer who had served the Virginia legislature in several capacities. Beckley, it seemed, was always in poor health and was just one step away from debtor's prison, although he managed to keep up appearances and even owned a few slaves. He borrowed heavily from his friends such as James Madison and Thomas Jefferson. Beckley has come under fire recently from historians of the early congresses not for his politics but for his records-keeping practices. Many of the records that we wish we had to reconstruct the history of the early congresses were assumed to have been destroyed when the British invaded Washington and burned the Capitol in 1814. That's the standard legend around here, and it's partly true. But now we know that many of those records were discarded earlier by the meticulous Beckley himself, who couldn't stand to have loose paper scattered around the Clerk's office.

Beckley would probably be shocked to realize that historians would be lamenting the loss of his rough drafts two centuries later. In the Senate, on the other hand, the first Secretary, Samuel Otis, was a model archivist who has been praised for saving enough for us to reconstruct legislative histories by comparing handwriting on draft legislation and determining who introduced which amendments, and when. Because of Otis's efforts we have a much better idea of what was going on in the first years of the Senate than we do in the House, even though the Senators chose to meet in secret.

It is a bit ironic that the first Clerk of the House has been the subject of more historical attention, including a fine full length biography, than has the first Speaker. The first elected officer and the first staff member of the House did far more to shape history than Frederick Muhlenberg did. Beckley, a protege of James Madison, was a real power behind the throne in national politics, thwarting the presidential ambitions of Alexander Hamilton and championing his hero Thomas Jefferson.

While I am mentioning the staff of the first Congress, I may as well cover them all. Today there are more than 18,000 of us, with about 11,000 on the House side and 7,000 on the Senate side, representing a $3 billion dollar enterprise. In the First Congress, there was the Clerk, two assistant clerks, the Chaplain, the Sergeant at Arms, the Doorkeeper and one assistant, and that was it. The Senate had a Secretary of the Senate, a chaplain, two clerks, a doorkeeper, and a messenger. The budget to run the First Congress was less than $374,000. The Clerk employed his assistants mainly to transcribe the journals and other business of the House and see to it that everything was placed in neat bound volumes. The Clerk, among his other duties, was the reading clerk, praised for his clear, precise delivery, and he was even the first Librarian of Congress, beginning in 1802, overseeing its whopping $5,000 budget and all 243 books in the Library's collection. There were also one or two public printers hired by contract to print bills and laws, but they would not qualify technically as House staff.

Since there were no standing committees in the First Congress, there was no committee staff. For each of the 143 bills that were introduced in the First Congress a separate committee was appointed by the Speaker to handle each item. The Chairman of the committee was often the first person named by the Speaker. It was not a position of power. The Members, often working in their boarding houses near Federal Hall, wrote the legislation themselves with no staff assistance. Furthermore, there were no lobbyists, at least as we describe them today. Members often consulted prominent politicians and businessmen in their home states and asked for specific information needed to help draft legislation, but that was the usual extent of outside advice, other than what came through direct petitions to the Congress. Congress also heard often, through petitions, from a fellow on George Washington's staff by the name of Alexander Hamilton, the secretary of the Treasury, who kept Congress busy with his reports on national financing and other matters. The President himself generally confined his communications with Congress to matters related to Indian treaties and the military.

The petition, derived from British common law and widely employed in the colonial legislatures, was the primary device for getting an issue before Congress. This was true until at least the 1820s, when "lobby agents" began to make their appearance in the halls of Congress and in the state legislatures. The closest things to lobbying in the First Congress were the actions of such "special interests" as the Potomac Company, desiring a permanent capital on the Potomac, and the activities of agents of the Ohio Company, and other speculators in western lands.

Studying the petitions to the First Congress is one of the best ways I know to see what kind of issues came before the House. Many of the petitions led directly to legislation. The workload of the Congress, as reflected in the numbers of petitions received on a particular subject, is one way to study the origins of the standing committees. Last year the Committee on Energy and Commerce published a remarkable compilation of the petitions received by the first four congresses. It graphically portrays what was on the mind of Americans from 1789 to 1795. You be the judge of whether things have changed much in two centuries. Here is a brief sample of some of the petitions received by the First Congress:

1. Within ten days of the first quorum, a group of tradesmen in Baltimore urged Congress to pass "an imposition of duties on all foreign articles which can be made in America." The same day the House appointed a committee of nine Members to draft an import and tonnage bill. There were many commercial petitions urging increased duties on foreign goods.

2. The House received petitions from "sundry persons, citizens of the United States, captured and held in slavery by the Algerians."

3. In August of 1789 the Sergeant at Arms desired an inquiry into charges made against him in an anonymous letter to the Speaker.

4. Petitions came in from public creditors urging the House to appropriate sufficient funds to pay the interest on the public debt.

5. There were many pension claims from Revolutionary War veterans, and claims from citizens for property confiscated or damaged in the war.

But the enduring legacy of the First Congress was the role it played in completing the work of the Federal Convention, held two years earlier in Philadelphia. The Framers of the Constitution left important work undone, and some of the state ratifying conventions made additional demands that needed attention in the First Congress, mainly the adoption of a Bill of Rights. Furthermore, parts of the executive branch needed to be fleshed out, and Article III of the Constitution, describing the federal judiciary, was the most incomplete part of the Constitution, awaiting Congressional action. Here then, are a few of the monumental achievements of the First Congress relating to the Constitution. It is safe to say that the First Congress breathed life into the Constitution and transformed it from a document describing how government should work to an actual functioning system. Considering the fact that 19 of these persons were the same individuals who drafted the Constitution, and given the fact that the Committee on the Whole House was about the same size as the Federal Convention, the First Congress was very much like the Convention itself.

Congress conducted the process of counting the electoral ballots of the first electoral college and administered the inauguration of George Washington as President and John Adams as Vice President.

Congress created the executive departments of State, Treasury, and War, and established the office of Attorney General.

Congress passed the Judiciary Act of 1789, giving form to Article III of the Constitution and establishing the Supreme Court and the federal court system. The Judiciary Act, by the way, is the only case we know of where an actual subcommittee was established to handle the bill in the Senate. The subcommittee had three members, Oliver Ellsworth of Connecticut, William Paterson of New Jersey, and Caleb Strong of Massachusetts. House records are not complete enough for this time period to determine if subcommittees were used by the House.

And, as I mentioned above, the Congress, under the leadership of James Madison in the House, introduced 12 amendments to the Constitution, ten of which were eventually adopted as the Bill of Rights.

Other bills passed in the First Congress related to some familiar subjects: an oath of office, copyrights and patents, support of lighthouses and maritime regulations, the first act to preserve the records of government, a naturalization act, postal regulations, duties on distilled spirits, funding of the national debt, the incorporation of the bank of the United States, and last, but not least, a bill to establish a permanent seat of the federal government along the banks of the Potomac River.

Overall, the First Congress was preoccupied with the national debt created during the Revolutionary War. It spent more time on this subject than any other. But in terms of time consumed, and the amount of politicking that went on, the other major issue was the permanent location of the capital. The First Congress spent its first seventeen months in New York City, moved to Philadelphia, for its third session, and remained there for ten years until 1800, when Washington became the permanent seat. The question of the location of the capital kept popping up as a bargaining chip in relation to other bills, and helped determine the outcome of such legislation as the bank bill, the assumption of state debts, and other matters.

Everything the First Congress did was not, however, of such Olympian proportions. The Senate spent practically its entire first month in debate over what to call the President. Should it be "His Excellency" or "His Elective Highness"? Or, as the Senate came to prefer: "His Highness the President of the United States and Protector of the Rights of the Same." To the everlasting credit of the House of Representatives, the people's branch, the Senate's highfalutin strategy failed and we have known all our Presidents since Washington as "Mr. President." And the man who led the effort for the fancy title, Vice President John Adams, got his own titles: "His Rotundity," and "His Superfluous Excellency." Even this debate, as trite as it may seem today, had its serious side. The Federalists were debating not with antifederalists, but with themselves over an issue some perceived as an attempt to establish a monarchy in the United States and threaten the country's development as a republic. This issue, along with more fundamental disagreements stemming from sectional disputes and other matters would eventually divide the Federalists into two factions called Hamiltonian Federalists and Jeffersonian Republicans, divisions that contributed to the development of an important new phenomenon, not envisioned by the framers of the Constitution or the Members of the First Congress: a thing called political parties, which, I need not remind anyone in this room, transformed the way the future Congresses would do their work.

Fisher Ames, whom I cited earlier, made a prediction about the First Congress on its opening day. "The feds have too much faith in its *good*," he wrote, "and the anti's too much forecast of its *ill* tendencies. Both will be baulked probably." And he used the word "baulked" as a synonym for "frustrated." Two hundred years later the Federalists and Antifederalists debate, while still vital to an understanding of American politics, seems far removed from the complex organized parties and special interests of today. But Ames' observation still holds true. What he predicted as the reaction to the First Congress could be applied to the 99 that have followed. Some still have faith in the *good* of Congress, while others forecast its *ill* tendencies. And both viewpoints have been "baulked" for two hundred years. The great experiment to see if we can keep our republic continues.

TRIBUTE OF SUSAN S. TABOR TO RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LANTOS. Mr. Speaker, this month marks the 43d anniversary of the abduction of the great humanitarian Raoul Wallenberg by Soviet military officials in Budapest in 1945. Some 9 months earlier, this young Swede arrived in the Hungarian capital at about the time that the notorious Nazi Adolph Eichman had arrived in Budapest with the task of exterminating the Jews of Hungary. Wallenberg fought Eichman at every turn and through skill, wit, and sheer determination succeeded in saving the lives of 100,000 men, women, and children.

Mr. Speaker, as we mark the 43d anniversary of Raoul Wallenberg's disappearance into the Soviet gulag, I wish to bring to the attention of my colleagues in the Congress a tribute to Wallenberg by Susan S. Tabor of New York City. Despite a grave illness, she traveled to Washington last fall to speak in the Senate Russell rotunda about how Raoul Wallenberg saved her life and the lives of many others.

Born in Budapest in 1920 and educated in Hungary, Mrs. Tabor lived through the Nazi era. In 1939, she married Emery Tabor, an architect, and emigrated to the United States in 1948. Since 1950, she has been a librarian at the Hebrew Union College Jewish Institute of Religion.

Mrs. Tabor believes she owes her life to Raoul Wallenberg, the Swede who saved the lives of tens of thousands of Hungarian Jews late in World War II. Wallenberg acted to save people in many ways, but none was more dramatic than his intervention in the Nazi-enforced death march of Jews from Hungary to Austria. Here is how Susan Tabor recalls that event:

It happened forty three years ago, and it is still a recurring nightmare in my life.

My mother and I were taken with thousands and thousands of others on a Death March toward Austria. Trains were not running, and we had to be driven on foot in mud, cold rain and snow toward our destination—the gas chambers.

At night like cattle we were herded into an abandoned brick factory, many of us breaking legs in hidden pits. Whoever tried to climb out was mercilessly beaten, and some were killed by the guards.

Once in, there was hardly room on the floor for everybody to sit. There was no light, no food, no doctors, no first aid, no sanitary facilities, no one was allowed outside. Armed guards walked around stepping on people, abusing them, cursing and shooting. We were beaten because our spirit was broken. Somehow, the night passed.

The next day, unexpectedly at one end of the building, we saw people in civilian clothes with a loudspeaker and flashlights. And there was Raoul Wallenberg. We just stared, not even realizing he was talking to us, not even comprehending what he was saying.

He was telling us that he had demanded of the Germans that those with schutzpasses should be allowed to return to Budapest. He further informed us that medical doctors and nurses had volunteered to take care of the sick and wounded. He demanded that toilet facilities be provided.

Can you fathom what his being there meant to us hunted, desperate people? Someone thought we were human beings worth saving. Someone who had no obligation to us fought for us.

And suddenly, those beaten people straightened their backs, and from every corner you could hear 'Shema Yirael,' the declaration of faith of the Jews. Maybe we were getting ready for death with dignity. Or maybe, just maybe, there was a glimmer of hope for survival.

The next morning, we were lined up to continue the march toward our last destination, but Raoul Wallenberg was there with his trucks. Under his watchful eyes, the Nazi officers checked the schutzpasses, and Wallenberg removed those under his protection to the relative safety of protected houses in Budapest. The others continued their march and according to records, 150,000 perished on their way.

Allow me to quote Elie Weisel: "Hitler's platform contained many pledges, but the only one, nearly the only one, he fulfilled was the extermination of the Jewish people. How much more then do the deeds and humanity of Raoul Wallenberg shine, giving hope, for mankind".

THE STRUGGLE FOR UKRAINIAN INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on January 23, a banquet was held in Farmington, CT, by the Connecticut chapters of the Ukrainian Congress Committee of America, commemorating the 70th anniversary of Ukrainian independence. The guest of honor was the Honorable Bohdan Futey, a judge in the U.S. Court of Claims in Washington, DC.

On January 22, 1918, the Ukrainian people, through the Ukrainian Central Rada, proclaimed the Ukraine a full-fledged sovereign and independent state, with its capital in Kiev. The new government forged close economic and political ties with a number of European nations, including Britain and France. Tragically, Ukrainian independence was shortlived. The country was invaded late in 1918 by Polish and Russian armies. Ukrainians of all ages rallied to preserve their precious freedom, but after a heroic struggle which lasted 3 years, the Ukrainian National Republic was finally defeated by the numerically superior forces of Lenin's army.

With the Soviet occupation came political, cultural, and religious repression and economic exploitation on a grand scale. Over 7 million Ukrainians starved to death in the only recorded manmade famine in world history. These hardships continued during the Second World War, as members of the Ukrainian resistance movement fought bravely against the Nazi and the Soviet armies in turn. In efforts to halt the activities of the resistance, hundreds of thousands of Ukrainians were deported, exiled or killed by the Nazis and the Soviets.

Today, the Ukrainians' struggle for independence and human rights goes on. While almost half of all political prisoners being held in the Soviet Union are Ukrainians, scores of intellectual and cultural activists continue to criticize the Soviet regime despite great personal risks. These brave men and women are joined by the many Ukrainians around the world and their friends who continue the struggle for a free Ukraine.

As we commemorate Ukrainian Independence Day, we remember the cost the Ukrainian people have paid in their battle for freedom. The celebrations honoring Ukrainian independence that are taking place worldwide in Ukrainian communities this week are not only a salute to those who have kept the dream of an independent Ukraine alive, but also celebrate the ideal of freedom, and the right of all people to self-determination.

A TRIBUTE TO JACK SHINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Jack Shine, who has also been honored by the Anti-Defamation League—Pacific Southwest Region for his leadership in advancing the causes of human rights in the community and the corporate world. He is the recipient of the Anti-Defamation League's 1988 San Fernando Valley Achievement and Community Award.

Jack is president and founder of the First Financial Group of Companies, a financial services firm that has played a major role in the development of a myriad of commercial and residential projects in Los Angeles. Through his involvement in trade organizations and his success in business, Jack has become one of the most prominent men in his field. He is a past president of the Building Industry Association of Southern California, the current chairman of the CBIA Political Action Committee and a trustee for the National Association of Home Builders PAC in Washington, DC.

In addition to his success in real estate, Jack has demonstrated an extraordinary dedication to community service by his involvement in numerous civic organizations. He is currently a trustee of the Society of Fellows of the Anti-Defamation League, an honorary member of the board of directors of the Henry Mayer Newhall Memorial Hospital and an active supporter of the Santa Clarita Valley Boys Club of the YMCA. His contribution to cultural organizations is just as noteworthy. Jack serves as vice president of the Los Angeles County Music and Performing Arts Commission and is a member of the Fraternity of Friends of the Music Center. He is also a board member of the San Fernando Valley Cultural Foundation and is actively involved with several museums in Los Angeles.

It is my distinct honor and pleasure to ask my colleagues to join the Anti-Defamation League and me in saluting Jack Shine. He is an exemplary man whose success and dedicated service to the community is an inspiration for all of us.

LONG-TERM HEALTH CARE INSURANCE AND CONSUMER PROTECTION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, we are approaching a crisis in providing long-term health care in this country. Approximately 43 percent of those now aged 65 or over will spend some time in a nursing home before they die. Nursing home care constitutes the single largest category of health care payments by persons over 65, and often leads to impoverishment—approximately half of the elderly who enter nursing homes as private pay patients exhaust their resources, ultimately falling back on Medicaid.

Senior citizens are expected to pay $46 billion in nursing home costs in 1988. Currently, nearly 50 percent of the cost of nursing home care, which averages $22,000 per year, is covered by out-of-pocket expenditures by individuals.

I would direct my colleagues' attention to the following article from the Bergen Record, which discusses ways in which the private health insurance industry is stepping in to deal with this problem by providing comprehensive long-term care insurance policies, and issues that this kind of insurance policy raises for consumers.

INSURANCE COVERS LONG-TERM CARE

(By Kathleen Lynn)

Nursing home costs—at an estimated $20,000 to $30,000 a year—can quickly leave an elderly person almost penniless. The federal Medicaid program pays only after a nursing home patient has exhausted most of his assets—even if that means selling the house.

"It's a very severe problem," said Harvey Adelaberg, executive vice-president of the Daughters of Miriam nursing home in Clifton.

To meet this need, more than 70 insurance companies have recently begun offering nursing home insurance. It's a growing market just four years ago only 16 companies offered the coverage.

About 425,000 people have bought policies, says the Health Insurance Association of America. Typically, the policy pays a set, per-day benefit covering most or all of the cost of long-term care, in a nursing home or at home.

Preparing for the possibility of a nursing home stay isn't easy.

"Nobody thinks they're going to go in one," said John Mather, the 66-year-old head of the Teaneck chapter of the American Association of Retired Persons (AARP). "People don't believe they're going to get sick."

But, according to the Department of Health and Human Services, 43 percent of the people now aged 65 to 69 will spend at least some time in a nursing home. About 1.5 million Americans are now in nursing homes. About half will stay 90 days or less; for the rest, the average stay lasts 2½ years according to the Health Insurance Association.

It all added up to $38.1 billion in 1986, and is expected to climb to $46 billion in 1988. More than half is paid out of patients' or their families' pockets.

Beatrice S., 86, spent her life savings—more than $50,000—on bills at a Bergen County nursing home. Her daughter recalls her mother in tears saying: "This isn't what we wanted. This isn't what we worked so hard for. We wanted to leave you something."

Insurance companies are moving cautiously into this new market, typically starting by offering policies in a half dozen or so states. Six companies are offering individual policies in New Jersey, according to Deborah Hudgin of the state Department of Insurance. They are Aetna Life and Annuity, American Integrity, American Republic, Continental Casualty, Intercontinental Life, and Mutual of Omaha.

In addition, another half dozen companies sell group policies that may be available to New Jersey residents if they are members of the group targeted, Hudgin said. The Newark-based Prudential, for example, offered policies to members of AARP. Several insurers are also trying to get employers to take the coverage for workers.

For a 65-year-old person buying a policy, annual premiums will average about $700; for an 80-year-old, about $1,500, said Robert Waldron, a spokesman for the Health Insurance Association. The premiums usually will not increase as the policyholder ages.

How can a customer best decide whether to buy insurance to cover long-term care? And how best to judge the different policies?

Curling up with an insurance policy is no one's idea of fun. But you shouldn't let an insurance agent do all your thinking for you. In a May 1987 report on nursing home insurance, the U.S. General Accounting Office commented, "There is some indication that misleading sales and marketing practices are being used in this market."

Hudgin has not heard complaints about misleading sales pitches in New Jersey. But she said: "It is certainly advisable for anyone who is reviewing a long-term care or nursing home policy to ask many questions. Do not be pressured into buying anything."

Some advice for shopping for long-term care insurance:

Check your other policies to see what might be covered. Most health policies do not cover nursing-home care. If you are already covered by Medicaid, the health-insurance policy program for low-income people, you do not need long-term care insurance. Medicaid will pay any nursing home bills.

But do not be confused—Medicare, the program that covers the elderly and the disabled, does NOT pay for long-term care in most cases.

Avoid policies that would pay only for long-term care related to certain diseases, advises Robert Hunter, head of the National Insurance Consumer Organization. If you insure against cancer, what happens if you have a stroke? And make sure Alzheimer's disease is covered.

Check and compare at least three policies, Hunter advises. Among other things, compare the length of coverage—policies generally will pay benefits for periods ranging from three to six years.

Make sure a policy will pay for custodial care—help in the basics of living, such as dressing, eating, and so on. Most people in nursing homes receive custodial care, rather than the "skilled" or "intermediate" medical care required for serious illnesses. A policy that pays only for skilled care is not enough, says Ronald Hagen, director of insurance services at the AARP in Washington, D.C.

Ask whether the policy-holder must first spend three days in a hospital or six months in a skilled nursing home before collecting benefits for custodial care. Such provisions could make it difficult to collect on the policy. Victims of Alzheimer's and some other diseases often go straight into a nursing home, without first stopping at a hospital.

Check whether the policy pays for custodial care at home. Most people would much prefer to stay at home if they can.

Check the policy's provisions on so-called preexisting conditions. If you are suffering from a serious illness when you buy long-term care insurance, you might have to wait six months or more before you can collect benefits, Hudgin said.

Ask whether the benefits would rise with inflation. Some policies are set up to pay $60 a day now—roughly the current rate in many nursing homes—and to rise to $200 as the cost of care rises.

Look at the amount of time that would have to pass before benefits are paid. With some policies, the patient would have to pay for the first 20, 60, 100, or 180 days in a nursing home. This is one way to lower the policy's premium, but make sure you can afford it.

The General Accounting Office compared 33 policies available in 1986. For a free copy of the report, entitled "Long-Term Care Insurance: Coverage Varies Widely in a Developing Market," write to U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, Md. 20877.

You can also get help analyzing policies from the state Senior Health Insurance Program (SHIP), Hudgin said. Call your county's Office on Aging for more information about SHIP.

Finally, check the insurance company's rating with A.M. Best, which reviews insurers' financial health. You can find A.M. Best information in local libraries, or ask your insurance agent.

IN TRIBUTE TO HAROLD F. SKELTON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CONTE. Mr. Speaker, for more than 33 years the city of Holyoke, MA, was protected by a man with the compassion to care, the character to lead, and the strength to protect. In fact, he served as chief of police for almost 10 years. Harold Skelton won't be leaving Holyoke but he will be leaving the police department.

Mr. Speaker, in any position of leadership there is no substitute for personal experience. And no one knows that better than Harold Skelton. He was not a foreigner to the concerns and difficulties encountered by the officers that worked for him and the citizens he protected.

Harold was not simply an effective and able administrator. Harold Skelton was an involved chief of police. After working his way through the ranks, he learned an appreciation of all that it takes to run a police department. He knew the energy, emotion, and patience that went into every call.

All of these things characterized Harold Skelton in his position as chief of police. But when he turned in his badge, he didn't turn in those valued characteristics. Harold Skelton will always be a compassionate, dedicated, patient man. Mr. Speaker, the people of Holyoke have been fortunate to have the leadership of Harold Skelton. And all those who know him are fortunate to have him as a friend.

After 33 years, it's time to say, "Congratulations, Harold, on a job well done!"

JAMES RUSSELL WIGGINS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Ms. SNOWE. Mr. Speaker, Time magazine recently brought to the Nation's attention one of the treasures of the State of Main—James Russell Wiggins, editor of the Ellsworth American.

To read the American is to get not only a sense of the community, but of the man who stands behind the paper as well. It reflects Russ Wiggins' enthusiasm for ideas, his diversity of interests, and his deeply rooted, abiding care for the future of Ellsworth, the State and the country. He has been able to bring out not just the news of Ellsworth and Hancock County, but also convey the sensibilities and nature of a special region.

Pehaps it is the fact that Russ Wiggins saw and experienced so much of the world, from serving as executive editor of the Washington Post to U.S. Ambassador to the United Nations, that he continually shows that the rural, coastal setting of down east Maine is anything but circumscribed. We are fortunate indeed that he has let us see that dynamic world through his eyes.

It has been a great pleasure for me to have been acquainted with Russ Wiggins in recent years, so I want to take this opportunity to wish him continued health and good fortune in the years ahead.

Mr. Speaker, I ask that the Time magazine article appear after my remarks.

[From Time magazine, Jan. 18, 1988]

IN MAINE: A TOWN AND ITS PAPER

(By Ted Gup)

Some years back, James Russell Wiggins, editor of the Ellsworth *American* in Maine, wanted to prove to readers how pitifully slow was the U.S. Postal Service. So he proposed a race: he sent letters to a nearby village, one through the Postal Service and others by oxcart, canoe and bicycle. At the pedals was a local celebrity, Writer E.B. White. The Postal Service lost every race, and Wiggins gloated on the front page.

That was big news. Big news elsewhere, though, often doesn't seem quite so pressing in Ellsworth. The October stockmarket crash got one sentence last fall; the blueberry industry, a mainstay of the region, got a five-part series. But nothing is read more closely than the court page, a list of everyone caught speeding or driving tipsy or lobstering without a license. "I want to see if any of my buddies are in there," says Carmen Griffin, a waitress at the Pineland Diner on Main Street.

It may be a yawn in Portland, Me., but in Ellsworth, it's front-page news when there's a bumper crop of scallops or the cops seize a pet snake (the headline: Police Put Permitless Pet Python in Pen).

When Editor Wiggins, 84, wanted to tell his readers, many of whom live by and from the sea, what was happening in the America's Cup race, the weekly sent a reporter to Australia. The story was relayed by satellite to Washington, wired to an Ellsworth bank and then walked across Main Street by the bank's vice president.

That's how things have always been done in Ellsworth, one neighbor counting on another. Ellsworth is the shire town of Hancock County, some two-thirds up the Main coast, and gateway to the summer resorts of Bar Harbor. For more than 200 years, the town has hugged the Union River, which spills out into Union River Bay and eventually the bold Atlantic.

The town was named for Oliver Ellsworth, an early Chief Justice of the Supreme Court. Folks here are friendly. They can't help themselves. But Down Easters draw a line between outsiders—"people from away"—and locals. You can be born in Hancock County and still not be judged a local if your parents were "from away." They say, "A cat can have her kittens in the oven and call them biscuits. Doesn't make it so."

Ellsworth has reason to be wary of outsiders, who come here seeking tranquility and disturb what tranquility there is. They clog streets, drive up land prices and bring with them some anxieties they hoped to escape. And they talk funny.

Not since the fire of 1933 swept down Main Street, consuming 130 buildings, has the character of the town and the region been so threatened. "We're getting a little class," says Victoria Smallidge, owner of the Pineland Diner, who moved here in 1970. Call it what you will, some locals are uneasy about a diner that offers a wine list and tenderloin with béarnaise sauce but holds mashed potatoes and meat loaf in contempt.

American reporters discuss stories that straddle two worlds: a log-sawing contest in Brooklin, Me., and drug-awareness week at nearby Bucksport High. These days lawyers and real estate agents seem to outnumber clergymen and clam diggers. Even the lilting Down East accent, once spoken as if it were passing over a dip on a backwoods road, is losing its curls.

The *American* began publishing in 1850. There were 5,000 townspeople then, and the paper's slogan was "Americans can govern America without the help of foppish influence." There are now just over 5,000 souls in Ellsworth, and they still bristle at outsiders' arriving in Peugeots with ideas for their town. But change is certain.

Some city officials say the population may double in five years. Many fear the region is losing its identity. It is the *American* that is helping to preserve that identity, holding itself up as a mirror of community interests, passions and humor in uncertain times. "It's the one continuity we have in our lives, besides the seasons," says Jack Raymond, a reader from Bar Harbor.

Wiggins and the *American* seem an unlikely pair. He never went to college and didn't take over the *American* until late in life. Before that he was executive editor of the Washington *Post*, then U.S. Ambassador to the United Nations. A great-grandfather, he holds eight honorary degrees, reads up to five books a week and recites Chaucer from memory. He belts out incendiary editorials, writes a sometimes syrupy nature poem and, until recently, had a paper route. He hasn't drawn a salary in two decades.

The former Ambassador still holds public office—of a sort. He's Brooklin's appointed fence viewer. He is supposed to settle boundary disputes, but none every arise. Wiggins is a robust man with snow white hair, eyebrows that arch in incredulity and strong hands beginning to gnarl like briar. In his spare time, he strolls his saltwater farm on Carlton Cove or sails the *Amity*, his sloop. "I picked the name out of the air," he says. "I threatened to name it *Lolita*, an old man's darling, but my wife didn't care for that."

"J. Russell? He's an American original," says Ellsworth's city manager. Herbert Gilsdorf. "For this place and this time, it's probably the best fit between a newspaper and a community I've ever seen, and I don't have any reason to blow the guy's horn 'cause he's harpooned me a couple of times."

Folks are proud of the *American*, and why not? It may be the finest—albeit quirkiest—weekly in the nation. "It's a real good paypa," says Don Walls as he lowers a 100-lb. crate of lobsters from a wharf in Southwest Harbor; the *American* ran a photograph of Walls six-year-old son Travis, winner of the fishing derby. "Meant a lot to me and the boy," he says.

Some think Wiggins is a curmudgeon. He grabs onto every subject like a pit bull. He's been railing against the lottery for years. "It's a fraud on the public," he steams. Maybe, but he hasn't even won over his personal secretary, Rose Lee Carlisle, who buys five dollars' worth of lottery tickets every week. When the Maine legislature amended the state constitution, Wiggins wrote an editorial saying the change was "as clumsily executed as a double heart-bypass by a band of butchers wielding a chain saw."

"Like that one, did you?" he asks. Some folks say he's too liberal. Wiggins laughs: "My children and grandchildren are always telling me what a reactionary old bastard I am." He enjoys citing the saying that a newspaper should "comfort the afflicted and afflict the comfortable. But Wiggins can be a softy too. His reporters remember his weeping when a Christmas caroler from a home for wayward boys put his arms around him. Then there is the Wiggins who laughs until he tears.

He passes on the latest story from his friend and sailing partner, Walter—Cronkite, that is. Greeting visitors to his 1802 Federal house are life-size cutout figures of Frank and Ed, the yokels from the Bartles & Jaymes ad. "I want you to meet a couple of friends of mine—Frank and Ed," he tells an unwary visitor. He admits to two vices. Scotch old-fashioneds and raspberry sherbet. After he wrote a column about the scarcity of the latter, merchants started stocking it.

On his farm, Wiggins walks among his mallard ducks, chickens, geese and a Norfolk terrier named Red that once belonged to the late White. The elders among the geese—Arthur, the old gander, and Jezebel, the goose—are often featured in Wiggin's Aesop-like bimonthly column.

Once a "mover and a shaker," he steered the Washington's *Post's* coverage of every crisis from the Berlin Wall to the Viet Nam War. No more. "You can't flatter yourself in the belief that you can leverage the world from the perimeter of Ellsworth, Me.," he says. "But I enjoy rural life a lot better than I do big cities. I'm at home in this environment." Happiness, he says, is an old age shared with Ben Franklin's three faithful friends: "an old wife, an old dog and ready money."

ALARMING RISE IN ANTI-SEMITISM NOTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, as one member who since 1981 has been sponsoring legislation to impose swift and certain penalties on those convicted of hate crimes. I wish to again urge that final congressional action be completed on legislation passed by this House which would be an important first step forward, H.R. 3258 which I was proud to cosponsor.

In addition the report released yesterday by the Anti-Defamation League of B'nai B'rith makes this an even more compelling cause. Their report makes the disturbing conclusion that anti-Semitic incidents in the United States increased 12 percent in 1987 reversing a 5-year downward trend according to this morning's New York Times.

The total number of incidents for 1987 was 1,018 a staggering rate of more than two a day for the whole year. These incidents of anti-Semitic incidents include two types: vandalism against Jewish institutions and property and harassment threats and assaults against Jews and Jewish property. Typically acts of vandalism outnumber the harassment and threat type of incidents and 1987 was no exception. There were 694 acts of vandalism and 324 harassments, threats and assaults.

Tragically, New York State again led the States with 207 incidents. New York also led with acts of harassment, threats and assaults.

It is important to note that an increased number of State legislatures, 29 in all have adopted stricter laws aimed at curbing religious or ethnic vandalism. Yet there remains to this date no Federal legislation to deal with the problem of religious and ethnic violence.

H.R. 2538 proposes a graduated series of penalties for those who commit these heinous acts against religious persons and or property. This would include life imprisonment for any such incident that results in death.

There are far too many acts of violence and vandalism occurring against people of all religions. Just two nights ago, Cardinal O'Connor of the Archdiocese of New York had his personal residence broken into by a knife wielding individual who threatened one of the cardinal's housekeepers. It was the second forced entry into the residence in the past year. We read about too many religious buildings being defaced. We even hear too much about desecration of cemeteries.

It is time to act and we must do so. It is tragic that these acts occur but they do. We cannot ignore them because our inaction will only encourage more such acts in the future.

At this time I wish to insert an article from the New York Times highlighting the B'nai B'rith report.

[From the New York Times, Jan. 27, 1988]

REPORT SHOWS 12-PERCENT RISE IN ANTI-SEMITIC INCIDENTS

Anti-Semitic incidents in the United States increased 12 percent in 1987, reversing a five-year downward trend, the Anti-Defamation League of B'nai B'rith reported yesterday.

At the league's New York headquarters, its national director, Abraham H. Foxman, called the results "disturbing." He said that, paradoxically, the increase had come in a period of vigorous local law enforcement and statutory efforts against crimes of bias as well as a recent Federal crackdown on hate groups.

The 1,018 reported incidents in 1987 and the percentage of increase from 1986, however, were less than those of 1981, the last year the annual audit found a significant increase in anti-Semitism in this country.

In 1981, there were 1,324 reported incidents. That was the third year in a row that the number of incidents was more than double the previous year's.

694 VANDALISM INCIDENTS

The league divided the incidents into two types: vandalism against Jewish institutions and property, and harassment, threats and assaults against Jews and Jewish property. Historically, incidents of vandalism have largely outnumbered harassments, threats and assaults and that was the case last year.

The number of incidents of vandalism last year was 694, ranging from swastika daubings to arson and pipe bombings. This was an increase of 17 percent over the 594 incidents reported in 1986. The sharp increase, the audit said, largely reflected a 121 percent increase in such incidents in California.

The audit found some of the more serious vandalism was carried out by members of a neo-Nazi hate group who call themselves the Skinheads. The group's activity last year, particularly in California, the audit said, brought the number of anti-Semitic incidents attributable to organized hate groups to 20. In recent years, no more than one or two vandalism incidents have been attributed to such groups.

The number of harassments, threats and assaults was 324 last year, a 4 percent increase over the 312 such incidents reported in 1986 These included 16 assaults last year, compared with 11 the year before. Most of the harassments and threats came in the form of hate mail and telephone calls.

NEW YORK'S BREAKDOWN

New York, the state with the highest Jewish population, led the nation with 207 vandalism incidents, up from 186 in 1986. Of the 91 incidents reported last year in New York City, Brooklyn had the most, with 37, followed by Manhattan, with 27.

Outside the city, Nassau County had the most in the state, followed by Suffolk County, with 41. The remaining 55 counties in the state had a combined total of 15 incidents.

California had the second highest number of vandalism incidents, 137, up from 62 in 1986.

Florida was third, with 64, followed by New Jersey, with 43. The 1987 totals for both states, however, were down from 1986. Connecticut was ranked 20th, with 6 incidents, one more than the year before.

The top four states for vandalism were ranked the same for harassments, threats and assaults.

Mr. Foxman said that, in recent years, 29 state legislatures, including those in New York, New Jersey and Connecticut, had adopted stricter laws aimed at curbing religious or ethnic vandalism.

Nonetheless, he said, the 1987 figures reinforced the need for even stricter law enforcement of bias crimes, strengthened security measures for Jewish institutions and greater educational efforts to heighten public concern about such crimes.

A UNIQUE PROPOSAL FOR WORLD COURT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to call my colleagues attention to an informative article written by Paul Kerson, a lawyer from Queens County, NY, on the use of the International Court of Justice of the United Nations to resolve international disputes and consequently lower the risk of nuclear war.

So that my colleagues may be able to learn more about this intriguing proposal, I include the article, which appeared in the December 1987 issue of the Queens Bar Bulletin, in the CONGRESSIONAL RECORD.

THE INTERNATIONAL COURTS OF JUSTICE—QUEENS COUNTY STYLE

(By Paul E. Kerson)*

Have you noticed the change that has come over our county in the last five years? The court-appointed translator has become the most indispensable party in the administration of justice!

Item—In a child custody action between a Dominican-American and a Nicaraguan, the issue was whether she married him for his coveted U.S. citizenship.

Item—In a commercial landlord-tenant action between a Korean fruit store tenant and a Syrian discount store landlord, the issue was a $10,000 water bill. It seems that the Syrian could not successfully explain to the Korean that his refrigerator was using too much water because of a defective valve. Without the able interpreter, bloodshed may have resulted in the courthouse.

Item—The Romanian contractor client fails to show up in court because he could not read his mail. At the court's direction, the defendant shopkeeper, also a Romanian, volunteered to contact the plaintiff to get him in on the adjourned date.

Item—A Hungarian-American wishes to sell a kosher bakery to a Russian. At the closing, the Russian insists that the Hungarian sign a 500 year old religious document in biblical Hebrew declaring joint venturers so the interest on the notes can be divinely forgiven. The creative Queens County practitioner comes up with the English language disclaimer: "This document is signed for religious purposes only and has no civil effect." All parties are satisfied.

Item—A Nigerian gets off the plane at Kennedy Airport with 100 pounds of marijuana in his suitcase. Local counsel is appointed. The District Attorney and the court agree to an E felony plea with voluntary deportation. The Office of Court Administration has no Ibo language interpreter. The United Nations Nigerian mission claims that no one speaking Ibo could possibly have committed such a crime. Columbia University saves the day by sending an Ibo speaking engineering graduate student to translate.

Item—A thoroughly distraught Russian woman gets off the plane at Kennedy screaming to the Port Authority police that her husband has kidnapped their children and hidden them in Queens. The Family Court appoints local counsel for the woman. A Federal Express letter to the Secretary of State (the one in Washington, not Albany) gets the children before the court the next day.

Item—An Indian Sikh priest is given a summons for carrying a ceremonial sword in the Flushing subway station. A wise Queens County Criminal Court judge rules that the interests of society in preventing violence on the subway must be balanced against one's First Amendment right to freedom of worship. A creative judicial solution is suggested: Summons dismissed, but Indian Sikh priests should carry their ceremonial swords encased in lucite in the future.

Item—A local con artist hoodwinks a Greek archbishop into signing over the deed to his church in violation of canon and civil law. The con man then sells the church building to a Korean congregation. The Koreans threaten to evict the Greeks. A respected Queens County Supreme Court justice confides to counsel that this is the most difficult decision he has had to make in 18 years on the bench.

At the trial, no one can speak to anyone, and both Greek and Korean interpreters are needed for justice to be done. Invoking the spirt of Solomon, the judge awards title to the Koreans, but permits the Greek congregation to remain in possession pending appeal.

There is no question that the skill of our local lawyers and judges have defused these incidents, which would have resulted in international tensions had they been exposed to media attention at the time they occurred.

Something incredible is happening right before our very eyes. Our lawyers and judges in this county at this time are adjusting the ancient common law to fit a world gone mad. Rather than at the United Nations, international law is being made daily in the civil and criminal courts of Queens County, New York.

ARGUMENT

Are the problems of countries so very different than the problems of the individual men and women, businesses and religious institutions that constitute those very nations? Can raw anger and rage be defused by advocates, judges and interpreters working together? By our willingness to deal fairly with anyone from anywhere, do we in the courts of Queens County have something very special to teach the world?

Our nation is locked in a frightfully dangerous and expensive arms race, principally with the Soviet Union but potentially with the whole rest of the world.

War, after all, does not exist because of any fundamental mean streak in the human character. It exists because, horrible as it is, it can solve a conflict. Up until the invention of nuclear weapons, a war could have a winner and a loser. The competitive streak in the human character encouraged many in power throughout world history to seek to be winners, with the tremendous spoils that go with winning.

Now, of course, it is clear that nuclear war can have no winner. But every day we awake our countrymen ready doomsday devices for immediate use—in the air, below the sea and in underground silos.

A dangerous adversary not subject to the protections of relatively free elections and relatively free speech, is similarly overarmed. Both sides are doing this at great cost to themselves and the world, and doing it every day.

And to top it off, other governments, individuals and organizations around the globe are rapidly acquiring nuclear weaponry.

Only when we devise an alternate means of resolving international disputes, can we finally address the question of the elimination of doomsday weapons.

The bare rudiments of the machinery are in place. The International Court of Justice (ICJ), an arm of the United Nations with headquarters at the Hague, Holland, dealt with 72 contentious cases between 1922 and 1978, and rendered 44 advisory opinions in that period. This is not yet enough of the world's potential wars to call it a serious alternative forum for conflicts resolution, and thus, war prevention.

The problems with the ICJ as currently structured are these:

1. Only states can be parties.
2. Jurisdiction is not compulsory.
3. There is no enforcement mechanism.
4. There is no appellate process to wear down the emotions of the moment and burden the resources of the parties, thus, postponing much of the passion of conflict out of existence.
5. The judges are not appointed for life, thus subjecting them to political influence.

A NEW IDEA

Perhaps the Statute of International Court of Justice should be amended so it more closely resembles the courts of Queens County. Following is part of the Statute, with newly suggested matter in italics:

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations, shall be constituted and shall function in accordance with the provisions of the present statute.

ARTICLE 2

The court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3

1. The court shall consist of 15 members, no two of whom may be nationals of the same state.

Substitute: The Supreme Court Division of the International Court of Justice shall consist of 15 members, no two of them shall be nationals of the same state.

Add 3. District Chambers of the court shall consist of six hundred members, three of whom shall be assigned to each district chamber, the remainder assigned to the Appellate Divisions, or held ready to fill vacancies.

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* Paul E. Kerson is co-editor of the Queens Bar Bulletin and President of the Queens County Criminal Courts Bar Association.

Add 4. The Appellate Divisions of the Court shall consist of four chambers of 9 members each. The First Appellate Division shall include Asia, Australia and the Antarctic. The Second Appellate Division shall include Europe. The Third Appellate Division shall include Africa. The Fourth Appellate Division shall include South America, North America and the Arctic.

Add 5. Each District Chamber of the Court shall consist of three members of the court, only one of whom may be a national of the said District Chamber.

Add 6. Each Appellate Division of the court shall consist of nine members of the court, only three of whom may be nationals of the states located in the said Appellate Division.

ARTICLE 13

1. The members of the court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

Substitute: Judges of the court shall be elected for life during good behavior.

2. The judges whose terms are to expire at the end of the above mentioned initial periods of three and six years shall be chosen by lot to be chosen by the Secretary General immediately after the first election has been completed.

Substitute: A judge of the court may only be removed by a three-fourths vote of the General Assembly and a three-fourths vote of the Security Council.

ARTICLE 26

1. The court may from time to time form one or more chambers, composed of three or more judges as the court may determine, for dealing with particular categories of cases: for example, labor cases and cases related to transit and communications.

2. The court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the court with the approval of the parties.

Substitute: District Chambers of the court are hereby formed in the capital or principal city of each member of the United Nations and/or party to this statute.

3. Cases shall be heard and determined by the chambers provided for in this article if the parties so request.

Substitute: Cases shall be heard and determined by the District Chambers provided they arise in the venue of the District Chamber. Each member of the United Nations and/or party to this statute shall be considered a district of the court for venue and administrative purposes.

ARTICLE 34

1. Only states may be parties in cases before the court.

Substitute: All persons, states, corporations, parties or other entities engaged in international commerce or other international transactions shall be parties before the court.

ARTICLE 36

1. The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in the charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the court in all legal disputes concerning:

(a) The interpretation of a treaty:

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declaration shall be deposited with the Secretary-General of the United Nations, which shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

Substitute: (Replacing current Section 2-4) Recognition of compulsory jurisdiction of the court shall be a condition precedent to continued membership in the United Nations and/or continued subscription to this Statute. However, the court shall not have the power to alter the territorial integrity of any State without the express permission of that State.

(NEW) CHAPTER VI—ENFORCEMENT AND APPEAL

ARTICLE 71

Each member of the United Nations and/or subscriber to this statute shall, as a condition precedent to continued membership or subscription, give full faith and credit to judgments, decisions and orders of the International Court of Justice.

ARTICLE 72

Any judgment, decision or order of a District Chamber of the court shall be final and binding on all parties before the court unless properly appealed.

ARTICLE 73

Any party before the court dissatisfied with a decision of a District Chamber of the court, may, upon application, have its cause heard on appeal by the Appellate Division of the court for the Division where the District Chamber lies. Any judgment, decision or order of an Appellate Division of the court shall be final and binding on all parties before the court unless properly appealed.

ARTICLE 74

Any party before the court dissatisfied with a decision of an Appellate Division of the court, may, upon application, have its cause heard on appeal by the Supreme Court Division of the Court in the Hague. Judgments, decisions and orders of the Supreme Court Division shall be final and binding on all parties before the Court.

CONCLUSION

If the United Nations General Assembly and Security Council would enact these sweeping reforms, serious arms reduction would be completed within two generations of the successful functioning of local International Courts of Justice.

Expensive arms are not needed where real, binding alternative dispute resolution exists. You can say I am a dreamer, or you can wait for the mushroom-shaped cloud.

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OUTSTANDING ACHIEVEMENTS OF KRISTI OVERTON

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. JONES of North Carolina. Mr. Speaker, during a time when so many problems face our young people, it is refreshing to note the outstanding achievements of one of my constituents, Kristi Overton of Greenville, NC. Kristi, a senior at Rose High School in Greenville, is the recipient of the most prestigious Dial Award for 1987 which recognize high school athletes throughout the country who achieve excellence in athletics. The award is decided by three criteria: dedication, talent, and confidence. The first Dial Award was Herschel Walker. Kristi is ranked as one of the top female water skiers in the world; she is also an honor student and member of the National Honor Society. She has won every major water skiing title in the junior division and holds world records in both the slalom and jump categories. But more so than her athletic ability, I recognize Kristi as an outstanding young citizen of the State of North Carolina, one who has represented her State not ony with athletic excellence, but one whose character has been exemplary. She has set a standard for other young Americans and she represents her school and her community exceedingly well. I commend her and am proud to have her as a part of the First Congressional District of North Carolina, and wish her all success in her future endeavors.

AT MONO LAKE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LEHMAN of California. Mr. Speaker, it is my privilege and honor to pay tribute to an extraordinary photographic exhibition known as "At Mono Lake." This majestic exhibit has quite properly been described as "a visual statement about a splendid ancient place by some of those who love it deeply." An outstanding example of landscape photography, "At Mono Lake" has traveled throughout the United States reaching out to 2 million people to share Mono Lake's many moods and faces.

I am proud to count myself as one of many friends of Mono Lake who appreciates the perspective and poignancy bestowed upon all of us by the vision of the artist's eye. From the genius of Ansel Adams to historic prints of the 1800's to more contemporary images of young photographers, Mono Lake comes alive through this magnificent display.

In 1983 when congressional hearings were held on the future of Mono Lake, a native American testified about Mono Lake and said: "I speak not only for myself, but others. I also speak for Mono Lake, a sacred place, since it cannot speak for itself." I took this gentle woman's words to mean that since Mono Lake does not speak to us with words, but through its own beauty and grace, others must speak for the lake with words and art. "At Mono Lake" gives the lake its opportunity to "speak" to us through the eyes and art of photography.

Mr. Speaker, I am especially pleased that this collection of treasured photographs is now being shown at the Fresno Metropolitan Museum of Art, History and Science and that the exhibiting photographers will be honored on February 7, 1988. The names of the outstanding Mono Lake artists whose work was freely given for the success to this project are:

Ansel Adams, Morley Baer, Dave Bohn, John Boynton, Saul Chaikin, Neil Chapman, Gary Clark, Paul Cockroft, Doris Coonrad, Daniel D'Agostini, Robert Dawson, Michael Dressler, Cynthia Faria, Lawrence Ford, Tony Gardner, Richard Garrod, Lyle Gomes, Mr. Daniel Gunther, Jeff Harvey, Joe Holmes, Philip Hyde, Stephen Johnson, Viki Lang, Norman Locks, Anthony Lovette, Joseph McDonald, Barbara Morgan, Ted Orland, Marion Patterson, Jonathan Pollock, Steve Remington, Donald Ross, Galen Rowell, Martin Schweitzer, Clinton Smith, Ron Suttora, Edmund Teske, Reed Thomas, Todd Walker, Al Weber, Bob Werling, Brett Weston, Cole Weston, Wallace Wong, and Don Worth. We are all grateful for this very fine contribution these artists have made to the visual appreciation of the gem of the Sierra Nevada, Mono Lake.

In addition to the artists themselves, others deserve special recognition for making "At Mono Lake" possible. Stephen Johnson conceived the project and served as exhibition coordinator. In addition, implementation of the "At Mono Lake" exhibit would not have been possible without the support of the Mono Lake Committee—especially Martha Davis and the late David Gaines, David Brower, and the Friends of the Earth Foundation, the National Endowment for the Arts, the Polaroid Foundation, the Flieshhacker Foundation, the Sierra Club Foundation, the National Audubon Society and the Western Association of Art Museums.

I am proud to honor all those who revere our natural landscape and who capture its beauty for all time.

GROUP SELF-INSURED WORKERS' COMPENSATION FUNDS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. VANDER JAGT. Mr. Speaker, on January 25, I introduced the bill, H.R. 3859, with my colleague, Congressman SANDER LEVIN. This measure is designed to ensure equitable Federal income tax treatment of group self-insured workers' compensation funds.

I first attempted to legislatively address this issue last year when I introduced a bill, H.R. 1709, that was designed to clarify the tax exempt status of these funds. The sudden reversal by the Internal Revenue Service of its long-standing position that these funds were tax exempt entities severely impacted the viability of the workers' compensation funds both retroactively and prospectively. A legislative response was clearly indicated to address the dispute that had arisen because of the change in IRS policy.

The text of that bill was modified by the House Committee on Ways and Means and included in section 10428 of the House-passed version of the 1987 budget reconciliation bill. Unfortunately, these provisions were deleted in conference committee action on the final reconciliation bill for reasons entirely unrelated to the merits of the measure.

This problem which affects workers and employers throughout the country, therefore, persists and legislative action is still needed. These funds are utilized in some 28 States and in my home State of Michigan, we have some 38 funds in which over 7,000 employers participate and some 2 million employees are provided workers' compensation coverage. Furthermore, these funds have not only been instrumental in reducing skyrocketing insurance costs but have helped employers to avoid the nonavailability problem which many of them have encountered.

Recognizing that we are in a revenue-conscious Congress, it is important to note that neither last year's bill, H.R. 1709, nor this year's measure H.R. 3859, which is more modest and basically the same as the House-passed budget reconciliation bill language, will have a significant revenue effect. This is the case because in prior years these entities were considered to be tax exempted and hence, nonrevenue producing.

What, in effect, our new bill does is to provide tax relief for those funds for years prior to 1987 to the extent the IRS' revised position would create tax deficiencies attributable to the timing of policyholder dividend deductions. For 1987 and 1988 these funds would be subject to a transition rule and treated as property and casualty insurance companies were treated prior to amendments contained in the 1986 Tax Reform Act. Starting in 1989, the funds would be treated the same as any other property and casualty insurance company.

Mr. Speaker, there is an urgent need for this legislation which would allow these funds to continue as viable business entities. We would certainly welcome the cosponsorship of our colleagues.

PUERTO RICO'S "MODEL" BANKING INDUSTRY

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FUSTER. Mr. Speaker, I think my colleagues would be interested to know that the banking industry in Puerto Rico is in excellent shape, and that this assessment comes from none other than the Federal Deposit Insurance Corporation. In fact, David C. Cooke, deputy to the chairman of the FDIC, says that Puerto Rico's banks "could serve as models for many mainland banks to emulate."

I think Mr. Cooke is right on target, and to that extent I want to share with you some extracts from a speech he gave recently to the Banker's Association of Puerto Rico. He said in part:

> It does indeed give me great pleasure to speak to this group in my capacity of representing Chairman Seidman of the Federal Deposit Insurance Corporation.
>
> Those of us at the FDIC think the bankers of Puerto Rico deserve great credit for the enormous strides forward your beautiful Island has made over the past few years.
>
> Although this has been a troubled year for so many mainland U.S. banks, the Puerto Rican banking community indeed deserves a great deal of praise—Praise for your efforts and your vigor that have helped this great island Commonwealth achieve such economic progress—and praise for your continued role as leaders of the Caribbean banking community.
>
> The banks of Puerto Rico could serve as models for many mainland banks to emulate.
>
> The return on assets of your banks stands almost 50 percent higher than the national average from all U.S. banks. No commercial bank in Puerto Rico lost money during 1986. In contrast, about one out of five banks on the mainland operated at a loss last year.
>
> You have steadily improved your capital levels, lowering your levels of nonperforming assets by 50 percent. This is also an achievement of which you can be proud.
>
> And there are still more good news about Puerto Rico's banks.
>
> In 1983, over four percent of your loans were nonperforming. Now that rate is down to two percent, while the average for mainland banks is over three percent. The proportion of your loans charged off as uncollectable in 1986 was less than half the mainland average. Consider, also that in 1983 you had significantly higher levels of troubled or worthless loans.
>
> I'd like also to note that the leadership provided by Puerto Rico's bankers extends beyond the boundaries of your profession. For one thing, there is noteworthy involvement and concern that you have shown in helping to shape the economic policies of the Commonwealth. These are truly worthy of commendation.
>
> This island's four percent economic growth in 1986, again, was more than double the growth rate experienced by the mainland U.S. economy last year. And not only have many more of your citizens gained employment than in past years, but your workforce is gaining experience in essential high technology areas. Much of the credit for this vigor is due, I am sure, to the leadership of may of you in this room.

Mr. Speaker, those are encouraging remarks indeed, and yet another indication that Puerto Rico is on the move. I commend the FDIC and its leadership for its positive and optimistic report on the banking industry in Puerto Rico.

THE PROPOSED NUCLEAR COOPERATION AGREEMENT WITH JAPAN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FASCELL. Mr. Speaker, today I am introducing, for myself and Mr. BROOMFIELD, the ranking minority member of the Committee on Foreign Affairs, a resolution approving the proposed nuclear cooperation agreement between the United States and Japan. This resolution is required by law—section 130(i) of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, and further by the Export Administration Amendments Act of 1985, "the act"—to be introduced, by request, on the first day such agreements come under full-scale review by the Congress. Under an amendment to the act passed in 1985, the President must submit proposed nuclear cooperation agreements to the Congress for two separate review periods, of 30 and 60 days of continuous session, respectively. The first review period is designated for informal consultations with the President on the extent to which the agreements meet the requirements of the law. The second review period is set aside for formal review of the agreement, 45 days of which are allotted to the Committee on Foreign Affairs to discharge it responsibilities.

The administration made one submission of the United States-Japan agreement, to fulfill both review periods, on November 9, 1987. The first review period ended on January 25, 1988. Therefore, the day on which the agreement is deemed to be submitted for the second review period—pursuant to section 123(d) of the act—was January 26. Because the House was not in session yesterday, I am introducing this resolution today, pursuant to the statute. In addition, today is the first day of the second review period. Introduction of the resolution is itself a formality designed to provide the committee and the House with a legislative vehicle with which to express its views on this proposed agreement.

The Committee on Foreign Affairs will hold additional hearings on this important matter, and I urge all Members to review the proposed nuclear cooperation agreement with Japan.

PRESCRIPTION FOR PROGRESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, in Blackwood, NJ, there lives a man who is a testament to the tragedy of drug addiction. In the same man, however, there also lives a testament to the will to live.

Al Szolack graduated from Woodbury High School in 1968 into a world where his athletic abilities made him one of the artful players in the game of basketball.

When he graduated from high school and enrolled in Glassboro State College, he held the promise of success and enthusiasm. When he joined the Washington Generals, the professional sidekicks of the Harlem Globetrotters, he still offered the promise of success.

But there came a time following the death of his mother when the circumstances became too difficult to bear. At that time, Al Szolack found himself at a crossroads where he decided that the path of least resistance to the problems in his life was the way of drug dependency.

But this is not necessarily a story of the road to tragedy. Indeed, it is a story repeated by many young individuals who are beset by trying times and personal situations beyond their control. Like many of those individuals, Al thought that drugs were the avenue out of his troubles.

However, drugs served only to deepen his troubles, eventually making him not only a user of drugs such as cocaine but also a seller of the same drugs without which he thought he could not survive.

Fortunately, Al ultimately was given the opportunity to change his life around. Although he does not consider himself cured of his dependency on drugs, he does think that he has made progress toward that end. And he has shown that he can, in fact, survive without drugs.

In fact, to communicate his experience and to alert others to the danger of ignorance with regard to drug addiction, now he frequently talks to students in high schools where the pressure to experiment with drugs is often stronger than the reality of devastation and dependency due to drugs go beyond one small experiment with drugs.

Al Szolack is now living through his experience with drug addiction so that others in New Jersey and around the country, in high schools and in the inner cities can learn from his experience and avoid drugs entirely.

I wish to commend Al for the efforts he has made in the last few years to stem the epidemic of drug addiction among our Nation's youth. As he notes, there is no 1-day cure for addiction. Neither is drug addiction always one way; where there is a willingness to go back on that choice, there is also a chance for success.

I am including in the RECORD an article from the Gloucester County Times describing Al's efforts at overcoming drug addiction.

The article follows:

LUCKY I'M ALIVE: EX-BASKETBALL STAR WHO BEAT DRUGS, TELLS STUDENTS THE PRICE

(By Jim Six)

Al Szolack's story is pretty much the tale of a typical American kid: A diehard basketball player with a brother who's a cop and parents he considered friends winds up with a glamorous job on a celebrity sports team.

There is, however, the matter of his seven-year cocaine addiction.

Szolack started playing basketball in grammar school, but admits he wasn't very good until his last year in Woodbury High School. Still, it was almost an obsession. He was such a "gym rat," he said, that while most of his buddies were on dates, he'd spend Friday and Saturday nights shoveling snow off outdoor courts so he could shoot some baskets.

"I lived, ate, drank and slept basketball," he said.

He graduated from Woodbury in 1968 and got a degree in health and physical education from Glassboro State College in 1973. The following season, 1974-1975, he played with the Washington Generals, the shill team for the Harlem Globetrotters.

He spent a year with the Generals, playing basketball in Canada, Sweden, Denmark, Italy, England, Belgium—a different city every night, seven nights a week.

He left the Generals and took up bartending, spending summers in Wildwood and winters in Fort Lauderdale, Fla.

Szolack had always been on pretty good terms with his mother and stepfather, he said, but his basketball cemented the relationship. His mother became more interested in the sport when her son started getting his name in the papers, and she started attending his games.

His mother had suffered from a weak heart for years, he said, and he should have been prepared for the inevitable, but he wasn't. He was in Florida when she died in 1979. He says that's when his problems all started.

"I tried to escape reality for a little while, I guess. I was afraid to face it," Szolack said.

He's never been a smoker or a drinker, he said. "I was a model kid, all sports, all basketball."

But he knew people who were using cocaine and for some reason he sought them out then.

"I started indulging, thinking that it would ease the pain. Little did I know. It grew into a habit. It was constant. I lived to use and used to live," he said.

Eventually, escape got expensive, so he started selling cocaine to support his own habit.

"My brother's a narcotics agent—that's good, isn't it?" he said, adding that his admission will probably be embarrassing all around. "I know this won't look good."

For the next several years, Szolack said, he didn't really have a life.

"I was passing out instead of falling asleep and coming to instead of waking up," he said. "I'd get up in the morning and do a line. I was very paranoid. I didn't want to ever go out."

Yet, it got even worse.

"It started making me do things I never thought I'd stoop as low to do. Stealing, sexual stuff," he said, his voice low and hard to hear. "It was really eating at me."

Near the end, he claims, he spent most of a year without using coke, then started again, recreationally.

"The only thing recreational use will do is light the fuse. If you realy don't want to stay clean, you can't stay clean. The results are the same: You're going to jail, you're going to an institution—or you're going to die."

Somehow in the middle of all this, he got engaged, but his fiancee had second thoughts and returned the ring.

"It snapped me out. One tragedy takes you in, another can take you out," Szolack said.

Today, at 37, Szolack lives in Blackwood, tends bar, drives a limousine and takes acting classes. In fact, he said, he was an extra in a movie filmed not long ago in Philadelphia. Its title, ironically, was "Clean and Sober."

"There is no cure. Doctors have (the addiction)—medicine isn't the answer. Psychiatrists have it—psychiatry isn't the answer. Nuns and ministers have it—religion isn't the answer," he said.

He doesn't consider himself cured even now.

"I live my life one day at a time, knowing that I don't have to stay clean for the rest of my life—just today, because tomorrow's not promised to anyone," he explained.

Szolack thinks knowledge is the key.

"If a thousand people walk into a fire and get burned, and if you're number 1,001, chances are you're going to get burned, too," he said. "I'm lucky. I'm alive today and it's not even my choice that I'm alive. Someone up there likes me and I think I have a purpose."

He sees that purpose as talking to school kids young enough that they maybe haven't started experimenting.

"It's really starting to happen younger and younger in the schools. A teacher can only teach so much. Someone who's been there, who can relate to what they're going through—I don't mind being used as an example," he said.

"When you start doing a drug, your mind stops growing. If you start at 12 and manage to stay alive another 10 years, you're still going to be 12 years old," said Szolack. "As soon as a kid can say the word 'yes,' he should learn the word 'no.'"

"I'm not proud of my past, but I'm proud of the fact that I'm doing something about it," said Szolack. "If my story can change one kid's mind, my seven years of living hell will have been worth it."

TRIBUTE TO SEAN MacBRIDE OF IRELAND—A PATRIOT AND STATESMAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 118-member Ad Hoc Congressional Committee for Irish Affairs, I wish to take this occasion to pay tribute to a remarkable man, Sean MacBride who died on January 15 at the age of 83. Few men in this century have worked harder and longer for the cause of world peace and human rights than Sean MacBride. His commitment to peace, whether in his beloved Ireland or anywhere in the world, was a lifelong mission that he was involved with until the end.

Sean MacBride was born in Paris on January 26, 1904. He was the son of Maj. John MacBride, a man from County Mayo who formed the Irish Brigade and who was later executed in 1916 by the British for his part in the so-called Easter rising in Dublin. His mother was a renowned actress and revolutionary by the name of Maud Gonne who was called the Joan of Arc of Ireland according to the Irish Echo newspaper.

Sean was deeply involved in the Irish Republican Movement for more than 20 years. During this same time period of his life he earned a law degree at Dublin's National University and transformed his work and became a crusader against repressive antiterrorist legislation.

In 1946, Sean MacBride entered the political world in a major way. He founded a new nationalist political party Clann Na Poblachta 2 years later in a coalition with other opposition parties defeated the existing party in power. MacBride in turn was elected to the Irish Dail in 1947 and remained there for 11 years. After the 1948 election he held the position of foreign minister in the coalition government until 1951.

Sean MacBride emerged as an international spokesman for human and civil rights in 1961 when he founded Amnesty International. He served as its chairman for 12 important years until 1975. During that time Amnesty International grew to become the most respected organization for human rights and freedom in the world. During the same time period that he was heading Amnesty International, Sean MacBride was also secretary general of the International Commission of Jurists. He served in that capacity from 1963-70 and remained an active member of the organization until his death.

From 1971 to 1974, he was United Nations Commissioner for Southwest Africa also known as Namibia. His specific work on behalf of the cause of Namibian independence earned him tremendous worldwide respect and recognition. Most significantly, it led to him receiving the coveted Nobel Peace Prize for the year 1974.

Sean MacBride's work on behalf of peace and justice in his beloved Ireland spanned more than half a century. As mentioned in his early years, he was an active Republican spokesman including work in their paramilitary activities. He formally gave up his association with the official Republican movement in 1937 but by no means did he end his work on behalf of the struggle for peace and justice in Northern Ireland. Sean MacBride as a man of peace was a strong and determined foe of violence in Ireland. Yet, Sean MacBride, unlike many in Ireland, recognized that there were two forms of violence in Ireland—civilian and official. He repudiated both forms, making his position a more honest one.

Throughout the 10-year history of the Ad Hoc Congressional Committee for Irish Affairs we worked very closely with Sean MacBride. He testified before the committee on several occasions in the 1970's and again in the 1980's. His topics initially were general relative to Northern Ireland but his counsel was always valued by myself as chairman and the other members of the committee.

Yet for the past 4 years, Sean MacBride has been advocating here and around the world for a very specific issue and cause. Sean MacBride became the author of the antidiscrimination code known as the MacBride principles of fair employment and nondiscrimination. The purpose behind the MacBride principles is a simple one. Discrimination exists in Northern Ireland to an appalling degree. While unemployment throughout the six northeast counties is the highest in Europe at over 20 percent, the rate among the minority Catholic population runs as high as 60 percent in certain towns and cities. American companies operating in Northern Ireland are estimated to provide at least 11 percent of all jobs in Northern Ireland.

The MacBride principles are aimed to be a corporate code of conduct for American firms doing business in Northern Ireland. Their objective is to ensure equal employment opportunities for the Catholic minority in Northern Ireland. In the United States, the MacBride principles are gaining support. Legislation advocating their use has been passed in four State legislatures and are pending in several others. Legislation has been introduced in the House as H.R. 722, which I am proud to be an original cosponsor and S. 229 to require adoption of the MacBride principles by American firms.

Last night in New York a memorial mass was held for Sean MacBride at St. Patrick's Cathedral. Being unable to attend I sent the following telegram to be read at the event about my friend Sean MacBride:

[Telegram]

JANUARY 26, 1988.

Mr. PAUL O'DWYER,
O'Dwyer and Bernstein, New York, NY.

DEAR PAUL: I sincerely regret that I have to remain in Washington tonight. I do wish to join in paying special tribute to one of Ireland's greatest patriots—and a true champion of world peace—Sean MacBride. He was an extraordinary man who made the pursuit of peace and justice a lifelong mission.

Sean MacBride had a profound impact on me the past 20 years. He was the most respected authority on Ireland and its struggle for peace ever to appear before the Ad Hoc Congressional Committee for Irish Affairs. Sean MacBride loved Ireland, but agonized over its divided nature and people. He stood for Irish unity through economic justice for all.

The legacy of Sean MacBride will endure for centuries. Yet we who are still active in the cause of peace and justice for Ireland must redouble our efforts in furtherance of the work of Sean MacBride. We must pass legislation in Congress and in all 50 states to require American firms in Northern Ireland to adopt the MacBride Principles. We must work to end all other forms of discrimination in Ireland and we must re-empower all those who care about Ireland to work for a future of peace, justice and freedom for all.

MARIO BIAGGI, M.C.,
Chairman Ad Hoc Congressional Committee for Irish Affairs.

The tributes to Sean MacBride have come from around the world. They have recognized the enormous contributions he made to the cause of peace, human rights, and justice. A most interesting column in the Wall Street Journal by the columnist Alexander Cockburn on Sean MacBride made this observation:

> The word "statesman" is not one imbued with energy. But MacBride was a statesman in the active and virtuous sense—in the 30 years after he quit domestic politics he exercised his talents on behalf of the rights of man.

In my mind the legacy of Sean MacBride will endure for centuries. Yet if we are to do true justice to this remarkable man we must recommit ourselves to those causes that Sean MacBride dedicated his life to. Most critical is the need to work for continued progress aimed at achieving a political solution to the problems in Northern Ireland. Ireland today is divided geographically, politically, and economically. If there is to be Irish unity, it must be achieved by removing those barriers that divide. Central to the solution must be an improvement in the economic conditions of all the people of Ireland but especially the Catholic minority in the north. This Congress has a contribution to make and it is a meaningful one. We can pass the MacBride principles legislation which will serve to promote equality of opportunity for all the people of Northern Ireland. We have a vested interest in the future of Ireland and Northern Ireland. We have committed ourselves to a long-term package of economic aid. Let us ensure that our public aid and the private business funds that go into Northern Ireland benefit both communities and do not extend the problem of discrimination. That was the goal of Sean MacBride and one we should readily embrace.

I would like at this point in the RECORD to insert a selection of newspaper articles on Sean MacBride as well as some comments by the director of the Irish National Caucus—Sean MacManus.

Finally for the sake of those of my colleagues who may not be familiar with the MacBride principles, I would like to insert them in their entirety with the hope it will lead to more of my colleagues cosponsoring H.R. 722, authored by my distinguished colleague Mr. FISH.

SEAN MACBRIDE OF IRELAND IS DEAD AT 83

(By William G. Blair)

Sean MacBride, an Irish revolutionary who went on to win the Nobel and Lenin peace prizes, died after a short illness yesterday at his home in Dublin. He was 83 years old.

In a 70-year career that took him from street battles with the British in Dublin to the international award-ceremony podium in Oslo, Mr. MacBride's name was linked, often controversially, with such causes as Irish nationalism, a united Europe, nuclear disarmament and human rights.

He was a joint winner, with former Prime Minister Eisaku Sato of Japan, of the Nobel Peace Prize in 1974. Mr. MacBride was honored for his work on behalf of human rights.

Three years later, in ceremonies in Dublin, he received the International Lenin Prize for Peace Among Nations for his efforts to end what he once called "this absolutely obscene arms race."

IN JOURNALISM AND LAW

The two awards made him only the second person to win both prizes, the first having been Dr. Linus Pauling of the United States.

Mr. MacBride's career also embraced journalism, law, politics and diplomacy. He was Ireland's Foreign Minister from 1948 to 1951 and an Assistant Secretary General of the United Nations and United Nations Commissioner for Namibia, or South-West Africa, from 1973 to 1976.

In Dublin yesterday, Prime Minister Charles Haughey called Mr. MacBride "a statesman of international status who was listened to with respect throughout the world."

At the time of his death, Mr. MacBride was president emeritus of the International Peace Bureau in Geneva, a well-known peace organization. He had headed the bureau from 1972 to 1985.

AMNESTY INTERNATIONAL FOUNDER

A lifelong rights advocate, he was a founder of Amnesty International in 1961 and served as its chairman until 1975. Almost simultaneously, from 1963 to 1970, he was secretary general of the International Commission of Jurists and remained a member of that rights group until his death.

Mr. MacBride was sometimes criticized from both ends of the political spectrum, by the right as being too close to the Kremlin in his views and by the left as secretly advancing American conservative interests.

As recently as 1980, he raised hackles among some Western journalists and governments as the head of a study commission on world communications of the United Nations Educational, Social and Cultural Organization. The commission's report prompted fears that it would lead to greater government control of the press, particularly in third-world countries.

Mr. MacBride came naturally to his youthful revolutionary inclinations. Born in Paris on Jan. 26. 1904, he was the son of Maj. John MacBride, a County Mayo man who formed the Irish Brigade that fought against the British in the Boer War and who was executed in 1916 by the British for his part in the Easter Uprising in Dublin.

EDUCATED IN FRANCE

The major's wife and Sean's mother was a beautiful Irish actress and revolutionary by the name of Maud Gonne, the daughter of a British army colonel. She was called the Joan of Arc of Ireland and was celebrated in the poetry of William Butler Yeats, who at one time was in love with her.

Sean MacBride was educated in France and remained there until 1916, when he and his mother managed to spirit themselves into Ireland. That year, at the age of 12, he joined the Irish Volunteers, forerunners of the Irish Republican Army. He was only a year older when he was arrested for the first of many times by the British, who sent him to prison three times—in 1918, 1922 and 1930.

Mr. MacBride spent 20 years "on the run" with the I.R.A. and was 24 years old when he became chief of staff of the underground army. He ended his association with the I.R.A. in 1937.

While fighting the British, he managed to earn a law degree at Dublin's National University. Mr. MacBride, who was admitted to the Irish bar in 1937, quickly became the most successful trial lawyer in Dublin. A brilliant pleader, he earned the coveted title of senior counsel in seven years; it usually took 15.

FROM LAW TO POLITICS

From law it was an easy step into Irish politics, dominated since 1932 by Prime Minister Eamon de Valera's Fianna Fail Party. Before the 1948 election, Mr. MacBride formed a new and radical party, the Republican Party, and in cooperation with other opposition parties managed to unseat Mr. de Valera. His prize, the Foreign Ministry, took him into the international arena, which he never left.

Mr. MacBride had been elected to Parliament in 1947 and served there until 1958. His party, however, disappeared as a political force in Ireland in 1965.

As the United States-sponsored Marshall Plan to rebuild Europe after World War II was getting under way in the late 1940's, Foreign Minister MacBride was named in 1948 a vice president of the newly formed Organization for European Economic Cooperation, a forerunner of the European Economic Community. He held the post until 1951 and, during one year, 1950, also served as the president of the Council of Foreign Ministers of the Council of Europe.

In 1984, at the age of 80, Mr. MacBride took on another controversial issue. He was the chief sponsor of an antidiscrimination code known as the MacBride Principles. Aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Roman Catholics, the code was much debated there and in this country and Britain.

Mr. MacBride's Argentine-born wife of 50 years, Catalina Bulfin, died in 1976. He is survived by a son, Tiernan, and a daughter, Anna.

SEAN MACBRIDE—GREAT IRISH PATRIOT IS DEAD

DUBLIN.—Sean MacBride, one of the most remarkable men of the 20th century, died at his home here on Jan. 15 after a short illness. He was 83 years old.

In a career that spanned 70 years, he was in turn an Irish freedom fighter, chief of staff of the IRA, an outstanding lawyer, Ireland's Foreign Minister, a United Nations Assistant Secretary General, U.N. Commissioner for Southwest Africa, a founder of Amnesty International, a Nobel Peace Prize winner and a Lenin Peace Prize winner.

Sean MacBride was born in Paris on Jan. 26, 1904. He was the son of Maj. John MacBride, a County Mayo man who formed the Irish Brigade that fought against the British in the Boer War in South Africa and who was executed in 1916 by the British for his part in the Easter Rising in Dublin.

The major's wife and Sean's mother was a beautiful Irish actress and revolutionary by the name of Maud Gonne, the daughter of a British army colonel. She was called the Joan of Arc of Ireland and was celebrated in the poetry of William Butler Yeats, who at one time was in love with her.

Sean MacBride was educated in France and remained there until 1916, when he and his mother managed to spirit themselves into Ireland. A year later, at the age of 13 he joined the Irish Volunteers, forerunner of the Irish Republican Army. He was only a year older when he was arrested for the first time by the British who sent him to prison in 1918, 1922 and 1930.

He was leading his own IRA unit when he was 16½ and became a trusted lieutenant of General Michael Collins.

Mr. MacBride spent 20 years with the IRA and was 24 years old when he became chief of staff of the underground army. He ended his association with the IRA in 1937.

During this period, he managed to earn a law degree at Dublin's National University. Mr. MacBride, who was admitted to the Irish bar in 1937, quickly became the most successful trial lawyer in Dublin. A brilliant pleader, he earned the coveted title of senior counsel in seven years; it usually took 15.

Over the years, Mr. MacBride often defended IRA suspects or fought antiterrorist legislation, but he strongly opposed the IRA's current campaign of violence.

In 1946, Mr. MacBride was one of the founders of a new radical nationalist political party, Clann na Poblachta. In the general election of 1948, Clann na Poblachta in conjunction with other opposition parties defeated Prime Minister Eamon DeValera's Fianna Fail Party, which had been in power for 16 years.

Elected to the Dail (Parliament) in 1947, Mr. MacBride served there until 1958. After the 1948 election he held the position of Foreign Minister in the Coalition Government until 1951.

A lifelong human rights advocate, he was a founder of Amnesty International in 1961 and served as its chairman until 1975. Almost simultaneously, from 1963 to 1970, he was secretary general of the International Commission of Jurists and remained a member of that rights group until his death.

His crusades for human rights and nuclear disarmament won him many admirers around the world.

From 1971 to 1974 he was U.N. Commissioner for South-West Africa, also known as Namibia, which is controlled by South Africa.

He made the cause of Namibian independence an international issue and won the 1974 Nobel Peace Prize although he failed to persuade Pretoria to yield control of the mineral-rich territory.

In 1977 MacBride got the Soviet Union's Lenin International Prize for Peace for his work in Namibia, underlining his reputation as a freedom fighter on both sides of the Iron Curtain.

The two awards made him only the second person to win both prizes, the first having been Dr. Linus Pauling of the United States.

In 1984, at the age of 80, Mr. MacBride took on another controversial issue. He was the chief sponsor of an antidiscrimination code known as the MacBride Principles. Aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Catholics.

In the United States, the MacBride Principles, received widespread support. A Bill advocating their use has been passed in four state legislatures and are pending in several others.

In Dublin last Saturday, Prime Minister Charles Haughey called Mr. MacBride "a statesmen of international status who was listened to with respect throughout the world."

Paul O'Dwyer, the Irish American leader and human rights advocate, in Dublin for the funeral said, "Sean MacBride was one of the greatest Irishmen of this century."

Mr. MacBride's Argentine-born wife of 50 years, Catalina Bulfin, died in 1976. He is survived by a son, Tiernan, and a daughter, Anna.

Tributes to Sean MacBride

BIAGGI STATEMENT

The following statement was issued by Congressman Mario Biaggi and was sent to the MacBride family in Ireland:

"On behalf of the 118 member Ad Hoc Congressional Committee on Irish Affairs, I send our deepest condolences on the passing of Sean MacBride. Few leaders in this century have contributed as much to the cause of world peace as this man of principle, commitment and compassion.

"Sean MacBride provided great inspiration to me over the 20 years I have been involved in the cause of peace and justice for his beloved Ireland. The committee will continue to work for passage of legislation to require that the MacBride Principles be adopted by American firms in Northern Ireland. It would be a most fitting tribute to the memory of this extraordinary man."

IRISH NATIONAL CAUCUS STATEMENT

The following statement was issued by the Irish National Caucus and was signed by Fr. Sean McManus, national director and Rita Mullan, executive director:

"Sean MacBride was the last of the great Fenians and eternity is not long enough, nor heaven good enough to adequately reward him.

"He was one of the greatest Irishmen of this century. He had enormous dedication to his country, to international human rights and to world peace.

"He was a man of profound wisdom and compassion. The most fitting tribute that the Irish National Caucus can pay to him is to ensure that the MacBride principles (which the Caucus named after him) will continue to be a powerful force for justice and peace in Ireland.

"May this noble son of Ireland rest in God's eternal peace and may his name live forever in the memory of those who love justice and peace the world over."

PEC STATEMENT

The following statement from the American Irish Political Education Committee (PEC) was signed by John Finucane, the national president:

"We are deeply saddened by the death of our esteemed and honored friend, Dr. Sean MacBride. As we mourn his passing and in final tribute to Ireland's greatest statesman of the 20th century, we proclaim 1988 "the year of the MacBride Principles." The PEC has called upon all concerned Americans to rededicate themselves to the success of the MacBride Principles campaign."

STATEMENT BY LENIHAN

The following statement was issued in Dublin by Irish Foreign Minister Brian Lenihan:

"I have learned with deep sorrow of the death of Sean MacBride, one of the most distinguished Irishmen of our time. Sean MacBride served his country as Minister for External Affairs from 1948–51, and ever since then, throughout the political lifetime of the members of today's Dail, he has played a major part in the affairs of our nation.

"Outside Ireland, Sean MacBride worked untiringly in the cause of international cooperation. A review of the offices he held reveals not only his international standing but the special concern he felt for the victims of injustice. Among other things, he was Chairman of Amnesty International, Secretary-General of the International Commission of Jurists, and Assistant Secretary-General of the U.N. and U.N. Commissioner for Nambia.

"Sean MacBride pursued his political career through difficult and demanding times, as did so many others of his generation. If he was sometimes a controversial figure, it may have been on occasion because his thinking was too challenging, his perspective too broad for conventional wisdom. He was often ahead of his time in his awareness of the position in international affairs of the newly independent nations, in his determination to bridge the divide between east and west, and in his belief in the force of justice in international relations. His outstanding contributions deserve our respect, as indeed they earned him the Nobel Peace Prize, the Lenin Peace Prize and a number of other major international awards.

"It is the better part of a century since Yeats wrote

MacDonagh and MacBride
And Connolly an Pearse
Now and in time to come
Wherever green is worn
Are changed, changed utterly. . . .

Sean MacBride carried on the noble tradition of his parents, Maud Gonne and John MacBride. He will be remembered not only "wherever green is worn," but in every continent. May He Rest In Peace."

Leftover Bits From an Editor

Sean MacBride did not deal in guile. Many men and women who reach the level he did in international political affairs routinely deal in guile.

But it was not for him. He dealt straight up. In the vernacular of the day, what you saw was what you got.

Sean MacBride was principled. He fought the fight for freedom and justice throughout the world, never swerving from a path he chose which was generally paved in truth.

Of course, he was not infallible and like all of us made mistakes. But they were the mistakes of enthusiasm and sometimes of frustration.

But he did not become bitter and he did not ever accept defeat. He perservered and in so doing inspired thousands of others to join the fight for liberty and justice in Ireland and throughout the world.

Irish National Caucus' Tribute to Sean MacBride

WASHINGTON, DC, January 15, 1987.—"Sean MacBride was the last of the great Fenians . . . and eternity is not long enough, nor Heaven good enough to adequately reward him," said Father Sean McManus, national director, and Rita Mullan, executive director of the I.N.C.

"He was one of the greatest Irishmen of this century. He had enormous dedication to his country, to international human rights and, to world peace. He was a man of profound wisdom and compassion."

"The most fitting tribute the Irish National Caucus can pay to him is to ensure that the MacBride principles—which the caucus named after him—will continue to be a powerful force for justice and peace in Ireland."

"May this noble son of Ireland rest in God's eternal peace and may his name live forever in the memory of those who love justice and peace the world over."

[From the Wall Street Journal, Jan. 21, 1988]

Sean MacBride: The Man Who Smelled a Rat

(By Alexander Cockburn)

ARDMORE, IRELAND.—Eight miles along the coast from here is the town of Youghal. Sir Walter Raleigh was its mayor in 1588 and today his bureaucratic descendants, the Youghal Urban District Council, wrestles with problems too minute for Sir Walter, who was more preoccupied with his "History of the World" and staying awake while his friend Edmund Spenser read drafts of "The Faerie Queene" to him after dinner. A couple of weeks ago Councilor Bob Bickerdike of Youghal proposed that the relevant authorities be called upon to attend to the problem of rat infestation in Youghal. "The situation here is far more serious than people imagine," Mr. Bickerdike stated, adding that recently a woman in the Raheen Park area of town had been bitten and that "there are killer rats loose in Youghal."

This is not the kind of talk a holiday town likes to hear. Councilor Willie Kenefick said that the type of resolution proposed by Mr. Bickerdike could easily attract headlines that would be unfavorable to Youghal. Other council members concurred, and an investigation found that the town was not infested with rats.

The world is divided pretty much between those inclined to smell a rat and eager to alert the populace, and those who take the view that given suitable discretion the problem might disappear of its own accord. While the councilors of Youghal were deliberating, life was seeping from one of Ireland's greatest men and champion rat smell-ers. Dead at the age of 83 on Jan. 15, Sean MacBride moved on the world stage, and his long life takes us back to the dawn of the century and the swell of the nationalist movements that have helped shape our times.

MacBride's mother was Maud Gonne, the nationalist heroine hailed by Benjamin Constant as "the most beautiful woman in Europe," inspiration for some of W.B. Yeats's most beautiful poems. His father was a Fenian, John MacBride, executed in 1916 for his part in the Easter uprising. It was of him Yeats wrote, "He, too, has been changed in his turn,/ transformed utterly:/ A terrible beauty is born."

Young Sean was born in Paris in 1904 but transported by his mother to Dublin 12 weeks later to be baptized. The boy grew up in Paris, thus giving his accent an indelible Franco-Gaelic lilt, and acquired education from Yeats and Ezra Pound.

MacBride returned to Ireland in 1918, then joined the Irish Volunteers, and in 1921 was one of those who along with Eamon de Valera opposed the treaty and thus found himself in Mountjoy prison. For the next 15 years he was in and out of prison, on the run and organizing the IRA.

In 1936 he became chief of staff of the IRA, but a year later left the organization, opposed to a planned bombing campaign in England and swayed by De Valera's proposed constitution, which affirmed Irish unity and removed the oath of allegiance to the British crown. MacBride and his fellows felt their struggle could be pursued by constitutional means, and he held this position to the end of his life. A decade later he was in the postwar Irish coalition government as foreign minister.

The word "statesman" is not one imbued with energy. But MacBride was a statesman in the active and virtuous sense—in the 30 years after he quit domestic politics he exercised his talents on behalf of the rights of man. In 1961 he was one of the founders of Amnesty International. In 1973 he became U.N. commissioner for Namibia. In 1977 he chaired UNESCO's special commission on a new world information order. Throughout the entire period he was a crusader for disarmament. Uniquely in the world, he shared the Nobel peace prize in 1974 and was given the Lenin peace prize in 1977.

As one might expect of so vigorous a rat smeller, he provoked hostility. Governments roared their anguish under the lash of Amnesty International's reports, but who now questions the organization's integrity? MacBride's activities on behalf of Namibia aroused fury, but who can deny that Namibia remains under illegal occupation, the rights of its people to self-determination flouted? The UNESCO document on world information, published in 1980, known informally as the MacBride Report, drew down a torrent of abuse on the grounds that it called for the licensing and control of journalists by governments, a crafty distortion of an actual proposal for protection of journalists in war zones. But what objective person could deny the inequities in the control and flow of information passing between the First and Third Worlds?

The British establishment hated him till the day he died. As MacBride's coffin was being lowered into his mother's grave at the start of this week, the London Times printed a distraught editorial denouncing him as "a cosmopolitan high priest" of the "cult of violence." About the partition of Ireland MacBride said as foreign minister in the late 1940s that it would create a situation in Northern Ireland comparable to that in Palestine in 1946-48. Who can now controvert the truth of that prediction?

Because he helped hold Ireland clear of NATO after the war, MacBride similarly earned the hostility of ruling circles in the U.S. so he was duly denounced as a Soviet cat's-paw and drummer for the PLO. MacBride was no country's or movement's kept man. Because he spoke up for Palestinian rights he earned the enmity of Israel's ruling circles and American-Jewish organizations in the U.S. Who would now disagree with him about abuses of Palestinian human rights in the Occupied Territories, Gaza, and in Israel itself?

MacBride kept jabbing at injustices that will not go away. The last movement associated with his name was the campaign in the U.S. for the "MacBride Principles," promoted by labor and the Irish National Caucus, seeking to make it incumbent on U.S. companies invested in Northern Ireland to increase representation of minorities, ban provocative symbols in the workplace, publicize job openings and so forth. This peaceful and legal campaign has aroused British fury, but who can dispute that Catholic unemployment runs at twice that of Protestants' in the north and that this is one of the underlying causes of internecine strife?

One of MacBride's proudest boasts was that he was a member of the government that in 1949 passed the Republic of Ireland Act, which he said, "took the gun out of politics in the south." He proclaimed the right of the Irish People to sovereignty over the 32 counties, but his final vision, in 1983, was for a federal cantonal system along Swiss lines as an answer to the partition problem. He predicted that in a decade or two the exhaustion of paramilitary organizations on both sides, the indifference of the British and their impatience at the expense of an army presence would admit a peaceful solution.

Those who vilify his memory and talk of a "terrorist" past should look at themselves, whether it be the British with their courtroom travesties in Ulster, South Africans ravaging justice in Namibia and their own country, Israelis spurning international law in the Occupied Territories, Americans defying the World Court in funding terror in Nicaragua or Soviets and other socialist countries abusing the rights of their citizens; all should ponder a life that did honor to the best in man.

JERRY LASURDO: LEGENDARY BANKER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to bring my colleagues' attention to an article about Jerry Lasurdo, chairman of the Green Point Savings Bank of Flushing, Queens County, NY, that recently appeared in the magazine, Crain's New York Business.

Jerry Lasurdo is a valued business and civic leader in the Queens community. Under his leadership, Green Point Savings Bank has become an innovator in the banking industry and a great source of pride for the people of Queens.

I include the article in the CONGRESSIONAL RECORD so that my colleagues may learn more about Jerry Lasurdo.

[From the Crain's New York Business, Dec. 21, 1987]

GREEN POINT'S OLD-FASHIONED WAYS MAKE IT TOPS IN PROFITS; WILL BONANZA CONTINUE?

(By Alan Breznick)

Green Point Savings Bank is not what one would call a trendy thrift. It still has its original name, owns no automated teller machines and avoids Manhattan like the plague. It does no radio or television advertising, makes few consumer loans and shuns Wall Street's attention. It never lends out of state and doesn't even push checking accounts much.

About all Green Point does is rake in deposits and make mortgages, lots of them, to nearly everyone who can afford a 25% down payment. This single-mindedness has turned the old-fashioned, mutually owned thrift into the state's most profitable savings institution.

"We're not too bright here. There are no M.B.A.s," says I.J. Lasurdo, Green Point's wise-cracking, 71-year-old chairman and president. "We're just good businessmen."

Indeed. In the early 1980s, when the twin demons of deregulation and steep inflation forced most banks to abandon the mortgage market, Green Point didn't, lending money out at 18% and 19%. As a result, the thrift gained market share on every rival except Citibank, the New York mortgage king.

"The others tightened up, battened down the hatches and waited for the tornado to pass," Mr. Lasurdo says. "We went into the eye of the storm."

Whether Green Point can continue to steamroll is another story as more lenders have crowded the mortgage field and the local mortgage market has turned sour. Other banks and thrifts have made inroads this year, including giants like Chemical Bank, Chase Manhattan Bank and Crossland Savings.

Observers also wonder what will happen when Mr. Lasurdo, the body and soul of Green Point to many, retires in two years. They express doubt that Green Point's old-fashioned ways can carry it strongly into the 1990s.

But no one disputes the thrift's stunning performance so far or the role of Jerry Lasurdo, the man behind much of Green Point's success.

The down-to-earth banker started with the thrift in 1935 at $75 a month and spent most of his years as a mortgage loan officer. He still rises most mornings at dawn to jog around a Manhasset, L.I., track, before arriving at the mutual's Flushing, Queens, headquarters to sign off on every mortgage request.

Under his leadership since 1974, Green Point has quietly developed into a slick mortgage machine even though its rates are on the high side. In 1986 it churned out a record-high 22,000 mortgages—$2.1 billion worth. It also has more than doubled in size over the last five years, passing $3 billion in both assets and deposits.

"I don't know much about them," says Peter Treadway, a thrift analyst for Smith Barney, Harris Upham & Co. "But I've never met a thrift banker that wasn't in awe of them."

It's easy to see why. In the first half of this year, Green Point reported a $48.7 million profit, a phenomenal 2.9% return on assets. Locally, only the much larger Dime Savings Bank of New York and Crossland earned more.

In addition, Green Point made $91 million last year, adding more to its capital base than it did in the previous 112 years combined. It enjoyed strong years in 1984 and 1985 and even posted profits in 1982 and 1983, when most thrifts hemorrhaged red ink.

In fact, Green Point has made so much money lately that numerous investment bankers have reportedly come knocking on Mr. Lasurdo's door, seeking to take the mutual public. But the chairman has sternly turned them all down, saying he doesn't need more capital. "What the hell are we going to do with it?" he demands.

Green Point has built much of its sterling reputation by practicing a unique lending policy that breaks with the thrift industry's generally cautious posture and draws the ire of other bankers. It does not demand that borrowers verify such basic information as income and place of employment. If an applicant can make a 25% down payment on the home's value, that's usually good enough to borrow the other 75%.

Most Green Point borrowers opt for this "automatic credit" approach, which involves a simple check through a credit bureau and permits loan approvals within days. If applicants desire, the thrift will perform a complete credit check and award a lower interest rate, but that takes longer.

Other savings bankers see this policy as near-blasphemy because of the high potential risks. But Green Point and its backers say the risks are quite calculated and have not proved to be a problem.

"We are not the IRS," Mr. Lasurdo says. "Some may live more modestly than others, some may not report all their income, some may get money from their inlaws. It's not my job (to check)."

In fact, the chairman claims, the thrift has had to foreclose on just two of more than 100,000 mortgages, both largely because of divorce. Analysts agree that Green Point, like most mortgage lenders, has relatively few delinquency problems because consumers rarely default on their most precious possession—their homes.

Green Point also owes much of its mortgage success to its strong, informal network of real estate brokers, lawyers, accountants and other financial advisers who steer borrowers to the thrift. Mr. Lasurdo still spends much of his time cultivating this network, which brings in a lion's share of the mortgage applications.

Other institutions envy this network and have started going after it. Citibank, for instance, runs a "Mortgage Power" program for brokers that, for annual $2,500 fee, permits them to offer advice, lower fees and quicker loan approvals to their customers.

Unlike many rivals, Green Point also maintains an army of 18 home appraisers who fan out over the metropolitan area and quickly report their findings back to the home office. Other lenders hire outside appraisers.

Finally, Green Point spends heavily on no-nonsense newspaper rate advertising, eschewing the image ads that competitors like Crossland, Anchor Savings Bank and Bowery Savings Bank run on the radio and television. Robert Moss, president of Competitrack, which monitors bank ads, estimates that Green Point spent $1.6 million on these "supermarket" rate ads through the first 10 months of 1987, $300,000 more than second-place Dime.

"Print is very successful," says Mr. Lasurdo, who cut out Green Point's radio campaign when he took over.

Luck has also played a role in Green Point's success. Like other old-line thrifts, it had the good fortune to grow up in a solid, working-class community that stresses saving. The thrift takes its name (although not its spelling) from the Greenpoint section of Brooklyn, a largely Polish waterfront community that has changed little over the years, just like the mutual.

In fact, Green Point's grand main branch on Manhattan Avenue, which towers over the Polish delicatessens, bakeries and shops lining the commercial drag, now holds an enormous $410 million in deposits, 21 years after the thrift moved its executive offices to Flushing. The 79-year-old branch, lavishly decorated for the Christmas season, boasts an imposing white granite exterior topped by a rounded dome, thick marble columns and at least two dozen teller stations. A clock outside the main entrance proclaims "Time To Save."

Unlike some of its fellow old-line thrifts, Green Point has not left those roots behind. It has steadfastly avoided the lure of Manhattan, for instance, preferring to build its 15-branch network largely in working- and middle-class areas of Brooklyn, Queens and Long Island.

That strategy has paid particularly high dividends since the early 1980s, when deregulation and galloping interest rates forced all banks to pay much more for consumer deposits. In fiercely competitive Manhattan, consumers are more savvy and more prone to shift "hot money" from one bank to another in pursuit of the highest rates.

Moreover, unlike its fellow thrifts, Green Point never invested heavily in long-term, fixed-rate bonds. In the rampant inflation of a few years ago, Green Point's large pool of low-rate mortgages offered a healthier cash flow than bonds, which pay interest only twice a year.

"They got hammered on long-term, fixed-rate mortgages, but they still got monthly payments," says Thomas Schettino, a managing principal in Lyons, Zomback & Ostrowski, a thrift analyst and consultant. "The others got hammered down (worse)."

As a result, Green Point had money to lend in the early 1980s, when the other thrifts virtually stopped lending and struggled to stay afloat, and copped its second-place market share behind Citibank and ahead of Dime and Long Island Savings Bank.

"When I was with the FDIC (Federal Deposit Insurance Corp.), they were closing mortgages like crazy while basically everybody else was out of the market," Mr. Schettino recalls.

Adds Al Sorrentino, a vice president in Citibank's real estate business management unit, "Us and Green Point, that was about it."

Now Green Point faces some new challenges, even from veteran rivals. Citibank's highly successful "Mortgage Power" program, for one, has cut into the mutual's broker referral business.

"Right now we are seeing roughly 70% of our mortgage applications coming through our broker program," says Citibank's Mr. Sorrentino.

The bank, which has 1,100 local brokers signed up for the program, gave out $5 billion in mortgages last year and expects to match that this year.

Green Point has come back fighting. Earlier this year, the thrift launched "Advantage," its own version of "Mortgage Power." It offers similar benefits to brokers at one-fifth the Citibank price.

So far, Mr. Lasurdo says, 500 brokers have signed up.

But more lenders are contending than ever before, driving down profit margins and forcing all institutions to chase more marginal loans. Up-and-comers include Astoria Federal Savings & Loan Association. Emigrant Savings Bank and the reawakened Bowery.

"I think a number of the new players in the marketplace are definitely gaining market share," says William Zimmerman, marketing director of Long Island Savings.

His institution clocked just over $1 billion in new mortgages last year and expects to close 1987 with nearly the same.

What's more, the local mortgage market, paralleling the national one, shows few signs of awakening from its recent sluggishness. Hammered by rising interest rates, this fall's plunging stock market and recessionary fears, fewer New Yorkers are purchasing homes and apartments.

"The marketplace has turned frigid," Citibank's Mr. Sorrentino says.

Nevertheless, Green Point has few plans to change its ways, other than to keep shifting more of its mortgage portfolio toward adjustable-rate loans rather than fixed-rate ones.

Although other thrifts may branch out into consumer loans, commercial loans, credit cards and other newfangled products and services, Mr. Lasurdo will have none of that.

The thrift executive's only concession may be the installation of ATMs in a pilot program, years after his rivals.

We stick to what we know best, what we do best, what produces the most desirable results with the least amount of risk," Mr. Lasurdo says. Despite a drop-off in business of 40 percent to 50 percent in the second half of the year, he plans to close 17,000 mortgages by year-end, for a total of $1.75 billion.

With more capital than it needs. Green Point does intend to open new branches next year in Lynbrook and Commack both on Long Island, as well as possibly Staten Island and the Midwood section of Brooklyn. This past summer, the thrift opened its first branch in Westchester County. But few other changes are contemplated.

Observers wonder how the thrift will fare when Mr. Lasurdo retires, as he plans to do at the end of 1989 after 54 years.

"Jerry has grown up in that business. A great deal is due to him," says an executive at a rival thrift. "I don't see any management behind him."

Mr. Lasurdo, however, modestly pooh-poohs such concerns. He says his successor will come from three executive vice presidents who are all in their forties and fifties—Martin Dash, James Cava and Michael Gagliardi, a recent recruit from Dollar Dry Dock Savings Bank.

"We're looking for a clone of Jerry Lasurdo," Mr. Lasurdo only partially jokes.

COLOMBIAN CHIEF PROSECUTOR KILLED BY DRUG TRAFFICKERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GILMAN. Mr. Speaker, we are all appalled to learn that Carlos Mauro Hoyos, Colombia's chief prosecutor, has been murdered by drug traffickers.

While investigating the recent release from prison of the notorious drug trafficker, Jorge Luis Ochoa Vasquez—the second in command of the Medellin cartel—Hoyos' car was run off the road and sprayed with machinegun fire near an airport on the outskirts of Medellin. Two of his bodyguards were killed, and, according to a policeman's eyewitness report, Mr. Hoyos was bleeding from the throat. His body was later found alongside the highway.

Our Select Committee on Narcotics Abuse and Control, on which I serve as ranking minority member, is fully familiar with the violence that has become a day-to-day occurrence in Colombia. The ruthless Colombian drug traffickers, over the past few years, have assassinated Colombia's Minister of Justice Rodrigo Lara Bonilla; news editor Guillermo Carro and a number of other journalists engaged in an antidrug crusade; Col. Jaimie Ramierez Gomez, commander of the Jamoes Colombian antinarcotics unit; killed 21 judges including one-half of Colombia's highest court; and attempted to assassinate former Justice Minister Enrique Parejo in Hungary, where he was serving as Colombia's ambassador.

Our Drug Enforcement Administration estimates that the Medellin cartel controls 80 percent of the cocaine that enters the United States. The narco-traffickers have been doing their best to prevent the Colombian Government from extraditing to the United States drug kingpins such as Ochoa for prosecution. The Colombian drug traffickers this week announced a total war on officials who try to extradite them to the United States to face criminal charges. Their objective is to terrorize and intimidate the entire Government of Colombia and its citizenry.

The tragedies of Colombia underscores the need for us to expand our efforts to awaken the world to the dangers of the narco-traffickers undermining the judiciary and holding governments hostage to their demands.

Having just returned from conferring with members of the European Parliament as well as with the leaders of several southeast Asian nations, I am convinced that a worldwide full scale war against these drug traffickers and their deadly product is the only way we will succeed in eradicating the menace of drug abuse and narcotics trafficking from the face of the Earth. Courageous men who will follow in Mr. Hoyos' footsteps need to know that they enjoy our Nation's full support for their noble efforts, as well as our prayers. And the narco-traffickers must learn that law-abiding nations will not retreat, even in the face of their wanton acts.

RESOLUTION ON RELIEF EFFORTS IN DROUGHT-STRICKEN AFRICAN NATIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. HALL of Ohio. Mr. Speaker, today along with several of my colleagues, I am introducing legislation to commend the President, the Secretary of State, and the Administrator of the Agency for International Development for the effective relief efforts they have organized for the people of Ethiopia and for other hungry, needy people in sub-Saharan Africa. This concurrent resolution also encourages these executive branch officials to continue and extend their efforts to reduce suffering in Africa.

Unfortunately, it is already clear that this year will be particularly difficult for millions of Africans—people who already are hungry and not particularly healthy. Our Government has an unequivocal stance on how to respond to this continuing tragedy: the United States people as represented by their government will continue to do everything possible, go anywhere, to stop hungry people from starving.

As we respond to the needs of millions of people across the African continent, we must be particularly ready to deliver medical supplies and other essental life-saving provisions as soon as and where they are needed. And we cannot forget the pain and suffering of the millions of people who have left their homes to travel sometimes hundreds of miles in search of a little bit of food and a cup of water.

I was in Ethiopia in December. I saw a videotape of young boys who had walked hundreds of miles from their homes in the Sudan in search of food. They looked near death. And they were the survivors. We must help these people.

For the benefit of my colleagues, the full text of the resolution follows:

H. Con. Res. 239

Concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people of Ethiopia and other drought-stricken nations in sub-Saharan Africa, and to encourage these officials to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes

Whereas in excess of 5,000,000 people in Ethiopia will need emergency food assistance during 1988;

Whereas additional millions of people in other nations of sub-Saharan Africa will need emergency food assistance during 1988;

Whereas the United States Government and United States private and voluntary organizations have taken a leading role in responding to the food emergencies in Ethiopia and across Africa during the past four years, and were instrumental in saving the lives of several million people; and

Whereas the humanitarian traditions of the American people are best represented by a generous, effective response to the present emergency food needs in Africa without regard to politics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the President, the Secretary of State, and the Administrator of the Agency for International Development for their efficient and timely response to the drought and the growing food emergency in Ethiopia and other affected nations of sub-Saharan Africa;

(2) encourages the President, the Secretary of State, and the Administrator of the Agency for International Development to continue and extend all efforts deemed appropriate to preclude the onset of famine in the drought-affected regions of Ethiopia and other sub-Saharan African nations;

(3) in particular urges the President, the Secretary of State, and the Administrator of the Agency for International Development to pursue all appropriate means to ensure the timely delivery of medical supplies and other essential life-saving emergency relief supplies needed to prevent the unnecessary loss of life;

(4) declares that the United States Government response to these food emergencies in sub-Saharan Africa should include all appropriate initiatives to prevent the dislocation of large numbers of persons across national borders and/or into relief camps; and

(5) further declares that the plight of those who have become refugees or have otherwise been displaced as a result of drought, civil strife, or regional conflict in sub-Saharan Africa should be addressed with an emphasis on ensuring the provision of basic human needs, including food, water, shelter, clothing, tools, and seeds.

THE NUCLEAR COOPERATION AGREEMENT BETWEEN THE UNITED STATES AND JAPAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BROOMFIELD. Mr. Speaker, today Congressman FASCELL, the chairman of the House Foreign Affairs Committee, and I introduced a resolution approving the proposed nuclear cooperation agreement between the United States and Japan.

This resolution is required by the Atomic Energy Act of 1954 as amended by the Nuclear Non-Proliferation Act of 1978, and further by the Export Administration Amendments Act of 1985. It is introduced by request, and commits neither of us to support the agreement. Rather, the resolution provides a legislative vehicle of the Foreign Affairs Committee and the House to express its views on this proposed agreement between the United States and Japan.

The Foreign Affairs Committee will be holding additional hearings on this very important matter. Several serious issues are involved from the impact of the agreement on the protection of U.S.-supplied nuclear materials, to nuclear nonproliferation concerns, and several environmental and safety considerations. I join Chairman FASCELL in urging all Members to review the proposed nuclear cooperation agreement with Japan carefully.

RECOGNITION OF LERONE BENNETT, JR.

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DOWDY of Mississippi. Mr. Speaker, I would like to ask my colleagues here in Congress to join me in honoring a very special person, Mr. Lerone Bennett, Jr.

We in Mississippi are very proud of this accomplished author, journalist, lecturer, and historian who was educated in the public schools of Jackson, MS.

Mr. Bennett currently holds the position of senior editor at Ebony magazine. He has written several books, including "What Manner of Man: A Biography of Martin Luther King, Jr.," "The Challenge of Blackness," and "Before the Mayflower: A History of the Negro in America," which is now used in several colleges and universities as a textbook for black studies.

Before joining Ebony magazine, Mr. Bennett worked as a reporter and city editor of the Atlanta Daily World, as associate editor of Jet magazine, and associate editor of Ebony magazine. He has served as an advisor and consultant to several national organizations and commissions, including the National Advisory Commission on Civil Disorders. Mr. Bennett has also served as a delegate to the Sixth Pan-African Congress, in Tanzania, and the Second World Festival of Black and African Art in Nigeria. Mr. Bennett's short stories, poems, and articles have won critical acclaim. They include Rhetoric and Literature, Coming of Age in Philosophy, Myths and Motifs in Literature and the Media and the Critics. His books and short stories have been translated into French, German, Japanese, Swedish, Russian, and Arabic. Mr. Bennett has traveled extensively in Europe and Africa. He has lectured in colleges and before audiences in all regions of the country. A graduate of Morehouse College, Mr. Bennett now sits on the Morehouse College Board of Trustees.

Mr. Speaker, there will be a homecoming ceremony in Mississippi to welcome Lerone Bennett home and to thank him for the inspiration he has given to thousands of his admirers over the years. Please join me in extending our very best wishes to Mr. Bennett on this special occasion.

A TRIBUTE TO PRESIDENT CHIANG CHING-KUO

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. QUILLEN. Mr. Speaker, January 13, 1988, was a sad day for all the Chinese people in the Republic of China on Taiwan. Their leader, President Chiang Ching-Kuo, died of a heart attack.

In the last 12 months, the late President Chiang Ching-Kuo ended martial law and permitted opposition groups to form. Last winter he allowed Taiwan citizens to visit their relations in China. Indeed, the late President Chiang laid a firm foundation for democracy to flourish in Taiwan.

I join my friends in the United States Congress in sending my condolences to President Lee Teng-hui of the Republic of China on Taiwan. I hope and trust that Taiwan will continue to grow economically and politically in the future.

INTRODUCING THE PARENTAL ASSISTANCE WITH TUITION BONDS ACT OF 1987 AND THE PARENTAL ASSISTANCE WITH TUITION SAVINGS CERTIFICATE ACT OF 1987

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WILLIAMS. Mr. Speaker, today, I am introducing two bills, both designed to help parents save for their children's college educations.

Americans have long realized the importance of a college education; its attainment not only adds to the quality of life but also represents an economic boost. In support of this view, the U.S. Census Bureau recently published data from its 1984 "Survey of Income and Program Participation." These data indicate that individuals with college degrees earn nearly twice the income of high school graduates. Obtaining a college degree provides an important economic benefit, not only to the individual but also to Government. Therefore, the cost of attaining a college degree is a matter of growing concern to families, students, and Government.

In contrast to the obvious importance of obtaining a college degree, American families are not saving adequately to meet future college costs. According to a 1984 survey conducted by the National Association of Independent Colleges and Universities, fewer than 20 percent of parents with incomes under $20,000 saved for college; about 52 percent of parents with incomes between $20,000 and $30,000 saved for college; and about 70 percent of parents with incomes over $30,000 saved for college.

According to the 1980 survey of high school seniors and their parents conducted by the Department of Education, about two-fifths of the families of college students had saved for college costs; the median amount saved was $2,500. Unfortunately, about one-quarter of the middle-income parents who did save, waited until their children were enrolled in high school to begin saving.

As these two surveys indicate, most parents are not saving sufficiently to provide for their children's college education needs. Therefore, it is the purpose of this legislation to provide parents with an incentive to save so that they might better provide for their children's postsecondary education needs.

The first bill, The Parental Assistance with Tuition Bond Act of 1987, amends the Tax Code, as follows:

First, the Secretary of the Treasury would be directed to issue a special savings bond, designated for use in meeting postsecondary education costs.

Second, parents who buy these bonds would be able to deduct a portion of their costs—up to $2,000 annually for low-income families; for families with higher incomes, the tax advantage is ratably reduced—from their annual income before determining their tax liability. The maximum tax deduction per child would be $36,000 over 18 years.

Third, students who exchange these bonds for the costs of attendance at postsecondary education institutions pay no tax on interest the savings bonds have earned over their life. However, if the bonds are cashed in for other purposes, the student pays taxes on the interest, including a 10-percent penalty. Students who own regular savings bonds may have these bonds grandfathered into this interest exemption provision.

The bill would also direct the Secretary of the Treasury to implement support activities to encourage the participation of parents, the private sector, and others in this savings bond program. These activities include: First, stimulating use of payroll deductions; second, encouraging businesses, nonprofits, charitable groups and educational organizations to participate by helping needy students acquire bonds; and third, reconstituting the Savings Stamp Program to enable school-aged children to participate in saving for their college education.

The Parental Assistance with Tuition Savings Bond Program does require a change in both the Tax Code and in the Internal Revenue Code. These changes are needed to encourage participation by families of all income levels and to ensure that the bonds are used for postsecondary education. This bill will encourage savings which in turn will make more money available for Government activities and could thus decrease the need for Government borrowing.

The second bill I am introducing today, the Parental Assistance with Tuition Savings Certificates Act of 1987 does not amend the Tax Code in any way. Instead, this bill gives to the Secretary of Education authority to issue and redeem a postsecondary education savings certificate to be used to pay some or all of the costs of attending a postsecondary education institution. In this way parents will be encouraged to put aside funds for their children's education.

This legislation contains two provisions designed to encourage parental use of education savings certificates. First, the savings certificates are registered in the student's name. Therefore, the tax status of these certificates will be based on the child's lower income rather than on the parents' higher income. However, for purposes of determining the family contribution in calculating eligibility for federally funded student aid, these educational savings certificates will be treated as parental assets. In this way, the portion of their value that would be considered under current needs analysis procedures would not only be less overall but also would vary as a function of total parental assets. Thus, for example, in families with low incomes, none of the value of these savings certificates likely would be factored into the family's expected contribution in determining eligibility for student aid under title IV of the Higher Education Act.

Second, the legislation contains a provision to encourage schools to accept these savings certificates as payment for all or part of their attendance costs. Institutions which accept these certificates, and which hold their average tuition increases to under a 3-percent increase over the CPI during the 3 previous years, would be eligible to receive an incentive payment based on each institution's pro rata share of all such certificates redeemed for postsecondary education.

The educational savings certificate legislation also directs the Secretary of Education, working with the Secretary of the Treasury as appropriate, to implement support activities to encourage the participation of parents, the private sector, and others in this savings bond program. These activities include: First, stimulating use of payroll deductions by parents for the purchase of educational savings certificates; second, encouraging businesses, nonprofits, charitable groups and educational organizations to participate by helping needy students acquire savings certificates; and third, reconstituting the Savings Stamp Program to enable school-aged children to participate in saving for their college education.

Some months ago, I also introduced H.R. 2509, the Parental Assistance with Tuition Investment Act of 1987. This legislation, which now has 65 cosponsors in the House and has been introduced in the Senate by Senator PELL, establishes a trust that would accept parental savings for postsecondary education, invest these funds in safe Government investments, and pay out the invested funds to educational institutions on behalf of the eligible student in whose name the savings have been invested. This legislation also modifies the Tax Code to create favorable tax incentives for saving for future college costs.

Collectively, these three bills provide a number of options for consideration by the Congress, parents and students, institutions of postsecondary education, and others concerned about enhancing the Nation's ability to provide all its citizens with the benefits of a college education. I encourage my colleagues in the Congress to examine all three bills and to share their thoughts with me. I encourage my friends in the higher education community to do the same. And, I hope that parents and students around the country will also provide the Congress with their thoughts on these three bills. In this way, I believe that the Congress can move on legislation that grows out of this debate, legislation that will be effective, and legislation that will complement our existing student aid programs.

PRESIDENT CHIANG CHING-KUO

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. TALLON. Mr. Speaker, citing President Chiang Ching-kuo's political initiatives during the last year, both the Washington Post and the New York Times have generously praised President Chiang's achievements as a statesman.

In my view, Chiang's most important legacy is his having laid the groundwork for full democratization in the Republic of China.

It must be recognized that Western-styled democracy is by and large a foreign concept to most traditional Chinese, who are used to an authoritarian form of government. Therefore, it was Herculean for President Chiang to change the way the Chinese people think. He persuaded his countrymen that economic prosperity could not be sustained without parallel progress in the area of democratic reforms.

He sought, to the best of his ability, to weed out nepotism, parochialism and corruption in the military and other branches of government. By ruthlessly stamping out poisonous elements in the military and in the Nationalist Party, he earned his people's confidence, thereby making his political reforms possible.

Mr. Speaker, having visited Taiwan and met President Chiang, I know he had his people's confidence; and more importantly, he had their unwavering love and affection. Most importantly, he made them believe that democratization is and will continue to work well in Taiwan.

NATIONAL CIVIC INDEX: RANKING THE CITIES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. SCHROEDER. Mr. Speaker, last November at a National Conference on Civic Renewal in Boston, a national civic index was created as a means for evaluating approaches to community problem solving. The conference, sponsored by the National Civic League, brought together representatives of local government, business and nonprofit organizations in an effort to focus on strengthening the civic infrastructure of American communities.

The national civic index has become an effective tool for self-evaluation, and already it has been applied in a number of U.S. cities. Denver is one of them.

Denver Post senior editor Bill Hornby recently wrote an incisive column about the national civic index and its application by the Greater Denver Chamber of Commerce. Other communities across the country may find his observations interesting and helpful.

[From the Denver Post, Jan. 14, 1988]

HOW DOES METRO DENVER STACK UP ON THE NATIONAL CIVIC INDEX?

(By Bill Hornby)

Is metro Denver's "civic infrastructure" in as good as or better repair than its physical base? Are the political and social processes by which its people solve community problems in as good shape as its roads, bridges, buildings and other built facilities?

The National Civic League, with former Coloradan John Parr as president and Richard L. Anderson of Aurora as a national adviser, probably has accumulated more understanding of how American communities do or don't solve their problems than any other political science study group. Out of this, it has shaped a questionnaire by which any community can evaluate its civic strength. A Western community of any size needs no costly analyst to get this self-evaluating list of questions and put itself on the couch.

Called the National Civic Index, the questions cover elements deemed essential to an effectively working community—Citizen Participation, Community Leadership, Government Performance, Volunteerism and Philanthropy, Intergroup Relations, Civic Education, Community Information Sharing, Capacity for Cooperation and Consensus Building, Strategic/Long Range Planning, and Inter-Community Cooperation.

Still in its infancy and subject to revision through experience, the NCL Index was used to kick off the 1987 Leadership Denver program of the Greater Denver Chamber of Commerce, and has proven a useful tool in other communities.

As Parr puts it, "Healthy communities have the ability to deal with problems and challenges in a collaborative fashion. That is, through joint action among governmental, private sector and non-profit entities. The components of the Index make up what we think to be the critical underpinnings of a community's ability to resolve problems, meet challenges and set directions for the future."

How does metro Denver stack up under the specific questions of the NCL Index? Answers would vary with the state of mind of the answerer, and whether or not he or she was relatively bruised or unbruised from recent community struggle. Don Bain's scorecard might differ from Federico's, and Al Cohen's or Phil Anschutz's from Dave French's!

In pondering specific questions, it strikes this corner that it is in Government Performance, Intergroup Relations and Inter-Community Cooperation that metro Denver's long strides are yet to be made.

The evaluating questions under Government Performance are: "Does the city systematically address qualitative concerns about city services? Are certain neighborhoods given inordinately special treatment? Are alternative ways of delivering services openly considered and utilized when appropriate?" Good questions!

Under Intergroup Relations—"Does the community have programs to stimulate communication between diverse populations? How often do small, specific conflicts escalate to involve larger issues and a wider range of groups? How involved are various 'solidarity' groups in developing broad public policy and providing community-wide services?"

The Index explanation adds, "While all communications have a certain number of coherent 'solidarity' groups, the degree to which they cooperate in resolving broad issues and co-exist in harmony is an essential measure of civic health." Just how well does Denver stack up when it comes to cooperation among its Hispanic, black and Anglo institutions?

On Inter-Community Cooperation, while the region is making great strides in recent months, these Index questions still bother: "How do local government entities in the area relate to each other? How do region-wide problems or policy disputes get resolved? Does business do economic development or the non-profit sector provide services on a regional basis?"

NCL, in distilling its Index, was convinced "there are fundamental differences between communities that work and those that don't. Some communities argue over their problems while others put their differences aside to solve them. The questions we asked ourselves were what accounts for these differences; what are the basic characteristics of communities that work?"

Denver and the region have had a great deal of good planning under way in the past few years. Our problem has been more than execution of the plans than their creation. But in the constantly changing economy and environment in which we huddle beneath the Rockies, it never hurts to take a fresh look at these basics.

You might like to get the whole Index from NCL at 55 West 44th St., New York, N.Y. 10036, and do a little civic psychoanalysis yourself. It certainly couldn't do the old hometown any harm.

ARCHBISHOP ANTHONY J. BEVILACQUA, THE PRIDE OF BROOKLYN'S CATHOLIC COMMUNITY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a Brooklyn native son, who has recently been appointed to one of the most important positions in the Catholic Church. A few weeks ago, the Holy Father named Bishop Anthony J. Bevilacqua to be archbishop of Philadelphia.

It is with great pride that I point out to my colleagues that Archbishop Bevilacqua was born and educated in Brooklyn. He began his religious instruction at Brooklyn's Cathedral College and later attended the Seminary of the Immaculate Conception in Huntington, NY. The Archbishop's towering and diverse intellectual strengths are evidenced by the fact that he has also earned a doctorate in Canon Law at the Gregorian University in Rome, an advanced degree in political science at Columbia University, and a doctorate in civil law at St. John's University.

Mr. Speaker, throughout my career in public service, in the New York Assembly and in the Congress, I have had the immense pleasure of working directly with Archbishop Bevilacqua on a number of critical issues. The Archbishop served Brooklyn's Catholic community with distinction, first as director of the diocese's migration and refugee office and then as Brooklyn's auxiliary bishop. He is one of the Nation's authorities on refugee and human rights matters and has always provided me with expert counsel on these important issues.

Several years ago, Archbishop Bevilacqua left the Brooklyn diocese to assume the role of bishop of Pittsburgh. Although he moved away from our city, the Archbishop will never cease to be a beloved member of the Brooklyn family. Now that he is moving to another great city in Pennsylvania, I'm sure my colleagues will join the people of Brooklyn and me in extending to Archbishop Bevilacqua our most sincere congratulations and best wishes for a productive and inspiring career as archbishop of Philadelphia.

THE POSTAL SERVICE DISADVANTAGED BUSINESS PROCUREMENT ACT OF 1988

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LELAND. Mr. Speaker, last year the Postal Service released its comprehensive statement on postal operations. In the midst of pronouncements about the Postal Service complying with this act or that regulation, was the startling revelation that in 1986, only 5.9 percent of all contract dollars went to minority businesses. This is a dramatic decrease from 1985 when 10 percent of all Postal Service contracts went to minority businesses and the lowest percentage since 1981. In terms of dollars and cents, this is a drop from $237 million spent with minority businesses in 1985, down to $186 million in 1986. This is appalling. Instead of building on a record that was improving incrementally, the Postal Service has taken a huge step backward.

The Postal Service's disappointing lack of involvement with disadvantaged business concerns, those small businesses that are owned and controlled by minorities or women, is forcing me to introduce legislation today mandating that every year, at least 10 percent of all contract dollars be spent with such disadvantaged business concerns.

We should not have to legislatively mandate that the Postal Service give more than token consideration to minority and women owned businesses. The Postal Service, however, has resisted previous efforts to encourage, even cajole them into being more receptive to minority contractors. As part of the Federal Government, the Postal Service should be a positive role model for the Nation. Unfortunately, when it comes to providing equal opportunities for all, regardless of race or sex, the Postal Service exhibits, to put it mildly, a lack of commitment. I cite as an example the fact that nearly half, 49.7 percent, of all EEO cases filed with the EEOC by Federal employees are filed by Postal Service employees. And believe me, my colleagues, I am seeking legislative means of changing this sad state of affairs also.

The legislation that I introduce today will bring the Postal Service in line with existing Federal policy. Section 8(a) of the Small Business Act authorizes Federal programs that encourage and assist small minority businesses in contracting with the Federal Government. Recent court cases, including a landmark case before the Supreme Court, considered the provisions of section 8(a) and the procedures and constitutionality of this statute were upheld.

The legislation that I introduce today will not result in additional costs to the taxpayers nor postage rate payers. This measure stipulates that in every fiscal year, the Postal Service is required to set goals for contracting with disadvantaged business concerns. These goals cannot be lower than 10 percent, nor can actual contract dollars spent with disadvantaged business concerns drop below 10 percent without sanctions being imposed on the Postal Service. For women owned and controlled businesses, the goals and actual dollar amount must be at least 5 percent each fiscal year. I want to make clear that this bill does not represent a limit on the extent to which the Postal Service may contract with disadvantaged business concerns. Quite the contrary. We have set a minimum standard with which the Postal Service must at least comply. To accomplish this, the Postal Service must reevaluate its policies, and change them where necessary, so that they are more conducive to minority businesses and encourage minority participation. I suggest the Postal Service start by removing some of the many procedural roadblocks to contracting with the Postal Service and launch serious efforts to solicit minority business participation.

Finally, this bill is comprehensive, covering all aspects of contracting with disadvantaged business concerns, including solicitation of bids and proposals, the responsibility of prime and subcontractors, the use of inventions, patents and licenses, research and development, payment to the covered businesses, penalties for misrepresentation of minority or small business status and a required annual report to Congress on compliance with the statute. To see that the legislation is carried out to its fullest, the bill also contains a provision that creates an Office of Small and Disadvantaged Business Utilization.

It is time the Postal Service joined the rest of the Federal Government in working to assist and encourage the growth of small, minority and women owned and controlled businesses. It is good public policy and helps the businesses involved, the economy and the Postal Service. I encourage my colleagues to support this measure.

A NATIONAL NETWORK OF FREE COMMUNITY PHONES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WYDEN. Mr. Speaker, 2 months ago the Pacific Northwest Bell Telephone Co. kicked-off a unique program to help the needy. It's called the Community Connection, and consists of free telephones for local service at 14 centers around Oregon. Located at senior citizen centers, community centers, public assistance offices, and the like, these free phones have already been hailed as a ringing success.

The program is the result of a proposal I made last summer, when I asked Pacific Northwest Bell to consider how much good such a network of free local service could do those without jobs, homes, or simply the financial wherewithal to afford their own phone.

The community phones are already being used heavily, particularly by Oregonians seeking jobs. The service, paid for by the company's shareholders, is relatively low cost: about $1,600 per location annually. For this modest sum, an immeasurable amount of good can be done. About 65,000 Oregonians, and 7 million people nationwide, are without residential phone service. About 650,000 of those homes are headed by senior citizens, who face special problems when emergency medical help is more than a bedside call away.

This network of free phones can serve as a community lifeline, bringing people who need to check in with a sick relative, a potential employer, or a child's teacher into the 20th century. Today, I join the chairman of the Telecommunications Subcommittee, Mr. MARKEY, its ranking minority member, Mr. RINALDO, and Messrs. AUCOIN, DEFAZIO, DENNY SMITH, and ROBERT F. SMITH, in urging other local phone companies to follow the lead of Pacific Northwest Bell. We are calling on local phone companies nationwide to establish free community phones in their own areas in a true display of good corporate citizenship. Our hope is that someday all Americans, regardless of financial means, will have access to this vital utility.

I urge my colleagues to join us in support of this resolution.

THEIR STYLE OF DEMOCRACY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SHUMWAY. Mr. Speaker, next week the Congress will once again consider whether the United States should provide humanitarian and military assistance to the democratic resistance in Nicaragua.

The leaders of the other Central American nations that signed the peace accord in Guatemala last August agree that the Sandinistas have failed to comply with its essential provisions concerning a general amnesty, a cease-fire or internal reconciliation.

In an editorial which appeared in yesterday's Washington Post, Jeane Kirkpatrick discusses the democratic reforms recently announced by the Sandinistas and the undemocratic practices which continue in Nicaragua. She also raises some interesting questions about the possibilities for any real and lasting democratic reform in Nicaragua in the absence of pressure from the Nicaragua resistance which brought the Sandinistas to the negotiating table. I commend this article to the attention of my colleagues.

[The article follows:]

[From the Washington Post, Jan. 25, 1988]

THEIR STYLE OF DEMOCRACY

(By Jeane Kirkpatrick)

The Central American peace accord signed in Guatemala last August was a plan, not just an expression of good intentions. It committed its signatories, the five presidents of Central America, to establish authentic democratic processes and carry out national reconciliation. A time frame for compliance was provided. Then time ran out.

When the presidents met in Costa Rica a week ago to examine the question of compliance, it was clear to all (except possibly Daniel Ortega) that Nicaragua had not fulfilled its promises. There has been no general amnesty, no cease-fire, no internal reconciliation. Controls over speech, press and assembly had been relaxed, but freedom in all domains remained sharply limited. Central America's presidents said as much. Now they said Nicaragua must either comply or give up the pretense, and must do so at a time when the U.S. Congress would be considering continued aid to the contras.

The pressure precipitated an interesting and often contradictory scramble in Nicaragua that has already produced new promises, new punitive actions and new proposals for peace talks. The Sandinista response—including its latest proposal Thursday for urgent talks with the contras—makes it clear the Nicaraguan government does not relish the choice with which it has been confronted.

The contradictory actions of the Sandinistas were reflected in last week's headlines. "Nicaragua Cancels State of Emergency," The Washington Post announced on Page 1 of its Jan. 17 edition. "Five More in Nicaraguan Opposition Are Arrested by the Security Policy," The New York Times said on the same page on the same day. Both headlines were accurate.

On the same day that Managua announced the lifting of a state of emergency, police arrested leaders of Nicaragua's democratic trade unions, private sector, independent press and democratic political parties. They were interrogated for some 36 hours and released.

This was not the first time opposition leaders were arrested at the same time the government sought to convince the world of its democratization. It also happened eight days after the signing of the accords, when the Nicaraguan government forcibly broke up a peaceful demonstration and arrested Lino Hernandez, director of the independent Permanent Commission on Human Rights, and Alberto Saborio, president of the Nicaraguan Bar Association. Both arrests were clearly designed to intimidate.

Now Hernandez, Saborio and 10 associates once again are victims of the Sandinista desire to proclaim freedom and control its use.

It is not the only contradiction. An amnesty was declared for 3,500 political prisoners providing they are accepted by the United States. While the state of emergency was lifted and the constitution restored, the offical newspaper Barricada warned that the restoration of civil rights "should not be misinterpreted as a blank check for irresponsibility and subversion."

"They are telling us that this is their style of democracy," said La Prensa Director Violetta Chamorro, whose brother-in-law, La Prensa editor Jaime Chamorro, was arrested.

Is this "style of democracy" acceptable to the U.S. congressmen who have tied their support for aid to the contras to Nicaragua's compliance with the Central American accords? The vote is scheduled for the first week in February, and some Democratic leaders have indicated they will make an all-out effort to block further aid to the contras. They call their policy "a risk for peace."

But it is necessary to ask what is being risked.

The most recent Sandinista proposal for peace talks is clearly designed as a further measure to influence the U.S. Congress against providing additional aid. Still, Congress cannot avoid the fundamental questions—which are unchanged by the Sandinistas' latest overture.

Is there a chance for democracy in Nicaragua without continued pressure on these would-be totalitarians?

Is there a chance for peace in El Salvador while the Sandinista regime rules Nicaragua?

Is there a chance for economic development in Central America while the region is thus afflicted by repression, revolution and civil war?

Is there any good reason for Democrats who do not desire a Communist Central America to oppose aid to the contras?

But opponents of aid have a question of their own: Is it morally justifiable for those who believe in peace and democracy to support the use of force by Nicaraguans against the Nicaraguan government?

El Salvador's president, Jose Napoleon Duarte, provided the answer to this last question in a speech before the United Nations General Assembly:

"Force can only be acceptable," Duarte argued, "when there are no institutional processes available to open the political system, and then should only be used for the purpose of opening that system."

Supporters of democracy must agree. There still remain no institutional processes through which internal or external opposition to the Sandinistas can effectively participate in the country's political system. It is therefore up to Congress to help the rulers of Nicaragua understand that democracy is their only alternative.

CONTRA AID

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BATES. Mr. Speaker, the Reagan administration has not only abused its authority in providing lethal aid to the Contra rebels in Nicaragua, it has also ridiculed our commitment to the principles of international law as set out by the United Nations.

Let me quote from a statement which the U.S. Government supported through U.N. Resolution 2625, the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States:

No state * * * has the right to intervene, directly or indirectly, * * * in the internal or external affairs of any other state.

Every state has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state.

The administration's Central American policy has clearly violated this declaration. I urge my colleagues to join me in opposing any further military assistance to the Contras, a true demonstration of our belief in the principles of international law.

A BRIEF HISTORY OF CUMBERLAND COLLEGE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ROGERS. Mr. Speaker, during 1988, Cumberland College in Williamsburg, KY, will be celebrating its centennial. For 100 years Cumberland College, the College of the Mountains has maintained its founding mission: "To provide a quality liberal arts education within the means of mountain people."

The founders of Cumberland College include such men as Gen. Green Clay Smith, who was almost President of these United States, and R.C. Medaris, after whom novelist John Fox, Jr., modeled the character Sherd Rains in three of his novels.

On the Cumberland College campus a plaque honors four of the college's early supporters. In tribute to T.B. Mahan, James P. Mahan, Dr. Ancil Gatliff, and John W. Siler, the plaque makes the great understatement, "They builded better than they knew."

Early supporters of Cumberland College include John D. Rockefeller, Andrew Carnegie, Jay Gould, and William Jennings Bryan.

Cumberland College opened its doors as Williamsburg Institute on January 7, 1889, with 2 teachers and 199 students. Today, Cumberland College is still alive, well, and vibrant with over 2,100 students, faculty, and staff.

As Williamsburg Institute opened its doors for students that morning in 1889, Mr. John Wesley Siler, one of the college's first trustees, was present. He was there sponsoring, encouraging, and pushing forward four young men: A.J. Meadors, A.J. Parker, A.S. Petrey, and E.L. Stephens, all of whom were in the first graduating class in 1893. Siler said, "Go forward young men, this school will never die. We will pass on, but the college itself will live."

These founders did build a strong, lasting, influential educational institution. As of today, more than 10,000 graduates of Cumberland College have gone forth to serve as medical doctors, dentists, pharamacists, attorneys, business men and women, teachers, social workers, ministers and missionaries, and in many other capacities as they minister to the needs of others.

What is truly remarkable is that over 65 percent of Cumberland College's graduates return to the hills and hollows of Appalachia to serve their fellowman and to encourage their friends, neighbors, and families to seek an education in order to improve their lives and to lift themselves out of their poverty.

Cumberland College's alumni include two Governors of Kentucky, Edwin P. Morrow and Bert T. Combs; one U.S. Congressman, Eugene Siler, Sr.; the highest ranking naval officer ever to emerge from the State of Kentucky, Adm. William T. Blakely; and many other high ranking military officers.

Today, Cumberland College is like a bright, shining city set on a hill, illuminating the way for all who come truly seeking a quality liberal arts education. Cumberland College sits in the heart of Kentucky's Fifth Congressional District and serves primarily a 14-county area in the Kentucky mountains and three countries in the mountains of Tennessee. Some 75 percent of Cumberland College's students come from this area and over 90 percent of them must receive financial aid, yet, in keeping with its mission, during its first 100 years, Cumberland College has never refused a student because he or she lacked funds. Cumberland College is an island of hope in a sea of despair.

The past is but a prologue; the best is yet to be.

There always have been those few who dreamed the impossible dream and were willing to sacrifice everything to bring it to pass; so shall it continue to be.

In the words of the immortal Daniel Webster:

> If we work upon marble, it will perish. If we work upon brass, time will efface it. If we rear temples, they will crumble to dust. But if we work upon men's immortal minds, if we imbue them with high principles, with the just fear of God and love of their fellow men, we engrave on those tablets something which no time can efface, and which will brighten to all eternity.

Cumberland College is the bright, shining city set on a hill that is now celebrating its 100th year of providing a quality liberal arts education and is planning for another 100 years of educational service to students from the mountains of Appalachia, from across the Nation, and from around the world.

Cumberland College will continue in its mission to its constituents, for in the words of poet Robert Frost, Cumberland College has "* * * promises to keep and miles to go before it sleeps."

In planning for the future, Cumberland College has made a series of promises to its constituents: (1) To offer a first-class educational opportunity within the means of mountain people; (2) To provide an atmosphere which fosters distinctive spiritual growth; (3) To aid in developing socially responsible citizens; (4) To urge each student to endeavor to reach full potential; (5) To make available opportunities for self-help through work study; (6) To cultivate an appreciation for physical and mental health; and (7) To help uplift this low-income area through Appalachian outreach programs.

The good that Cumberland College does for the mountain area can be seen in the following comparison. Nationwide, we are told, there is a ratio of about 1 medical doctor for every 1,700 people, and in this area there is a ratio of about 1 medical doctor for every 5,000 to 7,000 people. Most of the area's medical doctors are Cumberland College alumni. Cumberland College continues striving to better the health and the health services of Appalachia.

While Cumberland College maintains an enrollment of around 1,900 students, size is not what counts. What matters is Cumberland's caring concerns and demanding expectations for the students from the hills and hollows, the mining camps, and the isolated mountain areas.

I know that the Members of the House join with me in congratulating Cumberland College during its centennial celebration and in wishing Cumberland College the best of success as it enters its second century of service.

TRIBUTE TO DELORES HRYCYK—CITIZEN OF THE YEAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Mrs. Delores Hrycyk, of Pulaski, PA—a brave and determined woman who is being honored on January 30, 1988, as Citizen of the Year by the United Veterans Council.

Mrs. Hrycyk was one of the organizers of Solidarity USA and she led the fight for the restoration of medical and supplemental pension benefits for LTV retirees. These benefits had been concealed when LTV Steel filed for chapter 11 in July 1986. Her fight led her several times to Washington for important rallies. She also collected thousands of signatures in a petition campaign to reinstate the benefits. I have worked with her very closely and I am glad to count her as one of my friends. I have seen how tirelessly she works. I can also say that she has made a difference.

I know that Delores will continue fighting for the rights of LTV retirees. It is my privilege to be fighting beside her and I look forward to working with her again and I am thrilled that she is receiving this award. So, Mr. Speaker, it is with great pride and appreciation that I pay tribute to Mrs. Delores Hrycyk, an extraordinary woman and an exemplary citizen.

MARITIME UNION STANDS BEHIND IMPORT REDUCTIONS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BENTLEY. Mr. Speaker, since my first election to Congress I have urged this body to work with the executive branch and to help bring about responsive legislation needed to reduce our trade imbalance. I am encouraged by the recent support offered by the International Longshoremen's Association [ILA] to the AFL-CIO commitment to restrict foreign imports.

The announcement of this support was made earlier this month in Atlantic City by ILA's President John M. Bowers to the New Jersey State AFL-CIO Legislative Conference on January 12, 1988. ILA's commitment to support import reductions will possibly cost some longshoremen jobs. I applaud their contribution to America's future because if we are not prepared to work together and pay the price necessary to reduce foreign imports in the United States, then the problem of an eroding industrial base will only continue to exist in America.

We need more individuals like ILA President Bowers and members of the maritime union who offer their support to reducing the trade imbalance. Illegal dumping by foreign countries continues to affect our domestic market.

In many instances, as a result of foreign imports, American workers are forced to sit idly while foreign producers are free to provide services to American consumers. A stronger domestic trading policy must be achieved in this country if we are to continue to be a first-class superpower.

Mr. Speaker, I insert at this time for the RECORD a copy of the formal remarks of ILA President John Bowers:

REMARKS OF JOHN BOWERS

(Opening salutations)

President Charlie Marciante; Secretary-Treasurer Edward Pulver; officers and members of the New Jersey State AFL-CIO, on behalf of my fellow officers and members of the International Longshoremen's Association, I am happy and privileged to extend warm fraternal greetings to my brothers and sisters of this great union body.

The ILA values its association with the New Jersey State AFL-CIO and we're equally proud that our Executive Vice President, Donald Carson, serves as a member on your Executive Board.

The ILA is thrilled to include and welcome the International Brotherhood of Teamsters back into the AFL-CIO family. I was in Florida in October when General President Jackie Presser told Lane Kirkland he wanted to come home again.

I think the Teamsters reaffiliation with the AFL-CIO is the greatest thing to happen in the labor movement in a long time.

Our union takes particular satisfaction with the Teamsters rejoining the AFL-CIO.

Donald Carson and I have been working closely with Jackie Presser and Teamster Vice President Walter Shea for close to three years now, trying to resolve jurisdictional problems we've had at several port areas around the country.

With the Teamsters back in the house of labor, these problems will be more easily solved.

This conference affords all unions an opportunity to salute the New Jersey State AFL-CIO as a leader among labor bodies because it consistently espouses an important trade union principle in its legislative efforts: protecting and promoting American union jobs.

The ILA is proud to reaffirm our affiliation with you and join you in this important mission.

Sometimes, however, the price for fighting for the principles of free trade unionism is steep.

Last year, the ILA paid an extremely high price for fighting for American jobs.

As a result of our members' refusal to handle Russian lumber that was produced at their slave labor camps in the early 1980s, the ILA was sued for $9 million.

We've exhausted all appeals and must pay the fine.

However, our members knew when they were protesting against the Russians that they were not just condemning the Soviet slave camps, but also protecting and preserving American jobs.

ILA members knew of the dangers of allowing slave labor products to come into our country. The result could be the elimination of millions of American union jobs.

In retrospect, their protest was a costly one but necessary to preserve standards of human dignity. I do not regret what our membership did.

When I was elected president of the ILA in July 1987, a television reporter asked me what the ILA's position on international trade was going to be.

I think the reporter expected me to say that the huge quantity of imports into the U.S. was good for ILA manhours. Perhaps he thought I'd say that one-way trade was better than nothing.

It's true my union makes a living by handling import cargo.

But the sad fact of life in today's world is that millions of American workers have lost their jobs, perhaps permanently, because of our trade policies.

The ILA wants what every union in America wants, I told the reporter. We don't appreciate foreign countries dumping their products—most produced by low paid or slave labor—in our markets while denying us access to theirs.

As I said earlier, the ILA values its affiliation with the AFL-CIO too much to allow our union to take a selfish position of indifference to the trade imbalance.

My union is ready to join the AFL-CIO to stop the endless flow of import cargo from coming into this country.

My membership does not mind tightening their collective belts to help more American union workers get their jobs back.

We demand fair trade. We don't believe in free trade.

Brothers and sisters of the New Jersey State AFL-CIO, we in the labor movement do not need to be the authors of trade legislation bills.

We should be the practitioners of a policy that has the better than 14 million members of the AFL-CIO thinking American products and buying American products.

Products produced by skilled union workers: Union suits; union shoes; union made computers. We should drive American made cars and encourage our family and friends to do likewise.

In other words, we don't need Congress to legislate something we can accomplish if we unite in purpose.

Let's put America back to work;
Say union yes.
Thank you very much.

WHAT HODEL DID NOT TELL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOXER. Mr. Speaker, some months ago Secretary of the Interior Donald Hodel proposed one of the strangest ideas to come from this administration—breaching O'Shaughnessy Dam and draining the Hetch-Hetchy Valley. Unfortunately, the environmental fight over Hetch-Hetchy was lost in 1913. Unless and until an environmentally acceptable substitute is found to provide water and power to San Francisco and all the people Hetch-Hetchy serves, the proposal shouldn't even be considered because it will only cause needless fear and worry mixed with false hope.

The following editorial which ran in the San Francisco Chronicle on January 12 highlights important aspects of this matter.

I commend it to the attention of my colleagues:

WHAT HODEL DID NOT TELL

When Secretary of the Interior Donald Hodel proposed last year that the city's O'Shaughnessy Dam, the source of its drinking water, be razed to restore a second Yosemite Valley for public park use, we found it impossible to share his unquestioning enthusiasm. A lot of people, including some Southern California politicians, cheered the secretary on. San Fransisco's discomfiture is Downey's and Azusa's joy if the subject is water.

In San Francisco, however, there was no joy. Hetch Hetchy is lifeblood. Its destruction must be regarded seriously. So we decided the other day to chat with some of the people who run Hetch Hetchy. We have been astonished at what they say. Secretary Hodel talks grandly of restoring a new and awesome Yosemite Valley to public access. That valley is seven miles long and one to 1.8 miles wide, some 4,480 acres, all crowded, to boot.

The Hetch Hetchy people told us, however, that the area behind O'Shaughnessy Dam totals about 800 acres. It seems apparent that no new and grand Yosemite Valley sleeps beneath the waters but rather a mini-park which dwindles down to a width of a few hundred feet and is only about a mile long. Hardly room enough for another Camp Curry much less another Ahwanee. Or their parking lots.

All of this should be interesting to San Franciscans, we believe. Some say that replacing O'Shaughnessy Dam with another water source (which might mean building another high dam) would cost something more than $1.5 billion. This brings Don Hodel's mountain fantasy to a cost of something more than $1.875 million per acre. The price seems a little high for a comparatively small valley that has been under water for so long.

Maybe it's worth it for a unique reason: unquestionably Hetch Hetchy Canyon would offer visitors the sight of the biggest bath tub ring ever created by man.

COX CABLE HAMPTON ROADS HONORED

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. PICKETT. Mr. Speaker, too often we take for granted the good public service work performed by many cable television companies. So today, I want to tell my colleagues something about one of eastern Virginia's leading cable companies, Cox Cable Hampton Roads. In 1987, Cox marked another year of service to more than 150,000 households in Hampton Roads, making it the 14th largest cable system in the Nation.

One of the fundamental principles on which the deregulation of the cable television industry went forward is that of responsible public programming. Cox carefully and energetically fulfilled that mission in 1987 as in past years. Typical of the system's accomplishments this year was the creation of the Cox Naval Affairs Project [C-NAP], which is broadcast by Cox over its systems in Hampton Roads, Pensacola, and San Diego. The C-NAP project provides Navy families in my district, and in other cities served by Cox where there is a major naval facility, with important information about naval matters that affect their lives. It has been enthusiastically received and fills a genuine need for these families.

Cox Cable Hampton Roads has been honored for its production entitled "Liberty, Sail of the America's," which is a spectacular documentary of the tall sailing ships entering the port at Norfolk. It has also broadcast numerous public-interest documentaries, including one on drunken driving and another on local neighborhood watch programs.

Mr. Speaker, with this kind of sensitivity and response to community needs, it is little wonder that Cox Cable Hampton Roads won more than 30 service awards last year. It is an example for other cable television companies to follow, and I commend it for a job well done.

TAIWAN PRESIDENT CHIANG CHING-KUO REMEMBERED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. KLECZKA. Mr. Speaker, Taiwan's distinguished President Chiang Ching-kuo, whom I had the honor to meet during my trip to that country a year ago, died on January 13, 1988. Almost immediately, Vice President Lee Teng-hui was sworn in as President, making him the first native-born Taiwanese to become President since 1949, when the Nationalists moved to Taiwan.

Mr. Lee's ascension to the Presidency in this country of 19 million people is an eloquent testimony to the legacy left by President Chiang. During his tenure as President, Chiang tried his very best to integrate native Taiwanese into a government that has been controlled by mainlanders since 1949. To ensure that on one in his own family would succeed him as leader on Taiwan, Chiang—himself a mainlander—worked tirelessly and effectively to prepare Vice President Lee as his constitutional successor.

The Chinese people, mainlanders and Taiwanese alike, will surely miss their late president. Like them, I, too, will remember him as a man who devoted his public leadership to the honorable goal of bringing the mainlanders and the Taiwanese together.

A LIVING CONSTITUTION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WHEAT. Mr. Speaker, in celebration of the 200th anniversary of the Constitution of the United States, the Black Archives of Mid-America, Inc., is sponsoring a program in Kansas City, MO, which might be of interest to a number of my colleagues. The program will be held during Black History Month, February of this year, and its focus will be on the intellectual origins and evolution of the Constitution.

The centerpiece of the Black Archives' program will be a symposium of lectures and group discussions entitled "The Constitution and You" involving a number of distinguished speakers. The symposium will be attended by high school students as well as teachers, school administrators, and college students from the Kansas City metropolitan area. It will also be broadcast via satellite to a number of other schools throughout the State of Missouri. I am pleased to have accepted an invitation to participate in this noteworthy event. Mr. Speaker, as I look forward to the commencement of these proceedings, I would like to share with my colleagues some of my thoughts on this truly remarkable document, the Constitution of the United States.

September 17, 1987, marked the 200th anniversary of the signing of the Constitution of the United States. Over 11 years elapsed between the signing of the Declaration of Independence on July 4, 1776, and the signing of our present Constitution on September 17, 1787. Clearly, the seed of liberty takes time to take hold and to grow. But the years it took to produce this Constitution provided the time necessary to build a durable foundation for our Nation.

This historic document is one of the oldest blueprints for a system of government still in force in the world today. Though there are many older nations in the world, there is none that has sustained such a remarkable expansion of individual rights and freedoms as we have had in the United States. If the American spirit of rugged individualism is the fuel for our continuing growth and success, the American Constitution is the vehicle that has allowed that individualist spirit to move our society forward in an orderly way.

However, the process of drafting a Constitution for our Nation was anything but orderly. Debate amongst our Founding Fathers was sparked by philosophical tension and resolved by political compromise. The framers of our Constitution brought stongly held beliefs about the nature of government and individual rights to the Constitution Convention, and those beliefs often clashed head-on with each other.

After all, the framers did not magically create the Constitution out of nothing. They did not pull a rabbit out of a hat. Constitution-making did not begin at Philadelphia. Today, the Constitution is considered old, but it was modeled after numerous other documents that preceded it.

One of those sources is the British Constitution, which is not a constitution drawn on paper, but a set of customs, practices, precepts, and documents that together are considered the British Constitution. Our Constitution is also drawn from the charters of the original colonies. The charters were not constitutions by name, but they had the same purpose—to set out the fundamental terms by which that colony would be governed.

Finally, our Constitution is drawn from a rich history of political theory. The framers were well-versed in the writings of famous political philosophers, and many were to become famous political philosophers themselves. John Adams, James Madison, Alexander Hamilton, and Benjamin Franklin each drew upon a great body of experience to assist in the crafting of our Constitution.

Each of these sources—the experiences in Britain, in the colonies, and in political theory—came together to form the basis of our Constitution.

Today, our Constitution guarantees "the Blessings of Liberty to ourselves and our Posterity", stating the tenet most basic to our representative government. It guarantees that no majority, however strong or vocal, may unjustly deprive the minority of its basic rights and freedoms and ensures that all public officials and the laws they enact will be subject to the approval of the people.

Indeed, in his first inaugural address, President Abraham Lincoln said that "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution". The Bill of Rights builds upon this foundation by guaranteeing specific rights, such as freedom of speech and religion, the right to due process and protection from unreasonable searches, detainments, or punishments.

As we celebrate the bicentennial of this document, we cannot help but note its original exclusion of groups of Americans. Many people believe that the words "All men are created equal" flow from the Constitution, but they do not. They are from the Declaration of Independence, a document born 11 years before the Constitution. And the simple truth of those words—that all men are indeed created equal—did not get fully translated into the Constitution.

The Constitution begins with the words "We, the people of the United States." But, as a female suffragist declared in 1853, "Which 'We the people'? The women were not included."

Not just women, but blacks, too, were excluded. Blacks, who were slaves at the time, were in effect treated as property, not as human beings. They were viewed as somehow less than human. In fact, they were viewed as exactly "3/5" human.

Now that may sound cruel and unrealistic today, but it was actually part of the Constitution drafted by the Founding Fathers. When the Great Compromise provided for proportionate representation in the House, the next logical question became how to count the slaves. Were they to be considered people or property?

On this point, the States were divided into Northern and Southern factions because of the large number of slaves in the South. If they were counted, Southern States would get several more representatives in the House, even though the slaves could not vote and had virtually no legal—or human—rights.

The compromise reached between the delegates came to be know as the "Three-Fifths Clause" of the Constitution. Article 1, section 2, clause 3 of the Constitution provided that Members of the House of Representatives would be apportioned among the States according to the number of all "free persons" as well as "three-fifths of all other persons". Those "other persons" were black slaves.

Even James Madison, who understood and generally opposed the institution of slavery, defended the 3/5 clause as a reasonable compromise that roughly reflected the legal status of a slave: a human for certain purposes, and chattel for others.

In the famous Federalist paper No. 54, Madison elaborated on this point when he wrote the following of slaves: The true state of the case is that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty, and chastised in his body, by the capricious will of another; the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property.

In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others; the slave is no less evidently regarded by the law as a member of society, not as a part of the irrational creation; as a moral person, not as a mere article of property.

The Federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. This is in fact their true character. It is the character bestowed on them by the laws under which they live; and it will not be denied, that these are the proper criterion.

Southerners wanted blacks counted for purposes of representation in Congress—not for black representation, but for Southern representation in Congress. On the other hand, they did not want slaves counted for tax purposes. If States had to pay taxes to the Federal Government based upon their population—the more people, the more taxes—then Southerners did not want slaves counted as people. As it turned out, the 3/5 clause ended up basing both representation and the amount of taxes a State paid to the Federal Government on the 3/5 formula.

The 3/5 compromise gave Southern States additional political weight in Congress and angered New Englanders and others in the North. It revived old arguments that if Virginia could count its slaves, then Massachusetts should be able to count its cattle. Such was the status of black people under the original Constitution.

However, even in making the political compromises of their era, the framers of the Constitution had the vision to create a document that would transcend the prejudices of their times. As social views about the roles of blacks, women, and other groups have advanced, it has been possible to incorporate these views into the Constitution, reaffirming and expanding upon its basic principles.

For example, the 13th, 14th, and 15th amendments to the Constitution—the "Civil War Amendments"—extended protection of basic civil rights to all Americans. The 13th abolished slavery; the 14th prohibited States from denying to any person due process of law or equal protection of the laws; and the 15th protected voting rights against governmentally imposed racial discrimination.

Of the 14th amendment, which guaranteed due process and equal protection under the law, Justice Oliver Wendell Holmes said it "was adopted with a view to the protection of the colored race, but has been found to be equally important in its application to the rights of all." Indeed, the 14th amendment has been invoked not only to protect the rights of blacks, but to forbid the denial of equal rights to any citizen.

The 19th amendment corrected another glaring injustice in the original Constitution by giving women the same basic right that had been denied to blacks—the right to vote.

Keeping pace with the times * * * evolving with the changing nature of our existence * * * this is the key to the strength and longevity of our Constitution.

If we are to ensure that these ideals remain alive for another century, we must be willing to continue to make the necessary additions to the Constitution to supplement its commitment to the ideals of personal liberty.

Despite numerous political crises and dramatic social and technological change, the Constitution is as visionary today as it was over two centuries ago. Even now, the ideals behind the Constitution are considered by many to be bold and even radical. In a way, our revolution is still new, still growing, still receptive to change.

Thomas Jefferson once wrote, "I am not an advocate for frequent changes in laws and Constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manner and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors."

It is precisely the flexibility of our Constitution that has allowed it to weather change and made it such a successful and emulated framework for democratic government. Certainly its bicentennial is a time for praise and reflection. But more importantly, we must renew our commitment to advancing our ideals of freedom and liberty. This is the true spirit of our remarkable, living Constitution.

CELEBRATING THE RELEASE OF ALEXANDER PARITSKY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to rejoice in the release of a long-suffering Soviet refusenik, Dr. Alexander Paritsky.

Dr. Paritsky rose above his oppression and his oppressors; his courage and determination never wavered. His release gives the world hope that the injustice and persecution will soon end, and that fundamental liberties and freedoms will soon be granted to Soviet Jews.

Dr. Paritsky's struggle mirrors that of thousands of Soviet Jews. In our efforts on their behalf we must never compromise; we must never forget; we must never rest.

Welcome to freedom, Dr. and Mrs. Paritsky.

TRIBUTE TO MS. THELMA PUISYS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DYMALLY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Thelma Puisys, a Bellflower resident whose invaluable contributions have touched the lives of many disadvantaged citizens in the Bellflower community.

Thelma Puisys, along with support from family and friends, has administered a Holiday Food Basket Program for over 25 years in the Bellflower community. At a recent city council meeting, she announced that at age 85 she is sorrowfully retiring from administering the program.

Originally pioneered by the Bellflower Coordinating Council, Thelma Puisys faithfully served as a volunteer on the Food Basket project for 12 years until the club was disbanded in 1974. At that time, Ms. Puisys, solely inherited the program.

In the beginning, the only outside funding she received was a modest contribution from the Salvation Army. When the donation was exhausted, it was not uncommon for Thelma to use personal funds to assist those seeking help.

However, after 13 years, the Holiday Food Basket Program gained full community support and now serves nearly 155 clients through donations of food and toys from local businesses, service organizations, and individual contributions.

Among the organizations which donate to the program are the Bellflower Kiwanis Club, the Bellflower High School Key Club, the Soroptimist Club, the Bellflower Women's Club, the Rancho Los Cerritos Board of Realtors, and the Salvation Army. Additionally, 50 handmade rag dolls are donated annually to the project by inmates of the Los Angeles County Sybil Brand Institute.

Born one of six children in Cushing, OK, Thelma early on learned concern for her fellowman. When she moved to Bellflower 31 years ago she brought that concern with her. "I love people. This gives me a lot of pleasure, and the best return on my investment is to see those who have once been helped, help those who are in need," she said.

Thelma's efforts have not gone unrecognized. In 1985 Cerritos Community College voted Thelma "Woman of the Year," Bellflower Rotary nominated her as "Senior of the Year" and the Bellflower City Council has honored Thelma at numerous meetings for her dedicated service to the Bellflower community.

Bellflower Mayor M.G. "Mike" Brassard has described Thelma as "a model citizen" and "one who we'd all like to be more like." "The Thelma Puisys of the world are what makes America great," says Mayor Brassard.

In addition to the Food Basket Program, Thelma served on the Bellflower Traffic and Safety Commission for 21 years. She also volunteered 20 years of service to the Los Angeles County Sheriff's Department—Lakewood Station. Ten years were dedicated as a board member for the Little House Women's Alcohol Recovery Home, and over 12 years she faithfully served as a chamber ambassador.

Thelma's contributions to the city of Bellflower are unending. She is a past president of the Bellflower Soroptimist Club, the Bellflower Woman's Club, the Board of Realtors, the Bellflower Art Association. Also, she is a board member of the Salvation Army and the Fleet Reserve Auxiliary No. 196.

It gives me great pleasure today to join Mayor M.G. "Mike" Brassard and the entire Bellflower Community to take this opportunity to honor Thelma for her outstanding contributions to the city of Bellflower and the people of California.

TRIBUTE TO ASSEMBLYMAN LLOYD G. CONNELLY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a most distinguished member of the Sacramento community, Assemblyman Lloyd G. Connelly, on his acceptance of the City of Hope's 1988, Spirit of Life award. It is an honor to salute such a dedicated and deserving individual.

Lloyd's record of service to the Sacramento community is outstanding. Upon graduating from the California State University, Sacramento, Lloyd went on to earn his law degree from the McGeorge School of Law. He began work at the Legal Center for the Elderly and Disabled before opening the law practice of Olson, Connelly, and Hagel.

It is in the field of public service that Lloyd has most truly distinguished himself. During his tenure in the State legislature, Lloyd has led the way in public policy development. He has been the primary mover behind some of California's most important toxic waste laws, and has been a leading author of consumer, aging and insurance reform legislation. Lloyd's committee assignments reflect his dedication to the people of Sacramento. He serves as the chairman of the assembly's Committee on Aging and Long-Term Care and the Judiciary's Subcommittee on the Administration of Justice. Furthermore, Lloyd sits on the Environmental Safety and Toxic Materials Committee.

Throughout his career, Lloyd has earned the respect and praise of the entire community. During his freshman term in the legislature, he was named Assembly "Rookie of the Year" by the California Journal. The journal further recognized him as one of the best prepared lawmakers in the lower house and one of its hardest workers. In 1985, Lloyd was honored by the Planning and Conservation League as "Legislator of the Year" for his work in the environment. Also, Common Cause awarded him the National Public Service Award in 1986, for his record as a defender of the rights of citizens to participate in government and as a sponsor of campaign finance legislation.

Mr. Speaker, on behalf of the people of Sacramento and the State of California, I want to congratulate Lloyd on a truly outstanding job. His dedication to the community is most admirable and I thank him for his tireless efforts. I wish Lloyd luck in all his future undertakings and I know that he will continue to provide Sacramento with his fine service and devotion.

JOSÉ MARTÍ: A GREAT PATRIOT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. PEPPER. Mr. Speaker, January 28 is the 135th anniversary of the birthday of a great patriot of the Americas, José Martí. He was a revolutionary, a statesman, a philosopher and writer.

Born in Havana in 1853, Martí devoted his life to the struggle to establish a democratic Cuba. At the age of 17 he was exiled to Spain for his opposition to colonial rule. He published a pamphlet, based on his personal experiences, that exposed the horrors of political imprisonment. Then, after graduating from the University of Saragossa, he moved to Mexico City to begin his literary career. After returning to Cuba under a general amnesty in 1878, he joined in the opposition to the Spanish Government and once again was forced into exile. This time he moved to New York where he lived off and on until 1895. He returned to Cuba to join the war for independence that he helped to organize. Unfortunately, he died in one of the first battles.

Martí moved often in his lifetime from Mexico to Guatemala to Venezuela as he searched for political freedom, finding it finally as a New York-based correspondent for Latin American newspapers. "I am, at last, in a country where everyone looks like his own master," he wrote. "One can breathe freely, freedom being here the foundation, the shield, the essence of life."

Martí expressed—and continues to represent—the true aspirations of the Cuban people for liberty and justice. "I want the first law of our republic to be the reverence of Cubans for the total dignity of man," he wrote. His philosophy lives on in the hearts of Cubans. "A nation is made of the rights and opinions of all its children," he wrote, "and not the rights and opinions of a single class."

I urge my colleagues who want to understand the Cuban people to begin with a study of José Martí. An excellent start would be Carlos Ripoll's "José Martí, the United States, and the Marxist Interpretation of Cuban History," which explores the meaning of this visionary's thoughts.

A TRIBUTE TO SINGER EQUIPMENT CO.

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Singer Equipment Co. of Reading, PA. Singer Equipment was recently recognized as the 1987 "Dealer of the Year" by Foodservice Equipment and Supplies Specialist magazine. This award marks the first time that this national honor has been received by a company based outside a major metropolitan area.

In the Reading area, we have long been familiar with Singer's outstanding achievements in the foodservice equipment and supplies field. First founded in 1918 by Frederick Singer, the company has prospered over the past 70 years. Under the current leadership of Henry Singer, Singer Equipment has grown to employ over 100 people and to maintain average annual sales volumes of over $14 million. As former president of the Foodservice Equipment Distributors Association, Henry Singer's many accomplishments are widely recognized throughout the industry. He is ably assisted at Singer Equipment by Secretary-Treasurer Bernie Singer, Vice President of Finance Anita Reuben, Vice President of Operations/Purchasing John Vozzo and Vice President of Key Accounts Jesse Brown. Through their dedication and commitment, Singer Equipment has expanded into one of the Nation's most-respected foodservice equipment and supply firms.

Singer Equipment has recently moved to a new facility where its tradition of excellence and unparalleled service is certain to continue. Singer's selection as "dealer of the year" is testament to this fine tradition. I congratulate Henry Singer and all of Singer's officers and employees on this well-deserved honor. I know that my colleagues will join me in recognizing Singer Equipment and in wishing all of its employees continued success and good fortune in the years to come.

TRIBUTE TO JAMES E. HOULIHAN, JR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Dr. James E. Houlihan, Jr., who is retiring after 18 years as president of Middlesex Community College.

When Middlesex Community College first opened its doors in the fall of 1970, it enrolled 573 students in 11 academic programs. The campus, at that time, consisted of two leased facilities on the grounds of the old Veterans Administration Hospital in Bedford, MA. Few could have dreamed that it would expand into the thriving institution it has become today. But President Houlihan dreamed it, and he did it.

Under the guidance of President Houlihan, enrollment has grown to 2,800 students in the day division, and over 12,000 students at night. Middlesex now offers 40 academic programs, and continues to provide the continuing education and community service classes that it pioneered, and for which it is still renowned. The college owns a 200-acre campus site on the Bedford-Billerica border, and has branched out to establish sites in Burlington and Lowell. And, just last November, Middlesex received its third accreditation from the New England Association of Schools and Colleges, guaranteeing that it will continue to provide educational excellence.

As Middlesex Community College's one and only president, James Houlihan must receive the lion's share of the credit for this remarkable growth. President Houlihan came to Middlesex from Quinsigamond Community Collage in Worcester, MA, where he was a dean as well as chairman of the Humanities Department and professor of Music. He holds a bachelor's degree in philosophy and music from Harvard College, a master's degree in teaching from the Harvard Graduate School of Education, and a Doctorate in music and administration of higher education from Boston University. Throughout his lifetime and his career, President Houlihan has stood for excellence—both in education and in administration. The success of Middlesex Community College is a direct tribute to his hard work and abilities.

President Houlihan's accomplishments have been of value not only to Middlesex Community College, but to the entire Commonwealth of Massachusetts. If, as it is said, the direction in which education starts a man will determine his future life, then President James E. Houlihan, Jr. has left quite a legacy of opportunity and direction for thousands of young men and women. I join his friends and colleagues in congratulating him on his well earned retirement, and in wishing him well in his future endeavors.

IN HONOR OF DR. DAVID E. FARKAS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to a friend and fine community leader, Dr. David E. Farkas as he is honored by the Los Angeles Hebrew High School at a gala dinner dance on Sunday, January 31, 1988. Los Angeles Hebrew High School is one of the largest Jewish afternoon high schools in the country. It was founded in 1950 and has provided a meaningful secondary Jewish education to thousands of students at nine branches throughout the Los Angeles area.

David Farkas has always maintained a deep commitment to quality Jewish education through his active involvement and financial support of all levels from nursery school to university.

Most especially, he has devoted himself to L.A. Hebrew High. During his teen years he studied and graduated from Beverly Hills High School and the Los Angeles Hebrew High School, as did his brothers and sisters. For the past 16 years he has served the school in many leadership positions and currently serves on the board of directors as president-elect and scholarship chair. His oldest son, Joel, a 1985 Hebrew High graduate, will be followed by Jordan, class of 1988, and Liat, entering in September 1988.

Dr. Farkas attended USC where he earned both his undergraduate and dental degrees. He also spent a year at the Hayim Greenberg Institute in Jerusalem and in 1966 received an A.H.L. degree from the University of Judaism.

David Farkas and his family have been active members of Adat Ari El for many years. He has served on the board of the temple and on the board of Heschel Day School, where he was a founding parent. I have personally known and liked David and his brother, Danny, very much since our days together as high school classmates.

In 1976, Dr. Farkas was the recipient of the American Friends of Hebrew University Torch of Learning Award, recognizing his efforts on behalf of Hebrew University and his concern for quality Jewish education.

Dr. Farkas has been a leader in professional associations, including the San Fernando Valley Dental Society, Alpha Omega Dental Fraternity and Sun Valley Chamber of Commerce. David also is a member of the Prime Minister's Club of the State of Israel Bonds, Patrons Society of the University of Judaism, Society of Founders of Hebrew University and its School of Dentistry, and the Young Leadership Cabinet of the United Jewish Appeal.

It is with great pleasure that I ask my colleagues in the U.S. House of Representatives to join me in saluting this fine American.

THE TRAGEDY OF TAWANA BRAWLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RANGEL. Mr. Speaker, as we approach the turn of the century, I am saddened, disgusted, and outraged that oppression can continually be permitted to flourish in this Nation. On November 24, 15-year-old Tawana Brawley was brutally abducted and raped by a gang of white men in Dutchess County, NY.

The horror of this teenager's ordeal almost extends beyond the limits of the imagination. Tawana, an honor student, and cheerleader, was repeatedly raped and sodomized for 3 days. Her abductors, then, left her wrapped in a garbage bag with "nigger", "KKK", and their excrement plastered on her body.

Miss Brawley's nightmare was prolonged, however, with the defective medical and police care she subsequently received. This young black girl was only treated for trauma and exposure; she did not receive treatment for her internal injuries or health care routinely provided for rape victims. Moreover, the Dutchess County police has been accused of attempting to discredit Tawana because of the fear of local white backlash.

In the face of this tragedy, I can only offer my praises to the black community that has rallied around its wounded child. Although sympathy from the surrounding white community has been virtually nonexistent, the NAACP and other black leaders have offered their support to Tawana and her family. A protest march was recently held in response to this attack.

As black Americans, we know all too well the destructive pervasiveness of the racism that spurred this attack. The history of our existence in this Nation is lined with beatings, lynchings, and rapes that, unfortunately, have given us the experience to know that Tawana Brawley will not completely recover from this attack. Although she may physically heal, the mental scars will never disappear.

We blacks know that the justice and medical systems have often worked against us. In the past, some public servants have refused to provide us with the same humane assistance that is afforded our white counterparts. It is unforgettable that we, the victims of racism, have often been blamed for our ill treatment.

Tawana's attack must also be understood in light of what it means to be female as well as black in a frequently hostile society. Rape is not a sexual act, but one of aggression. For centuries, men have used violence against women as an instrument of conquest. Akin to their land and jewels, women are often perversely seen as property and, thus, open game in times of war.

Compounded with racism, rape has even greater historical consequence for black women in the United States. Dating back to slavery, white males, motivated by racism, used the open rape of black women to exert domination over black men. The condition of enslavement left black men powerless to aid their women. Later, black men were largely denied access to the political and economic institutions in the country that could ensure appropriate prosecution of such rapists. It is not surprising, therefore, that these six men chose the rape of this particular child as a reaffirmative of white domination. The racial slurs left on Tawana's body are a testament to this motivation.

Now that ugliness of Tawana Brawley's ordeal is before us, every Member of this Congress and every citizen of this Nation must work to stamp out the oppression that has marred her. The media has afforded this attack an amazingly small dose of coverage. Isn't lack of action secretly condoning the situation?

So many of us can remember powerful, multiracial coalitions formed in this country to topple the pernicious influence of institutionalized and legally sanctioned racism. With this spirit, we cannot afford to be complacent and just say Tawana Brawley's attack was horrible and forget it. Instead, we must fight for our rights, our children, and our community by not allowing our fellow citizens to readopt precivil rights era attitudes based on intolerance and ignorance. The time is ripe for every American to let the world know that we will not stand for the needless sacrifice of another of our children to the clutches of evil.

A BILL TO AMEND RULE XXI OF THE RULES OF THE HOUSE

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CAMPBELL. Mr. Speaker, if your congressional district is at all like mine, you are hearing from your constituents, reading newspaper editorials, et cetera—people wondering what is going on with Congress. I am proud of this institution, and am proud to be a Member. I want our fellow citizens to be just as proud of their Congress.

The public seems to be concerned, rightly or wrongly, that Congress often plays games with important legislation. I am proposing a rule change to limit those sensitive and controversial situations in which unrelated matters of legislation are added to issue-specific legislation, for whatever reason. Those situations are not frequent, but when they occur, the discomfort and suspicions of the public are heard. We need to polish up, if not restore, the public image of Congress, to boost the public's confidence in the honorable processes of this institution. My bill is intended to help do these things.

The bill I am introducing would change the rules of the House regarding consideration of legislation. What I propose is already the rule or the law for a majority of our State legislatures. My proposal would amend rule XXI of the Rules of the House by adding the following language:

8. No bill shall be considered in the House if it contains more than one subject.

Beyond the important imagery, it just makes sense, as most States realize, for legislators to be able to make their decisions on a piece of legislation based upon the primary purpose for its introduction, the subject to which it primarily addresses. This bill is not intended to do anything to disturb the rights and duties of authorizing and appropriating committees in their legitimate exercise of those rights and duties, nor change budgetary law.

Please join me in this one small effort to enhance the confidence and pride in Congress and to provide for greater certainty in what legislation can or should contain. If you wish to cosponsor, please contact me or Ken Lane of my office at 225–4761.

SEAN MACBRIDE: A MAN OF JUSTICE, A MAN OF PEACE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DOWNEY of New York. Mr. Speaker, Ireland and the world have lost a great man, Sean MacBride. Many Members had the happy opportunity to meet him and discuss Irish affairs and the nuclear arms race and we are saddened to think that no longer will we enjoy the benefit of his great vision and passion.

Following Sean MacBride's life takes us on a tour of the landmarks of 20th century history. He grew up in the heady atmosphere of the Irish Renaissance and very early joined the battle against English rule over Ireland. He rose to become chief of staff of the Irish Republican Army.

In the newly independent Ireland he led an active political life, eventually establishing a new political party, the Republican Party, which was instrumental in ending the long rule of Eamon De Valera's Fianna Fail Party in 1948. He served as Foreign Minister from 1948 to 1951.

Like many great Irishmen before him, Sean MacBride occupied the international stage with confidence and eloquence. He was a strong advocate of a united Europe. He was one of the first presidents of the Council of Foreign Ministers of the Council of Europe. He was also a vice president of the Organization for European Economic Cooperation.

Sean MacBride's breadth of vision was evident in his work at the United Nations where he served as an Assistant Secretary General. Those of us who have worked to end apartheid owe a great debt to his work as United Nations' Commissioner for Namibia.

In 1974, his career seemed to reach a peak when he received the Nobel Peace Prize in recognition for his work on international human rights. Yet his restless spirit was not content and he continued his wide-ranging activities. Three years later, he was awarded the International Lenin Prize for Peace for his work on nuclear disarmament.

Near the end of his long and brilliant career, Sean MacBride turned his attention back to his native Ireland to engage himself in the troubled politics of Northern Ireland. He sponsored an antidiscrimination code for U.S. companies in the north. The MacBride principles, modeled on the Sullivan principles, are an important tool in the effort to protect the rights of Catholics in the north. In a sense, Sean MacBride returned to his roots, to the long struggle for Irish independence.

It seems to me, Mr. Speaker, that Sean MacBride's life exemplifies the injunction "if you wish peace, work for justice."

I know, Mr. Speaker, that my colleagues join me in sending condolences to his children and the people of Ireland. Truly, we have lost a great citizen of the world.

PERSONAL EXPLANATION

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to explain my absence for the quorum call on January 25, 1988. Due to congressional business, I was unable to respond.

TRIBUTE TO DANIEL LIPSKI

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOODY. Mr. Speaker, I am privileged to honor Daniel Lipski on his retirement from the Milwaukee Fire Department after 44 years of dedicated service to his community.

Dan joined the department on March 16, 1944, and quickly advanced through the department ranks. In 1965 he was promoted to fire captain, in 1973 he was asked to serve as the 6th battalion chief and in 1985 he was promoted to deputy chief. At each level he demonstrated superb leadership and effective administrative skills.

He has assisted the Wisconsin State Crime Lab in the instruction of fire ground sketching in arson fires, as well as providing valuable assistance to the district attorneys office. In addition, he is registered as an instructor in mine rescue procedures by the Mine Safety and Health Administration, U.S. Department of Labor. He also has been registered with the U.S. Bureau of Mines in mine rescue procedures since 1964.

An excellent example of Dan's contribution is his effort to establish the mine rescue unit in Milwaukee. As a result of Dan's hard work, knowledge, and insight, this unit, which was the first in a large municipal fire department, is recognized as one of the finest in the country.

I join with the Milwaukee Fire Department, Dan's many friends, and the entire Milwaukee community in saluting his efforts and expressing our sincere appreciation for his many years of service.

THE 70TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE CELEBRATED IN THE LEHIGH VALLEY OF PENNSYLVANIA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RITTER. Mr. Speaker, I congratulate Lehigh Valley Americans and the Ukrainian Congress Committee of America for their constant vigilance and resolution to actively remember the hopeful days of Ukrainian independent 70 years ago.

Ukrainian independence from Russia was proclaimed by the democratically elected Ukrainian Central Council of Rada on January 22, 1918, in its Fourth Universal Decree. The decree asserted that, "from this day forward, the Ukrainian National Republic [UNR] is the independent, free, and sovereign state of the Ukrainian people." The Universal Decree noted, "the ancient dream of our forefathers" had come true. "People of Ukraine: by our own power, your will and your word, a free Ukrainian republic now exists in your land," it stated. The Ukrainian National Republic existed only 4 years before the Russian-Bolshevik armies invaded Ukraine and replaced the UNR with a Communist regime.

In the Lehigh Valley, the Ukrainian Congress Committee of America, in brotherhood with Ukrainians the world over is this week celebrating and commemorating Ukrainian independence. Lehigh Valley Ukrainian-Americans are witnesses to the tragedy and the potential of their homeland. Lehigh Valley citizens stand in solidarity with those trapped behind the Iron Curtain, denied the most basic human rights. It is the Ukrainian people in

America and many other nations who keep alive the Ukrainian heritage, language and values, always hopeful to see them once again flourish in their native land.

We have heard much about glasnost and the Intermediate Nuclear Forces [INF] Treaty. Mr. Gorbachev and many news reports are increasingly reflecting what has been called a new era in United States/U.S.S.R. relations. We are told that things may be changing in the Soviet Union, that the society is being opened, that people are being given more freedom. Yet, the Commission on Security and Cooperation in Europe, or Helsinki Commission, of which I am a ranking member, has uncovered a different picture.

At an October 22, 1987 Helsinki Commission hearing, Ukrainian activist Danylo Shumuk described the reality of life in the U.S.S.R. and Ukraine. Until his release last January, Mr. Shumuk was the longest-serving prisoner of conscience known. All totaled, he spent 37 years in Polish, German, and Soviet prisons and camps, and 5 years in exile. He says:

> The Soviet Union consists of various republics, each with its own language, culture and spirituality. But the existence of separate "independent" republics is only theoretically recognized. In reality, the U.S.S.R. is a Russian Communist empire with an authoritarian regime of government, which does not tolerate the slightest signs of a desire for independence, freedom, and democracy. For expressions of free thought, for strivings toward independence, the Russian Communist empire starved over 7 million people in Ukraine in 1933. Later approximately the same number of people perished in prisons and labor camps, some having been sentenced for possessing a handful of grain gleaned from the fields to save children from death by starvation.

On this the 70th anniversary of Ukrainian Independence I once again register my strongest protest to the Soviet authorities for their treatment of Ukrainians and all other peoples from captive nations. Self-determination is a God-given right that is being denied the Ukrainian people.

Yet, as Ukrainian-Americans and others strive to keep the flame of freedom for Ukraine burning brightly, the Soviet Government stands opposed. Again, according to Mr. Shumuk:

> * * * on the 70th anniversary of the Bolshevik revolution, the terror of Russification * * * has reached a culmination point. In the capitol of Ukraine, in Kiev, there are only 34 Ukrainian language schools and 152 Russian-language schools and in such traditionally Ukrainian cities as Donetsk, Voroshilovhrad, Mykolayiv and Chernihiv there are none. In the historical Ukrainian city of Zaporzhzhis there is only one, and 95 Russian schools.

The Ukrainian people, and their hope for independence, are not forgotten. They will not be forgotten. If we, following the lead of Lehigh Valley Ukrainian-Americans remember, celebrate and commemorate, if we remain steadfast and strong, in time, we will once again see a free and self-determined Ukraine. The Ukrainian people, oppressed and denied their rights, depend on us. We shall not let them down. As cochairman of the House Ad Hoc Committee on the Baltic States and Ukraine I once again pledge myself to work with Lehigh Valley Ukrainian-Americans in an historic effort to restore freedom to Ukraine.

THE 50TH ANNIVERSARY OF NANSEN LODGE 410, INTERNATIONAL ORDER OF SONS OF NORWAY

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOLINARI. Mr. Speaker, I rise to congratulate Nansen Lodge No. 410, International Order of Sons of Norway in Staten Island, NY, on celebrating its 50th anniversary, Saturday, January 30, 1988.

In 1938, Nansen Lodge was founded with 81 members, today, the lodge has grown to nearly 700 members. I have had the pleasure of visiting Nansen Lodge many times. The lodge has given the community of Staten Island a rare opportunity to protect the heritage of Norway and to continue teaching its values.

Nansen Lodge No. 410 can be very proud of its many contributions to the community. But most importantly, Nansen Lodge has continued to take the lead in the social and cultural life on Staten Island, keeping this tradition over its 50-year life. Again, I extend to Nansen Lodge my very best and wish it many more years of success.

OBSTACLES TO FINANCIAL SERVICES RESTRUCTURING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LAFALCE. Mr. Speaker, the U.S. Congress has not been able to fashion a response to developments in the financial marketplace. Many, such as myself, have argued that we must modernize the antiquated laws which govern our financial services industry. The stock market crash of October 19 and the legislative proposals to restructure the banking system present two important opportunities for Congress to address the difficulties it has in legislating on financial issues. As Stephen Friedman points out an article which appeared in the New York Times, January 14, 1988, there are some significant structural obstacles to achieving this goal. I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

FINANCIAL REFORM? NOT IN THIS LIFE

(By Stephen J. Friedman)

The Brady Commission has delivered to President Reagan its findings on the causes of Black Monday and instability in the financial markets, and we now await further reports by numerous institutions, both public and private. While we don't know what those later studies will add to the Brady Commission's recommendations, we can be sure of one thing: Few, if any, concrete suggestions will be translated into regulatory law. Congress just doesn't have the capacity to act on financial issues.

Our political system once earned praise for its capacity to mediate conflicting interests in a country of remarkable cultural and geographic diversity. As the number and political power of factions have multiplied, however, the effectiveness of Congress in striking the compromises required to make a pluralistic society function has shrunk.

The evidence is presented yearly in the inability to deal adequately with the budget. But nowhere is it more plain than in financial regulation. Here Congress is plainly more a part of the problem than of the solution.

The financial markets are characterized by many powerful players. Those players tend to be organized into industries and, for historical reasons, each industry—securities, banking, futures, etc.—has a separate regulator.

Over the years, the industries have grown together. For example, banks provide many investment products and securities firms own banks and market certificates of deposit. But the regulatory system has not evolved in concert with these changes because Congress could not make the hard decisions needed to lay the groundwork.

Part of the problem lies with the committee system. For example, both the House and the Senate have separate committees for the securities and futures markets. That's because the futures markets grew up to serve agriculture. But there has been an explosion of financial futures contracts over the last 15 years, and it is often alleged that they have played a central role in creating market instability—through complex, computerized trading strategies like portfolio insurance and program trading.

There is no intellectually respectable argument for the existing system of separate regulators for securities and options on securities, and for financial futures and options on financial futures. Yet a merger of the regulatory functions would eliminate the jurisdiction over these instruments of the agriculture committees in the House and Senate—and thus this simple step is not viewed as "realistic" by Washington professionals.

The Brady Commission, properly recognizing the need for overall regulation of the financial markets, suggested that the Federal Reserve "coordinate" the activities of the other regulators. In point of fact, the Federal Reserve lacks the experience to perform that role. Moroever, what is needed is very clear accountability in regulation. Coordination implies a dispersion of responsibility.

Why did the Brady Commission not recognize what everyone pointed out within five minutes of the report's release—that this is not a good solution? Undoubtedly, because the commission was advised that reform of the regulatory structure is unrealistic.

Each industry group has a vested interest in its own regulator. Change forces legislators to attack those vested interests with no political payback. It is viewed by the industry groups as a zero sum game: What helps one is seen as hurting another. Thus, any Congressional action will anger some powerful group. To make matters worse, there is no political capital to be gained by legislators in reorganizing the financial regulatory system. The result is continuing inaction.

Legislators and Congressional staff complain that there is too much fragmentation among the interested groups—for example, that bankers cannot agree even among themselves, no less than with the securities industry, about revising the Depression-era Glass-Steagall Act, which separates the banking and securities industries. But these complaints miss the point.

Representative government requires leadership in striking compromises, good judgment and a willingness to do the right thing when the national interest demands it. When Congress fails to act in the face of a clear need for action over a sustained period of time, the result cannot be dismissed with a shrug and a passing reference to "political realities." It is a true failure of constitutional function, a true constitutional crisis.

CONGRATULATIONS TO CLARENCE G. KATZKE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to extend my congratulations to Clarence G. Katzke as he celebrates the 40th anniversary of his business, the Katzke Paper Co. I would also like to share his story, a story of hard work and determination that led to his success.

Clarence Katzke was born in Chicago on December 22, 1917. He later served valiantly in the U.S. Army during World War II receiving two decorations, the Purple Heart and the Bronze Star. After serving his country, Clarence left Chicago to seek opportunities in the growing West. In 1948 he arrived in Denver and opened the Katzke Paper Co. Clarence lived in this storefront operation, and made deliveries from the back of a 1941 Chevrolet. His business was based on the principal of "Quality and Service Above All Things." The business steadily expanded, and now, 40 years after its opening, the Katzke Paper Co. is a successful multimillion-dollar enterprise.

Not only has Clarence created a major business from a meager beginning, he has also played a role in the community he adopted. Clarence is active in his church, as well as other organizations such as the 7th Armed Division Society and the Military Order of the Purple Heart. Two years after arriving in Denver he married Gay Marberger.

Again, my warmest congratulations to Clarence and Gay Katzke on their success, and my best wishes for 1988. Clarence Katzke is a symbol of entrepreneurial initiative and community service, and it is a pleasure for me to recognize and share with my colleagues this example of what makes America great.

A CONGRESSIONAL SALUTE TO OLIVIA HINES

HON. GLENN M. ANDERSON

OF CALFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a distinguished civic leader in my district, Mrs. Olivia Redman Hines. Mrs. Hines will be honored on January 28, 1988, by the San Pedro community as San Pedro's Citizen of the Year. This auspicious occasion gives me an opportunity to publicly express my gratitude for her work on behalf of the community of San Pedro.

Born in Walnut Hills, OH, Olivia's family moved to Los Angeles when she was still a child. She graduated from Jefferson High School in Los Angeles, and attended UCLA for a period ot time. From there Olivia went to the Department of Social Services, where she worked for 22 years.

It was after she quit her supervisory position with the Department of Social Services that San Pedro gained a full-time community servant. Olivia has devoted an enormous amount of time and energy to the Boy Scouts, establishing the Scouts in Government Day in the Harbor District, and helping to run the Scouts Cabrillo Beach Base Camp in San Pedro for 11 years. She was awarded the Scouts' highest honor, the Silver Badge Award for 30 years of service to the organization.

This dynamic woman has not limited her talents to the Boy Scouts; she has served on the board of the Harbor Area YWCA since 1975, and is also active with Friends of the Library. She volunteers with the Emergency Alert Response System at San Pedro Peninsula Hospital and the First Methodist Church of San Pedro. In addition, Olivia is on the San Pedro Centennial Committee and will organize the city's centennial parade.

Currently, Olivia works for the Golden State Homemakers Inc., helping to arrange house cleaning and other services for the elderly.

My wife, Lee, joins me in extending our warmest congratulations to Olivia Hines on this special occasion. The citizens of San Pedro are lucky to have such an outstanding woman in their midst. On behalf of the community of San Pedro, we wish Olivia Hines all the best in the years to come.

PRESIDENT CHIANG CHING-KUO IS MOURNED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SUNDQUIST. Mr. Speaker, I would like to take a moment to express my condolences to the family of President Chiang Ching-kuo and to the people of Taiwan, who lost a great leader on January 13, 1988.

President Chiang ushered in a new era for his island nation by teaching his people the importance of self-respect and self-reliance. Perhaps most importantly, he taught his nation not to fear the future, but to embrace it and welcome the chance it brings for prosperity and success. Characteristic of a true leader, President Chiang was able to inspire and motivate his country, even in Taiwan's darkest hours of virtual diplomatic isolation from the world.

Through President Chiang's devoted efforts, Taiwan has developed and maintained clearly successful commercial and cultural ties with most of the free world.

Mr. Speaker, I had the distinct honor of meeting President Chiang not long ago and from personal experience, I can say that we have lost a friend, a world-class leader, and a steadfast supporter of the causes of liberty and democracy.

While the people of Taiwan mourn the loss of their leader, I wish to extend to them my deepest sympathies.

GULF NATIONS: GET OFF THE FENCE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SMITH of Florida. Mr. Speaker, for 8 months now U.S. military forces have been policing the waters of the volatile Persian Gulf. The ostensible justification for this military venture is to ensure that the Iran-Iraq war does not disrupt the flow of oil to the West. Yet another effect of U.S. policy is the enhanced security of the nations lining the Persian Gulf—Saudi Arabia, Kuwait, Bahrain, to name a few. Unquestionably, these countries are strengthened by our continued presence and military commitment.

It would seem equitable, then, that we could depend on those very states we are protecting to provide us with the means necessary to do the job efficiently and with minimal risk to our people. This, however, is not the case. The article printed below argues that the gulf nations should allow U.S. military forces access to their airfields and docks. It is an argument that is correct and should be accepted by the Persian Gulf nations enjoying our protection.

[From the Defense News, Jan. 18, 1988]

GULF NATIONS: GET OFF THE FENCE

It is time for Saudi Arabia, Kuwait and other friendly nations in the Persian Gulf to stop straddling the fence and provide access to the airfields and docks that the United States must have in order to defend them. American military personnel should not be asked to risk their lives under conditions made more arduous by the very friends it seeks to protect.

Kuwait has gained much from the reflagging scheme but refuses to provide even minor accommodations for its protector.

Saudi Arabia last year took a small step in the right direction. Limited access to airfields quietly was provided on a case-by-case basis. Oman and Bahrain provided limited facilities. What is needed is guaranteed access to specific facilities for so long as American forces are in the region to protect U.S. and Arab interests.

The refusal of Saudi Arabia, a U.S. friend of 40 years, to provide adequate basing is particularly puzzling. Certainly the reason cannot be that Saudi Arabia wants to keep secret from its neighbors the extent of its military relationship with the United States.

To lobby for the proposed sale of U.S. missiles to Saudi Arabia in March 1986, the Saudis sent Congress and the press a statement that said: "A full-time U.S. military mission in-country was established by mutual agreement almost 30 years ago . . . The American military presence is headed by a U.S. Air Force Major General who has over 1,500 American military personnel in his command." The statement notes that the United States operates an airborne warning and control system (AWACS) fleet from bases in Saudi Arabia, and helps maintain Saudi-owned AWACS planes.

Sufficient precedent already has been set. The provision of adequate bases requires no new policy or political departure.

The situation in the gulf is indicative of what has gone wrong with U.S. foreign policy. Too many nations look to the United States for no-risk protection at bargain basement prices. Defense Secretary Frank Carlucci said last Thursday that "the degree of cooperation from our friends in the Arab world and around the gulf is unprecedented." However, Undersecretary Fred Ikle issued a Pentagon report on long-term strategy last Tuesday that says the United States "should continue to encourage other friends [in the gulf]—Saudi Arabia, for example—to make bases available in an emergency." The United States asks too little of some of its friends. Americans are tired of it and in the near future will begin insisting upon two-way relationships or none at all.

King Fahd of Saudi Arabia is a U.S. ally skilled in the give-and-take of international politics. He should provide the bases forthwith and urge other Arab states to do likewise.

VIRGINIA MORSE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. EDWARDS of California. Mr. Speaker, it is with deep regret that I have learned of the death in Santa Barbara of Virginia Morse.

A distinguished Carmel, CA, artist, Mrs. Morse leaves behind a legacy of paintings, pottery, writing, and photography that her husband John Boit Morse, describes as "a celebration of life." Over the years I have seen and admired many of Mrs. Morse's paintings and pottery pieces. She was possessed of an exciting and immense talent.

Virginia Morse's husband was John Boit Morse, nationally known Carmel artist and former president of the Del Monte Properties Co. She was the daughter-in-law of Samuel F.B. Morse, founder of what is now the Pebble Beach Co., where is located the world famous Pebble Beach golf links.

Virginia Morse was born October 20, 1916 in Benton County, IN. She earned her bachelor's degree at Smith College, her master's from the University of Nebraska. She did postgraduate studies at Oxford University at the Art Students League in New York City.

Mrs. Morse turned to the arts after working as a journalist. She was a Time magazine correspondent for about a decade, assigned to Washington, DC, during World War II.

Mr. Speaker, in addition to the lovely works of art that Virginia Morse leaves behind, she also leaves a host of friends and relatives whose lives will be enriched because of knowing her. I count myself as one of those lucky persons.

A TRIBUTE TO RAY AND EDITHA EDWARDS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOORHEAD. Mr. Speaker, on Sunday evening, February 7, the many friends of Ray and Editha Edwards will gather at the Beverly Hills Hotel to say thanks for the more than 40 years of commitment to their community and to the savings and loan industry.

The tribute will be hosted by Dinah Shore, Carl Karcher, the city of Glendale and the California League of Savings Institutions. The Edwards requested that all proceeds from the gala be given to the Criminal Justice Legal Foundation for the advancement of victims' rights.

Mr. Speaker, Raymond D. Edwards is the chairman of the board of Glenfed, Inc., and the Glendale Federal Savings and Loan Association. He was born in Los Angeles and was raised in Glendale. He attended the University of Calfiornia at Berkeley where he received a bachelor of arts degree in economics.

Following service in the U.S. Navy during WWII, he joined Glendale Federal Savings and Loan in 1945 as a teller. In 1949, he was named secretary to the board of directors and, soon thereafter, was named vice president, then executive vice president. In 1965, he became president of Glendale Federal. Seven years later, he became chairman and chief executive officer. He became chairman of the board of Glenfed, Inc., the parent company of Glendale Federal Savings and Loan, in November of 1985.

Throughout his 41 years in the savings and loan business, Ray Edwards has assumed a leadership role in industry affairs. He was founder and first president of the Conference of the Federal Savings and Loan Associations. He has served on the U.S. Savings and Loan League's Legislative Committee and the president's economic policy committee of the National Savings and Loan League.

Mr. Edwards has served as president and on several committees of the California Savings and Loan League. He also helped establish a Federal section within the league and served as its first chairman. In addition, he was director of the Federal Home Loan Savings Bank Board of San Francisco for 6 years. He is currently serving as trustee for the Foundation for Savings Institutions.

Ray Edwards has also actively participated in many civic and service groups throughout the greater Los Angeles area. He is the founder and past president of the Glendale Citizens for Law and Order. He has served as honorary chairman and past president of the Glendale Symphony Orchestra Association. The Glendale Symphony Orchestra is a splendid orchestra and a proud community tradition. At the foundation of its success is Glendale Federal and Ray Edwards. They have given the orchestra their time, effort, and resources.

The list of commitments and activities goes on. He is chairman of the board of the Glendale Redevelopment Council; he is a recipient of the 1986 Medal of Honor Award presented by the Building Industry Association of Southern California; he is on the board of trustees of the California Museum Foundation; he is a member of the Glendale Community College Foundation, and he is chairman of the city of Glendale Diamond Jubilee. In addition, he is a member of Kiwanis, the Community Chest, the Red Cross, and the PTA. He is a member and former director of the Oakmont Country Club.

Editha Edwards was born in Glendale. She attended the University of Southern California and served in the WAVES during WWII. She has been an active member of many community philanthropic and charitable organizations over the past four decades, including serving in the local PTA and the YWCA. She is active in the Philanthropic and Educational Organization for Women, as an advisory committee member of the Twelve Oaks Lodge Retirement Home. She is also past president of the Glendale Community Foundation.

Mr. Speaker, the contributions of the Edwards cannot be measured. They have given with generosity, with humility, with eagerness. They have shared their gifts, their time, their love. We have all benefited from their devotion and their good will. On behalf of the residents of the 22d Congressional District, I am delighted to express my gratitude to Ray and Editha Edwards and to play a small role in a highly deserved tribute.

TRIBUTE TO HIS EMINENCE, JOHN CARDINAL KROL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to His Eminence, John Cardinal Krol, retiring Archbishop of Philadelphia.

Cardinal Krol has had an extraordinary 51-year career in the Catholic Church. This son of Polish immigrants was ordained to the priesthood in Cleveland in 1937. He studied canon law in Rome and at Catholic University, where he received his doctorate.

In Cleveland, then Monsignor Krol served as Chancellor of the Archdiocese. He was consecrated as a bishop in 1953, and served as auxiliary bishop to the Archbishop of Cleveland.

In 1961, John Krol was named Archbishop of Philadelphia, and became the spiritual leader of the city's 1.3 million Catholics. In 1967, he was elevated to the Sacred College of Cardinals by Pope Paul VI.

While Archbishop of Philadelphia, the Nation's fourth largest Catholic diocese, Cardinal Krol served as an undersecretary of the Second Vatican Council, president of the National Conference of Catholic Bishops and as host of the International Eucharistic Congress in 1976.

Cardinal Krol has also distinghished himself as a member of the President's National Citizens Committee on Community Relations and as a trustee to both the Catholic University of America and the Catholic League for Religious Assistance to Poland.

His tireless efforts have led to countless honors, including the gold medal from the Paderewski Foundation, the Philadelphia Freedom Medal and the Legion of Honor gold medal of the Chapel of Four Chaplains.

Cardinal Krol's reputation as an able administrator and authority on canon law has earned the respect of Catholics and non-Catholics alike, both in this country and around the world. His celebrated career of religious leadership and 27 years as Archbishop of Philadelphia merits our gratitude and our admiration.

I join the people of Philadelphia in paying tribute to John Cardinal Krol.

THIRD INTERNATIONAL WOJAC CONFERENCE RESOLUTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FRANK. Mr. Speaker, there are a number of grave problems in the Middle East which attract newspaper headlines and television coverage. But there are other serious issues in that region which get less coverage, in part because they involve fewer people than some of the more dramatic issues, and in part because they are played out in societies which are repressive and do not allow free access to the news media. Among those problems is that of the Jews who remain imprisoned against their will in Arab countries.

The great majority of Jewish inhabitants of Arab countries have left for Israel and other places, as a result of the tensions which tragically divide the Arab and Jewish communities in the Middle East. But there are Jews who remain behind in Arab lands, and in many cases they are the victims of prosecution and oppression. This is a particular problem in three Middle Eastern countries which unfortunately are governed in ways which are antithetical to democracy and which do not recognize human rights: Syria, Iraq, and Yemen.

To represent the interests of those people left behind in Arab countries, and to represent as well the interest of those who are expelled from Arab countries, there exists an organization known as the World Organization of Jews From Arab Countries, or WOJAC. Recently, WOJAC held its third international conference here in Washington at the Omni Shoreham Hotel. I had the privilege of meeting with representatives of that organization at that time, and I was struck by their commitment to alleviating the plight of those less fortunate than themselves. A great deal of attention is legitimately given to the severe problems afflicting the Arab refugees of the series of Middle Eastern wars. It is clear that peace will only come to that troubled area when these Arab refugees are treated fairly and an overall political solution in the area must deal with this. The representatives of WOJAC also point out that an overall settlement must also look to the interests of those Jews left behind in Arab countries, and their questions of compensation for those forceably resettled because of the Middle Eastern war should apply equally to Arabs who fled what is now Israel, and Jews forced to flee Arab countries.

Mr. Speaker, I insert the resolutions of the Third International WOJAC Conference:

RESOLUTIONS OF THE THIRD INTERNATIONAL CONFERENCE WOJAC—THE WORLD ORGANISATION OF JEWS FROM ARAB COUNTRIES—OMNI SHOREHAM HOTEL, WASHINGTON, DC, OCT. 28, 1987

Whereas United Nations General Assembly Resolution 181 of November 29th 1947 was rejected by the Arab League, which waged war against Israel, and this war gave rise to an exchange of populations between Palestine Arabs and Jews from Arab countries

Whereas some Arab States still deny human rights to Jews, in violation of basic international instruments, including "the right to leave," as enshrined in the Universal Declaration of Human Rights.

Whereas more than 900,000 Jews who left Arab Countries as refugees those who today number nearly half the Jewish population of Israel and those living in other countries constitute a major Middle East refugee movement that has not been adequately recognized.

Whereas Israel, having limited resources, absorbed the Jewish refugees from Arab countries at a cost of over $11 billion.

Whereas the Arab League rejects a humanitarian solution to the Palestinian Arab refugee problem.

Whereas the State of Israel has declared, in a resolution adopted by the Knesset on October 26th 1987, that "Israel, for its part, has made it known that within the framework of a peace settlement, it will be prepared to compensate the Arabs who left Israel," and

Whereas UN Security Council Resolution 242 of November 22, 1967 stipulated that a comprehensive solution of the Arab Israel conflict must necessarily include "a just settlement of the refugee problem," which includes the claims of Jewish refugees from Arab countries.

The World Organisation of Jews from Arab Countries urgently calls upon those Arab Governments concerned, particularly Syria, Iraq and Yemen:

To cease persecution of those Jews still living in their midst and to grant them their basic rights, and permit those who wish to emigrate to do so without hindrance; at the same time, the conference notes with appreciation those Arab governments which have adopted a moderate attitude toward their Jewish citizens.

WOJAC calls upon Syria to permit all those Jews who wish to emigrate to do so, and particularly to grant exit permits to Jewish women wishing to marry, in accordance with the promise made by President Hafez Al Assad to President Jimmy Carter in Geneva in 1977.

WOJAC calls upon the Arab States:

To meet their international obligations by providing full compensation and indemnification for property and assets, as well as their cultural patrimony of which Jews were deprived.

To return to Jewish ownership and administration all religious and cultural properties.

To cease the political exploitation of the Palestinian Arab refugees and to work for a prompt humanitarian solution.

The World Organisation of Jews from Arab Countries reaffirms its solidarity to Israel's ongoing efforts to implement the Peace Treaty with Egypt and to develop friendly relations and establish a lasting peace with other Arab States.

WOJAC appeals to Jews throughout the world:

To support its struggle on behalf of Jews from Arab countries for the realisation of their legitimate rights.

WOJAC appeals to the International Community, as well as to the United States government, presently negotiating for the release of hostages held in the Lebanon, not to forget the tragic plight of the Lebanese Jewish hostages, nine of whom have already been executed.

To use its influence upon Arab governments to fulfill their obligations for the protection of their Jewish minorities and to support the legitimate rights and claims of Jewish refugees from Arab countries.

WOJAC appeals in particular to the government and people of the United States of America to intensify their efforts to resolve the longstanding problems of Arab and Jewish refugees and to facilitate their integration into the societies in which they live.

CONGRESSMAN DALE E. KILDEE PAYS TRIBUTE TO REV. AVERY AND MILDRED ALDRIDGE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to an extraordinary couple whose compassion and spiritual integrity have been a powerful force for good in my hometown of Flint, MI—Rev. Avery and Mrs. Mildred Aldridge.

On Sunday, January 17, Dr. Aldridge and his wife celebrated 31 years of pastoral service at the church Dr. Aldridge founded, the Foss Avenue Baptist Church in Flint. Their friends, family, and congregants gathered to commemorate this couple's remarkable commitment to their church and their community, and I would like to add my voice to theirs on this very joyous occasion.

Dr. Aldridge's service to his congregants goes far beyond speaking to them from the pulpit every Sunday. He has become an integral part of their lives because he is willing to meet people right where they are—to minister to their real needs and to counsel them from his own experience, strength, and hope. Reverend Aldridge's congregants are a cross section of the Flint community, from diverse backgrounds and with varied needs. His commitment to a spiritual way of life and his unflinching honesty about his own struggles and victories have been a constant source of comfort and inspiration to people of all walks of life in need or in pain.

Dr. Aldridge has also been an impetus in Flint for a deeper community involvement. He is founder of both the Foss Avenue Christian School and the Concerned Pastors for Social Action. Both organizations fill a tremendous need in Flint. The Concerned Pastors for Social Action has become an important voice for human dignity and social action in our community. This group reflects the challenge of Reverend Aldridge's own philosophy—that a spiritual commitment leads to action, and a helping hand to an individual or an entire community is not simply an ideal, it is a way of life.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S.

House of Representatives to join with me in commending Rev. Avery and Mrs. Mildred Aldridge on the occasion of their 31st anniversary at Foss Avenue Baptist Church. Their selflessness has touched the lives of countless people and continues to serve as a message of bright hope to our entire community.

DAV RESPONDS TO SPATE OF EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MONTGOMERY. Mr. Speaker, since early November, many of the Nation's newspapers have collectively devoted a considerable amount of editorial attention—mostly negative and completely unjustified—to the effort to upgrade the Veterans' Administration to a Cabinet-level department.

Curiously, many of these editorials share an entirely too coincidental similarity in words, phrasing, and clichés, that suggests a concerted effort to prevent this long-overdue action. I have to wonder why when such a move is in the best national interest, involves insignificant costs, does not expand government, and affords the Nation's defenders the deference they have earned. Why would editorial boards oppose it?

Perhaps Butch Joeckel, executive director of the Washington headquarters of the Disabled American Veterans, has hit upon one reason for this media opposition. I would like to share with my colleagues his thoughts on the matter:

A DIVISIVE PEN

In the month after the House Committee reported the bill on November 10 giving the VA Cabinet rank, the *Post* published more than a dozen articles, letters and columns on the proposal. Three of the *Post's* four editorials against the measure appeared before the Senate Committee's December 9 hearing on it. Predictably, the paper's report of that hearing headlined criticism of the proposal despite its virtually unquestioned likelihood of passage.

The unique intensity of the *Post's* coverage alone, not counting an indirect swipe at the idea in an editorial about the Dallas Cowboys, invites attention. But the more widespread editorial commentary provoked by the legislation is more important to consider.

We have found expressions of opinion in about twenty newspapers (of some 1700 dailies nationwide) during the same month, from cities that include New York, Washington, Philadelphia, Detroit and Atlanta. All but one (from Waco, Texas) have opposed Cabinet status for the VA.

In addition to this rather remarkable uniformity of view, the same reasoning and even phraseology recur with surprising frequency. More than half of the editorials, for example, condemn support for the proposal by reference to "special interest" lobbying for a larger share of the budget, and more than half use the word "clout" to identify the villain.

We would not be shocked to discover that certain editorial rooms have spoken with each other about the matter. Nor are we surprised to observe behavior that seems at least to be conscious parallelism if not concerted action. Our concern instead begins with the hypocrisy suggested in the hostile commentary.

The double standard is best illustrated by the *Post's* second editorial (Nov. 25, 1987), asserting that supporters of the bill claim "with a wink" that it won't increase the budget, when "of course" the *Post* knows that isn't true. So much for the integrity of the President, 399 House members and veterans' organizations to which belong some seven million Americans.

The *Post* then expects its own arguments to be accepted at face value when, after paying lip service to the "special obligation" owed veterans (as do three-fourths of the editorials we have read), it goes on to wave the flag of deficit reduction and declare that at some point, that obligation expires. Why should the *Post's* pious handwringing over the deficit be accepted as its real agenda any more than the *Post* accepts as genuine the rationale of the bill's supporters?

A clue to what this double standard may conceal is contained in the *Post's* first editorial (Nov. 12, 1987), which says the budget problem will "only get worse" as World War II veterans become eligible for benefits by reason of age (current average: 65). The reference has more than demographic significance, because it begs comparison with the unmentioned, new generation of veterans from the Vietnam War (average age: 40).

The significance of the generational issue is threefold. First, the different experience of the two wars produced different attitudes that have been a crucial element of the divisiveness that has adversely affected veterans' affairs for the last decade. Second, no one can doubt the professional skepticism bred in the media by the government's information policy during the Vietnam War. Third, the Vietnam generation is now assuming leadership in America's institutions, including the media.

Our theory is that for powerful historical reasons, certain like-thinking press leaders may be perpetuating the divisions of the Vietnam War by unconsciously working out their generational conflicts in the forum of veterans' affairs. At least, continuation of those divisions can be the effect of the monolithic reaction of newspapers so far moved to comment on a Department of Veterans Affairs.

The country has lived enough with the image of Vietnam veterans popularized by those who profit financially from extreme stereotypes, pitted against the twin Goliaths of an ungrateful society and an insensitive generation of earlier veterans by those who profit ideologically from seeming to occupy the moral high ground.

President Reagan supports Cabinet status for the VA partly out of a desire to honor Vietnam veterans and Congressman Montgomery believes the move will help heal the wounds of the Vietnam era. Both are World War II veterans. Every veterans' organization representative who testified at the Senate hearing on the bill, all of whom supported it, was a Vietnam veteran.

It is time to reflect the reality that Vietnam veterans are welcomed, not to say treasured, part of the national mainstream and that, in the critical area of veterans' affairs, the older generation and the younger are mutually reaching across the vanishing divisions to face a united future.

We hope that 1988—twenty years from the Tet Offensive—will see the establishment of a Cabinet department in recognition of this truth, and as an occasion for turning pens as well as swords into plowshares.

CHARLES E. JOECKEL, Jr.,
December 14, 1987.

Mr. Joeckel, a combat-disabled Vietnam veteran, is executive director of the one-million-member Disabled American Veterans.

A FAREWELL TO NANCY PIGMAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GARCIA. Mr. Speaker, as chairman of the Subcommittee on International Finance, Trade, and Monetary Policy, I would like to acknowledge the career of Ms. Nancy S. Pigman in public service which spans 34 years—14 years in Congress and 20 as Congressional Relations Officer for the U.S. Export-Import Bank.

Ms. Pigman joined the Eximbank in August 1967. She headed the Bank's congressional relations staff and was Eximbank's legislative liaison with the U.S. Congress. Her job included monitoring all legislation directly affecting or of interest to the Bank, responding to myriads of requests for information from Members of Congress and congressional committees, and preparing appearances of Bank officers before Congress.

Before her career with Eximbank, Ms. Pigman was an intern in the office of U.S. Congressman Jacob K. Javits of New York and appropriations and legislative assistant to U.S. Senator Leverett Saltonstall of Massachusetts.

Thursday, January 28, 1988, will be Ms. Pigman's last day at the Eximbank but a beginning of a new phase in life—retirement. Congress will be losing a valued friend and resource. Ms. Pigman was of top caliber among the congressional relations officers of the Federal agencies. Having worked both for Congress and the Bank, Ms. Pigman knew well how to keep harmonious the relationship between Congress and the Eximbank. Many of us who have dealt with her have truly benefited from her thorough understanding of Eximbank's programs and the congressional process.

I congratulate her for her dedication to public service and would like to thank her for a job well done. I along with the subcommittee members and staff will miss her dearly and wish her Godspeed.

FREE WORLD LOSES GREAT ALLY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ARMEY. Mr. Speaker, last week, the free world lost a great ally in the fight against communism. President Chiang Ching-kuo led the Republic of China during a period of spectacular achievement. Today, Taiwan is in many ways a model of the developing nation's of the world.

Under his stewardship, economic growth skyrocketed upward at an average annual rate of 10 percent. His dedication to the principles of free enterprise has made the Republic of China a prosperous land of optimism and hope. It is now the fifth largest trading partner of the United States and has joined the ranks of the world's leading economic powers. The people of the world have much to learn by studying the wise policies of President Chiang.

I had the honor and privilege of meeting President Chiang during my last visit to Taipei. He was a well-informed, amiable statesman who understood his nation's crucial role as a force for stability in an often troubled region of the world. He will be greatly missed.

PRESIDENT CHIANG CHING-KUO

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. COLEMAN of Texas. Mr. Speaker, it was widely reported that President Chiang Ching-kuo had been seriously ill for a long time before his death on January 13, 1988. Yet to the public, he put his love of his country ahead of concern for himself, and he sought to give the impression that he was hale and hearty to prevent his declining health from unduly alarming his people.

In fact, despite a great deal of physical discomfort and possibly pain, he kept all his appointments right up to the end, including the arduous task of meeting with foreign visitors and subordinates.

When Ambassador Chien visited with him last December, for example, President Chiang made only vague references to his leg and back problems, while he kindly consulted Ambassador Chien on a number of policy matters. All in all, no matter how personally uncomfortable it was for him, President Chiang always had his country and his people uppermost in his mind.

To his country, President Chiang gave his whole life and sought nothing personal in return. He was truly a remarkable leader in the 20th century, and I trust that Chinese history books will view him as the man who best embodied the concept of "country above self." He was, in my opinion, as dedicated to his country and his people as any leader could aspire to be.

Mr. Speaker, I once had the honor to meet His Excellency, President Chiang, on a visit to the Republic of China; I will always remember that visit with fondness and affection. The people of the United States of America have always had a special bond with the people of the Republic of China, and this bond of friendship and esteem continued to strengthen and enhance under the leadership of President Chiang. The American people have lost a good friend; the people of the Republic of China have lost a great leader; the West, a voice of freedom; but our special bond will remain and endure.

Chiang Ching-kuo will be remembered as a proudly nationalistic leader and one who played a leading role in the evolution of his nation's government. As the attached eulogies point out, he moved freely among his people and presided over the transition from an underdeveloped agrarian state to a modern, free-trading capitalist economy. His grateful people can look back on leadership that helped produce one of the world's most vibrant economies: the third-highest per capita income in Asia ($3,700); its 4.4 million households today have an average income of $12,000; its average savings rate of $10,600 ranks highest in the world, and about 80 percent of all families own their homes.

Indeed, as a major newspaper pointed out, President Chiang's political reforms matched those in the economy. He has broadened the base of his country's democracy, ended the 40-year rule of martial law and allowed the creation of an opposition political party.

Mr. Speaker, the highly respected Wall Street Journal observed that President Chiang's vision deserves to be honored by all the democracies of the world. It should and will be honored by the U.S. Government, and perhaps more importantly, by the American people who still honor and cherish our historical and fraternal bonds with the people of Taiwan.

We will miss him deeply and the free world will miss him as well. I extend our condolences to the people of the Republic of China and their leaders, and wish them the best of success and prosperity in the future.

Mr. Speaker, I request that the attached eulogies from some of America's leading newspapers be entered in the CONGRESSIONAL RECORD so my colleagues can achieve a better understanding of President Chiang's remarkable achievements and his contributions to democracy and freedom.

[Wall Street Journal, Jan. 15, 1988]

TAIWAN IN TRANSITION

Nationalist Chinese President Chiang Ching-kuo, who died Wednesday at the age of 77, leaves behind on Taiwan one of the liveliest, most rapidly liberalizing societies in Asia. He will be missed.

It's impressive to look back on Mr. Chiang's achievements for Taiwan since he took over leadership after the death of his father, Chiang Kai-shek, in 1975. An initial drive for liberalization was derailed in 1978 by the shock of U.S. derecognition. By the mid-1980s, with Taiwan prospering, Mr. Chiang was back on track—easing restrictions, some of which had been in effect since the Nationalists fled from the Chinese mainland in 1949.

The past year-and-a-half brought the lifting of martial law, the organization of a vocal opposition party, and for many on Taiwan an end to the ban on visits to the Chinese mainland. The government relaxed longstanding currency controls and pushed ahead with serious tariff reform to open the economy to imports. Mr. Chiang also sought to ensure that no dynastic interests would stand in the way of democratization. The vice president, Lee Teng-hui, sworn in yesterday as Mr. Chiang's successor, is a native Taiwanese.

It was not unusual during Mr. Chiang's lifetime to hear him criticized abroad for clinging stubbornly to the hope that someday all of China might enjoy the freedoms now flowering on Taiwan. But it is for this stubbornness most of all that Chiang Ching-kuo deserves today a full salute. Mr. Chiang understood that for China there is no fast and simple solution. More important, he insisted that however long China must wait, reunification will come only when it brings with it not compromise for Taiwan but freedom for the mainland.

When we spoke with Mr. Chiang in October, he was not looking to reunification by military force, but to the hope that a free and democratic Taiwan might someday show all of China a way out of its agony. This is a vision that deserves to be honored by the democracies of the world. In the words of Chiang Ching-kuo, they would be doing so "for the sake of China and the Chinese people."

[From the Journal of Commerce, January 14, 1988]

CHANGE IN TAIWAN

Taiwanese president Chiang Ching-kuo, who died Wednesday at the age of 77, proved to be an unexpectedly strong leader during an important period in Taiwan's history.

Mr. Chiang, who effectively exercised power in Taiwan since 1972, was the son of nationalist Chinese leader Chiang Kai-shek. The elder Chiang, who brought his nationalist government to the island following its ouster from the mainland by Mao Tsetung's communists in 1949, designated Chiang Ching-kuo as his successor in the expectation that he would maintain the existing order. Instead, the younger Chiang presided over the transformation of Taiwan into a world economic power. Per capita income in the island nation was barely $1,300 when he assumed the presidency in 1978; today, it is close to $4,000. Taiwan's exports to the United States, just over $5 billion when Mr. Chiang took power, were more than five times that amount last year.

Taiwan has successfully made the leap from manufacturing shoes and clothing to producing sophisticated manufactured goods. The country's most pressing economic problem has been figuring out what to do with the country's $72 billion in foreign reserved, among the largest in the world.

This economic progress, ironically, came even as Taiwan's official stature in the world declined. Only a handful of countries now recognize Taiwan's claim to be the sole representative of the Chinese people. Almost all now maintain diplomatic missions to the People's Republic of China in Beijing, while keeping unofficial representatives in Taipei.

Although Mr. Chiang never formally acknowledged the government on the mainland, Taiwanese authorities have recently shown flexibility in dealing with Beijing for the first time. Taiwanese citizens are now allowed to visit the People's Republic, and direct trade between the two countries is growing, even if neither government officially acknowledges that it occurs.

In the last years of his term, Mr. Chiang proved acutely sensitive to the winds of democracy that are blowing across East Asia. He began preparations for transition to democracy, freed many political prisoners, eliminated press censorship and last year ended the marital law that had prevailed on the island for 38 years. The task facing the new president, Lee Teng-hui, is to maintain the pace of change in hopes that Taiwan can avoid the political turmoil evident in other Asian countries with less foresighted leadership.

[From the Washington Times, Jan. 18, 1988]

CHIANG CHING-KUO

The darkest moment in the 10-year rule of Taiwan's President Chiang Ching-kuo, who died Wednesday at the age of 77, was the denunciation of the U.S. Mutual Defense Treaty with the Republic of China by President Carter in 1978. It was a moment that many on the island of 19.6 million had foreseen but that few liked to contemplate. That dreaded event allowed Mr. Chiang to demonstrate his enormous gift for leadership, which was indispensable in maneuvering the Republic of China through the transition to non-recognition by its most important ally. If he leaves no other legacy to his nation, it will be the skill, moderation and foresight he demonstrated during his presidency.

He studied as a youth in the Soviet Union, during a temporary flirtation between Soviet communists and Chinese nationalists. Mr. Chiang gained from the experience a Russian-born wife and a deep appreciation of the catastrophe of communism. What he did not learn about communism from Joseph Stalin he absorbed from the experience of the Chinese civil war and the subsequent rise of brutal Chinese communists.

Mr. Chiang inherited his leadership from his father Chiang Kai-shek, one of the world-historical figures of this century, but his style of leadershop differed significantly from his father's austere, paternalistic authoritarianism. As president, Chiang Ching-kuo moved freely among his people, wore informal civilian clothes instead of his father's military uniform and disarmed friends and foes with a chuckle that would be the envy of most American politicians.

He presided over the transition of Taiwan from a backward agrarian state into a modern capitalist one. The nation boasts the third-highest per capita income in Asia ($3,700); its 4.4 million households today have an average income of $12,000 and its average savings rate of $10,600 ranks highest in the world, according to Dr. Martin Lasater of the Heritage Foundation's Asian Studies Center. About 80 percent of all families on Taiwan own their homes. Such economic progress fulfills the slogan of the father of the Chinese revolution. Sun Yat-sen, "Land (or wealth) to the people"—not through redistribution by the state but through the free energies of the people themselves.

Chiang's political reforms matched those in the economy. His successor as president, Lee Teng-hui, is a native Taiwanese whose rise to prominence symbolizes the integration of the ethnic majority on the island into the political mainstream dominated since 1949 by the mainland Chinese. Under Chiang native Taiwanese came to compose 70 percent of the Kuomintang and the majority of the military forces. Chiang also ended the 40-year rule of martial law, permitted a liberalization of press laws and allowed the formation of an opposition political party, the Democratic Progressives, that last year took part in elections for the first time since the occupation of the island in 1949.

Taiwan faces an uncertain future. Not all political factions embraced Mr. Chiang's reforms and some in the military or the aging Chinese elite of the KMT establishment may try to regain power they once held. Economically, Taiwan is too dependent on the U.S. market and faces strong competitors in Japan, South Korea and other miraculous Asian economies. Despite liberalization, the government retains some trappings of authoritarianism, which must be removed despite provocations from dissidents. The country's relations with the United States, with the mainland and with much of the rest of the world remain uncertain since U.S. derecognition pushed it toward non-nationhood.

Such problems are not necessarily fatal, however, and the United States, which depended on nationalist forces in World War II, the Korean conflict and the Vietnam War and helped foster Taiwan's political and economic evolution, owes the country a historic debt that future administrations should honor. Chiang guided his country from almost feudal rule toward liberal democracy; the United States should support and encourage further development in the Republic of China.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 28, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to review practices and operations under the National Labor Relations Act.
SD-430

10:00 a.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the implications for the Alliance of the Intermediate-Range Nuclear Forces (INF) treaty.
SR-325

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

1:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:30 p.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the implications for the Alliance of the Intermediate-Range Nuclear Forces (INF) treaty.
SR-325

FEBRUARY 1

9:00 a.m.
Foreign Relations
To resume hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

FEBRUARY 2

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 1731, to establish a demonstration program for employment opportunities for severely disadvantaged youths.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
To resume hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Judiciary
To hold hearings on the judicial selection process.
SD-226

Small Business
To hold hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal

procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

2:00 p.m.

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

2:30 p.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 3

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Wendy L. Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

SR-332

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities market, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

Closed business meeting.

SH-219

10:30 a.m.

Judiciary

Court and Administrative Practice Subcommittee

Business meeting, to mark up S. 951, to establish the Federal Courts Study Commission on the future of the Federal Judiciary.

SD-226

2:00 p.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on S. 1934, to provide for the construction of a Federal office building adjacent to Union Station in Washington, DC to consolidate certain judicial branch offices.

SD-406

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 4

9:30 a.m.

Judiciary

Business meeting, to consider pending committee business.

SD-226

Rules and Administration

To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 5

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 16

2:00 p.m.

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 17

2:00 p.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 18

2:00 p.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 19

10:00 a.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 23

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

FEBRUARY 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

FEBRUARY 25

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

MARCH 3

9:30 a.m.

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars

SD-106

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

MARCH 31

9:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

HOUSE OF REPRESENTATIVES—*Thursday, January 28, 1988*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, just as we concern ourselves with the actions that we take, so help us make clear our motives and our purposes in life. Cleanse the thoughts of our hearts by the inspiration of Your spirit, purify our desires, so that what flows from our hearts and minds may be good in Your sight and helpful to all people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

EXPRESSION OF OPPOSITION TO FURTHER FUNDING OF CONTRAS

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, Ronald Reagan is wrong when he says America should fund the Contras because they are fighting for democracy. For one thing, what the Contras have been doing can hardly be called fighting.

Reporters from the Philadelphia Inquirer who investigated the Contras and their operations for 4 months report that the Contras are dodging the Sandinista army and instead prefer to attack civilians, burning farms, clinics, schools, and homes. And when the combat does get tough, the Contras have this peculiar tendency to run for the border.

Are these Contras motivated by a selfless love of democracy? If we look at the documents plucked from the files of Oliver North, we will see they are not. North sent his assistant, Robert Owen, to keep watch on Contra operations in Nicaragua. Owen was troubled with what he saw. Listen to Owen's own words from this memo to Colonel North:

> * * * Calero * * * is a creation of the U.S. government and so he's the horse we choose to ride.

Owen says further:

> I have no problem with this as long as we do and understand Calero's shortcomings. The best way to point these out is to take a close look at who he keeps around * * * they are liars and greed- and power-motivated. They are not the people to rebuild a new Nicaragua.

So much then, Mr. Speaker, for the administration's effort to describe the Contras as latter-day Thomas Jeffersons.

Today the Sandinistas are negotiating face to face with the Contras on a cease-fire, something this administration has always demanded.

Mr. Speaker, this is no time for America to invest more deficit money into this war. This is a time instead to give peace talks a chance.

THE SILENCE ABOUT THE WEST BANK AND GAZA

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, my statement today is designed to break the congressional silence regarding the uprisings in the West Bank and the Gaza Strip. As one who spent 2 days in that troubled region, I feel compelled to appeal to my colleagues in the House to join in this international debate about the "iron fist" policy of the Israeli Defense Forces and the need for peace in the Middle East.

If we were residents of Israel; if we were members of the Knesset, we would not be silent on the most troubling issue facing us today.

Indeed, members of the media, the clergy, academicians and the public in general, in the United States and Israel, have all joined in this debate about bringing an end to the conflict which exists in the Middle East, in general and Israel, the West Bank and Gaza in particular.

And so I say to my colleagues, this is too important an issue for us to play it safe.

Think about it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 27, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:35 p.m. on Wednesday, January 27, 1988 and said to contain a message from the President whereby he transmits the request for funding for the Nicaraguan Democratic Resistance.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REQUEST FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-161)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence and ordered to be printed.

(For message, see proceedings of the Senate of Wednesday, January 27, 1988, at page 262.)

TRIBUTE TO SEVEN ASTRONAUTS ON SECOND ANNIVERSARY OF SPACE SHUTTLE "CHALLENGER" ACCIDENT

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the flags at the NASA Space Center fly at half-mast today to mark the second anniversary of the tragic space shuttle accident of the *Challenger*.

Seven courageous astronauts lost their lives when the *Challenger* shuttle exploded in flames just 73 seconds after liftoff. The families of those seven heroes will never forget the horror of that particular moment, and they will continue to live with a tremendous sense of deep loss.

But the seven astronauts did not die in vain, Mr. Speaker. The shuttle accident shook our space agency. It shook our space program to its very foundations. This may have delayed the shuttle program and our space program for 2 years or more. It may have extracted a tragic toll in national trauma, but it also set in motion new standards, new standards of safety, new standards of science that will basically improve our program.

NASA is improving its management. NASA has improved its science. Hopefully, NASA will change the attitudes and behavior that brought us to the moment of that awful tragedy. We think they will, and we hope they will.

Mr. Speaker, space travel is never 100 percent safe, and the *Challenger* crew knew that when they joined the space program and embarked on their last mission. They were brave and bold professionals.

Francis Scobee, Michael Smith, Robert McNair, Ellison Onizuka, Judith Resnik, Gregory Jarvis, and Christa McAuliffe—your names will forever be etched in the hearts and minds of all Americans and in our national Pantheon of heroes.

SERIOUS QUESTIONS RAISED ABOUT PROPOSED SANDINISTA REFORMS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, some Democratic Members of the House have undermined the effectiveness of U.S. foreign policy by taking it upon themselves to counsel a foreign government on how to influence a vote in the U.S. Congress.

In addition to serious questions about the propriety of their actions, they have done a great disservice to the national security interests of this country. If and when the Sandinista regime reforms, it must be from within, not as a means to influence votes in the U.S. Congress. Otherwise there is no confidence that any reforms will be anything but temporary window-dressing intended to fool us.

What faith can we have in a regime that agrees to a peace plan, and then 2 months later reaches yet another agreement with the Soviet Union and Cuba on a massive military buildup? A buildup that includes a military force of 600,000 and the introduction of a squadron of Soviet Mig-21 fighter aircraft—but only after the Reagan administration and the resistance are gone.

The Sandinistas have said that they would relinquish the government if Nicaraguans were crazy enough to vote them out, but they would never relinquish the power. That is directly contradictory to any democratic process.

As for the Sandinistas reforms, they say they will release 3,300 political prisoners, but only if another country will take them. In other words, they trade imprisonment for exile. And what about the remaining 6,000 political prisoners?

The state of emergency has been lifted, but peaceful demonstrations that are now legal have been broken up by Sandinista turbas while the police look on. On the day Ortega announced he would lift the emergency decree, seven members of the internal democratic opposition were arrested. Three days later, another five internal democratic leaders, including an editor of the independent newspaper La Prensa, were arrested.

Ironically, by their actions these Democrats have admitted the success of the democratic resistance and U.S. aid in putting pressure on the Sandinistas to make reforms. What they are missing is the fact that without continued pressure, the Sandinistas are free to make temporary or superficial changes that can then be revoked after aid is denied and the resistance withers away. The continued existence of the resistance is the key to any long-term movement toward democracy and freedom in Nicaragua.

JAPAN CONTINUES TO IGNORE INTERNATIONAL MORATORIUM ON WHALING

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, last month the top whale scientists in the world met to examine Japan's latest attempt to circumvent the international moratorium on whaling. Japan submitted a new proposal to kill whales for the benefit of science. This latest proposal was to slaughter 300 minke whales in the Antarctic as a feasibility study for a much more extensive killing operation. The feasibility actually could have been tested in a computer simulation. In fact, it has already been done by an Australian scientist who found that the proposal will not answer the questions being posed.

At the special meeting of the Scientific Committee of the International Whaling Commission only scientists from Japan and Iceland consistently supported the Japanese proposal. Scientists from the United States and other countries exposed the fact that the proposal was not legitimate science.

Thumbing its nose at the world's scientific community, Japan is back down in the Antarctic right now killing whales!

Shame on you, Japan. Shame on you, Japan!

CONSIDERING OUR OPTIONS ON CONTRA FUNDING

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, next Wednesday, this body will be asked to approve a package of $36 million in Contra aid assistance—both lethal and nonlethal—plus $20 million for replacement of aircraft, and an undisclosed amount of intelligence assistance.

There has been a tremendous amount said on the Central American issue already, but I would like my colleagues to step back for a moment and put this debate into historical perspective.

For 6 years, since the administration started backing the Contras, war has raged in Central America. The Sandinistas have slowly and consistently backed out of their promises of openness and transition to democracy.

During this time, the Nicaraguan Government has imposed a state of emergency, closed La Prensa and Radio Catolica, and grown generally less tolerant of dissent and open opposition to the Sandinistas. The justification for these repressive measures has been the Contra war.

An effort by the Contadora nations failed to make significant progress toward peace, partly because of the pressures of war and partly because of lack of support from the Reagan administration.

Last August, the untiring efforts of Costa Rican President Oscar Arias to create a Central American peace alternative resulted in the signing of the Guatemala accord.

In the 6 months since the signing of this agreement, all five Central American nations have made strides toward national reconciliation. Yet, much remains to be done.

For its part, the Sandinista government has released political prisoners, allowed La Prensa and Radio Catolica to resume operations, and has lifted the state of emergency.

The reason for these steps toward a more open society and the sincerity of these moves are the subject of much debate. But the reality is that they have occurred, reversing the downward spiral into repression that characterized the preceding 6 years.

We cannot ignore the facts of history as we review our options.

I urge all my colleagues to think carefully about what has been achieved in the past half year compared to the previous 6 years and how we can best ensure that this trend continues.

□ 1115

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished acting majority leader the program for next week.

Mr. AuCOIN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Well, I will yield only after I make the comment that I am happy to see the gentleman here. I know that he has a considerable number of his colleagues out in the great State of Iowa today, and it is nice to see that the gentleman remained behind, as he is so diligent in his work on an everyday basis, and I am happy to have the gentleman respond to my inquiry.

I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Speaker, I appreciate the gentleman's kind remarks.

I would say to the gentleman that upon adjournment today, the House will adjourn and we will have no session on tomorrow.

The House will reconvene on Monday, February 1, at noon for a pro forma session.

On Tuesday, February 2, the House meets at noon to consider the Private Calendar. Two bills will be on suspension at that time, one bill dealing with the technical corrections to the Agriculture Credit Act of 1987, the second suspension is the civil service due process amendments; 40 minutes will be allocated to each of these bills, 20 minutes divided on each side.

Recorded votes on those two suspensions will be postponed until after debate on both suspensions.

Then on Wednesday, February 3, the House, subject to unanimous consent which I intend to make after our colloquy, would meet at 10 a.m. to consider the resolution which calls for the President's request for funding for Contra aid.

Our purpose in asking unanimous consent to come in at 10 a.m., rather than the normally scheduled 2 p.m., would be that the 10-hour schedule for general debate could begin earlier in the day, and therefore allow Members to leave at an earlier point in the evening.

After that, on Thursday, February 4, the House meets at 11 a.m. in a pro forma session.

On Friday, February 5, the House will not be in session.

Conference reports may be brought up at any time. Any further program will be announced later.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

We certainly have no objection to the unanimous-consent request that the gentleman will make for 10 a.m. on next Wednesday.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. AuCOIN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 2, 1988, it adjourn to meet at 10 a.m., Wednesday, February 3, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

A TRIBUTE TO DEPARTING PAGES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, last September, 66 new pages arrived in Washington from all over the United States to serve us here in the House of Representatives. Tomorrow will be the final day of work for many of them.

Before they return home, I would like to take a moment to comment on the job they have done for us these past few months.

When they arrived they were all strangers to each other and a little nervous about their new assignments. But it didn't take long for them to become friends or to learn their jobs.

Curtis Rooney and his staff at the Page Residence Hall helped our new pages with the many adjustments they had to make living away from home and family for the first time, which I recall from personal experience, includes a twinge or two of homesickness.

By the way, Mr. Speaker, Curtis Rooney is himself leaving the page program at the end of this month in order to complete law school. I would like to thank him for all he has done for the page program during his tenure and wish him the best of luck with school and his new career.

Mr. Speaker, our colleagues have gotten used to the many demands placed on our time, including the need to get up early in order to attend breakfast meetings, caucuses, conferences and the like. Well, the pages certainly share in that experience. They must get up, dress, grab a bite to eat, and be in school by 6:45 in the morning.

Dr. Knautz and his faculty at the House Page School have been given the task of putting together a curriculum which meets the needs of our pages who come from a variety of educational backgrounds and school systems.

This curriculum includes a class which meets on alternate Saturdays called Washington Seminar. The Washington Seminar provides the pages with cultural and historical insights into the development of our Nation and its Government. This past semester the pages traveled to Williamsburg, VA, to see what life in colonial America was like and where the seeds of independence were first placed in the minds of our forefathers. They visited Monticello to learn a little about the man who drafted our Declaration of Independence. And they saw Independence Hall in Philadelphia in the bicentennial year of our Constitution in order to learn how our founding fathers crafted the document with which we still govern ourselves.

The hard work of the pages at school and the guidance of the faculty shows up each year when several students are selected for induction in the National Honor Society. I don't expect this year to be any different.

After classes end at 10 a.m., the pages come over here to start work. Peggy Sampson, the Republican page supervisor and Lenny Donnelly, the Democratic page supervisor together with the managers of our respective cloakrooms guide the pages through their daily tasks in the House.

The pages perform a variety of tasks which make the job of the Members and our staffs much easier. Messages and mail, bills and briefcases are shuttled back and forth between offices by pages. The flags, which are flown over the Capitol, that we send to our constituents are delivered to the flag office and returned to our offices by the pages. The phone calls which we receive while here in the Chamber are taken and delivered by the pages. The whip packets containing the bills and resolutions which we must consider, are assembled and delivered to us by the pages. Even the legislative bells which summon us to vote are rung by the pages.

The pages' day is not finished when the House adjourns. While our colleagues run to catch airplanes or return to their offices to complete our work, the pages return to their rooms in the residence hall to begin their homework and other assignments for school.

Mr. Speaker, we ask a lot from the young men and women who serve as pages. But we also give a lot in return. The lessons these young people learn in the residence hall about living away from home and managing their time will, no doubt, help them when they attend college. The insights they get into the governmental and political process and the responsibilities they are given here at work will help them throughout life in whatever field they choose to follow. Many of these young people may choose to return to Washington after college for careers in Government service. Several of our colleagues and many of the staff members who serve us got their start in Government as pages.

So, Mr. Speaker, as these young people prepare to return home, I would like to take this opportunity on behalf of myself and my colleagues on the page board to thank them for a job well done and wish them the best of luck in all they do.

Mr. Speaker, I am including a list of all of the pages who served us this semester.

HOUSE OF REPRESENTATIVES PAGE SCHOOL

ROSTER—FALL 1987 PAGES

1. Albertie, Heather, J.
2. Aronberg, David A.
3. Belzer, Nathan C.
4. Blosser, Nicholas G.
5. Brown, Darren N.
6. Butler, Danny J.
7. Callahan, Kathleen
8. Carrazco, Xavier F.
9. Chang, Aaron C.
10. Cherne, Julie A.
11. Chu, Tiffany P.
12. Clark, Trina D.
13. Connelly, John C.
14. Creeden, Kathleen M.
15. Croom, Wydell L.
16. Curtis, Michael A.
17. Emmert, Wendy A.
18. Fauber, Crystal M.
19. Ferguson, Claire M.
20. Flores, Theresa A.
21. Forkosh, Elyse S.
22. Fritcher, Bradley K.
23. Geraci, Sebastian J.
24. Hanshaw, Matthew D.
25. Hart, Chelsea M.
26. Hiller, Stephen M.
27. Hines, Gregory K.
28. Horton, Robert E.
29. Issenman, Steven B.
30. Jacobson, Eric

31. Keber, Christopher A.
32. Kravits, Jennifer
33. Leuffen, Erika L.
34. Lin, Debbie C.
35. Livingston, Amy J.
36. Maduros, Nicholas T.
37. Meek, Gerald F.
38. Morales, Antonio
39. Morgan, Jill L.
40. Murphy, Memory M.
41. Nelson, Katherine S.
42. Nemec, Mary Margaret
43. Neuman, Iliana A.
44. Noriega, Megan T.
45. Orr, Allison D.
46. Oubre, Rebecca A.
47. Owens, Edward W.
48. Owens, Rachel M.
49. Panek, Todd M.
50. Parzybok, Benjamin I.
51. Peyser, Scott F.
52. Philyaw, Deesha D.
53. Porter, Charles R.
54. Quintero, Diana M.
55. Robinson, Charnita L.
56. Shekoyan, Matthew J.
57. Shepperson, Stanley M.
58. Smith, Ariane K.
59. Sneed, Karla A.
60. Sobolewski, Eric C.
61. Stern, William E.
62. Tapia, Patricia
63. Tinsley, Benjamin T.
64. Warner, Steven D.
65. Watkins, Norman G.
66. Zakriski, Jennifer N.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ballenger) to revise and extend their remarks and include extraneous material:)

Mr. Emerson, for 5 minutes, today.

(The following Members (at the request of Mr. AuCoin) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Stokes, for 60 minutes, on February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ballenger) and to include extraneous matter:)

Ms. Snowe.
Mr. Quillen.
Mr. Stangeland.
Mr. Hefley.

(The following Members (at the request of Mr. AuCoin) and to include extraneous matter:)

Mr. Lantos in two instances.
Mrs. Schroeder.
Mr. Leland.
Mr. Traficant in two instances.
Mr. Rangel.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

ADJOURNMENT

Mr. AuCoin. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes a.m.), under its previous order, the House adjourned until Monday, February 1, 1988, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2784. A communication President of the United States, transmitting notification that comments and recommendations regarding the biennial report of the U.S. Institute for Peace were conveyed in a joint House-Senate hearing, November 10, 1987, pursuant to 22 U.S.C. 4611; to the Committee on Armed Services.

2785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-124, "Technical Amendments Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2786. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB appealing the budget allowance for fiscal year 1989, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. SCHROEDER (for herself, Mr. Horton, and Mr. Dymally):

H.R. 3875. A bill to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Missouri:

H.R. 3876. A bill to amend the Higher Education Act of 1965 to reduce the default rates of student borrowers under the Guaranteed Student Loan Program, and for other purposes; to the Committee on Education and Labor.

By Mr. DAUB:

H.R. 3877. A bill to amend the Internal Revenue Code of 1986 to provide for the restoration of the capital gains preference with the amount of preference determined on the basis of the holding period of the asset sold; to the Committee on Ways and Means.

By Mr. JONTZ:

H.R. 3878. A bill to amend the Higher Education Act of 1965 in order to reduce the default rate under the Guaranteed Student Loan Program; to the Committee on Education and Labor.

By Mr. LELAND (for himself, Mr. Gejdenson, and Mr. Atkins):

H.R. 3879. A bill to amend the Child Nutrition Act of 1966 to authorize the establishment of a demonstration project to provide coupons to recipients of assistance under the special supplemental food program for women, infants, and children for use at farmer's markets; to the Committee on Education and Labor.

By Mr. McDADE (for himself, Mr. Gilman, and Mr. McHugh):

H.R. 3880. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council for an additional 10 years; to the Committee on Interior and Insular Affairs.

By Mrs. SMITH of Nebraska:

H.R. 3881. A bill to amend the Internal Revenue Code of 1986 to exempt diesel fuel destined for use on a farm for farming purposes from taxation at the wholesale level; to the Committee on Ways and Means.

By Ms. SNOWE (for herself and Mrs. Roukema):

H.R. 3882. A bill to require that amounts withheld by an employer from an employee's wages for child support enforcement purposes under the mandatory income withholding provisions of title IV of the Social Security Act must be turned over to the appropriate State agency or entity (for distribution to the persons entitled thereto) within 10 days after the payment of such wages; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 3883. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in establishing restrictions on seating in aircraft; to the Committee on Public Works and Transportation.

By Mr. HOYER (for himself, Ms. Oakar, Mr. Ackerman, Mr. Akaka, Mr. Barnard, Mr. Bates, Mr. Borski, Mrs. Byron, Mr. Cardin, Mr. Coleman of Texas, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Evans, Mr. Fauntroy, Mr. Fazio, Mr. Foglietta, Mr. Gejdenson, Mr. Gray of Pennsylvania, Mr. Kostmayer, Mr. Lehman of California, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Matsui, Mr. Mfume, Mrs. Morella, Mr. Parris, Mr. Roe, Mr. Smith of Florida, Mr. Wolf, Mr. Weiss, and Mr. Wheat):

H.J. Res. 443. Joint resolution designating May 2-8, 1988, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Oklahoma (for himself, Mr. Skelton, Mr. Chandler, Mr. Ray, and Mr. Stenholm):

H.J. Res. 444. Joint resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress; jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence.

By Mr. BONKER:

H. Con. Res. 239. Concurrent resolution in support of strict adherence to the indefinite cessation of all commercial whaling adopted by the International Whaling Commission in 1982; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 341: Mr. EDWARDS of Oklahoma, Mr. GALLEGLY, Mr. GRANDY, Mr. HERGER, Mr. SCHUETTE, Mr. SWINDALL, and Mr. GOODLING.

H.R. 792: Mr. MCCOLLUM.

H.R. 1808: Mr. FISH and Mr. HERTEL.

H.R. 1987: Mr. FRENZEL.

H.R. 2473: Mr. LAFALCE.

H.R. 2666: Mr. OBEY and Mr. TORRICELLI.

H.R. 2704: Mr. SMITH of New Hampshire.

H.R. 3174: Mr. MURTHA.

H.R. 3199: Mr. SHUMWAY, Mr. MCEWEN, and Mr. HAMILTON.

H.R. 3588: Mr. MINETA, Mr. PORTER, and Mr. ACKERMAN.

H.R. 3628: Mr. JEFFORDS, Mr. YATES, Mr. DE LUGO, Mr. YOUNG of Alaska, Mr. JONES of Tennessee, Mr. HYDE, Mr. HUGHES, Mr. MCCLOSKEY, Mr. HERTEL, Mr. KASTENMEIER, Mr. BATES, Mr. WOLPE, Mr. BOEHLERT, Mr. BUECHNER, Mr. DONNELLY, Mr. MOODY, Ms. PELOSI, Mr. CONYERS, Mr. PANETTA, Mr. DENNY SMITH, Mr. KOSTMAYER, and Mr. BRYANT.

H.R. 3699: Mr. WEBER.

H.R. 3814: Mr. MORRISON of Connecticut, Mrs. MEYERS of Kansas, Mr. WALGREN, Mr. WHITTAKER, Mr. NICHOLS, Mr. SKELTON, Mr. DICKINSON, Mr. MILLER of Ohio, Mr. RITTER, Mr. VOLKMER, Mr. OBERSTAR, and Mr. UPTON.

H.R. 3815: Mr. FISH, Mr. EDWARDS of Oklahoma, and Mr. MILLER of Ohio.

H.R. 3846: Mr. ARMEY, Mr. BOULTER, Mr. SHUMWAY, Mr. EMERSON, Mr. APPLEGATE, Mr. DONNELLY, Mr. LAGOMARSINO, Mr. WYLIE, Mr. DAUB, Mr. HARRIS, Mr. VISCLOSKY, Mr. PETRI, Mr. BAKER, Mr. HYDE, Mr. PENNY, Mrs. MARTIN of Illinois, and Mr. SENSENBRENNER.

H.J. Res. 390: Mr. KASTENMEIER and Mr. MCEWEN.

H.J. Res. 399: Mr. INHOFE, Mr. HALL of Texas, Mr. MOORHEAD, Mr. HOYER, Mr. CHAPMAN, Mr. STARK, Mrs. MARTIN of Illinois, Mr. JACOBS, Mr. KONNYU, and Mr. KLECZKA.

SENATE—*Thursday, January 28, 1988*

The Senate met at 9:30 a.m. and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, merciful heavenly Father, we may reject Your love or ignore it. You never cease to love us. We may forget You. You never forget us. We may forsake You. You never forsake us. You have committed Yourself to us in Your own words: "Have not I commanded thee? Be strong and of a good courage; be not afraid, neither be thou dismayed: for the Lord thy God is with thee whithersoever thou goest."—Joshua 1:9. You have promised: "I will never leave thee nor forsake thee."—Hebrews 13:5. Grant to all Your servants who labor in this pressure cooker place daily—hourly awareness of and trust in Your unconditional, universal, enduring love and provision. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, it was informally agreed last night that the time of the two leaders would be yielded to the Senator from Wisconsin [Mr. PROXMIRE].

I ask unanimous consent that that be done.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Wisconsin is recognized.

SDI A BAD BARGAIN AT ANY COST: HERE'S WHY

Mr. PROXMIRE. Mr. President, how do we make a realistic estimate of the cost of a project like the strategic defense initiative [SDI]? Supporters of the program tend to ignore its costs, or understate them. Opponents buttress their argument against the project by stressing the costs and overstating them. How do we secure the most likely cost or the range of most likely costs? First, we should recognize that cost projections at this stage of the development of a new technological program like the strategic defense initiative are guesses. It is impossible to make estimates of the cost of researching, developing, producing, deploying SDI. Even after SDI has been completed, the cost of maintaining, operating and especially modernizing the project will continue at a very high level year after year, in perpetuity. Why can we not secure reliable cost estimates from those most expert in the SDI technology?

Here is why: First, there is no agreement on what SDI should be designed to do. Should it simply protect our own missile sites and command and control centers so that the U.S. deterrent is safer? Should it defend the Nation's Capitol as the ABM Treaty permits? Should it defend all major U.S. cities? Should it defend all population centers in the United States? Should it defend the entire territory of the United States? Obviously the larger the mission the more costly the project. Defense of missile sites and command and control centers would come in at a small fraction of the cost of a total defense of the entire Nation.

Second, how intensive a defense is necessary for each of these American targets to make SDI sufficiently effective to be worthwhile or "adequate"? And what is the cost of a system that provides "adequate" defense? For example, would a system that provides a 50-percent defense; that is, eliminating 50 percent of Soviet ICBM's that would otherwise strike American targets be adequate? Would a 90-percent defense against U.S.S.R. attack be "adequate"? How reliably can we determine the survivability percentage that SDI would provide?

Third, in a recent article in The Backgrounder, a publication of the Heritage Foundation, by Grant Loebs, SDI advocates estimate the cost of an SDI system that would safeguard the American population against 90 percent of Soviet ICBM's at about $118 billion. They contended the expenditure would cover a 10-year period and would vary between $10 and $12 billion per year. The article omitted any shred of documentation to justify the capability of such an SDI to stop 90 percent or any other percentage of Soviet missiles. It made no distinction between Soviet ICBM's that would be fired from the Soviet Union over the pole and those that would be discharged from bombers or submarines. In fact, it assumed that the SDI would primarily use space based kinetic kill vehicles [SBKKV's] or battle stations to strike Soviet stationary land-based ICBM's in their burst phase. The article failed to show how we would defend such an SDI against antisatellite weapons designed to destroy our highly vulnerable SBKKV's.

Fourth, even if everything worked according to the unlikely scenario desired by the SDI advocates; that is, no effective counter measures used by the Soviets, no bomber or submarine attack, no mobile land-based launchers that could evade the orbiting SBKKV's, the SDI advocates failed to indicate why we should expect SDI to take out 90 percent of the Soviet's missiles.

Fifth, suppose SDI enjoyed that unlikely success, what would be the result of a Soviet strike using only half of their arsenal of 10,000 nuclear warheads and a 90-percent success rate for our SDI, the consequence would be 500 Soviet warheads finding their American target. The Union of Concerned Scientists estimate that if just 100—not 500—if just 100—Soviet strategic warheads should strike American cities we would instantly suffer the death of between 35 and 55 million Americans. Our cities would be a steaming radioactive mess.

Sixth, obviously the Soviets would be expected at the very least—if we proceed with SDI—to increase their offensive nuclear warheads by whatever factor required to nullify our SDI. If they calculate that SDI might eliminate 90 percent of their warheads they could relatively quickly and cheaply increase their warheads by tenfold. Result, the Soviet deterrrent with 100,000 nuclear warheads would carry precisely the same force against a 90-percent effective SDI that it carries now against no SDI.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Seventh, it is as impossible to estimate the cost of SDI as it is to estimate how much water it would take to fill a swimming pool that has precise dimensions but also has a drainage hole in the bottom of the pool that flows out into the ocean. Whatever resources we in the United States pour into a defensive system, the Soviets will certainly view SDI as an attempt to destroy the credibility of their deterrent. They view their deterrent as we view our own deterrent—as absolutely essential to their nation's security. Result: No matter how much we pour into building an SDI—several hundred billion, a trillion dollars or several trillion, the Soviets can spend far less and maintain a capability to retaliate against any attack with a devastating and I mean totally devastating nuclear counterattack.

The solid, grim fact remains. SDI or no SDI, no one can win a superpower nuclear war. There will be nothing left but losers. This is why arms control, not SDI, is the only way to peace in this nuclear world.

CALIFORNIA PAPERS FAVOR REPEAL OF GLASS-STEAGALL

Mr. PROXMIRE. Mr. President, I ask unanimous consent, on another subject, that a number of editorials from California newspapers supporting a repeal of the Glass-Steagall Act be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Sacramento Bee, Aug. 10, 1987]

Banking in the Vise

For a half century, federal law has barred commercial banks from engaging in other businesses, such as selling securities. But while rules designed to protect bank stability have restrained banks, a decade of deregulation has loosed other businesses, including investment firms, brokerage houses, insurance companies, travel agents, auto manufacturers and even retailers, to tread on the commercial banks' turf. The result? The very rules designed to promote bank safety are now making the banking system more risky.

In the new world of financial supermarkets, banks—defined as institutions that both take deposits and make commercial loans—are being besieged from two directions. On the deposit side, customers who once had little choice but to keep their money in banks can now buy certificates of deposit at the department store or set up cash management accounts that offer packages of services—checking, credit cards, insurance, brokerage, mutual funds—that banks are not permitted to match.

On the loan side, the large and medium-sized corporations that were once the bank's best borrowers are turning to the commercial paper market for short-term financing. Mortgages and auto loans, once a substantial source of income for banks, are being repackaged as securities by investment firms, a technique that lowers costs for consumers but deprives banks of business. That competition has left banks squeezed into what has become the least profitable and riskiest part of the financial world—lending to small companies, farmers, real estate developers and governments abroad.

Although the need to bolster the banking system by putting banks on a level playing field with their less-regulated competitors has been clear to regulators such as the Federal Reserve Congress so far has failed to heed their calls for comprehensive banking reform. Lawmakers are readier to listen to the investment houses, brokers and real estate and insurance agents, who enjoy the legal shackles that keep the banks at bay. As a result, after five years of trying, the closest that Congress can come to a major reform is a bill, headed for the president's desk, that puts restrictions on the growth of non-bank banks and a moratorium on regulatory or court actions that let banks into new fields.

That sort of dithering doesn't inspire confidence. To bolster the banks and spread their risks, Congress must free them to compete with other financial institutions in services such as securities underwriting, insurance and brokerage. At the same time, lawmakers must think about how to restructure financial regulation to achieve in today's more market-oriented financial world the same kind of protection against panics and concentration of power that existed in decades past. Strict laws are needed to see that insured deposits aren't used by diversified institutions to venture into risky businesses, that loans aren't tied to the sale of other financial services and that financial institutions keep firm walls between their banking and non-banking activities.

Properly managed, diversified financial supermarkets can bring lower costs and new services to consumers. But the current willy-nilly deregulation, without comprehensive reform, only brings new instabilities and the risk of a weakened banking system.

[From the Oakland Tribune, June 29, 1987]

Don't Regulate Banks to Death

As if competing with foreign behemoths and domestic financial giants weren't challenge enough, America's banks must do battle from within a regulatory straitjacket fastened by a false premise.

The straitjacket is the Glass-Steagall Act of 1933, which bars banks from applying their financial expertise to underwriting and dealing in securities, a field monopolized by investment banks and foreign institutions.

The premise behind that act is the assumption that bank meddling in securities markets prompted the wave of bank failures in the Great Depression.

This enduring myth has no basis in fact. The great majority of the 4,800 banks that collapsed between 1930 and 1933 were small, rural banks that handled no securities business at all. They went under because they had too small an asset base and too restricted a loan portfolio to survive the one-third shrinkage of the nation's money supply engineered by the Federal Reserve Board.

Today the threat to the nation's banks comes not from overspeculation but overregulation. In today's hypercompetitive international markets, banks cannot hold onto quality customers without more freedom to expand the scope of their operations.

Consider some indicators of the dismal state of the domestic banking industry: Of the world's top 25 banks, only two are American, down from 15 only 30 years ago. Bank profits have slid for the past 15 years, to the point where a quarter of the nation's banks are losing money. For five years running, the bank failure rate has broken post-Depression records.

Glass-Steagall isn't the only culprit. But arbitrary limits on bank entry in the underwriting field, combined with equally arbitrary geographic limits on branch banking, have made it tough for many banks to survive the sharp deflation of the 1980s.

The law effectively stops banks from competing for the prime corporate market in short-term lending; their share of the market has plummeted from 43 percent in 1974 to 27 percent 1985. The reason: Cash-poor companies find it cheaper to raise money from cash-rich companies through the $1 trillion-a-year commercial paper market rather than going to the bank. Only investment banks—and 15 foreign banks grandfathered by Congress—can underwrite commercial paper and other securities.

So U.S. banks have been forced to become lenders of last resort to energy ventures, farm operations and other risky businesses, even while facing tough new competition from "non-bank banks" set up by large companies like Sears and J.C. Penney.

Frustrated by all these restrictions, Chase Manhattan president Thomas Labrecque even talked of abandoning the bank's federal charter. "A bank charter begins to look more and more like a one-way ticket to the graveyard," he said.

Relief is not in sight. Although the Supreme Court last week upheld the right of banks to broker commercial paper, they still may not underwrite it. And Congress is moving, under enormous pressure from investment banks and other financial sectors, to stop further erosion of the Glass-Steagall Act. California Sen. Alan Cranston, listening to his generous campaign contributors in the securities industry, is among the many in Congress fighting to keep the banks in their narrow place.

But the consequences of limiting competition across the range of financial services will surely be to further weaken domestic banks vis-a-vis their foreign rivals.

"If banks cannot evolve," warns Treasury Secretary James Baker, "the term 'countinghouse industry' may before long become an epitaph like 'smokestack' or 'rust bowl.' * * * The victim would be one more U.S. industry that would not—or in this case could not—evolve to meet the competition."

[From the San Jose Mercury, July 7, 1987]

Unbind the Banks

House and Senate conferees have approved a measure that may well be remembered as the banking bill that wasn't.

The legislation, which now goes back to the two chambers for approval, is notable more for what it doesn't accomplish than for what it does.

The bill fails most broadly and miserably in the crucial area of banking deregulation, a process that is long overdue and which must be undertaken soon if American banks are to retain—recover, in many cases—their health.

Congress, unfortunately, has allowed itself to be pressured by the competitors of a reinvigorated banking industry. The conferees agreed to curb the creation and expansion of limited-service banks, which aren't subject to the same regulations as full-service institutions, and to ban temporarily the granting of new banking powers by federal regulators.

Their position may gladden members of the brokerage, insurance, real estate and travel industries, who fear competition from fully armed banks, but it makes no economic sense. It also is a disservice to consumers.

The U.S. financial landscape has shifted dramatically since the Great Depression, but the regulations governing banks have remained essentially unchanged. Rules created to stabilize the industry more than 50 years ago are throttling it today.

In 1970, seven of the world's 25 largest banks were American, today only three are. A post-Depression record of 200 bank failures is expected this year.

Banks are restricted to activities—principally commercial and consumer lending—that potentially are far riskier than the underwriting and brokerage business they would like to engage in.

No such prohibitions hinder foreign banks or a variety of financial services firms in this country, and they are plundering U.S. banking's business base.

There are ways to let banks expand into more lucrative areas without compromising the safety of their deposits, and they should be adopted. A far greater risk would be posed if the current slide were allowed to continue.

However, blocking the conference committee measure is not the best way to achieve the needed reform.

The legislation authorizes a crucial refinancing by the Federal Savings and Loan Insurance Corp., the currently insolvent agency that is supposed to provide a safety net for the U.S. thrift industry. On that ground alone, it should be approved.

Then, next fall, Congress should take on the crucial, politically nettlesome task it has avoided. Banks must be deregulated.

[From the Fresno Bee, July 13, 1987]

BANKING IN THE VISE

For a half century, federal law has barred commercial banks from engaging in other businesses, such as selling securities. But while rules designed to protect bank stability have restrained banks, a decade of deregulation has loosed other businesses, including investment firms, brokerage houses, insurance companies, travel agents, auto manufacturers and even retailers, to tread on the commercial banks' turf. The result? The very rules designed to promote bank safety are now making the banking system more risky.

In the new world of financial supermarkets, banks—defined as institutions that both take deposits and make commercial loans—are being besieged from two directions. On the deposit side, customers who once had little choice but to keep their money in banks can now buy certificates of deposit at the department store or set up cash management accounts that offer packages of services—checking, credit cards, insurance, brokerage, mutual funds—that banks are not permitted to match.

On the loan side, the large and medium-sized corporations that were once the bank's best borrowers are turning more and more to the commercial paper market for short-term financing. Mortgages and auto loans, once a substantial source of income for banks, are being repackaged as securities by investment firms, a technique that lowers costs for consumers but deprives banks of business. That competition has left banks squeezed into what has become the least profitable and riskiest part of the financial world—lending to small companies, farmers, real estate developers and governments abroad.

Although the need to bolster the banking system by putting banks on a level playing field with their less-regulated competitors has been clear to regulators such as the Federal Reserve, Congress so far has failed to heed their calls for comprehensive banking reform.

Lawmakers are readier to listen to the investment houses, brokers and real estate and insurance agents, who enjoy the legal shackles that keep the banks at bay. As a result, after five years of trying, the closest that Congress can come to a major reform is a pending bill that puts restrictions on the growth of non-bank banks and a moratorium on regulatory or court actions that let banks into new fields.

That sort of dithering doesn't inspire confidence. To bolster the banks and spread their risks, Congress must free them to compete with other financial institutions in services such as securities underwriting, insurance and brokerage. At the same time, lawmakers must think about how to restructure financial regulation to achieve in today's more market-oriented financial world the same kind of protection against panics and concentration of power that existed in decades past.

Strict laws are needed to see that insured deposits aren't used by diversified institutions to venture into risky businesses, that loans aren't tied to the sale of other financial services, and that non-bank financial institutions keep firm walls between their banking and non-banking activities.

Properly managed, diversified financial supermarkets can bring lower costs and new services to consumers. But the current situation of willy-nilly deregulation without comprehensive financial reform only brings new instabilities and the risk of a weakened banking system.

JANUARY GOLDEN FLEECE GOES TO MINORITY BUSINESS DEVELOPMENT AGENCY

Mr. PROXMIRE. Mr. President, I am presenting my Golden Fleece of the month for January to the Minority Business Development Agency of the Department of Commerce for awarding a second $200,000 grant to a virtually useless conference of mayors in southern Texas despite being told by the Department's own auditors that the "performance of the conference during its first grant was extremely poor" and that the project should be terminated. Only after the additional $200,000 was spent and a followup audit report concluded that in the second year the "project's results were minimal" did Federal funding finally stop.

The Minority Business Development Agency's [MBDA] mission is to assist in the establishment and successful operation of minority owned and run businesses. On August 30, 1984, the Lower Rio Grande Conference of Mayors was incorporated in Texas. On September 28, 1984, the conference was awarded a $200,000, noncompetitive, no matching funds required, demonstration project from MBDA.

In May 1986, the inspector general issued a highly critical report of the project and strongly recommended no further funding. According to the report only part of the initial focus of the conference related, even indirectly, to minority business enterprise. Most of the effort and funding went into the overhead costs of setting up the conference and into general community planning.

The auditors pointed out that both the first grant and the proposed second grant duplicated services already provided by the MBDA and other Commerce Department agencies. For example, MBDA itself was funding minority business development centers in key locations in the area. Also, the Department's Economic Development Administration was funding other economic planning and development organizations in the lower Rio Grande region.

Finally the auditors questioned the appropriateness of funding a project, "a major purpose of which would be to generate applications to other Federal agencies for additional grants."

Disregarding the detailed warnings, MBDA awarded the second grant which ran until July 1987.

An interim audit in April 1987 found in addition to producing "minimal" results, the conference was in terrible financial straits. The organization was more than $47,000 in debt, including owing $4,400 to the IRS for overdue payroll taxes. The Federal grant money could not be used to pay the money owed IRS. The auditors concluded that it was doubtful that the conference could continue to function without significant non-Federal funding. Once again the inspector general's report recommended the MBDA not renew the grant.

Finally, after wasting $400,000 of taxpayers' money, the MBDA cut off the funding, and without another handout from "Uncle Sugar" the Lower Rio Grande Valley Conference of Mayors ceased operations.

CIVIL RIGHTS RESTORATION ACT

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senate will now resume consideration of unfinished business, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

Pending: Hatch Amendment No. 1386, to clarify that the exemption to Section 901 of the Education Amendments of 1972 shall also apply to entities closely identified with the tenets of a religious organization.

The Senate resumed consideration of the bill in accordance with the unanimous-consent agreement entered on yesterday, which provides as follows:

S. 557 (ORDER NO. 157)

2.—*Ordered,* That at 10:30 a.m. on Thursday, January 28, 1988, the Senate proceed to vote, up-or-down, on the Hatch amendment, dealing with religious tenet, with no time for debate on any motion to reconsider that vote.

Ordered further, That upon disposition of the Hatch amendment, the Senate proceed to the consideration of a Metzenbaum/Kennedy/Weicker/Packwood amendment, with the time until 1:00 p.m. to be equally divided and controlled in the usual form, with an up-or-down vote to occur at 1:00 p.m. thereon, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Metzenbaum amendment, the Senate proceed to the consideration of a Danforth amendment, with the time until 2:00 p.m., to be equally divided and controlled in the usual form, with an up-or-down vote thereon to occur at 2:00 p.m., and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Danforth amendment, the Senate proceed to the consideration of a Hatch substitute for S. 557, on which there shall be 30 minutes debate, to be equally divided and controlled in the usual form, with an up-or-down vote to occur at the expiration of that time, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Hatch substitute, the Senate proceed to the consideration of a Humphrey amendment, dealing with Arlines, on which there shall be 1 hour, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That upon the disposition of the Humphrey amendment, the Senate proceed to the consideration of a Humphrey amendment dealing with small providers, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That no further amendments on abortion be in order.

Ordered further, That no amendments to listed amendments be in order, unless so specified.

Ordered further, That no amendments to any underlying language be in order.

Ordered further, That time for debate on any debatable motion, appeal, or point of order shall be limited to 20 minutes, to be equally divided and controlled in the usual form. *(Jan. 27, 1988.)*

AMENDMENT NO. 1386

The ACTING PRESIDENT pro tempore. The pending question is the Hatch amendment, Amendment No. 1386.

Mr. HATCH. Mr. President, the amendment I am offering will address one of the serious flaws of the legislation as drafted. In 1972, when Congress enacted title IX, which bans sex discrimination in education programs or activities receiving Federal financial assistance, it adopted an exception to coverage under the provisions of the act. This exception reads as follows:

> This section shall not apply to an education institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization. * * * (20 U.S.C. section 1681(a)(3).)

When this language was adopted, many educational institutions were controlled by religious organizations. Today, this direct nexus is not quite so clear. Today, many of these institutions, while they retain their identity with religious tenets, are controlled by governing boards, a majority of whose members are lay persons. Similarly, many such institutions receive less financial support from religious organizations than they did in the past. They are, therefore, outside of the scope of the existing test.

The amendment I am offering would expand the scope of the religious tenets exemption by including not only entities controlled by a religious organization, but also those "closely identified with the tenets of" a religious organization.

This language is by no means new to Congress. When we last faced this issue directly during consideration of the higher education amendments of 1986, we included in that legislation a nearly identical exemption to a prohibition on religious discrimination for projects under the Construction Loan Insurance Program.

So this is not a new idea. It is something we have approved.

The amendment would not protect an institution which sought an exemption from prohibitions under title VI, that is, race; section 504, that is, handicapped; or the Age Discrimination Act, that is, age. The exemption would have no application to public schools or hospitals. It would apply only to private institutions which persons attend voluntarily.

So it is a very narrow exception. It is one that does recognize religious freedom and religious beliefs in our society, and I think corrects what is an inequity with regard to religious freedom and religious beliefs in our society that would not otherwise be corrected without this particular amendment.

Moreover, the amendment would not allow an institution to be exempted in its entirety. It would only exempt a policy of the institution that is based on its religious tenets to the extent that the policy conflicts with title IX.

So it is very limited in that regard also.

Church colleges and universities, freely chosen by the students who attend them, have traditionally regarded attitudes about marriage, children and families as central to the concerns of their students. These schools provide not just a traditional education but instill important family and religious values as well. In this regard, church schools provide a very different approach than public schools. The latter, as an extension of the democratic state, must take a more neutral posture regarding certain values including sexual mortality, abortion, marriage, and family life. Without any amendment, S. 557 will push much closer toward an official orthodoxy on value questions in all schools and educational institutions. And it will be an orthodoxy set by Washington, not by the particular beliefs of the citizens out there in the respective areas.

The proponents of S. 557 will argue that this amendment is unnecessary, that no school has ever been denied a request for an exemption. While that may be technically correct—and that is all it is—during the 10-year period between 1975 and 1984, only 5 out of 220 requests for exemptions were actually granted. What the proponents forget to mention is that the bureaucracy has stubbornly resisted even acting on the requests, reflecting an apparent hostility for an exemption.

If one wanted to accurately describe what has happened with the current exemption, during the period I just mentioned, there were 220 requests, 5 exemptions granted and 215 what we might call "failures to act." So technically it is true that one can say that the Department did not deny any requests, but such a description creates a false impression. In fact, more than 95 percent of the requests were simply ignored. Obviously, for the schools involved, there is no real difference between a denial and a failure to act. The result is the same. The schools were forced to bend their religious beliefs to accommodate the regulatory demands of the Department of Education.

Since 1985, when this issue became the subject of congressional debate and public attention, about 145 of the requested exemptions have been granted. Current law provides no guarantee, however, that a different administration will not revert to the practices of the past or revoke the exemptions already granted. Moreover, since there is a private right of action under title IX, there is also the very real possibility that private suits will be filed to deny schools these exemptions.

Moreover, given the scope of Federal jurisdiction called for in S. 557, the need for this amendment will increase as a result of the scope of this bill. While in the past a private, religious school could assume that only a specific program or activity was subject to Federal regulation, S. 557 would apply coverage over the entire institution, guaranteeing that all value and moral related activities at a school would be subject to Federal regulation.

I do not know how anybody could not vote for this amendment which corrects that imbalance and restores the rights of these basically religious institutions to believe in the values that they do and in the tenets that they do.

The support for this amendment is perhaps the evidence of its merit. It has been endorsed by such mainstream organizations as the National Association of Independent Colleges and Universities, which has over 800 member institutions enrolling over 2 million students; the Association of Catholic Colleges and Universities; the American Association of Presidents of Independent Colleges and Universities; the United States Catholic Conference; Agudath Israel; the National Society for Hebrew Day Schools; and the Association of Advanced Rabbinical and Talmudic Schools.

Religious liberty is a basic right of every American, the first right guaranteed in the first amendment. I hope my colleagues will join with the other sponsors of this amendment and protect diversity and pluralism in education. That is what this amendment does. This amendment can be adopted without jeopardizing our commitment to civil rights or impairing the effectiveness of the four statutes addressed in S. 557.

With that, I will reserve the remainder of my time. I will be happy to yield to Senator HATFIELD as the lead cosponsor on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I thank my colleague from Utah, Senator HATCH, for yielding time.

I rise not only as a cosponsor of the amendment before us, but as one who supports the general principles of the Civil Rights Restoration Act. In light of the Supreme Court's decision in Grove City, there is a clear need to strengthen and expand coverage of the four civil rights statutes banning various forms of discrimination in programs and activities that receive Federal funds.

With this said, however, I am also troubled by several aspects of this bill, including its impact on first amendment rights as they relate to religious liberty. Our country was founded on principles of diversity and pluralism, particularly with regard to the free exercise of religious beliefs as guaranteed by the Constitution. As currently drafted, this bill does not adequately protect these rights.

Let me explain. Title IX of the Education Amendments of 1972, which I voted for, prohibits gender discrimination in educational programs or activities receiving Federal funds. That title, however, contained an exemption for educational institutions which are "controlled by a religious organization." Under this exemption, an educational institution may seek an exemption from the provisions of title IX where application of that title "would not be consistent with the religious tenets of such organization." Many private religious colleges and universities teach fundamental religious principles on such topics as marriage, chastity, and abortion. Some religious educational institutions, while believing that educational and other opportunities for men and women should be fully and completely available, also teach that particular distinctions based on gender are both natural and religiously significant. While this may not be the viewpoint of any Senator, surely we all support the right of those institutions to follow the tenets of their religion.

In 1972, the vast majority of these religious schools were directly controlled by church denominations, catholic dioceses and other religious organizations. The current exemption was adequate to protect each school's first amendment right to the free exercise of their religious beliefs. I emphasize that was in 1972.

However, the form of association between these religious entities and their private colleges and universities has evolved over the past 16 years. And I doubt if there are many Senators here that are fully acquainted with this evolution. Today, many of these educational institutions, while still holding to their religious beliefs and doctrine, are controlled by lay boards and have additional sources of funding beyond the religious organization.

Mr. President, it is pretty obvious with the economics of private colleges today, that they must look beyond those denominational constituencies for sources of funding. They could not exist if they did not.

The "religious tenets" exemption from application of title IX, as presently worded, does not reflect this current form of relationship in these institutions. Accordingly, the "control" test for application of the exemption no longer affords adequate protection for religious values under title IX. The current exemption must be amended to reflect the changed nature of religiously oriented institutions.

The amendment before us restores full protection of religious values by providing an exemption from title IX based on religious tenets not only when the institution is controlled by a religious organization, but also when an educational institution "closely identifies with the tenets of" that religious organization.

Keep in mind that we do not seek to "loosen" this exemption. I am an adamant supporter of the full application of all civil rights laws. After 37 years in public life, I think that record is pretty well established. But I do not share the fear that this amendment will somehow create a loophole resulting in widespread discrimination in education. This amendment simply seeks to restore fully the constitutional protection of the free exercise of religious beliefs in religious educational institutions, therefore satisfying the intent of Congress when it adopted the "religious tenets" exemption to title IX in 1972. The amendment will protect important nondiscriminatory principles embodied in title IX and other civil rights statutes.

Let me remind my colleagues what this amendment will not do. It is very limited in scope and does not allow a college to unilaterally claim a blanket exemption from all title IX requirements. There must be a policy or policies embodying a particular religious tenet and a particular title IX regulation regarding gender discrimination in conflict before the exemption will apply. We still hold the control over this, Mr. President, under this act. Title IX coverage will properly apply to all other aspects of the institution's activities.

Further, under the regulations promulgated by the Department of Education, a college must still apply for the exemption. The Department of Education reviews each exemption request submitted, and grants or denies the request based on the facts presented. The Department of Education retains jurisdiction to investigate any complaints or concerns raised regarding the school's connection with the particular religious organization, or if there is concern about the legitimacy of the religious tenet articulated by the school.

Nor does the amendment permit an educational institution to claim protection for differentiation on the basis of race, handicap, or age. These civil rights statutes are fully applicable.

Finally, the exemption is only available to schools which are "controlled" by a religious organization or "closely identified with the tenets of a particular religious organization." The language places reasonable limits on the class of eligible religious organizations.

Let me repeat, Mr. President, that this amendment does not abrogate the intent of title IX; but rather, reflects the actual structure of religious higher education. The amendment strikes a constitutional balance between the need to promote the principles of equal rights, while allowing for the legitimate exercise of religious liberty.

Let us remember that the first amendment guarantees religious liberty as well as free speech and other rights.

This amendment has the support of many organizations, including the U.S. Catholic Conference, the National Association of Independent Colleges and Universities, the Christian College Coalition, the Association of Catholic Colleges and Universities, and the American Association of Presidents of Independent Colleges and Universities.

Mr. President, this amendment is badly needed, and I think we ought to be aware of the erosion of first amendment liberties that is happening in our land today. It is interesting to note in closing that a great number of publications on the bicentennial celebration of the Constitution of the United States are addressing first amendment rights and the problems that are arising periodically and regularly under those rights, specifically regarding religious liberties. I speak as one who has had a little experience not only in university and educational life, but in dealing with a very interesting cult that developed in my State. Their presence again called attention to the right to freely exercise religious beliefs under the first amendment. I refer to the Rajneesh. The point is that we must continue to protect our full rights under the Constitution and the first amendment, particularly in the field of religious education.

I urge its adoption.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I would also like the RECORD to show that the National Association of Evangelical Churches supports our amendment and then we reserve the balance of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Utah controls 2 minutes 52 seconds; and the Senator from Massachusetts 21 minutes 22 seconds.

Mr. KENNEDY. I yield such time as the Senator from Vermont may want.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I thank the very able Senator from Massachusetts for yielding time to me.

Mr. President, it is not without some trepidation that I find myself on the opposite side of an issue from the very able Senator from Utah, Senator HATCH, and my very able friend of many years, the Senator from Oregon, Senator HATFIELD. But that is the way it is today.

Mr. President, I rise in opposition to the amendment being offered to S. 557, The Civil Rights Restoration Act.

The issue before us is whether or not to permit the standard for the religious tenet exemption as outlined in title IX of the Education Amendments of 1972 to be expanded from "controlled by" to "closely identified" with the tenets of a religious organization. It is my opinion that we should reject the amendment and leave the language in the bill as it now stands. I believe that the goal of all civil rights laws is universal compliance. Immunity from such compliance should be granted cautiously and judiciously, as is current practice. Liberalizing the standard for the granting of waivers is unwarranted.

There are several reasons why we should reject this amendment. First and foremost in my mind is the simple fact that in order for S. 557 to be effective it needs to be passed as it is now crafted. I cannot emphasize this point enough. We must not stray from the original intent of this legislation which is to restore the nondiscriminatory statutes back to their pre-Grove City status. We must not allow this measure to be turned into a vehicle for other legislative agendas, but rather, we must permit it to pass in its original form. If we allow one amendment to take hold, I am afraid that we will find ourselves lost in a sea of legislative agendas far from our original shoreline.

Let me also remind my colleagues of the short title of this act: The Civil Rights Restoration Act. Its basic premise is to restore the civil rights of all individuals to the status they held before the narrow ruling issued by the Supreme Court in Grove City. It does not address the issue of religion. It is not, and should not become a religious issue.

Current title IX regulations provide for a religious exemption to the statute where it is inconsistent with the religious tenets of the institution. An educational institution need only make application to the Department of Education for such an exemption. To date, no institution that has completed an application has been denied an exemption. According to a 1987 Department of Education report, there are 150 institutions that have been granted religious exemptions. The National Center for Education Statistics reports that nationally, there are 3,301 institutions of higher learning. They report 786 religiously affiliated schools. That represents over five times the current number that could possibly gain exemption from compliance to the nondiscrimination statutes safeguarded by S. 557. It also means that 559,053 students, the total number of women enrolled both part time and full time in religiously affiliated schools, would possibly be subjected to discriminatory acts. The enactment of the education amendments of 1972 provided women with opportunities to participate in programs and facilities in which they had previously been denied access. The amendment offered by Senator HATCH threatens the rights that we sought to protect in the education amendments of 1972.

Some of my colleagues have mentioned the fact that contained within the Higher Education Act reauthorization of 1986 is language which is similar, if not identical, to that being proposed by Mr. HATCH. They are indeed correct—there is language. However, the context in which that language is used is entirely different from the way in which the amendment proposes its use in S. 557. The language that was inserted by Congressman HENRY during the conference on S. 1965 references only section 752 of the College Construction Loan Insurance Association authorization. This was a concession made very reluctantly by the Senate conferees. When the Senate spoke during floor consideration of the Higher Education Act amendments, the antidiscrimination statute adopted used the phrase "religiously controlled." The expansion agreed to in conference was just that—a conference agreement. It refers only to religious discrimination in consideration of doing business with a newly formed loan insurance association. If I had anticipated then, that insertion of that conference agreement language would possibly cause the failure of a reassertion of our civil rights, I would have fought much more vigorously to prevent its inclusion.

In the 99th Congress, attempts were made to broaden the religious exemption language during consideration of H.R. 700, the civil rights legislation. The House Education and Labor Committee adopted an amendment similar to that proposed by Senator HATCH. The House Judiciary Committee rejected this so-called religiously "affiliated" language. Because of this and other points of disagreement, H.R. 700 was permanently stalled in committee. During the 100th Congress, the Senate Labor and Human Resources Committee reaffirmed the House Judiciary's decision to reject this language by a vote of 11-5. I ask my colleagues to support the decision made by the committee and vote against this amendment.

In closing, I would like to reaffirm my commitment to title IX of the education amendments of 1972. It is indeed unfortunate that in order to guarantee equality for women, we have to mandate it in Federal funds. It seems to this Senator that we should be able to look upon each other as equals and treat each other in such a manner that does not require Government intervention. Discrimination against women should be eradicated from our society. Expanding definitions and manipulating words only creates a greater potential for side-stepping equal treatment.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. KENNEDY. I yield myself such time as I may use.

Mr. President, I oppose this amendment.

I welcome the comments of the former chairman of the Education Committee, now the ranking minority member of the committee, who has made an extraordinary contribution in the areas of education and not only has reviewed our general education programs but also has a unique perspective on this issue. He has given it a good deal of attention and is probably as knowledgeable about the real implications of this amendment and what the current situation is as any other Member of this Senate.

Since its enactment in 1972, title IX has contained an exemption for educational institutions "controlled by a religious organization." I think that basically addresses the central concerns of the Senator from Oregon and the Senator from Utah. The exemption permits an education institution to seek an exemption from the prohibition on sex discrimination in title IX where the application of title IX "would not be consistent with the religious tenets of such organization."

S. 557 leaves the religious tenet exemption in title IX intact and clarifies that the exemption is as broad as the title IX coverage of education programs and activities. Thus, a religiously controlled education program or activity which receives Federal financial assistance and is therefore subject to the sex discrimination prohibition in title IX, but is not part of an education institution, would still be within the scope of the religious tenet exemption. The inclusion of clarifying language for the religious exemption was prompted by concern expressed by the Catholic Conference in previous Congresses. Bishop Joseph Sullivan, who testified on behalf of the U.S. Catholic Conference before the committee on S. 557, commented approvingly on the religious tenet exemption in S. 557:

> When we testified on this legislation in the last Congress, we requested that the religious tenet provision be extended to ensure that the noneducational institutions would also be protected. As we read S. 557 in its present form, the extension of the religious tenet provision beyond education institutions have been made.

The Catholic Conference later expressed sympathy with the supporters of a change in the religious tenet exemption. I want to make that clear. But in terms of working out the language which we have in S. 557 and reviewing that the testimony we had, it was acceptable at that time. There was an effort to develop this further position, and the conference has embraced that.

The record of implementation of the religious tenet exemption does not indicate any need to broaden the religious tenet provision. The U.S. Department of Education, the agency charged with administering title IX religious exemption requests, provided the following information to the committee by letter dated May 19, 1987. I think this is very important, Mr. President, and I hope the Members are listening.

> OCR has received requests for religious exemptions from 227 institutions since July 21, 1975, the date the title IX regulation was implemented, to the present.
>
> OCR has granted exemptions to 150 institutions. Under the 1985 religious exemption project aimed at resolving the requests pending at that time, OCR closed 79 request files for a variety of reasons, including, but not limited to: the institution withdrew the request; the institution did not need a religious exemption since its admission practices were already exempt; the institution had ceased operations; or the institution failed to respond to repeated requests from OCR for additional information sufficient to act on the exemption request. * * * OCR has never denied a request for religious exemption. No requests for religious exemption are pending at this time.

Some requests were not granted because they were incomplete or the practice engaged in did not violate title IX, as I mentioned.

So exemptions have been granted to institutions seeking to discriminate against women based on their marital status, to limit intercollegiate athletic activities for women, and to discriminate against unmarried pregnant students.

This amendment seeks to expand the religious tenet exemption to include entities who are "closely identified" with the tenets of a religious organization.

Expanding the exemption would substantially broaden the exemption by allowing potentially hundreds of schools and colleges to escape from title IX coverage.

The National Center for Educational Statistics reports that there are 3,331 institutions of higher education nationwide, of which 794 report a religious affiliation. Therefore, it is conceivable that as many as one-quarter of all such institutions could apply for and receive exemptions.

Admittedly, the control test is, and should be, a difficult one. Many schools have chosen to no longer be controlled in order to be able to receive private and public aid. By adopting this amendment, we would allow them to take Federal funds on the one hand and discriminate on the other. There have been no problems in the past. I do not believe that there are problems at the present time.

Mr. President, I want to repeat that there are no pending applications at the present time, and there has not been an instance where there has been a rejection, other than as I understand for the lack of additional information or the conditions which we have mentioned, and the potential in this other area is indeed significant.

Now, we have provided a test that exists and is well understood now by educational institutions. No such test is even suggested by those who propound this amendment.

We provide: is it a school or a department of divinity?

When the initial language was developed, it was pointed out to the supporters of the amendment that we had various seminaries and other religious organizations, groups, educational, whose tenets were of sufficient nature that may be violative of the language. So there was the development with those various groups of these criteria which have been the standard criteria which now are in place, are understood, with a solid record of adherence to it.

These are the criteria: Is it a school or department of divinity, or requires its faculty, students or employees to be members of or otherwise espouse a personal belief in a religion of the organization which it claims to be controlled or on its charter and catalog or other official publications contain explicit statements that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion and the members of its governing body are appointed by the controlling religious organizations or an organ thereof or it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

Those seem to me to be flexible, Mr. President. They are understood. Those are words that have been interpreted time in and time out, and I think quite frankly the proof is in the pudding and that is that this has not been an issue which we gave that was raised in a significant way in the course of our hearings. In fairness, the issue was raised over the course of the hearings, but in the consideration, when we talked to and inquired of the various religious groups, even at that time the Catholic Conference reported it; later they adjusted it when the Senate proposal came up.

But under the current situation I will include the full list of the groups that support the existing law for the reasons that I have identified.

The following religious denominations and faith groups support the Civil Rights Restoration Act and oppose all substantive amendments:

Episcopal Church.
Presbyterian Church, USA.
United Methodist General Board of Church and Society.
Union of American Hebrew Congregations.
American Baptist Churches, USA.
Lutheran Office for Governmental Affairs.
United Synagogue of America.
Progressive National Baptist Convention.
United Church of Christ.

United Methodist Church, Women's Division, General Board of Global Ministries.

African Methodist Episcopal Church.

Unitarian Universalist Association.

American Jewish Congress.

American Jewish Committee.

National Council of Churches.

African Methodist Episcopal Zion Church.

Central Conference of American Rabbis.

Church of the Brethren.

Christian Church (Disciples of Christ).

Church Women United.

Friends Committee on National Legislation.

American Friends Service Committee.

National Council of Jewish Women.

Reorganized Church of Jesus Christ of the Latter Day Saints.

National Federation of Temple Sisterhoods.

American Ethical Union.

NA'AMAT U.S.A.

American Humanist Association.

North American Federation of Temple Youth.

Mr. THURMOND. Mr. President, the provisions of title IX allow partial exemptions to institutions where the provisions of title IX are in conflict with their religious tenets. However, these exemptions are limited to institutions which are "controlled by a religious organization".

I support the pending amendment which would extend this exemption to entities which are "closely identified" with the tenets of a religious organization. This amendment would permit religiously oriented schools to claim an exemption from a particular title IX regulation on the basis of a conflict between that regulation and its own religious principles.

I believe it is important that these institutions retain the religious freedoms so basic to our Constitution.

I, therefore, urge the approval of this amendment.

Mr. LEVIN. Mr. President, I will vote against the so-called religious tenets amendment because it expands a current exemption in an ill-defined way.

It may be true, as the proponents of this amendment claim, that the current criterion for educational institutions to receive an exemption from title IX—that they be "controlled by a religious organization"—is too rigorous a standard. It is possible that the nature of educational institutions has changed in such a way over the past few years so that meeting this standard has become too difficult.

However, the solution proposed by those supporting this amendment is too vague. "Closely identified" is an undefined phrase which, in my view, contains potential for abuse.

If the pre-Gover City standard, as expressed through agency regulations, is no longer appropriate because religiously affiliated educational institutions have changed in some way, regulations can be redrafted to accommodate these changes. But the standard that would be applied under this amendment is too broad, and therefore I cannot support it.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 2 minutes and 56 seconds.

Mr. KENNEDY. I yield the remaining time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Massachusetts. I think he has pointed out statistically what the case is.

Again, I want to repeat that the bill as written specifically states that any entity which is controlled by a religious organization is eligible for an exemption.

What the distinguished Senator from Utah is trying to do is expand that to entities that are "closely identified with the tenets of a religious organization."

This is a Civil Rights Restoration Act. What we are dealing with is the Constitution of the United States and, very frankly, any exemptions that are granted should be very narrow in terms of scope. The Constitution—that is what prevails in this land; that is what allows every faith to go ahead and practice as they will, but in no wise should it contravene the tenets of the Constitution.

In this particular instance, all sorts of untold mischief would occur as to title IX were the amendment to be adopted.

I think appropriate consideration has been given to people's religious beliefs insofar as an entity is controlled by a religion. But to go ahead and expand it as closely identified with, I can assure you anybody that is in contradiction to the civil rights laws of this Nation is all of a sudden going to find themselves closely identified with one faith or another and the whole purpose of the legislation goes by the boards.

So, I would hope that this would be roundly defeated in the sense that it once again reaffirms the Constitution of the United States. This is not a theocracy. This was set up as a democracy. And in order to preserve that freedom which attaches to all faiths or no faith, it is essential that we have clear-cut guidelines and touchstones as to what the rights of every American are, regardless of what our religious beliefs happen to be, and they can vary, and I would hope that the amendment of the distinguished Senator from Utah will be defeated.

The PRESIDING OFFICER. The Senator from Connecticut yields the floor.

The Senator from Utah.

Mr. HATCH. Mr. President, I have been intrigued by the arguments by the proponents of the bill and the opponents of this particular amendment. First of all, Senator STAFFORD indicated we are just doing a simple overrule of the Grove City decision. The record is well established that we are not just returning to the law as it was prior to the Supreme Court's decision in Grove City.

Look at the language in S. 557 concerning two-tier coverage. Did that exist prior to Grove City? No. And the proponents admit this.

Look at the language on small providers, ultimate beneficiaries of school systems. Was comparable language in existence prior to Grove City? No.

S. 557 really does a lot more than put us back where we were right before Grove City. What is unfortunate is that the sponsors are so eager to abridge, curtail, and eliminate basic fundamental religious rights guaranteed in the Constitution in the name of civil rights.

So when the distinguished Senator from Connecticut starts telling about the Constitution he ought to look at it and read it and realize that the first amendment provides for religious freedom first before all other types of freedoms.

We can have other effective civil rights laws and still have the basic right to freedom of the religion.

With regard to the Catholic Conference, I was intrigued with the comments of my distinguished colleague from Massachusetts because I have a letter from Rev. Msgr. Daniel F. Hoy, from the United States Catholic Conference, one paragraph of which says:

> We also understand that Senator Orrin Hatch will offer an amendment at the request of the National Association of Independent Colleges and Universities, to broaden the religious tenets exception. We are sympathetic to their concerns in this area and are supportive of the amendment.

Contrary to what the distinguished Senator from Massachusetts said, the Catholic Conference is supportive of this amendment, as I think most religious institutions are.

Finally, let us understand what is involved here. When the distinguished Senator from Massachusetts indicated that there has not been 1 exemption denied, actually of the 215 applied for between 1974 and 1984, there were literally only 5 exemptions granted and 215 of them ignored.

Now, admittedly, since Reagan has taken over, that has changed. But it could go right back to that. And the reason they are ignored is because of, I think, bureaucratic hostility to religion, and that is what we have to watch out for.

Finally, with regard to using this "controlled by" language, let me just say this to you: "Controlled by" means, as near as we can ascertain, only two schools in this whole country who would fit within that category. The other 200 or 300 schools, in excess of 200 schools, would not be covered.

Only Brigham Young University and Catholic University would literally be controlled by the religions involved. All the rest of them—Georgetown, Notre Dame, all these others—would not fit within that category and their exemptions would be denied if my amendment does not pass.

So I encourage all Members of the Senate to vote for the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The hour of 10:30 having arrived, the question is on agreeing to the Hatch amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], would vote "nay."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—39

Armstrong
Bentsen
Boren
Breaux
Cochran
D'Amato
Danforth
Domenici
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Helms
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Nickles
Pressler
Quayle
Roth
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Warner

NAYS—56

Adams
Baucus
Bingaman
Bond
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Fowler
Glenn
Graham
Harkin
Heinz
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Weicker
Wilson
Wirth

NOT VOTING—5

Biden
Dole
Gore
Murkowski
Wallop

So the amendment (No. 1386) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there any other amendments? By previous agreement, the Senator from Connecticut is recognized.

AMENDMENT NO. 1393

(Purpose: To clarify that S. 557 is abortion-neutral)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] for himself and Mr. KENNEDY, Mr. METZENBAUM, and Mr. PACKWOOD, proposes an amendment numbered 1393.

At the end of the bill, insert the following new section:

ABORTION NEUTRALITY

No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

Mr. KENNEDY. Mr. President, I think the Senator from Connecticut is entitled to be heard. We are making good progress and we want to continue to make progress. This is an important issue. The Senator from Connecticut is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, the amendment before the Senate reaffirms that the Civil Rights Restoration Act is neutral with respect to abortion. As the committee report states, and as the sponsors of the bill have consistently maintained, this bill creates no new abortion rights. I note the statement in the committee report on page 26:

Title IX does not now require any institution to perform abortions and no abortions would be mandated if S. 557 were enacted. This bill does not expand abortion rights.

Frankly, this amendment should not be necessary. A debate on abortion has no place in a bill which seeks only to define what constitutes "program or activity" under the four statutes in question. But, to reassure those who are concerned that our bill will require institutions or hospitals to perform or pay for abortions through their health insurance plans, we offer this amendment.

This amendment does not change the substantive language of title IX—in fact it does not amend title IX. Title IX does not mention abortion now, and we do not alter that.

For those religiously controlled institutions, including hospitals which operate educational programs receiving Federal aid, the exemption in title IX will continue to be available. As everyone is aware after the debate this morning, that exemption allows such institutions to be exempt from those portions of the title IX regulations which are offensive to their religious tenets. No institution has ever been denied such an exemption.

Mr. President, I urge adoption of this amendment in order that the law be clear and in order to satisfy any doubts relative to this subject matter.

Admittedly, it is not the intention of this amendment to go ahead and start redefining and redrafting regulations. That is not the job of this body. But it makes very clear what the law can and cannot do in regard to this matter.

Mr. President, I urge adoption of the amendment.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut controls the time.

Mr. WEICKER. Mr. President, I yield such time as the distinguished Senator from Oregon requires.

The PRESIDING OFFICER. Under the previous order, the vote on this amendment has been ordered at 1 p.m. Therefore, the Senator from Connecticut is in control of 70 minutes and the Senator from Utah is similarly in control of 70 minutes.

Mr. PACKWOOD. After the 1 o'clock vote, may I ask the Chair, will there be further debate time on the Danforth amendment which will be voted on at 2 o'clock?

The PRESIDING OFFICER. From the conclusion of the vote which will commence at 1 o'clock until 2 o'clock, the time will be equally divided and will be on the Danforth amendment.

Mr. PACKWOOD. I thank the Chair.

Mr. President, let me address myself to the amendment which has been offered by Senator WEICKER and to the argument raised by my good friend from Missouri, Senator DANFORTH. You will recall yesterday Mr. DANFORTH made reference several times to the memorandum of law from the law firm of Dewey, Ballantine, Bushby, Palmer & Wood of what would be the effects of the Civil Rights Restoration Act; whether that act would possibly cause institutions who do not have to perform abortions or pay for abortions currently to have to perform and pay for them under this act.

The proponents of the Civil Rights Restoration Act as it came from the committee thought the answer to that was no, that we did not create additional rights that did not exist before.

But a red flag was waved indicating that we were not just returning to institutionwide coverage, instead of program-specific coverage, but that we were also attempting to expand the rights so that institutions that did not approve of abortion would have to perform or pay for them.

This is the memorandum given to Senator DANFORTH by Dewey, Ballantine, Bushby, Palmer & Wood:

> This memorandum considered whether proposed amendments to title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions.

Then it goes on:

> No one can predict with certainty how the pending legislation would be construed in court.
>
> Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form,
>
> Education institutions could be required to fund abortions for students or employees;
>
> Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;
>
> Hospitals could be required to perform abortions for the general public; and
>
> Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.

The amendment of the Senator from Connecticut is very specifically designed, I hope, to answer the "could-be" possibilities in the memorandum from the law firm, to answer the concerns of the Senator from Missouri and others allied with him, that this act could expand the requirement, the compulsion, that certain organizations would have to provide or pay for abortions that do not now.

This amendment says nothing in this act shall require them.

Mr. President, I do not think there should be any argument about that now as to how does the act read, with the amendment of the Senator from Connecticut.

The question really becomes, therefore, whether all we are trying to do is to put the law back to where it was prior to Grove City. All of us prior to Grove City felt the law meant institutionwide, that it was not meant program specific. That surprised us all, Mr. President: President Nixon, President Ford, President Carter, and my hunch it maybe even surprised President Reagan.

That is all we were trying to do.

Mr. President, I think what the Senator from Missouri is trying to do is to return the law to something more than existed prior to Grove City. He is not quarreling with institution-wide coverage. He supports, as I understand, institution-wide coverage.

The amendment of the Senator from Connecticut will take care of the problem about whether this act compels abortions.

Mr. President, I think what the Senator from Missouri wants to do is to change the interpretation of the law that might possibly follow from the regulations in place long before Grove City. These regulations were promulgated by them Secretary of Health, Education, and Welfare Caspar Weinberger in 1975. They all came out simultaneously; they all in one form or another relate to sexual discrimination; they all have some abortion language in them—termination of pregnancy, as it is called in the regulations.

Many of those regulations have never been tested in the court. That was the state of law prior to Grove City.

If we want to go back and undo the state of law prior to Grove City, that, I think, is what the Senator from Missouri wants. He would make the argument that those old regulations that have now been in place for 12 or 13 years have never been tested and he does not want them tested. He wants right now, by law, to simply cut them off and reverse any possibility that they might be tested in the courts and come out adverse to the position of the Senator from Missouri.

That is a fair argument. I understand that argument. I do not agree with it. I do not want to achieve the same end that he wants to achieve, but I understand his argument.

I think it is fair, however, for everyone to understand in the Senate what it is he wants to do. Whether it is the Senator from Utah, the Senator from Connecticut, the Senator from Massachusetts, or myself, or Senator DANFORTH, we have all argued we do not want to change anything in the law other than reverse Grove City's institutionwide versus narrow interpretation.

We all say that is all we want to do. I would posit that the Senator from Missouri wants to change much more than that, and to the extent that we are trying to narrowly confine this bill to one purpose, one purpose, and that is to reverse Grove City's very narrow definition of "program or activity," I think he has to admit that he wants to go beyond that and prohibit any court interpretations of 13-year-old regulations that might conflict with his position.

That is the issue we should be arguing. We should not be arguing abortion here at all. We should be arguing whether or not we want to in any way expand substantive rights, substantive rights, not the issue of institutionwide versus narrow. We should be arguing whether or not we want to expand, restrict, or in any way change substantive rights under title IX and any regulations that have been issued thereunder.

For the sake of simplicity, for the sake of doing as little as possible other than correcting Grove City, all of us at least on my side have tried to make sure honestly that we were not expanding any rights. Heaven knows, those opposed have tried to make sure that we were not doing anything beyond retaining present rights. There is no question but what the amendment of the Senator from Connecticut makes sure, absolutely makes sure, that there is nothing in the Civil Rights Restoration Act that expands abortion rights. That is clear beyond any doubt. So when we come to vote on the amendment of the Senator from Connecticut, I do not know why anyone in this body would vote no, whether or not they share Senator DANFORTH's position or do not; at least this amendment absolutely guarantees that the Civil Rights Restoration Act does not expand abortion rights.

We can then get to the debate on the amendment of the Senator from Missouri, Senator DANFORTH, as to whether we want to pass a law that will change substantive rights and make the substantive law something different—the substantive law something different—than it was prior to Grove City. That is fair debate. But all of us, including opponents and proponents of this act, including proponents and opponents of the Danforth amendment, have said we do not want to change the substantive law. If the Senator from Missouri wants to, he is so entitled. He has a fair argument on his side. But we should all understand that we are then opening up a crack, the issue of changing the substantive law. Rather than all of us trying to say let us not change the law at all, we are then in a position to say, well, if we are going to change what the law was, not just the institutionwide versus "program or activity," narrow coverage, then we all might have a lot of amendments that we would like to offer to either restrict or expand title IX, to restrict or expand the other three principal civil rights acts in areas where at least in my judgment we have not expanded coverage far enough. But I am willing to put that aside for another time.

So I would hope that by a unanimous vote the amendment of the Senator from Connecticut would pass, and then I would hope that this Senate would say, "There, that takes care of the subject of abortion; there is nothing in this act now that is going to change any abortion rights," and then let us focus on whether or not we want to change the substantive law in any way, substantive law as it existed prior to Grove City; I hope we do not. I strongly support the amendment of the Senator from Connecticut. I hope it passes overwhelmingly and that we subsequently defeat the amendment of the Senator from Missouri.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HATCH. I yield such time as the Senator from Missouri may need.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, the question is one of substantive law. I do not think there is any doubt about that. The question is, Where will the substantive law be going after Congress acts on the Civil Rights Restoration Act? The concern that has been expressed by the Senator from Missouri is that if we pass the Civil Rights Restoration Act without the Danforth amendment, the result will be that we will open the door to court decisions or to administrative regulations which will have effects which I think most of us in Congress would believe to be outrageous. The issue is whether we want to open the possibility, a very real possibility according to legal opinion which I have, that a court decision could hold, for example, that a hospital affiliated with a Catholic university must perform abortions or that, for example, Notre Dame University must cover abortions under its health plan.

That is the substantive law issue. It does not have anything to do with the timing of regulations. It does not have to do with what was done in 1975. The law as of right now is, as I understand it, that medical schools and hospitals are not required to perform abortions if it is contrary to their conscience. They are not now required to do that. The issue is, Could they be required to do that in the future? That is the question before us.

Now, that question is not something that just popped out of the head of the Senator from Missouri. I did not wake up some morning and say, "By golly, we are about ready to pass something called the Civil Rights Restoration Act which could force Notre Dame University to provide for abortion coverage under their health plan or could require Georgetown University Hospital or Baylor University Hospital to perform abortions." That is not something that I dreamed up. That is something that was presented to me by the American Hospital Association, which supports the Danforth amendment, by the Catholic Health Association, which supports the Danforth amendment. So I sought legal opinion. I sought the opinion of counsel.

I called the Dewey, Ballantine law firm, one of the great law firms of this country, and I asked them for a legal opinion. I have copies of that legal opinion. Any Senator, any staff person is welcome to see it. The legal opinion said that, yes, as a matter of fact, the combination of title IX plus regulations that have been promulgated under title IX, plus the Civil Rights Restoration Act could be construed by a court or by an administrative agency to require colleges, universities, hospitals to provide insurance coverage for abortions under their health plans and could be construed by a court or by an administrative agency to require the actual performance of abortions on students, on staff, on faculty members, and even on the general public.

Now, what is the present state of the law? When Congress passed title IX of the education amendments back in 1972, clearly Congress did not pass a law by which we intended to mandate the funding or the performance of abortions by people who did not want to fund or perform abortions. We did not intend that in 1972. I am sure it was not even thought about in 1972 because Roe versus Wade was not decided until a year later.

The glitch comes when title IX is embellished by a regulation of the Department of Health, Education, and Welfare equated sex discrimination with denial of abortion coverage, and further, with the Civil Rights Restoration Act which expands the coverage of title IX to include hospitals, even hospitals that are not related to a university or to a medical school. If they have any kind of education programs such as nurses education, they would be included by this bill and which expands institutionwide the coverage of title IX.

That was the opinion that I sought from the Dewey, Ballantine law firm. They said yes, a court could so decide.

Now we come to the events of today. We are going to have two amendments to vote on. Under the agreement that we have entered into, no matter what happens to the Weicker-Kennedy-Metzenbaum-Packwood amendment, we will have to vote on my amendment which will provide notwithstanding anything else in the bill, and so on that my amendment prevails. So we will have two votes. We had a big hassle which lasted about 7 or 8 hours yesterday on the floor of the Senate as to who goes first. I obviously wanted to go first with my vote. I could not do it. But why was that so important to the other side? It was so important to the other side because they wanted to create an initial vote which was a shell, which created a plausible argument that it was doing something so that people could get political cover by voting for their amendment and then vote against the Danforth amendment. So that Metzenbaum-Kennedy-Weicker-Packwood amendment is a blank. It is a zero. It does not do anything as a matter of law. It appears to do something as a matter of law, but it does not do a thing.

Again, I am not relying on JACK DANFORTH's analysis for saying that it has no legal effect. I again have sought the opinion of counsel.

I am going to read into the RECORD the analysis of the Dewey, Ballantine law firm. Here is what they say in an opinion letter that is written to me dated January 27.

> DEAR SENATOR DANFORTH: This letter follows up on our letter of January 21, 1988, and an accompanying memorandum on the Civil Rights Restoration Act and the Obligation to Fund or Perform Aborations.
>
> You have asked for our opinion on an amendment to the Civil Rights Restoration Act that has been introduced by Senators Kennedy and Metzenbaum as an alternative means of addressing the problem discussed in our earlier memorandum. This amendment reads as follows:

Then Dewey, Ballantine sets forth the text of the pending amendment.

Then the letter goes on:

> Based on our review of this proposed amendment, we conclude that it would not solve the problem identified in our earlier memorandum. The proposed amendment declares that the Civils Rights Restoration Act itself does not require the funding or performance of abortions. It is silent, however, on the possibility—which was the subject of our earlier letter and memorandum—that Title IX and regulations promulgated under its authority could require the funding or performance of abortions.
>
> Moreover, since the Civil Rights Restoration Act would overturn the Supreme Court's decision in the Grove City case and thus extend the reach of Title IX, the danger would remain, despite the proposed amendment, that institutions newly brought under the authority of Title IX would also be required to fund or perform abortions for students, employees and even the general public, as described in our earlier letter and memorandum.

The letter is signed by Dewey, Ballantine, Bushby, Palmer & Wood, by J. Paul McGrath who served this country as Assistant Attorney General.

Here is the opinion of the Justice Department in a letter signed by John R. Bolton, Assistant Attorney General, dated today.

> DEAR SENATOR DANFORTH: This letter will advise you of the views of the Department of Justice concerning an amendment to S. 557 offered by Senators Edward Kennedy and Lowell Weicker concerning abortion.

Then they set forth the text of the amendment which is now pending.

The letter continues:

It is clear that this amendment will do nothing to address the abortion issue raised by S. 557, in light of the enforcement of Title IX under binding agency regulations, as analyzed in our January 25, 1988 bill comment on S. 557.

This amendment merely purports to state that S. 557 itself does not require payment for, or performance of, abortions. The current pro-abortion Title IX regulations are left in place and fully enforceable by this amendment. Moreover, the underlying bill, S. 557, expands the reach of these regulations, with the continuing result that hospitals operating an education program and which receive federal financial assistance will be compelled to perform abortions on demand to the public. Even on its own terms, the language is wholly inadequate: it does not preclude a hospital from being forced to provide the use of its facilities and services to doctors for the performance of abortions.

In order to render Title IX abortion neutral, Title IX itself must be amended. The language you are offering is the most appropriate and effective way to achieve that essential goal.

I ask unanimous consent that copies of the two opinion letters from Dewey, Ballantine and the Justice Department be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEWEY, BALLANTINE, BUSHY,
PALMER & WOOD,
JANUARY 27, 1988.

Hon. JOHN C. DANFORTH,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR DANFORTH: This letter follows up on our letter of January 21, 1988, and an accompanying memorandum on the Civil Rights Restoration Act and the Obligation to Fund or Perform Abortions.

You have asked for our opinion on an amendment to the Civil Rights Restoration Act that has been introduced by Senators Kennedy and Metzenbaum as an alternative means of addressing the problem discussed in our earlier memorandum. This amendment reads as follows:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program or activity receiving federal funds to perform or pay for an abortion."

Based on our review of this proposed amendment, we conclude that it would not solve the problem identified in our earlier memorandum. The proposed amendment declares that the Civil Rights Restoration Act itself does not require the funding or performance of abortions. It is silent, however, on the possibility—which was the subject of our earlier letter and memorandum—that Title IX and regulations promulgated under its authority could require the funding or performance of abortions.

Moreover, since the Civil Rights Restoration Act would overturn the Supreme Court's decision in the Grove City case and thus extend the reach of Title IX, the danger would remain, despite the proposed amendment, that institutions newly brought under the authority of Title IX would also be required to fund or perform abortions for students, employees and even the general public, as described in our earlier letter and memorandum.

Please let us know if there is additional information we can provide or there are other issues you would like us to address.

Sincerely,

J. PAUL MCGRATH.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, January 28, 1988.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: This letter will advise you of the views of the Department of Justice concerning an amendment to S. 557 offered by Senators Edward Kennedy and Lowell Weicker concerning abortion.

We understand this amendment reads as follows:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving federal funds to perform or pay for an abortion:"

It is clear that this amendment will do nothing to address the abortion issue raised by S. 557, in light of the enforcement of Title IX under binding agency regulations, as analyzed in our January 25, 1988 bill comment on S. 557.

This amendment merely purports to state that S. 557 itself does not require payment for, or performance of, abortions. The current pro-abortion Title IX regulations are left in place and fully enforceable by this amendment. Moreover, the underlying bill, S. 557, expands the reach of these regulations, with the continuing result that hospitals operating an education program and which receive federal financial assistance will be compelled to perform abortions on demand to the public. Even on its own terms, the language is wholly inadequate: it does not preclude a hospital from being forced to provide the use of its facilities and services to doctors for the performance of abortions.

In order to render Title IX abortion neutral, Title XI itself must be amended. The language you are offering is the most appropriate and effective way to achieve that essential goal.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

Mr. DANFORTH. Mr. President, again, the question before us is not the timing of when a result is brought to pass but rather what result could occur in a court decision in the future. I would suggest that the Weicker-Packwood-Metzenbaum-Kennedy amendment is not in fact abortion neutral, that the effect of our enacting the Civil Rights Restoration Act without the Danforth amendment would be that the Congress of the United States would reaffirm title IX and the regulations thereunder which equate the refusal to provide abortions with sex discrimination, and that further enactment of this legislation, even with this Kennedy-Metzenbaum-Weicker-Packwood amendment, would extend title IX coverage to institution-wide coverage and to hospitals that have any kind of educational component, whether or not affiliated with a university.

I think that the Civil Rights Restoration Act would not preserve the status quo on the question of abortions in these institutions but instead would invite prospective court cases which I predict will occur throughout this country should this act be passed without the Danforth amendment.

So, again, Mr. President, I cannot emphasize too much that the real issue before us has to do with whether or not we in the U.S. Senate really want to require Notre Dame University to provide abortion coverage under its health plan, Georgetown University to provide abortions at its hospitals. That is the real question before us. That is the possibility that has been pointed out by Dewey, Ballantine, by the Justice Department, by the American Hospital Association, by the Catholic Health Association, not just by JACK DANFORTH. I think it is a very, very serious matter. I think it is a very serious matter.

Mr. WEICKER. Mr. President, first, as was eloquently pointed out by the distinguished Senator from Oregon [Mr. PACKWOOD], and to bring the argument back to the amendment before us, we are not debating the Danforth amendment now. We are debating the Civil Rights Restoration Act. We are debating the Weicker-Packwood-Kennedy-Metzenbaum amendment.

I ask the distinguished Senator from Missouri whether he feels that the amendment before us in any way diminishes the substance of his amendment or, in effect, does anything other than strengthen his contention so far as the law is concerned. In other words, would it not be possible to go ahead and adopt both this amendment and his amendment, if that was the will of the Senate?

Mr. DANFORTH. Mr. President, responding to that question, I view the Weicker-Metzenbaum-Kennedy-Packwood amendment as being very similar to a motion to instruct the Sergeant at Arms. It is a legal blank. It has no legal consequence. It does not address the issue that has been raised by my amendment, and that is the opinion of the Justice Department and that is the opinion of the Dewey, Ballantine law firm.

I think the purpose of offering this Weicker-Metzenbaum amendment at this time is not to have a legal consequence but an attempt to provide political cover to Senators who want to vote for something and for some reason do not want to vote for my amendment. It has no legal consequence. It is designed as a fig leaf. I suggest that it is a very small fig leaf, a transparent fig leaf, and it does not provide any cover at all for Senators who are seeking cover.

Mr. WEICKER. So, therefore, to paraphrase the consequence enunciated by the distinguished Senator from Missouri, there is no reason why anybody should not vote for the amendment, because it has no consequence.

Mr. DANFORTH. I suggest that the reason for voting against it is to simply state by your vote that this is a hoax, it is a sham, it is a nothing, and that a Senator is not going to address a very significant issue of whether institutions that have moral concerns about abortions should be forced to perform abortions; that we are not going to address that very serious concern by voting on an amendment that has no consequence at all.

Mr. WEICKER. To address the last point of the distinguished Senator from Missouri first, let me make two points.

Title IX applies only to students and employees. It is incorrect that the reach of title IX could ever reach the general public. So the Senator's contention that title IX can force hospitals to perform abortions for the general public is false.

Second, hospitals which have a federally assisted education program do come under the reach of title IX; and to the extent that they are religiously controlled, they can receive an exemption.

So let us do away with the fact that anybody is going to be forced to perform abortions on the public. That is not the case.

Let me address, if I can, several of the matters that have been raised in the very articulate presentation by the distinguished Senator from Missouri.

I appreciate getting letters from the Department of Justice, except that I think one has to consider, in terms of the substance of those letters, the source.

First, this Justice Department, has been opposed to the Civil Rights Restoration Act since the matter was first raised. They are against the act, period. This is the Justice Department that commended the court when Grove City was handed down.

So, clearly, this administration, this Justice Department, is going to do everything it can to impede the progress of the Civil Rights Restoration Act or, indeed, if it does progress, to so shape it to the inclinations of this Justice Department and this administration.

Would that this Justice Department had strong feelings on behalf of the retarded and the protection of their rights, and of women and their rights, and of blacks and their rights, and of the elderly and their rights. Enforcement has been notably lacking by this Justice Department in all these areas; and when they come up on the subject of abortion, this is, I suppose, one of the principal comments we have heard from the Justice Department relative to Grove City or the Civil Rights Restoration Act. So, consider the source.

I should like a copy of the letter from the Justice Department.

The point being made here is that the Justice Department says in their letter, and I want to now use their letter:

> It is clear that this amendment will do nothing to address the abortion issue raised by S. 557, in light of the enforcement of Title IX under binding agency regulations, as analyzed in our January 25, 1988 bill comment on S. 557.

Has it occurred to anybody that here is the administration that controls the regulations in their Departments of Education and Health and Human Services? This is the Justice Department commenting on regulations. Regulations are written by the executive branch of Government. If they want the regulations changed, they can change the regulations. This, more than anything else, I think unmasks what is going on out there.

This is just another in the long series of abortion amendments tacked onto every bill that comes down the pike. If it is regulations that bother the administration, and obviously the administration is bothered, as evidenced by this letter from the Justice Department, it can change the regulations. It does not need the Danforth amendment.

Again, consider the source: A Justice Department which has done everything under the Sun not to enforce the civil rights legislation that is on the books and which cheered Grove City and has consistently been opposed to the Civil Rights Restoration Act. So I am delighted that this is going to be passed among my colleagues. But, No. 1, consider the source; and, No. 2, the source says that it is the regulations that are going to be affected, regulations which in themselves can be changed by the executive agencies of this administration. Do you think it can change regulations?

Do any of my colleagues have in the recesses of their memory a recent change of regulations by the administration in this general area?

Does my friend from Missouri have any reaction that this same administration which cannot change title IX regulations has changed title X regulations when it comes to family planning? That is exactly what they have done: change the regulations.

So this really is not an issue, is it? Here is the hoax. Here is the smokescreen. In dragging the regulatory argument out here as if remedy were not available to those who complain, they could change those regulations, as indeed they have changed title X.

The third point is the legal memorandum from Dewey, Ballantine. I certainly hope that not a great amount of money was expended on that opinion, because all Dewey, Ballantine said is that courts could do this. As pointed out by the distinguished Senator from Oregon, they could do this, they could do that. Courts can do anything.

I have not been practicing law since I have been in the U.S. Senate, but as I said, I could issue an opinion like that myself when I was in my general practice days as a young man in Greenwich, CT. Obviously, courts can do anything.

There is nothing very definitive about this great memorandum except courts could do this or could do that.

If indeed the concern of the U.S. Senate is the law that we are about to pass here on the floor of the U.S. Senate, if that is the concern, and that the law reflects title IX before Grove City, then most assuredly this Packwood-Kennedy-Metzenbaum-Weicker amendment gives the assurance the law will not be changed.

I am not in the position here on the floor of the U.S. Senate nor are any of my colleagues, to say what the various executive agencies can or cannot do by virtue of regulation.

Why is it, as I say, that they can go ahead and change title X by regulation, but we cannot do anything with title IX? Of course they can.

But the larger purpose very frankly is another abortion amendment to chip away at Roe versus Wade. That is what this is.

The law, I repeat, as it now is situated does not force religiously controlled hospitals to perform abortions. It does not. And that contention is entirely false both as to how title IX is applicable, because it is applicable to students and employees only and does not apply to the general public. Exemptions can be granted to those religiously controlled institutions, and we have just been through that argument.

If this body wishes, they can pass these two different amendments and they will achieve two different results.

The Weicker amendment, if passed, will guarantee no change in the law vis-a-vis abortion.

The Danforth amendment, if passed, will radically change the law by repealing the executive branch's regulations. So those who have been arguing for no change are the perpetrators of change. And maybe that is what the body wants. I do not.

I disagree with the Danforth amendment.

I have given my word that we should pass something that brings us back to the status quo.

But a vote for the Weicker amendment has a consequence. It clarifies the law and subsequent memorandums from Dewey, Ballantine, Palmer, Bushby & Wood, a fine law firm, to the contrary notwithstanding. All that they say in their second memorandum is that this amendment which reinforces the law will not change executive regulations. Big deal. They did not have to write a memorandum to tell me that.

Their other great conclusion in the first memorandum is that it could be interpreted by court to say such and such. Very frankly, if I hire a law firm I would like a little more precise, definitive answer than that.

But in any event, I would hope the body would adopt this amendment. If you want to have it both ways, you can have it both ways. I do not advocate that is what we ought to do because one proposes a radical change from the present regulatory stance, which can be accomplished by an administration that somehow has failed to do that.

But if you really want to put it on ice then go ahead and pass this amendment, and you can also go ahead and pass the Danforth amendment which I will oppose for some of the reasons I have described here. I also recognize the fact that has been validly raised by the distinguished Senator from Missouri that there might be those who vote for this amendment would not want to vote for his amendment, but nobody is asking for any cover. Nobody is asking for any cover.

What we want is a Civil Rights Restoration Act passed, with the rights of women, the elderly, the retarded, and minorities to be fully protected by the force of the Federal Government, and a cessation of subsidized discrimination in this Nation. That is the issue before us.

And as I said on the Rupert Murdock amendment and all others that have come along here, these people have been waiting in line and I think these abortion amendments are getting a little tiresome. Regardless of the vestments in which they are paraded on the floor of the U.S. Senate, they come down to the basic bottom line: Let us do something to legislatively change the decision in Roe versus Wade. That is what it all comes down to.

There is no basis in the present law to justify the Danforth amendment.

As I said in my opening statement, there is nothing in the present law to justify a Weicker amendment. It is already the law.

But to allay fears, the amendment is presented to this body. And I hope it would be adopted.

I hope this amendment, as every other extraneous piece of legislation that is going to be heaped on this bill, will be rejected. All we should do is to reaffirm what we meant in the first place, that the civil rights laws of this Nation are to be enforced with all the power at our command and that means if you discriminate you do not get taxpayer money, period.

I am sorry that we continue to be diverted from what this bill is about, to once again get into arguments on abortion. I have been told, I might add, that we have school prayer waiting in the wings, and probably AIDS amendments, et cetera.

I thought that maybe for once something that was magnificent in its ideals, such as the underlying legislation, would have its day before the U.S. Senate and not be sullied by the extraneous.

I yield the floor.

The **PRESIDING OFFICER.** Who yields time?

The Senator from Florida.

Mr. GRAHAM. Mr. President, will the Senator from Connecticut yield for a question?

Mr. WEICKER. Of course I will yield for a question.

Mr. GRAHAM. I want to be clear as to what the effect of this amendment as well as the amendment that is being offered by the Senator from Missouri would have on the regulations that were adopted in 1975 or others that might be proposed at a future date.

Recognizing the basic legal principle that a regulation must be consistent with and based upon statutory authority, what effect, in the Senator's opinion, would the adoption of the amendment he has proposed have on the statutory authority which is the basis upon which the 1975 regulations are predicated?

Mr. WEICKER. I think my answer to you is it would have really no affect at all because we interpret the law as being very clear on that point as the law is now written. This is in response to the request of those who feel the law is not clear. So we have restated in this amendment what the law already is.

Mr. GRAHAM. So it is your position that the law as it existed prior to 1975 provided a sufficient statutory basis for the regulations that were adopted and that the effect of adopting your amendment would not alter that statutory basis for the 1975 regulations?

Mr. WEICKER. It would not alter the statutory basis and it would not alter the regulations. And the Danforth amendment would or could, as interpreted by Dewey, Ballantine, Bushby, Palmer & Wood, alter the regulations.

Mr. GRAHAM. Could you give me your basis of that distinction between the Weicker amendment and the Danforth amendment to determine the effect on the statutory basis for the 1975 regulations? Why would your amendment not affect the statutory basis and the Senator from Missouri's would have that effect?

Mr. WEICKER. Well, I will let the Senator from Missouri explain how he is reaching into the regulations. I think that is really for him to explain because it is his amendment.

Again, all I have done is to restate the law in this amendment. It is simple. I have to repeat to the distinguished Senator from Florida that my amendment is superfluous to the law as presently written, but it is presented to this body since there are those that have said the Civil Rights Restoration Act gives additional abortion discretion that did not exist in the law before. So in order to reemphasize that that is exactly what we are not doing, we present this amendment, and we say so again in the year 1988. It does no more than that.

Mr. GRAHAM. The concern I have is that when a court does come to the interpretation of the 1975 regulations, one of the questions is going to be: Is there statutory authority to adopt a regulation which purports to say that an institution which receives Federal funds must provide in advance its comprehensive health insurance program for payment of termination of pregnancy? Then, looking at the language which you are now offering, it would appear that a reading of this language would be that that statutory authority of such regulations has been eliminated. Your answer indicates that you do not think that that statutory authority upon which the regulation would be premised is eliminated by the adoption of your amendment.

Mr. WEICKER. No, because I am not in any way addressing the regulations.

Mr. GRAHAM. I know you are not addressing the regulations directly, but I am talking about the foundation upon which the regulations have to be based, which is statutory authority. You cannot have a regulation unless there is a statutory basis.

Mr. WEICKER. It is a reaffirmation of that statutory authority. No more. I think maybe what is in the back of the mind of the distinguished Senator from Florida—correct me if I am wrong, because I do not mean to go ahead and put words in your mouth—is, does enactment of this amendment retroactively approve of the regulations that were enacted back then? If that is the question, I do not think it accomplishes that either. I still think it is open to court interpretation. I do not think anything we do here in any way changes the law as it was or the regulatory interpretation of that law. The next amendment clearly does. There is no question about that.

We have merely tried to respond to those that have a doubt that we are expanding abortion rights under this legislation, and we tried to assure them by restating that such is not the case. I would yield to my distinguished colleague from Oregon to see whether or not he concurs or has additional remarks.

Mr. DANFORTH. Mr. President, who has the floor?

Mr. WEICKER. I have the floor.

Mr. DANFORTH. Who has the floor?

The **PRESIDING OFFICER.** The Senator from Connecticut has the floor.

Mr. **WEICKER.** I will be glad to yield, incidentally.

Mr. **DANFORTH.** I was just going to address the question.

Mr. **WEICKER.** I will yield for that purpose after I yield to the Senator from Oregon.

Mr. **PACKWOOD.** I am going to try to address the question because I am not quite sure what you are driving at. Let me ask the Senator from Florida: You are familiar with the argument that both sides seem to make on this that what we want to do is simply go back to the status quo prior to Grove City.

Mr. **GRAHAM.** I might say, I am not interested or persuaded by that issue. I am interested in finding out the answer to this question: Someone must have assumed in 1975 that there was a statutory basis upon which the regulations were adopted.

Mr. **PACKWOOD.** I think, then, I can answer the question.

Mr. **GRAHAM.** My question is: Assuming that was a correct position and that, if challenged in 1975, the regulations would have been sustained, what effect would this amendment have on that statutory basis for the 1975 regulations and what effect would the amendment offered by the Senator from Missouri have on that statutory basis?

Mr. **PACKWOOD.** The amendment of the Senator from Connecticut would have no effect, because it says nothing in this act, the Civil Rights Act, shall in any way deny, prohibit, compel abortions. It does not attempt to reinterpret title IX in 1972. It does not attempt to reinterpret the regulations of how a court might pass on those regulations. It simply says, nothing in this act shall in any way give any preference to a court decision for or against abortion.

But I think I can answer it this way: I understand what you are saying. I do not know what side you want to come out on, but I think I can explain why we are in the situation we are in.

Let us take the sequence: 1972, the education amendments are passed, including title IX; 1973 is Roe versus Wade is decided; 1975, the regulations are issued by then-Secretary of Health, Education, and Welfare Caspar Weinberger, based upon the 1972 act. And there is a variety of regulations in it. There was relatively little court action involving the subject of abortion under those regulations, relatively little.

But there was no question—now, I will move off this subject for a moment—there was no question but what Congress and the courts, up until the Supreme Court in Grove City, assumed that whatever these regulations related to were institutionwide. And the words "program or activity" appear in the four key civil rights acts that are in the law. And I would just go through a variety of decisions, and where I say State, it is the district court, and where I say circuit, it is the circuit court. California; the District of Columbia, Fifth Circuit; South Carolina; 10th Circuit; 5th Circuit, again; 5th Circuit, again; Illinois; Pennsylvania; 3d Circuit; New York; New Jersey; New Hampshire; we had cases coming from all over the country, all of which interpreted the term "program or activity" to be institutionwide. No one in this Congress thought it meant anything different. We were all thunderstruck when the Supreme Court came out and said Grove City means program specific. And not only was that not even a contest in Congress when we debated this issue 3 years ago, the issue of going back to institutionwide coverage was not even an issue.

This act died 2½ years ago, excuse me, but it did not die over that issue. What you have from 1972 on, actually from 1964 onward, with the Civil Rights Act, was an assumption that coverage was institutionwide.

In title IX, it says you cannot discriminate in education on the basis of sex and you cannot discriminate institutionwide. In 1975, come the regulations that are a point of contest, and they set out certain things, including termination of pregnancy under title IX, we presume institutionwide. If Congress ever presumed institutionwide and if we had meant program specific, we would have changed the law long ago based on all these court decisions.

Now we come to the Civil Rights Act and here is what the Senator from Missouri wants to change. He does not quarrel with institutionwide coverage. We are not making any change that might not have happened absent Grove City, because I want to emphasize again—I think the Senator from Missouri agrees and I see the Senator from New Mexico nodding—we presumed institutionwide. Whatever problems he might have had with abortion existed before the Grove City case. They exist after the Grove City case. And he wants to change the statutory basis, the 1972 statutory basis, to make sure the 1975 regulations cannot be used to achieve an end involving abortion that he does not like.

Now, I think I make the argument fairly for what he wants to do. For the bulk of the rest of us, we thought this exercise was to simply put the law back to where we thought it was. He could be offering this amendment, and I think would be offering this amendment, whether or not there was a Civil Rights Restoration Act on the floor or whether or not the Grove City case had ever been decided. And he wants to change title IX and the authority that the regulations now might give some court—might give, because it has not been interpreted—to reach a conclusion that he does not want.

I am ready to yield the floor unless the Senator from Florida has another question.

The **PRESIDING OFFICER.** Who yields time?

Mr. **HATCH.** I would be delighted to yield response time.

The **PRESIDING OFFICER.** The Senator from Missouri.

Mr. **DURENBERGER.** Mr. President, I think the Senator from Florida has focused precisely on what the question is. The question is whether the law is written in such a way as to allow administrative agencies or the courts to decide that it mandates either the funding or the performance of abortions. Now, that really is the underlying question. It does not have to do with what happened in 1972 or 1973 or 1975. The question is: Do you believe that the refusal to fund or provide abortions constitutes sex discrimination triggering title IX on an institutionwide basis and including hospitals? Now, that really is the substantive issue before us.

If you will look at the committee report on your desk on page 2, under "Purpose" the last paragraph, "The purpose of the Civil Rights Restoration Act of 1987 is to reaffirm the pre-Grove City College judicial and executive branch interpretations and enforcement practices." To reaffirm the regulations. Without the Danforth amendment, we are voting to reaffirm the regulations pre-Grove City. Those regulations equated the refusal to fund or provide abortions with sex discrimination.

The belief of the Dewey, Ballantine law firm and the Justice Department and the American Hospital Association is that if we pass this law reaffirming those regulations, the effect of it would be to broaden the instances in which a lawsuit could successfully be filed against an institution to mandate it to fund or to perform abortions. That is the question.

Do you want to open up the possibility that a court or an administrative agency can do that? Or, instead, do we in the Congress want to say no court and no administrative agency is going to be able to read the law in a way to force people to either fund or perform abortions when they do not want to do it. It does not have anything to with Roe versus Wade. Roe versus Wade is the question of a woman's rights to an abortion. There is a difference of opinion on Roe versus Wade. This has nothing to do with Roe versus Wade. It is not an attempt to chip away at Roe versus Wade.

The difference is, on one hand the woman's right to an abortion; on the other hand, whether title IX can be used as a way to force institutions to either fund or to provide them.

The **PRESIDING OFFICER.** The Senator from Utah.

Mr. HATCH. Mr. President, it is critical that my colleagues recognize that the Weicker-Kennedy-Metzenbaum-Packwood amendment is nothing but an empty shell. This particular amendment states only that the act, S. 557, shall not be interpreted to require individuals or institutions to perform or pay for abortions. But, as the distinguished Senator from Missouri has so cogently stated, it is the existing regulations under title IX that must be addressed. S. 557 does, in fact, broaden the coverage of title IX and, consequently, S. 557 expands the coverage of the abortion regulations.

You cannot read the bill without recognizing it expands the law as it existed 1 day before Grove City. But it is the application of the regulations under title IX that must be changed and only the Danforth amendment brings about that change. That is a fact.

Mr. WEICKER. Would the distinguished Senator yield for just one question?

Mr. HATCH. I would be delighted.

Mr. WEICKER. The distinguished Senator from Utah—I thank him for yielding for a question—sees only the Danforth amendment.

Mr. HATCH. That is right.

Mr. WEICKER. Does the distinguished Senator from Utah agree that the regulations could be changed by the executive agency itself?

Mr. HATCH. The answer to that is the agency might change them, but there will be instant litigation to reenforce them, and we do not know what would happen.

But also, the second answer to that is, not only may the agency change them, but a subsequent administration may harden them or make them more difficult.

So the fact that we have regulations in existence does not necessarily stop them from being changed one way or the other, and it does not change the litigation that would ensure that would reenforce them.

I call to the attention of the distinguished Senator from Connecticut, my friend, his comments made before the committee, which I thought were unique.

Let me do that in just a second, but let me just say this: Danforth solves this problem. It is an abortion-neutral amendment. It seems to me that it is a fair amendment. It does not impose Roe versus Wade on anybody nor does it stop Roe versus Wade from having its full force and effect. In short, if the Weicker-Kennedy-Packwood-Metzenbaum amendment passes, then colleges, hospitals, State government agencies and others would be forced to pay for or perform abortions. Only the Danforth amendment corrects this gross inconsistency under Federal law, whereby the Federal Government refuses to fund abortions.

Under the Hyde amendment, the Federal Government refuses to fund abortions, but under this bill as it is written now, colleges, hospitals, and others will be forced to fund or perform abortions. This is an important thing.

Let me just say in that regard, when we debated this matter before the committee, the distinguished Senator from Connecticut, my friend and a person for whom I have a great deal of respect, he said this. Just for the Record I will state:

> If you take Federal funds, you cannot deny a person an abortion. The reason why you cannot deny a person an abortion is it is legal in the United States of America. The reason why it is legal is we do not run the Nation by virtue of our individual consciences. We run by virtue of the constitutional system. That is the answer, pure and simple. And it is not going to change.
>
> The fact is——

This is the distinguished Senator from Connecticut——

> The fact is that the law of the United States of America says that abortion in certain circumstances is legal. Period. That is it . . . that is exactly what the law states . . . I just repeat, so that it is relatively simple, that if someone wants to take Federal funds that you cannot deny the rights of a person under the law. That is it. This in no way impinges upon your individual conscience * * * as I said before * * *.

Senator Humphrey then said: "Will the Senator yield for a question?" Does the Senator wish to require Catholic University to perform abortions?"

It probably would have been better for him to have used Notre Dame University, so let us substitute Notre Dame.

Senator Weicker said: "No, I certainly do not want Catholic University"—or in this case Notre Dame University—"to be required to perform them. The fact is that if Catholic University wants to take Federal funds, they cannot deny—they are not forced to perform them, but they cannot deny an abortion if it is requested."

Once my amendment went down, the preceding amendment went down to defeat—we only had 39 votes, although that is a significant vote——

Mr. WEICKER. Would the Senator yield? Catholic University has an exemption.

Mr. HATCH. That is the point I was going to make personally. Let me just make that point. The reason my amendment was so important before is because under the law as written in this Grove City bill that may pass the floor today, I do not know—under that law, any institution controlled by a religious organization is exempt if its tenets conflict with title IX.

There are only two who make that a requisite in the whole country today out of thousands of schools and hundreds of religious schools. They are Brigham Young University and Catholic University, because they are the only ones completely controlled by religious institutions. All the others are now going to be subject to title IX regulations superseding their own religious tenets—it is just that simple—with the defeat of the Hatch amendment the last time.

I do not think people realize that. This bill is so broadly drafted that, frankly, bureaucrats, with their hostility to religious beliefs, will be trampling all over religious beliefs in these schools.

I think the distinguished Senator from Connecticut would have answered the same way had it been Notre Dame.

Is that correct?

Mr. WEICKER. To respond to the distinguished Senator from Utah, and, again, I can only respond as I did before, exemptions can be granted and they are granted.

Mr. HATCH. Not pursuant to this bill without my amendment.

Mr. WEICKER. And they are granted. And they have been granted to all religiously controlled institutions as far as the public is concerned. So, again, I think you have stated your point articulately and I hope I have mine. But I again have to repeat underlying all of this, yes, to say that Roe versus Wade is not involved is to say that a portion of the law of the land does not have any bearing on what happened after title IX was enacted. I think it certainly does. And that is the law of the land, regardless of how some would like to have it changed.

In terms of, No. 1, the application of title IX is specific to students and employees, and not the public. What those nonreligiously controlled institutions are trying to do is get around this business by having a lay board of trustees and they do not come under the law. These are matters which, quite frankly, really we are not getting into insofar as trying to reestablish what the law was.

I appreciate the speculations of the distinguished Senator from Utah. All I am trying to do is to make sure that what the law was prior to the Grove City case will be the law again with that one point on the definition of program activity being cleared up.

Mr. HATCH. Frankly, that cannot be the case the way this bill is written.

Let me say this, and I will substitute Notre Dame University for Catholic University because Catholic University would be exempt. They do have an exemption, as does Brigham Young University, the only two schools in the country that will have the exemption if this bill passes both Houses of Congress and is signed into law, which I doubt will happen. So we are going through an exercise here.

Mr. HUMPHREY stated, "Will the Senator yield for a question? Is the Senator willing to substitute Notre Dame to perform the abortion? They will be subject to this law when it passes."

Mr. WEICKER said, "No, I certainly do not want Notre Dame University required to perform them. The fact is that if Notre Dame wants to take Federal funds they cannot deny." He goes on to say, "They cannot be forced to perform them. They cannot deny the abortion if it is requested."

I said, "It is a lot more than that. Under those title IX abortion regulations they have to provide it regardless of their religious beliefs. If those regulations stay in force and effect, and there is no way it seems to me they do not, and this bill passes in its present form, then Catholic institutions that are not owned and controlled by that church but nevertheless affiliated with the church are going to have to provide abortions as a matter of fact to their students. That is, I think, an abomination and I think it flies in the face of religious freedom."

Mr. HARKIN said, "Will the Senator yield? I take it if they don't take Federal money then they don't have to."

I said, "Senator, there is hardly any entity of any size in this world today that does not take Federal money either directly or indirectly. There is hardly a school in this country today that does not indirectly or directly take Federal funds."

Mr. WEICKER said, "That comment, of course, is the essence of the entire argument of this legislation. If you are going to discriminate, you do so with your own money and on your own hook. You do not do so with Federal funds. That underlies everything we are doing here today."

I take it that Roe versus Wade is the law of the land, a constitutional law of the land, and, therefore, it has to be imposed on these schools whether they like it or not, and, frankly, will be imposed whether they have any regulation or not.

Mr. WEICKER. Will the Senator yield?

Mr. HATCH. Let me finish my statement. I would like not to be interrupted and I would like to be able—if you will do it on your own time, I will be happy to yield.

Mr. WEICKER. Sure. I would just comment to assuage the very misgivings the distinguished Senator from Utah has, and they are obviously based on fact, from my own lips, to assuage those doubts being exactly the purpose of this amendment that is before us now.

Now, granted, other misgivings that he has relative to the regulatory agency are addressed by the distinguished Senator from Missouri in his amendment. But what I am saying, and the Senator will certainly agree, is that this amendment is very clear. The very point raised in committee cannot happen, cannot happen, by virtue of this amendment, at least as far as the law is concerned.

It can still happen under regulations, which is the reason why the Senator from Missouri has his amendment.

Mr. HATCH. Your point is Roe versus Wade is the constitutional law of the land and supersedes regulations. Is that your position?

Mr. WEICKER. It certainly is. Roe versus Wade is the law of the land.

Mr. HATCH. Then even this law, which is a statutory law, even your amendment, that does away with your amendment because the precedent that Roe versus Wade would take being the constitutional law of the land would overrule your own amendment.

Mr. WEICKER. Is the Senator amending Roe versus Wade?

Mr. HATCH. This amendment is abortion neutral and ends the issue, if the Senator is wrong that Roe versus Wade would take precedence. If Roe versus Wade does, then both of these amendments would be unconstitutional.

I do not agree with that.

Be that as it may, the Senator may be right.

S. 557 raises serious questions as to the requirements of public and private institutions with regard to the provisions of abortion services. Let me say at the outset that there has been a great deal of confusion regarding the relevance and importance of an abortion neutral amendment to S. 557 which Senator DANFORTH has brought to the floor.

To begin, it is appropriate to discuss the abortion neutral amendment that has been offered by Senator DANFORTH. The amendment reads as follows:

> Nothing in this Title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

It is hard to believe anybody would vote against that amendment if, in fact, we are trying to go back to pre-Grove City.

The language of the amendment is clear. It would not prohibit any public or private institution from providing abortion services; such institutions would have the option to provide abortion services if they deem such services appropriate and desirable. However, these institutions would not be required to provide abortion services when the provision is against the conscience of the institution. I think that is a fair position.

What we must recognize is that this is not a question of whether one should be able to have an abortion—the Danforth amendment in no way prohibits institutions from providing abortions if they so choose. Rather, the question is whether the Federal Government has the right to force these institutions to pay for or perform abortion services even if to do so is against religious belief or conscience. That is the issue here.

Frankly, there is a glaring irony in the effect of this bill. On the one hand Congress has consistently prohibited the use of Federal funds for the performance of abortions under the Hyde amendment and yet under this bill, institutions that receive Federal assistance would be required to pay for or provide abortions.

Specifically, the regulations at issue, 34 CFR 106.41 and 106.57 require that:

> A recipient shall treat . . . termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational programs or activity.

That is pretty stark stuff.

It is important to note the S. 557 and its accompanying legislative history render these regulations even more egregious than they were before the bill was proposed. First, the proponents have interpreted these regulations as meaning that failure to perform or provide for abortion services is a form of sex discrimination. While this assumption has been argued on the State level in connection with litigation involving State equal rights amendments, this is the first time that abortion has been linked to sex discrimination with regard to these regulations or in connection with Federal legislation, generally.

Second, S. 557 expands the scope of title IX and thereby expands the scope of the existing regulations and the opportunity for future action consistent with the misinterpretation that failure to perform or provide abortion services is a form of sex discrimination. For example, the proponents of the bill have acknowledged that the bill would extend title IX coverage to any off-campus hospital which has any teaching program, such as medical students, nursing students or residents.

In short, under S. 557, any university with students receiving federally subsidized grants or loans will be required to apply the abortion regulations in all of its operations. If a university has a teaching hospital and its students or employees receive medical care at the hospital, it would be required to provide abortion services on the same basis as any other medical service. Even a nonuniversity hospital receiving Federal assistance could be required to provide for abortions if it conducts any education programs. Under this bill, that is how far it has been expanded. It is not taking us back simply to pre-Grove City.

In fact, in hearings before the Senate Labor and Human Resources Committee, James J. Wilson, city counselor of the city of St. Louis, MO, tested that S. 557 would not only overturn a Missouri State law that treats abortions differently from other medical procedures but also would invalidate the contractual relationship between the city of St. Louis and Regional Hospital which specifically prohibits abortions being performed by Regional with respect to any patients of the city.

The Missouri State Statue, 376.805 R.S.Mo. 1986, provides in pertinent part, "No health insurance contracts, plans or policies * * * shall provide coverage for elective abortions except by an optional rider for which there must be paid an additional premium." The proponents of S. 557 such as the American Civil Liberties Union [ACLU] and Planned Parenthood have publicly conceded that under the bill, the mandatory abortion regulations would cover all educational activities of any teaching hospital. In other words, they concede that hospitals would be required to provide coverage of abortions in the health benefit plans which they offer to the teaching staff and others connected with the teaching program.

Thus, the bill conflicts with Missouri State law prohibiting coverage for elective abortions in group health plans. Moreover, hospitals, such as Regional that have a staffing or teaching relationship with a nearby medical school would be required to provide abortion services, thereby invalidating contractual arrangements such as that between St. Louis and Regional Hospital. There is tremendous controversy in this country surrounding the issue of abortion and those who oppose abortion hold a sincere respect for the right of life of unborn children. To call a failure to perform or provide abortion services sex discrimination is heinous.

Students in colleges covered by title IX have already been compelled to support abortions for other students through mandatory student fees. In the case of *Erzinger* v. *Regents of the University of California*, the Superior Court for San Diego County relied in part on title IX for its decision rejecting the student's claim that the university could not compel them to support the abortions of other students through mandatory student fees. As the court stated:

> The exclusion of medical care in connection with termination of pregnancies might very well and probably would violate Federal law, Title IX of the 1972 Higher Education Amendments * * * (Erzinger v. Regents of the University of California, No. 458599, Superior Court San Diego, Franklin B. Orfield, J., presiding, at pp. 63-64.)

Moreover, there is strong reason to believe that the mandatory abortion coverage resulting from enactment of S. 557 will go beyond coverage of students and employees. As drafted, S. 557 decimates a significant existing limitation on the scope of the title IX abortion regulations—that is, section 901 which provides that the statute applies only to "educational" activities is altered by S. 577, section 901 would exclude noneducational operations of otherwise covered hospitals from regulation. S. 557, effectively abolishes that limitation by providing that "all of the operations" of an entity engaged in the health care business will be covered in their entirety. This indicates that if a hospital is covered at all under title IX, S. 557 will assure that even its treatment of patients from the general public will be subject to the abortion regulations. As drafted, "all of the operations of" listed entities, would include health care institutions whenever a health care institution receives any Federal aid. Certainly, it would run counter to the entire thrust of the bill to limit the application of title IX, and the abortion regulations, to only a hospital's "educational activities." No one contends that the act's other requirements will be limited to students or employees.

In fact, the coverage of this issue has still further ramifications. If a health care institution receiving Federal financial assistance is part of a larger chain, all other institutions in that chain are covered even if none of the other institutions receive Federal assistance. Clearly, S. 557 expands abortion requirements dramatically.

The proponents have suggested that Congress or the administration need merely rescind the regulations in order to correct the concerns raised by this issue. Mr. President, that is an insufficient solution to a serious problem. These regulations were promulgated in 1974 and therefore, have been on the books for the last 14 years. Any rescission would be met immediately with litigation in an attempt to reinstate the regulations. The abortion regulations represent one agency's view of what is required by title IX.

Administrative revocation of those regulations would not bar a court from deciding that the interpretation of the law reflected in the regulations was valid nonetheless and required by the statute. Absent congressional amendment in the form of the Danforth abortion neutral amendment, future administrations could easily reinstate the egregious regulations. Departmental regulations do not provide binding interpretations of Federal law. Judicial interpretations of Federal statutes do. In any event, S. 557 effectively codifies the title IX abortion regulations, which would place them beyond mere administrative revocation. In short, congressional action is required at this time to correct the proabortion effects of S. 557.

It may be useful to point out the views of the proponents of S. 557 on this issue. During the Senate Labor and Human Resources Committee markup of S. 557, on May 20, 1987, Senator WEICKER stated:

> Just for the record, I'll state, if you take Federal funds, you can't deny a person an abortion. The reason why you can't deny a person an abortion is, it's legal in the United States of America. The reason why it's legal is we don't run the nation by virtue of our individual consciences, we run by virtue of a constitutional system. That's the answer pure and simple, and it isn't going to change * * *. It's relatively simple. If someone wants to take Federal funds, then they can't deny the rights of an American under the law. That's it. This in no way impinges on your individual conscience, as I said before * * *. No, I certainly do not want Catholic University required to perform them. The fact is, if Catholic University wants to take Federal funds * * * they can't deny—they're not forced to perform them—they can't deny an abortion if its requested.

Mr. President it is outrageous and inconsistent to disallow the use of Federal funds for abortions on the one hand and to require those receiving Federal funds to pay for or provide abortions on the other hand. It is essential that we accept the Danforth abortion-neutral amendment and correct this glaring problem posed by S. 557.

Let me just add one other sentence. There are those who think that they will be supporting a prolife position by supporting the Weicker-Kennedy-Metzenbaum-Packwood amendment. That is not so. The only position on the floor this day that can solve this problem is going to be the Danforth amendment. So we are asking all Senators who have concerns in this area to vote against the Weicker-Kennedy-Packwood-Metzenbaum amendment. We think that it does more harm to the debate and problem than it does any good, and certainly it seems to me does not solve the problems that we are trying to address here today. It certainly does not solve the expansive nature of this bill, that expands the law way beyond what anybody thought it was back in 1984, before the Grove City decision occurred.

Let me just give 5 minutes to the distinguished Senator from New Mexico, and then turn the balance of my time over to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I am not a Senator who believes that we ought to leave the Grove City decision alone. I have cosponsored legislation to overrule the narrow interpretation of the Supreme Court with reference to institutions. I was an original cosponsor of BOB DOLE's bill of the 98th Congress, and the Senator from Oregon quite properly noted that I was nodding on that part—and that part only—of his discussion about institutionwide coverage versus a narrow interpretation.

Second, I am fully aware that this is not and should not be a discussion of whether or not we agree with Roe versus Wade. I think my record is pretty clear; I do not like the decision, but I am not the Supreme Court. I am a member of the legislative branch.

Third, it should be eminently clear that the law of the land is that the U.S. Government will not pay for abortions. That is the Hyde amendment. We have had that before us enough times where, regardless of how close the vote, it is pretty clear that the Congress of the United States—and I hope and assume constitutionally; nobody has taken that issue to the Supreme Court—has said "You will not spend taxpayers' money for abortion." I assume that is an appropriate exercise of our legislative authority. That is point three. We will not pay for abortion as a matter of decision of the Federal Government.

We had a choice, to borrow the jargon of the day, and Congress elected and exercised its right to choose, and we said we do not pay for them. That is No. 3.

Fourth, if you believe that the Grove City decision is too narrow, you ought to be down here on the floor trying to enact a bill with legislative language that will be passed, be signed by the President, and that will substantially ameliorate the narrow interpretations of the Supreme Court regarding civil rights. Those are my four positions.

Let me take the last one first. I want the last one to happen. In my humble opinion, there is no chance that it is going to happen unless the issue of abortion and civil rights is resolved. I just do not see how, since it has held the House up for 3 years. Can you imagine the President of the United States signing a bill with the Weicker-Kennedy-Metzenbaum language in it and the rest of this bill as it is, with the very first legal opinion out of the box saying you have, by this legislation, substantially expanded the coverage, and thus the scope for litigation, under civil rights of title IX of the Education Act as interpreted by departmental regulations. Can you imagine the President signing that? Can you imagine a veto being sustained by the U.S. Senate and the U.S. House? I just do not believe there is a chance of that.

Now, Mr. President, it seems to me to be—I was going to say the height of hypocrisy, but let me make it a little bit more mellow—it seems to me to be extremely ironic that we will not pay for abortions, exercising our free choice and voting, and we are about to say here today that institutions out there in the United States, principally medical schools doing a fantastic job for American health, doing research, that we are sitting up here saying that an awful lot of them, if they get a little tiny bit of Federal money, there is a real chance, says this legal opinion, that in spite of the Metzenbaum-Weicker-Kennedy language, there is going to be a coercive effect of this new bill. We are drawing on their decisions regarding their choice to say, "We do not choose to perform abortions. There is somebody up the street that might. There is some hospital down the road that might. But we do not."

As a matter of fact, it is a civil rights issue, a pro-choice issue, in my opinion. In this case, it happens to be the same decision that those who are pro-life or right-to-life have come to with reference to their position on this bill.

Mr. President, it is very easy for me—and I have the greatest respect for the Senator from Oregon, who sits here, and the Senator from Ohio, who is over there.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMENICI. Will the Senator yield me 5 additional minutes?

The PRESIDING OFFICER. The Senator from New Mexico is recognized for an additional 5 minutes.

Mr. DOMENICI. It is very simple for me to see what is occurring. Let me couch it this way: Those who say vote for Metzenbaum are asking us to dodge the issue instead of deciding the issue. That is a very, very simple point—dodge the issue and be able to say that, as to the four corners of this new legislation we have addressed the issue. But as a matter of fact you cannot separate title IX of the Education Act from this. So we are not deciding the issue. We have grown notorious as a Congress for not deciding issues. We have grown to the point where our people expect litigation from our legislation because we do not want to decide in clear, plain English language.

I hope those in this body who think they are going to dodge instead of deciding this issue will at least listen to part of this morning's debate because it is unequivocal to this Senator that this legislation before us has in mind affecting title IX of the Education Act in some way or another.

Now, we would be told to not worry about it, it is something else, just worry about the four corners of this bill—dodging the issue instead of deciding it so those who think we are saying to our institutions, our medical schools and derivatives of those medical schools, "We are protecting you because we adopted this language and if you do not want to perform abortions, you are not harming anyone, you are not violating Roe versus Wade, they can go somewhere else and have them." If they think they are going to tell people that is what we decided, they dodged it. And they will have people litigating from now until it finally gets to the Supreme Court—on average 5 years—while people out there are saying what does it mean with reference to title IX, which now has a broadened institutional effect according to the very first legal opinion out of the box.

And I do not think anybody asked them how to decide. Let us send it to five more lawyers, even if we got a three-to-two decision—three lawyers, good ones saying we agree with this one and two do not—it is precisely the point the Senator from New Mexico is making. Let us make it clear. I guarantee my fellow Senators, if you are going to vote for the Metzenbaum-Weicker-Kennedy amendment, and say we made it clear, we protected the choice of institutions to deny abortions because nobody is hurt, you really have not, you have dodged it.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, how much time is left?

The PRESIDING OFFICER. The proponents have 20 minutes; the opponents have 14 minutes and 51 seconds.

Mr. PACKWOOD. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let us not confuse the issue. Let us not say that which is not so is so, and let us not say that that which is so is not so.

The manager of the bill, Senator HATCH, in opposition, talks about the expansion of the rights and the obligations of medical schools. The committee report addresses itself to that issue. It says "title IX covers only students and employees and does not reach the public at large." How the Senator from Utah can come to the conclusion that it reaches the public at large in spite of that interpretation by the committee report is difficult for me to understand. The language goes on to state that, "therefore, claims that the bill would require hospitals to provide abortion services to the general public are false."

Yet in spite of that, a member of the committee comes on the floor and says it just is not so. Then we hear the very strong argument made by our friend from New Mexico, who says we want to correct the Grove City decision, but we want to go further. And there is some concern that the language of this bill expands the right to an abortion, or rather the right to keep Federal funds from being used for an abortion. They talk about a Dewey, Ballantine legal letter saying it is possible that it may be interpreted in a certain way.

Let us face it. None of us who are interested in the Grove City bill or supporting this amendment would require that abortions be performed for the public at large. None of us want to affect the issue of abortion, and we have tried to say that time and time again. The bill does not change the requirement of title IX that it applies to educational programs or activities and their students and employees.

What we are talking about here is an effort on the part of some to put into this civil rights bill a change in the law with respect to the regulations that were passed and enacted several years ago, about 10 years ago. Nobody wants to do that as far as the proponents are concerned. We have tried to make the language as explicitly clear as can be. We say, "No provisions of this act or any amendment made by this act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion."

In spite of that specific language, language as direct as it could be, the distinguished Senator from Utah says that amendment is nothing but an empty shell. I do not understand his reasoning.

We are saying that abortion is an issue that Congress has dealt with. By my last count, I think it has been almost 500 times since I have been in the U.S. Senate, and every time we get a measure before us, we get an abortion amendment.

Grove City is a civil rights bill. What we are saying is "Let's deal with the civil rights issue, the limitations imposed by Grove City, and let us not get into the abortion issue." The amendment of the Senator from Missouri would do just that. It would reach title IX. It would undo the regulations.

I respect his right to make that argument, that the regulations should be undone, that they should be changed. I do not happen to think so. He certainly has that right. But it is unbecoming for him and others to come to the floor of the Senate and jeopardize this civil rights bill. I believe it is confusing the issue.

I would have much preferred we not have to consider any kind of disclaimer language on the subject of abortion; but we have not been able to prevail upon others who would want us to address the regulations adopted in 1975. We do not want to change the title IX regulations. We do not want to add to them. We do not want to detract from them. We just want to make it clear that scare stories and reports about the impact of this bill on the issue of abortion are not based on fact. That is the reason for our amendment.

On another day, it may be appropriate to deal with the question of the regulations. My views with respect to changing those regulations would not be different from what they are now. But I feel sad that those who would say they support the reversal of the Grove City decision come to the floor, as the Senator from New Mexico has just done, and say that we need to address the abortion issue before we do what is right with respect to Grove City. I do not believe we should condition our consideration of this bill or consideration of an abortion issue.

I remember when Senator Magnuson was a Member of this body, and he would say, almost with tears in his eyes, "Why is it that every time I have an appropriation bill, whether it has to do with this subject, that subject, or any of a number of other subjects, I have to get into a battle on the abortion issue?"

Congress has dealt with that issue on innumerable occasions—as I have said, almost 500 times since I have been here.

The question is, can we stay away from that subject and not jeopardize the enactment of a very much needed piece of legislation to correct the civil rights laws of this country? That is what this issue is all about.

If you think we ought to be able to move forward on the Grove City matter without getting into the abortion issue, then I hope you will vote for our amendment. But if you are willing to jeopardize the passage of the correction, and if you believe that we ought to reach out beyond and try to do something about the 1975 regulations, then of course you will vote against our amendment.

I strongly urge my colleagues: Stay away from the abortion issue on this bill. Vote the Grove City matter up or down, and do not tinker with the 10-year-old abortion regulations.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I wish to respond to a few of the points that have been made by various Senators.

First, I think that perhaps the most telling part of the debate this morning occurred when questions were put to Senator WEICKER and to me by the Senator from Florida [Mr. GRAHAM] about the effect of the two amendments, the Metzenbaum-Packwood amendment and a Danforth amendment that we will shortly be voting on. I think the questions before us are as follows:

First, do we, by passing this legislation, reaffirm a regulation of the Department of Health, Education, and Welfare which equates the refusal to provide abortions with sex discrimination? That was the 1975 regulation. It equated the refusal to fund abortions with sex discrimination.

The bill before us states, quite expressly, and I quote from page 10 of the bill before us:

> Congress finds that legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad institutionwide application of those laws it previously administered.

That is to say that the bill without the Danforth amendment expressly reaffirms a regulation.

Senator WEICKER said, "Well, a regulation that is adopted by an administrative agency can be changed by an administrative agency." I do not think that is the case once Congress has expressly reaffirmed it.

So the underlying policy question for each Senator to answer is, do you believe that the refusal to fund or to provide abortions or to perform abortions constitutes sex discrimination within the meaning of title IX and therefore should be broadly applied to hospitals and to educational institutions under the Civil Rights Restoration Act?

Do we want to open the courts and regulatory agencies to the possibility that institutions may be required to fund or to perform abortions, even though abortion is morally abhorrent to those institutions?

Do we want to say to Notre Dame University that it has to be in their health plan? Do we want to say to Georgetown University that it has to be in their hospital?

Answering some of the points that have been made, first of all—

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. I do not have much time, and I would like to run through these points. I know that some other Senators want to be heard.

Senator WEICKER said that the abortion requirement might apply to students and staff of a university.

But it would not be applied simply to patients.

I do not think that is much of a consolation to Georgetown University Hospital that the only abortions it would have to perform is for students or staff, but in point of fact the Dewey, Ballantine legal memorandum expressly addresses this question and states that a court could without the Danforth amendment interpret the law so as to require abortions for the general public even in a hospital like Georgetown University Hospital.

Second, the scope of the religious exemption we have already voted on today. We have voted on a very narrow scope of the religious exemption. Again the religious exemption, depending on what administration is reading it, can be read so that a university with a lay board of trustees is not covered by the religious exemption. For example, St. Louis University is generally viewed as a Jesuit university. The president of the board of trustees, at least the last time I looked, was Vice President Bush's brother, who is not a Roman Catholic. It would not be viewed as a Catholic institution or a religiously controlled institution. So the religious exemption provides very little coverage.

Finally, it has been said, "Well, do we chip away at Roe versus Wade?" Before us is not Roe versus Wade. Roe versus Wade has to do with a woman's right to abortion.

The issue before us is whether a hospital or a college or a university can be compelled to fund abortions.

Senator DOMENICI pointed out we in Congress in the Hyde amendment language have already voted that we are not going to be in the business of funding abortions in the Federal Government.

Together with title IX and the regulations subsequent to title IX, this bill could be read to force the private sector and local governments, for that matter, to fund abortions when we say that we are not going to do so in the United States.

Mr. President, I would simply reiterate that the Metzenbaum-Kennedy-Packwood-Weicker amendment is a blank. It does nothing. It provides absolutely no cover.

We have legal memos from Dewey, Ballantine and from the Justice Department stating that it has absolutely no effect.

I would urge the Senate to vote against the sham of that amendment and to vote for the Danforth amendment.

I believe that Senator WILSON has been seeking time.

How much time does the Senator wish?

Mr. WILSON. Three minutes.

Mr. METZENBAUM. Will the Senator yield for a question first?

Mr. DANFORTH. Let me ask first: How much time do I have?

The PRESIDING OFFICER. The Senator from Missouri has 8 minutes.

Mr. DANFORTH. Let me say this. I know Senator METZENBAUM and Senator BUMPERS both wanted to question me. I would like Senators who would like to speak to have the opportunity.

I will yield 3 minutes to Senator WILSON and if I have time I will be happy to entertain any questions.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Mr. President.

Mr. President, the Senator from Missouri has I think very clearly stated the case for the need for his amendment, but what is apparently not clear to many on this floor and many who are wondering why this amendment is necessary or why if this is adopted there is a need for the Danforth amendment is simply this: This amendment does not remove the need for the Danforth amendment because the need for the Danforth amendment arises from a regulation that would be unaffected by this amendment.

So if Senators wish to vote for this amendment, I suppose they can, but they should dare not delude themselves that by so doing, they will have eliminated the need or addressed the problem that gives rise to the need for Senator DANFORTH'S amendment.

Without the Danforth amendment, that regulation continues to give promise of not just strife, but certainly of being applied by bureaucrats in a way that will force institutions subject to title IX to perform or to fund abortions against their conscience. That is not right. And as I stated yesterday, I am one of those Senators generally characterized as prochoice. We will not get into that debate, because there is not time, and that essentially is not the issue. The issue here is one of fairness, for Senators, whether they be prochoice or prolife, can and should support the Danforth amendment simply because on the basis of fairness, hearkening back to the tradition of honoring the request of conscientious objectors, we say to those who legitimately assert a conscientious objection that abortion is morally repugnant to them that they shall not be required to perform it or to fund it.

That is what this is about. It is nothing more or less. It is a narrow point, but of tremendous importance. But do not delude yourselves, my friends, that by voting for this amendment you remove the need for the Danforth amendment. That is not true. The Danforth amendment addresses all of title IX. Its reach is broad as the title and needs to be to protect against that unfairness arising from that underlying regulation, and this amendment that is before us, the Weicker-Metzenbaum-Packwood et cetera, et al., does not do that.

There is nothing wrong with it, I suppose, as long as you understand it does not give the needed protection against that unfairness.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is very interesting to me that the Senator from California says that we need the Danforth amendment for protection against title IX regulations while the Senator from Missouri says the bill does not effect the regulations. These are contradictory positions.

But because the Senator from Missouri is saying that the bill does have an impact and enacts the title IX regulations, I want to make it clear that this is not so.

The committee report specifically addresses itself to this issue.

> The title IX regulations are not at issue in this legislation. They have been in place for 12 years and there have been neither any legal challenges to these regulations by anti-choice groups nor any effort on the part of this administration to withdraw or modify the regulations. S. 557 neither ratifies nor rejects the title IX regulations related to discrimination based on pregnancy or termination of pregnancy.

It is as clear as it could be, that we are not affecting the title IX regulations, and we do not want to affect those title IX regulations. The administration can change them if it wants to. That is up to the administration. But what the Danforth amendment does is interject into this civil rights issue the matter of those title IX regulations. We are saying "stay out of the abortion issue if you want to change the law with respect to Grove City." That is as simple and as direct as we can make it.

If you think our language does not say it directly enough, tell us. Nobody claimed that our language wasn't clear.

We are making it clear. We do not want to affect the title IX regulations. We do not want to change law on the abortion issue. We just want to pass the Grove City legislation. We can deal with the title IX regulations in other legislation. It is within the power of the administration modify them.

Mr. BUMPERS. Mr. President, will the distinguished Senator from Missouri be willing to engage in a short colloquy that will be very brief.

Mr. DANFORTH. Yes.

Mr. BUMPERS. This is an immensely difficult problem for almost every Senator here, I think.

But, No. 1, the Senator's amendment only deals with title IX; is that correct?

Mr. DANFORTH. The Senator's amendment deals with the combination of title IX, the regulations pursuant to title IX, and the Civil Rights Restoration Act. The Senator's amendment says that that combination is neutral on the subject of abortion, that the law cannot be read by a court or by a regulatory agency to compel a college, university, or hospital to pay for abortions in its health coverage plan or to perform abortions. That is exactly what the Senator's amendment is intended to do.

Mr. BUMPERS. In the Senator's amendment, section 909 says, "Nothing in this title shall be construed," et cetera—

Mr. DANFORTH. Right.

Mr. BUMPERS. "This title" refers to title IX.

Mr. DANFORTH. Yes.

Mr. BUMPERS. Now, the second question, as I understand the debate, to be very succinct about it, is that the authors of this amendment and the proponents of the Grove City restoration, the repeal of the Grove City decision, are saying this bill as presently written has absolutely no effect on the law as it has previously been. We are simply reinstating the law as it was prior to the Supreme Court decision.

As I understand the Senator's amendment, the Senator's amendment goes beyond that by simply saying "I want to make it permissible for any person, private, public or institution to have the right to refuse to perform abortions," You say pay for. I do not know why "pay for" is there. I do not know anybody who has been required to pay for.

Mr. DANFORTH. Yes. That is a very big issue. In fact, that is what the 1975 regulations were specifically about. Whether you say the university health plan, say, Notre Dame University, whether a health plan a Notre Dame University provided generally for students' health care had to provide for abortions as well. If the Danforth amendment is adopted then the U.S. Senate is saying that Notre Dame University in its health care program does not have to provide for abortion coverage. It is up to Notre Dame to do it or not do it.

We are saying that Georgetown University does not have to perform abortions. It is up to Georgetown University.

By contrast, if the route we are going is the Metzenbaum amendment, we are saying that if a court or a regulatory agency is left open to decide that issue, and according to the legal opinion of Dewey, Ballantine, the well-known law firm, it is well within reasonable possibility for a court to determine that, yes, a school, a college, a hospital, can be required to fund or to perform abortions if they are receiving any Federal funds for any part of their program.

Mr. BUMPERS. Are you saying Notre Dame can be made to include in its health care plan provisions to pay for abortions?

Mr. DANFORTH. That is precisely the issue before us.

Mr. BUMPERS. Under existing law?

Mr. DANFORTH. Yes.

Mr. BUMPERS. Has that been determined by the court?

Mr. DANFORTH. That is the opinion of the Dewey, Ballantine law firm.

Mr. BUMPERS. Has that been validated in court? Has any court said that?

Mr. DANFORTH. The answer to the question is, no, this is a matter that has not been determined by a court. We anticipate litigation as a result of this legislation. The issue is: Do we want to preclude such a court interpretation or, instead, do we in the Congress want to pass the buck to the Federal judiciary and say, "You make the policy for us"? If it is our decision that as a matter of Government policy the decision on funding or performing abortions should be left up to the Notre Dames and the Georgetowns of the country, then we vote for the Danforth amendment. If, instead, we say that no, a court or administrative agency will have a free hand to interpret this law in such a way as to force abortion coverage or abortion performance on these institutions, then we can vote for the Metzenbaum amendment, claim that we have got some kind of cover, and vote for the bill without the Danforth amendment. That is precisely the issue before us.

Mr. BUMPERS. Last question: Since the amendment of the Senator only deals with title IX, what would prohibit somebody from challenging a hospital, private or public, under title VI of the Civil Rights Act?

Mr. DANFORTH. I have not made any legal analysis of that. I have no idea one way or the other.

The only question that I put to the law firm, and the only question I responded to when it came to me from the American Hospital Association and other organizations had to do with the effect of the combination of the bill that is before us, together with title IX and regulations under title IX. They are concerned that we will have given a basis for a court to determine the funding of abortion or performance of abortion could be mandatory. Now, that is their concern.

Mr. BUMPERS. The Senator's amendment goes far beyond the religious——

The PRESIDING OFFICER. The time on the amendment has expired. The proponents have 7 minutes and 17 seconds remaining.

Mr. PACKWOOD. I would be happy to yield additional time to the Senator from Arkansas if he wants to ask a question and the Senator from Missouri to answer to them on my time, but I want to save 3 minutes.

Mr. METZENBAUM. Would you save 2 for me?

Mr. BUMPERS. The Senator may just go ahead. I think I have said all I want to say.

Mr. PACKWOOD. I think you have got it right. There was, I do not want to say an agreement, but there was an understanding that what we were going to try to do with this legislation was simply reverse Grove City and go back to institution-wide coverage. We were not going to get into school prayer although somebody apparently is going to offer a school prayer amendment.

We were not going to get into abortion. We were not going to get into AIDS. We were just going to try to reverse Grove City and go back to what all of us, including the Senator from Missouri, thought was the law prior to Grove City and what the law was in title IX and the 1975 regulations and whatever court decisions we had. And you asked whether we had any court decisions that concluded what he concluded and Dewey, Ballantine concluded, and the answer is no, there were no court decisions. That was the law.

Now, because the allegation was made that the bill as it came out of committee actually expanded abortion rights, Senator METZENBAUM, Senator WEICKER, Senator KENNEDY, and myself offered an amendment that says nothing in this act expands abortion rights. You cannot compel any abortions, provide for them, pay for them in this act. We will go back to where we were prior to Grove City.

What Senator DANFORTH wants to do is change title IX and change the law so that the regulations that are now in existence could never be interpreted by a court to reach a decision on abortion that he does not like. It is a perfectly legitimate position. I do not agree with it. But it certainly cannot be said that all he wants to do is go back to where the law was prior to Grove City. He wants to change the law as it existed prior to Grove City.

I will yield 2 minutes to the Senator from Ohio if he is ready.

Mr. METZENBAUM. Would the Senator just reply to one simple question?

Mr. PACKWOOD. Sure.

Mr. METZENBAUM. Is it not a fact that the Dewey, Ballantine letter is addressed to the bill without our amendment?

Mr. PACKWOOD. Absolutely; totally. As you read the Dewey, Ballantine letter, first, it does not apply to title IX as title IX was originally written. It applies to it as this act amends it. And they have got a whole lot of could be's and may be's, this might happen. This whole memorandum is unrealated to the Weicker-Metzenbaum amendment. It is related, allegedly, to the act as reported. And the amendment that you have offered and Senator WEICKER has offered absolutely denudes the 17-page Dewey, Ballantine memorandum of any relevance.

Mr. METZENBAUM. And is it not a fact that even if it had relevancy, all they say in that letter is some court could decide it this way but make no observation that it is certain that the court will interpret them in this manner. Nor does the memo say that the bill cannot be interpreted any other way. It is just one of those speculative answers.

Mr. PACKWOOD. Here is exactly what they say: If the Civil Rights Restoration Act is enacted in its present form, that is before your amendment, educational institutions could be required to fund abortions, hospitals that engage in educational activities could be, hospitals could be, educational institutions could fail to qualify.

There is no court decision under all those regulations that existed under title IX prior to Grove City that ever found that, that ever compelled that, that ever could be; never took place. The only issue that Grove City decided was narrow versus institutionwide coverage. That is all. But there have been no bogeyman court decisions reaching those could-be conclusions.

Mr. METZENBAUM. That was my understanding. I thank the Senator.

Mr. DANFORTH. If the Senator has nothing more to say, I will be happy to ask him some questions.

Mr. PACKWOOD. Go right ahead.

Mr. DANFORTH. Well, is not the difference between my amendment's approach and the Senator from Oregon's approach that under the position of the Senator from Oregon, the Senator from Ohio, and others, a court could determine that an institution such as Georgetown University could be compelled to perform an abortion. Under the Danforth amendment, Georgetown University could not be compelled by a court order to perform abortions under title IX. Is that not the difference?

Mr. PACKWOOD. All I would ask my distinguished colleague, since he asked, all I would ask my distinguished colleague is this: Is that any different than what the state of the law was prior to the Grove City decision?

Mr. DANFORTH. Well, this is different, as a matter of fact. First of all, because we are, by statute, reaffirming a regulation; and, second, by statute, we are applying the Grove City scope to hospitals, even hospitals that are not connected with universities. So the answer is clearly yes, we are expanding the law beyond what it was before Grove City by enacting this legislation.

Mr. PACKWOOD. I would respond to my good friend, and he is my good friend, from Missouri that that simply is not the case. It was not intended to do that. We have tried to limit that by the Weicker-Metzenbaum-Kennedy-Packwood amendment. We have no desire to expand the substance of the law beyond where it was. We tried not to do that. And all we wanted to do was say this law applies to institutions. We will go back just prior to Grove City. We had the regulations. We had no particular court decisions on this subject one way or the other. That is the situation we would like to return to.

What the Senator from Missouri wants to do is say, not only are we going to go back to that, we are going to pass a law that will prohibit any court decisions that might reach a conclusion which you do not want.

Mr. DANFORTH. The Senator has read the Dewey, Ballantine letter of this morning which states that the Metzenbaum-Weicker, et al, amendment is a nullity as far as the issue raised by the Senator from Missouri is concerned.

Mr. PACKWOOD. As far as the issue raised by the Senator from Missouri, that is correct, because the amendment of the Senator from Missouri goes back to title IX and the Education Act and the regulations, whereas the amendment of the Senators from Ohio and Connecticut and Senator KENNEDY and myself relates to this act. So it is a nullity as it relates to your amendment, because your amendment applies to the whole panoply of the regulations in the act of 15 years ago.

Mr. DANFORTH. Therefore, the Metzenbaum amendment would provide no cover for a Senator who wants to come to the floor and address the issues that have been raised by the Senator from Missouri.

Mr. PACKWOOD. What the Metzenbaum amendment does is clear. What it would do is carry out the understanding that we would not use this legislation to attempt to change the substantive law of abortion or anything else; that we would try simply to rectify a decision that we all were surprised by and thought was wrong.

Mr. DANFORTH. And the Metzenbaum amendment therefore would leave open the possibility that a court could mandate that Georgetown University has to provide or fund abortions?

Mr. PACKWOOD. The Metzenbaum amendment would leave the law in exactly the same state that it was in prior to the Grove City decision.

Mr. DANFORTH. So the answer to my question is yes?

Mr. WILSON. Yes.

Mr. CRANSTON. Mr. President, the Senate will have the chance to vote on two amendments relating to the issue of abortion.

The first amendment is truly an abortion neutrality amendment.

The second amendment, offered by the Senator from Missouri [Mr. DANFORTH], has been described as an abortion neutral amendment. It is not. The Danforth amendment rewrites substantive law which has been in effect for more than a decade. It would overturn the title IX regulations issued under the Ford administration which forbid educational receiving Federal funds from discriminating against students or employees who are seeking or have had an abortion.

Mr. President, the Civil Rights Restoration Act is not an abortion bill. It is a civil rights measure designed to restore the scope of coverage of the four basic civil rights statutes which require that recipients of Federal funds refrain from discrimination.

The opponents of this legislation have charged that the bill will expand abortion rights, require hospitals to provide abortions to the general public and require religious institutions to perform abortions. Those charges are totally false. The committee report discusses these claims and rejects them flatly. The proponents of the Danforth amendment have contended that the committee report language is not binding and therefore inadequate to respond to their concerns.

The abortion neutrality amendment which is being offered with the support of the principal sponsors of the Civil Rights Restoration Act, in effect, places the committee report language into the statute itself. If flatly provides that on provision of this act or any amendment made thereby shall be construed to require or force any individual or entity to perform or pay for an abortion. It makes the Civil Rights Restoration Act, on its face, abortion neutral. It leaves the substantive law under title IX with respect to abortion exactly where it was. There is no expansion nor any contraction of rights with respect to this issue.

The Danforth amendment, on the other hand, is intended to and would rewrite title IX. It would overturn the existing regulations which protect students, for example, who have had legal abortions from discrimination. It appears to be intentionally drafted to go well beyond the simple issue of performance of or payment for abortion. The Reagan administration has already attempted under the family planning program authorized under title X of the Public Health Service Act to curtail entities receiving Federal funds from providing any counseling or referrals for abortion services. The Danforth amendment does not even provide any special treatment for abortions to save the life of the mother. Literally applied, if the Danforth amendment were enacted, a student who is a rape victim and has been diagnosed to have an ectopic pregnancy—a life-threatening condition—could be denied information at a student health clinic on the necessity of terminating the pregnancy immediately.

Mr. President, the Danforth amendment has no place on the Civil Rights Restoration Act. The sponsors of this measure have drafted the abortion neutrality amendment to make it absolutely clear that this act is abortion neutral. I urge my colleagues to vote for that amendment and against the Danforth amendment.

The PRESIDING OFFICER. The hour of 1 o'clock p.m. having arrived, the question is on agreeing to the amendment offered by the Senator from Connecticut. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "nay."

The PRESIDING OFFICER (Mr. Wirth). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—55

Adams
Baucus
Bentsen
Bingaman
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Cranston
D'Amato
Daschle
Dixon
Dodd
Evans
Fowler
Glenn
Graham
Harkin
Heflin
Heinz
Hollings
Inouye
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stafford
Stevens
Weicker
Wilson
Wirth

NAYS—40

Armstrong
Bond
Boren
Boschwitz
Cochran
Conrad
Danforth
DeConcini
Domenici
Durenberger
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Helms
Humphrey
Johnston
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Nickles
Pressler
Proxmire
Quayle
Reid
Roth
Shelby
Stennis
Symms
Thurmond
Trible
Warner

NOT VOTING—5

Biden
Dole
Gore
Murkowski
Wallop

So the amendment (No. 1393) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1392

(Purpose: To ensure that the bill does not require that persons, or public or private entities receiving Federal funds perform abortions)

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for the purpose of offering an amendment pursuant to the unanimous-consent agreement of last night. The time will be evenly divided between now and 2 o'clock.

Mr. DANFORTH. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. Danforth) proposes an amendment numbered 1392.

At the appropriate place add the following: Notwithstanding any provision of this act or any amendment adopted thereto.

NEUTRALITY WITH RESPECT TO ABORTION

Sec. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

The PRESIDING OFFICER. Recognizing the Senator from Missouri, the Chair will once again ask that Senators who wish to converse please retire to the Cloakrooms. The Senate will be in order.

The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator Nickles be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, during the last vote, a number of Senators came up to me and asked my thoughts on how that vote should go, and my response was it did not make any difference. So I know that some Senators who intend to vote for my amendment voted for the Metzenbaum amendment, some Senators who intended to vote for my amendment voted against the Metzenbaum amendment. My own view, as I stated on the floor during the debate on the Metzenbaum amendment, was that it was very much like a motion to instruct the Sergeant at Arms. It was a rollcall vote, but it had no content at all. It was a rollcall vote that purported to touch on the question of whether or not the Government is going to mandate abortions, but in point of fact it did not in any sense prevent the Government or some court from mandating abortions or abortion coverage. It did not provide any cover whatever for Senators who voted on it. Some people might say, "Well, is it some sort of compromise? Was the Metzenbaum-Weicker amendment some kind of compromise on the issue before us?" The answer is no, it was not any compromise. It was not half a loaf. It was not a slice. It was not a crumb. It was an absolute zero. It did not matter whether it was cast or not, because it had absolutely no legal effect on the issue that has been raised by my amendment.

That is not simply my conclusion. When the language of the Metzenbaum amendment was available, I asked for two opinions, one from the Justice Department and one from the Dewey, Ballantine law firm. I received both of those legal opinions today. Both of them stated that from the standpoint of the basic question of whether or not abortions or abortion coverage is going to be mandated, the Metzenbaum amendment had no legal effect.

The Dewey, Ballantine opinion, which is dated January 27, after setting forth the Metzenbaum amendment, states, "Based on our review of this proposed amendment, we conclude that it would not solve the problem identified in our earlier memorandum. The proposed amendment declares the Civil Rights Restoration Act itself does not require the funding or performance of abortions. It is silent, however, on the possibility, which was the subject of our earlier letter and memorandum, that title IX and regulations promulgated under its authority could require the funding or performance of abortions. Moreover, since the Civil Rights Restoration Act would overturn the Supreme Court's decision in the Grove City case and thus extend the reach of title IX, the danger would remain, despite the proposed amendment, that institutions duly brought under the authority of title IX would also be required to fund or perform abortions for students, employees, and even the general public as described in our earlier letter."

Mr. President, the State of the bill as it now exists before the Senate, with the Metzenbaum-Weicker amendment which was just added, is that it remains a very live possibility that an administration or a court could require hospitals to perform abortions and could require health plans of colleges or universities to fund abortions.

Now, if that is the result that we want, if we want that possibility to stay alive, then the thing to do is to vote against the Danforth amendment. If it is the decision of the Senate of the United States to leave it up to a Federal judge, to enter an order requiring abortions performed at Georgetown University Hospital, to require abortion coverage under the health plan at Notre Dame University, and so on, if that is the intention of the Senate, let us leave it open. Let us reaffirm the regulations under title IX and kick the buck to the courts.

If, on the other hand, it is the position of the Senate that we should preclude that possibility in a court decision or in a future regulation, then we should adopt the Danforth amendment. That is the very simple issue before us. Regulations under title IX of the education amendments identified sex discrimination with the refusal to perform or to provide abortions. The bill in its present form expressly ratifies those regulations. No language in a committee report to the contrary undoes the expressed language in the bill itself. So if we in the Senate want to ratify a regulation that identifies refusal to perform abortions with sex discrimination, and if we want to extend that interpretation throughout universities, to university hospitals, to hospitals that have internship programs flowing out of those universities, and to other hospitals which have any teaching program at all, if we want that kind of expanded interpretation, then vote against the Danforth amendment.

I think it would be an absolute outrage for the Senate, the Congress to force on Georgetown or Notre Dame or the city of St. Louis or wherever a policy that under the Hyde amendment we do not support ourselves.

We do not fund abortions. We have made that decision. I do not understand why the Senate at this point should force even church-related colleges and hospitals to do what we will not do ourselves.

Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I will be brief. What we have seen here is exactly the same kind of sham that has outraged the American people for years about this greatest of deliberative bodies. We have a clear-cut issue before us. The issue is as simple as any issue can be: Do we want to make it clear that under title IX, with the expansion that is being contemplated, Baylor University and Notre Dame do not have to fund abortions or to perform abortions in their medical facilities?

Now, you can beat all around the bush. You can try to confuse the issue all you want. You can say, well, let us leave it undetermined as it is in the current law. But when you get down to the bottom line, when you vote on the Danforth amendment, there is only one issue: Do we want to leave it open to some Federal judge to come along and say to Baylor University or Notre Dame or St. Mary's or any other private, church-related college in America that although the fundamental teachings of your church are totally opposed to abortion, we are going to force you to fund abortion and we are going to force you to conduct abortions?

Now, the great paradox is that the Congress will not even fund abortion under Medicaid unless the life of the mother is in danger, and yet here we have a clear-cut attempt to force church-related institutions to do what we have prohibited under Medicaid. So you can try to make this a technical question. You can cloud it and go back home and say we were neutral on this subject; it was unclear before. We left it unclear.

The point of this amendment is that it ought not be unclear. There ought to be no doubt in anyone's mind that Baylor University should not be forced to fund something they fundamentally oppose. If you vote against this amendment, you are voting against that basic guarantee.

I yield the floor.

Mr. METZENBAUM. Does the Senator from Texas understand that—

The PRESIDING OFFICER. The time of the Senator from Texas has expired. Who yields time?

Mr. HATCH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 44 seconds.

Mr. HATCH. Let me yield 2 minutes.

The PRESIDING OFFICER. The time is under the control of the Senator from Missouri, Senator DANFORTH.

Mr. DANFORTH. Mr. President, I yield—how long would the Senator like?—2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. EXON. I thank my friend from Missouri. I thank the Chair.

Mr. President, this is one of those votes in the U.S. Senate for which it is extremely easy for this Senator to cast and support the Danforth amendment. The case has been adequately made in previous arguments before this body. And I will not attempt to rehash those statements. Suffice it to say unless the Danforth amendment becomes law we are leaving an unanswered question that should not be left unanswered in this very, very important civil rights legislation.

I hope that all of the Members of this body will recognize and realize that the Danforth amendment is very simple, it is very straightforward. It simply says that we should not be in a position of forcing any institution regardless of its association to do something for which the fundamental tenets of that institution—and fundamental beliefs that many of us share—should not be put in jeopardy on a whim of one Federal judge at some time in the future.

It is a clarifying amendment. It states clearly what we should do. I appeal to all of my colleagues to support the Danforth amendment. It will do nothing in the opinion of this Senator, and legal scholars that I have talked with, to harm or weaken the amendment that we are going to vote on, the bill itself, which has to do with civil rights. I hope we will pass the Danforth amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DANFORTH. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, first I would like to point out to my friend from Texas that Baylor University is specifically exempted under the religious tenet exemption. So his argument in connection with that university is not applicable.

Second, I want to point out that if you vote for our amendment, the **Packwood - Kennedy - Weicker - Metzenbaum** amendment, you will be undoing that amendment 100 percent because that amendment provides that "Notwithstanding any other provision of the law or any other provision in this bill." So if you voted with us and now you vote for the Danforth amendment, you've totally turned around. It would be a 100-percent change in vote. I hope those who have seen fit to stand with us by 55 votes will see fit to reject the Danforth amendment.

The big question is whether we are going to have a civil rights bill or an abortion bill. We have made it clear in our previously offered amendment now in the bill that this is a civil rights bill and we do not want it to be encumbered with abortion issues.

If you vote for the Danforth amendment, you will have voted for language that totally negates the impact of our amendment, or at least language which would appear to do so on its face. That is the intent of the Danforth amendment. I hope it does not. But I am afraid that it will.

The amendment offered by the Senator from Missouri is also problematic because it does not preclude the imposition of a penalty on a woman if she has a legal abortion. The amendment says nothing in the preceding sentence "* * * shall be construed to permit a penalty to be imposed on any person * * * because such person * * * has received any benefit or service related to a legal abortion."

That language is extremely unclear. It says nothing in the amendment that permits a penalty but the language does not prohibit a penalty or discrimination against a woman who has had an abortion. For example, a woman who has had an abortion or who has been counseled for abortion can be excluded from scholarship programs, student employment, or even enrollment in classes. The Danforth amendment not only permits this discrimination but it also may encourage institutions to treat women differently because they exercise their constitutional right.

If we pass this amendment, we sanction discrimination against women who exercise their constitutional right. So this civil rights bill which we have introduced to expand the civil rights of all people would sanction discrimination against women. So I think it is fair to say that a vote for the Danforth amendment is a vote for discrimination against women. We say that is inappropriate.

Another problem with the Danforth amendment is that it changes title IX to permit discrimination against women as the medical services provided to them. The Danforth amendment says that "Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service including the use of facilities related to an abortion."

This language means that if a university provides a medical service and that service has doctors who are ethically required to counsel patients on medical options, it would not be discrimination to fail to counsel pregnant women on all options. What we say when we pass the Danforth amendment is that women are not victims of discrimination when they are denied all information about their options including the option of abortion.

The discrimination that the Danforth amendment sanctions is the kind of discrimination that reduces women to less than full human beings because it denies women the information they need to make an important medical decision.

There is not even a life of the mother exception in the Danforth amendment. And a woman could be bleeding to death from pregnancy complications and under the Danforth amendment she could be denied a lifesaving abortion. A man who is bleeding to death can be saved. That, to me, is discrimination against women.

We have already said we do not want to do anything about abortion. We have indicated we want to move forward with the Grove City legislation situation. I would hope that my colleagues would not undo the impact of the amendment which we just passed. That is what this amendment would do. But much more important than that, this amendment would permit discrimination against women in this country.

How inappropriate, how wrong it would be to include in a civil rights bill language which would authorize the discrimination against all women. We must defeat the Danforth amendment.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Chair would remind the gallery that they are here as guests of the Senate.

The Senator from Missouri.

Mr. DANFORTH. Mr. President, the characterization of the bill by the Senator from Ohio is completely erroneous and totally without foundation at all. It is a fabrication. My amendment expressly says, "Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. WILSON. Mr. President, at the risk of being rude, the Senator from Ohio has flatly misstated the contents of the Danforth provision. The language just read by the Senator from Missouri was language which I and others insisted be in there, precisely to ensure that there could not be discrimination against women who either are seeking or have received abortion-related services.

You could have voted for or against the Metzenbaum amendment. You could have voted for it as simply being a truism, as Mr. DANFORTH said, without content, or voted against it as being a sham aimed at trying to persuade people that it would suffice and that there was no need for the Danforth amendment. There is need for the Danforth amendment.

To focus momentarily on the strict legal question, the amendment by Senator METZENBAUM stated that the bill does not require abortion, but it does not reach the offending regulation which gives rise to the need for the Danforth amendment. That need continues to exist, even with the Metzenbaum amendment in it. The Metzenbaum amendment is without content. The Danforth amendment is required to prevent a travesty.

I am prochoice, but I will be hanged if I can see my way or want the Congress of the United States to be on record as imposing upon someone who conscientiously objects to providing or funding abortion, as something morally repugnant to him or to her or to their institution, to be compelled by a Federal bribe to do so. That is wrong. We should not leave the law unclear.

The argument has been made that we should go back to what it was before Grove City. It is not what the law was. The question is what the law should be. It should be clear.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Missouri has remaining 4 minutes and 37 seconds. The Senator from Ohio has remaining 12 seconds.

If neither side yields time, the time available will be counted equally against both sides.

Mr. DANFORTH. Mr. President, I yield 1 minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. GRAMM. Mr. President, I want to respond to the Senator from Ohio.

First, is he aware that Baylor University waited 9 years to get an exemption? They currently have an exemption. But, as we are all aware, under the law, a new Secretary could come into office, do an investigation, and deny them that exemption.

Let me give the names of some Texas colleges that are religion affiliated that have asked for exemptions, and that for one reason or another did not get them: The Dallas Theological Seminar, Lubbock Christian College, University of Dallas, Southwestern Assemblies of God College, Concordia Lutheran College.

I ask my colleagues: Do we really want to leave any doubt as to whether Lubbock Christian College should have to conduct and/or pay for abortions if that is against the tenets of their religious beliefs? That is the issue here, and I urge my colleagues to focus on that.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DANFORTH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time. If neither side yields, the time will be counted equally against both sides.

Mr. DANFORTH. Mr. President, I yield 1 minute to the Senator from Utah.

Mr. HATCH. Mr. President, purely and simply, this is a question of funding for abortion. Access to abortion is not affected by the Danforth amendment.

The fact is, Mr. President, that the Weicker-Metzenbaum amendment does not solve the problem which is raised here today by Senator DANFORTH. Are we going to force all colleges and many other institutions to pay for or perform abortions despite any decision of conscience or religious belief to the contrary? That is what the Danforth amendment addresses, pure and simple.

Again, the Danforth amendment merely eliminates the coercion factor. Colleges and hospitals and other institutions will be free to provide for abortions if they want to, if they choose to, even under this amendment. But the amendment ensures that they are not forced to fund or perform abortions if they object on the ground of conscience or religious belief.

It is outrageous for the Federal Government not to choose to fund abortions, on one hand, and to require colleges or hospitals to fund or perform abortions, on the other hand—if you think about it, merely because those institutions receive, directly or indirectly, Federal funding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. May I have an additional 30 seconds?

Mr. DANFORTH. I yield 30 seconds to the Senator.

Mr. HATCH. Mr. President, I ask unanimous consent to have the following documents printed in the Record. An analysis of student health insurance plans and a criticism by the U.S. Department of Education; a letter from the U.S. Catholic Conference, dated January 27, 1988; a letter from the U.S. Catholic Conference, dated January 27, 1988, with respect to inaccuracies in the January 21, 1988, letter from the Leadership Conference on Civil Rights, regarding this bill; a letter dated January 28, 1988, from the National Right to Life Committee.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Department of Education,
Washington, DC, June 11, 1987.

To: Alicia Coro, Acting Assistant Secretary for Civil Rights.
From: Philip G. Kiko, Acting Director, Policy and Enforcement Service.
Subject: Analysis of Student Health Insurance Plans.

CONCLUSION

Due to the current Title IX regulation, OCR has been placed in the position of being committed to its enforcement when such a practice sometimes appears to have been in conflict with the religious rights guaranteed under the First Amendment and a consistent Federal policy manifested in the Hyde Amendment, Title VII, which includes an abortion-neutral provision, and other Federal statutes. The essential difficulty has been caused by the inclusion of the terms "termination of pregnancy" and "full gynecological care" within the definition of sex discrimination in the Title IX regulation, as it relates to mandated coverage for elective abortions.

INTRODUCTION

Pursuant to our discussion and your instructions, the Policy and Enforcement Service conducted an analysis of the provisions of the Title IX regulation on health benefits and services, as it pertains to OCR's recent investigations of recipients' health insurance programs.

During the past three years, the Office for Civil Rights has received 693 complaints which allege that recipients of Federal financial funds have violated the regulation of Title IX of the Education Amendments of 1972. Specifically, each complaint alleged that a recipient of Federal funds violated the Title IX regulation by not providing the same student insurance benefits for pregnancy and pregnancy-related conditions as are provided for other temporary disabilities.

Of the 693 complaints filed, all but one have been closed by OCR's regional offices. A total of 486 cases were closed when it was determined that no jurisdiction existed over the insurance programs of the institutions. Five of the "no jurisdiction" determinations involved the granting of a religious exemption under Title IX. Of the remaining complaints, 24 were closed for administrative reasons, 13 were closed when no violation was found within the insurance plans, and 169 were closed when a voluntary agreement was reached between OCR and the recipients. Many of the complaints specifically requested: "*Please ensure that elective abortion is covered.* (emphasis added)." (*See, e.g.,* 01-86-2041.)

The voluntary agreements were entered into before jurisdiction over the health insurance plans of the institutions was determined. The fact that 169 institutions entered into these agreements before jurisdiction was determined suggests that the mere filing of the compliant and the commencement of an investigation by the Department of Education was all that was necessary to motivate the institutions to enter into agreements to either (1) amend the benefits of insurance plans, or (2) cancel their offerings of insurance plans for their students.

VOLUNTARY AGREEMENT PLANS

As stated above, OCR has entered into voluntary agreements with 169 institutions. These institutions including some that are religiously affiliated, agreed to take corrective measures before jurisdiction under Title IX was determined. In responses to these cases, a memorandum dated March 7, 1986, was sent by the Acting Assistant Secretary for Civils Rights. The memorandum notified the regional offices that the institutions which were subjected to the health insurance investigations should be informed of their rights under Section 901(a)(3) of Title IX. The memorandum also attempted to clarify the meaing of the term "temporary disability" within 34 C.F.R. §§106.40(b)(4) and 106.57(c). Subsequently, this Policy and Enforcement Office analyzed the complaints, OCR's regional investigations, and OCR's regional agreements with the institutions. The analysis revealed that the institutions adopted corrective action plans in order to bring their health insurance plans into full compliance with the pertinent provisions of the Title IX regulation. Several institutions that were investigated requested exemptions based upon the religious tenets exemption of Section 901(a)(3) of Title IX and its implementing regulation, 34 C.F.R. §86.12. However, other institutions that may have been eligible for the religious tenets exemption apparently were unaware of its existence, failed to ask for it, and thus revised their health insurance plans to fully comply with 34 C.F.R. §§106.39, 106.40(b)(4), and 106.57(c). These revisions appear to contradict the religious tenets of some affected institutions; exemptions had been granted for other institutions in similarly situated instances.

In one complaint which resulted in a voluntary agreement, (complaint # 02-86-2035), the complainant alleged that a Catholic college violated Title IX by not providing elective abortion coverage in its student health insurance plan. OCR investigated the compliant and found the college in violation of 34 C.F.R. §106.40(b)(4). Under the college's student health insurance plan, "voluntary termination of pregnancy was explicitly excluded from coverage, while, according to the insurance carrier, other elective surgery generally was covered" (p. 3, voluntary agreement # 02-86-2035). OCR held that "the College was unable to provide OCR with a legitimate, nondiscriminatory reason, for its limitations on pregnancy-related medical benefits." (*Id.*) Thus, the insurance plan was determined to be discriminatory and in violation of Section 106.40(b)(4).

The result of the complainant's allegation that Title IX had been violated by this Catholic college for not providing coverage for elective abortion was summarized in a letter from OCR to the College:

"In a letter dated March 3, 1986, the College advised OCR that it has taken corrective action to secure voluntary compliance with Title IX. Specifically, effective February 26, 1986, the College has eliminated the four-day limit on maternity care benefits, and *deleted the exclusion of termination of pregnancy. . . .*" (*Id.*) (emphasis added).

Based upon the above remedial action by the College, OCR stated: "We consider the College to be presently fulfilling its obligations under Title IX of the Education Amendments of 1972. Continued compliance is contingent upon the College carrying out the provisions of its plan. Failure to implement the plan fully may result in a finding of violation." (*Id.*)

It should be noted that after OCR's complaint investigation began, but before a final determination on jurisdiction was made, the Catholic College decided to revise its insurance plan. The following is a quote from a letter from the Dean of Students, who is a Catholic nun, to the president of the insurance company:

"In addition, [the College] wishes to delete, effective today's date, [February 26, 1986], under the maternity care clause, the sentence, 'Elective abortions are not covered'. This limitation is no longer to be included in our Student Accident and Insurance Plan (emphasis added)."

Thank you for your assistance in assuring that [the College] is in full compliance with the federal requirements under Title IX.

This Catholic nun's letter exemplifies the impact that the complaint and subsequent investigatory process can have upon a recipient of Federal financial assistance.

In complaint No. 01-86-2075, the insurance plan of a Catholic college originally excluded coverage for "voluntary termination of pregnancy." After the complaint process had concluded with the signing of a voluntary agreement, the president of the College, a member of a Catholic religious order, wrote to OCR and stated:

"[The College] has committed itself to full compliance with the various laws and regulations forbidding discriminatory practices and will continue to do so."

The president of this College enclosed a copy of the revised insurance plan with this letter; the exclusion of voluntary termination of pregnancy in the former plan had been deleted in the revised plan.

Many of the voluntary agreements begin with the requirement that the institution agree that its student health insurance plan will comply with Sections 106.39 and 106.40(b)(4) of the Title IX regulation. These agreements request that the student health insurance plans provide benefits for "pregnancy, childbirth, false pregnancy, termination of pregnancy, and related medical conditions and recovery therefrom." If provided, these benefits must be provided to the same extent as benefits are provided for other temporary disabilities.

Approximately 30 of the voluntary agreements include an example of what the student health insurance plan must cover in order to comply with the Title IX regulation. These agreements state:

"If the plan provides major medical coverage, specifies a maximum level of costs, covers the cost of a private room, or pays the cost of office visits to physicians for temporary disabilities, pregnancy-related conditions must be treated the same."

These approximately 30 agreements also state:

"The University will not require students to pay a disparate premium for comparable coverage of pregnancy-related conditions under its student health insurance plan."

Approximately 30 voluntary agreements also include an attachment, marked "Exhibit A." This attachment fully quotes Sections 106.39 and 106.40(b)(4) of the Title IX regulation. The quote from Section 106.39 states, in pertinent part:

"This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of another, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care."

A number of insurance plans are enclosed herein; they indicate that corrective action taken as a result of the filing of these complaints *has resulted in the inclusion of election abortion coverage in institutional insurance plans.* For example, in complaint #01-86-2055, the former policy excluded coverage for "childbirth, pregnancy and complications thereof." After the OCR investigation, the revised policy included the following coverage: "[M]aternity, complications of maternity, and abortion shall be payable as any other illness."

In complaint #01-86-2041, the insurance policy excluded coverage of "elective treatment, preventive medicines, serums or vaccines where no injury or sickness is involved." This provision was replaced with "preventive medicines, serums or vaccines." Thus, elective treatments, such as abortion, were added to the coverage of the policy.

In complaint #01-86-2024, the university's insurance plan was also revised after OCR's investigation. Attached to the revised insurance plan was a letter from the insurance company to the college, stating the following:

"Subject to all the terms of your contract, your benefits have been changed."

* * *

2. Termination of Pregnancy Services: The benefits that are available under your contract for the treatment of a medical condition are also available for termination of pregnancy.

The following insurance plans are enclosed in order to demonstrate the changes which occurred after the complaint and OCR investigation commenced: 01-86-2024, 01-86-2075, 01-86-2055, 01-86-2050, 01-86-2058, 01-86-2061, 01-86-2063, 01-86-2079, 01-86-2041, 01-86-2010, 10-85-2060, 10-85-2059, 10-85-2063, and 02-86-2035.

RECIPIENTS' TERMINATION OF HEALTH INSURANCE PLANS

Approximately 12 of the institutions which were subjected to the complaint and investigation process decided to terminate their offerings of health insurance to the students. (*See, e.g.,* #03-86-2105.) In one complaint against a religiously affiliated college, (#06-85-2077), the complainant alleged that the college discriminated against female students by not offering an insurance plan that treats pregnancy-related conditions in the same manner as other temporary disabilities. Subsequent to the filing of this complaint and during OCR's investigation, the college discontinued offering a health insurance plan for its students.

In a similar instance, (#10-85-2041), a university entered into a voluntary agreement to find a carrier that would "provide coverage for pregnancy and related conditions." Because of the university's small enrollment, it was unable to find a carrier willing to provide the expanded coverage. Thus, this university was compelled to not offer a student health insurance plan due to the economic burdens placed upon it by the complaint and subsequent agreement with OCR.

Enclosed herein are copies of voluntary agreements between OCR and the recipients which resulted in the termination of student health insurance plans by the institutions. (*See, e.g.,* #06-85-2081, 06-85-2082, and 08-86-2034.)

COMMENTS

This office is currently reviewing the voluntary agreements reached between OCR and state university education systems, institutions, or other public schools. The abortion provisions of the Title IX regulation conflict with the laws of some states that prohibit the use of state funds for abortions. It is important to discover whether the enforcement of the abortion provisions of the regulation may have resulted in the violation of state laws by any public recipient. In addressing federalism principles, an analysis will be conducted to measure the extent to which a conflict exists between OCR's voluntary agreements and state laws. The above analysis does not review the present circumstances of private and public hospitals receiving Federal financial assistance, since they are under the jurisdiction of the Department of Health and Human Services.

The Title IX regulation also conflicts with Federal policy to prohibit funding for abortion. In 1976, Congress enacted the Hyde Amendment, which repeatedly was re-enacted in succeeding years, to prohibit Federal funds from being used to pay for nearly all abortions in programs receiving Medicaid funds, with limited and clearly specified exceptions. For example, the current version of the Hyde Amendment states:

"None of the funds contained in this act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

The Federal policy to prohibit funding for abortion is exemplified by several other Federal statutes as well: 10 U.S.C. § 1093 prohibits, in the provision of medical care to members of the armed forces, the use of Federal funds to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; 22 U.S.C. §§ 2151b (f)(1) and (2) state that none of the funds provided for international development assistance shall be used for abortions as a method of family planning or to motivate any person to practice abortion; 42 U.S.C. § 300a-6 prohibits the use of Federal funds by any population research and family planning program where abortion is a method of family planning; 42 U.S.C. § 300z-10 prohibits the payment of Federal grants to any Adolescent Family Life Demonstration Projects that provide abortions or abortion counseling or referral; 42 U.S.C. § 2996f (b)(8) states that Legal Services Corporation funds shall not be used for legal assistance with respect to proceedings that seek to procure a nontherapeutic abortion.

The abortion provisions of the Title IX regulation adopted by the Department directly contravene the Federal policy to prohibit Federal funding for abortion, as exemplified by numerous congressional enactments. The regulation requires funding of abortion, where other Federal legislation prohibits such funding. In so doing, the regulation creates a confusing inconsistency within Federal law.

Title VII of the Civil Rights Act of 1964, prohibiting discrimination in employment, appropriately does not include a provision prohibiting the use of Federal funds for abortion, inasmuch as no Federal funding is involved; significantly, however, Title VII does include an abortion-neutral provision that protects employers from being forced to cover employees in their health insurance benefits:

"This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion."

42 U.S.C. § 2000e (k). The inconsistent policy between the Title IX regulation and the Title VII provision may subject an institution to conflicting legal standards governing the type of coverage that is mandated for health insurance plans. Thus, an institution could be placed in the anomalous position of having the same health insurance plan being in compliance with Title VII as it relates to coverage for abortion and in violation of the Title IX regulation as it relates to coverage for termination of pregnancy. The right to choose whether to cover abortion that is secured employers by Title VII is abrogated by the Title IX regulation for those employers that are federally funded educational institutions.

A resolution of this dilemma could be achieved through the legislative process. It is the legal opinion of this Acting Director that if the abortion-neutral language of the Sensenbrenner-Tauke amendment and the religious tenets amendment contained in either H.R. 1881 or the legislation that was adopted in the House Education and Labor Committee in the 99th Congress, had been enacted into law, OCR would have been able to enforce the Title IX proscriptions against pregnancy discrimination without the complications outlined above. Specifically, OCR would not be placed in the position of running afoul of the First Amendment and the existent Federal policy that is manifested by such Federal statutes as the Hyde Amendment and Title VII.

In the 99th Congress, the House Education and Labor Committee adopted the Sensenbrenner-Tauke amendment. It is my understanding that this amendment will be offered in the U.S. House of Representatives and the U.S. Senate when any *Grove City* legislation is considered by either body. Thus, no regulatory revisions are necessary until congress acts. Furthermore, a revision from the legislative process is preferable since a mere regulatory change could be deleted in the future.

Thus, OCR has witnessed a conflict between the constitutional rights of some recipients and a Federal policy of proscribing Federal funds for abortions, on the one hand, and enforcement of the provisions of the Title IX regulation concerning "gynecological care" and "termination of pregnancy," on the other hand.

U.S. Catholic Conference,
Washington, DC, January 27, 1988.

Dear Senator: As the Senate considers the Civil Rights Restoration Act (S. 557), the U.S. Catholic Conference wishes to reaffirm its conviction regarding this important legislation. We wish to renew our support for efforts to strengthen and make more effective the federal commitment to combat discrimination in our nation. The U.S. Catholic Bishops have actively supported the major civil rights acts that have come before the Congress. Our consistent support is based on our strong beliefs that government has the fundamental moral duty to protect and enhance the life, dignity and rights of the human person.

In our teaching and advocacy, we have sought to condemn racism and unjust discrimination and to work for full equality and opportunity for all people. The USCC supports the goals of the Civil Rights Restoration Act—to insure that federal funds and institutions that receive federal funds do not discriminate. But we cannot support a measure which, under the guise of "civil rights," would require any entity to provide abortion services, which we and millions of other Americans regard as the destruction of innocent human life and a violation of fundamental human rights.

We therefore renew our call for the adoption of the Abortion Neutral Amendment to be offered by Senator Danforth and the passage of strong civil rights legislation which combats discrimination without infringing on the legitimate rights of religious institutions and without requiring any institution to participate in abortion.

BACKGROUND

The Civil Rights Restoration Act (CRRA) would amend four civil rights laws, including Title IX of the Education Amendments of 1972. Title IX prohibits discrimination "on the basis of sex" in federally assisted education programs. In 1975, federal regulations interpreted Title IX to require institutions to treat abortion the same as pregnancy in student and employee health and other insurance programs.

Title IX was enacted in 1972 when it was illegal in most states to perform abortions except to save the mother's life. Clearly, the Congress that enacted Title IX did not intend to mandate that institutions provide or pay for abortion services as a condition for receiving federal funds.

In its 1984 *Grove City College* v. *Bell* decision, the Supreme Court construed Title IX to apply only to specific programs receiving federal assistance. The CRRA would reverse that decision and expand coverage under civil rights laws, which we support. However, in expanding the reach of Title IX, the CRRA as drafted would also inevitably expand the reach of the proabortion regulations to entire institutions. The CRRA and the abortion regulations would apply to non-educational institutions having education components, and thus would affect hospitals. The Catholic Health Association (CHA), which represents over 600 Catholic hospitals in the United States, has concluded that S. 557 ". . . could require all Catholic hospitals which participate in teaching or other educational programs, e.g., interns, residents, nursing students, to provide abortion services."

To prevent these results, the Senate needs to adopt the following amendment to be offered by Senator Danforth:

"Section 909. Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, related to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion."

The CHA supports this amendment, as does the American Hospital Association (AHA), which represents 5,600 institutions. AHA maintains that ". . . a hospital—religiously affiliated or secular—should be free to choose whether abortion-related benefits and services will be performed in its institution without fear of violating Title IX regulations." The amendment has rightly been called abortion neutral because it does not prevent institutions from including abortion services, but merely does not force institutions to include abortion services against their deep conviction or policies. If the "Danforth" amendment is not included in the CRRA, then the federal government will be in the ironic position of denying federal funds for abortions through the Hyde Amendment, while simultaneously requiring under Title IX that public and private organizations provide abortion coverage with non-Federal funds.

We also understand that Senator Orrin Hatch will offer an amendment at the request of the National Association of Independent Colleges and Universities (NAICU), to broaden the religious tenets exception. We are sympathetic to their concerns in this area and are supportive of the amendment.

The Senate need not choose between greater protection of civil rights and the concerns of the Catholic Bishops. With these improvements, we believe the Civil Rights Restoration Act can help this nation fulfill its commitment to protect individuals against discrimination. We urge strong support of a bill with the protections we have advocated. We do not support any other amendments which we believe would weaken the bill's basic civil rights protections. We support a strong and effective Civil Rights Restoration Act, one that will combat discrimination without requiring any institution to violate deeply held convictions of human life and religious liberty.

Sincerely,

Rev. Msgr. Daniel F. Hoye,
General Secretary.

U.S. Catholic Conference,
Washington, DC, January 27, 1988.

Dear Senator: I am writing as a result of several inquiries which have been made concerning a memorandum on S.557, the Civil Rights Restoration Act, circulated to members of the Senate by the Leadership Conference on Civil Rights (LCCR). This correspondence addresses several of the same issues which are of concern to the Catholic Bishops Conference in this proposed civil rights legislation.

The enclosed fact sheet corrects the record and documents several of the inadequacies in this memorandum.

I hope you will find this helpful to you in dealing with this very important legislation.

Sincerely,

Frank J. Monahan,
Director.

January 26, 1988.

Inaccuracies in the January 21, 1988 Letter From the Leadership Conference on Civil Rights Regarding S. 557

The January 21, 1988 letter and accompanying memoranda to each U.S. Senator from the Leadership Conference on Civil Rights regarding proposed amendments to S. 557 contain inaccuracies which can only serve to confuse the Senate and the public in the ongoing debate on S. 557 and the need for the "Danforth" amendment. Proponents rely heavily on the "principle of restoration" as the reason for opposing any amendments to S. 557. As will be demonstrated below, the restoration principle is at least as much myth as it is reality. Following are several illustrative examples from that letter, and Committee Report 100-64, which do not comport with reality.

1. *Myth.*—"Proponents of the Restoration Act have adhered unswervingly to the fundamental principle of simply restoring coverage . . . and have opposed every amendment that would change substantive law." See page 1 of the letter.

Reality.—Proponents in fact have supported changes in substantive law in S. 557. As reported, the bill contains at least two substantive changes in current law, e.g., the religious tenet exemption in Title IX has been broadened and the definition of "program or activity" for the four amended statutes now singles out for special treatment five kinds of private organizations (i.e., those engaged principally in education, health care, housing, social services, or parks or recreation). Proponents admit in Committee Report No. 100-64 (at p. 18) that the definition of "program or activity" differs from what they perceive as the scope of coverage prior to the Grove City College decision.

In addition, in at least one respect, S. 557 would require a substantive change in longstanding regulations. Under current Title VI regulations which predate the regulations implementing the other three statutes, there is no per se rule of institution-wide coverage of all activities for institutions such as hospitals and universities. Such coverage is merely presumed unless the institution "establishes, to the satisfaction of the responsible Department official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program." 45 C.F.R. § 80.4(d)(2). S. 557 would eliminate this rebuttable presumption of institution-wide coverage. S. Rep. 100-64 does not attempt to explain this deviation from the principle of restoration.

The above can hardly be described as unswerving adherence to the principle of restoration. In reality, proponents have supported substantive amendments that suit their purposes while hiding behind the rhetoric of the so-called "restoration principle" to oppose other meritorious amendments.

2. *Myth.*—"It should also be emphasized that Title IX does not now require any institution to perform abortions. . . ." See page 2 of the letter.

Reality.—Section 106.39 of the current Title IX regulations provides in relevant part that "[i]n providing a medical, hospital, accident, or life insurance, benefit, service, policy, or plan to any of its students . . . any recipient which provides full coverage health service shall provide gynecological care." 34 C.F.R. § 106.39. The Title IX regulations require abortion to be treated the same as pregnancy and other temporary disabilities. Abortion services would have to be provided as part of gynecological care in the case of a recipient, such as an educational institution, if it provides full coverage health service.

Myth.—"No institution would be mandated to perform abortions if S. 557 were enacted." See page 26 of Senate Report 100-64.

Reality.—As indicated above, section 106.39 of the current Title IX regulations on its face already requires certain recipients to provide abortion services.

In addition, assertions in the Committee Report may lead the Senate and the public to believe that the language, "all of the operations of", which modifies all categories of entities described in the new definition of "program or activity," will mean one thing (i.e., all of the activities) for educational institutions such as colleges, but will mean something else (i.e., only certain activities) with respect to other institutions such as hospitals. This is simply doublespeak. It defies common sense, violates well-established rules of statutory construction, and is blatantly inconsistent with the concept of "institutional" coverage embodied in S. 557. Courts will simply not give two different meanings to a single phrase in a sentence despite what the Committee Report suggests.

Finally, the Committee Report (at p. 2) stated that one of the purposes of S. 557 is "to reaffirm . . . executive branch interpretation . . . which provided for broad coverage . . . of these civil rights statutes." In this respect it should be noted that in interpreting the scope of Title IX's coverage in 1975, then HEW Secretary Weinberger stated that "if Federal funds go to an institution which has educational programs, then the institution is covered throughout its activities." See *Grove City College* v. *Bell*, 104 S.Ct. 1211, 1233 (Brennan, J., concurring and dissenting in part). Once S. 557 is enacted, the stated purpose of the bill, Secretary Weinberger's 1975 interpretation, along with the all inclusive "all of the operations of" language, will be relied upon to extend Title IX coverage to all activities of institutions such as hospitals that have been singled out for broad coverage in S. 557. Because S. 557 now singles out health care organizations for special corporate-wide coverage, courts will conclude that "all of the operations of" a hospital which has an educational activity and receives federal assistance will be subject to Title IX coverage, including the abortion requirements.

4. *Myth.*—Citing the Senate Committee Report, proponents indicate that Title IX would "apply only with respect to students and employees of educational programs—not to a hospital's patients." See page 1 of the memorandum relating to abortion amendments attached to the letter.

Reality.—As enacted in 1972, Title IX applies to persons, which on its face is broad enough to include patients and is not limited to students and employees of education programs. In this respect, it is interesting to note that longstanding regulations under Title VI, which is the seminal statute after which Title IX and the other two affected statutes are patterned, embody the principle that "[i]n a research or demonstration grant to such an institution [a hospital] discrimination is prohibited with respect to any educational activity and *any provision of medical or other service* and any financial aid to individuals incident to the program." (Emphasis added.) 45 C.F.R. § 80.5(d). Applying this principle, and given the very broad "all of the operation" language, it is unrealistic to believe that courts will interpret Title IX to prohibit hospitals from discriminating against students and employees while at the same time allowing the hospital and its employees to discriminate against patients, such as pregnant women, who receive medical services.

5. *Myth.*—Committee Report 100-64 (at p. 11) states: "Judicial recognition of institution wide coverage waned only after the Supreme Court opinion in North Haven See, e.g., *Dougherty County School System* v. *Bell*, 694 F.2D 78 (5th Cir., 1982) (follows North Haven dicta that Title IX requires program specific interpretation). Prior to North Haven the weight of authority was clearly on the side of institution wide coverage of the civil rights statutes."

Reality.—Prior to North Haven the weight of judicial authority was clearly running against institution-wide coverage of the civil rights statutes. The Committee Report does recognize some contrary authority but understates the weight of that authority by failing to recognize other Court of Appeals cases had already ruled against institution-wide coverage. See, e.g., *Romeo Community Schools* v. *U.S. HEW*, 438 F. Sup. 1021, (E.D. Mich. 1977), aff'd, 600 F.2d 581 (6th Cir. 1979), cert denied, 444 U.S. 972 (1979) ("HEW contends that the term 'program or activity' as used in § 1681 [Title IX] refers to the entire operation of the recipient educational institution. . . . Hence, HEW argues that it may regulate employment practices through a school district's entire system. This novel and protean interpretation of a well established statutory term was thoroughly refuted in *Board of Public Instruction of Taylor Co.* v. *Finch*, 414 F.2d 1068, 1077 (5th Cir. 1969)." 438 F. Supp. at 1033 n. 18); *Mandel* v. *HEW*, 411 F. Supp. 542 (D.Md. 1976) affirm'd by equally divided court, 571 F.2d 1273 (4th Cir. 1976) ("There is much authority for the proposition that Title VI requires HEW to employ a program-by-program analysis when reviewing federally funded institutions." 411 F.Supp. at 556).

One can only assume that proponents' continued denials of the extent of contrary authority stems from a need to defend the so-called principle of restoration at all costs in order to avoid any amendments, however meritorious, to S. 557.

In addition, there are other interesting facts which proponents routinely do not acknowledge. For example, North Haven was a unanimous decision. There were no dissenters to the program-specific discussion of Title IX in the case, which the Committee Report (at p. 10, n. 1) acknowledges paved the way for Grove City. Grove City itself, was a 6-3 decision with no Justice, including those in dissent, advocating the per se institution-wide coverage standard that proponents assert had always been the case. Of particular relevance here, even Justice Brennan recognized that "the program specific language in Title IX was designed to ensure that the reach of the statute is dependent upon the scope of federal financial assistance provided to an institution." *Grove City College* v. *Bell*, 104 S.Ct. 1211, 1237 (1984) (Brennan, J., dissenting).

Crucial to the validity of the restoration principle is a 1969 case, *Board of Public Instruction of Taylor County* v. *Finch*, 414 F.2d 1068 (5th Cir.), on which proponents heavily rely for the proposition that "courts assumed and endorsed institution-wide coverage." Committee Report at p. 10. While various administrative officials undoubtedly urged this interpretation on the courts, the majority of Circuit Courts rejected this interpretation. In the words of Justice Brennan, the court in *Taylor* v. *Finch* "refused to assume . . . that defects in one part of a school automatically infect the whole . . . and rejected the definition of the term program offered by the Department. . . . '" *Grove City College* v. *Bell*, 104 S.Ct. 1211, 1231 (Brennan, J., dissenting) (citations omitted). Finally, the Eleventh Circuit recently described the Finch holding in the following manner:

"Our predecessor court sided with the Taylor County School Board. In a ruling later cited with approval by the Supreme Court, Finch held that HEW's attempt to characterize the entire school system as the relevant 'program' was contrary to the legislative history of title VI. A review of the congressional debate showed that the legislators expected the statute to be applied to narrowly focused grants, referring by name to programs such as the school lunch program, the agriculture extension program for home economics teachers, aid for vocational agriculture teaching, and aid to impacted school districts. The Finch court concluded that Congress intended title VI to apply 'to particular grant statutes . . ., not to a collective concept known as a school program or a road program.'"

U.S. v. *State of Alabama*, 828 F.2d 1532, 1549-50 (1987) (citations and footnotes omitted). Put simply, courts have generally rejected the misinterpretation of Finch advocated by administrative officials.

6. *Myth.*— "[T]he bill deals only with how much of an entity is covered—not with what it must do once it is covered." See page 1 of the memorandum relating to abortion attached to the letter.

Reality.—Proponents cannot deny that, if enacted, S. 557 will extend coverage under the four affected statutes to more operations and activities of covered institutions than is the case at the present time. Institutions will have to bring newly covered operations and activities into compliance with the four affected statutes. The very purpose of S. 557 is to insure coverage of these activities. Yet, disingenuously, proponents attempt to separate the extended coverage provided by S. 557 from the effect of that coverage on newly covered activities. Who is kidding whom? Despite protestations to the contrary, an entity must, of course, do something once covered—it must bring its activities into compliance.

With respect to Title IX, whatever one's views are regarding proponents' restoration principle and assertions regarding coverage of hospital patients, no one can deny that S. 557 will require more abortion coverage in employee and student health and benefit programs. Attempting to counter the reality that S. 557 will result in the application of the pro-abortion Title IX regulations to more activities, proponents routinely trot out a statement taken out of context from a 1985 legal analysis prepared for the United States Catholic Conference. Proponents consistently fail to disclose that in the same paragraph, the legal analysis concluded that the "bill would extend the reach of the Title IX [abortion] regulations . . . to all of the operations of . . . organizations that receive federal assistance and operate education programs."

Conclusion.—As the above demonstrates, there are many inaccuracies associated with the restoration principle. This is not to suggest that there is no need for a Restoration Act. The Conference has consistently supported the need to reverse the Grove City College decision and broaden coverage of the four civil rights statutes. This does not mean that the Conference must accept the lobbying rhetoric promoting the very suspect "restoration principle" that is used as a tool to allow some proponents to choose among amendments to S. 557, arbitrarily accepting some and rejecting others which have merit, e.g., the Danforth Amendment.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC, January 28, 1988.

Re Danforth and Metzenbaum amendments to S. 557.

Senator JOHN DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: The National Right to Life Committee (NRLC) strongly supports your amendment to the "Civil Rights Restoration Act" (S. 557). The final form of your amendment, upon which the Senate will vote today, states that: ". . . nothing in this title [Title IX] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

As you know, Title IX regulations define it as "sex discrimination" for recipients to fail to provide abortion "services" on the same basis as other "medical benefits." By vastly expanding the reach of Title IX, S. 557 would impose this pro-abortion legal doctrine on thousands of new institutions, including virtually every hospital in the nation which has any teaching program. The Danforth amendment would establish the simple legal principle that Title IX does not require hospitals, colleges, and state government agencies to provide abortions, insurance coverage for abortions, or facilities for abortions.

The Danforth Amendment, and only the Danforth Amendment, is supported by the American Hospital Association, the U.S. Catholic Conference, the Catholic Health Association, the Southern Baptist Convention, and other organizations which oppose the use of Title IX to compel federally assisted institutions to support the practice of abortion.

The National Right to Life Committee is strongly opposed to the alternative amendment proposed by Senators Metzenbaum, Kennedy, and Weicker. By design, the Metzenbaum Amendment does not address the substantive legal issue at stake, but instead is merely cosmetic. The Metzenbaum Amendment carefully leaves the current pro-abortion Title IX regulations undisturbed. The preamble to S. 557 [Section 2 (2)] states that the purpose of S. 557 is to "restore prior consistent and long-standing executive branch interpretation" of Title IX, which clearly includes the pro-abortion reguations. The Metzenbaum Amendment in no way curbs this ratification of, and expansion of the reach of, the current pro-abortion Title IX regulations.

The Metzenbaum Amendment merely asserts that that "no provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion." Because the Metzenbaum Amendment refers only to "this act" (S. 557) and not to Title IX itself, it would not protect hospitals, colleges, and state agencies from "sex discrimination" lawsuits if they fail to provide abortion "services," including abortion procedures, on the same basis as other medical procedures.

After all, it is Title IX itself (as interpreted by regulation) which imposes the requirement that educational institutions provide abortions. It is undisputed that S. 557 would expand the reach of those pro-abortion requirements. The Metzenbaum Amendment neither removes the current substantive requirements that recipients of federal funds provide abortion services, nor prevents the expansion of those requirements to the thousands of institutions to which coverage is extended by S. 557.

Moreover, under S. 557, Title IX coverage (including the pro-abortion requirements) would usually extend to a teaching hospital because such a hospital would be deemed to be an "operation" of a federally assisted medical school or nursing school—not because the hospital itself receives federal funds. The Metzenbaum Amendment, by design, refers only to direct recipients of federal funds, and on its face would have no application to whatever to the teaching hospitals and other institutions which are covered under the bill's sweeping "all of the operations of" language.

It is also noteworthy that the Danforth Amendment explicitly reinforces existing legal barriers against penalization of women who are seeking or who have obtained legal abortions. The Metzenbaum Amendment has no comparable provision.

The Metzenbaum Amendment has been sponsored by the leading pro-abortion advocates in the Senate in an attempt to scuttle your amendment, and to thereby preserve and expand a mandatory abortion policy under Title IX. In this context, the National Right to Life Committee can only regard a vote for the Metzenbaum Amendment as a pro-abortion vote.

Thank you for your continuing efforts to prevent thousands of federally assisted colleges, hospitals, and government agencies from being compelled to provide abortions and abortion-related services.

Respectfully submitted,

DOUGLAS JOHNSON,
Legislative Director.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the remaining time will be charged equally against both sides.

The Senator from Missouri has 1 minute and 18 seconds. The Senator from Ohio has 11 minutes and 20 seconds.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri be given the opportunity of speaking with his remaining time immediately before the vote.

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DANFORTH. Mr. President, I obviously would like some time at the end to rebut whatever is said. I will not be given that.

The issue before us is simple, and that is whether the U.S. Senate wants to leave up to the Federal courts and the regulatory agencies the possibility of requiring hospitals, colleges, and universities to fund or perform abortions when abortions are contrary to the moral sentiments or religious sentiments of those organizations. It is very simple.

The characterization by Senator METZENBAUM is absolutely erroneous. There is no element of discrimination. This does not have anything to do with Roe versus Wade. The question is not whether a woman has the right to an abortion, but the right to pick a hospital to give her an abortion or to have it paid for by a hospital or institution or has a physician that is contrary to the basic principle of abortion.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I believe the Senator from Ohio will yield to me.

The Senator from Ohio controls the time.

Mr. METZENBAUM. Mr. President, I yield such time as the Senator from Oregon needs.

Mr. PACKWOOD. I thank the Senator.

Mr. President, it has been said in this debate that this is not about Roe versus Wade or not about the right of a woman to have an abortion, that it is solely involved with the question of whether or not we are going to compel Baylor University or Notre Dame to provide or to do abortions against their will.

Respectfully, Mr. President, I say that is not the issue. The issue is multifold. One is that there is a certain antiwoman animus in the attitude of the proponents of this amendment. Two, there is no question but that any school that has any religious conscience can get out from under these regulations altogether.

I do not know where the figures came from that the Senator from Texas had, but I will quote a letter from the Office of Civil Rights, May 19, 1987. This is from the Reagan administration Office of Civil Rights:

> The Office of Civil Rights has never denied a request for religious exemption. No requests for religious exemption are pending at this time.

There have been a number of schools that refused to comply. For whatever reason, they did not ask the Government for a religious exemption. But do you mean, has any school ever been turned down for a religious exemption? The answer is no.

Let me read just some of the schools that have obtained the exemptions: Brigham Young; St. John's in Minnesota; Cumberland College; Columbia Union College; Catholic University; George Fox in my home State of Oregon; Pepperdine in California; Union University, in Tennessee; Seton Hall.

I ask unanimous consent there be submitted for the RECORD and printed in the RECORD a list of 142 colleges as of October 25, 1985, that had requested exemptions and received them. I do not have the list beyond that date.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

RELIGIOUS EXEMPTIONS: TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

EXEMPTIONS GRANTED

1. Brigham Young University (UT),[1] August 12, 1976.
2. St. Charles Borromeo Seminary (PA), September 14, 1976.
3. Harding College (AR), Harding University (AR) (additional exemption granted 9-23-85), October 14, 1976.
4. Covenant Theological Seminary (MO),[1] May 19, 1983.
5. Saint John's University (MN), March 9, 1984.
6. Christian Heritage College (CA),[1] October 19, 1984.
7. Atlantic Christian College (NC),[1] January 9, 1985.
8. Lees Junior College (KY), May 17, 1985.
9. Asbury College (KY), May 17, 1985.
10. Asbury Theological Seminary (KY), May 17, 1985.
11. Central Wesleyan College (SC), May 17, 1985.
12. Freed-Hardeman College (TN), May 17, 1985.
13. Cumberland College (KY), May 17, 1985.
14. Chowan College (NC), May 17, 1985.
15. Columbia Union College (MD), June 18, 1985.
16. United Wesleyan College (PA), June 18, 1985.
17. Appalachian Bible College (WV), June 18, 1985.
18. Ohio Valley College (WV), June 18, 1985.
19. Immaculata College (PA), June 18, 1985.
20. Baptist Bible College and School of Theology (PA), June 18, 1985.
21. Catholic University of America (DC), (additional exemption granted 8-8-85), June 18, 1985.
22. Ricks College (ID), June 24, 1985.
23. LDS Business College (UT), July 22, 1985.
24. Presentation College (SD), July 22, 1985.
25. Southeastern Bible College (AL), July 24, 1985.
26. David Lipscomb College (TN) July 24, 1985.
27. Johnson Bible College (TN), July 24, 1985.
28. Brescia College (KY), July 24, 1985.
29. Kenrick Seminary (MO), August 1, 1985.
30. York College (NE), August 1, 1985.
31. George Fox College (OR), August 5, 1985.
32. Mt. Angel Seminary (OR), August 5, 1985.
33. Walla Walla College (WA), August 5, 1985.
34. Western Baptist College (OR), August 5, 1985.
35. West Coast Christian College (CA), August 6, 1985.
36. Los Angeles Baptist College (CA), August 6, 1985.
37. Pope John XXIII National Seminary (MA), August 16, 1985.
38. Roberts Wesleyan College (NY), August 16, 1985.
39. Antillian College (PR), August 16, 1985.
40. De Sales School of Theology (DC), August 26, 1985.
41. St. John's Seminary (CA), August 27, 1985.
42. Pepperdine University (CA), August 27, 1985.
43. Dominican School of Philosophy and Theology (CA), August 27, 1985.
44. Denver Conservative Baptist Seminary (CO), August 27, 1985.
45. Northwest Baptist Seminary (WA), September 3, 1985.
46. St. Patrick's Seminary (CA), September 3, 1985.
47. Campbell University (NC), September 3, 1985.
48. Bethune-Cookman College (FL), September 3, 1985.
49. Tennessee Temple College (TN), September 3, 1985.
50. Campbellsville College (KY), September 3, 1985.
51. Oakwood College (AL), September 3, 1985.
52. Union University (TN), September 3, 1985.
53. Berea College (KY), September 3, 1985.
54. Biola University (CA), September 3, 1985.
55. Pacific Union College (CA), September 3, 1985.
56. Circleville Bible College (OH), September 13, 1985.
57. Bethel College (IN), September 13, 1985.
58. Trinity Evangelical Divinity School (IL), September 13, 1985.
59. Wheaton College (IL), September 13, 1985.
60. Dr. Martin Luther College (MN), September 13, 1985.
61. Grace College and Grace Theological Seminary (IN), September 13, 1985.
62. Bethany Lutheran College (MN), September 13, 1985.
63. Marion College (IN), September 13, 1985.
64. Andrews University (MI), September 13, 1985.
65. Kettering College of Medical Arts (OH), September 13, 1985.
66. The Cincinnati Bible Seminary (OH), September 13, 1985.
67. The Athenaeum of Ohio (OH), September 13, 1985.
68. College of Saint Benedict (MN), September 13, 1985.
69. Saint Mary of the Lake Seminary (IL), September 13, 1985.
70. Grand Rapids Baptist College (MI), September 13, 1985.
71. Cedarville College (OH), September 13, 1985.
72. St. Louis-Chaminade Education Center (HI), September 18, 1985.
73. Westminster Theological Seminary (PA), September 18, 1985.
74. Seton Hall University (NJ), September 20, 1985.
75. Wadhams Hall Seminary-College (NY), September 20, 1985.
76. Christ the King Seminary (NY), September 20, 1985.
77. Mid-America Bible College (OK), September 20, 1985.
78. Oklahoma Christian College (OK), September 20, 1985.
79. Oral Roberts University (OK), September 20, 1985.
80. Louisiana College (LA), September 20, 1985.
81. Concordia Seminary (MO), September 20, 1985.
82. Mesivta Yeshiva Rabbi, Chaim Berlin (NY), September 23, 1985.
83. Mirrer Yeshiva Central Institute (NY), September 23, 1985.
84. Rabbinical College of Long Island (NY), September 23, 1985.
85. Rabbinical Seminary of America (NY), September 23, 1985.
86. Sh'or Yoshuv Rabbinical College (NY), September 23, 1985.
87. Yeshiva Gedolah-Zichron Moshe (NY), September 23, 1985.
88. Yeshivath Kehilath Yakov (NY), September 23, 1985.
89. Yeshiva and Mesivta Ohr Yisroel (NY), September 23, 1985.
90. Yeshiva of Nitra Rabbinical College (NY), September 23, 1985.
91. Talmudical Academy (NJ), September 23, 1985.
92. Ohr Hameir Theological Seminary (NY), September 23, 1985.
93. Yeshiva Torah Vodaath and Mesivta (NY), September 23, 1985.
94. Mesivtha Tifereth Jerusalem of America (NY), September 23, 1985.
95. Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway (NY), September 23, 1985.
96. Central Yeshiva Beth Joseph Rabbinical Seminary (NY), September 23, 1985.
97. Grace Bible College (MI), September 23, 1985.
98. Saint Mary's College (MN), September 23, 1985.
99. Saint Mary's College (IN), September 23, 1985.
100. The Saint Paul Seminary (MN), September 23, 1985.
101. Concordia Theological Seminary (IN), September 23, 1985.
102. Calvin College and Seminary (MI), September 23, 1985.
103. Harding Academy (IN), September 23, 1985.
104. Rabbinical Seminary M'kor Chaim (NY), September 24, 1985.
105. Beth Hamedrash Shaarei Yosher (NY), September 24, 1985.
106. Rabbinical Seminary of Belz (NY), September 24, 1985.
107. Rabbinical College of Adas Yereim (NY), September 24, 1985.
108. Rabbinical College Ch'san Sofer of New York (NY), September 24, 1985.
109. Rabbinical Seminary of Munkacs (NY), September 24, 1985.
110. Ner Israel Rabbinical College (MD), September 24, 1985.
111. Reformed Presbyterian Theological Seminary (PA), September 24, 1985.
112. St. Louis Rabbinical College (MO), September 24, 1985.
113. Faith Baptist Bible College (IA), September 24, 1985.
114. Grace College of the Bible (NE), September 24, 1985.
115. Beth Hatalmud Insitute for Advanced Talmudic Studies (NY), September 24, 1985.
116. Beth Medrash Emek Halacha (NY), September 24, 1985.
117. The Jewish Theological Seminary of America (NY), September 24, 1985.
118. Rabbinical College Beth Shraga (NY), September 24, 1985.
119. Rabbinical College Kamenitz Yeshivah of America (NY), September 26, 1985.
120. Talmudical Yeshiva of Philadelphia (PA), September 26, 1985.
121. Baylor University (TX), September 26, 1985.
122. Southern Baptist College (AR), September 26, 1985.

Footnote at end of article.

123. Notre Dame Seminary (LA), September 26, 1985.
124. Bartlesville Wesleyan College (OK), September 26, 1985.
125. Southwestern Adventist College (TX), September 26, 1985.
126. Crowley's Ridge Academy (AR), September 26, 1985.
127. Crowley's Ridge College (AR), September 26, 1985.
128. Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. (NY), September 27, 1985.
129. Mesivta of Eastern Parkway Rabbinical Seminary (NY), September 30, 1985.
130. Brisk Rabbinical College (IL), September 30, 1985.
131. Telshe Yeshiva (OH), September 30, 1985.
132. The Hebrew Theological College (IL), September 30, 1985.
133. Michigan Christian College (MI), September 30, 1985.
134. William Tyndale College (MI), September 30, 1985.
135. Union College (NE), October 25, 1985.
136. Ohr Somayach (NY),[1] October 25, 1985.
137. Central Yeshiva Tomchei Tmimim Lubavitz (NY), October 25, 1985.
138. Mesivta Sanz of Hudson County (NJ), October 25, 1985.
139. Ayelet Hashachar (NY), October 25, 1985.
140. Yeshiva Kesser Torah (NY), October 25, 1985.
141. Yeshiva Toras Chaim Talmudical Seminary/Denver (CO), October 25, 1985.
142. Colorado Christian College (CO), October 25, 1985.

[1] Five institutions were not included in the count of 216 case files officially pending as of February 19, 1985.

Mr. PACKWOOD. So if you want to get out from under these regulations you have no difficulty. You can apply for an exemption and it will be granted.

I think the issue here is not religious exemption. The issue really boils down as to whether or not you really do think a woman is entitled to make a choice for herself whether she wants an abortion, whether she happens to be a student at Oregon State University, or whether she happens to be a woman who is a housewife or whether she happens to be a woman who is working in the lumber mill or a lawyer. Whether she happens to be going to a public university or a private university that is not religiously affiliated and takes substantial amounts of money from the Government—and most are happy to take money from the Government if they can get it in most cases—can she be denied the right not to have the university perform the abortion, but to provide the access to it under a student health plan?

What the Senator from Missouri is afraid of, and I can understand his fear, is that under the old law, the 1972 law, he thinks there is a possibility that some court might interpret the 1975 regulations in a manner affecting abortion that he and his supporters do not agree with. He has referred to a 17-page memorandum from the law firm of Dewey, Ballantine, Bushby, Palmer & Wood in which they offer their opinion as to what could—not will—could happen if this bill were to pass.

According to Dewey, Ballantine if the Civil Rights Restoration Act is enacted, educational institutions could be required to fund abortions; hospitals that engage in educational activities could be required; hospitals could be required to perform abortions; educational institutions and hospitals associated with a religious institution could fail to qualify under the act's religious exemption.

Mr. President, that has never happened. No institution that has applied for a religious exemption has ever failed to get it. No court has ever yet imposed on any institution the fears that the Senator from Missouri has expressed. But he wants to make sure that no court might. What bothers me with his approach on this was the tacit—I do not want to say explicit—the tacit understanding that all we were trying to do in this act was to reverse the case of Grove City, which the Supreme Court decided 3 or 4 years ago, in which they said that what everyone in this Senate, and I think everyone in the House, and everyone in any administration had ever thought title IX and the regulations meant. Title IX of the Education Act of 1972 is the one that basically prohibits discrimination in sex and employment.

I might add it is the act under which we finally managed to pry loose moneys for women in sports. I would wager today there are a great many proud—I do not mean just halloaed—I mean proud fathers who have reveled in the success of their daughters in track or high school basketball or field hockey with equipment of reasonable quality that they never had access to until we passed title IX.

I might say checking the votes of some of the people who were here in 1972, some of the people who are opposed to giving women the right to make a choice on abortion, also did not like title IX and the right to give women an equal shot at equal athletic facilities.

Now, Mr. President, there is a thread that runs through this entire debate, and that thread is bigger than just the issue of whether or not Notre Dame would have to provide health coverage which might provide abortion. Notre Dame can opt out if they want. The issue is bigger than that. The issue is whether or not you really believe that a woman is entitled to do something beyond what many in this body would limit her to do. That is the basic genesis of the support of many, not all, but many for this amendment.

Deep down in their hearts they are convinced that the world would be better off if women would not be in the marketplace, if they would simply stay home with the children, that deep down we would be better off if the Government could compel and prohibit them from making a choice freely as to whether or not they want an abortion, legally, because we know what the situation would be if they cannot. They would freely make a choice to have an illegal abortion. I hope we are not going back to those days.

They just know the world would be better off if what we did on Friday night was watch boys basketball games, and that is—I do not want to use the word animus, because that has a certain sense of maliciousness. It is not animus so much as it is a sense that we all have a place in society that has been ordained by God and if we would all stay in our place, America would be stronger, safer, freer.

That in whole is the problem we are facing. The vote on the Danforth amendment is frankly an itsy-bitsy part of that whole debate. It is not an integral part of the debate. It is an effort to try to roll back the rights a little bit, of women in this country in the hopes that this can be the harbinger of rolling them back a lot.

No. This is not a vote to repeal Roe versus Wade and overturn the Supreme Court, although I assume we may have those votes from time to time in this Congress, but it is an effort to start down that road, and I would hope that this Senate today in just a few minutes would vote to say we are not going to start down that road, not today, not this Congress, not ever.

The PRESIDING OFFICER Who yields time?

The Senator from Ohio has remaining 2 minutes; the Senator from Missouri 10 seconds.

If no one seeks time, the remaining time will be charged equally against both sides.

Mr. DURENBERGER. Mr. President, I rise as a supporter and cosponsor of the Danforth amendment to the Civil Rights Restoration Act.

The legislation before the Senate is designed to restore the four landmark civil rights statutes to the force and vitality they enjoyed prior to the Grove City versus Bell decision of the Supreme Court. The fact that this effort has taken more than 3 years for the Congress to accomplish, and we are not done yet, testifies to the complexity and controversy of some of the issues it raises.

I would expect that the work of this body on this matter will be subject to substantial interpretation and litigation by administrations not yet elected and in future Court cases. The Grove City controversy arose in the first instance out of a misunderstanding of congressional intent with respect to the "program or activity" language in the four statutes. It is therefore vitally important that we make our intent very clear with respect to the controversies which have been raised and discussed in relation to this bill. I appreciate the work the committee has done, in its report and in legislative history made on this floor, to anticipate and deal with such matters prior to disposition of this measure.

The pending amendment is a necessary addition to this bill because it resolves an ambiguity which has been raised: The obligations of religious and other educational institutions to provide abortion related services or insurance coverage. Title IX of the education amendments was enacted in 1972 and implemented by HEW regulations in 1975. Those regulations define the denial of abortion services or health plan coverage as sex discrimination, in violation of title IX. Were those regulations to be proposed as a bill in the 100th Congress, I would not support it and doubt very seriously that it would ever become law.

I do not believe it is the view of a majority of the Congress that we should force hospitals associated with educational institutions, whether they be religious or secular institutions, to make a choice of whether, on the one hand, to forego all forms of Federal funding or, on the other, to violate the tenets of their moral conscience by providing abortions.

The inconsistency of that choice with other elements of Federal law, and principles we cherish in this democracy, is both striking and obvious. But that conclusion does not, in itself, remove the necessity of dealing with the issue.

As the Senator from Missouri has stated, there is a reasonable possibility that a future Court or administration may interpret our silence on this issue, or our failure to clarify this ambiguity, as a tacit congressional affirmation of the broadest interpretation of the title IX regulations. We should not allow that to happen.

It is argued that title IX's "religious tenet exemption" will provide teaching hospitals with an opportunity for relief. That exemption is the subject of the underlying amendment and will be debated as soon as this amendment is disposed of. But as the American Hospital Association has argued, there is a large number of hospitals without religious affiliations who do not perform abortions as a matter of conscience. There is no similar "exemption" opportunity for these institutions as currently exists for religious teaching hospitals.

Throughout my career in the Senate, I have consistently and without exception voted to protect the sanctity of human life, including questions of abortion, medical ethics, and capital punishment. Many disagree with a number of those votes. But I regard the Danforth amendment as an important decision by this body with regard to our respect as a nation for all human life.

I recognize that many of my colleagues do not and will not share my conviction on matters of life. Nevertheless, I urge them to carefully consider the pending amendment as a necessary protection of the freedom of conscience for organizations, in their own States and throughout the country, who have chosen not to perform abortions. We should respect and protect their right to do so. We should act affirmatively on the Danforth amendment.

Mr. ADAMS. Mr. President, I am a cosponsor of the Civil Rights Restoration Act. Consistent with the concept of the bill, I have opposed all amendments which seek to do anything but restore the status quo ante. All I want is to go back to where we were before the Supreme Court decision in the Grove City case. There have been a number of amendments which clearly would have had the effect of making substantive changes in the law. In those cases, given my desire to restore the law to the status enjoyed prior to Grove City, it has been a simple decision to oppose them.

The amendment offered by Senator DANFORTH, however, represents a more difficult decision. I know that the relationship between this bill and an alleged expansion of abortion rights has prevented congressional action for a number of years since many believe that this legislation in some way expands abortion rights. If I agreed with that assumption, if I thought it was factually correct, I would be inclined to support the Danforth amendment: after all, the goal of the bill before us is to return us to where we were—not move us either forward or backward in terms of abortion.

After careful study of the legislative language, the committee report, and the memorandum of law prepared for Senator DANFORTH by Dewey Ballantine, I have concluded that this bill does not expand abortion rights, does not change either the rights or the responsibilities of institutions, does not alter the law or the regulations created by title IX. The amendment offered by Senator WEICKER earlier today makes this perfectly clear. While I was pleased to vote for the Weicker amendment, I agree that it was not necessary. It was not necessary because no compelling case was made to support the claim that the Civil Rights Restoration Act changes the legal or regulatory scheme which was in effect relative to abortion prior to Grove City.

The Dewey Ballantine memorandum which is used to justify the "worst case" situations which the Danforth amendment seeks to prevent, for example, is cast in conditional terms. They argue that there is "a serious risk" that a court "could require" actions which some would find unacceptable. The point is that the memorandum does not establish even a probability that a court would so rule. Indeed, the committee report very clearly precludes such a ruling. On page 26 and page 27, the majority makes that point explicitly. The report is worth quoting at some length since it establishes clear congressional intent on this point:

> Title IX does not now require an institution to perform abortions and no abortions would be mandated if S. 557 were enacted. Religiously-controlled organizations will continue to be able to apply for, and receive, an exemption from Title IX requirements where compliance with those requirements would violate their religious tenets. For example, a religiously-controlled university that wished to exclude insurance coverage of abortions from an otherwise comprehensive student health insurance policy, could seek a religious exemption. Additionally * * * claims that the bill would require hospitals to provide abortion services to the general public are false.

Given this clear legislative history, I simply do not believe that the legislation restricts or expands or in any way changes abortion rights under title IX or under Roe versus Wade.

Let me, however, make one more point: While the bill is abortion neutral, I am not at all sure that the language of the Danforth amendment is. There have been persuasive arguments made to indicate that adoption of the Danforth language is specifically designed to alter the regulations which have been in effect since the mid-1970's to implement title IX. That is not the purpose of this bill. And that is not something that I would want to see done. Those who support the Danforth amendment have an agenda which is different then mine: Their desire is not to have an abortion neutral law, rather their desire is to restrict the right to abortion. That is a desire I do not share. And that is why I have supported the abortion neutral language in the bill and the Weicker amendment and why I oppose the Danforth language.

Mr. HEINZ. Mr. President, I strongly support passage of the Civil Rights Restoration Act—S. 557. I was an original cosponsor of this legislation both in the 99th and 100th Congresses. Restoring these four civil rights statutes—title VI of the Civil Rights Act, title IX of the Education Act amendments, section 904 of the Rehabilitation Act, and the Age Discrimination Act—is essential. Restoration of these laws reflects America's commitment to one of the most cherished values in our democratic system: Equality under the law.

During Senate consideration of the Grove City bill over these past few days, along with other colleagues, I have resisted all amendments that would further dilute these civil rights. These include attempts to expand the religious exemption and to narrow the scope of coverage to individual institutions not systems.

The Senate now is enrolled in a debate on an issue upon which there is considerable disagreement—whether this bill will have an effect on the provision of abortions. I would like to discuss this objectively and dispassionately before the Senate votes today.

First, let me take a minute to describe what these civil rights laws that we are restoring do: They protect individuals against discrimination in federally assisted programs or activities. Title VI prohibits discrimination on the basis of race, color, and national origin; title IX prohibits discrimination on the basis of sex; section 504 prohibits discrimination on the basis of physical or mental disability; and the Age Discrimination Act prohibits discrimination on the basis of age.

Americans have made it clear that they will not tolerate discriminatory treatment of others because of race, sex, age, or disability. We all agree that Federal financial assistance should not be used to subsidize discrimination of any kind.

Since there is agreement about these principles, why is there opposition to the Civil Rights Restoration Act?

In 1984, in its *Grove City College* v. *Bell* decision, the Supreme Court substantially narrowed the scope of title IX of the Education Act amendments. The Court ruled that title IX applied only to specific programs or activities that directly or indirectly received Federal funds. With this decision, the three other similarly worded civil rights statutes that I have mentioned which protect the rights of the elderly, minorities and the disabled were similarly narrowed.

Mr. President, I believe that a careful examination of the legislative history demonstrates the clear intent of Congress to apply title IX not just to a specific program but to an educational institution as a whole. It is for this reason that I joined as an original cosponsor of civil rights restoration legislation. S. 557, the legislation before us is intended to reverse the Grove City decision and restores title IX of the Education Act Amendments of 1972 as well as the three other civil rights statutes to the meaning and scope intended by Congress.

I fully support the overall goal of the legislation. We need to restore the full force and effectiveness of our Nation's civil rights laws to millions of women, the elderly, minorities and the handicapped from discrimination. Since the Supreme Court decision, justice delayed has been justice denied for these individuals.

I am, however, concerned that this legislation goes significantly beyond its original goal of prohibiting Federal subsidization of discrimination. It may, in fact, infringe on certain religious or deeply held moral beliefs, particularly regarding abortion. It is for this reason we are currently debating the pending Danforth amendment.

The root of the concern here, as I understand the issue, lies in the consequences of enacting S. 557, specifically the effect it would have because of existing Federal regulations. Currently, Federal regulations implementing title IX require that educational institutions receiving Federal financial assistance treat abortion on par with other medical treatments for pregnancy. These regulations state:

> A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such students * * * termination of pregnancy * * *.
>
> A recipient shall not discriminate against or exclude any person on the basis of * * * termination of pregnancy [in admission or recruitment] * * *.
>
> A recipient shall not discriminate against or exclude from employment any employee or applicant * * * on the basis of * * * termination of pregnancy * * *.
>
> A recipient shall treat * * * termination of pregnancy * * * in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit * * * or policy * * *.

Mr. President, people on both sides of this issue have told me that they do not favor legislation that would require institutions to perform abortions against their will. I am certain that opponents of the Danforth amendment are sincere in their belief that restoration of title IX will not result in unwilling abortions. However, as I read the language of the bill in the context of its legislative history and its implementing regulations, I am concerned that there is considerably uncertainty about how the courts or administrating agencies would construe this legislation.

I share the concern that S. 557 could expand the scope of title IX and its prohibitions on discrimination on the basis of abortion in two ways. First, it could conceivably expand the reach of these regulations within institutions to cover college and university health insurance plans at any institution that receives Federal funds, directly or indirectly, regardless of whether that health insurance plan receives direct Federal funding.

Second, and more importantly, there is reason to believe it could expand the reach beyond the confines of the educational institutions to any hospital which operates "Federal assisted education programs or activities." It is my understanding that under S. 557, if a hospital participates in a program of nursing or medical education in affiliation with a university or medical school and that educational institution receives any Federal assistance whatever, the hospital is brought within the scope of title IX. At a minimum, this may result in the hospital having to provide abortion insurance coverage to residents, interns, nursing students, and teaching staff. More importantly, an institution's refusal either to provide insurance coverage or to perform abortions would equal—for purposes of title IX—"sex discrimination." The institution would stand in violation of the statute.

Mr. President, I do not believe that Congress ever intended, directly or indirectly, to compel health care facilities and personnel that object to abortion as a matter of conscience and religious belief to provide abortions. Nor do I believe that Congress intended these facilities' refusal to do so to be the equivalent of sex discrimination. There are innumerable religiously affiliated hospitals which have had a long record of offering care to those in need in a nondiscriminatory manner. They should not be liable and subject to suit for sex discrimination. This would be unfair, and it would be a cruel irony if in trying to provide justice to certain individuals, we should end up denying justice to others by forcing them to act against their convictions.

In my own State of Pennsylvania, we could be a significant problem for the vast majority of hospitals, both religiously affiliated and nonaffiliated. There are 380 hospitals in Pennsylvania, of which 240 are general community hospitals. Only 40 out of these 240 provide or fund abortions on demand. Mr. President, the great majority—200 of these—have chosen for moral reasons not to perform or fund abortion. These involve both private, nonaffiliated hospitals like Scranton State General Hospital, NTW Medical Center (Wilkes-Barre), Western Pennsylvania Memorial Hospital, and so forth, and the many Catholic hospitals throughout the State, none of which perform abortions.

It is my understanding that in the absence of an abortion neutral amendment, none—I repeat, none—would meet the religious exception test of title IX principally because they have lay boards. Hence, all of these hospitals I have just mentioned would be required to provide abortions or be guilty of sex discrimination. In short, we would be requiring hospitals such as Mercy Hospital in Pittsburgh and St. Joseph's Hospital in Philadelphia to act in a manner that directly violates a fundamental precept of their religious affiliation. We should not do so.

My colleague from Missouri, Senator DANFORTH, has offered an amendment to avoid this situation. His amendment states:

> Nothing in this title shall be construed to require or prohibit any person, or public or

private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

Mr. President, this amendment would clarify that neither title IX of the Education Act amendments nor the implementing regulations require educational institutions, hospitals or other entities to provide or pay for abortions and abortion-related services. Insofar as I can judge, the amendment is narrowly drawn to remove the risk that institutions—such as those I have named in Pennsylvania—could be compelled to offer abortions against their moral convictions. It would appear to protect women who have had abortions from discrimination. It would neither require nor prohibit the provision of abortion services as a condition of the receipt of Federal funds.

More significantly, Mr. President, it would remove abortion from the dimension of categories for purposes of sex discrimination under title IX. I recognize that this is the core argument in opposition to the amendment. And, I must say, it has given rise to some very serious claims that removing abortion from the categories of sex discrimination will result in women losing scholarships, being denied employment or admission to educational institutions—in short, losing everything they had gained in the last 16 years. These charges were troublesome to me in that I have always been a strong proponent of legislation supporting women's rights including, in particular, the equal rights amendment. Upon my review of all the information, however, I am not persuaded that removing abortion from the category of discrimination will produce these dire results for two reasons.

First, given the advances made by women since enactment of title IX in 1972, our country would neither countenance nor condone these types of draconian measures inflicted upon women who have had abortions. Second, abortion was never an issue, or an element of congressional intent, in the original legislation. In fact, when title IX was enacted in 1972, abortion was almost entirely illegal in most States. There is nothing in the legislative history to suggest that Congress intended to include it within title IX. The Danforth amendment, in my judgment, is fully consistent with the goal we all share of restoring title IX to its meaning when first enacted, and I will vote for the amendment.

Mr. President, let me address a final comment to the bill itself, S. 557. Some have portrayed this legislation as a simple question of justice. Others have portrayed it as a complex constitutional issue. Irrespective of these portrayals and arguments there should be no ambiguity where we stand: Federally assisted discrimination should be illegal. It is vital that we pass legislation to ensure that the civil rights of women, minorities, the elderly and the disabled be protected. That is why I wholeheartedly support the Civil Rights Restoration Act.

Mr. LEVIN. Mr. President, I do not believe that the law should mandate the performance of abortion—through a threat of withdrawal of Federal funds if an entity receiving Federal funds wishes not to provide abortions—nor do I believe that an entity receiving Federal funds that wishes to perform abortions should be penalized for doing so. I believe the Danforth amendment carries out that policy.

The Danforth amendment provides that nothing in the law shall be construed:

> * * * to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, related to abortion or * * * to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion.

In stating that institutions receiving Federal funds have a choice of performing or not performing abortions, without being threatened one way or another relative to the receipt of Federal funds, I believe the Danforth amendment strikes an appropriate balance in dealing with this issue.

Mr. METZENBAUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has remaining 1 minute and 50 seconds.

Mr. METZENBAUM. And all time has expired on the other side?

The PRESIDING OFFICER. All time has expired for the Senator from Missouri.

Mr. METZENBAUM. Mr. President, let me just summarize where we are: We passed our amendment, the Packwood - Kennedy - Weicker - Metzenbaum amendment, and we said we do not want to address the issue of abortion in this bill. Our amendment was adopted by a vote of 55 to 40.

Now, Senator DANFORTH comes along with an amendment that says notwithstanding any other provision of the bill, his language will be applicable. There is not much question about the fact that that language negates the impact of that which has already been passed.

I would say to my colleagues, if you voted with us on the past one, I would hope you would vote against the Danforth amendment. If you do not, you are totally reversing your vote cast just a few minutes ago.

But the real issue is not abortion but of civil rights. We want to pass a civil rights bill. We do not want to get involved in the issue of abortion. That is the entire thrust of our efforts.

Unlike Senator DANFORTH, we are not trying to change law on abortion. We are not trying to expand the rights to abortion. We are not trying to cut back. The amendment of the Senator from Missouri does reach out beyond the limits of this bill. That's why it should be rejected.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

All time has expired. Under the previous order the vote occurs on the amendment offered by the Senator from Missouri. The yeas and nays have not been ordered.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] would each vote "nay."

Mrs. KASSEBAUM. Mr. President, on this vote I have a pair with the Senator from Alaska [Mr. MURKOWSKI]. If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—56

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Cochran
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Graham
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Johnston
Karnes
Kasten
Levin
Lugar
McCain
McClure
McConnell
Melcher
Moynihan
Nickles
Nunn
Pressler

Proxmire
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Wilson

NAYS—39

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Cranston
Daschle
Evans
Fowler
Glenn
Harkin
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Matsunaga
Metzenbaum
Mikulski
Mitchell
Packwood
Pell
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Weicker
Wirth

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Kassebaum,
against.

NOT VOTING—4

Biden
Gore
Murkowski
Wallop

So the amendment (No. 1392) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I would like to just say a few words about the preceding vote. I know that it was a difficult vote for everybody in the Senate and everybody on the floor at the time. I know it was difficult for you to come back from New Hampshire.

I want to pay tribute to the three Presidential candidates who returned for this last vote: Senator SIMON, Vice President GEORGE BUSH, and of course, our own minority leader, ROBERT DOLE. I think that emphasized how important that vote really was and really is to the American people.

I want to compliment each of them for thinking enough about how important that issue is to be here and to make the extra effort to be here. I know that it was an extremely difficult effort for all three. I happen to know a little bit about the inconvenience that it caused to all three of them, and I want to express my admiration to all three of them.

Mr. President, I would also like to extend my congratulations to the distinguished Senator from Missouri. I think the passage of his amendment could not have occurred had he not led the fight for it and he did so with great skill, with consummate legal ability and I think with a tremendous capacity for tolerance for all of us here on the floor.

I just could not have more respect for an individual than I have for him at this time, so I would like to pay my respects there. I would like to pay my respect to all who voted for or against the amendment because it was a difficult battle.

AMENDMENT NO. 1394

(Purpose: To provide institution-wide coverage in education, and to retain the scope of coverage for all other entities that existed prior to the ruling in Grove City College versus Bell)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FOWLER). The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1394.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Act of 1987".

PROGRAM OR ACTIVITY

SEC. 2. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end thereof the following new section:

"SEC. 908. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)) the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*

"(c) Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, relating to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to legal abortion.".

(b) Section 901(a) of title IX of the Education Amendments of 1972 is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) this section shall not apply to an educational institution which is controlled by, or which is closely identified with the tenets of, a particular religious organization to the extent that the application of this section would not be consistent with the religious tenets of such organization;".

(c) Section 504 of the Rehabilitation Act of 1973 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the decision of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* ((465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase "program or activity' as used in this section shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(2) In any other application of the provisions of this section, nothing in paragraph (1) shall be construed to expand or narrow the meaning of the phrase "program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

(d) The Age Discrimination Act of 1975 is amended by adding at the end thereof the following new section:

"EFFECT OF SUPREME COURT DECISIONS

"SEC. 310. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* ((465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

(e) Title VI of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new section:

"SEC. 606. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* ((465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase "program or activity" and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

Mr. HATCH. Mr. President, the substitute that I have offered is a reasonable response to the Grove City decision. We all oppose discrimination and favor vigorous civil rights enforcement. This substitute amendment provides explicitly for institutionwide coverage of educational institutions under all four cross-cutting civil rights statutes: Title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

It is our intent that educational institutions include elementary and secondary schools, postsecondary institutions, and public school districts. Thus, whenever one school in a public school district receives Federal aid, the entire public school district is covered. This coverage of public school districts reflects the Department of Education's title IX regulation which defines "educational institution" as including public school districts. 34 C.F.R. 106.2(j).

With respect to all other applications of the term "program or activity," the meaning of that term is neither expanded nor narrowed by the substitute proposal. The Grove City and North Haven cases are to be disregarded in determining the scope of the "program or activity" language outside of the educational institution context.

Therefore, resolution of the scope of coverage outside of education will turn on these statutes' plain language and legislative history and past clear agency practice with respect to specific cases. Where such coverage was broad, taking into account the nature of the Federal aid and its uses, the plain language of the statutes, and their legislative histories, then coverage will be broad. For example, all of the activities conducted within a building constructed with Federal aid would be covered as they have been in the past. Federal block grant funding may yield broad coverage when a State or local agency or other entity receives such funding and uses it for a variety of purposes. Where coverage before Grove City was more narrowly focused, such coverage will be retained. Farmers will not be covered solely by virtue of receiving crop subsidies, although they are covered by the committee amendment. Grocery stores and supermarkets will not be covered solely by virtue of their participation in the Food Stamp Program; entire religious school systems will not be covered solely because one school in that system enrolls a child in the school lunch program, every plant, facility, division, and subsidiary of a corporation will not be covered just because one part of one plant receives some Federal aid.

Let me reiterate, my substitute applies all four statutes throughout an educational institution or public school district receiving any Federal aid. And my substitute does cover all areas outside of education in exactly the same way they were covered before Grove City.

Further, this substitute includes the Danforth abortion-neutral language for title IX endorsed by the National Right-to-Life Committee, the U.S. Catholic Conference, the American Hospital Association, the Catholic Health Association, and others. The substitute also includes language adequately protecting religious tenets under title IX. This religious tenets language, which I will describe shortly, is endorsed by the National Association of Independent Colleges and Universities which has 800 member institutions enrolling 2 million students; the Association of Catholic Colleges and Universities; the American Association of Presidents of Independent Colleges and Universities, Agudath Israel, an orthodox Jewish organization, and others.

These laws were intended to be program-specific when they were originally drafted.

Now, Mr. President, with respect to the scope of these statutes, I want to point out again that the plain language of these statutes, together with their legislative histories, demonstrates that Congress always intended the scope of these statutes to be "program-specific," as the Supreme Court correctly determined in the Grove City decision. They all use a phrase "program or activity" which on its face denotes something less than an entire entity or institution.

Frankly, the term "program or activity" would appear by common sense to mean something less than an entire institution. Congress is often criticized for its ambiguity, or its mistakes in legislative drafting, but I do not think it made such a wholesale mistake as to expect the entire country to think that the term "program or activity" was a synonym for an entire school, a school system, or a state.

Title IX itself makes reference to "an educational institution" and defines the term "educational institution" as broader than a program (20 U.S.C. 1681(c)). In all honesty we have to admit that Congress knew how to cover an entire institution whenever one part of it received Federal aid, but declined to do so in the antidiscrimination provision of these laws.

Moreover, in section 904 of title IX, Congress prohibited discrimination on the basis of blindness or vision-impairment "in any course of study by a recipient of Federal financial assistance for any education program or activity * * *." 10 U.S.C. 1684. Here, Congress clearly banned discrimination on the basis of blindness throughout the institution by using the word "recipient" in the statute itself—in stark contrast to the more discrete term "program or activity" used in the anti-sex discrimination provision of title IX and in the other three statutes. Congress clearly knew how to provide institution-wide coverage under these statutes and declined to do so.

Thus, it is important to recognize that references by the proponents of S. 557 to the "long-standing" interpretation of these laws are inaccurate. Indeed, while some lower courts did rule that these statutes covered an entire institution whenever any part of the institution received Federal aid courts ruled, as the Supreme Court did, that the statutes were program-specific. And the trend in the lower courts leading to the Grove City decision by the Supreme Court was certainly in that direction.

The list of program specific holdings is long. I invite my colleagues to read a few of these cases: *Rice* versus *President and Fellows of Harvard College,* 663 F. 2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1982); *Hillsdale College* versus *Department of Health, Education and Welfare,* 696 F. 2d. 418 (6th Cir. 1982) (Federal scholarship and loan aid to a college subjects only the college's student aid program to title IX coverage), vacated and remanded in light of *Grove City College* versus *Bell: Dougherty County School System* versus *Bell,* 694 F. 2d. 78 (5th Cir. 1982) (reaffirming earlier decision holding that title IX is program-specific); *University of Richmond* versus *Bell,* 543 F. Supp. 321 (E.D. VA. 1982), university's intercollegiate athletic program not subject to title IX coverage because it did not receive Federal financial assistance.

"Grove City has not impaired executive branch enforcement except in education."

That was basically the testimony before our committee.

Mr. President, let me repeat that we recognize that harm has been documented in the area of education, and my substitute will fully meet those concerns. Institutions of higher education, private elementary and secondary institutions, and public school districts receiving any federal aid are covered throughout. Federally assisted education programs in non-educational entities are also covered.

However, it is important for my colleagues to be aware, that outside of the Department of Education most, if not all, other agencies enforces the statutes properly as program-specific, and have not seen their enforcement activities diminished by the Grove City decision.

For example, the Department of Labor reported that all 47 of its complaint investigations initiated since March 26, 1985 were unaffected by the Grove City decision. No investigation was narrowed in scope as a result of Grove City, and no investigation was found to be beyond the Department's jurisdiction as a result of Grove City. Letter from William J. Harris, Director, Directorate of Civil Rights, U.S. Department of Labor, to Susan J. Prado, Acting Staff Director, U.S. Commission of Civil Rights, December 9, 1986. Indeed, Secretary of Labor William Brock advised Senator KENNEDY on April 2, 1987 that no Department of Labor enforcement on investigative activity has been curtailed as a result of the Grove City decision, adding:

The Department has traditionally interpreted the phrase "program or activity" consistently with the interpretation set forth by the Supreme

Court in Grove City—letter from Secretary of Labor William E. Brock to Senator EDWARD KENNEDY, April 2, 1987.

The Veterans' Administration reported that its conplaint investigation process had not been affected by Grove City, no compliance reviews were dropped, narrowed, or "put on hold" as a result of Grove City, and the Department's procedures for handling complaints and compliance reviews had not been changed—letter from James R. Yancey, Director, Office of Equal Opportunity, Veterans' Administration, to Susan J. Prado, Acting Staff Director, U.S. Commission on Civil Rights, February 27, 1987.

Thus with respect to the vast bulk of Federal agency activity, not only has there been no showing by sponsors of S. 557 that the effectiveness and vitality of these four crosscutting civil rights statutes has been impaired, reports from a number of agencies demonstrate to the contrary.

Even for the Department of Education, of the 674 complaints closed in whole or in part, or suspended, during fiscal years 1984 through 1986, 468 of them concerned abortion rights and were filed by one person. Moreover, if this substitute language had been adopted when it was first offered 3 years ago, all of these cases could have been resolved.

INSUFFICIENT EVIDENCE TO WARRANT 557'S BROAD SWEEP

Let me emphasize, Mr. President no case has been made for the radical expansion of Federal jurisdiction represented by S. 557. Everyone in this body knows that Federal regulations, and the private right of action under at least three of these statutes, are not without significant costs. They should not be imposed without a basis in the record of harm. When we expand Federal authority, we expand the burdens that go with it.

Justice Lewis Powell, joined by Chief Justice Warren Burger and Justice Sandra Day O'Connor, neatly captured the point in a nutshell in a concurrence in this very Grove City case: "[W]ith acceptance of [Federal financial] assistance one surrenders a certain measure of the freedom that Americans have always cherished." 465 U.S. at 577.

As Judge Abraham Sofaer, now the State Department's legal advisor, said in a title VI case, a Federal agency's power is very significant and threatening, even at the investigation phase: "[T]he power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." *Bryan* v. *Koch*, 492 F. Supp. 212, 235 (S.D. N.Y.), aff'd, 627 F., 2d, 612 (2d Cir. 1980).

In other words, Mr. President, we must recognize that when we expand Federal jurisdiction under these laws, we expand the burdens accompanying them—paperwork, onsite compliance reviews, affirmative action requirements, and much more.

No record has been made demonstrating a need for the sweeping reach of S. 557. If there are demonstrated problems, let's address them. That is why I'm prepared to go institution-wide in education.

The tailored approach is the way we handled the issue of discrimination by airlines against persons with handicaps. Advocacy groups argued that section 504 covered an airline which used an airport which received Federal aid. Now, that reading of section 504 would mean businesses using federally aided highways would be covered and there would be no end to coverage. The Supreme Court rejected this interpretation.

Congress responded by enacting a law which banned discrimination by an airline against persons with handicaps, the Air Carrier Access Act of 1986. Now, Mr. President, that's the way to fix a problem: Identify a problem, not with slogans, rhetoric, and catchy titles, but with fact, and then craft legislation addressing it. S. 557, in stark contrast, covers the country with a blanket of Federal jurisdiction, regardless of whether there is a problem in a given area or not. Have any of my colleagues heard complaints about farmers, grocers, churches, and synagogues? As I mentioned, except for the Department of Education, Grove City has had either no impact or virtually no impact at any agency in 4 years.

ABORTION

The substitute amendment also addresses the separate abortion issue raised by title IX, by including the Danforth abortion-neutral language. Congress must ensure that no recipient of Federal aid is compelled to provide or pay for abortions or abortion-related services as a condition of the receipt of such Federal aid.

RELIGIOUS TENETS

Again, we have already debated this issue. New religious tenets language is needed in title IX to protect a covered institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identified with the tenets of, the religious organization.

The religious tenet language found in the substitute amendment is virtually identical to language in the Higher Education Amendments of 1986, adopted by Congress and signed into law in October 1986. There, a prohibition against religious discrimination in the Construction Loan Program was enacted with an exception using virtually the same language recommended for title IX. This provision, in short, is modeled on language used by the 99th Congress.

This language is supported by such organizations as the National Association of Independent Colleges and Universities [NAICU], with over 800 college and university members-enrolling over 2 million students; the U.S. Catholic Conference; the Association of Catholic Colleges and Universities; Agudath Israel, a national orthodox Jewish movement with tens of thousands of members; National Society for Hebrew Day Schools—approximately 500 elementary and secondary schools; the Association of Advanced Rabbinical and Talmudic Schools—approximately 60 schools, the National Association of Evangelicals, and others.

Mr. President, we need not expand the scope of Federal regulation beyond what is required to correct problems identified under title IX, this language recognizes that religious liberty is a civil right. The Senate need not and must not sacrifice religious freedoms in an attempt to strengthen civil rights protection.

Mr. President, I urge adoption of the substitute amendment.

No record has been made demonstrating the need for the sweeping reach of S. 557. All the rhetoric aside about why these other three statutes have to be covered, the fact is they were not covered pre the 1984 Grove City decision. If there are demonstrated problems of discrimination or failure to provide proper enforcement against discrimination, then let us solve those problems. And I will work hard with Senator KENNEDY and all others to do so. But I am prepared with this substitute to go all the way with regard to institution-wide coverage of title IX in education, something that many thought was not the law before the Grove City case.

I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 15 minutes. The Senator from Utah has 2 minutes and 19 seconds.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, this amendment is totally inadequate for several reasons. It overturns only a part of the Grove City decision.

The four statutes which were affected by the Grove City decision prohibit discrimination against women, minorities, the disabled, and the elderly in a wide variety of activities in addition to education such as health, social services, transportation, and housing.

In fact, on the same day that Grove City was decided, the Supreme Court applied the same narrow construction to section 504 in an employment case.

The Hatch substitute says that, in applying the four civil rights laws to other than education institutions, there shall be no reference to the Grove City and North Haven decisions. But there is nothing in the substitute to prevent the court from reaching the exact same narrow result in the next case that comes along.

Under the Hatch substitute, the following federally subsidized discrimination could occur:

A black patient could be denied medical care at a State hospital even though the State hospital system receives Federal funds if the funds were not traceable to the particular hospital and unit where the discrimination occurred.

A State department of social services that receives Federal funds could refuse to permit the adoption of disabled children if the funds are not traceable to the particular unit responsible for adoption.

People over the age of 55 could be denied immunization by a city clinic's policy of providing such services only to the so-called working age population. Such discrimination would be permitted even though the city received Federal funds for health services, unless the funds were traceable to this particular service.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money even though the corporation received Federal money in other departments.

Our civil rights laws were designed to prevent this kind of discrimination, not support it.

These four statutes all contain the same "program or activity" language. The courts have specifically applied Grove City to limit coverage under title VI and section 504.

Even as to education, the Hatch substitute does not restore the broad coverage that existed prior to the Grove City decision. For example, prior to Grove City, an entire school system was covered if any school within the system received Federal aid. This broad coverage, which prevents a school system from using Federal money at one school and discriminating at another, would be lost.

Disabled Americans would be particularly disadvantaged by this amendment. Section 504 is the only Federal law which prohibits discrimination against the disabled. This amendment would leave in place the Grove City requirement that Federal funds be traced to a discriminatory program before a claim of discrimination can be made.

These fundamental civil rights laws have never included a dual system of protection from discrimination, giving you more protection if you are in a federally supported school than if you are in a federally supported nursing home.

Our bill would overturn the Grove City decision completely and restore the full protection against the use of Federal funds to discriminate what Congress intended when it passed these laws.

I urge the Senate to reject the amendment.

Let me give you an example, Mr. President. In the case of Foss versus City of Chicago, the city of Chicago and its fire department received Federal funding. There was alleged discrimination against a fireman who had some disability, and under the Grove City case they would say, since the money just went to the city of Chicago and that fire department and did not go to his particular ladder, he was out of court. It did not make any difference; he was out of court. We changed the whole concept of Grove City to say that if the principal departments are going to get Federal funding, they cannot discriminate on the basis of race, they cannot discriminate on the basis of disability, and they cannot discriminate on the basis of age. That condition would continue under the Hatch substitute but not under our bill and not under the original four pieces of legislation that existed prior to the Grove City decision. And that particular example exists on the basis of race and on the basis of age. All this amendment does is deal solely with the issue of education.

What you are saying in effect is OK, we will take care of education but we are going to close the door to the handicapped, close the door to minorities, and close the door to the elderly. That is the effect of the substitute. And for what reason? For what reason? This country and this body decided we were not going to discriminate on the basis of race, age, or ability. It took a period of years to reach that decision, but that has been the decision and that has been the way that the courts interpreted it for years before Grove City. The Hatch amendment will say we are just going to deal with education but too bad if you are handicapped or disabled and too bad if your skin is a different color and too bad if you are too old. What possible sense does that make, Mr. President? It does not make any sense. That is the principal reason the amendment should be rejected.

I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from South Carolina, [Mr. THURMOND] is recognized.

Mr. THURMOND. Mr. President, I rise in support of the substitute proposal. S. 557 in its present form clearly provides for an expansion of Federal control under the four civil rights statutes. The substitute proposal offered by my colleague from Utah provides a responsible approach to the Grove City decision.

We heard testimony concerning the problems and confusion arising in some educational institutions since the Grove City decision. Regarding educational institutions, this amendment provides explicit institutionwide coverage and for coverage of entire public school districts whenever any Federal aid goes to such a district as a whole. But no showing has been made of the necessity for the sweeping Federal coverage in all areas of American life that is embodied in S. 557—particularly S. 557's encroachment on religious liberty.

Regarding this substitute, it will retain coverage in areas outside of education to the extent that it existed before Grove City. Where such coverage was broad, the substitute proposal retains such coverage. Where the coverage before Grove City was narrow, such coverage will result under the substitute.

I urge support for the substitute.

I yield back any time that I did not use.

Mr. KENNEDY. Mr. President, I would also point out to the membership that the substitute also includes two other provisions which the Senate has previously rejected in terms of treating private schools and public schools differently. We rejected that proposal. That is included in the Hatch proposal. And also with regard to the tenet protections, that is altered and changed in the Hatch substitute.

So we have addressed those ideas after full debate. We reversed the decisions of the Senate, and we come back again to the fundamental approach of the Hatch proposal. That is to deal with only the questions on education and not deal with the issues of the disabled, the elderly, and minorities. It just defies both, I believe, logic, common sense, decency, and as well, public policy and morality to do that.

So I hope that amendment would be rejected. I reserve the balance of my time. How much time do I have?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining. The Senator from Utah or his designee has 50 seconds remaining. The yeas and nays, the Chair advises the Senator from Massachusetts, have not been ordered.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I must respond to my colleague from Massachusetts. In no way does this substitute amendment close the door to the blind, to the handicapped, to the aged. Instead, this amendment responds with institutionwide coverage in all four of these civil rights statutes in the area of education. This is the only area in which there was documentation of harm from the Grove City decision. When and if other problems arise I will lead the fight to craft legislation to deal with those problems.

I am really disappointed with the misleading rhetoric expressed by my colleague from Massachusetts. This substitute would resolve the problems raised by the Grove City decision. And it is the only bill that can pass both Houses of Congress and be signed by the President.

Mr. DOLE. Mr. President, I must reluctantly vote against the substitute offered by my distinguished colleague from Utah. I agree that legitimate concerns have been raised about whether the legislation now before the Senate wil truly restore the status quo ante Grove City, or whether it will significantly expand pre-Grove City law. Should this bill become law, the courts should be mindful of the concerns that have been raised and the assurances of the sponsors that they have no intention of going beyond pre-Grove City bounds.

However, my concern with this amendment is that it might go too far in the opposite direction—that is, because of certain drafting problems, it may leave the door open for the courts to continue to construe all these laws in a narrow, program-specific manner and we would be right back where we started.

Specifically, because of the manner in which the phrase "educational institution" is used, the courts could interpret the language to mean that only specific departments of a university or college should be covered, as opposed to the entire institution.

In addition, I am concerned that under the amendment, section 504 would continue to be narrowly construed because the grandfathering clause fails to reference the Darrone case—a section 504 case decided shortly after Grove City which held that that law was also program specific.

Again, Mr. Chairman, I want to emphasize that I am very concerned about this bill's sweeping language. There is virtually unanimous agreement that our goal should be to restore pre-Grove City law, nothing more and nothing less. This legislation should be interpreted by the agencies and the courts with that goal in mind. However, I am also concerned that this amendment may leave the door open for the courts to once again give a narrow, program-specific interpretation of these laws. As a result, we would have to pass another piece of corrective legislation.

This Grove City case has had a substantial detrimental effect on civil rights enforcement, particularly on section 504. We have been struggling with this legislation for over 4 years. It is time to put this issue to rest.

Mr. KENNEDY. I suggest the absence of a quorum.

Mr. THURMOND. With the time not being counted to either side.

Mr. KENNEDY. That is right.

The PRESIDING OFFICER. If there is no objection, time for the quorum calls will not be counted to either side.

Mr. KENNEDY. I thought the time was to be counted on either side.

The PRESIDING OFFICER. If that is the request, the Chair is in error. What is the request of the Senator from South Carolina as to allotment of time in the quorum call? Does the Senator from South Carolina wish it be counted against both sides?

Mr. THURMOND. I wish it not count against either side.

Mr. KENNEDY. I object. We are prepared to vote, Mr. President.

Mr. THURMOND. Mr. President, we will go ahead if we cannot find Senator HATCH. He was handling the bill.

The PRESIDING OFFICER. Do both sides yield back the remainder of their time?

Mr. THURMOND. Mr. President, we will go ahead.

The PRESIDING OFFICER. The Senator yields his time. Does the Senator from Massachusetts yield the remainder of this time?

Mr. KENNEDY. If the time has been yielded.

Mr. THURMOND. No. I want to make a statement. We have 50 seconds left, do we not?

The PRESIDING OFFICER. Yes, the Senator has 50 seconds.

Mr. THURMOND. I will take part of that. If Senator HATCH has not come back, we will talk about it later.

Mr. President, here is what I want to say. The White House has sent word down that if this amendment is adopted they will sign this bill. If this amendment is not adopted, the President will not sign this bill. It is just that simple. So now if we want a piece of legislation, we have a chance to get it. But if we want to claim discrimination when there is no discrimination, then that would take place.

So I think it is to the advantage of all concerned to go ahead and vote for this amendment. It ought to pass. It is fair. I have heard no argument against it that is reasonable at all. I hope that the Senate will pass this bill and the President will sign it, and it will become law. This will end the controversy. Otherwise this controversy will go a long time except if the President will veto it, and that would be the end of it. I reserve the balance of my time.

The PRESIDING OFFICER. All time of the Senator from South Carolina has expired.

Mr. KENNEDY. Mr. President, I find it absolutely extraordinary that on the floor of the U.S. Senate through my good friend, the Senator from South Carolina, that we would hear the President of the United States say close the door to the handicapped, close the door to the elderly, close the door to those minorities. That is what the effect of the Hatch substitute bill does; it closes them out, it treats them one way with regard to education under Grove City, and treats them entirely different. No way. Tell all the handicapped people that are outside in that corridor, in their wheelchairs, tell all of the blind people, no way, no way. Why? Let us hear that answer from the President of the United States. Why do you not, Mr. President? Why do you not, Mr. President, want to permit the handicapped and the elderly and the minorities to be included? Why? I would be glad to yield time to hear that answer from any of those who want to speak for the President on this issue about that. But the silence is deafening.

I yield back my time. I hope we will reject this amendment.

The PRESIDING OFFICER. All time has been yielded back.

Mr. THURMOND. This amendment addresses the problem where there is discrimination. It takes care of the situation.

The PRESIDING OFFICER. The question occurs on the amendment offered by the Senator from Utah, Mr. HATCH. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE] and the Senator from Hawaii [Mr. INOUYE], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], would vote "nay."

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP], would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 19, nays 75, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—19

Armstrong
Garn
Gramm
Grassley
Hatch
Hecht
Helms
Humphrey
Karnes
Lugar
McClure
McConnell
Nickles
Pressler
Quayle
Symms
Thurmond
Trible
Warner

NAYS—75

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Heinz
Hollings
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Weicker
Wilson
Wirth

NOT VOTING—6

Biden
Chiles
Gore
Inouye
Murkowski
Wallop

So the amendment (No. 1394) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum with the time to be equally charged.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Mikulski). Without objection, it is so ordered.

Mr. BYRD. Madam President, the agreement that was entered into last evening provides for an amendment at this time by Mr. Humphrey that is wrongfully referred to on the printed calendar as the "Airlines" amendment. It is the Arline amendment, I believe, is it not?

Mr. KENNEDY. That is right.

Mr. BYRD. Madam President, at this time, under the agreement, Mr. Humphrey was to call up an amendment dealing with the so-called Arline amendment. He wishes to proceed instead to that part of the agreement which provides that, upon the disposition of the Arline amendment, Mr. Humphrey is to call up an amendment, the so-called small providers amendment. The agreement provided also that there would be a qualifying amendment to that amendment. Mr. Humphrey is agreeable to proceeding with that amendment prior to the Arline amendment if those who were qualified to offer a second-degree amendment do not intend to do so.

I, therefore, ask unanimous consent that the order of the two Humphrey amendments be reversed and that the small providers amendment not be subject to amendment and that the amendment in the first degree continue to be subject to the 1-hour limitation.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WEICKER. Reserving the right to object.

Mr. HATCH. Will the Senator yield?

Mr. WEICKER. Of course I will yield.

Mr. HATCH. It is my understanding that the distinguished Senator from New Hampshire would limit his time to 30 minutes, equally divided, if there are no amendments to his amendment.

Mr. BYRD. Very well. I include that in the request. The distinguished Senator from Connecticut has reserved the right to object.

Mr. WEICKER. My understanding then is that this amendment has 30 minutes to be equally divided, to which there can be no amendment.

Mr. BYRD. That is correct.

Mr. WEICKER. Well, I have to say that I am not inclined to those kinds of procedures out here, but I think that, in the interest of expediting this bill and feeling hopeful that my colleagues will see the deficiencies in the proposed amendment, I would agree to the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Hearing none, the unanimous-consent request is agreed to.

Mr. BYRD. Madam President, I thank the distinguished Senator from Connecticut and I thank Senator Humphrey, Senator Kennedy, Senator Harkin, and Senator Hatch.

AMENDMENT NO. 1395

(Purpose: To provide for the treatment of small providers under the Rehabilitation Act of 1973)

Mr. HUMPHREY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. Humphrey) proposes an amendment numbered 1395.

Mr. HUMPHREY. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, strike out lines 5 through 11 and insert in lieu thereof the following:

"(c) Small providers are not required by subsection (a) to make structural alterations to existing facilities for the purpose of assuring program accessibility. For the purpose of this subsection, the term 'small providers' means any nongovernmental corporation, partnership, sole proprietorship, or other private organization or business which has less than fifteen employees during each working day in each of thirty or more calendar weeks in the current or preceding calendar year."

Mr. HUMPHREY. Madam President, there is very big trouble brewing for small business persons in this country if the bill is passed as it now stands. And I would go beyond that to say that there is big trouble brewing for Senators and Congressmen who are going to be appealed to by such small business persons if this bill is enacted as is. And that is because small business persons, small providers, as we call them in this context, are going to be subject to suits, indeed they will be sued in many cases wherever there is a will to do so, by those who complain that such small providers have not built adequate access to their facilities for handicapped persons.

The purpose of the amendment which is now pending is to qualify that feature of the bill to limit it—I should say to exclude from it, small providers, small business persons, who employ not more than 15 persons.

Under the bill as it now stands, absent amendments, small businesses such as corner grocery stores and the like would be—drycleaners, you name it—anything that is a business and small, would be required to make structural alterations to ensure handicapped accessibility to that facility.

In the bill it allows that small businesses may be excused from making significant structural alterations. "Significant" is the word, undefined, by the way, but only if "alternative means of providing the services are available."

It also provides that "the terms used in this subsection shall be construed with reference to the regulations existing on the date of enactment of this subsection."

In other words, for anyone who wants to know the meaning of "significant," he should refer to the regulations on the date of enactment of this subsection.

Well, that sounds simple enough and handy enough, but it is not, as a practical matter. Under various acts, there are a host of different regulations that define "significant" and define the other important terms in the bill with respect to its applicability to small business. So that is not a solution to the problem of vagueness. In fact, it compounds the problem of vagueness.

What do we mean by "significant"? There are regulations supposedly covering this point but there are many sets of different regulations depending upon which agency you examine.

The same holds true for the provision that even significant structural alterations are required if there are not "alternative means of providing the service."

What does this mean? Does it mean that a grocer is excused from providing a wheelchair ramp? Remember, we are talking about small grocers now, not Giant Food stores. We are talking about small ones if this amendment is adopted. But absent the amendment, does this mean a grocer is excused from providing a wheelchair ramp only if he provides home delivery service as an alternative means of providing the service?

The requirements and the terms are really, hopefully, imprecise and subjective and I believe will put an unfair burden on these small providers; subject them to lawsuits and ultimately subject Members of Congress to a rising tide of pleas for relief because, absent this amendment, the effect will be unreasonable.

For example, referring, again, to the welter of regulations governing small providers, the USDA, for example, referred to small providers but then required them to engage in consultation with handicapped persons to ascertain whether "significant alterations" are necessary. If a small provider wishes to avoid structural alterations through so-called alternative methods, the provider must ascertain if there is an alternative accessible provider who provides the services in question at no additional cost, remember. And if there is no equal cost provider the regulations offer no further guidance.

Presumably, in that case, the small provider must undertake the significant structural alterations. Well, if Senators want every little mom and pop grocery in this country to construct, for example—and this is only one example—wheelchair ramps for handicapped access then certainly they will want to defeat the amendment pending. But if they think that we ought to carve out, as we have so often on a very reasonable and appropriate basis, an exception for small providers, for small businesspersons, then they will want to support the amendment offered by the Senator from New Hampshire.

Take the case of a minority grocery store proprietor who receives assistance of the Department of Commerce minority business program and who also accepts food stamps in his trade. Does he refer to the Commerce Department regulations or the USDA or both? And what if they differ, if they do? Then he has not only to worry about this but a hire a lawyer to make sure he is doing the right thing, and he might not even find out through hiring a lawyer. He may qualify as a USDA small provider, but not as a Commerce Department small recipient.

It is a very confused situation and we would be a lot better off now, we and the affected citizens, who will be legion, if we get this straight now and to carve out a reasonable and appropriate exception in the case of small businesses as we have so often in other matters of this kind.

So, in summary, Madam President, it is really quite a reasonable amendment. It does not break any new ground. It does not set any precedent.

I would urge my colleagues to adopt the amendment and, Madam President, I would yield the floor at this time and reserve the balance of my time.

Mr. KENNEDY. Madam President, we have 15 minutes, as I understand it; is that correct, Madam President?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I voice opposition to this amendment. As chair of the Handicapped Subcommittee I find this amendment to be one that ought to be soundly rejected by the Members of this body. I really cannot understand why the Senator would offer an amendment like this. I do not know if the Senator from New Hampshire is a veteran or not. I just ask: Is the Senator a veteran of the Armed Forces of the United States?

Mr. HUMPHREY. Yes, he is. I would be happy to answer your preceding question, by the way; why I am offering this amendment.

Mr. HARKIN. I am just saying, in my own mind I cannot understand. I think it is incomprehensible that a veteran would be insensitive to the rights of our disabled American veterans who want to be accepted in our society.

I have a letter from the Paralyzed Veterans of America, which I ask unanimous consent be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PARALYZED VETERANS OF AMERICA,
January 28, 1988.

Hon. TOM HARKIN,
Chairman, Subcommittee on the Handicapped, Washington, DC.

DEAR SENATOR HARKIN: The Paralyzed Veterans of America strongly urges you to reject the "small provider exemption" amendment to S. 557 being proposed by Senator Gordon J. Humphrey. The amendment, if accepted, will destroy the entire reasonable accommodation and program accessibility premise of Section 504 of the Rehabilitation Act of 1973.

Section 504 currently allows small providers an exemption from making their business accessible to persons with a disability if they can prove that the cost of making such structural modifications would impose an undue financial burden. This test of reasonableness is central to the success of Section 504 implementation. Mr. Humphrey's proposal would remove this test from existing law and would allow "small providers" a blanket exemption from making "structural alterations to existing facilities for the purpose of assuring program accessibility." This amendment must be defeated.

Mr. Humphrey's attempt to destroy the "reasonable accommodation" principle of Section 504 violates the accomplishments made in making a more accessible America. His proposal also comes in conflict with the only other federal statement on accessibility—Section 190 of the Internal Revenue Code. Section 190 allows publically-used, privately-owned businesses to deduct up to $35,000 per year for expenses they incur in making their business accessible to elderly and handicapped persons. The Tax Reform Act of 1986 reaffirmed Congressional acceptance of this important incentive to small businesses by making it a permanent part of the tax code. If Mr. Humphrey's amendment is incorporated into S. 557 it will establish a counter-productive federal policy for small providers who wish to make their places of business more accessible to persons with handicaps.

Sincerely,

DAVID M. CAPOZZI,
National Advocacy Director.

Mr. HARKIN. The letter asks that the small provider exemption proposed by Senator HUMPHREY be rejected. I can understand that. I can understand why they would want to reject it. We have a lot of disabled American veterans in this country that would like to have accessibility to the same kind of things that we have accessibility to.

The Senator says: Well, it is going to cost all this money and it is going to create a burden on our small shopkeepers.

We have already taken care of that in this bill. There is a provision in the bill that already addresses that. They are not required to make significant structural alterations to their existing facilities if alternative means of providing the services are available.

Now, the Senator from New Hampshire mentioned putting in a ramp to a dry cleaning establishment or something like that. First of all, dry cleaning establishments, let us be honest about it, are not going to be included because they are not recipients of any kind of Federal aid.

Let us talk about grocery stores. We have looked into the cost of putting in just a couple of planks of wood to make a ramp so someone in a wheelchair can get into a grocery store; what, 100 bucks? You are going to tell a paralyzed veteran who risked life and limb for his country that for 100 bucks he cannot go into a grocery store?

Mr. HUMPHREY. May I respond to the question? Would the Senator yield for a response to the question?

Mr. HARKIN. I do not think the Senator wants to tell these paralyzed veterans that. I do not even mean to focus on the veterans.

How about the other handicapped people in our society who happen to be born that way who cannot help it? They would like to have accessibility. The Senator uses a cutoff of 15 employees. It makes it sound reasonable.

Fifteen employees could be a small business that has an income of $5 million, $10 million, $15 million a year and for 100 bucks to put in a small ramp so someone can get across the threshold of a door? Maybe a person to assist someone? And beyond that, our bill even provides for referral.

They do not even have to do that if, in fact, they have consulted with the handicapped person and can refer that handicapped person to another recipient of such Federal aid that has accessibility.

So if the small mom and pop grocery does not want to spend $100 putting in a couple planks of wood so that a person in a wheelchair can get into the store, they can refer the handicapped person to a store down the street that might do something like that.

They are perfectly covered by this. They do not have to make significant alterations.

Madam President, I have a letter from the Consortium for Citizens with Developmental Disabilities representing about 38 different groups of handicapped citizens in opposition to this amendment. They recognize also that this amendment would take them out of the accessible environment. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. HARKIN. In the case of a small provider, more is provided by this bill. As I said, we have this last resort provision that says if they have fewer than 15 employees, then they can refer the person to another provider where the facilities are accessible. So we leave plenty of room in there for the mom and pops who absolutely do not want to build that ramp, who do not want to provide the facility to help a handicapped person to shop in that store. They can refer them down the street to someone else who has such accessibility. That is not too much to ask in our society.

In 1964, we passed the Civil Rights Act in this country. We said people could not discriminate on the basis of race, religion, sex, or national origin. In 1973, we passed the National Rehabilitation Act, section 504, which the Senator is amending, extending those rights to handicapped people but only to those who are recipients of Federal aid.

I will go the Senator one better: We have to extend the same Civil Rights Act of 1964 that applied to individuals of this country on the basis of sex, religion, race, and national origin to handicapped people, too. We are not doing that here.

We are saying that under section 504, those small amounts of civil rights we give to handicapped people in terms of accessibility in our society, we are going to assure those civil rights.

To back off with an amendment like that we back down on our commitment to handicapped people to equal treatment in our society. It is a step backward that no one in this Senate, I am sure, wants to take.

EXHIBIT 1

CONSORTIUM FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES,
January 28, 1988.

DEAR SENATOR: The undersigned member organizations of the Consortium for Citizens with Developmental Disabilities strongly urges you to reject Senator Humphrey's proposed amendment to the Civil Rights Restoration Act which would exempt small providers from compliance requirements currently in place under Section 504 of the Rehabilitation Act of 1973. As representatives of many of America's 36 million citizens with disabilities, we find it most disconcerting that Congress would consider limiting already existing protections in the process of restoring those which were lost.

Senator Humphrey has wrongly characterized the requirements embodied under the Section 504 regulations as "burdensome", somehow failing to recognize that those very regulations do in fact provide for an extremely flexible small provider exception. This exception has anticipated the potential difficulties which might be faced by a small provider, and provides for a variety of options which will allow the recipient to comply with program accessibility requirements. In fact, since their inception in 1977, the existing regulations have so well met the intent of Congress and the needs of small providers, that they have been directly incorporated into the Civil Rights Restoration Act under Section 4.

In enacting the Rehabilitation Act fifteen years ago, Congress understood the significant barriers faced in our society by persons with disabilities and sought to assure that at least those segments of society which had access to the resources of the federal government would not engage in the continuing discrimination against and exclusion of America's largest minority. It is unacceptable to permit any recipient of federal funds to engage in the discriminatory actions which would be permitted under Senator Humphrey's proposal.

Senator Humphrey's amendment is not only unnecessary, it will roll back the clock on the progress already made. We are asking you today to reaffirm your support of those protections which Congress has already extended to our nation's citizens with disabilities.

American Academy of Child and Adolescent Psychiatry.
American Association on Mental Retardation.
American Association of University Affiliated Programs.
American Foundation for the Blind.
American Physical Therapy Association.
American Speech-Language-Hearing Association.
ACLD, an Association for Children and Adults with Learning Disabilities.
Association for the Education of Rehabilitation Facility Personnel.
Association for Retarded Citizens of the United States.
Autism Society of America.
Child Welfare League of America.
Conference of Education Administrators Serving the Deaf.
Council of Organizational Representatives.
Council for Exceptional Children.
Disability Rights Education and Defense Fund.
Epilepsy Foundation of America.
Mental Health Law Project.
National Alliance for the Mentally Ill.
National Association of Developmental Disabilities Councils.
National Association of Private Residential Resources.
National Association of Protection and Advocacy Systems.
National Association of Rehabilitation Professionals in the Private Sector.
National Association of State Mental Health Program Directors.
National Association of State Mental Retardation Program Directors.
National Council on Independent Living.
National Council on Rehabilitation Education.
National Easter Seals Society.
National Head Injury Foundation.
National Mental Health Association.
National Rehabilitation Association.
Paralyzed Veterans of America.
Spina Bifida Association of America.
The Association for Persons with Severe Handicaps.
United Cerebral Palsy Associations.

Mr. SIMON. Mr. President, Senator HUMPHREY's amendment to exempt "small providers" from any responsibility to provide access to persons with physical handicaps is another response to apprehensions rather than reality, and I urge my colleagues to reject it.

When the section 504 regulations were promulgated by HEW in 1977, small providers were given alternatives to making expensive structural changes in their facilities. The regulations for all recipients require "program accessibility"; structural changes are frequently not necessary to ensure that the program or activity is available to individuals with handicaps. The regulations for small providers, those with fewer than 15 employees, are even more flexible. To avoid significant costs to small, low-budget providers, the regulations provide another alternative; if small providers cannot make their programs accessible, they may refer individuals with handicaps to other providers which are accessible.

The bill responds to concerns that have continued to be raised by those who are not familiar with the flexibility of the existing regulations. S. 557 includes the small provider exception from the regulations to indicate clearly that small providers are not required to make significant structural alterations to their existing facilities. They can provide the services through alternative means or, when necessary, they can refer the individual to another provider. What they are not permitted to do is to totally ignore the needs of persons with disabilities.

The Humphrey amendment says to all small providers, including those which make more than $1 million a year, that people with disabilities are not their concern. It says to an American veteran who was disabled in service to this country that he can be shut out and ignored by a Federal recipient, just because that recipient has no more than 15 employees. It says to every tax-paying citizen with a disability that his or her hard-earned income can help support a small emergency medical services company and that company can choose not to serve him or her. This goes far beyond what is fair to small providers, and creates a real injustice for our citizens with disabilities—citizens whose taxes help provide the Federal assistance to the small providers who will be able to ignore them if this amendment is passed.

This is an unnecessary and an unjust amendment, and I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Chair will advise the Senator from New Hampshire that he has 7½ minutes remaining and the Senator from Massachusetts has approximately 8½ minutes.

Who yields time?

Mr. HUMPHREY. Madam President, as the Senator from Iowa pointed out, there is already an exception in this bill. The problem is that the exception is impractical, as the Senator says, and the language of the bill clearly says that. Small businesses are excepted from providing this alternative. In other words, if it is a grocery store, provided there is an alternative grocery store that, in this case, would have a wheelchair ramp. Remember, wheelchair ramps are one thing but there must be widening of the aisles and a whole host of modifications. I used the wheelchair ramp as one example.

Madam President, Senators should not be confused on that point. It would include widening aisles and other matters as well.

Let me say to the Senator from Iowa that if he thinks he can get anything built by a carpenter today for $100, he has not had anything built for a long time. It will be in multiples of hundreds of dollars or the carpenter will be subject to suits for inadequate construction.

Madam President, there are exceptions in the bill, but they are not workable exceptions. The only time the exceptions come into play is if there is an alternative provider, in the case of a grocery store if there is another one nearby with a ramp. Suppose there is not. I can think of a lot of small towns in my State where there is only one little mom and pop grocery store at a crossroads. It is not a matter of going down the street. In some places in Iowa, I think you might have to go to the next county. That may be an exaggeration, but it is not just a matter of going down the street because in many cases it is the only business around for miles and that business person will have to modify his facilities and not at the cost of $100 but more likely multiples and more likely multiples of thousands because it is not just wheelchair ramps.

I understand the rights of the veterans and the obligations, particularly those we have to those who have been injured. But there are also property rights, and there is also the concept of reasonability, which we have always applied in handicapped regulations in the statutes heretofore.

This amendment which the Senator from New Hampshire is offering is reasonable. It is within the context of other things of this kind that we have done before.

All it does with respect to the bill is to modify and improve the exception which is already there by stipulating that businesses with fewer than 15 employees are simply flat out exempt. It is reasonable.

I know the paralyzed veterans organization will say they are obligated to represent the interests of their membership. Of course, they are going to say, "We want every last business in America to make their stores and their facilities absolutely perfectly accessible to our membership." We can understand that. They are an advocacy group. But have we not the right and the obligation, I should say, to consider the general interest as well as the special interest? Do we not have the obligation to consider the burden, the unreasonable burden in this case, on small business? That will be to hundreds of thousands and perhaps millions, though I do not know the figures. They will be large, indeed, however.

What the Senator from New Hampshire is saying is let us clarify, let us improve this unworkable, unrealistic, draconian exception in the bill, which is no exception at all in most cases, improve it by excepting businesses where fewer than 15 persons are employed.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 3 minutes 36 seconds remaining.

Who yields time?

Mr. KENNEDY. Madam President, I yield such time as he may desire to the Senator from Connecticut.

Mr. WEICKER. Madam President, I rise to oppose the amendment. I believe Senator HARKIN has well enumerated the reasons on behalf of handicapped persons of this Nation. Again, I would point out that there are exceptions made in the bill as it exists, both as to size and as to what is expected.

I would like to address this amendment from the point of view of the small business owner. Granted, in the change in leadership in the U.S. Senate, I was dethroned as chairman of the Small Business Committee, as I was dethroned as chairman of the Handicapped Subcommittee, but I keep in touch with the constituencies as the ranking Republican member.

Not one small business, not one small business, has written in support of this amendment. After all, who would want to write in support of this amendment?

As far as the small business aspects are concerned, I have to point out that section 190 of the Internal Revenue Code allows privately owned businesses to deduct up to $35,000 per year for expenses they incur in making their businesses accessible to elderly and handicapped persons.

So to my good friend, Senator HARKIN, I say never mind a few planks for a wheelchair ramp; there is $35,000 to make the premises available to the handicapped.

Madam President, from a business point of view and from a small businessman's point of view or a small businesswoman's point of view, nobody has asked for this amendment. Indeed, there has been provision made in our Tax Code to enable the smallest of our businesses to comply with the law.

I realize it is rather bitter and cold outside, but it will not be long before they will start to sing the hymn, at least in my church, "Welcome Happy Morning; Age to Age," they will sing, at Eastertime.

Well, happy morning for the disabled of this Nation came when section 504 was passed and they came from out of the cold into this family called America. They can participate in all aspects of our lives, not segregated and relegated to whatever can be done in some special hole or hovel which was assigned to them.

For us who support the Civil Rights Restoration Act to go back to those cold days and away from that happy morning I do not think is the object of the exercise on this floor.

I hope that we use this occasion to affirm the fact that the lame and the halt and the blind are as fully members of our society as anyone else, no more, no less. And by affirming that great moment when we made that possible in this Nation I would hope that the Senator from New Hampshire would be alone in his vote for the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Madam President, parliamentary inquiry. How much time remains to each side?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes 36 seconds, the Senator from Massachusetts has 4 minutes 43 seconds.

Mr. HUMPHREY. Madam President, I wonder if I might address a question to the Senator from Iowa. Is it his intent that every small business in this country will be required to provide access for handicapped persons if there is no alternative business nearby that provides such access?

Mr. HARKIN. If the Senator will yield for my response——

Mr. HUMPHREY. Yes.

Mr. HARKIN. That is neither the language of the law nor the change we made, nor is it the intent of the Senator. The language and the intent is quite clear. It is only those businesses that are recipients of Federal money, period.

Mr. HUMPHREY. Yes, of course.

Mr. HARKIN. The Senator keeps saying every business in America. The bill does not cover every business.

Mr. HUMPHREY. The Senator is correct. But every business that is touched in some by way by the Federal Government, food stamps or whatever. Let us just take grocery stores. Is it the intent of the Senator that every grocery store in America that takes food stamps will have to make structural alternations to provide access to the handicapped, if there is no alternative provider in the locale?

Mr. HARKIN. There are many ways in which they can meet the requirement. They can do it through structural changes. They can do it through other kinds of changes. In fact, I come from a very small town in Iowa where——

Mr. HUMPHREY. Will the Senator answer my question in that it is on my time?

Mr. HARKIN. Will the Senator repeat the question, please?

Mr. HUMPHREY. I withdraw the question because I did not really wish to have a filibuster on my time.

I think the refusal of the Senator to answer my question answers the question. He wishes every business in America in some way, however tangentially touched by the Federal Government, to be required, however small it may be, however marginally profitable it may be, to provide access to the handicapped unless, of course, there is an alternative provider nearby. Who knows what "nearby" means, by the way? Who knows what "adequate alternative" is? It is not defined.

The Senator from New Hampshire is merely trying to improve the exception already in the bill by exempting from all of this vagueness, and troublesome vagueness, and expensive vagueness, as it will be, you may be sure, businesses that employ fewer than 15 persons. It is reasonable. It is prudent and I urge Senators to support it.

I reserve whatever time I may have remaining.

Mr. KENNEDY. I yield a minute to the Senator from Iowa.

Mr. HARKIN. I wanted to respond to a couple points. The answer to the Senator's question is that any recipient of Federal services, Federal aid or moneys, yes, has to meet the requirements of this bill and has to be accessible to handicapped people, but within that umbrella there are many ways in which they can do that. It is not necessarily structural changes. As I began to tell the Senator, I am from a small town in Iowa and I know many times that if an elderly person came to the store to shop and could not make it around the store, the owner or one of his aides would do the shopping for them. They would ask the person what they needed and pick the item off the shelf. There are many different ways in which they can meet this requirement.

I know the Senator talks about costs. Are there costs involved? Yes, there are costs involved. But I note also that the Senator from New Hampshire is a great proponent of the rights of handicapped infants, that they be kept alive—a great proponent of that. I compliment him for that because, I, too, feel strongly about that. We can spend hundreds of thousands of dollars to keep these infants alive but——

The PRESIDING OFFICER. The Senator has spoken for 1 minute.

Mr. HARKIN. Just 30 seconds.

Mr. KENNEDY. How much time do I have, Madam President?

The PRESIDING OFFICER. The Senator from Massachusetts now has 3 minutes and 27 seconds.

Mr. KENNEDY. Thirty seconds.

Mr. HARKIN. I thank the Senator. I just wanted to finish on that point. We spend hundreds of thousands of dollars to keep these handicapped infants alive right at birth and yet we are going to tell them later on, because they want to do things that other people want to do in terms of whether it is shopping or having accessibility, I am sorry, for a few hundred we cannot make this place accessible. I find that a rather curious juxtaposition of an outlook on the right of handicapped citizens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. First of all, Madam President, in order to even have 504 apply they have to be able to get Federal funds. If you listen to the Senator from New Hampshire, you would think that applies to every small business in the country. Obviously, laundries, McDonald's, they do not get Federal funds. It is only those that are going to get Federal funds that this even applies to, No. 1. Second, when we had the broad interpretation of these provisions between 1977 and 1984, 7 years, there was not a single letter to our Human Resources Committee complaining about this. Even when you have the narrow interpretation of Grove City, over the last 4 years, there was not a single complaint. Who is complaining except the Senator from New Hamsphire?

Finally, Madam President, I find this one of the most mean-spirited amendments that I have heard on the floor of the Senate in recent times. To talk about the paralyzed veterans—speaking for a special interest—they are speaking for the American interests.

Hopefully, we have made some progress in recent years. Hopefully they are speaking for all of us. Hopefully we have a little more generosity of heart and spirit to those individuals who have either been afflicted by disease or by accident or by war than to close the doors on those individuals because we just are not going to do it. We have addressed this issue in the legislation in a reasonable and rationale and sensible way. That is the way we ought to approach this question. I hope that the amendment of the Senator from New Hampshire is overwhelmingly defeated.

If I have any additional time, I will yield it.

I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. How much time remains?

The PRESIDING OFFICER. Exactly 1 minute.

Mr. HUMPHREY. I would assure the Senator from Massachusetts as well as my other colleagues that were I the proprietor of a business, however large or small, you may be sure that I agree with your sentiment, that it is enlightened and indeed in the self-interest of a business to make it as fully accessible to the handicapped as that business can be. Of course, you are right. I am not arguing that point at all. My point is that it is a step removed when you say that you are for something but then you are going to force everybody else, however small and marginally profitable, to accept your point of view. That is what I am talking about. I am talking about something that comes down to the distinction of freedom.

Now, I agree larger businesses probably ought to be coerced, if that is necessary. We hope that would not be necessary. That is why I am saying we should exempt only businesses employing fewer than 15 people. The exemption now contained in the bill is vague, is unworkable, is going to cause lots of trouble for many businesses that are touched by Federal funds and, by gosh, that must be all of them by now, every last one of them, And we better amend it and clarify it now and avert the trouble rather than let the bill go through as it is.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 5 seconds.

Mr. KENNEDY. I yield back whatever time I have.

The PRESIDING OFFICER. All time is yielded back.

The question is now on agreeing to the amendment offered by the Senator from New Hampshire. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. MCCLURE] is necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. LAUTENBERG. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 13, nays 79, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—13

Armstrong
Garn
Gramm
Hatch
Hecht
Helms
Humphrey
Lugar
McConnell
Nickles
Rudman
Symms
Thurmond

NAYS—79

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Warner
Weicker
Wilson
Wirth

NOT VOTING—8

Biden
Chiles
Gore
Inouye
McClure
Murkowski
Simon
Wallop

So the amendment (No. 1395) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire was to have been recognized.

Mr. BYRD. Mr. President, I ask unanimous consent—if this will accord with the wishes of the Senator from New Hampshire—that the distinguished Republican leader may proceed for whatever time he needs.

Mr. DOLE. About 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOLE in connection with the introduction of the joint resolution appear at a later point in today's RECORD.)

Mr. BYRD. Mr. President, I understand that the principals who are involved in the next amendment are trying to perhaps work out some accord. Or shall we proceed with the amendment? What is the situation?

Mr. HUMPHREY. There is an effort to come up with acceptable language, which I understand is promising.

Mr. BYRD. All right.

Mr. HUMPHREY. I am told we will require perhaps another 10 minutes or so.

Mr. KENNEDY. Mr. President, I will agree. I think there is a real possibility we might be able to work out some satisfactory language. I think it is still uncertain, but I think we are close to having a final decision whether we are able to do that or not. I would hope that we could, and we could have a short interlude for that purpose.

Mr. BYRD. All right.

Let me take this occasion to express the hope, then, that the Senate may finish action on this bill.

Mr. KENNEDY. Mr. MATSUNAGA wants to speak.

Mr. BYRD. On this?

Mr. MATSUNAGA. On S. 557, just briefly.

Mr. BYRD. All right.

Let me just say an expression of hope that might be of interest to others that if the Senate completes its business on this bill today, there will be no session tomorrow. However, the hour of 6 o'clock is, I would say, the ultimate beyond which we may go today for good and sufficient reasons, which the people in the fourth estate especially know about. I hope that we will all work hard to try to complete action on the bill so that the Senate can be out at 6 o'clock and, as I say, if we are able to do that, then the Senate will go over until Monday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, as a cosponsor of S. 557, a bill which now has 59 cosponsors in the Senate, I rise in support of the measure.

S. 557, the Civil Rights Restoration Act of 1987, would not create any new "rights" nor would it extend rights to any new, previously unrecognized minority group. Nonetheless, enactment of S. 557 is essential in order to restore remedies used by the Federal Government for years to enforce four major civil rights laws: Title VI of the Civil Rights Act of 1964, which protects the rights of racial minorities; title IX of the Education Act Amendments of 1972, which mandates equal educational opportunity for women; section 504 of the Rehabilitation Act of 1973, designed to protect the rights of handicapped individuals; and the Age Discrimination Act of 1975.

The need for this legislation stems from a 1984 Supreme Court decision, Grove City College versus Bell, in which the Court ruled that Federal financial assistance to an educational institution mandated such an institution to provide equal opportunity only in the specific program which received Federal aid and not throughout the entire college or university. Prior to the Grove City decision, the language in these four laws was widely interpreted to mean that remedies could be imposed upon the institution as a whole and not merely against a component program or activity.

Since the Supreme Court decision in 1984, enforcement of the Federal Government's civil rights statutes has become much less effective. Many ongoing investigations and enforcement activities were suspended. Moreover, as many observers have pointed out, compliance with the Grove City decision puts the Federal Government in the ridiculous position of saying to institutions that "discrimination is strictly forbidden in your financial aid program, but it is okay to discriminate in your English Department or in your Math Department because those departments do not receive Federal aid."

Mr. President, as we debate the Civil Rights Restoration Act, there will be efforts to amend the act so as to exempt additional institutions and agencies from coverage under the Nation's civil rights laws, and there will be efforts to expand the existing exemption granted to religious institutions under title IX of the Education Act Amendments of 1972. I urge my colleagues to reject these attempts and simply provide for restoration of the Federal Government's enforcement authority.

I hope that Congress will place itself firmly on the side of justice by saying that discrimination on the basis of race, sex, age and physical handicap is always wrong. We must reaffirm once and for all our commitment to equal opportunity—in education, in employment, in housing, and in medical care.

Mr. SIMON. Mr. President, the Senate has begun debate on the most important civil rights bill to come before the Senate since the 1982 extension of the Voting Rights Act and the most important omnibus civil rights legislation since the Civil Rights Act of 1964. S. 557, the Civil Rights Restoration Act, overturns the decision of the Supreme Court of the United States in Grove City College versus Bell by restoring the broad scope of coverage previously understood and enforced under the four principal civil rights laws by the four previous administrations.

Title IX of the Education Amendments of 1972, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Amendments of 1973 and the Age Discrimination Act of 1975 represent the cornerstones of equal opportunity and the basic protections against Federal subsidization of discrimination. The Congress did not enact these statutes needlessly, nor did we craft their language carelessly. Each of these statutes contains language that was closely modeled on the basic title VI language which sought to target, for purposes of identifying discrimination, the entire program or activity involved, but for purposes of fashioning a remedy to proven discrimination—only the specific entities affected by the discrimination would be the object of the relief granted.

In 1984, while serving in the other body, I was privileged to chair the House Education and Labor Subcommittee on Postsecondary Education and to serve as floor manager of H.R. 5490, the Civil Rights Act of 1984. H.R. 5490 was the predecessor version of the bill now before the Senate. The House passed that bill overwhelmingly by a vote of 375 to 32, with 26 not voting on April 12, 1984. Not since the adjournment sine die of the 98th Congress have we been as close as we are today to restoring the rights of women of all races, the handicapped, the young and the old, and those whose race and national origin is not the predominant one in America—to nondiscrimination in Federal programs.

During the 99th and the 1st session of the 100th Congress, it has not been possible to bring before the Senate the Civil Rights Restoration Act. As we continue with this landmark session of the 100th Congress, the celebration of the 200th anniversary of the signing of the U.S. Constitution, and the celebration of the 59th birthday of the Reverend Dr. Martin Luther King, Jr.—it is both fitting and proper that we mark this occasion by passing S. 557. Enactment of S. 557 would not only close a gap in the enforcement of civil rights, but it would recommit the Nation to the basic principles of equal opportunity. There is, however, another good reason for passing this bill.

Everyday that we delay further, the rights of another child to the best education possible or to participate fully in every aspect of the curriculum or interscholastic sports may be denied. Each year we postpone action on this legislation, we deny some elderly person access to the job training they may need to be free from the shackles of dependency or the poverty that too often characterizes their golden years. Each moment we delay consideration of this bill, we ask some handicapped child or adult to postpone their transition to independence and economic self-sufficiency.

Why do we delay? What does Grove City say that creates a problem in civil rights enforcement? It has been almost 4 years since the High Court's decision on February 28, 1984. *Grove City College* v. *Bell*, 104 S.Ct. 1211 held: First, that title IX applied to Grove City College because some of its students received Pell grants and guaranteed student loans and used them to pay for their education at the college and that Congress intended that these Federal funds constitute "Federal financial assistance" to the institution; second, receipt of these Federal student aid funds, however, did not 'trigger' institutionwide coverage, but restricted coverage to the college's student financial aid office; third, refusal of an institution to execute a proper program-specific assurance of compliance warrants termination by the Department of Education of Federal assistance the college's student financial aid program; and fourth, requiring Grove City College to comply with title IX does not violate the first amendment rights of the college or its students.

It is High Court's recognition that Federal student aid is aid to the college or university admitting a student with a Pell grant or guaranteed student loan, but the limitation it then places on the "program or activity" language that is problematical. The Court accepted a tortured interpretation of the facts—urged on the Court by the Reagan Justice Department—that the student aid was Federal financial assistance to the student aid office only, not to the entire institution! As former Education Department Secretary Ted Bell has written in the 13th man—a Reagan Cabinet memoir, "Much to my surprise and disappointment, the Court handed down a decision that was almost fully in support of Brad Reynolds position." It is almost impossible to conceive how the Justices could understand that Federal student assistance which pays for tuition, dormitory expenses, and other fees could stop at the college's student financial aid office. If all student payments to a college or university were held in the bursar's or the business office—the institution would cease to function. The same is true with Federal student aid.

What has happened since the 1984 decision? According to the Department of Education's own account—834 cases committed to the administrative enforcement process have been affected during fiscal years 1984-86, for example, closed in whole or in part, dropped or narrowed. A total of 674 complaints have been closed or narrowed, including 468 third-party complaints alleging sex discrimination in college health insurance plans involving hundreds of individuals. A total of 88 compliance reviews have been dropped, and 72 others have been narrowed.

What does the Grove City decision really mean? Let's begin by looking at the facts. Grove City College is a private educational institution of higher learning which accepts no direct assistance from the Federal Government. However, the college did enroll students who received federally funded Pell grants and guaranteed student loans. In fact, between 1974 and 1984, students financed their Grove City College educations with more than $1.8 million in Pell grant funds.

In 1976, the Department of Education attempted to obtain an assurance of compliance with title IX from the college. The Department requires such assurances from educational institutions which receive Federal financial assistance. The college refused to execute the assurance and argued that they received no Federal financial assistance. The Department of Education initiated administrative proceedings to terminate the grants and loans to Grove City College students because of the college's refusal to execute an assurance of compliance.

The Supreme Court, on February 28, 1984, unanimously held that Grove City College was a recipient of Federal financial assistance. However, by a 6-to-3 majority vote, the Court held that Federal financial assistance does not create institution-wide coverage under title IX. Title IX governs only the "program or activity" which receives the Federal funds. Thus, Pell grant funding triggered title IX coverage only of the college's financial aid program. The financial aid department was required to execute a program-specific assurance of compliance with title IX. Failure to execute such a compliance could result in termination of Federal assistance to the financial aid program. Grove City College remained free to sexually discriminate in its remaining "programs and activities," including course offerings and extracurricular activities, while receiving large amounts of Federal aid in the form of Pell grants and GSL's.

The impact of Grove City is not limited to title IX. Title IX is only one of the four major civil rights laws which prohibit recipients of Federal funds from discriminating. All four statutes incorporate the same "program or activity" language. The narrow construction of that language in Grove City, with respect to title IX, equally limits the applicability of title VI, section 504 of the Rehabilitation Act, and the Age Discrimination Act. Thus, Federal funds may be used to subsidize discrimination on the basis of race, handicap and age, as well as sex.

The debate on S. 557 inevitably leads to controversy and debate in several areas. The element of fear and the unknown which has surrounded debate on restoring the most basic of civil rights protections tends to have clouded the real issue. This debate must focus on restoration—returning the protected groups to exactly where they were on February 28, 1984—nothing more and nothing less. We must, in essence, "keep our eyes on the prize." We do not enact this bill to protect hospitals or church-affiliated colleges or private schools. We are seeking to continue this Nation's commitment to its black, brown and native Americans, to women of all races, to the elderly and to those with disabilities. We have tended, in the last few years, to spend far too much time worrying about how this bill will impact those who may have to comply with it, the rights of those who need its civil rights protections have been ignored.

I want to explain my views on these important issues.

Religious tenets—this issue has been a difficult one. Title IX already contains an exemption for those schools and colleges which qualify for it. The exemption permits those educational institutions "controlled by a religious organization" and permits noncompliance with title IX if doing so "would not be consistent with the religious tenets of such organization." A religious tenet exemption applies if the organization satisfies one or more of the following criteria established by the Department of Education: First, the applicant institution is a school or department of divinity; second, it requires its faculty, students or staff to espouse a particular religious belief; or third, its official written material contain an explicit statement that it is controlled by a religious organization, the members of the governing board are appointed by the religious organization, and it receives significant financial support from the religious organization. There is little or no evidence that there is a problem with the existing criteria. Since 1975, 227 institutions have sought an exemption and 150 have been granted. The amendment offered in committee, and rejected overwhelmingly, seeks an unjustified and unwarranted expansion of the exemption by permitting any institution "closely identified with the tenet of" to qualify for an exemption. I don't think the current exemption is broken and it certainly does not need to be fixed.

Colleges and universities which can justify their need for an exemption can get one. It is interesting to note that there are no such applications pending. The existing tests are appropriate because they state legitimate criteria for assessing whether a school or college which receives Federal aid can be exempted from complying with title IX.

Abortion—perhaps the abortion amendment most clearly presents the tension between those of us who seek to do nothing more than restore the full protection of title IX and the other major civil rights protections as they existed prior to the decision in Grove City College versus Bell, and those who see this as an opportunity to expand current restrictions on the use of Federal funds to pay for abortions.

Abortion language has no real place in the Civil Rights Restoration Act. Prior to the Grove City decision, no religiously controlled institution was required to perform abortions. The bill now before us continues this protection for religious institutions opposed to abortion—protections that have resulted in over 90 percent of those institutions applying for such exemptions being granted them. Religious institutions will continue to apply for, and be granted, these exemptions with enactment of S. 557.

We cannot and should not let this bill become the vehicle for turning our backs on the basic civil rights of women, minorities, the aged, and the handicapped because we are unable to move it through the 100th Congress. And we cannot let this bill be the vehicle for attempting to limit a woman's right to abortion beyond the scope of the law as it existed prior to Grove City. Those who label S. 557 expansive are wrong. The real reason for the so-called abortion neutral amendment is to repeal the 1975 HEW title IX regulations. Abortion neutrality in the context of S. 557, requires us to return to February 28, 1984, not all the way back to 1975 in order to eliminate a regulation in effect before the Grove City decision.

Contagious diseases—I was one of several Members of Congress who signed an amicus brief in the Supreme Court Arline case, a brief which argued that persons with contagious diseases are covered by section 504 of the Rehabilitation Act. The Court, by a 7-to-2 majority, affirmed that a person with the contagious disease of tuberculosis may be a "handicapped individual" within the meaning of section 504.

There are several reasons why I oppose any changes to this coverage. First, there is no need to change the law in order to protect the public health. Current law does not guarantee to any person with a contagious disease the right to participate in any specific job or program. It does give the individual the right to show that he or she is an "otherwise qualified" handicapped individual, and as such, must not be discriminated against. In any job or other setting where the individual could not, with reasonable accommodation, do the job or participate without significant risk to others, that individual would not be "otherwise qualified." The individual is simply allowed by section 504 to have his or her day in court.

Second, as the Supreme Court noted, the purpose of section 504 is to ensure that individuals with handicaps are not denied jobs or other benefits because of the prejudiced attitudes or ignorance of others, and this purpose is not served if persons with contagious diseases are automatically excluded. As the Court also noted, "Few aspects of a handicap give rise to the same level of public fear and misapprehension as contagiousness" and "the fact that some persons who have contagious diseases may pose a health threat to others under certain circumstances does not justify excluding from the coverage of the act all persons with actual or preceived contagious diseases."

If we exclude persons with contagious diseases from coverage of section 504, those who are accused of being contagious will never have the opportunity to have their condition evaluated in light of medical evidence and to have reasonable medical judgment determine their risk to others. They will have no opportunity for a determination as to whether they are "otherwise qualified"—whether, with reasonable accommodation, they can do the job without significant risk to others. Fear and prejudice, not reason, will prevail.

Small providers—one of the most difficult problems we face in our Nation is making citizens with disabilities true citizens of this Republic. We must bring them into the mainstream and help them become a part of every aspect of our national life as full, working, independent partners. They have a right to enjoy the exact same freedoms and opportunities that are available to every other American. Yet, in the context of this bill, the specter of building a ramp to every drug store or grocery store in America has been paraded about to scare small businessmen all around the country. This is unfortunate. The bill includes an exemption for small providers which the committee intends to quiet these fears. I strongly support that language and oppose attempts to broaden it.

The benefits of nondiscrimination are realized not only by persons with disabilities, but by society at large. A major study commissioned by the Office for Civil Rights at HEW about 10 years ago estimated that eliminating discrimination against persons with disabilities within HEW-funded programs would produce $1 billion annually in increased employment and earnings. In addition to increasing the GNP, it was estimated that such an earnings increase by persons with disabilities would result in some $58 billion in additional revenue for Federal, State, and local governments. I dare say that these revenue estimates would be higher today.

Let me conclude by indicating my consistent, strong and unwavering support for quick passage of S. 557. I lead the fight in the Illinois general assembly for public accommodations, antidiscrimination in employment and other key civil rights legislation. I did so at a time when it was not popular to do so. I represented an area in southern Illinois which was closer to Mississippi, than it was to Chicago. My stand was not popular. The protection of the rights of our people are too important to be subjected to poll taking and popular whim before we make a decision. I urge my colleagues to oppose all "killer amendments" and vote for this important civil rights bill.

Mr. GLENN. Mr. President, I rise today in support of S. 557, the Civil Rights Restoration Act of 1987. "Restoration" is indeed the purpose and focus of this legislation. It seeks to restore rights which were conferred by the Constitution 200 years ago, and which have been in the process of restoration ever since.

The Constitution guaranteed to every citizen the right to equal treatment under the laws. Despite this, however, there has been widespread discrimination—against the elderly, the handicapped, aliens, against minorities and women, and against those with religious beliefs which are different from the mainstream.

Congress has recognized that acts of discrimination are inconsistent with the letter and spirit of the Constitution, and have sought to correct this practice—at least, in federally funded programs. The result has been the enactment of major legislation prohibiting discrimination under the threat of of a loss of Federal funds if such discrimination persists. Language to this effect can be found in each of the four major civil rights measures, specifically, title VI of the Civil Rights Act of 1964, title IX of the education amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The withdrawal of Federal funds for noncompliance with antidiscrimination directives remains the most effective sanction which Congress can impose. It emphasizes the intent of Congress, which is, not only to enact civil rights laws, but also, to put some teeth into the statutes so that they would be given the maximum force and effect.

In 1974, the Supreme Court greatly weakened the impact of these civil rights laws by its erroneous interpretation of the congressional intent in the case of Grove City College versus Bell. In that case, the Court ruled that the Federal prohibition against (sex) discrimination extends only to the particular program or activity which receives Federal financial assistance, not to the institution as a whole. Grove City College is a private institution which received funds only indirectly by way of Federal grants and loans to the students. While holding that indirect aid was sufficient to bring the college under compliance requirements, the Supreme Court narrowed the existing scope of the sanction for noncompliance. Mr. President, I submit that this holding was erroneous in that it does not reflect the intent of Congress.

The Civil Rights Restoration Act is an attempt to set the record straight as to what the actual intent of Congress was in enacting the aforementioned civil rights statutes. These statutes were enacted to eliminate discrimination in all Federal assistance programs. The sense of the Congress during the time of enactment of these measures was expressed most clearly by President Kennedy in his call for enactment of the Civil Rights Act:

> Simple justice requires that public funds, to which taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

In limiting the sanction to the specific program directly affected by Federal funds, the Supreme Court opened the door to the possibility that schools and institutions, such as Grove City College, could receive Federal aid for some programs while discriminating in others. This is not the "simple justice" of which President Kennedy spoke. Rather, this is a dangerous precedent which runs completely contrary to this commitment to eliminate discrimination in all Federal assistance programs. I submit, Mr. President, that the intent of Congress was to close any loopholes which would permit discrimination—not to create them, as the Supreme Court has done.

Congress enacted title IX of the Education Act of 1972 to outlaw discrimination on the basis of sex under any education program or activity receiving Federal financial assistance. In 1973, Congress adopted section 504 of the Rehabilitation Act to include the handicapped under the antidiscrimination rubric, and in 1975, passed the Age Discrimination Act to prohibit discrimination on the basis of age. The language prohibiting discrimination in each of these acts is the same. In each case, it has been our intent to expand the protections of the original Civil Rights Act. Indeed, the legislative history of these statutes is replete with language urging that the protections provided for be afforded the maximum force applicable under the law. This can only be accomplished by continuing to give these laws the broadest of interpretations.

Mr. President, it should be evident to all that our civil rights laws cannot protect all persons equally if they are applied selectively. The bill which we are introducing clarifies the original intent of those laws to deny all Federal funds to any institution which discriminates on the basis of sex, race, national origin, handicap, or age. It restores the broad scope of those laws by carefully defining "program or activity" and by setting standards to determine their application.

Mr. President, the implication of the range of discriminatory practices which would be available through the use of Federal funds unless this legislation is enacted is astounding. Consider, for example, a black child who is refused admission to the privately funded wing of a hospital purely on the basis of race. If that hospital receives Federal money in each of its other departments, under Grove City, that child could have legally been refused treatment from a facility paid for by his parents' own tax dollars.

The Grove City decision, thus, represents a severe threat to civil rights protections. Women and minorities are looking to us to defend their hard-won opportunities and freedoms; indeed, to protect them from the oblique injustice of having to pay, through taxes, for programs or activities which discriminate against them. I urge my colleagues—let us pass this legislation, and let us move boldly toward the day when our Nation's laws effectively reflect God's law: That all persons are created equal.

MORNING BUSINESS

Mr. BYRD. Mr. President, so as to accommodate those who are trying to work out some resolution of the amendment that is to be called up at this time, I ask unanimous consent that there be a period for morning business for not to extend beyond 10 minutes and that Senators may speak therein up to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and then I would like to propound a parliamentary inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I would like to clarify the parliamentary situation. As I understand it, we are in a quorum call so that those who are working on a proposed amendment will have time to work it out, and that there has been a unanimous-consent order entered that following the quorum call the Senator from New Hampshire be recognized to offer an amendment.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire is the next order of business.

Mr. ARMSTRONG. It is my understanding further that it would not be in order except by unanimous consent for another Senator to offer an amendment or even indeed to address the Senate at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. ARMSTRONG. Mr. President, it would be my hope that my colleagues would give me unanimous consent to address the Senate at this time, simply as a time expedient, without displacing, of course, the Senator from New Hampshire, so that we can use this time productively rather than continuing with a quorum call.

That is my request, that I be permitted to address the Senate at this time.

Mr. BYRD. Mr. President, would the Senator indicate how long he would like to address the Senate?

Mr. ARMSTRONG. I would think 20 minutes or so, certainly not longer than that or not longer than a half-hour. It is only my desire to make a few observations at this time and not to delay the Senate.

Mr. BYRD. It is my hope, let me say, that the Senate will complete action on this measure today by 6 o'clock, in which case there will not be a session tomorrow. But we cannot go longer than 6 o'clock today. If we do not finish by around 6 o'clock today, we will have to come back tomorrow. There is an event tonight. The press has invited the Members of Congress and their wives to an event, an annual event, which many of us want to attend.

I have no objection if the Senator would mind putting a limitation, say, of 20 minutes rather than 30 minutes.

Mr. ARMSTRONG. It would seem perfectly fair to me. It is only my desire to use the time productively, and I certainly want to cooperate.

Mr. KENNEDY. Reserving the right to object, and I do not want to object, is there any chance that if the amendment is worked out, that the time the Senator uses will be considered as part of the time that will be associated with the Humphrey amendment?

Mr. ARMSTRONG. That would not be something for me to talk to. I do not have control of that time.

Mr. HUMPHREY. If the Senator will yield, I would be reluctant to accede to the request until we see the package that is being worked out.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I thank the Chair and I thank the leader and my colleagues.

THE STATE OF MEDICAL KNOWLEDGE IS CHANGING

Mr. ARMSTRONG. Mr. President, there was a headline in the Washington Post that we ought to think about before we act upon the Humphrey amendment or on this bill. In this morning's paper there is an article entitled "First U.S. Case Of Second Form of AIDS Reported." That is on page A-9. And another story entitled "Prompt Screening Of Blood Supply Urged To Detect Leukemia-Causing Virus." That is on page A-8.

I bring this to the attention of my colleagues to point out that the state of medical knowledge is changing very, very rapidly.

When it comes to AIDS, particularly, what we are learning about this disease every day, every month and every year, is dramatically expanding the horizons of medical knowledge.

Three years ago, the most reputable medical authorities in this country were saying do not worry about getting AIDS through blood. That is not the way you get it.

People like the American Red Cross and distinguished doctors were issuing public reassurances that you do not get AIDS from blood. That shows how far we have come in just 3 years.

What has that to do with the amendment we are going to consider or the whole theory of this bill?

Plenty. Under the Arline case, which I guess has been discussed somewhat on the floor, but has been discussed extensively behind the scenes, it appears that a person who has a contageous disease, such as AIDS, tuberculosis, you name it, might suddenly and unexpectedly be considered a handicapped person for the purposes of this law.

Traditionally, employers, both public and private, exercise unlimited discretion as to who they will hire, fire, who they will promote and what jobs they will put them into.

Over a period of time society has determined we should temper to some degree that particular discretion on the part of employers. We have determined long since that as a matter of public policy we do not want employers, whatever their private feelings might be, to discriminate on the basis of race or sex. More recently, we have determined we do not want employers discriminating or making arbitrary decisions on the grounds of being handicapped. In other words, if a person is handicapped, an employer may not discriminate against the handicapped in employment.

Now, then the question that is addressed in Arline and which comes up in the Humphrey amendment is this. Suppose a person has a contagious disease. Is that person, therefore, entitled to legal protection against being terminated in their employment or being denied employmnent in the first instance? Specifically, let us say you have a person with TB and a school board wants to prevent that person from working on the food service line. May the school board do that? Now, as a matter of public policy, I think it is the height of irresponsibility for the courts or for Congress to say no, the school board may not exercise such discretion.

Well, let us not beat around the bush. That is exactly what we are talking about here, is the right of public and private employers to exercise discretion in the employment and tenure and assignment of persons who have communicable diseases.

Now, why is that important? Because under Arline and under the amendment that is coming up, if, as and when it comes up, an employer who wants to exercise that discretion will have to go into court and show that such a person who has TB or AIDS or whatever it might be is in fact a direct threat to the health of other persons. How will an employer prove that? By medical testimony. Keep that in mind as you read the article that I mentioned at the outset, that just today there is an item in the paper in which medical science has discovered a new strain of AIDS virus and only a few years ago competent medical authorities were assuring the public, were going out of their way to issue broad-based blanket assurances, which proved to be absolutely 100 percent dead wrong. Under the circumstances, to tie the hands of public and private employers just seems to me to be very far-fetched.

Mr. President, in the epilog from Charles Gregg's book "A Virus of Love and Other Tales of Medical Detection," Mr. Gregg writes the following:

> Looking back, then the theme of this book has to be our profound ignorance, 100 years after Pasteur, of the world pathogenic—that is, illness-producing—micro-organisms.

The point is we do not know what we are doing and yet we are preparing to enshrine in statute a test which employers must get passed in order to exercise their reasonable discretion.

Now, I am not saying—and I hope nobody would interpret what I am saying to mean that—someone who has a communicable disease ought to therefore be denied employment or ought to be transferred or ought to be fired or whatever. What I do say is that to tie the hands of employers in making that decision for the protection of other employees, of students, and the general public is really a far-fetched idea, in my opinion, and yet that is what we are about to do. It would be far better, in my opinion, to simply restore the law to where it was before Arline, and that is to just flatly say that at least for the time being communicable diseases do not make you a handicapped person for the purposes of this act. That would be a far better solution. I understand that there has been some attempt to work out an amendment along that line, and it simply is not popular. The only reason I can think of why that is the case is because those who are working on it have not thought this through or perhaps because I have thought it through and do not understand what is at issue. I do not believe that to be the case, but I suppose that is a possibility.

It seems to me that a good place to start in thinking about this is to review the facts of the Arline case itself.

Mrs. Gene Arline was hospitalized for tuberculosis in 1957, when she was 14 years of age. Her disease went into remission for approximately 20 years, during which time Mrs. Arline began teaching elementary school. In 1977, and twice in 1978, she had relapses. In response to these recurrences, Mrs. Arline was first suspended with pay and then discharged after a hearing. Before Mrs. Arline's termination, the superintendent of schools consulted with a medical doctor, who testified that Mrs. Arline's condition posed a threat to the health of the small children with whom Mrs. Arline was in constant contact.

Mrs. Arline sued, and she claimed that the school board had illegally discriminated against her on the basis of her handicap in violation of section 504 of the Rehabilitation Act. On March 3 of 1987, the U.S. Supreme Court agreed with Mrs. Arline by holding in a ruling which surprised me, and I judge surprised a lot of other people as well, that section 504 covers persons who are both contagious and physically impaired by the disease. The Court has sent back to the district court the question of findings of act of whether or not Mrs. Arline is otherwise qualified to teach, and so on and so on.

But the central issue in the case is that so far as I know for the first time the Supreme Court said that a contagious disease could get you into the protected classification of section 504.

Well, why not just live up to Arline where it is? After all, the Court did not order tubercular teachers into elementary classrooms. It just said that sick teachers are entitled to a hearing and to reasonable accommodations so that they will not suffer deprivation based on prejudiced stereotypes or unfounded fear, an aspiration that none of us could argue against in my opinion.

Mr. President, Arline is unacceptable because it will mean that more healthy children and adults will be unwillingly exposed to persons with communicable disease. An increased exposure will mean more sickness among persons who would otherwise be healthy. And if just one of Mrs. Arline's students happens to contract tuberculosis, it appears to me that prejudice and fear and stereotyping is likely to increase and multiply, not to diminish.

Ironically, therefore, the outcome of the decision of the Court is to make worse the very problem which the Court sought to alleviate. Many of the possible criticisms of Arline were summarized in an article by the distinguished scholar, Thomas Sowell, who wrote as follows:

> The reason this decision is likely to mean more teachers with contagious diseases teaching your children is that no school has unlimited time and unlimited money to put into hearings, medical evidence for hearings, and fighting the inevitable court appeals from hearings, after an employee is found to be dangerously contagious.

Professor Sowell might also have mentioned—he did not but he could have mentioned—that schools that lose lawsuits will probably have to pay the teacher's attorney's fees, which is a significant threat to many school districts, especially the small ones. Professor Sowell continues:

> Somewhere along the way, many schools are going to decide that it is better to give up and hope for the best, rather than continue a ruinously expensive process.
>
> While everyone is looking out for individuals with contagious diseases, who will be looking out for the children?

That is Professor Sowell's view, which I share. Schools and other recipients of Federal financial assistance will have better rules about contagious diseases, it seems to me, if we do not enshrine in law a requirement that to any degree school boards or other employers in question have to prove that a person is a direct or indirect threat to other persons. If they have reason to believe, if a school board acting in its discretionary capacity reaches that conclusion—not to say that everybody who has a contagious disease should be dismissed. Far from it. They should be treated with sympathy and humanely and with a balanced point of view, but if we could just leave it to those who are charged by the voters in their areas with respect to public jurisdiction to make that decision, we will end up, in my opinion, with a more flexible and a far more responsible system than if we simply write into law that in order to give discretion to the school board you have to prove that somebody is a threat. That is hard to prove. It is hard to prove in a disease about which a lot is known, but when you get into those which are on the frontiers of medical knowledge, particularly those that are the most threatening at the present time, such as AIDS, it is impossible, and it is very likely the fact that the proof would end up itself being disproven within a very few years. I remind Senators again that only a few years ago, 3 or 4 years ago, doctors were confidently assuring us something which has later proven to be absolutely untrue.

The Arline decision extended the Rehabilitation Act of 1973 to a contagious disease, and I believe to all contagious diseases. AIDS, however, has captured the public attention and much of the energy of litigators around the country and therefore AIDS provides a case study in how the Federal courts are developing public policy with respect to infectious diseases.

In its footnote 16, the Arline court said:

> A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified for his or her job if reasonable accommodation will not eliminate that risk. (Emphasis added.)

Under Arline each contagious plaintiff is entitled to an individualized inquiry to determine whether he or she is a "significant risk." That inquiry will include:

> [findings of] facts, based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties) and (d) the probabilities that the disease will be transmitted and will cause varying degrees of harm.

This four-part formulation was suggested to the Court by the American Medical Association; indeed, the Court took it straight from the Association's amicus brief.

Consider now how the A.M.A.-U.S. Supreme Court formulation is working in practice. I would like to cite some specific instances.

A. THE STUDENT WITH AIDS

Ryan Thomas became infected with the AIDS virus as a result of a contaminated blood transfusion. His two physicians wrote to the school district "indicating that there is no medical reason" why Ryan could not attend school. In May 1986 Ryan's school district adopted a policy concerning the admission of children with communicable diseases. A committee—established pursuant to the policy—recommended that Ryan be admitted; the school board concurred and Ryan was admitted to kindergarten.

During the first week of school, "Ryan was involved in an incident in which another child and Ryan got into a skirmish and Ryan bit the other child's pants leg. No skin was broken." Ryan's parents were told to keep him at home until his case was reviewed. A psychologist analyzed Ryan and concluded that Ryan would behave "aggressively" in a kindergarten setting because his social and language skills were below those of his peers. The doctor could not predict what form this aggression might take. Based on this evaluation, the committee recommended that Ryan be kept out of school and taught at home. The school board concurred, but agreed to review the case after 3 months.

The committee "took the recommendations of the Centers for Disease Control [CDC] into account in its determinations and recommendations regarding Ryan following the biting incident." CDC's recommendations included the following:

> 1. Decisions regarding the type of educational and care setting for [AIDS]-infected children should be based on the behavior, neurologic development, and physical condition of the child and the expected type of interaction with others in that setting. * * *
>
> 2. For the infected preschool-aged child and for some neurologically handicapped children who lack control of their body secretion or who display behavior, *such as biting*, . . . a more retricted environment is advisable *until more is known about transmission* in these settings. * * * (Emphasis added.)
>
> Substantially similar guidelines and recommendations were issued by the American Academy of Pediatrics (AAP) and the California State Department of Education (SDE).

Apologies to my colleagues for taking the time for this much detail, but here is why this is important.

> However, a Federal district court judge enjoined the school district from exclud[ing] or prevent[ing] Ryan Thomas from attending his kindergarten class on the ground that he poses a risk of transmission of the AIDS virus to his classmates or teachers.

The school district was held to have violated section 504, the same section the Arline case turned on.

The judge said:

> Aside from its citation to the recommendations of the CDC, AAP, and SDE, the School District has presented no medical evidence to *prove* that the AIDS virus can be transmitted by human bites. The information and recommendations published by the CDC, AAP, and SDE cite no such medical evidence and do not, of themselves, prove that transmission by biting is possible.

In this particular judicial district of California, evidently, it is impossible for a school district to act cautiously. Here is a case where the board established a written policy, the board set up a special review committee, and board admitted an AIDS victims after review. After the child got into a skirmish and bit another child, the board sent the victim home but provided home-based education. The board had the child analyzed by a psychologist who concluded that the child would behave aggressively.

The board then acted on the recommendations of its own committee which in turn had relied on guidelines of the Centers for Disease Control, the American Academy of Pediatrics, and the California Department of Education;

Relying on expert advice with regard to children who bite, the board adopted an interim policy of home-based education because—CDC's words—"a more restricted environment is advisable until more is known about [AIDS] transmission."

I would ask my colleagues what in the world could the school board have done that would have been a more thoughtful, responsible, compassionate, balanced approach than this? It sounds to me—I do not know all the facts, but I know this many facts—that they did exactly what we would expect a group of school directors to do. That is that we would expect the school directors in our own home school districts to do in that circumstance.

They did not pass the muster of the court. In this case, the judge wants proof, mind you, not reasonable supposition, not grounds to believe, but proof that you can get AIDS by biting. In other words, the school evidently has a duty to ensure that they can prove it by evidence. Are we going to set up a situation in which school districts have to let a student become exhibit A? I just think that is an untenable thing for this Congress to do.

I am honestly dumbfounded that the Supreme Court took the position it did and for us to go on and make it worse or to fail at this opportunity to make a clear-cut statement that contagious diseases are not a handicap within the meaning of section 504 just boggles my mind.

That is exactly where we are going in the post-Arline era.

Let me give you case No. 2.

This is a teacher with AIDS.

Consider the case of Vincent Chalk, a public schoolteacher who has AIDS. Chalk's employer removed him from the classroom but offered a job writing grant applications at the same rate of pay. Chalk sued.

The school board produced a professor of medicine who testified that AIDS may be transmitted by as-yet undiscovered means, such as tears or saliva. The board admitted that its expert was in a medical minority.

I think that is true. I believe that opinion is a medical minority just as the opinion that you could get AIDS from a blood transfusion was not only a medical minority, but a ridiculed medical minority 4 years ago.

In any case, the board admitted that the expert was in the minority. By the way, my dentist thinks it is true. I will bet your dentist thinks it is true because they are all wearing rubber gloves these days. They were not a few years ago.

The board admitted its expert was in a medical minority. The board said:

> The possibility of the transmission of AIDS may be small based on the majority of medical opinion, but it's still a risk. And all the plaintiff's experts * * * can say is that there are no reported cases.* * * However, our expert believes that they haven't been studying this long enough.

The Federal district court refused Chalk's request for a preliminary injunction. The Court said:

> I do not in any sense mean to be an alarmist.* * * The likelihood is that the medical profession knows exactly what it's talking about. But I think it's too early to draw a definitive conclusion as far as this case is concerned about the extent of the risk.* * * [H]ow much of a risk is worth taking to gratify the sensibilities of [Chalk] and allow him to return to the classroom because he deeply wants to do so when * * * the results could be so disastrous?

I leave it to you, ladies and gentlemen of the Senate. Did the school board act responsibly? I think so. It appears to me that they took into account the legitimate concerns, even the anguish of the teacher, and said, "We are not making you a pariah, we are not firing you, we are not guaranteeing anything; we are saying you should not be in the classroom, you should be somewhere else earning the same salary writing grant applications."

The court agreed that the board had acted lawfully but the ninth Circuit reversed the finding that the board was discriminating against Chalk in violation of section 504 of the Rehabilitation Act. The court of appeals said:

> Evidence before the district court overwhelmingly indicates that the casual contact incident to the performance of his teaching duties in the classroom presents no significant risk of harm to others.

The PRESIDING OFFICER (Mr. DASCHLE). The Chair would inform the Senator from Colorado that his 20 minutes has expired.

Mr. ARMSTRONG. Mr. President, unless the managers are ready with the amendment, I would ask for 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, of course I shall not object, but because of the fact we may reach final passage, and my last flight to Vermont is in about an hour I will not object. I hope maybe the Senator from Colorado may not need to use the whole 10 minutes.

Mr. BYRD. Mr. President, reserving the right to object, I will not object, it is my understanding that those who are preparing a colloquy expect it to be ready in about 10 minutes. So I have no objection. It will probably work out all right.

Mr. ARMSTRONG. Let me say to the Senator from Vermont that the reason I am speaking now is that the amendment is not ready, and rather than wait until it was on the floor and use time then, I thought I could share a few thoughts with my colleagues in advance of its arrival.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 10 minutes.

Mr. ARMSTRONG. I thank the majority leader and my other colleagues.

Mr. President, I think we have pretty well got it into perspective, but I want to go back to where I began and document the point I made at the outset.

Just a few years ago, health officials were telling us there was no significant risk of contracting AIDS from blood transfusions, either as a donor or as a recipient.

In July 1983—this is not the Stone Age; this is July of 1983—the New York City Health Department, the Greater New York Hospital Association, and the Council of Hospital Blood Bank Directors of the Greater New York Region issued a joint statement asserting:

> Physicians can reassure their patients that the community's blood supplies are not considered a source of the spread of AIDS. (United Press International, July 14, 1983).

On November 2, 1983, Dr. John Bove, a spokesman for the American Association of Blood Banks and a physician at the Yale School of Medicine, said:

> The risk of contracting AIDS from a transfusion [is] one out of one million. (Associated Press, November 2, 1983)

On October 16, 1983, an Assistant Secretary of the U.S. Department of Health and Human Services, Dr. Edward N. Brandt, Jr., said:

> Let me make it clear, the blood supply of the nation is safe. I have no concern * * * and would not be afraid of receiving blood anywhere in the country. (Associated Press, October 16, 1983).

Dr. Harold Jaffe of the Centers for Disease Control said in December 1982:

> The risk to the general population is quite small. (Newsweek, Dec. 27, 1982).

On September 15, 1983, American Red Cross President Richard F. Schubert defended his agency's blood collection methods by saying the risks of getting AIDS from a blood transfusion are "infinitesimal," according to a United Press International wire report of that date.

Of course, we know better today. I am not here to criticize these experts. They were giving their best judgment at that time. What I am saying is that there is a lot we do not know about this, an enormous amount we are learning every day, and to require employers to go to court based on the present state of medical knowledge and prove that somebody is a direct threat to the health of others is far too tough a test.

Medical knowledge is constantly changing, even reversing itself. We have seen it over and over now.

Let me read a description of the fight against diphtheria, a disease that ravaged America for generations:

> Physicians in the 18th and 19th centuries thought more about the nature of disease than physicians in previous eras. There was much casting aside and recasting of older ideas, and much that was new. Because of the prominence of diphtheria, physicians seeking to explain illness had to take diphtheria into account. Was diphtheria contagious? Its ease in spreading through the communities, especially among children, persuaded many lay members of the population. But medical opinion was spread among several points of view. Some thought disease passed along genetic, racial, or constitutional lines. Others believed that disease resulted from unhealthy environmental conditions, such as inclement weather or filth. Still others pointed to the deleterious influence of social surroundings, such as poverty, poor diet, crowding, or inadequate clothing. Some doctors believed in contagion.

You get the point. They did not know about diphtheria any more than they know about AIDS today. But in the fight against diphtheria, they did not have Congress saying you had to convince a court that you knew something which medical science did not know.

Who should decide about exposure to contagious diseases, and by what standards? Is the threat of serious contagious disease just another legal element that judges must weigh equally with all other elements? Is the "reasonableness" of judges more reasonable than the "reasonableness" of school boards, which, after all, have the duty to safeguard the health of their students and teachers? Are we quite sure that the correct legal standard for measuring the risk of contagious disease is "no significant risk"? Are we willing to risk our children's lives for that standard? I do not think so.

Mr. President, here is the dilemma: There is no doubt in my mind, though I have yet to see it, that the Humphrey amendment is better than the underlying bill. It improves the underlying bill, and yet it does so in a way which falls so far short of what we ought to be doing by any thoughtful standard that I am in a dilemma whether to vote for it or not. I guess I will, because it appears to be about as far as we can go at this point. But I appeal to my colleagues that we do not have to settle this matter tonight. We could lay it over for a day or two and see if we can come up with a better formula.

However, if we adopt the Humphrey amendment and it is signed into law, and that is all we do, we are making a very marginal improvement in a very bad situation. I am honestly not sure, as I stand here today, whether or not by adopting it we delay or advance the date at which we might have a better solution.

I am pretty sure I know what we ought to do. What we ought to do is simply make a public policy decision that having a contagious disease is not a protected handicap within the meaning of section 504. That would then leave it to the good sense, responsibility, and compassion of public and private employers to make that decision for themselves, rather than requiring them to go to court.

So I am going to wait the advice of the Senator from New Hampshire and others and actually see the amendment before I decide what I am going to do in voting for it. I hope we can do much better than this, because, at least in the version that was floating around earlier, it does not go far enough—not to satisfy me, but to resolve a bad decision of the Court in the Arline case.

Mr. HUMPHREY. Mr. President, if the unanimous-consent agreement permits, I ask the Senator to yield.

Mr. ARMSTRONG. I believe I have time remaining.

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes and 45 seconds remaining.

Mr. HUMPHREY. Mr. President, the amendment is now available, and the colloquy will be completed soon.

First, I commend the Senator for his usual clear presentation of the facts. I agree with him: We ought to be doing far more than the Humphrey amendment will do.

I also agree with him in his surmise or opinion that the Humphrey amendment is better than the status quo but that it is not much better. I agree with what the Senator said, and I hope we can do more in the future.

I think that, given the mood displayed by this body today, if we were to go to what he and I think we should seek, we would fail. In the meantime, this is better than the status quo, following the Arline decision.

Mr. ARMSTRONG. I do not have the facts completely clear, but I understand that the Senator from New Hampshire offered an amendment in committee which was of a more sweeping nature, more along the lines that I believe would be in order. Is that correct, and, if so, what was the vote on it in committee?

Mr. HUMPHREY. It was offered, and only two members of the committee supported it.

Mr. ARMSTRONG. Mr. President, I do not want anybody who reads the transcript or is in the Chamber to think that any of my observations are intended to criticize my friend from New Hampshire. He is trying to solve this problem, and tried in committee, and he could not get the votes. I suspect the reason is that when this issue has come up before, we handled it by unanimous consent or a short time agreement; but I think we need to address this issue. I have little doubt that as more Senators begin to understand the issue, there will be a disposition to take a far more thoughtful and penetrating look at it and adopt something along the lines of the original Humphrey amendment.

Mr. President, since the amendment is here, I think I will now yield the floor and let the process move on. But I hope other Senators will come to the floor and listen to the debate and understand this issue, because we are going to have to come back to this. I would assume that probably later this year, in one way or another, we will have to address this again; because the way the courts are moving, I predict that within a brief period of time it will be obvious to every Senator, as it is to me and the Senator from New Hampshire, that this is not a satisfactory response to the problem, that this is far too serious and too important to deal with in this way.

I thank the Chair and I thank my colleagues.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, in the interest of time I think that I will prevail upon my colleagues to allow me to anticipate Senator HUMPHREY's laying down his amendment.

Mr. BYRD. Mr. President, there is need for a unanimous-consent request by the Senator.

Mr. WILSON. I thank my friend, the majority leader.

Mr. President, I ask unanimous consent to have 5 minutes for the purpose of addressing and commending those who have crafted the compromise that we will shortly have before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. WILSON. Mr. President, I have had the opportunity to view the language that has been crafted by those who are attempting to deal with what is a very difficult problem, and the Senator from Colorado, I think, has made that very clear in his eloquent comments that have addressed and made clear as well his concern for what has been a very, very difficult problem or, I should say more accurately, a set of problems.

There are two purposes to the legislation that exists now on the books. There is a desire that those who, through no fault of their own, suffer some physical disability, some affliction or some mental impairment not be deprived of employment or some other benefit if in fact there is no harm to anyone else that flows from their condition.

Competing with that concern obviously has been that enunciated by the Senator from Colorado, the concern for public health, and in the case that he has discussed, the Arline case, the Supreme Court, it seems to me, attempted to mediate those concerns and come to a Solomon-like judgment in which they could see to it that those suffering handicaps were not the subject of discrimination and at the same time obviously create some mechanism that would safeguard from the public health those whose affliction did or conceivably would pose a threat to public health.

I would agree that this may not be perfect language, but I think under the circumstances it deserves commendation because what it does is to state that there will be an adjustment in the definition of the phrase "handicapped person," to take into account that someone who is currently afflicted with the contagious disease or an infection and who by reason of that would constitute a threat to public health or to public safety or by reason of that affliction would be unable to perform the duties that person will not have the protection that exists for those who simply suffer a handicap and pose no threat of harm to others.

I think what this language will do is to require of the local employer, let us say the local school district, the local park and recreation board, that they seek to get the best possible medical evidence. It is conceivable that under this language in different communities a different result may occur, but even in that, I hope, unlikely event as it begins to work its way up through judicial appeal at some point hopefully we will achieve not only a legal but a medical consensus, and it is obviously far preferable that we achieve the kind of medical consensus nationally that would impose a uniform national standard so that the application of the law will be the same in all communities all across the land.

I commend those who have come to this compromise, the Senator from New Hampshire, the Senator from Massachusetts, and others who have been involved, because it is obviously of paramount importance that we safeguard public health. It is also of enormous importance that we do everything humanly and humanely possible to see to it that those who affliction does not pose a threat to public health or to public welfare in some other fashion not be the subject of discrimination, and it seems to me that the compromise that they have struck here comes about as close as it is possible at the present time.

Obviously, too, Mr. President, the difficulty of what they have addressed here consists in the fact that the threat will be very different depending upon the disease, depending upon the circumstances of the individual involved. So it is probably not possible to generalize in the law beyond proposing what is a reasonable test and I think that, therfore, this compromise deserves support because it does afford to us legal protection for the handicapped person and legal protection as well as public health protection for the public in terms of the public health threat that might exist.

So my commendation and I rise in support, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there may be a period for morning business at this time not to exceed 5 minutes and that Senators may speak therein for not to exceed 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, for the information of Senators, the colloquy which has been under preparation for quite some time is being gone over now and it is expected to be ready for presentation to the Senate briefly.

As far as we are able to determine, we know of no other amendments that will be called up once the Humphrey amendment has been disposed of by colloquy or otherwise. It is still hoped that the Senate might be able to complete action on this bill today. And, if I may add one additional hope, it would be that the Senate might be able to finish by 6 o'clock or very shortly thereafter, in which event, if final action is taken on this bill today, the Senate will go over until Monday and will not be in tomorrow. Committees will meet on tomorrow so that committee work can be done without interruption by rollcalls and quorum calls.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ANTHONY M. KENNEDY TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that, provided the nomination and report have been filed by the close of business on Monday, February 1, the Senate proceed to executive session on Wednesday morning at 9:30 a.m.; that there be 1 hour of debate, to be equally divided and controlled in accordance with the usual form on the nomination of Mr. Kennedy to be Associate Justice of the Supreme Court, the time to be controlled by Mr. Biden, and Mr. Thurmond; that the vote on the nomination occur at 10:30 a.m.; provided further, that there be no time for debate on the motion to reconsider and that, upon the disposition of the nomination, the Senate return to legislative session without further action, motion, or debate.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent it be in order to order the yeas and nays at this time to the nomination of Mr. Kennedy.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the nomination as if in executive session.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MR. BYRD. Mr. President, I thank Mr. Armstrong, who is the acting Republican leader at the moment.

UNANIMOUS-CONSENT AGREEMENT—ILO CONVENTION (NO. 144) AND ILO CONVENTION (NO. 147)

Mr. BYRD. Mr. President, I have a further request which I believe has been cleared all around.

As in executive session, I ask unanimous consent that at such time as the Senate considers Executive Calender No. 6, the ILO Convention (No. 144) concerning tripartite consultations to promote the implementation of international labor standards, and Executive Calendar No. 7, the ILO Convention (No. 147) concerning the minimum standards in merchant ships, there will be 30 minutes, equally divided between the chairman and ranking member of the Committee on Foreign Relations, or their designees, on each of the two conventions, and that no amendments or motions to recommit be in order; provided further, that, after all time for debate has been used or yielded back on each of the two conventions, the Senate proceed to vote back to back on the conventions without any intervening action, and that the call for the regular order be automatic at the expiration of 15 minutes on both of those rollcalls.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, if the leader will yield, could we know what your plan is on these? Do you intend to call these up on Monday?

Mr. BYRD. Yes; I intend to go to these on Monday.

Mr. ARMSTRONG. Can you give us an idea of when the vote would occur?

Mr. BYRD. I want to talk to Mr. Moynihan, who is handling the matters on this side of the aisle. I will talk to him on the next rollcall, after which I will be in a position to respond to the Senator's question.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. I am happy to yield.

Mr. HATCH. I think I will be handling it on this side of the aisle. If that is so, we would like to have the votes so they will be over by 2:30.

Mr. BYRD. All right. Mr. Hatch would like to see the votes completed by no later than 2:30, and he is managing the two conventions on that side of the aisle. When Mr. Moynihan comes to the floor for the next rollcall vote—and there will be at least one more rollcall vote—I will get an answer to the Senator's question.

Mr. ARMSTRONG. I apologize to the leader. My attention was distracted. It is likely that the vote would occur between 2 and 3:30?

Mr. BYRD. Well, I hope the vote would occur earlier than that. That would accommodate Mr. Hatch.

Mr. ARMSTRONG. Earlier than 2 o'clock?

Mr. BYRD. Earlier, I hope.

Mr. ARMSTRONG. Mr. President, it is a matter of indifference to me, but there is a person on our side of the aisle who expressed great interest that this occur sometime after 2 and I understand there are others who want it to occur before 3:30. As far as I am concerned, September would be all right.

Let me leave it at this, if I may, to just express to the leader—I do not intend to object—that if it is possible for the leader to work it out so the vote occurs between 2 and 3:30, it would be convenient for Members on this side.

Mr. BYRD. I will certainly make every effort to do that if Mr. Moynihan, the manager on this side, can accommodate himself to that. This does not mean there will not be rollcall votes before 2 o'clock on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand the Senators are ready now to resume consideration of the pending business. I yield the floor.

CIVIL RIGHTS RESTORATION ACT

The Senate continued with consideration of the bill.

AMENDMENT NO. 1396

(Purpose: To provide a clarification for otherwise qualified individuals with handicaps in the employment context)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. Humphrey] for himself and Mr. Harkin, proposes an amendment numbered 1396.

At the end of the bill insert the following:

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

Sec. . (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) for the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.".

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand under the UC agreement there was time set aside for the consideration of a Humphrey amendment. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. As I understand the situation at the present time, that there has been an amendment which has just been read which is a Harkin-Humphrey amendment, and I would ask consent that it be in order for the Senate to consider that measure at this particular time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I thank the Senator from Iowa and the floor managers and others, the staff involved, for working diligently to come to compromise language and likewise I thank my colleagues not involved for their patience.

Mr. President, I would like to address several questions to the Senator from Iowa, relative to his understanding of this amendment. Is the Senator prepared? Do I have the attention of the Senator from Iowa?

Is it your understanding that this amendment is designed to address an issue comparable to the one faced by

Congress in 1978 with regard to coverage of alcohol and drug abusers under section 504 of the Rehabilitation Act? That is, Congress wishes to assure employers that they are not required to retain or hire individuals with a contagious disease or infection when such individuals pose a direct threat to the health or safety of other individuals, or cannot perform the essential duties of a job.

Mr. HARKIN. If the Senator would yield, yes, Senator, that is my understanding.

Mr. HUMPHREY. I thank the Senator for that response. Inquiring further, is it the Senator's understanding that this amendment does nothing to change the current laws regarding reasonable accommodation as it applies to individuals with handicaps who cannot perform the duties of the job?

Mr. HARKIN. If the Senator would yield, there seems to be a bit of a difference here. On my copy of the compromise, which again I would just compliment the Senator from New Hampshire and his staff for working on so diligently to reach a compromise in this, the language that I have here basically has a question mark after the word "handicaps." That is in the third sentence, "to individuals with handicaps." That is why I did not understand the last little clause that was added and I would have to have some time to think about that. I am sorry.

Mr. HUMPHREY. Somehow we got two different copies here. I would be happy to end my question with the question mark after the word "handicaps."

Mr. HARKIN. I appreciate that. I am not certain that I know what exactly that does, but, if the Senator would, I would appreciate it and I would respond, then, to the Senator's question by saying that: Yes, indeed, that is my understanding.

Mr. HUMPHREY. Finally, is it the Senator's understanding, as we stated in 1978 with respect to alcohol and drug abusers, that the two-step process in section 504 applies in the situation under which it was first determined that a person was handicapped and then it is determined that a person is otherwise qualified?

Mr. HARKIN. Yes. I do understand—yes, that is my understanding.

Mr. INOUYE. Mr. President, this amendment would undo the United States Supreme Court's decision in School Board of Nassau County versus Arline, which held that individuals with contagious diseases are handicapped within the meaning of section 504 of the Rehabilitation Act of 1973, and are therefore protected from discrimination based on their medical condition.

The factual question posed in Arline was narrow: Are employees suffering from contagious diseases subject to automatic termination, without regard for any actual incapacity or risk of infection? The Court's answer was correspondingly clear: Groundless fears do not alone justify terminating an employee with a contagious disease.

The question in Arline surfaced in the Supreme Court because, in adopting the Rehabilitation Act, Congress had given statutory protection to the handicapped without enumerating the specific conditions to which the act would apply. Of course, Congress customarily acts by categories; groups are as central to the legislative process as cases are to the courts. Still, it is easier to articulate a general principal than to apply it in a threatening situation or uphold it in a difficult case.

The Rehabilitation Act was needed and passed because human beings often harbor an unreasonable dread of diseases and disorders. It is precisely because AIDS is surrounded by this same unreasonable and unwarranted fear and distaste that the Supreme Court's decision was sensible. The logic of the Rehabilitation Act demands that we make no distinctions where no reasonable grounds for differentiation exist.

In adopting an amendment contrary to the Arline decision, we would embody the prejudices that we overcame and precluded in the Rehabilitation Act. However, a number of unpleasant realities pertaining to AIDS give us additional reasons to reject the proposed amendment.

Some of us, and many Americans, seem to feel that we can confront people with AIDS as adversaries or enemies and forcibly control the spread of AIDS. I don't believe that would be morally acceptable, but even if it were, it is impossible. We will control AIDS only through cooperation, education, and respect.

By September 18, 1987, the Center for Disease Control had reported 51,361 cases of AIDS, and it was clear then that many cases had not been properly diagnosed or reported. The Public Health Service estimates that more than 270,000 cases of AIDS will be diagnosed by 1991. According to the CDC, there may be as many as 100 people who carry HIV, the virus that causes AIDS, for each person with AIDS. An estimated 25-50 percent of those who are HIV positive may develop AIDS within 5 to 10 years.

I hope that we will not resort to harassing and rejecting people who have been exposed to AIDS. In any event, it is clear that we do not have the capacity to identify and control the millions of people who may become contagious with AIDS, half of whom may never display any symptoms, and most of whom would not be eager to be diagnosed and subjected to discrimination. A program of contact tracing, for example, would become impossible under such circumstances. A threat of imprisonment is not likely to be very effective against someone who has been diagnosed with AIDS, even if our prisons were equipped to hold numbers of fatally ill individuals.

Only with the trust and cooperation of those who suffer from AIDS, can we continue to seek effective treatment for AIDS, and to discover treatments that prevent antibody-positive individuals from developing the disease.

Even if our compassion fails us in the face of AIDS, I hope that our powers of reason will still allow us to recognize the realities that must dictate our response to AIDS. It is futile to call for measures that cannot be effective and simply reflect our most unworthy reactions to AIDS, drug users, and homosexuals. Further, we would generate panic and cruelty that we could never extinguish. Instead, we must commit ourselves to a realistic and balanced approach to AIDS. We can begin by rejecting the proposed amendment.

Mr. HUMPHREY. Mr. President, the form of agreement is that, at least on the part of the Senator from Iowa and the Senator from New Hampshire, there would be no further debate or discussion at this point. Unless other Senators wish to do so, I think we are ready to dispose of it. A voice vote is acceptable.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand it, Mr. President, we have a time agreement. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I would be glad to yield back the remainder of the time on our side.

Mr. HATCH. I will be happy to yield back the remainder of ours.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senators from New Hampshire and Iowa.

The amendment (No. 1396) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, this bill would unnecessarily extend four major civil rights statutes far beyond the scope ever intended.

Under this bill, we are venturing into unknown areas of coverage for these statutes. It has become obvious that the sponsors don't even know for certain how far this bill will extend. Coverage under the bill would be limited only by the imagination of special interest advocacy groups and the unfettered discretion of Federal judges.

One of the problems is that the bill represents a broad attack on religious liberty in America. It would expand coverage over every operation of an entire religious school system where Federal money may only go to one activity at one school within the system. It also would cover all of the activities of a church or synagogue in all of its buildings in an area if any program or activity in the area receives any Federal money. Furthermore, it fails to protect adequately the religious tenets of educational institutions and other institutions covered under the expansion of title IX.

Mr. President, as a result of the expansion of coverage under the statutes amended by the bill, many more sectors of American society would be subjected to increased Federal paperwork requirements, random on-site compliance reviews, physical accessibility requirements, and affirmative action.

Mr. President, I am particularly concerned with the effect this legislation would have on the Nation's farmers. Agriculture is the largest employer in the United States. Growers hire 4 percent of the total U.S. work force—nearly 5.5 million people—and this payroll costs about $9.5 billion each year. To put this in proper perspective, labor costs on the farm equal or exceed other costs of production in most cases.

Mr. President, our farmers are already overburdened with Federal laws and regulations regarding employment and other phases of their operations. S. 557 would threaten the Nation's farmers with coverage of additional statutory and regulatory requirements that were never intended to cover them and which are unnecessary.

Last year Mr. C.H. Fields, on behalf of the American Farm Bureau Federation, testified before the Senate Labor Committee in opposition to S. 557. I will ask unanimous consent that a copy of that testimony be printed in the RECORD at the conclusion of my remarks.

Mr. President, let me close by quoting a sentence from Mr. Fields' testimony:

> We have long believed that unnecessary and unwarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the world.

Mr. President, that captures my feelings precisely, and I urge my colleagues to vote against this unwise legislation.

Mr. President, I ask unanimous consent that the statement of Mr. Fields be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE SENATE LABOR COMMITTEE REGARDING S. 557—"CIVIL RIGHTS RESTORATION ACT OF 1987"

(Presented by C. H. Fields, Assistant Director National Affairs Division)

The American Farm Bureau Federation is the nation's largest farm organization with a current voluntary membership in excess of 3.5 million member families who have paid annual dues to nearly 2,800 county Farm Bureaus in 49 states and Puerto Rico.

Last January, the voting delegates of the member State Farm Bureau reaffirmed a policy opposed to any legislation that would expand the scope of the existing civil rights statutes to cover those who have not been previously subject to them. The nation's family farms are already struggling for their continued existence as economic entities, and are overburdened with a myriad of federal regulations affecting employment on farms and many other phases of their operations. They should not be threatened with coverage by additional statutory and regulatory requirements in the area of discrimination and civil rights, particularly when such coverage was never intended by the original sponsors of the original statutes and when there is no need for such coverage.

No group of people in this country has a stronger belief in the fundamental principles of freedom, liberty and justice embodied in our nation's basic charter than this nation's farmers and ranchers. We have long believed that unnecessary and unwarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the world.

We are mindful of the fact that some 750,000 farmers and ranchers are employers. Any statute or regulation affecting employment practices could have an impact on agricultural employers with regard to sex, age or handicap requirements. Several thousand farmers throughout the country operate roadside markets and other direct markets to consumers. The Department of Agriculture administers a number of programs involving federal payments or other assistance to farmers and ranchers. The broad and sometimes vague language in this bill raises serious questions as to what impact anti-discrimination regulations would have on such benefits as loan guarantees, commodity loans, deficiency payments, disaster payments, price supports, conservation cost-sharing, etc.

Supporters of the bill state that Section 7 provides a "rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of federal aid.

We find that statement unpersuasive because:

1. There is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

2. Farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizations, or both under this bill.

3. Even if Section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment of S. 557 would not be excluded from coverage.

It might also be erroneously argued that Section 4(c) exempts farmers from coverage under the Act. We point out, however, that this language applies only to discrimination against handicapped persons under Section 504 and does not reduce compliance burdens under Title VI or age discrimination. Even under Section 504, only some farmers will benefit from this exemption. USDA Section 504 regulations define "small providers" as entities "with fewer than 15 employees." Somewhere between 50,000 and 100,000 farms employ more than 14 persons. Further, even the "small providers" are exempted only from the most onerous of Section 504 regulatory burdens, such as making structural alterations to existing facilities—and only "if alternative means . . . are available."

The small operations would still be subject to many onerous requirements, including paperwork requirements, requirements to consult with disabled groups and make a record of such consultations; extensive employment regulations; and a requirement to "take appropriate steps" to guarantee that communications with hearing and vision-impaired applicants, employees, and customers can be understood.

To the extent that S. 557 extends the basic principle that the term "program or activity" means all of the operations of the "entire corporation, partnership, private organization, or sole proprietorship," farms may well fall within the scope of that definition in several ways. For example, a subsidy to one commodity on a farm would subject the entire entity to regulation. A farm of contiguous fields could be deemed a "geographically separate facility," and thus covered in its entirety. Additionally, farming could be construed as providing a "social service" to consumers.

Farm Bureau is not opposed to a bill that simply provides coverage under the Civil Rights statutes the same as it was before the Grove City College decision; but our analysis of this bill leads us to the conclusion that it seeks to go much further than that. We believe it would result in a broad expansion of coverage under the Civil Rights statutes, including farmers who were never covered before.

For that reason we are opposed to S. 557 as introduced. We favor, instead, a bill such as the one introduced by Senators Dole and Hatch in the last Congress and which we understood will be introduced in both Houses of this Congress. We hope this Committee will give careful consideration to the concerns we have expressed.

We appreciate the opportunity to present our views.

Mr. THURMOND. Mr. President, I rise in opposition to this bill. The issue surrounding Grove City-related legislation has been improperly focused from the beginning. Federal financial assistance should not be allowed to fund discriminatory activities. No one could rationally argue otherwise. However, the sponsors of S. 557 have chosen to distort this debate by posing the question in simplistic terms under which one is either for their bill or for federally subsidized discrimination.

Many have argued during this debate that they want to restore civil rights coverage to what it was before the Grove City decision. There is substantial evidence that coverage prior to Grove City was program specific, not institutionwide. However, this bill goes well beyond institutionwide coverage. It does not restore the reach of the four civil rights laws to their pre-Grove City status, but expands Federal authority. The broad extension of these four laws goes well beyond what is justifiable.

Briefly, I would like to discuss a number of significant instances where the breadth of coverage is simply too broad because one small part of a particular entity receives Federal funds.

I believe strongly that there must be an exception to the institutionwide scheme of coverage—that is when the institution is a church or religious organization. Many churches participate in federally assisted programs which serve communities across the country. All the federally assisted programs operated by a church should be covered under the statutes addressed by S. 557. However, extension of Federal regulations throughout the whole church as a result of such assistance treads all over first amendment rights. I do not believe that the Federal Government should be interjected into the operation of our churches.

Additionally, this legislation will provide for coverage of entire religious school systems when only one school, or part of one school, in a system receives Federal financial assistance. Prior to Grove City, only the particular school that received assistance would have been covered. S. 557 would expand coverage to the entire religious school system instead of just the particular school that receives the Federal funds. This coverage threatens religious liberty by placing the religious goals of those schools in a secondary position to the vast regulatory requirements of S. 557.

As the Constitution guarantees religious freedom, we must tread lightly when it comes to asserting Federal regulation of religion or its institutions.

Additional provisions of S. 557 are ambiguous and unnecessary. For example, certain sections mandate blanket coverage by the four statutes of any corporation, partnership, other private organization, or a sole proprietorship, which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation. I can think of no justification for the blanket coverage. Stated simply, there is no reason to treat these so called special purpose businesses any different from other businesses. Coverage for all corporations should be uniform.

In closing, these are some of the issues which make the proposed "Civil Rights Restoration Act of 1987" unacceptable. The question of whether or not Federal funds should be allowed to subsidize discrimination is not the issue. Clearly, Federal funds should not be used to subsidize discrimination. The major issue is the need to carefully balance and protect constitutionally guaranteed freedoms and rights against the reach of the Federal Government. A fundamental right—the freedom of religion—is a guaranteed constitutional right. The Federal Government must not get into the regulation of religion. This bill simply goes too far. It represents a significant increase in Federal jurisdiction over churches and synagogues, private and religious schools, and the private sector.

For these reasons, I will vote against S. 557.

Mr. DIXON. Mr. President, as an original cosponsor of S. 557, the "Civil Rights Restoration Act of 1987," I rise today to solicit my colleagues' support for its approval.

Having debated S. 557 for 2 days now, we all know what the issues are. The bill overturns the 1984 Supreme Court decision in Grove City College versus Bell. The decision severely narrows the scope of coverage of title IX of the Education Amendments of 1972 which bar sex discrmination in federally assisted education programs.

The Court decision affects three other laws which bar discrimination since they contain similar language. The laws are title VI of the Civil Rights Act, section 504 of the Rehabilitation Act, and the Age Discrimination Act of 1975.

Mr. President, I support S. 557 because I deplore discrimination and strongly feel that the Federal Government should not be about the business of subsidizing it.

Additionally, I want to very clearly express my reasons for supporting the overturn of this Court decision. First, I do not believe that it is in line with the intent of Congress.

Second, S. 557 has 58 cosponsors, more than a simple majority of the Members of this body.

And third, I am certain that the people of the State of Illinois do not want the Federal Government to subsidize discrimination.

I am pleased that the Senate approved the Danforth amendment earlier today. During this past year, many hospitals in my own State of Illinois have expressed serious concerns that provisions of S. 557 would force them to perform abortions. Additionally, on behalf of many of its members, the Illinois Hospital Association has been in constant contact with my office regarding this issue.

From where I come in Belleville, IL, Mr. President, there is an old saying that "where there is smoke, there is fire." I am pleased that this body smothered the smoke on the abortion issue by approving the Danforth amendment.

Mr. President, I urge immediate approval of S. 557.

Mr. CRANSTON. Mr. President, I rise in support of S. 557, the proposed Civil Rights Restoration Act. I am proud to be one of the principal sponsors of this important legislation to restore the effectiveness of our Nation's four basic civil rights statutes which provide that Federal funds may not be used to support invidious discrimination.

Mr. President, in 1984, the Supreme Court dealt a crippling blow to the enforcement of the civil rights statutes—title VI of the 1964 Civil Rights Act, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—which provide that entities which accept Federal financial assistance must not discriminate on the basis of race, color, national origin, sex, handicap, or age. In the case of Grove City College, the Court held that the obligation to refrain from discrimination was limited only to the specific program which received the Federal funds.

Since that decision was handed down, its dire consequences have become apparent. In numerous instances, civil rights complaints have been dismissed because the specific programs involved could not be demonstrated to have received direct Federal funding. In October 1987 a Federal court of appeals reversed a district court decision holding that the State of Alabama had perpetuated racial segregation in its system of public higher education on the grounds that the Justice Department, which had brought the litigation, had not specified which programs or activities within the school system had received Federal funds and how those particular programs were discriminatory. Literally hundreds of administrative complaints filed with the Department of Education alleging civil rights violations have been dismissed because of the Grove City ruling.

The longer the Grove City decision remains the law of the land, the greater its adverse impact will be on civil rights enforcement.

Mr. President, during the Senate's consideration of S. 557, we decisively defeated amendments aimed at weakening the legislation expect one: the Danforth amendment relating to abortion. I strongly opposed that amendment which, if enacted, would rewrite title IX so as to overturn regulations promulgated under the Ford administration which prohibit educational entities from discriminating against students or employees who are seeking or have had an abortion. I regret it was added to this important bill intended to restore rights, not withdraw them. I hope the Danforth amendment does not become law.

CONCLUSION

Mr. President, the proposed Civil Rights Restoration Act is about one issue: Whether the funds of the United States should be allowed to be used to subsidize discrimination. Many of us thought that we had answered that question once and for all with the enactment of the civil rights statutes in the 1960's and 1970's. We must, today, reaffirm that Federal funds will not be used to perpetuate discrimination. We must reaffirm our continuing and enduring commitment to achieving a just and a fair society, a society where every individual, regardless of sex, race, age, or disability, enjoys the right to participate and contribute fully.

DON'T EXPAND REGULATIONS FOR AGRICULTURE

Mr. KARNES. Mr. President, I have offered an amendment to settle the concern that this legislation will expand the scope of the civil rights laws beyond that which existed before the Grove City decision. I share the concern of many of my colleagues about its potential far-reaching effects on farmers and ranchers throughout the country.

I am concerned about the possibility of farmers being brought under the civil rights laws by virtue of their participation in Federal farm programs. As currently drafted, farmers who receive loan guarantees, commodity loans, deficiency payments, disaster payments, price supports, and so on, might be forced to comply with the entire range of civil rights statutes. If this circumstance were to come about, it would lay a whole new set of Federal regulations at the doorstep of farmers and ranchers across the land.

This does not imply that farmers are opposed to civil rights or want to turn back the clock to the times and the events that necessitated the enactment of these laws. In this case, the issue is not discrimination. The issue is unnecessary Federal interference. If someone feels that complaints have been made or a record has been established showing that there are civil rights problems on the American farm that warrant our attention, I would like to hear those arguments and see that record. I do not feel that any such record exists, nor do I feel that there is any basis for such a record. So let's leave them out of the civil rights discussion altogether.

I do not know that it is the direct intent of any Senator to include farmers and ranchers in the coverage of S. 557. The problem with the bill is that is leaves open the question of whether farmers and ranchers could be included. It creates an ambiguity which could ultimately require litigation to resolve unless we deal specifically with the issue here and now.

Section 7 of the bill states that none of its provisions shall be construed to extend the application of the civil rights laws to ultimate beneficiaries of Federal financial assistance excluded from coverage before enactment. It is asserted by some that this language is sufficient to lay the farm and ranch issue to rest. It does not, however, make clear which ultimate beneficiaries are now excluded, nor does it address the issue of exclusion of those persons receiving benefits from programs that may be enacted in the future. Comments in the committee report are not adequate to address these concerns because the bill substantially rewrites the statutes and adds a new definition of programs and activities covered by the law.

The purpose of section 7 may be to generally exempt a number of activities touched by Government funding. However, I have received an opinion developed by the Justice Department asserting that section 7 is not necessarily sufficient to remove all ambiguities about application to farmers and ranchers. Mr. President, I ask unanimous consent that the Justice Department opinion that I refer to be printed in the RECORD immediately following my statement.

Farmers have enough problems. They should not have to operate under the gun, knowing that a court may later rule that S. 557 does include farmers and ranchers, triggering unnecessary, but nonetheless mandatory regulations for them to study and adhere to. They have neither the time, money, nor personnel to attempt to comply with the requirements of bureaucrats who may demand volumes of proof of nondiscrimination even when no complaint has been received. Soon, agribusinessmen are going to feel like they have to call their lawyer before they go out to work in the fields.

There is nothing in this bill which specifically assures farmers that they will not be covered by the wide range of civil rights laws. What could happen if a court would construe the law to include farmers and ranchers against our intent? Such an occurrence has been known to happen from time to time. The possibilities are mind-boggling and outrageous.

Let's consider some. Would farmers have to hire persons with infectious diseases such as TB or AIDS? Perhaps they could be required to restructure jobs, modify facilities or install equipment for handicapped persons.

They might have to establish grievance procedures whereby a hearing would have to be held before letting a worker go simply because he doesn't do the job.

Even small operations could be subject to increased Federal paperwork requirements, random on-site compliance reviews and other regulatory burdens.

Passage of this bill could make farming a whole new ball game, a game that I know farmers like my Nebraska constituents do not want to play. The potential impact of this legislation on the average farm operation is devastating. Anyone familiar with farming knows that regulations like these on farms would be utterly ludicrous.

Farmers are experiencing a severe crisis. They are overburdened with low commodity prices, excess surplus stocks, and the lack of affordable financing. To be faced with additional statutory and regulatory requirements could jeopardize their continued existence.

Mr. President, as the owner of my family's farm, I can tell you how farmers and ranchers would react to extending new civil rights regulations to the farm. They would shake their heads in disbelief. They would wonder why in the world the U.S. Congress is slapping on controls that have no rational relationship whatsoever to life on the average family farm. They would sit down in disgust and write to us, pleading "leave us alone!"—and they would be completely justified in doing so.

Therefore, to be absolutely certain that farmers and ranchers will not be covered by these statutes, I introduced my amendment to clarify the matter. It does nothing more than settle the issue at hand. It states that nothing contained in the statute shall be construed to extend application of the four titles in question to farms, farmers, ranches, or ranchers, based upon participation in any Federal agricultural program unless application is expressly required. I believe that is the unarticulated intent of the act, but my amendment would remove all uncertainty.

I wish to ask the Senator from Massachusetts, does S. 557 affect the historical exemption of farmers and other persons who receive payments under various agricultural support and marketing programs?

Mr. KENNEDY. No. Farmers and other persons who receive Federal grants, loans, or assistance contracts would be "recipients". A full discussion of this continuation of present policy is contained in the committee report, Senate Report 100-64, at pages 24-24.

Mr. KARNES. With that clarification, I withdraw my amendment at this time. I am not certain whether this action will completely resolve the issue altogether, but I feel we have taken a good step toward establishing a record to protect the interests of farmers and other agricultural interests from onerous and unnecessary added regulation and costs.

I yield the floor.

Mr. BRADLEY. Mr. President, there is no subject more important to America than civil rights. Our past failures in guaranteeing equal opportunity to all members of the American community have been our badge of shame. Our successes in redressing those inequalities have been our greatest pride.

But we cannot rest on our laurels. We must not take the inviolability of equal opportunity for granted. For once again civil rights are under siege, and this body must liberate them.

Why do I say that civil rights in America are besieged? Because in February 1984, the Supreme Court, at the instigation of the Department of Justice, gutted the principle law outlawing sex discrimination in education. Education—the great equalizer. Education—the very essence of equal opportunity. I can not believe that in 1984, our Supreme Court ruled that it is OK to discriminate against women in federally assisted educational programs. Hard to believe; yet it's true.

That Supreme Court decision, the Grove City case, has left a gaping hole in all our antidiscrimination laws. It has dealt a body blow to the cause of civil rights in America. It cannot be allowed to stand.

Grove City jeopardizes the hard won rights of millions of women and minorities. It dashes the hopes that the elderly and the disabled might take their rightful place in our great economy. It makes a mockery of the principles for which our Nation stands.

Unless we bring the Supreme Court's decision in line with the history and clear intent of our civil rights laws, there will no longer be an all-inclusive prohibition against discrimination based on race, sex, handicap or age. Schools, hospitals, State and local governments—indeed any entity conducting a federally assisted activity will be empowered to get around the clear intent of our civil rights laws.

No Congress that believes in the principle of equal justice under law can permit the Grove City case to stand. That is the purpose the Civil Rights Restoration Act.

Support for this legislation is broad and deep. Top ranking civil rights officials in four administrations have unanimously endorsed it. Women and blacks are solidly behind it.

Given the unassailable strengths of this legislation and its broad-based, enthusiastic support, who could be against it? Well, sad to say, a small but determined band of people implacably opposed to civil rights are trying to prevent passage of the bill.

They argue, disingeniously, that the Civil rights Restoration Act returns the burdensome yoke of Federal intrusion on the frail neck of the States and the private sector. Even sadder, they are supported in their claims by the Department of Justice and the White House.

These claims are groundless. They are part and parcel of a tactic of delay, designed to prevent passage of this essential bill. But the bill's proponents are even more determined.

Let me be quite clear about what this act does. It reaffirms an appropriate interpretation of existing law. That's all. It does not add to that law. It does not thrust the Federal Government down the throats of the States. And it is not the camel's nose of Federal intrusion under the tent of civil liberties. It just says that the civil rights law prior to Grove City remains the law today. It reaffirms this Nation's commitment to the principle that all people are created equal. Which is how I, and I believe a large majority of the American people, want it.

Mr. MITCHELL. Mr. President, I support the Civil Rights Restoration Act. The act is needed to correct the 1984 Supreme Court decision in Grove City College versus Bell which held that recipients of public funds need comply with the civil rights laws only in the particular program or activity to which public funds are directed.

The effect of this ruling has been widespread. It has reached far beyond the original confines of the case—which was brought only on the question of whether student aid was a Federal benefit to the college which the student attended. The Supreme Court ruled that it was. But the Court then went to a question not raised in the case, and found that only the student aid office, which directly handled the funds, had to comply with the antidiscrimination law.

No sooner was this decision handed down than the Department of Justice announced that it would, henceforth, apply this standard to the enforcement of all the major civil rights laws, not merely to the education act amendments on which the ruling was brought.

The Justice Department has done precisely that, and as a result, lower court rulings—which are required to follow Supreme Court precedents—and administrative action have both closed off redress against discrimination for many Americans.

Individuals have been denied hearings when funds could not be traced directly to the salary of a professor accused of sexual harassment, or to the building in which an individual was denied the right to speak, or to the courtroom in which jurors served. In the Education Department alone, well over 600 cases have been suspended or dismissed because of the Grove City ruling.

Four months ago, the 11th Circuit Court of Appeals reversed the factual findings of a lower court that an entire State's higher educational system had systematically channelled black and white students to separate institutions, not on the grounds that the Government failed to show this occurred, but that it did not show precisely where each Federal dollar of aid was used and how that particular program discriminated.

In 1954 the Supreme Court finally overturned more than half a century of de jure segregation in its Brown versus Board of Education judgment. But it was not until passage of the 1964 Civil Right Act, with its title VI enforcement powers, that actual progress began to be made against discrimination.

The threat of losing Federal funds was finally the incentive before which much segregation gave way. And in the decade of the seventies, black college enrollment almost doubled.

The other statutes affected by the Grove City ruling are all based on that experience.

Title IX of the Education Act Amendments of 1972 extended civil rights protections to women in higher education facilities. In 1972, when the act was passed, our Nation's medical schools graduated 830 women as physicians out of a total of 9,253. In 1985, 4,874 women physicians were in the graduating class of 16,041.

In 1972, the Nation's law schools graduated 1,498 women, out of a total of 21,764. Today's 37,491 graduating lawyers include 14,421 women.

There can be no doubt that the doubling of black college enrollment and the increased admissions of women to graduate studies was not a fortuitous outcome. It was the result of enforcing what the law has always demanded, equality of treatment.

We should not have to look back to a century of racial turmoil and discrimination under the 14th amendment to the Constitution to know that a written statute, even a constitutional commandment, has no effect unless it is enforced.

That understanding guided the Congresses which enacted the four civil rights statutes covered by this bill. Those Congresses moved beyond exhortation and recognized that additional incentives were necessary to promote equal treatment.

There are those who like to characterize the civil rights laws as punitive. That implies that institutions have a prior right to receive Federal funds and that any threat of their loss is unfair.

That is not the case. Federal funds are appropriated for programs which the Congress judges to be in the national interest. And among the many issues that are in the national interest is the vindication of our constitutional promise of equality before the law.

As the Supreme Court itself noted in Bob Jones University, any private organization enjoys the full protection of the first amendment in its beliefs or doctrine. But no private organization may expect preferential Government treatment when its beliefs conflict with national policy.

So when Congress chose to enforce antidiscrimination efforts through the funding mechanism, it did not detract one iota from the first amendment rights of any group, individual or organization. It did offer institutions a choice—the choice between accepting Federal funds and abiding by the law or not accepting Federal funds. There is nothing coercive in such a regime.

Simply put, if an institution accepts tax funds, that institution may not discriminate. We know we cannot eliminate private prejudices and bigotry by law. But we need not and should not subsidize them.

The fundamental issue at stake is that tax dollars raised from all Americans should not be used to discriminate against some Americans, where the issue involves, race, sex, age or handicapping condition.

This is a matter of simple justice.

The Civil Rights Restoration Act does nothing more than restore through statutory language the reach of the civil rights statutes to the institutions which chose to benefit from Federal funds.

The act does not affect any of the definitions of what constitutes discrimination. It neither expands nor narrows any of the rights that may be asserted under antidiscrimination law.

The act does not alter or modify the meaning of "recipient", so those who are not now affected by civil rights laws—for instance, grocers accepting food stamps, farmers accepting crop subsidies or individuals receiving Social Security benefits—remain unaffected by the reach of the law, as they were before the Grove City decision.

The act preserves exactly the same language as in current law with respect to religious organizations; it neither narrows nor broadens it.

The entire purpose and, I believe, the only effect of the bill as written, will be to restore in practice the understanding that I and most Americans held before the Grove City ruling—namely that when an institution chooses to benefit from public funds, it must abide by public law, including laws which outlaw discrimination.

The repeated claims that the bill unacceptably expands civil rights law are untrue. The definitions of unfair treatment which exist in regulations, in case law and in practice are neither broadened nor narrowed by this bill.

I very much regret that the President's State of the Union message included this misleading and inaccurate claim about the Civil Rights Restoration Act, and I sincerely trust that he will not veto this very simple and straightforward legislation, when it reaches him.

We have already waited too long to correct the statutory deficiencies that the Supreme Court found in these four civil rights laws. Over the past 4 years, many cases, some reaching back more than a decade in some instances, have been abandoned, dismissed, and suspended as a result of the congressional failure to act.

These cases are not merely statistics. Each one involves a fellow American whose life has been directly affected. Students have found their study plans delayed and, in some instances, ended. Disabled persons have lost jobs and the chance for independence and personal self-respect. Women have seen career choices and opportunities foreclosed.

We should end this unfairness now. We should reinstate and reaffirm the 20-year-long struggle to vindicate the civil rights of every American.

From 1964 until the earlier years of this decade, there was a bipartisan congressional consensus that civil rights laws must be vigorously enforced. That consensus reflected the overwhelming demand of the American people, who were no longer satisfied with a status quo which treated some of them unfairly.

The effort to give life to the great ideals of our Constitution has always been a struggle against entrenched habit, accepted convention and comfortably established inequities.

That is as true today as it was in 1964. Over the past three decades, the majority of Americans has concluded that we want a society where equality of treatment is not restricted to men, or to white men, or to the physically capable, or to the young. We have concluded that this is not the American ideal.

And we know that we cannot wait passively for a just society to evolve over time. We know that to achieve justice, we must pursue justice. The pending legislation is an essential element of that effort. It must be approved.

Mr. KERRY. Mr. President, in the 1960's, this Nation made a commitment to civil rights for all of our citizens. Many Americans participated in that struggle. Some sat in at lunch counters. Some demonstrated on college campuses. Some were Freedom Riders in the South. Some were arrested and went to jail. Some even gave their lives.

As a result of those efforts, we passed a law, the Civil Rights Act of 1964, which made civil rights a reality in this country. We enshrined those struggles in the law of the land, and by that action we began a process of changing the mentality of a nation, of changing attitudes and age-old prejudices. We have come a long way in that struggle in the past 20 years.

But the Supreme Court's decision in February 1984 in the case of Grove City College versus Bell was a step backward in the continuing struggle for civil rights in this country. In that decision, the Supreme Court ruled that title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in most education programs and activities receiving Federal financial assistance, applies only to the particular program receiving Federal aid, not to the entire institution. The effect of this misguided decision has been to strip away constitutional protections against discrimination for women, minorities, the elderly, and the disabled in our society.

The time has come for the Congress to correct that injustice, and to restore the full protection of our civil rights laws to all Americans. I am pleased, therefore, to be a cosponsor of the Civil Rights Restoration Act of 1987. This legislation would reverse the Grove City decision, and restore full constitutional and civil rights protections under title VI of the 1964 Civil Rights Act, title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act, and the Age Discrimination Act of 1975. All of these laws provide vitally important protection against discrimination for our citizens.

We need to pass this legislation now, and pass it in undiluted form, without amendments. We need a clean bill that will make a clear statement to the American people that we still believe in the ideals of the civil rights movement.

Mr. President, amendments that deal with abortion, or with "religious tenets," or with AIDS, have no place on this legislation. This is a civil rights bill. This legislation exists for one purpose, and one purpose only—to reverse the Grove City decision, and to make it clear that we still care about civil rights in the U.S. Senate. And I oppose any efforts to alter or distort that message by adding amendments which do not belong on this bill.

I am disturbed by the Senate's vote in favor of the Danforth amendment. The effect of this amendment would be to penalize women who choose to have abortions, or who have already made that choice. The right to an abortion is a matter of free choice for women, not a decision made for women by the U.S. Senate.

In addition, this legislation is not the appropriate vehicle for such an amendment. This is a civil rights bill, not a referendum on abortion. However, because I believe that the good in this bill outweighs the bad, because it expands the scope of title IX protections for women, I will support the legislation as a whole.

I am pleased that a compromise has been reached with respect to provisions concerning the Arline decision and its ramifications. I would object to any effort to add an amendment to this bill which would overturn the Supreme Court's decision in the Arline case. The Arline decision, handed down on March 3, 1987, by a 7-to-2 margin, protects the rights of handicapped persons. It holds that, under section 504 of the Rehabilitation Act, a person with a contagious disease like tuberculosis is considered a handicapped person.

The Supreme Court concluded that all handicapped persons, including those with contagious diseases, have a constitutional right to go to court and have a fair hearing. The Court did not state that all such persons are automatically entitled to a job. Only those persons who do not pose a health or safety risk would be so entitled. There is nothing in Arline which threatens public health or safety. The decision simply protects the constitutional rights of handicapped persons, and it should be respected by the Senate.

I am also pleased that the Senate has soundly rejected an attempt to limit the access of handicapped persons to small businesses. I am strongly opposed to any amendment which would limit the applicability of the law regarding access for the handicapped to small businesses. As chairman of the Subcommittee on Minority and Urban Small Business, I am sensitive to the needs of small businessmen. But I also feel strongly that handicapped persons must have rights equal to those of all others in our society. To close off our Nation's small businesses to handicapped citizens would be a grave disservice not only to the handicapped, but to small business as well.

President John F. Kennedy said:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

That is what this legislation is designed to ensure. The four areas of law covered by this bill are laws which were written to assure that Federal funds would always go to prevent discrimination, not to promote it.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. Title IX of the Education Amendments of 1972 bans sex discrimination in educational institutions and programs that benefit from Federal funds. Section 504 of the Rehabilitation Act of 1973 protects disabled persons from discrimination by all recipients of Federal funding. And the Age Discrimination Act of 1975 forbids discrimination on the basis of age by any agency or institution which receives Federal aid.

These are laws for which many people have worked and struggled. Some have even given their lives in the movement for civil rights in this country. And over the past three decades, since the Supreme Court's landmark decision in Brown versus Board of Education, this Nation has made great progress toward the goal of equal justice for all.

But that progress has been seriously threatened by the Court's regressive decision in the Grove City case. As a result of the Reagan administration's broad interpretation of the ruling in Grove City, the impact of the ruling has been extended to reach corporations, local governments, hospitals, airports, and many other facilities which receive Federal funds. Ed Meese, William Bradford Reynolds and company have extended the Grove City ruling far beyond the educational institutions to which the actual holding applied. While the Court's ruling in Grove City was damaging enough, the Reagan administration has made it much worse.

As a result of the Reagan-Meese-Reynolds interpretation of Grove City, Federal civil rights enforcement has been drastically reduced. At each step in the enforcement process, major barriers have been imposed by this administration. Audits and compliance reviews of institutions receiving Federal funds have been drastically curtailed. Investigation of civil rights complaints have been put on hold, sometimes for months or years. Compliance plans to end discrimination, even those which were already in place, have been revoked. Administrative law judges are refusing to hear cases involving discrimination in federally funded institutions, and Federal judges are throwing many private law-suits out of court which would vindicate civil rights.

This is not just a matter of abstract legalisms. It means that, if this decision is not reversed, there would be no Federal enforcement mechanism and no adequate legal recourse for many injustices. For example, as a result of the Grove City decision, an elderly couple may be denied immunization by a city clinic which decides to reserve a vaccine for the working-age population. It means that an employee with outstanding evaluations may suddenly be fired when his employer learns that he has epilepsy, or other diseases. It means that a high school girl may be put on a waiting list for a science class until all the boys who want to enroll have had a chance to do so. And it means that a public school may decide to hold separate dances for black students and white students.

Incidents like these should be only memories of a distant past in America. But unfortunately, they are all too real. They can happen even now, in 1988, in cities and towns across the United States. And sadly, they can happen with the protection and blessing of the Reagan Justice Department.

That is why we need to pass the Civil Rights Restoration Act, and pass it this year. Too many people have struggled too long, and sacrificed too much, for us to turn our back on civil rights now. Martin Luther King Jr. said, in a letter from the Birmingham jail, that "injustice anywhere is a threat to justice everywhere." Let us once again make American justice a model for all the world. Let us reaffirm our national commitment to civil rights in 1988.

Mr. CONRAD. Mr. President, I rise today in strong support of the Civil Rights Restoration Act. This legislation is urgently needed to clarify the intent of our civil rights laws. The Civil Rights Restoration Act will ensure that institutions receiving Federal funds will not be allowed to discriminate against women, minorities, the disabled or the elderly.

Since the Supreme Court decision in Grove City College versus Bell, the ability of victims of discrimination in federally funded institutions to protest discriminatory practices has been greatly diminished. For example, female students could be denied the use of school facilities for a women's basketball program, if the athletic program of the school does not directly receive Federal funds even though other school activities and education programs do. It is simply unfair to the women, minorities, elderly and disabled people that pay Federal taxes to allow Federal funds to subsidize discrimination.

I think this bill accomplishes its purpose. Under this legislation, victims of discrimination will have a means of challenging unfair practices within institutions that receive Federal aid. I strongly support this effort to strengthen enforcement of our antidiscrimination laws by clarifying the Federal Government's power to cutoff funds.

At the same time, I feel that Congress cannot enact legislation that could be interpreted as forcing federally funded institutions to support abortion against their religious or moral objections. To guard against this possibility, I supported the Danforth amendment. I believe the clarification of congressional intent on this issue is too important to be left to a later date.

The Civil Rights Restoration Act is the most important piece of civil rights legislation to come before the Senate in this decade; and I am proud to have this opportunity to voice my strong support for the rights of women, minorities, the elderly, and the disabled to participate freely in all arenas of American life. In this act, Congress assures that, at the very least, women, minorities, the elderly and the disabled are not denied the chance to participate in programs and activities which receive Federal funds.

Mr. DURENBERGER. Mr. President, this is indeed an important moment for millions of Americans. For 4 years, the four landmark civil rights statutes have operated with a judicial tourniquet, the Grove City versus Bell decision of the Supreme Court. Today we make a major step to remove that constraint, and restore our national commitment to the equality and dignity of each of our citizens.

As an original cosponsor of this legislation in the 98th, 99th and 100th Congresses, I can say that this has been a long time coming. I salute the perseverance of my colleagues on the Labor Committee, Mr. **Kennedy** and Mr. **Weicker**, Mr. **Packwood**, and many others, who fought this fight to the finish.

I am hopeful that the Senate action on this bill, while controversial to many, will speed this bill through the House of Representatives and to the President's desk. It is a bill that deserves to be signed into law, as the strong vote on final passage indicates.

"Simple justice," President Kennedy said, "requires that public funds * * * not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination." It has not been simple, but justice has been done today.

Mr. MOYNIHAN. Mr. President, I rise in support of S. 557, the Civil Rights Restoration Act. I am pleased to be an original sponsor of this much needed and long overdue legislation. This is the third Congress in which this vital measure has been introduced. Certainly, this is a bill whose time has come.

The operative word in this Act is restoration. Unfortunately, we are fighting to restore lost ground, rather than pursuing new legislative initiatives. Our purpose is to restore the protection of the rights of individuals which existed prior to the Court's 1984 decision in Grove City versus Bell. At this time, the intent is not to expand but only to restore. It is my hope that subsequent interpretations of this act will honor that purpose.

In Grove City, the Court held that the prohibition on sex discrimination under title IX of the Education Amendments Act of 1972 applied only to the particular education program or activity receiving Federal funds, rather than to the entire institution. While Grove City on its face only dealt with title IX of the education amendments which bars sex discrimination in education programs, the case had a far broader impact—diminishing the protections against discrimination provided by the Civil Rights Act of 1965, the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

To fully understand the impact of this, we must turn to history—the history of the struggle for equal rights under the law. To do so, one must look to the period immediately after the Civil War, when the 13th, 14th, and 15th amendments to the Constitution were enacted. The 13th amendment outlawed slavery in 1865, the 14th, enacted in 1868, sought to guarantee blacks full citizenship in this country, and the 15th, enacted in 1870, sought to guarantee that the right to vote would not be denied under any circumstances. But history shows that it took another century before the 14th and 15th amendments could be said to have truly guaranteed those rights to blacks.

The first obstacles were of course, the infamous "Jim Crow" laws. Although it is difficult to pinpoint the first of these State laws forbidding blacks and whites from using the same public facilities—trains, schools and particularly interracial marriage—from 1870 to 1885, most, if not all, of the rights the 14th and 15th amendments sought to protect were denied for blacks—completely and seemingly irrevocably.

In 1896, the crushing blow was dealt to equal rights at the Federal level: the Supreme Court formally upheld "Jim Crow" laws in its decision, Plessy versus Ferguson. This decision held that "separate but equal" did not violate the fundamental guarantees of the Constitution. But in fact, both "Jim Crow" and Plessy versus Ferguson did violate the Constitution, as the Supreme Court ruled 58 years later, 58 years too late.

The Brown decision, which effectively reversed the Plessy decision, marked the beginning of both judicial and legislative action to guarantee the protection of civil rights. In 1963, President Kennedy sent the Civil Rights Act to Congress and in doing so said:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, state or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious * * *.

Title VI of the Civil Rights Act attacked this indirect discrimination by prohibiting discrimination based on race, color or national origin in a "program or activity" that receives Federal aid. The Education Amendments of 1972 prohibited sex discrimination in educational programs or activities receiving Federal aid, the Rehabilitation Act of 1973 did the same for handicapped individuals and the Age Discrimination Act of 1975 did the same for the elderly.

During debate of these measures, a number of Members of Congress stated their belief that protection from discrimination should indeed be comprehensive. In the words of former Senator Birch Bayh, "Nothing else would have made any sense if our goal was meaningful coverage and effective enforcement."

Clearly, we have a record of congressional intent. The question is what recourse belongs to Congress and, indeed, many citizens of this Nation in the face of a Supreme Court decision which contradicts the intent of Congress and to which many of us would not choose to consent. In a speech at Tulane University in October of last year, Attorney General Meese addressed this very dilemma. He quoted President Abraham Lincoln on the impact of the Dred Scott decision:

> We nevertheless do oppose [Dred Scott] . . . as a political rule which shall be binding on the voter, to vote for nobody who thinks it wrong, which shall be binding on the members of Congress or the President to favor no measure that does not actually concur with the principles of that decision.

Attorney General Meese went on to say that "the constitutional interpretation is not the business of the Court only, but also, and properly, the business of all branches of Government.

Agreed. Yet, this power can be abused. Reacting to the Supreme Court decision in Engel versus Vitale which forbade school prayer, the Senate tried two times in 1979 to deny the Supreme Court appellate jurisdiction in such cases. Although they did not ultimately succeed, this was clearly an abuse of legislative power in the face of the prohibition of State encouraged "establishment of religion" written in the Constitution. Still, the legislature is surely within its constitutional bounds to try to remedy a decision rendered by the Court to which it does not consent. The legislation we consider today does exactly that.

But is there evidence that Grove City has indeed diminished the enforcement of civil rights? Yes; for example, the Department of Education reports that enforcement actions brought by its Office for Civil Rights have decreased considerably. As of September 1986, 674 complaints filed with the Department of Education have been closed or scaled back because of this decision. Another 88 compliance reviews have been dropped and another 72 have been narrowed. Similar findings have been reported in all of the offices responsible for enforcement of our civil rights statutes. In addition, many court cases have been dismissed for lack of jurisdiction when Federal funds cannot be traced to the specific program where the alleged discrimination occurred. The deterrent effect on potential complainants cannot be measured, but undoubtedly grows as more time passes without rectifying this shameful state of affairs.

Mr. President, I have no doubt that the Congress in crafting these civil rights laws intended an expansive interpretation. We need only look to the words of former Senator Hubert Humphrey during debates on the 1964 Civil Rights Act, the model of subsequent antidiscrimination laws, that "the purpose of title VI is to make sure the funds of the United States are not used to support racial discrimination." Unless Grove City is not overturned, that goal will not be realized.

The Civil Rights Restoration Act is simple and straightforward. The act would amend each of the four civil rights laws by defining the phrase "program or activity" to mean that discrimination is prohibited throughout entire agencies or institutions if any part therein receives Federal assistance.

Mr. President, too much critical time has already been wasted. Over the past 4 years, our civil rights laws have been eroded. We have before us the opportunity to reverse this trend and return to full enforcement of our civil rights laws to protect the rights of all citizens. It is imperative that we act now. I urge my colleagues to vote for this crucial legislation.

Mr. HOLLINGS. Mr. President, I have been a cosponsor of legislation to overturn the Grove City decision since it was handed down by the Supreme Court because I am opposed to any discrimination, and federally subsidized discrimination is the worst situation because it makes us all a party to this travesty. In the 1984 case of Grove City College versus Bell, the Supreme Court said that Congress intended to allow an educational institution to discriminate on the basis of sex in any program which did not receive Federal aid directly. For example, if the English department at a university received Federal funds, it could not discriminate on the basis of sex. The business school, however, assuming it did not receive direct Federal funding, could refuse to allow women to participate in any of their programs. As a Member of the Congress that passed title IX of the Education Amendments of 1972, let me assure you that Congress intended nothing of the sort; what was intended was that artificial barriers like sex discrimination be removed so that men and women would have the chance to go as far as their ability and drive could carry them.

Mr. President, a lot has been said about the evil that this bill seeks to eradicate, and by and large, the Senate is in agreement about what needs to be done to eliminate federally subsidized discrimination. Unfortunately, a lot of falsehoods have also been spread about this bill. Let me set the record straight. This bill merely returns the law to what it was before the Grove City decision was handed down. There are no provisions which will allow the Federal big brother in the backdoor where Federal funds are not accepted.

I support this legislation because I believe that everyone should have a fair shot, and this bill ensures that where the Federal Government is involved, they will get that fair shot.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will be happy to yield in 1 minute, but I need to make some final remarks before the vote.

Mr. BYRD. If the Senator will yield and if the Senator from Nebraska will allow me, all Senators need to know what time the vote will occur. Can we set a time?

Mr. HATCH. I think we can set it right at 6, if you would like. I will try to finish before then.

Mr. BYRD. I ask unanimous consent that a vote on final passage occur at 6 o'clock p.m. today and that paragraph IV of the Standing Rules be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Utah retains the floor. Does the Senator from Utah yield the floor?

Mr. HATCH. I yield for a minute to the Senator from Nebraska.

Mr. EXON. Mr. President, the State motto of Nebraska is "Equality Before the Law." That principle is deeply engrained in the aspirations of that great State and our great Nation.

I have been a consistent supporter of the Civil Rights Restoration Act because it embodies the spirit of the words of my State's motto. The principle of this legislation is simple. Institutions which chose to accept Federal funds also accept the responsibility of not discriminating against individuals on the basis of sex, race, age, religion, or creed.

Congress passed the Education Amendments Act of 1972 to prohibit educational institutions receiving Federal funds from employing sex-based discriminatory practices. Since its enactment, Democratic and Republican administrations, conservatives and liberals alike interpreted this law and three other civil rights laws with similar language to apply broadly to entire institutions receiving Federal funds.

In 1984, the Supreme Court narrowly interpreted title IX in the Grove City College case. The Court ruled that an institution, receiving Federal support in the form of student aid, need only meet title IX's antidiscrimination requirements in its student aid office. Under this restrictive ruling, institutions receiving Federal funds are now free to discriminate in other programs not specifically receiving Federal aid.

This unfortunate decision overturns many years of practice and jeopardizes the effectiveness of other civil rights statutes. The Civil Rights Act of 1964, barring racial, religious, and ethnic discrimination; the Age Discrimination Act of 1972; and the Rehabilitation Act of 1974, which prohibits discrimination against the handicapped, all have language similar to that interpreted by the Supreme Court in the Grove City College case.

I am of the firm belief that Federal funds should not be used to encourage, facilitate or promote discrimination.

If enacted, this legislation is intended to only restore the status of the law prior to the Grove City College case. The legislation is not intended to expand the application of Federal law into new areas.

This is a narrowly drafted bill with careful consideration given to accommodate the special needs of religious institutions. In this regard, title IX and the Civil Rights Restoration Act contains a time tested system of waivers. To date, no religious institution which has applied for a waiver has been denied a waiver. Over 140 institutions have been granted religious waivers under title IX.

Early drafts of the Civil Rights Restoration Act did merit criticism for instances of imprecise language, but the bill before the Senate today is tightly drawn and has adequately addressed the concerns of farmers and small businesses.

I realize special interest groups have kicked up a lot of dust with regard to this legislation. As in the past many fundraising letters have gone out with alarmist language. Given the fact that the Reagan administration applauded the Grove City case, it is no surprise that some zealots in the Department of Justice have participated in this organized cry of wolf. It is unfortunate that some in this body will panic and succumb to those cries.

Those of us who have been in the public life long enough recognize many of the organized opponents of the Civil Rights Restoration Act as the same groups who have opposed civil rights and equal opportunity for decades.

The United States is a land of opportunity. Our Federal Government should not condone, facilitate, or encourage discrimination. If an institution should choose to engage in discrimination, it should not receive the financial assistance of the Federal Government.

Our Nation is a better place since we have broken down the barriers of discrimination. The Civil Rights Restoration Act returns the law to its status prior to the Grove City court decision. Once again, I want to emphasize that the record is replete with assurances that this legislation will not expand into new areas of regulation.

As a cosponsor of the Danforth amendment to clarify concerns about abortion, I am pleased that the Senate did add language to address concerns about abortion. This is a positive step. I am hopeful that the final version of this legislation will include language acceptable to all sides of this controversial and emotional issue.

Mr. President, I have supported the reversal of the Grove City decision for a number of years and am pleased to join with my colleagues to support this much needed legislation.

Thank you, Mr. President.

Mr. HATCH. Mr. President, I think the debate over the last few days has helped make clear the serious problems involved in S. 557. I think we have established quite clearly that S. 557 is not a simple piece of legislation that restores the law to what it was the day before the Supreme Court issued its decision in the Grove City case.

We have established already that the law the day before the Grove City decision was far from settled. There was a split in the circuits and when the Supreme Court decided that title IX should be applied on a program specific basis, it was siding with the majority, that's right, the majority of the lower court decisions.

So, does S. 557 return the law to what it was? Of course not. S. 557 changes the law to the interpretation the proponents seek, the very interpretation rejected by the Supreme Court in the Grove City decision.

S. 557 authorizes a dramatic, radical increase in the jurisdiction of the Federal Government.

Moreover, it trammels the first amendment's guarantee of freedom of religion by forcing churches and synagogues to bow under the heavy hand of Federal regulations just because they run a social service program in their basement which receives but $1 of Federal money. It tells religious schools and universities that if one of their religious beliefs runs afoul of a single Federal regulation, then the religious belief must always be compromised.

The proponents have never made clear why we must assault religious beliefs in order to have an effective civil rights policy.

We do not have to. The Senate has chosen to address one of the key problems with this legislation, the abortion issue, by adopting the Danforth amendment. This is an excellent first step, but I regret it is not enough.

I hoped we would be able to vote out of the Senate a Grove City bill I could support. We got part of the way there, but we failed to address the problems posed for religious institutions by S. 557. Without language that will guarantee religious liberty, I cannot support S. 557.

If my concerns with this bill were of a different nature, perhaps the problems could have been worked out. But one can't chip away constitutional rights, constitutional protections. Once the Federal Government is allowed to regulate churches, once it is allowed to dominate synagogues, once Federal bureaucrats can control religious schools and universities, we no longer have freedom of religion. Consequently, I cannot support S. 557, a position I regret.

For the record, S. 557 is a different bill than its predecessors. The proponents did change the language to address one or two glaring mistakes, but they still have failed to resolve the critical issue for me—why can't we protect all civil rights, including religious rights. We must not be forced to choose between the two.

Mr. President, I think this is important before we finally vote. This should only take a minute or so more. I would announce to all Senators I think I would be finished in just a minute or two.

I should read a letter from the President with regard to this bill.

> DEAR ORRIN: I greatly appreciate your efforts on behalf of the Administration's legislation to overturn the Grove City College decision. This legislation that you are offering as an alternative to S. 557, the so-called "Civil Rights Restoration Act of 1987," accomplishes the stated intention of proponents of S. 557. At the same time, it avoids the vastly overreaching scope of S. 557.
>
> As you know, our proposal would provide institution-wide coverage for educational institutions receiving Federal aid, under all four cross-cutting civil rights statutes at issue as a result of the Grove City College decision. In all other areas this measure retains the scope of coverage as it existed without regard to the Supreme Court's decisions in the Grove City College and North Haven Board of Education v. Bell cases. Moreover, our proposal assures that Title IX is abortion-neutral and adequately protects the religious tenets of institutions under Title IX.
>
> A measure such as S. 557 is unacceptable to me. It dramatically expands the scope of Federal jurisdiction over state and local governments and the private sector, from churches and synagogues to farmers, grocery stores, and businesses of all sizes. Additionally, S. 557 inadequately protects religious tenets under Title IX and, even as amended by the Weicker Amendment, compels covered institutions, such as hospitals, to pay for or perform abortions as a condition of the receipt of Federal aid.
>
> We can address legitimate concerns about the Grove City College decision with the simple override of that decision as reflected in the measure you have introduced in the Senate.
>
> Sincerely,
>
> RONALD REAGAN.

Mr. President, I have to admit that my amendment was defeated and I have been informed in chatting with the White House that when he says in his letter, "measures such as S. 557 are unacceptable to me," that that means that this measure, as it presently exists, even with the Danforth amendment on it, will be vetoed if it comes finally through both Houses of Congress. I think everybody should understand that. I hope our colleagues will vote against this bill because of the overreaching nature of this bill.

Mr. HATCH. Mr. President, I am prepared to vote.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, there will be no session tomorrow. The Senate will have concluded its work on this bill. I want to compliment all of those who were responsible for the good work that has been done; those who managed the bill, Mr. KENNEDY and Mr. HATCH; those who had amendments, Mr. HARKIN, Mr. HUMPHREY, Mr. METZENBAUM, and others.

There will be no votes, of course, after this vote today, but there will be votes on Monday.

I do not know when the votes will occur on the conventions. Mr. HATCH is managing the conventions on his side of the aisle. Mr. MOYNIHAN is handling the conventions on this side of the aisle. So I will see in a little while what time the managers can dispose of the handling of those conventions.

Senators should not feel that there will not necessarily be votes prior to the votes on the convention. I just want to make clear on the RECORD that we are coming in at 10 o'clock on Monday and, as we have already agreed, there will be 5 full days of work for 3 weeks and then 1 week to work back in our States and in committees or in our offices.

So Senators should expect votes at any time beginning with the time the Senate comes in at 10 o'clock on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a few moments.

Mr. President, today the Senate approves a major civil rights bill which restores protections from discrimination to millions of men and women, older Americans and disabled Americans. The Civil Rights Restoration Act closes a major loophole in our civil rights laws.

The bill eliminates the extremely costly and burdensome requirement that funds be traced to a particular discriminatory program before a claim of discrimination can be made, and reaffirms the broad coverage of our civil rights laws which existed prior to the Grove City decision.

Mr. President, the acceptance of the Danforth amendment was unfortunate. I urge my colleagues in the House of Representatives to return this bill to one that simply affects the scope of coverage of our civil rights laws and does not make substantive amendments to any of those laws.

I commend Senator Weicker, the principal Republican cosponsor, for his tireless efforts to bring this bill to completion.

I commend Senator Hatch for his efforts.

Mr. President, I wish to express my appreciation to the members of my staff and the staff of the other Senators. Though I will mention their names after we complete the vote, it does not lessen my appreciation to them for the outstanding work they have done.

Mr. HATCH. Mr. President, I would like to compliment the distinguished Senator from Massachusetts for his leadership on the floor, along with the Senator from Connecticut and others, Senators Domenici and Thurmond.

I thank the distinguished majority leader for his cooperation and that of the distinguished Republican leader. Above all, I would like to thank everybody on this side. It has been a hard-fought issue. There are two sides to it. I think everybody has acted with a good deal of fairness throughout the process. In particular I thank Senator Danforth for his leadership on the Danforth amendment.

With that, Mr. President, we will add anything further that we have for the record.

Mr. KENNEDY. Mr. President, as I understand, the last amendment was a Harkin-Humphrey amendment. Am I correct?

The PRESIDING OFFICER. Yes.

Mr. EXON. Mr. President, could I inquire of the leader? There was to be a colloquy between Senator Kennedy and my colleague from Nebraska with regard to farmers' exemptions. Was that included?

Mr. KENNEDY. That has been completed.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on final passage may occur beginning now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Hawaii [Mr. Inouye], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that the Senator from Kentucky [Mr. Ford] is absent on official business.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. Biden], the Senator from Florida [Mr. Chiles], and the Senator from Tennessee [Mr. Gore] would each vote "yea."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole], the Senator from Idaho [Mr. McClure], and the Senator from New Hampshire [Mr. Rudman] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. Murkowski] would vote "yea."

On this vote, the Senator from New Hampshire [Mr. Rudman] is paired with the Senator from Wyoming [Mr. Wallop].

If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Wyoming would vote "nay."

The PRESIDING OFFICER (Mr. Daschle). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 14, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—75

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Warner
Weicker
Wilson
Wirth

NAYS—14

Armstrong
Garn
Gramm
Hatch
Hecht
Helms
Humphrey
Karnes
Lugar
McConnell
Nickles
Quayle
Symms
Thurmond

NOT VOTING—11

Biden
Chiles
Dole
Ford
Gore
Inouye
McClure
Murkowski
Rudman
Simon
Wallop

So the bill (S. 557), as amended, was passed, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

Sec. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

Sec. 3. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"Sec. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other post-secondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"Sec. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

SEC. 18. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.".

Mr. KENNEDY. I move to reconsider the vote by which the bill was passed.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Could we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Will Senators please retire to the Cloakrooms with their conversations? The Senate will be in order.

The Senator from Massachusetts.

COMMENDATIONS

Mr. KENNEDY. Mr. President, I want to just take a moment, but it is a moment important to me and I would think to the Senate and to all of those who have been working on this issue for a very considerable period of time, actually since April 1984.

I thank the majority leader, Senator BYRD, for his leadership on this critical issue, and for his willingness to schedule this legislation as the first order of business of this session. This legislation has been long overdue. The leader is very familiar with the complexities and the challenges that the issue presented, and I want to express my own personal appreciation, and I know I speak for the 58 cosponsors of this legislation in thanking him for his support. I thank the Republican leadership as well for their willingness to work with our leader in scheduling this measure. We know it takes the cooperation of both leaders. But I want to thank especially Senator BYRD and Senator CRANSTON, and Senator INOUYE, all of our leadership who have been a part of this effort.

I also again want to thank Senator WEICKER for his tireless efforts on this bill. We spent not only hours in the markup in committee, but we went through long evenings in the consideration of this bill, well into the night and I believe the early morning, before completing our final markup in the Labor and Human Resources Committee. And I want to thank the other Senators who worked on this measure, Senator MIKULSKI who worked closely with us to clarify the important issues of coverage of religious institutions, Senator METZENBAUM, who is so important and involved in the floor debate but also was critical to our success in the committee; Senator HARKIN, who has provided strong leadership in dealing with section 504 and disability discrimination; Senator SIMON himself was active in the committee, and made the long trip back from Texas to be here at the critical times in the consideration of this measure.

On our other side, Senator STAFFORD's involvement in the whole range of education issues is well known to the Members of this body. He is really unsurpassed in terms of his knowledge and understanding of the implications of this measure as it applies to education, and he and Senator PELL have worked closely with us. Senator STAFFORD has been active in the floor debate. Senator MATSUNAGA was on the floor and active in our committee considerations, as were Senator ADAMS and Senator DODD.

All of their staffs were very much involved in our markups. These measures have been complicated. Words make very profound differences as we saw in the Supreme Court's decision on this measure.

So it really required extraordinary craftsmanship and all of the Members, both the majority as well as the minority, were very much involved.

We have worked many months in the Human Resources Committee on S. 557 and the Senate has spent 3 days on its passage. But our real concern goes out to the women, the minorities, the handicapped, the elderly, who have waited 4 long years for the Senate to speak on this issue.

I want to thank particularly the members of my staff, Carolyn Osolinik, who has been working on this issue for some 4 years. Those of us who go back over the Senate consideration remember not only the debates but the many hours off the floor that we spent with Brad Reynolds and other members of the Justice Department when we were attempting to find some common ground. We were unable to do so a few years ago. But her efforts have been invaluable.

Michael Epstein, Michael Iskowitz, Mona Sarfaty have been invaluable to us. The general counsel and committee staff director, Tom Rollins, was of great assistance and help all through the consideration and all through the debate.

I want to express my appreciation also to the staff members of our colleagues. I know they would want me to remember them. Terry Muilenberg, who has worked for Senator WEICKER; Al Cacozza, and Linda Greene and Eddie Correia, for Senator METZENBAUM; Bob Silverstein and Kay Casstevens for Senator HARKIN, Diane Thompson for Senator MIKULSKI, William Blakey for Senator SIMON, Ellen Nolan for Senator STAFFORD, Kathy Shine and Diane Pollack for Senator PACKWOOD, Suzanne Matinez for Senator CRANSTON.

I also pay tribute to Senator PACKWOOD for all his efforts. We worked closely together on the previous Civil Rights Restoration Act. He was the prime cosponsor at that time and spent a great deal of time on this bill as well as in floor debate.

There are far too many groups and individuals in the Leadership Conference on Civil Rights and other organizations who worked on this bill to thank them individually. But I thank them all for their hours and years of work to reverse Grove City and reaffirm our commitment to civil rights.

This vote of 75 to 14 is for all of them and for all the others whose lives will be improved as a result of this action.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, Mr. KENNEDY, for his kind remarks concerning myself and concerning the leadership on the Republican side of the aisle. I have already expressed my appreciation for the good work that has been done by Mr. KENNEDY, Mr. HATCH, and other Senators.

I want to express appreciation to the Republican leadership for the cooperation that was given in allowing this measure to be called up and for the cooperation that was given not only by the Republican leadership but also by Mr. HELMS, Mr. HATCH, Mr. GRAMM, and others on the other side of the aisle. There were others who had several amendments, and most of those amendments were not called up.

I express appreciation to the minority, because it meant a great deal in our being able to complete action on this measure today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business, that Senators may speak therein for not to exceed 5 minutes each, and that the period for morning business not extend beyond 20 minutes.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I do not lose the floor by virtue of making the unanimous consent request.

The PRESIDING OFFICER. The Senator is correct.

Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I will not impose on the time over the Senators. I know that other Senators wish to speak.

THE NARCO-TRAFFICKERS WAR ON SOCIETY

Mr. DECONCINI. Mr. President, as a former prosecutor in the mid-1970's in Arizona, I had first-hand experience with the violent and ruthless drug interdiction cases and trying to prosecute them and threats on the lives of deputies as well as my own.

Today, it brings me great sorrow to report the cold-blooded murder of another prosecutor, that being the prosecutor in Colombia.

It is really a sad day when a government is shaken as that government is by the drug lords who have declared war on the civilian government and people.

I am hopeful that governments around the world will take notice of Monday's murder of Colombian Attorney General Carlos Mauro Hoyos, and will better understand the growing power and brutality of illegal drug traffickers. The bullet ridden body of Attorney General Hoyos Jimenez was found in the city of Medellin hours after his car was ambushed by half a dozen armed men who kidnaped Hoyos after murdering two of his body guards.

There is a brutal attempt to intimidate a government and law enforcement, and I think it is very sad that this has happened. I hope that the people of Colombia will take heed that we recognize the severity of the problem they face, that fair government officials will not relent and that we as a nation here will stand with such leadership that wants to take on these types of people.

The attorney general was in Medellin to investigate several government officials and judges who were involved in the release from prison last month of one of the largest drug traffickers in the world, Jorge Luis Ochoa Vasquez. The United States was seeking extradition of Ochoa for drug-related charges when he reportedly bribed his way out of prison. I have been told narco-traffickers paid about $3.5 million to get Ochoa out of prison, and were ready to spend as much as $20 million. After Ochoa's release, the Colombians announced that arrest warrants had been issued for five major traffickers, including Ochoa, and the head of the Medellin cocaine cartel, Pablo Escobar. On Sunday, however, the traffickers declared total war on Colombian officials who would attempt to extradite them to the United States. The individual who gave authorities the location of Attorney General Hoyos' body ended the call by saying "the war continues."

The citizens of Colombia can tell you firsthand about the war. The country has witnessed the murder of thousands of courageous public officials, law enforcement officers, and journalists who attempted to stand up to the drug trafficers. It is reported that the Medellin cocaine cartel controls approximately 75 percent of the U.S. market—earning as much as a $6 billion a year. The enormous profits and resources accumulated from illegal drugs have made the drug trafficers in Colombia the largest capitalists and landowners. The former President of Colombia, Belisaro Betancur, has said, "We are before an organization stronger than the state."

Mr. President, the United States cannot ignore the traffickers' message of war. Last year after Colombia extradited drug kingpin Carlos Lehder to the United States, the Washington Post reported that intelligence intercepts in the possession of United States officials said that Colombian traffickers had made plans to dispatch two teams of assassins to murder United States officials.

Our good neighbor to the south—Mexico—which is now the No. 1 source of marijuana and heroin coming into the United States must also take notice. I have been told by law enforcement officers working on the southwest border that it is now common to intercept individuals smuggling drugs across the border that are armed with semiautomatic and automatic weapons. According to a September 1987 story in Tucson magazine, drug-related violence near our own southwest border is escalating at an astounding rate. That story cited a local newspaper in the border city of Nogales, Sonora, which has reported that 140 killings took place during the first 8 months of last year. Another reporter listed 29 murders for the month of May alone. If the Mexican Government does not get control of the drug production and transshippment organizations, the problems of Colombia could be their own.

I commend the Colombian Government officials, military personnel, police officers, and private citizens who are attempting to wage a war on drugs. They have suffered greatly, but if they give up the fight the traffickers and terrorists will not hesitate to take total control.

The drug traffickers are doing their best to increase the availability of drugs and so far have been very successful. I urge President Reagan to reaffirm his commitment to fighting drugs when he produces his fiscal year 1989 budget—and not abandon the fight as he did in the 1988 budget.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from that great State where he served with such great distinction as the attorney general. I listened with great interest to the comments that he has made and I wish to associate myself with those remarks.

It is a sad time indeed for the world when these things continue to happen.

RESPONSE OF SENATOR BYRD AND SPEAKER WRIGHT TO THE PRESIDENT'S STATE OF THE UNION

Mr. ROCKEFELLER. Mr. President, on last Monday evening, January 25, 1988, the President of the United States delivered to the Congress a message on the State of the Union. By tradition, the party not occupying the White House is afforded the priviledge to respond to the President's address.

It was with great pride that I watched, as did other West Virginians, the Democratic view of the State of the Union. Along with the Speaker of the House of Representatives, Jim Wright, my distinguished and able senior colleague, the majority leader of the U.S. Senate, Senator Robert C. Byrd, stated their view of the State of the Union to America.

Mr. President, I commend the leader, and Speaker Wright, for their fine remarks to the people of this country.

I ask unanimous consent that Senator Byrd's and Speaker Wright's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Senate Majority Leader Robert C. Byrd—Democratic View of the State of the Union

The state of the union has changed dramatically since my boyhood in the coal fields of West Virigina. I grew up in the Depression years—and came to Washington as Harry Truman was leaving office. I've seen America in distress. And I've seen us at our best—innovative, forceful, generous.

I've learned a thing or two about the greatness of America and what holds us together. I've learned how quickly adversity strikes—the stock market crash of '29, Pearl Harbor, the death of John Kennedy—and how our country struggled back each time to renewed vision and strength.

I've also learned that predictions of the future more often bear the glitter of hope than the tarnish of reality.

Tonight House Speaker Jim Wright and I will take a look at the state of the union from a different perspective. We will explore what government has done—and what it must do in the future. Our assessment of America will be tougher than the President's. But it's anchored to the same faith in our people—and the same hopes for the future.

I'm a Democrat whose politics were shaped in an era of hard times—from the small world of coal mines and company stores.

Back then my foster father earned two dollars a day as a miner. Our life was as spare as it was close-knit. As a small community we hung together—and endured. We had our disappointments and our sorrows.

There was no such thing as unemployment compensation, or social security. Our horizons were limited—and our choices few. I graduated as valedictorian of my high school and was lucky to get a job pumping gas at $50 a month.

But out of that grim time came a President and a government that lifted the spirit of America. Never before—or since—has this nation been galvanized by such force.

We came out of World War II with a new confidence—and a new promise. For the first time my people—working people—had some security against deep poverty. We had better working conditions in the mines. The elderly didn't have to turn to their children to take them in.

Looking back, we did the obvious. We rose to the crises of our time. Yet, for me, the images remain—and with them the truth that government is best measured by how well it responds to the peoples' needs.

Since then I have watched this nation—and its government—seek its way through a changing maze of economic and political circumstances—from Medicare to the Great Society. The anguish that was Vietnam. The arrogance that was Watergate. The promise that was Camp David.

Then dawned the Reagan years—and the profound experiment. If the Roosevelt and Truman presidencies were born of necessity, the presidency of Ronald Reagan was born of ideology—and a technicolor view of America and our people.

It opened with the promise to get government off our backs. It offered the mystical formula of "supply side" economics which claimed that a huge buildup of military spending and enormous tax cuts for corporations and the rich would lead to a balanced budget in three years. It was an Administration that sought to make us feel good with images of "morning in America."

It was a time when the President and his presidency became separated in our minds.

As a man, Ronald Reagan has withstood physical pain with grace. He has carried the nation's grief at times of loss. He has always been at ease with his beliefs. A man who can touch the nation's humor—and make us feel better than we sometimes should.

As President, his greatest victory has come at the negotiating table. The arms reduction treaty, though limited is a milestone on the road to a safer world.

But his political victories have not always been national triumphs.

The dark side of the Reagan years has only begun to loom. Instead of a balanced budget, he has presided over a doubling of the national debt in seven years. Our record budget and trade deficits—once just abstract numbers—have now forced the government to default on its most fundamental promises—like education and health. We have surrendered economic leadership in markets around the world.

Our nation has been sharply divided on the question of Central America. The secret arms-for-hostages deals stand in direct contradiction to our given word not to deal with terrorists. The cases of cronyism and abuses of power for personal gain continue to mount in Washington's courtrooms.

We've come to the end of an era. The "feel good" slogans have gone flat with time. We've learned that bravado is not leadership—that ideology is no substitute for common sense.

The time has finally come for us all to face the hard truths that once gave us our self-reliance and world leadership. Hard work—on the job and in the classroom. Pay as you go—no free lunches, no running away from the bills due. Helping those in need—but not those with greed.

It was right here on the Senate Floor that Congress worked with Franklin Roosevelt to help end the Depression—and to win a war.

It was right here that Harry Truman's request for the Marshall Plan was answered—where John Kennedy's space program became a reality—and Lyndon Johnson led the campaign for equal rights.

It is right here that government has had some of its finest moments. This is where we've faced crisis head on—where the institution rose with the nation—together.

We've done it before. And now we've got to do it again.

We've got to educate our children better than we do. We must have a system that not only launches the most gifted—but lifts the horizon for the least well off. More than the number of missiles and tanks, the number of well-educated children is a truer measure of our national strength—and our potential. Every moment we wait is a fraction of our future lost.

We've got to pay as we go. We can't go on borrowing—especially from foreigners. They're after short term gain for themselves—not a long term investment in America. We've got to depend on ourselves to work out a sensible balance between spending and income. The President has to work with Congress—not wait until three weeks after the fiscal year deadline and a stock market crash to sit down with us. The recent budget summit should have been called seven years ago. We've long understood that line-item vetos and balanced budget amendments are no substitute for national will. To palm off our debts to the next generation must not be an option for our own.

We've got to make America free from fear—the fear of a lifetime of savings wiped out by illness—or the dread of foreclosure on a mortgage—or the shame of having an able child cut off from college. Too many of our people are still slipping through the safety net—unknown and unprotected. We must reduce the incidence of killer diseases—like AIDS and cancer—by multiplying the nation's research. And we ought to demand safe passage—on our streets and in the air.

And we've got to sharpen our competitive edge. It's a shock to be told that America is no longer number one around the world—that our products are increasingly outsold—that our manufacturing jobs are shipped overseas. Regaining our leadership rank among nations presents our people with an enormous challenge. And government has a big role—not to subsidize industry, but to give American producers and exporters the best advantge we can. To improve our highways and our ports. To encourage productive investment.

The face of my hometown in West Virginia has changed a great deal since the Depression. The little house where I was raise is gone. A lot of the mines are closed. But we still hold to the old values born to this country long ago.

And we still remember well when government acted to give us the leadership and the hope and the tools to rebuild. We still marvel at what we've achieved when government has been both America's sail and her keel. When we have driven ahead—but stayed clear of the shoals. When we've been guided by common sense and simple trust and vision.

We've done it before. And now we've got to do it again.

As Speaker Jim Wright will explain, we've already made a strong start.

REMARKS OF SPEAKER JIM WRIGHT ON THE STATE OF THE UNION, JANUARY 25, 1988

We have indeed made a strong start, and I'll tell you a bit about it.

But first I want to say congratulations to President Reagan for having successfully negotiated the INF treaty with the Soviet Union. We pledge him our support in that endeavor.

Six months ago, President Reagan and I joined together in calling for a new peace plan for Central America. A few days later, the five Central American Presidents agreed to move that peace process forward. They are still actively pursuing it. Mr. President, so long as there is any measurable progress toward solving that conflict at the table, I think you and I should give peace a chance.

In national security and the pursuit of peace, there ought not to be Democrats and Republicans—just Americans.

Congress has supported those goals. We provided some $300 billion last year for our military defenses.

But we know that no democracy can be a first rate military power if it becomes a second rate economic power.

As important as our commitments abroad may be, our first obligation is to the American people—and to their future.

Today is the day America looks at itself in the mirror and asks how we are doing.

Consider the State of our Union with me as we reflect upon five major steps the 100th Congress is taking to build America's future.

House bill number 1, our first legislative act, was the clean water bill, to protect the one precious resource upon which all human life depends. Because nearly one out of every five public water systems are now contaminated by toxic wastes, we cannot delay the clean-up no longer.

Yet President Reagan vetoed this bill. He insisted that we cut back sharply on America's commitment to clean water and a safe environment. Fortunately, Congress overrode that veto.

House bill number 2 was the highway bill, to improve and upgrade the network of highways and bridges on which Americans depend.

Twenty percent of the bridges in this country are unsafe—thousands of them built more than 100 years ago.

President Reagan vetoed this highway bill also. He mistakenly called it a "budget buster." That was absolutely incorrect. This bill doesn't add a penny to the national debt. We pay for these highways with our gasoline taxes that make up the Highway Trust Fund, where billions of dollars lie idle. And so we overrode that veto as well.

House bill number 3 is the trade and jobs bill.

Mr. Reagan said a few days ago in Cleveland not to worry about the trade deficit—that it was a sign of strength. But just ask the local people who worked at Dalton Industries or at the General Motors Plant near Cleveland, both of which just closed. Those people just lost their jobs to the trade deficit—as millions of other Americans have done.

In spite of what the President says, the trade gap has risen sharply every year for the past seven years, and was higher last year than ever in our history. This has made America the number one debtor country in the world. That isn't a sign of strength!

Our bill does two things. It provides incentives for other countries to abandon unfair practices which discriminate against American goods—like deliberate red tape which keeps American import applications permanently "under study" and never acted upon, or like unloading a shipload of 200 American automobiles—just one car a day.

We simply require in this bill that other nations treat our American products on their markets just exactly as we treat their goods on our markets. No better and no worse.

The bill also strengthens our ability to compete. Tools and schools. It will improve our research and development, modernize America's aging industrial plants, and equip America's work force with the skills and knowledge we need—so that unemployed industrial workers aren't forced to settle for lower paying jobs.

We can't build a vibrant economy by just delivering pizzas to each other.

So while this Administration has crossed its fingers and hoped for the best, the Congress has acted. We'll send a bill to the President shortly, and we earnestly hope he signs it.

House bill number 4 is the housing bill. In the last few years the hope of home ownership has become a fading illusion for too many American families.

President Reagan asked that we abolish the Federal Housing Administration and increase the price of housing by charging hidden user fees. But we saved the FHA outlawed user fees, and protected home ownership, not just for an affluent few, but for Americans of average and modest means.

We also passed a farm credit bill to stop epidemic of family farm foreclosures.

And, for the growing number of men, women and children who have fallen victim to the sad new phenomenon of homelessness, our bill reflects our belief that there is no excuse for *any* American to be abandoned by his country to die of starvation or exposure to the weather.

I have always believed in an eleventh commandment—Thou shalt pass on to your children a better world than you received from your parents—and it is to them, American's children, that the great thrust of our legislative program is dedicated.

House bill number 5 is an education bill. Five years ago, the Administration's own commission produced a chilling report on the sagging quality of American education. The report was called "A Nation at Risk."

The President ignored the warning. In each year of his Presidency, he has called for major cuts in education. Last year he called for a 28% cut. This goes beyond foolhardy. In an age when our children will have to cope with semi-conductors, supercolliders and international competition, America will not survive unless they are better educated than we were. Education must be our first priority, so our bill increases our commitment to quality education for the first time in seven years.

And if it is disastrous to equip our young with inadequate learning, it is immoral to burden them with our financial debts. The policies of this administration have added more to the national debt in seven years than all its predecessors added in almost 200 years.

A great nation like ours should not be forced to borrow from foreigners to pay our bills, or to lose twenty-four cents from every one of your tax dollars just to pay interest on the National Debt.

In the year ahead your national Congress will complete this secure America. And if the President will help, we can do it all on a pay as we go basis, and not just keep adding to the debt.

Mr. President, we all have to work on this together. The ancient scribes wrote, "not thine to finish the task, but neither art thou free to exempt thyself from it." We cannot solve all our problems by January 1989. But that doesn't mean we don't have to try.

Mr. BYRD. The Speaker is right. We must work together.

These are the times when we must take our measure and gather our strength. These are the times when we must reach for the steel that has been ours for generations and sharpen it.

There are the predictions that we've flattened out—that we've lost the fire.

But we've been tested before. And each time we've come back stronger.

Over the last year, the course of America has begun to change—right on this very floor. Each of you—in your own way, from your own neighborhood—has adjusted our direction by a fraction. You've become a consensus for openness—and caring and balance.

You have asked government to build—and not tear down.

And we have begun. The laws that we have passed in this chamber are not just promises. They are not just the rhetoric of what might be. They are the building blocks for what is to be. They are the working parts of our society that have been hammered by compromise and consensus. And each of you has left a mark on the books.

Together we have committed government to help rebuild America. Together we have begun the job. Together we will finish it.

Good night. May God bless you and may He continue to bless our great country.

RESPONSE OF SENATOR ROBERT C. BYRD AND SPEAKER JIM WRIGHT TO STATE OF THE UNION ADDRESS

Mr. SARBANES. Mr. President, on Monday evening following President Reagan's State of the Union Address, our distinguished majority leader, Senator ROBERT C. BYRD, and the distinguished Speaker of the House, JIM WRIGHT, delivered the Democratic reply.

I believe all my Democratic colleagues will join me in saying that our party was well served by their replies. Individually, each spoke to what is best about our political heritage. Together, they spoke directly to America's future.

In their response to the President, they spoke with a sensitivity to the past and with an acute awareness about what America needs to do to prepare for the coming times.

As the majority leader pointed out, "We've come to an end of an era." And so we have. The Reagan experiment, an experiment in ideology is coming to an end.

America must have a governing philosophy appropriate for the 21st century. A philosophy grounded in reality yet one that recognizes the hopes of our people: That their needs, aspirations, and their best intentions be reflected in their Government here in Washington.

The majority leader, in particular, spoke with great eloquence and personal insight about the deeper purpose of our Government: To build up rather than tear down; that government can "give us the leadership and the hope and the tools to rebuild." And rebuild we must after the years of neglect on the part of the administration.

The Speaker, Mr. WRIGHT, spoke with directness about those legislative initiaties passed last year by this Congress that now mean something tangible to our constituents—the clean water bill, the highway bill, the housing bill, and the trade bill that we will soon send to the President.

Both the majority leader and the Speaker spoke with forcefulness about our need to return excellence to education. And so we shall. As the majority leader so eloquently stated, "we must have" [an education system] "that not only launches the most gifted—but lifts the horizon for the least well off."

I urge my colleagues from both sides of the aisle to re-read these thoughtful statements. I commend the majority leader for his sureness of word, his profound sense of history, and his definition of the role of government in our times. He has pointed the way to a better future for America.

GRASSROOTS SUPPORT FOR INF TREATY

Mr. CRANSTON. Mr. President, the Intermediate-Range Nuclear Forces Treaty now before the Senate has received widespread support from the public, in Congress, and in the arms control community.

Recently 111 major organizations released a statement strongly endorsing the INF Treaty for advancing the mutual security interests of both the United States and the Soviet Union.

The signers of this statement include a broad segment of major religious, labor, environmental, citizen, and arm control organizations representing millions of Americans. The joint statement reflects virtually unanimous grassroots support for this major nuclear arms agreement. Those with long memories will recall that other treaties, including the 1979 SALT II agreement, lacked such widespread backing.

While the rightwing movement in this country is clearly working to whip up sentiment against the INF Treaty, it is heartwarming to see that there will be strong majority backing from the treaty from around the country.

I ask unanimous consent that the statement and list of signers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR INF AGREEMENT

We strongly endorse the Reagan Administration's agreement with the Soviet Union to eliminate land-based nuclear missiles with a range of 300 to 3,500 miles. The resulting treaty, which will eliminate all intermediate range nuclear missiles, advances the mutual security interests of the United States and the Soviet Union.

We applaud the precedent that this agreement will create—a treaty signed by the Reagan Administration, certified by that Administration as mutually advantageous and adequately verifiable, and approved by a Democratic-led Senate. Such a treaty will enhance the prospects for future and more significant agreements that would substantially reduce the huge stockpiles of strategic nuclear weapons. We intend to mobilize public and congressional support for the treaty.

Even as we endorse the INF agreement, we will work to ensure that this treaty not be used as a smokescreen for abandoning existing U.S.-Soviet agreements on strategic weapons, particularly the 1972 Anti-Ballistic Missile Treaty, for moving towards deployment of a Star Wars system or for slackening the endeavor to complete successfully the negotiations on the central strategic nuclear arms systems that gravely threaten the world.

Without limits on strategic offensive and defensive weapons, an INF agreement can be easily circumvented by replacing the destroyed weapons with new strategic weapons. We urge therefore that the administration utilize the INF Treaty as a step toward agreement on strategic nuclear weapons and space weaponry.

ACORN (Association of Community Organizations for Reform Now), Mildred Brown, President.

Alliance of Atomic Veterans, Anthony Guarisco, Director.

American Association of University Women, Sarah Harder, President.

American Baptist Churches, U.S.A., Office of Governmental Relations, Robert W. Tiller, Director.

American Friends Service Committee, Asia Bennett, Executive Secretary.

American Library Association, Margaret Chisholm, President.

American Medical Student Association, P. Preston Reynolds, M.D., Ph.D., President.

American Public Health Association, Bailuf Walker, Jr., Ph.D., M.PH., President.

Americans for Democratic Action, Marc Pearl, Executive Director.

Architects/Designers/Planners for Social Responsibility, Tician Papachristou, President.

Catholic Peace Fellowship, Bill Ofenloch, Coordinator.

Center for New Creation, Joan Urbanczyk.

Center of Concern, Peter Henriot, Executive Director.

Church of the Brethren, Washington Office, Leland Wilson, Director.

Church Women United, Washington Office, Sally Timmel, Director.

Citizens Against Nuclear War, Karen Mulhauser, Director.

Clergy and Laity Concerned, Sister Barbara Lupo.

Coalition for a New Foreign Policy, David Reed, Executive Director.

Commission on Social Action of Reform Judaism, Norma Levitt.

Committee for Children, J. Scott Douglas, Director.

Committee for National Security, Anne Cahn, Director, James Leonard, Board of Directors, Paul Warnke, Board of Directors.

Common Cause, Fred Wertheimer, President.

Computer Professionals for Social Responsibility.

Congress of Italian-American Organizations, Mary Sansone, Executive Director.

Council for a Livable World, Jerome Crossman, President, John Isaacs, Washington Director, George Rathjens, Chairman.

Defense Budget Project, Gordon Adams, Director.

Delta Sigma Theta Sorority, Dr. Marcella Peterson, Executive Director.

Dumbarton Peace Ministry, Jessma Blockwick.

Environmental Policy Institute, Robert Alvarez, Director, Nuclear Weapons & Testing Production Project.

Episcopal Peace Fellowship, Patricia Scharf, Executive Secretary.

Federation of American Scientists, Jeremy Stone, Director.

Federation of Reconstructionist Congregations and Havurot, Rabbi Mordechai Liebling, Director.

Freeze Voter, William (Chip) Reynolds, National Director.

Friends Committee on National Legislation, Edward Snyder, Executive Director.

Friends of the Earth, Cynthia E. Wilson, Executive Director.

General Board of Church and Society, United Methodist Church, Donna Morton Stout, Associate General Secretary.

Graphic Communications International, James J. Norton, President.

Gray Panthers, Karen Talbot, Executive Director.

High Technology Professionals for Peace, Alex Brown, Director.

IMPACT, Gretchen Eick, National Director.

Institute for Policy Studies, Richard Barnet, Senior Fellow.

Institute for Space & Security Studies, Dr. Robert Bowman, President.

International Association of Machinists & Aerospace Workers, William Winpisinger, President.

Jesuit Social Ministries, Joe Hacala (S.J.), Director.

The Jewish Peace Fellowship, Rabbi Philip Bentley, President, Naomi Goodman.

Lawyers Alliance for Nuclear Arms Control, Anthony P. Sager, Executive Director.

Lawyers' Committee on Nuclear Policy, Alex Miller, Executive Director.

League of Women Voters of the United States, Nancy Neuman, President.

Mennonite Central Committee, Peace Section, Washington Office, Delton Franz, Director.

Methodists United for Peace with Justice, Adrien Helm, Co-Chair.

Missouri Rural Crisis Center, Roger L. Allison, Executive Director.

Mothers Embracing Nuclear Disarmament, Maureen King, Executive Director, Linda Smith, President.

National Association of Social Workers, Mark Battle, Executive Director.

National Audobon Society, Patricia Baldi, Director, Population Program; Fran Webber, Director, International Issues.

National Conference of Black Lawyers, Wade Henderson.

National Congress for Community Economic Development, Robert Zdenek, President.

National Council of Jewish Women, Lenore Feldman, National President.

National Council of Senior Citizens.

National Education Association, Peace & Justice Caucus, Rhonda Hanson, Chairperson.

National Farmers Organization, DeVon Woodland, President.

National Institute for Women of Color, Sharon Parker, President.

National Rural Housing Coalition, Bob Reposa, Director.

NETWORK: A Catholic Social Justice Lobby, Nancy Sylvester, Coordinator.

New Jewish Agenda, Rabbi Marc Gruber, National Co-Chair.

Nuclear Information Research Service, Michael Mariotte, Executive Director.

Nuclear Times Magazine, Richard Healey, Executive Director.

Organization of Pan-Asian American Women, June Inuzuka, President.

Pastoral Care Network for Social Responsibility, John R. Thomas, Chair.

Pax Christi, U.S.A., Mary Lou Kownacki, O.S.B., National Coordinator.

Peacelinks, Betty Bumpers, President.

Performers and Artists—Anti-Nuclear Action Committee, Barbara Kopot.

Physicians for Social Responsibility, Maureen Thornton, Executive Director.

Presbyterian Church (U.S.A.), Washington Office, George Chauncey, Director.

Presbyterian Peace Fellowship, Bill Yolton.

Professionals' Coalition for Nuclear Arms Control, David Cohen, President; Richard Mark, Executive Director.

Project Vote, Sanford Newman, Executive Director.

Psychologists for Social Responsibility, M. Brewster Smith, President.

Public Citizen, Joan Claybrook, President.

Rabbinical Assembly Social Justice Committee, Alan Silverstein, Chairperson.

Reconstructionist Rabbinical College Reformed Church in America, Author Green, President.

Religious Action Center of the Union of Americans Hebrew Congregations and Central Conference of American Rabbis, Rabbi David Saperstein, Director.

Ripon Society.

Riverside Church Disarmament Program.

Rural Coalition, Lawrence Parachini, Executive Director.

SANE/FREEZE, David Cortright, Co-Director, Carolyn Cottom, Co-Director.

Security Options, Jane Wales, Executive Director.

The Shalom Center, Ira Silverman, Honorary President; Arthur Waskow, Director; Jacqueline Levine, Board Member; Viki List, Chair of the Board; Morton Siegel, Board Member.

Sierra Club, Michael McCloskey, Chairman.

Sisters of Notre Dame de Namur, Mission Education Center.

Sisters of St. Joseph of Carondelet, Incarnation House.

Sojourners, Jim Rice.

Union of Concerned Scientists, Howard Ris, Executive Director.

Unitarian Universalist Association of Churches in North America, Robert Alpern, Director, Washington Office; Dr. William Schulz, President.

United Auto Workers, Dick Warden, Legislative Director.

United Campuses to Prevent Nuclear War, April Moore, Executive Director.

United Church of Christ, Washington Office for Church in Society, Jay Lintner, Director.

United Electrical, Radio and Machine, Workers of America, John H. Hovis, Jr., President.

United Food & Commercial Workers International Union, AFL-CIO-CLC, William H. Wynn, International President.

United Steelworkers of America, Lynn Williams, President.

U.S. Student Association, Circe Pajunen, President.

Women for a Meaningful Summit, Anne Zill, President.

Women for Racial and Economic Equality (WREE), Cheryl Burrows, President; Vinie Burrows, International Secretary.

Women Strike for Peace, Edith Villastrigo, National Legislative Coordinator.

Women's Action for Nuclear Disarmament, Calien Lewis, Executive Director.

Women's International League for Peace and Freedom, Isabel Guy, Legislative Director; Jane Midgley, Executive Director.

Women's League for Conservative Judaism, Eveyln Auerbach, President; Bernice Balter, Executive Director.

Women's Peace Initiative, Jancis Long, Director.

World Federalist Association, Walter Hoffman, Executive Director.

World Peacemakers, Bill Price, Director.

Young Women's Christian Association of the U.S.A., National Board, Glendora Putnam, National President.

FORMER SECRETARY WEINBERGER RECEIVES MINUTE MAN AWARD

Mr. BYRD. Mr. President, I call to the attention of my colleagues that last evening, the Reserve Officers Association of the United States, at its 1988 national council midwinter banquet, presented the distinguished former Secretary of Defense, Caspar W. Weinberger, with the 1988 "Minute Man of the Year" Award. This award is presented annually by the ROA to "the citizen who has contributed most to national security in these times."

Mr. President, previous recipients of the ROA's annual "Minute Man of the Year Award" include Presidents Ford and Reagan; Senators STENNIS, Jackson, THURMOND, NUNN, and STEVENS; and Representatives CHAPPELL, Vinson, Rivers, Sikes, Hébert, McCormack, Laird, Albert, Mahon, MONTGOMERY, and others.

Mr. President, I offer my congratulations to the former Secretary of Defense and wish him all the best in the years to come.

I ask unanimous consent to have printed in the RECORD a list of previous recipients of ROA's annual Minute Man of the Year Award.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PREVIOUS RECIPIENTS OF ROA'S ANNUAL MINUTE MAN OF THE YEAR AWARD

1958—Brig. Gen. David Sarnoff.
1959—Senator Richard B. Russell.
1960—Col. Bryce N. Harlow.
1961—The Honorable Hugh M. Milton, II.
1962—The Honorable Carl Vinson.
1963—The Honorable Dennis Chavez (posthumously).

1964—The Honorable Margaret Chase Smith.

1965—The Honorable L. Mendel Rivers.

1966—The Honorable John C. Stennis.

1967—The Honorable Robert L.F. Sikes

1968—The Honorable F. Edward Hébert.

1968—Francis Cardinal Spellman (posthumously)

1969—The Honorable John W. McCormack.

1970—The Honorable Melvin L. Laird.

1971—The Honorable Strom Thurmond.

1972—The Honorable Carl Albert.

1973—The Honorable Henry M. (Scoop) Jackson.

1974—The Honorable George H. Mahon.

1975—The Honorable Gerald R. Ford.

1976—The Honorable John L. McClellan

1977—The Honorable Bob Wilson.

1978—The Honorable Charles E. Bennett.

1979—The Honorable Milton R. Young.

1980—The Honorable Samuel S. Stratton.

1981—The Honorable John Goodwin Tower.

1982—The Honorable G.V. (Sonny) Montgomery.

1983—President Ronald W. Reagan.

1984—The Honorable Sam Nunn.

1985—The Honorable William L. Dickinson

1986—The Honorable Ted Stevens

1987—The Honorable Bill Chappell, Jr.

TRIBUTE TO DONALD L. ROGERS

Mr. RIEGLE. Mr. President, during the recess a pillar of the Washington banking community died.

Donald L. Rogers served as counsel to the Senate Banking Committee from 1953-58 and later became president of the Association of Bank Holding Companies. I think it is fair to say that no one in Washington knew the Bank Holding Company Act and related banking statutes better than Don Rogers.

As president of the Association of Bank Holding Companies, he brought a certain grace to the job. He was always accessible to those who sought his counsel, and as a former staff member he had an unparalleled understanding of Congress as an institution.

Don Rogers combined both a superlative substantive knowledge of banking and financial services law with a gentleness and friendliness and integrity of character which all of us who knew him will miss.

The growth and the success of the bank holding company movement over the last 30 years is inextricably linked to the leadership and commitment of Don Rogers.

I count myself among the many people who mourn his loss. My deepest condolences to his family, to his staff and to his friends.

THE PLIGHT OF SOVIET JEWS

Mr. INOUYE. Mr. President, the plight of the Soviet Jews is a matter of concern for anyone who believes that there are rights that are basic to every human being. This should be of moral and humanitarian concern to all Americans. This statement is part of the coordinated Congressional Call to Conscience for Soviet Jews. I would like to express my appreciation to Senator ALAN CRANSTON and Senator JOHN HEINZ for cochairing this noble effort. There are 2 million Jews who reside in the Soviet Union. It is estimated that some 400,000 Jews in the Soviet Union are currently seeking the right to emigrate. I mention Dr. Vladimir Dashevsky as an example of the plight of the Soviet Jews.

Dr. Dashevsky wishes to be reunited with his daughter in Israel, but has repeatedly been denied his exit visa since 1976. The reasons given for these refusals is that Dr. Dashevsky has not fully demonstrated that he is free from any financial obligations. Since the last refusal, Dashevsky's daughter, Ira, has made a formal declaration that she is fully responsible for the complete payment of any judgment against her father. Thus nullifying any legitimate legal action that the Soviets could claim to take against this citizen. Hopefully, it will be possible for Dr. Dashevsky to be reunited with his family in Israel soon, in light of renewed Soviet commitment to facilitate emigration and to improve relations with the United States.

Dr. Dashevsky's case is only one of thousands of similar cases. The plight of this man and his family is not an isolated incident. The Soviet Government's action in preventing the emigration of Dr. Dashevsky is part of the policy of persecution that they insist on practicing. We, in the Senate, have a duty to raise this issue again and again until the Soviet Union discontinues the inhumane policy of denying Jewish citizens the right to emigrate.

TRIBUTE TO THE "CHALLENGER" ASTRONAUTS

Mr. LAUTENBERG. Mr. President, today marks the second anniversary of the tragic explosion of the space shuttle, *Challenger,* and the death of the seven astronauts. Around the country, many groups are participating in commemorations of the brave space explorers. I would like to share with my colleagues a description of a slide presentation about the astronauts which was prepared by fourth grade students at the Bangs Avenue School in Asbury Park, NJ. I wish they could all view the video tape of this impressive show which I received from their teacher, Barbara J. Hurley.

I ask unanimous consent that the description be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASBURY PARK SCHOOL DISTRICT WINS AWARD OF MERIT FOR SLIDE PRESENTATION DEDICATED TO ASTRONAUTS

An award of merit was presented to the Asbury Park School District at the New Jersey School Board's Convention, for the slide presentation, "A Salute to the Spirit of America."

The slide presentation originated as a project in one of the fourth grade classrooms at the Bangs Avenue School. The students had witnessed on television, the disaster of the space shuttle, "Challenger", and were so stunned and moved by the tragedy that they wanted to do something to honor these brave Americans.

The students had been currently studying the poem, "America The Beautiful" in their choral reading class. They decided to combine the theme of the beauty and spirit of America with a dedication and tribute to these special astronauts who personified that spirit.

The students corresponded with NASA and requested pictures and information relating to the astronauts. They also wrote to the Chamber of Commerce in Washington, D.C. and other sources to obtain scenes and symbols of America. As a musical background for their pictures, the students selected Ray Charles' unusual and moving version of "America The Beautiful." As a final and very emotional touch, the students added their sweet voices to that of Ray Charles as they sang together in praise of America.

The slide production was presented in honor of all astronauts from the "Challenger" with a special tribute to Mrs. Christa McAuliffe, the first teacher in space.

The presentation was produced by Mrs. Barbara Hurley, Reading Specialist and Mr. Allen Ogaard, Media Specialist. It has been shown in other school districts and is available upon request.

SECOND ANNIVERSARY OF THE "CHALLENGER" ACCIDENT

Mr. GLENN. Mr. President, 2 years ago today, the space shuttle *Challenger* exploded in the skies over Florida. It's been 2 years since America shared the grief of the families whose men and women perished in that tragedy. And it's been 2 years since the U.S. Space Program was gripped by uncertainty and inertia.

What lessons have we learned since then? And how should we approach the future of space exploration?

Perhaps the biggest lesson we've learned is that we shouldn't allow our past success in space to lull us into complacency. Complacency about the nature of space exploration—it's not a refined science, but a continuous experiment. Complacency about the benefits of a Space Program—our investment produces a rate of return of 7 to 1 in spinoff technology that we can use right here on Earth. And complacency about America's preeminence in space—we can't rest on our past laurels to sustain our lead in space; if we falter, other nations will pass us by.

And as we work toward rebuilding our Space Program, we should set our sights on some priorities for the future. The *Challenger* accident created a backlog of military satellites waiting to be put into orbit. For the sake of our national security—when verification of the proposed INF Treaty will be paramount—those satellites must be launched as soon as possible. In the wake of the *Challenger*, our civilian Space Science Program has slowed down; it must proceed and be increased. The Soviets currently have two orbiting space stations, but we don't have even one; if we're to reap the full benefits of space, plans for an American space station must go forward. And while the Soviets actively plan a mission to Mars, we must also begin the preliminary studies and planning for such a journey sometime in the next century.

In order to reach these goals, we need an administration that is willing to support a Space Program for decades into the future, not just in fits and starts. Even though Americans are always fascinated with space "spectaculars" and "firsts," it's our steady investment in basic research and development that lays the foundation for these successes. Solid research must be able to build upon itself. Long-term support for our Space Program requires steadfast leadership from the top—as well as the constant backing of Congress and the American people. The race for space is a marathon, not a sprint, and we must make a commitment to it for the long haul.

I can't overstate the importance of maintaining a strong program of basic research and development in space. America got to be No. 1 because of our commitment to providing education for everyone—not just the rich or politically powerful. From this educated population, America has produced the scientific innovations that gave us an advantage over every other country. And it's that technological leadership which has drawn other nations to us, making the United States a political leader in the international community. If we lose our lead in technology, then we'll lose our edge in world politics, too. And we cannot afford to lose either.

We owe it to the *Challenger* astronauts to pursue an aggressive space program. Their sacrifice will have meaning only if we learn from it and move forward. On this second anniversary of the *Challenger* disaster, we must renew our commitment to research in space, which will, in turn, determine our leadership here on Earth.

In fact, I believe that the words "Go at throttle up"—the final four words spoken by Comdr. Dick Scobee just seconds before the *Challenger* exploded—are nothing less than an expression of America's spirit. And as we pause for reflection on this anniversary, I hope that all of us will recognize that the words "Go at throttle up" were far more than just a courageous epitaph. They are America's history, and they are America's destiny. And they will turn tragedy into triumph once again.

BICENTENNIAL MINUTE

JANUARY 28, 1913: SENATOR ELECTED BY 89-VOTE MARGIN

Mr. DOLE. Mr. President, 75 years ago today, on January 28, 1913, the Nevada State Legislature elected Key Pittman to the U.S. Senate. This event—three quarters of a century in the past—is worth noting for two reasons. It marked the passing of the system under which State legislature elected Senators and it was based on the closest popular vote margin of victory for a Senator in the history of this institution.

The Constitution of 1787 gave to the individual State legislatures the power to elect U.S. Senators. Beginning in the 1890's, reform advocates regularly introduced constitutional amendments to provide for the election of Senators directly by the people. Although the House of Representatives routinely passed those amendments, the Senate routinely rejected them. In the early years of the 20th century several States—particularly the newer Western States—devised plans that essentially achieved those amendments' objectives. In those States, the legislatures made a commitment to follow the voters' will by electing the candidate who won a popular referendum. Nevada by 1910 had adopted this two-track plan.

In November of that year, Republican incumbent Senator George Nixon defeated Democrat Key Pittman in a referendum by 1,100 votes. Although control of the Nevada Legislature shifted to the Democrats as a result of the 1910 election, its new majority agreed to follow the referendum and Nixon was reelected.

In 1912, Key Pittman ran again. This time he succeeded, but by the narrowest electoral margin in Senate history. Pittman's election established two Senate records. He won his four-way race with the smallest total number of votes—7,942 and he won by the smallest margin ever—a mere 89 votes.

THE "CHALLENGER" ASTRONAUTS

Mr. KERRY. Mr. President, I rise today to remember and honor the seven brave American astronauts who died in the *Challenger* tragedy 2 years ago today, Francis Scobie, Judith Resnik, Ronald McNair, Michael Smith, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe.

They were the best of us. They were distinguished in their careers and dedicated to this Nation's Space Program and its future. The *Challenger* crew has been called "spectacularly democratic," female, male, black, white, Japanese American, Catholic, Jewish, Protestant. Our gratitude for their sacrifice and the sacrifice of their families is eternal.

While the sadness and tragedy of that day will never be fully behind us, it is imperative that we also note the success of this Nation's Space Program. We have flown 55 missions successfully over the last 25 years, sent men to the Moon and returned them safely, opened a new world of communications and pushed back the limits of science in every field. That progress will continue.

The 2-year grounding of our Space Program reminds us that space flight is not ordinary. The risks and challenges of breaking gravity's hold are grave. But we will return to reliable, safe manned flight and continue the work *Challenger's* crew set about 2 years ago.

I would like to conclude by quoting President Reagan's remarks at memorial services for those we remember today:

> The sacrifice of your loved ones has stirred the soul of our Nation, and, through the pain, our hearts have been opened to a profound truth. The future is not free; the story of all human progress is one of a struggle against all odds. We learned again that this America was built on heroism and noble sacrifice. It was built by men and women like our seven star voyagers, who answered a call beyond duty . . . your families and your country mourn your passing. We bid you goodbye, but we will never forget you.

REBECCA THATCHER REPORTS FROM NICARAGUA

Mr. KENNEDY. Mr. President, as Congress begins the countdown in the critical debate over President Reagan's request for additional aid to the Contras and the impact it will have on the issue of war or peace in Central America, we must all remember that those with the biggest stake in the outcome of the debate are the people of Nicaragua themselves. It is their sons and daughters and fathers and mothers who are being maimed and killed in the murderous crossfire of the continuing conflict, and it is their villages and farms that are being used as the bloody battleground.

The people of Massachusetts know this, and they are trying in the best way they can to alleviate some of the suffering and destruction and dislocation that the conflict has generated.

Recently, a journalist for the Springfield Sunday Republican went to Nicaragua to report firsthand on some of these efforts. The journalist, Rebecca Thatcher, visited La Paz Centro, a small city of 20,000 people which has been designated a sister city of Amherst, MA. In an excellent article published last month, Ms. Thatcher reported on the people of La Paz Centro and how they are fighting an uphill battle to cope with the effects of the war.

Ms. Thatcher also traveled to Condega, Nicaragua, and in a companion article she describes the efforts of a group of women from Northampton, MA, and other communities in the Pioneer Valley, who are working with the women of Condega to build three schools in that war-torn border city. In the course of this volunteer construction brigade's day-to-day work, Ms. Thatcher reports, they often hear the gunfire of skirmishes nearby.

I commend Rebecca Thatcher's articles to the attention of the Senate, and I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Springfield Sunday Republican, Dec. 20, 1987]

AMHERST'S SISTER CITY FEELS WAR'S EFFECTS—NICARAGUAN CONFLICT ENDS IN DEATH TO SONS OF LA PAZ CENTRO

(Northampton bureau reported Rebecca Thatcher recently visited Nicaragua where she toured Amherst's sister city, La Paz Centro, and in another town observed a construction project that had its roots in a program that began in Northampton.)

(By Rebecca Thatcher)

LA PAZ CENTRO, NICARAGUA.—Though this town is far from the conflict zones to the north and east of this war-torn country, the 20,000 residents of Amherst's sister city here acutely feel the effects of the six-year conflict.

The high levels of inflation and currency devaluation that are affecting all of Nicaragua are present here, and on a regular basis one of the town's native sons comes home in a coffin.

"It's a very difficult situation," said Father Enrique Martinez, the Catholic priest of La Paz Centro. "It is sad to see the number of young boys that have fallen. The death of young people is very frequent."

And on a recent Thursday afternoon, there was a palpable silence in the community as roughly 200 people marched in a funeral for 18-year-old Domingo Guadelope.

Angela Quezada is the secretary of the Committee of Mothers of Heroes and Martyrs, a group that works on behalf of those who have lost their children in the war. The next day, inside the organization's office, Quezada echoed a familiar refrain: "We don't want any more of our children dying."

The Nicaraguan embassy here estimates that 50,000 Nicaraguans died in the 1979 revolution that ousted Anastasia Somoza. Another 40,000 have died in the past six years of fighting the U.S.-backed rebels known as Contras.

With a strongly-worded resolution condemning the war, the Amherst town meeting voted on May 11, 1987, to adopt La Paz Centro as a sister city.

"The United States government since 1981 has waged an illegal war against Nicaragua by means of the Contra rebels, which violates the charters of the United Nations, and the Organization of American States, and consequently Article 6 of the U.S. Constitution," stated the resolution.

Irwin Spiegelman, a member of the committee, said the goal of the sister city project is to promote educational and cultural exchanges between the two communities as a way of improving the prospects of peace.

"We want to make the Nicaraguan people more immediate and real to the people of Amherst. We thought this would be a systematic kind of support," Spiegelman said.

According to residents and officials of this town, La Paz Centro is a typical medium-sized Nicaraguan community whose residents are struggling to survive, and in some cases "advance the revolution," in the face of real economic troubles.

"There is no rice, nothing works, our only hope is Jesus Christ," said Angela Garcia, an elderly woman interviewed near the center of the town.

The economic crisis that is gripping all of Nicaragua has caused an astronomical devaluation of the cordoba, the basic unit of currency.

In 1981, the exchange rate was 10 cordobas for $1. In late November, the rate changed again to 15,700 cordobas for $1, and the black market rate is almost twice that.

A teacher in La Paz Centro earns 200,000 cordobas per month, or $12.74. The failure of wages to keep pace with inflation has led to a vast "informal economy" in which people of all ages, mostly women and children, sell everything from bags of ice water to sugar cane in the streets.

Still, the people improvise.

Justina Montano Martinez is the director of the town's pre-school. The building they use is old and dilapidated, and the school lacks such basic supplies as paints, crayons and scissors.

But Martinez holds up a handmade doll and says, "If we don't have a doll we can make one."

Brenda Alburto, a senior in high school, was part of the Sandinistas' literacy program when she was 10 years old.

She spent six months with an isolated peasant family teaching them to read and write. She called it a good experience, noting, "All the wisdom they have . . . we taught each other."

Julio Velasquez Coutreras is the town's interim mayor, appointed by the government. Velasquez was optimistic about the "hermanamiento" or matching between his town and Amherst.

He spoke enthusiastically about last summer's week-long visit by a representative of the sister-city committee in Amherst.

Walking through the town in an old yellow shirt and dungarees, it seems as though almost everybody knows the 47-year-old Sandinista.

People call out greetings or pull him aside to discuss problems. He is obviously proud of the new pre-school that is almost finished, (Pre-school goes up to six years of age in Nicaragua), and the health center, which has a main facility in the town's center and five satellite offices.

There is also a small library with 5,000 books. Except for the books by Marx and Lenin donated by the Soviet Union, nothing has been added to the collection recently, according to the woman in charge of the library, Auxiliadora Saavedra.

"There are some that have read all the books and they come in and ask if there are any new ones," Saavedra said.

Valasquez said the town's economy is primarily agricultural, with one large state farm, a state-sponsored milk project, eight cooperatives and several private farms.

According to Velasquez, the eight cooperatives represent land that was given to peasants after the revolution. He said the government provides the cooperatives with technical assistance, loans, and supplies such as fertilizer.

The principal crops are cotton, corn, soy beans, sorghum, and vegetables, he said.

Townspeople also produce crafts and there is one privately-owned brick factory. A few small businesses, such as beauty parlors, are intermingled in what could be called the downtown. The center also has a monument to the 40 residents of La Paz Centro who died in the 1979 revolution, a park, and a Catholic Church.

Next year, there are plans to have municipal elections, and "the Frente" (people here always refer to the Sandinistas as "the Frente," or "the Front") will run a slate of candidates for the city council and the mayor's office. Velasquez says he expects participation from as many as five other parties.

Velasquez, and the other members of the Frente who run the town, seem remarkably upbeat.

Carlos Edmundo Morales is a 58-year-old Sandinista who works in the Mayor's office. He joined the Sandinistas 25 years ago and personally knows the nine members of the party's directorate.

From 1970 to 1979 he traveled throughout Nicaragua and Central America, organizing political, economic, and military support for the revolutionaries.

"As you can see, what characterizes La Paz Centro is the development of the revolution," Morales said one afternoon.

In Amherst, a sister city committee has been meeting regularly, and plans to raise money for medical supplies and possibly an ambulance, according to committee member Margery Bancroft.

The committee will sponsor a benefit dinner this winter, and plans to organize a fund-raising drive that will request one dollar from every resident of the town in the spring, she said.

Bancroft spent a week in La Paz Centro last summer and returned anxious to build a strong relationship between the two towns.

"They're very happy about it. It gave them some hope," she said.

[From the Springfield Sunday Republican, Dec. 20, 1987]

AREA WOMEN HELPING IN NICARAGUA

(By Rebecca Thatcher)

CONDEGA, NICARAGUA.—The women in this town are often forced to wait for many things as they attempt to build three school buildings here.

But the one thing they are not waiting for is for the men to arrive.

"We want to be independent. They (the men) think that we are not capable of constructing . . . but this is an example that we are strong," said Francesca Ponce-Lira, a spokeswoman for the eight Nicaraguan women who are working with the financial, technical, and physical aid of an organization that was started in Northampton, Mass.

Here in this town of 6,000, about three hours drive north of the capital city of Managua, a women's construction brigade project that was born in Northampton, is proceeding steadily. Eight Nicaraguan women, with the help of between 7 and 14 American women at a time, are building three, three-room school buildings and learning construction skills as they go along.

From the beginning, this project had two objectives, according to the Pioneer Valley women involved. They wanted to express solidarity with the people of Nicaragua, and they wanted in particular to "empower" Nicaraguan women.

Anne Perkins of Wendell has taught carpentry at the Pathfinder Vocational and Technical School in Palmer, and the Putnam Vocational and Technical School in Sprinfield. A long-time peace activist, Perkins said she became involved in the women's construction brigade called Brigade Companeras, because she saw a need to counteract the millions of dollars the United States government has spent on the contras, a U.S.-supported rebel army in Nicaragua.

"We wanted to use American dollars to rebuild what American dollars are destroying," she said.

As feminists, the women also saw a need to help Nicaraguan women aquire skills such as carpentry. "It's important that women have the confidence and skills to shape our environment, especially in Nicaragua where they are trying to reconstruct so much," said Aja Rose of Amherst.

Perkins added that she sees the project as an expression of a certain type of feminism—a feminism that goes beyond the needs of women in the United States.

"To be a feminist who struggles only for a better place for white women in a white world is denying what feminism is, it's a very shallow kind of feminism," Perkins said.

Also a carpenter, Rose said she has not been very involved in the peace movement in the United States and speaks little Spanish. Nevertheless, she said working for a month on the construction brigade had been a very important experience.

It was stressful and difficult, but it also felt very right, she said.

Unlike towns closer to the capital city of Managua, Condego is located close to the conflict and could almost be considered a war zone, she said.

"We could hear bombs and guns shooting often. To have that as a constant presence is hard to integrate," she said.

Recently the contras attacked a civilian bus on the Pan-American Highway very near Condega, she said. They killed one woman on the bus, forced everyone else off, and machine-gunned the bus, she said.

She said that despite the danger, building a school in Nicaragua was a very special experience.

"I can't explain the feeling of just knowing that what you're doing is the right thing to do," she said.

Brigada Campaneras began in Northampton a year and half ago, the brainchild of a group of activist women, some of whom had participated in an earlier construction brigade with men.

Later on, the idea received support from women from New York City and Boston, who also became involved in the fundraising and organizing. Through dances, dinners, tee-shirt sales, raffles and other fundraising events, a total of $21,000 was raised between the three cities.

Working through a Nicaraguan government agency, the group was assigned the project in Condega, and began working in August.

And Ponce-Lira says it is only the beginning.

"After this is done we want to continue constructing . . . We look for a place to build a carpentry school for women," she said.

NATIONAL DAY OF EXCELLENCE

Mr. SHELBY. Mr. President, I rise on this National Day of Excellence to recognize the commitment of the *Challenger* astronauts, whose memory this special day honors. These astronauts—as well as the scores of other astronauts who have flown into space for America's space program—symbolize the pioneering spirit of adventure that our great Nation cherishes. This pioneering spirit is evidenced in young and old Americans. After the *Challenger* accident, the news media conducted polls of schoolchildren across America. Those children said that, even in the face of such a tragedy, the space program must move foreward, exploring the Heavens and more closely studying our Earth.

The 2 years since *Challenger* have allowed time for close examination of our space program, its hardware, its workers and managers, its goals. We have come to appreciate even more the importance of safety and the disastrous effects of slavish adherence to schedules at all costs. A scientist for Morton Thiokol will receive the Scientific Freedom and Responsibility Award next month for his warning about O-ring seals and cold weather. The warning came the night before the *Challenger* launch. Thiokol officials recommended that the launch be put off; NASA objected and Thiokol acquiesced.

It is time now to put those mistakes behind us and to truly honor the *Challenger* crew and get our space program off the launch pad. A report by a National Academy of Sciences and National Research Council team has found that NASA is "no longer a strong technical organization" and must more than double work on advanced space technology to fulfill its mandate to support civil and defense needs under the National Space Act. The Congress and White House must work together to give NASA the funding necessary to undertake this vital research. The research council found the most serious area of deficiency is rocket propulsion development. They warn that any further delays in program expansion will "translate to the loss of United States space leadership to the European, Asian, and Soviet programs," with "considerable impact on the United States economy, prestige, and security." We cannot afford to let this happen.

ZENON HANSEN—THE FIRST DISTINGUISHED EAGLE SCOUT

Mr. HARKIN. Mr. President, I am confident my colleagues will agree on the tremendous contribution to national leadership that has been provided by the Boy Scouts of America. I am happy to report that a fine example of one such contributor comes from my home State of Iowa—Mr. Zenon C.R. Hansen.

An article appearing in this month's Scouting magazine chronicles the inspiring story of Mr. Hansen, the founder and original recipient of the Distinguished Eagle Award. Mr. Hansen grew up in Sioux City, IA, and has been an active supporter of scouting since first earning his Eagle badge at age 16. Throughout his highly successful career, Mr. Hansen has supported the Boy Scouts of America and credited his remarkable success to Eagle Scout training.

The prestige and honor of receiving the Distinguished Eagle Award is worthy of our highest regards. It is presented to adult Eagle Scouts who, having risen to important posts in business, education, or public life, have remained dedicated to the high ideals and principles of the scouting tradition and who have continued to provide leadership for the organization.

I would like to express my gratitude to Mr. Hansen, who, at age 77, remains active today as a member of the national advisory council. I am confident that the people of Iowa share in my pride in the outstanding achievements in industry and scouting of Mr. Hansen.

I ask unanimous consent that a copy of the Scouting article be entered in the RECORD as testament to my respect for Mr. Hansen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FIRST DISTINGUISHED EAGLE

(By Dick Pryce)

In 1986, 62 men received the Distinguished Eagle Award, one of the most coveted of Scouting's honors. They were men who in their adult life had achieved significance in business, education, or public life. In each case the recipients felt deeply honored to receive this award, available only to men who had been Eagle Scouts as boys.

What was the origin of the Distinguished Eagle Award? And who was the author of the idea?

It began with Zenon C. R. Hansen, one of the nation's leading business executives and a lifelong, dedicated Scout and Scouter. His Scouting story deserves to be told for, in addition to creating the Distinguished Eagle program, he began making contributions to Scouting in the 1920s, when the movement was still in its infancy.

Life was good for 17-year-old Zenon C. R. Hansen in the spring of 1927. He had just been graduated from high school in Sioux City, Iowa, and his immediate future was all mapped out. An excellent student, young Hansen expected to enroll in the fall on an academic scholarship at the University of Iowa.

He would earn his degree in four years, perhaps less, for he was recognized by his teachers as a hard-working, able student. His background was Swedish, and Swedish-Americans believed that hard work would take a man to the heights.

Then came a call from his high school principal, a man he admired. "The manager of International Harvester wants to talk to you," the principal told him.

"What about?" asked Zenon.

"I think he wants to hire you."

The young man's achievements in high school and Scouting were common knowledge in the small Iowa town. Zenon had four Silver Palms to go with the Eagle badge he had earned in Troop 17 at age 16. Businessmen in Sioux City recognized him as a dynamo destined to continue achieving.

He was flattered when the manager did offer him a job. He thanked the manager politely and told him of his desire to go to the university on a scholarship. But the man refused to take no for an answer. He convinced Zenon that he would get ahead quicker by working for International Harvester.

The manager was right. At the age of 18, while his peers were pursuing educations, Zenon Hansen was immersed in management training at International Harvester's main office in Chicago. He completed the course with high marks and was dispatched to Europe where he embarked on a personal program to educate himself. He learned German, Italian, and French, and he studied business management, automotive engineering, auditing, and accounting.

By the time the Great Depression cast a pall over the United States, Hansen was 21 and comptroller of his company's Swiss affiliate. A lot of his high school classmates who went on to college weren't doing so well.

He remained overseas until 1936, then returned to the main office in Chicago. In 1941 he was named manager of IH's truck branch in Portland, Ore. He was on a path that was to lead to the board rooms of industrial America. Other opportunities arose, and in 1944 he left International Harvester for a vice-presidency with Automotive Equipment in Portland.

Continuing to climb the business trail, he became president and director of the Diamond T Motor Truck Company and, after that, in 1972 chairman of the board and chief executive officer of Mack Trucks, Inc., in Allentown, Pa.

A rags-to-riches story? That's a fairly accurate description, for his grandmother and two aunts had reared him, and there certainly never had been any extra money around. But don't call it luck because Zenon Hansen has always known the source of his good fortune in life. Scouting!

When I interviewed him at his home in Sebring, Fla., Zenon Hansen, a powerful-looking white-haired man of 77, who is still a member of the National Advisory Council, emphasized that the discipline he learned as a Boy Scout and his belief in the Scout Oath and Law served him well in his business career.

"I was raised as an orphan boy and, frankly, I don't know what would have happened to me if I hadn't been in Scouting," said Hansen. "Even my first job with International Harvester came as a result of my Boy Scout work."

That job offer came as no surprise to Scouter Henry A. Hoskins, who was recruited by Hansen to serve as Scoutmaster of Troop 1 that Hansen had organized. Since Hansen was not old enough to be Scoutmaster, he promised to be the assistant and do all the work if Hoskins would serve as Scoutmaster.

"I'd been active in Scouting some years before I became Scoutmaster," Hoskins said in 1969 when he visited Hansen, who was by then Mack Trucks' top executive. "I was chairman of the court of honor of the Sioux City Boy Scout Council and Hansen kept appearing for more merit badges beyond the 21 required for Eagle Scout—a total of 81 merit badges! That's more than any other Scout I've ever known or heard about.

"When I found out that he was being raised by an aunt and grandmother," Hoskins said, "I figured he could use some fatherly advice from time to time. So my wife and I invited him to our house for dinner each Sunday. We had three boys and one girl, and he became just like one of the family."

In fact, Hansen called his Scoutmaster "Uncle Henry," and Hoskins became the man he could pattern his own life after. And the BSA brought this remarkable man into an impressionable young Scout's life. Little wonder that Scouting became so important to him.

As Hansen recognized, the Scouting door swings both ways. Hansen the Scout became Hansen the Scoutmaster, then Hansen the itinerant Scouter, moving from town to town and corporation to corporation while continuing to serve the movement in an incredible number of positions in many councils. He was president in two—Portland Area in Portland, Ore., and Thatcher Woods Area in Oak Park, Ill. He sat on executive boards in seven councils, on executive committees in three regions, and was executive committee chairman of Old Region Seven.

Hansen had many jobs at the national level—chairman of the National Advisory Council, the National Finance Committee, the National Civic Relations Committee, the National Employee Benefits Committee, and the Distinguished Eagle Scout Award Committee. To each he added the mark of his great abilities.

He is also the man who sold to the Boy Scouts of America the concept of the Distinguished Eagle Scout Award. "The idea for it was born in the mind of Zenon C.R. Hansen approximately 25 years ago," remembers William Harrison Fetridge, who knew Hansen's views well.

"He was then National Treasurer and I was National Vice President of the BSA. He came to see me with the recommendation to create the Distinguished Eagle Award and outlined what he considered would be the necessary qualifications, including 25 years as an Eagle plus a distinguished record in business or public service."

Councils were in desperate need of what Hansen calls "appreciative leadership," men like himself who had profited by their experiences as Eagles and could appreciate what it meant.

At first he found little support for both ideas from Scouting's top hierarchy. "They all thought the Distinguished Eagle Award was a great idea, but nobody wanted to do anything about it," Hansen said.

Among Hansen's supporters was William Fetridge. "He also thought there should be a roster of all Eagle Scouts," said Fetridge. "But I convinced him this would be impossible to do. Finally Mr. Hansen presented his idea to the National Court of Honor, which approved it—as did, I believe, the National Executive Board."

The Boy Scouts of America did sanction the Distinguished Eagle Scout Award in 1969, incorporating Hansen's ideas—including his basic design for the award. And in 1970 Zenon C.R. Hansen, a very distinguished Eagle from Sioux City, Iowa, was deservedly the first person the BSA honored with the award.

Hansen and many of the other earliest recipients—Neil Armstrong, Gerald Ford, Ross Perot—gave money that eventually was used to start the National Eagle Scout Association.

The basic point of the Distinguished Eagle Award, as envisioned by Hansen, is to bring back into Scouting, Eagles who have been out of Scouting but want to give something back. "You have got to give these people the opportunity to participate in Scouting," he insists. "They become the future board members and future council contributors.

"If they're like me, they'll admit they never would have gotten anywhere in this world if they hadn't been an Eagle Scout."

URBAN DEVELOPMENT ACTION GRANTS

Mr. GRASSLEY. Mr. President, I rise today to do two things.

First of all, I want to congratulate Senator Proxmire, chairman, and Senator Garn, the ranking member, and their staff of the Committee on Banking, Housing, and Urban Affairs.

Last year Congress passed a new housing bill. This is the first time we have had a housing bill since 1980. The members of the Housing Subcommittee and their staffs are also to be congratulated for their hard work in putting together a bill that we hope the administration will sign.

This brings me to my second point and one I want to bring to the attention of the Senate today.

In this bill yet to be signed, a new formula for the Urban Development Action Grant Program is included. The Senate passed that provision about six different times over the last 4 years only to have the House reject it because they wanted a complete housing bill.

A number of Senators from States on both side of the aisle realized that the UDAG Program would not survive without a change in the formula that would allow it to be a national program again. That group worked hard to come up with a formula that we hoped would be a fair one.

The current system used by HUD has favored for over 4 years now, only about eight States in the Northeastern part of the country, shutting out the rest of the country. This area of the country has received over 80 percent of all the UDAG funds because of this unfair, unjust formula.

I feel compelled today to inform my fellow Senator's of a blatant, unfair attempt by these same few privileged States to again take the bulk of the UDAG funds during the currently scheduled round of funding to be announced before the first of the month.

Let me explain the problem.

Congress, so concerned with the unfairness of the formula now being used, placed a requirement in the new law that the new UDAG formula be immediately implemented by the Secretary upon the signing of the bill.

Everyone felt this bill would have been signed by now. In fact, a bill signing ceremony was scheduled for the 20th of this month. Then the date was moved—I understand at least two other times—to accommodate scheduling problems.

It currently is scheduled on the 5th of February.

Because this date is after January 30, HUD's published date for announcing the UDAG's, HUD feels they are forced to use the old formula.

This means those few States that have been receiving all the funds will again soak up all the funds this round.

I might add: I understand these States felt this would be the last "gravy train round" they would have so they gathered every UDAG application they could muster and applied.

They have lobbied and have, as of now, convinced HUD to use the old formula for this current round.

We have been working hard these last few days to resolve this issue so the new formula would be used immediately. HUD had been planning to use the new formula. They too felt the bill would be signed prior to the funding announcement date and their staff has been working on placing the new provisions in their considerations as they worked with the cities during their negotiations on these projects.

They were so confident this law would be in place they implemented the $10 million cap on the amount of funds any one UDAG could receive.

One of the privileged cities has a number of request in, one of which was for over $15 million, and then indicated that, yes, they could do the project for the $10 million. After they heard the law would not be signed, they went back to HUD and tried to say they really needed the $15 million. Remember, the UDAG funds are only to fill the gap to complete a project. This city has continually been funded no matter what type of application they submitted or how many they applied for, while States like Iowa and three-fourths of the rest of the country were completely shut out.

I say to my fellow Senators, enough is enough.

We have until noon today to get this unfair, unjust, down right wrong decision reversed.

There are three things that can be done.

First, the chairman and ranking member of the Banking and Housing Committee can send a letter to the Secretary requesting him to ask for a waiver of a provision in the current housing law that requires the Secretary to send to Congress all proposed HUD rules 30 days before they are published in the Federal Register. This would allow the Secretary to publish tomorrow in the Federal Register a recission of the January 30 announcement date of this round of UDAG's.

This is the easiest and fastest way to get this program solved.

The second option would be for the President to go ahead and sign the new housing bill, regardless of Members of Congress wanting a bill signing ceremony.

Third, the Secretary would, under current law, just not hold the round and wait until the next large city round in May and use this round's $57 million with the May round's money and hold one large round.

There are good points and bad ones for this option. Some projects cannot wait until May and some of their commitments will have to be renegotiated.

I prefer the first option that would reschedule the date of this round until the President signs the new legislation which is currently scheduled for February 5, only 1 week from tomorrow.

But if this cannot happen, then I would favor the Secretary canceling this round and using this round's funds with May's round. This would allow all projects to have the same opportunity that only those few States that now get the funds to finally have to face the same review that we have to face with our projects.

I want to encourage Senators from the following States to contact HUD and Chairman PROXMIRE and Senator GARN before noon today to encourage them to act immediately by working with their counterparts on the House side to send to Secretary Pierce the letter I have provided their offices.

The States that have UDAG's that will probably not be funded this round are:

Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, Tennessee, Illinois, Michigan, Louisiana, Oklahoma, Texas, Iowa, Kansas, Missouri, Arizona, California, Washington, and North Dakota.

I encourage Senators from those States, and other States from the South, Midwest, and West that understand how unfair this action is to immediately take action because if you wait until after noon today it will be too late.

If Senate staffs need more information they can contact my office and we will be happy to provide it to them.

INF VERIFICATION AND SANDIA NATIONAL LABORATORIES

Mr. BINGAMAN. Mr. President, Sunday's edition of the Washington Post carried an excellent article on verification technology. The article, entitled "Verification: Keeping Ivan Honest," by John A. Adam, highlights the work done by Sandia National Laboratories in Albuquerque, NM, in support of our INF Treaty negotiators.

The article details the techniques which Sandia has developed for onsite inspection of a Soviet missile assembly plant. The system had to be sufficiently intrusive to guarantee that any significant cheating by the Soviets at such missile assembly plants would be detected, yet not be an invitation to espionage when reciprocally applied to our own facilities.

The article mentions the work of Gus Simmons and Roger Hagengruber in support of a Department of Defense contract on verification. I might note that many other Sandians have played important roles in the treaty negotiation process. Stan Fraley spent 6 months last year in Geneva and there headed a subgroup that defined the inspection protocol to the treaty. In Albuquerque, Don Bauder, John Taylor, and Pauline Bennett, under the supervision of John Holovka, all helped provide information to back-stop the verification subgroup's negotiations.

The article also notes that Richard Perle was primarily responsible for initiating this verification research effort at Sandia in support of the INF negotiations. I want to commend Mr. Perle for this. He and I are not often in agreement on strategic weapons and arms control issues, but we are in total agreement on the need for greater attention to be focused on verification technologies. I have been pointing out since coming to the Senate that we need a solidly funded forward-looking research program on verification technologies to provide options and answers to our negotiators when they need them. Too often in the past, the development of verification options has not kept up with the development of new weapons technologies.

Last year, as a result of an amendment I offered to the Defense Authorization Act, the Congress increased authorized funding for verification research in the Department of Energy and the Defense Advanced Research Projects Agency by almost $30 million. The Appropriations Subcommittees on Energy and Defense later included appropriations for almost $26 million of this addition in the final continuing resolution. These actions testify to the strong support in the Congress for verification research, even when budget constraints forced cuts in many other defense programs. I hope that we will continue that support this year.

Mr. President, we have at Sandia and its sister DOE weapons laboratories a unique national resource. For over 40 years they have played a central role in providing our nuclear deterrent. But increasingly they are diversifying into research on verification technologies and advanced conventional munitions technologies, and thus they are becoming national security laboratories in the broadest sense, not simply nuclear weapons laboratories. Sandia, for example, last year in just a couple of months came up with a technology to limit use of the Stinger missile in response to Senator DECONCINI's concerns about this antiaircraft missile falling into the hands of terrorists. This involved a simple spinoff from the much more complex use controls embodied in our nuclear weapons. We need to continue to encourage this diversification of the laboratories. Especially at a time of overall budget constraints, we need to make better use of the broad technology base which the laboratories have developed and sustained over the past 40 years.

Mr. President, I ask unanimous consent that the article from yesterday's Post be printed here at the end of my statement.

There being no objection, the material was ordered to abe printed in the RECORD, as follows:

VERIFICATION: KEEPING IVAN HONEST

(By John A. Adam)

When the Senate begins hearings Monday on the INF arms-control treaty, a crucial issue will be whether—and how—the United States can detect potential Soviet violations.

The subject is critical because both the INF accord and the Strategic Arms Reduction Treaty (START) now being negotiated in Geneva will require unprecedented verification technologies. Unlike previous arms accords, which involved watching large structures such as fixed missile silos and bombers, INF and START would restrict individual small missiles.

Consequently, America's traditional monitoring systems—surveillance satellites and electronic intelligence—will not be sufficient. Extensive cooperative measures will be needed. Trucks and railroad cars must be inspected; plant gates, grounds and fences watched; small weapons examined for nuclear content. And the INF pact requires new systems for continuous monitoring of missile-production facilities.

Exactly what kind of sensors the United States will place on Soviet soil is still being decided. But U.S. research on on-site inspection systems—involving tamper-resistant fiber-optic seals, video alert and data-encryption systems, infrared surveillance arrays and more—is already well underway, much of it at Sandia National Laboratories in Albuquerque, which AT&T runs for the Department of Energy.

OVERCOMING MUTUAL MISTRUST

Problems abound when working in an adversary's territory. The verification system must ensure that each side can trust the authenticity of the on-site data, producing a paradox: The Soviets must be assured that information gathered is for verification only—not espionage—and that it agrees with the facts. Thus, data cannot be encrypted. But the United States must be confident that streams of data, traveling through open channels in Soviet territory, are not forgeries. Thus some form of encrypted authentication code must be used.

Cracking that puzzle falls to Sandia's Gustavus J. Simmons, a mathematician with a foot-long beard and a flattop coif who has been solving such brainteasers for 20 years. Simmons and his colleagues are perfecting a data system that guarantees integrity. The technique that the United States will propose to the Soviets is the least sophisticated of Simmons' schemes. But it has already passed the scrutiny of codebreakers at the National Security Agency and was discussed with the Soviets in the '70s during the Comprehensive Test Ban Treaty talks. Moreover, it has proven reliable at remote U.S. seismic stations in Norway and glean data from Soviet underground nuclear tests.

The system works by automatically attaching an authentication "word" to the output of a monitoring device such as a camera. The output, in the form of a long binary sequence (strings of 0s and 1s), is fed into a computer, which breaks the data up into small blocks of, say, 64 bits. The first block is encrypted with a secret key which produces a 64-bit cipher held in the computer's memory. As the second block of data arrives, each element in the cipher is matched with its corresponding element in the second data block. If the two elements are alike, a 0 is recorded; if different, a 1. This produces a new 64-bit number, which replaces the first cipher and is in turn encrypted with the key. This new cipher is then matched against the contents of the third block of data, which begets yet another new cipher and so forth. The end result, after processing an entire data stream thousands of bits long, is a final 64-bit cipher incorporating information about each bit of data in the whole stream. This final cipher, or authentication word, is appended to the unencrypted monitor output and sent.

Nothing in the process prevents the Soviets from scrutinizing the data while it is sent. And the United States can verify the result by running the received data through the same encrypting procedure using a copy of the secret key. If the final cipher generated matches the one that was appended to the original monitor output, then the data are genuine. Just as increasing the number of grooves in a housekey makes it harder to pick the lock, the more variables there are in a cipher key, the less the likelihood of cracking the code.

ON-SITE AND ON GUARD

Shortly before the 1986 summit in Reykjavik where the Soviets agreed to U.S. proposals regarding on-site INF monitoring, Roger L. Hagengruber, vice president of systems analysis at Sandia, got a phone call from the Pentagon. DOD wanted a full-scale test facility built to examine schemes for continuous monitoring of a Soviet weapons-production plant. It also wanted a working model of the site. The project was given top priority.

Within two months, the Sandia team produced a table-top model showing the section of a typical Soviet missile factory which includes the main portal. The Pentagon displayed the model to officials from the White House, State Department and Congress, demonstrating how a missile-carrying truck triggers a suite of sensors to record weight and other data. One U.S. official called it a "good marketing tool" that helped policymakers visualize potential problems.

Both the United States and the Soviet Union have agreed that INF monitoring systems exist which will include "weight sensors, vehicle sensors, surveillance systems and vehicle dimensional measuring equipment." In addition, "non-damaging image-producing" gear will be installed to examine contents of shipping containers and launch canisters. The goal is to devise a system that automatically collects and records data 24 hours a day. The monitoring system must be accurate enough to detect potential violations but work fast enough so traffic flow is not unduly impeded. And because deployment within Soviet borders precludes use of trade-secret equipment, engineers must create highly reliable systems composed mainly of commercially available gear.

One such device is a vertical and horizontal array of infrared sensors to measure rapidly the length and profile of various vehicles leaving the plant. Like radar, the system would send out its own energy beam to sense objects day or night and in adverse weather. For weighing, Hagengruber says commercial scales can be modified to assess a moving truck or to weigh loads on freight trains. Railroad cars in some respects are easy to monitor because they are constrained to tracks, have a fixed geometry and uniform velocities. But they also pose special problems because they may weigh much more than their freight and the cars may come in a mix of gondolas and box cars. To skirt this problem, Hagengruber says they may negotiate that only certain types of train cars are allowed into the plant.

If a vehicle is large and heavy enough to be carrying a prohibited missile, its cargo will be examined by nondestructive imaging, most likely by X-ray sensors tuned to appropriate intensities. X-rays can take measurements and determine material composition and are generally hard to deceive. Manufacturers of rockets routinely use them to inspect solid propellants for cracks. For verification, however, the scans must occur faster than industrial applications, and probably be less intrusive too, says Hagengruber.

Sandia is also examining tamper-resistant seals that would reliably indicate if enclosures had been breached. In one such device, a loop of multistrand plastic fiber-optic cable is cut to desired length in the field. Its ends are put into a one-piece seal body which contains a serrated blade that randomly severs a portion of the cable fibers. The result is a unique "signature" of the uncut fibers. That pattern is photographed. If the fiber-optic loop is later released, the blade is designed to cut additional fibers and change the signature. During inspection, a second Polaroid shot is taken for immediate comparison with the original signature.

WARHEADS AND HOLOGRAMS

Authorities note that it is much easier to verify a ban than a residual force of, say, 100 missiles. Consequently the START pact, because it seeks to halve levels of strategic warheads, will require more strict measures.

In addition, the two superpowers are discussing in Geneva how to limit nuclear-tipped cruise missiles on ships and submarines. Such controls pose special monitoring problems because the missiles are much smaller than other strategic weapons and because some are fitted with conventional warheads.

Researchers have been examining techniques to "tag" concealable mobile nuclear weaponry. The challenge is to design a system that permits counting for verification but does not allow targeting by the military.

Fred Holzer, deputy leader of verification at Lawrence Livermore National Laboratory, outlined further constraints during a 1986 interview. The tags must be tamperproof and impossible to duplicate; and they must in no way interfere with the missile's operation, he explained. Moreover they must be designed so they cannot be used—or even be perceived to be usable—as a homing device.

Numerous schemes exist. For new missiles, tags might be installed at the production line. One possibility is to make a special mold with an intricate surface pattern for producing a tag. After the required number were produced, Holzer said, the mold could be broken. Another possibility, for new or existing weaponry, is to make a photomicrograph or acoustic hologram of a small patch on the missile. Each weapon examined could then be checked against a database of the fiber patterns of "legitimate" missiles.

Yet another option is to use a microchip tag that could be queried on inspection. The basic technologies that might be used are being employed by auto manufacturers including BMW, Fiat and Honda. BMW's assembly line uses chips coded to contain such information as paint color, options to be installed and so forth for each chassis. The chip is queried during assembly stages and the specified actions taken. Honda uses an intrinsic property, like fiber grains, to guard against piracy in spare auto parts. Other scenarios are akin to existing methods of satellite tracking of caribou. A U.S. satellite monitors free-roaming herds fitted with radio transmitters in northwestern Alaska to an accuracy of 0.8 kilometers. Holzer says that "these kinds of techniques are being developed rather rapidly." A senior administration official observes, however, that despite all the studies no practical tagging schemes have yet emerged.

START verification might include a plan to designate assembly areas to make missile production more transparent to surveillance satellites. But satellites cannot provide the sort of information that Soviet leader Mikhail Gorbachev mentioned in his summit farewell speech, when he shocked many observers by declaring that the Soviets had a technique that would remotely "identify not only the presence but also the capacity of the nuclear warheads" aboard mobile vessels.

If it exists, such a device probably emits a pulse of high-energy neutrons to induce a small amount of fission in any nuclear warhead. The pulse would have to be weak enough to prevent the degradation in the reliability of the nuclear weapons but strong enough to produce a recognizable signature of gamma rays or neutrons. But because of the rapid degradation of this signature in the atmosphere, such measurements must be made from close range. Moreover, shielding by lead or water could foil the inspection. More detailed schemes must be fielded for effective START verification.

A November 1987 report by the House Intelligence Committee was unanimous in saying that the Executive Branch provides "no central direction and prioritization of research and development to improve arms control monitoring capabilities." It placed the blame largely on the intelligence community.

Indeed many technologies for use in the INF treaty were developed for other purposes. Participants say some analyses, such as whether inspections of suspect sites should be allowed, were done hastily.

Although INF negotiations began in November 1981, money for the major INF monitoring program started flowing several years later. The Department of Defense was the surprising source, including the international security policy branch formerly headed by Richard N. Perle, popularly known as a bete noire of arms control.

In spite of budget constraints, Congress supplemented administration requests for verification research for fiscal 1988. Whether that results in innovative techniques for monitoring the strategically sensitive START pact remains to be seen.

SECRETS AND CIPHERS

(By John A. Adam)

The Drawback in the simplest version of Gus Simmons' scheme is that the Soviets would not know everything being sent. But the secret key used to authenticate old messages would be periodically supplied to the Soviets, who could then exactly reconstruct the authentication words to determine whether espionage information existed. The Soviets could also dismantle a similar piece of authentication gear to discern its intelligence potential.

In that simple approach, the same key is used to encrypt and decrypt a message. In 1986, however, a different method emerged. Called public-key cryptography, it uses one key to scramble a message and a different key to unscramble it. Hence the ability to decrypt a message does not also permit one to make forgeries.

Such a scheme is ideal for verification work, for it allows authentication without secrecy, and it can prevent some convoluted ways of cheating. The United States would encrypt the entire message and share the decrypt key with the Soviets and any other third party. All parties could decipher the data as it was transmitted. Simmons' group at Sandia uses the Rivest-Shamir-Adleman algorithm where the encrypting party bases its key on a pair of prime numbers P and Q that are kept secret and are so large that factoring $N = PQ$ is beyond all projected capabilities of computers. The United States would be confident that the data were genuine because it would be practically impossible, even with supercomputers, to determine the encryption key in time to alter the data.

But under the scheme, the party doing the encryption could send a forgery. Because of that ability, the Soviets could disavow any incriminating message, telling the United Nations, for example, that U.S. data indicating a trainload of illegal SS-20 missiles was a fabrication. So in 1980, Simmons' group devised a method whereby the United States and the Soviet Union would collaborate in the encryption.

But several years ago, it was realized that unilateral action of either party—saying its secret encryption key had been compromised, for instance—would circumvent the system. So Simmons, in his fourth iteration, proposed that a third party do on-site encryption using the public-key technique. With at least three parties contributing to the message-scrambling, the system was immune to impeachment by unilateral actions.

"Each time you solve one problem and peel off that layer of difficulty," says Simmons, "you find a more subtle one inside." But for now at least, he thinks the problem is finally solved. If the Soviets do not agree on his first-generation system, there are many alternatives.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. STENNIS].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, January 27, 1988, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. Res. 361. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 362. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. Res. 363. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. Res. 364. An original resolution authorizing expenditures by the Committee on Governmental Affairs.

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 365. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 2013. A bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 2014. A bill to establish certain grant programs relating to acquired immune deficiency syndrome among intravenous substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. Simon, Mr. Cranston, and Mr. Moynihan):

S. 2015. A bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 2016. A bill to impose a legislative ban on and require a rulemaking with respect to, certain all-terrain vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. Simpson, Mr. Stevens, Mr. McCain, Mr. Hollings, Mr. Bentsen, Mr. Shelby, and Mr. Stennis):

S.J. Res. 243. Joint resolution relating to Central America pursuant to H.J. Res. 395 of the 100th Congress; to the Committee on Foreign Relations.

By Mr. EXON (for himself, Mr. Karnes, Mr. Dole, Mr. Durenberger, Mr. Conrad, Mr. Burdick, Mr. Lugar, Mr. Gore, Mr. Bradley, Mr. Cochran, Mr. Levin, Mr. Pell, Mr. Sanford, Mr. Stennis, Mr. Thurmond, Mr. D'Amato, Mr. Bond, Mr. Chiles, Mr. Pryor, Mr. Domenici, Mr. Metzenbaum, Mr. Sasser, Mr. Riegle, Mr. Dodd, Mr. Garn, Mr. Reid, Mr. Simon, Mr. Hecht, Mr. Graham, Mr. Ford, Mr. McClure, Mr. Danforth, Mr. Wilson, Mr. Nunn, Mr. Helms, Mr. Symms, Mr. Stevens, Mr. Chafee, Mr. Grassley, Mr. Warner, Mr. DeConcini, Mr. Heinz, Mr. Boren, Mr. Humphrey, Mr. Heflin, Mr. Bingaman, Mr. Inouye, Mr. Stafford, Mr. Byrd, Mr. Lautenberg, Mr. Johnston, Mr. Bumpers, Mr. Roth, Mr. Hollings, and Mr. Cranston):

S.J. Res. 244. Joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Wilson, Mr. Adams, Mr. Baucus, Mr. Bingaman, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Conrad, Mr. D'Amato, Mr. DeConcini, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Exon, Mr. Fowler, Mr. Garn, Mr. Gore, Mr. Graham, Mr. Grassley, Mr. Hecht, Mr. Heflin, Mr. Heinz, Mr. Hollings, Mr. Humphrey, Mr. Johnston, Mr. Kasten, Mr. Kennedy, Mr. Leahy, Mr. Lugar, Mr. Metzenbaum, Mr. Moynihan, Mr. Murkowski, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Stafford, Mr. Stennis, Mr. Warner, and Mr. Wirth):

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. Dodd):

S.J. Res. 246. Joint resolution to designate the month of April, 1988, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN, from the Committee on Finance:

S. Res. 361. An original resolution authorizing expenditures by the Committee on Finance; to the Committee on Rules and Administration.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

S. Res. 362. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. BURDICK, from the Committee on Environment and Public Works:

S. Res. 363. An original resolution authorizing expenditures by the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. GLENN, from the Committee on Governmental Affairs:

S. Res. 364. An original resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

S. Res. 365. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 2013. A bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens; referred to the Committee on Governmental Affairs.

PREVENTING DISTORTIONS IN THE REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES CAUSED BY CENSUS FIGURES INCLUDING ILLEGAL ALIENS

● Mr. SHELBY. Mr. President, today I rise to introduce legislation that prevents the use of census figures which include illegal aliens for apportionment of the House of Representatives. This legislation will direct the Secretary of Commerce to ensure that illegal aliens shall not be counted for apportionment purposes.

Does it make sense that illegal aliens who are here without the consent of the governed be given representation in Congress? In 1980, the Census Bureau counted 2 million illegal aliens and included them in the numbers used to apportion the 435 seats in the House of Representatives.

According to a Congressional Research Service study, including illegal aliens in the 1980 census awarded an extra seat in Congress to California and New York at the expense of Indiana and Georgia. In 1990, Pennsylvania, Connecticut, Michigan, North Carolina, and Alabama could lose congressional seats if the Census Bureau continues to include illegal aliens.

This problem is relatively new, since prior to the 1970 census the number of illegal aliens in the United States was fairly negligible. To the extent illegal aliens were enumerated at all, their incidental inclusion in the census count was not an issue. But today the situation has changed and the inclusion of illegal aliens is affecting congressional district reapportionment.

The decision to include persons unlawfully present is not the product of years of agency practice, but rather is simply the failure to respond to a recent massive escalation in illegal migration.

The Census Bureau estimates that the permanent stock of illegal aliens coming to the United States rises by 200,000 to 300,000 each year, and brings the total illegal alien population in the United States to as many as 12 million; 12 million people translates into roughly 6 seats in the House of Representatives. The method currently used by the Census Bureau will cause some unknown number of foreign visitors, temporary workers, and foreign students to be included as well.

To avoid this problem in the future, the Census Bureau should add questions to its long and short forms which will identify illegal aliens. This inclusion of illegal aliens in the apportionment base dilutes the representation of several States and violates the equal representation principle.

Mr. President, I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost,

thereby violating the constitutional principle of "one man, one vote".

SEC. 2. Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section.".

SEC. 3. Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States 1 Code, for each decennial census of population".●

By Mr. MOYNIHAN:

S. 2014. A bill to establish certain grant programs relating to acquired immune deficiency syndrome among intravenous substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

INTRAVENOUS SUBSTANCE ABUSE AND AIDS PREVENTION ACT

● Mr. MOYNIHAN. Mr. President, since June 1981, over 28,000 people have died of AIDS. One-quarter of these deaths, 7,000 people, have resulted from intravenous drug use. According to the Centers for Disease Control, between 50 and 60 percent of intravenous drug users, as many as 335,000, are infected with the AIDS virus.

The AIDS virus is spread through the interaction of bodily fluids. This occurs when a needle used to inject heroin is used by another individual to do the same. That needle has the blood of the first user, which the second user is exposed to when using the same needle. This is the primary way in which AIDS is spread among intravenous drug users.

It is not only the intravenous drug users themselves that are contracting AIDS. They are spreading AIDS to their sexual partners and children. All these people will die; 53 percent of all AID-related deaths in New York City occur among intravenous drug users. As many as 350 children have died already from the AIDS virus contracted from their mother, and the number of children born with the AIDS virus is growing daily. According to a study conducted by Dr. Lloyd Novick, 1 out of every 60 newborns in New York City are born with the AIDS virus.

Children are dying. Mothers and fathers are dying. We are witness to this and seem powerless to stop it.

But we are not powerless.

We have the means to reach these people, break their habit, and stop the spread of AIDS.

This is not the first time intravenous drug use has threatened to wipe out a good number of people in our society. In 1969, when I was a Special Assistant for Urban Affairs for President Nixon, the crisis was heroin, a narcotic derived from the poppy plant. At that time, poppy plants were grown primarily in Turkey, processed into heroin in Marseilles, and then smuggled into New York.

In order to cut off the supply of heroin, I persuaded the President to provide financial assistance to help Turkish farmers make the transition from a poppy-based to a more general agricultural economy. With our help, the program to eradicate illicit poppy production succeeded and the French Connection collapsed, creating a severe shortage of heroin in every major drug center in the country.

It worked. Heroin use in all our cities went down. Crime went down. But now poppy production has moved to Pakistan, Burma, and Thailand. Iran and Syria have replaced France as heroin processing centers. We have had some cooperation with these countries to stop poppy production but not enough. In the last decade, heroin use has reemerged, and with the onset of AIDS, has become even more destructive.

Just last year, in an effort to control the growing problem, Congress enacted a major antidrug abuse law. It authorized $1.7 billion for prevention and treatment of illicit drug use and research into ways of breaking drug addiction, most notably with substances known as narcotic antagonists which block nerve endings so that the effects of narcotics cannot be felt by the user. But the Reagan administration, less than 4 months after the enactment of this much touted piece of legislation, proposed a $900 million cut in antidrug abuse programs. Fortunately, Congress was able to restore some of this money, but not nearly enough.

The bill I introduce today, the Intravenous Drug Abuse and AIDS Prevention Act, was introduced by Congressman RANGEL on September 16, 1987. As chairman of the House Select Committee on Narcotics, Congressman RANGEL has led the long and difficult battle against drug abuse. I have been privileged to work with him in the past and am proud to do so again.

This bill seeks to attack this problem where it lives. It provides $100 million for the Secretary of Health and Human Services to make grants for nonprofit organizations for treatment services to intravenous drug users; 75 percent of these funds will go to areas with a high incidence of drug use and AIDS. The remaining 25 percent of funds will go to areas which have a low incidence of AIDS but a high incidence of drug use and therefore have the potential for widespread AIDS infection.

In addition, $50 million is authorized for demonstration projects to reduce the incidence of AIDS in infants and to care for infants infected with AIDS. These funds could be used to provide prenatal care for women who are intravenous drug users, services to parents of infected children, foster care for children with AIDS, counseling, education and testing services for women at risk for AIDS by virtue of drug use or sexual contact with drug users, and pregnant women infected with the AIDS virus.

Lastly, $50 million is provided for grants for outreach and counseling programs to prevent intravenous drug use among minority groups. We have appropriated $14 million specifically for outreach AIDS education to minority communities. Too little.

The responsibility is clear: If we don't inform our citizens of the dangers of drug use in and of itself and its direct link to the spread of AIDS, we fail in our duty as public officials and as fellow human beings.

I ask unanimous consent that an editorial in the January 23, 1988, New York Times entitled, "Contain AIDS by Treating Addicts" be printed in the RECORD.

I urge my colleagues to support this bill and ask unanimous consent that the text be printed in the RECORD in full.

There being no objection, the bill and the letter were ordered to be printed in the RECORD, as follows:

S. 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intravenous Substance Abuse and AIDS Prevention Act of 1988".

SEC. 2. FINDINGS.

Congress finds that:

(1) More than 38,000 cases of acquired immune deficiency syndrome (AIDS) have been reported to the Centers for Disease Control, and more than 270,000 such cases are expected to be reported by 1991.

(2) Intravenous substance abusers are the second largest group in the United States that has AIDS. Of the cases of AIDS reported to the Centers for Disease Control, 17 percent are attributable to intravenous substance abuse and such abuse was a risk factor in an additional 8 percent.

(3) HIV (the virus causing AIDS) is transmitted among intravenous substance abusers through the use and sharing of needles, syringes, swabs, or other drug-related implements that are contaminated with blood infected with HIV.

(4) HIV can be transmitted rapidly among intravenous substance abusers in a given geographic area. Once a group of intravenous substance abusers becomes exposed to HIV, such abusers become the primary source for heterosexual transmission and perinatal transmission of HIV.

(5) A disproportionate number of cases of AIDS has occurred among members of minority groups. More than 80 percent of such cases attributable to intravenous substance abuse have occurred among Blacks and Hispanics and more than 90 percent of heterosexual and perinatal transmission AIDS cases related to such abuse have occurred among Blacks and Hispanics.

(6) More than 50 percent of women in the United States who have AIDS developed the disease as a result of intravenous substance abuse. The second largest group of women who are at risk with respect to infection with HIV are women who are the sexual partners of intravenous substance abusers.

(7) Most women with AIDS are in their child-bearing years, and women infected with HIV may transmit HIV to any of their children born subsequent to the mother's infection. In July 1987, the Centers for Disease Control reported a cumulative total of 460 cases of AIDS among children under 5 years of age at the time of diagnosis. Approximately 80 percent of children with AIDS who were infected through perinatal transmission were children of intravenous substance abusers.

(8) Preventing or reducing the transmission of HIV among intravenous substance abusers is essential with respect to preventing or reducing the heterosexual and perinatal transmission of HIV in the United States.

(9) To reduce and prevent the spread of AIDS related to intravenous substance abuse, additional Federal leadership and support is urgently needed to expand treatment for intravenous substance abusers, to promote efforts to prevent pediatric AIDS and provide better care for infants with AIDS, and to establish effective school and community-based AIDS prevention programs.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR TREATMENT SERVICES WITH RESPECT TO INTRAVENOUS SUBSTANCE ABUSE.

(a) In General.—The Secretary of Health and Human Services may make grants to public and nonprofit private entities for the purpose of enabling grantees to provide, in accordance with subsection (b), treatment services to intravenous substance abusers.

(b) Requirements With Respect to Acquired Immune Deficiency Syndrome.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that, in providing pursuant to subsection (a) treatment services to intravenous substance abusers, the applicant will—

(1) make available to such abusers, and to the sexual partners of such abusers, counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome; and

(2) make available to such abusers testing for the purpose of determining whether such abusers are infected with such etiologic agent.

(c) Consent to Testing.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will not, as a condition of the receipt of substance abuse treatment services, require that an individual undergo testing described in subsection (b)(2).

(d) Requirement of Provision of Services in Certain Geographic Areas.—The Secretary may make grants under subsection (a) only to applicants that will provide services under the grant in a geographic area in which, in the determination of the Secretary—

(1) the incidence of intravenous substance abuse is substantial relative to such incidence in other geographic areas; and

(2) the incidence, among intravenous substance abusers, of infections with the etiologic agent for acquired immune deficiency syndrome—

(A) is substantial relative to such incidence in other geographic areas; or

(B)(i) is insubstantial relative to such incidence in other geographic areas; and

(ii) may be prevented from becoming substantial if sufficient treatment, counseling, and education services are provided to intravenous substance abusers.

(e) Allocation of Amounts Available for Grant Program.—Of amounts available pursuant to subsection (f), the Secretary shall—

(1) reserve 75 percent for grants under subsection (a) to applicants that will provide services under the grant in geographic areas described in paragraphs (1) and (2)(A) of subsection (d); and

(2) reserve 25 percent for grants under subsection (a) to applicants that will provide services under the grant in geographic areas described in paragraphs (1) and (2)(B) of such subsection.

(f) Funding of Grant Program.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 50 percent for the purpose of carrying out this section.

SEC. 4. ESTABLISHMENT OF GRANT PROGRAM FOR SERVICES AND ASSISTANCE FOR REDUCTION AND PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME AMONG INFANTS.

(a) In General.—The Secretary may make grants to public and nonprofit private entities for the purpose of enabling grantees to carry out demonstration projects for reducing or preventing the incidence in infants of infections with the etiologic agent for acquired immune deficiency syndrome and for providing support to infants who have such infections.

(b) Preferences in Making Grants.—The Secretary shall, in making grants under subsection (a)—

(1) give first priority to qualified applicants that will provide services under the grant in any geographic area in which, in the determination of the Secretary—

(A) the incidence in infants of infections with the etiologic agent for acquired immune deficiency syndrome is substantial relative to such incidence in other geographic areas; and

(B) the incidence, among intravenous substance abusers, of infections with the etiologic agent for acquired immune deficiency syndrome is substantial relative to such incidence in other geographic areas; and

(2) give second priority to qualified applicants that will provide services under the grant in any geographic area described in paragraph (1)(B).

(c) Provision of Certain Services.—Grantees under subsection (a) may expend grant funds—

(1) to provide for prenatal care for women who are intravenous substance abusers;

(2) to provide for prenatal care for women who are the sexual partners of intravenous substance abusers;

(3) with respect to the parents of infants infected with the etiologic agent for acquired immune deficiency syndrome, to provide services and financial assistance to parents for the purpose of aiding parents in caring for, and providing support to, such infants;

(4) to provide services and financial assistance with respect to encouraging foster care for such infants and other means by which such infants can receive care and support in settings other than hospitals;

(5) with respect to women who are intravenous substance abusers and who are pregnant or at risk of becoming pregnant, to make available to such women counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome and to make available to such women testing for the purpose of determining whether such women are infected with such etiologic agent; and

(6) to make such services and such testing available to women who are pregnant, or at risk of becoming pregnant, and who are the sexual partners of intravenous substance abusers.

(d) Funding of Grant Program.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 25 percent for the purpose of carrying out this section.

SEC. 5. ESTABLISHMENT OF GRANT PROGRAM FOR PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME RELATING TO INTRAVENOUS SUBSTANCE ABUSE.

(a) In General.—The Secretary may make grants to public and nonprofit private entities for the purpose of enabling grantees to provide counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome directly or indirectly through intravenous substance abuse.

(b) Preferences in Making Grants.—The Secretary shall, in making grants under subsection (a), give preference to qualified applicants that will provide services under the grant to minority populations in any geographic area in which, in the determination of the Secretary, the incidence of intravenous substance abuse is substantial relative to such incidence in other geographic areas.

(c) Provision of Certain Services.—Grantees under subsection (a) may expend grant funds—

(1) to provide counseling and education services described in such subsection through outreach services to intravenous substance abusers; and

(2) to provide education services described in such subsection through the dissemination of information throughout the geographic area involved, including dissemination in school systems and through means of mass communication.

(d) Funding of Program.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 25 percent for the purpose of carrying out this section.

SEC. 6. GENERAL PROVISIONS.

(a) Requirement With Respect To Increase in Services.—The Secretary may not make a grant under any of sections 3 through 5 to an applicant unless the applicant agrees that the applicant will not expend amounts received under the grant involved to supplant any funds otherwise available to the applicant for the purpose for which such grant is to be made to the applicant.

(b) Requirement of Application.—The Secretary may not make a grant under any of sections 3 through 5 to an applicant unless the applicant has submitted to the Secretary an application for the grant involved. The application shall, with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary and shall otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out such purpose.

SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $200,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "intravenous substance abuse" includes substance abuse through subcutaneous injection and intramuscular injection.

(2) The term "Secretary" means the Secretary of Health and Human Services.

[From the New York Times, Jan. 23, 1988]

CONTAIN AIDS BY TREATING ADDICTS

New York City has long had to cope with crimes committed by its 200,000 heroin addicts to finance drug purchases. Now they pose a new danger. By sharing the needles they use to shoot up, they spread AIDS. Mayor Koch deserves praise for recognizing the need to increase the city's drug treatment capacity. State officials, already taking steps to boost drug treatment, would earn more credit by finding the funds for the Mayor's plan.

City officials recently made the alarming discovery that 53 percent of AIDS-related deaths in the city occur among intravenous drug abusers, a figure that far exceeds the percentage among gay and bisexual men. While the authorities despair of curbing the drug problem through law enforcement, treatment offers some hope. Most addicts eventually seek help; many more would if more help were freely available.

But residential drug treatment programs offer fewer than 5,000 spaces in the city; expansion would require heavy investments to acquire and staff new facilities. Methadone, a drug that blocks heroin craving and permits a normal life, offers more promise. It is now dispensed on an outpatient basis to about 29,000. Tens of thousands more could be accommodated in city hospitals and clinics with only modest increases in resources and an easing of legal requirements for counseling.

Governor Cuomo recently approved state funding for 5,000 more methadone treatment "slots." Mayor Koch now would extend hours of drug treatment centers to add an additional 3,000 addicts. He also would set up new drug treatment programs in city-owned buildings. He estimates an initial added cost of $5 million and asks the state to come up with the money.

That's appropriate. The state has paid for drug treatment in the city since the fiscal crisis of the 70's. And Mayor Koch offers more than just time and space. He pledges to face down any community objections. A prompt state response could hold him to that pledge and help contain the AIDS epidemic.●

By Mr. KENNEDY (for himself, Mr. SIMON, and Mr. MOYNIHAN):

S. 2015. A bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program; referred to the Committee on the Judiciary.

IMMIGRATION LEGALIZATION DEADLINE

● Mr. KENNEDY. Mr. President, today I am joining Senator SIMON, Senator CRANSTON, and Senator MOYNIHAN in introducing legislation to extend the application period for the immigration legalization program for an additional 12 months. The application deadline set by statute is May 4, 1988, but all indications are that the program may well need some additional time for those eligible to apply.

I propose this extension because I believe the program has been a success to date. Immigration officers in the field have exhibited extraordinary dedication to this program, along with the hard-working staff of churches and community groups around the country. And this dedication has overcome many of the monumental obstacles faced in getting the program underway.

The result is that, to date, some 1.2 million persons have applied for legalization.

But reports I have received suggest that there are still hurdles ahead—that there are still pockets of eligible illegal aliens who have not yet come forward for the amnesty. I believe even more can be done with this population with more time.

Public education and information has been slow. Word of the program's achievements—that illegal aliens can apply without fear of deportation—has not yet adequately reached undocumented alien communities. And the Immigration Service has made some commendable midcourse adjustments in the regulations governing the program which need time to take full effect.

Like many others, I personally have tried to contribute to the public education campaign by taping public service announcements for the Immigration and Naturalization Service. But now, fully 6 weeks after the taping, the Immigration Service has only now prepared these announcements for airing. I am confident that this situation will be corrected soon, but nonetheless it illustrates the fact that public education of this magnitude is tedious and slow.

The Immigration Reform and Control Act envisioned a 6-month period of public education before the legalization program began. However, the first advertising for the amnesty followed, rather than preceded, the start of the amnesty.

Mr. President, some of the blame for the slow start on public education lies with Congress. The immigration reform law was enacted in November 1986, after we had already wrapped up appropriations for the 1987 fiscal year. And we did not pass a supplemental appropriations bill until July 11—well after the legalization program had already begun.

On this point, Mr. President, we can afford to be generous. We can afford to give the program the benefit of the doubt. For the legalization program has proceeded to date at little or no expense to the taxpayer. As mandated by statute, it is funded through application fees.

So, too, would an extended application period be self-funded.

An extension would in no way alter the requirements for legalization. In other words, only those already qualified for legalization would benefit from extension of the application period.

Hopefully, Mr. President, this legislation in the end will not be necessary. Hopefully, we can take stock of the legalization program in a few weeks and find that the last-ditch public education efforts by the Immigration Service and church and community groups are paying off.

But I believe it is important not to lay the groundwork for an extension of the application period, should it be necessary.

Throughout the debate over the Immigration Reform and Control Act we in this Chamber stated repeatedly that this legalization was a one-shot deal. If this is indeed to be a one-time effort, we need to be sure that the job is complete before we close the books on this humane and important program.

I ask, Mr. President, that the text of my bill be printed at this point in the RECORD, as well as relevant articles from the press.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR EXTENSION OF APPLICATION PERIOD UNDER THE LEGALIZATION PROGRAM.

(a) IN GENERAL.—Section 245A(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(1)(A)) is amended by striking out "12-month period" and inserting in lieu thereof "24-month period".

(b) CONFORMING AMENDMENTS.—(1) Section 245A(a)(1)(B) of such Act is amended—

(A) by striking out "first 11 months of the 12-month period" and inserting in lieu thereof "first 23 months of the 24-month period", and

(B) by striking out "18-month period" and inserting "24-month period".

(2) Section 201(c) of the Immigration Reform and Control Act of 1986 (Public Law 99-603) is amended—

(A) in paragraph (1), by striking out "two years" and inserting in lieu thereof "3 years", and

(B) in paragraph (2), by striking out "18 months" and inserting in lieu thereof "30 months".

[From the Boston Globe, Nov. 6, 1987]

AMNESTY DEADLINE EXTENSION URGED

(By Andrew Blake)

Cardinal Bernard Law and Mayor Flynn, saying the federal amnesty program for aliens has been a failure, joined with the Massachusetts Immigrant and Refugee Advocacy Coalition yesterday in calling for an extension of the amnesty deadline next May.

"The promise of the amnesty bill has not been fulfilled," Law said at a news conference in the Haitian Multi-Service Center in Dorchester. Fear, he added, is keeping thousands from applying to the Immigration and Naturalization Service for legal status.

"The termination date should be extended for six months to fulfill the original intent of the law. The bill took six months just to get off the ground," he explained.

Congress last year established an amnesty period for aliens who have lived continuously in this country since Jan. 1, 1982. The program expires on May 4, 1988. Law, Flynn and the coalition also called on Congress for new legislation to cover aliens who entered the country after the Jan 1, 1982 cutoff date.

Although the INS estimates that 3.9 million undocumented aliens nationwide would benefit from the program, only 733,700 have applied. Locally, of about 60,000 who could achieve legal status, only 4,200 have applied, according to the immigrant coalition.

"This law was a reform that never happened. It needs to be revised. It needs to be more open," said Flynn. Last month, Flynn established an outreach program for aliens regardless of their legal status. The program, the first of its kind in the nation, offers free medical and legal assistance.

Earlier in the week, Kitty Dukakis, the governor's wife, urged illegal immigrants to apply for amnesty before the federal program expires in May.

"I realize that many of you have not applied because you are afraid you will be deported or your family will be separated," she said Wednesday at a State House news conference. "Please be aware that the information in your application cannot be used to deport you or your family."

The state's Executive Office of Human Services, recognizing the growing population of legal and illegal immigrants in Massachusetts, Wednesday expanded its refugee assistance program to include all immigrants.

The program primarily operates as a referral service for aid such as legal advice, medical help and information on the amnesty offer for illegal aliens.

In a 17-page report, the immigrant coalition found that aliens are not coming forward in large numbers because they fear the INS, have little knowledge about the amnesty program, are put off by excessive documentation requirements and are concerned about being separated from other members of their family.

Muriel Heiberger, executive director of the immigrant coalition, said the INS should liberalize its policies on the national level rather than follow the most strict interpretation of the amnesty law. Local INS offices, she added, have been courteous and cooperative but must follow policies dictated in Washington.

Cardinal Law said some 3,500 people in the Archdiocese of Boston have asked about amnesty in recent months and some 130 applicants, aided by the church, are being processed by the INS with "another 100 in the pipeline."

"This does not begin to address the potential number of people who could benefit from this bill," said Law.

[From the New York Times, Nov. 3, 1987]

DON'T LET THE AMNESTY DOOR SLAM

Congress passed the Immigration Reform and Control Act last year to make it harder for new illegal aliens to stay in this country—and easier for old ones. The act provided amnesty for aliens who had been here since at least 1982. But they were given only 12 months to apply, and even that time has been constricted. Fairness alone would impel Congress to keep the legalization door open an additional year, to May 4, 1989.

The first goal was to deter illegal immigrants by forbidding employers to hire them. Early evidence indicates that this goal is being met. The second goal was to bring out of the shadows hundreds of thousands of aliens who have lived in this country illegally, and furtively, for years. This goal has been less well met.

Many of the eligible aliens need more time to apply. The immigration and Naturalization Service did not start taking applications until May 5. So far, across the nation, less than a million illegals have applied for legalized status; less than 50,000 are from the New York area. I.N.S. legalization offices are operating at 50 percent capacity in the West and only 20 percent in the East.

If these rates continue, the program will legalize far fewer aliens than anticipated. Also, the approval process has been painfully slow. Only 75,000 amnesty requests have been granted. The most effective way to spur applications is to decide cases and let beneficiaries spread the word.

It comes as no surprise that the Immigration Service is still ironing the wrinkles out of this massive effort. There have been computer problems. National and regional information campaigns take time to develop. Outreach and networking have been inadequate: it takes vast effort to penetrate thousands of aliens enclaves. In addition, clarification is needed for regulations about length of continuous residence, proof of employment and policies regarding the protection of family members.

Aliens, some daunted by language, have hung back. Some don't understand the new law. Some fear, incorrectly, that even if one member of a family is eligible for amnesty, a spouse, parents or children could be deported based on information on the application form. There must be time for accurate information to be disseminated and digested, and for understanding and trust to develop. The Immigration Service is, after all, the agency that deports people.

The Service has worked hard to make the amnesty program work. By extending legalization to May 4, 1989, Congress would insure that it does.

[From the Dallas Times Herald, Dec. 20, 1987]

GIVE AMNESTY MORE TIME

No single law has had more impact on Texas during the past year than the Immigration Reform and Control Act of 1986, which provides amnesty for undocumented aliens who have lived in the United States continuously since Jan. 1, 1982. After years of wrangling, Congress passed the act to help control the flow of illegal immigrants into the United States. It was signed into law on Nov. 6, 1986.

Implementation of the law required a delicate touch, but the responsible organization, the Immigration and Naturalization Service, has proceeded with a heavy hand. Still, the INS was the only government agency that could do the job.

Suddenly, by the stroke of the presidential pen, the INS was told to switch gears: from the agency that tenaciously hunted down illegals and deported them to a kindhearted agency extending the olive branch of amnesty.

Little wonder illegal aliens reacted with fear and suspicion.

While the INS originally projected that about 4 million undocumented aliens would apply for amnesty, only about 1 million have surfaced. Yet the backlog on processing applications is huge—only about 15 percent of the applications have reached a final determination. And many experts feel the INS is letting other business go to deal with the amnesty overload.

Granted, the INS was given a massive task in establishing 107 amnesty centers around the country and publicizing the new law. But imagine how overloaded the system would be if the expected number of illegals had applied.

Distrust of the INS is not the only reason for the slow rate of amnesty applications. Lack of knowledge is another key factor. That's why the Dallas Times Herald has made this story a top priority—publishing information in Spanish as well as English. But in New York, for instance, where only about one-fifty of illegals believed to be there had applied for amnesty a year after the law was passed, efforts to publicize the new law have only recently begun to pick up steam.

It's unfortunate that public service announcements about amnesty are rarely shown on television during prime time.

Still, given time, the public education program will be successful. Eventually, the word will spread and most illegals will understand the opportunity they are being offered. That, however, is only part of the remedy.

A Times Herald survey being published today indicates as many as 40 percent of those eligible for the legalization program are not applying—not because they aren't aware of the program, but because they cannot meet the rigorous documentation requirements, fear the government and are afraid they will be separated from their families.

The question of family unity is critical. Splitting up homes is hardly the American way, and illegal aliens must be treated by American standards. Legal or not, they are here. It demeans us to use totalitarian methods to cure our immigration problems. Congress has been unwilling to deal with the question of spouses and children. In October the lawmakers voted down an amendment to extend amnesty to members of a qualified illegal's nuclear family. Last week, by one vote, House-Senate conferees killed a comparable amendment that was to be attached to the omnibus spending bill.

Congress should reconsider. While splitting up families may be justified on abstruse, technical grounds, we find it distasteful to force people to trade their spouses and children for a chance at U.S. citizenship. The INS has said children won't be deported, which leaves spouses at risk.

It seems the INS is having a difficult time adapting to its new role. The agency cannot resist playing hardball with illegals, with continuing raids and the recent directive that illegals better not be foolish enough to return home for Christmas without U.S. government permission—granted only for medical emergencies.

That's a wonderful way to encourage people to come forward.

Until either the INS or Congress finds the courage and compassion to assure illegals they can apply for amnesty without jeopardizing their families, the application rate will remain to low.

For immigration reform to work as planned, those eligible for amnesty must receive it. Sanctions against employers who hire undocumented aliens, which had to be delayed because of the INS' faulty education program, are now rumbling into action. That's essential. It cuts off the primary attraction of the United States to illegals—jobs.

But there are problems with employer sanctions as well. Fraud has surfaced in many cases, especially in the Special Agriculture Worker program. In Florida, for instance, as many as half of the 42,000 SAW applicants are suspected of using bogus documents to back up their claims.

The INS has also had a problem of districts using different guidelines. This creates confusion and encourages illegals to "shop" for a district to suit their needs. Clearly, all illegals should meet the same standards.

Guaging the effectiveness of immigration reform is difficult. Its ultimate goal is to bring U.S. borders under control. But the only quantitative tool available to measure its success is the number of apprehensions. Although border arrests have dropped by 30 percent since the law's implementation, there's no way to tell if this means fewer illegals are crossing the border or if it is simply the result of less stringent enforcement.

Given the numerous problems, it seems apparent that the May 4, 1988, deadline for amnesty applications must be extended. Rep. Charles Schumer, D-N.Y., is ready to introduce a bill for a one-year extension, and Congress should approve it.

Extending the arbitrary deadline only enables more qualified illegals to apply for amnesty; it does not alter the qualification requirements. While some deadline must be kept to encourage illegals to act quickly, there is no reason not to extend it long enough for the INS and Congress to get their act together.

[From the New York Times, Jan. 3, 1988]

AMNESTY REQUESTS BY ALIENS DECLINE

(By Peter Applebome)

The number of aliens applying for legal status under the new immigration law has dropped steadily in recent months, raising serious questions about whether the program will reach its envisioned total of two million applicants before it ends May 4.

Requests have been made that the one-year program be extended. The situation is also contributing to a debate about the effectiveness of the immigration law and to calls for expanding the number of aliens eligible for amnesty. The law led to the largest amnesty program in history.

MANY CASES NOT FULLY REVIEWED

Thus far 1.2 million aliens have applied for legal status under the terms of the Immigration Reform and Control Act, passed by Congress in November 1986. The number includes 240,000 seasonal agricultural workers and 904,000 aliens applying under the measure's provision for general amnesty.

Fewer than a quarter of the applications have been fully reviewed, with 92 percent of the 1.2 million, or 249,000 people, approved to be issued cards that prove their lawful status.

Applications have been steadily declining since September. At that rate, they would fall below the Immigration and Naturalization Service's estimate of 2 million and the total would not approach the 3.9 million figure that immigration officials used as the most optimistic estimate of potential applicants.

Immigration officials attribute part of the decline to the holiday season. They also say they expect a deluge of applicants in the final month, noting that such programs elsewhere have seen a frantic rush as they wound up.

While immigration officials oppose an extension, they concede that the turnout continues to be disappointing in some parts of the country, particularly Northeastern cities like New York and Boston.

The slow pace and relatively low number of applications that have been reviewed have led to calls for extension. Representative Charles E. Schumer, Democrat of Brooklyn, introduced a bill in December calling for a one-year extension of the application period until May 1989. Members of Congress returning from the holiday recess will find the bill in committee.

"OUT OF THE SHADOWS"

"The original intent of this program was to get the underclass out of the shadows and into the mainstream," said Muzaffar Chisti, who heads the legalization program for the International Ladies Garment Workers Union in New York. "That is not happening. We need more time."

Immigration officials are not alone in opposing extension. "I think there's something un-American about breaking a deal, and that's how people will see extending or expanding the program," said Patrick Burns, assistant director of the Federation for American Immigration Reform, a nongovernmental, nonprofit organization that opposes efforts to liberalize immigration policies.

"Instead of being thanked for an act of beneficence," Mr. Burns went on, "we're hearing the whining of the ungrateful. It's patently obvious this is a bottomless pit. They'll be damned lucky if amnesty isn't repealed altogether if they push this too far."

The immigration law offers legal status or amnesty to illegal aliens who can prove they have resided continuously in the United States before Jan. 1, 1982. More liberal amnesty provisions are included for seasonal agricultural workers.

The amnesty program is part of an approach that includes sanctions against employers who hire illegal aliens and stepped-up Border Patrol and immigration service enforcement agents. The goal is to deter further illegal immigration while offering the protection of legal status to aliens who have lived here since the beginning of 1982.

The amnesty program began slowly last May, amid criticism that the immigration service and counseling agencies set up to assist aliens were not prepared to take up their tasks at the beginning. But applications picked up in July and August, culminating in a record 64,574 in a week at the end of August.

Aliens applying for jobs had to apply for amnesty by the end of August to be hired to work, but applications dipped below 40,000 a week in mid-September for the first time since the beginning of July. They have continued to plunge since then, running below 30,000 a week since the beginning of November.

PROBLEMS ARE CROPPING UP

Interviews with counseling agencies across the nation and reports by groups involved with the matter in Boston, San Franscisco and New York suggest that the program has a number of nagging problems: inadequate publicity, overly strict interpretation of some parts of the law, fear of the immigration service and difficulties in documenting residence.

Most people involved agree, however, that the biggest barrier to broader participation is a failure to clarify the status of family members who are ineligible for amnesty on their own. The issue has raised fears that families will be split up if one member is eligible for amnesty but a spouse or child is not.

"We've found that a lot of people are simply disqualifying themselves because of the family unity question," said Lavinia Limon, executive director of the International Institute of Los Angeles. "It's very clear the law is not resulting in the balanced approach that Congress had in mind."

But Duke Austin, a spokesman for the Immigration and Naturalization Service, said Congress had voted down proposals last year to clarify and broaden the family unity provisions. "It's time to get that issue off the I.N.S.'s back," he said. "It was brought up in Congress and voted down. They couldn't pass it. It's totally unfair to keep carping at I.N.S. when Congress has made its intend clear."

HARDSHIP FOR THE HELPERS

The decline in applicants has caused particular hardship to the church and counseling groups established to aid aliens in applying.

The low turnout, coupled with a lower than expected percentage of applicants using the counseling groups, have resulted in strains on the groups' resources. Many of the agencies, which receive fees for processing the applications, say they are losing money because they established costly operations that are not bringing in as much income as had been projected. Many agencies have radically cut back their services.

In Los Angeles, Catholic Charities has cut back from 14 legalization offices to 5. Ms. Lemon said her organization had been reduced from 20 to 6 legalization workers.

"THREATS TO SMALL BUSINESSES"

There is a fear that the applicants still to come are the weakest cases that will need the most help, and that the agencies will not be prepared to offer it by the time the program ends. Most of the support for extension is from groups that work with aliens. These groups range from organizations working with Hispanic people to Irish organizations in Boston that help Irish aliens.

Some business groups question the program's effectiveness. "This law is not working," said Tom Rowland, executive vice president of the 1,200-member Restaurant Association of Metropolitan Washington. "There are jobs which are going unfilled. If we are going to get extra attention for employer sanctions, then we want extra attention for amnesty. We are saying this is not a temporary discomfort but a serious threat to small businesses."

But beyond the issue of extension, which critics and proponents alike agree has a good chance of passage, is all assessment of the amnesty program as a whole.

Amnesty was the most disputed element of the immigration legislation. Even those who wanted to see the applicant pool expanded by setting a later eligibility date admit they faced long odds. But some familiar with the matter say that so many aliens entered the United States after 1982—or do not apply under the current law—that the program will still leave a huge residue of illegal aliens. That appears most likely in the

Northeast, where the turnout for applications for legal status is the worst.

In a report on the program in New York state, Dr. Josh DeWind, director of the Immigration Research Program of the Center for the Social Sciences at Columbia University, concluded: "A major implication of the low legalization application rate for New York will be the continued existence of a large undocumented population, probably 80 percent of those currently here, which will be even more vulnerable to poverty and exploitation than in the past."

In an interview, he said: "The real problem is not in the program's time period or in the public education program, but in the bill itself and who it restricts. I would advocate a real amnesty to a recent date."

Groups like FAIR say extending or expanding the program would send out the worst possible signal.

"It would make a mockery of the immigration law and encourage illegal immigration to the United States," said Mr. Burns, the assistant director of FAIR. "There are a lot of folks in El Salvador and Mexico and Korea and the Philippines looking at us and asking, are we serious about enforcing the law? If we extend or expand it, not only are we telling them we're not serious—we're telling the 2 million people waiting to come here legally they were fools to believe in the American system."

[From the New York Times, Jan. 6, 1988]

THE MASSES: STILL HUDDLED

(By Jay Mazur)

A union official recently overheard a Haitian-born worker listening to a radio station broadcasting in Creole. Every word was in the man's native tongue, with one glaring exception: The Immigration and Naturalization Service's announcement about the amnesty program for undocumented workers was in English!

This illustrates one reason why, with four months to go in the yearlong amnesty period, perhaps one-quarter of the estimated 3.9 million "illegal aliens" eligible for amnesty have come forward. In the New York area alone, 80 percent or more of those eligible have failed to apply.

If the program falters, the United States risks perpetuating a threat to its social and economic stability as serious as any external menace: a vast underground society populated by millions of men, women and children who live furtively and fearfully, often at the mercy of unscrupulous employers.

The Immigration Reform and Control Act of 1986 was a carefully crafted compromise. It sought to control illegal immigration by penalizing employers who hire "illegals." It also offered legal residency to some, though by no means all, undocumented workers already in America.

Unfortunately, the amnesty provisions of the act are very restrictive. Only immigrants who arrived before Jan. 1, 1982, are eligible, insuring that an enormous pool of immigrants will remain ineligible and constantly subject to deportation. Even those eligible have only a year to apply and to complete an extremely difficult process of documenting their claims.

Problems with the law have been obvious since it took effect. People who came to America legally before Jan. 1, 1982, but later became illegal—say, because their temporary visas expired—are excluded from the amnesty. Eligible immigrants fear coming forward because their spouses or children are ineligible.

Moreover, the extensive documentation required by the Immigration and Naturalization Service to prove residency is overwhelming. For people who have gone to great lengths to conceal their true status, proving it becomes a formidable obstacle. Most import, I.N.S. publicity efforts have been inadequate: The message has not gotten through to millons of eligible people. And now to overcome the distrust of people accustomed to avoiding the I.N.S.?

To be sure, the I.N.S. has mounted a significant amnesty effort. Some 1.2 million people have entered the legalization process and most of them are likely to become resident legal aliens, eligible for citizenship. But the immigrants who have applied generally are those who are better educated, speak English well or work in unionized industries. The three million who have not applied—the large majority—tend to be the less educated, speak little or no English and work in marginal jobs. Thus, the amnesty program has not and will not reach the most vulnerable and exploited.

If the major immigration reform of this generation is to work, it must be liberalized. Unwisely, Congress failed to include in the law a guarantee of family unity, and should correct this mistake. Meanwhile, the I.N.S. can insure that no family will be separated as a result of one family member's applying for amnesty.

First, the amnesty period must be extended for a year; three or four million people cannot be legalized in a few months.

Second, the I.N.S. must use the longer period to launch an effective information campaign: Immigrants should learn about amnesty through the ethnic media and in their own languages. To help establish trust, the I.N.S. should spotlight the work of trade union, religious and community organizations that offer help. The employers of undocumented workers should play a larger role in educating eligible immigrants.

Third, the I.N.S. must simplify its burdensome documentation requirement and other rules. Congress declared an amnesty, and the I.N.S.'s job is to find eligible workers and legalize them, not to make legalization difficult.

The fears of some members of Congress that new immigrants would overburden public services are unfounded. Congress should extend the 1982 cutoff date and make a larger number of undocumented workers eligible for amnesty.●

● Mr. SIMON. I wish to join Senator KENNEDY, chairman of the Immigration Subcommittee, in sponsoring this measure to extend the time period to apply for legalization. This bill, when enacted, will go far to ensure congressional intent that aliens who meet the eligibility standards for amnesty be permitted to apply.

As a member of the Immigration Subcommittee, I have been very concerned with the success of the legalization program. To be sure, uncertainty regarding new administrative requirements for applying for legalization were to be expected, particularly in an undertaking as large as this one. The task of overcoming the historic fear and mistrust of the Immigration Service among the undocumented population just 6 months after the new law passed would have been difficult in the best of circumstances. So it is not to be critical of the INS or to point a finger at the agency when I cosponsor this bill. I support this bill simply in order for the law to have full opportunity and time to work.

The Immigration Service originally estimated that at least 200,000 aliens could be legalized in the Chicago area. As of January 12, however, only 65,323 applications had been accepted. In other words, fewer than one-third of those expected to be eligible have applied after two-thirds of the time to apply has elapsed. Worse, the trend in the numbers of applications—both in Chicago and nationwide—indicates a steady drop each month. Applications for all of November and December in Chicago were fewer than for the month of September. Nationally, the November figures were slightly more than half of the applications received in August. Most of these applications are still under consideration and have not been finally approved. The INS can rightfully be proud of making possible the new futures awaiting these individuals. But we can do better.

Our bill will give the Immigration Service more time to publicize the program—its requirements and its benefits—and will enable the community agencies, religious institutions and other interested parties to work with the INS to increase the number of participants in the legalization program. Legalization under the Immigration Reform and Control Act is a once in a lifetime proposition. Let's make sure that all of those who meet the eligibility standards set down by Congress and the INS have the full opportunity to take part in America.

Cardinal Joseph Bernardin of the Archdiocese of Chicago has recently called upon Congress to extend the legalization period and make other changes in the immigration law. I commend this statement to my colleagues and ask that it be entered into the RECORD with an article from the Chicago Tribune.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH CARDINAL BERNARDIN ON LEGALIZATION ISSUES

When the Immigration and Reform Act of November 1986 was passed, I shared the joy of many immigrants in Chicago. This was to be the opportunity of a lifetime, a chance to realize their hopes and dreams of becoming part of this country which they had come to call home. Now, a year later, I hear their fears and concerns, for this law is fundamentally flawed and simply is not doing what it was established to do.

First: I would add my voice to those who complain that the law is indifferent to keeping a family together. Under the present regulations, for example, a father who came here in December, 1981, could apply for temporary residency and then permanent residency; but his wife and children who may have come a year later could be deported. There are others who could be excluded because their children are developmentally or physically disabled. Have we created a law that allows for the destruction of the family?

Second: The amount of documentation required to make application should be greatly simplified. For example, proof of living here seems to duplicate proof of working here. Because of the fear of being apprehended, many have destroyed the very evidence that they now need. As the son of an immigrant couple, I know how confusing the laws and regulations of a new country can be.

Third: To qualify for legalization at the present time, one must prove residency in the United States since January 1, 1982, and applications must be filed before May 5, 1988. These dates should be changed because they contradict the intent of the law. To insist on a date of January 1, 1982 ignores the many people who have come to this country because of political and economic problems in Europe and Latin America during the past 5 years. I would urge an extension of the present law to lengthen the application period. Furthermore, I believe that the law should be amended to include all who have been here since November 6, 1986.

Those who minister to immigrants experience the hopes and fears of their people most directly. I am aware that a number of them, specifically the members of the Hispanic Caucus, are addressing this matter in a public way. I share their concern. For my part, while continuing our efforts to assist those who currently qualify for legal status, we must seek to correct the fundamental flaws in the legislation. Moreover, I recommit the Archdiocese of Chicago to work with all those who bring their fears, needs and hopes to the Church.

I believe we can effectively appeal for changes in this law and in the ways it is being interpreted and enforced. Further, I believe we must work within democratic processes to change the law, so that as many people as possible will truly benefit from the legalization process.

[From the Chicago Tribune, Jan. 19, 1988]

GROUPS URGE EASIER, BROADER AMNESTY FOR ALIENS

(By Constanza Montana)

The number of immigrants applying for legalization has been steadily declining in recent months, and state, city and private agencies are pushing for fundamental changes in the new immigration law to make amnesty easier.

Two-thirds of the way into the one-year legalization program, the number of immigrants who have applied is far below the original expectation of the U.S. Immigration and Naturalization Service.

As of Jan. 12, only 65,323 people have applied for legalization at the four Chicago offices, far below the 200,000 to 300,000 initially estimated to be eligible. And 1.2 million have applied nationally, below the 2 million to 4 million estimated to be eligible. The numbers of immigrants applying also have dropped steadily in recent months.

At a recent hearing, the Illinois Human Rights Commission, the Mayor's Advisory Commission on Latino Affairs and several private advocacy groups attacked the law and offered recommendations to amend it.

These recommendations include allowing illegal immigrants who have entered the country before Nov. 6, 1986, to apply; extending the application period to May 4, 1989; expanding the law to include ineligible family members of qualified immigrants; penalizing employers who fail to sign employment verification forms; standardizing and easing application procedures; and stengthening the public information campaign.

Under the Immigration Reform and Control Act of 1986, immigrants who can prove they have lived in the United States since Jan. 1, 1982, without prolonged absences, felony criminal activity or dependence on government cash assistance are eligible to apply for legalization until May 4. Under the law, those who entered the country after Jan. 1, 1982, are not eligible.

The Chicago Committee on Immigrant Protection, a coalition of 40 local organizations serving immigrant needs, called for extending legalization to immigrants who have entered this country illegally before Nov. 6, 1986, the date the law was enacted, and for prolonging the application period by one year.

"The burdensomeness of [the law], needing to prove 5½ to 6½ years of residence, financial responsibility and trouble-free existence in the USA, is overwhelming," said Sister Bernardine Karge, an attorney with the Archdiocese of Chicago Catholic Charities legalization program, at a hearing sponsored by the Governor's Inter-department Task Force on Immigration and the Illinois House Speaker's Task Force on Immigration Reform.

"By extending the qualifying entry date beyond Jan. 1, 1982, the family unity issue . . . and many thorny aspects of document retrieval . . . will be more easily defused," she said. "By expanding the application date beyond May 4, 1988, for at least one more year . . . more eligible aliens will be able to apply."

But last Wednesday, Commissioner Alan Nelson of the Immigration and Naturalization Service said he was opposed to extending the amnesty deadline, and he warned that legislation and even proposals to prolong the year-long program could cause confusion among illegal immigrants and make them miss the application deadline. A.D. Moyer, director of the INS Chicago district, said he would consider any extensions "bad government."

Sister Karge and others contend that the difficulty of documenting residence in this country, fear that family members who do not qualify for the law will be deported and a poor public information campaign are responsible for the lower-than-expected number of immigrants applying for legalization in Chicago and nationwide.

But Moyer said he expects the INS legalization offices "to be flooded the last 30 days" of the application period. He conceded that the difficulty of gathering documentation and "apathy" are keeping most of the eligible immigrants from applying.

"The majority who haven't applied and are eligible appear to be the group that can't get sufficient documentation," he said. "I would be petitioning the commissioner to get an extension of time, but these individuals haven't been able to get their paperwork together in eight months," often because they cannot locate their former employer or that person is unwilling to sign a work verification form, which is necessary to apply for legalization, he said.

David Strauss, executive director of the Illinois Human Rights Commission, said Congress could amend the immigration law "by making it a violation to fail to fill out a verification letter."

Moyer also said that 6 to 10 percent of eligible immigrants have not applied "because of concerns of family unity." The INS's "family fairness" policy states that if both parents qualify for legalization, the INS will not deport children if they are apprehended. Moyer said he would release this week a "format to start dealing with the spouses and minor children of legal applicants."

But that position is small comfort to immigrants still suspicious of the process, said Esther Nieves, executive director of the Mayor's Advisory Commission on Latino Affairs. She said Congress must be pressured to pass a law that addresses the needs of families with only one member qualified to apply for legalization, she said.

David Marzahl, coordinator of the Chicago Committee on Immigrant Protection, said the low application figures "clearly point to the failure of the amnesty program to bring out of the shadows the hundreds of thousands of immigrants who have been living underground for years."

Marzahl and other immigrant advocates say the INS's inconsistent policies hinder the program.

For example, the INS's Belmont and Pulaski legalization offices require photo identifications in each application, though the regulations stipulate that a birth certificate should be sufficient, said Cecelia Munoz, director of the Catholic Charities' legalization program.●

Mr. CRANSTON. Mr. President, I am pleased to join my good friend from Massachusetts [Mr. KENNEDY] in introducing this bill today that will extend the application period for legalization under the new immigration law for 1 year. The extension of the application period until May 4, 1989, is a reasonable and necessary step to assure that all undocumented persons who have arrived in the United States prior to January 1, 1982, will have the opportunity to legalize their status.

My colleagues may recall that on the first year anniversary of the President's signing of the Immigration Reform and Control Act of 1986 into law I expressed my concern that the legalization program may not achieve the goals we intended because many people who appear to qualify for legalization are not coming forward to apply. For a State such as California, where an estimated half of the undocumented population of the country reside, the failure of the legalization programs—for persons who have arrived in the United States prior to January 1, 1982, as well as for farmworkers who could apply for legalization under the Special Agricultural Workers Program—could have a significant negative social and economic impact.

In my remarks on November 6, 1987, I specifically noted that many undocumented immigrants who appear to meet the legalization criteria are not applying for legalization because they fear that their ineligible family members will be deported. I pointed out that the policy announced by the Immigration and Naturalization Service [INS] last fall to address this situation did not resolve the problem because it did not provide adequate assurance that families will not be separated. Although I joined eight other Senators in urging INS to change its policy, as of this date INS has refused to do so.

In addition to the fear of family separation, I have been informed that many apparently eligible individuals are not applying for legalization because of the cost of the application process, the difficulty of gathering the necessary documentation, and the lack of information regarding the legalization program. A number of groups and individuals have complained that the legalization program got off to a slow start, and that many undocumented people are still confused as to whether they qualify for legalization. The fact that INS has changed and modified its regulations pertaining to eligibility for legalization has contributed to this confusion.

I am especially concerned about the failure of the Asian Pacific community to participate in the legalization program. In an editorial which appeared in the Los Angeles Times, November 17, 1987, entitled "Circumstances of Asians Call for Amnesty Extension," the author pointed out that:

> It is estimated that in Southern California alone, there are 100,000 to 150,000 undocumented Asian Pacifics. Yet in the INS' entire Western Region (Arizona, California, Hawaii and Nevada) only 29,000 Asian Pacific applications have been filed.

The author goes on to make a point which has been stressed to me over and over again by State government agencies, church organizations, unions, employers, and the undocumented themselves:

> The INS has already reached the easy-to-reach immigrant; it is the underground immigrants—those suffering the most—who have yet to apply. It takes time and effort to get the word out to these people. Simply to suggest that a year has passed since the act was passed does not satisfactorily resolve problems of communication, policy and documentation.

Mr. President, I ask that the full text of this editorial be printed in the RECORD at the conclusion of my remarks.

In sum, Mr. President, I believe that there is ample evidence indicating that an extension of the application period for the legalization program is warranted. I am not persuaded by the arguments put forth by the INS that the legalization program is successful given the number of applications it has received to date. While INS hopes to receive 2 million applications by the May 4, 1988, deadline, there is no guarantee that in fact that number of applications will be filed. Moreover, there are some estimates that twice that number could qualify for legalization if the program were to be administered in a manner consistent with congressional intent.

When we passed the immigration reform legislation in 1986 we realized that the task of legalizing this country's undocumented population was indeed monumental. We must not leave that task half done. I urge my colleagues to support this legislation.

[From the Los Angeles Times, Nov. 12, 1987]

CIRCUMSTANCES OF ASIANS CALL FOR AMNESTY EXTENSION

(By Stewart Kwoh and Andrew Cushnir)

The U.S. immigration amnesty program, designed to bring into the mainstream millions of undocumented immigrants who have been living in the shadows of American society, needs to be given a fair chance to fulfill its purpose. Without an extension of the May 4, 1988, deadline, hundreds of thousands of those eligible may remain forever trapped in our underground culture and economy.

A year ago, President Reagan signed this significant immigration reform legislation—The Immigration Reform and Control Act of 1986. One provision of the complicated and controversial act created the amnesty program.

To qualify for the program, an individual must satisfy a long list of requirements. Most important, he must be able to prove that he has continuously lived in this country illegally for at least five years. Qualified people have just one year—from May 5, 1987, to May 4, 1988—to compile the necessary documentation and apply.

The first problem is that many eligible applicants, conditioned for years to fear the Immigration and Naturalization Service, are reluctant to come out of hiding and trust the INS.

Also, INS officials are still revising eligibility regulations. But many people, previously rejected by the INS under the old rules, are unaware of favorable changes. There has not been enough publicity to let them know that they are now eligible.

Although we generally think of the undocumented Latinos when we think of the amnesty program, the undocumented Asian Pacific community, which is having a particularly difficult time with the program, illustrates how much work still needs to be done. The INS' appointment of three Asian Americans this week to help set up outreach programs is a step in the right direction.

To immigrants who speak little or no English and are fearful of government officials, coming forward to apply for amnesty is an intimidating process. Consequently, relatively few Asian Pacifics have applied. It is estimated that in Southern California alone, there are 100,000-150,000 undocumented Asian Pacifics. Yet in the INS' entire Western Region (Arizona, California, Hawaii and Nevada) only 29,000 Asian Pacific applications have been filed.

In a typical example, an eligible Asian woman decided not to file a legalization application because her husband and children did not qualify. She feared that the information in her application would be used against her family and lead to their deportation. She did not understand that all applications are confidential.

The INS recently increased its focus on this outreach issue and has taken some constructive steps. Through several meetings the agency expanded the role of the Asian Pacific Liaison Committee to solicit the help of community leaders in publicizing the program, and last month application documents were released in the eight major Asian Pacific languages. Given time, these initiatives and current intensive outreach campaigns by several Asian Pacific American organizations will help bridge this communication and trust gap, but they are expanding when the amnesty year is half finished.

Initially, the INS estimated that it would process up to 4 million to 5 million amnesty applications nationally. Now they say they hope to reach 2 million people. Many agencies and community organizations believe that the original figures were accruate.

If so, what will happen to the other 3 million people? They will not simply go away. The undocumented are here because they are independent, creative, ambitious and sometimes, in the case of refugees fleeing war-torn countries, desperate people. Those who qualify for amnesty deserve a chance to participate in the program.

Despite all of these problems, the INS and Congress seem unwilling to extend the amnesty deadline. It is argued, based on new figures showing a decline in amnesty applications, that no more time is needed. Not true—the decline is simply a product of the law of diminishing return. The INS has already reached the easy-to-reach immigrant; it is the underground immigrants—those suffering the most—who have yet to apply. It takes time and effort to get the word out to these people. Simply to suggest that a year has passed since the act was passed does not satisfactorily resolve problems of communication, policy and documentation. By extending the amnesty program just six months we can integrate hundreds of thousands of additional eligible immigrants into American society.

As a nation we have a choice to make. Do we resign ourselves to the creation of two classes of Americans—the unprotected citizen and the vulnerable undocumented immigrant? Or do we extend the amnesty program and work toward a humane, fair and consistent policy that offers the promise of America to all responsible, long-time residents who live within our borders? The choice is clear and Congress should act immediately to extend the amnesty program.

By Mr. D'AMATO:

S. 2016. A bill to impose a legislative ban on and require a rulemaking with respect to, certain all-terrain vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EMERGENCY ALL-TERRAIN VEHICLE SAFETY ACT

● Mr. D'AMATO. Mr. President, I rise to introduce the Emergency All-Terrain Vehicle Safety Act.

The December 30, 1987, settlement of the U.S. Consumer Product Safety Commission's imminent hazard case against the manufacturers of all-terrain vehicles [ATV's] is likely to become final by February 13, 1988. Today I testified before the House Subcommittee on Commerce, Consumer, and Monetary Affairs to express my strong opposition to the settlement. The bill I am introducing today will correct the glaring inadequacies contained in the settlement.

Since 1982, ATV accidents have claimed at least 59 lives in New York State—we are second only to California. Nationwide, ATV's have been responsible for more than 900 deaths and over 330,000 serious injuries requiring hospital emergency room treatment.

If I could believe that the Federal Government's ATV settlement would help to reduce the imminent hazard that ATV's pose to consumers, especially to children, I would not be introducing this bill today. If I were convinced that the CPSC and the Justice Department had fought a tough legal battle or had engaged in serious negotiations to achieve the greatest degree of consumer protection possible without years of litigation, I would not introduce this bill.

Unfortunately, this settlement is a sham and the American public deserve to know it. It is nothing less than a bill of rights for the Japanese-based ATV manufacturers and an insult to American consumers.

This settlement is an embarrassment to the American public. It is the worst example of how a government agency has acted on behalf of the foreign Japanese manufacturers at the expense of American consumers. The manufacturers have waltzed away with a package that will provide them with litigation insurance for the years of individual court battles that are ahead. There were no real negotiations here. The settlement is virtually identical to the first offer made by the Japanese manufacturers in a letter to CPSC on December 3, 1987. In fact, the settlement contains less than what the American ATV manufacturer, Polaris of Minnesota, offered in a separate letter on that same date. It is a stunning victory for the Japanese-based ATV companies.

Let's look at the facts. The settlement does not include consumer refunds for three-wheeled ATV's and the adult-sized ATV's bought for use by children under age 16. It falls far short of the relief authorized by the Commission in December of 1986, and the complaint filed by the Justice Department last December. It does not even match what the only American ATV manufacturer has offered. Consumer refunds are the only effective means for keeping children off adult-sized ATV's: 90 percent of ATV riders aged 12 to 15 ride adult size ATV's. Nearly half of the ATV injuries and deaths are to children under age 16.

This story settlement does nothing for the thousands of American children who are going to be killed and maimed by these products. CPSC's own data show that if there were only four-wheeled ATV's operated by drivers age 16 or older, this could save nearly 100 lives and 60,000 injuries per year. The consumer refunds, dropped from this settlement, would have gone a long way toward making this happen.

Chairman Scanlon has indicated his concerns that refunds wouldn't have worked because used ATV's returned for refunds could still be sold to untrained purchasers. Nothing in this settlement prevents the sale of used ATV's. Supporters of the settlement also claim that if after 1 year this settlement does not reduce ATV deaths and injuries that CPSC can go back and seek refunds. That will be a monumental job. The settlement requires that a "go back" be based on new and substantial evidence—if the current statistics of 20 ATV deaths per month do not increase, or even if they do, is this "new" evidence? Industry is likely to argue that proof of a product defect is that type of new evidence required to reopen the case.

Dropping the demand for refunds is outrageous when the only major American manufacturer—Polaris—had agreed to provide refunds. Here we have an American company willing to take responsible action, while the Japanese-based companies whose ATV's constitute the lion's share of products in the United States are unwilling to do this. Perhaps more shocking is that the Federal agencies charged with protecting consumers were unwilling to fight for them.

Instead of assuming responsibility for tackling the enormous concerns raised by ATV death and injury data the CPSC majority—with the exception of Commissioner Anne Graham—shirked their duty by running to give the industry the keys to the store. This settlement is a bigger giveaway than the Publishers' Clearinghouse sweepstakes.

Defenders of this settlement claim that refunds are too expensive. Really? Each year, since 1985, we have spent over a billion dollars on ATV deaths and injuries. Last year ATV companies sold about 500,000 new ATV's at an average price of $2,000. Instead of refunds, Chairman Scanlon says that "hardheaded negotiations" resulted in a settlement that is in the public interest. What did the public get? Let's look.

The settlement requires consumers to sign what amounts to a manufacturers' and dealers' liability release form when they purchase an ATV. It provides for a watered-down form notice from the manufacturers to dealers and consumers that does not emphasize the hazards to kids. It includes a public awareness campaign that is not spelled out to indicate if it will approach the type of expensive, world series prime-time hype that induced millions of consumers to buy ATV's for family fun. Training courses provided for are unlikely to attract sufficient numbers of riders because no incentives are provided to induce them to take the courses. And the crowning achievement of the settlement—the "stop sale" of three wheelers—is not a stop sale, it is at best a brief moratorium. One day after the settlement was filed, American Honda stated that it would store the three wheelers returned by dealers and expected to be able to sell them again in several months.

Supporters of the settlement say that it represents the only alternative to years of protracted, costly litigation and that it is the most protection that could be obtained for the least amount of time and money. This is nonsense. This settlement is not the most for the least, but the least for the longest amount of time.

The CPSC has been analyzing the ATV problem since 1984. Since that time there have been 20 deaths and 7,000 injuries per month on ATV's. CPSC's imminent hazard case languished at Justice from February 1987 until December 11, 1987 when Justice declared that it was prepared to immediately file suit seeking all the relief authorized by the CPSC including consumer refunds. Scanlon, through such actions as removing the two lead attorneys familiar with the case, made sure that there would be no quick movement on the litigation until a deal suitable to the industry could be worked out. Meanwhile, the ATV industry continued to push their ATV inventories on unsuspecting consumers.

The emergency all-terrain vehicle safety bill bans future sales of three-wheeled ATV's and designed for use by children under age 16. It provides for reasonable refunds to consumers who purchased three-wheeled ATV's, adult-sized ATV's intended for use by children under age 16, and child-size ATV's. Free hands-on training courses coupled with incentives to encourage ATV owners actually to take the courses are required, as well as, an extensive public notice and warning campaign. Moreover, CPSC is barred from requiring consumers to execute written promises as to their use of ATV's. If CPSC failes to issue an emergency rule within 60 days to implement the refunds, notice, warning, and training, then the sale of all ATV's would be prohibited.

Mr. President, I urge my colleagues to support this urgent safety legislation.●

By Mr. DOLE (for himself, Mr. SIMPSON, Mr. STEVENS, Mr. MCCAIN, Mr. HOLLINGS, Mr. BENTSEN, Mr. SHELBY, and Mr. STENNIS) (by request):

S.J. Res. 243. Joint resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress; to the Committee on Foreign Relations.

CONGRESSIONAL APPROVAL OF PROPOSED AID TO NICARAGUAN DEMOCRATIC RESISTANCE

Mr. DOLE. Mr. President, today, at President Reagan's request and because of my own strong conviction that this is the right thing to do, I am introducing the joint resolution of congressional approval for the President's proposed aid package to the freedom fighters in Nicaragua—the so-called Contras.

This joint resolution will enjoy the expedited procedures laid out in House Joint Resolution 395—the fiscal year 1988 continuing resolution. The Senate will vote on this matter February 4.

It is a crucial vote; a vote we must win, to preserve the chance for real peace, and true democracy, in Central America.

It is a vote we cannot duck—no matter how many "fig leafs" and "smokescreens" the House Democratic leadership dream up.

The cry we hear today is: Give peace a chance. The problem is: The only place we hear that cry is in Washington. But this war didn't start in Washington; isn't being sustained from Washington; and is not going to be ended in Washington.

I don't know of anyone in Washington who isn't ready to give peace a chance. Ronald Reagan is—as he has made clear, in every word and deed since the Arias plan was signed in Guatemala City. Ronald Reagan is giving peace a chance.

But what about Mikhail Gorbachev? What about Fidel Castro? What about Daniel Ortega? Are we demanding that they, too, give peace a chance?

Are we demanding that Gorbachev and Castro stop sending military aid and military advisers to the Sandinistas? Are we demanding that Ortega refuse such aid?

The excuse we hear is: Well, Ortega needs the aid, because we support the Contras. Hogwash.

I'll make this deal today, with any opponent of Contra aid who wants to make it: Have the CIA report to Congress on Communist bloc military aid to the Sandinistas; and the American aid to the Contras directly to what's in that report—for every dollar the Communist bloc gives to the Sandinistas in military aid, we'll give just a quarter to the Contras.

So if Gorbachev and Castro want us to end Contra aid, they can just cut off Managua. If Ortega wants us to end Contra aid, he can just refuse the largesse of his Communist mentors—go cold turkey.

Let's just see if Gorbachev, and Castro, and Ortega are willing to give peace a chance.

Or how about this? I keep hearing Contra aid opponents demanding that we "heed the voices of the Presidents of the Central American democracies." A good suggestion. Why don't we ask each of those Presidents to send to us in the Congress a confidential, two-sentence report. The first sentence would be: "The Sandinistas are—or are not—supporting an insurgency and terrorism in my country." The second sentence would be: "The Sandinistas are—or are not—in full, repeat full, compliance with the Guatemala City accords."

That's all we need—those reports every month. And the first month we get four reports saying: "The Sandinistas are not supporting an insurgency and terrorism, and are in full compliance with the peace accords"—the first month we get that report from each of the four Presidents: We cut off military aid to the Contras.

So if Ortega wants to stop our military aid, all he has to do is stop his aid to the insurgents; and stop his oppression of the Nicaraguan people.

Let's see if Daniel Ortega and his Sandinista cronies are really interested in giving peace a chance.

There won't be any takers for either of these offers. And I'll tell you why. Because opponents of Contra aid know—if we make our decision on Contra aid on the basis of the real intentions, actions, and good faith of the Communists in Managua, Havana, and Moscow—if that's what determines our decision, then Contra aid will continue.

Mr. President, why don't we demand of Gorbachev and Castro and Ortega at least as much as we demand of ourselves? Why do we insist on always putting the monkey on our own back?

The suggestion that the United States is perpetuating a war in Nicaragua is hogwash.

Sandinista oppression is perpetuating the war.

Sandinista aggression against its neighbors is perpetuating the war.

Sandinista noncompliance with the Guatemala City accord is perpetuating the war.

Soviet and Cuban militarization of Nicaragua is perpetuating the war.

Mr. President, let's give peace a chance.

But let's make sure Gorbachev, and Castro, and Ortega are willing to give it a chance, too.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 243

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to H.J. Res. 395 of the 100th Congress, the act making continuing appropriations for fiscal year 1988.

By Mr. EXON (for himself, Mr. Karnes, Mr. Dole, Mr. Durenberger, Mr. Conrad, Mr. Burdick, Mr. Lugar, Mr. Gore, Mr. Bradley, Mr. Cochran, Mr. Levin, Mr. Pell, Mr. Sanford, Mr. Stennis, Mr. Thurmond, Mr. D'Amato, Mr. Bond, Mr. Chiles, Mr. Pryor, Mr. Domenici, Mr. Metzenbaum, Mr. Sasser, Mr. Riegle, Mr. Dodd, Mr. Garn, Mr. Reid, Mr. Simon, Mr. Hecht, Mr. Graham, Mr. Ford, Mr. McClure, Mr. Danforth, Mr. Wilson, Mr. Nunn, Mr. Helms, Mr. Symms, Mr. Stevens, Mr. Chafee, Mr. Grassley, Mr. Warner, Mr. DeConcini, Mr. Heinz, Mr. Boren, Mr. Humphrey, Mr. Heflin, Mr. Bingaman, Mr. Inouye, Mr. Stafford, Mr. Byrd, Mr. Lautenberg, Mr. Johnston, Mr. Bumpers, Mr. Roth, Mr. Hollings, and Mr. Cranston):

S.J. Res. 244. Joint resolution to designate the month of April 1988, as "National Know Your Cholesterol Month;" referred to the Committee on the Judiciary.

NATIONAL KNOW YOUR CHOLESTEROL MONTH

Mr. EXON. Mr. President, today I rise on behalf of myself, my colleague from Nebraska, Senator Karnes and more than 50 other Members of the Senate to introduce a resolution designating the month of April 1988, as "Know Your Cholesterol Month."

As many of you may recall, a resolution of this nature was the last legislative act of my very good friend and colleague, Senator Ed Zorinsky. I am introducing this resolution in memory of Ed. I know he would want this to be passed. Health, most particularly, cardiovascular health, was very important to Ed.

It is an irrefutable fact that cholesterol is a mass killer. Worldwide studies provide documented proof. The higher a person's cholesterol, the greater his risk of suffering a heart attack or stroke.

The National Institutes of Health has launched a multimillion-dollar campaign, the National Cholesterol Education Program, designed to fight this devastating disease. The goal of this program is to reduce the prevalence of elevated blood cholesteral in the United States, thereby reducing coronary heart disease mortality.

According to a recent survey done by the National Heart, Lung and Blood Institute, only 8 percent of American citizens know their cholesterol levels. This resolution can help create broad-based public awareness of this issue, and the deadly importance of knowing your cholesterol levels. As was the case last year, the Nebraska-based National Heart Savers Association, under the leadership of Mr. Phil Sokolof, will conduct free cholesterol checks for all Members of Congress and Capitol Hill Staff in conjunction with the observance of this special month. The exact dates for those tests have not been worked out yet, however, I will pass along that information when the details are finalized. Last year, over 9,000 people were tested during the congressional observance of "Know Your Cholesterol Week."

Almost 30 percent of the nearly 2 million deaths in this country each year are the result of coronary heart disease. Most coronary heart disease is due to blockages in the arteries that supply blood to the heart. This blockage can be controlled. Elevated blood cholesterol is one of the three main controllable risk factors for coronary heart disease. The other two factors are high blood pressure and cigarette smoking. Any one of these risk factors increases an individual's chance of developing heart disease. The chances of developing heart disease increase in proportion to the amount of cholesterol in an individual's system. However, studies also show that people who have elevated blood cholesterol and who take steps to reduce it also reduce their risk of having a heart attack.

Every adult American should know their cholesterol level. This is a lifesaving issue. Mr. President, I urge swift passage of this resolution.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 244

Whereas heart attacks struck an estimated 1,500,000 Americans in 1987, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol are capable of decreasing occurrences of heart disease;

Whereas only 8 per centum of Americans know their cholesterol level; and

Whereas as many as 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Know Your Cholesterol Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by my distinguished colleague, Senator EXON, to designate the month of April 1988, as "National Know Your Cholesterol Month." I believe this effort will encourage individuals not only to learn their cholesterol levels, but, more importantly, will lead them to take steps to lower elevated levels.

The dangers associated with high cholesterol are well documented. Years of scientific research have proven that individuals with even modestly elevated serum cholesterol levels run a higher risk of having a heart attack or stroke. The more elevated a person's cholesterol level, the greater are his chances of developing heart disease.

Heart disease is presently the No. 1 killer in America. Last year alone, heart attacks struck an estimated 1.5 million Americans, a third of whom died immediately. More than 43 million Americans suffer from some form of heart or blood vessel disease. In 1985, the cost of providing health care to those suffering from heart disease reached $72.1 billion.

Yet, in spite of the well-established connection between higher than recommended cholesterol levels and heart disease, very few Americans—only 8 percent according to a recent survey—know their own cholesterol levels. This deficiency must be addressed if we are to combat effectively heart disease in America.

Therefore, I am pleased that my colleague has taken the initiative to encourage individuals to become more aware of their cholesterol levels. I commend my colleague from Nebraska for his commitment to this cause, and I ask my colleagues who have not already done so to lend their support to this resolution.

By Mr. CRANSTON (for himself, Mr. WILSON, Mr. ADAMS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BRADLEY, Mr. BREAUX, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. CONRAD, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. EXON, Mr. FOWLER, Mr. GARN, Mr. GORE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HECHT, Mr. HEFLIN, Mr. HEINZ, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JOHNTSON, Mr. KASTEN, Mr. KENNEDY, Mr. LEAHY, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. STAFFORD, Mr. STENNIS, Mr. WARNER, and Mr. WIRTH):

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on the Judiciary.

JOHN MUIR DAY

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a joint resolution to designate April 21, 1988, as John Muir Day. I'm very pleased that Senators WILSON, ADAMS, BAUCUS, BINGAMAN, BRADLEY, BREAUX, BUMPERS, BURDICK, CHAFEE, CHILES, COCHRAN, CONRAD, D'AMATO, DECONCINI, DODD, DOLE, DOMENICI, DURENBERGER, EVANS, EXON, FOWLER, GARN, GORE, GRAHAM, GRASSLEY, HECHT, HEFLIN, HEINZ, HOLLINGS, HUMPHREY, JOHNSTON, KASTEN, KENNEDY, LEAHY, LUGAR, METZENBAUM, MOYNIHAN, MURKOWSKI, PACKWOOD, PELL, PROXMIRE, PRYOR, REID, RIEGLE, ROCKEFELLER, ROTH, SANFORD, SARBANES, SASSER, STAFFORD, STENNIS, WARNER, and WIRTH are joining as cosponsors.

John Muir is one of America's great conservationists. Often called the father of our national park system, Muir helped preserve some of our first national parks, including Yosemite, Sequoia, and the Grand Canyon. He also championed the preservation of our forest lands and through his writings and work influenced U.S. Presidents to set aside forest reserves, leading to the establishment of our national forest system. Muir's articles extolling the natural wonders of Alaska also changed public opinion about this magnificent area.

Not only did Muir's writings of his travels and opinions on man's relationship with nature influence his own generation, but they continue to teach us about the beauty of our country and the value of protecting our wild lands. Today, because of Muir's vision and those who followed him, millions of Americans enjoy billions of acres of national park and forest lands and better understand and appreciate the value of conservation.

In September, the World Wilderness Conference, with representatives from 60 nations, unanimously passed a resolution calling for the commemoration of Muir's birthday. April 21, 1988 marks John Muir's 150th anniversary. I believe this is an appropriate occasion to celebrate the legacy of this great American who helped spawn the modern conservation movement.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 245

Whereas April 21, 1988, marks the 150th birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders of Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost 80 million acres symbolizing the stewardship Americans demonstrate for their precious public resources;

Whereas John Muir was the cofounder and first president of the Sierra Club, an organization which contributes in making this nation a leader in the global environmental movement;

Whereas the John Muir National Historic Site, in Martinez, California, one of 337 units of the National Park Service, was set aside by Congress in 1964 as a monument to the wild lands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the

United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytised by the tireless voice and pen of John Muir; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

By Mr. DECONCINI (for himself and Mr. DODD):

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION MONTH

● Mr. DECONCINI. Mr. President, I am introducing today, together with my colleague from the great State of Connecticut, Senator DODD, a joint resolution to declare the month of April 1988 as "National Child Abuse Prevention Month." I am hopeful that a great number of my distinguished colleagues will join us in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Recent data makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty-related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of proverty.

Mr. President, America's child-abuse problem does not stop there. It appears in every State in the Union and cuts across all socioeconomic groups. From the impoverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The best available statistics estimate that 3 of every 4 cases of child abuse go unreported and the actual number of incidences is on the rise. The data collected by the Child Help U.S.A. organization and others show that over 1 million cases of child abuse is repoprted, so as many as 4 million of our Nation's children are being tragically abused. When I introduced this resolution in 1986, I cited national statistics which stated that reports of child abuse and neglect were up 39.8 percent from 1981. Today, I regret to report that the incidence rate is not declining. And all experts agree that the numbers will escalate further since victims in turn, will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Help U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The only all day, every day, national crisis counseling hotline staffed totally by medical and clinical professionals received over 126,000 calls in 1986 compared with only 8,600 calls when it was established in 1982. The Child Help U.S.A. phone system was at capacity in 1986. Since then, it has had to expand to accomodate an increasing number of calls.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic of child abuse and to assist the victims as well. We can help focus public attention on goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1988 as "National Child Abuse Prevention Month" is a significant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get the message out to the abused as well as the abusers. Therefore, I urge my colleagues to join Senator DODD and myself in this effort to have April 1988 designated as "National Child Abuse Prevention Month."

Mr. President, I ask unanimous consent that the text of the resolution be printed in the CONGRESSIONAL RECORD following my statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 246

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages and abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. THURMOND, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 703

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 708

At the request of Mr. PROXMIRE, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 929

At the request of Mr. MELCHER, the names of the Senator from Georgia [Mr. NUNN], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 929, a bill entitled the "Volunteer Protection Act of 1987."

S. 1109

At the request of Mr. HARKIN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1109, a bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats.

S. 1124

At the request of Mr. SIMON, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1124, a bill to amend title 18, United States Code, to require that telephone monitoring by employers be accompanied by a regular audible warning tone.

S. 1346

At the request of Mr. MATSUNAGA, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1424

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1424, a bill to amend title 8, United States Code, to provide for adjustment of status of certain Polish nationals who arrived in the United States before July 21, 1984, and who have continuously resided in the United States since that date.

S. 1512

At the request of Mr. HATCH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1512, a bill to provide that in judicial actions against State judges, such judges shall not be held liable for attorney fees.

S. 1567

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1567, a bill to provide for refunds pursuant to rate decreases under the Federal Power Act.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. MELCHER], the Senator from Oklahoma [Mr. NICKLES], the Senator from Nebraska [Mr. KARNES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2011

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. MITCHELL], was added as a cosponsor of S. 2011, a bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans.

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Vermont [Mr. STAFFORD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kansas [Mr. DOLE], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], the Senator from Maine [Mr. MITCHELL], the Senator from Delaware [Mr. ROTH], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. SYMMS], the Senator from Nevada [Mr. HECHT], the Senator from Connecticut [Mr. WEICKER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New York [Mr. MOYNIHAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 212

At the request of Mr. DIXON, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. LUGAR], the Senator from Ohio [Mr. METZENBAUM], the Senator from Florida [Mr. GRAHAM], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Connecticut [Mr. WEICKER], the Senator from California [Mr. CRANSTON], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE RESOLUTION 254

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Resolution 254, a resolution to state the guiding principles of United States policy toward South Africa's illegal occupation of Nambia.

SENATE RESOLUTION 270

At the request of Mr. LAUTENBERG, the names of the Senator from Florida [Mr. CHILES], the Senator from Nevada [Mr. REID], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. QUAYLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Indiana [Mr. LUGAR], and the Senator from Maryland [Mr. SARBANES], were added as cosponsors of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

AMENDMENT NO. 1388

At the request of Mr. KARNES, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Idaho [Mr. MCCLURE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Idaho [Mr. SYMMS], were added as cosponsors of amendment No. 1388 intended to be proposed to S. 557, a bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

AMENDMENT NO. 1392

At the request of Mr. DANFORTH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of amendment No. 1392 proposed to S. 557, a bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

SENATE RESOLUTION 361—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BENTSEN, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 361

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 362—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 362

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,384,299, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 363—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURDICK, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 363

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,381,014.00, of which amount (1) not to exceed $8,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 364—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 364

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,548,210 of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory polices and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Subcommittee on General Investigations and Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 313 of the Ninety-ninth Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of long-distance telephone calls.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations.".

SENATE RESOLUTION 365—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 365

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion, (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,016,583.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of Inquiries and Investigations".

AMENDMENTS SUBMITTED

CIVIL RIGHTS RESTORATION ACT

WEICKER (AND OTHERS) AMENDMENT NO. 1393

Mr. WEICKER (for himself, Mr. Kennedy, Mr. Metzenbaum, and Mr. Packwood) proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

At the end of the bill, insert the following new section:

ABORTION NEUTRALITY

No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

HATCH AMENDMENT NO. 1394

Mr. HATCH proposed an amendment to the bill S. 557, supra; as follows:

Strike out all after enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Act of 1987".

PROGRAM OR ACTIVITY

Sec. 2. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end thereof the following new section:

"Sec. 908. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others,* versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others,* versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)) the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.

"(c) Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, relating to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to legal abortion.".

(b) Section 901(a) of title IX of the Education Amendments of 1972 is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) this section shall not apply to an educational institution which is controlled by, or which is closely identified with the tenets of, a particular religious organization to the extent that the application of this section would not be consistent with the religious tenets of such organization;".

(c) Section 504 of the Rehabilitation Act of 1973 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the decision of the Supreme Court in *Grove City College and others,* versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others,* versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this section shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(2) In any other application of the provisions of this section, nothing in paragraph (1) shall be construed to expand or narrow the meaning of the phrase "program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

(d) The Age Discrimination Act of 1975 is amended by adding at the end thereof the following new section:

"EFFECT OF SUPREME COURT DECISIONS

"Sec. 310. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others,* versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others,* versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

(e) Title VI of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new section:

"Sec. 606. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others,* versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others,* versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase "program or activity" and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

HUMPHREY AMENDMENT NO. 1395

Mr. HUMPHREY proposed an amendment to the bill S. 557, supra; as follows:

On page 14, strike out lines 5 through 11 and insert in lieu thereof the following:

"(c) Small providers are not required by subsection (a) to make structural alterations to existing facilities for the purpose of assuring program accessibility. For the purpose of this subsection, the term 'small providers' means any nongovernmental corporation, partnership, sole proprietorship, or other private organization or business which has less than fifteen employees during each working day in each of thirty or more calendar weeks in the current or preceding calendar year.".

HARKIN (AND HUMPHREY) AMENDMENT NO. 1396

Mr. HUMPHREY (for Mr. Harkin, for himself and Mr. Humphrey) proposed an amendment to the bill S. 557, supra; as follows:

At the end of the bill insert the following:

"CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

"Sec. . (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

" '(C) For the purpose of sections 503 and 504, as such sections related to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.' ".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, January 29, 1988, to conduct a hearing on "Cancer Detection in Women."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 28, 1988, to hold a hearing on S. 1988, legislation amending the Merchant Marine Act of 1920 relating to barges.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 26, 1988, to receive testimony concerning Senate Joint Resolution 231, to authorize the entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 28, 1988, at 6 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, January 28, 1988, to consider the committee's resolution authorizing expenditures for the period March 1, 1988–February 28, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 28, 1988, in open session to consider the nomination of Grant S. Green, Jr., to be Assistant Secretary of Defense for Force Management and Personnel. In addition, the committee will consider the Senate Armed Services Committee budget for 1988, certain pending military nominations, and possibly consider other civilian nominations which may be eligible for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 28, 1988, to hold hearings on Drug Trafficking and Money Laundering in Panama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 28, 1988, to hold hearings on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CATERPILLAR, INC.

● Mr. SIMON. Mr. President, on December 26, 1987, there appeared in the New York Times an article featuring Illinois's largest exporter, Caterpillar, Inc., about their efforts in selling to the debt-ridden countries of Latin America.

I believe that the sale described in the opening paragraphs graphically demonstrates the lengths that our companies are going to now in order to sell to Latin American countries, and the lengths to which manufacturers eager to make export sales will go.

I ask that the article be printed in the RECORD, and I urge my colleagues to read it.

The article follows:

[From the New York Times, Dec. 26, 1987]

DEBTS OF LATINS MAKING TRADE LINKS TORTUOUS

(By Clyde H. Farnsworth)

WASHINGTON, December 25.—In 1985 Venezuela wanted to buy a fleet of construction vehicles called wheel loaders from the Caterpillar Tractor Company. Because the country's crushing debt burden was forcing it to curtail imports, Caterpillar was asked to take Venezuelan iron ore in payment.

Caterpillar agreed, then found a buyer for the ore in Rumania, but for payment it had to accept men's suits, which it eventually sold in London for dollars.

"Better to have gone through all that than to have lost a sale," said William F. Canis, Caterpillar's Washington manager for government affairs.

The ingenuity of Caterpillar, based in Peoria, Ill., shows what it sometimes takes to sell to Latin America because of the generalized contraction of business brought on by the five-and-a-half-year international debt crisis.

ASSISTANCE CALLED ESSENTIAL

A number of experts contend that increased foreign capital and other assistance to the debtor nations, aimed at bolstering their economies, is essential to reverse the situation.

While exports by the United States to most other areas of the world are rising, shipments to Latin America have tumbled, falling by 26 percent in 1986, to $31.1 billion, from $42.1 billion in 1981. From 1981 to 1986, imports of the four largest debtors—Brazil, Mexico, Argentina and Venezuela—fell by one-third to one-half.

To finance payments to creditors, one debtor country after another has embarked on varying degrees of austerity, curbing consumption and imports and channeling more resources into dollar-earning exports.

Many analysts are now citing the problems of the debtor nations as among the reasons for the intractably huge United States trade deficit. Some warn that the American trade position will not improve until growth returns to the debtor countries.

"Demand from Europe and Japan won't be enough," said Stuart K. Tucker, a fellow at the Overseas Development Council. "Debtor countries have to help."

The council, a research organization specializing in third world issues, takes the position that growth will not resume in these countries until they are again on the receiving end of world resources. Largely because of interest payments on $1 trillion of third world debt, the flow of resources in recent years has gone from the third world to the developed countries.

William R. Cline, a senior fellow at the Institute for International Economics, a public-policy research organization, contends that the debtor countries need more private capital and more loans from the World Bank. But he stresses that these flows must be linked to improved economic policies in those nations.

John A. Bohn Jr., president of the Export-Import Bank, has proposed that the United States, Western Europe and Japan put up $3 billion in long-term export credits to the major debtors to help them finance purchases from industrial countries. Presumably, the United States could get much of this business, since the dollar's decline in value has helped make the prices of manufactured goods more competitive on world markets.

The need to do something more is also an issue in Congress. Both the House and Senate trade bills envision creation of an international debt management agency to buy third world debt at discounted market prices.

Freed of some of its debt burden, the third world would then play a major role in the growth of world demand, in the view of two backers of the idea, Senator Paul S. Sarbanes, Democrat of Maryland, and Representative David R. Obey, Democrat of Wisconsin.

Treasury Secretary James A. Baker 3d opposes such an arrangement as unworkable, although he supports greater resources for the World Bank to recycle into third world growth. He is expected to ask Congress next year to approve an American contribution for what is expected to be an increase of 60 to 80 percent in World Bank capital. The American share of the overall increase would be one-fifth.

Meanwhile, the debt crisis continues to have a severe impact on American exporters. Some of the story is dramatically told in Caterpillar's sales.

In 1981, the company shipped $903 million of wheel loaders, bulldozers, off-highway trucks and other such equipment to Latin America. Its exports to Western Europe amounted to a bit more, at $992 million.

In 1983, exports collapsed to $266 million in Latin America, but fell more modestly, to $771 million, in Europe. By 1986, sales to Europe, at $1.1 billion, were even greater than in 1981, but sales to debt-saddled Latin America were $543 million, only half the 1981 total.

For other leading exporters, the pattern is not much different. Latin American shipments by Dresser Industries of Dallas, a diversified maker of products for the energy and natural resource industries, amounted to $165 million in 1981 and fell to $109 million in 1983 before recovering to $130 million in 1986.

The debt crisis has not only caused a shrinkage in the Latin American and other third world markets, but has also accelerated a rush of goods to the United States and intensified competition for American exporters outside Latin America. In 1981 the United States took one-third of exports from developing countries but, by 1986, the figure had risen to 60 percent.

"The United States was the only expanding market in the world," said Stephen Cooney, director of international investment and finance of the National Association of Manufacturers. "The surplus countries, mainly West Germany and Japan, were taking advantage of Latin America as a cheap commodity provider, but had no interest in increasing trade in manufactures and used their formal and informal barriers to keep the Latin products out."

PRICES OF EXPORTS DEPRESSED

Fighting desperately for their own export markets, debtor countries, meanwhile, were both producing more and competing more fiercely with American producers elsewhere around the globe, ironically, the increased production and competition has hurt the debtor nations by pushing down the prices of their exports, according to a staff study by the Joint Economic Committee of Congress.

Although falling oil prices have received the bulk of public attention during most of this decade, prices have fallen for nearly every major commodity exported by debtor nations.

"Since the beginning of this decade, the external debt grew faster than export revenues," the study noted, "but the lag in export receipts cannot be attributed to an unwillingness of the debtors to boost their export volume. Rather, the failure of export revenues to keep pace is due almost entirely to falling commodity prices."

Falling commodity prices, in turn, made it more difficult for American farmers, who are big exporters, to continue servicing their debt, and pushed many of them into bankruptcy.●

HERBERT HOOVER AND THE BAY BRIDGE

● Mr. HATFIELD. Mr. President, the European voyagers who came to this continent, and the pioneers who explored it, found amazing natural wonders: Niagara Falls, Half Dome in Yosemite, the Columbia River Gorge, the Grand Canyon, Crater Lake.

While incapable of building on God's grand scale, the American people, nevertheless, have added magnificent man-made wonders to the landscape: Bonneville Dam, the interstate highway system, the Brooklyn Bridge, and two that bear the unmistakable imprint of our 31st President: the Hoover Dam and the San Francisco Bay Bridge.

It takes uncommon greatness to envision great public works. And it takes uncommon leadership to marshal the resources and public support to bring them into existence. But one's vision often is not appreciated by one's contemporaries. President Hoover's bold vision of a bay bridge was criticized, but with its construction his vision was vindicated by the jobs generated, the industry stimulated and the general prosperity brought to the Bay Area. The bridge paid for itself within its first decade, with a handsome rate of return on the initial loan.

Yet President Hoover's deserved reputation for vision and leadership was buried in the false blame for the Great Depression placed upon him by the succeeding administration. This is a great injustice in our history books.

Robert Hessen, senior research fellow and deputy archivist at Stanford University, has commemorated Herbert Hoover's leadership in envisioning and building the bay bridge in his essay, "Herbert Hoover and the Bay Bridge." In an effort to correct history's verdict of this remarkable man and his achievements, I ask that Mr. Hessen's essay be printed in the RECORD.

The essay follows:

HERBERT HOOVER AND THE BAY BRIDGE

A COMMEMORATIVE ESSAY

(By Robert Hessen)

The San Francisco Bay Bridge opened to traffic on November 12, 1936, and was hailed as the eighth wonder of the world. It cost more than any bridge ever built; it had the longest span over navigable water; and its foundations were the deepest ever sunk. But the Bay Bridge was much more than a great feat of engineering: it was and is indispensable to traffic between San Francisco and the East Bay cities.

Only old-timers can recall the pre-bridge era, when people who lived in Marin and Alameda counties spent a couple of hours on ferry boats commuting to work in San Francisco. Today, on the occasion of its fiftieth anniversary, most people take the Bay Bridge's existence for granted. So it is timely to recall the long struggle that preceded the building of the bridge and the crucial role that Herbert Hoover played in its creation. It is no exaggeration to say that if Herbert Hoover had not exerted his power as president on behalf of the bridge, it would not have been build until many years later.

Shortly after the gold rush, William Walker, a San Francisco newspaper editor, made the first recorded suggestion to build a transbay bridge. Leland Stanford raised the idea twice, once in 1859, two years before he was elected governor of California, and again in 1867, four years after he left office. No action was taken on either occasion. In 1869 a third advocate, the self-proclaimed emperor of the United States, Joshua A. Norton, commanded a bridge be built across the bay—but reality stubbornly defied his decree.

At the end of the nineteenth century, the bay bridge proposal was a good idea waiting for someone to come along with the determination to surmount all obstacles. A candidate for that role emerged in 1914: a San Francisco engineer, F. E. Fowler, designed a cantilevered bridge to span the Bay. But Fowler had underestimated the army and navy's opposition to any bay bridge. Both departments strenuously opposed the building of a bridge, fearing it would be an obstruction to commercial vessels in peacetime and military vessels in wartime—and no bridge could be built without their consent and cooperation.

Herbert Hoover revived the bay bridge idea in 1922, while serving as secretary of commerce. At Hoover's urging, President Warren G. Harding agreeed to appoint a new army-navy commission to study the question. But their findings did not please Hoover: the army recommended a less desirable route than the one he favored, and the navy opposed the bridge altogether. Hoover later wrote in his memoirs:

"I attempted to conciliate the military and engineering conflicts; but my authority, without the backing of the President, was insufficient. Also, opinion in the Bay cities concerning the proper and feasible route was divided, and much acrimonious debate was going on. At that time there seemed to be no way of financing a project so ambitious as this."

Years later, Leland Cutler (a key figure in the creation of the Bay Bridge) recalled how strongly the army and navy had opposed the whole idea. While serving as a director of the San Francisco Chamber of Commerce in 1927, Cutler was chosen to present the case for the bridge to Secretary of the Navy Curtis D. Wilbur. Cutler wrote: "I knew Curtris Wilbur well but made no headway on the bridge presentation. The Navy just wouldn't have it. The Army, whose permission had to be obtained for anything affecting navigable waters, was adamant and it looked as though there would be no bridge."

Herbert Hoover's election as president in 1929 finally gave him the political leverage to offset the army and navy's opposition. During a 1928 campaign speech in San Francisco, he pledged his active support for a bay bridge, and he quickly made good on his promise. In August 1929, after consulting with Governor Clement C. Young of California, Hoover announced the creation of a new commission to reopen the bay bridge question. At his press conference on August 13, 1929, Hoover declared:

"There can be no question as to the necessity for such a bridge for the economic development of these communities. In addition to the cities of San Francisco, Oakland and Alameda, the Governor of California through recent legislation has recently taken an interest in this problem. In order that we may have an exhaustive investigation with a view to final determination which I hope will be acceptable to all parties, I have consulted the Secretary of War and the Secretary of the Navy as well as Mr. [Bert B.] Meek, the representative of Governor Young, and I shall appoint a Commission comprising two representatives from the Navy, two from the Army, and I shall ask the authorities of San Francisco to appoint one member, the authorities of the east side of the Bay to appoint another member. I shall ask the Governor to appoint one or two members and I shall appoint a leading citizen, Mr. Mark Requa if he will undertake it, in the hope that we may arrive at a determination of the common interest."

Hoover's deep commitment to the bay bridge idea is best seen in his choice of the man to head the commission. Mark L. Requa, a fellow mining engineer, had been Hoover's close friend since they first met in 1905. He had been Hoover's assistant in the U.S. Food Administration (1917–1918) and had served as general director of the oil division of the U.S. Fuel Administration (1918–1919). Requa was precisely the sort of man Hoover could count on, someone accustomed to circumventing obstacles and cutting through bureaucratic delays.

To the nine-member group that soon became known as the Hoover-Young Commission, Hoover also appointed Professor Charles D. Marx, his former teacher and retired head of engineering at Stanford University. By choosing Requa and Marx, Hoover clearly signaled the army and navy that their representatives on the commission must be open-minded and not tied to traditional prejudices against a transbay bridge.

The Hoover-Young Commission undertook a comprehensive survey of the bay bridge issue, confronting for the first time the claims that the whole idea was impossible. The skeptics said the water was too deep, that there was insufficient bedrock on which to build the bridge's piers, and that the cost of construction would be prohibitively high.

The commission's engineering survey addressed the physical obstacles first. The finding were encouraging: on May 27, 1930, Mark Requa advised Lawrence Richey, the president's secretary, that "they have found high bed-rock on a line between Rincon Hill . . . and Goat Island. The only feasible route seems to be from Rincon Hill in a northeasterly direction to Goat Island, and from thence easterly to the Oakland shore." Hoover and others had favored a route from Oakland Point to Telegraph Hill via Yerba Buena Island, but the geological surveys forced a shift of route: the bridge eventually built begins at Emeryville and ends at Rincon Hill Commuter convenience had to be sacrificed to geological necessities, yet Hoover had won a crucial victory. On August 12, 1930, the commission returned a unanimous report favoring construction on a bay bridge.

The next major hurdles were financial. A year earlier, the California legislature had created the California Toll Bridge Authority, empowering it to create and operate a transbay bridge, and giving the Department of Public Works the job of designing and building the bridge. Soon after the Hoover-Young Commission issued its report, the California legislature appropriated $650,000 to prepare plans for the bridge. But to build the bridge required more than a hundred times that amount, and California lacked the money to finance the project.

If the bridge were to be built during the Great Depression, the Bridge Authority had to find a buyer for $62 million in bonds. Given the fact that banks and other financial institutions throughout the country were verging on bankruptcy, it quickly became evident that the most solvent buyer was the federal government, through the newly created Reconstruction Finance Corporation (RFC).

The RFC had been Hoover's creation: he had proposed it in December 1930 to lend funds to financial institutions, especially banks and insurance companies, that were in danger of collapse. At the same time, Hoover also had sought to use the RFC as a job-creating mechanism, by enabling it to lend capital for what he called "reproductive public works," such as the Bay Bridge.

But when Congress voted in January 1932 to create the RFC, it deleted the provision relating to public works. Hoover refused to accept defeat on this measure and continued to push for its passage. Two men from California—Leland Cutler, president of the San Francisco Chamber of Commerce, and Charles H. Purcell, chief engineer of the California State Highway Commission—began a campaign of tireless lobbying in Washington on behalf of the amendment. Their efforts, openly endorsed by Hoover, proved successful: on July 16, 1932, Congress amended the Emergency Relief and Construction Act, authorizing the RFC to make available up to a billion and a half dollars in loans to finance "self-liquidating" projects, that is, public works whose toll revenues would retire their original bonded debt. But even then it was uncertain that the bay bridge project would be endorsed by the RFC. The process would involve approval on two levels: engineering and finance.

A few days after the amendment passed, Hoover urged the California Toll Bridge Authority to send its board of engineers (headed by his former teacher, C.D. Marx) to meet with the RFC's newly created board of engineers. A month later, when no progress had been made, a delegation from the financial advisory committee headed for Washington, hoping to expedite the approval process through personal salesmanship.

Leland Cutler expected that the biggest obstacle would be Harvey Couch, an Arkansas Democrat, who was in charge of self-liquidating loans. When Cutler arrived in Washington in September to see Couch, he found a message saying that the president wanted to see him immediately. At their White House meeting, Cutler later recalled, he found Hoover impatient for results: "He made it clear that he would help us in every way but that the President of the United States had quite a few things to do and wasn't an errand boy and that we would have to do our own work."

Cutler enlisted the aid of Merle Thorpe, editor and publisher of the *Nation's Business,* who was a close friend of Couch. Accompanied by Thrope, Cutler immediately went to see Couch, requesting an opportunity to present the case for the Bay Bridge to the directors of the RFC. To Cutler's surprise, Couch simply said, "How about tomorrow morning at eleven o'clock?"

The next morning, Cutler recalls, the first question posed by Judge Wilson McCarthy, a Utah Democrat, "was one none of us wanted to answer and couldn't answer because it was fatal to our bridge. The question was, 'What was the total revenue from the ferryboats last year?' The answer, of course, would have to be, 'Not enough to amortize the amount we are asking for.' " Cutler realized that to argue that a bridge would cut down commuter time across the Bay would carry no weight with the RFC. He was at a loss as to how to proceed and Harvey Couch took him aside and whispered, "Cutler, did you ever play football in college?"

"Yes, Sir," Cutler replied.

"What did you play?"

"I played quarterback."

"Did you ever take time out when you got into trouble? You're in trouble now, Son; take time out."

Another hearing was scheduled for two weeks later. Meanwhile, Cutler conferred with individual RFC directors and staff, seeking to persuade them that a bridge would stimulate transbay traffic, so that bridge tolls would far exceed existing ferry revenues. To Cutler's surprise, the least receptive RFC director was a newly appointed Republican, Gardner Cowles, Sr., the Iowa publisher. He suspected that the Bay Bridge was only a make-work scheme, a boondoggle for an area hard hit by the depression. He wanted the California delegation to head home and never return.

Cutler tried to arrange a meeting with Hoover to discuss Cowles's recalcitrance, but he was unsuccessful. He turned for help to Ray Lyman Wilbur, who was on leave from the presidency of Stanford University to serve as secretary of the interior. Cutler hoped that Wilbur, Hoover's closest friend, could get him into the White House. Wilbur succeeded, and Cutler delivered his gloomy report. Hoover, determined that the Bay Bridge would not be blocked by anyone, least of all by a Republican whom he had nominated to the RFC, agreed to persuade Cowles to change his position. Hoover later told Cutler that he had spent several unpleasant hours arguing with Cowles. The next day, yielding to the president's personal pressure, Cowles voted to approve the RFC's purchase of bay bridge bonds.

Newspapers throughout California hailed the good news from Washington, and they singled out Hoover for special praise. But outside of California, the news was not as cordially received. Reflecting the fact that sectional rivalries sometimes transcend party loyalties, a fiercely Republican newspaper, the *Chicago Tribune,* wrote two angry editorials questioning the RFC's decision:

"It is significant that no banking syndicate in boom times when any kind of security was salable had the nerve to finance San Francisco's bridge with its staggering overhead. Uncle Sam, for motives which are purely political corruption, has now undertaken to sink 62 millions of the taxpayers' money in this scheme, which would probably land a professional promoter in the penitentiary if he tried to sell it to the public . . . If there are any honest men in the region of the Bay, they have not been heard from at this distance."

Such sharp-tongued criticism was less important than the fact that the RFC's vote was only conditional. Before it made a firm bid to buy the bridge bonds in June 1933, more than fifty amendments to the laws of California had to be enacted. This feat was accomplished largely due to the efforts of Senator Thomas A. Maloney, the speaker pro tem of the state assembly.

Even so, it wasn't certain that California banks would be the repositories of the RFC money. An attorney for RFC exclaimed: "This money . . . will not be put in California banks; it will be put in New York banks where it will be safe."

This remark infuriated Florence McAuliffe, who had worked closely with Leland Cutler to sway the RFC vote. Hearing this slur on California and its banks, McAuliffe shouted back: "my name maybe Florence but I wear a 17½ collar. Out in California, we are not Liberia or France, we are a part of this great commonwealth. The money will be put in California banks!"

It was, and it proved a great stimulus to California's economy. The banks were not the only ones to profit; the bridge created job opportunities for 6,500 engineers and bridgeworkers during the three-and-a-half years of its construction. The bridge consumed 1.2 percent of all the steel produced in America in 1933, and other manufacturers and suppliers received sorely needed contracts. Clearly, the Bay Area profited greatly, but so did the RFC. The increased traffic across the Bay Bridge produced sufficient revenues to yield the RFC several million dollars profit on its investment within a decade.

Twenty years later, when he was writing his memoirs, Leland Cutler wrote that Hoover had been the key figure responsible for the building of the Bay Bridge:

"I gave Mr. Hoover the greatest credit, for he cut all red tape and formed the Hoover-Young Commission to find a way of doing it. Mr. Hoover conceived the Reconstruction Finance Corporation, agreed to an agreement to fit the case of the San Francisco-Oakland Bay Ridge, and during our first onslaught on Washington, used his power with the RFC to help us at every turn. President Hoover also stayed up late at night and received me when I needed help and at any hour telephoned friends who might be needed. I think he knew he would not be reelected and he wanted the bridge on its way before he was out, because he believed in it and in its part in the progress of the nation."

Hoover, characteristically, stressed the role others had played in the bridge's creation. Speaking at the opening ceremonies of the San Francisco-Oakland Bay Ridge on November 12, 1936, he said:

"This bridge stands for far more than even its convenience and its economic worth. It stands as a monument to unity in community action. It stands for American genius and accomplishment. It is the realization of the dream of two generations . . . That this is the greatest bridge yet constructed in the world requires no repetition from me. Its construction spans not alone this great bay but also the whole advance in industrial civilization—our discoveries in science, our inventions, our increasing skill. It is the product of hundreds of years of accumulated knowledge . . . But above them all in our tributes are the engineers and workmen right here who combined all those centuries of knowledge with courage and imagination . . . Deserving high credit with them are the manufacturers, the contractors. But not the least was the part of those courageous men who daily risked their lives in construction. This bridge will be here giving service to these communities for another hundred years. By that time the nation may have discovered something else that will do the job better. But it will remember that the community courage, and its spirit of cooperation did a great thing here."

As Hoover spoke, generously praising twenty-one individuals by name for their role in building the bridge, those who heard him were probably aware that he had played the preeminent role. If subsequent generations have forgotten his contribution, the Bay Bridge's fifieth anniversary is an appropriate occasion to recall it.

Robert Hessen is a senior research fellow and deputy archivist at the Hoover Institutions, Stanford University. He also teaches U.S. business history at Stanford's Graduate School of Business. His books include *Steel Titan: The Life of Charles M. Schwab*, *In Defense of the Corporation*, and *Berlin Alert: The Memoirs and Reports of Truman Smith* (editor). He is the general editor of the Hoover Archival Documentaries, a multivolume series that illuminates significant aspects of twentieth century history.

INFANT MORTALITY

● Mr. SHELBY. Mr. President today in Alabama, from across the State, men and women are gathering to talk about a problem that is close to the hearts of all Alabamians, infant mortality. Indeed, Alabama is no stranger to the high costs infant mortality can place on a State. And so it is fitting that members of the business community are joining with government officials and health care professionals in our State capitol to try and put an end to this shameful tragedy.

Due to my schedule here in the Senate, I was not able to attend this symposium. However, I have asked that the following message be delivered to Governor Hunt and the attendees of the meeting. I ask that this letter be inserted in the RECORD.

Mr. President, I look forward to reviewing the information that is generated by this meeting of minds in my home State. I also look forward to sharing this information with my colleagues in the Senate, as we continue to tackle the serious health care problems facing our Nation.

The letter follows:

U.S. SENATE,
Washington, DC, January 27, 1988.

Hon. GUY HUNT,
c/o Mrs. Jean Blackmon, Alabama Department of Human Resources, Montgomery, AL.

DEAR GOVERNOR HUNT AND ATTENDEES TO THE FIRST GOVERNOR'S SYMPOSIUM ON INFANT MORTALITY: I would like to take this opportunity to commend you on the organization of the First Governor's Symposium on Infant Mortality in Alabama. Unfortunately, due to the recovering of the 100th Congress, I am unable to be with you for this most worthy meeting.

Alabamians are no strangers to the high claim infant mortality makes on a state. Indeed, we have the dubious distinction of being one of the country's leaders in the number of child mortalities each year. But as this issue makes headlines throughout the country, the people, parents, and policymakers of this country are not going to remain silent any longer.

You have gathered here today to give of your time, your energy and your knowledge to help galvanize Alabama's response to the tragedy of infant mortality. You are here today to strategize and plan, educate and learn, participate and partake of the vast amount of information available on the crisis that is facing our state. But mostly, you are here today to do something about this problem.

Many of you are leaders of industry and business from across our great state. You bring to this Symposium a special perspective and an important edge. We can not beat this problem alone, we need your input, your guidance—we need your help. It's that simple.

I commend each and every one of you for being here today and I look forward to working with the Governor and with you to help implement a first rate plan that will attack the infant mortality problem in the most comprehensive and effective way possible.

We come from a state that is blessed with bright minds, prestigious educational institutions, exceptional medical resources, and a thriving business community. I am confident that together, we can win the war against infant mortality.

With best wishes for a successful and effective Symposium, I am,

Sincerely,

RICHARD SHELBY.●

JUSTIN DART

● Mr. SIMON. Mr. President, I was saddened by the forced resignation of Justin Dart as Commissioner of the Rehabilitation Services Administration. I have been impressed with his commitment and I admire his courage. He is a remarkable person—just how remarkable is indicated in an article from the Los Angeles Times of December 10.

We need Justin Dart's voice as an advocate for people with disabilities, and we need his leadership as an advocate for democratic processes and participation in Government. I am pleased that he intends to continue to speak out and provide this leadership.

I urge my colleagues to read the Times article about this unusual man.

The article follows:

[From the Los Angeles Times, Dec. 10, 1987]

DART'S DEFIANCE—TAKING ON THE BUREAUCRACY, JUSTIN DART, JR., LOST A JOB BUT GAINED A FOLLOWING

(By Lee May)

WASHINGTON.—Blue-blazered and white-shirted, wearing a blue tie with tiny American flags, Justin Dart, Jr. seems more the patriotic professor than the combative advocate for the handicapped.

Forced late last month to resign as commissioner of rehabilitation services after harshly criticizing Education Department management, he seems more like a man who just got liberated than one who just got fired.

He wheels his chair next to a flag that dominates a wall in his apartment near the Education Department Building in Southwest Washington, obliging a photographer, then tells a visitor of an outpouring of calls and letters from people who are angry that he was fired.

"Many have called to indicate their moral support and want to know what they can do," he said. Others have written and telephoned Congress, the White House and the department.

Thus, in losing the job to which he was appointed in September, 1986, Dart has gained a cause. His firing is focusing on unprecedented attention on problems in the Education Department and on his personal 20-year battle for the rights of the nation's estimated 35 million handicapped.

Such is the contradiction woven through the life of Justin Whitlock Dart, Jr.

His father, the late Justin Dart Sr., was the wealthy California industrialist who raised huge sums of money for the Republican Party and helped persuade Ronald Reagan to enter politics, in the process becoming a charter member of Reagan's California "kitchen cabinet."

But until he switched parties in 1972, the younger Dart, who is 57 years old, strongly supported Democrats, attending the inaugurations of both John F. Kennedy and Lyndon Baines Johnson.

"There were some years we didn't meet at all," Dart said of his father, who died in January, 1984. "He was so intense about his politics, and I was so intense about mine."

Despite their early political differences, Dart said, his father—known for his blunt views in unrefined language—"never tried to intimidate me to support his ideas." He called his father "a great man," adding: "He taught me a lot. He was straightforward. He was a person who held very high standards for himself and for me and others. He expected us to do whatever we did with a passion and with a conscience."

Dart said, "We did agree on one thing: the importance of democracy and the democratic process. He told me to participate in the democratic process as if your life depended on it because it does."

They became closer toward the end of his father's life, said Dart, who has been confined to a wheelchair since suffering polio in 1948. He has a brother—also a polio victim—three half-brothers and a half-sister.

Explaining his rejection of the Democratic Party, he said: "I gradually came to appreciate the importance of independence and liberation from too much paternalistic central government."

Yet it was his charge of Republican paternalism that drove the Reagan Administration to demand his resignation, which he submitted Nov. 25. It becomes effective Dec. 15.

The simmering problem boiled over at a congressional hearing on Nov. 18, when Dart set aside testimony the Education Department had approved, delivering instead what he called a "statement of conscience," a stinging condemnation of the system in which he worked—a system he said was characterized by "paternalistic central control."

Paternalism was so bad, Dart told The Times later, that whenever he wanted to send anything by Federal Express, he was required to get advance approval from his boss, Madeleine Will, or a "high member of her staff."

In his testimony before the House Education and Labor subcommittee on select education, Dart said his program, the Rehabilitation Service Administration, was "afflicted . . . by profound problems in areas such as management, personnel and resource utilization." The program, budgeted at $1.5 billion a year, makes grants to states, helping them provide training and education that will make handicapped people employable.

Dart's remarks were too much for the Administration to swallow. Choosing between Dart and Will, the wife of conservative columnist and Reagan ally George Will, the Administration asked Dart to leave.

Loye Miller, spokesman for Education Secretary William J. Bennett, said Dart was fired from his $72,500-a-year job "because he stood up and attacked his boss in a hearing. When he attacked Madeleine Will, he attacked Bill Bennett. And that was the end of Justin Dart."

Not quite.

On the first of this month, Dart made public his resignation. Then, the letters to President Reagan began.

"We were shocked, profoundly saddened, and even angry at this great loss of opportunity and waste of talent," wrote the Council of State Administrators of Vocational Rehabilitation.

The National Rehabilitation Assn. wrote: "The unwise decision to force Justin Dart to resign was not in the best interest of the rehabilitation program, the Rehabilitation Services Administration.

When Reagan appointed him last year, Dart had come to Washington from his home in Fort Davis, Tex., to work for three months on the National Council on the Handicapped, an independent federal agency that analyzes federal laws and recommends policies to the government.

A CRUSHING WORKLOAD

The Education Department appointment was so sudden and the workload so crushing, Dart said, that he and his wife never went back to Texas to move. They bought most of the furnishings for their two-bedroom apartment from the Door Store, he said.

Dart still wears cowboy boots, and over his kitchen door hangs a sign the credo: "Lead, Follow or Get the Hell Out of the Way."

While he wears boots and claims a Texas temperament, Dart appears unwilling to get down in the political mud, an activity that many in the nation's capital seem to relish. "Justin's too nice for Washington," one acquaintance said.

Dart said, "I don't like to criticize anyone personally; it's against my principles."

As a Reagan-appointee family, the Darts have always been somewhat unusual, showing up at black-tie events in their 3-year-old beige Nissan pick-up.

But by all accounts, he was a hard worker, conducting research in all 50 states and five Indian nations. Working from his wheelchair, Dart inspired people with disabilities and encouraged their advocates in the struggle for handicapped people's rights.

His firing, said Charlotte Bly-Magee, director of the Southern California Projects With Industry, is "going to look like the Administration is letting the handicapped down."

In Seattle, Paul Dziedzic, president of the Council of State Administrators of Vocational Rehabilitation, declared that Dart has "amplified the problems" of the handicapped, adding, "If people thought they were going to muffle him by firing him, then it backfired."

Both views are accurate.

Many people are complaining that Dart's firing made the Administration look villainous. But Dart certainly has not been muffled.

Winding down his chores at the Education Department, Dart still goes to the office, but his work at home has intensified since he resigned. Rising by 7 a.m., sometimes as early as 5, he churns out letters on a computer and conducts telephone conferences across the nation.

In the future, he said, he will help organize efforts to broaden civil rights laws covering handicapped people in areas like employment, public transportation and housing. Currently, he said, such laws apply mostly to federal activities and those supported by federal funds.

RIGHTS, RESPONSIBILITIES

"We will never accomplish any of our goals fully until we can communicate [to] this nation and [in] law and everyday life that people with disabilities have the same rights and responsibilities as other people and that disability is a normal characteristic of the human process," Dart said.

He likened his own efforts to those of Martin Luther King Jr. and the Mahatma Gandhi, speaking passionately of the world's estimated 500 million handicapped people, whom he called "the largest disadvantaged minority."

Often, Dart seems a man tugging against himself.

Even as he skewered Will's administration of the program he headed, he praised her as his "distinguished colleague advocate."

Similarly, in his resignation letter to Reagan, who presumably acquiesced in his firing, Dart declared that he remained "profoundly respectful of your personal endorsement" of the idea that handicapped people should have independence and equality.

One long-time associate said, "I watched him struggle with divided loyalties. He has come out unfettered."

But not uncriticised.

It is bad enough to be a former Democrat, but even worse to battle so openly with Republican bosses. In addition to the embarrassment he has caused it, the Education Department may be investigated by the General Accounting Office because of Dart's charges.

All this has angered some Republicans. Said Dart, "I've heard that people have suggested that I might be happier in the other party, but nobody said that to my face." He said he is not going to switch back, noting that both Reagan and Education Secretary Bennett are former Democrats.

"I believe people with disabilities need to be strong in both parties," he said. "There are good people in both parties."

Dart is enjoying his new freedom of speech and the attention his dismissal has brought to handicapped people. "I'm not proud that I got fired," he said, "but this is the work that I've dedicated my life to—quality opportunities backed up by quality services."●

NORTH KOREA: TERRORIST STATE

● **Mr. ROCKEFELLER.** Mr. President, just as South Korea has demonstrated extraordinary resilience and maturity in its current transition to democratic rule, its neighbor to the north has once again stunned civilized people everywhere with the sheer barbarity of its international behavior. I am referring to the wanton North Korea-directed destruction of a Korean Air passenger plane en route from Bahrain to Seoul on November 29, 1987. One hundred fifteen people perished as KAL 858 disintegrated over Adaman Bay near the Thai-Burmese border.

It is now known that two North Korean agents were ordered by the North Korean leader's ambitious son, Kim Jong-Il, to destroy the KAL flight in order to discourage attendance at the 1988 summer Olympics in Seoul. Posing as Japanese father and daughter, Kim Sung-Il and Kim Hyun-Hee boarded KAL 858 in Baghdad, placed a radio time bomb with liquid explosives in the overhead storage compartment, and disembarked when the passenger plane made a scheduled stopover in Abu Dhabi. Nine hours later, 115 innocent people, mostly South Korean construction workers returning home, died.

Regrettably, Mr. President, this North Korean action is not unique. On October 9, North Korean agents succeeded in killing 15 South Korean Government officials in Rangoon on the occasion of President Chun's state visit to Burma. Four cabinet ministers perished in that vicious attack, including Foreign Minister Lee. President Park Chung Hee was similarly the attempted target of a North Korean assassination attack in 1968 in which his wife was killed.

Following the KAL attack, Bahrain agreed to extradite Kim Hyon Hui to South Korea where she underwent questioning by Korean, American, and Japanese authorities. There is no doubt that she and her accomplice were under the direct control of Pyongyang. Last week, our Government announced that North Korea was to be placed on the list of terrorist countries—thus, giving them the same status as Libya, Iraq, and others. Just this week the Japanese Government cut off all diplomatic contact with

North Korea citing "organized terrorism" directed by Pyongyang.

Mr. President, I was in Seoul on the day when the testimony of Kim Hyun Hee was announced. The purpose of my visit was to congratulate President-elect Roh Tae Woo on his election and to express my admiration for the democratic direction in which he is leading Korea. I was deeply impressed with the calm manner in which Roh Tae Woo, the South Korean people, and their Government reacted to this terrible act of state-sponsored terrorism. There were no threats or destabilizing actions—just the calm assurance of a vibrant and increasingly self-confident nation. This contrast with the state-sponsored, barbaric actions of North Korea is obvious for all to see.●

THE IMPACT OF LIABILITY CRISIS ON VOLUNTEERS

● Mr. MELCHER. Mr. President, today, I had the pleasure of announcing the results of a Gallup survey to determine the impact of the liability crisis on volunteers. This survey, funded by the Gannett Foundation and the American Society of Association Executives Foundation, confirms what we have suspected—volunteers are getting harder to find because they are afraid of being sued.

This country was built by volunteers, and it's volunteers who make it work today. But today we learned that almost 20 percent of our volunteers are no longer willing to volunteer. Now, that's a serious problem—a problem that is so serious that we need Federal action to help see volunteers are not scared off.

That's why I introduced S. 929. This bill simply encourages States to exempt volunteers of tax-exempt organizations from personal civil liability if their actions are within the scope of their duties as a volunteer.

More than 30 States have passed legislation offering some protection to volunteers, but there is a great deal of difference in the protection. Some is limited to sports volunteers; some is limited to board members of tax exempt organizations, and some is for all volunteers. We need to have legislation in all the States protecting all our volunteers.

Mr. President, I ask that the results of the Gallup survey be inserted in the RECORD.

The material follows:

THE LIABILITY CRISIS AND THE USE OF VOLUNTEERS BY NON-PROFIT ASSOCIATIONS

INTRODUCTION

This report has been prepared by The Gallup Organization, Inc., for the Foundation of the ASAE. The report summarizes the findings of a survey of non-profit organization executives and volunteer board members concerning liability risk. The survey covered the following areas:

Survey of association executives:

1. Incidence of carrying director and officers liability insurance coverage;
2. Change in cost of liability coverage since 1984;
3. Changes resulting from concern for exposure to liability risk;
4. Practices used by non-profit organizations to minimize liability risks;
5. Incidence of suits over liability issues;
6. Effects of liability coverage on relations with association chapters;
7. Indemnification of directors or volunteers;
8. Perceived effect of liability exposure on volunteers.

Survey of board members:

1. Effect of liability crisis on participation in not-for-profit organizations;
2. Extent to which volunteers inquire into liability coverage and issues prior to accepting board membership;
3. Perceived effect of liability crisis on volunteers;
4. Incidence of refusing to serve due to fear of liability;
5. Experience with lawsuits;
6. Extent of insurance coverage.

SUMMARY OF FINDINGS

Given the concern for liability it is somewhat surprising that only about two-thirds of the organizations report carrying director and officer liability insurance. However, it may be noted that seven in ten board members report they are insured either by their company or by a personal liability policy. Volunteer board members are also likely to report the biggest effect of the liability situation is a concern for insurance coverage.

Most voluntary organizations report the cost of liability insurance has increased. In fact, the average reported increase in the past three years is 155%, and one in eight organizations report an increase of over 300%, roughly the equivalent of a 100% increase over 1984 rates per year.

The risk of being sued or being held liable has lead organizations, in some instances, to make changes. About one in twenty report changing the structure of their board of directors, and as many eliminated committees due to the potential exposure to liability risk. A larger proportion (14%) have eliminated programs they believed would expose the organization to risk.

From the volunteer board member's perspective the fear of exposure to liability is seen as resulting in fewer individuals willing to serve as volunteers. About half of the active board members report a decline in volunteers in the past few years. In fact, 16% of the board members report they have withheld their services to an organization out of fear of liability. More common, seven in ten report volunteers are more careful in what they do or say as board members. Related to the greater caution expressed by board members, organizations report establishing policies concerning volunteer activities. Eight in ten organizations have a policy regarding who may speak for the organization and nine in ten give their committees and boards specific charges and authorization and monitor compliance.

While there is a great deal of concern for the risk of liability, only one in twenty organizations report being sued on a directors and officers liability questions in the past five years. However, the response says nothing about the organizations which may have adopted more cautious policies to avoid such situations nor does it indicate the extent to which potential suits may have been averted before filing with the courts. It is of note that almost as many board members as organizations report being sued. It may also be noted that while only about 5% were sued within the past five years, one in four organizations have been sued at some time in the past.

Thus, while the number of organizations reporting problems with liability risk is not great, concern for liability is common. Organizations have taken steps to alter their operations or activities to minimize liability in the face of ever increasing insurance rates and potential risk. Volunteer board members approach the request to serve on an organization's board with caution, investigating the organization's history of lawsuits and its potential for liability risk. Finally, volunteers are more likely than organization executives to express concern and see a problem affecting the number and quality of volunteers resulting from the liability crisis.

(The following pages summarize the findings of interviews with association executives)

Carrying of Director and Officer Liability Insurance:

The Questions: To begin, does your organization currently carry director and officer liability insurance coverage?

Does your coverage include exclusions for any of the following?

Ethics committee;
Standards committee;
Peer review;
Employee discrimination.

When were these exclusions added?

Approximately two-thirds (64 percent) of all associations surveyed report carrying D&O liability insurance coverage. Among those with liability coverage one in eight (13 percent) report their insurance has exclusions for ethics or standards committee, peer review or employee discrimination. Typically such exclusions appear to have been imposed on the association's coverage since 1985.

[In percent]

	All executives
Carry C&O liability insurance coverage	
Yes	64
No	35
No answer	1
Number of interviews	265

	All with D&O insurance
Exclusions:	
Coverage has exclusions (net) 13:	
Peer review	07
Standards committee	6
Ethnics committee	6
Employee discrimination	4
None of the above	87
Total	100
Number of interviews	171

Extent to Which Costs for Liability Coverage Have Increased

The Question: Compared with the cost of liability coverage in 1984, by what percentage, if any, have your premiums gone up?

Most associations with D&O coverage report an increase in their premiums since 1984. On average, the reported increase is 155%, and the median increase is 54%. Among associations carrying D&O liability insurance about one in four (26%) report their premiums have increased by 100% or more since 1984. Another one in four (23%) have seen their premiums rise by twenty to eighty percent in the past three years. Only one in seven (14%) report no increase. A large percentage of executives could not estimate the extent of change in the cost of their insurance premiums.

[All with D&O Insurance]

Percent increase on premiums since 1984:	Percent
Over 300	12
Over 200 to 300	5
Over 100 to 200	5
100	4
80 to 99	0
70 to 79	2
60 to 69	4
50 to 59	7
40 to 49	2
30 to 39	4
20 to 29	4
10 to 19	6
1 to 9	4
No increase	14
Can't say	27
Total	100
Number of interviews	171
Median	54
Mean	155

Extent to Which Costs for Liability Coverage Have Increased

The Question: Compared with the cost of liability coverage in 1984, by what percentage, if any, have your premiums gone up?

Most associations with D&O coverage report an increase in their premiums since 1984. On average, the reported increase is 155%, and the median increase is 54%. Among associations carrying D&O liability insurance about one in four (26%) report their premiums have increased by 100% or more since 1984. Another one in four (23%) have seen their premiums rise by twenty to eighty percent in the past three years. Only one in seven (14%) report no increase. A large percentage of executives could not estimate the extent of change in the cost of their insurance premiums.

[All with D&O Insurance]

Percent increase on premiums since 1984:	Percent
Over 300	12
Over 200 to 300	5
Over 100 to 200	5
100	4
80 to 99	0
70 to 79	2
60 to 69	4
50 to 59	7
40 to 49	2
30 to 39	4
20 to 29	4
10 to 19	6
1 to 9	4
No increase	14
Can't say	27
Total	100
Number of interviews	171
Median	54
Mean	155

Changes Resulting From Concern With Liability Risk

The Questions: Has concern for problems with liability caused your organization to make changes in the structure of your board of directors?

Has your organization eliminated any programs due to potential exposure to liability risk?

Has your organization eliminated any committees due to potential exposure to liability risk?

Relatively few associations (5%) report making changes in the structure of their board of directors as a result of concern for problems of liability. However, a larger proportion (14%) have eliminated programs due to potential exposure to liability risk. The elimination of committees is less common, only 5 percent report potential exposure to liability risk has lead to the elimination of committees.

While the number of executives reporting liability issues have affected the organization's leadership is relatively small it is noteworthy that such organizations are more likely than others to report changes in board structure or elimination of programs or committees.

[In percent]

	All executives	Liability affected leadership	
		Yes [1]	No
Made changes on structure of board:			
Yes	5	17	2
No	95	83	98
Total	100	100	100
Number of interviews	265	52	213
Eliminated programs:			
Yes	14	25	11
No	86	75	89
Total	100	100	100
Number of interviews	265	52	213
Eliminated committees:			
Yes	5	17	2
No	95	83	98
Total	100	100	100
Number of interviews	265	52	213

[1] Executives who answered "yes" to at least one of the following questions are categorized as yes to this item.

Have any potential volunteer leaders withheld their services to your organization due to concern over liability exposure?

Have any volunteer leaders resigned due to concern over the liability situation?

Has the number of volunteers actively participating in the leadership of your organization declined as a result of the liability situation in the past three years?

Review of Organization Documents

The Question: Are the governing documents of your organization periodically reviewed to make them current and consistent with present interpretation of association law?

Almost all (88%) association executives report they periodically review the organization's governing documents to keep them current with interpretation of association law.

All executives

Governing documents reviewed:	Percent
Yes	88
No	11
No answer	1
Total	100
Number of interviews	265

Policies Concerning Volunteers

The Questions: Is there an established policy as to who among the volunteers and staff is specifically authorized to communicate outside, the association's views, comments and positions?

Are volunteers prohibited from using association letterhead except when authorized for a specific task, project or purpose?

Do committees and boards have specific charges and authorizations and are they monitored to insure compliance?

A large majority of organizations (80%) have policies concerning communication of the association's views outside the organization. The same proportions report prohibitions on the use of official letterhead except for authorized use.

Nine in ten association executives (90%) also report committees and boards have specific charges and authorizations and are monitored for compliance.

All executives

Established policy regarding communication:	Percent
Yes	80
No	19
No answer	1
Total	100
Number of interviews	265
Prohibitions against using letterhead:	
Yes	80
No	18
No answer	2
Total	100
Number of interviews	265
Committees/Boards have specific changes/authorization:	
Yes	90
No	8
No answer	2
Total	100
Number of interviews	265

Experience with Law Suits

The Questions: Has your association been sued on a directors and officers liability question in the past five years?

How many times?

When was the last time your organization was sued?

How many suits, if any, have you settled out court within the past five years?

How many suits, if any, have you successfully defended in the past 5 years?

How seriously has your liability coverage been affected by these suits?

Approximately one association in twenty (5%) has been sued, within the past five years, on a directors and officers liability question. The majority of organizations have been sued once, but one in four have experienced multiple suits. In addition, it may be noted that about one in four organizations have been sued for some reason at some point in time, including 6 percent who were sued within the past five years for some reason other than D&O liability.

The numbers reporting any involvement in suits is too small to base definite conclusions upon; however, it would appear that about half the suits are settled out of court and most are successfully defended.

[In percent]

Sued on D&O question	All executives	Carries D&O insurance	
		Yes	No
Yes	5	6	1
Once	—3	—4	—1
Twice	—1	—1	—0
Five or more	—1	—1	—0
No	95	93	99
No answer	(1)	1	0
Total	100	100	100
Number of Interviews	265	171	92

[1] Less than one-half of 1 percent.

[In percent]

Last time organization was sued	All executives	Carried D&O insurance	
		Yes	No
Within past year	4	5	2
1 to 2 years ago	3	5	0
3 to 4 years ago	3	5	1
5 years ago	(1)	0	1
More than 5 years ago	12	14	8
Never	74	67	87
No answer	4	4	1
Total	100	100	100
Number of interviews	265	171	92

[1] Less than one-half of 1 percent.

Of those sued for any reason in the past 5 years, 18 percent report their liability coverage has been very or fairly serious affected by these suits.

Organization sued in past 5 years

	Percent
Liability coverage affected:	
Very seriously	11
Fairly seriously	7
Not too seriously	50
Not at all seriously	50
Don't know	11
Total	100
Number of interviews	28

Bias on Underwriters

The Question: Have you incurred a bias on underwriters due in part to the technical nature of your profession?

About one in four association executives report having incurred a bias on underwriters due to the technical nature of their profession. Those who report the liability situation has had an effect on leadership are more likely than the norm to report incurring an underwriters bias.

[In percent]

Incurred bias on underwriters	All executives	Liability effected leadership	
		Yes	No
Yes	23	46	18
No	69	50	73
Don't know	8	4	9
Total	100	100	100
Number of interviews	265	52	213

Effect of Liability on Relations with Chapters

The Question: Have changes in liability coverage changed relations with chapters of your association?

If yes, in what ways?

Are you able to secure coverage for your chapters?

One in ten (10%) report that changes in liability coverage have changed relations with association chapters. While the number is small it may be of value to look at the changes reported. A third report initiating programs or monitoring to reduce the risk of liability. Others report discontinuing chapters, requiring chapters to pay for their own insurance or increased financial management.

[In percent]

Changed relations with chapters	All executives	Liability effected Leadership	
		Yes	No
Yes	10	19	7
Programs to reduce risks: Have gotten much more conscientious watching all levels of chapter activities; started a risk management program; Made chapters more sensitive to liability	−3	−6	−3
Provide liability insurance: Incorporated liability insurance for chapters under national policy; Got them liability insurance; Are required to cover chapters, independent D&O coverage in effect	−2	−4	−1
No longer part of national insurance: Had to distance from the chapters because of this; Cut them loose and they are on their own; Are not part of us anymore, they had to establish a new structure	−2	−6	(1)
Increased financial management: Are starting to write guidelines for them concerning financial matters; Increased financial management; Greater audit and fiscal control	−2	−0	−2
Chapters pay own insurance: Require they carry their own liability coverage when conducting an activity using the organizations name or under our umbrella; They have had to pay more of their share of directors and officers insurance	−1	−2	(1)
Strengthen relationship: Because of group plan have had strengthening of relationship; Have strengthened affiliation agreement	−1	−0	1
Strained relationship: Strained relationship by raising concern at the chapter level which is very difficult; Caused some hard feelings	−1	−2	(1)
Tax laws: Had to change membership requirements for the tax laws; Has to do with tax laws	−1	−2	(1)
No	70	62	72
Don't know	20	19	21
Total	100	100	100
Number of interviews	265	52	213

[1] Less than one-half of 1 percent.

Less than half (36%) of the association executives report they are able to secure coverage for their chapters; however, a large proportion (46%) could not answer the question.

All executives

Able to secure coverage for chapters:	Percent
Yes	36
No	18
No answer	46
Total	100
Number of Interviews	265

Indemnification of Directors and Volunteers

The Question: Do you indemnify your Board of Directors in the Bylaws?

Do you indemnify your volunteers as well?

A majority of associations (58%) indemnify their board of directors. However, less than half (32%) indemnify volunteers. Organizations with D&O insurance are more likely than others to indemnify board members and volunteers. Those reporting the liability crisis has affected leadership also are more likely to indemnify board members.

[In percent]

	All executives	Carries D&O insurance		Liability affected leadership	
		Yes	No	Yes	No
Indemnify board of directors:					
Yes	58	64	48	65	56
No	35	29	43	25	37
No answer	7	7	9	10	7
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

[In percent]

	All executives	Carries D&O insurance		Liability affected leadership	
		Yes	No	Yes	No
Indemnify volunteers:					
Yes	32	37	25	35	32
No	59	54	66	59	58
No answer	9	9	9	6	10
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

Effect of Liability Exposure on Volunteer Leaders

The Question: Have any potential volunteer leaders withheld their services to your organization due to concern over liability exposure?

Have any volunteer leaders resigned due to concern over the liability situation?

Has the number of volunteers actively participating in the leadership of your organization declined as a result of the liability situation in the past three years?

Association executives were asked a series of questions concerning the possible effects of the liability crisis on volunteer leaders. About one in five executives (20%) perceive some change as a result of the potential exposure to liability. The most common effect is the withholding of services to the association. Eighteen percent report that, due to concern over liability exposure, potential leaders withheld their services to the organization. A little less than one in ten (8%) report resignations as a result of concern over liability issues. Related to the reported resignation six percent have seen a decline in the number of volunteers in the past three years related to the liability situation. Finally, seven percent believe the quality of volunteers in their organization has suffered due to liability questions.

All executives

Potential volunteer leaders have:	Percent
Withheld services	18
Resigned	8
Declined in number	6
None of the above	80
Number of Interviews	265

Effect of Liability Exposure in Other Volunteers

The Questions: Has the number of individuals volunteering time for service roles in your organization declined as a result of the liability situation in the past three years?

Has the quality of volunteer leaders in your organization suffered due to liability questions?

As one might anticipate, organizations reporting the liability crisis has effected leadership are more likely than others to report a decline in volunteers and relatedly, a decline in the quality of volunteer workers.

[In percent]

	All executives	Carries D&O insurance		Liability effected leadership	
		Yes	No	Yes	No
Individual volunteers declined:					
Yes	6	4	10	29	(1)
No	91	93	87	67	97
Can't say	3	3	3	4	3
Total	100	100	100	100	100

[In percent]

	All executives	Carries D&O insurance		Liability effected leadership	
		Yes	No	Yes	No
Number of interviews	265	171	92	52	213
Quality suffered:					
Yes	7	5	10	31	1
No	91	93	88	65	98
Can't say	2	2	2	4	1
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

¹ One-half of 1 percent.

SUMMARY OF FINDINGS BASED ON INTERVIEWS WITH VOLUNTEER BOARD MEMBERS

Affect of Liability Crisis

The Question: Overall, how would you say the liability crisis has affected your participation in not-for-profit organizations?

One in five board members (21%) report the liability situation facing voluntary organizations had made them more concerned about serving on boards of directors. One in ten (10%) either carry insurance or verify that the organization carries liability insurance. A small proportion (3%) have become more selective in their participation and 2% have resigned or refused to serve on a board as a consequence of their concern. However, seven in ten (69%) report no negative effect.

LIABILITY CRISIS AFFECT

	Percent	Number
More concerned (net)	21	
Cause for concern/more cautious (have to be more cautious; has not stopped volunteering; has not affected actions, but has generated a sense of concern)		18
Hesitancy in joining (reluctant to join new boards; tougher to get people to work for non-profit organizations; leery of volunteering)		3
Fear being sued (concerned for individual suits; look into risk liability; felt personal exposure)		2
References to insurance (net)	10	
Must have insurance coverage (refusal to serve if proper insurance not available; will serve on boards that have coverage, make sure directors are covered)		5
Incrased cost of insurance (costing more money for insurance; premiums have escalated; created financial problems)		3
Carry insurance		3
More selective (net)	3	
Seek legal counsel (go to an attorney before making statements; talk with attorney before serving)		6
Check on organization/board member (check before joining; check every-thing out; find out how they operate; ask about policies before joining)		3
Resigned/will not participate	2	
Other	3	
No negative affect	69	
Can't say	2	
Number of interviews	359	

Inquiries Concerning Liability Coverage

The Questions: When asked to volunteer as a board member, do you inquire into the organization's liability coverage before making a decision to serve?

Do you research the organization's history of lawsuits before volunteering?

Nearly half (48%) the board members question the organization's liability coverage before making a decision to sit on a board. Perhaps because of their greater experience, or greater potential exposure to suits, those who have been board members for a long period of time or have membership on more than one board are more likely to raise questions about liability before accepting a seat on the board.

Approximately one in four directors (23%) report researhing the organiztion's history of lawsuits prior to volunteering. Again, it is the volunteer with more years of experience or multiple board membership who is most likely to look into the organization's past history.

INQUIRIES CONCERNING LIABILITY COVERAGE

[In percent]

Inquire into liability coverage	Total	Length of board membership			Number of organizations ¹		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	48	42	47	56	34	53	54
No	51	57	53	41	65	46	43
Don't know	1	1		3	1	1	3
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

¹ Number of organizations for which respondent is a board member.

RESEARCHING ORGANIZATION'S HISTORY OF LAWSUITS

[In percent]

Research organization's history of lawsuits	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	23	17	26	26	17	26	23
No	76	83	71	74	81	73	77
Don't know	1		3		2	1	
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Criteria used in research of organization's history

The Question: What criteria do you use in your research of an organization's history?

Among those who look into the organization's history the most common approach, taken by about one in four, is to consult with other board members. Almost as many consider the stability of the organization (22%). Slightly less than one in five (17%) consider the quality of the current board members and as many consider the organization's current insurance coverage. The full distribution of factors considered are shown in the table below.

Criteria used in research of organization's history

Criteria used	*Total (percent)*
Consultation with members (e.g., check with administration staff)	27
Stability of organization (e.g., how long established; the organization itself)	22
Quality of board member (e.g., quality of people on board now and in the past; knowing about the leaders of the organization)	17
Insurance coverage (e.g., whether or not they are insured; if they carry liability; consult insurance representative)	16
General reputation/word of mouth (e.g., asking around in community; word of mouth; ask community leaders)	11
Type of service/activity provided (e.g., if they do good work; look at what they have to offer; primary purpose)	9
Organization records (e.g., go to records; minutes of meetings)	7
Legal counsel (e.g., check with legal counsel; our lawyers follow through the liability clause; State courts)	7
Financial background (e.g., ask to look at financials for 3 yrs; financial status; auditors reports)	6
Media (e.g., check newspaper stories)	3
Other involvement (e.g., usually on a committee so I can research well)	1
Potential for lawsuits (e.g., area of risks; probability of exposure of liability)	6
Number of interviews	81

Perceived changes in volunteer board members

The Questions: In the past few years have you noticed any of the following regarding volunteer board members . . . fewer willing to volunteer or serve? volunteers are more cautious about what they do or say?

About half the volunteer board members (49%) report that they see fewer willing to volunteer to serve on boards of directors. As much larger proportion (72%) report volunteers are more cautious in what they do or say.

FEWER WILLING TO VOLUNTEER OR SERVE

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	49	47	48	52	49	47	53
No	49	50	51	46	47	52	46
Don't know	2	3	1	2	4	1	1
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

VOLUNTEERS MORE CAUTIOUS ABOUT WHAT THEY SAY OR DO

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	72	69	74	74	67	77	70
No	27	28	26	26	31	22	29
Don't know	1	3			2	1	1
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Withholding of volunteer services

The Question: Have you ever withheld your volunteer services due to fear of liability?

One in six board members (16%) report withholding their services due to fear of liability. Those who serve on several boards, as one might expect, are more likely to report such an experience. It should also be noted that since the survey is of currently active board members there is no measure of the proportion of board members who have completely withdrawn from volunteer activity due to concern for liability.

WITHHOLDING OF VOLUNTEER SERVICES

[In percent]

	Total	Length of board membership			Number of organizations		
	2 yr. or less	3 to 6 yr.	3 to 6 yr.	7 plus years	Only 1	2 to 3	4 plus
Yes	16	16	13	20	14	17	19
No	84	84	87	80	86	83	81
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Experience with lawsuits

The Question: Have you ever been sued as a volunteer of a not-for-profit organization?

Relatively few board members (2%) report having been sued as a volunteer for a not-for-profit organization. As one might anticipate, board members who have served a long time or who serve on several boards are more likely than the less experienced to report being sued.

EXPERIENCE WITH LAWSUITS

[In percent]

Ever been sued	total	Length of Board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	only 1	2 to 3	4 plus
Yes	2	1	1	4	0	2	4
No	98	99	99	96	100	98	96
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Current Liability Coverage

The Question: Does your employer provide liability coverage for your volunteer service?

Do you carry personal coverage for liability?

Seven in ten board members (72%) carry some type of liability coverage. Slightly more than one in four volunteer board members (27%) report their employer provides liability coverage for their volunteer service. This is particularly true of volunteers who serve on several boards or who have served for a long period of time.

Many more volunteers (62%) report carrying personal liability coverage.

CURRENT LIABILITY COVERAGE

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Net liability coverage	72	62	78	76	63	73	79
Personal coverage	62	51	72	66	54	65	66
Employer provides coverage	27	20	30	33	23	22	41
None	28	38	22	24	37	27	21
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

SAMPLING TOLERANCES

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 percent of the time, assuming the same sampling procedures, the same interviewers, and the same questionnaire.

The first table shows how much allowance should be made for the sampling error of a percentage:

RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF A PERCENTAGE

[In percentage points (at 95 in 100 confidence level [1])]

	Sample size						
	350	250	125	100	75	50	25
Percentages near 10	3	4	5	6	7	8	12
Percentages near 20	4	5	7	8	9	11	16
Percentages near 30	5	6	8	9	10	13	18
Percentages near 40	5	6	9	10	11	14	19
Percentages near 50	5	6	9	10	11	14	20
Percentages near 60	5	6	9	10	11	14	19
Percentages near 70	5	6	8	9	10	13	18
Percentages near 80	4	5	7	8	9	11	16
Percentages near 90	3	4	5	6	7	8	12

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 350 respondents. Then we go to row "percentages near 30" in the table and go across to the column headed "350". The number at this point is 5, which means that the 33 percent obtained in the sample is subject to a sampling error of plus or minus 5 points. Another way of saying it is that very probably (95 chances of 100) the true figure would be somewhere between 28 and 38, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as, for example, men and women, the question arise as to how large a difference between them must be before one can be reasonably sure that it reflects a real difference. In the tables below, the number of points which must be allowed for in such comparisons is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between those shown in the two tables.

RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF THE DIFFERENCE

[In percentage points (at 95 in 100 confidence level [1])]

Size of sample	175	125	100	75	50	25
Table A (percentages near 20 or 80):						
175	8					
125	9	10				
100	10	11	11			
75	11	11	12	13		
50	12	13	14	14	16	
25	17	17	18	18	19	22
Table B (percentages near 50):						
175	10					
125	11	12				
100	12	13	14			
75	14	14	15	16		
50	16	16	17	18	20	
25	21	21	22	23	24	28

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

Here is an example of how the tables would be used: Let us say that 55 percent of men responded a certain way and 40 percent of women respond that way also, for a difference of 15 percentage points between them. Can we say with any assurance that the 10-point difference reflects a real difference between men and women on the question? Let us consider a sample which contains approximately 125 men and 125 women.

Since the percentages are near 50, we consult Table B, and since the two samples are 125 persons each, we look for the number 12 here. This means that the allowance for error should be 12 points, and that in concluding that the percentage among men is somewhere between 3 and 27 points higher than the percentage among women we should be wrong only about 5 percent of the time. In other words, we can conclude with considerable confidence that a difference exists in the direction observed and that it amounts to at least 3 percentage points.

If, in another case, men's responses amount to 22 percent, say, and women's 24 percent, we consult Table A because these percentages are near 20. We look for the number in the column headed "125" which is also in the row designated "125" and see that the number is 10. Obviously, then, the two-point difference is inconclusive.

A SELF-RELIANT COUNTRY

● Mr. SIMON. Mr. President, on October 27, 1987, Congresswoman Marcy Kaptur spoke before the 17th convention of the AFL-CIO in Miami. A week after the dramatic Wall Street pluge, Congresswoman Kaptur addressed problems such as our dependence on foreign credit, and our need to balance the books.

Congresswoman Kaptur offers a sound analysis of the problems we are facing and the need to move on such important issues as education and health care in an effort to build a stronger more self-reliant country.

I ask that Congresswoman Kaptur's remarks be printed in the Record.

The remarks follow:

REMARKS OF CONGRESSWOMAN MARCY KAPTUR BEFORE THE 17TH CONVENTION OF THE AFL-CIO

Thank you President Kirkland, Secretary-Treasurer Donahue, members of the Executive Council, delegates, distinguished guests, Brothers and Sisters, Toledo delegates. It is an honor for me to address you, the representatives of the freest, most socially progressive trade union movement on earth.

More than 200 years ago, our forebears captured our nation's spirit of independence and freedom in writing the Declaration of Independence. This grant document declares our nation's right to be free and independent of foreign governments. Today, we are the most free of nations. Individual rights are the cornerstone of American democracy. In the last century our freedoms have been expanded. We have created a society with a broad middle class, the envy of the world. We must, and will, do more. Our system of government has withstood the political turmoil of unpopular wars, public corruption, and assassination of our top leaders. As a people, we admire self-reliance, independence, and opportunity for all. We remain the most pluralistic and socially diverse nation on earth. Our diversity is the source of our democratic strength.

But there is another dimension to our heritage of freedom and independence—an economic dimension. This was dramatically brought home last week with the first convulsion on Wall Street and the subsequent ups and downs we have witnessed. At the center of the storm is our nation's dependence on foreign credit. No one is sure how much America is worth anymore. New York Times headlines on Monday, 10/19: "Foreigners Called Key to Rates—Markets Fear Cut in Flow of Capital to U.S."

How long can we truly remain free and independent when we borrow from foreign creditors to subsidize our national income because we, as a nation, spend more than we earn? As astounding as it sounds, we are borrowing money from abroad to pay for goods we insist on importing from abroad.

We as a nation are engaged in a dangerous credit binge which is deepening our reliance on foreign capital. Our government is running the largest deficit in history. During the first five years of the Reagan Administration, more debt was added to the federal ledger than by all previous Administrations—Democratic and Republican—combined! The interest we are paying on this debt is astounding—$137 billion for 1987 alone! This amounts to 16.6 cents of every tax dollar you pay.

I ask you, how long can the United States truly remain free and independent while we are challenged by aggressive foreign competitors who send a flood of money as well as foreign goods—both industrial and agricultural—to capture larger shares of our marketplace? Our own productive capacities are suffering from erosion and displacement. We have witnessed over 4 million jobs move offshore.

Industries vital to our nation's defense are being sold to foreign interests—machine tools, metal fasteners, steel, autos, bearings, electronics and textiles. While U.S. exports abroad are struggling, international investment in the U.S. is booming. I am a vocal supporter of "Buy American" in a world which is rapidly buying America.

Think about it. Where are jobs and profits going when:

25% of our machine tool industry is foreign owned.

½ the value of all autos in the U.S. market are made outside the U.S.

½ of all the textiles we buy are from foreign sources.

Steel imports are 22% of the U.S. market, and imports from countries not restricted under VRAs are rising.

We import nearly half of the oil we consume.

In 1986 the U.S. imported nearly ⅕ of its agricultural products as farmers in Iowa, South Dakota, Minnesota, Oklahoma and elsewhere went bankrupt.

Did you see the recent Wall Street Journal rankings of the world's largest companies and financial institutions?

Of the world's ten largest public companies, 8 are Japanese. Only two, IBM and Exxon, are U.S. owned.

Of the world's ten largest banks, only one is U.S., Citicorp. Seven are Japanese. Two are French.

As a nation, we must reclaim America. We must learn to live within our capacity to earn. We must invest our dollars wisely in our own productive ventures. We must again assert our economic muscle in manufacturing, mining, and agriculture. For if America loses its industrial and agricultural muscle, all the social programs which we rely upon to improve our standard of living are threatened—health care, social security, education, housing.

What are the answers? First, the public pocket book must be put in order. The President was wise to accept the invitation of our Speaker, Jim Wright, to sit down with Congress to balance the books. This is for the good of the nation. The President has nothing to lose in this last year of his administration. I believe the next President of the U.S. should submit pay-as-you-go-budgets. Congress should accept no less. This means programs must have the means to pay for them built in prior to passage.

As individuals, we must wean ourselves off the borrowing binge and get our private checkbooks under control. Working men and women of this nation know how to save. I've seen it firsthand in my own community. Most recently I attended the 50th anniversary celebration of the credit union at GM's Hydra-matic plant in Toledo. It has $20 million in assets. Shortly thereafter, new ground was broken for another multi-million dollar credit union next to the Jeep facility in my District. You and the people you represent understand the meaning of thrift. Your pension funds are one of the largest sources of capital in America—earned by the workers and saved for the workers. As my Dad used to say, "It's not how much you make, it's how much you save."

We need a President to launch our nation on a major campaign to sell U.S. Savings Bonds to provide dollars for investment here at home—call them "Independence Bonds." The American people must be called upon to rebuild our nation's financial independence. We have the ability to finance our own spending. We have an obligation to future generations to pay our own way. Our initial goal should be to displace all foreign purchases of U.S. bonds, an amount nearing $270 billion. In fact, when you buy holiday presents this year, buy savings bonds. It's the best investment you can make in America's future. The federal government must make it financially advantageous for Americans to save. It's no secret domestic savings fuel domestic investment. A dollar saved helps create a job in America.

We also need a President who will sign the Trade Bill. And we need a President who will enforce it. And we need a President who will appoint respected negotiators in the international trade arena. We have people negotiating for our country who don't know a car from a truck, a machine tool from a baseball bat, or a slab of steel from a soybean. How I would love some of the members of this Executive Council to negotiate for America! The goal for America should no longer be free trade, but mutually beneficial trade—trade that expands markets, trade that raises the standard of living for all countries, trade that does not demand that concessions come from one side only.

Not only do we need competence among our trade negotiators, we need integrity. Two weeks ago, it was revealed that the Reagan Administration's top official for auto trade policy, Robert Watkins, was using his official position to solicit a job with top Japanese auto firms. He was doing this at the same time as he was involved in the most important auto trade negotiations with Japan in decades. He is a national disgrace. Members of Congress like myself forced his resignation. Now I am certain why he achieved such weak-kneed results in those negotiations.

This Administration's record is filled with far too many examples of this type of breach of the public trust. Michael Deaver is only the tip of the iceberg. It's happened in machine tools. It's happened in textiles. It's happened in autos. Citizens of this country who go to work for the government of the United States in top trade positions should not be allowed to leave these positions and then immediately go to work on behalf of a foreign country or company.

Congressman Howard Wolpe of Michigan and I have introduced the Foreign Agents Compulsory Ethics in Trade Act, FACE IT, H.R. 1231 to put an end to this type of despicable activity. We need your help in getting the legislation passed. When you go home, ask your member of Congress to sign on to our bill. The battle for fair trade is tough enough. America doesn't need traitors in her own camp.

Let's move to another key measure to reclaim America. We can modernize the public fact of America through the establishment of a "Build America Trust Fund." We can revitalize our cities by modernizing our mass transit systems and our water, sewage and drainage facilities. We can rehabilitate our schools, our fire stations, our libraries and other public buildings. We can rebuild our major county and state roads and bridges. We can improve our ports and inland waterways. In short, we can put in place all of the public works that create and sustain jobs. This means we must tap the talent, creativity, and dedication of our public sector work force.

The Speaker of the House Jim Wright has proposed such a Trust Fund predicated upon the highly successful Highway Trust Fund, a pay as you go method of financing that is fair and fiscally responsible. It has not added one penny to the national debt. We can do the same to set in motion an American public renaissance to repair and upgrade this nation from coast to coast.

Labor too can play a vital role in this endeavor. Pension funds are labor's source of economic power. They are the largest source of capital investment in the U.S. By creatively using pension funds, the building trades in my hometown, Toledo, have helped rebuild our downtown. At the same time they have put thousands of union men and women to work. This should be done all across America.

The private face of America needs to be modernized too. It is unconscionable that our nation has lost its shipbuilding capacity, that our steel mills are not state-of-the-art technology, and that U.S. made tractors are becoming a rare commodity. It is unacceptable that Japan is quickly catching the U.S. auto industry in world market share. And it is unacceptable that, last year, almost half the patents approved by the U.S. government were granted to foreigners.

The next President of this country must revisit the tax code of this land. We must reform Tax Reform to invest in America! We must stamp out hostile takeovers that make financiers rich on Wall Street but destroy jobs on Main Street. We must close the loopholes in the tax laws that move jobs overseas. Our tax laws must encourage U.S. industry to retool, rebuild and emphasize research and development here at home.

To help, we must enlist the help of our own Department of Defense to use its mighty resources, purchases of over $150 billion per year, to help retool and modernize U.S. industry. The national security of this nation is a function of the strength of our manufacturing industries. We must no longer tolerate the offshore migration of manufacturing capabilities in forging, castings, ball bearings, machine tools, semiconductors, steel, electronics, refining, metals, ceramics, and composite fibers. Cutting edge technologies are essential to our defense base. We must invest in them.

Reclaiming an independent America also means committing ourselves to a first-rate educational system. I have always believed education is this nation's first line of defense. We must reverse the trend where nearly one-third of each entering high school class drops out before earning diplomas. And we must make it easy for currrent workers to learn new skills in order to keep pace with technology.

There is a dangerous trend in higher education as well. Japan, with only half the population of the U.S., graduates five times as many engineers as the U.S. Foreign nationals make up nearly half of the enrollment in our graduate schools in engineering, mathematics and computer sciences. There is something wrong with our system which makes it more glamorous and financially rewarding for our best graduates to work on Wall Street than in the factories and on the farms of America. We need an educational system and a business community which encourage America's young to make a commitment to careers vital to our nation's future.

We must spark an American educational renaissance. For those students who do not have the financial means to continue their education, I propose a new type of student aid—a national program of Voluntary Service for America, that would reward participants with educational benefits similar to the GI Bill.

Finally, one of the most difficult issues facing the next administration will be affordable health care for all Americans. Today, 37 million Americans lack any type of health care coverage. One third of them are children. Many of the rest are workers who have lost their health care benefits due to lay offs and unemployment. By 1990, these numbers are expected to double.

We must confront the health care challenge head on. The next President of the United States, within 90 days of assuming office, should appoint a blue ribbon commission comprised of labor and business, health experts, and government officials to formulate a new program of health insurance. It worked for Social Security: it can work for comprehensive health care. Congressmen Don Pease (OH), Martin Sabo (MN), and Ed Roybal (CA) should be part of that Commission. They have already introduced forward looking legislative proposals which would make health care available to all our people. Of course, this proposal has a price tag. But cost-sharing by insurance purchasers according to ability to pay, requiring State matching funds, and saving some money through use of HMOs. I also suggest we place a tax on earnings from rapid stock transfers and the unproductive paper shuffling taking place on Wall Street, and target that money productively for health care for all our people.

In 1776 we were a young confederation fighting for our political independence. In 1987, we are a mature nation waging another fight—to sustain our economic independence.

Mutually beneficial trade, high educational standards, health-care, self-reliance in finance, and the rebuilding of our country. These goals can reclaim America. "Made in the U.S.A." will again be a standard of excellence and dependability. We can do this by *investing* in ourselves, in our future, and in the independence of America.

David Halberstam, in his recent best-selling book about the auto industry entitled *The Reckoning*, professes that this may be the end of the American century. I believe differently. Our country is going to regain its preeminence because of the essential strength of our democratic system. I believe this is the time to reclaim and recapture America for the 21st Century. Our task is to turn America to the next generation in better condition than we found it.

As Carl Sandburg wrote—

"I see America not in the setting sun of a black night—
I see America in the crimson light of a rising sun—
I see great days ahead, great days possible to men and women of will and vision."●

NAUM MEIMAN

● Mr. SIMON. Mr. President, as many of you know, I have been inserting statements in the CONGRESSIONAL RECORD for the past 1½ years on behalf of Naum and Inna Meiman. Last January 1987 we witnessed with relief the occasion of Inna arriving in the United States to receive much needed cancer treatment. Sadly, her release came too late. Inna died 3 weeks after she entered the United States.

This year, I am pleased to announce that Naum Meiman has received permission to leave the Soviet Union. Naum received official confirmation from OVIR on Tuesday, January 26. I am sure that many share my delight in the news; however, it is a delight which is tempered by caution. Naum is old, sick, and alone. Unfortunately, he now has to go through the formal procedure alone. For someone of Naum's age, this procedure can be exhausting.

I am pleased that Naum has received the news for which he has been waiting so long. I am pleased for Naum and I am pleased for the Soviet Union. However, I urge that the Soviet authorities expedite the departure procedure so that Naum can leave in good health and avoid his wife's fate. ●

THE 100TH ANNIVERSARY OF THE EPIPHANY SCHOOL

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 100th anniversary of the Epiphany School in New York City. Since 1888, the Epiphany School has been providing its students with the finest in Catholic education.

One hundred years ago, Epiphany opened as a Catholic grade school by Rt. Rev. Msgr. Richard Burtsell. At the time, New York City's population was increasing at an astonishing rate and a complete Catholic grade school was needed.

From the outset, Epiphany's educational program was conducted by the Sisters of Charity. From 1900 to 1935 they were joined by the Christian Brothers. Every pastor has been in active charge over the years and together they continue to improve the school and its facilities.

Today, the academic achievements at Epiphany rank it among the finest parish schools in the city—as well as one of the oldest. There is now a lay principal, James L. Hayes, and faculty teaching a highly expanded curriculum to approximately 360 students. More students than can be accommodated are continually attracted to the school.

The Epiphany School rejoices in their rich history. They have a proud past and may look forward to an even brighter future.

Thank you, Mr. President.●

INFORMED CONSENT: NEW JERSEY

● Mr. HUMPHREY. Mr. President, abortion on demand claims the lives of nearly 4,000 unborn children every day. Beyond this tragedy, many women suffer mental anguish and develop severe psychological problems as a result of their abortions. S. 272 and S. 273 would require informed consent by making abortionists supply women with basic information on abortion procedures, risks, and alternatives. I am convinced that if this legislation were passed, many of the abortions that are routinely and needlessly performed would be avoided. I ask unanimous consent that a letter from a woman in New Jersey who supports these bills be entered into the CONGRESSIONAL RECORD. The letter follows:

FEBRUARY 1987.

DEAR MR. HUMPHREY: I am a member of Concerned Women of America. In 1977 and 1978 I had two abortions. I was single, in my early twenties, and living in New York City. I went to the "Eastern Women's Clinic" in Manhattan. Both times my treatment was the same. After testing my urine and discovering that I was pregnant, they politely sat me down and told me the results of the test.

After I calmed down and had a minute to understand my predicament, I told them I wanted the abortion. They quickly set up an appointment for me. They told me what to avoid eating or drinking, to bring a friend to help me home afterwards, and that was it! They never went into any detail of what was involved in the procedure. They never told of the possible consequences to me if anything went wrong, or even what could go wrong. They never talked about the possibility of excess bleeding or of possible injury to my cervix, or of the increase of miscarriages to those women who have undergone multiple abortions * * * Nothing!

I was convinced that there was no child inside of me at the time that I had these abortions. I have since learned that there were two little children living inside of me who I will never get to know. Two little people, that if I had only known about their growth and development, they might be with me today.

Do not believe the abortionists who say that there are no psychological effects on the women after their abortions. I will never be able to read about, or see on television anything about abortions without my heart breaking for those children that I had killed. And that is exactly what I did to them. Praise God for His forgiveness and love.

I know that if it was mandatory for clinics to counsel and to fully inform these women, there would be fewer abortions and fewer guilt-ridden and heartbroken women later on.

Most sincerely,

MRS. E. RODERED,
Raritan, NJ.●

WELFARE REFORM

● Mr. MOYNIHAN. Mr. President, as chairman of the Subcommittee on Social Security and Family Policy, I rise to welcome and to praise the exceptional emphasis President Reagan gave to family policy in his State of the Union Address Monday evening, and in particular, his summons to make this at long last the year of true welfare reform.

The President commented:

> My friends, some years ago, the Federal Government declared war on poverty, and poverty won. . . .
>
> Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.
>
> It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.
>
> States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

The President is quite correct in calling attention to the energy and creativity with which State governments have addressed the issue of welfare dependency in recent years. As Senators will know, last year the National Governors Association made welfare reform its No. 1 issue. Governor Clinton of Arkansas, then chairman of the association, and Governor Castle of Delaware brought their proposal to the Finance Committee, and we fashioned our bill (S. 1511) after their model. Time and again I have referred to it as the Governors' bill.

I emphasize my agreement with the President in this large matter, as I would beg to differ on the lesser point with which he opened his discussion. Which is to say that in the War on Poverty, "poverty won."

It happens I was present in the Rose Garden at midmorning of August 20, 1964, on the occasion President Johnson signed the Economic Opportunity Act of 1964. These were his opening remarks:

> On this occasion the American people and our American system are making history.
>
> For so long as man has lived on this earth poverty has been his curse.
>
> On every continent in every age men have sought escape from poverty's oppression.
>
> Today for the first time in all the history of the human race, a great nation is able to make and is willing to make a commitment to eradicate poverty among its people.

At no point in his remarks that day did he use the term "war on poverty," but that usage became common and President Reagan surely reflects a widespread judgment that as a nation we failed in that great undertaking.

Not long ago, a cover story in U.S. News & World Report, by the able young scholar David Whitman, noted that Tom Fletcher, the impoverished coal miner President Johnson visited in a vastly publicized tour of eastern Kentucky, is still poor, still living in the same cabin. Just this week an editorial in the New Republic, commenting on a decline in the quality of American civic culture, notes:

> One of the causes is the frustration of grinding poverty, particularly in the wake of both insincere promises and oafish efforts to end it.

Indeed, some of the more eccentric programs of the time aroused considerable opposition. Osborn Elliott recently noted that in his final State of Union message, President Johnson did not even mention the Great Society and antipoverty programs.

There were, you could say, auguries. I sat beside Sargent Shriver on March 17, 1964, as he presented the opening testimony on the Economic Opportunity Act before the House Committee on Education and Labor. When at length Chairman Powell invited the comment of a senior Republican member, the hapless legislator could only offer us a reading from John 12:18: "For the poor always ye have with you."

In the near quarter century since, this prophecy appears to have been borne out. About one American in six was poor in 1964. About one in six is poor today.

However, Mr. President, I would offer the thought that this seeming intractable proportion is the result of two quite opposite movements.

In 1964, poverty was essentially a problem of the aged. More than a quarter of the aged were poor.

But programs enacted under President Johnson and President Nixon, primarily within the Social Security area, greatly reduced poverty among the elderly. I refer especially to Medicare, to SSI, and to the increase and subsequent indexing of Old Age Insurance benefits.

PERCENTAGE BELOW POVERTY LEVEL

	1966	1986
65 and over	28.5	12.4

Source: U.S. Census Bureau.

This is a wholly unacceptable level of poverty among the aged. Even so it is a much reduced level, and this was anticipated.

By contrast, of a sudden we look up to find there are more poor Americans today than a quarter century ago, and that the poorest group in our population are children.

Moreover, in actual numbers and as a proportion of the age group—one in five—poverty is greater among children today than it was a quarter century ago.

As we approach the end of the 20th century, a child in America is almost twice as likely to be poor as an adult.

This is a condition that has never before existed in our history. Most probably, it has never before existed in the history of the human species.

Percentage below poverty level

Age group:	*1986*
Under 18 years	19.8
18–64	11.1
65 and over	12.4

Source: U.S. Census Bureau.

How has this come about? At one level the answer is simple. It is, as Samuel H. Preston put it in the 1984 Presidential Address to the Population Association of America: "the earthquake that shuddered through the American family in the past 20 years." The 20 years, that is, from the beginning of the poverty program.

Which is to say a new poverty problem has emerged.

As the Census has just reported, in 1986, nearly 1 in every 4—23.5 percent—children lived with only one parent, 2½ times the proportion in 1960. The vast majority—89 percent—of these 14.8 million children lived with their mothers. These include 18.3 percent of all white children, 53.1 percent of all black children, and 30.4 percent of all Hispanic children.

CHILDREN UNDER 18 LIVING WITH ONE PARENT

[Percent]

	1986	1960
Total	23.5	9.1
White	18.3	7.1
Black	53.1	21.9
Hispanic	30.4	(NA)

Source: U.S. Census Bureau.

Estimates of the number of children who will live with a single parent at some point during childhood are yet more striking. Arthur Norton of the U.S. Bureau of the Census predicts that 61 percent of children born in

1987 will live for some time with only one biological parent before reaching 18. Inevitably, large numbers of these children require some form of public assistance.

Further, Mr. President, in providing such assistance, we have created an extraordinary institutional bias against minority children.

The Social Security Act has two provisions for the care of children in single parent families. The first is Aid to Families with Dependent Children, enacted into law as part of the original 1935 Social Security Act. The second is Survivors Insurance, added to the act in 1939. The characteristics of these two populations are quite different. The majority of the children receiving SI benefits are white. The majority of the children receiving AFDC are black or Hispanic.

RACIAL COMPOSITION OF AFDC AND SURVIVORS INSURANCE CASELOADS

[Percent]

	SI	AFDC
White	66	40
Black	22	41
Hispanic	8	14
Other	4	5

Source: Social Security Administration and Family Support Administration; AFDC data are for 1986; SI data are estimated for 1985.

May I now ask the Senate to listen closely?

Since 1970 we have increased the real benefits received by children under SI by 53 percent.

We have cut the benefits of AFDC children by 13 percent

The U.S. Government, the American people, now provide a child receiving SI benefits almost three times what we provide a child on AFDC.

To those who say we don't care about children in our country, may I note that the average provision for children under SI has been rising five times as fast as average family income since 1970.

We do care about some children. Majority children.

It is minority children—not only but mostly—who are left behind.

AVERAGE MONTHLY AFDC AND SURVIVORS INSURANCE BENEFITS PAYMENTS

[Per recipient payment, in constant 1986 dollars]

	SI	AFDC
1970	$222	$140
1986	339	122
Percent of change	+53	−13

Source: Social Security Administration and Family Support Administration.

In terms of the present emphasis on education in the President's State of the Union, consider this table of the proportion of children in major urban school districts who are now on welfare. (Consider how much greater that proportion would be if measured over time.)

Percentage of children enrolled in public schools on AFDC—by selected cities [1]

Hartford	58
Newark	58
New York	45
Detroit	45
Chicago	44
Oakland	43
Gary, IN	42
Philadelphia	42
Jackson, MS	40
Minneapolis	33
New Orleans	31
Seattle	31

[1] The data in these tables were provided by city officials.

Percentage of children enrolled in public schools on AFDC—by selected cities in New York State [1]

Utica	50
Buffalo	47
New York	45
Rochester	38
Niagara Falls	33
Yonkers	32

[1] The data in these tables were provided by city officials.

Remember these children on average receive less support today than they did 20 years ago. Is it any great wonder, on the edge of privation or worse, that they do not become model scholars?

Surely, if someone in that Rose Garden a quarter century ago had predicted we would treat our children so, the rest of us would have predicted the troubles the children now have.

Why has this come about? Why this institutional bias?

I believe we know why. Welfare has become a stigmatized program. Children dependent on it—as many as one child in three before reaching 18—are stigmatized as well. That surely is what institutional bias means.

Our legislation, with 56 cosponsors, is designed to get rid of that stigma by emphasizing child support and the education and training adults need to get off welfare. There has been a great deal of talk about both, but the Federal Government has really never backed either. Once that stigma is gone, or diminished, States will once again feel the moral obligation to maintain and even increase AFDC payments to dependent children. They are free to do so now. They do not. We want to change this.

Let me declare my own conviction in this matter. AFDC should be a national program, with national benefits that keep pace with inflation, in exactly the same way that Survivors Insurance is a national program with national benefits.

Had the Family Assistance Plan been enacted, we would now have a national program. Had President Carter's Program for Better Jobs and Income been enacted, we would have a national program. As a White House aide, I helped fashion the first for President Nixon. I supported the second here in the Senate. Neither proposal became law. Both fell before a coalition of those who thought the benefits were too great and those who thought them too little.

But that is history. Our Federal budget deficit is such that there is no possibility whatever of establishing national AFDC benefit standards at this time.

Welfare reform must become the art of the possible or it will become a diversion of the essentially unserious.

Mr. President, we can have welfare reform this year. The House has sent us a bill. A majority of Senators have cosponsored a Senate bill. Senator Bentsen, the distinguished chairman of our Committee on Finance, has scheduled a final hearing next week, on February 4.

I find the words a bit unfamiliar, but why not? "Let's win one for the Gipper."●

THE DONALD ROCHON MATTER

● Mr. SIMON. Mr. President, in the past few days the Nation has been shocked by the reports of the conduct of FBI agents against one of their colleagues, Donald Rochon.

FBI special agent Rochon has sued the FBI for racial harassment and pranks committed against him since 1983. The acts complained of are almost unspeakable—taping the faces of apes over his children's pictures on his office desk, leaving notes on his desk threatening sexual and physical attacks against him and his wife, and forging his signature to a death and dismemberment insurance policy. All of these acts were attributed to his fellow FBI agents. According to EEOC and Justice Department findings, agent Rochon's supervisors failed to respond when he complained of these actions against him. In fact, when Mr. Rochon complained of discrimination, the FBI tried to make him the culprit.

I first learned of the abuses against Mr. Rochon in May 1986 when he was stationed in the Chicago FBI office. I convened a meeting between then-FBI Director Webster and the head of the Chicago NAACP to discuss the allegations. I was not satisfied that the FBI has adequately addressed Mr. Rochon's situation so I raised my concerns about it at the confirmation hearings of Judge William Sessions last September. Judge Sessions responded that "the kind of behavior described is in total contradiction to FBI policy and practice." To a followup question, he indicated that he would be alert to this important issue and implement appropriate changes.

I am pleased that Senator Joseph Biden, chairman of the Judiciary Committee, has acted upon my request for an investigation of the Rochon matter. I have been assured that the committee will hold hearings on this and perhaps other instances of harassment within the agency by fellow agents. I was also pleased to learn that, yesterday, the President was reported to have taken personal interest in this case.

There is no room for the type of conduct suffered by Mr. Rochon. It is intolerable. The days are long gone when the FBI can be seen by the American people to be insensitive or above the law. The Rochon matter is an embarrassment to responsible law enforcement officials everywhere as it shakes the Nation's confidence in the Bureau and makes it that much harder for the Bureau to attain the cooperation critical to perform its work.

Mr. President, I ask that the New York Times editorial on the Rochon matter and Judge Sessions' testimony be printed in the Record following my remarks.

The material follows:

Question From Senator Simon

Question on *Rochon v. FBI.*

Question: Judge Sessions, I am concerned both about the hiring practices of the Bureau in view of the low number of minority and women special agents, and about the treatment and working conditions of the special agents once they join the Bureau.

I want to relate to you an incident which my Chicago staff has been following for some time relating to the Omaha FBI office. A Black special agent was subjected to continued racial harassment by one or more of his colleagues in that office. In what the EEO Hearing Officer and Justice Department called "overall, racially deplorable treatment", the local Omaha FBI office failed to stop the harassment after being informed of its existence, transferred the complaining black agent to an offce he did not request by applying rules to his transfer it did not apply to white agents, and eventually censured the complaining black agent for not coming forward earlier about housing discrimination he and he alone may have faced in Omaha.

I might add that the Omaha office had been the subject of a prior complaint of racial harassment of one agent by others which was upheld by the Justice Department. My question is this:

Can the Bureau function effectively and gain the necessary cooperation in the communities it serves if this type of racial atmosphere in violation of the law exists?

Answer: Of course, the FBI must not tolerate racial discrimination in its ranks in any form. I have no personal knowledge of the incidents related in your question and I have been advised by the FBI that the kind of behavior described is in total contradiction to FBI policy and practice. To be sure, I would not tolerate discrimination by FBI employees in any form.

In my view, the FBI significantly benefits from the inclusion of both minorities and women in the Special Agent ranks. The personnel complement of the FBI should reflect the makeup of the country. I have been advised that the FBI's current policies and initiatives in the area of minority recruitment and retention are in line with my own views. Be assured I will make it clear to all FBI personnel that this area is one of significant importance.

Question: What steps will you take as Director to ascertain whether this type of situation exists in other offices, and, where it does exist, to order remedial action to personnel involved and preventive action to improve race relations within the Bureau?

Answer: As previously stated, I have no personal knowledge of the incidents described in your question and the FBI has advised me that any such conduct is not consistent with FBI policy or practice. I have been advised that the FBI already provides EEO training to all its new Special Agents as well as to FBI management personnel during mandatory and elective courses of instruction. Moreover, EEO counselors are assigned to every FBI division to resolve problems and alert FBIHQ to pertinent EEO matters. I have been advised further that the FBI strictly adheres to established EEO complaint procedures (i.e., Title 29, Code of Federal Regulation, Section 1613.201 *et seq.*) and that each FBI division's EEO program is reviewed during routine inspections conducted by FBIHQ.

I will certainly be alert to this important issue, and to the extent that agency policy or practice in the area of EEO relations need to be enhanced or augmented appropriate changes would be implemented.

[From the New York Times, Jan. 28, 1988]

Bigotry and the FBI's Answers

If Donald Rochon's experience typifies that of blacks in the F.B.I., then the new Director, William Sessions, has a catastrophe on his hands. Even if it's atypical Mr. Sessions has a problem, because the handling of the Rochon case has sent all the wrong signals to his agents and to the public about the F.B.I.'s attitudes on race.

Mr. Sessions needs to send a different signal, forcefully. And Congress needs to investigate, to insure that this case does not reflect deeper racial problems in an agency that the public ought to be able to respect.

Mr. Rochon is a 37-year-old F.B.I. agent who endured a vicious campaign of racial harassment by fellow agents. It started in Omaha in January 1983. A photograph of his family was defaced by someone who taped a picture of an ape's head over his son's face. A photograph of a black man's bruised, beaten face was placed in his mail slot.

According to the Equal Employment Opportunity Commission, the Special Agent-in-Charge of the Omaha office described these and other incidents as "pranks" that were "healthy" and a sign of "esprit de corps."

Things got worse after Mr. Rochon was transferred to Chicago in 1984. His family received obscene late-night calls and he got anonymous letters threatening him with death and his wife with sexual assault. He also received a bill for a death and dismemberment insurance policy he hadn't requested.

An internal F.B.I. investigation found that another agent had forged Mr. Rochon's name to the insurance application. The agent was given a two-week suspension without pay, but other white agents chipped in to replace his salary.

There are indications that Mr. Rochon was treated especially badly because his wife is white. But other blacks say that discrimination is part of the F.B.I. culture, infecting every aspect of their employment. Like Mr. Rochon, several others have filed complaints and a majority of the agency's 400 Hispanci agents have joined in a class-action suit charging discrimination. All this has attracted attention in Congress, and a House subcommittee plans hearings shortly. They'll come none too soon.

But in the first instance, it's up to Mr. Sessions to restore confidence in the F.B.I's approach to race, particularly in view of the historic cloud over its role in enforcing the civil rights laws. The public is entitled to answers to some reverberating questions:

What does the bureau consider to be merely a prank? Does it believe that a painless two-week suspension is appropriate punishment for an agent who commits forgery and implicitly makes a death threat against another agent? And how does it explain allowing a criminal investigation into these matters to languish for months, even years?

A spokesman says the Rochon case was one of the first times on Mr. Sessions' agenda when he took over the F.B.I. in November. That's encouraging. It's also encouraging that President Reagan yesterday announced his personal interest in the case. It would be more encouraging still if Mr. Sessions made his findings public and, where appropriate, made heads roll.●

"48 HOURS" WORTHLESS

● Mr. HECHT. Mr. President, it seems somewhat ironic that only 24 hours after Dan Rather was "only doing his job" on the Vice President, he did another job on a program ironically called "48 Hours." His latest target was Las Vegas, my hometown, and Mr. Rather neglected to tell the whole story.

Those who watched the CBS profile of Las Vegas might have thought they were watching the travel channel. There were neon lights, blackjack players, show girls, 24-hour wedding chapels, and therapy sessions with compulsive gamblers.

I can understand why a news organization would focus on the Las Vegas strip and downtown casinos, but there's so much the program missed.

In all fairness, CBS is not the first news organization to stress only one aspect of Las Vegas, which is very much like other cities of comparable size. Of course, there are bright lights and show girls. But there are churches, all types of recreational opportunities at nearby Hoover Dam and Mount Charleston, and a growing high-technology industry.

We have the free world's largest laboratory in the Nevada test site, and Nellis Air Force Base provides the finest training available for our pilots and those of our allies.

Mr. President, as a long-time resident of Las Vegas, I understand why my constituents feel the national news media seems to always take a superficial look at our fine community. I wonder if Dan Rather were to profile New York City, whether he would only focus his cameras on Times Square for an hour? Surely New Yorkers would wonder why CBS would not also include a look at Wall Street, Rockefeller Center, the Statue of Liberty, or Central Park.

"48 Hours" should spend a little more time to provide the entire picture. For Dan Rather it seems to be either hit or myth.

Mr. President, I ask that an article entitled " '48 Hours' Worthless" which appeared in today's Las Vegas Review Journal by John L. Smith be printed in the RECORD.

The article follows:

[From the Las Vegas Review, Jan. 28, 1988]

"48 HOURS" WORTHLESS

(By John L. Smith)

Television journalism smeared another pie in its face Tuesday night when CBS news aired "48 Hours in Las Vegas." Imagine collecting all those cliches in two days or less. It must have been difficult.

Why, rumor has it that next week "48 Hours" and Dan "Seven Minutes" Rather will go undercover at Disneyland to find out whether Mickey and Minnie Mouse are married or living in sin.

This so-called news program was filled with the stuff usually reserved for television detective shows. In "Vega$," for instance, Dan Tanna drove his convertible up Fremont Street, then turned left and suddenly was halfway up the Strip. The city was far more than the neon and craps tables portrayed in "Vega$," but it was fiction and such editing was understandable.

To interview a few teen-age ragamuffins in their rebel-without-a-cause mode was inaccurate and damaging to a city overrun by critics. Las Vegas isn't Mayberry, but every American city has its share of troubled youth.

The program missed a great opportunity to do something fresh. This city's many problems, peculiarities and positive qualities could have been illuminated. Instead, it was neon stereotypes and degenerate gamblers.

The biggest theme of all—old Las Vegas emerging into corporate Las Vegas—was glossed over with a sad superficiality. Even brief mention of a few news items would have made the picture clearer:

The recent trial of three Binion's Horseshoe security guards involved in the beating of two blackjack card counters. The Binion family is a Las Vegas institution, and only a few years ago such back-room brutality never would have come to trial.

The face of the gaming industry is changing rapidly, and Japanese investors are a big part of the story.

Las Vegas is an atomic boomtown that has grown far faster than even city planners of vision could have anticipated.

"48 Hours" could not use fictional license as an excuse. Its lack of perspective and reporting was shocking. Its credibility is questionable.

The hour-long puzzle included snippets on sports betting, professional gambling, compulsive gambling, troubled teens, wedding chapels and Leroy's book joint downtown. They even did the showgirl-is-really-a-good-mother-at-heart story.

Like many tourists, and the producers of "Vega$," the "48 Hours" crew didn't leave the bright lights. That's no sin.

But the program's flawed theme—have camera, will travel for two days—is no excuse for representing the youth of this city as a bunch of misguided party animals. Yes, some gamble, drink and—worst of all—violate curfew.

With the exception of the Gamblers Anonymous and sports betting segments, the program added little more than cliches. The show not only failed to answer basic questions, it failed to ask them. It could have been produced by any tourist. It had all the journalistic rewards of Al Capone's safe.

Perhaps it should have been titled, "Two Nights on the Las Vegas Strip," or maybe "A 49-cent Breakfast in Las Vegas."

After watching "48 Hours in Las Vegas," one question remains:

What did you guys do with all that extra time?●

EXCISE TAXES FOR DIESEL FUEL THAT IS USED FOR FARMING PURPOSES

● Mr. DOMENICI. Mr. President, I rise today to add my name as a cosponsor of S. 2003, a bill introduced by my colleague, the Senator from Texas, Mr. GRAMM. This bill reinstates tax-free treatment for diesel fuel that is used for farming purposes.

S. 2003 is a good bill. It is a needed bill. That is why I am cosponsoring the bill. In fact, if the distinguished Senator from Texas had not acted on this matter so quickly, I would have introduced the bill myself.

Mr. President, S. 2003 corrects a problem created by a provision in the budget reconciliation law, which was just enacted last month.

Under the old system, farmers were exempt from paying the 15-cent-per-gallon excise tax on diesel that was used for farming purposes. They were simply exempt from this tax. They did not owe the tax. And they did not have to pay excise taxes on any diesel fuel that was used for farming.

Under the new system, farmers are still entitled to keep tax-free treatment for off-highway use. But under the recent change, farmers will be forced to pay the tax at the time of purchase. Farmers and ranchers can then apply for a refund at yearend when they file their taxes.

The Federal Government will, in essence, have free use of farmers' hard-earned money for as much as a year, even though these farm families don't owe the tax in the first place. S. 2003 corrects this situation by removing the requirement that farmers pay the tax at the time of purchase.

In general, the new law repealed all provisions permitting exempt sales beyond the wholesale level, but provided four categories of up-front exempt sales, including fuel used for: First, diesel-powered trains; second, aircraft in commercial aviation; third, industrial use other than as a motor fuel; and fourth, State and local governments.

For some reason, farm use was not provided an up-front exemption. Admittedly, the four that were provided an up-front exemption are nontaxable uses. But so is diesel that is used to plow a field or run an irrigation pump. Farm use should also be exempt and that is why I support S. 2003.

The recently enacted tax change for diesel fuel was undoubtedly aimed at reducing fraud and abuse. But I don't think the change did anything to strengthen enforcement of the tax law.

As Senator GRAMM told the Senate when he introduced the bill, this issue is very similar to the recordkeeping requirements imposed by the Internal Revenue Service [IRS] a few years ago where owners of private vehicles used for business were forced to keep logbooks. Those who abused the system before can continue to do so. All the change does is make life tougher for farmers by piling on more bureaucratic recordkeeping rules.

As far as most farmers and ranchers are concerned, this is just another Government-created hassle, just another instance where they are forced to keep records so the Government won't be inconvenienced while using their money.

Mr. President, I for one cannot accept the recent tax change for diesel fuel. Therefore, I hope the Senate will act promptly on this legislation since the new tax requirement becomes effective on April 1, 1988.

Farmers and ranchers in New Mexico and elsewhere should never have to feel the effects of this ill-conceived change in the tax laws. I urge all my colleagues to join me in supporting this bill.●

CATHOLIC WAR VETERANS OF NEW JERSEY

● Mr. LAUTENBURG. Mr. President, I rise to pay tribute to the Catholic War Veterans of New Jersey.

Forty-five years ago, on February 3, "The Four Chaplains" survived the near fatal journey on the SS *Dorchester* off the coast of Greenland.

Father John Washington, Rabbi Alexander Goode, Minister Clark Poling, and Minister George Fox, "The Four Chaplains," relinquished their life jackets to soldiers on the deck of the troopship which was struck by a torpedo. As heroic survivors of this bitter winter nights experience, they were honored with the Distinguished Service Cross.

On February 7, there will be a Catholic War Veterans Memorial Mass in Kearny, NJ, where we will again recognize these men in rememberance of their heroic and selfless acts.

Mr. President, I am pleased to be able to honor our war veterans who have given so much of themselves. The Nation should never forget the four chaplains, and the hundreds of thousands of other men and women who have dedicated themselves to protect our country and our way of life.●

MOZAMBIQUE

● Mr. SIMON. Mr. President, during consideration of the continuing resolution, the Senate adopted two amendments by voice vote relating to Mozambique. One, offered by Senator HELMS, extends existing conditions on military assistance to Mozambique. The other, offered by Senator KASTEN, imposes conditions on the provision of both bilateral aid and funds through the Southern African Development Coordination Conference [SADCC].

I am opposed to both amendments. Of particular concern for current policy is the Kasten amendment, which jeopardizes United States assistance to Mozambique.

Mozambique has consistently been moving in the right direction and our current policy rightly recognizes that important fact. In an effort to gain regional peace and stability, Mozambique signed the Nkomati accord with the South African Government and, unlike the South Africans, has upheld its commitments. Mozambique has joined the International Monetary Fund and the World Bank. The Government has started to privatize landownership and state enterprises. In the face of growing pressure from RENAMO, Mozambique has resisted offers of increased Soviet military assistance and Cuban troop support.

Mozambique has clearly taken significant steps in the right direction. The United States should encourage that movement not punish it.●

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. ON MONDAY, FEBRUARY 1, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11:30 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CERTAIN ACTION ON MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday, no motions or resolutions over under the rule come over and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS ON MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday there be a period for routine morning business following the recognition of the two leaders, for not to exceed 20 minutes, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, I have spoken to Mr. MOYNIHAN. He will be ready to manage the two conventions at any point between 12 o'clock and 2 o'clock on Monday.

There will be rollcall votes on Monday.

Mr. President, I do not have anything else. I yield the floor.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader of the Senate, pursuant to Public Law 100-203, appoints the following individuals to the National Economic Council: Mr. Lee A. Iacocca, Mr. Lane Kirkland, and Senator DANIEL PATRICK MOYNIHAN.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, the leader has asked me to finish up the business of the Senate. Seeing no other Senator seeking recognition, I ask on behalf of the majority leader one final request by Senator QUENTIN BURDICK of North Dakota.

CORRECTION IN THE ENGROSSMENT OF S. 1143

Mr. EXON. Mr. President, I ask unanimous consent that in the engrossment of S. 1143 the enrolling clerk be permitted to correct the date on page 3, lines 9 and 10 from December 31, 1987, to December 31, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11:30 A.M., MONDAY, FEBRUARY 1, 1988

Mr. EXON. Mr. President, I move that the Senate stand in adjournment until 11:30 a.m. on Monday in accordance with the previous order.

The motion was agreed to; and at 6:29 p.m., the Senate adjourned until Monday, February 1, 1988, at 11:30 a.m.

NOMINATIONS

Executive nomination received by the Senate January 28, 1988:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

WILLIAM F. BURNS, OF PENNSYLVANIA, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE KENNETH L. ADELMAN, RESIGNED.

EXTENSIONS OF REMARKS

JUDGE SANDERS CALLS FOR A BALANCED BUDGET AMENDMENT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. QUILLEN. Mr. Speaker, Hon. Clifford E. Sanders, presiding judge of the eastern section Tennessee Court of Appeals, a close personal friend and one of Tennessee's most outstanding jurists, recently spoke to the Rotary Club of Kingsport, TN and received a standing ovation. Judge Sanders presented a comprehensive and convincing case for the enactment of a balanced budget amendment to the U.S. Constitution. Because of the importance of Judge Sanders' speech, its scholarship and its persuasive force, I am inserting it in the RECORD at this point for the information and benefit of my colleagues. I wish others would follow Judge Sanders' lead in speaking out for a balanced budget constitutional amendment because the country's recent fiscal history shows we need it.

ADDRESS BY HON. CLIFFORD E. SANDERS

This year we celebrate the bicentennial of the birth of our great Constitution. In May, 1787, America sent its best and brightest to Philadelphia to a convention called to amend the articles of confederation, the charter under which the States had been governed since the end of the Revolutionary War. They were 55 in all, representing 12 of the 13 States.

When the Convention adjourned on September 17, the delegates had exceeded their mandate. They had written and signed a completely new document—the Constitution of the United States—to serve as the legal framework of a new nation.

Since its ratification by the several States the Constitution has been amended 26 times. All but one of these amendments resulted in a beneficial impact upon our personal freedom, our society, our economy, or our Government.

Today we are here to talk about the necessity of amending it again to require a balanced budget. Not since the adoption of the Bill of Rights has there been such an urgent need for an amendment. Why is it urgent, you may ask? Because an irresponsible Congress has been unwilling to use restraint even in times of peace and prosperity, and is spending us into bankruptcy.

I give you Thomas Jefferson as the father of a balanced-budget amendment. In 1798 he wrote, "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principals of its Constitution; I mean an additional article taking from the Federal Government the power of borrowing."

Let us look at the record since those words were written. There has never been any restriction on the amount of money the Congress could spend or the amount of public debt it could create except by its own resolution, which it could change at will. However, the Members of Congress, during the 18th and 19th centuries and the first 30 years of this century, considered it to be an unwritten requirement of the Constitution to have a balanced budget except in time of war. They likewise considered it an unwritten law that Government should pay its public debt from surpluses accumulated in time of peace. Until shortly after the turn of the 20th century, Government financing came primarily from customs duties. Then came large public works projects, such as the building of the Panama Canal, and increased pension benefits, which required more revenue than could be generated from customs duties.

The Government needed a new source of revenue. The answer was the 16th amendment to the Constitution—that great money machine known as the income tax was adopted in 1911. This was a revolutionary change in our taxation system. We were now taxing human capital rather than physical capital. The fundamental source of money for the Federal coffers now was not limited to duties on what we imported, but included potentially all wages earned by our citizens. The rules of the game had changed significantly. Congress had gained a new power in its vastly expanded tax generating machine. But there was no countervailing check on this new power. At the time the 16th amendment was adopted, no need for such a check was apparent. Members of Congress at that time still believed a balanced budget was an unwritten part of our Constitution.

For the first two decades following the adoption of the income tax amendment there were no abuses by Congress of either our tax system or deficits. Even the enormous deficits resulting from the First World War were reduced more than 36% from the surpluses of the following 11 years of prosperity. But the Great Depression of the 1930's started a cycle of deficits followed by more deficits—a pattern which we have not broken in 52 years in spite of the many years of peace and prosperity.

Our public debt rose more than 170% in the 1930's and more than 370% during the Second World War. Such deficits are necessary in such emergencies, and had our Congress abided by the unwritten constitutional rule, as recognized by their predecessors, that deficits created in emergencies must be paid by surpluses created in time of peace and prosperity, the public debt would now be insignificant.

However, in the last 52 years there have been only seven times that we have had a surplus, and the total of those years was minimal. It was less than $30 billion dollars, and that would not pay six weeks' interest on our present public debt. During the last 52 years our Congress has demonstrated a total disregard for the consequences of deficit spending. As a result, our public debt stands at an unbelievable $2 trillion 352 billion dollars today.

Now, a trillion dollars is such an astronomical amount of money that it exceeds the imagination of the human mind on a comparative basis. But let me tell you how long the experts say it would take you to count to a trillion if you were counting dollar bills at the rate of one per second. It would take 17 minutes to count 1,000. It would take 12 days to count one million. But to count to a trillion would take 32,000 years—longer than civilization has been on this Earth! That deficit is increasing every day, but Congress still refuses to act.

The last time this country had a justifiable deficit was during the war years of 1943, '44, and '45. During those years we had an average deficit of approximately $50 billion per year. But during the last six years the average deficit each year has far exceeded the total deficit for those three war years. This exists in spite of the fact that during that same period of time the income to our Government has been from 12 to 15 times greater than the income during the war years. Let me give you an example in round figures. In 1944 the Government had an income of $44 billion dollars, and spent $91 billion—in 1986 income was $769 billion dollars, and $990 billion was spent. In 1944 we had a deficit of $47 billion dollars. In 1986 we had a deficit of $220 billion dollars.

The interest alone on our public debt in 1986 was $292.5 billion dollars. In 1987 it was $293.7 billion dollars—each year the cost of interest on our public debt is more than ⅔ of the total cost of World War II.

It is interesting to note that the first proposal for a constitutional amendment to require a balanced budget was introduced in 1936. This was no accident. Because of our response to the Great Depression, by that year we had incurred five consecutive years of budget deficits. The first time this had happened in the history of our country except in time of war.

Economist Henry Simons, writing in 1936, foresaw our post-1930 experience with deficits, saying that without a balanced budget rule "political control must degenerate into endless concessions to organized minorities."

How right he was. When those words were written, the Members of Congress were using public funds to buy the patronage of minority groups instead of using those funds to pay our public debt, and it has been an ongoing thing ever since.

You can't balance the budget and also support every pork barrel bill that is introduced just to gain political support. Some hard choices would have to be made and those in Congress who are opposed to a balanced budget amendment don't want to have to make choices. They want to be at liberty to vote for every appropriation, regardless of how wasteful it is, if it will gain patronage for them. They loathe to effect economics that may not be popular with some of their constituents. It matters not to them that it costs 58 times as much to repair a Navy vessel as the same repairs would cost on a merchant ship.

In 1983 the President appointed a blue ribbon commission to study waste in our Government. In just one year they discovered $137 billion dollars of waste and recommended its elimination. But not a single

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

move has been made to eliminate such waste.

There are those with many years in Congress who have been the strongest advocates of deficit spending who would now have us believe this horrendous deficit is the result of lower taxes and increased defense spending within the past few years—but nothing could be further from the truth.

The truth is, it is simply the total accumulation of the deficits incurred during 45 of the last 52 years, plus ⅔ of the deficit carried over from World War I. However, it has been only during the past few years that our general citizenry have become concerned about deficit spending and our horrendous public debt.

The framers of our Constitution provided two methods of amending our Constitution. One is by a vote of ⅔ of both Houses of Congress proposing an amendment. The other is by application of the legislatures of ⅔ of the States to call a convention for the purpose of proposing amendments.

Such proposed amendments, whether made by Congress or by a convention called for by the State legislatures, must be ratified by the legislatures of ¾ of the States. Thirty-two of our States, including the State of Tennessee, have approved applications for a convention to be called to propose a balanced budget. If only two more States approve such applications, then Congress would have no choice but to call a convention.

A Constitutional Convention to propose amendments has never been called and those who are opposed to an amendment use all types of scare tactics to discourage such a convention. In the September issue of the "American Legion magazine" the pros and cons of such a convention were discussed by Senator Jesse Helms, Republican of North Carolina, who is in favor of a convention, and Senator Patrick Leahy, Democrat of Vermont, who is opposed to it. Let me read what Senator Leahy had to say: "No matter what proponents of such a convention say to allay our fears, once assembled, such a convention would be able to take on any issue it wants and consider any proposal. Every one of our liberties would be up for grabs. Nothing—not even our first amendment rights of freedom of speech and freedom of religion, nor our rights against search and seizure—none of the rights in our Constitution would be off limits. They would all be subject to revision, and I fear that rights we take for granted could be among the first to go."

Now that is a United States Senator speaking and you would expect him to know what he is talking about. Such a statement certainly would cause almost any State legislator, who believed that statement, to have misgivings about voting for a call of such a convention.

Now let me quote from an editorial which appeared in the Kingsport Times-News on September 17, which was the 200th birthday of our Constitution. In addressing the horrifying results which the editor visualized as coming out of such a convention, he said, "The potential consequences are horrifying and represent the most serious challenge our democratic government could face—the delegates themselves could set their own agenda. And if that happened, Americans could be witness to a 'runaway convention' that could change the Constitution as it saw fit and unravel American Government in the process."

Both the statement of Senator Leahy and the editorial of our local newspaper presuppose that once a constitutional convention is convened it could amend the Constitution, it could repeal any existing amendments, or it could completely rewrite the Constitution at its will and nobody but the delegates to the Convention would have any right to do anything about it.

But nothing could be further from the truth.

What a shame it is for a United States Senator, using the prestige of his office to author an article in a magazine of national circulation, and for a member of the news media, editorializing in its newspaper for the purpose of persuading public thinking, to be so intellectually dishonest.

A Constitutional Convention would have no more power to amend the Constitution than Congress has. It could only propose amendments, as the Congress can. Article 5 of the Constitution which provides for amendments, provides that Congress may propose amendments or, and I quote: "On the application of the legislatures of ⅔ of the several States, shall call a convention for proposing amendments, which in either case, shall be valid as to all intents and purposes, as part of the Constitution, when ratified by the legislatures of ¾ of the several States." Is there anyone within the sound of my voice who would have fears that ¾ (38) of the legislatures of the several States would ever ratify a constitutional amendment that would accomplish any of the things about which the Senator or the newspaper are so fearful?

Lobbying by special interest groups opposed to an amendment has been intense in the legislatures of the 18 States which have not asked for a convention, and misinformation such as I have just read to you, has been the main weapon of their battle.

If there are those who still have doubts about the propriety of calling a convention, you can take comfort in the fact that all the States which have made applications have limited them to the single purpose of a balanced budget. Congress could, accordingly, in calling the convention, limit it to that single purpose. If the convention exceeded its mandate, Congress could choose not to send other proposals to the States for ratification.

There have been a number of resolutions offered in the Congress to require a balanced budget. The one that has the most support is H.J. Res. 321. It has 235 co-sponsors. It requires both the Congress and the President to agree on a common projection of estimated receipts. Total outlays for the year must not exceed the level of estimated receipts unless ⅗ of the membership of both Houses agree by a recall vote. If actual revenues fall short of the estimate, Congress must provide by law for the repayment of the excess in the next fiscal year. The provisions of the article are waived for any fiscal year in which a declaration of war is in effect.

Congressman Quillen introduced House Joint Resolution 36 requiring a balanced budget which, in my view, is a more effective amendment than Resolution 321. It could be suspended only in the event of war or the threat of war. It would require a ¾ vote of both Houses and it requires the repayment of the national debt at the rate of at least 10% each 10 years. With 39 of the 50 States having adopted constitutional amendments to their own State constitutions, requiring balanced budgets, and with such amendments having been so effective in those States, and with public opinion being so strong in favor of a constitutional amendment to require a balanced Federal budget, it is difficult, indeed, to understand why Congress is so reluctant to act. The Gallop poll, CBS News poll, and New York Times poll all show that, since the middle 1970's, those in favor of a constitutional amendment range above 70%. The highest percentage, however, was 85% in the spring of this year.

Mr. Steven Roberts, in the "New York Times" on July 16, this year, speaking of President Reagan's call for an amendment, said, "even Mr. Reagan's most ardent supporters agree that there is no chance that such notions as a line-item veto or a constitutional amendment mandating a balanced budget will become a reality any time soon."

These prospects might improve if one or two more States were to call for a convention to propose an amendment. All of the applications made by the States provide for rescinding their application if Congress proposes an amendment. Also, several of the applications delay their effective date until 60 days after receipt of the application of the last required State. The purpose of this is to give Congress time to propose an amendment.

For the most part, Members of Congress who have made their positions known through floor debate or committee testimony, indicate they do not favor calling a Constitutional Convention. However, more than 135 Members of the House and Senate have joined an organization called CLUBB, which stands for "Congressional Leaders United for a Balanced Budget." This organization, in its statement of purpose, declares that CLUBB believes Congress will not propose a balanced budget amendment. Therefore, CLUBB supports the States' drive for a balanced budget Constitutional Convention.

The time has come when some restraints must be imposed on an extravagent and irresponsible Congress.

The time has come when we must realize that, with a deficit of $2 trillion 352 billion dollars, we are on the brink of economic disaster.

The time has come when we can no longer permit the snow-ball of public debt to continue to roll down hill.

The time has come when we must realize that we owe a duty to our posterity.

The time has come when we must realize that if we continue to travel down the road we are now traveling, the generations to come will inherit such a debt-ridden government, they will have a peasant's standard of living.

The time has come when we should listen to the observation of Adam Smith, who said, "What is prudence in the conduct of every private family, can scarce be folly in that of a great kingdom."

TRIBUTE TO ROBERT M. BISHOP

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I pay tribute to Mr. Robert M. Bishop of the 17th District of Ohio.

Mr. Bishop will soon be named "Veteran of the Year" by the United Veterans Council. He began his naval military career in September 1940 aboard the USS *Tennessee.* He saw his first action as a fire controlman during the

Japanese attack on Pearl Harbor. Subsequently, he was assigned to 13 amphibious operations during major sea battles in the Philippines. He was discharged in 1946 only to be called back into battle during the Korean war.

Mr. Bishop served as president of the Mahoning Valley Chapter 5 Pearl Harbor Survivor's Association. He is also a lay leader at the First United Methodist Church in West Austintown.

It is with great pride and appreciation that I pay tribute Mr. Robert M. Bishop for his patriotic contribution to this great country and for his dedication to the people of Ohio. I am proud to represent such an outstanding citizen.

THE SACRAMENTO COMMUNITY OLDER AMERICAN VOLUNTEER PROGRAMS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the special people of the Sacramento community who are involved with the Older American Volunteer Programs. These programs have been important to the community in many ways. In 1974, the Foster Grandparent Program was established to aid disadvantaged children and youth with physical, mental, and emotional needs. These Foster Grandparents worked in schools, juvenile detention centers, hospitals, and residential treatment centers providing children with additional attention and support services. This program has proven to be remarkably successful; last year these Foster Grandparents contributed over 59,746 hours of service in 29 community host agencies throughout the United States.

The Senior Companion Program is another notable program that began in 1975 to provide services to adults with special needs. The Developmental Disabilities Component worked with disabled to achieve their optimum level of functioning. Subsequently, this has challenged many disabled individuals to become more self-reliant. The Skilled Nursing/Adult Day Health Care Components aided health care facilities by coordinating activities for their residents. In turn, these residents were able to experience life outside of the facility's boundaries. The Homebound Component provided assistance to homebound citizens in private residences. This support included light housekeeping, medical transportation, shopping, as well as personalized care. Last year over 51,727 hours were volunteered into this program nationwide.

The Retired Senior Volunteer Program also proved to be extremely beneficial to the community. This program helped unite the time and talents of retired and semiretired individuals by placing them in volunteer positions in public agencies and nonprofit organizations. Last year over 600 volunteers in Sacramento County contributed nearly 140,000 hours of community service. This program gave many the opportunity to learn, share, and provide support toward the community.

Mr. Speaker, on behalf of the people of Sacramento and the State of California, I want to congratulate the individuals of the Older American Volunteer Program for a job well done. Their dedication to the community is admirable, and I would like to take this time to offer my warmest wishes to these outstanding individuals and wish them the very best of luck in all of their future endeavors.

JEWS AND RIGHTEOUS GENTILES—HAROLD SCHULWEIS DISCUSSES CHRISTIANS WHO RISKED THEIR LIVES TO SAVE JEWS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. LANTOS. Mr. Speaker, just a few weeks ago we marked the 43d anniversary of the abduction of the Swedish humanitarian, Raoul Wallenberg. During the darkest hours of World War II, he put his life on the line countless times in order to save the lives of 100,000 people. Though he was a Swedish Christian from a wealthy family living in a country which was neutral in the war, he left the security and comfort of Stockholm to risk his life to save the lives of Hungarian Jews.

American Jews are beginning to acknowledge the lifesaving role toward Jews that many non-Jews played during World War II. Still, as Rabbi Harold Schulweis points out in an article in Moment magazine, there is still considerable resistance within the Jewish community toward acknowledging assistance given by gentiles to Jews. I feel that Rabbi Schulweis' arguments are worthy of our consideration. He is the rabbi of Temple Valley Beth Shalom in Encino, CA.

WHY JEWS SHOULD RECOGNIZE RIGHTEOUS GENTILES

(By Harold Schulweis)

My children were young then. Too young, I thought, to be watching that film on the Holocaust. The film depicted the skeletal figures of starving Jews in the camps, men and women, elongated embryos with sunken eyes rather than fully grown adults. My ambivalence tore at me. On the one hand, I wanted my children to mature, to know the depth of Jewish tragedy. My father called it oismenschlen zich—to mature, to overcome childlike fantasies, to face reality. On the other hand, I wondered whether the documentary would lay a stone upon their hearts, make them feel that to be Jewish is to be caught in a leprous circle.

I continued to teach the exalted Jewish view of human beings as created in God's image, in contrast to the Christian pessimism that introduces Adam's descendants as creatures born in transmitted sin. I continued to cite the Psalmist's praise of human beings as "but lower than God." But the overwhelming illustrations of human conduct sustained an image of human venality, corruption, betrayal, persecution.

The Holocaust was, after all, not simply an episode in Jewish history, but a paradigm of the broken human condition. And, as for its specific Jewish meaning, the Shoah had come to serve as the compelling metaphor of Jewish existence—past, present and future. That view has hard evidence on its side: the collusion against the Jews, the feigned deafness of onlookers, the studied ambiguity of the Church, the self-induced paralysis of the Allies.

Was there any empirical evidence to bolster the Jewish outlook? Aside from the desperate preaching of Jewish humanism, what evidence was there to support the claim of God's presence in human nature and the Jewish faith in Him and in the crown of His creation?

I was sifting the ashes of the Shoah to uncover an ember of hope. I was searching for another side to the Holocaust when I came across Philip Friedman's "Their Brothers' Keepers". It was a revelation for me. There were tears here, but out of a different well. For here were peasants, priests, farmers, teachers who refused to rationalize complicity with the predators.

Here were Christians from all walks of life and in every Nazi-controlled country who forged passports, hid Jewish families, fed the hungry, the hunted. Who were they? What kind of Poles, Germans, Dutch, Belgians, Bulgarians, Christians would risk their lives and those of their families to save people not of their own faith?

In the early 1960s I found myself increasingly drawn to this phenomenon, to the rescue of Jews by non-Jews. I spoke to rabbinic and lay audiences, appealed to national Jewish organizations and to secular, academic circles to engage in a serious empirical study and moral interpretation of these acts of altruism in the midst of the unspeakable atrocities of the Holocaust. I founded and chaired the Institute for Righteous Acts, some of whose archives are housed at the Judah Magnes Museum in Berkeley.

People listened, nodded assent, some coming forth to volunteer the information that they and others they knew had indeed been rescued by gentiles. But there persisted and persists to this day a near-palpable resistance to the suggestion that the rescuers ought to be studied, their motivations better understood, their lives celebrated. I still find a lack of enthusiasm about the phenomenon of Christian rescue of Jews, and I wonder about the reasons for this odd reserve.

I wonder, and I speculate:

Undeniably, there are people, pseudo-scholars, as well as a world superpower, who find it hard to admit the uniqueness and immensity of Jewish suffering. In the name of some perverse notion of universalism, they begrudge Jews the particularity of their anguish. They prefer to deracinate the Jewish victims, to bury them anonymously. They play a sickening numbers game—not six, but "merely" four or three or two million Jews died. They so twist history that they define the Holocaust as a self-serving manipulation of gullible people for the sake of eliciting favor for the kin of its "alleged" victims. There is no limit to their torture of history.

In such a hostile environment, it is understandable that Jews should guard jealously the treasures of Jewish suffering; and that they grow anxious lest focusing attention upon the behavior of gentile rescuers deflect attention from the suffering of those so brutally violated. The light must not be allowed to eclipse the darkness. Some suspect that the evidence of the acts of righteous gentiles may be used to whitewash the villainy.

Others measure the numbers of rescuers against the numbers of predators and find them so scandalously disproportionate as to mock the effort to study and publicize the good. For them, the stories of the righteous gentiles are minor footnotes that do not enter the text. Inadvertently but inevitably, the memory of the acts of righteous gentiles is thus erased. Ask my children or yours about the names and acts and fate of the heroic Christian collaborators who hid Anne Frank's family.

Social scientists have biases of their own. One major prejudice is the a priori conviction that humans are basically ignoble, exploitive, aggressive, hurtful. The bias is presented in the name of realism and objectivity. Tough-minded, hard-nosed scientists insist that the qualities of softness and benevolence are the surface masks people wear to hide their coarser motivations. Scratch a saint and discover a sinner. Beneath altruism lies a baser universal egoism.

That "scholarly" tradition is inherited from Thrasymachus, Machiavelli, Hobbes and Nietzsche, a secular version of original sin. It is presented in full meta-psychological dress in the pessimism-realism of Sigmund Freud, for whom altruism, at root, is a form of cultural hypocrisy. Who has the courage to dispute the evidence, Freud asked in his Civilization and Its Discontents, that man is to man a wolf—homo homini lupus.

Others, philosophers and psychologists, have sought to dismiss the reality of altruism by showing that since self-sacrifice offers egotistic gratification to the helper, it is not for the sake of another. According to this spurious logic, saint and sinner, rescuer and pursuer are reduced to a common egoistic denominator.

Such a sophisticated prejudice may help explain why there are so few studies on altruism in comparison with studies on authoritarianism, why the character and motivation of evil people are so much better researched than those of good people, why the term "altruism" is introduced so late (by August Comte in the 19th century) into the vocabulary of social science.

There is something else that keeps the study and celebration of altruism at arm's length. For all the paeans in praise of goodness, it presents its own threatening challenges. Evil men and women may be less of a threat to our sense of self than truly good persons.

An extreme case: Compared to Eichmann, we are saints. But measured against a Fritz Graebe, an Alexander Roslan an André Trocmé, our claim to virtue is shaken. Reading the coroborated stories of their rescue behavior we may wonder: Would you or I hide these hunted families in our homes, feed them, clothe them, offer them sanctuary, knowing that venal informers and sadistic predators roam about? Would you or I do this for men, women and children who are strangers to our faith? Despite the rhetorical adulation of the righteous rescuers, do we want to raise our children to emulate these moral heroes, so selflessly to taunt death?

The challenge in confronting goodness may be further complicated because the heroes are not Jews. That fact shakes the character of "split thinking." There is a lure to divide the world into two parts, a Manichean temptation to divide the world into children of dark and children of light.

The schismatic thinking that "blackwashes" outsiders and "whitewashes" insiders sanctions our angers, endorses the maledictions against the "others." Confronted by righteous gentiles, we are made to face a mottled reality. The outside is not all dark with treachery. The "split mind" is frustrated by exceptions, admixtures, the stuff that challenges generalizations.

Righteous gentiles—even Germans, Poles and Ukrainians—upset the certainties of "all" or "none," of "always" and "never." The "split mind" seeks to ignore the complexity of character that punctures the iron curtains of the mind. In our case, denial and avoidance of gentile altruism are strategies to preserve the barriers of split-thinking judgments.

But now, four decades later, some enter the cavern with a small lantern to examine the aftermath, to sift through the ashes of destruction, to find some residue of hope. Slowly a meager literature of scholarly research and popular acknowledgement of the acts of the righteous is emerging.

Nechama Tec has just published a pioneer study on Christian rescue of Jews in Nazi-occupied Poland, When Light Pierced the Darkness (Oxford University Press). Douglas K. Huneke's book, the Moses of Rovno (Dodd, Mead and Company), tells the stirring story of Fritz Graebe, a German Christian who risked his own life and the lives of his family to lead hundreds of Jews to safety during the Holocaust.

Professor Samuel Oliner is engaged in wide-ranging research on the altruistic personality, based on in-depth interviews of gentile rescuers. Pierre Sauvage's documentary of André Trocmé and the rescuers in the French village of Le Chambon is now available. A film based on Schindler's List is in production. These are hopeful signs that the passive resistance and converging biases against research and publicity of the righteous gentile may be changing.

On moral grounds alone, the neglect of the phenomenon must be overcome. Jews, who are witness to the capabilities of human beings to torture and destroy, are also witnesses to the human capacities to save and rebuild. That witness is vital for healing the traumatized conscience of humanity. The post-Holocaust generation, the children of those who survived, needs to be helped to trust again.

The precarious imbalance that places all weight of evidence on the depressive side of the scale must be corrected by the empirical evidence of human benevolence. The prejudice that distorts the character of human nature and confines it to the "nasty, brutish and short" must be countered by the testimony of those who in hellish times experienced long-term, self-sacrificing care and concern.

Research on altruistic behavior must be supported; greater attention must be paid this repeatedly neglected area of Holocaust studies. I do not fear that the evidence of rescue will trivialize the monstrosity of evil.

The inference is inescapable: There are no heroes without villains, no rescue of the hunted without pursuit by the hunters. To the contrary, those Jews and non-Jews who may fear entering the cave lest they be enveloped by the despair of no exit—there are many such—may be encouraged to overcome their fear if they know that even there they will behold sacred sparks. Light is needed to illumine the darkness. Moral heroes of flesh and blood are needed to resuscitate our exhausted morale.

We are presented with an ironic symmetry. The denial or denigration of the numbers of righteous gentiles who helped is the reverse side of the pernicious denial and minimizing of the numbers of victims who suffered. One cries that there were not so many victims, the other cries that there were not so many heroes.

There are always too few moral heroes, always too few of the righteous whose presence could have saved Sodom. Does that not make the memory of those there were all the more precious, all the more important? The memory of the righteous must not be swept away together with the wicked—surely not by heirs to a tradition that declared that for the sake of 36 righteous people the world is preserved. The 36 must be honored.

We must retrieve the meaning of their acts, discover their fate and sweeten the remainder of their lives. There are too many reports of rescuers who have fallen on hard times, who are unsung and uncared-for. Theology has dealt with reward and punishment as prerogatives of God both in this and in the next world. But we are not helpless in this arena. We correctly bring to task the murderers of innocent people, seek them out and seek justice. The world is not helpless.

The murder of millions has no statute of limitations. *But neither are we powerless to reward.* It is not too late for the world Jewish community to form a *Foundation to Sustain the Righteous Gentiles,* many of whom were tragically ostracized by anti-Semites in their native lands, many of whom are in poor, even desperate economic circumstances today. The good must be rewarded in this world, in this time and by our community.

Jewish remembering is a sacred task. As important as the mandate to remember what Amalek did is the moral imperative to recall what Shifrah and Puah did (Exodus 1:15-22).

Theologians, ethicists, educators—of all faiths—must be enlisted jointly to assimilate and interpret the largely ignored evidence. And we Jews own a testimony of goodness that deserves to be fully heard. "Ye are My witnesses," says the Lord. A celebrated midrash in *Pesikta d' Rav Kahana* goes on to explain the intent of God's words. "If ye are My witnesses, then I am God. And if not, then I, as it were, am not God."

There is godliness in the world—and we Jews have the great good fortune to be, if we permit ourselves to be, its witnesses, witnesses to God's presence in our midst. Not to testify to the spark of human decency in the darkness is to betray our oath. We owe witness to our God and to our grandchildren.

PERSPECTIVE ON THE PALESTINIANS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. FLORIO. Mr. Speaker, the events in the last 2 months in the West Bank, the Gaza Strip, and in Jerusalem in Israel have given many around the world fuel for concern.

The situation is not one easily resolved from the safe distance enjoyed by those who are not on the scene. But for those who are personally involved in the conflict, both the Arabs and the Israelis, the resolution of this conflict will not be achieved through simplifications of the conflict.

Most recently, one of those simplifications has been the comparison of the State of Israel to the repressive state mechanism of apartheid in South Africa.

Yet, the solutions suggested in the recent weeks sometimes overlook the complexity behind the events in the Middle East. It has often become all too simple to attach a label and the corresponding stigma to the players in this crisis.

What is ultimately required if peace in the Middle East is to have a chance at succeeding is a balanced perspective on all sides and a little caution before drawing inappropriate comparisons.

A recent editorial from the Philadelphia Inquirer by Donald Kimelman goes a long way toward addressing in a thoughtful and insightful fashion some of the issues at stake in the Middle East. I hope that this editorial will restore some of the objectivity that is required for the resolution of the crisis in the interests of Israel's national security and of the freedoms of all parties concerned in the areas of rioting.

The article follows:

THE ISRAELI CRISIS: ARE THE MEDIA TO BLAME?

(By Donald Kimelman)

The New Republic, which has a keen eye for the media's foibles, has an item in its current edition contrasting the play of two stories in the Washington Post:

On Jan. 4, the Post's front page carried the headline, "Israeli Soldier Kills Arab Woman." A day earlier, way back on Page 27, the Post ran a two-paragraph news brief about a massacre in Northern Brazil in which state troopers, their guns blazing, rushed a group of protesting gold miners and slaughtered perhaps 100 people.

The magazine headlined its pointed little comparison: "It's not what you do, it's where you do it."

Such examples of the selective way that the news media cover the world's overabundance of cruelty and misery are inevitably raised every time there is a new flare-up in the Arab-Israeli conflict.

Critics ask why Israelis killing Arabs is so much bigger news than Arabs killing Arabs, something that is happening all the time—though generally out of sight of the camera's eye.

Most Americans probably weren't even aware that Shiite militiamen has been conducting a three-year siege of Lebanon's battered Shatila refugee camp until the kindhearted Shiites recently called a halt to the killing in solidarity with the rebellious Palestinians in the West Bank and Gaza. The death toll in the longrunning "camps war" has been estimated to exceed 2,000; the death toll in the current uprising in the Israeli-occupied territories is 38.

There are some easy arguments to explain why what the Israelis are doing has gotten vastly more attention than what the Shiites were doing. Israel, as a westernized nation, is held to a higher standard; Israel receives huge amounts of American aid; continuing unrest in Israel's occupied territories could force some kind of historic change in the Middle East stalemate.

All that said, there is no question that what is happening in the occupied territories has gotten more coverage because the Israeli authorities allow journalists to witness the violence and to send back the vivid stories, photos and footage that then dominate the news.

Israel is thus paying a heavy price for its openness, which seems unfair. Is the daily violence in Afghanistan, for example, any less newsworthy because the Soviets and Afghans have never allowed journalists into any of the war zones?

I mention Afghanistan because, in my previous assignment as a Moscow-based correspondent, it used to gall me that the Soviets were able to maintain their worldwide peace offensive, in part, because they never let anyone get close to their dirty little war. It is easier to appear sincere about wanting to reduce bloodshed around the world, if the nightly news is not carrying footage of your armored regiments destroying Afghan villages.

Lately, however, I have begun to realize that the Soviet advantage was illusory. Muting the war didn't end it. Instead, it allowed the Soviets to continue pursuing a fruitless, destructive and self-destructive policy longer than simple common sense would have allowed.

At this writing, Mikhail S. Gorbachev, an eminently practical man, is trying to figure a way to get the troops home. And so, ironically, the Soviet news media have finally been allowed to convey a small sense of the human cost of that eight-year misadventure.

The situation in South Africa more closely parallels what's happening in the occupied territories, but with this important difference: In the spring of 1986, the South African authorities concluded that by severely restricting news coverage of black unrest—and by locking up thousands of potential troublemakers—it could actually stop the violence.

The tactic worked. With the exception of black-on-black violence—the kind the South Africans love to see publicized—the rebellion has subsided.

But South Africa has merely postponed its time of reckoning and, in choosing to tough it out, has become even more of a pariah among nations. Its sheltered white residents continue to have no real sense of the violence and rage that exists all around them. There, too, the gains of censorship are likely to prove illusory.

Which brings us back to the situation in Israel. The clashes between troops and demonstrators have dominated not just the Western news media, but the Israeli media as well. People there are keenly aware of what is happening in the occupied territories, which doesn't mean that they are all furious with their government. If anything, this new threat to Israel's security is moving the country to the right.

But that's how things work in an open society. The Israelis know what is happening. They also know that the world is watching and making harsh judgments based on what it sees. Come fall, they will again go to the polls to choose between a party that is willing to trade land for peace and one that argues for a continued hard line. Whatever the outcome, the choice will not be made out of ignorance.

It could be argued that the American news media are skewing the process by placing undue emphasis on Israel's repressive measures. But, if anything, the harsh publicity has served as a warning shot to the Israeli authorities, forcing them to curb their tactics before their Western allies felt compelled to take some kind of political action.

As a result, fewer Arabs are dying. And if that trend continues, the story will die, too.

CHILD SUPPORT ENFORCEMENT: AN IMPORTANT REFORM

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to close an important loophole in the child support enforcement statute.

The Child Support Enforcement Amendments of 1984 require the withholding of child support payments from wages when past due payments equal 1 month's support. Employers are required to comply with this wage withholding. However, a serious flaw in this system has recently come to my attention.

Under regulations set by the Department of Health and Human Services, an employer who withholds child support payments from an employee's wages has 10 days to turn that payment over to the appropriate State agency for distribution. The problem is that there is no penalty for an employer who waits longer than 10 days to turn over the support payment.

The law does give the State the power to take such an employer to court. However, if this is done, the employer can come to court with the check for the overdue payments and the case is dropped. Meanwhile, what happens to the family dependent on the support payments? As the payments sit with the employer, where they can be earning interest for that employer, the custodial parent is usually forced to turn to Federal welfare assistance.

The continuation of court ordered child support payments to custodial parents is essential to the well-being of their children. Many of these parents count on weekly support payments to provide for their children's basic needs. For this reason, I am introducing legislation to create a Federal penalty for employers who do not send wages withheld for child support to the appropriate agency within 10 days.

As we in Congress emphasize the need for efficient Federal welfare spending, I believe this legislation does just that. I urge my colleagues to support this needed reform.

THE INTRODUCTION OF THE CIVIL SERVICE DUE PROCESS AMENDMENTS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mrs. SCHROEDER. Mr. Speaker, today I, along with my colleagues Representative FRANK HORTON and Representative MERVYN DYMALLY, are introducing the Civil Service Due Process Amendments of 1988. This bill contains five substantive sections which were reported by the Committee on Post Office and Civil Service on August 5, 1987, as part of H.R. 25, the Whistleblower Protection Act. There is nothing in the bill which has not been subject to hearings, committee deliberations and approval.

Before describing the provisions of the bill, let me explain why we are breaking up the whistleblower bill. After the committee reported H.R. 25, Congressman FRANK HORTON persuaded the administration to develop a form of the legislation which they could support. In a series of negotiations, the administration representatives stated that the five sections contained in the bill I am introducing today were not appropriate for a whistleblower protection bill because they did not directly relate to whistleblower protection. Representative HORTON and I are still trying to find some compromise on H.R. 25 which deals with the issue and satisfies all the interested parties. Nevertheless, there is no reason not to move these other worthwhile sections separately.

Here, then, is what the Civil Service due process amendments do. Section 1 is a short title.

Section 2 is the text of H.R. 555, legislation introduced by Congressman DYMALLY to provide Merit Systems Protection Board appeal rights to certain employees in the excepted service. Similar legislation passed the House during the last Congress. Passage of this legislation has been made all the more urgent by the decision of the U.S. Supreme Court last Monday in United States versus Fausto. In this decision, the Supreme Court cut off an alternate channel of judicial review for excepted service employees, saying that Congress, in passing the Civil Service Reform Act of 1978, had intended to deprived excepted service employees, other than those with veterans preference, of the right to challenge adverse actions. This bill provides those appeal rights.

Section 3 provides for the reinstatement of employees after they win their MSPB cases at the regional office level. Now, they have to wait the extra 2 years until the agency exhausts its appeal to the full board.

Section 4 says that a Federal employee who the agency wants to fire and who is eligible for an annuity can take his annuity and still challenge the adverse action before the MSPB. Currently, an employee who elects an annuity is considered to have retired voluntarily and cannot challenge the adverse action.

Section 5 requires that MSPB hearings be held near the job site unless it is cheaper for the Government to hold it elsewhere. Now, MSPB hearings are held in certain designated regional cities.

Section 6 requires that the MSPB be named the respondent in appeals of its decisions. Currently, the agency is named the respondent and Justice litigates the case.

These provisions are effective for cases filed after the date of enactment.

A TRIBUTE TO PRESIDENT CHIANG CHING-KUO OF TAIWAN

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. ESPY. Mr. Speaker, I would like to share this tribute to a most honorable man, President Chiang Ching-kuo of the Republic of China, whose recent death on January 13, 1988, sent shock waves through his people. The people of that island nation lost their leader and they have sadly mourned his passing as if they had lost a part of their family. It was only last April I met and spoke to President Chiang while in Taipei wishing him a happy birthday.

President Chiang left behind an island country that enjoys unsurpassed economic prosperity and more importantly, he left behind a constituency that is now more comfortable saying what it thinks. I saw it so clearly when I visited Taipei last year, and became readily impressed with the openness and industriousness of the people.

Indeed, the President's true legacy was the institution of true political reforms during the last 12 months of his life. During this brief period; he lifted martial law, he allowed opposition political parties to exist; he relaxed controls of newspapers; and he permitted Taiwan residents to visit their relatives on the mainland.

Mr. Speaker, it seems that overnight President Chiang's political initiatives transformed how his people think and act. Despite open political demonstrations by the opposition political party which greatly irritated the conservative segments of society, President Chiang, as was his will only nine days before his death, noted his desires: "It is * * * my hope that you actively carry constitutional democratic development without interruption." And I believe, his will and his direction will be carried out.

We are all hopeful that the pace of democratization, in accordance with the late President's wishes, will continue in the Republic of China under the leadership of President Lee Teng-hui.

CLEAN LAKES FUNDING

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. STANGELAND. Mr. Speaker, for weeks now we've been learning about "special" or unwarranted provisions contained in the fiscal year 1988 continuing resolution, House Joint Resolution 395. Each day reveals a new surprise in the massive funding bill. Today, though, I want to bring to the House's attention a glaring omission in the appropriations bill. The HUD-independent agencies title does not provide a single penny for the Environmental Protection Agency's clean lakes program. Congress must act quickly to restore the funding for this relatively small but crucial environmental program.

Section 314 of the Clean Water Act establishes a national program to protect, restore, and improve the quality of publicly owned freshwater lakes. Since 1980, EPA has provided financial and technical assistance to States for classifying lakes, identifying techniques for restoring water quality, and implementing cleanup and control projects.

The Water Quality Act of 1987 strengthened the section 314 program by increasing and extending the authorizations, providing for lake restoration plans, and establishing a new national cleanup demonstration program. This was in direct response to testimony from State water officials and a ground swell of support from citizens and other lake users.

The House- and Senate-passed fiscal year 1988 appropriations bills each contained $15 million for the section 314 program. This represented a tripling of the funding level in the fiscal year 1987 appropriations law. Congress increased the appropriations because of the program's enormous past success, future importance, and continuing public support.

Unfortunately, the conferees on the fiscal year 1988 continuing resolution deleted all funding for section 314. I understand they faced difficult constraints and had to make some unpopular decisions. But I also understand that a reinvigorated and adequately funded clean lakes program will pay enormous dividends. As a Minnesotan and as the ranking Republican member of the House Public Works and Transportation Committee's Subcommittee on Water Resources, I know the value of clean lakes and the valuable contributions EPA can make to State and local programs.

Already, we are hearing of numerous problems and setbacks in State and local efforts because of the unexpected zero funding level in the continuing resolution. State applications for this year's grants are put on hold indefinitely and hundreds of watershed and conservation districts are scrambling to reassess their cleanup goals and schedules.

Therefore, Mr. Speaker, I intend to lend my full support to legislation in the coming months to restore the section 314 funding. I urge each Member to join me in this effort. We can't wait until another year-end continuing resolution. We need appropriations for this crucial program to be available during this fiscal year—we can't afford to put it off until next year. The program is simply too important and too successful to be put in jeopardy due to last-minute budgetary decisions.

THE AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation that would prohibit airlines from discriminating against blind passengers. I have been involved in this issue for 2 years and I believe the time has come to force both the Department of Transportation and the airlines to directly address this serious problem.

My bill entitled the Air Travel Rights for Blind Individuals Act, would amend the Federal Aviation Act of 1958 by adding the following provision:

> A carrier shall not use visual acuity or a passenger's use of a white cane or dog guide as the basis for establishing any restriction on seating in aircraft.

On December 2, 1987, I, with Matthew Scocozza, Assistant Secretary for Policy and International Affairs at DOT to discuss this issue. I asked for this meeting after the National Federation of the Blind walked out of negotiations with DOT over the promulgation of regulations to prohibit discrimination against handicapped individuals by the airlines. These regulations are required under the Air Carrier Access Act of 1986 (Public Law 99-435). DOT proposed that the regulations be drafted through a negotiated rulemaking process.

Although it was a constructive meeting, the regulations under the Air Carrier Access Act may not be implemented for at least another year. It is my hope that this legislation will focus attention on the blind community and the unique problems they have encountered. No clear cut evidence exists to indicate that a blind passenger sitting in an emergency row exit seat poses a safety threat to other passengers. Despite this, the airlines, with the apprent support of the Federal Aviation Administration, will not allow blind persons to sit in emergency exist row seats.

Mr. Speaker, I hope to continue working with both the blind community and DOT to settle this issue once and for all.

JAPANESE AMERICAN COMMUNITY TO HONOR BARNEY FRANK

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. MATSUI. Mr. Speaker, this Saturday, January 30, 1988, our colleague from Massachusetts, BARNEY FRANK, will be honored by the Japanese American community for his outstanding work on redress legislation. This honor comes as no surprise, for BARNEY'S tireless work as chairman of the Subcommittee on Administrative Law and Governmental Relations was crucial to the development and eventual passage of H.R. 442, the Civil Liberties Act of 1987.

BARNEY'S outstanding efforts on behalf of this legislation add to a lengthy list of his contributions to the cause of civil rights and human dignity. His involvement in the civil rights movement, his career in the Massachusetts House of Representatives, and his record in Congress distinguish BARNEY as a foremost advocate for justice and fairness. BARNEY FRANK has established himself as a passionate and articulate defender of the principles which have made the United States the great Nation it is today.

Mr. Speaker, by forcing Japanese Americans into internment camps, the United States Government strayed from its pursuit of liberty and justice. We are fortunate, however, to have a colleague like BARNEY FRANK to help this Nation straighten its course.

SAN FRANCISCO GIRLS CHORUS IS CHOSEN TO PERFORM IN HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. LANTOS. Mr. Speaker, it is my pleasure to announce today that when the Bela Bartok International Choir Competition is held in Hungary in July, the San Francisco Girls Chorus will be representing the United States—indeed it will be the only group from America at this most important event.

Hungary is the world center for choral music, especially for girls and young women. Competing there means that the San Francisco Girls Chorus has reached the top level of girls choirs in the United States. Founded in 1978 by Elizabeth Appling at the suggestion of Kurt Herbert Adler and Richard Bradshaw of the San Francisco Opera, the chorus is made up of girls from 7 to 16. Rehearsals are twice weekly, and the chorus members, in addition to choral performances, participate in dramatic productions and a summer camp. Advanced singers are selected to sing with the San Francisco Opera. The group has toured the Pacific Northwest, West Germany, England, and has performed at the White House.

Mr. Speaker, I wish to commend the San Francisco Girls Chorus and everyone associated with it as they look forward to competing on a world stage with the world's best choirs. They are a credit to San Francisco and to America.

DUMPING ON "OCEAN DUMPING"

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. FLORIO. Mr. Speaker, the waste management crisis facing the Nation has only increased the urgency to resolve the dilemma in disposal and treatment methods. With more wastes accumulating and overflowing from landfills, one of the more pressing environmental effects of the resultant dumping has been on the ocean.

The landfill crunch makes several things apparent. First, since only so much waste can fit into a limited amount of land, available space for waste disposal is increasingly going out of circulation. Better approaches to deal with the crisis are needed. Yet despite its mandate, the Environmental Protection Agency is not enforcing the already existing laws regulating disposal and ocean dumping.

Second, with the need to ensure that the Nation's wastes are not released into the ecosystem to damage any further the fragile environment, not enough has been done to emphasize the existence of available technologies in coping with the crisis.

In the economics of the garbage crisis, the demand for disposal space has been exceeding the supply. With nowhere to go, more and more municipal sludge is winding up in our Nation's water systems. And since much of those wastes carry the threat of pollution, there is a corresponding need to treat the wastes to a greater extent.

In the State of New Jersey, with the closing of many important landfills because of a lack of available capacity, the ocean has become the quick fix in getting rid of whatever unwanted material our Nation produces.

However, almost invariably included in the waste material discharged into the Atlantic and Pacific Oceans and into the Nation's estuaries and river systems are such hazardous pollutants as PCB's and substances such as plastic.

In New Jersey, half of the total sludge produced within the boundaries of the State is eventually discharged offshore into the Atlantic Ocean.

When the totals across the Nation are added up, the amount of waste spilling into the Nation's aquatic ecosystems tops more than 15 million tons, including 7 million metric tons of municipal sewage and 8 million metric tons of dredged material.

Recently, under the auspices of the Transportation, Tourism, and Hazardous Materials Subcommittee chaired by Congressman THOMAS LUKEN, a field hearing was held in Hoboken, NJ. At this hearing, industry and community leaders voiced not only their concerns about obstacles in the development of these technologies but also their demonstrated potential in reducing the toxicity and amount of wastes that are dumped in the ocean.

Concentrating on alternative technologies available currently or in the near future once testing of those technologies has been completed, the hearing focused on two concerns.

First of all, the technologies and the resources do exist for municipalities all over the Nation to reduce the amount of wastes that ultimately must be disposed of with the conventional methods and the toxicity of the wastes which end up in the ocean.

Second, it also demonstrated that the developers of these technologies are facing a stone wall in their efforts to make these technologies the cornerstone of an improved and more efficient disposal process.

Although the EPA is charged with the enforcement of statutes presently on the books, including the 1978 Marine Protection, Research, and Sanctuaries Act and the Clean Water Act's regulation of municipal discharges into the ocean, the EPA has yet to display the necessary enthusiasm in enforcing these laws.

What is needed now is not only to make the EPA live up to its congressional mandate of enforcing the laws but also to turn the spotlight on alternative technologies for waste disposal and treatment.

I am including below an article by Liv Osby, a reporter for the Daily Record of Morristown, NJ, detailing this hearing on the different approaches available to resolve this crisis. As she has done many times in the past while a reporter covering the state of affairs in New Jersey, in this article, Ms. Osby thoroughly examines the pressing needs created by the crisis. The article follows:

CRITICS SAY EPA BLOCKS ALTERNATIVES TO SLUDGE DUMPING

(By Liv Osby)

HOBOKEN.—Industry leaders at the forefront of alternatives to dumping sludge in the ocean told a House subcommittee yesterday that government is the biggest obstacle to implementing new technologies.

The federal Environmental Protection Agency allows "regulatory confusion and delay" and is trapped in a "permitting straight jacket," said Barry A. Reiter, an engineer with Environmental Systems Co. in Little Rock, Ark.

Reiter and other representatives of firms from across the nation testified at a hearing of the House Subcommittee on Transportation, Tourism, and Hazardous Materials at Stevens Institute of Technology. The subcommittee met at the request of ranking subcommittee member Rep. James J. Florio, D-N.J., who said 7 million tons of sludge are dumped off the New Jersey coast each year.

"For too long, destructive ways of dealing with waste, (such as) ocean dumping, have been tolerated, even encouraged on the premise that there was no feasible alternative," the Democrat said. "That just isn't so."

Reiter said technological break-throughs, such as thermal treatment and other methods of rendering sludge harmless or even useful, are being developed with private funding, while EPA drags its feet behind, using public opinion as its reason.

Paul S. McGough, vice president of Resources Conservation Co., Bellevue, Wash., said that while millions of dollars go into engineering studies, firms on the technological frontier go out of business waiting to demonstrate their findings.

"It's not the public that's objecting," said McGough. "It's the EPA."

F. William Gilmore, chief executive officer of Colorado's Cleanup & Recovery Corp., said the EPA shows resistance to new treatment technologies.

"There are a number of new technologies," he said. "But I suspect they'll remain on the shelf. Congress and EPA should encourage the industrial community to employ novel and innovative treatment ideas . . . otherwise, the institutional bias will continue minimizing prospects for . . . promising technologies."

The EPA is conducting several research programs into alternate technologies, said John Skinner, director of office of environmental engineering and technology demonstration for the EPA.

After hearing the testimony, Rep. Frank Guarini, D-N.J., said EPA has "failed to meet its mission."

Florio said EPA also fails to enforce laws governing ocean sludge dumping. But Richard T. Dewling, commissioner of the state Department of Environmental Protection, said Congress must pass a law barring the practice.

"Legislation is the only way to stop dumping. We need changes in the law that don't allow loopholes . . . or it will continue," Dewling said, noting 50 percent of the state's sludge is dumped in the Atlantic.

Florio said the loopholes can be interpreted as EPA's "non-productive exercise of its discretion" because federal law empowers the agency to ban ocean dumping unless there's no economically feasible alternative.

"It's redundant for Congress to pass a law saying: Enforce the laws," he said. "EPA tomorrow must say: No waivers or permits."

TO REDUCE THE DEFICIT WE MUST REDUCE THE CAPITAL GAINS TAX

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. KONNYU. Mr. Speaker, 5 weeks ago this Congress passed the budget for fiscal year 1988. This bill was roughly 82 days past due which can largely be attributed to negotiations on an agreeable bipartisan deficit reduction package.

We in Congress must begin work now on a deficit reduction package for future years. This package should significantly cut spending and roll back the current, heavy taxation of saving and investment. In particular, one positive tax move would set the capital gains tax rate at 15 percent.

History has proven that we can actually raise revenue in order to meet deficit reduction targets by cutting the capital gains tax rate. By reducing the rate on capital gains in 1978, increased revenue from capital gains taxes rose from $8.1 billion in 1977 to $11.7 billion in 1979.

The Tax Reform Act of 1986 eliminated the preferential tax rate on capital gains, which are now taxed as ordinary income. This will have devastating effects on the formation of capital and will surely result in a capital gains tax revenue loss over the next few years.

The current capital gains tax rate will have an adverse impact on the ability of small businesses to raise equity capital since it reduces the willingness of venture capitalists to take the risks involved in funding innovation and technological research. History has proven this to be the case as higher capital gains taxes imposed in 1969 inhibited the efficient use of capital and virtually dried up funds available for risky new ventures and new technologies. It is said that America's revolution might never have been launched without the 1978 cut in capital gains taxes.

Higher capital gains taxes reduce the liquidity and efficiency of capital markets. Higher capital gains taxes reduce taxpayer's willingness to realize capital gains. Higher capital gains taxes reduce the amount of tax revenue that the Federal Government actually receives.

It is essential that we restore preferential capital gains tax treatment to a maximum rate of 15 percent. Enacting this legislation could add billions of dollars to the Federal Treasury and give a tremendous boost to high-technology and other industries and businesses seeking the venture capital to keep the United States ahead of its international competitors, most of whom impose no capital gains taxes at all.

TRIBUTE TO LARRY D. ANDERSON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HYDE. Mr. Speaker, it is an honor today for me to pay tribute to a constituent of mine, Mr. Larry D. Anderson of Elmhurst, IL, who recently was named by the Jaycees as one of the 10 outstanding young people in the State of Illinois.

Knowing what I know of Larry's commitment to the DuPage County community, I can think of no better recipient for this most prestigious award.

It was Larry's idea to initiate with others a privately financed flood relief fund following the August 1987 disaster which left thousands of people temporarily homeless in the metropolitan Chicago area. More than 180 families in the Elmhurst community, flooded from their homes, benefited from the estimated $85,000 contributed to the fund.

An attorney, Larry has given new dimension to the term pro bono. In the selfless service of others, he has nurtured a sense of community spirit by his work with the Cub Scouts, Little League baseball, community theater, the PTA, the United Way Campaign of Elmhurst, the YMCA, the Chicago Bar Association, and his church, St. Peter's United Church of Christ.

A member of the Elmhurst Jaycees since 1977, he has actively served his club in a variety of leadership positions, in addition to receiving numerous awards from the State and national organization, the latest award being yet another example of his commitment to excellence.

Thus, it is with great pleasure that I extend my very best wishes to Larry and his club colleagues who, I am sure, share a sense of accomplishment and pride for what Larry has contributed to Elmhurst and DuPage County.

TRIBUTE TO ALDA WILLIAMSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. RANGEL. Mr. Speaker, on January 29, 1988, one of my constituents, Ms. Alda Williamson, will retire after 33 years of valuable and trusted service with United Parcel Service.

Alda, as she is known to her colleagues and professional associates, has been the company librarian and archivist. She has been the regular official reader of the CONGRESSIONAL RECORD, and her deep understanding of the legislative process has been a great asset to the UPS Public Affairs Group.

Aldo was born in Hickory, NC, and attended the public schools there. She graduated from Lenoir Rhyne College with majors in history, English and biology. She received a fellowship at the University of Maryland, and simultaneously worked as a Library of Congress bibliographer for the Office of Strategic Services.

She instructed in history for the 3 years at Hood College, Frederick, MD, followed by 3 years as assistant professor of history at Baylor University, Waco, TX. For the next 4 years she supervised the circulation library of the University of Chicago.

She joined United Parcel Service, September 23, 1954. Alda has served well the company and the company's shipping public. Her research was instrumental in enabling UPS to expand from serving retail stores in a number of major cities to serving the entire population of the 50 United States and Puerto Rico.

Alda has doubled as a training materials writer and editor in the national communications department.

Her 33 years of diligence chart a model record of trustworthy and effective management.

I am delighted that Alda is planning to relocate to Austin, TX, where she will enjoy the intellectual and political climate of that capital city. Alda deserves all the finest security, rest and entertainment that Texas can offer because, through her work at UPS, she has so conscientiously devoted the last 33 years of service to others.

I salute Alda Williamson for the many contributions she has made to United Parcel Service.

PRESIDENT CHIANG CHING-KUO

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. MARTINEZ. Mr. Speaker, I rise today to join with my colleagues in both the House of Representatives and in the Senate in extending my sympathies to the Chinese people in the Republic of China for the passing of their leader, President Chiang Ching-kuo, on January 13, 1988.

I was deeply saddened upon learning of the death of President Chiang. I had the honor of meeting with President Chiang during past trips to the Republic of China. On a personal level, I found President Chiang to be a courageous leader who truly cared about the citizens of the Republic of China. President Chiang's accomplishments validate this perception. Through his leadership, the Republic of China has been transformed from an impoverished island country into an economic giant all within a 25-year period. Moreover, President Chiang must be credited with encouraging the evolution and operation of democracy in the Republic of China. In sum, the Republic of China has lost a valiant statesman.

On behalf of the people of the 30th Congressional District of California, I express my deepest sorrow to President Chiang's family and to the citizens of the Republic of China on the loss of President Chiang Ching-kuo. I share their sense of loss and I hope and trust that President Lee Teng-hui will lead his nation to even greater economic prosperity and political liberalization.

FARMERS' MARKET NUTRITION ENHANCEMENT PROGRAM

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. LELAND. Mr. Speaker, today I am introducing legislation to establish a 3-year national demonstration project which would permit States to provide participants in the Special Supplemental Food Program for Women, Infants and Children [WIC] with additional resources to purchase fresh produce and other nutritious foods from farmers' markets. This bill, which is also sponsored by my colleagues Representatives GEJDENSON and ATKINS will help increase income for farmers and supply low-income households with nutritious foods for consumption.

This legislation is based on a program that has been successfully demonstrated in the Commonwealth of Massachusetts for just 2 years. The Massachusetts Department of Food and Agriculture established a pilot program to provide nutritionally at risk inner city residents of Massachusetts with fresh, and nutritious fruits and vegetables through a network of farmers' markets in 1986. The program is also designed to provide farmers who are participating in the markets with new customers and increased sales.

The Massachusetts' program is very simple. Low income mothers and elderly people who have been determined eligible to participate in the program are given $10 worth of coupons. These coupons are used to purchase fresh produce at a participating farmers' market. Hence, both the low income consumer and the farmer benefit from the transaction.

The success of the program can be measured by the growth and the acceptance of the program in Massachusetts. In 1986, coupons valued at $18,000 were distributed to 2,000 families by the Department of Public Health's Special Supplemental Food Program for Women, Infants, and Children [WIC] office. According to the Department of Food and Agriculture in Massachusetts, these families purchased more than 60,000 pounds of fresh Massachusetts produce at four farmers' market sites. The 60 farmers who participated realized a 25-percent increase in gross sales.

The program has since been expanded to eight additional farmers' markets statewide. Participation has increased to 13,500 WIC families and nearly 200 farmers.

Massachusetts, the first State to implement a farmers market coupon system, is not the only State which can show success in bringing together low income families and farmers. Programs generally replicating the one in Massachusetts can be found in Connecticut and Iowa. Vermont is operating a similar project, where produce from farmers markets is made available to low-income individuals who use the emergency food shelves network.

The Connecticut and Iowa programs are targetting large communities with high concentrations of low-income families, Hartford and Waterloo respectively. Based on the success of these two selected sites, both States plan to expand their programs to reach more low income residents and farmers markets statewide. Vermont is also expanding its program based on the overwhelmingly positive reaction from beneficiaries.

This legislation offers a variety of benefits. It addresses the nutritional needs of women and children who come from low-income households—State health agencies set income criteria at 185 percent of the national poverty level or below—and must be certified by a health professional to be at nutritional risk. The food packages provided through WIC each month are designed for the dietary needs of the pregnant, postpartum, and lactating women, infants, and children up to the age of 5. They provide vitamins and nutrients which are most likely to be absent from their diets. The supplementary purchase of items such as fresh fruits and vegetables which many of these households lack clearly contributes to the well-being of people in danger of malnourishment.

The experience of the four programs in existence indicates that the low-income consumer becomes acquainted with markets where a greater amount of food per dollar can be obtained. In Massachusetts, the average participating family received nearly 40 pounds of food for $10 in coupons for the farmers' market season. The program improves marketing opportunities for local farmers and the additional income provides them with incentives to operate in low-income areas. Finally, the program establishes no new bureaucracy but works through existing systems.

We believe the programs already in operation display the capabilities State government and communities have in solving problems and improving the quality of life. Such programs can stimulate market opportunities for local farmers throughout the country and improve access to fresh products to low income, nutritionally at risk individuals. This bill provides for a modest investment which will have a great impact on vulnerable groups. I would like to now share with my colleagues a copy of the farmers' market pilot project legislation, which I urge you to cosponsor.

PUBLIC SERVICE RECOGNITION WEEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HOYER. Mr. Speaker, today I am introducing this resolution to recognize one of our Nation's most valuable national resources—our public employees. The quality of government's service to people in this country and around the globe reflects America's true leadership position in the world.

Public employees defend our borders, enforce our laws, and represent our interests in countries around the world. They fix our roads, vaccinate our children to prevent childhood diseases, deliver our mail, negotiate our treaties and trade agreements with other nations, and perform countless other public services that many of us have come to take for granted.

To commend public employees for their unceasing dedication to serve the American people, I introduce this resolution to designate the week of May 2 through May 8, 1988 "Public Service Recognition Week."

FARMERS' MARKET NUTRITION ENHANCEMENT ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. GEJDENSON. Mr. Speaker, I rise today to join with two of my colleagues, Representatives MICKEY LELAND and CHESTER ATKINS, in introducing the Farmers' Market Nutrition Enhancement Act. This legislation will help small family farmers by increasing the use of farmers markets and will also provide fresh food to nutritionally at-risk families.

Most of us would agree that some of the best new initiatives aimed at meeting the needs of low-income Americans do not come from Washington, but from the States. I am always encouraged when Congress takes notice of these grassroots initiatives and puts the weight of the Federal Government behind their development.

The WIC-farmers' markets programs in Connecticut, Massachusetts, Vermont, and Iowa fit into the mold of innovative and effective grassroots initiatives. The programs were born out of belief that more fresh produce in the homes of WIC families will improve the families' general health and result in healthier babies. They were initiated with State and private money, and have won accolades from farmers and low-income people alike.

In Connecticut, the Hartford food system distributed free bonus coupons to 6,200 WIC recipient households during the fresh produce growing season solely to be used at three farmers' markets in the Hartford area. Over 80,000 pounds of locally grown produce was purchased with the coupons and Hartford county farmers increased their sales by 25 percent. Similar results were registered in Massachusetts.

For most of the coupon users, this was their first time shopping at a farmers' market. Over one-third of the WIC recipients who received a coupon came back to the market again to use their own money. Farmers felt the coupons made it worthwhile for them to keep marketing their produce in the inner city.

The Farmers' Market Nutrition Enhancement Act authorizes seven demonstration programs over a 3-year period. We chose to authorize demonstration, not permanent programs as there are many aspects of WIC-farmers market programs that need to be fine tuned. We also hope that States will recognize the benefits of these programs and significantly increase State and local support for their continued development after the 3-year demonstration project has run its course.

Our legislation also realizes that we are in a period of budget austerity. The Farmers Market Nutrition Enhancement Act only appropriates $2 million per year for the 3-year life of the program, and requires a total of $1 million in matching State contributions.

The $2 million Federal appropriation, furthermore, will have no impact on the benefits currently available to WIC recipients. The standard WIC package of milk, cheese, infant formula, cereals, and fruit or vegetable juices will be supplemented, not supplanted, by the demonstration programs with fresh produce from farmers markets. Farmers redeem the coupons for cash from the State.

In introducing this legislation, Representatives LELAND and ATKINS and I are very realistic in our expectations for this program. We do not expect that this bill, in and of itself, will end hunger in America or bring an end to the farm crisis. The Federal Government, however, would be remiss if it did not act to support the development of a very positive movement which will increase business for small family farms and put more fresh produce in the homes of low-income families.

TRIBUTE TO SIX CONSTITUENTS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. KENNEDY. Mr. Speaker, I rise today to pay tribute to six of my constituents. These six—Timothy Holt, Milagros Espada, Barbara Hughes-Sullivan, Marianne Meyers, Melissa Menton, and Scott F. Toner—have distinguished themselves as students and as members of their community and have been awarded scholarships at the University of Massachusetts at Boston.

Timothy Holt, of Cambridge, earned an A average at the Maine Maritime Academy and is a computer science major. Milagros Espada finished in the top 5 percent of her class at Somerville High School and has chosen management as her major. Barbara Hughes-Sullivan, of Somerville, graduated from Bunker Hill Community College with an A average and has selected psychology as her major. Marianne Meyers, a graduate of the New England Conservatory, has selected English as her major. These four outstanding students have been awarded the Chancellor's Scholarship for Excellence.

Melissa Menton received her GED in July 1986. Since then she has worked as a receptionist in Boston and as a volunteer at Greenpeace. She plans to pursue a political science major. Scott Toner, of Cambridge, was very active at Matignon High School and also has been active with the Catholic Service Program. He also plans to pursue a major in political science. Both of these students have been awarded the Michael Ventrusca Scholarship.

We all agree that education is vital to our country's future. But we must not forget that quality education depends on more than good schools and colleges and more than excellent teachers and professors; quality education also relies on motivated students. Students like these make America's educational future bright.

I am very proud to bring these students to the attention of my colleagues. These six individuals have combined talent, hard work, a commitment to excellence, and a commitment to their community. The University of Massachusetts at Boston has always been an outstanding school. With students like these it will be even better.

LEGISLATION TO ADDRESS THE STUDENT LOAN DEFAULT PROBLEM

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. JONTZ. Mr. Speaker, today I am introducing legislation to address the student loan default problem.

Paying for students who are defaulting on their guaranteed student loans [GSL's] has become the third largest expenditure of the Department of Education. This cannot continue if the GSL Program is to survive. At the same time, any response to this problem should not penalize future students or schools for a situation beyond their control.

My legislation gives students, lenders, institutions, guaranty agencies, and the Department of Education additional responsibilities to prevent defaults and help obtain collections.

The bill:

First. Requires monthly information from guaranty agencies to be sent to the national student loan data bank at the Department of Education. The data will include student loan delinquencies, defaults, and the change in status of a borrower whose loan is delinquent or in default.

Second. Requires guaranty agencies to provide a monthly report to eligible institutions of borrowers who are delinquent of their obligations. The institution then has an affirmative responsibility to review and correct the information and report back.

Third. Establishes a consistent and equitable definition of "default rate" which takes into account collections made on defaulted loans as well as a credit for certain high risk students who graduate or successfully complete a program of study.

Fourth. Requires that limitation, suspension, or termination of participation in guaranty programs be based on default rates after 3 years of reliable and consistent data have been accumulated. Institutions with default rates below 25 percent may not be subject to limitation, suspension, or termination from guaranty programs. Other aspects of the institutions' default rate situation may also be considered prior to any limitation, suspension, or termination procedures.

Fifth. Requires additional information from borrowers, including an acknowledgment of the responsibilities associated with the loans. It allows schools to withhold transcripts and other records from borrowers who are in default. Further, the student is provided with a statement of consequences for default on a loan and the student is required to provide additional information during the entrance and exit interview which could be helpful in collection of loans.

Sixth. Requires schools to institute default prevention programs. In addition, the proceeds of the student loans can only be multiply dispersed on a quarterly basis, with no funds available until 14 days of the program have been completed.

Seventh. Provides a congressional finding that the continuation of the IRS Offset Program has been successful and should be continued, and that other offset programs should be examined that would assist in the collection of defaulted loans.

Eighth. Requires the Department of Education to report annually to Congress on this issue.

I urge my colleagues to review the legislation and support this commonsense approach to addressing the default problem. It ensures the integrity of the GSL Program and continued student access to GSL's.

THE FARMERS' MARKET NUTRITION ENHANCEMENT ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. ATKINS. Mr. Speaker, 2 years ago the Massachusetts Commissioner of Agriculture began an innovative, low-cost program that directly benefits two groups of people that have fared badly in our economy: young mothers and their children, and farmers. It does so in a way that would make Adam Smith proud: It brings supply to meet demand.

Farmers in the United States produce an overabundance of food. In order to sell their goods, farmers are forever looking for new markets and customers.

Mothers and young children in the Special Supplemental Food Program, commonly known as WIC, are provided with vouchers that list specific foods that they should eat to make their diet more nutritious. But they still need to fill in the rest of their diet. They need to know where they can get fresh and nutritious produce for themselves and their children.

Thus, we have a large supply and a large demand, both groups needing each other. The Massachusetts program brings them together by providing WIC mothers with $10 worth of coupons to buy fresh produce at farmers' markets in their area. The farmers then redeem the coupons for their full value.

This has the effect of introducing fresh produce into WIC recipients' diets. It also introduces new customers for the farmers that sell produce in these markets. In essence, these coupons have worked as a free marketing device for the farmers.

The program has been a great success. Redemption rates are high, often as high as 74 percent. And the cost has been extremely low: In 1987, the program served 32,500 people for only $248,000. Essentially, there is little cost over the value of the coupon.

Word has spread about the success of the Massachusetts program. Similar programs have been established in Connecticut, Vermont, and Iowa.

Today, I am joining MICKEY LELAND and SAM GEJDENSON in introducing the Farmers' Market Nutrition Enhancement Act, a Federal demonstration program to support existing farmers' market coupons programs and encourage the creation of new programs.

It is rare, indeed, that we find an idea with as much promise as farmers' market coupons. By bringing WIC recipients, a group looking for inexpensive ways to purchase nutritious foods, together with farmers, who are always looking for more buyers of their produce, we have made a perfect match.

I urge my colleagues to support this legislation.

TRIBUTE TO CHARLENE VEST

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to honor a selfless and outstanding servant of our Nation's youth—a teacher and mentor, a woman respected and loved by her students—Charlene Vest.

In a time when we're really not certain whether "Johnny" can read after all, it is paramount for us as this Nation's elected Representatives to give overdue recognition to the dedicated, professional men and women who are the true heroes of our public education institutions.

From the Second Congressional District of Missouri, Charlene Vest was such a hero. As a teacher of third-graders at the Pattonville Traditional School, she established for her students under NASA charter a "Young Astronauts Club" after she herself witnessed a launch of the space shuttle.

Taking to heart the words of Plato, that "[t]he direction in which education starts a man will determine his future life," during her 23-year tenure, Charlene Vest directed an entire generation of elementary school students toward dwellings in the higher realms of knowledge and wisdom, and prepared those students to be 21st century American leaders.

The life of this hero of American education came to a tragic end in December, when she was killed in an automobile accident. In her memory, the Young Astronauts Club has been renamed, with the approval of NASA, to the "Charlene Vest Young Astronauts Club," and a 23-foot oak tree will be planted—1 foot for each year she so nobly served her school.

The memory of Charlene Vest will continue through the many young people whose lives she so deeply touched.

It is an honor for me as the elected representative from the Second Congressional District of Missouri to hereby immortalize the name of Charlene Vest in the House of Representatives this day, January 28, 1988.

THE CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1987

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HEFLEY. Mr. Speaker, I rise to praise the recent actions of several national telecommunications firms in taking steps to limit so-called dial-a-porn telephone lines.

Last week, one of those companies, US West, covering 14 western States, announced it would move such dubious services to a new, pay prefix—960—while continuing to offer other dial services through the old 976 prefix. At customer request, US West will block calls to either prefix or both, free of charge. And US West will no longer provide billing services for the 960 services.

This last action is echoed by that of AT&T, which recently announced that it, too, would no longer provide free billing services to those providers of pornographic telephone services.

A spokesman for the Mountain Bell subsidiary of US West pointed out that phone companies are public utilities, not community censors. Yet their actions will give customers the tools they need to protect their children.

Plans such as these are indicative of the best traditions of the American system—of private companies and individuals taking the initiative in addressing a public problem. We should applaud them for their action and encourage other telephone carriers to adopt similar policies.

Yet, at the same time, we in this Chamber should not view the actions of these utilities as a way out of making hard decisions of our own on this matter. No doubt everyone here has received too many letters from constituents to forget the importance the public places upon this issue.

Two weeks ago, the Second Circuit Court of Appeals in New York approved the Federal Communications Commission's latest set of regulations governing these types of communications. At the same time, the court rejected the Supreme Court's distinctions between "obscene" and "indecent," a ruling which may send the issue back to the Supreme Court. Nonetheless, the FCC claims it now has workable regulations in place and may consider introducing further legislative curbs within this year.

Today, I signed on as a cosponsor to the Child Protection and Obscenity Enforcement Act of 1987. This comprehensive package, drafted by the Justice Department and reflecting the findings of the Attorney General's Commission on Pornography, appears to offer the best legislative avenue for addressing this issue in light of legal precedent and existing regulatory statutes.

The act seeks, first, to update Federal law to take into account new technologies employed by pornographers and, second, to remove loopholes and weaknesses in existing law. Its provisions address three basic areas—sexual exploitation of children through child pornography, obscenity, and child protection, the latter provision including dial-a-porn and cable pornography.

I believe that this law, combined with continued efforts by private citizens and the telecommunications industry and the enforcement of existing FCC regulations, will do much to halt the spread of this social problem.

The pornography issue has festered in the courts and before Congress for almost 2 years. A general consensus has formed among the public that something must be done and that public is asking this body to act, in order that debate on this issue might be brought to a conclusion. In light of that sentiment, I urge you to support passage of the Child Protection and Obscenity Enforcement Act of 1987.

JAPAN, ICELAND STILL KILLING ENDANGERED WHALES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to voice my anger at learning that two nations—Iceland and Japan—will violate international agreements and continue the illegal killing of whales in 1988. I would like to share with Members an article from the New York Times which describes this situation:

[From the New York Times, Jan. 24, 1988]

JAPAN AND ICELAND WILL DEFY BAN ON THE KILLING OF WHALES

REYKJAVIK, ICELAND, Jan. 23 (Reuters).—Japan and Iceland will continue to hunt whales despite an international moratorium and have threatened to leave the International Whaling Commission if the organization objects, Icelandic radio and officials said today.

The radio quoted Kazuo Shima, counselor of the Japanese Ministry of Agriculture, Forestry and Fisheries, as saying in Reykjavik that if the commission formally opposed its research program Japan might withdraw from the commission.

Officials said Iceland's Fisheries Ministry, Halldor Asgrimsson, made a similar threat at a closed two-day conference in the Icelandic capital that was attended by officials of six whaling nations. He also called for changes in the International Whaling Commission.

Japan says it wants to hunt for 300 minke whales to calculate the size of the minke stock, and Mr. Asgrimsson said Iceland would proceed with its four-year program of hunting up to 120 whales per year for research purposes. Conservationists have argued that research programs are thinly disguised efforts at continuing commercial whaling.

DISPUTE ON COMMISSION TERMS

The whaling commission condemned Iceland's program last year as being in violation of an international moratorium on commercial whaling that is to last until 1990.

Icelandic officials say that the moratorium was enacted on the premise that the time would be used to increase research into whale populations but that the commission had shown little willingness to do so.

The United States threatened Japan on Friday with possible economic retaliation if it killed any whales on its current expedition in the Antarctic. Federal law requires sanctions against any nation certified as violating international efforts on whale conservation.

Iceland averted such certification last year by agreeing to lower its announced quota to 100 whales from 120.

In return, Washington promised to work with Iceland on changes in the International Whaling Commission

JAPAN ACCUSES U.S. OF PREJUDICE

The radio said that at the conference Mr. Shima blamed the harsher reaction to Japan's hunt for whales on American "racial prejudice."

Mr. Shima said Thursday that Japan was prepared to continue its whaling program, despite the American threats.

"If the United States places sanctions against Japan we are ready to accept such sanctions," he said.

Mr. Asgrimsson is to meet with officials in Washington next month to discuss possible changes in the whaling commission's scientific committee.

The news of plans by Japan and Iceland for the continued killing of endangered whales comes at an especially bad time. It is particularly disruptive to negotiations aimed at improving our economic relationship with one of the offending nations—Japan. The whaling issue is likely to complicate efforts to negotiate in good faith with this important foreign trading partner.

Furthermore, this news is disturbing as the Congress of the United States is in the process of reauthorizing and strengthening the landmark Endangered Species Act. This act has enjoyed broad public support since its enactment in 1973. It provides for the strongest species protection of any statute ever enacted by a nation, and it has served as a guide for other countries trying to protect and conserve their natural environment.

Clearly, U.S. law requires sanctions against any nation which violates international efforts to conserve whales. I urge my colleagues to seriously consider imposing economic sanctions on nations proceeding with plans to kill endangered whales.

Mr. Speaker, we must send a signal to the governments of Iceland and Japan that this nation will not tolerate the taking of whales and the abrogation of international agreements to which the United States is a party. The trade bill now under consideration in the Senate may be an appropriate place to start in this regard; perhaps some other vehicle is preferable. By whatever means, this Congress must go on record as supporting the conservation of the international marine environment and opposing the killing of endangered marine animals.

STRIVING TOWARD EXCELLENCE IN PERFORMANCE AN INNOVATIVE "STEP" FOR MINNESOTA STATE GOVERNMENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. VENTO. Mr. Speaker, I wanted to share with my colleagues excerpts from an article written by Mr. Michael Barzelay and Mr. Robert A. Leone of the John F. Kennedy School of Government at Harvard University as it appeared in the July/August edition of The Journal of State Government. Their article extols glowing praise for an innovative approach to improve State government initiated by Minnesota's Governor Rudy Perpich known as striving toward excellence in performance [STEP].

STEP is an example of institutional self-improvement aimed at better serving its customers at its best. By involving the State's civic and business leaders in a partnership to improve the management of State government, Minnesota commissioner of administration, Sandra J. Hale, was able to form a coalition whose very strength was its flexibility. It is no wonder that this successful project has become a model for a public policy course at the Kennedy School of Government.

CREATING AN INNOVATIVE MANAGERIAL CULTURE: THE MINNESOTA "STEP" STRATEGY

(By Michael Barzelay and Robert A. Leone)

Minnesota state government is experiencing quiet cultural change. Every year, public managers throughout the bureaucracy are invited to experiment with managerial innovations designed to enhance the quality, quantity or cost-effectiveness of their agencies. Many public servants are responding eagerly to the invitation to serve citizens better, to measurably improve their operating performance and to take greater responsibility for making their agencies more innovative and productive.

The belief that public managers should strive for excellence in performance by consciously experimenting with internally generated ideas is not widely accepted, even if the "good government" state of Minnesota. Yet this concept of public management is making some headway among the state's civil servants, political appointees, business executives and union leaders. Behind this cultural change lies a set of carefully designed political and managerial strategies. This paper explores how a coalition forged by Commissioner of Administration Sandra J. Hale is providing the political support for a nascent culture of innovation throughout Minnesota state government.

THE DEVELOPMENT OF HALE'S STRATEGY

Commissioner of Administration Sandra Hale was well positioned to experiment with new strategies to improve state government. Hale eventually premised her strategy upon beliefs which ran counter to previous productivity schemes.

Her first premise was that state employees are predominantly competent and dedicated to their work as well as capable of innovating if empowered to do so. Second, successful organizational change usually requires employees to retain substantial control over the process of change. The third was that employees are ordinarily more motivated by the goal of improving performance—increasing quality, quantity or cost-effectiveness—than by mandates to lower costs or raise productivity. Finally, the commissioner believed state employees might actively take advantage of private sector resources if a joint public-private performance initiative were designed according to these premises.

Hale desired to challenge common beliefs that state employees are unresponsive, follow routines and are not innovative. However, as commissioner of the Department of Administration (DOA) she possessed few direct institutional resources to promote good management across state government. Primarily an oversight agency, DOA manages the state's information and telecommunications services, procurement, motor pool and property holdings, as well as a prestigious group of internal consultants.

To create a climate for innovation, experimentation and performance improvement, Hale needed the commitment of, among others, the governor, fellow commissioners and civil servants. Unless Perpich visibly supported Hale's premises and programs, other agencies would likely be indifferent to her initiatives. Fortunately, Perpich was attracted to Hale's conception of innovation, which he found similar to the management philosophy of Control Data Corporation, where he served as an executive between elections. Yet Hale could not expect the governor to dedicate much time to pursuing a theme so counter to traditional conceptions of "good government."

Hale also faced the skepticism of state employees. Her strategy of relying on civil servants to initiate producitivity improvements could be undermined by, among other things, strong popular beliefs that deprecate the competence of bureaucrats. The very state employees whose innovative ideas she sought had learned to follow rules and procedures closely to protect themselves from various external challenges.

Neither did Hale expect help from the state legislature. Legislators typically gain more political mileage by exposing the inadequacies of the bureaucracy, taking stands on issues, servicing constituent requests and seeking state aid for local needs than by seeking to improve the quality, quantity and cost-effectiveness of government. Hale had practically nowhere to turn.

BUILDING A COALITION

Perpich appointed Hale commissioner, in part, because she had worked closely with leaders in business, politics and the arts, and was adept at using these contacts to strengthen organizations with which she was associated. Most prominently, she chaired the board of the Guthrie Theater. Board members included many of the Twin Cities' foremost business executives. As commissioner of administration, Hale set out to correct business leaders' misperceptions of Minnesota government and thereby temper strident anti-government rehetoric of the prominent business associations.

In conversing with business leaders, Hale discovered that some executives might support her efforts to devise a statewide management improvement program. In particular, William Andres, who chaired the Dayton-Hudson Corporation and the productivity task force of the Minnesota Business Partnership (the association of big business), bolstered Hale's confidence in her concept to public management. Further, Andres encouraged the commissioner to emphasize the goal of improving service quality (in contrast to the historical goal of reducing costs).

Hale was persuaded that several prominent members of the business community might support a strategy of relying on state employees as sources of innovation and of using a public-private partnership to enhance these state employee innovative efforts. In 1984, Hale began to build a coalition of business and political leaders to support a state productivity program based on the premise that state employees are competent and eager to innovate.

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INSTITUTIONALIZING THE COALITION

By the end of 1984, Hale began to form a steering committee for the productivity project. Perpich agreed to serve as co-chair, signaling his commitment to the effort, along with Andres. Andres consented to recruit other top business leaders as well. Leaders of the major public sector unions, together representing virtually all state employees, were invited to serve on the steering committee. With the governor as co-chair and with the unions involved, Hale set a tone that distinguished her project from prior productivity efforts.

Hale also sought to eliminate state agency staff fears that savings from productivity improvements would be offset by budget cuts as had happened in previous reform efforts. The fear that innovations would lead to budget and possibly staff cuts tended to discourage bureaucrats from seeking to innovate.

In Hale's vision of a productivity program, state employees would be assured that their budgets would remain intact even after their suggested innovation was successfully implemented. This vision could be made credible by the support of the steering committee. The steering committee's sole resource was its prestige, but that was indeed a significant resource.

While the mere existence of such a steering committee could lend support for excellent management and innovations, it could not quickly change long-established behavior patterns. The committee somehow had to provide legitimacy to particular innovations so that the proposed changes would be accepted within the state government and so that the legislature would not match improvements in cost-effectiveness with budget cuts.

The institutional procedure designed to provide such political cover was to let the steering committee sanction the innovations; state employees would submit innovative project proposals to the committee for approval or disapproval. Approval by the committee, in effect, creates an alliance between particular bureaucrats, the governor, the state business elite, several commissioners and the public sector unions against those who might oppose the proposed innovation.

The composition of the steering committee and the solicitation of initiatives from below signaled the clear rejection of the top-down methods used by previous private sector commissions. So too did the name given the program. Realizing that the bureaucracy initially feared another wave of prodding from business executives, Hale's team chose the acronym STEP, differentiating the new program sharply from the Loaned Executive Action Program (LEAP). Consistent with this strategy of program differentiation, the words represented by the STEP program were first "Strive Toward Efficiency and Productivity," but later were changed to the more positive "Strive Toward Excellence in Performance."

WHY BUSINESS PARTICIPATES IN STEP

Corporations participate in STEP in two ways: through six top executives who are members of the steering committee and through firms which are asked to become "private partners" for specific STEP projects. Complex motives explain the considerable degree of business participation.

The Minnesota business community is well known for its civic consciousness. Except through occasional participation in productivity programs such as LEAP, however, Minnesota business had not been particularly involved in improving the management of state government.

Recent attention to the issue of corporate social responsibility helped convince some business leaders to promote excellence in state government. In the 1970s, Control Data Chairman William Norris and other leading corporate executives argued for greater cooperation between business and government through "public-private partnerships." Perpich vocally supported such partnerships at the start of his administration in 1983. Hale thought it made sense to tie the governor's productivity initiative to the partnership concept.

Once STEP gained the support of leaders such as Andres and Perpich, corporations that prided themselves on being outstanding "citizens" could not easily abstain from participating in this new model of public-private cooperation. These institutional incentives sometimes blended with market-oriented ones. For example, Control Data's donation of "process flow analysis" software to the Division of State Claims (the agency responsible for the state's workers' compensation program) occurred as part of a strategy to tailor its products to the public sector market. At the same time, the donation was greatly facilitated by the idea of public-private partnerships as well as by the institutional structure of the STEP program.

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COMPETING MODELS

Unifying the diverse elements of STEP is the vision that state employees rather than the private sector should be the source of innovative ideas and change. Within this unifying vision, there is room for diverse views. Initially, some people saw STEP simply as a vehicle to mobilize bureaucrats' good ideas and to help make these ideas an institutional reality. Others, such as Deputy Commissioner Babak Armajani, viewed STEP foremost as an instrument for changing the culture of the state bureaucracy.

These differing views of STEP have implications for project selection, design and follow-up. For example, Armajani's approach favored projects that would provide project managers with greater management discretion, increase opportunities for employee participation and team work, breed a concern among state employees for serving customers and provide a mechanism for measuring results. According to this view, STEP was a deliberate effort to transform project leaders and team members into carriers of the new culture of managerial excellence.

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PRODUCING RESULTS

STEP has elicited a significant response from the bureaucracy in its beginning years. Interviews with STEP program participants revealed several motivations for participation in the program: (1) some employees believe that support for an innovative idea from outside their agency counterbalances their supervisors' indifference, (2) some supervisors feel compelled to generate STEP proposals to please the powers that be, (3) some participants wish to prove that the public sector can be managed as well as the private sector.

The following sample of STEP projects from these beginning years shows a remarkable range of STEP projects.

The Division of State Claims, as mentioned, used STEP to acquire sophisticated computer software to streamline the processing of worker's compensation claims.

The parks department now accepts credit cards in a STEP-sponsored initiative to make it more convenient for park patrons to pay for season permits.

A planning group integrated data bases to facilitate economic development.

The corrections department diversified the product lines in prison industries and developed a program to sentence prisoners to community service as an alternative to incarceration.

The state human rights agency uses its private partners to aid in the enforcement of equal housing and employment opportunities.

A health agency revised the reimbursement formulas for services to handicapped children.

The treasurer improved cash management techniques by coordinating activities with the financial community.

The state weather service developed new channels of communication with major users of its services.

DOA now offers local government access to its centralized telecommunications service on a fee-for-service basis.

None of these innovations is spectacular in its own right. However, every item on this list is designed to make government work better, not just cheaper. These projects are designed to achieve excellence in public management through innovation, and, in so doing, to help reinforce a culture that encourages, nourishes and rewards innovations from within state service.

The politics of innovation are still being invented in Minnesota. The common meaning of good government, for instance, is beginning to include the notion of high-quality, cost-effective performance. In response to criticism from the Independence-Republican challenger during the 1986 gubernatorial campaign, for example, Perpich explicitly cited the STEP program as evidence of his dedication to improving government.

Although the long-term, bottom-up, "excellence in performance" approach has been institutionalized neither in the world of politics nor in the state legislature, the approach has made headway among some socio-economic and political elites as well as among some state employees. Through STEP's communications and other activities, a new discourse of public management is becoming meaningful to an increasing number of people in state government. The traditional culture of rigid hierarchy and exclusive accountability to process is being challenged by people holding an alternative vision of public administration.

The STEP vision is sustained, in part, by newly established networks of like-minded individuals, formed across departmental lines, across bureaucratic strata, and, to some extent, across the boundaries of the public and private sectors. At a minimum, these networks, deliberately fostered by STEP, help reorganize patterns of authority and communications in ways that breed innovation.

STEP is likely to succeed for three important reasons. First, innovation is an organizational process. Successful innovation is not merely a good idea successfully implemented; it is a carefully crafted process that percolates a succession of new ideas to the surface and effectively implements a portion of them. STEP is a remarkable project precisely because of its attention to the institutionalization of innovation from within Minnesota state government.

Second, the STEP program implicitly recognizes that inducing innovation requires political coalition-building, which, in turn, may require the kinds of creativity typically associated with "cultural entrepreneurship." Cultural entrepreneurship is the art of leading others to alter their core beliefs about social realities and possibilities. Political coalition-building is usually necessary to embed these reorganized beliefs in real-world social structures and institutions.

Third, a good deal of STEP's success lies in its reliance on decentralized initiative and its encouragement of clarification of purpose as essential to effective innovation (e.g., asking, Who is the customer? What measurable results do we seek?). Only in this way can the direction and pace of innovation match the strategic agenda of individual government agencies. The same approach to innovation is simply not appropriate for all state agencies and the STEP program is wise enough to recognize and accommodate this reality.

STEP's ultimate success rests on an appreciation of a simple reality—continued innovation is as much as a cultural phenomenon as an administrative one. Good ideas percolate to the top, are championed by public entrepreneurs, and are politically accepted only in a culture that values innovation for the good that it accomplishes, not merely the money it saves.

STEP consciously and systematically addresses this cultural question by empowering individuals and agencies in the bureaucracy to act on behalf of better government, while challenging those outside the bureaucracy to recognize that government can never be inexpensive if it is not done well.

HOUSE OF REPRESENTATIVES—*Monday, February 1, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As Your Word, O God, has given comfort through the ages to people in times of anguish, so we pray that Your Word will speak to every person who has any need. May Your spirit of healing and assurance, of hope and confidence, of forgiveness and reconciliation bless those whose lives suffer from any tension or illness or loneliness or meaninglessness. Inspire us, O God, to lift our eyes on high to see the hopes and promises that You freely offer to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

WASHINGTON, DC,
January 29, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:32 p.m. on Friday, January 29, 1988 and said to contain a message from the President whereby he transmits the notice of his intent to remove Hong Kong, the Republic of Korea, Singapore, and Taiwan from their status as beneficiaries of the GSP program.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REMOVING HONG KONG, THE REPUBLIC OF KOREA, SINGAPORE, AND TAIWAN AS BENEFICIARIES OF GSP PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-162)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Ways and Means, and ordered to be printed.

(For message, see proceedings of the Senate of today, Monday, February 1, 1988.)

CONGRATULATIONS TO MICHAEL L. CURTIS, PAGE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, every year many bright and enthusiastic young men and women come to the U.S. Capitol to serve as pages while continuing their education in the House of Representatives Page School. This past semester, I had the pleasure of appointing a young man from my district of Louisville, Michael L. Curtis, as my page.

I am especially proud of Michael who, despite the rigors of classes at the crack of dawn and endless hours of working and walking, was not only able to maintain a high grade point average—a feat in itself—but also scored high enough on his PSAT examination to be placed in competition for a national merit scholarship.

In addition to his scholastic talents, Michael demonstrated leadership abilities and took on the responsibilities of a supervisory position in the page office while also contributing his energies to the publication of the school yearbook.

Michael has left to go back home to Louisville to finish his education. I know that he will engage his future endeavors with the same enthusiasm, dedication, and zeal, and my office staff and I send to him our best wishes for much success in the national merit scholarship competition and in his life ahead.

ESTABLISHING DEMONSTRATION PROJECT ON HOME HEALTH CARE PROGRAMS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I am introducing a bill to establish demonstration projects on home health care programs. The bill would establish five projects and would have a duration period of 30 months. It would cover the home health care for the elderly and the chronically ill children who are presently covered under Medicaid.

I would hope that this would provide answers as to the cost of home health care, how it would be financed, the benefits that would accrue to those under the program, and the effectiveness for home health as opposed to institutional care.

I think it is essential that we know these facts before we embark on any costly new program of home health care.

I recognize that this will be an issue in this session. Therefore, I think it is vital that we have some pilot programs to determine how well these ideas will work and how much home health care will cost over the long term.

MARIETTA TO LAUNCH GE SATELLITES

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LUJAN. Mr. Speaker, I would like to call your attention to an article that appeared in last week's Washington Post, entitled "Marietta To Launch GE Satellites."

When this administration announced last August that NASA would no longer be in the business of launching commerical satellites, the hue and cry could be heard around the world. We all heard the dire predictions. The communication satellite business would all go overseas because U.S. companies could not compete without subsidized shuttle launches. And the ELV industry, accustomed to no-risk contracts with the Government—and also not trusting the Government to stay out of the commerical launch business—claimed they could not compete in this kind of uncertain market. We would be dependent on Ariane—or worse yet the Soviet Proton—to launch our satellites.

Well I'm happy to see these reports of the industry's collapse were a little premature. Martin Marietta and GE have show us that U.S. industry, working together, can come up with innovative solutions, and they can survive. One success story doesn't mean a robust ELV industry, but it does mean that we've come a long way since those days when NASA effectively shut the private sector out of the launch market by offering shuttle launches far below cost. We now have three U.S. companies in the market—Martin Marietta, McDonnell Douglas, and General Dynamics—all competing with Ariane.

These companies are showing us that privatization can work. This is

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not the time to pull the rug out from under them. Suggestions that the shuttle should be able to launch commercial satellites again send the wrong signal.

CONGRATULATIONS TO REDSKINS TIMMY SMITH

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, Washington, DC, is a city of transients, of people who are not from here, of bureaucrats, of Members of Congress and Senators who come during the week and leave on weekends. It is a city, however, that united in pride yesterday in the victory of the Washington Redskins.

Republicans, Democrats, the rich and poor, everyone under the Sun came together in unison in cheering for the Washington Redskins.

The Redskins have done the Nation's Capital pride. It is with great pride that the State of New Mexico honors Timmy Smith from Hobbs, NM, a rookie who came out of nowhere to establish a rushing record that even Larry Gzonka and Walter Payton and many others could not achieve.

The New Mexico Legislature in session declared yesterday as Timmy Smith Day in honor of this young man who ran away with the hearts of the country and provided victory for the Washington Redskins.

HAIL TO THE REDSKINS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, "Hail to the Redskins!" As the Congressman who represents northern Virginia, the home of Redskins Park, Coach Joe Gibbs, and so many of the Redskins coaches and players, I want to take this opportunity to congratulate the Washington Redskins—the players, coaches, and entire Redskins organization—on their magnificent record-breaking Super Bowl victory yesterday.

There were outstanding individual performances which stand out in the game, especially quarterback Doug Williams who was named the game's "Most Valuable Player." But the winning formula yesterday in San Diego for the Redskins over the Denver Broncos was teamwork. Every member of the Redskins team can take pride in their contributions to the Super Bowl XXII victory.

This team reflects just how far great coaching, hard work and dedication, and belief in one another as winners, no matter what the odds, can take a football team and the Washington metropolitan area is proud to share in their victorious season.

The Nation's Capital area is home to a divergence of people and viewpoints, but there is a common bond that draws us all together—from the District of Columbia to Virginia and Maryland. That unifying force is the Washington Redskins and to them we say, "Congratulations and thanks for a thrilling season."

Mr. Speaker, I would like to list at this point in the RECORD the Washington Redskins' players who today are the world champions of professional football:

Anthony Allen, Jeff Bostic, Todd Bowles, Reggie Branch, Kelvin Bryant, Dave Butz, Ravin Caldwell, Joe Caravello, Gary Clark, Monte Coleman, Steve Cox, Brian Davis, Vernon Dean, Clint Didier, Kurt Gouveia, Darryl Grant, Darrell Green, Keith Griffin, Russ Grimm, Ali Haji-Sheikh, Dean Hamel, Steve Hamilton, Joe Jacoby, Anthony Jones, David Jones, Mel Kaufman, Rick Kehr, Markus Koch, Dexter Manley, Charles Mann, Mark May, Raleigh McKenzie, Rich Milot, Art Monk, Tim Morrison, Neal Olkewicz, Terry Orr, George Rogers, Mark Rypien, Ricky Sanders, Jay Schroeder, Timmy Smith, R.C. Thielemann, Clarence Vaughn, Clarence Verdin, Alvin Walton, Don Warren, Barry Wilburn, Doug Williams, Dennis Woodberry, and Eric Yarber.

REDIRECT $8 MILLION FOR PAROCHIAL SCHOOLS IN FRANCE TO NEEDS OF OUR OWN CITIZENS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, most of us are, by now, aware of the legislative legerdemain accomplished in the closing days of the last session when $8 million was appropriated for parochial schools in France.

We speak out daily on this floor and in our districts against the excess of Government spending and bemoan the huge deficit. And yet we appropriate $8 million toward religious, foreign schools. We cannot appropriate money for religious education in America—and yet we permit American taxpayer dollars to be used for that purpose abroad.

If we are determined to spend this $8 million, I would suggest we look to the needs of our own citizens. I have done just that—and I have found a need right in my own back yard. The city of Chester, PA, is on the verge of bankruptcy. The citizens of Chester need our help. And I want to help them. Today, I am introducing legislation which will redirect that $8 million to retire the debt of Chester, PA. I can be proud of this expenditure—I am ashamed of the other.

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. The Chair desires to announce that pursuant to rule XLVIII, the Chair appoints to fill existing vacancies on the Permanent Select Committee on Intelligence the gentleman from Massachusetts [Mr. MAVROULES] and the gentleman from New Mexico [Mr. RICHARDSON].

□ 1215

THE FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1988

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today, I am introducing the Freedom of Information Public Improvements Act of 1988.

The Freedom of Information Act [FOIA] was first enacted in 1966. The executive branch has given it a cold reception from the beginning. No department or agency representatives supported the legislation during committee hearings, and President Johnson reluctantly signed it into law.

In spite of agency fears, the act as adopted in 1966 lacked teeth to ensure agencies' compliance. It was ineffective until 1974 when strengthening amendments were passed over President Ford's veto. Since then, the act has proven its value countless times.

Most recently, FOIA has helped reveal favoritism in the award of Federal grants, the existence of FBI files on distinguished American writers, and FDA documentation of previously unknown health risks posed by certain chemicals and drugs.

Most important, the act serves to make the Federal Government accountable by guaranteeing the right of access to Government information. This right has been threatened by the current administration's efforts to withhold information, or make it more difficult to obtain, whenever possible.

A recently published report by the organization, People for the American Way, documents many attempts to control the American public's access to all types of information. The report, entitled "Government Secrecy: Decisions Without Democracy," describes how much executive authority has been exercised for this purpose since 1981.

Among the activities included are:

First, information classification and reclassification;

Second, unprecedented classification of defense and intelligence spending;

Third, requirements for some Government employees to sign secrecy contracts for lifetime censorship of writings;

Fourth, controls on the press;

Fifth, toughening of information access laws;

Sixth, restriction of access to nonGovernment data banks;

Seventh, reducing publication and dissemination of Government information; and

Eighth, restriction of scientific and academic freedom and ideological censorship of foreign visitors.

This administration is not the first to resort to secrecy. People in positions of power will always find it convenient to withhold information that could be embarrassing to themselves or that supports a view different than their own. It is also true that, in recent decades, we have seen a growing institutionalization of methods for withholding Government information from the public. The classification of information is a prime example of this. But by any measure, the extent to which this administration has sought to withhold information is unprecedented.

The origin of so much secrecy lies in a skewed set of priorities. National security interests have not been balanced with other considerations. They have taken precedence over the public interest, and sometimes over the law.

The Iran-Contra hearings provided us with the clearest indication of the views held by administration officials toward the public's right to know what its Government is doing. These events heighten the importance of the FOIA as the one law that protects the public's right of access to Government information.

My bill, the Freedom of Information Public Improvements Act of 1988, sets forth an agenda for strengthening the Freedom of Information Act [FOIA]. It does this by addressing specific problems encountered by its users.

The bill introduced today is similar to the Freedom of Information Public Improvements Act of 1985, H.R. 3319 which I introduced in the 99th Congress. This bill was developed with the guidance of the Society of Professional Journalists. Congressman ENGLISH, chairman of the Government Operations Subcommittee on Government Information, Justice and Agriculture, is again a cosponsor.

My proposed amendments to FOIA aim to resolve some of the most troublesome aspects of FOIA's implementation. Perhaps most troublesome is the practice of using vaguely worded exemptions in the law to shield data which deserves to be released. Another serious concern is agency delay in responding to FOIA requests. My bill addresses these and other problems in the following ways:

TIME DELAYS

The bill establishes a system of financial penalties against agencies failing to comply with legal deadlines, and broadens disciplinary sanctions against employees who deliberately obstruct requests. In addition, the bill would require expedited access procedures when circumstances demand urgent disclosures.

STANDARDIZATION AND OPENNESS IN THE FOIA PROCESS

The bill requires that agencies maintain logs of FOIA requests and responses, organize their recordkeeping systems to promote inexpensive and easy access, and make public any special queueing procedures in processing requests. Also, the bill vests FOIA oversight powers within the Archivist of the United States. This position is the one most likely to provide independent and impartial supervision.

EXEMPTIONS

The bill revises exemptions to FOIA for national security, internal personnel, and financial institution records. The national security exemption would be revised to express a balance between the security needs to protect the information and the public information needs to disclose it. The internal personnel exemption would be eliminated, except for law enforcement manuals that may allow criminals to avoid justice. The financial institution exemption would be sharply tightened to protect only the release of information that would cause immediate harm to a financial institution.

FEE WAIVERS

This bill differs from my 1985 bill in only one respect: The section on fees and waivers. This section is different because portions of this section were enacted into law as part of the 1986 omnibus antidrug bill. The bill introduced today clarifies the 1986 fee waiver language, making it easier for requesters to qualify for reduced fees. It also broadens the categories of those eligible for the reduced fees to include individuals and nonprofit organizations.

These changes will make a good law better. I am optimistic that the 100th Congress is likely to look favorably on strengthening amendments to the FOIA. I hope to see action on portions of my bill this year.

A synopsis of the bill follows:

THE FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1988 A SYNOPSIS

SEC. 2—FINDINGS

This section sets out the major historical and policy underpinnings of the proposed Amendments.

SEC. 101—RECORD KEEPING REQUIREMENTS

This section facilitates both oversight of agency compliance with requests and requesters' ability to determine if the information they seek already has been compiled. Each agency would be required to keep a log of requests received, a status list of pending requests and an index of all records disclosed under the FOIA. The section also includes a mandate that agencies improve the organization and maintenance of their records.

SEC. 102—FEES AND WAIVERS

This is the only section that differs from the Freedom of Information Public Improvements Act of 1985. Portions of this section from the 1985 bill were enacted into law as part fo the 1986 Omnibus Anti-drug Bill. Using language very similar to the 1985 bill, the anti-drug bill directed that the Office of Management and Budget promulgate a uniform fee schedule. It also provided for fee waivers or fee reductions when disclosure of the information at issue "is in the public interest. . . ." This bill clarifies the 1986 fee waiver language, making it easier for requesters to qualify for reduced fees. It also broadens the categories of those eligible for the reduced fees to include individuals and non-profit organizations.

SEC. 103—PENALTIES FOR AGENCY DELAY OR AGENCY FAILURE TO COMPLY

In order to enact meaningful sanctions against violations of the often ignored time limits in the FOIA, this section would allow a requester to be awarded expenses and attorney fees incurred in litigating an agency's failure to comply with the applicable time limits. This section also places the burden upon a non-complying agency to show the delay is warranted. A court would have the discretion to award a requester up to twenty-five dollars a day for each day that the agency exceeded the FOIA's time limits.

SEC. 104—SANCTIONS FOR AGENCY FAILURE TO COMPLY

The bill provides additional sanctions against agency employees who improperly handle FOIA requests. Should a court find "that circumstances raise questions about whether agency personnel acted arbitrarily or capriciously with respect to "a record or fee waiver request, the special counsel would have six months to investigate the agency's actions and issue a report. In order to expose agency employees who do not comply with the FOIA, copies of this report would be filed with the employee, the requester, the court and the appropriate Senate and House committees. The agency must then act on the Special Counsel's recommendation and report its actions to the congressional committees.

SEC. 105—EXPEDITED ACCESS

Since requesters, particularly members of the media, sometimes need information from the government very quickly, each agency would be required to establish regulations under which a requester demonstrating a compelling need could have expedited access to records. An agency failing to comply with a five-day limit for handling these expedited requests would be subject to reasonable attorney fees, litigation costs and, at the discretion of the court, a twenty-five dollar a day fine.

SEC. 106—SEPARATE QUEUES FOR PROCESSING REQUESTS

To better inform the public about agency procedures for handling FOIA requests, this section would require any agency with a separate queue or special procedure for handling a certain class of requests to describe that queue or procedure in its published regulations.

SEC. 107—REVISION OF EXEMPTIONS

This section revised the FOIA exemptions that have proven unreasonably restrictive.

The "b-1" national security exemption is modified to exempt only properly classified information the disclosure of which "could reasonably be expected to cause identifiable damage" to the nation's defense or foreign policy interests and only if "the need to protect the information outweighs the public interest in disclosure."

The "b-2" exemption for internal agency rules and practices would be revised to exempt only "law enforcement manuals that are predominantly internal in nature to the extent that disclosure significantly risks circumvention of an agency investigation, a regulation or a statute."

The "b-8" exemption for financial reports would be amended so that only those documents which, if disclosed, "would directly injure the financial stability of the institution" could be found exempt.

Agencies would be required to publish a complete list of all statutes authorizing exceptions to the disclosure requirements of the FOIA, and would be required to notify the relevant Congressional committees of the introduction of any legislation creating new exemptions to the FOIA.

SEC. 108—PROHIBITION ON USE OF THE FOIA TO WITHHOLD INFORMATION TO CONCEAL VIOLATIONS OF LAW, INEFFICIENCY, OR ADMINISTRATIVE ERROR

In an attempt to state explicitly what the FOIA holds implicitly, the bill provides that documents cannot be withheld under the FOIA "in order to conceal violations of law, inefficiency, or administrative error by an agency."

SEC. 109—OVERSIGHT OF AGENCY COMPLIANCE

The bill would shift oversight responsibility for the FOIA to the Archivist of the United States, who would be granted power to issue binding interpretations and advisory opinions on the FOIA.

To further encourage agency compliance with the FOIA, the bill would require each agency to present an annual report to the Archivist, the Speaker of the House of Representatives and the President of the Senate detailing the agency's handling of document and fee waiver requests made under the FOIA.

SEC. 110—DEFINITIONS

To clarify which agencies actually are covered by the FOIA, the bill redefines the term "agency" to include any Executive department, military department, government corporation, government-controlled corporation, or other establishment in the Executive branch of government and any independent regulatory agency and includes the Smithsonian, the Council of Economic Advisors, and the Administrative Office of the United States Courts.

The definition of "records" would be clarified to include appointment calendars and telephone logs unless kept solely for the employee's personal use.

SEC. 201—PRIVATE CIVIL ACTIONS TO RECOVER AGENCY RECORDS REMOVED IN VIOLATION OF UNITED STATES CODE

Title 2 is an attempt to rectify the damage done by the 1980 Supreme Court case *Kissinger* v. *Reporters' Committee for Freedom of the Press.* In that case the Supreme Court declined to hold that notes of telephone conversations by Henry Kissinger were "agency records." Kissinger made the notes while National Security Advisor but transferred them to the State Department when he became Secretary of State. The court found that the "papers were not in control of the State Department's files and were not used by the Department for any purpose." Accordingly, the definition of "agency records" has been severely restricted by this case. Lower courts have used the Kissinger decision to prevent FOIA requesters from gaining access to "agency records." Kissinger has been interpreted to hold that an agency to whom the request is directed must have exclusive control of the document. If the agency to whom the request is directed does not have exclusive control over the document, the records are not obtainable under the FOIA, the courts have held.

The amendment would allow requesters to seek records improperly removed from an agency in violation of Title 44 of the United States Code of standards, procedures or guidelines promulgated pursuant to it. Similarly, suit may be brought against the United States or any other governmental agency that is in the possession of records removed from an agency in violation of Title 44.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on February 2.

Mr. OWENS of New York, for 5 minutes, on February 3.

Mr. OWENS of New York, for 5 minutes, on February 4.

Mr. GAYDOS, for 60 minutes, on February 2.

Mr. GAYDOS, for 60 minutes, on February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. FISH.

Mr. GINGRICH.

Mr. COURTER in two instances.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. LANTOS in two instances.

Mr. MAZZOLI.

Mr. VENTO.

Mr. ATKINS.

Mr. MONTGOMERY.

Mr. TRAFICANT in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. GRAY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 2, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2787. A letter from the Secretary of the Army, transmitting his determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

2788. A letter from the Chief, Office of Legislative Affairs, Department of the Navy, transmitting notification of the intent to sell certain naval vessels to the Government of the Arab Republic of Egypt, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

2789. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the operations of the National Defense Stockpile for the period April 1 through September 30, 1987, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

2790. A letter from the Secretary of Housing and Urban Development, transmitting the Department's interim report on the Transitional Housing Demonstration Program, pursuant to 42 U.S.C. 11387; to the Committee on Banking, Finance and Urban Affairs.

2791. A letter from the Vice President, Chesapeake and Potomac Telephone Co., transmitting a copy of a Statement of Receipts and Expenditures, and a Comparative General Balance Sheet of the Chesapeake and Potomac Telephone Co. for the year 1987, pursuant to D.C. Code, section 43-513; to the Committee on the District of Columbia.

2792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-132, "D.C. Certificate of Need Act of 1980 Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2793. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-137, "Guardianship and Protective Proceedings Effective Date Amendment Temporary Act of 1987," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2794. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-136, "Conveyance of Real Property Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2795. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-135, "Cable Television Communications Act of 1981 Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2796. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-134, "D.C. Elections Code of 1955 Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2797. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-133, "Unemployment Compensation Act Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2798. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Review of Boxing and Wrestling Commission Chairperson's Travel Expenditures for Fiscal Years 1982 through 1987," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2799. A letter from the Vice Chairman and Chief Financial Officer, Potomac Electric Power Co., transmitting a copy of the Balance Sheet of the Potomac Electric Power Co. as of December 31, 1987, pursuant to D.C. Code, section 43-513; to the Committee on the District of Columbia.

2800. A letter from the Secretary of Education, transmitting a copy of the Final Regulations for Rehabilitation Research and Training Centers for Fiscal Year 1988 under the National Institute on Disability and Rehabilitation Research, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2801. A letter from the Secretary of State, transmitting the fiscal year 1988 report on foreign security assistance allocations, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

2802. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities as well as its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty covering the period October 1, 1986, through September 30, 1987, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

2803. A letter from the Assistant Secretary for Administration, Department, of Transportation, transmitting notification of the proposed alteration of four Saint Lawrence Seaway Development Corporation systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2804. A letter from the Director, Office of Personnel Management, transmitting a report on the evaluation of its systems of internal accounting and administrative control in effect during fiscal year 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2805. A letter from the Director, Office of Personnel Management, transmitting notification of the proposed altering of two existing Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2806. A letter from the President and Chairman, Export-Import Bank, transmitting a report on the evaluation of the internal accounting and administrative control systems in effect during the year ended December 31, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2807. A letter from the Privacy Officer, National Aeronautics and Space Administration, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2808. A letter from the Acting Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1985 and 1986 for Federal Onshore and Outer Continental Shelf Oil and Gas Leases," pursuant to 30 U.S.C. 237; to the Committee on Interior and Insular Affairs.

2809. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the decision granting defector status in the case of a certain alien who has been found admissible to the United States under law, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

2810. A letter from the Attorney General, Department of Justice, transmitting a report of litigation challenging the constitutionality of the Sentencing Reform Act of 1984, Public Law No. 98-473, *Federal Defenders of San Diego, Inc., et al.* v. *United States Sentencing Commission*, C.A. No. 87-2156 (D.D.C.); information on the Department's position in such cases; to the Committee on the Judiciary.

2811. A letter from the Chairman of the Board, Panama Canal Commission, transmitting the Commission's report, including unaudited financial statements, covering the operations of the Panama Canal during fiscal year 1987, pursuant to 22 U.S.C. 3722; to the Committee on Merchant Marine and Fisheries.

2812. A letter from the U.S. Trade Representative, transmitting the semiannual report for the period July-December 1987, describing new petitions filed, developments in, and the status of, cases pending under section 301 of the Trade Act, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

2813. A letter from the United States Trade Representative, transmitting a report identifying foreign export subsidies and opportunities where U.S. export subsidies can be used most effectively, pursuant to 7 U.S.C. 1736x(c)(3); jointly, to the Committees on Agriculture and Ways and Means.

2814. A letter from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting notification of the decision to convert the commissary resale warehouse function of Offutt Air Force Base, NE, to contractor performance as the most cost-effective method of accomplishment, pursuant to 10 U.S.C. 2304 nt; jointly, to the Committees on Appropriations and Armed Services.

2815. A letter from the Assistant to the President, Legislative Affairs, Executive Office of the President, transmitting notification that full answers to all of the questions contained in section 903 of Public Law 100-180 are not now available, pursuant to Public Law 100-180, section 903; jointly, to the Committees on Armed Services and Foreign Affairs.

2816. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting the Board's annual report of its activities during fiscal year 1987, pursuant to 29 U.S.C. 792(g); jointly, to the Committees on Education and Labor and Public Works and Transportation.

2817. A letter from the Secretary of Health and Human Services, transmitting a report entitled, "The Impact of State Hospital Payment Ratesetting Systems," pursuant to 42 U.S.C. 1395ww nt; jointly, to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY (for himself and Mr. Edwards of Oklahoma):

H.R. 3884. A bill to rescind certain budget authority recommended in Public Law 100-202; to the Committee on Appropriations.

By Mr. KLECZKA (for himself and Mr. English):

H.R. 3885. A bill to amend the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. REGULA:

H.R. 3886. A bill to establish demonstration programs under the Department of Health and Human Services to provide for the coverage of home care services to the elderly, and certain chronically ill children, and to evaluate questions of cost-sharing, scope of benefits, and financing of the programs; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SCHULZE:

H.R. 3887. A bill to provide that the $8 million of foreign assistance funds earmarked for the construction of educational facilities for North African Jewish refugees in France be used instead to solve the fiscal crisis of Chester, PA; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. STARK:

H.R. 3888. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings constructed with Japanese services; to the Committee on Ways and Means.

By Mr. FEIGHAN (for himself, Mr. Bonker, Mr. Hamilton, Mr. Atkins, Mr. Gejdenson, Mr. Ackerman, Mr. Clarke, Mr. Fuster, Mr. Berman, Mr. Kostmayer, Mr. Levine of California, and Mr. Weiss):

H. Con. Res. 240. A concurrent resolution in support of the Guatemala peace accord; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

264. The Speaker presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Social Security benefits disparity known as the "Notch" Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 920: Mr. Mineta.

H.R. 1115: Mr. Crane.

H.R. 1352: Mr. Murphy and Mr. Hertel.

H.R. 1411: Mr. Flake.

H.R. 1602: Mr. Porter and Mr. Dornan of California.

H.R. 1635: Mr. Fauntroy, Mr. Torricelli, and Mr. Bates.

H.R. 1782: Mr. Holloway.

H.R. 1869: Mr. Frenzel.

H.R. 1966: Mr. Murphy and Mr. Hertel.

H.R. 2537: Mr. Mfume.

H.R. 2832: Mrs. Meyers of Kansas.

H.R. 2943: Mr. Frank, Mr. Murtha, Mr. Brown of Colorado, Mr. McEwen, Mr. Fazio, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Scheuer, Mr. Vento, Mr. Sikorski, and Mr. Cardin.

H.R. 2944: Mr. Kildee, Mr. Lent, Mr. Smith of New Jersey, Mr. Sunia, Mr.

McDADE, Mr. BLAZ, Mr. HOWARD, Mr. GEJDENSON, Mr. MURTHA, Mr. BROWN of California, Mr. McEWEN, Mr. FAZIO, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. SCHEUER, Mr. VENTO, Mr. SIKORSKI, Mr. CARDIN, and Mr. McHUGH.

H.R. 3010: Mr. HERTEL, Mr. DELLUMS, and Mr. WEISS.

H.R. 3132: Mr. DELLUMS.

H.R. 3133: Mr. THOMAS A. LUKEN and Mr. BOUCHER.

H.R. 3241: Mr. TRAFICANT, Mr. MARTINEZ, Mr. CONYERS, and Mr. DE LUGO.

H.R. 3511: Mr. SUNIA.

H.R. 3658: Mr. NIELSON of Utah, Mr. HANSEN, Mr. STRATTON, Mr. MARTINEZ, Mr. SOLARZ, Mr. TRAFICANT, Mr. BOSCO, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. FAUNTROY, Mr. OWENS of Utah, and Mr. WEISS.

H.R. 3679: Mr. SCHUETTE.

H.R. 3711: Mr. FRANK, Mr. MILLER of California, and Mr. BILIRAKIS.

H.R. 3799: Mr. DREIER of California, Mr. SHUMWAY, and Mr. FRANK.

H.R. 3865: Mr. STENHOLM, Mr. BROWN of Colorado, and Mr. STALLINGS.

H.J. Res. 23: Mr. RAVENEL.

H.J. Res. 152: Mr. HAWKINS, Mrs. JOHNSON of Connecticut, Mr. DONNELLY, Mr. FOLEY, Mr. TAUKE, Mr. APPLEGATE, Mr. CONTE, and Mr. PORTER.

H.J. Res. 386: Mr. ANDERSON, Mr. HATCHER, Mr. LEVINE of California, Mr. THOMAS A. LUKEN, Mr. MADIGAN, Mr. MARTINEZ, Mr. MOAKLEY, Mr. MURPHY, Mr. PANETTA, Mr. ROYBAL, Mr. SAWYER, Mr. SHAYS, Mr. SPRATT, and Mr. WALGREN.

H.J. Res. 399: Mr. RAHALL, Mr. LEVINE of California, Mr. LANTOS, Mr. KASICH, Mr. WISE, Mr. RODINO, and Mr. MINETA.

H. Con. Res. 188: Mr. MINETA.

H. Con. Res. 238: Mr. PORTER.

H. Res. 150: Mr. LAFALCE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

115. By the SPEAKER: Petition of Senator John R. Coulter, Parliament of Australia, relative to the United Nations Trusteeship of Palau; to the Committee on Foreign Affairs.

116. Also, petition of Randy Hunwardsen, relative to the U.S. Congress; to the Committee on the Judiciary.

117. Also, petition of Barry Dale Holland, Richmond, VA, relative to Government stocks and bonds; to the Committee on Ways and Means.

SENATE—*Monday, February 1, 1988*

The Senate met at 11:30 a.m. and was called to order by the Honorable Richard C. Shelby, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

And, behold, the Lord passed by, and a great and strong wind rent the mountains and brake in pieces the rocks before the Lord; but the Lord was not in the wind: and after the wind an earthquake; but the Lord was not in the earthquake: and after the earthquake a fire; but the Lord was not in the fire: and after the fire a still small voice.—I Kings 19:11-12.

Mighty God, Creator and Ruler of the Universe, may we learn from Elijah's experience—to listen for the "still small voice" by which You speak to us. In our culture it is important for us never to reveal vulnerability or weakness. We must be strong—appear strong even when we feel weak. It is when we are alone with ourselves that we need the comfort of God—when we think of what we ought not to have done but did—and what we ought to have done and did not. In our loneliness, we are sometimes overwhelmed by the failure which we are never free to acknowledge to anyone. So the pressure builds up within and the burden is compounded. Loving Father, on this fast track which is life in the Senate help those who labor here to find daily a quiet moment that they may discover that God is not in the wind nor the earthquake nor the fire but in the "still small voice." In His name who invited "come unto me all who labor and are heavy laden. I will give you rest." Matthew 11:28. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 1, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard C. Shelby, a Senator from the State of Alabama, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his good prayer and for the particular choice of the story of Elijah and the reference to the words of Jesus. It is a story that should give us all strength, and I thank him.

RESERVATION OF LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that my time be reserved, and I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 20 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

NO CONTRA AID ON ANY TERMS

Mr. PROXMIRE. Mr. President, what is the sense of Congress voting that this debt-ridden Government of ours should borrow still another $36 million to provide a combination of so-called lethal and nonlethal aid to the Contras in Nicaragua? Sure $36 million is a small part of our more than $1 trillion Federal budget. But this $36 million is only the beginning. It means we are continuing aid to the Contras for a few months on a limited basis. If the Contras are to succeed it is clear that Contra appropriations will have to increase greatly in the future. On the other hand if the Congress denies the $36 million it may mean the end of this costly project.

The Arias peace plan Central America would stop the tragic Nicaraguan civil war. The international Nobel Peace Committee has awarded its coveted prize to President Arias for the contribution his proposal to stop the killing in Nicaragua has made to world peace and especially to peace in this hemisphere.

The Arias plan is not simply a cease-fire proposal. It would advance democratic institutions in Nicaragua. It would provide effective Central American guarantees against Nicaraguan aggression against its neighboring nations. The Central American nations that would be principally affected by Nicaraguan aggression unanimously favor the Arias plan. They oppose the continuation of U.S. aid to the Contras. Do they know what they're doing? Of course, they do. They are right.

Mr. President, what possible basis is there for the Congress to continue spending American taxpayer money year after year to fund a rebellion in Nicaragua? If ever Federal spending truly deserved a Golden Fleece Award, it is here. In the first place the Contras have not won a single military victory in Nicaragua in the years the United States has been funding them. They have, to be sure, killed some Nicaraguan Government soldiers. But they have killed far more Nicaraguan civilians. They have undoubtedly weakened the economy of their pathetically poor country by burning the homes of Nicaraguan families, by killing many of its able bodied people and by destroying the livestock that is critical for feeding Nicaraguans. That the United States has subsidized this cruel slaughter and impoverishment of thousands of Nicaraguans is a national shame.

It is an embarrassing international joke that the Reagan administration contends that Nicaragua represents a threat to our security. How ridiculous can the administration get? Nicaragua has a population that is less than 2 percent of the American population. It has a pathetically weak economy with a GNP that is a small fraction of 1 percent of ours. It has virtually no navy. It has no air force. It has a sad sack army equipped with a few old style Soviet tanks and personnel carriers. Its weapons would be a disgrace for any one of America's 50 State National Guard units. But what happens if Nicaragua should invade one of its

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

neighbors? If that happens the United States would have not just the right but the duty to respond if called upon to do so under the Rio Treaty. The United States could swiftly establish air control, sea control, and land control.

So Nicaragua is a military pygmy. By contrast the United States has immense economic, peaceful power in Central America, infinitely greater than Cuba or the Soviets. Our country constitutes the prime market for export businesses in all central American countries including Nicaragua. Of course, both Cuba and the Soviet Union provide military weapons and military personnel to Nicaragua. Certainly Ortega follows a Cuban and Soviet Communist Party line in international relations. And yes, it would be highly desirable to secure a free, democratic, pro-American government in Nicaragua. But is support for the Contra and a bloody revolution overthrowing the Sandinistas the way to achieve it. Consider our bitter historical experience. Pro-American governments like the Somoza government have been one party dictatorships that suppressed dissent as ruthlessly as Ortega and the Sandinistas suppress it. Isn't it logical that in the long run we would have at least as good a chance to win a free, democratic government in Nicaragua by relying on a military and political hands-off policy that would encourage trade and tourism between the two countries. Why not try it?

Throughout this century the United States has treated Nicaragua as either our puppet or our enemy. In neither case have we succeeded in establishing the kind of democratic institutions in Nicaragua that now characterize most other central American countries. It is time we follow a hands-off policy in Nicaragua. From the standpoint of the freedom and democracy we espouse we can't do any worse. We have tried military domination. It has only succeeded in giving us a reputation as an international bully. Let's apply the good neighbor policy of Franklin Roosevelt and the Peace Corps policy of John Kennedy. We can't do any worse in Nicaragua, and we might do a great deal better.

SUPPORT FOR REPEAL OF THE GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials from Pennsylvania newspapers that support my bill to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Press, June 30, 1987]

OBSOLETE BANKING LAWS

When a major law controlling an industry is more than 50 years old, you can be sure its outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and, indirectly, the American economy.

In writing Glass-Steagall, experts sought to separate the commercial securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortuntely, their explanation of the Depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's largest 25, whereas seven ranked in the top 10 not too many years ago.

As a result they're finding it increasingly difficult to compete with well-capitalized banks from Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commercial paper, for example, even though many businesses increasingly use that form of short-term unsecured credit instead of relying on traditional bank loans.

Thus, banks have lost some of their most reliable customers. A law intended to protect banks from high-risk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commercial paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities for banks: stock brokerage, the underwriting of insurance and municipal revenue bonds, the operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

[From the Pittsburgh Post-Gazette, July 7, 1987]

BANKING THAT WORKS

The U.S. Supreme Court's recent decision to allow the Bankers Trust Co., a commercial bank, to sell a specialized instrument of corporate borrowing known as commercial paper marked another milestone in the piecemeal deregulation of the nation's banking system. It also provided a new reminder that Congress, where resistance to deregulated banking is mounting in response to lobbying from Wall Street and the insurance industry, should be playing a more positive role in deciding the future of American banking.

The Bankers Trust case offers a quick drill in some key issues of banking deregulation, which can be most clearly defended as a way of allowing banks to respond to competition in their traditional markets from unregulated financial institutions. Commercial paper underwriting and resale, for instance, is probably one of the safest credit operations in the financial market place. But regulated banks have been kept out of it under the Banking Act of 1933, known as the Glass-Steagall Act, which prevents banks from engaging in any kind of underwriting.

Meanwhile, investment banks and other unregulated finance companies have been convincing corporations that commercial paper represents a less expensive method of raising capital than borrowing from a commercial bank at the prime rate. Similarly, other financial products have been devised to challenge the traditional role of banks as the primary source of credit in American society.

In this context, worries that deregulation will increase the risk of commercial banking are academic. The highly restricted participation of commercial banks in the revolution in financial services has already encouraged the migration of many of their most credit-worthy customers to other providers of service. Riskier lending in the Third World and the oil patch may be one result.

Unfortunately, Congress is listening more carefully to the aggressive opposition of those financial interests that have competed most effectively for the customers of commercial banks. A constructive way of dealing with the present drift of Congress' attention would be a proposed blue-ribbon commission of all interested parties to work out a legislative solution.

The most important issue—and the largest philosophical obstacle in the path of commercial banking deregulation—is how to maintain regulatory oversight of insured deposits while separating them from unregulated ventures. Critics of deregulated banking make an effective (if not totally persuasive) point when they argue that federal depository insurance provides banks with a safeguard against risk that other corporations do not enjoy.

The concern is that insured deposits will give bankers an exaggerated sense of safety when they expand into risky ventures. Or, conversely, that insured deposits will suddenly become a safety net for failing industrial ventures when major corporations enter commercial banking. However, as Federal Reserve Chairman nominee Alan Greenspan argues, deposit insurance insures depositors against risk, not the banks themselves. So bank managers will have no reason to believe that their unregulated ventures—or their own positions within their corporations—will be shielded against failure by deposit insurance.

Recognizing that there is no absolute guarantee against risk, even in a regulated industry, Congress should focus more positive attention on maintaning regulatory oversight of depositors' interests and allow commercial banks to meet the challenges of a radically changed environment.

[From the Pittsburgh Press, Nov. 21, 1987]

DEREGULATING BANKS

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto, and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial service is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means their potential for growth and profitability is limited. Credit the situation to a 54-year old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent.

That would add up to enormous savings that are worth going after.

Mr. PROXMIRE. Mr. President, I thank the majority leader for his forbearance and fine leadership. I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time remains under morning business?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. BYRD. Mr. President, I yield the time that I have—I believe 10 minutes under the standing order—to Mr. INOUYE. I understand he wishes to speak longer.

I ask unanimous consent that he may have such additional time within the overall time limit that has been set for morning business but without being limited to the 5-minute restriction.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Hawaii.

UNFOUNDED CRITICISM OF FRENCH REFUGEES' SCHOOL FUNDING

Mr. INOUYE. Mr. President, I have made an error in judgment and I intend to correct that error, for I fear that I have embarrassed my colleagues.

It is my intention to move as quickly as possible to bring before the Senate a proposal to rescind the $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from north Africa.

Mr. President, in the 25 years that I have served in the Senate, and in my 3½ years in the House of Representatives, I have faced many controversies and endured much criticism.

My service on the Watergate Committee and my service as chairman of the Iran-Contra Committee have each brought their share of criticism and negative personal attack. I did not seek those positions, but accepted the will of the Senate that I be named to those committees. I sought only to serve our country and the institutions of our Government.

My role in the defense of Senator Harrison Williams also brought criticism and condemnation to me. I accepted that; I knew it would come, but I could not deny an old friend who was in trouble; I could not wipe away his long and honorable record of service because of one mistake. Criticism of me was insignificant in comparison to the pain my friend and colleague was suffering.

As chairman of the Appropriations Subcommittee on Foreign Operations I have become accustomed to criticism for my support of our Nation's foreign assistance programs. In what has become almost an annual ritual, abuse has been heaped upon those programs and their defenders, even though, privately, critics will admit to the national security interest in maintaining effective foreign aid programs. I have accepted that criticism and remained a supporter of foreign aid, because I believe that it is possible to combine humanitarian concern with the rational analysis of national security interests. I have sought to serve our country by supporting these important programs; I have taken the criticism.

Indeed, Mr. President, some may believe that I have become inured to criticism; that because I "have neither winced nor cried aloud," that I do not feel the sting of bitter accusation. That is not true, Mr. President. I do feel.

I have had my share of criticism—some of it just and some of it well deserved. But never before have I felt the lash of such unjust and unfounded accusation. Never before have I been accused of taking 30 pieces of silver. Newspapers which I had always regarded as responsible publications have ignored the facts and have charged that my efforts in support of refugee schools in France took place in "the secrecy of the closed-door House-Senate conference."

I have been accused of actions which are "shabby and self-serving." Some have even said that I sold my reputation and my honor for $1,000.

Mr. President, in view of these accusations, I hope that my colleagues will grant me a few moments to review what transpired during the months of November and December of last year. Let us see how I acted and let my colleagues and my constituents judge if I "sneaked pet causes through the back door at the last minute."

Mr. President, for some time—for several years—I had been aware of the plight of north Africans who, having fled persecution in their home countries as the French withdrew from their colonies in north Africa, found themselves subject to discrimination and prejudice in France because of race, religion, culture, and national origin. The most wretched among these were the Jews. I am not a sociologist, but I imagine that, when many Frenchmen look upon these unfortunate Jews from north Africa, they are reminded not only of the loss of their empire, but also of the shameful complicity of many of their countrymen in the Holocaust.

These unfortunates, these Jews from north Africa, have not been absorbed or assimilated. Though many have been in France for years, they remain refugees; subject to abuse and discrimination and fearful of a rising tide of right wing nationalism, they continue to seek refuge. Mr. President, they are refugees.

Last summer, I was called upon by a group of leaders of an organization known as Ozar Natora. It is a small group, headquartered in New York City, and it has a 40-year history of support for Jewish refugees, particularly those who are Sephardic or eastern Jews.

To date, this organization has established schools serving approximately 3,000 students in Paris, the suburbs of Paris, and in Toulouse and Marseille, which are the areas of the largest concentration of the north African Jewish refugees. The school system is being aided by voluntary contributions from Americans. Unfortunately, however, the organization does not have sufficient funds from these sources to compete the construction program.

Ozar Hatora came to me requesting support for the construction of several additional schools for these Jewish refugees from north Africa.

The proposal had the support of the French Government in the person of the Prime Minister, Jacques Chirac, who is also the mayor of Paris. Moreover, not only are the schools approved by the French Ministry of Education, the program of studies also meets the requirements set by the ministry. The French would provide the land and would provide assistance meeting about 50 percent of the operating budget of the schools. Under French law, however, the Government cannot provide funds for construction.

As I considered this proposal, I thought of many things. I thought of the extraordinary efforts our country has made to provide assistance to Indochinese refugees, many of whom—more than 10 years after the fall of Vietnam—remain in camps in Thailand and elsewhere.

I thought of the schools, cultural centers, and workshops generously provided by America to ease the plight of these Hmong tribesmen, Vietnamese, and Cambodian refugees. I thought of the many Catholic refugees who fled political and religious persecution in Eastern Europe and who were helped to emigrate to the United States through church-sponsored programs. And I thought of the assistance our Government now provides to those who are persecuted for their religious beliefs in Poland—assistance provided through the Polish Catholic Church.

Mr. President, it did not seem unusual, or extraordinary, to me to offer humanitarian assistance to those in need. Frankly, I did not consider questions of church and state. Persecution is persecution, whether it be against Baptists in the Soviet Union, Protestants in North Korea, or Catholics in Poland. My country believes in the separation of the church and the state, that is true; but it also believes in religious freedom. Persecution of anyone anywhere because of his religious belief was abhorrent to those who raised me and it is abhorrent to me today.

And so, I offered to support this proposal. I did not hide my support of it. I openly supported it. In June of last year, we began the laborious process of drafting legislation affecting fiscal year 1988 appropriations. This process lasted for a longer time than is normal because the Foreign Operations Subcommittee delayed its markup until after the President set forth the overall funding reductions which would be required to comply with his November sequestration order.

So, we did not begin our formal subcommittee markup until Tuesday, December 1, although some preliminary drafts had been prepared and circulated beforehand.

On November 4, Senator KASTEN and I met in the traditional advance meeting between the chairman and ranking minority member. Senator KASTEN reviewed the merits of the proposal and had no objection. I have been grateful for his support throughout this process.

On November 30, the staff of the subcommittee briefed the staffs of the subcommittee members and distributed documents which showed the funding levels that Senator KASTEN and I had agreed to recommend to the subcommittee.

Mr. President, on Tuesday, December 1, at 10 a.m. in the Appropriations Committee room in the Capitol Building, the Foreign Operations Subcommittee met to mark up S. 1924, a Senate-originated bill to provide fiscal year 1988 appropriations for foreign assistance and related programs. I wish to emphasize several aspects of this markup session:

The markup was held at 10 o'clock in the morning, not late at night.

The session, from gavel to gavel, was open to the press and to the public.

Representatives of the administration, and in particular the Department of State, were present throughout the markup.

The draft committee print of S. 1924, which was before each Member, contained the language earmarking the funds for construction of the schools for north African Jewish refugees.

I submit that I did not sneak this legislation into the law. The meeting was held during normal business hours and members of the press and public were in attendance, along with representatives of the Department of State. No one raised any objection to the earmarking!

Mr. President, on Wednesday, December 2, the following day, each of the 29 members of the Senate Committee on Appropriations received two copies of both S. 1924 and the draft of the committee report. Both documents noted the earmarking of the $8 million for construction.

On Thursday, December 3, the Committee on Appropriations met in plenary session to markup the defense appropriations bill and the foreign assistance appropriations bill. Again, the committee meeting was held during business hours and was, from start to finish, open to the press and the public. The bill before the committee, and the report on it, had been available to the members for the period of time required by the rules of the Senate. We had a lengthy markup session. Nothing was "sneaked through." There was no objection to the earmarking.

Mr. President, on December 8, the Committee on Appropriations met again, this time to consider the fiscal year 1988 continuing resolution, and the committee incorporated the full text of S. 1924 into the continuing resolution. This measure, containing the $8 million earmarking, was fully debated in open session. The press and the public were present, as were representatives of the Department of State. Again, there was no objection to the earmarking.

Finally, Mr. President, the legislation came before the full Senate on December 12. It will be recalled that the continuing resolution was on the floor for several days. There was prolonged consideration: many Members offered amendments to various chapters and sections of the committee reported bill. No amendments were offered to the section providing appropriations for refugee assistance.

The continuing resolution then went into the House-Senate conference. As is customary, we met in plenary session and then separated into subconferences of the relevant appropriations subcommittees. The Foreign Operations Subcommittees met in room S-126 in the Capitol Building. We did not, as has been reported, meet in secret. For the first time in my memory, we held an open conference session. Members of the press and the public—and representatives of the Department of State—were present.

The $8 million earmarking was openly discussed. It was not passed over quickly, nor in secret. In fact, Congressman DAVID OBEY, the chairman of the House subcommittee, asked that approval be delayed to allow him to confer with his colleagues. Twenty-four hours later, in the full light of day, and with the session still open to the press and public, the earmarking was adopted by the conference.

Mr. President, not once during the time that this matter was under consideration—not once from the time it first appeared in the Appropriations Committee print of S. 1924—not once during the 3-week period that the bill was under consideration did I hear of any opposition to the earmarking.

I was not aware of any opposition from unnamed State Deaprtment refugee officials. Only after the President signed the bill into law, did these officials—under a cloak of secrecy—begin to make their spurious charges.

Mr. President, I find it odd that these unnamed Department of State refugee officials charge that the $8 million earmarking reduces the amount available for refugee assistance. The Department of State, in the President's budget for the current fiscal year, proposed a cut of some $32 million from the amounts the Congress provided in the previous year for refugee assistance. My recommendation to the Senate, which was ultimately adopted and signed into law by the President, restored this funding to refugee programs.

Mr. President, throughout our consideration of fiscal year 1988 funding of foreign assistance and related programs, I consulted frequently with the Secretary of State. His words, upon final passage were expressions of gratitude for the work the subcommittee had done. In fact, shortly after the bill was passed, I received a telephone call from our former colleague, Howard Baker, the President's Chief of Staff, extending the gratitude of the President of the United States. I went home at the end of the session with the belief that I had done my work well.

I was tired then, like most of us, exhausted really, from the long days and sleepless nights. I spent the Christmas and New Year's Day holidays in bed, sick with the flu. My wife mentioned that there were some articles in the press, but she set them aside until I had recovered. When I began to read the press stories, I began to realize the depth of suspicion and resentment which clouded the actions of the Congress in the closing days of the last session and, in particular, my support for this refugee program.

I soon went to Hawaii, to speak with and to listen to those who know me best, my constituents. They understood my motives because they have known me and my work for many years. They knew that my actions were guided—as I have explained to the Senate today—by a humanitarian concern for those who have been persecuted.

Mr. President, let me be direct. I was disappointed, hurt, and angered by the accusation that I had supported the earmarking because of a $1,000 contribution to my reelection campaign.

I have been blessed by a supportive and knowledgeable constituency which has judged me on the basis of my record and not on the amount I have raised in campaign funding. As many of my colleagues are well aware, I have not found it necessary to raise large sums of money for my campaigns. I wish to assure my colleagues that I was not aware of this contribution and I did not solicit the funds.

Mr. President, I did not sneak a pet project of a campaign contributor into the continuing resolution. I do not behave that way.

Mr. President, I value my close and abiding relationship with my colleagues. The facts show that I did not do anything to mar the record of achievement—and honor—that I have tried to contribute during my life in public service. Nonetheless, I have concluded that, if this avalanche of criticism is allowed to continue, this institution—this Senate, which I honor and respect—could suffer. I continue to believe that what I have done is appropriate, but to fight the criticism and to prolong the controversy in order that I might win vindication would risk a further loss of public confidence in the Senate.

It is not easy for me to withdraw from this fight. But I recognize that to continue, to place my colleagues and the Senate at risk in order to win personal vindication, would be an act of prideful arrogance. I am not that kind of a person. I will never place my pride in front of my duty to my colleagues, my constituents, and the American people.

Mr. President, I have asked my friend and colleague, Congressman DAVID OBEY, to place before the House a bill to rescind the $8 million appropriated for the construction of schools for north African Jewish refugees in France.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Oregon.

Mr. **HATFIELD**. Mr. President, I rise today on the floor of the Senate sharing to a great degree the anguish that I am sure is in the heart of the Senator from Hawaii [Mr. INOUYE] as he has taken this very unusual step to simplify something that has become very, very complex as it has been reported in the press and so forth.

I regret this action that he has seen fit to take because I believe that the Senator's integrity is without challenge. I think that anyone who has known the Senator from Hawaii, as I have known him and served with him on the Appropriations Committee, realizes that he is a man of complete and total integrity. I regret very much that there are those groups and individuals, and other forces outside of the Congress that have taken this matter to such a degree as to even in any way impugn the integrity of the Senator from Hawaii.

First of all, I think the record ought to be very clear that the Senator from Hawaii had proposed this amendment to the appropriation bill on foreign assistance, and that report of that bill was in the hands of other Members, available for the public in the early part of December. And it was not until the 23d of December, or the 22d of December that the appropriations CR was completed. So there was no effort at all to "hide" or to "sneak" into the bill as has been implied by those making such unfounded charges.

Mr. President, I went on the Appropriations Committee at the last part of 1971 following the end of my first term, and I served with the Senator from Hawaii during the years since that time. And I have been privileged to be on the subcommittee that he has chaired, both now and prior to the time, the 6 years, the Republicans controlled the Senate. The Senator's wisdom, his judgment, has always been a very valued part of our committee discussions because he has dealt with some of those controversial parts of the Appropriations Committee; namely, foreign assistance.

And I have known throughout the years that I have served with the Senator his impartiality, his fairness, his even-handedness, and I admired him for it. I admire him today for it.

Mr. President, I have been identified with the refugee needs of the world, and I have made that a very high priority in my own legislative record.

As many of my colleagues know, we have fought battles here in the committee and on the floor on behalf of the Refugee Assistance Program, the Admissions Program. Even this year, we rewrote some of the program as it related to Southeast Asian refugees.

The fiscal year 1987 carried a figure of $350 million to make our contribution to help feed and house and process some of the world's 12 million refugees. This year, 1988, the administration came in with a $314-million request, which would have severely reduced the capacity to assist many of these refugees all over the world.

The House passed a bill of $319 million, to illustrate a higher level of compassion and concern. The Senate, in turn, increased the appropriations to $340.5 million, which is close to the fiscal year 1987 level.

Mr. President, that means we are able to help many thousand more refugees in the world, some politically involved by our own foreign polity or some who were created in part by our own foreign policy, particularly those in Southeast Asia.

None of this could have happened in the U.S. Senate without the leadership and the support, the enthusiastic support, of the Senator from Hawaii [Mr. INOUYE].

I think that any credit I may have received for giving this kind of support to a people without a constituency, a people without advocates, a people without representation, would have to be shared in a major part with the Senator from Hawaii.

I merely wanted to review the facts of the record, that in no way and under such circumstances that have occurred should there be any validity given to any challenge to the integrity of the Senator from Hawaii; and, second, that he should be given, in the context of the subject of refugees, the major credit in the Senate for the kind of compassion demonstrated and the kind of support exercised through the action of the Senate against, in effect, the lesser degreee of commitment that exists both in the administration and in the House of Representatives.

Mr. **SASSER**. Mr. President, I take this opportunity to commend our distinguished colleague from Hawaii, Senator INOUYE, for the very thoughtful and very statesmanlike approach he has taken this morning. I am sure I speak for many of our colleagues when I say that the senior Senator from Hawaii is one of the most respected Members of this body, and we view his actions this morning as a matter of conscience on his part. I respect and commend him for those actions.

DEFENSE BURDEN SHARING

Mr. **SASSER**. Mr. President, earlier this month, the Government of Spain and the Reagan administration reached an agreement which calls for the removal of the 401st Tactical Fighter Wing from Spain.

If, as a result of that agreement, our 79 F-16's are removed from the European theater of operations, deterrence in southern Europe will be weakened and weakened at a time when concerns are being raised that the INF Treaty will necessitate a buildup in our remaining conventional forces in Europe.

Since the agreement with Spain was concluded, one option the Pentagon has been reviewing is the disestablishment of the F-16 wing altogether—deactivating it and turning the aircraft over to the Air National Guard.

I certainly agree that the Guard could use some additional F-16's but not at the expense of terminating the F-16 mission in southern Europe entirely.

I cannot believe that our NATO allies will stand back and allow the defense of Southern Europe to be summarily weakened. Our southern defenses now are already second-rate compared to our defense structure in the central front of Europe. While NATO could forestall a breakthrough of Warsaw Pact before in central Europe—and I have very little doubt—our southern flank defense is not as formidable and should it come under very serious Soviet pressure, there is a possibility that it could crumble. The missions of the F-16's based in Spain would make that bleak scenario, I believe, less likely.

I have written to the Secretary of Defense, Mr. Carlucci, expressing my opinion that base rights should be viewed as a valid measure of equitable burden-sharing among allies. What occurred was NATO essentially standing aside taking no hand in the matter and watching while Spain, a NATO member, placed the F-16 mission in jeopardy.

I think it is incumbent upon our NATO allies to now assist in finding another country that will accept the F-16 mission in southern Europe.

Our European allies must also be called upon, in my view, to pay the entire cost, as much as $500 million, to move that wing of the United States fighter aircraft to another location.

I included in the continuing resolution an amendment which I sponsored which prevents the expenditure of United States funds to build new facilities to relocate that wing in Europe. Europe and NATO must bear the cost of relocating the wing, in my judgment. And most importantly, we must not allow the experience with Spain to lead to further erosion of United States base rights around the world.

Already we see other countries, having watched the relative ease with which Spain dictated its position during the negotiations preparing to seek similar reductions in the United States forces or, in the alternative, substantial increases in foreign aid from the United States. In other words, what is occurring, even with some of our NATO allies, is they hold these NATO bases that are for the common defense at ransom for increased U.S. aid.

The point should be made, I think, very strongly, that the U.S. forces deployed abroad are there for the defense of the NATO alliance. They are there for the defense of Europe. They provide a shield for freedom for all of the Western nations. And NATO has certain responsibilities to ensure that base right negotiations are not viewed merely in the context of bilateral negotiations or bilateral relationships between the United States and the NATO country in which the bases are located.

We are deployed abroad to defend Europe. And Europe must never forget that fact.

Mr. President, I do not disagree with those who say that our force structure in Europe can be reduced. Indeed, perhaps it should be reduced. But these reductions should be done in a deliberate manner, not in the face of blackmail or base negotiations, and in the context of balanced conventional force reductions with the forces of the Soviet Union and the Warsaw Pact. We cannot allow force structure decisions to be dictated by base rights negotiations particularly when those negotiations result in the wrong forces being eliminated in the wrong place.

It must have caused a real chuckle in the Kremlin when the results of the Spanish base negotiations were announced. I suggest that the NATO Alliance wipe the smile off the faces of those in the Soviet defense forces and find another location to base these formidable F-16 aircraft. As far as this Senator is concerned, what happens to those American F-16's is a litmus test, if you will, of the intention of our allies. It will tell us a great deal about whether they intend to be full partners in meeting the common defense needs in the Post-INF environment. Or are they going to continue to plug along as if it was 1949 and 1950 and 1951 all over again?

Mr. President, I ask unanimous consent that a copy of my letter to Secretary Carlucci be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Appropriations,
Washington, DC, January 15, 1988.

Hon. Frank Carlucci,
Secretary, Department of Defense, Washington, DC.

Dear Mr. Secretary: As the author of statutory language in the continuing resolution which prevents Department of Defense funds from being used to design or construct facilities to support the withdrawal of the 401st Tactical Fighter Wing from Spain, I wanted to share with you my concerns with reports which indicate that the United States has concluded an agreement with the Government of Spain to withdraw the F-16s.

Removal of the F-16 missions from Spain is a major mistake for a number of reasons. Defense of Europe's southern flank has always been a stepchild in NATO and U.S. military planning and preparations. Yet, defense of the central front would be substantially weakened if the Soviets successfully attacked Europe's vulnerable flanks.

Spain has been an ideal location for basing the F-16s which are critical to southern flank defenses. Removal of these aircraft, unless they are to be based directly in Italy or Turkey, will make southern flank defense even more difficult than it already is. Especially in the context of an INF agreement, removal of the F-16s out of the theater of operations could severely weaken deterrence in Southern Europe.

A most troublesome aspect of an agreement with Spain to remove the F-16s is the potential impact such an agreement may have on other base rights negotiations. Many of those negotiations are directly associated with southern flank bases in Turkey, Greece, and potentially Portugal. The capitulation of the United States to Spain on the F-16 issue will embolden our allies, strengthen their position and increase their demands at the bargaining table, while weakening the U.S. hand.

Further contraction of base rights along the southern flank is not in the interests of NATO. Yet, other members of the Alliance failed, as did the United States, in persuading Spain of the necessity to maintain adequate basing structures in Southern Europe. I am especially concerned about this aspect of base rights negotiations in the region.

U.S. forces are deployed in Europe for the defense of the NATO Alliance. Our NATO allies have a particular responsibility to work with their neighbors to assure that necessary base rights, a critical element in equitable burden sharing, are provided.

The language which I attached to the military construction portion of the continuing resolution was intended to provide U.S. negotiators with additional leverage during the discussions with Spain. The prohibition on spending U.S. military construction funds to move the F-16s out of Spain was intended to force NATO to finance any such cost. In the report accompanying the continuing resolution, the conferees state directly that this should be a responsibility of NATO. Earlier last year, the Congress approved a similar legislative provision on the Supplemental Appropriations Act.

My committee will strongly oppose providing any funding to pay for the removal of the F-16s to another country. That cost must be the responsibility of NATO. In this instance, I believe, our NATO allies have let us down in a very critical test of burden sharing. NATO should provide the $300 million it will cost to move the wing.

I hope you will inform the NATO defense ministers that the executive branch of the United States government must rely on the Congress to provide funds for the common defense. As you know, by almost every measure, our allies are failing to shoulder their fair share of the defense burden. Providing base rights is one tangible expression that our NATO allies are committed to being a full partner in sharing the future cost of defense.

In the negotiations with Spain, our allies have let us down, and potentially weakened the Alliance. They must not let us down in the remaining base rights negotiations.

Sincerely,

Jim Sasser,
Chairman, Subcommittee on Military Construction.

Mr. SASSER. I thank the Chair.

Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. WIRTH). The time for morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes and that Senators may speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 12:30 p.m., recessed until 12:45 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

Mr. BYRD. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Morning business is closed.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12:45 p.m., recessed until 1:15 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be not to exceed 10 additional minutes for morning business and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. WIRTH. Mr. President, I thank the majority leader for extending the time of morning business.

CONGRATULATIONS TO THE REDSKINS

Mr. WIRTH. Mr. President, I offer my congratulations to the Washington Redskins. Joe Gibbs obviously had a very well-prepared team. Anybody who can defense John Elway as well as they did deserves everybody's commendation. Obviously, the Redskins got an extraordinary performance from Doug Williams and Timmy Smith and their offensive line. It was a very impressive performance, and those of us in Denver wish the Redskins well in 1988. The Broncos, of course, were once again the AFC champions in 1987, and we hope that Jack Kent Cooke's group does as well and they meet the Broncos again in the Super Bowl a year from now.

CONVENTIONAL ARMS CONTROL IN EUROPE: PROSPECTS AND PERSPECTIVES

Mr. WIRTH. Mr. President, the treaty eliminating United States and Soviet intermediate range nuclear force [INF] missiles will create new challenges and opportunities for the United States and its NATO allies. On the one hand, the NATO alliance will be challenged to decide how the elimination of INF missiles will affect its military strategies and doctrines. This will neither be a simple nor an easy process, and will require substantial analytical and political effort on the part of all alliance nations. On the other hand, the agreement clearly opens up many potential opportunities for the United States and its allies in their relations with the Soviet Union. In particular, the accord may have broken new ground on which further arms control agreements can be built.

Both the process of assessing NATO's strategy after INF and of exploring future directions for arms control are intimately related to the question of conventional arms control and military stability in Europe. Much of the unease expressed in some quarters about the INF Treaty has focused on the concern that NATO is seriously outmanned and outgunned by the opposing Warsaw Pact conventional forces. This concern, combined with the favorable arms control climate created by the INF Treaty, has renewed interest in the issue of conventional arms control in Europe.

The problem of an imbalance in conventional forces in Europe is not a new one, nor is it one that arms control efforts have ignored. For 15 years now, representatives of NATO and Warsaw Pact nations have met in Vienna, Austria, under the auspices of what we in the West call Mutual and Balanced Force Reduction [MBFR] negotiations attempting to reduce military forces in central Europe. Those negotiations have, unfortunately, failed to produce an accord, in spite of the substantial analytical and diplomatic effort that the Western side has devoted to developing its approach in these talks. The main problem, historically, has been that Western estimates of Warsaw Pact troop strengths in the reduction area differed substantially from Warsaw Pact assertions concerning the number of forces they maintain in Central Europe. Even one Western attempt to bypass this problem with an imaginative proposal in 1985 failed to attract serious Warsaw Pact interest.

Now, a new opportunity appears on the horizon. For the last year, all the NATO and Warsaw Pact countries have been meeting to discuss a new framework for conventional arms control negotiations. This new framework will cover Europe from the Atlantic to the Urals, instead of the more limited MBFR focus on Central Europe. And, while the MBFR negotiations focused primarily on military manpower as its principal measure for reductions, the new negotiations will specifically cover armaments and military equipment as well. These new negotiations could provide a way out of the impasse that developed in the MBFR negotiations.

The advent of this new opportunity coincides with, and may in part be due to, the emergence of a regime in the Soviet Union under Mikhail Gorbachev that is taking many new approaches in both its domestic and foreign and defense policies. The fact that Mr. Gorbachev wants to modernize the Soviet economy appears to have influenced the Soviet Union's greater flexibility toward military relations with the West in general and toward arms control in particular.

The INF Treaty signed by the Soviet leader and President Reagan reflects a revolutionary Soviet attitude toward arms control inspection measures. When the treaty is implemented, the United States will have unprecedented opportunities to conduct inspections of certain military facilities in the Soviet Union. This innovation runs counter to centuries of Russian paranoia toward the outside world. It also flies in the face of the intense secrecy with which the Soviet Union, until now, has protected virtually all aspects of Soviet life, and most particularly those having to do with its national security, from outside scrutiny.

And yet, as these new talks approach, their promise of a way toward a more acceptable East-West military relationship in Europe is threatened by the potential for deadlock in these new negotiations as well. Already, because the Warsaw Pact argues that there is "rough parity" between NATO and Warsaw Pact military forces, while the West believes that substantial asymmetries favor the East, it appears that the talks could bog down shortly after NATO and Warsaw Pact diplomats take their places around the negotiating table.

This prospect and the importance of the conventional military balance in Europe suggests that we should make a special effort to analyze, assess, and understand the nature of that balance. We should question all our assumptions to ensure that they remain factually well grounded. We should also carefully assess the evolving East-West political context and ask whether new political circumstances warrant new approaches to assessing military relations in Europe.

This reassessment needs to combine reasoned political judgments with the data and factual information available from our own intelligence agencies and other Western governmental and private sources. Such factual information is at the base of our understanding of the military balance and must ultimately provide the foundation for any conventional arms control agreement. But simple bean counting, adding up the tanks, artillery, aircraft, and so forth on either side, is neither an accurate way of judging the nature of the East-West military balance nor of finding the way toward a more acceptable East-West military relationship in Europe. Our colleague, Senator CARL LEVIN, has made an important contribution to this analysis in his recent paper, "Beyond the Bean Count."

A static bean counting approach to the military balance excludes many factors that, in historical experience, have been central to the outcome of military conflicts. Such factors include political will, military doctrine, quality of weapons, leadership, training, morale, logistical support, mobilization capabilities, geography, terrain, weather conditions, and other considerations. In a NATO-Warsaw Pact confrontation, other factors, including alliance political solidarity, the reliability of allied forces, crisis decisionmaking, and the ability of allied forces to work in unison, all would play a special role.

Of course, analysts and officials within the United States and allied governments are aware of these considerations, and much analytical effort over the years has been devoted to understanding the interaction between statistical measures of military forces and other less quantifiable factors. Unfortunately, in public debate, the quantifiable factors tend to dominate because they are easier for officials to portray and also for the average nonexpert to understand. They are also easier to portray in the most important medium—television. It would be very difficult indeed to create a meaningful bar chart or table demonstrating political will or morale of forces, factors that could be crucial to the outcome of an armed conflict. But we find it quite easy to parade out illustrations of missile and tank forces, tables listing men under arms, or maps covered with symbols representing the imbalance of forces.

The question of conventional arms control is too important now to reduce discussions of the military balance to their lowest common denominator. Those of us in the Congress, as officials dealing regularly and directly with the public, responsible for sanctioning important U.S. defense commitments and appropriating the funds to support our national defense, have a special responsibility to try to see issues of military balance in all their complexities.

That is why I have decided to review in a series of presentations, the great variety of ways of looking at the military balance. For the next several weeks, I will present summaries of some of the more interesting analyses of the East-West military balance and conventional arms control issues. I will attempt to draw attention to factors that are all too often left out of generalizations made about the military balance and its consequences. I will also attempt to suggest some of the issues raised by these factors for the West's approach to the forthcoming conventional arms control talks.

For example, recent analyses of the East-West military balance published by the North Atlantic Treaty Organization have, in many ways, presented objective force comparisons between NATO and the Warsaw Pact. But these analyses, first published in 1982 and last updated in 1984, have been seriously deficient because they do not include the forces of NATO members France and Spain. Exclusion of French and Spanish forces, on the insistence of these allied governments, is based on the fact that they do not participate in NATO's integrated command structure. But even though French and Spanish forces are not in NATO's integrated command structure, both countries maintain that they would join the defensive efforts of other allies in the event of Soviet aggression. An objective consideration of the balance therefore must in some fashion take these forces into account. Otherwise, we seriously understate NATO's real ability to deter a Warsaw Pact attack and defend against one if it should come.

Mr. President, these and other analyses will be presented over the coming months. I want to note at this point my appreciation for the help in preparing these analyses and identifying the article of the Congressional Research Services and the Library of Congress, particularly Stanley Sloan, specialist in U.S. alliance relations, and many others who have contributed. The comments that I will make in no way suggest that this is the position taken by the Library of Congress or any other group. It is my attempt to lay out a variety of different ways of looking at the conventional balance in Europe, of understanding that and to make sure that our colleagues are aware of the extensive literature which exists out there and to give a flavor of that literature in the CONGRESSIONAL RECORD.

Some other assessments of the military balance fail to take into account important distinctions about the quality of various Warsaw Pact forces. For example, simply lumping together Soviet, East German, Polish, Czechoslovak, Hungarian, Bulgarian, and Romanian force totals misses a number of important differences. Does the Soviet Union count on the enthusiastic participation of Polish forces on any attack against the West? Should Bulgarian motor rifle divisions be judged as threatening as similar divisions fielded by the Soviet Union? Is the average less-well equipped and motivated East European Warsaw Pact conscript as threatening as the average Soviet soldier?

How are "category 3" Soviet units that are manned at substantially less than their intended wartime strength to be compared to their readily usable category 1 and 2 units. Soviet and Warsaw Pact category 3 units in Central Europe have only 10 to 25 percent of their manpower available at any one time and would take 30 to 90 days to prepare for combat. Should such units be lumped together with category 1 and 2 units on tables illustrating the balance?

A quick survey of balance assessments by Western governments and private institutions reveals immediately that there are many different ways of looking at the balance, depending on a number of subjective choices made by the authors. Objective analysis is complicated by the secrecy of the Soviet Union concerning its military forces. Western analysts often operate within fairly substantial margins for error because of this secrecy. The problem is even more severe with regard to estimates of military spending, where even our own intelligence agencies cannot agree on the proper methodologies.

Further complicating the problem is the fact that we also must look closely at the motivations that lie behind military forces and attempt to assess the intentions revealed by force deployments. Most West European and American analysts now agree that Moscow has no burning desire to attack Western Europe, given the potential consequences for the Soviet Union of such an attack. And yet it still appears that the pact maintains far in excess of the reasonable numbers of forces necessary to defend against an imaginary threat from the West. Part of the explanation for this phenomenon, of course, resides in the fact that some portion of Soviet forces stationed in Eastern Europe are there for the purpose of maintaining Warsaw Pact cohesion, rather than as insurance against external attack or as instruments of aggression. But even if we acknowledge this reality, we cannot quantify it. In negotiating conventional arms control, we certainly cannot "credit" the Soviet Union with a portion of forces for internal stability, but we can at least understand that this remains a factor conditioning Soviet behavior.

Perhaps because of these and other unquantifiable factors that affect the military equation in Europe, we should even resist using the military "balance" per se as the exclusive indicator driving our national positions. Rather, it is the overall military and political relationship between NATO and Warsaw Pact nations that we should assess when we are structuring our own military forces and designing our arms control proposals. Analyses of balances in various categories of forces and weapons systems can be an important contribution to such an assessment, but by no means tell the whole story. Given the inherent difficulties in dealing with gross asymmetries in the current relationship between NATO and Warsaw Pact forces, and the dissimilar roles played by those forces, the new conventional arms control negotiations should perhaps first seek to stabilize military relationships and build further cooperative measures into those relationships to help construct the foundation for substantial force reductions in the future.

In conclusion, how we look at the relationship between NATO and Warsaw Pact military forces will have a profound effect on the prospects for conventional arms control. If we are too optimistic about the future, we will be vulnerable to superficially-attractive agreements that could put Western interests at risk. If we are too pessimistic about our own capabilities, we will limit the opportunities to make progress toward increased military stability in Europe. We need a realistic approach, based both on sound assessments of the facts and pragmatic interpretations of the political environment. On a firm factual and analytical foundation we can develop a solid NATO defensive capability as well as imaginative arms control approaches designed to build down the military confrontation in Europe in the years to come.

Mr. President, I look forward to further discussion of this issue in the coming weeks and months.

AVIATION HISTORY

Mr. EVANS. Mr. President, on Monday of this week, aviation leaders gathered in Seattle for two important events: first, to celebrate the rollout of the two newest models of Boeing airliners, the 747-400 and the 737-400; and second, to recognize the remarkable career of T. Wilson on his retirement as chairman of the board of the Boeing Co.

In all fields of human endeavor, the most enduring legacy is achievement and the most honored tradition is trust. It is this legacy and this tradition that T.A. Wilson leaves to those who will follow him at the helm of the Boeing Co. as he moves into a new career of busy retirement.

"T," as he is known to his friends, was born in Missouri, the home, ironically, of one of Boeing's biggest competitors. During his brilliant career, he truly lived the motto of that great State as he showed everyone what first class management talent could accomplish.

The Boeing Co., throughout T's career, has been the world's preeminent producer and seller of commercial aircraft. Today, their market share for free world sales continues to exceed 50 percent despite major competitive challenges both at home and abroad. Sales backlogs continue at record-breaking levels.

Recently, the company was awarded a major contract to build America's space station. Thus, Boeing continues as a world leader in space, national security, and civilian air transport.

At a time when we are enthralled by a crisis of competitiveness, T's efforts at Boeing are a shining example of American industry at its best. Because he insisted on research, he ensured that Boeing would stay on the leading edge of technology. Because he insisted on quality, he ensured that Boeing stayed in the forefront of sales. We can compete as Americans. Just ask T.

In a career filled with awards, accolades, and successes, three accomplishments stand out. T should perhaps be proudest of his contributions to the security of our country through his work on two of the mainstays of our strategic arsenal, the B-52 bomber and the Minuteman ICBM. These two programs are still heralded by military procurement experts as models of public-private partnership.

For his second major achievement, I turn the clock back to the aerospace recession of 1969, a particularly painful time in the State of Washington. I know, I was Governor at the time. Through decisive and innovative management action, T preserved Boeing's manufacturing base and laid the groundwork for the immensely successful years which followed.

For his third major achievement, T and Boeing received the prestigious Collier Trophy. In the mid-1970's, as foreign government supported efforts to crack the commercial aviation market intensified throughout the world, Boeing, under T's leadership, boldly undertook to develop privately a new family of long-range, fuel efficient aircraft: the 757 and 767. The resounding commercial success of these aircraft is a testament to the courageous vision of T.A. Wilson.

Although T will be stepping out of the pilot's seat at Boeing, he will still be in a position to advise the new management from his chair at the board of director's table. He will still be in the front row as Boeing moves toward the 21st century as not only a commercial aviation giant, but as a major defense contractor and space technology innovator.

OZONE LAYER THREATENED

Mr. WIRTH. Mr. President, new scientific evidence has recently been released that further indicates that man's activities are threatening the Earth's delicate ozone layer. This latest data argues forcefully that the United States must excercise leadership to prevent the depletion of stratospheric ozone. I submit for the RECORD articles from the Washington Post and the New York Times and ask unanimous consent that they be printed at the conclusion of my remarks.

The ozone layer shields the Earth, and all living things, from exposure to the Sun's damaging ultraviolet radiation and plays a key role in regulating global temperature levels. For more than a decade, scientific research into the possibility and consequences of ozone depletion has been accelerating. We now know that the composition of the Earth's atmosphere is being changed by human activities. In particular, there is agreement in the scientific community that worldwide emissions of several chlorofluorocarbons [CFC's] threaten to break down the stratospheric ozone layer.

The impacts of continued ozone depletion could be enormous. Without purposeful multilateral action, the incidence of skin cancer and eye cataracts could increase dramatically. Scientific evidence also suggests that ozone depletion could trigger significant harmful changes in agricultural production and fish and wildlife populations.

Ozone depletion, and the related concern of the gradual warming of the Earth's atmosphere, are distinct threats to life on this planet as we know it. Unchecked, these developments could dramatically alter the delicate balance that exists between the Earth and its atmosphere, between the oceans and the continents, and most importantly, between man and the environment.

This issue is no longer simply a question of scientific inquiry, but rather, a question of what steps we can take to mitigate, and reverse, these adverse effects of human activity. This is, in large part, a man-made problem. And while we clearly need to do more research, all nations must immediately work together to dramatically and rapidly reduce emissions of harmful CFC's.

We can be proud of the fact that the United States has shown strong leadership in working with other nations to curb the production and use of these CFC's. In 1977, unilateral action by the United States banning the use of CFC's as aerosol propellants cut back CFC emissions significantly. However, in the last decade, the worldwide production and use of CFC's has steadily increased, as new uses for these chemicals were developed.

Recently, President Reagan transmitted to the Senate for ratification an international agreement that will significantly reduce CFC emissions. The Montreal Protocol on Substances that Deplete the Ozone Layer was signed last fall by 24 nations and the European Economic Community. Beginning in July of 1989, this agreement will freeze CFC production at 1986 levels. The agreement also calls for a 50-percent reduction in both production and use of ozone-depleting CFC's over the ensuing decade.

Mr. President, this agreement demonstrates the enormous advantages of international cooperation for protecting the global environment. Implementation of this agreement will lead to significant reductions in CFC emissions around the world. I recognize that we must carefully monitor ozone levels—and we must leave open the possibility that further reductions will be needed. The Montreal protocol is a positive step forward in this regard, however, and I urge my colleagues to join me in pledging support for swift hearings and ratification of this treaty.

I look forward to working with my colleagues to ensure that the United States leads the way in protecting the ozone layer. We can begin by ratifying the Montreal protocol.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1988]

OZONE LEVEL FELL 5 PERCENT FROM 1979 TO 1986

(By Boyce Rensberger)

The ozone content of Earth's atmosphere declined about 5 percent between 1979 and 1986, according to the first report from an effort to monitor ozone levels worldwide.

The decline was as high as 30 to 40 percent over the poles—where, during a seasonal Antarctic "ozone hole," more than 60 percent of the ozone was depleted—and as low as zero over the tropics. Over the United States ozone levels were down between 0.5 and 1 percent.

Ozone molecules in the stratosphere, six to 20 miles up, absorb much of the sun's ultraviolet light, preventing potentially harmful amounts from reaching the Earth's surface.

Although the findings suggest global ozone is declining faster than some had predicted it would because of continued release of chlorofluorocarbons (CFCs)—the ozone-destroying chemicals used as refrigerants and aerosol propellants-scientists said most of the decline so far may be the result of natural processes. There is evidence going back 30 years that ozone levels have fluctuated naturally by comparable amounts in cycles of 10 to 15 years.

It is believed that CFCs released on the ground eventually find their way into the stratosphere where ultraviolet light splits off the molecule's chlorine atom.

Chlorine then acts as a catalyst that turns ozone, a molecule made of three oxygen atoms, into ordinary oxygen gas, which has two oxygen atoms. The loss of the third atom renders oxygen unable to absorb ultraviolet light. Atmospheric chemists fear even a small chlorine buildup in the stratosphere because each chlorine atom can catalyze the same ozone-destroying reaction over and over indefinitely.

Ultraviolet light can cause skin cancer, cataracts and immune deficiency. As ozone is depleted, increasing doses are expected to raise the risk of all these diseases.

The findings were reported in today's Science magazine by Kenneth P. Bowman, an atmospheric chemist at the University of Illinois at Urbana-Champaign. They are based on data from Nimbus 7, a research satellite that since 1979 has been taking daily ozone readings all over the world, except when the poles were in darkness.

Although beneficial in the upper atmosphere, ozone at ground level is a potential pollutant. In high enough concentrations, which usually extend over a relatively small area, ozone can irritate eyes, nose and throat, damage plants and corrode various nonliving materials.

Forecasts of CFC effects have varied considerably. More conservative estimates have suggested depletions from 3 to 8 percent over the next 50 to 100 years. More extreme projections hold that the ozone layer could be destroyed in a hundred years.

Although satellite ozone monitoring did not begin until 1979, earlier spot measurements begun in 1957 indicate that ozone levels were declining until 1961 when they began rising to a peak in 1970. From that peak, ozone declined again until the mid-1970s, when it began rising again, peaking once more in 1979.

"It was kind of a coincidence that the satellite monitoring began in 1979, just when we had a peak," Bowman said. "So far there's no reason to think the decline we're seeing from the satellite is anything other than part of the up and down that we've known for 30 years."

Bowman said the 1986 ozone level, the latest that has been analyzed, appears to be about the same as the low recorded in the early 1960s. He said the 1986 data suggest the decline may have bottomed out and that the ozone "may be beginning to recover."

Bowman said, however, that this was no reason to discount the CFC concerns because effects of the chemical, now widely agreed to threaten stratospheric ozone, would be added to those of natural rises and falls.

The Nimbus 7 satellite measures ozone indirectly by comparing the amount of ultraviolet light directly from the sun that strikes a white panel on the satellite with the amount reflected up from Earth, which has been filtered twice by ozone, once on the way down from the sun and once on the way up.

Last Sept. 30, countries signed an agreement to cut production of CFCs by 20 percent by 1994 and to consider a further 30 percent reduction by 1999.

[From the New York Times, Dec. 19, 1987]

NEW FINDING ON OZONE "HOLE" RAISES CONCERN

(By Philip Shabecoff)

WASHINGTON, Dec. 19.—The winter mass of extremely cold air over Antarctica remained weeks longer than usual this year, along with the seasonal "hole" in the atmosphere's protective ozone layer, British and American scientists have reported.

The scientists said in interviews today and Thursday that they could give no definitive explanation for the events. It might simply be quirk in the weather, some of them said. But several said they were worried about the possible implications for both climate change and the earth's protective ozone shield.

Scientists have previously reported that atmospheric ozone over the Antarctic fell this year to the lowest levels recorded in the several years since measurements of the seasonal thinning began. Some speculated that the extremely low ozone level itself directly contributed to the extended cold weather because there was little ozone in the atmosphere to absorb the sun's warmth.

LATE BREAKUP OF COLD AIR

In the past the cold air mass over Antarctica in its winter has tended to break up by early to mid-November, in the Antarctic spring. At that point the ozone levels climb back toward normal too. But measurements taken by American scientists at the South Pole found that the breakup did not begin this year until Nov. 29 or 30. Scientists of the British Antarctic survey, who took measurements at Halley Bay, 1,000 miles from the pole, where ozone levels are often lowest, found the usual warming had only begun in move within the pass three or four days.

Scientists from both countries said the warming of the air mass had been delayed in the past, but that this year the breakup was at least two weeks later than in any Antarctic springtime since monitoring began in 1957.

Jonathan D. Shanklin, a scientist with the British Antarctic survey who was among the first to obeserve the "hole" of depleted ozone in the Antarctic atmosphere, said that on Dec. 3 the measured ozone level was about a third lower than the previous year. It was, he said, "by far the lowest" ozone readings ever made on that date.

ULTRAVIOLET RADIATION

Atmospheric ozone, a form of oxygen, protects the earth's surface from harmful ultraviolet radiation from the sun that can cause skin cancer and other health problems in humans and other life on earth. Recent evidence has indicated that the man-made chemicals have played an important role in creating the seasonal ozone hole over the South polar region.

Several of the scientists, including F. Sherwood Rowland, who first proposed in the early 1970's that atmospheric ozone could be destroyed by chlorine chemicals, suggested that the extended duration of the cold air mass was directly related to the low ozone levels. Because there was so much less ozone to absorb heat from the sun, the air over Antarctica was warming up more slowly, the scientists said.

Ralph J. Cicerone, director of the National Science Foundation's National Center for Atmospheric Research in Boulder, Colo., said the duration of the ozone-poor air mass could be dangerous for organisms in Antarctica. When the ozone first begins to disappear late in the polar winter, the sun is very low on the horizon and little ultraviolet radiation penetrates the earth. But with the ozone hole remaining until late in the Antarctic spring, the sun is higher and much more radiation can penetrate the thin atmospheric shield, Dr. Cicerone explained.

The Antarctic is rich in animal life, such as krill, a custracean on which other marine life feeds, that plays an important part in the global food chain.

CHANGES IN CLIMATE FEARED

Mr. Shanklin of the British Antarctic Survey, interviewed by telephone in Cambridge, England, said the temperature measured at Halley Bay was still at minus 60 degrees centigrade on Dec. 10, much colder than at that date in the past. He said the long duration of the frigid air mass in the Antarctic was likely to produce variations in "short-term weather systems and long-term climate changes" in the Southern Hemisphere.

"The problem is that we really don't know enough about the atmosphere to predict what this is going to do," Mr. Shanklin said. He added, however, that from now on those who try to predict climate patterns "are going to have to put the ozone hole into their models."

Arlen J. Krueger, an atmospheric scientist for the National Aeronautics and Space Administration, cautioned that the extended duration of the ozone hole might simply be a variation from normal patterns and would not necessarily reoccur.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 1:32 p.m. the Senate recessed until 1:39 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 15 minutes to 2 p.m. today.

There being no objection, the Senate recessed at 1:39 p.m. until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 1:46 p.m., recessed until 1:56 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 1:56 p.m., recessed until 2:01 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 2:02 p.m., recessed until 2:12 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, at the present time, 40 minutes remains in the morning hour. Am I correct?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. BYRD. Mr. President, under the rules, I could, at this time, move to proceed to a bill, and in this instance it would be my intention to move to proceed to the consideration of Calendar Order No. 128, the campaign finance reform bill.

Under the current circumstances, such a motion would not be debatable. Am I correct?

The PRESIDING OFFICER (Mr. GRAHAM). The majority leader is correct.

Mr. BYRD. Mr. President, I do not want to delay action on the conventions in connection with which agreements were entered last week. At the same time, I do not want to make a motion until the distinguished assistant Republican leader has had an opportunity to contact other Senators on his side.

That being the case, I shall propound the following unanimous-consent request so that the distinguished assistant Republican leader will have further opportunity to contact Senators on his side. The Senate can proceed with the conventions in executive session as was agreed to in the time agreement of last week. My rights will nonetheless be preserved so that following the action on the conventions and the return to legislative session, I would be in the same position that I am at this very moment, namely, with 40 minutes of the morning hour still to be utilized and with the right under the rule to move to take up a measure off the Legislative Calendar. That motion having been made during the morning hour, during the second hour of the morning hour, would be nondebatable.

So for those reasons, I shall make the following unanimous-consent request:

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the two conventions on which time agreements were entered last week; that the action in executive session be confined to those two conventions only and in accordance with the time agreements of last week; that upon the disposition of the two conventions and/or upon the return to legislative session, that I be recognized for the making of a motion to proceed to the consideration of Calendar Order No. 128; provided further, that the circumstances as they pertain to all parties as of this moment, to wit, the morning hour, the Senate is still in the morning hour and 40 mintues remain within the morning hour, that such circumstances as are the status quo at this moment be returned precisely as they are as of now with the rights of all parties reserved.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, it is our desire on this side of the aisle to try and cooperate where we can. We want to do that and we started off doing that well last week. We intend to continue to do that. We want to proceed with these two conventions and the rollcall votes on these two conventions. Senators have been alerted to that. As we come to these new things, the quality of life is good and they know this is coming. We know we can accommodate them.

Mr. President, I will terminate my remarks in a moment. The 15-minute votes, for example, will be helpful as we go forward.

In this instance, and the majority leader portrayed it clearly, the leadership could make a nondebatable motion to proceed to S. 2 or any other legislation under the rules. But we do need this bit of time to inform our Members. There are logistical problems. No small number is interested in this particular matter.

In order to allow Senators MOYNIHAN and HATCH to proceed with these two important conventions and the votes on those, we will agree with this request to preserve the right in the majority leader that he has at this moment.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE SESSION

ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

ILO CONVENTION (NO. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

The PRESIDING OFFICER. The clerk will report the first convention.

The assistant legislative clerk read as follows:

ILO Convention (No. 144) concerning tripartite consultations to promote the implementation of international labor standards.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Certified Copy of the Convention (No. 144) Concerning Tripartite Consultations to Promote the Implementation of International Labor Standards, adopted by the International Labor Conference at Geneva on June 21, 1976, subject to the following declaration:

There is agreement by the U.S. Government agencies concerned, the AFL-CIO, and the U.S. Council for International Business, that each ILO convention will be examined on its merits on a tripartite basis; that if there are any differences between the convention and Federal law and practice, these will be dealt with in the normal legislative process; and that there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination will include possible conflicts between Federal and State law that would be caused by such ratification.

Mr. MOYNIHAN. Mr. President, will the clerk report the second convention as well?

The PRESIDING OFFICER. The clerk will report the second convention.

The assistant legislative clerk read as follows:

ILO Convention (No. 147) concerning minimum standards in merchant ships.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Certified Copy of the Convention (No. 147) Concerning Minimum Standards in Merchant Ships, adopted by the International Labor Conference at its 62d Session in Geneva on October 13, 1976, subject to the following understandings:

(1) It is the understanding of the United States that its obligations under Article 1 of this Convention do not extend to uninspected ships, including tugboats, of less than 300 tons;

(2) It is the understanding of the United States that Article 1, paragraph 4(b) of the Convention includes fish processing vessels of not more than 5000 tons and fish tender vessels of not more than 500 tons as ships engaged in fishing or in whaling or in similar pursuits;

(3) It is the understanding of the United States that the term "substantially equivalent" as it appears in Article 2(a) requires the ratifying state to take account of the general goal of the instruments in the Appendix, but does not require it to adhere to the precise terms of these instruments. This means that national laws and regulations may be different in detail, if the ratifying state has satisfied itself that the general goals of the instruments in the Appendix are respected;

(4) The United States Government understands and is satisfied, as required under Article 2(a) of the Convention, that the substantive provisions of United States statutes and regulations are substantially equivalent to the rights and responsibilities established in the instruments enumerated in the Appendix; and

(5) It is the understanding of the United States that the legal status of the terms of collective bargaining agreements relating to shipboard conditions of employment and living arrangements have no greater effect than that accorded such terms under United States labor statutes.

Mr. MOYNIHAN. Mr. President, this is a historic moment for the Senate, one which gives those of us on the Committee on Foreign Relations great satisfaction, which I think the Senate will share.

My distinguished colleague, Senator HATCH, and I will be explaining in fairly brief compass what we have in terms of the specifics of the two treaties. However, a general point is to be made at the outset. Here for the first time in 35 years, the Senate is about to consider a resolution of ratification of two International Labor Conventions drawn up under the auspices of the International Labor Organization.

Mr. President, our relationship with this organization and the ideals behind it is a primal one for the United States. The constitution of the International Labor Organization was drawn up by commission. The commission, which met in Paris in 1919, was headed by Samuel Gompers, then head of the American Federation of Labor. It was a matter of the greatest interest to President Wilson.

The three organizations of the League of Nations system were the league International Court of Justice and the ILO. It might have been thought that the ILO would have been the organization we were least likely to join. Yet it was the one we did join in 1934 under President Franklin Roosevelt, who felt he had a mandate from Woodrow Wilson himself. Scarcely the last words Woodrow Wilson spoke in Pueblo, CO, during his trip across the country in support of the Versailles Treaty, virtually his last words before he collapsed, never to be heard publicly again save once were words on the subject of the ILO.

It is particularly important, Mr. President, that we note we are dealing here with a nice combination. On the one hand we have in Convention No. 147 a specific treaty giving nations the power to inquire into and, if need be, remedy the conditions of safety and health aboard ships in harbor, in home ports, ships which traditionally have been under the jurisdiction of the flag country—we have now gotten beyond that tradition—but more importantly, the first of these treaties, 144, is a treaty that reaffirms the right of association and the central principles of the ILO. First, labor questions must be dealt with by organizations of workers, by business organizations, associations and by government. And second, business and labor will be separate from and independent of government, entitled to be heard in the ILO conference. The one organization of the league that survived World War II was the ILO. It comes down to us this day after a period of doubt. It was unclear whether the totalitarian nations would ever recognize that when they joined the ILO they committed themselves to democratic standards of representation of workers and business, and that if they could meet those standards so much the worse for them. In fact, they are committed to them in words of the preamble of the constitution. Samuel Gompers was certainly aware of the Preamble of the American Constitution and its words about the general welfare. The Preamble of the ILO constitution begins, "Whereas, universal and lasting peace can be established only if it is based on social justice." It goes on to speak of provisions of an adequate wage, of protection of workers against sickness, disease, and injury, protection of children, young persons and women, protection for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, and recognition of the principle of freedom of association. These are ideals, written in to that constitution, are, if not wholly, at least principally addressed to the democratic nations of the world. If those ideals are not fulfilled by democratic states, when will they ever be fulfilled? To make that distinction between democratic and undemocratic states, to insist on it, and to ask why, form the reasons for the creation of Convention No. 144. There are now 43 countries that have ratified this measure. You may be sure they are democratic countries. We will be the 44th. We will go into these debates in Geneva and around the world inquiring into the condition of organized labor in Poland. We will ask, "What happened to Solidarity?" We will speak as a nation which has ratified the same treaty that 43 other nations have ratified because these are our principles. It was an American who wrote this constitution and we are proud to be part of it.

Mr. President, today the Senate has a historic opportunity. The Foreign Relations Committee has favorably reported two conventions that were negotiated under the auspices of the International Labor Organization, generally known as the ILO. These could be the first ILO conventions ratified by the United States since February 17, 1953, very nearly 35 years ago. The Senate can set in motion a new chapter in the long and important history of the ILO.

Formed in 1919, the ILO was one of two semiautonomous bodies created along with the League of Nations. Samuel Gompers chaired the Commission which developed the first charter of the ILO. Although the United States did not join the league, we did join the ILO in 1934, and it became one of the specialized agencies of the United Nations in 1945. With 150 current members, the ILO represents a large majority of states in the world. The United States is one of 10 member nations of the governing body, the executive council of the organization.

Since its inception, two of the principal ILO functions have involved the setting of international labor standards and the supervision of their observance. These standards are codified in ILO conventions adopted by the International Labor Conference which meets annually in Geneva. Each member of the ILO sends to the conference a delegation composed of government, labor, and business representatives. This characteristic tripartite structure enhances the value of the standards. For the United States, representatives of the Departments of State and Labor fill the Government role. The labor representatives are selected from the AFL-CIO. The U.S. business representatives are selected from the U.S. Council for International Business. Both the U.S. Chamber of Commerce and the National Association of Manufacturers are members of the Council.

The first agreement under before the Senate today is ILO Convention No. 144. This convention sets forth a procedural standard for establishing administrative machinery to ensure effective tripartite consultations between Government, employers, and workers relating to ILO matters.

The second agreement, Convention No. 147, expands the ability of "port states" to protect the health and safety of seamen manning merchant vessels calling at their ports. The adoption of this convention within the ILO was the culmination of a long and arduous negotiating process in which the United States strove to achieve minimum health and safety standards for the world's merchant fleets.

By ratifying these conventions, the United States can support the ILO at a critical juncture in its history. The organization has successfully resisted efforts to force it to apply the moral double standard that disruptive nations have sought to impose on the entire United Nations system. I had a personal role in the ILO's rejection of that double standard.

In 1975, when I was permanent representative to the United Nations, it fell to me to draft the letter to the ILO which gave the required 2-year notification of our intention to withdraw. The ILO proceedings had become preoccupied with antidemocratic and anti-Israel polemic. In this, it had violated its own norms and become arbitrary in the extreme.

The letter noted four particular trends. The ILO had allowed the erosion of tripartism. It had demonstrated selective concern for human rights. It had lost regard for due process. And it had become increasingly politicized through the pursuit of extraneous issues unrelated to the purposes of the ILO. Our letter stated that we did not wish to leave the ILO and that we hoped that changes in the proceedings would allow us to remain, but that we would leave if we had to.

When the ILO failed to reverse these trends, President Carter withdrew the United States in November 1977, at the end of the notification period. It fell to me in the Senate to move our withdrawal from the ILO. Once again, however, we asserted our hope that we would return.

The United States had the desired result. In November 1978, the governing body censured Czechoslovakia for firing dissidents from their jobs in violation of ILO standards. Also in 1978, the conference defeated an Arab resolution against Israel which violated long established ILO procedures. In 1978 and 1979, ILO conferences adopted resolutions aimed at strengthening the tripartite system of decisionmaking. In 1979, the conference adopted a secret ballot procedure allowing worker and employer delegates to vote their consciences without fear of recrimination. Finally, there was a general decrease in the politicization of ILO meetings.

As a result of these improvements, President Carter resumed U.S. membership in the ILO in February 1980. I had the happy opportunity to move our return to the ILO in this Chamber.

Progress has continued. The ILO had cited the Soviet Union for failure to comply with the convention on freedom of association. It has rejected anti-Israeli resolutions. It has continued to criticize treatment of dissident Czech workers. And it has turned back efforts to politicize the conference.

Most notably, the ILO has established a commission to inquire into government interference with the right of workers in Poland to organize a free trade union. And last June, after a 4-year boycott, Poland finally participated in the commission's discussion of its cases.

These conventions have broad support. My esteemed friend Senator HATCH testified that "by ratifying conventions Nos. 144 and 147, we can strengthen and reinforce the position and credibility of our representatives at the ILO."

Lane Kirkand, president of the ALF-CIO, called Convention 144 "a major breakthrough after 30 years of frustration in seeking United States ratification of ILO conventions * * *." Abraham Katz, president of the U.S. Council for International Business, testified in support of the ratification of that convention. After thorough consideration, the National Association of Manufacturers has helped to clear the path for Convention 144.

Convention 147 has received full support from every quarter. It has no opposition.

Ratification of these coventions should signal increasing U.S. willingness to participate in a new era of ILO history. We go beyond contract to rights. Senate advice and consent is the necessary first step.

The action we take today could easily be underestimated. The substance of these two conventions—only the eighth and ninth the United States has ratified in a long relationship with the ILO that began under President Franklin D. Roosevelt—is not perhaps momentous. But that is not the point. The point is that after a third of a century of quiescence or distrust the United States is resuming an active role in the affairs of the ILO. And when we say the United States we mean just that: labor, business, and Government. That has been the secret of the ILO's endurance: the tripartite base which sustained it through the ups and downs of exclusively governmental politics.

I would note that during the 1920's and 1930's it was widely assumed that the United States, even if it did not join the League of Nations, would surely join the World Court. But in the event it was the ILO we did join. And we did because the labor movement and business groups such as the NAM and the U.S. Chamber of Commerce were committed to having us do so. Even, that is, when administrations in Washington would not hear of the thought.

The early advocates of international labor conventions saw them as a means to overcome the reluctance of national legislatures to adopt domestic labor standards that would jeopardize international competitiveness, as the term is used today. The early ILO conventions probably achieved something of this sort among the European states. But before long it was evident that the great opportunity of the ILO was to set standards and oversee practices in the area of governmental conduct that affects basic human rights. The rights referred to in general in the Preamble of the United Nations Charter were laid out in specific detail in the constitution of the ILO many years earlier, a constitution, I think the Senate should remind the world, which was drafted in Paris by a commission headed by the president of the

American Federation of Labor. The constitution states:

> Whereas universal and lasting peace and justice can be established only if it is based on social justice;
>
> And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle or equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;
>
> Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;
>
> The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this preamble, agree to the following Constitution * * *.

Over 150 nations have signed this Constitution and committed themselves to freedom of association. The Soviet Union has done so. South Africa has done so. Chile, the People's Republic of China, Cuba, Nicaragua, and Poland have done so. By giving our consent to the ratification of these treaties today the United States puts the world on notice that we intend to pursue the fulfillment of those rights of workers and of business in the ILO setting for generations to come. And beginning anew this very year.

I want to offer special thanks to Senator HATCH for his cooperation and support in moving these conventions forward. His bipartisan cooperation stands in the best tradition of this body.

I also offer thanks to Secretary of Labor Ann Dore McLaughlin and former Secretary of Labor William E. Brock for their support and initiative in bringing these conventions to the Senate. It should be noted that a Republican administration has brought these conventions before the Senate. The President is to be congratulated.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment my colleague for his energetic leadership on these two conventions and the ratification thereof. He probably more than any other person in Congress knows more about the importance of these conventions with regard to international labor relations. I personally appreciate his leadership in his area.

Mr. President, today marks an extremely important day in the history of American labor policy, because today we will vote on ratifying two important international labor conventions. By ratifying International Labor Organization Conventions 144 and 147, we can reaffirm our commitment to this important world organization and, at the same time, protect the role of Congress in formulating labor policy.

On September 11, 1985, I chaired a hearing of the Committee on Labor and Human Resources to consider first, whether there was a link between our failure to ratify conventions and our influence within the ILO; and, second, the feasibility of U.S. ratification of an ILO labor convention without a detrimental effect on U.S. labor law.

The hearing made it quite clear that our failure to ratify a single ILO convention during the last three decades has undermined the effectiveness of our representatives to this important international organization. While the ILO has suffered from several political problems that seem inherent in international organizations, it still serves several important functions. Based on the concept of tripartition, it provides a common forum for representatives of employers, employees, and governments to fashion labor standards. It also provides our country with a unique opportunity to demonstrate favorably its brand of labor-management relations and employee rights, especially compared to the labor force realities of Communist countries. This latter feature was perhaps best evidenced by our role in the condemnation by the ILO of the Polish Government's suppression of the Solidarity movement.

Unfortunately, when we have criticized Communist violations of ILO standards, our credibility has always been somewhat suspect given our own refusal to even consider ratifying ILO conventions. To be taken seriously in this organization, Congress must break away from the policy of abstention we have practiced for the last 30 years, the policy of not ratifying a convention regardless of its content.

Nonetheless, we must also take great pains to ensure that Senate ratification of ILO conventions does not usurp this country's traditional bicameral formulation of labor policy. An ILO convention should not be ratified if it would overturn existing Federal or State labor law. Similarly, ratification of one convention should not be considered sufficient precedent for ratifying others. Each convention must be considered on its own merits.

It is my understanding that, to address this latter concern, the President's committee on the ILO has agreed to certain ground rules governing the examination of ILO conventions. First, each ILO convention will be examined on its own merits on a tripartite basis. Second, if there are any differences between the convention and Federal law and practice, the differences will be dealt with in the normal legislative process. And, third, there is no intention to overturn State law and practice by Federal action through ratification of ILO conventions. The examination will include a review of possible conflicts between Federal and State law that could result from ratification. These procedures provide an excellent mechanism for allowing us to consider ILO conventions without jeopardizing existing Federal and State statutes.

When considered in light of these principles, convention 144, which concerns tripartite consultation with regard to ILO issues, and convention 147, which establishes certain minimum standards on merchant ships, should be ratified. They will not overturn existing labor law, and convention 144 really mirrors our current practice. More importantly, their ratification will send an important signal to the other members of the ILO.

Mr. President, there are many individuals who played a critical role in helping move these two conventions through this body. Lane Kirkland and Irving Brown have been extremely helpful, not only this year, but in the past, and much credit must go to them for their willingness to work with both sides of the aisle to ensure that the ratification process is truly bipartisan. Former Secretary of Labor Brock was tireless in his efforts to push these conventions forward and to establish a realistic consultation process for consideration of future conventions. Secretary of State Shultz has also been a longstanding supporter of these efforts. Also, Ambassador Katz and Ed Potter should be congratulated for their role in bringing the business community around to its current position.

Finally, Mr. President, I wish to commend the senior Senator from New York. He is a recognized scholar on the ILO and, of all of us in this body, perhaps knows best how important ratification of these conventions is to our role in the ILO. He has worked long and hard to have these conventions before the Senate and should be applauded for his courage and diligence. I hope our colleagues will join us today and vote in favor of ratification.

Mr. President, I ask unanimous consent that a letter of our present distinguished Secretary of Labor, Ann McLaughlin, be placed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
Washington, DC, January 29, 1988.
Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR ORRIN: In the near future, the Senate will consider International Labor Organization (ILO) Conventions 144 and 147. The Senate Committee on Foreign Relations favorably reported these conventions on December 17, 1987, with the recommendations that the Senate give its advice and consent to their ratification. I am writing to urge your support during this important vote.

Your vote for ratification will represent a turning point in U.S. participation in the International Labor Organization. For the first time since 1953, the President and the Senate Foreign Relations Committee are seeking ratification of ILO standards. If successful, this precedent-breaking bipartisan effort will strengthen our leadership in the ILO. This is especially important now, when international labor standards are becoming an important domestic, as well as foreign policy, issue.

Convention 144 simply requires the government to consult with representatives of business and labor on ILO matters. Convention 147 sets minimum working and living standards for seafarers. Both conventions are consistent with current U.S. Federal and State laws. Their ratification will in no way change the U.S. domestic labor laws.

Our labor laws and standards generally meet—or even surpass—ILO standards. However, our failure to ratify ILO conventions since the 1950's has resulted in unwarranted questioning of our commitment to the fundamental human worker rights the ILO seeks to advance. Your vote will help quiet that criticism.

The ILO is the only international organization where representatives of government, workers and employers work together as equal partners. This organization was created in 1919 to improve working conditions, generate employment and promote human rights in the world at large. The rationale for its founding was not merely high minded internationalism, but also hard headed national self interest. As the ILO Constitution notes, "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

U.S. leadership in the ILO is important, and I hope I can count on your support for ratification of Conventions 144 and 147.

Sincerely,

ANN MCLAUGHLIN,
Secretary of Labor.

Mr. HATCH. Mr. President, at this time I would like to have a colloquy with my distinguished colleague from New York and again I thank him for his leadership on this matter.

Mr. MOYNIHAN. I wonder, Mr. President, if my distinguished colleague will yield just for a moment.

Mr. HATCH. I am delighted to yield.

Mr. MOYNIHAN. May I thank him for his courtesies and say that the Senator from Utah, as former chairman of the Committee on Labor and Human Resources and now ranking as member has been absolutely tenacious in getting to the facts of our circumstances the manner in which we could advance the interests of American business, no less than labor. The National Association of Manufacturers and the U.S. Chamber of Commerce have been involved with the ILO matters for 70 years. They have interests in other nations of the world just as does our labor movement. The Senator from Utah has faithfully represented those interests and advanced them. I want to tell him personally I appreciate it.

Mr. HATCH. I thank the Senator so much.

Mr. President, there has been a valid concern raised about one possible ramification of Senate ratification of International Labor Organization Conventions; namely, that ratification of an ILO Convention which differs from Federal or State labor law would supersede that law. I would like to propound a question to Senator MOYNIHAN. What steps have been taken, in conjunction with Convention 144, to ensure that ILO conventions are not ratified if they would amend or overturn existing Federal or State labor law?

Mr. MOYNIHAN. I thank my learned friend from Utah. He addresses a question which is necessarily of immediate interest to the Committee on Labor and Human Resources which he has chaired with such distinction, and on which he is ranking member at this point. I believe that we do indeed have a very good answer to a very necessary question.

Mr. President, Convention No. 144 establishes the tripartite arrangement, involving labor, business and government, under which subsequent conventions will be reviewed for ratification.

Mr. President, the three points I am about to make in the colloquy with the distinguished Senator from Utah are in fact part of a declaration in the resolution of ratification. This resolution is a statute binding in the most explicit form. Beyond a colloquy, this will be a statute.

First, each subsequent convention will be examined on its merits on a tripartite basis. Representatives of labor, business and government will collectively review the treaty in question prior to its ratification.

Second, if there are any differences between the convention under consideration and existing Federal law and practice, these differences will be dealt with in the normal legislative process. That is to say, and perhaps I could get an affirmative answer from my friend, we will pass a bill——

Mr. HATCH. That is correct.

Mr. MOYNIHAN. Which will have to be signed by the President, and become a law. We will not use a treaty as a substitute for the law.

Finally, there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination of each convention will include possible conflicts between Federal and State law that would be caused by such ratification.

These ground rules were agreed upon by the United States Council for International Business, the AFL-CIO, and the U.S. Government agencies concerned in order to make clear that U.S. labor law is not intended to be changed merely by ratification of a treaty. Any required changes in domestic law will be handled through domestic legislation. Under current practice, any legislation necessary to make domestic law consistent with the provisions of a proposed treaty is submitted to the Congress at the time the treaty is submitted for ratification. At present, three ILO conventions already approved by the Senate have not been ratified because the necessary implementing legislation has not been passed.

Mr. HATCH. I want to thank, Mr. President, my colleague for his lucid explanation of my question. Again, I want to thank him for the leadership he had provided on these matters, and I hope that we can proceed from here to ratify other ILO conventions that will help us to have more influence in this very important management organization. It is I think probably one of the most important of all of our affiliated union organizations.

Before I sit down, we would like to vote in just a couple of minutes. I would like to pay a special thanks to Lane Kirkland, our leader in America for the AFL-CIO, and above all his cohort and colleague, Irving Brown. I think these two have done a terrific job of representing at least labor's interest but I think our country's interest in past ILO conventions; and in past ILO proceedings. In particular, Irving Brown has done more it seems to me to foster the dissemination of democracy all over the world than almost any other single living human being. There are very few people I have met since I have come to Washington that I have a greater respect for than Irving Brown. He is not only a hero in my eyes but he is also one of the most brilliant people in the world and certainly one who has throughout his lifetime dedicated himself to principles of democracy and free trade unionism. I have great admiration for him, and I would feel very remiss if I did not pay respect here on the Senate floor, especially as we hopefully ratify these conventions.

I would also like to express my appreciation to former Secretary of Labor, Bill Brock, to whom we brought the issue of ratifying further conventions. Secretary of State Shultz became a great supporter of what we are trying to do here today; Ambassador Katz, who has done an excellent job in Switzerland and, of course, has done an excellent job with regard to the ILO; and of course, Ed Potter who has represented business interests for so long. All of these people mean a great deal to me having gone back and forth to the ILO over a number of years and having worked with each of them in the best interests I think of the world, and certainly of our country.

So I would like to pay those particular respects to these particular people at this particular time, and again thank my distinguished colleague from New York for his wonderful leadership on this matter.

Mr. MOYNIHAN. Mr. President, the Senator from Utah is generous in his energies and his compliments, and also the respects I think he just gave are remarkably accurate. When the history of the 20th century is written there will be a place in it for Irving Brown.

Mr. HATCH. I would say.

Mr. MOYNIHAN. I do not know that that would be said of everyone who has passed through this Chamber. The American labor movement has been faithful to this enterprise. In the mid-1970's, when the ILO was going wrong, they asked us to leave and business agreed. We left saying we did not wish to leave but we gave notice we would. When we left, I had to move the matter on this floor. I said we want to come back, and then we did. Because of the strength of an organization that, while governments come and go, recognize that business, industry, and labor have continuity.

If you counted the number of Presidents of the United States in the period of only four presidents of the AFL-CIO, you would reach a multiple of eight or nine.

I think Secretary of Labor Brock is very much in our minds today, more in the minds of colleagues on the other side of the aisle than on this side as he has slogged his way through Iowa. We ought to pay him our respects. Secretary McLaughlin has been a faithful successor in this regard, and Secretary Shultz has been as well.

ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

Mr. PELL. Mr. President, in 1919, the International Labor Organization [ILO] was created to bring governments, employers and trade unions together for united action, to improve working conditions, generate employment, and promote human rights in the world at large. The rationale for this undertaking was not just high-minded internationalism, but also hardheaded national self-interest. As the ILO Constitution notes, "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

The ILO's unique tripartite structure—its fundamental principle of tripartitism, of cooperation between government, labor and business—makes it a natural forum for promoting American concepts of democracy, pluralism, free trade unions and free enterprise.

The essential characteristic of the ILO is the fact that it is composed not only of government representatives, but also representatives of employers' and workers' organizations. Article 3 of the ILO's constitution provides that all the meetings of the general conference—held once a year—shall be composed of four representatives of each of the member nations, of whom two shall be government delegates and the other two shall be delegates representing respectively the employers and work people of each member nation.

Article 7 of the ILO Constitution provides that the governing body of the ILO shall consist of 56 persons, 28 representing governments, 14 representing the employers, and 14 representing the workers. Thus, employers' and workers' representatives make up half the membership of both the general conference and the governing body.

Beyond the general conference and the governing body, meetings in the ILO take many other forms: Special conferences on particular issues, committees, groups of experts or specialists, and ad hoc meetings. With rare exceptions, all these meetings are tripartite, so that all decisions reached in them represent the views of employers and workes as well as those of governments. Thus, tripartitism is the very essence of the ILO.

Mr. President, the purpose of Convention No. 144 concerning tripartite consultations to promote the implementation of international labor standards and recommendation No. 152 is to provide a procedural standard relating to the administrative machinery for participating in the ILO. It does not change U.S. domestic labor law. It simply provides that ILO member nations which ratify the convention must establish and maintain machinery to ensure effective tripartite consultations between governments, employers, and workers on matters relating to the ILO.

The United States has had since 1975 an elaborate tripartite consultative process which fully complies with the standards set forth in the convention. The ratification of this convention will not change this process.

During the consideration of this convention, the National Association of Manufacturers [NAM] expressed concern about the effect of article 5(c)(1) on the U.S. process. That subsection calls for consultations by member nations on the reexamination of unratified ILO conventions to consider what measures might be taken to promote their ratification. NAM fears that this provision might undermine the current agreement between the U.S. Government, the AFL-CIO and the U.S. Council for International Business. According to that agreement: First, each ILO Convention will be examined on its merits on a tripartite basis; second, any differences between such a convention and Federal law and practice will be dealt with in the normal legislative process; and third, there will be no attempt to change State law and practice by Federal action through the ratification of such a convention.

In response to this concern, Senator MOYNIHAN, much to his credit, proposed within the Committee on Foreign Relations on amendment to the resolution of ratification which restated this agreement in the form of a declaration. The Moynihan declaration is a creative, intelligent response to a legitimate concern.

Mr. President, in conclusion I urge my colleagues to support this convention and the Moynihan declaration. The ratification of these instruments will help U.S. efforts to support the ILO's very substantial human rights activities, help us play a more effective leadership role in that organization, and thereby help us promote American democratic values and interests abroad.

Mr. HELMS. Mr. President, I would appreciate the response of the distinguished Senator from New York who has given so much time and effort to bring these conventions to the floor. I respect his commitment to the principles of the International Labor Organization, just as I respect and appreciate the views of the distinguished Senator from Utah. However, I still remain concerned over the possibility of the use of ILO conventions, specifically through the mechanisms provided by Convention No. 144, to change American domestic law.

In mid-November of last year on the op-ed page of the Los Angeles Times, a prolabor columnist claimed that "Congress may find that it will have to revise U.S. labor laws before this Nation can comply with some of the ILO standards." Then he went on to write: "Liberals want to make more use of the ILO to improve labor laws in all countries, particularly this one."

Therefore, I would like to ask my good friend, the distinguished Senator from New York, what guarantees exist that will prevent this kind of situation from occurring, where a treaty or convention will be used to remake or revise domestic U.S. labor law?

Mr. MOYNIHAN. I thank the Senator from North Carolina for his kind words. The resolution of approval for Convention No. 144 contains a declaration on the ground rules relating to ratification of future conventions. These ground rules make clear that U.S. law will not be amended by treaty without Federal and State law meeting the requirements of a particular ILO convention prior to its ratification by the President. That is, any changes in domestic legislation that might be caused by ratification of an ILO convention must be passed by both Houses of Congress before the treaty is ratified. This has been the consistent practice of the Senate with respect to the ratification of other ILO conventions in order to avoid U.S. law being made by treaty.

Mr. HELMS. I am also concerned with article 5(c)(1) of Convention No. 144 which calls for consultations on the reexamination of unratified ILO conventions. I must say to my good friend from New York that it looks to me like this reexamination procedure will deal with measures which might be used to secure approval and ratification of conventions that the Senate had in the past refused to approve or to consider. What kind of protections can be provided with respect to the reintroduction of agreements which the Senate has already rejected pure and simple?

Mr. MOYNIHAN. I would say to the Senator from North Carolina that the ground rules address the legal examination of ILO conventions by the concerned government agencies, the U.S. Council for International Business and the AFL–CIO. Under the ground rules, only conventions that are in conformance with U.S. law and practice, or conventions for which implementing legislation has been introduced to reconcile the difference between U.S. law and practice and a convention's requirements, are appropriate for Senate action. In other words, consideration of other conventions that do not fit in these two categories would violate the ground rules and would be presumptively inappropriate for Senate action.

Mr. HELMS. I do appreciate the answer, though I am still concerned about the issue. Finally, I am also troubled by the declaration attached to Convention No. 144, as that declaration is currently phrased. It is not legally binding. It is merely recommendatory. It is not mandatory. Therefore, it affords no legal protections, since the declaration is a statement of intent only and not binding by operation of law. I must once again indicate my continuing concern over any possibility of changing domestic law by treaty or convention.

Mr. MOYNIHAN. Regarding the Senator's concern that the declaration is not binding, it can be unambiguously stated that Convention No. 144 will be implemented in accordance with the ground rules as agreed to by the parties. These ground rules are the exclusive means by which article 5(1)(c) is to be implemented. They mean that U.S. law will not be amended by treaty without both Houses of Congress acting first.

Mr. HELMS. I am going to support Convention No. 147, as it is a maritime convention within the tradition and scope of U.S. ILO participation during the last half century. My objections to No. 144 have already been noted, and I will add a further objection to a process which shuts out 85 percent of the American work force—those workers who have exercised their freedom of choice not to join a labor union. Nonunion labor has no voice in the process established by the so-called Tripartite Convention. I therefore will vote against Convention No. 144.

Mr. MOYNIHAN. Although I have great respect for my friend, the distinguished Senator from North Carolina, I am afraid that we must remain in disagreement. These two conventions serve not only the interests of all American workers, but the interests of business and Government as well. The broad support that labor, business, and Government have extended to these conventions speaks for itself.

Senator HELMS has been very careful throughout this matter. He wanted to see these matters go forward. He supports the second of our treaties, No. 147, in the Maritime Committee, which has been traditionally the one we have had but he did not feel sufficiently comfortable with the provisions of Convention 144.

ILO CONVENTION (NO. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

Mr. PELL. Mr. President, the International Labor Organization's Convention No. 147 Concerning Minimum Standards in Merchant Ships will improve employment conditions in merchant vessels and expand the ability of port States to take steps necessary to protect the health and safety of seamen manning merchant ships calling in those States. There is no dispute on the need for an international arrangement mandating minimum standards for merchant vessels. Worldwide cases of abuse by unscrupulous shipowners who engage seafarers from countries with subsistence economies at very low wage rates and few other social advantages are widespread.

Cost savings achieved by ignoring standards at sea is a formula for human misery, unreliable crews, and lost ships. Well-trained professionals will not accept such conditions of employment; that is the reason that most substandard vessels or vessels under fly-by-night registries are often manned by unskilled, poverty stricken nationals of developing countries, for whom a job at sea appears to represent a chance for betterment, but which in fact often represents further impoverishment.

The close relationship between safety at sea and conditions of employment cannot be underestimated. Vessels registered under traditional maritime flags have lower loss rates because of higher training standards and Government enforced operation regulations. The stark contrast between the limited losses among traditional maritime nations with high manning and safety standards and acceptable conditions of employment and the high loss record of convenience registries with no crew restrictions and little or no safety and training enforcement is perhaps the most compelling reasons for ratification of minimal international standards as found in ILO Convention 147.

In transmitting this convention to the Senate, the administration has proposed five understandings to clarify possible inconsistencies between the domestic laws of the United States and the convention. These understandings were overwhelmingly adopted by the Committee on Foreign Relations by a vote of 18 to 0.

Mr. President, in conclusion I urge my colleagues to vote in favor of Convention No. 147 along with the five understandings proposed by the administration. This convention will not only improve the working conditions of merchant seamen but will go a long way in enhancing the safety of life at sea.

Mr. HATCH. Mr. President, I think we are ready to vote.

Mr. MOYNIHAN. Mr. President, I see no other Senators have risen asking for the floor. I move the ratification of the two treaties in sequence, a separate vote to be held on each.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Would the Senator who controls time yield time back?

Mr. HATCH. I gladly yield my time.

Mr. MOYNIHAN. I yield all time back.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MOYNIHAN. Mr. President, before the clerk speaks, I ask that the first vote be on Convention 144.

The PRESIDING OFFICER. The first vote will be on the resolution approval of Convention No. 144 to be followed immediately with a vote on resolution of approval of Convention 147.

VOTE ON ILO CONVENTION (NO. 144)

The question is on agreeing to the resolution of ratification of ILO Convention (No. 144) Concerning Tripartite Consultations To Promote the Implementation of International Labor Standards.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Georgia [Mr. NUNN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote.

The yeas and nays resulted—yeas 81, nays 2, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—81

Adams
Armstrong
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—2

Helms
Symms

NOT VOTING—17

Baucus
Boren
Chiles
Cochran
Cranston
DeConcini
Dixon
Dodd
Dole
Domenici
Gore
Karnes
McClure
Nunn
Rudman
Simon
Wallop

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON ILO CONVENTION (NO. 147)

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution of ratification on ILO Convention (No. 147) concerning minimum standards in merchant ships.

The yeas and nays have not been ordered.

Is there a request for the yeas and nays?

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Illinois [Mr. SIMON], and the Senator from Arizona [Mr. DECONCINI] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

The PRESIDING OFFICER (Mr. SANFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—84

Adams
Armstrong
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—16

Baucus
Boren
Chiles
Cochran
Cranston
DeConcini
Dixon
Dodd
Dole
Domenici
Gore
Karnes
McClure
Rudman
Simon
Wallop

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I first thank the Senate for its overwhelming vote of approval of these conventions, a unanimous vote with respect to 147 and an overwhelming vote, with two dissenting Senators in the case of the all-important convention 144.

This could not have been done without the cooperation of many persons. Not least, I think, ought to be recognized those persons who have associated themselves over the years both with the International Labor Office, Washington Brand, and the International Labor Office in Geneva. They have a long and honorable lineage, including, of course, David Morse, who was once Under Secretary of Labor. He went on to be the Director General of the ILO, and was there when the International Labor Organization, won the Nobel Peace Prize for a half-century of service with no equal in the history of world organizations.

For our part, Mr. President, Senator HATCH, the distinguished Senator from Utah, would wish to join me in thanking the staff of the Committee on Labor and Human Resources and the Committee on Foreign Relations.

With respect to the Committee on Foreign Relations, I would like to particularly thank Mr. Bob Friedlander, associate of the distinguished Senator from North Carolina, Prof. Edwin Smith and Mr. Jon Alterman, who ably managed these affairs on this side of the aisle. For the Committee on Labor and Human Resources, the representative of Mr. Hatch, Kevin McGuiness, has been throughout this matter a source of great strength. I hope they feel this success is in part theirs, as it surely should be.

Mr. President, I yield the floor.

I see the distinguished majority leader is striding to his accustomed place at the helm, in the van, the charge about to take place.

LEGISLATIVE SESSION

The **PRESIDING OFFICER.** Under the previous order, the Senate will now return to legislative session. I recognize the majority leader.

ORDER OF BUSINESS

Mr. **BYRD.** Mr. President, I thank the Chair and I thank the distinguished senior Senator from New York [Mr. Moynihan] for his usual skill and his usual eloquence. Both are appreciated. I commend him for them and also express appreciation on behalf of the Senate for the good work that was done.

Mr. **MOYNIHAN.** Thank you.

Mr. **BYRD.** I also thank the distinguished Senator on the other side of the aisle who helped to manage the treaties, who is the ranking member, Mr. Hatch.

Mr. President, for the moment I shall not make the motion to proceed to the bill. I am awaiting the arrival of a Senator. So I ask unanimous consent that my right to the floor be reserved and that at such time as I am recognized again, that the same rights that were preserved following the disposition of the two conventions, namely, the right to make a nondebatable motion to proceed with 40 minutes remaining in the morning hour, that that situation be preserved notwithstanding the fact that I will put in a quorum call.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. **BYRD.** Mr. President, the distinguished assistant Republican leader and I have discussed the request which I shall make. We discussed it earlier. We propounded the unanimous-consent request to preserve the status quo of that moment while in executive session, while in the morning hour, in the second hour of the morning hour. And, incidentally, morning business has been completed, although that would not matter at this particular time.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. **BYRD.** I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 128, S. 2.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration with an amendment to strike all after the enacting clause and insert in lieu thereof new language.

[Note: The correct text of the committee amendment, as modified by star print on August 7, 1987, is printed in the Record of February 17, 1988, at page S 786. Through inadvertence in the daily Record of today, February 1, 1988, the earlier committee amendment, as it appeared before the star print modification of August 7, 1987, was printed as follows:]

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

Sec. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person;

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided

that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the difference between the amount of the limitation on expenditures established in section 503(b) and the amount of payments provided for in paragraph (1)(A) or (2)(A) of section 504(a), as the case may be;

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for a payment as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based

on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) an eligible candidate who is a major party candidate shall be entitled to—

"(A) a payment under section 506 in an amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1); and

"(B) a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election; or

"(2) an eligible candidate who is not a major party candidate shall be entitled to—

"(A) matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1); and

"(B) matching payments under section 506, equal to the amount of each contribution received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate; and

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (1)(B), (2)(B), or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The monies designated for such ac-

count shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special

election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held more than one year after the date of enactment of this Act.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his cooperation.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 4:30 p.m. today and that Senators may speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 10 minutes.

Mr. SANFORD. Mr. President, I ask unanimous consent that I may be allowed to speak for as long as 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 20 minutes.

CONTRA AID

Mr. SANFORD. Mr. President, as we approach our vote on additional aid to the Contras, I have tried to provide for myself a careful, objective analysis of the dangers and opportunities of Central America. For a century and more its people have been the victims of exploitation, high-handed interference, and our well-intentioned but inadequate economic assistance. More recently and positively, those nations establishing democratically elected governments have had our encouragement and support in their successful efforts. We are, at this moment in Washington, observing, and influencing beyond what might be our intention or our privilege, a turning point in the arduous history of this still-promising region of the Western World.

THE PEACE PLAN

The situation requires wisdom and diplomacy. There is a proposed Central American solution, the Arias peace plan. All Central American countries have signed and are supporting it. It deserves our understanding and support. In all the five nations there are forces ready to champion a free society and defend the freedoms the people have already achieved. They need our encouragement.

The shaky danger is that there is an instability in the governments of perhaps three of these nations, making them vulnerable to a return to military or other forms of dictatorship. Our task is to help them stabilize. This peace plan will do just that. It commits the five nations to no armed aggression, to national reconciliation of opposing groups, to human rights, to open and democratic elections, and opens the way to broad economic and social development.

Our hesitancy, our dilemma, is that in one of the nations, Nicaragua, there is a government we consider unacceptable. Its leaders are avowedly Marxist, and they receive military and monetary support from the Soviet Union.

For 7 years our compelling national policy has been to support armed resistance committed to overthrowing the Nicaraguan Government. Now the Nicaraguan President has signed the Arias peace accord. What now should be our policy? What should we do? What have we to gain, and what have we at risk, and what do we have to lose? Should we continue Contra aid? Should we bring this phase of our Central American policy to a close?

U.S. NATIONAL SECURITY

Putting aside whether we have a right to insist on their conforming their government to our blueprint, we do have every right to base our policy on the dangers the Sandinista government presents to the national security of the United States.

I do not think there is any real danger to our national security, but here are the assumptions and assertions that raise those fears:

Nicaragua will become a Soviet base, from which an air, missile or land attack on the United States can be launched.

The Nicaraguan Government will invade its neighboring countries in its communistic compulsion to dominate and control the region. It has a plan to increase to 600,000 the number of troops in its military forces.

The Nicaraguan Government, if it doesn't invade, will promote and support insurgency in one or more neighboring countries to achieve the same results.

Communism is a blight on the hemisphere, Nicaragua is communistic, and therefore we should assist in the overthrow of the Nicaraguan Government. The Contras are willing to risk their lives to fight for freedom, and the least we can do is furnish the funds.

All of these assertions are sincere concerns for many American people. The President can easily remove the threat and fear, and without bloodshed.

Certainly we do not want a Soviet base in Central America. We do not want any nation in Central America to invade another. We do not want one country destabilized by another. All of those events would, in varying degrees, be a danger to the national security of our Nation. Everyone should expect us to protect our security interests.

The trouble now with our policy of providing Contra aid is that not only does it not achieve our national security aims, it actually retards their achievement. It does not enhance our national defense; it promotes an instability that continues to pose a risk in the Western Hemisphere.

If Contra aid is the wise course, why is the United States not pursuing the same course with regard to Cuba, which is clearly communistic, clearly an authoritarian dictatorship, clearly already allied to the Soviet Union, clearly possessing a greater capacity to destabilize other countries?

Reason, if not emotion, tells us that Cuba, without Soviet missiles or installations, is no more of a threat to us than a patch of fleas on a St. Bernard. It itches, but it doesn't hurt. The same is true of the Sandinistas. To believe otherwise is to disregard blindly the strength, power, and potential of the United States of America.

Instead of the destabilizing policy we have been following in Nicaragua, a policy that has contributed to the abuse and death of thousands, we simply need to be firm and do what finally we did, albeit in a stumbling manner, about the same kind of threat from Cuba.

We need the President, at a total cost of pen and paper, to declare fairly and simply:

First, we will not permit the installation of threatening Soviet military facilities in Nicaragua, or anywhere else in Central America, that we perceive to be the establishment of a Soviet military base. We will inform Chairman Gorbachev, the Government of Nicaragua, and the world generally, that we consider such to be an act of invasion of the Western Hemisphere, and we will remove or destroy such facilities or equipment.

Second, we will not tolerate an invasion by principal or proxy of a neighboring country by a Central American country. We will immediately respond with U.S. forces to a call from an invaded neighbor, and take appropriate military action against the aggressor nation.

If indeed the President thinks our security is jeopardized, we should not be sending the Contras to protect our security. He should deal directly with what he perceives the threat to be.

I am certainly not suggesting another Vietnam. We would be limiting our action directly to our continental national security. We are not talking about military interference with the governments of Central America. Having given fair warning, this in itself becomes an effective deterrent, and that is the best way to use military strength. Nicaragua and the Soviet Union will not likely defy such an assurance that we have a firm resolve about these two possible adventures.

Dealing with infiltration cannot be as precise, but infiltration requires a local force in insurgency, as in El Salvador. To calm and contain the insurgents, the best tools are the national reconciliation promoted by the Arias plan, and the promise of support of a long-range economic development plan now being designed by and for Central Americans. The latter should be the heart of our Central American policy.

ECONOMIC DEVELOPMENT

Economic opportunity, jobs, education, decent living conditions are what the people of Central America want to achieve, and those are the forces that will promote the freedoms we all aspire to see them achieve. We should be helping them help themselves, in long range programs aimed at lasting prosperity and peace.

Participation in the regional economic development plan, which the five nations are presently designing, can be conditioned on adherence to the peace agreement by each of the five countries, and this is the best weapon the four presidents can use to make certain the fifth adheres to the agreed terms. They can make it clear, and we can make it clear, that economic development assistance will be withheld from any country that supports a neighbor's insurgents. Our goal should be the political and economic stabilization of all Central American countries. That is the only long range solution. That is the only sensible and decent U.S. policy.

CAN SANDINISTAS BE TRUSTED?

The President and others contend that we must go on supporting the Contras because the Sandinistas cannot be trusted, and Communists generally cannot be trusted. They say that Communists always break their word. Putting aside for the moment that the President is trusting the word of Chairman Gorbachev in his INF Treaty, let's assume that we cannot trust the Sandinistas to keep their word. I am inclined to believe that this could be true. Even if President Ortega wanted to keep his word, the other Nicaraguan commandants have varying views. At least one or two, it appears, are hostile to their President's peace efforts. So let's assume that we cannot trust the Sandinistas to keep their word. Calm reason informs us it does not really make any difference to the security of the United States whether the Sandinistas keep their word on other matters, because they have been amply warned about our security policy.

OUR RIGHT TO INTERFERE

There is, however, a point beyond all of this. That is whether we have a right to interfere with the internal governments of sovereign nations. Of course we do not like, or that is to say, we do not trust, certain types of government. If you will sweep your mind around the world, you would have to say that a large number of the governments on Earth do not suit us. They are either one party, one strong man, some Communist or Facist, some simply dictatorship, but they do not suit our notion of how people ought to govern themselves. In our broader relations, we might want to come to the aid of a nation invaded, such as Afghanistan, but that does not argue for a minute that we ought to interfere with or support insurgency against all those governments not in our mold. Our legitimate rights in Nicaragua are absolutely limited to our national security interests, which is linked to the territorial integrity of the other Central American countries. Beyond that, we cannot justify using the resources of the United States of America to attempt to force our idea of government on the internal Government of Nicaragua. Not only do we not have any moral right to do this, but it is not a wise and workable foreign policy.

THE WISDOM OF INTERFERING

If it is internal change we want, our continuing Contra involvement has an absolutely opposite effect. It mobilizes the natural hemispheric opposition to the United States. Our additional aid actually strengthens the hands of the Sandinistas. It makes it virtually impossible for any local opposition parties to oppose the Sandinistas without appearing to be great friends of the United States. Nothing could be more fatal in seeking opposition votes or arousing resistance in Nicaragua than to be branded a friend of the United States. The Members of this Senate are all vote-getting politicians and they ought to recognize that bashing the United States is a winning issue in Nicaragua.

If we will examine Nicaraguan history, even superficially, we will find that the one underlying, overwhelming, uniform theme, is resentment and distrust of the United States. It goes back to the marines invading. It goes back to the U.S. support or tolerance of the Somoza regime. Written into the Nicaraguan Constitution, as a part of the preamble, is a statement of hostility toward the United States. Of course the Sandinista-controlled Assembly wrote this constitution, but no other constitution in the world refers adversely to the United States. The more we beat up on the Sandinistas, the more difficult we make it for an opposition party to win against the Sandinistas.

WEAK SANDINISTA ECONOMY

It stands to reason that the Sandinistas' weakness is their inability to handle the economy. This is true not only in Nicaragua, but as Gorbachev's perestroika is indicating, it is true throughout the Communist world. Not only do the regimes, by their bureaucratic incompetence, fail to manage the economy, but history has proven the Communist economic system does not lend itself to a strong and bustling economy. There are plenty of reasons to expect that in the future the Nicaraguan people can successfully resist the Sandinistas' incompetence and inadequacy. If we would relax a bit, if we would take a somewhat different approach, we would be holding out the only hope that the opposition parties to the Sandinistas have for this generation. There is no such thing as a winning pro-American political party in Nicaragua. Our basic premise has been just plain wrong.

DON'T ROCK THE BOAT

One can argue, and I will not dispute it, that the Contra action helped get the Sandinistas to the Arias peace table. But they are now at the table. The table is there, however, because of the Guatemala peace accords. We should be flexible enough to change our emphasis. Will continuation of Contra aid help or hurt the delicate chance of success of the accords? Getting the five presidents to support the plan was a historic achievement. It will not take much disruption to topple the negotiations. If we yell "sic 'em" to the Contras, we make it difficult to get the cease-fire and reconciliation that is at the heart of what the Central Americans are trying to achieve. The Catholic cardinal, the other four presidents, are alert to the rights of the Contra opposition. Failure of the Sandinistas to deal fairly with the Contras will defeat the peace plan. Failure of the Contras to deal fully and honestly in the negotiations will stalemate the peace plan. We need to steady the hands of all the parties. We don't need to throw meat to the lions.

CONTRAS ARE INEFFECTIVE

Not only do the lessons of history indicate that further Contra aid is counterproductive, but the evidence is that the Contras themselves are not an effective fighting force. If the President really thinks our national security is at stake, then we ought not to rely on such a weak reed.

The Contras have been at it a year full force, and a half dozen years before that, and they have done nothing of note. They have gained dominance in two or three remote mountain areas, where they can stay holed up forever. But they cannot muster the power and the strength to beat the Sandinista army. This is not the place for detailed military analysis, but the Members of the Senate have available confidential analyses that indicate clearly that the Contra forces cannot become a winning military movement, cannot overthrow the Sandinista government, cannot occupy Nicaragua.

General Bermudez of the Contras told me that their great weakness is that they have not been able to mobilize public opinion in their favor, and he does not think that it can be mobilized. It is obvious that public support cannot be mobilized, because the Contras are pro-American, by definition and by the source of their support. They are representative, rightly or wrongly, in the minds of the majority of the Nicaraguan people, of the old Somoza tyranny, of the distrusted United States, and they are not going to flock to the support of the Contras. The only way the Nicaraguan people are going to be mobilized is not by pro-American forces, but rather by the domestic anti-Sandinista opposition, the church groups, the independent business leaders, the other political parties, who all are pro-Nicaraguan, and who must be publicly anti-American, campaigning against the inadequacy of the Sandinistas in managing the country. The peace plan, if successful, will give them that chance.

I asked the three Contra leaders who live in Costa Rica, what could they hope to accomplish in the next 12 months if we gave them $250 million for military assistance. The unanimous answer was they could not hope to take Managua and environs, where almost half of the people live, that they could not hope to overthrow the Sandinista government, but they could pretty well occupy the rest of the countryside. Well, that is no military objective at all. That does not serve any lasting purpose, and it would take tremendous continuing resources to give them adequate military support to maintain that kind of a control in territory that is mostly hostile, and where the more they spread out in the open the more they are exposed to Sandinistan attack.

MONITORING THE SANDINISTAS

Assuming that the peace and freedom plan is worked out, what about monitoring the Sandinistas? How do we keep up and see that they are doing what they said they were going to do?

The Constitution of Nicaragua is an interesting document. I could argue, and it is probably true, that it doesn't make any difference what the Constitution says, that it can be violated. On the other hand, it is a written document, and they are pledging to observe the terms of it in the peace accord entered into with the other four countries. If they fail to observe it, the written proof is there for the other four Presidents to cite. If the accords are agreed to are violated by the Nicaraguans, it is up to the other countries to insist that Nicaragua is not in compliance. Whether they comply or not becomes a matter for the other four neighboring countries, who certainly are in a better position to monitor, verify, and insist on compliance than we are. The Nicaraguan Constitution provides for open elections and it lays out a written commitment to other fair practices, to a free press, to human rights. Violations by the Sandinistas can clearly be measured. So that members of Congress might know what they are dealing with, if finally the Sandinistas do not keep their word, I ask unanimous consent that the translation of the Nicaraguan Constitution be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

In conclusion, if the Sandinistas fail to keep their word by building a stronger military establishment, then we do have a security concern. I have suggested how we deal with the use of such military forces. It appears from the evidence that a large buildup is not realistic. We turned somersaults when it was reported that Nicaragua had planned an armed force of 600,000 troops. We were so traumatized that we did not recognize the foolishness of that claim. The President raised its credibility by including a reference in his State of the Union message. There is no reason for the United States to exhibit such fear. Nicaragua has about 3 million citizens. Some of the males are old and some of them are infirm and some of them have already been injured in the battle. Over half of the citizens are youth. It would take most of the able-bodied men in the country to put an army of 600,000 together. Even if they did manage to form such a force, we will have warned them that they will not be allowed in the territory of any other nation.

"SURRENDER TO COMMUNISTS?"

It is quite possible that we have been carried away with emotionalism, with the feeling that we must stamp out communism wherever it is found. It is a tricky, plausible, appealing phrase to say that in guiding the Contras to the peace table we are surrendering to the Communists. That simply is not a logical assertion. We haven't surrendered to communism. We have been successful in getting the Sandinistas to cooperate with their neighbors. We have permitted Cuba to exist under the rule of Castro, but minus Soviet missiles or aggressive weapons. It is no more than an irritation we have absorbed. We are not going to invade Cuba. We are not going to attack the Soviet Union. We cannot undertake to use military force to stamp out communism wherever we find it. Nor do we need to do so. Democracy and free societies are on the upswing in the world. The appeal of communism is slipping because it has not worked as promised. The best way to defeat it in Central America is to support the efforts of the four neighbors of Nicaragua.

UNREASONED FEAR

We are far too strong, far too mighty, far too wealthy, far too large, for Nicaragua to be anything but an irritant. For us to go into contortions because a mosquito is buzzing around our head is not in keeping with the best of America's past bravery and its self-confidence. To say that failure to vote Contra aid will be a great victory for Russia or communism is ludicrous. A vote for Contra aid, in substance, is a manifestation of fear and lack of confidence on the part of citizens of the United States, and totally unworthy of our great American tradition. I do not intend to cast my vote for such unreasoned fear.

EXHIBIT NO. 1

POLITICAL CONSTITUTION, NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA, MANAGUA, NICARAGUA, JANUARY 9, 1987

(As printed by the U.S. Department of State, from "Copy of the Sandinista Constitution Provided by the Embassy of Nicaragua")

The President of the the Republic hereby makes known to the people of Nicaragua that the Constituent National Assembly after consulting with the people, has discussed and approved the following Political Constitution:

PREAMBLE

We, The Representatives of the People of Nicaragua, united in the Constituent National Assembly, invoke the struggles of our Indian ancestors;

The spirit of Central American unity and the heroic tradition of our people who, inspired by the exemplary actions of General Jose Dolores Estrada, Andres Castro and Enmanuel Mongalo, destroyed the dominion of the filibusters and the United States intervention in the National War;

Benjamin Zeledon's anti-interventionist deeds;

Augusto C. Sandino, General of Free People and Father of the Popular and Anti-imperialist Revolution;

The heroic action of Rigoberto Lopez Perez, who initiated the beginning of the end of the dictatorship;

The example of Carlos Fonseca, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

The generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

In the name of The Nicaraguan people; the democratic, patriotic and revolutionary political parties and organizations of Nicaragua; the men and women; the workers and peasants; the glorious youth; the heroic mothers; those Christians who moved by their faith in God committed and dedicated themselves to the struggle for the liberation of the oppressed; the patriotic intellectuals; and all others who through their productive labor contribute to the defense of the Nation;

Those who guarantee the happiness of future generations by offering their lives in the struggle against imperialist aggression.

For the establishment of the legal framework to protect and preserve the achievements of the Revolution and the building of a new society dedicated to the elimination of all forms of exploitation and to the achievement of economic, political and social equality for all Nicaraguans and absolute respect for human rights.

For the homeland, for the revolution, for the unity of the nation and for peace.

We hereby proclaim the following political constitution of the Republic of Nicaragua:

TITLE I—FUNDAMENTAL PRINCIPLES

Chapter I

Art. 1 Independence, sovereignty and self-determination are inalienable rights of the Nicaraguan people and the foundation of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights is an attack upon the life of the people.

It is the right of the people and the duty of all citizens to preserve and defend, with arms if necessary, the independence of the Nation, its sovereignty and national self-determination.

Art. 2 National sovereignty rests with the people, the source of all power and forgers of their own destiny. The people exercise democracy by freely deciding upon and participating in the construction of the economic, political and social system which best serves their interests. The people exercise power both directly and through their representatives elected by universal suffrage; equal, free, and direct elections and secret ballot.

Art. 3 The struggle for peace and the establishment of a just world order are unrenounceable national commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation. The Nicaraguan people are in solidarity with all those who struggle against oppression and discrimination.

Art. 4 The Nicaraguan people have created a new state to promote their interests and guarantee their social and political achievements. The state is the principal instrument through which the people eliminate all forms of exploitation and oppression, promote material and spiritual progress of the nation, and ensure that the interests and rights of the majority prevail.

Art. 5 The state guarantees the existence of political pluralism, a mixed economy and non-alignment.

Political pluralism assures the existence and participation of all political organizations in the economic, political and social affairs of the nation, without ideological restrictions, except for those who seek a return to the past or advocate the establishment of a political system similar to it.

A mixed economy assures the existence of different forms of property: public, private, associative, cooperative and communal; these forms of property must serve the best interests of the nation and contribute to the creation of wealth to satisfy the needs of the country and its inhabitants.

Nicaragua's international relations are based on the principle of non-alignment, the search for peace, and respect for the sovereignty of all nations; therefore, Nicaragua opposes all forms of discrimination and is anti-colonialist, anti-imperialist, and anti-racist. Nicaragua rejects the subordination of any state by another.

TITLE II—THE STATE

Chapter I

Art. 6 Nicaragua is an independent, free, sovereign, unitary and indivisible state.

Art. 7 Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

Art. 8 The people of Nicaragua are multiethnic and are an integral part of the Central American nation.

Art. 9 Nicaragua is a firm defender of Central American unity. It supports and promotes all efforts to achieve political and economic integration and cooperation in Central America. It also supports the efforts to establish and preserve peace in the region.

Nicaragua, inspired by the ideals of Bolivar and Sandino, strives for the unity of the people of Latin America and the Caribbean.

Consequently, Nicaragua will participate with other Central and Latin American countries in the creation and election of the bodies necessary to achieve such goals. This principle shall be regulated by appropriate legislation and treaties.

Art. 10 The national territory is located between the Atlantic and Pacific Oceans and the republics of Honduras and Costa Rica. It includes the adjacent islands and keys, soil and subsoil, territorial waters, continental platform, continental rise, airspace and stratosphere.

The precise boundaries of the national territory are defined by laws and treaties.

Art. 11 Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.

Art. 12 The city of Managua is the Capital of the Republic and the seat of government. In exceptional circumstances these can be established elsewhere in the nation.

Art. 13 The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that defines their characteristics and use.

Art. 14 The state has no official religion.

TITLE III—NICARAGUAN NATIONALITY

Chapter I

Art. 15 Nicaraguans are either nationals or nationalized.

Art. 16 Nationals are:

1. Those born in Nicaraguan territory, excepting children of foreigners in diplomatic service, children of foreign officials serving international organizations or those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality.
2. Children of a Nicaraguan father or mother.
3. Children born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for citizenship after reaching legal age or independence.
4. Infants of unknown parents found in Nicaragua, subject to correction in accordance with the law should their filial identity become known.
5. Children born to foreign parents on board a Nicaraguan aircraft or vessel, if and when they solicit Nicaraguan nationality.

Art. 17 Native born Central Americans who reside in Nicaragua have the right to apply for Nicaraguan nationality from the competent authorities without renouncing their previous nationality.

Art. 18 The National Assembly may grant nationality to foreigners deserving this merit by virtue of extraordinary service rendered to Nicaragua.

Art. 19 Foreigners who have renounced their nationality may be nationalized by applying to the competent authorities when they have fulfilled the requirements and conditions established by law.

Art. 20 No national may be deprived of nationality except upon voluntary acquisition of another; nor shall a national be deprived of Nicaraguan nationality because of having acquired that of another Central American country or any country with which Nicaragua has an agreement of dual nationality.

Art. 21 The granting, loss and recuperation of nationality shall be regulated by law.

TITLE IV—RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE

Chapter I.—Individual Rights

Art. 23 The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Art. 24 All persons have duties to their families, the community, the Homeland and humanity. The rights of each person are limited by the rights of others, the collective security and the just requirements of the common good.

Art. 25 All persons have the right to:

1. personal freedom;
2. security;
3. seek legal redress.

Art. 26 All persons have the right to:

1. privacy and the privacy of their family;
2. the inviolability of their home, correspondence and communications;
3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law.

The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons.

Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Art. 27 All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; foreigners may not intervene in the political affairs of the country.

The state respects and guarantees the rights recognized in this Constitution to all persons who are in Nicaraguan territory and subject to its jurisdiction.

Art. 28 Nicaraguans who are temporarily out of the country have the right to enjoy amparo[1] and protection by the state through its diplomatic representatives.

Art. 29 All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

Art. 30 Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Art. 31 Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country.

Art. 32 No one is obligated to do what is not required by law, or barred from doing what is not prohibited by law.

Art. 33 No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures. Therefore:

1. An individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.

2. All detained persons have the right to be:

2.1. Informed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings.

2.2. Brought before a competent legal authority within 72 hours.

3. No one shall be detained after a release order has been granted by the appropriate authority or once the sentence imposed has been completed.

4. The responsible authority shall be liable for any illegal detention.

5. The appropriate authorities shall attempt to maintain those awaiting trial apart from those who have been sentenced.

Art. 34 All those awaiting trial have equal rights to the following minimum guarantees:

1. To be presumed innocent until proven guilty according to the law.
2. To be tried without undue delay by a competent court established by law.
3. Not to be removed from the jurisdiction of a competent judge except in cases provided for in this Constitution or by law.
4. To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.
5. To be represented by a public defender when legal counsel has not been selected by the time of the first hearing, or in the event that no prior call was decreed. The accused shall have the right to communicate freely and in private with his or her legal counsel.
6. To have the assistance of an interpreter free of charge if they do not understand or speak the language used by the court.
7. Not to be obligated to testify against themselves or against a spouse or a partner in a stable de facto union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt.
8. To be found guilty or not guilty within the legal time period, by each of the relevant courts.
9. To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgment of conviction or acquittal has been issued.
10. Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for matters of the public order or national security.

Art. 35 Minor shall not be subjected to nor the object of judgment, nor shall they be submitted to any legal proceeding. Minors who violate the law cannot be taken to penal rehabilitation centers. They shall be attended in centers under the responsibility of a specialized institution, as provided by law.

Art. 36 All persons shall have the right to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punishable by law.

Art. 37 The penalty shall not extend beyond the accused. No sentence may independently or consecutively total more than thirty years.

Art. 38 The law is not retroactive except in penal matters that favor the accused.

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[1] In Nicaragua, "amparo" is a legal procedure used to seek review of administrative acts, similar to the writs of prohibition, mandamus and habeas corpus in the United States judicial system. It is originally a Mexican constitutional concept.

Art. 39 In Nicaragua the Penitentiary System is humane, its fundamental objective is to transform the detainee into a person capable of reintegration into the society. In the progressive stages, the Penitentiary System shall promote family unity, health care, educational and cultural advancement and productive occupation with financial compensation. Detention has a reeducational character. Women and men serving prison sentences shall be held in separate penal centers. Women shall be provided guards of the same sex.

Art. 40 No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.

Art. 41 No one shall be detained for indebtedness. This principle does not limit the powers of competent legal authorities to issue warrants for the non-fulfillment of support or alimony orders. All national and foreign citizens have the duty to pay their debts.

Art. 42 Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights. The granting of political asylum shall be determined by law in accordance with international agreements ratified by Nicaragua. If a political refugee or exile is expelled from Nicaragua, that person may not be sent back to the country in which he or she was persecuted.

Art. 43 Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion. Extradition for other common crimes is regulated by law and International Treaties. Nicaraguans shall not be extradited from Nicaragua.

Art. 44 Nicaraguans have the right to the personal property and necessary goods that are essential for the integral development of each person.

Art. 45 Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of habeas corpus or amparo,[2] according to the circumstances and the Law of Amparo.

Art. 46 All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights, and the full benefit of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Pact of Economic, Social and Cultural Rights and the International Pact of Civil and Political Rights of the United Nations; and the American Convention of Human Rights of the Organization of American States.

CHAPTER II.—POLITICAL RIGHTS

Art. 47 All Nicaraguans who have reached 16 years of age are full citizens.

All citizens enjoy the political rights set forth in the Constitution and in other laws, without limitations other than those established for reasons of age.

A citizen's rights may be suspended when serious corporal or specific related punishments are applied and when a final judgment of civil injunction is decreed.

Art. 48 Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women. It is the obligation of the state to remove obstacles that impede effective participation of Nicaraguans in the political, economic and social life of the country.

Art. 49 In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations in order to realize their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society.

Such organizations may be formed by the voluntary participation and free will of their members. They shall have a social function and may have a partisan character, according to their nature and objectives.

Art. 50 Citizens have the right to participate under equal condition in public affairs and in state management.

Effective participation by the people at local and national levels shall be guaranteed by law.

Art. 51 Citizens have the right to elect and be elected in periodic elections, and to vie for public office.

Art. 52 Citizens have the right, individually or collectively, to petition, to denounce irregularities and to make constructive criticisms to the branches of government or to any authority, and to obtain a quick resolution or response and to have the result made known within the time period established by law.

Art. 53 The right to peaceful assembly is recognized; the exercise of this right does not require prior permission.

Art. 54 The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Art. 55 Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power.

CHAPTER III.—SOCIAL RIGHTS

Art. 56 The state shall grant special attention in all of its programs to those who defend the dignity, honor and sovereignty of the nation, and to their families, as well as to the families of those fallen in defense of the nation, in accordance with the laws.

Art. 57 Nicaraguans have the right to work in keeping with human nature.

Art. 58 Nicaraguans have the right to education and culture.

Art. 59 Every Nicaraguan has an equal right to health care. The state shall establish the basic conditions for the promotion, protection, recuperation and rehabilitation of the health of the people.

The organization and direction of health care programs, services and activities is the responsibility of the state, which shall also promote popular participation in support of health care.

Citizens are obliged to respect stipulated sanitary measures.

Art. 60 Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.

Art. 61 The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.

Art. 62 The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.

Art. 63 It is the right of all Nicaraguans to be protected against hunger. The state shall promote programs which assure adequate availability and equitable distribution of food.

Art. 64 Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The state shall promote the fulfillment of this right.

Art. 65 Nicaraguans have the right to sports, physical education, relaxation and recreation. As part of their integral development, the state shall promote sports and physical education, through the organized and mass participation of the people and specific programs and projects.

Art. 66 Nicaraguans have the right to accurate information. This right includes the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.

Art. 67 The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.

Art. 68 The mass media is at the service of national interests. The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly.

The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.

Art. 69 All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV.—FAMILY RIGHTS

Art. 70 The family is the fundamental nucleus of society and has the right to protection by society and the state.

Art. 71 It is the right of Nicaraguans to form a family. The law shall regulate and protect this right.

Art. 72 Marriage and stable de facto unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Art. 73 Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Art. 74 The state grants special protection to the process of human reproduction.

Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

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[2] See footnote to Article 28.

Art. 75 All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.

Art. 76 The state shall promote programs and develop special centers for the care of minors; minors have the right to protection and education from their family, the society and the state, according to their needs.

Art. 77 The elderly have the right to protective measures from their family, society and the state.

Art. 78 The state shall protect responsible paternity and maternity and establish the right to investigate paternity and maternity.

Art. 79 The right of adoption based on the best interest of the child is established, as regulated by law.

CHAPTER V.—LABOR RIGHTS

Art. 80 Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation. The state shall strive for full and productive employment under conditions that guarantee the fundamental rights of the individual.

Art. 81 Workers have the right to participate in the management of their enterprises, through their organizations and in conformity with the law.

Art. 82 Workers have the right to working conditions that guarantee:

1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, social, gender or other reasons, which assures a standard of living compatible with human dignity.
2. Payment of legal tender in their work place.
3. Minimum wage and social security payment shall not be legally attached except for support of the family and only by the terms established by law.
4. Work conditions that guarantee physical safety, health and hygiene and minimize work hazards to guarantee the worker's occupational health and safety.
5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month bonus, in conformity with the law.
6. Work stability in conformity with the law and equal opportunity to be promoted, subject to length of service, capacity, efficiency and responsibility.
7. Social security for protection and subsistence in case of disability, old age, occupational hazards, illness or maternity; and for family members in case of death, according to the conditions established by law.

Art. 83 The right to strike is recognized.

Art. 84 Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic or social exploitation.

Art. 85 Workers have the right to cultural, scientific and technical development; the state shall facilitate this through special programs.

Art. 86 All Nicaraguans have the right to choose and exercise freely their profession or trade and to choose their place of work with no requirements other than requisite schooling and that the work serve a social purpose.

Art. 87 Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law.

No workers are obligated to belong to a particular union, nor to resign from the one to which they belong. Full union autonomy is recognized and the legal rights of organized labor are respected.

Art. 88 In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate with their employers, in conformity with the law:

1. Individual contracts;
2. Collective bargaining agreements.

CHAPTER VI.—RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

Art. 89 The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.

The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and to administer their local affairs according to their traditions.

The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.

Art. 90 The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.

Art. 91 The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

TITLE V.—NATIONAL DEFENSE

Chapter I

Art. 92 It is duty and right of Nicaraguans to struggle for the defense of life, Homeland, justice and peace for the full development of the nation.

Art. 93 The Nicaraguan people have the right to arm themselves in defense of their sovereignty, independence and revolutionary gains. It is the duty of the state to direct, organize and arm the people to guarantee this right.

Art. 94 The defense of the Homeland and the Revolution rests on the mobilization and organized participation of all the people in the struggle against their aggressors. The state shall promote mass incorporation of the people into the various structures and tasks of the country's defense.

Art. 95 The Sandinista Popular Army has a national character and must protect, respect and obey this Political Constitution.

The Sandinista Popular Army is the military arm of the people and direct descendant of the Army in Defense of National Sovereignty. The state prepares, organizes and directs popular participation in the armed defense of the Homeland through the Sandinista Popular Army.

No armed groups may exist in the national territory other than those established by the law, which shall regulate military organizational structure.

Art. 96 Nicaraguans have the duty to bear arms to defend the Homeland and the gains of the people against the threats and aggressions of a foreign country, or of forces directed or supported by any country. Patriotic Military Service is established in accordance with the terms of the law.

Art. 97 The struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people and the confrontation with criminal and anti-social actions are integral to the defense of the Revolution. The state creates the internal security forces, whose functions are determined by law.

TITLE VI.—NATIONAL ECONOMY, AGRARIAN REFORM AND PUBLIC FINANCES

Chapter I.—National Economy

Art. 98 The principal economic function of the state is to promote the country's material development, overcome the inherited backwardness and dependence of the economy, improve the country's standard of living and create a more just distribution of wealth.

Art. 99 The state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress.

The Central Bank, the National Financial System, Insurance and Foreign Commerce, instruments of the economic system, are irrevocable responsibilities of the state.

Art. 100 The state shall promulgate a Foreign Investment Law that contributes to the socio-economic development of the country, without damaging national sovereignty.

Art. 101 Workers and other productive sectors have the right to participate in the creation, execution and control of economic plans.

Art. 102 Natural resources are national patrimony. Preservation of the environment, and conservation, development and rational exploitation of natural resources are responsibilities of the state; the state may formalize contracts for the rational exploitation of these resources when required by the national interest.

Art. 103 The state guarantees the democratic coexistence of public, private, cooperative, associative and communal property; all these form parts of the mixed economy, are subject to the overriding interests of the nation and fulfill a social function.

Art. 104 Enterprises organized under any of the forms of ownership established in this Constitution enjoy equality before the law and the economic policies of the state. The economic plans of enterprises must be prepared with the participation of the workers. Free economic initiative exists.

Art. 105 The state is obligated to fairly and rationally regulate the supply and distribution of basic consumer goods, both in the countryside and in the cities. Speculation and hoarding are incompatible with the socio-economic system and constitute serious crimes against the people.

Chapter II.—Agrarian Reform

Art. 106 Agrarian reform is the fundamental instrument for achieving a just distribution of land and an effective means for revolutionary transformation, national development and the social progress of Nicaragua. The state guarantees the social progress of Nicaragua. The state guarantees the development of the agrarian reform program, to fulfill the historic demands of the peasants.

Art. 107 Agrarian reform shall abolish landed estates, rentism, inefficient production and the exploitation of peasants. It shall promote forms of ownership compatible with the economic and social objectives of the nation, as established in this Constitution.

Art. 108 Land ownership is guaranteed to all those who productively and efficiently work their land. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of agrarian reform.

Art. 109 The state shall promote the voluntary association of peasants in agricultural cooperatives, without sexual discrimination. Subject to resources, it shall provide the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

Art. 110 The state shall promote the voluntary incorporation of small and medium scale agricultural producers, both individually and in associations, into the economic and social development plans of the country.

Art. 111 The peasants and other productive sectors have the right to participate, through their own organizations, in establishing the policies of agrarian transformation.

Chapter III.—Public Finances

Art. 112 The annual General Budget of the Republic shall regulate public income and expenditure. The Budget must show the distinct sources and recipients of income and expenditure, which must balance, and shall determine the spending limits of the state institutions. Extraordinary spending may only be authorized by law and financed through the simultaneous creation and assignment of resources.

Art. 113 The Budget shall be prepared by the President of the Republic and approved by the National Assembly in the Annual Budget Law, in conformity with this Constitution and the law.

Art. 114 The taxation system must take into consideration the distribution of wealth and income, as well as the needs of the state.

Art. 115 Taxes must be created by laws that establishes their frequency and type and the rights of taxpayers. The state shall not require payment of taxes that have not been previously established by law.

TITLE VII.—EDUCATION AND CULTURE

Chapter I

Art. 116 Education seeks the full and integral development of Nicaraguans; to stimulate them with a critical, scientific and humanist way of thinking; to develop their personality and sense of dignity and to prepare them to assume the tasks of common interest necessary for the progress of the nation. Therefore, education is fundamental to the transformation and development of the individual and society.

Art. 117 Education is a single, democratic, creative and participatory process, which promotes scientific research and links theory with practice and manual with intellectual labor. It is based on our national values; on the knowledge of our history and reality and of national and universal culture; and on scientific and technological advances; it cultivates the values of the new Nicaragua in accord with the principles established in this Constitution, the study of which must be promoted.

Art. 118 The state promotes the participation of the family, community and individuals in education and guarantees the support of the public means of communication for this purpose.

Art. 119 Education is an unrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with the national plans. Its organization and functioning are determined by law.

It is the duty of the state to develop and train the technical and professional personnel at all levels and disciplines necessary for the development and transformation of the country.

Art. 120 The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to living and working conditions in accord with their dignity and with the important social function that they perform; they shall be promoted and given incentives in accord with the law.

Art. 121 All Nicaraguans have free and equal access to education. Basic education is free of charge and obligatory. The Communities of the Atlantic Coast have access in their region to education in their native language up to the levels set by national plans and programs.

Art. 122 Adults shall be offered educational opportunities and training programs. The state shall continue its programs to eradicate illiteracy.

Art. 123 Private education centers may function at all levels, subject to the terms established in this Constitution.

Art. 124 Education in Nicaragua is secular. The state recognizes the right of private educational centers with a religious orientation to teach religion as an extracurricular subject.

Art. 125 Higher education enjoys financial, organic and administrative autonomy in accordance with the law. Academic freedom is recognized. The state promotes free creation, research and dissemination of the sciences, arts and letters.

Art. 126 It is the duty of the state to promote the recovery, development and strengthening of national culture, sustained by creative popular participation.

The state shall support national culture in all its diversity, whether collective or individual.

Art. 127 Artistic and cultural creation is completely unrestricted. Cultural workers have full freedom to choose their forms and styles of expression. The state shall strive to provide them with the means necessary to create and present their works, and to protect their rights of authorship.

Art. 128 The state protects the archeological, historical, linguistic, cultural and artistic patrimony of the nation.

TITLE VIII.—ORGANIZATION OF THE STATE

Chapter I.—General Principles

Art. 129 The Legislative, Executive, Judicial and Electoral branches of government are independent of one another and coordinate harmoniously, subject only to the overriding national interest and to the provisions established in this Constitution.

Art. 130 No office holder may exercise functions other than those conferred upon the office by the Constitution and the laws.

All state officials must declare their financial status before assuming and upon leaving public office, as regulated by law.

Art. 131 Elected and appointed officials of the four branches of government are publicly accountable for the proper fulfillment of their duties and must inform the public of their work and official activities. They must be receptive to problems presented by the people and strive to resolve them. Official duties must be exercised in the public interest. All officials must efficiently and honestly carry out their duties; they shall be responsible for their acts and omissions. Civil service shall be regulated by law.

Chapter II.—Legislative Branch

Art. 132 The National Assembly exercises legislative power through representative popular mandate. The National Assembly is composed of ninety Representatives with their respective Alternates, elected by universal suffrage; equal, free and direct elections, and secret ballot in regional districts by means of a proportional representation system, as regulated by the Electoral Law. The number of Representatives may be increased in accord with the general census of the population in conformity with the law.

Art. 133 Unelected Presidential and Vice Presidential candidates who participated in the election also form part of the National Assembly as Representatives and Alternates respectively if they have received a number of votes equal or superior to the average number of votes necessary to win the election in each regional electoral district.

Art. 134 A Representative in the National Assembly must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-one years of age.

Art. 135 No Representative to the National Assembly may obtain any concessions from the state or be the proxy or agent of public, private or foreign enterprises which have contracts with the state. Violation of this provision annuls the concessions or advantages obtained and terminates the person's representative status.

Art. 136 Representatives to the National Assembly shall be elected for a period of six years, starting from the date of inauguration, which shall be the ninth of January of the year following the election.

Art. 137 Representatives and Alternates elected to the National Assembly shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

Art. 138 The functions of the National Assembly are to:

1. Draft and approve laws and decrees, as well as amend or repeal existing ones;
2. Officially interpret the law;
3. Decree amnesty and pardons, as well as commute or reduce sentences.
4. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the state, and Presidents or Directors of autonomous and governmental institutions. Request by the same means their personal appearance and explanation or consultation.
5. Grant and cancel legal status to entities of a civil or religious nature.
6. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by law.
7. Elect Judges to the Supreme Court of Justice, and Members and their Alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic.
8. Elect the Controller General of the Republic from a slate of three candidates proposed by the President of the Republic.
9. Consider, acknowledge and decide on the resignations or permanent absences of Representatives to the National Assembly.
10. Consider and acknowledge the resignations or dismissals of Judges of the Supreme

Court of Justice, of Members of the Supreme Electoral Council or the Controller General of the Republic.

11. Ratify or reject international treaties.

12. Regulate all matters related to symbols of the nation.

13. Create honorary orders and distinctions of national character.

14. Create and grant its own orders of national character.

15. Receive the President or the Vice President of the Republic in formal session to hear the annual report.

16. Delegate the legislative faculties to the President of the Republic when the National Assembly is in recess, in accord with the Annual Decree of Delegating Legislative Functions. Matters relating to the codes of the Republic are excepted.

17. Elect the National Assembly's Executive Board.

18. Create permanent, special and research committees.

19. Propose grace pensions and grant honors for distinguished service to the Homeland and to humanity.

20. Determine the political and administrative division of the country.

21. Consider the nation's economic and social development plans and policies.

22. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic.

23. Authorize foreign visits of the President of the Republic which last longer than one month.

24. Review and resolve complaints presented against officials who enjoy immunity.

25. Decree the General Statute and Internal Rules of the National Assembly.

26. Fulfill other functions conferred by the Constititution and the laws.

Art. 139 Representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity in conformity with the law.

Art. 140 Representatives to the National Assembly and the President of the Republic may initiate bills, as may the Supreme Court of Justice and the Supreme Electoral Council in matters pertaining to their respective jurisdictions. This right of initiative shall be regulated by the General Statute and Internal Rules of the National Assembly.

Art. 141 Quorum for sessions of the National Assembly is half the number of its members plus one. To be approved, bills shall require a favorable vote by a simple majority of the Representatives present.

Once a bill is approved, it shall be sent to the President of the Republic for authorization, promulgation and publication.

Art. 142 The President of the Republic may partially or totally veto a bill within 15 days after receiving it. If the President does not veto the bill, and fails to authorize, promulgate and publish it, the President of the National Assembly shall order the law to be published.

Art. 143 A bill partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the reasons for the veto specified. The National Assembly can reject the veto with a vote of half its Representatives plus one, in which case the President of the National Assembly shall order the law to be published.

Chapter III.—Executive Branch

Art. 144 The President of the Republic, who is the Head of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation, exercises executive power.

Art. 145 The Vice President of the Republic carries out the functions delegated by the President and shall substitute in that position during the President's temporary or permanent absence.

Art. 146 The election of the President and Vice President of the Republic is by equal, direct, free universal suffrage in secret ballot. The Candidates who receive the largest number of votes will be elected.

Art. 147 The President and Vice President of the Republic must be:

1. Nicaraguan nationals;
2. In full enjoyment of civil and political rights.
3. Over twenty-five years of age.

Art. 148 The President and Vice President shall exercise their functions for a period of six years, starting from their inauguration on January 10 of the year following the election; they shall enjoy immunity during their term of office.

Art. 149 In case of the temporary absence of the President of the Republic, the Vice President shall assume the Presidential functions. When the absence is permanent, the Vice President shall assume the position of the President of the Republic for the remainder of the term and the National Assembly must elect a new Vice President.

In case of the temporary and simultaneous absence of the President and Vice President, the President of the National Assembly, or whoever is serving in that position in accord with the law, shall assume the functions of the President. In case of the permanent absence of the Vice President of the Republic, the National Assembly shall appoint a substitute.

If the President and Vice President of the Republic are permanently absent, the President of the National Assembly or whoever is next in order of succession under law shall assume the functions of the President. The National Assembly must appoint substitutes for the President and Vice President within seventy-two hours after their positions have become vacant. Those appointed shall exercise their functions for the remainder of the term.

Art. 150 The functions of the President of the Republic are to:

1. Comply with and enforce the Political Constitution and the laws.

2. Represent the nation.

3. Initiate legislation and exercise the right to veto, in accordance with this Constitution.

4. Enact executive decrees with the force of law in fiscal and administrative matters.

5. Prepare the General Budget of the Republic and promulgate it upon approval or review by the National Assembly, depending on the case.

6. Appoint and remove Ministers and Vice Ministers of State, Delegate Ministers of the Presidency, Presidents or Directors of autonomous and governmental institutions and other officials whose appointment or removal is not otherwise determined in the Constitution and the laws.

7. Assume the legislative faculties delegated by the National Assembly during its recess period.

8. Conduct the international relations of the Republic, formalize international treaties, agreements or accords and appoint the heads of diplomatic missions.

9. Decree and put into effect the State of Emergency in circumstances defined by this Political Constitution and forward the decree to the National Assembly for ratification within a period of no more than forty-five days.

10. Adopt regulations to give effect to the laws.

11. Grant honorary orders and decorations of a national character.

12. Organize and conduct the government and preside over Cabinet meetings.

13. Administer the economy of the country and determine socio-economic policies and programs.

14. Propose slates of three candidates to the National Assembly for the election of Judges to the Supreme Court of Justice, Members to the Supreme Electoral Council and the Controller General of the Republic.

15. Present the annual report and other reports and special messages to the National Assembly personally or via the Vice President.

16. Fulfill the other functions conferred by this Constitution and the laws.

Art. 151 The President of the Republic determines the number, organization and jurisdiction of the government ministries and autonomous and state institutions. The ministers, vice ministers and presidents or directors of autonomous and governmental institutions enjoy immunity.

Art. 152 Ministers, vice ministers or presidents of autonomous or governmental institutions must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art. 153 Ministers, vice ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with this Constitution and the laws.

Chapter IV.—Office of the Controller General of the Republic

Art. 154 The Office of the Controller General of the Republic is the governing body which controls public administration and the "Area of People's Property" (public property).

Art. 155 The Controller General of the Republic has the following responsibilities:

1. The establishment of a system which controls the proper use and prevents abuses of funds.

2. Ongoing supervision of the management of the General Budget of the Republic.

3. Control, examination and evaluation of the administrative and financial management of public institutions, those subsidized by the state and the public or private enterprises which receive investments of public capital.

Art. 156 The Office of the Controller General of the Republic shall enjoy functional and administrative autonomy and shall be directed by the Controller General of the Republic, who shall give annual reports to the National Assembly and enjoy immunity.

Art. 157 The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

Chapter V.—Judicial Branch

Art. 158 Justice emanates from the people and shall be carried out in their name as their proxy by the Judicial Branch, composed of the Courts of Justice established by law.

Art. 159 The Courts of Justice form a single system, headed by the Supreme Court of Justice.

The exercise of judicial powers falls under the authority of the Judicial Branch. Military jurisdiction is established, and its exercise is regulated by law.

Art. 160 The administration of justice guarantees the principle of legality and protects and promotes human rights through the application of law in the matters within its jurisdiction.

Art. 161 A Judge of the Supreme Court of Justice must be:

1. A Nicaraguan national;
2. A lawyer;
3. In full enjoyment of political and civil rights;
4. Over twenty-five years of age.

Art. 162 Judges shall serve for a term of six years and may be dismissed from their position only for reasons determined by law.

Judges enjoy immunity.

Art. 163 The Supreme Court of Justice shall be composed of at least seven Judges, selected by the National Assembly, from slates of three candidates proposed by the Persident of the Republic.

The Judges shall take office after being sworn in before the National Assembly.

The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among the Judges selected by the National Assembly.

Art. 164 The functions of the Supreme Court of Justice are to:

1. Organize and direct the administration of justice;
2. Review and decide ordinary and extraordinary appeals presented against the judgments of the Courts of Justice of the Republic, in accord with the proceedings established by law;
3. Review and decide on writs of amparo[3] claiming violations of rights established in the Constitution, according to the Law of Amparo.
4. Review and decide on writs challenging the constitutionality of a law, filed in conformity with the Constitution and the Law of Amparo.
5. Appoint the Judges of the Appeals Courts and the Courts of the Republic, in accord with the procedures established by law.
6. Draft its internal rules and appoint its personnel.
7. Fulfill other functions conferred on it by the Constitution and the laws.

Art. 165 In their judicial activity Supreme Court Judges and other Judges are independent and are subject only to the Constitution and the law; they shall be governed by, among others, the principles of equality, public proceedings and the right to a defense. In Nicaragua justice is free of charge.

Art. 166 The administration of justice shall be organized and shall function with popular participation as determined by the law. The members of the Courts of Justice, be they lawyers or not, have equal authority in the exercise of their legal functions.

Art. 167 State authorities, organizations and legal institutions and individuals must comply with the verdicts and resolutions of the Courts and Judges.

Chapter VI.—Electoral Branch

Art. 168 The organization, management and oversight of elections, plebiscites and referendums are the exclusive responsibility of the Electoral Branch.

Art. 169 The Electoral Branch is composed of the Supreme Electoral Council and other, subordinate electoral bodies.

Art. 170 The Supreme Electoral Council is composed of five Members with their respective Alternates, elected by the National Assembly from slates of three candidates for each position proposed by the President of the Republic. The National Assembly shall select the President of the Supreme Electoral Council from the elected Members.

Art. 171 The Judges of the Supreme Electoral Council must be:

1. Nicaraguan nationals;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art. 172 The President and other Members of the Supreme Electoral Council shall exercise their functions for a term of six years starting from the date on which they take office; during this period they enjoy immunity.

Art. 173 The functions of the Supreme Electoral Council are to:

1. Organize and conduct the elections, plebiscites or referendums convoked in accordance with the Constitution and the law.
2. Appoint the members of the other electoral bodies, in accordance with the Electoral Law.
3. Establish the calendar for elections.
4. Apply the constitutional and legal provisions that refer to the electoral process.
5. Serve as the final arbiter of resolutions enacted by subordinate electoral bodies and of the claims and disputes presented by political parties.
6. Issue relevant measures in accordance with the law to ensure that the electoral process develops under conditions of full legal guarantees.
7. Ensure that the appropriate bodies provide security for the political parties participating in the elections.
8. Make the final check of the votes cast in the elections, plebiscites and referendums, and present the final declaration of the results.
9. Draft its own regulations.
10. Fulfill other functions conferred on it by the Constitution and the laws.

Art. 174 The Members and alternates of the Supreme Electoral Council shall take office after being sworn in by the President of the National Assembly.

TITLE IX.—POLITICAL ADMINISTRATIVE DIVISION

Chapter I.—Municipalities

Art. 175 The national territory shall be divided for administrative purposes into Regions, Departments and Municipalities. The laws regarding this matter shall determine the size, number, organization, structure and operation of the various districts.

Art. 176 The Municipality is the basic unit of political administration in the country. The law shall determine their number and size.

Art. 177 The government and administration of municipalities is the responsibility of the municipal authorities, who enjoy autonomy without abrogating the authority of the central government.

Municipal governments shall be elected by the people through equal, direct, free and universal suffrage in secret ballot, in conformity with the law.

Art. 178 Municipal authorities shall serve six-year terms, beginning from the day they are sworn in before the Supreme Electoral Council.

Art. 179 The state shall promote the integral and harmonious development of the diverse parts of the nation.

Chapter II.—Communities of the Atlantic Coast

Art. 180 The Communities of the Atlantic Coast have the right to live and develop under the forms of social organization that correspond to their historic and cultural traditions.

The state guarantees these communities the benefits of their natural resources, the legitimacy of their forms of communal property and the free election of their authorities and representatives.

Furthermore, it guarantees the preservation of their cultures and languages, religion and customs.

Art. 181 The state shall implement a law which establishes autonomous governments in the regions inhabited by the Communities of the Atlantic Coast to guarantee the exercise of their rights.

TITLE X.—SUPREMACY OF THE CONSTITUTION, ITS REFORM, AND CONSTITUTIONAL LAWS

Chapter I.—Political Constitution

Art. 182 The Political Constitution is the fundamental charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall be null and void.

Art. 183 No branch of government, governmental body or official shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

Art. 184 Once written, the Electoral Law, Emergency Law and Law of Amparo will have constitutional status under the Political Constitution of Nicaragua.

Art. 185 The President of the Republic may suspend the rights and guarantees consecrated in this Constitution within part or all of the nation in case of war or when demanded by national security, economic conditions or a national catastrophe.

The President's decree shall put the State of Emergency into effect for a specified renewable time period. The Law of Emergency shall regulate its forms. During a State of Emergency, the President of the Republic is authorized to approve the General Budget of the Republic and forward it to the National Assembly for its review.

Art. 186 The President of the Republic can not suspend the rights and guarantees established in articles 23; 24; 25, no. 3; 26, no. 3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67, first paragraph; 68, first paragraph; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

Chapter II.—Constitutional Control

Art. 187 Any citizen has the right to seek judicial review of the constitutionality of any law, decree or regulation that is inconsistent with the Political Constitution.

Art. 188 The Writ of Amparo may be used to challenge any provision, act or resolution and any action or omission of any official or authority or his or her agent violating or attempting to violate the rights and guarantees affirmed in the Political Constitution.

Art. 189 The Writ of Habeas Corpus may be used by anyone whose freedom, physical integrity or security is violated or is in danger of being violated.

Art. 190 The Law of Amparo shall regulate the remedies established in this chapter.

Chapter III.—Constitutional Amendment

Art. 191 The National Assembly is empowered to partially amend this Political

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[3] See footnote to Article 28.

Constitution and to review and approve its total revision.

The President of the Republic or one-third of the Representatives to the National Assembly can initiate a partial reform.

Half of the total number of Representatives to the National Assembly plus one are necessary to initiate a total reform.

Art. 192 A proposal for partial reform must specify the article or articles to be reformed with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall render an opinion within no more than 60 days; the initiative shall then follow the same process as for the creation of a law.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

Art. 193 A proposal for total reform shall follow the same process as in the previous article, except that upon its approval, the National Assembly shall establish a time period for holding elections for a Constituent National Assembly. The National Assembly shall retain jurisdiction until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

Art. 194 Approval of a partial reform shall require a favorable vote by sixty percent of the Representatives. Two-thirds of the total number of Representatives are required to approve a total revision. The President of the Republic must promulgate the partial amendment, which is not subject to veto.

Art. 195 The reform of constitutional laws shall follow the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

TITLE XI.—FINAL AND TRANSITIONAL PROVISIONS

Art. 196 This Constitution shall govern from the time of its publication in La Gaceta, the official daily legal publication, and shall annul the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.

Art. 197 This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the Communities of the Atlantic Coast.

Art. 198 All aspects of the existing legal order that do not contradict this Constitution shall remain in effect, until such time as they may be modified.

Art. 199 The Special Courts shall continue to function until such time as they come under the jurisdiction of the Judicial Branch. The appointment of their members and their procedures shall be determined by the laws that established them.

Furthermore, the Common Courts shall continue to function in their present form, until a system with popular representation is established. This principle shall be implemented gradually in accord with the circumstances.

Art. 200 The current political administrative division shall be preserved until the law governing it is promulgated.

Art. 201 The President and Vice President of the Republic and the Representatives to the National Assembly, elected November 4, 1984, shall exercise their functions during the term that ends January 10 and 9, 1991, respectively.

The members of the Supreme Court of Justice and the Supreme Electoral Council and other authorities and officials of the diverse branches of government shall continue to exercise their functions until such time as their successors take office in accordance with the Constitution.

Art. 202 Four official copies of this Constitution shall be signed by the President and Representatives to the National Assembly and by the President of the Republic. These copies shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council. Each one shall have the force of the authentic text of the Political Constitution of Nicaragua. The President of the Republic shall cause it to be published in La Gaceta, the official daily publication.

Mr. SANFORD. Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE ANTHONY M. KENNEDY

Mr. REID. Mr. President, I rise today to speak in favor of the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy has distinguished himself throughout his educational and professional life. He excelled as an undergraduate student at Stanford University, and, in his senior year, attended the London School of Economics. Judge Kennedy went on to Harvard Law School and then into the private practice of law. In 1975, President Ford appointed Judge Kennedy to the Federal Appeals Court for the Ninth Circuit where he continues to serve with distinction. I take a special interest in the ninth circuity as its jurisdiction encompasses the great State of Nevada.

Throughout his life, Anthony Kennedy has demonstrated a consistent pattern of measured reason and devotion to scholarship. Indeed, the more I have learned about Anthony Kennedy, the more I have become convinced that he is a living example of what we call judicial temperament. I admire this quality, and I respect Judge Kennedy's flexible but cautious manner, his conservative approach to the law, his advocacy of judicial restraint, and his deference to well-founded legal precedent.

When the American Bar Association's judicial evaluations committee unanimously gave its top rating to Judge Kennedy, the committee stated that its "investigations reveal that Judge Kennedy's integrity is beyond reproach, [and] that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work." Such high praise is impressive.

Mr. President, I have just spoken about some of Judge Kennedy's qualifications, but I want to take a few minutes this day to talk about one qualification in particular, and that is Judge Kennedy's role as a teacher.

Jim Hardesty, a prominent Reno attorney and a man I have known for many years, knew Judge Kennedy personally. For over 22 years, Judge Kennedy taught constitutional law at McGeorge Law School, University of the Pacific, and Hardesty had been a student of Judge Kennedy. Hardesty told me what an outstanding teacher Judge Kennedy was; and that in all the years he had been in school, he had never had a teacher as good as Anthony Kennedy.

Indeed, many former students of Judge Kennedy who are now members of the Nevada legal community contacted me to praise Judge Kennedy and his teaching abilities. His former students spoke in glowing terms of the great contribution he made to their education and of the profound impact he had on their development as attorneys.

Among the people who spoke highly of Judge Kennedy are such prominent members of the Nevada legal community as: U.S. Attorney Donald Calvin Hill, Nye County District Attorney Philip Dunleavy, U.S. Attorney William Maddox, and Clark County Deputy District Attorney Tom Moreo.

Mr. President, other than my wife and I, I think the people who have had the most influence upon the lives of my five children have been their teachers. So when I hear somebody tell me that a person is an excellent teacher, I think of my children and what an impact teachers have had on their lives. In fact, I can still look back at the teachers who have been important in my life.

I know that all the qualifications I outlined initially in my remarks today to this body are of primary importance. It is important that someone who is going to be a Justice of the U.S. Supreme Court is one who is qualified academically, and certainly Judge Kennedy is.

It is important that someone who will serve on the Supreme Court is a person of temperament, judicial temperament, and certainly Judge Kennedy is.

These are qualities that we need on the bench. But, in addition, I am extremely impressed by the fact that person after person told me that Judge Kennedy is an exemplary teacher. I think that says a lot for an individual.

After all, teaching is part of what the Supreme Court is about. Justices write opinions, in a collegial atmosphere, and those opinions are taken into the courtrooms and classrooms of this country for years to come. These opinions serve to teach all of us what the law is.

Mr. President, I look forward to next Wednesday: casting a vote for Judge Kennedy to be an Associate Justice of the U.S. Supreme Court will be a great pleasure.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. BREAUX). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the 10-minute limitation not apply to me in this instance with the understanding that if another Senator wishes to speak I will yield the floor for that purpose in which case I ask unanimous consent also that there be no interruption of my speech in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

UNITED STATES SENATE

RICHARD BREVARD RUSSELL

(1897-1971)

Mr. **BYRD**. Mr. President, in my continuing series of addresses on the history of the United States, I have focused from time to time on individual senators who have left their mark on this institution. One such senator is Richard Brevard Russell, Jr., of Georgia. In 1972, I initiated legislation that provided for naming the original Senate office building in his honor. Today, the thousands of people who work on Capitol Hill know his name, but only a few know his legacy.

In preparing these remarks, I have had the good fortune to be ably assisted by Dr. Gilbert Fite. Dr. Fite served from 1976 to 1986 as the first Richard B. Russell professor of American history at the University of Georgia. From 1945 to 1971, he was a member of the history faculty at the University of Oklahoma, and, from 1971 to 1976, he served as president of Eastern Illinois University. Dr. Fite's research interests are reflected in the professional associations of which he has been president. They include the Western History Association, the Southern Historical Association, and the Agricultural History Society. This distinguished scholar is currently completing a full scale biography of Senator Russell.

Richard B. Russell was one of the nation's leading statesmen in twentieth century America. A true son of the South, he served in the United States Senate from January 12, 1933, until his death on January 21, 1971, some thirty-eight years later. During that period, he worked with six presidents, and, from the 1940's when he emerged as a leader in the Senate, he played a major role in national policy-making. His career spanned epochal events, including the Great Depression, World War II, the introduction of nuclear power, the Korean and Vietnam wars, the battle for civil rights, expansion of federal powers and responsibilities and a host of other major developments. His mark can be found on most of the great questions that faced the country during his terms in Washington.

In 1963, a reporter for *Newsweek* magazine wrote that Senator Russell is "a courtly, soft-spoken, cultural patrician, whose aides and associates treat him with deferential awe. Modest, even shy, in manner, devastatingly skilled in debate, he has a brilliant mind, encyclopedic learning, unrivaled access to pressure points of senatorial power and a gift for using them. He is a senator's senator, the head of the Senate establishment, the most influential member of the United States Senate." Who was this man who had won such respect and power? What manner of man was he?

Russell was born in the small town of Winder, Georgia, some forty miles northeast of Atlanta, on November 2, 1897. He was the fourth child and first son of thirteen living children of Judge Richard B. Russell and Ina Dillard Russell. He was born into a distinguished and well educated family whose roots went back to colonial times. His Russell ancestors had lived in South Carolina and Georgia for several generations and were successful planters and businessmen. Russell's grandmother, Rebecca Harriette Brumby, had descended from the Brumbys and the Brevards, two prominent South Carolina and North Carolina families. On both sides, it was a family of modest wealth and prestige.

Richard Brevard Russell, the senator's father, was born at Marietta, Georgia in 1859. He attended the University of Georgia, receiving a law degree in 1880. He practiced law in Athens, was elected to the Georgia house of representatives in 1882 where he served for six years, and, in 1888, he was elected solicitor general of the western circuits of Georgia. He held that position until January 1, 1899, when he became judge of the superior court of the western judicial circuit.

Judge Russell was an intensely ambitious man. In 1904, he made an unsuccessful race for chief justice of the Georgia supreme court, and, two years later, he entered the campaign for governor against the prominent Hoke Smith, a contest in which he was decisively defeated. In 1911, Russell failed again in a race for the governorship, and had no better success when he ran for Congress in 1916. In 1922, however, he won a campaign for chief justice of the Georgia supreme court, a position that he held until his death in 1938.

Young Richard B. Russell, Jr., then, grew up in a large family that was prominent and widely known throughout the state. Also, it was a family that expected the children to achieve. Judge Russell believed deeply in at least three things—education, hard work, and personal ambition. Moreover, he had special ambitions for his first son and namesake. Both Judge and Mrs. Russell planned for, and expected, their eldest son to become a leader in some field, preferably public service.

To help achieve that goal, the Russells sent young Dick to Gordon Military Institute at Barnesville, Georgia. This was considered the best secondary school in the state, and one of the top such institutions in the South. It attracted the sons from many of Georgia's leading families, and Judge Russell believed that the contacts Dick made there among his fellow students would be helpful later in a political career. So, in September 1911, young Dick, at age thirteen, was off to Gordon.

Although he possessed high native intelligence, Dick did not take his school work very seriously. He was much more attracted to the social life, both on and off campus. Despite intense urgings from his father and mother to study hard, he so neglected his studies that he nearly flunked out of school. Judge Russell, hoping to stimulate his son by appealing to family pride, once wrote: "you carry my name, and I want you to carry it higher than I have done or can do in my few remaining years."[1] Such fatherly urgings, however, were largely in vain.

At the end of his sophomore year, Dick had passed all of his courses except Latin. Believing that a different environment might help his son, Judge Russell decided to send Dick to the Seventh District A&M School near Marietta. There, the curriculum was less rigorous and students had to work for part of their expenses. Dick's father believed that a work schedule might provide the discipline needed to do better academic work. During that year, Dick did improve in his studies, and, after making up his failed Latin course at a University of Georgia summer session, he returned to Gordon and graduated with his class in May 1915. It was a close call, howev-

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Footnotes at end of article.

er, whether he would meet the requirements for graduation. He declared years later that "more through grace and pity than through knowledge," his teacher had given him a passing mark in calculus.[2] Up to that time, Dick had clearly failed to meet his parents' expectations in his school work. However, just as his father had planned, he had made many friends who later were important in his rise to political power in Georgia.

In September 1915, Dick entered the University of Georgia Law School in Athens some twenty miles east of his home in Winder. While he continued to be active socially, courting several young ladies, joining the Sigma Alpha Epsilon fraternity, and going to many parties and dances, Dick finally began to take his studies seriously. He did well in his law courses. Even though he was seriously ill and out of school in part of 1916, he received his law degree in 1918. Shortly after graduation, and only months before the Armistice, he signed up for duty in the navy. He did not leave Georgia during his seventy-nine days of service. However, he was proud of his service and joined, and became an active member in, the American Legion.

One of Dick Russell's life-long interests was the reading and study of history. He was an avid reader in many fields, but history was his favorite subject. As early as age nine, he recorded in his boyhood diary that he liked to read American history as well as the history of other countries. Early in 1907, he wrote that he had just completed reading a book on the recent war between Japan and Russia. He also liked adventure stories. But his paramount interest was the history of the Civil War, and, over the years, he became an authority on all aspects of that bloody conflict. Moreover, Russell believed that history had lessons for those who would learn from it, and considered it useful in policy-making decisions. "Look to the past as a means of weighing the present and the future," he said in 1954.

After being discharged from military service in December 1918, Russell returned home to Winder, moved in with his parents, and joined his father in the practice of law. A small town law business, however, failed to satisfy the growing ambitions of this popular young man. In 1920, he decided to run for the Georgia house of representatives. Entering the campaign against a veteran legislator, Russell went from house to house seeking political support. He defeated his opponent nearly two to one.[3] When he took his seat in the general assembly in 1921, he was twenty-three years old and one of the youngest men ever to serve in the Georgia legislature.

In Atlanta, Russell quickly became aligned with a group of so-called "young turks" who were trying to reduce the control of special interests in state government, and advance a more progressive program. This group strongly favored improving the state's public education and building hard-surfaced highways. Education and good roads, Russell said, were the twin pathways to progesss and modernization. On most issues, Russell was moderately progressive.

Early in his political career, Russell developed the tactics and techniques that served him well throughout his half-century of leadership. He carefully cultivated key people who would support him, many of whom were his former classmates at Gordon Military Institute and the University of Georgia. Secondly, he made it a point to know all the rules, regulations, and traditions of the legislature, and, later, of the United States Senate. Knowledge, Russell rightly believed, was power, and he usually had more information than most other legislators. He also had a knack for political strategy, and he paid close attention to the interests of other legislators. Russell was also skillful in identifying the popular issues of the day and making them his own. Furthermore, he early developed the practice of working behind the scenes where he could arrange compromises that satisfied conflicting interests. Finally, he believed that a political leader must be absolutely honest, straightforward, and fair to all people and points of view.

Working on these principles, Russell, despite his youth, advanced rapidly in the Georgia house of representatives. In 1924, with the support of the younger and more progressive crowd, he was elected speaker pro tem. In 1927, he was unanimously elected speaker of the house, and he was reelected in 1929. During his ten years in the general assembly, four of them as speaker of the house, he worked hard to improve education and to build more and better highways. He insisted on a fiscally responsible, pay-as-you-go policy to fund these programs. Russell also became a strong backer of reorganizing the state government in order to achieve greater efficiency.

By 1930, at age thirty-two, Russell was emerging as one of Georgia's major political leaders. He was especially popular among legislators and ordinary people who believed that state government had been operated too much on behalf of the special interest. In April 1930, he announced that he would run for governor on a platform of putting state government on a "business basis" and promising that he would head "an honest and economical administration." Initially, veteran politicians did not think that this young upstart had any chance in a field of seasoned candidates. However, Russell canvassed the state from one end to the other, visiting thousands of voters in their homes and at village crossroads. In this grassroots campaign, Russell presented himself as the peoples' candidate and sharply attacked the special interests. Russell was an excellent speaker and debater. He devastated his opponents with superior knowledge, logic, common sense, and, when necessary, with ridicule and wit. Georgians responded to Russell's call for honesty, efficiency, and fairness in government, and elected him by the overwhelming vote of 99,505 to 47,157 for his opponent.

Russell took this oath as governor in June 1931, during the depth of the Great Depression. In his inaugural address, he promised to balance the state budget and to liquidate Georgia's debts. He emphasized that even the poorest students, especially rural youth, must be given the opportunity for an education, and that a state-funded highway system must be developed. He also stressed the need for governmental reorganization. During the eighteen months that Russell served as governor, his greatest achievement was reorganization of Georgia's government. Over one hundred boards, commissions, and departments were consolidated into eighteen new state agencies. One of the most successful examples of that reorganization was the establishment of the University System of Georgia for higher education which placed a single governing board over all of the state's colleges and universities.

While it was assumed that Russell would run for a second term and be easily reelected, the death of Senator William J. Harris in April 1932 opened up an opportunity for Russell to seek a senatorial post. On April 25, 1932, he announced that he would seek election to Senator Harris' unexpired term, which ran until 1937. At the same time he appointed John S. Cohen, publisher of *The Atlanta Journal*, to serve until the election of Harris' seccessor.

A short time later, the veteran Georgia congressman, Charles R. Crisp, announced that he would seek the Senate seat. The Russell-Crisp campaign turned out to be a long and bitter fight. Russell attacked Crisp's record in Washington and successfully identified him with the ruinous policies that had led to the Great Depression. He also accused Crisp of being aligned with the "power trust" and other representatives of "special privilege." In contrast, Russell presented himself as being "the champion of the masses."[4] He did have the support of most farmers and of organized labor. Russell spoke in every part of the state and aired his views in radio talks. His personal friends, once again, did yeoman service on his behalf. Despite most early predictions that he could not defeat Crisp, and opposition from many major newspapers, including *The Atlanta Constitution*, Russell decisively whipped Crisp by winning some 58 percent of the popular vote, and getting an higher percentage of the county unit votes.

During the summer, Russell has taken time off from campaigning to serve as a delegate to the National Democratic Convention. He was a strong supporter of Franklin D. Roosevelt. Russell had become acquainted with Roosevelt in the 1920's when the New Yorker spent time at Warm Springs, Georgia. They also had several meetings when they served as governors of their respective states. At the convention, Russell made one of the seconding speeches for Roosevelt, and urged the delegates to nominate him because he was free from the "predatory interests who have long fattened at the trough of special privilege." [5] Roosevelt, Russell declared, would be a great leader because he understood and sympathized with the problems of ordinary people. He saw himself and Roosevelt as favoring many of the same things. He viewed Roosevelt, too, as the man who could best lead the country out of the Depression. Roosevelt's election thrilled Russell, and he was excited about the prospect of working with the new president.

Dick Russell, just past thirty-five, was sworn in on January 12, 1933, as the youngest member of the United States Senate. With the arranged resignation of Senator Cohen, which permitted Russell to take office in January, he gained seniority over those newly elected senators who, in those days prior to the ratification of the Twentieth Amendment, would take their seats on March 4. A bachelor—some said one of Washington's most eligible young men—Russell moved into the Hamilton Hotel and began his long career in Washington.

Knowing that the Senate did its important work in committee, Russell actively sought an assignment to the Appropriations Committee. Senate Majority Leader Joseph T. Robinson of Arkansas tried to explain to Russell that appointment to Appropriations was customarily reserved for senators with more experience and seniority. Of course, Russell knew this, but he persisted. Finally, because of some unfounded rumors that Russell might join a coalition with Senator Huey P. Long of Louisiana, whom the leadership viewed as a troublemaker, his request for appointment to Appropriations was honored. He also secured a place on the Naval Affairs, Immigration, and Manufacturers committees. A short time later, Russell became chairman of the subcommittee on agricultural appropriations. This placed him in a key position to help farmers, a group for whose plight he had deep sympathy.

Russell enthusiastically supported most of the early New Deal legislation. He voted for the Agricultural Adjustment Act, the Tennessee Valley Authority, the National Recovery Act, and for other relief legislation. Moreover, as opposition developed to Roosevelt in 1935 and 1936, Russell became one of the president's strongest defenders. He sharply criticized those who accused Roosevelt of being a dictator, and insisted that the president was leading the country in a peaceful and constructive revolution. While Russell believed firmly in private initiative and a capitalistic economy, he argued that the system had been taken off course by special, predatory, economic interests. The federal government must now intervene, he argued, to right the wrongs and help the common people.

During his early years in Washington, Richard Russell made an intensive study of the Senate rules, traditions, and practices. By the end of the 1930's, there was no better informed senator on the procedures and operations of this body. His knowledge came from hours of reading and study. It was said that he read the entire *Congressional Record* every day. Since Russell never married, he had no family responsibilities, and this left him extra time for Senate work and for special study. Also, Russell continued his policy developed in the Georgia's legislature of working behind the scenes and building up personal relationships between himself and his colleagues. He actually made very few speeches on the Senate floor. He considered that most speeches were mainly for show; he believed in quiet, effective work in committee rooms, over lunch, or in his office. His only public fight on an economic issue was in support of his bill to restrict the imports of jute which, he claimed, competed unfairly with cotton bagging.

Just as Russell was getting well established in the Senate, he had to make a bid for reelection in 1936. His opponent was Governor Eugene Talmadge, one of Georgia's best known and most flamboyant politicians, and father of our former colleague, Herman Talmadge. Although Talmadge was a highly controversial figure who had even called out troops to enforce some of his decrees, Russell and his friends recognized the governor as a formidable candidate. "Old Gene" with his red suspenders and folksy manner was reputed to have the special admiration of the state's farmers. By 1934 and 1935, Talmadge had also become one of the New Deal's sharpest critics.

Russell, however, was not daunted nor intimidated by such opposition. He vigorously defended the New Deal and his support for it, and stressed what he had done in Washington to assist farmers and working people. Besides defending Roosevelt and the New Deal, and his own work in the Senate, Russell attacked Talmadge and his record as governor head on. He accused the governor of forsaking the common people and lining up with rich Republicans. It was a rough and tumble campaign characterized by large and unruly crowds, fist fights among candidates' supporters, and charges and counter charges. Talmadge finally tried to capitalize on the race issue by accusing Russell of not being strong in support of white supremacy and segregation. Russell denied that he had ever compromised on the principle of white supremacy and called Talmadge's charge "despicable." Russell regretted having to discuss racial matters, but handled the matter skillfully and successfully. Unlike many other southern politicians of that period, Russell opposed bringing the race question into election campaigns.

This was not the kind of campaign that Russell liked, but, when challenged and aroused, he was a master fighter on the campaign trail. When the results were in, Russell piled up a huge victory of 256,154 votes to 134,695 for Talmadge. The county unit vote was even more in his favor. Russell's victory in 1936 was so overwhelming and decisive that no other candidate ever again challenged him for his Senate seat. He won five additional elections without opposition. There was no better testimony to his popularity among the people of Georgia.

Former Senator Herman Talmadge, in his recently published memoir, asserts that his father was the state's most popular politician and "in a simple one-on-one contest" he could have beaten Russell.

> . . . the race was not Talmadge versus Russell, the son concluded, so much as Talmadge versus Roosevelt. In Georgia in 1936, it probably would have been easier to run against Jesus Christ than against Franklin D. Roosevelt. The same people who thought that papa was a pretty good governor didn't want him to go to Washington to vote against the New Deal.[6]

Although by the late 1930's Russell was having some doubts about aspects of Roosevelt's policies and programs, in the area of agriculture and farm policy he was making his mark as an avid New Dealer and true friend of the farmer. Russell was a dedicated and confirmed agrarian. Like Thomas Jefferson, he believed deeply in the political and economic importance of an independent farming class. The family farm was, in his view, one of the nation's most important and stabilizing influences. Thus, Russell was always concerned about the welfare of farmers, and he became a strong advocate of help for the small, family-type farmers. He supported all of the basic agricultural legislation enacted after 1933, including the AAA, farm credit, and soil conservation programs. But these programs did very little, if anything, for the tens of thousands of poor tenants and sharecroppers. What could be done to help the poorest farmers, many of whom were located in the South?

Beginning in 1935, Russell pushed measures that would help poor tenants and sharecroppers to become landowners by lending them money to buy land and equipment. The most important law to help the poorer class of farmers was the Bankhead-Jones Farm Tenant Act of 1937, which Russell enthusiastically supported. The problem was to get funds to provide the necessary loans. It was here that Russell played a major role in his position of chairman of the subcommittee on agricultural appropriations. Not only in the subcommittee but also in conference committee, he often beat back attempts to reduce the meager appropriations for the Farm Security Administration. It was not a popular program with many senators, and Russell had to use all of his influence to get even modest appropriations. In the spring of 1942, when it appeared the Congress would drastically cut money for the FSA, President Roosevelt called personally on Russell to save the program. With the cooperation of several influential colleagues, Russell was able to retain most of the funds requested by the president. When the fight was over, Roosevelt wrote Russell thanking him for his "legislative leadership." [7] Throughout the late 1930's and early 1940's, farmers owed their direct parity payments, soil conservation payments, and loans from the FSA more to Russell than to any other single leader in Washington.

In the mid-1930's, Russell began supporting the idea of a federally funded school lunch program to help needy children and to reduce agricultural surpluses. After operating for several years without legislative authority, in 1946 Russell pushed through a bill that made school lunches a permanent program. He also backed the food stamp plan which began on an experimental basis in 1939. Russell was a compassionate man and believed strongly that government should assist those who were needy and could not held themselves.

While Russell considered himself among the loyal New Deal Democrats, he was a man of independent thought and judgment. He would not necessarily support an issue just because it enjoyed the support of the president or the Democratic party. By the late 1930's, he frequently found that he had to oppose the president. In 1937, when Roosevelt attempted to restructure the Supreme Court, Russell did not automatically fight the proposal as many of his colleagues did. It was Russell's nature and inclination to seek some kind of compromise between the president, who wanted some basic changes in the court, and those who found by change whatever abhorrent. When the president rejected as compromise plan advanced by Russell and a few other senators, the Georgian joined those who defeated the "court packing" bill. He also opposed the president's attempt, in the 1938 elections, to purge some senators, one of whom was his colleague, Walter George.

The emerging issue in the 1930's that caused Russell the gravest concern was embodied in proposed Federal legislation to guarantee civil rights for blacks. His views on race had been determined by the culture, traditions, and racial practices with which he had been raised. As a believer in the superiority of Anglo-Saxon culture and institutions, he maintained that blacks was basically inferior to whites. Russell did not dislike blacks and wished them well so long as their progress occurred within their own racial group. For example, he was a strong supporter of black colleges. However, he was vehement against what he called "race mixing," and insisted that both whites and blacks would be better off under strictly segregated conditions. He repeatedly argued that race mixing would lead to intermarriage and what he called "mongrelization" of the races. Above all, Russell believed that Congress had no right to intervene in race relations within a state. That, he argued, would violate States' rights—rights given to the States and protected by the Constitution. In other words, while Russell opposed racial integration, his basic arguments against civil rights legislation were usually based on constitutional grounds.

The problem, however, was that, throughout much of the country, there was a growing demand for Congress to enact legislation to protect black citizens' rights, which had been denied to them by both legal and extralegal methods. An early civil rights campaign focused on the passage of anti-lynching legislation. When an anti-lynching bill was introduced in 1935, Russell and other southern senators easily defeated the measure with a short filibuster. But, in 1938, another anti-lynching measure came before the Senate. By that time, a group of eighteen to twenty southern senators had organized into what became known as the "Southern Bloc" for the purpose of defeating anti-lynching and other legislation designed to protect and enhance the rights of blacks. Senator Tom Connally of Texas was the nominal leader of the group, but, by 1940, these senators looked to Russell for genuine leadership. Because of his knowledge of Senate rules, his parliamentary skill, and organizational ability, Russell emerged as the main spokesman and defender of the South's position on race.

No man in the United States Congress could speak more eloquently about the history, traditions, and virtues of the Old South than Dick Russell. He loved the South, as it had developed over generations, with an almost militant passion. Southern society may not be perfect, he once admitted, but it was nearly so. He believed that racial integration would destroy this ideal condition. Russell also believed that attacks on racial segregation were directed by what he called "South haters" who really did not know or understand the region or its people.

Russell spoke movingly and passionately against the 1938 anti-lynching bill in the Senate. He was no demagogue or race baiter as were some other southern political leaders. He presented serious arguments against the measure, but they were always based on his fundamental understanding of desirable race relations. Russell was as strongly against the heinous crime of lynching as was anyone else. What alarmed him in this instance was the belief that passage of an anti-lynching bill would set a pattern for additional Federal legislation. Next, he said, there would be Federal control of elections in the southern states; then legislation to ban segregation on public transportation and in public places; guarantees of equal employment opportunites; and, finally, laws to require social equality in schools, health facilities, and colleges. Such a legislative agenda, he argued, would violate States' rights and change the nature of his beloved South. Up to World War II, Russell and his colleagues were able to turn civil rights bills, but they were unable to kill the president's Fair Employment Practices Committee, which, in 1941, began to protect employment rights of blacks. During World War II, and into the postwar years, Russell did everything he could to handicap and reduce the effectiveness of the FEPC, but without much success.

As the war clouds rose in Asia and Europe in the 1930's, Russell, as a member of the Naval Affairs Committee, began devoting increasing attention to national defense and foreign affairs. Like most other Americans in the years after World War I, Russell held firm isolationist views. Speaking in opposition to joining the World Court in 1935, he warned his colleagues against getting drawn into European quarrels and conflicts. He believed that George Washington's admonition to be friends with all nations and allies of none was the correct course to follow. Surely, the United States should stay out of European entanglements. "My views are those of a nationalist," he said, and he was "for the United States of America first." [8] While Russell wanted to avoid using

American military power to settle other nations' problems, he was a vigorous advocate of keeping the United States militarily strong. He was especially interested in strengthening the navy. Russell strongly supported the two-ocean navy which his fellow Georgian, Representative Carl Vinson, was pushing. Russell had a special interest in developing aircraft carriers.

Although Russell did not become prominently involved in the debate over neutrality legislation of the 1930's, after World War II broke out in 1939, he supported the American military build-up and the president's plans to aid Britain. He told a 4-H group in 1940 that "our policy of aiding Great Britain and the democracies is now the first national policy of our government. It is too late now to debate; it is our duty to support the president . . . ."[9] Besides supporting aid to Britain, this statement reflects Russell's acceptance of presidential leadership in foreign policy matters. Russell championed the Selective Service Act, but he took the progressive position that no person or corporation should profit unduly from defense or war. Men should not be drafted, he argued, unless industries were also forced to contribute to the war effort as the government needed and directed. He was able to enact some legislative requiring the cooperation of industry in the defense effort, but it was a much weaker law than he had hoped to enact.

During World War II, Russell headed a committee of five senators who visited the world's far-flung battlefields where American troops were engaged. The purpose of the trip was to help Congress determine if American supplies and equipment were adequate and if they were being used effectively. The group left Washington on July 25, 1943, and did not return until September 28. The senators went first to England, then to North Africa, the Persian Gulf region, India, China, and Australia before returning home. Russell was greatly impressed with the quality and performance of American troops, and, for the most part, he approved of the operations that he had an opportunity to observe. However, he was critical of how some military supplies were being used by American allies.

Upon returning home, Russell gave a detailed report to the full Senate on the committee's trip. He dealt with several major issues that became highly important in the post-war years. Russell insisted that the United States should retain some of the bases and land parcels that had been won with the blood of American fighting men. Such bases and facilities, he argued, would be needed to guarantee American security and to preserve the peace. While some commentators accused him of being imperialistic, Russell claimed that bases would be absolutely necessary for the United States to help maintain world stability after the war. He also warned against the United States' dispersing huge amounts of relief and aid to countries around the world following the war. He believed that leaders he had met in his extensive travels had unrealistic expectations of what the United States should or could do.

By the close of the war, Russell was beginning to view our wartime ally, the Soviet Union, as untrustworthy and expansionistic. Part of this view stemmed from an effort by Russell in the summer of 1945 to visit Russia after he and a Senate committee had investigated conditions in Western Europe. The Russians delayed issuing Russell an entry permit for so long that he became disgusted and returned home from France. He saw the Russians as unnecessarily suspicious and uncooperative. Russell also was frustrated with what he considered the kid-glove treatment given to defeated Japan. Even after the United States had dropped two atomic bombs on Japanese cities, Russell did not think that the average citizen of Japan realized the extent of that nation's defeat. Russell urged President Truman to oust the emperor and to march a large army down the streets of Tokyo as a means of impressing the Japanese with the American victory. He did not consider this vindictive; only proper punishment for attacking the United States at Pearl Harbor in 1941.

By the end of World War II, Dick Russell had become one of the United States Senate's leading members. Passage of the Legislative Reorganization Act of 1946 left him with especially strong committee assignments. While he lost his chairmanship of the Immigration Committee, which had been absorbed by the Judiciary Committee, Russell retained his position on Appropriations and got a seat on the newly formed and powerful Armed Services Committee. When the Democrats regained a majority in Congress in 1949, following their defeat in 1946, Russell ranked second and fourth respectively on those two most influential panels. In 1951, he became chairman of Armed Services, a position that he held until 1969 when he gave it up for the chairmanship of Appropriations, except for the two years, 1953–1954, when the Republicans were in control. Russell was also appointed to the first Joint Committee on Atomic Energy in 1946, and, after the Central Intelligence Agency was established in 1947, he became a member of the CIA's congressional oversight committee. Russell also served on the Senate Democratic Policy Committee, which was formed in 1947, and, a decade later, he became a member of the Democratic Steering Committee. He held strategic positions at many points of political and legislative power.

In the post-World War II years, Russell spent much of his time trying to help and protect farmers. He was one of the major participants in the Farm Bloc, an informal group of farm-state senators who were committed to getting fuller prosperity for farmers. Among the senators with whom Russell worked closely on agricultural matters was Republican Milton Young of North Dakota. Russell and Young developed a kind of cotton-wheat coalition that fought hard for legislation to guarantee prices of 90 percent of parity for most basic crops. Russell, Young, and their supporters were able to maintain the 90 percent principle well into the mid-1950's.

His interest in supporting Federal programs and agencies which assist farmers never lagged. The Farm Security Administration had been effectively killed in 1943, but a new agency, the Farmers Home Administration, was created by Congress in 1945. The FHA was supposed to make loans to poor farmers to help them buy land and equipment, but Congress failed to appropriate enough funds to assist many of them. Russell fought hard, as chairman of the subcommittee on agricultural appropriations, to increase appropriations for the agency, but he achieved only limited success. He had better luck fighting against cuts for soil conservation. As one of the leading conservationists in the country, Russell resisted efforts by the Republican Eightieth Congress to reduce the amount of money for soil conservation to what he called a "paltry" $150 million. After a hard fight in 1947, he was able to add nearly $100 million to that amount. He was also responsible for increasing the amount spent on the school lunch program in the postwar years, something that gave him great satisfaction. Senator Russell, however, was equally proud of the Research and Marketing Act which he pushed through the Senate in 1946.

Although Dick Russell supported much of President Truman's domestic program, he parted company with the chief executive over labor legislation. He voted for the Taft-Hartley bill in 1947, and he voted to override the president's veto of that measure so hateful to organized labor. Russell was not antilabor or anti-union. Organized labor had supported him enthusiastically in his races for governor and senator. But Russell had concluded by the mid-1940's that some labor leaders were becoming too powerful and were gaining excessive political influence. He viewed some segments of organized labor's leadership as greedy, selfish, and irresponsible. He was especially concerned with the political activities of the Congress of Industrial Organization's Political Action Committee.

Special interests of this kind, Russell believed, were becoming too powerful, so powerful in fact that they were threatening the democratic process. Pressure groups were "becoming dangerous" to the independent thinking of House members and senators, he said. "We must retain the legislator's independence of thought," he argued. "It is not a good thing when pressure groups elect a man who is forever beholden to them." [10] Russell, however, had concerns that went beyond the question of general pressure groups. He was annoyed by the lobbying being done by some labor unions for civil rights laws.

By the 1940's, Russell foresaw a problem that was to become of national concern a generation later. That was the spending of huge amounts of money by political action groups on the campaigns of candidates who would support their special interests. Not only were the amounts of money corrupting, in Russell's view; but some representatives and Senators also came to use campaign money in ways that made it hardly distinguishable from their private funds. Such use of money was abhorrent to Russell who was a stickler for honesty and old fashioned morality. In his own campaigns, he had returned to contributors money that was not needed for actual campaign expenses. He once sent a check for $100 back to a contributor with a note advising his friend that the amount was too generous and that he really did not need the funds. Thus, Russell saw the growing use of money in political campaigns, raised by whatever pressure groups, as endangering the democratic political process and threatening the nation's welfare. Russell himself, of course, had little need for campaign money after 1936. Funds for his filing fee and a few advertisements every six years was the limit of his campaign expenses.

Another issue on which Russell felt deeply was immigration. He strongly supported the National Origins Act of 1924 which restricted total immigration to about 150,000 a year and favored northern European immigrants through a quota system. He opposed extending quotas to Asian and African countries, because he felt that immigrants from those nations would change the national racial complexion and reduce the Anglo-Saxon influences of which he was so proud. He once boasted that Georgia had only seven-tenths of one percent foreign born population. Russell was one of the leaders in fighting President Truman's plan in 1946 to admit some 400,000 refugees. Russell believed that the admission of thousands of European refugees would open the flood gates for refugees from all over the world. He wanted to tighten immigration laws, not loosen them. While Russell fought hard against the Truman policy, he could only delay and modify it.

Although Russell opposed some of Truman's domestic policies, he lent strong support to the president's policies to block Russian aggression. When the president called for economic and military aid for Greece and Turkey in 1947, Russell backed the plan. He also voted for the Marshall Plan which provided for spending billions over four years to help restore the economies of Western European countries. While initially supporting foreign aid as a means of helping countries regain economic and military strength to resist Communism, Russell soon became disillusioned over the foreign aid program. He favored humanitarian assistance and programs for self-help, but, by 1952, he had become one of the bitterest opponents of the unending flow of American funds to countries all around the world. He had several objections to the foreign aid program: its failure to win friends for the United States; waste; burdens to American taxpayers; and its open-endedness. To Russell, foreign aid became a bottomless pit into which hard-earned American taxpayer dollars were thrown year after year with little or no benefit to the United States. Consequently, he worked hard to defeat foreign aid bills in the 1950's and 1960's, but was only able to reduce the amounts appropriated. Even that limited achievement, he believed, was worthy of his efforts.

Russell considered the Soviet Union to be imperialistic and the source of most post-war problems throughout the world. There was no more ardent cold warrior in Congress than Dick Russell. He used his influence on the Armed Services Committee and the Appropriations Committee to strenghthen conventional military forces and to develop new weapons. He bitterly opposed sharing any atomic secrets with the Russians. He viewed the conflict between that nation and the United States as a worldwide battle between good and evil. When the North Koreans invaded South Korea in 1950, he saw that action as an extension of Soviet power through one of its satellites, an action that must be resisted.

Overall, however, Russell was reasonably well satisfied with the early Truman presidency. Civil rights, however, served as the issue that drew him into opposition to his old Senate colleague. Truman's legislative program included establishment of a permanent Fair Employment Practices Commission, abolition of segregation in the armed forces, passage of anti-poll tax legislation, and other measures to guarantee the rights and opportunities for blacks. Following the president's special message on civil rights in February 1948, Russell wrote a constituent that the president's proposals were the "most outrageous affront to the people of our section that we have had to face since Reconstruction days." [11] Russell not only opposed actions that might break down segregation and destroy white supremacy; he also believed that Truman's constant pressing for civil rights would split the Democratic party and lead to Republican victory in 1948. The Republicans had already won control of Congress as a result of the mid-term elections of 1946, and Russell and other prominent Democrats had lost their committee chairmanships.

Regardless of adverse consequences to the Democratic party, Russell believed that he must fight the Truman civil rights program with all his power. On March 6, 1948, twenty-one southern senators met in Senator Harry Byrd's office to plan their strategy to resist and defeat the president's program. These senators named Russell as their leader, a position he had held informally for several years, and worked out plans to keep close watch in the Senate to make sure no civil rights bills were enacted through some unexpected parliamentary maneuvering. This Southern Bloc saw Truman's effort to eliminate Jim Crow practices as the "opening wedge in the fight to stop all segregation" which, in practice, meant that blacks and whites would "attend the same schools, swim in the same pools, eat together, and eventually, inter-marry." [12]

So strong was the opposition to Truman's stand on civil rights, that many southerners opposed the president's renomination in 1948. But who could the anti-Truman Democrats put in the race for the nomination? Finally, the anti-civil rights southerners prevailed on Richard Russell to let his name be placed before the convention delegates. Russell knew that he had no chance for the nomination, and he wrote: "I was very reluctant to permit the use of my name, but decided that those who were opposed to Mr. Truman were entitled to have someone for whom they could vote." [13] Russell received 263 delegate votes, but Truman won easily. Loyal Democrat that he was, Russell refused to join the Dixiecrats. He quietly voted for Truman, but did nothing to help in the Democratic campaign.

It was not long before Russell had an opportunity to help the increasingly beleaguered president. Because of differences in basic policy and strategy in the Korean War between General Douglas MacArthur and the president, Truman removed MacArthur from command in the spring of 1951. The dismissal of a highly popular general by an unpopular president raised a storm of protest against Truman, whose administration was already under attack for being soft on Communism and filled with corruption.

It was into this highly charged atmosphere that Russell entered the scene and calmed the political storm swirling around the president. Russell chaired a joint committee of inquiry that looked into the removal of MacArthur and the general foreign policies of the United States in the Far East. The hearings lasted from early May until late June. The committee heard MacArthur and scores of other witnesses. Russell skillfully guided the hearings in a fair, calm, and rational way, and, by summer's end, the issue had largely faded from public consciousness. Truman was deeply grateful to Russell for the manner in which he had handled the entire matter and quieted the controversy.

During the hearings, Russell had made one thing abundantly clear; he believed that some senators were too loose-lipped, and were more interested in making points with the press through leaks than in protecting the nation's security. As witnesses talked about military tactics and strategy in the executive sessions, Russell emphasized that such information must be kept absolutely confidential. He warned his colleagues about "a careless word, a slip of the tongue" that might help America's enemies. When some of General George C. Marshall's testimony was leaked to the press, Russell was furious and lectured his fellow senators on the importance of guarding against indiscreet statements. He added that, if such leaks endangered the lives of American soldiers in Korea, neither "our God nor our fellow citizens will ever forgive us nor would we deserve forgiveness." Russell believed that there was a common sense balance between providing the people with enough information on which to make proper policy decisions, and maintaining sufficient secrecy to protect the country's security.

Another crucial issue that came up in the MacArthur hearings was that of "executive privilege." When Republican Senator Alexander Wiley attempted to make General Omar Bradley reveal his personal conversations with the president on April 6, 1950, Bradley refused to tell the committee what Truman had said. When Wiley persisted, Russell ruled that a "private conversation between the president and the Chief of Staff as to detail can be protected by the witness if he so desires." This was a strong statement upholding executive privilege, and, moreover, reflected Russell's deep respect for the office of the presidency. Russell also had a strong commitment to the principle of separation of powers.[14]

The MacArthur hearings gave Dick Russell a great deal of national exposure. He did not normally seek publicity. Indeed, he did not have a press secretary in his office until 1959. But, whether or not he wanted publicity, he now was the subject of scores of articles in newspapers and magazines. These accounts reviewed his career and activities in a depth not previously known. Richard Strout wrote in the Christian Science Monitor that Russell was the "most powerful man in the Senate" and that body's *de facto* leader.

In late 1950 and early 1951, many of Russell's colleagues urged him to accept the position of Senate Majority Leader. However, Russell refused to seek or accept the formal leadership post because he disagreed with too much of the administration's legislative agenda, especially that dealing with civil rights. As Russell put it, he wanted to maintain "absolute independence of thought and action."[15] While Russell did not want to be Majority Leader himself, no Democrat could gain the position without his support. In 1951, he endorsed Ernest McFarland of Arizona, who was elected. At the same time, as I have described in previous addresses, he threw his support for majority whip to his young Texas friend, Lyndon B. Johnson. Johnson had no claim to the position, except that he had the backing of Dick Russell. That was what counted! This was the beginning of the rapid rise of Lyndon Johnson in the Senate's Democratic hierarchy. It was based on his close personal and political friendship with the Senate kingpin, Dick Russell. It was Russell, more than anyone else, who was responsible for making Lyndon Johnson Majority Leader in 1955.

The growing influence of northern liberals in the Democratic party during the Truman years caused Russell grave concern. From his perspective, the most troublesome issue was the continued demand for civil rights legislation. It was clear that the South's influence in national party affairs was declining. The uppermost question in Russell's mind was how to restore and increase the southern role in party councils. One possible avenue was to support a strong southern candidate for the presidential nomination in 1952. While a southerner probably would not be able to win the Democractic nomination, the strength flowing to a candidate from the South might influence the platform and the party's general philosophical direction. At least this was the hope of many southerners.

The most logical man in the South to make such a race was Dick Russell. As the 1952 nominating campigns approached, many southerners urged Russell to actively seek the nomination. But Russell was reluctant. Always the realist, he told supporters that no southerner who opposed civil rights law had any chance to win the Democractic nomination for president. Despite numerous denials that he would seek the nomination, he came under increasing pressure to enter the race. Governors James Byrnes of South Carolina and Herman Talmadge of Georgia, and Senators Burnet Maybank and Harry F. Byrd were the leading advocates of a Russell candidacy. Finally, he gave in to the desires of his friends and announced, on February 28, 1952, that he would be a candidate for president and would campaign for the nomination. Surrounded by Senators Russell Long, Maybank, and John Stennis, Russell told reporters that he would seek the position on a platform favoring states' rights, a strong defense, and economical and honest government. Most observers from all sections of the country admitted that Russell was well qualified for the presidency, but most writers discounted his chances because, as columnist Doris Fleeson declared, he was "saddled with the traditional southern attitude on civil rights."[16]

Despite this obvious handicap, Russell made a strong bid for the nomination. He defeated Estes Kefauver in the Florida primary, and then went on a nationwide tour in search of delegates. However hard he tried to present himself as a moderate Democrat who had supported most of the New Deal and much of the Fair Deal, he could not remove the image that he was only a regional candidate. When the Democrats met, he could only attract 268 delegate votes, mostly from the South, and the convention went on to nominate Adlai Stevenson. Russell had been right about his chances. As Harry Truman said, Russell might have been elected president if he had lived in Indiana, Missouri, or Kentucky, but the country was not ready to nominate a Georgian. Calvin W. Rawlings, Democratic national committeeman from Utah, wrote to Russell that, "if it were not for geography and by the grace of God," he could have been nominated instead of Stevenson.[17] Russell was offered the vice presidency, but that was an office in which he had no interest whatever.

Russell voted for Stevenson, but he refused to assist in the campaign. The Democratic platform, which had a pro-civil rights plank, was too distasteful to Russell. Despite his disagreement with the so-called liberal Democrats, Russell took no pleasure in Dwight D. Eisenhower's victory and the resulting control of both houses of Congress by the Republicans. Russell made it clear that he would fight to retain the New Deal and Fair Deal gains against any Republican onslaught.

During the Eisenhower presidency, Russell devoted most of his energies to three major issues—agriculture, defense, and civil rights. The farm problem was never very far from Dick Russell's mind. After 1953, large surpluses built up, prices declined, and operating expenses rose, placing farmers in a tough cost-price squeeze. As a result of hard times on the farm, tens of thousands of farmers went out of business each year. To Russell, this was a national tragedy and dangerous to American strength and stability.

Secretary of Agriculture Ezra Taft Benson, with President Eisenhower's blessing, set out to reduce the level of Federal price supports on major farm commodities. Russell believed that this was a serious mistake, and he fought to preserve and extend price supports at 90 percent of parity. Some bitter battles ensued before Russell and his farm-state supporters lost the fight in a Congress that was becoming more and more consumer oriented. Beginning in 1955, flexible price supports were inaugurated which led to lower support prices for most major agricultural commodities. Russell complained and protested that Congress did not treat farmers fairly. He wrote one constituent that he could not understand the "policies of this/Eisenhower/administration which are threatening to destroy rural America."[18] He was more successful in getting funds for conservation, agricultural research, school lunches, and other purposes.

In all of the controversies over farm policy in which Russell engaged, one fact emerged that greatly disturbed him. That was the declining political power of agriculture. His correspondence in the 1950's is filled with references to this situation. Part of the reason rural America was losing its political clout, he believed, was the divisions among farm spokesmen themselves. Much more important, however, Russell considered that farmers were being sacrificed on the altar of a cheap food policy that catered to consumers in the growing urban centers. But, however hard he tried, Russell could not change policies that resulted from basic demographic shifts. Despite his concern for farmers and his criticism of the Eisenhower administration, Federal expenditures on agricultural programs rose sharply after 1953. Although it could hardly be said that the Federal Government was neglecting farmers, Russell believed that he could have developed better farm programs.

Other than national defense, the issue of greatest concern to Dick Russell in the fifteen years after 1948 was civil rights. The increasing demands for legislation that would end legal segregation required his constant attention. As leader of the Southern Bloc, he spent untold hours developing strategy and organizing the eighteen southern senators who made up the core of resistance to civil rights bills.

Up until 1953, Russell and his supporters had effectively used the filibuster to block civil rights legislation. Attempts of civil rights proponents to change Senate Rule XXII, so that a majority instead of two-thirds of the senators could shut off debate, had been defeated by southerners with some conservative Republican help. Russell, however, not only opposed restrictions on debate to keep civil rights bills from coming to a vote; he also sincerely believed in the principle of full and free discussion on every issue. To Russell, unlimited debate was one of the Senate's most cherished and sacred practices and traditions.

Russell was greatly concerned over the breakdown of segregation in Federal agencies, including government departments, hospitals, and military posts. This was of high concern to him because it had been accomplished by administrative action, and there was nothing that segregationists in Congress could do to stop the trend. He had even gone so far in 1948 as to introduce legislation that would give men entering the military services the right to choose a segregated or integrated unit. The next year, he introduced a bill which would have encouraged blacks in the South to relocate in other parts of the country by subsidizing a move by black families. Russell believed that civil rights advocates did not know the true problems of having large numbers of blacks living under integrated conditions. His bill, he said, would expose the hypocrisy of northern integrationists. According to Russell, these so-called liberals were more interested in the black vote than in any principle of human rights. In any event, neither of these bills gained any significant support in Congress, but they did express the depth of Russell's feeling on the race issue.

Russell also had a growing fear that segregation would be destroyed by the Federal courts, thereby bypassing Congress. Nevertheless, he was hardly prepared for the Supreme Court decision in *Brown v. Topeka Board of Education* handed down in May 1954, and which held that segregation in public schools was unconstitutional. He called the decision a "flagrant abuse of the judicial power and a violation of states' rights."[19]

As a result of the Brown case and other civil rights developments, Russell and a number of other southern senators drew up the Declaration of Constitutional Principles, better known as the "Southern Manifesto." Russell prepared the final draft which criticized the Supreme Court, and promised that southerners would use all lawful means to reverse the Brown decision.

Meanwhile, civil rights bills were being considered in Congress. By 1957, it was clear even to Russell that some kind of civil rights legislation would be enacted regardless of southern opposition. Thus, he turned his energies and influence to weakening a bill that had already passed the House in June 1957, hoping to make the measure as ineffective as possible in—as he viewed it—disturbing race relations in the South. While one of the bill's main features was to guarantee blacks the right to vote, Russell believed that it gave the attorney general far too much power to "force intermingling of the races in the public schools and in all places of public entertainment." He was especially upset over the denial of a jury trial for any violators of civil rights legislation.

Although some southern senators wanted to stage another filibuster, Russell as leader of the Southern Bloc advised otherwise. Working with his friend, Majority Leader Lyndon Johnson, he skillfully removed the most distasteful features of the bill. From the southern viewpoint, when the law passed, its worst provisions had been eliminated. Critic Thomas L. Stokes wrote that the bill had been watered down by Johnson, "the errand boy for Senator Richard Russell, who put Lyndon Johnson in the post of leadership."[20] *Time* magazine carried Russell's picture on its cover on August 12, 1957, and, in an accompanying article, called his resistance to civil rights legislation, "one of the most notable performances in Senate history." Russell, himself, was proud of his efforts. He considered keeping the Federal Government "out of our schools and social order" the "sweetest victory of my twenty-five years as a senator." He was equally successful in defeating the tougher provisions of the 1960 Civil Rights Act. In this case, he organized his eighteen-member Southern Bloc into teams of three and so wore down the Senate that only minor gains were included in the bill, and then only with Russell's permission. After that fight, Senator Harry F. Byrd of Virginia declared that under the superb leadership of Russell, southerners had "demonstrated the effectiveness of courageous massive resistance."[21]

By the early 1960's, however, Russell recognized that effective and meaningful civil rights legislation would be passed. The national mood had changed, southern resistance had weakened, and an effective political leader, Lyndon Johnson, had become president. After Johnson moved into the White House, Russell frankly admitted that nothing he and other anti-civil rights forces could do would be sufficient to stop civil rights legislation. After all, Russell was a political realist. As the 1964 Civil Rights Act was about to be passed, Russell spoke movingly, and at length, against it. This, however, was to make a statement of principle with no thought of defeating the measure. He knew the outcome had already been determined. After passage of the law, he urged all people to "comply with the law of the land," a statement that brought praise from President Johnson. When Congress passed further civil rights legislation in 1965, Russell was too ill to resist it actively.

Dick Russell never changed his mind on the issue of racial integration. He viewed civil rights laws as "force bills" designed to change race relations in the South. He believed, too, that much of the support for civil rights legislation came from what he called "South haters." On most issues, Russell was flexible and able to compromise, but, on the question of racial integration and white supremacy, he died holding the same views as those held by his southern ancestors. History, tradition, and social relations as they had developed in the South after slavery held an unbreakable hold on him. Indeed, he viewed federal legislation to guarantee equal rights for blacks as a repetition of intervention by national authorities in the South after 1865.

Senator Russell may never have adjusted to some of the country's social changes, but he was one of the strongest advocates of a powerful national defense in the post-World War II years. As chairman of the Armed Services Committee and a member of the Appropriations Committee, he was in a position to exert great influence on strengthening American military forces. He had little faith in the United Nations as a peace keeping agency, and believed that the United States could not rely on the NATO countries to preserve peace and stability. He once said that if Russia should attack Italy, all of the American arms provided to that NATO ally would soon be in Russian hands!

Even after the death of Joseph Stalin in 1953, and what appeared to be less aggressive attitudes by the Soviet Union, Russell's views toward Russia remained the same. He did not trust the Russians, and declared that the only hope for peace in the world was for the United States to strengthen its military forces. He believed that any negotiations with the Soviet Union must be done "from strength rather than from weakness." [22] Surely, Russell's highest national priority was to build and maintain a degree of military power that could not be successfully challenged by any nation in the world. Consequently, he favored universal military training; strengthening the conventional armed forces; maintaining a supply of nuclear weapons, with the planes and missiles to deliver them; and adequate appropriations for the development of ever more highly sophisticated and technical weapons.

Russell had little faith in the massive retaliation theories of John Foster Dulles, President Eisenhower's secretary of state. To Russell, such a policy relied too heavily on nuclear retaliation, which could lead to the destruction of both Russia and the United States. Under the Dulles policy, there would be greater reliance on nuclear power so that cuts could be made in conventional forces and money saved. Russell objected strenuously to President Eisenhower's recommendation to reduce appropriations for some of the regular military services, especially the Air Force. He believed that the Strategic Air Command had been the major deterrent to greater Soviet expansion. Russell wanted more bombers, fighter planes, and support services for the Air Force. When his critics talked about the need to cut defense costs, he replied that economy was important, but only after American defenses had been built up. "I want to see planes first and then consider the cost in dollars," he said.[23] He recommended spending more on national defense even if other government programs, such as foreign aid, had to be reduced. He declared that "the policy of increasing the appropriations for foreign aid and for many domestic activities while reducing our armed strength is completely incomprehensible to me." [24]

Russell became so unhappy over military cuts and large foreign aid expenditures in the 1950's that he once suggested, not entirely with tongue in cheek, that the entire foreign aid appropriation be transferred to the Air Force. He told Senator Kenneth McKellar of Tennessee that the State Department had no answer to a foreign problem except "to pump in a few more millions from the pockets of our taxpayers into the troubled area." [25] Russell and his backers were able to reduce foreign aid outlays some during the 1950's, but he was unable to get as much money for additional military equipment as he wished. He was distressed that more funds could not be appropriated for the most sophisticated weapons. By 1959, he believed that a serious missile gap existed between the United States and the Soviet Union. Criticizing the Eisenhower military budget for fiscal 1961, Russell declared that it was no time to "quibble over a couple of billion dollars." [26]

Russell found in President John F. Kennedy an ally for greater military spending. When Kennedy asked for an increase of $2 billion, mostly for bombers and missiles early in 1961, Russell gave the request his strongest support. He was able to obtain even more funds for the military budget than the President had requested.

One of Russell's reasons for wanting overwhelming military strength was to deal with problems such as the Cuban missile crisis of 1962. When Kennedy called Senate and House leaders to a conference on that crisis, Russell strongly urged that air power be used to wipe out the Soviet missiles in Cuba. But when Kennedy decided on a quarantine of Cuba instead, Russell announced that he would fully back the president. In such a situation, he said, "the only voice that can speak for the United States was the president." [27] However, Russell always regretted that military action was not taken against Castro when a good excuse presented itself as he believed had been the case in 1962. To have solved that problem with forceful action, he argued, would have had "a salutary effect all over the entire world" by discouraging other brush fire revolutions and wars encouraged by the Soviet Union.[28]

Russell's continued distrust of the Soviets was reflected in his vote against the Nuclear Test Ban Treaty in September 1963. This was an agonizing decision for him, but he told his colleagues that the treaty was flawed because it did not contain proper or verifiable inspection clauses to guarantee Russian compliance. He argued that the Soviets simply could not be trusted, and he sought to prove his point by listing the numerous treaties that the Russians had violated.

From the beginning, Dick Russell was an outspoken opponent of American military involvement in Vietnam. He had supported the Korean War because it was a response to direct invasion by the North Koreans, but he believed the situation was different in Vietnam. He almost had a phobia against getting American forces involved in a land campaign on the continent of Asia. Consequently, when President Eisenhower and Secretary Dulles asked congressional leaders about supplying American air power to help the collapsing French forces in Vietnam in April 1954, Russell spoke vigorously against such a move. He argued that sending air support to the French would be the first step toward greater involvement and the possible use of ground troops. "Once you've committed the flag," he declared, "you've committed the country. There's no turning back; if you involve the American Air Force, why, you've involved the nation."[29] That, Russell said, would be a fatal mistake.

As Presidents Eisenhower, Kennedy, and Johnson gradually extended American military power into Vietnam, Russell grew increasingly uneasy. It was bad policy, he believed, because the Vietnamese are not doing much to help themselves, and American allies refused to provide any meaningful help. It was wrong to try to go it alone, he said. However, believing deeply that only the president could be the spokesman for America's foreign policy, he supported the ends of American objectives in Vietnam, if not the means to achieve them. Russell insisted that, once the United States was in Vietnam, much more military power should be brought to bear on the North Vietnamese. By 1966, he was advocating the use of a battleship to bombard the coast of Vietnam, the bombing of military and industrial targets around Hanoi, blockading the port of Haiphong, and other measures that would either defeat the North Vietnamese or force the Communists into meaningful negotiations. But President Johnson ignored his old mentor's advice. Russell went to his grave still frustrated and critical of what he considered America's halfway military measures in Vietnam.

Senator Russell disagreed with most of America's major foreign policies after World War II. He placed most of his confidence in a strong national defense, both nuclear and non-nuclear. He believed in using military force only when American national interests were directly at stake. In the case of Cuba, he would have used force because he believed Soviet intrusion ninety miles from the Florida coast was a direct threat to the nation's vital interest. On the other hand, there was no overriding reason, in his view, to intervene in Vietnam. He raised the key question of how could Communism in far away Vietnam be worthy of American military resistance when the United States refused to dislodge a Communist state close to home. To Russell, this was not only mistaken policy, but it cast aside common sense as well. On foreign aid, he was one of the nation's sharpest and most persistent critics of a policy that he believed was wasteful, expensive, and largely ineffectual from the viewpoint of American national interest. Despite his disagreement with much of American foreign policy after 1945, he was a loyal, patriotic leader who fought hard for what he believed was in the country's best interest. He was a strong nationalist in every sense of that term. In 1969, he gave up the chairmanship of the Armed Services Committee and became chairman of the Appropriations Committee.

By early 1971, at the end of 38 years in the U.S. Senate, Dick Russell had left his indelible mark on national affairs. No major legislation bore his name, mainly because he had worked quietly behind the scenes and had not sought credit or courted publicity. But he had made numerous permanent contributions. These included agricultural legislation, the Food Stamp and School Lunch Programs, the conservation of natural resources, a strong national defense, research and scientific achievement, and many more.

Most of all, Russell understood, appreciated, and protected the institution of the U.S. Senate. As Jack Valenti wrote in The Washington Post on January 12, 1963, Senator Russell was the "embodiment of the Senate's constitutional tradition. The Senator understands the Senate; * * * he knows its moods and its dignity. He guards its honor. He nourishes its heritage." Russell, Valenti continued, "never swerves from the history of the Senate as a structure undiminished by time, undisturbed by the moment, unbudgeable in crisis and controversy."

Senator Russell's Senate colleagues were among his most ardent admirers. They respected him for his intellect, his integrity, his fairness, his courage, and his ability to cut to the heart of any problem. Special accolades from fellow Senators were common, but they were almost embarrassing to Senator Russell at the time of his 30th anniversary in the Senate in January 1963. Senator Mike Mansfield referred to his "calmness and kindness," his "reason and deliberation," and his "scrupulous fairness." Everett Dirksen emphasized Russell's "rare fidelity to the traditions and institutions of this country," while Frank Carlson believed that Russell was "the most influential and substantial leader in the U.S. Senate." [30]

Writer William S. White was one of the many observers outside the Senate who were impressed with Russell's character and ability. White called him one of the "greatest Senators of his era." While Russell suffered from being a southerner, White explained, "no politician in his time has more clearly and more repeatedly earned consideration for the highest office of them all." [31] Senator Sam Irvin agreed that, after viewing all national leaders, Russell was the best qualified man to be president of the United States.[32] When the publication, Pageant, asked Senators to rank the five top members of that body in 1964, Russell was listed by those of us who were his colleagues as No. 1.[33]

One trait or habit that Russell possessed, and which his colleagues greatly admired, was the consideration which he extended to new Senators. Freshmen Senators often achieved more than they expected because of Russell's help. On September 14, 1959, Senator Howard A. Cannon of Nevada wrote Russell expressing his appreciation "for your outstanding leadership * * * and for the help and consideration you have given to me as a junior Senator." I wrote to Senator Russell at about the same time saying that it had been a "glorious experience" to have served with him during my first year in the Senate. A few months later, I wrote again that Russell typified "the character, the poise, the brilliance that are associated with true greatness." I continued, "You shall never know the profundity of the impression you have made upon me as a new Senator." [34] I concluded that it was my greatest hope to "become a Senator with the stature of Richard B. Russell."

Dick Russell was a southern patrician of the old school. He was courteous, charming, polite, and considerate. He was generally tolerant and understanding, but he could be devastating in debate and comment, as many discovered who were the targets of his sharp tongue and quick wit. He once called Drew Pearson a skunk, and referred to Joseph Alsop's column as "allslop."

As Dick Russell never married, he lived in Washington hotels from 1933 until 1962 when he purchased an apartment at the Potomac Plaza. During his early years in Washington, he enjoyed an active social life, attending movies, sporting events, meeting friends in the late afternoon, or taking a lady friend to dinner. He disliked cocktail parties and receptions, so popular in Washington, and, after a few years, he turned down most of the many invitations he received. He preferred to spend the evenings in his room working on Senate business or reading history. He did greatly enjoy socializing with fellow Senators. He frequently had dinner with Lyndon and Lady Bird Johnson, and Senator Harry Byrd's Apple Blossom Festival was one of Russell's annual highlights. He sometimes went fishing with Senator Willis Robertson. His strong interest in sports never diminished, and he attended baseball and football games as long as his health permitted. Football Coach Vince Dooley at the University of Georgia said that he had never known anyone outside the coaching staff who knew so much about Georgia football players, their talents, and strengths as Russell did.

Russell started to have health problems in the mid-1950's. He had begun to smoke heavily as a teenager, and, by the 1950's, he suffered from the early stages of emphysema. He finally stopped smoking, but his respiratory problems continued to get worse in the 1960's. He was so ill in early 1965 that he had to be absent from the Senate for several months. He also had lung cancer which was treated successfully, but his lungs were so permanently damaged that he could never recover. Returning to Walter Reed Army Medical Center in January 1971, he struggled with his respiratory difficulties until his death on the afternoon of January 21. He was buried in the family cemetery behind the Russell home at the edge of Winder.

Richard B. Russell, Jr., served his State and Nation for 50 years, and spent more than half of his life in the U.S. Senate. At the time of his death, he held two positions of great prestige in this body—President pro tempore and chairman of the Appropriations Committee. He left a mark that will always be prominent in the history of the U.S. Senate, and one that will always be prominent in the memories of those, like myself, who served with him for so long in the Senate of the United States.

Mr. President, I ask unanimous consent to include footnotes to "Richard Brevard Russell."

There being no objection, the footnotes were ordered to be printed in the RECORD, as follows:

FOOTNOTES TO RICHARD BREVARD RUSSELL, JR.

[1] For sources on Russell's early life see, Gilbert C. Fite, "The Education of a Senator: Richard B. Russell, Jr. in School," The Atlanta Historical Journal, 30 (Summer 1986), pp. 19-31; and Karen Kelly, "Richard B. Russell: Democrat from Georgia," Ph.D. dissertation, University of North Carolina, 1979, ch. I. See also John H. Willey, "A Study of the Political Mind of Richard B. Russell, Jr., 1930-36," M.A. thesis, Vanderbilt University, 1974.

[2] Speech given at Barnesville, GA, Nov. 11, 1928. Russell Collection, speech file. All subsequent references to Russell speeches and correspondence are found in the Russell Collection, University of Georgia Library, Athens, GA.

[3] Winder (GA) News, Sept. 9, 1920.

[4] Southern Cultivator, 90 (Sept. 1, 1932), p. 7.

[5] The Atlanta Journal, June 29 and July 1, 1932.

[6] Herman E. Talmadge, Talmadge: A Political Legacy, A Politician's Life (Atlanta, 1987), p. 36.

[7] Franklin D. Roosevelt to Richard B. Russell. Roosevelt papers, Hyde Park, PPF 3869.

[8] CONGRESSIONAL RECORD, 74th Congress, 1st sess., Jan. 29, 1935, pp. 1054 and 1147.

[9] Russell speech at Berry College, Georgia, 1940.

[10] The Atlanta Journal, Apr. 14, 1946.

[11] Richard B. Russell, Jr. to Mr. O'Hardy, Feb. 10, 1948.

[12] Undated clipping in Ina Russell's scrapbook, 1947-49.

[13] Richard B. Russell to Mrs. Elizabeth Caldwalder-Noyes, Aug. 31, 1948.

[14] Military Situation in the Far East. Hearings before the Committee on Armed Services and the Committee on Foreign Relations, U.S. Senate, 82d Congress, 1st sess. (Washington, 1951), 5 parts. Pt. II, pp. 681-83, 758, and 784-829.

[15] Richard B. Russell to Senator Pat McCarran, Nov. 13, 1950, and to Senator Dennis Chavez, Nov. 14, 1950.

[16] St. Louis Post-Dispatch, February 29, 1952.

[17] Calvin W. Rawlings to Richard B. Russell, July 31, 1952.

[18] Richard B. Russell to Irwin Sibley, May 6, 1957.

[19] CONGRESSIONAL RECORD, 83rd Congress, 2nd sess., May 18, 1954, p. 6748-50.

[20] The Washington Evening Star, Aug. 5, 1957. The best study of Russell and the civil rights issue is David D. Potenziani, "Look to the Past, Richard B. Russell and the Defense of Southern White Supremacy," PhD dissertation, University of Georgia, 1981.

[21] Congressional Record, 85th Congress, 1st sess., August 30, 1957, pp. 16659-61, 85th Congress, 2nd sess., April 8, 1960, p. 7814.

[22] The Atlanta Constitution, December 2, 1955.

[23] Congressional Record, 84th Congress, 1st sess., June 26, 1956, p. 10973.

[24] Richard B. Russell to Senator Josiah Sibley, March 2, 1956.

[25] Richard B. Russell to Senator Kenneth McKellar, February 18, 1957.

[26] See the New York Times, January 27 and May 19, 1960.

[27] Richard B. Russell's handwritten notes of the White House Conference on Cuban crisis, October 23, 1962.

[28] U.S. News and World Report, 59 (September 6, 1957), p. 57.

[29] Quoted by Senator William F. Knowland, June 22, 1967. Columbia University Oral History.

[30] Congressional Record, 88th Congress, 1st sess. January 10, 1963, pp. 137-39.

[31] The Washington Post, March 24, 1969.

[32] Dick Dabney, The Life of Sam Irvin (Boston: Houghton Mifflin, 1976), p. 168.

[33] Pageant, 20 (November, 1964), p. 6.

[34] Senator Howard W. Cannon to Richard B. Russell, September 14, 1959; and Senator Robert C. Byrd to Russell, September 9, 1959 and March 9, 1960.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, how much time for morning business remains?

The PRESIDING OFFICER. The Chair will say to the majority leader that the time for morning business has now expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business continue until not later than 5:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak therein for not to exeed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 4:43 p.m., recessed until 5:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BYRD].

RECESS UNTIL 5:33 P.M.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 20 minutes.

There being no objection, the Senate, at 5:13 p.m., recessed until 5:33 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. Mr. President, has morning business expired?

The PRESIDING OFFICER. Yes, it has.

RESUMPTION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a resumption of morning business, that Senators may speak therein for not to exceed 10 minutes each, and that the period extend not beyond 6 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

THE NICARAGUAN RESISTANCE

Mr. ARMSTRONG. Mr. President, this week President Reagan is asking Congress to provide some modest funding for the democratic resistance in Nicaragua. I am distressed by just about everything that is going on. First of all, I regret that the President has not called for a larger funding package, though I understand the reasons that have prompted him to request what seems to me to be only the bare minimum of funding that will keep the democratic resistance going. I regret the fact that there is every chance that the House of Representatives will defeat this request, even though it is far less than I would like to see. Most of all, I regret the fact that all over the country there is tremendous confusion about what is going on in Central America.

Fifteen years ago, in fact almost exactly to the day, not quite but I guess 15 years to the week, we signed the Paris peace accords which promptly resulted in the consolidation of the Communists' hold on Southeast Asia, with the death of a great many people and the subjugation of millions of others and much heartache and torture and disruption and millions of refugees. All of the things which the worst alarmists predicted might be the outcome in fact have come true.

I do not know how other Senators are viewing this matter, but it seems to me that what is shaping up in Central America is just a replay with slightly different circumstances, a different area, closer to home; different set of characters, different nations, different cultures involved, but pretty much the same thing.

A weary Congress, unwilling to continue the battle for freedom, is being offered some excuses, some rather thinly veiled excuses at that, which will permit us to, in effect, declare victory and say: Well, we have handled that problem. Peace is at hand. Let us move on.

Deep down in our hearts I think most Senators know, at least those who are willing to think seriously about what is about to transpire, know that if we do that, if we lose our nerve and if we say: Well, we have funded the Contras and we cannot go any further, that probable outcome is just about like what happened in Southeast Asia. Our reputation as a faithful ally will be tarnished again; the next time that somebody thinks that maybe they can count on us to provide the material support in defense of freedom that they will have a second thought; that the Sandinista Communist regime in Nicaragua will consolidate, perhaps for the rest of our lives and beyond, their governance of that tragic country of Nicaragua; that they undoubtedly will resume the active export of revolution and terror throughout Central America; that it will be much to the strategic disadvantage of the United States; that the Panama Canal zone will become, if not actually under the physical domination of the Communists, certainly under much closer surveillance.

With all of these circumstances it is most obvious to me and some other Senators, so I find it particularly tragic, that very few people in the United States, really, seem to know what is going on and even fewer seem to care.

Mr. President, the polls show that far less than a majority of people in this country can even say which side the United States is on in Central America. Of those who can accurately identify whether we are for the Contras or the Sandinistas, there is great and I guess continuing controversy over whether we are on the right side, whether or not the group that we are backing, the democratic resistance, the contras as they are sometimes called, whether or not they are the people who represent the ideals for which we have always stood; those on the side of freedom of occupation, freedom of worship, freedom of travel and free elections or whether or not we are backing the wrong side.

The record is so clear for those who are willing to study it that it is really distressing to me that after all these years people at home do not seem to have a very clear impression. In some ways that is even more tragic than when people in this Chamber either do not understand or are unwilling to pay close attention to the problem or deliberately ignore it—and I judge that that is exactly what has happened.

I do not know what the outcome will be when the House of Representatives votes later this week. They say that it will be a very, very close vote. It is my hope that at the last minute, as has happened on a number of other occasions, that enough of our colleagues will be willing to stand up and be counted that at least the $30-some million that the President has suggested will in fact be agreed to by the House and then the Senators will have a chance to vote on it. As I understand the schedule, Mr. President, the House vote is set for Wednesday and then the Senate to vote the next day.

It is not plain to me at this point whether the Senate will actually take this matter up if it is defeated in the House on Wednesday. I hope we do because, even if the House turns it down, I think it is important for Senators to address the subject and to record how they wish to vote. I do not think it is a very complicated issue.

Not to say that there are not a number of loose ends; not to say that there are not collateral issues that are deserving of our study; not to say that there are not human rights questions and not to say that there are not issues which in and of themselves are deserving. But, you know, Mr. President, over and over again the attention of the Senate has been diverted from what I believe to be the central question and that is this: Are we prepared to stand by while the people who are fighting for freedom in Nicaragua are gunned down or run out of the country and Communists simply are permitted to consolidate their hold on Nicaragua without anybody to prevent it from happening?

Well, what about the peace process, because, after all, that is the excuse that is being given, that peace is at hand? After all, the Sandinista government, Commandante Ortega, and others have made extensive promises that, if honored, would certainly result in a far better outcome than prolonged fighting between the democratic resistance and the Sandinistas.

I do not want to absolutely say that there is no possibility that the Sandinistas regime will honor the pledges that they have made. It may well be, it is possible, at least, that in the final analysis the Sandinistas will keep their promises and that the best hopes of the Presidents in the area and President Arias and others will be realized.

Forgive, me however, Mr. President, if I am somewhat skeptical, not because I am, by temperament, a skeptic, but because I have taken the trouble over the last few weeks to go back over the record of the promises which the Sandinistas have previously made, not one of which so far as I can tell they have ever bothered to keep.

For example, in 1979, when Somoza was still in power, a Sandinista-dominated Nicaraguan Government of national reconstruction was formed in San Jose, Costa Rica. Of the five members of that Government of national reconstruction, three of them, including Daniel Ortega, were members of the National Liberation Front, which, of course, is the governing power in Nicaragua today.

On June 18 of that year, a press conference was held in which this group pledged among other things a government which would be truly democratic with respect for fundamental liberties, specifically including free expression, freedom of religion, a mixed economy, union rights, an independent nonaligned foreign policy, a minimum permanent military establishment, and other principles which one associates with a democratic government and free society.

These pledges were instrumental in the action of the Organization of American States which, with the support of our own Government, adopted a resolution in June of 1979 calling for the replacement of the Somoza regime with a democratic government.

It is no secret that the OAS and the United States relied at least in part on these pledges, not one of which were ever kept.

What is startling, Mr. President, is not only that these promises were not kept, but the speed with which the Sandinista regime once in power went back on virtually every promise that they made. They violated one after another on every topic.

I would like, Mr. President, to insert in the RECORD a report prepared by the Republican Policy Committee, of which I am the chairman, that documents the promises that were made at that time and then which details exactly what has transpired. I hope that Senators and others who may read the RECORD will consider very seriously these promises and the way they have been violated on a wholesale basis because it is the very expectation of the fulfillment of promises that are being made now, this week, last week, this month, this year, in Nicaragua, which is undermining the resolve of Members of this body and of the House of Representatives as they are asked to support the democratic resistance in their military efforts, the military efforts which, in my opinion, are the only reason that there is any prospect of a negotiated ceasefire and a negotiated peace in Nicaragua.

I would also like to insert into the RECORD a detailed discussion of not only the promises that were made in the last half of 1979 and what the response was after the Sandinistas took power, but what happened all through the 1980's, because while the Sandinista government has been loath to keep promises, they have never been hesitant about making them. They have made promises about human rights, about education, about free elections, about a free or at least a mixed economy, about freedom of the press. If they had lived up even to a small fraction of their promises, the outlook would be far different, and if they had lived up to all of the promises which they have made, Nicaragua would surely be a model of democracy and human freedom. The reality is they have not done any of those things.

This week we are wondering how many Members of Congress will be taken in by the promises which are being made.

When anybody says what I am saying, there is always the risk of being misunderstood. There is always the risk that somebody is going to say, "Well, is there anything that could happen which would cause you to believe that the government in power is prepared to negotiate? Is there any way, short of continuing the battle, that would satisfy you?"

My answer to that, Mr. President, is yes. I do not think we have to rely on promises. But that does not mean we have to turn our backs on the possibility of serious negotiations. If we based our actions not on promises but on performance, we would have, I think, a reasonable benchmark and standards. Perhaps my worst fears will not be realized, but I am hearing more and more that the vote in the House will be very close. I just hope that as Members of that body and this consider the responsibility that they have on behalf of the American people, they will at the last minute decide that they just do not want to take the responsibility for the tragedy that would occur. My own conviction is that if we cut off the money for the democratic resistance, for the Contras, that that force will dissolve very, very quickly. There will be some scattered elements that may stay on in the jungle and fight for a long time to come, but I think that would be fragmentary at best, a handful of people, not the well-organized and beginning to be successful Contra force that is in the field now.

What will happen to the rest? Well, some of them will perhaps make the best deal they can with the Communist Government and try to return to their homes. What the mercy of the Communists will be we do not know. I guess if I were in that sort of a fix I would not want to throw myself on the mercy of Daniel Ortega and his associates but some will do so. Many, probably most, will be refugees and some will apply for permission to come to this country and no doubt, as it was with refugees from Southeast Asia, it will be the role of the United States to be generous about granting political asylum, and correctly so.

The political asylum for those who have stood and fought for the cause of freedom in Central America, while it may be worthy and justified, is by no means a substitute for helping. As Mr. Reagan said in his State of the Union message, in exactly the same way that Lafayette helped win our country, our forefathers, our ancestors, were fighting for American freedom.

So, Mr. President, the purpose for which I have risen today is to put into the RECORD a detailed report of promises made and broken by the Sandinista regime, a report based not on secret sources, but on public sources. One of the things I have asked my staff on the Policy Committee to do in preparing this document and others which have preceded it is to not give me rumors, not give me things based so much on what the CIA or the State Department says because frankly official sources do not have the credibility with the general public that I think this issue deserves, but instead to give me reports based upon what the Washington Post says, the Washington Times, the Associated Press, Reuthers, and other publications about which I think there is no doubt as to the bias or whether or not we are getting a really fair report.

That is my request, Mr. President. I do send to the desk the report of the Republican Policy Committee on broken promises by the Sandinista regime and ask that it be printed in full at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE REPUBLICAN POLICY COMMITTEE, WILLIAM L. ARMSTRONG, CHAIRMAN, FEBRUARY 1, 1988

SANDINISTA PROMISES

(There is hardly a promise on human rights and fundamental liberties that the Sandinistas have not made, and hardly one that they've kept.)

(This paper is a review of the extensive promises made by the Sandinistas from the days before they rode into Managua in 1979 up to the current round of promises they have made in 1987/1988.)

THE ORIGINAL PROMISES

On June 17, 1979, while Anastasio Somoza was still in power, a Sandinista-dominated Nicaraguan Government of National Reconstruction (GRN) was formed in San Jose, Costa Rica. Of the five GRN members, three of them, including Daniel Ortega, were members of the Sandinista National Liberation Front (FSLN). (The non-Sandinista members were Violeta Chamorro, now editor of the opposition newspaper *La Prensa*, and Alfonso Robelo, now a member of the seven-man Directorate of the Nicaraguan Resistance—the Contras.)

On June 18, the GRN held a press conference in which they pledged their government's program would be "truly democratic," with respect for "fundamental liberties," including:

Free expression;
Freedom of religion;
A mixed economy;
Union rights;
An independent non-aligned foreign policy;
A minimum permanent military establishment; and
Other generally accepted principles.

These pledges were instrumental in the action of the Organization of American States (OAS), which, with the support of the United States, adopted a resolution on June 23, 1979, calling for the replacement of the Somoza regime with a democratic government "which reflects the free will of the people of Nicaragua;" would guarantee the "human rights of all Nicaraguans without exception;" and, would hold "free elections as soon as possible," leading to "the establishment of a truly democratic government that guarantees peace, freedom, and justice."

On July 12, after active negotiation with representatives of the Carter Administration and the OAS, the GRN sent a letter to the OAS, citing the OAS June 23 resolution and promising free elections. Attached to the GRN letter were two other documents:

A "Plan to Achieve Peace," which detailed a step-by-step measure for the peaceful resignation of the Somoza government and the takeover by the GRN.

A formal "Program of the Nicaraguan National Reconstruction Junta," dated July 9, in which the GRN spelled out in specific detail its June 18 pledges.

Taken together, the documents submitted to the OAS on July 12—the letter, the peace plan, and the GRN program—constituted a comprehensive program of democratic guarantees. They included:

The structure of the new government, featuring a 33-member legislative Council of State representing "all the political, economic, and social sectors that helped overthrow the Somoza dictatorship;"

A guarantee of full human rights observance as set forth in the United Nations Universal Declaration of Human Rights and in the Charter on Human Rights of the OAS;

Freedom of press, religion, unions;

Private enterprise in a mixed economy;

A non-aligned foreign policy;

A new national army with only a "minimum" permanent military establishment;

A guarantee of the lives and rights of members of the National Guard; and

Many other guarantees of fundamental liberties.

On the basis of these comprehensive guarantees, on July 15 the Carter Administration and the OAS approved final transfer of power from Somoza to the GRN. Somoza submitted his resignation to the Nicaraguan Congress on July 16 and left the country the next day. On July 17 the Carter State Department noted the Somoza resignation and announced:

"From the beginning of the violence that has set Nicaraguans against each other, the Organization of American States and its member nations, including the United States, have worked to facilitate a peaceful and democratic solution to the civil strife in Nicaragua. . . .

"A caretaker government is in place to begin the process of national reconciliation. A Government of National Reconciliation, formed initially in exile, will assume power. . . . It has pledged to avoid reprisals, to provide sanctuary for those in fear, to begin immediately the immense task of national reconstruction, and to respect human rights and hold free elections."

On July 17 and 18 National Guard resistance ended. The Sandinista-led anti-Somoza forces entered Managua on July 19. On July 20 the GRN was installed and had the opportunity to act upon their previous promises and commitments. Particularly astonishing is the speed with which the Sandinistas moved to violate them.

Promise:

That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework, [From the July 12 GRN promises to the OAS]

Performance:

"After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora, . . . the former headquarters of the National Guard in the town of Granada. . . . [O]n October 3, 1979, José Estebán González of the CPDH [the independent Permanent Commission on Human Rights], traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the

Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980. . . . [Humberto Belli Breaking Faith, The Puebla Institute, 1985, p. 120]

Promise:

After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [From the July 12 GRN promises to the OAS]

Peformance:

The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was offically named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long-term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [from the document text, quoted in Shirley Christian Nicaragua, Revolution in the Family, p. 151.] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas plan a total military and para-military force of 600,000 by the mid-1990s.

Promise:

"An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair, mutually-beneficial economic relations." [From the July GRN promises to the OAS]

Performance:

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, was rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Martí National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Fidel Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In early August, *Comandante* Henry Ruiz travelled to the USSR, Bulgaria, Libya, and Algeria to conclude aid agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, *Comanante* Daniel Ortega gave a speech condemning United States "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In early 1980, Nicaraguan abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "nonaligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister *Comanante* Humberto Ortega declared "Marxism-Leninism" the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista *comanantes* had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lamumba University as a youth cadre of the Moscow-line Nicaragua Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counterrevolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnev died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinista abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the USSR, and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

Promise:

The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [From the July 12 promises to the OAS, Program of the GRN]

Performance:

In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members, with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN, Violeta Chamorro and Alfonso Robelo, resigned in protest.

Promise:

Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [From July 12 GRN promises to the OAS]

Performance:

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc., would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled *"Somocista"* were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; these included about one-fourth of cultivated land, about 130 industries and business, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialists" and attacked their organizers. Strikes were banned throughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being *La Prensa*; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was refused permission to open a new, independent televisiion station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, *La Prensa* was ordered to not print any news from that region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of *Comandante* Tomas Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or which might bring about price speculation. Temporary closings of *La Prensa* began on July 8, 1981; full prior censorship was instituted in March 1982.

The Sandinistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's *Radio Catolica* and on *La Prensa's* coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organization, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers;" other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista controlled mobs (*turbas divinas*, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

Promise:

The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution of June 23, 1979, specifies that these be held "as soon as possible."

Performance:

For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister *Comandante* Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1984. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine *comandantes*]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

DENYING RIGHTS, BUT MAKING MORE PROMISES

Throughout this early period while the Sandinistas were busy abandoning their July 1979 promises, they were also making new ones, promising the same rights and freedoms.

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

On March 12, 1980, they ratified the United Nations International Covenant on Civil and Political Rights, along with its Optional Protocol.

Aside from the unofficial violations of rights guarantees that started at the beginning of Sandinista rule, the FSLN has also officially suspended many of these guarantees:

The first major abridgement (Decree 812) was the "Law of State of Economic and Social Emergency," issued September 9, 1981, before any significant Contra activity. The effective period was to be one year.

Following the first major Contra action on March 14, 1982, the Sandinistas enacted (Decree 996) "The National Emergency Law" on March 15. This suspended virtually all rights specified in Decree 52 (the "Bill of Rights" of August 1979). The effective period was to have been one month but was repeatedly extended.

During the 1984 "elections," many of the restrictions under the 1982 State of Emergency were technically lifted (but key provisions, such as those relating to censorship, remained in force). But on October 15, 1985, Daniel Ortega ordered a new and expanded state of emergency, reimposing many of the 1982 rights suspensions.

THE MIDDLE YEARS—MORE PROMISES

All of the facts cited so far show that the Sandinistas made very extensive promises at the beginning of their rule as a means to achieve power and they set about abandoning each and every promise as quickly as possible.

But the Sandinistas did not stop there. Incredibly, in the years that followed, they continued to make many of the same promises over, and over again.

Three years after the 1979 promises for a mixed economy had been made and then broken, President Daniel Ortega was promising greater freedom for businessmen in Nicaragua. On February 15, 1982, Nicaraguan President Ortega promised his government would increase benefits available to businessmen who would work in the Sandinista drive to reinvigorate their recession ridden economy. President Ortega confirmed reports that the government released three businessmen, jailed the previous fall after signing a comunique by a business council charging the leftist Sandinista government with a "definite Marixt-Leninist tendency." The government commuted the sentence of Superior Business Council President Enrique Dreyfus, Gilberto Cuadra of the National Confederation of Professionals, and Benjamin Lanza, president of the Nicaraguan Construction Council. [UPI, 1/15/82]

Five years after the 1979 promises to respect freedom of expression, Daniel Ortega (on July 19, 1984) was again promising that political parties would be allowed to hold meetings and that freedom of expression would be guaranteed. However, speaking at a rally in Managua marking the revolution's fifth anniversary, Mr. Ortega reaffirmed that there will continue to be pre-censorship of any report "that affects our country's defenses against American military power." [The Economist, 7/28/84]

Five years after the 1979 promises of civil liberties, of press freedoms, and of free unions, Daniel Ortega was again promising (on August 7, 1984) to relax press censorship, restore the right to strike, and allow people to petition the courts for release from jail. The Sandinistas' announcement came the same day that the opposition newspaper La Prensa did not publish because government censors rejected stories about political violence and other events related to the pending presidential elections held November 4. [Christian Science Monitor, 8/8/84]

Five years after the 1979 promises of freedom of religion, a mixed economy, and free unions, Daniel Ortega was promising (in early November of 1984) to have a national dialogue with the regime's critics in the Roman Catholic church, the private sector, and the non-Sandinista trade unions. Such an exchange of views would allow all sides to help work out a constitution which the newly-elected assembly is to draft by 1987. [The Economist, 11/10/84]

Five years after the 1979 promises for religious freedom, in December 1984, Nicaraguan church spokesman Msgr. Bismarck Carballo said that President Ortega promised to exempt siminarians from the draft. However, at a meeting of church and government representatives last week, government officials argued that the students were not actually seminarians and would be eligible for military service. [Los Angeles Times]

Six years after the 1979 promises for a mixed economy and political freedoms, on January 27, 1985, Nicaraguan Ambassador Carlos Tunnermann said the perception by Democrats in the U.S. of a worsening situation in his country is not correct. Ambassador Tunnerman explained that President Daniel Ortega had promised a broad amnesty program, continued mixed economy and political pluralism in a recent speech. The ambassador added that reports of draft resistance and monetary speculation are isolated cases. [The Washington Post, 1/28/85]

Six years after the 1979 promises to follow an independent, nonaligned foreign policy—promises which were ignored from day one—on Feburary 28, 1985, the Sandinistas promised to send home 100 Cuban military advisers, and to refrain for an indefinite period from acquiring new weapons systems, including sophisticated inceptor aircraft. [The Washington Post, 3/1/85]

Six years after the 1979 promises of political pluralism and civil liberties, on April 20, 1985, Brooklyn Rivera, a leader of the Miskito Indian rebels, said that during six months of talks with Nicaraguan officials, President Ortega had expressed eagerness to end the conflict with the Miskitos; had promised to release 50 Indians jailed in Nicaragua; and, had pledged land and a broad degree of political autonomy for the Miskitos. [The New York Times. 4/21/85]

Eight years after the 1979 promises to respect fundamental liberties, on January 1987, the Sandinistas enacted a new constitution containing all of the usual rights and guarantees, including right to strike, to privacy, and so forth. Several hours later, Daniel Ortega issued a new state of emergency suspending almost all the rights guarantees in the new constitution. [Washington Post, 1/10/87, p. A13]

THE CURRENT ROUND—MORE PROMISES

On August 7, 1987, in Guatemala City, *Comandante* Daniel Ortega joined the presidents of the four Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in signing the peace plan authored by Costa Rican President Oscar Arias. The peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:

Amnesty for political opponents and dialogue with unarmed political opposition;

A cease-fire with "irregular and insurgent groups" (in the Nicaraguan context, this meant a cease-fire between the Sandinistas and the Contras);

Democratization, including: (a) complete freedom for television, radio and the press; (b) rights of political parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and

Cessation of aid to irregular and insurgent forces in the other Central American countries and non-use of national territory by such forces (for the Sandinistas, this means primarily ceasing support for the communist FMLN guerrillas in El Salvador and not permitting them to continue to be headquartered in Nicaragua).

The Sandinistas had taken almost no action to comply with any of these provisions in time for the November 5 deadline (even though, for example, Guatemala and El Salvador instituted direct cease-fire negotiations with their guerrilla opponents in early October). As the November 5 deadline passed, *Comandante* Ortega issued new promises and measures represented as initial compliance with the peace plan terms. These gestures included:

The promise to begin indirect cease-fire talks with the Contras through an intermediary (Ortega had announced a unilateral cease-fire offer, essentially a demand for the Contras to surrender in three, later four, small zones, on September 30 [*Christian Science Monitor,* 10/2/87]);

The release of approximately 1,000 political prisoners (out of a total of about 8,000 to 10,000; the Sandinistas still insisted they would not declare a general amnesty, as had the other Central American signatory countries); and

The promise to lift the state of emergency and restore civil liberties—just as soon as the United States ceases support for the Contras. (The only measures take in this area prior to November 5 were the reopening, around October 1, of *La Prensa* and "Radio Catolica.")

Again the Sandinistas exhibited little willingness to meet the terms of the peace plan before the next milestone, the January 15-17 summit meeting originally intended as a final compliance review. Instead, *Comandante* Ortega began the review summit with a proposal to extend the peace plan deadline to permit the Sandinistas more time to begin implementation of the measures they failed to take by November 5 or even January 15. Instead, however, the democratic presidents refused to agree to an extension and demanded immediate Sandinista compliance. Only when faced with the prospect of the peace plan's total collapse (and renewed Contra aid) did *Comandante* Ortega announce, on January 17, 1988, new steps. [From *Washington Post* 1/18/88 p. A18]:

A formal lifting of the six-year-old state of emergency;

An agreement to begin direct cease-fire talks with the Contras; and

An amnesty of political prisoners (to take effect upon "the achievement of an effective cease-fire agreement . . . In addition, if no cease-fire agreement is reached, the government will set free all such persons if the government of the United States or any other non-Central American government decides to accept them in its territory. They can return to Nicaragua as soon as the war ends.")

WHAT THEY WERE DOING WHILE MAKING THESE PROMISES

The effect of these "compliance" steps is still uncertain. However, the record of Sandinista performance on peace plan requirements after the August 7, 1987, signing does not encourage optimism:

On August 15, one week after the peace plan signing, the director of the independent Nicaraguan Permanent Commission on Human Rights, Lino Hernandez, and president of Nicaraguan Bar Association, Alberto Saborio, were arrested and sentenced to 30 days imprisonment during a peaceful demonstration by the coalition of Nicaraguan opposition groups. Sandinista security forces used attack dogs, night sticks, electric cattle prods, and government-organized mobs to suppress the demonstrators. [*AP,* 1/17/88]

On September 12, two Catholic priests who had been expelled by the government were allowed to return. However, 18 other priests remained outside the country after having been expelled by the Sandinista regime. [*New York Times,* 9/14/87 p.A3]

On October 1 and 2, respectively, the Sandinistas allowed *La Prensa* and "Radio Catolica" to resume operations without censorship. However, censorship decrees were not revoked and licenses were refused for other radio programs and an independent television station. Newspapers, television and radio stations confiscated by the government continued to operate as government or pro-Sandinista organs. [*Associated Press* wire, 10/19,22/87]

On October 22, members of the January 22 Mothers of Political Prisoners-Movement were attacked by a Sandinista group during a peaceful vigil. Sandinista police did nothing to stop the attack. [*AP,* 10/22/87]

During October 1987, according to Sandinista defector Major Roger Miranda, the Sandinistas provided training to 15 Salvadoran communist FMLN guerrillas in the use of hand-carried surface-to-air missiles, such as the Soviet SA-7 and SA-15 and the U.S. REDEYE. This occurred two months after the Sandinistas had signed the peace plan requiring them to cease support for the FMLN. [Department of State]

On November 13, President Ortega announced an 11-point cease-fire proposal which called for the surrender of the Resistance—essentially a reworking of their September 30 unilateral cease-fire offer. The Sandinistas then refused to initiate an indirect dialogue with Resistance in Central America and refused to allow Resistance members to travel to Managua to deliver their cease-fire proposal personally. [*Los Angeles Times,* 11/13/87 Part I, p.1]

On November 17, 1987, the publisher of Nicaragua's sole opposition newspaper, *La Prensa,* strongly criticized Managua's Sandinista government and said the paper faced continual threat of closure. Violeta Chamorro, whose newspaper resumed publication in September after a 15-month government-imposed suspension, said President Ortega had broken promises to lift emergency powers that enable him to order the closing of the newspaper at any time. [*Reuter's,* 11/17/87]

On November 22, 985 political prisoners were released, leaving over 8,000 more in Nicaraguan jails. [*Los Angeles Times,* 12/23/87 Part I, p.1]

On December 3, and 4, the Sandinistas rejected a proposal for an interim truce put forward by Miguel Cardinal Obando y Bravo and rejected a Resistance cease-fire proposal. [*AP,* 12/5/87]

On December 13, in speech to a labor group, President Ortega said that while the Sandinistas might give up the government, they would never give up power. [*Reuter's,* 12/15/87; *New York Times,* 12/14/87 p.A12]

On December 14, the Sandinistas cancelled the second round of cease-fire talks, which were scheduled to begin that day. [*UPI,* 12/14/87]

On December 15, the director of the independent Permanent Commission for Human Rights charged that the Sandinistas were flouting the peace plan provisions by continuing to shell civilians using Soviet-built equipment, holding thousands of political prisoners whom the Sandinista exploit as slave labor, and stepping up mobs attacks on the opposition. [*Washington Times,* 12/16/87 p.A6]

In December 1987, according to defector Major Roger Miranda, the Sandinistas offered the Salvadoran FMLN guerrillas 10,000 automatic assault rifles (including U.S.-made M-16s, presumably from Vietnam) from Nicaraguan Interior Ministry stocks. [State Department]

On January 5, fourteen opposition parties issued a joint statement accusing the Sandinistas of intransigence and not entering into dialogue with the opposition, as required by the peace plan. Representatives of other opposition groups criticized the Sandinistas for failing to grant amnesty to political prisoners, not stopping aid to insurgents, and not instituting democratic reforms. [*Washington Times,* 1/7/88 p.A1]

On January 15-16, 1988, the Sandinista state security police arrested four civilian opposition leaders (representing the Nicaraguan Bar Association, the Conservative Party, the Democratic Coordinating Group of the opposition, and the Social Christian Party) for participating in a public meeting with Contra leaders in Guatemala City earlier that week. The arrests came as *Comandante* Daniel Ortega was in Guatemala City for the regional peace plan review summit. According to a Sandinista Interior Ministry spokeswoman, *Comandante* Ortega was aware of the arrests. [*Washington Post,* 1/17/88 p.A28]

On January 22 (after the latest promises for peace plan compliance made by Daniel Ortega on January 17), Sandinista mobs attacked the offices of the Democratic Coordinator (a broad umbrella organization of opposition groups) and attacked the January 22 Mothers of Political Prisoners Movement during a peaceful demonstration held as a memorial of a massacre of protesters by the National Guard in 1967. Sandinista police did nothing to stop the attack. [*New York Times,* 1/12/88 Sec. p.5]

CONCLUSION

The Sandinistas have issued many promises since before they took power in Managua in July 1979—promises to the Nicaraguan people, to the other countries in the Western Hemisphere, to their immediate neighbors in Central America, to the United States, to the international community of nations. In this eight-year period it is difficult to find one promise they have fully kept.

The most recent round of Sandinista promises, made in the face of the January 1988 near collapse of the Central American people plan, is no guarantee of freedom in Nicaragua or peace in the region. The Sandinistas have yet to weaken their hold over Nicaraguan society in any way that could not be immediately reversed as soon as the Contras were abandoned. Presently, there is no evidence that Nicaragua has ceased support to Salvadoran FMLN and other insurgent groups. There is no evidence that the Sandinista regime has altered its policy of implementing a Marxist, state-controlled economy while giving lip service to the goal of a mixed economy and pluralistic society. There is no reason to think that free expression will be respected or that all political prisoners will be released. There is no evidence that Sandinista dependency on Moscow, Havana, and the rest of the socialist bloc has lessened.

In short, there is no reason to think that, absent pressure from the Nicaraguan opposition, the Sandinistas will live up to these latest promises any better than the others they have made—and violated.

Sources: In addition to the specific news stories cited in this paper, the following additional sources were used:

Nicaragua, Revolution in the Family; Shirley Christian; Vintage Books; 1985.

Breaking Faith; Humberto Belli; The Puebla Institute; 1985.

Christians Under Fire; Humberto Belli; The Puebla Institute; 1984.

Human Rights in Nicaragua Under the Sandinistas; U.S. Dept. of State; 1986.

Broken Promises; State Department Memo; January 25, 1988.

Staff contact: Jim Jatras.

Mr. ARMSTRONG. Mr. President, I thank the Chair and my colleagues. Unless there is another Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF THE SENIOR SENATOR FROM HAWAII

Mr. MATSUNAGA. Mr. President, I rise to commend my colleague, the senior Senator from Hawaii [Mr. Inouye] for his forthright position, and action, in proposing to rescind the $8 million earmarked in the continuing resolution for fiscal year 1988 for the construction of schools in France for Jewish refugees from north Africa.

My longstanding faith in Senator Inouye's judgment and integrity remains unshaken. His action last December was motivated by a sincere desire to help people in distress. His action today was motivated by a sincere desire to help people bring about an end to an unmerited attack upon him and the congressional legislative process.

Mr. President, I do not believe anyone can question the enormity of Senator Inouye's contributions to the good of society in the course of his long and distinguished congressional career. Nor can there be any question of his dedication to the welfare of the people of his State and Nation. Indeed, he is being held to account in this instance for a concern which transcended our borders. As he has observed, such an action by Congress—and the American people—would not be without precedent in the case of overseas refugees. Whatever reforms may be in order for the budget process in Congress, this case illustrates not so much a glitch in the system as after-the-fact criticism and second guessing from those who had ample opportunity to make their views known at the appropriate time during the budget formulation process.

To have the courage of one's convictions is fairly commonplace in this body, Mr. President. What is rare is the courage to lay aside one's conviction in the interest of the welfare of one's colleagues and of the integrity of the institution we serve. This is what my senior colleague from Hawaii has displayed today and I for one am truly grateful that I have been granted the great privilege of serving with him in this august body

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

Mr. BYRD. Mr. President, I send to the desk a bill on behalf of Mr. Cranston, Mr. Murkowski, Mr. Bentsen, and Mr. Gramm, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. Matsunaga). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2022) to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

(By request of Mr. Byrd, the following statement was ordered to be printed in the Record:)

● **Mr. CRANSTON.** Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce, along with the ranking minority member of our committee, Senator Murkowski, and Senators Bentsen and Gramm of Texas, S. 2022, the proposed Veterans Home Loan Program Emergency Amendments of 1988, for which we will be seeking immediate Senate passage and comparable action on the House side. We will also be introducing a second home-loan bill tomorrow.

Before commenting on the provisions of the bill, I would like to express my appreciation to Senator Murkowski for his many contributions to this legislation and the fine cooperation he has shown in working to develop this measure on an expedited basis at the beginning of this session. I am delighted that this bill is a result of our continued united, bipartisan effort to improve the VA Home Loan Guaranty Program.

Mr. President, I also want to recognize the efforts of Senator Bentsen on this legislation: He has always been a champion of veterans and has worked long and hard to help find solutions to the increasing foreclosure rates threatening the Home Loan Program, particularly in his home State of Texas, and to try to protect the veterans who feel the direct impact of defaulted loans. We are delighted to have Senator Gramm join us as well.

VENDEE LOAN DOWNPAYMENTS

Mr. President, the first provision in our bill would allow the Administrator to reduce or waive the 5-percent downpayment requirement on vendee loans—just enacted as part of Public Law 100-198—made to purchase VA foreclosed properties to the extent the Administrator determines such a reduction is necessary in order to market competitively the property involved. The new requirement was legislated in order to reduce defaults on vendee-loan properties.

When the VA sells foreclosed properties it has acquired as the result of defaults on VA-guaranteed loans, it generally offers two types of financing. Buyers of such properties can pay cash, which they usually will obtain through a loan from a conventional lender, or, if they quality under the VA's credit-underwriting criteria, the VA may finance the transaction by extending the buyer a loan—known as a vendee loan. Vendee loans are not limited to veterans; in fact, it is estimated that the vast majority of buyers receiving vendee loans are not veterans.

Vendee loans currently are generally made at favorable interest rates in order to facilitate the sale of foreclosed properties held by the VA. The new 5-percent downpayment requirement compares very favorably with the usual 20-percent downpayment required in most areas in the conventional market. By offering vendee financing, the VA is able to sell properties at higher prices than it otherwise could. Unfortunately, the default rate on these low-interest-rate loans has been higher than that on guaranteed loans to veterans. In fiscal year 1986, 4,011 vendee loans were foreclosed upon—at a substantial loss to the home loan program.

The 5-percent downpayment requirement was derived from a provision Senator Murkowski and I introduced in S. 1801 and was enacted in section 6(b) of Public Law 100-198. Our goal was to ensure that the buyer would have an equity interest in the property, which should reduce defaults on these loans. In general, 95-percent financing, combined with interest rates which generally are at the lower end of the prevailing market rates, and the

1-percent loan origination fee represent competitive financial terms sufficient to enhance the attractiveness of VA properties.

However, in economically depressed areas, tremendous increases in the foreclosure rate and depreciating property values have resulted in substantial VA inventories of unsold foreclosed properties. Although no objections were made regarding the 5-percent downpayment proposal from the time it was first made on October 16 in S. 1801 until the date of enactment of Public Law 100-198 on December 22, 1987, since that time serious concern has been raised that an absolute requirement such as now is in the law may stifle or substantially eliminate sales in certain areas of the country where economic conditions have resulted in a true buyers' market. In Houston—where the largest number of VA foreclosed properties is concentrated—the inventory of foreclosed properties from all sources has more than doubled to over 200,000 in the past 3 years. The VA's Houston area inventory alone now includes 5,796 properties—nearly 26 percent of its total nationwide inventory.

Sellers of foreclosed properties in economically depressed areas—which include Federal Government agencies such as the FHA as well as private lenders—are using attractive financing packages to sell properties. Many sellers are offering low- or no-downpayment loans. In such areas, where a VA-foreclosed property may be virtually identical to a conventional lender's property down the block, favorable financing terms may be the deciding factor for the buyer.

In order to compete with these other sellers, the VA must be able to offer similarly attractive financing. The 5-percent downpayment requirement thus may either substantially reduce sales in such areas or force the VA to sell properties at unwisely large reductions in prices.

Indeed, on January 28, 1987, the Houston VA Regional Office had its first public-bidding sale of VA foreclosed properties requiring the 5-percent downpayment. Although 202 properties were listed for sale, the VA received bids for only 48 properties in compliance with the 5-percent requirement. Prior to the enactment of the downpayment requirement, the VA typically received 300 to 350 offers on the approximately 100 properties it listed for sale each week in Houston. Clearly, modification of the 5-percent downpayment requirement is needed so that, in Houston and similar areas, the VA will be able to market its foreclosed properties competitively and reduce its substantial inventory of them.

Therefore, in order to give the VA the flexibility it needs, our bill would provide that the VA may modify or waive the downpayment requirement when that is necessary because of prevailing conditions in the local real estate market. Of course, when market conditions do not prohibit it—as will be the case in most areas of the country—the 5-percent downpayment would continue to be required to help reduce defaults on vendee loans.

AMOUNT OF GUARANTY ENTITLEMENT

Mr. President, the second provision of our bill would make certain technical amendments to provisions in title 38 pertaining to the Home Loan Program. First, it would clarify the way the amount of a veteran's guaranty entitlement is to be calculated for both conventional and manufactured home loans. Section 3 of Public Law 100-198 changed the amount of the maximum VA guaranty for both types of loans. As it was drafted, however, the provision is susceptible of an interpretation having the effect of reducing the amount of guaranty entitlement available to certain veterans who have already used part of their guaranty entitlement. In enacting that provision, it certainly was not intended that any veterans would be deprived of their home loan benefits in such fashion—and our bill would correct this drafting-related inequity.

The existing provision would lead to certain unjustifiable and inequitable results. These were described in a white paper provided today by the VA's Office of the General Counsel, from which the following excerpt is taken:

Section 1810(c) of title 38 U.S.C. previously provided, in effect, a bank of entitlement for each veteran. Prior to enactment of P.L. 100-198 the amount of guaranty entitlement available to a veteran was $27,500. This was reduced if the veteran had prior use, which we would subtract from the $27,500 to arrive at the new maximum entitlement available to the veteran. Section 3 of P.L. 100-198 requires a new method for calculating the percentage and the guaranty amount for VA guaranteed loans. It also repealed section 1810(c) of title 28 U.S.C. The repeal of section 1810(c), for practical purposes, eliminates the use of remaining entitlement. As illustrated below, the main effect will be on veterans seeking lesser loan amounts with the use of remaining entitlement.

In the past when the guaranty amount was increased (through a change to 1810(c)) it resulted in an addition to whatever amount of entitlement the veteran had available. This increased entitlement could then be applied to any new loan that the veteran obtained, subject only to the maximum applicable to that loan. Under the new law the maximum guaranty on the new loan will be computed, which can range up to $36,000, and then any unrestored used guaranty amounts would be subtracted.

For example, under the new law a veteran who had used $24,000 in guaranty and was now applying for a loan of $40,000 would not be able to obtain such a loan. The $24,000 of used guaranty would have to be subtracted from the new maximum guaranty for that loan of $20,000 (50 percent of $40,000) leaving a negative of $4,000. Under the old system that same veteran would have had $12,000 in remaining entitlement ($36,000-$24,000, assuming 1910(c) was increased to $36,000), and would have been able to obtain a no downpayment loan of up to $48,000 since lenders require at least a 25 percent guaranty coverage. We further note that the new law will permit guaranteeing higher amount loans when guaranty is denied on smaller loans. In the above case, for example, VA would not guarantee a $40,000 loan for a veteran who previously used $24,000 of guaranty entitlement. But if the same veteran obtained a $90,000 loan, VA would guarantee $12,000 of such loan (40% of $90,000-$36,000 less $24,000 prior use=$12,000).

Second, our bill would clarify the provision, enacted in section 3(b) of Public Law 100-198, establishing a 5-percent downpayment requirement on manufactured home loans. This provision would not effect any substantive changes, but would merely improve the drafting of the downpayment provision.

CONCLUSION

Mr. President, the VA Home Loan Program has helped millions of veterans achieve home ownership. Recent incrases in the cost of the program have necessitated a careful examination of the program, which we began in the last session with the enactment of Public Law 100-198. As I noted earlier, along with Senators MURKOWSKI, BENTSEN, and GRAMM, I will be introducing tomorrow a bill which would allow for the continuance of that examination. Today's measure, however, is urgently needed to ensure that the improvements wrought by that law do not have the unintended effect of hindering VA property disposition efforts in certain areas and reducing the amount of guaranty entitlements which should be available to certain veterans.

Mr. President, I greatly appreciate the cooperation of the leadership and all Senators in agreeing to expedite condiseration of this emergency measure so rapidly today.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

This bill would make urgently-needed amendments to provisions enacted in Public Law 100-198 on December 21, 1987, and which took effect on January 20 and February 1, 1988. These amendments would—

(1) provide the VA with the authority to reduce (or waive) the 5-percent downpayment newly required (as a result of section 6 of Public Law 100-198) for loans made by the VA to finance its sales of properties it has acquired as the result of foreclosures (called "vendee loans") where the reduction (or waiver) is necessary for the VA competitively to market such properties; and

(2) correct a technical error (in section 3 of Public Law 100-198) which precludes cer-

tain veterans from using the maximum amount of their VA home loan guaranty entitlement.

Mr. MURKOWSKI. Mr. President, I am today joining with the distinguished chairman of the Committee on Veterans' Affairs, Senator CRANSTON, and the Senators from Texas, in introducing legislation which would give the Veterans' Administration authority to waive the recently imposed requirement for a 5-percent downpayment on the VA-financed sale of VA-owned homes.

When a VA-guaranteed home loan is foreclosed, the VA has the option of paying to the lender the unpaid loan amount as well as all accrued interest and foreclosure costs. The VA, in turn, acquires the property securing the loan and resells the property. In reselling the property the VA can act as lender and finance the sale itself. These so-called vendee loans are the subject of the legislation we are introducing today.

These vendee loans, which can be made to nonveterans, are big business. In fiscal year 1987, the VA made 22,563 vendee loans for a total of $973,999,000. However, the VA tells me that between 20 and 25 percent of these loans subsequently go into default. These defaults impose an enormous cost on the VA and the taxpayer because the VA must again pay the costs of foreclosure, acquiring, maintaining and reselling the home. The Congress, in enacting Public Law 100-198 in the closing days of 1987, attempted to respond to this situation by limiting, in most cases, VA financing to 95 percent of the value of the property. By requiring a purchaser to have some equity in the home we believed we would reduce the number of defaulted vendee loans by ensuring that the purchasers have a financial interest in keeping their homes. We also intended to reduce the VA's loss if a vendee loan does go into default. We believed that 95-percent financing, while not as attractive as 100-percent financing, is still very attractive financing for a prospective homebuyer.

In most cases, and in most areas of the country, the logic behind the requirement for a 5-percent downpayment is valid. But in some areas of the country, requiring a 5-percent downpayment simply makes the VA uncompetitive as a seller.

Members of my staff conducted oversight visits of VA home loan guaranty operations in the Southwest United States during the January recess. They saw areas of the country where the real estate market has been devastated. They saw subdivisions where most of the homes are empty and for sale. These homes have been foreclosed and are now owned by lenders or the agencies that back those lenders—VA, HUD, FNMA, FSLIC, et cetera. These homes are in a buyer's market and sellers have responded by offering very attractive terms in both price and financing. Terms so attractive that limiting the VA to 95-percent financing will sharply reduce, if not eliminate, the VA's ability to sell its inventory of homes.

Mr. President, the impact of a slowdown of VA sales on the VA loan guaranty revolving fund [LGRF], and hence upon the taxpayer, would be catastrophic. Over ⅓ of the VA inventory—8,000 of 24,000 homes—is in the Houston area. If the VA cannot sell these homes, the resulting drag on the LGRF would threaten to bring the VA Home Loan Guaranty Program to its knees. This simply cannot be allowed to happen. That is why Chairman CRANSTON and I are introducing this legislation which would allow the VA to waive the requirement for a 5-percent downpayment on vendee loans in those cases where the VA determines a waiver is necessary for the VA to compete in marketing its inventory of foreclosed homes. The bill also makes technical corrections in Public Law 100-198, which was signed by the President on December 21, 1987.

Mr. President, this legislation is not my final word on the subject. I continue to be very concerned about the program and my staff's findings in the Southwest have heightened my concern. I intend to closely follow this program and introduce additional legislation as appropriate. This legislation is, however, urgent. The requirement for a downpayment went into effect January 21, 1988. Every day without relief imposes a greater risk on the vitally important Veterans' Home Loan Guaranty Program. I am very pleased the Senators from Texas have joined with Senator CRANSTON and myself in agreeing upon, and bringing before the Senate, legislation to correct this situation. I urge my colleagues to join us in supporting this urgent measure.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Emergency Amendments of 1988".

SEC. 2. DOWNPAYMENT REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d)(4)(B) of title 38, United States Code (as amended by section 6(b)(1) of Public Law 100-198), is amended—

(1) by inserting '(i)" after "(B)"; and

(2) by adding at the end the following new division:

"(ii) A loan described in subparagraph (A) of this paragraph may, to the extent the Administrator determines to be necessary in order to market competitively the property involved, exceed 95 percent of the purchase price.".

SEC. 3. AMOUNT OF GUARANTY ENTITLEMENT.

(a) CONVENTIONAL HOUSING.—Section 1803(a)(1) of title 38, United States Code (as amended by section 3(a)(1) of Public Law 100-198) is amended to read as follows:

"(a)(1)(A) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed the lesser of—

"(i)(I) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(II) in the case of any loan of more than $45,000, the lesser of $36,000 or 40 percent of the loan, except that the amount of such guaranty for any such loan shall not be less than $22,500; or

"(ii) the maximum amount of guaranty entitlement available to the veteran.

"(B) The maximum amount of guaranty entitlement available to a veteran under section 1810 of this chapter shall be $36,000 reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(b) MANUFACTURED HOUSING.—Section 1819(c) of such title (as amended by section 3(b) of Public Law 100-198) is amended—

(1) in paragraph (3), by amending the first sentence to read as follows: "The Administrator's guaranty may not exceed the lesser of (A) the lesser of $20,000 or 40 percent of the loan, or (B) the maximum amount of guaranty entitlement available to the veteran.";

(2) in paragraph (4), by amending the first sentence to read as follows: "The maximum amount of guaranty entitlement available to a veteran under this section shall be $20,000 reduced by the amount of any such entitlement previously used by the veteran."; and

(3) by adding at the end the following new paragraph:

"(5) the amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing the loan.".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCHOOL COUNSELING WEEK

Mr. HATCH. Mr. President, I would like to call to my colleagues' attention on the ninth annual National School Counseling Week which occurs February 1 through 5. Our Nation's school counselors are important and active players in developing a strong America. The school counselor has a great responsibility in helping our children in their educational and career development.

School counseling is one of the building blocks of an educational system that can keep the United States competitive by helping students maximize their abilities and career potential.

In order that school counselors maintain high standards of excellence, the American School Counselor Association, a division of the American Association for Counseling and Development, has emerged as the leading professional organization for these individuals. For more than 30 years, ASCA has worked toward the continued improvement of school counseling through publications, professional development, and issuance of a code of ethics.

I am especially proud that this year's ASCA President hails from my home State of Utah. Ms. Nancy Hardy, a school counselor at Olympus Junior High School in Salt Lake City has served her profession with distinction. More importantly, she has served her students with true dedication. In addition, Ms. Hardy attended a White House ceremony last year when President Reagan and Department of Education Secretary William Bennett presented Olympus Junior High School with one of its Secondary School Recognition Awards.

Mr. President, I ask that my colleagues join me in recognizing National School Counseling Week and expressing our support for the ongoing efforts of our Nation's school counselors.

THE YOUTH EMPLOYMENT SERVICES ACT OF 1987

Mr. HEINZ. Mr. President, I want to ask my colleagues and our fellow Americans an important question: Are we doing enough to help young Americans stay in school and find a job when they leave school? I think not.

The Children's Defense Fund, the General Accounting Office, and the Office of Technology Assessment, among others, have found that our current youth employment programs are not reaching the most disadvantaged of our young. We are running the risk of creating a permanent underclass in our society. We must face this problem and face it today.

For disadvantaged youths, poor and most often residing in communities with inferior schools, the likelihood of leaving school without necessary basic skills is very strong. Eighteen-year-olds with the weakest reading and math skills are nine times more likely to drop out of school and five times more likely to be both unemployed and not in school. Indeed, the odds of getting and holding a job are against America's poor young people—in 1985, only 1 in 3 poor high school graduates and 1 in 5 poor dropouts had full-time jobs. Translated in terms of earning potential, staying in school, and acquiring basic skills while there, can at least double earning potential.

That is why I am a cosponsor of S. 1731, the Youth Employment Services Act of 1987, introduced by Senators METZENBAUM, SPECTER, and others. I rise today to urge my colleagues to support this measure, now before the Committee on Labor and Human Resources, and to press for its expeditious passage.

The Youth Employment Services Act of 1987, or "Yes Act," creates a 3-year national demonstration program under the Job Training Partnership Act to provide intensive training and support services to severely disadvantaged youths. Under the "yes" demonstration program, 75 to 100 public/private partnerships would receive grants from the Secretary of Labor for such services.

The "Yes Act" targets those severely disadvantaged youths currently not receiving adequate assistance from Federal programs. For example, many States are not even close to fulfilling the current JTPA requirement that 40 percent of program funds be spent on programs for youths, according to the Children's Defense Fund. CDF also notes that, with entry requirements of eighth or ninth grade reading levels, many current JTPA-funded projects essentially disqualify participation by most high school dropouts, whose reading levels are often lower. Mr. President, these are the youths our programs should be helping most.

Our "Yes Act" changes all that—its entry requirements ensure that America's most needy youths will be served. Covered by the "Yes Act" are 16- to 24-years-old economically disadvantaged dropouts or high school graduates, with less than eighth grade reading and math skills levels, who have neither participated in an education or training program nor had more than 150 hours work experience during the preceding 9 months.

Mr. President, we must do all that we can to help loosen the grip of poverty, crime, even possible family disintegration, from these youngsters by giving them the chance to say "yes" to a meaningful future. With $400 million in budget authority over 3 years, the "Yes Act" could reach far more young people than is presently the case, and draw a blueprint for our future. The level of funding is certainly not too much for such a serious situation.

Mr. President, an investment in our future always brings a tremendous return. I urge my colleagues to support the "Yes Act."

SECRETARY BENNETT'S "JAMES MADISON HIGH SCHOOL CURRICULUM"

Mr. PELL. Mr. President, as we begin this session of the 100th Congress, I would like to focus the attention of my colleagues on Secretary Bennett's recent push for school reform. His plan, the James Madison High School curriculum, outlines course work in seven subjects that all students should be required to take to fulfill graduation requirements.

I would like to resoundingly support the goals of the Secretary's proclamation. There is no question that our schools should push, and push hard, to meet these standards and provide this model curriculum. It is important, however, to remember that many schools have already undertaken steps to implement such a plan, if not already offer such a curriculum.

In my home State of Rhode Island, for example, graduation requirements are similar to those outlined in the James Madison curriculum. College bound students in grade 9 through 12 are required to take four units of English, three units of mathematics, two units of science, two units of foreign language instruction, two units of social studies, one-half unit of art and one-half unit of computer literacy as well as four elective courses. These vigorous course requirements have been implemented due in large part to the strong leadership of our commissioner of education, Troy Earhart, and demonstrate his solid commitment to educational excellence.

At the Federal level, we have also sought to address the need to upgrade instruction in subjects of national priority. These include mathematics, science, and foreign language instruction. This was the goal of legislation that Senator STAFFORD and I introduced in 1984, the Education for Economic Security Act, which has been law since 1985. This important program provides funds to school districts nationwide to upgrade instruction in mathematics and science, and in turn to encourage school districts to focus on the importance of math and science, and to increase course requirements in these areas.

The Education for a Competitive America Act, S. 406, again underscored our commitment to educational excellence. This legislation, which I introduced early last year, became the education component of the omnibus trade package. It called, among other initiatives, for full funding and reauthorization of the math and science program, and a new separate initiative for model foreign language programs in the elementary and secondary schools.

Rigorous school standards and tough course requirements are vital components of a comprehensive strategy to achieve our goal of strengthening the ability of our citizenry to address the economic challenges of coming decades. At the same time, however, it is important to reemphasize the strength of our commitment to educating students who may or may not be college bound. Our investment in their education is as vital to our economic interest as that of our effort to meet higher standards for the college bound.

The traditional Federal role in education is that of serving the educationally disadvantaged and underserved. The two most important Federal programs in elementary and secondary education, chapter 1 and vocational education, serve these populations. Chapter 1 provides more than 5 million students with compensatory educational services which seek to bring them into the educational mainstream. This program has been very successful in upgrading the achievement levels of these students. It has provided significant assistance in addressing the severe problem of illiteracy, and has given many students adequate tools to meet the full limits of their potential.

Vocational education annually serves over 8 million students, providing them with educational and vocational courses that better meet their career objectives. It is the Federal leadership in this area that encouraged State and local educational agencies to undertake this effort, and today the State and local match to the Federal investment is more than 8 to 1. Vocational education is an important component of our educational system, a vital one which cannot be separated from our other efforts in elementary and secondary education.

Secretary Bennett himself has indicated in his James Madison School report that his model curriculum is just that—a model. It is not a Federal mandate for a national curriculum, nor will it serve all students. Any such model, however, should accommodate vital national concerns. While such concerns may not be specifically mentioned, the curriculum should most certainly make room for their pursuit by interested students. I am thinking here not only of vocational education and training but also of the vital role that geography education can and must play in the schooling of our children. I would hope, therefore, that any discussion of his curriculum would emphasize points of this nature.

Further, while the Secretary's model curriculum challenges school systems nationwide to examine their graduation requirements and course offerings, it also serves to underscore the importance of the Federal role in education. For, while we want to strive for educational excellence, we cannot lose sight of the fact that the strength of our educational system, indeed the strength of the democratic principles which founded this Nation, rest solidly on the concept that the American educational system is one that provides a quality education for all its citizens. It is an educational system that challenges all students—the college bound and the noncollege bound—to the full limits of their ability.

CONSIDER THE INF TREATY IN CONTEXT

Mr. DOLE. Mr. President, I have just read Ambassador Jeane Kirkpatrick's insightful comments on the INF Treaty, shared with the Committee on Armed Services last Friday. On balance, she recommends we ratify the INF Treaty. I agree. But I also believe we should use this occasion to examine NATO's future in its fullest context.

The simple fact is that the Soviet Union will still enjoy overwhelming superiority in conventional and chemical forces in post-INF Europe. Ambassador Kirkpatrick reminds us that this "is not eliminated by hurried redefinitions." No, we had better get to work on it promptly—with theater force upgrades and negotiations for conventional force equality in Europe. But as we proceed, we should consider Ambassador Kirkpatrick's comments on how the road to INF has affected the perceptions of our NATO allies. She also warns us of the costs to our own security which a denuclearized Europe or a neutral Germany would mean.

Jeane Kirkpatrick prescribes true advance consultations with our allies on matters affecting their security and genuine support for strengthening the European component of NATO defense. Her insight will benefit us all, and I commend her statement to my colleagues.

The statement follows:

TESTIMONY OF AMBASSADOR JEANE J. KIRKPATRICK BEFORE THE SENATE ARMED SERVICES COMMITTEE, JANUARY 29, 1988

I thank the committee for its invitation to testify today. I have concerns which I welcome the opportunity to share with the committee. My concerns are of several kinds, but let me say at the outset that I am less worried about the terms of the treaty than I am about its consequences for the overall balance of forces in Europe, its impact on the alliance and on political trends in Western Europe.

My first point is simply the reminder that the terms of a treaty are one thing, and its consequences quite another. Weapon for weapon, the impending treaty looks like a good deal. It requires the Soviets to destroy more intermediate-range missiles than we do—because they have more. In the abstract, it seems to move Europe's strategic position back to where it was before the Soviet Union targeted SS-20's against Western European capitals, thus stimulating NATO's decision to deploy American Pershings and cruise missiles.

But weapons systems do not exist in the abstract. They exist in particular military, political and cultural circumstances. As Pasteur said once of a disease, "The germ is nothing, the environment is everything."

The military circumstances in which the INF Treaty exist are clear. The Soviet Union enjoys a widely acknowledged, generally understood advantage in conventional and chemical weapons. Unfortunately, this Soviet advantage is not eliminated by hurried redefinitions. It exists. And it is understood by all parties to exist. The potential effects of this advantage are magnified by the forward deployment of essential military components. The advantage is no longer offset by superior Western technology. We should also be clear about that.

While Americans have seen Pershings and cruise missiles principally as offsetting Soviet SS-20's, they have long since taken on broader significance for most pro-alliance Europeans.

It is widely felt in Europe that the removal of the Pershing and cruise missiles leaves Western Europeans more vulnerable to these Soviet forces. The point, made again and again in Europe, was stated clearly by a group of Europeans in a letter to Ronald Reagan. They argued that "intermediate range missiles make a general contribution to deterence through their ability to reach Soviet soil—a capability not matched by any other land-based missiles in Europe; they link the European pillar of NATO to the U.S. pillar; they provide a crucial element after the level of tactical nuclear weapons, thereby ensuring a continuum of escalation."

Europeans frequently emphasize that no other weapons, except the intermediate missiles that can be launched from Western Europe, have the capacity to reach the Soviet Union. For this reason alone intermediate range missiles make a crucial and unique contribution to deterring a Soviet attack.

They worry that removal of the missiles therefore may encourage Soviet military planners to believe that a conventional land battle can be successfully fought in Europe without risk of a nuclear response.

As you know, Richard Nixon and Henry Kissinger have made a similar point arguing that the Pershings and cruise missiles "closed a gap in deterrence caused by the apocalyptic nature of strategic nuclear war."

The intermediate range missiles are seen then as a major component in Allied capacity for flexible response and a "continuum of deterence" necessary to counter the Soviets arsenal of diverse weaponry.

A third major point made by many Europeans is that no other weapons have the capacity to threaten the Soviet Union without committing the U.S. to all out nuclear war.

The existence of intermediate range missiles is thus seen as constituting a more credible deterrent, because it does not require the U.S. to take the ultimate step to strategic war. Removal of the missiles seems to many to deprive Europe of a credible nuclear deterrent, because it is doubted the United States will risk total nuclear war to deter a conventional attack.

These doubts are deep enough that their potential impact on the Alliance should be taken very seriously. As Robert Tucker observed in the current National Interest: "Given the apocalyptic nature of nuclear war, the credibility required for allies is very different from the credibility required for adversaries. Adversaries may need only a threat of modest credibility to be deterred. But allies seem to need a form of assurance that approaches certainty."

The total impact of the treaty in Europe is also affected by the widespread belief that the Reagan Administration has rushed the process for personal and political reasons. True or not, fair or not, the perception affects the reception and impact of the Treaty.

A good many Americans find themselves more than a little exasperated by European anxieties in these matters. Ronald Reagan particularly must find it irksome to have gone from being accused of not wanting an agreement to wanting one too badly.

But where intermediate range missiles are concerned, Europe is the front line, and Americans cannot simultaneously insist on U.S. reliability and dismiss European concerns. At some point their concerns become our concerns. The United States has a great deal to lose—geotrategically—from a neutral Germany or a denuclearized, Finlandized, Western Europe.

"Finland is not so badly off" a Soviet official noted during the Gorbachev visit. It is also not capable of protecting its own independence, and lives, I fear, off the existence of an alliance of nations, who, collectively, are capable of self defense.

A French official wrote in Politique Etrangere: "Never have the Soviets advertised so openly the objectives the West has always attribued to them: denuclearization of Europe, de-linage of Europe and the United States, and creation of a new all-European "security system."

This official believes Gorbachev laid a "remarkable diplomatic trap" into which the United States willingly fell. The French weekly Express saw the "Gorbachev effect" at work on both sides of the Atlantic—sowing doubts about the reality of the Soviet threat and exacerbating the psychological distance between the United States and Europe, all the while raising hope and intensifying anxieties about the German role in Europe.

Fallout from these doubts and anxieties will in the long run strengthen anti-Alliance parties in Western Europe at the expense of pro-Alliance parties, and shift the balance of power within these latter parties from the most pro-Atlantic elements to the more neutralist tendencies. The process has already begun.

I believe the treaty on balance leaves Europe somewhat more vulnerable, the Soviet Union somewhat less vulnerable and the alliance somewhat weaker.

It does not follow however that the Senate should not ratify the treaty. There is deep concern abroad—and not only among Allies—about the divisions in the American government.

"Has the United States become ungovernable?" has become a familiar question. Now, European leaders, parties and governments have made accommodations and public commitments to support the treaty. It would be profoundly disconcerting to them if the Senate were to reject the treaty. Around the world it would be seen as more proof that the United States government is in serious disarray, incapable of pursuing a coherent policy.

Moreover, failure to ratify would permit anti-American forces in Europe to blame the United States for continuing vulnerabilities created by SS-20's and anti-American forces in the world to depict us as uninterested in achieving security at lower levels of risk and expenditures. Neither is true.

I therefore believe the Treaty should be ratified. But the Senate—and other Americans—should understand that the Treaty—though interesting—has not contributed to our security, or that of our allies, but has created some new problems that should be promptly and seriously addressed by our government.

Specifically, I believe the Administration should take great pains in current and future negotiations affecting Allied security, to truly consult with the Alliance in advance of the negotiation of agreements, and not merely inform them after the fact of our decisions.

The combination of Reykjavik and INF talks shook sober Europeans' confidence in the reliability of the United States as the leader of the Western alliance. They were stunned that basic elements of NATO strategy were put on the table of Reykjavik, regarded as negotiable and nearly negotiated away—all without consultation of European allies. And all feel that consultation came too late on INF to be very meaningful.

Advance and continuing consultation will ensure that essential elements of European security are neither ignored nor de-emphasized. It will ensure that account is taken of conventional forces and chemical weapons in future negotiations. It will ensure that reducing nuclear arms is not mistaken for reducing the risk of war or of conquest.

Second, these developments and their continuing consequences have illustrated for all the importance of strengthening the European component of the defense of Europe.

I believe the United States should encourage new European efforts including Franco-German military cooperation and should view such all-European arrangements as reinforcing rather than competing with NATO.

Third, like all other weapons agreements, its value depends entirely on mutual compliance with its terms. So far, the great difficulty about U.S-Soviet arms agreements has not been in negotiating their terms, nor even the terms of verification, but in securing compliance. From Yalta forward through Kennedy-Khrushchev, SALT's I and II, the ABM treaty and so forth, compliance has been the problem.

This and all future U.S. agreements with the Soviet Union should provide not only for monitoring compliance but also for automatically terminating the pact in the case of noncompliance. No such provision is included in the current treaty. Perhaps the Senate can take care of this oversight.

Finally, the benefits of the Treaty like the damage are largely political. Its completion constitutes a precedent for cooperation and creates a more constructive climate for U.S.-Soviet relations. This may be useful in the future, especially if we can learn from this experience.

ASSESSING THE MILITARY BALANCE IN EUROPE

Mr. DOLE. Mr. President, last week Senator DAN QUAYLE again shared his considerable insight into military affairs with us as we consider a post-INF world. He points out that a static count of the balance of ground forces in Europe is insufficient. We need to pay more attention to air forces; to understanding each side's war aims and plans; and to examining trends toward future weapon systems and force structures.

It is undeniable that the Soviet Union and its Warsaw Pact allies enjoy overhelming conventional superiority over NATO. We cannot—and do not need to—match them soldier-for-soldier or tank-for-tank. NATO can maintain and enhance deterrence, but that requires starting to do the right things now. I believe we can use the debate over the INF Treaty to set out on the right course, and thinking such as that of the Senator from Indiana will lead the way. I commend Senator QUAYLE's statement to my colleagues.

The statement follows:

HOW TO ASSESS THE MILITARY BALANCE IN EUROPE

(Statement of U.S. Senator Dan Quayle, January 27, 1988)

On order to "help the Committee, the Senate and public understand the full complexity of the conventional balance" in Europe (which is the stated objective of the Levin Report), we must understand:

1. What the Soviets' war objectives are compared to NATO's.
2. How each side intends to achieve these objectives with the military capabilities they have—what each side's war plans and or operational concepts are.
3. What military capabilities each side has at its disposal to execute its war plan.
4. What the future trends are likely to be for the growth of the relative ability of each side to achieve its war objectives.

Getting a fix on the relative military capabilities of each side is important and difficult to establish, as the Levin report makes clear, but it is hardly sufficient to get a full understanding of what the balance is. In fact, fixating only on the military capabilities of each side can be misleading.

Unless we know what the Soviets intend to do with their military hardware, unless we know what their war objectives are and how they intend to use their military capabilities to achieve them, we may misunderstand what the true military strengths and weaknesses are on both sides. For example:

In 1940, the French and their allies had nearly equal forces, superior prepared defenses, superior military equipment, superior equipment to the Nazis and months of strategic warning that an attack was likely. Yet, the Nazis defeated the French in less than eight weeks because they had a superior operational concept—blitzkreig, combined arms warfare—and were able to use it to penetrate the Ardennes and achieve localized force ratio superiorities of more than 4 to 1.

At Stalingrad, with only slight odds on their side—1.4:1 advantage in tanks and motorized artillery, 1.3:1 in field guns and mortars—the Soviets were able to encircle and annihilate a Nazi force of many hundreds of thousands of men given the Soviets' superior operational concepts.

Equally important, is identifying future trends in military technologies and operational concepts. When one side gets these wrong, they can suffer defeat at the hands of military forces equal or superior to their own.

The U.S., for instance, suffered defeats at the hands of the Japanese for nearly 2 years because we misunderstood their war aim—we thought they would only go south to gain Southeast Asia—and because we only caught on to their trend toward aircraft-carrier war after the Japanese had built their fleet around such ships.

These points are also relevant in assessing the NATO/Warsaw Pact balance. NATO's war aims are very different from those of the Pact, as is its operational concept or war plans:

Where NATO's forces are dedicated to deterring a Soviet attack and, if war breaks out, to restoring the status quo anti by simply pushing Warsaw Pact forces back over to their side of the Inter-German border, the Soviets' forces are dedicated to offensive war objectives. As Soviet Defense Minister Yazov has recently gone on record stating, the Pact must conduct "decisive, offensive operations" that will "secure the destruction" of the opposing forces.

NATO's operational concept or war plan, as a result, is very different from that of the Warsaw Pact. NATO's operational concept is to deter war with a minimal number of nuclear weapons and to restore the status quo anti (push Soviet forces back on their side of the Inter-German Border if a war should break out with shallowly deployed conventional divisions supported by tactical air forces located near the Inter-German border). These forces would be reinforced, if there was sufficient warning, from reserves in the U.S.

The Warsaw Pact, in contrast, intends to defeat and destroy the NATO's forces by launching a massive, fast-paced ground attack, concentrated along critical NATO axes. While holding NATO forces where NATO is strong, the Soviets will penetrate deep against NATO where it is weak and engage in encircling operations intended to cut off NATO's forward defenses from its rear support areas.

This ground operation will also be supported by a massive, deep air, missile and commando attacks directed against NATO's air fields and ground air defenses, command, communication and control centers, nuclear storage facilities, ports, and POMCUS sites. These attacks will be designed to prevent NATO from resorting to nuclear weapons of their own or reinforcing its conventional forward defenses before the Central Front is defeated. Finally, the ground war will be reinforced with second and third echelon forces once NATO's central front begins to collapse.

These very different operational concepts result in very different capabilities for weapons that otherwise would seem to be the same. For example:

Our air forces are designed to fly many sorties over a long period of time—long enough to push the Soviets back across the Inter-German Border. Instead of many deep-strike bombers, NATO has many attack and air defense interceptor fighters on a handful of bases, that are defended by only two major types of ground air defenses.

The Soviets' air forces are heavily dedicated to medium and heavy bombers that can strike deep. Rather than flying many sorties for many weeks on end, these forces are designed to deliver several major blows. Meanwhile, the Pact's superior number of air defense systems and interceptor aircraft will cope with NATO's large attack fighter fleet.

Finally, the Pact's air war will be supported by thousands of tactical ballistic missiles that will clear out corridors in NATO's air defense belts. NATO has no similar missile fleet.

Likewise, the difference in operational concepts and war aims between NATO and Warsaw Pact forces makes Soviet employment of armor and artillery forces very different from that of NATO. Pact armor has the logistical support to operate for weeks deep inside NATO territory. Just the opposite is the case for NATO armor.

Warsaw Pact artillery also differs from NATO's. There is not only much more of it; they have motorized artillery for support for deep offensive operations. Also, Soviet artillery has superior range. Finally, not only does the Pact have artillery in its divisions; it is also unique, dedicated artillery divisions—i.e., divisions with nothing but artillery in them dedicated to focusing additional artillery fire where it may be needed to break through NATO's forward defenses.

Finally, in assessing the conventional balance in Europe and trying to decide what NATO needs for its defense, it's critical to consider what each side will develop and deploy militarily in the future. If we do not understand or anticipate improvements in each side's existing force structure or new additions to that structure, we are certain to misread the meaning of the current balance and buy or fret about the wrong things. For example:

A larger percentage of Warsaw Pact tanks are older than NATO's but the Pact has more modern tanks than NATO. Furthermore, the older Pact tanks are being equipped with additional armor, improved range finders, and improved tank rounds.

As a result, many of NATO's anti-tank weapons can't defeat Soviet armor and only a handful of NATO tanks can even hope to do real damage to the modern Soviet fleet. NATO tanks, on the other hand, are vulnerable to a larger number of Soviet tanks and anti-tank weapons.

Soviet fighters now are nearly equal to NATO fighters due to their modern radars, increased range and payload, and modern munitions. NATO deployment of stealth technology may help us regain an edge in the air but that is still sometime in the future and we are not yet sure how effective those systems will be. In any case, it is doubtful that NATO air even with stealth will allow us to win an air campaign and at the same time use air power to compensate for insufficient ground forces.

The Soviets are developing accurate non-nuclear tactical ballistic missiles to help pin down and destroy NATO airplanes and ground air defenses. If NATO develops extended air defenses, this problem can be coped with. If not, all the tactical air additions in the world, including stealthy aircraft (which are not stealthy when they are parked on NATO airfields), will be of little value.

Assessing these four concerns—each side's war aims, war plans, war capabilities, and each side's future force structure changes, which are concerns beyond the static assessments of military capabilities contained in the Levin report—are critical to any full understanding of the complexity of the force balance.

As for the Levin Report itself, I think two additional components, beyond the 13 listed, might be added to get a better fix on the limited concern of what each side's military capabilities are:

The first might be called "Reinforcement". What does each side have to transport its forces, How effective, secure, and fast are these means? How vulnerable are the reinforcement nodes, the ports, airfields, etc. on each side? How many reserves does each side have and how well are they tailored to the missions they are assigned?

The second might be called "Employment". How well does each side employ its forces? How well does each side mix offensive capabilities with defensive capabilities? How sound are the tactics and plans to use each sides' forces? How sound are the command and control arrangements? Do communications networks support those arrangements? How integrated are naval air and ground forces?

Also, much greater attention needs to be focused on assessing each sides' air war capabilities. The Levin Report and many of the other analyses publicly available focus almost exclusively on the ground war largely because that war is two-dimensional and is, therefore, easier to analyze in terms of numbers and map traces over time. The air war is three-dimensional and much more fast-paced. It, therefore, is very difficult to assess. Yet its outcome is critical to the outcome of the war. If NATO wins it, it has some hope of prevailing against the Warsaw Pact. If it loses partially or in whole, there's little hope.

Finally, it should be noted, that all of the concerns I've discussed are addressed in the net assessment done by OSD's office of Net Assessment. Although the Conventional Forces Subcommittee received a briefing from the Office of Net Assessment last October, I understand that the full committee will get this hearing as well in the coming month as part of the INF hearings. I think it is worth seeing again and focusing on. Certainly, a full understanding of the complexity of net assessments of the balance is the minimum we need if we are to address they very real problems NATO faces.

BICENTENNIAL MINUTE

JANUARY 30, (1835): SENATOR ACCUSED IN PLOT TO ASSASSINATE PRESIDENT

Mr. DOLE. Mr. President, on January 30, 1835, 153 years ago this weekend, as President Andrew Jackson walked through the rotunda of the Capitol, two pistols snapped in quick succession. Neither gun discharged. Bystanders quickly grabbed the gunman, Richard Lawrence, who was subsequently judged to be insane. This incident was the first attempt upon the life of a President, and it highlights the venomous partisan and personal hatreds engendered by the political struggles of the late 1820's and 1830's.

President Jackson's detractors immediately labeled the incident a publicity ploy staged to win sympathy for "Old Hickory." His friends countered by circulating rumors of a conspiracy to kill the President. Jackson himself charged that a U.S. Senator was involved in the plot. Jackson and Senator George Poindexter of Mississippi, both veterans of the War of 1812, had once been good friends. By 1930, however, a dispute over political patronage destroyed that friendship. Failing to get his man appointed, the outraged Poindexter broke with Jackson, and his hatred of the President became palpable.

Once considered a genius, Poindexter had degenerated into a profligate. He denied paternity of his children and plunged into a life of reckless dissipation. Nevertheless, Poindexter was clearly innocent of plotting against the President. He asked the Senate to appoint a special committee to investigate the rumors linking him with the would-be assassin. After 3 days of hearings, the committee unanimously exonerated him of all suspicion. Every Senator on the floor voted for the report's acceptance, and thus ended a most regrettable incident in both Jackson's and Poindexter's lives.

COUNTRY BOY EDDY BURNS—CELEBRATING 30 YEARS ON THE AIR

Mr. HEFLIN. Mr. President, I am proud to rise, today, to pay tribute to Country Boy Eddy Burns, a great entertainer who has amused and delighted audiences in Alabama and throughout the South for many, many years. Country Boy Eddy appears with his band every morning on the "Country Boy Eddy Show," and recently celebrated the show's 30th anniversary. On behalf of his fans and all the people of Alabama, I would like to express by gratitude to Country Boy Eddy for taking the time and the effort to brighten and amuse our mornings.

Country Boy Eddy was born on the Burns family farm in Warrior, AL, where he still lives with his wife, Edwinna. I understand that he took an immediate interest in music, and now plays a wide variety of instruments including the fiddle, with which he is particularly talented, the guitar, the banjo, the french horn, the accordion, and others. He started in show business as a teenager, and played on the radio for several years with Happy Hal Burns. After a 2 year stint in the 101st Airborne Division of the Army, he returned to the "Happy Hal Show," and toured the countryside for several years.

Country Boy Eddy formed his own band after playing with Happy Hal, and was an immediate success. His breakthrough into television occurred when he appeared on the "Tom York Show" as a guest.

The audience response to his guest appearance was so great that the television station decided to give him a week to try out his own show. This was extended to four weeks, then further, and the rest is history. The "Country Boy Eddy Show" now airs on WBRC-TV, Channel 6 from 5 a.m. to 7 a.m. Monday through Friday. Country Boy Eddy still has his own band, and invites music celebrities, local talent, and other guests to appear live and entertain the early morning viewers.

Among the guests who have appeared on the show are Dolly Parton, Emmilou Harris, Tammy Wynette, and many others. In fact, I have enjoyed personal appearances. Additionally, the show has farm reports, news capsules, and weather reports that are of great interest to farmers and other early-risers.

I understand that the average viewing audience is 25,000 and the show is broadcast to many parts of Alabama. In addition to his regular television show, Country Boy Eddy tapes other shows in Nashville and Chattanooga, and is broadcast on 68 cable systems in Alabama. Country Boy Eddy also regularly appears at fairs, rodeos, shopping center openings, and many other events, and is always a tremendous crowd pleaser.

To commemorate the 30th anniversary of his television show, Country Boy Eddy recently had a cookbook printed that is comprised of recipes donated by his viewing audience. I received a copy of it for a Christmas present, and can now treat some of the people in Washington to some good Southern cooking from "Country Cookin' With Country Boy Eddy."

I might even lend the cookbook out to some of my colleagues from States north of the Mason-Dixon line, but am a little afraid that they might not return it—after they see all of the wonderful recipes.

I would like to close by wishing Country Boy Eddy and Edwinna every success and happinesss in the future. I know that the "Country Boy Eddy Show" will continue for another 30 years, and hope that I will someday be able to watch it every morning as I did for many years.

REMOVAL OF CERTAIN COUNTRIES FROM THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 105

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on January 29, 1988, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

I am writing concerning the generalized system of preferences [GSP] and Hong Kong, the Republic of Korea, Singapore, and Taiwan. The GSP Program is authorized by the Trade Act of 1974, as amended ("the Act").

I am hereby providing notice of my intent to remove Hong Kong, the Republic of Korea, Singapore, and Taiwan from their status as beneficiaries of the GSP Program as of January 2, 1989, under section 504(a)(1) of the act (19 U.S.C. 2464(a)(1)). All four have achieved an impressive level of economic development and competitiveness, which can be sustained without the preferences provided by the program. Graduating these economies may also enable other less developed countries to benefit more fully from the GSP program.

RONALD REAGAN.

THE WHITE HOUSE, *January 29, 1988.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 430. A bill to amend the Sherman Act regarding retail competition (Rept. No. 100-280).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 370. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry (Rept. No. 100-281).

By Mr. BUMPERS, from the Committee on Small Business, without amendment:

S. Res. 366. An original resolution authorizing the expenditures by the Committee on Small Business.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. Res. 367. An original resolution authorizing the expenditures by the Committee on Armed Services.

By Mr. MELCHER, from the Special Committee on Aging, without amendment:

S. Res. 368. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. STENNIS, from the Committee on Appropriations, without amendment:

S. Res. 369. An original resolution authorizing expenditures by the Committee on Appropriations.

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Res. 371. An original resolution authorizing expenditures by the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States (with additional and supplemental views) (Exec. Rept. No. 100-13).

By Mr. NUNN, from the Committee on Armed Services:

Grant S. Green, Jr., of Virginia, to be an Assistant Secretary of Defense; and

J. Daniel Howard, of Tennessee, to be an Assistant Secretary of Defense.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered).

(The nominations ordered to lie on the Secretary's desk were printed in the Record of December 15 and December 17, 1987, at the end of the Senate proceedings.)

*Rear Admiral *Stanley R. Arthur,* U.S. Navy, to be vice admiral (Ref. 750)

**In the Air Force there are 2,852 promotions to the grade of major (list begins with Randy D. Abele) (Ref. 752)

**In the Marine Corps there are 10 appointments to the grade of second lieutenant (list begins with Robert F. Buxby, Jr.) (Ref. 756)

**In the Army there are 2 promotions to the grade of colonel and below (list begins with Joseph E. Stull) (Ref. 757)

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Jack L. Levens) (Ref. 758)

**In the Army there are 8 promotions to the grade of lieutenant colonel and below (list begins with Clifford J. Hixon) (Ref. 759)

**In the Army there are 9 promotions to the grade of major (list begins with Douglas R. Arndt) (Ref. 760)

**In the Army there are 2 promotions to the grade of major (list begins with Daniel F. Battafarano) (Ref. 761)

**Clifford L. Simmang, U.S. Army, to be major (Ref. 762)

**In the Army there are 3 promotions to the grade of major (list begins with James R. Brown) (Ref. 763)

**Milton L. Smith, U.S. Army, to be major (Ref. 764)

**In the Army there are 5 promotions to the grade of major (list begins with Jennifer L. Calagan) (Ref. 765)

**In the Army there are 257 promotions to the grade of colonel and below (list begins with Thomas J. Egan) (Ref. 766)

**In the Army there are 398 promotions to the grade of lieutenant colonel and below (list begins with Robert A. Stroud) (Ref. 767)

**In the Army there are 199 promotions to the grade of lieutenant colonel (list begins with Lewis W. Aaron, Jr.) (Ref. 768)

**In the Army Reserve there are 1,473 appointments to the grade of second lieutenant (list begins with John M. Adams, Jr.) (Ref. 769)

**In the Naval Reserve there are 11 promotions to the grade of rear admiral (lower half) (list begins with Alexander Scott Logan) (Ref. 772)

**In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Thomas R. Elliott, Jr.) (Ref. 780)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 2017. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of receivable-related securities and to make other improvements in the marketability of such securities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND:

S. 2018. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2019. A bill to amend the Internal Revenue Code of 1954 to exempt from tax earnings on certain investment accounts for savers and investors; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. Specter, Mr. Durenberger, and Mr. Mitchell):

S. 2020. A bill to regulate above ground storage tanks having the capacity to store at least one million gallons of petroleum, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 2021. A bill to protect children from sexual exploitation; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. Cranston (for himself, Mr. Murkowski, Mr. Bentsen, and Mr. Gramm)):

S. 2022. A bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; considered and passed.

By Mr. BRADLEY (for himself, Mr. Lautenberg, Mr. Wilson, Mr. Garn, Mr. Bumpers, Mr. Burdick, Mr. Durenberger, Mr. Stennis, Mr. Stafford, Mr. Fowler, Mr. McClure, Mr. Wirth, Mr. Murkowski, Mr. Nunn, Mr. Domenici, Mr. Graham, Mr. Cochran, Mr. Sarbanes, Mr. Dole, Mr. Pell, Mr. Lugar, Mr. Conrad, Mr. Exon, Mr. Moynihan, Mr. Inouye, Mr. Heflin, Mr. Hollings, Mr. Dodd, Mr. Kennedy, Mr. Cranston, Mr. Sanford, Mr. Gore, and Mr. Kerry):

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. QUAYLE (for himself, Mr. Hatch, Mr. Durenberger, Mr. Stafford, Mr. Domenici, Mr. Cochran, Mr. Grassley, Mr. Pell, Mr. Matsunaga, Mr. Dodd, Mr. Simon, Mr. Daschle, Mr. Riegle, and Mr. Bradley):

S.J. Res. 248. Joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUMPERS, from the Committee on Small Business:

S. Res. 366. An original resolution authorizing the expenditures by the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. NUNN, from the Committee on Armed Services:

S. Res. 367. An original resolution authorizing the expenditures by the committee on Armed Services; to the Committee on Rules and Administration.

By Mr. MELCHER, from the Special Committee on Aging:

S. Res. 368. An original resolution authorizing the expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. STENNIS, from the Committee on Appropriations:

S. Res. 369. An original resolution authorizing expenditures by the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 370. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. CHILES, from the Committee on the Budget:

S. Res. 371. An original resolution authorizing the expenditures by the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. McCONNELL:

S. Res. 372. A resolution expressing the sense of the Senate in support of B'nai B'rith's cooperation with the Union of the Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 2017. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of receivable-related securities and to make other improvements in the marketability of such securities; to the Committee on Banking, Housing, and Urban Affairs.

RECEIVABLE-RELATED SECURITIES MARKET IMPROVEMENT ACT

● Mr. SHELBY. Mr. President, today I am introducing legislation to help eliminate impediments to the growth of a portion of the market for securities backed by assets, receivables, and loans, other than residential mortgage loans. Such assets, receivables or loans include, for purposes of this bill, agricultural loans, sovereign loans to lesser developed countries, small business loans, automobile loans, trade finance receivables and student loans.

This market for "asset-backed securities" is expected to expand dramatically, spurred by the compelling economic benefits of securitizing assets. In 1986 $10 billion of asset-backed securities were issued, as compared to $1.2 billion in 1985.

This market is still in its infancy. I believe its evolution can contribute to increasing our Nation's competitiveness. It can also help resolve the problems of our financial institutions in certain segments of the economy. Let me explain.

Typically, securitization works in this manner. An issuer selects a portion of its loans for placement in a pool. The face value of the loans in the pool is determined and documents evidencing the loans are placed in the hands of a trustee. Securities representing an interest in the pool are then sold to investors. These can be both debt securities and asset sales.

In the last decade many of our Nation's corporations have seen the quality of the assets on their balance sheet decline. As a result their ability to obtain credit at optimum prices and in sufficient amounts has decreased. Their competitiveness has accordingly been adversely affected.

Securitization of assets can increase the access of financial institutions on terms and conditions that would not otherwise be available.

Securitization enables firms to achieve the benefits of lower financing costs. Investors are willing to pay more for securities than they are for the assets themselves and are willing to require less of a yield on debt securities when they are collateralized by high quality assets or receivables.

Securitization also reduces the exposure of firms to interest rate risk. The assets held by the firms can more easily be sold if they are securitized. Exposure to increases in interest rates which revalue the assets can be reduced if they are securitized. Credit risk can be diminished through securitization where assets are sold to reduce a firm's total credit exposure to another firm which is able to undertake greater credit risk. Thus, the risks associated with typical balance sheet lending can be decreased.

Securitization provides liquidity or the ability to convert illiquid assets into cash more easily. Securitization is not a panacea. It cannot help firms convert deeply discounted assets into high-quality assets but it can increase the value of those assets slightly and facilitate their sale and resale to raise cash when necessary.

For example, Citicorp, has recently indicated interest in selling loans to lesser developed countries as a way of lessening balance sheet risk. Bank of America has sold off some of its assets through securities firms to bolster its balance sheet and increase liquidity.

One segment of our economy where I am convinced that this legislation will be helpful is in the agricultural segment of the economy. America's agricultural economy is in dire straits. Agricultural banks are failing at a high rate. Farmers are defaulting at an historical rate. Land values are dropping or are depressed. We are all aware of the problems facing the farm credit system. This legislation would provide agricultural lenders with new opportunities to borrow funds through securities backed by agricultural loans through securitization on terms and conditions that would otherwise not be available. This could scale down potential losses to agricultural lenders and investors on their agricultural loans, increase liquidity in the agricultural loan market and help develop a secondary market for agricultural loans. Indeed, it would facilitate efforts by some of my colleagues to create a congressionally chartered corporation to purchase agricultural loans, similar to the manner in which the Federal National Mortgage Association, purchases residential mortgage loans.

I am especially hopeful that this legislation will allow agricultural lenders to more easily sell or securitize all types of agricultural loans. It would be my intention that this legislation would allow them to more easily securitize any loan for an agricultural commodity or livestock, including aquaculture on a farm, secured by a fee simple or a leasehold mortgage on land in the United States that is in regular use for the production of agricultural commodities or secured by farm machinery.

Another segment of our Nation's economy where this legislation can help is in the automobile sector. The automobile industry has come under increasing pressure from foreign competition. While financial techniques can not directly increase the quality of our products it can help provide an additional source of funding for the automobile industry at the least possible cost and on the most flexible terms. Low-cost automobile financing has proved to be one way for the automobile companies to preserve their market share against foreign competition. Some of the largest users of asset-backed securities to date have been General Motors Acceptance Corp., Chrysler Financial Corp. and financial institution originators of motor vehicle loans.

It is also my belief that securitization can facilitate export or trade financing so as to help reverse our Nation's trade deficit. Indeed, some of the largest asset-backed securities deals to date have involved sales of commercial paper backed by trade receivables.

Much of the precedent for securitization of these other assets, receivables or loans evolved from the securitization of residential mortgage loans. Several factors, however, facilitated the growth of a securitized mortgage market, including an accommodating legal and regulatory environment. Asset-backed securitization, still in its infancy, would benefit greatly by a similar legal and regulatory environment. While a substantial private placement market is developing for asset-backed securities, the fostering of a larger public market would be most beneficial. The legislation I am proposing would help speed the expansion of such a market.

This legislation entitled, the "Receivable-Related Securities Market Improvement Act of 1988," would:

Waive certain registration requirements under the Securities Act of 1933 for sales of securities backed by receivables, loans, or other assets to sophisticated institutional investors;

Preempt State legal investment statutes to allow asset-backed securities to qualify as legal investments for State-chartered savings institutions, commercial banks, pension funds, and insurance companies;

Exempt asset-backed securities from Federal Reserve Board margin requirements that restrict the ability of broker dealers to extend credit to customers to purchase such securities;

Exempt asset-backed securities from State blue sky securities registration laws when an issuer has already listed securities of a comparable nature on a major securities exchange;

Allow asset-backed passthrough securities to qualify, as mortgage-backed passthrough securities now do, for shelf registration under the Securities and Exchange Commission's rule 415 whereby issuers can minimize redtape when they want to sell a series of securities offerings or sell them quickly when market conditions are favorable without having to undergo the lengthy registration process again and again; and

Allow commercial banks greater certainty as to when they can sell off loans with recourse back to the bank to cover potential losses on loans in such securities to institutional investors or securities firms for resale without having to incur excessive reserve requirements against such potential liabilities.

These changes to our Nation's securities and banking laws would help encourage American corporations to more fully use the array of financing techniques available to them to better serve their customers, stockholders, employees, and communities.

As a member of the Subcommittee on Securities of the Senate Committee on Banking, Housing, and Urban Affairs I will urge the chairman of the subcommittee to hold hearings on this legislation soon.

Mr. President, I ask unanimous consent to include in the RECORD the text of the bill and a technical explanation of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Receivable-Related Securities Market Improvement Act of 1988".

DEFINITION OF RECEIVABLE-RELATED SECURITY

SEC. 2. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof the following new paragraph:

"(16) The term 'receivable-related security' means a security which—

"(A) is rated investment grade by one or more nationally recognized statistical rating organizations;

"(B) is secured by a lien or promissory note in connection with—

"(i) an automobile, truck, or other motor vehicle loan or lease,

"(ii) an export financing or trade receivable,

"(iii) a small business loan,

"(iv) a student or education loan,

"(v) an agricultural loan, or

"(vi) a sovereign loan to a lesser developed country; and

"(C)(i) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under such notes, certificates, or participations), which notes—

"(I) are directly secured by a lien, and

"(II) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, finance company, or similar organization which is supervised or examined by a Federal or State examining authority; or

"(ii) is secured by one or more promissory notes or certificates of interest in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments or reasonable projections of such payments on notes meeting the requirements of clause (i) or certificates of interest or participations in promissory notes meeting such requirements.".

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(47) The term 'receivable-related security' means a security which—

"(A) is rated investment grade by one or more nationally recognized statistical rating organizations;

"(B) is secured by a lien or promissory note in connection with—

"(i) an automobile, truck, or other motor vehicle loan or lease,

"(ii) an export financing or trade receivable,

"(iii) a small business loan,

"(iv) a student or education loan,

"(v) an agricultural loan, or

"(vi) a sovereign loan to a lesser developed country, and

"(C)(i) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes—

"(I) are directly secured by a lien, and

"(II) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, finance company, or similar institution which is supervised and examined by a Federal or State authority; or

"(ii) is secured by one or more promissory notes or certificates of interest in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of such payments on notes meeting the requirements of clause (i) or certificates of interest or participations in promissory notes meeting such requirements."

RECEIVABLE-RELATED SECURITY TRANSACTION EXEMPTION

SEC. 3. Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding the following new paragraph at the end thereof:

"(7) Transactions involving one or more receivable-related securities offered or sold if the terms of such sale require—

"(A) the minimum aggregate sales price per purchaser be not less than $250,000,

"(B) payment of the sales price by the purchaser be made with cash within 120 days of the date of sale, and

"(C) each purchaser buy for his own account.".

BORROWING IN THE COURSE OF BUSINESS

SEC. 4. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding "or a receivable-related security" in the last sentence after "a mortgage related security".

RECEIVABLE-RELATED SECURITIES AS COLLATERAL

SEC. 5. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by inserting "or any receivable-related security" in clause (ii) after "any mortgage related security".

PREEMPTION OF STATE LAW

SEC. 6. (a)(1) Any person, trust, corporation, partnership, association, business trust or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities that are—

(A) offered and sold pursuant to paragraph (7) of section 4 of the Securities Act of 1933, or

(B) receivable-related securities, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)),

to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold, or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

(2) Where State law limits the purchase, holding, or investment in obligations issued by the United States by such person, trust, corporation, partnership, association, business trust, or business entity, such securities that are—

(A) offered and sold pursuant to section 4(7) of the Securities Act of 1933 (15 U.S.C. 77d(7)), or

(B) receivable-related securities, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)),

shall be considered an obligation issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State that, prior to the expiration of 7 years after the date of enactment of this Act, enacts a statute that specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnership, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest that was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any securities which are offered and sold pursuant to section 4(7) of the Securities Act of 1933 (15 U.S.C. 77d(7)) or which are receivable-related securities as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), shall be exempt from any law of any State with respect to or requiring registration or qualification of securities to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of 7 years after the date of enactment of this Act, enact a statute that specifically refers to this section and requires registration or qualification of any such security on terms that differ from those applicable to any obligation issued by the United States.

RECEIVABLE-RELATED SECURITIZATION BY COMMERCIAL BANKS

SEC. 7. Pursuant to its authority under section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) to impose reserve requirements on deposits held by depository institutions, the Board of Governors of the Federal Reserve System shall, by rule or regulation, provide an exception from the definition of deposition for obligations arising from the sales with recourse of pools of receivables where the recourse is limited to no more than 10 percent interest in the pool.

SHELF REGISTRATION

SEC. 8. The Securities and Exchange Commission shall by rule or regulation, provide for registration pursuant to section 6 of the Securities Act of 1933 (15 U.S.C. 17f) of receivable-related pass-through securities which are to be offered on a delayed or continuing basis in the future, and which meet all of the requirements of section 4(7) of the Securities Act of 1933.

EXPLANATION AND JUSTIFICATION FOR THE RECEIVABLE-RELATED MARKET IMPROVEMENT ACT OF 1988

The bill would address the following areas of concern:

I. TRANSACTION EXEMPTION

Under the Securities Act of 1933 (the "1933 Act") issuers of securities before they are offered or sold must file a registration statement concerning them which has become effective and deliver a prospectus to potential buyers. The 1933 Act has two types of exemptions from these requirements. The first applies to certain classes of securities, securities which are issued by certain issuers or have certain characteristics and the second applies to certain types of transactions. The first are called "class" exemptions and the second are called "transaction" exemptions. Transactionally exempt securities must achieve a registration exemption each time that they are sold.

In 1975 the Securities and Exchange Commission (the "SEC") supported and the Congress enacted language to provide a transaction exemption for mortgage-backed securities, now Section 4(5) pf the 1933 Act. At the time the SEC believed that the exemption would promote a strong secondary mortgage market without harming the general investing public because it is structured in such a way that it would not be available for sales to the general public. The premise underlying the exemption was that institutional and similar purchasers who could meet the conditions for buying securities under it do not need the protections afforded by the complete registration process. The general public, on the other hand, needs such protection, and the SEC believed that the exemption should not be available for transactions involving the general public. In 1984 the SEC advocated broadening the exemption to other mortgage market participants and other mortgage-related assets.

To the extent that registration is needed for distribution of receivable-related securities to the general public, there exists a registration procedure in some cases that facilitates the distribution process. Under the SEC's shelf registration rule, Rule 415, an issuer can register in one filing all of the receivable-related investment grade a debt securities it expects to sell over a two year period and then take those securities off the shelf and sell them whenever it chooses during the two-year period. Moreover, the Rule 415 registration process allows the issuer to sell freely tradeable receivable-related investment grade debt securities, an advantage that does not exist for sellers under the Section 4(5) exemption.

The bill would provide a transaction exemption along the lines of Section 4(5) for mortgage-backed securities for certain receivable-related securities as a means of fostering the development of an institutional secondary market for certain receivables without doing injury to the general public. The purchasers of receivable-related securities will be sophisticated institutional buyers who do not need the full benefit of the registration statement. While shelf registration has been an improvement over existing practices, this provision would take the improvements one step further for sophisticated institutional buyers. This would be especially beneficial to issuers that may not be able to issue securities on a continuing basis or otherwise qualify their receivable-related debt securities for the benefits of shelf registration. The legislation would provide that the antifraud provisions of the 1933 Act and the Securities Exchange Act of 1934 would continue to apply.

II. PREEMPTION OF STATE LAW LEGAL INVESTMENT STATUTES

Receivable-related securities receive less favorable treatment than corporate bonds and mortgage-backed securities under so-called state legal investment statutes which restrict the types of investments which state regulated or state chartered entities such as banks, savings and loan associations, trust funds, employee pension systems and insurance companies may make. As a result the market for receivable-related securities is limited.

State legal investment statutes usually authorize state regulated or chartered entities to invest in interest bearing obligations of corporations such as corporate bonds, provided certain conditions are met. While these conditions differ from state to state they typically require the obligor on the bonds to be a corporation chartered under the laws of the United States or one of the states and that either: (a) the obligator on the bonds meet certain financial standards such as an earnings test; or (b) the bonds be rated in one of the four highest investment grades by a nationally recognized rating organization such as Standard and Poors.

Such legal investment statutes with few exceptions do not specifically authorize investment in receivable-related securities. Receivable-related securities often do not qualify as corporate debt obligations because the obligors on the receivables are individuals (such as would be the case with automobile loan receivables) rather than corporations (such as with trade receivables) and because the real issuer of the securities is a trust which is neither an obligor nor a corporation and the nominal issuer of the securities is not an obligor thereon. In other cases special purpose financing corporations set up to issue the securities have no earnings history and, thus, do not meet the earnings test.

Authority to invest in receivable-related pass-through securities must be found if at all in provisions authorizing investment in receivables them selves.

As a result of this disparate treatment there are many instances where a state regulated or state chartered entity such as an insurance company may invest in corporate bonds or receivables themselves but may not invest in receivable-related securities having an equal or significantly better investment grade rating.

The bill would preempt state legal investment-laws so that certain receivable-related securities rated investment grade could be purchased by state regulated entities to the same extent as if they were federal government securities. Any state could enact a statute within seven years after enactment prohibiting or limiting this authority. This legislation would not allow a state regulated or chartered entity to invest through a receivable related security in a receivable not permitted under state law for the entity to invest in.

III. RECEIVABLE-RELATED SECURITIZATION BY COMMERCIAL BANKS

Section 19(b) of the Federal Reserve Act, 12 U.S.C. 461(B), provides the Federal Reserve Board with the authority to impose reserve requirements on deposits held by depository institutions. Pursuant to this authority the Board promulgated its current Regulation D. The regulation provides that the term "deposit" includes the liabilities of a depository institution that are issued or undertaken as a means of obtaining funds. The regulation excludes from the definition of "deposit" certain obligations that represent a conditional, contingent or endorser's liability.

Increasingly depository institutions are selling assets by means of transactions under which the institution guarantors may be required to repurchase or retain a reversionary interest in all or a portion of the assets sold. These transactions take various forms, and the guarantee or interest may be conditional, as in the case of a standby letter of credit, or partial by limiting liability to some percentage of assets sold. Under Regulation D these transactions give rise to deposits for reserve requirement purposes because they are the functional equivalent of conventional deposits; that is, they raise funds for the depository institution and the purchaser looks to the depository institution as a source of creditworthiness.

The Board has proposed regulations that would amend the definition of "deposit" specifically to include sales of assets or receivables where the depository institution issues or undertakes a liability supporting the assets sold or retains a reversionary interest in these assets regardless of whether the liability or interest is conditional, unconditional or contingent on whether the liability covers all or a portion of the assets sold. Transactions in which the depository institution's liability on any particular asset is shared with the purchaser as the loss is realized and is less than 75 percent of the loss would not give rise to a deposit. Where the depository institution's share of risk is 75 percent or more of losses realized, the transaction would give rise to a deposit. Generally, transactions in which the depository institution's only liability is to reimburse a third party guarantor of the assets sold would not give rise to a deposit under the proposal.

The bill would provide a broader statutory exception to the proposed definition of deposit for obligations arising from the sale of receivables with recourse of up to 10 percent of pools of receivables as defined under the proposed revisions to the 1933 Act. The Board has provided a similar exception for pools of one to four family mortgages, 12 C.F.R. 204.2(a)(2)(ix).

IV. EXEMPTION FROM APPLICABILITY OF MARGIN REQUIREMENTS

At the present time the Federal Reserve Board permits a broker dealer to extend credit to his customers to purchase or carry securities on certain corporate bonds and mortgage-backed securities but not receivable-related securities. The obvious effect of this disparate treatment is to discourage the purchase of most receivable-related securities.

Under Regulation T a broker dealer may extend credit to a customer on the collateral of a corporate bond if the bond qualifies as either: (1) a "registered security" on a national securities exchange or has unlisted trading privileges thereon; or (2) an "OTC margin bond." An OTC margin bond is defined as a debt security which is not traded on a national securities exchange but which meets all of the following requirements:

"(1) at the time of the extension of credit by the broker, a principal amount of not less than $25,000,000 of the issue is outstanding;

(2) the issue was registered under Section 5 of the Securities Act of 1933 and the issuer either files periodic reports pursuant to Section 13(a) or 15(d) of the Securities Exchange Act of 1934 or is an insurance company which meets all of the conditions specified in Section 12(g)(2)(g) of the Securities Exchange Act of 1934; and

(3) at the same time of the extension of credit, the creditor has a reasonable basis for believing that the issuer is not in default on interest or principal payments on the bond."

At present a broker may extend credit to a customer on an OTC margin bond in an amount equal to what the broker in good faith determines is the loan value of the bond.

Receivable-related securities do not qualify as registered securities because they are not registered or traded on a national securities exchange. They do not qualify in some cases as OTC margin bonds because they are not corporate debt securities (such as a receivable-related pass-through where the issuer of the securities is a servicer of the receivables and not an obligor on the securities). Hence a broker is not able in some cases to extend any credit to a customer to finance the purchase of receivable-related securities, notwithstanding the fact that from the standpoint of both investment quality, as evidenced by an investment rating, and marketability, as evidenced by the size of the issue, the receivable-related security may constitute a better investment than corporate bonds which qualify as OTC margin bonds.

In addition, because many issuers of receivable-related securities, such as banks and savings and loans, are not reporting companies under the Securities Exchange Act of 1934, receivable-related securities issued by them would not qualify as OTC margin bonds because they would not meet the second requirement set forth in the definition. The purpose of the requirement that the issuer of the securities be a reporting company under the Securities Exchange Act of 1934 was to insure that there would be sufficient publicly available information about the issuer to make an informed decision on the investment quality of the security. While this consideration is significant where the issuer of the receivable is obligated to pay the principal of and interest on the Security, it is not material in the case of receivable-related securities which are not obligations of the issuer of the receivable and where the only responsibility of the issuer is as servicer of the receivables or other assets. It would be sufficient if the issuer of the receivable-related security were a regulated financial institution.

In order to remedy this disparate treatment the bill would amend the definition of an OTC margin bond to include certain receivable-related securities. The Congress took similar action in connection with mortgage-backed securities in the Secondary Mortgage Market Enhancement Act of 1984.

V. PREEMPTION OF STATE BLUE SKY LAWS

Most state securities laws exempt from registration requirements securities which are senior to or of substantially equal rank with securities of the same issuer which are listed or approved for listing on the New York Stock Exchange, the American Stock Exchange, or a specified regional exchange. For example, the Uniform Securities Act, which has been approved by almost every state, provides such an exemption from registration. The state securities regulators which have considered the question have taken the view that this exemption is not available to an issuer of receivable-related securities because the issuer is not the obligor on the securities. Hence, if a company has common stock listed on the New York Stock Exchange, it may issue corporate bonds without registration under the typical state blue sky law, but if the company issues receivable-related securities it must register them. This is unfair because in most cases the receivable-related securities have an investment quality equal to or higher than the issuer's own debt securities.

It is also expensive and time consuming. For example, additional time and numbers of employees are involved in the registration process; there is the possibility that some blue sky commissions will not clear the offering; and delay can occur when approved.

The bill would preempt state registration laws to provide that certain receivable-related securities, conditioned on meeting certain rating organization criterion and requirements of a new Section 4(6) of the 1933 Act as proposed herein, be exempt from registration. A state would have the ability to override the provision by legislation within a seven-year period.

VI. SHELF REGISTRATION

Under the SEC's shelf registration rule, Rule 415, securities can be initially registered once and subsequent issues can be offered or sold on a delayed or continuous basis in the future with only minor amendment. Shelf registration procedures would simplify filings for issuers who are interested in pooling receivables to back securities to be publicly sold where the pool characteristics do not change much from time to time. Shelf registration allows issuers to time the sale of securities to coincide with favorable market conditions without the delay of the full registration process by allowing sales "off the shelf" up to two years after the initial SEC approval.

Shelf registration offerings in the case of receivable-related securities can be made if they are registered under the 1933 Act on Form S-3 is not currently available for receivable-related pass-through securities.

While grantor trusts used in the sale of receivable-related pass-through securities would appear to qualify under the 1933 Act, its regulations and the Form S-3 instructions, the SEC has not seen fit to incorporate such offerings within Rule 415.

The legislation would require the SEC to allow-shelf registration for certain receivable-related pass-through securities under the 1933 Act, consistent with the otherwise applicable standards of Form S-3.●

By Mr. THURMOND:

S. 2018. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Energy and Natural Resources.

CONGAREE SWAMP NATIONAL MONUMENT EXPANSION AND WILDERNESS ACT

Mr. THURMOND. Mr. President, today I am introducing legislation to authorize the addition of certain lands to the Congaree Swamp National Monument and to implement portions of a proposed general management plan prepared in 1987 by the National Park Service.

In May 1976, it was my privilege to introduce legislation authorizing the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth, southern bottomland forest. The Congaree Swamp lies primarily along the north bank of the Congaree River, approximately 20 miles southeast of Columbia, SC. It is a uniquely forested lowland area.

In October of that same year, former President Ford signed into law legislation to preserve and protect lands of the Congaree River floodplain for future generations. That legislation also directed the Secretary of the Interior to develop and transmit to Congress a general management plan for the use and development of the Congaree Swamp National Monument.

A draft version of the general management plan was submitted to Congress in 1987. The legislation I am introducing today would implement this plan with modifications.

Title I of this bill would designate substantially all of the acreage within the existing Congaree Swamp Monument as wilderness area. Moreover the acreage proposed to be added to the monument in title II of this bill, but not yet Federal property, would be designed potential wilderness area. This is necessary to protect the area until Federal acquisition.

Wilderness designation means just what it says—this area is wilderness. It will be preserved in its natural condition.

As a general rule, hiking, camping, canoeing and fishing are permissible in wilderness areas. However, pursuant to statute, there is a prohibition on commercial enterprises, structures and installations, permanent and temporary roads, motor vehicles, motorized equipment, motorboats and other forms of mechanical transportation in such area, all in keeping with the purpose of the National Wildness Preservation System.

Title II of the bill would increase the acreage of the monument to a level many familiar with the area believe is necessary to fully protect the monument. This legislation would add up to 7,000 acres, primarily along the northern, southern, and eastern borders of the swamp. The acreage to be added represents what is known as the Citizens Boundary Proposal, which was developed by a group of concerned citizens who have a keen interest in protecting the environment.

Finally, title III of the bill provides for the authorization of $2.7 million for construction of park visitor facilities, and the improvement of certain roads, parking areas, and boating ramps.

Mr. President, the forest which covers most of the monument represents the last major virgin growth of its type in the Southeast. Almost all other substantial virgin hardwood forests have been subjected to logging. Within the monument is found a southern river-bottom hardwood forest, consisting of sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, nutmeg hickory, water tupelo, bald cypress, and loblolly pine. Included among these are some 200- to 400-year-old giants consisting of 5 national and 12 South Carolina record trees. Previous studies by the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

Furthermore, over 100 bird species are known to exist in the monument, including the Swainson's warbler, red-cockaded woodpecker, Louisiana heron, swallow-tailed kite, and the Mississippi kite. Other wildlife include the white-tailed deer, bobwhite quail, turkeys, raccoons, largemouth bass, bluegill, black crappie, yellow perch, and many others.

Mr. President, this enduring component of creation has provided hours of enjoyable outdoor recreational opportunities for residents of South Carolina and the Nation at large. Hiking, canoeing, camping, and fishing represent just a few of the available activities. Attendance has risen from 190 visitors in 1978 to 16,524 in 1986. Accordingly, upgrading the Congaree Swamp and including additional acreage represents sound stewardship of this national resource and will help ensure its preservation for future generations of Americans.

Mr. President, the legislation I am introducing today is supported by many individuals and groups in South Carolina. I ask unanimous consent that certain letters I have received in support of expanding this monument be included in the RECORD following my remarks, as well as a copy of the bill I have introduced.

Mr. President, this unique natural resource must be protected. Accordingly, I urge my colleagues to support his measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congaree Swamp National Monument Expansion and Wilderness Act."

TITLE I—WILDERNESS DESIGNATION

SEC. 101. NATIONAL PARK WILDERNESS.

(a) DESIGNATION OF WILDERNESS.—The lands described in subsection (b) are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(b) DESCRIPTION OF LANDS.—The lands designated as wilderness under subsection (a) consist of the area comprising 15,138 acres within the boundary as generally depicted on the map entitled "Wilderness Proposal, Congaree Swamp National Monument", dated September 1987, including existing monument areas on such map designated as potential wilderness.

SEC. 102. MAP AND DESCRIPTION.

A map and description of the boundaries of the areas in section 101 shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of the area designated. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this title: *Provided,* That correction of clerical and typographical errors in such maps and descriptions may be made.

SEC. 103. CESSATION OF CERTAIN USES.

Any lands described in section 101(b) which represent potential wilderness additions upon acquisition of non-federal interests in land and publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. 104. ADMINISTRATION.

The areas designated by section 101 as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE II—ADDITIONS TO THE CONGAREE SWAMP NATIONAL MONUMENT

SEC. 201. ADDITIONAL LANDS.

The first section of Public law 94.545, relating to the Congaree Swamp National Monument, is amended by—

(1) inserting "(a)" after "That"; and

(2) adding to the lands described in subsection (a), the monument shall consist of the additional area within the boundary as generally depicted on the map entitled 'Citizens Boundary Proposal for Congaree Swamp National Monument', dated November 1987, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres."

SEC. 202. ADDITIONAL FUNDS FOR LAND ACQUISITION.

Section 5(a) of Public Law 94-545 is amended by adding at the end thereof the following: "The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of land described in subsection (b) of the first section.".

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL MONUMENTAL DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of Public Law 94-545 is amended by adding at the end thereof the following:

"(c) There are hereby authorized to be appropriated $2,697,750 for construction and development within the monument."

SIERRA CLUB SOUTH CAROLINA CHAPTER,
January 26, 1988.

Hon. STROM THURMOND,
United States Senate,
Washington, DC.

DEAR SENATOR THURMOND: Congaree Swamp is nationally and internationally significant because it contains the largest remnant of old-southern bottomland hardwood forest in the country. Congaree's significance is affirmed by its designations as a National Natural Landmark, a National Monument, and an International Biosphere Reserve. In addition, its nomination as a World Heritage Site is now being prepared. In the words of Dr. Charles Wharton, an expert on southern river swamps and bottomlands, "The Congaree thus stands as a national treasure, a relict of our environmental heritage that simply must endure."

As authorized by Congress in 1976, Congaree Swamp National Monument consists solely of the 15,135-acre Beidler tract. This tract is the heart of Congaree Swamp, but as recognized by the establishing legislation (Public Law 94-545), the Beidler tract does not provide a suitable monument boundary. Additional lands are needed. After considering expansion of more than 11,000 acres, the Park Service's recent draft management plan recommends only 2,464 acres for addition to the monument. Although these 2,464 acres are needed, the NPS proposal omits other significant lands which are also needed for resource protection, scenic integrity, management and administration of the monument.

Anticipating the Park Service's inadequate proposal, a Citizens' Boundary Proposal has been prepared for Congaree Swamp National Monument, utilizing information from many sources, including federal and state agencies. The Citizens' Proposal provides far better for the monument's needs in Richland County than does the NPS proposal, as we explain in detailed comments to the Park Service. During the recent public comment period on the draft management plan, the Park Service received 586 responses as of January 19. Of these 586 responses, 569 support the Citizens' Proposal. The Citizens' Proposal is supported by Richland County Council and by three state agencies: the S.C. Wildlife and Marine Resources Dept., the S.C. Water Resources Commission, and the S.C. Dept. of Parks, Recreation and Tourism.

Nearly 12 years have passed since Congress established Congaree Swamp National Monument. Congressional action is needed to expand the boundary of this world-class resource. Given the merits and extensive support for the Citizens' Boundary Proposal, Sierra Club advocates legislation to authorize the Citizens' Proposal. Thank you for supporting this proposal and for your attention to Congaree Swamp National Monument over many years.

Sincerely,

RICHARD WATKINS,
Conservation Chair.

STATE OF SOUTH CAROLINA,
WATER RESOURCES COMMISSION,
January 29, 1988.

Hon. J. STROM THURMOND,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The South Carolina Water Resources Commission appreciates and fully supports your efforts to authorize expansion of the Congaree Swamp National Monument. As you are aware, this significant natural resource can be better protected by providing boundaries that encompass the natural ecosystem. The proposed expansion as referenced in the Citizen's Boundary Proposal will provide borders that are more closely aligned to the natural ecosystem, more identifiable to the users of the Monument.

We applaud your efforts in introducing legislation for the purpose of authorizing this expansion. Thank you for your continuing interest in this significant South Carolina natural resource.

Sincerely,

ALFRED H. VANG,
Executive Director.

SOUTH CAROLINA WILDLIFE &
MARINE RESOURCES DEPARTMENT,
January 29, 1988.

Hon., STROM THURMOND,
Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The S.C. Wildlife and Marine Resources Department recognizes the tremendous ecological significance of the existing Congaree Swamp National Monument and strongly supports additional efforts to adjust property boundaries in order to better protect this old growth swamp system, facilitate management, and provide recreational and interpretation facilities.

As a landowner and manager, the Wildlife Department is well aware of the need for adequate buffer to protect ecologically significant natural systems. The addition of 2,464 acres recommended in the Draft General Management Plan we feel is a minimal addition. Most of the proposed additions, other than inholdings, are old-growth forest. However, lands that are functionally a part of the swamp system should be included, whether or not they are old growth. Although we realize that there are definite fiscal constraints, we would support efforts to acquire as much land within land within the Landmark boundary as possible.

In keeping with Department policy concerning all public lands, we would favor a policy of providing public hunting on the monument when it is consistent with other uses. We would also favor acquiring properties within the authorized boundary by purchasing them from willing sellers rather than by condemnation.

We appreciate the opportunity to comment on proposed legislation and applaud efforts to provide long-term protection to this unique ecosystem.

Sincerely,

JAMES A. TIMMERMAN, Jr.,
Executive Director.

[Telegram]

Senator STROM THURMOND,
Capitol One DC.

Subject: Congaree National Monument.

DEAR SENATOR THURMOND: You have our full support for your proposal to increase acreage, add facilities and make other needed improvements to the Congaree National Monument.

The additional acreage is of great importance to the protection of wild life and environmentally sensitive areas of the monument. Additional facilities are urgently needed to serve visitors and interpret features of the monument.

We support the acreage additions as recommended by the citizens group.

Thank you for your leadership in this great step forward in the preservation and public enjoyment of this National treasure.

Sincerely,

FRED T. BRINKMAN,
Executive Director,
S.C. Parks, Recreation, and Tourism.

COLUMBIA COLLEGE,
January 18, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: As a geologic and environmental educator, I have led scores of undergraduate geology field trips to Congaree Swamp since 1978. This park is ideal for instruction in the following areas: (a) landscape development through the work of rivers; (b) floodplain peat formation; (c) the value of high-diversity versus low-diversity forests; (d) sediment distribution on river floodplains; (e) floodplain hydrology; and (f) role of the wetlands as a natural "waste treatment plant." I am sure that scientists of other disciplines would value this park as a teaching laboratory for different, but equally important, concepts.

In addition to its vital role as a major biologic and geologic teaching station, Congaree Swamp National Monument offers its visitors a rare and priceless gift, that of experiencing the wild beauty of an undisturbed southern lowland forest. Any attempt to evaluate the benefits of Thoreau's "primal sanity of nature" is futile, but surely none would deny that modern man greatly benefits from immersion into such a setting.

Because of the unique aesthetic and scientific resources of the Congaree Swamp monument, I wish to state my strong support for the Citizens' Boundary Proposal. The addition of some 6,300 acres to the park boundary will enlarge the area to its natural boundaries and greatly enhance its educational value. Please contact me concerning further opportunities to state my opposition to the NPS boundary proposal.

Sincerely,

MARTHA M. GRIFFIN, Ph.D.,
Department of Physical Science.

RPI INTERNATIONAL, INC.,
Columbia, SC, January 8, 1988.

Re The "Citizens' Boundary Proposal" for the Congaree National Monument.

Senator STROM THURMOND,
Washington, DC.

DEAR SENATOR THURMOND: Please co-sponsor legislation to authorize the acquisition of the land in the Citizens' Boundary Proposal for the Congaree Swamp National Monument. This proposal establishes a more manageable and coherent natural boundary for the property than the one proposed by the Park Service by including:

All land to the bluff line on the north, which confines water flow.

The Southern Railroad to the east.

A straighter boundary on the west, including Cook's Lake.

My wife and I are residents in Calhoun County, on the Congaree Bluff directly across from the Monument. We visit the Monument frequently and consider it to be one of the treasures of the state.

Several times a year, I bring 20± visitors to the Monument from all over the United States and many foreign countries as part of a training seminar our company runs for major oil companies. These visitors are always favorably impressed by the natural phenomena in the Monument, as well as the excellent way the facility is managed by the Park Service personnel (Fran Rametta has been particularly helpful). Every effort should be made to expand and enhance this outstanding natural site.

Thank you very much for your action on this request.

Sincerely,

MILES O. HAYES,
President.

THE WILDERNESS SOCIETY,
January 29, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: On behalf of The Wilderness Society's 210,000 members, I would like to thank you for expressing your intent to introduce legislation to expand the boundaries of Congaree Swamp National Monument and to designate as wilderness qualifying lands therein. The Congaree Swamp is an internationally recognized treasure deserving of protection in perpetuity.

During periodic field investigations of the Congaree Swamp National Monument over the last decade, our staff has concluded that the existing monument boundaries do not adequately protect the resource. There is substantial acreage outside the present boundary that is ecologically or visually linked to lands within, and is threatened with timber harvest and development. We would prefer an expansion of the monument to protect all of the lands that lie within the basin bounded by the north and south Congaree River bluffs. However, we are prepared to support the Citizen's Boundary Proposal, provided important lands on the south side of the Congaree River in Calhoun County will be promptly protected by other means.

We appreciate your long-standing commitment to protecting the Congaree Swamp, and we look forward to assisting the South Carolina congressional delegation to secure swift passage of this important legislation.

Thank you.

Sincerely,

STEVEN C. WHITNEY,
Director, National Parks Program.

NATIONAL PARKS AND
CONSERVATION ASSOCIATION,
Washington, DC, January 29, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: The National Parks and Conservation Association strongly supports your efforts to expand the boundaries of Congaree Swamp National Monument and designate the lands therein as Wilderness. The national and international significance of the Congaree Swamp has been affirmed by its designation as a National Natural Landmark, National Monument and International Biosphere Reserve.

When Congress established the monument in 1976, it recognized that the 15,135 acre Beidler Tract would not provide an adequate boundary. Congress directed the National Park Service to identify "the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area . . ." (Public Law 94-545).

After considering potential additions of more than 11,000 acres, including the Congaree bluffs in Calhoun County, the NPS Draft General Management Plan, Wilderness Suitability Study and Environmental Assessment for Congaree Swamp National Monument recommends an addition of only 2,464 acres. The NPS proposal is inadequate as it omits ecologically significant adjacent lands which should be added to the monument for protection of resources and scenic integrity, and to facilitate management and administration of the area.

NPCA supports enactment of legislation to expand the Congaree Swamp National Monument in Richland County by approximately 7,000 acres as described in the Citizens Boundary Proposal developed by the Sierra Club South Carolina Chapter. These additions will be a major step toward ultimate protection of the Congaree Swamp ecosystem which includes the Congaree River, its floodplain north and south of the river, and the bluffs which enclose the floodplain on both sides of the river. Ultimately, we believe that additional significant resources need to be protected and, thus, we remain committed to securing protection for the Calhoun County bluffs by the National Park Service, the South Carolina Heritage Trust or other means.

Thank you for your support and longstanding efforts to protect this world-class treasure. We look forward to working with the South Carolina delegation to secure adequate protection for the Congaree Swamp National Monument and Biosphere Reserve during the second session of the 100th Congress.

Sincerely,

T. DESTRY JARVIS,
Vice President for Conservation Policy.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. DURENBERGER, and Mr. MITCHELL);

S. 2020. A bill to regulate above-ground storage tanks having the capacity to store at least 1 million gallons of petroleum, and for other purposes; referred to the Committee on Environment and Public Works.

REGULATION OF ABOVE-GROUND STORAGE TANKS

Mr. HEINZ. Mr. President, we have all heard the old adage that "oil and water don't mix." On January 2, near Pittsburgh, PA, at the town of Floreffe in Allegheny County, we had dramatic evidence of this when an above-ground fully loaded, 4 million gallon storage tank owned by the Ashland Oil Co. burst and almost 1 million gallons of No. 2 diesel fuel gushed into the Monongahela River in a matter of something like 10 seconds.

This million gallons of spilled diesel fuel fouled the Monongahela and Ohio Rivers, which provide drinking water to numerous communities along both rivers. As the comet-like head of the oil spill made its way down the rivers, many Pennsylvania, West Virginia, and Ohio communities—Robinson, North Fayette, West View, Midland, Toronto, Wheeling, and Sistersville, to name a few—were forced to close or heavily restrict their water intake. All-in-all, the EPA estimates that 830,000 people, more than double the population in my hometown, the city of Pittsburgh, had their drinking water affected before this black tide of polluted water dissipated. It is too early to tell what the longer term environmental impact will be. Federal, State and local agencies have just begun to assess how bad the damage will be to the river and ground water, to the river beaches and the river wildlife.

But, Mr. President, it is not too early to take action to ensure that this never can happen again, and so today I rise to introduce legislation designed to prevent another environmental catastrophe like the one we have just witnessed in western Pennsylvania. Unfortunately, this environmental disaster made us aware of a gap in existing environmental regulation. The gap I speak of is lack of Federal and State requirements to monitor the use and operation of above ground storage tanks that contain large volumes of liquid petroleum products. As I understand the existing requirements, State and local law may require an owner or operator of an above ground storage tank to obtain a permit for construction of the tank and to get an inspection of the tank after construction is complete. However, these regulations vary widely from locale-to-locale, the regulations are often difficult to enforce, technical expertise to do so may be lacking especially at the local level, and there is not a regular means of monitoring these tanks after these permits have been issued. In addition, the Federal regulation applies only to containment plans and does not address tank integrity.

Experience has shown us that large capacity above ground storage tanks that have been operating for a long time or that have been altered through reconstruction or relocation need to be regulated to assure that the tanks retain their integrity.

Mr. President, the bill I am introducing today, the Above Ground Storage Tank Spill Prevention Act of 1988, will require EPA to promulgate national requirements concerning an identifiable class of above ground storage tanks, specifically those tanks that pose a risk of catastrophic failure, such as rupture or collapse. This class of tanks have the capacity to contain at least 1 million gallons of petroleum and are at least 30 years old, or have been relocated, or reconstructed.

This legislation requires EPA to develop regulations applicable to this class of above ground storage tanks. It would require either EPA, or an EPA-approved State program, to implement and enforce these regulations. It would require owners or operators of tanks that experience a failure and spill their petroleum contents into the environment to take corrective action. And it would require States to compile an inventory of above ground storage tanks.

These requirements will ensure that the tanks are being properly maintained and continue to be used for the purpose for which the tanks were designed. And our law is also intended to and will ensure that the party responsible for a spill follow EPA procedures and be financially responsible for a proper cleanup.

These new inspection and permitting requirements are aimed directly at preventing environmental contamination through improved safeguards. Inspections by trained experts will reduce the risk that a tank would fail. Periodic reinspections and permit renewals will significantly contribute to reducing the risk of catastrophic failures. Requirements to properly close a tank at the end of its useful life will prevent spills from a tank that is no longer required to be monitored and inspected.

Mr. President, our legislation also addresses cleanup requirements in the event that the regulatory safeguards fail to prevent a spill. Under our bill, a tank owner or operator must report a spill to the regulatory agency, either EPA or a State agency. Owners are also required to take corrective action in response to a spill. Such corrective action would include cleaning up the environment—surface and ground water, surface and subsurface soils, and the air, if necessary and, as in this recent tragedy, supplying alternative drinking water sources may also be required.

Owners and operators must also demonstrate beforehand that they have the financial ability to take all required corrective actions without delay. After the fact, if an owner or operator cannot or does not take corrective action as required, the EPA or EPA-approved State would be required under this bill to take corrective action and impose penalties.

In order to ensure that EPA or a State agency has access to sufficient funds to clean up a spill and to assist injured people where there is not a responsible party, this bill allows the leaking underground storage tank trust fund to be used. If, despite all the safeguards imposed by this legislation, a spill still takes place and there is no financially responsible party—an absolutely worst-case scenario—the so-called LUST trust fund, financed by a tax on gasoline, will be sufficient to pay for cleanup and compensation for spills and to do whatever is required to mitigate the catastrophic effects of a spill from a large, above ground storage tank.

Mr. President, as I said, oil and water do not mix. This legislation is designed to see to it that we do everything possible to keep them apart by correcting a gaping hole in inspections and environmental regulation and ensuring that, under any circumstances, that there is quick and orderly cleanup.

Mr. President, I urge my colleagues to support this legislation as a means to prevent another environmental tragedy like the Ashland spill from happening again.

Mr. President, I introduce this legislation on behalf of myself, Senator SPECTER, and Senator DURENBERGER. I anticipate there could be additional cosponsors during the course of the day.

I send the bill to the desk for its proper referral, and ask unanimous consent that the bill and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solid Waste Disposal Act is amended by adding the following new subtitle after subtitle I:

"Subtitle J—Regulation of Above Ground Storage Tanks

"DEFINITIONS AND EXEMPTIONS

"Sec. 9020. For purposes of this subtitle—

"(1) The term 'above ground storage tank' means any one or combination of tanks located above ground (including underground pipes connected thereto) which has or have the capacity to hold, and is or are used to contain an accumulation of, at least one million gallons of petroleum. Such term does not include any—

"(A) pipeline facility to the extent (including gathering lines) regulated under—

"(i) the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.),

"(ii) the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or

"(iii) which is an intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (i) or (ii) of this subparagraph,

"(B) surface impoundment, pit, pond, or lagoon,

"(C) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

The term 'above ground storage tank' shall not include any pipes connected to any tank which is described in subparagraphs (A) through (C).

"(2) The term 'petroleum' means petroleum, including crude oil and refined products thereof (including fuel oil) or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 per square inch absolute).

"(3) The term 'regulated substance' means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle (C)).

"(4) The term 'owner' means—

"(A) in the case of an above ground storage tank in use on the date of enactment of this section, or brought into use after that date, any person who owns an above ground storage tank used for the storage, use, or dispensing of petroleum, and

"(B) in the case of any above ground storage tank in use before the date of enactment of this section, but no longer in use after such date of enactment, any person who owned such tank immediately before the discontinuation of its use.

"(5) The term 'operator' means any person in control of, or having responsibility for, the daily operation of the above ground storage tank.

"(6) The term 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an above ground storage tank into ground water, surface water, surface or subsurface soils.

"(7) The term 'person' has the same meaning as provided in section 1004(15), except that such term includes a consortium, a joint venture, a commercial entity, and the United States Government.

"(8) The term 'nonoperational storage tank' means any above ground storage tank in which petroleum will not be deposited or from which petroleum will not be dispensed after the date of the enactment of this section.

"NOTIFICATION

"Sec. 9021. (a) Requirements.—(1) Within 18 months after the date of enactment of this section, each owner of a storage tank located above ground, with a capacity of at least 25,000 gallons, shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, assembly history, and uses of such tank.

"(2) Any owner which brings into use a storage tank located above ground, with a capacity of at least 25,000 gallons, after the initial notification period specified under paragraph (1), shall notify the designated State or local agency or department within 30 days of the existence of such tank, specifying the age, size, type, location, assembly history, and uses of such tank.

"(3) Paragraphs (1) and (2) of this subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or section 9002 of this Act.

"(4) Beginning 30 days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) and for 18 months thereafter, any person who deposits petroleum in an above ground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

"(b) Agency Designation.—(1) Within 180 days after the enactment of this section, the Governor of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a) (1) or (2).

"(2) Within 12 months after the date of enactment of this section, the Administrator, in consultation with State and local officials designated pursuant to paragraph (1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a) (1) or (2).

"(c) State Inventories.— Each State shall make an inventory of all above ground storage tanks in such State. In making such an inventory, the State shall utilize and aggregate the data in the notification forms submitted pursuant to subsection (a) of this section. Each State shall submit such aggregated data to the Administrator not later than 24 months after the date of enactment of this subsection.

"RELEASE PREVENTION, CORRECTION, AND FINANCIAL RESPONSIBILITY REGULATIONS

"Sec. 9022. (a) Regulations.—The Administrator, after notice and opportunity for public comment, and at least 3 months before the effective dates specified in subsection (f), shall promulgate prevention, correction, and financial responsibility regulations applicable to owners and operators of above ground storage tanks, as may be necessary to protect human health and the environment.

"(b) Applicability.—The regulations issued under this section shall apply to above ground storage tanks that—

"(1) are 30 or more years old;

"(2) have been reassembled in whole or in part; or

"(3) have been relocated from their site of original placement.

"(c)(1) Requirements.—The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting above ground storage tanks—

"(A) requirements for inspection of the structural integrity of regulated above ground storage tanks;

"(B) requirements for the granting of operating permits pursuant to an inspection by the regulatory authority to ensure the integrity of the tank structure in order to prevent a release of petroleum into the environment;

"(C) requirements for subsequent periodic inspections of the above ground storage tanks and renewal of the operating permit;

"(D) requirements for immediate reporting of any releases and corrective action taken in response to a release from an above ground storage tank;

"(E) requirements for taking corrective action in response to a release from an above ground storage tank;

"(F) requirements for closure of above ground storage tanks to prevent future release of petroleum into the environment; and

"(G) requirements for maintaining evidence of financial responsibility for the estimated costs of closure and for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases arising from operating an above ground storage tank.

"(2) In promulgating regulations under this section, the Administrator may take into consideration factors, including, but not limited to: location of the tanks, proximity of the tanks to drinking water supplies; age of tanks; condition of the tanks; history of maintenance; sizes of the tanks; any reassembling or altering of the tanks; type of petroleum contained in the tanks; existence of secondary containment designed and constructed to contain any release, including a release caused by a sudden and complete rupture of the tank; existing State programs regulating above ground storage tanks; and current industry recommended practices.

"(d) Financial Responsibility.—

"(1)(A) The Administrator, in promulgating financial responsibility regulations under this section, shall conduct a study to determine the appropriate amounts of coverage, both per occurrence and aggregate. The factors to be evaluated by the Administrator in conducting the study to determine the appropriate amounts of coverage shall include, but not be limited to: the estimated costs of cleaning up navigable waters, groundwater, and surface and subsurface soils; the costs of correcting any other environmental damage; the costs of mitigating harm to wildlife; the costs incurred by Federal, State, and local government entities resulting from actions to protect public health and the environment; the costs incurred by private third parties due to the release; the availability of insurance and other methods of financial responsibility; and the ability of owners or operators to self-insure and to establish risk retention groups.

"(B) On the basis of the results of the study conducted under this subsection, the Administrator shall require owners or operators to demonstrate financial responsibility for the costs of cleaning up a release and compensating third parties injured by a release.

"(C) The Administrator, in promulgating financial responsibility requirements under this section, shall require owners or operators to demonstrate financial responsibility in an amount adequate to cover the costs of closure.

"(2) Financial responsibility required by this subsection may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator. In promulgating requirements under this subsection, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses, which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this subtitle.

"(3) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement, pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this subsection may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this paragraph such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(4) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

"(5) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

"(6) The Administrator may waive the financial responsibility requirements under this section upon the determination that the owner or operator has demonstrated that secondary containment designed and constructed to be adequate to hold any release, including a release caused by a sudden and complete rupture of the above ground storage tank, exists at the tank site.

"(e) Effective Date.—Regulations issued pursuant to this section shall be effective not later than 30 months after the date of enactment of this section.

"(f) EPA Response Program for Petroleum.—

"(1) Before regulations.—Before the effective date of regulations under this section, the Administrator (or a State pursuant to paragraph (6) of this subsection) is authorized to—

"(A) require the owner or operator of an above ground storage tank to undertake corrective action with respect to any release of petroleum when the Administrator (or the State) determines that such corrective action will be done properly and promptly by the owner or operator of the above ground storage tank from which the release occurs; or

"(B) undertake corrective action with respect to any release of petroleum into the environment from an above ground storage tank if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment. The corrective action undertaken or required under this paragraph shall be such as may be necessary to protect human health and the environment.

"(2) After Regulations.—Following the effective date of regulations under subsection (c), all actions or orders of the Administrator (or a State pursuant to paragraph (6)) described in paragraph (1) of this subsection shall be in conformity with such regulations. Following such effective date, the Administrator (or the State) may undertake corrective action with respect to any release of petroleum into the environment from an above ground storage tank only if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment and one or more of the following situations exists:

"(A) A situation which requires prompt action by the Administrator (or the State) under this paragraph to protect human health and the environment.

"(B) The owner or operator of the tank has failed or refused to comply with an order of the Administrator under this subsection or section 9025 or with the order of a State under this subsection to comply with the corrective action regulations.

"(3) Corrective action orders.—The Administrator is authorized to issue orders to the owner or operator of an above ground storage tank to carry out subparagraph (A) of paragraph (1) or to carry out regulations issued under subsection (c)(1)(E). A State acting pursuant to paragraph (6) of this subsection is authorized to carry out subparagraph (A) of paragraph (1) only until the State's program is approved by the Administrator under section 9023 of this subtitle. Such orders shall be issued and enforced in the same manner and subject to the same requirements as orders under section 9025.

"(4) Allowable corrective actions.—The corrective actions undertaken by the Administrator (or a State pursuant to paragraph (6)) may include temporary or permanent relocation of residents and alternative household water supplies. In connection with the performance of any corrective action under paragraph (1) or (3), the Administrator may undertake an exposure assessment as defined in paragraph (9) of this subsection or provide for such an assessment in a cooperative agreement with a State pursuant to paragraph (6) of this subsection. The costs of any such assessment may be treated as corrective action for purposes of paragraph (5), relating to cost recovery.

"(5) Recovery of costs.—

"(A) In general.—Whenever costs have been incurred by the Administrator, or by a State pursuant to paragraph (6), for undertaking corrective action or enforcement action with respect to the release of petroleum from an above ground storage tank, the owner or operator of such tank shall be liable to the Administrator or the State for such costs. The liability under this paragraph shall be construed to be the standard of liability applicable under section 311 of the Federal Water Pollution Control Act.

"(B) Recovery.—In determining the equities for seeking the recovery of costs under subparagraph (A), the Administrator (or a State pursuant to paragraph (6) of this subsection) may consider the amount of financial responsibility required to be maintained under subsections (c) and (d) of this section and the factors considered in establishing such amount.

"(C) Effect on liability.—

"(i) No transfers of liability.—No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any above ground storage tank or from any person who may be liable for a release or threat of release under this subsection. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

"(ii) No bar to cause of action.—Nothing in this subsection, including the provisions of clause (i) of this subparagraph, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

"(D) Facility.—For purposes of this paragraph, the term 'facility' means, with respect to any owner or operator, all above ground storage tanks used for the storage of petroleum which are owned or operated by such owner or operator and located on a single parcel of property (or on any contiguous or adjacent property).

"(6) State authorities.—

"(A) General.—A State may exercise the authorities in paragraphs (1) and (2) of this subsection, subject to the terms and conditions of paragraphs (4), (8), (9), and (10), if—

"(i) the Administrator determines that the State has the capabilities to carry out effective corrective actions and enforcement activities; and

"(ii) the Administrator enters into a cooperative agreement with the State setting out the actions to be undertaken by the State.

"(B) Cost share.—Following the effective date of the regulations under this section, the State shall pay 10 per centum of the cost of corrective actions undertaken either by the Administrator or by the State under a cooperative agreement, except that the Administrator may take corrective action at a facility where immediate action is necessary to respond to an imminent and substantial endangerment to human health or the environment if the State fails to pay the cost share.

"(7) Emergency procurement powers.—Notwithstanding any other provision of law, the Administrator may authorize the use of such emergency procurement powers as he deems necessary.

"(8) Definition of owner.—As used in this subsection, the term 'owner' does not include any person who, without participating in the management of an above ground storage tank and otherwise not engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect the owner's security interest in the tank.

"(9) Definition of exposure assessment.—As used in this subsection, the term 'exposure assessment' means an assessment to determine the extent of exposure of, or potential for exposure of, individuals to petroleum from a release from an above ground storage tank based on such factors as the nature and extent of contamination and the existence of or potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size of the community within the likely pathways of exposure, and the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants. Such assessment shall not delay corrective action to abate immediate hazards or reduce exposure.

"(10) FACILITIES WITHOUT FINANCIAL RESPONSIBILITY.—At any facility where the owner or operator has failed to maintain evidence of financial responsibility in amounts at least equal to the amounts established by subsection (d)(1)(B) of this section for whatever reason, the Administrator shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (3) of this subsection and section 9025 of this subtitle to order corrective action to clean up such releases. States acting pursuant to paragraph (6) of this subsection shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (3) of this subsection to order corrective action to clean up such releases. Notwithstanding the provisions of this paragraph, the Administrator may take the corrective actions authorized by paragraph (4) of this subsection to protect human health at such facilities and shall seek full recovery of the costs of all such actions pursuant to the provisions of paragraph (5)(A) of this subsection and without consideration of the factors in paragraph (5)(B) of this subsection. Nothing in this paragraph shall prevent the Administrator (or a State pursuant to paragraph (6) of this subsection) from taking corrective action at a facility where there is no solvent owner or operator or where immediate action is necessary to respond to an imminent and substantial endangerment of human health or the environment.

"APPROVAL OF STATE PROGRAMS

"SEC. 9023. (a) ELEMENTS OF STATE PROGRAM.—Beginning 30 months after the date of enactment of this section, any State may, submit an above ground storage tank release prevention, correction, and financial responsibility program for review and approval by the Administrator. A State program may be approved by the Administrator under this section only if the State demonstrates that the State program includes the following requirements and provides for adequate enforcement of compliance with such requirements—

"(1) requirements for inspection of the structural integrity of regulated above ground storage tanks;

"(2) requirements for the granting of operating permits pursuant to an inspection by the regular authority to ensure the integrity of the tank structure in order to prevent a release of petroleum into the environment;

"(3) requirements for subsequent periodic inspections of the above ground storage tanks and renewal of the operating permit;

"(4) requirements for immediate reporting of any releases and corrective action taken in response to a release from an above ground storage tank;

"(5) requirements for taking corrective action in response to a release from an above ground storage tank;

"(6) requirements for closure of above ground storage tanks to prevent future releases of petroleum into the environment;

"(7) requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases arising from operating above ground storage tank; and

"(8) requirements—

"(A) for notifying the appropriate State agency or department (or local agency or department) designated according to section 9021(b)(1) of the existence of any operational or nonoperational storage tank; and

"(B) for providing the information required on the form issued pursuant to section 9021(b)(2).

"(b) FEDERAL STANDARDS.—(1) A State program submitted under this section may be approved only if the requirements under paragraphs (1) through (7) of subsection (a) are no less stringent that the corresponding requirements standards promulgated by the Administrator pursuant to section 9022(a).

"(c) EPA DETERMINATION.—(1) Within 180 days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements adopted pursuant to this section.

"(2) If the Administrator determines that a State program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements adopted pursuant to this section, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements of its program.

"(d) WITHDRAWAL OF AUTHORIZATION.—Whenever the Administrator determines after a public hearing that a State is not administering and enforcing a program authorized under this subtitle in accordance with the provisions of this section, he shall so notify the State. If appropriate action is not taken within a reasonable time, not to exceed 120 days after such notification, the Administrator shall withdraw approval of such program and reestablish the Federal program pursuant to this subtitle.

"INSPECTIONS, MONITORING, TESTING, AND CORRECTIVE ACTION

"SEC. 9024. (a) FURNISHING INFORMATION.—For the purposes of issuing and renewing operating permits, developing or assisting in the development of any regulation, conducting any study, taking any corrective action, or enforcing the provisions of this subtitle, any owner or operator of an above ground storage tank shall, upon request of any officer, employee, or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State, with an approved program, acting pursuant to subsection (f)(6) of section 9022, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, permit such officer at all reasonable times to have access to, and to copy, all records relating to such tanks, and to have access for corrective action. For the purposes of issuing and renewing operating permits, developing or assisting in the development of any regulation, conducting any study, taking corrective action, or enforcing the provisions of this subtitle, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an above ground storage tank is located;

"(2) to inspect and obtain samples from any person of any substance contained in such tank;

"(3) to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water; and

"(4) to take corrective action.

Each such inspection shall be commenced and completed with reasonable promptness.

"(b) CONFIDENTIALITY.—(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this subtitle, or when relevant in any proceeding under this subtitle.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed 1 year, or both.

"(3) In submitting data under this subtitle, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this subtitle.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 9025. (a) COMPLIANCE ORDERS.—(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this subtitle, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle where such violation occurs in a State with a program approved under section 9023, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If a violator fails to comply with an order under this subsection within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

"(b) PROCEDURE.—Any order issued under this section shall become final unless, no later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) CONTENTS OF ORDER.—Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) CIVIL PENALTIES.—(1) Any owner who knowingly fails to notify or submits false information pursuant to section 9021(a) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(2) Any owner or operator of an above ground storage tank who fails to comply with—

"(A) any requirement promulgated by the Administrator under section 9022; or

"(B) any requirement of a State program approved pursuant to section 9023;

shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"FEDERAL FACILITIES

"SEC. 9026. (a) APPLICATION OF SUBTITLE.—Each department, agency, and instrumentality of the Federal Government having jurisdiction over any above ground storage tank shall be subject to and comply with all Federal, State, interstate, and local requirements, applicable to such tank, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief.

"(b) PRESIDENTIAL EXEMPTION.—The President may exempt any above ground storage tanks of any department, agency, or instrumentality in the Executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriations unless the President shall have specifically requested such appropriations as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"JUDICIAL REVIEW

"SEC. 9027. Section 7006(b) is amended by adding "and section 9022" after "section 3005" and adding "and section 9028" after "section 3006".

"STATE AUTHORITY

"SEC. 9028. Nothing in this subtitle shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation or requirement respecting above ground storage tanks that is more stringent than a regulation requirement in effect under this subtitle or to impose any additional liability with respect to the release of regulated substances within such State or political subdivision.

"STUDY OF ABOVE GROUND STORAGE TANKS

"SEC. 9029. (a)(1) DEADLINE.—Not later than 12 months after the date of enactment of this section, the Administrator shall complete a study of above ground storage tanks used for the storage of petroleum.

"(2) ELEMENTS OF STUDIES.—The studies under paragraph (1) shall include an assessment of the ages, sizes, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations and proximity to drinking water sources) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from above ground storage tanks; the effectiveness and costs of secondary containment; the effectiveness and costs of inventory systems and tank testing systems; and such other factors as the Administrator deems appropriate.

"(3) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this subtitle and whether the capacity level of 1,000,000 gallons should be revised to a more appropriate level in order to protect human health and the environment.

"(b)(1) DEADLINE.—Not later than 12 months after the date of enactment of this section, the Administrator shall complete a study of above ground storage tanks used for the storage of regulated substances.

"(2) ELEMENTS OF STUDIES.—The studies under paragraph (1) shall include an assessment of the ages, sizes, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations and proximity to drinking water sources) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from above ground storage tanks; the effectiveness and costs of secondary containment; the effectiveness and costs of inventory systems and tank testing systems; and such other factors as the Administrator deems appropriate.

"(3) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether above ground storage tanks containing regulated substances should be subject to the preceding provisions of this subtitle.

"(c) STUDY AND REPORT.—The Administrator shall conduct a study and submit a report to the Congress regarding the cause and environmental effects of the petroleum spill into the Monongahela River on January 2, 1988.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9030. For fiscal year 1988, and each of the next following 4 fiscal years, there are authorized to be appropriated, out of the Leaking Underground Storage Tank Trust Fund established by Sec. 9508 of the Internal Revenue Code of 1986, such sums as may be necessary to carry out the provisions of this subtitle.".

SEC. 2. The table of contents of the Solid Waste Disposal Act is amended by inserting the following after the items relating to subtitle I:

"Subtitle J—Regulation of Above Ground Storage Tanks

"Sec. 9020. Definitions and exemptions.
"Sec. 9021. Notification.
"Sec. 9022. Release prevention, correction, and financial responsibility regulations.
"Sec. 9023. Approval of State programs.
"Sec. 9024. Inspections, monitoring, testing, and corrective action.
"Sec. 9025. Federal enforcement.
"Sec. 9026. Federal facilities.
"Sec. 9027. Judicial review.
"Sec. 9028. State authority.
"Sec. 9029. Study of above ground storage tanks.
"Sec. 9030. Authorization of appropriations.".

SECTION-BY-SECTION SUMMARY

The Solid Waste Disposal Act is amended by adding the following new Subtitle J, Regulation of Above Ground Storage Tanks.

Section 9020. Definitions and Exemptions: This section defines above ground storge tank, petroleum, regulated substance, owner, operator, release, person, and nonoperational storage tank. Included in the tanks exempt from the regulations are above ground storage tanks that are regulated by other safety laws.

Section 9021. Notification: This section requires owners of above ground storge tanks that can contain at least 25,000 gallons to notify a designated state or local agency of the existance of their tank. The tank owners must specify the age, size, type, location, assembly history, and uses of each tank. The information reported will be used for a a state inventory.

Section 9022. Release Prevention, Correction, and Financial Responsibility Regulations:

This section requires the Environmental Protection Agency (EPA) to develop regulations, as may be necessary to protect human health and the environment, applicable to above ground storage tanks that have the capacity to contain at least one million gallons of petroleum and that are at least 30 years old or have been relocated or reassembled.

The regulations must include requirements for: inspection of the structural integrity of the tanks (EPA may set procedures for certified self-inspections); permitting of tanks that pass inspection; periodic reinspections and permit renewals; reporting of releases and corrective actions taken in response to a release; proper corrective action; sound tank closure practices; and finanical responsibility for closure, corrective action, and compensable damages. These resolutions must be effective no later than 30 months after the enactment of this section.

EPA is required to conduct a study to determine the appropriate amount of per occurrence and aggregate coverage for the costs of cleanup and damage claims. Factors EPA may consider in establishing amounts of coverage include estimated costs cleaning up the spill and restoring all natural resources, both public and private parties' damages, and the availability of financial assurance mechanisms. The amount of financial assurance for closure costs are to be based on estimated costs.

This section also mandates EPA to establish a response program to ensure prompt and effective cleanup of a petroleum spill from an above storge tank. A state program that has been approved by EPA may also direct a response program to satisfy the requirements of this section. Under the response program, EPA must require an owner or operator of a tank that experienced a spill to cleanup the spill according to the corrective action requirements, which should address mitigating threats to human health (e.g., temporary or permanent relocation of residents and supply of alternative drinking water), restoring the environment, and compensating damaged parties. EPA is authorized under this section to issue orders to owners or operators to take corrective actions.

In the event that EPA determines that an owner or operator fails to take a corrective action, EPA (or approved state programs) is required to take the necessary corrective action and recover the costs from the owner or operator. The EPA and approved state programs are authorized to use the Leaking Underground Storage Tank (LUST) Trust Fund to finance corrective actions they must take.

Section 9023. Approval of State Programs: As previously noted, a state agency may implement the requirements of this bill. A state program is required under this section to submit to EPA an application demonstrating that the state has promulgated comprehensive requirements that are at least as stringent as the corresponding federal requirements. A state must also demonstrate that its enforcement procedures are adequate to bring about maximum compliance. EPA is encouraged to develop their regulations and approval requirements to enable states to operate their own programs.

Section 9024. Inspections, Monitoring, Testing, and Corrective Action: This section requires owners and operators to allow federal and state officials to have access, upon request and at reasonable times, to their tanks and records. Tank owners and operators may request that any information to which an EPA or state official may have access be considered confidential and not available to the public. Otherwise, all information is available to the public.

Section 9025. Federal Enforcement: This section empowers EPA to issue orders requiring compliance with any requirement of this subtitle. EPA is authorized to levy administrative penalities in the amount of $25,000 for each day of continued noncompliance. In addition, this section grants EPA the authority to seek civil penalties of $10,000 for each failure to submit proper notification and of $10,000 for each day of continued noncompliance with any of the requirements of this subtitle.

Section 9026. Federal Facilities: The federal government is subject to the requirements of this subtitle except where the President grants annual exemptions.

Section 9027. Judicial Review: This section amends section 7006 of the Solid Waste Disposal Act to provide that an owner or operator may appeal an EPA permit decision and a state may appeal an EPA authorization decision to the Circuit Court of Appeals for the federal district in which the person resides or transacts business.

Section 9028. State Authority: This section clarifies that nothing in this subtitle precludes a state or political subdivison of a state to adopt or enforce requirements stricter that those of this subtitle.

Section 9029. Study of Above Ground Storage Tanks:

This section requires EPA to conduct several studies and submit corresponding reports to the President and the Congress. The first study required is to assess various factors related to above ground storage tanks that contain petroleum. This study is intended to assist EPA in the development of the requirements of this subtitle. Upon completion of this study, EPA shall submit a report to the President and Congress presenting the study results and EPA recommendations regarding whether or not the above ground storage tanks covered by subtitle should be subject to the requirements of this subtitle and whether defining the tank population to be regulated by this subtitle as those with a capacity of at least one million gallons is appropriate.

The second study required by this section concerns above ground storage tanks that contain regulated substances. EPA must study and recommend whether or not chemical tanks should be subject to the same requirements as petroleum tanks.

The final study and report required under this section is required to analyze the cause and effects of the one million gallons diesel fuel spill into the Monogahela River on January 2, 1988.

Section 9030. Authorization of Appropriations: This section authorizes the appropriation from the Leaking Underground Storage Tank Trust Fund such sums as may be necessary to carry out the provisions of this subtitle.

Mr. SPECTER. Mr. President, today I join Senator HEINZ in introducing legislation for Federal regulation of above-ground oil storage tanks. The need for this legislation is obvious in light of the largest inland water oil spill in U.S. history, which occurred on January 2, when an above-ground storage tank ruptured in Floreffe, near Pittsburgh, PA.

On January 3, I toured the site of the Ashland Oil Co. spill and on January 25, I visited the representatives of Ashland Oil Co. to review the reimbursement and compensation process for those affected by the spill.

I am convinced that Congress must take steps to ensure that a spill of this type never happens again. The effects of an inland oil spill arguably are far more severe than from a spill occurring in open waters. Approximately 1 million Pennsylvanians were without fresh water for a significant period of time, factories were forced to curtail operations or shut down to help conserve water, and the water shortage may have reduced water pressure below the level necessary for fire fighting. The long-term effects on wildlife and the environment have yet to be assessed. The total cost of the spill has been estimated at more than $25 million.

The conditions which gave rise to the recent spill are not unique. Similar tanks farms are common along our Nation's navigable waters because of the need for access to transportation systems. Consequently, other accidents of this type may happen again, with equally disasterous effects, if we fail to act.

Pittsburgh's oil spill did not impact solely on Pennsylvania. Slowly, but relentlessly, the oil spread downstream some 147 miles, affecting both Ohio and West Virginia. New reports indicate that Louisville, KY, and Evansville, IN, also may be required to close water intakes when the spill reaches their area. Such inland oil spills frequently will have interstate proportions, and uniform Federal regulation therefore is appropriate.

This legislation will address a serious gap in national environmental policy and will provide such uniform national standards for above-ground oil storage tanks. These revisions will reduce the inconsistent and unclear safety and inspection requirements that seem to have contributed to the Pittsburgh spill.

The bill would place a special regulatory focus on older tanks, which are the tanks most susceptible to ruptures and leaks. The Environmental Protection Agency [EPA] would be required to promulgate regulations applicable to owners and operators of certain high-risk above-ground storage tanks for spill prevention, reconstruction, tank inspection and financial responsibility. Specifically, these regulations will apply to above-ground storage tanks that are 30 or more years old and have been reassembled in whole or in part, or that have been relocated from their site of original placement. Additionally, the legislation would require the creation of a national data base of information for all above-ground storage tanks. The States will be responsible for collecting this information and submitting it to the EPA.

This bill also includes provisions for the emergency relocation of endangered residents and the provision of alternative household water supplies. Federal agencies are not authorized to provide these much needed services under existing Federal laws. Additionally, States will be required to contribute 10 percent of the cost of corrective actions incurred as a result of an oil spill, and owners or operators of above-ground storage tanks will be liable for the costs of corrective actions by the EPA or the States. In requiring those responsible for a spill to pay the costs of cleanup, this requirement is consistent with other Federal environmental laws.

Further, owners or operators of above-ground storage tanks will be required to demonstrate financial responsibility in the form of a guarantor or other type of insurer, and civil penalties by the EPA will be authorized for violations of the regulations under this act.

I would note that, while comprehensive, this legislation would not preempt the States from implementing their own regulatory programs upon approval by the EPA.

Mr. President, this legislation offers a comprehensive approach to addressing the need for Federal regulation of above-ground storage tanks without interfering with the States' legitimate role in dealing with this problem. I urge my colleagues to join us in supporting this much needed legislation.

By Mr. GRASSLEY:

S. 2021. A bill to protect children from sexual exploitation; to the Committee on the Judiciary.

CHILD FREEDOM FROM SEXUAL EXPLOITATION ACT

Mr. GRASSLEY. Mr. President, today I am introducing legislation that continues the war against the sexual exploitation of our Nation's most precious resource—our children.

Mr. President, the elimination of child abuse, through the enforcement of child pornography statutes, has been a top priority of mine since I have been in the Congress.

Mr. President, the bill I am introducing today is a natural outgrowth of my 1986 legislation, S. 985—The Child Abuse Victims' Rights Act, that was enacted as a part of Public Law 99-591, the fiscal year 1987 continuing resolution. That law evolved from the 1982 case of Ferber versus New York, in which the Supreme Court distinguished child pornography from obscenity by focusing on the harm caused to the victim of pornography—the child—rather than the effect of such material on the audience.

As my colleagues will recall, among the provisions from S. 985 that are now law, is a new Federal civil remedy that for the first time gives the victims of child sexual exploitation—the children—the ability to sue their victimizers in Federal court for damages, court costs, and attorneys fees. In addition, criminal penalties for repeat offenders were increased.

Since the passage of S. 985, the Attorney General's Commission on Pornography has reported to the President on its findings regarding the effects of pornography on our society.

According to the Pornography Commission, "what is commonly referred to as child pornography is not so much a form of pornography as it is a form of sexual exploitation of children. Actual children are photographed while engaged in some form of sexual activity, either with adults or with other children."

Many experts agree that the psychological harm of this form of child abuse can be devastating to a youngster. Child pornography creates a "permanent record of sexual practices" that can "follow a child" through adulthood. The President's report stated that there is "substantial evidence that photographs of children engaged in sexual activity are used as tools for the further molestation of other children".

Today, almost all of the child pornography available in the United States is produced by child abusers. This despicable element of society then passes this material among themselves. There is also a commercial network for child pornography that flows virtually untouched through the U.S. mail from foreign sources.

Based upon its findings, the Pornography Commission made recommendations on how to control this degrading enterprise. The President has sent these on to the Congress in the form of proposed legislation.

I have studied this report very closely, especially with regard to its recommendations on the sexual exploitation of children. Based upon my reading of the Commission's report, I have concluded that legislation is needed.

My bill accomplishes several things:

It prohibits computers to be used for the purpose of setting up nationwide "networks", which otherwise enable child molesters, pedophiles, and collectors of child pornography to traffic in child pornography.

This is a recommendation of the President's Commission on Pornography.

It prohibits a parent or other adult with custody of a minor child, from selling that child for use in the production of pornography.

This is a recommendation of the President's Commission on Pornography.

It requires producers and certain distributors of sexually explicit materials to—prospectively—keep and maintain verifiable records with respect to the age and identity of each performer appearing in depictions of "actual sexually explicit conduct".

Pornographers and other sexual exploiters of children often use minors to produce sexually explicit material in order to meet the demand of those who are attracted to obscene depictions of children.

Because there has not been a recordkeeping requirement, it has been virtually impossible to prove the age of the performer in the sexually explicit material. This has allowed pornographers to evade Federal laws that are supposed to protect all persons under the age of 18 from exploitation.

This is also a recommendation of the President's Commission on Pornography. However, I have attempted to eliminate any ex post facto problem with this important enforcement tool, by applying it prospectively.

It amends the Racketeer Influenced and Corrupt Organizations [RICO] Act to include child pornography offenses.

Much of the growing commercial market for child pornography in our country is produced and distributed by networks of pedophiles and child molesters who are well organized.

As I am sure my colleagues are all aware, obscenity was included as a RICO offense in 1985.

I wanted to include child pornography as a RICO offense in my 1986 legislation, S. 985. However, the Department of Justice, among other organizations, opposed such an addition to the list of RICO offenses. The Department has now decided, in 1988 to include child pornography as a RICO offense in the President's anti-pornography bill. I am glad to have the Department's support, at last.

I include it in my bill and hope that the Department will still support it wholeheartedly.

Finally, my bill amends the civil remedy provision, section 2255 of title 18, chapter 110 of the United States Code, established in my 1986 legislation, the Child Abuse Victims' Rights Act.

A minor who is the victim of sexual exploitation under sections 2251 and 2252 of title 18, or juvenile prostitution under section 2243 of title 18, would now be able to sue in U.S. district court and recover treble damages, instead of actual damages plus costs, including reasonable attorney's fees.

Mr. President, I believe the sanctions provided for in my bill, such as the RICO section; the title providing for the seizure and sale of all assets used in, or obtained through, organized criminal activity in child pornography; and the amended civil remedy section, provide for much needed criminal enforcement tools against those who abuse our children through such sordid enterprises.

Mr. President, I would also like to remind the Department of Justice that S. 985, the Child Abuse Victims' Rights Act, as passed as a part of Public Law 99-591 in 1986, called for recommendations from the Attorney General on suggested courtroom procedures that would serve as a model for measures designed to facilitate the testimony of child witnesses.

As we all know, there has been a good deal of State legislation passed in this area. However, there apparently has been some question as to the constitutionality of these statutes.

We expected this report in October 1987; and we hoped that it would provide needed guidance in developing effective legislation at the State and national level that would survive constitutional scrutiny.

I trust the extra time that the Department has taken on this report means that there has been an especially thorough study of this problem, and that consequently, the report will be worth the wait.

Mr. President, my legislation addresses the need to keep the pressure on the producers and distributors of child pornography. My bill recognizes that there are many harms that can befall children who are used in the production of pornography; and consequently, it recognizes the rights of these children not to be the victims of sexual exploitation.

I thank my colleagues for their consideration of this legislation and I ask them for their support.

By Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. WILSON, Mr. GARN, Mr. BUMPERS, Mr. BURDICK, Mr. DURENBERGER, Mr. STENNIS, Mr. STAFFORD, Mr. FOWLER, Mr. MCCLURE, Mr. WIRTH, Mr. MURKOWSKI, Mr. NUNN, Mr. DOMENICI, Mr. GRAHAM, Mr. COCHRAN, Mr. SARBANES, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CONRAD, Mr. EXON, Mr. MOYNIHAN, Mr. INOUYE, Mr. HEFLIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CRANSTON, Mr. SANFORD, Mr. GORE, and Mr. KERRY):

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on the Judiciary.

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, in 1970 and 1972, Congress legislated and the President proclaimed the last Friday in April as National Arbor Day. Last year, the Senate passed legislation commemorating National Arbor Day, and 51 Senators cosponsored the legislation. Today, I am introducing legislation which will once again recognize this important day. I'm pleased to announce that 32 of my colleagues have joined me in sponsoring this legislation.

Mr. President, trees are one of our Nation's most important natural resources. They not only provide the raw materials for some of our basic industries, but they also stabilize our environment and add natural grace and beauty to our surroundings. The establishment of a National Arbor Day acts as an important reminder to all our citizens of the vital presence of trees, whether they be in urban areas or distant wilderness.

We know now, however, that there is a special need for our concern and our attention. In large areas of Europe and the United States, scientists have observed the death and decline of a number of species of trees. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California. And, in an 11-State region extending from Maine to Alabama, a wide variety of other coniferous species have been ravaged by pollutants and poor management.

Because we are concerned about damage to our forests and our trees and because we need to acknowledge the contribution that trees make to our health and well-being, I urge the Congress to designate National Arbor Day. I encourage others of my colleagues to join us in this effort. I ask unanimous consent to have the joint resolution printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1988 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.●

By Mr. QUAYLE (for himself, Mr. HATCH, Mr. DURENBERGER, Mr. STAFFORD, Mr. DOMENICI, Mr. COCHRAN, Mr. GRASSLEY, Mr. PELL, Mr. MATSUNAGA, Mr. DODD, Mr. SIMON, Mr. RIEGLE, and Mr. BRADLEY):

S.J. Res. 248. Joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week"; referred to the Committee the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

Mr. QUAYLE. Mr. President, on behalf of a number of my colleagues and myself, I am introducing a joint resolution to authorize the President to issue a proclamation designating the week of October 2-8, 1988, "Mental Illness Awareness Week."

The purpose of this joint resolution, introduced, passed and proclaimed for 6 successive years, is to focus public attention on concerns surrounding, and advances in treating mental illness.

In any given 6 months period, approximately 30 million adult Americans suffer from a diagnosable mental disorder. Approximately 2 million children have such severe mental disorders that they require immediate care, and another 8 to 10 million need help somewhat less urgently; 1.5 million Americans suffer from schizophrenia, with 300,000 new cases occurring each year; 9-16 million adult Americans today are diagnosed with manic-depression, depression, and other depressive disorders, of the elderly who are diagnosed as "senile," nearly one-fourth actually suffer from treatable mental illnesses. It is a little known fact, but nearly two-thirds of the AIDS patients in the United States will show symptoms of dementia before they die.

Mental illness occurs in all social levels and ethnic and national groups in equal proportion. Serious mental illness affects one family out of every five in our Nation. The Institute of Medicine of the National Academy of Sciences states that the personal and social costs of mental illnesses, alcoholism and substance abuse disorders are comparable to those for heart disease or cancer. Mental illness is an increasingly treatable disease. Appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced utilization of other health services and lessened social dependence.

Mental illness is an increasingly curable disability with excellent prospects for amelioration and recovery when properly recognized and treated. Recovery from mental illness is now a reality; 9 in 10 stricken with major depression or anxiety can recover; 7 in 10 suffering from manic depression can return to normal lives; 5 in 10 with schizophrenia can improve and 1 in 4 can recover. Much of the progress in the treatment of mental illness can be attributed to major advances in clinical research in psychiatry. In the past decade Alcohol, Drug Abuse and Mental Health Administration-supported research has led to advances such as:

Identification of markers for specific genes as a cause of mental illness.

Identification of sites to which the AIDS virus appears to attach in the brain.

Demonstration, using Positron Emission Tomography [PET], visualizing the specific neurotransmitter system affected by schizophrenia in living patients.

Delineation of brain sites which may contribute to the addictive actions of cocaine and heroin and identification of the existence of natural substances whose normal sites of action in the brain may provide the means of addictive drugs to act on the brain.

Identification of a protein that appears to be specific to the brains of patients with Alzheimers' disease.

The findings that alterations in a specific brain neurotransmitter—serotonin—may be an indicator of an aggressive impulsive temperament associated with suicide and other violent acts.

This joint resolution is inspired by groups such as the American Psychiatric Association whose members conduct research for the treatment of mental illness and treat those suffering from the disease and the National Alliance for the Mentally Ill formed in 1979 for families with a mentally ill member whose purpose is support, education, advocacy and research. Few diseases have such capacity to disrupt and devastate human life, for both individuals and families, and no other carries such a stigma. Because of the burdens felt by families and friends of those suffering from mental problems, this nationwide effort is under way to join together and draw attention to these needs.

The education and information disseminated through the week of its observance will help people understand that they don't have to suffer from debilitating anxiety, panic, phobias, depression or schizophrenia. Only through the understanding of the causes of mental illness and the knowledge of available treatment and successful cures will the fear and misunderstanding of this disease diminish with people then seeking timely and appropriate care.

Mental illness is worthy of our attention and concern. I urge support and passage of this important joint resolution.

ADDITIONAL COSPONSORS

S. 465

At the request of Mr. METZENBAUM, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 465, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States.

S. 533

At the request of Mr. THURMOND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1910

At the request of Mr. CHAFEE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 1942

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1942, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 1975

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1975, a bill to better enable Federal law enforcement officers to accomplish their missions, to assist Federal law enforcement agencies in attracting and retaining the most qualified personnel, and for other purposes.

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. RIEGLE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. NUNN], the Senator from Alaska [Mr. STEVENS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from New York [Mr. MOYNIHAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Mr. DIXON], the Senator from Illinois [Mr. SIMON], the Senator from Tennessee [Mr. GORE], the Senator from California [Mr. WILSON], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Michigan [Mr. LEVIN], the Senator from Washington [Mr. ADAMS], the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. BENTSEN], the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. QUAYLE], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from Alabama [Mr. SHELBY], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. LAUTENBERG, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. D'AMATO], the Senator from Virginia [Mr. TRIBLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Mississippi [Mr. STENNIS], the Senator from Colorado [Mr. WIRTH], the Senator from Arkansas [Mr. PRYOR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A "National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 222

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. ADAMS], the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KARNES], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week."

SENATE JOINT RESOLUTION 223

At the request of Mr. NUNN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. BOND], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Indiana [Mr. LUGAR], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 223, a joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. WARNER, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. BYRD], the Senator from Texas [Mr. BENTSEN], the Senator from Georgia [Mr. NUNN], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Missouri [Mr. DANFORTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. QUAYLE], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. SANFORD], the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arkansas [Mr. PRYOR], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Carolina [Mr. HELMS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. DIXON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE JOINT RESOLUTION 230

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 230, a joint resolution to designate the third week of June of 1988 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. SARBANES, the names of the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Washington [Mr. EVANS] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. DECONCINI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. GRAHAM], the Senator from Nevada [Mr. HECHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KARNES], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988 as "National Child Abuse Prevention Month."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. HUMPHREY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the U.S. Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 314

At the request of Mr. SYMMS, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 314, a resolution expressing the sense of the Senate regarding the American Civil Defense program.

SENATE RESOLUTION 366—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 366

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committe on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $983,492, of which amount $1,500 may be expended for the training of professional staff of such Committee (under procedures specified by secton 202(j) of such act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 367—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 367

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,501,901, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988 through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 368—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. MELCHER, from the Special Committee on Aging, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 368

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its descretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,106,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 369—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. STENNIS, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 369

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including hearings, reporting such hearings and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the proper consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,119,856, of which (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202 (j) of such Act).

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but no later than February 28, 1989.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 370—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 370

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquires and Investigations."

SENATE RESOLUTION 371—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CHILES, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 371

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $3,027,546 of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.)

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 372—EXPRESSING SUPPORT FOR THE EFFORTS OF B'NAI B'RITH TO ESTABLISH A DISTRICT OFFICE IN THE SOVIET UNION

Mr. McCONNELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 372

Whereas, the Soviet Union is the home of approximately two million members of the Jewish community;

Whereas, B'nai B'rith is one of the most widely recognized and highly regarded service organizations for the Jewish community;

Whereas, a B'nai B'rith District in the Soviet Union would represent a vital link between Soviet Jews and the international community interested in their plight;

Whereas, the establishment of a B'nai B'rith District office in the Soviet Union would be a welcome development under the policy of glasnost; it is

Resolved by the Senate, That the Senate—

(1) Supports the efforts of the B'nai B'rith Board of Governors in establishing a District in the Union of the Soviet Socialist Republics; and

(2) Encourages the Union of Soviet Socialist Republics to cooperate with B'nai B'rith is achieving this goal.

Mr. McCONNELL. Mr. President, as many of us know, B'nai B'rith is one of the world's largest service organizations for the Jewish community. In addition to being advocates for issues such as Soviet Jewry, B'nai B'rith is also concerned with matters of international appeal such as arms control and has tackled domestic issues like crime prevention and care for the homeless. Thus, B'nai B'rith provides a unique service function for all of us.

The B'nai B'rith International Board of Governors convened in Washington last week bringing together some of its most influential office holders. Last Tuesday, I met with several of the members who assembled for the meeting, including three Kentuckians—Mr. Richard D. Heideman, president of B'nai B'rith's district 2, which includes eight States; his wife, Mrs. Phyllis G. Heideman; and Mr. Irvin Friedman, a B'nai B'rith international vice president. I also met Ms. Pnina Bor, the president of B'nai B'rith in Israel and Mr. Zvi Gincbarg, an international vice president. They told me of a development that I would like to share with my colleagues. On January 25, the board of directors passed a resolution seeking to establish a B'nai B'rith district in Moscow.

I applaud this initiative and am hopeful that Soviet officials are receptive to this proposal. This will provide us with an opportunity to see how genuine Mr. Gorbachev's dedication to glasnost is. The success or failure of B'nai B'rith's effort will help us learn whether or not the Soviet leadership is sincerely interested in allowing its citizens the simple liberty of identifying with a common religious heritage.

I visited the Soviet Union in August and met with several refuseniks who are waiting for permission to emigrate. I have joined many of my colleagues in sending letters to Secretary Gorbachev on behalf of refuseniks seeking their freedom. I strongly hope that we will see a day soon when there is an open door policy for emigration from the Soviet Union.

In the meantime, I think the resolution that B'nai B'rith has passed is an important milestone. I would urge the Soviets to give full and fair consideration to the resolution, and that they recognize the need for their 2 million Jews to have this unifying organization established.

I would like to enter this resolution into the Record for my colleagues' consideration. I also urge my colleagues to join me in a Senate resolution of support for this undertaking. I think a B'nai B'rith organization in Moscow would serve as a vital link in the international community interested in the issues of the treatment and emigration of Soviet Jews.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

B'NAI B'RITH BOARD OF GOVERNORS,
WASHINGTON, DC, JANUARY 23-26, 1988

Resolution No. 88-100C, Passed January 25, 1988.

In re: B'nai B'rith office in Moscow.

Proposed by: Billy Goldberg.

Whereas, there exists in the Soviet Union the third largest Jewish Community in the world estimated to number some 2,000,000 people;

Whereas, for almost a century and a half B'nai B'rith has been the preeminent Jewish "service" organization and today continues that same tradition throughout the world;

Whereas, it was B'nai B'rith, acting through its late President Label Katz, who—a quarter of a century ago—initiated the modern movement for free emigration of Soviet Jewry. This remains, as it must in the future, a high priority item on the B'nai B'rith agenda;

Whereas, we realize that—either by necessity or choice—for the foreseeable future there will remain in the Soviet Union the large majority of the Jewish Community which lives there today;

Whereas, there may be beginning in the Soviet Union a movement for greater freedom for its people: Now therefore be it

Resolved, That our International President appoint a Select Committee to work in conjunction with our European B'nai B'rith Districts and our International Council towards the goal of establishing B'nai B'rith in Moscow.

ADDITIONAL STATEMENTS

TRIBUTE TO TIMMY SMITH

● Mr. BINGAMAN. Mr. President, I wish to honor a tremendous New Mexican athlete, Timmy Smith, the star running back of the world champion Washington Redskins.

As everyone knows, the Washington Redskins became world champions last night after defeating the Denver Broncos 42 to 10 in Super Bowl XXII. Timmy Smith, a native of Hobbs, NM, was in his rookie season and had seen limited playing time during the regular season. He was not even the announced starting running back. He did start, however, and the rookie was far and away the leading rusher in the game, running for a record setting 204 yards. His two touchdowns, the first two of his NFL career, also tied a Super Bowl record for number of rushing touchdowns. After the game, Smith said he was so wrapped up in the game, he did not even realize he was close to a Super Bowl record until someone told him his yardage total at halftime. "I hadn't had a game like this since high school," Smith said.

Indeed, he had had quite a few games like last night's during his years at Hobbs High School. As a star of the Hobbs Eagles football team, Smith was voted "Most Valuable Player" of the team in his junior year of 1981. Despite missing three games that season, he still ran for 914 yards. The following year, in his senior season, Smith rewrote the record books at Hobbs High School. He rushed for an incredible 2,306 yards on 283 carries and scored 31 touchdowns. Smith averaged 200 yards a game, and had 12 consecutive 100-yard games including an astounding season high of 315 yards against Lubbock Monterey. Timmy graduated in 1982 and went on to play for Texas Tech University. Due to serious knee and ankle injuries, however, he was able to play a total of only two games his junior and senior years.

Timmy's mother and father, Ella and T. Harold Smith, have every reason to be proud of their star son and their four other children; Steve, Mike, Kenny, and Sharon; all who were outstanding athletes in their own right. Looking back on the long road to his record-setting day, Timmy praised his parents for helping him get through his injury-ridden years in college.

> My parents helped me a lot when I kept getting hurt in college * * * they gave me the courage to keep working because they knew I had a tendency to slack off sometimes.

All fans of the Washington Redskins and all who love to watch a great athlete, also owe Ella and T. Harold a great debt of gratitude.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Samet, a member of the staff of Senator MOYNIHAN, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 7, 1988, through February 14, 1988.

The committee has determined that participation by Mr. Samet in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. John Walsh, a member of the staff of Senator PROXMIRE, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 6, 1988, through February 14, 1988.

The committee has determined that participation by Mr. Walsh in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Cynthia Shade, a member of the staff of Senator BENNETT JOHNSTON, a participate in a program in the Taipei, Taiwan, and sponsored by the Soochow University, from November 27, 1987, to December 6, 1987.

The committee has determined that participation by Ms. Shade, in the program in the Taipei, Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Barbara Larkin, a member of the staff of Senator TERRY SANFORD, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4-19, 1988.

The committee has determined that participation by Ms. Larkin, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Senator WILLIAM ROTH, to participate in a program in Taipei, Taiwan, sponsored by Soochow University in January 1987.

The committee has determined that participation by Senator ROTH in the program in Taipei, Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, from Senator SARBANES for Ms. Ruth Kurtz, a member of the staff of the Joint Economic Committee, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4-18, 1988.

The committee has determined that participation by Ms. Kurtz, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-

Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Ann Goldman, a member of the staff of Senator ALAN CRANSTON, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4-19, 1988.

The committee has determined that participation by Ms. Goldman, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Laura Hudson, a member of the staff of Senator BENNETT JOHNSTON, to participate in a program in Iraq by the National Council on United States-Arab Relations, from January 11, 1987, to January 20, 1987.

The committee has determined that participation by Ms. Hudson in the program in Iraq, at the expense of the National Council on United States-Arab Realtions, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Carrie McMillan, a member of the staff of Senator MARK O. HATFIELD, to participate in a program in Iraq by the National Council on United States-Arab Relations, from January 12, 1987, to January 22, 1987.

The committee has determined that participation by Ms. McMillan in the program in Iraq, at the expense of the National Council on United States-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Senator BOREN, to participate in a program in Paris, France, sponsored by the Center for Strategic and International Studies and the Centre for the Geopolitics of Energy and Raw Materials at the University of Paris, from January 21 through 22, 1988.

The committee has determined that participation by Senator BOREN in the program in Paris, France, at the expense of the Center for Strategic and International Studies and the Centre for the Geopolitics of Energy and Raw Materials, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Bill LaForge, a member of the staff of Senator THAD COCHRAN, to participate in a program in the People's Republic of China by the United States-Asia Institute, in January 1988.

The committee has determined that participation by Mr. LaForge in the program in the People's Republic of China, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Martin J. Gruenberg, a member of the staff of Senator WILLIAM PROXMIRE, to participate in a program in the People's Republic of China by the Chinese Peoples' Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from January 4-18, 1988.

The committee has determined that participation by Mr. Gruenberg in the program in the People's Republic of China, at the expense of the Chinese Peoples' Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Thomas F. Heyerdahl, a member of the staff of Senator WILLIAM COHEN, to participate in a program in the People's Republic of China sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from January 4-20, 1988.

The committee has determined that participation by Mr. Heyerdahl in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Kent H. Hughes, a member of the staff of Senator ROBERT C. BYRD, to participate in a program in Japan funded by the Japan-United States Friendship Commission, from January 8-17, 1988.

The committee has determined that participation by Mr. Hughes in the program in Japan, at the expense of the Japan-United States Friendship Commission, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Edward Long, a member of the staff of Senator TOM HARKIN, to participate in a program in the Republic of China sponsored by the Tamkang University, from January 7-15.

The committee has determined that participation by Mr. Long in the program in the Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Peter Flory, a member of the staff of Senator MCCLURE, to participate in a program in South Africa sponsored by the South Africa Foundation, from January 15-23, 1988.

The committee has determined that participation by Mr. Flory in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Thomas Duesterberg, a member of the staff of Senator DAN QUAYLE, to participate in a program in the Republic of China sponsored by the Tamkang University, from January 7-15, 1988

The committee has determined that participation by Dr. Duesterberg in the program in the Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Cynthia Jurciukonis, a member of the staff of Senator DONALD W. RIEGLE, Jr. to participate in a program in Jordan sponsored by the World Affairs Council, from January 8-17, 1988.

The committee has determined that participation by Ms. Jurciukonis in the program in Jordan, at the expense of the World Affairs Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Sally Susman, a member of the staff of the Senate Committee on Commerce, Science, and Transportation, to participate in a program in Taiwan sponsored by Tamkang University in January 1988.

The committee has determined that participation by Ms. Susman in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jim Morhard, a member of the staff of Senator KASTEN, to participate in a program in the People's Republic of China sponsored by the Chinese Institute of Foreign Affairs, from January 4-20, 1988.

The committee has determined that participation by Mr. Morhard in the program in the People's Republic of China, at the expense of the Chinese Institute of Foreign Affairs, is in the interest of the Senate of the United States.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Jazwick, a member of the staff of Senator SYMMS, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Jazwick in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Linda Emery, a member of the staff of Senator NICKLES, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15-23.

The committee has determined that participation by Ms. Emery in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jonathan Chambers, a member of the staff of Senator DANFORTH, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Chambers in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Marjorie Chorlins, a member of the staff of Senator DANFORTH, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 7-14, 1988.

The committee has determined that participation by Ms. Chorlins in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Sam Routson, a member of the staff of Senator SYMMS, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Routson in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Paul Carothers, a member of the staff of Senator BREAUX, to participate in a program in Taiwan, sponsored by the Tamkang University, in January 1988.

The committee has determined that participation by Mr. Carothers in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Strauss, a member of the staff of Senator BURDICK, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Strauss in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. H. Edward Quick, Jr., a member of the staff of Senator PRYOR, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Quick in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.●

U.S. AID TO THE CONTRAS

● Mr. LEAHY. Mr. President, in the waning hours before the Christmas recess the conference committee on the continuing resolution appropriations bill voted to give another $8.1 million in aid to the Contras. Despite the obvious failures of the Contra policy, this aid, including the right to deliver military equipment beyond the original December 31 cutoff date, has kept the Contras alive in the field during the fragile Central American peace negotiations. Although Nicaragua has taken some significant steps toward fulfillment of the Guatemala peace agreement it has a long way to go, as do El Salvador and Honduras, before the Central Americans can live in peace. The administration, however, maintains that anything short of total compliance by Nicaragua is no compliance, and that the Contras deserve continued United States support.

Despite a supposed Christmas truce, the fighting has raged more furiously than ever in Nicaragua. The administration is bragging about Contra victories, even though there are reports that dozens of innocent civilians, including women and children, were killed and wounded in those attacks. There is abundant evidence that the Contras have shamelessly continued their terrorist tactics throughout the peace negotiations. They have done nothing to demonstrate that they are ready to comply with the terms of the Guatemala peace plan. To the contrary, they appear to be doing everything possible to sabotage it.

The administration would have us believe that the Contras have changed—that the old reports of Contra atrocities are just that—old and no longer relevant. Unfortunately, past experience has shown that neither the Contras nor United States officials can be trusted to tell the truth about events in Nicaragua. We are left to rely on from news reporters who have visited the war zones.

A recent four part series of articles in the Philadelphia Inquirer contains a grisly account of recent developments in the Contra war. Two reporters spent 4 months investigating how the Contras wage war. Another traveled with the Sandinista army. They witnessed dozens of Contra military actions, and inactions, and interviewed scores of eyewitnesses as well as Contra officials, and Sandinista and United States officials in Honduras, Costa Rica, Washington, and Miami. Their findings depict a very different situation from that portrayed by the administration officials who lobby for more Contra aid.

They report that the Contras are:

A rebel army that often doesn't want to fight and prefers to attack soft targets like powerlines, trucks, and lightly guarded farm cooperatives.

A band of guerrillas who have not blended into the populace and who are totally dependent on CIA air drops of food, weapons, and cash.

A military force that, when it does fight, often kills, shoots and kidnaps unarmed civilians, and ransacks and burns their homes.

A military force that, despite the millions of dollars in U.S. aid, is shrinking. Their are fewer Contras today than a year ago.

An army whose claimed successes do not hold up to scrutiny and whose atrocities go unmentioned in official reports.

The reporters went to locations recommended to them by the Contras as places where they had scored recent successes. The articles are the result of painstaking onsite investigations and interviews at those locations. They deserve serious attention by any Member of Congress who wants another perspective than the administration's version of what has happened in Nicaragua since the August 7 signing of the Guatemala peace plan.

I will ask the full text of the articles be printed in the RECORD.

The articles follow:

[From the Philadelphia Inquirer, Dec. 13, 1987]

AVOIDING FOES, SHOOTING CIVILIANS

(By Steve Stecklow and Andrew Maykuth)

For 31 days, a human train of contra rebels slogged through the muddy jungles of northern Nicaragua, each man lugging up to 75 pounds of food, clothing and weaponry courtesy of the United States. Their objective: Ambush Sandinista troops on the sole road that links Nicaragua's coasts.

The 150-mile trek passed through a wilderness so inhospitable no peasants have ever bothered to claim it; a hothouse in which the pummeling rains provide relief only from the mosquitos; a land where five-foot snakes are considered petite; a place where the few good trails are mined by the Sandinistas and the rest are rivers of knee-deep mud.

Then, an hour's hike from the target, the 100-man column came to a dead halt. Word had come from local peasants that every entrance to the dirt road was either mined or guarded. An attack on this October day would surely result in heavy contra casualties.

The entire company turned around and promptly began a five-day retreat. Better to attack some other time, some other place.

It was a minor setback. But typical.

After more than six years of fighting and more than $200 million in U.S. aid gone, many of the contras remain an aimless army, wandering across Nicaragua's landscape, deliberately avoiding direct contact with the Soviet-supplied Sandinista military.

To be sure, the contras' efforts have not been a complete failure. Resurrected by $100 million in U.S. aid this year, the rebels have moved thousands of soldiers deep inside Nicaragua and have spread their attacks to nearly half the countryside. They have ambushed scores of military vehicles, shot down helicopters with U.S. "Red Eye" surface-to-air missiles, disrupted electric and telephone service, and helped push Nicaragua's economy to the brink of bankruptcy. Even the Sandinistas acknowledge they have suffered mounting casualties.

Nevertheless, the contras have utterly failed to convert their occasional military success into a popular movement that can challenge the Sandinistas' rule in Nicaragua.

Two Inquirer reporters spent four months investigating how the contras wage war in Nicaragua. One reporter and an Inquirer photographer traveled and lived with the contras. Another reporter worked in Nicaragua and, together with a photographer, traveled with the Sandinista army. They documented dozens of contra military actions—and inactions—and interviewed scores of eyewitnesses, as well as contra officials, Sandinistas and U.S. officials in Nicaragua, Honduras, Costa Rica, Washington and Miami.

They found that the contras are:

A rebel army that often doesn't want to fight and prefers to concentrate on what a Western diplomat in Central America called "targets of opportunity"—such as power lines, trucks and lightly guarded farm cooperatives.

A band of "guerrillas" who have not blended into the populace, and who are all but totally dependent on CIA air drops of food, weaponry and even cash.

A military force that, when it does fight, often kills, shoots and kidnaps unarmed civilians, including children and pregnant women, and ransacks and burns peasant houses. This is despite a $3 million training program mandated by Congress to curb such atrocities—and despite the fact that such abuses alienate potential supporters in Nicaragua and abroad.

A military force that, for all the aid it has received, is shrinking. A Reagan administration official and a Western diplomat in Managua said the contras' troop strength had dropped from "10,000 to 12,000" in early 1987 to "between 8,000 and 10,000" last month. "I think they dried up their basic sources" of new recruits, the administration official said.

An army whose purported successes do not stand up to examination and whose atrocities go unmentioned in official reports.

A rebel force that is up against a Sandinista army that is better trained, better organized, more mobile, more aggressive and at least six times larger.

The bottom line is that the contras have no chance of winning the war without continued U.S. funding and training well into the next decade. And even with more military assistance, there is no assurance they could win over the war-weary Nicaraguan people, many of whom simply want the conflict to end now.

"So many people are dying," cried Christina Flores, 38, whose husband and four sons disappeared four years ago and are believed to have joined the contras. "All mothers suffer here. One suffers not only for our children, but for all of Nicaragua. We ask of God, for everybody, for all of humanity . . . we don't want more war."

The Reagan administration says it plans to ask Congress next month for an additional $270 million in contra aid. But the recent peace initiatives of Costa Rican President Oscar Arias, on the heels of disclosures by the Iran-contra committees that the National Security Council, CIA and Pentagon secretly helped the contras during a congressional ban on all military assistance, have made further military aid seem less likely.

Indeed, even a Reagan administration official recently acknowledged that a negotiated settlement with the Sandinistas is probably the only politically palatable way to end the war in Nicaragua.

At the moment, negotiations between the two sides are deadlocked.

Not every contra unit flees at the first threat of combat.

Nearly every day, newspapers in Managua are filled with reports of contra road ambushes, raids on farm cooperatives and minor skirmishes with Sandinista troops.

Mortars and rocket-propelled grenades pound the provinces of Jinotega and Matagalpe to the north and Chontales to the south. Convoys of olive-green army trucks rumble down dirt roads, ferrying battalions of teenage Sandinista soldiers to new areas of conflict. Peasants report more frequent sightings of large contra units passing along mountain trails.

The rebels and their U.S. backers boast that the heightened activity is the work of the "New Contras"—a more mature and professional guerrilla army that, thanks to a new U.S. training program, focuses on legitimate military targets and no longer engages in "a lot of violence and even banditry," as one State Department official put it.

But visits to the scene of some recent contra attacks indicate otherwise.

Contra officials in Miami and Honduras were asked to recommend places in Nicaragua where a reporter could observe evidence of recent military successes. They suggested La Patriota, a small rural village and military garrison in Matagalpa that was attacked in September, and Comalapa, a larger town and military outpost in Chontales that was overtaken in May.

A reporter also visited Rama Road, a major highway that the contras shut down during a coordinated series of raids in mid-October that U.S. officials have described as the rebels' most successful military action ever.

LA PATRIOTA

A contra news release said the rebels attacked a military garrison at La Patriota on Sept. 9 killing an estimated 13 Sandinista soldiers and wounding 10 others. It also said they destroyed eight utility poles and captured a small arsenal of Soviet-supplied military equipment.

A visit to La Patriota 11 days after the attack confirmed that the contras had killed at least seven armed Sandinista militia members, wounded at least six others, captured weapons and cut off power to the town.

But the news release failed to mention that during the 4 a.m. raid, the contras also killed two unarmed civilians, including a 20-month-old infant, wounded the baby's mother and kidnapped three men, according to eyewitnesses. In addition, after defeating the local militia, the contras looted and burned 10 houses, the village health center and a local store.

Aurora Martinez, 26, said she was shot while hiding in a gully with her children. The bullet killed her infant son, Marion Antonio, and then wounded her.

Later, after she returned to her house to wash her wound, four contras ejected her and then torched her home, Martinez said.

Other residents vividly described how the contras entered their houses and stores and argued—in one case while they made coffee—over whether they should steal belongings or simply burn them.

"Some were saying, "Take it out!" and others were saying, 'Set it on fire! Set it on fire!" said Maria Herrera, 24, who overheard the argument as she hid near her small general store.

In the end, she said, they burned the store to the ground, merchandise and all.

COMALAPA

Liberation Bulletin, a pro-contra newsletter distributed by the rebels' press office in Honduras, gave this account of a recent "impressive victory" by the contras: "The town of Comalapa, Chontales province, was taken for three hours on May 16. The villagers received the Nicaraguan Resistance fighters with enthusiasm, and wished them well."

Another report on the attack, issued by the contra press office in Miami, said the contras had killed 14 Sandinista soldiers, wounded 10 others and captured weapons, uniforms and ammunition.

A visit to Comalapa in September found that the contras had killed at least one Sandinista soldier, two militiamen and two civilians, according to residents and a local Sandinista official. One of the civilians was apparently armed. The other was a 20-year-old woman who was four months pregnant.

The contras also looted the community health center, the residents said.

The residents scoffed at the claim that the contras were welcomed during the attack. Most of the villagers were asleep when the contras attacked at 10 p.m. and hid under their beds during the three-hour battle in the town, they said.

Xionara Duarte Flores, 20, was shot through the head by a stray bullet while inside her house.

Her mother, Catalina Duarte Rios, 60, had been critical of the Sandinistas before the attack—the sort of person the rebels say they are trying to win over. But now she says she can never forgive the contras for what happened to her daughter.

RAMA ROAD

A State Department official called the contras' attack on Rama Road in mid-October "their best single operation to date."

The Sandinistas used the two-lane paved highway to transport armaments delivered to the river port of Rama from Cuba and the Soviet Union.

Between Oct. 14 and Oct. 16, the contras staged a series of coordinated strikes on a 60-mile stretch of the road. They shot down a Sandinista helicopter, destroyed two small bridges, ambushed two army trucks, damaged an army fuel depot, burned a fuel truck and overcame several small military posts.

The Sandinistas admitted to losing 44 soldiers, although interviews suggest that the casualties were greater. The contras said they killed as many as 200.

Even though the contras clearly took the Sandinistas by surprise, they failed to achieve what a State Department official called their major military objective—destroying a bridge near Muelle de los Bueyes that would have cut the highway.

A contra demolition team was killed trying to blow up the bridge. Two days later, the highway was reopened.

The Rama Road attack failed on another score as well—the contras managed to alienate some potential sympathizers.

The contras burned the municipal building in San Pedro de Lovago, which had contained a jail and offices for the local militia and the Sandinista party. But it had also housed the office of Mayor Augusto Vega Gonzales, 46, an opposition party leader. All of his records were lost in the fire, including those relating to his efforts to free 25 local political prisoners accused of aiding the contras.

Gonzales, standing beside the only item that survived the fire, his metal desk, said the attack made San Pedro's residents fearful, and probably did not help to win converts to the contras' cause.

"Although there are some here who accept the contras, at the hour of war nobody wants war," he said. "When the shots ring out, everybody tries to save their skins."

He said a "psychosis of war" has paralyzed the town residents, who have witnessed five contra attacks in recent years.

"Nobody wants it to get dark now because the attacks have been in the night," he said. "So when night falls, everybody gets nervous."

U.S. officials said the Rama Road attack showed that the rebels could pull off a major coordinated military action, without killing or injury many civilians.

But a subsequent attack on a small farm cooperative at El Juste, just off the Rama Road and about 10 miles west of San Pedro de Lovago, indicated that the contras' tactic of attacking civilians had not changed.

In a surprise raid before dawn on Nov. 3, about 50 contras overtook the co-op killed two militiamen, wounded five others and then began ransacking and burning every building, according to residents.

All of the co-op's 40 residents fled except for Rita Galeano, 44, and her daughter, Elivette, 9. They were wounded while hiding in their house. The contras then entered and killed the mother, according to an account Elivette gave to her sister, Geraldina Martinez, 16.

After killing Galeano, the contras carried the little girl out of the house and told her to walk to town, Martinez said. Then they burned the house with her mother's body inside.

Later, when Martinez walked by another burning house, thinking that the contras had left, a rebel shot her in the back, she said. The bullet tore a hole through her body and entered the leg of her two-month-old baby, whom she was carrying.

[From the Philadelphia Inquirer, Dec. 14, 1987]

Contras Leave a Trail of Tears

(By Steve Stecklow)

El Juste, Nicaragua.—Geraldina Martinez hid in a ditch, hugging her 2-month-old infant to her chest. All around her, the tiny farming settlement of El Juste was under attack by Nicaraguan contra rebels.

Finally, after more than an hour, the gunfire and explosions stopped. Only the crackling of flames consuming every house and building on the hillside could be heard. Martinez, 16, emerged with her baby from the ditch.

Two men dressed in olive uniforms called to her. They must be Sandinista soldiers who have come to help, she thought.

But when she came closer, they cursed at her. They were contras.

Martinez, who cooked for the local militia, turned and ran. But she could not outrun the machine-gun bullet that ripped through her back and intestines and into her baby's leg.

Martinez, who later recounted the Nov. 3 incident from her hospital bed, is expected to live. Her baby also survived, although his leg was amputated. But Martinez's mother was not so lucky. According to Martinez, a rebel shot Rita Galeano, 44, to death as she lay wounded under a bed—and as her daughter, Elivette, 9, looked on in horror.

No one knows how many civilians have been killed, wounded, kidnapped or made homeless in Nicaragua's devastating six-year-old war between the U.S.-backed contras and the Soviet-supplied Sandinistas. The contras rarely mention civilian victims in their military reports. The Sandinistas, by contrast, exaggerate their figures for civilians killed by the contras. They do that by labeling anyone not in the active military a civilian—including armed members of volunteer militas. Independent human rights organizations place the number of civilian victims in the thousands.

Despite an outcry from human rights organizations at home and abroad that has continued for years, the contras continue to kill, shoot and kidnap unarmed civilians, including children and pregnant women, and to ransack and burn peasant houses. A $3 million human-rights training program mandated by the U.S. Congress last year designed to curb such abuses has not stopped them.

That's because killing civilians is built into the contras' very strategy of war. That strategy calls for destroying hundreds of Sandinista-organized farm cooperatives where many thousands of peasants live and work.

The contras maintain that the co-ops are legitimate miltary targets because they often are strategically located near army bases. They also contend that these peasants are forced to report rebel movements to the Sandinistas, making them in effect spies.

Calling the co-ops the Sandinistas' "first line of defense," contra spokeswoman Marta Sacasa said, "The Sandinistas have placed co-ops as military advance posts that serve the Sandinista army in terms of food, in terms of weaponry, in terms of defending. They're shielding their major military bases."0

But an Inquirer examination of contra attacks on co-ops found instances in which the contras had shot and kidnapped unarmed civilians, and burned houses after overcoming the local militia and their garrisons.

The Inquirer also found that the contras' claim that the co-ops are military targets is in part of self-fulfilling prophecy—many peasants said they took up arms in response to being attacked.

Consider Las Lajas, a coffee cooperative Jinotega province. Originally it was guarded by 10 Sandinista soliders. Then in April 1986, the contras attacked, killing two guards and an elderly man, blowing up a giant bean-processing mill and burning 21 peasant shacks and the plantation's only school.

Today, the security force has been increased to 18, the co-op is in constant communication with a nearby army battalion, and many of Las Lajas' 55 families have been issued Soviet-made AK-47 rifles.

"My husband has it and it makes me feel more secure," said Patrano Ruiz, 45, who lost her house and her family's possessions in the attack.

In interviews last month, some U.S. officials said they believed the contras should become more "discriminating" in their attacks on peasant cooperatives. But a high-ranking State Department official in Washington, who closely monitors the contras, said such attacks would continue.

"It isn't going to let up, because the resistance believes, with some validity, that these have to be taken on as part of their [military] strategy," he said.

"I don't mean to be cold. But these are not the first civilians to be killed in a war."

EL JUSTE—CHONTALES PROVINCE, NOV. 3

On a grassy slope overlooking cattle-grazing fields, the nine families that made up the year-old Reynaldo Martinez farm cooperative in El Juste had just harvested their first crop of corn.

The families were optimistic. Although their bean crop had wilted during a recent drought, they successfully grew corn, rice and root plants, and sold several hundred dollars' worth of milk.

"It was producing well," said Francisco Martinez, 61.

But the optimism has been replaced by mourning. About 4 a.m. on Nov. 3, an estimated 50 contras surrounded the small farm and opened fire. In less than an hour, they had overtaken the co-op, killing two militiamen and wounding five others, according to eyewitnesses.

The two slain militiamen were the brothers of Geraldina Martinez. They died in the same attack in which the contras killed their mother, Rita Galeano, shot Martinez and her baby, and ransacked and burned every building, including seven houses, a store and two grain storehouses, eyewitnesses said.

Family members said Galeano panicked when the shooting began and hid under her bed with her daughter Elivette, 9. The other 40 members of the co-op fled.

In the cross-fire, Galeano was shot in the leg, they said, and the little girl was wounded in the face and shoulder.

After the shooting stopped, the contras entered the house. As Elivette watched, the contras shot her mother to death, according to Martinez. The child, who was later taken to a hospital in nearby Juigalpa, declined to be interviewed. But Martinez said her sister had recounted the incident to her.

"She saw everything," Martinez said.

After killing Galeano, the contras carried the little girl out of the house and told her to walk to town, Martinez said. Then they burned the house with her mother's body inside.

Martinez herself had been hiding in a ditch with her two-month-old son, Alexis Antonio. Believing the attack was over, she walked toward the houses with her baby and was spotted by two men. She thought they were Sandinista soldiers.

But as she approached them carrying her baby, she said, they called her a *piriquaco*, an Indian word meaning "rabid dog" that the contras use to curse Sandinistas. Martinez, who cooked for the local militia, turned and ran.

"It was immediately after I turned around and started to run that they shot me," she said.

Five days after the attack, Martinez's brother Elyexzer, 12, who was not injured in the attack, recounted the conversation his younger sister, Elivette, said she had with the contras as they carried her from the family's house:

"She said that they told her, 'Don't be afraid. We don't kill anybody, we're good people.'

"And the little girl replied, 'How could you be good people if you killed my mama?'

"And they said, 'It was the *piriquacos* who killed her.'

"That's what the contras said to my little sister."

In the wake of the attack, other residents of El Juste remained in shock.

"I feel sad because everything's finished," said Carmela Perez, 54, whose family now slept in pup tents made of black plastic sheets supported by a few charred sticks.

As she spoke, she slowly stirred a pot of green and yellow squash over a small campfire on what used to be the floor of her kitchen. She paused for a moment and gazed blankly at the ruins all around her.

"Everything was burned—the corn, the beans, the food," she said. "That's the greatest damage they do to one. They burn everything. They burn clothes, and then you have to flee without anything, alone, and see if your life is spared."

Added Carmen Requenez, 62, who has lost two homes in separate contra attacks, "More than anything else, the war is against the peasants. It's the peasants who lack every necessity."

EL CASTILLO—MATAGALPA PROVINCE, OCT. 7

The rainy season had not been kind this year to El Castillo, a small coffee-growing cooperative in the rural province of Matagalpa.

In July, a massive mudslide five miles to the west wiped out the only road to the plantation, limiting travel to foot and mule. Shortages of food and other goods ensured as deliveries from the nearest town, nearly three hours away, were restricted to essential items, such as rice and sugar. The co-op's nine militiamen, assigned to guard about 200 residents, had to make do with little ammunition.

Thus, El Castillo was not prepared on Oct. 7 when, shortly before dawn, an estimated 80 contras launched an assault with grenades, mortars and high-powered rifles, according to eyewitnesses.

Within an hour, the rebels had driven back the local militiamen, most of whom had been asleep when the attack began about 4 a.m. "When our munitions ran out, we had to make a run for it," said Bartolo Alvarado Perez, 36.

Added Luis Martinez, who fled from another guardpost, "We heard them say, 'Let's take these guys alive.' So we got out of there fast."

With the road wiped out, the first Sandinista reinforcements, who had heard the explosions from the village of La Dalia, about 12 miles away, did not arrive in El Castillo until 7 a.m. By that time, the contras had burned and destroyed three peasant dwellings, set fire to three others, blown up the co-op's coffee processing machinery and looted or burned nearly all of the residents' possessions, eyewitnesses said.

They had also shot and wounded Miriam Jesus Perez, 33, an unarmed pregnant woman, and two of her sons, Santos, 10, and Tomas, 7, while they were fleeing the attack, the eyewitnesses said.

In an interview in El Castillo six days later, Perez's mother, Maria, 70, said that when the shooting began she and another woman gathered up the children and ran out the back. There, she encountered Miriam, who had fled from her house with her eight children.

"We were right around here when it started to get worse," recalled the small, spry woman, standing above a large hole in the grass behind her house. "So I threw myself in. Miriam went on."

A barbed-wire fence separated a grassy knoll behind the house from a deep, broad gully. As Miriam Perez and her children scurried under the bottom strand, she was shot in the left buttock by a contra who apparently fired from a hillside, several hundred yards to the west, eyewitnesses said. Her son, Tomas, was shot in the chest and hand. Santos was also shot in the hand.

"I couldn't walk," said Miriam Perez from her hospital bed in Matagalpa city.

With the help of her mother, she and her children crawled down the gully and waited out the attack, she said.

In the meantime, the contras went from house to house, removing possessions and setting fires, eyewitnesses said.

"I lost all of the stuff I had," said Maria Perez. "All of my dishes, clothing. All of the linens. They robbed them from the houses and then they burned them."

She said family had moved to El Castillo in April from another farm in the mountains that had been attacked by the contras a year before. "This is the second time that we've escaped with our lives," she said.

Miriam Perez, who was seven months pregnant at the time of the interview, said doctors told her she was doing well. Her son, Santos, had already been released from the hospital. But the condition of Tomas was "delicate," hospital officials said.

A bullet had passed through his lung and an infection had developed in the wound, a doctor said. From his bed, the boy, a slight child with sad eyes, did not speak as a nurse inspected the thick bandages on his chest and upraised hand, and took his temperature.

His mother, who was standing by the boy's bed, was asked how she felt about the war in Nicaragua.

"There's nothing we can do," she replied. "Just put up with it."

LA PATRIOTA—MATAGALPA PROVINCE, SEPT. 9

Aurora Martinez was hiding in a gully behind her house, her three young daughters around her, her infant son in her arms. For nearly an hour they lay there in the darkness, tense and frightened and trying to be still, as more than 100 contras stormed the small rural village of La Patriota in the early morning hours of Sept. 9.

According to eyewitnesses, the contras first opened fire on the town's military garrison at 4 a.m. Normally, scores of soldiers and local militiamen were stationed in and around the barracks to protect La Patriota's 40 families. But not this day, the garrison was severly undermanned. One troop of soldiers had moved out and another was on its way in, leaving about 40 men on duty.

In the two-hour firefight that ensued, at least seven militiamen died.

Martinez 26, said she scooped up her children and ran from her house upon awakening to the first gunshots. Her husband, Pedro, had been with the family, too, but turned back when the realized he was barefoot, she said.

About 5 a.m., a contra fired at the gully where Martinez and her children were hiding, she said. The bullet struck Martinez's 20 month-old son, Marlon Antonio, in the ear, exited through his shoulder and then lodged in Martinez's chest, she said. The infant died instantly.

Martinez, blood streaming from her chest, led her three daughters back to the house, the dead baby still in her arms, she said. She found her husband inside and handed him the boy's body while she sought to stop her bleeding. The husband carried their dead son to the river that runs alongside the village.

The next thing Martinez said she knew, four contras were inside the house, two in the kitchen, two in the living room. "They said a piri lives here that we've been looking for," she recalled.

It was clear, Martinez said, that they meant her husband, an agricultural worker who she said was not a member of the local militia. She said she told the contras she did not know where he was.

The men then ordered her to leave the house with her children, Martinez said. She said she began to cry and begged them not to set the house on fire. "They said, 'Get out of the house. Get out of the house. We don't want to harm the civilians, just get out of the house," she said.

So she left, taking the children down to the river. There she met with her husband and the family hid beneath a tree.

"And then the contras started burning the houses," she said.

In all, 10 houses were destroyed, as well as the village health center and a local store, eyewitnesses said. Martinez and her husband said they lost nearly everything.

So did other residents. The contras first looted Isabel Jarquin's store—carrying off pots, ponchos, shoes, veterinary medicine, batteries and cigarettes—then set it on fire, she said. The fire caused only minor damage to the building, but Jarquin said she lost virtually all of her inventory, most of which she said had been recently purchased with loans from friends, local farmers and a bank.

Her son, Luis Felipe, expressed hope that the lenders would be compassionate. His mother, who was tending a frying pan full of rice, beans and eggs, stopped cooking for a moment and shrugged her shoulders dispairingly. "We don't know how we're going to do it," she said.

[From the Philadelphia Inquirer, Dec. 15, 1987]

CONTRAS WAGE WAR OF SYMBOLS

(By Andrew Maykuth)

NEAR THE UIL RIVER, NICARAGUA.—After 27 days of marching through withering jungle and scrambling across perilous mountains, the band on 100 contra rebels was at last ready to engage the enemy.

But first, the contras changed their wardrobe.

One by one, they replaced their old, faded uniforms with the crisp, new camouflage fatigues they had been issued before leaving their base camp on the Honduran border. Some discarded their old boots and laced up the new pair they had carried for nearly a month.

These contras were going to look good.

A rebel commander code-named Buitre, in an interview later, emphasized the importance of making a dapper appearance. He said it gave civilians confidence in the rebels.

There was another intended audience, as well.

"The enemy also sees we have good equipment that we march in American boots that are better than theirs, with ponchos and hammocks that are better than they have," said Buitre. "It drives them crazy with envy when they recover one of our backpacks."

As it developed, these contras did not engage the Sandinistas at all. They hiked to within an hour of their target, then fled when they learned it was guarded.

But at the end, Buitre declared the mission a success.

In the three days that the task force hurried through populated areas, he said, the peasants could see that the rebels were alive—and well turned-out.

"The Sandinistas have a policy that they're going to exterminate us," he said. "So if we walk through an area and avoid contact with the enemy, the civilian can see that we're always present."

Not all the contras are as ineffective militarily. The same weekend that Buitre's squad avoided any combat, the Judge Salazar Regional Command was conducting a series of coordinated attacks along the Rama Road in southern Nicaragua.

But U.S. officials acknowledge that many contras are content to demonstrate little more than that they can survive, a survival that depends on their umbilical cord to Washington.

"It's not the way we are trying to train these guys," said a high-ranking State Department official who monitors the contras. "This war is here today. It was here yesterday and it's going to be here tomorrow," he said. "That's the way a lot of these guys look at the war. They're not in any hurry."

The Coco River is swollen, and opaque in September, the peak of the rainy season along the Honduran border. A contra helicopter of Vietnam War vintage swoops in low over the towering palms and lands on the Honduran side of the river.

This is San Andres de Bocay, a series of camps that stretches for miles along the river. It is the place the contras call home when they are between missions inside Nicaragua.

"This is only a transit point," said one of the base commanders, Johnny, who like most of the contras has-adopted a pseudonym to protect his relatives who still live in Nicaragua.

On any day, about a thousand contra soldiers are stationed at San Andres. They live in huts built of bamboo and banana leaves, side-by-side with their families and civilian refugees. The contras say about 8,000 civilians live in the camps.

Almost every day, the contras' DC-3 plane rumbles over treetops, parachuting crates of U.S.-supplied provisions into the camp. Food, weapons, uniforms, even cash—all of it arrives by air.

In the last year, the $100 million in U.S. aid that Congress approved in late 1986 has kept the aerial supply line filled. This year, everyone agrees, dining has improved significantly in San Andres.

"Without Ronald Reagan, I wouldn't be so fat." said a rebel named Goliat.

Goliat said he left his family's farm near Managua in 1981 to join the contras after the Sandinistas jailed his younger brother, who had been a member of former Nicaraguan dictator Anastasio Somoza Debayle's feared National Guard. At 38, Goliat was more than twice as old as the teenage peasants who make up the bulk of the rebels' ranks. At 5 feet, 9 inches tall and 180 pounds, he was also considerably larger, hence, his nickname, Goliat—Goliath.

As personnel officer for the contras' San Jacinto Regional Command, Goliat was responsible for maintaining troop morale. To amuse the rebels, he performed derisive impersonations of the man he blamed most for the Sandinistas' 1979 triumph:

"Hello," he said in Spanish, flashing a wide smile and extending his hand. "I'm Jimmy Carter."

Now, on this September day, Goliat supervised as the contras divided up the provisions that had been flown into San Sandres for a task force of 150 rebels that was preparing to leave on a seven-month mission inside Nicaragua. Most of the rebels in his task force had been idle in the camp since they returned in April from their last mission.

The leader of the task force was a commander code-named Victor.

Victor explained that the task force initially would hike for several weeks to attack the highway leading to Puerto Cabezas. But Victor harbored a more glorious goal. He wanted to shoot down a Soviet-supplied Sandinista helicopter with one of the new U.S. "Red Eye" surface-to-air missiles that his troops carried. "That is our real objective," he said.

The two 32-pound missiles, worth $28,000 and good for one shot apiece, were wrapped in ponchos to protect them from the rain and stored in a hut in the camp. Outside the hut, the contras busily picked through the piles of gear for Victor's task force.

For each rebel, there were a new pair of camouflage trousers and a matching shirt, a pair of jungle boots, a hammock, a poncho and cartridge belts—all stamped "U.S." They also divvied up piles of medicine, toothpaste, toothbrushes, soap and cigarettes.

There were stacks of crated weapons and ammunition, most of them the same Soviet-bloc arms the Sandinistas carried so the contras could use captured ammunition. But a score of rebels received new Belgium FALs, a powerful gun the rebels covet as a status symbol because it is bigger—and louder—than the Soviet AK-47.

Each man received 700 bullets and three hand grenades. The task force would carry 60 mortar rounds, 60 rocket-propelled grenades, 40 remote-controlled Claymore mines and a dozen U.S. light-antitank weapons (LAWs).

And then there was food. Because the rebels were using San Andres as their point of departure, they had to carry enough food to sustain a march from the border to Nicaragua's populated areas. Victor's task force operates in the zone closest to San Andres, the gold mining region of northern Zelaya province where the coastal highway links the towns of Siuna, La Rosita and Bonanza.

They divided food for a 12-day hike: 500 pounds of sugar, 500 pounds of rice, 500 pounds of beans, 400 pounds of lard, 375 pounds of dried milk, 350 pounds of oatmeal, 300 pounds of salt for preserving meat, 63 pounds of coffee, 750 packets of chicken soup and 300 cans of sardines in picante sauce.

"When we run out of food, we go to the highway and fight for it," said one rebel, exhibiting the bravado that infected the contras as they prepared to depart San Andres.

There was another option for getting food, preferable to fighting for it—buy livestock from peasants. The purchases would require money, but the contras carried plenty of that—28 million Nicaraguan cordobas, worth about $3,000.

The bundles of cash filled two bushel bags.

A contra spokesman who was visiting the camp from Miami described Victor's unit as aggressive. "They pursue the Sandinistas, rather than being chased," he said.

From all appearances, Victor's task force meant business. But what they accomplished in their initial foray, which took 31 days, was next to nothing. Despite all their weaponry, the contas ended up turning tail at the first whiff of the Sandinista army.

Victor's mission began with the rebel column bogging down under their enormous loads and wallowing for weeks in the uninhabited jungle. Then Victor's back gave out, forcing him to return to Honduras. Buitre, his deputy, took command.

Under Buitre's charge, the rebels fared no better. They never fired at a helicopter. They did not even reach the highway they had targeted.

In six weeks, during which they were accompanied by an Inquirer photographer and reporter, they avoided any contact with the Sandinistas whatsoever.

Goliat, the rebel who thanked Ronald Reagan for his girth, was not the only contra who appeared well-fed.

Victor's belly hung over his belt, stretching his sleeveless t-shirt. He had not been inside Nicaragua on a mission for more than a year, and looked it.

A year before, Victor had been flown secretly to a military base in the United States—he was not told where—with other unit commanders to receive training, sponsored by the new U.S. aid program. When he returned, bad luck struck.

In February he injured his back in a jeep accident in Honduras. And then in May he suffered shrapnel wounds in his back when a mortar round fell near him during a Sandinista attack on San Andres.

But Victor declared himself recovered and fit for the mission. "After two weeks of marching, I'll be in good shape," he boasted.

Victor 29, had spent half of his life in the military. A former member of the National Guard, he fled to Honduras the day the Sandinistas overthrew Somoza in 1979. Two years later, he joined the contras.

As the years passed and the original members of the contras died or drifted away, Victor steadily rose in the ranks, finally becoming one of 54 task force commanders. As the contras' numbers grew, teenage peasants filled the ranks, but still many of the commanders are ex-Guardsmen, graduates of the notorious Somoza regime. The contras have been unable to shake the image.

Victor complained that the image was unfair, "I was 20 years old when I left Nicaragua," he said. "I am not struggling to return Nicaragua to Somocista rule. I learned that an army cannot survive without popular support."

"I don't really like this life, living in the mountains," he said. "It's uncomfortable. But we have to fight. In Honduras, we are foreigners. We are people without a country."

Victor appeared firmly in command on the cloudy afternoon of Sept. 15, when the 150 rebels of the Xolotalan Task Force gathered in formation at San Andres for their final instructions before departing on their mission.

The commander held court with his cadre of assistants, who were laughing. Victor was telling dirty jokes.

"I carry the same things the commandos carry," he said later in an interview. "I eat what they eat. I sleep in the same hammocks they sleep in. I play with them. I joke with them. But when I give an order, they obey it."

Nearby on the assembly grounds, a platoon commander tossed bags of hard candy to his troops, some of whom were no more than 14 years old. A few civilians from the camp came down to the assembly grounds to shake the hands with the rebels and wish them well. Reina Flores Moreno had come to see her son, a platoon commander nicknamed Leche Negra.

"I am worried, yes," she said. "But I am also very proud." Leche Negra said he left Nicaragua with his father to join the contras after Sandinistas killed his uncle. At 16, he is the youngest platoon commander in Victor's task force. He became a contra at age 9.

Many of the contras joined when they turned 15, the age of decision for peasants in Nicaragua: They either submit to the government's compulsory military service or they flee and become contras. Either way, they fight.

Many said they were predisposed to join the contras because the Sandinistas had harassed, jailed, killed or taken away the property of their families. Others were attracted by a seductive prospect: not salary—they receive none—but food, clothing and weapons.

Still others have been all but shanghaied into the rebel army. Consider Richard, a wide-eyed 15-year old who said he joined the contras in April after they stopped the bus in which he was traveling to Puerto Cabezas. Richard said the rebels kidnapped 16 men from the bus. Seven "voluntarily" joined the contras. The rest, he said, were released.

Richard is the son of a Sandinista agrarian reform official. He had little bad to say about the government, but he said that the contras presented a better life.

[From the Philadelphia Inquirer, Dec. 15, 1987]

REBELS' JUNGLE TREK A MISSION OF FITS AND STARTS

"There in Nicaragua, things are expensive and life is hard," he said. "Here, the [contras] help those who came."

While the contras milled on the assembly ground, Victor's second-in-command, Buitre, looked quietly over the scene.

Five years older than Victor, Buitre had a soft-spoken, gentle manner that contrasted with Victor's chumminess. He joined the contras in 1980 with his younger brother after the Sandinistas arrested their father, who had been a Somoza appointee to a local political position. Buitre has darker skin than most Nicaraguans. When Victor joked that Buitre was actually a Jamaican, Buitre smiled, but no more. He is not a joking man.

Buitre's attention was absorbed by his 20-month-old son, who frolicked naked before the amused troops. For several days, Buitre had been tenderly playing with his son in the camp whenever there was a break from work. Now, he walked over and picked the child up.

The 34-year-old commander wiped some dirt from the child's eyes, and then he hugged him.

Buitre would see his son in seven months, if the mission went as planned.

Sometimes the contras talked about old battles, striking heroic poses to illustrate the position they assumed when they responded to the gunfire from the *piriquacos*—a Miskito Indian word for "rabid dog" that the contras have adopted as a pejorative for Sandinistas.

There was a certain truth to the boasts. So many of the rebels had scars from gunshot wounds, they obviously had experienced some fighting.

Usually, the spot was marked by a pink dot the size of a dime where the bullet entered, and an ugly divot of tangled scar tissue where the bullet exited.

Some of the scars told miraculous tales.

Raton, a 15-year-old whose voice squeaked from the onset of puberty, had identical dimples on both cheeks, caused by a small-caliber bullet. He said he was talking to another rebel when he was shot, and his mouth must have been open because the bullet passed through without striking his teeth or his tongue.

Another rebel, Ardillo, 16, displayed four gunshot wounds he suffered when the Sandinistas ambushed his unit earlier in the year. One bullet had smashed through both sides of his rib cage, coming and going. Somehow it missed his internal organs, or he could have not survived the two weeks it took his friends to carry him back to Honduras.

Some survived the bullets. Others did not. A Reagan administration official and a Western diplomat in Managua said the contras' troop strength had dropped from "10,000 to 12,000" in early 1987 to "between 8,000 and 10,000" last month. Nobody can say for certain how much of that shrinkage is caused by casualties. The contras would rather change the subject.

"Yes, some of my friends have died," said Sompopo, 19. But the conversation fell off. Although the contras talked eagerly about blowing away *piris*, they became uncomfortable talking about their own fallen comrades.

To talk about the dead could conjure dangerous emotions, and to be sentimental was to be weak. The youthful soldiers rarely displayed any emotion other than firmness or amusement.

The sense of machismo was evident as Victor's troops left the border base and plodded through the mountainous rain forests, their physical condition deteriorating day by day.

"How do you feel?" they would ask each other when they stopped to take a break. Even when a rebel arrived blistered and soaked in sweat from the last, murderous climb, the answer was always the same. "I'm fine."

"Are you sick?" Victor would ask a rebel. "You look exhausted."

"I'm a little tired," the rebel might allow.

Victor's radio-operator, nicknamed Managua, had his own way of responding that soon became the standard response of others, too.

Managua had been a seminary student in Bluefields, he said, when the Sandinistas installed new priests who changed the curriculum to emphasize liberation theology. He objected and quit. Two years ago, he joined the contras. He was one of the few rebels who had even graduated from high school.

How do you feel, Managua was asked.

"Worldly," he said.

But the march was becoming otherworldly.

Some days, the rebels spent more time taking breaks on the trail than they did hiking. When they stopped, they refreshed on beverages made of oatmeal, sugar and dried milk. On two occasions, the entire column stopped to light a fire for coffee.

The two mules the contras used to carry the mortars and mines snagged repeatedly in the brambles that limited visibility on the trail to 20 feet. One mule slipped and cut its leg, further delaying the column as it limped along.

Each day the contras hiked about eight hours, stopping at 2 p.m. The rebels made camp hastily, expertly hacking brush and vines to form a green cave in the thick jungle. Each man strung a hammock between two trees, over the hammock, he suspended a poncho tent-like as a rain cover; he placed his backpack on the ground beneath the hammock to protect it from the inevitable rain. If they were attacked, the rebels could break camp in minutes.

By the second week, Victor's task force had left a winding trail of empty foil food wrappers deep into the mountains. But even with lighter backpacks, some rebels could no longer hide their weariness.

Managua felt "not so wordly." Goliat sought out the group's medic for injections of painkiller for pinched nerve.

"What for?" Goliat shouted one day as he dragged into camp a half-hour behind. "What are we doing this for?"

Victor, meanwhile, was trying to accustom the rebels to hikes of an hour's duration. "When we're in the zone of operation, that's how we march," he said. "Commandos do not take days off, even on Sundays. Sometimes we march at night without flashlights to surprise the piris."

One afternoon Victor announced that the group was going to hike the next 50 minutes without rest.

The group then walked nine minutes before Victor ordered another break.

A few days later, Victor said his back injuries were bothering him. He could go no farther. He had decided to head back to Honduras with a few rebels as escorts.

"I'm leaving Buitre in command," he said, smiling weakly from his hammock. "He's a good man. I have complete trust in him." It was the 12th day. The food they carried was nearly exhausted. And they were far from the target highway.

Under Buitre's command, only the rain picked up.

Half of the task force seemed to be suffering from colds. They blamed the diet, and with good reason: Everything but the powdered chicken soup was gone. The contras were reduced to boiling bland, green bananas for dinner.

Unconcerned about the Sandinistas, the rebels began firing their AK-47 rifles at anything that moved in the jungle—deer, wild turkey, macaws, geese, boars, woodchucks and even monkeys. Some of them even shot at fish in the Wasma River. There was a more efficient way to catch fish—by heaving a hand grenade into the water. The explosions stunned fish by the hundreds, and the rebels dove into the river to retrieve them.

"Pura vida!" the rebels exclaimed. Pure life. It was a peasant expression when one enjoyed the simple pursuits of life.

Despite the firepower, food remained in short supply. But in the next few days, they would burn little energy.

Several days after Victor limped back to Honduras, Buitre's column caught up with a task force of about 100 other contras. They were camped on an abandoned farm; the first sign of civilization the contras had seen since they left San Andres.

The task force of 100 had been operating in the area of Siuna for four months, during which they had attacked an electric plant outside of Siuna. These rebels were ragged and gaunt. They had been waiting eight days at the abandoned farm for a CIA airdrop of new supplies.

The commander had been instructed to return to Honduras, but he bequeathed his men to Buitre. He left the next day with a small escort.

Buitre's group later learned by radio that that commander and his escort needed only six days to return to San Andres, the same ground that had taken Buitre's men 15 days to cover.

Now, at the abandoned farm, Buitre commanded a combined force of 250 men. They settled in to await the airdrop.

Torpor ensued. The contras shined boots, bathed, shaved, waited. And waited.

Finally, after five days, the radio crackled with coded instructions from the commanders in Honduras. Buitre paced as the radio operator deciphered the numbers into words.

The contras were ordered to retrace their route for two days. Their leaders said the group was too close to Siuna to risk a flight by the DC-6, a four-engine plane that made wide turns.

"I know it seems ridiculous to go back," Buitre said, "but the commanders are worried that the piris would spot the plane." Why had the commanders taken so long to reach that conclusion? Some of the contras had waited 13 days at the abandoned farm.

"I don't know," said Buitre. "I just follow orders."

They returned on the same trail to the wilderness along the Wasma River.

Two days later, waiting in their new camp, the rebels tuned in to Radio Liberacion, the contras' clandestine AM station, to an excerpt of President Reagan's speech to the Organization of American States. Reagan said he would ask Congress for $270 million in contra aid for 1988 to keep the force alive.

He recognized the voice on the radio.

"That's Ronald Reagan," he declared, "mi abuelito"—my little grandfather. "Wouldn't you North Americans rather pay to stop communism with your dollars than your own blood?"

Soon, there was more reason to rejoice than the promise of future U.S. aid. Immediate U.S. aid was on its way that night. The CIA airdrop had been approved.

Spirits soared.

"At 9 o'clock, we'll be drinking coffee with milk," said Principe, who had assumed the role of Buitre's deputy since Victor's departure. "We'll be eating rice and beans."

"Maybe they'll send cigarettes," said another.

That night, the contras lit signal fires over a three-acre knoll where they had cleared the trees. At the predetermined hour, the silhouette of a DC-6 appeared over a mountain, swept in an arc over the camp and passed out of view, its baritone buzz drifted into silence.

The contras looked into the sky. Nothing fell. They looked at each other. The plane was supposed to make two passes to drop 20 parachutes.

Something was wrong.

The pilot radioed that his radar had picked up pursuing Sandinista aircraft and he had aborted the air drop to return to Honduras. The kickers on the plane managed to drop six parachutes. Unfortunately, he said they did it at the wrong time. The crates were off-target.

The pilot gave the coordinates of the parachutes in miles.

Buitre was puzzled. "How many meters are in a mile?"

He was told.

"Oh."

Two of the crates landed 10 miles from the camp—several mountains away. The contras would never find them.

But they had more immediate concerns—the Sandinista aircraft.

The contras quickly extinguished the signal fires to hide their position. Ten minutes later, the contras heard the planes passing overhead.

Fifteen minutes passed. Explosions rumbled in the distance. The contras' faces went white. They knew the sound.

The Sandinista planes had not been pursuing the CIA supply flight. Rather, their paths simply crossed. The Sandinistas were bombing San Andres, their border base camp.

For the next two nights, the Sandinistas' Antonov-26 planes dropped 500-pound bombs on the border camps. The contras, far away in the jungle, could hear the explosions and became glum. Sargento, 24, extracted a small photograph wrapped in tissue paper from his backpack.

"This is my son," he said. "He's two years old. "He lives in San Andres."

The next day, Oct. 8, Radio Liberation said that four people died and 17 were wounded in the bombing. Eyewitnesses in San Andres later confirmed the report that two of the dead were children. They were buried in small graves in the center of the camp, a few steps from a six-foot-deep bomb crater.

None of the casualties were related to the contras in Buitre's task force.

"The Sandinistas are assassins," Goliat fumed.

But the contras were helpless to do anything.

After the bombing ended, the contras rescheduled the air drop. The CIA plane finally returned on Oct. 11, nearly two weeks after Buitre's group had arrived at the abandoned farm.

Besides the crates of food, uniforms and weapons, the plane delivered one crate containing an unusual cargo: toys and used civilian clothing, intended as gifts when the contras visited peasants.

But once again, the timing was off.

Twelve hours earlier. Buitre had dispatched a squad of 100 men on a mission to penetrate the populated area outside of Siuna. While he and 150 men planned to stay behind at the wilderness camp to await the air drop, he instructed the assault squad to streak "like lighting" to the highway and set an ambush.

"Security is of extreme importance," Buitre said in addressing the group. He wanted the men to avoid fighting the Sandinistas in the mountains, where there were no civilian witnesses.

Buitre assigned Principe, 31, to command the assault squad.

In a matter of days, the rebels were cautiously moving out of the jungle and through a cooler, dryer terrain of gentle hills. They camped in the burned-out houses whose occupants had been relocated by the Sandinistas. Some of the veterans reminisced about the time four years earlier when the area had been populated with their supporters.

"In the houses around here, the women used to have baskets full of tortillas," said a company commander named Cayman."We could buy them cheap." Now there were only empty houses and overgrown citrus groves.

During the march, they heard on a transistor radio that Costa Rican President Oscar Arias had won the Nobel Peace Prize for his work on the Central American accord. The contras were unmoved, even though it seemed clear that renewed U.S. military aid for the rebels was even more unlikely.

"We will continue our struggle, as we did in 1984, when they cut off aid before," said Principe. Everybody else recited the same response.

The assault force forged closer to populated areas. Talk was confined to whispers and no one fired a weapon. The squad ran across the litter of Sandinista patrols—some of it, they judged, was only days old. They posted guards at night to watch for movement in the hills.

As the squad passed a ravine where the Sandinista army twice before had ambushed rebel patrols, they skittishly scanned the forest. A twig snapped, drawing a score of glares. It was only the wind.

They changed into the new uniforms they carried in their packs.

Now, near dusk on the fourth day after they left Buitre, the contra troupe was about to come on stage.

Descending a mountain, they passed a cane field and a plot of corn and then approached a house.

A 27-year-old woman welcomed them with cups of a gluey beverage made from warm cane juice and flour. Her brother, she said, was a contra, too. She sold the squad a pig, a bushel of corn, some cabbage and a few staples. They camped for the night in her front yard.

For three days they made about 20 house calls on peasants, most of whom had family or friends in the contras. The rebels bought food and gathered intelligence. The peasants recited grievances against the Sandinistas and complained about the sorry state of the economy. They were poor—often their skin peeked through the tattered threads of their clothing.

The contras nodded in agreement. But they delivered no speeches.

Many of the peasants were natural contra supporters. One complained that a Sandinista patrol had invited itself into his house four days earlier and the soldiers helped themselves to his wristwatch on the table. "It would be beautiful if they [the contras] could change the situation," he said. He shook the rebels' hands as they left.

The contras could only visit briefly, and they left the peasants with a sense of dread. Whenever the contras pass through, they said, the Sandinistas follow with reprisal against civilians who fail to report a rebel house call. "I have to go to town tomorrow," one man said as the contras departed. "What should I tell them?"

"Tell them there were only a few of us," he was told.

Every house they passed including the abandoned dwellings and the houses of their supporters—was posted with a Sandinista appeal to defect. "Your family awaits you," the posters said. "Return." The contras carried no leaflets of their own. Nor did they bring cans of aerosol paint to spray messages as they went, a standard guerrilla practice.

Only once did the contras appear unwelcome. They stopped at the farm of a man named Marcelo, whose wife glowered from the door. Marcelo seemed uncomfortable with the contras on his land, but he agreed to sell them a bull.

"His son's a *piriquaco,*" said Principe. "He's already told us that he's going to report us to the authorities the first thing in the morning. There's a lot of people like him, who play both sides." The contras posted four guards outside Marcelo's house for the night.

The next morning, wary that the Sandinistas were alerted, Principe ordered the column to advance hastily. The commanders discussed where they would position the troops for their ambush. Principe assigned a patrol to scout routes for their escape afterward. One rebel joked that the squad was going to eat lunch on an IFA, one of the East German trucks the Sandinistas use as troop transports.

But an hour short of the highway, the column came to a dead halt. There would be no lunch on a truck. Instead, Principe was buying two pigs for dinner.

"We've learned the highway is full," he said.

Full of traffic?

"No, full of Sandinistas," he said. An attack would surely result in heavy contra casualties.

The squad reversed course. For several hours they moved away from the highway, buying dozens of chickens and ducks that they tied squawking to their backpacks. Principe bought a young bull that the squad would eat three days later.

That night, they camped in the yard of a peasant, near a mountaintop. In the morning, the squad planned to scram to the safety of the jungle, retracing its route five days back to Buitre. Later, they hoped to find another, easier target.

After dinner, some of the rebels followed Principe up the mountain next to the camp. They sat on the bare summit under a ceiling of brilliant stars.

Ten kilometers away, the lights of Siuana blazed. Despite the attack three months before by the other contra force, the electric plant appeared to be functioning now.

In the darkness on the hill, the rebels reflected on potential targets—the electric plant, a military post, a gold mine, an airstrip. Someone noticed a pair of headlights moving across the horizon. They said it was a truck, moving down the highway.

The highway—there was always the highway.

"Those are all good objectives, good targets," Goliat said, without a hint of regret. "Some day."

But not this day.

[From the Philadelphia Inquirer, Dec. 15, 1987]

POLITICAL FICTION SAYS CONTRA CAMP DOES NOT EXIST

(By Andrew Maykuth)

SAN ANDRES DE BOCAY, HONDURAS.—This series of contra rebel camps, carved out of about 10 miles of steaming jungle along the muddy banks of the Coco River, does not exist, according to Honduran officials.

The thousand or so contras who live in San Andres at any one time, along with the contra clinic and the contra helicopter pad and the contra anti-aircraft guns pointed across the Coco River into Nicaragua—none of those are on Honduran territory, maintains the government of President Jose Azcona.

It also denies the existence of several other contra cases, offices, medical facilities and airfields scattered deeper inside Honduras.

Even after Azcona in August signed the Central American peace plan, which includes a provision that forbids the five signatory nations from harboring rebel groups, Honduran Foreign Minister Carlos Lopez Contreras remained firm.

"There are no contra camps in Honduras, he said. "Therefore, Honduras has no commitment to dismantle them."

Nobody believes this transparent fiction, least of all Nicaragua's ruling Sandinistas. They have sued their northern neighbor in the World Court, calling the Hondurans' conclusion with the contras a violation of international law.

Without their Honduran bases, the contras could not exist as a force inside Nicaragua.

The contras buy virtually all their food in Honduras. All of the contras' U.S.-supplied weapons and equipment are shipped through Honduras. The highest contra commanders direct their troops by radio from Honduran camps. The planes that resupply rebels inside Nicaragua fly from Honduran airfields.

San Andres is an eight-day walk through mountains from the nearest Honduran settlement, and is protected by dense jungle on the Nicaraguan side of the Coco River. Still, the Sandinistas managed to invade parts of the border base in May with five battalions, driving the contras downriver and holding it for a month. When they left they buried hundreds of one-pound Czechoslovakian mines that the contras are still removing. In October, Sandinista planes bombed San Andres for three nights, killing four and wounding 17, mostly civilians.

[From the Philadelphia Inquirer, Dec. 16, 1987]

SANDINISTAS FIND CONTRAS, WHO THEN TURN AND RUN

(By Steve Stecklow)

EL CEDRO, NICARAGUA.—The peasant woman said the contra rebels had passed by the day before. A large group of them. Toward the hills.

The small unit of Sandinista soldiers hit the trail. Twenty minutes later, as the 10 men entered a brushy, bowl-shaped valley, they heard grenades exploding and machine-gun fire.

The contras had been found.

From a ridge ahead, another, larger Sandinista company was trading fire with the rebels.

The 10 soldiers scaled the nearest hill and hurriedly assembled a Soviet-made grenade-launcher—a three-legged, tube-shaped cannon known as "the Spider." They would provide back-up support for the other company, which was firing rifles and rocket-propelled grenades.

The soldiers manning "the Spider" fired their first round. There was a loud boom followed by a wisp of gray smoke that curled skyward from beyond the ridge to the right.

Then the gunfire grew louder, "How are you? How are you?" Antonio Zeledon, 22, the commander of the smaller unit, shouted into a walkie-talkie to the other company. Aim 50 meters to the right, they responded. "The Spider" unleashed another blast. Then eight more.

Thirty minutes later, the valley fell silent. Three Sandinistas were wounded by shrapnel. The contras' losses, if any, could not be determined. All that could be said was that they had turned and run.

U.S. military experts say that that Oct. 29 skirmish, which was witnessed by an Inquirer reporter who traveled six days and 45 miles with a Sandinista army company, was typical.

For the Sandinistas, this is literally a door-to-door war. They go from peasant house to peasant house, asking the occupants for the whereabouts of contra units. Then, they pursue those units. The contras, who try to avoid direct confrontations with the army, put up brief resistance if encountered. Then they retreat.

The rebels are then supposed to ambush any Sandinistas who pursue them, according to U.S. military advisers who train the contras in guerrilla tactics. But on Oct. 29, the rebels just kept moving.

"What you saw ain't unusual," said a State Department official in Washington, adding, "It isn't in the highest tradition of the military."

It is evident, after travels with each side, that the war in Nicaragua is not a contest between equals. Contra units sometimes wander aimlessly through the jungle; others exaggerate their successes and commit atrocities against civilians. The Sandinistas also are guilty of human rights abuses. But on the battlefield, they clearly outclass the contras.

With an army estimated at 80,000—the largest in Central America—the Sandinistas outnumber the contras by at least eight to one. Their soldiers are better trained, better organized, more mobile and more aggressive.

Wednesday afternoon, Oct. 28. The 62 soldiers in Company Two of the Rufo Marin BLI—a Spanish acronym for unconventional warfare battalion—stand at attention outside the military post at El Cedro in northern Nicaragua.

They are a young, healthy looking lot—many of them shaggy-haired teenagers from Managua—and they appear refreshed and relaxed after a half-day of resting, washing and resupplying. The day before they had fought briefly with the contras. Now, Company Two is ready to go out contra-hunting again.

Shells boom in the distance, fired from a howitzer at a Sandinista base to the north, as one by one the soldiers deftly traverse a log across the Bocay River.

"Mortars," says one of the soldiers, nonchalantly. "Ours."

The contras have been sighted in the mountains about six miles away, and the Sandinistas at the base are trying to keep them at bay while the BLI gives chase.

The BLIs are the Sandinista army's most effective weapon against the contras—highly mobile and versatile guerrilla-style battalions that can be deployed in any region in Nicaragua, including mountains, savanna and thick jungle.

"Building the BLIs was one of our army's smartest moves," said Defense Minister Gen. Humberto Ortega in a recent issue of the Sandinista army magazine. "They have more political cohesion than the enemy forces . . . and they give us great freedom of movement."

The first BLI was formed in 1983. Today, the Sandinista army has at least a dozen, each named after a Nicaraguan war hero and made up of between 800 and 1,000 men divided into smaller companies. Although the BLI concept was devised by the Cubans, a Western diplomat in Managua noted ironically that the units are "mirror-images" of the Salvadoran army's ready reaction battalions—counter-insurgency forces organized and trained by the United States.

The discipline instilled in the BLIs was apparent in Rufo Marin's Company Two. Each soldier hiked in single-file at all times, never less than three feet from the man ahead. The line moved swiftly but cautiously, frequently stopping for the radio man to receive instructions from other companies ahead. At times, the company split into smaller units to comb a wider swath of terrain.

Though the soldiers were well-armed—with Soviet AK-47 rifles, long tubular rocket launchers, hand grenades and "the Spider"—their rucksacks were not so heavy with weapons and food that their pace was slowed, even through deep streams and up steep mountain paths. The men carried no change of clothes, knowing that their heavy green camouflage uniforms would last until the next stop at a base, probably in a week or two.

"The job of the BLI is to chase the enemy," said Domingo Reyes Tremino, 33, who has fought with the Sandinistas since the war began six years ago. "When the enemy is far away, then the troops can withdraw. They can go back for resupply. They can be recycled, take a rest, recuperate and get ready to chase the enemy once again."

The chase can go on for days, even weeks. Members of the Rufo Marin BLI said they average only three or four combats a month, with most lasting 30 minutes to an hour. The 30-minute skirmish on Oct. 29, a Thursday, was typical, they said.

After the combat ended, Company Two regrouped and began pursuing the contras. At first the Sandinistas were on the right track. At a clearing, they found a green U.S.-made flashlight with Duracell batteries inside. An hour later, they reached a peasant's house where the ground was littered with discarded paper ammunition boxes, labeled in English. The peasant reported that the contras had passed by an hour before.

Like door-to-door salesmen, the Sandinistas continued stopping at each house along the way. They inquired in which direction the contras had gone, and when. Then they pressed on to the next farm, past fields of banana and guava trees and last season's corn. Peasants said the contras also stop at their houses, to ask about the Sandinistas. In effect, Nicaragua's peasants are used as an intelligence network by both sides.

The Sandinistas set up camp that night by a small house adorned on the outside with potted plants. The peasant family who lived there had converted the largest room into a small chapel, which they decorated with pink paper streamers, tiny candles and pictures of Jesus and Mary.

The contras passed by all the time, said the oldest woman in the family scaring her. They had walked by earlier in the day and appeared to be in a hurry. The family did not seem to mind that the front yard was now being used as a campground by the Sandinistas. They offered the men tortillas, cheese and water. The soldiers paid for the food.

The chase resumed the next morning just after dawn. Outside another house, the soldiers found a small tin of green paste. They eyed it curiously, smelling and dabbing their fingers in the can. A few were convinced it contained women's makeup. But another soldier disagreed. "If it was for a woman it would be red," he said. They finally decided it was camouflage paint, left behind by a contra.

By Friday night, the trail had grown cold. An occasional explosion could still be heard in the distance, but in another combat zone at least five miles away. Company Two rendezvoused with Company Five and awaited new instructions from the base back at El Cedro.

They were an eclectic group.

Ranging in age from 15 to 27, most of the members of Company Two came from a wide spectrum of Managua neighborhoods; middle-class developments where the homes, though deteriorating, have color TVs and stereo cassette players; poor sections where the streets are dirt and large families share their houses with pigs and chickens.

Some of the soldiers were volunteers who had spent all of their adult lives in the army. Others were draftees who planned to leave the day they completed their required two years of service. Only about half were members of the ruling Sandinista party.

Alex Amado, a tough-looking 21-year-old who carried around a pet parrot on his rifle butt, had deserted from the navy. He spent two years on the lam, but couldn't find work. Pressured by his parents, he turned himself in last May and was assigned to the BLI.

When the talk turned to politics, many of the soldiers criticized the United States for financing the contras. Yet it was the American-made equipment captured from the rebels—cartridge belts, rucksacks, walkie-talkies—that the Nicaraguans coveted most. Zeledon, the commander, proudly lifted off a camouflage cap that bore a "Made in U.S.A." label inside, "It is very good fabric," he said.

In some ways, the younger ones were no different from American youths. After dutifully listening to a news conference by President Daniel Ortega one night, Martin Espinosa Bone, 19, immediately turned the radio dial to another Managua station. Suddenly, he grew excited. "Michael! Michael!" he cried out.

It was Michael Jackson singing "Bad." That the soldiers didn't understand any of Jackson's lyrics or those of their other favorite rock stars—Lionel Ritchie, Prince, Queen and Bruce Springsteen—made no difference to them.

Finally, there were some soldiers who could have been fighting in any war, on any side.

During a brief rest stop one afternoon, one of the men walked down to a stream to fill his canteen. A young woman was standing knee-deep in the water, washing her hands.

"Are you married?" he asked.

"No," the woman replied, looking down sheepishly.

"Do you want to marry?"

"No."

"Why not?" the soldier asked, looking surprised.

"My father has someone in mind," she said.

The suitor persisted.

"Have you been to Jinotega?"

"Yes."

"Matagalpa?"

"No."

"Ever been to Managua?"

"No."

"Managua is very beautiful."

He lied.

Oscar Berrios, 18, was the company's political officer. Every company in every BLI has one and the job is to promote the party line of the Sandinista National Liberation Front.

"A political officer, most of all, has to be a supporter of the government," explained Berrios, a soft-spoken, determined youth who was drafted last February in the middle of his junior year in high school.

The job he held was the Sandinistas' equivalent of a local ward leader. His responsibilities included promoting and explaining party positions, recruiting new party members, organizing meetings and providing service to soldiers with problems. If a soldier needed a leave, Berrios was the man to see.

Though his speech often fell into rhetoric, it was clear that Berrios, who studied business administration in high school, strongly believed in the party line.

"All this destruction carried out by the contras and the expenditures that the government invests to maintain its army has led at certain points to economic destabilization," he said during a break one day. "That carries with it discontent among the population, shortages, prices being very high.

"We can see that this is one of the purposes of the U.S. government's low-intensity war—to try to strangle the government little by little. And in this way, if there were to be a direct invasion [by the United States], they would be able to justify the intervention by saying that this government has not solved people's problems."

Does he like being a soldier? he was asked.

"I like the life of the Army here in Nicaragua because it is an army that defends the interest of the country against an aggression from abroad, carried out by irregular forces. And I feel, most of all proud of being in the Sandinista People's Army, to be serving our country, our nation."

But isn't it dangerous?

"That's true what you say," said Berrios, who noted that a soldier in Company Two was killed in an ambush Oct. 12. "You risk your life here. But as you spend time in the war zones, you start to forget about death."

He paused, then continued. "Nobody here thinks about death," he said. "We are fighting for life here."

But Mario Sergio Miranda, at 15 the youngest member of Company Two, said he thought about death often.

"For me the army is very difficult," he said, lowering his voice. "I'm afraid to die."

Overhearing the remarks, Berrios asked a reporter not to interview the boy. Because he was under 17, under Ministry of Defense regulations he was not supposed to be in the BLI, the political officer explained. "It isn't permitted," he said.

Actually, Miranda had been assigned to the BLI at the age of 14. According to his sister-in-law, Blanca Azocena Pena, 21, Miranda had heard a rumor at school that the Sandinistas next year were going to raise the number of years of required military service from two to three. Because he wanted to spend as little time in the military as possible, she said, he enlisted in June, rather than wait until he turned 17, when he would have been eligible for the draft.

She described Miranda as a shy bookworm who had never shown any interest or ability in sports or outdoor activities, and his family never thought he would be sent to the mountains with a BLI. They assumed that because of his age, he would be assigned to non-combat duty near his home in the flat, west coast region of Rivas.

"He's just a young boy," said his sister-in-law. "An older boy is better developed and has got courage."

She noted, too, that Miranda had never even been to the mountains before. "No. Never. Not even as a tourist," she said.

Miranda was first assigned to a training barracks in Mulukuku in remote Zelaya province. On Aug. 23, he sent a disturbing letter to his sister-in-law.

"This Sunday I believe that we're going to the BLI," he wrote. "Blanca, it makes me very sad not to see you and my niece."

After receiving the letter, Azocena said, she traveled to a military headquarters in Granada to try to get Miranda transferred. A lieutenant there agreed that he was too young to be in a BLI, she said. But Azocena said the woman told her that the copy of the birth certificate she had showing Miranda was 14 was not adequate proof. She needed to get another document that was only available in Dario, the town where he was born.

"Since I didn't know where Dario is, I couldn't go there," Azocena said.

So she gave up her efforts and resorted to praying that her young brother-in-law would survive his stint in the mountains with the BLI.

Much of a Sandinista soldier's time is spent trudging through mountains and jungle, never certain whether the next curve might conceal a contra ambush. In the rainy season, the trails are knee-deep in mud. The rest of the year, the sun burns like a branding iron.

But it isn't all drudgery. When the contras aren't in the area, the soldiers can go food shopping.

Some of the more enterprising peasants in the war zone subsidize their meager incomes by selling food to soldiers—tortillas, ripe bananas, salted cheese and milk. One woman who was selling corn meal crackers freely acknowledged that her customers included both Sandinistas and contras.

Company Two's biggest purchase was a bull bought from a rancher. The soldiers paid 600,000 cordobas—about $63—for the animal. After trying unsuccessfully to strangle it—the bull broke away and charged at some soldiers—they shot it with a rifle. After gutting it, they sliced the meat into long, thin strips that they salted and hung in the sun on barbed wire fences to dry. For the next two days, the company enjoyed beef soup and shish kebab.

The soldiers also spent some of their freer moments trying to generate good will among the peasants. When the company stopped at the house of Petrona Blandon Palacios, she told them that her 10-month-old grandson had been sick for eight days with a high fever and pain in his arms.

"This one," she added excitedly, pointing to another child, "suffers from headaches."

A soldier called over the company medic. Normally, the medic spends his time treating soldiers—removing bits of shrapnel, dispensing anti-malaria pills, and fighting infections caused by coarse knapsacks chafing against the skin.

But this time, he removed from his satchel a bottle of antibiotics and counted out some pills for the children. He handed them to Blandon, carefully explaining how many to give the boys each day. Blandon, whose house was miles from the nearest clinic, was grateful. She thanked him and wished the other soldiers well.

A soldier pointed his rifle skyward and fired a shot to alert another company to turn on its radio.

Company commander Zeledon shouted into his walkie-talkie in code: "Nicaragua, Yankee, Lima, Nicaragua, Yankee, Lima."

The walkie-talkie cracked as the other commander gave the appropriate response.

"*Corr-ecto,*" said Zeledon, playfully rolling his r's.

Zeledon, a self-assured and jocular man who appears much older than his 22 years, had thought that his company might be ordered to hike to Pantasma, a lush valley about 10 miles to the west that had a large military base. But the new instructions were to head back through the mountain toward El Cedro.

He didn't mind. After six years in the army, and two years with the BLI, Zeledon knew that in the military, plans were always subject to change.

The only plan that was certain, he said, was his intention to stay in the army—as long as there was a war going on.

Displaying a row of front teeth that glistened with metal, he smiled at an American reporter.

"I'll stay till the end of the aggression," he said.

DR. MARY FULSTONE

● Mr. HECHT. Mr. President, it is with great honor that I rise today to pay homage to a fellow Nevadan whose dedication to the practice of medicine and the people of Nevada will not soon be forgotten. Dr. Mary Fulstone was born in Eureka, NV, in August 1892 and moved to Carson City, NV, with her family in 1896 where she graduated from Carson High School in 1911. Through the persistence of Mary's classmates, she was persuaded to seek a career in medicine. Mary received her M.D. from the University of California at Berkeley in 1918. In 1919, she married Fred Fulstone and later moved to Smith Valley, NV, and began her life at the Fulstone sheep ranch.

Women physicians, Mr. President, were indeed rare in the early 1920's whereby the community of ranchers, miners, and Indians were somewhat taken aback by her presence in this scarcely populated area. The community soon grew accustomed to their new physician and quickly came to love her as one of their own. Dr. Mary soon found herself examining more than 50 patients a day in Smith Valley and the Yerington area, often making housecalls by horse and buggy. Dr. Mary was best known for her proficiency in delivering babies. She delivered approximately 5,000 babies in her 65 years of service in medicine.

During these deliveries, Dr. Mary was well known for having fathers present during births, long before this practice was considered the norm. She would often ask the ranchers to aid her in the deliveries, thus furthering the role of the father during the birth process.

Mr. President, Dr. Mary, a mother of five, also held a teaching degree which was a tremendous tool in dealing with people on a personal level. She served 24 years on the Smith Valley School Board and 12 years on the Nevada Board of Education.

Through her great sense of charity, she was often known to pay for the medical expenses of the less fortunate as well as performing medical services free of charge for those without means.

Her awards have included Nevada Mother of the Year in 1961 and Nevada Doctor of the Year in 1963. As a member of the Soroptimist International, she received the organization's Women's Achievement Award in 1975. The Lyon Health Center in Yerington dedicated a new wing of their facility in 1963 to her, where she herself spent time after back surgery in 1975 and 1978. In the late 1970's, she was interviewed by all the national television networks including news programs such as CBS' "60 Minutes" and others.

A plaque at the entrance to the Lyon Health Center sums up the attitude of Lyon County residents toward Dr. Mary Fulstone,

> Dedicated to our Dr. Mary Fulstone, whose medical skill and helping hand have protected and guided us through many years: a faithful wife, loving mother, and philanthropist to all mankind.

Though this Senate Chamber could not begin to hold the number of individuals brought into this world by Dr. Mary, I am sure, that were they here, their applause would be deafening for this great lady, who for 65 years, unselfishly dedicated herself to the people of Nevada.●

NATIONAL VOCATIONAL EDUCATION WEEK

● Mr. RIEGLE. Mr. President, as many of my colleagues are aware, next week is National Vocational Education Week. I would like to rise today to express my continued support for this very important program.

This year's theme is "Vocational Education: the Competitive Edge," which I believe is highly appropriate. Strengthening and maintaining educational programs is essential for meeting important national goals, especially the goal of improving our ability to compete in the world economy. Vocational education programs can help us reach that goal by making sure that each individual can fully develop his or her God-given talents and capabilities. Developing highly skilled workers and retraining the existing work force to meet new needs is essential if we are to strengthen our national competitiveness.

Three fourths of today's jobs require vocational or technical skills. Vocational education is a fundamental part of this Nation's employment-related education and training programs. In my State of Michigan, there are over 300,000 students enrolled in vocational-technical education programs. These programs reach a large group of people, providing them with the skills they need to find jobs, and providing communities with trained workers.

The Federal Government has played an important role, in conjunction with State and local governments, in encouraging the development of strong vocational education programs. Federal funding assists States in improving their programs, and helps make sure that there is equal access to vocational education.

I urge my colleagues to join me, as we observe this important week, in pledging their support for this vital program.●

UKRAINIAN DISSIDENT FYODOR PARASENKOV

● Mr. WILSON. Mr. President, just a little over a month ago, President Reagan and General Secretary Gorbachev met in Washington to discuss a wide range of issues affecting United States-Soviet relations.

Of particular importance was the issue of human rights. Despite public declarations of glasnost from the current Soviet leadership, very little progress has been made in improving the treatment of those who publicly speak out against the Soviet Government.

Mr. Fyodor Parasenkov is a long suffering victim of this lack of progress. Mr. Parasenkov has been detained in a "special psychiatric hospital" for over 12 years for publicly advocating economic reforms. His continuing mistreatment clearly demonstrates the Soviet Union's lack of respect for human rights. Accordingly, I wish to take this opportunity to read a letter I sent in August of last year to the Soviet Ambassador on behalf of Mr. Parasenkov in the hope that it will lead to his release.

Mr. President, I ask that my letter to the Soviet Ambassador on behalf of Mr. Parasenkov be printed in the RECORD as if read.

The letter follows:

U.S. SENATE,
Washington, DC, August 19, 1987.

His Excellency MIKHAIL SERGEYEVICH GORBACHEV,
General Secretary of the Central Committee of the Communist Party of the Soviet Union, The Kremlin, Moscow, U.S.S.R.

DEAR MR. GENERAL SECRETARY: I am writing in search of information on the status of Ukranian dissident Fyodor Parasenkov.

Twelve years ago, Mr. Parasenkov was incarcerated in a "special psychiatric hospital" apparently for writing letters to government officials that advocated economic reforms. At the time of his imprisonment, he faced the charge of "anti-Soviet agitation and propaganda." Yet in light of the new industrial incentives which you recently announced, many of Mr. Parasenkov's ideas may now have become official policy.

Ever since 1975, Soviet authorities have rejected appeals from Amnesty International as well as thousands of American and Western European citizens for an official statement on Mr. Parasenkov's health and whereabouts. But in this age of "glasnost," Mr. General Secretary, I appeal to you to break your government's silence on Mr. Parasenkov's condition.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,

PETE WILSON.●

INFORMED CONSENT: NEW YORK

● Mr. HUMPHREY. Mr. President, in 1973, the Supreme Court legislated abortion on demand for the women of the United States. After 15 years and some 21 million abortions, we are repeating the consequences of that decision. Hundreds of women from all over the country have written to tell me of the tragic results of their abortion decisions. The rights of these women and their unborn children were abrogated by an abortion industry that does not provide essential information about the procedures, risks, or alternatives to abortion. S. 272 and S. 273 would restore those rights by requiring informed consent. I ask that two letters be printed into the CONGRESSIONAL RECORD.

The letters follow:

SCHENECTEDY, NY,
June 9, 1986.

To the Honorable Senator Gordon Humphrey:

In regards to the bill on requiring informed consent, I would like to express my total support. I truly believe that each woman should know the development stage of the baby she will abort, and also the physical and psychological side effects. It should be more publicized about the alternatives to abortion that each community offers.

I would also like to say that I had an abortion 7 years ago, and I wasn't informed of anything. They (Planned Parenthood) told me my baby was a "mass of cells, a blot of pregnancy tissue." They encouraged my abortion and didn't tell me if it would bother me for the rest of my life—the guilt, the sleepless nights, the tears and the hurt. Had I known the facts instead of hearing the "language of illusion," I would have 3 beautiful children instead of 2.

Please let my voice be heard to anyone willing to listen and know.

Sincerely,

LINDA M. NISSELBECK.

ALBANY, NY,
June 6, 1986.

DEAR SENATOR HUMPHREY: Regret is the word that comes to my mind when I'm reminded of the abortion that I had in 1975. Thanks to God, the guilt, sorrow, shame, and self-hatred have been healed. Even though I still cry sometimes when I think about the reality that it was my real live baby that was murdered.

I know that I can't change my past actions, but I do want to help make sure that someone else doesn't make the same horrible mistake that I made. If I had been informed, I truly believe that I would not have made the decision to abort. I was told there was nothing to it, just a very simple procedure and that it was not even a baby. Immediate grief came on me, even during the actual abortion.

I hate writing this down, but I hope it will help to ensure that the Informed Consent Law can be passed. Please let me know if there's something more that I can do. This holocaust must be stopped!

Thankful for you,

DIANNA SEGRETO.●

HUMAN RIGHTS IN THE SOVIET UNION

● Mr. D'AMATO. Mr. President, I rise today to call my colleagues' attention to certain developments in the human rights situation within the Soviet Union. Today, I sent a telegram to General Secretary Mikhail S. Gorbachev, on behalf of the aged and ill parents of Vladimir and Sophia Bravve.

I participated with Vladimir in a news conference on the grounds of the Capitol, at which he announced the beginning of a hunger strike. He has begun this hunger strike because Soviet authorities have again denied his parents, Grigory and Ninel Bravve, permission to leave the Soviet Union.

Soviet authorities claim that Grigory had access to classified information and that he cannot leave the Soviet Union. This is a false statement. Grigory did, in fact, work for an aeronautical institute—but he retired 10 years ago from his position as a civil engineer with the institute.

What did he do for the institute? He designed houses for persons who worked for the institute—and these houses were constructed outside the institute's grounds.

What is secret about Soviet methods for building houses?

Moreover, the Soviet Union's basic position—that it can deny emigration permission to persons who had access to state secrets—is not supported by international law. The Soviet Union is bound to allow its people to leave their country and freely to return.

Under the Soviet Union's freely assumed international commitments, it is irrelevant that Grigory was a civil engineer and not an aeronautical engineer. His access to state secrets is irrelevant.

Of course, we all know that this international obligation is ignored by the Soviet Government. Also, we know that tens of thousands of people suffer terribly because the Soviet Union will not keep its word on this issue.

The Bravves' case is particularly tragic. In December 1986, I traveled to Vienna, Austria, to the review meeting of the Conference on Security and Cooperation in Europe, to take up the case of Rimma Bravve. She and her husband Vladimir were finally allowed to leave the Soviet Union, but too late to arrest the spread of Rimma's cancer.

I shared her joy and her family's joy when she was released by the Soviet authorities. I flew back from Vienna with her and her husband and family. Then, last June, I attended Rimma's funeral in Rochester, NY, when medical treatment proved unable to deal with her advanced cancer.

Now, Vladimir's sister, Sophia, and his niece, have been allowed to come to Rochester. Sophia, like Rimma, is a cancer patient. Yet, when she needs her parents here by her side, to comfort and support her as she receives treatment for her illness, Soviet authorities have once again denied them permission to emigrate.

Almost 9 years of denial. Why? Why can the leaders of the land of Glasnost and Perestroika not understand the human suffering this causes? Why can they not let these people go?

Grigory is 70 years old and Ninel is 68. Ninel is not in good health. What purpose is served by keeping them in the Soviet Union against their will?

I hope the leaders of the Soviet Union respond to Vladimir's hunger strike and understand the humanitarian appeal he is making. They are obligated under the Helsinki Final Act to heed requests for family reunification, giving special consideration to the cases of those who are old and ill. Failure to do so in this case would illustrate how far short of their public image Soviet reality actually falls.

Vladimir Bravve issued a public statement at his press conference. He also sent a letter to Yuri Dubinin, the Soviet Ambassador, which he delivered to the Soviet Embassy in person after the press conference.

Mr. President, I will ask unanimous consent that Vladimir's statement and his letter to Ambassador Dubinin be printed in the Record at the end of my statement.

Mr. President, I also want to take a moment of the Senate's time to call to my colleagues' attention two articles which appeared in the Washington Post over the weekend. The first article, "Visiting Rights Monitors Call For More Soviet Progress," by Gary Lee, appeared in Saturday's edition on page A13. The second article, "Revolt of the Radiators; We didn't Get Glasnost Until the Plumbing Broke," by Adam Michnik, appeared in the Sunday edition on the front page of the "Outlook" section.

I will ask unanimous consent that these two articles be printed in the Congressional Record at the end of my remarks, following Vladimir Bravve's statement and letter.

Both of these articles are significant, in my view, because they cast considerable light on the current situation in the Soviet Union. Having served on the Helsinki Commission since coming to the Senate in 1981, and have had the privilege of chairing the Commission in the 99th Congress, I have come to know both Bob Bernstein and Jeri Laber very well. They have done tremendous work for human rights through Helsinki watch.

The comments attributed to them in the story of their visit to the Soviet Union are cautious and diplomatic. But the bottom line comes through very clearly—they are looking for tangible indications that there has been real change in the Soviet Union.

Gary Lee writes:

> Bernstein, Laber, and other members of the International Helsinki group stressed in meetings this week that Soviet officials should concentrate on giving a general amnesty to all prisoners held for anti-Soviet activities.

This is the key point. Only 200 such prisoners have been released under glasnost. The rest must be released and article 70 of the Soviet Criminal Code, under which they were convicted and imprisoned, repealed.

Adam Michnik's story is particularly important. It is written by one of the leaders of the Solidarity movement in Poland—by a man with life-long personal experience with Soviet oppression and the Soviet-imposed bureaucratic state.

We should pay close heed to his comments. In particular, he writes:

> When Gorbachev stubbornly repeats that the Soviet Union professes some idiosyncratic conception of human rights and of national sovereignty, incomparable to the conception of these rights in pluralist democratic countries, he repeats—consciously or not, I don't know—a classic Stalinist stereotype. According to that stereotype, the persecution of opponents, the suppression of democratic institutions and disregard for the law are contemptible under capitalism but permissible and useful in a country that is building communist socialism.

Michnik continues:

> This is the meaning of the new situation. When he raised the need for perestroika, Gorbachev finally rejected all the trashy Communist propaganda that could trace back all the economic crises and social conflicts to the operations of foreign intelligence services. The present crisis, which manifests itself as the revolt of the radiators and of the people, is a general crisis of communism.

He makes a key point in closing:

> That is why the world needs a fresh idea of détente—détente with a human face. And let that face belong to a gulag prisoner. People are more important than missiles, and before you eliminate missiles, you must eliminate the habit of persecuting people. Everything else is fraudulent.

Those, Mr. President, are words we would do very well to remember as we consider the INF Treaty. Peace turns not upon missiles, but upon the way governments interact with their people and with foreign states.

Before we become too enthusiastic about General Secretary Gorbachev and his slogans—glasnost and perestroika—we should remember people like Grigory and Ninel Bravve, and their son's hunger strike seeking Soviet permission for them to be reunited with their family.

Peace is about people. It is about reunited families, able to share their love and support each other in time of need. Will Sophia Bravve be able to see her parents, to count on their help as she undergroes her cancer therapy? This question—seen clearly by Bob Bernstein, Jeri Laber, and Adam Michnik—is at least as important as missiles, because it gauges the values and the temperament of the other regime.

As I have said before, we do not fear nuclear missles in the hands of the British and the French. We have confidence in their values and their temperament. Soviet values—so long as the gulag is full of prisoners, the special psychiatric hospitals are open and accepting new dissident patients committed against their will, and families like the Bravves are suffering and divided—threaten us and all other peace-loving peoples around the world.

I ask that the material to which I referred be printed in the Record.

The material follows:

Hunger Strike Statement From Vladimir Bravve, February 1, 1988

My name is Vladimir Bravve. I am fighting for reunification here in the United States with my parents, Gregory and Ninel Bravve.

For the past 9 years the Soviet Authorities have denied them the permission to emigrate from the Soviet Union. The reason for this denial is the access of my father to so-called "State Secrets". General Secretary Gorbachev stated that access to State Secrets would not be a barrier to emigration after 5 or at most 7 years, but my father has been already retired for almost 10 years.

During the last year my parents have suffered a lot: the death from cancer of my wife Rimma, the cancer of their daughter Sophia and separation from their children.

My parents are elderly people, in poor health and they are exhausted physically and emotionally. They are completely alone in Moscow with nobody to help them.

During our telephone conversation last week my parents told me that they had lost any hope and they are on a verge of nervous breakdown.

I am unable to stand their suffering any longer and I decided to begin a hunger strike today.

I'd like to appeal to American People: Please help reunite our family. Please ask Mr. Gorbachev to let my parents join us in the United States.

Vladimir Bravve.

Rochester, NY.

IDENTIFYING INFORMATION

Father: Bravve Grigory Abramovich (70 years old).

Mother: Zetkovskaya Ninel Semenovna (64 years old).

Address: U.S.S.R. Moscow, 107553. Bolshaya Cherkizovskaya Street, 32-5-15.

Phone: 162-4626.

Rochester, NY, *February 1, 1988.*

His Excellency Yuri Dubinin,
Ambassador, Embassy of the U.S.S.R.,
Washington, DC.

Dear Ambassador: I am writing to you at a very difficult time for all of our family.

Seven months ago my wife Rimma Bravve died from cancer. Rimma's dying wish was for all our family to be together in Rochester.

Unfortunately my parents Ninel and Grigory Bravve have been denied permission to emigrate for almost 9 years.

During the last year my parents have suffered a lot: the death from cancer of my wife Rimma, the cancer of their daughter Sophia and separation from their children.

My parents are elderly people, in poor health and they are exhausted physically and emotionally. They are completely alone in Moscow with nobody to help them.

During our telephone conversation last week my parents told me that they had lost any hope and they are on a verge of nervous breakdown.

I am unable to stand their suffering any longer and I decided to begin a hunger strike today.

I beg you to make a human gesture and let my parents leave the Soviet Union and reunite with their children. This decision will be welcome in the whole world as a humanitarian approach to the problem of devided families.

Thank you very much.

Vladimir Bravve.

IDENTIFYING INFORMATION

Father: Bravve Grigory Abramovich (70 years old).

Mother: Zetkovskaya Ninel Semenovna (64 years old).

Address: U.S.S.R. Moscow, 107553, Bolshaya Cherkizovskaya Street, 32-5-15

Phone: 162-4626.

[From the Washington Post, Jan. 30, 1988]

Visiting Rights Monitors Call for More Soviet Progress

(By Gary Lee)

Moscow.—A leading American activist today identified four key areas in which the Soviet Union can improve its human rights record, including eliminating psychiatric abuses and allowing unofficial groups to monitor violations.

But Mikhail Gorbachev has achieved an overall improvement in Soviet adherence to international human rights standards, Robert L. Bernstein, chairman of the U.S. Helsinki Watch Committee, said today.

His comments came at the end of the first visit here by the Vienna-based International Helsinki Federation for Human Rights, which monitors compliance with the accords signed by 35 nations, including the Soviet Union, in Helsinki in 1975.

"The fact that we were allowed to come," Bernstein said of the group of human rights monitors from 13 countries, "is a good indication that things have changed for the better."

Bernstein and Jeri Laber, executive director of the U.S. Helsinki Watch group, said that increases in emigration of Jews and other minorities in recent months have added to the improved Soviet human rights image. But other incidents during the visit indicate that many violations are continuing, they said. While the group met with Soviet rights activist Lev Timofeyev in his apartment, for instance, security agents in a car outside listened in through a bugging device.

One of the most important human rights is the freedom to monitor human rights abuses, and the Soviet Union has "some ways to go" in this area, said Bernstein, who is chairman of Random House publishers.

Many independent or unofficial human rights groups have sprung up under Gorbachev's rule, but they have yet to be recognized or registered by Soviet authorities.

The burden of seeing that other groups are approved falls on the Soviet Human Rights Commission, Bernstein said, referring to a newly formed group of officials and academics chaired by commentator Fyodor Burlatsky.

"Since the Burlatsky commission is the only one that is government-approved," Bernstein said, "it is up to that commission to see that other groups are registered. If it doesn't do so, it will lose its credibility."

The abuse of psychiatry, which long has marred the Soviet human rights record, is still a potential problem, Bernstein said, even though the Soviet media have campaigned against committing political dissidents to psychiatric clinics and Soviet officials maintain that standards have been improved.

Many of the key Soviet officials who instigated the use of psychiatric clinics to punish dissidents are still in place under Gorbachev, including one institute director who met with the Helsinki federation.

"With people like that still around," Bernstein said, "it doesn't exactly inspire public confidence in the leadership's commitment to change. The burden of proof on this lies on the Soviet side."

A third unresolved issue is that of prisoners still in local jails, prisons or camps for political reasons, Laber said. Altogether, about 370 prisoners in this category are still jailed, she added, including 170 held for religious reasons.

Bernstein, Laber and other members of the international Helsinki group stressed in meetings this week that Soviet officials should concentrate on giving a general amnesty to all prisoners held for "anti-Soviet activities." More than 200 such prisoners already have been pardoned, they said.

The right of Soviet citizens to emigrate is the fourth problem yet to be fully resolved, Helsinki Federation members said.

While Soviet emigration rose in 1987, Moscow continues to deny visas to a few citizens it says have had access to state secrets, Bernstein said, even in cases where such access ended so long ago that the knowledge is no longer operative.

The group of Helsinki monitors is the first authoritative, independent human rights group to visit the Soviet Union since Gorbachev began his human rights reforms. The group met with Soviet officials and some dissidents and was given the chance to see Gorbachev's policy of *glasnost*, or openness, in practice.

While a group of Jews, refused the right to emigrate, demonstrated on a Moscow street yesterday, for instance, police stood by watching rather than making swift arrests, now customary for protests in the center of the city.

"The reasons for the change in policy is because the Helsinki monitors were in town," one of the demonstrators said.

Revolt of the Radiators: We Didn't Get Glasnost Until the Plumbing Broke

(By Adam Michnik)

Warsaw.—The communist system has proven methods of dealing with popular revolt. A crowd of demonstrators is met in the streets by riot police armed with truncheons, tear gas and water cannons. When that is not enough, you send out army units to defend the dictatorship of the proletariat by firing at the marching workers. This was the method in Berlin and Poznan, in Novocherkask and Alma-Ata.

It is much worse for the authorities when the central heating goes on strike. I remember one such rebellion last winter in Warsaw. All Warsovians, from generals to workers, sat with their teeth chattering in unheated apartments. What can the Communist Party's general secretary do in such circumstances? He could convene a Central Committee plenum and push through a strongly worded resolution to the effect that the radiators' strike must be suppressed. But the radiators do not recognize the leading role of the Communist Party.

The general secretary could summon the minister of internal affairs and order him to "break the radiators' strike by force." And a police charge could be mounted. The radiators could be attacked with rubber truncheons, water cannon and tear gas. But the radiators fear none of these. Proud and self-confident, annoyingly composed, they would persevere in their resistance, revealing a weakness in the teachings of Marxism-Leninism.

At the root of the changes going on now in the Soviet Union is the rebellion of radiators. A rebellion of inanimate objects has forced the authorities to introduce changes for which the heroic Soviet dissidents have been fighting for years. And this is why we say that this is the deepest crisis of all: The society proved powerless when confronted with a totalitarian state, but this very state proved powerless in the face of the rebel radiators.

It is from this angle that I look at the two staple interpretations of Mikhail Gorbachev's policies. Those who perceive a prospect of democracy and human rights in them are wrong. But so are those who dismiss the changes as purely cosmetic and as a spectacle for the benefit of western audiences.

Perestroika is a reaction to a rebellion of inanimate objects. Glasnost is a sign of the awareness that the clash with inanimate objects can never be won unless you enlist the support of the people. Gorbachev surely wants a reform which would make the Soviet Union a more efficient and powerful state. And, just as surely, he is a child of the Soviet power apparatus. This apparatus does not have the slightest intention of giving up its monopoly status. Gorbachev is neither a comedian nor a liberal; he is a communist who wants to make his state a modern superpower. But that is precisely his dilemma: As a communist, he must defend the monopoly of the party. As an advocate of change, he must curtail that very monopoly.

Gorbachev's prospects are—let's put it bluntly—not terribly encouraging. Members of the nomenklatura, those millions of powerful officials whose habits and privileges are in jeopardy, is completely against him. Glasnost poses a permanent threat to their security. A call for "perestroika without glasnost" will be the natural rallying cry of the conservative apparatus.

Let us take a look at the controversy surrounding Stalin and Stalinism. This controversy, which is as divisive and fundamental as the German dispute concerning Hitler and Nazism, helps us to discover who stands where.

Stalin is defended by those who favor a totalitarian order, by those who prefer freedom from responsibility, and risk to freedom from censorship and police. There are many of them. To them, Stalin was the father and the symbol of might of the

Soviet state; if you attack Stalin you are attacking the state.

Such views are criticized by democratic and reform-minded people who demand the full truth about Stalinism. For them, overcoming the Stalinist heritage is a prerequisite of Russia's spiritual revival. Although they are far removed from naive optimism, they trust Gorbachev and support him because he started the process of change.

This liberal and humanistic tendency, however, has come under fire from representatives of the slavophilic current who regard the Bolshevik revolution as a child of foreign parents. The Marxist doctrine, concocted in western Europe, was carried out by people who were alien to Russia: Poles, Jews, Latvians, etc. It was not autocracy that was Stalinism's real crime—after all, Russia never wished to be a parliamentary democracy. It was his ideology: its atheism, its rejection of the tradition of great Russian statehood and the attacks against the church.

From this angle, the liberal-humanist orientation with its ideas of pluralist democracy is but another embodiment of the same European plague that Bolshevism was. The most extreme—indeed grotesque—embodiment of the slavophile view is the Pamyat Association, which ostensibly deals with the protection of historic monuments but in practice is preoccupied with spreading a xenophobic and conspiratorial theory of history. Pamyat's anti-Semitism is reminiscent of the times when the czar tried to neutralize social conflicts and delay its own demise by staging Jewish pogroms.

Where do Gorbachev's declaration fit into this context? His appraisal of Stalin and Stalinism is splendidly inconsistent and full of internal contradictions. It must be that way. Gorbachev is heir to the Stalinist legacy and also its cautious critic. Since Gorbachev must synthesize conflicting arguments and viewpoints, intellectual nullity is the inevitable product: The history of the Soviet Union is at once a succession of endless triumphs and a string of errors and distortions; collectivization is at once a success of socialist policies and a source of crisis in agriculture.

The fundamental question is whether there is room for independent opinion in the Soviet Union. It used to be said that there is lots of room—at Lubyanka [prison], that is. Will it be different today? Can the so-called "informal clubs" become seeds of pluralism in public life? This question does not concern Gorbachev's intentions but rather the vital forces of Russian society. We do not ask whether Gorbachev wants pluralism but whether he is likely to be forced to accept it by pressure from the people.

From the Polish perspective, this is the basic issue. After the referendum lost by Jaruzelski's government, the awareness of the need for structural reforms is universal. It is even obvious to secretaries and generals. But the question about the shape of reform has yet to be answered. Is this going to be a "paternalistic" reform or the outcome of a social compromise based on pluralism and on institutions that are autonomous from the state? What are the limits of reform going to be? What is Russia going to look like after the reforms? In this matter, the Soviet leader does not go beyond banal, stereotyped declarations.

When Gorbachev repeats that the era of nuclear weapons requires "new thinking," we are eager to agree. When he says that every nation must choose its own road and no superpower must allow itself to dictate its terms to any other state, we want to applaud him. But we are also tempted to ask whether he is just condemning the Monroe Doctrine or the Brezhnev Doctrine as well. Does the right to autonomous development apply to Nicaragua and Cuba or to Afghanistan and Poland as well? And what about Lithuania and the Ukraine?

When Gorbachev says that the Soviet Union does not intend to invade any country, does that mean he is prepared to deplore the Soviet interventions in Hungary and Czechoslovakia or is he merely saying that the Soviet Union will not invade any country matching it in strength, like the United States? Is the "new thinking" limited to Soviet-American relations or does it extend to Soviet-Polish relations as well?

When Gorbachev stubbornly repeats that the Soviet Union professes some idiosyncratic conception of human rights and of national sovereignty, incomparable to the conception of these rights in pluralist democratic countries, he repeats—consciously or not, I don't know—a classic Stalinist stereotype. According to that stereotype, the persecution of opponents, the suppression of democratic institutions and disregard for the law are contemptible under capitalism but permissible and useful in a country that is building the communist system.

This is the meaning of the new situation. When he raised the need for *perestroika*, Gorbachev finally rejected all the trashy communist propaganda that could trace back all the economic crises and social conflicts to the operations of foreign intelligence services. The present crisis, which manifests itself as the revolt of the radiators and of the people, is a general crisis of communism.

Lech Walesa tells fellow Poles, "We must avoid despair and hatred." I suppose this formula could be applied around the world. It should lead to the abandoning of simple formulas of preserving the Yalta order by means of detente or Cold War rhetoric. Something has changed. Unless democratic reforms take place, the system is doomed to progressive decline.

That is why the world needs a fresh idea of detente—detente with a human face. And let that face belong to a Gulag prisoner. People are more important than missiles, and before you eliminate missiles, you must eliminate the habit of persecuting people. Everything else is fraudulent.●

● Mr. D'AMATO. Mr. President, I rise today to give my wholehearted support to legislation, Senate Joint Resolution 246, that designates the month of April 1988 as "National Child Abuse Prevention Month." I commend my colleague, Senator DeConcini, for stressing that child abuse in our Nation is indeed a problem and one with which we must deal strongly.

Every year, nearly four million youngsters are subject to some form of child abuse. Nearly 5,000 of these children die each year. Those who survive carry with them emotional, psychological, or physical scars for the rest of their lives. Tragically, many of those abused become abusers as adults. Something must be done to break this horrendous cycle.

The American people must be made aware of the outrage of child abuse. Through recognition of this problem, people will come to understand the magnitude and pervasiveness of child abuse. There are many private organizations and thousands of dedicated individuals committed to ending child abuse. Acknowledgment of their efforts will only enhance our goal of obliterating this destructive behavioral pattern.

In additon to my interest in raising public awareness of child abuse, I have sponsored S. 226, the National Child Protection Act. This bill would establish a national clearing house of information on convicted child molesters to prevent them from continuing to abuse our children in child care centers. Criminals must know that we do not condone, and will not tolerate, the molestation of our children in child care centers or anywhere else.

Mr. President, I must reiterate the severity of this problem. We must assist those who cannot help themselves. Our children are our greatest asset; we cannot afford to compromise their safety and welfare. I am pleased to join my good friend, Senator DeConcini, in cosponsoring this resolution. I encourage my colleagues to join us in this effort, and I urge the immediate passage of Senate Joint Resolution 246.●

THE NEW YORK STATE ASSEMBLY RESOLUTION

● Mr. D'AMATO. Mr. President, we in the Congress occasionally need reminding that we are not the only sovereign, democratically elected legislature in the United States—that here in Washington sits what is, after all, a government of only delegated powers.

The Assembly of the State of New York has enacted a resolution specifically addressing this body on a matter much commented upon within this Chamber: The recent continuing resolution's prohibition on waivers of the FCC's cross-ownership rule. My colleagues certainly know where I stand on this question. They may even think that, after last week, I have had my say. I assure them I have not. They will hear more.

But for now, Mr. President, I would like to put the assembly's resolution into the Record so that my colleagues will not fail to receive the message. I can only add that it has my heartfelt agreement and support, as well as my commitment to continue this fight.

The resolution follows:

New York State Assembly Resolution

Whereas Congress, in the Conference Report to House Joint Resolution 395, Report 100-598, has approved an amendment which denies the Federal Communications Commission the discretion to permit the New York Post and WNYW-TV to be owned by the same individual; and

Whereas the Narrow application of the amendment, its suspect motivation and its eleventh hour adoption belie the amendment's purported goal of media diversity; and

Whereas the cross-ownership rule is not the main issue in this instance, since the amendment only affects the Federal Communications Commission's flexibility in its application; and

Whereas a forced divestiture would likely jeopardize on-going efforts to save the New York Post from going out of business; and

Whereas such a loss would mean the loss of hundreds of jobs, and a major news source: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to memorialize Congress to repeal recently enacted provisions which prohibit the Federal Communications Commission from exercising its expert discretion in waiving the cross-ownership rule where, as in the case of the New York Post and WNYW-TV, the merits currently warrant such action: And be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the New York State Congressional Delegation.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the conferees on the Medicare Catastrophic Protection Act, H.R. 2470, have not yet been appointed. I will ask consent on tomorrow that the Senate insist on its amendments and agree to the conference requested by the House on the disagreeing votes of the two Houses and the Chair appoint conferees on the part of the Senate.

If there is an objection I will move. That motion will be debatable. It is a privileged motion. Its adoption would not dislodge the then-unfinished business, S. 2; am I correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BYRD. Very well.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 11:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on tomorrow there be morning business not to extend beyond the hour of 12 noon and Senators may speak therein for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over tomorrow and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection it is so ordered.

RECESS BETWEEN 12 NOON AND 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that at 12 noon tomorrow the Senate stand in recess until the hour of 2 p.m., to accommodate the regular conferences of the majority and minority parties in the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I would suggest that Senators daily might expect a rollcall vote on the motion to have the Sergeant at Arms request the attendance of absent Senators. I have not been scheduling that vote this week for good and sufficient reasons, but a little later on, when the Senate is a bit busier than it is now, Senators might expect us to return to that regimen and, as a normal approach, I would suggest that that vote will come very early on each day that the Senate is in session.

I shall like to have the RECORD show that because nothing may be said about such a vote the previous day, there is no indication that it will not be called for. I will say, however, that on days when the Senate is coming in reasonably early, 9 o'clock, 9:30 or earlier, or 10, if such a vote occurs, I would expect to make that a rollcall vote of 30 minutes duration, especially if it begins as early as 9:30, so as to give Senators the opportunity to deal with traffic problems. I would urge them always, however, to be alert to the fact that such a vote may occur.

Of course, if another vote is scheduled early, there is no point in having the kind of rollcalls to which I have referred.

THE DENVER BRONCOS

Mr. BYRD. Mr. President, if the distinguished Senator from Colorado, whom I assume was betting on the Redskins this past Sunday, has no further business—or have I just stimulated some?

Mr. ARMSTRONG. If the leader will yield, let me say I am going to resist the temptation to elaborate on the moment of heartbreak which occurred over the weekend and merely point out that once again the Denver Broncos are, for the second year in a row, the AFC champions, and have been accorded a warm welcome home to Denver today; and wait until next year.

Mr. President, while I have the attention of the leader, I do have one unanimous-consent request that I would like to put before the body if I may.

LEAVE OF ABSENCE

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that rule VI, paragraph 2, of the Standing Rules of the Senate be waived for Senator DOMENICI for official business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, the senior Senator from New Mexico [Mr. DOMENICI] is necessarily absent today. He is in Santa Fe, NM, meeting with Governor Carruthers, key New Mexico legislators and the Umbrella Association for the Chamber of Commerce and the Hispano Chamber of Commerce. He is attending an all-day series of meetings that the Governor set up to discuss the state of the economy in New Mexico and possible economic development.

Senator DOMENICI is meeting with the Governor's Business Advisory Council, the New Mexico Industrial Development Executives, and other interested groups as well. State and Federal legislation will be discussed in addition to a report on "Marketing New Mexico."

The day's activities include a joint session of the New Mexico Legislature's Business and Industrial Committee and the Commerce Committee, and a joint session of the State appropriations and finance committees.

As we can all appreciate, scheduling a group this large is very difficult especially when the New Mexico Legislature is only in session for 30 days this year. February 1 was the best day for the key parties involved.

Mr. BYRD. Mr. President, as I have done here before in the case of other Senators, I compliment Senator DOMENICI on pursuing the rules and following the rules in this respect, and I thank Senator ARMSTRONG for making the request.

ADJOURNMENT TO 11:30 A.M., TOMMOROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 11:30 tomorrow morning.

The motion was agreed to; and at 6:25 p.m., the Senate adjourned until Tuesday, February 2, 1988, at 11:30 a.m.

EXTENSIONS OF REMARKS

COMMISSION ON MERCHANT MARINE AND DEFENSE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. BENNETT. Mr. Speaker, on January 15 in Jacksonville, FL, Adm. J.L. Holloway III, U.S. Navy (retired), former Chief of Naval Operations, spoke to many of the maritime industry under the leadership of the Propeller Club. I include at this point in the RECORD excerpts from his speech which are important for us all and the future of our Nation. As a former Chief of Naval Operations and a man now in a leadership capacity in the maritime industry of our country, and as a member of the Commission on Merchant Marine and Defense, Admiral Holloway is particularly and eminently equipped to speak on these matters.

Excerpts from the speech follow:

ADDRESS BY ADMIRAL J.L. HOLLOWAY III, U.S. NAVY (RETIRED)

On the 19th of October, 1987 the Commission on Merchant Marine and Defense, better known as the Bennett Commission, met with President Reagan in the Oval office to present their first report—The Findings of Fact and Conclusions.

The sense of this report is probably best reflected in the very first conclusion, quote: "The Commission has found clear and growing danger to the national security in the deteriorating condition of America's maritime industries. The United States cannot consider its own interest for freedom secure, much less retain a position of leadership in the free world, without reversing the decline of the maritime industries of this nation, which would depend so heavily in a protracted war upon adequate use of oceans for its military defense and for its economic survival."

I am sure that these words are not surprising to most of you here tonight. They describe a situation that many of us have been concerned about for some time. Their special significance however, is that they represent the carefully studied views of the Congressionally mandated and Presidentially appointed Commission on Merchant Marine and Defense.

In 1982, the Office of Management and Budget—OMB—prepared a staff review of Maritime Programs and Policy for the Cabinet Council on Commerce and Trade. One of its main conclusions was that national security arguments do not provide a strong justification for the provision of public assistance to the maritime industries.

This conclusion was based on several critically flawed assumptions concerning the national military policy—that the United States would escalate to a general nuclear exchange after thirty days of a general war with the Soviet Union, and that there would be plenty of commercial shipping available for the limited sealift needs of a short war. In spite of criticisms, the OMB staff review became established as the philosophy of the Administration's position in matters concerning the maritime industry. However in 1984 this Commission was established by Congress to review the facts and support on what should be done.

* * *

In a series of six public hearings, the Commissioners heard representatives from virtually every interest group in the maritime business, including the shippers. At the same time, officials from the Administration and the Services were meeting with the Commission in a series of give and take sessions in which all aspects of the issues were discussed.

* * *

The national security strategy of the United States is a collective forward defense. This forward strategy uses the oceans as barriers for our defense and as avenues for extending influence abroad. It exploits the principle that in a general war, we intend to engage an enemy closer to his borders than to ours. This forward strategy depends upon overseas allies, forward deployed military forces and the strategic mobility to respond to crises around the world.

Sealift is absolutely essential to the success of this military strategy. There is no plan for any major overseas military operation, whether it be a general war involving the Soviet Union, or a contingency operation in some remote corner of the globe, that does not involve the use of the seas for projecting and sustaining American military forces.

Today the United States maintains four Army Divisions in West Germany, another in South Korea, and a Marine Division in Japan. Forty-two of our forty-four allies are overseas. In addition, there are fifteen active Army and Marine Divisions located in the Continental United States. If they are to join battle with an enemy, they must be transported overseas.

In time of war, these forward deployed forces and our allies must be reinforced and resupplied, and most of this logistic support will move by sea. Admiral Crowe, Chairman of the Joint Chiefs of Staff, has said that sealift will deliver about 95% of all dry cargo and 99% of all petroleum products. This overwhelming reliance on sealift is understandable when one considers the enormous quantities of war materiel demanded by the mobility and firepower of modern ground forces. For example, more than 100,000 tons of cargo are required to deploy a single mechanized Division. When overseas that Division will need more than 1,000 tons per day delivered to sustain it in operation.

Airlift is planned for the rapid movement of troops to join up with prepositioned equipment, and for the fast delivery of small amounts of critical supplies and materiel. But airlift is severly limited in terms of its ability to move outsized equipment, and in the total volume that can be lifted. A large part of the organic equipment of modern armies, such as helicopters and tank retrievers, will not fit in most aircraft. One modern containership can carry the equivalent cargo of 150 C-5 aircraft. Also, airlift is a notorious consumer of fuel. According to the JCS, during the 1973 Yom Kippur war, our airlift support for Israel required six tons of aviation fuel for every ton of military cargo delivered in Tel Aviv.

In recognition of the importance of sealift, the Secretary of the Navy announced in May of 1984 that the major functions of the U.S. Navy were being expanded to include strategic sealift as a third major function, joining sea control and power projection, which for years had been the two functional bases for naval force requirements.

In a general war with the Soviet Union, the United States can expect substantial sealift help from the merchant fleets of our allies: Japan, Korea, and the NATO countries.

* * *

For the deployment of U.S. forces into Southwest Asia in a contingency operation, the United States must depend upon U.S.-flag shipping. History has consistently demonstrated that our allies are not going to participate in unilateral U.S. military operations, and current events in the Persian Gulf have again confirmed the lack of support we can expect from our allies in this theater, and the need for the United States to be able to go it alone. It has reemphasized the need for us to have enough American flag shipping to carry out specific military contingency operations such as a deployment of the U.S. Central Command to the Indian Ocean.

Only four years ago a new unified command, the Central Command, similar in organizational and regional responsibility to CINCEUR and CINCPAC, was created to cover the Indian Ocean littoral from Kenya to Pakistan, extending inward to embrace the Israeli-Arab confrontation states. Five Army and Marine Divisions are earmarked for this Command, but all are located in the United States. That is where CENTCOM differs from CINCPAC and CINCEUR. If the Central Command were to be deployed, all of its forces would have to be moved from the United States to the Indian Ocean area.

And that creates a massive problem, we don't have enough U.S. flag shipping. The Commission states in one of its most important conclusions: "There is today, insufficient strategic sealift, both ships and trained personnel, for the United States, using only its own resources as required by defense planning assumptions, to execute a major deployment in a contingency operation in a single distant theater such as Southwest Asia. Without decisive action, the situation will worsen substantially by the year 2000."

This shortfall in cargo ships is mainly the result of the decline in the American merchant fleet, which has decreased from 843 ships in 1970 to 369 today. The reduction in the size of the American merchant marine is considered to be especially critical by defense planners, because of a serious side effect. As the commerical fleet shrinks, the pool of mariners available to man the Ready Reserve Force is progressively eliminated.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Commission was equally concerned with the decline of our shipbuilding and repair industry. Since 1982, 76 American shipyards have closed and more than 52,000 members of the workforce have gone away. The impact on our mobilization planning is serious. In time of war, our shipyards must have the additional capacity to break-out the ready reserve fleet, to accelerate the overhaul and production of naval ships, to repair battle damage and provide replacements for combat losses.

The shipbuilding and repair industry simply cannot maintain a mobilization base adequate to these tasks depending upon naval construction work alone. There needs to be an augmentation of commerical work in our shipyards. The Commission concluded that:

"The base of shipyards and repair facilities, and their industrial suppliers is currently inadequate in that sense and is continuing to deteriorate at an alarmingly progressive rate. Maintaining the shipbuilding and repair segment of the industrial base required to sustain a protracted general war is essential to deterring or winning such a war."

The ability of the United States to sustain a protracted long term conventional conflict with the Soviets, although essentially ignored by the OMB staff review, is a matter of deep concern at the national level of defense policy planners. Secretary of Defense Casper Weinberger recently stated to the Congress,

"It goes without saying that should our policy to deter aggression fail and a conventional conflict be forced upon us, the United States would bend every effort to win the war as quickly as possible. The essential purpose of our readiness for conventional warfare is to prevent war by deterring aggression. Deterrence would be weakened if the enemy were misled to believe that he could easily outlast us in a conventional war if we were unprepared to sustain the conflict, the adversary might expect we would have to seek a truce by conceding vital territory to his control. The efforts that I have initiated to overcome the short war fallacy—improve sustained ability for U.S. forces, a strength and capability to expand defense production, and appropriate changes in the strategy and tactics—are essential to reduce the likelihood of war."

This first report of the Bennett Commission is only the initial step in what is hoped will be a successful program to correct major deficiencies in our national security posture.

Ultimately its Recommendations must be enacted into legislation and translated into new policies and directives. For this to happen, there must be support within key agencies and from responsible officials within our Government. I believe that support will be there. It was encouraging to hear the words of the Chairman of the Joint Chiefs of Staff, Admiral William J. Crowe, U.S. Navy, who said, quote:

"The decline in the size and capacity of the U.S. merchant marine has been a major concern of DOD national security planners. However, in its present diminished state, it remains an integral element of our preparedness for war and a critical pillar of deterrence. In this era of constrained resources, if there were no U.S.-flag merchant marine, it would have to be replaced by a government-owned and operated sealift fleet—at considerable additional expense to acquire and operate."

But it does seem ironic that during these past few years of the accelerated decline of the American maritime industries, our need for maritime forces has actually increased. A new U.S. military Command has been created in the Indian Ocean with no American combatant ground forces in the theater, as there are in the Atlantic, Pacific and European Commands. The operating forces of this new Central Command will have to be deployed into the area, along with their equipment and support, and more than 90% will have to go by sea. Even as these new responsibilities for U.S. presence in the most remote regions of the world are being created, the overseas base structure available to American forces are experiencing a sharp decline. Gone is our base structure in Southeast Asia, we are being asked to remove our land-based tactical air forces from Spain; access to other NATO bases for unilateral U.S. military operations is questionable; and there is deep concern for the future availability of our major bases in the Philippines.

In contrast, one cannot help but observe the continuing growth of the Soviet navy, which includes their merchant marine, in both numbers and quality. From a small fleet of absolescent cargo ships, Morflot, the Russian merchant marine, has grown into a modern, efficient, technologically advanced commercial fleet, specifically designed to support Soviet national objectives. This transformation, spanning less than two decades, was not left to the chance vagaries of international ocean trade. It was clearly a commitment by the USSR to create a commercial ocean-going fleet that would satisfy the Soviet's military, foreign policy, and trade objectives. This Soviet commitment is especially interesting when the geopolitical situation of Russia is considered: Historically a major Eurasian land power, with the People's Republic of China to the East, and its Warsaw Pack allies on its western border, the Soviets can defend themselves from the Chinese, support their Warsaw Pact allies, and invade NATO without ever crossing a major body of water.

The Russians clearly understand the importance of seapower.

However, I am convinced that as a result of the Bennett Commission, and with the constant efforts of the Seapower Subcommittee of the House Armed Services Committee, under this chairmanship of Congressman Charles Bennett, there will be a wider national awarness and a better understanding of the importance of our maritime industries and the need to solve the problems that beset them. This nation simply must continue to make progress in strengthening our traditional maritime posture.

FORMER AMBASSADOR JEANE KIRKPATRICK VIEWS TIBETANS AS "SECOND CLASS CITIZENS IN THEIR OWN HOMELAND"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. LANTOS. Mr. Speaker, I wish to place into the RECORD an article by former United Nations Ambassador Jeane Kirkpatrick about the plight of Tibetans under Chinese rule in their own country. The Tibetans suffer, she says, as a direct result of political violence used against unarmed people. I think it is a succinct explanation of the situation in Tibet. The article, which ran in the Washington Post on December 21, 1987, follows:

[From the Washington Post, Dec. 21, 1987]

"SECOND-CLASS CITIZENS IN THEIR OWN HOMELAND"

(By Jeane Kirkpatrick)

It is the season of the neediest cases. In cities all over America, attention is focused on those with especially terrible problems in the expectation that the rest of us will offer sympathy and help as we undertake our celebrations.

It is just as good a time to look at the world's neediest cases—places like Ethiopia, Afghanistan, Cambodia and Tibet—where millions suffer chronic hunger, exile, repression, separation from family and hardship beyond belief.

Unlike suffering rooted in the human condition (illness, old age, loss of loved ones) or in the failure of social policies (poverty, unemployment, homelessness), the misery of Ethiopians, Afghans, Cambodians, Tibetans is a direct result of political violence used by governments against unarmed people.

Ethiopian President Mengistu Haile Mariam employs violence against helpless hordes of Eritreans whom he is determined to conquer; Vietnam's government employs violence against the Cambodians who survived Pol Pot's murderous utopia (only to fall victim to invasion and occupation); Soviet armies employ violence against the fierce but battered Afghans; and the People's Republic of China employs violence against the long-suffering people of Tibet.

In each case a foreign government uses force to subdue an ethnically and culturally distinct people. In each case conquest and the denial of self-determination have served as preface to the denial of most of the rights protected by the International Declaration of Human Rights. In each case the effort to conquer a people has led to suppression, dispersion, relocation, massive disruption of the social structure—and mass murder.

Conquest is not a memory from history books. It is happening now as these modern (Communist) governments use force against unarmed populations.

What is called the "international community" does precious little for the victims of these violent policies. Food aid is provided to Ethiopians under an unspoken rule of silence about the causes of their man-made famine. Some governments (including the United States) provide assistance to "freedom fighters" who struggle against the occupations of Cambodia and Afghanistan, and each year the United Nations General Assembly passes discreet resolutions calling for the withdrawal of "foreign" troops from these lands.

Even less notice is taken of the quiet, nonviolent people of Tibet, whose land and culture are victims of a determined campaign of destruction and transformation. The "international community" remained silent even after this fall's executions and repressions laid bare the brute force on which China's policies for Tibet depend.

Though doggedly "Chinese" in its perspective on the region, even the Far East Bureau of the State Department has recently affirmed in testimony before Congress "the depredations and massive violations of basic human rights perpetrated against the Tibetan people since the entry of the People's Liberation Army into the area of Tibet in 1950."

Even the State Department does not deny China's determined efforts to eradicate Tibet's language, culture and religions. Department spokesmen understand the terrible Tibetan toll of forced collectivization and disastrous agricultural policies in the '60s. They know, too, that the Cultural Revolution made Buddhist Tibet a special target of its campaign. All religious institutions were attacked, religious monuments destroyed, monks murdered and 100,000 Tibetans driven into exile in Bhutan, Nepal and India.

It is estimated that more than a million Tibetans—nearly one-sixth of the total population—have died as a result of China's policies. Some 6,000 monasteries have been destroyed. Tibetan children have been removed from their families for "education" in China. Occupation armies have been permanently stationed in Tibet.

With the onset of liberalization in China, Hu Yao Bang made a public apology and announced new policies for Tibet. Tibetans were allowed to rebuild certain monasteries and to worship in them. But the practice and study of religion remain severely restricted by law, and now Yu Yao Bang himself has been purged.

Meanwhile, a deliberate massive resettlement program has attracted millions of Chinese into Tibet, where they enjoy unusually high wages and good living conditions. Today Chinese outnumber Tibetans in their own homeland (some 7.5 million to 6 million). Tibetans suffer systematic discrimination and segregation. The per-capita income of Tibetans is one-third that of the Chinese. Their life expectancy is 20 years below the Chinese average. The Tibetans literacy rate is far lower, their health poorer, their housing more primitive. As the Dalai Lama notes, the Chinese government has made Tibetans "second class citizens in their own homeland."

That government and its apologists explain the Tibetan suffering as the more or less normal consequence of modernization of a "semi-feudal theocracy," which is what they call Tibet. But it is not so. Tibet's miseries are a consequence of repression, not of modernization. Modernization builds on existing cultures. It does not destroy them.

This fall, when Tibetan demonstrations were harshly repressed and public executions held to intimidate Tibetans, the U.S. Congress understood better than the State Department the moral imperatives for American solidarity with Tibetans, who seek nothing more than the human rights our foreign policy affirms for all people.

By overwhelming votes, both houses of Congress expressed their concern over human rights violations in Tibet and affirmed the rights of Tibetans to democratic freedoms.

Now, in the season of Hanukkah and Christmas, the rest of us should find ways to express our solidarity with Tibet's struggle.

The campaign to let Poland be Poland and its accompanying sanctions have helped the Poles in their hour of greatest need. Surely now a determined American government can find ways to help the peaceful people of Tibet be Tibetan.

TRIBUTE TO MR. JACK REEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. TRAFICANT. Mr. Speaker, I am honored to stand before you to pay tribute to Mr. Jack Reel of Ohio.

Mr. Reel is a reflection of what this great Nation is all about. He was born on a farm in 1940 and graduated from Austintown-Fitch High School in 1939. He later married Vada May and they now live on the farm where he was born.

Jack entered the Army on August 12, 1942, and attended Officer Candidate School at Fort Sill, OK. He served in the Philippines during World War II and was part of the occupation forces in Japan. He had reached the position of lieutenant when he left the Army.

Jack is a member of the Smith Corners Methodist Church and is a former Sunday school teacher and superintendent. He has not missed a Sunday worship for 25 years. For 26 years he has been a 4-H Club leader and advisory committee officer. He spent 11 years as a chairman to the county extension advisory committee and has been the deputy master of the Mahoning County Granges since 1969.

His list of accomplishments and volunteer work is more than impressive. I am proud to represent such a fine citizen. May his giving and generosity continue. All of us in the Mahoning Valley are proud of Jack Reel and I am honored to pay tribute to this hard working and compassionate man.

THE HERITAGE FOUNDATION REPORT ON KOREAN ELECTIONS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. COURTER. Mr. Speaker, the presidential election of December 16 marks a long stride forward for the people of the Republic of South Korea. Despite many expressions of fear—by foreigners and Koreans alike—that the election would be marred by violence or fraud, it proceeded calmly and soberly. It would seem that the Korean people are satisfied that the election was honest, as well.

Despite his repeated predictions that fraud would be systematic, and his spokesman's explicit warning that blood would flow as a result, one of the opposition candidates, Kim Dae-Jung, has since admitted that his failure to unite with other opposition forces permitted Democratic Justice Party candidate Roe Tae Woo a victory. The likelihood that the opposition would be doomed by their divisions was a subject much discussed by Koreans prior to the balloting.

Indeed, writing as early as August 26, 1985, in the Asian Wall Street Journal Weekly, Heritage Foundation analyst Daryl Plunk stressed the deep divisions between Kim Dae-Jung and Kim Young Sam and declared that "the political opposition in South Korea is at a crossroads." The two Kims failed to take the same path, and the opposition divided behind them.

What matters in 1988 is that President-elect Roh Tae Woo, victorious by a margin of nearly 2 million votes, continue to give evidence of the realism and magnanimity toward the opposition that he demonstrated during his brief candidacy. The movement toward democracy has been most impressive, and will most likely get another push from the upcoming elections for the national assembly.

The U.S. administration's policy has been to press the ROK on human rights questions and urge its government toward democracy while disdaining the occasional call from individual Members of Congress for sanctions. I judge that we have reason to be satisfied with the policy; it has had its small part in the progress of the South Koreans toward full political freedom. And, as Heritage analysts Richard D. Fisher, Jr., and Daryl M. Plunk conclude in their report on the elections, "A more democratic South Korea would enhance its already close ties with the United States and also contribute to Asian stability."

The Heritage Foundation "Executive Memo" follows:

AFTER SOUTH KOREA'S ELECTIONS, RECONCILIATION IS THE NEXT STEP TOWARD DEMOCRACY

(Updating Asian Study Center *Backgrounder* No. 64, "Confronting Political Change in South Korea," June 2, 1987.)

A new political era is dawning in the Republic of Korea. Last week's South Korean presidential election may be the country's most significant progress in political development since its formation in 1948. As the result of a fair and open electoral process, witnessed by many international observers including the authors of this paper, President-elect Roh Tae Woo, nominee of the ruling Democratic Justice Party, will be sworn in next February 26. This will mark the first peaceful transfer of executive power in South Korean history. Also inaugurated on that day will be a new and more democratic constitution drafted by all the major political parties.

Now that South Koreans have demonstrated that they can conduct honest elections, the next test for the country's fledgling democracy is for the defeated candidates—mainly Kim Young Sam of the Reunification Democratic Party and Kim Dae Jung of the Peace and Democracy Party—to show their readiness to concede peacefully. Both Kims have been charging, without producing proof, that the government rigged the election. Initially both Kims hinted that they might organize street demonstrations to show their opposition, but there have been increasing indications that both may soon accept the judgment of their countrymen.

DRAMATIC TURNAROUND

That the election proceeded peacefully was a change from the turbulent days of last June when hordes of often violent street demonstrators called for constitutional revision and a direct presidential election. They claimed that the existing indirect electoral college system was unfair. Roh Tae Woo, head of the ruling party, bowed to the pressure and on June 29 accepted virtually all the opposition demands. Within weeks the national legislature passed the new law that covered last week's election. It also approved the new constitution.

On election eve, December 15, most Korean and foreign observers believed that the race was too close to call. It turned out not to be close at all. Roh won 36 percent of the vote, with Kim Young Sam and Kim Dae Jung trailing with 27 and 26 percent respectively. Minor candidates accounted for the remaining votes. Roh's margin of victory was nearly two million of the 23 million votes cast. To be sure, there were isolated instances of voting irregularities ranging from allegations of vote buying to intimidation of official poll watchers. Charges have been leveled at both government and opposition camps. The Kims have not, however, offered firm evidence to substantiate their claims of "massive election fraud."

In keeping with the election law drafted by all major political parties, the election process was protected by an elaborate system of checks and balances. Observers from competing political parties were present at all stages of the election, from vote casting to ballot counting. An official of the U.S. embassy in Seoul commented on the day before the vote that "election procedures are very tight" and any "significant fraud would be highly vulnerable to exposure."

NO EVIDENCE OF FRAUD.

Reminiscent of international interest in last year's Filipino election, at least four U.S. observer teams traveled to South Korea. None of the American groups, including that sponsored by the pro-opposition Council for Democracy in Korea, reported any compelling proof of widespread election rigging. This was mirrored by comments to the Congress by Assistant Secretary of State Gaston Sigur that there is "no evidence of systematic fraud" and that the South Korean election "appears to have been conducted in an open and orderly manner." This position has received bipartisan congressional support, including that of the Chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, Stephen Solarz, the New York Democrat.

The next step in building South Korean democracy must be reconciliation and compromise by the three main candidates. President-elect Roh already has said that he is ready to start reconciliation talks with opposition leaders. The ability of all sides to cooperate will be tested in early 1988 when a new election law must be written for upcoming National Assembly elections.

CHALLENGES AHEAD.

Future elections are just one of many challenges facing the new government. Others include resolving the growing trade friction with the U.S. and seeking to improve relations with North Korea, which continues to pose a real military threat. Possible North Korean involvement in the destruction near Thailand of Korean Air flight 858 on November 29 reminds all South Koreans of the potential danger from the North. Also of great national importance are the upcoming 1988 Seoul Summer Olympic Games.

Washington can help its Korean ally by continuing its hands-off policy toward South Korean domestic politics. Koreans themselves are meeting the challenge of democratization. The Reagan Administration was wise to ignore the handful of liberal members of Congress who earlier this year proposed drastic U.S. measures against Seoul, including economic sanctions, to force South Korean democratic reforms. What the U.S. must do is to continue urging both sides to reconcile their differences. This would ensure that South Koreans continue making progress in the political arena commensurate with their impressive economic success. A more democratic South Korea would enhance its already close ties with the U.S. and also contribute to Asian stability.

RICHARD D. FISHER, JR.,
Policy Analyst.
DARYL M. PLUNK,
Visiting Fellow.

TRIBUTE TO RICHARD W. MITCHELL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FISH. Mr. Speaker, I rise today to pay tribute to an outstanding New Yorker from Poughkeepsie, Richard W. Mitchell. Dick is stepping down from his post as president of the Poughkeepsie Area Chamber of Commerce after nearly 18 years of service. Dick has been a catalyst for the entire community of Dutchess County in a period of unprecedented growth, and a valued friend to me.

For three decades, Dick has played an integral part in both the private and public sectors of the Hudson Valley. Serving as mayor of the city of Poughkeepsie from 1965–69, Dick supported Federal urban renewal for the area. He mastered its details and demonstrated skill and knowledge in negotiating with federal officials. That program initially drew criticism because much of the land that was cleared under the program was not developed for years. However, had there not been an urban renewal program in the sixties, the cost of revitalizing the innercity in subsequent years would have been astronomical. It was that type of foresight that distinguished Dick Mitchell's public career.

The summer of 1967 brought 3 days of racial disturbances to Poughkeepsie. A lesser man might have panicked, but Dick was able to help diffuse the situation and avoid the violence experienced by other cities. He had the right attributes to handle an explosive moment—patience, compassion and fairness.

Dick's second term saw needed development to Poughkeepsie's infrastructure, specifically an arterial system, though again he met with opposition. There was no easy way to improve the roads and meet the growing transportation needs of the community. Several houses had to be destroyed and the complexion of many neighborhoods changed. Such are the growing pains associated with any city revitalization. Tough decisions had to be made and Dick made them.

After leaving public office, Dick intended to return to the family business, the Mitchell Furniture Co. He had served as president of the company before taking on the job as mayor. Unfortunately, a fire devastated the business, and forced Dick to look for work elsewhere.

The Poughkeepsie Area Chamber of Commerce was fortunate to procure Dick's services, and he has served as its president for two decades. In that time, the membership has tripled and the chamber has gained widespread notoriety.

In his capacity as chamber president, Dick Mitchell has been a guiding hand in the development of the city of Poughkeepsie. The city in many ways is a monument to his foresight and tireless involvement.

Dick was also instrumental in organizing my annual Chamber of Commerce Day in Washington, which I have hosted with Congressman BEN GILMAN for the last 12 years. Members from the various chambers in our districts travel to Washington for a day-long program of speakers and discussion on Federal programs and current affairs. Every year our program has become bigger and better. Again, thanks to Dick's help.

I wish Dick and his lovely wife Wanda, all the best in the future. His service to the Hudson Valley has guided us wisely through many turbulent years. I consider myself lucky to have worked with him, and I am proud he is my friend. Good luck Dick.

DAV RESPONDS TO SPATE OF EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. MONTGOMERY. Mr. Speaker, on Wednesday, January 27, I submitted for the record a statement by Mr. Butch Joeckel, executive director of the Washington office of the Disabled American Veterans, expressing his views on the media opposition to the effort to upgrade the Veterans' Administration to a Cabinet-level department.

Mr. Joeckel's letter to me of January 6, 1988, which was inadvertently omitted from my submission last Wednesday, follows:

DISABLED AMERICAN VETERANS,
Washington, DC, January 6, 1988.

Hon. G.V. "SONNY" MONTGOMERY,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: The Washington Post printed four editorals in about one month against the pending legislation that would elevate the VA to Cabinet level. Yesterday, the Post printed an op-ed piece by former Agriculture Secretary John Block that also opposes Cabinet status for the VA.

Mr. Block touts himself as an active veteran. But after graduating from West Point in 1957, Mr. Block resigned from the Army in 1960 to pursue his private fortune. Apart from the fact that 3 years of military service hardly repays the Government for 4 expensive years of an Academy education, Mr. Block's minimal service occurred exclusively in time of peace.

Mr. Block's lack of wartime experience undermines his credibility on a fundamental aspect of the Cabinet proposal as a bridge between veterans of wars divided by a generation. The Post, too, seems insensitive to this issue, as pointed out in the enclosed manuscript that we submitted but which the Post refused to print.

We would appreciate your printing both this letter and the enclosed manuscript in the CONGRESSIONAL RECORD in an effort to insure an audience for what we believe is an important pro-Cabinet idea.

Sincerely,

CHARLES E. JOECKEL, Jr.,
Executive Director.

ELIMINATE TAX EXEMPT FINANCING AND DEPRECIATION FOR JAPANESE CONSTRUCTION IN THE UNITED STATES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. STARK. Mr. Speaker, today I would like to introduce legislation to deny depreciation for tax purposes and the use of tax exempt bonds to finance buildings constructed with Japanese engineering or architectural services.

Japan has consistantly refused to allow foreign firms to participate fully in Japanese construction projects. Although the United States has had open construction markets for years, allowing foreign nations to compete for construction jobs in the United States, Japan has had restrictions on construction bidding which kept foreign bidders out of the Japanese market.

Under the Japanese construction practices, contractors are chosen from a select group of bidders. To get on the list of bidders, a company must first be licensed, and the Japanese will only grant a license to companies with Japanese experience, a catch 22 situation if ever there was one! As a result, United States companies have not been able to break into Japan's $200 billion a year construction market.

Meanwhile, the Japanese construction firms have aggressively penetrated the United States construction market. While Japanese construction firms had less than $50 million of the United States construction market in 1981, Japanese market share for United States construction projects by 1987 was approximately $3 billion.

The closed Japanese market has contributed to our trade imbalance with Japan, now running about $4.9 billion a month. This trade imbalance costs American workers jobs: each billion dollars of trade deficit results in 10,000 lost American jobs.

Congress has begun to correct this situation. In the recently passed continuing appropriations bill, we approved a measure which prohibited the Federal Government from procurring construction services for United States public works projects from Japanese firms during fiscal year 1988. In 1987, Japan's share of the United States public works market was $100 million.

Now, it is appropriate to make similar restraints for Japanese construction firms bidding on private sector United States construction jobs. By eliminating tax exempt financing and depreciation for Japanese construction in the United States, we will at least reduce our trade imbalance while we resume negotiations with the Japanese.

The text of the bill is as follows:

H.R. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF DEPRECIATION.

Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) DENIAL OF DEPRECIATION FOR BUILDINGS CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, no deduction for depreciation or amortization shall be allowed for any building if 1 percent or more of the cost of such building (determined as of the completion of its construction) is attributable to services performed by Japanese persons.

"(2) JAPANESE PERSON.—For purposes of this subsection, the term 'Japanese person' means—

"(A) any citizen or national of Japan,

"(B) any corporation, partnership, or other entity created or organized under the laws of Japan or any subdivision thereof,

"(C) any instrumentality of Japan or a subdivision thereof, and

"(D) any corporation, partnership, or other entity owned or controlled (directly or indirectly) by 1 or more persons or entities described in subparagraph (A), (B), or (C).".

SEC. 2. DENIAL OF USE OF TAX-EXEMPT BONDS.

Section 149 of the Internal Revenue code of 1986 is amended by adding at the end thereof the following new subsection:

"(f) FACILITIES CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Nothing in section 103(a) or any other provision of law shall be construed to provide an exemption from Federal income tax for interest on any bond issued as part of an issue 1 percent or more of the proceeds of which are to be used to provide Japanese constructed facilities.

"(2) JAPANESE CONSTRUCTED FACILITY.—For purposes of this subsection, the term 'Japanese constructed facility' means any facility if 1 percent or more of the cost of such facility (determined as of the completion of its construction) is attributable to services performed by Japanese persons (as defined in section 167(r)(3)).".

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall apply to property the construction of which begins after December 31, 1987.

MARCH OF FOLLY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. GARCIA. Mr. Speaker, I am submitting for the RECORD the following article by Wayne S. Smith from the January 29 New York Times so that Congress will not miss the opportunity to halt the "march of folly" led by the administration in its pursuit of further Contra aid. Despite Nicaragua's willingness to negotiate their differences with the United States, including the United States concern regarding a Soviet buildup, the administration continues to ask for support to the Contras. The Congress should consider in what way U.S. foreign policy objectives are best achieved in the Central American region. I think Dr. Smith is on the right track.

[From the New York Times, Jan. 29, 1988]

THE "MARCH OF FOLLY" IN FURTHER CONTRA AID

(By Wayne S. Smith)

WASHINGTON.—In her classic book, "The March of Folly," the historian Barbara Tuchman notes the compulsion of national leaders all through history to behave woodenheadedly—that is, to follow policies contrary to those indicated by good sense and enlightened self-interest. Calling Philip II of Spain "the surpassing woodenhead of all sovereigns," she observes, "No experience of the failure of his policy could shake his belief in its essential excellence."

Philip's title is now on the line. In seven year's time, our policy of aiding the contras has produced only Irangate, national humiliation and the condemnation of the United States by the World Court—to say nothing of the suffering it has caused in Nicaragua. The contras cannot defeat the Sandinistas; they can only harass them, and harassment advances no discernible objective of the United States.

And yet, still convinced of the essential excellence of his policy, President Reagan has now asked the Congress for $36 million in contra aid, including $3.6 million in delayed military aid.

How does the President justify this request? By warning, in his State of the Union Message, that while the Sandinistas talk of peace, they and the Soviet Union are planning a large-scale military buildup—which presumably only contra aid can stop.

In fact, it is quite the other way around. As President Daniel Ortega Saavedra made clear in an article on the Op-Ed page of The New York Times on Jan. 14, there will be no augmentation of Nicaraguan forces if the plan authored by President Oscar Arias Sánchez of Nicaragua works. Indeed, they could then be reduced.

True, as reported by the Nicaragua defector, Maj. Roger Miranda, Moscow and Managua have discussed both the possible creation of a militia of 600,000 members and Nicaragua's acquisition of more sophisticated weapons. But as Nicaraguan documents that he turned over to Washington indicated, the determinate in any such upgrading would be "a sustained escalation of America aggression via a mercenary war and the continuing threat of a large-scale military action on the part of the United States."

Both in his article and in a subsequent letter to President Reagan, President Ortega urged that rather than permitting things to come to such a pass, the United States and Nicaragua negotiate their differences, and he emphasized Nicaragua's willingness to address United States security concerns.

President Reagan, of course, did not mention any of this in his State of the Union Message. That would have been embarrassing, for it would have contradicted his assertion that the Sandinistas were saying one thing and doing another, and it would also have raised questions about why Mr. Reagan, in spite of his expressed concern over a Soviet buildup, so recklessly rejected overtures that addressed that concern.

Perhaps President Reagan considers negotiations with little Nicaragua to be beneath his dignity. But what of discussions with the Soviet Union? During the summit meeting, Mikhail S. Gorbachev suggested that both sides support the Arias plan—the United

States by ending aid to the contras, the Soviet Union by severely limiting any military shipments to Nicaragua.

If the President was worried about a Soviet buildup, here was a golden opportunity to head it off. But did the President seize the opportunity? Of course not! He did not even bother to respond.

Rather, he waited until Mr. Gorbachev was out of town and then began ringing alarm bells over the Miranda allegations as part of his scare tactics to get more contra aid.

He continued ringing them during his State of Union Message. It is an all too familiar pattern: Negotiations that might achieve our objectives are eschewed in favor of continued aid to the contras, who haven't a chance of achieving any of them. Philip II would have been envious.

The President also continues to insist that only by continuing aid to the contras can we hope to return democracy to Nicaragua. In fact, such aid has as little chance of encouraging democracy in Nicaragua as the President's economic policies did of balancing the Federal budget.

Nicaragua has just taken a number of long steps toward democratization—but to comply with the Arias plan, not as a concession to the contras. President Reagan may flippantly say "phooey." But it is a certainty that those steps toward democratization will be rescinded and the Arias plan fatally undermined should Congress approve any contra aid beyond the aid for resettlement purposes permitted by the Arias plan.

In short, President Reagan's policy in Nicaragua not only defies common sense but actually works against our stated objectives. If our nation is not to be dragged along any further on this march of folly, we must depend on the Congress to prevent it by refusing further aid to the contras, except for what might be used in resettling them.

UKRAINE UNDER THE U.S.S.R.

HON. JAMES J. FLORIO,

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FLORIO. Mr. Speaker, since the loss of Ukrainian sovereignty in the closing days of World War I, millions of individuals have been living under the unasked-for tutelage of the Union of Soviet Socialist Republics. These people, whose homeland is the Ukraine, have often found that their inalienable freedoms as human beings are not respected or that their rights as citizens of the Ukrainian homeland are not recognized.

On Wednesday, January 27, 1988, Ukrainians throughout the world along with the Ukrainian Congress Committee of America celebrated in spirit the 70th anniversary of the independence of the Ukrainian peoples. But the spirit that these individuals celebrate is that of the human spirit rather than of the political body.

January 27 is a time to remember that the Ukrainian peoples lead lives that are guarded over by the Soviet Government. The expression of national self-determination is completely circumscribed and the ability to profess religious beliefs is blocked at every turn and by every means available.

As a tribute to the spirit of the Ukrainian peoples, January 27 every year serves as a stark reminder that there is still much to be done to bring to light the plight of the Ukrainian peoples in the struggle for their civil rights.

In the 98th Congress, I introduced legislation establishing the Congressional Commission on the Ukrainian Famine to examine the historical facts behind this famine at the turn of the century. Currently at work on a comprehensive narrative of this period in the history of the Ukrainians' homeland, the Commission is investigating the causes and the consequences of the famine, seeking to understand the tragedy that befell the Ukrainians, the reasons for the famine, and the impact that this famine had on so many individuals.

Today, there is an opportunity through the expression of solidarity with the sentiments of these people to have an impact on their condition for the better.

In the Soviet Union, glasnost has given cautious pause for the possibilities that exist for the Ukrainian peoples and the many other peoples who share in the absence of personal and political freedoms.

In the years to come, perhaps there is hope that the spirit of the Ukraine will burn as brightly as it does with the celebration of this anniversary.

NAVY SECRETARY JAMES H. WEBB, JR., ADDRESSES THE NATIONAL PRESS CLUB

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. BENNETT. Mr. Speaker, I include at this point in the RECORD, excerpts from an excellent speech made by Secretary James Webb speaking before the National Press Club last month concerning the new times and new challenges we have in the field of national defense.

NAVY SECRETARY JAMES H. WEBB, JR., ADDRESSES THE NATIONAL PRESS CLUB

We are not as rich, compared to other nations with whom we are allied, as we were when we sketched out the basic framework of our international military presence just after World War Two. In the decade following that war, our country consistently produced more than 40 percent of the world's Gross Domestic Product. In recent years, that figure has been about 25 percent.

Nor is the Defense Department as well off as it was even a year ago, and the future looks equally difficult. As most of you know, last month the Department of Defense was required to reduce an existing fiscal 1989 budget by more than 33 billion dollars.

We are being told in no uncertain terms, and from many different fronts, that due to fiscal realities the U.S. military of the future must be smaller and more efficient.

We are also hearing, quite frequently and with equal fervor, that in the aftermath of the INF agreements that conventional threats in Europe will be larger, and that conventional force structure there should receive more emphasis.

We also know, and there is no question about this, that our future as a nation is very closely tied to Asia in economic and political terms, and that we must do a better job of attending to the economic, political and security issues here in our own hemisphere.

And the overriding reality is that it should be obvious that a smaller United States military, no matter how efficient, cannot attend to all of these matters by itself, at least not in the same way that it has over the past 42 years.

The key question for our national leadership as it struggles with these realities is not one program or another in the budget, as has so often been the case, but whether, and how, the United States can maintain its commitments throughout the world, while at the same time reducing the size and force structure of its military.

It is a little bit easier to point out what we cannot do. The first answer is that we cannot do it at all without a great deal of risk, in both diplomatic and military terms. The second, and I have been saying this for much longer than I have been Secretary of the Navy, is that it would be impossible to do it with any degree of effectiveness and at the same time reduce the size of our Navy. And the third answer is that we cannot do it without the increased cooperation and help of our allies.

Allow me to advance the following thoughts as an analytical beginning:

First, although a great deal of energy and money is dedicated to our NATO alliance, and although this alliance is one of the keystones of our military structure, we need to remind ourselves from time to time that we are more than a European nation. We are a global nation with largely European antecedents, continuing European interests, and national loyalties to Western Europe's fundamental objectives. We must remain strong in Europe, but we also have the obligation to view the Soviet military threat in global, rather than regional terms, and to address that threat worldwide.

Second, the United States is becoming more intertwined with Asia, and the issues involving Asia are moving to the forefront in the world community. In 1986 the United States did 219 billion dollars gross trade in Asia, 75 percent more than its gross trade with the Atlantic nations. In economic, cultural and political terms, we are becoming increasingly more tied to Asia, and it is imperative that we match those ties with the military capability to protect our interests and honor our obligations to friends and allies in the region.

The Soviets have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are fighter, bomber and long range reconnaissance aircraft. They have increased their Far East Command by ten divisions over the last ten years, and now have 530,000 ground troops in East Asia, in addition to another 200,000 spread through Mongolia, the Transbaikal, and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is now the largest of its four fleets, with 840 warships as opposed to 750 a decade ago. These ships include two Kiev class aircraft carriers, a Kirov class nuclear guided missile cruiser, 41 percent of the heavy surface ships in the entire Soviet navy, 37 percent of the combat aircraft in Soviet naval aviation, 40 percent of all their SSBNs, and extensive amphibious capabilities.

Japan clearly has the resources and the national interest to pick up more of the defense load in Asia. Japan is becoming the largest creditor nation in the world. More than half of the oil that passes through the Straits of Hormuz goes to Japan. I personally recommended as early as 1973 that Japan include the defense of its sea lanes, even as far as the Indian Ocean, in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid in our alliance without inciting the concern of other nations in the region that attended its land occupations of forty-five and fifty years ago.

Third, we must consider the Soviets themselves. No analysis of our own future defense priorities can leave them out. There has been considerable discussion of late regarding changes taking place within the Soviet Union. It would be inappropriate for me, and beyond the scope of this speech, to address these changes in any detail, but two observations seem inescapable. First, Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must be careful to signal to the Soviets that this is a refinement of our capabilites, rather than a reduction of them. And second, an improved situation in Europe, absent a stand-down of conventional forces taken out of that theater, may well increase rather than decrease Soviet pressure in other areas.

Fourth, we must pay greater attention to our own hemisphere, and to the Third World as a whole. I mentioned that we are becoming more intertwined with Asia, and the same is true with Latin America. This nation's principal movements, in economic, cultural and political terms, are west and south. The changing ethnic makeup of the country itself shows this.

In Latin America, the Soviets operate roughly 7600 military personnel in Cuba, and another 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than 600 million dollars of equipment to the Sandinista regime as well. The Cubans contribute another 2500 troops in Nicaragua.

The overriding guidepost for the future is that our conventional force structure must provide us the most utility and the most capability in the global arena. This requires versatility in terms of military mission. It means that forces dedicated to static defensive missions must be scrutinized and altered when possible in favor of units that can deploy and fight wherever they are needed.

Our place in the world has been guaranteed by our maritime power, particularly during this century. We are a maritime nation by virtue of our geographic position, economic necessity, and political commitment. American seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialistic reasons. It maintains international security and stability, including protection of those nations whom we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half of our nuclear capability at one-fourth of the overall cost for the strategic nuclear Triad.

At this moment, of our total fleet of 569 ships, which includes the naval reserve, 157 are at sea, 112 outside of their local operating areas, 91 them forward deployed at potential hot spots around the world. These numbers are actually a bit low, due to the respite of the holiday season.

We need not speculate on what would happen if we cut back naval force structure. Those who claim that the last seven years have shown the greatest peacetime buildup of the U.S. Navy forget that the decade that preceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the greatest navy in the world had been cut in half, to a force of only 479 combatants. Operational commitments, so often driven by national command authority needs, did not decrease.

In an ever more complex world environment, and with a U.S. military force structure that we are told will be smaller, we can expect national command authority commitments, or what the budgeters euphemistically call "unprogrammed contingencies," to at least remain the same, and perhaps to increase. It would seem illogical to reduce the size of our sea services at the very moment in history when they should be assuming an even greater role in our international security posture, unless our leaders wish to consciously acknowledge that we will be unable to meet the contingencies of the future.

I would hope that a different decision will be made. I would hope that we will instead have the courage to fully debate the nature of our obligations, as well as the nature of our allies' obligations to us, and to sort out exactly what it is we are defending and how this defense can best be accomplished.

THE RAPPELLING WAYS OF COUNCILMAN BOB HOFFMAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. LANTOS. Mr. Speaker, an American flag and a copy of the U.S. Constitution now rest atop Mount Vinson 16,857 feet above sea level in Antarctica, thanks to the efforts of Bob Hoffman, a city councilman and two-term mayor of Belmont, a community in my district.

Hoffman led a team of six climbers to the top of the mountain, named after the late U.S. Congressman Carl Vinson, a strong proponent of research in Antarctica, in November. From a base camp at a 7,000-foot altitude in the Ellsworth Mountains, the team fought fierce storms and 30 below zero temperatures to reach the summit, the highest on the icy continent. At times, winds gusted to 70 miles per hour, forcing the climbers to build ice walls for protection.

The climb took 2 weeks; Hoffman and his crew spent Thanksgiving inside a tiny tent and ate spaghetti, soup, and tuna. Upon reaching the top, a flag and a copy of the U.S. Constitution presented by this office were left there, as symbols of freedom in a frozen wasteland. By international treaty, no nation lays claim to Antarctica, and all are free to explore its wonders and unlock its secrets.

Why does he climb mountains? Hoffman avoids the usual cliches about "because it is there" and gives an explanation that most climbers feel. As he told the San Mateo Times:

> All of your senses are alive—to be on the edge and flirt with that kind of danger, and be able to succeed—it's a wonderful feeling. Part of the lure is knowing that not a lot of people will ever do it.

Indeed, since Mount Vinson was discovered 30 years ago, only a few expeditions have succeeded in conquering it, the last in 1965. The climb itself is not that difficult by mountaineering standards. What makes Vinson a challenge is its hostile environment and the logistical planning required simply to get in place to climb the mountain.

Mr. Speaker, I wish to commend Bob Hoffman for his efforts, for his spirit and for his adventure, which took a small part of America to a hostile wilderness.

TRIBUTE TO MRS. VADA MAY REEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Mrs. Vada May Reel of Ohio.

Her list of community service is rather impressive. She graduated from Austintown-Fitch High School in 1940 and married Jack Reel 2 years later. She has not missed a Sunday service in 52 years and has played the organ for Sunday worship since she was 14. Mrs. Reel has been a Sunday school teacher, a youth director, a member of the district pastorate, and has been active in local women's societies at both district and conference levels.

Outside the church, Vada May has been a member of the Mahoning County Extension Homemakers Council for 20 years, and had been a member and chairman of the County Extension Advisory Committee. She has served as a Junior Summer Camp Advisor, and has been a Mahoning County Deputy since 1969.

Mrs. Vada May Reel gives a tremendous amount of herself on behalf of the people of Ohio. How honored I am to represent such a generous woman. I pay tribute to her for her endless faith in God and those around her.

KLUGMANN: WE ALREADY HAVE A NEGOTIATED SETTLEMENT IN CENTRAL AMERICA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. COURTER. Mr. Speaker, so complex and intractable is the Central America problem that there has developed an insatiable appetite for negotiations and dialog of almost any kind. For the moment the Guatemala peace plan is the focus of all attention. But something very important is being left out of these conversations: there already is a negotiated peace settlement of the Nicaraguan matter. In one sense the real question is whether we intend to live by it.

Elaborate negotiations between the Sandinista front and the Organization of American States and its various members, including the United States, led in 1979 to a binding political agreement about the future of Nicaragua. That future, was to be a democratic one. And in 1985 the Congress passed a law—the International Security and Development Cooperation Act—which declares that U.S. policy will be guided by that agreement.

Mr. Speaker, I made these points in House Concurrent Resolution 41, introduced last February 5. They need to be made again, because in 1987 and 1988 we are debating a matter which we supposedly settled in 1979. I am extremely pleased to learn that Washington Times editorial writer Mark Klugmann has been doing a great deal of research into the background of the 1979 settlement, and has published a new article which draws upon that work. It makes most valuable reading, and I commend it to the attention of all my colleagues:

[From the Washington Times, Jan. 26, 1988]

CARTER'S UNFULFILLED DEAL

(By Mark Klugmann)

The crisis in Nicaragua has a forgotten history. It is the negotiated settlement by which the United States helped install Nicaragua's Sandinista government in 1979.

That this agreement has been virtually absent from the Nicaraguan debate is most unfortunate, but all too typical of America's failure to assert or enforce its past diplomatic solutions.

For example, U.S. officials rightly criticize Fidel Castro's on-going support for subversion in a dozen countries—but they rarely cite the stipulation of the Kennedy-Khrushchev agreement that bars Cuba from exporting revolution.

Similarly, Eastern Europe, Vietnam, human rights in the Soviet bloc, and other areas of concern are addressed by never-fulfilled, never-enforced negotiated agreements.

But in a key respect, the 1979 Nicaragua settlement is different. Some past agreements have faded from sight because they deal with bygone issues or because the United States has no appetite or instrument for enforcing them. But with the Nicaragua settlement, the issue is current and the enforcement policy—support for the freedom fighters—is already being carried out. Ironically, it is only the settlement which has been disremembered.

Back on July 20, 1979, the day after the Sandinistas took power, a standard news summary, Facts on File, would matter-of-factly write: "The U.S. negotiated an agreement with the leaders of the FSLN [the Sandinista party] while pressing Somoza to resign. When the FSLN had conceded a number of points that the U.S. felt were necessary to insure that the new government would not be dominated by communist sympathizers, Somoza was told that he could step down." The account would refer to "the plans for a peaceful transfer of power that had been painstakingly negotiated by [U.S. Amb.] Lawrence A. Pezzullo, the five-member rebel junta and Somoza."

But despite the record, diplomatic amnesia has set in. And as a result the Nicaragua issue is often misreported, as in a recent Associated Press story that termed the central policy question "whether the United States should be sponsoring a rebel force aimed at destabilizing a foreign government." Memories may fade, but facts don't.

The real question is whether the Sandinistas will be forced to comply with the negotiated settlement that legitimized them and enabled them to take power.

U.S. policy in Nicaragua is at a critical point. With the failure of the Arias plan to bring either peace or democracy to Nicaragua and with Congress scheduled to vote on new aid to the freedom fighters early next month, it is time to re-examine the still valid and binding 1979 negotiated settlement and restore the agreement to the primary role it deserves in public debate.

At minimum, it is essential to a truthful accounting of how we got where we are today. And it could hold the political key to renewing aid to the Nicaraguan resistance and removing the Sandinistas' brutal Marxist-Leninist regime.

Until recently, the Reagan administration made little mention of the 1979 settlement. Presidential speeches would briefly mention the Sandinistas' "broken promises," failing to explain that these commitments were part of a negotiated settlement that addressed political, security and human rights issues.

The Democrats in 1979 were not so modest about their accomplishment. In June of that year, Sen. Edward M. Kennedy and other senators pressing the Jimmy Carter administration on Nicaragua said plainly that their goal was ouster of President Anastasio Somoza and "a political settlement in Nicaragua."

President Carter's deputy secretary of State, Warren Christopher, candidly wrote to Mr. Kennedy three weeks before the Sandinistas were installed that "we are engaged in a wide-ranging diplomatic effort in Washington, in Managua and throughout the hemisphere. Our goal is a process which would remove Somoza peacefully and would lead to . . . the establishment of a new representative government."

The State Department, after Mr. Somoza's resignation and departure from Nicaragua, credited itself with having "worked to facilitate a peaceful and democratic solution." Mr. Carter, once Mr. Somoza was out and the Sandinista-dominated junta was in, boasted of having "[brought] about an orderly transition."

Mr. Carter later hosted Daniel Ortega at the White House and with the support of Congress provided $118 million in direct U.S. aid and led the world community in assembling a $1.6 billion financial package for Nicaragua's new government.

The Carter administration, with the support of liberal congressional Democrats, had cut off military, economic and political support from Mr. Somoza as he battled the Sandinista insurgency in order to force him to accept a settlement. As Nicaragua's civil war grew in intensity, the U.S. government conducted negotiations with the Somoza government, the communist Sandinistas, the genuinely democratic opposition to Mr. Somoza, and the Organization of American States.

The objectives of the Carter administration were codified on June 23, 1979, when the OAS passed a resolution calling for the "immediate and definitive replacement of the Somoza regime" and "the installation in Nicaraguan territory of a democratic government" that would honor "human rights," hold "free elections," and guarantee "peace, freedom and justice." This resolution was a request for a new government willing to meet certain political specifications. The Government of National Reconstruction junta—the Sandinista-dominated government-in-waiting—had positioned itself to fill that role by crafting a democratic facade and actively campaigning and negotiating with the United States and other OAS member states.

With Mr. Somoza still in power, Mr. Carter's envoys met repeatedly with the GNR junta to negotiate specific democratic requirements and, ultimately, finalize a plan for installing the five-member GNR junta. On July 12, 1979, a spokesman for the GNR junta said their talks with the United States had "reached the final stages." That same day, the GNR junta sent a cable to the OAS acknowledging the June 23 resolution and presenting their "Plan to Achieve Peace"—which they described as developed on the basis of the resolution—and the "Program of the Junta of the GNR."

The letter and attachments committed the junta to "free elections," "a broad-based democratic government," "full respect for human rights," "fundamental liberties," "freedom of religion," "union rights," "a mixed economy," "an independent foreign policy of non-alignment" and a "minimum" permanent military corps, among other specifics.

On July 15, 1979, the United States gave its approval to the GNR junta, based on the specific commitments received on July 12, and final plans were made for Mr. Somoza's resignation and the transfer of power.

The political settlement reached with the Sandinistas in 1979 is still unfulfilled, but the terms are good, guaranteeing real democracy and human rights for the people of Nicaragua—which, after all, was the objective of the American intervention against Mr. Somoza.

The settlement also fully protects the security of Central America and the United States by precluding Nicaragua from aiding communist guerrillas in Central America, basing thousands of Soviet bloc, Cuban, Palestine Liberation Organization, and Libyan military and intelligence personnel in Nicaragua or building a military capability greater than that of all its neighbors combined—which the Sandinistas have done.

The 1979 settlement must be enforced and complied with. Without the political settlement, the Sandinistas would not have gained power. And if the agreement is enforced, the United States' policy requirement of a genuinely democratic, peaceful Nicaragua will be satisfied and the yearning of the Nicaraguan people for democracy and freedom, expressed in their opposition to both the Somoza dictatorship and the Sandinista communists, will at long last be fulfilled.

But that is only part of what the settlement negotiated between the Carter administration and the Sandinistas does: It also recasts the American political debate over Nicaragua's communist regime, shifting the burden to the liberal wing of the Democratic Party, which helped bring the Sandinistas to power and which, most importantly, has opposed aiding the Nicaraguan resistance and enforcing the settlement.

Opponents of Contra aid have insisted that they are not defenders of the Sandinistas, they simply want a negotiated settlement.

The reality is that we already have a satisfactory negotiated settlement, and the Democratic Party is chiefly responsible for it. The agreement provides everything we require. The Sandinistas are not honoring it. The Contras are fighting to fulfill it. Some members of Congress are working to erase it.

Congressional liberals have for too long hidden behind a false choice by saying they seek a diplomatic solution, not a military solution.

The reality is that the Contras' armed struggle is not instead of a negotiated settlement, it is in enforcement of the settlement President Carter reached.

For Congress to terminate the Contras before the Sandinistas comply is effectively to convert the United States' 1979 intervention and settlement from a pro-democratic undertaking into one that served only to advance Soviet communism to the mainland of North America.

The failure of the Arias plan to deliver what it promised has focused renewed attention on the 1979 agreement. President Reagan, speaking last October before the OAS, bluntly stated that "there already exists a negotiated settlement with the Sandinistas that pre-dates the Guatemala plan—the settlement of 1979 . . . each nation here is a party to that negotiated settlement."

When it was Daniel Ortega's turn to speak to the OAS last November, he spent half his speech trying to escape the grip of the 1979 agreement, arguing a defense reminiscent of the man accused of murder who claimed he was out of town when it happened and, besides, he had acted in self-defense.

Mr. Ortega began by denying "the supposed violation of an inexistent commitment," then switched to arguing that "even supposing that such a political pledge had had the force of a legal commitment, it could not have justified the United States insisting [on] the fulfillment of the commitment made not directly toward the United States."

(Of course, Commandante Ortega knows that the Sandinistas made their democratic commitments directly to the United States: He personally participated in the 1979 negotiating sessions. And both Daniel Ortega and Sergio Ramirez, his vice president, signed the July 12, 1979, written commitments.)

Both congressional liberals and the Sandinista Marxists have used the Arias plan in an effort to defund the resistance and prevent their enforcement of the 1979 settlement. The Arias plan's concept of disarming and evicting the resistance today in exchange for promises of "democratization" tomorrow is utterly flawed and unenforceable.

By contrast, in 1979, Costa Rica provided both weapons and sanctuary to Sandinista guerrillas while democracy for Nicaragua was negotiated in San Jose; meanwhile, it was the dictator in Managua whose arms supplies were cut off and not the rebels'. No Central American president—certainly not Daniel Ortega—has the authority to sign away the legitimate claim of every Nicaraguan to the fundamental democratic rights provided under the 1979 settlement.

But at this point the shortcomings of the Arias plan are largely beside the point: The Arias plan's stipulations on human rights and democratization have not been honored by the Sandinistas, and the 90- and 150-day deadlines have each passed and been ignored.

What remains is what we have always had: the 1979 settlement, a group of brave Nicaraguans struggling to fulfill it, and a Communist regime determined to hold and expand its power in Central America.

Indeed, the Burton Amendment to the 1985 Foreign Assistance Act requires that U.S. policy in Nicaragua must be governed by the terms of the 1979 settlement. And after two Arias deadlines, three years of Contradora deliberations, many rounds of bilateral negotiations and numerous visits of congressional delegations, it has become quite clear: There is no other sound basis for U.S. policy besides the 1979 settlement.

When the Reagan administration asks Congress to renew aid to the Nicaraguan democractic resistance the message should be this: We have a binding negotiated settlement with the Sandinistas that guarantees true liberal democracy for the people of Nicaragua and assures the security of Central America and the United States. Under the auspices of the OAS, the settlement was achieved by a Democratic president with a Democratic Congress. The United States is morally obligated to enforce it, and our national security requires that we do.

If the Democrats now want to repudiate their own settlement rather than enforce it against a brutal and expansionist pro-Soviet communist dictatorship on the mainland of North America, let them tell the American people why.

Come November, the electorate will have a clear choice.

EASTERN ORANGE COUNTY CHAMBER OF COMMERCE MAKES GREAT STRIDES IN 1987

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FISH. Mr. Speaker, I rise on this occasion to pay tribute to the Eastern Orange County Chamber of Commerce, of Newburgh, NY, and its president, Dr. John D'Ambrosio, and its board chairman, Ian Van der Essen, for the outstanding gains the organization made in 1987, gains that benefit the entire community.

Having tripled in size since 1982, the chamber broke the 1,000-member mark during the past year and it now has the largest membership of any chamber of commerce between Albany and Westchester County.

Innovation is the mark of this organization. Economic development efforts by the Eastern Orange County Chamber created hundreds of new jobs in 1987. It is the only chamber in the mid-Hudson Valley with a full-time economic development staff to help existing business expand and new business relocate to the area.

The chamber's service corps of retired executives numbers 200 strong. Through this program, volunteer retired executives are available every Tuesday morning to consult with individuals thinking of starting their own business or those with a business running into trouble. This service is free and confidential.

Other services to members include the Eastern Orange County Chamber of Commerce health insurance program with over 1,000 participants from over 300 companies enrolled. Monthly membership breakfasts and mixers attract enthusiastic participation. The chamber publicizes the services of member organizations and eagerly participates in groundbreakings, grand openings and special community celebrations.

The four goals of the Eastern Orange Chamber of Commerce are economic development, increased tourism, improved public relations and membership development. The chamber has made great strides in the past year, and I have complete confidence that growth and expansion will continue through 1988.

THE LOSS OF PRESIDENT CHIANG CHING-KUO

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. KOSTMAYER. Mr. Speaker, the news of President Chiang's death on January 13, 1988, was a shock to the people on Taiwan, and they mourn his passing.

Chiang left behind an island country enjoying economic prosperity. Just as importantly he left behind a populace edging slowly but surely toward a fuller democracy.

Indeed, Chiang's greatest legacy may be the political reforms begun in the final 12 months of his life. He lifted martial law, he allowed opposition political parties to exist, he relaxed controls of newspapers, he permitted Taiwan residents to visit their relatives on the mainland, and he considered overhauling the legislature. Reform of this electoral system remains undone, leaving large numbers of people without equal representation. This should be an absolute priority of the new administration.

Chiang's political initiatives, though belated, have begun to transform how his people think and act. Despite open political demonstrations by the opposition political party which greatly irritated the conservative segments of society, Chiang, in his will, drafted 9 days before his death, expressed his wish:

> It is * * * my hope that you actively carry out constitutional democratic development without interruption.

We in this country hope that the pace of democratization will now quicken on Taiwan under the leadership of President Lee Teng-hui. There should be no excuses, and no turning back.

HAIL TO THE REDSKINS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. PARRIS. Mr. Speaker, yesterday our Washington Redskins scored a stunning upset of the Denver Broncos in Super Bowl XXII.

Not only did the Redskins surprise all of the so-called experts by winning, but in the course of that victory they broke five team records and nine individual ones.

These records include:

Team: total yards, 602; most yards rushing, 280; touchdowns, 6; most touchdowns in a quarter, 5; most points quarter, 35.

Individual: yards rushing, Timmy Smith, 204; yards passing, Doug Williams, 340; yards receiving, Ricky Sanders, 193; most combined yards, Ricky Sanders, 235; longest completion, Williams to Sanders, 80 yards (tied record); touchdown passes, Doug Williams, 4 (tied record); touchdowns rushing, Timmy Smith, 2 (tied record); touchdowns receiving, Ricky Sanders, 2 (tied record); point-after-touchdowns, Ali Haji-Sheikh, 6.

Not only were all of these records set, but football fans were treated to the most outstanding quarter in all of professional football history. These records really serve to emphasize what a team effort the Redskins' victory was. Outstanding defense, including five sacks of the quarterback and three interceptions, and brilliant play by the offensive line made it possible for Doug Williams, Timmy Smith, and Ricky Sanders to enter the record books.

Who would have thought that a rookie running back who didn't even know he was starting would break all the records for Super Bowl rushing—rushing in fact for more yards than he did throughout the regular season? Who would have thought that the top quarterback from the AFC would only complete about a third of his passes and be intercepted and sacked continually? Who would have thought that Doug Williams, despite root canal surgery on Saturday and a knee injury in the first quarter, would break all of the Super Bowl records for a quarterback?

Well, the only ones who could have known were those of us here in Washington, DC, who have learned that the essence of the Redskins' success was not individual raw talent, or a set of competing egos, but the process of teamwork, where the sum of the individual players exceeded the expectations of almost everyone.

What I love most about the Redskins, however, goes beyond whether or not they win or lose—although winning is infinitely preferable. The Redskins do more to unite the people of the Washington metropolitan area than anything else. When the Redskins are playing, Republicans and Democrats, Virginians and Marylanders, even Walter Fauntroy and myself, all band together to cheer the burgundy and gold on to victory.

Why do the Redskins' unite this city? It is because the Redskins' success is based on the principles all of us admire. Unity in the face of a tough opponent, spirit in the face of predictions of defeat, and a confidence not built around reliance on only oneself, but reliance on each other.

Mr. Speaker, this city is floating on air today, and good feelings are running high. Just about everyone is in a good mood—besides a certain Western State delegation which shall remain nameless—thanks to the victory of a hard-working bunch of football players who showed us what teamwork can do. Let's take advantage of this wonderful time to show what a little teamwork could do around here in Congress. Maybe we might upset the economic experts and set a few deficit-busting records ourselves.

CONGRESSMAN TONY P. HALL NOTES CZECHOSLOVAKIAN CHARTER 77 GROUP'S CALL FOR HUMAN RIGHTS SOLIDARITY WITH THE ROMANIAN PEOPLE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. HALL of Ohio. Mr. Speaker, many of my colleagues are familiar with the noted Czechoslovakian dissident group called charter 77. Indeed, many of us have joined together on various occasions to support them in their efforts on behalf of civil and political liberties for the people of Czechoslovakia.

Today, Mr. Speaker, I wish to join with Charter 77 to call attention to the human rights violations suffered by the people of Romania. Last month, Charter 77 called for a day of protest outside Romanian embassies throughout Europe today, February 1, in solidarity with the hardships suffered by Romanians under President Nicolae Ceausecu.

In their statement in support of the Romanian people, Charter 77 observed:

> Romania is a curious country: not only does its government deny its citizens elementary liberties to an extent which has no parallel in any other Soviet Bloc country, but it is not even capable of ensuring what the communist regimes call their "greatest achievement", the basic material and job security, which these regimes use as a means of self-legitimation.

The Charter 77 statement noted the lack of proper heating in Romanian apartments and offices during the harsh winter, and the fact that Romanians are allowed only two 40-watt light bulbs per apartment. In addition, basic foodstuffs, such as flour, sugar, and meat, are still rationed—43 years after World War II ended—or are not available at all.

Charter 77 also called attention to the sense of despair that has driven Romanian workers to riots and demonstrations. Last November, several thousand protesters demonstrated against the Ceausescu regime in Brasov. They ransacked the local Communist Party headquarters, destroyed portraits of Ceausescu, and painted antiregime slogans on buildings. The incidents sprang from protests against the management of the Red Flag tractor factory, where workers' pay had been reduced, dismissals had been scheduled, and day workers were told to work evenings to fulfill quotas. New accounts stated that some workers also were protesting food energy shortages.

It is estimated that 400 people were arrested in Brasov. Some of those arrested were reported to have been beaten. Reliable reports indicate that some 60 of the Brasov demonstrators still are being held in prison. As we recall the suffering of the Romanian people today in solidarity with Charter 77, it is appropriate to remember especially these prisoners and to call upon the Romanian Government to release them immediately without condition.

The Charter 77 statement points out that in well-heated and well-lit conference halls, people "tend to forget there is a country in Europe where people have neither heat nor light." Therefore, Charter 77 is calling for others in the world to try to live for a day in an unheated or badly lit apartment, and to try to deny themselves at least for a single day of "all those things that form our material living standard and that are permanently denied to the Romanians."

The plight of the people of Romania under the Ceausescu regime is well-known to Congress. Both the House and the Senate have passed amendments to the trade bill to lift "most-favored-nation" trade status to the Romanian Government for 6 months to protest that nation's human rights abuses. The amendments call special attention to the repression of religion by the Ceausescu government and the mistreatment of ethnic minorities, particularly the ethnic Hungarian minority. The Ceausescu government seems determined to stifle the activities of the Christian churches and to destroy the identity and cultural heritage of the Hungarians living in Romania.

I urge my colleagues to renew their support for human rights in Romania by asking the conferees on the trade bill to back the temporary suspension of MFN to Romania. In addition, I call upon my colleagues to ask President Reagan not to renew the annual extension of MFN to Romania this year.

In the meantime, let us join with Charter 77 this week to reflect on the suffering of the Romania people and to rededicate ourselves to initiatives to help bring to them liberty and respect for basic human rights.

ST. BARTHOLOMEW'S "GUEST SPEAKERS PROGRAM"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the St. Bartholomew School of Elmhurst, NY, for its commitment to a quality education for its students.

Last year, I had the pleasure of being the first public figure to participate in St. Bartholomew's "guest speakers program." This program introduces the students to interesting people from all walks of life.

This year, the school established a constitution and representative council for its first through eighth grade students. I was honored to help administer the oaths of office to the council at the inaugural ceremonies on January 29, 1988.

The principal of the school, Sister Margaret Schmit, and Mr. Thomas Straczynsky, who teaches social studies, have provided the guiding light of leadership in helping the students of St. Bartholomew's get an education beyond the classroom by challenging them to learn through participation.

This determination to expand the knowledge and interests of students is an example for other schools to emulate and deserves recognition.

I wish to congratulate Msgr. James Gottimer, the staff, and the students of "St.

Bart's" on this achievement, and wish them many more years of success.

CENTRAL AMERICA'S PEACE ACCORD

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FEIGHAN. Mr. Speaker, on January 15, the five Central American presidents met in San Jose, Costa Rica, to consider progress made to date under the Central American Peace Accord signed this past summer in Guatemala.

This important meeting marked a watershed in the recent history of the region and clearly demonstrated the Central American leader's firm desire and commitment to continuing the peace process. Today, I join a number of my colleagues on the Foreign Affairs Committee in introducing a resolution supporting these efforts, congratulating the Central American presidents, and most importantly, calling upon all parties to the Guatemala accord to meet fully all their obligations under the accord.

In their final communique, the Central American presidents realized that while progress toward peace had been made, much more needed to be done. They therefore committed their governments "unconditionally and unilaterally to total compliance, without excuses."

The Congress can support these leaders in their struggle to end the wars that plague the region. We can encourage their path to promote democracy and to build and strengthen democratic institutions in each country. The San Jose meeting marked another milestone in that struggle and should be recognized accordingly.

THIRTY-FOUR MAJOR LATIN AMERICAN DEMOCRATIC POLITICAL PARTIES CALL ON CONGRESS TO REJECT CONTRA AID

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. CROCKETT. Mr. Speaker, I wish to share with my colleagues the following documents: First, a memorandum from the Commission on United States-Latin American Relations transmitting a resolution of the Permanent Conference of Political Parties of Latin America and the Latin American Human Rights Association concerning the Guatemala peace process and Contra aid; second, a letter of transmittal from the executive secretary of the conference; and third, the text of the resolution itself.

The resolution implores this Congress in unmistakable terms to put an end to Contra aid. I hope we will heed their call. The material follows:

COMMISSION ON UNITED STATES-LATIN AMERICAN RELATIONS,
Washington, DC, January 28, 1988.

Re: Major Latin American political parties oppose Contra aid in message to U.S. Congress.

To: Members of Congress, the National Republican Party, the National Democratic Party 1988 Presidential candidates, members of the press.

From: Robert E. White, president, International Center for Development Policy; and Melinda DeLashmutt, director, Commission on U.S.-Latin American Relations

At a joint conference in Lima, Peru on Jan. 22-23, the Permanent Conference of Political Parties of Latin America (COPPPAL) and the Latin American Human Rights Association (ALDHU) urged the Congress of the United States to reject all aid to the contras. The conference resolution described the request for aid to contra forces in Nicaragua as a violation of the most elemental norms of international law and a threat to the efforts made thus far towards peace in the region.

The COPPPAL represents 34 major democratic political parties, including nine ruling parties. They make up 7 of the 8 governments within the Contadora and Support Group countries.[1] The ALDHU is a leading non-governmental organization in Latin America focusing on defense of human rights.

The attached letter and resolution for the U.S. Congress were given to representatives of the Commission on U.S.-Latin American Relations, official observers at the Lima conference, by the Executive Secretary of COPPPAL. The letter states in part:

"Within their resolution, both organizations urge the Congress of the United States to reject the request (for aid to the contras), thereby demonstrating its support in the search for political solutions and peaceful coexistence in the hemisphere. * * * To heed the calls presented by both organizations will not only go in favor of a stable peace in Central America but will also contribute to an improved coexistence with other countries of the continent."

The COPPPAL resolution reminds us that the Reagan administration policy in Central America has no democratic allies in Latin America.

The time has come to acknowledge that Latin America has a legitimate voice in the future of democracy and regional security. It is past time that we hear that voice.

The Commission on U.S.-Latin American Relations asks members of Congress and others involved in the contra aid debate to take into account these documents which reflect the majority voice of our Latin American neighbors.

For more information, call the Commission office at 202/547-3800.

COPPPAL,
January 27, 1988.

On January 22nd and 23rd, 1988, the eighth meeting of the Permanent Conference of Political Parties of Latin America (COPPPAL) was held in Lima, Peru. This meeting was held jointly with the Latin America Human Rights Association to discuss common interests. The principal issues discussed were:

(a) The evaluation and development of the peace efforts that began in Esquipulas II (Guatemala).

(b) The evaluation and development of the democratization process in the southern cone of Latin America.

We have the pleasure of sending you the attached Resolution that was unanimously adopted by our organization after final deliberation of the efforts in search of negotiated political solutions for a reasonable, honorable and just peace plan to ensure the countries and people of Central America long lasting peace.

Given that within this painful regional drama that are institutions of the United States involved, this Resolution includes a decision to send a copy to the Congress and the Democratic and Republican parties. Through this letter we respectfully request the Commission on U.S.-Latin American Relations to present this Resolution to its destination in the United States.

For such purposes, I believe it is important to inform you that COPPPAL (the Permanent Conference of Political Parties of Latin America) is a forum that constitutes 34 significant political parties of 20 nations in Latin America and the Caribbean. Nine of these parties are in government in their countries and others have a possibility of becoming so within the next month. Seven are (in government) within the so-called "Group of Eight", which encompasses the nations of the Contadora Group and its Support Group. The large majority are parties that have significant representation in the congresses of their countries. Where there still exist dictatorships, these parties are among the main forces of the democratic opposition.

The Latin American Human Rights Association (ALDHU) is composed of well known personalities of the academic, artistic and political circles from the majority of the countries of the region, with a meritorious record of serving in the defense and development of Human Rights. We are therefore referring to two organizations with a wide representation.

During these years, COPPPAL and ALDHU have held several meetings in which they have analyzed the problems of Central America, expressing upon many occasions their support for a just and honorable, peaceful solution that guarantees a peaceful coexistence and the development of democracy in the region. Their knowledge of the realities of the region has led them to reiterate that such goals are possible within the framework of the Contadora initiatives and the spirit of Esquipulas II.

Today, as we examine how the situation has evolved in the last months, both organizations concur with the recent report of the International Commission of Verification and Follow-up (C.I.S.V.)—as mandated by Esquipulas II—that "the policy and practice of the Government of the United States of furnishing assistance, military in particular, to the irregular forces that operate against the Government of Nicaragua," constitutes a policy of intervention. Therefore COPPPAL and ALDHU express their profound disagreement with the request for aid for the "Contras" soon to be considered by the U.S. Congress as a violation of International Law and as a threat that can make the efforts undertaken for peace to date, fail.

As a consequence, as part of its Resolution, both organizations call upon the Congress of the United States to reject the request for aid and to demonstrate its support in the search of political solutions and peaceful coexistence in the Hemisphere. At the same time, this is an appeal to all the countries in the area to impede the traffic of arms through their territories and the use of it for aggression against other states. It is also a call for a withdrawal of foreign military forces and advisers from Central America and to cease all military aid to the Governments and forces in the region.

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[1] Mexico, Brazil, Uruguay, Peru, Panama, Venezuela and Colombia.

While this Resolution does not explicitly condemn acts of aggression which violate both international and inter-American law, it does call attention to the forebodings of Latin American and Caribbean nations removed from the immediate zone of conflict. In their view, intervention not only sets a bad precedent, it raises profound fears for the future. Therefore, to take into consideration the Resolution approved by COPPPAL and ALDHU would not only help to bring about peace in Central America but would also contribute to improved relations with the nations of the continent.

Thanking you for your valuable attention given to our request so that this Resolution may be taken into consideration by members of Congress and by the leadership of the two major parties of the United States, we reiterate to you and to the Commission on U.S.-Latin American Relations our sincere gratitude.

For the Board of COPPPAL,

NILS CASTRO,
Executive Secretary.

RESOLUTION ON THE PROGRESS OF THE PEACE EFFORT INITIATED WITH ESQUIPULAS II

The Permanent Conference of Latin American Political Parties (COPPPAL), and the Latin American Human Rights Association (ALDHU), meeting in Lima, Peru, on January 22 and 23, 1988, Resolves:

To make clear our concern with regard to the obstacles and pressures confronting the peace efforts in Central America, which are still fragile; but also to express our conviction that an indispensable element in overcoming the present crisis is the continuity and compliance with all the commitments made by all the governments of the region;

To give unrestricted support to the agreements which emerged from the meeting of Central American Presidents, known as "Esquipulas II" and to recognize the important role played by the Contadora and the Support Groups whose mediation could prove vital for the establishment of peace in the area.

To express our profound disagreement with the request for aid to the "Contra" forces in Nicaragua, soon to be examined in the United States Congress, since it violates the most elemental norms of international law and threatens to abort the efforts made so far towards peace in the region. In this regard, COPPPAL urges the United States Congress not to approve this request, as a sign of its support in the search for political solutions to ensure peaceful coexistence in the Hemisphere.

To express our satisfaction with the work carried out by the International Commission of Verification and Follow-Up which has carried out the task it was set for, and to place on record our view that this commission should continue to contribute to the peace efforts through "In Situ" inspections to verify, control and follow up all commitments contained in the "Esquipulas II" Procedure.

To urge all the countries in the area to prevent arms traffic in their territories, in accordance with clause 6 of the above mentioned Procedure, as well as the use of their territory to attack other States.

To demand the withdrawal of foreign troops and military advisers from the Central American region and the suspensions of all military aid to governments and forces in the region;

To invite the Central American Governments to make every effort to achieve national reconciliation, democratization, cease fire and the fulfilment and supervision of their commitments.

To call on all parties involved to continue with the negotiations on all outstanding issues concerned with security, verification and control of the Contadora Act.

To call on all the parties involved, either directly or indirectly, to join their efforts in favour of peace and developement with renewed goodwill and in a spirit of cooperation.

To send a Note to the United States Congress and the Republican and Democratic Parties, which summarizes the contents of this Resolution as an annex to the Note.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 2, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

9:00 a.m.

Armed Services

To continue hearings on strategy and capabilities for NATO defense, focusing on NATO force deficiencies and improvements.

SR-325

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Wendy L. Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

SR-332

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Labor and Human Resources

Business meeting, to consider S. 1904, Polygraph Protection Act of 1987, S. 1950, Adolescent Family Life Demonstration Projects Act of 1987, and the nomination of Thomas G. Pownall, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship & Excellence in Education Foundation, Esther K. Everett, of New York, and Helen J. Valerio, of Massachusetts, each to be a Member of the National Advisory Council on Women's Educational Programs, Carolynn Reid-Wallace, of the District of Columbia, to be a Member of the National Council on the Humanities, and Robert L. McElrath, of Tennessee, and J. Wade Gilley, of Virginia, each to be a Member of the National Advisory Council on Educational Research and Improvement.

SD-430

Select on Intelligence

Closed business meeting.

SH-219

10:30 a.m.

Judiciary

Courts and Administrative Practice Subcommittee

Business meeting, to mark up S. 951, to establish the Federal Courts Study Commission on the future of the Federal Judiciary.

SD-226

2:00 p.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on S. 1934, to provide for the construction of a Federal office building adjacent to Union Station in Washington, D.C. to consolidate certain judicial branch offices.

SD-406

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 4

9:00 a.m.

Armed Services

To continue hearings on strategy and capabilities for NATO defense, focusing on the NATO-Warsaw Pact military balance, NATO military strategy, and NATO force improvements.

SR-325

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Finance

To hold hearings on the nomination of Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services.

SD-215

Judiciary

Business meeting, to consider pending committee business.

SD-226

Rules and Administration

To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on the oil spill on the Monongahela and Ohio Rivers.

SD-406

Finance

To resume hearings on how to improve the existing welfare system and how to promote the well-being of families with children.

SD-215

Foreign Relations

To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

2:00 p.m.

Armed Services

To continue hearings in closed session on strategy and capabilities for NATO defense.

SR-222

3:00 p.m.

Budget

To hold hearings to review the Congressional Budget Office annual report.

SD-608

FEBRUARY 5

9:30 a.m.

Joint Economic

To hold hearings on employment-unemployment statistics for January.

SD-628

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations

European Affairs Subcommittee

To hold hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Labor and Human Resources

Labor Subcommittee

To resume hearings to review practices and operations under the National Labor Relations Act.

SD-430

FEBRUARY 16

2:00 p.m.

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missions (Treaty Doc. 100-11).

SH-219

FEBRUARY 17

2:00 p.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 18

10:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

Superfund and Environmental Oversight Subcommittee

To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.

SD-406

2:00 p.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 19

10:00 a.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 22

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

2:00 p.m.

Office of Technology Assessment

The Board, to meet to consider pending business items.

EF-100, Capitol

FEBRUARY 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

FEBRUARY 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

FEBRUARY 25

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

MARCH 2

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

MARCH 3

9:30 a.m.

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, February 2, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Encourage us, O God, not only to speak the words of truth, but to do the deeds of truth. Teach us, gracious God, not only to sing the songs of praise, but to live a life of praise. Remind us, loving God, not only to pray the message of hope, but to walk the paths of hope in our daily lives. In Your name, we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **BOUCHER**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **BOUCHER**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will inform absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 105, not voting 63, as follows:

[Roll No. 2]

YEAS—265

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnard
Bartlett
Bateman
Bates
Bennett
Bevill
Boggs
Boland
Bonior
Bonker
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Erdreich
Evans
Fascell
Feighan
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lancaster
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Ritter
Robinson
Roe
Rogers
Rostenkowski
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—105

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Coble
Coleman (MO)
Coughlin
Courter
Craig
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Gallegly
Gallo
Gekas
Gingrich
Goodling
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hunter
Hyde
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McDade
McGrath
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Parris
Pashayan
Penny
Regula
Rhodes
Roberts
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shumway
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Tauke
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Young (AK)
Young (FL)

NOT VOTING—63

AuCoin
Badham
Beilenson
Berman
Biaggi
Bilbray
Bliley
Borski
Bosco
Boulter
Broomfield
Brown (CA)
Clay
Clinger
Crane
Crockett
Dannemeyer
de la Garza
Dingell
Donnelly
Dornan (CA)
Dowdy
Early
English
Espy
Fazio
Fields
Fish
Foglietta
Frank
Gephardt
Gregg
Gunderson
Holloway
Inhofe
Jones (TN)
Kemp
Kleczka
Lantos
Leland
Lightfoot
Lott
Lowery (CA)
McCollum
McCurdy
Moody
Pickle
Porter
Ridge
Rinaldo
Rodino
Roemer
Rose
Roybal
Schuette
Smith (IA)
Sweeney
Swindall
Watkins
Williams
Wilson
Wise
Wolf

☐ 1215

Mr. HASTERT changed his vote from "yea" to "nay."

Mr. MARKEY and Mr. ANTHONY changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR

Mr. **BOUCHER**. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The **SPEAKER** pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1143. An act to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes.

The message also announced that pursuant to Public Law 100-203, the Chair on behalf of the President pro tempore, and upon the recommendation of the majority leader, appoints Lee A. Iacocca from private life, Lane Kirkland from private life, and DANIEL PATRICK MOYNIHAN to the National Economic Council.

IN SUPPORT OF CONTRA AID

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I rise today to proclaim my full support for House Joint Resolution 444, the Contra aid bill which will be voted on tomorrow and, hopefully, will pass. Mr. Speaker, we have voted four times for aid to the Contra freedom fighters and I firmly believe that this aid has slowed the deterioration and downfall of democracy in Nicaragua and perhaps in Central America.

I am convinced that 5 additional months of aid will encourage the peace process and in fact is necessary to ensure Sandinista compliance. The small amount of progress thus far is because of approaching deadlines and therefore it gives me the impression that it is best to keep the pressure on and for at least a brief period.

On January 30 and 31 of this year I visited Nicaragua along with a bipartisan group consisting of four Members of the House. My visit to Nicaragua this past weekend was my third visit over 2 years and I have a number of short observations which I will be sharing with this body during special orders later this afternoon and in debate tomorrow. However, the overall message delivered to me and my colleagues by different groups, consisting of the bishop of the Catholic Church, the internal opposition parties, three large labor organizations, the mothers of political prisoners, human rights organizations, Mrs. Chamorro of La Prensa newspaper was quite plain. When we asked, "What should we do when we get back to the House on Wednesday?" their firm answer was, "Vote for Contra aid."

I encourage my colleagues to join me in supporting the Contra aid package.

MISSION TO PLANET EARTH

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, in recent months the Congress and the American people have become increasingly aware of the harmful impact of man's activities on the global environment. Reports of a dramatic depletion in Antartica's protective ozone shield and predictions of "greenhouse effect" global warming raise a distressing possibility that our continued existence, or at least the quality of life, on this planet may be threatened. Obviously we must respond to that problem, but we need more information about the nature of the global environment to respond correctly.

Significant progress has been made in the study of global climate change. Further progress, however, is being hampered by inaccurate and incomplete data.

Fortunately we are in a position to correct that data shortfall. In her report for NASA on America's further in space, former astronaut Dr. Sally Ride proposed a comprehensive Earth study program called "Mission to Planet Earth." This mission would be a multinational project, led by NASA, which would use both low orbit and geosynchronous satellites and to a lesser degree the space station to study the basic mechanisms of global climate change, including global cloud, vegetation, and ice cover.

Mission to Planet Earth is not a glamorous project. Visions of Moon bases and men on Mars are surely more exciting. But Mission to Planet Earth has a special immediacy that trips to other planets lack. It addresses a problem that threatens us all. It addresses a problem we do not have the luxury to ignore. We must strive to act responsibly toward our home planet before we commit ourselves to another.

□ 1230

EDP ENTERPRISES, INC.

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, on January 11, 1988, I directed the Small Business Committee staff to conduct a preliminary investigation of EDP Enterprise, a Kansas corporation.

That review is now completed.

The facts indicate that criminal laws may have been violated.

Therefore, I have today referred the matter and our committee's investigative materials to the Department of Justice and the Federal Bureau of Investigation.

The committee file is replete with appearances of improper activities to direct the award of that contract to EDP.

I am especially concerned about the pattern of activities, influence and benefits involving David Owen, who seems to have personally benefited in an inordinate number of ways from the contract. The pattern of common associations and financial interests between EDP and Mr. Owen suggest that a "front company" affiliation may have been involved in this whole affair from the very beginning.

However, I have found nothing that suggests any U.S. Senator was personally involved in any questionable event or occurrence.

Mr. Speaker, I am making arrangements to have all of the committee's investigative materials inserted into the RECORD as soon as possible. In the meanwhile, the staff report is available through the committee's office.

THE REAL GROUNDHOG

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is obvious we are going to discuss some matters of a very serious nature here on the floor in the 1-minute speeches today. I have a matter, though, of the utmost importance that I would like to inform the membership of.

Mr. Speaker, the groundhog, the real groundhog, has spoken. The only true prognosticator of weather phenomena has given us his latest prediction. Early this morning, Octorara Orphie emerged from his subterranean resting place and saw his shadow. For those unfamiliar with the meaning of that momentous event, the meaning is clear—6 more weeks of winter.

My brethren at the Slumbering Groundhog Lodge in Quarryville, PA, noted Orphie's weather forecast.

Now, there is another pretender groundhog in all of this, a pretender groundhog known as Punxseetawney Phil, that I understand may have given another prediction; but let me tell this august body that in over 75 years of predicting, Orphie has never been wrong. One year there was a little bit of question, but the lodge brothers tell me that as it turned out that year, the weather was wrong.

So, Mr. Speaker, we have it on the highest authority that winter is going to be with us awhile longer. Do not get used to the mild temperature outside. Orphie says more cold weather is on the way.

THE TRAGEDY OF NICARAGUA

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, during the past 7 years there have been an estimated 40,000 deaths as a result of the war in Nicaragua. That is a country of about 3 million people.

Had we in the United States suffered casualties at the same rate—being 80 times more populated—it would have meant the death of about 3,200,000 Americans.

To put this in perspective, the loss of the lives of 58,000 of our finest young Americans in Vietnam nearly tore our Nation apart.

In Nicaragua, lives are being lost at more than 50 times the rate we suffered in Vietnam.

The dimensions of the tragedy in that very poor little country are truly devastating. The time has come to stop American sponsorship of that devastation.

As the Catholic bishops have said, we have no right to use Nicaragua as a pawn in the struggle between the East and the West at such a cost in human lives.

Finally, should Nicaragua initiate attacks against its neighbors, I stand firmly in support of the neighbors nations to check that aggression.

Mr. Speaker, I hope we vote against Contra aid.

THE DRUG WAR CONTINUES IN COLOMBIA

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, "the war continues." This was the sad and infuriating message delivered last week by Colombian drug thugs in claiming responsibility for the kidnaping and cold-blooded murder of Colombian Attorney General Hoyos Jimenez.

Once again, Mr. Speaker, it appears that the Medellin cartel, which is responsible for nearly all of the cocaine entering the United States, has raised its ugly head. In their first assault since declaring "total war" on law enforcement officials recently, guerrillas ambushed the Attorney General's car, killing two members of his traveling party and kidnaping the Attorney General. On a tip from his killers, he was later found savagely murdered just outside of Medellin.

Attorney General Hoyos had been at the forefront of the battle against the drug kingpins, including efforts to extradite wanted drug traffickers to the United States to face charges. According to his killers, Hoyos was murdered for betraying his country. In reality, nothing could be further from the truth—like so many others who have lost their lives in the fight against drug trafficking, he was a courageous man who should be commended for his loyal service to the people of Colombia.

Attorney General Hoyos cannot have died in vain. We have made some progress, but we must strengthen our resolve and commitment to dealing forcefully with the drug traffickers who threaten to undermine the foundation of our democratic societies.

Colombian and United States officials have already begun efforts to demonstrate to the drug kingpins that the fight against drug trafficking will indeed continue. The Colombian people need our firm support and assistance in standing up to these lawless murderers.

In answer to the drug lords, we must see that the war continues against them on all fronts—in demand reduction and in continued aggressive pursuance and prosecution of drug traffickers.

JUST SAY "NO" TO MORE CONTRA AID

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, tomorrow the House of Representatives will vote on whether to spend $60 million directly and millions more indirectly for the Contras and their proxy war in Nicaragua.

What has happened during the past 8 years, after we have spent hundreds of millions of dollars supporting the Contras' war effort, what happened? Nicaragua's Government has imposed a state of emergency, suspended civil and political rights, and became dependent upon the Soviet Union and Cuba for hundreds of millions of dollars in aid.

The World International Court has ruled U.S. actions in violation of treaties and the rule of law.

What has happened during the past 6 months since the leaders of Central America have pursued the Arias peace plan? Nicaragua has suspended its state of emergency, restored some political and civil rights, proposed direct talks with the Contras, and released some political prisoners with promises to release more.

Some progress, hopefully real steps toward peace, have been taken. The choice is clear: military stalemate or a political settlement.

Mr. Speaker, it is time for this Congress to just stand up and say "no" to a bad policy which does not have the support of the American people or the people of Central America. Just say "no" to killing the best peace proposal to come along after 8 long years. Just say "no" to more pain, suffering, and bloodshed for the people of Central America. Just say "no" to the idea that we alone, the United States, should decide what is best for the people of Central America. Just say "no" to the Contras, my colleagues, today, and vote "no" tomorrow.

PAY OF FEDERAL RETIREES HELD UP

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, our Federal retirees are facing an intolerable situation, it seems. It appears that many times they retire at a time certain on a date already planned, and then months later they still have not received their first retirement check.

Some of the people at OPM have been reputed to say to the Federal retirees who complain or ask, "Well, where is my first retirement check?", they say, "You should have planned for a late arrival of that first check. You should not have retired that early, or you should have put some money away before retiring to plan for the delay in receiving your retirement check."

I believe that is intolerable and that we should do something about it.

Our colleague, the gentleman from New Jersey [Mr. SAXTON] has introduced a piece of legislation which will compel a study of that situation, hopefully with a view toward curtailing that practice and allowing our Federal retirees to plan for retirement and to know that the next month, their first full month out of their long incumbency with the Federal Government, that they should receive their first retirement check.

THE CONTRAS ARE THE PAST, THE PEACE PLAN IS THE FUTURE

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, tomorrow we have the long-awaited showdown vote on Contra aid. As we begin the end of the Reagan era, let us begin it on a note of peace.

The Contras are the past. The peace plan is the future.

Tonight President Reagan is cooking up an 11th-hour surprise; but no matter how he tries to spice it up, his Contra policy is just a warmed-up leftover from the past. They are the same old Contras. They are commanded by the same old Somoza officers. They are run by the same old Elliott Abrams. It is the same hole-in-the-wall gang that gave you the Iran-Contra fiasco, back for more.

Under it all, the President's camouflaged plan to aid the Contras is like a skunk wearing Right Guard. It still stinks to the high heavens.

Every week we are breaking new ground with the Central America peace plan. Let us not torpedo it with Contra aid.

President Reagan is going to offer an 11th-hour compromise, but history shows that the Reagan administration will ask for whatever it can get for the Contras, and it will say whatever it has to in order to get it.

It is the same old policy of "promise them anything, but give them Contra aid."

But Contra aid is a failure. The peace plan can be a success. The Guatemala peace plan has accomplished in 6 months what the Contras could not accomplish in 6 years. Congress is going to put its money on the peace plan, not on the Contra war.

ECONOMIC TERROR IN ROMANIA

(Mr. KONNYU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KONNYU. Mr. Speaker, today on page A-10 of the Washington Post we read the sad story of the economic terror that the Ceausescu regime is waging and continues to wage on its own people in Romania. Czechs, Hungarians, Polish and, yes, even Soviet human rights activists, such as Andrei Sakharov, have spoken out against the economic terror of President Ceausescu of Romania.

I mention this because there is in conference H.R. 3, the House trade bill, and part of that trade bill is the Wolf amendment. That is the amendment that requests the United States stop giving most-favored-nation treatment to Romania until they stop their economic terror on their own people.

Mr. Speaker, this is important to remember, because some say that even though the House and the Senate passing in somewhat different version the same amendment, that this will be given away in conference.

Let us remember those people suffering in Romania. Let us deny MFN treatment to Romania through the provisions of the Wolf amendment in H.R. 3.

LET US HELP AND REMEMBER THE AMERICAN PEOPLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Congress has gotten tough, real tough on spending. We have cut housing and we have cut education. We have cut the Coast Guard and we have cut revenue sharing. That is right.

We have cut UDAG grants. We have cut Medicare. We have cut so many American programs; my God, we even have cut our own drug enforcement bill; but while we are cutting all these American programs, the other body gave $8 million to a Jewish refugee school in France; but now to really pour salt on an open wound, the other body even gave another $401 million for foreign aid. We could not forget our friends.

But it is not all bad. The other body put in $6.4 million for a ski lift in Idaho. That is still in America, I think.

Also, they provided some money for cranberry research, and that is fitting, because most American taxpayers must really think in their living rooms tonight that there are a bunch of turkeys down here in both bodies who do not know what they are doing spending American dollars, and maybe they should prioritize spending for America and American people. Maybe that would have gone over a little bit better.

THE HOUSE SMALL BUSINESS COMMITTEE PROBE

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, today the chairman of the House Small Business Committee released a preliminary report on a staff investigation into questions regarding one section 8(a) contract.

Over the past 11 years, I have repeatedly called for a complete and thorough review of the entire 8(a) program, but have been thwarted in my efforts. So I welcome the attention the chairman is now giving to the program. However, I have serious reservations about the manner in which we are proceeding.

The full committee was never notified about the investigation, nor did we meet in committee to discuss the report's contents or authorize its release. The timing of the issuance of this unprecedented report, whether valid or not, only serves to cast it in a political light.

This particular SBA contract involves former staff and associates of Senator BOB DOLE. I want to commend Chairman LAFALCE for stating categorically that Senator DOLE had no personal involvement in any of the allegations raised in the report.

Mr. Speaker, in the future I look forward to working with the chairman and the rest of the committee in a truly bipartisan way to thoroughly examine the Small Business Administration's section 8(a) contract program. There are many worthwhile businesses that would not exist today if it were not for small business set-asides. But the committee should concentrate on ways to improve the program, and not engage in targeted probes.

□ 1245

IN OPPOSITION TO CONTRA AID

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, let me make the following statements:

Mr. President, your promotion of a violent and destructive Central American policy is opposed by the majority of Americans, whose beliefs represent a strong adherence to values emphasizing peace, not advocating violence.

In your recent lobbying for Contra aid, you claim that the Sandinistas' concessions have been the direct result of your policy. Mr. President, you are wrong. Throughout years of your Contra aid policies, absolutely no progress was made in the peace process. The recent concessions are a direct result of the peace initiative made by the Central American Presidents. Your administration has consistently covertly and overtly tried to undermine this process.

The Contra aid request reflects your administration's adherence to policies which do not represent American values. The Iran-Contra scandal demonstrated the zealous nature of your administration's representatives, who placed pursuit of their goals above the Constitution. Your Central American policy is still being run by someone involved in the Iran-Contra affair, Elliot Abrams, a man who admitted that he lied to Congress. In lying to Congress, he lied to all Americans.

The very nature of your request, Mr. President, represents the underhanded manner in which your Central American policy has been run. You say your request is for $36 million. This amount is deceptive; totaling in all of the hidden costs, the truer amount of this request is $60 million—all of which is for only 4 months. Additional funds will then undoubtedly be requested to help the Contras for the rest of the year.

Mr. President, the city of San Francisco, which I represent, has received this year only $300,000 in Federal funding for emergency housing for the homeless. This kind of funding level disparity reflects your administration's misplaced priorities. Your policy of aiding the Contras is wrong for any number of reasons—it is morally devoid and reflects an adherence to violence not in line with the American value system. I strongly urge my colleagues to oppose your request.

CONTRA ATROCITIES

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I have just come from a public hearing of the House Committee on Foreign Affairs, where Secretary of State Shultz in response to a direct question, would not or could not bring himself to acknowledge that President Arias opposes the Reagan administration's request for further military aid to the Contras. Neither Mr. Shultz nor President Reagan will allow reality to intrude on their obsession.

The Reagan administration insists that additional aid to the Nicaraguan Contras will act as an insurance policy. This is true only in the sense that it will insure that the Contra terrorists can continue murdering and maiming innocent people.

The Contras routinely attack civilian populations and kidnap, torture, and murder health workers, teachers, and other government employees, according to a leading human rights organization. Among the innocent victims of the U.S.-sponsored Contra war are children. For instance, the Orozco brothers, ages 5 and 10, who inadvertently stepped on a land mine planted by the Contras, and may never be able to see again.

How many more innocent Nicaraguan children will be killed or mutilated before we realize that the Reagan administration's policy of aiding the Contras is a disaster? Bringing an end to the carnage of the Contra war is a goal which must transcend ideological differences. I urge my colleagues to vote tomorrow finally for an end to the misery that is American maintained civil war in Nicaragua. Let us vote "no" to any further Contra aid.

URGING A "NO" VOTE ON CONTRA AID

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BOXER. Mr. Speaker, sometimes we have a way of using language to mask reality. When two planes almost collide, we call it a near miss. Not a near hit. The image of the word "hit" is too negative and frightening.

With Contra aid we do the same thing. We talk about pressure, we talk about insurance policies. What we do not talk about is war and death and maiming and orphans. That is what aid to the Contras is really about. How about the children? Listen to these words by a reporter for the Chronicle who spent the night in a Nicaraguan childrens' orphanage. He writes:

> Sleep would not come. There were about 16 children in the room—both boys and girls—and the sounds of their sadness made sleep impossible.
>
> Some wept in their sleep, or hummed their lonely tunes in a harmony of sorrow that I had never heard before. The little girl who kissed me when I arrived cried in the bunk below me.
>
> After a little while, I heard a soft sobbing behind me. I turned to find a little boy, three or four years old. He kissed me on the cheek, sat down beside me and pulled my arm around him.
>
> We sat that way for awhile. Then he put his head in my lap and we both cried.

Mr. Speaker, I urge my colleagues to vote no on Contra aid, if not for Central American Presidents or Oscar Arias or JIM WRIGHT's work, vote no for the children.

Mr. Speaker, I include the entire article for the RECORD.

[From the San Francisco Chronicle, Apr. 24, 1985]

A LONG NIGHT IN A NICARAGUAN ORPHANAGE

(By Tom Weber)

YALI, NICARAGUA. Even before I walked into the barracks-like Orphanage for the Children of Heroes and Martyrs here, a 4-year-old girl tugged at my hand and pulled me down to her so she could kiss me on the cheek.

I returned the kiss with a playfully loud smack on the forehead, and for the rest of a long night tiny sad-eyed children followed me around, pursing their lips and throwing me kisses.

The 48 kids who live in this crude concrete structure are orphans of the awful civil war that has scourged the country and left some 7200 children without parents.

I was traveling through northwestern Nicaragua a couple of weeks ago on assignment for The Chronicle, writing about the war and photographing the ragged bands of refugees fleeing the Contras, the groups trying to overthrow the Sandinista government.

After dark, this is Contra country. Night was falling and my Nicaraguan driver refused to travel the jungle roads after the sun went down. He insisted we stay the night in Yali, the nearest government military outpost.

The local commandant advised me that, "if you travel at night, you'll be blown off the road before you get two kilometers. . . . We"ll bury you in the morning."

He said I could sleep in the orphanage.

The children were all small, most of them were under 8 years old. They looked sorrowful and love-starved as they sat in the bare barracks. Some hummed to themselves; others stared at me, making those little kissing noises.

Ivonne Amador is one of the teachers at the orphanage. She is only 16, but says she was trained in child-care techniques in Cuba.

After she put the children to bed, we talked about the war.

"Usually the Contras murder the whole family," said Amador, who speaks with authority far beyond her years. "But sometimes the little ones get away and we find them lost and wandering in the jungle.

"They're the lucky ones. Many of them die before we can find them."

She said the orphanage housed only 48 children, but a larger facility was being constructed nearby where 200 will be able to live.

We talked late into the night until I was too tired to talk anymore. I went into the barracks, hopped into a top bunk and tried to fall asleep on the thin mattress.

Sleep would not come. There were about 16 children in the room—both boys and girls—and the sounds of their sadness made sleep impossible.

Some wept in their sleep, or hummed their lonely tunes in a harmony of sorrow that I had never heard before. The little girl who kissed me when I arrived cried in the bunk below me.

After lying awake listening for a couple of hours, I climbed out of the bunk and went out to the front stoop to smoke my pipe and think about this war and all the little kids who suffer from horrors they don't understand.

I picked up a handful of earth and let it sift through my fingers. The dirt was still warm from yesterday's sun. It was a clear, tropical night.

I sat there watching the red tracer bullets streaking across the black sky and listening to the rattle of automatic gunfire from a hill two kilometers to the north.

After a little while, I heard a soft sobbing behind me. I turned to find a little boy, three or four years old. He kissed me on the cheek, sat down beside me and pulled my arm around him.

We sat that way for awhile. Then he put his head in my lap and we both cried.

CALLING ON THE PRESIDENT TO WITHDRAW HIS REQUEST FOR CONTRA AID

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, the President should withdraw his request for military assistance to the Contras. It is clearly in violation of the Arias peace plan which we should be vigorously supporting.

Mr. President, we do not have the moral justification to pursue a military solution until we have exhausted our diplomatic remedies in Central America. Mr. President, you cannot convince the American people that we have exhausted our diplomatic remedies when you have refused to meet with the Nicaraguan Government for more than 3 years.

Mr. President, we can agree on a package of humanitarian aid for the Contras that could win broad bipartisan support in the Congress. Humanitarian aid is consistent with the Arias peace plan and would keep the Contras in the field pending the outcome of the peace process.

Mr. President, this could form the basis of the bipartisan support that you have lacked in the past few years in shaping a sensible policy toward Central America.

I urge the President to reconsider his request.

A $36 MILLION INVESTMENT IN LIFE

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. President, you have again asked Congress to dismiss the wishes of the American people and to send another $36 million-plus to continue the Contra guerrilla war in Central America. During the past 7 years, you have provided some $270 million—or $39 million a year in official aid to the Contras.

That quarter of a billion dollars, it has not increased U.S. security, it has not increased prospects for peace in central America, it has not improved the lot of the poorest people in the Western Hemisphere. What it has wrought is killing of innocent civilians the undermining of Central American peace plans, and the ruination of struggling economies.

There's a better way to invest $39 million a year. Right now, our total development program in health, population, and child survival for the entire Central American-Caribbean region amounts to only $39 million a year. Why not double that and save lives, while helping Central America move toward economic independence and, yes, toward peace with freedom.

That represents the best in the American tradition and it's the kind of effort that not only builds peace and human dignity, but also wins friends among our neighbors to the South. May I suggest that you give the Arias peace plan a chance to bear fruit and meanwhile make the kind of investment in Central America that will strengthen democracy and boost our own security.

Instead of firearms, mortars and boots, let's start sharing what Central America really needs: food, medicine, and books.

VOTE "NO" ON CONTRA AID

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, tomorrow this House has the opportunity to take a giant step forward to resolving our involvement in Central America by voting against any further aid to the Contras. Let me explain why.

There are two basic reasons why we should oppose further aid to the Contras. First, it is against the interests of this Nation, and second it is against the opportunity for peace for the people of Central America.

Our policy, the policy of this Nation, should be to support the Arias peace plan. Within the Arias peace plan are the goals that are important to the people of this Nation and the people of Central America. The key to the success of the Arias peace plan is support of the Governments of Central America. We should be listening to the leaders of the democratic nations of Central America when they tell us that it is contrary to the Arias peace plan for us to provide any further aid to the Contras.

Mr. Speaker, I urge my colleagues to oppose the request by the President.

A CURIOUS JUXTAPOSITION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the President of the United States, our administration, made two major announcements last Friday and they were printed in the New York Times in adjacent columns. They had a very strange relationship with each other. The first announcement was that we were going to cut off special aid to four of the minidragons in Asia who had nearly made it out of poverty and into prosperity, Hong Kong, Singapore, Taiwan, and South Korea.

The second story in the adjacent column was an article indicating that the administration has issued regulations forbidding doctors, nurses, counselors, and other staff in federally financed family planning clinics from answering questions from patients, about the full array of health care options that are available.

Mr. Speaker, it is ironic that the President is denying to needful Americans the same information and services that we were so generous in affording these four minidragons in the 1960's and in the 1970's. The one simple common fact that undergirds the prosperity and the dynamism of the economies of those minidragon regions is the fact that starting in the early 1960's they made a determination to help their young people control their fertility. They decided to get a handle on their population explosion so that they would not have to spend all of their hard currency on imported food to feed their people and so that they would then have something left for education, for health, for job training and, above all, for jobs. These areas, using government-subsidized family planning programs, have reduced their fertility rates by 30 percent.

Mr. Speaker, we helped them generously in the 1960's and 1970's to move into prosperity out of poverty, and now the President is saying that we are going to deny the full array of health care options to women, young and old, to help them make responsible decisions about their future education success, job success, marital success and success in life.

What a painful and tragic irony this is, Mr. Speaker.

ADVANCING PEACE IN CENTRAL AMERICA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, tomorrow's vote on Contra aid is difficult for every one of us in the House.

Despite my respect for the President and acknowledgment of the burdens he bears as our Commander in Chief, I cannot support his proposal for aid to the Contras.

I believe that if we are ever able to isolate the Sandinistas and determine whether their intentions are pacific, as they insist, or sinister as many claim, then we have to deny them the one excuse they have claimed for failure to abide by the terms of the Arias peace plan.

It is also the excuse the Sandinistas have relied upon to deny human rights, free assembly, free press, and religious freedom to their own countrymen.

That excuse: U.S. support for the Contra forces.

If the United States takes pause in its support for the Contras, and if the Sandinistas then fail to adhere to the terms of the Central American accord, we can return to the fray at the invitation of the four democratic Central American presidents or the Organization of American States or, if necessary, unilaterally.

Defeating Contra aid will not jeopardize U.S. security. But, it may advance peace for this troubled region.

In order to put this aid request into terms we can more easily understand, Louisville Mayor Jerry Abramson has told me that $36 million equals:

The entire capital budget for the city of Louisville;

All the funds the city would have received through revenue sharing for 4 years; and

All the services and programs the city provides through community development block grant funding for 4 years.

Also, Mr. Speaker, $36 million would allow the city of Louisville to:

Repair and modernize the city incinerator which was built in 1954 and last overhauled in 1973, $14 million;

Modernize its two-way radio system—now 30 years old—used by police, fire and emergency services personnel, $11 million;

Meet the capital needs of its entire park system, $8 million; and

Help 3,000 homeowners of moderate and low income rehabilitate their homes and bring them up to standard, $3 million.

In the same vein, I have been advised by Jefferson County Judge/Executive Harvey Sloane that for $36 million, Jefferson County could:

Bring 1,200 substantard homes and 2,500 substandard rental units up to standard, $24 million;

Create 2,500—3000 new jobs by selective loans to area small businesses, $6 million; and

Purchase 300 apartments and 300 beds for area homeless and suitable quarters for up to 200 homeles area children, $6 million.

□ 1300

A SPECIAL BICENTENNIAL OBSERVANCE

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EMERSON. Mr. Speaker, last year we had many celebrations to commemorate the 200th anniversary of the signing of the Constitution. Mrs. Kathleen LaValle Deegan, originally of New Madrid, MO—in the Eight Congressional District—joined 38 other Americans in a very special commemoration. As a member of a group of the decendents of each one of the 39 men who signed the document in Philadelphia 200 years ago, Kathy and her group joined in Philadelphia and celebrated the anniversary. Mr. Speaker. I am inserting the following for observation of the 200th anniversary of the signing of the Constitution and the great Americans who were a part of this historical event.

[From the Loudoun (VA) Times-Mirror, Oct. 8, 1987]

CONSTITUTION SIGNER'S DESCENDANT CELEBRATES DOCUMENT, HISTORY, LIFE

(By Jean Kelly)

On Thursday, Sept. 17, in the midst of rain, wind and cheers, Kathleen LaValle Deegan marched down Philadelphia streets in a parade commemorating the Sept. 17, 1787, signing of the Constitution of the United States.

Deegan was part of a unique group of 39 marchers—each representing one of the 39 men who signed the momentous document that hot, Philadelphia summer day 200 years ago.

Each marcher is a direct or collateral—belonging to the same ancestral stock, but not in a direct line of descent—descendant of the signer he or she represented in the parade.

"Individuals who are descendants sent their papers and information to officials of the Committee on the Bicentennial of the Constitution of the United States, a nearly all-volunteer group which is sponsoring these events. They verified the lineage and selected one descendant for each signer," Deegan explains.

Deegan is a collateral descendant of John Blair, Jr., a prominent lawyer from Williamsburg, who was one of seven Virginia delegates to the Constitutional Convention called in May 1787.

"Although seven men from Virginia originally went to Philadelphia, only three ended up actually signing the Constitution," Deegan points out.

"George Wythe left to take care of his sick wife, and when she died, he never came back," she says.

Wythe was an important lawyer and scholar of the time who had tutored both George Washington and Thomas Jefferson.

"James McClung," Deegan has learned, "went home to take care of some business and never came back either. Reports say he felt that his presence wouldn't make a difference one way or the other."

"George Mason stayed at the convention, but refused to sign because the document contained no Bill of Rights."

"Edmund Randolph, then governor of Virginia, was unhappy with the compromise between the upper and lower houses of government, and also refused to sign."

Only Blair, Washington, and James Madison signed the Constitution as representatives of Virginia.

As Deegan walked along the Philadelphia streets last month, many of her thoughts were of the people who trod some of those same streets two centuries ago.

"I thought about what their feelings might have been and their fears. Maybe they thought, 'What have I done? What have I put my name to?'

"They still had to fight battles in their own states to have it (the Constitution) ratified. It was just the beginning for them."

Throughout the two-hour, three-mile-long parade, the descendants carried 10-foot banners, reproductions of those carried by the signers in the 1788 Grand Federal Procession.

The banners, Deegan explains, have the last name of the delegate in gold letters above red, white and blue bunting mounted on a gilded pole.

"Often the wind caught the bunting on the banner, and you kind of wavered along the parade route," Deegan laughs.

The banners were heavy and awkward: Wind, rain, mud puddles and horse droppings got in the way, but the people who lined the streets and called out their support made the experience one Deegan will never forget, she says.

"The people thanks us for coming, for marching in their parade, for just being there. They were terrific."

All the descendants marched in authentic colonial dress rented (at their own expense) from a Philadelphia costume company.

Deegan's dress was a colonial evening gown of light blue and lime green.

"The bodice laced from the waist, and it was tight!" she says.

"The full skirt was trimmed with green lace and was cutaway, so the blue, green and ecru underskirt could show, and the dress had three-quarter-length puffed sleeves."

Completing the outfit was a pale-green colonial cap and a pair of Deegan's own "comfortable" shoes.

"The dress weighed about 30 pounds, but after the parade, when we were in the hotel room, I handed the rain-soaked dress to my husband and asked him how much he thought it weighed then," Deegan says.

"He said, at least 40 pounds."

After the informality and camaraderie of the parade, the 39 descendants, now dressed in 20th-century garb, walked together to Independence Hall for a more somber occasion.

"We lined up and walked into the assembly room where our ancestors had debated and eventually signed the Constitution—the actual room," Deegan says with awe.

Former Chief Justice Warren Burger met on his 80th birthday with the group, and pictures were taken of each descendant shaking Burger's hand.

"We each stood with Chief Justice Burger on the steps of the platform which holds George Washington's desk, ink well, and his rising-sun chair."

Carved into the wood on the back of the chair is a sun, Deegan relates.

"It's said that Ben Franklin remarked, 'I wasn't sure if it was a rising sun or a setting sun, but I've come to the conclusion that it is rising.' "

The statement, says Deegan, was Franklin's a way of predicting success for the Constitution and the young country.

"After the pictures were taken, we reassembled outside and sat in 39 reserved chairs for the ceremony and speech by Chief Justice Burger," Deegan says.

Precisely at 4 p.m., the time history says the last of the 39 signers of the United States Constitution put down his pen on Sept. 17, 1787, bells in Philadelphia and throughout the nation began to peal.

"When the bells started to ring, they released hundreds of red, white, and blue balloons. It was really an emotional high," Deegan says quietly.

Deegan came to all of this almost accidentally. Her older sister, a museum director in their native Missouri, has been interested in the family genealogy for some time, so Deegan was familiar with the names of her ancestors back several generations.

"I was reading a book on Martha Washington, the book which they made into the TV mini-series, and I came across the name Sally Cary."

Sally Cary was the wife of George W. Fairfax, and they were neighbors of the Washingtons (next-door, in fact) and, according to the mini-series, Washington and Sally were quite close.

"Well, the name Sally Cary just rang a bell with me, because I knew my great-grandmother's name was Sally Cary Newsum LaValle," says Deegan.

Deegan, a member of the Daughters of the American Revolution and the current regent of the Cameron Parish chapter, which includes portions of Loudoun and Fairfax counties, immediately started her search.

"I went to the DAR headquarters (in Washington, D.C.) and found what I needed in their library in one afternoon," she says.

Deegan discovered that John Blair Jr. was born in Williamsburg in 1732, graduated from William and Mary (which his great-uncle James Blair founded), studied law in England and returned to practice in Williamsburg.

He married and had four daughters, but only two survived infancy, Deegan says.

"The two living children did marry, and each had one child, but then there is no further mention of the line," Deegan reports.

John Blair Jr., died in 1800.

It is from Sarah Blair, one of John Blair Jr.'s nine siblings, that Deegan is descended.

Sarah, Blair's youngest sister, married Wilson Miles Cary, who was the brother of Sally Cary Fairfax, Washington's friend and the lady whose name peaked Deegan's interest in the first place.

"Their son, Wilson Cary married Thomas Jefferson's niece, Jean Barbara Carr, and their daughter Sally Cary married William Newsum," explains Deegan.

"On we go to their son Wilson Cary Newsum, who married Cornelia Littlefield, who was the granddaughter of Nathannael Greene," she reports.

Greene was a Revolutionary War general.

"Their daughter, Sally Cary Newsum, married my great-grandfather, Robert Lane LaValle."

Although a romantic tie between Washington and Sally Cary Fairfax has never been substantiated, Deegan says the reappearances of the name are "very interesting."

Deegan's great-grandfather begat her grandfather Jean Edward LaValle, who married Addie Congrove.

Addie and Jean Edward produced Charles Edward LaValle, who married Deegan's mother, Laura Allen Riley.

Deegan has four brothers in addition to her sister, and all were as eligible as Deegan to march in the parade, but none chose to submit the necessary documentation to prove their lineage.

"They all had invitations to the ceremonies, but since the family was busy preparing for my Dad's 80th birthday celebration, none of them could come to Philadelphia," Deegan says.

There are, according to Deegan, only 250 documented descendants of the signers of the Constitution, and the 39 who marched in the recent parade are already thinking about a reunion.

"We got very close," Deegan says simply.

Speaking about her experience, she says, "I don't want to exaggerate, but it brought a real sense of pride and love of country alive."

"I kept thinking of all the blood and sweat and tears and sacrifice those people and their families went through, and what sincere hopes they must have had for the Constitution to end all the bickering and infighting they had experienced."

"It (the Philadelphia celebration) brought it all alive," Deegan concludes.

STOP FUELING THE FIRES OF WAR

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the history of the United States relationship in Central America is one of invasion, subjugation, and exploitation. In the past we have installed Fascist dictators and profited from their corruption, but today a new day is dawning in Central America. It is a day when Central American countries, led by our most loyal allies, are trying to control their own destiny. These allies of the United States have asked us to do one thing: Stop fueling the fires of war. Give them a chance at the peace table to work out their own destiny, to bring peace and stability which we all seek in that region.

It is very difficult for a parent to see a son or daughter leave home, to see them stand on their own feet, but we realize that in a process of maturing this necessarily must take place. Today the United States must view these steps taken by our allies in Central America as important first steps toward independence and a new relationship, a sound relationship based on trust and peace in this region of the world.

AID TO THE CONTRAS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, in preparing for another vote on Contra aid I urge my colleagues to consider the words of Costa Rican President Oscar Arias Sanchez. He said:

> Major obstacles remain to full implementation of the peace plan. During the last summit meeting, the presidents recognized that some countries had not complied with the plan. Lengthy debates ensued in which one president reproached another, they argued that one could not comply while the other failed to do so.
>
> We must end this stalemate and Nicaraguan President Daniel Ortega should be the one to do so. With the release of all political prisoners and concrete steps towards democratization, there will be no justification for continuing aid to the contras. I respectfully told Ortega that if I were in his shoes, this is what I would do.
>
> To the U.S. public I would repeat the same words I delivered upon receiving the Nobel Peace Prize: "It is for the new generation that we must understand more than ever that peace can only be achieved through its own instruments; dialogue and understanding, tolerance and forgiveness, freedom and democracy.

Again, let us heed the words of Oscar Arias Sanchez, the Nobel Peace Prize winner, and show our support for the peace plan in Central America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOPER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

CIVIL SERVICE DUE PROCESS AMENDMENTS

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3875) to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board, as amended.

The Clerk read as follows:

H.R. 3875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Service Due Process Amendments".

SEC. 2. EXPECTED SERVICE APPEAL RIGHTS.

(a) IN GENERAL.—Section 7511 of title 5, United States Code, is amended to read as follows:

"§ 7511. Definitions; application

"(a) For purposes of this subchapter—

"(1) 'employee' means—

"(A) an individual in the competitive service—

"(i) who is not serving a probationary or trial period under an initial appointment; or

"(ii) who has completed 1 year of current continous service under other than a temporary appointment limited to 1 year or less;

"(B) a preference eligible in the expected service who has completed 1 year of current continous service in the same or similar positions—

"(i) in an Executive agency; or

"(ii) in the United States Postal Service or the Postal Rate Commission; and

"(C) an individual in the excepted service (other than a preference eligible) who has completed 2 years of current continuous service in the same or similar positions in an Executive agency;

"(2) 'suspension' has the same meaning as set forth in section 7501(2) of this title;

"(3) 'grade' means a level of classification under a position classification system;

"(4) 'pay' means the rate of basic pay fixed by law or administrative action for the position held by an employee; and

"(5) 'furlough' means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

"(b) This subchapter does not apply to an employee—

"(1) whose appointment is made by and with the advice and consent of the Senate;

"(2) whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by—

"(A) the President for a position that the President has excepted from the competitive service;

"(B) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

"(C) the President or the head of an agency for a position excepted from the competitive service by statute;

"(3) whose appointment is made by the President;

"(4) who is receiving an annuity from the Civil Service Retirement and Disability Fund, or the Foreign Service Retirement and Disability Fund, based on the service of such employee;

"(5) who is described in section 8337(h)(1), relating to technicians in the National Guard;

"(6) who is a member of the Foreign Service, as described in section 103 of the Foreign Service Act of 1980;

"(7) whose position is within the Central Intelligence Agency, the General Accounting Office, or the Department of Medicine and Surgery, Veterans' Administration;

"(8) whose position is within the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, or the National Security Agency, except as provided in subsection (a)(1)(B) of this section or section 1005(a)(4) of title 39; or

"(9) who is described in section 5102(c)(11) of this title.

"(c) The Office may provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to any personnel action taking effect on or after the effective date of this Act.

SEC. 3. INTERIM RELIEF.

Section 7701(b) of title 5, United States Code, is amended by adding at the end the following: "In the event that the employee or applicant for employment is the prevailing party in an appeal under this subsection, the employee or applicant shall be granted the relief provided in the decision pending the outcome of any petition for review under subsection (e), except that nothing in this sentence requires that any award of back pay or attorney fees be paid before the decision has become final.".

SEC. 4. ANNUITANT STATUS NOT A BAR TO APPEALING ONE'S REMOVAL.

Section 7701 of title 5, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

"(j) In determining the appealability under this section of any case involving a removal from the service (other than the removal of a reemployed annuitant), neither an individual's status under any retirement system established by or under Federal statute nor any election made by such individual under any such system may be taken into account.".

SEC. 5. LOCATION OF MSPB HEARINGS.

Section 1205(d)(1) of title 5, United States Code, is amended by inserting "A" after "(d)(1)" and adding at the end the following:

"(B) Whenever it considers alternative places for conducting a hearing or other proceeding brought by or on behalf of an employee, former employee, or applicant for employment, the Board shall, to the extent practicable, select the place closest to the location of the position held, formerly held, or sought by the individual involved, unless the total administrative costs to the Government in conducting such proceeding would be lesser elsewhere.".

SEC. 6. MSPB AS NAMED RESPONDENT.

Section 7703(a)(2) of title 5, United States Code, is amended to read as follows:

"(2) The Board shall be the named respondent in any proceeding brought pursuant to this subsection.".

SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of enactment of this Act, and, except as provided in section 2(b), shall apply with respect to any appeal or other proceeding brought on or after such date.

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. Schroeder] will be recognized for 20 minutes and the gentleman from New York [Mr. Horton] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. Schroeder].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to salute the gentleman from New York [Mr. Horton] for working so very hard on this legislation, and we are hoping to be successful.

Mr. Speaker, H.R. 3875 has five substantive provisions, all of which were contained in the Whistleblower Protection Act (H.R. 25), which the Committee on Post Office and Civil Service reported last summer. We decided to move these provisions separately for a couple of reasons.

First, Representative Frank Horton and I have been trying to craft a whistleblower bill which will gain the support of both the administration and the employee community. So far, we have not been able to do so, although we are continuing our effort. The provisions contained in H.R. 3875 are not directly related to whistleblowing and the administration objected to their inclusion in H.R. 25 for that reason. So, there was no reason to delay consideration of these provisions pending the resolution of the whistleblower bill.

Second, the most significant provision of H.R. 3875, which is to provide Merit Systems Protection Board [MSPB] appeal rights for certain excepted service employees, closes a major loophole in the law which led to the Supreme Court's decision in United States versus Fausto last week. After the Fausto decision, in which the Court pointed out this loophole, we felt we should delay no longer in closing it.

H.R. 3857 was introduced by me, along with my colleagues Representative Frank Horton and Representative Mervyn Dymally last week. Yet, the text of the bill has been subject to thorough hearings and committee review, and has been ready for House consideration since August 5, 1987, when H.R. 25 was reported by the Committee on Post Office and Civil Service. For a more complete legislative history of this legislation, I refer you to House Report 100-274, the report accompanying H.R. 25.

H.R. 3875 contains seven sections. Section 1 is the short title.

Section 2 deals with a special category of employees, those who hold excepted service positions. It is the text of H.R. 555, legislation introduced by my colleague Representative Dymally to provide notice and Merit Systems Protection Board appeal rights to Federal employees who do not now have these rights because they are in excepted service positions and are not preference eligible. H.R. 555 is similar to H.R. 917, legislation which passed the House during the 99th Congress.

A brief review of the issues may be useful. Most Federal employees are in the competitive service, and can only be hired after examination and ranking on an Office of Personnel Management register. Certain groups of employees, such as chaplains and scientists, are excepted from the competitive service because there is no practical way to create a central examination for these positions. Attorney positions are excepted from the competitive service because Congress has declared that it does not want lawyers subject to competitive examination. Under the Veterans Preference Act of 1944, attorneys, scientists, and chaplains who are veterans of periods of combat have the same rights as competitive service employees.

With competitive status come certain procedural rights. Before a competitive service employee—or a preference eligible in an excepted service position—can be removed or subject to serious disciplinary action an agency must provide advance notice of an adverse personnel action, an opportunity to respond, a written decision spelling out the agency's reasons for the action, and a right to appeal to the MSPB. Section 2 of this bill extends these rights to nonveterans in excepted service positions.

The bill does not extend to all persons in excepted service positions. Certain groups of employees are specifically excluded from coverage. Among these are:

Presidential appointees, including White House staff and Schedule C's;

Reemployed Civil Service or Foreign Service annuitants;

National Guard technicians;

Members of the Foreign Service, because they have their own grievance system which provides comparable rights;

Noncitizens of the United States who work for the Government outside the United States;

Central Intelligence Agency employees, because section 102(c) of the National Security Act of 1947 gives the Director clear authority to deal with CIA employees;

General Accounting Office employees, because the GAO Personnel Act of 1980 set up a GAS Personnel Appeals Board to provide due process rights to GAO employees;

Employees of the Department of Medicine and Surgery of the Veterans' Administration, because they have their own peer review system;

Employees other than preference eligibles of the Postal Rate Commission. H.R. 555 had originally excluded nonpreference eligibles in the U.S. Postal Service. However, Public Law 100-90, signed into law on August 18, 1987, extended due process notice and appeal rights to Postal supervisors who are not preference eligibles. H.R. 3875 inadvertently picked up the old language in H.R. 555 which excluded these employees. Since it is not our intention to overturn Public Law 100-90, our amendment will delete the reference in H.R. 3875 to Postal Service employees.

Employees other than preference eligibles of the Federal Bureau of Investigation and the National Security Agency, and the Tennessee Valley Authority. In the case of these agencies, we maintained the status quo and thereby avoided eroding the rights of veterans but did not expand the class of covered employees.

As noted above, Congress has already voted to extend due process rights to postal supervisors (Public Law 100-90).

And, last month's Supreme Court decision in United States versus Fausto made passage of this legislation all the more urgent. In its decision, the Supreme Court cut off an alternate method of judicial review for excepted service employees, saying that Congress, in passing the Civil Service Reform Act of 1978, had intended to deprive excepted service employees, other than those with veterans preference, of the right to challenge adverse actions. This bill explicitly provides those appeal rights.

Section 3 of the bill provides for the reinstatement of employees if they win their Merit System Protection Board cases at the regional office level. The employee would return to his or her position pending the outcome of the agency's petition for review of the decision. However, neither back pay nor attorney's fees would be payable until the decision became final.

Section 4 would allow an employee who is eligible to retire but who the agency wants to fire to take his annuity and still challenge the adverse action before the MSPB. Now, an employee who chooses an annuity is considered to have retired voluntarily and cannot challenge the adverse action.

Section 5 requires the Merit Systems Protection Board to hold hearings near the employee's job site, unless it would cost the government less to hold it elsewhere. MSPB hearings are now held in certain designated regional cities.

Section 6 would change certain procedures for judicial review of MSPB decisons. Currently, the agency is the named respondent and the Justice Department represents the agency. This amendment provides that the MSPB will be named respondent, and will be responsible for defending its own decisions in Federal court.

Section 7 contains the effective date.

I urge support for this legislation.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 3875, the civil service due process amendments, which will extend important right to excepted service employees of the Federal Government. The legislation will vastly improve the civil service system by allowing these employees the right to appeal adverse actions filed against them to the Merit System Protection Board.

I commend Chairwoman SCHROEDER for her leadership in bringing this legislation and this provision especially to the floor. Also a special word of appreciation for my good friend and colleague MERV DYMALLY. He has been the champion in extending legitimate adverse action appeal rights to appropriate postal and Federal employee sectors. This provision is legislation he originally authored and which I supported. It is a good provision and is not opposed by any member of our comittee on the Republican side.

There is good reason to extend these adverse action appeal rights to the excepted service. The major criticism of extending these rights to excepted service employees is that these employees did not go through a competitive hiring procedure—they are excepted from this practice. Therefore, the argument goes, these employees should not be given rights enjoyed by other employees. The argument sounds good, but it is misleading and doesn't reflect actual Federal hiring practices.

Today, there are somewhere between 300,000 and 500,000 excepted service employees who would be covered by this protection. The number is so large because the competitive civil service just isn't being used to the extent it has been, or should be. We haven't had a competitive civil service exam in years. Hiring through the excepted service has been the standard hiring procedure; it should not be used to deny legitimate employee grievance rights.

There are two important points to this provision that I would like my colleagues to consider. First, national security and security sensitive positions in our defense, intelligence and law enforcement agencies are not given the adverse action rights appeal rights policy. If an individual believes a wrong has been committed, he or she should have access to appeal an action. That right should not belong to veterans only or any group only.

Turning to the other provisions, these are essentially noncontroversial provisions originally contained in H.R. 25, the Whistleblower Protection Act. These provisions, however, were added to H.R. 25 just prior to its being unanimously reported from the House Post Office and Civil Service Committee. They do not pertain directly to whistleblower protection. Because we are working with the administration to develop H.R. 25 in a manner that will meet with the President's approval, we honored the administration request to remove these nonwhistleblower provisions from the bill.

I want to commend Chairwoman SCHROEDER for honoring the administration request. She and I both are working, and have worked, tirelessly with OMB in an effort to make H.R. 25 acceptable to OMB and the administration. We want a bill that both enhances whistleblower protections and meets legitimate concerns raised by OMB. We are making progress. Chairwoman SCHROEDER's leadership and perseverance is one of the reasons why. She has shown a willingness to compromise; OMB and the administration has shown the same willingness.

H.R. 2875 is an example of compromise. The administration wanted these provisions of the bill removed and considered separately. This does not mean these provisions are unimportant, for they are important. If we are to effectively combat waste, fraud, and abuse at the Federal level, we need to have a system that does not punish employees who come forward and report such fraud. I can assure my colleagues that we will have in H.R. 25, when it comes to the floor, a bill that establishes a fair and effective whistleblower protection system.

Employees of the civil service generally are entitled to adequate protection when they suffer unjustified adverse actions that can result in their loss of employment. They should be allowed to appeal these adverse actions. Today, some are allowed to appeal, some are not. That isn't fair. All employees, except in the security sensitive positions mentioned earlier, should have these protections. That is essentially what we are doing with this bill and I urge its passage.

Mrs. SCHROEDER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DYMALLY], the author of this bill and one who has worked so hard on it.

Mr. DYMALLY. Mr. Speaker, I rise in support of H.R. 3875, the civil service due process amendments.

As a member of the Subcommittee on Civil Service, I want to commend the subcommittee Chair, Congresswoman PAT SCHROEDER, and the ranking minority member, Congressman FRANK HORTON, for their expeditious efforts to bring this legislation to the floor.

I have a special interest in H.R. 3875. Section 2 encompasses legislation I introduced at the beginning of the 100th Congress, granting adverse action appeal rights to most Federal employees in the excepted service. I should note that the House unanimously passed a similar measure in the 99th Congress.

Under title V, United States Code, competitive service employees and veterans preference eligibles in the excepted service may appeal a conduct-related adverse personnel action to the Merit Systems Protection Board, an independent Federal agency.

Section 2 of H.R. 3875 merely extends this same appeal right to nonveterans in excepted service positions.

There are approximately one-half million excepted service employees in executive branch agencies, excluding the Postal Service. They include attorneys, scientists, handicapped workers, and certain midlevel administrative positions.

Unlike competitive employees, nonveteran excepted personnel do not have the statutory right to receive advance written notice of an adverse action, the right to respond, or the right to appeal the action to an impartial body. Frankly, I see no reason why these employees, many of whom are long-term civil service employees, should not have the same rights.

I do not believe that Federal employees, except under special circumstances such as national security concerns, should be subject to the loss of their jobs, grade, or pay without any means of recourse or the ability to defend themselves properly.

Such a situation subjects many Federal workers to the whims of internal and external politics—a situation in which civil servants should not be placed if they are to serve the Nation well.

Finally, let me note that the need for congressional action on this issue has become clear, in light of a Supreme Court decision last week which confirmed that the current law does not provide an avenue of appeal to nonveteran excepted service employees.

Mr. Speaker, I once again thank Chairwoman SCHROEDER and Congressman HORTON for their support of my efforts and I urge my colleagues to vote in favor of H.R. 3875.

I might add, Mr. Speaker, that this measure has the support of all the Federal service employee unions and associations and groups.

Mr. HORTON. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1315

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, before this becomes too much of a love-in, I think it should be pointed out that the administration intends to veto this bill should it clear Congress and reach the President's desk. And it seems to me that it does raise some questions about bringing the bill up on Suspension Calendar to begin with, when we have a potential Presidential veto; but also it seems to me that there are some severe questions about the content of the bill.

If I understand section 2 of the bill, and I would be glad to yield to anybody who would tell me that my understanding is wrong, but if I understand section 2 of the bill, what we are doing there is overturning a very recent Supreme Court decision that said flatly that the Civil Service Reform Act of 1978 was in fact intended to deprive excepted service employees other than those with veterans preference with the right to challenge adverse action.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentleman for yielding.

I do not think this bill is intended to overturn the decision. The fact is this bill perceived of the problem last year and this House unanimously passed legislation to correct the problem. Had the Senate moved expeditiously, we would not have had the necessity for the Supreme Court decision.

Mr. WALKER. The gentleman is indicating to me that the United States versus Foster, then, did not make the decision that in fact the Civil Rights Act of 1978 did in fact intend to deprive excepted service employees?

Mr. DYMALLY. That decision is correct. But this bill was not designed to subvert the Supreme Court decision.

Mr. WALKER. The gentleman has confirmed my point then, that in fact the Supreme Court has decided and that we are in fact attempting to overturn that particular decision with what we are doing here.

Second, I would suggest that those who argue that the reason why we should do this is because all of a sudden the civil service process does not work very well anymore and that very few people are getting into the Government through the competitive process, are making precisely the wrong argument.

In other words, because the practice that we now are following is not the good practice, we ought to put it into place more permanently by accommodating the worst possible practices in hiring. That does not seem to me to be a very rational choice either, and that is what we are doing here. We are locking in a process that basically tries to bypass the competitive service. And I think that that raises some serious questions.

Finally, I would suggest that there is a very serious question raised in section 6 of this bill which essentially is saying that the employing agency is no longer the respondent when we go through an appeals process, but rather is making the respondent in the case the Merit Systems Protection Board. The Merit Systems Protection Board is a quasi-judicial body. It has the power to make decisions about these particular individuals. Now what we are saying is that that quasi-judicial body is now all of a sudden going to be involved in the litigation of the case, is going to become a respondent and therefore participate in its own decision as a respondent. Now that really raises I think major questions.

Again, I do not know, and maybe I am wrong, but I am not aware of any other place in the Federal Government where we are saying that the quasi-judicial body that makes judicial decisions with regard to employees or whatever then becomes a respondent defending its own decision on appeal. This is a fairly unique little item that we stuck in this bill and I think it could cause long-term harm and I think it is a very dangerous precedent. So I would suggest that there are reasons to be questioning this bill and I think that we should know that because of some of those objections that the administration does intend to veto the bill should it reach the President's desk. And I thank the gentleman for yielding.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentleman for yielding.

Mr. Speaker, would the gentleman deny this right to the veterans who now have that right?

Mr. WALKER. Well, the Congress has made a specific decision I would say to the gentleman, to include the veterans. And that is a decision that we have decided to make. But I would say to the gentleman I do not oppose that but we are taking a step beyond when we now are undermining the competitive process with this action and also undermining the quasi-judicial practice that determines legitimate rights under the case.

I think we make a very dangerous assumption and one that is more of a big government decision than a decision aimed at really protecting individual employees.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, without regard to the decision there are a large number of people who are what we call excepted and they do not go through the competitive process. This legislation is designed to give them the same appeal rights that those who are now in the competitive system have and the point is we are not using the competitive system. A vast majority of the people that are in the Federal employ today have come in without the competitive system because they are not using the competitive system.

So the question is: Do you want to give excepted civil servants the same due process that you give to the others? My answer is "Yes." Apparently that of the gentleman is "No."

Mr. WALKER. I thank the gentleman for his explanation, but I would say to the gentleman that we made a specific decision on that in 1978 that we are now reversing.

Mr. HORTON. That is right.

Mr. WALKER. The Supreme Court indicated that was our specific decision. It seems to me we made that decision in 1978 in order to try to enforce and enhance the competitive system. The problem, as the gentleman defined it, is we have moved away from the competitive system.

Now you are going to lock in a process that says that the competitive system is no longer functional. I would say to the gentleman I think we are far better off in terms of getting Federal employees, we are far better off in terms of being able to weed out incompetent and unethical employees under the present system. I would far rather have the competitive system in place than the excepted system in place when it comes to hiring and I would far rather have agencies capable of weeding out unethical and incompetent employees than agencies that are locked into a big Government process.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to answer some of the things that were said.

First of all, let us talk about who these excepted employees are. They are the chaplains, they are the lawyers, they are the scientists, they are the interpreters, they are handicapped people; they are specific people that the Federal Government hires that Congress felt we probably did not test. Do we want Congress testing chaplains? We said it is very difficult to test lawyers, difficult to test scientists, and it is difficult to test interpreters and it is difficult to test people who are handicapped and doing special jobs.

What the Supreme Court said is that when Congress set up these excepted people from the competitive service they forgot to give them these rights, that they did not intend to give them these rights, did not think about giving them these rights.

What we are saying here today is well, we have looked at it, really looked at it and we feel it is important these people have the same right and same kind of protection that others do. The reason this competitive service was not extended in this way is it was felt that these people had competed in their own professions to reach a certain level and the Federal Government was hiring them at that professional level rather than the other kind of competitive test where you were testing people's typing skills and so on and so forth. However, they are not managers in that they are working for a very huge, huge bureaucracy as we know and we have some horror stories that come out of it.

So I think what the gentleman from New York was saying is absolutely accurate and on target, that that is what we did, that the Supreme Court pointed out we had not thought about this at the time we did it and we now have a different case and that is what we are trying to do.

Lastly, it was felt very important that the MSPB be able to defend their decisions, mainly because the Justice Department has not moved any of their decisions, that the Justice Department no matter who has been in charge has not proceeded on any of the employee rights decisions. So therefore we feel to make the MSPB work and to make things right, this is important.

So I think we want to set the record straight as to why members of the committee felt this was so critical, why it was passed before, why so many Members have backed it and why it is so important and why we think it should be brought up today.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3875, the civil service due process amendments. This legislation would amend title V, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board.

This bill encompasses those parts of H.R. 25, the Whistleblowers Protection Act, which the administration believed should not be included in a whistleblowers protection bill. The House passed a similar measure under suspension in the 99th Congress which extended procedural due process rights to those employees in the excepted service. These employees deserve the same protection as those in the competitive service.

Accordingly, I urge my colleagues to support H.R. 3875.

Mr. HORTON. Mr. Speaker, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3875, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESCINDING CERTAIN BUDGET AUTHORITY RECOMMENDED IN PUBLIC LAW 100-202

Mr. OBEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3884) to rescind certain budget authority recommended in Public Law 100-202.

The Clerk read as follows:

H.R. 3884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That of the funds made available in the fiscal year 1988 Foreign Operations, Export Financing and Related Programs Appropriations Act (Public Law 100-202), under the heading Migration and Refugee Assistance, $8,000,000 for the construction of educational facilities for north African Jewish refugees in France is rescinded.

The SPEAKER pro tempore. Is a second demanded?

Mr. LEWIS of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 20 minutes and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill which we have before us today, H.R. 3884, would rescind and repeal authority for spending $8 million for displaced Jewish refugees from North Africa now living in France which has become an object of some controversy.

When the House passed its foreign aid bill in December, this item was not among those that we funded. Our bill as it left the House cut the administration's spending plans for foreign aid by $2.7 billion, not million. The Senate then produced its own bill which had some 250 differences with the House bill. This item was one of those differences.

As part of the normal give-and-take between the two Chambers, this is one of the items in the Senate bill which the House finally accepted.

Because of the controversy which surrounded it since the passage of the item, I told Senator INOUYE last week that it was my judgment that the item ought to be eliminated because it was obscuring the fact that even with this item the Congress had saved the taxpayers 300 times the amount in this item by achieving a compromise which cut the administration's total foreign aid spending plan by $2.3 billion—the largest percentage cut made by any committee this year in the President's budget.

Mr. Speaker, I should add one other point: Much has been written in the press to the effect that Senator INOUYE sneaked this item into the aid package. That is simply not the fact. As Senator INOUYE pointed out yesterday, on November 4 he met with the ranking member of the Senate committee, Senator KASTEN, who reviewed the merits of the proposal and had no objection. On December 1, the Senate subcommittee reviewed the markup recommendations made by the chairman and the ranking member and reported the bill to the full Senate Appropriations Committee in an open session with this item included and with no objection to it.

On December 2, a full 2 weeks before the conference, members of the Senate Appropriations Committee received copies of the committee report which had the item clearly listed on page 187.

□ 1330

The final report contained it on page 194. I have a copy of that report in my hand if anyone would like to examine it. The bill was later reported by the full Senate Appropriations Committee and reported without objection. Finally, the bill was reported by the full Senate as a chapter in the continuing resolution, and again it was approved without objection by any Member of the other body.

Following Senate action, the House and Senate conferees met in conference to iron out the 250 differences—250 differences—between us. This item was clearly listed in the conference notes on page 34. In fact, it was listed twice, as item No. 1 and as item No. 4 in the report, indicating that they were dealing with both the numbers involved, the dollars involved and with the report language on the item.

At no time was there an attempt by anyone in the Senate to hide this item from either the House, the press, or anybody else involved.

When I first saw the item in the conference notes, I raised questions about it, and I asked its approval be delayed to allow us to review it further. It was held over for 1 day. It was later approved in an open session of the conference—after public debate among the conferees, I might add. Administration representatives and representatives of the press were present during that debate.

In the end, our committee accepted the item because the Senate had passed it and because a number of House Members on both sides of the aisle had expressed their strong view that it ought to be funded. On that basis, as part of the compromise on more than 250 items, it was accepted by the House committee.

Very frankly, the committee did not spend a lot of time debating it, for 3 reasons: First of all, as I indicated, we had 250 items to settle, and more than 100 of them cost far more money than this item, including the overriding controversy on Contra aid, which was and still remains my primary concern.

Second, since the committee had already reached an understanding about how much would be cut from the President's overall aid request, it seemed better to use that money for a humanitarian gesture for people who had suffered prejudice and discrimination than to use it in a number of other ways that had far less justification and merit.

The third reason we finally accepted the Senate amendment is because anyone who knows him knows that the Senate chairman has a passionate concern for the welfare of Jews anywhere who have borne the burden of displacement, discrimination, and worse. One of the reasons we accepted it is because we recognized how strongly he felt about it, and if he made any mistake, it was simply the mistake of a good heart.

Frankly, I wish now obviously that the House had not accepted the Senate item. But I have made bigger mistakes than that before, and I certainly have lost bigger arguments than that before. And there were literally, as I said, more than 100 other items of greater financial impact that we were worried about, including the all-consuming issue of Contra aid. We were focused primarily on those items, and I make no apology for that focus.

Obviously, every dollar is important, but the end product of this and other compromises still enabled the House to bring back a bill which saved the American taxpayers almost 300 times the amount that this 1 item cost. We cut $2.3 billion out of the President's foreign aid budget, the largest percentage cut in the administration's budget made by any committee this year, and because of that action this Congress was able to move that money to education, to health, and to job programs here at home. I am proud of that fact.

Mr. Speaker, that is the whole story, and passage of this bill will eliminate the $8 million item which is obscuring that fact. I urge passage of the bill before us today.

Mr. LEWIS of California. Mr. Speaker, it is with no small amount of reluctance that I rise essentially to express the willingness of the Republican side of the aisle to agree to this rescission. To carry forth some of our concerns, I now yield 2 minutes to our colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I, too, rise in favor of the passage of this legislation. But I would say to the chairman of the subcommittee that I am not certain we got exactly the whole story because I think that the problem with this particular money rises out of the process that was used.

For example, this House never approved the foreign aid bill that the gentleman refers to. That bill was specifically held in the Appropriations Committee, and the negotiations took place within the Appropriations Committee. We never had a chance to focus on those savings in foreign aid on the House floor because the bill was never brought to the House floor. I think that is a mistake, and I think one of the reasons why we found ourselves in this kind of mess and muddle is because we never really considered the bill on the House floor, and by the time we finally got to look at the foreign aid request, we had it out here in a box piled on the table a couple of minutes before we began an hour's worth of debate. While the gentleman refers to printed reports and all that, the fact is that there was none of that on the House floor the night we considered these particular moneys and requests. I think it was a terrible process, and we must reform the process.

It is not good enough to simply come back after the fact and come up with $8 million here. The fact is that there are a number of other things that were in that bill that ought to be brought out here for rescission. For example, there was the half million dollars to bring people here from foreign countries to observe the Congress. I do not know whether that was included down in the body of this particular bill or not or whether it was somewhere else, but the fact is that that is also money the American people do not think needs to be spent at a time when we are trying to reduce deficits.

There is $25 million in that bill for an unneeded airport in Fort Worth, TX. We might want to have that brought out here on the floor and consider withdrawing the money for that particular item, too. And there was a bunch more—cranberry research, and I have forgotten what all else was in there. The President is supposed to be sending some of those rescissions up here. I think that is good. But I think it is high time that we focus on the fact that we have a process here that failed, and what we are doing is correcting one and only one part of that failure.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I will not oppose this measure but I wish to express my concern that such a measure is even necessary. Yesterday, I introduced legislation which would also rescind the special earmark of this $8 million. Additionally, those funds would be redirected toward helping the economically distressed city of Chester in my congressional district.

The original provision should be rescinded. It represents a type of expenditure which Congress should not condone and which is not in the best interests of the taxpayer. It is also not in the best interests of American foreign policy. U.S. foreign aid should not be used to dispense favors for special interest groups. It diverts limited financial resources from important domestic needs. Chester, PA, serves as one such example of need—$8 million would go a long way in helping revitalize Chester and bring countless jobs and prosperity to the area.

I recommend that, as we consider this measure, we think about how we can help our people and our towns. One way is to identify expenditures such as the one we are discussing today, and put that money to the best possible use. I can think of no better use than aiding backbone communities such as Chester.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I compliment Senator INOUYE for deciding to support the repeal of the $8 million for construction of religious schools in France. I rise in support of H.R. 3888.

On January 25, I introduced like legislation, H.R. 3846, which would stop funding for such religious schools. Some 42 cosponsors from both parties have signed on to H.R. 3846.

Since the $8 million expenditure came to light a month ago, there has been an outpouring of opposition to it. The opposition has been so strong, and so widespread, I felt compelled to sponsor legislation to do something about it.

My reasons for opposing Senator INOUYE's provision were summed up in a recent editorial in Washington Jewish Week:

> It is inappropriate for U.S. taxpayers to support such projects out of the public treasury. As the State Department pointed out, the North African Jews in question have lived in France for decades; they are not refugees. And it is certainly not the business of the United States to aid the citizeny of a prosperous, developed nation like France.

Accordingly to the State Department, U.S. refugee assistance does not go, and has not gone, to construct or support a private religious school. It is all the more disturbing that the $8 million would not only go for religious schools, but religious schools in the 10th wealthiest nation of the world, France.

Our Constitution does not allow Federal funding to construct religious schools in the United States. French law does not allow their Government to build religious schools in France.

Furthermore, the United Nations does not classify the north African Jewish refugees in France as refugees. Nor does France. Nor does the United States. They are French citizens. Most have lived there for years.

This expenditure would set a terrible precedent. We are talking about "refugee assistance" to build religious schools in developed nations. What would we say to the millions of refugees in the United States? How could we justify building religious schools for French citizens if we don't build them for Vietnamese refugees in the United States? What would we say to thousands of refugees from Central America?

This episode is perhaps the best example yet of why CR's are such a terrible way to legislate.

Senator INOUYE has admitted he made an "error in judgment." It is precisley this kind of error in judgment of one Member that our deliberative legislative process is supposed to weed out. This is why we have the committee system, to hold hearings and mull over these proposals before they become law.

Senator INOUYE is not the first Member to propose spending money for something that the vast majority in this body would not support. The breakdown here was that all of the safeguards of our legislative process were thrown aside.

In the end, this carelessness reflects badly on all of us. I hope we remember this lesson if and when a CR comes before us.

I would like to thank the 42 Members who cosponsored the original bill stopping the $8 million for French schools (H.R. 3846). These are the members who deserve a large part of the credit for bringing attention to this unjustifiable expenditure. The cosponsors are:

LIST OF COSPONSORS

Paul B. Henry, Dan Coats, Philip M. Crane, Ernest Konnyu, George Crockett, James Inhofe, Butler Derrick, John Porter, Joe Skeen, John Rhodes.

Steve Gunderson, French Slaughter, Raymond McGrath, Richard Armey, Beau Boulter, Norman Shumway, Bill Emerson, Doug Applegate, Brian Donnelly, Robert Lagomarsino.

Chalmers Wylie, Hal Daub, F. James Sensenbrenner, Jr., James Courter, Fred Upton, Claude Harris, Peter J. Visclosky, Thomas E. Petri, Richard H. Baker, Henry Hyde.

Timothy J. Penny, Lynn Martin, Jim Kolbe, Sam Gibbons, David Dreier, Howard Coble, Thomas Tauke, Virginia Smith.

Mr. LEWIS of California. Mr. Speaker, if the chairman of my subcommittee will bear with me, I will now yield myself such time as I may consume, and then I will reserve the balance of my time because I have no further requests for time.

Mr. Speaker, the gentleman from Illinois [Mr. FAWELL] expressed the concerns of many of our colleagues regarding the process, and I think it is very important to realize that at least this debate helps to highlight the changes that I believe most of us are committed to for the balance of this, the historic 100th Congress.

Our foreign assistance appropriations bill is a very, very difficult bill to deal with, for each of us who is elected to this body recognizes that one of the most important responsibilities of Members duly elected to the Congress is to help with the process of establishing a long-term and logical foreign policy, as well as foreign relations with other countries throughout the world. Nonetheless, most of our constituents who face economic difficulties at almost any time in our history at home wonder about our sending moneys overseas, and almost every item in a foreign aid appropriation bill, therefore, is somewhat controversial.

This item came up as a red hot item that the news media chose to focus upon, and in the middle of that focus was Senator INOUYE. I want to say to my colleagues that Senator INOUYE has been more than a gentleman as we worked out this very, very difficult bill, not just this year but over the years. He is a Senator who is very serious about his work, and in this matter he has suggested that a mistake was made. But indeed the mistake involved focusing upon North African Jewish refugees in France. This was an attempt to provide some very special assistance to the needs of that group, assistance that is not allowed by the government of France itself. This came about and it was not reviewed with the kind of care it might have justified, for the very reasons the gentleman from Illinois [Mr. Fawell] outlined. Having said that, really the Members of the subcommittee find themselves almost the victim of that which has become a ridiculous process, and the idiocy of that process presently is causing bruises all over the body of one, Senator INOUYE.

Mr. Speaker, if nothing else, I would hope that this debate would highlight the critical importance of our taking a new kind of leadership, a new direction around here, as it related to the appropriations process.

□ 1345

The people of this country, the Members of the House, indeed, common sense would suggest it is time we return to a timely consideration of each of our 13 appropriation bills, fully debated in the subcommittee and fully debated here on the floor. If we go about that, we will have taken steps to rebuild the credibility of the Congress itself.

Now, $8 million, as has been suggested, is relatively small out of $1 trillion budget or out of a $2½ trillion deficit; but indeed, in this case, that amount of money has caused us to focus and pay attention to the reality that our system in the House is not just out of whack, it is indeed on a path that could undermine the future credibility of the House of Representatives, undermine our ability to provide the service that we were elected to as we represent our people here on the floor.

Mr. OBEY. Mr Speaker, I have just a couple remarks before I hopefully close debate and yield back the remainder of my time.

I would simply like in summary to again remind Members that one can characterize this item in any way that one desires, but the fact is that the bill in which it was contained wound up saving taxpayers $2.3 billion, which is the largest savings made on a percentage basis by any appropriations subcommittee this year, and I think the House can take pride in that and so can the committee.

Second, since the overall spending limit for the foreign aid bill had already been set before this item was considered, if the money had not been appropriated for this item it would not have been used for the gentleman's hometown, or the hometown of anybody else. It would have gone for some other foreign aid item. I would like to think it would have gone for a better one, but knowing the way this place sometimes works, I have the suspicion that it would probably have gone into additional military aid for some foreign dictator somewhere, and I would submit that that would be an even worse expenditure of the money.

Third, I would point out that this item is not unique. I would point out, for instance, that we have also made a policy decision to provide assistance to the Solidarity Union in Poland. We normally do not provide aid directly to unions in this country.

We have provided consistently for a Catholic hospital, for instance, in Poland, which a number of Members on a bipartisan basis just dedicated several months ago. I did not see any objection being raised to that item.

So I would suggest that if we are going to discuss this item, it is important that we place it in a fair context and to be fair to its author in the process.

I would make one other suggestion, because I noted, for instance, today that another newspaper writing about another item in this bill suggested that somehow Senator INOUYE and Senator KASTEN had sneaked into the foreign aid bill a credit item which adjusted the way we deal with the way other countries repay loans to this country.

Now, I have to say this. I fought with the Senate on that item for 3 years. I differed strongly with both Senator INOUYE and Senator KASTEN on that item, but no one can ever allege that that item, either, was sneaked into the Senate bill.

What I think we have to avoid around here on the floor and in the press, I think we have to avoid this tendency to always take what is a natural disagreement on issues and somehow turn it into a debate on someone's character, or an attempt to assassinate someone's character, as I think happened in the case of Senator INOUYE.

The fact is we have had many strong debates on these issues, but no one can allege that they have been secret debates or secret discussions and disagreements, because we have had very long fundamental disagreements on some of these items. That is the nature of this business.

I would also suggest something else. If people are really interested in budget reform, as some Members have suggested today, I would ask you to take a look at the legislation which I introduced some 5 years ago and have been trying to push around here ever since. I would ask you to take a look at the budget reform legislation which I introduced, with the cosponsorship of the gentleman from Pennsylvania [Mr. MURTHA], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from Oklahoma [Mr. EDWARDS].

I would suggest that you take a look at that legislation and see whether or not you would be willing to cosponsor that approach, because I warn you, even though people will give us these pious pronouncements now about supporting 13 individual appropriations bills, so long as Gramm-Rudman is on the books there is an incentive for every committee around here not to bring their bill out to the floor, because even if they cut their own bill and meet the spending limitations required under a budget resolution, that does not guarantee that every other committee will perform, and so they can wind up having their bill cut twice.

So I would suggest if you want real budget reform, you will not adopt the naive idea that we are never going to have another continuing resolution around here, because we are, even though none of us like them. You will, instead, find ways to make the process more orderly and more effective.

I would strongly urge you to take a look at the bill which I am going to be introducing again in about 10 days, because if you are serious in budget reform or in your concern for budget reform, I think that would be a good vehicle to express that concern.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on the day that we were conferencing on the foreign operations section of the omnibus continuing resolution, we were also in conference on the same issue before the Labor, Health and Human Services and Education Subcommittee, and so I was in two conferences at the same time. I chose to go in the morning to the Labor, Health and Human Services Conference, and go to the Foreign Operations Conference in the evening.

When I arrived there, we had completed a good part of the bill. I raised the question because my staff had noted that this was in the bill. I raised the question of this expenditure for a school in France, was told that that section of the bill had already been closed and I could not raise the objection at this time.

The point I am making, however, is that if we did not have an omnibus continuing resolution, we probably would not have had two conferences going on with two of my subcommittees at the same time. We would have had a little more time to look at these issues individually, to deal with them and to allow through to the floor only those things that can really, truly, stand on their own.

I cheered when the President told us a week ago last Monday that he would not sign another omnibus continuing resolution. We do not need anymore of these devices, Mr. Speaker. I may be naive, as my chairman tells me, in expecting that we will not have any more, but I can tell you this, Mr. Speaker, that I am going to be there fighting to insure that we do not have any more. Everything that comes to the floor ought to come with the ability to stand before this Chamber on its own.

I think the remarks were very well-taken of my Illinois colleague, HARRIS FAWELL, when he said that this is the kind of mischief that results when we have an omnibus continuing resolution, lumping all our appropriation bills into one gigantic bill.

Yes, it is time, Mr. Speaker, if you will, for reform. Yes, there are good ideas out there. The beginning of it all, however, must be that we end any further continuing resolutions, pass our approrpiation bills on time, allow the President to work his will with them, work through the legislative process as our Constitution intended it to be.

Mr. LEWIS of California. Mr. Speaker, I would like to say to the Chair that it is very apparent by way of this early debate this early in the session that this is only the first of a series of indepth discussions of the way we have been handling the procedures of the House, a discussion, if you will, before the public, God, and everybody, my mother used to say. It will lead, I think, to some healthy changes long overdue.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY] that the House suspend the rules and pass the bill, H.R. 3884.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3875, by the yeas and nays; and

H.R. 3884, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CIVIL SERVICE DUE PROCESS AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3875, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3875, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 21, not voting 47, as follows:

[Roll No. 3]

YEAS—365

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Feighan
Fields
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—21

Archer
Armey
Barton
Burton
Cheney
Craig
Crane
DeLay
Fawell
Hansen
Hastert
Kyl
Marlenee
Michel
Miller (WA)
Nielson
Roth
Shumway
Smith, Denny (OR)
Stump
Walker

NOT VOTING—47

Alexander
Badham
Beilenson
Bereuter
Biaggi
Bliley
Bosco
Boulter
Broomfield
Brown (CA)
Chapman
Clay
Clement
Collins
Dannemeyer
de la Garza
Dornan (CA)
Dowdy
Early
Espy
Fazio
Fish
Foglietta
Frank
Gephardt
Grant
Gregg
Holloway
Jones (TN)
Kemp
Kleczka
Leland
Lightfoot
Lowery (CA)
Mack
McCollum
McCurdy
Moody
Pepper
Ridge
Roemer
Schuette
Smith (IA)
Swindall
Weber
Wilson
Wise

□ 1415

The Clerk announced the following pair:

On this vote:

Mr. Leland and Mr. Moody for, with Mr. Boulter against.

Mr. CRAIG and Mr. DENNY SMITH changed their votes from "yea" to "nay."

Mr. RUSSO changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOPER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minumum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

RESCINDING CERTAIN BUDGET AUTHORITY RECOMMENDED IN PUBLIC LAW 100-202

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3884.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY] that the House suspend the rules and pass the bill, H.R. 3884, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 1, not voting 48, as follows:

[Roll No. 4]

YEAS—384

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boggs

Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fawell
Feighan
Fields
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—1

Gonzalez

NOT VOTING—48

Badham
Beilenson
Bereuter
Biaggi
Bliley
Boehlert
Bosco
Boulter
Broomfield
Brown (CA)
Clay
Clement
Collins
Conyers
Dannemeyer
de la Garza
Dornan (CA)
Dowdy
Early
Espy
Fascell
Fazio
Fish
Foglietta
Frank
Gephardt
Gray (PA)
Holloway
Ireland
Jones (TN)
Kemp
Kleczka
Latta
Leland
Lightfoot
Lowery (CA)
McCollum
McCurdy
Moody
Ridge
Roemer
Schuette
Skelton
Smith (IA)
Swindall
Weber
Wilson
Wise

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 339, RESOLUTION OF INQUIRY CONCERNING AMERICAN PRISONERS OF WAR/MISSING IN ACTION IN VIETNAM

Mr. STOKES, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 100-500) on the resolution (H. Res. 339) requesting that the President furnish the House of Representatives with documents relating to statements by a Vietnamese official about American prisoners of war/missing in action in Vietnam, which was referred to the House Calendar and ordered to be printed.

PRESERVING CERTAIN WETLANDS AND HISTORIC AND PREHISTORIC SITES IN ST. JOHNS RIVER VALLEY, FL

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1983) authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 3, after "exchange." insert "On lands acquired for inclusion within the Preserve, the Secretary shall not impair any legal riparian right of access nor shall he preclude the continued use of any legal right of way.".

Page 4, strike out lines 4 to 6, and insert:

(c) ADMINISTRATION.—The Secretary shall administer those lands acquired for inclusion within the Preserve in such a manner as to protect the natural ecology of such land and water areas in accordance with this Act.

Page 4, after line 14, insert:

(d) Nothing in this Act shall affect development of a multiunit residential/resort project currently proposed for Fort George Island, nor shall any provision of this Act be construed to affect any Federal, State or local law applicable to such project.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

□ 1430

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, H.R. 1983, a bill introduced by our colleague CHARLIE BENNETT, authorizes the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley in Florida. This bill amends the legislation that established Fort Caroline National Memorial by specifying that the historical park shall be the principal interpretive and administrative center for the ecological historic, and prehistoric resources under this legislation. It also establishes the Timucuan Ecological and Historic Preserve and authorizes the Secretary of the Interior to acquire lands and interests in lands within the boundaries of the preserve. In addition, H.R. 1983 authorizes the Secretary of the Interior to acquire by donation, or purchase with donated funds, several historic properties, including Spanish, English, and Confederate forts, a Spanish mission, a Revolutionary War battle site, a Spanish-American war fortification and the Kingsley Plantation. Any properties so acquired would be administered and interpreted by the staff of Fort Caroline National Memorial.

The House passed H.R. 1983 on July 21, 1987. Subsequently, the Senate passed H.R. 1983 with three amendments. The first amendment provides for the continued use of any legal right of access. The second amendment directs the Secretary to administer only those lands acquired for inclusion within the preserve. The third amendment states that the act shall not affect development of a residential-resort project proposed for Fort George Island.

I accept these amendments, and believe that the House should pass this bill as amended.

Since the House first acted on this bill, Mr. Speaker, some questions have been raised by the owners of residential property on Fort George Island, one of the areas within the exterior boundaries of the preserve. Specifically, they have expressed concern that such developed residential property within the boundary might be subject to condemnation if included in the preserve.

H.R. 1983 allows the Secretary of the Interior to acquire by condemnation only wetlands, and the bill adopts the same definition of wetlands as used in the Wetlands Act of 1986. That definition uses the test of the presence of hydric soils and hydrophytic vegetation to determine if a particular area qualifies as wetlands. No other definition of wetlands applies to this legislation, and I believe it unlikely that tracts where residences have been built would qualify as wetlands under the applicable definition. But, regardless of definition, it is not the purpose of this bill to direct the Secretary to acquire residential sites.

I do not think it likely that any privately owned and occupied residential lands are apt to be determined necessary for any acquisition, and we certainly expect that even in such cases—should there be any—only the minimum necessary portions of such sites, excluding any family residences, should be acquired.

Mr. Speaker, I urge the House to concur in the Senate amendments and thus clear this very worthy bill for enactment into law.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I rise in support of the amended version of H.R. 1983 before us today. This bill, which was originally passed by the House on July 21, authorizes the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley in northeastern Florida. Preservation would be accomplished through the establishment of the 35,000-acre Timucuan Ecological and Historic Preserve to be administered by the National Park Service. Condemnation of private lands, other than wetlands, is prohibited and hunting, fishing, and boating in the preserve will be allowed to continue.

When H.R. 1983 was considered by the House, it was amended to include Fort George Island within the preserve. Due to concerns expressed by me and other committee members, language was included in the committee report to insure that inclusion of the island in the preserve would not halt or in any way affect a proposed multiunit residential-resort project. During Senate consideration of H.R. 1983, similar concerns led to the adoption of an amendment to ensure that nothing in the act would affect development of the project or any Federal, State, or local law relating to the project. The Senate also amended H.R. 1983 to provide that on lands acquired for the preserve, no legal riparian right of access or right of way would be impaired or precluded.

Mr. Speaker, I believe these are good amendments which improve the bill. Therefore, I urge my colleagues to approve H.R. 1983 as amended.

Before closing, I want to commend my colleague from Florida, Representative CHARLIE BENNETT, for his leadership on this legislation and his foresight of the need to protect and preserve the numerous, unique resources of the St. Johns River Valley.

Again, I urge House passage of the amended H.R. 1983.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL PARKS AND RECREATION ACT OF 1978 AMENDMENTS

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2566) "to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

That Title IX of the National Parks and Recreation Act of 1978, as amended (16 U.S.C. 230), is further amended as follows:

(a) In section 901 by adding the following new phrase and renumbering subsequent phrases accordingly:

"(4) folk life centers to be established in the Acadian region;";

(b) In section 902 by adding the following new subsection:

"(g) The Secretary is authorized to acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, not to exceed approximately 20 acres, in Acadian villages and towns. Any lands so acquired shall be developed, maintained and operated as part of the Jean Lafitte National Historical Park."; and

(c) In section 907(e) by striking out "ten years" and inserting in lieu thereof "twenty years".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, H.R. 2566, introduced by our colleague LINDY BOGGS, amends the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission for 10 more years. This bill passed the House of Representatives on September 29, 1987. The Commission, created at the same time as Jean Lafitte National Historical Park in 1978, has assisted the park in its development and management in a commendable way.

The original mission for Jean Lafitte National Historical Park included the interpretation and preservation of the diverse cultures found in the Mississippi Delta. Specifically, the legislation establishing Jean Lafitte National Historical Park authorized the Secretary of the Interior to enter into cooperative agreements to establish Acadian folklife centers. Unfortunately, there is now a dispute generated by the Solicitor of the Department of the Interior who claims the original legislation did not provide sufficient authorization for the site acquisition and construction needed to make such centers a reality. Rather than dispute that issue in the courts, the Senate amended H.R. 2566 to include amended authorization language which clarifies the Department's authority to acquire and develop the Acadian folklife centers.

Because I believe this amendment furthers the intent of the original legislation, and because I believe that we should recognize and encourage our Nation's cultural diversity, I endorse this amendment and recommend that the bill as amended be passed.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I would like to advise my colleagues to support the reauthorization of the Delta Region Commission. As reported by the House, this bill simply reauthorizes the Commission but does not provide for increased authorization for funds. In fact, Mr. Speaker, at a hearing on this bill, the administration testified that the Commission cost the Federal Government less than $1,000 annually because the Commission members pay much of their own expenses. For instance one Commission member testified that none of the Commission members ask for or receive 1 cent for their services. About all the Park Service spends on this particular Commission is the furnishing of transportation when the Commission must travel long distances in pursuance of its duties. As my colleague has pointed out, the other body did amend the House version to provide additional authorization to allow construction of facilities in the Acadian region. This is merely clarifying legal authority which many believed the Park Service already had.

I urge my colleagues to support H.R. 2566.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. I thank the gentleman from California for yielding.

Mr. Speaker, I want to thank the gentleman from California [Mr. LAGOMARSINO] and the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO] for bringing this bill to the floor and for recognizing the magnificent services of the members of the Delta Region Commission and the very important work that they do in historic preservation and also in the preservation of a great little ecological resource that is very precious to the delta region of our country.

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SENIOR CENTER WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 196) to designate the week of May 10, 1987, through May 16, 1987, as "Senior Center Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the legislation being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from South Carolina [Mrs. PATTERSON] who is the chief sponsor of House Joint Resolution 196, designating the week of May 10, 1987, through May 16, 1987, as "Senior Center Week."

Mrs. PATTERSON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased today that we are recognizing the valuable service provided by senior centers to communities across the Nation by designating the week of May 8-14 as "Senior Center Week."

The first senior center opened in New York in 1943. Today, over 8,000 senior centers help 5 million Americans nationwide to remain a vital part of our towns and communities. These centers provide a variety of services, from counseling to employment information, as well as social and recreational opportunities.

Older Americans are an invaluable segment of America's diverse population. They are the closest link to our immediate history because of the many memories and recollections they carry with them. But they are more than a storehouse of past information. They are vital, active members of society who deserve every opportunity to participate fully in the life of their communities. Having learned the lessons of a lifetime, they can contribute immensely to our Nation.

Under the Older Americans Act, Congress recognized the value of multipurpose senior centers as a place where older Americans could receive health and legal services. Through these and other services and facilities, senior centers play an important role in encouraging the use of the skills, experience, and knowledge of older Americans so that they may more fully realize their potential.

I am pleased that through this legislation and through the cooperation of the many Members who have sponsored this resolution, we can once again recognize Senior Center Week.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to concur in the remarks of the gentlewoman from South Carolina on the value of senior centers.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The clerk read the joint resolution, as follows:

H. J. RES. 196

Whereas local communities support over eight thousand senior centers and there is hardly a city or town without one;

Whereas senior centers affirm the dignity, self-worth, and independence of older persons by facilitating their decisions and action, tapping their experiences, skills, and knowledge, and enabling their continued contribution to the community;

Whereas senior centers, encouraged and supported by the Older Americans Act, function as service delivery focal points, helping older persons to help themselves and each other, and offering service or access to community services as needed;

Whereas the national theme for Senior Center Week is "Plan on Living the Rest of Your Life", and senior centers nationwide are viewed as focal points to promote the well-being of older persons—emotionally and physically; and

Whereas the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons and the role of senior centers in serving them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week in May, May 10 through 16, 1987, is designated as "Senior Center Week" and the President is authorized and requested to include this designation of Senior Center Week as part of the proclamation for Older Americans Month, calling upon the people of the United States to honor older Americans and these local organizations that bring together activities and services for their benefit.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 2, line 3, strike "the second week in May, May 10 through 16, 1987," and insert "the week of May 8 through May 14, 1988,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. DYMALLY: Amend the title to read as follows: "Joint resolution designating the week of May 8 through May 14, 1988, as 'Senior Center Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL VITA WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 292) designating the week beginning February 1, 1988, as "National VITA Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. DELLUMS] who is the prime sponsor of this resolution.

Mr. DELLUMS. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for being kind enough to yield to me at this time.

I would first like to thank the gentleman from California [Mr. DYMALLY] and the gentlewoman from Maryland [Mrs. MORELLA] for their efforts in bringing this legislation to the floor of the House at this particular time.

I would like to make a few brief points in support of the resolution.

Mr. Speaker, the Volunteer Income Tax Assistance Program known as VITA helps all who seek assistance, primarily the elderly, poor, handicapped, and non-English-speaking persons.

Mr. Speaker, in 1986, 37,000 VITA volunteers assisted more than 800,000 taxpayers in completing and filing their returns.

The tax law changes caused by the Tax Reform Act which we just recently passed will increase the need for qualified tax assistance. Adoption of House Joint Resolution 292 will increase community awareness of this important voluntary resource.

Mr. Speaker, it is the opinion of this gentleman from California that the passage of House and Senate resolutions will also recognize the dedicated service of literally thousands of individuals and numerous organizations that make this program work. National VITA Week encourages, I believe, current volunteers to continue their community service and makes potential future volunteers aware of the program's existence.

Again, I would like to thank the distinguished gentleman from California [Mr. DYMALLY] and the distinguished gentlewoman from Maryland [Mrs. MORELLA] for bringing this resolution to the floor in the hope that it will pass the House by unanimous consent.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I would like to say that I have firsthand knowledge; I have seen the wonderful work in my congressional district that was done through the VITA Program, volunteers helping our seniors with their grueling income tax returns.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 292

Whereas the Volunteer Income Tax Assistance Program, also known as VITA, gives hundreds of thousands of low income, elderly, handicapped, and non-English speaking persons free assistance in preparing their income tax returns;

Whereas VITA volunteers are provided training and technical assistance by the Internal Revenue Service;

Whereas VITA volunteers represent a number of local and national organizations, including the American Bar Association, the American Institute of Certified Public Accountants, the National Association of Black Accountants, the Retired Senior Volunteer Program, and the United Way, and include government officials ranging from mayors and councilpersons to county commissioners and Governors;

Whereas the VITA Program has grown to over thirty-seven thousand volunteers across our great Nation, spreading from coast to coast throughout at least forty-eight States and the District of Columbia;

Whereas the VITA Program symbolizes the American spirit of volunteerism and our long and proud heritage of neighbors lending each other a helping hand: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning February 1, 1988, is designated as "National VITA Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 172) to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, further reserving the right to object, I am pleased to support Senate Joint Resolution 172, designating February 21, 1988 through February 27, 1988, as "National Visiting Nurse Associations Week."

The Visiting Nurse Association [VNA] has provided cost-effective, personalized care to patients at home since 1885, over 100 years, regardless of the patient's ability to pay.

The visiting nurse has provided selfless service in a quiet, gentle, efficient manner assisting over 1 million people each year.

Home health care has been demonstrated as a better alternative to hospital care in many instances because the individual is in the security and comfort of their own home. These nurses care for people of all ages and ailments, whether it be heart condition, cancer, mental conditions, aids, or gerontology. They assist their patient with dedication, providing meals, reading to them or a myriad other functions so that the person in their care is made more comfortable.

The original Visiting Nurses Association started in Liverpool, England, founded in 1859 by Florence Nightingale and William Raithbone. The VNA has come a long way since then when their mission was to ensure that infants and children survived and that their mothers were well nourished; they also cleaned houses so that contagious diseases would not be spread.

The spirit of the original VNA carries on to the second century and I commend the Congressman from Colorado, Mr. HEFLEY, for introducing this legislation in the House. I also wish to commend the thousands of visiting nurses for their dedicated service to the public.

I urge my colleagues to support Senate Joint Resolution 172.

Mr. HEFLEY. Mr. Speaker, for more than 100 years, Americans have received health care in the comfort and convenience of their homes thanks to the dedication and capabilities of visiting nurse associations [VNA]. The registered nurses, nurses aides, therapists, homemaker specialists, and volunteers who comprise the visiting nurse associations could be considered unsung heroes of health care. They daily bring skilled medical and health care as well as tender loving care to men and women of all ages, children, and even infants. Visiting nurse associations serve inner cities, suburbs, and rural areas—anywhere that patients need help at home.

The average visiting nurse association cares for 500 patients annually and makes 1,225 visits per year. Nationwide, VNA's serve nearly 1 million adults and children every year.

Just as the old saying goes that the postmen could not be deterred from their rounds by rains, snow, or sleet, so it is true of those dedicated members of the visiting nurse associations.

The VNA's have a long and colorful history. The first VNA was established in Buffalo, NY, in 1885 by Elizabeth Coe Marshall, who collected money from her Sunday school class and other concerned citizens to provide health care to the indigent in the community. The early mission of the visiting nurse associations was twofold: to ensure the survival of infants and children by providing mothers and babies with milk, nutritional foods and advice, and health care, and to combat contagious diseases by cleaning homes.

Over the years, visiting nurse associations provided health care and disease prevention education to immigrants who did not understand English well enough to survive in their new homeland. VNA's battled plagues and contagious diseases in Western mining camps. And they taught cooking skills and first aid to Camp Fire Girls and Boy Scouts.

Today, the concept of the visiting nurse, developed by Florence Nightingale and William Raithbone in England, is embodied in the more than 500 visiting nurse associations operating in almost every State in the Union. The mission of the VNA's has changed over time, but the desire to make home health care available to anyone who needs it, regardless of ability to pay, continues to be fullfilled.

In recognition of the contributions of the visiting nurse associations to the health and vitality of the American public, I am pleased to join my colleagues in adopting the resolution proclaiming February 21 through February 27, 1988, as "Visiting Nurse Associations Week." This resolution was passed by the Senate in November, and I am delighted that today we will send it on to the President for his signature.

□ 1445

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 172

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to nearly 1,000,000 men, women, children, and infants;

Whereas such Associations serve 504 urban and rural communities in 47 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support regardless of the individual's ability to pay;

Whereas such Associations are voluntary in nature, independently operated, and community-based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical and mental handicaps receive the therapeutic benefits of care and support services provided in the home;

Whereas in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including (where appropriate) health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing services, and meals on wheels;

Whereas such Associations offer nursing care provided by registered nurses, homemaking, therapy, and social services by qualified specialists, and "friendly visiting services" by volunteers;

Whereas in each community served by such Associations, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care;

Whereas the need for home health care for young and old alike continues to grow annually; and

Whereas on February 23, 1988 a national meeting of Visting Nurse Associations from throughout the United States will be held in Innisbrook, Florida: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 21, 1988, and ending February 27, 1988, is designated as "National Visiting Nurse Associations Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAIR HOUSING MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 143) to designate April 1988, as "Fair Housing Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this resolution.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], who is a cosponsor of House Joint Resolution 201, designating April 1988 as "Fair Housing Month."

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 143 which is identical to House Joint Resolution 201, designating the month of April 1988 as "Fair Housing Month." I would also like to commend my good friend and colleague from New York, Mr. FISH, for his work on this fine resolution and again for his dedication to improving the efforts made in providing fair housing to all.

Since the enactment of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Federal Fair Housing Act," the right of free choice in housing has grown tremendously. However, despite these advances, discriminatory housing policies still remain an unfortunate fact of life for many Americans today. The problem of discrimination in the sale, rental, or financing of housing on the basis of race, color, religion, national origin, or sex still persists. Much is still needed to be done to strengthen the enforcement of fair housing laws to assure that there are no victims of discriminatory housing practices and to make the ideal of fair housing a reality.

Fairness is the foundation of our way of life and reflects the best of our American values. Accordingly, I urge my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in support of Senate Joint Resolution 143 and its counterpart, House Joint Resolution 201, designating the month of April 1988 as "Fair Housing Month."

We all agree that shelter is a basic human need, but the right to that need must be constantly reaffirmed. An unenforceable right is no right at all and access to decent and affordable housing goes to the core of American values.

Without decent housing, quality family life is virtually impossible. A survey by the Housing and Urban Affairs Department found 25 pecent of rental housing was unavailable to families with children, and another 50 percent carried restrictions on ages and numbers. With so many families now headed by single, working women, equal access to housing is more important that ever.

Mr. Speaker, I hope that this resolution, which I urge the House to pass, will lead to better enforcement of our fair housing laws and improved access to decent housing for all Americans.

Mr. Speaker, I compliment the chief sponsor, the gentleman from New York [Mr. FISH], for introducing the House joint resolution. I commend the chairman of my subcommittee also for furthering the resolution and the gentleman from New York [Mr. GILMAN], who spoke so eloquently in support of it.

Mr. FISH. Mr. Speaker, at the outset I want to express my sincere appreciation and personal thanks to the subcommittee chairman, MERV DYMALLY, and the subcommittee's ranking Republican member, CONNIE MORELLA, for their assistance in bringing this commemorative measure to the floor.

This is the fifth consecutive year that I have been the principal House sponsor of legislation to designate April as "Fair Housing Month." The version we consider today was orginally introduced in March of last year and since that time has received the cosponsorship of 222 Members of this House. In fact, House Joint Resolution 201, designating April 1988 as "Fair Housing Month" was passed by the full House of Representatives back on May 4, 1987. However, subsequently, a Senate version with slightly different language was reported by the Senate Judiciary Committee and passed that body on June 5, 1987. We are here then, in fact, to reconcile these minor differences and to forward this symbolic, but important legislation to the President.

Mr. Speaker, April 1988 will mark the 20th anniversary of the enactment of a Federal fair housing law—title VIII of the Civil Rights Act of 1968. This landmark legislative action symbolized a legal and policy commitment on the part of the Federal Government to the goal of equal opportunity in housing for all Americans. It remains a cornerstone of our civil rights protection in this country.

Title VIII prohibits discrimination in the sale, rental, or financing of housing based upon race, color, religion, national origin, or sex. Since its enactment, the right of free choice in housing has undeniably expanded. However, despite these advances, discriminatory housing practices still remain an unfortunate fact of life for many Americans—racial and ethnic minorities, handicapped persons, and others. The fact is that the goal of equal opportunity in housing choice for all Americans has still yet to be fully realized.

Again in this Congress, Congressman DON EDWARDS and myself have introduced the Fair Housing Amendments Act (H.R. 1158). This legislation would greatly strengthen the enforcement mechanisms in this law by providing both enhanced administrative and judicial remedies. In addition, 36 million disabled Americans would for the first time receive fair housing protection. Families with children, particularly single parent families will also receive the assurance that they will be able to obtain decent and safe housing.

What all Americans deserve is a fair housing law that provides real, not illusory remedies. A law that inspires confidence and promises effective enforcement. A law that promises that housing discrimination—both sale and rental—will go the way of the poll tax and separate lunch counters.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 143

Whereas the year 1988 marks the twentieth anniversary of the passage of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Federal Fair Housing Act", declaring a national policy to provide fair housing throughout the United States;

Whereas the Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin;

Whereas fairness is the foundation of our way of life and reflects the best of our traditional American values;

Whereas invidious discriminatory housing practices undermine the strength and vitality of America and the American people; and

Whereas in this twentieth year since the passage of the Fair Housing Act, all Americans must work to continue to improve the Fair Housing Act by strengthening enforcement provisions, by extending the protections of the Act to all our citizens, by assuring there are no victims of discriminatory housing practices, and by making the ideal of fair housing a reality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April as "Fair Housing Month" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LITHUANIAN INDEPENDENCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 39) to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], who is a cosponsor of this measure commemorating the 70th anniversary of the renewal of Lithuanian independence.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would like to take this opportunity to thank the gentleman from Illinois [Mr. RUSSO] and the gentleman from Pennsylvania [Mr. RITTER], who sponsored the House version of this legislation, House Joint Resolution 129, and my other colleagues who have cosponsored this legislation, for their efforts in seeing that it has reached this stage in the legislative process.

As a cosponsor and strong supporter of House Joint Resolution 129, which will designate February 16, 1988, as Lithuanian Independence Day, I believe that it is important that we recognize, for those who cannot, this special day in history. Our recognition of Lithuanian Independence Day symbolizes our identification with the strong desire for democracy and freedom shared by people all over the world, and especially the Lithuanian people and Americans of Lithuanian descent.

For more than a century, the Lithuanian people suffered under foreign domination, trying vainly to win their independence. On February 16, 1918, Lithuania was finally able to do just that.

This independence was soon followed by German occupation during World War I, but, thereafter, and for the next 20 years, until 1938, the Lithuanian people were free. That small nation then came under Soviet domination during the course of World War II, and in 1940, Lithuania was declared a constituent republic of the U.S.S.R. Thereafter, during World War II, Germany occupied this land once more, for another 4 years until the end of the war. Unlike other nations after the war, Lithuania was unable to return to independence, and was by 1945, firmly incorporated into the Soviet Union where it remains. While Lithuania lost its independence, as did many other Eastern European nations, the Lithuanian people lost neither their desire for freedom, nor their strong culture. It is for these reasons that we recognize Lithuanian Independence Day and celebrate it for those who cannot. With this celebration, we are reminding the Soviet Union that we have not forgotten their inadmissible policies with respect to Lithuania and confirm to them our nonrecognition of Lithuania's incorporation into the Soviet Union. We must continue to work and remember the millions of people who are denied their basic human rights behind the

Iron Curtain just as the Lithuanians are denied their independence.

Mr. Speaker, Lithuanian Independence Day is also a day for Americans of Lithuanian descent to celebrate their ethnic heritage and point with pride to their contribution to American society. We celebrate with them and at the same time share their concern over the plight of their loved ones living in Europe. While the plight of Lithuania and her people shows us how fortunate we, in the United States and other free nations are, it also serves to renew our obligation to all people who desire freedom and democracy.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his statement, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 39

Whereas this year marks the 70th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council on February 16, 1918;

Whereas the Government of the Soviet Union recognized the sovereignty and independence of the Republic of Lithuania in the peace treaty of July 12, 1920;

Whereas the United States does not recognize the illegal incorporation of the free and independent Republic of Lithuania into the Union of Soviet Socialist Republics in 1940;

Whereas the United States continues to provide accreditation to the Charges d'Affaires of the Republic of Lithuania;

Whereas the United States remains firmly committed to the principle of self-determination as contained in the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), an agreement to which the Soviet Union is a party;

Whereas the people of the Republic of Lithuania struggle every day under Soviet domination;

Whereas the United States condemns the Soviet policy of forced Russification, ethnic dilution, and religious and political persecution; and

Whereas it is appropriate that the people of the United States, who so strongly cherish the principles of independence and self-determination denied the Lithuanian people by the Soviet Union, join with the people of the Republic of Lithuania to demonstrate our common desire to advance the cause of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, is designated as "Lithuanian Independence Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WOMEN IN SPORTS DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 196) to designate February 4, 1988, as "National Women in Sports Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Ms. SNOWE. Mr. Speaker, as the sponsor of House Joint Resolution 399, I rise in support of Senate Joint Resolution 196, which would designate February 4, 1988, as "National Women in Sports Day."

Over the last 15 years, the level of women's participation in sports and physical conditioning programs has dramatically increased. However, there has been little national recognition of the significance of women's athletic achievements. By drawing attention to women in sports, we can recognize women athletes who serve as examples of the avenues available through which women of America may develop physical fitness, self-discipline, initiative, confidence, and leadership skills.

National Women in Sports Day, while recognizing the outstanding accomplishments of women in sports, will also point to the fact that women students still have far fewer opportunities for athletic achievements than men at the same institutions. Today women represent 35 percent of all collegiate athletes. However, the athletic opportunities for male students at both the college and high school levels still far exceeds those for female students. Women comprise 52 percent of college enrollments, but only one dollar in five of financial aid based on athletic ability is awarded to women.

While I applaud the progress that has been made over the last 15 years, I believe we must also acknowledge the large inequities that still exist for women in the area of athletics.

National Women in Sports Day will be a step toward giving women in sports the recognition and attention they deserve. Hopefully, this day will encourage more women to experience the pleasure of sports activity that develops life-long habits of physical fitness.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 196

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas support and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 4, 1988, is hereby designated as "National Women in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions considered and passed today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE VALUE OF COMMEMORATIVE RESOLUTIONS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute.)

Mr. DYMALLY. Mr. Speaker, we have deliberated and passed six commemorative resolutions. From time to time critics have made comments about time-consuming efforts on the floor with reference to the passage of these resolutions.

Let me say, Mr. Speaker, that most of these resolutions come from the districts which the Members represent. They are not frivolous. They are very serious. They have strong constituencies across the country, and they represent the wishes of many people who want to see their pet projects recognized.

So, Mr. Speaker, I think it is very appropriate for Members of Congress to spend this time to at least fashion something which is relevant to their constituents, which they understand, and which they appreciate.

MUNICIPAL BANKRUPTCY PROVISIONS

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on January 25, 1988, I introduced H.R. 3845, to amend the municipal bankruptcy provisions of chapter 9, title 11, of the Bankruptcy Code relating to municipal bonds and other aspects of municipal finance treated in bankruptcy.

Mr. Speaker, I include herewith the full text of H.R. 3845, as well as the full text of the report of the National Bankruptcy Conference on the proposal, as follows:

H.R. 3845

A bill to amend the municipal bankruptcy law to provide for special revenue bonds and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 109(c)(3) of title 11 of the United States Code is amended by striking the words "or unable to meet such entity's debts as such debts mature".

SEC. 2. Section 901(a) of title 11 of the United States Code is amended by inserting "1129(a)(6)," after "1129(a)(3),".

SEC. 3. Section 902 of title 11 of the United States Code is amended—

(1) by redesignating paragraphs (2), (3) and (4) as (4), (5) and (6) respectively; and

(2) by inserting new paragraphs (1) and (2) as follows:

"(1) 'insolvent', notwithstanding section 101(29) of this title, when used in a section that is made applicable in a case under this chapter by section 103(e) or 901 of this title, means financial condition such that the muncipality is generally not paying its debts as they become due unless such debts are the subject of a bona fide dispute, or is unable to pay its debts as they become due;

"(2) 'special revenues' means (a) receipts derived from the ownership, operation or disposition of projects or systems of the debtor that are primarily used or intended to be used primarily to provide transportation, utility or other services, including the proceeds of borrowings to finance the projects or systems, (b) special excise taxes imposed on particular activities or transactions, (c) incremental tax receipts from the benefited area in the case of tax-increment financing, (d) other revenues or receipts derived from particular functions of the debtor, whether or not the debtor has other functions, and (e) taxes specifically levied to finance one or more projects or systems, but not including (except for tax-increment financing) receipts from general property, sales, or income taxes levied to finance the general purposes of the debtor.".

SEC. 4. (a) Section 922 of title 11 of the United States Code is amended by adding new subsection (d) as follows:

"(d) Notwithstanding section 362 of this title and subsection (a) of this section, a petition filed under this chapter does not operate as a stay of application of pledged special revenues in a manner consistent with section 927 of this title to payment of indebtedness secured by such revenues.".

(b) Section 922 of title 11 of the United States Code is amended by adding a new subsection (c) as follows:

"(c) If the debtor, under sections 362, 364 or 922 of this title, provides adequate protection of the interest of the holder of a claim secured by a lien on property of the debtor and if, notwithstanding such protection such creditor has a claim arising from the stay of action against such property under section 362 or 922 of this title or from the granting of a lien under section 364(d) of this title, then such claim shall be allowable as an administrative expense under section 503(b) of this title.".

SEC. 5. (a) Section 925 of title 11 of the United States Code is amended—

(1) by adding to the section heading the following: "and certain secured claims";

(2) by striking out "A" and inserting "(a) A" in lieu thereof; and

(3) by adding a new subsection (b) to read as follows:

"(b) The holder of a claim payable solely from special revenues of the debtor under applicable nonbankruptcy law shall not be treated as having recourse against the debtor on account of such claim pursuant to section 1111(b) of this title.".

(b) The item relating to section 925 of title 11 of the United States Code in the table of sections of chapter 9 of such title 11 is amended by adding immediately before the period" and certain secured claims".

SEC. 6. Section 926 of title 11 of the United States Code is amended—

(1) by striking out "(a)" before "If"; and

(2) by adding a new subsection (b) as follows:

"(b) A transfer of property of the debtor to or for the benefit of any holder of a bond or note, on account of such bond or note, may not be avoided under section 547 of this title.".

SEC. 7. Section 927 of title 11 of the United States Code is redesignated as section 929, and the item relating to section 927 in the table of sections of chapter 9 of such title is redesignated as section 929.

SEC. 8. Title 11 of the United States Code is amended by adding new sections 927 and 928 to read as follows:

"§ 927. Post petition effect of security interest

"(a) Notwithstanding section 552(a) of this title and subject to subsection (b) of this section, special revenues acquired by the debtor after the commencement of the case remain subject to any lien resulting from any security agreement entered into by the debtor before the commencement of the case.

"(b) Any such lien on special revenues, other than municipal betterment assessments, derived from a project or system is subject to the necessary operating expenses of such project or system, as the case may be.

"§ 928. Municipal leases

A lease to a municipality shall not be treated as an executory contract or unexpired lease for the purposes of section 365 or 502(b)(6) of this title solely by reason of its being subject to termination in the event the debtor fails to appropriate rent.".

SEC. 9. Section 943(b) of title 11 of the United States Code is amended by—

(1) by striking "and" at the end of paragraph (5);

(2) by renumbering paragraph (6) as paragraph (7); and

(3) by inserting a new paragraph (6) as follows:

"(6) any regulatory or electoral approval necessary under applicable nonbankruptcy law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval; and".

SEC. 10. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by this Act shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

REPORT OF THE NATIONAL BANKRUPTCY CONFERENCE ON PROPOSED MUNICIPAL BANKRUPTCY AMENDMENTS

In 1978, Congress enacted sweeping revisions of all aspects of the bankruptcy law. One of the five major purposes of the revision, as stated in the Report of the House Judiciary Committee, was to conform bankruptcy law in many respects to the vast changes in commercial law that had taken place since the last prior revisions of the bankruptcy law 40 years before. In particular, the House Report noted the near universal adoption of the Uniform Commercial Code and the consequent change in lending practices. In addition, Congress modernized business reorganization procedures, authorizing more consensual plans of reorganization and providing additional protection to secured lenders in the wake of several decisions under the former Bankruptcy Act in the mid-1970s that seriously impaired their position in reorganization cases.

For the most part, these changes were carefully considered only after extensive hearings, debates, and discussions. They have generally been well received and have worked as intended. Although some significant amendments were made in 1984, the basic structure of the amendments made in 1978 has survived intact.

However, the case that was used in the drafting of the provisions relating to ordinary business bankruptcies and reorganizations was not carried over into the revisions of the municipal bankruptcy law, contained in chapter 9 of the Bankruptcy Code. Chapter IX of the former Bankruptcy Act had been recently amended in 1976 as a result of New York City's financial crisis. The 1978 revision largely adopted the decisions made in 1976 and incorporated by reference most of the business bankruptcy amendments made in 1978 insofar as they related to general matters such as a treatment of secured claims, avoiding powers, and plans of reorganization. Because the worlds of commerical finance and municipal finance are so diverse, the simple incorporation by reference of the 1978 commerical finance concepts into the municipal bankruptcy arena simply did not work. Fortunately, no major municipal bankruptcy has tested the potential shortcomings of chapter 9 as it was enacted in 1978. However, more considered study in the past several years by municipal finance practitioners and members of the bankruptcy bar has led the National Bankruptcy Conference to conclude that chapter 9 of the Bankruptcy Code needs revision in specific areas.

HISTORY OF THE PROPOSED AMENDMENTS

The potential problems created by the incorporation of general commercial finance concepts into the municipal bankruptcy provisions first came to light as a result of the financial crisis confronting the City of Cleveland, Ohio, in 1979. Cleveland needed additional financing, but lenders were unwilling to lend for a variety of reasons, including the incorporation into chapter 9 of the general bankruptcy concept that a lien on after-acquired property will not attach to property acquired after bankruptcy by a reorganizing debtor, unless the property acquired after bankruptcy constitutes proceeds of property held at the time of bankruptcy. Hasty attempts were made during 1979 and 1980 in connection with then-pending legislation to correct technical errors in the 1978 Act. Corrective provisions were included in bills that passed both the House and the Senate in 1980, but the legislation foundered on other issues and was not enacted.

The 1979-80 attempt at corrective legislation was hasty and ill-considered. After the immediate crisis passed, cooler heads prevailed, and a more thorough study of the problems of municipal bankruptcy was undertaken by the National Association of Bond Lawyers ("NABL"). NABL identified several areas in which the general incorporation into chapter 9 of business reorganization concepts simply did not work. Members of NABL contacted members of the National Bankruptcy Conference ("NBC") to explore means of solving the problems for municipal finance presented by the 1978 Bankruptcy Code in a manner that was consistent with sound bankruptcy policy. Representatives of these two groups met during 1983 and 1984 to develop corrective legislation. The legislation proposed by this Report is the direct result of those efforts. It was approved by the Executive Committee of the NBC during its March 1985 meeting.

NEED FOR THE AMENDMENTS

The current deficiencies in chapter 9 of the Bankruptcy Code primarily affect "revenue bonds," that is, obligations of a municipality that are secured by a lien on specific revenue to be received by the municipality. These differ from "general obligation bonds", which constitute simply the promise by the municipality to use its taxing power to collect sufficient funds to pay the principal and interest on the bonds. Over the years, revenue bonds have occupied an increasing portion of the municipal bond market. As of 1983, they constituted about half of the bonds issued by State and local governmental units for publicly owned and operated facilities.

Chapter 9 as currently written could easily be read to terminate a lien on revenues upon the filing of a municipal bankruptcy by the bond issuer and could also be read to convert bonds payable solely from specific revenues into general obligations of the debtor municipality. These results are wholly inconsistent with municipal finance principles and many State and local constitutional and statutory provisions authorizing the issuance of bonds. If chapter 9 were interpreted in this way the burden of bonds designed to be paid only from special revenues could be imposed on the people generally through taxation, despite the fact that the bonds might thereby exceed the municipality's debt limit or would require a vote if originally issued as general obligation bonds.

Similarly, a municipality often has enterprises with separate funds, and, except to the extent specifically permitted, the funds derived from one source are often legally unavailable for other enterprises or for general governmental purposes. Thus, for example, water receipts may be legally unavailable under nonbankruptcy law for general governmental purposes except to the extent that provision is made by law for payments by the water department in lieu of local property taxes. Although the various enterprises are not separate entities, they are operated almost as if they were. In many cases they are managed by separate autonomous governing boards.

If a municipality is unable to meet its obligations for general governmental purposes and for that reason files a bankruptcy petition, the assets of its water department should not be reached to pay general creditors of the municipality unless they could be reached under applicable nonbankruptcy law. Conversely, if water revenues are insufficient to pay operating expenses and the debt service on water revenue bonds, other funds of the city should not be reachable to pay the bonds. In many cases it would violate state constitutional limitations to do so. Similarly, insolvency in the water department should not trigger preference treatment of payments made to general fund creditors, or vice versa.

State "joint action" agencies often finance electric generating units and transmission lines for the benefit of their municipal members on a project-by-project basis under documents which permit funds derived from each project to be used only for the purpose of that project. In such a case the funds of one project should not be reachable for the purposes of another project in the event the agency files a bankruptcy petition.

These conclusions are really truisms under State law, but it is not sufficiently clear that they would apply in municipal bankruptcy proceedings under federal law. There is no clear statement that the Bankruptcy Code cannot be applied so as to make obligations payable from a source from which they are not payable under applicable nonbankruptcy law. Nor is there any provision to the effect that administrative expenses attributable to any function or project of the municipality will not be charged against funds derived from other functions or projects except as permitted by nonbankruptcy law.

In one respect, by its express terms, the Bankruptcy Code creates an apparent risk that revenue bonds can be converted into general obligation bonds. Under section 1111(b), unless the property subject to the lien is "sold" under the plan, a partially secured bondholder (i.e., one whose lien on revenues is insufficient to pay his bonds), if he does not have "recourse" against the debtor for the remainder of his claim under nonbankruptcy law, will be treated as if he did have "recourse." Although the term "recourse" fits municipal revenue bonds only poorly, this could be read as converting revenue bonds into general obligations.

The same problems could be said to exist with respect to "conduit" financing where bonds are issued for an industrial or nonprofit user and are payable solely from payments to be made by the user. But in pure conduit financing, where the municipality has no financial interest in the enterprise and no direct or contingent obligation to pay the bonds from other funds, the payments by one conduit user are probably safe from being reached to pay the bonds issued for another user since, according to the legislative history, these transactions do not create either assets or debts of the municipal issuer for bankruptcy purposes. S. Rep. 95-989, 95th Cong., 2d Sess. 109-10 (1978).

While the fresh start policy of bankruptcy embodied in the termination after bankruptcy of liens on after-acquired property and the equality of distribution policy embodied in the nonrecognition (at least in business debtors) of separate though unencumbered funds for separate groups of creditors are important, the Bankruptcy Code also strongly embodies the policies of protecting the rights of secured creditors in their collateral and of protecting State control over its municipalities. *See* Bankruptcy Code § 903. On the one hand, if the municipality's revenues could be pledged in perpetuity, the rehabilitative prospects for a financially distressed municipality would be impaired or non-existent. The only asset that a municipality has to offer its creditors in a municipal reorganization is its future revenues. If some creditors have obtained a priority with respect to these revenues due to prior financing, then reorganization would be next to impossible unless other creditors are willing to give up their claims entirely. On the other hand, reorganization should not be at the expense of a legitimate expectation to rely on and receive specific collateral, nor should it redo established procedures for handling separate municipal funds. Clearly, a compromise is in order. It is needed to protect the integrity of the municipal finance process in the event of a significant municipal bankruptcy and to protect the fresh start and ability to reorganize offered to municipal debtors by the Municipal Bankruptcy Act.

GENERAL ANALYSIS OF THE PURPOSES AND EFFECTS OF THE AMENDMENTS

A. Revenue pledge protection and preferences

Revenue bonds are generally secured by revenue derived from a system, project, or facility, or by an interest in a specific tax levy. Mortgages or liens on the system, project, or facility itself are rare. They are usually forbidden by law and almost always considered to be against public policy. Under section 552 of the Bankruptcy Code, incorporated by section 901 into chapter 9, a lien on after-acquired revenues is only valid to the extent that the revenues constitute "proceeds" of other property that is subject to a lien. Uniform Commercial Code section 9-306(1) defines "proceeds" to include "whatever is received upon the "sale, exchange, collection or other disposition of collateral." Section 552 was written with the Uniform Commercial Code definition in mind. To the extent that section 552 is construed in harmony with the U.C.C., the lien on a municipality's revenues after bankruptcy would be defeated.

Similarly, section 547(e)(3) may have the effect of moving the lien termination back to the ninetieth day before bankruptcy. Section 547(e)(3) provides that for purposes of determining when a preferential transfer is "made", "the transfer is not made until the debtor has acquired rights in the property transferred". A debtor does not acquire rights in revenues until the tax or assessment is levied or the service from which the revenue is derived is provided. Thus, a lien on revenues received during the 90 days before bankruptcy (or possibly on rights to revenues which arise during that period) is deemed made within the preference period, even though the grant of the security interest was made long before bankruptcy.

This provision was designed to overrule cases such as *DuBay* v. *Williams*, 417 F.2d 1277 (9th Cir. 1969), and *Grain Merchants of Indiana, Inc.* v. *Union Bank & Sav. Co.*, 408 F.2d 209 (7th Cir.), *cert. denied*, 396 U.S. 827 (1969). H.R. Rep. No. 95-595, 95th Cong., 1st Sess. 374 (1977). In the commercial context, it works well, because it was matched with an exception to the preference section that preserves liens on after-acquired inventory and receivables to the extent that the secured creditor does not improve its position during the 90 days before bankruptcy. 11 U.S.C. § 547(c)(5). In the municipal context, however, no comparable savings provision is possible, because the revenue pledges are not related to inventory and receivable financing, as they are in the commercial context, and there is no collateral from which the revenues are derived.

The proposed legislation undoes the effect of these provisions in a chapter 9 case. It recognizes a postpetition security interest in revenue under certain specified circumstances, more fully described below. And it makes the preference section inapplicable to payments on bonds or notes of a municipality. The former change corrects the problem posed by section 552. It also makes it more difficult, if not impossible, for a municipal debtor to utilize the preference section (even without the latter change) to recover payments to bond holders made from pledged revenues within 90 days before bankruptcy, because it will be difficult to prove the "more than liquidation" test of section 547(b)(5). The latter change has the same effect and in addition protects ordinary "defeasance" transactions.

Bond indentures generally provide for "defeasance" by "irrevocably" depositing a sufficient sum (usually with earnings thereon) to retire the outstanding bonds. In view of the possibility that the municipality may file a bankruptcy petition within 90 days, the deposit may be a preference and therefore, might not be "irrevocable." Defeasance with revenues received within 90 days before a bankruptcy may be riskier. This applies equally to unpledged revenues and to revenues which are already subject to a lien to pay the bonds if that lien can be defeated by virtue of section 547(e)(3). It is especially troublesome if a defeasance can be "avoided" as a preference where another transaction (such as a new bond issue) has occurred in reliance on it.

A more difficult analysis applies to the use of refunding proceeds for defeasance. Generally speaking, it is not a preference to borrow from Peter to pay Paul if that use of the borrowing proceeds is required by the terms of the borrowing. *See, e.g., Virginia National Bank* v. *Woodson*, 329 F.2d 836 (4th Cir. 1964). But the application of this principle to a defeasance by "advance" refunding is disturbingly unclear, because interest rate differences on the two issues may mean that principal amounts differ, resulting in a possible preference. The proposed amendments remove this danger.

B. "Insolvent"

Chapter 9 uses the term "insolvent" in two important contexts. First, in order for a municipality to be eligible to file a chapter 9 petition, it must be "insolvent or unable to meet its debts as they mature." Section 109(c)(3). Second, certain prebankruptcy transfers are avoidable as preferences or fraudulent transfers only if the debtor was "insolvent" at the time of the transfer. Sections 547(b)(3); 548(a)(2)(B)(i). These are general bankruptcy sections that are incorporated by reference into chapter 9. In none of these instances does the use of the word "insolvent", as defined in Bankruptcy Code § 101(29), work.

"Insolvent" is defined as liabilities in excess of fair market value of nonexempt assets. By the nature of municipalities and generally by State law, most of the assets of a municipality are exempt from process to satisfy the claims of creditors. As such, virtually every municipality, by definition, is insolvent. But because a municipality's assets could not be seized or sold to pay debts, or are so tailored to a specific purpose that their value is uncertain at best, it should make little difference to creditors what the "value," for example, of City Hall is. A more reasonable test would be whether the municipality is paying or is able to pay its debts as they become due, which are the alternate standards for filing a municipal bankruptcy petition under section 109(c)(3) and the test for an involuntary bankruptcy against a nonmunicipal debtor contained in section 303(h)(1). This test is directly relevant to the financial health of the municipality. Thus, one of the proposed amendments provides that in a chapter 9 case, "insolvent" means only a nonpayment of debts or inability to pay debts as they come due. The assets versus liabilities test is made inapplicable.

C. Nonrecourse debt

In order to solve a specific problem arising in nonrecourse commercial lending, section 1111(b) of the Bankruptcy Code permits a nonrecourse claim to be treated as having recourse against the general assets of the debtor. This provision, being part of the general plan provisions of chapter 11, was incorporated into chapter 9. However, if applied to municipal revenue bonds, it could convert them into general obligations of the municipality in violation of State or local constitutional or statutory provisions. For example, in many States, State law requires a vote of the people for the issuance of general obligation debt by a municipality, but does not require a vote on bonds payable solely from pledged revenues. One proposed amendment prevents the application of section 1111(b) and thereby prevents the conversion of bonds backed only by specific revenues into general obligation bonds. The amendments do so in a manner that is consistent with the general scheme of the reorganization provisions of chapters 9 and 11 by preventing the bifurcation of partially secured claims.

D. Automatic stay

The automatic stay of Bankruptcy Code section 362 is extremely broad, preventing any postpetition collection activities against the debtor, including application of the debtor's funds held by a secured lender to secured indebtedness. This provision is overly broad in chapter 9, requiring the delay and expense attendant upon a request for relief from the automatic stay to accomplish what the statute contemplates—the application of pledged revenues (after payment of operating expenses) to the payment of secured bonds. One of the proposed amendments so provides by making the automatic stay inapplicable to application of such revenues. The bankruptcy court would retain the power to enjoin application of proceeds, however, upon a specific showing of need, for example, where a secured creditor was about to apply proceeds of a gross revenue pledge in a manner inconsistent with the policies of proposed section 927.

E. Financing leases

A "financing lease" is generally treated as debt in bankruptcy and not as a true "lease" subject to rejection under section 365 or to the claim limitation under section 502(b)(6). The 1984 amendment (Code § 365(m)), providing that "any rental agreement to use real property" will be treated as a "lease" under § 365 has generated a fear that a more expansive view will now be taken of "true leases" and a less expansive view of "financing leases". Because of State law restrictions, most municipal financing leases are subject to termination if the "rent" is not appropriated. Under a more restrictive conception of financing leases, these may now arguably be treated as "true leases" for bankruptcy purposes although they are treated as debt for tax purposes and sold as debt in the tax-exempt bond market. The amendments treat them the same way for bankruptcy purposes.

F. Rate regulation

In a corporate reorganization, a change in the debtor's rates is subject to applicable rate regulation. (Code § 1129(a)(6)). Municipal utilities are subject to rate regulation in a number of States, and the same provisions should apply to them as to private corporations. A proposed amendment makes this provision applicable to municipal bankruptcies.

Municipal systems are often also subject to other regulatory requirements and to political requirements, unique to governments, such as voter approval of additional debt. Another amendment makes a municipal plan of adjustment subject to these requirements. Some have expressed a concern that a failure to make a plan subject to requirements of this sort could override State and local financial and political controls and raise constitutional issues as to the scope of the bankruptcy power that need not be resolved to further sound municipal bankruptcy policy.

G. Adequate protection

Sections 362 and 364 require adequate protection to secured creditors in order to continue an automatic stay or to permit a priority borrowing by the bankruptcy trustee. These provisions apply to all bankruptcies. If the "adequate protection" in fact proves to be inadequate, the secured creditor has a "superiority" claim under section 507(b). But this applies only to individual and corporate bankruptcies and not to municipal bankruptcies.

In a municipal bankruptcy, since liquidation is not permissible and since all priority claims must be paid as a condition to plan confirmation, the ranking of various types of administrative expenses in a priority or super-priority order may not add anything to the statute. However, there should not be any doubt that a failure to adequate protection should give rise to an administrative expense claim. One amendment makes this explicit.

DETAILED ANALYSIS OF REVENUE PLEDGE AMENDMENTS

Under Bankruptcy Code § 552, except for "proceeds, product, offspring, rents, or profits" or other "property" already subject to a preexisting security interest, ". . . property acquired by the estate or by the debtor after the commencement of the case is not subject to any lien resulting from any security agreement entered into by the debtor before the commencement of the case."

As applied in the municipal context, in which a security interest in underlying assets is rare, section 552 appears to terminate a security interest in revenues received after the commencement of the bankruptcy case, regardless of the validity of the lien under State law. The problem is particularly acute with respect to project or system financing, such as bonds secured by municipal utility revenues or other nontax revenues. The problem also presents itself in certain instances in which tax revenues act as collateral for bonds.

There are exceptions to the rule that underlying assets are not given as collateral for revenue bonds. For example, in South Dakota, there may be a "statutory mortgage lien" on plant assets. *See, e.g.,* 9 S. Dak. Codified Laws sections 9-40-25 to 9-40-27. It would be highly artificial for the result under Bankruptcy Code section 552 to turn on the difference between the statutory mortgage and the more customary pledge of revenues without a lien on the plant. Even where foreclosure on the underlying assets is permitted, there appears to be little, if any, practical difference between the two situations. *See* Fordham, *Revenue Bonds Sanctions,* 42 Col.L.Rev. 395, 432-33 (1942).

Proposed section 927, along with the definition of "special revenues" in proposed section 902(2), protects the lien on revenues. It is closely modeled on section 552(a). It is intended to negate section 552(a) in the municipal context and to go no further. In other words, it is not intended to create new rights that otherwise would not exist. Section 552(a) limits preexisting rights. The proposed amendment only removes that limitation in the circumstances described in proposed section 927(a).

The proposed amendment applies only to "special revenues," as defined in proposed section 902(2). Examples of the kinds of revenues included within the definition are revenues from municipally-owned utility systems, betterment assessments, special excise taxes and fees, and in some instances local sales, income, or property taxes.

Utility revenues include revenues from the sale of water, power, natural gas or other energy sources. It also includes revenues from a toll highway or bridge or other projects or systems which imposed user fees.

Betterment assessments are typically imposed on landowners benefitted by particular improvements to finance the cost of those improvements. In most states, betterment assessments are constitutionally required to bear a reasonable relationship to the benefit conferred. Bonds (known as "special assessment bonds"), payable solely from these assessments, are sometimes issued to pay the cost of the improvement, but general obligation bonds are also issued for this purpose.

Hotel-motel taxes, meal taxes, and license fees are included in special excise taxes. They are often imposed for particular purposes. For example, a hotel-motel excise or a meal tax might be imposed in a particular area of a municipality or throughout a city to finance the construction and operation of a convention center. Bonds secured by the special excise tax are issued to finance construction.

Tax increment financing will also receive the benefit of the proposed amendment. A city may finance street, utility, and land assembly costs for a downtown renewal project on a tax increment basis. That is, the bonds issued to pay for the project are payable solely from and are secured by a lien on the additional tax resulting from the increased valuations in the project area.

Property, sales, and income taxes would generally not be considered special revenues. However, some exceptions may exist. For example, where a special property tax is levied and collected for the specific purposes of paying principal and interest coming due on bonds issued in conjunction with the levy of the property tax, the revenues may constitute special revenues. In these cases, there is generally a prohibition under State law on using the special tax revenue for any purpose other than payment of bonds. However, where the revenue may be used for other purposes, it should not constitute "special revenues." Similarly, a city may impose an additional one-half or one percent sales tax to finance a particular project, such as rapid transit. While general sales taxes would not constitute special revenues, with appropriate limitations on the use of the additional sales tax, it could constitute special revenues.

Project financing can also create special revenues. A municipality may attempt to finance separate projects by liens on the revenue of each project, issuing separate bonds for each project. Project revenues, whether based on sale of goods or services or based on cost-sharing among users, would constitute special revenues.

In all of these cases, communities have determined it to be financially or politically unsound to finance a major utility or other project or system with general obligation debt, *i.e.,* debt payable from the general funds of the municipality including tax receipts. Accordingly, they issue revenue bonds payable solely from the revenues of the project or system. To make sure that those revenues are not converted to other purposes, they pledge or assign revenues as security for the bonds, usually under State enabling legislation which provides expressly that they can do so.

Absent the mortgage, there is really no alternative for the municipality. The effect of the pledge of revenues is not unlike the result of a private utility's mortgage of its entire plant to a trustee for the benefit of bondholders. Nor is it unlike the lien on "proceeds" which is recognized in the Code. The proposed amendment amounts to a recognition of a hypothetical mortgage on the plant from which the revenues are derived where a "real" mortgage cannot be created either for legal reasons or because of compelling considerations of public policy.

Proposed section 927 does not distinguish between bonds backed solely by special revenues and so-called double-barrelled bonds. These latter bonds are backed not only by special revenues but also by the general credit of the municipality, including its power to levy property and other taxes. There is no security interest, however, in the general property tax receipts.

Nor does section 927 distinguish between projects or systems owned and operated by a municipality that also performs other functions or by a so-called special purpose municipality, such as a separate "body politic and corporate" established to finance, construct, and operate a utility system or other project or system.

These latter distinctions only go to the issue of whether the bondholders have a recourse against the general municipality on any shortfall of project or system revenues to pay amounts owed under the revenue bonds. This is an issue addressed by proposed section 925(b), which renders ineffective Bankruptcy Code § 1111(b) in the revenue bond context.

Subsection (b) of proposed section 927 provides for the payment from pledged special revenues of operating expenses of the project or system producing the revenues before use of those revenues to pay interest or principal on the bonds. In very general terms, a net revenue pledge would survive, and a gross revenue pledge would be treated as if it were a net revenue pledge. Pledged revenues received after the commencement of the bankruptcy case would be applied first to the operating expenses of the system, project or function producing the revenues (whether or not the bonds financed constructions or purchase of the system, project, or function producing the revenues) before application to the indebtedness for which the revenues were pledged and only then to other lawful purposes.

The general purpose of this approach is to permit the continued operation or functioning of the system, project, or function that was financed by the revenue bonds. Without such continued operation, there is not likely to be a continued source of funds from which to service the bonds. The pledged revenues would not be permitted to be used for any other governmental purpose, but would be used to pay operating expenses to facilitate a workout and successful confirmation of an adjustment plan.

This approach should work fairly easily in utility situations or in user fee situations such as toll bridge authorities, and the like. Other situations may require more explanation. One such situation is tax increment financing. In this type of financing, bonds issued for public improvements are secured by a pledge of the additional tax resulting from the increased valuations in the area affected by the project. In this context, the pledged revenues could be used for operating expenses of the improvements before being applied to the secured indebtedness. Another sitution might concern a project financed by a pledge, not of project revenue, but of revenue from some other special source. An example would be a convention center financed by a pledge of hotel-motel excise taxes or a rapid transit system financed by an increased sales tax. Here again, the pledged revenues could be used first for operating expenses of the project and second to pay the secured debt.

However, these revenues would not necessarily be subordinate to all of the operating expenses of the center or the improvements if they had their own source of revenues, such as from user fees. In each case, the court will be required to examine the need to protect the source of the pledged revenue and to determine whether maintaining operating expenses of the project, system or function contributes to the ability of the project, system, or function to continue to produce the revenues needed to operate and service the bonds.

In determining whether operating expenses are "necessary," as provided in subsection (b), the court should not step beyond the bounds of Bankruptcy Code sections 903 and 904. This provision, like all others in chapter 9, are subject to the limitations of those sections. The provision should not permit the court to become involved in possible control over political or governmental functions. At most, the court should use a "business judgment" test in applying the provision, examining only whether the business judgment of the debtor's management in incurring or proposing the expenditure (or proposed expenditure) is a reasonable one. The court should not substitute its own business judgment. *See Group of Institutional Investors* v. *Chicago M., St.P., & P.Ry. Co.*, 318 U.S. 523 (1943). Moreover, the phrase "operating expenses" should not be construed to exclude capital expenses or expenditures, because they may be as necessary as ordinary operating expenses to maintain the source of revenue from which bonds are to be paid.

Finally, in developing and adopting a plan of adjustment, a gross revenue pledge would be treated in the same manner as during the case, under section 927. It will be analyzed and evaluated as it provided for the use of future revenues to pay operating expenses of the system, project, or function first and debt service on the secured indebtedness second.

SECTION-BY-SECTION ANALYSIS

Section 1

This amendment and the proposed § 902(1) (see section 3 below) go together. They make a general failure to pay debts the criterion for municipal insolvency and eligibility for filing. They replace the assets vs. liabilities test. The assets vs. liabilities test is not meaningful in the case of a municipality. See the Comment on proposed § 902(1) below.

Section 2

Section 1129(a)(6) should apply to municipalities, as it does to other debtors, since municipal utilities are subject to rate regulation in a number of states.

Section 3

Section 101(26) defines insolvency as debts exceeding the fair value of assets. Many municipal assets are special-purpose assets and have a highly uncertain market value, which is probably less than cost. Under these circumstances, many healthy municipalities would be treated as "insolvent". And many municipal assets cannot be reached to pay debts, rendering the assets vs. liabilities test somewhat irrelevant to creditors. This amendment uses a more realistic test to determine whether the municipality is insolvent. It is the same as that applicable to involuntary bankruptcy under section 303(h)(1) and the alternate eligibility test for a municipality under current law. The change in § 109(c)(3) (above) is correlative to this change.

If a department of a municipality is financed by indebtedness payable solely from revenues attributable to that department a general failure or inability to pay such indebtedness as it becomes due would, if it is substantial in amount, cause the municipality to be considered insolvent.

The present tense in the definition of "insolvent" refers to the time at which the definition is important, *i.e.*, at the petition date for purposes of § 109(c), at the transfer date for purposes of § 547, and the like.

A deliberate failure to pay indebtedness in order to create eligibility to file a petition under this chapter would be grounds for dismissal under section 921(c) as a failure to file in good faith.

The definition of special revenues is needed for the purposes of revised sections 922, 925 and 927. Examples of the special revenues mentioned in clause (a) include receipts from the operation of a municipal water or electric system.

An excise tax on hotel and motel rooms or the sale of alcoholic beverages would be a special excise tax under clause (b). A general sales tax would not.

In a typical tax-increment financing public improvements are financed by bonds payable solely from and secured by a lien on incremental tax receipts resulting from increased valuations in the benefited area. Although these receipts are part of the general tax levy, they are considered to be attributable to the improvements so financed and are not part of the pre-existing tax base of the community.

Examples of revenues from particular functions under clause (d) would include regulatory fees and stamp taxes imposed for the recording of deeds.

Under clause (e) an incremental sales or property tax specifically levied to pay indebtedness incurred for a capital improvement and not for the operating expenses or general purposes of the debtor would be considered special revenues. For this purpose a project or system may or may not be revenue-producing.

Section 4

Where a pledge of revenues survives under section 927, it would be needlessly disruptive to financial markets for the effectuation of the pledge to be frustrated by an automatic stay.

This super-priority granted by section 507(b) for a failure of adequate protection does not apply in chapter 9. Nevertheless, the creditor's loss from the automatic stay or from the granting of a priming borrowing lien should be entitled to administrative expense priority, because the creditor's loss came as a result of an attempt to benefit the postpetition debtor. This amendment makes explicit, therefore, what is implicit in section 507(b).

Section 5

Section 1111(b) provides that in some circumstances nonrecourse debt may be treated as recourse debt. Many municipal obligations are, by reason of constitutional, statutory or chapter provisions, payable solely from special revenues. This amendment leaves these legal and contractual limitations intact without otherwise altering the provisions with respect to nonrecourse financing.

Section 6

In the case of a municipality it is not considered necessary to legislate broadly against preferential treatment of bond and noteholders. There is not likely to be a high incidence of preferential treatment of these creditors and, where there is an actual intent to hinder, delay or defraud other creditors, section 548 would apply. The existing law, under which section 547 applies to municipal bonds and notes, creates unforeseen problems and uncertainties. For example, most municipal revenue bonds involve a pledge of special revenues but do not include a mortgage or other security interest on any revenue source. The application of section 547 to them could cause payments of such bonds in the normal course to be treated as preferences since the lien on revenues received during the preference period would be treated as coming into existence during the preference period and not before. In addition, the deposit of money or securities in escrow to "defease" the lien of a prior bond indenture, which is a common occurrence, could also be treated as a preference notwithstanding the absence of any preferential intent or actual damage to other creditors.

Section 7

This section simply redesignates section numbers to provide for the new sections added by section 8 of the bill.

Section 8

If deemed to apply, section 552(a) could terminate the security for municipal revenue bonds upon commencement of the case where (as is usually the case) there is no mortgage or security interest on any revenue source. Paragraph (a) makes it clear that such a result is not intended. It permits a lien on special revenues to continue under state law but, under paragraph (b), a lien on project or system revenues would be subordinate to necessary operating expenses of the project or system. Necessary operating expenses are operating expenses which are necessary to keep the project or system going. Prepetition operating expenses are included to the extent payment is deemed necessary by the court for this purpose.

In the case of a project financing the lien would be subordinate to the necessary operating expenses of the project. In the case of a system financing the lien would be subordinate to the necessary operating expenses of the system. An example of a project financing would be the financing of an electric generating plant by indebtedness secured by a lien on revenues from the sale of output of the particular facility. An example of system financing would be the financing of improvements to a local electric distribution system secured by a lien on revenues of the entire system.

Subsection (b) reflects the fact that betterment assessments are levied to finance the construction costs of sewers, streets, and the like and that the operating costs are financed separately out of current user charges or taxation. In the case of bonds secured by these assessments, subordinating the lien to operating expenses would materially change the bargain.

Subsection (b) sets forth a minimum standard for paying operating expenses ahead of debt service where revenues are pledged. It is not intended to displace any broader standard contained in the terms of the pledge or applicable nonbankruptcy law.

For reasons unique to municipalities, many financing leases are required to be subject to appropriation of the rent. These are generally marketed as debt obligations and treated as debt obligations for tax purposes. They should be treated in the same way for bankruptcy purposes. Section 9. Section 943(b) of title 11 of the United States Code is amended by:

Section 9

Many municipal actions require regulatory or electoral approval under constitutional, statutory or charter provisions. These approvals are not limited to rates but extend often to such other matters as the acquisition or disposition of property or the incurring of indebtedness. A plan of adjustment should not call for action to be taken without the requisite approval. Paragraph (6) does not require voter approval for the plan but only for actions to be taken under the plan which would require such approval if taken otherwise than under the plan

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IN SUPPORT OF CONTRA AID

The **SPEAKER** pro tempore. (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, I rise today in support of Contra aid, which will be voted on February 3.

Mr. Speaker, We have voted four times for aid to the Contra freedomfighters and I firmly believe that this aid has slowed the deterioration and downfall of democracy in Nicaragua and perhaps in the Central American region.

I rise today to proclaim my full support once again for House Joint Resolution 444, the Contra aid bill which will be voted on and hopefully will pass on February 3.

On January 30 and 31 of this year, I visited Nicaragua along with a bipartisan group consisting of four Members of the House. Two members of the party were uncommitted on their support for Contra aid.

Mr. Speaker, I have opposed and helped to defeat Contra aid on one occasion because of misunderstandings with the administration.

I have also been disenchanted with the administration's incorrect involvement with Iran, which resulted in the Contra funding scandal. And I lost my enthusiasm for any further support until 3 weeks ago.

I want the peace process to work between the countries of Nicaragua, Costa Rica, El Salvador, Honduras, and Guatemala.

I'm convinced that 5 additional months of aid will encourage the peace process and in fact are necessary to ensure Sandinista compliance.

But, Mr. Speaker, the history and facts which are clearly evident to everyone who has an open mind, cause me to be very skeptical that this fragile and to some degree imperfect package will be lived up to and respected by the Sandinistas.

The small amount of progress thus far is because of approaching deadlines and therefore it gives me the impression that it's best to keep the pressure on for at least a brief period.

In fact, the past actions of the Sandinistas, their alignment with the Soviet Union, and the Marxist-Leninist structure of their government convinces me that the Sandinistas will milk the peace process and cause further delays. I cannot believe that, without pressure, they will hold free and open democractic elections this year for the Central American parliament, or the constitutionally mandated municipal elections in 1989 and Presidential elections in 1990.

My visit to Nicaragua this past weekend was my third visit over 2 years, and I have a number of short observations which are worth noting.

First, the bipartisan delegation visit on January 30 and 31 involved nine meetings, each lasting from 1 to 3 hours. In a meeting with representatives of the Catholic Church, Bishop Bosco Vivas and his director of education, made two strong points: According to the bishop, Contra aid is responsible for the peace accord and progress today, and continued aid is necessary to keep the pressure on the Sandinistas until the peace plan begins to work. This came from one of the highest levels of the cardinal's office.

The priest in charge of education said:

> The Marxist-Leninist philosophy which has been enforced in the educational systems for 9 years is definitely having an effect on the education of the children. Some children have not known education without this philosophy and teaching.

These children are beginning to enter the political process.

Second, a visit with a prominent labor leader reports that the labor unions have the support of the U.S. AFL-CIO. They represent approximately 100,000 workers. He confirmed that serious problems with the work force exist. Direct threats against the lives of those who do not embrace the Sandinista doctrine have been made. The existence of block captains, who are forced to report on neighborhood activities and the drafting of large numbers of young workers into the army, along with dwindling salaries and benefits further eroded by inflation of 1,000 percent, are killing the work incentive. He said, "The Contra pressure has brought about the peace accords."

Third, we met with an organization of "mothers of political prisoners" identified as the January 22d group.

These poor women gave heart rending reports of torture, brutality, of imprisonment without proven charges, and of sons who are dying or have died in prison.

Under Somosa, there was one prison. Under Ortega, this group named more than 12 prisons now operating, and reported of others which are secret holding jails in military bases and other areas.

These women reported that they were roughed up and beaten at their last meeting by a mob, or the "Turbas," comparable to the Soviet red guard. These mothers reported their support for continuing aid to the Contras.

Reports of unmarked trucks and the police circling the block during our meetings were reported, and we took steps to have any harassment of the group reported to the Embassy.

Fourth, a meeting of representatives of the government brought forth a statement that Nicaragua has no political prisoners.

Fifth, the delegation met with Mrs. Violeta Chamorro, editor of the newspaper La Prensa and members of her family.

Mrs. Chamorro stated that if Contra aid was approved on Wednesday, February 3, she expected the government to close her newspaper.

She predicted that if Contra aid was not approved, the paper would be closed anyway within 12 months.

She emphatically stated that under no conditions would the newspaper operate under censorship.

The Chamorro family did not have any favorable comments to make about the Sandinista government and have the policy of printing the truth.

Sixth, the delegation met for 3 hours with the leaders of the internal opposition—14 groups who have combined—who complained bitterly about government restrictions, the recent imprisonment of several of their leaders who made public statements, and who firmly supported the pressure of the Contras.

Seventh, our final visit was with three members of the Permanent Commission on Human Rights, who gave horrifying reports of torture, cruelty, and atrocities, particularly in the prisons, and serious intimidation by the Turbas.

My question to them was "do we return to Washington with your best wishes for the passage of the Contra aid bill?"

Their answer was "yes."

A SALUTE TO CAPT. HARRY O'NEAL AND THE CREW OF THE NORTH CAROLINA FERRY "GOV. EDWARD HYDE"

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today I rise to commend the brave men of the North Carolina ferry *Gov. Edward Hyde* for their daring rescue of two survivors from a plane crash in Pamlico Sound.

On the evening of August 18, 1987, a small plane crashed into the waters of Pamlico Sound. The pilot of the plane became separated from the two passengers, Martha Prescott-Gaskill and Anna Gaskill, following the crash and was unfortunately drowned. The survivors, after spending 14 cold and trying hours in the waters of Pamlico Sound, were beginning to lose hope that they would be rescued. Just then, the North Carolina ferry *Gov. Edward Hyde* appeared on its midday run from Swan Quarter to Ocracoke. The crew of the *Governor Hyde* spotted the survivors in the water and the ferry began to make her way toward them. At the same time a string of severe thunderstorms passed through the area. The 47-knot winds generated by the thunderstorms whipped the previously calm waters into 4-foot waves, and rain fell so heavily that visibility was reduced to 100 yards.

Despite these terrible weather conditions, Capt. Harry O'Neal was able to determine that Ms. Prescott-Gaskill would not be able to survive long enough for the crew to lower a small boat. Seizing the initiative, Captain O'Neal displayed exceptional shiphandling ability and maneuvered the over 100-foot vessel through the shallow water to her rescue. After the crew had brought Ms. Prescott-Gaskill aboard, a small boat was lowered and Ms. Gaskill was rescued. It is without a doubt that the valiant actions of Captain O'Neal and his crew saved the lives of Ms. Prescott-Gaskill and her sister-in-law.

It is, therefore, with great pleasure that I rise today to pay tribute to Captain O'Neal and his crew: Grady Fulcher, Donald Piper, Charles L. Mason, James Gaskins, and William S. Sawyer. Their actions demonstrated a dedication to their fellow man and level of job expertise that we should all strive to achieve. The bravery of men such as these makes me proud to represent the First District of North Carolina.

NATIONAL JUKEBOX WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, I rise to introduce a joint resolution to designate October 30 through November 5, 1988, as "National Jukebox Week."

The jukebox holds a unique place in the annals of American music and popular culture. It has also brought entertainment to untold millions over the years.

It was in 1889 that a Mr. Louis Glass fitted a coin slot on a wax cylinder Edison machine and placed it in the Palais Royale Saloon in San Francisco. Called "Nickel in the Slot," it is widely considered the first jukebox.

From the turn of the century through today, the jukebox has been a viable, nostalgic, and intriguing part of popular American culture.

As a rich chronicler of music, culture, and technology, the jukebox is without peer. It has brought great joy and memories to generations of Americans. Its popularity is unequalled in the eyes of old and young alike.

Despite many new and sometimes competing music formats, the jukebox remains an integral part of our heritage. And with the advent of new technologies—many of which have already been incorporated into the jukebox—its future is bright.

As the jukebox nears its 100th anniversary, the time has come to recognize this unique and visual entertainment vehicle that stands tall in musical and cultural history. I urge cosponsorship of the joint resolution and recognition of "National Jukebox Week." Finally, Mr. Speaker, I submit the text to be printed in the RECORD as follows:

H.J. RES. 446

Joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week"

Whereas the jukebox has played an important role in the musical and artistic heritage of America;

Whereas the jukebox holds a unique place in the annals of American music;

Whereas the jukebox has contributed to the development of the Nation's contemporary culture;

Whereas the jukebox has brought widespread entertainment to millions of Americans over many generations; and

Whereas the jukebox is about to celebrate its 100th anniversary: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 30 through November 5, 1988, is designated as "National Jukebox Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

DEDICATION OF THE TRUMAN LOUNGE BY THE NATIONAL PRESS CLUB SILVER OWLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, every now and then we are reminded of the great President's that have served this country. At the recent dedication of the Truman Lounge at the National Press Club a fine tribute was paid to one of the most capable Presidents of this century, Harry S. Truman. Speaking to the Silver Owls of the club, Gen. Donald Dawson, a top aide to the President, provided valuable insight into Truman's White House years.

General Dawson recalled the leadership role that Truman displayed during his two Presidential terms. "Truman had a hands on management style that worked." His staff was continuously impresssed by his command of the facts and were aware that each briefing had to be accurate or else the President would correct them.

The general reported that Truman held frequent press conferences not in response to the clamor of the press or concern with public image, but due to his commitment to an informed American public. When asked questions, Truman would respond with specifics, not generalities. Harry Truman wanted the public to know what he is doing, he wanted his office to be open to criticism as well as praise. Dawson recalls the time that he tried to brief the President on ways he could decide an issue and derive the most political benefit. Characteristically, Truman replied "What is best for the country?"

Mr. Speaker, as we prepare to elect another man to fill the office of President, let us remember one who treated the Presidency as a full-time job. Who brought the characteristics that represent America into the Oval Office and adhered to those values as he made the important decisions that are required of a President.

Mr. Speaker, I include Donald Dawson's remarks for the CONGRESSIONAL RECORD.

DONALD S. DAWSON, ADMINISTRATIVE ASSISTANT 1947-58 TO HARRY S. TRUMAN, PRESIDENT OF THE UNITED STATES

I feel it is a very special privilege to be asked to say a few words at the dedication of the Truman Lounge in the National Press Club where the "Truman Piano" is the centerpiece. The same piano that he played as Vice President with Lauren Bacall provocatively perched on top of it.

The picture of that serenade perhaps did more to establish Truman's claim as a musician than anything else.

You have indeed confirmed your keen perception of history in preserving it as a symbol of his affection and respect for the National Press Club and the good times he had here.

I am happy to be here tonight. I am happy to be anywhere that President Truman is being honored.

Not too long after I was off the White House payroll in 1953 and trying to build a law practice, I was with President Truman and told him that now I had to associate with a lot of Republicans and that when they found that I had worked for him they most generally said "I am a Republican—but I sure did like Harry Truman."

I find that more and more are saying it today.

President Truman would enjoy being here for at least three good reasons—

One, he loved the piano and its music. He had played the piano all his life. He loved to hear it played.

I have a very strong suspicion that he liked that picture with Lauren Bacall and that there were times when he would get out the old scrapbook and look at it.

And when he did, a smile would come across his face—just as it will bring smiles to all who will come into the Truman Lounge.

Lyndon Johnson designated him to represent the United States at the funeral of the King of Greece.

Gen. Harry Vaughan accompanied him. You will recall that the Greek fraternity Ahepa commissioned Felix de Weldon the noted sculptor to create a 12 foot high statue of President Truman which was given to the people of Greece.

Harry Vaughan says that the President went to see the statue 11 times while they were in Athens—standing there admiring it.

And the people would come up and kiss his hand and say thank you papa Truman—thank you father Truman, for saving our country.

I think people will thank him for what he did for our country and the world when they see that picture. Always keep it there—and you might add a poker table.

The second reason is that he loved a little bourbon and branch water on occasion so he would be right at home here.

And third, he had great affection for the fourth estate. He liked being with you! He enjoyed the give and take. He trusted his friends in the press and insisted on having press conferences—sometimes against the judgment of his staff—because he knew the press had a job to do and because he wanted the people to know what he was doing.

I remember how he enjoyed walking down from his quarters in Key West after dinner to drop into the press room by surprise and shoot the breeze as he said until it was time for the regular poker game.

The bond was strong between President Truman and those who covered his White House.

I don't believe the President's staff in his day was very good copy. He was the only spokesman—with the help of Charlie Ross, Joe Short and Roger Tubby, his press secretaries. He was the unquestioned boss.

There were never any jealousies or public differences that hit the press among the members of his staff. In looking back, I marvel at the perfect relationship we enjoyed. I think it was because we each had such great mutual respect for each other.

There is always a great deal of discussion about the style of any President in the way he runs his office and thereby the country. Each one is entitled to do it the way he thinks best.

President Truman had direct control over his staff. There was no chief of staff. Each one of our little group reported directly to him and was accountable to him. There were essentially only eleven of us.

There were only 252 employees in the White House office budget for 1953 with an average salary of $5097—does that take you back?

And very few employees detailed from other agencies—on loan as so often can be the case. President Truman said he wanted an "honest budget" and he had one for his shop.

Each morning we would meet with the President at 9 and sit around his desk. We each made our report on what had been done, what was being done, and what was foreseen in our area. There was full discussion by the President and anyone else that wished to express himself.

It was all very informal with plenty of humor on all sides.

After we had left, then came Admiral Leahy the President's Military Chief of Staff, Sid Souers, the Executive Secretary of the National Security Council and generally Jimmy Lay who was later to be the Executive Secretary.

They briefed the President on worldwide intelligence and security matters.

By 10:30 the President knew all that was going on in the United States and abroad.

He had a phenomenal memory—never seemed to forget anything so that we knew if we slipped up he would catch us.

It was the custom to give out advance copies of the budget—to the press—which were as big as the New York City telephone directory—a week before the general release.

And on the following Saturday morning President Truman presided over a budget briefing for the press where questions could be asked, generally in the Department of Interior auditorium. The Director of the Budget and John Snyder were on the stage but President Truman answered all the questions.

I remember someone asking a question—and the President replied, "you'll find the answer to that on page 27-B—at the top."

He knew what was going on and we knew he did.

He was a wonderful person. He had all the experiences that make America the great country that it is—coming from a farm in the midwest to the most powerful office in the world.

And he never forgot those experiences. He capitalized on them.

Not long after I became a part of his staff I went to Charlie Ross to suggest that something ought to be done to improve the President's image and his speaking style, which—because we had all become so used to the Roosevelt image and style—was decidedly different. I was presumptuous in the extreme, but remember I was much younger then.

But getting back to Charlie Ross, Charlie who was in the same high school class with the President and knew him better than any man, said "No. Leave this man alone. Let him be himself."

By being himself he became the most effective political speaker in the world—remember the '48 election?

And being himself he became one of our finest Presidents.

Many of us have some particular memory of him close to our hearts. Mine is of one day when as his assistant, I was suggesting perhaps too vigorously various ways he could make a certain decision and get this advantage, or that credit for it, when he looked up at me from the paper before him and said, Don, "What is best for the country?" It was on that fundamental principle "What is best for the country?" that he made his decisions as President. Nothing could make him hedge or trim or deviate from that rule, "What is best for the country."

It is one of my greatest pleasures in life to say "I worked for President Truman."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lightfoot (at the request of Mr. Michel), for an indefinite period, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Bunning) to revise and extend their remarks and include extraneous material:)

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Dornan of California, for 60 minutes, today.

Mr. Dreier of California, for 5 minutes, today.

(The following Members (at the request of Mr. Ray) to revise and extend their remarks and include extraneous material:)

Mr. Ray, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Dorgan of North Dakota, for 5 minutes, today.

Mr. LaFalce, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Foley, for 5 mintues, today.

Mr. Udall, for 10 minutes, today.

Mr. Gonzalez, for 60 minutes, on February 4.

Mr. Sisisky, for 60 minutes, on February 9.

Mr. Olin, for 60 minutes, on February 17.

Mr. Dymally, for 60 minutes, each day on February 2 and 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edwards of California, and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the Record and is estimated by the Public Printer to cost $1,936.

(The following Members (at the request of Mr. Bunning) and to include extraneous matter:)

Mr. Gingrich in two instances.

Miss Schneider.

Mr. Gekas.

Mr. Ireland.

Mr. Emerson.

Mr. Oxley.

Mrs. Bentley in three instances.

Mr. Roth.

Mr. Frenzel.

Mr. Dornan of California in two instances.

(The following Members (at the request of Mr. Ray) and to include extraneous matter:)

Mr. Atkins.

Mr. Lantos in three instances.

Mr. Montgomery.

Mr. Rodino.

Mr. Rangel.

Mr. Coelho.

Mr. Jones of North Carolina.

Mr. Traficant.

Mr. Lehman of Florida.

Mr. Hertel.

Mr. Crockett.

Mr. Richardson in two instances.

Mr. Durbin.

Mr. Hochbrueckner.

Ms. Kaptur.

Mr. Roe.

Mr. Kanjorski.

Mr. Guarini.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1143. An act to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 3, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2818. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract awards for the period January 1, 1988, to February 29, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2819. A communication from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting the proceedings of the 88th National Convention of the Veterans of Foreign Wars of the United States, held in New Orleans, LA, August 17-21, 1987, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332; to the Committee on Armed Services and ordered to be printed.

2820. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export to Thailand of 106 Commando Stingray Light Tanks with a 105 mm Gun Turret, along with training and technical support, spare parts, and special tools to support the program (transmittal No. MC-14-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2821. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a resolution and letter from the Honduran National Congress expressing support for the Esquipulas II accords and for democratization in Central America; to the Committee on Foreign Affairs.

2822. A letter from the Acting Comptroller General of the United States, transmitting a summary of the implementation of the Comptroller's recommendations by Federal agencies in connection with bid protests during fiscal year 1987; no reportable cases where the recommendations were not followed, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

2823. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2824. A letter from the Secretary, Railroad Retirement Board, transmitting the Board's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2825. A letter from the Secretary of Education, transmitting the Department's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2826. A letter from the Chief Immigration Judge, Executive, Office for Immigration Review, Department of Justice, transmitting a report on the grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2827. A communication from the Adjutant General, the United Spanish War Veterans, transmitting the proceedings of the national encampment, held in Bangor, ME, on August 23-27, 1986, pursuant to 44 U.S.C. 1332; to the Committee on Veterans' Affairs and ordered to be printed.

2828. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 52d quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STOKES: Permanent Select Committee on Intelligence. H. Res. 339. Resolution requesting the President to furnish a certain document to the House of Representatives. (Rept. No. 100-500). Referred to the House Calendar.

DISCHARGE OF COMMITTEES

H.J. Res. 444. Pursuant to section 111(j)(8) of Public Law 100-202, the Committees on Appropriations, Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence discharged; House Joint Resolution 444 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. McCollum, Mr. Mazzoli, Mr. Smith of Florida, Mr. Smith of Texas, Mr. Shaw, Mr. Gekas, Mr. Fish, Mr. Moorhead, Mr. Hyde, Mr. Swindall, Mr. Coble, Mr. Michel, Mr. Lott, Mr. Hutto, Mr. McMillan of North Carolina, Mr. Broomfield, Mr. Smith of New Hampshire, Mr. Dornan of California, Mr. Stallings, Mr. Skeen, Mr. Craig, Mr. Lewis of Florida, Mr. Henry, Mr. Wolf, Mr. Montgomery, Mr. Grandy, Mr. Price of Illinois, Mr. Courter, Mr. Fawell, Mr. Roth, Mr. Kemp, Mr. Marlenee, Mr. Ireland, Mr. Weldon, Mr. Hunter, Mr. Lagomarsino, Mr. Oxley, Mr. DioGuardi, Mr. Inhofe, Mr. Barton of Texas, Mr. Wylie, Mr. Emerson, Mr. Schulze, Mr. Nielson of Utah, Mr. Ballenger, Mr. Daub, Mr. Erdreich, Mr. Hubbard, Mr. de Lugo, Mr. Fields, Mr. Hefley, Mr. Hiler, Mr. Gallegly, Mr. Schuette, Mr. Madigan, Mr. Clinger, Mr. Panetta, Mr. Hammerschmidt, Mr. Davis of Illinois, Mr. MacKay, Mr. Schaefer, Mr. Bennett, Mr. St Germain, Mrs. Bentley, Mr. Grant, Mr. Flippo, Mr. Dreier of California, Mr. Callahan, and Mr. Darden):

H.R. 3889. A bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes; jointly, to the Committees on the Judiciary, Ways and Means, and Energy and Commerce.

By Mr. JACOBS:

H.R. 3890. A bill to designate "America the Beautiful" as the national hymn of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY:

H.R. 3891. A bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. NEAL:

H.R. 3892. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. Lent, Mr. Whittaker, and Mr. Fields):

H.R. 3893. A bill to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools by providing adequate time for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 3894. A bill to authorize the U.S. Army Corps of Engineers to protect and enhance recreation at certain water resource projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. COELHO (for himself, Mr. Dymally, Mr. Udall, and Mr. Rahall):

H.J. Res. 445. A joint resolution to designate the week beginning April 24, 1988, as "Mining Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.J. Res. 446. A joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week"; to the Committee on Post Office and Civil Service.

By Mr. STUDDS (for himself, Mr. Lowry of Washington, Mr. Sawyer, Ms. Oakar, Mr. Feighan, Mr. Howard, Mr. Ravenel, Mr. Moakley, Mr. Traxler, Mr. Frank, Mr. de Lugo, Mr. Hayes of Illinois, Mr. Wilson, Mr. Beilenson, Mrs. Saiki, Mrs. Meyers of Kansas, Mrs. Johnson of Connecticut, Mr. Smith of Florida, Mr. Hertel, Mr. Edwards of California, Mr. Jeffords, Mr. Applegate, Mr. Hochbrueckner, Mr. Fawell, Mr. Ford of Michigan, Mr. Konnyu, Mr. Owens of New York, Mr. Mrazek, Mr. Lantos, Mr. Green, Mr. Bates, Mr. Kildee, Mr. Lagomarsino, Mr. Brennan, Mr. Gejdenson, Mr. Neal, Mr. Evans, Mrs. Kennelly, Mr. Shays, Mr. Morrison of Connecticut, Mr. Rowland of Connecticut, Ms. Pelosi, Mr. Stark, Mr. Miller of Washington, Mr. Levin of Michigan, and Mr. Jones of North Carolina):

H. Con. Res. 241. A concurrent resolution to express the sense of the Congress that upon certain taking of whales by Japanese nationals, the Secretary of Commerce should issue a certification under the Magnuson Fishery Conservation and Management Act that such taking diminishes the effectiveness of the International Whaling Commission; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. ANNUNZIO:

H. Res. 352. A resolution providing for expenses of activities of House Information Systems in the second session of the 100th Congress; to the Committee on House Administration.

H. Res. 353. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the second session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 130: Mr. Frank.

H.R. 276: Mr. Conyers.

H.R. 481: Mr. LaFalce.

H.R. 593: Mr. Smith of New Hampshire.

H.R. 741: Mr. Bateman.

H.R. 903: Miss Schneider.

H.R. 1213: Mr. Brown of California.

H.R. 1583: Mr. Stangeland.

H.R. 1623: Mr. Bustamante.

H.R. 1742: Mr. Hoyer.

H.R. 1808: Mr. Murphy and Mr. Petri.

H.R. 1923: Mr. Bates.

H.R. 2134: Mr. Swift, Mr. McHugh, Mr. Moakley, and Mr. Hughes.

H.R. 2214: Mr. Upton.

H.R. 2640: Mr. Hall of Ohio, Mr. Fish, Mr. Kasich, Mrs. Schroeder, Mr. McMillen of Maryland, and Mr. Miller of Ohio.

H.R. 2724: Mr. Mineta.

H.R. 2793: Mr. Erdreich and Mr. Marlenee.

H.R. 2866: Mrs. Kennelly.

H.R. 2879: Mr. de Lugo, Mr. Traficant, Mr. Kastenmeier, and Mr. Sunia.

H.R. 2929: Mr. Craig.

H.R. 2997: Mr. Armey.

H.R. 2998: Mr. Armey.

H.R. 3250: Mr. Coughlin.

H.R. 3260: Mr. DeWine and Mr. Eckart.

H.R. 3265: Ms. Kaptur, Mr. Edwards of California, Mr. Crockett, Mr. Wilson, Mr. Weiss, and Mr. Neal.

H.R. 3440: Mr. Crockett and Mr. Hayes of Illinois.

H.R. 3485: Mr. Swindall.

H.R. 3504: Mr. Atkins.

H.R. 3543: Mr. Martinez.

H.R. 3553: Mr. Brown of Colorado.

H.R. 3562: Mr. Beilenson, Mr. Kennedy, Mr. de la Garza, Mr. Lowery of California, Mr. Richardson, Mr. Sundquist, Mr. Lantos, Mr. Buechner, and Mr. Stallings.

H.R. 3565: Mr. Daub, Mr. Morrison of Washington, Mr. Crockett, Mr. Morrison of Connecticut, and Mr. Chandler.

H.R. 3624: Mr. Broomfield.

H.R. 3628: Mr. Davis of Michigan.

H.R. 3696: Mr. de Lugo, Mr. Penny, Mr. Howard, Mr. McCollum, Mr. Frost, Mr. Ford of Tennessee, Mr. Conyers, and Mr. Campbell.

H.R. 3697: Mr. Baker, Mr. Fauntroy, Mr. Mfume, Mr. Clay, Ms. Pelosi, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Morrison of Washington, Mr. Hayes of Illinois, Mr. de Lugo, Mr. Fazio, Mr. Smith of Florida, Mrs. Meyers of Kansas, Mr. Towns, Mrs. Collins, Mr. Ray, Mr. Owens of New York, Mr. Feighan, Mr. Crockett, Mr. Espy, Mr. Hawkins, Mr. Gray of Pennsylvania, Mr. Conyers, and Mr. Owens of Utah.

H.R. 3787: Mr. Brennan.

H.R. 3788: Mr. Nagle, Mr. Kanjorski, Mr. St Germain, Mr. Perkins, Mr. Leland, Mr. Mrazek, Mr. Jones of North Carolina, Mr. Hawkins, and Mr. Johnson of South Dakota.

H.R. 3806: Mr. Smith of Florida, Mr. Fauntroy, Mr. Garcia, Mr. Hughes, and Mr. Frost.

H.R. 3828: Mr. Fazio, Mr. Miller of California, Mr. Stark, Mr. Lagomarsino, Mr. Berman, Mr. Dixon, Mr. Hawkins, Mr. Campbell, Mr. Lipinski, Mr. Evans, Mr. Frank, Mr. Crockett, Mr. Solarz, Mr. Horton, Mr. Bustamante, Mr. Fuster, Mr. Sunia, Mr. Weiss, and Mr. Blaz.

H.R. 3844: Mr. Lightfoot, Mr. Lott, Mr. Madigan, Mr. Lagomarsino, Mr. Penny, and Mr. Stallings.

H.R. 3870: Mr. Stenholm, Mr. Jeffords, Mr. Stallings, Mr. Frank, and Mr. Bates.

H.R. 3883: Mr. Vento, Mr. Hawkins, Mr. Stokes, Mr. Staggers, Mr. Rangel, Mr. Derrick, Mr. Solarz, Mr. Sabo, Mr. Applegate, Mr. Hamilton, Mr. Jacobs, Mr. Leach of Iowa, Mr. Slaughter of Virginia, and Mr. Perkins.

H.J. Res. 55: Mr. Lightfoot, Mr. Fazio, Mr. Flippo, Mr. Hammerschmidt, Mr. Clinger, Mr. Dorgan of North Dakota, Mr. Levine of California, Mr. Erdreich, Mr. Rhodes, Mr. Owens of Utah, Ms. Pelosi, Mr. Smith of New Hampshire, Mr. Stark, Mr. Pashayan, and Mr. Miller of California.

H.J. Res. 315: Mr. Fish.

H.J. Res. 332: Mr. Bonior of Michigan, Mr. Cooper, Mr. Duncan, Mr. Ford of Tennessee, Mr. Hayes of Illinois, and Mr. Savage.

H.J. Res. 415: Mr. Lagomarsino, Mr. Horton, Mr. Howard, Mr. Matsui, Mrs. Collins, Mr. Hughes, Mr. Roberts, Mr. Thomas A. Luken, Mrs. Meyers of Kansas, Mr. Carper, Mr. Dicks, Mr. Lehman of Florida, Mr. Smith of Florida, Mr. de Lugo, Mr. Lowry of Washington, Mr. McDade, Mr. Mrazek, Mrs. Lloyd, Mr. Denny Smith, Mr. Foley, Mr. Fauntroy, Mr. DeWine, Mr. Mack, Mr. Jones of Tennessee, and Mr. Boland.

H.J. Res. 417: Mrs. Lloyd, Mr. Lagomarsino, Mr. Smith of Florida, Mr. Boland, Mr. Roe, Mr. Horton, Mr. Wyden, Mr. Fauntroy, Mr. Gonzalez, Ms. Pelosi, Mr. Owens of New York, Mrs. Boxer, Mrs. Collins, Mr. Bosco, Mr. Wortley, Mr. Cooper, Mr. Chapman, Mr. Hughes, Mr. Lipinski, Mr. Thomas A. Luken, Mr. Crockett, and Mr. Early.

H.J. Res. 418: Mr. Boulter, Mr. Coleman of Missouri, Mr. de Lugo, Mr. Dymally, Mr. Frank, Mr. Garcia, Mr. Gray of Illinois, Mr. Howard, Mr. Hughes, Mr. Mack, Mr. Montgomery, Mr. Owens of New York, Mr. Roe, and Mr. Weber.

H.J. Res. 428: Mr. Lungren, Mr. Frost, Mr. Smith of New Jersey, Mr. Gray of Pennsylvania, Mr. Pickle, Mrs. Meyers of Kansas, Mr. Torricelli, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Schuette, Mr. Richardson, Mr. Rowland of Connecticut, and Mr. Gilman.

H.J. Res. 429: Mr. Scheuer, Mr. Broomfield, Mr. Weiss, Mr. Swindall, Mr. Stratton, Mr. Carper, Mr. Wolf, Mr. Bonker, Mr. Owens of New York, Mr. Porter, Mr. Green, Mr. Burton of Indiana, Mr. AuCoin, Mr. Saxton, Mr. Erdreich, and Mr. Miller of Washington.

H. Con. Res. 83: Mr. Lott, Mr. McCollum, Mr. Ray, Mr. Tauke, Mr. Johnson of South Dakota, and Ms. Pelosi.

H. Con. Res. 211: Mr. Espy and Mr. Dornan of California.

H. Con. Res. 237: Mr. Lagomarsino, Mr. Feighan, Mr. Schuette, Mr. Bonker, Mr. Kasich, Mr. Bennett, Mr. Fawell, Mr. Boland, Mr. Kastenmeier, Mr. McMillen of Maryland, Mr. AuCoin, Mr. Rowland of Connecticut, Mr. Ford of Michigan, Mr. Dicks, Mr. Lowry of Washington, Mr. Bustamante, Mr. Ackerman, Mr. Glickman, Mr. Henry, Mr. Weiss, Mr. McHugh, Mr. Sikorski, Mr. Durbin, Mr. Moorhead, and Mr. Espy.

H. Con. Res. 238: Mr. Grandy, and Mr. Solomon.

H. Res. 300: Mr. Sunia, Mr. Dornan of California, Mr. Owens of New York, Mr. Bateman, Mr. Hochbrueckner, Mr. Lagomarsino, Mr. Hyde, Mr. Moorhead, Mr. Boulter, Mr. Porter, Mr. Weldon, Mr. Jeffords, and Mr. Weber.

H. Res. 338: Mr. Bilirakis.

H. Res. 350: Mr. Bates, Mr. Goodling, and Mr. Nielson of Utah.

SENATE—*Tuesday, Feburary 2, 1988*

The Senate met at 11:30 a.m. and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Everlasting Father, Senators are tempting targets for relentless, voracious attacks on their integrity, performance, personal, and family lives. May Your servants find reassurance and encouragement in God's promise through the prophet, Isaiah: "No weapon that is formed against thee shall prosper; and every tongue that shall rise against thee in judgment thou shalt condemn. This is the heritage of the servants of the Lord, and their righteousness is of me, saith the Lord."—Isaiah 54:17. Thank You, Faithful Lord, for Your provision and Your unconditional love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Republican leader is recognized.

The acting Republican leader.

Mr. SIMPSON. Mr. President, I look forward to working with the majority leader if we get into substantive matters at the beginning of the session here. I think we can keep an active calendar and I will pledge to certainly try to do that. I believe I have nothing further to add. I thank the Chair. I reserve the remainder of my time, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12 noon with Senators permitted to speak therein for not to exceed 2 minutes each.

SCHEDULE

Mr. BYRD. Mr. President, if the distinguished Senator from Wisconsin will allow me to proceed just for a minute, there are a couple of measures, may I say to the distinguished assistant Republican leader, that we are attempting to get worked out for action.

One is Calendar Order No. 227, S. 237, by Messrs. THURMOND, METZENBAUM, and SPECTER.

There is also another bill that we are hoping to be able to proceed to and get a time agreement on and that is Calendar Order No. 301, by Mr. GLENN and others, a bill to amend the Inspector General Act.

Mr. President, I know our respective staffs have worked hard on both of these measures and I would encourage the Senate to proceed on these two measures today or between now and the close of business Thursday.

Mr. President, I should say at this point that we will have the Kennedy nomination up tomorrow. That is under a time limitation. I have no doubt that the Senate will unanimously, or at least overwhelmingly, vote to confirm Mr. Kennedy to fill the vacancy on the Supreme Court of the United States. I support that nomination.

Then on Thursday, depending on the outcome of the vote in the House on Contra aid, the Senate, if the House passes the Contra aid legislation, will take up that matter. There is a provision in the law for a limitation on debate. The matter would have to be acted on no later than 10 p.m. Thursday.

We have as the unfinished business now the campaign finance reform legislation. I do not intend to offer a cloture motion on that legislation, which would ripen this week. So I should say at this point if we can dispose of these other matters, such as the two items I have alluded to earlier, it would be my plan to go out this Thursday evening and not come in Friday.

Mr. President, I thought that might be a helpful premise for us at this point, if we could encourage time agreements on these two items as we go along. We may be able to do a good bit of work and at the same time be able to take up matters which may be a little more controversial after the recess, matters which would require a little more time.

The ACTING PRESIDENT pro tempore. The acting Republican leader is recognized.

Mr. SIMPSON. Mr. President, I thank the majority leader for giving us an overview of activities and what could occur if we were to do certain of our activities before the end of the week.

Mr. President, I think the staff has indeed worked very diligently to get a unanimous-consent agreement on the so-called lobbying bill sponsored by Senator METZENBAUM and Senator THURMOND.

The inspector general bill seems to be close to a unanimous-consent agreement. I do believe one of our colleagues is concerned about an amendment, but that amendment could come anyway, if we did not get a unanimous-consent agreement. So perhaps that can be worked out. I certainly hope so.

Now that we have in prospect confirming Judge Kennedy, I hope that we can now start processing the other nominations for judgeships within the Federal system. I know the chairman of the Judiciary Committee is also hopeful, and the majority leader and I are both on the Judiciary Committee and actively interested in this.

The chairman has advised and has indicated that he would like to do that.

I was at two hearings of the Judiciary Committee on nominations this week, with excellent candidates presented by Democratic and Republican Members speaking on their behalf. There is a tremendous backlog there that we must get to. I know the chairman of the Judiciary Committee wishes to do that. Certainly the Bork hearings, the Ginsburg nomination, and the Kennedy hearings have slowed the process. I hope we will all get about our activities, our business, on that matter.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I hope the Senate will also consider implementing the Genocide Convention. That convention, which we approved 2 years ago, will have no force or effect until we pass implementing legislation. So I hope the Judiciary Committee will act on that in this session.

Mr. SIMPSON. Mr. President, I supported the Senator from Wisconsin on that matter. I certainly pledge to do all I can to assist.

Mr. BYRD. Mr. President, if the Senator from Wisconsin will allow me to proceed for 30 seconds, I should mention the motion to proceed to the appointment of conferees on the catastrophic illness legislation will be made this afternoon, unless unanimous consent can be given. That may necessitate a rollcall vote. The motion will be debatable and filibusterable and all those things, which I hope will not occur.

I thank the distinguished assistant leader, and I thank the distinguished Senator from Wisconsin.

Mr. PROXMIRE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. I ask unanimous consent to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOW DO WE BRING DEMOCRACY TO NICARAGUA?

Mr. PROXMIRE. Mr. President, what is the prime argument of those who favor Contra aid? Is it that the overthrow of the Sandinista government of Nicaragua is necessary for the national security of the United States? Of course not. Compared to United States military power, Nicaragua's military forces do not have the force of a butterfly's hiccough. Is it to prevent Central America from falling under Communist domination through Nicaraguan aggression? No way. An invasion of any of its neighbors by Nicaragua would promptly trigger the Rio treaty, ringing the full and decisive force of United States military power to bear against Nicaragua. Is it to prevent the extension of Cuban or Soviet Russian power in Central America? No, indeed. Nicaragua is already governed by a Sandinista cabal supported by and working closely with Cuba and the Soviet Union.

So what is the basis of the argument that the United States should subsidize this group of renegade guerrillas who have no chance to win in Nicaragua but have been killing its people—especially its most vulnerable and isolated rural civilians, murdering their women and children, burning their homes, slaughtering their livestock and pushing this already poor country deeper and deeper into misery and poverty? The answer is simple. In fact, it is simple minded. The answer is that the Senate champions of subsidizing this killing by the Contras contend that this is the way to overthrow the Communist dictatorship of Daniel Ortega and bring in a Contra-lead democracy. Aid for the Contras has become in the mind of its supporters a crusade for democracy. How is this supposed to happen? Can anyone believe that if the Contras can be beefed up enough so they can kill several thousand more Nicaraguan civilians, burn their barns and homes, slaughter and carry off their livestock, and murder their women and children, the people of Nicaragua are going to be so grateful for this treatment that they will welcome them as saviours and elect them to run their country? Contra or Contra backed candidates for public office would have as much chance of winning a democratic election in Nicaragua as Castro would have of being elected mayor of Miami. So assume the impossible. Assume that with all-out U.S. support, certainly requiring the support of American troops, the Sandinistas are crushed and the Contras installed in office. Then what happens? Could the Contras hold office? Yes. How? The same way Somoza held office for so long in Nicaragua. They could hold office as American puppets, propped up and maintained by American military force. Would that bring democracy? No way. Consider what happened in the painful years. The United States-supported, Somoza-run Nicaragua. If we kick out Ortega with American force, we do not get democracy. Oh, of course, we do get a pro-American government, in place of the Sandinista pro-Cuban, pro-Soviet government. Why isn't that an improvement? Because the existence of such an American imposed government that can only stay in power by force is a constant reminder to Central American democracies and to the world that the great bully of the north is imposing its will. If we win with this policy in Nicaragua, we really stoke the fires of anti-Americanism and pro-communism, especially on our southern border.

So how do we win for democracy in Nicaragua? First and foremost, we recognize that the kind of government any sovereign country, big or small, in the Western Hemisphere or anywhere else in the world has should be for that country to determine. Second, we recognize that the Central American neighbors of Nicaragua—every one a democracy, each with a far greater stake in the kind of government Nicaragua has than we have—have agreed on a plan that certainly represents the best hope of American peace. This is the Arias plan that won President Arias the Nobel Peace Prize. The Arias plan offers a genuine alternative attempt to achieve peace. And those Central American democracies and the Nicaraguan bishop that leads the attempt to negotiate peace plead with us not to fund the Contras. The Arias plan may or may not succeed. We should certainly give it every chance, and that especially means no aid to the Contras. If the plan succeeds or fails, we should under no circumstances fund the Contras. We should patiently work year after year with trade and with Peace Corps-type aid to assist Nicaragua to overcome its poverty. In the long run, this kind of policy cannot lose. It will take something this Congress and this country is not good at: patience and time, perhaps a long time. After all, our country has been associated with violence against the people of Nicaragua for decades. But in the long run, and especially with the support of our friends in the Central American democracies, if we persist, we cannot lose.

WOMEN IN THE MILITARY—A TIME FOR CHANGES

Mr. PROXMIRE. Mr. President, events continue to demonstrate that it is time for Congress to examine the laws governing women's participation in the services and change these laws so they accurately reflect current circumstances and current needs.

Last February, along with Senator COHEN, I introduced a bill, S. 581, which would clarify the law governing women in the services and thus expand the number of combat-support positions open to women. This bill would not undermine the present combat-exclusion law, nor would it seek to place women in combat. Instead, it is an evolutionary step designed to clarify the existing laws so women can have more fulfilling careers.

Women can and should have greater and more rewarding career opportunities in the armed services. The integration of women into all three branches of the service has been a successful and mutually beneficial experience. As Adm. Dudley Carlson said at a recent Senate hearing, women "are every bit as capable as men across the complete spectrum."

A final issue focuses attention on this legislation: The declining pool of eligible males in the 1990's. In order to keep manpower high and our forces strong, both the services and Congress will have to find ways to encourage more people to enlist. The most obvious and easiest approach to this manpower shortage would be to open up more positions to women within the existing combat-exclusion framework. S. 581 would go a long way in correcting this situation.

The DACOWITS report of last August made it clear that major changes need to occur in the way women are treated in the services, most importantly by expanding career opportunities. The report examined the treatment of women in the Navy and the Marines stationed in the Pacific and cited problems of widespread discrimination, verbal and sexual harassment, and lack of career opportunities. DACOWITS President Jacquelyn K. Davis cited the narrowness of title 10 as being largely responsible for the problems found in the Pacific.

Unless women are provided with full and rewarding career opportunities, they will continue to be treated as second-class soldiers and problems like those reported from the Pacific will be the norm, not the exception.

The problems with the law governing women in the services were discussed in further detail by a General Accounting Office report provided last November to Senator COHEN and myself. The report draws two major conclusions. First, the Women's Armed Services Integration Act of 1948, which is the law governing women in the services, is outdated because combat and the role of women in society has changed vastly. Combat now has a greater emphasis on technology rather than physical strength. In addition, women are serving in many nontraditional and in some cases, dangerous positions in our society.

The GAO report makes a second important conclusion. It states that there are inconsistencies in the interpretation and application of the combat-exclusion law among the three branches of the services which ultimately result in the inhibition of "the career progression of women in the military by excluding them from jobs they are capable of filling." This important report makes it clear that it is time for Congress to address the serious deficiencies which exist in laws governing women in the military.

A surprising event occurred last December with the Secretary of the Navy's announcement to open up more combat-support positions to women. While Secretary Webb deserves praise for this step, his decision won't mean very much unless Congress moves to correct the inconsistencies which the GAO report discussed.

Ample evidence exists to show that women are not receiving full opportunities in the services and that the laws which govern them are the major cause of this problem. It is appalling that women must serve under second-rate conditions. Only Congress can correct this situation, and I believe that it is time to act.

REPEAL OF GLASS-STEAGALL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that three editorials from the New York Times and one each from the Wall Street Journal and the Journal of Commerce supporting legislation I have introduced to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 5, 1987]

WHAT IS A BANK?

Big commercial banks have long had a big itch: to enter markets for financial services reserved for investment bankers, stockbrokers and insurance companies. Now the Federal Reserve Board appears ready to scratch. After a public hearing this week at which Wall Street's heaviest weights are making one last attempt to defend their turf, the Fed is likely to extend the banks' powers to underwrite a variety of securities.

Increased competition in underwriting should cut borrowing costs for business and local governments. But that's just a first, easy step toward rationalizing the financial services industry. Gerald Corrigan, president of the Federal Reserve Bank of New York, offers a bold outline for reform.

During the Depression it was widely believed that stock speculation was responsible for the collapse, of the banking system. To prevent a recurrence, Congress passed the Glass-Steagall Act barring banks from most securities business.

In fact, the system failed because the Federal Reserve did not act vigorously to check the fall in bank reserves, as worried depositors withdrew money. Today, the threat to the stability of the system plainly lies in activities untouched by Glass-Steagall: loans to foreign governments, real estate developers and the energy industry. Banks would now be better able to withstand losses in these activities if they had been able to diversify into the securities industries.

Congress would have modified Glass-Steagall by now were it not for opposition from protected investment bankers. Their loss would be the public's gain, as competition from commercial banks would push down the stiff fees charged for underwriting bonds and other securities.

The encouraging prospect is that the Fed is about to do through statutory interpretation what Congress has not done by law—permit bank subsidiaries to underwrite all municipal bonds, short-term corporate debts and securities backed by home mortgages and car loans.

This is only a beginning. Big financial corporations—Citibank, Merrill Lynch, Sears—believe they can remain globally competitive only by offering a full range of services. Their lawyers have been working overtime to exploit loopholes and state rivalries to establish beachheads in brokerage, insurance, underwriting and traditional banking. Many banks now sell insurance in their lobbies; many insurers offer checking services.

This new competition has proved generally beneficial. Why not let the big boys chew away at the barriers between their industries?

The pace of reform shouldn't be left to private initiative alone. Neither should the rewards be appropriated by firms with the cleverest lawyers. It isn't clear, moreover, that every market-broadening change would serve the public.

Gerald Corrigan wisely argues that the current legal distinctions between financial industries make little economic sense. But banks shouldn't be allowed to use their depositors' money to discriminate in favor of their own manufacturing subsidiaries—or against competitors of such subsidiaries. Nor should government insurance of bank deposits implicitly cover a bank's investments in, say, its own chain of fast food restaurants.

Mr. Corrigan proposes to eliminate barriers between financial services but to strengthen the wall between traditional banking and non-financial commerce. This would allow financial companies to expand to serve almost every need. But it would minimize the incentives for favoritism in investment decisions, as well as the risks to government-insured deposits.

The Corrigan proposal may not be faultless. At the very least, however, it offers a valuable framework for a much more sophisticated debate. It's an opportunity for Congress to welcome, and seize.

[From the New York Times, June 11, 1987]

THE BETTER WAY TO HELP U.S. BANKS

The financial supermarket chains are coming, if the Reagan Administration has its way. Big commercial banks have long pushed to expand across state lines and into related financial markets. Now the Treasury Under Secretary, George Gould, would go further to encourage mergers between banks and industrial corporations, creating megabanks with enough capital to compete with huge banking conglomerates in Japan and Europe.

It makes sense to let banks diversify into securities underwriting, insurance and other financial services. The potential gains in efficiency outweigh the risks to the competitiveness or stability of the banking system. But injecting capital through mergers is a solution to a problem that doesn't exist. American banks may be having difficulty competing with giant foreign rivals, but their difficulties have little to do with size or access to equity.

Present laws sharply restrict commercial banks' entry into new markets. But that hasn't prevented other enterprises from poaching on the bankers' turf. Ford, for example, finances home mortgages. G.E. is a major commercial lender.

The banks are fighting back, exploiting legal loopholes to breach barriers against interstate banking. They have also persuaded the Federal Reserve to broaden their securities underwriting powers. The public should benefit, as competition spurs innovation and lowers the prices of financial services. Diversification, moreover, is likely to reduce the chance of bank failures. But some market barriers can't be crossed without Congressional action. That's why the Reagan Administration has been pressing for major reforms since 1983.

One way to rationalize the financial system is to let banks enter restricted markets but reinforce rules against anticompetitive practices. Banks, for example, would be barred from tying loans to the purchase of other services, like insurance or stock underwriting. A radical alternative, offered by the Brookings economist Robert Litan, addresses the worry that banks would plunge recklessly into new businesses, putting deposits at risk. Mr. Litan would allow banks to enter any financial market, but require diversified institutions to back all insured deposits with Government bonds.

Probably the best reform is a blend of the two—some combination of tough rules against tying services plus higher capital requirements for banks that choose to expand into new markets. But that could easily be accomplished apart from the Treasury's merger initiative, which follows from the dubious assumption that American banks need a huge infusion of capital to remain competitive in global markets.

Japan's biggest banks, like Dai Ichi Kango and Fuji, now have nearly twice the assets of Citicorp. But few analysts believe that giant size in itself offers advantages in serving customers. Japanese banks can offer loans at lower rates largely because their regulators tolerate very low capital reserves. Risk is contained only by implicit government guarantees against the failure of any large corporate enterprise.

America is not culturally suited to such intimacy between government and business. And in any case, it is not about to expose its financial system to greater risk by allowing its banks to pyramid assets on more fragile bases of capital. The most realistic hope for remaining competitive is to give bankers greater opportunity to do what they do best: provide innovative services in rapidly changing markets.

The time is ripe for banking reform. But the focus should be on straightening out the crazy quilt of regulations that distort competition, not on imitating the Japanese.

[From the New York Times, Nov. 23, 1987]

LET BANKS SELL SECURITIES

Does the stock market crash undermine the case for allowing commercial banks to compete in the securities business? No, say two financial heavyweights, William Proxmire, chairman of the Senate Banking Committee, and Alan Greenspan, chairman of the Federal Reserve. They conclude that the potential benefits of a careful liberalization far outweigh the risks to the stability of the banking system.

They're right—but it won't be easy to assemble a coalition strong enough to overcome opposition from the investment bankers.

The Glass-Steagall Act, passed in the wake of hundreds of bank failures in the 1930's, created a wall between banking and the securities business. Without the wall, it was argued, banks would be vulnerable to a stock market crash and the banking system would be dragged down with the securities dealers. Looking back, it's far from clear that Congress diagnosed the ailment correctly in 1933, or provided the right prescription.

No amount of regulation, short of requiring banks to get out of the business of lending money, could protect the solvency of banks in the sort of economic collapse experienced in the early 1930's. The system's real protection isn't Glass-Steagall, but the commitment of the Federal Reserve to act as a lender of last resort to banks.

Senator Proxmire, long skeptical about bank reform, has now concluded that competition from banks would drive down underwriting fees, often running to millions of dollars on large transactions, without significantly weakening the banking system. His bill would add another layer of protection for depositors by requiring banks to run their securities affiliates as separate businesses with separate capital. And it would prevent huge banks from monopolizing the securities business by limiting market concentration and by setting strict conflict-of-interest rules.

The Proxmire liberalization plan doesn't go far enough. It would not allow banks to sell insurance or to broker real estate. That political concession may mute opposition from insurance and real estate lobbies. But it offers nothing to diversified financial companies, like Merrill Lynch and American Express, that are interested in going into the banking business. And it leaves no goodies for smaller banks that would like to sell insurance, but could care less about underwriting securities.

In spite of support from the Fed, Congressional reformers face long odds in their quest to defeat entrenched investment banking interests. But as Robert Litan, an economist at the Brookings Institution, notes, the banks may not wait for Congress to act. State legislatures can leagally give state-chartered banks the right to enter related businesses. And with the tacit approval of the Federal regulators who oversee deposit insurance, some states have already expanded bank powers.

The real choice in the long run, then, is between piecemeal bank deregulation by the states and uniform national reforms buttressed by increased regulatory scrutiny. Sooner or later—preferably sooner—a majority in Congress will understand that this is no choice at all and pass something like the Proxmire plan.

[From the Wall Street Journal, Feb. 13, 1987]

BANKING ON DEREGULATION

A lot of high-priced banking talent hopped the shuttle from Wall Street to the Federal Reserve in Washington last week to argue over four words in a 1933 statute. The Glass-Steagall Act prohibits deposit-taking banks from being "principally engaged" in underwriting "ineligible securities," thus separating commercial banks and investment banks.

The idea behind this New Deal legislation was to protect depositors by restricting the kinds of investments banks could make with funds in demand accounts. Some bank regulation is necessary, but the notion that the Depression was caused by too little regulation is a myth. Brookings senior fellow Robert E. Litan wrote recently that "there was no evidence that the securities underwriting practices were a significant cause of the collapse of the banking system or that certain highly publicized abusive underwriting practices were widespread." In our view, the Depression was caused by protectionism, but showed up first in the financial markets because they correctly anticipated political actions and their economic effect.

Whatever the original value of the commercial/investment bank distinction, the markets have eroded it. For one thing, no industry is more international than banking. U.S. banks' foreign competitors are not hobbled by Glass-Steagall. Commercial banks discovered that the only way they could get into new financial services was to get passports for their employees. London and Tokyo have become beehives of American bank subsidiaries underwriting corporate debt and making other investments denied them in the U.S. On the other foot, when Goldman Sachs went looking for an infusion of capital, it found a commercial bank that wasn't bound by Glass-Steagall—Japan's Sumitomo.

The big irony is that restricting the investments that banks can make *increases* the risk to depositors. The very key to bank soundness is a diversified loan portfolio. Restricting thrift institutions to fixed-rate mortgages was a blunder only regulators could make. Ditto the farm credit system. Commercial banks haven't been able to diversify their portfolios into new instruments like mortgaged-backed securities; instead, they're stuck with Third World debt. Commercial banks are especially troubled by being frozen out of the commercial-paper market. This short-term corporate debt is now a $300 billion market, up from $15 billion only 20 years ago. By issuing this paper, the big investment banks have eaten away at the commercial banks' best, least risky clients.

Only about one-third of all assets held by financial institutions are now held by commercial banks, down from more than half in 1946. Thrifts, insurance companies, pension funds and investment banks now hold the bulk of financial assets. Bankers have responded to this loss of business in a healthy way. The don't want protection, they want freedom to compete.

Congress has been the stumbling block. Despite the slogan of "American competitiveness." Democratic Reps. Fernand St Germain and Charles Schumer have sandbagged all efforts to reconsider Glass-Steagall. Fed Chairman Paul Volcker has also begged Congress for years to take up the issue, even urging that commercial banks be allowed into all kinds of underwriting, including corporate. Wearying of congressional inaction, the banks have come knocking at Mr. Volcker's door.

Citicorp, J.P. Morgan and Bankers Trust have applied to the Fed for permission to have their holding companies begin underwriting commercial paper, mortgage-backed securities and municipal revenue bonds. Brokers at the big investment banks now perform the bulk of these activities. The three banks pledged in their applications that the new activities would not exceed 15 percent of the business of the holding companies. While Mr. Volcker doesn't think the Fed has the power to undo Glass-Steagall on its own, the 15 percent limitation puts the Fed on the spot since this seems within the "principally engaged" test.

The problem is that there are a handful of issues that have to be resolved before the barriers for commercial banks can be lowered. Chief among these is the role of explicit FDIC guarantees, and implicit Fed guarantees to prevent a string of bank failures. Commercial banks obviously get a benefit from federal insurance, which they shouldn't use for gambling with risky investments. Gerald Corrigan, president of the New York Federal Reserve Bank, has published a long paper trying to sort out what kind of regulation will have to remain.

While details have to be worked out, the markets have already made a big step toward deregulation almost inevitable. And as usual, the markets are right; more competition among financial institutions will cut costs and promote efficiency. The only question is how deregulation will come—through the Fed by inducing banks to exchange federal charters for state ones, or by exporting the banks to London. By far the best solution would be for Congress to get to work moving the laws into the modern age.

[From the Journal of Commerce, Mar. 12, 1987]

TAKE OFF THE HOBBLES

The news—bare-bone events unadorned with editorial opinion—sometimes proves a more telling commentary than any embellishment an editorial writer may add. The report that American Express was entering the credit card business, we feel, was that kind of event. It provided moot commentary on the approval by the Senate Banking Committee of legislation freezing for more than a year the ability of banks to deal in securities, insurance or real estate.

American Express is not a bank, but in many ways it behaves like a bank. It was one of the earliest issuers of travelers' checks. It was also one of the first to enter the payments card field, although until now its card has been a cash card; there have been no extended payments for which it charted interest. At the same time, however, it owns Shearson Lehman Brothers, a major brokerage house, and remains an important shareholder in Fireman's Fund, the big West Coast insurer it once owned outright.

Now American Express is proposing to issue a true credit card in direct competition with Visa and MasterCard issued by banks. It hopes to lock in its place in the market by charging interest between 1.7 and 1.8 times the prime rate, currently no higher than 13.5% and well below the 18% or more most banks charge.

From our point of view, the added competition is a great thing, But, we wonder, why should it be one-way? Why shouldn't the banks be permitted to offer competition to brokerage house, real estate and insurance interests? Specifically, why should Bankers Trust, Citicorp and J.P. Morgan, which have applied to the Federal Reserve to underwrite municipal bonds, mortgage-backed securities and commercial paper, be barred from doing so even for only another year?

It's like putting two basketball teams on the court, one with their legs hobbled together, the other free to move. If competition is good for the banks, it ought to be equally good for the securities, insurance and real estate people.

Mr. PROXMIRE. I yield the floor.

ORDER OF PROCEDURE

Mr. HEINZ addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not believe the Senator needs that unanimous consent, does he? Are we in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business under a 2-minute allocation.

Mr. BYRD. I ask unanimous consent that that restriction be changed to not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRADE ADJUSTMENT ASSISTANCE

Mr. HEINZ. Mr. President, as has been evident for the last week and a half each new session of Congress brings with it a new agenda, and new hopes for legislative action. But, before this year's new business overwhelms us, we should remind ourselves of the promises we made last year.

Last year's most important promise, in my mind, was that of passing a tough but fair trade bill. The fate of that legislation, frankly, right now is unknown, despite hours of negotiations. While we, somewhat like expectant parents, nervously wait to see what indeed comes out of all that work, there are those for whom its safe and final delivery is absolutely crucial.

For America's dislocated workers, the timely passage of the trade bill is not just a question of policy, it's a question of bread and butter. Literally. For those in need of our help, our getting that legislation out of conference and enacting it into law will determine whether they have the money to put food on the table, to clothe and care for their children, or to be able to get necessary schooling and retraining.

Mr. President, some 2 million American workers annually lose their jobs because of plant closings or layoffs. Half of those are displaced from manufacturing, the Department of Labor reports, and while many may have been sufficiently skilled for their previous jobs, most are not equipped for the intense competition of today's rapidly changing workplace. Indeed, the National Academy of Sciences estimates at least one-fifth of dislocated workers lack basic skills, skills now more than ever before necessary for getting and holding a job. With 15 percent of our Nation's total current work force estimated to be functionally illiterate, for some, even filling out a job application, is a challenge.

But, Mr. President, those who think our workers cannot meet the challenge are just plain wrong. Our displaced workers have been hard workers, and they are more than ready to retool themselves and their skills and help get America's economy back on its feet. The real question is whether we, as legislators, are ready to help them meet that challenge. Lipservice doesn't cut it—we must keep our promises, and I think every worker in America will be watching what we do with the trade bill. They know, just as we do, that the fate of that legislation is the real test of our commitment, of our ability to keep our promises.

Each year, thousands of American workers are displaced because of our trade policy—or lack of it. And we, whether we like it or not, are directly responsible. Most of these people put in long years at their plants. Suddenly, they find themselves unemployed for weeks, months, even years at a time. And so they turn to us for help. That help, as it turns out, often takes a disgracefully long and complicated time in coming. Sometimes it never arrives. But these workers know nothing comes without hard work. So, they fill out so many forms that it makes even April 15 look like a breeze. But tackling the paperwork isn't even half the problem, for, while they may do their share, we in Congress haven't been doing ours.

The Trade Adjustment Assistance Program is the primary job training and income assistance measure for trade-impacted workers. The program provides up to 2 years of training, and 52 weeks of income support, to workers who lose their jobs from import competition. Last year, on April Fool's Day, ironically enough, all funds for TAA training were exhausted. In July, therefore, after months of delay, a $20 million supplemental was enacted. Despite this additional funding, 750 workers in Pennsylvania, and nearly 300 in West Virginia, to name only two, have yet to receive any training whatsoever.

This year, exhaustion will probably come even sooner. In my State of Pennsylvania, we anticipate that 2,500 workers from the Volkswagen plant in New Stanton, and another 2,500 from the Babcock & Wilcox plant in Beaver Falls, will soon be eligible for program benefits. The cost to retrain these workers alone could reach $20 million. Well, Mr. President, there is only $48 million provided, nationwide, for the entire training program.

Now I'll admit that $48 million is a major increase from the $29 million appropriated in the 1986 continuing resolution, but it still is not enough. Workers are going to become backlogged, and we could lose thousands to permanent dislocation if Congress does not take action soon.

The trade bill provides essential improvements in the TAA Program. If enacted, the Senate version of H.R. 3 would make TAA training an entitlement, and fund the program from a dedicated trust fund. Thus, the annual appropriations shortfall would be eliminated, and workers would at last have a legally enforceable claim to their training.

Until the trust fund is established, however, we owe it to trade-impacted workers to provide training funds up front. We need to match our rhetoric with action. We must provide supplemental funding for TAA training.

Last year's promise of help to dislocated workers will be meaningless if those same workers must wait months or years to enter long-term retraining. We need the help that the trade bill provides, and we need supplemental training funds, now.

I urge my colleagues to work toward both goals.

Mr. BYRD. Mr. President, I commend the Senator from Pennsylvania [Mr. HEINZ] on his timely and cogent remarks. I should say for the record that the Democratic leadership in the House and the Democratic leadership in the Senate met this morning and agreed that we should press on and develop this bill, which is in conference, and support it and, hopefully, put it on the President's desk in March.

The Senate sent to the conference a good trade bill. It is not a protectionist bill. It was a bill put together by nine committees in the Senate. It is a comprehensive piece of legislation. It deals with research, with education, and it is calculated to make this country a competing country in world markets again. It is legislation that is needed.

I recognize that there are those who would denominate any bill a "Protectionist" bill if it would deal with trade. The White House is pretty good at that. But this was not a protectionist bill that was sent to the conference by the Senate. It was supported by more than 70 Senators. So it was obvious that it had strong bipartisan support.

I say again, in closing, that the leadership on both sides of the Hill, the Democratic leadership, is committed to sending a bill to the President's desk in March.

I again compliment the Senator from Pennsylvania. He is striking the right note with a timely speech. We must get on with this legislation. The country expects it; the country deserves it; the American worker deserves it; American industry needs it. So I am committed, and I am going to do everything I can.

I talked with Senator BENTSEN, the chairman of the Finance Committee. Senator BENTSEN and Representative ROSTENKOWSKI, the chairman of the Finance Committee in the Senate and the chairman of the Ways and Means Committee in the House, respectively, were tied up in the negotiations last November dealing with a budget deficit reduction agreement. They were principal players in that action. They are principal players in the conference on the trade legislation. I have talked with Senator BENTSEN, and a date has been set when they intend to start the conference.

In the meantime, the other eight committees in the Senate have carried on discussions with their counterparts in the House and have resolved several of the points that had to be resolved. So progress has been made on developing a bill in conference, and that progress will now be speeded up.

I feel that I can say without any hesitation that we are going to put a bill on the President's desk. We are making every effort to do it in March.

I yield the floor.

RECESS UNTIL 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12 noon having arrived, the Senate will now stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:01 p.m., recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. HARKIN].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business continue for 15 minutes. Senators may be permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION AGAINST CATASTROPHIC ILLNESS

Mr. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2470.

The PRESIDING OFFICER (Mr. HARKIN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 2470) titled "An Act to Amend Title XVIII of the Social Security Act to Provide Protection Against Catastrophic Medical Expenses Under the Medicare Program, and for Other Purposes" and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD. Mr. President, I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BENTSEN, Mr. BAUCUS, Mr. BRADLEY, Mr. MITCHELL, Mr. PRYOR, Mr. DOLE, Mr. CHAFEE, Mr. HEINZ, and Mr. DURENBERGER conferees on the part of the Senate.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Senator MELCHER appear later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

(Mr. MELCHER subsequently said:)

Mr. President, I am prepared to yield the floor.

May I inquire of the distinguished majority leader whether there is any need to ask for a quorum call?

Mr. BYRD. In response to the question of the distinguished Senator, I should say that discussions are going on with respect to certain bills on the calendar. I hope that we might be able to take up a bill this afternoon. In the meanwhile, it might be of benefit to all of us if the Senate will recess for a little while, unless the Senator wishes to speak further.

Mr. MELCHER. I thank the majority leader. I have no further requirement at this time.

RECESS UNTIL 3 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 2:14 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

UNANIMOUS CONSENT AGREEMENT—S. 908

Mr. BYRD. Mr. President, I do not put the request at this time but for the information of the Senate, this request, when it is promulgated, will concern Calendar Order No. 301, S. 908.

Madam President, I ask unanimous consent that, at such time as Calendar Order 301, S. 908, is called up for business before the Senate it be considered under the following time limitation:

Two hours, equally divided, on the bill to be controlled by the chairman of the Governmental Affairs Committee [Mr. GLENN] and the ranking member [Mr. ROTH] or their designees; that there be 30 minutes on a modification of the committee substitute to be offered by Mr. GLENN, which would strike the NRC Office of Investigations language from the committee substitute; provided further that the committee substitute, as modified, would be agreed to for the purposes of further amendment immediately following the modification by Mr. GLENN; ordered further that there be 30 minutes on an amendment by Mr. GLENN to add an inspector general at the IRS in addition to the one for the Treasury Department; ordered further that no additional amendments be in order; that no motions to recommit with or without instructions be in order; that on any debatable motions or appeals or points of order if submitted to the Senate by the Presiding Officer there be a limitation of 20 minutes to be equally divided in accordance with the usual form; and that the entire agreement be in the usual form, provided that no call for the regular order may displace this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent request is agreed to.

Mr. BYRD. Madam President, the distinguished assistant Republican leader is to be thanked for his cooperation and assistance in reaching this agreement and he is on the floor.

INSPECTOR GENERAL ACT AMENDMENTS

Mr. BYRD. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of Calendar Order No. 301, S. 908.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. No objection.

The PRESIDING OFFICER. It is so ordered.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 908) to amend the Inspector-General Act of 1978.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Inspector General Act Amendments of 1987".

CONFORMATION OF AUTHORITIES OF EXISTING OFFICES OF INSPECTORS GENERAL

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 is amended to read as follows:

"(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);".

(b) Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (I);

(2) by redesignating subparagraphs (M) and (N) as subparagraphs (O) and (P), respectively;

(3) by redesignating subparagraphs (J) through (L) as subparagraphs (K) through (M), respectively;

(4) by redesignating subparagraphs (E) through (H) as subparagraphs (G) through (J), respectively;

(5) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);"; and

(6) by inserting after subparagraph (M) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(N) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);".

(c) Section 11 of such Act is amended—

(1) by inserting "Energy, Health and Human Services," after "Education," each place it appears in paragraphs (1) and (2);

(2) by striking out "Community Services," in paragraph (1);

(3) by striking out "the Community Services Administration," in paragraph (2);

(4) by inserting "or the Chairman of the Railroad Retirement Board," before "as the case may be" in paragraph (1); and

(5) by inserting "the Railroad Retirement Board," after "National Aeronautics and Space Administration," in paragraph (2).

(d)(1)(A) Section 208 of the Department of Energy Organization Act is repealed.

(B) The table of contents in the first section of such Act is amended by striking out the item relating to section 208.

(2) Title II of Public Law 94-505 is repealed.

(3) Section 23 of the Railroad Retirement Act of 1974 is repealed.

(e) The transfer of functions under the amendments made by subsection (b) shall not affect any individual, who on the date of enactment of this Act, is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board. Any such individual shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with the Inspector General Act of 1978.

UNIFORM SALARIES FOR INSPECTORS GENERAL

SEC. 3. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Agency for International Development.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.".

(b) Section 5316 of such title is amended by striking out the paragraphs relating to—

(1) the Inspector General of the Department of Commerce;

(2) the Inspector General of the Department of the Interior;

(3) the Inspector General of the Agency for International Development;

(4) the Inspector General of the Community Services Administration;

(5) the Inspector General of the Environmental Protection Agency;

(6) the Inspector General of the General Services Administration;

(7) the Inspector General of the National Aeronautics and Space Administration; and

(8) the Inspector General of the Small Business Administration.

ESTABLISHING AN OFFICE OF INSPECTOR GENERAL IN THE DEPARTMENT OF THE TREASURY, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE NUCLEAR REGULATORY COMMISSION, AND THE OFFICE OF PERSONNEL MANAGEMENT

SEC. 4. (a) Section 9(a)(1) of the Inspector General Act of 1978 (as amended by section 2(b) of this Act) is further amended—

(1) by redesignating subparagraphs (O) and (P) (as redesignated by paragraph (2) of section 2(b) of this Act) as subparagraphs (S) and (T), respectively;

(2) by redesignating subparagraph (N) (as added by paragraph (6) of section 2(b) of this Act) as subparagraph (R);

(3) by redesignating subparagraphs (K), (L), and (M) (as redesignated by paragraph (3) of section 2(b) of this Act) as subparagraphs (L), (N), and (O), respectively;

(4) by inserting after subparagraph (J) (as redesignated by paragraph (4) of section 2(b) of this Act) the following new subparagraph:

"(K) of the Department of the Treasury, the office of that department referred to as the 'Office of Inspector General', and, notwithstanding any other provision of law, that portion of each of the offices of that department referred to as the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco, and Firearms', the 'Office of Internal Affairs, United States Customs Service', the 'Office of Inspections, Internal Revenue Service', and the 'Office of Inspections, United States Secret Service' which is engaged in internal audit activities;";

(5) by inserting after subparagraph (L) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(M) of the Federal Emergency Management Agency, the office of that agency referred to as the 'Office of Inspector General';"; and

(6) by inserting after subparagraph (O) (as redesignated by paragraph (3) of this subsection) the following new subparagraphs:

"(P) of the Nuclear Regulatory Commission, the offices of that commission referred to as the 'Office of Inspector and Auditor' and the 'Office of Investigations';

"(Q) of the Office of Personnel Management, the offices of that agency referred to as the 'Office of Inspector General', the 'Insurance Audits Division, Retirement and Insurance Group', and the 'Analysis and Evaluation Division, Administration Group';".

(b)(1) Section 11(1) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation or" and inserting in lieu thereof "Transportation, or the Treasury;"

(B) by striking out ", or the Director of the United States Information Agency" and inserting in lieu thereof a semicolon and "the Director of the Federal Emergency Management Agency, the Office of Personnel Management, or the United States Information Agency;"; and

(C) by inserting "the Nuclear Regulatory Commission or" before "the Railroad Retirement Board" (as added by section 2(c)(4) of this Act).

(2) Section 11(2) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation" and inserting in lieu thereof "Transportation, or the Treasury;";

(B) by inserting "the Federal Emergency Management Agency," after "the Environmental Protection Agency,"; and

(C) by inserting "the Nuclear Regulatory Commission, the Office of Personnel Management," after "the National Aeronautics and Space Administration,".

(c) The Inspector General Act of 1978 is amended by inserting after section 8A the following new sections:

"SPECIFIC PROVISION CONCERNING THE NUCLEAR REGULATORY COMMISSION

"SEC. 8B. The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, and shall not delegate such authority to any other officer or employee of the Commission.

"SPECIAL PROVISIONS REGARDING THE DEPARTMENT OF THE TREASURY

"SEC. 8C. (a) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of the Treasury shall have general oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Bureau of Alcohol, Tobacco and Firearms, the Office of Internal Affairs of the United States Customs Service, the Office of Inspections of the Internal Revenue Service, and the Office of Inspections of the United States Secret Service. The head of each such office shall periodically report to the Inspector General the significant investigative activities being carried out by such office.

"(b) Notwithstanding subsection (a), the Inspector General of the Department of the Treasury may conduct an investigation of any officer or employee of such Department if—

"(1) the Secretary of the Treasury or the Deputy Secretary of the Treasury requests the Inspector General to conduct an investigation;

"(2) the investigation concerns senior officers or employees of the Department of the Treasury, including officers appointed by the President, members of the Senior Executive Service, and individuals in positions classified at grade GS-15 of the General Schedule or above or classified at a grade equivalent to such grade or above such equivalent grade; or

"(3) the investigation involves alleged notorious conduct or any other matter which, in the opinion of the Inspector General, is especially sensitive or of departmental significance.

"(c) If the Inspector General of the Department of the Treasury initiates an investigation under subsection (b), and the officer or employee of the Department of the Treasury subject to investigation is employed by or attached to a bureau or service referred to in subsection (a), the Inspector General may provide the head of the office of such bureau or service referred to in subsection (a) with written notice that the Inspector General has initiated such an investigation. If the Inspector General issues a notice under the preceding sentence, no other investigation shall be initiated into the matter under investigation by the Inspector General and any other investigation of such matter shall cease.

"(d)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General of the Department of the Treasury shall be under the authority, direction, and control of the Secretary of the Treasury with respect to audits or investigations, or the issuance of subpenas, which require access to information concerning—

"(A) ongoing criminal investigations or proceedings;

"(B) sensitive undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior; or

"(E) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person authorized protection by section 3056 of title 18, United States Code.

"(2) With respect to the information described in paragraph (1), the Secretary of the Treasury may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpena, if the Secretary of the Treasury determines that such prohibition is necessary to preserve the confidentiality of or prevent the disclosure of any information described in paragraph (1).

"(3) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing of such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives, and to other appropriate committees or subcommittees of Congress, together with any comments the Inspector General deems appropriate.".

(d) Section 5315 of title 5, United States Code (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new items:

"Inspector General, Department of the Treasury.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.".

REQUIREMENTS AND PROTECTIONS FOR AUDIT AND INVESTIGATION UNITS

SEC. 5. (a) The Inspector General Act of 1978 (as amended by section 4(c) of this Act) is further amended by inserting after section 8C the following new section:

"SPECIFIC REQUIREMENTS FOR FEDERAL ENTITIES

"SEC. 8D. (a) As used in this section—

"(1) the term 'Federal entity' means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

"(A) an establishment (as defined in section 11(2) of this Act) or part of an establishment;

"(B) the Executive Office of the President;

"(C) the Central Intelligence Agency;

"(D) the General Accounting Office;

"(E) the Department of Justice; or

"(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol;

"(2) the term 'designated Federal entity' means ACTION, Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Home Loan Bank Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States International Trade Commission, and the United States Postal Service;

"(3) the term 'head of the Federal entity' means the director, administrator, president, chairman, or chief executive officer of a Federal entity, or any other body designated by statute as the head of a Federal entity;

"(4) the term 'head of the designated Federal entity' means the director, administrator, president, chairman, or chief executive officer of a designated Federal entity, or any other body designated by statute as the head of a designated Federal entity;

"(5) the term 'internal audit unit' means a component of a Federal entity which carries out audits or investigations, or both, of the programs and operations of such entity, but does not include a component that carries out audits or investigations as an integral part of the conduct of the programs and operations of such entity; and

"(6) the term 'internal audit unit director' means the head of an internal audit unit.

"(b) After the date which is 180 days after the date of enactment of this section, there shall be established in each designated Federal entity an internal audit unit. The head of the designated Federal entity shall transfer to the internal audit unit established in such entity the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the internal audit unit and would, if so transferred, further the purposes of this section. There shall not be transferred to an internal audit unit any program operating responsibilities.

"(c) The internal audit unit director shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity.

"(d) Each internal audit unit director shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. The head of the designated Federal entity shall not prevent or prohibit the internal audit unit director from initiating, carrying out, or completing any audit or investiga-

tion, or from issuing any subpena during the course of any audit or investigation.

"(e) If an internal audit unit director is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall promptly communicate the reasons for any such removal or transfer to both Houses of Congress.

"(f)(1) The Chief Postal Inspector of the United States Postal Service shall be the internal audit unit director of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General. The Chief Postal Inspector may be removed from office or transferred to another position or location within the United States Postal Service if the Postmaster General issues a written order stating the reason for such action and two-thirds of the Governors of the United States Postal Service vote to ratify such order. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both Houses of Congress of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as in section 102(3) of title 39, United States Code.

"(g)(1) Sections 4, 5, 6, and 7 of this Act (other than sections 6(a)(7) and 6(a)(8)) shall be applied to each internal audit unit, internal audit unit director, designated Federal entity, and head of the designated Federal entity (as such terms are defined in subsection (a)) by substituting—

"(A) 'internal audit unit director' for 'Inspector General';

"(B) 'designated Federal entity' for 'establishment';

"(C) 'internal audit unit' for 'Office'; and

"(D) 'head of the designated Federal entity' for 'head of the establishment'.

"(2) In addition to the other authorities specified in this Act, an internal audit unit director is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the internal audit unit and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

"(3) The provisions of subsection (d) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (d)(1)) shall apply to the internal audit unit director of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

"(h) Within one year after the date of enactment of this section, and on October 31 of each calendar year thereafter, the head of each Federal entity which is not a designated Federal entity shall prepare and transmit to the Director of the Office of Management and Budget a report which—

"(1) states whether there has been established in the Federal entity an internal audit unit that meets the requirements of this section;

"(2) specifies the actions taken by the Federal entity to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States, including a list of each audit report completed by a Federal or non-Federal auditor during the reporting period; and

"(3) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.".

(b) Section 410(b) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon;

(3) by striking out "The" in paragraph (8) and inserting in lieu thereof "the";

(4) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new paragraph:

"(9) the provisions of section 8D of the Inspector General Act of 1978.".

PROVISIONS TO ENSURE UNIFORMITY AND RELIABILITY OF INSPECTOR GENERAL REPORTS

SEC. 6. (a) Section 5(a) of the Inspector General Act of 1978 is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) a list, subdivided according to subject matter, of each audit report completed by the Office during the reporting period, together with a summary of the significant reports;

"(7) a detailed statistical analysis of audit reports, depicting in tables arranged by audit status information concerning—

"(A) the number of audit reports in each audit status;

"(B) the number of such reports for which an audit determination was not made within 6 months of the date of completion of such reports;

"(C) where applicable, the amounts of ineligible costs, ineligible costs that were disallowed, unsupported costs, and unsupported costs that were disallowed; and

"(D) where applicable, the amount of disallowed costs returned to, or offset by, the Government;

"(8) a summary of each significant audit report completed before the commencement of the reporting period and identified under paragraph (7)(B), together with an explanation of the reason the audit determination was not made during the period described in such paragraph;

"(9) a description of, and an explanation of the reasons for, any significant revised audit determinations made during the reporting period; and

"(10) information concerning any significant audit determination with which the Inspector General is in disagreement.".

(b) Section 5(b) of such Act is amended by inserting "(1)" after "containing" and by inserting before the period a comma and "(2) a list of each audit report made by the establishment's Office of Inspector General which was not resolved within one year after the date on which an audit determination was made on such report, (3) an explanation of the reason such audit was not resolved, and (4) for each such audit report, the amount of disallowed costs that are under administrative or judicial appeal and the amount of any disallowed costs returned to, or offset by, the Government".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following new sentence: "The head of each establishment shall also make copies of the report of such head required under subsection (b) available to the public upon request and at a reasonable cost.".

(d) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) As used in this section—

"(1) the term 'ineligible cost' means an incurred cost that is questioned by the Office of Inspector General because of an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

"(2) the term 'unsupported cost' means an incurred cost that is questioned by the Office of Inspector General because the Office found that, at the time of the audit, such cost was not supported by adequate documentation;

"(3) the term 'disallowed cost' means an ineligible cost or unsupported cost that the management of an establishment has concluded, in an audit determination, should not be charged to the Federal Government;

"(4) the term 'audit determination' means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a written final decision by management concerning its response, including corrective actions concluded to be necessary, to such findings and recommendations;

"(5) the term 'audit resolution' means the completion of all corrective actions that the management of an establishment has concluded, in an audit determination, are necessary with respect to the findings and recommendations included in an audit report, and, in the event that the management of an establishment concludes no corrective action is necessary, 'audit resolution' occurs when an audit determination has been reached; and

"(6) the term 'audit status' includes the following six categories:

"(A) audits for which the audit report was completed before the commencement of the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred; and

"(B) audits for which the audit report was completed during the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred.".

(e) Section 3512(b)(2) of title 31, United States Code, is amended by adding at the end thereof the following: "Such standards shall include (A) a definition of audit resolution consistent with section 5(f)(5) of the Inspector General Act of 1978, and (B) a standard to ensure that an audit determination will be made on each audit report

within 6 months after the completion of such report, in the case of an audit performed by a Federal auditor, and within 6 months after receipt by the executive agency responsible for the program concerned, in the case of each audit performed by a non-Federal auditor. No order, circular, or directive prescribed by the Director of the Office of Management and Budget shall include an inconsistent definition or standard with respect to audit resolution.".

OATH ADMINISTRATION AUTHORITY

SEC. 7. Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

APPROPRIATION ACCOUNTS

SEC. 8. Section 1105(a)(25) of title 31, United States Code, is amended to read as follows:

"(25) a separate appropriation account for appropriations for each Office of Inspector General established by the Inspector General Act of 1978.".

DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION

SEC. 9. Section 5(e)(3) of the Inspector General Act of 1978 is amended by striking out "Nothing" in the first sentence and inserting in lieu thereof "Except to the extent provided in section 6103(f) of the Internal Revenue Code of 1986, nothing".

Mr. SIMPSON. Madam President, I should have been more timely. I just wish to remark I thank the majority leader and Senator GLENN, chairman of the Governmental Affairs Committee, and Senator ROTH as the ranking minority member, and also Senator JOHN BREAUX, chairman of the Nuclear Regulations Subcommittee of Environment and Public Works for their work along with the majority leader in reaching this agreement. This will give us timely work to do and I appreciate their support and help on behalf of the minority leader.

Madam. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

I ask unanimous consent that on any rollcall votes the standing order of 15 minutes be enforced by automatic call for the regular order at the expiration of the 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, so that all Senators will know that there will be a rollcall on final passage, the distinguished assistant Republican leader and I have agreed that it might be well that we get those yeas and nays now so all Senators will know. I understand the Senator who is the ranking manager has no problem with this and our distinguished manager has no problem.

I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Madam President, S. 908, the Inspector General Act Amendments bill, is intended to improve the ability of the Federal Government to fight waste, fraud, and mismanagement in Federal programs and operations and to aid Congress' oversight function.

We all make speeches ad nauseum back home in our districts and our States, of how we are going to go to Washington and fight fat, fraud, waste, and abuse—all those things where we see taxpayers' money being wasted. It is all too seldom that we get to vote on something like that, or that we get to work on legislation that does exactly that. That is what this bill is specifically designed to do.

S. 908 would accomplish this by several means: First by creating a new statutory Office of Inspector General in the Treasury Department, in the Office of Personnel Management, in the Federal Emergency Management Agency and in the Nuclear Regulatory Commission.

Second, it would accomplish this by requiring 33 other Federal entities that are listed in the bill to establish and maintain internal units to audit and investigate their programs, operations, and personnel.

Third, we require the approximately 60 other Federal entities to report annually to OMB on their efforts to ensure audit and investigative coverage of their programs, operations, and personnel.

Fourth, we will standardize salaries of statutory IG's at the Executive level IV rate.

We will improve the IG semiannual reporting on actual savings attributable to their work by standardizing the format and the terms used to describe the audit resolution process.

We will provide separate appropriation accounts for Offices of inspector general. We will authorize investigators or other IG employees to administer to or take from any person an oath, affirmation or affidavit, whenever necessary to perform IG functions; and we will bring the existing Offices of Inspector General within the Departments of HHS and Energy and the Railroad Retirement Board under the coverage of the Inspector General Act of 1978.

In 1978, the Committee on Governmental Affairs secured the enactment of the Inspector General Act, which established Offices of Inspector General in 12 executive departments and some of the larger executive agencies.

The concept behind the original legislation is to consolidate auditing and investigative responsibilities under a single high-level official reporting directly to the head of the establishment. The Inspector General would also report semiannually to Congress concerning significant abuses or deficiencies and makes recommendations for corrective action. At the time, we in Congress were not sure how well the IG concept would work.

Madam President, back in 1978, we frankly were not sure how this whole thing would work. It was an experiment, an experiment in good government, if you will, an experiment in ways to cut out the fat, fraud, waste, and abuse that we all talked about. Well, today I can say without much fear of any quarrel from anyone, it has worked exceptionally well.

Today, it is widely recognized that the statutory IG's—who now number 19—have had outstanding success in improving the economy, efficiency and effectiveness of Federal operations and programs and contributing to substantial savings of taxpayer dollars. That is what it is all about. According to the most recent report from the Council that coordinates IG activities, in the past 5 years more than $92 billion have been recovered or put to better use because of the IG efforts.

That comes out to about $18 billion per year. That is B for billion. That is a significant amount of money. It could be even greater than that, because it is difficult to evaluate and quantify some of these savings where you are making more efficient use of money. So I view this as a very conservative estimate, this $92 billion over the past 5 years that has been saved by the IG—an amount far, far exceeding any cost of IG programs of the Government put together. It is money well spent.

The President's Council on Integrity and Efficiency [PCIE] correctly stated that:

> These savings accrue in many ways, most notably through audits of Federal programs and entities doing business with the Federal Government, and through investigations into alleged wrongdoing. Some of the most vital work done by the Inspectors General results in their recommendations to correct systemic weaknesses and reduce the likelihood of future fraud, waste and mismanagement.

The success of these offices call for continued congressional support for the inspector general concept. To this end, S. 908 incorporates recommendations from the General Accounting Office to establish new statutory IG's in the Treasury Department, FEMA, OPM and the NRC.

These are agencies that were left out in the original bill back some 10 years ago. But they are agencies that are now major Federal establishments with important missions and programs that require strict controls against fraud, waste, and abuse.

S. 908 also responds to the concerns raised by GAO and the inspector general community about the need to strengthen internal audits and investigations in the numerous smaller agencies, regulatory boards, commissions, Government corporations, and other federally funded entities. S. 908 extends to 33 of these key entities the consolidation, reporting and other requirements found in the 1978 IG Act, without creating additional statutory IG positions. I note that in 1986 OMB Director James Miller endorsed Senator ROTH's proposal to extend the IG concept to smaller agencies because, in his words, "inspectors general tend to * * * pay for themselves." That was a response to the proposal by Senator ROTH.

Moreover, this inspector general legislation contains some long needed amendments to the Inspector General Act of 1978 by providing uniform definitions, standards, and authorities for the IG community. All of these are important and timely fine-tunings of the IG system, so that it will work even more successfully in the years to come.

Madam President, I have a modification to the bill as it was favorably reported from the committee last June, concerning the provision establishing a statutory IG at the NRC.

As reported by the committee, S. 908 proposed to transfer two existing NRC offices—the Office of Inspector and Auditor and the Office of Investigations—into the new statutory IG Office at the NRC.

The Office of Inspector and Auditor [OIA] performs the typical IG functions—that is, internal audit and investigations—and reports directly to the Commissioners. The committee found that at present, OIA lacks the permanent status afforded to a statutory Office of Inspector General. OIA could be disestablished by a majority vote of the five-member Commission. Moreover, the OIA Director is appointed by and serves at the pleasure of the Commission. Congress need not be notified in the event the Commission votes to remove the Director.

In contrast, a statutory inspector general for the NRC would be appointed by the President, with the advice and consent of the Senate, and could be removed only by Presidental action, with notice to Congress. With these protections, a statutory IG at the NRC would be able to thoroughly investigate allegations of employee misconduct or mismanagement without fear of removal by the Commission.

This is no trivial matter. The committee's review of NRC's audit and investigative functions uncovered that OIA has not performed all of the essential functions of a statutory Office of Inspector General. For example, it is clear that evidence of potential wrongdoing by a Commissioner or employees in his office was intentionally withheld from OIA in 1985. This episode demonstrates the NRC's need for a truly independent inspector general, with the authority and expertise to investigate potential wrongdoing wherever it occurs, even if it involves a Commissioner's office.

The committee's review also revealed that serious deficiencies in OIA's objectivity and investigative practices have compromised the credibility of that office as an internal watchdog. Moreover, this lack of credibility is not simply a problem with OIA's current management; rather, it dates back over several years.

For these reasons, the committee strongly believes that there should be no doubt that OIA should be transferred to the NRC's new Office of Inspector General.

The Office of Investigations [OI] was created in 1982 to perform investigations of persons in the commercial nuclear industry who intentionally violate Commission regulations and license conditions, falsify records, lie, or otherwise manifest serious deficiencies of character to handle hazardous nuclear materials or to operate nuclear plants.

At its April 1987 hearing, the committee heard disturbing testimony concerning proposals and attempts to undermine the ability of OI to achieve its mission. These problems included repeated proposals to move OI under the supervision of the Executive Director for Operations, thereby jeopardizing its independence from the technical staff and its direct reporting relationship to the Commissioners. In fact, one such proposal in 1985 was vehemently opposed by the Department of Justice on the ground that:

> Prior to and since the creation of OI there has been some opposition as well as resistance within the NRC to the detection and disclosure of deliberate wrongdoing by NRC licensees. . . . Senior personnel within the NRC who could affect or influence OI's ability to detect and report violations if it were realigned may have contributed to this problem.

Other measures actually taken compromised OI's ability to self-initiate investigations and refer the results of its investigations directly to the Department of Justice. These measures compromised OI's effectiveness and independence.

Subsequent to the committee's favorably reporting S. 908 to the Senate floor, Senators BREAUX and SIMPSON, chairman and ranking member on the Subcommittee on Nuclear Regulation of the Environment and Public Works Committee, also held hearings on the Office of Investigations. As part of their oversight function, they have expressed their concern about the Commissioners losing the ability to direct investigations of licensee wrongdoing if the OI function was made part of the IG office.

Frankly, I am more concerned about the NRC's interference with the OI function, not its support for it. The safety of the commercial nuclear industry depends on licensee trustworthiness and integrity. The NRC cannot adequately carry out its mission if licensees intentionally undermine the process. Uncovering wrongdoing and taking strong civil enforcement action based on a well-developed OI report has a deterrent effect not only on the licensee in question but on other licensees as well. Moreover, since OI investigations involve wrongdoing, there is often the potential that a licensee's actions, if proven, might also be a violation of federal criminal statutes. While civil enforcement action for wrongdoing has a deterrent effect, the possibility of criminal enforcement action has an even greater deterrent effect.

Because Senators BREAUX and SIMPSON have indicated their willingness to, through legislation, provide OI with a statutory underpinning and direct reporting relationship to the Commissioners, last December I agreed to drop OI from S. 908 in order to allow the Environment and Public Works Committee time to formulate a proposal concerning OI. Unfortunately, on January 21, 1988, the NRC announced that it would be moving OI under the NRC staff, and merging OI with other technical staff inspection and investigation functions. In light of this development, I believe it is doubly important that the Congress act responsibly to legislate a statutory underpinning for OI, and thereby move to reestablish its integrity and independence.

Madam President, Senator ROTH and I have an amendment to the bill as favorably reported from the committee last June, relating to the Internal Revenue Service and the Treasury Department, which merits some description.

The Treasury Department is the third largest executive department, with a fiscal 1988 budget of over $6 billion. In April 1981, President Reagan publicly supported the creation of a statutory IG "who will have powers tailored to the specific needs of the Treasury Department". Currently, the nonstatutory IG at Treasury has audit and investigation authority over less than 20 percent of the Treasury budget, and has limited or no ability to audit the programs and operations of Treasury's four law enforcement bureaus—that is, the Internal Revenue Service, Customs Service, Secret Service, and Bureau of Alcohol, Tobacco and Firearms.

Few people realize Treasury has those law enforcement functions.

The Treasury Department, and its law enforcement components, share the basic need for the leadership of an independent statutory IG and greater consolidation of and independence provided to the Department's audit functions. At the same time, there is a need to protect information about those law enforcement personnel or their operations from premature disclosure.

That has been a difficult task to work out. Obviously, we cannot have major internal findings of the law enforcement agencies or secret or classified information they are working with, leaked out. Obviously, everyone in the country who voluntarily submits statements to the IRS does not want to see those private matters brought out into the open. We have to protect against inadvertent disclosures of such information.

The Secret Service, Customs Service, Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, legally, should have means to classify information to make certain it is not made public, but at the same time the administration of those units should be subject to an internal reporting or auditing system to make sure the taxpayers are getting every bit of their money's worth.

The bill, as favorably reported by the Governmental Affairs Committee, would have rectified this situation by consolidating all internal audit activity in a single 1G office for the entire Treasury Department, including its four law enforcement components. The internal investigative function would have remained the primary responsibility of the law enforcement bureau heads. However, the statutory 1G in certain circumstances could take over an internal investigation involving an employee of a law enforcement bureau. Finally, S. 908 as reported contained a provision crafted to provide special protections form 1G disclosure of information relating to sensitive policy or law enforcement operations, and to place the Treasury IG under the "authority, direction and control" of the Treasury Secretary when audits or investigations touch upon such sensitive areas.

In response to continuing objections from representatives of the Treasury Department and Internal Revenue Service to shifting the auditors under the supervision of the single Treasury IG, the committee determined that a separate statutory 1G for the IRS was necessary, and appropriate. The amendment offered by the committee at this time includes the following features, which have adequately addressed IRS and Treasury concerns, and they have signed off on these proposals:

First, the IRS will have its own statutory IG office, separate from the statutory IG office within the Treasury Department. The IRS IG office will include all of IRS' existing internal auditors and investigators. To ensure against any possible politicization of the IRS from the introduction of the statutory IG, and IRS IG will be appointed by the President from a select pool of senior career personnel at the IRS who have demonstrated ability in investigations or internal audit functions. This represents a change from IG nominations for other agencies, which are not limited to any particular pool of people. Additional language in the bill states that the IRS IG will not have the power to change taxpayer liability determinations.

Second, the legislation provides that the rest of the Treasury Department will have a separate statutory IG, who will have under his direction the consolidated internal auditors from BATF, Secret Service and Customs Service, However, the internal investigators within these law enforcement bureaus will continue to remain under the direction of their bureau heads. However, in special circumstances, the Treasury IG can take over an internal investigation involving an employee within those bureaus.

Third, the legislation provides that both the Treasury and IRS IG's shall be under the "authority, direction and control" of the Treasury Secretary and IRS Commissioner, respectively, with respect to IG reviews which require access to certain sensitive matters. With respect to this information, the Secretary or Commissioner is authorized to prohibit an audit or investigation when it is determined to be necessary to prevent its disclosure. If these authorities are exercised, Congress shall receive notice.

Fourth, "Intelligence and counterintelligence matters" have been added to the list of sensitive information to which the Treasury or IRS IG may seek access during an audit or investigation. If the Treasury Secretary or IRS Commissioner asserts control over or prohibits an IG review involving access to sensitive information, notice of that action must be provided to the IG and the IG shall forward that notice to the appropriate congressional committees.

Finally, the Treasury Secretary or IRS Commissioner will draft the congressional notice to be forwarded to Congress without any additional comments from the IG.

I ask unanimous consent to insert into the RECORD a November 20, 1987 letter from IRS Commisioner Gibbs to me stating that the IRS will not object to the enactment of S. 908 as revised.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC.

HON. JOHN GLENN,
Chairman, Committee on Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Internal Revenue Service has opposed S. 908, providing for amendments to the Inspector General Act. This legislation would establish a presidentially appointed Inspector General within the Department of Treasury. Additionally, the legislation would transfer the Internal Revenue Service's internal audit staff to Treasury to be under the control of the Inspector General.

We have particularly serious concerns about the effects of S. 908 which would change the current organizational relationships between the existing Treasury Inspector General and the Internal Revenue Service. Our principal concerns relate to (1) the need of the Commissioner to maintain an effective Internal Audit staff within the Internal Revenue Service, and (2) the need to assure taxpayers that adequate controls exist to prevent the misuse of confidential tax information for political purposes.

I directed my staff to work with the majority and minority staffs of your committee and officials from the Treasury to attempt to develop proposed revisions that balance the respective interests of the IRS and the committee's interest in legislation largely consistent with the Inspector General Act. The result of this staff work is the enclosed revisions to S. 908 and accompanying colloquy language which would provide for a separate statutory Inspector General within the Internal Revenue Service.

While we continue to believe that it is unwise to extend the provisions of the Inspector General Act to the Internal Revenue Service, these revisions, when taken as a whole, are a responsible attempt to sufficiently address our concerns. Therefore, we will not object to the enactment of S. 908 as so revised and accompanied by the colloquy language.

Sincerely,

LAURENCE B. GIBBS.

Mr. ROTH. The Secretary of the Treasury has expressed concern over IG reviews of the development or formulation of policy prior to its execution. Could the Senator from Ohio clarify the role of the IG in the policymaking process?

Mr. GLENN. First, as a general matter, it is not within the mandate of the statutory Inspectors General at Treasury or the IRS to participate in, or review, the deliberations which constitute the policymaking process. Nothing in the IG Act of 1978 suggests that an IG does, or should, have this role. Rather, the IG Act requires the IG to promote economy and efficiency in the administration of, and prevent and detect fraud and abuse in, Treasury's programs and operations. The IG's are intended to act as independent factgatherers, with no vested interest in policy, or in particular programs or operations. However, the IG does have the authority to investigate allegations of misconduct in the development of policy.

Second, the IG's do, and should, have the authority to review the implementation of policy, as opposed to its formulation, to ensure that programs and operations are carried out with economy and efficiency.

Third, it would be appropriate for the IG's to review an underlying policy decision, if facts suggest that the policy decision, as opposed to its implementation, is affecting the economy or efficiency of the Department.

Finally, it is within the authority of the IG's to review how the general process by which policy is developed works, in order to ensure that Treasury and IRS decisionmakers are effectively supported.

Mr. ROTH. What is the role of the IG's when a Treasury or IRS employee is alleged to have engaged in misconduct in connection with such employee's participation in, or knowledge of, policy development?

Mr. GLENN. The Treasury and IRS IG's would have full authority to review or investigate any evidence or allegation of such misconduct. For example, the IG's would have full authority to investigate allegations of conflict of interest on the part of a Treasury policymaker who could personally benefit from a policy decision. The IG Act requires IG's to refer to the Attorney General any evidence of criminal wrongdoing.

Mr. ROTH. Of particular concern to the Treasury Department is the possibility that the mere disclosure to the public of certain IG investigations could seriously destabilize financial markets which are sensitive to Treasury policymaking. For example, if an IG investigation resulted in any disclosure that Treasury was continuing to implement a policy decision to support the dollar, this could seriously destabilize those markets affected by Treasury's intervention decision.

Mr. GLENN. The Treasury and IRS IG's are under the general supervision of the Secretary of the Treasury and the Commissioner and, like all other statutory IG's, will be appointed by the President and confirmed by the Senate without regard to political affiliation and solely on the basis of integrity and demonstrated ability. It would be highly inappropriate for the Treasury or IRS IG to disclose information about such policy decisions, the policymaking process, or the information used as a basis for making such decisions. In such circumstances, it would be appropriate for the Treasury Secretary or Commissioner, on a case by case basis, to exercise their statutory authority over the IG.

Mr. ROTH. S. 908 would amend the IG Act to include a special provision for the Treasury Department and IRS. Does this provision address the Department's and IRS' concerns about the IG's access to information concerning policymaking?

Mr. GLENN. Yes it does. S. 908 proposes a new section 8C(d)(1)(D) as part of the Inspector General Act of 1978. This provision would place the Treasury and IRS IG under the specific authority, direction, and control of the Treasury Secretary and Commissioner, respectively, with respect to audits or investigations which require access to information concerning:

> Deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior.

With respect to this information, the Treasury Secretary and Commissioner are authorized to prohibit an audit or investigation which the IG has begun, if they determine it is necessary to preserve its confidentiality or prevent its disclosure. If the Treasury Secretary or IRS Commissioner exercises any of these authorities, Congress will receive notice.

Mr. ROTH. What is meant by the term "market behavior"?

Mr. GLENN. The term "market behavior" is to be accorded a broad interpretation. It encompasses the behavior of institutions such as the stock, bond or other financial markets due to the release of information which might significantly affect the performance of those institutions. It also encompasses the behavior of individuals similar to that resulting from the disclosure of insider information. For example, where the Treasury Department or the IRS has the authority to promulgate but has not yet published final regulations affecting abusive tax shelters, an individual with advance knowledge of the regulations could use that information for personal gain. Similarly, the disclosure of a planned review of a particular universe of currently transaction reports under the Bank Secrecy Act could result in individuals changing their behavior. In these cases, the IG's access to information, and authority to conduct an audit or investigation, are subject to the authority, direction, and control of the Secretary of the Treasury or the Commissioner.

Mr. ROTH. Are there examples of how new section 8c(d) would work?

Mr. GLENN. Yes.

Example: The Treasury IG is performing an audit of expenditures by personnel in the Office of the Secretary. The IG is seeking to determine whether there is excessive use of taxs, excessive reimbursement for meals, and so forth. It is doubtful that this type of inquiry could lead to the discovery of information that would reveal economic, fiscal, or monetary policymaking. However, if there was such sensitive information contained in the expense records, the Secretary could assert control over the IG's access to this information. In this case, the Secretary would discuss with the IG the terms of access to this information in order that the IG could carry out the audit. If necessary, the Secretary could stop the audit after the IG has decided to go ahead with the audit. In that instance, the Secretary would notify the IG in writing of his action, and a copy of that notice will be provided to Congress by the IG.

Example: the IRS IG is conducting an audit of the use of copy machines. While interviewing staff concerning the types of documents and number of copies made, the IG learns of a summary of a meeting between the Commissioner and the Treasury Assistant Secretary for Tax Policy. A couple of days later, the IG sees the Commissioner and asks him what was discussed in the meeting with the Assistant Secretary. The Commissioner determines that the IG is not conducting any audit or investigation that would require the IG to have access to this information. The Commissioner need not provide access to the information, and Congress need not be notified.

The Secretary's or Commissioner's decision to assert control over or prohibit an audit or investigation shall be made on a case by case basis. The Secretary or Commissioner may not declare in advance through regulations, guidelines, rules, memoranda, or any other method that the IG may not begin an audit or investigation involving certain matters or areas. On the other hand, the IG must be acutely aware of the nature of information discovered in the course of an audit or investigation. If there is any doubt about the sensitive nature of information, the IG should consult with the appropriate officials in the Department or IRS.

Mr. ROTH. A concern has been raised by the law enforcement bureaus at the Treasury Department regarding potential disclosure of sensitive information concerning their investigative methods and techniques, which are learned by the IG in the course of conducting audits and investigations. For example, disclosure of investigative thresholds for review of potential violations of bank secrecy laws could allow criminals to structure their transactions in a manner to avoid detection. What protections exist to prevent disclosure of such information?

Mr. GLENN. The IG will, of necessity, come in contact with investigative methods and techniques, inasmuch as these methods and techniques are the raison d'etre of the law enforcement bureaus. The IG is not, however, authorized or required to disclose such sensitive investigative methods and techniques, especially where these methods and techniques continue to be part of the strategies employed in ongong criminal investigations. The Treasury and IRS IG's should consult the appropriate officials whenever there is any doubt as to whether information is sensitive. This is true with respect to all the different types of information for which IG access may be limited by section 8c(d)(1). Section 5(e) of the Inspector General Act itself already protects such information from disclosure by prohibiting disclosure of sensitive information through the reports required to be made by the inspector general.

In addition this legislation provides significant additional protection for the law enforcement functions. Specifically, in S. 908, section 8c(d)(1) provides that the IG's are subject to the authority, direction, and control of the Secretary of the Treasury or IRS Commissioner when an audit or investigation requires access to information concerning first, ongoing criminal investigation or proceedings; second, sensitive undercover operations; third, the identity of confidential sources, including protected witnesses; fourth, intelligence or counterintelligence matters; fifth, the protection of persons or places authorized protection by the Secret Service; and, sixth, other matters the disclosure of which would constitute a serious threat to national security. The Secretary of the Treasury and the Commissioner are permitted, on a case by case basis, to prohibit the inspector general from initiating, carrying out, or completing an audit or investigation which would require access to any of these types of information.

Mr. ROTH. S. 908 establishes a separate IG for the Internal Revenue Service. Procedures already exist, including court review, for adjudicating and determining the liability of taxpayers.

Mr. GLENN. S. 908 contains a specific provision precluding the IRS IG from undertaking such reviews. It is intended that the IG would not superimpose his judgment upon that of the responsible official in specific tax cases.

Mr. ROTH. The IRS Office of the Assistant Commissioner—Inspection—is to be transferred to the new IRS IG. Treasury and IRS have expressed concern that the Assistant Commissioner now exercises certain authority and responsibilities consistent with the role of a statutory IG but that are not contained in the IG Act. Does the bill address this concern?

Mr. GLENN. Yes. The bill provides that the IRS IG shall exercise such additional duties and powers that may be delegated by the Commissioner. It is intended that the Commissioner delegate only those duties and powers that are consistent with the role of a statutory IG and those currently delegated to the Assistant Commissioner—Inspection. For example, the Internal Revenue Code (26 U.S.C. 7608(b)) authorizes personnel in the Office of Inspection to make arrests and perform other enforcement functions. It is not intended that there shall be delegated any additional responsibility that is inconsistent with the statutory duties and responsibilities of the IRS IG. This provision also will enable the Commissioner to delegate to the IRS IG the necessary authority to deal with matters that arise in the future and that properly should be within the jurisdiction of the IG.

Mr. ROTH. In addition to the standards for IG's contained in the 1978 act, the bill includes special standards for the IRS IG. Can the Senator from Ohio explain why these are necessary?

Mr. GLENN. The bill provides that the IRS IG be appointed by the President from among the ranks of career reserve positions in the senior executive service with the IRS. While this is a departure from the 1978 act, it is both necessary and desirable from the perspective of the American taxpayer and the IRS.

The IRS IG will have access to vast amounts of information about the financial and personal affairs of American citizens from the tax returns and other information that Americans voluntarily submit each year. In response to allegations of misuse of such information many decades ago, the IRS was reorganized both to limit the number of political appointees within the IRS and to ensure that an individual in the IRS career civil service directed the IRS inspection function. These principles have well served the interests of the American taxpayer and the IRS for over 30 years.

The responsibilities and duties of the IRS IG necessarily require an intimate and current knowledge of, and extensive experience with, internal IRS functions. The sensitive nature of the information maintained by the IRS requires that the integrity of the inspection function within the IRS be sustained both in fact and in appearance.

Finally, in addition to the duties of an IG, the new IG for the Internal Revenue Service will take the place of the existing Assistant Commissioner—Inspection. The duties of the IRS IG would include the independent review and appraisal of all IRS activities and the conduct of programs to assist in maintaining the highest standards of honesty and integrity among IRS employees. The IRS IG will be responsible for planning and carrying out the inspection functions of the IRS pursuant to guidelines provided by the Inspector General Act of 1978.

Madam President, I have one modification to the bill the committee reported and one committee amendment. I send them to the desk and ask that the modification be made at this time.

The PRESIDING OFFICER. Is this the modification contemplated?

Mr. GLENN. Yes, Madam President.

The PRESIDING OFFICER. The question is on agreeing to the modification.

The modification is agreed to.

Mr. GLENN. Thank you, Madam President.

Madam President, before I yield the floor to my distinguished colleague, the ranking minority member of the committee, Senator ROTH, I want to pay tribute to him for his leadership in this area in particular. He has been a tireless worker for more efficient Government. He has been on this issue in his efforts on the Governmental Affairs Committee for I guess more than a decade.

When I first came on the committee some 13 years ago he was pushing for some of these measures to deal with fat, fraud, waste, and abuse in Government at that time. He has been a tireless worker for more efficient Government during all that time. His cooperation and contributions in moving this bill forward were such that it never would have probably been brought out had it not been for his extremely cooperative efforts in this regard. He has been a key component in our success to bringing it to the Senate floor today.

At the same time I want to pay tribute, too, to a person who has worked much on this legislation with him, the minority staff member on the Republican side, John Parisi, who has done an outstanding job and spent long hours working on this as has the staff on the majority side, Dr. Weiss, our staff director, Len Weiss, Steve Ryan, and Lorraine Lewis. They have done an outstanding job in bringing this to the floor.

With those comments, Madam President, I yield the floor for whatever comments Senator ROTH may have.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, first, let me say that I am pleased to be here today to help present what I consider to be a most important piece of legislation, and it is true, I would say to my distinguished chairman, Senator GLENN, that this has been a bipartisan effort. It has been the result of numerous hearings, much debate and controversy, many meetings with members of the executive branch. But I feel we have come up with a compromise that pushes forward the concept of independent auditors, and as my distinguished chairman has properly pointed out, the record of performance of these independent auditors in other agencies have well proved their worth.

So I am very pleased, Madam President, to present it today to my colleagues for their consideration.

I believe that its enactment will result in real dollar savings and better management in Federal Government.

S. 908 carries on our efforts, begun with the enactment of the Inspector General Act of 1978, to expand and improve the inspector general concept throughout the Government. S. 908 is based in large part on provisions from bills passed in the last Congress by the House, H.R. 3077, and the Senate, S. 2005. S. 908 was cosponsored by all of the members of the Committee on Governmental Affairs on both sides of the political aisle, and was ordered reported unanimously by the committee on June 30, 1987. The committee's report, No. 150, was filed on August 7.

S. 908 creates new statutory offices of inspector general at the Treasury Department, the Internal Revenue Service, the Nuclear Regulatory Commission, the Federal Emergency Management Agency, and the Office of Personnel Management. S. 908 also applies the inspector general concept to 33 smaller agencies of the Government. In 1986, when in our hearings I asked OMB Director James Miller if this approach would be costly, he replied, "I don't think so. Our finding is that inspectors general tend to, by far, pay for themselves."

Indeed, inspectors general have clearly proven their worth, since the first Office of Inspector General [OIG] was created at the Department of Health and Human Services in 1976. The President's Council on Integrity and Efficiency [PCIE] recently reported that, just in the first 6 months of fiscal 1987, our inspectors general were able to recover approximately $1 billion into the Treasury. Their work included: 2,176 successful prosecutions; 901 debarments and suspensions of persons or firms doing business with the Government; and, 445 administrative sanctions against Federal and contractor employees.

I am especially pleased that S. 908 addresses the audit and investigative needs of the smaller agencies of Government.

Following on the establishment of 12 OIG's in the Inspector General Act of 1978, I am pleased to say that during my tenure as chairman of the Committee on Governmental Affairs, an OIG was established in 1982 at the Defense Department. But, several large and many small agencies do not have the elements which have enabled our existing inspectors general to be successful in rooting out fraud and abuse in Federal programs. Those elements are:

Consolidation into one office all of the internal audit and investigative functions of the agency.

Protection of the integrity of the audit and investigative functions through independence from program functions and program supervisors, with the audit chief reporting directly to the agency head; and

The audit and investigative authorities of the Inspector General Act of 1978.

The need to bring the concepts embodied in the Inspector General Act of 1978 to smaller agencies of Government has been thoroughly documented. In May 1984, the General Accounting Office [GAO] issued a report, AFMD 84-45, on the audit capability of agencies not subject to the Inspector General Act. GAO found that some agencies were not complying with Office of Management and Budget [OMB] circulars on Federal program audits and audit followup or with GAO's audit standards; some agencies had no audit coverage; in some agencies, the internal auditor did not report to the agency head or deputy, instead reporting in some instances to the program people whose programs they were to audit; and, at several agencies that had more than one audit or investigative unit, there were no procedures for coordination.

A followup study issued by GAO in 1986—AFMD 86-11—found that, at 41 agencies without statutory IG's, problems similar to those reported in 1984 continued to exist. Demonstrating the importance of this issue is the fact that these 41 agencies had a combined total budget authority of over $100 billion and employed more than a quarter of a million people.

I asked the PCIE to conduct a study of the extent and effectiveness of internal audit and investigative activities at Federal entities, particularly those which would not have internal audit units in Conformity with the provisions of my bill, S. 2005. The findings of that study were provided to our committee, and they were similar to those of GAO. Its recommendations have in large part been incorporated into S. 908.

Given the success of the Inspector General Act in consolidating and strengthening the audit and investigative units in Cabinet departments and other executive agencies, its provisions should be extended to other smaller Federal agencies. In hearings before our committee in 1986, OMB Director James C. Miller expressed the administration's support for the efforts of the committee to extend the IG concept to smaller agencies.

Under section 5 of S. 908, 33 designated Federal entities are required to conform their internal audit functions to the inspector general model. The internal audit units in these entities are granted the powers of an inspector general, but the head of the unit would not be appointed by the President and confirmed by the Senate. These 33 entities include the independent regulatory agencies and other Federal entities with annual budget authority of over $100 million.

There are 60-some other, even smaller entities in the Federal Government which, combined, spend significant amounts of money and, in some cases, have escaped audit notice. Section 5 of S. 908 requires these entities to report annually to OMB as to what actions they have taken to obtain audit and investigative coverage. This could include contractual arrangements with an inspector general or a private certified public accountant firm.

CPA's can and do provide solid audit services to many Federal agencies. I understand that a few CPA's were unhappy with a passage in our committee report which said that they lacked independence. The committee certainly did not mean to impugn the integrity of the many CPA's who perform good service for many Federal agencies and will continue to do so in the future.

With respect to creating statutory OIG's at Treasury, FEMA, NRC, and OPM, careful consideration has gone into the decision to recommend the creation of OIG's at these agencies.

Creation of a statutory OIG at the Treasury Department was recommended by GAO in 1986 in response to my request for its assessment of the need for a statutory IG at Treasury, AFMD 86-3. I believe that we have adequately responded to the concerns of Treasury Department officials who, like their colleagues in other agencies prior to creation of OIG's in those agencies, feel that the Department's functions militate against the creation of a statutory IG.

The same devotion exists on the committee with respect to the creation of OIG's at FEMA, NRC, and OPM. The committee gave particular attention to both the internal and external investigative functions of the Nuclear Regulatory Commission. In 1981, GAO issued a report, EMD 81-72, in which it concluded that the independence of the Office of Inspector and Auditor—which would become the OIG under the terms of this bill—needed to be strengthened. GAO suggested that Congress consider establishing a statutory Inspector General office at the NRC stating that:

> Such an office could help ensure that the Congress and the Commissioners receive objective information on problems within the Commission and enhance public trust in the regulation of commerical nuclear power.

Evidence developed by the committee suggested that, while the Office of Inspector and Auditor has been conforming its procedures to those of the statutory IG's, it lacks the insurance that only statutory independence can provide.

Since reporting S. 908, the committee has worked closely with the Treasury Department and the Committee on Environment and Public Works to deal with concerns that those two institutions had about certain provisions in the bill. The committee amendments to S. 908 to be offered today by the Government Affairs Committee address those concerns.

Let me speak for a moment to those concerns and their resolution, as incorporated in the legislation we offer today. First, with respect to the Treasury Department, there was justifiable concern about the impact that the bill as reported would have had on the work of the Internal Revenue Service, particularly access to tax returns and return information. I had expressed some of those concerns in my additional views to the committee report.

Accordingly, we will offer a committee amendment to establish a statutory office of inspector general in the IRS and stipulate that its inspector general would be selected by the President from the ranks of career reserved senior executive service positions within the IRS. Then, with respect to both the inspectors general for the Treasury Department and the IRS, we agreed to expand and clarify some of the limitations on the inspectors general which are based upon similar provisions applicable to the Defense Department IG. These limitations make it clear that the IG does not have a role in the policymaking process at Treasury or IRS. Senator GLENN and I will engage in a colloquy for the RECORD which further explains these provisions when the committee amendment is offered.

Then, with respect to the Nuclear Regulatory Commission, we have decided to delete a provision from S. 908, as reported. That provision would have transferred the NRC's Office of Investigations into the newly created Office of Inspector General. Members of the Environment and Public Works Committee expressed concern about this provision and its Subcommittee on Nuclear Regulation held a series of hearings on the organization and functioning of the NRC. As a result of those hearings and further correspondence and discussions, I hope that the Environment and Public Works Committee will develop a good charter for the Office of Investigations and will do so in the context of legislation regarding the overall organization of the NRC. In anticipation of that legislation, we have acceded to the committee's wishes and will delete that provision from S. 908, as reported, by way of a committee amendment to be offered shortly.

The committee proposes no other changes from the bill as reported by the Committee on Governmental Affairs. I believe that it is a good bill, deserving of enactment and I commend it to my colleagues.

Again I want to express my appreciation to our chairman, Senator GLENN, to Dr. Wise, and the other members of the majority staff, as well as the minority staff, for the singular role they have played in bringing this legislation to the floor today.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as modified, is agreed to, and the bill is considered original text for the purpose of further amendment.

AMENDMENT NO. 1398

(Purpose: To provide for an Inspector General of the Internal Revenue Service under the Inspector General Act of 1978, and for other purposes)

The PRESIDING OFFICER. The clerk will now report the amendment of the Senator from Ohio.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Glenn), for himself and Mr. ROTH, proposes an amendment numbered 1398.

Mr. GLENN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 8, strike out "1987" and insert in lieu thereof "1988".

On page 27, line 6, insert after the comma "THE INTERNAL REVENUE SERVICE,".

On page 27, line 15, strike out "(S) and (T)" and insert in lieu thereof "(T) and (U)".

On page 27, line 18, strike out "(R)" and insert in lieu thereof "(S)".

On page 27, line 21, strike out "(L), (N), and (O)" and insert in lieu thereof "(M), (O), and (P)".

On page 27, line 25, strike out "subparagraph" and insert in lieu thereof "subparagraphs".

On page 28, lines 8 and 9, strike out "the 'Office of Inspection, Internal Revenue Service',".

On page 28, line 12, strike out the quotation marks and semicolon at the end thereof.

On page 28, insert between lines 12 and 13 the following:

"(L) of the Department of the Treasury, in the Internal Revenue Service of such department, the office of that service referred to as the 'Office of Assistant Commissioner (Inspection), Internal Revenue Service';";

On page 28, line 13, strike out "(L)" and insert in lieu thereof "(M)".

On page 28, line 16, strike out "(M)" and insert in lieu thereof "(N)".

On page 28, line 19, strike out "(O)" and insert in lieu thereof "(P)".

On page 28, line 22, strike out "(P)" and insert in lieu thereof "(Q)".

On page 29, line 1, strike out "(Q)" and insert in lieu thereof "(R)".

On page 29, line 17, strike out "and".

On page 29, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 29, insert between lines 20 and 21 the following:

(D) by inserting "or the Commissioner of Internal Revenue" before "as the case may be".

On page 30, line 3, strike out "and".

On page 30, line 7, strike out the quotation marks and the period and insert in lieu thereof a semicolon and "and".

On page 30, insert between lines 7 and 8 the following:

(D) by inserting "Internal Revenue Service" before "as the case may be".

On page 30, line 21, strike out "general".

On page 30, lines 25 and 26, strike out "the Office of Inspections of the Internal Revenue Service,".

On page 31, line 2, strike out "periodically".

On page 31, line 6, insert "(other than the Internal Revenue Service)" after "Department".

On page 32, line 11, insert "and the Inspector General of the Internal Revenue Service".

On page 32, line 12, insert "and the Commissioner of Internal Revenue, respectively," after "Treasury".

On page 32, line 24, strike out "or".

On page 33, insert before line 1 the following:

"(E) intelligence or counterintelligence matters; or

On page 33, line 1, strike out "(E)" and insert in lieu thereof "(F)".

On page 33, line 3, insert "or property" after "person".

On page 33, line 4, insert before the period a comma and "section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524)".

On page 33, line 6, insert "or the Commissioner of Internal Revenue" after "Treasury".

On page 33, line 7, insert "of the Department of the Treasury or the Inspector General of the Internal Revenue Service, respectively," after "General".

On page 33, line 9, strike out "the" and insert in lieu thereof "such".

On page 33, line 11, strike out "of the Treasury" and insert in lieu thereof "or the Commissioner".

On page 33, line 15, insert "(A)" after "(3)".

On page 33, line 24, strike out all beginning with the comma through line 25 and insert in lieu thereof a period.

On page 34, insert before line 1 the following:

"(B) If the Commissioner of Internal Revenue exercises any power under paragraph (1) or (2), the Commissioner shall notify the Inspector General of the Internal Revenue Service in writing of such exercise. Within 30 days after receipt of such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs and the Committee on Finance of the Senate and to the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives.".

On page 34, insert between lines 4 and 5 the following:

"Inspector General, Internal Revenue Service".

On page 34, insert between lines 8 and 9 the following:

(e) In addition to the standards prescribed by the first sentence of section 3(a), the Inspector General of the Internal Revenue Service shall at the time of appointment be in a career reserved position in the Senior Executive Service in the Internal Revenue Service as defined under section 3132(a)(8) of title 5, United States Code, with demonstrated ability in investigative techniques or internal audit functions with respect to the programs and operations of the Internal Revenue Service.

(f)(1) In addition to the duties and responsibilities specified in this Act, the Inspector General of the Internal Revenue Service shall perform such duties and exercise such powers as may be prescribed by the Commissioner of Internal Revenue, to the extent such duties and powers are not inconsistent with the purposes of this Act.

(2) No audit or investigation conducted by the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service shall affect a final decision of the Secretary of the Treasury or his designee described in section 6406 of the Internal Revenue Code of 1986.

Mr. GLENN. Madam President, I think that I have already explained the amendment earlier, and at this point there is no need to repeat it. I think we are prepared to have a vote on this, if it is all right with my distinguished colleague.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. GLENN. I yield back the time on the amendment.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1398) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BREAUX. Madam President, it is my understanding that as part of the arrangement to bring this bill to the floor at this time, the leadership of the Committee on Governmental Affairs, Senators GLENN and ROTH, have agreed to accomodate the interests of the leadership of the Environment Committee's Subcommittee on Nuclear Regulation, ALAN SIMPSON and myself, on two specific concerns that we had about this legislation.

First, the unanimous-consent agreement provides that the provisions in this bill having to do with the Nuclear Regulatory Commission's Office of Investigations will be deleted from the bill. The only provision that would therefore remain in this bill affecting the NRC would be a provision to establish a Statutory Office of Inspector General at the NRC, including the transfer of the Office of Inspector and Auditor into that office.

Second, at such time as the Environment Committee reports legislation addressing the issue of the organization and structure of the Nuclear Regulatory Commission—legislation that we are tentatively planning on including as a part of the NRC's fiscal year 1988-89 authorization bill and that could well include provisions establishing a single Administrator for the NRC, a Nuclear Safety Board to investigate certain incidents, a Statutory Office of Inspector General for the NRC including only the Office of Inspector and Auditor, and provisions related to the Commission's Office of Investigations—the Committee on Governmental Affairs will not seek a sequential referral of all or any part of this legislation. In addition, in exchange for an understanding that the Environment Committee will not seek to move this legislation on the Senate floor for a period of 30 calendar days after the bill is reported from our committee, the Committee on Governmental Affairs will not seek to prevent us from moving forward with consideration of this bill on the Senate floor after that time.

I wonder, Madam President, if I could ask the leadership of the Committee on Governmental Affairs if this arrangement, as I have described it, is acceptable?

Mr. GLENN. The arrangement that the Senator from Louisiana [Mr. BREAUX] has just outlined is fully acceptable to me, Madam President, and I think is a sensible approach to addressing the respective interests of the two committees.

Mr. ROTH. I agree with that, Madam President, and think that the approach that Senator BREAUX has outlined is quite satisfactory.

Mr. BREAUX. I appreciate those assurances, Madam President, and think this represents a most sensible way to proceed in view of the interests of the two committees.

Mr. SASSER. Mr. President, I rise along with my colleague, Senator GARN, to clarify the application of S. 908 to the Smithsonian Institution. Am I correct in stating that section 5 of this bill creates an internal audit unit at the Smithsonian Institution?

Mr. GLENN. That is correct.

Mr. SASSER. It is my further understanding that the Director of this Internal Audit Unit would report directly to the Secretary of the Smithsonian Institution under the terms of this measure and that the Secretary, under the definition of this bill is the head of the "designated Federal entity," in this case, the Smithsonian Institution.

Mr. GLENN. Yes, that is correct.

Mr. SASSER. Now the Smithsonian, as I am sure Senator GLENN is aware, is not, in fact, a Federal agency. But for the strict terms of S. 908, the Secretary is the official to whom the Internal Audit Unit Director of the Smithsonian reports. Is it your understanding that nothing in S. 908 contravenes the fact that the Secretary, who is appointed by the Board of Regents of the Smithsonian, is ultimately responsible to the Board of Regents and not the Congress in his administration of the Smithsonian.

Mr. GLENN. Yes. To a great extent, S. 908 simply codifies in statutory form the current responsibilities of the Director of the Office of Audits and Investigations Unit in the Smithsonian. Nothing in S. 908 is intended to contravene that basic governing structure of the Smithsonian Institution nor the duty of the Secretary to manage and administer Smithsonian activities in accordance with the dictates of the Board of Regents, six of whom are Members of Congress.

Mr. GARN. I would say to my distinguished colleague from Ohio that the Smithsonian regularly communicates with the Congress with regard to all sorts of audits being conducted at the Institution.

Its seven-member Audit and Review Committee meets at least three times a year. Five of the members of the Audit and Review Committee are sitting Members of Congress and two are former Members of the U.S. Senate, Mr. Mathias and Mr. Morgan.

The Director of the Office of Audits and Investigations provides all final audit reports directly to the Secretary and to the Audit and Review Committee. These reports are thoroughly reviewed by the Secretary and the Audit Committee. These reports are also routinely made available to congressional committees with jurisdiction over federally funded Smithsonian activities.

I have always been very impressed with the audit and review function at the Smithsonian, and it is my further understanding that in the formulation of S. 908, the hearing record did not indicate any deficiencies with current investigation and audit activities at the Smithsonian.

Mr. GLENN. Yes; that is correct. The intent of S. 908 is to legally codify the operations of the current Office of Audits and Investigations. The hearing record does not indicate any basic deficiencies in the audit and investigative activities conducted by the Smithsonian Director of Office of Audits and Investigations.

Mr. THURMOND. Mr. President, like a number of my colleagues, I was detained and unable to reach the Senate floor for the vote on S. 908, which amends the Inspector General Act of 1978. Had I been present, I would have voted in favor of this bill.

S. 908 creates new statutory offices of Inspector General in four Federal agencies: the Department of the Treasury, the Federal Emergency Management Agency, the Nuclear Regulatory Commission [NRC], and the Office of Personnel Management [OPM]. The bill also establishes internal audit units in 33 Federal entities that are currently not covered by the Inspector General Act of 1978.

Mr. President, this bill represents an effort to bring further financial accountability to the Federal Government, and I commend the Governmental Affairs Committee for their work on this bill.

Mr. BENTSEN. Mr. President, I strongly support the Inspector General Act amendments legislation we are considering today. The bill provides for Inspectors General to be established in four major Federal agencies and departments: Treasury Department, Nuclear Regulatory Commission, Federal Emergency Management Agency, and Office of Personnel Management. In addition, it strengthens the internal audit and investigative capability in thirty three other Federal agencies.

The committee record is clear and comprehensive on the value of Inspectors General in Federal agencies. They help to prevent fraud, waste and abuse in Government. They are needed in a Federal bureaucracy that has grown as large as the one in the United States. Further, the responsibilities of these agencies and departments have expanded to such an extent that proper internal audit and investigative procedures cannot be performed adequately by program personnel.

I am particularly encouraged by the committee's action in proposing that an Inspector General be established for the Nuclear Regulatory Commission. That is an independent Federal agency much in need of an Inspector General. In my State, that agency is near the center of controversy surrounding the South Texas Nuclear Power Plant. I believe that had we an Inspector General in place there, some of the controversy and allegations by workers regarding mismanagement and defects in construction at the plant could have been dealt with seriously and swiftly.

The public has a right to expect that its Government act responsibly. When allegations are hurled by responsible persons, they should be investigated thoroughly to determine whether there is any basis of truth or cause for concern. That is the reason this legislation is so important and necessary. I support it. I congratulate my distinguished colleagues, Senators GLENN and ROTH, the respective chairman and ranking member of the Committee on Governmental Affairs, for producing this vital legislation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GLENN. Madam President, I suggest the absence of a quorum. There will be two colloquies, and I will check on those. It should be a few moments, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I am prepared to enter into a colloquy with Mr. HUMPHREY, who is on the floor.

Mr. HUMPHREY. Madam President, I commend the chairman of the Governmental Affairs Committee for his efforts to create new statutory inspectors general for several key Federal agencies. I believe the establishment of an independent office devoted to fighting waste, fraud and mismanagement within Federal programs provides a crucial oversight function. I understand that, during the course of the hearings on S. 908, the Office of Management and Budget suggested that the Governmental Affairs Committee consider also including a statutory inspector general for the Tennessee Valley Authority [TVA].

Mr. GLENN. The Senator from New Hampshire is correct. However, the Office of Management and Budget statement constituted only a single sentence in otherwise detailed testimony concerning a number of agencies. S. 908, as reported, does include a statutory requirement that 33 agencies, including TVA, consolidate all audit and internal investigative resources into a single office.

Inasmuch as TVA already has consolidated these functions into a nonstatutory Inspector General Office under a single individual who reports to the agency head, S. 908 creates a statutory mandate requiring a continuation of TVA's current operations, but vests that office with the powers and reporting requirements of a statutory inspector general. based on the limited record available, this treatment seemed appropriate.

The TVA board has no objection to this treatment under S. 908.

Mr. HUMPHREY as chairman of the Environment and Public Works Subcommittee on Regional and Community Development during the 98th and 99th Congresses, I spent many hours conducting hearings concerning the TVA, a government-owned utility with well over 27,000 employees and over $1 billion in budget authority.

In 1985, the senior Senator from Tennessee [Mr. SASSER] successfully pursuaded the TVA board of directors to establish an Office of Inspector General at TVA. Clearly, this was a step in the right direction.

My analysis of TVA and the problems which plague the agency has led me to conclude that TVA would benefit most from the independent oversight authority vested in a Presidentially-appointed inspector general. The Governmental Affairs Committee report for the Inspector General Act of 1978 stated that the law "insures the independence of the inspector and auditor general by making him a Presidential appointee, subject to Senate confirmation, and by taking the unusual step of requiring the President to report to Congress explaining his reasons for removing an incumbent of the office."

Under the current system, and the provisions of S. 908, the TVA board has the right to remove the inspector general from office prior to the expiration of the established term of office. In order to insure the absolute independence of the inspector general in examining all the phases of the agency, I believe it essential that the authority to remove the inspector general reside with the President rather than the TVA board.

Madam President, I appreciate the commitment from the Senator from Ohio to look into this matter. I understand that he has agreed to request that the General Accounting Office study the existing Office of Inspector General at the Tennessee Valley Authority and evaluate the adequacy of the current arrangements. It is important that the chairman of the Governmental Affairs Committee has taken this step and, in deference to his efforts, I have agreed not to offer my amendment to establish a Presidentially-appointed inspector general at TVA.

Mr. GLENN. Madam President, I understand fully the concerns of the Senator from New Hampshire concerning TVA. I share them. It is a matter that he has certainly studied extensively. I am very confident that the GAO will provide the Governmental Affairs Committee with objective data concerning the adequacy of the Office of Inspector General at TVA. Further, GAO will provide an assessment as to whether a presidentially appointed Inspector General would better fulfill the objectives of the Inspector General Act than the arrangement contained in this legislation, in S. 908.

Madam President, as chairman of the Committee on Governmental Affairs, I fully assure the Senator that upon receipt of the GAO report the committee will review it thoroughly. I further assure the Senator from New Hampshire, if warranted, the committee will conduct a hearing on the matter.

Mr. HUMPHREY. Madam President, once again, I appreciate the chairman's good faith efforts in working an agreement on this issue. I hope that this agreement will facilitate the expeditious consideration of his very important bill.

I hope, likewise, that this agreement will lead to some definitive answer on whether we need to make a change at TVA with respect to the TVA Inspector General who is now removable at the will of those whom in a certain sense he oversees. That is not ordinarily a healthy arrangement, and I believe it needs to be changed. But, in any event, the Senator has made a good faith commitment to come to a conclusion on that, and I appreciate it.

Mr. GLENN. I thank the distinguished Senator.

Mr. SASSER. Madam President, I rise today to urge my colleagues to join with me and support S. 908, the Inspector General Act Amendments of 1987.

I am pleased to have been an original cosponsor of this important piece of legislation. I believe that this bill provides watchdogs for the American people against waste and fraud in the Federal Government.

For many years I have been a staunch supporter of inspectors general and I have made the fight against waste and fraud in the Federal Government a priority during my service in the Senate.

Through my work on the Committee on Governmental Affairs I have seen that inspectors general do indeed work. They invariably result in savings to the American people.

The hearing record on S. 908 is replete with testimony supporting the value of inspectors general.

In many ways, the creation of an inspector general is central to the efficiency and effectiveness of a Federal agency.

The intent of this bill, as the chairman has so ably indicated, is to give some real teeth to the audit and investigative capabilities of a Federal agency. As the committee report on S. 908 indicates, all too often audits and investigations are not conducted in an effective manner. Or, they may be conducted—but not followed up on—by agency heads. In that case, the audit function is under-utilized.

But with S. 908, inspectors general, heads of internal audit units, and agency heads have a responsibility to see audits and investigations through to their logical conclusion—promoting more efficient and economical agency operations.

This bill very wisely creates five new statutory inspectors general and requires centralized internal audit units in more than 30 smaller agencies. Another set of very small Federal agencies is required to follow more uniform audit and review procedures.

S. 908 was reported favorably by a unanimous vote from the Senate Governmental Affairs Committee. That vote indicates the strong bipartisan support for this legislation.

Given the overwhelming support for this measure, I would urge all of my colleagues to vote for this bill—thereby expressing a strong vote of confidence for the inspector general concept.

With such a strong vote for the Inspector General Act Amendments of 1987, I have every confidence that the House of Representatives will take expeditious action on this legislation—insuring early enactment of the many progressive features of this bill.

Mr. GLENN. Madam President, I know of no one else wishing to speak on the bill.

Does the distinguished Senator from Delaware wish to speak?

Mr. ROTH. I have no other requests.

Mr. GLENN. We have no other requests on this side and if we are prepared to move to a vote, the yeas and nays I believe have been ordered; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I would be prepared to yield back all my time.

Mr. ROTH. I yield back my remaining time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Montana [Mr. MELCHER], the Senator from Nevada [Mr. REID] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. KARNES], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—85

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
Danforth
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heinz
Helms
Hollings
Humphrey
Inouye
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Symms
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—15

Biden
D'Amato
Daschle
Dole
Gore
Heflin
Johnston
Karnes
Matsunaga
Melcher
Reid
Rudman
Simon
Stevens
Thurmond

So the bill (S. 908) was passed, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "Inspector General Act Amendments of 1988".

CONFORMATION OF AUTHORITIES OF EXISTING OFFICES OF INSPECTORS GENERAL

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 is amended to read as follows:

"(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);".

(b) Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (I);

(2) by redesignating subparagraphs (M) and (N) as subparagraphs (O) and (P), respectively;

(3) by redesignating subparagraphs (J) through (L) as subparagraphs (K) through (M), respectively;

(4) by redesignating subparagraphs (E) through (H) as subparagraphs (G) through (J), respectively;

(5) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);"; and

(6) by inserting after subparagraph (M) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(N) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);".

(c) Section 11 of such Act is amended—

(1) by inserting "Energy, Health and Human Services," after "Education," each place it appears in paragraphs (1) and (2);

(2) by striking out "Community Services," in paragraph (1);

(3) by striking out "the Community Services Administration," in paragraph (2);

(4) by inserting "or the Chairman of the Railroad Retirement Board," before "as the case may be" in paragraph (1); and

(5) by inserting "the Railroad Retirement Board," after "National Aeronautics and Space Administration," in paragraph (2).

(d)(1)(A) Section 208 of the Department of Energy Organization Act is repealed.

(B) The table of contents in the first section of such Act is amended by striking out the item relating to section 208.

(2) Title II of Public Law 94-505 is repealed.

(3) Section 23 of the Railroad Retirement Act of 1974 is repealed.

(e) The transfer of functions under the amendments made by subsection (b) shall not affect any individual, who on the date of enactment of this Act, is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board. Any such individual shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with the Inspector General Act of 1978.

UNIFORM SALARIES FOR INSPECTORS GENERAL

SEC. 3. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Agency for International Development.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.".

(b) Section 5316 of such title is amended by striking out the paragraphs relating to—

(1) the Inspector General of the Department of Commerce;

(2) the Inspector General of the Department of the Interior;

(3) the Inspector General of the Agency for International Development;

(4) the Inspector General of the Community Services Administration;

(5) the Inspector General of the Environmental Protection Agency;

(6) the Inspector General of the General Services Administration;

(7) the Inspector General of the National Aeronautics and Space Administration; and

(8) the Inspector General of the Small Business Administration.

ESTABLISHING AN OFFICE OF INSPECTOR GENERAL IN THE DEPARTMENT OF THE TREASURY, THE INTERNAL REVENUE SERVICE, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE NUCLEAR REGULATORY COMMISSION, AND THE OFFICE OF PERSONNEL MANAGEMENT

SEC. 4. (a) Section 9(a)(1) of the Inspector General Act of 1978 (as amended by section 2(b) of this Act) is further amended—

(1) by redesignating subparagraphs (O) and (P) (as redesignated by paragraph (2) of section 2(b) of this Act) as subparagraphs (T) and (U), respectively;

(2) by redesignating subparagraph (N) (as added by paragraph (6) of section 2(b) of this Act) as subparagraph (S);

(3) by redesignating subparagraphs (K), (L), and (M) (as redesignated by paragraph (3) of section 2(b) of this Act) as subparagraphs (M), (O), and (P), respectively;

(4) by inserting after subparagraph (J) (as redesignated by paragraph (4) of section 2(b) of this Act) the following new subparagraphs:

"(K) of the Department of the Treasury, the office of that department referred to as the 'Office of Inspector General', and, notwithstanding any other provision of law, that portion of each of the offices of that department referred to as the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco, and Firearms', the 'Office of Internal Affairs, United States Customs Service', and the 'Office of Inspections, United States Secret Service' which is engaged in internal audit activities;

"(L) of the Department of the Treasury, in the Internal Revenue Service of such department, the office of that service referred to as the 'Office of Assistant Commissioner (Inspection), Internal Revenue Service';";

(5) by inserting after subparagraph (M) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(N) of the Federal Emergency Management Agency, the office of that agency referred to as the 'Office of Inspector General';"; and

(6) by inserting after subparagraph (P) (as redesignated by paragraph (3) of this subsection) the following new subparagraphs:

"(Q) of the Nuclear Regulatory Commission, the offices of that commission referred to as the 'Office of Inspector and Auditor';

"(R) of the Office of Personnel Management, the offices of that agency referred to as the 'Office of Inspector General', the 'Insurance Audits Division, Retirement and Insurance Group', and the 'Analysis and Evaluation Division, Administration Group';".

(b)(1) Section 11(1) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation or" and inserting in lieu thereof "Transportation, or the Treasury;"

(B) by striking out ", or the Director of the United States Information Agency" and inserting in lieu thereof a semicolon and "the Director of the Federal Emergency Management Agency, the Office of Personnel Management, or the United States Information Agency;";

(C) by inserting "the Nuclear Regulatory Commission or" before "the Railroad Retirement Board" (as added by section 2(c)(4) of this Act); and

(D) by inserting "or the Commissioner of Internal Revenue" before "as the case may be".

(2) Section 11(2) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation" and inserting in lieu thereof "Transportation, or the Treasury;";

(B) by inserting "the Federal Emergency Management Agency," after "the Environmental Protection Agency,";

(C) by inserting "the Nuclear Regulatory Commission, the Office of Personnel Management," after "the National Aeronautics and Space Administration,", and

(D) by inserting "Internal Revenue Service" before "as the case may be".

(c) The Inspector General Act of 1978 is amended by inserting after section 8A the following new sections:

"SPECIFIC PROVISION CONCERNING THE NUCLEAR REGULATORY COMMISSION

"SEC. 8B. The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, and shall not delegate such authority to any other officer or employee of the Commission.

"SPECIAL PROVISIONS REGARDING THE DEPARTMENT OF THE TREASURY

"SEC. 8C. (a) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of the Treasury shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Bureau of Alcohol, Tobacco and Firearms, the Office of Internal Affairs of the United States Customs Service, and the Office of Inspections of the United States Secret Service. The head of each such office shall report to the Inspector General the significant investigative activities being carried out by such office.

"(b) Notwithstanding subsection (a), the Inspector General of the Department of the Treasury may conduct an investigation of any officer or employee of such Department (other than the Internal Revenue Service) if—

"(1) the Secretary of the Treasury or the Deputy Secretary of the Treasury requests the Inspector General to conduct an investigation;

"(2) the investigation concerns senior officers or employees of the Department of the Treasury, including officers appointed by the President, members of the Senior Executive Service, and individuals in positions classified at grade GS-15 of the General Schedule or above or classified at a grade equivalent to such grade or above such equivalent grade; or

"(3) the investigation involves alleged notorious conduct or any other matter which, in the opinion of the Inspector General, is especially sensitive or of departmental significance.

"(c) If the Inspector General of the Department of the Treasury initiates an investigation under subsection (b), and the officer or employee of the Department of the Treasury subject to investigation is employed by or attached to a bureau or service referred to in subsection (a), the Inspector General may provide the head of the office of such bureau or service referred to in subsection (a) with written notice that the Inspector General has initiated such an investigation. If the Inspector General issues a notice under the preceding sentence, no other investigation shall be initiated into the matter under investigation by the Inspector General and any other investigation of such matter shall cease.

"(d)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General of the Department of the Treasury and the Inspector General of the Internal Revenue Service shall be under the authority, direction, and control of the Secretary of the Treasury and the Commissioner of Internal Revenue, respectively, with respect to audits or investigations, or the issuance of subpenas, which require access to information concerning—

"(A) ongoing criminal investigations or proceedings;

"(B) sensitive undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior;

"(E) intelligence or counterintelligence matters;

"(F) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524).

"(2) With respect to the information described in paragraph (1), the Secretary of the Treasury or the Commissioner of Internal Revenue may prohibit the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service, respectively, from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpena, if the Secretary or the Commissioner determines that such prohibition is necessary to preserve the confidentiality of or prevent the disclosure of any information described in paragraph (1).

"(3)(A) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing of such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives, and to other appropriate committees or subcommittees of Congress.

(e) In addition to the standards prescribed by the first sentence of section 3(a), the Inspector General of the Internal Revenue Service shall at the time of appointment be in a career reserved position in the Senior Executive Service in the Internal Revenue Service as defined under section 3132(a)(8) of title 5, United States Code, with demonstrated ability in investigative techniques or internal audit functions with respect to the programs and operations of the Internal Revenue Service.

(f)(1) In addition to the duties and responsibilities specified in this Act, the Inspector General of the Internal Revenue Service shall perform such duties and exercise such powers as may be prescribed by the Commissioner of Internal Revenue, to the extent such duties and powers are not inconsistent with the purposes of this Act.

(2) No audit or investigation conducted by the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service shall affect a final decision of the Secretary of the Treasury or his designee described in section 6406 of the Internal Revenue Code of 1986.

"(B) If the Commissioner of Internal Revenue exercises any power under paragraph (1) or (2), the Commissioner shall notify the Inspector General of the Internal Revenue Service in writing of such exercise. Within 30 days after receipt of such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs and the Committee on Finance of the Senate and to the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives.".

(d) Section 5315 of title 5, United States Code (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new items:

"Inspector General, Department of the Treasury.

"Inspector General, Internal Revenue Service.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.".

REQUIREMENTS AND PROTECTIONS FOR AUDIT AND INVESTIGATION UNITS

SEC. 5. (a) The Inspector General Act of 1978 (as amended by section 4(c) of this Act) is further amended by inserting after section 8C the following new section:

"SPECIFIC REQUIREMENTS FOR FEDERAL ENTITIES

"SEC. 8D. (a) As used in this section—

"(1) the term 'Federal entity' means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

"(A) an establishment (as defined in section 11(2) of this Act) or part of an establishment;

"(B) the Executive Office of the President;

"(C) the Central Intelligence Agency;

"(D) the General Accounting Office;

"(E) the Department of Justice; or

"(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol;

"(2) the term 'designated Federal entity' means ACTION, Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Home Loan Bank Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States International Trade Commission, and the United States Postal Service;

"(3) the term 'head of the Federal entity' means the director, administrator, president, chairman, or chief executive officer of a Federal entity, or any other body designated by statute as the head of a Federal entity;

"(4) the term 'head of the designated Federal entity' means the director, administrator, president, chairman, or chief executive officer of a designated Federal entity, or any other body designated by statute as the head of a designated Federal entity;

"(5) the term 'internal audit unit' means a component of a Federal entity which carries out audits or investigations, or both, of the programs and operations of such entity, but does not include a component that carries out audits or investigations as an integral part of the conduct of the programs and operations of such entity; and

"(6) the term 'internal audit unit director' means the head of an internal audit unit.

"(b) After the date which is 180 days after the date of enactment of this section, there shall be established in each designated Federal entity an internal audit unit. The head of the designated Federal entity shall transfer to the internal audit unit established in such entity the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the internal audit unit and would, if so transferred, further the purposes of this section. There shall not be transferred to an internal audit unit any program operating responsibilities.

"(c) The internal audit unit director shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity.

"(d) Each internal audit unit director shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. The head of the designated Federal entity shall not prevent or prohibit the internal audit unit director from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

"(e) If an internal audit unit director is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall promptly communicate the reasons for any such removal or transfer to both Houses of Congress.

"(f)(1) The Chief Postal Inspector of the United States Postal Service shall be the internal audit unit director of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General. The Chief Postal Inspector may be removed from office or transferred to another position or location within the United States Postal Service if the Postmaster General issues a written order stating the reason for such action and two-thirds of the Governors of the United States Postal Service vote to ratify such order. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both Houses of Congress of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as in section 102(3) of title 39, United States Code.

"(g)(1) Sections 4, 5, 6, and 7 of this Act (other than sections 6(a)(7) and 6(a)(8)) shall be applied to each internal audit unit, internal audit unit director, designated Federal entity, and head of the designated Federal entity (as such terms are defined in subsection (a)) by substituting—

"(A) 'internal audit unit director' for 'Inspector General';

"(B) 'designated Federal entity' for 'establishment';

"(C) 'internal audit unit' for 'Office'; and

"(D) 'head of the designated Federal entity' for 'head of the establishment'.

"(2) In addition to the other authorities specified in this Act, an internal audit unit director is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the internal audit unit and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

"(3) The provisions of subsection (d) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (d)(1)) shall apply to the internal audit unit director of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

"(h) Within one year after the date of enactment of this section, and on October 31 of each calendar year thereafter, the head of each Federal entity which is not a designated Federal entity shall prepare and transmit to the Director of the Office of Management and Budget a report which—

"(1) states whether there has been established in the Federal entity an internal audit unit that meets the requirements of this section;

"(2) specifies the actions taken by the Federal entity to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States, including a list of each audit report completed by a Federal or non-Federal auditor during the reporting period; and

"(3) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.".

(b) Section 410(b) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon;

(3) by striking out "The" in paragraph (8) and inserting in lieu thereof "the";

(4) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new paragraph:

"(9) the provisions of section 8D of the Inspector General Act of 1978.".

PROVISIONS TO ENSURE UNIFORMITY AND RELIABILITY OF INSPECTOR GENERAL REPORTS

SEC. 6. (a) Section 5(a) of the Inspector General Act of 1978 is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) a list, subdivided according to subject matter, of each audit report completed by the Office during the reporting period, together with a summary of the significant reports;

"(7) a detailed statistical analysis of audit reports, depicting in tables arranged by audit status information concerning—

"(A) the number of audit reports in each audit status;

"(B) the number of such reports for which an audit determination was not made within 6 months of the date of completion of such reports;

"(C) where applicable, the amounts of ineligible costs, ineligible costs that were disallowed, unsupported costs, and unsupported costs that were disallowed; and

"(D) where applicable, the amount of disallowed costs returned to, or offset by, the Government;

"(8) a summary of each significant audit report completed before the commencement of the reporting period and identified under paragraph (7)(B), together with an explanation of the reason the audit determination was not made during the period described in such paragraph;

"(9) a description of, and an explanation of the reasons for, any significant revised audit determinations made during the reporting period; and

"(10) information concerning any significant audit determination with which the Inspector General is in disagreement.".

(b) Section 5(b) of such Act is amended by inserting "(1)" after "containing" and by inserting before the period a comma and "(2) a list of each audit report made by the establishment's Office of Inspector General which was not resolved within one year after the date on which an audit determination was made on such report, (3) an explanation of the reason such audit was not resolved, and (4) for each such audit report, the amount of disallowed costs that are under administrative or judicial appeal and the amount of any disallowed costs returned to, or offset by, the Government".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following new sentence: "The head of each establishment shall also make copies of the report of such head required under subsection (b) available to the public upon request and at a reasonable cost.".

(d) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) As used in this section—

"(1) the term 'ineligible cost' means an incurred cost that is questioned by the Office of Inspector General because of an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

"(2) the term 'unsupported cost' means an incurred cost that is questioned by the Office of Inspector General because the Office found that, at the time of the audit, such cost was not supported by adequate documentation;

"(3) the term 'disallowed cost' means an ineligible cost or unsupported cost that the management of an establishment has concluded, in an audit determination, should not be charged to the Federal Government;

"(4) the term 'audit determination' means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a written final decision by management concerning its response, including corrective actions concluded to be necessary, to such findings and recommendations;

"(5) the term 'audit resolution' means the completion of all corrective actions that the management of an establishment has concluded, in an audit determination, are necessary with respect to the findings and recommendations included in an audit report, and, in the event that the management of an establishment concludes no corrective action is necessary, 'audit resolution' occurs when an audit determination has been reached; and

"(6) the term 'audit status' includes the following six categories:

"(A) audits for which the audit report was completed before the commencement of the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred; and

"(B) audits for which the audit report was completed during the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred.".

(e) Section 3512(b)(2) of title 31, United States Code, is amended by adding at the end thereof the following: "Such standards shall include (A) a definition of audit resolution consistent with section 5(f)(5) of the Inspector General Act of 1978, and (B) a standard to ensure that an audit determination will be made on each audit report within 6 months after the completion of such report, in the case of an audit performed by a Federal auditor, and within 6 months after receipt by the executive agency responsible for the program concerned, in the case of each audit performed by a non-Federal auditor. No order, circular, or directive prescribed by the Director of the Office of Management and Budget shall include an inconsistent definition or standard with respect to audit resolution.".

OATH ADMINISTRATION AUTHORITY

SEC. 7. Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

APPROPRIATION ACCOUNTS

SEC. 8. Section 1105(a)(25) of title 31, United States Code, is amended to read as follows:

"(25) a separate appropriation account for appropriations for each Office of Inspector General established by the Inspector General Act of 1978.".

DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION

SEC. 9. Section 5(e)(3) of the Inspector General Act of 1978 is amended by striking out "Nothing" in the first sentence and inserting in lieu thereof "Except to the extent provided in section 6103(f) of the Internal Revenue Code of 1986, nothing".

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I congratulate Mr. GLENN and Mr. ROTH for their management of this measure. I also want to thank and compliment the staffs on the inspector general bill, S. 908. It will improve the Government's ability to fight waste, fraud, and mismanagement, and it will assist Congress in its oversight duties. Their efforts in working out the last few problems enabled the Senate to complete the bill with but one rollcall vote on passage.

Mr. President, there will be no more rollcall votes today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business, not to extend beyond 30 minutes, and Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

SENATOR DANIEL K. INOUYE, OF HAWAII

Mr. METZENBAUM. Mr. President, I rise to address myself to the very favorable conduct of one of our colleagues in recent days. I do not think there is any Member of this body who is more respected than is the distinguished senior Senator from Hawaii, Senator INOUYE.

Mr. President, the Senator about whom I speak, Senator INOUYE, was successful in offering a proposal to provide $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa. His intention was excellent. He had a concern about these refugees and their opportunity to obtain adequate education.

But in retrospect, I and others arrived at the conclusion that providing funds for a parochial institution in France, no matter how meritorious, had other implications to it.

So he came to the floor of the U.S. Senate and said:

> I have made an error in judgment. I fear that I have embarrassed my colleagues. I intend to correct that error.

Mr. President, I must say to you that that takes courage. It takes courage to come out on the floor of the Senate and say, "I made a mistake. It was an error in judgment."

But this Senator, for whom all of us have such great respect, and who served on the Irangate inquiry and previously served on the inquiry concerning President Nixon, who distinguished himself as the chairman of the earlier hearing on a prominent Senator in this body, I am sure tortured himself before he came to the conclusion that he would come to the floor on this issue and admit an error.

I think that bespeaks so much about the kind of person that he is. I think it indicates the integrity that he has. I think it indicates the quality of the Senator and the human being that he is.

I just wanted to stand on this floor and say that I am very proud to serve in the U.S. Senate with Senator DANNY INOUYE. His act was a courageous one. His original intention was well-motivated, well-intentioned. I think in retrospect, he agreed, I agreed and others concluded, that perhaps that well-intentioned action should not have occurred. So he had the courage to come forward and indicate he will propose to undo the original error. I will support him in that effort. I commend him for the courage of his conviction and for the leadership he has shown in this Senate over a period of so many years. He makes us all stand just a little bit taller by reason of his willingness to admit an error and come forth and say so to this body. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

SENATOR DANIEL K. INOUYE

Mr. EXON. Mr. President, I wish to associate myself with the excellent remarks just presented by my colleague from Ohio. He said it so well that I will not attempt to add thereto, except to congratulate him. I want it shown in the RECORD very clearly that everything he said has been said better than this Senator could have said it, and which should be said about our distinguished colleague from Hawaii.

Mr. METZENBAUM. I thank the Senator from Nebraska.

THE NOMINATION OF JUDGE ANTHONY KENNEDY

Mr. EXON. Mr. President, I rise to announce my intention to vote for the confirmation of Judge Anthony Kennedy to the U.S. Supreme Court.

After reviewing the record, I am impressed with Judge Kennedy's conservative legal philosophy and commitment to judicial restraint. Judge Kennedy's calm temperament, careful explanation of the law, and soft-spoken nature seem especially becoming of a member of the highest court of the land. He has served on the circuit courts of appeals for years and, refreshingly, is a nominee from well outside the Washington, DC, area and its political circles. Judge Kennedy's opinions are carefully crafted and well reasoned. He brings to the Court a keen intellect and a willingness to consider each case which comes before him on its own merits and not through the prism of a predetermined or promised legal agenda.

I expect Judge Kennedy to receive overwhelming support in the U.S. Senate. He received the highest recommendation of the American Bar Association and the unanimous endorsement of the Senate Judiciary Committee. His professional career is impeccable and he has shown a continuing commitment to the law. Certainly, a unanimous endorsement is even possible. In the steps leading up to this point, the U.S. Senate and the Nation endured a divisive and bitterly fought battle. I submit, Mr. President, the Nation is well served when there is a high degree of consensus around a nomination of this magnitude. Justices O'Connor and Scalia both enjoyed the unanimous support of this body, and their decisions have enjoyed the confidence of the American people. To those who may wish to open old wounds and refight old battles, I urge them to not neglect the fact that in spite of this long and difficult road, the President has finally nominated an individual who has won the broad support of the Nation and this body. This unity and confidence makes our democratic institutions strong.

A lifetime appointment to the U.S. Supreme Court is a rare and distinct honor. It carries with it an awsome responsibility. I expect to Judge Kennedy's appointment to be a watershed in American jurisprudence. He assumes the position of the Justice Powell, a Justice who held the balance of power on a number of key cases. In this regard, the fact that he is regarded as a conservative jurist is a strong factor in his favor. Justice Kennedy is a thoughtful jurist who will not take his responsibilities lightly.

Mr. President, I look forward to joining with my colleagues to vote to confirm Judge Kennedy, the President's nominee to the U.S. Supreme Court.

THEIR LITTLE TOWN

Mr. EXON. Mr. President, I rise on one further matter. There was an excellent article in the National Journal magazine, the last issue, with regard to the calamity that is facing rural America today. I talk about rural America, and we think about agriculture, but there is also a great number of truly independent entrepreneurs out there who are suffering right along, and primarily because of the agricultural depression in America.

Mr. President, I ask unanimous consent that the full text of the article from the National Journal Magazine, entitled "Their Little Town," be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the National Journal, Jan. 30, 1988]

Their Little Town

(By Robert Guskind and Neal R. Peirce)

Eustis, Neb.—In the dead of winter, in the rolling fields surrounding this isolated little town, cattle forage on the golden-brown stubble of corn left over from the previous harvest. Patches of winter wheat, lush and green, add a touch of color to the drab landscape.

Eustis—1,227 miles from Capitol Hill and the Agriculture Department, 176 from the state capitol in Lincoln—is a picture postcard of small-town America. Dignified homes with manicured lawns line the residential streets. A steady flow of cars and pickup trucks passes the grain elevators along Railroad Street. Ethnic history? The Schnapps Haus (liquor) and the Shooten Haus (guns) tell the story.

Despite the appearance of normalcy, the trauma of the 1980s, which has gripped communities across the Great Plains, is close at hand—even in granite. "Like the early settlers, we, the 460 inhabitants of 1986, are survivors," reads the inscription etched on a simple monument erected two years ago to commemorate the town's centennial, "a hearty and ambitious lot. Pioneers in our own right in these changing and trying times."

And on the ground, a few yards away, sits a mute reminder of Eustis's curse; one of the small mountains of surplus grain that freckle the Nebraska countryside.

"It's been a tough four or five years," said David McClatchey, executive vice president of Farmers State Bank in Eustis. "The fear just gradually chokes you. You can put your arms around people, but it's only temporary relief. The thing that's difficult is that a guy can be making money, and his neighbor across the road is losing his farm. That splits a neighborhood, a town, real fast."

Still, Eustis is coming back. With agriculture slightly on the mend, federal farm payments still pouring in and some local merchants reporting plans to expand, residents are cautiously upbeat about the future. "We've been in a very depressed situation," said Gib Kiesel, who farms 1,800 acres south of Eustis. "Why tough it out? Because we're interested in each other. We're a close-knit neighborhood. If I see a guy going down the tubes, that hurts me."

"The outlook wasn't real rosy, but everybody kept their head in the air and sucked in their belt and proceeded on," said Eustis Mayor Roger Bryant. Livestock prices have been rising, and some commodity prices have inched up. "People are slowly getting even or above ground," Bryant said.

The times have not been so kind to Farnam, a town of 260 just 10 miles west of here. There, both the present and future appear far grimmer. At midday, there are no cars on the main street; there are few businesses left to attract them. A half-dozen storefronts are vacant and shuttered. A law office sits padlocked, its windows broken. Weeds grow from the sidewalk. Many houses are in desperate need of paint; others are abandoned. Junked farm equipment sits rusting in backyards. A church, its congregation dispersed, is boarded up.

Eustis and Farnam are at opposite ends of a shakeup that is reshaping the region. Some small towns, having weathered the worst, are poised to survive and even expand if the economy picks up. Among them is Eustis, reemerging through a combination of luck, perseverance and community leadership. Even more palpable is the comeback of slightly larger towns—Broken Bow, a community of 3,900 some 55 miles north of Eustis, for example. They are rapidly consolidating their position as regional trade and service centers, often at the expense of the smallest towns.

Other Plains towns, stripped of farmers, business people and other residents, continue to decay. They are the rural ghettos of the future. "Most of the little towns are not doing very well," said Milan Wall, president of the Lincoln-based Heartland Center for Leadership Development. They've suffered, he said, an unremitting "decline in retail sales, population loss, a lot of bank closings and more and more school consolidations. It may take a long time for these towns to go out of business. But they are headed for obscurity."

While smaller places sort themselves out between scenarios of recovery and eventual extinction, Nebraska's chief cities—Lincoln and Omaha—have fared much better. "The rural depression has hit Lincoln and Omaha but not to the degree it's hit the other two-thirds of the state," said Nebraska Legislature Speaker William E. Barrett, a Republican who represents a rural district north of Eustis. "It's been devastating in many communities. The urban centers have no conception how hard-hit we were."

"There isn't an appreciation in the urban centers that the viability of the rural economy has anything to do with them," Wall said. "It's almost as if people believe you can unhook the state 100 miles from Lincoln and let go of the rest and they'd never feel it. That's naive."

"I don't think urban Nebraskans really care about what's happening or fully understand the small community," said Eustis Mayor Bryant. "We feel like we're left out here and nobody really cares. That makes me angry."

WAVES OF TROUBLE

Rural decline is nothing new to Nebraska and other Plains states; many counties' populations peaked in the 1880s or 1890s. During the 1930s, drought and remorseless winds created darkness at midday, grasshoppers stripped fields, hundreds of Nebraska banks failed and nearly 100,000 Nebraskans were on relief. But all that was before government programs were presumed to protect Americans from assorted disasters.

The 1980s have brought record-high federal farm payments; they accounted for upwards of 60 percent of Nebraska net farm income last year. But nothing government has done has protected rural areas from a cascading loss of banks and businesses, doctors and schools and, above all, youth, fleeing in ever-greater numbers to big cities and other states.

Statewide, nearly 14 percent of Nebraskans are over age 65, half again the national average. And while a thriving class of young business people are sticking it out and working against the odds—people such as Doug Keller, a 29-year-old who opened his auto body shop in Eustis at 21 and is now thinking of expanding to other towns—the vast majority of talented youth continue to leave.

"Many young people tell me they have hopes of returning to the town," said Robert W. Rogers, school superintendent of Wausa, about 125 miles north of Lincoln. "But I'd say that no, they are not. The farm just will not support two or more families any more, so they are going on. That just bleeds a town." In 1970, Wausa's graduating class had 50 students; this year, 21.

The silent fallen of the decade are the thousands of cafes, barbershops, clothing shops and grocery stores, hardware stores, feed and fertilizer stores, auto and tractor dealers whose customer base evaporated beneath them. Rarely do they receive the commiseration and notice from the news media and politicians that are accorded failing farmers. "When a business closed on Main Street," said Charley Najacht, publisher of the *Custer County Chief* in Broken Bow, "nobody really noticed, not the press, not anybody." In a six-month period three years ago, Broken Bow lost 26 of its 130 retailers.

"It gets to be a burr under the saddle," said a Nebraska community leader. "Everybody's been too busy putting farmers up on a pedestal. The businessmen just feel like nobody gives a damn about them. We don't need farm aid here; we need aid up and down Main Street."

Medical care has suffered, too. Hospitals have closed, and many small towns, even when they've been willing to provide equipment and office space, have found themselves bereft of doctors. "The problem is getting the young doctors to look at the community at all," said Richard L. Tollefson, a Wausa physician. "They want culture, whatever that is. Or they think a school system of 300 or 400 kids is no good. Or they get back to the mecca of medicine in Omaha, and somebody says, 'You don't want to practice in a dump like that. If you practice in the city," they say, 'you can buy three Mercedes.' "

"The lack of a good medical facility is just one more nail in the coffin for some small towns," said Michael J. Steckler, administrator of the Melham Memorial Medical Center in Broken Bow.

Rural health care problems have been exacerbated by federal rules governing medicare reimbursement for care of the elderly. Tollefson attacks "Mickey Mouse" federal regulations that discourage physician participation in the program. Rural hospitals have run into problems because medicare reimburses them at rates lower than it pays urban hospitals, on the theory that rural costs are lower.

FEDERAL HAND

Medicine is just one facet of the federal government's critical but apparently quite uncoordinated role in rural areas today. Easily the most essential element is federal farm spending. Nebraska farmers alone took in more than $1 billion in direct federal payments in 1987. "If you had taken federal supports out of the farm cash flows last winter, every one of our farmers would have been in the red." Eustis banker McClatchey said.

Kiesel, whose family has been farming for more than a century, said: "There is simply no way to do it on your own. In my operation, I don't owe a dime to anybody, and I'm just making a living." Kiesel's farm includes part of an abandoned World War II air base, and he supplements his income by using two old hangars to store surplus federal gain.

With the increasing number of elderly and retirees, social security has become a hidden form of assistance from Washington. "The steady income of social security and the spending retirees do on health care and other services is becoming more and more important as a steady source of well-being," said Vicki Luther of the Heartland Center.

Federal banking regulations play a role, too, in towns fraught with bank failures and farm and business bankruptcies. "Stable financial institutions are very important," said Jerry W. Brown, senior vice president of Nebraska State Bank in Broken Bow. "If a small town has financial institutions that are in trouble, they have to report every move to the regulatory agencies, and their boards don't have the freedom to take the risks that make community improvements possible."

For many rural bankers, it is a quandary. "The bank has busted its tail to keep businesses open even if they were in the red because the community needs them," McClatchey said. "But then the FDIC [Federal Deposit Insurance Corp.] comes down and says that it's poor management. From a community point of view, what are you supposed to do? Close the whole town up? You just can't do that."

With federal development money as scarce as harvests in February and in a state with virtually no rural development policy, where can small Nebraska towns turn?

"The myth is that there's some great knight out there who is going to come in to save you," said Corrinne L. Pedersen, manager of the Chamber of Commerce in Broken Bow.

REEDS OF HOPE

While luring new businesses and jobs from outside is still a popular pursuit, the accent today is on supporting homegrown enterprises that may generate jobs and extra income for farmers. "The phenomenon of second wage earners in farm families became very pronounced in the last five years when the farm economy hit bottom," Brown said. "There are people out here, especially farm people, that wouldn't take charity if their lives depended on it. They'll do anything they can to continue and try to save the farm if they can."

At-home "cottage industries" are particularly popular. Businesses such as telemarketing operations that can locate anywhere are a target. Some towns try to promote themselves as tourism centers or retirement havens.

In Wausa, local economic developers are trying to raise $100,000 to bring in a telemarketing firm and to beef up services for retirees. "One of the main things we're trying to do is provide employment outside of agriculture," said Doug Johnson, vice president of the Commercial State Bank in Wausa and president of the town's economic development corporation.

But the lack of outside aid for small-town development is a big obstacle. Speaker Barrett describes his state's rural policy as "little if anything of real consequence." Others concur. "There's no state rural development policy," said Luther. "And the state Department of Economic Development has been troubled by poor management and staff turnover for years. It has a reputation for being callous, incompetent and indifferent."

That leaves community leaders frustrated and angry. There is no little bitterness about a massive tax break that Nebraska last year offered to ConAgra Inc., the Omaha-based agribusiness giant, to stop it from carrying out its threat to leave the state. ConAgra is staying. "It's easier to get ConAgra to add 1,000 jobs in Omaha or Lincoln than for us to get 10 new jobs," Tollefson said. "The sad thing is that the 10 jobs here would make a big difference."

ON THE MEND AGAIN IN BROKEN BOW

BROKEN BOW, NEB.—Many Americans know Broken Bow, a town of 3,900 that sits dead center in Nebraska, from another era. It was here in Custer County that Solomon Butcher, the photographer who chronicled the homesteaders of the Plains and whose work has been seen by generations of schoolchildren, did much of his work.

Today part of the handbook for small-town survival is being written in Broken Bow.

The town starts with advantages that others may not have: It has long been a regional center for other small towns and has a manufacturing plant employing nearly 400 persons. Custer County, with only a fourth of its labor force in agriculture, is more diversified than other counties are—if only because its farms have been in decline for nearly a century. Its population, in fact, was larger in the late 1800s than it is today. And because two-thirds of its agriculture is tied to cattle ranching, which has held up better than other farm sectors, the area hasn't been as battered as those dependent on grain.

Nonetheless, Broken Bow has suffered the usual outflow of farmers, businesses, banks and people. Empty storefronts around its town square multiplied. A local bank went under. The J.C. Penney store left town. "There was a lot of desperation," said Corrinne L. Pedersen, manager of the local Chamber of Commerce. "We had businessmen coming in and saying, 'We're going to close our doors,' and they'd be crying. That's tough."

That was two years ago. Around the town square today, most storefronts are full again. The Arrow Hotel, built in the heyday of the county's ranching industry, has undergone a $1 million renovation. Next door sits a "mini-mall" full of small businesses.

A new telemarketing operation recently opened; it employs about 30 residents and will put about $750,000 a year into the local economy. The local hospital has expanded and now has a yearly payroll of $1.5 million and buys $80,000 worth of supplies locally each month. Home-based "cottage industries" are flourishing.

Local residents and leaders are optimistic. "Even though Broken Bow has strong ties to agriculture, we haven't sat around wringing our hands and said, 'The sky is falling,'" said Jerry W. Brown, senior vice president of Nebraska State Bank. "People here have really put out the efforts."

Key to Broken Bow's renewal is a recently formed economic development group, the Nestbuilders, with 250 contributors. To open the telemarketing facility, Nestbuilders raised $30,000 in private loans and donations that attracted an additional $170,000 in bank loans.

"In a town like this, if you don't do something for yourself, nobody will do it for you and nothing will happen," said Raymond Brown, whose father worked at a junkyard here. Today, Brown is president of Brown and Denesia, which he says is the nation's largest nursing home development firm. He made the investments to renovate the hotel and open the mini-mall. "Some people told me I was nuts for making the hotel renovations," Brown snorted, "but, hell, it's a risk walking across the street."

Broken Bow is also home to a half-dozen new cottage industries. A sheep-raising and wool business was started, even though this is cattle territory. Char Hirsch, who owns the Corner Style Shoppe in the town square, figured there could be a good market in wool from local sheep. Out of her own pocket, she financed the purchase of the sheep by a local farmer's wife. Today, Victoria Creek Woolens has 250 sheep and four employees and sells sweaters and other products around the state. Negotiations are under way to form a co-op to build a $3.5 million wool-processing plant. There are other successful ventures: "Country Chuckles," a calendar that sells 10,000 copies a year; a pottery-making business; a propane tank gauge manufacturer.

Some business forays have bombed. And raising money for new business is still problematic, Hirsch said. "The money is called Uncle Joe and Aunt Em. It's called friendly neighbors. It's called working three jobs at once."

Broken Bow's latest venture, winning a facility for trauma victims that would provide about 100 new jobs and millions of dollars for its economy, faces long odds. The center would provide desperately needed medical care for rural Nebraskans, but Omaha and Lincoln would like it, too, and site selection is up to an appointed state board.

Residents spent days preparing for a state hearing in December, even though many doubted the decision would go their way. On the day of the hearing, the town loaded two school buses with residents, students and officials and carted them off to the capitol in Lincoln.

The town won a backhanded victory: The board decided it needed another 120 days to decide. Its decision is now due in the spring.

What would a rejection mean to Broken Bow? "It'll make people damned mad," said school superintendent Donald L. Vanderheiden. "It's not going to discourage our people, but it will mean the state is going to have its hands full."

"If we lose the trauma center," said Charley Najacht, publisher of the *Custer County Chief*, "it's just politics. That's all."

Mr. EXON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

SENATOR DANIEL K. INOUYE

Mr. FORD. Mr. President, I want to associate myself with my colleagues who have stood and said the things that I would like to say as relates to my distinguished friend from Hawaii, Senator INOUYE.

In reading the news accounts of the accusations against my distinguished friend, you would think it was in the dead of night, clandestinely inserting into the continuing resolution this particular item.

I think, as Senator INOUYE said in defense of his position, that the bill before the committee and the report on it had been available to the Members for the period of time required by the Rules of the Senate. They had a lengthy markup session. Nothing was sneaked through. There was no objection to the earmarking.

After the bill was passed, some unnamed State Department individual started criticizing his position and left the inference that something clandestine had occurred.

Mr. President, as Senator INOUYE said, he felt sure that he could vindicate himself, and that he could prove that it was in the open, that the Senators voted on it, that they had an opportunity to review it and make a decision. But it created some problems for his colleagues. He loves this institution and respects his colleagues more than to create a problem for them.

Mr. President, it took character. It indicated leadership. As Senator METZENBAUM said, it caused the Senate to stand a little bit taller than it had the day before.

I want to add my remarks and compliment my friend from Hawaii for what he did and to say that I applaud him and I hope that those who have been unkind to him would see the error of their ways and at least he could be vindicated through reconsideration of the comments against this fine American who almost gave his life in the defense of freedom, who has seen the trials and tribulations of the military, of the wounded, the injured, and who is here now as a great American defending this institution as no other could defend it.

The PRESIDING OFFICER. The Senator from Kentucky has yielded the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator form Alabama.

Mr. HEFLIN. Mr. President, I rise to concur with the remarks that have been made about my colleague and friend, DANNY INOUYE. I think Senator METZENBAUM, Senator FORD, and others have clearly and appropriately addressed remarks in that regard, and I agree with them fully.

THE SENATE SUBWAY

Mr. HEFLIN. Mr. President, I missed the last vote, and I do not blame the cutting off of the time; I think that we have to have a time limit on votes. If I had been present, I would have voted for the bill. I do feel there is an inherent problem which exists in getting to the floor from the Hart Building. There are 14 Senators in the Dirksen Building and it is served by one subway car. There are 50 Senators in the Hart Building and it is served by one subway car. There are tracks that go to the Dirksen and to the Hart Buildings. I left my office with 8 minutes to go. I must have just missed it because I waited a long time.

In my judgment, the solution to this problem is to get the subway car that goes to the Dirksen Building during votes to also go to the Hart Building and pick up Senators. There were unusual circumstances; there were blind people on the subway car, and it took some time to get them off, and there are other problems like this.

But I have now missed two votes this year, and I do not blame the time. I think it is up to me to get here in the 15 minutes, but just from an engineering, mathematical, mileage, measurement basis, the car that goes to the Hart Building can only make two trips in the 15 minutes, and in this instance that second trip in coming back, because of extraneous circumstances, caused a delay.

It seems to me that this problem can be solved by the appropriate authority working on this to see that the subway car that goes to the Dirksen Building also goes to the Hart Building.

I was not alone in missing this vote. We must have had on this car seven or eight Senators who arrived late, but I do think it can be solved and we can have the 15-minute rollcall. I am not critical of that. It is just the fact that if you are in the Hart Building, it is further and it takes longer and the cars do not move that fast.

I think it can be worked out, and I hope that my remarks can somehow or another bring it to a head.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. HEFLIN. Yes.

Mr. BYRD. Mr. President, I am very sorry that those Senators missed the vote. There were seven or eight, nine of them, and they were Senators from both sides of the aisle. The Chair announced the vote 16 minutes after it began. About 3 minutes or 3½ minutes elapsed then following the announcement of the vote, I am told—I have checked at the bar here—and then the group arrived.

Now, I was told by all the members of this group that there were some blind people on the car, and I can understand Senators waiting until another car came.

Mr. HEFLIN. That is incorrect. It took additional time for them to get off. So we were not waiting for another car.

Mr. BYRD. All right. I had understood that rather than ask the blind people off and let Senators come to the floor on that car, the Senators waited on another car. But, in any event, I regret that that happened. I think the thing to do here is, as the Senator suggested, ask the Architect of the Capitol to see that the car which serves the Dirksen Building serve the Hart Building as well when there are rollcalls in progress. As I understand it, there are 50 or more Senators in the Hart Building, and the remaining Senators are scattered in the Dirksen Building and in the Russell Building. So there is an extra heavy load on the car that travels to the Hart Building, which is the farthest building from the floor. It seems to me that that would be a reasonable solution to this problem. It is a problem that has to be resolved. I want to assure the Senator that I am going to inquire of the Architect what the situation is and why it cannot be done and insist that it be done. As a matter of fact, the Sergeant at Arms is right now contacting the Architect of the Capitol.

I was asked by a Senator if the Senators could still be allowed to vote, and I stated that cannot be done. And I would object to that. Even if it were I who missed the vote, I would object. And here is the rule so that for the RECORD Senators in the future will know that the majority leader cannot, and in this case would not, prevail in seeing that Senators have a chance to vote once that vote is announced by the Chair. It is rule XII, "Voting procedure."

> When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote.

And here is the kicker:

> No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

So it cannot be done and I think these circumstances, which in this instance were unavoidable, are most unfortunate. I would hope that all the Senators who missed the vote by virtue of that situation would state to the floor staff their names so that we can put it in the RECORD along with the explanation that is now being made.

(The names of the Senators who missed the preceding vote due to the circumstances involving the subway herein described have been submitted for the RECORD, as follows: Mr. D'AMATO, Mr. DASCHLE, Mr. HEFLIN, Mr. JOHNSTON, Mr. MATSUNAGA, Mr. MELCHER, Mr. REID, and Mr. STEVENS.)

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. FORD. Will the Senator from Alabama yield to me for a moment without losing his right to the floor?

Mr. HEFLIN. Yes, just for a moment because I want to make a few remarks.

Mr. FORD. Fine. Two points.

The Sergeant at Arms and I just talked with the Architect and the engineering people about the subway. We will make an effort as of tomorrow to see if the Dirksen car can proceed on to the Hart Building. If that happens, then we have to set some kind of rule because only when the votes are on are we going to have to use some procedure in the Dirksen Building. If that car goes all the way to the Hart Building, it is filled up and comes back to the Dirksen Building, and there is no way for the Senators to get on, we have another problem. If we run two cars to the Hart Building, and both are full when they come back by the Dirksen Building, nobody can get on. Then the Dirksen Building gets left.

I am not sure what kind of procedure we can work out tomorrow, but I assure the Senator that we will make that effort to try. It is not going to be easy, whichever way we go.

We think under the circumstances the way it is operated, trying all angles, that this is the best. But when you get 50 Senators all trying to get on at one time, you may have 30 Senators in the Dirksen Building because that is where most of the hearings are conducted. The majority of the hearings are in the Dirksen Building. So we could very well have more Senators getting on at the Dirksen Building than at the Hart Building under certain circumstances.

So it creates a dilemma for those of us who try to accommodate all of our colleagues.

If I may go ahead with just one other point, we are in the process now of looking at the cost of putting in a new subway on that side which will be a continuous car route that will be going to the Hart Building and back with four cars with one right behind the other. Maybe that will eliminate the problems but when we built the Hart Building a lot of things were not taken into consideration at the time. Then we got into a fiasco that we are spending too much money. So we began to cut back and not spend the money to go ahead and eliminate the problems that we are now facing.

I am not crying over spilled milk as the chairman of the Rules Committee. But I am trying to make some explanation. We will make an effort to see if it works. If it works, why, fine. If it does not, we will have to go back to the way we are doing it now. But it is very difficult to work it out. I say the worst part of it is we could have more Senators in the Dirksen Building than we have in the Hart Building at any given time because of the Senators with the Energy, with Appropriations, and all the other committees that are meeting there. And I am sure the Senator understands what I am trying to say. I apologize to him indirectly for what happened to him, not directly.

Mr. HEFLIN. As I understand it, it may be the Architect rather than the chairman of the Rules Committee in which this problem has its origin. But I believe that there is a solution and knowing the great ability of the distinguished Senator from Kentucky to solve these problems, as I am sure he will, with the help of our distinguished Sergeant at Arms he will come up with a solution to this problem that I believe can be solved.

Mr. FORD. Flattery may not get the Senator a new subway.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I just heard the discussion between the very distinguished Senator from Alabama, Senator HEFLIN; Senator BYRD; and the chairman of the Rules Committee, Senator FORD, relative to some of the problems we are having in implementing some of the processes now being used by the U.S. Senate.

Mr. President, first I want to say I deeply sympathize with Senator HEFLIN and those individual Senators who, not because of their own negligence, missed the vote that preceded that discussion. I hope, and certainly believe, that the chairman of the Rules Committee and the other, let us say, powers that be will make those necessary changes to allow us to comply with the new procedures that we have adopted in the second session of the 100th Congress.

Mr. President, having said that, I would like to take this opportunity to praise the majority leader of the Senate for two changes that have recently been adopted that he proposed. In proposing these procedural changes, the majority leader has also accommodated, I would say, most of the Members of the Senate in their requests.

The first change is as some say, "3 weeks on, 1 week off." I prefer to say, Mr. President, "3 weeks on, and 1 week out." When I say that I am implying that when we are out that week, I am not going to be goofing around and lying on the beach somewhere. I am not going to be taking a junket. When I say "1 week out," I talk about being out in Arkansas, listening to my constituents. I think that this experiment is going to be constructive; I think it will be beneficial. Once again, I would applaud our majority leader for making this recommendation and following through on its implementation.

The second procedural change is the 15-minute rollcall. All of us know what the 15-minute rollcall has been in the past: waiting for a Senator's plane to land, sometimes for an additional 20 minutes, sometimes for an additional hour, sometimes an additional 2 hours, while the rest of the Members of this body sat, and sat, and sat.

I applaud the majority leader for last week asking unanimous consent that the rollcall votes be a strict 15 minutes. I have already sensed in my own schedule a change of habits in getting to the Senate floor.

For example, on the preceding vote, I was with a constituent from my State. When the first bell rang, I got up and said, "I'm very sorry, but I have a vote and if I miss it, I'm going to be counted absent," and I left. I think that gentleman understood. I hope he did.

All of us are going to have to break some old habits that I know this Senator has been guilty of in the past.

I know there are going to be problems, Mr. President, with the implementation of some of these changes. I think that with a little patience and with a little understanding, these changes will be readily accepted, we can adhere to them, and they will be constructive.

The ultimate outcome of these changes, I think, will be a better work product, not necessarily improving the quality of life for individual Senators, but improving the quality of the work product for the U.S. Senate, something that had to happen. I am proud of our majority leader for seeing these changes through.

Finally, Mr. President, I hope we will not stop with these two changes. I hope that we will persevere and continue this process of evaluation and reexamination of this body. I believe that we should seek other improvements in the procedure. The American people would be proud if they knew that we were trying to make the U.S. Senate what it can become and what it must become in the future.

Some ask what is the real problem. There is no real problem. We have fallen into some bad habits. It is just a matter of years of developing these habits, matter of getting used to those habits, a matter of our engaging in some form of comity and protection of each other, all of us protecting the rights of each individual as we want our rights protected.

Once again, I think these two improvements are going to be constructive. I thank the majority leader publicly for proposing these changes and I hope these changes will hold up in the coming days and weeks as we go through the 2d session of the 100th Congress.

THE CONTRAS MUST NOT BE ABANDONED

Mr. HEFLIN. Mr. President, on February 3 and 4, 1988, the Congress is scheduled to vote on the President's request to provide the freedom fighters of Nicaragua with $36.25 million in further aid, including $3.6 million in military aid that is to be held in escrow until it is determined whether the Nicaraguan Sandinista Government complies with the Arias peace proposal. All agree that this is a vote which could determine the future of Nicaragua and Central America for years to come.

Thus, the important debate over whether the United States should arm or even aid the Contras will soon rage through both the Senate and the House of Representatives. While the outcome of this debate is still unknown, I am hopeful the Congress will provide this support—military and otherwise—to the freedom fighters in Nicaragua. I believe the Contras are a tremendous help in our fight for freedom in Central America, our fight against dictatorship, against communism, and against an increased Soviet presence in our own backyard. Frankly, I do not believe the President has requested enough assistance for the Contras, but I realize that he must be pragmatic and his request must be within the range of being obtainable.

Contra aid opponents have described the upcoming vote as a choice between continued war and killing in Nicaragua and Central America, on one hand, and the hope for diplomatic efforts for peace in Central America, on the other. They argue that continued aid to the Contras would dash any hopes for peace through diplomacy, for the simple reason that, as soon as such assistance is provided, the Sandinistas will back away from the bargaining table, and use United States aid to the Contras as an excuse to strip away whatever limited democratic reforms the Government has begrudgingly instituted in the last few weeks as a condition of President Oscar Arias' peace proposal.

In my judgment, however, this vote offers the Senate and the House of Representatives the choice between peace with freedom in Central America, or temporary peace at the cost of freedom. In my mind, the conflict in Nicaragua between the Sandinistas and the Contras extends beyond the realm of a civil war. The conflict is a clash between the United States and the Soviet Union; it is a battle between democracy and communism; it is a fight between freedom and dictatorship.

Therefore, I believe that it would be disastrous to suspend aid to the Contras. Indeed, I contend that the only hope for peace with freedom in Nicaragua and in Central America is to continue to provide both military and humanitarian aid to the Contras. We must not sacrifice freedom for short-term, short-lived peace in Central America.

Now is not the time for the diplomatic peace process. Historically, diplomatic efforts have been pursued either from a position of strength, or because there was no hope for success. For slightly over a year, the Contras have benefited from uninterrupted aid. Therefore, in light of the recent peace proposal, I must ask this question: Are the Contras in a position of strength or capitulation?

It is doubtful that they are in either position.

Rather, it appears that, while the Contras could not immediately pose a serious threat to Daniel Ortega and the Sandinista regime, they are not likely to disband either. Indeed, the Contras are gaining support, are growing stronger, and offer opposition that is troublesome to the totalitarian Marxist government the Sandinistas have established in Nicaragua. Therefore, the Sandinistas have sought to relieve some of this pressure by agreeing to the Arias peace plan, agreeing to limited reforms, and taking some steps, for show at least, designed to convince sympathizers that the Sandinistas are committed to democratization. But let us not fool ourselves into thinking that the ultimate goals of the Sandinistas are nothing less than a Communist dictatorship and a "hatchery of revolution" for surrounding countries.

Yet, as long as the Sandinistas are opposed in some manner, they will not be able to consolidate power and turn Nicaragua into another Cuba. And eventually they will be forced to make some reforms. As the freedom-fighters gain in strength, the Sandinistas will be forced to grant more liberties and expand reforms, or face the political consequences. Therefore, for peace, for freedom, and for our own national security, we must provide United States assistance to the freedom-fighters of Nicaragua.

As the upcoming debate takes shape, many voices will urge this Congress to give the Central American peace proposal a fair chance by withholding additional aid to the Contras until such time as the diplomatic efforts are exhausted. Members of Congress will be urged to wait and see what happens * * * wait and see if the Sandinistas hold up their part of the bargain * * * wait and see if they implement democratic reforms * * * wait and see if the Sandinistas, themselves, suspend aid to guerrillas in El Salvador, Honduras, Guatemala, Costa Rica, and Ecuador. A "wait and see" period without aid will weaken the Contras, reversing all advances they have made. A prolonged "wait and see" period will destroy the resistance movement, and will doom with it all hopes for democratic reform and freedom in Nicaragua.

Furthermore, no evidence has been offered which indicates to me that the Sandinistas are devoted to the Arias peace plan or to the democratization it mandates. In 1 week, the Sandinistas announced plans to increase their army to a force of over 600,000 troops. The very next week, they announced a commitment to democratization. Days later, opposition leaders were arrested for holding a meeting. Is this a commitment to peace and democratization? Hardly. I say let us judge Nicaragua's commitment to peace and to democratization with the yardstick of past actions, and with the measuring cup of future plans—not with the empty protestations and false assurances of a dictator.

In 1938, with hopes for peace, the leader of a Western democracy took at face value the assurances of a dictator bent on dominating the world. He returned home proclaiming victory. "I believe it is peace in our time," he announced. That peace led to the bloodiest world war in the history of the world. Let us learn from the mistakes of the past. Let us learn to put our trust in deeds, not words. Let us learn to read the writing on the wall * * * and let us not confuse our hopes with what is written in plain sight.

The United States cannot abandon the Contras for the flimsy words and shallow promises of Daniel Ortega. When the Sandinistas assumed power, they made promises of democratic reforms. For these false promises, the Sandinistas actually received approximately $100 million in financial assistance from the United States—from the taxpayers of America—assistance I strongly objected to and voted against. Yet, today, more than 9 years after the Sandinistas came to power, these promises remain unfulfilled. The citizens of Nicaragua are not allowed to choose their own representatives in Government. Citizens who have dared to stand against Daniel Ortega have been imprisoned and murdered. Oppression was even evident immediately following Ortega's announcement that democratic reforms had been instituted and that the state of emergency had been lifted.

The Sandinistas have had their chance to show a commitment to democracy and to peace in Central America. If we examine their actions through the years, I believe that their commitment to peace in Central America, their commitment to democracy, and to the Arias peace proposal is plain for all to see. While receiving United States assistance, the Sandinistas began to aid the leftist guerrillas in El Salvador. While receiving United States taxpayer dollars, the Sandinistas announced that national elections would not be held until 1985. During the assessment period of Nicaraguan compliance with the Arias peace plan, Daniel Ortega announced Nicaragua's plans for a 600,000-man army, to be equipped with Soviet assistance. During this same assessment period, the Sandinistas continued to aid the leftist guerrillas of El Salvador. And during the assessment period, citizens who met to oppose the Sandinistas were arrested, beaten, and disbanded.

What kind of commitment to peace and democracy have the Sandinistas demonstrated? Despite repeated opportunities, the Sandinistas have shown only a blatant disregard for peace and for democracy. Despite repeated chances, the Sandinistas have time and time again exhibited their goals to dominate and to subvert freedom-oriented nations and democracies in Central America. Despite their propaganda, the Sandinistas have demonstrated only their eagerness to become a Soviet satellite nation bent upon exporting the Marxist-Leninist doctrine in the same mold as Cuba. And finally, despite their many promises and protestations offered through the last 9 years, the Sandinistas have shown nothing but an utter disregard for the individual rights and liberties of the Nicaraguan citizens who resist their totalitarian Government.

The Sandinistas have had their chances to show a commitment to democracy and to peace. These opportunities have been rejected again and again. No last minute maneuvers shrewdly designed by Nicaraguan President Daniel Ortega to sway the upcoming votes in Congress can refute the hard evidence of the past. The Sandinistas are not concerned with achieving peace or democracy. From the record of the past years and months—not weeks—the Sandinistas have demonstrated an utter disdain for peace proposals, for democracy, and for the sovereignty of democratic nations in Central America. I believe that the Sandinistas have come to the bargaining table only because of the strength of the Contras. And I believe that, short of outright military intervention in Nicaragua, the only action Congress can take to ensure continued efforts for peace with democracy in this country is to provide further assistance to the Contras, strengthen opposition to the Sandinistas, and demand from them additional democratic concessions. I hope and pray we will never have to intervene militarily, but I hope we as a country have the resolve to take all necessary and appropriate action.

While I feel that current diplomatic efforts which would attempt to resolve the conflicts and establish freedom in Central America should be encouraged, we must not abandon the Contras for unsubstantiated promises and mere hopes of progress. The needs, aims, and goals of the United States and the citizens of America should be tantamount in the minds of all Members of Congress. In my opinion, any compromise or effort would not achieve our national goals unless it contained three criteria, which, in my judgment, must be integral parts of any peace plan for it to be acceptable to the United States.

First, the freedom of the Nicaraguan people must not be sacrificed for short-term peace. The cost for such a peace would be too high.

Second, any peace must contain provisions which will end all Soviet and Cuban influence in Nicaragua, and in Central America.

Finally, any Central American peace plan must provide for democracy, free elections, and freedom of the press and freedom of speech in Nicaragua. In my judgment, the opening of token opposition newspapers and radio stations does not constitute freedom of the press.

If any peace were to be implemented without accomplishing each of these aims, the national goals of the United States, and of our freedom-loving allies both in the Western Hemisphere and throughout the world, would be severely compromised. Therefore, I believe that the United States must take all action to ensure that these goals are met. Providing additional assistance to the Contras carries the hopes of achieving these goals. Therefore, assistance should be approved.

During the last 25 years, the Soviet Union has become increasingly involved in the politics of Central and South America and the Caribbean. In 1960, the Soviets had diplomatic relations with only 5 countries in the Western Hemisphere. Today, the Soviets enjoy full diplomatic relations with 16 countries, and Cuba is regarded by the Soviets as a major asset in their military strategy.

Cuba is only 90 miles from the Florida Coast and the Soviets have armed Cuba to the teeth. It is the location of the most sophisticated intelligence gathering facility outside the territory of the Soviet Union. The Soviets have equipped the Cubans with almost 1,000 tanks, hundreds of advanced jet fighters and armed helicopters, bombers, various frigates, submarines, torpedo-equipped patrol boats and, more recently, amphibious landing ships, various sophisticated surface to air missiles, and anti-aircraft weapons. Thus, the armed forces of Cuba are the largest in Latin America—larger even than Brazil's, which has a population that is 12 times greater than Cuba.

There is no doubt that Cuba has been active in spreading revolution throughout our neighboring countries in Central and South America. The Soviet Union uses Cuba to do its dirty work—spreading the seeds of dissent, and distributing arms to guerrillas so that the Kremlin is not viewed as a participant in these terrorist activities. Cuba was instrumental in providing Marucie Bishop, the Prime Minister of Granada, with weapons. Cuba was also instrumental in helping the Sandinistas overthrow the Somoza regime in Nicaragua. Cuba has provided aid to the guerrillas seeking to overthrow the Government in El Salvador and elsewhere. The United States cannot afford to allow the Soviets to have another foothold like Cuba in the Western Hemisphere.

However, this has already begun in Nicaragua. After the Sandinistas seized power, both the Kremlin and Castro began to provide Daniel Ortega with arms and with military advisers. Today, there are reportedly about 4,500 Cuban personnel in Nicaragua. These include military/security advisers, troops, civilian intelligence gatherers, other civilian advisers, and teachers who are constantly spreading the propaganda of communism through the schools of Nicaragua. Additionally, there are approximately 200 Soviet and Eastern bloc advisers, roughly 50 of whom are from Russia, and the remainder from countries such as East Germany, Czechoslavakia, Bulgaria, and elsewhere.

The weapons that have been provided by the Soviets to the Sandinistas are formidable—especially in comparison to the Contras. Nicaragua has approximately 150 tanks, and about 250 other armored vehicles. They have roughly 50 military helicopters, 12 of which are the advanced MI 24/25 HIND type, and many of the others are the Soviet HIP type, which are comparable to our own Huey helicopters. The Nicaraguan Air Force has recently been growing in size. In addition to the Mig's they have requested and I understand plan to receive in the next few years, they have already received several of the Soviet An-26 transport planes, some of which have been equipped with bomb racks, as well as various other planes. Additionally, their air bases have been upgraded and they have completed three runways which are capable of accommodating jet aircraft of any size. The Nicaraguan Navy has also been greatly improved with Soviet help. They have a total of about 30 ships, not counting their fishing boats which are, in effect, armed trawlers. Of the fleet of 30 naval ships, approximately 20 are patrol boats, 6 are mine sweepers, and they have other antisubmarine warfare [ASW] ships. I might add that Nicaragua is the only nation in Central America that has these ASW ships and mine sweepers. The Sandinistas also have about 400 SA-7, SA-14, and SA-16 surface-to-air missile launchers, and about 300 mobile radar equipped antiaircraft guns. With regard to field artillery, the Nicaraguans have about 120 guns of over 100 millimeters, almost 300 AT-2 and AT-3 Swagger antitank missiles, more than 35 of the Soviet BM-21 rocket launchers, and various other missiles which can be infantry held or helicopter-mounted. This is by far the largest arsenal of field artillery held by any Central American country. Furthermore, according to DOD estimates, the Sandinistas have an army of approximately 80,000 regular troops, plus about 120,000 militia. This, Mr. President, is a formidable and well-armed force in Central America.

In contrast, the Contras have mustered an army of about 17,000 troops.

Their weapons are scant. They have planes, but these are old and often undependable.

Many of my colleagues may argue that the Sandinista military buildup is certainly within their rights as a nation. However, I cannot stress too strongly that, in my judgment, this is not a Nicaraguan military buildup. Rather, this is a Soviet military buildup in the Western Hemisphere. Since 1979, the Soviets and Warsaw Pact nations have provided the Sandinistas with an alarming $2.3 billion in military supplies and over $4 billion in total aid. In contrast, the United States has provided the Contras with only approximately $244 million from 1981 to 1987.

Opponents of Contra aid may argue that the Sandinistas have been forced to receive Soviet assistance because of the U.S. assistance to the Contras, and the threat the Contras offer. However, from approximately November 8, 1984, until September 30, 1985, Congress appropriated no aid to the Contras while the Sandinistas received a total of $730 million in military and economic assistance from the Soviet Union and Eastern European nations. If Congress votes to suspend aid to the Contras this week, I have no doubt but that the Soviets will continue to provide military and economic assistance.

Finally, assuming that the economic assistance provided by the Soviets to the Sandinistas was $500 million in 1987, the Contras have received United States aid totaling only 5 percent of the total assistance the Sandinistas have been given since 1979. Soviet assistance is clearly not provided to the Sandinistas in response to the threat of the Contras but is, in my judgment, a part of the Kremlin's plan in achieving worldwide domination.

Many of my colleagues question the wisdom of providing aid to the Contras. This is certainly their prerogative. Yet, Mr. President, I believe that we must continue to provide aid to the Contras—military and otherwise. We must confront the Soviet buildup in South and Central America. I believe that we have a choice of either aiding the Contras now, or being faced with the prospect of sending American troops into that region at some point in the future. And nobody wishes to see that happen.

Supplying the Contras with arms and other assistance accomplishes many goals.

First, it challenges the Soviet and Cuban military buildup in Central America, in our own backyard. The United States must send a strong message to the Soviets, and to the world, that revolutionary tactics which attempt to undermine the security and peace of free nations in the Western Hemisphere will not be tolerated, and will be challenged. I believe that we sent this message when the United States, at the request of various Caribbean nations, expelled the Soviet controlled Communist element from Granada. And I believe that we must send this message again by providing aid for the Contras, who are fighting against communism and dictatorship in Nicaragua.

A second, and equally important reason for supplying aid to the Contras, is that, if we allow it, Nicaragua would be an ideal stronghold for Soviet expansion. Unlike Cuba, which is isolated by water, Nicaragua is of enormous strategic importance. The Panama Canal is within striking distance, and Nicaragua is well suited for transporting revolution throughout Latin America. Indeed, evidence has demonstrated that Nicaragua has already provided aid to guerrillas in El Salvador, in Honduras, in Guatemala, in Ecuador, and in Costa Rica. Despite the provisions of the Arias Peace Plan, Nicaragua continued to provide aid to leftist guerrillas.

Are we to sit idly by as the Sandinistas, the Cubans and the Soviets work to undermine the Governments of Panama and Mexico, as well? I voice a resounding "No!" as long as we bolster the Contras and help them to fight against communism, for freedom and democracy, the Soviets and Cubans cannot complete their revolution in Nicaragua. They cannot complete the process of turning Nicaragua into a Soviet "Hatchery for revolution," an incubator of dissent and training ground for guerrillas to overthrow freedom-loving and democratic-minded countries in Central America and throughout South America.

A third reason I consider aid to the Contras as essential is that the pressure the Contras place on the Ortega administration in Nicaragua demands concessions, and will, hopefully, ultimately result in freedom for the Nicaraguan people. The Sandinistas seek to eliminate all opposition. They have attempted to accomplish this goal at all costs, murdering and imprisoning hundreds and thousands of dissenters. If they are allowed to eradicate their opponents, there will never be any prospect for freedom in Nicaragua—only tyranny and dictatorship. By aiding the Contras, we further the hope of freedom loving people for democracy in Nicaragua.

Mr. President, I was a member of the committee investigating the sale of arms to Iran, and the diversions of funds to the Contras which completed its hearings last year. Although the hearings were criticized by many as an attempt to subvert the President's foreign policy in Central America, I must disagree.

I have no doubt but that the hearings helped to educate the American people of the important concerns and issues our Nation faces in Central America. More people understand the struggle the Contras have made, and they realize the dedication and determination with which the Contras oppose dictatorship and communism in Nicaragua. They realize the dire threat posed by an increased Soviet influence in Central America. Furthermore, the American people were afforded a glimpse of those who fight for freedom in Nicaragua that they, otherwise, would not have seen. Adolpho Calero, who was the leader of the Contras, testified before the committee, and provided his first-hand assessment of the situation in Nicaragua.

And I must emphasize that the hearings were not an effort to subvert the administration's policy in Nicaragua. As I have already indicated, I am personally supportive of the Contras and believe that we must provide aid to the Contras, military and otherwise. My record will show that I have voted with the President every time this issue has been brought before Congress. I believe, and among the members of the committee, I was not alone in this view, that the aid the administration has requested through the years is but a small price to pay to keep the dangerous threat of communism and the Soviet and Cuban influence at bay in the Western Hemisphere.

Mr. President, many decades ago, Nicaragua was the subject of a heated debate which occurred in the U.S. Senate. The central focus of the debate was whether the United States should approve funding of a canal that would be built through Nicaragua. There are many similarities between that debate and the discussions we now face relative to aiding the Contras. Then, as now, the influence of a foreign country was a major concern. Then, as now, opponents of the plan claimed that the expense was too high—the cost would not justify the results. Then, as now, there were allegations of fraud, bribery, and profiteering. Yet, in February 1891, the Senator from my home State of Alabama, a man named John Tyler Morgan, who served in this body for 30 years, and whose portrait now hangs on the third floor of the Capitol, just outside the Senate Library, spoke these words which are, ironically, as accurate today as they were nearly 100 years ago.

> We believe, sir, he said, that the time has now arrived for action on the part of the Senate and the Congress of the United States, and that unless we act this matter will drift out of our control; that we shall no longer have an opportunity to gain power or control over it hereafter. . .

Mr. President, unless we provide adequate funding for the Contras, the Soviets will surely establish another stronghold in the Western Hemisphere. Unless we act now, this matter will surely drift from our control. The consequences we risk are frightening, indeed. We risk the threat to the national security of the United States of America, and the threat to the freedom of peoples throughout the Western Hemisphere. I believe that we must aid the Contras. We must renew our fight against dictatorship and communism throughout the world. I hope that my colleagues will join me in this battle and will support further aid to the Contras.

I would like to again point out a little bit of the comparative aid that has come from Cuba, Russia, Eastern bloc countries as compared to the aid that has come from the United States. And I mean by aid from Russia, Cuba, Eastern bloc nations going to the Sandinistas as compared to the aid that has gone to the Contras from the United States.

We have gone back and calculated the various aid for each of the years, and the total aid that has come from the Marxist countries, Russia and others, to the Sandinistas exceeds well over $4 billion. In comparison to that, total aid from the U.S. Government that has gone to the Contras from the years 1981 through 1987 amounts to $245 million, $245 million as opposed to over $4 billion.

If we stop and try to analyze the foreign aid that the United States has given to other countries, you would see that we have had a policy because we believed in democracy, or we had allies. It is obvious to me that the aid that has gone from the Soviet bloc nations to the Sandinistas was not to teach them how to play tiddlywinks, and there is no question in my mind that the ultimate goal of the Soviet bloc countries is to create a hatchery of revolution in the Western Hemisphere by allowing the Nicaraguan Government under the control of the Sandinistas to stir up trouble, to train dissidents, to train people on how to overthrow governments, and to act as a base for supplies overland.

So to me the little aid that is now proposed is essential to keep the Contras alive but more importantly to keep the Sandinistas occupied and away from the primary purpose for which the Soviet bloc aid has gone; that is, to create an incubator for revolution and dissent.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that morning business be extended until 5 p.m., that Senators be allowed to speak for not to exceed 5 minutes each during the period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I see no other Senators on the floor asking for time at this time; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that morning business be extended until 5:30 p.m. this afternoon with Senators being allowed to speak not to exceed 10 minutes each.

Mr. STEVENS. Mr. President, does that include those who have already spoken? Is it just a blanket 10 minutes?

Mr. PRYOR. Yes. That is the request.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair.

COMMENDING THE WASHINGTON REDSKINS ON WINNING SUPER BOWL XXII

Mr. KENNEDY. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 376) commending the Washington Redskins on winning Super Bowl XXII.

S. Res. 376

Whereas, on January 31, 1988, the Washington Redskins defeated the Denver Broncos by a score of 42–10 in Super Bowl XXII thereby becoming the world champions of professional football for the 1987 season;

Whereas for one brief shining moment all differences were laid aside as friend and foe, stranger and neighbor, host and guest joined in a nationwide chorus of praise for the sensational and spectacular way whereby the Washington Redskins became the Super Bowl champions;

Whereas the Denver Broncos also enjoyed an outstanding season, and deserve credit for their success as champions of the American Football Conference;

Whereas, in the Super Bowl, the Washington Redskins overcame an unprecedented ten point first-quarter lead by the Denver Broncos;

Whereas Quarterback Doug Williams, ignoring injury and throwing brilliant passes, led the Redskins to a record five touchdowns in the second quarter that sealed the Super Bowl victory and shattered one of the worst racial barriers in sports;

Whereas, rookie reserve running back Tim Smith and wide receiver Ricky Sanders set Super Bowl records for rushing and receiving;

Whereas, Owner Jack Kent Cooke, General Manager Bobby Beathard, and Head Coach Joe Gibbs deserve credit for their extraordinary roles in creating the outstanding Redskins organization and developing the full potential of the team.

Whereas, all forty-five players on the Redskins roster deserve praise for their roles in achieving an oustanding season and an outstanding Super Bowl performance:

6 Ali Haji-Sheikh
10 Jay Schroeder
12 Steve Cox
17 Doug Williams
23 Todd Bowles
24 Kelvin Bryant
28 Darrell Green
29 Reggie Branch
31 Clarence Vaughn
32 Vernon Dean
34 Brian Davis
35 Keith Griffin
36 Timmy Smith
38 George Rogers
40 Alvin Walton
45 Barry Wilburn
46 Dennis Woodberry
50 Ravin Caldwell
51 Monte Coleman
52 Neal Olkewicz
53 Jeff Bostic
54 Kurt Gouveia
55 Mel Kaufman
57 Rich Milot
61 Rick Kehr
63 Raleigh McKenzie
64 Steve Hamilton
65 Dave Butz
66 Joe Jacoby
68 Russ Grimm
69 R.C. Thieleman
71 Charles Mann
72 Dexter Manley
73 Mark May
74 Markus Koch
77 Darrly Grant
78 Dean Hamel
80 Eric Yarber
81 Art Monk
82 Anthony Jones
83 Ricky Sanders
84 Gary Clark
85 Don Warren
86 Clint Didier
87 Terry Orr

Resolved, That the Senate of the United States of America joins with football fans in Washington, D.C. and across the nation in honoring and congratulating the World Champion Washington Redskins for their impressive victory in Super Bowl XXII.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I join in sending a resolution to the desk commending the world champions of professional football, the Washington Redskins.

We commiserate with our colleagues from Colorado. But Washington is Redskin City, and the vast majority of us who serve in Congress are Redskin fans—except when the Skins are playing the Patriots or other home-State teams.

In fact, there is a strong historical tie between Boston and the Redskins. The team began in Boston as the Boston Braves, playing in the old Braves Field. In 1933, they moved to

Fenway Park, home of the Red Sox, and the name was changed to the Boston Redskins. In 1937, the franchise moved to Washington, and the rest is history.

So, the only regret I have in offering this resolution now is that it cannot be offered by a Senator from the District of Columbia.

The people of the Nation's Capital are first-class fans, and they do not deserve to be second-class citizens when it comes to representation in the Senate and the House of Representatives.

But that debate is for another day. Today, we honor the Redskins. Over the years, we have witnessed great Redskin teams with great coaches and great players. But the 1988 Super Bowl Champion Redskins may rank as the best in Redskin history and perhaps even the best in Super Bowl history. Certainly, their 35-point second quarter was the most awesome display of football that most of us have ever seen.

Only an outstanding team could have defeated the Denver Broncos in the Super Bowl. The Broncos deserve credit for their own successful season, and they have extraordinary promise for the future.

But this was the Redskins' year. They have proved themselves as convincing champions. They have earned America's respect. And quarterback Doug Williams, with his incredible grace under pressure, has shattered one of the worst barriers of prejudice in the world of sports.

Now, with justification, every football fan across America can stand with the U.S. Senate in commending the Redskins players, owner, general manager, coaches, and organization for their outstanding season and their brilliant victory in the Super Bowl. With one voice, the Senate joins America in saying, "Hail to the Redskins."

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. PRYOR. Mr. President, I ask the distinguished acting minority leader if the following nominations are cleared on his side, Calendar Nos. 493, 494, 495, 496, and 497?

Mr. STEVENS. Mr. President, I am pleased to respond to my good friend that those nominations have been cleared on this side and we are prepared to act on them.

Mr. PRYOR. And, in addition, all of the nominations presently at the Secretary's desk. Are those cleared, I ask?

Mr. STEVENS. That is correct. All of the items beginning 493 on page 2 through pages 3, 4, 5, and those at the Secretary's desk from the Department of Defense.

EXECUTIVE SESSION

Mr. PRYOR. Mr. President, that being the case and under those circumstances, I ask that the Senate go into executive session to consider those nominations enumerated.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc, with one motion to reconsider, one motion to table, that the President be immediately notified of the confirmation of the nominees, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follow:

DEPARTMENT OF DEFENSE

Grant S. Green, Jr., of Virginia, to be an Assistant Secretary of Defense.

J. Daniel Howard, of Tennessee, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of Sections 593, 8218, 8373, and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Thomas R. Elliott, Jr., [redacted]FG, Air National Guard of the United States.

Brig. Gen. Timothy T. Flaherty, [redacted]FG, Air National Guard of the United States.

Brig. Gen. John R. Layman, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. Paul L. Carroll, Jr. [redacted]FG, Air National Guard of the United States.

Col. Edward R. Clark, [redacted]FG, Air National Guard of the United States.

Col. Joe H. Engle, [redacted]FG, Air National Guard of the United States.

Col. Michael S. Hall, [redacted]FG, Air National Guard of the United States.

Col. Wallace D. Hegg, [redacted]FG, Air National Guard of the United States.

Col. Richard J. Idzkowski, [redacted]FG, Air National Guard of the United States.

Col. Philip G. Killey, [redacted]FG, Air National Guard of the United States.

Col. Stephen M. Korcheck, [redacted]FG, Air National Guard of the United States.

Col. Charles R. Linz, [redacted]FG, Air National Guard of the United States.

Col. Ralph J. Melancon, [redacted]FG, Air National Guard of the United States.

Col. William D. Neville, [redacted]FG, Air National Guard of the United States.

Col. Donald J. Ryan, [redacted]FG, Air National Guard.

Col. James H. Tuten, [redacted]FG, Air National Guard.

Col. Thomas R. Webb, [redacted]FG, Air National Guard.

Col. James T. Whitehead, Jr., [redacted]FG, Air National Guard.

IN THE NAVY

The following named officer, under the provisions of Title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Stanley R. Arthur, [redacted]/1310, U.S. Navy

The following named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provisions of Title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Alexander Scott Logan.
James Joseph Carey.
Stanley David Griggs.
Robert Smith, III.

UNRESTRICTED LINE OFFICER (TAR)

Maurice Joseph Bresnahan, Jr.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

Thomas Edward Courneya.

MEDICAL CORPS OFFICER

Donald Eugene Roy.

DENTAL CORPS OFFICER

John Rowley Hubbard.

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Gerald Ernest Gilbert.

SUPPLY CORPS OFFICER

Francis William Keane.

CIVIL ENGINEER CORPS OFFICER

Melvin Hiroaki Chiogioji.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS

Air Force nominations beginning Randy D. Abele, and ending Alan L. Zohner, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 1987.

Army nominations beginning Joseph E. Stull, and ending Forrest R. Newton, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Jack L. Levens, and ending Joseph S. Jablecki, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Clifford J. Hixon, and ending Stephen C. Scott, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Douglas R. Arndt, and ending Mary B. Witt, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Daniel F. Battafarano, and ending Robert T. Garbacz, which nominations were received by the

Senate and appeared in the Congressional Record of December 17, 1987.

Army nomination of Clifford L. Simmang, which was received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning James R. Brown, and ending Raymond K. Hines, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nomination of Milton L. Smith, which was received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Jennifer L. Calagan, and ending Charles R. Souiere, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Thomas J. Egan, and ending Brent D. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Robert A. Stroud, and ending Antonio R. White, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Lewis W. Aaron, Jr., and ending Jerel M. Zoltick, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning John Adams, Jr., and ending Ward E. Zischke, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Marine Corps nominations beginning Robert F. Buzby, Jr., and ending Thomas C. Utz, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

LEGISLATIVE SESSION

REPRESENTATIVE DAN DANIEL, DECEASED

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to submit a resolution on behalf of the Senators from Virginia, Senators WARNER and TRIBLE, and I send this resolution to the desk and ask for its immediate consideration.

Mr. PRYOR. Mr. President, the resolution is supported on this side of the aisle and we, too, extend our very sincere sympathy to the Daniel family. As a personal note, Mr. President, I had the pleasure of serving in the other body for 6 years with the late Congressman Daniel. He was a splendid friend. He was a splendid spokesman for his congressional district and a credit to this institution in which we serve.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 375) relative to the death of Representative Dan Daniel, of Virginia.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The resolution (S. Res. 375) was considered and agreed to as follows:

S. RES. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Dan Daniel, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Mr. PRYOR. Mr. President, I move to reconsider one vote by which one resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESCIND CERTAIN BUDGET AUTHORITY RECOMMENDED IN PUBLIC LAW 100-202

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3884, a bill to rescind certain budget authority recommended in Public Law 100-202 for the construction of educational facilities in France, just received from the House.

Mr. STEVENS. There is no objection on this side. The matter has been cleared and we have all received the correspondence from the distinguished senior Senator from Hawaii and are in agreement that it should proceed immediately.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3884) to rescind certain budget authority recommended in Public Law 100-202.

The PRESIDING OFFICER. The bill will be considered as having been read the second time by title and the Senate will proceed to the immediate consideration of H.R. 3884.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 3884) was read the third time and passed.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. PRYOR. Now, Mr. President, we are seeking information from the distinguished acting Republican leader with respect to Calendar Nos. 522, 523, and 524. It is our understanding that these calendar items have been cleared for passage at this time.

Mr. STEVENS. Mr. President, the distinguished acting majority leader is correct. These three items, being relief measures, have been cleared on this side of the aisle. I am informed we are prepared to act on them at this time.

Mr. PRYOR. Mr. President, I ask that these three items, 522, 523, 524, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF PANDELIS PERDIKIS

The bill (S. 343) for the relief of Pandelis Perdikis, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (2), (3), and (4) of section 212(a) of the Immigration and Nationality Act, for purposes of such act, Pandelis Perdikis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF HYONG CHA KIM KAY

The bill (S. 391) for the relief of Hyong Cha Kim Kay, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Hyong Cha Kim Kay may be issued a visa and admitted to the United States for permanment residence if she is found to be otherwise admissible under the provisions of that Act.

SEC. 2. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of the enactment of this Act.

RELIEF OF ROSWITHA STARINS

The bill (S. 1329) for the relief of Roswitha Starins, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Roswitha Starins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the various measures were passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1542 PLACED IN "SUBJECTS ON THE TABLE" ON CALENDAR

Mr. PRYOR. Mr. President, I now ask unanimous consent that Calendar No. 257, S. 1542, a bill providing for a program of comprehensive child development centers, be placed in the "Subjects on the Table" portion of the calendar.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON S.J. RES. 243

Mr. PRYOR. Mr. President, I ask unanimous consent at this time that the Foreign Relations Committee may have until 6 p.m. today to file its report on Senate Joint Resolution 243.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am not going to raise an objection. I do not think this is required by law, but if that is desired by the leadership, I see no reason to make this a contentious issue and I will not object.

The PRESIDING OFFICER. It is so ordered.

Mr. PRYOR. Mr. President, seeing no other Senators on the floor requesting time, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Mr. President, what is the parliamentary situation with regard to my speaking to the Redskin victory?

The PRESIDING OFFICER. We are now in morning business and the Senator may speak for 10 minutes.

Mr. WIRTH. Mr. President, will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. WIRTH. For those reveling in the victory of the Redskins, is it appropriate for some of us to object at this time, or is it something that can be done by unanimous consent?

The PRESIDING OFFICER. Objection would not be in order. [Laughter.]

Mr. WIRTH. I wanted to make sure that the Senator from New Mexico understood that some of us were watching very, very closely.

Mr. DOMENICI. Mr. President, I say to my good friend from Colorado, it is a little late for you to be watching and being concerned about the Redskins, but I do not really want to talk about all of the Redskins. I want to talk for just a few minutes about one of them. I think when I have finished, you will be very pleased that I had this opportunity to share a wonderful experience that New Mexico had over the weekend.

TIMMY SMITH, REDSKIN NO. 36

Mr. DOMENICI. Mr. President, I was in the city of Hobbs, NM, about 12 or 14 days ago. The wonderful people in Hobbs, NM, were very excited about one of their own who just might get to play in the Super Bowl, the now famous No. 36, Timmy Smith, one of their own, who had been a football and basketball star at Hobbs High.

This city of Hobbs is in the middle of an oil patch and one should know that in an oil patch, in particular in Hobbs, NM, time are very tough. That Sunday afternoon after Timmy Smith, No. 36, this spectacular rookie running back did so well against the Vikings in the NFC Championship, one of the political leaders in the town was asking the crowd a question. It had to do with who is better off today in Hobbs after the disaster they have had in oil and gas and the precipitous drop in their economy—who is better off today than 4 years ago?

Obviously, the answer was there is only one, and it is Timmy Smith. But while I was there, I just want to say to the Senate and to this marvelous young man who is now a new hero to young Americans who want to participate in athletics, I was asked, "Who is going to win the Super Bowl?" Mr. President, I hope that everyone will believe my clairvoyance and my ability to see the future so I do not have to produce the radio tapes, but my prediction was, "The Redskins will win, and Tim Smith will be the hero."

Frankly, one might say, "Obviously, Senator, that was the right thing to say in Hobbs, NM."

Well, it surely was. I was also asked by one of the large papers in my State who I was for, and I said, "I'm leaning toward the Redskins because they have a young New Mexican named Tim Smith and I believe he is going to make a difference in that game."

Little did I know that what I was saying about this young man would be so acccurate. He has made not only everyone in Lee County and Hobbs, NM proud, but obviously everyone in my home State of New Mexico. I imagine today there are also millions across this country who are very proud of him. I extend congratulations to him and to his mother, who stood behind him so long when things did not seem to be going right for this athlete, who had every success in—he once rushed for 312 yards and scored 5 touchdowns in one game in his senior year in high school—high school, an absolute superstar in football and, believe it or not, a very good basketball player. Hobbs was State champs in basketball all the time, and you will find on the roster of the State champs a few years ago as a starter in basketball none other than Tim Smith. There are those who stood by him, when he had less than such good fortune in college. We all know about that. He did not get to play football as much as he should and as much as his great qualities would have permitted because of injuries, but thanks to a lot of faith from his family, confidence in himself, and some very good judgment on the part of those who select players for the Redskins, he was drafted. We all know that he was a starter Sunday in the Super Bowl, and they did not want to tell him that because they were afraid of the pressure. I am sure they will not have to be fearful of that again. But the story of this young man in this community of New Mexico as an athlete, as a student, and as one who never gave up is one that I thought I should share with the Senate.

Timmy Smith was born on January 24, 1964, in Hobbs, NM. His mother, Ella Smith, watched her son grow up in that town. He was an ordinary young man with an intense love for football and basketball. He attended Hobbs High School, where he played football and was selected "All American" in his senior year, when he rushed for 2,306 yards, scored 31 touchdowns, and rushed for 100 yards or more in 12 games.

After his graduation in 1981, Timmy went on to Texas Tech to continue his studies and, of course, play college ball. During his freshman and sophomore years, Timmy appeared to have a promising future in football. He prided himself on being a "speed back." But as fate would have it, Timmy played in just five games during his last two seasons at Texas Tech. He tore ligaments in his knee during his junior year, and during his senior year he broke his ankle. At this point Timmy wondered if he would ever play football again. All the while his family kept reminding him to "keep the faith."

The ups and downs of his college career resulted in Timmy being the 117th player selected in last year's NFL draft; while most pro teams shied away from him, the Redskins chose to take a gamble on him.

This past season, his first in the NFL, Timmy saw little action. He only managed 129 yards in 29 carries. He was, however, beginning to impress his coaches with his slashing style of running. He was finally able to convince the coaching staff that he was ready to play the game when he rushed for 72 yards in the NFC Championship against the Minnesota Vikings.

When the day of the Super Bowl arrived, this young man from New Mexico was not expected to be in the starting line-up. The team worried about Timmy's ability to handle the pressure, as well as the ball. When it became apparent that George Rogers would not be able to play, Timmy became a surprise starter.

In the second quarter, Timmy experienced his first run for glory as he helped break the game open for the Redskins. On a 58-yard touchdown run, the rookie running back managed to keep his balance along the right sideline as he made a tightrope sprint for the end zone. From that point on this rookie put on an explosive display of his talent. He made two touchdowns—the first of his NFL career. Timmy Smith, who had only 129 yards during the regular season, ran for 122 yards in just one quarter of the Super Bowl. His record setting performance consisted of 204 yards on 22 carries. No runner in any Super Bowl had ever rushed for 200 yards before. What makes this story even better is that the Denver Broncos hadn't allowed 100 yards to a runner all season. And here was Timmy Smith, starting his first game, and getting over 200 yards.

And so I ask my colleagues to join me in recognizing the accomplishments of Timmy Smith. We are proud of his fire, his zealousness, his persistence, his faith. I commend him for his great achievements and look forward to continuing to watch his career.

I am absolutely confident that Timmy Smith is going to be a star of the future, and I am hopeful that he will be an example to many other young people in this country who want to go from high school athletics on to college and an education, and then to reach as far as they can wherever their talents will lead them.

Mr. WIRTH. Mr. President, I point out that yesterday I did commend Timmy Smith and I join my colleague from New Mexico in those very fine comments.

A HISTORICAL PERSPECTIVE

Mr. WIRTH. Mr. President, this afternoon I would like to continue my review of analyses of the conventional balance in Europe by sharing with my colleagues a piece by Mr. David Schwartz called "A Historic Perspective" on the alliance security. This is a brief overview of the history of the Atlantic alliance in which David Schwartz charts the strategic developments and changes in NATO since its founding in 1949.

While in the 1950's NATO leaders paid lipservice to the notion of building a strong conventional deterrent, the demands of post-war reconstruction and the availability of the much cheaper nuclear alternative kept the West from meeting its stated conventional goals. This was the era of "massive retaliation," when the threat of nuclear retaliation was counted upon to deter virtually any kind of Soviet aggression.

In the late 1950's and early 1960's, recognition grew that this almost exclusive reliance on nuclear weapons for defending the West did not lend the flexibility required in potential hostilities of different levels. Thus was planted the seeds of flexible response, which, after much disagreement in NATO over a Kennedy administration finding that the West's conventional forces were much stronger than had been previously assumed, and prolonged debate over the utility of tactical nuclear weapons in the Western arsenal, in 1967 became formal doctrine. The strategy, which was seen as a compromise between the disagreeing perspectives, placed much greater emphasis on the need for a robust conventional defense, and also introduced the idea of "deliberate escalation," in which NATO would retain the option of escalating the fighting to the nuclear level if efforts to make the enemy cease hostilities at a lower level of fighting were unsuccessful.

The 1970's brought more calls to reduce the alliance's dependence on nuclear forces by strengthening its conventional strength. However, while the latter was pursued to a limited extent, the former was not, as the basic role of nuclear weapons in NATO's force structure remained the same.

There being no objection, the report was ordered to be printed in the Record, as follows:

Alliance Security: NATO and the No-First-Use Question

A HISTORICAL PERSPECTIVE

(David N. Schwartz)

The call for NATO to adopt a nuclear no-first-use policy evokes issues that have arisen periodically during the Alliance's thirty-year history.[1] What is the proper relationship between the conventional and nuclear components of NATO's deterrent? How effective would nuclear weapons be in reversing an impending conventional defeat? Is a reliable conventional defense feasible against the threat posed by the Warsaw Pact? Is the threat to use nuclear weapons first if need be to prevent conventional defeat a necessary or desirable element of NATO's flexible response strategy?

The convoluted history of NATO's handling of these issues is difficult for the outside observer to interpret. Yet an understanding of how NATO arrived at its current posture is essential to an appreciation of the options for, and constraints upon, future change.

THE 1950'S: MASSIVE RETALIATION

The founders of the North Atlantic Alliance had no coherent vision of the form it would eventually take when the North Atlantic Treaty was ratified in 1949.[2] All could agree that in an increasingly hostile postwar world, a credible U.S. commitment to the defense of Western Europe was probably necessary to forestall a recurrence of the violence that had devastated Europe in the earlier half of the decade. There was less agreement on how to effect this commitment: would the solemn pledge contained in the North Atlantic Treaty be sufficient, or would a more formal military organization, involving U.S. and Western European troops integrated into a formal NATO command structure, be required to give teeth to the political commitment of the Treaty? With the onset of the Korean conflict in 1950, the transatlantic consensus on this issue favored the latter course, and plans began to be drawn up for a NATO military organization.

In those early years, U.S. nuclear supremacy over the Soviet Union was widely thought to be the most important element of NATO's deterrent posture. To some at least, President Harry S. Truman's winning of congressional approval for the stationing of U.S. troops in Europe in peacetime was important only insofar as it guaranteed that American soldiers would be killed in any Soviet aggression against the West, thus involving the United States directly and invoking the U.S. threat to use its nuclear arsenal against the Soviet Union if its allies were attacked.

For the Truman administration, however, the troops were more than hostages. The Berlin blockade of 1948 had demonstrated the willingness of Soviet leaders to confront the West over vital interests in Europe despite the American nuclear monopoly. President Truman and his foreign policy advisers, particularly Secretary of State Dean Acheson, were persuaded that NATO required a more balanced military capability, including a robust nonnuclear component, to deter the broad spectrum of politico-military pressures the Soviet bloc might bring to bear against the West. They made this argument in their testimony before Congress on the troop issue; indeed, they envisioned the deployment of troops to Europe in peacetime as part of a broader Western European program to develop strong conventional forces capable of repelling a Soviet invasion.

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[1] Footnotes at end of article.

[2]

American officials shared the view of many Europeans that the requirements for effective conventional defense were formidable. Working with fragmentary intelligence of uncertain reliability, Western analysts estimated that the Soviet Union had 175 divisions against which NATO would have to plan its defense. Western military planners concluded that NATO would require some 96 active and reserve divisions to meet this threat. Thus were born the so-called Lisbon force goals, agreed to by the NATO ministers at their February 1952 meeting. It was the first but by no means the last time that the threat was overstated, or that the resulting NATO goals remained unmet.

These goals seem imposing even today, after three decades of relative peace and prosperity. For the Western European nations at that time, struggling to recover from a war that had destroyed a significant part of their capital and labor, the goals seemed too high to be worth attempting. Conventional forces were improved, to be sure, but failure to meet the goals set in 1952 led NATO to rely increasingly on the threat of nuclear retaliation to deter virtually any kind of aggression, whatever the level. This was the era of "massive retaliation."

The shift in emphasis came to be reflected in the military forces NATO deployed in Europe and in the policy pronouncements of NATO leaders. The United States began gradually to introduce so-called tactical nuclear weapons into its troop deployments in Europe. Designed for use on the battlefield or in direct support of battlefield operations, these weapons made their first appearance in Europe in 1954, with the introduction of the 280mm nuclear cannon into the European theater. Soon added to them were nuclear gravity bombs, nuclear mortar and artillery shells, nuclear land mines, nuclear air defense missiles, and even a jeep-mounted nuclear recoilless gun, whimsically named the Davy Crockett. At first these weapons were deployed only with American troops, but as the decade passed arrangements were made by which other NATO armies could share tactical nuclear weapons with the United States. A typical arrangement called for the allied military force to operate the delivery system—for example, a fighter-bomber—while the United States retained custody of the nuclear weapon until the president authorized its release to the allied contingent. Arrangements such as these came to be known as "dual key."

It is significant that these weapons were introduced into forces-in-being, with no serious attempt made to separate nuclear units from conventional units. For example, artillery units were expected to perform both nuclear and conventional missions as the occasion required. The same was true for tactical air forces. While this duality resulted from a complex set of factors—among them the difficulty of radically revising force structures and the theory that nuclear weapons could be used to supplement conventional firepower—it had the consequence of tying nuclear and conventional forces together in ways that could impair conventional defense.

Introduction of these weapons into Europe was encouraged in part by the technical feasibility of the weapons themselves, in part by overly optimistic assumptions that they could be used without disastrous consequences for NATO, in part by arguments that they could be used to compensate for deficiencies in NATO's conventional forces. Budgetary considerations were also a key factor in virtually every NATO capital, including Washington. The "New Look" policies of President Dwight D. Eisenhower and Secretary of State John Foster Dulles made explicit the budgetary rationale for increased reliance on nuclear weapons for Alliance deterrence and defense. Dulles's own articulation of the doctrine of massive retaliation in January 1954 was entirely clear;

> The total cost of our security efforts [in the recent past] at home and abroad, was over $50 billion per annum, and involved, for 1953, a projected budgetary deficit of $9 billion, and $11 billion for 1954. This was on top of taxes comparable to wartime taxes; and the dollar was depreciating in effective value. Our allies were similarly weighed down. This could not be continued for long without grave budgetary, economic, and social consequences.
>
> But before military planning could be changed, the President and his advisers, as represented by the National Security Council, had to take some basic policy decisions. This has been done. The basic decision was to depend primarily upon a great capacity to retaliate, instantly, by means and at places of our own choosing. . . . As a result, it is now possible to get, and share, more basic security at less cost.[3]

NATO's planners were quick to follow the American lead. If budgetary constraints undermined U.S. determination to meet the Lisbon force goals while heightening reliance on the early use of relatively cheap tactical nuclear weapons, those constraints were even more compelling to the European members of NATO, still struggling to regain prosperity in the postwar world. Deputy Supreme Allied Commander, Europe (SACEUR) Bernard L. Montgomery spoke candidly in support of the massive retaliation policy when he addressed the Royal United Services Institute in London in late 1954:

> I want to make it absolutely clear that we at SHAPE are basing all our planning on using atomic and thermonuclear weapons in our own defense. With us it is no longer: "They may possibly be used." It is very definitely: "They will be used, if we are attacked." In fact, we have reached the point of no return as regards the use of atomic and thermonuclear weapons in a hot war.[4]

By 1957, then, the Lisbon force goals had been revised downward through the adoption of a plan called MC-70, which projected a five-year program to build up to thirty active divisions for the central front. Even the revised plan, modest as it was compared to the Lisbon goals, seemed unattainable despite sustained American efforts and the growing German rearmament program. During the same period, as if to undercut the conventional effort, NATO adopted a strategic concept called MC-14/2 that envisioned the early and massive use of tactical and strategic nuclear weapons in response to Warsaw Pact aggression.

Ample evidence suggests that the American policy makers responsible for this shift toward placing greater reliance on nuclear deterrence were aware of its potential shortcomings.[5] That they did not disclose their misgivings probably reflected a political judgment that persuading the public on both sides of the Atlantic of the efficacy of the New Look must take precedence over a more nuanced official articulation of the policy. This judgment was not shared by a growing number of nongovernmental observers of U.S. an NATO defense plans, who viewed the shift toward reliance on the early use of nuclear weapons with increasing concern. The debate stimulated by these observers was at times passionate and inarticulate, at times coldly rational. It is possible here only to summarize the major lines of criticism:

Credibility. Most critics of the New Look argued that while the threat of nuclear retaliation might be credible—and hence a strong deterrent—against a limited but important range of devastating, all-out conventional attacks, the nuclear deterrent possessed only limited credibility against a wide range of more likely, less intense conventional threats. They observed that a U.S. nuclear monopoly had not prevented the Soviet Union from exerting strong pressure against West Berlin in 1948; had not forestalled the aggressive consolidation of Soviet power in Eastern Europe; had not deterred war in Korea; and had not deterred probing by communist governments throughout the world. They noted that when Western interests were directly threatened by conventional aggression, the United States had shown great reluctance to use the nuclear threat even in the face of imminent military failure (for example, when Chinese forces almost succeeded in pushing the UN forces out of the Korean peninsula). While such reluctance was prudent, it undercut the future utility of the nuclear threat as a deterrent. The growing nuclear power of the Soviet Union and the inevitable vulnerability of the U.S. homeland to Soviet nuclear attack, would only hasten the erosion of credibility over time.

The utility of tactical nuclear defense. Proponents of NATO's tactical nuclear posture argued that these weapons would favor the defense in actual military operations. Critics challenged this assumption. Numerous war games and analyses suggested that the massive increase in firepower inherent in these weapons would, if matched by the Soviets, chew up NATO's manpower much faster than would conventional operations. The massive destruction and confusion their use would cause on the battlefield would impose unprecedented strains on orderly command, control, and communications, making the achievement of military objectives doubtful. Once the agonizingly difficult decision to use tactical nuclear weapons had been made, the size and scope of the requirements for their use to make a military difference would engender strong pressures toward escalation to greater levels of violence, quite possibly leading to an all-out intercontinental nuclear exchange. Hence this use of nuclear weapons in NATO's defense would not only fail to offset conventional deficiencies, it could also lead to a global nuclear conflict. Meanwhile the territory being defended would probably be reduced to rubble. In the densely populated regions of central Europe in which a tactical nuclear engagement would take place, the number of civilian casualties would certainly erase any meaningful distinction between a "tactical" war and a "strategic" war.

implications of the U.S. nuclear monopoly within NATO. Finally, some analysts observed that the virtual U.S. monopoly of nuclear weapons within NATO imposed an inherent strain on any NATO policy that relied on the threat of nuclear retaliation in all circumstances. The credibility of NATO's deterrent depended on the perception that the United States would have the political will to authorize the use of those weapons when U.S. territory was not under direct attack. That perception would become increasingly open to doubt as the Soviet Union developed the ability to hold U.S. territory a nuclear hostage while prosecuting a war in Europe. If the Soviets could assume that the United States would remain paralyzed, the risk of aggression against Western Europe would increase dramatically. This line of argument was to become a rationale—though not the only one and perhaps not even the decisive one—for the pursuit of independent nuclear deterrents by the United Kindom and France. But if one accepted the argument, then the British and French forces would become equally unable to extend a deterrent umbrella over the nonnuclear European allies. The logical consequence of this dilemma—a proliferation of national nuclear arsenals among other NATO countries, particularly the Federal Republic of Germany—was too dangerous to ignore.

It would be a mistake to conclude that these critiques—argued within governments and in public, through confidential memoranda, journal articles, and books—fell upon deaf ears. Certain officials were receptive. At least one high-ranking NATO official, SACEUR General Lauris Norstad, made an explicit attempt to reorient them by then heavily nuclear NATO posture toward a closer balance between conventional and nuclear resources. In his vigorous pursuit of the MC-70 force goals and his articulation of a more demanding role for conventional forces—to force a "pause" upon an aggressor before he committed further aggression that would inevitably engage NATO's nuclear "sword"—Norstad demonstrated some sensitivity to critics of the New Look. Yet he and others, U.S. Army Chief of Staff General Maxwell Taylor among them, met with stiff opposition from military planners, particularly in the Strategic Air Command, who argued that the Soviet conventional threat required planning for an early nuclear response, and from politicians throughout the Alliance who contended that to deemphasize the nuclear threat would erode the deterrent or be politically and financilly unacceptable to Western societies.

THE 1960S: FLEXIBLE RESPONSE

The last years of the Eisenhower presidency saw the debate take shape in private and in public. Eisenhower's last secretary of defense, Thomas Gates, was apparently sensitive to concerns about the New Look and massive retaliation, for he took several important steps to introduce a degree of flexibility and centralized control into U.S. military planning, particularly at the strategic nuclear level. Dulles was also moving in this direction, and reportedly instructed the Joint Chiefs of Staff to take the requirements of conventional defense more seriously. But it fell to the Kennedy administration to begin a serious effort to move NATO away from its nuclear addiction.[6] President Kennedy himself was sympathetic to the views of the critics; indeed, he had made a thoughtful critique of Eisenhower's defense policies a central part of his campaign platform. The men he brought to power with him, such as Robert McNamara, Paul Nitze, Maxwell Taylor, and McGeorge Bundy, shared many of his concerns.

Within weeks of taking office, Secretary of Defense McNamara prodded the Pentagon bureaucracy into making a thorough review of U.S. and Alliance defense policies and programs. Over the next two years, the findings resulted in a number of major changes in U.S. defense policies and programs. The strategic force buildup that had begun in the last years of the Eisenhower administration was given renewed momentum, with a particular eye toward increasing the flexibility, redundancy, and survivability of strategic systems. A major investment was made in U.S. conventional forces, found dangerously inadequate for contingencies such as the 1961 Berlin crisis. Indeed, there is some evidence that the administration abandoned plans for adopting a no-first-use policy in the wake of that crisis.[7] At the same time, the buildup of tactical nuclear weapons in Europe begun in the mid-1950s continued until the stockpile exceeded 7,000 warheads.

The relationship between strategy, doctrine, and military programs is never a clear one, and it would be an oversimplification to assert that all this activity was guided by a single comprehensive strategy. But McNamara and his staff were convinced of a few basic postulates that shaped defense decisionmaking. Taken together, they came to be known as the strategy of flexible response. Central to that strategy was the need to build a military posture that would give decisionmakers considerable flexibility in responding to aggression at all levels. The "search for options" was held to be essential for the credibility and effectiveness of a deterrent that would have to operate against a wide spectrum of possible contingencies, ranging from minor border incidents to major politico-military crises, from actions to block the Berlin corridor to an all-out nonnuclear offensive against Western Europe to a full-scale intercontinental nuclear war.

At the strategic nuclear level, a flexible response called for options other than a massive strike against all Soviet military and industrial targets. To the extent possible, the United States would introduce flexibility into its strategic planning, tying target packages to politico-military objectives. In particular the United States would retain the option to avoid striking Soviet population centers, giving the Soviets a marginal but important incentive to do the same—the "no cities" doctrine. Aside from giving the president alternatives other than surrender or nuclear suicide—in fact, by virtue of giving the president such options—it was hoped that doubts about America's willingness to use its nuclear arsenal in defense of its allies could be managed, if not laid to rest, thus reducing the pressures for proliferation inherent in NATO's New Look.[8]

At the conventional level, flexibility required a force capable of mounting a serious nonnuclear defense in Europe without necessarily resorting to nuclear weapons. While such use would never be explicitly ruled out, an effective conventional capability would put the onus of nuclear escalation squarely on the aggressor.

For those who remained skeptical, McNamara had some surprising answers. One product of the thorough review he had ordered was a revised assessment of the Soviet conventional threat. Proceeding from a review of basic aggregate data, Pentagon analysts found that NATO's manpower and gross national product were comparable to, if not greater than, those of the Warsaw Pact. If a gap existed in conventional forces, the problem lay not in the amount of basic resources but in their allocation. The analysts then took a detailed look at actual Soviet capabilities and found that of the 175 so-called divisions in the Soviet order of battle, many were at extremely low levels of readiness in both manpower and matériel. More precise analyses conducted over the next several years all pointed in the same direction: assessments of the magnitude of the Warsaw Pact's conventional superiority, for more than a decade the basis of the contention that NATO had no choice but to rely on early use of nuclear weapons against a conventional attack, had been vastly exaggerated. As two of the key analysts later wrote,

> Eliminating paper divisions, using cost and firepower indexes, counts of combat personnel in available divisions, and numbers of artillery pieces, trucks, tanks, and the like, we ended up wth the same conclusion: NATO and the Warsaw Pact had approximate equality on the ground. Where four years earlier it had appeared that a conventional option was impossible, it now began to appear that perhaps NATO could have had one all along.[9]

It was one thing for the U.S. government to convince itself that greater flexibility was needed in strategic nuclear planning and that renewed emphasis on the conventional option was both desirable and feasible. It was another thing entirely to gain a consensus for this approach in European capitals, where the U.S. strategic nuclear planning process was a mystery, where the assumption of Warsaw Pact conventional superiority had become the conventional wisdom, and where a domestic political price would be exacted for any change in NATO strategy.

In bits and pieces, the strategy of flexible response had leaked to European audiences through McNamara's congressional testimony and through speeches by administration officials such as Paul Nitze and Roswell Gilpatric. European governments were understandably nervous. Major decisions were being made in Washington that had a direct bearing on Alliance security. Yet the full rationale for these decisions had never been clearly articulated, much less debated within an Alliance forum. Kept in the dark, many European governments began to suspect that the United States was underestimating the sacrifices that a strong conventional defense would impose on the allies; that Washington was changing the basis of Alliance security without adequate consultation; and, perhaps most distressing, that the United States had decided to withdraw the strategic nuclear umbrella that had made deterrence possible.

Recognizing that such suspicions, if unchecked, would have damaging political consequences and compound the difficulty of persuading European governments that the conventional option was feasible if appropriate steps were taken, McNamara laid out the new American strategy in some detail at a meeting of NATO ministers in Athens in May 1962.[10] He presented the main lines of the new approach, stressing the credibility of the U.S. strategic nuclear guarantee, given the global nature of any nuclear conflict between NATO and the Warsaw Pact; the requirement for flexible options and centralized command and control at the strategic nuclear level; the strategic damage that could be done to Alliance objectives by the proliferation of independent national nuclear deterrents; the escalatory dangers inherent in the use of tactical nuclear weapons; the substantial contribution to deterrence that could be made by a strong non-nuclear posture; and the feasibility of achieving such a posture.

That McNamara chose to stress the inherent dangers of using tactical nuclear weapons, particularly as a substitute for conventional response, reflected his strong belief that the burden of escalation to the nuclear level should be placed where it belonged—on the aggressor. In this sense, flexible response was conceived as a no-first-use strategy. That McNamara did not deny the utility of tactical nuclear weapons for deterrent purposes is not inconsistent with this interpretation. He was arguing, rather, that NATO's excessive reliance on those weapons would be particularly irresponsible in time of crisis or war, especially when safer alternatives were available. In his own words,

> I would be less than candid if I pretended to you that the United States . . . believes that the Alliance should depend solely on our nuclear power to deter the Soviet Union from actions not involving a massive commitment of Soviet force. Surely an Alliance with the wealth, talent, and experience that we possess can find a better way than this to meet our common threat.[11]

There was, of course, a certain irony in this position. Under McNamara and his successor, Clark Clifford, the authorized number of U.S. tactical nuclear weapons in Europe increased from about 2,500 to about 7,200.[12] Yet it is clear that McNamara's policy preferences lay in the direction of de-emphasizing reliance on nuclear weapons.

The strategy McNamara articulated and pressed on the allies in numerous ways over the next five years met with stiff resistance. The French rejected his arguments against independent nuclear forces and moved ahead with plans to develop their own, outside the control of NATO. Others also saw in McNamara's presentation an ill-disguised attempt to remove the U.S. nuclear guarantee from Europe, but argued that only an explicit U.S. commitment to a nuclear strategy for NATO would enable the West to mount an effective deterrent. Some contended that reemphasis of the conventional option made war more thinkable, hence more likely, and thus undermined the deterrent.

A smaller group rejected McNamara's assertion that the escalatory pressures arising from the use of tactical nuclear weapons would hasten NATO's defeat, arguing instead that the weapons could be used effectively in limited ways as a force multiplier for conventional operations. This position found favor in the United States, where academic debate had produced a limited nuclear war strategy incorporating the weapons as a central element of the force posture. Others, still accepting past threat assessments, remained convinced that conventional defense, while desirable in principle, was infeasible in fact, and that flexible response meant "flexible backwardness" in that the doctrine would enable the United States to trade European space for U.S. decision time, thus conceding NATO territory to Warsaw Pact aggression. Rarely expressed but never far from the surface was a belief that the escalatory potential inherent in the tactical nuclear arsenal was beneficial to Europe, in that its use would quickly lead to an intercontinental nuclear exchange involving the territory of the United States.

The debate engendered by these positions was intense and in fact persists in various forms to this day. Nevertheless, a historic compromise was reached through a long and difficult process that culminated in 1967 in the Alliance's adoption of a new strategic concept that embodied flexible response.

In a document known as MC-14/3, successor to MC-14/2, the Alliance formally acknowledged the importance of having the ability to respond directly to aggression at whatever level it is initiated. Termed "direct defense," this concept implied a degree of seriousness regarding conventional requirements that had been lacking in the earlier strategic concept. Also envisioned in the new strategy was the notion of "deliberate escalation"—that NATO would retain the option of deliberately escalating the conflict, to the nuclear level if necessary, if efforts at direct defense failed to make the enemy cease hostilities and withdraw. The Alliance would still rely on the threat of general nuclear war, carried on by the American and British strategic forces, if all else failed.

In exchange for the allies' acceptance of McNamara's demand that conventional requirements be taken seriously, the United States accepted a certain ambiguity in the relationship between direct defense and deliberate escalation. The circumstances in which NATO would resort to escalation, in particular in which the Alliance would deliberately bring the conflict to the nuclear level, were not spelled out. Ambiguity allowed those to whom early first use of nuclear weapons seemed essential to argue that NATO strategy agreed with them, and that the retention of a large tactical nuclear arsenal was justified. It also permitted critics of a tactical nuclear defense to argue that NATO strategy and the requirements of direct defense implied a greater commitment to strengthening conventional forces. Yet, by accepting the notion of deliberate escalation without clarifying the circumstances in which it would take place, the Alliance implicitly shelved the suggestion inherent in McNamara's 1962 Athens speech that the burden of escalation should be placed on the aggressor. The compromise thus rejected the implicit no-first-use strategy broached by the U.S. secretary of defense in his advocacy of flexible response. By the same token, the fight within NATO over requirements and force levels would persist.

THE 1970'S: FORCE POSTURE ADJUSTMENTS

Throughout the 1970s adjustments in the force posture, both conventional and nuclear, increasingly reflected the new strategy of flexible response and its inherent ambiguities.

The tactical nuclear forces came under close scrutiny early in the decade, largely as the result of U.S. congressional concern about the aging, obsolescent, and increasingly vulnerable arsenal in Western Europe. Responding to congressional pressure, Secretary of Defense James R. Schlesinger initiated a series of modifications in these forces within the authorized ceiling of 7,000 weapons. For example, old surface-to-surface missiles such as the Sergeant were replaced by the modern 70-km-range Lance missile. Schlesinger also authorized increased research on ways to "clean up" the stockpile by redesigning weapons so as to minimize their fallout and other unintentional damage to civilian populations. Not until some years later, in 1977, did these efforts attract much attention, when U.S. plans to produce "clean" weapons (the so-called neutron bomb) were made public. In the controversy that followed, most thoughtful proponents of qualitative modernization admitted that such changes would have only a marginal effect on the "usability" of the weapons for relatively limited objectives. Opponents contended that just this additional usability would erode deterrence and make a nuclear war more likely, though no appreciably less destructive.[13] As it happened, in 1978 the United States unilaterally abandoned its plans to produce these weapons—after successfully bringing pressure to bear on its allies to accept them—prompting a minor political crisis within the Alliance.

In broad terms, then, the 1970s brought marginal improvements in the reliability, accuracy, and peacetime security of U.S. tactical nuclear weapons in Europe. However, while recognizing their limited military value and even after making these qualitative improvements, the Alliance never made a basic change in the role of these weapons in Alliance planning. Their function was taken largely as a given, both by those who believed that flexible response required the ability to conduct flexible nuclear operations in Europe, and by those who believed that their use would rapidly escalate out of control and lead the superpowers into a strategic confrontation that would somehow be settled over Europe's head.

Skeptics of the importance of these systems, particularly as compared to conventional forces, remained vocal during the decade. If they failed to bring about a substantial reduction in NATO's tactical nuclear forces, they were more successful in making the case for conventional force improvements.[14] By the mid-1970s, several congressional attempts to cut the number of U.S. troops in Europe have been defeated, the United States turned to improvements in its own conventional forces. Between 1975 and 1982.

—Three divisions and two brigades were added to the U.S. Army force structure, and the brigades deployed in Europe. Support units were reallocated to combat roles, thereby increasing the combat-to-support manpower ratio. Some have argued that this shift enables NATO better to withstand a Soviet conventional attack; others have questioned whether the reallocation was wise, noting the importance of support units in sustaining operations.

—Active army units were "heavied up" through the introduction of mechanized units and the conversion of infantry units into mechanized units.

—Sets of equipment for four additional reinforcement divisions were pre-positioned in West Germany.[15]

Concurrently the United States sought to assure that the conventional improvements required by the evolving Soviet threat would be adopted throughout the Alliance. To this end, Washington initiated a long-term defense plan (LTDP) "to address selected deficiencies in forces, equipment and procedures." The LTDP, which NATO formally adopted in 1978, calls for several kinds of improvement in conventional forces:

Enhanced readiness
Rapid reinforcement
Strengthened European reserve forces
Improvements in maritime capabilities
Integrated air defenses
More effective command, control, and communications (C^3)

Rationalized procedures for joint development and procurement of weapons.

Measures to promote logistics coordination and to increase war reserves.[16]

By 1981, work on this rather lengthy "laundry list" was far from complete. In his final annual report, Secretary of Defense Harold Brown pointed to readiness, maritime posture, logistics, and C^3 as areas in which NATO had made real progress. In other key areas—electronic warfare, reserve training and equipment, war reserve stocks of ammunition and fuel, provision of additional European reserve brigades, and the like—the Alliance would have to "renew its efforts."[17] Faced with such requirements and buttressed by its substantial though dwindling advantage in tactical nuclear weapons, NATO ended the 1970s with much left to do on the conventional side, and amid heated bickering over the ability of individual members to achieve the 3 percent growth in real defense spending that was agreed to when the LTDP was adopted.

CONCLUSION

This glance at NATO's past suggests several insights of relevance to today's debate.

NATO's reliance on nuclear weapons for the purpose of deterrence, or to compensate for conventional weaknesses, has deep historical and political roots. The fact that MC-14/3 embodies a political compromise reached only after critical struggles within the Alliance endows this document with a political weight far greater than most such planning guidance has had in the past. It represents not only a military strategy but also a bulwark against reopening divisive issues of nuclear strategy that many believed—and still believe—have the potential to fragment the Alliance.

Meeting stiff resistance over the past twenty years, efforts to reduce NATO's nuclear dependence and bolster the conventional option have been succeeded by efforts to do the latter without doing the former. Nevertheless, attempts have been made. In one important sense, McNamara's argument in the early 1960s had an implicit no-first-use theme. In the final compromise over flexible response, that theme was rejected. The compromise did, however, legitimize and pave the way for recognition that the conventional option had been too long neglected and needed to be revitalized if NATO's overall deterrent posture was to be credible. This has led to significant improvements in conventional forces, although they have fallen short of what NATO could do to build a fully reliable conventional defense.

Because NATO has been unable to reduce significantly its reliance on tactical nuclear weapons, the size of the force has remained relatively constant. (One thousand warheads were withdrawn in 1980 pursuant to the December 1979 decision on intermediate-range nuclear forces, leaving about 6,000 warheads in place.) Some qualitative changes have been made in the existing stockpile, but in broad posture and function it remains configured much as it was from the late 1950s to the early 1960s—a force designed to deter, in part by compensating for conventional inadequacies.

By the same token, the strategy adopted in 1967 has not changed the way nuclear forces have been integrated into conventional forces for planning purposes. Indeed, flexible response and the requirements of deliberate escalation have given renewed emphasis to integration in the name of multiplying the commander's options.

It is these considerations, shaped by events and decisions over a thirty-year period, with which today's leaders will have to contend. While NATO's past need not be construed as a straitjacket into which all future actions must fit, it can and should serve as a valuable reminder of why certain choices were not made. It should also stimulate constructive consideration of the alternatives before us.

FOOTNOTES

[1] Indeed, it is difficult to identify a subject related to NATO about which more has been written. Perhaps, the best general bibliography remains Morton H. Halperin, *Limited War in the Nuclear Age* (John Wiley and Sons, 1963), pp. 133-84. In the 1950s two excellent edited volumes covered much of the debate: William W. Kaufmann, ed., *Military Policy and National Security* (Princeton University Press, 1956); and Klaus Knorr, ed., *NATO and American Security* (Princeton University Press, 1959). Halperin also made a special study of the no-first-use issue: M.H. Halperin, "A Proposal for a Ban on the Use of Nuclear Weapons," Institute for Defense Analyses, Special Studies Group, Study Memorandum no. 4 (Washington, DC.: IDA, 1961). See also Richard H. Ullman, "No First Use of Nuclear Weapons," *Foreign Affairs*, vol. 50 (July 1972), pp. 669-83; Fred Charles Iklé, "NATO's 'First Nuclear Use': A Deepening Trap?" *Strategic Review*, vol. 8 (Winter 1980), pp. 18-23); and Laurence D. Weiler, "No First Use: A History," *Bulletin of the Atomic Scientists*, vol. 39 (February 1983), pp. 28-34, which contains interesting material on Soviet attitudes toward the issue.

[2] The themes in this section are treated in detail in Robert Endicott Osgood, *NATO: The Entangling Alliance* (University of Chicago Press, 1962). A more detailed account of NATO's first year can be found in Lawrence S. Kaplan, *A Community of Interests: NATO and the Military Assistance Program, 1948-1951* (Government Printing Office, 1980).

[3] John Foster Dulles, "The Evolution of Foreign Policy," *Department of State Bulletin*, vol. 30 (January 25, 1954), p. 108.

[4] Cited in Osgood, *NATO: The Entangling Alliance*, p. 110.

[5] See the major planning document of the New Look, NSC 162/2, now declassified and available in *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam*, vol. 1, Senator Gravel edition (Boston: Beacon Press, 1971), pp. 412-29.

[6] This account is based on William W. Kaufmann, *The McNamara Strategy* (Harper and Row, 1964); Desmond Ball, *Politics and Force Levels: The Strategic Missile Program of the Kennedy Administration* (University of California Press, 1980); and Alain C. Enthoven and K. Wayne Smith, *How Much is Enough? Shaping the Defense Program, 1961-1969* (Harper and Row, 1971).

[7] See Lawrence Freedman, *The Evolution of Nuclear Strategy*, Studies in International Security, 20 (Macmillan Press, 1981), p. 242.

[8] The introduction of flexibility into U.S. targeting strategy in the early 1960s is well documented. However, the public record makes clear that the degree of flexibility introduced was not as great as some at the time would have liked. See Henry S. Rowen, "Formulating Strategic Doctrine," *Commission on the Organization of the Government for the Conduct of Foreign Policy* (Murphy Commission), pt. 3 of vol. 4 appendixes (GPO, 1976), pp. 219-34.

[9] Enthoven and Smith, *How Much Is Enough?* pp. 140-41.

[10] David N. Schwartz, *NATO's Nuclear Dilemmas* (Brookings Institution, 1983), pp. 156-65.

[11] Ibid., pp. 160-61.

[12] Stockholm International Peace Research Institute (SIPRI), *Tactical Nuclear Weapons: European Perspectives* (New York: Crane, Russak, 1978), p. 16.

[13] By increasing radiation and minimizing blast at very low yields, it was argued, "clean" weapons would be ideal for stopping armored assaults without producing the high levels of collateral damage associated with earlier weaponry. This characteristic would, according to proponents, enhance deterrence. This argument struck opponents as displaying excessive enthusiasm for nuclear "war-fighting," thus undermining deterrence.

[14] See, for example, William P. Mako, *U.S. Ground Forces and the Defense of Central Europe* (Brookings Institution, 1983), pp. 27-30.

[15] Ibid., pp. 23-27.

[16] *Department of Defense Annual Report, Fiscal Year 1982*, p. 207.

[17] Ibid., p. 78.

Mr. WIRTH. I yield the floor.

CONTRA AID

Mr. LUGAR. Mr. President, this afternoon the Committee on Foreign Relations met to discuss Senate Joint Resolution 243 pursuant to the continuing resolution to provide additional authority and assistance for Nicaraguan resistance. Mr. President, the committee did hold a meeting. The distinguished chairman of the committee is here with me presently. It is my understanding that a majority of the committee members were not present in the room during the course of that meeting. Rule IV of the Senate Foreign Relations Committee rules insists that "A majority of the membership of the committee shall constitute a quorum for reporting any measure or recommendation to the Senate." Stated another way, the committee rules say no measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present.

Mr. President, rule XXVI of the Senate—I cite page 971 of the Senate procedures—it provides that:

> The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present.

On that same page, 971, in the next paragraph, it says:

> The Chair has ruled that a report not authorized by the concurrence of more than one-half of a majority of the entire membership of the committee, exclusive of proxies, cannot be received by the Senate upon objection.

Therefore, Mr. President, I ask a point of parliamentary inquiry. I would like to ask the Chair if the Chair is prepared to discharge the committee inasmuch as the committee report was filed without a quorum.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I quite understand the concern of the Senator from Indiana on this matter. The broad powers that were given to the consideration of the basic underlying resolution by House Joint Resolution 395, including expedited procedure and the waiving of all points of order seem to open up a pretty wide door. I carefully checked this with the Parliamentarian. Because of the provisions established for consideration of this resolution I believed that I was free to go ahead and convene the committee to discharge its duties and to report out the resolution. The majority of the members concurred in that view. That is what the language the concurrent resolution governing consideration of this matter permits, and I had the assurance through my staff from the Parliamentarian that the committee was in full conformity with the provisions of House Joint Resolution 395.

So, I ask the point of order not be upheld as raised by the Senator from Indiana.

Senator LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, is debate or discussion in order or further comment on the question?

The PRESIDING OFFICER. The Senate is now conducting morning business and Senators are allowed to speak for a period of time not to exceed 10 minutes during morning business.

Mr. LUGAR. Mr. President, let me comment for the sake of the record that the distinguished chairman of the Foreign Relations Committee has stated the predicament I think very well. If, in fact, a ruling could come from the Chair that would make it possible for the distinguished chairman to take action to report legislation, report on something as important as the Nicaraguan aid situation, it appears at least to this Senator that precedents of the Senate, general procedures, would be violated very substantially. The distinguished chairman would never do such a thing but if, in fact, a majority of the committee were not present today. And my question I suppose to the Chair, and as to the resolution of this question, comes down to terminology.

It seems to me rule 26 is clearly dealing with a committee report. The distinguished chairman of the Foreign Relations Committee cited points of order raised against a resolution. As I understand the resolution will come before this body on Thursday unless by unanimous consent the order for that is waived and surely the committee action today has no consequence aside from an advisory opinion to the Nation or to Senators as to how the Foreign Relations Committee might feel about it. But, clearly, it was a report from that committee which lies I gather at the desk now, and this is the reason that I raise this issue today in the same session so it may be cleared away and that an egregiously bad precedent might not be set.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, it should be noted that members of the Foreign Relations Committee were informed in advance that the committee would proceed to discharge its duties and consider Senate Joint Resolution 243. The minority members of the committee chose not to attend that meeting. That was most unfortunate, but their choice. The majority of the members of the committee did cast their vote reporting this matter. The committee has recommended that the Senate reject the administration's request for a continuation of assistance to the Contras.

The PRESIDING OFFICER. In response to the inquiries presented by the Senator from Indiana, the Chair reports to the Senator from Indiana that the appropriate time to raise an objection on the question, the proceedings, as indicated by the Senator, is at the time the matter is brought before the Senate for consideration, and in the instant case, the statute waives all points of order regarding consideration of the resolution, and even the resolution itself.

Mr. LUGAR. Mr. President, a further point of inquiry.

Mr. PELL. Excuse me. I did not hear the last phrase. What were the words of the Chair?

The PRESIDING OFFICER. That all points of order against the resolution were waived and even against consideration, is the last statement I made.

Mr. PELL. I thank the Chair.

Mr. LUGAR. Mr. President, further point of inquiry. This Senator's question really pertains to the procedures of a specific standing Senate committee as opposed to the body as a whole.

The report is of no consequence I gather with regard to the consideration of this legislation, and therefore to raise a point of order against the legislation is clearly not the intent of this Senator. It is rather to clarify a very important precedent with regard to activity of a single committee dealing with a report of its own activities. And I ask the Chair's further indulgence to consider the precedent if a single Senator sitting by himself were able to report in behalf of a committee.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I would like to comment that the Senator from Indiana's objection rests with the original language adopted by the full House and Senate. It was the will of the majority of House and Senate Members that special procedures be provided for consideration of Contra aid. That decision was made in December, namely to waive any point of order, that is it. As far as precedent goes, for the future, maybe it will be the will of the Senate not to adopt special procedures in its continuing resolutions.

The PRESIDING OFFICER. The Senator from Indiana is informed by the Chair that ordinarily the Senator's point of order would be well taken, but in light of the statute before the Senate that is not the case and the Chair so ordered.

Mr. LUGAR. I thank the Chair.

Mr. PELL. I thank the Chair very much indeed. Has the Senate formally accepted the filing of the committee report on Senate Joint Resolution 243?

The PRESIDING OFFICER. The report has already been filed.

Mr. PELL. Thank you very much. I thank the Chair very much for the ruling. It is a very complicated matter.

Mr. LUGAR. May I ask one further inquiry of the Chair, if he would so indulge me?

The PRESIDING OFFICER. The Senator from Indiana?

Mr. LUGAR. Is the Chair ruling essentially that the statute covers both the resolution and the activities of the committee, both resolution and the report; in other words, all sequential steps that have anything to do with the resolution?

The PRESIDING OFFICER. That is in effect what the statute says, and that is how the Chair has ruled.

Mr. LUGAR. I thank the Chair.

Mr. EVANS. Mr. President, I am sorry that I did not arrive here at the beginning of this exchange. I listened to a portion of it, and I understand at least what the ruling of the Chair is. I do not think that is the real issue.

Frankly, Mr. President, this is more an issue of Senate comity and appropriateness than it is of Senate rules. I cannot think of anything more unnecessary than for the Committee on Foreign Relations to act on and to vote upon and to pass out of committee this particular proposal when there was no opportunity to amend it, no opportunity to affect it in any way.

The action has absolutely no influence whatsoever on the actions of the Senate.

Committees are designed to be able to look at legislation, to analyze legislation, to amend legislation, none of which we could do under the rules as they have been interpreted and the rules as they were set forth in the continuing resolution last December.

All of the arguments, all of the debate will occur on the floor of the Senate, and I think that is totally appropriate.

There are some who chose, after the meeting this afternoon, to suggest that it was irresponsible not to be there. I think that is going far, far afield, for any Member of the Senate to say that. But, be that as it may, I do not choose to engage in that kind of admonition. I just believe that it was unnecessary.

The only conceivable reason for attempting to bring this to a vote in the committee was, perhaps, to influence—if there was to be any influence at all from a Senate vote in the committee—the House of Representatives in the vote they will take tomorrow. I do not think that is appropriate, either.

It seems to me that we would have been far better off to let the action take place on the Senate floor, where it will take place the day after tomorrow; let the debate be enthusiastic and complete; and it may even be a debate in which Senators come here and, in a live way, debate each other instead of an empty floor.

I do not look upon this so much as an aberration in the rules as really an unnecessary action of the committee and one which, frankly, disappoints me very much.

Mr. PELL. Mr. President, I appreciate the words of the Senator from Washington. I know that he has expressed unhappiness at times in the past with my chairmanship of the committee. But in this case, I believe that if there was any absence of comity, it was the choice of minority Members not to attend the meeting. Members knew full well the procedures set forth in House Joint Resolution 395 for consideration of Senate Joint Resolution 243, I was perfectly within the normal customs of the Senate in following the rules.

The Senator may not concur in my view. I think I am as conscious of comity as any Members of the Senate having served for the past 27 years, as a U.S. Senator.

TRIBUTE TO JUDGE ROBERT P. BRADLEY

Mr. HEFLIN. Mr. President, I am honored to rise, today, to pay tribute to Judge Robert P. Bradley, the presiding judge of the Court of Civic Appeals of Alabama. In December of last year, Judge Bradley announced that he will step down from the court at the end of his term in 1989. I am, indeed, sorry to see him relinquish his seat after what will be almost 20 years of outstanding service on the bench. Robert P. Bradley is a fine judge who has served Alabama and the law in an outstanding capacity throughout his lifetime. He should be proud of his record of achievement and his many, many successes.

Judge Bradley is one of those rare individuals whose life history repeatedly indicates the selfless service of others. He was born in Belleville, AL, and his father was a charter member of the Alabama Highway Patrol. Judge Bradley attended the University of Alabama where he earned both a B.S. degree in business administration, and an LLB degree from the law school.

Throughout his life, Judge Bradley has always recognized his duty, and has never hesitated in doing what he knew to be the path he should follow. When World War II broke out, he volunteered for the U.S. Navy as an enlisted man. After he attended law school, he served as the Assistant Attorney General of Alabama for many years, as the legal advisor to Governor John Patterson, interim prison commissioner for several months, and in December 1969, was appointed by Gov. Albert Brewer to the Court of Civil Appeals of Alabama.

During his tenure on the bench, Judge Bradley has earned the overwhelming respect, admiration, and dedication of the people of Alabama. He is a man of impeccable integrity who, in each case and in every matter that comes before him, endeavors to seek the truth and pronounce justice according to the laws of the State of Alabama and America, and according to his own conscience. Based on the fact that he has been reelected without opposition to three consecutive 6 year terms in office, I think it is clear the extent to which Judge Bradley has won the overwhelming trust and confidence of the people of Alabama.

In addition to his service on the Court of Civil Appeals, Judge Bradley has performed a vital service for my State as a member for 9 years and as chairman for 5 years of the Alabama Judicial Inquiry Commission. The commission was created by a Constitutional amendment in December of 1973, and its purpose is to investigate allegations of judicial misconduct in office, violations of canons of judicial ethics or disability, and is comprised of two lay people, three attorneys, and three judges. Judge Bradley served on the commission from its foundation in 1973 until 1981, and helped to guide it through various court challenges, and through its beginning years, thus ensuring its effectiveness as a forum for judicial accountability. For his service on the commission, Judge Bradley was given the Award of Merit by the Alabama State Bar.

Finally, one would think that the service to law and to justice as an attorney and as a judge would be enough for any one individual, but Judge Bradley has gone beyond this, and has taught at the Alabama State Trooper Academy in Selma for a number of years. I believe that the mark Judge Bradley has made on the law in Alabama and in America is profound, and is apparent to all. He is a remarkable individual—one of the old school who believes that true service to society is required of each individual, and is defined by the extent to which one uses the opportunities and talents that one possesses to the advantage of the community and society as a whole.

In closing, I would like to express my personal admiration for and gratitude to Judge Robert P. Bradley. He is a remarkable person who has well-served Alabama and America. His example of public service is one that people will long remember and will hold as a standard. I personally know of his contributions to the improvement of the judicial system. I want to personally thank him for his great contributions to improving Alabama's justice system.

Mr. President, I ask unanimous consent that the attached editorial which describes the outstanding service Judge Bradley has rendered to my State and to our Nation be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Montgomery Advertiser, Dec. 10, 1987]

JUDGE BRADLEY

Judge Robert P. Bradley of Brewton has not made many headlines over the years he's served as a public official.

He was legal adviser to former Gov. John Patterson, and acting prison commissioner for his friend, former Gov. Albert Brewer, before Brewer appointed him to the Court of Civil Appeals in 1969.

Bradley has announced his retirement effective in January, when he will turn 65.

But Bradley has played a crucial role in making Alabama's judicial system one of the most progressive in the country.

Bradley served for nine years on the Judicial Inquiry Commission, beginning with its birth in 1972, and spent the last five of those years as chairman of that disciplinary body. He stepped down as chairman in 1981 after leading it past criticism and legal challenges to its right to discipline judges.

The commission, consisting of an appellate judge, two circuit judges, two attorneys and two non-attorney citizens, can initiate, receive and investigate complaints concerning any judge of a court in the judicial system of the state.

If it finds evidence of violation of a canon of judicial ethics, misconduct in office or disabling physical or mental problems, the commission can file a complaint with the Court of the Judiciary, and can prosecute the complaint.

Bradley was honored by the Alabama State Bar with its highest award when he stepped down as chairman of the commission in 1981.

Last year, the U.S. Senate found itself snarled procedurally when a federal judge who had been convicted of tax evasion refused to relinquish either his seat on the bench or his salary until impeached by the Senate at considerable expense and time. U.S. Sen. Howell Heflin, former chief justice of the Alabama Supreme Court, suggested in proposed legislation that the federal government adopt a judicial disciplinary system based on Alabama's.

When Bradley retires from the bench next month as presiding judge of the Court of Civil Appeals, after more than 19 years of judicial service, he can take justifiable pride in knowing that his work helped make Alabama's judicial system a model for the nation.

For that, Alabamians are in his debt.

SENATOR INOUYE'S PROPOSAL TO RESCIND FUNDS FOR JEWISH REFUGEE SCHOOLS

Mr. KASTEN. Mr. President, yesterday the distinguished senior Senator from Hawaii, Mr. Inouye, announced his intention to move legislation in the Senate which would rescind the $8 million appropriation earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa.

I support Senator Inouye's proposal to rescind these funds.

Mr. President, there is absolutely no question in my mind, nor should there be in anyone else's mind, that Senator Inouye's motives in supporting this proposal were anything but honorable. Any suggestion to the contrary flies in the face of a three-decade public career characterized by integrity, honor, and dedication to the service of his country.

As the Senator indicated in his statement yesterday, the proposal followed the normal appropriations process, and was, at all times, in the open.

Mr. President, I support my chairman and will support his action to rescind the $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa.

MICHAEL CLYDE CAROZZA

Mr. DOMENICI. Mr. President, during my 15 years in the U.S. Senate, I have had the good fortune to have had the assistance of a dedicated and very professional staff. One of those valued staff for about half that time has been Michael Carozza.

Michael has been with me on the Budget Committee since 1982. He has been absolutely excellent in dealing with human resource issues during this time. Whether it was staffing the Social Security Commission in 1983 or more recently the Senate-passed catastrophic health bill, Michael has performed his responsibilities in a manner both professional and always with an understanding of the delicate political environment in which these critical programs must operate.

Thank you Michael for a job will done.

I will miss Michael, as I know other members of the Senate Budget Committee will also. I know his fellow staffers on the Budget Committees, both House and Senate, and his many friends and colleagues on the Finance and Ways and Means Committees also will express their gratitude for his counsel and assistance over the years.

We all join in wishing him continued success in his new position as Deputy Commissioner of Social Security for Policy and External Affairs. His work will continue there, I know, to reflect the high principles and dedication he has to public service, to which he has given so much these past years.

SUCCESSION IN TAIWAN

Mr. ROCKEFELLER. Mr. President, I arrived in Taiwan on January 13, less than 5 hours after the death of President Chiang Ching-kuo and only minutes after Vice President Lee Teng-hui was sworn in as the new President. Thirty-six hours later I was the first foreigner to meet with now-President Lee.

I would like to mention a few of my firsthand impressions of this succession process. First, it was very smooth and untroubled. President Lee was sworn in barely 5 hours after the death of Chiang Ching-kuo. The streets were quiet; the city was calm. Except for the declaration of a mourning period and lines of people waiting to pay their respects to the memory of President Chiang, there was nothing visibly out of the ordinary. Business went on as usual. The smooth nature and rapidity of the succession demonstrates the successful institutionalization and stability of the political process in Taiwan.

Second, this succession represents the end of an era which began 40 years ago with Chiang Kai-shek. It continued with his son, Chiang Ching-kuo, who recently began a series of dramatic changes to modernize Taiwan—both economically and politically. We are all aware of the fantastic economic developments on Taiwan—such incredible growth that we now have some serious trade issues between us. What many Americans do not realize is the increased movement toward democratic values in Taiwan over the last few years with the end of martial law, the growth of a legitimate political opposition, and the removal of restrictions on the press. A next step in this development is likely to be legislative reform.

Third, this represents the beginning of a new era in which many of those changes instituted under Chiang Ching-kuo will be deepened and expanded. Newly installed President Lee Teng-hui is a native Taiwanese and a most impressive individual, holding a Ph.D. from Cornell University in economics and having served as mayor of Taipei and Governor of Taiwan in addition to his experience as a university professor. He has a profound understanding of the current trade problems between the United States and Taiwan and is committed to getting this relationship back into a proper balance.

The United States has important economic, financial, strategic, and political interests in Taiwan, and a strong and healthy relationship is critical to both of us.

PRESIDENT REAGAN DEDICATES REBUILT ARMY AND NAVY CLUB

Mr. WARNER. Mr. President, at this time I would like to invite the attention of the Senate to a recent event of historic significance for this city of Washington, DC.

On Tuesday, January 12, 1988, the President of the United States, Ronald W. Reagan, personally participated in the dedication of the rebuilt Army and Navy Club on Farragut Square.

Together with other Members of the Senate and House, I have the privilege of being a Member of this renowned club. It was founded in 1885, and its first clubhouse at the corner of I and 17th Streets, was dedicated by President Benjamin Harrison. The second clubhouse, which was on the present site on Farragut Square, was dedicated by President William Howard Taft in 1912.

That clubhouse was demolished except for the landmark walls to make way for the construction of the new clubhouse. Thus, President Reagan was continuing a longstanding tradition when he participated, as the Third President to do so, in the dedication of a new Army and Navy Clubhouse.

The entire program was in keeping with quiet elegance of the clubhouse and the club's illustrious history. On arrival, the President was met and escorted by Brig. Gen. James D. Hittle, USMC (retired) club president, and Maj. Gen. Donald S. Dawson, USAF (retired) and Mr. Charles J. Graham, the club's vice president and general manager, respectively, on a tour of the club's second floor with its main ballroom, meeting rooms, memorabilia, rare military portraits, and de Welden sculptures. Proceeding down the grand staircase to the lobby, President Reagan symbolically reopened the new clubhouse by cutting the ribbon at the steps from the magnificent marble foyer.

The dedication ceremony took place in the club's chestnut-paneled main dining room before the press, network TV camera, and an audience of 150. As the Marine Corps Band, under the direction of Col. John R. Bourgeois, USMC, struck up "Hail to the Chief," President Reagan, accompanied by General Hittle, entered the room and proceeded to the dais.

At this point I include the introductory comments of the club president, General Hittle, and the dedicatory remarks by President Reagan:

INTRODUCTORY REMARKS BY BRIG. GEN. JAMES D. HITTLE, USMC (RETIRED), PRESIDENT THE ARMY AND NAVY CLUB

Mr. President, the clergy, members and friends. Mr. President, we regret the inconvenience that Friday's snowstorm caused you, and we deeply appreciate your generous consideration in rescheduling your presence with us. Since Friday we have conducted a very cursory research which discloses the fact that this is the only instance in recent times that a President of the United States has twice consented in five days to dedicate the same new clubhouse.

This is indeed an historic occasion. For the third time in a century, Army and Navy Club members are gathered with the President of the United States to dedicate a new clubhouse.

And as you know well, this third time is a very special one. For too long the issue was in doubt as we faced the dreaded call at home base of "three times and out".

But, of course, as this dedication and open house proves, we made it, and we made it because of the support and loyalty of our members; because of the endless and able efforts of our Vice President, Major General Donald S. Dawson, and the devotion of your General Manager, Mr. Charles J. Graham. Special tribute, also, goes to the members of the Board of Governors who throughout the rebuilding so ably supported the project. Our gratitude also goes to my predecessor, Lieutenant General John A. Kjellstrom, whose realism and determination was so vital to the project. Also, we recognize Mr. John Divett and Mr. Stephan Wingatae of London, who had the vision and courage to make this pace-setting project a reality.

I'm glad to report to you that this Army and Navy Club is not only surviving; it is thriving.

But it is more than a new building we are dedicating. In reality we are solemnly, in the presence of our Commander-in-Chief, re-affirming this Club's traditional adherence to the triad of virtues on which our nation was founded and depends: reverence, patriotism, and service.

These attributes may be fading in some places, but they are not fading in this "tepee on Farragut Square".

For more than a century, generations of Army and Navy Club members have answered their nation's call, shouldered arms and marched toward the sound of enemy guns.

Between such times, Club members gathered here, retold stories and refought battles; all of which were undoubtedly the better and the more exciting as a result of the retelling.

Yes, this great Club has been figuratively, and most certainly literally, a refreshing oasis where generations of warriors have rested on their long trek to their Valhalla.

It is for these reasons, Mr. President, we are so deeply honored by your presence here today.

In being with us you are continuing a treasured tradition of this Club. We could not have had a real reopening and dedication without you. However, the role of our nation's President in the affairs of The Army and Navy Club is not limited to a few occasions in a century. It is a tradition of this Club that all our official dinners are opened with a standing toast to the President of the United States.

As you may suspect, Mr. President, you are among friends. Through the years of your Presidency, Army and Navy Club members have applauded and supported your leadership. We have seen and appreciated your determined and successful efforts to restore our nation's military might, and with it a renewed respect for our Nation throughout the world. You have reinvigorated the spirit of patriotism and our citizens everywhere again exclaim with pride—I Am An American!

As those who have served, we know, too, that the indispensable ingredient of military strength is people. And, we know too, how much you have done to restore the prestige of the military uniform, and how much you have done to better the lives of those who wear it.

This morning we thank you for honoring The Army and Navy Club with your presence, and we salute you in a spirit of sincere admiration and respect:

Ladies and Gentlemen, the service man's friend, our Commander-in-Chief, the President of the United States.

PRESIDENTIAL REMARKS: DEDICATION OF THE REBUILT ARMY AND NAVY CLUB

General Hittle, General Dawson, Mr. Graham, ladies and gentlemen, in the old days, I'm told, The Army and Navy Club used to invite their neighbor, the President, to all their parties, and that Benjamin Harrison and Grover Cleveland even walked over for a toddy or two. Oh, for the good old days! But, if I had known that the Club was this beautiful, Nancy and I would have stopped by long ago. We would even walk, if the Secret Service would let us.

Well, the work for today is "congratulations." You've put together a beautiful building and a historic treasure. I'm amazed at your outstanding collection of art, especially the collection of sculptings by Felix de Welden. I always wondered where old generals and admirals went when they "just faded away." Now I know.

But nothing is more important than keeping alive the gallant tradition of our Armed Services—a tradition that adds up to a word, not just for today, but for all time—patriotism. As you know, I've visited our men and women in the Armed Services and their families all around the world—from Camp Liberty Bell and the D.M.Z. in Korea to Tempelhof in West Germany—and the one thing that's always struck me the most about them is their dedication to country.

They take a little bit of America with them every place they go, no matter how far, to make it more like home. We all know there's no place like home. But these men and women are willing to be away from this home that they love so that other countries remain free.

And so, I've got a report to bring you from the front: I've talked to admirals and generals alike on bases from Iceland to Guam and they've told me stories about how their troops—U.S. troops—are best trained, best equipped, and best-educated troops around. To sum it up, what we have right here and now is the best darn group of young men and women in uniform that this Nation has ever seen—and we're proud of them.

I was honored when you invited me to dedicate your new clubhouse as the Army and Navy Club begins its second century. General Hittle assures me that I am among friends. But, then I knew that already. No group of men and women has given more steadfast support to the Commander-in-Chief, no matter what his name was, no matter what party he represented. And, in particular, I will never forget that you've supported me during some of my toughest hours as President. You weren't drafted. You volunteered. And when others broke ranks and fled, you stood your ground. So I salute you, not only for the help you have given me over the past 7 years, but for the help your Club has given my predecessors, and will give my successors for generations to come.

Upstairs I couldn't help noticing the busts of President Eisenhower and President Truman, but when I saw that picture of General "Hap" Arnold standing in front of a B-17, I had to resist my instinctive urge to come to attention. You know General Arnold was my boss some 40 years ago. And he ran a tough Air Force. Just ask the fellows on the other side.

General Hittle told me, too, that Gary Cooper filmed many of the scenes of "The Billy Mitchell Court Martial" right here at the Club. But he says that the members wouldn't let the cameras in until after midnight, after the members had gone to bed. Well, I'm grateful that you didn't impose that kind of schedule on me. And I know Nancy would feel the same way.

In December of 1985, according to your records, after the founders signed the papers of incorporation, they retired to a warm room to drink a toast: "To the Club." I'd like to repeat that salute to you today. For a century, The Army and Navy Club has played an important role in the life of the Republic. May the second century eclipse the first. And so, ladies and gentlemen, "To the Club."

The invocation was pronounced by Father Joseph Sheehan, of St. Stephen's the Martyr Catholic Church, and Maj. Gen. Gerald Marsh, USAF (Chaplain) pronounced the benediction.

COAST GUARD'S CLOSING OF THE GLENVIEW AIR RESCUE STATION

Mr. DIXON. Mr. President, the Coast Guard has announced, due to budgetary reasons, that it will close the Glenview Air Rescue Station. The Glenview Station is a source of pride for all of Chicago. On the average, this Coast Guard station saves over 20 people each year from drowning in Lake Michigan. Since 1981, more than 150 lives have been saved by Glenview Station personnel. No dollar amount can truly reflect the value of this service.

However, according to the Coast Guard, its worth does not warrant keeping the Glenview Station open.

The Coast Guard is facing a $105-million shortfall for fiscal year 1988. This shortfall, according to the Coast Guard, forces them to permanently close some of their more unproductive stations.

Mr. President, I want to make it clear that the Coast Guard does not have to close the Glenview Station. As a matter of fact, they have enough money this year to keep it open. They are closing it specifically because they expect further cuts next year. They are closing Glenview today for shortcomings in the future.

According to the Coast Guard, the Glenview Air Rescue Station is the least productive air rescue station, and therefore must be closed down. More than 150 lives saved in 6 years is not enough. Twenty lives saved a year does not meet the Coast Guard's annual quota.

There are a total of 28 Coast Guard air rescue stations. The Glenview Station is the only one out of 28 marked for closing. Why is it necessary to close the Glenview Station, and none of the others? Why can't the Coast Guard make cutbacks on all stations rather than totally depriving the Chicago area of the essential and proven service of the Glenview Air Rescue Station?

A Chicago Tribune editorial sums up the problem with this sort of decisionmaking. As it points out:

> There's an old saying that covers situations like this: If it saves even one life, it's worth it. Sometimes that's too broadly stretched to make a case, but what is the value if it saves 20 times over.

The Coast Guard says Chicago will be fine. According to them, the area can be adequately served by the air rescue station in Traverse City. But, as the Chicago Sun Times points out, a helicopter from Traverse City, "takes an hour and 40 minutes to get to the southern portion of Lake Michigan. That response time is unacceptable." Who can tread water for an hour and 40 minutes. People will drown while the helicopter is still in the air.

Mr. President, last year the Coast Guard tried to close Glenview down, and the Illinois delegation fought that decision and saved the station. Chicago cannot afford to have the Glenview Air Rescue Station closed down. Every year, the future of 20 lives depends on the ability of the helicopters to arrive in time.

I ask unanimous consent that the January 27, 1988, Chicago Tribune editorial and the January 28, 1988, Chicago Sun Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 27, 1988]

SAVING LIVES SECOND TO SAVING MONEY

Lake Michigan is not some little pond. It is a huge inland sea, as dangerous and capricious as any in the world. It will be even more dangerous if the U.S. Coast Guard insists on retreating from its mission of helping protect the people who use it.

That is exactly what the Coast Guard intends to do by closing its helicopter rescue operation at the Glenview Naval Air Station. The official explanation given U.S. Rep. John Porter, who helped save the unit once before, is that the Coast Guard has to cut $100 million from its budget. Because the helicopter station is among its least-active facilities, it will have to go.

That thinking is as shortsighted as it is callously bureaucratic. No one will argue against slicing the fat from military spending, or that the cuts shouldn't start with eliminating or consolidating superfluous operations. But the operations at Glenview doesn't fit either case.

Established in 1969, the two-chopper, 43-person contingent has been saving an average of more than 20 lives a year. That may not be enough to satisfy a military accountant's cost/benefit analysis, but it has made a critical difference to the people plucked from Lake Michigan, and until now it has been a historic responsibility of the Coast Guard.

Air search and rescue in the future will have to come from the Coast Guard's station at Traverse City, Mich., or the Chicago Fire Department's aging, two-helicopter unit. But Traverse City is about two hours away by air and the Fire Department—which had 201 emergency calls of its own last year—doesn't have the resources to expand its operation.

Rep. Porter, now joined by Sen. Alan Dixon, said he'll fight to keep the Glenview operation open, by legislation if necessary. The Coast Guard should spare everyone the flight by reversing its decision.

There's an old saying that covers situations like this: If it saves even one life, it's worth it. Sometimes that's too broadly stretched to make a case, but what is the value if it saves 20 times that?

[From the Chicago Sun Times, Jan. 28, 1988]

RESCUE COAST GUARD UNIT

What's the reasoning behind proposed budget cuts that would close the only Coast Guard air rescue unit serving the southern portion of Lake Michigan?

Granted, a huge budget deficit requires cutting unnecessary programs, but the Coast Guard unit deals in saving lives, and we reject a price tag on that.

The Coast Guard commandant, Adm. Paul A. Yost, explains that the Glenview-based unit didn't see a lot of action. Does that justify bypassing the long coastline of the nation's third largest city, where squalls on the lake have been historically notorious for boaters?

In the last six years, the Glenview unit has rescued 143 people from the lake, at an annual cost of $2.78 million (an amount that pales in contrast with many of Congress's pork barrel handouts).

Without the Glenview unit, the Chicago area will be dependent on an air rescue operation based at Traverse City, Mich. A helicopter from there takes an hour and 40 minutes to get to the southern portion of Lake Michigan. That response time is unacceptable.

We appreciate that the Coast Guard would maintain its local surface craft, and that the Chicago Fire Department is studying the use of its own helicopter in lake rescues.

But these should be backups to the primary rescue unit, the Coast Guard helicopters. Sen Alan J. Dixon (D-Ill.) and Rep. John E. Porter (R-Ill.) are fighting to save them. Illinois other congressmen should join their effort.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day";

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month";

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week"; and

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2566) to amend the National Parks and Recreation Act of 1987, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1983) authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, unfavorably without amendment:

S.J. Res. 243. Joint resolution relating to Central America pursuant to H.J. Res. 395 of the 100th Congress (Rept. No. 100-282).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. Res. 373. An original resolution authorizing expenditures by the Committee on Labor and Human Resources.

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. Res. 374. An original resolution authorizing expenditures by the Select Committee on Indian Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. Moynihan, Mr. DeConcini, Ms. Mikulski, Mr. Cranston, Mr. Armstrong, Mr. Weicker, Mr. Dodd, Mr. Wilson, and Mr. Sarbanes):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide that employer subsidies for mass transit and van pooling be treated as working condition fringe benefits which are not included in gross income to the extent such subsidies do not exceed $60 per month and to increase the gas guzzlers tax; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Bentsen, and Mr. Burdick):

S. 2024. A bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines; to the Committee on Environment and Public Works.

By Mr. MELCHER (for himself and Mr. Burdick):

S. 2025. A bill to amend title II of the Toxic Substances Control Act; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Pell, Mr. Helms, Mr. Glenn, Mr. Proxmire, Mr. Kerry, Mr. Adams, Mr. Sanford, Mr. Moynihan, Mr. Simon, Mr. Biden, Mr. Sarbanes, Mr. Levin, and Mr. Leahy):

S. 2026. A bill entitled the "Atomic Energy Law Enforcement Act of 1988"; to the Committee on Foreign Relations.

By Mr. QUAYLE:

S. 2027. A bill to amend the Public Health Services Act to improve health benefits for workers in the United States; to the Committee on Labor and Human Resources.

By Mr. BREAUX:

S. 2028. A bill to reform the regulation of oil pipelines; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 2029. A bill to amend Public Law 96-586, relating to the disposal of certain Federal lands in Nevada, to require the Secretary of the Interior to purchase necessary lands at 1980 prices; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. Bradley, Mr. Chafee, Mr. Biden, and Mr. Roth):

S. 2030. A bill to amend the Marine Protection, Research, and Sanctuaries Act; to the Committee on Environment and Public Works.

By Mr. RIEGLE (for himself and Mr. Dole):

S.J. Res. 249. Joint resolution designating June 14, 1988 "Baltic Freedom Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY from the Committee on Labor and Human Resources:

S. Res. 373. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. INOUYE from the Select Committee on Indian Affairs:

S. Res. 374. An original resolution authorizing expenditures by the Select Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. STEVENS (for Mr. Warner (for himself, and Mr. Trible)):

S. Res. 375. A resolution relative to the death of Representative Dan Daniel, of Virginia; considered and agreed to.

By Mr. KENNEDY:

S. Res. 376. A resolution commending the Washington Redskins on winning Super Bowl XX11; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. Moynihan, Mr. DeConcini, Ms. Mikulski, Mr. Cranston, Mr. Armstrong, Mr. Weicker, Mr. Dodd, Mr. Wilson, and Mr. Sarbanes):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide that employer subsidies for mass transit and van pooling be treated as working condition fringe benefits which are not included in gross income to the extent such subsidies do not exceed $60 per month and to increase the gas guzzlers tax; to the Committee on Finance.

EXCLUSION OF EMPLOYER SUBSIDIES FOR TRANSPORTATION FROM GROSS INCOME

Mr. D'AMATO. Mr. President, I rise today to introduce legislation increasing the limit on employer-provided mass transit fringe benefits from the allowable of $15 a month to $60 a month.

Mr. President, the idea of raising the mass transit fringe benefit originated with Mayor Koch of New York City.

The bill would also double the so-called gas guzzler tax to assure revenue neutrality. Under current law, an employer can provide only $15 a month of tax-free mass transit subsidies to his employee. If the fringe benefit exceeds $15 a month, then the entire subsidy becomes taxable income to the employee. This not only raises the employee's taxes, but also triggers immense reporting requirements and withholding taxes to be incurred by the employer.

In my home State, workers shoulder an extraordinary burden commuting into New York City. For instance, the 276,000 commuters who use the Long Island Railroad each workday pay an average of $140 a month, and this does not even count the bus and subway cost.

The $15 monthly limit on mass transit subsidies is an insult to hard-working men and women. This is especially true in comparison to the fringe benefits available to people who drive to work. We have a discrimination. Let me go along and explain this.

The Tax Code allows an employer to subsidize 100 percent of an employee's parking costs tax free. So that the American taxpayer is paying for the big limousine that is parked in the most expensive parking spots in America. And that is the case whether it be in New York, Chicago, or Dallas. We have a Tax Code that says if you drive to work and if you park there that parking cost can be absorbed as a legitimate business deduction, a fringe benefit to the employee, and in most of those cases those employees are not the secretaries, the typists, the people in the steno pool, or the daily worker. They are the senior management.

Let me tell you what the average cost for parking in New York is. It is $192 per month. The city estimates that 43 percent of the drivers receive tax-free employer-provided parking subsidies. We talk about having an environmental crisis with these automobiles coming into the major centers and yet we are subsidizing them to do that.

Mr. President, the Tax Code clearly discourages the use of mass transit. The partner in a law firm who takes a limousine to work can recover his entire parking cost tax free. We, the American taxpayers, are paying for it, but the secretary who takes the train, bus, or subway to work gets no subsidy.

My bill establishes a tax-free $60 per month employer-provided fringe benefit.

Let us understand what we are saying by tax free. We are saying that the employer can pay up to $60 for the person who uses the bus, mass transit, the commuter system, and that person does not have to pay income tax on it.

The bill would also force employers to comply with nondiscrimination rules so the fringe benefit is offered to all of the employees, not just the bosses up at the top.

Interestingly, these nondiscrimination rules do not currently apply to employer-provided parking subsidies. It would be hard to think of again the subordinate who would get that. This is really held out as a plum for top management people, and we, the American taxpayers, are paying for that.

Mr. President, the Joint Committee on Taxation has estimated that this proposal would cost the Treasury some $400 million over 5 years. How do we pay for this? I do not think we should go to the American taxpayers and say, "You are going to have another burden."

We intend to offset this by doubling the gas guzzler tax which is paid on the purchase of certain new low mileage cars. This tax is currently based on a sliding scale ranging from $500 to

$3800 for cars that get less than 22½ miles per gallon. So, really, that is why we call it the gas guzzler tax. If you get less than 22½ miles per gallon, you pay an additional tax. That is the present law now.

According to the Environmental Protection Agency, in model year 1988 only the most expensive imported cars triggered this tax. There are absolutely no domestic-made cars that are impacted by this tax.

Off road and emergency vehicles are exempted by statute and at the conclusion of my remarks I will attach a chart listing the cars that trigger this tax, their mileage and purchase price.

Mr. President, it is just plain common sense that commuters who use mass transit be offered similar benefits as those who drive to work. The tax code currently discriminates against mass transit. The legislation being introduced today will reduce that inequity.

Mr. President, I ask unanimous consent that the table outlining the impact of the gas-guzzlers' tax in 1988 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CARS SUBJECT TO THE GAS GUZZLERS TAX IN 1988 (IRC SEC. 4064)

[Sources: Makes and models—EPA prices—Washington, DC dealers]

Make	Model	Miles per gallon	Price	Current tax	Current tax as percent	Doubled tax	Doubled tax as percent
Aston Martin	Saloon/Vantage/Volante	11.0	$110,000	$3,850	3.5	$7,700	7.0
Do	Lagonda	11.0	167,000	3,850	2.3	7,700	4.6
BMW	528	21.7	33,000	500	1.5	1,000	3.0
Do	535	20.1	39,000	850	2.2	1,700	4.4
Do	735	19.0	55,500	1,050	2.1	2,100	4.2
Do	750	16.4	70,000	1,500	2.1	3,000	4.2
Mercedes Benz	300 TE	21.3	46,980	650	1.4	1,300	2.8
Do	300 SEL	20.8	52,650	650	1.2	1,300	2.4
Do	420 SEL	18.9	58,150	1,050	1.8	2,100	3.6
Do	560 SEL	17.1	68,660	1,500	2.2	3,000	4.4
Do	560 SEC	17.1	75,850	1,500	1.9	3,000	3.8
Do	560 SL	17.6	61,130	1,300	2.1	3,600	4.2
Ferrari	328 GTS/GTB	17.3	74,961	1,500	2.0	3,000	4.0
Do	3.2 Mondial/Cabriolet	17.3	79,400	1,500	1.9	3,000	3.8
Do	Testarossa	13.5	121,500	2,700	2.2	5,400	4.4
Jaguar	XJ–S	16.7	44,950	1,500	3.3	3,000	6.6
Do	XJ–SC	16.7	58,865	1,500	2.5	3,000	5.0
Porsche	911 Turbo	21.7	64,000	500	0.7	1,000	1.4
Do	928 S4	20.8	65,400	650	0.9	1,300	1.8
Volvo	740	21.2	23,000	650	2.8	1,300	5.6
Do	760	21.2	32,000	650	2.0	1,300	4.0
Do	780	21.2	38,000	650	1.7	1,300	3.4
Lamborghini	Countach	8.8	138,850	3,850	2.8	7,700	5.6

Mr. D'AMATO. Mr. President, over a period of years my senior colleague from New York, Senator MOYNIHAN, has fought long and hard to increase mass transit fringe benefits.

Mr. MOYNIHAN. Mr. President, today I join my distinguished colleague from New York in introducing a bill to restore rational environmental and transportation policy in the tax code. Current tax law produces a significant bias against the use of mass transit, which conflicts with sensible environmental and transportation policy. Under current law, an employer can provide free parking to employees without tax consequences to them, but if the same employer wants to provide discounted bus or subway passes, any amount over $15 per month produces a tax liability for the employee. In short, you get a better deal under the Tax Code if you drive to work.

This does not make sense, and the bill I cosponsor today restores some sense by reducing the current tax bias against the use of mass transit. The bill raises from $15 to $60 per month the current cap on the amount of transit benefits that can be provided to an employee without being taxed as compensation. Raising the limitation puts transit benefits on a closer par with free parking, so that the Tax Code does not encourage driving over the use of mass transit.

How did the Tax Code come to discourage mass transit? The answer goes back to the Deficit Reduction Act of 1984, in which Congress attempted for the first time to deal comprehensively with the tax treatment of employee fringe benefits. Employer-provided free parking was pretty much a fact of life throughout the country, and many thought it should not be treated as taxable compensation. So employer-provided parking fringe benefits were exempted from taxation.

Once parking fringe benefits got exempted, something had to be done to provide a measure of equal treatment for other modes of transportation. Over in the House, Representative RANGEL secured a provision, which I persuaded my fellow Finance Committee members to accept in conference, that allowed tax-free treatment of mass transit fringe benefits, capped at $15 per month. That was the best we could get at the time, given strong opposition by the Treasury, but we got the principle established.

The legislation I cosponsor today will make further progress in eliminating the Tax Code bias against the use of mass transit. In comparison to unlimited tax-free treatment for parking, a $15 cap on mass transit benefits is heavily discriminatory. The current law benefit parking dwarfs the provision for mass transit. The value of off-street parking in New York City's central business district is now about $250 per month; in Boston, $245; in Los Angeles, $120. These entire amounts can be received tax free. By contrast, only $15 per month of mass transit benefits can be received tax free, and if that amount is exceeded, the entire amount becomes taxable. The legislation I cosponsor today raises the $15 cap to $60 per month, and eliminates the cliff effect when the $60 allowance is exceeded. The goal is to improve the equity—and common sense—of the Tax Code.

A higher cap cannot be provided without some cost. It is estimated that raising the cap to $60 per month will lose some $400 million in revenue over 5 years. The legislation includes a proposal for offsetting this cost: a doubling of the gas guzzler tax on new cars sold domestically whose average gas mileage does not exceed 22½ miles per gallon. There may be other ways to raise the necessary revenue, and my colleagues and I on the Senate Finance Committee will have to weigh a number of options. The important thing is to do something about the cap on mass transit fringe benefits.

As long as the Federal Tax Code discriminates against mass transit, a key goal of the Federal Government—cleaner air for our cities—will be frustrated; 90 percent of the carbon monoxide and 50 percent of the ozone fouling New York City's air can be traced to automotive exhaust. Pollution from cars and trucks remains a major reason that many urban areas are unable to meet the requirements of the Clean Air Act. New York City officials estimate that up to one-quarter of those who now drive into Manhattan would likely switch to mass transit, if the cap on employer-provided mass transit benefits were removed and their employers provided the benefit.

An issue of tax fairness is involved as well. Those who drive to work tend to be more affluent taxpayers. Should they receive unlimited parking fringe benefits while those using mass transit are restricted to $15 per month? I think not, and today's legislation changes that.

In the name of rational environmental and transportation policy, and tax fairness, I urge my colleagues to support equal tax treatment for mass transit benefits.

Mr. WEICKER. Mr. President, I am pleased to join again with Senators D'AMATO, DODD, MOYNIHAN, and others in introducing legislation to encourage more citizens to make their daily commutes on mass transit. During the first session of this Congress, I cosponsored S. 1757 which would have provided that an employer's subsidy for mass transit and van pooling be treated as working condition fringe benefits. Such benefits are not included in an employee's gross income. That bill would have allowed for an unlimited subsidy. The legislation we offer today would raise the limit from $15 per month to $60 per month.

Currently, the Tax Code allows an unlimited subsidy for parking costs of people who drive to work whose parking costs are paid by their employers; yet, if an employer reimburses a worker more than $15 per month for using mass transportation or van pools the entire amount of the payment would be taxable income to the employee. This policy discourages employers from giving more than $15 per month, encourages workers to drive to work rather than use mass transit. Furthermore, it only exacerbates our problems in fighting air pollution.

Mr. President, automobile pollution is one of the main reasons many of our major metropolitan areas and cities were not able to meet December 31, 1987, Clean Air Act standards for carbon monoxide and ozone. In my own State of Connecticut, the State in general and two of its urban areas in particular have been found to be in violation of Federal law. Connecticut fails to meet the ozone standard and the cities of Hartford and Stamford have not met reduced levels of carbon monoxide. In order to be able to meet those air quality standards automobile traffic in these areas must be reduced, and our tax laws should reinforce our environmental policy by encouraging greater use of mass transit.

In addition to the benefit to the environment, encouraging mass transit commuting would not only help reduce traffic congestion it would also promote energy conservation. During the energy crisis of the 1970's, van pooling programs emerged as a means to save energy. Since then, with supplies up and prices down we have become less concerned about our use of energy.

Transportation in this country consumes over 60 percent of the oil used every year. Our use of imported oil is rising at an unprecedented rate while our domestic reserves are declining. I am concerned that if this pattern continues we will once again find ourselves more heavily dependent on Mideast oil supplies and another possible energy crisis. In my view, it is important that we reestablish a gas conservation ethic. That is why I have proposed separate legislation to increase the gas tax at the pump; the legislation that we introduce today would also move us in a direction to restore that conservation ethic.

In central business districts around the country the average cost of parking ranges from $150 to as much as $400 per month. This could amount to an annual tax-free subsidy of $1,800 to $4,800 for driving to work; this compares to a maximum $180 annual tax-free subsidy to an employee for mass transit. The Joint Committee on Taxation estimates that the revenue costs of the employer-provided parking is $1.5 billion per year. By comparison, elimination of the $15 per month cap for employer-provided transit fares and vanpool programs as proposed by S. 1757 would cost $35 million.

The legislation we are introducing today, however, would raise the cap for the mass transit fringe benefit to $60 per month. The Joint Tax Committee estimates the cost would be $400 million over 5 years. To offset the cost we propose to double the gas guzzler tax. Thus the proposal would be revenue neutral.

Mr. President, this legislation would address an inequity which currently exists in our Tax Code and it would help encourage workers to get out of their cars and use mass transportation. It is a small step, but it is a step in the right direction. It also would be consistent with other important national policy objectives. I urge my colleagues to support the bill.

By Mr. BAUCUS (for himself, Mr. BENTSEN, and Mr. BURDICK):

S. 2024. A bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to Extend Certain Deadlines; referred to the Committee on Environment and Public Works.

LEGISLATION TO AMEND THE ASBESTOS HAZARDOUS EMERGENCY RESPONSE ACT

● Mr. BAUCUS. Mr. President, today Senator BENTSEN and I are introducing legislation to extend the statutory deadline for local educational agencies to submit asbestos in schools management plans to State Governors from October 12, 1988, to October 22, 1989. The legislation further extends the statutory deadline for implementation of management plans by 1 year.

Congress took an important step in passing the Asbestos Hazard Emergency Response Act. This act, which became law in October 1986, required the Environmental Protection Agency to set standards for asbestos identification and abatement in school buildings. This legislation provided an important action to help protect this Nation's children from exposure to hazardous asbestos fibers.

We must continue to move toward the achievement of this important objective. It is not the intention of this proposed legislation to signal a lack of commitment to protecting the health of the school children of this Nation.

Rather, the purpose of this legislation is to continue to move forward in achieving the health protection goal while providing adequate time for local school boards to incorporate public health protection objectives into local budgetary cycles. A 1-year extension of the statutory deadlines will allow both objectives to be achieved.

Asbestos is a generic term for a group of naturally occurring fibrous minerals. For a period of approximately 30 years, beginning in the 1940's asbestos containing materials were used extensively in construction and renovation of schools. Asbestos can be found throughout schools were it was used to fireproof, insulate, and soundproof.

Asbestos is a known human carcinogen. Medical studies beginning in the 1930's demonstrated a correlation between exposure and a debilitating lung disease known as asbestosis. Asbestos has also been linked to two types of cancer: mesothelioma (cancer of the membranes that line the chest and abdomen); and lung cancer.

The use of asbestos containing materials in schools does not pose a direct threat to the Nation's school children. The direct threat is posed when these materials are damaged and hazardous fibers are released to the air. As long as the materials were maintained in good condition and were not disturbed, school children are relatively safe from exposure. The problem occurs when building maintenance, repair or other activities disturb or damage the materials. When this type of damage occurs, asbestos fibers can be released posing threats to public health and the environment.

It was to guard again this treat that Congress enacted the Asbestos Hazard Emergency Response Act. We must continue to move to achievement of this objective. The proposed amendment to this act does not signal a retreat from the goal to protect the school children of this Nation from hazardous asbestos emissions, rather, the legislation is meant to ensure that local school districts have a short 1-year extension of the time to achieve the important objectives of protecting this Nation's children from hazardous exposure to asbestos fibers.●

● Mr. BENTSON. Mr. President, Senator Baucus and I are today introducing legislation to extend for 1 year the statutory deadline for local educational agencies to submit asbestos management plans to their Governors and State coordinating agency. The present deadline is October 12, 1988. The new deadline will be October 22, 1989. The period of time for implementation of management plans is also extended by 1 year.

When Congress enacted the Asbestos Hazard Emergency Response Act in 1986, we were responding to an acute problem in public and private schools around the United States. At that time the best estimates of the Environmental Protection Agency [EPA] were that some 31,000 schools in the United States incorporate building materials that contain asbestos. That situation had to be remedied, and it was the sense of the Congress that the remedy come sooner than later. I supported that goal. I still do.

Under AHERA, EPA was mandated to promulgate regulations within a year: First, regarding the identification and inspection of all public and private buildings for asbestos-containing materials; and second, directing local educational agencies to take appropriate action to control the release of asbestos fibers. These activities were to be described in management plans to be submitted to State Governors and approved by them. EPA promulgated its final rule October 17, 1987.

What we have learned in the interim, however, is that the problem is of such great proportion that the deadlines we set were unrealistic. In order for local school districts to do the job efficiently and comprehensively, more time had to be provided. Several States have made this clear to the Congress. In my own State, for example, there are some 1,065 public school districts. These school districts own more than 25,000 buildings, containing more than 400 million square feet. The Texas Health Department estimates that a minimum of 175,000 samples are required to inspect properly and fully all of this space. But that is just the beginning of the problem.

According to Texas school boards, at this time our State does not have sample processing and laboratory capacity to do the job right. This is not the kind of job that can be done in haste, and not a few school boards in the State are concerned that hastily analyzed samples will result in faulty sample readings. According to the Texas Department of Health, a laboratory employee can perform no more than 12 samples per day without incurring eye strain. Even if it is possible to increase this productivity rate per lab employee, the job still cannot be done within the current statutory timeframe. Add this to the number of work days it will take in inspect the thousands of buildings in Texas—some 8,000 work days, I understand—and the problem comes more clearly into focus. Texas also needs more time to get more asbestos training schools accredited by the EPA. It now has only two such schools that meet Federal standards.

The school districts also need more time to get their personnel trained to do some of the inspections. That would be cost effective. Finally, Texas estimates compliance costs will be approximately $60 million. This is a price that must be paid, but some consideration must be given to the ability to pay. The Federal Government is not footing this bill. Texas is. Many school districts in our State are independent units of local governments with their own taxing authority. Many of them had set their rates and passed their budgets before EPA ever finalized and published its AHERA regulations.

The plain facts point to the need to extend the deadline. That is the best way to avoid long term exposure to our children of asbestos containing materials. As Senator Baucus has pointed out, asbestos containing materials in schools do not pose a direct threat to school children and school personnel so long as they are undisturbed. The primary danger occurs when these materials are damaged in some way and the asbestos fibers circulate in the air. Texas school districts are working to make sure that no disturbances occur. They, as much as we do here, have the safety of our children in mind. I fully intend to work with parent teacher associations in my State and the various teacher organizations to make sure that we solve this problem once and for all.

I want to make certain that we do it right, not proceed in some slipshod way, claiming that we have improved the safety of our schools when all we have done is completed only part of the job. This bill will help to make sure that we do it right. That is all the public ever asks of us.●

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Pell, Mr. Helms, Mr. Glenn, Mr. Proxmire, Mr. Kerry, Mr. Adams, Mr. Sanford, Mr. Moynihan, Mr. Simon, Mr. Biden, Mr. Sarbanes, Mr. Levin, and Mr. Leahy):

S. 2026. An Act entitled the "Atomic Energy Law Enforcement Act of 1988"; to the Committee on Foreign Relations.

ATOMIC ENERGY LAW ENFORCEMENT ACT OF 1988

Mr. CRANSTON. Mr. President, I am today joining with a bipartisan group of key Senators—including the chairman and the ranking member of the Senate Foreign Relations Committee—to introduce a small but important bill, the Atomic Energy Law Enforcement Act.

A similar measure is being advanced in the House by Representative Mel Levine, Representative Howard Wolpe, and others.

This bill will do just one thing.

It will uphold the rule of law by making clear in binding statutory language that Congress must approve the controversial new agreement for tons of commercial plutonium shipments to Japan before this agreement enters into force.

I and others will make certain that this bill enjoys the force of law, if necessary, by attaching it to such must legislation as the debt ceiling, a supplemental appropriation, or other vehicles not easily vetoed.

I am dismayed that these steps have proved necessary. But the administration is ignoring the law. And they are ignoring the legally binding, forcefully expressed objections of 15 of 19 members of the Senate Foreign Relations Committee.

The issue is complex. But the facts are quite straightforward.

Late last year a deeply divided Reagan administration asked the Senate to approve a new agreement to govern United States nuclear cooperation with Japan.

This proposed new agreement, which would supplant an existing accord that runs through the year 2003, would give away completely the United States right to approve commercial use of several metric tons of nuclear bomb-grade plutonium each year by Japan.

The agreement anticipates two to three shipments over and through the United States of hundreds of pounds of plutonium each month for at least the next 30 years.

The agreement proposes to abandon the bipartisan policy of our Government, first enunicated by President Gerald Ford, which discourages widespread commercial use of plutonium.

It therefore came as no surprise that the proposal to depart radically from past U.S. policy was opposed by the Secretary of Defense on urgent national security grounds.

The Department of Defense opposed this agreement in writing.

So did the independent Nuclear Regulatory Commission.

And so have majorities of both the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

In fact, opposition to this accord in its present form unites critics in the executive and legislative branches, progressives and conservatives, Democrats and Republicans, nuclear enthusiasts and skeptics.

At issue is not nuclear power per se. The issue here is the national security interests of the United States, which are inadequately protected by the draft accord.

The Senate Foreign Relations Committee took extensive testimony on this question in two December sessions. We found that the State Department negotiators propose to give away completely the United States right to approve commercial plutonium shipments, shipments which will move through the United States each month in casks that have not been created and tested, to be used in Japanese facilities that have not yet been designed, to be protected by safeguards that have not yet been invented.

The proposal, the committee concluded, is an extreme environmental hazard, a proliferation peril and a would-be terrorist's dream come true.

The senior Senator from North Carolina, JESSE HELMS, and I do not often agree on international security issues. But we both agree that the proposed new United States-Japan agreement is flawed. We both raised a number of questions about this scheme, as did Senator ADAMS, who termed the scheme "outrageous," as did Senator MURKOWSKI, who has deep concern about it in his home State, as did Senator GLENN in detailed, painstakingly researched, and devasting testimony.

The Foreign Relations Committee voted 15 to 3 that the draft agreement was not in compliance with the key provisions of the Atomic Energy Act, and must therefore be returned to the President for renegotiation, or resubmission with a waiver of these key provisions. The committee asked for prompt consultations with senior administration officials, with a reply requested by January 11.

But we have received no substantive response whatsoever—though there have been press leaks about an aggressive lobbying strategy to mislead Senators and to try to pull off a procedural end run on the Congress of the United States, rumors about shipping the plutonium via French Guyana and Polynesia, or ruses about shipping it by boats—as if the specter of a string of merchant ships spread out across the high seas with dozens of bombs worth of toxic plutonium would mollify Senators just because it wouldn't be flying through their home States.

Mr. President, I am eager to work with this administration to resolve this issue. There are men and women of good will downtown who understand—indeed, who share the legitimate concerns the Congress has expressed about widespread commercial use of plutonium.

But I want to make clear here and now that there are many of us in Congress who will not allow this agreement to move forward until its defects are remedied.

We will not tolerate procedural games and parlimentary end runs by the State Department negotiators.

And while we look forward to the beginning of a serious dialog with administration officials, we will do all in our power to block the entry into force of this new accord.

We have a number of options which we will advance in the days ahead—including pressing the Atomic Energy Law Enforcement Act into law.

And we do not rule out a court fight.

We will seek to ensure that the law is upheld. We will seek to protect the rights and the responsibilities of Congress to approve any new nuclear agreement which does not satisfy basic national security safeguards contained in the Atomic Energy Act. Our purpose is simply to uphold the position of the Senate as expressed in our December 19 letter to the President.

I hope we do not have to engage in a parliamentary confrontation. I hope we do not have to contest this draft new agreement with Japan, and all licenses and contracts pursuant to it, in courts of law. I hope we can work with the executive branch in the same spirit of cooperation which marks our present dialog on the INF Treaty to address concerns about blanket approvals for commercial plutonium use.

If not, we're going to have a prolonged fight on our hands, a fight which can help protect our national security interests, but which can do little to improve United States-Japan relations, not to mention relations between Congress and the executive branch.

Mr. President, I ask unanimous consent that the full text of the Atomic Energy Law Enforcement Act of 1988 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atomic Energy Law Enforcement Act of 1988".

SEC. 2. REQUIREMENT FOR RESUBMISSION OF PROPOSED AGREEMENT.

The proposed Agreement for Cooperation between the Government of the United States and the Government of Japan Concerning Peaceful Uses of Nuclear Energy which was submitted to the Congress by the President on November 9, 1987, shall not become effective unless—

(1) in accordance with the Export Administration Amendments Act of 1985 and the recommendation of the Committee on Foreign Relations of the Senate, the President resubmits that Agreement to the Congress pursuant to section 123d. of the Atomic Energy Act of 1954 with an exemption from requirements of section 123a. of that Act; and

(2) as provided in the second proviso of section 123d. of that Act, the Congress enacts a joint resolution stating that Congress does favor that Agreement.

Mr. ADAMS. Mr. President, I am pleased to join my colleagues in introducing this legislation today. I want to compliment Senator CRANSTON, in particular, for his leadership on this issue. I am proud to stand up here with him to make a pledge to do everything possible to stop this dangerous nuclear agreement between the United States and Japan from ever being implemented.

Japan is a valued ally of the United States. I do not relish the fact that we must confront the Japanese on this issue—but confront them we must in order to stop the dangerous spread of nuclear weapons grade material around the globe. A debate over this issue has been inevitable since 1977 when the United States made a decision to abandon commercial nuclear reprocessing and the commercialization of nuclear breeder reactors for energy purposes. We made those decisions because of our deep concern over the fact that bombs as well as energy are readily produced by the plutonium which is the product of the reprocessing cycle and the fuel for the breeder reactor. We came to the conclusion that for the security of the world we had to find other ways to meet our energy needs.

This agreement proposes that we globalize the plutonium producing nuclear cycle and agree to provide and ship plutonium freely in international commerce in order to help Japan meet its energy needs. Those who participated in that debate in the late seventies must look at this agreement and wonder if we have taken leave of our senses.

I know about nuclear weapons production. A great deal of the Nation's nuclear materials have been produced in my home State at Hanford, WA. And I can tell you that there is a very small step from what is being sanctioned in this agreement to the production of nuclear explosives. But don't take my word for it. Listen instead to the Department of Defense and the Nuclear Regulatory Commission, both of which opposed this agreement.

I want to quote two paragraphs from a letter to the President from Adm. Lando Zech, Chairman of the Nuclear Regulatory Commission setting forth the opinions of the Nuclear Regulatory Commission on this agreement because I think they illustrate why we must reject this agreement.

> The Commission recognizes the importance attached to the relationship between the United States and Japan and has no reason to question Japan's non-proliferation credentials. Japan is an important ally and a country with which we have had long standing nuclear cooperation with for many years. We are also aware of the need to establish and maintain the United States as a reliable trading partner. However, without modification, the Commission cannot recommend that you approve the new Agreement. In reaching this recommendation the Commission takes note of the fact that the existing Agreement will not expire until the year 2003.
>
> The Commission cannot support the provisions for advance approval for plutonium use in future Japanese plutonium facilities. The proposed safeguard measures for these facilities have not been fully developed or routinely utilized and may not provide an effective level of safeguards when implemented. At the large plutonium plants that Japan plans to operate, this could result in material accounting uncertainties of hundreds of kilograms of plutonium.

I ask you. With the Toshiba incident so fresh in our memories should we be proceeding with such an open-ended blanket approval of large amounts of plutonium shipments to Japan?

I have many other concerns with this agreement. The agreement assumes air transport of these large plutonium shipments, even though a satisfactory cask for their shipment does not exist. Do we want such shipments flying over U.S. airspace under these circumstances?

In conclusion, the legislation we are introducing today is important because it ensures that this agreement will not go into effect until the American people, represented by their Congressmen and Senators, agree that it should. Right now any plutonium which is shipped abroad must be approved on a case-by-case basis. The existing nuclear agreement the United States has with Japan does not expire until 2003. We have time to go back to the negotiating table and work with the Japanese to find a more acceptable way of helping them meet their energy needs without endangering the security of the world in the process. This is what this bill directs the President to do and it is what must be done.

● Mr. **GLENN.** Mr. President, on December 15, 1987, I testified before the Foreign Relations Committee against the proposed agreement for cooperation between the United States and Japan concerning peaceful uses of nuclear energy. I did not then, nor do I now, in any way question Japan's exemplary record in opposing the spread of nuclear weapons. Nonetheless, I am deeply concerned about the legality and wisdom of this agreement.

My objections to the agreement fall into four broad categories: safeguards, physical security, economics, and the environment.

"Safeguards," Mr. President, is a misleading term. They do no ensure safety from the dangers of nuclear proliferation, nor do they effectively guard against the diversion of weapon-grade nuclear materials. They are, instead, a complicated set of accounting measures that at best provide warning of a diversion in time for effective countermeasures. Without such warning, the distinction between civilian and military nuclear programs becomes meaningless from the vantage point of national security.

Mr. President, let me give you an idea of the safeguards problems posed by the draft agreement before the Senate. The Nuclear Regulatory Commission [NRC] estimates that "based on current international safeguards as applied to an 800-ton-per-year reprocessing facility, 200-300 kilograms of plutonium could remain unaccounted for each year." With such an enormous annual accounting uncertainty—enough for perhaps two dozen nuclear bombs—the diversion of significant quantities of plutonium could easily go unnoticed. Yet the proposed agreement would relinquish United States consent rights over Japanese nuclear activities for the next 30 years, during which time the Japanese are planning to build large-scale reprocessing and plutonium-use facilities. In short, the approach taken in this draft agreement is one of disdain for the statutory standard of "timely warning." Mr. President, I ask that the full text of the NRC's views be printed in the RECORD at the end of my remarks.

Physical security, in contrast to safeguards, refers to the actual protection of weapon-usable nuclear material. This protection is vital, given the warning of the Department of Defense [DOD] last November:

> Opportunities for terrorist acts, including attempts to steal civil plutonium, will increase substantially as a result of the increased commercial use of plutonium.

The proposed agreement, however, would replace case-by-case reviews of physical security with a 30-year programmatic consent for the transfer and use of plutonium. This consent would be given for shipping routes not yet specified and facilities not yet constructed, and without any reliable estimate of the terrorist threat in the decades to come.

Mr. President, the economics of the proposed agreement are troubling as well. Japan's decision to embark on an ambitious and expensive plutonium-use policy, at a time when there is a world glut in uranium and enrichment services, would seem economically unsound. Given the costs of reprocessing, waste disposal, shipment and fuel fabrication, according to a recent article in Science magazine, "there do not appear to be any clear economic motives" for recycling plutonium. I ask that the full text of this article be printed in the RECORD at the end of my remarks.

But that's their business. Our business is the effect the agreement will have on the U.S. nuclear industry; the NRC has warned that the agreement would result in "complicated and expensive regulatory burdens on the U.S. and on the private sector." These burdens stem from a provision that would allow Japan, in the event the agreement is suspended, to require the return of nuclear materials—including bomb-usable plutonium—produced in the United States using Japanese components.

More importantly, our business is to make sure that, as President Ford put it, "all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits." The agreement before us would send just the opposite signal to the world. Under the agreement, the United States would be required to "make every effort" to ensure that safeguards concerns do not disrupt the operation of nuclear facilities. Even in the unlikely event Japan is caught diverting nuclear-weapon material, the United States would have to "carefully consider the economic effects" before suspending the agreement. I share the NRC's stated concern that this provision would be "an unwarranted precedent with a non-nuclear-weapons state."

Finally, the environmental threat posed by the draft agreement is both serious and far-reaching. The agreement mandates the air transport of plutonium "via the polar route or another route selected to avoid areas of natural disaster or civil disorder," even though crashworthy casks are still in the early stages of development. The danger of a plutonium release would not be confined to any open area or State or nation, it would be a catastrophe of global proportions. In the absence of reliable casks, no rerouting of plutonium flights will suffice to eliminate this danger to America's environment.

Mr. President, when I testified to the Foreign Relations Committee in December, I concluded by recommending that the proposed agreement be returned to the President for "renegotiation or resubmission with a waiver" of the Atomic Energy Act. The committee followed this recommendation in a letter to the President that was cosigned by 15 members, including the chairman and ranking minority member of both the full committee and the East Asian and Pacific Affairs Subcommittee.

The report accompanying the Export Administration Act of 1985, the law governing the consideration of agreements for nuclear cooperation, is quite explicit:

> The Congress fully expects * * * that the President will resubmit any agreement for

which he has not submitted an exemption if either committee during the prior consultation period recommends that an exemption is required.

Instead, the President has disregarded the Committees' recommendation and, in January 29 letter to Chairman PELL, reiterated his belief that "the proposed agreement meets all statutory requirements."

Mr. President, Senator CRANSTON'S Atomic Energy Law Enforcement Act is just that—an unfortunate but necessary measure to enforce existing law. I urge my colleagues to join me in supporting this bill.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, July 27, 1987.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Nuclear Regulatory Commission (NRC) has reviewed the proposed Agreement for Cooperation Between the United States and Japan Concerning the Peaceful Uses of Nuclear Energy and provides the following comments.

The Commission recognizes the importance attached to the relationship between the United States and Japan and has no reason to question Japan's non-proliferation credentials. Japan is an important ally and a country with which we have had long standing nuclear cooperation with for many years. We are also aware of the need to establish and maintain the United States as a reliable trading partner. However, without modification, the Commission cannot recommend that you approve the new Agreement. In reaching this recommendation the Commission takes note of the fact that the existing Agreement will not expire until the year 2003.

The Commission cannot support the provisions for advance approval for plutonium use in future Japanese plutonium facilities. The proposed safeguards measures for these facilities have not been fully developed or routinely utilized and may not provide an effective level of safeguards when implemented. At the large plutonium plants that Japan plans to operate, this could result in safeguards material accounting uncertainties of hundreds of kilograms of plutonium. As a result, the Commission recommends the inclusion of advance consent provisions similar to those now in the existing Agreement with Japan.

The Commission cannot support the provision which would give Japan the right to require the United States to return any plutonium produced in United States facilities that use Japanese equipment or components. Under the terms of the new Agreement, if the Government of Japan perceives that the United States has failed to implement the terms of agreement in good faith, determination of such failure may be left to an arbitral tribunal. The Commission does not believe it is in the United States national security interest to agree to such a provision. In addition, the suspension rights in the proposed Agreement appear to require more consultation between both parties to the Agreement on matters such as economic impact of suspension than is generally required in similar agreements with other countries, thus creating an unwarranted precedent with a non-nuclear weapons state.

The proposed Agreement provides for the tracking and reporting of Japanese origin components and the plutonium produced using these components. The Commission believes the non-proliferation benefits to be gained from such tracking and reporting may not be sufficient to justify the requirement being placed on the United States nuclear industry and the United States Government, particularly in light of the fact that such component tracking and reporting provisions are not required by the Nuclear Non-Proliferation Act of 1978. In addition, until the Administrative Arrangements for the recordkeeping, tagging and reporting requirements associated with control of component imports into the United States are specified and justified, the Commission will be unable to establish the necessary regulations.

The Commission is concerned over the process that resulted in this Agreement and has sent a letter to the Department of State to express our concerns.

I hope our comments will be helpful in your consideration of the final proposed Agreement.

Sincerely,
LANDO W. ZECH, Jr.

JOINT STATE/ENERGY/ACDA COMMENTS ON NRC VIEWS

1. The NRC objects that the safeguards measures for future Japanese plutonium facilities are not fully developed. This was intentional to allow, as stated in the introductory paragraphs of the Safeguards Concepts paper, flexibility in adapting the principles and measures to the plant-specific features that are not now known. For the same reason, allowance is made for measures not now routinely utilized by the IAEA. The relevant requirement is that the safeguards be applied, as required in the Safeguards Concepts paper, in a manner enabling attainment of IAEA safeguards objectives and inspection goals. The undertaking by Japan to take the measures necessary to enable the IAEA to attain its inspection goals is repeated in the Japanese Non-Proliferation Policy Statement, which also specifies a number of important steps Japan will take to enable the IAEA to apply safeguards effectively and efficiently at future as well as existing Japanese facilities.

2. The statement in the NRC letter that "The proposed safeguards measures . . . may not provide an effective level of safeguards when implemented" is not supported and ignores all of the provisions in the proposed agreement package that enable attainment of inspection goals. The fact that measurement uncertainties at large plants will lead to proportionally large material accounting uncertainties has been recognized from the beginning of IAEA safeguards and has been taken into account by the IAEA in formulating its inspection goals. Future developments may reduce measurement uncertainties somewhat, but as facilities get bigger these goal values will increase proportionally. Waiting until the facilities have been built and the detailed procedures for implementing safeguards have been worked out will not significantly alter the achievable material accountancy uncertainties.

3. In highlighting the fact that the existing U.S.-Japan agreement for peaceful nuclear cooperation will not expire until the year 2003, the NRC letter seems to suggest that there is no real need for a new agreement now. It should be recognized, however, that the Nuclear Non-Proliferation Act of 1978 established more stringent non-proliferation conditions for inclusion in new agreements for cooperation and required the President (section 404(a)) to initiate a program to seek to update all existing agreements to include the stricter standards. The proposed new agreement satisfies all current U.S. statutory requirements, including the requirements of the NNPA. It is therefore responsive to the NNPA's requirement regarding renegotiation of existing agreements. It is unrealistic to expect that Japan would enter into a new agreement with the United States on terms different from those painstakingly negotiated in the proposed new agreement. While cooperation can continue under the existing agreement until 2003, the result would be that the President would not have carried out, with respect to Japan, the objectives of the NNPA regarding the renegotiation of existing agreements. Failure to achieve a new agreement with Japan at this time would also damage on-going efforts to renegotiate other existing agreements, notably with EURATOM where the U.S. currently lacks a reprocessing consent right. Further, it would weaken Administration efforts to re-establish the U.S. as a reliable nuclear supplier and could result in a loss of confidence in the United States as a nuclear cooperating partner.

4. The NRC states that it cannot support the provision in the proposed agreement that would give Japan the right to require the United States to return any plutonium produced in U.S. facilities that use Japanese equipment or components. U.S. law requires that the U.S. secure a right of return for its own exports in new agreements for cooperation and such a right has been included in all post-NNPA agreements for cooperation. Inclusion of such a right of return in the agreement strengthens, at least in the abstract, the agreement's non-proliferation conditions. To secure this right it was necessary to agree that it be reciprocal. The right of return to which the Commission objects would apply only in a situation arising from an extremely unlikely combination of circumstances: (1) import into the U.S. of Japanese components; (2) accepted by the U.S. subject to the Agreement; (3) an action by the U.S. regarded as triggering a right of return; (4) the failure of the parties to take sufficient steps to rectify the situation satisfactorily; (5) a request by Japan for the return of the produced plutonium.

5. The NRC states that it is not in the U.S. national security interest to agree to a provision in the proposed agreement that would leave it to an arbitral tribunal to determine, if so requested by Japan, whether the U.S. has failed to implement the terms of the agreement in good faith. It should be noted that the provision for arbitration (Article 14) is not mandatory. It reads, "If any dispute arising out of the interpretation or application of this Agreement is not settled by negotiation, mediation, conciliation or other similar procedure, the parties may agree to submit such dispute to an arbitral tribunal . . . [emphasis added]." Since any move to arbitration would require U.S. consent, there can be no question of such a procedure jeopardizing U.S. national security interests. For example, the applicability of the right of return provision could not be submitted to a third party without the agreement of the United States.

6. The NRC states that "the suspension rights in the proposed Agreement appear to require more consultation between both parties to the Agreement on matters such as economic impact of suspension than is generally required in similar agreements with other countries, thus creating an unwarranted precedent with a non-nuclear

weapon state." The requirement (Article 12 (4)) for consultation prior to either party's taking steps to cease cooperation, terminate the agreement, or require the return of items subject to the agreement is nothing more than an explicit provision for what would take place as a practical matter in any case. It is simply not credible that either party would take such far-reaching actions without some prior consultation with the other. It should be noted that the requirement for consultations in no way derogates from the right of either party unilaterally to cease cooperation, terminate the agreement, and require the return of items subject to it for the causes specified in the agreement. Furthermore, the right of either party to suspend the implementing agreement (containing the advance consent arrangements) to prevent a significant increase in the risk of nuclear proliferation or in the threat to its national security is similarly unilateral. The requirement that consideration be given to the economic effects of termination or suspension merely takes account of the reality that both parties have a very large economic investment in their civil nuclear power programs. No precedent is thereby set for cooperating partners whose investment may be less substantial. Most importantly, the requirement that economic effects be given consideration by no means elevates them to a position where they can be regarded as overriding the unilateral right to terminate or suspend.

7. The NRC objects to the agreement's provisions for the tracking and reporting of Japanese-origin components and plutonium produced using such components on the grounds that the non-proliferation benefits do not justify the burden that would be placed on the U.S. nuclear industry and the U.S. Government. These provisions for tracking and reporting permit effective implementation of the Atomic Energy Act of 1954, as amended, and apply equally to Japan, enabling the U.S. to know both the location and quantity of nuclear material in Japan that is subject to U.S. consent rights and allowing the U.S. to verify compliance with the terms of the agreement. In this respect they have important non-proliferation benefits to the U.S. It should also be recognized that the proposed agreement does not require (but merely permits) components to be transferred pursuant to the agreement. Including potential coverage of components assures flexibility concerning the level of controls the U.S. may require as a condition of export without foreclosing the option of cooperation outside the agreement. In this respect the proposed agreement is just like all other post-NNPA agreements or amended agreements, including those with Australia, Canada, China, Norway and Sweden. Transfer of components to the U.S. outside the agreement remains our clear preference and we will continue to express this preference to the Japanese. However, there has been a growing interest by U.S. cooperating partners to export components under their agreements with the U.S. or at least subject to various conditions such as peaceful non-explosive use guarantees, safeguards, and physical protection and retransfer consent rights. To the extent that they insist on coverage, it will be necessary for the U.S. either to refuse such imports or to establish a regulatory framework to ensure that we are able to abide by our international obligations.

NRC REBUTTAL TO STATE/DOE/ACDA COMMENTS ON NRC VIEWS

The Commission appreciates the extensive comments provided by State, DOE, and ACDA on the concerns raised in our July 27, 1987 letter to the President. Many of these comments provide new information regarding our stated concerns. Our rebuttal to the State, DOE, and ACDA comments on our views are as follows:

COMMENTS NOS. 1 AND 2: SAFEGUARDS FOR FUTURE JAPANESE PLUTONIUM FACILITIES

State, DOE, and ACDA views support the NRC position that safeguards approaches for future Japanese plutonium facilities are not yet developed, tested or ready for implementation. As such, it is difficult to assure the effective performance of such new approaches. The Commission is not insisting that the safeguards measures for new facilities be fully developed as a condition for granting long term, programmatic approval for use of U.S. controlled plutonium in Japan. NRC's basic objection is that at the present time not enough is known about future IAEA safeguarding capabilities in the large plutonium facilities envisioned by Japan.

We recognize that the IAEA will do its best to safeguard these facilities. However, we have concerns that based on current international safeguards as applied to an 800 ton per year reprocessing facility, 200-300 kilograms of plutonium could remain unaccounted for each year. Also we question whether an exchange of notes prior to operation (not construction) of such a facility is all that is needed to give the U.S. confidence that all material under its control remains in peaceful safeguarded use. The Commission does not presume that a U.S. approval decision should be delayed until after future plants are constructed. Rather, the Commission is suggesting that such decisions should be made on a case-by-case basis, based on the design of the facility and taking into account more timely information on available safeguards technology.

In summary, technical constraints may make it impossible for the IAEA to achieve its current degree of safeguards effectiveness in Japan's proposed new large bulk-handling plutonium facilities. This does not necessarily mean that the new safeguards measures yet to be developed for these new facilities will be inadequate. However, the Commission believes that the U.S. Government should not commit itself, as the proposed Agreement does, to giving programmatic approval for these facilities when extensive effort is still required to develop acceptable safeguards measures.

COMMENT NO. 3: FURTHER RENEGOTIATION OF THE AGREEMENT

The Commission agrees with the Department of State that entering into a new agreement for cooperation with Japan at an early date is important. Nonetheless, because the current agreement does not expire until 2003, there is time to negotiate an agreement that would satisfy NRC's concerns.

COMMENT NO. 4: RETURN OF PLUTONIUM TO JAPAN

On another matter, the Atomic Energy Act requires that the United States retain the right to require that foreign countries return plutonium produced through the use of U.S. transferred nuclear material or complete nuclear facilities. The proposed agreement appears to go beyond legal requirements contained in the Atomic Energy Act in that it makes this requirement reciprocal and refers not only to nuclear material and complete nuclear facilities, but also to components. The Commission does not support the provision in the agreement giving Japan the right to require the U.S. to return any plutonium produced in U.S. facilities that use Japanese components.

The Commission questions the nonproliferation policy rationale of a provision whereby a nuclear weapons state would return plutonium to a non-nuclear weapons state. The Commission believes that this could be unwise, even if the particular circumstances under which this might take place are extremely unlikely. Accordingly, this proposed agreement, in extending reciprocal return rights to Japan, goes beyond legal requirements and might not be prudent.

COMMENTS NOS. 5 AND 6: SUSPENSION RIGHTS IN AGREEMENT

The Commission welcomes the Executive Branch's additional assurances in their comments that the provision for arbitration is not mandatory and that U.S. suspension rights will continue to be subject to a unilateral U.S. determination. This resolves our concerns.

However, when considering bases for suspension of an agreement, the Commission believes consideration of Japan's economic issues or impacts should be subordinate to consideration of U.S. national security and nonproliferation issues. We do not know if this is the intent of the Executive Branch. Additionally, with regard to the possible precedent set by this agreement in tying suspensions to economic considerations, the U.S. may have difficulty arguing that one non-nuclear weapon state's economic interests are appropriate in an agreement, but a second non-nuclear weapon state's are not.

COMMENT NO. 7: TRACKING COMPONENTS

The Executive Branch comments still do not rule out the possibility of placing Japanese component exports to the U.S. under the terms of the proposed Agreement, thereby imposing complicated and expensive regulatory burdens on the U.S. and on the private sector. There is no statutory (NNPA) requirement to place component exports under the terms of an Agreement for Cooperation. The Executive Branch emphasizes in its comments the importance of the nonproliferation benefits with respect to U.S. component exports to Japan, and implies that this justifies the imposition of the reciprocal regulatory burden on the U.S.

The Commission questions these judgments, particularly in the absence of any statutory requirement for the imposition of any tracking or reporting burdens with respect to U.S. component exports to Japan. More generally, the Commission is concerned that the Executive Branch appears to have lost sight of the basic commitment the U.S. made several years ago to forego bilateral "safeguards" inspection and reporting rights in favor of multilateral IAEA safeguards arrangements.

Instead, we now have before us an extremely complicated agreement with one of our closest allies which imposes significant and expensive bilateral tracking and reporting requirements vis-a-vis the U.S. and Japan in addition to maintaining the existing IAEA safeguards regime. The Commission questions whether this is a proper allocation of our limited nonproliferation resources.

U.S. Nuclear
Regulatory Commission,
Washington, DC, July 27, 1987.
Hon. Richard T. Kennedy,
Ambassador at Large, Department of State, Washington, DC.

Dear Ambassador Kennedy: Enclosed for transmittal to the President are the comments of the Nuclear Regulatory Commission (NRC) on the proposed Agreement for Nuclear Cooperation Between the United States and Japan Concerning Peaceful Uses of Nuclear Energy.

There is one matter which we would like to draw to your attention. The Commission is concerned about its exclusion from essentially all aspects of the negotiations on this Agreement. Our concern arises particularly in this case where the implementation of key provisions of the proposed Agreement is the direct responsibility of the NRC. We believe that many of the concerns expressed in our letter to the President could have been addressed during the Agreement negotiations.

In order to assure that the consultation requirements of Section 123 of the Atomic Energy Act are meaningfully satisfied, NRC must be fully informed during the course of future negotiations with other countries and be consulted prior to formally proposing draft Agreements to other countries.

I look forward to establishing mutually agreeable arrangements for fuller NRC consultation on such proposed Agreements.

Sincerely,

Lando W. Zech, Jr.

Why Recycle Plutonium?

(By David Albright and Harold Feiveson)

In 1984, 250 kilograms of plutonium oxide, separated in France from spent fuel from Japanese reactors, was returned to Japan by cargo ship. This ship carried only the plutonium; it made no intermediate stops; it was escorted partway by French and U.S. warships; and it was continuously tracked by satellite by officials in Japan (1).

If the nuclear industries of Europe and Japan continue with their plans to use plutonium in commercial reactors, they will, by the end of the century, have separated and placed into commerce more than 300,000 kilograms of plutonium (2). (For comparison, the Nagasaki bomb contained 6 kilograms of plutonium.) The extraordinary security measures applied to the French-Japanese shipment to protect the plutonium from theft and sabotage would need to be made routine on a vast scale.

This prospect derives from the decisions of several major countries, including France, Great Britian, the Federal Republic of Germany, Japan, Belgium, Switzerland, and Italy, to separate chemically the plutonium and uranium from the highly radioactive fission products contained in the spent fuel from their commercial reactors (a procedure called "reprocessing") and to recycle this plutonium and uranium into reactor fuel for breeder reactors and light water reactors. Such recycling differs from the "once-through" fuel cycle in use today in that material usable in weapons is not isolated in the latter process.

Barring a sharp turnaround in current programs, by the year 2000 or even earlier, more than 25,000 kilograms of separated plutonium may be placed in route commerce annually. Four countries—France, Great Britain, Germany, and Japan—will together separate most of this plutonium. Much will be separated from domestic fuel, but France and Britian also plan to reprocess fuel from West Germany, Japan, Belgium, Italy, the Netherlands, Spain, and Switzerland. Most of this plutonium, along with the nuclear waste, will eventually be returned to the country of origin.

After reprocessing, separated plutonium oxide will travel by truck, or a combination of truck and ship or plane in shipments across water, to fuel fabrication facilities in France, Great Britain, West Germany, Belgium, and Japan. If, on average, each shipment contains 100 kilograms of plutonium, more than 250 shipments of plutonium oxide annually will be required to transport the plutonium to these facilities. Slightly more than half of these shipments will be transported intracountry; the rest will travel from French and British reprocessing plants to other European countries and Japan.

At the fuel fabrication facilities, approximately two-thirds of the plutonium oxide will be blended with uranium oxide and fabricated into mixed-oxide (MOX) fuel elements and assemblies for light water reactors. Several hundred shipments of MOX fuel will be required each year to supply reactors in France, Germany, Japan and elsewhere. The remaining separated plutonium will be fabricated into fuel elements for prototype breeder reactors in Britain, France, Germany, Japan, and Italy, and two Japanese heavy water reactors. The delivery of these fuel elements to the reactors will require an additional 100 shipments per year.

Neither the isotopic composition of the reactor grade plutonium nor its chemical form affords significant protection. Nuclear weapons designers have stated repeatedly that, despite its relatively high content of plutonium-240, reactor grade plutonium can be used directly in nuclear explosives. Similarly, plutonium oxide, the most common form of plutonium that leaves civilian reprocessing plants or that could be retrieved from unirradiated MOX fuels, could be used in nuclear explosives without reduction of the oxide to the metal. To guard against diversion of the material to weapons by terrorists, separated plutonium and fresh MOX fuel will have to be treated as virtually equivalent to weapon-grade plutonium (3). Given the scope of the commerce in separated plutonium, it is clear that stringent protection systems will be required.

Virtually any country engaged in plutonium recycling would have available large quantities of readily accessible fissile material. If a country had produced all the components of nuclear weapons other than the fissile material cores, it could reduce the time between a decision to build nuclear weapons and the achievement, on a potentially large scale, from years to weeks. Such "latent proliferation" would make it easy for governments to hide a nuclear weapons program within an ambitious civilian program.

Reprocessing and recycling are concentrated in countries that have nuclear weapons or support the Non-Proliferation Treaty. However, the emergence of a commercial market in MOX fuels, even if initially restricted to Europe and Japan, would allow other countries, some with dubious commitment to nonproliferation, to gain access to weapons-usable material. The emergence of a plutonium market would also make it extremely awkward for nuclear suppliers in the United States, Europe, and Japan to deny reprocessing and fabrication facilities able to produce such material relatively quickly to other countries.

One source of interest in reprocessing has been the view that reprocessing could improve the efficiency of radioactive waste disposal. This, combined with the willingness of France and Great Britain to reprocess foreign fuel, offered a politically attractive way for some countries to postpone dealing with their own waste disposal problems. However, the fission product contents of spent fuel and high-level waste from reprocessing are essentially identical, and the heat outputs per metric ton of original uranium are similar. Although reprocessing would separate much of the plutonium and perhaps some of the actinides from the spent fuel, significant amounts of plutonium and actinides would still end up in the reprocessing wastes. As a result, final disposal of unreprocessed spent fuel does not appear to represent a significantly greater environmental hazard than disposal of high-level wastes from reprocessing. Three countries with major nuclear programs—the United States Canada, and Sweden—have decided to place their spent fuel in long-term storage without reprocessing (4, 5).

Although the waste disposal rationale for reprocessing appears to have weakened, a second motivation remains strong—that the energy content of the plutonium contained in the spent fuel must be captured. Until recently, the nuclear industries in the industrialized countries expected that this recycled plutonium would be used for the initial loading of prototype and commercial plutonium breeder reactors. However, because of greatly reduced demand for electricity, the higher costs of breeder reactors compared to light water reactors, and larger than expected uranium resources, breeder reactor programs worldwide have slowed dramatically.

Breeder programs can thus absorb only a small portion of the plutonium scheduled or planned to be separated in this century. Unless current reprocessing programs are curtailed, there will be a surplus of separated plutonium of at least 100 metric tons by 1995 and 200 metric tons by the year 2000.

As the commercial viability of the breeder recedes and stockpiles of separated plutonium grow, the nuclear industries in Europe and Japan have initiated programs to use plutonium fuels in current light water reactors. Recycling would in practice reduce uranium feed and enrichment requirements by about one-quarter—the savings depending on the price of uranium and enrichment. At current uranium and enrichment prices, fuel cycles that use recycled uranium and plutonium would cost about 1 mil/kWh more than the normal once-through cycle. The price of uranium would have to more than triple from its present value of less than $83 per kilogram before the savings in uranium costs made up for the extra costs of reprocessing, of plutonium storage, and of MOX fabrication (6). Even if the costs of reprocessing are disregarded, the economic benefits of plutonium and uranium recycle are marginal or nonexistent.

Despite the poor economics, the nuclear industries in Europe and Japan often cite national energy independence as a reason to push ahead with reprocessing and thermal recycle. This goal draws mainly upon the persistent vulnerability of these areas to oil import disruptions. However, the uranium savings that could be gained by the recycling in light water reactors of all the plutonium and uranium planned for separation in this century would be only about 100,000 metric tons. For most countries, thermal recycling would lessen their dependence on foreign uranium only at the price of an increased dependence on a steady and assured flow of plutonium separated in foreign reprocessing plants. It would also make them dependent on the integrity of international safeguards and physical security arrangements to prevent the theft or diversion of the separated plutonium.

Countries concerned about the security of their uranium supply may, instead, find it cost-effective to reduce the consumption of uranium by higher burnup of reactor fuel or more complete recovery of uranium-235 from natural uranium at enrichment plants. In addition, uranium costs so little per unit energy-equivalent that it can be readily and economically stockpiled to provide a buffer against a supply disruption.

Reprocessing and recycling on the sale now envisioned would create a challenge of nightmarish proportions for those seeking to prevent diversion of plutonium to weapons. The reasons for European and Japanese interest in recycling are complex—for example, interest in Germany and Japan in postponing domestic debates on waste disposal and the drive in France to stay at the forefront of nuclear technology. But there do not appear to be any clear economic motives. Indeed, with the price of uranium low, and expected to remain so for several years at least, recycling appears to be an economically poor proposition.

It may not be too late for the international community to persuade the countries embarking on these critical activities to abandon plans for plutonium recycling and to defer indefinitely commercial reprocessing not devoted directly to research and development on breeder reactors.

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2. D. Albright and H. Feiveson, "Plutonium recycle and the problem of nuclear proliferation" (Research Report 206, Center for Energy and Environmental Studies, Princeton University, April 1986).
3. J. Mary, T. Taylor, E. Eyster, W. Maraman, J. Wechsler, "Can terrorists build nuclear weapons?" (paper prepared for the International Task Force on Prevention of Nuclear Terrorism, Nuclear Control Institute, Washington, DC, 24 May 1986).
4. Nuclear Energy Agency, *The Economics of the Nuclear Fuel Cycle* (Organization for European Cooperation and Development, Paris, 1985), appendixes 2, 3, and 10.
5. "Final report of the project group on alternative entsorgung" (KWA 2190/1, Karlsruhe Nuclear Research Center, Karlsruhe, Federal Republic of Germany, 1984).
6. The critical assumptions are: enrichment costs, $130 per kilogram separative work unit; uranium-oxide fabrication costs, $190 per kilogram of uranium (kg-U); MOX fabrication costs, $760 per kilogram of heavy metal (kg-HM); reprocessing costs including vitrification, $750/kg-HM; disposal costs of reprocessing wastes, $150/kg-HM; and spent fuel disposal costs, $350/kg-HM. the fuel cycle costs of a light water reactor on a once-through fuel cycle can be approximated by $4.3 + 0.03x$ mill/kWh, where x is the price of uranium in dollars per kilogram. the fuel cycle costs for a recycling reactor would be $5.6 + 0.0224x$ mill/kWh. At a uranium price of $83/kg-U, recycling would cost about 1 mill/kWh more than a once-through system (4, pp. 15 and 60).
7. We wish to acknowledge the contributions of R. Socolow, F. von Hippel, and R. Williams.●

By Mr. QUAYLE:

S. 2027. A bill to amend the Public Health Services Act to improve health benefits for workers in the United States; to the Committee on Labor and Human Resources.

WORKERS' HEALTH INSURANCE DEMONSTRATION ACT

● Mr. QUAYLE. Mr. President, I rise today to introduce the Workers' Health Insurance Demonstration Act of 1988. The purpose of this bill is to lay a foundation for dealing with the growing population of American workers who either do not have health insurance or who are underinsured.

As we all know, the chairman of the Senate Labor and Human Resources Committee has proposed his own initiative to address this issue. His approach would establish a nationwide solution to the problem of the uninsured or under insured worker by mandating that all employers provide their employees with a minimum health insurance package. I have strong philosophical and substantive objections to this approach. However, I believe the Senator should be commended for bringing national attention to this problem and for proposing a solution to it.

Clearly, we are all well aware of the growing numbers of American workers who either do not have health insurance or are inadequately insured. Two-thirds of the 37 million Americans who have no health insurance are employed adults or their dependents. More than half of these workers are either self-employed or employed in companies with less than 25 employees. The hearings that have been held on Senator KENNEDY's bill have served to emphasize the very difficult policy issues that are raised by efforts to provide affordable health insurance to this population. A study by the Small Business Administration's Office of Advocacy found that 48 percent of all uninsured workers are employed in firms of under 25 employees. Among the factors discouraging such firms from providing health insurance are: a transient work force; narrow profit margins; and high insurance costs.

Despite my many very serious reservations about Senator KENNEDY's proposal, I do not believe we can ignore this problem and decide to simply do nothing. I do agree with him that the time has arrived where the Congress must address this problem. However, I am convinced that it would be irresponsible to implement a nationwide program with our current lack of practical knowledge about what approaches will and will not work. There are too many unknowns in large-scale social programs for us to embark on them on a purely theoretical basis.

It is also important to note a significant number of States have embarked on a variety of initiatives on their own and the Robert Wood Johnson Foundation has funded 15 projects. These efforts are based on the theory that alternative strategies for the uninsured need to be tried. These parallel efforts clearly indicate the lack of any clear consensus on the most appropriate approach to deal with the complex problem of the uninsured. Therefore, today I am introducing legislation that would authorize a series of pilot projects designed to deal with the problem of the uninsured worker. Hopefully, rigorous evaluation of the results of these pilots, and in combination with the efforts by the States and the Robert Wood Johnson Foundation, will make it possible for us to figure out what does and does not work and why.

I realize that many will denounce my proposal on the grounds that the problem demands an immediate solution. However, I would suggest to these critics that a look at some recent history illustrates the soundness of this type of an approach. For example, the prospective payment system for hospital payments under the Medicare Program was only enacted after it had been tried as a statewide pilot project.

There are also instructive analogies in our history of welfare reform efforts. In the early 1970's, Senator Long and others argued that prior to implementing whole-scale welfare reform, the Federal Government should initiate a series of State pilot projects. I think that we all know too well that the Congress did not take his advice. We did not adopt the pilot project approach until the early 1980's. And it is these activities that have furnished the basis for our current efforts to reform welfare.

A look at our past efforts to deal with the uninsured population is also instructive. The subject has been on the table since the early 1970's when Senator KENNEDY proposed a national health insurance program. It was followed by a series of other proposals put forth by the Nixon and Carter administrations. None of these attempts at a single national solution have ever come close to enactment. In addition to the many substantive problems these proposals raised, probably the main reason for their failure is the lack of confidence we have had with the potential outcome of these proposals. There has not been any substantive experience with any of them.

If we continue to discuss enacting sweeping and untested proposals, I have no doubt that Congress will once again adjourn without making any constructive action that will ultimately lead to a solution for the underinsured population. Therefore, I urge my fellow colleagues to work seriously on the pilot project approach so we can move forward on this issue and find workable solutions. We lost at least 10 years on welfare reform by going for the all-or-nothing approach.

Let us not make the same mistake with the uninsured.

My proposal would authorize the Secretary to approve applications for pilot projects submitted by a State or States, political subdivisions of States, and private entities, including employers, coalitions of employers, and insurance companies. These pilots could be funded by a very small set-aside of program funds currently used to provide services to the uninsured population. Thus, my proposal is budget neutral.

The following pilot projects would be authorized:

SMALL BUSINESS DEVELOPMENT AND MARKETING

The Secretary would be given the authority to approve pilot projects for the development and marketing of low cost, managed care, health insurance plans for small businesses. Such pilots may include a variety of different types of plans including case managed catastrophic, income-related plans, and primary care and prevention plans. These projects would be exempted from compliance with State mandated benefit laws.

The rationale behind this project is twofold: First, small businesses have long argued that cost is the chief reason they are unable to offer health insurance to their employees; and second, insurance companies have argued that the chief borrier to providing low-cost insurance packages to these companies is the proliferation of State mandated benefit laws.

These laws require insurers to cover their policyholders for certain benefits as a condition of doing business in the State. By the end of 1986, there were 645 such laws on the books and some States have as many as 30. In just the past 6 years, more than 350 mandated coverage bills have been enacted by the States. Many have made the point that while the immediate impact on premium rates is usually small, the long-term consequences are usually increased utilization and higher prices.

While I am sure that the merits of each mandated benefit are considerable, the combination of them may constitute a major reason behind the inability of some small businesses to offer health insurance. I believe that it is a hypothesis that merits testing.

STUDY OF HAWAII PREPAID HEALTH PLAN

While I have very deep philosophical and substantive objections to the mandated employer approach Senator Kennedy has proposed, I think it is appropriate to conduct a thorough evaluation of the one State—Hawaii—that has had such a plan in existence for more than a decade. While the Department of Health and Human Services conducted a study of this program in 1978, it was conducted very shortly after the program went into effect. Moreover, it did not address many of the economic questions that we have learned are very important nor did it address the transferability of this mandate to other States. I was also quite surprised to learn that, despite this program, a 1986 survey conducted by the Employee Benefit Research Institute indicates that 11.8 percent of Hawaii's population is uninsured. Thus, I believe a thorough evaluation would be both timely and useful.

My proposal would mandate that the Secretary contract with an appropriate entity to determine the impact the Hawaii plan has had on health care costs and utilization, the health status of Hawaii residents, access to health care, indigent care, and employment opportunities within low-income and minority groups and in small businesses. Most importantly, my proposal would require an analysis of the impact and feasibility of extending such a mandate to all employers in all States.

MEDICAID BUY-IN

The Secretary would be authorized to approve up to three demonstration projects to test the concept of permitting certain employers to buy into the Medicaid Program for certain employees. These projects would be designed to permit employer and employee participation into Medicaid for low-wage workers employed by small business based on ability to pay.

Small businesses which employ less than 25 employees would be eligible to purchase Medicaid coverage, excluding long term care coverage if they are able to demonstrate to the satisfaction of the Secretary that they are unable to obtain health insurance at a reasonable cost. Participating employers would be required to pay for at least 50 percent of the premium costs. In addition, the State may also require participating employees to pay premiums up to 3 percent of their wages. This will insure that highly paid employees do not become eligible for Medicaid.

In addition to providing these workers with insurance protection, this pilot would have the added advantage of reducing the disincentives whereby workers earning too much lose all Medicaid support.

HEALTH INFORMATION BROKERING SERVICE

The Secretary would be authorized to approve applications for projects to study the feasibility of and need for a health insurance information for small businesses. If the Secretary determines, based on the results of such study, that such a service is feasible, then funding to develop and operate this service will be provided.

Many have made the point that a number of small businesses do not offer health insurance to their employees because they do not have the administrative capability to investigate what plans are available to them and to analyze which plans would best suit their employee population. This pilot is designed to test this hypothesis.

STUDIES ON MECHANISMS TO ADDRESS THE NEEDS OF THE UNINSURABLE POPULATION

Fifteen States currently have enacted laws to form statewide risk pools to provide health insurance to the uninsurable population. While many States deem them to be a success, others have experienced significant financial losses. Therefore, I believe it would be useful to begin to look at other mechanisms to address this small but very important subgroup of the uninsured population. Under this pilot project, the Secretary would be authorized to fund studies of mechanisms, other than risk pools, to provide health insurance to this segment of the uninsured population.

GRANT TO TEST TAX INCENTIVES FOR THE SELF-EMPLOYED

Under current law, the self-employed, owners of unincorporated businesses are permitted to deduct 25 percent of the cost of their premiums for their own health insurance plans; their corporate counterparts receive a 100-percent tax deduction. Many have argued that this disparity is a major reason why 16 percent of all uninsured workers are self-employed. While I know legislation has been introduced to accomplish this, I do not believe that enactment of such a revenue depleting proposal is realistic without a sound base of supporting evidence that it will make a difference. Therefore, my proposal would permit the Secretary to test this theory in up to three counties with diverse economic conditions by providing a subsidy to such individuals that would be equivalent to the benefit they would get from the full deduction.

INCENTIVES TO DEVELOP MULTIPLE EMPLOYER HEALTH PLANS

A means of encouraging small employers to provide health insurance to their employees involves the formation of employer pooling arrangements such as multiple employer trusts [MET's] and voluntary employer beneficiary associations [VEBA's]. Such arrangements are designed to lower costs by standardizing health insurance policies and centralizing administration. They are established on an industry or geographic basis.

A recent study by the House Committee on Small Business entitled, "The Health Insurance Problem: Alternative Strategies to Expand Coverage Among Small Businesses," pointed out a number of Government regulations which have acted as a disincentive to the formation of such arrangements. For example, the study pointed out the difficulties experienced because of the requirements that for MET's:

All participating businesses must have a commonality of business interests and must comply with State mandated benefit laws.

Membership is geographically restricted to a statewide basis.

Thus, my proposal would authorize pilot projects to test the impact of eliminating these and other barriers on the development of such pooling arrangements.

EVALUATIONS

In addition, my proposal would require the Secretary to undertake evaluations of these projects as well as other selected projects that have been undertaken by the States and private entities and foundations. The purpose of such evaluations would be to examine some of the practical effects of the pilots and to assess the feasibility of expanding these efforts to broader populations and geographic areas. I am hopeful that these evaluations will provide us with the information we need to address the complex problem of the uninsured.

Let me emphasize that I am open to other ideas for pilot projects and I am willing to modify my bill accordingly. I have introduced this bill in its current form in the hopes that my colleagues will begin to discuss this issue realistically and look toward constructive solutions.

In conclusion let me add that this bill could not have been developed without the able staff work of Mary McGrane. Her work, not only on this bill, but also on other health matters was always first class. I shall miss her and I wish her well in her new job as minority health counsel of the House Energy and Commerce Committee.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workers' Health Insurance Demonstration Act of 1988".

SEC. 2. EMPLOYEE HEALTH INSURANCE PILOT PROGRAMS.

After title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.) insert the following new title:

"TITLE XV—EMPLOYEE HEALTH INSURANCE PILOT PROGRAMS

"SEC. 1501. PURPOSE.

"It is the purpose of this title to authorize pilot projects to test and evaluate the efficacy of a variety of approaches designed to—

"(1) increase employee access to health care;

"(2) reduce the burden that uncompensated health care costs place on health care providers;

"(3) provide affordable health insurance plans to small employers to cover the employees of such employers;

"(4) develop mechanisms to provide affordable health insurance plans to high risk workers; and

"(5) reduce the burden on employers that currently provide health insurance.

"SEC. 1502. PILOT PROJECTS.

"The Secretary is authorized to approve applications for pilot projects authorized under sections 1503 through 1508 submitted by a State or States, political subdivisions of States, or private entities (including businesses, insurance companies, and non-profit associations) to demonstrate the feasibility of programs designed to improve access to health care for uninsured employees.

"SEC. 1503. SMALL BUSINESS DEVELOPMENT AND MARKETING PROJECTS.

"(a) In General.—The Secretary may approve one or more pilot projects under this title for the development and marketing of low-cost small business health insurance plans. Priority shall be given to those projects that—

"(1) include a viable marketing strategy;

"(2) will significantly increase employee access to health care;

"(3) will reduce the amount of uncompensated health care provided by health care providers;

"(4) will significantly increase the number of small business employees who will be provided with health insurance;

"(5) will significantly increase the number of small businesses (those employing no more than 100 employees) that offer health insurance benefits to their employees;

"(6) address the problem of adverse selection;

"(7) will meet the health care needs of such employees; and

"(8) demonstrate that under subsection (c), the project will result in decreased insurance costs.

"(b) Type of Plan.—The Secretary may approve a variety of plans under this section that may include but are not limited to—

"(1) catastrophic, income-related plans; and

"(2) primary care and prevention plans.

"(c) State Law.—Plans submitted under this section, if approved by the Secretary, shall not be subject to any State law requiring the provision of any specific health benefit or the use of any specified providers or any State law precluding selective contracting or preferred provider organizations.

"SEC. 1504. HEALTH INFORMATION BROKERING SERVICE PROJECTS.

"The Secretary may approve applications under this title for projects to study the feasibility of a health information brokering service to address the needs of small employers (those employing no more than 100 employees) in obtaining health insurance benefits for their employees by providing technical assistance to such employers concerning the purchase of the most appropriate health benefits for their worker population. If the Secretary determines, based on the results of such study, that such a service is feasible, funding as authorized under section 1512 to develop and operate this service shall be provided.

"SEC. 1505. MEDICAID BUY-IN PROJECTS.

"The Secretary may approve applications submitted by States for up to three demonstration projects to extend coverage for medical assistance (other than for services described in section 1905(a)(15) of the Social Security Act (42 U.S.C. 1396d(a)(15)) under title XIX of such Act (42 U.S.C. 1396 et seq.) to employees (other than those individuals qualifying for assistance under section 1902(a)(10) of such Act) of small employers (those employing no more than 25 employees) under the following conditions:

"(1) Participating employers must demonstrate to the satisfaction of the Secretary that they are unable to obtain insurance at no more than the average premium cost in their State or locality.

"(2) Participating employers must pay a premium equaling at least 50 percent of the average per capita cost of the Medicaid Program.

"(3) The State may require participating employees to pay premiums up to 3 percent of wages.

"(4) Premium costs will be off-set equally against the required Federal and States matching shares. The remainder of the Federal share will be funded under section 1512.

Such projects will be conducted among small employers in a rural area, an urban area, and among small employers in an industry that has a high number of uninsured workers.

"SEC. 1506. PROJECTS TO DEVELOP ALTERNATIVE INSURANCE SYSTEMS FOR HIGH RISK WORKERS.

"The Secretary may approve one or more pilot projects under this title to study, develop, and market mechanisms, not including State risk pools for high risk individuals, that address the problems of providing affordable health insurance to targeted elements of the employed, high risk population.

"SEC. 1507. TAX INCENTIVES FOR THE SELF-EMPLOYED.

"(a) In General.—The Secretary shall develop and implement up to three projects in counties with diverse economic conditions under this title to test and evaluate the effectiveness of providing a subsidy to self-employed individuals (as defined under paragraph (1) of section 162(m) of the Internal Revenue Code of 1986 as an incentive to purchase health insurance.

"(b) Amount of Subsidy.—The amount of such subsidy shall be equivalent to the value of the deduction such an individual would have received had the 25 percent rule, as provided under section 162(m) of the Internal Revenue Code of 1986, been changed to 100 percent.

"(c) Consultation.—In developing such projects, the Secretary shall consult with the Commissioner of the Internal Revenue Service.

"SEC. 1508. STUDY OF HAWAII PREPAID HEALTH CARE ACT.

"The Secretary shall contract with an appropriate entity to conduct a study of the impact of the Hawaii Prepaid Health Care Act on the characteristics, size, and health status of the insured population, indigent care, health care costs and utilization, employment among specific population groups, access to health care, economic dislocation among employers, wages, and small businesses. Such study must also assess the impact of extending the requirements of the Hawaii Prepaid Health Care Act to all employers in all of the States.

"SEC. 1509. MULTIPLE EMPLOYER HEALTH PLAN PROJECTS.

"(a) Survey and Development of Small Business Insurance Plans.—

"(1) Initial survey.—The Secretary may approve a proposal to develop and conduct a survey limited to small businesses (those employing no more than 100 employees) for the purpose of identifying—

"(A) specific reasons why some small businesses do not offer health insurance to their employees while other similarly situated small businesses do offer health insurance to their employees;

"(B) administrative services that would be the most significant in encouraging such small businesses to provide insurance to their employees;

"(C) the conditions under which such businesses not currently offering health insurance would offer such; and

"(D) the types of plans, benefits, and costs that would be of interest to such employers.

"(2) Marketing and delivery system.—The Secretary may approve an application for a pilot project to develop health insurance plans and develop and establish a marketing and delivery system to provide health insurance to small businesses based on the results of the survey conducted under paragraph (1).

"(3) Waivers.—For the purposes of the pilot project authorized under this section, the Secretary, after consultation with appropriate officials, may waive compliance with any Federal regulation, including the commonality of employment interest restriction required under section 1.501(c)(9)-2(a)(1) of title 26, Code of Federal Regulations, if there are adequate safeguards for the payment of benefits.

"(4) State law.—Such project, if approved by the Secretary, shall not be subject to any State law requiring the provision of any specific health benefit or the use of any specified providers or any State law precluding selective contracting or preferred provider organizations.

"(b) Regional Voluntary Employee Beneficiary Associations.—

"(1) In general.—The Secretary may approve an application for a pilot project to develop and establish a regional voluntary employee beneficiary association (as defined in section 501(c)(9) of the Internal Revenue Code of 1986) to provide health insurance in an industry in which the average employer size is less than 25 employees.

"(2) Waivers.—For the purposes of the pilot project authorized under this section, the Secretary, after consultation with appropriate officials, may waive compliance with any Federal regulation, including the geographic area restriction required under section 1.501(c)(9)-2(a)(2) of title 26, Code of Federal Regulations, if there are adequate safeguards for the payment of benefits.

"(3) State law.—Such project, if approved by the Secretary, shall not be subject to any State law requiring the provision of any specific health benefit or the use of any specified providers or any State law precluding selective contracting or preferred provider organizations.

"SEC. 1510. APPLICATION.

"(a) In General.—No application may be approved under this title unless the State, political subdivision of the State, or private entity submits an application to the Secretary, in accordance with subsection (b), in such form and at such time as the Secretary shall prescribe.

"(b) Requirements.—Each application submitted under this section shall contain—

"(1) an assurance that appropriate small business representatives and employers have been consulted in the development of the application;

"(2) an assurance that appropriate State officials with responsibility over employer insurance plans have been consulted in the development of the application;

"(3) a description of the manner in which the applicant will evaluate the activities carried out with funds or authority provided under this title;

"(4) a description of how much such project will increase employee access to health insurance coverage; and

"(5) such other information as the Secretary shall require.

"(c) Matching Fund.—The Secretary shall not approve an application under section 1503, 1504, or 1506, unless such application contains written assurances that such applicant will expend from non-Federal sources, an amount equal to at least one-third of the amount of the grant applied for. Such funds may be used for both the development and implementation of such projects.

"SEC. 1511. EVALUATIONS.

"(a) Approved Projects.—The Secretary shall require that any approved applicant under this title shall, on the date that is 1 year, and every year thereafter, after the date of enactment of this title, submit a report that contains an evaluation of projects conducted under this title including an assessment of—

"(1) the impact of the project on employment labor costs, consumer prices, and employee turnover;

"(2) the success the project has experienced in increasing the number of insured individuals; and

"(3) in the case of projects carried out under section 1503, the impact that waiving State laws, as authorized under such section, has on insurance costs.

"(b) Other Activities.—Not later than the date that is 2 years after the date of enactment of this title, the Secretary shall prepare and submit to Congress a report that evaluates the success of any type of project designed to increase the number of employees of small employers who have health insurance that is conducted by an entity that has received no Federal funds under this title.

"SEC. 1512. TRANSFER OF FUNDS.

"Of the amounts appropriated to the Department of Health and Human Services, and any agency thereof, for each of the fiscal years 1988 through 1990 for programs that provide medical services for the uninsured, the Secretary shall make available such sums as are necessary in each such fiscal year for the purpose of carrying out this title.".●

By Mr. BREAUX:

S. 2028. A bill to reform the regulation of oil pipelines; to the Committee on Commerce, Science, and Transportation.

OIL PIPELINE REGULATORY REFORM ACT

● Mr. BREAUX. Mr. President, today I rise to introduce the Oil Pipeline Regulatory Reform Act of 1988. This bill proposes to eliminate oil pipeline rates and assures that shippers are provided common carrier pipeline service. I would like to point out, however, that this legislation proposes to deregulate oil pipeline transportation rates, not the oil pipelines themselves.

Today's oil pipeline industry is regulated by congressional amendments to the Interstate Commerce Act which were made over 80 years ago. It is time for Congress to thoroughly review the guidelines which regulate the oil pipeline industry and discern which regulations should be modified, which should be retained and which should be eliminated. Very simply, this legislation proposes a more balanced approach to Government regulation and allows healthy competition to exist within the marketplace.

Mr. President for many years I have come before my colleagues, previously in the House, and today in the Senate, to introduce what I consider to be legislation critical to our strategic and economic interests. It is legislation that is long overdue and should be acted upon expeditiously. This bill would not only deregulate oil pipeline transportation rates, but would also provide a forum for shipper complaints to remedy potential discriminatory practices. It would remove the regulatory burden from the Government and place it where it belongs—within the marketplace. It would also remove what some consider to be inefficient Federal ratemaking.

The bill which I am introducing today provides FERC with the power to investigate shipper complaints related to discriminatory rates, charges, practices or regulations. It also gives FERC the power to enforce necessary disciplinary action.

One of the concerns which has triggered interest in the deregulation of oil pipeline rates is the perception that the Federal Government has become incapable of the timely resolution of shipper complaints. This bill grants FERC, and only FERC, the authority to handle these complaints quickly and efficiently. This legislation also observes the antitrust laws which have governed this area for some time.

At one time there was a question whether or not the market could handle the issue of competitiveness on its own. So to avoid the risk of being perceived as irresponsible, Congress called for further study to ensure that deregulation would be a safe step in the right direction.

Now after a thorough investigation, backed by a Department of Justice study, we are faced with addressing this issue once more. It has been proven time and time again that the marketplace is competitive and that, as I have believed for some time, it is safe to deregulate the oil pipeline transportation industry.

Mr. President, it is unnecessary to prolong Government regulation for regulation's sake, which is what I feel is the case today with oil pipeline rate regulation by our Federal Government. In conclusion, I would like to stress that this legislation would change only what needs to be changed to make the marketplace a more conducive environment for competition while providing necessary Government safeguards.

I ask that my colleagues give the bill their full consideration and join in its support.●

By Mr. MELCHER (for himself and Mr. BURDICK):

S. 2025. A bill to amend title II of the Toxic Substances Control Act; to the Committee on Environment and Public Works.

TOXIC SUBSTANCES CONTROL ACT AMENDMENTS

Mr. MELCHER. Mr. President, there has been a rather serious matter brought to the attention of a number of us concerning schools and their efforts to make certain that they abide by the law and remove any asbestos threats that are in school buildings.

As it is set now, title II of the Toxic Substances Control Act requires that by this coming October all the school districts with all the schools in those districts throughout the country meet a deadline that is procedural in the terms of EPA enforcing the law on removal of any asbestos threat within schools. I am advised that although the regulations are out from EPA, that many schools will have a great difficulty in meeting that deadline and so for that reason, on behalf of myself and Senator BURDICK, I am introducing a bill today that would extend those deadlines for the schools. The amendments in the bill provide more time for the schools to inspect for asbestos-containing material and draft and submit asbestos management plans to Governors in each State and begin implementation of the management plan. The 9-month period, between the time when the schools must submit the plans and when they are to begin implementing them, is to give the Governor's office adequate time to review and approve the plans.

Mr. BENTSEN. Would the Senator yield?

Mr. MELCHER. Yes, I would be delighted to yield to my friend from Texas.

Mr. BENTSEN. Let me congratulate the Senator on it. When we passed that bill in 1986, it was hoped that by the end of this year, that the schools would have been able to promulgate their plans and put them into effect and much progress has been made. Unfortunately, as I understand it, the regulations out of EPA were very late in being put together and arriving so late the school boards have really not had a chance for implementation.

As late as this morning I was discussing with some of the school board members from Texas, some who said in their instances their school districts had moved forthwith, even though they did not know the ultimate regulations, trying to anticipate what they would be, and made substantial progress in corrections, but then later finding that the regulations were changed again from what they had anticipated them to be and having to go back and redo some of that work.

So there has been good-faith effort on the part of many of these school districts, but it has just been absolutely impossible for them to complete them in the timespan with the delay in the issuance of the regulations. So I am supporting legislation. I have not had a chance to examine yours, but want very much to see that extension of time; not because we are not deeply concerned about taking care of the asbestos problem, but wanting to be sure that it is taken care of and done properly and within the regulations and that the time be afforded to accomplish it.

So I congratulate the Senator.

Mr. MELCHER. I thank the senior Senator from Texas, my friend. He stated the circumstances very well and that is exactly the need of this legislation.

My proposal will also include increases in the authorization for assistance. As it stands now, the authorization is $100 million for each year. I propose in this legislation to increase that authorization to $150 million, and that is an increase of $50 million over the $100 million now authorized per year, and that $150 million would be authorized for each of the next 5 fiscal years.

Now, Mr. President, I want to speak a word on why increasing the authorization, I believe, is necessary. Some of the school districts, after they reviewed these beginnings, preliminary to trying to devise a plan to comply with the law, are finding out that yes, indeed, they are going to want to have some opportunity either for a grant or for some credit. That is what this authorization covers. It covers either grants or extending credit to school districts through the States to accomplish the needed goal of removing any asbestos hazard.

But I want to say this: In particular in our own State of Montana, we have found that over the past several years, as we have attempted here in Congress to curtail some of the Federal programs, including some educational programs that are funded through Congress, that States themselves were faced with pressures to also curtail the expenditures out of the State treasuries for necessary school programs.

So this is a program that is a new program, and new funds are going to have to be found. They will be found through the school districts, the States, and the Federal Government. Looking at the overall cost, the school districts are going to have to come up with a lot of money. The States are going to have to assist with probably almost an equal amount. The Federal Government, under the authorization as the statute now stands, is way down there. They are not putting up very much. So I believe it is only appropriate, as we view the extensive costs that are going to be involved in implementing these asbestos management plans in schools, that we just face the fact that it all comes out of the same taxpayers' pockets. The school district taxpayers will have to reach deeper, the State taxpayers will have to reach deeper, and I suggest we do a little bit here in Congress to increase our contributions a little bit more to face realities in the schools right now.

These funds, I repeat, are for the purposes of loans and grants to the schools through the States. They are distributed through the States. The authorization and appropriation addresses what we call the Asbestos Abatement Assistance Program. That is the term for this program. Those are the two salient points in the proposed bill, to extend the deadline, to extend it for 1½ years. That seems to be reasonable. We have consulted with school board associations and we have consulted with a number of Senators. We believe that extending the deadline about 1½ years is appropriate. That is what the bill would accomplish.

The second thing the bill would accomplish would be to increase the authorization from $100 million per year to $150 million.

Mr. President, I believe the bill is necessary and I hope we can have consideration of it in a matter of weeks or at least within 2 or 3 months.

By Mr. REID:

S. 2029. A bill to amend Public Law 96-586, relating to the disposal of certain Federal lands in Nevada, to require the Secretary of the Interior to purchase necessary lands at 1980 prices; referred to the Committee on Environment and Public Works.

TAHOE LAND BUYOUT

Mr. REID. Mr. President, 7 years ago Public Law 96-586 was signed into law by President Carter. This law set up a program by which highly sensitive and erodible lands would be purchased by the Forest Service, thereby preventing development of this land and further degradation of this magnificent national scenic treasure.

The Secretary of Agriculture through the Forest Service was directed in the legislation to purchase this land at current fair market value. Unfortunately, many who bought the prime real estate around Lake Tahoe paid a price 60 to 75 percent higher than today's current market value.

The Tahoe land buyout is a program with which I wholeheartedly support. However, I believe the unintended consequences of this program is that real estate values have been significantly reduced.

In order to rectify that problem, I am introducing legislation today that would amend Public Law 96-586 so that lands acquired under the Tahoe Buyout Program will not be purchased for less than than 1980 appraised value of the land as determined by the Secretary of Agriculture.

The introduction of this bill should not adversely effect the Buyout Program or stall current negotiations on parcels of land because the bill requires that 1980 prices will be retroactive to the date of introduction of this legislation, not retroactive to the date of enactment.

Mr. President, I yield the floor.

By Mr. LAUTENBERG (for himself, Mr. Bradley, Mr. Chafee, Mr. Biden, and Mr. Roth):

S. 2030. A bill to amend the Marine Protection, Research, and Sanctuaries Act; to the Committee on Environment and Public Works.

OCEAN DUMPING REFORM ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce the Ocean Dumping Reform Act of 1988. I am pleased to be joined by my senior colleague from New Jersey, Senator Bradley, my colleague from Rhode Island, the ranking Republican member of the Environmental Protection Subcommittee, Senator Chafee, and my collegue from Delaware, Senator Biden. The bill is quite simple. It would stop the ocean dumping of sludge off the New Jersey coast by the end of 1991.

In New Jersey, this past summer, it was as if the ocean had its fill of environmental abuse, and began throwing back onto the beaches the pollution that had been cast into the sea. New Jersey beaches were plagued by tides of garbage that had been disposed of illegally. Dying dolphins, plagued by mysterious maladies of the sea, washed ashore. The continued incidence of high bacterial counts also remained a problem in maintaining the quality of our beaches and ocean water.

By 1990, some 70 percent of our Nation's population will live within 50 miles of the coastline. This adds to the stress placed on our coastal environment. But, it also highlights the need to protect it. In my State, the quality of the coastal environment is critical not just to the quality of life, but to the health of our citizens and to the economy as well. Tourism businesses and fisheries depend upon the quality of the environment.

I can remember what the Jersey shore was like as a boy. Mr. President, the years of pollution and degradation have taken a toll. We need to redouble our efforts to clean up our ocean.

The battle to protect our ocean environment has been a long one. It has been marked by a number of victories over the last 5 years. We passed a Water Resources Act in 1986, that called for moving the so-called mud dump—a dumping ground for dredged spoils—from a site just 6 miles off the New Jersey shore to a site 20 miles off. We passed a new Clean Water Act, to toughen clean water regulation and to provide millions of dollars in Federal assistance, to upgrade municipal sewage treatment facilities. Included in that act were provisions forcing New York City to comply with the law and stop the dumping of raw sewage in the waters off New Jersey.

We also secured legislation to stop the dumping of municipal sludge just 12 miles off New Jersey. We moved the dumping of sludge to 106 miles out, and closed the site to new entrants.

Mr. President, this past year, we made even more progress. We saw the enactment of comprehensive legislation to combat garbage at sea. My plastic pollution bill was signed into law. The bill will stop the dumping of plastic and other forms of garbage at sea.

The bill also includes my bight restoration bill, which will develop a comprehensive plan for restoring the environment of the waters off New Jersey and Long Island. The plan must include a study of alternatives to continued use of the ocean as a dumping ground. With my efforts in the Appropriations Committee, we provided $500,000 to begin the plan. We also provided close to $1 million to monitor sea-going vessels now involved in ocean dumping, to ensure that current law is enforced.

Despite these victories, Mr. President, one battle remains to be won: the battle to stop the dumping of municipal sewage sludge in the ocean, once and for all. Communities continue to use our coastal waters as an open sewer. The ocean dumping of sludge continues to be the chosen disposal method for more than 929,000 pounds of sewage sludge each and every day from New Jersey alone. And all of that sludge goes directly into the ocean 106 miles off New Jersey's shore.

Congress gave the Environmental Protection Agency the mandate to end ocean dumping with the passage of the Marine Protection, Research and Sanctuaries Act in 1972. The law was strengthened in 1977.

Unfortunately, the ocean dumping continues. The degradation of our environment continues. Instead of working for compliance, sludge dumpers sought court-ordered reprieves.

That is why the Ocean Dumping Reform Act of 1988 is so important. Congress needs to set a deadline—free of any loopholes that sewage sludge dumpers or the courts can exploit—to stop the dumping. The bill would mandate an end to the dumping by the end of 1991. It would also establish a process to ensure that we achieve that goal.

Congress already made its intent to end ocean dumping clear but we allowed too much latitude in the decisionmaking process. No more. The language of this bill is clear and simple. After Dec. 31, 1991 we will no longer tolerate the ocean dumping of sewage sludge.

And we will not wait until the 11th hour to ensure that adequate action is being taken. The State with permittees progress in meeting the 1991 deadline. EPA, in turn, is required to report to Congress on whether adequate progress to meet the deadline is being made.

There is no question that this will be a tough process for the communities involved; it does not come without costs. I certainly sympathize with those difficulties and I am prepared to help where I can. The people of New Jersey have said in opinion polls that they are willing to pay for a cleaner environment.

The oceans are a resource that belongs to all of us. It belongs to those who reside at or visit our shoreline. It belongs to the businesses whose livelihood depends upon a healthy tourism industry. It belongs to the fishermen, whose resource is injured. It belongs, most of all, to future generations, who will inherit the environment we leave them.

I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ocean Dumping Reform Act of 1988."

Sec. 2. The Marine Protection, Research, and Sanctuaries Act, Public Law 92-532 (33 U.S.C. 1401 et seq.) is amended by adding at the end thereof the following new section:

"SEC. . SLUDGE DUMPING BAN.

"(a) Notwithstanding any other provision of law, it shall be unlawful to dispose of sewage sludge into ocean waters designated as the 106 mile disposal site after December 31, 1991.

"(b) For the purposes of this section, the term "sewage sludge" means a solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant.

"(c) Each State in which a municipal sewage treatment authority permitted to dump sewage sludge at the 106 mile site is located shall submit to the Administrator within one year after the date of enactment and annually thereafter for the following two years a report which shall, at a minimum—

"(1) identify and schedule the specific steps to be taken by municipal sewage treatment authorities and related State agencies to identify and develop alternatives to sewage sludge dumping at the 106 mile site;

"(2) identify the steps being taken by municipal sewage treatment authorities and related State agencies to implement programs, including pretreatment programs, to facilitate the beneficial uses of sewage sludge; and

"(3) describe the financial assessments and plans needed to assure the implementation of alternative sewage sludge disposal options prior to December 31, 1991.

"(d) In the event that any State required to submit a report under this section fails to submit a report which the Administrator determines to be consistent with the requirements of this section, the Administrator shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act, as amended. Funds withhold pursuant to this section may, at the discretion of the Administrator, be restored to a State upon compliance with this section.

"(e) The Administrator shall, within three months of receipt of reports submitted pursuant to this section, submit to the Congress a report reviewing progress made toward development of alternatives to dumping of sewage sludge at the 106 mile site, potential obstacles to meeting the deadline established in this section, and a specific assessment of additional actions needed to develop alternative sewage sludge disposal options prior to such deadline.

"(f) The Administrator, in consultation with the Secretary of Transportation, shall submit a report to Congress wihin six months after the date of enactment of this act, outlining progress in using electronic monitoring equipment, and/or other means, to monitor and prevent the dumping of municipal sludge by vessels in transit to the 106 mile Deepwater Municipal Sludge Dumpsite in areas outside of the 106 mile dumpsite."●

● Mr. BRADLEY. Mr. President, Senator LAUTENBERG and I are submitting legislation today to stop the disposal of sewage sludge in the ocean by the end of 1991. Only two States—New York and New Jersey—still dump their sludge in the ocean. I believe this practice should end. In fact, most of us thought that Congress had ordered that to happen when it adopted the Marine Protection, Research and Sanctuaries Act in 1976. That law told all States and communities to cease dumping sewage waste in the ocean by 1981. Subsequent court battles and bureaucratic wrangling pushed that date back to 1991. We thought that States and local sewerage authorities would develop and implement alternate means of disposing of their sludge.

It appears, however, that the 1976 mandate was not explicit enough. There are loopholes in that law which make it possible to continue dumping at sea unless the Congress specifically forbids it.

In 1986 EPA ordered New York and New Jersey to cease dumping sludge at a site 12 miles off shore and to move to a site 106 miles from shore. That order was finally implemented last year. It was a correct interim measure. But if States and localities are to take the 1976 mandate seriously and develop alternatives to ocean dumping, we must make clear that our intent is to end this practice completely—and soon.

Finding alternatives will not be easy, and there is little time left to meet the deadline for compliance. But we won't make progress unless it is clear that our intent is to stop the dumping. Alternatives simply must be found.

Unless Congress makes that mandate clear, there will be no incentive for either State to find acceptable alternatives. And without alternatives, local sewage authorities will follow the more convenient route, as they have in the past, of pleading with the courts for additional time because no acceptable alternatives are available. There must be no ambiguity in our message: Ocean dumping of our sewage must end.●

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ARMSTRONG, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 479

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 479, a bill to amend title 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter.

S. 840

At the request of Mr. THURMOND, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 849

At the request of Mr. CHAFEE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 849, a bill to establish guidelines for timely compensation for temporary injury incurred by seamen on fishing industry vessels and to require additional safety regulations for fishing industry vessels.

S. 1629

At the request of Mr. MITCHELL, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1629, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 1776

At the request of Mr. ARMSTRONG, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. REID], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1911

At the request of Mr. HATFIELD, the names of the Senator from California [Mr. CRANSTON], the Senator from California [Mr. WILSON], the Senator from Oregon [Mr. PACKWOOD], the Senator from Alaska [Mr. STEVENS], the Senator from Montana [Mr. BAUCUS], the Senator from Arizona [Mr. DECONCINI], the Senator from Nevada [Mr. HECHT], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1911, a bill to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies.

S. 1998

At the request of Mr. BREAUX, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1998, a bill to regulate interstate natural gas pipelines providing transportation service which bypasses local distribution companies and to encourage open access transportation by local distribution companies at cost-based rates.

S. 2013

At the request of Mr. SHELBY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2013, a bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens.

S. 2015

At the request of Mr. KENNEDY, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2018

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2018, a bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes.

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. ROTH], the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. SHELBY], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Alabama [Mr. HEFLIN], the Senator from Virginia [Mr. TRIBLE], the Senator from Mississippi [Mr. STENNIS], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. Domenici, the names of the Senator from Ohio [Mr. Glenn], the Senator from Rhode Island [Mr. Chafee], the Senator from Minnesota [Mr. Boschwitz], the Senator from Kentucky [Mr. McConnell], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Connecticut [Mr. Dodd], were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 214

At the request of Mr. Lautenberg, the name of the Senator from Hawaii [Mr. Inouye], was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the names of the Senator from Tennessee [Mr. Gore], the Senator from New Jersey [Mr. Bradley], the Senator from Massachusetts [Mr. Kennedy], the Senator from Ohio [Mr. Glenn], the Senator from Utah [Mr. Garn], the Senator from New Mexico [Mr. Domenici], the Senator from Virginia [Mr. Warner], the Senator from Alaska [Mr. Stevens], the Senator from Florida [Mr. Graham], the Senator from Oklahoma [Mr. Boren], the Senator from California [Mr. Wilson], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the names of the Senator from Alabama [Mr. Heflin] and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from Iowa [Mr. Grassley], the Senator from Alabama [Mr. Heflin], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 245

At the request of Mr. Cranston, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Adams, the names of the Senator from Massachusetts [Mr. Kennedy], and the Senator from Florida [Mr. Graham] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the U.S. Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 373—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 373

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $4,581,000, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 374—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 374

Resolved, That, in carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Commmittee on Indian Affairs (hereafter in this resolution referred to as the "select committee") is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the select committee under this resolution shall not exceed $1,802,055, of which (1) an amount not to exceed $205,000 may be expended for the Procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) an amount not to exceed $1,600 may be expended for the training of the professional staff of the select committee (under procedures specified by section 202(j) of such act).

Sec. 3. (a) The Special Committee on Investigations (hereafter in this resolution referred to as the "special committee"), a duly authorized subcommittee on the select committee, is authorized from February 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other federal programs and related matters.

(b) For the purpose of this section the special committee is authorized from February 1, 1988, through February 28, 1989, in its discretion (1) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (2) to make investigations into any matter within its jurisdiction, (3) to make expenditures from the contingent fund of the Senate, (4) to employ personnel, (5) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (6) to hold hearings and to take staff depositions and other testimony, (7) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (8) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (9) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by an individual authorized by local law to administer oaths.

(d) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

SEC. 4. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

SENATE RESOLUTION 375—RELATIVE TO THE DEATH OF REPRESENTATIVE DAN DANIEL, OF VIRGINIA

Mr. STEVENS (for Mr. WARNER, for himself and Mr. TRIBLE) submitted the following resolution; which was considered and agreed to:

S. RES. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Dan Daniel, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 376—COMMENDING THE WASHINGTON REDSKINS ON WINNING SUPER BOWL XXII

Mr. KENNEDY submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas, on January 31, 1988, the Washington Redskins defeated the Denver Broncos by a score of 42-10 in Super Bowl XXII thereby becoming the World Champions of professional football for the 1987 season;

Whereas for one brief shining moment all differences were laid aside as friend and foe, stranger and neighbor, host and guest joined in a nationwide chorus of praise for the sensational and spectacular way whereby the Washington Redskins became the Super Bowl Champions;

Whereas the Denver Broncos also enjoyed an outstanding season, and deserve credit for their success as champions of the American Football Conference;

Whereas, in the Super Bowl, the Washington Redskins overcame an unprecedented ten point first-quarter lead by the Denver Broncos;

Whereas Quarterback Doug Williams, ignoring injury and throwing brilliant passes, led the Redskins to a record five touchdowns in the second quarter that sealed the Super Bowl victory and shattered one of the worst racial barriers in sports;

Whereas, rookie reserve running back Tim Smith and wide receiver Ricky Sanders set Super Bowl records for rushing and receiving;

Whereas, Owner Jack Kent Cooke, General Manager Bobby Beathard, and Head Coach Joe Gibbs deserve credit for their extraordinary roles in creating the outstanding Redskins organization and developing the full potential of the team.

Whereas, all forty-five players on the Redskins roster deserve praise for their roles in achieving an outstanding season and an outstanding Super Bowl performance:

6 Ali Haji-Sheikh
10 Jay Schroeder
12 Steve Cox
17 Doug Williams
23 Todd Bowles
24 Kelvin Bryant
28 Darrell Green
29 Reggie Branch
31 Clarence Vaughn
32 Vernon Dean
34 Brian Davis
35 Keith Griffin
36 Timmy Smith
38 George Rogers
40 Alvin Walton
45 Barry Wilburn
46 Dennis Woodberry
50 Ravin Caldwell
51 Monte Coleman
52 Neal Olkewicz
53 Jeff Bostic
54 Kurt Gouveia
55 Mel Kaufman
57 Rich Milot
61 Rick Kehr
63 Raleigh McKenzie
64 Steve Hamilton
65 Dave Butz
66 Joe Jacoby
68 Russ Grimm
69 R.C. Thielemann
71 Charles Mann
72 Dexter Manley
73 Mark May
74 Markus Koch
77 Darryl Grant
78 Dean Hamel
80 Eric Yarber
81 Art Monk
82 Anthony Jones
83 Ricky Sanders
84 Gary Clark
85 Don Warren
86 Clint Didier
87 Terry Orr

Resolved, That the Senate of the United States of America joins with football fans in Washington, D.C. and across the nation in honoring and congratulating the World Champion Washington Redskins for their impressive victory in Super Bowl XXII.

AMENDMENTS SUBMITTED

TOXIC SUBSTANCES CONTROL ACT—AMENDMENTS ACT

BAUCUS AMENDMENT NO. 1397

(Ordered referred to the Committee on Environment and Public Works.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 1809) to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in certain buildings, and for other purposes; as follows:

SEC. . The Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519 is amended as follows:

(a) Section 203(i) is amended by striking the phrase "within 990 days after the date of the enactment of this title," and inserting, "no later than July 9, 1990," in the first sentence.

(a) Section 205(i) is amended by striking "Within 720 days after the date of the enactment of this title (or within 810 days if there are no regulations under section 203(i))," and inserting, "no later than October 12, 1989,".

INSPECTOR GENERAL ACT AMENDMENTS

GLENN (AND ROTH) AMENDMENT NO. 1398

Mr. GLENN (for himself and Mr. ROTH) proposed an amendment to the bill (S. 908) to amend the Inspector General Act of 1978; as follows:

On page 23, line 8, strike out "1987" and insert in lieu thereof "1988".

On page 27, line 6, insert after the comma "THE INTERNAL REVENUE SERVICE,".

On page 27, line 15, strike out "(S) and (T)" and insert in lieu thereof "(T) and (U)".

On page 27, line 18, strike out "(R)" and insert in lieu thereof "(S)".

On page 27, line 21, strike out "(L), (N), and (O)" and insert in lieu thereof "(M), (O), and (P)".

On page 27, line 25, strike out "subparagraph" and insert in lieu thereof "subparagraphs".

On page 28, lines 8 and 9, strike out "the 'Office of Inspection, Internal Revenue Service',".

On page 28, line 12, strike out the quotation marks and semicolon at the end thereof.

On page 28, insert between lines 12 and 13 the following:

"(L) of the Department of the Treasury, in the Internal Revenue Service of such department, the office of that service referred to as the 'Office of Assistant Commissioner (Inspection), Internal Revenue Service';";

On page 28, line 13, strike out "(L)" and insert in lieu thereof "(M)".

On page 28, line 16, strike out "(M)" and insert in lieu thereof "(N)".

On page 28, line 19, strike out "(O)" and insert in lieu thereof "(P)".

On page 28, line 22, strike out "(P)" and insert in lieu thereof "(Q)".

On page 29, line 1, strike out "(Q)" and insert in lieu thereof "(R)".

On page 29, line 17, strike out "and".

On page 29, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 29, insert between lines 20 and 21 the following:

(D) by inserting "or the Commissioner of Internal Revenue" before "as the case may be".

On page 30, line 3, strike out "and".

On page 30, line 7, strike out the quotation marks and the period and insert in lieu thereof a semicolon and "and".

On page 30, insert between lines 7 and 8 the following:

(D) by inserting "Internal Revenue Service" before "as the case may be".

On page 30, line 21, strike out "general".

On page 30, lines 25 and 26, strike out "the Office of Inspections of the Internal Revenue Service,".

On page 31, line 2, strike out "periodically".

On page 31, line 6, insert "(other than the Internal Revenue Service)" after "Department".

On page 32, line 11, insert "and the Inspector General of the Internal Revenue Service".

On page 32, line 12, insert "and the Commissioner of Internal Revenue, respectively," after "Treasury".

On page 32, line 24, strike out "or".

On page 33, insert before line 1 the following:

"(E) intelligence or counterintelligence matters; or

On page 33, line 1, strike out "(E)" and insert in lieu thereof "(F)".

On page 33, line 3, insert "or property" after "person".

On page 33, line 4, insert before the period a comma and "section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524)".

On page 33, line 6, insert "or the Commissioner of Internal Revenue" after "Treasury".

On page 33, line 7, insert "of the Department of the Treasury or the Inspector General of the Internal Revenue Service, respectively," after "General".

On page 33, line 9, strike out "the" and insert in lieu thereof "such".

On page 33, line 11, strike out "of the Treasury" and insert in lieu thereof "or the Commissioner".

On page 33, line 15, insert "(A)" after "(3)".

On page 33, line 24, strike out all beginning with the comma through line 25 and insert in lieu thereof a period.

On page 34, insert before line 1 the following:

"(B) If the Commissioner of Internal Revenue exercises any power under paragraph (1) or (2), the Commissioner shall notify the Inspector General of the Internal Revenue Service in writing of such exercise. Within 30 days after receipt of such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs and the Committee on Finance of the Senate and to the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives.".

On page 34, insert between lines 4 and 5 the following:

"Inspector General, Internal Revenue Service".

On page 34, insert between lines 8 and 9 the following:

(e) In addition to the standards prescribed by the first sentence of section 3(a), the Inspector General of the Internal Revenue Service shall at the time of appointment be in a career reserved position in the Senior Executive Service in the Internal Revenue Service as defined under section 3132(a)(8) of title 5, United States Code, with demonstrated ability in investigative techniques or internal audit functions with respect to the programs and operations of the Internal Revenue Service.

(f)(1) In addition to the duties and responsibilities specified in this Act, the Inspector General of the Internal Revenue Service shall perform such duties and exercise such powers as may be prescribed by the Commissioner of Internal Revenue, to the extent such duties and powers are not inconsistent with the purposes of this Act.

(2) No audit or investigation conducted by the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service shall affect a final decision of the Secretary of the Treasury or his designee described in section 6406 of the Internal Revenue Code of 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, February 2, 1988, at 10 a.m. and resuming to conduct oversight hearings on the events surrounding the stock market crash of October 19, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 2, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meeting during the session of the Senate on Tuesday, February 2, 1988, to receive testimony concerning proposals before the Federal Energy Regulatory Commission to: First, clarify certain requirements of the Public Utility Regulatory Policies Act of 1978 [PURPA]; second, provide guidelines for the use of competitive bidding systems to acquire nonutility power under PURPA; and third, create a new category of Independent Power Producers [IPP's] who would be subject to reduced regulation under the Federal Power Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JUDGE HAROLD H. GREENE APPLAUDED

● Mr. METZENBAUM. Mr. President, the forced breakup of AT&T and imposition of competitive restrictions on the local telephone monopolies represented perhaps the most important antitrust action of our time. Since AT&T was required to give up its monopoly power over the local telephone networks in 1984, competition in the telecommunications industry has flourished. This welcomed trend has been aided by competitive safeguards which prevent the regional telephone companies from becoming "mini-AT&T's" and wielding the same monopoly power in long distance and other telecommunications markets that AT&T did when it controlled the local telephone lines.

The judicial decree ordering the breakup of the Bell System has been ably and fairly administered for the past 3 years by Judge Harold H. Greene of the U.S. district court in Washington, DC. Judge Greene, in my estimation and that of many other observers, has performed this exceedingly difficult task with fairness, extraordinary skill, and devotion to the ideal of free competition embodied in the antitrust laws.

Because the public interest in the decree is so great and the economic stakes surrounding it are so high, Judge Greene's performance, no matter how exemplary, was bound to engender controversy. And it has. Those who oppose the decree's restrictions on the regional telephone companies have engaged in a concerted attack on the judge. They do not challenge—indeed, cannot fairly challenge—his honesty, competency, and commitment to the antitrust laws. Rather, they attack his performance and seek to undermine his authority simply because they disagree with his vigorous enforcement of the restrictions.

Other industry observers recognize Judge Greene's tremendous contribution to the rule of law and to the procompetitive development of this Nation's telecommunications industry. One is Leonard Heymann, an experienced trade reporter in the communications industry. In a recent article in Communications Week, Mr. Heymann criticized the telecommunications industry for treating Judge Greene "shabbily" and described him in glowing terms as an:

> American hero * * * [who] has served his country for more than 30 years, and has made a profound and positive impact on the way we live. This is true not only for telecommunications but for the fabric of American society itself.

As Heymann says, Judge Greene "needs to Boswell." But at this juncture of the public debate surrounding this historic decree, I want to applaud Judge Greene for a job well done.

I ask that a copy of Mr. Heymann's article be printed in the RECORD.

The article follows:

A FINAL WORD: JUDGE GREENE DESERVES INDUSTRY'S RESPECT

(By Leonard Heymann)

U.S. District Judge Harold H. Greene needs no Boswell.

Yet as a reporter ending more than two years as a certified court watcher I feel compelled to come to the judge's defense as the regional Bell companies and the Reagan administration gear up for a new attempt to strip him of his authority over the Bells.

Friends and family can attest, I would be the last person to be taken for a sentimentalist. But I believe the telecommunications industry has failed to give to Greene the respect he deserves. In fact, we've treated him shabbily.

Here is the man who helped break up the AT&T monopoly to create a competitive industry. Many of our businesses—even this newspaper—are here today because of Greene's dedication to his job, to the antitrust laws and to competition. Yet he has gained a reputation as a power-hungry judge bent on retaining control of telecommunications. He's the judge the industry loves to hate.

After two years of watching his work, I believe Greene is an American hero. He has served his country for more than 30 years, and has made a profound and positive impact on the way we live. This is true not only for telecommunications but for the fabric of American society itself. Greene, while a Department of Justice lawyer in the Kennedy administration, wrote the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Yet despite his achievements Greene is treated like some ill-tempered troll intent on blocking the way of the regional Bell firms.

Last month, for example, an executive of a top U.S. publishing company, when asked what could be done to convince Greene to free the regionals from the constraints of the AT&T agreement, told a large audience, "Well, they don't allow lynching."

Even as a joke, that remark was inappropriate—and in bad taste.

I see two fundamental problems about the way Greene is perceived.

The first is the simple one: We fail to separate our feelings for him from the decisions he makes. There is room to disagree, but critics should confine their attacks to his rulings. Particularly disturbing are questions about his motives. Greene, in a recent Communications Week interview, said repeatedly his goal is simply to enforce the law.

That leads to the second problem. Through a tireless Bell campaign and failure of the Justice Department to enforce the AT&T rules, the industry has lapsed into a pervasive amnesia that causes it to forget the antitrust issues that led to the Bell System breakup.

The Bell companies and the department would like us to disregard all that happened before 1984. Somehow, they want us to believe that regional company control of the local bottleneck today is less dangerous than when AT&T managed local facilities. In Justice's view, the world has changed, and therefore the old rules don't apply. Many industry watchers don't buy that in the least; neither does Greene.

The clearest example of the danger of living in a fictional world came after Greene's recent ruling on the definition of manufacturing.

The judge is now being accused of *enlarging* the meaning of the manufacturing restriction to include research and development, not just fabrication. But in his Dec. 3 opinion, he pointed out that in "virtually every" manufacturing activity cited by the government in its case against the Bell System, "it was the design and development manipulation that was the focus or the sole subject."

As Greene sees things, there has never been any question that R&D was off limits. But the Bell companies ignored the court transcripts and went to the dictionary to find definitions of manufacturing that were more to their liking.

Greene is clearly disgusted with this game, and in his manufacturing opinion he defended his efforts to enforce the AT&T rules.

His bottom line was clear: The AT&T agreeement is the law, and until it is changed, Greene will enforce it.

So as the industry prepares for the Reagan administration's latest crack at freeing the regionals—word is that various legislative proposals are kicking around the Cabinet—let's be sure we have the facts straight. Greene is doing his job and doing it responsibly.

We should respect him for his effort rather than calling him names and accusing him of wanting to be a telecom czar.

He deserves our thanks.●

BICENTENNIAL MINUTE

FEBRUARY 2, 1860: JEFFERSON DAVIS AND PRESIDENTIAL POLITICS

● Mr. DOLE. Mr. President, 128 years ago today, on February 2, 1860, Senator Jefferson Davis of Mississippi introduced six politically explosive resolutions in this Chamber. Together, they constituted what one historian termed "a grim sectional manifesto * * * a platform of theories built to sustain the drama of secession."

In these measures, Senator Davis confronted the Federal Government's role in protecting slavery in the Nation's territories, with the intention of placing the national Democratic Party on record in support of slaveholders there. As one of 10 Senate Democrats who aspired for their party's 1860 Presidential nomination, Davis believed his action would increase chances that a southerner would obtain that nomination at the party convention, less 3 months away.

In 1860 the southern Democrats, who followed Davis, dominated their party's congressional wing. Supporters of Illinois Senator Stephen Douglas, leader of the northern bloc and himself a contender for the Democratic Presidential nomination, found their strength in the party's State organizations. Douglas and other moderates sought to sidetrack the Davis resolutions, fearing that if the feuding northern and southern wings of the party could not mainain some semblance of unity during the 1860 campaigns, the Presidency would certainly fall into the hands of the newly established Republican Party.

In introducing his resolutions, Davis hoped to force the Senate Democatic caucus to support slavery in the territories as party doctrine. He argued that the party's northern wing should have no influence because its members represented States that were certain to vote Republican. Subsequently Senate Democrats adopted the Davis resolutions. The resulting uproar within the party contributed to a crippling deadlock at the April convention and became another major step on the road to the Civil War.●

NATIONAL DAIRY GOAT AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 230, which designates the third week of June as "National Dairy Goat Awareness Week."

When most people think about dairy products, the first producer that comes to mind is the dairy cow. While cows produce a great portion of all milk and dairy products consumed, little mention is made of the contribution of the dairy goat.

Dairy goat products include: fresh milk, both canned and powdered, yogurt, butter, and ice cream. Lately the dairy goat product gaining the most popularity and acceptance is dairy goat cheese or chevre. For many people suffering lactose deficiency, dairy goat products have proven easier to digest than dairy products from cows.

In my own State of New York, the dairy goat is a welcome addition to many farms. With the milking capacity of an average dairy goat 14 times her body weight in a 305-day lactation, you can see the productive capability they represent.

It is, therefore, with pleasure that I cosponsor this bill in the hopes of educating the public as to the significant contribution that dairy goats are making to all Americans. ●

INFORMED CONSENT: NEVADA

● Mr. HUMPHREY. Mr. President, I ask that a letter from a woman in Nevada be entered into the Congressional Record. This woman tells just one of the many horror stories that I have heard from women exploited by the abortion industry. Because of their courage to tell these stories, I maintain my determination to pass informed consent legislation. I ask my colleagues to support S. 272 and S. 273. The letter follows:

October 1987.

Dear Senator Humphrey: I got pregnant at the age of 18. As soon as I learned that I was pregnant from the nurse, she referred me to the abortionist. I received no counseling, no questions were asked over the phone. I was in emotional shock. I had just found out that I was pregnant and I was given the number to have an abortion all in the same breath.

I made an appointment and my girlfriend came with me. I was given a Valium. In the middle of my abortion I felt such heartache I couldn't stop crying and didn't know why. The doctor told me I had control over my body and I could do whatever I wanted. He said I would have a better life. I really didn't know what was right or wrong.

It wasn't until I was pregnant with my daughter and going through the book, A Child Is Born, that I realized what my baby had looked like and how it had reacted to the abortion. It was a little person, all perfect, that just needed to grow. It was only 7½ weeks, but it was a tiny little person.

The major thing I've had to deal with besides the sadness of knowing that I will never hold that baby, is the anger and hatred I feel toward the doctor. He knew exactly what he was doing because he could see the little body being ripped apart. But the money he was earning was more important than the woman he was robbing and the baby he was killing.

Even though I cannot forget, the Lord had helped me to forgive him. Also, Jesus has my little guy all safe with Him although I wish he were here with me.

Thank you.

ANONYMOUS IN CARSON CITY, NV.●

FRAUD OF THE DAY—PART 24

● Mr. HEINZ. Mr. President, recently a customs fraud case has surfaced which has grave implications for the safety of American children. Today's fraud involves the deliberate misclassification of flammable children's sleepwear, made of cotton but dubbed "playwear," which has been purposely redesigned to circumvent U.S. Customs regulations and Consumer Product Safety Commission [CPSC] codes. The magnitude of the danger is difficult to quantify due to the fact that infant wear is categorized with women's and girl's clothing when entered. However, as the details involved with this fraud clearly indicate, tragedy for American children may soon emerge unless we take immediate action on this matter.

The consumer movement in this country was galvanized in the late 1960's by the growing number of severely burned children due to flammable clothing. A mother's horror of watching her child, clad in cotton playwear, suddently burst into flames after the child's arm passes over a burning candle or after contact from a spark jumping from a fireplace cannot be described. Concerned Americans acted. The result was a CPSC regulation established in 1971 which required chemical treatment for all children's sleepwear. After this nonflammable treatment agent, Tris, was found to be carcinogenic, the CPSC determined that only 100 percent polyester materials would meet the stringent CPSC standards for nonflammability of children's sleepwear.

Children's clothing manufacturers in the United States have complied with the 100 percent polyester regulation since 1971, and the number of children's deaths caused from burning dropped from an average of 60 per year in 1970 to an average of 2 per year in 1982. More recently this protective measure for American children has been threatened by 100 percent cotton "playwear" imported from GATT signatories and others hoping to cash in on the projected rise in American birth rates.

The CPSC Enforcement Policy on Children's Sleepwear, published in May 1986, is currently being used by foreign children's clothing manufacturers as an industrial blueprint to circumvent CPSC regulations. Some designers have successfully imported 100 percent cotton children's sleepwear after originally receiving a restraining order on their garments simply by altering their designs to avoid application of CPSC restrictions. Others blatantly advertise this playwear with promotional receiving blankets which match the clothing. These Japanese and French exporters are clearly violating article XX of the GATT which states that signatories must comply with national measures designed to protect human health.

Mr. President, this fraud is a classic example of misrepresentation to Customs officials at U.S. borders made all the worse by the concomitant violation of CPSC regulations and the obvious danger to children's lives. This is a case where foreign manufacturers deliberately produce what Americans consider dangerous and have banned, then export these products to the United States by fraudulently—for example—misnaming sleepwear as playwear. A private right of action for customs fraud, as included in the Senate version of the trade bill, would help us combat these dangerous and pernicious practices.●

A DESPERATE WINTER FOR ROMANIANS

● Mr. ARMSTRONG. Mr. President, today, Washington, DC, is experiencing something of a mid-winter heat wave. However, the people of Romania have no such luxury. In fact, due to a government decree that went into effect nationwide on November 10, the use of electricity and gas has been reduced by 30 percent. This means that most Romanians are living in flats where the temperature rarely rises above 50 degrees Fahrenheit. It is important to remember that during a similar shortage last year, there were widespread reports of many babies and senior citizens dying due to the cold.

Energy is not the only item in short supply. In mid-December, West German Foreign Minister Hans-Dietrich Genscher met with Romanian President Nicolae Ceausescu about the hardships being suffered by the 230,000 ethnic Germans living in Romania. At the time, he offered to provide food aid to Romania to alleviate some of the most severe food shortages since World War II. According to a Radio Free Europe/Radio Liberty report, "Bread is being rationed at 300 grams a day and few staples are available or affordable." The difficulties are being compounded by the impact of wage cuts.

Instead of accepting the generous West German offer of assistance, Ceausescu refused assistance and has even cut off delivery of packages mailed from outside the country. According to an Associated Press wire story dated December 31, 1987, citing the Essen, West Germany newspaper, the New Ruhr, "Two [West German] trucks loaded with food supplies were turned back at the Romanian border in recent days. The newspaper said it was the first time such a private shipment has been refused entry into the shortage-struck Communist Balkan country. Romanian Communist party officials have rejected West German Government offers of emergency shipments of food and other supplies."

The ethnic Germans are not the only people in Romania being denied assistance. According to Laszlo Hamos of the Hungarian Human Rights Foundation, many here in the United States who ship packages to their relatives in Romania have had them returned in recent months. He points out, that the people of Romania will be very cold and hungry this winter.

As sad and as terrible as it is to hear about the plight of the Romanian people, there is something that we in the United States can do. First, an amendment has been attached to both the House and Senate trade bills that would suspend most-favored-nation trade status to the Romanian Government for 6 months. The purpose of the suspension is to show the Romanian regime of Nicolae Ceausescu that the American people expect Romania to live up to its human rights obligations that have permitted it to receive MFN status in the past. I encourage the trade conferees to push forward on this amendment to make certain that it is included in the final trade bill package.

In addition, we can all do something today to indicate our support of the Romanian people during this particularly difficult time.

Earlier this month, the Czech human rights organization, Charter 77, called on all Europeans to stand in solidarity with their brothers in Romania. It is a very unusual statement for Charter 77 to make since it goes beyond the borders of Czechoslovakia. However, its members felt that the Romanian people were suffering to such an extreme degree that they merited the attention of the world.

Charter 77 has asked that others join with the Romanians in turning down their thermostats to 10 degrees Celsius, or 50 degrees Fahrenheit, and light their homes with no more than two 40-watt light bulbs. By doing so, word will get through to the Romanians that they are not alone, but rather that the world is watching and is willing to stand with them.

The brutal regime in Romania must come to understand that it cannot continue to mistreat its people without consequence. But in the meantime, I encourage each of my colleagues and every American who may be listening today to stand in solidarity with the people of Romania.

I ask that the Charter 77 document and other related press reports be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARTER 77, DOCUMENT NO. 2/88: A CALL FOR SOLIDARITY WITH ROMANIA

These days, the government of Europe, various organizations as well as many ordinary citizens, are contemplating the future of our continent, the prospects for peace in Europe, ways of overcoming the division of Europe into political blocs, and the extent and type of human rights enjoyed by the populations of various European countries. Conferences are frequently held on these topics.

All this is to the good, and very important. What is less good is that the delegates at these conferences, sitting in well-heated and well-lit conference halls tend to forget there is a country in Europe where people have neither heat nor light.

In Romanian flats and offices, the temperature in winter rarely rises above ten degrees Celsius. Each flat is allowed a maximum of two forty-watt bulbs to be burning at any given time. In Romania, basic foodstuffs, such as flour, sugar and meat are—forty-three years after the war—either being rationed or not available at all.

After twenty-two years of rule, the Romanian leader offers the people of his country only one thing: the ostentatious cult of his personality.

It is a sense of total despair that has driven Romanian workers to demonstrations.

Romania is a curious country: not only does its government deny its citizens elementary liberties to an extent which has no parallel in any other Soviet Bloc country, but it is not even capable of ensuring what the communist regimes call their 'greatest achievement', the basic material and job security, which these regimes use as a means of self-legitimation.

We wish to hold to their word all those Europeans who feel enthusiastic about Gorbachev's statement that we all live in one European house. We call on them to realize that in this rich house there exists a nation which is forced to live in fear of cold and hunger.

This is not only a Romanian affair. Just as the peace and the freedom of Europe are common and indivisible issues of concern to all Europeans, the situation in Romania is equally of common concern. And just as the freedom of those who are indifferent to the enslavement of their neighbours becomes uncertain, the certainty of being able to rely on heat and light also becomes doubtful, if it is connected with indifference to the plight of those who are forced to live in the cold and in the dark.

We therefore call on the European public to remember Romania. We appeal to you to show publicly your solidarity with the plight of the citizens of that country. We suggest to all Europeans that on 1st February 1988 they should express their solidarity with the Romanian people by any means available to them. Let us attempt, at least for a single day, to live in an unheated and badly lit flat. Let us try to deny ourselves at least for a single day, all those things that form our material living standard and that are permanently denied to the Romanians. Wherever this may be possible, let us stage peaceful protest demonstrations in front of the Romanian Embassies. Let us appeal to our governments to help the Romanian people. Let us look for ways in which each of us could personally help.

We call on the Europeans to join Charter 77 in expressing publicly, on 1st February 1988, their solidarity with suffering Romanian society and their revulsion against the despotic ruler responsible for this suffering.

We are aware that one day of solidarity will not solve the Romanian crisis. But we are convinced that it can contribute toward its solution.

STANISLAV DAVATY,
MILOS HAJEK,
BOHUMIR JANAT,
Spokespersons for Charter 77.

(The Associated Press)

ROMANIA REPORTEDLY REJECTS PRIVATE WEST GERMAN SHIPMENT OF FOOD AND SUPPLIES TO ETHNIC GERMANS SUFFERING FROM SEVERE SHORTAGES (295)

ESSEN, WEST GERMANY.—Romania has turned back private West German shipments of food and other supplies to ethnic Germans suffering from severe shortages in their Balkan country, a newspaper reported Thursday. The Essen-based New Ruhr newspaper, citing foreign ministry sources, said two trucks loaded with food supplies were turned back at the Romanian border in recent days.

The newspaper said it was the first time such a private shipment has been refused entry into the shortage-struck Communist Balkan country. In recent months, private West German groups have been organizing aid packages for the 230,000 ethnic Germans who live in Romania and are facing mounting food and energy shortages.

Most of the groups comprise relatives of those living in Romania, or ethnic Germans who emigrated to West Germany.

Romanian Communist party officials have rejected West German government offers of emergency shipments of food and other supplies. Hans-Dietrich Genscher, the West German foreign minister, visited Romania Dec. 17.

During the visit, Romanian officials denied their nation was facing crippling food shortages, and said foreign offers of aid were both unwanted and unnecessary.

The New Ruhr newspaper said the West German foreign ministry sent a letter of protest to the Romanian ambassador to Bonn after the two trucks were refused entry into Romania.

Foreign ministry officials could not be reached for comment Thursday, a government holiday in West Germany.

Food has been rationed since the early 1980s in Romania, but this year many basic food items have become virtually impossible for the average family to find, including quality meats, sugar, butter, and coffee.

BONN PROTESTS REFUSAL OF AID TO ROMANIA

BONN, DEC. 31 (AFP).—West Germany has protested to Romania after two trucks containing aid parcels sent by West German citizens and humanitarian groups were turned back at the Romanian border by customs officials, the foreign ministry here said Thursday.

A ministry spokesman said that the West German embassy in Bucharest had asked the Romanian authorities to lift the refusal, and an official from the Romanian embassy in Bonn had been called to the foreign ministry here to hear a similar appeal.

The West German Foreign Minister, Hans-Dietrich Genscher, in a visit to Romania earlier this month, asked the Bucharest government to help the distribution of West German aid to the Romanian population.

Romanians are facing a winter of bitter hardship caused by cutbacks in energy consumption and rationing of essential foodstuffs.

[From Radio Free Europe/Radio Liberty]

ROMANIAN WORKERS DEMONSTRATE AGAINST WAGE CUTS AND CHRONIC FOOD SHORTAGES

On Nov. 15 up to 20,000 Romanians in the industrial city of Brasov demonstrated against the Romanian government. While differing over some details, almost all of the accounts agree on the essentials of what took place in Romania's second largest industrial center.

Protesting new wage cuts and chronic food shortages, the workers from the Red Flag truck plant marched out at about 9 A.M., heading for the Party and administrative headquarters downtown instead of going to vote in the nationwide local elections. During the one-hour march, they sang a Romanian hymn from the revolution of 1848 and chanted "We want bread" and "Down with dictatorship." They were joined by the workers from the Brasov Tractor Plant, where work stoppages had taken place in some sections during the preceding week. As they marched, the workers were joined by thousands of townspeople. Some eyewitnesses reported that workers were handing out leaflets (Israeli tourists interviewed by Maariv, Nov. 24).

Some demonstrators forced their way inside the Party headquarters, which they ransacked—throwing furniture, telephones, and files out the windows. In the square below, the debris was ignited along with Party banners, placards, and Romanian leader Nicolae Ceausescu's portrait, which had been torn down from the walls of buildings. Inside the building the workers discovered ample food supplies—including such items as flour, cheese, oranges, and chocolates, all of which had been virtually impossible for ordinary citizens to obtain. According to reports, non-Party property was not attacked. After some apparent hesitation, army troops with armored personnel carriers cleared the downtown area without engaging in any clashes with demonstrators.

The workers were protesting against both wage cuts that had been imposed for the second consecutive month and increasingly severe food shortages. Bread is rationed at 300 grams a day and few staples are available or affordable. Compounding the impact of the wage cuts, a government decree that went into effect nationwide on Nov. 10 reduced the use of electricity and heating gas by 30 percent. The government imposed draconian penalties for exceeding the new level, which is the fifth cut in a series of cuts that began in 1979.

The 22,000 workers at the Red Flag Truck Plant and the 25,000 workers at the Brasov Tractor Plant are regarded as the elite of Romania's working class, and Romanian officials have often pointed out that close to half the work force at these plants belongs to the Communist Youth League (Agerpres in English, Jan. 16 and April 17, 1986). That the protest should have broken out in Brasov indicates the depth of discontent among Romania's working class.

For seventeen days the Romanian media maintained total silence about the demonstration and the subsequent reprisals. There were arrests on Nov. 15, and police investigations are known to have started on Nov. 16 at both truck and tractor plants. (Foreign journalists have reported that Brasov is being patrolled by soldiers with submachine guns and guard dogs.) In the first semiofficial acknowledgment of the demonstration, two Brasov officials told the Western press on Nov. 27 that "an investigation is under way into violations of the law" committed at Brasov. They also announced that 24 of those arrested were still being held (AFP, Nov. 27). On Dec. 2, an "extraordinary meeting of workers' representatives" at the Red Flag plant "unanimously" endorsed measures to dismiss and subject to judicial investigation both the plant management and "certain elements" among the workers.

On Nov. 27 Silviu Brucan, a former high-ranking Party official and ex-Romanian Ambassador to the U.S., issued a statement to Western correspondents saying that the Romanian worker's "cup of privations is now full." He warned against repression, which would antagonize "world public opinion" and result in "total isolation, this time not only from the West but also from the East." Urging the leadership to make "a sincere effort to come to terms with [the public's] legitimate grievances," Brucan said that he was voicing the position of an "overwhelming majority" within the Party (UPI, Reuters, and BBC World Service News, Nov. 27). Since making that statement, Brucan has been under house arrest.—(Based on RAD BR/231 by Vladimir Socor.)——

SUPPLY CRISIS, RESISTANCE REPORTEDLY MOUNTING

[Exclusive report: "Supplies Crisis and Resistance in Romania are Mounting"]

The food supply of Romania's population has further deteriorated. Even onions and salt have recently been rationed. At the same time, resistance against the "blood and tears" policy of the Ceausescu regime is mounting and there are calls for the return of former King Mihai.

Romania's state and party leader Nicolae Ceausescu has promised the population 70 kg of meat and 15 kg of potatoes per person for 1988. But nobody believes his statements, since the 1988 plan contains the target to export 6 percent more agricultural products than this year.

The current supply situation is catastrophic. In general, foodstuffs can only be procured on the basis of ration cards. There is a so-called "collective card" (consisting of six columns for six months) and the actual cards for meat, flour, oil, etc. But very often food cannot be obtained in the shops in spite of the cards.

Recently onions, salt, and even matches have been rationed.

In the black market, some of the things can be bought at exorbitant prices. One kilo of coffee, for example, costs between 900 and 1,000 lei in clandestine trade, corresponding to one third of an average salary. Since the six eggs allowed per month for every person (it used to be eight) cannot be obtained in the shops, people are forced to buy them in the black market. There an egg costs between 40 and 60 lei. The supply situation and the energy shortage are beginning to fan resistance among the otherwise rather passive Romanian population. The "Romanian Democratic Action" called for nationwide protests on Sunday [27 December] but the appeal was not supported on a large scale. In the Bucharest subway, in front of a few schools in the capital, and in the Buzau County fliers carrying the slogan "Down with Ceausescu" were distributed.

On house walls, apart from the usual defamatory slogans against Ceausescu, the following questions have recently been noticed: "Mihai. unde esti?" (Mihai, where are you?) and "De ce asteptam?" (Why are we waiting?) [Slogans appear in Romanian with German translation in parentheses].

This refers to Romania's last king, who now, at the age of 66 is exiled in Switzerland. In 1944, when he was barely 23 years old, the monarch had dissolved the disastrous alliance with the Axis powers Italy and Hitler's Germany.

In view of the annoyance and despair prevailing in the country, the Ceausescu regime has decided to apply a bit of mercy: 26 persons who participated in Brasov unrest on 15 November have received suspended sentences of 6 to 16 months. Twelve directors of the truck works in Brasov where the unrest originated, will now be brought before the court on charges of "illegal wage reductions."

Rigorous actions are still being taken against opponents to the regime. The representative of the "Peasants Party" outlawed in 1974, Ion Puiu, for example, a lecturer of French language, has been put under house arrest.●

INF RATIFICATION: A MATTER OF INTERPRETATION

● Mr. QUAYLE. Mr. President, after nearly 2 weeks of Senate hearings on the INF Treaty, most people are saying that debate over the INF Treaty is over because there no longer is much reason to fear that the Senate won't ratify the treaty.

Mr. President, most people in Washington are saying this but they're wrong. In fact, the real debate over the treaty—over what its provisions may or may not require and what ambiguities need to be clarified—has not yet even begun.

I, for one, have more than a few questions that need answering. They concern three areas:

First. Can the treaty be interpreted to ban future systems the United States wants and yet allow future Soviet systems the United States assumes are banned?

Second. Can the treaty be interpreted to allow the Soviets to maintain a breakout capability in INF systems?

Third. Can the treaty be interpreted to allow modifications to our treaty obligations without Senate review?

Unfortunately, I believe the answer to each of these questions is yes unless certain treaty provisions are clarified. Certainly, if we don't seek clarification, we are banking for trouble.

We all know how time-consuming and costly the debate over agreed statement D in the ABM Treaty has been. The ambiguities contained in the INF Treaty are every bit as real. Given these ambiguities, the Soviets may cheat as they have in the past. More important, they may push as they always have to the very edge of noncompliance using the vague language of the agreement against us.

With INF the Soviets have every reason to do this. Under a START Agreement, covert INF systems or an INF breakout capability that was legal under the INF Treaty could afford the Soviets a major military advantage in targeting China and Europe. Similarly, the Soviets are eager to perfect their own deep-strike nonnuclear short and shorter-range missile capabilities so they can defeat and destroy NATO forces without necessarily having to resort to nuclear weapons. This gives them every incentive to devise missiles in excess of 500 kilometers range with accuracies sufficient to attack NATO and our friends in the Far East.

Clarifying the INF Treaty's ambiguities on these matters, then, is necessary to prevent the treaty and the arms control process it is promoting from being killed. We need clear answers from the administration. More important, we need clear answers from the Soviets. If these are lacking, the treaty may require amendments, reservations or letters of exchange.

None of this should be condemned as killer activity. Certainly, if it is and the real issues raised are not dealt with by the treaty's boosters, support for the treaty will wane.

The issues are considered below. Each of the three major interpretation questions are raised looking at the pertinent treaty provision and asking specific questions. Each of these questions deserve Senate and administration attention. Each must be answered before ratification.

I. WHAT FUTURE SYSTEMS ARE BANNED?

ARTICLE 14—NONCIRCUMVENTION

The Parties shall comply with this Treaty and shall not assume any international obligations or undertakings which would conflict with its provisions.

1. Under international law if a question arises regarding the interpretation of a treaty provision, isn't it presumed that a reading that establishes an additional obligation is the correct one rather than one that renders the provision redundant? Hasn't this been the Administration's position concerning the interpretation of Agreed Statement D in the ABM Treaty?

2. This language appears to be taken from Article 8 of the SALT II Agreement, which reads "Each Party undertakes not to assume any international obligations which would conflict with this Treaty." Why didn't we simply repeat this article in the INF Treaty? Why did we add the word "undertakings" and substitute "provisions" for "treaty"? What is the meaning of the word "undertakings" as distinguished from obligations?

3. As Article 14 is currently drafted, the word "international" could be read as modifying the word "undertaking". On the other

hand, the article could also be read so that "undertaking" stands by itself unmodified by the word "international." First, what might the difference be between an international obligation and an international undertaking? Second, what assurance, if any, do we have that the Soviets might not interpret Article 14 in such a way that "undertaking" might be read as not being modified by the word "international" and, thus, refer to undertakings that the U.S. might execute unilaterally as well?

4. When Article 14 refers to undertakings that might conflict with the Treaty's provisions, is this to be read to include the treaty's expansive and vague preamble as well? If not, why not?

5. Did the Soviets first propose the specific language contained in Article 14 or did they first propose other language for this article? If they proposed other language, what was it? Also, during the negotiations did the Soviets mention any specific weapons systems or international undertakings that they believed would "conflict with" the treaty's provisions? If so, what were these?

6. In the Administration article-by-article analysis of the Treaty distributed 26 January 1988, Article 14 is described as "refer(ing) only to the assumption of future obligations." What future obligations might these be? Did the Soviets suggest or refer to any future obligations they thought might be covered by article 14?

7. The U.S. currently is cooperating with NATO on the Modular Stand Off Weapon, a cruise missile with a range under 500 kilometers. If we share guidance technology with NATO on this project and NATO then uses this guidance technology to perfect a ground-launched conventional cruise missile that had range in excess of 500 kilometers, would this constitute an "international obligation or undertaking" that conflicts with the treaty's provisions?

8. Is article 14 intended to apply to U.S.-British cooperation on the Trident SLBM project? Would it apply in any fashion to this cooperative effort?

9. If the U.S. were to deploy additional long-range ALCMs or SLCMs (nuclear or nonnuclear) in Europe to defend NATO would this constitute an "undertaking" that would conflict with the treaty's provisions?

10. If the U.S. were to develop weapons such as hypersonic boost glide or hypervelocity weapons that are neither simply ballistic or cruise missile systems but rather a hybrid, might their deployment be interpreted to "conflict" with the treaty's provisions?

ARTICLE 2, PARAGRAPHS 1 AND 2—MISSILE DEFINITIONS

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

11. These definitions were taken almost verbatim from SALT II. When SALT II was drafted, though, these definitions were not intended to apply to futuristic offensive weapons such as hypersonic boost glide vehicles or other hypervelocity weapons, whose definitions are hybrids of ballistic and cruise missiles. Are these futuristics, which are critical to our security and which we have a lead in, now covered under the INF Treaty? If so, why? What other futuristic offensive weapons are captured by these SALT II definitions. What futuristic offensive weapons will be allowed?

12. Was DARPA consulted when these definitions were adopted?

13. Did the JCS, OSD, or State ever attempt or consider other definitions that would cover future systems in a more detailed way? Were these ever discussed with the Soviets? If so, what were they? Did the Soviets ever table alternative definitions to the ones finally agreed to? If so, what were they?

ARTICLE 7, PARAGRAPHS 1-3—MISSILE TYPE COUNTING RULES

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapons delivery, all missiles of that type shall be considered to be weapon delivery vehicles.

2. If a GLCM or GLBM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

3. If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.

14. The treaty does not define the word "type". Did OSD, JCS, or STATE ever attempt to define the word? If so, what definitions did they consider? Were these ever discussed with the Soviets? Did the Soviets ever offer a definition of type? If so, what did they offer?

15. Without a definition of type, couldn't the Soviets take an existing, banned shorter or intermediate-range weapons delivery missile banned by the treaty and modify it only slightly and claim it was a new non-weapons delivery missiles type; an air defense, ASAT, or ABM missile; or a new weapons delivery type that had a range above 5,500 kilometers or below 500 kilometers?

16. How can we know if a missile is armed or unarmed, i.e., if it is a "weapons delivery" missile or not?

17. In the Administration's Article-by-Article Analysis of Article 7, is explained that the first paragraph of the article "relieve a Party from having to prove that every missile of a particular type has been tested or deployed as a weapon-delivery vehicle; rather, it is sufficient to demonstrate that merely one missile of that type has been flight-tested or deployed as a weapon-delivery vehicle." How is this demonstrated and by whom; are we simply counting on National Technical Means assisted by whatever other national intelligence we might have? Also, must it be "demonstrated" that a missile is not a weapons delivery system or is outside of the range limits of the treaty? How must this be proved and by whom?

18. The Congressional Research Service report, "Ballistic Missile Proliferation Potential of Non-Major Military Powers" of August 6, 1987 describes a South Korean SSM, which is a "modified" Nike-Hercules air defense missile. Elsewhere, there have been reports of efforts to modify the Soviets' SA-5 air defense missile into a surface-to-surface missile. How can we know if Soviet missiles claimed to be dedicated for air defense are, in fact, not surface-to-surface missiles?

ARTICLE 7, PARAGRAPH 4—MISSILE RANGE COUNTING RULES

The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMS or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 5500 kilometers shall be considered to be intermediate-range missiles.

19. The range counting rule for GLCMs in Article 7 is taken from the rule in SALT II (Article II.8, 2nd Agreed Statement). Secretary Vance, however, states in his published analysis of SALT II (Document 12 B, p. 19) that the U.S. was unable to get the Soviets to confirm our interpretation of what this rule meant. Did the U.S. reach a confirmed agreement about what a "missile in its standard design mode flying until fuel exhaustion" means in the INF negotiations?

20. Has the U.S. or the Soviets ever had to test fly any of its long-range cruise missiles to their furtherest possible range? Also, what of ballistic missiles: Might they be tested in non-minimum-energy trajectories and, thus, have greater operational ranges when used in war?

2. Could the Soviets maintain a breakout INF capability?

ARTICLE 4, PARAGRAPH 1—ELIMINATION SCHEDULE

Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

21. Although this article says that all INF missiles, launchers, support structures and equipment will be eliminated, is it not the case that what is meant by "eliminated" is simply to follow certain "procedures of elimination", some of which amount only to altering the equipment or structures in question?

22. Doesn't the Treaty allow SS-20-related multiple-bay garages and support structures for shorter-range missiles?

23. Doesn't the Treaty allow SS-20-related launchers to modified so they might carry pipes?

24. Doesn't the Treaty under Article 6, Paragraph 2 allow the Soviets to continue to produce missile first stages that are "outwardly similar but not interchangeable" with SS-20 first stages?

ARTICLE 7, PARAGRAPH 7-8—MISSILE LAUNCHER COUNTING RULES

7. If a launcher has been tested for launching a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.

8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.

25. Do we know of any reason why a SS-25 launcher, which is allowed under the Treaty, could not be used to launch SS-20 missiles that might be hidden from our inspectors? Couldn't the Soviets train with SS-25 launchers to gain the training they might need to launch SS-20s that they would not be able to train with without risking violating the Treaty?

26. Can the U.S. inspect inside of SS-25 canisters? Could SS-25 canisters carry SS-20 missiles? Also, if a SS-25 launcher could carry a SS-20 canister, which would violate the treaty, could our intelligence community have much confidence of catching this sort of violation?

ARTICLE 7, PARAGRAPH 10—MISSILE COUNTING RULES

Except in the case of elimination in accordance with the procedures set forth in the Protocol on Elimination, the following shall apply:

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLCM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and

(c) for GLCMs, the airframe of an intermediate range or shorter-range GLCM shall be counted as a complete missile.

27. Doesn't this paragraph count P II first stages as full-up missiles that must be destroyed but allow production of the first stage of a SS-25, which is indistinguishable from a first stage of a SS-20 first stage?

28. Does the U.S. have the same rights the Soviets do to conduct continuous monitoring of our missile production facilities or do we only have the right to monitor their missile assembly plants where completed missile stages are joined to make a complete missile system?

ARTICLE 8, PARAGRAPH 9—TRAINING MISSILES

Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.

29. Where is "training missile" defined in the Treaty? Could it be identical to a banned missile or would it have to lack propellant?

30. How could we tell the difference between training missiles and real ones?

31. Are training missiles to be handled as if they were deployed missiles or as undeployed?

ARTICLE 9, PARAGRAPH 3—MISSILE DATA MOU UPDATE

No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of date contained in the Memorandum of Understanding.

It is not this data MOU, and not the one exchanged November 1, 1987 that will be final and be used to verify the elimination of banned weapons systems under the Treaty?

ARTICLE 10, PARAGRAPH 8 AND ARTICLE 11, PARAGRAPH 5, SUBPARAGRAPH B—INSPECTING ELIMINATION PRIOR TO ENTRY INTO FORCE.

Art. 10, Par 8:

Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated. . . .

Art. 11, Par 5(b):

Each Party shall have the right to conduct . . . (b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of article X of this Treaty other than former missile production facilities.

33. Under Article 10, paragraph 8, the Soviets are allowed to delete missile support facilities and operating bases from this data base if they claim they were "eliminated" under the Treaty's provisions before the Treaty's date of entry into force. Under Article 11, paragraph 5, subparagraph b, the U.S. has the right to inspect bases and facilities "eliminated pursuant to paragraph 8 of Article X. . . ." If a site has been eliminated as provided for under Article 10, paragraph 8, though, has it been eliminated "pursuant to" that paragraph? Couldn't the Soviets remove missiles and launchers from the updated, final MOU and claim that they were eliminated prior to the Treaty's entry into force but not pusuant to Article 10, paragraph 8? In this case, wouldn't the U.S. be deprived of its rights to inspect these "eliminated" systems and facilities as provided for under Article 11?

34. What assurance do we have that the Soviets understand that what we mean by these two provisions is that any site considered to be eliminated under Article 10, Paragraph 8 must be deemed eliminated pursuant to Article 10, Paragraph 8; that the U.S. must retain its right to inspect such "eliminated" sites as provided for under Article 11, Paragraph 5?

3. Can the treaty be interpreted to allow major changes in our obligations without the consent of the Senate?

ARTICLE 13, PARAGRAPH 1—SPECIAL VERIFICATION COMMISSION

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verficiation Commission to:

(a) resolve questions relating to compliance with the obligations assumed and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

35. Could Article 13, Paragraph 1 be used to devise obligations under the Treaty that would not have to undergo the amendment process described in Article 15 of the Treaty?●

THE RETIREMENT OF ARDIS FINAMORE

● Mr. HEINZ. Mr. President, I rise today to say goodbye to a long-time member of my staff, Mrs. Ardis Finamore. Ardis began working for me in 1977, my first year in the Senate. For Ardis, this was a return to Capitol Hill after many years at the State Department.

When Ardis first moved to Washington in 1936, she began her career as an assistant to Congressman Usher Burdick, father of our distinguished colleague, QUENTIN BURDICK. Ardis then went to work for a number of agencies ending with the State Department. Though Ardis was away from the Hill for years, she never lost her love for these hallowed halls as she calls them. For the last 11 years, she has proofread my letters, checked my mailing lists, sorted postcards, and perhaps most important, supplied the office with cookies almost every Monday and Wednesday.

Mr. President, I will miss Ardis, my staff will miss Ardis, and I think Ardis will miss us. She has been an irreplaceable friend and help to my staff, my constituents, and me. ●

PERFORMING ARTS LABOR RELATIONS AMENDMENTS

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 1346, the performing arts labor relations amendments, introduced in the first session of the 100th Congress by my distinguished colleague from Hawaii, Senator MATSUNAGA. This legislation amends the National Labor Relations Act of 1935 [NLRA] to allow musicians and other performing artists to be represented by union representatives of their own choosing, and gives those representatives the power to negotiate and bargain collectively with their employers.

When the NLRA was passed in 1935, Congress established the basic principle that American workers could organize into labor unions and be represented by their unions at the collective bargaining table. The law largely related to industrial unions. It was based on the then predominant model of the manufacturing worksetting: Long-term employment and a single employer. Clearly, the authors had nothing like the entertainment industry in mind.

Performing artists are an anomaly under the labor laws. Management, hotel and club owners, and entrepreneurs purchase the services of a musician or group of musicians who perform the contracted musical service. This constant hopping from one club to another and traveling from one city to another to play short engagements has in effect classified musicians and other performing artists as independent contractors, not employees, by the

National Labor Relations Board and, therefore, not entitled to union representation. As independent contractors, they cannot bargain collectively for the terms and conditions of their employment and are thus denied the fundamental labor protections other workers enjoy under the NLRA.

Mr. President, S. 1346 recognizes the unique character of the entertainment industry. Under this legislation, musicians, singers, and other performing artists would be considered as employees under Federal labor laws, represented by a union of their own choosing, and allowed to negotiate and collectively bargain for their employment contract. This change in the NLRA does not alter the employment status of these individuals for tax purposes; it maintains their independent-contractor status, with the expense deductions allowable to independent contractors, under the Internal Revenue Code.

Mr. President, the amendments in S. 1346 simply accord performing artists the right to negotiate collectively the terms of their employment. That right that has been denied for too long. I urge my colleagues to support this important legislation.●

TRIBUTE TO NEW JERSEY ASSEMBLYMAN WILLIE BROWN

● Mr. LAUTENBERG. Mr. President, I rise to recognize the leadership of New Jersey Assemblyman Willie Brown. Assemblyman Brown is one of New Jersey's most respected community and political figures. A dedicated public servant for over 14 years, he was recently reelected to the New Jersey State Legislature with the support of 92 percent of his constituents. But, more significantly, he was recently elected the Democratic assembly minority leader of the New Jersey State Assembly, the first black to hold the position in the history of that institution.

Presently in his eighth term, Assemblyman Brown has already served as assistant majority leader, deputy speaker, and deputy minority leader in the State assembly. He was the campaign manager for Newark Mayor Sharpe James in his last election. Over the years Brown has become known for his talents as a consensus builder within his party, and as a politician who places primary importance on concrete accomplishments rather than media image.

A successful businessman in Newark, Mr. Brown is originally from Anderson, SC. A graduate of South Carolina State College, he moved to New Jersey in the early sixties. Moved by the turbulence and racial tensions which arose during that decade, Mr. Brown initially set out to improve his community and foster better race relations through the creation of neighborhood associations. His entry into State politics was an extension of this community activism. Since his first election to the State assembly in 1973, Mr. Brown has diligently worked to serve the public, giving special attention to the underprivileged.

Mr. Brown has been instrumental in initiating community programs such as summer youth employment, a State commission on childrens services and a missing persons bureau. As the senior member of the assembly appropriations committee for the past 8 years, Mr. Brown has also responded to New Jersey's economic needs by helping small businesses and organizations headed by women and minorities.

One of Assemblyman Brown's most successful legislative accomplishments was his leadership in the successful effort to force New Jersey's pension funds to divest holdings linked to South Africa.

But Mr. Brown's activities go beyond his work in the legislature. He serves on the Executive Board of the National Conference of State Legislators and is the national parliamentarian of the National Black Caucus of State Legislators. He was elected by the caucus as its "legislator of the year" in 1983. He is a life-long member of the NAACP and a long time member of the Metropolitan Baptist Church in Newark.

Mr. President, Willie Brown's dedication to public service and personal commitment to justice and to those who have least in our society make him an invaluable member of New Jersey State government. With his election as minority leader, he gains even more stature as a leader, not only in our State, but in the Nation. I wish him well in his new post.●

FEDERAL-STATE TAX ON CAPITAL GAINS

● Mr. BOSCHWITZ. Mr. President, in 1986 Congress enacted historic tax reform legislation. The driving force behind the Tax Reform Act of 1986 was a reduction in individual tax rates. For individuals, the maximum tax rate was reduced from 50 to 28 percent effective in 1988—some individuals will have to pay a 5-percent surcharge raising their maximum tax rate to 33 percent. The new maximum rate compares to the top rate on unearned income of 70 percent in 1980, when President Reagan was elected. Quite a remarkable turnabout.

The recent decision by the President proposing a reduction in the capital gains tax is right on track. It is particularly significant for people who live in States with high State income tax rates.

Unlike income tax withholding that every American cannot escape paying, the capital gains tax is entirely voluntary. The taxpayer decides whether to sell the asset which triggers the tax. It's like going to the store to make a purchase of a nonnecessity. Low prices result in more sales and greater volume of business. Similarly, low capital gains rates result in more sales and a greater volume of tax collections.

During the debate in 1978 to enact a capital gains exclusion, the Treasury Department opposed the bill because it claimed reduced rates would result in a loss of tax revenues. Did tax revenues from capital gains transactions fall after the exclusion was adopted? Quite the contrary. They increased substantially.

In 1978, with a top tax rate on capital gains of 49.1 percent, capital gains collections were $9.3 billion. The following years—1979 and 1980—when the maximum rate was lowered to 28 percent, collections jumped to $11.7 and $12.5 billion respectively.

These figures are not surprising. More recent data concerning the elimination of the capital gains exclusion demonstrate that a change in the capital gains tax rate has a profound effect on investor behavior. In January 1987 tax estimators projected additional receipts of $7.9 billion in 1986 because of tax reform. Much to their surprise, tax receipts soared by $20 billion because capital gains and other tax provisions were being eliminated.

It's truly an anomaly that the same bill that created remarkably lower income tax rates simultaneously raised the top marginal tax rate on long-term captial gains. Rates that were 20 percent in 1986 now go as high as 33 percent. When the State tax is added, taxes on capital gains now can exceed 40 percent. These huge increases, coupled with the disincentive they create for savings and investment, are the most disappointing and damaging aspect of the 1986 tax bill.

Look at the chart of the maximum combined State and Federal tax on long-term capital gains. Compare your own State before and after the new law. As you can see, the top State/Federal tax rate under the old law was $235 per $1,000 of gain—Arkansas and North Carolina. Under the new law, the top rate is $417 per $1,000 of gain—West Virginia. In my State Minnesota, the combined State/Federal tax on $1,000 of gain under the old law was $215. Under the new law the State/Federal tax is increased to $390 for a taxpayer in the 33-percent bracket; that's a dramatic increase. In no State will the maximum combined rate under the new law be less than $330 per $1,000 of gain.

Such a substantial increase surely is unwise. If past experience is a guide, it will meaningfully reduce investment and the availability of venture capital. It would hit especially hard at middle-income earners whose largest capital gain is often the result of the sale of a single, large asset, like a farm or business representing a lifetime of work—or a set-aside for retirement years. Much of that long-term gain represents inflationary gain, as opposed to real economic gain.

When tax reform was being considered in 1986, Senator CRANSTON of California and I led the fight in the Senate to retain the capital gains exclusion. When we were unable to preserve the exclusion, I introduced legislation last February to provide a two-tiered capital gains exclusion for individuals. For assets held at least 1 year but less than 3 years, 40 percent of the gain would be excluded from tax—a maximum tax rate of 19.8 percent. For assets held 3 years or more, the exclusion would be increased to 60 percent—maximum tax rate of 13.2 percent. My bill encourages long-term investment in exchange for a reduction in the capital gains tax.

Now look at the chart to see what the maximum combined long-term capital gains rate would be in your State under this proposal. In my State the combined tax would be reduced from $390 to $234 for assets held 1 year and $156 for assets held 3 years. The net effect of the exclusion would be very attractive to investors, particularly long-term investors.

My bill is not the only one seeking to restore equity to the treatment of capital gains. My friend and colleague, Senator KASTEN, has offered his own approach to this issue. In addition, at least seven other Senators and Representatives have introduced legislation seeking to reinstate reduced capital gains tax rates. Although our approaches differ, the effect of our effort is to focus attention on the issue. As you know, most recently the President has announced his support for reduced capital gains tax rates. Given his decision to work for capital gains reform, together with the unanimous support for capital gains reform among the Republican Presidential candidates, it now is time for all of us to pool our efforts in behalf of a consensus approach to this issue.

My office has already begun to organize a capital gains coalition in the Senate and will be enlisting the support of Senators who have sponsored or supported capital gains legislation in the past.

An example of the support on this issue was demonstrated when 16 Senators joined me in writing to the President last year urging his support for reduced capital gains tax rates as part of the solution to the budget deficit.

Recent efforts to balance the budget have prompted some, such as JIM WRIGHT, the Speaker of the House of Representatives, to suggest that the maximum income tax rate on individuals should be increased. Proposals to raise revenue by increasing tax rates go in the wrong direction.

History consistently shows—in fact, has never shown otherwise—that if you want to collect more, particularly from the wealthiest taxpayers, you need to lower tax rates. It's really not that difficult to figure out. If you tell someone that you are going to tax 70 percent of every dollar they earn—and that's only at the Federal level, you have to throw in State taxes on top of that—you really create an incentive to avoid taxes. But as rates are decreased, the incentive to shield income from taxation is reduced and collections for the Treasury are increased.

Since 1982, we have enjoyed a remarkable period of sustained economic growth in this country. More people are working, inflation continues to be low, unemployment rates are down, and thousands of new jobs have been created. Much of the growth is attributable to tax rate reductions. Quite understandably, Americans are willing to work harder and produce more when more of what they earn is theirs to keep.

There is no reason to believe that the 1986 tax changes won't continue this trend. Indeed, from the nature of the deductions eliminated and the resulting reduction in tax rates, the trend toward fewer tax shelters and the wealthiest taxpayers bearing a larger share of the tax burden should continue. The time is right to complete the legacy of economic and tax reform begun by President Reagan in 1981, with the support of Congress, by adopting a capital gains exclusion. The economic benefit of doing so is clear and the revenue consequence of reducing capital gains taxes is overwhelming. Indeed, the numbers don't lie.

The chart follows:

COMBINED FEDERAL AND STATE TAX ON $1,000 FOR LONG-TERM CAPITAL GAIN

State	Old law	New law	Boschwitz plan—assets held—	
			1 year	3 years
Alabama	213	353	221	155
Alaska	200	330	198	132
Arizona	209	367	220	147
Arkansas	235	377	245	179
California	228	367	235	169
Colorado	209	364	218	145
Connecticut	214	377	226	151
Delaware	222	389	233	156
District of Columbia	222	394	236	157
Florida	200	330	198	132
Georgia	212	370	222	148
Hawaii	222	397	238	159
Idaho	215	385	231	154
Illinois	213	347	215	149
Indiana	206	350	210	140
Iowa	214	391	235	156
Kansas	210	372	223	149
Kentucky	206	357	214	143
Louisiana	206	357	214	143
Maine	220	397	238	159
Maryland	210	364	218	145
Massachusetts	225	364	232	166
Michigan	209	361	216	144
Minnesota	215	390	234	156
Mississippi	225	364	232	166
Missouri	206	357	214	143
Montana	212	387	232	155
Nebraska	218	370	222	148
Nevada	200	330	198	132
New Hampshire	200	330	198	132
New Jersey	218	353	221	155
New Mexico	216	387	232	155
New York	228	389	233	155
North Carolina	235	377	245	179
North Dakota	210	392	235	157
Ohio	218	387	232	155
Oklahoma	206	357	214	143
Oregon	220	380	228	152
Pennsylvania	211	344	212	146
Rhode Island	220	376	225	150
South Carolina	214	377	226	151

COMBINED FEDERAL AND STATE TAX ON $1,000 FOR LONG-TERM CAPITAL GAIN—Continued

State	Old law	New law	Boschwitz plan—assets held—	
			1 year	3 years
South Dakota	200	330	198	132
Tennessee	200	330	198	132
Texas	200	330	198	132
Utah	208	382	229	153
Vermont	224	383	230	153
Virginia	212	369	221	147
Washington	200	330	198	132
West Virginia	226	417	250	167
Wisconsin	220	376	226	151
Wyoming	200	330	198	132

Data current as of April 1987.
Furnished by Deloitte, Haskins and Sells.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

LIMITATION OF LEADER TIME ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the time of the two leaders be limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that following the two leaders on tomorrow, there be a period for morning business, not to extend beyond the hour of 9:30 a.m., and that Senators may speak for not to exceed 5 minutes each during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene tomorrow at 9 o'clock a.m.

After the two leaders have been recognized for not to exceed 5 minutes each under the standing order, the time having been reduced, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 9:30 a.m. Senators will be permitted to speak therein for not to exceed 5 minutes each.

At the hour of 9:30 a.m., the Senate will go into executive session to consider the nomination of Judge Anthony Kennedy to be a Justice of the Supreme Court of the United States. There is a 1-hour debate limitation on that nomination. After the disposition of the nomination, the Senate will return to legislative session.

Has that been ordered?

The PRESIDING OFFICER. That has already been ordered.

Mr. BYRD. The Senate will resume legislative session, at which time there will be by unanimous consent a continuation of morning business for not to exceed 30 minutes with Senators to be limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has it also been ordered that on the rollcall vote on the nomination tomorrow, which is by previous order limited to 15 minutes, the call for the regular order will be automatic at the conclusion of the 15 minutes?

The PRESIDING OFFICER. It has not yet been ordered.

Mr. BYRD. I ask unanimous consent that the call for the regular order be automatic upon the expiration of the 15 minutes on the rollcall vote on the nomination of Judge Kennedy.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move now, in accordance with the previous order and pursuant to the provisions of Senate Resolution 375 as a further mark of respect to the memory of our late departed colleague, Mr. Dan Daniel, late a Representative from the State of Virginia, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and at 5:50 p.m., the Senate recessed until Wednesday, February 3, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1988:

THE JUDICIARY

GEORGE M. MAROVICH, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE SUSAN C. GETZENDANNER, RESIGNED.

BERNARD A. FRIEDMAN, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN VICE ROBERT E. DEMASCIO, RETIRED.

EMILIO M. GARZA, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS VICE WILLIAM S. SESSIONS, RESIGNED.

NATIONAL COUNCIL ON THE HANDICAPPED

NANETTE FABRAY MACDOUGALL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR A TERM EXPIRING SEPTEMBER 17, 1990. (REAPPOINTMENT)

RAILROAD RETIREMENT BOARD

THOMAS J. SIMON, OF VIRGINIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR THE TERM OF 5 YEARS FROM AUGUST 29, 1987, VICE ROBERT A. GILEOW, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be commander

GERRY C. MCKIM
MICHAEL A. MCCALLISTER

To be lieutenant

STEVEN M. NOKUTIS

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE;

To be major general

BRIG. GEN. RONALD C. ALLEN, JR., [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. NORMAN J. DEBACK, JR. [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. GEORGE D. EGGERT [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. RALPH D. ERWIN [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. JACK L. LIVELY [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. HARVEY J. MCCARTER [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. DAVID S. TRUMP, [redacted]FV, AIR FORCE RESERVE.

To be brigadier general

COL. NORA A. ASTAFAN, [redacted]FV, AIR FORCE RESERVE.
COL. JAMES B. COBB, [redacted]FV, AIR FORCE RESERVE.
COL. ESKER K. DAVIS, [redacted]FV, AIR FORCE RESERVE.
COL. GARY L. EICHHORN, [redacted]FV, AIR FORCE RESERVE.
COL. DUANE L. FOSTER, [redacted]FV, AIR FORCE RESERVE.
COL. JOHN A. HURLEY, [redacted]FV, AIR FORCE RESERVE.
COL. ROBERT H. JONES, [redacted]FV, AIR FORCE RESERVE.
COL. RODNEY L. LINKOUS, [redacted]FV, AIR FORCE RESERVE.
COL. ROBERT A. MCINTOSH, [redacted]FV, AIR FORCE RESERVE.
COL. JAMES E. SHERRARD, III [redacted]FV, AIR FORCE RESERVE.
COL. RICHARD K. VOGEL, [redacted]FV, AIR FORCE RESERVE.
COL. CHARLES R. WHITE, [redacted]FV, AIR FORCE RESERVE.
COL. JERRY E. WHITE, [redacted]FV, AIR FORCE RESERVE.
COL. FORREST S. WINEBARGER, [redacted]FV, AIR FORCE RESERVE.

IN THE MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERAL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

JEROME G. COOPER

THE FOLLOWING NAMED COLONEL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

JOE W. WILSON

THE FOLLOWING NAMED COLONELS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

JOHN C. ARICK
HAROLD W. BLOT
MARTIN L. BRANDTNER
GEORGE R. CHRISTMAS
NORMAN E. EHLERT
RICHARD D. HEARNEY
JAMES E. LIVINGSTON
GERALD L. MCKAY
JAMES M. MYATT
JOHN J. SHEEHAN
ROBERT A. TIEBOUT

THE FOLLOWING NAMED OFFICER OF THE MARINE CORPS FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 5046:

MICHAEL E. RICH

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

ROBERT C. HUGHES, [redacted]

JUDGE ADVOCATE

To be major

ROBERT L. LOWRY, [redacted]

MEDICAL SERVICE CORPS

To be major

GARY S. MELVIN, [redacted]

NURSE CORPS

To be Major

GLENN A. HARDESTY, [redacted]

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

JOHN D. KENNEY, [redacted]

To be lieutenant colonel

WILLIAM H. CLARK, [redacted]
HOWARD W. JUNGMAN, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MICHAEL E. BROOKS, [redacted]
RONALD A. CATHEY, [redacted]
JOSEPH M. JEWEL, [redacted]
JOHN W. LIERMAN, III, [redacted]
ROBERT D. RECKNER, [redacted]

To be major

NEIL M. HILTON, [redacted]
ALAN A. KIRCHHOFF, [redacted]
JOHN W. LIERMAN, III, [redacted]
E EDWARD MCCREARY, [redacted]
KATHRYN F. NANCE, [redacted]
RICHARD C. OURAND, JR, [redacted]
STEPHEN PINDZOLA, [redacted]
BOBBY E. ROBERTS, [redacted]
CHARLES R. TURNER, [redacted]

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DONALD J. COPENHAVER, [redacted]
JAMES L. HERRICK, [redacted]
LESLIE D. RIVERS, [redacted]

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

DAVID R. AUDLEY, [redacted]

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 8371, TITLE 10, UNITED STATES CODE.

LINE

To be colonel

JOHN R. DOCKENDORFF, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

MEDICAL SERVICE CORPS

GARY S. MELVIN, [redacted]

NURSE CORPS

GLENN A. HARDESTY, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

SAMUEL B. MARTIN, [redacted]
EMMETT G. NEAL, JR., [redacted]
SCOTT D. STEFFENSON, [redacted]
GARY G. WILSON, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR PERMANENT POSITION IN THE UNITED STATES ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY

To be colonel

ERNEST H. DINKEL, JR., [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY

To be colonel

STEVEN M. BUTLER, [redacted]

To be major

JAMES E. BAGLEY, [redacted]
THEODORE B. BARILA, [redacted]
JORGE A. DELUCCA, [redacted]
ROBERT W. EASTER, [redacted]
LORENZO A. GOINS, [redacted]
ROGER F. LUECKENOTTE, [redacted]
PATRICK C. MAHAFFEY, [redacted]
CARL T. ROSE, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY

To be lieutenant colonel

GARY L. AUS, [redacted]
JAMES M. DONNELLS, JR., [redacted]
JOHN A. GOEBELER, [redacted]
GEORGE T. MCNAMARA, [redacted]
LEONARD M. TOBIN, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY

To be lieutenant colonel

MICHAEL J. CONNOLLY, [redacted]
GEORGE M. DUQUE, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE AND STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE

To be lieutenant commander

FREDERICK ELIOT, JR.
PETER J. RUCCI

MEDICAL CORPS

To be lieutenant commander

BARBARA L. CATON

MEDICAL SERVICE CORPS

To be lieutenant commander

JAMES B. PARKER

IN THE NAVY

THE FOLLOWING NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM, USN

To be ensign; permanent

JOHN M. ADRIAN
CHARLES N. ALBRECHT
DAVID W. ALLDRIDGE
LEONARD C. ANDERSON
MILTON D. ANDERSON
CAL D. ASTRIN
MARK R. ATWOOD
WILLIAM M. BAKER
ALLAN J. BALLARD
HERBERT C. BARKER
JAMES E. BARROWS
FREDDIE L. BAZEN
ANDREW L. BEEBE
STEVEN M. BENKE
STEVEN R. BIBLE
RANDY B. BLACKMON
JUDY T. BOLDUC
RICHARD F. BOWEN, JR.
MARK D. BOWMAN
MICHAEL D. BRANUM
DEVAN M. BREEDLOVE
WILLIAM J. BREITFELDER
VOLTAIRE H. BRION
DANIEL A. BRITTON
EDWARD C. BRUMBAUGH
CHARLES R. BRYANT
ROBERT L. CAPPS
JOHN P. CARDANY
ROBERT E. CARLSON
JAMES B. CARNAHAN
SIMEON R. CARPENTER
PHILIP S. CHAPMAN
BRYAN L. CLARK
REGINALD E. COLES
FREDERICK J. COLLINS
KIM G. COLLINS
CHARLES L. CONDIT
STEPHEN R. COOK
ROBERT P. COOKE
JOHN R. COOPER
TOM L. COTHERN
PAUL F. COTTER
BRETT A. COVINGTON
JAMES H. COVINGTON
DAVID M. COX
JOSEPH L. COX
JOHN R. CRAIG
FLOYD R. CRISP
DONOVAN M. DALEY
JOSEPH DAVIS
RICKY D. DAVIS
DON E. DAWKINS
BRYAN W. DELP
KEVIN J. DERROW
FABRICE W. DERULLIEUX
KENNETH F. DIANOVICH
JAMES H. DICKERSON
MATTHEW DIXON
BRADLEY J. DOUGLASS
BRIAN A. DULONG
GARY P. DUSSEAULT
JEROME C. EATON
MARK R. ETTESVOLD
MARK K. FAGAN
TAMI R. FISHER
RAYMOND J. FITZGIBBON
JOSEPH D. FLYNN
BARBARA L. FRANKLIN
BRUCE H. GILLEY
BYRON A. GINTER II
DAVID R. GONGRE
MICHAEL J. GOUGH
PIERRE J. GRANGER
MICHAEL F. GUYER
KELLEY M. HALL
FRANK A. HAMNER
MICHAEL S. HARRINGTON
ROGER G. HEATER
JOSE L. HERRADOR
NORIS R. HERRINGTON
BRIAN W. HICKS
JEFFREY D. HICKS
NATHAN D. HILLSTROM
DAVID A. HONABACH
ROBERT S. HOUSE
ROBERT E. HUDSON
JEFFREY W. HULSKAMP
ROBERT J. HUNTLEY
SYLVESTER IRVING
THOMAS A. JAMES
GREGORY F. JANCZAK
SCOTT A. JOHNSON
JOHN R. JONES
KEVIN D. JONES
JOHN P. JOURNELL
JOEL D. KENNEDY
ANTHONY B. KENNEMUR
JOHN L. KING
MARK R. KIPPS
DONALD E. KLEIN
ROBERT A. KUBO
PAUL M. KWIATKOWSKI
JAMES P. LEDOGAR
KEVIN D. LEE
RONALD R. LEITNER
RONALD K. LEWIS
NICHOLAS G. LOGHIDES
JAMES K. LOGUE
JOHN K. LONGENECKER
WALLACE G. LOVELY
RHONBDA K. MADDEN
TIMOTHY F. MAKER
SCOTT A. MAPLE
THOMAS J. MARSHALL
MICHAEL W. MARTIN
THOMAS J. MARTIN
SCOTT G. MCCANNELL
CHRISTOPHER A. MCCOY
ROBERT F. MCKINNEY
STEVEN R. MILES
RICKY L. MILLER
VANCE A. MOODY
WILLIAM C. MOORE
MICHAEL A. MORRIS
KEVIN S. MUHS
JOHN C. MURRAY
JOHN J. NEUMAYER
ROY L. NIXON
JOHN S. NORTON
GARY J. NOWICKI
JUDY F. OCASIO
CHARLES D. ODEN
DAVID E. ODONNELL
RICHARD W. OLSEN
MARTIN E. PACE
BOBBY J. PANNELL
CHESTER T. PARKER, JR.
THOMAS M. PERRON
JON E. PETERMAN
STEVEN P. POLILLO
LAWRENCE R. POTTS
LARRY J. PRUITT
JEFFREY PUCKETT
ROBERT A. REIFENBERGER
PETER J. REINAGEL
WILLIAM A. REISHUS
HARRY M. RIDDLE
WILBUR L. ROBERTS
KIMBERLY A. RODDY
EDGARDO RODRIGUEZ
STEVE J. ROERIG
JEAN M. ROGERS
DAVID A. ROSENBLUM
JEFFREY T. RUNNER
TERESA M. RUNYAN
CRAIG R. RUTHERFORD
MICHAEL R. RYAN
JEFFREY L. SCHAFER
DENNIS L. SCHLACHTER
JEFFREY A. SCHMIDT
ROBERT T. SCREPTOCK
KEVIN M. SEARLS
JOSEPH F. SHELTRY
FRANK M. SIDES
MARK D. SIMMS
EDWIN L. SIMS
EDWARD W. SKELLY
CHARLES R. SMITH II
TERRANCE A. SMITH
DENNIS G. SMYTHE
TOMMY S. SOUTHARD
PAUL D. SPEAR
BRAIN D. STECKLER
JAMES R. STOGDILL
TERRY W. STOLZ
MICHAEL A. STONE
CLYDE R. TATUM
TARL W. TAYLOR
RICHARD L. TEETER
JOSEPH M. THOMPSON
JAMES K. TRENTON
ARTHUR R. TUCKER
RUSSELL S. TURNER
ROBERT J. VANDERKRABBEN
GENE T. WALLIS
DAVID M. WEGMAN
DAVID M. WHITE
RONALD W. WHITTINGHAM
MARK T. WILLIAMS
KATHRYN K. WOODALL
JEFFREY R. WOODEN
JAMES R. WYATT
STEVEN E. YOUNG
MIGUEL A. ZAYAS

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2, 1988:

DEPARTMENT OF DEFENSE

GRANT S. GREEN, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

J. DANIEL HOWARD, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10. UNITED STATES CODE:

To be major general

BRIG. GEN. THOMAS R. ELLIOTT, JR., [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. TIMOTHY T. FLAHERTY, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. JOHN R. LAYMAN, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. PAUL L. CARROLL, JR., [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. EDWARD R. CLARK, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOE H. ENGLE, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. MICHAEL S. HALL, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WALLACE D. HEGG, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

RICHARD J. IDZKOWSKI, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. PHILIP G. KILLEY, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. STEPHEN M. KORCHECK, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. CHARLES R. LINZ, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RALPH J. MELANCON, SR., [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WILLIAM D. NEVILLE, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DONALD J. RYAN, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES H. TUTEN, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. THOMAS R. WEBB, [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES T. WHITEHEAD, JR., [redacted]FG, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE NAVY

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. STANLEY R. ARTHUR, [redacted]/1310, U.S. NAVY.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

ALEXANDER SCOTT LOGAN.
JAMES JOSEPH CAREY.
STANLEY DAVID GRIGGS.
ROBERT SMITH, III.

UNRESTRICTED LINE OFFICER (TAR)

MAURICE JOSEPH BRESNAHAN, JR.,

SPECIAL DUTY OFFICER (CRYPTOLOGY)

THOMAS EDWARD COURNEYA.

MEDICAL CORPS OFFICER

DONALD EUGENE ROY.

DENTAL CORPS OFFICER

JOHN ROWLEY HUBBARD.

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

GERALD ERNEST GILBERT.

SUPPLY CORPS OFFICER

FRANCIS WILLIAM KEANE.

CIVIL ENGINEER CORPS OFFICER

MELVIN HIROAKI CHIOGIOJI.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING RANDY D. ABELE, AND ENDING ALAN L. ZOHNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 15, 1987.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOSEPH E. STULL, AND ENDING FORREST R. NEWTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JACK L. LEVENS, AND ENDING JOSEPH S. JABLECKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING CLIFFORD J. HIXON, AND ENDING STEPHEN C. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING DOUGLAS R. ARNDT, AND ENDING MARY B. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING DANIEL F. BATTAFARANO, AND ENDING ROBERT T. GARBACZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATION OF CLIFFORD L. SIMMANG, WHICH WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JAMES R. BROWN, AND ENDING RAYMOND K. HINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS OF MILTON L. SMITH, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JENNIFER L. CALAGAN, AND ENDING CHARLES R. SOULIERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING THOMAS J. EGAN, AND ENDING BRENT D. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING ROBERT A. STROUD, AND ENDING ANTONIO R. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING LEWIS W. AARON, JR, AND ENDING JEREL M. ZOLTICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JOHN ADAMS, JR, AND ENDING WARD E. ZISCHKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ROBERT F. BUZBY, JR, AND ENDING THOMAS C. UTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

WITHDRAWAL

Executive message received by the Senate February 2, 1988, withdrawing the following nomination from further Senate consideration:

THE JUDICIARY

Robert N. Miller, of Colorado, to be U.S. district judge for the district of Colorado, vice a new position created by Public Law 98-353, approved July 10, 1984, which was sent to the Senate on February 5, 1987.

EXTENSIONS OF REMARKS

IKLE REPORT'S VISION OF THE FUTURE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. GINGRICH. Mr. Speaker, the recent report of the Ikle Commission on integrated long-term strategy confronts the realities of where we are heading as a world power. On occasion, the Government startles the public by boldly addressing the problems we face in the future. This report is one of those rare instances.

The Ikle report, "Discriminate Deterrence," challenges widely held beliefs of our leading decisionmakers in Washington. It should be used as the focal point of debate by the respective foreign policy and defense committees in Congress. Irving Kristol, one of the most influential intellectuals of our time, feels that too few decisionmakers are "paying serious attention to this crucial document." I hope you will read his recent column on the subject and a summary of the Ikle Commission's main points:

[From the Wall Street Journal, Jan. 21, 1988]

U.S. FOREIGN POLICY HAS OUTLIVED ITS TIME

(By Irving Kristol)

A specter is haunting the foreign policy of the United States—the specter of the status quo. Our statesmen are desperately clinging to past policies that they feel have served us well even as they confront a future that subverts the raisons d'etre of those policies. The post-war era is coming to an end and uncertainty is beginning to infiltrate what seemed only yesterday to be solid principles.

One of the most critical challenges to leadership is to read the signs that announce the status quo has outlived its time. Established habits of thought always tend to prevail over the candid recognition of emerging realities. What is involved is not a failure of intelligence—or even a weakness of will—but a deficiency of imagination, that rarest of faculties in any leadership. It is rare because it is not usually very important. But it becomes crucial at precisely those moments when its absence is most critical—moments that represent turning points in the evolution of policy. At such moments innovation, not coping, is the order of the day.

CHANGING AND NOT CHANGING

Its absence is most evident today in the case of our relations with West Germany, the linchpin of NATO. The INF agreement has removed from German soil a major deterrent against Soviet aggression—nuclear missiles capable of reaching the Soviet Union itself. True, those missiles had been put in place only a few years ago, in an effort to persuade the Soviets to dismantle their medium-range missiles targeted at Western Europe—an effort at persuasion which, to everyone's astonishment and the dismay of some, has been successful. So, in a sense, nothing has changed. After all, the probability of a German government permitting those missiles to be launched, therewith ensuring the nuclear annihilation of the German nation, was always closer to zero than NATO's generals would admit.

Yet, in a sense, everything has changed. For the Soviet Union now seems to have come to the conclusion that nuclear intimidation will not work against Western Europe, and that a radical restructuring of the nuclear threshold is to its advantage. As a result, the INF agreement opens the door to negotiations over the short-range battlefield nuclear weapons now dotted around Germany.

The German government finds itself in a quandary on this issue. There is no doubt that the German people are very uneasy about these weapons, especially if they are to be used, as NATO doctrine prescribes, in case of a successful conventional attack by the Soviets. This would turn Germany into a devastated nuclear battlefield—and to what end? To protect France and Britain and Holland from Soviet occupation? To spare the U.S. the prospect of a Soviet-dominated Western Europe? This is too much to ask.

It is to reduce the likelihood of a successful Soviet conventional attack that the German government now is insisting that future negotiations be unequivocally linked to a unilateral reduction in Soviet conventional forces. But this is a non-starter. Why on earth should the Soviets surrender their superiority at the conventional level while getting nothing in return? They won't.

What can Germany offer them in return? A Germany incorporated into NATO can offer nothing; its allies would not permit it to do so. But a non-NATO Germany might have quite a lot to offer: perhaps, for instance, the withdrawal of American troops and all nuclear weapons from West Germany in return for a united, non-nuclear and neutral (but not disarmed) Germany. Or an independent, nationalist West Germany rearming on a massive scale while having its own nuclear deterrent located in a few submarines at sea. The Soviets would give a lot to avoid that.

What is clear is that Germany has reached a point where it needs a German foreign policy, and can no longer subordinate its national interests to NATO.

This is unknown territory for any German government, which is why the current government dithers and procrastinates. Way back in the German mind is still the hope—unspoken but powerful—that any Soviet aggression would quickly escalate into a Soviet-American nuclear exchange, with the Germans watching the missiles pass overhead in both directions. The presence of those 300,000 American troops and civilians is supposed to guarantee that.

But no one any longer believes in any such scenario. The U.S. is not going to commit national suicide for the sake of Germany any more than Germany can be expected to commit national suicide for the sake of the U.S. Indeed, once the Soviet Union achieved nuclear parity with the U.S., it was utterly predictable that NATO would find itself in this dead end.

Just how a German government will cope with this new agenda in the years ahead remains to be seen. But it is a new agenda, a frightening one in many respects, an unfamiliar one in all respects. The German government will try to deny its existence, as will our State Department and our other West European allies. But one can be sure that the Soviets will insist on its reality, and that this is the reality that will confront the U.S.

It is not only in regard to NATO that the State Department (and the Pentagon, too) is busy trying to deny the new reality. The entire international position of the U.S. has been changing, even while the State Department keeps repeating the same old mantras.

Take the matter of U.S. military bases abroad, a subject that the media dutifully report on but in a very low-keyed way, as if it were one of those transient difficulties that come and go. This one will not go. What is at stake is the kind of world power the U.S. will be in the future, assuming it will wish to remain a world power.

In friendly nation after friendly nation—Spain, Portugal, Greece, Turkey, the Philippines, even South Korea—an American military presence is being called into question. It is important to realize that these "American" bases are not American at all. In each case, the U.S. can make use of them only with the permission of the host country. The assumption behind this arrangement is that their most likely use will be in response to Soviet aggression that posed a clear threat to the host country or its interests. Under those circumstances, permission obviously would be automatic.

But those are not the circumstances that now prevail. These military bases turn out to be needed against smaller client states of the Soviet Union, or simply against anti-American governments that are behaving in an obnoxious way (Libya, for instance). The national security of the host nations is not involved—or they perceive it not to be involved. In any case, their fear of direct Soviet aggression has receded, as they see the Soviets trying to disentangle themselves from Afghanistan while concentrating on an economic reformation. What they do fear is getting entangled in a conflict that serves American interests but not their own. In short, what was once defined as an identity or at least mutuality of interests has ceased to be so. Those "American" bases are rapidly becoming an anachronism.

And what is our response? We offer to pay blackmail—in the form of rent or economic assistance—to those governments in order to protect them against a supposed Soviet threat that they are indifferent to! Even this, however, will not work for much longer, since we never are willing to pay enough. It is a ridiculous and demeaning situation for the U.S.

But how will the U.S. remain a world power, and what kind of world power will it be, without those bases? Obviously, we shall have to redesign our armed forces, redefine our global commitments, rethink our contingency plans. It will be a different world

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for the U.S.—perhaps better, perhaps worse. The recent report of the Ikle-Wohlstetter Commission confronts the issue of a world in which we are far more likely to be relying on non-nuclear weapons to confront enemies other than the Soviet Union and recommends major reforms of our military preparedness. But there is precious little evidence that anyone is paying serious attention to this crucial document.

CONFLICT WILL CONTINUE

The world conflict between the Soviet Union and the U.S.—a conflict with roots in the antithetical ideologies of the two nations—is going to continue, of course. One can assume that the Soviets will continue to make mischief for the U.S. where it is relatively costless to do so. One can hope—with far less assurance—that we will retaliate in kind.

But the major mischiefs we both shall encounter probably will come from a variety of other sources: the collapsing economies and societies of Eastern Europe and Latin America, for instance. So the rules of engagement are changing because the status quo is dissolving. The world is becoming a more problematic place for both superpowers. Ronald Reagan and Mikhail Gorbachev seem aware of this, however dimly. But it will take bolder, more imaginative leadership than either can now provide to navigate the risky, uncharted waters ahead.

THE COMMISSION'S MAIN POINTS

Our strategy must be designed for the long term, to guide force development, weapons procurement, and arms negotiations. Armaments the Pentagon chooses today will serve our forces well into the next century. Arms agreements take years to negotiate and remain in force for decades.

Our strategy must also be integrated. We should not decide in isolation questions about new technology, force structure, mobility and bases, conventional and nuclear arms, extreme threats and Third World conflicts. We need to fit together our plans and forces for a wide range of conflicts, from the lowest intensity and highest probability to the most apocalyptic and least likely.

THE NEXT 20 YEARS

The decades ahead are likely to bring drastic changes: China, perhaps Japan and other countries, will become major military powers. Lesser powers will acquire advanced weaponry, diminishing the relative advantages of both U.S. and Soviet forces. Arms agreements may have a sizable impact on nuclear and conventional forces.

Major U.S. interests will continue to be threatened at fronts much closer to our adversaries than to the United States. Our ability to deter aggression at these distant places will be impaired by uncertainty about allies and friends granting us access to bases and overflight rights, or joining us in defense preparations to respond to ambiguous warning signals. Our difficulties of access may worsen as a result of Third World conflicts that jeopardize U.S. bases or lead to Soviet expansion in areas previously free of Soviet forces.

Military technology will change substantially in the next 20 years. We have depended on nuclear and other advanced weapons to deter attacks on our allies, even as the Soviets have eliminated our nuclear advantage. If Soviet military research continues to exceed our own, it will erode the qualitative edge on which we have long relied.

AN INTEGRATED STRATEGY FOR THE LONG HAUL

The strategy is built on a number of principles, some calling for radical adjustments, some reaffirming key elements in the current defense effort.

We should emphasize a wider range of contingencies than the two extreme threats that have long dominated our alliance policy and force planning: the massive Warsaw Pact attack on Central Europe and an all-out Soviet nuclear attack. By concentrating on these extreme cases, our planners tend to neglect attacks that call for discriminating military responses and the risk that in these situations some allies might opt out.

To help defend our allies and to defend our interest abroad, we cannot rely on threats expected to provoke our own annihilation if carried out. In peacetime, a strategy based on such threats would undermine support for national defense. In a crisis, reliance on such threats could fail catastrophically for lack of public support. We must have militarily effective responses that can limit destruction if we are not to invite destruction of what we are defending.

We must diversify and strengthen our ability to bring discriminating, nonnuclear force to bear where needed in time to defeat aggression. To this end, we and our allies need to exploit emerging technologies of precision, control, and intelligence that can provide our conventional forces with more selective and more effective capabilities for destroying military targets.

Both our conventional and nuclear posture should be based on a mix of offensive and defensive systems. To help deter nuclear attack and to make it safer to reduce offensive arms we need strategic defense. To deter or respond to conventional aggression we need a capability for conventional counteroffensive operations deep into enemy territory.

Control of space in wartime is becoming increasingly important. In a conventional war, our space capabilities—critical for communications, intelligence, and control of our forces—must be made survivable or replaceable. The enemy must be prevented from using space freely to support his targeting of our forces.

We will need capabilities for discriminate nuclear strikes to deter a limited nuclear attack on allied or U.S. forces, and if necessary to stop a massive invasion. Improvements in British and French nuclear forces can contribute to the common defense.

To help protect U.S. interests and allies in the Third World, we will need more of a national consensus on both means and ends. Our means should include:

Security assistance at a higher level and with fewer legislative restrictions that inhibit its effectiveness.

Versatile, mobile forces, minimally dependent on overseas bases, that can deliver precisely controlled strikes against distant military targets.

Allies that help us defend common interests beyond alliance boundaries.

In special cases, U.S. assistance to anti-Communist insurgents who are resisting a hostile regime imposed from the outside or a regime that threatens its neighbors. The free World will not remain free if its options are only to stand still or retreat.

Our arms control policy should give increasing emphasis to conventional reductions. Carefully designed reductions in nuclear arms could lead to a safer balance of offensive and defensive forces. Elimination of the large Soviet advantage in tanks, artillery, and other heavy equipment would help both NATO's security and the Soviet economy, and hence be in the interest of both sides. In order to deter violations, compliance with an arms agreement must be verifiable and backed by an industrial mobilization capacity and the political will to respond effectively in the event the agreement breaks down.

Given the perils and uncertainties facing our nation and our allies in the future, the defense and security assistance budgets should grow at a steady rate commensurate with our growing economy. U.S. defense budgeting in the years ahead should be guided by the strategic priorities outlined, permitting economies in some areas and providing needed enhancement in others. In periods when the U.S. defense budget does not increase, we must support continued growth in the equipment that makes our ships, aircraft and other "platforms" more effective—such as advanced non-nuclear munitions, conventionally armed tactical missiles, sensors and communications systems.

The principles above imply change. But our strategy also includes many things that will not change:

We must maintain a mix of survivable strategic offensive arms and command and control capabilities that can, in all circumstances, respond to and thus deter a massive nuclear attack intended to eliminate our nuclear forces and other targets.

In the future, even more than in the last forty years, the United States will need its allies to share the risks and burdens of the common defense.

We will seek to contain Soviet expansion in any region of the world.

We will need forward deployed forces in some critical, threatened areas.

We will maintain as a reinforcement capability mobile active and reserve components in the United States.

With forces much smaller than those of the Soviets, we must not only continue to field better equipment, but we must also maintain the high quality, superior training and excellence in leadership of the men and women who serve in our armed forces.

THE ORANGE COUNTY ACADEMIC DECATHLON

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DORNAN of California. Mr. Speaker, last week, in his seventh State of the Union Address since being elected President in 1980, Ronald Reagan told the American people that the "the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, parents and teachers."

President Reagan's views on improving the quality of education in America is based on the belief that parents and educators are more qualified than Federal bureaucrats to recognize and respond to the educational needs of our children. Although this view of education places a tremendous burden of responsibility on the shoulders of local communities, we have seen the American people rise to the challenge, take the responsibility, and achieve excellence in education.

Twenty years ago, Dr. Robert Peterson, superintendent of the Department of Education in Orange County, CA, rose to the challenge. In an attempt to give scholastic achievement some of the recognition and social status that is usually reserved for sports, Dr. Peterson created the Orange County Academic Decathlon—a decathlon of the mind. The academic decathlon is a program in which high school students, from various academic levels, compete as they test their knowledge of English composition, mathematics, economics, fine arts, interview techniques, language and literature, science, social science, speech, and a special super quiz on the history of flight.

Under the leadership of Dr. Peterson, and with the help of educators, parents, and community volunteers, the academic decathlon has grown into a nationwide program that includes more than 75,000 students from 45 States.

On February 18, at an awards banquet in Anaheim, CA, more than 110 awards will be presented to individual students and school teams from Orange County. The overall winning team will receive a trophy and plaque, and advance to represent Orange County at the California Academic Decathlon.

As we in the U.S. Congress grapple to find solutions to our Nation's education problems, I hope that the academic decathlon, and programs like it that have enriched the educational experience of our youth, will serve as a reminder that more Federal intervention is not always the solution. As demonstrated by Dr. Peterson, and the students and volunteers who have made the academic decathlon a success, the solutions lie in a dedication to quality and excellence that can only be found in our local communities.

On behalf of my colleagues in the U.S. House of Representatives, I would like to congratulate the Orange County Academic Decathlon and the Academic Decathlon Association, which raises the private funds to finance the program, on 20 years of a job well done.

ROBERT COSTER MUST NEVER BE FORGOTTEN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mrs. BENTLEY. Mr. Speaker, America is a land of hero worshippers. When we are young these heroes originate in the pages of comic books, movies, or TV shows. When we are older, however, these heroes are people just like us. They are ordinary people who eat, work, love, hurt, and act out everyday dramas similar to those performed by the next guy. What makes them heroes, however, is the fact that opportunities have arisen in which they had the chance to perform some deed or act which can be classified as brave, noble, or—most of all—self sacrificing.

When one of those heroes makes the supreme sacrifice, the way in which we honor his or her memory is almost ritualistic. Ceremonies are held, flags are presented, speeches are read, and articles appear in all the papers. However, after a while all the attention dies down, and the public tends to forget. The family never forgets, though. The loss of a loved one is still a loss, despite the fact that the loved one died heroically.

This month marks the sixth anniversary of the death of a Maryland hero, and I would like to pay homage to his memory. Though much time has passed since Robert Coster, Jr., lost his life saving others, the pure heroism of his act—and the sense of loss felt by his family and friends—is still just as strong today as it was 6 years ago.

It was a snowy New Year's Day, and Robert Coster was staying with a group of friends at a chalet in western Maryland. They had all turned in early, anxious for a day of skiing to help ring in the New Year.

Suddenly a fire started on the first floor. Robert Coster dashed wildly from room to room, trying to awaken his sleeping friends. As the chalet erupted into a blazing inferno around him, Coster—without any regard for his own safety—lept through smoke and flames to save his friends.

As people emerged from the deathtrap, Coster's voice pierced the cold night air with cries of, "My God . . . I have got to get that little girl out." He charged directly into the flames and managed to bring several children to safety.

Robert eventually emerged from the house and collapsed into the snow. His skin was so burned that it singed his girlfriend's hand to touch it. Third degree burns covered 66 percent of his body, and he was put on a respirator once he reached the hospital.

He died 2 weeks later, leaving behind three children.

The legacy of his actions still lives today. There are a group of people alive today because of his selflessness and heroism. There is also a family without one of its members.

People like Robert Coster must never be forgotten, because their memory is all that is left of them. They gave everything; we at least owe them the courtesy of keeping their memory alive. While it is true that America is a Nation of hero worshippers, it must be remembered that we will forget exactly what a hero is if we don't keep in mind the individual heroes themselves.

It's an honor to sing their songs of praise.

LET'S HONOR OUR NATION'S CONSTITUTION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to share the following resolution from Dr. John Stapp of Alamogordo, NM, with my colleagues for their consideration. Dr. Stapp is a distinguished retired colonel currently living in Alamogordo, NM. He has received many awards including an award for outstanding research by an Air Force officer, an award for outstanding service in space and aviation, and the John Jeffries award for medical research to name just a few of this accomplishments. He has also been elected to the International Space Hall of Fame.

His proposed resolution, which was drafted last year and only recently brought to my attention, suggests that we honor our Nation's Constitution by including a pledge to it in the Pledge of Allegiance. I think that this idea is worth serious consideration because it will remind us of the debt we owe our Founding Fathers and the benefits we derive from our Constitution. I am inserting it in the CONGRESSIONAL RECORD for the review of my colleagues:

A RESOLUTION TO AMEND THE PLEDGE OF ALLEGIANCE TO INCLUDE A PLEDGE TO THE U.S. CONSTITUTION

Whereas, on this 12th of October, 1987 we celebrate the discovery of America 495 years ago by Christopher Columbus;

And Whereas, on this date in 1892, the school children of America first uttered the Pledge of Allegiance to the flag of the United States; let it be

Resolved, that the words "and Constitution" be added following the word "flag", and the word "they" replace the word "it" in the Pledge of Allegiance, so that the altered version reads:

"I pledge allegiance to the flag and Constitution of the United States of America, and to the Republic for which they stand, one nation under God, indivisible, with liberty and justice for all."

On this, the 95th anniversary of the pledge, these changes are a lasting and appropriate memorial for the 200th year of our Constitution.

Thereby, we the people not only declare our patriotic loyalty to our flag, but proclaim our support of the Government and our commitment to the rule of law established by our Constitution. Thus, we the people take an oath of office as citizens whenever we pledge allegiance to our flag and our Constitution.

APPLAUD TURKEY AND GREECE MEETING AT DAVOS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I recently returned from Turkey where I met with reelected Prime Minister Turgut Ozal and other Turkish leaders and parliamentarians. The Prime Minister told me that he would do everything to meet with Greek Prime Minister Papandreou at Davos, Switzerland at the end of January. I am very gratified to learn that this meeting has indeed taken place and that these leaders of our NATO allies have formally agreed to work toward the improvement of bilateral relations. The confidence-building measures agreed to will foster the cooperative spirit and good will so essential to resolving issues of mutual concern.

I would like to share with my colleagues the text of the New York Times report on this historic meeting. The hope that we all have for a peaceful resolution of regional differences between Greece and Turkey may now begin to be fulfilled.

[The article follows:]

[From the New York Times, Feb. 1, 1988]

CHIEFS REACH A GREEK-TURKISH ACCORD

(By Steven Greenhouse)

DAVOS, SWITZERLAND, Jan. 31.—After meeting in this Alpine ski resort, the Prime Ministers of Greece and Turkey announced what they said was an important agreement today to help bring peace and cooperation to their traditionally hostile countries.

Prime Minister Andreas G. Papandreou of Greece and Prime Minister Turgut Ozal of Turkey agreed to meet at least once a year and said they would set up committees to foster economic cooperation and discuss mutual problems.

In addition, the two leaders said a crisis like the one last spring over mineral and terroritorial rights in the Aegean "should never be repeated and both sides must concentrate their efforts for the establishment of lasting peaceful relations."

A GREAT EVENT

"It is a great event for the two nations," Mr. Papandreou said for the agreement. "Differences may be differences but they should not interfere with relations between the two countries." The two men were in this Swiss resort for the worklong World Economic Forum, an annual conference of government officials and business executives.

Several Greek and Turkish Government officials said the agreement did not resolve such longstanding disputes as those over Aegean territorial claims and Cyprus, but it did set up a mechanism to begin to resolve them. Privately, the officials said the agreement did not guarantee peace and friendship but was an important step in that direction.

In a joint communiqué issued this afternoon after 3½ hours of talks today and 90 minutes of talks Saturday, the two leaders said that "the creation of improved relations and confidence would require resolve, time and hard work."

Mr. Ozal, who called the agreement achieved today a "breakthrough," said the Cyprus dispute would take years to resolve. The two nations have feuded heatedly over Cyprus since Turkey invaded in 1974, and tensions were aggravated in 1983 when Turkey gave its backing to a secession effort by one part of the island. "It will take time, three to five years, to begin addressing and solving some of these substantial problems," the Turkish leader said.

POLITICS AND TRADE

According to Government officials and diplomats here, Mr. Papandreou was eager for such an agreement because it would help him present himself as a man of peace during elections that are expected during the next year in Greece. As for Prime Minister Ozal, such an accord is expected to give some impetus to Turkey's efforts to be accepted into the European community. By spurring trade, the rapproachment between the two nations is also expected to spur their economies.

The Prime Minister said the two nations would set up a committee to "define the problem areas" between them and "explore the possibilities of closing the gap and move toward lasting solutions." The communiqué said the Prime Ministers would review the committee's progress.

They also agreed to establish a committee to explore cooperation in joint ventures, trade, tourism, communications and cultural exchanges. In addition, the leaders said they would establish a joint chamber of commerce and industry and would seek to increase contacts among business executives and civilian and military officials.

The Prime Ministers said they would meet at least once a year in reciprocal visits. Mr. Papandreou said the first visit would be by Mr. Ozal to Athens. The two officials also agreed to set up a direct telephone line.

CALL FOR MORE CONTACTS

In addition, they called on their ambassadors to international organizations to increase contacts, with the aim of improving cooperation.

In their communiqué, the two leaders said that at their meetings they "gave their views of Turco-Greek relations, starting from a historical perspective and their deterioration in time." They added that they "reiterated their respective positions on issues of bilateral and regional interest."

The communiqué said: "The Prime Ministers agreed that rigid frames of mind have been created in various segments of their societies in relation to existing issues. They noted that this is the case even in textbooks."

ONEIDA BERLENE BRANCH, A FOUNDING SPIRIT OF EAST PALO ALTO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LANTOS. Mr. Speaker, as we enter the second year of the 200th anniversary celebration of the U.S. Constitution, that peerless blueprint for self-governance, it is most appropriate that we also celebrate the great work done by the people who set the standards of hard work and dedication for all of us. I mean, of course, the founding families of the peninsula.

The 11th Congressional District, which I have the privilege to represent, has benefited greatly from the largely unrecognized efforts of our first families, all men and women of vision, strength, and perseverance.

This description is particularly fitting for the person we honor here today, Oneida Berlene Branch, whose personal motto is:

"You are not really living until you live for others."

Born in Louisiana, Mrs. Branch, who was the youngest of three children, was orphaned at 3 months of age, but was adopted by a wonderful family who loved and cared for her. She became a Christian at age 6. She is a graduate of Leland College after having grown up in the Chicago area.

She is the mother of five sons—Israel, Erwin, Whitney, Gerald and Nathaniel. Her first husband, Israel Dabney, died when she was 30 years old, and she was remarried 2 years later to the Reverend James Branch. The Reverend Branch adopted her youngest, Nathaniel. The other four sons had reached adulthood.

The Reverend Branch moved the family—all except Israel, who remained in Chicago—to San Francisco, where he became cominister of St. John's Baptist Church. Many members of the church were moving from the city to East Palo Alto during this period. The Reverend Branch was asked to form a mission church in East Palo Alto to serve these parishioners and save them a long trip each Sunday to San Francisco.

In November 1955, the family moved to East Palo Alto, a community in transition. As black families moved into the community, whites moved out, creating severe economic dislocations. Despite financial hardships, a church was started, meetings held in garages and living rooms until use of the Carpenters' Union Hall was gained for 18 months. After many false starts and disappointments, a home for a new St. John's Baptist Church was finally settled in 1958 in a building formerly used by St. Paul's Church.

Mrs. Branch continued her community outreach work during this period, setting up the first food bank, writing a newsletter that obtained donations of food and clothing for the town that had severe economic problems. Students from Stanford University and people from St. Albert the Great Church were enlisted for work in the food bank and regular holiday meals Mrs. Branch cooked and served.

Meantime, Nathaniel—most called him by this time—was enrolled in elementary school and later went on to Ravenswood High, where he first gained attention as an athlete, particularly in basketball, and then went on to the University of Nebraska and then to the Harlem Globetrotters, where he gained still more fame.

Mrs. Branch's other sons also became successful; one works for the FBI, another in insurance and another in another branch of law enforcement.

Mrs. Branch, who now has 17 grandchildren and great-grandchildren, has always kept a busy schedule of public service. She was the first black president of Church Women United, Menlo Park-Palo Alto Council, served on the Ravenswood School District Board, the Drew Health Center Board, the Redwood City Planning Commission, Mothers for Equal Education, Beautification Committee chairperson, and on United Flame that had child care centers, food banks and summer camp programs.

Mrs. Branch also played a key role in forming the East Palo Alto community service program in which Frank Crist donated legal services and Louis Rapp provided office space.

Her most famous effort at cleaning up her town's image was on Willow Road, where the community service office was located. Dismayed at conditions there and unable to persuade anyone to help clean up the street, Mrs. Branch set out one morning armed only with a Bible and a rake. Within an hour of her attack on the litter and trash along the street, others came to her aid. Individuals came out with their own tools and the L.C. Smith Construction Co. sent a truck with a crew to help clean up. They also eliminated an old tree that drug dealers and other unsavory characters had used as shade for their illicit traffic.

Mrs. Branch, we take great pride in recognizing your continuing work by example and deed to create and maintain a wholesome community all can enjoy and love.

To Oneida Berlene Branch, we bestow this award as a Founding Family of East Palo Alto.

AFGHANISTAN'S TERRIBLE HOUR OF NEED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. HUNTER. Mr. Speaker, if one searches for the greatest need for health care in the world today, the conclusion would be that it is found in Afghanistan. When the Russians invaded that country in December 1979, they immediately imprisoned Western-trained doctors, executed many, and drove others out of the country. Since then, the Russians have killed more than 1 million Afghan men, women, and children, and driven more than 4 million into U.N. refugee camps outside that country.

Along with this, the Russians have destroyed entire villages, polluted water supplies, burned grain fields and orchards, and in their genocide of the Afghan people, made them the target for disease and malnutrition unknown before the Russian invasion. Today, the death rate for Afghan children is the highest in the world.

At the same time the Russians are bombing, strafing, and mining Afghanistan, they are also denying the Red Cross, the United Nations, and other international groups the right of entry into that country. Medical units in the unoccupied part of the country have been regularly attacked and destroyed, and Western newsmen imprisoned or killed.

In that desperate country, the International Medical Corps provides medical help for the Afghan Mujahedin and some 40 clinics, most of them located in caves to escape detection and destruction by the Russians. To man these clinics and to provide future health care in Afghanistan, the IMC has a training school in Peshawar, Pakistan, where it trains young Afghans to become medics, in an 8-month course, with American volunteer doctors and nurses as instructors. At this IMC school, as part of their training, teams of Afghan students, interpreters, and doctors, examine and treat daily, hundreds of Afghan men, women, and children from the nearby refugee camps.

I wish to publicly thank several volunteers from my area of California who have recently returned from Peshawar. Dr. Don Sharp, and Cathy Fleming, a nurse practitioner, left their jobs at the Kaiser Permanente Center in San Diego to teach at the IMC school in Peshawar. While living in Afghanistan, their pay, as is true of all IMC instructing physicians and nurses, was $48 per month. They lived as all other instructors do, in a compound guarded 24 hours a day. This was necessitated by KGB-incited attacks against those helping the Afghans in resisting genocide by the Russians in Afghanistan.

Ralph Hodges and his wife Diane recently spent 2 weeks of their vacation making training films for IMC in Peshawar. Ralph is client services director for KFMB-TV in San Diego. He has long been a leader in his industry, serving as chairman of the national issues committee of the national Academy of Television Arts and Sciences, of which he is a former vice president, and currently a trustee. His association with the film industry began when he was 7 years old and a star in the "Our Gang" comedy series. He created and directed several network series and has received two regional "Emmy" awards for documentaries.

In Peshawar, Ralph did the filming and Diane operated the sound and video units. They lived in the same guarded compound as the medical volunteers from the United States. The IMC is indeed fortunate to have this San Diego team making their training film. It will have the highest professional quality and the lowest possible cost because of the Hodges' contribution of their time and considerable talent.

Bob Fryer, of my area, is another who was in Peshawar recently, helping solve some of the IMC computer problems. Bob was also in Peshawar 2 years ago contributing his technical expertise for IMC.

Larry Dickson first went to Peshawar in 1984 and is the originator of the Afghan Help Organization, which staged the meeting in San Diego that resulted in introducing the IMC to the local community. Larry is currently treasurer of the San Diego chapter of the IMC. Not long ago, when the treasury needed replenishing, Larry Dickson made the largest single contribution in the chapter's history.

Hassan Nouri, vice chairman of the Los Angeles IMC, is an Afghan who has a successful engineering business in this country and has relatives still living in Afghanistan. He gives unselfishly of his time here and is the bulwark for the school in Peshawar. Sayed Nair, vice president of the San Diego IMC chapter, organized the community support of housing, transportation, and other needs for Mohammed Aseel, a 16-year-old freedom fighter recently in San Diego's Sharp Hospital for special treatment of his war wounds. His treatment was a part of the McCullon program.

These American volunteers and others, who have come forward in this terrible hour of need by the Afghans, deserve the highest praise and thanks from all of us who value freedom and condemn the genocide now being waged against the Afghan people.

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S WEEKLY RADIO BROADCAST

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. FOLEY. Mr. Speaker, I commend to the House the excellent remarks of the gentleman from Missouri, in response to the President last Saturday.

REMARKS OF HON. RICHARD A. GEPHARDT, DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S WEEKLY RADIO BROADCAST, JANUARY 30, 1988

Since 1981, this country has committed more than $200 million to overthrowing the government of a nation of less than four million people. The Contra war is wrong—it is clear that it cannot be won—and the Administration's only answer to this failure is more of the same.

We now hear from the authors of the war that additional bombs and bullets will be the path to peace.

The truth is—the Administration did not seek the present negotiations; the peace process was not created by the President of the United States, but by the President of Costa Rica. And in accepting the Nobel Peace Prize, President Arias told the world that President Reagan "knows very well that the Contras are the problem and not the solution."

Contra aid has become a policy in search of a reason.

The way to greater freedom in Nicaragua is not greater firepower for the Contras. The Arias Plan has brought in six months something the Contras could not achieve in six years—a reversal in the trend toward repression inside Nicaragua. Contra aid now would only strengthen the case and the hand of those among the Sandinistas who resist concessions and compromise.

President Arias has also warned that if such aid continues, the conflict will widen into the rest of the region. And we know that as the region militarizes, the first casualties will be the fragile democracies there which the Administration professes to be protecting. The leaders of all five Central American Republics have called for an end to Contra aid. So have our allies in all of Latin America.

On this issue, this Administration is not only at odds with our own people, but with the entire hemisphere. And the President's so-called humanitarian aid includes aircraft that will also carry the military supplies to kill human beings.

Who will die if the Administration prevails on Contra aid? Not primarily soldiers in the Nicaraguan Army. One of this country's leading newspapers describes the Contras as "a military force that, when it does fight, often kills, shoots, and kidnaps unarmed civilians, including children and pregnant women, and ransacks, and burns peasant houses." Are these the freedom fighters of whom the President speaks?

Why does the Administration cling so senselessly to the Contras? Perhaps it regards the policy as proof of American power. But at a time when our trade deficit is widening and our economic influence is waning across the world, this war against a small nation is not an assertion of strength, but a confession of weakness. Assaulting the Sandinistas is no substitute for solving America's mounting problems—at home and overseas. We need to meet the challenge of exporting more products, not exporting more war.

I have opposed Contra aid from the beginning—and so have most of the Democrats in the House and the Senate, and a number of courageous Republicans who have broken Party ranks. I believe that this year, we will prevail—and that our vote for peace will mark not only an end, but a beginning.

We are committed to a different and better involvement in Central America. We believe that our country has something more to offer than guns. We can and should work with the nations of the region not as subordinates, but as equal partners, in a second alliance for progress—an alliance for social change, for economic opportunity and justice. The most dangerous enemies we face in this hemisphere, and in so many places elsewhere, are poverty, hunger, and despair.

We came to the present situation—and the Sandinistas came to power—in large part because for so long we supported the Somoza dictatorship in Nicaragua. The same betrayal of our national ideals has given aid and comfort to the Pinochet regime in Chile and the apartheid regime in South Africa.

It is time for America to be America again—to redeploy the force of our ideals—which are the most important weapons in the arsenal of freedom.

The President's policy will not bring pressure for peace, but the escalation of war. The Administration wants to capture Nicaragua. Instead let us recapture the true place and power of this country as a source of hope and human rights.

Let us insist that a strong defense does not mean a war that weakens the nation.

Let us resist the call to shoot our way to peace in Central America.

Let us resolve to make our America equal once again to the words which his brother spoke of Robert Kennedy. "Let it be said of us, this Congress and this country, at this time, that we saw wrong and tried to right it, that we saw suffering and tried to heal it, that we saw war and tried to stop it."

THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. FIELDS. Mr. Speaker, today I am joining my colleague from Ohio [Mr. OXLEY], in introducing legislation to ensure the safe and complete inspection and response actions regarding asbestos-containing material in our Nation's schools by extending certain statutory deadlines in the 1986 Asbestos Hazard Emergency Response Act (AHERA).

The extension of the deadlines is necessary to ensure that the goal of AHERA is met. The goal of AHERA is to ensure—finally—that school buildings have been appropriately and adequately inspected for asbestos and that the plans for the management of asbestos hopefully will eliminate—not increase—the hazard presented by asbestos. The act stressed that this be accomplished in a safe and complete manner.

The Asbestos Hazard Emergency Response Act (AHERA), which I fully supported, was signed into law on October 22, 1986 (Public Law 99-519). The law requires the Environmental Protection Agency to issue rules requiring inspection and periodic reinspection of schools for asbestos-containing material, development of school management plans, and response actions for hazardous materials in schools.

Specifically, the law contains four major requirements: (1) all schools must be inspected by accredited inspectors to identify and inventory the location of all asbestos-containing materials; (2) plans for repair, encapsulation, enclosure or removal of all asbestos-containing materials must be submitted to the Governors by October 1988 and implemented by July 1989; (3) all asbestos-containing materials not removed must be reinspected every 6 months; and (4) States must establish accreditation programs for persons involved with the inspections.

AHERA's statutory timetable is causing problems in school districts around the country, and particularly in my State of Texas, which has 1,065 public school districts and more than 900 private schools that are subject to the requirements of the act. School officials are seriously concerned that the too tight timeframe will cause inspections and response action to be performed in an unsafe and incomplete manner—directly contrary to the act's goal.

Let me use Texas as an example. The regulations issued by the EPA in October 1987 correctly assume that many school districts will want to self-manage at least part of the assessment and management plan process. Pursuant to this assumption, EPA has designated approved training programs to accredit asbestos inspector and management planning personnel. However, only two such training schools have been approved in Texas—far too few to train personnel from 1,065 public districts and 900 private schools.

Although additional classes have been scheduled, the two programs can handle no more than one-third of those personnel who may require accredited asbestos inspector training. Therefore, it is not possible for the majority of public schools districts in Texas to self-manage the process within the timeframe set by AHERA.

This then presents further problems. School districts whose budgets were set for 1988 prior to the issuance of final regulations, find themselves in the no-win situation of accepting inflated contracting costs—due to the high demand caused by law—or facing fines and penalties under AHERA. For example, I heard of one situation in Texas where a small district containing five buildings requiring inspection received a bid from a contractor for $125,000. When the school district official checked with others knowledgeable, he was told that the cost would probably be about $5,000 if the district could self-manage the process. Obviously, this is not a small difference. On the other hand, failure to comply with the deadlines or other aspects of the regulations can result in fines of up to $5,000 per day. Criminal charges also may be filed against school district officials.

AHERA requires that asbestos samples obtained during inspection be analyzed by EPA-approved laboratories. Texas school districts own more than 25,000 buildings, containing more than 400 million square feet of space. The Texas Department of Health has estimated that analysis would have to be performed on about 90,000 samples. One survey has shown that Texas currently has a sample processing capacity of about 10,000 samples per month. Due to the statutory timetable, there may be only about 4 months during which sampling will occur. Due to processing limitations, there could be a sampling backlog of 50,000 unprocessed samples by August 1, 1988. It would then be extremely difficult for school districts to develop final management plans by October 12, 1988.

Additionally, this backlog would not be evenly distributed among laboratories. Laboratory fees range from $16 to $45 per sample for the same type of analysis. The lowest fee is charged by the Texas Department of Health [TDH]. The next lowest fee charged by a private lab is $18 per sample. Certainly school districts must minimize cost wherever possible. TDH believes it could keep its fee low if there were time to increase its capacity. This also would stimulate competition, resulting in less discrepancy in fees.

Mr. Speaker, according to TDH, a laboratory technician cannot analyze more than 12 samples per day without possibly incurring eye strain. However, in the survey mentioned earlier, some laboratories said they could deliver 80 sample analyses per day per person. Certainly such a dramatic increase in the number of analyses performed is not in the best interests of the lab technicians. Nor is it in the best interest of the districts whose samples would be analyzed by these labs, for more asbestos could go undetected as volume increases beyond reasonable levels.

Finally, Mr. Speaker, in Texas the Department of Health is designated as the reviewer of management plans. Under the law, the TDH will have 90 days to disapprove a plan. If TDH misses that 90-day cut-off, the plan is automatically approved. With 1,065 plans to approve, it is highly likely that some plans will not be reviewed within the 90 days, therefore allowing inadequate plans to be approved.

Mr. Speaker, the situations I have outlined are contrary to the purpose of the Asbestos Hazard Emergency Response Act—the establishment of Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to asbestos-containing material in the Nation's schools in a safe and complete manner.

Mr. Speaker, I invite you and all of my colleagues in the House to join Mr. OXLEY and me in support of ensuring that asbestos hazards in schools are managed in a safe and complete manner. I urge you to cosponsor the legislation which has been introduced today to extend the relevant statutory deadlines in the Asbestos Hazard Emergency Response Act.

CONGRESSIONAL SALUTE TO PATERSON KENNEDY FOOTBALL TEAM ON WINNING NEW JERSEY STATE CHAMPIONSHIP

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to salute the football team at John F. Kennedy High School in Paterson, NJ, which is in the heart of my Eighth District of New Jersey. During the 1987 scholastic football season, the Knights of Paterson Kennedy turned in one of the most outstanding performances in New Jersey high school football.

This excellent team, coached by Frank Bonadies, compiled an undefeated record, 10-0-1, playing against some of the toughest competition in the State. Paterson Kennedy High School capped this great season by winning the North Jersey, section 1, group 4 State championship with a 13 to 6 victory over Bayonne in the title game.

Paterson Kennedy High School's record included six shutouts. Overall, the team surrendered a total of only 50 points in 1987, meaning their opponents scored, on the average, less than 5 points per game.

Friends, family, and members of the Paterson community will honor the outstanding accomplishments of this fine team with a dinner this Sunday, February 7, 1988, at the Brownstone House in Paterson. More than 500 people are expected to attend, and all of the honors that are being bestowed upon the Paterson Kennedy High School team, its coaches, and supporters, are most certainly well deserved.

For the record, I would like to list the coaches and players of Paterson Kennedy. During the season, Frank Bonadies was capably assisted by Mr. Steve Simonetti, Mr. William Pursley, Mr. Kevin Bashaw, Mr. John Rotella, Mr. Jonah Donovan, Mr. Ron Bligh and Mr. Gerard Hill, as well as by equipment manager Peter Festa.

Squad members included Dante Noble, Jerome Harris, Michael Patterson, Antoine Barrett, Cameron Bogen, Michael Jackson, Vincent Freemen, Daryll Tyson, Keith Bocote, Marcus Banks, Ronald Jackson, Charles Hill, Andrew "Tex" Johnson, Ken Moultrie, Brian Morgan, Dietrich Fields, Teshon Hayes, DeVon McDonald, Gerard Crowe, Frank Jacobsen, Shawn Belton, Ronald Brand, Dedrick Williams, Robert Clark, Eddie Williams, Howard Baldwin, Jay Joyner, Ali McDaniel, Akram Hamad, Ellis Graham, Chris Villaplana, Rinado Thomas, Kevin Jackson, and Marvin Whitaker.

Mr. Speaker, I invite you and all of my colleagues to join me in extending heartiest congratulations to the Paterson Kennedy football team for its remarkable accomplishments during the 1987 season.

CANADIAN FREE TRADE AGREEMENT MAY OPEN NEW DOORS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. GINGRICH. Mr. Speaker, the recent United States-Canada Free Trade Agreement signed this month may provide a unique opportunity for us to break down more international trade barriers. Washington Post columnist Hobart Rowen recently pointed out that this agreement may help us negotiate further reductions in trade barriers in the ongoing GATT talks in Uruguay.

I hope this agreement with Canada will be the wave of the future in our trade relations with other nations. Hopefully, the Senate will ratify the treaty and then the administration can negotiate along the lines of the Kemp-Gramm bill to create a North American free trade zone. I highly recommend Mr. Rowen's fine column on the opportunities created by our new agreement with the Canadians.

[From the Washington Post, Jan. 10, 1988]

CANADIAN PACT OPENS WAY FOR OTHER ACCORDS

(By Hobart Rowen)

When President Reagan and Prime Minister Brian Mulroney signed the United States-Canada Free Trade Agreement on Jan. 2, they did more than start a process that could phase out practically all tariff barriers between the two nations over the decade beginning in 1989.

Their deal will give an impetus to other bilateral trade negotiations and offer a challenge to the GATT-multilateral system, which as University of Maryland trade expert Paul Wonnacott said, "served the world well for the past 30 years, but may now have run out of steam."

To be sure, as Wonnacott pointed out in an interview, the circumstances and long history of the U.S.-Canadian relationship are unique, and therefore it may be easy to exaggerate the ease with which the two countries' trade pact may be duplicated. But for Canada and the United States, as Treasury Secretary James A. Baker III claims in the current issue of the magazine International Economy, it is "a win-win enterprise.".

Outside of North America, in Japan and Europe especially, the U.S.-Canadian pact may be challenged as antithetical to the principle of multilateral trade, and to the concept of the most-favored-nation (MFN) principle that has underpinned U.S. trade policy and the General Agreement on Tariffs and Trade (GATT), the international compact that regulates global commerce.

Asian auto producers could have a special problem with the pact: to qualify for zero tariffs across either border, manufacturers in either country will have to make sure that the products from any new investment have as much as 50 percent North American content. Autos made in existing facilities that presently qualify for duty-free treatment under performance tests set up by a 1965 auto pact will continue to do so. The idea, of course, is to prevent a country such as South Korea from setting up an assembly-line auto operation with low North American content and enjoying the duty-free privilege.

GATT recognizes and accepts free trade agreements and custom unions. Moreover, in the real world of the 1970s and 1980s, GATT has turned the other cheek to quotas and other nontariff barriers that effectively scuttled the interest of third nations, who were supposed to be protected by the MFN principle.

The new pact gives Canadian and U.S. manufacturers a bigger potential common market and the consequent advantages of larger production runs. And the enlarged North American free trade area should allow manufacturers to boost their export sales into an increasingly competitive world market and to meet the competition here and in Canada from Japan and Europe.

Baker openly is seeking to use the U.S.-Canadian deal as a lever to get a better response from recalcitrant partners in the GATT system. The United States already has a two-year-old free trade agreement with Israel, and some trade experts wonder whether a U.S.-Japan agreement, or a U.S.-Taiwan pact, and so on, may now be feasible.

In fact, U.S. trade negotiators, long impatient with the slow-moving international trade bureaucracy represented by GATT, have warned for the past few years that if global trading rules can't be liberalized—and expanded to the increasingly important area of services—the United States will pursue trade agreements on bilateral lines.

William E. Brock first tossed out that idea three years ago at a Paris conference when he was the frustrated U.S. trade representative, fighting the protectionist tendencies of the European Community. At an Organization for Economic Cooperation and Development meeting, he told some of his European counterparts that if they refused to free up their rules on agriculture and trade in services, the United States would go its own way. His successor, Clayton Yeutter, has taken up the cry.

Now Baker has made the Brock-Yeutter warnings explicit. Baker wrote in International Economy that if the new Uruguay Round for liberalization with GATT doesn't pan out, "we might be willing to explore a 'market liberalization club' approach, through minilateral arrangements or a series of bilateral agreements."

The U.S.-Canadian agreement, Baker said, is "a lever to achieve more open trade. Other nations are forced to recognize that the United States will devise ways to expand trade—with or without them." That's playing hardball, and it can be assumed that other nations are paying attention.

For Canada and the United States, the outlook should be nothing but bright. The United States already is Canada's largest export customer, and Canada takes 20 percent of this country's exports. The bilateral merchandise trade (export plus imports) totaled $125 billion (in U.S. dollars) in 1985 compared with only $88 billion between the United States and Japan, and $108 billion between the United States and all 10 members of the European Community.

The prospect now is that the free trade agreement will pull Canada and the United States ever closer together. For Japan to participate more fully in the combined U.S.-Canadian market, it will have to liberalize its trade barriers in exchange for North American concessions, as Edwin L. Hudgins of the Heritage Foundation pointed out.

U.S Ambassador to Japan Mike Mansfield has suggested that the United States and Japan might work out a free trade agreement of their own. But a Japan-U.S. agreement is a far-away dream. Even the U.S.-Canadian deal, we should remember, is not yet home free, because protectionists in the United States and Canada will continue to fight it.

AMERICAN COALITION FOR
TRADE EXPANSION WITH CANADA,
Washington, DC, January 25, 1988.
Hon. NEWT GINGRICH,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE GINGRICH: The U.S.-Canada Free Trade Agreement signed by President Reagan and Prime Minister Mulroney on January 2 is a major accomplishment. While neither side got everything it wanted, the agreement is quite comprehensive, and sets the stage for further trade liberalization both bilaterally and multilaterally. The agreement:

Eliminates all tariffs.

Establishes a North American free market for energy.

Improves access for U.S. investors in Canada.

Provides for freer trade in services, including financial services.

The economic benefits of this agreement will be shared by consumers and business, both large and small, throughout the United States. It will stimulate new economic activity in both countries, make us more competitive in world markets, and strengthen the overall U.S.-Canada bilateral relationship, which is critical.

Attached is a backgrounder and a summary of the agreement prepared for the American Coalition for Trade Expansion with Canada (ACTE-CAN), a group of more than 500 businesses and trade associations from around the country who support the U.S.-Canada agreement. I am sending this material with the hope that it will be useful to you when the agreement comes up for Congressional consideration. I also hope it will merit your support.

Please let me know if we can provide any further information or assistance, or contact our Executive Director, Gail Harrison, at (202) 638-2121.

Sincerely,

JAMES D. ROBINSON III,
Chairman—ACTE-CAN,
Chairman & Chief Executive Officer,
American Express Company.

THANKS AMERICAN SERVICEMEN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DORNAN of California. Mr. Speaker, I recently received an exceptional answer to an essay on a service academy application from Han Nguyen of my district in Santa Ana, CA. The essay explains why this young man desires to become a cadet.

I believe that Han Nguyen's answers are beautifully unique and speak volumes of moving dedication and patriotism. Being a young boy in Vietnam during the time of American involvement gave him incredible perspective on the situation. This short essay is something that every American soldier who served in Vietnam should read. For every soldier who remains uncertain about the morality of his participation in the Vietnam war, let him read the words that spring with such openness from Han's heart and mind. Let every soldier who courageously fought for freedom with a clear conscience to aid his fellow man against Communist oppression read the thoughts of this aspiring cadet to be reassured that his efforts were not in vain. Han Nguyen, and those like him, is what that war was all about. He is grateful to the United States, and who represented our country during that war? Certainly not Jane Fonda. It was the American serviceman, and to him, Han offers the following thanks:

My people will never be the same. My country will never be the same. I can never go back to a culture and a land that I once loved. However, I am capable of serving a nation that gave me refuge and saved me from the jaws of communism. I can combat the forces that war against the nation I now love and respect. I watched American soldiers feed my friends and relatives during the savage evacuation and subsequent turmoil years following 1975. I witnessed the commitment of the United States servicemen as they protected a lost and dying land. I made a vow as a small child to one day repay a country that has given me a new life! That's why I want to be a cadet or midshipman and for no other reason. Thank you.

TRAGIC AND UNTIMELY DEATH OF JERRY TURNER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mrs. BENTLEY. Mr. Speaker, 1988 promises to be a year of many new events and happenings both around the United States and in my home State of Maryland. However, the new year will indeed prove to be "different" in a way Marylanders hoped would never come to pass. For on December 31, 1987, we lost Jerry Turner to cancer, and his passing has left a void in the hearts of hundreds of thousands of Marylanders which cannot ever be completely filled.

I am sure that most of you don't know who Jerry Turner was. He wasn't a politician or a sports hero as many of you might suspect. He was a news anchor with WJZ channel 13, and during his 25 years with that station he became a veritable institution. The Baltimore Sun described him as one of the most popular figures in the history of Maryland, and the good will and excellence in television journalism which he projected makes this a qualified statement.

I would like to introduce you to this very special man, a person who was to Maryland what Walter Cronkite has been to the United States. There were two different sides to this magical man, and I hope that discussing each of them to some degree will acquaint you with the intense sense of loss that all Marylanders feel over his tragic and untimely death.

Jerry Turner was, first and foremost, a journalist. During his many years on television he informed his audience about the deaths of leaders, the victories of the Baltimore Orioles, the departure of Baltimore's Colts, as well as all other diverse happenings which could be deemed newsworthy. People wanted to hear the day's events from Jerry Turner, and that is why so many thousands turned their dials to channel 13 every night at 6 and 11.

He was, however, so much more than a man who skillfully read prepared copy from a teleprompter. He wrote virtually all of his own copy, and he insisted that everyone else do the same. He often worked on holidays and late into the night to prepare his newscasts in just the way he wanted. His journalistic integrity was supported by a genuine love of the city and State that took him so easily into their hearts. He received offer after offer to work at other stations around the Nation, yet he refused. He was too happy where he was, something which his many viewers were able to sense.

Yet Jerry Turner was also a very special, humane man in addition to being a superb journalist. He never got too big for his britches or let his powerful position go to his head. He was always more a friend and less a superior to those who worked with him on the "Eyewitness News." This kindness extended out into the community as well.

For example, a group of girls at Villa Julia College in my district were once making a documentary of their school, and one of them came up with the almost unrealistic idea of having Jerry Turner serve as narrator. Eventually they got the nerve to call him, and—much to their surprise—he gladly agreed to assist them. When they asked him what his fee would be, Mr. Turner explained to them that his fee would be very simple and reasonable: nothing. At the debut of the film, Jerry Turner was greeted with wild applause and the genuine thanks of the entire student body. For him, Mr. Speaker, this was payment enough.

I suppose that the feelings that we in Maryland have for this man can never be fully understood. Yet I guess it might help to say that he was a man who knew thousands and was called a friend by hundreds of thousands. Jerry Turner epitomized grace on and off camera, and the love he felt for his people and his State will live always in our hearts.

Farewell, Jerry Turner, and congratulations for a job well done.

SUPPORT POLITICAL ACTION REFORM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RICHARDSON. Mr. Speaker, I am proud to cosponsor H.R. 2717—a bill designed to reform political campaign fundraising. It is important that the American people have confidence in our electoral and legislative processes. Many people have become alarmed at the growing influence political action committees are playing in elections. With money becoming ever more important in seeking election and reelection, political action committees have gained powers that threaten our democratic process.

This legislation establishes a campaign spending limit of $400,000 for each election cycle, establishes election cycle limits on aggregate PAC contributions to candidates at $100,000, and strengthens and clarifies current law with regard to independent expenditures, bundling, and party expenditure allocations.

I must point out that I disagree with provisions in the bill concerning public financing of elections. In a recent survey taken in my congressional district, 59 percent of the respondents disapproved of public campaign financing. However, I think it is important to move forward on campaign reform. I will be working with Congressman Coelho to improve the bill as it is considered at the subcommittee and full committee level. I urge my colleagues to support campaign reform.

MAYER FINKEL: SO MUCH FOR SO MANY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LEHMAN of Florida. Mr. Speaker, last December, North Dade lost a valuable citizen.

Mayer Finkel was not a typical leader. The secret of his effectiveness was kindness, unselfishness and the example of his own actions. His enthusiasm was infectious, and his presence brought comfort.

Mayer Finkel was dedicated to his family, his friends and his community. He will be greatly missed.

I would like to share with my colleagues an article from the Miami Herald which provides some additional information about this remarkable man.

MAYER FINKEL, WORKED FOR RETARDED CHILDREN

(By Belinda Brockman)

Mayer Finkel, who shared his great caring and love for his own retarded son with the community at large, died Tuesday at 72.

Though he was still working Monday to build his dream of a Jewish group home for the retarded. Mr. Finkel had a long history of heart problems, said his wife, Sydney.

"He always thought of the other man, of the other child, of the children who don't have parents," she said. "He was the guardian angel of them all."

When Mr. Finkel's son, Ronald, was born 40 years ago, the baby was the only newborn not on display in the nursery. The nurse told the father only to call the doctor. The doctor wouldn't talk about it over the phone. Mr. Finkel's son was a Down's syndrome child.

Little was known about medical care for Down's syndrome children at the time. Even less was known or done about their emotional and educational needs. Mr. Finkel did know one thing, though: His son would not be institutionalized and he would find a way to provide the proper care for Ronald and others like him.

One of 10 children growing up in New York's Lower East Side. Mayer Finkel was experienced at overcoming obstacles. He started as a clothes presser and rose to head New York's International Ladies Garment Workers Union's 40,000-member coat and suit department. Later, he was named an ILGWU director in Florida.

When the family moved to Lakewood, N.J., from New York, Mr. Finkel helped build the city's community center for the retarded because none had existed before. Then he worked to establish Lakewood's first sheltered workshop, so Ronald would have a job.

"Everything we did was a pilot project." said Sydney. "He had such great ideas. But once you start a pilot project, then the others will fall in line."

In Dade County, Mr. Finkel joined the Association for Retarded Citizens and served the organization as president and executive director. He started the Guardians for Exceptional Citizens in Dade and the Orientation to the World of Work program in Broward, to aid disadvantaged youngsters in applying for jobs.

"He knew he had to help," said his wife. At the age of 62, Mr. Finkel enrolled in the master's program in exceptional education at St. Thomas University. He wanted to help not only Ronald, but other children as well. "They were all his children," his wife said simply.

This holiday season, as was his practice, Mr. Finkel attended Goodwill Industries' Christmas party. He fussed over all the clients, attending to their every need, never sitting still, Sydney said.

"You should have seen him whenever he was with them," she said. "He has done so much for so many."

In addition to his wife and son, survivors include one daughter, Francine Friedman; three brothers, Harry, Maxwell and Murray; two sisters, Dorothy Singer and Shirley Glick; and one granddaughter.

Services will be at 2 p.m. today, at the Levitt-Weinstein North Miami Beach Chapel.

THE MOZZETTI FAMILY, A FOUNDING FAMILY OF BRISBANE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LANTOS. Mr. Speaker, as we enter the second year of the 200th anniversary celebration of the U.S. Constitution, a blueprint for self-governance no one has been able to match, it is very fitting that we also recognize the great work done by the founding families of the Peninsula.

The 11th Congressional District, which I have the privilege to represent, has benefited immeasurably from the largely unrecognized efforts of our first families, all men and women of vision, strength, and perserverence. This certainly discribes the family we have chosen to honor today, the families of the Mozzetti brothers, among the most hard working of the founding families of Brisbane.

For the beginning of the Mozzetti saga, we must go back to 1900 when Ben Mozzetti moved to the United States from his native Switzerland and established a dairy in what was then called the City of Visitacion. A city that existed only on promoters' maps at that time. The only real activity here then was a rock quarry employing 100 men, tucked away in a canyon on a corner of the Crocker Visitacion Ranch.

Mozzetti bought land in the shadow of San Bruno Mountain and began putting together a dairy herd to furnish milk to nearby San Franciscans. Not until the 1906 earthquake did the push toward the peninsula begin with $300 lots offered for sale in the "sunshine suburb" to really attract attention for the first time.

By then, Ben Mozzetti's nephew, Carlo, age 18, arrived from Lucarno, Switzerland, to work on the dairy, with his brothers, Joseph, Enrico, and Pietro following soon after.

While working at Uncle Ben's dairy, Carlo Mozzetti met and married Rosa Passalaqua of San Francisco. They had three sons, Charles, Clifford, and William.

By this time, the late 1920's, the Mozzetti brothers were well established. Enrico opened the Brisbane Inn, Carlo and Joseph took over Uncle Ben's dairy in 1923. Eucalyptus and willow trees were planted on the edge of the property as windbreaks and to help break up the bleak, barren stretches of the countryside. In a meadow on one side of the dairy property, the brothers built an auto court, gas station, and trailer park that was to become a peninsula landmark location for the community. The town had grown from a cluster of just 5 houses to 15 houses and finally, as lots dipped in price to $100 each, it grew to a thriving small village of some 400 homes. Times were difficult. There was a depression. And the town had to overcome its early image as a haven for illegal bootleg stills hidden away on San Bruno Mountain. The story goes that some San Franciscans drove to Brisbane just to collect the waters that came down from San Bruno Mountain because they were so well-flavored by the mash tossed aside by the bootleg whiskey still operators.

Yet many of the patrons of the auto park liked the town and came back with their families to settle. The auto park site is now to be the location of the new Brisbane City Hall complex.

The Mozzetti family's community spirit was personified by Joseph Mozzetti, who let the basement of his house be used as the local school for 2 years until a full-fledged school could be built in 1930. The family also allowed the Fraternal Order of Eagles to use its large storage building for lodge meetings free of charge until the lodge could buy its own hall. The Brisbane Improvement Club, forerunner of the Voter's League, also met in the Mozzetti's basement. Organizers of Brisbane's annual Fourth of July parade always counted on the Mozzetti brothers to contribute supplies and assistance for the event. Carlo's son, Charles, was active as a star player on Brisbane's uniformed baseball team, busy in school work and the frequent Mozzetti family gatherings.

Charles still remembers some of his early jobs at the dairy, washing down the willow and eucalyputus trees and scrubbing down the utensils. He remembers how his mother, ever the immaculate housekeeper, was so meticulous that she not only washed and dried the cleaning rags, she ironed them, too.

I am honored today to be able to recognize the contributions of this industrious, hardworking family. I want to make a special salute to Erminia Mozzetti, 85 years young, the widow of Joseph Mozzetti, who is present. Accepting this award for the entire family is Charles G. Mozzetti, son of Carlo Mozzetti. To the Mozzettis, the community salutes a key founding family of Brisbane.

HONORING CITIZEN OF THE YEAR, RAY LOPE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. HERTEL. Mr. Speaker, on February 5, 1988, the Chamber of Commerce of Sterling Heights, MI, will be honoring Mr. Ray Lope, its citizen of the year.

They could not have chosen a better example of community pride and dedication, as he has contributed to the community since his arrival in the area 16 years ago.

His position as coowner of the Sullivan Funeral Home in Utica requires a lot of compassion, which seems to come naturally to Ray Lope. This is shown in the contributions of time and energy Mr. Lope has given to the community. Professionally, Mr. Lope is past president of the Michigan Funeral Director's Association, District 6, and chairman of the association's ethics committee.

Over the years, Ray has served the community as: President of the Gerald C. Friend, Memorial Fund, which provides scholarships to area students; member of the Knights of Columbus Council No. 2950; member of the advisory board for St. Joseph's Hospital; member of the board of the Macomb County Crippled Children's Clinic in Mount Clemens; member and president of the Utica Rotary Club; director of the Utica Community Schools' Foundation For Excellence, and part-time lecturer for grades 6 through 12.

Ray Lope also has an active family life. He and his wife Meg are raising three fine children, Christy, Michael, and Matthew.

In addition, Mr. Lope has been a supporter of the West Macomb YMCA basketball program, Boy and Girl Scout activities, and coaches for the Michigan Youth Soccer League.

His religious commitment is important to him as well. Ray belongs to the parish of St. Lawrence Catholic Church, where he serves as Eucharistic minister. In addition, Ray is a Catechist at St. Ephrem Catholic Church and is a visiting teacher at Trinity Lutheran School.

Ray Lope's gifts of time and talent are gifts from the heart. His friends and coworkers describe him as a wonderful person, very giving of himself, dedicated and hard working. He has touched the lives of so many in our community—we all need more friends like Ray, who give because they honestly care.

I ask my colleagues to join me in honoring Mr. Ray Lope, a true "Citizen of the Year." We should add our voice to what Sandy Bender said after reading of Ray's award, "I'm so happy to see that we were given this opportunity to say publicly, 'thanks, Ray, for everything.'"

A TRIBUTE TO ARMAND LeMAY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Armand LeMay of Lowell, MA, who is retiring from a long and distinguished career in public office.

The city of Lowell is currently in the midst of a widely heralded, and truly amazing economic and cultural rebirth. Buoyed by the creation of a National Historical Park to commemorate the American Industrial Revolution, this once-depressed mill town has become a sprawling picture of economic success. Boarded-up storefronts have been replaced by thriving shops and businesses, once vacant mills have become first-class offices and housing, and dilapidated walkways and parks have given way to brick sidewalks, iron streetlights and quaint park benches. It is quite possible that none of this would have happened without Armand LeMay.

Throughout his career in public office, Armand always took on the toughest assignments. He chaired council subcommittees that enacted sweeping zoning reforms, and that tackled the city's trash disposal problem; he gained passage of ordinances necessary for well-planned and careful development; and he brought business, government and political leaders together in his quest to rebuild the city he loved. In sports they talk of the need for role players, who will do the little things so necessary for victory, but so lacking in reward. Well, Armand LeMay was the role player in Lowell's revitalization. And how he can bask in the victory for which he fought so hard.

Armand entered politics in the fall of 1967, when he was elected to the Lowell City Council. He served on the council for 19 of the next 20 years, including a 2-year stint as mayor in 1974 and 1975. Politics is not his only career, however. He started in the construction industry in 1950, worked his way up through the ranks, and now owns his own business, which he will continue to run after leaving public service. It is fitting that Armand LeMay will continue to construct, for it is this very act of building and creating for which he will always be known.

Mr. Speaker, I join Armand LeMay's wife Constance, his five children, and his many friends and colleagues in congratulating him on his well earned retirement from public office, and in thanking him for 20 years of service. One need only to visit the beautiful Lowell National Historical Park and the revitalized downtown section to learn what he has meant to his city. Though he is leaving elected office, his legacy will live on.

BLOATED BUDGET BILL PRODUCES NO WINNERS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. FRENZEL. Mr. Speaker, Congress gave the American taxpayer a lump of coal for Christmas. It was in the form of the continuing resolution [CR] which will fund the Government for fiscal year 1988. This awful piece of legislation shows how far the Congress has strayed from its most fundamental responsibility: the annual Federal budget. The CR can be summed up as the following: too late, too expensive, and full of extraneous items that bypassed the normal legislative process. This was all tied up in a package of more than 1,000 pages which could not be amended or separated into its individual parts.

The following editorial which appeared in the St. Paul Dispatch and Pioneer Press, on December 29, 1987, further outlines the many problems with the use of the CR. I salute the paper and its editors for their clear vision.

BLOATED BUDGET BILL PRODUCES NO WINNERS

There has got to be a better way to do it. Adopting the annual federal budget, that is.

It's a relief to know that Congress finally approved the 1988 spending and tax bills Tuesday and President Reagan has signed them. The government should be able to operate for the next 12 months without further emergency appropriations, and the bills do make some attempts to cut spending and increase taxes so that the annual deficit will not grow too much next year.

But the legislation contains little else that would justify praise like that of Sen. Lawton Chiles, D-Fla., who said, "This is a major victory for the American people and the economy."

This is no victory. To the contrary, the legislation actually demonstrates how far Congress has strayed from the proper way to deal with appropriations and taxes in recent years.

This is the second year in a row and the third in history that Congress has combined in one "continuing resolution" and 13 bills covering various federal funding programs. The normal procedure is to consider each of the 13 spending bills, pass them and send them to the president for signature. The only time Congress varied that process and went to omnibus continuing resolutions was when it could not pass the bills by Oct. 1, the start of the fiscal year.

Last year was the first time since 1950 that Congress decided to continue all spending bills in one package for the entire year. This year was the second.

The final $600 billion catch-all appropriations bill is 1,000 pages long. By its very length it prevents senators, representatives or the White House from making an adequate review of all of its provisions.

The bill contains about $8.1 million in non-military aid to the contras; some $7.6 billion in spending cuts—$5 billion from defense and the rest from other programs, $425 million for work on a space station. And it puts about $905 million into the fight against AIDS.

It also contains provisions prohibiting lawmakers from receiving their third pay raise this year, allows airlines to prohibit all smoking on flights of less than two hours and postpones penalties against 60 communities for violations of federal air pollution standards.

There is absolutely no justification for having those kinds of extraneous items in a major appropriations bill. Those subjects should be dealt with in separate legislation.

Fortunately, lawmakers finally did remove the fairness doctrine provision for broadcasters from the measure, but not without some serious internal haggling that delayed passage of the omnibus bill until the wee hours of Tuesday morning.

The separate 1,000-page tax bill, along with the appropriations measure, may reduce the 1988 deficit by about $33 billion in fiscal year 1988 and $46 billion in 1989. That includes some $9 billion more in taxes and users fees, sale of some federal assets and cuts in Medicare, postal service and some farm programs.

A reduction in the deficit is a good, solid step in the right direction. But it is too bad it was taken as part of a process that has been distorted to allow congressmen to stuff their favorite projects, which might not be approved as stand-alone requests, into the appropriations bill, knowing the president probably will not veto the entire measure just to eliminate one objectionable item.

This approach is similar to the garbage bill technique used in Minnesota in recent years. The tactic is just as reprehensible at the national level as it was in Minnesota and should not be tolerated.

The public should demand that Congress abandon the omnibus appropriations bill approach and return to consideration of major appropriations in separate bills.

That would be a true victory for the American people.

EXTEND DEADLINES—IMPROVE THE QUALITY OF ASBESTOS CONTROL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. OXLEY. Mr. Speaker, today I have been joined by a number of my colleagues from the Energy and Commerce Committee in introducing legislation to provide a short-term extension of certain statutory deadlines prescribed under the Asbestos Hazard Emergency Response Act of 1986 [AHERA].

I am sure that many congressional offices have received numerous inquiries and/or complaints from local school districts over the past several months regarding EPA regulations issued last October, implementing a congressional mandate under AHERA that requires schools to inspect for asbestos and issue management plans by October 12, 1988. Another deadline in the law requires school districts to begin implementation of these management plans by July 9, 1989. My office has been swamped with calls and letters from superintendents who state that they cannot meet the statutory deadlines for a variety of reasons, all of which point to the need to provide for a reasonable extension of the deadlines:

Accreditation programs for asbestos inspectors are behind schedule and therefore cannot meet the needs of school districts who want to have their own personnel trained to do the inspections. This unfortunately could lead to shoddy inspections that will do nothing to detect and control the asbestos that still exists in many school buildings.

Estimates from private contractors are not only costly but vary greatly, most likely because the short deadlines are helping to fuel price gouging by these contractors. For example, a contractor will call a school district with a quote, saying, "Take it, or pay the penalties," which amount to civil penalties of $5,000 per day per violation and criminal penalties of up to $25,000 per day per violation.

A reasonable extension of the deadlines will increase the pressure for competitive bidding for inspection and management plan contracts, potentially saving school districts thousands of dollars on these activities that then could be used to remove or otherwise mitigate asbestos in the schools.

In addition, many school districts' budgets for 1988 were set prior to the issuance of final regulations. These districts, which have complied fully with previous EPA asbestos regulations, could not have known the extent of the financial requirements necessary to comply with the new regulations.

When Congress passed AHERA in 1986, we strongly supported its intent of increasing the effectiveness of the asbestos inspection, monitoring, and abatement program for our Nation's schools, thereby reducing exposure to hazardous asbestos fibers. However, these problems that have been encountered by school districts nationwide have lead us to believe that the law's effectiveness would actually be increased by providing a short-term extension of the statutory deadlines for inspection and management plan development and implementation. An extension is supported by the National School Boards Association and school board members and districts nationwide.

Mr. Speaker, for these reasons I have been joined by the ranking member of the Energy and Commerce Committee, Mr. LENT, the ranking member of the Hazardous Materials Subcommittee, Mr. WHITTAKER, and Mr. FIELDS in introducing this important legislation to provide a short-term extension of these deadlines. Our legislation would extend the first deadline for management plan submission until November 1, 1989, and the second deadline for beginning implementation of the management plan until February 1, 1990. In addition, we are asking for expedited hearings before the Hazardous Materials Subcommittee of the Energy and Commerce Committee. We hope that our colleagues will join us in addressing the need for more effective asbestos control by supporting this needed legislation.

MEL COLE WILL BE MISSED

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mrs. BENTLEY. Mr. Speaker, indeed one of the greatest compliments that a person may receive is that he or she "made a difference" for the better. There are few statements more flattering than "congratulations for a job well done."

Last December my district lost a man who epitomized both these statements. Mel Cole, a man who was administrative officer for Baltimore County—the most powerful appointed position in Baltimore County government—died at the age of 72. He leaves behind a grieving family, many mournful friends, and a legacy of public service and leadership that extended over a half a century. Mel was a very special man, and it would mean a great deal to all who loved him if his story could be told here.

Mel's career in Baltimore County government began as a schoolteacher at Lansdowne Elementary School in 1936. Two years later he was principal, a post he would hold at three other elementary schools. In 1953 he was appointed the director of elementary education, a position which soon led to jobs as county assistant superintendent and associate superintendent as well as the Governor's program executive for education.

In 1979 he was asked to serve as chief of staff to the Baltimore County Executive, a post which soared him to the job of administrative officer of the county. It was a tough job, and it involved overseeing 18 county departments and more than 18,000 county employees. He performed his duties with great grace and ability, and the praise he received from his colleagues was endless. He was the man who "opened up the county in the morning and closed up shop in the night," as present Baltimore County Councilman Norman Lauenstein stated. He had just been appointed to his third term in this post by Baltimore County Executive Dennis Rasmussen when he died unexpectedly just before Christmas.

Mel Cole will definitely be missed, yet the fact that he knew he had the love and respect of all those around him makes his story not one of sadness, but of celebration. He was a man who did whatever job was given to him, did it well, and was moved along the ladder of success as a result of his perserverance. His devotion to his work—coupled with the intense love of those around him—made his a full life indeed.

Thank you, Mel, for all the hard work you did as well as for the example you were to all of us. Most of all, however, congratulations for a job well done.

CONTROLLING CARIBBEAN POLLUTION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DE LUGO. Mr. Speaker, judging by the actions of our State Department, you might now know that the Caribbean Sea borders on the United States and that our country directly shares in its beauty and economic bounty. Its warm currents, its fishing resources and, unfortunately, its pollution, touch our southern coastal States. And, of course, the U.S. Virgin Islands and Puerto Rico are in the midst of it and rely upon it for their well-being.

The United States, for all practical purposes, is standing aloof as the Caribbean Islands and Central American nations begin to work together to monitor and control pollution in the region. The United States is giving only token support to two programs administered by the United Nations—the Caribbean Action Plan and Cartagena Convention—intended to achieve these goals through regional cooperation. For there is no way to control pollution in this region unless the United States works together with the Caribbean Islands and Central American nations.

The United States has the expertise and the resources, not to mention the self-interest, to lead in this effort to protect the Caribbean. But it is standing by. It is letting France, Venezuela, Mexico, and even islands like Jamaica and Barbados take the lead because they are willing to work through the United Nations.

In a letter attached to this statement, I have urged Secretary of State George Shultz to reconsider our reluctance to support these programs and to treat these Caribbean programs with greater priority. I also urge my colleagues here to support these efforts at regional cooperation in the Caribbean so that this sea remains beautiful, clean and a source of economic well-being for us all.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1988.

HON. GEORGE P. SHULTZ,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MR. SECRETARY: I want to let you know my concerns about environmental protection in the Caribbean Sea, an issue that is important to the United States as well as to my own district, the U.S. Virgin Islands.

I have recently learned of two Caribbean environmental programs, administered by the United Nations, which the United States practically ignores. These are the Caribbean Action Plan, which is one of 10 regional seas programs managed by the United Nations, and the Cartagena Convention, which is developing guidelines to control oil spills and other potential problems that affect the entire region. These programs have gained support from many small Caribbean islands. The Bahamas, British Virgin Islands, St. Lucia and other small islands manage to give $5,000 or more a year to support the regional effort. A distant, former colonial power like France has funded the Caribbean Action Plan with more than $912,000 over the last five years, and Venezuela has given $559,000.

The United States, by virtue of its size, geography and expertise, should be taking the lead in these efforts. Instead, our country barely participates in this effort to develop a regional international framework to protect the Caribbean environment. Even though the United States signed the Cartagena Convention in 1983, it neglected to provide $50,000 to support the group. The United States refuses to pledge any funds to the United Nations Trust Fund that supports the Caribbean Action Plan. That puts us in the peculiar situation of being outspent by Jamaica, St. Kitts and a host of other islands, even though our country directly borders on the region and has vital interests in protecting the seas that wash up on our own Gulf Coast.

The United States, I am told, is reluctant to fund United Nations programs and is skeptical that the money is used effectively. Instead, we are trying to support these Caribbean programs indirectly, through a variety of staff contacts and funds for selective research projects. The Agency for International Development and National Oceanic and Atmospheric Commission, within the Commerce Department, support a number of individual projects. In addition, in February the National Park Service and U.S. Virgin Islands will host a conference of Caribbean scientists developing a protocol on specially protected areas and wildlife.

I wholeheartedly support these efforts, but they are fragmented and insufficient. The United States gives the impression that the Caribbean Region is just an afterthought in its planning and priorities. I want to encourage the State Department to actively work with the countries of this region to protect an environment that we all share. Despite its reluctance to directly fund United Nations programs, I urge the State Department to be more vigorous in finding effective ways to cooperate with the Caribbean islands on the Caribbean Action Plan and Cartagena Convention. This would directly benefit the U.S. Virgin Islands and our neighbors in Puerto Rico. It also would help protect the United States' own coastal region and enhance our country's image in the region.

Thank you for your attention to this matter.

Sincerely,

RON DE LUGO,
Member of Congress.

THE DREAM LIVES—HONORING DR. MARTIN LUTHER KING, JR.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RODINO. Mr. Speaker, on January 18, millions of Americans joined in tribute to Dr. Martin Luther King, Jr. This year would have been the 59th birthday of the slain civil rights leader and Nobel laureate.

As one of the original sponsors of the legislation creating this national holiday, I believe that Martin Luther King, Jr. Day is a time for our Nation to renew its commitment to realizing the goals of equality and justice that Dr. King worked toward throughout his lifetime.

This national celebration which honors Martin Luther King, Jr., as a man, as a leader, and as the conscience of America, serves to remind us that we must rededicate our efforts to secure Dr. King's aspirations for a better world. He challenged America to achieve its greatness as a nation and his words continue to echo for future generations.

But almost 20 years after Dr. King's tragic death, we continue to strive for the complete fulfillment of his dream. The preservation of civil rights is threatened, poverty and hunger are glaring examples of economic inequality, the violation of human rights remains an international concern, and apartheid in South Africa continues to foster brutality and humiliation.

Dr. King's most fervent hope, which he often expressed, was that all Americans—black and white, rich and poor, young and old—would join together to carry on his torch for freedom and equality.

Our responsibility today is to ensure that Dr. King's dream lives on and that his message of hope is loudly proclaimed. We must remain vigilant in protecting our civil rights laws, in providing decent housing for the less advantaged and the homeless, and in offering education and employment opportunities to all Americans. The United States must also continue to lead the attack against the citadel of apartheid in South Africa and remain vigilant in protesting the denial of freedom throughout the world.

By dedicating our efforts to the ongoing task of building a fairer and more just society, we truly honor the memory and the spirit of Dr. Martin Luther King, Jr., and we will ensure that his dream lives.

A TRIBUTE TO RICHARD POPE, SR.

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. IRELAND. Mr. Speaker, last Thursday, the State of Florida, and in particular, my hometown of Winter Haven, lost one of its most beloved citizens. Dick Pope, Sr., founder of Cypress Gardens, established our State as the tourism center of the United States and was often referred to as "Mr. Florida." His dynamism and genius will be remembered for many years to come.

I was honored to give the eulogy at Dick's funeral held last Saturday, January 31, 1988. Nancy Gurnett Hardy composed this tribute to Dick Pope which I would like to share with my colleagues in the House of Representatives by including it in today's CONGRESSIONAL RECORD.

RICHARD DOWNING "DICK" POPE

"The kiss of the sun for pardon, the song of the birds for mirth; One is nearer God's heart in a garden than anywhere else on Earth."

Those beautiful words from a poem by Dorothy Frances Gurney, engraved on a wooden plaque, stood at the entrance to Cypress Gardens for many years. They epitomize Dick Pope's gift to millions of people during a half century of his long life—a beautiful garden to refresh their souls.

But more than that, Dick Pope gave of himself—his great zest for life and living, his love of laughter, his single-minded devotion to the principles he believed in.

Dick Pope took very seriously his role in man's partnership with God. Together, they created a place of great natural beauty. No detail was too small for his notice, no task too great, if it meant an improvement in his beloved Gardens.

But, just as he loved the Gardens, his life shone for other reasons, his devotion to his family, his dear wife Julie, his son Dick and daughter Adrienne, his grandchildren and his great granddaughter—and to his friends, and the people who worked for and with him. He never referred to them as "employees", but as his "children"—the skiers, the Southern belles, the office workers, the gardeners, the maintenance men and photographers—they were "family" too.

To everyone who joined him in his quest after beauty and perfection, Dick Pope was very special. We are here today because we shared a great blessing; we knew and loved Dick Pope.

This was a man who was at home with kings and Presidents. Yet, he remained a simple man, who wasn't afraid to get his hands dirty planting a tree. This was a man who roamed the world, seeking talent and beauty for the gardens, but loved nothing better than getting back home.

This was a man who would take time to comfort or encourage the least of his employees; a man who would stop in his daily rounds of the gardens to pick up a stray scrap of paper; or take a picture for a visiting couple. This was a man who spent his working life bringing pleasure to other people; a gentle man who loved catchy tunes and bright colors, parties and celebrations; occasions of all kinds.

Yes, thousands and thousands of words have been written about Dick Pope; about his achievements, about his honors and about his impact on the State he lived in—and loved.

But, there is no way to calculate the depth and breadth of his influence—the impact on the lives of those he touched in so many ways.

Every one of us has a favorite story or anecdote about Dick Pope—an example of his kindness, his humor, his joyful approach to each day. Every one of us hold in our hearts the memory of a man who had no malice in him; whose energy and ideas sparked like Fourth of July fireworks—and lit up his world.

When Dick and Julie celebrated their 50th wedding anniversary with a gala reception in the Gardens, his gold jacket shone no brighter than his eyes as he greeted his many friends.

We have lost Dick Pope, but he lives on in the Garden he created, in the hearts of those who loved him and in the memories of thousands.

We can take comfort in the sure knowledge that the Gardens of Heaven are blooming anew in joyous welcome.

A CONGRESSIONAL SALUTE TO THE RANCHO LOS AMIGOS MEDICAL CENTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the Rancho Los Amigos Medical Center, which will be celebrating its 100th year of continuous service to the community at a celebration to be held on the grounds of the medical center on February 4, 1988. I wish to acknowledge the following article by Richard Daggett, reprinted from the Polio Survivors Newsletter, which outlines the long and distinguished history of this remarkable facility.

[The article follows:]

[From the Polio Survivors Newsletter, January 1987]

RANCHO CENTENNIAL

(By Richard Daggett)

In 1988, Rancho Los Amigos Medical Center will celebrate its one hundredth year of continuous service. Work is underway, gathering photographs that date from early in this century, interviewing former staff and patients, and checking old records about this remarkable facility that has undergone so many changes.

Rancho Los Amigos (literally, the friends ranch) was started in 1888 as the Los Angeles County "Poor" Farm, a resident institution for old and indigent individuals who could no longer care for themselves in the community. On Rancho's 200 plus acres there were shops for furniture repair, weaving, laundry, etc. But, in a very real sense, Rancho was an actual farm. Rancho raised much of its own food and supplied food for other County facilities. Rancho began to make news in the early years of this century when its herd of Holstein cows was setting world records for milk and butterfat production. Belgian draft horses served as additional power, and sheep helped keep the weeds under control.

By 1919 Rancho's character began to change. Many patients with chronic medical conditions were living on the grounds, and appropriate physicians and nursing staff were hired. New buildings were being added and by 1929 the hospital maintained its own pharmacy, laboratory, dental unit, x-ray department, and various therapy rooms.

Following the passage of the Social Security Act the size of the County's indigent population was gradually reduced. This was occurring about the time that the major polio epidemics of the late 1940s brought a pressing need to house hundreds of patients, many in "iron lung" respirators. Rancho seemed to be the ideal solution. Wards 40, 50, 60, and 70 quickly filled with patients.

Rancho became one of 13 regional respiratory centers for the care and treatment of polio patients. More than half of the money raised for patient care by the National Foundation for Infantile Paralysis (March of Dimes) was channeled through Rancho. Special programs were developed and more effective methods of rehabilitation were found. New and more modern facilities were built to meet the needs of those with severe disability. The 500 Units were occupied in February and March of 1954.

With the discovery of the Salk vaccine new cases of polio were virtually eliminated in the United States. But the expertise that had been developed in treating Rancho's polio population was put to use on other types of severe disability. Rancho began admitting those with spinal cord injury, head trauma, birth defects, neurological disorders, and a host of other conditions that can respond to this unique center's team approach to health care. Rancho was a pioneer in home care for even the most severely disabled and has continued to treat hundreds of polio survivors on an out-patient basis.

Today, situated on 210 acres with some 200 buildings, Rancho Los Amigos Medical Center enjoys a world-wide reputation for innovative techniques in the management of major disabling injuries and illnesses. Rancho is in the forefront in the development of assistive devices and equipment to improve the independence of people with paralyzing conditions.

Rancho is also a leader in the education of physicians, nurses, and other professionals in allied health fields. It is a branch campus of the University of Southern California School of Medicine. The USC Departments of Occupational Therapy and Physical Therapy are located on the grounds. A dozen institutions nationwide send their orthopedic residents to Rancho to learn rehabilitation techniques. Visitors from around the world come to Rancho to observe and to learn.

The "Farm" is now only a memory captured in photographs and memorabilia, but the work that Rancho does so well continues. A beautifully illustrated Centennial Book will be published this Spring reaffirming the need for a rehabilitation facility that stresses abilities, not disabilities. This will be a very special celebrative occasion throughout 1988 as Rancho continues in its tradition of excellence for a second century.

Mr. Speaker, I ask my colleagues to join my wife, Lee, and I in saluting the history and accomplishments of the Rancho Los Amigos Medical Center during its first 100 years. We would also like to recognize the hundreds of talented staff members and their efforts to help people inflicted with disabling injuries and illnesses. Clearly, the Rancho Los Amigos Medical Center's numerous accomplishments highlight the truly remarkable contribution it has made toward the betterment of our community.

HEALTH CARE FOR NEW YORK'S HOMELESS CHILDREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RANGEL. Mr. Speaker, I would like to call the attention of the House to the lack of accessible health care for homeless children in our cities, particularly New York. There are currently 11,000 homeless children in New York City who are deprived of a permanent home and find themselves living in squalor in "temporary" welfare hotels. The deplorable conditions within these hotels are ripe not only for drug abuse and violence but disease as well.

Many of the children that live under these conditions are malnourished, underdeveloped and suffer from chronic respiratory problems. These children do not have access to basic care required to prevent serious disease and to ensure proper growth and development. For many, the only sources of health care are distant hospital emergency rooms, where children do not receive the personalized care needed to detect and prevent illnesses, and public health nurses, who cannot treat patients but can only make referrals.

The plight of these children once again illustrates the exceedingly pressing need to address the problems of the homeless, who by virtue of their living conditions are denied basic necessities such as health care.

There is, however, good news to report. This week, the New York Times reported a story, telling of a medical van which visits children living in welfare hotels and provides them with personalized medical care. This new project, known as the New York children's health project, in conjunction with New York Hospital-Cornell Medical Center, has brought health care to the doorsteps of these children. Since, November 1987, over 500 children living in the welfare hotels have been treated.

I wish to express my support for this program and commend Dr. Irwin Redlener—who has been the physician treating many of these children—and Mr. Paul Simon, who has supported the project since its inception. I commend these gentlemen for their compassion and for their efforts to improve the lives of these homeless children.

HEALING ON WHEELS: VAN FOR WELFARE CHILDREN

(By Jane Gross)

Dr. Irwin Redlener whispered first in one ear and then in the other: "What's your name? Where do you live?"

The doctor's suspicions were confirmed. Quentin Thompson, unresponsive and nonverbal for a 3-year-old, seemed to have a hearing problem.

Quentin is among the 500 children living in New York City welfare hotels whom Dr. Redlener has cared for since November, when a new medical van took to the streets to offer these deprived youngsters health care not provided by the city.

Each day the van parks outside a different welfare hotel whose occupants rarely receive treatment anywhere except in emergency rooms, where routine, preventive health care is considered a luxury.

LESS DISRUPTION

"One of the things we're here for is to screen for these problems," Dr. Redlener said, "because they'll never get picked up in an emergency room."

The van is the linchpin of the New York Children's Health Project, which was conceived and financed by Paul Simon, the singer and songwriter.

Until the van program started, a visit to a doctor for these youngsters meant a subway trip and a long wait. It meant bringing siblings for the lack of a babysitter. It meant seeing a different doctor each time a child took sick. With so much to dissuade them, most mothers sought medical attention only in emergencies, not taking full advantage of a municipal hospital system that city officials say stands ready to serve them.

"They aren't getting health care even though it's available because it's very difficult for them to access those services," said Gretchen Buchenholtz, president of the Association to Benefit Children, which provides services and advocacy to help children of homeless families in New York. "Lugging three kids, waiting six hours . . . those logistics are time-consuming and paralyzing. This brings the services on-site.

Mr. Simon said he focused on this area of the homeless problem because it offered a prospect of success. "I wasn't setting out to accomplish something impossible," he said. "You've got children—they've got colds, they need inoculations, they need glasses—you can solve it. People are so overwhelmed by these problems, they don't think they can do anything. The need for a victory was as important as anything else."

There were a few small victories one recent day when the van parked outside the Madison and Prince George Hotels, both on East 27th Street in Manhattan and separated by a sex club, its doorway a gathering place for crack smokers.

A 4-year-old girl, recently hospitalized with an intestinal infection, stepped on the scale and there was applause all around when she registered 40 pounds, up from 38. A 7-month-old boy with a lung infection showed improvement, and left with an unexpected gift—a hand-me-down sleeper suit from Lisa Dow, a nurse, whose 10-month-old son had outgrown it.

But good news is the exception for the homeless children of New York City, who now number 11,000, half of them in the 12 hotels visited by the van. Except for a handful of hotels with weekly visits by pediatricians who are provided by private foundations or voluntary hospitals, medical care had been limited to public health nurses, who do not treat patients but rather make referrals.

SOMETHING TERRIBLY WRONG

Dr. Redlener, a bear of a man with a bushy black mustache, is no stranger to such deprivation. He has plied his pediatric trade in the poorest county of East Arkansas and in the dusty refugee camps of Ethiopia. And the so-called hotel children, he said, remind him of the youngsters in those camps.

"They are out of the mainstream of American life, isolated by the system we've created to deal with them," he said. "Something has gone terribly wrong here. And, we'll pay for it down the line in more ways than one."

Dr. Redlener and his staff have not seen catastrophic illnesses, rather they have seen a stream of common complaints, aggravated by neglect.

There are children who have not been immunized, despite city regulations that a family must show proof of inoculation before entering the shelter system. There are children who are malnourished, anemic or suffering from lead poisoning or lice. Many have chronic respiratory problems like asthma and pneumonia, or untreated ear infections, which sometimes lead to hearing loss and delayed speech.

LETHARGIC CHILDREN

Dr. Redlener said he worried that the hotels could become breeding grounds for diseases like measles and whooping cough that immunization has otherwise made obsolete. He is also concerned that the children will suffer serious psychological and developmental problems.

Even the healthiest of the children suffer from their barren lives, Dr. Redlener said, pointing to Monique, Chakeeta and Anthony Capers.

Monique, the oldest at 5, silently sucked her thumb. Chakeeta, who is 4, accepted a handful of animal crackers, then stared longingly at the bag when it was taken away. Anthony, who is 3, sat mesmerized in front of a television watching a cartoon about a snowman, something he said he had never seen.

Anthony needed an iron supplement, but otherwise all three were healthy. But Dr. Redlener was concerned nonetheless. They were too well-behaved, he said, too quiet.

"This amount of compliance is not acceptable," he said. "It is never normal behavior in a preschool child."

While the van is the most visible part of the health project, its affiliation with New York Hospital-Cornell Medical Center is what makes the program work when the children require additional treatment or hospitalization.

BUILDING A HEALTH SYSTEM

"They are connected to a powerful medical institution," Dr. Redlener said. "We treat them like private patients. They come in like VIPs."

One such VIP is Quentin Thompson, the 3-year-old with the hearing problem. Dr. Redlener told his mother, Valicia, that he needed a more sophisticated test. Immediately, the registrar called the hospital's audiology department. Quentin was given an appointment. A car service was arranged, paid for by the project.

Such follow-up will be easier with the purchase of a jitney, one of the planned extensions of the program. There will also be a second van. Mr. Simon and Dr. Redlener plan a computerized link between the hospitals caring for homeless children, so their records will not be lost when they move. They also hope to offer psychiatric and drug prevention counseling.

"It may sound inappropriately optimistic, but I think we can do this," Dr. Redlener said. "We can put together a quality child health-care system."

The project began to take shape a little more than a year ago when Mr. Simon was recording has "Graceland" album in a Manhattan studio and met a homeless woman in the neighborhood. Moved by her plight, Mr. Simon cast about for a way to help and joined forces with Dr. Redlener. The two men sought advice from advocates for the homeless, including Ms. Buchenholtz, who suggested the van.

SEED MONEY

Mr. Simon put up the seed money—$80,000 of his own and another $80,000 from his Graceland tour. In December, he held a concert at Madison Square Garden, featuring an array of rock stars, and turned over gross proceeds of $475,000. The project also received $20,000 from the Manhattan Borough President's budget, $20,000 from the hospital and $30,000 from a real-estate agent. In addition, a judge passed along $135,000 that the Bryant Hotel, at Broadway 54th Street in Manhattan, had been fined for health code violations. The project is to receive $250,000 from the Federal Government, the first installment of a two-year grant, for a total of more than $1 million.

Inside, the 30-foot van is a state-of-the-art laboratory for blood tests, two examining rooms, a waiting area with a video cassette recorder, wood-paneled walls and a clever array of built-in storage units.

Elias Davila, 4, was properly impressed. "Ma, look at the little TV!" he exclaimed, while exploring every vent and knob on the dashboard.

Elias' mother tried to modulate his noisy enthusiasm as she told Dr. Redlener of being burned out of her Brooklyn apartment.

"There are a lot of heroines among these mothers," the doctor said.

Dr. Redlener spends a lot of time talking to these women, asking questions about their lives.

"Where do the children play?" he asks.

"In the halls," a mother tells him.

"Do you get any privacy?"

"Sometimes I sit in the bathroom."

"What do you dream of?"

"I would love a house, a nice house with chandeliers."

At every opportunity, he praises them for surviving under such terrible conditions. "I want you to know," he says, "that I think you're doing a fantastic job."

So far, Dr. Redlener has seen the most motivated mothers, the ones who seek him out. Later, he said, he will bang on doors, trying to roust the others, some of them drug addicts fearful the city will take away their children.

"We'll go door-to-door if necessary, no questions asked," Dr. Redlener said. "We're not going to stop until we really get access to everyone."

THE NONALIGNED MOVEMENT ON ASSISTANCE TO THE CONTRAS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. CROCKETT. Mr. Speaker, I would like to share with my colleagues the text of a communique issued by the Coordinating Bureau of the Movement of Nonaligned Countries on January 29, 1988, regarding developments relating to the situation in Central America, and the letter transmitting the document from His Excellency N.M. Shamuyarira, Minister of Foreign Affairs of the Republic of Zimbabwe.

The communique "reiterates the total support for the peace process undertaken by the Central American countries" and urges "the international community to endorse and support that effort." The statement also calls "upon the United States administration to cooperate in the implementation of the Guatemala peace accords by stopping its support for the mercenary Contra forces that are destabilizing Nicaragua."

Mr. Speaker, the United States stands alone against our friends and allies around the world regarding the issue of assistance to the Contras. I hope that tomorrow this Congress will heed the call of the international community and terminate all aid to the Contra forces.

The entire text of Foreign Minister Shamuyarira's letter and the communique of the Coordinating Bureau of the Movement of the Nonaligned Countries follows:

MINISTER OF FOREIGN AFFAIRS OF
THE REPUBLIC OF ZIMBABWE,
January 29, 1988.

Mr. G. CROCKETT,
Chairman of the Subcommittee on the Western Hemisphere Affairs, Washington, DC.

I have the honour to forward to you, under cover of this note the communique issued by the Co-ordinating Bureau of the Movement of Non-Aligned countries in New York on January 28, 1988 on the situation in Central America.

For the Movement of Non-Aligned countries, the crisis in Central America is a cause for grave concern. It has serious implications for international peace and security. Non-Aligned countries have therefore consistently encouraged urgent and peaceful resolution of the crisis. This was amply demonstrated by their early and unanimous support for both the Contadora process since its launching in 1984, and the Arias plan since its launching in August 1987. Both approaches address the concerns vital for the re-establishing of regional understanding, mutual confidence and peace.

The Guatemala plan is the only realistic initiative in existence today and hence needs the support of all men of goodwill if it is to succeed. The entire international community owes it to the Central Americans to do all in its power to help secure the re-establishment of peace. However, this responsibility is even greater for those great powers whose actions and/or inactions have such a large impact on the politics of the region.

The United States Government has a profound effect on the politics of the region. It can determine the success or failure of the peace process started by the Guatemala Accord. The plan itself has called upon outsiders not to fuel conflict in the region and to withdraw support for insurgent forces. Ever since, the authors of the plan, in particular its chief architect President Arias of Costa Rica, have repeatedly urged the withdrawal of support for irregular forces. We therefore view with considerable alarm moves under way in the United States administration aimed at appropriating additional funds for the Contra forces in Nicaragua. We are convinced that the cause of peace will not be served by such a development.

We note however, that the United States Congress has, on several occasions, stood up for giving peace a chance in Central America. For the success of the Central America peace effort, we believe that there has never been a time when such a course has been as crucial as now. Your efforts then as now were for decency and humanity. We would like to express our appreciation for those efforts and exhort you to continue in this endeavour which can only result in a better world for all of us.

Accept, Sir, the assurances of my highest consideration.

N.M. SHAMUYARIRA.

COMMUNIQUE ISSUED BY THE COORDINATING BUREAU OF THE MOVEMENT OF NON-ALIGNED COUNTRIES REGARDING DEVELOPMENTS RELATING TO THE SITUATION IN CENTRAL AMERICA

The Coordinating Bureau of the Movement of Non-Aligned Countries held an urgent meeting in New York on January 29, 1988 to review the situation in Central America and the serious threat posed to the peace process in the region as a result of the decision of the United States Administration to seek the renewal of aid to the mercenary contra forces trying to overthrow the Government of Nicaragua.

The Coordinating Bureau reiterated its total support for the Peace Process undertaken by the Central American countries and once again urged the international community to endorse and support that effort. In this context, the Bureau recalled the vital role played by the Contadora and Support Group in the search for peace in the region, and particularly the role played by the International Commission on Verification and Follow Up. It expressed its satisfaction with the support for the report submitted by the Commission to the Central American Presidents during their recent Summit.

The Bureau commended the Governments of Central America for continuing unwaveringly to demonstrate their political will in favour of peace. It welcomed with satisfaction the decision made by the Central American Presidents to comply immediately and in a public and evident way with all the commitments undertaken in August 1987 during the Esquipulas II Summit and expressed its hope that this decision would be accompanied by the appropriate mechanism of control and on the spot verification.

The Bureau was deeply concerned that the United States Administration has refused to heed the appeal made by the Central American Presidents at the San Jose Summit by proceeding to seek the renewal of funding for the mercenary contra forces for the purpose of overthrowing the legitimate government of Nicaragua. The Bureau deplored the continuation of this policy of the United States Administration, which seriously jeopardizes the peace efforts in the region and impedes the implementation of the Guatemala Procedure as a whole.

The Bureau once again called upon the United States Administration to cooperate in the implementation of the Guatemala Peace Accords by stopping its support for the mercenary contra forces that are destabilizing Nicaragua. In this regard, the Bureau recalled that the Eighth Non-Aligned Summit had already urged the United States to comply with the rulings of the International Court of Justice of May 10, 1984 and June 26, 1986, which require that country to cease its hostile acts against Nicaragua and to make reparations to Nicaragua for damage caused.

The Bureau welcomed the important steps taken by the Government of Nicaragua recently in the framework of the implementation of Esquipulas II. The Bureau regarded such steps as a clear expression of that country's support for the cause of peace in Central America and, in this context, urged the United States Administration to accept the offer to resume immediately, direct talks with Nicaragua in order to normalize relations between the two countries and contribute to the search for a peaceful solution to the problems of Central America.

The Bureau reaffirmed its solidarity with Nicaragua and other countries of Central America in their struggle to find a just, peaceful, and lasting solution to the problems of their region, without any foreign interference or intervention.

A TRIBUTE TO EDWARD A. TOKASZ

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of Edward A. Tokasz of the Doyle Volunteer Hose Co. No. 2, Inc., in Cheektowaga, NY, a community that is part of the 33d Congressional District I am privileged to represent. Mr. Tokasz is the first member of this fire company to achieve the distinction of 50 continuous years of service to the community.

Mr. Tokasz began his service with the Doyle Volunteer Hose Co. on February 2, 1938. Over the years he had served in a variety of positions, second assistant chief in 1940, vice president in 1947, and president in 1958. He has served 14 years on the board of directors and currently serves as the sergeant-at-arms and fire district treasurer.

Next week, the members of the Doyle Volunteer Hose Co. will honor Mr. Tokasz for reaching this plateau of service. I know his wife Lucy and two sons, James and Paul, are proud of this achievement. I would like to add my name to the long list of others in commending Mr. Tokasz for his longstanding contributions to the community.

LIBBEY GLASS HONORED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Ms. KAPTUR. Mr. Speaker, this year marks an important event in the history of our Nation's glass capital as Libbey Glass celebrates its 100th year in Toledo, OH.

In 1888, Edward Drummond Libbey moved his New England glass factory "west" to northwest Ohio. Several Ohio towns had been considered for the site but Toledo won the battle for the firm by being a pioneer in economic development incentives. By providing a 4-acre building site, ample land for employee housing, excellent rail and steamboat transportation facilities, and inexpensive natural gas, Toledo had attracted an employer who would make an indelible mark on the history of our community.

The original plant consisted of 1,500,000 square feet of space and consisted of a state of the art furnace area, engine house, boiler shed and kiln. Today, the facility spans 69 acres of land in North Toledo and employs approximately 1,200 workers. The skilled hands of flint glass workers, machinists and glass, pottery, plastics, and allied workers assist in the production of glass for over 90 countries around the world.

Back on August 17, 1888, the Toledo Daily Blade headline predicted that Toledo was to be "The Future Glass Capital of The World." Now, 100 years later I am proud to represent this community which has lived up to such a bold prediction.

In its history, Toledo's Libbey facility has achieved many firsts in the glass industry. These achievements include: The first automatic glassmaking machine in 1901; the automatically produced light bulb in 1902; machine-blown glass tumblers in 1907; machine made glass tubing in 1917; the first mass-produced colored glassware in 1934; and hand-blown radio and radar bulbs for the war effort during World War II

Today, Libbey Glass has developed into the leading manufacturer of tabletop glassware with products in millions of homes, restaurants, and retail stores all over the world. I know my colleagues in the House of Representatives join me today as I congratulate Libbey Glass for 100 years in Toledo, OH, the home of "America's Glassmaker."

TRIBUTE TO THE KNIGHTS OF COLUMBUS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. TRAFICANT. Mr. Speaker, I am pleased to stand before you today to pay tribute to the Knights of Columbus of the Youngstown-Warren area.

Having once been a brother of the organization I can attest to the value and worth of the Knights of Columbus. The group is committed to serving the surrounding communities of Youngstown and Warren. I am filled with a deep sense of pride and admiration as they celebrate their 10th year of annual gatherings. The celebration on February 18 will be held at P.J.'s Restaurant with a reception in the basement of St. Mary's Church. All are welcome to share in this most memorable occasion.

I am rather proud to be both an alumni and to be their Representative in Congress. It is with great pleasure that I pay tribute to the Knights of Columbus of Ohio.

HON. ECKHART A. THOMPSON RETIRES

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. COELHO. Mr. Speaker, I would like to rise today in honor of one of our Nation's most dedicated and respected judges, the Honorable Eckhart A. Thompson, who is retiring from the U.S. Bankruptcy Court this month after 15 years of outstanding service on the bench.

Eckhart Thompson studied law at Stanford University. He was awarded his juris doctorate in 1938, and admitted to the California Bar that same year. In 1939, he became deputy district attorney in Fresno County. In 1972, he was appointed to the U.S. Bankruptcy Court for the Eastern District of California at Fresno, and he was reappointed to this seat in 1980. Although Judge Thompson could have retired several years ago, he nonetheless stayed on the bench with one of the heaviest caseloads in the Nation until a successor could be appointed.

Mr. Speaker, Judge Eckhart A. Thompson has been a model public servant. Hard working, dedicated, compassionate, and fair, Judge Thompson has set the standard that we as public officials should all strive to achieve. I would like to take this opportunity to extend my deepest appreciation to Judge Thompson for all that he has accomplished on the bench, and to wish him all the best in his retirement. His absence from the court will be sorely felt, but his legacy of service will remain for many years to come.

HONORING THE LIFE OF SEAN MacBRIDE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, on January 15, 1988, the world lost one of its most respected statesmen, Mr. Sean MacBride. As a member of the Friends of Ireland and the Ad Hoc Congressional Committee on Irish Affairs, I wish to share with my colleagues the history of this great man. In addition, I would like to take this opportunity to offer my condolences to his family, to the Republic of Ireland, and to all Irish-Americans on the passing of Sean MacBride.

Mr. MacBride's fascinating career spanned nearly 70 years and included such honors as the Nobel Peace Prize and the Lenin Prize for Peace Among Nations. He is only the second person in history to have received both of these awards. His life's work embraced the fields of law, politics, journalism, and diplomacy. When Mr. MacBride spoke out on the issues of Irish nationalism, a united Europe, nuclear disarmament, and human rights, people throughout the world listened with interest.

A lifelong human rights advocate, he was a founder of Amnesty International and served as its chairman until 1975. A brilliant jurist, he was one of Ireland's most noted constitutional and criminal lawyers. He was elected to the Irish Parliament in 1947 and served there until 1958. In 1948, Mr. MacBride became Ireland's Foreign Minister and was named a Vice President of the newly formed Organization for European Economic Cooperation, a forerunner of the European Economic Community. He served as the President of the Council of Foreign Ministers of the Council of Europe. In his sixties, Mr. MacBride served as Secretary General of the International Commission of Jurists between the years 1963 and 1970. A peace activist and nuclear disarmament advocate, he headed the International Peace Bureau in Geneva from 1972 to 1985.

As an Assistant Secretary General to the United Nations and United Nations Commissioner for Namibia between 1973 and 1976, Mr. MacBride campaigned to make the cause of Namibian independence from South Africa an international issue. It was his experience in South Africa that enabled Mr. MacBride at the age of 80 to author the antidiscrimination code known as the MacBride Principles. The MacBride bill, based upon the Sullivan Principles of South Africa, establishes a corporate code of conduct to promote equal access to regional employment in Northern Ireland.

I am delighted to be a cosponsor of the bill embodying Mr. MacBride's principles in the House of Representatives. This bill, H.R. 722, the Northern Ireland Fair Employment Practices Act, more commonly known as the MacBride bill, is an attempt to make the 25 American-owned companies operating in Northern Ireland—which provide 11 percent of Northern Ireland's employment—more responsive to the needs of the minority work force. It is my hope that the MacBride bill will bring about greater consciousness regarding anti-Catholic discrimination in Northern Ireland. I urge Members to honor the life of Mr. Sean MacBride by supporting this bill.

U.S. COMPETITIVE IN AGRICULTURE EXPORTS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ROTH. Mr. Speaker, after several lean years in the mid-1980's, agriculture exports are on the rebound. Agricultural officials predict that farm exports for 1988 will be a full 15 percent over 1987 levels.

The U.S. Department of Agriculture recently released statistics that show a significant increase in 1987 agriculture exports and predict continued strong gains for 1988. While this increase can be traced to several factors, perhaps the most important have been the export enhancement provisions contained in the 1985 farm bill.

While the declining dollar and crop shortages in certain areas of the world had a positive impact on U.S. farm exports in 1987, the 1985 farm bill commodity and export programs played an essential role in promoting the competitiveness of U.S. farm products abroad. The Export Enhancement Program, Targeted Export Assistance Program, and Public Law 480 food aid have helped to expand agricultural exports to new markets and also recapture some markets previously lost. The most dramatic gains have been made in the exporting of coarse grains, oilseeds, and cotton.

Last year, farm export value jumped to a level of $27.9 billion and export volume increased by nearly 20 million tons to 129.2 million metric tons. For 1988, the USDA forecasts a continued strong recovery and estimates that farm exports will rise to $32 billion and export volume will reach 141 million metric tons.

The turnaround in farm exports is an encouraging development. U.S. agriculture exports peaked in 1981 at $43.8 billion; however, by 1986 farm exports had declined by 40 percent in dollar terms to a low of $26.3 billion. At the same time, agriculture imports rose to an all-time high of $20.9 billion. In fact, in May and July 1986, monthly imports actually exceeded exports for the first time since 1969.

A renewed emphasis on agricultural exports in the 1985 farm bill has helped make U.S. farm products competitive once again in world markets. But, the crisis of the mid-1980's has not fully passed. If the United States is to regain its prominence in agricultural exports, we must remain vigilant in promoting open access to world markets and an end to unfair trade practices.

A January 1987 USDA study of worldwide agriculture programs provided data on the staggering subsidies that many of our trading partners provide to their farmers. The report concluded that Japanese farmers derive more than 70 percent of their income from government programs and European Common Market farmers received almost 50 percent of their income from subsidies. Meanwhile the average U.S. farmer received only 22 percent in direct income from the Government.

The Uruguay round of trade negotiations in the General Agreement on Tariffs and Trade [GATT] has been underway since September 1986. It is within this forum that the U.S. negotiators must stand firm in calling for the elimination of export subsidies, the elimination of nontariff trade barriers and uniform health and inspection standards.

The administration has advanced the proposal that all GATT member nations eliminate agricultural subsidies and nontariff barriers by the year 2000. While I applaud this worthy goal, the United States must not unilaterally acquiesce on longstanding Government policies, such as section 22 of the Agricultural Adjustment Act of 1933, without first securing genuine reductions in trade barriers.

In the GATT negotiations, the United States can no longer afford to play "innocents abroad." Many of our trading partners have erected barriers to U.S. farm products. The Japanese have stringent quotas on beef, rice, dairy, and other farm products. And the European Community is threatening to implement a ban on U.S. meat which doesn't conform to new antigrowth hormone standards.

The United States enjoys a comparative advantage over other countries for many agricultural products. This is a result of a abundance of fertile land, a favorable climate and modern farming technologies. Our Nation's hard-working farmers have used this advantage to ensure that the American people have abundant food and clothing. Our farmers can be justifiably proud of the job they do and there is no doubt that they can compete in world markets if given the chance.

Mr. Speaker, we have everything to gain by vigorously pursuing the elimination of trade barriers to U.S. agricultural products. And by using existing programs to further encourage farm exports, we cannot only reduce the trade deficit, but help the American farmer and those less fortunate in the developing countries.

TRIBUTE TO THE FORMER MAYOR OF PITTSFIELD, CHARLES L. SMITH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. CONTE. Mr. Speaker, 8 years ago, the people of Pittsfield, MA, elected Charles L. Smith as their mayor. He has served with distinction for four consecutive terms through a period of profound growth and change in his beloved hometown. During his tenure, Mayor Smith brought to fruition such major projects as: the Vicon resource recovery plant, the Krofta water-filtration system, Taconic Business Park, Westwood Business Center and the final development of parcel 3. Completing any one of these projects would be outstanding legacy for any mayor, but Charlie did them all and Pittsfield is a better place because of him.

But Charlie wasn't just a big projects mayor. He knows that a good mayor must run and maintain a compassionate and efficient administration and that he must make time to personally deal with constituent problems. He must also plow the roads, pick up the garbage and fill the potholes, services you never hear about until something goes wrong. But with Charlie, very little went wrong.

Those that know Charlie best know that he is a dedicated public servant, family man and above all else, his own person. As a public servant, he has served long and well as a city counselor and city council president. As family man he and his lovely wife Pat raised 7 beautiful children of their own as well as an astonishing 60 foster children. As his own man, Charlie never created a political machine because he wanted to do all the work himself, in the hands on style that is his outstanding characteristic.

For all his productive life Charlie has cared and worked for others. He is a man of infinite patience, dedication, and compassion—he is a fine public servant. But Mr. Speaker, last year Charlie decided not to seek reelection but rather to seek new goals in the private sector. I know it was not an easy decision for Charlie, but if he pursues his new career in the same manner in which he has lived his life he will find only happiness, friendship and satisfaction. I know I speak for all the people of Pittsfield when I say congratulations for a job well done and good luck in your new career.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. MONTGOMERY. Mr. Speaker, the/men and women who served in military uniform will receive a tribute from grateful American citizens the week of February 8–14. Individuals and groups from communities across the Nation will visit hospitalized veterans' and their families at Veterans' Administration medical centers to let them know that we appreciate them, that we have not forgotten them, and that we care.

An official program of the Veterans' Administration Voluntary Service since 1978, National Salute to Hospitalized Veterans is linked to Valentine's Day. It presents a perfect time to show our love for the veterans who sacrificed so much to safeguard the freedom we enjoy.

National Salute to Hospitalized Veterans takes place in the VA's 172 medical centers where, on any given day, the VA provides medical treatment to an average of nearly 60,000 inpatients. Approximately 85,000 regularly scheduled VA volunteers, over half of whom are members of veterans' organizations and their auxiliaries, participate in the activities for National Salute. The volunteers will plan programs, take visitors on tours, and arrange for guests to visit with veteran patients. These volunteers give generously of their time and hearts year-round to make hospitalization as comfortable as possible for the veterans.

The theme for National Salute 1988 is "We Salute Those Who Served." First Lady Nancy Reagan is honorary patron of the event this year; screen star and karate expert Chuck Norris is chairman.

I urge each citizen to participate in National Salute to Hospitalized Veterans by visiting a hospitalized veteran at a VA medical center in your home community the week of February 8–14. By participating in National Salute, we can also show our support for the outstanding VA volunteers who faithfully serve these veterans throughout the year. It is also an opportunity to witness the efficiency and quality of some of the world's finest hospitals and medical staffs.

Organizations and individuals who would like to participate in the Salute are asked to contact the nearest VA medical facility for assistance and information.

GOVERNMENT TERRORISM IN EL SALVADOR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DELLUMS. Mr. Speaker, the continuing controversy over Contra aid has obscured the tragic reality that this administration has also been undermining the implementation of the Arias peace plan in El Salvador.

Last year United States military and economic aid to the current Government of El Salvador exceeded that nation's entire annual budget. This military aid has resulted in pervasive killing and destruction, and a resurgence in death-squad and other terrorist activities, with the tacit approval of the army and certain elements in the Government.

What follows below is an English translation of a sworn deposition given by an eye-witness to recent Government terrorism in the refugee camp at Calle Real, just north of the capital city of San Salvador. Mr. Francisco Herrera, a graduate of Holy Names College in Oakland—my congressional district—went to El Salvador as a volunteer church worker for Catholic Charities and the Jesuit Refugees Service.

Some of what he saw and experienced there is recounted below.

We must never forget the assassination of Archbishop Oscar Romero, the brutal murders of the four American religious workers—Maura Clarke, Ita Ford, Jean Donovan, and Dorthy Kazel—nor the thousands of innocent El Salvadorans—all victims of death-squad rapaciousness. Mr. Herrera's sworn statement is a grim reminder that the lives of American citizens trying to do God's work here on Earth are still in daily jeopardy, as are the lives of countless thousands of El Salvadoran men, women, and children.

I urge my colleagues to read Mr. Herrera's chilling account, and to reaffirm our unyielding commitment to full implementation of the Arias peace plan for all of Central America.

Archdiocesan Office on Human Rights, El Salvador, Central America

[Document No. 02076]

In San Salvador, in the Human Rights Office of the Archdiocese of San Salvador, at 8:50 a.m. on Monday, January 25, 1988, Francisco Javier Herrera appeared. He stated that he is 25 years old, single, a pastoral worker in the San Jose Calle Real Refugee Camp under the direction of the Archdiocese of San Salvador, a native of Calexico, California, U.S.A., currently living in the San Jose Calle Real Refugee Camp in Delgado City section of San Salvador; that he carries U.S. passport number 050960555, issued September 22, 1985 in San Francisco, California, U.S.A., and who swears to tell the truth and no more than the truth about the following occurrences:

Yesterday, Sunday, January 24, 1988 at 9:30 a.m., I left the San Jose Calle Real Refugee Camp accompanied by 10 inhabitants of the camp who were planning to attend to personal matters. One woman was intending to visit a family member in Mariona Prison; another woman was going to visit her child in the Benjamin Bloom Hospital. I was accompanied by 4 women, two young girls and 4 children (one under one year old and the oldest about 2 or 3). We left the Refugee Camp in a red Toyota king cab pickup truck with a welded bar structure in the truck bed for standing passengers. We went first to San Luis Mariona Canton; I was driving. We arrived at the Troncal del Norte Road and turned left to get on the road which leads to Quezaltepeque, La Libertad. Before El Angel Canton in the Apopa section of San Salvador, we saw a group of soldiers signaling a truck which was traveling in front of us. In our vehicle, three of the women and girls were in the back of the truck while the other three females and the children were in the cab with me driving.

We continued on our way, turned left and took the road which leads to San Luis Mariona. About two kilometers from where we turned off the road to Quezaltepeque, on the street which leads to the San Luis Mariona Canton, Ayutuxtepeque, San Salvador, a white, 1973 or 1975 model Ford pick-up passed us. There were four men in the rear and two in the cab. All were young and dressed in civilian clothing. No weapons were visible. Upon passing us, several of them kept looking at us. About a half kilometer further on, the truck stopped and turned broadside in the road. All the occupants got out of the truck except the driver and all were carrying M-16's. They indicated by hand signals that we were to pull over to the side and they pointed their guns at us. They allowed the vehicle behind us to pass. They began to shout at us to get out of the pick-up, they shouted "sons of whores" and told us to get out immediately. As they came closer to our pick-up and surrounded it, they told us that if we didn't get out at once, they would blow the vehicle up with a mine.

One of them told me that if I didn't get out, he was going to get me down with his rifle. Then he directed his attention to those in the back of the pick-up and ordered the three women to get down. He told them he was going to take them in the truck with him but one of the women held onto the bar structure of our pick-up so that she would not have to go in their truck. One of the men then grabbed her by the arm and hit her with his rifle. I told them to let the women go, that we had done nothing and that we were from the church, unarmed, that the vehicle belonged to the Archdiocese and that I was an American. "That doesn't mean an animal's penis to me", one of them responded. Before they could get the women out of our vehicle, I began to ask them what the problem was and to tell them we were going to the hospital, that we were going to Mejicanos. They accused us of intending to make contact with the guerillas; that we were lying. I replied that we were from the Archdiocese; from the church, for which one of them came up to me and hit me in the forehead with his rifle. It was right after this that I saw them hit the girl who was clinging to the bar structure of our pick-up. Then they let her go and the three women got back into the truck. All of the men then got together for a few seconds a little way away from us and then they returned to threaten us, telling us to get out of the vehicle.

I insisted to them that we were from the Archdiocese and that the people accompanying me were refugees. They met together again and this time the driver, from his vehicle, raised his right arm with an automatic pistol in his hand as if to intimidate us. When he turned to look at us, I realized he was wearing an olive green handkerchief which covered his face from just below his eyes. He held the pistol outside the vehicle for a moment while the rest of them came up to us again and told us that the vehicle we were using was known. Another noted down the plate number of our vehicle. Then the one who said our vehicle was known, told us that the next time they saw this vehicle with this type of people in it, they were not going to ask any questions as if to say they were just going to machine gun us. Their license plate was bent over from the top so it was impossible to see it but it was a Salvadoran plate.

"Well," I said to them, "you have already scared us, let us go; these people are innocent, refugees." They laughed at us and then got back into their truck, put their guns in the truck, underneath some bags and other things, and they took off at a high speed. We continued on a little bit and, after they were out of sight, we turned around. When we had gone about one kilometer toward the Quezaltepeque road, we encountered a small army tank armed with a 50 caliber machine gun which was headed toward where the men in civilian clothes had detained us. After this we returned to the San Jose Calle Real Refugee Camp where we arrived at about 10:15 a.m. having done none of the things we had set out to do. I must not omit mentioning that, once we were back in the Camp, one of the young women, the one who had been beaten by one of the men, told me that she had recognized the man who had beaten her and that he was one of the soliders from the First Infantry Brigade who arrived at the Refugee Camp on Saturday, January 16 of this year and wanted to take away several men who live in this camp.

This is all I have to declare and it is the whole truth and nothing more than the truth and consists of what I have seen and heard. I confirm the foregoing and sign.

Francisco Herrera.

PRESIDENT CHIANG CHING-KUO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. EMERSON. Mr. Speaker, to Ambassador Fred Chien of the Coordination Council in Washington, I send my personal condolences on the passing of President Chiang Ching-kuo. I know Dr. Chien had been close to President Chiang for a number of years and that he had visited with the President twice during his home visit last December.

I am sure Ambassador Chien felt his loss most personally; millions of Taiwanese people shared Dr. Chien's grief over the passing of their much beloved leader.

It's most fortunate that, due to President Chiang's foresight, Mr. Lee Teng-hui is now the President of the Republic of China on Taiwan. I trust Mr. Lee will carry out his mentor's policies of continuing economic development that will eventually eradicate communism and institute a democratic form of government on the Chinese mainland.

Mr. Speaker, Mr. Lee is a good man who deserves our understanding in the days ahead. I wish to assure President Lee that the United States friendship for Taiwan is strong and that his representative, Ambassador Fred Chien, has the respect of us here in the United States Congress as we continue to address problems of mutual concern to our two nations.

Last Friday I attended the memorial service for President Chiang Ching-kuo at the National Presbyterian Church, an experience shared by many.

THE MARCHING MILLIONAIRES HONORED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. GEKAS. Mr. Speaker, I am proud to pay tribute today to the Williamsport Area High School Marching Millionaires who won the Atlantic Coast Championship, the top title for high school marching bands in the region, on November 15, 1987. The Marching Millionaires won the title over 22 other large high school bands in a 7 State area, all champions from their respective geographical area. The score of 96.75 was the highest score ever achieved by a Williamsport area school band. In fact, the band also received trophies for the highest music score and the highest marching score.

But Mr. Speaker, winning is not new to the Marching Millionaires. During the past 7 years, the band has won the Atlantic Coast Championship four times—1981, 1982, 1984, and 1987. During the years when the Millionaires weren't winning championships they were placing second—1983, 1985, and 1986.

That is quite an accomplishment and one that has made their families, friends, community, and Congressman very proud. The school plans to honor the 200 members of the Marching Millionaires Band on Thursday, February 4, 1988. I would like to extend my congratulations for a job well done.

THE 40TH ANNIVERSARY OF THE WYOMING VALLEY CATHOLIC YOUTH CENTER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. KANJORSKI. Mr. Speaker, it is my great privilege to recognize the 40th anniversary of the Wyoming Valley Catholic Youth Center of Wilkes-Barre, PA. For 40 years the Catholic Youth Center has made immeasurable contributions to this community, by providing our youth with both recreation and guidance.

The Catholic Youth Center was first envisioned by the late Bishop William J. Hafey, in 1948, as a place where the children of the diocese could laugh together. Father Donald Deuel, then the assistant pastor of the Church of St. Mary of the Immaculate Conception, became the first moderator and Robert Golden, a graduate of Notre Dame in the field of recreation, was named director. A board of 21 directors, with Thomas Collins as president, volunteered their services to the cause.

Under their direction, the center began to take young people off of the streets and give them a place to meet, socialize, and have fun. Thanks to a generous contribution of $312,000 made by Bishop Jerome D. Hannan in 1959, a greatly needed annex was built housing a new gymnasium and swimming pool. This greatly improved the sports program and also provided space for a variety of social events. Since Hannan Hall was built, the Center has encouraged the creation of various city sports teams and has sponsored numerous athletic events. Classes in lifesaving are also offered as a regular part of the organization's swim program. Instruction in crafts, ceramics, archery, and weight-lifting has been provided and Saturday night dances have become a tradition.

The center has also taught our youth the valuable lessons of responsibility, cooperation and leadership. It has encouraged the creation of a wide range of clubs that meet the needs of specific groups of young people, which have been responsible for organizing many social functions. Student council members, elected from area schools, have actively participated in raising funds for victims of debilitating diseases such as cerebral palsy.

In addition, the center has demonstrated its commitment to the future of our youth by creating a job clinic. The center has worked with business people, educators, and clergy to help young people select a career and learn what they must do to achieve their goals and aspirations.

A grant from the Department of Interior enabled hundreds of the area's underprivileged children to enjoy the center's facilities. A van was purchased to provide these children with transportation to and from neighboring communities. Anthony D. English, Jr., executive director of the center, would like to further expand the program to provide services to the handicapped and senior citizens. The new motto for the center is: "For the Young, and the Young at Heart."

In its 40 years the Wyoming Valley Catholic Youth Center has worked to ensure that the members of its community have had productive youths and promising futures. In light of the increasing problems facing young people today, the services provided by the Wyoming Valley Catholic Youth Center are perhaps more vital now than ever before. I would like to offer my strong support and sincere thanks for all of its invaluable efforts.

PRESIDENT CHIANG CHING-KUO

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. PASHAYAN. Mr. Speaker, President Chiang Ching-kuo of the Republic of China on Taiwan died January 13, 1988. His death was a loss to the people on Taiwan and a loss to the free world.

According to an editorial in the Washington Post, during Chiang's tenure as president,

> He strengthened Taiwan's economic sinews and trading connections, giving his country power in a usable dimension and providing a stake in national success to the island's citizens. He kept Taiwan's political liberalization moving ahead of the popular agitation. His style is suggested by his quick and constitutional succession by Vice President Lee Teng-hui.

Indeed, Chiang was a leader of foresight and vision, which made it possible for Mr. Lee to succeed him as President. As we mourn the passing of President Chiang Ching-kuo, we wish President Lee the best of luck as he guides Taiwan to continuing prosperity and growth.

THE PERSECUTION OF THE BAHA'IS IN IRAN

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DURBIN. Mr. Speaker, for several years, we have urged the Government of Iran to end its persecution of the Baha'is, a religious sect comprising 1 percent of Iran's population. Sadly, though the abuses have decreased slightly since 1983, they continue at too high a rate.

The abuses are rampant. Despite the Ayatollah Khomeini's 1982 statement promising the cessation of entry into private homes without a search warrant, many Baha'i homes are still pillaged by authorities. Their homes are confiscated, children are homeless or denied schooling and relatives disappear. Those executed are often tortured and buried without any notification of family members. More than 200 Baha'is linger in Iranian prisons.

The Iranian Baha'is are deprived of basic human rights because of their religious beliefs. They believe in oneness of mankind and religion, equality of men and women and the elimination of prejudice. As members of such a tolerant religion, they are subject to intense persecution.

The Baha'is, with 1 percent of the population, are the largest religious minority in Iran. Unfortunately, they are also singled out for abuse and death. The intolerance of the Iranian authorities, which in the past has been focused on the group's leaders, has led to the execution of 188 Baha'is and the disappearance of 15 more, who are presumed dead. Five Baha'is were executed in 1987. The only sure way to escape persecution is conversion, a discriminatory path few choose to follow.

Today, eleven members of the Baha'i community face imminent danger of death. The National Spiritual Assembly of the Baha'is of the United States reported that 11 men, Ehsanullah Ayadi, Farajullah Saadati, Sohrab Dustdar, Ramezan-Ali Amui, Behnam Pashai, Muhammad Dehqani, Ezzatullah Khorram, Mehran Tashakkor, Farid Zkiri, Vahid Qodrat, and Shahroukh Hoveydai, have been tortured and are now threatened with execution. The Iranian Government has not formally tried these Baha'is for a criminal act, yet it threatens to take their lives.

The September 1987, execution of two Baha'is in Iran and the reported imminent death of 11 more gives us cause to renew our efforts to forge an international alliance against the Iranian Government. There is great fear among the Baha'is community in Iran and the United States that any slowdown in American pressure against these glaring human rights violations will increase the persecution. They believe that Iranian officials are conscious of their reputation, and thus are sensitive to international pressure. This pressure has helped decrease some abuses in the past in a nation which has one of the world's worst human rights records.

I urge our continued efforts to call attention to an abusive, intolerant Iranian Government.

THE NATIONAL SCIENCE FOUNDATION AND INTERNATIONAL COMPETITIVENESS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Miss SCHNEIDER. Mr. Speaker, increased funding for the National Science Foundation is an essential element in our Nation's fight to regain its industrial competitiveness. Roughly half of the increase in U.S. productivity can be attributed to technological innovation. Basic research conducted at our Nation's universities and supported by the National Science Foundation is critical to increasing productivity in the United States and improving our competitive position in international markets. NSF funds also are critical for training our next generation of scientists, engineers and teachers.

I want to share with my colleagues a recent article from Government Executive Magazine which discusses the role of the NSF in our competitiveness effort.

OUT OF THE LABORATORY, INTO THE WORLD MARKET

POLITICAL LEADERS TARGET THE NATIONAL SCIENCE FOUNDATION AS IMPORTANT TO U.S. COMPETITIVENESS

(By Claude Barfield)

As many agencies languish with stagnant budgets in this era of huge federal deficits, the National Science Foundation is headed in quite a different direction: toward a doubling of its resources over the next five years.

The agency is the beneficiary of politicians' concern about the nation's other deficit—in its international trade accounts—and about the ability of American companies to compete in world trade.

Improved science, technology and innovation in commercial products and processes are the keys to improved competitiveness, in the view of the White House and Congress, and they are looking to NSF to lead the way. A year ago, in his State of the Union message, President Reagan directed that the agency emphasize "fundamental science that has the potential to contribute to our nation's economic competitiveness."

Competitiveness in trade, of course, implies developing and improving saleable products. But the NSF has long been a leader in funding basic research, which is not product-driven. Making the transition from ivory-tower science to more practically oriented research is one key challenge now before the agency's managers.

A second is the problem of deciding how to spend its new money and establish new programs with no appreciable increase in staff or administrative funds.

The agency's first big budget increase is due in the current fiscal year. The Administration's proposal, to boost spending by $270 million over last year's $1.62 billion, survived nearly intact in early rounds in Congress. Though some cuts are likely as the government deficits are reduced, Rep. George Brown, D-Calif., a longtime science policy leader, says "support for basic research is one area that both conservatives and liberals can agree on."

In addition to funding more research and better facilities for scientists in the various disciplines, Reagan charged NSF with using some of its new money to:

Establish 80 to 100 interdisciplinary science and technology centers based at universities, and

Expand the nation's "talent base" in science and technology through enhanced science and engineering programs at all levels of the educational system.

The core of NSF's activities—two-thirds of its budget—consists of grants to individual researchers or small teams in various scientific and engineering disciplines, usually in academic settings, and the vast majority of the agency's budget will continue to go for these kinds of grants. NSF funds 25 percent of all federally supported basic research—more than the Pentagon, the Energy Department and NASA—and that percentage will increase. Only the National Institute of Health funds more basic scientific research, to the tune of $3.6 billion in fiscal 1987.

NSF does its job with a staff of just 1,244. About 20 percent of the staff members are temporaries—science and engineering professionals who rotate into the agency for a few years and then back to the classroom or laboratory. Assisting the staff with the large task of reviewing grant proposals is a network of peer review boards and committees drawn largely from universities.

NSF has always been a household word in the scientific community. But managers think the agency's new mandate will raise its profile among business, industry and the general public as well. In the future, says NSF Deputy Director John H. Moore, the agency will be a whole lot more visible to Congress, within the Administration and to the media and scientific constituencies outside of government.

PLANNING UNDER BLOCH

Even before receiving any new money, NSF's focus and operating style had changed significantly under Erich Bloch, the hard-charging, blunt-spoken former IBM executive who took over as its director in 1984. From the outset, Bloch moved to make NSF "more responsive to major changes that have occurred in the scientific enterprise itself and to challenges that have been presented to us by the new realities of international competition," he says.

Internal discussion regarding the implications of a huge budget increase over a short time span began during the summer of 1986. After the President's former endorsement in January 1987, however, planning went into high gear. Last spring, NSF drafted, and its governing board endorsed, "Long Range Plan: FY 1988-92."

Although expansion of NSF received early support from both the executive and legislatives branches, Moore says NSF was unwilling to take that support for granted. He says Bloch insisted that the agency develop and be able to demonstrate to the outside world "a set of carefully though out strategies for expenditures that would benefit both science and U.S. competitiveness."

In February, under Moore's direction, NSF created four task forces. Three groups focused on creation and expansion of NSF programs, reflecting priorities set by Reagan in his speech and by NSF in strategic planning sessions. The fourth, chaired by NSF Controller Sandra D. Toye, addressed the management, personnel and budgeting changes that are necessitated by the agency's massive expansion.

Of the four committees, Toye's organizational planning task force may have had the lowest profile outside of NSF, but its mission was the trickiest. "The difficulty," Toye says, "is that the increase in budget, the new political accountability, and launching of complex programs will not be accompanied by a commensurate increase in personnel and administrative resources; doubling the budget will not mean doubling the staff."

The three programmatic task forces, chaired by NSF assistant directors, were:

Disciplinary Research and Facilities, which planned for strengthening of the individual scientific disciplines and improving the science and engineering facilities under NSF's authority.

Education and Human Resources, which studied how to enhance the quality of science and engineering education and human resources development and broaden participation in science and engineering to include more women and minorities.

Science and Technology Centers and Groups, which outlined plans for developing the new science and technology centers and augmenting existing collaborative research activities.

Throughout the planning process, drafts of task-group reports were widely circulated both withn NSF and outside of it. "What we aimed for was a kind of top-down, bottom-up process simultaneously," says Moore, "We wanted to make sure that all of the staff and all of the scientific viewpoints felt involved and a part of the process, so that at the end we would have built a broad consensus."

DISCIPLINARY RESEARCH

Although grants to individual researchers have always been NSF's *raison d'ětre,* the agency's budget windfall will entail some change in this area of agency operations.

William J. Merrell, who chaired the group as assistant director of geosciences at NSF, says his panel found NSF's system for providing basic disciplinary research grants to be sound—but underfunded. Tight budgets during the past decade have left NSF "caught in a double bind,' says Merrell, who left his NSF post last summer to become president of Texas A&M. "A tremendous backlog of truly exciting proposals has developed in many areas. And we have grossly underfunded the proposals we have accepted because research costs have been going up dramatically."

With its additional funding, NSF will be able to increase both the size and the number of its grants. But Merrill's task force recommended that three-quarters of the new grant money be devoted to boosting the size of grants. Specifically, the long-range plan recommends:

Increasing the size of individual grants by about 80 percent, from an average of $74,000 in 1988 to $135,000 in 1992.

Increasing the number of disciplinary grants 25 percent between 1988 and 1992, from about 10,200 to 13,000 grants.

Merrell's task force was also concerned that research facilities and equipment have deteriorated or become obsolete, leaving the nation with an inadequate science infrastructure. Biologists need vast quantities of equipment and instrumentation, Merrell noted, and mathemticians are increasingly dependent on supercomputers. So the long-range plan contemplates a sizable increase in resources devoted to facilities and commits NSF to increased funding of instrumentation and other support equipment within individual grants. Merrell's task force recommended that NSF spend about $1.6 billion for facilities during the next five years.

EDUCATION AND TRAINING

Of three major thrusts in the strategic plan for NSF's additional resources, the education and recruitment of scientists has been assigned top priority; educational and human resources programs will receive 50 percent more of the new money than the other two areas do.

The education initiatives represent a major turnaround for the Reagan Administration, which in 1981 proposed drastic cutbacks in existing NSF education and social sciences programs. Education task force chairman David T. Kingsbury, assistant director for the biological, behavioral and social sciences, credits Bloch and George A. Keyworth II, White House science adviser from 1981-85, with turning the administration around on this question. Both argued, he says, "that the U.S. competitiveness was directly tied to the size and quality of our scientific and technological work force."

The NSF strategic plan envisions a broad attack on the problem across the entire education spectrum. Program priorities include:

Pre-college: support of curriculum development projects; support of teacher and institutional networks; establishment of federal funded resource centers for science education.

Undergraduate level: curriculum development support; projects to improve laboratory instruction and teaching of science to non-science students; involvement of undergraduate science majors in higher level scientific research.

Graduate level: expansion of existing graduate fellowship programs; additional support for graduate students in NSF disciplinary grants; additional foreign travel for graduate students.

Post-doctoral level and young scientists: major expansion in interdisciplinary and international post-doctoral program funding; continued support for 1,000 Presidential Young Investigator Awards that provide promising young scientists with federal grants for five years.

Senior scientists and engineers: a large expansion of sabbatical and summer leave programs; establishment of a series of cross-disciplinary training institutions.

A further priority will be to increase participation of women and minorities in the science and engineering work force.

SCIENCE/TECHNOLOGY CENTERS

Though relatively small in comparison with the other two elements of NSF's strategic plan, the proposed science and technology centers constitute the most important symbol of the new directions and priorities at the science agency. They combine two themes stressed by Reagan and Bloch: enlisting federal science in direct support of U.S. competitiveness and the necessity for increased interdisciplinary collaboration.

U.S. scientists can, of course, boast some interdisciplinary successes already. For example, biologists who understand the structure and properties of materials like enzymes, collagen, mollusk shells and bone have worked with chemists and materials scientists to create membranes and structural composite materials to substitute for such materials as steel in automobiles.

The task group on the science and technology centers spent a good deal of time puzzling over means of fostering increased interdisciplinary research, according to committee chair Richard S. Nicholson, assistant director for mathematical and physical sciences. "The truth is we haven't done all that well in the universities or at NSF in creating incentives and career signals to young investigators that would induce them to look at the interesting science that lies at the frontiers, between disciplines," says Nicholson.

Nicholson's task force recommended that by 1992, NSF be spending about $340 million, or just over 10 percent of its budget, on the centers. (For group or collaborative research outside the centers, the task group recommended a target of $480 million per year, or 15 percent of the agency's 1992 budget.) NSF expects that annual awards for the centers will range from $500,000 to $5 million, and that between 80 and 100 centers will have been created before 1993.

The deadline to submit proposals for the first annual awards created under the new program is Jan. 15. Under the terms of the first program solicitation, the centers must be based at universities, although linkages with both industry and state and local governments are strongly encouraged. They must have a unifying theme or area of investigation and be led by faculty who are integrated into the existing academic programs. The centers will be funded for up to 11 years after the initial grant. Criteria for selection include strength of management plans; education and training benefits to students; and linkages to other sectors and groups for technology transfer.

To launch the new technology centers, NSF has created a temporary Office of Science and Technology Centers Development headed by Alan I. Leshner, formerly executive officer of the biology, behavioral and social sciences directorate. Leshner hopes that his office will be abolished within five years and the program run through individual departments at NSF.

To screen the several hundred proposals for centers that agency officials expect, NSF will depend heavily on its outside peer review apparatus, as well as a group of science and technology center coordinators within NSF offices. The agency decided not to indicate substantive program priorities relating to scientific disciplines because, says Leshner, "We really wanted to see what's out there, and while we have some ideas about the most fruitful and interesting opportunities, we didn't want to close off any possibilities."

SKEPTICS

Bloch and his top staff are aware that the focus on the centers has produced uneasiness and skepticism among NSF's scientific constituency and in Congress. The fear is that the centers represent a shift away from NSF's traditional mission of giving grants to individual investigators.

For that reason, NSF enlisted the advice of the National Academy of Sciences (NAS). A panel of scientists formed by NAS reviewed the program during the spring and then endorsed it, with some important cautions. Among them: The centers should not be allowed to divert funds from the individual-grant program; the centers, like other organizations, could become resistant to new ideas; interdisciplinary research, while necessary in some areas, should not be undertaken simply because it is fashionable; the centers should not focus on near-term commercial applications just because they are perceived as contributing to competitiveness.

Bloch says he is certain that the NAS and university scientists will find great merit in the centers once the program is under way. But notes that "scientists, though they live in the realm of new ideas, are—like any constituency—very conservative when it comes to their own institutions. They get very nervous when someone proposes a new way of doing things."

From outside NSF, former assistant director Merrell is more blunt: "When you're asking for the kind of increase we want, you've got to be able to show Congress and the American people that there will be an economic payoff somewhere down the line," he says. "The basic research 'targeted' toward competitiveness which the centers will sponsor is a necessary supplement to NSF's more traditional support of the individual researcher."

AGENCY MANAGEMENT

Bloch has ordered that, as NSF expands, administrative overhead must not rise above 5 percent of the budget. One key to meeting that goal, says Toye, will be fuller use of automation and information technology. Among programs planned or under way are electronic submission of proposals, extension of electronic mail and advanced office automation, teleconferencing, and a state-of-the-art management information system.

Continuing recruitment of top-quality staff will also be crucial to increased productivity and to the ability of the agency to evaluate research proposals in both the old and new program areas. Toye points out, though, that to supplement its permanent staff, NSF—unlike most other federal agencies—is very much dependent on university scientists who rotate in and out of the agency. "These scientists are indispensable to us. They allow the agency to keep up with the latest trends in each field and provide a continuing stream of fresh ideas and perspectives," says Toye. But the agency is finding it increasingly difficult to recruit such scientists because of ever-greater disparities between federal salaries and those of top nongovernment scientists. The foundation is currently exploring a number of proposals for relief from civil service pay restrictions with the Office of Personnel Management and may ask for legislative authority to pay more competitive salaries, as the Public Health Service is allowed to do.

Toye noted finally that the new science centers program would present more complex management challenges for NSF. "With individual grant proposals, much of the work is up front in the selection process. The grants do not call for close monitoring thereafter. But with the centers there will have to be a great deal more post-award contact and supervision. They are likely to end up more like traditional agency contracts and thus demand more staff time here."

Toye's tenure at NSF spans that of six directors and goes back to 1972. Despite the many changes she has seen in that time, she says, "There is also a basic continuity: Our mission remains to provide the institutional framework to support the best science in the country. What may seem to outsiders a decentralized, even disorderly system, has in reality produced a resilient strength over the years."

SENATE—*Wednesday, February 3, 1988*

(Legislative day of Tuesday, February 2, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34. *Blessed is the nation whose God is the Lord* * * *.—Psalm 33:12. *I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made* * * * *for all that are in authority; that we may lead a quiet and peaceful life in all godliness and honesty.*—I Timothy 2:1-2.

Eternal God, Father of the nations, as people gather in Washington from every State and 130 countries for the National Prayer Breakfast tomorrow, we ask Your blessing upon each one. As a microcosm of the world's people gather in the Grand Ballroom of the Washington Hilton, may Your Holy Spirit move upon them with power and love. Bless President and Mrs. Reagan, all the National, State, local, and international leaders who will be present. Grant that this annual occasion shall be a demonstration of the peace of God that passes understanding and the love of God which is unconditional, universal, and eternal. In the name of the One who incarnates that love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized for not to exceed 5 minutes.

Mr. BYRD. Mr. President, I thank the Chaplain for the Scriptures quoted and for his prayer.

EXTENSION OF VOTING TIME

Mr. BYRD. Mr. President, the vote will occur today at 10:30 a.m. on the Kennedy nomination. There is going to be a parade in town today and traffic will be congested. I came in early to avoid that congestion and found that I was wise to do so because the movements are already beginning. I hope that Members will leave their homes in ample time to reach the Senate for that vote. It is a 15-minute rollcall vote.

I am constrained to ask unanimous consent that that be a 30-minute rollcall vote, inasmuch as it is early in the day and particularly because some Senators may be caught off guard by virtue of this buildup of several thousand or scores of thousands of people who will be in town for this parade.

It is an important nomination, and if there is no objection, I ask unanimous consent that that be a 30-minute rollcall vote to begin at 10:30 a.m. and with the call for the regular order to be automatic at the conclusion of the 30 minutes.

Mr. SIMPSON. Mr. President, reserving the right to object, I certainly will not object. I do appreciate the majority leader's accommodation there. It matches what he expressed to us, that in times of extremity or weather, and I understand that has become a little bit worse, that we would accommodate the Members and I thank him for that.

I will not be involved in the parade. It would be a parade of tears for we poor Bronco fans. I do not think I could stand it out there, but I certainly commend the Washington Redskins. They did a remarkable job of destruction of a fine football team on the other side, which was quite extraordinary. Having played the game in college, which I did, watching it was an awesome exercise. They should be richly commended for a superb performance.

I know tomorrow we will have the prayer breakfast. Let me just say in response to the Chaplain, I have seen some remarkable ones: Bishop Sheen, Billy Graham, the President always, any President always is there and it is a very moving ceremony.

So, with that, Mr. Majority Leader, I certainly do not object and I appreciate that accommodation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will not be involved in the parade either. I am merely seeking to help our Senators to avoid missing a vote, the circumstances having arisen not too long ago that will create this congestion. So I am very pleased that the distinguished assistant leader agrees with me and that there is no objection.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I yield the floor. I ask unanimous consent that I may reserve the balance of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I, too, reserve the remainder of the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

THE COST OF YOUR HOUSE AND THE COST OF STAR WARS

Mr. PROXMIRE. Mr. President, arguing with an SDI supporter about the cost of star wars is like arguing with a teenage son about the cost of a house. You ask the teenager how much he thinks it costs to buy a house. He tells you, "Sure, it costs $6,000." You ask, "Where in the world did you get the nutty idea you can buy a house these days for $6,000?" He replies, "Isn't that what you pay the bank every year for the mortgage?" You explain that $6,000 is just the interest for 1 year on the mortgage. You point out that the mortgage is for $60,000. A month later you ask him

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

how much a house costs. He says, it costs a lot. It costs $60,000. You tell him, "No, Jimmy, $60,000 is just the cost of the mortgage on the house. We also have to pay another $40,000 to pay the previous owner $100,000 for the house." "So," asks Jimmy, "You mean the house costs $100,000? Is that it? Is that the total cost?" Your reply, "Not by a long shot. To buy this house we paid the previous owner $100,000. Over 30 years we will pay about $165,000 in interest to finance the mortgage. That goes to the bank. But that is not all either. As long as we live in this house we will have to pay property taxes of $3,000 per year to the city. In the next 30 years alone we will pay at least $90,000 in property taxes and probably a lot more. Property taxes always go up. They never come down. Then there are repairs and maintenance to the house and the lot. There is fire insurance, theft insurance, liability insurance. All together those repair and insurance charges came to $5,000 last year. That was about an average year. Over 30 years that adds up to at least $150,000 for repairs and insurance and probably much more. So even if we forget about anything extra we do to improve the house what does it cost? You add the $100,000 purchase price, the $165,000 in interest on the mortgage, the $90,000 in property taxes and the $150,000 in repairs and insurance. We will pay more than $500,000 to live in this house for the next 30 years.

"So it is not $6,000 that this house costs. It is more than half a million." And that is the way it is with SDI. In 1988, we will spend $3.9 billion on SDI research. That research cost will grow enormously as the years go on. Development costs will be even greater. Then comes the immense production costs. These costs will depend on what the research finds is feasible. Based on virtually all experience with new technology the cost will almost certainly exceed even the high estimates. How many times have weapon systems that require technology breakthroughs come in anywhere near initial estimates? Answer: Virtually never. Has the cost ever been less than initial estimates? Never. It is always more, usually a lot more.

Antisatellite weapon—air-based. The uncertain technology is in its homing device.

The B-1 strategic bomber. It had many technology related problems.

The MX nuclear missile. In particular its guidance system.

The real trouble with the cost of weapons goes beyond technology. Any weapon is sure to provoke a counterweapon. This is especially true of defensive weapons. And it is absolutely predictable in the case of a defensive weapon like SDI which, if it succeeded, would destroy the credibility of the opponent's deterrent.

One example: The present push is for the employment of space-based kinetic kill vehicles [SBKK's]. The vehicles would orbit the Earth at several hundred miles. There would have to be several thousands of them. With the present technology they would be as vulnerable to Soviet attack as a 3-year-old child wandering in a crime-infested section of a great American city carrying $10,000 in $20 bills in plain sight. The Soviets could pick the time and place to knock out every American SBKKV at will. Talk about sitting ducks. The American SDI battle stations would have a fixed orbit. They would pass through a specific section of the sky many times every day at an absolutely predictable time. At any time it wished the U.S.S.R. could fire antisatellite weapons to destroy the battle stations. Any effort to provide armor plating or "shoot-back" capacity to the battle stations would add enormously to the cost of lifting the battle stations into orbit and keeping them there. Would the attack on the American battle station constitute an act of war? It might. But if there is one clear U.S.S.R. doctrine it is that the sovereignty of nations, especially the Soviet Union, extends to an infinite altitude into space above each sovereign country. So therefore would we not expect the Soviets to consider the thousands of American battle stations deliberately designed to destroy this ICBM deterrent and orbiting directly over their country many times a day an invasion of their sovereignty? Just ask yourself what would be our American reaction if the Soviets were filling our skies with space-based kinetic kill vehicles? Would we take them out, which we easily could? You betcha! we easily could? You betcha!

What does all this mean in the cost and feasibility of SDI? It means that to have any chance of deploying battle stations that could survive in orbit over the U.S.S.R. we have to design space-based kinetic kill vehicles that have heavy armor plating and can intercept and destroy antisatellite type fire. Have we made any progress in researching the kind of armor plating? Have they developed weapons that can intercept and destroy antisatellite fire? The answer is we have not. What would be the cost of researching, developing, producing, and especially lifting and deploying battle stations with this kind of capability? No one knows. Would it add to the cost of SDI? Of course, it would add greatly to the cost of SDI. Cnuld we be reasonably confident that it would work when the Soviets offense could pick the time, the place, and the intensity of the attack? Would they make such an attack on an armada of battle stations orbiting over their country several times a day on regular schedule? What do you think?

This illustrates the wisdom of the answer that former Defense Secretary Harold Brown gave to a question I asked him when he testified before the Defense Appropriations Subcommittee in 1986. I asked Dr. Brown how much he would estimate it would cost annually to maintain, operate, and especially modernize an SDI system to make it effective against U.S.S.R. countermeasures. His answer was that the cost would be between $100 and $200 billion per year every year in 1986 dollars in perpetuity. And, of course, we could never be sure or nearly sure that such modernization would be enough to defeat a Soviet attack on vehicles such as the SBKKV's. And keep in mind that Dr. Brown not only brought the wisdom of a former Secretary of Defense. He also brought the know-how of a world-class physicist and a former head of the Livermore Lab in California where so much of the technical work on SDI has been done.

Estimating the cost of SDI is much harder than estimating the cost of a house. It is like estimating the cost of building, maintaining, and constantly rebuilding a house located in Beirut. This is a house which is conspicuously lavish, obviously undefended, and occupied by rich Americans who revel in teasing terrorists.

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

CONTRA AID

Mr. HOLLINGS. Mr. President, it is unfortunate that concern for American security in the Western Hemisphere has been so trivialized that, on the eve of a decisive and historic vote, the three main national television networks concluded that the President had nothing to say and therefore his speech did not warrant being televised.

Perhaps, Mr. President, the President of the United States will think twice next time before vetoing the fairness doctrine requiring the networks to give balanced exposure to all important issues and points of view. When a President of the United States plans a major address on an issue of major national import, as he did last evening, then, under the fairness doctrine, the networks would carry it and give equal time to the other point of view. But for the networks to determine independently that a crucial Presidential address has no news value demonstrates the final demise of the letter and spirit of the fairness doctrine.

Now, Mr. President, on this momentous issue of aid to the Nicaraguan freedom fighters, we are faced today with a political showdown between the

House of Representatives and the President of the United States.

I have watched this fight evolve over the last several years. It had its origin in the clash between our distinguished colleague, the former Speaker, Mr. O'Neill, and the President, over the Boland amendment. Speaker O'Neill viewed the Boland amendment as a matter of House honor, as a matter of House principle.

I have been in conferences in the Defense Appropriations Committee where those Boland amendments were prepared. On his part, the President gave short shrift to those Boland amendments because his administration was getting aid, little as it was, hither, thither, and yon, to the Contras anyway.

So there has been a terrific ambivalence and rivalry with respect to the Contra program down in Latin America and the assistance that we as the United States of America are willing to give those who are willing to fight for freedom.

This is a sad context now because no one is listening to what is really at issue in Central America.

We know what is at issue in Afghanistan, Mr. President. The public figures as reported by the media shows that we have given Afghanistan, $500 million in 1986 and $690 million in 1987 including $30 million for humanitarian aid and $60 million for refugee aid. Thus, the total of our aid in the last 2 years to Afghanistan is $1.2 billion.

We have similarly been generous with the Philippines. Our aid there has totaled $379.9 million in 1987 and $305 million in 1988—plus $50 million for land reform—a combined level of $735 million in 2 years.

The entire aid to the Contras over the 9-year period that the Sandinistas have been in power has been $231.8 million. A paltry sum in comparison to what we have given to the Philippines and Afghanistan—a very meager amount when compared to Soviet aid to the Sandinistas. We have only given the Contras $14.8 million since the Arias plan was conceived while Soviet aid to Nicaragua has been $300 million.

The big doubt of those Democrats opposing Contra aid is toward lethal aid and they say that they will present a package of humanitarian aid. They are quibbling over $3.6 million.

That is not enough for a good skirmish in any battle. That is not the cost of a turnpike or section of a highway in the United States.

It is outrageous when you consider the ramifications of ceding Central America to the Marxists.

The President has reduced his request to an offer made by the Mafia—an offer that cannot be refused. But in refusing it, many Democrats are determined to win the inside-the-beltway political struggle between House Democrats and the White House. But in having its way, Mr. President, the House will turn its back on a struggle, a real struggle, for freedom that has developed in Nicaragua. The Contras have been successful in recent assaults and they are winning over the Nicaraguan people.

I take issue with my distinguished colleague from Connecticut and his views stated in the Washington Post about the success of the Arias plan. He credits the Arias plan with opening the newspaper La Prensa. In fairness, it was the Contras and their successes that did that.

You understand, Mr. President, that when the Arias plan was submitted, the one thing that the Sandinista and Contra opponents in the Congress jumped on was to use it as a pretext to end any additional aid to the Contras. In other words, let us surrender, but please continue with the Soviet aid.

Incidentally, that raises another point; the amount of Soviet aid. I have cited the figures of the U.S. aid to the Contras—$231 million. I wonder how many people realize that Soviet aid to the Sandinistas since 1979 has been $4.7 billion. It makes you wonder how there are any Contras left. Imagine $4.7 billion in Soviet aid to one side and $231 million in U.S. aid to the other—and Reagan is called the warmonger by many Democrats in Congress.

In any event, the one thing jumped upon under the Arias plan was stop funding to the Contras—extinguish them. But the Contras have continued to march forward.

The key to the Arias plan, as the Sandinistas see it, is for the Contras to disband, to surrender, to quit. We know that with any sign of resistance, once they grant amnesty and lift the emergency, as they say to satisfy peace needs, they will immediately arrest the leaders, who speak out. Well, I contend the peace plan itself has gone awry.

The plan was signed on August 7, and allowed for a 90-day compliance period—or a date of November 7. That date was put off until January 7. On January 7, the Presidents of the five countries who were supposed to verify compliance—and, of course, the Sandinistas did not comply—had the date extended to January 15. On January 15, they found there was no compliance.

If you want to proclaim what the Arias plan has brought to Central America—let's be clear and straightforward. It has given us a mechanism that brings into clear focus what is at issue and we can see very clearly the game being played by Daniel Ortega.

As the distinguished Senator from Connecticut concludes, "The President's aid request does not give the plan a chance. It dooms it."

How could $3.6 million in escrowed aid doom it? That miniscule measure of aid cannot possibly doom the peace. If anything, it belies the pretense that the Arias plan has been responsible for so-called progress by Ortega and his group.

Mr. President, the truth of the matter is that we have been acknowledging the Communist threat to the world but not to our own hemisphere. I want to disassociate myself from the constant headlines proclaiming that Democrats oppose Contra aid. This is one Democrat who favors it, who has been favoring it, and will continue to favor it until the tyranny of the Sandinistas is broken.

I had the occasion to meet with Daniel Ortega in 1979 when the Sandinistas first came to power. I opposed aid to them. Our late colleague, Senator Zorinsky, arranged for Senators Stone, KENNEDY, and several of us to meet with Ortega at that time.

Mr. Ortega said he wanted the same democracy in Nicaragua that we wanted in the United States: free elections, freedom of the press, freedom of religion.

I told him I did not want to offend him or hurt his feelings, I just did not believe him. Nonetheless, I told Ortega I wanted him to prove me wrong. I chose to support early aid to the new Nicaraguan regime. I came down to this floor and supported a generous total of $117 million in direct aid to the Sandinistas. We gave peace a chance. And now they have a Marxist, top-to-bottom totalitarian Communist system down there with countless political prisoners. Some 500,000 Nicaraguans have voted with their feet by fleeing across the border, and another 15,000 to 17,000 anti-Communists are in the field under arms, succeeding in controlling a substantial part of the country after 9 years. So, we know the yearning for freedom. I say to my Democratic colleagues, today, let us give hope a chance. If they vote down this measly $3 million today in the House or tomorrow in the Senate, then we will have extinguished hope. So, do not come running around talking about humanitarian aid. Thank heavens, when the United States got its freedom, France did not limit us to humanitarian aid at the time of our revolution. The freedom fighters are not humanitarians. They are fighting for freedom. They do not have the luxury of being humanitarians in the current atmosphere. It is an atmosphere of violence and repression created by Sandinista Marxists and their Soviet bloc henchmen.

The Cubans are in the driver's seat in Managua, and if we Democrats cannot recognize who the real enemy is in this struggle, then, as a party, we are truly lost.

I will be glad to join in the full-scale debate when the Senate considers Contra aid tomorrow. However, I seek today, to counter the notion that all Democrats oppose Contra aid, because there are many of us who are deeply concerned. I well remember back in 1959, when many said, "Oh, don't worry about that little Caribbean island." Thirty years later, the Cuban mercenaries are in Yemen, they are in Ethiopia, they are in Angola, they are in Nicaragua. They are deployed the world around. And the Soviet Union is dedicated, the Soviet Union is committed, communism is dedicated, communism is committed, yet we in the democratic camp are afraid to commit. We are not dedicated. We are not willing to fight for our beliefs. Freedom is not free. It must be strived for. Let us at least give the Contras, who are willing to fight their own fight, a chance to succeed. We fought for a decade and lost 58,000 boys in Vietnam in a futile search for South Vietnamese who would fight their own fight in Vietnam. In Nicaragua, we are blessed with patriots who are willing to carry the combat burden entirely on their own. All they ask from the United States of America, the great bastion of democracy, is minimal financial assistance. Indeed, today, we are talking about a puny $3.6 million in escrowed lethal aid, yet leaders of this debate say, "If you give them the $3.6 million, peace is doomed." This argument is 180 degrees wrong. The simple fact is that without continued support of the Contras, peace is doomed. Unless, of course, you seek the phony peace of totalitarian control, the deathly silence of a nation and people without freedom or hope.

The ACTING PRESIDENT pro tempore. The additional 5 minutes has expired.

Mr. HOLLINGS. I thank the distinguished leader and the Chair. I ask unanimous consent that two tables be inserted in the RECORD. One illustrating United States aid to the Philippines and Afghanistan and a comparison of Soviet aid to Nicaragua with United States aid to the Contras. The other providing a list of Soviet military hardware delivered to date to Nicaragua and the Sandinista request for equipment for the next several years. If any one believes this equipment is purely for defensive purposes against the Costa Rican police force, then truly all hope is lost.

There being no objection, the tables were ordered to be printed in the RECORD, as follow:

1. U.S. Aid to Philippines

Fiscal year:	*Millions*
Fiscal year 1987	$379.9
Fiscal year 1988	305
	[1]50

[1] Plus additional $50 million for land reform (conditional).

2. U.S. Aid to Afghanistan

(Open source—press estimated)

Fiscal year:	*Millions*
Fiscal year 1986	$500
Fiscal year 1987	600

[1] Plus $30 million (humanitarian) and $60 million (refuge).

3. Soviet Bloc Aid to Nicaragua

[In millions of dollars]

	Military	Economic
Fiscal year:		
1986	$590	$580
1987	505	500
Average	[1]45	[1]45

[1] Per month.

4. U.S. Aid to Contras

	Millions
Fiscal year 1987	$100
October 1 to November 10	3.5
November 11 to December 16	3.2
December 16 to February 29 (1988)	8.1
Average	[1]8

[1] Million per month in fiscal year 1987 and $3 million per month in fiscal year 1988.

Cumulative Soviet Bloc Military and Economic Aid to Nicaragua—1979 to 1987 $4.730 billion

Cumulative U.S. Aid to Contras:	*Millions*
(a) Through end of fiscal year 1985	$117.0
(b) Fiscal year 1986 to fiscal year 1987	100.0
(c) Fiscal year 1988 to date	14.8
Total	231.8
U.S. Aid to Sandinistas	117

Soviet bloc equipment delivered to Nicaragua

Equipment	*Defector figures*
Air Force:	
MI-25/HIND [1]	12
MI-8/HIP	14
MI-17/HIP [2]	24
MI-2/HOPLITE	5
AN-2TP	17
AN-26	6
Anti-aircraft artillery:	
23mm (ZU-23-2) gun	252
37mm (9M430 M-1939) gun	66
57mm (S-60) gun	18
100mm (KS-19) gun	18
14.5mm ZGU-1 machinegun	264
14.5mm ZPU-2 machinegun	100
14.5mm ZPU-4 machinegun	55-56
SA-7 (C-2M 9P58M) Grail Sam launcher	325
SA-14 (C-3M 9P58M) Gremlin Sam launcher	166
SA-16 (IGLA-1M 9P519-2) Sam launcher	54
Armor:	
T-55 Medium tank	87
T-54 Medium tank [3]	43
PT-76 Light tank	22
BTR-50PU armored personnel carrier	1
BTR-60PB armored personnel carrier	24
BTR-152 armored personnel carrier	90
BRDM-2 armored reconnaissance vehicle [4]	72
Ground artillery:	
122mm (D-30) howitzer	36
152mm (D-20) howitzer	60
B-10 antitank gun (S/R)	9
57mm (M43 ZIS-2-57) antitank gun	354
76mm (M42 ZIS-3) antitank gun	84
100mm (BS-3 M1944) antitank gun	24
82mm (M1937) mortar	625
106.7mm mortar	6
120mm (M1943) mortar	42
107mm rocket launcher	16
122mm GRAD 1P rocket launcher	216
122mm BM-21 rocket launcher	36
Infantry weapons:	
Rifles (AK)	257,595
RPK, RPD, RP-46, PKM, PRT machineguns	6,010
SVD (7.62mm) rifle	460-520
SVDN-1 (7.62mm) rifle	50
M9130 (7.62mm) rifle	200
MAKAROV pistols	20,150
RPG-7 (V&D) grenade launcher	4,132
AGS-17 grenade launcher	254
RPG-70 grenade launcher	200

[1] Of 12 received, 6 were new and 6 had undergone major repairs that degraded engine performance.

[2] Includes six recently received but not yet operational.

[3] One document mentions a total inventory of 133 tanks.

[4] Includes 12 identified by the documents as "chemical reconnaissance vehicles."

MAJOR SANDINISTA REQUESTS FOR SOVIET HARDWARE, 1986–95

Equipment	"Diarangen I" (1986–90) request [1]	"Diarangen II" (1991–95) request	Total inventory if delivered
AIR FORCE			
MIG–21		12	12
MI–25/HIND	3	12	[2]24
MI–17/HIP	8	12	[2]48–52
MI–8/HIP	7 AD	[2]14	
AN–26		8	14
AN–12	N/A	N/A	N/A
ANTIAIRCRAFT ARTILLERY			
23mm (ZU–23–2) gun	126	414	792
100mm gun[3]	24	42	84
57mm (S–60) gun		18	36
14.5mm ZGU–1 machinegun	82		346
14.5mm ZPU–2 machinegun	6		106
SA–7 (C–2M 9P58) Grail SAM	17		346
SA–14 (C–3M 9P58M) Gremlin SAM	471	276[4]	775
SA–16 (IGLA–1M 9P519–2) SAM	219	276[4]	411
SA–13 (C–10) SAM		36	36
SA–3 (C–125) SAM	48		48
SA–6 (C–125) SAM		36	36
SA–9 SAM		N/A	N/A
ARMOR			
T–55 medium tank	4	74	[5]208
BTR–70PB Armored personnel carrier	44	174	218
BTR–60PB armored personnel carrier	3		27
GROUND ARTILLERY			
122mm howitzer		108[6]	144
130mm field gun		36	36
82mm mortar	342	80	1,047
160mm mortar	N/A	N/A	N/A
76mm (M42 ZIS–3) antitank gun[7]		156	240
100mm T–12A antitank gun		114	[8]138
AT–3 Maliutka antitank missile		90	90
122mm GRAD 1P rocket launcher	148	80	444
122mm BM–21 rocket launcher		24	60
INFANTRY WEAPONS			
Makarov pistols	21,481		41,631
Rifles (AK)	118,851	125,000	501,446
RPK and other light machineguns	5,052		+12,000
RPG–7 (V and D) grenade launcher	3,635		+8,000
AGS–17 grenade launcher	272		+600

[1] Figures in this column represent supplementary request for the last 3 years of the 5-year plan.

[2] These figures take into account Sandinista losses through October 1987.

[3] Documents identify current holdings as KS-19 but leave requested guns unidentified. May be substituted with 85mm guns, according to documents.

[4] This figure includes both SA-14 and SA-16 SAM's. Final inventory assumes receipt of half of requested amount of each SAM.

[5] Includes 43 T-54 tanks.

[6] Includes 84 towed (D-30) and 24 self-propelled 122mm howitzers.

[7] May be substituted with 85mm D48 anti-tank gun, according to documents.

[8] Includes 24 identified in documents as 100mm BS-3 antitank gun.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. May I take 1 minute?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes.

CONTRA AID

Mr. THURMOND. Mr. President, we are getting ready to go to the nomination of Judge Kennedy to the Supreme Court, and I just had the opportunity of listening to my able and distinguished colleague, from South Carolina Senator HOLLINGS, on the question of aid to the Contras.

I take this opportunity to congratulate Senator HOLLINGS for the courageous position he has taken in this matter. I realize that so many in his party have taken a different view. It has taken vision, it has taken courage, and it has taken experience like he has had to understand this problem and to come to the right conclusion. I commend him for the position he has taken and the sound reasons he has given in arriving at that conclusion.

Mr. HOLLINGS. I thank my distinguished colleague.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the order provides for 1 hour of debate in executive session on the nomination of Judge Kennedy to fill the vacancy on the Supreme Court. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order the hour of 9:30 was set that the Senate would go into executive session.

Mr. BYRD. Mr. President, I have a further parliamentary inquiry. Does the vote occur precisely at 10:30 under the order?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order, the hour of 9:30 was set that the Senate would go into executive session.

Mr. BYRD. Mr. President, I have a further parliamentary inquiry. Does the vote occur precisely at 10:30 under the order?

The ACTING PRESIDENT pro tempore. Under the order there is exactly 1 hour of debate, so the vote would occur at 10:30.

Mr. BYRD. Mr. President, I would not want the yielding back of time, if such would occur, to cause the vote to come earlier than 10:30 today. Therefore, I ask unanimous consent that the vote on the nomination occur at 10:30 a.m., regardless of whether or not time is yielded back.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD. I make this request, Mr. President, because Senators have been told that the vote would begin at 10:30. I hope that we would not have the vote start earlier today in particular because it might cause some of those Senators to miss that vote.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. We are in hearty accord with the statement just made by the able majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

SUPREME COURT OF THE UNITED STATES

ANTHONY M. KENNEDY, OF CALIFORNIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now go into executive session to consider the nomination of Anthony M. Kennedy, to be an Associate Justice of the Supreme Court of the United States.

Time for debate on this nomination shall be limited to 1 hour to be equally divided and controlled by the Senator from Delaware, Mr. BIDEN, and the Senator from South Carolina, Mr. THURMOND.

The clerk will report the nomination.

The legislative clerk read the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States.

The Senate proceeded to consider the nomination.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent that I be the designee of the time until the chairman of the Judiciary Committee arrives, the Senator from Delaware.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I yield such time as I might use.

Mr. President, I will support the nomination of Judge Anthony Kennedy to the U.S. Supreme Court. During his confirmation hearings, and throughout his distinguished tenure on the court of appeals, Judge Kennedy has demonstrated integrity, intelligence, courage and craftsmanship—and a judicial philosophy that places him within the mainstream of constitutional interpretation.

Judge Kennedy believes that the Constitution is not a fossil frozen in the past, but a living document, shaped by experience in our Nation's 200-year history, and capable of responding to contemporary threats to fundamental rights and liberties. In his confirmation hearings, he agreed that the Constitution protects rights beyond those specifically enumerated in its text, including the fundamental right to privacy.

On occasion, he has been a brilliant pioneer, as in his landmark interpretation of the separation of powers doctrine in the Chadha case, which correctly anticipated the direction the Supreme Court would take on this controversial issue.

I was also impressed with Judge Kennedy's commitment to vigorous enforcement of the first amendment's guarantee of freedom of speech. That commitment has been reflected in opinions striking down prior restraints and protecting offensive speech in political debate; and it was evident in the confirmation hearings, when Judge Kennedy indicated his view that the first amendment protects all forms of expression.

Although I support Judge Kennedy's nomination, I am troubled by some of his decisions on the rights of minorities, women, and the handicapped. The Supreme Court rejected restrictive positions taken by Judge Kennedy in three civil rights cases. And his past membership in three discriminatory clubs raises questions about his sensitivity to the subtle forms that discrimination can take in contemporary America.

In the confirmation hearings, I questioned Judge Kennedy about these matters. He made it clear that he now recognizes that the civil rights laws must be interpreted generously—not grudgingly—in order to achieve fundamental purpose of ending discrimination. And he indicated that over the years, he has tried to become more sensitive to the barriers of bias that block women and minorities in our society.

Every day he goes to work—once he becomes Justice Kennedy—he will pass under the four simple eloquent words inscribed in marble above the entrance to the Supreme Court: "Equal Justice Under Law." In a sense, those words define the rule of law in America; and I believe that Justice Kennedy will reflect on them and heed them in all his deliberations.

Obviously, no one can predict with certainty how Judge Kennedy will vote in specific cases as a member of the Supreme Court. That, or course, is as it should be. A justice should be openminded, without an ideological agenda.

Judge Kennedy was not President Reagan's first choice to fill this vacancy. But his nomination demonstrates the genius of our system of constitutional checks and balances. After two false starts, the President heeded the advice of the Senate, and nominated a distinguished judge with mainstream views.

Judge Kennedy is capable of becoming an outstanding Justice of the Supreme Court, and he deserves to be confirmed. I am pleased to support his nomination.

Mr. President, the Senator from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, is ill today. Regrettably, he cannot be here either for the debate or the vote. He has asked me to include his complete statement in the RECORD, and I ask unanimous consent that it be printed in the RECORD after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● Mr. BIDEN. Mr. President, as I said when the Judiciary Committee met last Wednesday, I believe that the Senate should confirm Judge Anthony M. Kennedy to be Associate Justice of the Supreme Court. The process of filling the seat vacated by Justice Lewis Powell has been long and sometimes difficult, but I am confident that the Senate, the Supreme Court, and the Nation as a whole have emerged the stronger for it.

Judge Kennedy's record, as expressed through his more than 400 opinions on the Court of Appeals for the Ninth Circuit, his 20 speeches and his 2 days of testimony, is analyzed in the committee's report. I shall briefly summarize here my evaluation of that record and the reasons I support his nomination.

JUDGE KENNEDY'S JUDICIAL PHILOSOPHY AND APPROACH TO CONSTITUTIONAL INTERPRETATION

Judge Kennedy's judicial philosophy and approach to constitutional interpretation are balanced and are likely to contribute to our evolving understanding of the Constitution. The picture that emerges from Judge Kennedy's record is quite clear: In his words, he is searching for the "correct balance in constitutional interpretation." (Tr., 12/15/87, at 17.) He carefully avoids reliance on a narrow, fixed, or unitary theory of interpretation, testifying that he does not have "a complete cosmology of the Constitution." (Id.)

In Judge Kennedy's view, judges can use the benefit of 200 years of history and the accumulated wisdom of the great justices who have sat on the Court to resolve the difficult questions of constitutional interpretation. He testified:

> * * * [T]he Court can use history in order to make the meaning of the Constitution more clear. As the Court has the advantage of a perspective of 200 years, the Constitution becomes clearer to it, not more murky. The Court is in a superior advantage to the position held by Mr. Chief Justice Marshall when he was beginning to stake out the meanings of the Constitution in the great decisions that he wrote.
>
> And this doesn't mean the Constitution changes. It just means that we have a better perspective of it. * * * To say that new generations yield new insights and new perspectives, that doesn't mean the Constitution changes. It just means that our understanding of it changes.
>
> * * * [T]he idea that the Framers made a covenant with the future is what our people respect, * * * and I am committed to that principle. (ID. at 199-200.)

Judge Kennedy seems to recognize, therefore, that, in the words of Chief Justice John Marshall, "the Constitution was intended to endure for ages to come, and consequently to be adopted to the various crises of human affairs." (See untitled speech, Sacramento chapter of the Rotary Club, February 1984, at 6.)

Judge Kennedy has a balanced and thoughtful approach to "original intent." In his words, "original intent is best conceived of as an objective rather than a methodology." (Untitled speech, Ninth Circuit Judicial Conference, August 21, 1987, at 5.) This means that for Judge Kennedy, original intent has a role in constitutional interpretation, but it "does not tell* * * [a judge] how to decide a case." (Tr., 12/14/87, at 223-24.) Accordingly, Judge Kennedy relies on a number of sources in resolving constitutional questions, including "the precedents of the law and the shared traditions and historic values of our people." (1984 Rotary Club speech, at 7.)

In my view, the nominee's opinions on the Ninth Circuit, as well as his testimony before the committee, demonstrate that he is a genuine advocate of judicial restraint. He decides cases based on the facts and the law before him, and he does not reach out for other issues. My review of his opinions indicates that his nominee has no clear ideology or agenda.

A fundamentally important area probed by the committee during the hearings was Judge Kennedy's views on stare decisis—the value of precedent. Judge Kennedy testified about his approach generally to the doctrine of stare decisis and about its role in our system of law. He also discussed the factors upon which he would rely in determining whether a case should be overruled. I have concluded from this testimony that Judge Kennedy has a deep respect for precedent. While he may from time to time seek further movement in the law, there is no evidence of a desire for abrupt departures from carefully developed doctrines or established lines of decisions.

JUDGE KENNEDY'S APPROACH TO LIBERTY AND FUNDAMENTAL RIGHTS

My review of Judge Kennedy's overall record indicates that his approach to liberty and fundamental rights is within the 200-year tradition of Supreme Court jurisprudence exemplified by such Justices as Harlan, Frankfurter, Cardozo, and Powell. Indeed, every one of the past or present Justices on the Supreme Court has refused to read "liberty" as if it were exhausted by the rights specifically enumerated in the Bill of Rights. That tradition establishes, in my view, that the due process clauses of the 5th and 14th amendments protect against governmental invasion of a person's liberty and privacy.

Illustrating Judge Kennedy's view is his statement to Senator HEFLIN that the Constitution provides a means of preventing government from denying individuals their fundamental rights. (Tr., 12/14/87, at 209-10.) Judge Kennedy's record also makes clear that he rejects the view that the people have no liberties except those specifically granted to them by their government. As he said in a recent speech, "[a]s the Framers progressed with their studies, [republican government] came to mean * * * government that emanates from the people, rather than being a concession to the people from some overarching sovereign." ("Federalism: The Theory and the Reality," Historical Society for the U.S. District Court for the Northern District of California, October 26, 1987, at 3.)

Judge Kennedy's testimony suggested that he embraces a view that I share about the creation of our Nation: that the essence of the purpose underlying the Constitution was the preservation and advancement of individual liberty. In his words:

> The Framers had an idea which is central to Western thought. * * * It is central to the idea of the rule of law. That is that there is a zone of liberty, a zone of protection, a line that is drawn where the individual can tell the government: Beyond this line you may not go. (TR., 12/14/87, at 93.)

Importantly, Judge Kennedy's understanding of the due process clause protects the values of privacy. He testified that "the concept of liberty in the due process clause is quite expansive, quite sufficient, to protect the values of privacy that Americans legitimately think are part of their constitutional heritage." (Tr., 12/15/87, at 42) He also specifically indicated that there is a marital right to privacy protected by the Constitution. (Id. at 42-43.) And Judge Kennedy added that "the value of privacy is a very important part of * * * [the] substantive component" of the due process clause. (Id. at 43-44.)

Judge Kennedy's reasoned and balanced approach to the ninth amendment—which provides that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"— is consistent with his understanding of "liberty" in the due process clause. Judge Kennedy testified that the ninth amendment is a "reserve clause, to be held in the event that the phrase 'liberty' and the other specious phrases in the Constitution appear to be inadequate for the Court's decision." (Tr., 12/14/87, at 97.)

Finally, Judge Kennedy accepts a clear role for the courts in the fundamental rights area. In his words, "the enforcement power of the judiciary is to ensure that the word liberty in the Constitution is given its full and necessary meaning, consistent[] with the purposes of the document as we understand it." (Id. at 178.) He added that "[t]he Framers had * * * a very important idea when they used the word 'person' and when they used the word 'liberty.' And these words have content in the history of Western thought and in the history of our law and in the history of the Constitution, and I think judges can give that content." (Tr., 12/15/87, at 204.)

The committee did not ask for, of course, nor did it receive, any guarantees as to how a "Justice" Kennedy would resolve future cases involving liberty and privacy issues. Nevertheless, I was encouraged by Judge Kennedy's testimony and believe that it suggested that, if confirmed as the 106th Justice, he would be within the 200-year tradition of Supreme Court jurisprudence.

JUDGE KENNEDY'S CIVIL RIGHTS RECORD

While I will vote in favor of Judge Kennedy's nomination, I am concerned about some of his opinions on the rights of women and minorities. Those opinions, in my view, display an undue deference to established institutions and an insensitivity to systemic forms of discrimination.

Three opinions in particular raise concern for me. First, *Aranda* v. *J. B. Van Sickle,* 600 F.2d 1267 (9th Cir. 1979), cert. denied, 446 U.S. 951 (1980), in which Judge Kennedy filed an opinion concurring in the dismissal of the claims by members of the Hispanic community in the San Fernando Valley that their voting rights had been diluted. Second, *TOPIC* v. *Circle Realty,* 532 F.2d 1273 (9th Cir.), cert. denied, 429 U.S. 859 (1976), disapproved, *Gladstone Realtors* v. *Village of Bellwood,* 441 U.S. 91 (1979), in which Judge Kennedy's majority opinion held that only direct victims of housing discrimination had standing to sue. Third, *Gerdom* v. *Continental Airlines, Inc.,* 692 F.2d 602 (9th Cir. 1979) (en banc), cert. dismissed, 460 U.S. 1074 (1983), in which Judge Kennedy joined a dissent that accepted customer preferences for "attractive" flight attendants as a basis for the airlines' imposition of weight requirements on women but not on men.

Each of these caused me concern because they show a reluctance on Judge Kennedy's part to deal positively with systemic discrimination. In light of this record, I looked carefully at Judge Kennedy's testimony to determine what his views are today on important civil rights issues.

In the end, Judge Kennedy's testimony led me to conclude that he fosters no hostility or antipathy toward the civil rights of all Americans. His testimony also showed that over the years he has come to have a greater sensitivity to all forms of discrimination.

He said, for example, that "indifference to the civil rights of Hispanics, women, and other minorities is unacceptable." (Answer to written question No. 4 from Senator BIDEN.) Judge Kennedy added that civil rights statutes "should not be interpreted in a grudging, timorous, or unrealistic way to defeat congressional intent or to delay remedies necessary to afford full protection of the law to persons deprived of their rights." (Answer to written question No. 8 from Senator SIMON.) And with respect to gender discussion claims under the 14th amendment, he seemed to embrace the Supreme Court's decisions establishing that such claims require some form of rigorous review. Judge Kennedy said, in fact, that it is necessary to "ascertain whether or not the heightened scrutiny standard is sufficient to protect the rights of women, or whether or not the strict [scrutiny] standard should be adopted." (Tr., 12/14/87, at 169.)

I agree, therefore, with long-time civil rights activist Nathaniel Colley, who said that Judge Kennedy "is a grown man, but he is a growing man." (Tr., 12/16/87, at 322.) He is growing, in my view, in sensitivity to the plight and the rights of minorities and other groups facing discrimination in our society.

I reached a similar conclusion with respect to Judge Kennedy's former membership in private clubs with restrictive membership policies. While I would have preferred that Judge Kennedy's reflections with respect to private clubs had evolved more rapidly and with an appreciation that restrictive membership policies are discriminatory, his actions and testimony demonstrate an increased understanding of the issue and its societal importance.

JUDGE KENNEDY'S RECORD IN OTHER SIGNIFICANT AREAS OF THE LAW

Judge Kennedy's record in other significant areas of the law is balanced and devoid of any ideological bias or agenda.

In the criminal law area, for example, his record is moderate and well-balanced. He takes a practical, commonsense approach to criminal cases, and he respects the rights of both victims and defendants.

His opinions and testimony also show that he respects established first amendment values. Judge Kennedy testified that the first amendment "applies * * * to all ways in which we express ourselves as persons. It applies to dance and to art and to music, and these features of our freedom are to many people as important or more important than political discussions. * * * The first amendment covers all of these forms." (Tr., 12/14/87, at 152.) Judge Kennedy also said that he knows "of no substantial, responsible argument which would require the overruling" of the clear and present danger test as formulated by the Supreme Court in *Brandenburg* v. *Ohio,* 395 U.S. 444 (1969).

In the area of separation of powers, Judge Kennedy generally takes a cautious and measured approach. Importantly, he accepts a clear role for the courts in resolving disputes between the branches in appropriate circumstances. He testified, for example, that "it is quite appropriate for the Court to act as an umpire between the political branches of the government." (Tr., 12/15/87, at 197.)

THE QUESTION OF COMMITMENTS

I questioned Judge Kennedy extensively about whether he made any commitments to the administration or to any other party in connection with his nomination or confirmation. Judge Kennedy indicated, in clear and unambiguous terms, that he made no such commitments.

CONCLUSION

In sum, I believe that we have firm grounds to conclude that Judge Anthony Kennedy's views reflect the core values of constitutional interpretation. His record warrants confirmation by the Senate.●

Mr. KENNEDY. Mr. President, I wish to pay tribute to the chairman of the Judiciary Committee—who, as I mentioned, is necessarily absent because of illness—for the way that the whole series of hearings has been held to date and for bringing us to this stage in the nomination of Judge Kennedy.

I think I speak for all the members of the Judiciary Committee in commending Senator BIDEN for the fairness and the thoroughness of the series of hearings that have been held, and for the judicious way in which the committee conducted itself. As a result of his work, the Senate and the American people have a greater understanding about our constitutional rights and liberties.

I know that he wanted very much to be here today, and it is only because of illness that he is not. I know that I speak for all when I wish him a speedy recovery and take special note of his extraordinary leadership as the chairman of the Judiciary Committee in bringing us to this point.

Mr. THURMOND. Mr. President, I join in the statement just made by the distinguished Senator from Massachusetts. Senator BIDEN presided over the committee in these hearings in a fair and impartial manner and did a fine job. I regret he is not here today.

Mr. KENNEDY. I withhold the balance of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself 3 minutes, if I take that much. I want to reserve what is not used at this time.

Mr. President, I rise today in support of President Reagan's nomination of Judge Anthony M. Kennedy to be an Associate Justice for the U.S. Supreme Court.

Mr. President, the duty we undertake today, to vote on a nominee to the highest court in the land, was granted to us over 200 years ago by the Constitution of the United States. The Constitution, one of the most magnificent documents ever written, is one that continues to reflect the wisdom and foresight of our forefathers.

Mr. President, I think it appropriate that we take a moment to reflect on the tremendous responsibility this document confers on the U.S. Senate. The Constitution assigns the Senate and the House equal responsibility for declaring war, maintaining the Armed Forces, assessing taxes, borrowing money, minting currency, regulating commerce, and making all laws necessary for the operation of the Government. However, the Senate alone holds exclusive authority to advice and consent on nominations, and this, without doubt, is one of the most important responsibilities undertaken by this body. It is one that takes on an even greater significance when a nomination is made to the Supreme Court.

Mr. President, a member of this Court must be an individual who possesses outstanding qualifications. In the past, I have reflected upon these prerequisites and I will only briefly reiterate, that I feel it essential that a nominee possess: integrity, courage, wisdom, professional competence, judicial temperament, and compassion. An individual with these attributes cannot fail the cause of justice and I believe that Judge Kennedy is such a person.

Judge Kennedy is one of the most eminently qualified individuals to be nominated to this high and extremely important position. He attended Stanford University from 1954 to 1957 and was awarded the degree of bachelor of arts with great distinction in 1958. From 1957-1958, after he had already fulfilled the principal requirements for graduation from Stanford, he attended the London School of Economics and Political Science at the University of London. During this time he studied political science and English legal history, and also lectured in American Government. Judge Kennedy graduated cum laude, from Harvard Law School in 1961 and practiced law for several years before his appointment to the Ninth Circuit. Since 1965 he has been a professor of constitutional law at the McGeorge School of Law, University of the Pacific. In his almost 13 years of service on the U.S. Court of Appeals for the Ninth Circuit, he has displayed the fine qualities that one looks for in a judge and more significantly in a Supreme Court Justice.

Judge Kennedy has vast judicial experience, participating in over 1,400 decisions and authoring over 400 published opinions. A review of his 400 written opinions indicates that he is among the leaders of thoughtful jurisprudence. His published opinions have earned him the reputation reserved for our most distinguished jurists, and furthermore Mr. President, his opinions clearly show that he is an advocate of judicial restraint. An attribute I consider essential for an Associate Justice of the highest court in the land.

He is a judge who examines viewpoints and arguments from all sides. As his opinions and testimony before the Judiciary Committee show, he is a man of intellect, open-mindedness, fairness, and one who demonstrates a keen sense of justice and scholarly approach to the law. Judge Kennedy does not, before hearing the facts and reviewing the appropriate law, develop preconceived ideas about what the ultimate results in a case should be. I have also noted that Judge Kennedy is a man of compassion. While he has upheld tough sentences, he has shown the fortitude to reverse a criminal conviction if an individual has been treated fundamentally unfair or his constitutional rights have been violated.

Mr. President, the Judiciary Committee held 3 days of hearings on the Kennedy nomination. During that time Judge Kennedy responded to questioning from Senators in an honest and forthright manner. The committee also heard from approximately 30 witnesses. Representatives of the American Bar Association's Standing Committee on the Federal Judiciary testified that Judge Kennedy was found to be among the best available for appointment to the Supreme Court and, therefore, the ABA gave him their highest evaluation, that of "well-qualified." The ABA committee's evaluation of the nominee covered his integrity, judicial temperament, and professional competence.

In summary Mr. President, a complete and thorough review of Judge Kennedy's background and experience indicates that he is competent, open-minded, fair and just, and furthermore that he is exceptionally well qualified to serve as an Associate Justice of the U.S. Supreme Court. His vast experience as a practicing attorney, professor of constitutional law, and nearly 13 years of service on the circuit court provide the ideal qualifications for the position to which he has been nominated.

I am confident that Judge Kennedy will have a most successful tenure as an Associate Justice. I congratulate President Reagan for making such a outstanding appointment and I wholeheartedly support it. I urge my colleagues to vote in favor of the confirmation of Judge Anthony Kennedy to be an Associate Justice of the U.S. Supreme Court.

Mr. President, let me repeat that I rise in support of the nomination of Judge Anthony M. Kennedy for the Supreme court of the United States. From every standpoint, Judge Kennedy is well qualified. He graduated from Stanford University in 1958 and received a bachelor of arts degree with great distinction. He attended London School of Economics and Political Science from 1957 to 1958. He graduated from Harvard Law School cum laude in 1961. So he has a very fine foundation, a splendid education to qualify him to begin with.

Then he has had tremendous professional experience. He was in the private practice of law. He has tried cases. He practiced law in San Francisco and also in Sacramento, CA, from 1962 to 1975, a period of 13 years. He has been a professor of constitutional law at the McGeorge School of Law, University of the Pacific, since 1965, a period of 23 years. He has been on the

Circuit Court of Appeals for the Ninth Circuit since 1975, almost 13 years.

Mr. President, I cannot imagine any finer experience of anyone to be on the Supreme Court of the United States than just what I have said about him and his experience, professional experience.

I want to say further that as a circuit judge, he has participated in over 1,400 decisions. Very few judges participate in that many decisions and he has authored himself over 400 published opinions. It shows that he has been very active since he has been on the court. He has had tremendous experience there and in all of this time no one can really raise serious objection to him. One might object to some point he has made at one time or another, in maybe one decision, but taken overall, on balance, I doubt if you will find a man in the United States who would meet more general approval than Judge Kennedy.

Judge Kennedy received the ABA's highest evaluation, a well qualified. That is the highest term rating the ABA gives—the American Bar Association—"well qualified." This is based on three points. One is integrity, another is professional competence, and the third is judicial temperament. On all of these counts Judge Kennedy qualified and received that rating of well qualified.

In closing, Judge Kennedy has demonstrated he is a man of intellect, openmindedness, fairness, and one who displays a keen sense of judgment and scholarly approach to the law. He is an advocate of judicial restraint, which is greatly needed in the courts of this country today.

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Alabama requires.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today to again vote my support for the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

Over the past several months President Reagan has nominated three individuals for a lifetime position on the Supreme Court.

Judge Kennedy has practiced law, taught law, and since 1975 has been a judge on the Ninth Circuit Court of Appeals. While on the bench, Judge Kennedy has written over 400 opinions which show him to be a conservative jurist in the mold of Justices Powell, Harlan, and Frankfurter. Many of Judge Kennedy's opinions have dealt with criminal law. Indeed, Judge Kennedy has become somewhat of an expert on criminal law. Importantly, Judge Kennedy has been tough, but fair, with criminals, and, as a judge, has been willing to consider the rights of victims.

In a recent speech in New Zealand to the Sixth South Pacific Judicial Conference, Judge Kennedy spoke of the need to be concerned about victim's rights. Judge Kennedy said that "the victim of crime, the only person who suffered harm in any immediate physical sense, has been left out of the criminal justice equation." I am in full agreement with his statement in that speech. I believe that the rights of victims should have equal consideration with the rights of the accused.

During Judge Kennedy's nomination hearing, he exhibited a remarkable understanding of our Nation's Constitution and our system of government. His written decisions and speeches reveal a man who is an able and intelligent jurist. He is a man who understands the critical role the Supreme Court plays in our democracy in preserving the rights of all, also understands the need for restraint in the exercise of judicial power.

Judge Kennedy's career on the ninth circuit has been characterized by this sense of restraint. It is evident from his desire to ensure that there is an actual case or controversy before hearing a case, his care in examining whether the parties have standing, and his practice of only deciding those issues necessary to reach a decision, that Judge Kennedy is truly one who believes in the concept of judicial restraint. Furthermore, in his questionaire, Judge Kennedy wrote that, "the courts must insist upon adherence to a set of principled restraints that will confine their judgments to the judicial sphere. Judges must strive to discover and to define neutral juridical categories for decision, categories neither cast in political terms nor laden with subjective overtones. Life tenure is in part a constitutional mandate to the Federal judiciary to proceed with caution, to avoid reaching issues not necessary to the resolution of the suit at hand, and to defer to the political process."

I am in full agreement with and strongly support Judge Kennedy's traditional view of judicial restraint.

While some individuals and groups have opposed Judge Kennedy, I do not believe that their opposition is warranted in light of Judge Kennedy's overall record. While I do not agree with all of his opinions, this disagreement in no way lessens my belief that Judge Kennedy will make an excellent Justice. A most fitting description of Judge Kennedy came from Mr. Nathaniel S. Colley, Sr., who described Judge Kennedy as a grown man but also a growing man.

During the Judiciary hearings on his nomination, Judge Kennedy was questioned about his views on a broad spectrum of constitutional issues. His answers were cautious, but forthright. He showed himself to be a judge who is sensitive to minorities and to the less fortunate. Importantly, Judge Kennedy demonstrated that he had no rigid constitutional theory or formula for deciding all cases.

While Judge Kennedy has no rigid constitutional theory for deciding all cases, his decisions do show the mark of a conservative jurist. He is a man who understands both the good and the evil for which judicial power has been utilized throughout our history and therein lies his philosophy of moving cautiously in this sphere. His conservatism, while pronounced, is not so severe as to prevent him from listening to other points of view or from keeping an open mind while he hears the arguments in a case.

I believe that the Supreme Court and our Nation will benefit from the presence of Judge Kennedy. I believe that he will leave his mark on the Supreme Court and on law in America.

Finally, I should like to take this opportunity to wish Judge Kennedy well in his new position, for I firmly believe that he will be confirmed.

Mr. THURMOND. Mr. President, I now yield 3 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I thank the distinguished ranking minority member for yielding 3 minutes to me so that I can tell this body that I am very pleased to support President Reagan's choice of Judge Anthony Kennedy to the Supreme Court.

One week ago in the Judiciary Committee, I announced my reasons for supporting Judge Kennedy's nomination. I will not repeat that rationale here. Instead, I should like to focus on a related and important issue, one that is particularly relevant in the wake of the Bork, Ginsburg, and Kennedy nominations.

That issue is the role the Senate Judiciary Committee has permitted the American Bar Association to play in the Supreme Court nomination process.

As my colleagues know, I am not a lawyer. Those of my many colleagues who are lawyers know the ABA as an association representing about half of the country's practicing attorneys.

But the Judiciary Committee—with the executive branch as its accomplice—has permitted the ABA a role that far exceeds its rightful influence.

The ABA's standing committee on the Federal Judiciary currently conducts an evaluation process which purports to be an objective assessment of professional competence—but, in practice, has become quite vulnerable to partisan politics.

Everything that we stand for in this body and in this Nation—open, not secret, meetings; public deliberation and debate; the opportunity to confront one's accusers, and government accountability—all are absent from the ABA process.

The events of recent years have severely undermined the ABA's once unquestioned objectivity on judicial nominees. As one of my colleagues on the committee once concluded allowing the ABA to rate judges is like having "Jack the Ripper determine the qualifications of surgeons in 18th century England."

Mr. President, the time has come to dethrone the ABA. Increasingly, others are coming to the view that this element of the prevailing legal establishment has no special competence to sit in judgment of those nominated to the Federal bench. The January 28 editorial of the Wall Street Journal persuasively argues for an end to the status quo.

During the nomination hearings on Judge Kennedy, Judiciary Committee Chairman BIDEN suggested that perhaps the time had come to take a fresh look at the ABA's role. I am willing and anxious to participate in that reevaluation. As we reconsider the relationship between the ABA, the executive branch and the Senate, let us remember that it is the President's constitutional responsibility to nominate and the Senate's function to "advise and consent." Nowhere in our constitutional structure is there room for the role currently played by the ABA.

Currently, the ABA's Standing Committee on the Federal Judiciary conducts an investigation of the President's nominee and reports its "findings" to the public as: "well qualified," "not opposed," or "not qualified." The committee transacts its business in complete secrecy and offers no substantive legal analysis in support of its conclusions.

The ABA president selects 15 lawyers to serve on the committee, with no apparent requirement that they have any recognized expertise in constitutional law. Committee conclusions are, however, accorded great weight by the news media, which breathlessly awaits and reports the ABA "verdict."

Some on the Senate Judiciary Committee also believe the ABA is indispensable. Last year, our committee delayed hearings on Judge Robert Bork's nomination to the Supreme Court and seemed prepared to delay hearings on the nomination of Judge Douglas Ginsburg, pending completion of the committee's secret evaluation process. It is interesting to note that the committee increased the time taken for its evaluation of Supreme Court nominees from an average of 2 weeks to 2 months, with the coming of the Reagan administration.

Through its unofficial—but powerful—role, the ABA attempts to influence the ideology of the Federal courts. This contravenes the committee's avowed purpose and the ABA model code of professional responsibility, which encourages "lawyers to endeavor to prevent political considerations from outweighing judicial fitness in the selection of judges."

Until 1983, the committee specifically excluded consideration of "political or ideological matter with respect to the nominee." But in response to President Reagan's efforts to appoint qualified conservative lawyers to the courts, the ABA now states:

> The committee does not investigate the prospective nominee's political or ideological philosophy except to the extent that extreme views on such matters might bear upon judicial temperament or integrity.

Recent events illustrate that the exception swallows the rule and that despite its protestations to the contrary, the ABA closely scrutinizes the political views of judicial nominees and bases its evaluation on its perceptions of those views.

For example, when Judge Robert Bork was nominated for the District of Columbia Court of Appeals in 1982, the committee unanimously gave him its highest rating. He served with distinction on the appeals court; not a single one of his more than 100 opinions was overturned by the Supreme Court. His nomination to the Supreme Court in 1987 following this brilliant 5-year record as one of our leading jurists resulted in the most protracted investigation in the committee's history. Incredibly, the ABA's conclusion was divided, with four committee members voting Judge Bork "not qualified" on the basis of his "extreme views respecting constitutional principles."

During the ABA's investigation of Judge Douglas Ginsburg, a committee member disclosed to the press that he, or she—the ABA never revealed who breached its confidential process, had concerns that Judge Ginsburg shared Judge Bork's ideological beliefs. The committee member stated we might be getting little more than "a Borklet," further demonstrating the prejudice and politics of the ABA evaluation, not to mention that the "secrecy" of its process is honored only when the committee finds it convenient.

The ABA must be dethroned. I agree we need a check on the Executive and Senate to ensure that political cronies and favorites are not appointed to the Federal bench. This is as true today as when Alexander Hamilton warned of it in 1787 in Federalist 76. But the ABA has demonstrated a cronyism of its own; they are partial to, as Joseph Goulden in his study, The Benchwarmers, has put it, "men dedicated to the preservation of a milieu in which they have prospered." Traditional establishment lawyers are "in." Legal scholars and intellectuals—particularly conservatives—are "out." Consider the ABA's ratings of three other eminent conservative legal scholars Frank Easterbrook, Richard Posner, and Ralph K. Winter, all of whom now serve with distinction on our appellate courts. As conservative academics, their ABA ranking of "qualified" was the minimal level of acceptability. Clearly, the ABA, at least since 1983 when it expanded the scope of its evaluation to include ideology and philosophy, plays politics.

The ABA must account for its ratings. The unique role it plays requires it be honest with the Judiciary Committee and American public. As Senator Hugh Scott once noted:

> I doubt whether or not any private body should be privileged to exercise a veto over a function to be exercised by Congress; namely, the selection of judges. [For example,] I would not think the American Medical Association should pass on the Public Health Service. * * *

The Judiciary Committee has two choices to resolve this dilemma. First, we can simply discontinue the ABA's preeminent role in Supreme Court nominations. After all, the Judiciary Committee already conducts the same investigation undertaken by the ABA: The nominee's colleagues are interviewed; articles, speeches, and opinions are analyzed; and other legal experts are consulted about the nominee. If we choose this route, the ABA will still be welcome to present its views, as any interested group is, on a particular nominee, but its testimony will be recognized as that of the constituency it represents—lawyers in traditional law firm, corporate or other business setting.

Alternatively, we can continue to utilize the ABA to assess nominees' "competence, integrity, and judicial temperament," as the ABA currently defines its role, so long as the ABA adheres to the provisions of the Federal Advisory Committee Act. This 1972 law requires that, among other things, advisory committee meetings be open to the public. The act, passed to limit the "potential dominance," as Judge Charles G. Richey once phrased it, of advisory groups, clearly applies to the committee. In fact, the ABA views its role as that of an advisor in the nomination process. Lawrence Walsh, a former chairman of the committee, once told the Judiciary Committee:

> We are an advisory group. We do our best to present the facts openly and frankly and fairly to the President and his agents and to the Senate through [the Judiciary] Committee.

At the present time, the deference accorded the ABA gives it the power to undo a person's entire career, as a result of its clandestine and vague process. We must either discontinue the role of the ABA in its present capacity or recognize its advisory status and require it comply with the Federal Advisory Committee Act.

Mr. President, I ask unanimous consent that the Wall Street Journal article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 28, 1988]

LEST YE BE JUDGED

As Judge Anthony Kennedy rolls on toward confirmation, the Bork fallout continues, not least in raising the issue of whether the organized bar has any special role to play in judicial selection. For the net result of its split decision on Robert Bork was to give a patina of professional and intellectual respectability to the scurrilous campaign being run against him.

At one time everyone officially recognized Judge Bork's true pre-eminence. When he was appointed to the Court of Appeals for the D.C. Circuit, the ABA rating committee unanimously rated him "exceptionally well qualified." Subsequently he participated in 400 decisions and wrote 100 opinions as a member of the nation's second most important court. Not a single one was reversed, while several of his dissents were upheld on appeal.

After which, the ABA committee approved him by only a 10-4 vote. His nomination drew outright opposition from the Association of the Bar of the City of New York. It is ludicrous to suppose that Judge Bork's professional qualifications in 1987 were less impressive than they were before his five years of service on the bench. What changed was the political context; the political stakes were higher and the Reagan administration was weaker. The Bork-Reagan foes launched a political-advertising campaign against the nomination—at a cost of $10 million to $15 million according to the estimate of Suzanne Garment in her superb article in the current commentary. Suddenly Judge Bork's professional capabilities became a matter of debate within the bar.

What then is the meaning of the bar's supposedly technical and professional judgment? We do not need this judgment when, as in the Anthony Kennedy nomination, there is no controversy. But if at the first smell of blood the bar is going to play politics like everyone else, why should its opinions have any special status? Indeed, is it wise for the bar to lend its name to such an exercise? If a professional assessment becomes mere politics, will not this discredit the notion that there is something more regal to the law itself?

Some in the bar are asking these questions. Indeed, a group of dissenting New York lawyers has sued the City Bar Association seeking an injunction against further ratings of Supreme Court nominees, noting that the group's carefully drafted charter authorizes only the assessment of local judges and federal judges who sit in New York City. Judge Edward Greenfield denied a temporary restraining order, but asked the executive committee to wait until he ruled on the suit's merits before announcing its conclusion on Judge Kennedy.

The association responded by rushing out its recommendation of Judge Kennedy in direct defiance of the judge's request. Such is the respect for the judicial process displayed by the same lawyers who objected to Judge Bork on the grounds of "judicial philosophy." The dissidents will continue their suit, but nothing in the episode suggests that the bar enjoys any status that commands deference from the rest of us.

Several senators expressed similar doubts during the Kennedy hearings, questioning Harold Tyler, head of the ABA federal judiciary committee. They wanted to know, for example, why the committee votes in secret. Why don't the four anti-Bork members go before the public to defend their views, as senators do every day of the week? Indeed, there is a law, called the Federal Advisory Committee Act, which requires that advisory groups reach their recommendations in the full light of day. Mr. Tyler asserted his committee was exempt from the act, and needs confidentiality so that it can interview numerous sources, including sitting judges who would not be able to express themselves in public.

Senators also were testy about an anonymous quote from a member of the ABA committee in the Washington Post, calling Judge Douglas Ginsburg a "Borklet" even before the rating process. The Washington Post's leaker said something interesting: "There are concerns that Ginsburg shares many of the conservative ideological beliefs that doomed the Bork nomination." We certainly would like to know what member of the committee said Judge Bork was defeated over ideology, not professionalism.

On the broader question, Mr. Tyler's explanation was recorded back during the Bork hearings. "We cannot be unrealistic about what we are," he said. "I have admitted to this committee, my committee—they all knew it anyhow—my prejudices or biases as best I can. Others have done the same. But we cannot divorce ourselves and be 15 people who live a neutral, sheltered, irrational, nonworldly life." In other words, the members' assessments can't be counted on to be purely technical and professional after all.

The ABA committee had been shrouded in controversy even before the Bork nomination. The question of its status under the Federal Advisory Committee Act is at issue in two lawsuits pending in Washington. They started back in September 1985, when a Congressional quarterly article reported that the ABA committee gave names of people "under consideration" to Susan Liss, head of the Judicial Selection Project, so that "Member groups such as the NAACP Legal Defense Fund then may conduct their own investigations and send information to the ABA." The Washington Legal Foundation, a conservative legal group that didn't get such supposedly confidential names in advance, asked the ABA why.

The ABA committee said it would stop the practice, but the Washington Legal Foundation filed suit for the group's minutes under the FACA. WLF, joined by Public Citizen Litigation Group, a Ralph Nader affiliate, also has sued the Justice Department for asking a group for its views without enforcing FACA.

We referred to this controversy during the Bork battle, in a 107-word item concerning John D. Lane, a Washington lawyer who served on the ABA committee when the WLF suit was filed, was not reappointed when his term expired, and has again been appointed after a new position was created. This elicited from Mr. Lane a letter full of such words as "false and malicious" and other litigous language we wouldn't have expected from someone who presumes to vet judicial nominees for "judicial temperament." This was followed up by a letter from Mr. Tyler to the chairman of Dow Jones assuring us among other things that Mr. Lane "certainly does not have any desires to sue the Journal or anyone else."

The burden of Mr. Lane's complaint is that we suggested he had been accused of "leaking" the names and had been removed from the committee as a result. Both Mr. Tyler and Mr. Lane assure us he was not "removed" from the committee, and certainly we ought to make clear we hold Mr. Lane no more responsible than other members of the committee for the revelations to Ms. Liss. Our complaint is not with an individual, but with a process that invites politicization, then masks its results under the guise of objective, professional judgments.

The process invites the politicization not only of the bar, but, we are increasingly coming to suspect, also of the bench itself. The ABA committee sought opinions on Judge Bork from 77 Federal Court of Appeals judges and five Supreme Court justices, as well as other lower-court judges. A minority of these sitting judges opposed Judge Bork in these private hearings, no doubt encouraging the minority on the ABA panel, again lending a professional patina to the opposition.

What was the basis for these clandestine judgments? The judges making them offer no opinion that must withstand the scrutiny of either their peers or the public. Is it a good idea even to invite sitting judges to participate in such a process?

The back rooms of the D.C. Circuit Court are still buzzing with an anecdote. Just after Ronald Reagan went on television to announce his surprise Ginsburg nomination, Pat Wald, the liberal chief judge, ushered visitors out of her chambers to take a call from Senator Teddy Kennedy. Judge Wald told us that she took the call "out of courtesy's sake," that it lasted less than a minute and that she told Senator Kennedy that in Judge Ginsburg's "relatively few opinions, his positions were in most cases in conformity with those of the more recent Reagan appointments."

Then Senator Kennedy headed for the floor of the Senate to dismiss Judge Ginsburg as "an ideological clone of Judge Bork—a Bork without a paper trail—instead of a real conservative." This was a very different view than Senator Kennedy took of Douglas Ginsburg in 1986 when he introduced the former Cambridge, Mass., resident to the Judiciary Committee for unanimous approval as a circuit judge.

Several decades of activist judges already have diminished the law in the eyes of many people, who see it as essentially a political exercise in which the legal spoils go to the most effective special interest. The status of the law will be restored by restraint on the bench and by an ABA that restrains itself from claiming special competence to judge nominees. Certainly the executive branch ought not accord the ABA that status. Presidents don't let the American Bankers Association pick Fed chairmen, the Seven Sisters pick energy secretaries or the AFL-CIO pick labor secretaries. Why should lawyers have a quasi-constitutional role in picking judges?

Mr. THURMOND. Mr. President, I now yield 3 minutes to the distinguished Senator from Utah, [Mr. HATCH].

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I thank my distinguished colleague and thank my friend from Ohio for allowing me to go out of turn so that I can get over to the Rules Committee.

Mr. President, today we take the final step in filling this Supreme Court seat which has remained vacant, as far as I am concerned, for far too long. The nominee before us today has demonstrated that he possesses the qualities that are necessary and important in this most taxing of public callings.

I have been very impressed with Judge Kennedy. I think a lot of him. I think everybody does here. And this vote here will make that point, I think, in very, very strong terms.

I might say that the explanations of the majority report failed to reflect, it seems to me, a sound historical or jurisprudential picture of the reasons that Judge Kennedy will be and should be confirmed as an Associate Justice of the Supreme Court. Rather than dwell on the distortions and inaccuracies of this report, however, I prefer to focus on the merits of the individual chosen to succeed Justice Powell on our Nation's Highest Court.

Accordingly, I am honored to express my approval for an individual who is eminently qualified to serve in the highest judicial office of our land. Fourteen years as a practicing attorney, 20 years as a professor of constitutional law, and more than 12 years on the circuit court that defines Federal law for nine States and 37 million people have prepared Judge Anthony Kennedy well for the trust placed in him by President Ronald Reagan. I have no doubt that in coming decades this nomination may be counted as among the most significant actions taken by President Reagan in his two terms at our Nation's helm.

I express this confidence because Judge Kennedy has exhibited the kind of courage that is the hallmark of a great Supreme Court Justice. While on the ninth circuit, Judge Kennedy had the courage to refuse to enforce Federal statutes which failed to comply with the terms of the Constitution. For example, he invalidated legislative veto provisions in the Chadha decision.

This kind of courage will again be required of Judge Kennedy. Even while his nomination was pending, a circuit court in the District of Columbia invalidated the independent counsel law because it violated the separation of powers in the Constitution. I do not presume to know how Judge Kennedy might vote or even if he will be called upon to review that particular law, but I am confident that he possesses the ability and courage to decide whether Federal laws overstep the bounds of the Constitution.

Even more important than the courage to undertake that task, however, is a judge's wisdom and restraint. Judge Kennedy will no doubt become a respected Justice because he will base his decisions on the Constitution and the laws of the Nation. He does not have any political agenda and will not attempt to write his own preferences into law.

Some legal scholars and even some Senators have contended that judges need not base their decisions on the words of the Constitution. Instead they contend that judges are not worthy of service on the supreme Court unless they are willing to reach outside the Constitution to protect human dignity or some other vague and undefined principle. The problem with this notion is that it permits unelected judges to override the democratic laws created by the people without constitutional justification. For example, judges have overturned the capital punishment laws of 34 States even though the Constitution itself mentions the death penalty. This is known generally as judicial activism. In my mind, judges who take upon themselves to overrule the people's laws without clear warrant from the Constitution overstep their authority. Judge Kennedy's years of service on the ninth circuit and his testimony before this committee indicate clearly that he is not this kind of judge.

As he stated, he will practice judicial restraint, which is another way of saying he will refrain from using extraconstitutional principles to decide cases. This is the task of judges—to read the Constitution and to apply it to the facts of specific cases. A judge who reads things into the Constitution is not really acting as a judge, but as a politician in robes.

I recall what Judge Kennedy stated in a speech a year before his nomination: "The imperatives of judicial restraint spring from the Constitution itself, not from a particular judicial theory. * * * The constitutional text and its immediate implications, traceable by some historical link to the ideas of the framers, must govern judges." Judge Kennedy's profound respect for the Constitution is his best qualification to serve on the Supreme Court.

To those who classify judges who practice judicial restraint as conservative, he has the best response. As he states, judicial restraint is neither conservative nor liberal, but a requirement of the Constitution and a natural predicate for the doctrine of judicial review.

Judge Kennedy will be a champion of judicial restraint, like Justices Harlan, Frankfurter, Burger, Stewart, Powell, and many others before him. It is easy to understand why he has won President Reagan's trust. And it is easy to understand why he will win the trust of the American people as well. After all, he will let the people govern themselves, rather than presuming that he knows better than the people what rights and values deserve judicial enforcement.

Let me spend a few moments with my colleagues and examine some of the issues raised during the hearings that reinforce my belief that Judge Kennedy is well qualified for this most important governmental position.

CRIMINAL LAW

Few people realize that no category of case is more often litigated in the Supreme Court than criminal cases. From my point of view, this is entirely appropriate because life and liberty, not to mention the order and safety of our society, are no where more at stake than in criminal trials. Accordingly, I would like to review a portion of Judge Kennedy's record on criminal issues.

Studies have shown that the poor, women, the aged, and minority groups are disproportionately victimized by crime. When our criminal justice system fails, these groups are the first to suffer. Judge Kennedy has indicated that the plight of victims of crime ought to play an important role in the criminal justice process.

In October 1987, the Bureau of Justice Statistics reported that the rate of violent crime dropped 6.3 percent in 1986. Of course, this is no consolation to the victims of crime, but it is important to realize that since 1981, the rate of violent crime has dropped nearly 20 percent. Seven million fewer crimes occurred in 1986 than in the peak year of 1981. This does not mean the battle is being won. I am sure we can find statistics to show that drug abuse and its link to crime is on the rise. Nonetheless we are gaining ground on crime to some degree. Judge Kennedy feels that the courts have a role to play in ensuring that this hard-won progress continues.

In this regard, I would like to discuss one of Judge Kennedy's death penalty cases; namely, Neuschafer versus Whitley. In which an inmate had murdered another inmate. When Judge Kennedy first received the case, he sent it back to the lower court to make sure the evidence—a statement by the accused—was proper. When this was established, the case returned to the circuit court. Although several arguments were made against the State's decision to order the death penalty, Judge Kennedy found them to be insufficient. He found that there were aggravated circumstances that warranted capital punishment and that the penalty was not disproportionate to the crime.

Another capital case was Adamson versus Rickets. This involved the murder of an Arizona newspaper reporter with a car bomb. The defendant had confessed to the murder but escaped the death penalty in his first trial because of plea bargain. In a second trial, after the defendant had breached the plea bargain agreement, the Ninth Circuit Court of Appeals, with Judge Kennedy dissenting, held that the double jeopardy clause barred a second trial on the issue. The Supreme Court overturned the majority of your court and followed your dissent in finding that the plea bargain should not figure into the double jeopardy clause in this instance. This resulted in the reinstatement of the death penalty for the cold-blooded car bombing.

We should also review a few other aspects of criminal law. For example, some court rulings might deprive the police of tools they need to investigate crime and apprehend criminals. Some courts have applied doctrines which result in convicting evidence being thrown out of court. This could allow a criminal to go free on a technicality. Few things undermine the integrity of the justice system in the mind of the American people any more. In any event, Judge Kennedy has decided several cases affecting the ability of police to fight crime. For instance, he decided in U.S. versus Allen in 1981 that helicopter overflights could be used for the purpose of gathering information of drug dealing.

Few doctrines have been more controversial than the exclusionary rule. This rule excludes any evidence from a trial that the police might have acquired in a flawed manner. In some ways, this emphasizes scrutiny of every minor aspect of police conduct to the exclusion of the search for truth in our courts. Justice Cardozo described this rule as allowing the "guilty to go free becaue the constable blundered." Judge Kennedy has had several opportunities to rule on the exclusionary rule. For instance, in the case of U.S. versus Peterson, he applied the good faith exception to the exclusionary rule to a drug arrest that occurred in the Philippines. He held that the introduction of evidence was permissible where U.S. officers reasonably relied on the assertions of Philippine officers that they had abided by the law, even though the Philippine officers had not. We can ask no more of our police than that they make every good faith effort to comply with the law. One other exclusionary rule case is perhaps worth examination. In U.S. versus Harvey, Judge Kennedy dissented from a ruling that overturned an involuntary manslaughter conviction because the results of a blood alcohol test were admitted into evidence. In that case, the defendant's blood had to be drawn at once or the alcohol content would have diminished. As he said in his opinion, "in this case, the exclusionary rule seems to have acquired such independent force that it operates without reference to any improper conduct by the police."

On the other hand, he seems to be clearly attuned to constitutional protections for defendants as well. For instance, in the case of U.S. versus Jewell in 1976, he dissented because a conviction occurred without ample instruction to the jury about the nature of intent required for a conviction. He was joined in that dissent by conservatives like Judge Wallace and liberals like Shirley Hufstedler. In any event, his record on criminal law issues is, in my mind, exemplary. He balances carefully the rights of law abiding citizens to a safe community and the rights of suspects to a fair trial.

U.S. VERSUS LEON

The press gave wide coverage to Judge Kennedy's dissent in the U.S. versus Leon case involving the exclusionary rule. The majority in that case contended that evidence in a drug case had to be thrown out of court because it was obtained on a warrant that was not supported by probable cause. The majority refused to create a "good faith" exception to the exclusionary rule in the absence of Supreme Court guidance.

In his dissent, Judge Kennedy contended that the warrant was in fact supported by probable cause and that the evidence of the drug transactions was therefore admissible. He, therefore, found it unnecessary to address the "good faith" issue. The Government appealed the case to the Supreme Court and argued for a good faith exception, rather than basing their appeal on the validity of the warrant, which was Judge Kennedy's argument. It would be wrong, therefore, to suggest that he acted without Supreme Court guidance in creating a "good faith" exception to the exclusionary rule.

Judge Kennedy's Leon dissent is noteworthy in its own right, however. In the first place, it seems to me that it demonstrates his judicial restraint. He dissented on the narrowest possible grounds—the validity of the warrant—instead of reaching out into uncharted territory, like the "good faith" exception reasoning. This shows also his commitment to law enforcement and his understanding of the realities of criminal law. As he noted in his dissent, the exclusionary rule becomes too rigid when courts "presume innocent conduct when the only common sense explanation for it is ongoing criminal activity." This case is one further instance of his commitment to an ordered society with ample tools to fight lawlessness.

COMPARABLE WORTH

Mr. President, we heard concerns expressed in the Judiciary Committee hearings from groups such as the National Organization of Women. This group and others had reservations about the legal and jurisprudential merits of Judge Kennedy's ninth circuit comparable worth case, AFSCME versus Washington, 1985. The comments on this particular group, without a clarification, might leave the false impression that Judge Kennedy is not fully supportive of women's rights. I would like to help clarify these issues. In the first place, that 1985 opinion expressed support for the Equal Pay Act, which requires equal pay for equal work.

My reading of Judge Kennedy's cases indicates that he is among the first to vindicate the rights of women who do not receive equal pay for equal work. He has expressed his willingness to enforce the Equal Pay Act.

Next, I would like to turn directly to the issues raised by the AFSCME case. That case presented a vary narrow issue, namely whether title VII of the Civil Rights Act was violated by the State of Washington in light of a study showing a wage disparity between several jobs held mostly by women and comparable jobs held mostly by men. In other words, this was a case requiring a determination of whether title VII defined wage disparities in comparable jobs as sex discrimination.

Because his opinion was based on the language of the statute, nothing in that decision, as I read it, prevents the State of Washington from changing its laws to adopt a compensation system based on comparable worth.

Morever, nothing in that opinion would prevent Congress from making wage disparities in comparable jobs evidence of sex discrimination. In my opinion, this would be a very questionable thing for Congress to do because, as Judge Kennedy stated:

> Neither law nor logic deems the free market system a suspect enterprise.

Nonetheless, Congress has done foolish things before and nothing in the AFSCME opinion would prevent Congress from expanding title VII to include wage disparities in comparable jobs.

I would like to make one further point before we look more closely at the specific reasoning of that opinion. Two circuit courts—the eighth circuit in the 1977 case of Christensen versus Iowa and the 10th circuit in the 1980 case of Lemons versus Denver—had rejected comparable worth arguments even before Judge Kennedy's 1985 opinion. Moreover, another circuit, the seventh, has since decided a comparable worth case and cited his opinion as authority for once again rejecting a comparable worth claim. This was the 1986 case of American Nurses versus State of Illinois.

I would just like to quote from one of those other opinions, the 1977 opinion out of the eighth circuit. This court stated several years in advance of Judge Kennedy's opinion that:

> We do not interpret Title VII as requiring an employer to ignore the market in setting wage rates for genuinely different work classifications.

This language sounds remarkably similar to Judge Kennedy's conclusion that:

> The State did not create the market disparity and has not been shown to have been motivated by impermissible sex-based considerations in setting salaries.

I would like to examine to some degree the methods of analysis Judge Kennedy employed in deciding this case because I think this case is an excellent example of the kind of careful legal analysis we should seek in our Supreme Court Justices. The Supreme Court has acknowledged two theories of employment discrimination under title VII. The first is the disparate impact theory which means that a neutral employment practice may nonetheless be illegal if it has a disproportionate impact on women. The second is the disparate treatment theory which means an employment practice is only illegal if undertaken with a discriminatory intent. Judge Kennedy's opinion analyzed the facts of the case under both theories.

Under the first test or the disparate impact test, Judge Kennedy found that allowing market forces to set salaries was not the kind of specific, clearly defined employment practice to which disparate impact analysis may be applied. To make this clear, he would be likely to apply a disparate impact analysis to a specific employment practice that excluded individuals below a certain weight or height because this would have the effect of excluding women. In fact, this is the situation presented by the Dothard case where the Supreme Court applied the disparate impact test. On the other hand, several courts have acknowledged that broad ranging compensation policies are not well suited to the disparate impact model.

As the Senate knows from considering civil rights legislation in the past, discriminatory intent may be inferred from circumstantial evidence. In Judge Kennedy's analysis of this case, there was not sufficient circumstantial evidence to support a finding of discrimination based on the second test, which requires some showing of discriminatory intent.

The Willis study, which identified the salary disparities in various comparable jobs in the State of Washington, and was offered as evidence in this case, was not evidence of this intent. The study identifies some disparities but it does not show evidence of discriminatory motive in setting those different salary levels. In fact, just the opposite, it shows that the market was relied upon by the State and the market system created some differences. I would just observe that Judge Kennedy's treatment of this very sensitive issue is itself very sensitive. He examined every possible legal theory; he gave every possible advantage to the evidence presented by the plaintiffs; and he finally reached a result.

In addition, this was a unanimous opinion, which was not reheard en banc by the ninth circuit. These facts speak even more persuasively for the efficiency and accuracy of Judge Kennedy's legal reasoning. We have heard that some legal commentators have criticized this opinion in law reviews and other publications. According to my quick search, this case has been the subject of 13 law review articles. It is not correct to say that all of these have been critical. In fact, several have been very complimentary. For example, the Washington Law Review in 1986 contained the following observations:

> Judge Kennedy was correct in holding that AFSCME failed to establish a prima facie case of sex-based wage discrimination, because the use of market wage rates, alone, is not sufficient evidence of discriminatory intent.

Another observer noted that Judge Kennedy's opinion was an "admirable exercise of judicial restraint;" 9 Harvard Journal of Law and Public Policy 253 (1986). Although not noted for legal commentary, the Washington Post editorial of November 22, 1987 seemed a fine summary of this entire subject:

> Judge Kennedy was right. The law requires equal pay for equal work, not comparable work.

I would simply note that Judge Kennedy was not only correct, but he was sensitive and careful in his legal analysis. The care with which he reached his conclusion is just as important as the conclusion itself. I commend the judge for his work on this difficult issue.

CIVIL RIGHTS CASES

Based on a few isolated cases, the impression has been created that Judge Kennedy is not fully sensitive to the rights of minorities and women. I would respectfully suggest that a full reading of his civil rights cases and record clearly yields a very different conclusion. Let me just review with my colleagues a few of his cases that will present a more complete picture of his record on civil rights.

In the 1980 case of Flores versus Pierce, Judge Kennedy heard a suit brought by several Mexican-American restaurant owners who alleged that city officials were racially motivated in protesting their applications for liquor licenses. In his holding, Judge Kennedy found that the protests which were frustrating efforts of these Mexican-Americans to do business were indeed racially motivated. Using both the disparate impact and disparate treatment theories, he found clear evidence of discriminatory intent and upheld the damage award of $48,500 against the prominent city officials who were the defendants. In my mind, this is a classic example of a courageous judge standing up, when the evidence warranted it, for the rights of minorities against the powers of city hall.

In a similar vein, I would like to review the 1984 Jones versus Taber case involving a prisoner who had been mistreated but had foregone any legal claims for a mere $500. This prisoner had been stripped, gagged, chained to a wall, and hosed with cold water, yet without the advice of counsel had accepted $500 in exchange for an agreement not to seek legal redress. Judge Kennedy found that the acceptance of the $500 was not completely voluntary and informed, thus not binding. This had the effect of restoring the prisoner's rights to sue the offending officials. Once again, this must be viewed as an instance of judicial protection of valuable civil rights.

Another 1984 case, McKenzie versus Lamb, raises the same point. In that instance, several turquoise jewelry salesmen were arrested without probable cause. The plain clothes police had no evidence that the defendants were selling stolen property, yet they arrested them anyway. Accordingly, Judge Kennedy permitted a lawsuit against the defendants.

Although many other cases might show a similar disposition to protect individual and minority rights, I will just call attention to one more example—the 1984 case of Bates versus Pacific Maritime. This involved an employer who had certain firm obligations to correct racial discrimination under title VII. The employer sold his business and his successor claimed that he did not need to abide by the obligations to hire minorities. In his opinion, Judge Kennedy held the successor—who had assumed the same operations and kept the same personnel as the offending employer—was bound to meet all the obligations of the remedial consent decree. This vindicated the civil rights of those who had been, or might have been, discriminated against by this firm. Undoubtedly there are many other examples of Judge Kennedy's sensitivity to civil rights, but I selected these few to highlight his larger record.

Moreover, I would suggest that several cases which might be cited for evidence of reluctance to uphold civil rights in fact stand for a much different proposition when viewed carefully. Take, for example, the case of Topic versus Circle Realty dealing with jurisdiction under the Fair Housing Act. The real effect of this 1976 holding did not deny the minority plaintiffs any civil right, but only suggested that the best remedy for the violation might be the administrative conciliation process. In the event the conciliation failed, the plaintiffs could still have returned to court. In other words, this holding denied no rights, but only sought the best way of vindicating those rights.

In that case, the individuals seeking relief were teams of investigators trying to find out if steering were taking place, although they were not personally seeking housing. Judge Kennedy found that these individuals were entitled to pursue relief under section 3610 of the act which leads to administrative conciliation remedies. He found that these housing testers were not entitled to access immediately into the Federal court system under section 3612 because this latter section was much more narrowly worded and appeared to exclude individuals who had not actually been the victims of discrimination. Direct access to Federal courts was limited to actual victims of discrimination, while any person could get access to the administrative remedy which Judge Kennedy and his colleagues noted might be "not only * * * an adequate, but a superior, remedy." This was a unanimous case that was not reviewed by the Supreme Court.

It is true that the Supreme Court found that section 3610 and section 3612 offer parallel remedies to the same plaintiffs, but this occurred 3 years later in the Gladstone Realtors case. Even this Supreme Court case was split with two Justices dissenting. In any event, this was a complex statutory interpretation case, but Judge Kennedy's holding did not deny anyone the right to fair housing. In fact, his holding specifically stated that anyone who was actually steered away from housing opportunities due to race would get immediate access to court. This is hardly a holding adverse to civil rights.

One final point on Judge Kennedy's reasoning. He reasoned that if everyone could get immediate access to Federal courts, the administrative remedies under section 3610 would become mere surplusage because everyone would circumvent the administrative procedures and go directly to court. His reasoning gave meaning to both sections 3610 and 3612. This, in my mind, was very strong reasoning and probably a significant reason that his ruling was unanimous.

I would next like to turn to the case of Spangler versus Pasadena City which arose in 1977. Judge Kennedy actually decided two cases dealing with the issues involved with court-ordered desegregation in Pasadena schools. The first was a procedural matter concerning whether certain parents could challenge the creation of magnet schools. The second and more important case dealt with whether the district court should relinquish its jurisdiction after more than 10 years of court-ordered busing.

His conclusion that the district court should relinquish its jurisdiction was based on the clear finding that the school board was in full compliance with integration efforts and had committed to maintain the policy.

> The remedy ordered by a federal court to correct racial segregation in a school system may not be more extensive than is necessary to eliminate the effects of the constitutional violation that was the predicate or the court's intervention.

Again, this was a unanimous opinion which was not reviewed en banc or reversed by the Supreme Court. As Judge Godwin stated about this request to declare the desegregation order a success by ending it:

> "If not now, and on this showing, when, and on what showing" will the governance of the school system be restored to the elected officials who are charged with that governance under state law?

In other words, this opinion was little more than a declaration of victory for desegregation and a determination to terminate the burdens of busing in light of the success. Once again, this is hardly a case of insensitivity to civil rights. Judge Kennedy's record on civil rights is one of which he can be justifiably proud.

CLUBS

Mr. President, I would like to revisit for a moment the question of club memberships, and answer a few questions that may still linger. First, let's examine Judge Kennedy's Olympic Club membership. He joined this club in 1962. Despite the club's virtues of public service and charitable activities it also had flaws. At the time he joined, the club was restricted to white males.

We all agree that this racial policy was reprehensible, but we must recall that this was 2 years before the Civil Rights Act of 1964 which outlawed discrimination in public accommodations. In 1962, it is sad to say that many clubs had such policies. That was why Congress enacted the 1964 act. It took a few years for individuals and clubs to learn the full implications of the 1964 enactment, but the Olympic Club removed its racial ban in the late 1960's.

The next important event in this entire saga deals with the events of last summer. Evidently the Olympic Club was the site of the U.S. Open, a great honor for the club. When the press learned that the club, according to its bylaws, was only open to "gentlemen," the reaction was one of tremendous controversy.

It seems to me that this reaction might have been somewhat unexpected. As I understand it, over 1,000 women have privileges at the club and regularly use its facilities. The problem is that they are not members in their own right, but based on their husband's membership. Still, with women at the club regularly, the bylaws were probably not a burning question. I mention this only because some might question why Judge Kennedy did not start to act sooner to remedy the situation. Apparently this heightened scrutiny called the matter to the judge's attention, because it was at this time that he began to discuss with the club leadership his concerns about the club policy. These discussions also included a letter dated August 7, 1987, in which the judge asked to be notified of the results of a poll of the membership. That letter is a clear indication that he intended to take action based on the outcome of the poll. I would like to quote just a sentence from the letter: "The fact is that constitutional and public morality make race or sex distinctions unacceptable for membership in a club that occupies the position the Olympic Club does." Judge Kennedy was strongly urging the club to end discrimination.

One other point is worth repeating. This occurred in the first week of August. At that point, Judge Bork was President Reagan's nominee, hearings had not yet begun for Judge Bork, and most commentators were predicting that it would be a difficult fight, but Judge Bork would be confirmed. Moreover Judge Kennedy's name had not surfaced as one of the leading candidates for a Supreme Court nomination in the way that Cliff Wallace had. I only mention this because we ought to be completely clear that he was acting out of a sense of "constitutional and public morality" as he said, not on the basis of any hint that there might be a higher calling in his future.

Frankly, Judge Kennedy's actions seem to be above reproach. He is no longer a member of the Olympic Club and the most he could be faulted for is not recognizing the problem earlier, but then no one else had either. It was the U.S. Open which brought attention to the issue. Many clubs may have similar policies that have gone unnoticed. I am aware of popular clubs in Washington, DC, for instance, with this kind of policy. In any event, I can not see how his conduct can bring anything more than praise.

The same can be said for Judge Kennedy's involvement with the Del Paso Country Club, the Sutter Club, and the Elk's Lodge. The Del Paso Club also conducts several worthwhile activities and supported worthy community ventures and its membership is open to all persons. In fact, the club has women and minority members according to my understanding. It has had women members since the 1940's according to my records. This might be viewed in some respects as a very commendable record. The concern in this case involved technical language of the bylaws which appeared to favor males. In the late 1970's, at a time when the Supreme Court was an institution Judge Kennedy probably never expected to join, he expressed concern over the perception problem of the club.

Judge Kennedy's concern prompted changes in the bylaws, however, the perception problem continued to some degree, which prompted the judge to resign. Once again, I can only say that his actions demonstrate nothing but acute sensitivity to any perception of bias. Even when the bylaws might have technically complied with the law, he urged effort to remove any residual sense of difficulty.

Judge Kennedy's attention to his judicial and ethical duties is particularly underscored by his activities with respect to the Sutter Club. He joined this club in 1963, well in advance of the enactment of the 1964 Civil Rights Act. In this case, however, the club's bylaws did not bar women, but the club's practice appeared to exclude females.

His sensitivity to this concern in 1980 is once again a compliment to his moral sense of balance. Even before Reagan was elected President, let alone before he appointed Judge Kennedy in his second term, the judge was aware of the problems in this club's practice and acted to remove himself. He removed himself from this club in 1980, because the practice of the Sutter Club was much more open and clearly in conflict with his judicial duties.

The propriety of his actions with respect to club memberships is bolstered by his actions with respect to the Elks lodge, well known for its charitable and service activities. Again, this organization does not provide membership to women, and in 1978, years before President Reagan was elected, Judge Kennedy responded to the perception problem and resigned. His actions as a whole are very commendable with respect to upholding his ethical duties.

VOTING RIGHTS

Voting rights may well be the central rights of a system of self-governance. By voting, Americans directly shape the laws and rules to which they will be subject. Judge Kennedy has decided one voting rights case—the 1980 James versus Ball case. In that case, he considered an Arizona voting plan that limited votes for a water development project to landowners. The question was whether this particular voting plan fit within an exception to the one-man, one-vote rule which permits a disproportionately affected group to have a larger role in governing a water district.

In his review of the case, Judge Kennedy found that this water district produced power that would go to landowners and nonlandowners alike. Therefore, the Supreme Court disagreed. The Supreme Court holding was 6 to 3 and was essentially just a finding that this particular water district was sufficiently specialized and narrow to fit within the exception.

The Supreme Court did not question Judge Kennedy's reading of the law, only the facts. The higher Court read the facts differently and concluded that this water district was specialized enough to fit within the exception to the one-man, one-vote rule. In any event, no one can question that Judge Kennedy was seeking the broadest possible protection for voting rights.

FIRST AMENDMENT

Few provisions of the Constitution are more important to Americans and our way of life than the free speech guarantees of the first amendment. Judge Kennedy has expressed his view of the importance of the speech clause and its role in our society.

American jurisprudence is a model for the rest of the world because it forbids any prior censureship or restraints on speech except under the most extenuating circumstances. One of Judge Kennedy's cases dealt with an attempt to place a restraint on the broadcast of a TV program. This was the 1979 case of Goldblum versus NBC, where he held that the privacy and fair trial interests of the petitioner, an executive officer implicated in an equity funding scandal, were not sufficient to block broadcast of the TV program.

In my mind, it is significant that the courts, too, can sometimes forget to protect the Constitution's prior restraint doctrine. Fortunately, other courts are available to correct those errors. Although access to government records is not a first amendment speech issue, it is nonetheless related to the access which our citizens have to their government. In that sense it is related to the very principles by which citizens participate in a government run by the people. In this regard, Judge Kennedy, in his 1985 CBS versus District Court case, rejected the Government's effort to suppress the media's access to certain sentencing documents in a case related to the DeLorean trial. His decision was based on "the presumption that the public and the press have a right of access to criminal proceedings in documents filed therein. * * * The right of access is grounded in the first amendment and in common law * * *."

One further first amendment issue arose in his past cases. This involved the operations of the Federal Election Commission. In the 1980 California Medical Association case, he decided that contributions to political action committees are not eligible for the full protections of the free speech clause and may be limited. He held that when people contribute to a PAC, they choose that committee in order to express themselves on political issues and they make the contribution to advocate their views. These donations are analogous to contributions to candidates.

In reaching his decision, Judge Kennedy referred to the Buckley versus Valeo to support his holding. This was a case in which the Supreme Court split 5 to 4 on these issues. They are difficult ones. No doubt the Supreme Court will continue to make important decisions relative to the bounds of the free speech clause and the people's access to information about their government. In light of Judge Kennedy's record, I have full faith that he will weigh the appropriate factors and be guided by the appropriate doctrines.

PRIVACY DOCTRINE

As Judge Kennedy correctly noted in a speech to the Canadian Institute for Advanced Legal Studies last year, "Neither the right [of privacy], nor the word [privacy], is mentioned in the text of the United States Constitution." However this does not mean that the Constitution affords no protection to privacy.

I certainly share Judge Kennedy's view that vital privacy values are protected by the first amendment speech and religion clauses, the fourth amendment search clause, the fifth amendment and so forth. If, however, a court accepts a general notion of privacy protection in the due process clause or elsewhere, how does a court find a principled basis for limiting that protection to marriage and family concerns? How would a court find authority to devise a principle that excludes other privacy concerns, like homosexuality, drug use, and the like?

Few of Judge Kennedy's cases have received more attention than the homosexual rights case, Beller versus Middendorf. As we all know, the Supreme Court has decided a similar issue in the Bowers case where it was asked to determine if the general privacy right embraced homosexual conduct. In his determination of the issue, Judge Kennedy stated: ". . . where the government seriously intrudes into matters which lie at the core of interests which deserve due process protection, then the compelling state interest test * * * may be used."

As we well know, no general right of privacy was recognized for the first 175 years of our Constitution's history, which may cause some to question whether it is indeed fundamental. In that same speech to the Canadian Institute, Judge Kennedy noted that "the Due process clause in not a guarantee of every right that should inhere in an ideal system" and that "* * * judicial independence and its legitimacy is a necessary part of the equation when one debates the legitimacy of a source or method of constitutional interpretation. If we overreach, it is fair to call our commissions in question."

I would only note that in this area one respected legal scholar, Larry Tribe of Harvard, has predicted that the "eventual unfolding of doctrine in this area" will someday encompass "homosexuality, polygamy, adultery, bestiality, as well as variations such as group sex which are generally dealt with under sodomy and fornication laws." American Constitutional Law at 944-946. I would hope that legal predictions and writing of this nature will not influence the directions of Supreme Court decisions.

ORIGINAL INTENT

During the Judiciary Committee hearings with Judge Kennedy there was much discussion about original intent. In his characterization of what he means when he refers to original intent, Judge Kennedy stated that the term is best viewed "in the sense of what were the legal consequences" of the actions of the legislators. Referring to Congress, he noted: "Your actions have an institutional meaning. One of you may vote for a statute for one reason, and another for another reason, but the courts find an institutional meaning there and give it effect."

Thus our fundamental law is the text of the Constitution as written, not the subjective intents of individuals long dead. Specifically he was asked if statements by the Members of the 39th Congress acknowledging segregated schools meant that the 14th amendment permitted a "separate but equal" reading. Judge Kennedy stated, and I believe he was correct, that the text of the 14th amendment outlaws separate but equal regardless of the statements or subjective intents of some of its authors. Often the framers write into the Constitution a rule which they themselves cannot live. This happened with the 14th amendment. The 39th Congress never completely lived up to the aspirations they included in the Constitution, but we should live by the words of the Constitution, not by the subjective intent or practices of its authors.

In a similar vein, the framers could not anticipate the age of electronics, but they stated in the fourth amendment that Americans should not be subject to unreasonable searches. The words and principles of the fourth amendment govern situations beyond the subjective imaginings of its authors in 1789. Judge Kennedy noted that judges inquire into original intent "to determine the objective, the institutional intent. It is the public acts of the framers—what they said, the legal consequences of what they did, and * * * not their subjective motivations."

The statements of single individuals may be important, but courts should seek for the general consensus of the ratifying society at large. Individual statements are only valuable if they represent that consensus. All historical evidence of original meaning is relevant to the meaning of the text, but none should be given undue weight or taken out of context.

Some have argued that original meaning requires courts to decide cases based on what the framers would have said had today's problems been put to them as an original matter. It seems to me that this overlooks that our modern society is vastly different from the past. We should ask what principle the framers put into the Constitution. Once that is ascertained, it is our job to apply it to modern problems. Trying to guess what the framers might have done places undue emphasis on intent again. The question is what does the Constitution say about modern problems, not what framers might have said if they could have foreseen those problems. We must be true to decisions they did make, not decisions they might have made.

Judge Cooley, a 19th century jurist, stated: "What the Court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it." Judge Kennedy's statements on this issue indicate that it is his view that courts are indeed called upon to apply the Constitution's set principles to new circumstances. This will develop new doctrines and new applications. But the meaning of the Constitution does not change, only its applications.

STARE DECISIS

Respect for precedent, also known as the doctrine of stare decisis, is an important ingredient of American law. Justice Brandeis expressed the purpose of the doctrine with great power: "Stare decisis is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right. This is commonly true * * * provided correction can be had by legislation. But in cases involving the Federal Constitution, where correction through legislative action is practically impossible, this Court has often overruled its earlier decisions." Burnet versus Coronado Oil (1932). This is a formulation of stare decisis with which Judge Kennedy agrees.

The merits of following past precedent, particularly in statutory interpretation where Congress can make corrections by statute, are predictability and confidence that the law does not change with the personnel of the court. On the other hand, it is wise to overrule an erroneous statutory interpretation when disruption to institutions and the intent of Congress outweigh the need for stability.

The Supreme Court is sworn to uphold the Constitution, not its own case law. We are all grateful that past Courts have taken this view because they upheld the Constitution in overruling Plessy versus Ferguson and the Court's Lochner substantive due process era. Therefore, the occasion may arise when the Court would consider overruling its own constitutional precedent. At the same time, many great jurists have reached the conclusion that some past Supreme Court decisions should not be overruled even if they appear to have been incorrectly decided years ago. The reason given for refusing to revisit settled cases is that they have now become so engrained into our jurisprudence and so many expectations and institutions have been built up around those settled cases that it is no longer prudent to consider a reversal. Judge Kennedy has indicated that he will carefully weigh both of these values as he confronts the issue of stare decisis.

SEPARATION OF POWERS

Our Constitution envisions a National Government of separated powers. Each of the three branches is supreme within its own areas of governance and each is subordinate to others in areas not allocated to it by the Constitution. The judiciary and particularly the Supreme Court has the responsibility to police the bounds which separate the coordinate branches. These points are hallmarks of Judge Kennedy's legal philosophy, as evidenced in his Chadha decision which protected the prerogatives of the executive and judicial branches against Congress' efforts to impose an unconstitutional legislative veto.

The Chadha decision, in a fashion that seems to be characteristic of his thorough approach to cases, considers each of the justifications for a one-house veto and shows how none of them satisfies the Constitution. I would like to go through those briefly to better illustrate how he breaks a case down into smaller issues and resolves those questions.

Immigrants are either deported or not depending on an executive determination by the Justice Department. That executive decision can be appealed to a circuit court. The first argument for a one-house veto was that it was necessary to correct errors made by the executive or judicial branches. Judge Kennedy found this veto to be insufficient as a corrective device because it usurped certain functions central to the executive and judicial branches and disrupted the operations of those other branches. The judiciary, for instance, is responsible to adjudicate cases and controversies, yet this veto rendered the judicial adjudications null and void. Similarly the executive branch's execution of the laws was voided by the congressional interference.

The next justification for the veto was just that Congress was entitled to share in the administration of a statutory program. The flaw here was that Congress was not attempting to change the course of future administation of a program, which it is entitled to do by changing the law. Instead Congress was meddling in specific facts of past cases without changing the law. This was a congressional attempt to execute the current law, rather than to change it.

Finally it was argued that Congress was just using the veto as a quasi-legislative act, much as it might pass a private bill to affect the outcome of a particular matter. This argument was also found to be insufficient. A one-house veto would not suffice as a legislative act because it did not go through the second house, nor did it gain Presidential approval. This Chadha decision was a courageous judicial act. It is not easy for a judge to risk disagreeing with Congress, yet it is essential to our constitutional system. The best statement of why this kind of courage is essential is found in Judge Kennedy's writings. He states: "The * * * first purpose [of the separation of powers principle] is to prevent an unnecessary and therefore dangerous concentration of power in one branch."

According to my analysis, Judge Kennedy also decided one other important separation of powers case—namely Pacemaker versus Instromedix which dealt with the validity of trials conducted by magistrates with the consent of the parties. This process was upheld. Individuals could allege no harm in trials conducted by magistrates because the parties agree in advance to submit to that jurisdiction. Moreover there is no harm to the constitutional structure because article III judges appoint and can remove magistrates thus assuring that full control of the judicial process remains with life-tenured judges. Several other circuits have considered this issue and have generally agreed with Judge Kennedy's analysis.

The question of the proper balance to be struck in separation of powers issues will be important to the Supreme Court in future years. It seems to me that Judge Kennedy has demonstrated a marvelous grasp of these issues and has indeed been a magnificent defender of constitutional principles in this area.

SUPREME COURT INSTITUTION

There is much value in a unanimous Court. When the Court is unanimous, it tends to put an end to any further debate about the merits of a decision. Supreme Court historians have recounted how Chief Justice Burger labored diligently to get a unanimous Court in the United States versus Nixon case concerning Executive privilege during the Watergate era. Similarly, historians report that Chief Justice Warren worked to get a unanimous Court on Brown versus Board. A Supreme Court Justice is sworn to uphold the Constitution and we should expect Judge Kennedy to do nothing else, but there might be times when unanimity on a ruling is more important than a dissenting view. In his analysis of this particular issue, Judge Kennedy indicated that he has grappled with this issue and has at times "concurred in an opinion simply because [he] didn't think the majority had it right * * * and * * * there is much * * * to commend judges to try to concur in other judges' opinions."

There is another side of this coin—the need to stand courageously alone for principle. Plessy versus Ferguson was the infamous separate but equal case of 1896. As you well know, a single Justice—Justice Harlan—issued a remarkable dissent reminding the Nation that the Constitution ought to be colorblind. Judge Kennedy indicated that if a matter of principle has been ignored, or if a matter of principle affects constitutional rule, or there is a principle that affects the judgment in a case, then a judge "must state that principle regardless of how embarrassing or awkward it may be."

The Supreme Court is an institution which must gauge and protect its own credibility and standing as the leading voice of one of the coordinate branches of government. In recent years, the Court's opinions have become far more complex. Plurality opinions have multiplied. Hardly any opinion is issued without an accompanying flurry of concurrences and dissents. On one hand, this is an important part of the process because arguments are preserved for the future and the law tends to develop more deliberately as the legal and political communities respond to an unresolved mosaic of opinions on a single issue. On the other hand, when the Court issues an opinion which nods to both sides of an issue or which includes a five-prong analysis of complex factors, what the Court has actually done is abdicate. Instead of giving clear guidance, it has left to lower courts to give various kinds of emphasis to various parts of the mosaic.

In order to get shorter, more succinct, and clearer guidance in these opinions, Judge Kennedy indicated that "Justices must be conscious of the duties that they have to the public, the duties they have to the lower courts, the duties they have to the bar—to give opinions that are clear, workable, pragmatic, understanding, and well-founded in the Constitution. * * * [J]udges must be also careful about distinguishing between a matter of principle and a matter that really is dear to their own ego."

SCHENLEY INDUSTRIES ALLEGATIONS

Questions were raised about Judge Kennedy's conduct as a representative for Schenley Industries which is one of the larger liquor distillers in the United States. In fact, the L.A. Times reported on November 12 that he was a lobbyist for the company at a time that it was paying illegal kickbacks to liquor distributors and restaurants in New York. The facts show that this allegation is totally false.

Judge Kennedy stopped representing Schenley when he took a seat on the ninth circuit in 1975. It was not until 1977 that Schenley pled guilty to paying some illegal kickbacks in New York in 1973 and 1975. Judge Kennedy has stated that he never had any involvement with Schenley's business dealings outside of California. Moreover, officials of the intelligence unit of the New York Liquor Authority confirm that there is no record of any involvement of Judge Kennedy in the violations by Schenley.

Upon closer examination, even the L.A. Times article is careful to state that "records give no indication that Judge Kennedy * * * played any role in the illicit schemes, for which Schenley later agreed to pay $79,000 in fines." I only wish this had been the headline. One further point, the California Department of Alcohol Beverage Control affirms that Judge Kennedy's name never arises in connection with any investigatory matters. I hope these facts put any lingering questions about this point to rest.

CONCLUSION

Judge Kennedy has had a distinguished legal career. A review of his decisions on the Ninth Circuit Court of Appeals and his testimony before the Judiciary Committee reveal a man who understands the law and the role of the Supreme Court in upholding the law. He is a man of compassion who will use the Constitution to protect the rights of all citizens. The President has made an excellent decision in submitting the name of Judge Kennedy to this body for its advice and consent, and I would urge all of my colleagues to support this nomination.

I express my remarks for Judge Kennedy and my total support for him and I believe the American people are going to be very pleased and very happy to have this man on the Court.

Mr. KENNEDY. I yield the Senator from Ohio 15 minutes.

The **ACTING PRESIDENT** pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am pleased to stand in support of the nomination of Judge Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy is eminently qualified by reason of character, temperament and judicial philosophy to serve on the Nation's Highest Court.

Judge Kennedy impressed the entire Judiciary Committee with his intellect, judiciousness, openmindedness, respect for precedent, and capacity for growth. These are the quintessential qualities of judging, qualities which Judge Kennedy possesses in abundance. He is a judge's judge.

While the nominee is well-qualified for a seat on the Court, I am troubled by what appears to be an insufficient sensitivity on his part in the area of civil rights. Though his personal commitment to racial and sexual equality is beyond question, he is not one who, by temperament or outlook, has reacted aggressively and boldly against discrimination, in whatever form it raises its ugly head. In too many cases—the Aranda, AFSCME, and Topic decisions, to name a few—he has tolerated subtle, systemic forms of racial and sexual discrimination. Too often he has upheld discriminatory conduct simply because there was no clear evidence or discriminatory motive or intent. The law, however, is not this narrow; it condemns both intentional and unintentional discrimination. I would hope that Judge Kennedy, when he is Justice Kennedy, will be more receptive to claims of subtle yet very real discrimination, than he has been in the past.

But even if Judge Kennedy has not been quite as sensitive to claims of systemic discrimination as I would have liked him to be, that alone is not a sufficient basis for opposing his confirmation. For as the Judiciary Committee report states, the Senate must not dictate its particular choice to the President. Rather, its constitutional task, before granting its consent to the appointment, is to certify that the nominee's judicial philosophy is sound and poses no threat to constitutionally protected rights enjoyed by all Americans.

I have weighed Judge Kennedy's constitutional and judicial philosophy and found that it is that of a classical mainstream conservative, in the tradition of Justices Powell, Harlan, Black, and Frankfurter. It is a philosophy that recognizes that the right of privacy is an inherent element of individual liberty, that the words of the 14th amendment, "No person shall be denied the equal protection of the law," admits of no exception.

It is a philosophy that recognizes that the Constitution is a living thing, that its meaning changes as, in Judge Kennedy's words, "our understanding of it changes"—an understanding anchored to the fundamental values of the framers, but shaped and reshaped by the history and experience of each succeeding generation.

It is a philosophy that exhibits an abiding and passionate respect for precedent, for a stable, reasoned, evolutionary change in the law and meaning of the Constitution.

It is a philosophy that respects the will of the people, as expressed through their elected representatives, and that is reluctant to thwart their wishes. But it is also a philosophy that will not hesitate to override the popular mood when it threatens to trample upon the constitutional rights and liberties of the minority, the poor, and the powerless.

It is a philosophy that approaches and decides each case one at a time, without any overarching, absolutist view of constitutional interpretation. It is a philosophy that rejects, as an end in itself, the rigid and unworkable doctrine of "original intent" espoused by the previous nominee and repudiated by this body in its rejection of that nominee.

It is a philosophy that recognizes that compassion, pragmatism, and commonsense notions of justice and fairness are valid components of judicial decisionmaking, that recognizes that the great words and clauses of the Constitution—liberty, due process, equal protection—are, in Judge Kennedy's words, "spacious phrases," to be understood and applied flexibly, humanely, from the heart as well as the head.

In short, it is the philosophy of cautious and compassionate judging that has always been the bulwark and genius of our system of jurisprudence, that has built slowly, steadily, inexorably, upon the constitutional foundation laid by our forefathers.

On the great questions of equality and liberty that will come before him, I am satisfied that Justice Kennedy will respond with a devotion to justice and to law, with a humble appreciation of the immense power of the Court, and with the courage and determination to defend the ideals of the Constitution whenever the law and his conscience require him to do so.

The confirmation of Judge Kennedy will be a triumph not only of justice but of process. The Judiciary Committee, guided so ably and fairly by Chairman BIDEN, has done its job well. Senators have conducted themselves honorably and courageously, guided by their concept of the Constitution, their consciences, and their sense of duty.

At a time of increasing public concern about the Senate as a working, functioning institution, we can be proud that in these nominations—matters of great current and historic significance—we rose to the occasion and did our duty.

But we must not rest on our success. For this experience to have lasting value, it must become a precedent for the future. Never again must we return to the lazy practice of the past, of rubberstamping nominees to the Supreme Court, of permitting them to evade legitimate substantive inquiry.

While it is not appropriate for the Senate to inquire into how a nominee will vote in a particular case, it is essential that it conduct a searching examination of the nominee's general judicial philosophy, in order to satisfy itself that he or she respects certain inviolate principles and values of our constitutional system of government. That is the standard we have applied in our consideration of the present and previous nominee—a standard fully consistent with the dictates of the Senate's constitutional power of advice and consent. And it is the standard which we should apply to all future Supreme Court nominations.

Judge Kennedy meets this standard, and I join with all of my colleagues today in wishing him a long and distinguished career on the Court.

I yield the floor.

Mr. THURMOND. Mr. President, I now yield 3 minutes to the able Senator from Wyoming [Mr. SIMPSON].

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I lend my support to the nomination of Anthony Kennedy to be the next Associate Justice of the Supreme Court.

I think we are very fortunate to have this man and to be able to confirm such an outstanding nominee.

I want to also add that the skill and fairness of the Judiciary Committee chairman, the junior Senator from Delaware, was very evident. We held our hearings in a timely fashion and reported to the Senate the nomination with unanimous approval.

I thank the chairman and the ranking member, Senator THURMOND, for his fine work and superb job. This nominee is going to do a superb job, too. He has a history of unanimous approval. For his current post in the ninth circuit, he received unanimous confirmation. It was the unanimous opinion from the ABA that he is "well qualified" for this position, and the Judiciary Committee unanimously recommended him.

When we started this we stated that our inquiry should have been simply whether Judge Kennedy possessed the integrity, temperament, and ability to be on the Supreme Court and whether his judicial philosophy, without consideration of his political philosophy, was worthy of representation on the Court. Through 3 days of hearings, on which I sat, of consideration by the Judiciary Committee, we heard nothing at all that changed our opinion that Judge Kennedy met every one of those tests. He passed every single test.

So as we perform our fulfillment, of our duty of advice and consent, the only troublesome thing we see is we do not really have an objective or uniform standard to which each Senator may look in making his or her decision on such a critically important matter, and indeed that is so troublesome because the tenure of these Justices will likely far exceed the tenure of those of us who provide the advice and consent.

It is a troublesome thing, not in this situation, but in previous activity in my time on the Judiciary Committee. Senators are free to consider whatever criteria they wish, and that may and certainly has unfortunately included the political litmus test or reaction to an individual or at least the reaction of the most vocal interest groups.

Perhaps we need to review that. We will in the future I know.

So the Court needs the addition of Judge Kennedy for this February term. It requires his addition, and he will assure faithfulness to the Constitution.

A final irony of the proceedings to me was that we were cautioned not to speak about the Bork nomination during the Kennedy nomination, and yet during the hearings in Judiciary, that seemed to be about all I heard.

So hopefully, we put all that aside and will come now to this.

It is good to be able to cast this vote for this remarkable man, and I hope we can do things with our procedures in the future that will avoid things that happened in the previous nomination.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I yield such time to the majority leader as he may require.

The PRESIDING OFFICER (Mr. REID). The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts, [Mr. KENNEDY].

Mr. President, today is a proud moment in the history of the Senate. Under the simple but remarkable provisions of article II, section 2 of the Constitution, the Senate is completing its advice and consent function in the appointment of a Justice of the Supreme Court. I commend the Judiciary Committee, and its chairman, Senator BIDEN, in particular, for the fair and thorough consideration of the President's nominations for the vacancy created by the resignation of Mr. Justice Powell.

This has not been an easy time for the Senate. It has not been easy to say no to a popular President, to say no to a well-known judge and scholar, and to insist upon a different nominee. But I believe that history will record this as one of this body's great moments. For the Senate has done nothing less than to seek to protect the Constitution itself, by placing the document in the trust of one who views it as protecting, rather than limiting, the liberty of our people, including the right of privacy.

The Senate has sought and hopes to obtain—at least a good many of us have sought and hope to attain—in Anthony Kennedy an Associate Justice who is a conservative devoted to genuine judicial restraint. Judge Kennedy claims no grand ideological scheme of constitutional interpretation, and, as a judge, his practice has been to limit the effects of his decisions to the particulars of each case. He is a man of intelligence and humility. He understands the need for a commonsense approach to criminal law, by considering the rights of society and victims as well as those of the accused. He respects the great institutions of our Government, by showing equal regard for each of its three branches, and acknowledging the occasional need for Congress to appeal to the courts to determine its rights vis-a-vis the Executive.

Judge Kennedy appears to be a true conservative, and the Senate can be proud for its part in achieving his appointment.

Mr. THURMOND. Mr. President, I now yield 2 minutes to the able Senator from Virginia, Senator WARNER.

Mr. WARNER. Mr. President, today the Senate considers the nomination of Judge Anthony M. Kennedy to the position of Associate Justice of the Supreme Court of the United States.

As we proceed to this historic vote, we have very much in mind Judge Bork as well as Judge Kennedy. Speaking for this Senator, while I disagreed with Judge Bork and eventually on the day of the vote cast a vote against him, today I rise to say that nothing in my deliberations with respect to him was intended to be personal or to reflect in any way adversely upon his professional attainments, his character, or that of his family. In fact, I open my remarks today by wishing him well as he steps down from the bench. He fought a courageous battle professionally and personally, and now he and his family have a new venture before them which we all hope will be successful.

The Senate's advise and consent responsibility for Presidential nominees to the judicial branch, most particularly to the Supreme Court, is one of the most important duties given to this body by the Constitution. It requires the collaborative efforts of the Senate as a whole. As do others in this Chamber, I take this responsibility very seriously.

I have had the privilege of meeting with Judge Kennedy, selectively read from his opinions and examined the record of the Judiciary Committee, which, although late, we have had an opportunity to look at. Further, I have had extensive conversations on this nomination with my Senate colleagues, many Virginians, and others whose judgment I value. The extraordinary qualifications of this nominee have brought forth many statements of commendation, but have provoked little debate. This reflects great credibility upon Judge Kennedy.

Judge Kennedy will fill the position on the Court left vacant by the retirement last June of Justice Lewis F. Powell, Jr. Justice Powell, a fellow Virginian, served with great distinction on the Supreme Court. I have been honored to know him, and we all are greatful for his service to the Nation. Over the years his decisions consistently revealed an understanding and sensitivity to the rights and freedoms guaranteed by the Constitution and the traditional role of the Supreme Court in interpreting and protecting those rights. It is a tribute to Justice Powell to appoint as his successor one who the President and the Senate have confidence will continue his traditional approach to service on our Highest Court.

Mr. President, I believe that Judge Kennedy will be such a jurist, and I rise today in support of his confirmation as Associate Justice of the Supreme Court.

Judge Kennedy received a unanimous endorsement of "well qualified" from the American Bar Association. This endorsement is reserved for those who meet the highest standards of professional competence, judicial temperament and integrity.

There is no question of Judge Kennedy's professional competence. An honors graduate of Stanford University and a graduate cum laude of Harvard Law School, he practiced law in his home State of California, and he has taught constitutional law at the University of the Pacific since 1965. He is a 12-year veteran of the Ninth U.S. Circuit Court of Appeals where he participated in over 1,400 decisions and authored over 400 opinions.

Just as important, however, Judge Kennedy exhibits those qualities of judicial temperament and integrity that are so essential for one occupying any judicial position, especially that of Justice on the Supreme Court.

I was privileged to serve as a law clerk for Judge Barrett Prettyman who left an indelible mark on my own concept of judicial temperament. The compassion, sensitivity, and understanding of the pleas of the people shown by that distinguished jurist form the benchmark against which I measure any judicial nominee. These are the standards I adhere to in my consideration of judicial nominations.

It is clear to me that Judge Kennedy accepts those fundamental constitutional values long recognized by the Supreme Court, and he is sensitive to those rights that underlie the great issues that come before the Court. When questioned about any right to privacy inherent in the Constitution, Judge Kennedy replied:

> * * * there is a "zone of liberty" * * * where the individual can tell the government, "Beyond this line you may not go."

Judge Kennedy's numerous criminal law opinions reveal the mind of a fair jurist—fair to the rights of the accused and fair to the rights of society. His decisions concerning the separation of powers indicate an appreciation for the delicate system of checks and balances inherent in our Constitution.

Judge Kennedy's decisions reveal a respect for Supreme Court precedent and a belief in judicial restraint—but not judicial rigidity. At the hearings, Judge Kennedy spoke of a Constitution with a built in capability for growth. In speeches and writings he has stated that no one can plumb all the Constitution's ambiguities to provide definitive answers to the hardest questions it poses—questions as to how far the Supreme Court should go in restraining majority rule, and how powers over foreign affairs should be allocated between the President and Congress. His decisions show a cautious case-by-case analysis of the complexities of law and fact presented rather than an overarching "unitary theory" engraved in stone. Authored decisions show a mind willing to search for the appropriate balance between the rights of individuals and the power of government in a diverse and pluralistic society.

Judge Kennedy has an open, constantly probing mind. The public record of his service to our Nation clearly documents a strong adherence to the fundamental principles of mainstream conservatism. I am hopeful he will carry forward these characteristics and principles in rendering judgment on the important issues he will face in the future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, of the thousands of votes I will cast as a Senator, a vote on the confirmation of a nominee for the Supreme Court is among the most important and far reaching. As I see it, the paramount responsibility of the Supreme Court is to protect and preserve the equality and liberty of which the Constitution speaks. It is the Supreme Court that breathes life into the promise of the words in our Constitution.

There are three key criteria I use in evaluating a nominee for the U.S. Supreme Court.

First, is the nominee competent?

Second, does the nominee possess the highest personal and professional integrity?

Third, will the nominee protect and preserve the core constitutional values and guarantees that are central to our system of government, such as freedom of speech and religion, the right to privacy and to equal protection of the law?

I have considered the nomination of Judge Anthony Kennedy using these criteria. There is no question that Judge Kennedy is an able, experienced and very competent jurist. Accordingly, the American Bar Association gave Judge Kennedy its highest rating.

However, there is one aspect of Judge Kennedy's record that I find troubling and I would like the RECORD to show and for Judge Kennedy to keep in mind.

Judge Kennedy has for many years belonged to clubs that discriminate against women and minorities. He maintained membership in such clubs even after the California Code of Judicial Conduct was amended to provide that such membership was inappropriate for a judge. It was only when he was under serious consideration for this nomination that he resigned his membership in the Olympic Club, a club that discriminates against women.

The obvious question such membership raises is whether a judge who belongs to clubs that have discriminatory membership policies—be they based on race, gender, religion, or some other invidious factor—is truly committed to equal justice under law? As regards Judge Kennedy, the record is very unsettled on this critical point.

Judge Kennedy's longstanding membership in discriminatory clubs, at a minimum, gives rise to the perception by minorities, women and others that the judge's impartiality is impaired. A review of the judge's decisions in cases involving the civil rights of minorities and women, where he overwhelmingly has rejected their claims, supports such perception. In 1982, Judge Kennedy dissented from a ninth circuit decision which found that an airline's policy requiring women, but not men, flight attendants to meet certain weight restrictions discriminated against women. Judge Kennedy thought that the company ought to be able to justify its policy based on what it called customer preference for attractive women. Certainly chubby male airline flight attendants were just as offensive as chubby female airline flight attendants. He failed to recognize that both the policy and the supposed business justification were discriminatory. Male flight attendants had as much customer contact as the female attendants.

Equal justice under the law is not just some bumper sticker slogan. It is the central promise of the Constitution. It is the cornerstone of our democracy. The Supreme Court is the guarantor of constitutional rights in the ongoing struggle for equal justice under the law. A Supreme Court Justice's commitment to equal justice must be absolute and unequivocal. And to be meaningful, that commitment must be based on an understanding or discrimination and of the impact of the barriers minorities and women face in their struggle for equality.

Before the Judiciary Committee, Judge Kennedy discussed his club membership and his understanding of the statutory and constitutional protections against discrimination. Eventually, he said the right things. He acknowledged that the "highest duty of a judge is to use the full extent of his or her power where a minority group or even a single person is being denied the rights and protections of the Constitution." He agreed that "civil rights statutes should not be interpreted in a grudging, timorous or unrealistic way to defeat congressional intent or to delay remedies necessary to afford full protection of the law to persons deprived of their rights."

I am going to take Judge Kennedy at his word because I believe he is an honorable man.

Judge Kennedy has promised this Senate, and the American people, that he will vigorously and aggressively enforce our rights under the Constitution. I submit that the American people, in all our diversity, are entitled to nothing less. Based on Judge Kennedy's testimony, the entire record developed by the Judiciary Committee, and on the premise that this nominee is a man of honor who can be taken at his word, I have decided to vote to confirm Judge Kennedy, and hope that he would learn from the process of discussion with the committee that our Constitution and our country is broader than he might have once thought.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator has yielded back the remainder of her 5 minutes.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I now yield 3 minutes to the able Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. SPECTER. I thank the Chair and I thank my distinguished colleague, the ranking member of the Judiciary Committee on the Republican side, the former chairman, Senator THURMOND.

Mr. President, I support the nomination of Judge Kennedy for the Supreme Court because he is well qualified by way of academic experience, a practicing lawyer, and his work as a court of appeals judge. While I do not agree with all of his decisions and have made some comments during the course of the hearings about reservations on minorities' rights and women's rights, I think that his response was very pointed and appropriate on the issue of sensitivity to Hispanic concerns.

I believe that Judge Kennedy is a man who has the capacity to grow and will be an outstanding U.S. Supreme Court Justice.

Mr. President, I believe that the nominating process of Judge Kennedy has been a growing experience for the Senate and for the country as it follows on the heels of the nominating process for Judge Bork and Judge Ginsburg. We have established, I believe, in the 100th Congress a very important precedent that judicial philosophy is relevant and appropriate for Senate consideration. There was a dispute on this issue, significantly, during the confirmation proceedings for Chief Justice Rehnquist and Justice Scalia, but I think that the precedent is now established. In a speech recently, Chief Justice Rehnquist agreed that judicial philosophy was appropriate for consideration. And it is important to note that Judge Bork agreed with that as a matter of principle. And now, with the Judge Bork proceedings and with Judge Kennedy's proceedings, I think that is firmly established.

There is another important consequence, Mr. President, of these nominating proceedings, in my judgment; that is, the impact of the U.S. Senate and of the public concern about the administration of justice as it has an effect on the nominees who come before the Senate. When I had a session with Judge Kennedy in my office, he asked me—and I repeated this on the record during the hearings—he asked me whether I thought the advice and consent function of the Senate included advice to those who were nominated. I said that it would really be up to the nominees as to whether they would take that advice and suggestions from the Senators.

During the course of our proceedings with Judge Kennedy, and as with Judge Bork and other matters, Senators make as many speeches as they ask questions and give their own views as we believe them from our own experience and from our sense of representation of our constituency. I had made the comment to Judge Kennedy that I thought the process was a very useful one, as we heard the judicial philosophy.

I am supporting the nomination of Judge Anthony Kennedy to be an Associate Justice on the U.S. Supreme Court. I think Judge Kennedy is well qualified on the basis of his excellent academic record, his distinguished work as a practicing lawyer, and his balanced record as a judge on the U.S. Court of Appeals for the Ninth Circuit.

Judge Kennedy's record, including his testimony before the Judiciary Committee, demonstrates that he does not wear an ideological straightjacket and that he is devoted to genuine judicial restraint. I do not necessarily agree with all of Judge Kennedy's decisions. In my view, however, the appropriate issue for the U.S. Senate is not whether individual Senators agree with all of a nominee's decisions, but whether the nominee is within the tradition of U.S. Supreme Court jurisprudence. I am convinced that Judge Kennedy is within that tradition.

I was particularly pleased by a response made to a written followup question based upon the testimony of one of the witnesses who appeared before the committee after Judge Kennedy's appearance. Ms. Antonia Hernandez, president and general counsel of the Mexican American Legal Defense and Education Fund, made a very important point when she indicated that she and her group, while not opposing Judge Kennedy's nomination, were genuinely concerned about his sensitivity to issues of importance to Hispanic Americans, and were hopeful that Judge Kennedy would clarify his views and beliefs in a way that could reassure her.

Ms. Hernandez raised concerns about the AFSCME case, the Spangler case, the TOPIC case, and the Aranda case. During the hearings, I had questioned Judge Kennedy about those cases. I believe that Judge Kennedy's response to Ms. Hernandez's testimony shows an appropriate sensitivity and capacity for growth as a judge.

I also am particularly impressed by Judge Kennedy's characterization of the 14th amendment's liberty clause as a spacious one, which can enable a "people [to] rise above its own injustice" to correct "the inequities that prevail at a particular time."

One witness, Mr. Nathaniel S. Colley, Sr., a black civil rights leader from California provided key insights into the nominee's approach to constitutional rights. Mr. Colley had known Judge Kennedy's family for almost 40 years and had known Judge Kennedy himself for 20 years. He testified about Judge Kennedy's solid record on civil rights and minorities' rights, notwithstanding that Mr. Colley disagreed with some of the nominee's specific decisions. And Mr. Colley well summarized Judge Kennedy's record when he characterized Judge Kennedy as a grown man who would grow more.

The Judiciary Committee's and Senate's confirmation procedures over the last 7 months, with three different nominees to the Supreme Court, have been a growing experience for our country.

While today we will end the process of filling the current Court vacancy, I do not think the debate about the nomination process is over. I do think, however, that we have firmly established that judicial philosophy is a relevant and proper issue for the committee and full Senate to consider. Each nominee agreed with this position, and Chief Justice Rehnquist, who was not willing to answer all such questions during his own confirmation hearings 18 months ago, recently said in a speech that he now thinks that questions about judicial philosophy are appropriate.

In closing, I would like to mention an interesting remark that Judge Kennedy made during one of our private meetings which I referred to in the hearings. Judge Kennedy asked me whether I thought the advice and consent clause of the Constitution provided for Senators to give advice to a nominee. My response was the clause does not mandate such advice but that it would be useful, if a nominee was willing to take such advice I believe the Senate can have a significant impact on the thinking of nominees. In our private meetings with nominees, and through our questions—which sometimes resemble speeches—we convey our own views to a nominee. I believe that nominees may emerge from this with a different perspective. This process of interaction and growth is ongoing. In my view Judge Kennedy has grown, the Judiciary Committee and the Senate have grown, and our country has grown—all for the better.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield, on behalf of the Judiciary Committee, 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I thank the Senator from Maryland.

Mr. President, I will vote to confirm the nomination of Judge Anthony Kennedy to be an Associate Justice of the U.S. Supreme Court. I also wish to cast a vote of support for the confirmation process that the Judiciary Committee began and that the Senate completes today. I am proud to be able to cast both votes. I believe that we have fairly established the record by which this body can judge Judge Kennedy, just as we have firmly established the process by which the Senate will scrutinize all future nominees for the Supreme Court.

I think we are at a turning point in Senate history. All nominees for the Supreme Court can expect and should expect rigorous examination of their views and their record of their philosophy before they go on the Supreme Court.

The Senate's duty of advice and consent is, without question, a tremendous responsibility. It is a constitutional responsibility which, by its nature, affects all three branches of our Government. It is a responsibility that we fulfill only by a rigorous confirmation process.

The process we have now established in the Senate is a rigorous one. In three important ways, it follows the high standards we set several months ago when we considered the nomination of Judge Robert H. Bork.

Our review of Judge Kennedy's nomination, like our review of Judge Bork, has been thorough and extensive. The Judiciary Committee reviewed all of Judge Kennedy's 438 published opinions. We read his public speeches. We examined his private law practice and his extrajudicial activities. Then, in 2 days of hearings, we questioned Judge Kennedy for over 12 hours on a wide range of subjects.

Second, as with Judge Bork, our review of Judge Kennedy's nomination focused on his judicial philosophy: his approach to the Constitution, and to the role of the courts in discerning and enforcing its commands. By rejecting the argument that a nominee's philosophy is irrelevant or inappropriate for Senate consideration, we reaffirm the best traditions of the Senate. As Senator George Norris told this body more than half a century ago:

> When we are passing on a judge . . . we ought not only to know whether he is a good lawyer, not only whether he is honest . . . but we ought to know how he approaches these great questions of human liberty.

No issue is more central to a decision on the nomination of a Justice to the Supreme Court—the Court which is the ultimate arbiter of our constitutional rights—than the nominee's judicial philosophy.

The Judiciary Committee questioned Judge Kennedy at length about his approach to the Constitution, and especially to the critical issues of individual rights—the right to privacy, the right to freedom of speech, the right to equal protection of the laws, the rights of criminal defendants. "The result," as the New York Times later observed, "was an absorbing real-life course in constitutional law in which the nominee and the [committee] learned from each other."

Third, the committee's review of Judge Kennedy's nomination, like our review of Judge Bork, was fair and open. Judge Kennedy himself was given a chance to respond to every question, to address every concern, to put his record into context. Thereafter, the committee heard testimony from 28 public witnesses, both for and against the nomination. And Judge Kennedy was given an opportunity to respond in writing to issues these witnesses raised.

The result is a record on which the Senate may soundly judge the nomination, and a confirmation process that fulfills our duty to the Constitution and to the American people. It is a process of which I think we can all be proud.

What did this rigorous confirmation process tell us about Judge Kennedy, and about whether his nomination should be confirmed?

For one thing, we learned that Judge Kennedy is a man for whom ethics is not a recent discovery. As one of his boyhood friends recounted, "It always seemed to me that when we did something naughty, Tony went home."

We also learned that Judge Kennedy is an excellent professor of constitutional law, whose students often applaud when he completes a lecture. We learned that he is a judge who comes to court prepared and with an open mind, ready to listen to the arguments of both sides in the case before him. He takes each case as it is presented and carefully crafts an opinion that tries to resolve the dispute between the parties.

But most of all, we learned about Judge Kennedy's judicial philosophy—his approach to some of the fundamental issues on which a Supreme Court Justice must rule.

As we probed his thinking, we learned that Judge Kennedy is a case-by-case judge. To use his words, he does not offer "a complete cosmology of the Constitution." He has no "unitary theory of interpretation."

Nor, it appears, does he have an agenda to reverse scores of important Supreme Court decisions. Unlike Judge Bork, he does not promise to "sweep the elegant, erudite, pretentious and toxic detritus of non-originalism out to sea."

Rather, Judge Kennedy has respect for many of the major rulings that the Court has handed down in the last three decades—rulings that go to the heart of the Supreme Court's role a guardian of constitutional rights. As Congresswoman Barbara Jordan so eloquently put it in her testimony to the Judiciary Committee several months ago:

> Many people, particularly weak people, underprivileged, unrepresented, minority people, particularly the outs, have looked to the Supreme Court as the rescuer. The Supreme Court [has] throw[n] out a lifeline when the legislators and the governors and everybody else [has] refuse[d] to do so.

I questioned Judge Kennedy about some of these lifelines—about some of the important cases decided by the Court under the fourth, fifth, and sixth amendments to the Constitution. I found his answers thoughtful and reasonable.

What, I asked, did he think of the Supreme Court's decision in Miranda versus Arizona, the ruling that required police to warn suspects of their rights to remain silent and to be represented by counsel? "It was a sweeping, sweeping rule," he replied. "It went to the verge of the law. * * * But since it is established, it is entitled to great respect. I know of no strong argument to overturn it."

What, I asked, did he think of Mapp versus Ohio, the decision requiring courts to exclude illegally seized evidence? Judge Kennedy answered, "Now that it is in place, I think we have had experience with it, and I think it is a workable part of the criminal system."

What about Gideon versus Wainwright—the decision establishing the right to have counsel appointed in all felony cases—did he have a problem with that? "No," he answered, adding "I know of no really substantial advocacy for its change."

In each of these instances, Judge Kennedy indicated his respect for a landmark decision in constitutional law, and thus his recognition of an important constitutional right. He also indicated an openness to consider arguments that each of these decisions should be overturned, but not without compelling and "substantial" advocacy—a thoroughly fitting view for a member of our Highest Court.

I was also reassured by Judge Kennedy's testimony on the subject of unenumerated rights—fundamental rights not spelled out in the text of the Constitution—and especially the unenumerated right of privacy.

Judge Kennedy testified that "There is a zone of liberty, a zone of protection, a line that's drawn where the individual can tell the Government, 'Beyond this line you may not go.'" That zone of liberty, he later said in response to one of my questions, is "quite expansive, quite sufficient to protect the values of privacy that Americans legitimately think are part of their constitutional heritage."

Judge Kennedy also recognized that it is the role of the Supreme Court to draw the line that protects the zone of liberty, but he declined to specify where exactly the line should be drawn. He would not specify which unenumerated rights the courts may enforce under the Constitution and which rights must be protected by the other branches of Government. He did say, however, that he recognizes a marital right of privacy.

I also appreciated Judge Kennedy's explanation of some of the factors he would look to in deciding whether an unenumerated right is a constitutional right that may be enforced by the courts. "There is a whole list of things," he said, but among them were:

> We look to see the concept of individuality and liberty and dignity that those who drafted the Constitution understood. We see what the hurt and the injury is to the particular claimant who is asserting the right. We see whether or not the right has been accepted as part of the rights of a free people in the historical interpretation of our own Constitution and the intentions of the Framers.

This testimony impressed me favorably. It reflects a philosophy of the Constitution as a living document that is fully capable of responding to the challenges to our liberties that the future may present.

By contrast, I remain somewhat troubled by Judge Kennedy's record on civil rights and discrimination issues. This record was highlighted by a number of impressive witnesses who testified before the committee. One of the witnesses, Prof. Susan Deller Ross, pointed out that Judge Kennedy has repeatedly rejected discrimination claims by requiring a higher showing of intent to discriminate that the Supreme Court has ever required. She also noted that Judge Kennedy has never ruled for a woman on a substantive sex discrimination issue.

Another witness, Antonia Hernandez of the Mexican-American Legal Defense Fund, eloquently articulated the serious concerns of the Hispanic community about some of Judge Kennedy's decisions. In her view, Judge Kennedy's rulings in several important discrimination cases brought by Mexican-Americans improperly threw the claimants out of court.

There is also the troubling issue of Judge Kennedy's membership in several private clubs that do not accept women and that may discriminate against members of minority groups. It is true that Judge Kennedy made efforts to change the membership policies of two of these clubs, but these efforts did not begin for some time after the American Bar Association passed a rule discouraging judges from membership in discriminatory clubs. Judge Kennedy was a member of these clubs for many years, but he resigned from two of them only on the eve of his nomination. He told the committee he resigned "to prevent my membership from becoming an issue" in the confirmation process.

In his testimony before our committee, Judge Kennedy tried to lay to rest some of these concerns by a frank and simple statement about his commitment to equal rights. He said, "We simply do not have any real freedom if we have discrimination based on race, sex, religion or national origin, and I share that commitment."

I was also reassured by another statement Judge Kennedy made in connection with his membership in the private clubs. He said,

> Over the years, I have tried to become more sensitive to the existence of subtle barriers to the advancement of women and minorities. This [is] an issue on which I [am] continuing to educate myself.

I sincerely hope that Judge Kennedy continues to seek an understanding of the many forms that discrimination can take. In particular, I think he needs to continue what he has described as a process of self-education about the many forms in which the courts may encounter unfair discrimination against women and members of minority groups. But I must say honestly, Mr. President, there is probably not a single Member of this body who could not also undergo that continuing education.

From the measure I have of the man, I believe that he will continue to do so, just as I believe he will strive to perform fairly the duties of a Justice of the Supreme Court.

If Judge Kennedy's nomination to the High Court is confirmed, I am sure that I will not agree with every one of his decisions. But I believe that Judge Kennedy is a man of integrity, intelligence, and balance. He has a sense of history and a sense of the proper role of the Supreme Court. He has, I believe, the capacity to become a distinguished Supreme Court Justice.

This is a nomination to which the Senate should give its consent. I will vote to confirm Judge Kennedy as a Justice of the U.S. Supreme Court.

Mr. President, I wish also to take this opportunity to commend the distinguished chairman of the Judiciary Committee [Senator BIDEN] and the distinguished senior ranking member [Senator THURMOND] for their handling of this nomination and the prior nomination. Everybody had a chance to be heard fairly. Members on both sides of the aisle were heard fairly and then the Senate was able to work its will, as it will today. I think that is because of the cooperation between Senator BIDEN and Senator THURMOND. It is a joy to serve on that committee, knowing that these hearings will be held and have been held as fairly, openly, and honestly as they have.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KARNES. Mr. President, like many of my colleagues, I am relieved that the Senate now moves toward a vote on Judge Anthony M. Kennedy to be an Associate Justice of the Supreme Court. Judge Kennedy is a highly respected individual, lawyer, and jurist. He is worthy to fill that position. But, the fact remains that a previous nominee of the President whom I supported failed to survive the confirmation process because of strident attacks on his judicial philosophy. With that experience in mind, I believe all of us have taken even more seriously our constitutional role in confirming an individual to serve on the High Court.

It is with great interest as an attorney that I have engaged in the Supreme Court hearing process and arrived at a set of standards by which I evaluate judicial nominations. I have set out six principles that I will use to evaluate judicial candidates. These being character, integrity, intellect, and the judicial qualities of temperament, legal experience, and philosophy.

I have pursued the same analytical procedure with regard to Judge Kennedy's nomination that I have followed previously. I have evaluated this nomination, as I have other Presidential nominees: with an open mind and without any preconceptions. Only fairness and objectivity have dictated my final decision.

With regard to Judge Kennedy, no evidence has been produced which in my opinion constitutes grounds to oppose his confirmation. The unanimous vote for Judge Kennedy from my colleagues on the Senate Judiciary Committee further attests to his fitness to be a member of the Supreme Court. In the six areas I have used to test judicial nominees, Judge Kennedy has exhibited outstanding qualifications and qualities. He is a man of intellect, with sound values, an excellent academic record, extensive experience as a practicing lawyer, and balanced, well-reasoned opinions and positions as a Federal court of appeals judge on the Ninth Circuit Court of Appeals.

Judge Kennedy does not wear ideological blinders, but has demonstrated judicial restraint in limiting his opinions to the narrow issues of the cases before him without a tendency toward "judicial legislating." He is not a judicial activist. His opinions, speeches, and answers to questions, while showing a capacity for growth, also reveal an appreciation of the fact that our Constitution is a dynamic document which many times must be interpreted to respond to social issues born of changing times. Judge Kennedy has shown that he is capable of interpreting the Constitution to meet those changes without sacrificing the basic principles laid down by the Founding Fathers.

During Judge Kennedy's 2 days of testimony before the Senate Judiciary Committee, he proved himself to be a conservative, but not an extremist nor an activist. He is clearly within the mainstream of American judicial thought. During the hearings he was very open in expressing his judicial philosophy and I was pleased to hear that he has no single, simple constitutional theory for interpreting all cases.

Mr. President, much has been said about the seat Judge Kennedy has been nominated to fill—that of Justice Powell. The concern of some stems from the number of 5-to-4 decisions of the Court during Justice Powell's tenure, where he was in the majority. However, I believe that Judge Kennedy, if confirmed, will approach his service with the same sense of restraint, respect, and humility that Justice Powell exhibited during his tenure on the bench.

The American Bar Association was unanimous in giving Judge Kennedy its highest rating for a Supreme Court nominee—well-qualified. The ABA representative who testified during the hearings commented that he had questioned almost all of the 27 judges on the Ninth Circuit Court of Appeals that served with Judge Kennedy and that all of them had a deep and abiding respect for Judge Kennedy's sense of justice, for his ability to give everyone a fair hearing, and to make a decision on the facts before him. The ABA spokesman went on to testify that this accolade came from judges who carried a reputation of being liberal and judges who had a reputation of being conservative. Thus, among Judge Kennedy's peers, regardless of ideology, he has received high marks as a lawyer and jurist.

As with any judicial nomination, especially one to the Supreme Court, there may be those who will oppose this nomination just as in the case of Judge Bork. However, the arguments of those opposed to Judge Kennedy while deeply felt, are in my opinion, not supported by the nominee's judicial record or the weight of the testimony in his favor.

Judge Kennedy wrote more than 400 opinions while on the court of appeals. Many of these decisions demonstrate his commitment and sensitivity to civil rights. They also indicate that Judge Kennedy clearly understands the problems faced by law enforcement officials and that he is sensitive to the rights of the victims, as well as those of the accused. I am in complete agreement with the recent speech given by Judge Kennedy where he noted that, all too often in our criminal justice system, the rights of the victims are overlooked.

It is true that Judge Kennedy was noncommittal on some difficult issues like the Roe versus Wade decision, the Miranda decision, affirmative action and the death penalty, but he has given a good defense of his own opinions which were later reversed by the Supreme Court, such as the Washington State case where he rejected the claim for equal pay for jobs of comparable worth.

Mr. President, when I met with Judge Kennedy prior to the hearings, he addressed the issue of original intent, the 9th amendment, the equal protection clause of the 14th amendment, the right to privacy, and criminal law, all issues which have been the focus of great public interest during hearings on previous Supreme Court nominees. I am comfortable with his responses in each of these areas.

Judge Kennedy has a sound understanding of our Constitution and of its history, as well as its applicability in the current era. More importantly, I believe he is committed to safeguarding the U.S. Constitution, that great and most precious possession of American democracy. I believe that Judge Kennedy will work to achieve justice and equality under its provisions and the law. Therefore, I am proud to vote for his confirmation to the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, amid the wide support for Judge Kennedy's confirmation it is important to keep a critical issue in perspective.

Many Senators who opposed Judge Bork are supporting Judge Kennedy. And some of us who viewed Judge Bork as the ideal nominee are somewhat less enthusiastic about Judge Kennedy, even though we believe he will be a good Justice.

These "cross-currents" should not obscure a fundamental fact. While certain portions of Judge Kennedy's testimony raised concerns for some of us, his overall record demonstrates a strong commitment to judicial restraint and a healthy disdain for judicial activism.

Those of us who greatly admire Judge Bork may take some comfort in the fact that these statements bear a striking similarity to Judge Bork's statements on this same issue—judicial usurpation of the democratic, legislative process. As Judge Bork framed the issue:

> * * * Only by limiting themselves to the historic intentions underlying each clause of the Constitution can judges avoid becoming legislatures, avoid enforcing their own moral predilections, and ensure that the Constitution is law.

And as Judge Bork has further stated:

> When a court becomes that active or that imperialistic, then I think that it engages in judicial legislation, and that seems to me inconsistent with the democratic form of Government we have.

It is this Senator's hope that the similarities between the foregoing observations of Judges Kennedy and Bork on the critical issue of judicial restraint will be reflected in Judge Kennedy's decisionmaking on the Supreme Court.

It is instructive to consider several of Judge Kennedy's statements on the judicial role made before his nomination. These statements provide a more valuable insight into his philosophy than the testimony given under the glare of the television lights.

In discussing the controversial issue of unenumerated constitutional rights developed by judges, Judge Kennedy made the following key points:

> One cannot talk of unenumerated constitutional rights under the U.S. Constitution without addressing the question whether the judiciary has the authority to announce them * * *.
>
> I submit it is imprudent as well to say that there are broadly defined categories of unenumerated rights, and to say so apart from the factual premises of decided cases. This follows from the dictates of judicial restraint * * *.
>
> The imperatives of judicial restraint spring from the Constitution itself, not from a particular judicial theory * * *.

Judge Kennedy summed up these views by pointing out the dangers to our entire democratic process created by improper judicial activism. As he eloquently stated:

> If the judiciary by its own initiative or by silent complicity with the political branches announced unenumerated rights without adequate authority, the political branches may deem themselves excused from addressing constitutional imperatives in the course of the legislative process. This would be a grave misallocation of power * * *. The unrestrained exercise of judicial authority ought to be recognized for what it is: The raw exercise of political power.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if there is another Senator on the other side of the aisle who wishes to proceed, he may. We do not have another speaker waiting at the moment.

Mr. THURMOND. Mr. President, I yield 3 minutes to the able Senator from California, Senator WILSON.

The PRESIDING OFFICER. The Senator from California, Senator WILSON, is recognized for 3 minutes.

Mr. WILSON. Mr. President, I have the advantage over my colleagues in that in casting this vote I will not only have paid attention to the record, but will have the benefit of 20 years of personal knowledge of Judge Anthony Kennedy.

Mr. President, I have known Tony Kennedy since he was a young lawyer. Of all of the votes that I will cast, the hundreds on the floor of this Senate, few will give me greater pleasure. I will cast few with greater confidence. And I think few will be cast by this body with greater confidence than that which we have today in Tony Kennedy.

He is a man whose entire life and certainly his career in law has inspired confidence by those who have watched him: by adversaries, by jurors, by judges.

Mr. President, I am proud to have been one of the many who brought his name to the attention of the President and recommended that he be appointed to fill this crucial vacancy on the Supreme Court.

Mr. President, I know that personally he is possessed of the intellect, the character, the integrity, the judicial temperament, and the compassion required for a great jurist. He has been a great judge and will be a great Justice.

Mr. President, he has been a student, a practitioner, and a distinguished teacher of the law as well as a discerning judge. When I speak of compassion, I would lay emphasis on the fact that he has been concerned not solely for the rights of the accused as, of course, he must be under our system of justice, but also, he has taken into account and enunciated, as few judges have, the necessity that there be in the law a clear recognition for the rights of the victims of crimes. In particular, he has made clear that in order for justice to be served and for our system of justice to inspire the confidence required for a people who will take pride in and actually believe in the rule of law, it is necessary that that system of judges be seen as working. It must work. It must be seen to work. To be seen to work, it must adequately look to and compensate the victims of crimes.

He has made that clear not only in speeches and in articles, but in his own decisions. He has never lost sight of the need for the criminal justice system to seek justice for all those affected by crime.

In an eloquent speech in New Zealand last year, he stated forthrightly:

> A decent and compassionate society must recognize the plight of its victims.

It is little wonder that victims often fail to report crimes, Judge Kennedy notes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. Mr. President, I will conclude and say only that we can and should expect great things of this judge. He will be a leader, not simply serving the law but also serving this Nation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself 1 minute.

Mr. President, it is an interesting situation in the Senate that after months and months of wrangling over who is going to be the next Supreme Court Justice, we find 1 hour of debate, with everybody in complete unanimity, a foregone conclusion that Judge Kennedy will be confirmed.

I think that many lessons were learned from that, not the least of which is that all Presidents must have a sense of history when they appoint a Supreme Court Justice, realizing they are appointed for life, that they extend beyond any President, that they are there to represent all people in this country, not one isolated judicial philosophy.

Also, we have demonstrated, I believe, for all time, that the Senate will not longer be a rubberstamp, but will very carefully look to each nominee and then, when satisfied, reflect really the feelings of the people of this country who also, I believe, are satisfied and happy with his nomination.

The PRESIDING OFFICER. The Senator's time has expired. Who seeks recognition?

If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. WIRTH. Mr. President, since Supreme Court Justice Lewis Powell, Jr., announced his intention to resign his seat on the Nation's highest court last summer, this Nation has been embroiled in a far-reaching debate over the fundamental principles upon which our democracy was founded. While the difficult and emotional issues raised in this process have regrettably caused some polarization among many of our citizens, in general, I believe that the vigorous debate of the meaning of our constitutional guarantees has served us well.

This national debate has provided Americans with a firsthand look at how the checks and balances, built into the Constitution by our forefathers, work to ensure that no single branch of Government—however popular or currently acclaimed—may wield power without due measure of constraint and scrutiny. In the hearings and the subsequent vote on Robert Bork's nomination, the Senate fulfilled its advise and consent role prescribed by the Constitution in the selection of Supreme Court justices. In so doing, this body pursued its responsibility to examine the judicial temperament, philosophy and experience of nominees with the grave seriousness the democratic process commands.

In considering the qualifications of Judge Anthony M. Kennedy to assume the position of Associate Justice of the Supreme Court, I reviewed the criteria I developed last summer prior to the Judiciary Committee's hearings on Justice Powell's successor. I submit those criteria and ask that they appear in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WIRTH. The evidence presented by Judge Kennedy and by the witnesses indicate that he is a balanced jurist who decides cases based on a strict, but nonideological, interpretation of the laws involved. Judge Kennedy appears to understand both the meaning and the power of our traditions of individual liberty and social equality. He exhibits a willingness to view the Constitution as a tool for correcting injustice and ensuring equity.

In reviewing the records of Federal judges in the 1980's, I think we have to examine issues related to the right of citizens to challenge governmental action. In the course of cleaning our air and water and protecting citizens from exposure to toxic chemicals, the right to have disputes settled in the Nation's courts of law is a precious one—particularly for citizens in my own State of Colorado. Judge Kennedy's record reveals a heartening perspective on the doctrine of standing. His view of the judicial process appears to support the extension of prudent access to the Federal courts as a vital instrument for the protection of environmental values as well as for economic well-being.

Further, Judge Kennedy has exhibited a respect for the continuity of critical Supreme Court decisions and of fundamental American values. Throughout his career, his opinions impress upon the reader a deeply rooted sense of balance, understanding and maturity. This sense of proportion and perspective makes Judge Kennedy's qualifications for the position of Associate Justice that much more compelling.

The placement of a Justice on the Supreme Court is of such consequence that I believe we should only agree to do so when the weight of evidence clearly suggests that the individual is fully cognizant and respectful of the rights and liberties of citizenship which set this Nation apart. Supreme Court Justices sit for life in final judgment on matters of the utmost importance to the American way of life. They are often the last bastion of protection that citizens have against the tyranny and power of organized government and other forces which would curb the rights of individual Americans. No Senator may lightly confirm a Supreme Court Justice.

The distinguished record of Judge Anthony Kennedy, I believe, comports with the fundamental rights and values of the American people and with our system of jurisprudence. His view of the Constitution, judicial philosophy and role of the Supreme Court conforms with that of many of the most distinguished jurists our Nation has known. As a result, I intend to vote for his confirmation as an Associate Justice for the U.S. Supreme Court.

Mr. President, I do concur in the judgments that have been made by my colleagues here today on the fitness of Judge Kennedy for this very important appointment and hope that we confirm him very rapidly, fill out the Court, and get on with our business.

EXHIBIT 1

CRITERIA FOR EVALUATION OF SUPREME COURT NOMINEES

(1) Does the nominee have the intellectual capacity, competence and temperament to be a Supreme Court justice?

(2) Is the nominee of good moral character and free of conflicts of interest?

(3) Will the nominee faithfully uphold the Constitution of the United States?

(4) What is the nominee's vision of what the Constitution means?

(5) Are the nominee's substantive views of what the law should be acceptable with regard to the fundamental rights of the American people?

(6) What are the nominee's views of the role of the Supreme Court and of Supreme Court justices?

(7) Would the confirmation of the nominee alter the balance of the Court philosophically and if so, is that balance in the best interests of the American people?

(8) Are the nominee's views well within the accepted, time-honored and respected views of legal tradition?

Mr. DOMENICI. Mr. President, I rise to support the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy's distinguished legal career, which includes over 12 years of service as a Federal appellate judge, demonstrates that he possesses the intellect, character, and temperament to serve on our Nation's Highest Court.

Judge Kennedy earned his undergraduate degree from Stanford University and was awarded a law degree cum laude from Harvard University.

From 1961 to 1975, Judge Kennedy practiced law in California. Since 1965, Judge Kennedy has taught law part-time at the McGeorge School of Law at the University of the Pacific.

In 1975, President Ford appointed Judge Kennedy to serve on the U.S. Court of Appeals for the Ninth Circuit, which covers the far Western part of the country.

In his 12 years on the bench, Judge Kennedy has authored over 400 opinions and has participated in over 1,400 cases.

Judge Kennedy has played a major role in a number of significant decisions. He authored the appeals court decision in the Chada case, which held the legislative veto to be unconstitutional. He also argued for a "good faith" exception to the exclusionary rule when he dissented from the ninth circuit's opinion in the Leon case. The exclusionary rule has been used by criminal defendants to prevent evidence from being used against them in court because of technical defects in search warrants, even though the police were acting reasonably. In both the Chada and the Leon cases the Supreme Court subsequently agreed with Judge Kennedy.

Judge Kennedy's opinions demonstrate that he is a firm advocate of law and order, yet is sensitive to the constitutional rights of criminal defendants. He respects civil rights and is committed to eliminating discrimination. He also understands the doctrine of separation of powers, that is, the Congress is to make laws, and the courts are to interpret them, and the need for judicial restraint.

The Judiciary Committee, which conducted an exhaustive examination of his background, unanimously recommended that the nomination of Judge Kennedy be approved, and the American Bar Association unanimously gave Judge Kennedy its highest rating of "well qualified." Judge Kennedy has a well-deserved reputation for fairness, open-mindedness, and scholarship. It is obvious to all who have examined his credentials that Judge Kennedy will make an excellent addition to the Supreme Court, and will likely carry on the distinguished tradition of the man he will replace, former Justice Lewis Powell.

Justice Powell's seat has been vacant for 7 months. Because of the vacancy, the Supreme Court has been unable to reach a decision on several important cases that have come before it. Every Member of this body is aware why the vacancy has taken so long to fill, and I shall not recount the details, except to say that it is time to put the episode behind us and return the Supreme Court to its full strength. The parties who bring their cases to the Court deserve a hearing before a full Court, and the people of the United States are entitled to have their laws interpreted by nine members of the Supreme Court.

Judge Kennedy is an excellent choice to fill the vacancy and bring the Supreme Court back to full strength. I encourage all Senators to unite behind this nomination and give Judge Kennedy their full support.

Mr. BUMPERS. Mr. President, I take seriously our responsibility as U.S. Senators to advise and consent to nominations to the Supreme Court of the United States. It is one of our most important functions, and I believe we must discharge our responsibility with vigor and with respect for our great Constitution. It is clear that our Founders intended for the Senate to play a coequal role in the confirmation process.

It is with these thoughts in mind that I come before the Senate this morning to state my support for the nomination of Judge Anthony Kennedy for Associate Justice of the Supreme Court of the United States. I have reviewed his judicial record and testimony before the Senate Judiciary Committee, and am convinced that he is within the mainstream of constitutional jurisprudence in this country. Although I will not agree with him on every issue, just as I frequently find myself in disagreement with current Justices, I believe he is a man of considerable intellect and sound judgment. He will be a consistent adherent to the sound doctrine of judicial restraint, and I commend him for that, but I do not believe he will give the majestic language of our great Constitution a narrow or crabbed interpretation.

Mr. President, I wish soon-to-become Justice Kennedy well as the Supreme Court faces the many contentious issues it must deal with in the months and years ahead.

Mr. KASTEN. Mr. President, I rise today to express my support for President Reagan's nomination of Judge Anthony Kennedy to fill the vacancy on our Nation's Supreme Court.

We've already gone 8 months without a full complement of Justices. Our Nation's judicial needs will not be met until the vacancy created by the retirement of Justice Powell is filled. And I agree with President Reagan that Judge Kennedy would fill this Supreme Court vacancy—and meet those needs—with intellectual vigor and distinction.

Anthony Kennedy has been a distinguished member of the Federal bench since 1975, when President Ford appointed him to the Ninth Circuit Court of Appeals. The record of his 12 years of appellate decisionmaking shows him to be a man of judicial temperament and intellectual clarity.

In the more than 400 decisions in which he has taken part, Judge Kennedy has remembered that it is the role of the judiciary to interpret the laws, not to make the laws. I think the addition of his voice to the Court would help preserve this principle of the separation of powers, so vital to the maintenance of our systems of Government.

The many decisions Judge Kennedy has authored, most notably Chadha versus Immigration and Naturalization Service, make clear his powers of reasoning and his place in the mainstream of American judicial thought. I do not expect to agree with Judge Kennedy on every case; I do have confidence that his judicial opinions on the Court will be founded securely on the rock of the Constitution and legal precedent.

Judge Kennedy also recognizes the primary purpose of our system of criminal law: the preservation of social order through a regime of liberty under law. In numerous criminal-law decisions, Judge Kennedy has sided with America's first line of defense against random thuggery and violence—our local police forces.

In short, Judge Kennedy is an enthusiastic defender of civil rights and civil liberties, and of the measures necessary for their defense.

I urge all my colleagues to join me in seating this man right where we need him—on the U.S. Supreme Court.

Mr. CONRAD. Mr. President, I rise in support of the nomination of Judge Anthony M. Kennedy to be Associate Justice of the Supreme Court.

The task of a Justice of the Supreme Court demands not mere strength of intellect, but a sensitivity to the core values and aspirations of the Constitution. I find in Anthony Kennedy these qualities and more: he is a first-rate constitutional scholar.

His background clearly commends him for the job. A practicing lawyer with a small firm and a teacher of constitutional law, he has been a judge on the Ninth U.S. Court of Appeals for 12 years. The American Bar Association has given him its highest recommendation and the Judiciary Committee has unanimously voted to recomend his confirmation to the Supreme Court.

During his confirmation hearings before the Judiciary Committee, Judge Kennedy was praised for his temperament and character. The committee's review of his decisions showed him to be open-minded; a judge committed to the fair-minded resolution of particular cases, rather than being driven by an overarching, predictable ideology. His decisions while a member of the appeals court are not boldly extreme, but carefully drawn interpretations of the fundamental law. His philosophy, like that of the distinguished Justice Powell, resists easy categorization. Judge Kennedy's measured, case-by-case approach to judicial decisionmaking gives me much greater reassurance than the rigid ideological views of earlier nominees.

To be certain, Judge Kennedy might not have been my first choice for the Supreme Court. But he is the President's choice, and I hope that he will be sufficiently devoted to the judicial protection of liberty and equality.

I will vote to confirm Judge Kennedy, and I applaud the President for the selection of a nominee who brings consensus, and not divisiveness to the nomination process.

Judge Anthony Kennedy is a conservative in the best of our constitutional traditions—he wishes to preserve that which is best, while recognizing that the Constitution is not a static and bloodless document. It will survive and serve our Nation only if it is interpreted with wisdom and common sense.

Mr. MOYNIHAN. Mr. President, when the Senate last debated a vacancy on the U.S. Supreme Court I stated that:

> The right of privacy is a fundamental protection for the individual and the family against unwarranted state intrusion. Its importance is such that I cannot support anyone for a Supreme Court appointment who would not recognize it.

The recently completed Judiciary Committee hearings regarding Judge Kennedy were greatly welcome to me in this regard. Judge Kennedy affirms the existence of a general right to privacy in the Constitution. During the confirmation hearings Judge Kennedy, asked whether he believed there was such a right, responded that:

> I think that the concept of liberty in the due process clause is quite expansive, quite sufficient, to protect the values of privacy that Americans legitimately think are part of their constitutional heritage. * * * It is very clear that privacy is a most helpful noun, in that it seems to sum up rather quickly values that we hold very deeply.

In particular, Judge Kennedy endorsed the Supreme Court's ruling in Griswold versus Connecticut. When asked his views on Griswold Judge Kennedy said:

> I would say that if you were going to propose a statute or a hypothetical that infringed upon the core values of privacy that the Constitution protects, you would be hard put to find a stronger case than Griswold.

Plainly, Judge Kennedy's views on privacy were not fashioned merely to accommodate the confirmation process. For example, in United States versus Penn, Judge Kennedy, in a dissenting opinion, argued against a police practice of offering $5 to a 5-year old child to get her to inform on her mother. He wrote:

> If we can, and do, protect the relation between a dentist and his clients from a disruptive search, certainly we have the authority, and the duty, to protect the relation between a mother and child from such manipulation. * * * Indifference to personal liberty is but the precursor of the State's hostility to it.

Without privacy there can be no liberty, no freedom. Judge Kennedy seems to realize this fundamental notion, one that dates back all the way to English common law. This was surely a concern of the 18th century. It may fairly be said to be the central concern of the 20th. For ours is the century of totalitarianism, and wherever it has come to power, whatever its particular doctrines, the central act of totalitarian Government is to annihilate individual privacy. Thus did Orwell's 1984 become the great political statement of this age. Thus equally are democratic societies put on their guard.

I am sure that Judge Kennedy's views on privacy have reassured many of my fellow New Yorkers. Indeed, the Association of the Bar of the city of New York, headed by Robert M. Kaufman, has recommended that Judge Kennedy be confirmed as a member of the Supreme Court. I concur with the bar association. Though I would not agree with Judge Kennedy on every point, his basic judicial philosophy recognizes that fundamental rights and liberties are protected by the Constitution. For this reason, I support the confirmation of Anthony M. Kennedy as an Associate Justice of the Supreme Court.

Mr. LEVIN. Mr. President, in exercising its advice and consent responsibility with respect to a Supreme Court nominee, the Senate should make a thorough assessment of the nominee's competence character and individual temperament. There are also a few instances where it is appropriate for the Senate to consider a nominee's policy values. For instance, a nominee's policy values are relevent if those values are inconsistent with a fundamental principle or principles of American law. The second instance occurs when the nominee is so controlled by ideology that such ideology distorts their judgment and brings into question a nominee's fairness and openmindedness.

Judge Kennedy's performance during 13 years on the Federal bench leaves no doubt about his competence or his integrity. And his policy values appear to be neither inconsistent with settled constitutional law, nor a controlling factor in his judicial decisions.

Mr. President, Judge Kennedy does not appear to be a zealot, or a jurist who allows an ideology to dominate his approach toward a particular decision. Rather, he appears to be an open-minded judge who will fairly construe the law in each case that comes before him.

I see nothing in Judge Kennedy's record or testimony to indicate rigidity or inflexibility. One remark Judge Kennedy made during the Judiciary Committee hearings in response to a question by Senator SPECTER is, I hope, indicative of what his approach will be on the Supreme Court.

> It is difficult for me to offer myself as someone with a complete cosmology of the Constitution. I do not have an over-arching theory, a unitary theory of interpretation. I am searching, as I think many judges are, for the correct balance in constitutional interpretation. (Hearing transcript, December 15, 1987, p. 17.)

Although it appears that Judge Kennedy will be fair and open-minded as a Supreme Court Justice, I did have some concerns about his responses to questions about his previous membership in clubs that discriminate against women and minorities.

In a Senate Judiciary Committee questionnaire filled out by Judge Kennedy before his confirmation hearings began, he responded to several questions concerning his membership in business and social clubs. The questions refer to the American Bar Association [ABA] Code of Judicial Conduct, which was amended in 1984 to state that:

> It is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.

The ABA Code does not define what is meant by "invidious discrimination," although it adds that "whether an organization practices invidious discrimination is often a complex question to which judges should be sensitive."

Judge Kennedy made an effort in his answer to the committee questionnaire to define invidious discrimination, explaining that it—

> suggests that the exclusion of particular individuals on the basis of their sex, race, religion or national origin is intended to impose a stigma on such persons. (questionnaire, p. 50).

Responding to Senator KENNEDY during the hearings, he further stated that:

> Discrimination comes from several sources. Sometimes it's active hostility, and sometimes it's just insensitivity and indifference. (transcript, December 14, 1987, p. 137).

He went on to suggest that the discrimination practiced by the clubs he had belonged to was not invidious because it arose from insensitivity, not from active hostility.

Because I was not sure of Judge Kennedy's basis for determining what was or was not invidious discrimination, I asked him about it, as one of several questions I submitted in writing. I asked him to give some real life examples of when discrimination against women and blacks would not be invidious, and whether he thought that the discrimination against women and blacks practiced by clubs he had belonged to was invidious.

I found his response reassuring in one respect: he said that he did not mean to imply that legalistic interpretations of the phrase "invidious discrimination" could "provide an appropriate basis for individuals or organizations to justify their conduct." He went on to say that "discrimination against women, blacks, or other minorities imposes real injury and is wrong whether it arises from intentional, active bias or from indifference and insensitivity." On the other hand, Judge Kennedy also reiterated his belief that the membership practices of the clubs he belonged to "were not invidious in the sense intended by the ABA Code because they were not animated by ill-will."

Judge Kennedy cannot be held responsible for the ambiguity of the ABA Code as to the meaning of "invidious discrimination," and I have written to the ABA seeking clarification on this point. However, I was somewhat troubled by the judge's justification of his previous club memberships based on an interpretation of the ABA Code for which I find no supporting evidence.

My lingering doubts about that matter are outweighed by my overall impression of Judge Kennedy. He appears to be a fair and open-minded jurist who will decide cases based on the specific facts and arguments before the Court, not on the basis of a precast, preformulated, preordained ideological agenda. Therefore, I will vote in favor of his nomination to the Supreme Court.

Mr. CHAFEE Mr. President, it is with pleasure that I vote today to confirm the President's nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

It is clear to me, as it was to all 14 members of the Judiciary Committee, that Judge Kennedy is the right person to replace Justice Lewis Powell. In casting my vote today in favor of Judge Kennedy I note that the committee report states, "Judge Kennedy seems to possess the truly judicious qualities that Justice Lewis Powell embodied."

Judge Kennedy's background and career history make him eminently qualified to serve on the Supreme Court. He received his bachelor's degree from Stanford and his law degree from Harvard.

He practiced law in San Francisco and Sacramento for 14 years before President Ford appointed him to the U.S. Court of Appeals for the Ninth Circuit.

Throughout his career, Judge Kennedy has demonstrated his excellent understanding of the law and the role of the courts in the American legal system. In addition, he has shown himself to possess the qualities and character that one associates with the leading names in our judicial tradition. The American Bar Association has given him its top rating, "well qualified," and reports, as noted by the Judiciary Committee, that his "integrity is beyond reproach, that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work and that he is uniformly praised for his judicial temperament."

Mr. President, I would like to underline at this point that Judge Kennedy demonstrated in the hearings on his nomination his firm belief in the tradition of judicial restraint, but also his refusal to turn that approach into an inflexible philosophy or ideology. This is just the point of view that I have been looking for in the individual who would replace Justice Powell.

As the Judiciary Committee's report states, "Judge Kennedy has no single immutable or overarching theory for interpreting the Constitution and thus he pursues a cautious and measured approach."

I agree with Judge Kennedy and with the committee report that rigid ideologies have no place on the Supreme Court. The genius of the Constitution has been, in my mind, its ability to serve our country so well over the last two centuries, years of incredible change. Its protection of freedom of speech, of the right to privacy, of equal protection under the law, and of a great array of individual rights, is owed to the wondrous elasticity of its language.

Our Supreme Court justices have recognized the Constitution as a document meant to be interpreted, not according to a strict literal reading of its words, but according to the broader and wiser intent of the Framers. That intent was to create a document that would serve the Nation as it grew and matured over the years. Judge Kennedy clearly understands this tradition and places himself firmly within it. He has the right combination of intellectual ability and judicial temperament to continue the great tradition.

Mr. HATFIELD. Mr. President, I am pleased to cast my vote in favor of Judge Anthony M. Kennedy to serve as an Associate Justice of the U.S. Supreme Court.

Having reviewed his background, I am convinced that Judge Kennedy possesses those qualities of intellect, scholarship, humility, and a sense of fundamental fairness that will make him one of the great Justices of the Supreme Court.

Born in Sacramento, CA and schooled at Stanford University, the London School of Economics, and Harvard Law School, Judge Kennedy has had a distinguished career as a private lawyer, a professor of constitutional law, and as a Federal judge on the U.S. Court of Appeals for the Ninth Circuit.

Having served on the Federal bench for 13 years, Judge Kennedy has authored over 400 opinions and participated in over 1,400 decisions. His decisions have spanned many areas of law, including criminal law, constitutional law, civil rights, and criminal procedure. The tone of his opinions demonstrates that he is a conservative jurist in the best sense of the word, and in the best tradition of some of the great Justices of the Supreme Court.

Judge Kennedy believes that a judge must base his or her decision on neutral principles, applicable to all parties. Although an advocate of basic tenets of constitutional interpretation such as judicial restraint and the separation of the powers of government, Judge Kennedy has no rigid theory of judicial interpretation. Rather, as he testified before the Judiciary Committee, he is "* * * searching, as I think many judges are, for the correct balance in constitutional interpretation." As his testimony indicates, the judge is a thoughtful man, capable of continued growth and evolution in his thinking.

In my private meeting with Judge Kennedy, I was struck not only by his intellectual ability, but by his genuine reverence for the law and the Supreme Court. Judge Kennedy also possesses those intangible, but important, qualities of humility, empathy, and compassion that have displayed themselves in the quality of his legal reasoning and in the fairness of his judicial opinions.

Clearly, Judge Kennedy will make an excellent addition to the Supreme Court and I welcome the opportunity to declare my support.

● Mr. GORE. Mr. President, I would like to take this opportunity to announce my support for the nomination of Judge Anthony Kennedy to the Supreme Court.

The Judiciary Committee conducted careful hearings on Judge Kennedy's nomination—as it must do on all nominations to the Federal judiciary, especially appointments to the Supreme Court. My review of Judge Kennedy's testimony during those hearings satisfies me that he is a careful, conscientious, and openminded judge.

Judge Kennedy is an advocate of judicial restraint—limiting his holdings to those facts before him. Yet he does not feel that the Constitution is an immutable document that yields yes and no answers to all legal disputes. He understands that the meaning of the Constitution today can be ascertained only by careful construction of its text, accurate reading of the historical intentions of the framers, and sensitive application of its principles to the vastly changed society in which we now live. And just as he sees the Constitution as a dynamic document, Judge Kennedy has shown a capacity for growth himself.

I believe Judge Kennedy has demonstrated a growing sensitivity to the plight of the disadvantaged in our society, to minorities, and to women. Along with my vote for Judge Kennedy I make a plea that when he takes his place on the Supreme Court of our Nation, that he be vigilant in his protection of those whose rights are all too often ignored, and that he remember that the Supreme Court is often truly their court of last resort.

Judge Kennedy has shown himself to be conscientious, thoughtful, and openminded. These are the qualities most crucial for a Supreme Court Justice. The ABA committee unanimously found Judge Kennedy to be "well-qualified." The Judiciary Committee was unanimous as well in its endorsement. To this I am happy to add my support.●

Mr. HECHT. Mr. President, I rise today in support of the nomination of Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. I would like to say, at the outset, that I am pleased with the manner in which this confirmation process has been handled this time around. It should be obvious to everyone who has watched the Kennedy nomination proceed through the Senate, that we have before us an extremely qualified, well-respected, and outstanding nominee, and I feel very confident in saying that in my estimation, Judge Kennedy will serve our country admirably as a member of the U.S. Supreme Court.

Judge Kennedy has served with distinction as a member of the Federal judiciary on the Ninth Circuit Court of Appeals in San Francisco, and through his opinions and writings, he has certainly proved himself to be qualified and consistent. In addition to his service on the bench, Judge Kennedy has been an outstanding law school professor at McGeorge Law School in Sacramento, CA. It did not come as a surprise to me, then, when I received favorable and supportive letters from a number of my constituents who, coincidentally, had been taught by Judge Kennedy. Among these former students, praise of his ability was universal. In fact, to quote Mr. James Jacques, a Reno, NV attorney:

> I found him (Kennedy) to be an absolutely outstanding professor. He is the kind of person that I firmly believe we strongly need on our U.S. Supreme Court.

I couldn't agree more!

Mr. President, we all know by now that Judge Kennedy was given the top rating of "well qualified" by the American Bar Association Standing Committee on the Federal Judiciary, which suggests that the praise of Judge Kennedy's ability is not limited to his former students, but also the praise appears to be consistent from within the legal profession. In this day and age, as my colleagues well know, this type of overwhelming support is indeed very rare, and should be taken as another example of the fact that Judge Kennedy is an exemplary nominee, and should be confirmed unanimously. If the American Bar Association can give him a unanimous recommendation, the U.S. Senate can likewise give him a unanimous confirmation vote.

Mr. President, I would be remiss in my responsibility as a representative of the citizens of the great State of Nevada, however, if I did not make reference, at this point, to the entire process which has taken place in the efforts by our President to fill the vacancy of Justice Lewis Powell's seat on the Court. Specifically, I would like to reiterate my comments of last October regarding the President's first nominee to fill this vacancy, Judge Robert Bork.

Although I would in no way wish to diminish the favorable response given to Judge Kennedy's nomination today, I feel that it is extremely important for my colleagues to remember the absurdity of the confirmation process which proceeded Judge Kennedy. All of us who are privileged enough to serve in this body know that when our constituents feel strongly about an issue they certainly do not hesitate to call or write us. During the hearings and votes on Judge Bork, I can honestly say that I received more calls and letters than on any other single issue since I have been a U.S. Senator.

Mr. President, I was proud to stand here last October and vote in support of Judge Bork because that is how my constituents felt about the issue, and that is, overwhelmingly, the way in which my constituents wanted me to vote. I only wish that there were a few other Senators on that day who had listened to their constituents instead of listening to the overwhelming thunder by those special interest groups who took it upon themselves to determine what was in the public's best interest. As I said back then, the intense and inappropriate political debate surrounding Judge Bork was extremely unethical, and it was certainly an unfortunate blemish upon the legislative record of this historic body.

I am pleased by the fact that Judge Kennedy's nomination has not been surrounded by the whir of inappropriate political debate, but we must never forget the manner in which the previous nomination was handled and make every possible attempt to avoid future situations which lower the quality and the demeanor of the U.S. Senate. Again, I ask my colleagues to join my support of Judge Kennedy and to give him a unanimous confirmation vote.

Thank you, Mr. President.

Mr. BAUCUS. Mr. President, I rise in support of the President's nomination of Judge Anthony Kennedy to become an Associate Justice of the Supreme Court.

I have reviewed Judge Kennedy's testimony before the Judiciary Committee very carefully. I have also reviewed many of the decisions Judge Kennedy wrote during his long and distinguished tenure on the Ninth Circuit Court of Appeals.

While I do not agree with everything Judge Kennedy has said and written, I find Judge Kennedy to be, on balance, an extremely thoughtful and articulate jurist. I believe he is eminently qualified to take a seat on the Supreme Court.

Mr. President, under our constitutional form of government judicial appointments are a responsibility shared by the President and the Senate. The President nominates Supreme Court Justices and the Senate advises and consents on those nominations.

Our responsibility is to insure that the individual nominated by the President is qualified to serve on the Court. In addition, we must assure ourselves that a nominee's view of the role of the Supreme Court is consistent with the best interests of all the American people.

That is the responsibility given to us by the Founding Fathers in article III of the Constitution. It is a judgment not to be made lightly.

These are exactly the same standards I applied to Judge Bork: competence and judicial philosophy. While I had grave misgivings over whether Judge Bork would defend the basic constitutional liberties of the American people, I have no such qualms with Judge Kennedy.

After carefully reviewing Judge Kennedy's record, I believe he easily passes both these tests.

It is clear that Judge Kennedy is qualified to sit on the Supreme Court. He has had a distinguished career on the Ninth Circuit Court of Appeals, which includes my own State of Montana. In addition, the American Bar Association unanimously gave him its highest rating.

It is equally clear to me that Judge Kennedy is committed to the protection of the basic constitutional rights of the American people. In this he stands in marked contrast to Judge Bork.

I am confident Judge Kennedy will decide each case that comes before him individually, on its own merits. He will not bring to the Court his own pet theory of constitutional interpretation.

Judge Kennedy told the committee that he is still searching for the correct balance in constitutional interpretation. I think that is exactly right.

Whenever a judge stops searching for that precious balance, justice suffers. In my view, a judge who believes he or she has found all the answers should start thinking about a different career.

Judge Kennedy also believes that the American people have a right to be left alone. He finds that right in an expansive interpretation of the word "liberty" in the 5th and 14th amendments. Again, I think that is exactly right.

He said that there is a line beyond which an individual can tell the Government not to go. Certainly that line is not clearly drawn. But, it is a relief to this Senator to know that Justice Kennedy will search for its contours.

Finally, Mr. President, I am convinced that Judge Kennedy is a true judicial conservative in the best sense of the word. He recognizes that the role of the courts is limited. He appreciates the differences between the legislative and judicial functions.

He knows that the Congress is charged with making the laws, while the Court is directed to interpret them. His will be a voice of restraint on the Court.

Mr. President, I sincerely hope my colleagues will join with me in voting to confirm the nomination of Judge Anthony Kennedy to become an Associate Justice of the Supreme Court.

Mr. MITCHELL. Mr. President, I rise in support of the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

The Senate Judiciary Committee moved expeditiously in completing its hearings and favorably reporting the nomination to the Senate. I am pleased that the Senate vote was scheduled promptly as well.

The year-end report on the state of the judiciary by Chief Justice Rehnquist last year reflected the fact that caseloads throughout the Federal judiciary are at record or near-record levels. The Supreme Court alone acted on 4,340 cases.

Because the rulings handed down by the Supreme Court are essential for the guidance of the lower courts, it is important that the vacancy left by Justice Powell's resignation be filled as soon as possible.

In this regard, I am pleased that the President nominated Judge Kennedy.

Judge Kennedy has 12 years of experience on the appeals court. He has written and taken part in several hundreds of cases, including some which have been of seminal importance to the Nation.

His ruling in Chadha versus INS, for instance, struck down an enormous range of statutes in which Congress had granted itself the right, by one-house votes, to override the decisions of the executive branch in carrying out statutory law. The Supreme Court upheld Judge Kennedy's ruling that this was an impermissible intrusion of the legislative into the proper sphere of activity of the executive branch.

Judge Kennedy's view as reflected in his record do not mirror mine in every particular, but I do not expect them to do so.

Such disagreements do not, however, constitute a sound reason to reject an otherwise very well-qualified nominee.

In a broader sense, Judge Kennedy's responses to the committee on questions such as respect for precedent, unenumerated rights and constitutional philosophy reflect the measured and thoughtful judgments for which he is known on the bench.

Judge Kennedy has stated he has no overarching philosophy of the Constitution. Instead, he says the role of the court is to reach conclusions of law and fact in each particular case before it. He believes this is the soundest means of developing a body of precedent and law to guide the Nation.

The roles of the President and the Senate in appointing men and women to the courts have been highlighted over the past year. Individuals and groups with different philosophies have sought to persuade all of us of the legitimacy of their claims.

Some say the President's choice must be respected and therefore supported by the Senate.

Others claim that because no truly objective form of judicial reasoning can be demonstrated beyond argument, the Senate has a right to reject nominees on result-oriented grounds.

Neither view is grounded in the Constitution.

There is no single right of appointment to the Supreme Court. The Constitution gives the President the right to nominate. But it explicitly gives the Senate the right to "advise and consent," not merely to rubberstamp.

The sharing of this responsibility arises because the founders recognized that no President should have a free hand in shaping the third branch of Government and that no Senate's partisan tendencies should govern it either. Instead, the two branches—executive and legislative—both have an important role to play.

The Constitution is wiser than many of those who have lived under it. It does not contain criteria for judges any more than for Presidents or Members of Congress. Instead, those criteria are left to the wisdom of the voters in the latter two cases and to the judgment of their elected representatives in the former.

The founders knew what too many of today's political leaders tend to forget—that their wisdom and insights were limited to their own times, just as ours are to our time. So they wove no straitjacket for our political future. Instead, they left us a set of rules by which the political differences of our times must be adjudicated.

We have heard judges labeled "conservative" or "liberal." There are probably as many definitions as there are people making them. But catchall labels are no way to reach a consensus of what we expect in a Supreme Court Justice.

Intellectual brilliance alone is not enough. Neither is long experience. Both are valuable. Neither, taken alone, is sufficient.

The role of our courts is not to dispense moral advice or to correct the moral lapses of the larger society. The role of our courts is to dispense justice according to the law and the Constitution.

That means the Constitution as amended. The courts are not the guardians of the 19th century, or the vanguard of the 21st. They reflect the society in which their presiding judges live, and they dispense justice in accordance with the laws of that society, enacted by the voters' representatives.

The courts occupy a special place in our democratic system. They are the one element of our government which is not democratically selected because they are the element of our government whose function it is to protect the unpopular, the minority against the majority.

When the courts reach too far or fail to reach far enough, redress is the role of the legislative branch or the people themselves through the amendment process. But for the numerically insignificant, or the temporarily controversial, justice not dispensed promptly is justice denied.

That, too, is a particular responsibility of the courts in our system. The judges who sit on those courts must be aware that the unique, the particular—in common terms, the oddball—deserve the full protection of the laws, just as the mainstream does.

Judge Kennedy's emphasis on the goal of seeking justice in the particular facts and the particular case before him reflects a sensitivity to that element of our system which makes him a valuable addition to the Supreme Court.

In choosing Judge Kennedy, the President has selected a nominee of broad and deep experience in the judicial system, with a demonstrated record of careful and judicious reasoning, and personal and public probity.

I am pleased to give this nomination my full support.

Mr. CRANSTON. Mr. President, I will vote to confirm Anthony M. Kennedy to serve as an Associate Justice of the U.S. Supreme Court.

The vote on the confirmation of an individual to serve on our highest court is one of the most important and far-reaching decisions which a Member of the Senate will face in the course of service in this body.

A seat on the Supreme Court is a lifetime position. A Justice can be removed from office only upon impeachment and conviction of the severest of high crimes. It is not uncommon for a Supreme Court Justice to serve for two and sometimes three decades, long after the expiration of the terms of office of the President who made the nomination and the Senators who voted on it.

The framers of the Constitution recognized the great importance of the selection of individuals to serve on the Supreme Court. They deliberately refused to entrust this heavy responsibility to any one branch of government. Instead, they determined that this should be a matter of shared power and shared responsibility.

Senator Robert Griffin, then-Republican Senate whip, aptly described this shared responsibility during the debate on the Haynsworth nomination in 1969:

> Under the Constitution, the President is vested with only half the appointing power. He nominates and the Senate confirms. Accordingly, the Senate's advise and consent responsibility is at least equal to the President's responsibility in nominating. If the judiciary is to be an independent branch * * * it is essential that its members owe no greater indebtedness for an appointment to one particular branch of our government.

In the past year, both the Nation and the Senate have come to understand more deeply the full meaning of that shared responsibility. In its decisive rejection of President Reagan's third nominee to the Court, Judge Robert H. Bork, by a vote of 58-to-42 on October 23, 1987, the Senate assumed and reaffirmed its constitutionally mandated obligation to exercise independent judgment as to whether confirmation of a judicial nomination would be in the best interest of the nation.

In rejecting the Bork nomination, the Senate refused to place upon the Supreme Court a judicial radical with an avowed ideological agenda.

The Senate rejected a nominee who, over the course of several decades, had repudiated, disparaged, and derided a body of law and principles which form the framework for much of the individual liberties and freedoms which Americans enjoy.

The Senate refused to entrust the awesome responsibilities of an Associate Justice of the Supreme Court to a nominee who had given repeated warnings that he was prepared to rewrite settled principles of constitutional law.

In rejecting the Bork nomination, the Senate discharged its responsibilities well and in the best interest of our Nation.

The pending nomination of Anthony M. Kennedy presents a sharp contrast to the failed nomination of Robert H. Bork.

CONTRAST TO JUDGE BORK

Unlike Judge Bork, there is no indication that Judge Kennedy has an ideological agenda he is committed to carrying out once confirmed. On the contrary, the evidence seems clear that Judge Kennedy is predisposed to approach each issue on a case-by-case basis. That pattern appears throughout his decisions during his 12 years on the Ninth Circuit Court of Appeals. As the American Bar Association noted in its report to the Senate Judiciary Committee, practicing lawyers familiar with Judge Kennedy's record and demeanor on the Federal bench uniformly characterize him as utilizing a case-by-case approach without any particular preordained agenda or set philosophical perspective on relevant areas of the law. Judge Kennedy repeatedly affirmed this approach during his confirmation hearings. Testimonials from the numerous students in his constitutional law classes at McGeorge Law School over the past two decades reiterated this perception of Judge Kennedy's analysis of legal issues.

Judge Kennedy's legal and judicial philosophy appears to be well within the mainstream of legal thought. Judge Kennedy's legal philosophy, as illustrated in his opinions on the bench and in his speeches, can best be characterized as moderate, cautious, and restrained, albeit conservative.

Judge Kennedy has indicated his support for the notion of an evolving concept of liberty drawn from both the enumerated and unenumerated rights in the Constitution. Professor Laurence Tribe succinctly observed in his testimony before the Judiciary Committee supporting the nomination:

> Judge Kennedy's opinions reveal a belief in the fundamental constitutional principles that have been of concern to this committee. In particular, they demonstrate the absence of any categorical opposition to a view of the Constitution as an organic, evolving document; dedication to the fundamental role of the courts in our constitutional system as protectors of individuals and minorities from oppressive government; and a commitment to the special place of courts in elaborating and enforcing principles implicit in the Constitution's structure, even when those principles may not be explicitly stated within the four corners of the document.

CONCERNS ABOUT MEMBERSHIP IN DISCRIMINATORY PRIVATE CLUBS AND RESTRICTIVE CIVIL RIGHTS DECISIONS

Mr. President, although the weight of the record on Judge Kennedy indicates that he is a fair-minded and even-handed jurist, there are several issues which have been of concern to me and a number of civil rights organizations.

First is the matter of Judge Kennedy's membership in private clubs which have practiced discrimination in admissions. Judge Kennedy tendered his resignation from two of those clubs when his nomination to the Supreme Court became imminent. A third he resigned from several years ago when, as he described to me in a private meeting, he realized that it was inapropraite for a Federal judge to walk from the courthouse to have lunch in a facility that excluded women and minorities. Judge Kennedy expressed to me his recognition of the impropriety of his continuing membership in that club. Unfortunately, he did not take the same action with respect to his membership in two other private clubs which similarly excluded women or minorities, by policy or practice.

The problem in my view is compounded by the fact that Judge Kennedy sat on the Federal judicial conference committee which worked on the canon of judicial ethics dealing with the problem of membership by members of the judiciary in discriminatory private clubs. The 1984 commentary to that canon states:

> It is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin. Membership of a judge in an organization that practices invidious discrimination may give rise to perceptions by minorities, women, and others, that the judge's impartiality is impaired.

In our discussion of this matter, Judge Kennedy candidly acknowledged his need to be more sensitive on this type of issue in the future.

Mr. President, I hope that the problems that continued membership in discriminatory private clubs pose for individuals like Judge Kennedy who aspire to positions of public confidence will help bring additional pressure upon these organizations to abandon such discrimination. The subtle and not-so-subtle adverse impact that these discriminatory membership policies have upon women and minorities, particularly in their professional relationships with colleagues and business associates, needs to be ended. Judge Kennedy's resignations, although belated, underscores the unacceptability of continuation of this type of discriminatory policy.

There has also been justifiable concern expressed by a number of civil rights organizations, including several leading Hispanic groups in California, about a pattern of decisions rejecting the claims of civil rights litigants, often on procedural or technical grounds. Particularly disturbing is Judge Kennedy's decision in the TOPIC versus Circle Realty case, denying standing to individuals in a housing discrimination case. That decision, rejected by the Supreme Court in a 7-to-2 opinion authored by Justice Powell, suggests a failure to recognize the importance of rectifying racial discrimination by aggressive enforcement techniques. Similarly, his concurrence in affirming a summary judgment in a key voting rights case, Aranda versus Van Sickle, suggests a failure to afford the plaintiffs the full opportunity to establish their claims of discrimination. The summary disposition of many of the factual issues—found in favor of the plaintiffs by the trial court—in the case involving wage discrimination, AFSCME versus State of Washington, is also of concern. In other discrimination cases, Judge Kennedy has authored opinions barring litigants from pursuing their cases because of procedural problems, for example, EEOC versus Alioto Fish Co.

Nevertheless, balanced against these cases are several civil rights decisions by Judge Kennedy protecting the interests of minority litigants. In particular, Flores versus Pierce, a case involving discrimination by local elected officials against Hispanic restaurant owners, can be cited as an example of Judge Kennedy affirmatively upholding a civil rights complaint.

Mr. President, I am disturbed that Judge Kennedy's application of narrow procedural rules has served in so many cases to bar civil rights litigants from establishing their claims. Yet, as Professor Tribe testified, in none of these decisions is there any "evidence of antipathy to fundamental constitutional principles."

It is my belief that Judge Kennedy needs to become more sensitive to the more sophisticated aspects of discrimination in our society and to become more receptive to the need to implement vigorous enforcement techniques designed to root out and bring an end to the invidious discrimination which continues to plague our Nation. Broad antidiscrimination policies will have little impact if procedural obstacles bar implementation of those policies.

I do, nevertheless, see in Judge Kennedy the capacity to grow and become more acutely aware of these problems and the role that the courts must play in protecting civil rights.

Finally, Mr. President, it should be noted that Judge Kennedy received a unanimous well qualified rating by the American Bar Association—its highest rating.

CONCLUSION

Mr. President, a Senator's task in voting upon a nomination to the Supreme Court is not to determine whether that nominee might be one selected by the particular Senator or whether the nominee is sufficiently "liberal" or "conservative." Nor, indeed, should the vote rest upon an assessment of how the nominee will vote upon any single given issue.

The task is to determine, first, whether the nominee possesses the basic qualities of intellect, objectivity, and temperament required for the High Court, and, then, to ascertain whether the nominee understands and is committed to fundamental constitutional values and principles and appreciates the important role of the judiciary in defending constitutional rights and liberties.

I believe that Judge Kennedy meets each of these tests.

When President Reagan first announced his selection of Anthony Kennedy, I noted that the last Californian to sit on the Supreme Court was Chief Justice Earl Warren, who wrote the unanimous decision in Brown versus Board of Education. The Brown decision brought an end to racial segregation in this Nation and helped set a course for civil rights and individual liberty leading to a better and more just society for all Americans. I said that I hoped that Judge Kennedy's commitment to individual rights and equal justice measures up to the standards set by his predecessor from our great State.

I think Judge Kennedy has the intellect, the compassion, and the courage needed to help move our Nation forward as we confront the great issues ahead. I hope that he will fulfill that role and that history will mark his confirmation as part of a continuing march toward a better and more just society.

Mr. DOLE. Mr. President, it has now been more than 7 months since Justice Lewis F. Powell, Jr., announced his retirement from the Supreme Court. In that period of time, we in the Senate have gone through some amazing maneuvers in attempting to carry out our constitutional obligation of "advice and consent." Some experts say that, for better or for worse, we may have altered forever the way we choose the members of our Highest Court.

It is tempting, at this time, to talk about a nomination that is no longer before us; to question the fairness of a process that rejected an extraordinary scholar and jurist. I, for one, will resist that temptation, because raising those questions again will only detract from the extraordinary accomplishments of the man whose nomination is before us.

When Judge Anthony Kennedy was nominated to fill the vacancy on the Supreme Court, he faced a frightening array of obstacles. Some people openly speculated that no nominee could pass muster under the standards that had been applied to the two previous nominees. Others speculated that even a safe nomination could become hopelessly entangled in election-year politics.

Judge Kennedy, who by that time had compiled an impressive record as a lawyer, a teacher, and a judge, quickly put those doubts to rest. His appearance before the Judiciary Committee was masterful, silencing his early critics with keen thinking, and a clear sense of balance. The Judiciary Committee rewarded him with its unanimous "favorable recommendation," a result that had seemed almost unattainable at the outset of the process.

In my opinion, we cannot confirm Judge Kennedy too quickly. Since it opened its term in October, the Supreme Court has divided evenly on two important cases. More such confusing results may already be in the works. This country certainly deserves better than that.

More particularly, however, Judge Kennedy deserves to sit on that Court. He has proven his qualifications under the most difficult circumstances, and should receive the support and gratitude of every Member of this body.

I urge his unanimous confirmation.

Mr. KERRY. Mr. President, I support the nomination of Judge Anthony M. Kennedy to the Supreme Court of the United States. I do so not because I agree with Judge Kennedy on every issue, but because I believe that he is a thoughtful, moderate jurist who is within the mainstream of American judicial thought. I believe that Judge Kennedy will bring a reasoned, careful, case-by-case approach to the Supreme Court, much like that of his predecessor on the Court, Justice Lewis Powell.

I opposed the nomination of Judge Robert Bork to the Supreme Court because I felt that his writings as a law professor and a judge showed him to be outside the mainstream of American thought on issues of civil rights and civil liberties. His views did not reflect the consensus of the American people on these issues. For these reasons, Judge Bork's nomination was rejected by the Senate by a large margin.

Judge Kennedy, however, is much different in his approach from Judge Bork. One example is the right to privacy. Although not enumerated specifically in the Constitution, the Supreme Court has found an implicit right to privacy in the Constitution. Judge Bork rejected that concept and that precedent. Judge Kennedy respects it. He does recognize a right to privacy as implicit in the Constitution, and he so stated during his confirmation hearings in December. This is a major and important difference between Judge Kennedy and Judge Bork.

I do have some concerns about Judge Kennedy, particularly some of his past decisions in the area of civil rights and civil liberties.

For example, I have questions about his decision in Beller versus Middendorf, where Judge Kennedy authored an opinion upholding the constitutionality of Navy regulations providing for the discharge of those who engage in homosexual activities. While I agree with Judge Kennedy that there must be a "reasonable effort to accommodate the needs of the government with the interests of the individual," I am not convinced that this case strikes such a balance.

Also, in U.S. versus Leon, Judge Kennedy dissented from the majority's holding which affirmed the suppression of evidence in a drug case and refused to recognize a so-called "good faith" exception to the exclusionary rule. In U.S. versus Cavanaugh, Judge Kennedy upheld the legality of electronic surveillance by the FBI of an engineer who was suspected of espionage. And in AFSCME versus State of Washington, Judge Kennedy authored an opinion reversing a district court judge who found discrimination by Washington State against its female employees on the basis of "comparable worth."

I might have decided these cases differently than Judge Kennedy. But I believe that, on balance, his decisions were reasonable ones, based on his perception of the merits of each case, and not on some overreaching ideological theory or doctrine. Judge Kennedy's approach is one that I believe is appropriate for a Supreme Court Justice.

Judge Kennedy has been on the Federal bench for 12 years, and has authored over 400 opinions. He enjoys the respect of his colleagues. The American Bar Association has given Judge Kennedy its highest rating. His nomination has been reported out favorably, and unanimously, by the Senate Judiciary Committee. While I am concerned by the fact that respected groups such as Americans for Democratic Action and the National Organization of Women have decided to oppose his nomination, I believe that his nomination is as good as we are likely to get from this administration, and is better than most.

In a 1980 speech on presidential powers, Judge Kennedy said, "My position has always been that as to some fundamental constitutional questions, it is best not to insist on definitive answers. The constitutional system works best if there remain twilight zoners of uncertainty and tension between the component parts of the Government. The surest protection of constitutional rule lies not in definitive announcements of power boundaries, but in a mutual respect and deference among all the component parts."

That is a reasonable and thoughful view of our system of government, one which I can support. Unlike Judge Bork, Anthony Kennedy is not a judicial activist. He does not have a radical agenda. From all that his record permit us to determine, he is a judicial moderate, well within the mainstream of the judiciary. For these reasons, I will vote to confirm Judge Kennedy as an Associate Justice of the Supreme Court.

I ask unanimous consent that an article from the December 1, 1987, New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 1, 1987]

SPEECHES OFFERING INSIGHT INTO JUDGE KENNEDY

(By Stuart Taylor, Jr.)

WASHINGTON, Nov. 30.—Speeches written over the years by Judge Anthony M. Kennedy show that he has expressed cautious skepticism about whether the Constitution protects sexual privacy and other rights not actually spelled out in the text.

Judge Kennedy, President Reagan's Supreme Court nominee, has also questioned some decisions of the Supreme Court headed by Chief Justice Earl Warren expanding procedural protections for criminal defendants and aspects of the Court's handling of the 1974 Nixon tapes case.

But in none of the 20 speech texts obtained by The New York Times has Judge Kennedy stated flatly that the Court's privacy decisions have been wrong, or argued for overruling any of the decisions. His overall tone in the addresses to groups such as fellow judges, graduating law students and Rotary clubs has been one of moderation, subtlety and respect for tradition and precedent.

MOST PREVIOUSLY UNPUBLISHED

The speech texts, which span the period from 1975 to last month and served as guidelines for the judge's remarks, were provided by the Reagan Administration to the Senate Judiciary Committee late today. Most of them have not previously been published. They will provide grist for questioning when hearings on his nomination begin Dec. 14.

Judge Kennedy's speech texts provide the most detailed insights so far into his overall judicial philosophy, and shed new light on his views about issues ranging from judicial enforcement of "unenumerated" constitutional rights to the rights of crime victims and criminal defendants, Presidential powers, federalism, the Bernhard Goetz case and other issues.

In a 1986 speech discussing "unenumerated rights," including the right to sexual privacy, Judge Kennedy said undue judicial activism in this area undermined representative government and the court's claim to be a neutral arbiter.

The speech texts are generally consistent with the image of the 51-year-old Sacramento jurist as a thoughtful, moderate man who is considered likely to win overwhelming Senate confirmation next year.

Judge Kennedy, like President Reagan and Attorney General Edwin Meese 3d, has repeatedly called in his speeches for "judicial restraint" and fidelity to the Constitution's language and history, and has warned against "the raw exercise of political power by courts."

In a 1984 speech, he said: "My own judicial philosophy has been described by others as conservative, and therefore unlikely to accept doctrines which substantially expand the role of the courts. None of us like a simple label to explain our thought, but the description is probably apt as a general rule."

But none of his speech texts mount the kind of broad attack on the modern Supreme Court, or sound the kind of clarion call for a return to the "original intent" of the framers of the Constitution, that marked the writings and speeches of Judge Robert H. Bork, and that contributed to the 58 to 42 Senate rejection of his nomination.

And some of Judge Kennedy's statements contrast with those of Judge Bork, both on particular issues and on broader philosophical approaches to constitutional law.

Judge Bork had worked out an overarching constitutional philosophy that led him to condemn much of modern constitutional law with an air of certitude that some critics called arrogance.

Judge Kennedy's speeches, on the other hand, repeatedly sound the theme that neither he nor, perhaps, anyone else can plumb all the Constitution's ambiguities or provide definitive answers to the hardest questions it poses—such questions as how far the Supreme Court should go in restraining majority rule, and how powers over foreign affairs should be allocated between the President and Congress.

"TWILIGHT ZONES OF UNCERTAINTY"

"My position has always been that as to some fundamental constitutional questions, it is best not to insist on definitive answers," he said in the text of a 1980 speech on Presidential powers.

"The constitutional system works best if there remain twilight zones of uncertainty and tension between the component parts of the government. The surest protection of constitutional rule lies not in definitive announcements of power boundaries but in a mutual respect and deferrence among all the component parts."

In an August 1987 speech to a Federal judicial conference in Hawaii, he observed that "it's necessary to develop a theory of constitutional interpretation" that respects the intentions of the framers of the Constitution and confines judges, but that "it's far easier to point out the defects in someone else's theory than to defend the merits of your own."

Judge Kennedy is said by acquaintances to be widely read in American constitutional history, and there is much evidence of this in his speech texts. They are studded with references to little-known but telling historical details and with apt quotations from the writings of political and judicial figures including James Madison, Alexander Hamilton, George Mason, Oliver Wendell Holmes and others, as well as from literary figures ranging from John Keats to Sigmund Freud to Jeremy Bentham.

According to one former law clerk, Judge Kennedy has typically prepared his speech texts himself, rather than having them drafted by law clerks. He has used them as rough outlines rather than reading them aloud verbatim. And he has declined to publish them in law reviews because he had not polished them to his satisfaction.

STANFORD SPEECH CITED

Judge Kennedy's most detailed discussion of the Supreme Court's decisions enforcing a right to sexual and family privacy came in a 1986 paper prepared in connection with lectures at Stanford University Law School.

Judge Kennedy's Stanford lecture suggests the Court should not "announce in a categorical way that there can be no unenumerated rights" in the Constitution that judges can enforce, and in this and other contexts he has made seemingly approving references to some of the Court's decisions protecting family privacy.

But in contrast to some liberal jurists, Judge Kennedy stressed "the difficulties encountered in defining fundamental protections that do not have a readily discernible basis in the constitutional text," including sexual privacy, the right to travel and certain voting rights the Court has recognized.

Among those difficulties, he said, are the problem of judicial interference with the responsibilities of elected officials to "determine the attributes of a just society" and the imperative that "the constitutional text and its immediate implications, traceable by some historical link to the ideas of the framers, must govern the judges."

NO SPECIFIC VIEW ON ABORTION

Judge Kennedy's speech texts contain no specific discussion of the Court's decisions protecting rights to abortion and contraception.

One of his recurring themes is, as he put it in his 1986 Stanford lecture: "One can conclude that certain essential, or fundamental, rights should exist in any just society. It does not follow that each of those essential rights is one that we as judges can enforce under the written Constitution. The Due Process Clause is not a guarantee of every right that should inhere in an ideal system."

In other speeches, Judge Kennedy has made these points:

He said in his 1980 speech on presidential powers that "the noble but general phrases of the Constitution do not by themselves provide the answers to the questions whether the Chief Executive has exceeded the bounds of his constitutional authority." He added that the course of history and the necessities of modern life have dictated that "great powers flow to the President in foreign affairs," subject to "the authority of Congress to issue corrective instructions in appropriate cases."

In the same speech, Judge Kennedy said "there is room for argument about the wisdom" of the extraordinary procedure by which the Supreme Court expedited a case pending in a lower court in order to require President Nixon to surrender the Watergate tapes to a special prosecutor in 1974. He suggested it might have been better to wait and let Congress solve "its own problem with the Executive" over Watergate, which was the subject of impeachment proceedings. But he did not say the Court should have upheld Mr. Nixon's refusal to surrender the tapes.

In a March 1987 speech in New Zealand, Judge Kennedy denounced the callousness of the criminal justice system towards the victims of crimes and suggested that while expanding defendants rights in the 1960's the Supreme Court had slighted the problems of victims.

In the same speech, noting the "disturbing" public sympathy for Bernard Goetz, who shot four youths in the subway in fear they might assault him, the nominee said "the public acclaim with which Goetz' actions were received in some quarters indicates that the present criminal justice system breeds disrespect for the rule of law."

In a 1981 law school commencement speech, Judge Kennedy said "some of the refinements we have invented for criminal cases are carned almost to the point of an obsession." He did not specfy which refinements he meant.

EXCERPTS FROM 2 KENNEDY SPEECHES

The imperatives of judicial restrain spring from the Constitution itself, not from a particular judicial theory. The Constitution was written with care and deliberation, not by accident. . . . The constitutional text and its immediate implications, traceable by some historical link to the ideas of the Framers, must govern the judges. . . . If these principles do not provide fixed boundaries for judicial interpretation in constitutional cases, at least two systemic failures become manifest in the operation of checks and balances.

First, the political branches of the government will misperceive their own constitutional role, or neglect to exercise it. If the judiciary by its own initiative or by silent complicity with the political branches announces unenumerated rights without adequate authority, the political branches may deem themselves excused from addressing constitutional imperatives in the course of the legislative process. This would be a grave misallocation of power. . . . The courts must never be an accomplice to a regrime that erodes the initiative or the power of the political elements in the constitutional system.

The second injury to the constitutional order is done to the judiciary itself.

* * * * *

It is a great irony of contemporary history that those who argue most passionately for creative judicial intervention in effect advocate abolition of an independent, nonelected judiciary. The unrestrained exercise of judicial authority ought to be recognized for what it is: the raw exercise of political power. If in fact that is the basis of our decisions, then there is no principled justification for our insulation from the political process.

Finally, I am unconcerned that there is a zone of ambiguity, even one of tension, between the courts and the political branches over the appropriate bounds of government power. Uncertainty is itself a restraint on the political branch, causing it to act with deliberation and with conscious reference to constitutional principles. I recognize, too, that saying the constitutional text must be our principal reference is in a sense simply to restate the question what that text means. But uncertainty over precise standards of interpretation does not justify failing in the attempt to construct them, and still less does it justify flagrant departures.

"Unenumerated Rights and The Dictates of Judicial Restraint," Stanford University, July 1986.

An essential purpose of the criminal justice system is to provide a catharsis by which a community expresses its collective outrage at the transgression of the criminal. It does not do to deny that same catharsis to the member of the community most affected by the crime. A victim's dissatisfaction with the criminal justice system, therefore, represents a failure of the system to achieve one of the goals it sets for itself.

The victim's dissatisfaction with the system is more than a symptom of failure; it is a threat to the system itself. We must rely on victims to report crimes and to testify against criminals. This participation is essential if we are committed to the presumption of innocence. Citizen participation is a necessary counterweight to a pervasive police presence. Yet the fact is that victims often fail to report crimes because they do not expect the authorities to be responsive.

Another, disturbing outgrowth of a system's lack of concern or protection for victims is the temptation of the victim to take the law into his own hands. Perhaps you are familiar with the celebrated case of Bernard Goetz, the subway vigilante in New York City. He had responded with gunfire when four would-be attackers accosted him and requested five dollars. . . . Lost in the nationwide publicity over the event was the fact that Goetz had been mugged three years earlier in another subway incident, and his only communication from the law enforcement authorities was an offer to mediate his dispute with the mugger. Was this the treatment that in Goetz' eyes justified distrust of the criminal justice system to protect his interests? Equally disturbing is that Goetz emerged from the subway incident as a hero in the eyes of a large portion of the citizenry, the victim who finally fought back. If the rule of law means that citizens must forgo the use of private violence in return for the state's promise of protection, then the public acclaim with which Goetz' actions were received in some quarters indicates that the present criminal justice system breeds disrespect for the rule of law.

The focus on the public aspect of criminal justice system was also manifested in the criminal law and criminal procedure revolution of the 1960's. The significant criminal law decisions of the Warren Court focused on the relation of the accused to the state, and the police as an instrument of the state. Little or no thought was given to the position of the victims.

Mr. DIXON. Mr. President, I rise to support the nomination of Anthony Kennedy to be a Justice on the Supreme Court of the United States.

I do not object to the nomination of judicial conservatives to the Supreme Court. I tend to believe that the President is entitled to nominate those that share his philosophy, and I have voted for judicial conservatives in the past. When I voted against the nomination of Judge Robert Bork, I opposed him not because he was a judicial conservative, but because I had serious questions about his views on fundamental constitutional issues: The interaction between the powers of Government and individual liberties and the role he sees for the Court in protecting individual rights guaranteed by our Constitution. I concluded that his view of the Constitution leads to a much more cramped and narrow view in many important areas including civil rights and the right to privacy. These views had no place on the Highest Court of the land responsible for the interpretation of the Constitution.

In contrast, I feel very comfortable with Judge Kennedy's fundamental views on the Constitution and the role it plays in our society. During his confirmation hearing, he stated:

> I do not have an overarching theory, or a unitary theory of interpretation. I am searching * * * for the correct balance in Constitutional interpretation.

When commenting directly on the Constitution and the role of the Supreme Court in applying its provisions, he said:

> The Court can use history in order to make the meaning of the Constitution more clear. As the Court has the advantage of a perspective of 200 years, the Constitution becomes clearer to it, not more murky * * *. This does not mean the Constitution changes. It just means that we have a better perspective of it * * *. To say that new generations yield new insights and new perspectives, that doesn't mean that our Constitution changes. It just means that our understanding of it changes.

I commend Judge Kennedy for his clearly developed understanding of constitutional interpretation that is consistent with the history and tradition of the Supreme Court and this Nation.

His intellectual and judicial credentials are also impressive. He graduated with distinction from Stanford University in 1958. In 1961, he graduated cum laude from Harvard Law School. Kennedy then practiced law in California until 1975, when President Ford appointed him to the U.S. Court of Appeals for the Ninth Circuit, a position he has held since that time. Over the last 12 years on the court he has participated in more than 1,400 decisions and authored over 400 published opinions.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously gave Judge Kennedy their highest rating of "well qualified." Based on its investigation, the committee stated that his—

> Integrity is beyond reproach, that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work and that he is uniformly praised for his judicial temperament.

The committee went on to conclude that Judge Kennedy—

> Is among the best available for appointment to the Supreme Court of the United States from the standpoint of professional competence, integrity and judicial temperament.

These are very strong words of praise.

On January 27, 1988, after careful scrutiny of his credentials, the Senate Judiciary Committee voted unanimously to report Judge Kennedy's nomination with a favorable recommendation. This recommendation is a particularly strong testimony of Judge Kennedy's qualifications, given the broad range of political philosophy represented by the committee members.

Mr. President, I firmly believe that Judge Kennedy's record and views warrant his confirmation by the Senate. I believe he will be a very favorable addition to the Supreme Court.

Mr. MURKOWSKI. Mr. President, today this body shall vote on whether to confirm Judge Anthony M. Kennedy as a U.S. Supreme Court Justice in order to fill the seat vacated by Justice Lewis F. Powell, Jr. I ask that my colleagues join me in supporting Judge Kennedy's confirmation.

At 51 years of age, Judge Kennedy has a broad background rich in judicial experience, legal practice, constitutional law, and academic scholarship.

He has attended some of our country's finest schools, earning degrees at Stanford University and Harvard Law School. For 12 years he has been a Federal appeals court judge for the Ninth U.S. Circuit Court of Appeals, having written some 450 legal opinions. Before that time he practiced law for some 14 years in northern California. He has also been a professor of constitutional law since 1965 at McGeorge School of Law in Sacramento, CA.

The American Bar Association has unanimously endorsed Judge Kennedy, giving him its highest rating.

During his tenure as a Federal appeals court judge he has dealt with a myriad of complex legal issues involving fundamental clashes between legitimate Government interests and inherent personal freedoms. Experts who have analyzed these cases have found his decisions balanced, well-reasoned, temperate, and fair. They also have found him difficult to lable or predict. This makes him a fitting choice for what many believe may be a key "swing vote."

Judge Kennedy does not adhere to, or profess to hold any overriding constitutional philosophy. In his own words he is still searching for a "correct balance" of interpretation over the principles of order and liberty. Because he is not so predisposed, those who will come before him can be assured that he will let the facts shape his decisions.

He prefers narrow judicial rulings and seeks to address only the issues necessary to resolve a case. He is also inclined to defer to the political process, if possible. This practice of restraint is consistent with his distain for judges who use cases to make policy or let personal views influence court ruling. It also helps preserve such cherished American principles of separation of powers and checks and balances.

Although Judge Kennedy's views on the first and 14th amendments, and privacy guarantees, do not fall into predictable patterns they are nevertheless in keeping with acceptable traditional notions of proper constitutional interpretation.

He sees the Court's role as paramount in safeguarding personal individual freedoms. He believes privacy is an integral part of liberty protected under the due process clause. He is particular sensitive to discrimination problems, recognizing that subtle barriers in the form of indifference and insensitivity can often inhibit equality of advancement.

Political speech is viewed by judge Kennedy as central to the democratic process, and that protected speech can take on many forms of expression.

While Judge Kennedy holds no fixed views per se, he places a high premium on the importance of judges adhering to precedent for with it comes stability, an understanding of what is expected, and a respect for law.

Mr. President, I am confident that our country will be well-served by Judge Kennedy as a U.S. Supreme Court Justice. His record, background, and character make ready to take on the challenges of maintaining the delicate balance between order and liberty.

Mr. DODD. Mr. President, I rise to express my support for the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

Like all of my colleagues, I approach the question of the confirmation of Judge Kennedy with enormous seriousness and solemnity. As Senators, we all bear a tremendous responsibility to fulfill our constitutional duty to provide advice and consent to the President of the United States—and to the American people—on judicial nominations.

As I stated some months ago during the debate on the nomination of Judge Bork, a Supreme Court Justice has an unparalleled opportunity to influence the most critical issues facing this and future generations of Americans. Moreover, I believe that the Court now may be at a pivotal point in which the future direction of our law is at stake.

Therefore, the vote on Judge Kennedy's nomination clearly is one of the most important and far-reaching votes that any Member of this body will ever make.

The crucial question for me in considering a Supreme Court nomination always has been whether the nominee is capable of and committed to upholding the Constitution of the United States, and protecting the individual rights and liberties guaranteed therein.

I voted against the confirmation of Judge Bork. I did so not because Judge Bork is a conservative jurist, but because I concluded that his views are totally out of step with many of our fundamental constitutional values and that his confirmation was not in the best interest of the United States.

Judge Kennedy also is conservative. I do not agree with everything Judge Kennedy has said or written, and I fully expect to disagree with some of the opinions he likely would write and votes he likely would cast as a Supreme Court Justice.

However, while he is conservative and possesses views with which I disagree, I believe that Judge Kennedy's considerable intellectual strengths are coupled with a deep and abiding commitment to fundamental constitutional values and principles.

Although I disagree with Judge Kennedy's judicial philosophy in certain areas, such as civil rights protection for women and minorities, I find that his approach to liberty and fundamental rights generally is within the tradition of Supreme Court jurisprudence.

Judge Kennedy has no single, immutable, or overarching theory for interpreting the Constitution but instead, is devoted to a principled search for the correct balance in constitutional interpretation. Throughout his career on the Federal bench, Judge Kennedy has demonstrated that he is open-minded and intellectually flexible.

The picture of Judge Kennedy that emerges as a result of the Judiciary Committee's investigation and hearings is that of a judge who issues well reasoned opinions premised on scrupulously careful analysis of Supreme Court precedents and close attention to factual variations and competing interests. Moreover, his testimony before the committee established that he respects a continuous evolution of constitutional doctrine.

On balance, the evidence I have reviewed indicates that Judge Kennedy would serve with distinction and would work to preserve and protect our fundamental constitutional values, if confirmed as a Justice of the Supreme Court. There is no indication that his approach to the Constitution, or to the Court's role in enforcing it, would unravel the settled fabric of constitutional law.

Thus, despite my differences with some of his views, I urge the Senate to confirm the nomination of Judge Kennedy to be an Associate Justice of the Supreme Court.

Mr. WALLOP. Mr. President, I rise today to express my strong support for the confirmation of Anthony Kennedy to be an Associate Justice of the Supreme Court. This vote today marks the end of a long, often contentious and vindictive struggle to fill this vacancy. We rejected one eminently, superbly qualified man. Another stepped aside.

Now, some 7 months after Justice Powell announced his retirement, we are ready to confirm Judge Kennedy. It is worth noting that by the time the new Justice takes his place on the High Court, nearly half of the cases set for argument this term will have been heard.

Clearly, the time for confirmation of a new Justice has not only come, it is long overdue. I am, however, pleased that the Judiciary Committee and the Senate have heeded President Reagan's call in his State of the Union Message to act quickly on the backlog of judicial nominations by bringing Judge Kennedy's nomination to the floor in a timely manner.

The venom and rancor that characterized the Bork nomination have been mercifully absent from the Kennedy nomination process. Miraculously, the Senate seems to have regained its equilibrium and its common sense since October and is again willing to evaluate a judicial nominee on the basis of a consistent standard of competence for the job, rather than whether he passes the political litmus test of a certain set of interest groups.

I continue to be distressed by the double standard so blatantly adhered to by the Senate in its consideration of that nomination. I am thankful that the Senate has seen fit to exercise its advise and consent role in the Kennedy nomination in a more reasoned manner. I hope that will continue to be the case with future nominations that come before this body.

Judge Kennedy brings to the High Court an impeccable set of credentials, and his relative youth, at age 51, will ensure that he will serve the Court and the Nation for many years to come. He has practiced as a private attorney, has taught at the McGeorge School of Law at the University of the Pacific since 1965 and has served on the Ninth Circuit Court of Appeals for 12 years. He has built a reputation with his colleagues from all walks of life as fair, scholarly, and of unquestioned integrity. He has participated in over 1,400 cases during his tenure on the bench and has authored some 400 opinions.

During the Senate Judiciary hearings, Anthony Kennedy forcefully demonstrated his respect for judicial restraint and his conviction that the law should be interpreted, rather than legislated, by the courts. He clearly has the temperament and the wisdom to serve the Supreme Court with tremendous distinction. I am honored to support this impressive nominee and I urge all of my colleagues to vote in favor of his confirmation.

Mr. SASSER. Mr. President, I rise today to support the nomination of Judge Anthony M. Kennedy for a seat on the Supreme Court.

It is critical that this seat be filled. It is true that the Court can, and has, functioned for fairly long periods of time with less than a full complement of Justices. However, it is always an undesirable situation. A decision by a less than full Court often leaves a gray cloud of uncertainty in important areas of the law.

Plaintiffs and defendants alike are left with doubts as to what the outcome of a case would have been if it had been argued before a full Court. Potential litigants with similar cases are tempted to bring additional cases in the hope that a new Justice will bring a different chemistry to the Court and that they will achieve a different result.

This is particularly true when, as now, the Court is sharply divided on many issues. We have seen numerous cases in the past few years resolved by a one-vote margin. And cases this term which raise important constitutional issues have been decided—if that is the right word—on a tie vote.

So, I am pleased that the President has finally sent us a nominee who can achieve broad support in the Senate.

In keeping with my practice on judicial nominations, I have waited until after the hearings have been completed before announcing my decision. I have carefully reviewed the hearing record and Judge Kennedy's record on the Ninth Circuit Court of Appeals.

I find that his opinions are well-reasoned and firmly grounded in established constitutional doctrine. They show an appreciation for the intent of the Founding Fathers as well as a awareness of 200 years of the American constitutional experience. That does not mean that I agree with every opinion that Judge Kennedy has handed down. However, I do believe that he has shown a commitment to the fundamental rights and liberties that Americans believe are guaranteed by the Constitution—the right to privacy, civil rights, and equal justice under the law.

Judge Kennedy comes to the Senate for confirmation after a long and distinguished record on the bench. He is a graduate of Stanford University and Harvard Law School. He also studies at the London School of Economics. In 1976, he was appointed to the Ninth Circuit Court of Appeals.

During his time on that court, he has authored numerous opinions. The reasoning in some of them was later adopted by the Supreme Court. This shows two things, I believe. First, it indicates that he is firmly in the mainstream of constitutional interpretation and constitutional doctrine. Second, it offers the hope that he will be a Justice that can mold a consensus on the Court.

This latter point is more important than appears at first glance. It is often a critical role on the Court—especially a Court as divided as the present Court has been in recent years. As I said earlier, a sharply divided Court speaks with a divided voice. It leaves Americans unsure of exactly where their constitutional liberties begin and end.

The Supreme Court is a crucial element in our democratic fabric. It is living proof that the bar of justice is open to all. That every citizen may have his or her day in court and the opportunity for the protection of his or her individual rights. For many of our citizens, who may well have exhausted all other means of redress, it is indeed the Court of last resort.

So, with that, Mr. President, I congratulate Judge Kennedy on his confirmation and I wish him well in the important though difficult work on which he is about to embark.

Mr. KERRY. Mr. President, I support the nomination of Judge Anthony M. Kennedy to the Supreme Court of the United States. I do so not because I agree with Judge Kennedy on every issue, but because I believe that he is a thoughtful, moderate jurist who is within the mainstream of American judicial thought. I believe that Judge Kennedy will bring a reasoned, careful, case-by-case approach to the Supreme Court, much like that of his predecessor on the Court, Justice Lewis Powell.

I opposed the nomination of Judge Robert Bork to the Supreme Court because I felt that his writings as a law professor and a judge showed him to be outside the mainstream of American thought on issues of civil rights and civil liberties. His views did not reflect the consensus of the American people on these issues. For these reasons, Judge Bork's nomination was rejected by the Senate by a large margin.

Judge Kennedy, however, is much different in his approach from Judge Bork. One example is the right to privacy. Although not enumerated specifically in the Constitution, the Supreme Court has found an implicit right to privacy in the Constitution. Judge Bork rejected that concept and that precedent. Judge Kennedy respects it. He does recognize a right to privacy as implicit in the Constitution, and he so stated during his confirmation hearings in December. This is a major and important difference between Judge Kennedy and Judge Bork.

I do have some concerns about Judge Kennedy, most particularly about some of his past decisions in the area of civil rights and civil liberties.

For example, I have questions about his decision in Beller versus Middendorf, where Judge Kennedy authored an opinion upholding the constitutionality of Navy regulations providing for the discharge of those who engage in homosexual activities. While I agree with Judge Kennedy that there must be "a reasonable effort to accommodate the needs of the government with the interests of the individual," I am not convinced that this case strikes such a balance.

Also, in U.S. versus Leon, Judge Kennedy dissented from the majority's holding which affirmed the suppression of evidence in a drug case and refused to recognize a so-called good faith exception to the exclusionary rule. In U.S. versus Cavanaugh, Judge Kennedy upheld the legality of electronic surveillance by the FBI of an engineer who was suspected of espionage. And in AFSCME versus State of Washington, Judge Kennedy authored an opinion reversing a district court judge who found discrimination by Washington State against its female employees on the basis of "comparable worth."

I might have decided these cases differently than Judge Kennedy. But I believe that, on balance, his decisions were reasonable ones, based on his perception of the merits of each case, and not on some overarching ideological theory or doctrine. Judge Kennedy's approach is one that I believe is appropriate for a Supreme Court Justice.

Judge Kennedy has been on the Federal bench for 12 years, and has authored over 400 opinions. He enjoys the respect of his colleagues. The American Bar Association has given Judge Kennedy its highest rating. His nomination has been reported out favorably, and unanimously, by the Senate Judiciary Committee. While I am concerned by the fact that respected groups such as Americans for Democratic Action and the National Organization of Women have decided to oppose his nomination, I believe that his nomination is as good as we are likely to get from this administration, and is better than most.

In a 1980 speech on Presidential powers, Judge Kennedy said, "My position has always been that as to some fundamental Constitutional questions, it is best not to insist on definitive answers. The Constitutional system works best if there remain twilight zones of uncertainty and tension between the component parts of the government. The surest protection of constitutional rule lies not in definitive announcements of power boundaries, but in a mutual respect and deference among all the component parts."

That is a reasonable and thoughtful view of our system of government, one which I can support. Unlike Judge Bork, Anthony Kennedy is not a judicial activist. He does not have a radical agenda. He is a judicial moderate, well within the mainstream of the judiciary. For these reasons, I will vote to confirm Judge Kennedy as an Associate Justice of the Supreme Court.

Mr. ADAMS. On January 27, the Judiciary Committee voted to recommend the confirmation of Judge Anthony Kennedy to fill the vacancy on the Supreme Court. While Judge Kennedy would not have been the individual I would have chosen to replace Justice Lewis Powell, I believe he has the requisite integrity, intelligence and fair mindedness to be a Justice of the Supreme Court.

During the Judiciary Committee hearings, Judge Kennedy was forthright and articulate in expressing his views and describing his judicial philosophy. I do not agree with him on every issue. For example, I believe that his decision in the Washington State comparable worth case, AFSCME versus State of Washington, was wrong. Despite these differences, however, Judge Kennedy has displayed sensitivity to the rights of individuals in our society and the role of the courts in protecting our cherished liberties. For these reasons, I will vote to confirm Judge Kennedy to the Supreme Court.

The advice and consent responsibility of the U.S. Senate requires each Senator to make a searching inquiry into each nominee's qualifications and come to an independent judgment on his or her fitness for the Federal judiciary. I made this inquiry with Judge Bork, who I felt was not qualified to become a Supreme Court Justice, and now with Judge Kennedy. I will continue to exercise my judgment in scrutinizing future Reagan nominations.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I believe we have 3 minutes left. I yield that time to Senator WILSON from the home State of the nominee.

Mr. WILSON. Mr. President, it is little wonder that victims of crimes often fail to report crimes, as Judge Kennedy has noted, because the criminal justice system's failure to care about victims has become widely perceived, if not in fact, at least in belief. Too often that belief has inspired public doubt that true justice will be done.

The concern that Judge Kennedy has expressed so eloquently is appropriate not only for those of us entrusted with making the law but clearly for judges who apply it, and certainly appropriate for those whose duty it is to test the law against the Constitution.

I said a moment ago that he would provide leadership. He has done so already. In the Chadha decision, Mr. President, he corrected congressional overreaching and said that the legislative veto that we had enacted intruded upon the province of the other two branches.

In the United States versus Leon, Judge Kennedy's dissent in the ninth circuit in fact became the basis for the majority opinion by the Supreme Court overturning the ninth circuit and establishing as a principle that good-faith errors on the part of law enforcement when they do not invalidate the evidence will not cause it to be excluded. Time and again, he has demonstrated a concern for victims as well as those who in good faith seek to protect society against criminals, set forth in an eloquent style and upheld by an even more important philosophy.

It is not enough, Mr. President, that the Supreme Court have those who will simply serve. It must have people, certainly every now and again, of the caliber of Anthony Kennedy. People who can, in fact, provide the kind of leadership that is essential to the rule of law in America.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **LEAHY.** Mr. President, we are going to vote soon.

I would note that the chairman of the Senate Judiciary Committee is not here because of an illness. I know how personally disappointing that must be to him. We would not be here at this time without the leadership of Senator BIDEN, who has carefully brought these hearings to fruition, moved them through expeditiously, in a way so that all sides could be heard. I think the fact that this nomination is here in such good shape is a tribute to Senator BIDEN.

The **PRESIDING OFFICER.** The Senator's time has expired. All time has expired.

The hour of 10:30 having arrived, the question is will the Senate advise and consent to the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] would each vote "yea."

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—3

Biden
Gore
Simon

So the nomination was confirmed.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. **METZENBAUM.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The **PRESIDING OFFICER.** Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes.

The majority leader.

RECESS UNTIL 11:45 A.M.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Senate stand in recess for 45 minutes.

There being no objection, the Senate, at 11 a.m., recessed until 11:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

EXTENSION OF MORNING BUSINESS

Mr. **BYRD.** Mr. President, what is the pending business before the Senate, if any, at the moment?

The **PRESIDING OFFICER.** Morning business has expired.

Mr. **BYRD.** Mr. President, I ask unanimous consent that morning business be extended for an additional 30 minutes and that Senators may speak therein up to 5 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SOVIET ARMAMENTS TO ORTEGA—UNITED STATES ARMS TO CONTRAS DOES NOT BRING PEACE

Mr. **MELCHER.** Mr. President, my continued and consistent opposition to U.S. money for the Contras is based on my strong feeling that throwing money at 15,000 or 20,000 armed troops will not bring peace. I have continuously evaluated President Reagan's Nicaraguan policy, and I have always concluded this policy simply is wrong. As long as we continue to send the Contras money, they will find ways to gobble it up.

Sending more money to solve the mess in Nicaragua ignores the basic problem: as long as Nicaragua receives outside shipments of armaments, the Nicaraguans, with their war, will keep plodding on.

Is there anything wrong with President Reagan telling Gorbachev that the Soviets must stop supplying war materials to the Nicaraguan Government? That government is sick, and the continuous supply of Soviet armaments is the root of their sickness. To match that with U.S. supplies for the Contras does not treat the illness but only spread it.

My prescription is to have President Reagan notify Gorbachev that arms shipments to Nicaragua are unacceptable. That is the best U.S. contribution to the Arias peace plan. If the peace proposal is to succeed, it will be worked out gradually, without outside interference.

We have enough problems at home with a shaky economy that reflects the serious budget and trade deficits. The attention to Ortega and the Contras continually distracts attention from our major economic problems.

Nicaragua has been a continuous drain, both in dollars and time for the President and Congress. Meanwhile, America sinks deeper into its own economic swamp.

To make our position clear, the President should promptly notify the Soviets to halt Nicaraguan arms shipments and then permit the focus of our efforts to be turned to our own problems.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, the two requests I am about to make have been cleared with the distinguished Republican leader.

TRADITIONAL READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. **BYRD.** Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 15, 1988, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place, and that the chair be authorized to appoint a Senator to perform its reading.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Chair appoints the distinguished Senator from North Carolina, Senator SANFORD, for the reading.

AUTHORIZATION FOR SENATOR SHELBY TO SIGN BILLS

Mr. BYRD. Mr. President, I ask unanimous consent that Senator SHELBY, the very distinguished junior Senator from the State of Alabama, who now presides over this august body with the skill and the dignity and fairness that are so rare as a day in June, be authorized to sign the following enrolled bills: Senate Joint Resolution 39 and Senate Joint Resolution 196.

The PRESIDING OFFICER. Without objection, it is so orderd.

MR. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:30 P.M.

Mr. BYRD. Mr. President, an attempt is being made to work out a time agreement on a bill. I ask unanimous consent, so that those discussions may proceed in an uninterrupted mode, that the Senate stand in recess until 12:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 11:59 a.m., the Senate recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

SCHEDULE

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, there is a possibility that certain bills may be potential, and they are potential, candidates for unanimous consent agreements. Some of those discussions have been under way and will continue. I think the Senate would be well advised at this point not to be in a quorum for a couple of hours but that it stand in recess so as to facilitate further meetings. So I ask unanimous consent that there now be a period for morning business for not to exceed 10 minutes, that Senator HEFLIN be recognized to speak, and that upon the conclusion of his remarks the Senate stand in recess until the hour of 2:30 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama.

Mr. HEFLIN. Thank you, Mr. President. I thank the majority leader for allowing me to go ahead at this time and make a few remarks as if in morning business.

THE SPACE STATION

Mr. President, today, I am sending a letter to the President of the United States asking him to send to Congress a fiscal year 1988 supplemental appropriations request for the space station.

The United States will not be ready to meet the needs and requirements of the future without a strong and viable space program. The age of space is no longer simply coming. The age of space is before us and staring our Nation directly in the eyes offering a challenge like we have never seen before.

I am concerned that neither the administration, nor some in Congress are taking the challenge of space seriously. In my judgment, space is the greatest adventure of our time and any nation that sees itself as a world leader cannot, and must not, ignore it. Other nations have recognized the treasures space has to offer and are rapidly moving forward with their own space activities while this administration has not shown its devotion and zeal that it once did for America's program.

Mr. President, in my judgment, the cornerstone to any viable space program should be a permanently manned space station. As my colleagues are well aware, our Nation is on the verge of developing such a facility. However, in the final months of the fiscal year 1988 appropriations process and deficit reduction debates, the space station found itself in an unusual and unfortunate situation.

When the budget summit agreements were reached, the Appropriations Committee had to allocate outlay cuts to its subcommittees. Since NASA is funded in the HUD-Independent Agencies appropriations bill which is mostly entitlements, the space research and development programs were forced to take a disproportionate share of the cuts. In that regard, the space station was funded at a level of $425 million—$225 million of that will not be available until June 1. If it had not been for the outstanding efforts of the members and their staffs of the subcommittee on both the House and Senate sides, the space station would not have been funded as high as it was. This funding, along with a small amount left over from last year, will allow the program to continue. However, it will only allow it to slowly move forward and will most assuredly cause program delays as much as a year or more which will add significantly to the total cost of the program.

In my judgment, we cannot allow such significant delays and cutbacks in this program. In that regard, I am sending this letter to the President asking him to request of Congress a supplemental appropriations for the space station. I do not believe this is an unreasonable thing to do since every dollar we have put into the space station is an investment in the future of our Nation. The space station, and the space program in general, is too important to America's future and to the future of science and technology research to stand idly by and let this program become severely crippled or killed. I, therefore, ask unanimous consent that a copy of my letter to the President on the space station be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
Washington, DC, February 1, 1988.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Due to the less than adequate funding level for the American/International Space Station for Fiscal Year 1988, I strongly urge that you send to Congress a supplemental appropriations request for this program.

As you know, I share your dream of a permanently manned space station. I believe the Space Station will be a cornerstone of our nation's civilian space program and is critical for promoting the development of space for the benefit of all mankind. This program will mark a turning point in American space exploration, and will open almost limitless opportunities for technological research and discovery.

In recent months, however, I have become alarmed by the increasing attacks which have been lodged against this program that is so important to our future. Thus, I am convinced that, without your personal assistance, the Space Station faces crippling and possibly fatal budget cuts both in the immediate future and for years to come. In 1984, you allowed the dream of the Space Station to become a reality. In that regard, this program could be a part of the legacy of your presidency. If the Space Station is fully under way by the end of your presidency, historians will undoubtedly record it as a great accomplishment in your chapter of history.

Many in Congress greatly support the Space Station and have worked for several years to make it a reality. However, those same supporters have been disappointed and discouraged because you do not appear to support this program like you formerly did. Particularly, in the last year, you and your Administration apparently have not been as vocal in supporting this vital program as you were at one time. But, we have now reached a critical point in which your personal intervention and show of support is necessary in order to allow our nation to reap the benefits of a permanently manned space station in the mid-1990's.

While increases and reallocations were made to boost congressional appropriations, additional funds are needed, nevertheless, in Fiscal Year 1988 to get the Space Station off to a good start. The present funding level will most assuredly cause serious program delays and will significantly increase the long range total program cost.

I know you will agree that this program is far too important to allow it to become crippled or cancelled by severe budget cuts. In that regard, once again, I strongly urge you to send to Congress a Fiscal Year 1988 supplemental appropriations request for the Space Station program. Furthermore, I urge you to personally intervene in the process in order to ensure its approval.

Thank you for this consideration.

With kindest regards, I am

Sincerely,

HOWELL HEFLIN.

Mr. HEFLIN. Mr. President, I hope that President Reagan will recognize the seriousness of this matter and send to the Congress a supplemental appropriations request for the space station.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess.

There being no objection, the Senate, at 12:35 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAHAM].

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, our discussions over the past 2 or 3 hours have been productive and more so than if the Senate had been in session, I think, under the circumstances.

THE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished assistant Republican leader if the following calendar orders are cleared: Calendar Order Nos. 325 and 499.

Mr. SIMPSON. Mr. President, those two items have been cleared on this side of the aisle.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to those two items seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION AND EXTENSION OF CERTAIN BLOCK GRANT PROGRAMS

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1579) to amend the Public Health Service Act to revise and extend the Block Grant Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended—

(1) by striking out "and"; and

(2) by inserting before the period at the end thereof the following: ", $128,500,000 for the fiscal year ending September 30, 1988, $133,600,000 for the fiscal year ending September 30, 1989, and $138,900,000 for the fiscal year ending September 30, 1990".

SEC. 2. USE OF ALLOTMENTS.

Section 1904(a)(1)(C) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)(C)) is amended by inserting before the period at the end thereof the following: ", including programs designed to reduce the incidence of chronic diseases".

SEC. 3. STATE PLANS.

Section 1905 of the Public Health Service Act (42 U.S.C. 300w-4) is amended—

(1) in subsection (c)—

(A) by striking out "and" at the end of parapragh (5);

(B) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(7) agrees to provide a description of the manner in which the State will—

"(A) evaluate the progress made in achieving the objectives set forth by the State under subsection (d);

"(B) evaluate the programs, activities, and services conducted with payments made to the State under subsection (a); and

"(C) provide assurances that the State will report periodically to the Secretary on the results of evaluations conducted under subparagraphs (A) and (B)."; and

(2) in subsection (d), by inserting after the first sentence the following new sentence: "The description shall specify the objectives to be attained, the programs and activities to be supported, the activities to be provided, and the numbers and populations of persons to whom the programs, activities, and services will be directed in order to meet the objectives set forth by the State.".

SEC. 4. ESTABLISHMENT OF NATIONAL AND REGIONAL CENTERS.

(a) CENTERS FOR PEDIATRIC EMERGENCY MEDICAL SERVICES.—Section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is amended to read as follows:

"SEC. 1910. NATIONAL AND REGIONAL CENTERS FOR PEDIATRIC EMERGENCY MEDICAL SERVICES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to States, public and nonprofit private entities, and academic institutions for the development, establishment, and operation of regional centers for pediatric emergency medical services.

"(2) DUTIES OF CENTERS.—Each regional center supported with a grant under this subsection shall—

"(A) train health professionals to provide pediatric emergency medical services, including minority health professionals;

"(B) provide for the appropriate use of bilingual personnel (in the case of centers serving substantial numbers of individuals who are not fluent in English);

"(C) conduct research on the prevention and treatment of pediatric medical emergencies; and

"(D) conduct activities relating to the prevention of pediatric medical emergencies, including activities to disseminate information and provide education to the public through the use of the print and broadcast media.

"(2) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to—

"(A) States and schools of medicine which received grants under section 1910 of this Act (as in effect on September 30, 1987);

"(B) applicants that will provide pediatric emergency medical services in rural areas; and

"(C) States that have only one designated trauma center.

"(3) AMOUNT OF GRANT.—No grant under this subsection for any fiscal year shall be less than $500,000.

"(4) PERIODS OF GRANTS.—A grant under this subsection shall be made for a 1-year period, and may be renewed for two additional 1-year periods.

"(5) APPLICATIONS.—No grant may be made under this subsection unless an application is submitted to the Secretary in such form, at such time, and containing such information as the Secretary shall prescribe. An application under this subsection by a public or nonprofit private health care institution shall contain information demonstrating that the applicant has experience in the delivery of, and the ability to deliver, pediatric medical services.

"(b) FEASIBILITY STUDY.—

"(1) GRANT.—The Secretary shall make a grant for fiscal year 1988 for the conduct of a study to determine the feasibility and advisability of establishing and operating a National Center for Pediatric Emergency Medical Services which meets the requirements of subsection (d) (hereafter in this subsection referred to as the 'National Center').

"(2) APPLICATION.—

"(A) SUBMISSION.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to submit an application for a grant under paragraph (1).

"(B) ACCEPTABLE APPLICATION.—If the Institute submits an acceptable application for a grant, the Secretary shall make such grant to the Institute.

"(C) NONACCEPTABLE APPLICATION.—If the Institute does not submit an acceptable application for a grant, the Secretary shall request one or more appropriate nonprofit private entities to submit an application for such grant and shall make the grant to the entity which submits the best acceptable application.

"(3) REPORT.—Within 12 months after the date of enactment of this section, the recipient of a grant under paragraph (1) shall prepare and transmit to the Secretary a report describing the results of the study conducted under such paragraph and containing recommendations concerning the feasibility and advisability of establishing a National Center and such other recommendations as the recipient considers appropriate.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) IN GENERAL.—If, after reviewing the report required by subsection (b)(3) and after consulting with the American Academy of Pediatrics and the American College of

Emergency Physicians, the Secretary determines it is feasible and advisable to establish a National Center, the Secretary shall make grants for fiscal year 1989 and each succeeding fiscal year to an appropriate public or nonprofit private entity for the establishment and operation of a National Center.

"(2) APPLICATION.—No grant may be made under this subsection unless an application for such grant is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may prescribe.

"(d) DUTIES OF NATIONAL CENTER.—The National Center referred to in subsections (b) and (c) shall—

"(1) develop and disseminate appropriate standards for the provision of pediatric emergency medical care and for appropriate mechanisms to assure the quality of such care;

"(2) conduct activities to facilitate the training of health professionals to provide pediatric emergency medical services, including minority health professionals; and

"(3) develop and disseminate, through the print and broadcast media, information for the public on the prevention of, and appropriate responses to, pediatric medical emergencies, including information on available national, State, and local pediatric emergency medical services.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1988, and such sums as necessary for fiscal year 1989 and for fiscal year 1990. Of the amounts appropriated under this subsection for fiscal year 1988 up to $1,000,000 shall be available for the study required under subsection (b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1987.

Mr. KENNEDY. Mr. President, I appreciate the action of the leader and the minority leader in bringing these issues to the Senate this afternoon. These are important programs dealing with vital public health issues. The authorizations expired last September. The legislation reflects, really, the best balanced judgment of members of the committee. We have been able to take a number of different suggestions about how to strengthen this program. I think it reflects the solid contributions that the members of the Human Resources Committee have made.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EMPLOYEE HEALTH PROMOTION AND DISEASE PREVENTION ACT

The PRESIDING OFFICER. The clerk will report the second measure.

The assistant legislative clerk read as follows:

A bill (S. 1726) to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Is there debate?

Mr. KENNEDY. Mr. President, again, I welcome the opportunity to recommend this legislation to the Senate. This legislation is extremely important to the Public Health Service function and operation. It is basically, as our previous legislation, a result of strong bipartisan support. It is very much necessary to carry forward the Public Health Service function which is a vital function that reaches a wide range of different health issues from immunization to other types of important health services. I urge the Senate to accept this legislation and pass it this afternoon.

Mr. HATCH. Mr. President, I am pleased to join the Senator from Massachusetts [Senator KENNEDY] in supporting the Employee Health Promotion and Disease Prevention Act and Preventive Health Services Block Grant reauthorization. S. 1726 and S. 1579, respectively, these two pieces of legislation will allow us to continue our efforts to prevent disease before it occurs.

Two of every three deaths in this country are premature and most of these deaths could be prevented through appropriate use of preventive services and behavior changes. Heart disease, cancer, and stroke—our No. 1, 2, and 3 causes of death—still take an incredible toll in our society, annually costing an estimated 1.6 million lives and more than $130 billion in medical care and lost productivity. Alcohol abuse cost approximately $140 billion, cigarette use approximately $65 billion, and other substance abuses approximately $40 billion per year. And in 1983, the approximately 1 million teenage pregnancies cost society more than $16.5 billion.

For those who have been keeping count, each year these few preventable diseases I have mentioned cost more than $350 billion. And there are others. This legislation will help us continue existing prevention efforts and will increase Federal efforts to assist employers in setting up health promotion and disease prevention activities for their employees.

I urge my colleagues to join with the Senator from Massachusetts and myself in supporting these bills and I look forward to their rapid passage by the House.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Health Promotion and Disease Prevention Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) there is a developing body of scientific evidence that participation in organized health promotion programs administered in worksite settings improves productivity and reduces health care costs to individuals and employers;

(2) in excess of 50 percent of the work force of the United States is employed by small businesses and over 30 percent is employed in the public sector;

(3) worksite health promotion programs are not generally available to public sector employees or to employees of small businesses; and

(4) employees of small businesses are less likely to have adequate employer-based health and life insurance coverage and are thus more vulnerable to hardships resulting from medical and other costs associated with "preventable" diseases and conditions.

SEC. 3. EMPLOYEE HEALTH PROMOTION AND DISEASE PREVENTION PROGRAM.

(a) IN GENERAL.—Section 1701(a) of the Public Health Service Act (42 U.S.C. 300u(a)) is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (10) the following new paragraphs:

"(11) undertake and support research and demonstration programs designed to—

"(A) establish worksite based programs for public sector employees to promote healthy behavior and to decrease participation in unhealthy and high risk behavior; and

"(B) develop a better understanding of the special circumstances and problems encountered in providing health promotion and disease prevention programs to employees of small businesses (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

"(12) in carrying out the programs referred to in paragraph (11)—

"(A) support at least six 3-year programs;

"(B) perform the programs under the auspices of State and local organizations capable of encouraging the participation of schools, school systems, colleges, universities, community business associations and coalitions, civic groups, insurance companies, and other appropriate organizations;

"(C) make every effort to assure that the programs reflect a variety of regions, States, and community settings (including urban, rural, and minority populations); and

"(D) evaluate the impact of the programs on—

"(i) the health status measurements;

"(ii) the use of primary and acute care health services;

"(iii) absenteeism from work; and

"(iv) reduced health and life insurance costs.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1701(b) of the Public Health Service

Act (42 U.S.C. 300u(b)) is amended by striking out "and $10,000,000 for the fiscal year ending September 30, 1987" and inserting in lieu thereof ", $10,000,000 for the fiscal year ending September 30, 1987, $10,500,000 for the fiscal year ending September 30, 1988, $11,000,000 for the fiscal year ending September 30, 1989, and $11,500,000 for the fiscal year ending September 30, 1990".

SEC. 4. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION.

Section 1706 of the Public Health Service Act (42 U.S.C. 300u-5) is amended—

(1) in subsection (c)(1) to read as follows:

"(c)(1) During fiscal year 1988, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the maintenance and operation of three of the centers established under this section in fiscal year 1987. During fiscal year 1989, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section and the maintenance and operation of the eight centers established under this section in fiscal years 1987 and 1988. During fiscal year 1990, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section and the maintenance and operation of the eleven centers established in fiscal years 1987, 1988, and 1989."; and

(2) in subsection (e) to read as follows:

"(e) To carry out this section, there are authorized to be appropriated $8,000,000 for the fiscal year ending September 30, 1988, $10,000,000 for the fiscal year ending September 30, 1989, and $12,000,000 for the fiscal year ending September 30, 1990.".

Mr. BYRD. Mr. President, I ask unanimous consent that both measures be reconsidered en bloc and that the motion to table the motion to reconsider en bloc be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that any Senators who wish to make statements on either of these measures may be permitted to do so up until 5 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I compliment Mr. KENNEDY, Mr. HATCH, and others who have been instrumental in bringing these two measures through the committee and to the floor. I thank Mr. SIMPSON, the assistant Republican leader, for his cooperation in reaching these agreements today. I also thank Mr. HELMS, Mr. KENNEDY, and others who participated in these efforts. I thank the staffs very much, because they have certainly expended a great deal of time and labor, not only today but heretofore, on having both of these bills brought up.

I think the Senate has done good work today in disposing of these two measures.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under the Department of Justice. There are two nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc, that the motion to reconsider en bloc be laid on the table, and that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Robert H. Edmunds, Jr., of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of 4 years.

Jesse R. Jenkins, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of 4 years.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I, too, want to pay my respects to the majority leader for calling together interested parties in this interim during this recess, at which time we had a very productive time on several issues with several Senators on both sides of the aisle. I particularly appreciate that. That is an important way to do our business. And, as I say, we are dealing with things other than these bills we have just handled, but it was a very productive session with Senator KENNEDY, Senator LEAHY, and the majority leader. As I say, it was an excellent and productive time.

Mr. BYRD. Mr. President, I want to thank the assistant Republican leader. I have had the occasion, many times over the years, to sit down with the Senator from Wyoming and to work out approaches whereby measures could be called up and time agreements thereon, and I have yet to make the effort in which he did not do his very best to expedite the progress thereon. And in practically all the instances that I can remember, he has been successful in helping to bring all sides together and to move legislation along. I am very grateful for that because it is that kind of cooperation that makes this body function and function effectively.

Mr. President, I want to make sure that the Senate did what I asked that it do.

I ask the Chair, as in executive session, did the Senate confirm the nominations of Robert H. Edmunds, Jr., to be U.S. attorney for the middle district of North Carolina, and Jesse R. Jenkins, of North Carolina, to be U.S. marshal for the western district of North Carolina and was the motion to reconsider made on each and was the motion to reconsider laid on the table, and was the President immediately notified in both instances?

The PRESIDING OFFICER. The majority leader is correct on each of those statements.

Mr. BYRD. I thank the Chair for his diligence and fairness and the ability with which he is presiding.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 30 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Again, Mr. President, I thank the leader for the expeditious way that we have handled these two important health bills this afternoon.

THE ADMINISTRATION'S REQUEST FOR AID TO THE CONTRAS

Mr. KENNEDY. Mr. President, with its latest request for Contra aid, the administration has once again displayed its obsession with military victory in Central America and its disdain for the only real hope for peace in the region—the Arias peace plan.

That plan—signed by five Central American Presidents—has brought the first significant progress toward peace in many years—not just in Nicaragua but throughout Central America. Certainly, the path to peace is fraught with difficulty and nobody trusts the Sandinistas. But the administration's alternative to Arias is unacceptable—it would condemn the people of Central America to wider war, worse repression, greater poverty.

If Congress approves the Contra aid, the responsibility for killing the peace process will be ours, not the Sandinistas. We will be saying "no" to peace not only in Nicaragua—but also in El Salvador, Honduras, and Guatemala, and innocent civilians will continue to pay the heavy price of continued war. The recent assassinations of human rights workers in El Salvador and of witnesses in human rights trials in Honduras are stark reminders of the grave cost of failure of the Arias plan.

The policy of Contra aid has failed, and it is long past time for Congress to end it. Nicaragua today is farther from democracy than it was 7 years ago—despite the $280 million in United States aid for the Contras throughout those years. Repression of civil and human rights has escalated; the rights and activities of the church, press, and labor unions are all curtailed. Nicaragua is more of a threat to the security of the region than ever before. And as the Miranda report revealed, the Sandinistas have no intention of surrendering to the Contras.

Yet, now for the first time since the Sandinistas came to power, they have suddenly begun a series of reforms. Is that because of pressure from the Contras? No. Is it because of pressure from the Arias plan? Yes. The suspension of the state of emergency, release of political prisoners, and greater freedom of the press are the first substantive steps by the Sandinistas toward democracy in many years.

They have a long way to go—but the progress so far is a direct result of the Arias plan. It is arrogant and preposterous for the administration to claim that Contra aid is responsible for a single reform that is taking place in Nicaragua.

For 7 years of Contra aid—overt and covert, legal and illegal—the Sandinistas' repressive policies escalated continuously. Then, a historic peace accord is signed, and for the first time there is movement in the country toward reform, peace, and democracy. The Sandinistas have responded to pressure from their Central American neighbors—not from Ronald Reagan's paid mercenaries and Somoza rejects.

The correlation between Contra aid and Sandinista repression is undeniable. The Contras began their attacks inside Nicaragua from Honduras in 1981. The Sandinistas began their large-scale relocation of the Miskito Indians from the Rio Coco in January 1982.

CIA support in 1982 for the Contras and the Contras' bombing of bridges preceded the first state of emergency imposed by the Sandinistas on March 15, 1982.

The $27 million in "humanitarian" assistance approved by Congress in 1985 was followed by a crackdown in October 1985—the Sandinistas renewed the state of emergency and arrested several hundred dissidents.

In the spring of 1986, the Congress approved $100 million in aid to the Contras. And in June 1986 the Sandinistas responded by closing down La Prensa, expelling Bishop Pablo Antonio Vega, and blocking the return to Nicaragua of the director of the Catholic radio station, Rev. Bismarck Carballo.

Yet the administration persists in its threadbare claim that 7 years of Contra aid have forced the Sandinistas to the bargaining table. Any progress toward democracy by the Sandinistas is directly linked to pressure from the Contadora nations, the Contadora support group, and their Central American neighbors.

The Latin and Central Americans have urged the administration repeatedly—publicly and privately—to stop Contra aid and start negotiations. President Arias has called for an end to Contra aid. The other Central American nations have called for an end to Contra aid. The 15-member International Verification Commission has called for an end to Contra aid. In its January 15 report to the five Central American Presidents, the Commission criticized the United States support for the Contras in "spite of the exhortations of the Central American Presidents." It urged an end to this policy, saying, "The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this procedure as a whole."

The Commission concluded that the goals of the Arias peace plan have not been achieved, but progress has been made, and the Arias peace plan remains a valid avenue to peace.

The administration is well aware of the stakes in this request. They know full well that Contra aid is inconsistent with the Arias peace plan and may well kill it. The administration's strategy is all too clear—it is the last gasp of their failed 7-year hardline strategy to achieve the violent overthrow of the Government of Nicaragua, and Congress should have no part of it.

This request is the modest compromise the administration is trying to make. They say they want a little more nonlethal aid to tide the Contras over while we give the peace process a chance. Yet the $36 million in this package works out to an annual rate of over $100 million a year—higher than any previous level of Contra aid, and over three times the current level.

If we include the $14 million already appropriated for this year in the continuing resolution, the "incidental" costs such as $20 million in insurance for plane crashes, and the estimated $3.5 million in electronic countermeasures, the overall request begins to look very much like the administration's initial figure of $270 million. In effect, the administration is asking Congress for a Gulf of Tonkin resolution against the Sandinistas—and the peace process—and Congress should deny it.

President Reagan has made much of his offer to put $3.6 million in military aid in escrow. But in essence, the entire $36 million package is military aid to a military force engaged for military action. The so-called nonlethal portion includes trucks, helicopters, uniforms, airplanes, transportation, supplies, and a variety of logistical assistance.

If the administration had put as much effort into negotiating with the Sandinistas instead of negotiating with Congress, perhaps we would be closer to peace with that country. Yet when Ambassador Philip Habib tried to do just that, the administration gagged him and he resigned in protest. Instead, Reagan sent his new National Security Adviser Colin Powell and Assistant Secretary Elliot Abrams to threaten the other countries of Central America with a cutoff in aid if they did not join in its effort to lobby Congress. And last week, he announced that he would send Secretary of State George Shultz to Central America to accelerate the peace process—but only if Congress approves Contra aid. Such tactics are demeaning to Congress and to the countries of Central America. They demonstrate just how desperate the administration is to scuttle the Arias plan and maintain U.S. military aid.

This week may well be a historic turning point for peace in Central America. I urge the Senate and the House to reject the path of wider war and make the turn toward peace, by denying Contra aid.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there be a period for morning business until 4 p.m. today and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

SENATOR INOUYE'S REQUEST FOR APPROPRIATIONS FOR SEPHARDIC JEWISH REFUGEES

Mr. EVANS. Madam President, I recently received, along with my colleagues, a letter from Senator DAN INOUYE, of Hawaii. That letter, I believe, was an act of extraordinary candor.

Madam President, I have served, during the time I have been in the Senate, with Senator INOUYE and during the last year as his vice chairman of the Special Committee on Indian Affairs.

The senior Senator from Hawaii, DANIEL K. INOUYE, has, throughout his long and distinguished career, fought tirelessly and courageously for those who do not have a voice in this Chamber. As the vice chairman of the Select Committee on Indian Affairs, I have seen him work, and worked with him, for hundreds of hours on end on behalf of native Americans. As a Senate colleague, I have seen him time and time again support the interests of the downtrodden and desperate.

That is why I am particularly distressed at the criticism he has encountered when he sought to help another group with little influence in this Chamber: Sephardic Jewish refugees.

He may have been right; he may have been wrong in what he did. But I am disappointed with the way critics have distorted the issue. As Senator INOUYE himself pointed out to the Senate earlier this week, the assistance for North African refugees did not come in the dark of night. The amendment was offered in subcommittee; it was approved by the full Appropriations Committee. What is more, the House also agreed to it. At no point during the process was there a single objection. Senator INOUYE should not be singled out and blamed for the collective judgment of the entire U.S. Congress.

Madam President, I do not believe for one instant that he has now or ever pandered to special interest groups. And I believe that it is more than a little disingenuous to assert that he is aiding special interests when the beneficiaries of his aid have no vote. There is not a single Member of Congress, this Senate included, who has not advocated appropriations for special interest projects. Most Members have advocated only those projects which provide special benefits for their constituencies and their own voters. Senator INOUYE, because of his chairmanship of the Foreign Operations Subcommittee of the Committee on Appropriations and Indian Affairs panels, has worked to benefit those whose voice is not counted by him, or, in the case of refugees, by anyone, who is elected to Congress.

In spite of the fact that his recent committee assignments have benefited the people of this Nation and of the world over just the parochial interests of his constituents, he has been reelected by overwhelming margins. Senator INOUYE is the only person who has held major statewide office throughout the three decades since Hawaiian statehood, and he is unquestionably the most popular politician in Hawaii's history.

Over the past year, I have served as vice chairman of the Indian Affairs Committee. This assignment has given me the opportunity to observe DAN INOUYE's selfless demeanor and his dedication to the plight of others less fortunate than himself.

His energy and enthusiasm have transformed the committee into one of the most active in the Senate. In the past year, the committee held almost 30 hearings, every one of which has been attended by the chairman and the testimony of every witness has received his full and complete attention.

The chairman has not advanced a single measure through the Indian Affairs Committee without giving complete and fair attention to the views of every member of the committee. He has approached every issue presented to the committee with prolonged and serious deliberation. And yet, with that extraordinary patience, coupled with persistence, the committee acted on over 25 bills in the first session of the 100th Congress and is prepared to act on nearly 50 more in the second session.

By his own estimate, and probably not to his own political benefit, Senator INOUYE has spent more time consulting with Indian leaders and learning first hand of the plight of Indian people than he has attending to the concerns of his constituents.

In a similar manner, his chairmanship of the Foreign Operations Appropriations Subcommittee has meant that the beneficiaries of his efforts, those in other countries with a need for foreign aid and the help of this country, have not been in a position to repay his generosity, certainly not through their votes.

There are not very many high rollers among Indian people and Third World refugees. There are few rewards for efforts, no matter how heroic, on their behalf. Those who are motivated to pursue their cause are motivated by something other than their own self-interest.

Madam President, I am confident that his unusual kindness and concern for these people is unmatched in this Congress and I, for one, am proud to call him my friend.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTRA AID

Mr. EVANS. Madam President, 150 years ago a fragile confederation grew in Central America. For the first time, the citizens of that part of the world broke away from their Spanish rulers, forming a new confederation devoted to their freedom and their independence. It was a confederation which began in hope, but soon faltered. That part of the world now is split asunder. The five nations which once began together are bleeding, each from a different wound. I fear, Madam President, that today in the House and tomorrow we in the Senate will reveal to citizens of this country and to the world not our unity, our confederation, but rather our divisions.

We must vote on the President's request—today in the House and tomorrow in the Senate—without amendment, without new thinking, without considering new ideas. The vote clearly will be closely fought. But in this Senator's view, we will lose regardless of which way the vote comes out. We will lose because we will have shown to the world, once again, that we are neither unified nor constant in our policies toward Central America.

One side or the other may claim a temporary victory, but is that the best way? Is that the way we are most likely to bring peace to Central America?

Madam President, I have consistently opposed aid to the Contras all the time I have been in Congress. I have done so not because I was enamored of the Sandinista leadership as it has evolved in Nicaragua, but because I felt the policy simply would not do the job.

In a speech on this floor more than 2 years ago, I suggested that there was a multifaceted policy which might work better. That policy was to first recognize the fact that the direction toward peace in Central America has to be a direction devised and led by Central Americans themselves.

I believe that in that statement, I said the path to peace ought to be crafted by those for whom Spanish is a primary language, not by Americans and not by others.

In addition to crafting that kind of peace plan, I felt that we should also fully live up to the responsibility we assumed under the report of the Kissinger Commission.

We were, over an extended period of time, to provide ample economic aid to the democracies of Central America to build their economic strength and to enhance their move toward democracy.

We fulfilled the requirements of the Kissinger Commission Report for 1 year. Then we began to falter, gradually reducing and then even more rapidly reducing, the amount of economic aid we were providing to those nations.

I felt at that time that ideas crossed borders a lot faster than rebels. If we were somehow to build strong and vibrant democracies in Honduras and Guatemala and El Salvador, to couple with the longstanding democracy in Costa Rica; if we were to ensure that their economies were strong and robust and the people treated justly, then internal rebellion in those nations would certainly diminish.

Moreover, the people inside Nicaragua would see around them the freedom, the economic opportunities, the better government enjoyed by their neighbors, they might then take these things for themselves.

Madam President, things have changed since I presented those remarks a little over 2 years ago—some for the better, some for the worse. The war continues, a war which rages back and forth across peasant villages, disrupting those who probably have no real sense of either Marxism or democracy, but whose major interests are how to feed their families the next day and how to exist in a poverty-stricken land.

There have been some good things which have happened. The Presidents of Central America have gotten together.

President Arias, with his consistent leadership, provided his colleagues with an opportunity to join in a collective effort for peace.

In the intervening years each of us has heard from thousands of citizens—I know I have—in probably the most thoughtful outpouring of their feelings as on virtually any other issue in front of us. I suspect I am just about average in the Senate. I represent a State which is about average in population, and yet the number of letters I receive in a good month will run 15,000 to 16,000. I have to add them up at the end of the month and have my staff tell me which are the top 10 issues so we can get a good idea of what people are writing about and how many are on one side or the other side of the issue. It is fascinating. Usually those top 10 issues appear once in a month and then disappear in the next month. Or there will be 1,000 or 1,500 letters in favor of a certain subject and no one who writes against. All of the 1,000 or 1,500 letters being generated by some organization, some group aimed at a particular interest.

There is one issue which month after month is in the top 10 the letters I receive. These letters are generally not generated by any group. They are individual letters, for the most part handwritten. They are thoughtful, poignant, and an extraordinary number of them are from people of my State who have visited one or several countries of Central America, sometimes for extended periods. They are on both sides or perhaps on several sides of this issue, for they have many ideas as to how we might help bring peace to Central America.

A month and a half ago, I had the opportunity, along with the Senator from Connecticut [Mr. DODD] and the Senator from Kansas [Mrs. KASSEBAUM], to go to Central America on a short trip. We visited four of the nations, talked to four of the Presidents, and visited with the rebels or opposition leaders in several of the countries. We had an opportunity to talk with Cardinal Obando y Bravo, the negotiator between the Contras and the Sandinistas and we talked with a remarkable woman, Violeta Chamorro, who is the publisher of La Prensa in Nicaragua.

Perhaps the highlight—and for me the most interesting part—of that trip was to spend 2½ hours over lunch with President Ortega of Nicaragua. I do not believe President Ortega is any different from anyone else in a position of leadership, particularly in those countries where leadership has come not through popular election but through armed conflict. Survival comes first.

It was apparent, at least to this Senator, that he had no intention of calmly stepping aside for a democratically elected Government in Nicaragua. He was going to do as much as was necessary to follow the peace plan. But he would always have some reason for delay, hoping that in the meantime the one thing he feared, the Contras, would be voted out of existence by the Congress. He would then have much greater freedom of action.

Some say that the peace plan, which is now struggling through its early stages, came into being because the Central American Presidents decided upon it. Through the leadership of President Arias they were able to get together. But to go beyond this and to say that the Contras played no role or no part in the Nicaraguans' willingness to sign the peace plan, which if carried out to its fullest would almost certainly lead to the Sandinistas being removed from office, is just plain nonsense. Of course, the Contras played a role.

It is just as some would suggest and, I think with equal validity, that the continued military strength of the United States and an insistence on maintaining that strength coupled with an insistence on moving ahead on an SDI program were the two elements which ultimately led the Soviets to come back to the bargaining table.

Of course, these things make a difference. Of course, they play a role and, of course, they are the elements that have helped bring us to the point we are now at. And it is a critical point.

It is a different time than 2 years ago or even 1 year ago. The peace plan is now in existence. There are other new facts and it is time to review our policy.

Some suggest that the current difficulties are purely Central American and that America should play no role. I do not, and I think most of my colleagues do not believe that.

America does have an interest in this hemisphere and in this hemisphere's stability. America has an interest most certainly in its own national security as it is affected by events in Central America.

If we are to believe President Ortega and the Sandinistas' promises and if we are confident that the peace plan will be carried out fully, then, of course, we should reject this request for additional assistance for the Contras.

Those Members who reject the kind of leadership the Sandinistas have brought to Nicaragua, who believe that they are simply never going to live up to any peace accord they sign voluntarily, should support continued aid to the Contras.

But there is a third group, and I would put this Senator in that group. A group who are skeptical, maybe even very skeptical, but willing to see a successful peace process through, willing to spend the time and the effort to see if just possibly, maybe even miraculously, this fragile movement toward peace can be successful.

Let us go back to those three categories in which all of us at one time or another must fall. Will those in the first category, who believe that the peace process can go through, that the Sandinistas will live up to it wholeheartedly, and that they can then get rid of the Contras will they vote to send American troops when President Arias calls for help as aggressors come across his border?

I presume all of those who would today vote against Contra aid would feel an obligation to vote to send American troops in such an event.

But if we continue to aid the Contras, who among us will take responsibility for the excesses, occasional, maybe even frequent atrocities and the deaths of innocent Nicaraguan peasants? I suppose that responsibility must fall on those who would vote to continue to support the Contras.

These two assertions may seem harsh but they illustrate devisiveness and the increasing bitterness in America which this issue has spawned. If maybe that they are not very far away from the two alternatives which could occur.

There simply must be a better way, Madam President, a better way which can bring together people of good will.

The Presidents of the four democracies in Central America have spoken forcefully for adherence to their peace plan now. They made a remarkable declaration in San Jose. They want democracy now, in all nations of Central America. They want democracy now in Nicaragua, not at some future undetermined time.

This is not the United States talking. These are the Presidents of Central American republics.

They took back responsibility for verification of that peace plan not wanting others less intimately involved to make the decisions as to whether the plan was being carried out or not. They refused to extend the time for compliance with this plan.

They also declared in a statement, which I think has been missed by many of my colleagues, that the Contra uprising was in response to Sandinista pressures and excesses.

Now these are remarkable statements. I think we ought to listen to them very carefully and attempt to respond to them as well as we can through American policy.

Let us neither reject aid to the Contras outright nor give them additional unfettered funds. Instead, we should set aside a large amount of money, far larger than the $36 million now proposed, put it in escrow, keep it there for a limited period of time, allow the peace process to mature, and then at an appropriate time, let Congress and the President decide whether the peace plan has been adhered to.

The criteria for this measurement are clearly stated. They are set forth in the peace plan and they are reiterated quite clearly in a proposal adopted by the House of Representatives by an overwhelming vote a short time ago.

If there is adherence, it would be time to release these funds and to give economic aid not just to the four nations of Central America, the democracies with whom we have worked, but to the five nations of Central America.

If all have lived up to the peace plan, they all should share in the benefits of economic revival—the people in Nicaragua, as well as the people in the other four nations.

If it becomes apparent that the Nicaraguans simply cannot and will not respond to the peace plan then it is time to release further aid to the Contras to continue the pressure. I suspect that at that time we would have a substantial majority in favor of that course in both Houses.

Madam President, our policy in Central America cannot succeed using only the President's package. We cannot succeed with a Democratic package. We cannot succeed with a Republican package and we cannot succeed with a Senate package.

Somehow, some way, we must find an American package, one that can gain substantial bipartisan support, and one that passes these important tests: first, that it supports the continued movement toward the fulfillment of the peace plan of the Central American Presidents; second, that it recognizes and protects America's legitimate security interests in the Western Hemisphere; third, that it advances democratic governments in all of Central America; and, fourth, that it helps build economic stability and security and democracy in all of those nations.

Madam President, it may be the 11th hour, but we simply must find a more intelligent way out of this morass.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Madam President, I believe morning business expires at this moment. I ask the time be extended for 10 minutes, Senators to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

COMMENDING SENATOR DAN INOUYE

Mr. LEAHY. Madam President, I will be brief. I have served in the Senate, beginning now my 14th year here. During that time I have had the privilege, and I might say the pleasure, of serving with the distinguished senior Senator from Hawaii [Mr. INOUYE]. In fact, 12 of those 14 years we have served on the Appropriations Committee together, we served a number of years together on the Intelligence Committee, and we have been on various special commissions here.

Like everybody else in the Senate, you know and you like DAN INOUYE. I have dealt with him on occasion after occasion. In the Appropriations Committee we have many, many times agreed on issues. Sometimes we have disagreed. I have always known exactly where he stood. We have voted issues up or voted issues down.

I feel some concern about the way a particular matter that Senator INOUYE asked the appropriations conference to include has been treated in the press. Senator INOUYE said that he assumed that had been cleared through the administration. Apparently concerns were expressed afterward about it. Senator INOUYE had stated exactly why he wanted some money for a particular school in France. But, also because there was controversy, not so much on the merits of the issue but a suggestion that it was a matter that was brought up and passed solely because it was during the conference committee time, Senator INOUYE asked for special legislation to remove the appropriation.

I commend Senator INOUYE for that. He knows full well that, the way things work here, if he had not taken that step, that money would have stayed in there; that the matter that he wanted, for the reasons he stated, would have stayed in there—reasons which would have carried the day, I suspect, on a vote in the committee. But I think Senator INOUYE, as he is wont to do, did the forthright and honest thing, something that I am sure that many others might have hesitated to do. He asked a Member of the other body where appropriations bills begin to put in legislation, which he would support in this body, to remove the project that he had supported.

I commend DAN INOUYE for that. I think it is characteristic of the man. I applaud him for it and I am delighted to see his action.

Madam President, I yield to the Senator from West Virginia.

THE GEORGE WASHINGTON FREEDOM AWARD FOR 1988

Mr. BYRD. Madam President, each year since 1983, the Adjutants General Association of the United States has presented the George Washington Freedom Award to an American who, in its judgment, has made noteworthy contributions to our national defense and security.

To be more specific, the George Washington Freedom Award "recognizes those individuals who have made singularly outstanding contributions on the national level to the freedom of the people of the United States of America * * * through a sustained commitment to our country's defense and security." Such an honoree should have demonstrated leadership ability, character, and persistence in the pursuit of freedom. The award is so named because George Washington represents to the Adjutants General Association the model American citizen-soldier.

Past recipients of the George Washington Freedom Award have been President Ronald Reagan, Congressman G.V. "SONNY" MONTGOMERY from Mississippi, Senator Barry Goldwater from Arizona, and Senator JAKE GARN from Utah.

I am pleased to have been informed that this year's winner of this award is Senator SAM NUNN from Georgia.

I congratulate Senator NUNN on receiving this deserved recognition, and I commend the Adjutants General Association for making a wise choice.

At every level of government and across the country, Senator NUNN is acknowledged to be one of this era's leading experts on military and defense matters. His voice and opinion on matters of national security are respected throughout the Pentagon and throughout Congress. Few men in the history of the Senate have set before themselves so prodigious a task in mastering the defense area as Senator NUNN has, or so thoroughly succeeded in accomplishing that goal.

Importantly, too, Senator NUNN is an advocate of spending our defense dollars to obtain the most effective, efficient, and workable defense systems and programs possible, and of getting the most defense for the dollars spent.

I congratulate again our distinguished colleague from Georgia on earning this latest recognition for his contributions to our national defense, and I thank him for the devotion that he has shown in helping us all to understand better how to maintain our security and freedom.

Mr. President, I would like to ensure that Members of this body as well as the House of Representatives have an opportunity to read Senator NUNN's acceptance speech as it brings to light the realities that we as citizens of the United States, and as elected representatives of the citizens of the United States, will be faced with this coming year in the area of arms control and foreign policy.

I ask unanimous consent that the remarks of Senator NUNN to which I have referred be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ARMS CONTROL IN THE LAST YEAR OF THE REAGAN ADMINISTRATION

(Senator Sam Nunn)

Thank you Ambassador Smith. Ladies and gentlemen, I am greatly honored to receive the "William C. Foster Award" from your prestigious association.

You are very kind to recognize my activities last year related to the interpretation of the ABM Treaty and the role of the Senate in the ratification process. There are, however, several other individuals whose tireless efforts were essential to our success in this undertaking. Ambassador Smith, you would be at the top of the list, accompanied by senior members of your SALT I Delegation, including Ray Garthoff, John Rhinelander, Sid Graybeal, Royal Allison, and Harold Brown. I also believe that several of my colleagues in the Congress deserve a large portion of this award. In particular, I want to pay tribute to Carl Levin, Bill Cohen, Les Aspin and Joe Biden, whose roles were crucial in the final outcome of this arms control and constitutional debate.

As the Reagan Administration begins its last year in office, the United States stands at a crossroads. Rarely in the post-war era has the dividing line between historic breakthrough and missed opportunity been so finely drawn. Rarely has such a window of opportunity been presented for accomplishing historic improvements in the superpower relationship. Accomplishments that seemed beyond reach during the Administration's first term no longer seem so far-fetched.

Indeed, it is conceivable that during 1988, the Senate could have five major arms control agreements placed on its calendar. In addition to the INF Treaty, the Senate could, prior to adjournment next fall, be presented with a START treaty, a new accord on strategic defenses, and new protocols on verification of nuclear testing which could clear the way for ratification of the long-pending Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

Should these extraordinary events come to pass, you might well find yourself—much to your own amazement—presenting the next "William C. Foster Award" to Ronald Reagan. I hasten to add, however, that the odds that such a new dawn could break during the last year of the Reagan Administration are no more than 50/50.

Whether 1988 is the occasion for such dramatic arms control agreements will depend, of course, on unprecedented Soviet cooperation. Under Gorbachev, the Soviets have voiced an apparent willingness to embrace arms control concepts which just a few years ago would have seemed unattainable. These include disproportionate Soviet reductions, on-site inspection, cooperative measures for enhancing national technical means of verification, detailed data exchanges, high-level military meetings, discussions on doctrine and force postures, and important nuclear risk reduction measures. A word of caution is in order:

It is too soon to determine how many of these concepts can be translated into reality. The West must predicate its position on Soviet deeds, not words. In areas such as conventional arms control, we must put Soviet rhetoric to the test with bold and innovative proposals of our own. The Soviet Union's disregard of fundamental human rights and unresolved violations of existing arms control agreements, especially the Krasnoyarsk radar, will continue as large impediments. There is no greater obstacle to improved U.S./Soviet relations than the Soviet Union's continued occupation of Afghanistan.

Nevertheless, the advent of Gorbachev, glasnost and perestroika have undeniably improved the overall climate for the conduct of superpower relations. Whether this opportunity will be realized will in large measure depend on whether the Reagan Administration takes what I call this evening a "cold shower of reality." I believe the Administration must recognize, and act decisively upon, several realities that define the parameters of the current strategic environment.

Reality One: Congress is Not Persuaded by the Administration's ABM Reinterpretation

Reflecting on the acrimonious journey of the Levin-Nunn provision from a committee amendment to enacted law, it is clear that the Administration has failed to make a persuasive case for reinterpreting the ABM Treaty. The ABM battle of 1987, in which your association played such an important role, demonstrated that at this time the Administration does not enjoy majority support in either the House or the Senate for the United States to breach the ABM Treaty as it was approved by the Senate.

Last year's vote on Levin-Nunn was not, however, an explicit referendum on the "broad vs. narrow" interpretation that settled this question for all time. What last year's Levin-Nunn battle does suggest is that the Administration reluctantly recognized that the Congress does have the Constitutional power of the purse and that its explicit approval must be secured before funds could be spent inconsistent with the ABM Treaty as presented to the Senate in 1972.

To me, this debate went far beyond the arcane world of Article V, Agreed Statement "D", and such phrases as other physical principles and tested in an ABM mode. We must never forget that the ABM Treaty, like all treaties, is the supreme law of the land under our Constitution.

If we decide the ABM Treaty jeopardizes our national interest, then the honorable course is to serve notice under the terms of the Treaty and withdraw. When we are confronted with Soviet violations of the Treaty, we are entitled to take proportionate responses if the Soviets fail to correct their non-compliance.

Let me emphasize, however, that manipulating and distorting the law of the land is simply not acceptable. If we are going to have a safer and saner world, the United States must stand for the rule of law. It is not out-moded for America to keep our word of honor—even in dealing with the Soviet Union.

Reality Two: Our Geneva Arms Control Posture and Our ICBM Modernization Policies Are Not In Synch

Clearly, our goal should be a START agreement with sub-limits which, when combined with sensible U.S. strategic force developments, would significantly reduce Soviet first strike incentives. Such an agreement would be in the mutual interests of both sides, since both nations are under growing pressure to allocate less of their GNP to defense and each is nervous about the growing counterforce capability of the other side.

If, however, our ICBM's are to be based only in vulnerable, fixed silos—or deployed in basing modes that require strategic warning—then I believe the degree of stability afforded under our own START proposal would be in serious question. I was pleased to note that on the eve of the Washington summit, Secretary Shultz emphasized the importance of mobile missiles to survivability. He declared that we are prepared to allow mobile ICBM's under START if the Soviets will help us draw up effective verification provisions.

It would be a supreme irony, however, if the United States and the Soviet Union resolved their differences over START, worked out an effective mobile ICBM verification regime, and produced an historic and potentially stabilizing treaty—only to discover that both the Midgetman and the Rail Mobile MX had been killed in an act of domestic political fratricide. If the Administration terminates the Midgetman program, then I think there is a good chance that the House of Representatives will kill the Rail Mobile MX program. If we have no survivable mobile ICBM's to deploy under the START ceilings, then our options for taking advantage of the opportunities for stability afforded by this prospective treaty are greatly reduced. A more stabilizing nuclear environment requires not only a sound arms control regime, it requires our Nation to make sensible strategic deployments.

Reality Three: START Cannot Be Considered In Isolation

The Reagan Administration must recognize that START and SDI are in completely different time frames. The opportunity to achieve historic reductions in offensive forces is now. Realistic deployment options for SDI systems which could satisfy the Nitze criteria—or even scientifically necessary testing that would require breaching the ABM Treaty—remain years in the future. In addition, the number of Soviet warheads which would remain after all the START reductions were accomplished would still be more than double the number it had deployed at the time the ABM Treaty was signed.

For these reasons, we logically should be able to implement deep cuts in each side's strategic offensive forces while relying on the ABM Treaty to provide predictability as to defensive developments. Unfortunately, the logic of the Administration's approach to SDI is in question.

The current political reality is that some in this Administration have been ardently searching for near-term SDI tests in space that could only be conducted under the broad interpretation and which, if conducted, could trigger a Soviet reaction which could destroy the ABM Treaty. In my view, the motivation for such tests has been driven by ideology, not by scientific judgments.

As long as this attitude prevails then it is impossible to be relaxed about the possibility of a START agreement which is tied to an ABM Treaty whose application to advanced defensive technologies has not been clarified.

In some respects, this could represent the worst case for the United States. The Soviet Union would be relatively free by the Administration's definition to pursue its defensive testing program while in the United States each proposed test would become subject to a raging controversy as to whether it violated the ABM Treaty and whether it would result in termination by the Soviet Union of offensive reductions under START.

I could not be comfortable with an outcome that resulted in the United States eliminating half its strategic deterrent while deep concerns remain as to whether the Administration's policy on SDI may lead to the removal of all restraints on Soviet strategic defenses, an area in which they have current operational experience and near-term technical advantages. I was encouraged by Secretary Shultz's statement during a November TV interview:

"Predictability and stability . . . is just as important for us as it is for them, because probably right at the moment their ability to field what we think of as an inferior form of strategic defense is greater than ours. So we don't want to reduce our offensive system unless we have some notions of stability, just as they don't."

Reality Four: A Sound SDI Policy Cannot Be Based on Simplistic and Misleading Slogans

In the five years since SDI was launched, the Reagan Administration has consistently substituted slogans for objective and technically sound explanations. Too often, SDI has been treated as a theology rather than a scientific research program. Reasonable questions have been met by the political and strategic equivalent of the locker room battle cry, you gotta believe.

President Reagan's latest applause line on SDI—"we will research it, we will test it, and when it's ready, we will deploy it"—raises several SDI questions. First question: what is the "IT" we will research, test and deploy? Is "IT" the President's vision of "a shield that could protect us from nuclear missiles just as a roof protects a family from rain"? Or is "IT" the Joint Chief's goal of a defensive system designed to destroy 50 percent of the Soviet SS-18 force should they launch an all-out first-strike on our land-based systems. Is "IT" intended to replace deterrence, or enhance it?

Second question: assuming the Administration could agree on what "IT" is, when can we reasonably expect to arrive at the point at which we could make a well-informed decision to deploy "IT"? A year ago, some SDI advocates were insisting that we already knew enough to commit to deployment. This prompted the Chairman of the Joint Chiefs, Admiral Crowe, to complain at a January, 1987 hearing that, "I hear so much said and written about it, as if it is out there in the parking lot, and we just do not know where to put it." Admiral Crowe went on to say, "we have not answered all the research questions yet, as a technical proposition, what the cost of them will be, or whether they can be translated into a weapons system."

Third question: how much would "IT" realistically cost? Is the cost in the range of $40-60 billion as estimated by General Abrahamson last spring? Or is it the $100 billion estimated by the Marshall Institute and now supported by General Abrahamson? Or is this projection too low by 300-400 percent, as estimated by highly reputable research organizations?

The wide gap in these cost projections reflects radically different assessments of the Soviet Union's capacity and willingness to respond to a U.S. SDI deployment by proliferating decoy, switching to faster-burn boosters, and improving its ASAT weapons. Ironically, many of those who have traditionally faulted the U.S. Government for underestimating the pace and scope of Soviet strategic nuclear developments are now implicitly arguing that the Soviet response to SDI deployments would be modest and limited. Some fervent SDI cheerleaders, in their effort to sell early deployment, are trying to convince us that we are in a contest with the Little Sisters of Mercy, rather than the Evil Empire.

Fourth SDI question: what are the implications for U.S. military capabilities across the board if, as part of its effort to sell SDI, the Administration grossly underestimates its true costs? Are we prepared to pursue SDI deployments even if it means we have to seriously erode our present conventional defense capability in a post-INF NATO environment?

Fifth SDI question: how do you decide whether "IT" warrants deployment? The so-called Nitze criteria of technical feasibility, survivability and cost-effectiveness at the margin have been endorsed by the President and written into law by the Congress. Most objective and independent analysts agree that a phase-one system based primarily on space-based kinetic-kill vehicles could not satisfy the Nitze criteria. Is the Administration willing to confront the reality that SDI will likely have to go through another generation of development, focusing on directed energy systems, before highly effective defense deployment options become technically feasible?

Final SDI questions: if and when credible SDI deployment options are available, how do we conduct a mutual transition toward a defense-dominant regime in a manner that increases crisis stability? What are the implications for NATO's flexible response strategy if both superpowers are capable of highly effective ballistic missile defenses? How vulnerable would such defenses be to technological breakthroughs by the other side? Would high-performance defenses on both sides give each side an incentive to use their limited penetration capability for the most lucrative targets? Ironically, some analysts have concluded that if both sides have highly-effective defenses it could move us in circular fashion back to explicitly targeting population centers.

Suffice it to say, these are serious questions about SDI which will have to be answered by serious thinkers.

Despite the record of the last five years, I believe it is still possible to bring a coherent national policy out of the stew of politics, physics and metaphysics in which SDI is now deeply immersed. There is still time to make SDI stand for "Sensible Defense Initiative". This will not be easy. Above all, we need to agree that neither offensive nor defensive weapons are inherently more moral than the other. What is moral is that which works to preserve peace and human freedom.

Reality Five: SDI Must Be Placed In A Broader Context Of National Priorities And National Vulnerabilities

As we continue research and development on longer-term comprehensive defense options, we must bear in mind that this goal is not a Holy Grail in and of itself. It is fundamentally wrong to believe that only SDI is designed to protect the U.S. population. Every dollar of our military expenditures must be weighed as to its contribution to protection of our population and that of our allies.

If one looks to our inadequate conventional forces, our vulnerable command and control facilities, our virtually non-existent strategic air defenses, and the fragile infrastructure of our civilian society, one can find a number of vulnerabilities far easier and safer for the Soviets to exploit than an attack by Soviet ICBM's. The Soviets are able chess players, and good chess players rarely gamble their queen when they can wreak havoc with a pawn.

We are increasingly a society of networks—electricity grids, water systems, oil and gas pipelines, telecommunications links—with highly vulnerable nodes to which we have given virtually no thought of protection, even against the simplest efforts to knock them out. One need look no further than Chernobyl, Bhopal and the recent oil spill in Pittsburgh to appreciate the reality of modern society's vulnerability to catastrophic disruption.

If we have a finite amount of money to spend and want to spend it in the wisest ways to protect ourselves, our children and our grandchildren, we must seriously assess whether devoting a very large share of it to deploy comprehensive defenses against ballistic missile attack is the most rational way to proceed.

As one witness before the Armed Services Committee noted wryly, "The Soviets could just put nuclear weapons inside bales of marijuana, since they know we can't prevent that from entering the country."

Or, as a top Soviet official said during the Washington Summit:

"We won't copy you anymore, making planes to catch up with your planes, missiles to catch up with your missiles. We'll take asymmetrical means with new scientific principles available to us. Genetic engineering could be a hypothetical example. Things can be done for which neither side could find defenses or countermeasures, with very dangerous results. If you develop something in space, we could develop something on earth. These are not just words. I know what I'm saying."

My point is this: there is no rule of science that says ballistic missiles will remain the most severe threat to population destruction. There is no reason why our adversaries could not shift the rules of the game from physics to biology. There is no reason Third World countries and terrorist groups cannot participate in the biological warfare arena. The superpowers have a mutual interest in preventing this development. Our challenge is to identify areas of clear mutual interest between the superpowers to limit potential new threats of the 1990's.

The reality of our society's vulnerability to such threats does not, however, mean that there are no valid goals for defenses. An effective U.S. research program in strategic defense technologies is necessary both to assess their practical potential (including conventional applications) and as a hedge against a Soviet decision to break out of the ABM Treaty.

In addition, I can envision certain defensive deployments which could be in the interest of both our Nation and the Soviet Union. If carefully redirected, our research efforts could produce options for limited deployments to deal with the frightening possibility of an accidental or unauthorized missile launch. Such defensive deployments might be possible within the terms of the ABM Treaty or, at most, require a modest amendment. If properly designed, such a system would not combine with offensive forces, either with or without a START treaty, to pose a first-strike threat. It could be designed so that it would not be destabilizing or prompt the Soviets to avoid or abrogate START.

In Washington, you cannot begin discussing an idea until it has been given an acronym. I might, therefore, suggest that we call this defensive system the "Accidental Launch Protection System"—or "ALPS". Such a limited defense would of course have to be proved both technically feasible and affordable. We would also have to carefully consider the extent to which the other elements of the Nitze criteria would apply.

I believe both superpowers might find common interest in taking out such an "insurance policy." This concept is a logical follow-on to the recent U.S./Soviet agreement on Nuclear Risk Reduction Centers and could be coupled with other imaginative steps to help reduce the risk of accidental or inadvertent nuclear war. For example, President Reagan and General Secretary Gorbachev could agree to make a simple but potentially very important pledge to conduct unilateral comprehensive reviews of each nation's fail-safe mechanisms guarding against accidental or unauthorized launches. This is an area in which I believe far too little attention has been devoted over the last several administrations.

RECOMMENDATIONS

If the Executive Branch is prepared to recognize and act upon these realities, then I believe certain policy prescriptions logically follow.

First, even under the best arms control regime we can now envision, stability will require both continued strategic force modernization and effective investments in research on defensive systems.

Second, we should continue development of both the Midgetman and the Rail Mobile MX ICBM systems until a rational choice can be made based on survivability, stability and cost effectiveness.

Third, we should withdraw our proposal in Geneva for a ban on all mobile ICBM's contingent on agreement on an effective verification regime.

Fourth, we should settle the dispute with the Soviets both over the duration of the ABM non-withdrawal period and on how advanced technologies will be treated during this period for purposes of complying with the Treaty. I believe the Administration should heed Ambassador Nitze's counsel and negotiate with the Soviets on a specific enumeration of what types of SDI devices can and cannot be tested in space during the non-withdrawal period.

Fifth, while maintaining an effective research program, we should set two separate but compatible goals for a redirected strategic defensive effort:

For the near term, we should seriously explore the development of a limited system for protecting against accidental and unauthorized launches. This should be coupled with a rigorous unilateral review by both sides of their respective fail-safe procedures and safeguards.

For the longer-term, our goal should be to pursue research on advanced defensive technologies, principally in the directed energy area, that offer the best prospects for a possible comprehensive defense. This should include much greater emphasis on battle management and system-wide command and control.

However, the United States should not commit any deployment of comprehensive ballistic missile defenses unless:

a. technical feasibility issues are settled;

b. cost/effectiveness at the margin appears attractive;

c. we have a reasonable assurance that highly effective deployments could be maintained in the face of plausible Soviet countermeasures;

d. the transition to such defenses would not undermine stability; and

e. economic and political support for the long haul is assured.

General Omar Bradley once said: "Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living. If we continue to develop our technology without wisdom or prudence our servant may prove to be our executioner." In my introduction, I made reference to General George Marshall. General Marshall said: "If man does find a solution to world peace, it will be the most revolutionary reversal of his record we have ever known." Our task remains clear but awesome. We must reverse the record of history.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEAHY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 15 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 4:14 p.m., recessed until 4:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KERRY).

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended 15 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

SENATOR DANIEL K. INOUYE

Mrs. KASSEBAUM. Mr. President, yesterday the Senate approved legislation rescinding the $8 million provided in the continuing appropriations bill for the construction of schools for North African Jewish refugees in France. This legislation was initiated at the request of Senator DANIEL INOUYE, sponsor of the funding provision. I commend Senator INOUYE for his courage in admitting a mistake and for his decisiveness in acting to correct it. His handling of this matter underscores the qualities which have made him a highly respected Member of this body.

The unfortunate thing about all this is that Senator INOUYE is bearing the brunt of public dissatisfaction with all of us. The furor over the Inouye amendment is but the tip of the iceberg of a much deeper public concern about the way in which Congress conducts its business. Certainly, adding a special line-item for a favored project is nothing new around here, and there are undoubtedly numerous other provisions of the continuing appropriations bill which should be rescinded.

More importantly, however, public dissatisfaction lies with the process itself. It is intolerable that we permit a year's worth of work to be crammed into two volumes which no one can possibly examine before casting a vote. Such a process is tailor-made for the enactment of policies which lack both consensus and proper consideration.

The real challenge confronting us has not been addressed by wiping out one provision of one mega-bill. The true test will be whether we can bring some semblance of order and serious deliberation to the work at hand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

BICENTENNIAL MINUTE

FEBRUARY 28, 1902: SENATE CENSURES MEMBERS FOR FIST FIGHT

Mr. DOLE. Mr. President, under the Constitution the Senate retains the exclusive right to set standards for the conduct of its Members. On seven occasions in its 200-year history, the Senate has found it necessary to censure Members for inappropriate behavior. One of those occasions occurred 86 years ago this month, on February 28, 1902.

On February 22, the Senate had debated a bill providing funding for the recently acquired Philippine Islands. At that time a dispute arose between the two Senators from South Carolina. Senator Benjamin Tillman charged that "improper influences" had been used to change the vote of his colleague John McLaurin on the Philippine Treaty.

Word of Tillman's charges reached McLaurin at a committee session. He raced back to the Senate Chamber and, pale with anger, branded the allegations "a willful, malicious, and deliberate lie." Upon hearing this, the 54-year-old Tillman jumped forward and struck the 41-year-old McLaurin above the left eye. McLaurin returned a punch to his adversary's nose. Both men traded blows until separated by a doorkeeper and several Senators. The Presiding Officer immediately ordered the doors closed and the galleries cleared. The Senate, by unanimous vote, found both Members in contempt and referred the matter to a committee. On February 22, the Senate, after debating the relative guilt of the two, and its authority to suspend Members, censured both men "for disorderly conduct and flagrant violation" of its rules. Each combatant was suspended for 6 days from the time of the fight.

As a consequence of this event, the Senate adopted the regulation we know today as Rule 19. That rule provides that: "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

PRESIDENT GOES EXTRA MILE ON CONTRA AID

Mr. DOLE. Mr. President, later this evening, the House will vote on the President's proposal for continued assistance to the democratic resistance in Nicaragua—the so-called Contras.

As I indicated when I introduced the resolution of approval required to authorize this assistance, this will be a watershed vote. The House tonight, the Senate tomorrow—we will be voting on whether we believe the path to real democracy and peace in Central America lies in keeping the pressure on the Sandinistas, until they comply with the Arias plan; or in just trusting the Sandinistas to live up to their word, before they have taken the steps necessary to comply.

Let me be absolutely clear about my own view. I've met Ortega. He is a Communist. I don't trust him, and I don't trust the Sandinistas. I don't think they will ever comply, if we give them what they want before they do.

The President has done everything possible to craft this package to meet the legitimate concerns of the Congress. The aid requested is at the absolutely minimum level. The military aid component is miniscule—and even then will remain in escrow, pending one last chance for the Sandinistas to comply with the Arias plan.

And now the President has gone yet another mile. In a letter sent today to me and to other congressional leaders, the President has followed through on a pledge he made in his address to the Nation last evening. He has indicated that he will give Congress the opportunity, through a sense of the Congress resolution, to declare whether or not the Sandinistas have complied with the Arias plan—before he certifies the need for release of the military aid. And if Congress through a concurrent resolution declares the Sandinistas in compliance, the President "will refrain voluntarily from making the certification, and the suspension of lethal aid deliveries will continue."

Mr. President, President Reagan has done everything that can reasonably be asked of him. He has virtually turned the votes we take tonight and tomorrow into votes on the nonlethal aid only; giving us the opportunity for a separate vote on lethal aid, before it is released.

President Reagan has indicated his willingness to take every reasonable step he can. He has indicated, and demonstrated, that everything is negotiable but one thing: our basic commitment to the freedom fighters.

He will never abandon them. I will never abandon them. I only pray that the majority of the House and the Senate won't either.

Mr. President, I would like to place in the RECORD the text of the President's letter to me, as well as the text of his speech to the Nation last evening.

There being no objection, the material was ordered to be published in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, February 3, 1988.

Hon. BOB DOLE,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR BOB: On January 27, I transmitted to the Congress a request for $36.25 million in further assistance for the Nicaraguan democratic resistance. Our goal in Nicaragua is simple—peace and democracy. Our policy has consistently supported the efforts of those who seek democracy throughout Central America and who recognize that the freedom fighters are essential to that process.

Ninety percent of my request is for nonlethal aid, including food, clothing, medicine and transportation. The other ten percent is for ammunition and air defense missiles that would not be available for delivery until after March 31, 1988 pending my certification that:

At the time of the certification, no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

The failure to achieve such a ceasefire results from the lack of good faith efforts by the Government of Nicaragua to comply with the requirements of the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988; and

The Nicaraguan democratic resistance has engaged in good faith efforts to achieve such a ceasefire.

As I have already stated, I would make that certification only after consulting personally with the Congress and the Presidents of the four Central American democracies, and I would give considerable weight to their views on the question of whether Nicaragua has complied with the San Jose Declaration.

Furthermore, in the event that I find it necessary to make such a certification, I will notify the Speaker of the House of Representatives and the President of the Senate of my intention to do so ten days in advance. If the Congress adopts during that ten-day period a concurrent resolution stating that the Government of Nicaragua is in compliance with the San Jose Declaration, then I will refrain voluntarily from making the certification, and the suspension of lethal aid deliveries will continue.

I believe that this arrangement will afford Congress and the Executive branch the opportunity to address jointly the central question of Sandinista compliance with the commitments made at the San Jose Summit. Accordingly, I strongly urge that the Congress give its approval to my request of January 27, which in my judgment will serve to enhance the national security interests of the United States by strengthening the prospects for democracy in Central America.

Sincerely,

RONALD REAGAN.

ADDRESS BY THE PRESIDENT TO THE NATION ON CENTRAL AMERICA

The PRESIDENT. My fellow Americans, I want to begin tonight by telling a story, a true story of courage and hope. It concerns a small nation to our south, El Salvador, and the struggle of its people to throw off years of violence and oppression and live in freedom.

Nearly four years ago, I addressed you as I do tonight and asked for your help in our efforts to support those brave people against a Communist insurgency. That was one of the hardest-fought political battles of this administration. The people of El Salvador, we heard, weren't ready for democracy; the only choice was between the left-wing guerrillas and the violent right—and many insisted that it was the guerrillas that truly had the backing of the people.

But with your support, we were able to send help in time. Our package of military aid for El Salvador passed Congress by only four votes—but it passed. Some of you may remember those stirring scenes as the people of El Salvador braved Communist gunfire to turn out in record numbers at the polls and vote emphatically for democracy.

Observers told of one woman, wounded in a Communist attack, who refused to leave the line at the polls to have her wounds treated until after she had voted. They told of another woman who defiantly answered Communist death threats saying, "You can kill me, you can kill my family, you can kill my neighbors, but you can't kill us all." Well, that's the voice of a people determined to be free. That is the voice of the people of Central America.

In these last several years, there have been many such times when your support for assistance saved the day for democracy. The story of what has happened in that region is one of the most inspiring in the history of freedom. Today, El Salvador, Honduras, Guatemala, as well as Costa Rica choose their governments in free and open democratic elections. Independent courts protect their human rights, and their people can hope for a better life for themselves and their children.

It is a record of success that should make us proud. But the record is as yet incomplete. Now this is a map of Central America. As I said, Guatemala, Honduras, El Salvador, and Costa Rica are all friendly and democratic.

In their midst, however, lies a threat that could reverse the democratic tide and plunge the region into a cycle of chaos and subversion. That is the Communist regime in Nicaragua called the Sandinistas—a regime whose allies range from Communist dictator Fidel Castro of Cuba to terrorist-supporter, Qadhafi, of Libya. But their most important ally is the Soviet Union.

With Cuban and Soviet-bloc aid, Nicaragua is being transformed into a beachhead for aggression against the United States—it is the first step in a strategy to dominate the entire region of Central America and threaten Mexico and the Panama Canal. That's why the cause of freedom in Central America is united with our national security. That is why the safety of democracy to our south so directly affects the safety of our own Nation.

But the people of Nicaragua love freedom just as much as those in El Salvador. You see, when it became clear the direction the Sandinistas were taking, many who had fought against the old dictatorship literally took to the hills, and, like the French Resistance that fought the Nazis in World War II, they have been fighting the Communist Sandinistas ever since.

These are the forces of the democratic resistance—the Communist government named them Contras, but the truth is, they're freedom fighters. Their tenacious struggle has helped buy the surrounding democracies precious time and, with their heroic efforts, they are helping give freedom a chance in Nicaragua. A year-and-a-half ago, Congress first approved significant military aid for the freedom fighters. Since then they've been winning major victories in the field and doing what many at first thought impossible—bringing the Communist Sandinistas to the negotiating table and forcing them to negotiate seriously.

From the beginning, the United States has made every effort to negotiate a peace settlement—bilaterally, multilaterally, in other diplomatic settings. My envoys have traveled to the region on at least 40 different occasions. But until this last year, these negotiations dragged on fruitlessly because the Sandinistas had no incentive to change. Last August, however, with mounting pressure from the freedom fighters, the Sandinistas signed the Guatemala Peace Plan.

This time, the leaders of the four Central American democracies refused to let the peace negotiations become an empty exercise. When Nicaragua missed the second deadline for compliance, the democratic leaders courageously stood as one to insist that the Sandinistas live up to their signed commitments to democratic reform. Their failure to do so, said the democratic leaders, was the biggest obstacle to peace in the region.

The Sandinistas are clearly feeling the pressure and are beginning to take limited steps. Yet at this crucial moment, there are those who want to cut off assistance to the freedom fighters and take the pressure off. Tomorrow, the House of Representatives will be voting on a $36-million bill—a support package to the freedom fighters. Ninety percent is for nonlethal support such as food, clothing, and medicine and the means to deliver it. Ten percent is for ammunition. That amount will be suspended until March 31st to determine whether the Sandinistas are taking irreversible steps toward democracy. I'm hopeful this will occur. However, if there is no progress toward a negotiated ceasefire, I will make a decision to release these additional supplies—but only after weighing carefully and thoroughly the advice from Congress and the democratic presidents of Central America.

Now, over the past several days, I've met with many members of Congress, Republicans and Democrats, concerning my proposal. In the spirit of bipartisanship, I will, tomorrow, send a letter to the congressional leadership taking a further step. At the appropriate time, I will invite Congress to act by what is called a sense of Congress resolution on the question of whether the Government of Nicaragua is in compliance with the San Jose Declaration. If Congress adopts such a resolution within 10 days containing this finding, then I will honor this action and withhold deliveries of ammunition in this package.

One thing is clear. Those brave freedom fighters cannot be left unarmed against Communist tyranny.

Now, some say that miltiary supplies aren't necessary, that humanitarian aid is enough. But there's nothing humanitarian about asking people to go up against Soviet helicopter gunships with nothing more than boots and bandages. There's no vote scheduled tomorrow in the Soviet Union on continued assistance to the Sandinistas—that assistance will continue, and it won't be just humanitarian.

Our policy of negotiations, backed by the freedom fighters, is working. Like the brave freedom fighters in Afghanistan who have faced down the Soviet army and convinced the Soviet Union that it must negotiate its withdrawal from their country, the freedom fighters in Nicaragua can win the day for democracy in Central America. But our support is needed now—tomorrow will be too late. If we cut them off, the freedom fighters will soon begin to wither as an effective force. Then with the pressure lifted, the Sandinistas will be free to continue the consolidation of their totalitarian regime, the military buildup inside Nicaragua, and communist subversion of their neighbors.

Even today, with the spotlight of world opinion focused on the peace process, the Sandinistas openly boast that they are arming and training Salvadoran guerrillas.

We know that the Sandinistas, who talk of a revolution without borders reaching to Mexico, have already infiltrated guerrillas into neighboring countries. Imagine what they'll do if the pressure is lifted. What will be our response as the ranks of the guerrillas in El Salvador, Guatemala, even Honduras and unarmed Costa Rica, begin to swell and those fragile democracies are ripped apart by the strain? By then the freedom fighters will be disbanded, refugees, or worse—they won't be able to come back.

Let me explain why this should be and would be such a tragedy, such a danger to our national security. If we return to the map for a moment, we can see the strategic location of Nicaragua. Close to our southern border, within striking distance of the Panama Canal, domination of Central America would be an unprecedented strategic victory for the Soviet Union and its allies. And they're willing to pay for it. Cubans are now in Nicaragua constructing military facilities, flying combat missions, and helping run the secret police. The Soviet Union and Soviet-bloc countries have sent over $4 billion in arms and military aid and economic aid—20 times the amount that the United States has provided the democratic freedom fighters. If Congress votes tomorrow against aid, our assistance will very quickly come to an end—but Soviet deliveries won't.

We must ask ourselves why the Soviet Union, beset by an economic crisis at home, is spending billions of dollars to subsidize the military buildup in Nicaragua. Backed by some 2,000 Cuban and Soviet-bloc advisors, the Sandinista military is the largest Central America has ever seen. Warsaw Pact engineers are completing a deep-water port on the Caribbean coast—similar to the naval base in Cuba for Soviet submarines—and the recently-expanded airfields outside Managua can handle any aircraft in the Soviet arsenal, including the Bear Bomber, whose 5,200-mile range covers most of the continental United States.

But this is only the beginning. Last October, a high-ranking Sandinista officer, Roger Miranda, defected to this country, bringing with him a series of five-year plans—drawn up among the Sandinistas, Soviets, and Cubans—for a massive military buildup in Nicaragua extending through 1995. These plans, which Major Miranda makes clear are to be put into effect whether the freedom fighters receive aid or not, call for quadrupling the Sandinista Armed Forces—to 600,000 or one out of every five men, women, and children in the country.

As I speak to you tonight, several thousand Nicaraguans are taking courses in the Soviet Union and Cuba to learn to operate new high-tech missiles, artillery, and other advanced weapons systems. Of grave concern is the fact that the Soviets have scheduled delivery of Soviet MIG aircraft to Nicaragua. Now if these were just the claims of one defector, no matter how highly placed and credible, some might still find reason to doubt. But even before Major Miranda's revelations were made public, his old boss, Defense Minister Humberto Ortega, confirmed them in a public speech—adding that if Nicaragua chose to acquire MIGs, it was none of our business.

The introduction of MIGs into Nicaragua would be so serious an escalation that members of both parties in the Congress have said the United States simply cannot tolerate it.

The Miranda revelations can't help but make us skeptical of the recent Sandinista promises to abide by the Guatemala Peace Accord. The argument is made that the freedom fighters are unnecessary, that we can trust the Sandinistas to keep their word. Can we? It's important to remember that we already have a negotiated settlement with the Sandinistas—the settlement of 1979 that helped bring them to power, in which they promised—in writing—democracy, human rights, and a nonaligned foreign policy.

Of course, they haven't kept a single one of those promises, and we now know that they never intended to. Barely 2 months after assuming power, the Sandinista leadership drafted a secret report, called the "72-hour document," outlining their plans to establish a communist dictatorship in Nicaragua and spread subversion throughout Central America. This is the document in which they detailed their deception. It is now part of the public record, available for all to see.

One day after that 72-hour meeting, President Carter, unaware of their secret plans, received Daniel Ortega here in the White House and offered his new government our friendship and help, sending over $100 million in aid, more than any other country at the time, and arranging for millions more in loans. The Sandinistas say it was U.S. belligerence that drove them into the hands of the Soviets. Some belligerence.

A short while later, the Sandinista commandantes made their first official trip to Moscow and signed a communique expressing support for the foreign policy goals of the Soviet Union. But that, one might say, was only the paperwork. Already, Soviet military planners were in Nicaragua, and the Sandinista subversion of El Salvador had begun—all while our hand was extended in friendship.

This is not a record that gives one much faith in Sandinista promises. Recently, Daniel Ortega was up in Washington again, this time talking to Members of Congress, giving them assurances of his commitment to the Guatemala peace process. But we now know that at the same time, back in Managua, the Sandinistas were drawing up plans for a massive military escalation in Nicaragua and aggression against their neighbors.

Now, as the Sandinistas see the vote on aid to the freedom fighters nearing, they are making more promises. Well, forgive my skepticism, but I kind of feel that every time they start making promises, like that fellow in the Isuzu commercial, there should be subtitles under them telling the real story.

One may hope they're sincere this time, but it hardly seems wise to stake the future of Central America and the national security of the United States on it. The freedom fighters are our insurance policy in case the Sandinistas once again go back on their word. The Sandinistas themselves admit that the limited steps they have taken to comply with the peace accords here promised in order to influence the vote in Congress. Was there ever a better argument for aid?

Even now, with the entire world watching, the Sandinistas have harassed and beaten human rights activists and arrested several leaders of the peaceful democratic opposition, including the editor of La Prensa. Before being interrogated, some were sealed for over an hour in metal lockers, three feet square on the floor and seven feet high. Said one comandante of the opposition, they are, quote, "scorpions. They should return to their holes or we will crush them."

Just a short while ago, the Sandinistas made their true intentions clear. Even if they were forced to hold elections and lost, they said they would never give up power. Responding to the estimate that the Sandinistas have no more than 15 percent popular support, another comandante responded by saying, "That's all right. We can hold on to power with only five percent." Now these are not the words, these are not the actions of democratic reformers.

Those who want to cut off the freedom fighters must explain why we should believe the promises the Sandinista communists make trying to influence Congress, but not the threats they make at home. They must explain why we should listen to them when they promise peace and not when they talk of turning all Central America into one, quote, "revolutionary fire" and boast of carrying their fight to Latin America and Mexico.

If we cut off aid to the freedom fighters, then the Sandinistas can go back to their old ways. Then the negotiations can become, once again, what they were before—high-blown words and promises and convenient cover while the Sandinista communists continue the consolidation of their dictatorial regime and the subversion of Central America.

During the last vote in Congress, many who voted for aid to the freedom fighters set conditions on further assistance. They said the freedom fighters must broaden their leadership. They have. They said the freedom fighters must show that they are a viable fighting force and win support from the people. Well, the latest victory in the Las Minas area proved that. For several weeks, nearly 7,000 freedom fighters maneuvered in secret throughout the country—something they could only have done with support of the population. In one of the largest military operations in Nicaraguan history, they overran enemy headquarters, routed army barracks, blew up ammunition dumps, petroleum tanks, and other military targets. At one point they captured a warehouse where grain was being hoarded for the army. The freedom fighters opened the doors and invited the hungry people of the area to take what they needed.

The freedom fighters are inside Nicaragua today because we made a commitment to them. They have done what Congress asked; they have proven their effectiveness. Can we, as a moral people, a moral nation, withdraw that commitment now and leave them at the mercy of the Sandinista regime? Or turn them forever into refugees—refugees from the country for which they are making such a heroic sacrifice?

What message will that send to the world, to our allies and friends in freedom? What message will it send to our adversaries—that America is a fair-weather friend, an unreliable ally? Don't count on us, because we may not be there to back you up when the going gets a little rough.

By fighting to win back their country, the freedom fighters are preventing the permanent consolidation of a Soviet military presence on the American mainland; by fighting for their freedom, they're helping to protect our national security. We owe them our thanks, not abandonment.

Some talk of "containment," but we must not repeat the mistake we made in Cuba. If "containment" didn't work for that island nation, how much less effective will it be for an expansionist Soviet ally on the American mainland. I will tell you truthfully tonight, there will be no second chances tomorrow. If Congress votes down aid, the freedom fighters may soon be gone and, with them, all effective pressure on the Sandinistas.

Our goal in Nicaragua is simple—peace and democracy. Our policy has consistently supported the efforts of those who seek democracy throughout Central America and who recognize that the freedom fighters are essential to that process.

So, my fellow Americans, there can be no mistake about this vote—it is up or down for Central America. It is win or lose for peace and freedom. It is yes or no to America's national security.

My friends, I've often expressed my belief that the Almighty had a reason for placing this great and good land, the "new world," here between two vast oceans. Protected by the seas, we have enjoyed the blessings of peace—free for almost two centuries now from the tragedy of foreign aggression on our mainland.

Help us to keep that precious gift secure. Help us to win support for those who struggle for the same freedoms we hold dear. In doing so, we will not just be helping them, we will be helping ourselves, our children, and all the peoples of the world. We'll be demonstrating that America is still a beacon of hope, still a light unto the nations.

Yes, a great opportunity awaits us, an opportunity to show that hope still burns bright in this land and over our continent, casting a glow across the centuries, still guiding millions—to a future of peace and freedom.

Thank you, and God bless you.

A GREAT LOSS TO MICHIGAN

Mr. RIEGLE. Mr. President, today I join with the people of Michigan in mourning the loss of a man we all knew and loved—former Governor G. Mennen "Soapy" Williams. He was a man who really made our State, made the Michigan Democratic Party, and made himself an example for those of us in public office to follow.

The death of Soapy Williams is a tremendous loss to Michigan and to the Nation. Soapy had a distinguished career in public service that spanned several decades. He won an unprecedented six gubernatorial races in Michigan. He served as an Ambassador during the Kennedy administration. He later served as the Chief Justice of the Michigan Supreme Court. Thus, Soapy Williams is the only man to head two of the three branches of Michigan State government.

It is significant, I think, that most of the comments on Soapy's long career contain one similar point—that Soapy Williams was a true friend of the people. His drive and determination and that of his wife, Nancy, are legendary in Michigan—they were our leader and his first lady.

Many of us who began our political and public service careers after Soapy had been our Governor have tried to follow his example. We have all been directly influenced by him—I know I have. Soapy Williams was the modern leader of the Democratic party in Michigan and set the tone I hope will last for several more decades.

In Michigan, we talk about the beautiful Mackinac Bridge as "Soapy's bridge." The bridge will always be a monument to Soapy because it provided an important symbolic link between the people of the upper and lower peninsulas. But the real legacy of Soapy Williams stands in the programs and the policies he shaped as Governor of Michigan and as Chief Justice of the Michigan Supreme Court. It is a legacy that is characterized by compassion and a commitment to assuring equal access for all people to the benefits of our system.

Though Soapy Williams life has ended, we in Michigan will proudly carry on his legend and legacy.

U.S. AID TO THE CONTRAS

Mr. LEAHY. Mr. President, I can't think of anything over the past 7 years more harmful to the American peoples' attitude toward their Government than President Reagan's obsession with destroying the Sandinistas.

Nicaragua has been like a corrosive acid eating away at the faith of the American people in the basic decency of their Government.

The Iran-Contra scandal, breaking and evading the law and the Constitution, condemnation of the United States by the World Court, the mining of Nicaragua's harbors, the assassination manual, the "private" supply flights organized by Oliver North, the terrible toll the Contras have taken in civilian lives, the appeals of Central American leaders to be allowed to settle their own disputes—none of this appears to affect the administration.

The White House marches blindly on, ignoring the lessons of the past and the will of the American people, aided by a Congress too weak to stand up and say no.

The President, still convinced that he knows best how to solve the Central Americans' problems, now asks for another $36 million for military aid. He turns a deaf ear to the pleas of President Arias and other Central American leaders that by doing so he will doom the fragile peace process.

How does he justify this latest request?

First, he insists that the Sandinistas would never have lifted the state of emergency, allowed La Prensa to resume publishing, or agreed to negotiate a cease-fire without pressure from the Contras.

That explanation has appeal since it is the only way to justify the huge waste in U.S. tax dollars—more than a quarter of a billion dollars so far—and the human suffering this war has caused.

Second, he warns that while the Sandinistas talk of peace, they and the Soviet Union are really planning a large-scale military buildup—which presumably only the Contras can stop through military victory.

The President has apparently not paid much attention to what has been going on in Central America.

What have 6 years of war achieved?

The Sandinistas have solidified their hold on power.

Soviet and Cuban influence in Central America has grown.

Tensions in a dangerously unstable region have intensified.

Congress and the American people became deeply divided over our policy.

This is leadership?

No, Mr. President, this is failure, a failure even worse than the abject collapse of United States policy in the Middle East after the tragic intervention in Lebanon.

Instead of more aid for a failed war, we should be debating where American policy in Central America goes from here. Our interest is in peace, democracy, and the prevention of a Soviet or Cuban threat in this region.

What really brought the Sandinistas to the negotiating table?

Not a few thousand Contras waging a hopeless insurgency, but the courageous efforts of President Arias and other Central American leaders.

The Central Americans saw that not only were the Contras not going to win, but that the war was becoming a deadly threat to stability in their own countries.

I am convinced that it was the common interest of all Central American political leaders in stopping these destabilizing conflicts that brought the Sandinistas to the negotiating table. For the first time, it was not the great superpower to the north that was talking about peace while waging war. It was the Central Americans themselves, sharing one of the poorest and most backward regions of the world, who wanted to find a way out of the mess before it dragged them all down.

The Sandinistas have problems far more pressing than the Contras. They are isolated politically and economically. They have almost no access to foreign exchange. The economy is a shambles. Agricultural production is a fraction of what it was in 1979. Food and other commodities are rationed. Half of their budget is spent on the military. Their international support is drying up.

For several years the Sandinistas have wanted to change course. Ever since they accepted the draft Contadora agreement, they have offered to negotiate an end to the war. It was the United States, not Nicaragua, that broke off the bilateral talks aimed at a political solution.

The Sandinistas know a regional peace settlement is in their interests. As long as they remain isolated, preoccupied with the insurgency and their fear of U.S. invasion, they cannot rebuild their country and improve relations with their Latin neighbors and the United States. Their problems will only get worse.

The Sandinistas have great incentive to permit internal reforms and wider participation in the political process. They are confident that they can maintain their position under a peace settlement even if they must open up the system to the political opposition.

That is why ideologues and hardliners in the White House, the Pentagon, and in the Congress have tried to torpedo the Guatemala agreement. They will fight any agreement that does not automatically oust the Sandinistas from power.

Presidents Arias, Cerezo, Duarte and Azcona know that they, too, desperately need an end to the decades of violence that has kept their countries from developing economically and politically. The majority of their people still live in the 19th century. Despite hundreds of millions of dollars in U.S. aid, their economies are declining. They told me a year ago that a political settlement is absolutely vital if they are to have a chance to build lasting democracies.

They have seen how 6 months of negotiations have already achieved more than 6 years of the United States-financed Contra war.

The President has denounced every step the Sandinistas have taken to comply with the Guatemala agreement. First he dismisses them as "cosmetic." Then he says they are proof that the Contra policy works. Now he wants a major increase in military aid to keep up the pressure. This so-called non-lethal aid can include helicopters, jeeps, fuel and any other military hardware except guns and bullets the Contras need to expand the war.

Today the Congress faces the ultimate test. Do we stand aside and let this administration go on with its failed policy for 1 more year?

Even though by doing so we may be destroying all hope for a peaceful end to the conflict?

Or do we for once listen to the Central Americans and stop trying to solve their problems by killing them?

We should reject this aid not just for the Central Americans, but for the United States.

We hurt ourselves by prolonging this war. We hurt our reputation as a nation committed to resolving conflicts peacefully. We hurt ourselves by terrorizing a tiny country of impoverished farmers who know more about the St. Louis Cardinals than about communism.

The United States has legitimate security interests in Central America. We know, as Secretary Shultz has said, that the Nicaraguan people want freedom and dignity. We want to see Nicaragua become a more open, democratic society.

We can fulfill both those interests without supporting a war to oust the Sandinistas. As long as that remains the focus of our policy toward Nicaragua we are inviting failure.

We cannot let the Soviet Union or any hostile nation establish a military presence in Central America from which to threaten the security of this hemisphere. Preventing that possibility should be the cornerstone of our policy toward Nicaragua.

If we can negotiate a verifiable INF Treaty with the Soviets, we, and the Sandinistas, can negotiate a verifiable agreement that the Soviets and Cubans will not pose a military threat in Nicaragua. The Sandinistas have offered to sign such an agreement.

Our other principal security concern is that Nicaragua not support rebel insurgencies in its neighbors. The Guatemala agreement says that an end to aid to insurgencies is "indispensable" to peace. We should support the Central Americans in devising a comprehensive, verifiable agreement on this point. We could help the Central Americans verify Sandinista compliance.

If the United States and Nicaragua can resolve these concerns, we should be able to begin to improve relations on a wide range of issues. That is in the interest of both countries. Without our help, Nicaragua will never get its economy back on track. Its economic isolation and siege conditions leave it little choice but to seek aid from a Soviet Union preoccupied with its own internal problems and not disposed to generosity to a faraway country.

The time for rhetorical denunciations is past. We cannot dictate the outcome of events in Nicaragua, but can influence events in that country in positive ways.

We can do that by treating Nicaragua the same as we do other small countries with governments we do not like. Not by trying to overthrow them, but by offering the people opportunities to travel and study in the United States and learn about our democratic system. And we can do that by offering the kind of help they so desperately need.

By improving trade. By sending doctors, teachers, engineers, and other professionals to improve the standard of living of the majority of Nicaraguans who live in poverty.

By keeping a dialog going, recognizing that like every other country in Central and South America and no matter what we do, Nicaragua's political system will never be just like ours.

Nor can we expect to erase overnight a half century of resentment for our support of Somoza and the Contras. Secretary Shultz has said that successful diplomacy takes time and patience. Patient diplomacy reversed decades of hostility and mistrust between the United States and China. It can do so with a Nicaragua that has plenty of reason to fear and mistrust the United States.

We are at a historic crossroads. We can continue a senseless war and shatter the first glimmer of hope for peace in Central America. Or we can stop the hypocrisy and start talking and acting like we truly want peace. I am convinced that only then will freedom and prosperity finally come to Nicaragua.

A BRAVE SKIER, JEFF PAGELS

Mr. KASTEN. Mr. President, having recently participated in the 1988 Senator's Cup skiing event in Park City, UT, I would like to share with my colleagues the story of a truly brave skier, Jeff Pagels of Ashwaubenon, WI.

Jeff Pagels recently came in third in a downhill ski race in Dubuque, IA. He then went to Vermont to run the Ski for Light Program for disabled skiers. He'll soon be on his way to Minnesota to compete in a 21-mile cross-country race.

He's a pretty impressive skier. And he's disabled. You see, Jeff Pagels uses a wheelchair to get around.

Jeff hasn't let his disability slow him down. While he claims he's not doing this "to be an inspiration to anybody," I think all my colleagues will agree we can learn a lot from his example.

Jeff's story is told in an article in the Milwaukee Journal. I ask unanimous consent that it be entered in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Milwaukee Journal, Jan. 25, 1988]

Back on the Slopes: Disability Doesn't Stop Skier

Wausau, WI.—Jeff Pagels, 39, is a burly man with wide shoulders, strong arms and a deep, resonant voice to go with his classic, outdoorsman good looks.

The man from Ashwaubenon, in Brown County, acts the part, too: confident, almost to the point of being egotistical.

Pagels also is athletic and has been most of his life. "Very competitive," he says.

The employee of the Wisconsin Department of Natural Resources uses a wheelchair, but he doesn't let that stop him from doing much.

Three weeks ago, Pagels placed third in a downhill ski race in Dubuque, Iowa. At the end of this month, he'll be in Vermont running the Ski for Light program, a clinic for disabled skiers.

Later this winter he'll be in Mora, Minn., competing in the 21-mile Vasaloppet cross country ski race as one of the few disabled skiers in the country who compete in such races.

Pagels and his wife, Jane, and children, Corey, 12, and Chad, 11, ski nearly every winter weekend.

"Skiing is just a great sport," he said during an interivew in the chalet at the Rib Mountain Ski Area here. "It sure beats sitting around."

Pagels was cutting down a tree on a fall day 3½ years ago when the tree fell on him and broke his back. The spinal cord injury robbed him of the use of his legs.

He uses a wheelchair to get around most of the time. At other times, he uses a specially designed sled, which he poles along cross country ski trails, and a mono-ski, a hybrid piece of machinery that allows him to swoosh down the slopes.

"I'm not a hill bomber," he said. "I try to ski reasonably, but I can tear if I want to."

The $1,500 mono-ski is designed for use on regular chairlifts, which is an advantage, he said, because many ski bills are not set up to handle disabled skiers.

"But at least ski hill owners are becoming more tolerant of the disabled skier," Pagels said.

Only Brule in the Upper Peninsula and Devil's head in Merrimac, in Sauk County, have ski rental equipment designed for people in wheelchairs, he said.

But he might soon be able to add Rib Mountain to that list. The Rib Mountain Ski Area in Wausau will be host to downhill ski races as part of the Governor's Cup Series Thursday and Friday. A portion of the proceeds will go to start a program for disabled skiers that will cater to those who are blind, in wheelchairs or mentally retarded.

Pagels is not on a crusade to get more hills involved with programs for disabled skiers, he said, nor is he trying to motivate other people in wheelchairs.

"I don't do this to be an inspiration to anybody," he said. "I'm not out here to impress these people or to try to get people in wheelchairs in Wausau to ski. I'm out here because I like to ski. That's all."

INF TREATY AND SOVIET SPYING

Mr. PRESSLER. Mr. President, now that the Senate has begun its constitutional duty to consider the INF Treaty, we must remind ourselves of the enormous differences between our own open society and the closed Soviet political, economic, and social system.

Much of the enthusiasm that has accompanied the signing of this treaty is centered on its provision for onsite inspections. The INF Treaty is the first agreement between the United States and Russia to provide for such a high level of onsite inspection. Effective verification is an essential component to ensure treaty compliance, and the INF Treaty is a step forward in this area. The Soviet Union strongly resisted the suggestion of foreign technicians roaming freely within their boundaries.

The INF Treaty provides for United States inspection of a limited number of specific facilities in the Soviet Union. Americans will not have broad freedom to move around in the Soviet Union. Thus, we will continue to be compelled to rely on national technical means, or satellite technology, and traditional intelligence measures to determine whether the Soviets are living up to their commitments under the treaty. On the other hand, Soviet citizens and those who live in Eastern European Communist nations enjoy much more freedom to travel around the United States and the other free nations. They have vastly greater opportunities to gather information about us than we have to see what is happening behind the Iron Curtain.

For example, an electronically equipped truck can be a tremendous information-gathering device. In 1984, the Soviets simply parked a specially equipped truck near a military complex in Switzerland. Authorities there say the Soviet truck intercepted NATO coded transmissions. An electronically equipped truck has capabilities that reach far beyond those of satellites or other distance-restricted listening devices. By exploiting the freedom of movement that is accessible to all who live in a democratic society, properly trained and equipped personnel are able to take advantage of us by gathering intelligence that may be crucial to our security.

I spotted another example in a disturbing article in the December 26, 1987, edition of the New York Times. It describes a frightening example of the Warsaw Pact's ability to exploit the freedom of movement in America. From July to December 1987, five Czechoslovakian men—three technicians and two Communist party officials—brought a specially equipped truck and an ultralight collapsible airplane into our country while traveling extensively on United States tourist visas. They were tracked by the FBI as they discreetly examined 17 of our sensitive military installations, between Niagara Falls and Arizona where they crossed into Mexico. Their electronically equipped truck parked for several days outside a sensitive U.S. communications facility near San Diego, CA. The movements of these Czechoslovaks were possible because of the extensive freedom we extend to all in our society. U.S. Customs agents searched the truck for spy equipment at the border in Arizona, but found nothing that would hold up in court. However, American security may have been compromised. Mr. President, I ask unanimous consent that an Associated Press story regarding this incident from the New York Times of December 26, 1987, be printed in the Record.

The INF Treaty marks a major step forward in our ability to verify arms reduction treaty compliance. However, we should not be blinded from the fact that the verification it provides is not complete. The millenium of peace is not a reality. As the Czechoslovak agents' bizarre trek across the United States demonstrates, the Warsaw Pact dictatorships continue to spy on us with relative ease. Their countries are still tightly controlled and extensively off limits to foreigners. If genuine freedom and democracy are ever achieved behind the Iron Curtain, the world will become a safer place for all humanity. Meanwhile, let us keep the INF Treaty achievement in perspective.

There being no objection, the article was ordered to be printed in the Record, as follows:

Czechs in United States Tour Sighted in 17 States Near Military Bases

Five Czechoslovaks in a truck equipped with an ultralight airplane and electronic gear have reportedly made a mysterious three-month-long tour of the United States in which they were seen near military bases in 17 states.

The Federal Bureau of Investigation declined Thursday to give substantive comment on the report, which was broadcast Wednesday night by NBC News. Sue Schnitzer, a spokeswoman for the bureau, would say only that the Czechoslovaks had been issued tourist visas and that "the F.B.I. was fully aware of the presence of these visitors."

According to NBC News, the Czechoslovaks, including a military pilot and a nuclear physicist, entered the United States at Niagara Falls, NY, last summer after sailing to Nova Scotia aboard a Soviet freighter. Scores of United States counterintelligence agents followed them on their tour, the network reported, but were apparently unable to uncover their purpose. At one stop the visitors reportedly flew their small, collapsible plane over a Midwestern base that the network did not identify.

The Czechoslovaks told local reporters in Tucson, Ariz., that they were on a goodwill trip on behalf of their Government and a state-operated trucking company. In an interview at a truck stop in Arizona, they told an NBC News crew that they were tourists, not spies. The ultralight plane was packed away under the truck.

NBC News said the Czechoslovaks were allowed to drive into Mexico from Nogales, Ariz., on Dec. 1 after a border search of their vehicle failed to turn up firm evidence of spying.

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 10:34 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian Independence, February 16, 1988, as "Lithuanian Independence Day"; and

S.J. Res. 196. Joint resolution designating February 4, 1988, as "National Women in Sports Day."

Pursuant to the order of the Senate of today, February 3, 1988, the enrolled joint resolutions were signed by Mr. SHELBY.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3875. An act to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board;

H.J. Res. 196. Joint resolution designating the week of May 8 through May 14, 1988, as "Senior Center Week"; and

H.J. Res. 292. Joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3875. An act to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board; to the Committee on Governmental Affairs.

H.J. Res. 196. Joint resolution designating the week of May 8 through May 14, 1988, as "Senior Center Week"; to the Committee on the Judiciary.

H.J. Res. 292. Joint resolution designating the week beginning February 1, 1988, as "National VITA Weeka"; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 3, 1988, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day"; and

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2454. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Deficit Reductions for Fiscal Year 1988—Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985"; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2455. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an explanation of the circumstances that make it impossible to transmit the President's budget by the date specified in statute; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2456. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report on support of NATO strategy in the 1990's; to the Committee on Armed Services.

EC-2457. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the annual report on the operations of the Panama Canal during fiscal year 1987; to the Committee on Armed Services.

EC-2458. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter July 1, through September 30, 1987; to the Committee on Armed Services.

EC-2459. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the retail warehouse function at Andrews Air Force Base, Maryland, to performance by contract; to the Committee on Armed Services.

EC-2460. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the computer operations and Telecommunications Center function at Peterson Air Force Base, Colorado, to performance by contract; to the Committee on Armed Services.

EC-2461. A communication from the Chairman of the Commission on Merchant Marine and Defense, transmitting, pursuant to law, the second report containing the recommendations made by the Commissioners; to the Committee on Armed Services.

EC-2462. A communication from the President of the United States, transmitting, pursuant to law, the second annual report on the National Security Strategy of the United States, 1988; to the Committee on Armed Services.

EC-2463. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of the extension of certain export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2464. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on all the National Transportation Safety Board's recommendations regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC-2465. A communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of an application from the State of Montana under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-2466. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, notice of the approval of a deferment of the 1986 construction repayment installment from Almena Irrigation District No. 5, Pick-Sloan Missouri Basin Program, Kansas; to the Committee on Energy and Natural Resources.

EC-2467. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-2468. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-2469. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-2470. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC-2471. A communication from the Acting Assistant Secretary of Energy (Environment, Safety, and Health), transmitting, pursuant to law, the annual report on progress in implementing the requirements of the Superfund Amendments and Reauthorization Act; to the Committee on Environment and Public Works.

EC-2472. A communication from the Chairman of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1987; to the Committee on Environment and Public Works.

EC-2473. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Superfund—Insuring Underground Petroleum Tanks"; to the Committee on Environment and Public Works.

EC-2474. A communication from the Federal Highway Administrator, transmitting, pursuant to law, a report entitled "Recommended Improvements to Reduce Traffic Congestion for Charlotte Amalie, U.S. Virgin Islands"; to the Committee on Environment and Public Works.

EC-2475. A communication from the United States Trade Representative, transmitting, pursuant to law, a report on the effectiveness of trade remedies under the Trade Act of 1974 in eliminating or reducing unfair foreign trade practices; to the Committee on Finance.

EC-2476. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the Private Sector Revolving Fund for 1987; to the Committee on Foreign Relations.

EC-2477. A communication from the President of the United States, transmitting, pursuant to law, a determination and certification relative to efforts to achieve a cease-fire agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance; to the Committee on Foreign Relations.

EC-2478. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 22, 1988; to the Committee on Foreign Relations.

EC-2479. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the Compensation Report for 1985; to the Committee on Governmental Affairs.

EC-2480. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report on the system of internal accounting and administrative control of the NSF, 1987; to the Committee on Governmental Affairs.

EC-2481. A communication from the Acting Assistant Secretary of State transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2482. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report on Bid Protest Activity under the Competition in Contracting Act; to the Committee on Governmental Affairs.

EC-2483. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2484. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2485. A communication from the Administrator of AID transmitting, pursuant to law, a report on the statute of internal controls at AID; to the Committee on Governmental Affairs.

EC-2486. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on the Corps internal controls; to the Committee on Governmental Affairs.

EC-2487. A communication from the NASA Privacy Officer transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2488. A communication from the Director of the Office of Personnal Management transmitting, pursuant to law, a report on two altered Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2489. A communication from the Secretary of Labor transmitting, pursuant to law, a report on Competition in Contracting; to the Committee on Governmental Affairs.

EC-2490. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2491. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the NRC's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2492. A communication from the Assistant Secretary of the Air Force transmitting, pursuant to law, a report on a decision to convert the technical training equipment maintenance function at Chanute AFB, Ill. to performance under contract; to the Committee on Governmental Affairs.

EC-2493. A communication from the Director of the USIA transmitting, pursuant to law, the Agency's annual report on Competition Advocacy; to the Committee on Governmental Affairs.

EC-2494. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the Department's systems of accounting and internal controls; to the Committee on Governmental Affairs.

EC-2495. A communication from the Assistant Attorney General of the United States, transmitting, pursuant to law, a report on four modified Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2496. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Alleged Pay Raises for University of the District of Columbia Departmental Chairperson, Assistant and Associate Deans"; to the Committee on Governmental Affairs.

EC-2497. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, the a copy of D.C. ACT 7-123; to the Committee on Governmental Affairs.

EC-2498. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-131; to the Committee on Governmental Affairs.

EC-2499. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-125; to the Committee on Governmental Affairs.

EC-2500. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-126; to the Committee on Governmental Affairs.

EC-2501. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-124; to the Committee on Governmental Affairs.

EC-2502. A communication from the Chairman of the National Advisory Council on Indian Education transmitting, pursuant to law, the Council's 13th annual report to the Congress; to the Select Committee on Indian Affairs.

EC-2503. A communication from the Chairman of the Administrative Conference of the United States transmitting, pursuant to law, the Conference's 1986 Annual Report; to the Committee on the Judiciary.

EC-2504. A communication from the Chief Immigration Judge, Department of Justice, transmitting, pursuant to law, a list of individuals erroneously sent to Congress under sec. 244(c)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2505. A communication from the Attorny General of the U.S. transmitting, pursuant to law, a certification of a region to the Seventh Circuit Court; to the Committee on the Judiciary.

EC-2506. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Law Enforcement: Military Assistance for Anti-Drug Agencies; to the Committee on the Judiciary.

EC-2507. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Department of Defense's compliance with certain provisions of the Anti-Drug Abuse Act of 1986; to the Committee on the Judiciary.

EC-2508. A communication from the Director, Institute of Museum Services, transmitting, pursuant to law, a report concerning the Freedom of Information report for 1987 of the Institute of Museum Services; to the Committee on the Judiciary.

EC-2509. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the U.S.-Mexico opium poppy and marijuana aerial eradication program; to the Committee on the Judiciary.

EC-2510. A communication from the Chairman, U.S. Sentencing Commission, transmitting, pursuant to law, a report regarding certain amendments to the sentencing guidelines and commentary which the Commission recently adopted pursuant to its emergency guidelines promulgation authority; to the Committee on the Judiciary.

EC-2511. A communication from the Executive Vice President, National Music Council, transmitting, pursuant to law, a report on the National Music Council's most recent audited financial report; to the Committee on the Judiciary.

EC-2512. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, 1987 Annual Report on the Status of Organ Donation and Coordination Services; to the Committee on Labor and Human Resources.

EC-2513. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the Biennial Report of the U.S. Institute of Peace; to the Committee on Labor and Human Resources.

EC-2514. A communication from the Executive Secretary, Office of the Secretary of

Defense, transmitting, pursuant to law, a report on the Department of Defense Procurement from Small and Other Business Firms for October 1987; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-396. A resolution adopted by the Council of the County of Hawaii, State of Hawaii, urging passage of the Rural Economy Act; to the Committee on Agriculture, Nutrition, and Forestry.

POM-397. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance.

"Resolutions Memorializing the Congress of the United States to Enact Legislation to Correct the Social Security Benefits Disparity Known as the 'Notch' Act

"Whereas, the nineteen hundred and seventy-seven change in the Social Security retirement benefit formula has affected all eligible persons born in the 'notch' years: the years nineteen hundred and seventeen through nineteen hundred and twenty-one, whose work records are otherwise similar to work records of those born in nineteen hundred and sixteen or after nineteen hundred and twenty-one, but are penalized by receiving lower Social Security benefits; and

"Whereas, this disparity in benefit amounts is unjust and unfair and has caused great hardship: therefore be it

"*Resolved,* That the Massachusetts House of Representatives urges the Congress of the United States to enact legislation to correct this unfair disparity in Social Security benefits; and be it further

"*Resolved,* That copies of these resolutions be transmitted by the clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-398. A resolution adopted by the Westchester County, New York Board of Legislators relating to AFDC special funding needs; to the Committee on Finance.

POM-399. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance.

"Resolution

"Whereas, There are currently 22 states which have established lottery programs to augment state government funds for a variety of worthwhile programs; and

"Whereas, The Pennsylvania Lottery is the nation's leading lottery in terms of ticket sales and cumulative profits over the past three years; and

"Whereas, The Pennsylvania Lottery was established to benefit senior citizens living in this Commonwealth by providing funds for the operation of the Department of Aging, the Property Tax and Rent Rebate Program, the Pharmaceutical Assistance Contract for the Elderly (PACE) Program, the Shared Ride and Free Mass Transit Programs, County Aging Programs, the Older Persons Income Needs (OPIN) Program and reimbursements for nursing homes and medical assistance; and

"Whereas, Various proposals on the Federal level to institute a national lottery would have an extremely adverse effect on the success and profitability of the Pennsylvania Lottery; and

"Whereas, The establishment of a national lottery would impact on the State's liability to fund existing senior citizen programs at their current levels; therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to reject any proposal for the establishment of a national lottery, which would compete with and be counterproductive to the continued operation of existing State lotteries, including the Pennsylvania Lottery; and be further

"Resolved, That copies of this resolution be transmitted to the presiding offices of each House of Congress and to each member of Congress from Pennsylvania."

POM-400. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Foreign Relations:

"House Joint Resolution No. 1010

"Whereas, The preservation of freedom throughout the world is part of the hallowed tradition of the American people; and

"Whereas, The nation of Afghanistan was invaded by the Soviet Union in 1979; and

"Whereas, The Afghan people have waged a valiant seven-year struggle to oust the Soviet invaders; and

"Whereas, The Soviet invasion and consequent war have resulted in the death of over one and one-half million Afghanis, and in injuries to three million others; and

"Whereas, These deaths and injuries involve over twenty-five percent of the prewar population of Afghanistan; and

"Whereas, Of the three million Afghan people who have been injured, over sixty percent are innocent women and children; and

"Whereas, This terrible toll of lives indicates that the Soviet Union is committing genocide in Afghanistan; and

"Whereas, Afghanistan is strategically located near to Iran and other oil-producing countries of the Persian Gulf; and

"Whereas, The free flow of oil through the Persian Gulf is vital to the interests of the United States and the free world; now, therefore,

"Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That we, the members of the General Assembly, hereby request the United States Congress to:

"(1) Supply humanitarian assistance to the people of Afghanistan living in refugee camps;

"(2) Supply military assistance to the Afghan freedom fighters contesting the Soviet invasion.

"Be It Further Resolved, That copies of this Resolution be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each member of Congress from the State of Colorado."

POM-401. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary.

"Resolutions Acknowledging the Seventieth Anniversary of the Establishment of the Republic of Lithuania

"Whereas, the future peace and prosperity of the world depends upon a just and equitable final settlement of the legacy of World War II, whereby each nation and people be granted the freedom to determine its own destiny and future; and

"Whereas, the Government of the United States of America is recognized as an ardent exponent and defender of the national and human rights of small nations; and

"Whereas, the people of Lithuania, by the determined act of national self-determination, on February 16, 1918, in Vilnius, Lithuania, reestablished an independent state—the Republic of Lithuania, which was recognized by the international community of states, including the United States of America in 1922; and

"Whereas, during its twenty-two years of independence, the said republic of Lithuania demonstrated the maturity and progressive spirit of the Lithuanian people in various fields of endeavor, that Lithuania could exist as a viable and progressive sovereign entity; and

"Whereas, this advancement of the Lithuanian people was thwarted by Soviet aggression and forced incorporation into the U.S.S.R. on August 3, 1940; and

"Whereas, on this seventieth anniversary of the establishment of the Republic of Lithuania, the occupied Republic of Lithuania ought to be free and independent, and that as a matter of fundamental international justice express provisions should be made at all future U.S.-Soviet summit conferences for the purpose of granting and guarantying the restoration of independence to the people of Lithuania: Therefore be it

"Resolved, That the Massachusetts House of Representatives acknowledges the seventieth anniversary of the establishment of the Republic of Lithuania; and be it further

"Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, to the negotiators of the United States at disarmament conferences with the Soviet Union and to the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-402. A petition from a citizen of Houston, Texas, praying for a redress of grievances relative to the Federal food and drug laws; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Thomas G. Pownall, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of two years;

The following-named persons to be Members of the National Advisory Council on Women's Educational Programs for terms expiring May 8, 1990:

Esther Kratzer Everett, of New York. (Reappointment.)

Helen J. Valerio, of Massachusetts. (Reappointment.)

Carolyn Reid-Wallace, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 1992;

Robert Lee McElrath, of Tennessee, to be a Member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990; and

J. Wade Gilley, of Virginia, to be a Member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably two Foreign Service lists which have previously appeared in their entirety in the Congressional Record of January 26, 1988, and, to save the expense of reprinting them on the Executive Calendar, ask that they lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. PELL, from the Committee on Foreign Relations:

Richard Salisbury Williamson, of Illinois, to be an Assistant Secretary of State;

John R. Davis, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: John R. Davis, Jr.
Post: Ambassador to Poland.
Contributions, amount, date, donee.
1. Self, none.
2. Spouse Helen C. Davis, none.
3. Children and spouses names: Thorp (s), Katherine (dau), and Anne (dau), none.
4. Parents names: John R. Davis and Petronilla Davis (both deceased), none.
5. Grandparents names: (All four deceased), none.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Sister Petronilla, O.P., none.

Leonard H.O. Spearman, Sr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Leonard H.O. Spearman, Sr.
Post: Ambassador to Rwanda.
Contributions, amount, date, donee.
1. Contributions of self and spouse:
$200.00 (check No. 177)—9-30-84—Harris County Council of Organizations.
$130.00 (check No. 302)—1-07-85—Donohoe for State Office.
$30.00 ( )—10-24-85—Elizabeth Spates for Houston Independent School Board.
$75.00 (check No. 1035)—8-16-86—Jack Fields for Congress.
$100.00 (check No. 1101)—10-07-86—Bill Clements Hqtrs. in Black Community.
$700.00 (check No. 1117)—10-29-86—Republican Party of Harris County, Texas.
$370.00 (check No. 1201)—1-05-87—Texas Inaugural Committee.
$50.00 (check No. 1285)—3-02-87—The Texas Committee of 300.
$50.00 (check No. 1286)—3-02-87—Circle R Republican Club.
2. Spouse: Valeria B. Spearman, none.
3. Children and spouses names: Lynn Spearman McKenzie—Michael McKenzie, (none); Charles M. Spearman—Jacinthe D. Spearman (none); Leonard H.O. Spearman, Jr. (none).
4. Parents names: Elvis W. and Tryphenia Spearman (none).
5. Grandparents names: Rosa Lawrence (deceased), Rawn Mitchell (deceased), Adell Spearman (deceased), Rose Spearman (deceased).
6. Brothers and spouses names: Elvis Ohara Spearman—Frankie Spearman (none), Rawn W. Spearman (none), Daisy L. Spearman (deceased).
7. Sisters and spouses names: Viva T. Spearman Coleman and Hyron Coleman (none), Olivia S. Parker and Harrison Parker (none), Agenoria S. Paschal and Alonjo Paschal (none).

Chester E. Norris, Jr., of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Chester E. Norris, Jr.
Post: Ambassador, Equatorial Guinea.
Contributions, amount, date, donee.
1. Self, none.
2. Spouse: Ulla Norris, none.
3. Children and spouses names: None.
4. Parents names: Pauline and Norris, none.
5. Grandparents names: Deceased.
6. Brothers and spouses names: John and Nancy Norris, $300.00—Nov. 86—Joseph Brennan, U.S. Congressman.
7. Sisters and spouses names: Herbert and Betsy Holmes, $100.00—annually—Republican National Committee.
John and Bertha Holmes, $100.00—annually—Republican National Committee.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 2031. A bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the United States Customs Service, and revenue officers of the Internal Revenue Service with the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; to the Committee on Governmental Affairs.

By Mr. BREAUX (for himself and Mr. Wallop):

S. 2032. A bill to authorize expenditures for boating safety programs, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Dole, Mr. Shelby, Mr. Bond, Mr. Matsunaga, Mr. Chafee, Mr. Chiles, Mr. Symms, Mr. Burdick, Mr. Heinz, Mr. Metzenbaum, Mr. Gramm, Mr. Glenn, Mr. Durenberger, Mr. Kerry, Mr. Garn, Mr. Pryor, Mr. Weicker, Mr. Sanford, Mr. McCain, Mr. Moynihan, Mr. Warner, Mr. Conrad, Mr. Lugar, Mr. Stennis, Mr. Quayle, Mr. Wirth, Mr. Stafford, Mr. Exon, Mr. McClure, Mr. Sarbanes, Mr. Thurmond, Mr. Levin, Mr. Pressler, Mr. DeConcini, Mr. Cochran, Mr. Nunn, Mr. Wilson, Mr. Bradley, Mr. D'Amato, Mr. Gore, Mr. Danforth, Mr. Lautenberg, Mr. Specter, Mr. Kennedy, Mr. Stevens, Mr. Cranston, Mr. Boschwitz, Mr. Inouye, Mr. Heflin, Mr. Dodd, Mr. Simon, Mr. Hollings, Mr. Roth, and Mr. Hatch):

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 2031. A bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the United States Customs Service, and revenue officers of the Internal Revenue Service within the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; referred to the Committee on Governmental Affairs.

EARLY OUT LEGISLATION FOR FEDERAL EMPLOYEES IN CERTAIN HAZARDOUS POSITIONS

● Ms. MIKULSKI. Mr. President, today I am introducing legislation that would extend the early retirement option for Federal employees in hazardous occupations to inspectors of the Customs Service and the Immigration Service, as well as revenue officers in the Internal Revenue Service.

Under current law, Federal employees who work 20 years in a "hazardous" occupation are eligible for retirement at age 50. Currently this classification includes, among others, Federal firefighters and law enforcement officers.

The bill I am sponsoring would expand the job categories designated as "hazardous" to include Customs inspectors, IRS revenue officers and INS inspectors. The dedicated men and women in these three categories of Federal employment are faced daily with extremely stressful and sometimes dangerous situations in service of their country. This stress leads to a high turnover rate in these Federal occupations, that in turn lowers the Federal Government's productivity.

Offering an "early out" retirement option for Customs and INS inspectors, as well as for IRS revenue officers, will help provide positions for longer periods of time. Therefore, the net result of providing such an early out option is a more productive Federal Government, as well as a lower Federal deficit.

For example, a July 1985 study by the IRS' Assistant Commissioner for Collections, estimated that an early out option for IRS revenue officers would reduce annual training costs by over $2 million and result in increased annual revenue collections by nearly $100 million.

Mr. President, this early out legislation for hazardous occupations should be carefully distinguished from other early out bills that have been introduced to shrink the size of the Federal work force. My legislation is designed solely to reward those whose civil service positions entail significant hazards. Unlike other early out bills, it has no provision which prevents an agency from filling a vacated position for 3 years.

In this era of continued high Federal deficits, the Congress should be taking all steps necessary to improve both our Government's productivity and efficiency. The legislation I am introducing today makes a limited, but serious attempt to meet that goal.●

By Mr. BREAUX (for himself and Mr. WALLOP):

S. 2032. A bill to authorize expenditures for boating safety programs, and for other purposes; to the Committee on Finance.

EXPENDITURES FOR BOATING SAFETY PROGRAMS

● Mr. BREAUX. Mr. President, today Senator WALLOP and I are joining to introduce legislation to reauthorize and improve certain boating safety and sport fishing enhancement programs which are funded through the Aquatic Resources Trust Fund, popularly known as the Wallop-Breaux Fund. This fund, established in 1984, is supported entirely by user fees paid by the millions of recreational boaters and sport fishing enthusiasts in the United States. The Wallop-Breaux Fund has been a significant success story, bringing millions of badly needed dollars to every State in the Union to improve State boating safety programs, provide vital support for the U.S. Coast Guard, and enhance sport fishing and boating opportunities.

The legislation we are introducing would extend for 10 years the authorization for appropriations for boating safety and Coast Guard support functions funded through the Wallop-Breaux Fund. The boating safety account within the fund consists of receipts from taxes levied on motorboat fuels. Like taxes paid into the highway trust fund by motorists, these taxes are user fees paid by the boating public. Unlike gasoline taxes paid by motorists, however, boaters had been paying these user fees since 1956 but were not previously receiving the benefits of these fees. In 1984, Congress wisely corrected this inequity and assured that Federal motorboat fuel taxes would be used to enhance boating safety and improve recreational programs that would benefit those who were paying the tax burden. In addition to extending this worthwhile program, our legislation would also codify an agreement among the boating and fishing user groups regarding the allocation of funding for boating safety programs.

Mr. President, the support within the boating and fishing public for the Wallop-Breaux Fund is extremely strong. The millions of people who enjoy these waterborne forms of recreation have willingly and actively supported the use of these funds in constructive ways that improve the safety of our waters and enhance the recreational opportunities that so many enjoy. I know that many of my colleagues have heard firsthand of the successes made possible within their State since the inception of the program, and I hope these colleagues will join us in cosponsoring this important legislation and expediting reauthorization of this valuable program.●

● Mr. WALLOP. Mr. President, today I join with my colleague from Louisiana, Mr. BREAUX in introducing legislation to revise and extend the Aquatic Resources Trust Fund, which is commonly known as the Wallop-Breaux Fund. The trust fund evolved from legislation enacted almost 40 years ago to aid in research and management programs for fisheries. The original program, the so-called Dingell-Johnson Fund, imposed an excise tax on fishing tackle and dedicated the revenues to sport fish restoration projects managed by State fish and wildlife agencies.

The program was funded by fishermen, and the revenues were dedicated to the specific goal of improving the fish populations in our lakes and streams. A successful and popular program, the Dingell-Johnson Fund was subject to demands which exceeded its revenues. So, efforts were begun about 10 years ago to expand the fund. In addition to increasing the tax on fishing tackle, a new excise tax on fishing boats was also considered. After some controversy, a proposal was developed by JOHN BREAUX, as a member of the House Merchant Marine and Fisheries Committee, to utilize a portion of the motorboat fuel tax for an expanded sport fish program. As a member of the Senate Finance Committee, I sponsored this proposal in the Senate.

The new program, the Aquatic Resources Trust Fund, or Wallop-Breaux Fund, was enacted into law in 1984. The new fund included two specific accounts, the sport fish restoration account and the boating safety account. The accounts are true user funded accounts, and involve no general revenues. The sport fish restoration account is funded by the fish tackle excise tax, and as I mentioned earlier, is dedicated to projects undertaken by State fish and wildlife agencies. The boating safety account is funded by the motor-fuel excise tax, and is used for boat safety programs run by the States and the U.S. Coast Guard.

When Congress enacted the Wallop-Breaux Fund in 1984, the proposal contained a specific set-aside from the fuel tax for the Boat Safety Program. The first $45 million in fuel tax revenues was reserved for the Boat Safety Program. Any collected funds above that amount would go to the Sport Fish Restoration Program.

Two years ago, after extended discussion among the user groups, it was suggested that the funding allocation for boat safety programs be increased. Congress responded favorably to the request, and revised the $45 million set-aside to $60 million as an amendment to the Coast Guard authorization bill. Last year, approval was again given to the funding increase. The legislation we are introducing today would make permanent the higher allocation. We would thus avoid having to amend the program every year to provide an allocation agreed to by everyone.

Our bill would also reauthorize the program for 10 years. Last, the bill would revise the list of in-kind contributions the States can make to meet their matching funding requirements under the act.

The Aquatic Resources Trust Fund is an example of a user funded program which serendipitously has a public benefit. The changes we are proposing today will only make a good program better. I would urge my colleague to join in supporting this legislation.●

By Mr. GRASSLEY (for himself, Mr. DOLE, Mr. SHELBY, Mr. BOND, Mr. MATSUNAGA, Mr. CHAFEE, Mr. CHILES, Mr. SYMMS, Mr. BURDICK, Mr. HEINZ, Mr. METZENBAUM, Mr. GRAMM, Mr. GLENN, Mr. DURENBERGER, Mr. KERRY, Mr. GARN, Mr. PRYOR, Mr. WEICKER, Mr. SANFORD, Mr. MCCAIN, Mr. MOYNIHAN, Mr. WARNER, Mr. CONRAD, Mr. LUGAR, Mr. STENNIS, Mr. QUAYLE, Mr. WIRTH, Mr. STAFFORD, Mr. EXON, Mr. MCCLURE, Mr. SARBANES, Mr. THURMOND, Mr. LEVIN, Mr. PRESSLER, Mr. DECONCINI, Mr. COCHRAN, Mr. NUNN, Mr. WILSON, Mr. BRADLEY, Mr. D'AMATO, Mr. GORE, Mr. DANFORTH, Mr. LAUTENBERG, Mr. SPECTER, Mr. KENNEdy, Mr. Stevens, Mr. Cranston, Mr. Boschwitz, Mr. Inouye, Mr. Heflin, Mr. Dodd, Mr. Simon, Mr. Hollings, Mr. Roth, and Mr. Hatch):

S.J. Res. 250. A joint resolution designating the week of May 8, 1988, as "National Osteoporosis Prevention Week of 1988"; referred to the Committee on the Judiciary.

NATIONAL OSTEOPOROSIS AWARENESS WEEK

● Mr. GRASSLEY. Mr. President, I am introducing today legislation which would designate the week of May 8-14, 1988, as National Osteoporosis Prevention Week. I am joined in this by Senators Dole, Shelby, Bond, Matsunaga, Chafee, Chiles, Symms, Burdick, Heinz, Metzenbaum, Gramm, Glenn, Durenberger, Kerry, Garn, Pryor, Weicker, Sanford, McCain, Moynihan, Warner, Conrad, Lugar, Stennis, Quayle, Wirth, Stafford, Exon, McClure, Sarbanes, Thurmond, Levin, Pressler, DeConcini, Cochran, Nunn, Wilson, Bradley, D'Amato, Gore, Danforth, Lautenberg, Specter, Kennedy, Stevens, Cranston, Boschwitz, Inouye, Heflin, Dodd, Simon, Hollings, Roth, and Hatch.

This is the fourth year in which I have had the honor of introducing legislation to call attention to the problem of osteoporosis, one of our major public health problems.

Osteoporosis is a condition in which bone tissue becomes progressively thinner as a consequence of calcium loss. This bone degeneration is associated with aging, low calcium levels, and loss of estrogen. It is a condition which affects primarily older women after menopause, although it can affect older men. Most commonly affected by it are thin, caucasian women, who tend to lose bone mass at a rate twice that of older men.

Osteoporosis is a fairly widespread condition. It affects some 24 million Americans, mainly post-menopausal women and older people.

This condition is a major contributing cause of bone fractures suffered by the elderly. Data provided to me by an Iowa researcher for a hearing of the Subcommittee on Aging during the 99th Congress showed that, at age 68, about half of Iowa's women have a bone mass level that places them at risk of fracture. Needless to say, therefore, this condition is expensive. Bone fractures in the elderly, particularly hip fractures, can lead to institutionalization. Fractures are also associated with higher levels of mortality among those who suffer them—it is estimated that more than 50,000 older women die each year from complications of hip fracture—a number higher than the number who die annually from breast cancer. In 1986, the national expenditures for osteoporosis totaled from $7 to $10 billion.

Many scientists argue that osteoporosis can be prevented. Some studies have shown that as many as 80 percent of bone fractures resulting from thinning of the bones could be avoided with increased intake of calcium and estrogen—and 50 percent with increased intake of calcium alone.

In one sense, osteoporosis is not just an older person's disease. That is because the time in the life cycle to begin to deal with this condition is not old age. Insofar as a certain amount of calcium loss is inevitable with aging, the more bone mass a person has when that loss commences, the more secure a person is from eventual bone deformity or breakage. Thus, the osteoporosis prevention effort should be directed especially at younger women, both in their own right as young women and in their capacity as parents who, with their husbands, can have a decisive influence on the diet and lifestyle of their children, and at children and adolescents. It is therefore entirely appropriate that the theme of this year's prevention week is "build a stronger future".

I must emphasize that, because osteoporosis probably can be prevented, educational efforts, such as this resolution designating a National Osteoporosis Prevention Week, can be particularly helpful in reducing the eventual incidence of this condition. Education and media campaigns during the week designated by this resolution will be conducted in all 50 States. The leaders of last year's educational efforts estimate that over 10 million Americans received information about osteoporosis as a consequence of the educational efforts of the event's many cosponsors around the country. This year, the campaign's goal is to reach at least 50 million Americans.

I ask unanimous consent that the groups and organizations joining the National Osteoporosis Foundation in this effort be listed after my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Partners in Prevention

Abbott Laboratories.
American Home Products Corporation.
Coca-Cola Foods.
The Dannon Company, Inc.
Kraft, Inc.
Lederle Laboratories, Division of American Cyanamid Company.
Lunar Radiation Corporation.
Marion Laboratories, Inc.
Mead Johnson Laboratories.
The Merck Company Foundation.
Norwich Eaton Pharmaceuticals, Inc.
Parke-Davis.
The Procter & Gamble Company.
Rorer Pharmaceuticals.
Sandoz Pharmaceuticals Corporation.
Serono Synmposia, USA.
The Upjohn Company.
Warner-Lambert Company.

Prevention Week Cosponsors

American Academy of Physical Medicine and Rehabilitation.
American Association of Retired Persons.
American College of Obstetricians and Gynecologists.
American Dietetic Association.
American Home Economics Association.
American Hospital Association.
American Medical Association.
American Medical Association Auxiliary, Inc.
American Medical Women's Association, Inc.
American Physical Therapy Association.
American Red Cross.
American School Food Service Association.
American Society for Bone and Mineral Research.
Association for the Advancement of Health Education.
B'nai B'rith Women.
Camp Fire, Inc.
Food Marketing Institute.
Future Homemakers of America, Inc.
Girls Clubs of America, Inc.
Girls Scouts of the U.S.A.
National Association of Area Agencies on Aging.
National Association of State Units on Aging.
National Consumers League.
National Council on the Aging, Inc.
National Council of Catholic Women.
National Council of Jewish Women.
National Council on Patient Information and Education.
National Dairy Council.
National Extension Homemakers Council, Inc.
National Rural Health Network.
Nurses Association of the American College of Obstetricians and Gynecologists.
President's Council on Physical Fitness and Sports.
Society for Nutrition Education.
U.S. Department of Agriculture, Extension Service.
U.S. Department of Health and Human Services.
Administration on Aging.
Bureau of Maternal and Child Health and Resources Development.
Food and Drug Administration.
National Institute on Aging.
National Institute of Arthritis and Musculoskeletal and Skin Diseases and the National Arthritis and Musculoskeletal and Skin Disease Clearinghouse.
National Institute of Diabetes and Digestive and Kidney Diseases.
Office of Disease Prevention and Health Promotion YMCA of the USA.

Friends of Prevention Week

Alleghany Regional Hospital (Low Moor, VA).
Amarillo Hospital District (Amarillo, TX).
Borgess Medical Center (Kalamazoo, MI).
Bradley Memorial Hospital (Cleveland, TN).
Cape Fear Memorial Hospital, Inc. (Wilmington, NC).
Chelsea Community Hospital (Chelsea, MI).
Corning Hospital (Corning, NY).
Cottonwood Hospital Medical Center (Murray, UT).
Elmwood Medical Center (Jefferson, LA).
Hospital for Special Surgery (New York, NY).

Humana Women's Hospital—South Texas (San Antonio, TX).

Lafayette General Medical Center (Lafayette, LA).

LDS Hospital (Salt Lake City, UT).

Lenox Hill Hospital (New York, NY).

Martha Jefferson Hospital (Charlottesville, VA).

Meadville Medical Center (Meadville, PA).

Mesa Lutheran Medical Center (Mesa, AZ).

Metropolitan Medical Center Foundation (Minneapolis, MN).

Mother Frances Hospital (Tyler, TX).

New England Baptist Hospital (Boston, MA).

North Colorado Medical Center (Greeley, CO).

Our Lady of Mercy Hospital (Dyer, IN).

Riverside Hospital (Newport News, VA).

Sacred Heart Hospital and Rehabilitation Center (Norristown, PA).

Saint Joseph's Medical Center (South Bend, IN).

Shadyside Hospital (Pittsburgh, PA).

Southwest General Hospital (Middleburg Heights, OH).

The South Side Hospital (Pittsburgh, PA).

The Staten Island Hospital (Staten Island, NY).

Western Reserve Care System (Youngstown, OH).

Woman's Hospital (Baton Rouge, LA).

Zurbrugg Memorial Hospital (Willingboro, NJ).●

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 794, a bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs.

S. 1370

At the request of Mr. BUMPERS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1370, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1395

At the request of Mr. HECHT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1395, a bill entitled "The Nuclear Waste Transportation Act of 1987."

S. 1586

At the request of Mr. KERRY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1670

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1670, a bill to identify, commemorate, and preserve the legacy of historic publicly owned parks of Frederick Law Olmsted, and for other purposes.

S. 1993

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Nevada [Mr. HECHT], the Senator from South Carolina [Mr. THURMOND], the Senator from Georgia [Mr. FOWLER], the Senator from Indiana [Mr. QUAYLE], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2024

At the request of Mr. BAUCUS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2025

At the request of Mr. MELCHER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2025, a bill to amend title II of the Toxic Substances Control Act.

SENATE JOINT RESOLUTION 181

At the request of Mr. WILSON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 181, joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 206, joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 210

At the request of Mr. WILSON, the names of the Senator from Ohio [Mr. GLENN], the Senator from Idaho [Mr. SYMMS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mr. CHILES], the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Florida [Mr. GRAHAM], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. RIEGLE], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. STAFFORD], the Senator from South Dakota [Mr. DASCHLE], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 210, joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 235, joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from Georgia [Mr. NUNN], the Senator from Missouri [Mr. BOND], the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. DIXON], the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. MCCAIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Carolina [Mr. THURMOND], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Carolina [Mr. SANFORD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 237, joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. BRADLEY, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. DIXON], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 247, joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE RESOLUTION 260

At the request of Mrs. KASSEBAUM, the name of the Senator from Arizona

[Mr. McCain] was added as a cosponsor of Senate Resolution 260, resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

AMENDMENTS SUBMITTED

INDIAN SELF-DETERMINATION ACT AMENDMENTS

EVANS (AND INOUYE) AMENDMENT NO. 1399

(Ordered to lie on the table.)

Mr. EVANS (for himself and Mr. Inouye) submitted an amendment intended to be proposed by them to the bill (S. 1703) to amend the Indian Self-Determination and Education Assistance Act, and for other purposes:

Mr. EVANS. Mr. President, I am pleased today to file an amendment which I intend to offer to S. 1703, the Indian Self-Determination Act amendments. The Indian Self-Determination Act authorizes tribes to contract with the Secretary of the Department of the Interior and the Secretary of the Department of Health and Human Services to administer previously authorized programs otherwise administered directly by those departments. The amendments already contained in S. 1703 increase tribal participation in the management of Federal Indian programs and to help ensure long-term financial stability for tribally run programs.

The amendments contained in S. 1703 are intended to remove many of the administrative and practical barriers that seem to persist under the Indian Self-Determination Act. The bill represents a profound and thorough reexamination of one of the most important and successful laws affecting Indian people in our Nation's history.

S. 1703 was reported by the Select Committee on Indian Affairs on December 22, 1987. One provision in the bill as reported, section 209, provides a mechanism for consolidated funding to participating Indian tribes. This provision, which was first recommended to the committee by the Department of the Interior, is intended to allow tribes maximum flexibility to use Federal funds to fashion programs for their members.

Mr. President, I am aware that section 209 has been the subject of some concern. I have discussed this provision at great length with tribal leaders from Washington State and from other tribes throughout the country. As I indicated in my additional views in the committee's report on S. 1703, there was room for improvement in section 209. I continue to believe, however, that consolidated funding is a sound policy, and may represent the logical culmination of the self-determination policy which many of us strongly support.

I was pleased to work with tribal leaders and members of the committee to develop improvements to this provision. The amendment I am introducing today builds upon the consolidated funding concept. The amendment, however, is a very different program than the one proposed by the Department of the Interior. The amendment has been developed with the active participation of tribes who have expressed interest in pursuing consolidated funding, and I intend to offer it at their request.

The amendment which I intend to offer deletes section 209 in its entirety and establishes instead a new title III, the tribal self-governance research and demonstration project. This project, which is authorized for 5 years, is divided into three phases. The first phase provides the interested tribes with planning grants for a period not to exceed 2 years. These grants allow the tribes to analyze, design and prepare for consolidated funding. At the same time, the Secretary is directed to compile and analyze pertinent financial and program data available to the tribes. The second phase of the project involves the negotiation of an agreement between the tribes and the Secretary of the Interior to specify the functions and responsibilities of the tribes and the Secretary. This agreement should allow tribes to determine and manage their own budgets and priorities. Nothing in the demonstration project or the written agreement may abrogate or reduce the trust responsibility of the United States to Indian tribes. The third and final phase of the demonstration project is the funding of the tribes to carry out their negotiated agreements.

Ten tribes responded to the Department of the Interior's original inquiry on consolidated funding and they have been specified in the continuing resolution for fiscal 1988 as eligible for self-determination planning grants. These tribes, the Central Council of the Tlingit-Haida Indian Tribes of Alaska, the Rosebud Sioux Tribe, the Jamestown Band of Klallam Indians, the Red Lake Band of Chippewa Indians, the Hoopa Valley Indian Tribe, the Lummi Tribe, the Quinault Indian Nation, the Mescalero Apache Tribe, the Salish-Kootenai Tribes of the Flathead Reservation, the Mille Lacs Band of Chippewa Indians, are the tribes who will begin this experiment.

Mr. President, I believe that tribes, like other units of government, are accountable to their citizens and are fully capable of managing their own affairs to the benefit of the Indian citizenry. Under this amendment, Indian tribes will not be bound to provide the same exact services that the Bureau of Indian Affairs would have provided. The Secretary and tribes are to report to Congress periodically on the progress of this project and to determine the relative costs and benefits, if any, of such consolidated funding. Services and funding to tribes not participating in the demonstration project are held harmless from any project costs or programs.

Mr. President, S. 1703 is a unique piece of legislation in that it was developed with the active participation of Indian tribes throughout the country. The Select Committee on Indian Affairs will schedule a hearing on this amendment in the near future. At that hearing, I look forward to learning from the tribes who participated in the development of this legislation on their views regarding this amendment.

Mr. President, I ask unanimous consent that a copy of the amendment be printed in the Congressional Record at the conclusion of my remarks and those of my esteemed colleague and cosponsor of the amendment Senator Inouye.

There being no objection, the amendment was ordered to be printed in the Record, following the remarks of Mr. Inouye.

Mr. INOUYE. Mr. President, I am pleased to join as a cosponsor of this amendment to S. 1703, the "Indian Self-Determination and Education Assistance Act Amendments of 1987."

One of the perennial shortcomings of Federal policies toward Indian tribes is that those policies are often developed by people who have little knowledge of the actual conditions on Indian reservations and the needs of tribal governments. I am pleased to report that this bill is an outstanding exception to that practice. These amendments were developed with the active participation of Indian tribal leaders from all parts of the country. For the past year, Indian tribal elected officials, finance officers, program planners, and program managers worked diligently with the Committee on Indian Affairs to develop positive and practical amendments to strengthen the Indian Self-Determination Act.

These amendments would: Ensure that tribal contract funds are not diverted to pay for such things as Federal contract monitoring, computers and Federal employee pay costs (section 205).

Ensure that tribal indirect costs associated with self-determination contracts are fully funded (section 205).

Provide that lack of indirect cost funding from agencies other than the BIA or IHS will not result in adverse actions against tribes, including theoretical overrecoveries (section 205).

Forgive tribal indebtedness resulting from theoretical overrecoveries incurred prior to fiscal year 1988 (section 205).

Prevent the BIA and the IHS from reducing tribal contract funds except in direct proportion to congressional reductions in appropriations (section 205).

Reduce contract reporting requirements for "mature" contracts (section 104).

Allow tribes to operate permanent mature contracts, instead of having to reapply for contracts each year (section 204).

Provide that Federal procurement laws and Federal acquisition regulations do not apply to Public Law 93-638 contracts (section 204).

Prevent the BIA and IHS from imposing contracting requirements on tribes except through procedures consistent with the Administrative Procedures Act (section 104 and section 207).

Prevent the BIA and IHS from unilaterally modifying Public Law 93-638 contracts (section 206).

Provide that the Contract Disputes Act and the Equal Access to Justice Act apply to Public Law 93-638 contract disputes (section 206).

Clarify that tribes have the right to contract for trust-related functions (section 201).

Strengthen the rights of tribes to design and operate programs appropriate to the needs and conditions of the tribes and their citizens (section 201 and section 202).

Address problems of Federal personnel displaced as a result of tribal contracting (section 203).

Simplify the regulations applicable to Public Law 93-638 contracts by requiring the BIA and IHS to publish one single set of regulations, developed with the participation of tribes, in title 25 of the Code of Federal Regulations (section 207).

Provide for Federal Tort Claims Act coverage for Public Law 93-638 contractors (section 201).

Authorize tribes to obtain grants for the purpose of planning, designing, monitoring, and evaluating Federal programs serving tribes, including Federal and administrative functions (section 202).

Mr. President, I support the efforts of my colleague Senator EVANS to respond to the recommendations and comments of a broad section of Indian leaders by offering an amendment to delete section 209, the "consolidated contract funding" provision from S. 1703, and in lieu thereof to include a new section 301, the "tribal self-governance research and demonstration project" provision. Section 301 is very different from section 209. Before we proceed to enact legislation to permanently authorize consolidated funding, I prefer to allow those tribes that have expressed interest in the consolidated funding concept to complete a planning process and then to experiment on a temporary basis by actually operating programs with consolidated funding. The new section 301 would authorize that planning and experimental operation. If those tribes subsequently request specific legislative action to permanently authorize consolidated funding, I am certain that the Senate will be willing to consider such legislation.

The Committee on Indian Affairs originally agreed to include section 209 in the bill at the request of Assistant Secretary for Indian Affairs Ross Swimmer for discussion purposes. In its markup meeting on December 9, the committee moved to accept a package of amendments, including an amendment to section 209, with the understanding that the questions that have been raised regarding this section would be resolved before the bill is acted upon by the full Senate.

Subsequent to the December 9 markup, funding was set aside in the fiscal year 1988 Interior appropriation for 10 tribes who volunteered to participate in a planning process to perform necessary legal and budgetary research, and internal tribal government planning and organizational preparation for the purpose of negotiating consolidated funding agreements with the Secretary of the Interior. The Appropriations Committees directed each of the tribes to document obstacles and propose remedies identified with this planning process, to be consolidated into a comprehensive report to the Appropriations Committees by September 1, 1988.

Mr. President, to enact the permanent authorizing legislation contained in section 209 at this time would be premature, given the objectives of the planning process. However, it is clear that the planning process begun with the fiscal year 1988 funding involves many challenging issues regarding the trust responsibility of the Federal Government to the tribes, the financial and programmatic impacts on other tribes, particularly in multitribal agencies, and the methods which could be used by the Bureau eventually to transfer more comprehensive programmatic responsibility along with the necessary financial resources to the tribes. That process should be bolstered by authorizing legislation pursuant to which this committee will work closely with the tribes involved, especially to ensure that there is full cooperation by the Federal agencies.

Therefore, section 301 would propose to continue and build upon the planning process already begun by authorizing a 5-year research and development project. Under this project, upon completion of the planning phase tribes would actually experiment with operating programs in accordance with tribally determined, not Federal, priorities. Consolidated funding would be provided to each of the 10 tribes pursuant to agreements negotiated with the Secretary during the planning process.

Both Senator EVANS and I joined with our other colleagues in the Senate to introduce Senate Concurrent Resolution 76 on September 16, 1987. It reaffirms the continuing government-to-government relationship between Indian tribes and the United States. This resolution was developed in close cooperation with representatives of some of those tribes who now seek to participate in experimental planning and program operation. It is an important step in our mutual efforts to clarify the relationship between tribes and the United States so that it may conform more nearly to the quality of the relationship that existed at the time of the signing of the U.S. Constitution and the treaties with Indian tribes. As tribal governments did then, they should today like other governments, determine for themselves how best to provide for their citizens.

It is important to explore practical ways of implementing the concepts contained in Senate Concurrent Resolution 76 and if section 301, which was developed by a number of tribal experts and officials could further their goal of self-determination, it will have been worth the effort. The research and development project is a next logical step in the important process of self-determination furthered by S. 1703. Perhaps it will take Public Law 93-638 to the next evolutionary stage.

I am willing to honor the tribes' request that I cosponsor an amendment to include the research and development project. I point out, however, that section 301 expressly provides that it shall not reduce the trust responsibility of the United States to Indian tribes nor limit or reduce the services, contracts or funds of any of the nonparticipating tribes.

The committee will closely monitor the research and development project, working both with the tribes and the Bureau of Indian Affairs. It is important to include within the research being undertaken an analysis of all Bureau of Indian Affairs functions with the idea of determining minimum levels below which funding for services should not fall. Particularly in the national resources area, funding levels should be based on a reservation-by-reservation analysis of what is needed. Such funding is a key element in the government-to-government relationship which the United States is pledged to continue and it should not go the way of other well-intentioned efforts such as revenue sharing.

Mr. President, the Select Committee on Indian Affairs will be holding a hearing on this new amendment in the near future to give all interested parties an opportunity to comment. Shortly after this hearing I will be asking the leadership to schedule Senate action on S. 1703 (S. Rept. 100-274). I urge the Congress to expedite final action on S. 1703. Many tribes are in great need of the remedies and protections offered by S. 1703. The Congress can best respond to the needs of those tribes who have volunteered to experiment with consolidated funding by supporting the study process and postponing action on permanent authorizing legislation until that process is completed. At that time we can evaluate how best to move forward. These tribes have committed themselves to work with the Congress for the speedy passage of S. 1703 and I do not intend, and will not permit, the amendment offered today to delay the enactment of S. 1703.

The amendment is as follows:

Amendment No. 1399

Section 209 of S. 1703, as reported, is amended by deleting section 209 in its entirety and inserting the following is substituted in lieu thereof:

"SECTION 301. TRIBAL SELF GOVERNANCE RESEARCH AND DEMONSTRATION PROJECT.

The Indian Self-Determination and Education Assistance Act (Public Law 93-638, Act of January 4, 1975, 88 Stat. 2203, as amended) is further amended by adding a new Title III, to the end for the purpose of establishing, for five years from the date of enactment, a research and development project as follows:

(a) Subject to the provisions of this Act, the Secretary of the Interior shall establish a research and demonstration project, the Tribal Self-Governance Project, for the purpose of enabling tribes to determine their own budgets to address tribally determined priorities.

(b) The Secretary is authorized and directed to make research and development planning grants under section 202(e)(2) of this Act to the Indian Tribes who have volunteered to participate in this Project, as evidenced by their eligibility to receive Fiscal Year 1988 Tribal Self-Governance Planning Grants pursuant to the Continuing Resolution for Fiscal year 1988 and the Conference Report thereto.

(1) Such planning grants shall be for a period not to exceed two (2) years from date of appropriation of funds.

(2) Such planning grants shall be used to conduct such research as may be appropriate including internal tribal planning, and planning and preparation for the negotiation of a written agreement between each Tribe identified in subsection (b) and the Secretary pursuant to the requirements of subsection (c) to undertake the demonstration project authorized in subsection (d).

(3) For the period of Fiscal year 1985 through Fiscal year 1987, the Secretary is directed to compile all financial and program data including direct and indirect program accounts relating to the provision of services and benefits to each Tribe identified in this section, at the agency, area, and central office levels of the Bureau of Indian Affairs, and to analyze such data along with all budgets and functions at all levels of the Bureau of Indian Affairs in order to identify budgets and functions in any way related to the provision or administration of services and benefits to such Tribes, and in order to undertake the demonstration projects authorized in subsection (d).

(4) Notwithstanding any other provision of law, the Secretary shall, within 90 days of enactment of this section, make available to each Tribe receiving planning grants, all financial and program data, including the data and analysis compiled pursuant to paragraph (3) of this subsection, and including direct and indirect program accounts, relating to the provision of services and benefits to such Tribe at the Bureau of Indian Affairs agency, area, and central office levels.

(c) Pursuant to subsection (d) the Secretary is authorized and directed to negotiate and enter into separate written agreements with each Tribe identified in subsection (b) for the purpose of the Tribal Self-Governance Demonstration Project for the programs, or portions thereof, for which a Tribe could contract under section 102 of P.L. 93-638, as amended by this Act.

(1) Nothing in the written agreement, the Demonstration Project authorized under subsection (d), or any other provision of this section shall abrogate or reduce the trust responsibility of the United States to Indian tribes.

(2) The functions and responsibilities of both the Tribes and the Secretary relative to the Demonstration Project, including Tribal authority to reallocate funds or modify budget allocations within any project year, shall be specified in agreements entered into pursuant to this subsection.

(3) Agreements shall provide for retrocession of programs or portions thereof pursuant to section 204(d) of this Act; provided that such retrocession shall become effective in no more than one year from the request of the Indian Tribe party to the agreement.

(d) Tribal Self-Governance Demonstration Project.—After a Tribe has completed its planning process under subsection (b), at the request of the tribal governing body of such Tribe, and pursuant to the agreement negotiated in subsection (c), the Secretary shall provide funding for a period not to exceed the authorization of this section, which will pay such Tribe an amount equal to at least the amount that such Tribe would have been eligible to receive under a contract or contracts with the Secretary for the programs, portions thereof, or functions enumerated in the agreement pursuant to subsection (c) for direct program costs and indirect costs, and will pay in addition any and all funds relating to such programs, parts thereof, or functions, at the Bureau of Indian Affairs agency, area, and central office levels.

(1) Recipients of such Demonstration Project funding shall not be entitled to contract for such funds under section 102 of Public Law 83-638, as amended by this Act, for the duration of their Demonstration Project under this subsection.

(2) Recipients of such Demonstration Project funding shall be responsible for the provision of services and benefits as determined by tribal planning and priorities pursuant to agreements under subsection (c); Tribes are not bound to provide the same programs, portions thereof, functions, services or benefits as the Secretary would have provided.

(3) Statutory provisions or regulations pursuant thereto in conflict with this subsection or the agreement under subsection (c) are waived for purposes of the Demonstration Project.

(4) Notwithstanding section 206(d) of this Act, unless the Secretary and the Tribe provide for a distinct dispute resolution mechanism in the agreement under subsection (c) of this section, disputes arising under this subsection between the Secretary and the Tribe shall by written notice of either the Secretary or the Tribe trigger a ten-day period during which the parties in good faith attempt to informally resolve the dispute. At the expiration of the ten-day period, if no resolution is obtained, the Tribe may by written notice require the dispute to be submitted to binding arbitration. Such arbitration award may be enforced pursuant to subsection (a) of section 206 of this Act.

(e) The Secretary shall report semi-annually to the Congress on the relative costs and benefits of programs authorized by this section; such report shall be based on mutually determined baseline measurements jointly developed by the Secretary and the participating Tribes, and such report shall separately include the views of such Tribes.

(f) Nothing in this section shall limit or reduce in any way any services, contract or funds that any other Indian Tribe or Organization is eligible to receive under section 102 of this Act or other applicable Federal law.".

INTEGRITY IN POST EMPLOYMENT ACT

THURMOND (AND OTHERS) AMENDMENT NO. 1400

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. Metzenbaum, Mr. Levin, and Mr. Specter) submitted an amendment intended to be proposed by them to the bill (S. 237) to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Integrity in Post Employment Act of 1988".

SEC. 2. STRENGTHENING AND CLARIFYING THE CURRENT PROVISIONS OF SECTION 207 OF TITLE 18.

(a) Offense.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Disqualification of former executive and legislative branch employees

"(a) Lifetime Prohibition on Executive Branch Employees.—It shall be unlawful for any former officer or employee of the executive branch of the United States, including any independent agency, or of the District of Columbia, including a special Government employee, knowingly to represent any other person other than the United States—

"(1) by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, court, or commission of the United States or the District of Columbia;

"(2) in connection with a particular matter involving specific parties—

"(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest; and

"(B) in which the former officer or employee participated personally and substantially while so employed.

"(b) Two-Year Prohibition on Executive Branch Employees.—It shall be unlawful for any former officer or employee described in subsection (a), within 2 years after that former officer's or former employee's employment has ceased, knowingly to represent any other person other than the United States—

"(1) by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, court, or commission of the United States or the District of Columbia;

"(2) in connection with a particular matter involving specific parties—

"(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest; and

"(B) which was actually pending under the former officer's or former employee's official responsibility within 1 year prior to the date that former officer or employee ceased employment.

"(c) Prohibitions on Executive and Legislative Branch Employees.—It shall be unlawful for any person, other than a special Government employee who serves for less than 60 days in the last 365 consecutive days—

"(1) having been employed as a senior official, within 1 year after such employment has ceased, knowingly to represent any other person other than the United States, by oral or written communication to, or by physical presence in a formal or informal appearance before—

"(A) any department, agency, or other entity in which the person served during the 1 year prior to the termination of such employment as an officer or employee, if that person was employed in the executive branch, including any independent agency, or legislative branch of the United States;

"(B) the Senate, if that person was employed by the Senate; or

"(C) the House of Representatives, if that person was employed by the House of Representatives;

"(2) having been employed as a high level official, within 1 year after such employment has ceased, knowingly to represent any other person other than the United States by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, or other entity of the executive branch, including any independent agency of the United States;

"(3) having been employed as a top level official, within 1 year after such employment has ceased, knowingly to represent any other person other than the United States by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, or other entity of the United States; or

"(4) having been employed as a senior, high level, or top level official, within 18 months after such employment has ceased, to be employed by, represent, or advise a foreign entity for compensation, financial gain, or other remuneration.

"(d) Agents Communicating on Behalf of a Former Officer or Employee.—It shall be unlawful for any person knowingly, in the course of representing any other person other than the United States, by oral or written communication to any department, agency, or other entity of the executive or legislative branch to communicate to such department, agency, or entity of the executive or legislative branch that such communication is on behalf of a former officer or employee covered under subsection (a), (b), or (c) of this section if such a communication by the former officer or employee is prohibited by subsection (a), (b) or (c).

"(e) Coverage.—

"(1) Individuals covered.—For purposes of the coverage of subsections (a), (b), (c), and (d) of this section—

"(A) the term 'senior official' means any officer or employee of the United States other than those of the judicial branch who is not a high level or top level official (including officers and employees of the legislative branch and officers and employees, including special Government employees, of the executive branch, including any independent agency, commissions, Government corporations, independent establishments as defined in section 104 of title 5, the Postal Service, the Postal Rate Commission, and the District of Columbia), who is—

"(i) compensated at a rate of pay equal to or greater than the basic rate of pay for GS-16 of the General Schedule as prescribed in section 5332 of title 5, or employed in a position listed under sections 105(a)(2)(C) and (D) and 106(a)(1)(C) and (D) of title 3; or

"(ii) on active duty as a commissioned officer of a uniformed service and assigned to a pay grade of O-7 or above as prescribed in section 201 of title 37;

"(B) the term 'high level official' means any officer or employee of the executive branch of the United States, including any independent agency, who is not a senior or top level official and who holds a position listed in section 5314 of title 5 or under sections 105(a)(2)(B) and 106(a)(1)(B) of title 3, or who is paid at an equivalent rate of pay;

"(C) the term 'top level official' means—

"(i) any officer or employee of the executive branch of the United States, including any independent agency, who holds a position listed in section 5312 or 5313 of title 5 or under sections 105(a)(2)(A) and 106(a)(1)(A) of title 3, or is paid at an equivalent rate of pay; or

"(ii) any Member of Congress, including Delegates and Resident Commissioners.

"(2) Exceptions.—(A) The prohibitions of subsections (a), (b), and (c) shall not apply to any person—

"(i) who is an elected official of a State or local government;

"(ii) who is engaging solely in—

"(I) the solicitation or collection of funds and contributions within the United States to be used only for medical assistance, food or clothing to relieve human suffering, in accordance with subchapter II of chapter 9 of title 22, and any rules and regulations prescribed thereunder; or

"(II) activities furthering the purposes of an international organization of which the United States is a member;

"(iii) whose actions are solely for the purpose of furnishing scientific or technological information if the head of the agency or legislative entity concerned with the particular matter certifies that the person has outstanding qualifications in a technical discipline regarding the particular matter and that the national interest is served by the participation of such person, and publishes such certification in the Federal Register or, in the case of a legislative entity, in the Congressional Record;

"(iv) whose actions concern matters of a personal and individual nature, such as personal income taxes or pension benefits; or

"(v) who is providing a statement which is based on that person's special knowledge, provided that no compensation is received for such statement other than that regularly provided by law or regulation for witnesses.

"(B) The prohibitions of subsection (c) shall not apply to any person—

"(i) who is employed by—

"(I) an agency or instrumentality of a State or local government;

"(II) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965; or

"(III) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954; or

"(ii) who is appearing as an attorney in a judicial proceeding before a court of the United States.

"(3) Special rules for detailees.—For purposes of this section, a person covered by this section who is detailed from one department, agency, or other entity to another department, agency or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies or such entities.

"(f) Penalties and Remedies for Violations.—

"(1) Criminal sanction.—Any person who engages in conduct prohibited by subsection (a), (b), or (c) shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both. Any person who willfully engages in such prohibited conduct shall be fined not more than $250,000 or imprisoned for not more than 5 years, or both.

"(2) Civil recovery.—The United States may bring in addition to or in lieu of subsection (f)(1) above, a civil action in any United States district court against any person who engages in conduct prohibited by subsection (a), (b), (c), or (d) and may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within 6 years of the later of (A) the date on which the prohibited conduct occurred, and (B) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred.

"(3) Administrative action.—Upon finding, after notice and opportunity for a hearing, that a person has engaged in conduct prohibited by subsection (a), (b), (c), or (d) the head of the employing department or agency of the executive branch, including any independent agency, may prohibit that person from representing anyone other than the United States before such department or agency, for a period not to exceed 5 years, or may take other appropriate disciplinary action. Any such disciplinary action shall be subject to review in a United States district court. Employing departments or agencies may, in consultation with the Director of the Office of Government Ethics, establish procedures and issue regulations to carry out this subsection.

"(4) Injunctive relief.—Upon a showing that a person has engaged or will engage in conduct prohibited by subsections (a), (b), (c), or (d) of this section, the United States may obtain an injunction to stop or prevent such conduct.

"(g) PARTNERS OF AN OFFICER OR EMPLOYEE.—Whoever, being a partner of an officer or employee of the executive branch of the United States Government, including any independent agency, or of the District of Columbia, including a special Government employee, knowingly represents any other person other than the United States by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, court, or commission of the United States or the District of Columbia in connection with a particular matter in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee or which is the subject of his official responsibility, shall be fined in accordance with this title, or imprisoned for not more than one year, or both.

"(h) TESTIMONY.—Nothing in this section shall prevent a person from giving testimony under oath, or from making statements required to be made under penalty of perjury.

"(i) DEFINITIONS.—For purposes of this section—

"(1) The term 'foreign entity' includes—

"(A) the government of a foreign country as defined in section 611(e) of title 22;

"(B) a foreign political party as defined in section 611(f) of title 22; and

"(C) a foreign organization substantially controlled by a foreign country or foreign political party.

"(2) The term 'particular matter' means any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, judicial or other proceeding.

"(3) The term 'participated personally and substantially' means an action taken as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by striking out the item relating to section 207 and inserting in lieu thereof the following:

"207. Disqualification of former executive and legislative branch employees.".

SEC. 3. INCLUSION OF ACTIVITIES IN THE FOREIGN AGENTS REGISTRATION ACT.

Section 2 of the Foreign Agents Registration Act of 1938, is amended by inserting at the end thereof the following:

"(g)(1) In addition to the registration requirements of subsections (a) through (e) of this section, any high level official or top level official of the United States as identified in subsection (e) of section 207 of title 18, United States Code, shall be required in any statement filed under this section to—

"(A) disclose the identity of any foreign principal for which such officer or employee acts as an agent or representative;

"(B) disclose the actions taken or intended to be undertaken to influence Members of Congress, including Delegates and Resident Commissioners, or officers or employees of the legislative and executive branch of the United States on behalf of such foreign principal; and

"(C) include a declaration that the registrant has not disclosed Government information in violation of any law or regulation.

"(2) Whoever knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device, any information required by this subsection to be included in a registration statement, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) be effective six months after the date of enactment of this Act; and

(2) apply to any Member or employee of Congress or employee or officer of the Federal Government, other than those of the judicial branch, employed by any agency, department, or entity of the Federal Government on or after six months after the date of enactment of this Act.

Mr. THURMOND. Mr. President, shortly, the Senate will consider the Integrity in Post-Employment Act of 1987. This legislation strengthens the current law on postemployment activity by former Federal officials.

Regarding the history of this bill, I originally introduced the Integrity in Post Employment Act in the 99th Congress. The distinguished Senator from Ohio, Senator METZENBAUM, immediately joined in this effort. His commitment to this legislation has been substantial from the start. After some revision, the legislation was voice voted out of the Judiciary Committee in June 1986. As no floor action occurred before adjournment, the bill was reintroduced in the 100th Congress. In May 1987, the legislation was again voice voted out of committee without opposition. Recently, the distinguished Senator from Michigan, Senator LEVIN, made several recommendations regarding this legislation. Senator METZENBAUM and I have agreed to some of Senator LEVIN's proposals and we intend to offer a substitute for S. 237 when it is considered for Senate action.

Major provisions of this substitute will:

Provide for an 18-month moratorium on all Government employees with a Civil Service rating of GS-16 or greater, commissioned officers of a uniform service assigned to a pay grade of O-7 or above, and the Government's highest ranking officials—which includes Cabinet members and most of their principal deputies, Members of Congress, and top White House aides—from lobbying or working for a foreign entity after leaving Government service.

Create a three-tiered prohibition on domestic lobbying by former Government employees. Under this provision, those designated high-ranking officials, which include Cabinet members and most of their principal deputies, Members of Congress, and top White House aides, could not lobby any branch of the Federal Government for 1 year after leaving office. Executive level 3 officials could not lobby the executive branch for 1 year after leaving Government service. Individuals holding jobs with a Civil Service rating of GS-16 and above or commissioned officers of a uniform service assigned to a pay grade of O-7 or above, could not lobby their former agency or department for 1 year on behalf of a domestic entity.

I look forward to prompt consideration of this legislation.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that a hearing by the Special Committee on Aging has been scheduled.

The hearing will take place Monday, February 22, 1988, at 10 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the Social Security "Notch" issue, and possible solutions thereto.

For further information, please contact Max Richtman, staff director, at (202) 224-5364.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, February 24, 1988 at 2 p.m. The purpose of the hearing is to examine S. 1929, a bill to create the Corporation for Small Business Investment [COSBI]. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call Patty Barker, counsel for the committee at (202) 224-5175.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, February 3, 1988, to continue oversight hearings on the events surrounding the stock market crash of October 19, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 3, 1988, to receive testimony from the chairmen and ranking minority members of the Committees on Foreign Relations, Labor, Budget, Small Business, Appropriations, and Environment on their committee funding resolutions for 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the U.S. Energy and Natural Resources Committee be authorized to meet during the full committee session of the Senate on Wednesday, February 3, 1988 to conduct business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 3, 1988 to receive testimony on the nomination of Wendy Gramm to be Chairman of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 3, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 3, 1988, at 2 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, February 3, beginning at 2 p.m., to conduct a hearing on S. 1934, a bill to authorize the construction of a building adjacent to Union Station to provide additional office space for the Administrative Office of the U.S. Courts and the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 3, 1988, to hold a markup on S. 951, Federal Courts Study Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VIOLENCE AGAINST REFUGEES IN EL SALVADOR

● Mr. BINGAMAN. Mr. President, I rise today on the eve of debate on the administration's request for aid to the Contras in Nicaragua to comment on disturbing news from El Salvador.

Just 1 month ago I inserted into the RECORD a letter from Erica Dahl-Bredine, a young woman from New Mexico who is working as a lay volunteer in El Salvador. Her letter described the difficulties facing the displaced victims of the war in that country. I have recently received another letter from Erica's parents who just returned from a 2-week visit there.

Their letter describes two recent incidents of violence at a refugee camp outside of San Salvador.

On January 16, while the Dahl-Bredines were in El Salvador, 200 Salvadoran soldiers reportedly forced their way into the San Jose de Calle Real refugee camp near San Salvador and attempted to remove 15 persons. The camp is run by the Archdiocese of San Salvador and Erica is a volunteer there. Only the arrival of Bishop Orieste from the Archdiocese averted a more serious incident.

Then, on January 21 or 22 government troops once again surrounded the Calle Real refugee camp and opened fire with machineguns and possibly mortars or grenades, seriously injuring at least one person and endangering the lives of the inhabitants and workers in the camp.

These recent incidents heighten my concern about the overall safety of individuals in El Salvador, particularly refugees. It is clear that the lives and safety of the refugees, and those who work with them, including American citizens, are in danger.

We simply cannot turn a blind eye to these incidents and other acts of violence against the innocent in that country. I have written to the Salvadoran Ambassador to express my deep concern over the situation and the ongoing abuse of power by the military in El Salvador. It is vital to the future of U.S. policy there that President Duarte and the civilian government maintain control over the military. If the military remains free to continue to commit such transgressions, I mourn the future of democracy in El Salvador.

I have also written to Secretary of State Shultz calling for a full investigation of these incidents.

I urge my colleagues to join me in protesting these incidents. It is sadly ironic that each transgression committed by the Nicaraguan Government receives immediate and full-blown attention at the highest level of our government while blatant violations of human and civil rights in El Salvador go virtually unnoticed.

These recent reports of violence strengthen my support for Senator DECONCINI's efforts to grant extended voluntary departure status to Salvadoran refugees in the United States. The intolerable conditions in El Salvador contradict the administration's claims that there is no danger to individuals deported to El Salvador. I am a cosponsor of Senator DECONCINI's bill, S. 332, which was reported favorably by committee last fall. In light of the continued evidence of danger to civilians, including refugees, in El Salvador, I urge consideration of this bill by the full Senate at the earliest possible juncture.

I ask that the texts of the Dahl-Bredines' letter and my letter to Secretary Shultz be inserted in the RECORD.

The letters follow:

SILVER CITY, NM,
January 25, 1988.

Senator JEFF BINGAMAN,
U.S. Court House, Suite 201B,
Las Cruces, NM.

DEAR SENATOR BINGAMAN: My wife and I just returned from a two week trip to El Salvador to visit our daughter who is working as a lay volunteer with the Sisters of the Assumption there. We are extremely concerned for the lives of some American volunteers and Salvadoran citizens because of a situation that developed while we were there.

On Friday, January 15, we received permission from the Catholic Archdiocese of San Salvador to visit the refugee camp run by the Archdiocese outside of the city. It is called "San Jose de Calle Real", and is home for approximately 600 men, women and children, including many recovering amputees, who are victims of war and are recuperating in the camp's clinic. We spent the afternoon talking with these people, learning of their suffering and of their wish to return to their homes in the countryside. Very few have received permission from the government to do so.

We also talked with an American nurse, a friend of our daughter, and with American volunteers from the Jesuit Refugee Service, all of whom work there in the camp.

The following day 200 Salvadoran government soldiers forced their way into the camp and attempted to take 15 people whom they said were on their lists as being sympathizers with the guerillas. The people joined together and would not let them take the 15, saying that the soldiers would have to kill them all if they wanted to take the 15. Their experience told them that if taken, the 15 would likely not be seen alive again. At that moment Bishop Orieste from the Archdiocese arrived also and the troops gave in and left after searching the camp for arms.

We left El Salvador on Thursday, January 21, but received a call on Sunday, January 24, from our daughter recounting the following: On Thursday or Friday, January 21st or 22nd, the Salvadoran government troops surrounded the Refugee camp at "Calle Real" and opened fire with machine guns and some sort of mortars or grenades. The terrified residents tried to hide together on the floor of some of the barracks. One man was shot in the stomach. The American nurse made her way through the gunfire and brought him to safety. Evidently he is still alive.

When our daughter arrived at the camp the next day, the American volunteers recounted how close they had come to being hit, and the people, all unarmed civilians, women, and children, communicated their terror to her. Bullet holes were evident throughout the compound and there was a large hole in the clinic roof caused by mortar or grenades.

We are convinced that the lives of these Salvadoran civilians and of American citizens are in immediate danger. The only thing that might control the Salvadoran military is adverse U.S. public opinion. Yet nothing about this appears in the U.S. press although the Salvadoran press is full of it. Our representatives and officials must communicate quickly with the Salvadoran officials to assure that American and Salvadoran civilians' lives are not lost.

We urge you to take responsibility to see that something is done before it is too late for those involved. We hope and expect your timely cooperation in this urgent matter. More direct information can be gained by communicating directly with the Archdiocese of San Salvador, or by communicating with our daughter, Erica Dahl-Bredine, at 011-503-41-23-68 in Santa Ana El Salvador, or 011-503-22-20-69 in San Salvador.

We look forward to hearing from you promptly.

Sincerely yours,

Phil and Kathy Dahl-Bredine.

U.S. Senate,
Washington, DC, January 28, 1988.

Hon. George C. Shultz,
Secretary of State, Department of State, Washington, DC.

Dear Mr. Secretary: I am deeply concerned about the events described in the enclosed letter from two constituents, Phil and Kathy Dahl-Bredine. They recently returned from El Salvador where their daughter, Erica, is working as a lay volunteer with the Sisters of the Assumption. I feel strongly that their letter warrants your immediate attention.

On January 16, while the Dahl-Bredines were in El Salvador, 200 Salvadoran soldiers reportedly forced their way into the "San Jose de Calle Real" refugee camp near San Salvador and attempted to remove 15 persons. The camp is run by the Archdiocese of San Salvador and Erica is a volunteer there. Only the arrival of Bishop Orieste from the Archdiocese averted a more serious incident.

On January 21 or 22 government troops once again surrounded the "Calle Real" refugee camp and opened fire with machine guns and possibly mortars or grenades, seriously injuring at least one person and endangering the lives of the inhabitants and workers in the camp. These recent incidents heighten my concern about the overall safety of individuals in El Salvador, particularly refugees and those, including American citizens, who provide humanitarian support for the refugees. Furthermore, these incidents have only strengthened my support for Senator DeConcini's efforts to provide extended voluntary departure status for Salvadorans in this country.

I request a full investigation of the incidents detailed in the Dahl-Bredines' letter. I urge you to make it clear to Salvadoran officials that such abuse of power by the military is intolerable, and that the U.S. will not turn a blind eye to continued violence against unarmed civilians and refugees. I expect your prompt attention to this matter.

Sincerely,

Jeff Bingaman,
U.S. Senator.●

THE MINORITY BUSINESS DEVELOPMENT PROGRAM REFORM ACT OF 1987

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 1993, the Minority Business Development Program Reform Act of 1987. This legislation is an important step in reforming the section 8(a) program which has come under considerable scrutiny over recent years.

Last May, the Senate Small Business Committee held a hearing to examine the results of the survey of the graduates of the 8(a) program. The results of the survey brought to light some of the highlights as well as some of the lowlights of the 8(a) program. Some of the suggestions offered by graduated firms have been incorporated into this legislation.

I am disturbed over the alarmingly high failure rate of the firms that have graduated from the 8(a) program. According to the survey, the out of business rate for these firms was 30 percent. This figure tells us something. It tells us that the section 8(a) program is not effective as it should be and that it is not graduating firms that can survive in the intensely competitive open market.

The purpose of S. 1993 is to restructure the 8(a) program in order to assure that it achieves its congressionally mandated objectives. The bill proposes to meet these objectives by injecting competition into the veins of the program and thus better ensuring a higher success rate of graduated businesses. The administrative reforms outlined in this legislation are aimed at cleaning up SBA oversight and at preventing future abuses within the program itself.

Competition is the basis of our economy. It is what has made this country the world's foremost industrial and economic leader. The authors of this legislation have incorporated measures to boost competition in the 8(a) program. Examples include: Requiring program participants to attain specified percentages of non-8(a) business at various milestones after their initial 3 years in the program; and requiring that a contract be put out for open competition within the 8(a) program if the anticipated award contract exceeds $2 million for supply, service and for leasing of real property contracts, or $1 million for all other types of contracts.

Critics of the 8(a) program argue that the Small Business Administration has become too political. In an effort to depoliticize the SBA, this bill proposes to install a career civil servant as the associate administrator of the program in lieu of a political appointee. The bill also prescribes the activities and transactions of SBA employees—and former employees for 1 year—that would jeopardize the integrity of the program and makes them subject to stiff monetary and harsh prison sanctions if convicted of any wrongdoing.

It is important that we do not lose sight of the original intent of the 8(a) program: to foster the development of minority firms and increase the likelihood of their success in the Nation's economic mainstream. We must not let ourselves get caught up in the complicated politics of this issue. Abuses in the program should be identified and corrected. But while doing so, we must be sure to adhere to the original intent of this beneficial and much needed program.

Overall, S. 1993 is a good bill. It is not without its problems, however. I believe that there exist viable solutions to these problems. I urge my colleagues in the Senate to give their full attention to this important reform bill and to work toward its swift passage.●

GIVING THANKS TO BOB WHITE

● Mr. DOMENICI. Mr. President, this past Friday, January 29, marked the retirement of Mr. Bob White, director of the New Mexico Aviation Division.

A native of Roswell, NM, Bob has served as the director of aviation for the New Mexico Department of Highways and Transportation since 1963. He is the only person who has served in this position.

It is a great credit to Bob's integrity, his leadership, and his vast expertise that he served for a quarter century in this important post.

New Mexico's constitution does not allow a Governor to succeed himself. Yet, Bob has been retained by each new Governor, Republican or Democrat, during that span.

During this period, Bob has been the point man for New Mexico's aviation needs. Our State is the fifth largest in the Nation, by land mass, and aviation is a critical link in the State's transportation network.

Bob has the ability to balance the needs of the State's airports, within the limits of available resources, in a fair manner. When a city contacted Bob in need of funds, whether it be for minor improvements or for a new facility, Bob was as reliable as anybody anywhere at getting positive results.

Let me cite just one example. State and local officials recently accomplished a long-awaited priority—the opening of a new facility near Ruidoso, NM.

Because of its poor location, the airport had been the site of a number of accidents. The U.S. Department of Transportation had identified the old Ruidoso Airport as one of the Nation's most dangerous. Despite this, selecting a site for the new facility was not an easy task, since so much of the land around Ruidoso is federally owned.

Bob never let this difficulty get in his way. Long before I was elected as a U.S. Senator, Bob was already hard at work trying to get a replacement facility. Federal officials were finally able to agree on a site. This simply would never have occurred without the dedicated efforts of Bob White.

Bob White can look back on a proud career of public service, knowing that he consistently gave a 100-percent effort to our State. His expertise and his professionalism will be sorely missed by everybody.●

FRAUD OF THE DAY—PART 25

● Mr. HEINZ. Mr. President, today's fraud demonstrates that customs fraud does not occur solely in import-impacted manufacturing sectors. Indeed, fraud is growing rapidly in this country and is appearing in virtually all sectors of the economy, including agriculture, as this case illustrates.

The importance of milk and dairy products to the economy and public health of many countries in terms of production, trade, and consumption is easy to recognize. Those who devise schemes to take advantage of the extensive multilateral efforts to regulate the international dairy markets not only abuse the international trading system as embodied in the General Agreement on Tariffs and Trade but also create unwarranted mistrust among trading partners. Moreover, the production of cheese is often a matter of national and regional pride, so when a customs fraud case involves cheese with deliberately mismarked origin labels the issue takes on a personal flavor, as it were.

Recently, a U.S. customs investigation confirmed an international conspiracy to evade and defraud both U.S. Customs and European Economic Community [EEC] laws. Westland Cheese of Bedford, NY, apparently falsely declared cheese it had imported from Australia as originating from the Netherlands in order to evade clearly established United States cheese quotas. Complicating matters further, Westland Cheese attempted to illegally obtain cash rebates from the EEC for the cheese, a scheme that certainly smelled like limburger. Customs, however, saw the holes in the plan and in New York seized shipments of cheese valued at $293,853 because of these illegal activities.

Including a private right of action provision in the omnibus trade bill would not only permit domestic cheese producers to protect themselves against the ravages of fraud, but it would also provide a disincentive to those rats and mice considering ways to evade U.S. customs laws.●

MORIARTY: A MIGHTY FINE TOWN

● Mr. DOMENICI. Mr. President, I should like to tell my colleagues about a cold spell, a bad storm, and a small town's good neighbor policy.

Moriarty, NM is a small city in the Estancia Valley, located about 40 miles east of the city of Albuquerque. While Albuquerque is protected from most severe weather by the Sandia and Manzano mountain ranges, the Estancia Valley commonly receives more than 3 feet of snow during the winter months.

As with many areas of the West, such severe weather comes suddenly, and often comes as a big surprise to those who are traveling through the valley on I-40 toward Albuquerque. Just last month, one of the city's worst storms produced snowdrifts of up to 4 feet to the Valley of Estancia. I-40 was closed by the Albuquerque police, leaving hundreds of motorists stranded.

During December's storm, several residents helped the State police department and the New Mexico National Guard dig out trapped homeowners and plow roads. Owners of four wheel drive vehicles took it upon themselves to help the community get around. Additionally, they cooked meals for those traveling through the city and took them into their homes until they could continue on their way. Community centers, churches, truckstops, and motels were used to provide housing also. Many restaurant owners worked through the night, donating their time and food to the weary travelers. Moriarty's doors were open to the temporary homeless.

To the residents of Moriarty and Estancia, these travelers become guests. Moriarty's fire chief, Carlos Anaya, explained in a recent newspaper interview, "We have no contingency plans for what to do in case of a storm. We just do what has to be done." "Our biggest asset is the people."

These New Mexicans truly benefit from their hard work. The bad weather draws them closer together, which makes this community special. The Moriarty city clerk, Karen Armijo, explained, "We're all friends and everything already, but we've become families with this kind of thing happening."

We here in Washington could learn a lot from Moriarty's good natured acceptance of this occasional burden. Each time a delayed group of travelers scatter back to their homes they are left with good feelings about New Mexico and its people. Their kindness is unique in the sense that they don't expect anything in return for their actions. They give only what they would expect to receive.●

ALAN PAGE

● Mr. BOSCHWITZ. Mr. President, I rise today to pay tribute to one of the most accomplished athletes in Minnesota history, a man who not only excelled on the playing field, but has excelled as well in other parts of life.

Yesterday Alan Page was elected to the Professional Football Hall of Fame, and it is one of life's ironies that a man who refrained from seeking admiration for his football skills should receive the highest honor bestowed on professional football players.

Alan Page's story is a remarkable one that we would all do well to study. Again, there is irony in the fact that a man who insisted football players should not be role models has himself become an outstanding role model for all of us.

As a football player, Alan Page was a tremendous force. He was part of a group of talented players who led the Minnesota Vikings to four super bowls. The quality of his play was such that he still holds the distinction of being the only defensive player ever awarded the NFL's Most Valuable Player Award.

During his time in the football spotlight, however, Alan Page was taking care of the rest of his life as well. Too often we read and hear stories of athletes who have no vision of life beyond the playing field. Athletes who have their entire lives wrapped up in their athletic endeavors. Athletes who fall prey to the hero worship and bright lights that often accompany athletic success.

That was not the path that Alan Page walked. While he had his moments in the spotlight, he was also busy preparing for the time when the spotlight would fade. Between football seasons, he continued his studies and obtained a law degree. After his football career ended, he went to work as a lawyer.

Today Alan Page is an assistant to the Attorney General of Minnesota, a position he has risen to through diligence and hard work. The same skills that made him strong on the football field have made him strong in life as well.

Yesterday, Alan Page's accomplishments as a football player were honored. Today, I want to take notice of his other accomplishments as well and extend my congratulations to Alan and his wife Diane on this well-deserved honor. Just as Alan Page contributed to many successes on Minnesota's football fields, so too is he contributing to many successes in all of Minnesota today.●

TO AMEND THE OCEAN DUMPING ACT

● Mr. CHAFEE. Mr. President, yesterday, my distinguished colleagues from New Jersey, Senators LAUTENBERG and BRADLEY, introduced legislation which will, by 1991, put a halt to the dumping of municipal sludge at the 106-mile dumpsite. I join with my colleagues as an original sponsor of this necessary legislation.

The bill requires New York and New Jersey, States currently utilizing the 106-mile dumpsite, to identify and develop alternatives to sewage sludge dumping. These States will be required to identify the steps being taken by municipalities to implement programs, including sludge pretreatment programs, to facilitate the beneficial use of sewage sludge. Pretreatment removes many of the most harmful toxins in sludge, and renders it useful for landfilling and fertilization.

Congress made its intent regarding ocean dumping very clear when, in 1972, it passed the Ocean Dumping Act, which stated:

> The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

Despite this declaration, we are still permitting the dumping of sewage sludge, which contains high levels of heavy metals and is known to be toxic, in our near-coastal waters. I am concerned, and the fishermen of my State and of New England are concerned, that this sludge is already having an adverse effect on the fisheries. One lobsterman stopped by my office to tell me that his take of lobster from an area affected by this sludge is down 80 percent.

Dumping at the 106-mile site has not been going on long enough for the Environmental Protection Agency to assess what impact it will have on the environment. We do know a great deal, however, about the effect of sludge dumping at the 12-mile site which has just been closed. Out of concern for human health, shellfishing in the area around this site has been curtailed. The Food and Drug Administration closed a 150-mile area around the dumpsite to shellfishing due to concern about elevated levels of bacteria from municipal sludge dumping. Fish that are found in this area are usually diseased, and show bioaccumulation of toxins and heavy metals, including mercury and cadmium.

We know that pollution at the 12-mile dumpsite has harmed, perhaps irreparably, a large ocean area. The same fate awaits the 106-mile dumpsite area. However, at the 106-mile dumpsite, the potential for seriously damaging the fisheries of the east coast is much greater. A report by the National Oceanic and Atmospheric Administration characterizes the site as a "highly dispersive environment where waste contaminants will be mixed effectively and transported in unpredictable ways from points of input." In a separate report NOAA estimated the potential area of influence of dumped wastes to encompass 116,000-square kilometers.

The fish and shellfish that inhabit this potential area of influence constitute a significant segment of the commercial and recreational fisheries of the east coast. These fisheries contribute over $1 billion annually to the economies of coastal States from Maine to North Carolina.

Nothing could sink the fishing industry of the United States faster than to have fresh fish associated with contamination.

If dumping municipal sludge in the ocean were the only, or the best alternative, then fine. But EPA has said unequivocally that the States utilizing the 106-mile dumpsite have not fully explored other options. Philadelphia has found innovative methods for dealing with its sludge, and, through pretreatment, is able to utilize sludge products for land reclamation. Cities in the Midwest do not have ocean dumping of sludge as an option, and have found other, more environmentally sound methods for processing sludge.

Yet, for coastal States, the temptation to use the ocean as a dumping site is hard to resist. In the case of municipal sludge, this temptation must be resisted. The legislation we are introducing today sends a clear message that we are serious about protecting our marine habitat. Municipalities utilizing the 106-mile dumpsite must apply themselves in earnest to the development of viable alternatives to the ocean dumping of sludge. We cannot continue to jeopardize the well-being of our fisheries, and the health of our ocean.

It is worth noting that this legislation will require EPA to report to Congress on progress to detect and prevent alleged "short dumping" of sewage sludge. If haulers are intentionally dumping sludge before they reach the 106-mile site, then this practice must be stopped.

I look forward to working with my distinguished colleagues from New Jersey in moving this legislation through the Senate.●

THE CONTRA AID RESOLUTION

Mr. BYRD. Mr. President, the House today will at some point vote on the resolution to provide Contra aid, and the outcome of that vote of course remains to be seen. If the House approves the resolution, that resolution will be over at the desk tomorrow morning and the Senate then would vote at some point during the day to proceed to take up the House-passed resolution. If the House rejects the Contra aid legislation, today, then a vote in the Senate up or down tomorrow would not have any impact one way or the other, the House having previously rejected the President's request.

Nevertheless, it is my intention on tomorrow, to move to take up the resolution dealing with Contra aid. That motion is a nondebatable motion and a yea and nay vote is required on it, whether it is a motion to proceed to the Senate resolution or whether it is a motion to proceed to the House-passed resolution in the event the House does adopt it. That motion would be nondebatable. The yeas and nays are required. A maximum of 10 hours is provided for debate on the resolution if the Senate votes to take it up.

The final vote on the resolution under the law is required to occur at no later than 10 o'clock p.m. tomorrow. A motion to further reduce the time on the resolution is nondebatable and is in order.

No motion to recommit the resolution is in order. No motion to postpone action beyond February 4 is in order. No motion to reconsider the vote on the motion to proceed or to reconsider the vote on the resolution is in order. No motion to table the motion to proceed is in order, because the law requires a yea and nay vote on the motion to proceed.

It is my plan, therefore—and I have discussed this with the assistant Republican leader—to go over today until tomorrow at 2 o'clock p.m., and I will ask for morning business to occur to the hour of 2:30 p.m. At 2:30 p.m., then, I will make the motion to proceed to the Senate resolution or, if, in the meantime, the House has passed the resolution, to proceed to the House-passed resolution.

Any Senator can make the motion to proceed, so it is not a question of whether or not it will be made; there are some Senators who want the motion made. Any Senator can make it. Therefore, I shall make it, and in order that Senators may know when it will be made, so that they will know to be here to vote on the motion to proceed, it being a nondebatable motion, I intend to make that motion at 2:30 p.m. tomorrow. So, Senators have ample time to be notified concerning the vote and to be here.

Mr. President, before I make the request, then, to go over until tomorrow and set the hour by unanimous consent, does the distinguished assistant Republican leader have any observations or questions concerning this proposed schedule?

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. SIMPSON. I appreciate the thoroughness in which the majority leader has expressed this. It is, indeed, true that the motion to proceed can be made by any Member and there are Members on both sides of the aisle who, I think, would make such a motion. There are several on your side and certainly more than several on ours. So that would come, there is no question about that coming. By doing this you are protecting the persons, I think, on both sides of the aisle who wish to be here for that very important vote because, in one sense, that might be the only vote on that issue, being a motion to proceed. I certainly do not mean it is my hope, but that could be.

But, if we were to proceed to the 2 o'clock hour, the 2:30 vote, and if the motion did not carry, that would be the end of our business activity, I would think.

Mr. BYRD. Yes.

Mr. SIMPSON. And if it did carry, then we would go forward and try to, I believe, work diligently on this side of the aisle to see if we could not capsule that time, compress that time, so that we would be aware that during the dinner hour we might get to a final vote.

Is that the understanding of the majority leader, too, I might ask?

Mr. BYRD. Yes, yes. I would hope that the debate would not continue, in any event, to the hour that is provided in the law; namely 10 o'clock p.m.

Mr. SIMPSON. Yes. Mr. President, then if that were the case, then we dispose of our business with an urging to do so within the compressed time, there would be, then, no session on Friday?

Mr. BYRD. There would be no session on Friday.

Mr. SIMPSON. Would that be regardless of the fact as to whether we have reached a time agreement on the so-called lobbying bill, which is the bill of Senators METZENBAUM, THURMOND, and LEVIN? Because at one time that was discussed as being a condition toward no Friday session, but I have that as an inquiry.

Mr. BYRD. Mr. President, I will not make that as a condition. All Members, including the distinguished assistant Republican leader, are trying to work out an agreement on that measure.

Mr. SIMPSON. Indeed.

Mr. BYRD. Our efforts will go forward. I have confidence that we will be able to get an agreement, but that will not be a condition.

I do not think that continued debate after 6 o'clock tomorrow would change any minds around here; therefore, I would hope that we could restrain our debating instincts and bridle them and get out at 6 o'clock, or before 6 o'clock p.m. tomorrow. And then the Senate would not be in on Friday.

Mr. SIMPSON. Mr. President, I think this is a good concept. I know the majority leader will soon propound it formally and I might just add to the leader that a Senate resolution, even though perhaps to some might be quite feckless if the House defeated its measure, could well be the vehicle for the alternative proposal that the House has indicated they would present in the event of defeat of the motion this evening.

So it might be that that would be a reason to press forward on this even though that might have been defeated. I do not have this as an indication of why perhaps we should go forward with this—win, lose, or draw over there.

Mr. BYRD. I am not sure I understand.

Mr. SIMPSON. That this resolution which we would deal with in the Senate would be a vehicle for the alternative package that the House indicated they would send over if they were to defeat this measure tonight. It would mean if we were to be successful here on the vote.

Mr. BYRD. I am not positive of that. I have not pursued the matter. There is nothing to keep the Congress from coming along later and acting on legislation to provide further Contra aid. But if this request of the President is rejected, then there are no expedited procedures on future legislation to deal with the subject matter of Contra aid.

Mr. President, I forgot to say a moment ago that the resolution is also not amendable. I would add that to the litany of actions that I indicated earlier would be precluded.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 2 o'clock tomorrow afternoon; provided further, that after the two leaders or their designees are recognized under the standing order tomorrow, there be a period for morning business not to extend beyond the hour of 2:30 p.m., that Senators may speak therein for not to exceed 5 minutes each; and that at the hour of 2:30 p.m. tomorrow I be recognized for the purpose of making a motion to proceed to the Senate resolution or the House resolution, whichever may be the case.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, for the purpose of my own information, and not in any attempt to try to dazzle anybody with footwork—and I would not do that with the majority leader anyway because I have great respect for him—what I am inquiring about for my own mind is if this House does this and we go ahead and we pass it, that is what I am inquiring about. It seems to me that when the Senate has performed a function, we have passed our portion of it, then I would think that that could become a vehicle for alternative Contra aid activity. That is what I am inquiring about. Would that not be correct?

Mr. BYRD. I would like to pursue this.

Mr. SIMPSON. But without any privilege.

Mr. BYRD. There would be no expedited procedures available.

Mr. SIMPSON. That is right. It is nothing to slow the progress of agreement.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have a delegation of Turkish legislators waiting in my office, so unless the distinguished assistant Republican leader has anything further, I think I will recess under the order.

Mr. SIMPSON. Mr. President, I think that is quite appropriate. We will deal with these other matters tomorrow.

Mr. BYRD. Very well.

ROLLCALL VOTE AT 2:30 P.M.

Mr. President, there will be a rollcall vote at 2:30 p.m. tomorrow. I urge all Senators to be here at the beginning of the vote. Then there is no possibility that they will not be here when the vote ends. If the subway car is broken down, just start walking, or, when the bell rings, start walking. At age 70-plus, I am able to walk from here to the Hart Building where the subway car stops there in something like 4 minutes. I probably could not make it to my office in the Hart Building in 4 minutes, but certainly when the bells ring, I would make it a point, if I were in the Hart Building, to get on my way over here. If the subway car breaks down, I can walk.

Mr. SIMPSON. And if the weather is inclement, ski.

Mr. BYRD. If the weather is inclement, I will stay inside but I will be here in plenty of time.

The PRESIDING OFFICER. May the Chair inquire, in his capacity as a Senator from Georgia—I may have missed it—will the 2:30 vote be a 15-minute vote or a 30-minute vote?

Mr. BYRD. I look at it this way——

The PRESIDING OFFICER. The Chair is not arguing. The Chair is only inquiring.

Mr. BYRD. That is a good question. I was hoping to avoid it. That is the reason I did not say anything about it. I hesitate to start having 30-minute votes in the Senate at 2:30 in the afternoon, and so I was going to let it go without comment, now that we are completing rollcalls within 15 minutes. On the other hand, this may be a very critical vote tomorrow and I wanted to be in a position, at the end of 15 minutes, if there is a Senator who has gotten his leg caught in the door, to ask the clerk not to hand the Chair that rollcall tally sheet until the Senator can free himself.

The PRESIDING OFFICER. The leader has cleared it up.

Mr. BYRD. Mr. President, I am going to leave it open. I will not ask for an automatic closure in this instance because of the reasons stated. I may call for the regular order at the close of 15 minutes or I may not.

I simply urge Senators not to take any chances. When the rollcall starts, do not wait until the second bells are sounded, because the elevator may break down in the meantime.

I will not ask unanimous consent that the order be automatic this time. I have a feeling that the vote will not be prolonged.

RECESS UNTIL 2 P.M. THURSDAY

Mr. BYRD. Mr. President, if there is no further business and my friend does not have anything further——

Mr. SIMPSON. I have no further business, Mr. President. I thank the majority leader very much.

Mr. BYRD. I move in accordance with the order previously entered that the Senate stand in recess until 2 o'clock tomorrow afternoon.

The motion was agreed to; and the Senate, at 5:21 p.m., recessed until Thursday, February 4, 1988, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 3, 1988:

SUPREME COURT OF THE UNITED STATES

ANTHONY M. KENNEDY, OF CALIFORNIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

DEPARTMENT OF JUSTICE

ROBERT H. EDMUNDS, JR., OF NORTH CAROLINA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

JESSE R. JENKINS, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, February 3, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that we will be the people we ought to be and do those good things that bring peace to every person. Give us the wisdom to do justice, love, mercy, and walk humbly with You. Free every person from any selfish spirit that causes suspicion or undue pride and open our eyes to the spirit of light and truth so that Your will is done on Earth as it is in heaven. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BERMAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BERMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 118, answered "present" 2, not voting 38, as follows:

[Roll No. 5]

YEAS—275

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
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Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Patterson
Pease
Pelosi
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weiss
Whitten
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—118

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Coughlin
Courter
Craig
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Gregg
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Hiler
Holloway
Hunter
Inhofe
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McGrath
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Pashayan
Penny
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stump
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wheat
Whittaker
Wolf

ANSWERED "PRESENT"—2

Bonker
Roybal

NOT VOTING—38

Badham
Beilenson
Biaggi
Boulter
Chappell
Clay
Conyers
Crane
Dellums
Dixon
Dowdy
Espy
Flake
Flippo
Gaydos
Gray (PA)
Herger
Hyde
Ireland
Jones (TN)
Kemp
Lightfoot
McEwen
Moody
Oxley
Packard
Pepper
Porter
Roemer
Sundquist
Swindall
Towns
Walgren
Weber
Williams
Wilson
Young (AK)
Young (FL)

☐ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement that the business in order today is the consideration of House Joint Resolution 444, and the Chair will not recognize Members for 1-minute speeches until the end of business today. We have a 10-hour timeframe and will seek to devote our energies and attentions to the consideration of House Joint Resolution 444.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2470) "An act to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the Medicare Program, and for other purposes," disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENTSEN, Mr. BAUCUS, Mr. BRADLEY, Mr. MITCHELL, Mr. PRYOR, Mr. DOLE, Mr. CHAFEE, Mr. HEINZ, and Mr. DURENBERGER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the down-payments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

□ 1030

PERSONAL EXPLANATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, I was unaware that the JEC committee room in the Longworth Building had no light and buzzer system. I was meeting with constituents in that room, was unaware of votes being called at that time, and accordingly I missed two votes on the floor.

Had I been present I would have voted "aye" on both H.R. 2875 and H.R. 3884.

PERMISSION FOR MEMBERS TO INCLUDE EXTRANEOUS MATTER DURING DEBATE ON HOUSE JOINT RESOLUTION 444, APPROVING PRESIDENT'S REQUEST FOR CONTRA AID

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may include extraneous matter in the course of debate today on House Joint Resolution 444.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPROVING THE PRESIDENT'S REQUEST FOR CONTRA AID

Mr. FOLEY. Mr. Speaker, pursuant to section 111(j)(10) of Public Law 100-202, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 444, joint resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The motion was agreed to.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, H.J. Res. 444, with Mr. KILDEE in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to section 111(k)(2) of Public Law 100-202, the gentleman from Washington [Mr. FOLEY] will be recognized for 5 hours and the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 5 hours.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I think it is appropriate for those supporting the proposal to open debate.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

PARLIAMENTARY INQUIRY

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EDWARDS OF Oklahoma. Mr. Chairman, may I ask whether my understanding is correct that I will also have the opportunity to close the debate?

The CHAIRMAN. The gentleman is correct.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, this begins a long day of some 10 hours of debate on a subject that many of us in this Chamber have addressed before, and that is the question of what our policy should be in Central America. I cannot think of a more important issue for us to discuss at this time or of a more important vote that we will be faced with in this session of the Congress.

Mr. Chairman, the proposal that is before us has been crafted after a great deal of consultation with many Members of this body, and it is in fact truly a bipartisan package. Not only is it sponsored and supported by many of us in the minority who are supporters of the President, but it is also supported by many distinguished Members on the majority side of the aisle, including such notables as the gentleman from Texas [Mr. STENHOLM], the gentleman from Pennsylvania [Mr. MURTHA], and one of the deans of the House, the gentleman from Florida [Mr. PEPPER], chairman of the Rules Committee.

The package the President has put together does in fact support the peace process, and I would like to begin the debate today by reviewing the specifics of what is in the proposal. I would remind my colleagues that specifically the total aid authorization in the package is some $36,250,000, and 90 percent of that is nonlethal consisting of food, medicine, clothing, transportation, and so forth. Only 10 percent of it, $3.6 million, constitutes so-called lethal assistance, and the lethal assistance specifically consists of ammunition and some surface-to-air missiles.

It does not constitute an escalation of the level of effort in Central America and in Nicaragua and specifically it is designed to maintain the current level of effort. It is indeed a barebones package.

More important perhaps, Mr. Chairman, than the specific details of what is included in the package are the terms and conditions under which the President proposes to provide this assistance to the Nicaraguan democratic resistance. Specifically, none of the assistance in the package, either the humanitarian, nonmilitary or the military assistance would be available until March 1. On that date the President would be authorized to move foward with the provision of nonlethal assistance.

The lethal portion of the package would not be available under any circumstances prior to March 31. In other words, the President proposes that we provide at least a month's moratorium, the entire month of March, to let the peace process work in Central America before we would release any additional military assistance.

Furthermore, the President indicates, and it is a part of the resolution that is before us today, that no military assistance would go forward unless he is able to certify to the Congress three specific things. First of all, that a cease-fire has not been agreed to. Second, that the Sandinistas, the Nicaraguan Government, have not bargained in good faith, and third, that the democratic resistance, the so-called Contras, have bargained in good faith.

Beyond that, in a speech last night to the Nation and in a letter to be sent to the leadership this morning, the President has provided for two additional conditions prior to the release of any military assistance from this package to the Contras. The letter provides as follows, that before he certifies for the release of military assistance he will personally consult with the Presidents of the Central American democracies, and second, before he releases any military assistance he will notify the Congress of the United States 10 days in advance in order to allow the Congress to express its will on that subject. If Congress during that 10-day period of time by a simple concurrent resolution, that is a simple sense of the Congress resolution, determines that the Nicaraguan Government, the Sandinistas, are in fact in compliance with the peace accords, then he will abide by that decision of the Congress and he will not release additional military assistance.

Think about that. I think that is an extremely generous proposition that goes a long way toward addressing the concerns of many of my colleagues on both sides of the aisle who wanted to be certain that there would be an opportunity for a second vote on the question of whether or not the President would provide military assistance to the Contras. Frankly, I cannot imagine why anyone would vote no on this proposal, because it specifically ties the question of military assistance directly to the proposition of whether or not the Government of Nicaragua is in compliance with the peace process. If they are in compliance with the peace process there will be no military assistance provided out of this package to the Contras in Nicaragua.

Secondly, the determination of whether or not they are in compliance with the peace process is up to those of us in this body. We will have the opportunity for 10 days to consider the question, the proposition of whether or not that aid and assistance should go forward.

I think it is indeed a very generous proposition. During the course of the debate today we will hark back many times I am sure and hear a lot of emotion and a lot of rhetoric about the proposition before us, but it strikes me that there are really only two reasons to vote against this proposal. One is if my colleagues do not want to insist that the Sandinistas comply with the peace process, and second if the proposition before us is not really at the heart of the debate today but rather what we have is simply an effort to embarrass the President and try to score another political victory. I hope that is not the case.

I think the package itself is wise policy, that it is based on sound principles, that it supports the peace process, that it does allow a second vote before the President releases any military assistance. It gives the Congress the opportunity to share in that decision on a bipartisan basis, and I believe it merits support.

Mr. FOLEY. Mr. Chairman, I yield 1 hour to the gentleman from Wisconsin [Mr. Obey].

The CHAIRMAN. The gentleman from Wisconsin [Mr. Obey] is recognized for 1 hour, and without objection, the gentleman from Wisconsin shall be allowed to yield time.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Michigan [Mr. Bonior], the leader of our task force on this subject.

Mr. BONIOR of Michigan. Mr. Chairman, for nearly 6 years Members of this body have come to the well and warned of the folly of the Contra war. The case against Contra aid has been overwhelming. The Contras' horrendous record on human rights, the squandering of our Nation's prestige on a policy that is a flagrant violation of international law, the deceit, the corruption, the contempt for Congress and the American people of the Iran-Contra scandal, these issues remain as compelling today as in the past. But today is different, for never before have the prospects for peace been so promising. Never before have we had the opportunity to contribute so much to democratic openings within Nicaragua.

For over 6 years this administration has funded the Contras by hook and by crook. And all this policy has produced is more suffering for the innocent victims of Contra attacks and a greater assault on democratic values by the Sandinistas.

But today can be different. The determined and courageous efforts of the five Central American Presidents have offered us an opportunity that is quite rare in a lifetime, an opportunity to contribute to a firm and a lasting peace, an opportunity to see true progress toward democracy in Nicaragua.

At their meeting in San Jose, the Central American Presidents called for an end to all insurgent groups such as the Contras saying that this was an indispensable part of the peace process and indispensable to peace itself. At the same time, they extracted new concessions from Nicaragua. They lifted the state of emergency. They put an end to special tribunals. They made a commitment to do something the Sandinistas had held out and firmly resisted—they agreed to talk directly with the Contras. This, on top of the concessions they made earlier on in August by lifting press censorship for La Prensa, by opening up Radio Catolica, by issuing 14 additional permits for additional radio stations, by allowing the opposition parties to congregate, to hold rallies, by agreeing to municipal elections, and on top of that what they agreed to 2 weeks ago in San Jose.

□ 1045

And now they have agreed to talk directly with the Contras. They have begun that process and will continue it next week.

Those talks have begun and the Catholic bishops have expressed optimism about the possibilities for a cease-fire. Yet what has this administration's response been? They have requested military and logistical aid to the Contras that will kill this peace process and wipe out all the gains we have made in 6 short months.

The President had said in his request that he will provide an insurance policy for peace. In reality, it is a death warrant, not an insurance policy.

The President has told us this is a moderate request of only $36 million. But in reality this request contains an additional $20 million for indemnification of aircraft and an unspecified amount for electronic countermeasures. This request provides a minimum, a minimum of $60 million for a 4-month period. On a monthly rate, this is the largest aid request the President has ever made, the largest aid request the President has ever made on a monthly basis.

The President has said military aid will be limited to $3.6 million. But in fact this request would unleash the delivery of vast quantities of stockpiled weapons to the Contras. The President has told us that the request is only 10 percent military aid. But in fact the vast majority of the so-called nonlethal aid requested in this package will be spent for logistical aid such as leasing, operation and maintenance of aircraft, command and control, military training, passive air defense, and propaganda. Listen to this, only $7.3 million is designated for true humanitarian items such as food, clothing, and medicine, out of a package of over $60 million.

The President and his supporters have told Members of this body that the Presidents of the Central American peace process secretly support his package. Well, nothing could be further from the truth. President Arias, upon receiving the Nobel Peace Prize, stated that Contra aid is the problem, not the solution. President Cerezo of Guatemala recently said that he did not support, and I quote, "any aid to the Nicaraguan Contras" because this approach "pushes Central America toward war."

The Guatemalan Ambassador in a letter to the Washington Times has been critical of efforts to misrepresent his country's position.

Last night in an 11th-hour effort to try to win votes, President Reagan offered Congress a nonbinding procedural gimmick as a substitute for a concrete role in fashioning policy. I hope my colleagues will see this offer for what it is, a cynical ploy to win additional votes.

You know, we have heard such last minute promises before. We were promised progress toward negotiations; but when the vote was won the promise was forgotten. We were promised progress on human rights by the Contras; but when the vote was won, the killing of innocent civilians continued.

We were promised full accounting of the funds; but we ended up having to search Swiss bank accounts and the arms caches of the Ayatollahs to try to find where our tax dollars were spent.

Ladies and gentlemen, today we have an opportunity to put this policy behind us. We have a chance to vote not just to end a war, but to help make a lasting peace.

When we say "no" to this package today we will not turn our backs to the region. Instead we will inaugurate a new era, an era when we will work, not in isolation, but in a true partnership with the countries of the region; an era in which we can build a true consensus at home and true commitment to democracy abroad.

The Presidents of Central America have issued us a challenge, Mr. Chairman, and despite their great differences and the tremendous pressures placed on them by this administration, they have dared to speak up for peace. How can we in this body refuse, how can we refuse to hear their call and to meet that challenge?

Mr. Chairman, keep the process alive, vote "no" on this package and let us get together as Democrats and Republicans, as moderates, conservatives, and liberals, and fashion a package that is compatible with the Central American peace process and that moves this process forward with dignity, which will bring democracy to the region and a lasting peace for the people of that very torn and beleaguered area.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, I rise in support of the Skelton-Edwards resolution.

This is an extremely difficult vote and I think that both sides, whether pro or con, have very good arguments to back their respective positions. I hope that both sides take the high ground in the course of this debate—that we stick to the facts—and the issues, rather than pointing fingers or questioning the motives of other Members. The American people are not only watching what will be the final outcome of this debate, they are watching how we, as representatives of the "people's House" conduct ourselves during the course of this debate.

I know that many of you have made up your minds on how you will vote today. Therefore, I would like to address myself to the dozen or so of you who remain undecided.

First, let me put this debate into what I think is a proper perspective because I think that is extremely important. This debate is not—I repeat, it is not, a debate on whether you are for or against the Central American peace initiative. There is no one that is not for peace in Central America. We are all for a political rather than military settlement to end the turmoil that afflicts that region. The debate today is, rather, a question of whether we trust the Sandinistas in ensuring that democracy moves forward in Nicaragua. That's the crux of the debate—because without democracy in Nicaragua, there will be no peace in Central America.

I went to Nicaragua this past weekend. I met with auxiliary Bishop Bosco Vivas who is a member of the mediation team monitoring the direct negotiations between the Sandinistas and the Contras. He was at the head table in Costa Rica. Representatives from the Government, members of the independent labor unions, members of the internal opposition, members of the Permanent Commission on Human Rights, Violetta Chamorro of La Prensa, an independent paper just back on the newsstands, and finally the January 22 Mothers of Political Prisoners. There is genuine hope in Nicaragua from all sectors that peace will come, yes all sectors, but there is also a healthy degree of skepticism about why the Sandinistas are at this particular time making concessions and whether these concessions will be permanent. There should not be any doubt why the Sandinistas are at the peace table and the reason is simply the presence of the Contras.

If we fail to continue to support the Contras today, the Nicaragua of tomorrow will have very little hope of achieving democracy. Perhaps the Sandinistas will not pull back on the concessions they have made so far for the next month or two—but what about 6 months from now or next year? Are those of you who intend to vote against this package today saying that you trust the Nicaraguan Government to comply with the accord? I don't believe that I need to remind you that you have been burned by the Nicaraguan Government before. It was said by some of those who we met this weekend that if we vote this package down that there will be no hope for the people of Nicaragua or for the peace process.

Let me give you an example of why I remain somewhat skeptical of the Nicaraguan Government. When our delegation met with officials of the Government this Saturday, we were told that there were no political prisoners in Nicaragua—I repeat—no political prisoners in Nicaragua. After we met with the Government officials, we met with the January 22 mothers of the political prisoners. Well, Mr. Chairman, there are political prisoners in Nicaragua because the sons of these mothers, the husbands, the brothers, languish in Nicaraguan jails for months and years. These mothers continue to speak out for their children, despite intimidation by the Government, despite the threats of the Turbas, who incidentally, taunt the mothers on a regular basis. The mothers will continue to speak out because they have no other choice. But if we vote down this resolution, we leave those mothers and their children without any hope. We leave thousands of Nicaraguans without any hope. I find it interesting to note that although the Government said that there were no political prisoners, the mothers we met with named the 14 prisons where their loved ones are held. All of them full. When the Sandinistas went to power 9 years ago, there were only two prisons.

Finally, let me specifically address the issue of another vote on an alternative package. How many of you believe that voting on this issue a month from now is going to be any less difficult than it is today? I can answer that—it won't be. If a consensus package could have been achieved between all the various factions in Congress, along with the consent of the administration, don't you think that would have already been done? I don't like voting on this issue time after time and I doubt that many of you do either, but that is exactly what those who are pushing for an alternative package are asking us to do. This is a very controversial issue and there is no comfort zone in which we can make a stand. We must make the hard choice now. All of us are concerned about the degree of cynicism by which the American public views Congress. If the rationale used to defeat this resolution is to defer the tough decisions for another day, then the American public has a right to be cynical about this institution as do our allies and friends throughout the world.

I intend to support this package; it is by no means perfect, but it is the best chance we have in applying pressure to the Sandinistas. I cannot look into the eyes of those mothers, the young children we saw at Eastey Market and the men and women who have been held in prison, the 14 leaders of the 14 opposition parties and say we failed to keep the pressure on just when we have been seeing some modest results. This package is the best chance by which we can eventually bring democracy and peace to a troubled region, and that is something that we all want. I hope that those of you who are still undecided will support the Skelton-Edwards resolution and give democracy and peace a fighting chance in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished chairman of the Permanent Select Committee on Intelligence, the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I rise in opposition to the resolution. Others will lay out the pros and cons of U.S. policy. I feel I can best contribute to the debate by providing some comments and judgments on the nature of the President's request. My remarks are founded in the Intelligence Committee's close monitoring and regular auditing of Contra aid, and particularly on information derived from the latest of frequent committee trips to Central America. The committee also carefully reviews intelligence reporting on Central American issues. Finally, our committee has thoroughly analyzed the details underlying the President's request.

The administration says that $36.2 million would support the Contra forces for 4½ months at what is described as an "austere/minimum essential" level.

However, an in-depth examination of the President's request reveals that this level of funding would both enhance and increase the Contras' capabilities. The administration plans to provide:

More intelligence collection;

More communications and better command and control capability;

More aircraft with substantially greater airlift capacity;

Better logistics support facilities;

More U.S. advisers; and

More propaganda activities.

In addition, it should be made clear that the Contra forces have increased during the period of non-lethal funding. Further, not counting what may have already been cached inside Nicaragua, arms purchased in fiscal year 1987 armed those forces and could substantially continue to arm them for several months after the February 29 cutoff. That is why the lethal portion of the Contra package is only $3.6 million. All that the administration needs to do is fill in its arms inventory here and there to ensure a high level of military operations inside Nicaragua. That is why the President's newest offer—to defer the $3.6 million in lethal purchases—won't mean an end to military deliveries or military activity.

In fact, $36.2 million will pay for an even higher level of military activity than before. This is doubly striking when it is noted that combat levels during October, November, and December were higher than at any time in fiscal year 1987. That is because the Contras fielded more troops inside Nicaragua during that period and because the administration dropped more arms to them than it ever had before. Now, the plan is to surge to even higher levels of combat—all on the basis of this so-called austere request.

Now, what about the 1-month hiatus in lethal deliveries promised by the administration? There will be no hiatus in lethal activity, only in lethal delivery. And that lethal activity—combat—could also increase above previous high levels because the delivery of arms to the Contras in February will be beyond even the high delivery rates of the past. The hiatus will be no hiatus at all. Lethal purchases and stockpiling will continue. Armed conflict will continue. And even if there were to be a down turn in combat activity, this simply ensures a stretchout in the Contra war, since the authority to deliver arms and other supplies to the Contras will continue until the last penny is spent.

A last comment on the administration request—will it work? The administration says the Sandinistas are on the ropes economically. They say the Contras have seized the military initiative and are conducting ever more effective operations in the field. They say, politically, the Sandinistas are increasingly unpopular.

The unspoken message here is that a Contra military victory is nearly within reach. It once again unmasks the administration's constant and singleminded desire to force a military solution to the problems in Central America. The President does believe what he says when he calls the Sandinistas Communists and reminds us that Communists never negotiate away power. Therefore, negotiations inevitably will fail. And the Contras don't have to defeat the Sandinistas' tanks and helicopters. All they have to do is bleed the Sandinistas until they collapse. On its merits, this says two things about the policy that underlies Contra aid:

The Central American peace negotiations can frustrate a Contra victory but can never ensure democracy; and

Unless the administration is right and a Sandinista collapse is imminent, Contra aid will have to continue for the many years it will take to successfully conclude a long, bloody guerrilla war.

Mr. Chairman, I urge the defeat of the resolution.

□ 1100

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding this time.

I am sure, as a colleague of my distinguished friend, the gentleman from Ohio [Mr. STOKES] on the Intelligence Committee, he would not want to leave a misimpression with respect to what is at stake here. This Congress authorized in continuing resolutions and previously in the package in 1987 over $100 million in assistance to the Contras, part of that military assistance. That is what currently is being delivered. That is what will be delivered through the end of February.

I am certain the gentleman would not want to leave the impression that the $36.2 million that is before us includes any lethal assistance, specifically ammunition and weapons, other than the $3.6 million which is what we have talked about previously and is what the President has promised not to deliver until there is a follow-on vote by the Congress based on the proposition of whether or not the Sandinistas are in compliance.

The bottom line is that what is before us today in this package does not involve any lethal assistance, weapons or ammunition, that would go forward until Congress has a separate vote. The only question at that point will be whether or not Congress believes the Sandinistas have come into compliance.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I rise in opposition to the resolution.

We are voting today on nothing less than the future of Central America. We are voting on whether the United States will allow the Arias peace plan to succeed, or risk killing it once and for all and consigning Central America to more war, more poverty, and more human misery.

Mr. Chairman, this issue is shrouded in misperceptions and misunderstandings. Let us examine a few of the misperceptions before we vote on this request.

Misperception No. 1: This aid represents a scaling back of the Contra war. False. The administration's request triples the amount of aid going to the Contras on a monthly basis, from $2.6 to $8 million. If this request is approved, the administration can come back with a new request in 4 months, making this by extrapolation the first segment of a $108 million appropriation, a larger yearly figure than has ever before been approved for the Contras. In other words, this aid package represents a massive escalation of the war, at a time when the region is moving fitfully toward a negotiated peace.

Misperception No. 2: This aid is needed to ensure Nicaragua's compliance with the Arias plan. False. In the past 6 months the Arias plan has done more to bring democracy to Nicaragua than 6 years of the administration's Contra war. The Central American Presidents have called for full compliance with the Arias plan immediately.

Aid to the Contras will undermine the plan, not support it.

Misperception No. 3: This aid does not violate the peace plan because it is all nonlethal, humanitarian aid with the exception of $3.6 million to be held in escrow until March 31. This is perhaps the biggest misperception of all. There is no such thing as humanitarian aid to the Contras, or to any other fighting force. By definition, Mr. Chairman, humanitarian aid may only be given to noncombatants. And as for nonlethal, is a helicopter nonlethal? A jeep? A plane used for CIA airdrops inside Nicaragua? All of these items are included as nonlethal aid in this package. The term, nonlethal, is designed to deceive us in this Chamber into thinking that we are not really involved in a war in Nicaragua. We are in a war, and every dollar we send to the Contras drags us in farther, toward the day when American soldiers will be sent in to fight and die to avoid the Contras' inevitable defeat.

Misperception No. 4: This plan is designed to achieve peace in Nicaragua. Sadly, this is false, too. This administration has dedicated itself since 1981 to the military overthrow of the Government of Nicaragua. No amount of hedging from the White House can obscure that fact. This administration has gone so far as to threaten the leaders of the democratic nations in the region with reductions in economic aid if they should dare to express their opposition to administration policy. So obsessed has the administration become with ousting the Sandinistas that Contra aid is no longer a means to an end, but an end in itself, before which all other considerations are cast aside.

One reading of the Iran-Contra report is all it takes to see the administration's Contra policy for what is truly is—an obsession with military solutions to problems which emanate primarily from political repression and economic exploitation. This obsession has led the administration to mislead Congress, threaten its democratic allies in Central America, incur the international condemnation of our policy and defy the will of the American people.

The Central American Presidents and people await our judgment. Will we give them the chance to achieve peace in their region? Or will we go down in history as the Congress which ended the period of hope brought about by President Arias and his colleagues?

I urge my colleagues on both sides of the aisle to join me in supporting the Arias peace plan and opposing this aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from Washington [Mr. Chandler].

Mr. CHANDLER. Mr. Chairman, I yield to my colleague, the gentleman from Ohio [Mr. Kasich].

Mr. KASICH. Mr. Chairman, I appreciate the gentleman yielding.

I think it is important starting from the beginning that we make it clear what the record really is.

In regard to the last speaker, I think it is important to point out that President Arias himself endorsed the nonlethal plan that we had in at least one of the last two CR's. In fact, President Cerezo just came out in favor of Contra aid. To come out and to say that the Presidents of Central America do not support this is simply a distortion of reality. It is not proper as we are going to debate this today to not be fully accurate in what we say.

Furthermore, the first speaker pointed out that the Sandinistas had somehow complied with this agreement. I want to quote Oscar Arias on January 15 who said:

> They have not complied with the amnesty, democratization, free elections, lifting of the state of emergency and all the rest, without even excuses that would serve as a pretext for not complying with the peace plan.

That is Oscar Arias who says the Sandinistas have not complied. People should recognize that fact.

I appreciate the gentleman yielding. I think it is important that we correct these arguments early on in the debate. We can debate as to what further action we should take, but there should be no debate as to what the record of compliance by the Sandinistas has been since we started this process.

Mr. CHANDLER. Mr. Chairman, I rise in strong support of this resolution. We must not destroy the first real hope for peace and democracy in Central America by ending the one source of pressure that has helped bring concessions from the Sandinista government.

If we vote down this request, President Ortega will know that in spite of all his statements against democracy, in spite of all of his actions to minimize the effects of the concessions he has made to date, he does not have to comply with the Guatemala accord. But most important, if we vote down this request, we virtually wipe out the Contras.

The theme of the opposition is "take a risk for peace." Well, that should be our theme, too—because there has never been a better time to take a risk for peace, by supporting this aid. Without it, peace doesn't have a chance in Nicaragaua.

Nicaragua's ruling Sandinistas have proved that should the Contra threat be eliminated, they will consolidate their power, and crush the internal opposition. They have also pledged to build an army six times larger than the combined forces of their Central American neighbors.

The eventual result of this development of "a second Cuba," as Costa Rican President Oscar Arias calls it, is the further destabilization of the region, possibly requiring direct intervention of U.S. troops. This would be a devestating mistake and a terrible tragedy, but likely if the Communist Sandinista regime consolidates its power.

Funding the Contras has brought the Sandinistas to the negotiating table and forced them to make some concessions. As the Washington Post said today.

> The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease fire talks scheduled to resume next week, this is no time to demobilize the forces on one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan.

Last December, the gentlewoman from Maryland [Mrs. Byron] and I authored an amendment to the foreign aid authorization bill for fiscal year 1988. It establishes 33 important standards for evaluating democracy in Nicaragua under the Guatemala peace accord. Among them are the rights of opposition parties to meet and organize, and full freedom of the press. Our overwhelming victory of 346 to 58 sent a clear message that the House of Representatives would not accept a facade of democracy to cover the infrastructure of dictatorship. We need to keep the message clear.

Since then, the Sandinistas have made no significant progress in any of the 33 areas. In fact, they have made only marginal progress on 14 points.

For example, the suspension of the state of emergency, was followed by the arrest of more than a dozen major opposition leaders under the maintenance of public order and security law, which makes it a crime to speak against the revolution.

A few days later, a presidential decree was issued that allows nonlawyers to be appointed to judgeships. This act opens the door to the appointment of state security magistrates who ruled the state of emergency tribunals.

The net result is that almost nothing has changed in the Sandinista legal system, although the appearance of reform is maintained.

About 1,000 prisoners were released in November by the Sandinistas. But according to Alejandro Bendana, Secretary General of the Sandinista Exterior Ministry, "there are no political prisoners. Just about 2,000 Guardia and 1,800 captured Contras."

This differs considerably from the claim of the independent Permanent Commission on Human Rights [CPDH] in Nicaragua, which claims about 8,200 political prisoners remain in prison. Most of the 1,000 already released by the Sandinistas were either common criminals or political prisoners whose sentences were completed, but were held anyway.

President Daniel Ortega's most recent amnesty plan, tragically calls for the exile of 3,000 political prisoners to the United States. This is reminiscent of the Cuban boat lift, where political prisoners were expelled from their country. The dignity of the Nicaraguan people makes this offer completely unacceptable.

A member of my staff was in Central America last week and met with dozens of opposition leaders and government officials. The message of the democratic opposition was clear: Don't end Contra aid, it is the only factor forcing Ortega to negotiate.

One journalist at La Prensa said that if the aid was passed, his paper would probably be shut down, but still have hope of opening again. If it wasn't, he said, they would stay open for a while and then be "crushed forever."

Even international aid officials are beginning to speak out in private. One high ranking official requested anonymity because his own views are against those of the organization he represents. He applauded the Sandinistas for the progress they have made. "I never believed they could come so far," he said. But he added that "If you do not fund the Contras, they will take it all back." He went on: "I know Borges, I know the Ortegas. Without the pressure that only the Contras bring, the peace process is doomed."

Don't doom the peace process. Support this reasonable package. Then, we will have nearly 2 months to observe the effect of its threat, without one dime of lethal aid being given to the Contras. Don't betray the peace process. Vote for this package and "take a risk for peace."

□ 1115

Mr. Chairman, I think that we stand a very real possibility today of dooming the peace process. Support for this reasonable package is essential.

I have heard Members tell me that there will be an alternative package. I want to ask those Members some important questions.

When will that alternative package pass, and will there be any Contras left in the field when it does?

Who will support that package? Will it be the gentleman from Michigan? Will it be the gentleman from Wisconsin? Will it be the Massachusetts delegation?

Mr. Chairman, this is it. Failure today is failure forever.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to something that was said by the gentleman from Wyoming [Mr. CHENEY].

The gentleman from Wyoming had indicated that he wanted to make sure that the gentleman from Ohio [Mr. STOKES] was not suggesting that the administration was doing anything illegal in terms of the delivery rates for military equipment that are occurring at this point.

That certainly was not the intention of the gentleman from Ohio [Mr. STOKES] to convey that they were doing anything illegal. The point of the remarks of the gentleman from Ohio was simply that the delivery rates for military equipment during the period before the so-called suspension, because of the so-called escrow decision of the President delivery rates for military equipment during that time period before the so-called suspension will be well above delivery rates of either last year or the previous 3 months.

The point that the gentleman from Ohio was trying to make is simply that the administration made the decision on delivery rates consciously after they had decided to tell the world that they were going to be providing for a 1-month pause in delivery, but that in fact that gap will be bridged by heavy deliveries before that so-called suspension actually begins. In essence there may be an escrow in delivery, but there will be no escrow in terms of actual material at hand.

Mr. CHENEY. Mr. Chairman, will the gentleman yield on that point since he used my name?

Mr. OBEY. Mr. Chairman, I prefer to yield on the time of the gentleman from Oklahoma [Mr. EDWARDS].

Mr. CHENEY. Mr. Chairman, the gentleman talked specifically about me and I would ask him to yield.

Mr. OBEY. Very briefly.

Mr. CHENEY. Mr. Chairman, I think it is very important here to understand that the delivery capability that the Government will have between now and the end of February is fixed. There is nothing in this package that affects that. There is no new money in here for delivery during that period of time prior to March 1.

Mr. OBEY. Mr. Chairman, I am not suggesting that there is.

Mr. CHENEY. And the current delivery capability has been reduced by the loss of the DC-6 aircraft on January 22. The notion that there will be this massive injection of new weapons flowing into Nicaragua for the Contras before March 1 simply is not a valid one.

Mr. OBEY. Mr. Chairman, if I might take back my time, I would simply suggest that no one has suggested that the military fleet of airplanes has been increased during this time, but what the Congress has been told by the administration is very clear. And it is very clear that the amount of those deliveries that will constitute military equipment will be much larger than it was in the previous period.

We are not suggesting there is anything illegal about it, but people do need to know about it if they are going to assess whether or not there really is going to be any danger of the Contras running out of military equipment.

There is about as much danger of the Contras running out of military equipment as there is of the House Chamber running out of talk.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, the final point that ought to be made as to whether we will flood the Contras with a supply of military equipment. This is a guerrilla force, very mobile, and they do not have transportation other than what they can carry on their backs and on a few mules. They do not have the capacity to carry with them while operating inside Nicaragua large quantities of military supplies and military equipment. We are dealing within a fairly finite spectrum here.

Frankly, Mr. Chairman, I resent the proposition that somehow the administration is trying to pull a sneaky move here and that they are saying one thing and doing something else. The President made a very generous offer and the Congress ought to accept it.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds to again assert very clearly that no one is suggesting that the administration is doing anything sneaky. What we are suggesting, however, in this instance is that the administration very clearly is increasing the rate of military delivery and that fact is unquestionable.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, this is a very complicated question. We are very closely split on it. I respect my colleagues who feel that the presence of the Contras helps to concentrate some minds among the Sandinistas. I wish to assure my colleague from the State of Washington, Mr. CHANDLER, that no one in this House wants to accept the facade of democracy masking the infrastructure of dictatorship. On that there is total agreement. I do not think there is a Member of this House on either side of the aisle who supports that nasty dictatorship in Nicaragua.

I have been there, I have seen those prisoners, and I have talked to the mothers. I have met with Cardinal Obando y Bravo before he was offered his present eminent and critical leadership role. I met with Violetta Chamorro before she got her newspaper back. Everything that the Sandinista government stands for is an affront to every tenet of democracy, of decency, and of human rights.

Mr. Chairman, the question is not whether we support the Sandinistas but whether we support peace instead of war, and how we can best reach the state of peace and civilized democracy in that pitiful, beleaguered country that has been ripped apart and ravaged by war, suffering, and death.

That is the question.

My colleagues can make a good case, I believe, for keeping the Contra presence going. I respect my colleagues who believe that.

What decides this for me is the fact that the author of the peace plan, President Arias, who stands head and shoulders above the herd down there and is providing enormous leadershsip in the movement toward peace, feels very strongly that at this time it would be destructive of the peace effort to aid the Contras. I feel that the time has long since come whereby we ought to let Central Americans and Latin Americans decide their own destiny. We ought to empower them to make the decisions affecting their own future.

We have had enough of the image of the colossus of the North imposing answers, imposing solutions, and imposing programs on Latin America.

We have had enough of illegally bombing harbors, we have had enough of walking away from the tenets and precepts and the judgments of the International Court of Justice, and we have had enough of our country having the status of an international outlaw that is utterly unseemly and an unfit role for us to play. Rather, I think the time has come where on a closely divided question like this we ought to look to the leaders of the process down there and I suggest that we ought to respect President Arias and let us give that process a chance.

If we find in the future that there is no response or very little response from the Sandinistas, there is always an opportunity then, after consultation with Central America's four democratically elected presidents, to begin to think about fortifying the Contra posture.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. Mr. Chairman, I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, if we do not give humanitarian aid to the Contras, and if they die on the vine, who are we going to support in the future? Who are we going to give aid to make the Sandinistas live up to their commitments if they do not now?

Mr. SCHEUER. Mr. Chairman, that is a very good question. I do not think the Contras are going to die on the vine. As we heard from our colleague, the gentleman from Wyoming [Mr. CHENEY], they are a guerrilla force. They travel light. To some extent they live on the land and they swim to some extent with the fishes around them, although not enough, frankly, to indicate that they have real support from the people. But they will survive and they will be a presence there so that in 3, 4, or 6 months, if the peace process that President Arias is heading up seems to be faltering or is fatally flawed, there is always time to rebuild the Contra presence. But it seems to me that since there is a clear signal from President Arias that funding the Contras now would be destructive of the peace process and would substitute peace for more war, for more destruction, for more starvation, and for more misery, we ought to give President Arias and the peace process a further chance.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, freedom has never been free. There is a price to be paid for liberty. More than 1 million Americans have paid the ultimate price to protect the liberty of our Nation and its allies and millions more have risked their lives because freedom is worth defending. We must not pretend that other people do not share the aspirations for liberty which we so dearly cherish.

I quote from Will and Ariel Durant's book "The Lessons of History":

> War is one of the constants of history, and has not diminished with civilization or democracy. In the last 3,441 years of recorded history only 268 have seen no war.
>
> Peace is an unstable equilibrium, which can be preserved only by acknowledged supremacy or equal power.

The real issue before our Congress and our country today is not the Contras, it is communism in Central America. I sincerely believe that peace in the world can only be preserved by a strong America, freely and willingly, accepting the responsibility of leadership in the protection of Western civilization from external danger, namely communism. America's ability to support and defend democracy and freedom throughout the world has largely been the product of a lack of external threats on our own borders. The Monroe Doctrine for over 160 years has clearly articulated our Nation's fundamental security interest in keeping hostile powers out of our hemisphere.

It appears that some in this body might want to reassess that traditional strategy, reminding me of Winston Churchill's comments that Neville Chamberlain "had an all-pervading hope to go down in history as the Great Peacemaker; and for this he was prepared to strive continually in the face of facts, and face great risks for himself and his country. Unhappily, he ran into tides the force of which he could not measure, and met hurricanes from which he did not flinch, but with which he could not cope." I earnestly hope that the 100th Congress does not reject Contra aid and earn a similar place in history.

I truly believe the issue of Contra aid is a matter of strategy. It certainly is more than a battle for partisan political advantage. Many of you in this House unfortunately are prepared to accept almost any internal political result in Nicaragua if we only stop arming the Contras. I sincerely hope you do not win this vote today, but if you do—I hope you are prepared to accept the responsibility that goes with your vote. Because if you win, you will effectively pull the plug on the democratic Nicaraguan resistance. Pulling the plug on the Contras today can be likened to opening the floodgates of an old dam to release a small quantity of water. Sometimes the pressure can be overwhelming and it cannot be shut, thus draining the lake. Do you really want to pull the plug on those who are willing to fight their battle against communism and for liberty? If you win this vote, how will you avoid draining the lake? Some hold out for the possibility of a second vote on the issue. With 165 Members of the House strongly opposed to Contra aid, I would contend it is unlikely that such a vote will ever occur and the possibility of peace and success for the Arias plan will go completely down the drain.

If Lafayette, whom we honor in this Chamber, would have been of your mind he would never have bought his own ship to sail to America to fight for liberty against England. Wounded in battle, he later returned to France to persuade his government to aid the American colonists. Victory at Yorktown, the decisive battle in our fight for freedom, would have been very difficult—if not impossible—without the French fleet blockading Cornwallis and the 7,800 French troops fighting alongside 8,800 American troops.

The fundamental issue of today's vote on Contra aid is how best to stop the communists from consolidating their military might in Nicaragua. President John F. Kennedy said—January 20, 1961—that, "Communist domination in this hemisphere can never be negotiated." This Congress must today reenforce President Kennedy's commitment in a clear and strong way. We cannot deceive ourselves and think that it is possible to deliver humanitarian aid without providing the military means to receive it. The Contra aid package before us today is reasonable. Its short-term nature, limited nonescalatory quantity, commitment to consultations with the Central American Presidents and the Congress, and the President's willingness to abide by a sense of Congress resolution insure that this aid package will reinforce and support the other factors contributing to the success of the peace plan.

Just as Lafayette convinced the French Government to help us help ourselves, so we should also help Nicaraguan freedom fighters to help themselves. There is much agreement today, even by those who have previously opposed Contra aid, that the Sandinistas are more likely to respond positively if they conclude that they are not assured of a free ride and must meet high standards of compliance to get the Contras off their backs.

If you vote no on Contra aid you are ignoring all the lessons of history and all the nature of man that history records. Some conflicts are too fundamental to be resolved by negotiations alone because if history is our guide, during prolonged negotiations, subversion will go on. Revelations by the Nicaraguan defector, Roger Miranda, as confirmed by the Sandinistas, make it clear that subversion was and is going on as negotiations continue. Peace through strength is the only hope for lasting peace. In the true spirit of Lafayette, whom we honor in this Chamber as a true hero, vote yes to help those Nicaraguans who want to help themselves and secure liberty for themselves and their posterity.

□ 1130

Mr. FOLEY. Mr. Chairman I yield 1 additional hour to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 1 additional hour and, without objection, the gentleman from Wisconsin will be permitted to yield time.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think it is fortuitous that I have the opportunity to follow the presentation by my good friend, the gentleman from Texas [Mr. STENHOLM]. I listened very carefully to what he had to say. And I will certainly agree with much that he had to say. I would observe from the gentleman's presentation that people see the issue of what to do about the Sandinistas differently. Like two artists that paint the same object, what they portray on canvas will appear differently to those who observe their work.

Just before Christmas I had the opportunity to travel to Costa Rica with several of my colleagues, the Speaker included. During the visit I met privately with the President of Costa Rica, President Oscar Arias. Costa Rica is about the size of the State of Arkansas with a few less people. Costa Rica has no army. I asked President Arias if the Sandinistas are a threat to the security of Costa Rica. The President observed that the Sandinistas are not a threat to the security of Costa Rica. Seeing the issue differently, our President and others see it differently. They see the Sandinistas as a threat to the security of the United States.

The United States maintains the most powerful army on Earth. Our borders are about a thousand miles away from Nicaragua, yet our President and many in this Chamber see the Sandinistas as a threat to national security. On the other hand a tiny nation, one of the smallest on Earth, without any army, does not perceive a threat to its national security. I want to make the point that the United States has the option, virtually at will, to destroy Nicaragua. We can launch air strikes from my home district in Arkansas, from Texas, and Florida, and Louisiana, and Mississippi, and Arizona, and New Mexico, and California, not to mention the number of air bases in the Midwest and the Northeast.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I am glad to yield to the gentleman from Texas. I referred to the gentleman from Texas, so I feel obligated to yield to him.

Mr. STENHOLM. Mr. Chairman, I will make one quick observation. The gentleman is totally correct in his observations about our power. The only difference is that requires our young men and women. The proposal before us today requires Nicaraguans to do the work for themselves as they wish to do.

Mr. ALEXANDER. But underlying President Reagan's policy which is supported by the gentleman from Texas and the gentleman from Indiana is the assumption that the Sandinistas are a threat to the national security of the United States. That is simply not so. It is a false assumption.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the gentleman quoted the President of Costa Rica saying the Sandinistas pose no danger to his country. On January 29, in an editorial from La Nacion, Costa Rica's most prestigious newspaper, they said, and let me just read this:

> * * * what is at stake is the fate of the nations that border on Nicaragua. Because if the Resistance is weakened or disappears the Sandinista regime will direct all its energy, with ample Soviet aid, to its confessed objective of exporting its revolution.

So the leading newspaper in Costa Rica disagrees with President Arias on that point.

Mr. ALEXANDER. The gentleman's statement supports my point. We have a difference of opinion. The security of the United States is not threatened by Nicaragua, or its Communist regime.

The President of Costa Rica has a difference of opinion with the President of the United States. My point is that a tiny nation in Central America, without an army, is not threatened by the Sandinistas, is not threatened by the Communists in Nicaragua.

I first went to Nicaragua in 1971. I observed the widespread discontent with the political, economic and social conditions that finally resulted in a political upheaval. And I traveled back to Nicaragua in 1979 following the revolution.

I am convinced that a military strategy in Central America is not the solution. I believe Oscar Arias, the President of Costa Rica, when he told me, that United States support of the Contras provides an excuse to the Sandinistas for the failure of communism, and that so long as we send money and guns and we support the Somocistas, who in the eyes of many people in Central America is just a continuation of the dictatorship in Nicaragua, then it is going to furnish the Marxists with an excuse for the failure of their revolution.

What is needed is political, economic and social reform to be accompanied by a political solution that is outlined in the peace process, that is led by the great leader, President Arias, in Central America.

Mr. Reagan's policy of intimidation has failed to produce one concession from the Sandinistas. Today, the Reagan policy will likely be disapproved by the House of Representatives. If not today, it will be rejected in the near future as ill-conceived and counterproductive. Then, alternatives will be considered.

I append to my remarks a copy of a speech I delivered to the Latin American Studies School at Stanford University in April 1985 which presents some ideas for political and economic reform as an alternative to war in Central America. I submit this for the purpose of discussing a prospective policy as an alternative to the Reagan policy.

Finally, the gentleman from Texas referenced to history arguing that we should look to history for a lesson. I will turn from the portrait Lafayette pointed to by the gentleman from Texas, and refer instead to George Washington, whose portrait hangs on the other side of the Chamber, because he was the guiding light of a great Latin leader, Simon Bolivar, a disciple of democracy. And Simon Bolivar said of U.S. policy in Latin America during his era in the 19th century to U.S. policy today:

The United States appears to be destined to plague the Americas, with misery in the name of liberty.

Yes, it is time to learn from history and to address the causes of problems in Central America, instead of dooming the region to a policy of repetition of the past.

Address at Stanford University: alternative to war in Central America.

U.S. POLICY IN CENTRAL AMERICA: AN ALTERNATIVE TO WAR

(Address by Hon. William Alexander)

Dr. Wirth, Ladies and Gentlemen, before the end of the month, Congress will vote on a request by President Reagan for $14 million in aid for the guerrilla army fighting to overthrow the government of Nicaragua. While the amount of the aid request may seem relatively insignificant, this vote is in reality a vote on the overall direction of American foreign policy in Latin America for well into the next decade.

During a recent trip to Central America, I had dinner with one of Mr. Reagan's most ideological ambassadors. At one point I asked him what Latin America would look like if the Reagan Administration were 100 percent successful in pursuing its foreign policy objectives. What kind of society . . . what kind of economy . . . what kind of government would we see in that part of the world if Mr. Reagan's vision became a reality.

The Ambassador through for a moment—almost as if he had never even considered the question—and he said, "Congressman, it would be like things were down here in the 1950's—commerce was flourishing, the people loved and respected Americans, and there was a general sense of contentment with things."

After spending most of my daily life in or around politics, I am not astounded at anything very often. But this response was astounding.

To me it seems that it was the social and economic condition in Latin America in the 1950's that gave rise to the political upheaval of the 1960's and 1970's. The vestiges of that period are still having their impact today. The 50's were years marked by extraordinary repression and deprivation for most Latin peoples. There was rampant poverty and disease for most, while economic prosperity and political power resided in the hands of a relative handful of fortunate families.

The governments of these nations could be described variously as "tin horn dictatorships" and "banana republics . . ." most bought and paid for through outside forces—mostly in the United States.

For many years, we in this country enjoyed a comfortable, paternalistic relationship with these nations. However, slowly we began to see a threat to that relationship spawned by a growing restlessness. We Americans saw a threat to our security in Latin America—and we focused our fears on the appearance of Marxism.

It would be easy to let the story end there. It would be far more simple to adopt the view—as has been adopted by the Reagan Administration—that Marxism is the cause of all evil in Central and South America . . . and if we could just contain that movement all would be right again.

That is a convenient view but not one firmly rooted in reality.

Latin America—and especially those nations in Central America—is a series of unique nations undergoing an inevitable transition. In every one of those countries there is a process underway in which an old order is failing, and a new order is coming to power.

In Central America the symbol of this process of transition is Nicaragua. Somoza and his loyalists stayed well beyond their time, lost touch with the public, undercut the moderate opposition, allowed the center to be destroyed, and created conditions that permitted revolution by extremists to dominate the opposition. When Somoza ultimately fled, there was no popular-based moderate force to fill the void.

Other nations in Central America are undergoing a similar process of change. The traditional alliances between the landed oligarchy, political elites and military commanders are encountering greater and greater difficulty in controlling events.

The questions are what new alliances and systems will take over, whether they will be consistent with the interests and values of the United States, and what policies will best serve those interests and values under these conditions of change.

Basically, the nations of Central America are members of the Western rather than the Eastern world, and should be more open to Western than Eastern models. There is no reason that the United States cannot successfully help these nations along this course.

The challenge faced by the United States is to develop policies which carefully define and effectively protect U.S. national interests in the long term, and work comprehensively to support pluralistic and stable new structures in Central America.

Given the strategic and psychological importance of Central America to the United States, we must clearly define these goals and objectives.

The essential institutional requirements will differ somewhat from one nation to another, but will include:

1. Development of respect for the rule of law and human rights.
2. Creation of political institutions that allow and encourage citizen participation.
3. Emphasis on building up human resources through education, training and other means.
4. Development of region-wide cooperation.

The most practical way to achieve U.S. objectives is to help Central American nations deal with one another, and to help them solve internal problems through negotiations rather than militarism and violence. We should support change through democratization and peace through diplomacy, seeking a region-wide system of economic cooperation and open trading markets.

Progressive policy-makers in this country must realize that monolithic communism in Latin America has failed. Cuba is a virtual economic client state of the Eastern bloc countries.

The real enemies of the United States' interests in Latin America are disease, hunger and poverty. These are the forces that could well defeat our most well-intentioned initiative.

Last Thursday afternoon, President Reagan was doing what he does best as he stood before a national television audience and attempted to sell a peace plan. The President argued his case for increasing aid to the guerrillas in Nicaragua by conjuring up a world view completely at odds with reality. He recast the situation in Central America in such a way as to argue that—in Orwell's words—"war is peace."

Mr. Reagan reiterated his support for peace and democracy in Central America. He repeated his opposition to the spread of communism . . . and I speak for all in my party when I applaud these goals.

Unfortunately, we cannot support the means by which the President hopes to achieve these goals. His thinking is rooted deep in the world of the 1950's. Instead of providing an incentive for peace, his proposal is an invitation to greater violence and a further step away from the processes of change taking place in Latin America today.

There is nothing new in what the President said last week. The essential realities remain the same. The President wants Congress to give its approval to his war against the Nicaraguan government. It is a new face on an old horror.

This new proposal for negotiations is a very sophisticated subterfuge. Do not be fooled . . . it is a ploy . . . a ploy designed to give Mr. Reagan what he wants, and that is official sanction from Congress to fight a war in Nicaragua.

Mr. Reagan wants Congress to approve $14 million for the "Reaganistas," which he says will only be used initially for "humanitarian support." The leadership of the House has been advised that the Administration defines "humanitarian" as inclusive of trucks, uniforms and other logistical support short of actual guns and bullets.

Mr. Reagan says that only if the negotiations break down will he convert the so-called "humanitarian aid" to military assistance.

This proposal insults the intelligence of Members of Congress and the American people—under the Reagan plan, the Reaganistas are guaranteed $14 million if they walk away from the negotiating table! They have no incentive to try to achieve some sort of settlement. Clearly, Mr. Reagan developed this plan as a round-about way of getting his aid request through Congress—a request he was told by leaders of his own party on Wednesday ". . . was dead in the water."

Mr. Reagan would have Americans take their eyes off the ball. He would divert our attention away from the real issues. Mr. Reagan does not want a peaceful solution in Nicaragua. He will not tolerate the presence of the Sandinistas in a government there. He is using a suggestion of peace to induce support for a policy of war.

The real question here is "Why is the United States involved militarily in Nicaragua in the first place?" Mr. Reagan has given us the answer time and time again—we are there to overthrow the Sandinista Government. Mr. Reagan has repeatedly said that he will not tolerate "another Cuba" in Latin America. On several occasions, including his speech last Thursday, he referred to the Sandinistas as thugs or murderers. Are we to believe that he has changed his position? That he is now willing to tolerate their continued presence there?

Mr. Reagan—in that speech last week—tried to pass himself off as the compassionate peacemaker in a war which he has helped create. The Reaganistas army exists largely because Mr. Reagan has provided it with the means to fight a war of bedevilment against the Sandinista government. The Reaganistas are essentially an American mercenary army—and Mr. Reagan is asking the Congress and the American people to give their official support to that cause.

Mr. Reagan and his supporters suggest that gunboat diplomacy will bring democracy to Latin America. However, history does not support that conclusion. Instead, history demonstrates that democracy in Latin America has taken hold only when democratic structures offered real hope for coming to terms with poverty, disease and despair that plagues Latin societies. Mr. Reagan should understand that no amount of military aid, that no increase in arms will be big enough to make democracy work in Latin America. Our foreign policy in Latin America will only succeed when we align our objectives with those of the people of the region. Then there can be hope. Then there can be true progress.

Contrary to the claims of the President, U.S. policy in Central America is out of control—lacking in direction and substance. We are wasting millions upon millions of dollars, while needlessly placing at risk the lives of brave American soldiers along with countless other Latin civilians.

Mr. Reagan is tranfixed by an antiquated view of Latin America, wholly inconsistent with modern realities. His policies make it more likely that we Americans will repeat the mistakes of the past than to learn from them. Gunboat diplomacy did not work in the 1950's—it is not likely to succeed today.

Is the United States going to fulfill the fear of Simon Bolivar, the George Washington of Latin America, who worried that:

"Los Estados Unidos paracen destinados . . . plagar a las Americas de miseriea e nombre de la libertad.

"The United States appears destined . . . to plague the Americas with misery in the name of freedom."

Or, are we going to provide the leadership which is the mark of a great nation?

I urge those in my party to look at the constructive, positive alternatives available to our nation. Mr. Reagan would have us resort to a policy which substitutes military action for diplomacy. I cannot endorse that. The opportunities for a comprehensive diplomatic settlement in Central America are real and available. Let us offer words of hope rather than threats of war.

To achieve a long term settlement in this region, I suggest the following:

1. The full force and power of the United States should be placed in support of the Contradora negotiations. There should remain no doubt in the minds of the leaders of the Contradora nations, and others throughout Latin America that the United States is taking every possible step and using all possible leverage in support of an end to the bloodshed through the use of diplomacy.

The example of President Bellisario Bettancur of Colombia is important. Through diplomatic leadership, personal courage and good faith, President Bettancur has begun to bring peace to Colombia by negotiating with his opponents. The United States should fully support his efforts and other similar efforts, to negotiate an end to the region-wide violence.

2. The Administration should work with Congress in a bi-partisan effort to devise a significant foreign assistance program, directed toward the following objectives:

a. To support the creation or improvement of institutions designed to strengthen the administration of justice and the democratic process.

b. To improve education and training programs including projects within Central American nations and student exchange programs between those nations and the United States.

c. To improve local infrastructure (e.g., transportation) as an aid to economic development.

d. To improve local health care.

e. To support economic cooperation projects, movements toward inter-American economic integration, and a more open regional trading system.

f. To support local agricultural projects, and to promote export of American agricultural products.

g. To improve training of armed forces, respect for human rights by military personnel, and defensive military capabilities.

3. The Administration might approach friends and allies in Latin America and Europe to propose that the above program involve joint funding as part of an international "democratic initiative."

The policy stated above could be implemented by taking the following steps:

1. The United States should put its full force and power behind the Contradora initiative undertaken by Mexico, Panama, Colombia, and Venezuela.

2. The United States should offer to support, promote, or organize a general hemispheric peace conference, which would focus on the major disputed questions of the Americas, should the Contadora heads of state conclude that such a conference would contribute to the search for peace.

3. The United States should express a willingness to work with any nation, through Contadora, a hemispheric peace conference, or any other appropriate forum that professes an interest in pursuing non-violent solutions to the crises in Central America. The United States, working with and through the Contadora nations, should test the sincerity of claims by Cuban President Fidel Castro that he will take strong action in support of the Contadora process. U.S. policy towards Cuba should avoid the mistaken extremes of naive optimism or blind paranoia and instead should offer a willingness to pursue careful, realistic and tough-minded diplomacy in search of gradual lessening of U.S.-Cuban tensions.

In 1945 the Soviet Union emerged from World War II as a superpower in sole competition with the United States for influence among the developing nations. The Soviets were eager to demonstrate the merits of communism as an economic system. During the forty years that have elapsed, Marxism is failing and has succeeded only as a process of distribution, unable to compete with capitalism in production. Committed Marxists continue to flirt with the U.S. and the Western World.

The Peoples Republic of China (PRC) turned to the West in 1978, adapting capitalistic methods in order to increase productivity;

Cuba's Fidel Castro, a disciple of Marxism, describes the "China Model" as a goal for future Cuban-U.S. relations;

North Korea hints a coming to terms with South Korea in exchange for economic ties with the U.S. and Japan;

Vietnam increases its cooperation with the U.S. to discover and return MIA's lost in the conflict;

Ethiopia turns to the U.S. and Europe for food to relieve famine;

And, Mozambique and Angola look to the U.S. to broker deals with South Africa.

Indeed, the United States has a unique opportunity to lure Third World States away from the influence of the Soviet Union to the capitalist orbit. But, we must seize the initiative to take advantage of the opportunity that exists at this time of generational change within the Kremlin.

Democratic captialism can compete ideologically in the Third World with Marxist Communism. Militaristic competition between the U.S. and U.S.S.R. appears inevitable; however, armed conflict need not be a solution when dealing with Soviet client states. The success of capitalism as a superior system of productivity demonstrates that the Marxist ideology of the Soviet Union is not, per se, a threat to the United States.

The triumph of capitalism continues simultaneously with the tragic lessons learned by the failure of militarism. This week marks the tenth year of the defeat of militarism as a policy in Vietnam. We must develop a policy that is not rooted in the brute force of militarism but instead builds upon the success of capitalism.

"To live bravely by convictions in which the free peoples of this word can take heart, the American people must put their faith in stable, long range policies—political, economic, and military—programs that will not be heated and cooled with the brightening and waning of tension.

"The United States has matured to world leadership; it is time we steered by the stars, not by the lights of each passing ship." (General Omar Bradley, 1945)

President Reagan's position on Central America is not a policy—it is a tactic. Moreover, it is outmoded because of the heavy reliance upon militarism.

Most knowledgeable observers agree that militarism is not a solution in Central American inasmuch as it does not address the problems of poverty, disease, malnutrition, social injustice and political corruption.

A long-term solution requires a long-term policy that addresses the aspirations of the people of the Central American region. A return to the military dicatorships of the past ignores the problems and prolongs the conflict. And, a U.S. policy is bound to fail which violates American traditions and values.

"In the great struggle against Communism, we must find our strength by developing and applying our own principles, not in abandoning them." (Walter Lippmann, 1962)

It is time to stop squandering billions of dollars; needlessly wasting lives, and alienating our allies; and to gain control of U.S. foreign policy in a positive and meaningful way that serves America's best interest—peace through Democracy.

Thank you.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of a 3-part peace process for lasting peace in Central America, support for the Arias peace plan, support for dialog between our country and the Nicaraguan Government and support for aid for the resistance.

Over the next several hours, Mr. Chairman, this body and the American people will hear a lot of rhetoric, a lot of individuals who purport to have all of the answers and who will outline their formula for peace in Central America. With this in mind, I would ask my colleagues and the American people to keep several things in mind. First of all, no one has the inside track on information from Nicaragua.

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None of us are residents. All the information provided that we are using is thirdhand or based upon our own observations.

Second, individual cases will be presented as examples; each and every one of those cases that criticizes the Contras can be equally countered with individual cases of ravage and abuse by the Sandinistas.

Third, emotional appeals will be made to elicit compassion in all of us as Americans. Shallow slogans like "Stop the killing," "Give peace a chance" and "Save the children and mothers" will be uttered time and time again by our colleagues.

Let us set the record straight from the outset. No one in this body wants to promote killing and to subvert the peace process.

As a compassionate father of five young children I see peace as my top priority. Therefore, let us get beyond the rhetoric and let us debate the facts. Let us not kid ourselves into thinking that any one of us has the magic solution to the situation.

As a freshman I have kept by mind open. I have listened to all sides. I have had over 100 meetings in my first year in office on this issue. I have met with all groups including the government.

My views are based upon what I have heard, what I have seen, and what I have read.

This past weekend I traveled in Nicaragua and had 13 meetings in 2 days with a broad cross-section of Nicaraguan citizens.

We asked every one of these people "what about the package that we are voting on today" and these are the responses in quotes from those people.

Bishop Bosco Vivas, No. 2 in the Catholic Church, in speaking about the Sandinistas, "In the mouth of a liar, the truth becomes very doubtful. Without outside and internal pressure the government, through its own, will not change." Jaime Chamorro, one of the founders of the revolution, "The Sandinistas signed the treaty with only one purpose in mind, get rid of the Contras. Miranda was totally correct. The temporary improvements are for appearance sake only. Ortega will return to his original plan of expansionism and totalitarianism."

Violetta Chamorro, husband of slain leader Pedro Chamorro, "La Prensa will be finished with the aid. But without the aid La Prensa will not have hope of staying open for the long-haul. Democracy is the only thing that can end the war and in this country they don't want democracy."

Alvin Guthrie, a labor leader who for 5 years was in the Sandinista legislature, "If the Contras disappear the labor unions will be the next target of the Sandinistas."

A mother of a political prisoner, "If the Contras did not exist we would all be dead today."

Luis Hernandez, chairman of the Independent Nicaraguan Human Rights Commission: "There has been no fundamental change within the government up until this point in time."

Even American church leaders whom we met, five of them led by Rev. Bill Ritchie from Washington State, working in the highlands, say that we need to support this process and this effort today.

The feeling was unanimous, Mr. Chairman, church, La Prensa, labor, political, and citizens.

We cannot trust the Sandinistas. We need the insurance policy.

And remember the Sandinista leadership is not made up of poor, backward politicians. They have learned well from the Soviets and Cubans as exemplified by the $500,000 public relations package to promote the effort from a New York City public relations firm.

They have learned well as evidenced by their recent release of Mr. Dendy this past weekend. The Sandinistas could have released him to five U.S. Congressmen representing both political parties, but instead chose to release him to a candidate for the U.S. Senate in the upcoming November election.

But even so, the peace offers hope. We need to support it, but we need insurance. This is not a Reagan package, this is not a partisan package; it has bipartisan support and it is acknowledgment that we must hold the Sandinistas accountable.

We have Members of both parties supporting this effort in both bodies.

Former Gov. Chuck Robb of Virginia supports this process; the Miami Herald and the Washington Post have both supported it by changing their positions.

Today we vote on humanitarian aid alone; yes or no, until a Sandinista commitment is found to be real.

It is unfortunate the Soviet people cannot vote today on continuing $4 billion of aid, most of it military, to that same area of the world.

The easy vote politically today, Mr. Chairman, is to vote "no," but it is not the right vote.

As a freshman Republican who has oftentimes not supported the President—52 percent rating in my first year of office—I am going to take the tough choice today because I know that what is the right vote. The right vote is to vote "yes" and I will be there with my vote and I ask my colleagues to join with me.

I yield back the remainder of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, last night the White House was shocked that the television networks did not want to carry the President's appeal for Contra aid.

Well, Mr. President, the fairness doctrine was designed to protect the public interest and give fair access to the media for ethnic and political minorities, like the small political minority that supports Contra aid.

Last night the White House criticized the networks' "incredibly narrow interpretation of their public service responsibilities."

But that is the same White House that last week repeated its support for the elimination of the fairness doctrine, protection for those who truly need aid in gaining access to our Nation's media.

You cannot have your cake and eat it too, Mr. President. You cannot say there is no public responsibility one week and lament the lack of it the next week. And you cannot have it both ways on Contra aid. Mr. President, you cannot say you support the Arias peace plan and then turn around and ask for Contra aid.

Why do you not listen to President Arias who opposes this Contra aid? The Contras are not the solution in Central America; the Contras are the problem. Funding the Contras and supporting the peace accord is like taking a six-pack to an Alcoholics Anonymous meeting.

We have to make a choice: The policy of Contra aid which is a failure, or the policy of the peace plan which is a success.

Today we vote. The choice has never been clearer: The Contra war or the Guatemalan peace accord. A policy of success or a policy of failure?

We can stay mired in the mistakes of the past or we can move forward into the future. There is only one choice. Let us defeat Contra aid and move forward for peace and for reform in Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of Contra aid. There is no question in my mind that our Government's support for the freedom fighters has brought the Sandinistas to the peace table.

The President's plan seems very reasonable to me. The military aid will be held in escrow until March 31 and the President said last night he will not release the funds until we have passed a sense of the Congress resolution to give him the authority to do so.

You have received letters from the national commanders of the VFW and the American Legion—whose combined membership is more than 5 million veterans. The leaders of these veterans groups have been to Central America and to Nicaragua a number of times. They both point out that no Communist government has ever negotiated itself out of power—so why do we think today that Daniel Ortega is going to permit a democracy in Nicaragua?

I think we had better be careful here. If we defeat Contra aid and then Nicaragua doesn't live up to the Costa Rican Peace Plan, the Congress is going to be embarrassed and this President can say, "I told you so."

I am not sure things will work even if Congress approves Contra aid, but this small amount is not going to torpedo the peace process if the Sandinistas are really serious.

I don't trust Daniel Ortega. He is a Marxist who lived in the jungle for years waiting for his time. He is in charge now. Why in the world would he want to give up his power?

I urge a "yes" vote for Contra aid. Let us keep the pressure on the Sandinistas.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, last night our friend, Howard Baker chastised the networks. He said for substituting their judgment for the President's judgment about which of the President's speeches was news.

Now I am very fond of Mr. Baker. I just hope he has not been hanging around with the leader of Russia, Gorbachev too much, because certainly in the Soviet Union the politicians decide whether their speeches are news or not. The news people follow suit.

Nonetheless, I must say the President has convinced me. First of all, the President says he wants no new Federal spending. Consequently I must cast my district's vote against this new Federal spending.

Second, the President describes the Contras as the freedom fighters. Now when you consider the fact that the supreme military commander of the Contras is one Enrique Bermudez, a top military officer of the Somoza dictatorship, you might think the President misses the mark, slightly, by calling his organization freedom fighters. But you just do not understand the term.

In fact, the Somoza national guard has been fighting freedom for decades. Therefore, I do not fault the President for calling them freedom fighters.

I hear it said that the Washington Post favors this legislation. I hear it said that the Miami Herald favors this legislation. Whoopee. Now let us see who is against this legislation. The American public by more than a 2-to-1 margin. And why? Because they know that the history of the U.S. intervention in other people's countries and other people's civil wars is all about the same, it follows suit also. First the guns and then the sons.

And always the pledge, when the fuse is lighted that it will not reach the dynamite, that young men will not have to go.

Why do the young men go in every case? And then we decide later what a blunder the Spanish-American War was, what a blunder Vietnam was; the very notion that the tip of the Asian tail could wag the world. What foolishness. Or as Barbara Tuchman has put it so eloquently in the title of her great volume, "What Folly".

The answer is rather subtle to the American public I think. It is because the officials in Washington, particularly those enshrined in the White House, acquire an egoistic interest in the position, the erroneous position they had taken before.

The French learned their lesson and Mr. Johnson did not learn their lesson. Mr. Johnson learned his lesson and Mr. Nixon did not learn Mr. Johnson's lesson.

The ego "pride goeth before the fall," not of the President but of 18-year-old kids dying an unspeakable horror in jungles and in marshes.

Will Rogers said it about the very country we are talking about now. He said of Nicaragua "The United States will send in the Marines to any country where we can get 10 people to invite us."

Finally, the President has made a concession in his speech last night. He has proposed that the Congress can share the complete power the Constitution gives the Congress in the first place to decide about military action in other countries, to declare war, which we have in effect, if actions speak louder than words, done in the case of Nicaragua.

He says that later the Congress can vote on whether the Sandinistas are good guys, whether the Sandinistas have achieved at least the level of a democracy where a White House aide threatens the news people of this country if they will not do what the politicians say in terms of interpreting what the news is.

Now how many people in this House are going to want to cast a vote to say the Sandinistas are good guys? How many people in this House think the Sandinistas are good guys? How many think they are not Marxists? That is one of the slickest things a Hollywood writer ever thought of yet.

Nobody will vote that way, nobody thinks the Sandinistas are good guys. Nobody thinks Castro is a good guy. Nobody thinks Gorbachev and his outfit are good guys. And there are a couple of us or more in the House, including my friend Mr. BURTON from Indiana and myself who do not think Communist Chinese are good guys, not at least good enough to violate a United States statute and receive from this country nuclear technology without agreeing at least to what would happen to the plutonium waste which can be made into military weapons. The President wanted to do that; Mr. BURTON did not want to do that, I did not want to do that and I am happy to say others voted against that.

So the question is, Are we going to repeat the same folly of the past? The answer I hope will be "no."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of House Resolution 444 to approve the President's request for aid to the Nicaraguan Contras.

I firmly believe that if there ever was a time to vote "yes", a "yes" vote on the Contra aid, then the time is now; here today in this place, in this hallowed Chamber, a symbol of a free people.

My colleagues, in the 10 hours that are allocated to debate this measure, I am sure that every aspect of this issue will be thoroughly and exhaustively debated.

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However, I do not want us to be so consumed in the details of this important subject as to miss the overall picture. So allow me to offer a broader perspective.

When discussing United States aid to the Nicaraguan Contras, we often hear opponents of this assistance use this phrase: "Give peace a chance." Well, we here in Congress need to fully understand that peace is not merely the absense of war; true peace can only be enjoyed in a land where freedom and liberty abound.

Our Founding Fathers clearly understood this and were willing to risk all that they had in pursuit of freedom from tyranny. Having just celebrated the bicentennial of our Constitution last year, I am amazed at how many Members here today seem to have forgotten this inescapable fact. What we should be pursuing in Central America is freedom, for where there is freedom, peace will also be present. Therefore, I say, give freedom a chance and vote to support aid to the Contras.

Let me say to my colleagues that over 210 years ago in a little country called the United States there was a cry from the halls in Philadelphia saying, "Give me liberty or give me death."

I do not want us, a country of free people, to forsake the Contras. I want them to have the ability to become a free people and let liberty abound in Central America. What we are doing when we are doing this, we are providing ourselves the protection of the freedoms that you and I take for granted each and every day.

Mr. Chairman, I say again and again, give freedom a chance. Do not forsake the Contras. They need our help, just like we needed help in 1776.

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, it is getting deep down here again. After all the array of tricks, sometimes you just do not know what to believe.

Last year the Contra armys' own soldiers compared their leaders to the Three Stooges. Now, this year President Reagan said that has all changed, those days are over, and the Three Stooges have evolved into the "Magnificent Seven." I say it is just my little opinion that I believe that Larry, Moe, and Curly are still operating and doing business as "the Contras" in Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. No. I do not have much time, and I will yield when I am finished.

One thing that is for sure, this is the same old program. It is funding time for the Contras, and it is story time for the Congress. Here is how that works. The President every so often cries "wolf," and the Congress, like a bunch of lambs, they put their tails between their legs and they ship more money to Central America. In fact, the new American password is "Contra," and I literally believe here is how it is going to work: One of these moments in this 10-hour debate we are spending again on the Contras, while we spend very little time on the budget and other matters, I firmly believe somebody is going to say, "Contra," and Groucho's duck is going to fall from that giant eagle in the ceiling and maybe resolve this whole issue and dilemma.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I will yield when I am through. I will be glad to yield then.

But here is the way it is. You can smirk about it, but it usually ends up that the Contras get the money, they ride the elevator, and the American taxpayer gets the shaft. It is just another day at the office down here.

Let us look at some facts here. The Philadelphia Inquirer sent a crew for 6 weeks to Nicaragua so they could report to their readers what really was happening. Here is what they said: While they were there, "the Contras did not engage the Sandinistas at all." They said, "They hiked to within an hour of their expected target, but when they found out there were Sandinistas in the area, they put their tails between their legs and got out." That is one case.

What they said is that all these big accomplishments they have been writing about recently, they said their initial foray, which took 31 days, was really next to nothing. Despite all their weapons, the Contras ended up "running again at the first whiff of the Sandinista army."

They do not stop there. They conclude by saying that the "Contra units sometimes wander aimlessly in the jungle; they exaggerate their successes," because, I say, what they want is money; they are not looking for victory.

But it does not stop there. We have to look at both sides. Everybody would agree that Robert Owen, the assistant to Oliver North—remember Ollie?—is the strongest supporter for Reagan's Contra policy. Here is what he said: "They are not first-rate people," these Contras. "In fact, they are liars. They are not the people to rebuild a new Nicaragua."

That was written in a memorandum to Oliver North, supposedly confidential and secret.

Let me go on. He said, "I have never been more discouraged" with this group. He said that they are an "army in name only." He said, "There is more and more fluff being added, but there is no substance."

But he does not stop there. He said to Oliver North, in his own writing, "This war has become a business" in Central America. He said, "If more money is approved, it will be like pouring money down a sink hole."

Let me get on with this. Let me make my own little statement here. There is no question that we have a problem in Central America. We are not afraid about Ortega. We are not afraid about that creep, and we know it. We are concerned about the Soviet Union establishing a military presence, and I think if we are going to get serious, it is time to steal a page out of the chapter on John Kennedy. It is time to tell the Soviets, "Stay out of Nicaragua. If you continue to send over goods and military equipment, we will attack those shipments."

Do we want to get serious? Then let us support President Arias, and instead of trying to do everything for everybody, let the Central American nations do something for themselves. Let us let somebody help themselves instead of doing it for them, because our taxpayers are going broke. What really bothers me is, we should be talking about soybeans and jobs today, not these Sandinistas again.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am not ready to yield yet.

Mr. Chairman, I have lost 55,000 manufacturing related jobs in last 10 years. I say our economic policies down here suck, and I think we had better start discussing the issues of this country before we find that we do not have a free country. Let's take care of America first.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Ohio is very good at using humor, and he is very good at calling people the "Three Stooges," people who are fighting and risking their lives, people who were imprisoned under Somoza.

I will say to the gentleman that there is a time for humor and there is a time for seriousness.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I will not yield.

I do not know whether the Philadelphia Inquirer said they turned and ran but read the Washington Post, read the New York Times, the stories about the Contras involved in combat and then you tell the young men and women who are dying and fighting for freedom that they are the "Three Stooges."

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield now?

Mr. EDWARDS of Oklahoma. I will not yield.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval is contrary to the rules of the House.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, let me say to the Members of the House, place your bets. Those who will vote "no" against Contra aid are gambling that the peace plan is really to be executed properly by Ortega and the Sandinistas. Those of us who want to vote in favor of Contra aid are gambling that the Contra political and military force will be able to apply such pressure as necessary on the Sandinistas as to make the peace plan work.

Either way it is a gamble, but there is an element of this gamble down the line which should decide for us constructively one way or another what position to take. It is the very symptom that the last speaker on the floor of the House was describing, that is, a possible attack by the United States, which he foresees on Nicaragua to stop that Sandinista spread of Marxism and communism. That is the gamble that we must take.

How do we prevent that from occurring? If we do not support Contra aid, then we are hoping and praying that Ortega under his good will, will be able to democratize Nicaragua, and then if that does not occur, then the gentleman's prediction is going to come true and the President of the United States, whoever he may be in the future, may have to order an attack.

Those who vote for Contra aid are placing their bet that to keep that force viable politically and militarily prevents the possibility or forestalls the possibility of a future President having to order an attack on Nicaragua.

How shall we gamble? We cannot be certain of the outcome, but for me and for many of us who want to prevent that attack on Nicaragua, who want the Nicaraguans to determine peace for Nicaragua, we would support aid for the Contras to keep that pressure on.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, decisions that are made by us as public officials should be made with our heads and our hearts, and I think we saw a little bit of the hearts before on both sides of the aisle.

On this Contra issue, it is clear to me that my head and my heart come to the same conclusion, and that conclusion is no on Contra aid. My head tells me that since peace is the goal of the President and the Congress, we should follow the explicit advice of the one who got the peace process started, President Oscar Arias of Costa Rica, who states that we should not vote for Contra aid today.

How can we seriously tell anyone that we are for peace while going against the recommendation of Oscar Arias and at the same time telling him that we are doing what we are doing because we really have the answer for peace and he does not? That is a little bit like seeing an elderly lady on the corner and grabbing her and making her go across the street when all the while she is saying to you, "I don't want to go." How patronizing that is and how wrong that is.

Now, my head also tells me that in 6 years of a very bloody Contra war we have seen no Democratic process in Nicaragua. The stated purpose of the Contra war is to bring democracy to Nicaragua. Yet nothing happened until the peace process began to move. So when the President says we need pressure to change the Sandinistas, I say the very best pressure is the pressure from the region, from the Latin American countries, and they say this is the wrong time for Contra aid.

Those countries will put the pressure on the Sandinistas through the peace process, and if it does not work—and there is no guarantee that it will work—if it does not work and the Sandinistas do not follow through, there will not be any inhibition on their part to isolate the Sandinistas and develop a policy that we can play a true role in shaping.

My head also tells me that we have far better ways to spend this money. It is interesting, I say to my colleagues, that today in the Armed Services Committee we received a reprogramming from the administration. In other words, in order to pay for this Contra aid, we are cutting certain military programs from missiles to ships. I find this rather incredible. After 7 years of telling us there was not one way we could save 1 dollar from the military, the Reagan administration had no trouble at all in finding $56 million worth of cuts to pay for the Contra aid package.

We may ask, why $56 million when the package is for $36 million?

Well, just as anything else in this area, this is not clear either. It turns out that we need an additional $20 million for insurance, for the planes that will be delivering the supplies.

□ 1215

So $56 million must be set aside for this program, not $36 million.

May I propose that we can do some other things with this $50 million. First, we could cut the deficit. Now, a lot of you out there who support these dollars today wish to do that. We could do that.

Then we could house a lot of homeless, if we did not want to cut the deficit, or maybe what we want to do is give 10,000 college scholarships to needy American students with the understanding that upon their graduation they would join a Latin American peace corps for a year and do what Americans do best, help out our fellow human beings on this planet with health care and literacy and economic development. That is the way to make America a leader and to have other nations throughout the world following our lead, rather than turning to other powers.

So my head tells me that contra aid has not worked, that the peace process does, that we should listen to the Latin American democracies, and there are better ways to spend these dollars here at home.

Now, my last argument has to do with issues of the heart. My heart tells me that this is an immoral request to continue the killing and the maiming and the bruising of innocent people.

My heart tells me that we have no right to sit in the comfort of our homes enjoying our children while other little children become orphans every hour on the hour and are deprived of their mothers and their fathers.

If it is true, as the President says, that the Sandinistas only have 15-percent support within the country, if that is true, why have they not embraced the Contras? Why have they not risen up the way they did in the Philippines? If it is true, my friends, that is what should have happened.

What we are doing is we are funding a war, make no mistake about it, at no sacrifice to our own children and our own people. I find that very immoral.

In my heart I say this insurance policy has too high a premium. The peace process is a far better insurance policy and those preeminent means are moral and they are ethical and they are correct.

Central America is our neighbor. To end aid to the Contras is not to end our involvement there. We must be involved. We must help our neighbors get to the roots of their problem, the poverty and the misery. We must expect that they will respect their own people. Vote no on this package and start a new policy.

Mr. CHANDLER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Let me make two short points in rebuttal to what the gentlewoman just said.

No. 1, her statement that we can rely on other nations to pressure the Sandinistas is not realistic. Mr. Duarte used some heavy rhetoric against the Sandinistas. His daughter was kidnaped.

Colombia just had their attorney general assassinated because——

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am not going to yield.

The CHAIRMAN. The gentleman from California has the floor. The gentleman may proceed.

Mr. HUNTER. The attorney general of Colombia was assassinated by the drug people. Colombia cannot even control the drug problem.

The Central American nations are scared of the Sandinistas and unable to control them.

The gentlewoman said that Contra aid is not working and cannot bring peace. Miguel D'Escoto, the Foreign Minister of Nicaragua, when asked, "Are you complying with the peace accords in order to cut off Contra aid?" He said very clearly, "Yes, that is why we are complying."

Mr. WOLF. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I have been in Nicaragua twice, and to those people who applauded in the gallery, I just want them to know that I have been in the Contra camps whereby we saw young Contras, freedom fighters, aged 14, 15, and 16, without arms, without legs, with burns on their bodies and things like that. I welcome anybody in the gallery or the gentleman from Ohio, who I consider a good friend to join me——

The CHAIRMAN. The Chair would ask Members not to address the gentlemen and the ladies in the gallery, but address the Chair only. That is the rule of the House.

Mr. WOLF. Mr. Chairman, I would welcome anyone to join me and go back down and go into a Contra camp or hospital ward and talk to some of those young people.

I did want to read the Washington Post today in its editorial entitled "Contra Aid."

It says:

> Much has changed since Central American diplomacy became a factor last summer. The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the president's request.

In the Miami Herald it went on to say:

> To cripple the Contras—or, worse, to disband them—would be to forfeit Nicaragua to Marxism.

And in the Baltimore Sun it says:

> The United States should not throw away its key bargaining chip—the Contras.

The last comment I wanted to make, I wanted to say something during this debate hopefully to change, to move one person. I think the real key is how will we feel, not tomorrow when this vote is over, but how will we feel 10 years from now or 20 years from now when most of us will no longer be in Congress and we will be sitting in a rocking chair somewhere listening to the world news; were we there when it really mattered?

I think a "no" vote, Mr. Chairman, is a vote that says we trust Daniel Ortega.

I think a "yes" vote, Mr. Chairman, is a vote that will do more to ensure and bring about peace and freedom, so I would urge those on both sides, because this is a bipartisan issue or a nonpartisan issue, to really think very, very carefully, and hopefully when the time comes will vote "yes," whereby we can support this package and bring about peace and freedom in Nicaragua.

Mr. Chairman, I include the full editorials in the Washington Post, Miami Herald, and Baltimore Sun as follows:

[From the Washington Post, Feb. 3, 1987]

CONTRA AID

The Contra aid votes today and tomorrow in Congress can help advance Nicaragua toward peace and democracy. The Sandinistas, their economy devastated and their people divided, have already offered to let the resistance stay constituted and armed in a cease-fire and to continue (direct) cease-fire talks even if aid is approved. The contras have stopped demanding that the Sandinistas pay in heavy political concessions just for a cease-fire. President Reagan has reduced his aid request to dimensions that make conservatives fear he is undercutting the great strategic stakes he insists are in the balance.

Sen. Chris Dodd makes the case against aid on the opposite page today. He does not make the claim some others do that the contras are CIA stooges, mercenaries, terrorists and Somocistas—labels that have become increasingly inapplicable as the contras have sought to clean up their act and earn support in the countryside. His main argument is the widely heard plea to "give peace a chance."

Some part of this plea arises from a legitimate concern that contra aid and the impetus it gives to continued battle could sink Central America's plan for peace and democracy. Another part appears to arise out of the current, furious debate over whether the Sandinistas' partial steps toward a political opening result exclusively from Central American diplomacy or from the peace plan and contra pressure. Mr. Dodd and like-minded Democrats say contra aid has not helped, it's hurt, and it will keep hurting. This is an arguable claim, but we think the evidence finally goes the other way. Much has changed since Central American diplomacy became a factor last summer. The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the president's request.

It remains a gamble whether a Marxist party can move back toward democracy—in a country and region with pitifully little democratic experience. But it is a gamble worth taking: the Sandinistas have yet to consolidate their power, and their neighbors have a paramount interest in urging democracy upon them.

The Arias plan has two inseparable and equally vital parts: democratization and the establishment of peace. In tandem with Nicaragua, but not on its own, this country should be moving to fulfill its part of the obligation.

[From the Miami Herald, Jan. 19, 1987]

SANDINISTAS' SHAM

Just whom do the Sandinistas think they're kidding? For five months now, they've hemmed and hawed and made a sham of complying with the Arias Peace Plan. Their purported moves toward compliance over the weekend were more of the same: stall, stall, stall.

Nicaraguan President Daniel Ortega promised the other four Central American presidents at their meeting in San Jose, Costa Rica, that his regime immediately would institute an amnesty and free its political prisoners. Catch: They'll be freed if President Reagan will give them asylum in the United States.

Mr. Ortega also promised to begin direct talks with the contra rebels. Catch: The Sandinista delegation will include one Nicaraguan official and two foreign advisers. They'll discuss only a cease-fire, not other substantive matters. This is calculated sham.

It becomes clearer by the day that the Sandinistas have no intention of complying with the Arias Plan. Rather, they hope merely to prevent a renewal of U.S. military aid to the contras and to wait out the final year of the Reagan Administration. If they succeed, they may achieve their ambition of using Soviet help to turn Nicaragua into a Marxist fortress with a 600,000-man army and the capacity to sow revolutionary chaos in Central America.

That must not be permitted to happen. The stakes are too great—for Central America, for the hemisphere, for the United States' vital interests. On the global stage, the United States should take this escalation of arms to the peace preacher in Moscow, from whose wells it springs. More immediately, the Administration and Congress, in a bipartisan rejection of Mr. Ortega's insult to President Arias's Nobel Prize-winning effort, should rebuff the latest stall from Managua. Washington should react instead to the reality that President Ortega has not matched Salvadoran President Duarte's courageous compliance with the peace-plan deadlines. If President Ortega is bluffing, his bluff should be called. And if he's not, then the peace plan's demise is on his hands.

Absent U.S. willingness to commit American forces to thwart the Sandinistas, only one force exists that can do so in the short term—and is, in fact, doing so right now. That force is the contras.

Until today, the Herald has opposed military aid to the contras for several reasons. Their past leadership's commitment to democracy was less than clear. The presence of former Somocistas in the contras' military high command was—and remains—of deep concern. The misappropriation of previous U.S. aid fostered concerns that future aid, in greater amounts, might be squandered too. And the illegal activities of Lt. Col. Oliver North and his cabal further beclouded the contras' legitimacy.

Granted, the contras are an imperfect instrument for achieving democracy in Nicaragua and preserving it elsewhere in Central America. Nevertheless, there is no other instrument at hand.

To cripple the contras—or, worse, to disband them—would be to forfeit Nicaragua to Marxism. In time it would imperil the region's democracies via Sandinista subversion. Continued U.S. military aid, in installments and tightly monitored by Washington, is essential to permit the contras to sever the Sandinistas' Marxist tentacles one by one.

[From the Baltimore Sun, Jan. 20, 1988]

ORTEGA'S CONCESSIONS

President Daniel Ortega has finally promised to make political concessions that could bring Nicaragua into compliance with the Central American plan for peace and democracy. His pledge to end the six-year-old state of emergency in his war-torn country and open direct talks with contra rebels has breathed new life into the plan, devised and pushed forward by Costa Rica President Oscar Arias. But Mr. Ortega's concessions were slow in coming, his motives are suspect in the current circumstances and there is reason to question his commitment to keeping his word.

The Arias plan was signed five months ago by Mr. Ortega and four other Central American leaders. Yet the Nicaraguan president waited until his back was against the wall last weekend to take action. His pledge to end the state of siege, release political prisoners and negotiate with the contras came on the final day of a tough session with the other Central American leaders, who had charged his Sandinista government with acting in bad faith. Mr. Ortega was facing hostility from his neighbors, rising discontent at home, economic ruin and a growing civil war.

He also was facing a vote in Congress in early February on millions of dollars in new military aid to the contras. His promise last weekend was surely made with the hope of influencing that vote. Indeed, the Nicaraguan leader has apparently been advised by sympathetic congressmen that concessions were necessary to defeat the Reagan administration's request for contra aid. After the concessions were announced, the official Sandinista newspaper said, "There is no longer any pretext for the approval of more funds."

There is reason enough to suspect Mr. Ortega's promise was a maneuver aimed at crippling the contras. There is also reason to wonder what the Sandinistas' next move would be if the contras were weakened to the point where they could no longer apply the kind of pressure that contributed to Mr. Ortega's decision to comply with the Arias plan. Repressive measures can be reinstated as quickly as they can be stopped in an atmosphere where the commitment to democracy is not genuine; the Sandinista commitment remains questionable at best.

The United States should not throw away its key bargaining chip—the contras—before it is clear whether Mr. Ortega is merely playing for votes on Capitol Hill. Congress should support continued contra aid as the best way to keep the heat on Mr. Ortega. At the same time, U.S. policymakers have an obligation to give the peace plan a chance. Since the Central American leaders have accomplished the unexpected feat of reviving the plan, President Reagan should encourage these leaders to try to make it work.

Mr. OBEY. Mr. Chairman, I am going to yield to the gentleman from Illinois, but before I do that, I would like to take one moment to make a comment on some of the last speeches before the House.

I have to say that I, too, am bothered, and I share some of the concerns of the gentleman from Virginia. I am bothered by the degree to which our strong feelings on this issue have on some occasions almost degenerated into hatred. I just have to say that it is difficult for me to hate either the Sandinistas or the Contras, because frankly, I know too many of them on both sides. I have met at one time or another almost all the people at the top levels in the Nicaraguan Government, and I have certainly met, at one time or another, almost all the Contra leaders.

I think we have to keep something in perspective. The Contras and the Sandinistas, I think, share one quality. You have all kinds of people in the Contra movement, just as you have all kinds of people in the Sandinista movement. Some of them are brutal, some of them are murderers, some of them are haters, and some of them are just regular people trying to do what they think is best for their country.

I have seen, as the gentleman from Virginia has seen, I have seen stories in the New York Times of 11- and 12-year-old kids in Nicaragua suffering through agonizing pain because they have no access to medicine, which is what this war is giving them, the wonderous gift of this war to the kids in the Nicaraguan hospitals, and I have seen 17- and 18-year-old young men in the Contra camps with their guts blown out and their faces blown away; so I would say there is plenty of misery on both sides.

I think that there are decent people on both sides, just as there are devils on both sides.

The question is not whether we like the Sandinistas or whether we like the Contras or whether we dislike the Sandinistas or dislike the Contras. What all of us ought to keep in mind during this debate is what is in the overall best interests of the region and what is in the overall best interests of the United States? I think if we keep that in mind as we go through this debate, we can get through this day without disliking each other, and also we can do a credit to the House by remembering that from time to time there is a little bit of truth on both sides of the issue.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in opposition to House Joint Resolution 444. Logic tells me that the thing to do would be to make a motion or a unanimous consent request to close debate and vote on this issue, but I know that cannot happen. We have to have some time to orchestrate our positions, particularly in light of the fact that we have television to play before.

The lines are already tightly drawn and the vote is close, there is no question about it.

We are talking about 3 million-plus people on an island in Central America. If we would have spent some of the bucks that we have been spending now for the past 6 years beforehand, we might not have been in the position we are in there now. Much of the money, and I would like to know in total bucks how much has been sent down to Nicaragua over the past 6 years under the guise of fighting against the current regime that is in power.

None of us are willing to get up here and say that the Somoza regime was a citadel of democracy, and Lord knows what those people need down there—and I do not consider myself to be an expert, either. I have been there once, spent 3 days. I did not stay in the town. I went out in the countryside where a lot of the poor people live. I saw a desire on the part of people to move up into the 20th century. I saw people washing clothes in a community wash basin where running water was available. I also had an opportunity to witness people trying to cook on a community basis on cement stoves that were made and donated by other countries. These people are desirous of a change in this way of living. If we really are going to spend our bucks, then we ought to think about it in that direction.

Reality tells me that some people in this country did not learn too much from the Poindexter-North deal, who make an awful lot of money off the sale of arms, and they do not really care who they sell them to.

We need to think about humanitarian aid to people here in America. We have got kids who are suffering from malnutrition here in this country. Our educational system needs reform. It needs revision and it needs help, but we do not have the money. We ofttimes pit this money against helping our own people.

When we talk about freedom fighters, we ought to stop kidding ourselves. The real freedom fighters in this world today are the black people in South Africa. We would not think, not in the least part, of sending them arms to overthrow the Botha regime. We would not do that, but this is what we need to think in the direction of.

I do not agree with the approach of sending arms anywhere in the world as a means of trying to achieve peace. If we use arms, use them as a matter of self-defense, not to destroy human beings, as is happening today in Israel and in South Africa. We do not seem to concern ourselves with it, but we need to. We cannot differentiate between terrorism sometimes and communism. If we really want to combat communism, we have to hit it at its source, and poverty is one of the main bastions that create a desire in people to change a system. This is what we need to do and we need to think in this direction.

□ 1230

Mr. DORNAN of California. Mr. Chairman, would the gentleman yield?

Mr. HAYES of Illinois. Mr. Chairman, I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman from Illinois for yielding, because his empassioned words describe accurately the horror in Latin America. But it is not just politicians' problems to do that. The ABC television network filmed the Miss Universe contest in the Sheraton Hotel in San Salvador in 1975 instead of going off into the barrios looking for poverty. The gentleman from Illinois [Mr. HAYES] was an eye witness to my 4-hour conversation with Daniel Ortega where he lied to us and said that he had 2,800 prisoners when in fact he had 10,000. How are we going to liberate those people suffering torture?

Mr. HAYES of Illinois. Mr. Chairman, I thank the gentleman from California for his remarks.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong support of the Contra aid package we are considering here today. Simply stated, without pressure from the Contras, Mr. Ortega and the Sandinistas will take no more steps to implement the Guatemala peace accord and will make no effort to democratize Nicaragua. I as my colleagues here today, without continued aid to the Contras, what assurances do we have that the Sandinistas will adhere to the peace plan? Are we to rely on the word of Mr. Ortega?

The plan President Reagan has proposed takes into account the concerns of the Congress. He has reduced his aid request to $36 million, just enough to keep the Contras alive into the summer. The $3.6 million in lethal aid will be held in escrow account, pending certification by the President that a negotiated cease-fire is not in place. In addition, the President has said he would abide by a sense-of-the-Congress resolution on whether this lethal aid should be released.

As many have mentioned today, the Miami Herald, the Washington Post, and the Baltimore Sun all support the package. These are publications which have opposed Contra aid in the past but who now realize that the most recent round of Sandinista promises, made in the face of the near collapse of the Central American peace plan last month, is no guarantee of freedom in Nicaragua or peace in the region. They realize that the Sandinistas hope to prevent a renewal of U.S. aid to the Contras and to wait out the final year of the Reagan administration. There is simply no reason to think that, absent pressure from the Contras, the Sandinistas will live up to these latest promises any better than the others they have made and violated.

Mr. Chairman, without some continued aid to the Contras, the negotiation process will come to a screeching halt and the Sandinistas will regroup with their Cuban and Soviet friends to continue the destabilization of the region. If the Sandinistas agree to reforms leading to real democracy and regional peace, then no further military aid will be necessary. Until we see proof of genuine movement in this area, we must keep up the pressure on Mr. Ortega and approve this package.

I urge my colleagues to vote in support of the Contra aid package.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, the administration's case for continuing to pay people to kill other people in Nicaragua has two aspects; One, the argument that we should be preventing armed interference by one country into the affairs of another, and that is fairly universally agreed to in this Congress. In the case of Afghanistan where we have aggression by the Soviet Union against that nation, a much larger amount of funds than has ever been contemplated for Nicaragua on a virtually unanimous basis has gone into effect year after year, and may be producing results. Where we have the clear-cut case of aggression there is no disagreement or partisanship here in the Congress.

In addition, in Central America there was a consensus at one point until the administration broke it. The first of the many Boland amendments offered by the gentleman from Massachusetts [Mr. BOLAND] was one which said that we may use American money to prevent Nicaragua from sending arms and men to cause revolution elsewhere, and a policy which says that the United States will cooperate in the region to prevent the armed attacks directly or indirectly by any one nation against another would continue to enjoy a broad consensus, but the administration chose to break that.

It chose instead, for ideological reasons, to go to a new goal, that of overthrowing the Nicaraguan regime. Their argument was that we have a right to do that not simply because of international aggression, and there would be, I want to repeat, as there is in the case of Afghanistan virtual unanimity in this Chamber, I think in the whole building, to prevent by armed support and other means aggression of that sort.

It is ironic that we make that point when we have helped turn Nicaragua's neighbors into bases for armed attack on them. We have invalidated our ability to make that argument.

I would like to get back to that.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FRANK. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would inquire, is the gentleman from Massachusetts [Mr. FRANK] aware that Major Miranda, after he defected, made it crystal clear that the Communist Sandinista government had been exporting revolution and revolutionary supplies into El Salvador and Honduras and Costa Rica?

Mr. FRANK. Mr. Chairman, I would take back my time, as I said, it was a policy which was aimed at preventing that that would have been a virtually unanimous one. We had that at one time.

The problem is that the administration compromises that and we have an administration that has pressured Nicaragua's neighbors into being bases for attacks on Nicaragua which is not the best possible situation to be in to object to reciprocal activity. We should be in a position of being opposed to that.

I want to address the other part of the argument, and the one that the President makes most often, that somehow he is the international 911 number for the Civil Liberties Union because Nicaragua does not conform to democratic principles, and it does not and I regret that and we should be critical of that, but that then he says we have the right to armed attack. Ronald Reagan is not in a position, nor this Congress, nor this Government, to claim that we are consistently going to be sending Armed Forces because of lack of internal democracy. A lack of internal democracy should be criticized, and ought to be the subject of international attention whether it is in South Africa, Chile, or elsewhere, but the fact is that this President claimed with great enthusiasm as one of his accomplishments legitimately so the closer ties with the People's Republic of China. Mr. Chairman, I would not want to run the opposition newspaper in Managua, but I would rather run it there than in Peking. This administration had to be dragged from the bedside of the regime of Ferdinand Marcos, and it is not remotely possible for them to argue that they are so appalled by the lack of democracy in Nicaragua that they are going to send people to shoot other people to enforce that doctrine.

Mr. Chairman, a policy of using American money to encourage resistance to armed aggression was the policy of this Congress without much disagreement. The administration broke it because with total inconsistency the administration that had been very reluctant to react in any way to the situation in Africa, but befriended dictatorships elsewhere becomes now in the case of Nicaragua a burning zealot for free speech. It will not wash.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am happy to yield to the gentleman from California if he promises not to talk about the beauty pageant in El Salvador because I did not understand that one.

Mr. DORNAN of California. Mr. Chairman, ABC did not point out the poverty in El Salvador.

Mr. FRANK. But that is off the subject here.

Mr. DORNAN of California. Mr. Chairman, the gentleman from Massachusetts [Mr. FRANK] is a scholar of the Brezhnev doctrine, which is what is Communist remains Communist forever, and the rest of the world is up for grabs.

I would ask the gentleman from Massachusetts, does he not feel that if there were a secret vote on giving this massive classified figure of money to the Mujahideen in Afghanistan, the seven different freedom fighter groups in Afghanistan, that there would be at least 100 Members on his side of the aisle, if we had a secret ballot, who would vote against it? One was just in the well.

Mr. FRANK. Mr. Chairman, I will take my time back, and I will say absolutely not. I reject the suggestion of the gentleman from California [Mr. DORNAN] that there are secret sympathizers here with the Russian aggression in Afghanistan.

As far as the Brezhnev doctrine is concerned, I am prepared to say to the extent it is still there, Brezhnev is dead. Ronald Reagan has met with Brezhnev's successor, and Ronald Reagan has told us he does not see any success or subscribe to that doctrine.

Mr. Chairman, a policy of America opposing aggression by Nicaragua or against it would get a lot of support. But pretending to be the force of democracy makes no sense.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, we all want peace in Nicaragua. But peace, to be enduring, must be based on liberty and democracy. Peace alone is not enough if there is no liberty. Even people in jail have peace.

When I first met President Oscar Arias last Febuary, he admitted that he was "not optimistic" that the Sandinistas would ever accept "free elections or democratization." And this was only 1 day after the four Central American democracies first accepted the Arias plan. At that meeting, President Arias also said that if the Sandinistas did sign the agreement but did not fulfill it:

> The whole world will know that they are not sincere. * * * If I can do that, fine, at least I shall have done something.

Should I now believe that the Sandinistas will be sincere about living up to the provisions of the Arias peace plan when the author himself had, at best, grave doubts that the Sandinistas would ever fulfill its provisions?

Since signing the peace plan on August 7 Daniel Ortega and his brother Humberto, the Minister of Defense, covertly approved a new military plan to expand and modernize their military to 600,000 men, and equip it with a squadron of Soviet Mig-21's, self-propelled artillery, 6 more tank battalions, 400-ton warships, and other offensive armaments.

This is the same Daniel Ortega who talks of peace while the Sandinistas continue to train Salvadoran and Honduran guerrillas, who have their headquarters in Managua.

This is the same Daniel Ortega who thinks "amnesty" is the equivalent of foreign exile for the thousands of political prisoners still languishing in the jails of Managua, prisoners whom not even the International Red Cross has been able to reach. The same Daniel Ortega who, until this vote in Congress drew near, defined freedom of the press to be the restricted right of one newspaper—La Prensa—to print and one radio station—Radio Catolica—to guardedly use the air waves.

He is the same Daniel Ortega who, along with other members of the Sandinista directorate, is stealing the meager resources of Nicaragua and sending them abroad to personal bank accounts.

These are the same Sandinistas who have failed to keep any of their promises to the Organization of American States for pluralism and democracy and nonalignment with either East or West. The same Sandinistas who have said that "what we gained through the force of arms we will never give up except through the force of arms."

Even their recent lifting of the state of emergency is, in the words of Maj. Roger Miranda, "a farce, because Nicaragua's political system is so repressive that when a person's human rights are violated there is no course of action. * * * The Sandinistas control the judiciary, the law apparatus, all * * * the organizations for controlling the mass population. * * * Citizens have no protection * * * although they say they have lifted the state of emergency, it still exists."

Mr. Chairman, there is a legitimate counterrevolution going on in Nicaragua. In the frantic search for peace in Nicaragua—at almost any price—we forget the lesson that history constantly teaches us—that liberty is the quid pro quo for enduring peace. Even our own revered Constitution's failure to grant liberty to blacks led eventually to a devastating Civil War. It is not only peace we seek in Central America so much as it is the foundations for peace—individual liberty and democracy—as rare as those commodities are in that land.

I am not saying that the Contras are necessarily a guarantee of ultimate democracy in Nicaragua. I am saying I do not trust the Sandinistas to unilaterally live up to their promises of democracy now any more than before.

If Congress cuts off aid to the armed resistance, we shall succeed in proving to the world what President Arias saw as a probable outcome of his peace plan 1 year ago—that "the Sandinistas are not sincere."

But, regrettably, we shall have done much more. We shall have eliminated the armed resistance as a viable force in Nicaragua. All this in return for modest and easily retrievable concessions from the Sandinistas. It is naive to place this peace plan in the hands of the Sandinistas. We shall prove that the Sandinistas are not sincere about democracy. But who will defend Central America from the Sandinistas?

Mr. McHUGH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, for 7 long years we have watched—sometimes in shock, sometimes in disbelief—as the Reagan administration waged cruel and incessant war on the people of Nicaragua. In pursuit of an ideological obsession, spurred on by radical right wing fanatics, the President, his top Cabinet-level officers and their underlings, have engaged in every immoral, unethical, and illegal activity imaginable. They lied to Congress, to the American people, and to the world. They created, trained, advised, funded, and directed an insurgent armed force which behaved as terrorists against the defenseless men, women, and children of Nicaragua.

In furtherance of its determined effort to militarily overthrow the Government of Nicaragua—a country with which to this very day we have full diplomatic relations—the Reagan administration bought or bullied other nations in the region to allow use of their territories from which the Contras could wage war and be resupplied. And whenever a proposal or possibility for peace emerged, the administration willfully and deliberately sabotaged its prospects.

All of this has been done in the name of the people of the United States, but in the face of their clearly stated opposition from the very outset.

The American people know that the United States does not have the right to overthrow other sovereign governments simply because we disagree with their form of government or with their ideology.

Now, finally, is the time to end it. Today we can stop funding the killing and the carnage. Today we can begin to repair the damage to America's honor.

The Reagan administration's new request for Contra aid will ensure only one thing—an end to a historic opportunity for peace in Central America.

Let us not be deceived by administration claims that the request has been "scaled down." The $32 million in nonlethal aid alone is three times the current monthly rate. If one adds in the $20 million to ensure helicopters and the $4 million for electronic equipment, the total is almost $60 million for just 4 months. At that rate, the request is as large as the $270 million for 18 months originally proposed by President Reagan.

The administration claims that the request is primarily for nonlethal aid. But the administration defines nonlethal aid as anything but "weapons, weapons systems and ammunition." This would include the leasing and operation of aircraft and helicopters, and the purchase of spare parts. Nonlethal aid simply means more money for more war.

Sending money for more war now would derail the Central American peace process at its most critical moment.

Since the signing of the Guatemala accord last August, the Sandinistas have taken encouraging steps toward compliance. La Prensa and Radio Catolica have been allowed to reopen. The state of emergency has been lifted. The Sandinistas are engaged in direct negotiations with the armed Contras. In a recent letter to President Reagan, Ortega offered to reduce the size of the Nicaraguan Army, prohibit the establishment of any foreign military bases, expel all Soviet and Cuban military advisors and relinquish power if the Sandinistas lose in an election.

There is no guarantee that the Sandinistas will not renege on their promises. But they have repeatedly insisted that they will no longer abide by the accord if Contra aid continues. It is only in the context of a regional peace agreement that the Sandinistas have ever agreed to make democratic reforms. Seven years of Contra war could not get them to make such commitments.

The five Central American leaders want Contra aid to end. They explicitly prohibited outside aid to insurgent groups in the Guatemala accord. On January 15, the International Verification and Followup Commission reaffirmed that desire. They declared:

> In spite of the exhortation of the Central American presidents, the Government of the United States of America maintains its policy and practice of providing assistance, military in particular, to the irregular forces operating against the Government of Nicaragua. The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this procedure as a whole.

Mr. Chairman, the Central American people want peace, not more war. And the American people want an end to United States support of the Contras. It is time for the Congress and the administration to listen to the people. No matter how temporary the achievements of the peace process, the United States cannot continue a policy which not only violates international law but runs counter to our most fundamental principles as a nation and as a people.

This may be the last opportunity to support peace in Central America. Let us break the cycle of violence in that troubled region. I urge my colleagues to vote for an end to the war in Nicaragua now, while there still is a chance for peace. Vote "no" on the President's request.

□ 1245

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I want to take time today to address my comments not only to those people on the Republican side who have consistently voted for Contra aid, and certainly not to those on the Democrat side who have on every occasion opposed Contra aid, but rather I would like to talk to those people who have been undecided, the people on both sides of the aisle who have been spending weeks agonizing over what to do on this vote. And I understand that. I think everybody in the Congress understands what it's like when you face an issue and just want to reach deep down inside and try to figure out what to do. There are a number on both sides of the aisle who are undecided, and believe me, Mr. Chairman, if just a few of these people vote for this package today it will pass. It is just that close.

For those who are undecided and for those who have been agonizing, you are all agonizing because you seek the facts the way most of us who support this package seek the facts. And what are those facts?

The Sandinistas came in in 1979. We gave them aid. Jimmy Carter cut it off. We have watched them since Ronald Reagan has been in the White House, and everybody, everybody on both sides are almost to the point of total disillusionment with these Sandinistas.

We heard about freedom of the press. Come on, everybody knows that is a joke. There are only two areas in Nicaragua where there is any freedom, and Mrs. Chamorro is scared all of the time about whether they are going to march in and shut her presses down. Radio Catolica is another, but nothing else has been sanctioned, nothing else has been sanctioned in Nicaragua. There is no free speech. We have divine mobs. If somebody wants to come in and protest against the government, we have divine mobs in there threatening these people, putting signs in their front yards, calling them enemies of the people.

I want to talk about the political prisoners in Nicaragua, I visited a camp in Honduras where Nicaraguans themselves had gone to escape from Nicaragua because, No. 1, they were either being tortured or their 13-, 14-year-old kids were being forced into the military.

It is a disaster as to what is going on in Nicaragua, and the Sandinistas are responsible for it. So many of my friends on the Democrat side sat in that bone-chilling testimony by Major Miranda who talked about the fact that the Sandinistas were not only threatening individual liberties and individual rights within Nicaragua, but they in fact posed a definite threat to their neighbors, including the Government of Costa Rica. It was bone-chilling testimony.

If you still sit on the fence and you are still nervous, what do you do? What have we been doing for the last couple of years? This Government, this President, this Congress has been providing aid in the most constructive way as possible.

The fact is that the President and JIM WRIGHT have sat down, they have tried to put some constructive things together. We have had a policy that has been constructive in nature.

The Central American Presidents met in January. What did they say? They said the Sandinistas are not complying, but let us give them a little bit more time. We cannot walk away from the process.

The one thing we have learned since 1981 is peace through strength works. This package is not controversial. This package stresses humanitarian aid, nonlethal aid, something even Arias said he favored. The military aid is released after we jump through 50 hoops.

For those who are undecided, please do not walk away from this. There will not be another package. In my opinion, we are not going to have a consensus of opinion, this is probably the last chance for those who are on the fence and undecided to pursue the reasonable United States policy in Central America. The reasonable policy in Central America is to support this package and to encourage the peace process at the same time.

Let us remember that Ronald Reagan's philosophy of peace through strength works, with the best intentions by this country to bring peace, a lasting peace, in Central America.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, many speakers on the other side of the aisle have focused on the failings of the Sandinista government, and I agree. The Sandinistas have failed in many ways. The freedoms that the gentlemen speak about are not there as they should be. Mr. Ortega has declared he is a Marxist-Leninist. That is abhorrent to me.

But I would say to you ladies and gentlemen of this House that is not the issue. The issue is: Are the Contras the preferable way to change Nicaragua from a land of dictatorship into a land of democracy, and I would argue no.

It is a tenet, a well known tenet, that this country has learned in bloody war after bloody war that we have either participated in or watched that guerrilla warfare cannot win unless it has the support of the people. And despite what we might want to call the Contras, most of the military wing of the Contras are holdovers from the old Somoza regime. They still are. And, that is the emblem that they are to the Nicaraguan people.

It is a hard fact to face, ladies and gentlemen, but my guess is that, if an election, a free and fair election, were held tomorrow and the Nicaraguan people were given a choice between the Sandinistas and the Contras, they would reluctantly choose the Sandinistas.

Mr. President, it is not that we like the Sandinistas any more than you do. It is that we like the Contras less than you do. In fact, Mr. President, I cringe, I literally cringe, when you call the Contras freedom fighters and compare them to the patriots of the American Revolution. Was George Washington accused of embezzling funds from the Revolutionary Army? Was John Adams an alleged drug dealer? The Contras are not some valiant force of freedom fighters. In fact, in the words of our own administration, the battlefield memos Rob Owen wrote to Ollie North, he said, "Calero is the strong man and the only one who counts in the FDN. He is the creation of the U.S. Government, and so he is the horse we choose to ride." Or how about this, again written by Mr. Owen to Ollie North on the Contras: "These are not first-rate people; in fact they are liars and greed and power motivated. They are not the people to rebuild a new Nicaragua."

We do not have many good choices in this area. The policies of the past, of previous Presidents who supported Somoza, has condemned us to series of choices that are not very good and are not very palatable. But I would argue to you, gentleman and ladies, on purely pragmatic terms because one person's morality may be another person's immorality, that if you want to change the Sandinista government, if you want to bring democracy to Nicaragua, that the Contras are the last way to do it, and the peace process is the greatest hope of doing it.

Contra aid is contra-diplomacy, contra-peace and contra-America.

Mr. Chairman, 30,000 people have died. A billion dollars has been spent, and as a result a nation lies in ruin, and we are no closer to our goal of achieving democracy today than we were 6 years ago.

Ronald Reagan wants to add $36 million and another generation of misery to the victims of this equation. I say no more.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, in response to the previous speaker I would just like to point out that in November 1987 half of the 147 senior staff and field commanders of the Nicaraguan resistance forces were civilian professionals or urban employees, farmers or peasants. One-third had served in the Sandinista army or militias before joining the resistance. Only 25 men had served previously as officers or soldiers in the national guard.

I have been there. I have seen them. This is a peasant army fighting for its freedom.

Mr. OBEY. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Chairman, I rise in opposition to this resolution providing additional aid to the Nicaraguan Contras and I urge its defeat.

There is no escaping the deep and fundamental differences that exist here and around the country over the utility of aid to the Contras. But they are differences of strategy, not of goals. On the question of American interests in Central America, I believe there is rather broad agreement.

We all agree that our goal in this region is peace and stability, and that the attainment of that goal requires reconciliation, economic development, and the growth of democracy for the people who live there. The legitimate aspirations of our Central American neighbors are no different than our own for the region. Our real disagreement is over the best means to advance those aspirations, and specifically whether further aid to the Contras will promote our common goals.

In debating this issue, we should begin by acknowledging the good intentions on both sides. That's not easy given what has gone before, but it's important that we try. Those of us who question the utility of Contra aid should accept the President's assertion that his purpose is to make the peace plan work, and not to impose a permanent state of war on the region. By the same token, the advocates of aid should accept the fact that those of us in opposition are not seeking to defend a Marxist regime or ignoring the potential threat to American interests in the region. Only by rejecting these red herrings can we make an objective assessment of what will truly serve our interests at this critical juncture.

I believe that an objective assessment must begin with the Central American peace agreement, an agreement we all claim to support. If fully implemented, that agreement will achieve our common goals: An end to the conflict in the region, amnesty for all combatants, and concrete steps to secure pluralism and democrary for the people of Central America. It is an agreement signed by all five Presidents, each of whom has publicly pledged to themselves, to their constituents, and to the world to fulfill its express terms. The agreement is still alive and still represents the best hope for peace and democracy in the region. If the leaders of Central America have confidence in that agreement, surely we should give it our support by our actions as well as our words.

The President has said he supports the agreement, but, given his profound distrust of Sandinista intentions, he argues that Contra aid is a necessary insurance policy, the only real pressure that will guarantee compliance by the Sandinistas with the peace agreement. This argument has a certain appeal, for there are times when military pressure is useful in advancing a peaceful settlement. But this is not one of those times. In these circumstances, it is much more likely that military pressure will prolong the conflict and torpedo the best chance for peace. Why is this so?

First, the peace agreement itself expressly calls for a termination of Contra aid. We cannot credibly say we support the agreement and then act in direct contradiction to its terms. How can we expect the Sandinistas to take the myriad steps required of them when we refuse to do the one thing asked of us? Rather than serve as an insurance policy for compliance, additional aid will almost certainly guarantee noncompliance.

The Sandinistas have made clear that they cannot proceed with internal reforms in the face of Contra attacks. Are they bluffing? One need only examine the record. The Contras have been engaged since 1981. Have the Sandinistas liberalized their rule in response to that pressure? To the contrary—they have tightened up, citing the escalating war as their justification. Only the collective political initiative of the Central American Presidents brought some concrete steps toward democratization, and only the moral and political pressure of that agreement has a chance of persuading the Sandinistas to complete the job.

Despite the President's best intentions, Contra aid will mean more war, not peace and democracy. And what are the implications of more war? Can the Contras overthrow the Sandinistas? Not according to our own military experts and our friends in the region. As President Arias has said, for every dollar the United States gives the Contras the Sandinistas will get five from the Soviets for their defense.

Even if the Contras succeed in overthrowing the Sandinistas, isn't it likely that the Sandinistas would then take to the hills and conduct their own guerrilla war? Is that what we want? How much longer do we think the American people will tolerate support for the Contras? A clear majority of our people have been opposed to this policy for some time. In a democracy like ours, government cannot long sustain a policy without public support.

And what about the suffering and death associated with this war? Forty thousand Nicaraguans have already died. It's relatively easy for us to fund a continuing conflict. Our wives and children aren't being maimed and killed. I don't question anyone's motives, but unfortunately the probable result of more Contra aid is more war, and the people of Central America are paying the price.

Finally, we have to consider the effect of an escalating war on the fragile democracies of the region. In El Salvador, Guatemala, and Honduras courageous leaders are struggling to enhance civilian control over the military. But we all know that the military establishments in those countries are still a dominant influence. War in the region will only enhance the power of the military to the detriment of civilian rule, a result none of us wants to see. Undoubtedly, this was one of the strongest motivations of the five Presidents in taking their political initiative and in signing the peace agreement.

I urge my colleagues to give that peace agreement a fighting chance. It's virtually certain that the peace initiative will fail if Contra aid is approved. It's true that the Sandinistas might renege on that agreement if aid is terminated, but it's far from certain. They would run some significant risks if they did so. Deprived of the Contras as an excuse for noncompliance, they would be faced with universal opposition in this country and abroad. Their isolation in the region would severely handicap any real chance for economic recovery and stability. To have any prospect for survival in the mid-to-long term, the Sandinistas must address the pressing needs of their people and for that they need the cooperation of their neighbors and the United States. Their economic salvation does not rest with the Soviet Union or Cuba, which have serious problems of their own. Therefore, while the Sandinistas might prefer to walk away from the peace agreement and go their own way, there would be substantial costs in their doing so. We should not assume that ending Contra aid will necessarily have that result.

For all of these reasons, I urge my colleagues to terminate Contra aid and give our wholehearted support to the Central American peace agreement.

□ 1300

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. I thank the gentleman for yielding.

Mr. Chairman, today we in this body are faced with what I think is a very fundamental decision and I think it is a sad commentary on this body that this issue has become highly emotional and politicized. Last night on "Nightline" it was reported that the Sandinistas felt that their future was in our hands, that their destiny would be affected by the vote that we are going to cast later tonight.

Well, I think we should remove politics and emotion and view the Contras' future and our ability to influence that future as contrasted with their past and their present.

So I think we have to look at some facts and I think we have to begin by just admitting that the Sandinistas are not Boy Scouts. They closed the radio station, they closed and later censored the newspaper, there have not been free elections. And if you go to the direct statement by Daniel Ortega, he publicly stated that in the event the Sandinistas lost the election, they would never concede power.

Sandinista Interior Minister Tomas Borge said, "We are not going to lose at the polls what we have won through arms."

So to me this indicates they will never relinquish power through any democratic means.

Commandante Ortega also indicated that the Sandinistas give weapons, ammunition and training to Communist guerrillas and terrorist organizations in El Salvador, Honduras, Guatemala, and Costa Rica. And the point that I am driving to, Mr. Chairman, is what Mr. Ortega has said, that theirs is a revolution without borders.

And for my constituents in Houston, TX, I think this whole debate should be framed and focused around the concept of refugees.

One hundred million people live in Central America and Mexico. History shows that when a Marxist-Leninist regime comes to power, 10 percent to 20 percent of that population will attempt to leave.

Thus if there are revolutionary regimes in that region, 10 million to 20 million people as refugees, as free people, will come to the United States.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I would be glad to yield to the gentleman from California, Mr. DORNAN.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, we are trying to stay factually accurate today. When misstatements are made, with all due respect to the other side, we are trying to correct them.

The preceding speaker, preceding the gentleman presently in the well, knows that I admire and consider him a friend; but he said was it not likely that the Sandinistas would take to the hills if their roles were reversed? He must study this conflict to realize that the Sandinistas are city boys. Those nine Communist commandantes are upper middle class. The hills are denied to them forever. That is where the campesinos are, who hate them.

Mr. OBEY. Mr. Chairman, this country boy yields 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to the resolution.

Last night, I heard this Contra aid package being called an insurance policy for Central America. Mr. Chairman, I was born and raised in Hartford, CT—the insurance capitol of the world. I know insurance when I see it. I must respectfully correct the President. This is not an insurance policy but an insurgence policy.

However, in all seriousness, we've debated this issue many times and yet the question never becomes less serious. And so I join today's debate, addressing the new caveat—the Arias peace plan.

While it's obvious that the ongoing debate on this question has polarized us, the outcome of this vote will prove neither side totally correct. If Contra aid is turned down and the war stops, Nicaragua will not become a benign Costa Rica in 6 months. In the same vein, if Contra aid is continued by this vote, the Sandinistas will not be overthrown with immediate democratization bursting forth in all its glory.

But we must look at the Arias peace plan; while progress on and adherence to the peace agreement has not been achieved as quickly as some had originally hoped, some progress is being made. To jeopardize the peace process by providing additional aid at this time would not only be foolhardy, it could be tragic. Passage of this request would undermine the peace process, contribute to the increasing militarization of the region, and further jeopardize our relations with the people and nations of Central America. Let's not even mention world opinion.

Progress on compliance with the peace agreement, however slow, is the most encouraging development in Central America in this decade. The legitimate long-term interests of the United States are best served by addressing the long-term social and economic needs of the region—problems which additional Contra aid does nothing to alleviate.

This is a difficult and complicated situation. Both sides have tarnished track records. But February 3 is a day marking the opportunity for the United States to step aside for a moment and let the Central American countries work together at giving peace a chance. We, as a nation, have a new opportunity to be a stabilizing force in Central America at this pivotal time. We should seize this opportunity and vote "no."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, when I first joined the committee charged with the duty of overseeing issues in Central America, the Western Hemisphere Subcommittee of the Committee on Foreign Affairs, in 1981 I made my first trip down there to five troubled countries. I was denied entrance into Nicaragua, at the airport, on Good Friday 1981, but I visited the other four countries and found them in chaos except for Costa Rica. They were all very nervous. For the first time in the history of this Nation, a direct attack with a bomb had been made on our U.S. Marine guards. A time bomb in Costa Rica blew nails into a Marine van as it was traveling from the Marine house to the Embassy. That was in San Jose, the capital of Costa Rica. In all these intervening years I have been down in Central America 15 times, more times than any other Member of either of these distinguished bodies.

When it comes down to just 2 minutes, after 7 years of effort and work, as hard work as I have put in on any district issue or any other foreign issue, as an arms control adviser, or an observer, anything, I have never worked as hard as I have on this issue of freedom in Central America.

□ 1315

What do you say in 2 minutes to turn the minds and the hearts of that small group of moderates who are still undecided? I guess I have to focus in on what one of the prior speakers said, the gentleman from New York [Mr. SCHUMER], that between these two choices, he finds the Contras worse.

I was in two small beat-up old farms in Honduras a couple of weeks ago looking at the young men and women who had lost arms and legs fighting with the democratic resistance, the so-called Contras. They were learning to read and write and type. They all said they would gladly give their limbs again to get rid of communism in Managua.

Now, the reason those of us on this side quote Roger Miranda, the field officer, the highest rallyer we have ever had from the other side—I hate to use the word, "defector," because you do not defect from alcoholism or adultery; you rally to freedom. Well, Major Miranda wants to know what is the Democrats' alternative in the event that the peace plan fails. Invasion, air strikes or a naval blockade? Opponents of Contra aid must be specific about what their alternate proposal entails. It appears that Democrats are the ones most likely to spill American blood in Nicaragua.

I urge a "yes" vote on this aid package to support the Contras and to support the peace plan.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN of California. Mr. Chairman, let me ask the gentleman if I may have an additional 30 seconds.

Mr. EDWARDS of Oklahoma. I am sorry, but I must say to the gentleman that I do not have the time.

Mr. DORNAN of California. Mr. Chairman, I will take a 1-hour special order tonight. A postmortem will be in order, win or lose, on this vote. Please listen to that 1-hour special order tonight. And I apologize to the staff in advance for keeping them an extra hour tonight.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I thank the gentleman for giving me the opportunity to speak on this matter.

Mr. Chairman, just this last weekend I was in Managua, Nicaragua, and met with a number of groups. The archbishop of the Catholic Church, the internal opposition, the labor unions, the human rights groups, and others. I have just been handed a paper here that says that one of the people I met with has been arrested because of being outspoken last weekend.

I cannot understand, Mr. Chairman, why the message of those people representing hundreds of thousands of people is not getting out to us, and it makes me believe that perhaps the article in the Wall Street Journal, which recently reported that the Sandinista government has employed the public relations firm in New York City of Rykler, Applebaum & Whitman at a cost of $1 billion cordobas a month ($20,000 in American money) is true. If so, perhaps this is the reason that the information that gets to some of our well-intentioned Members is rather slanted, from the reports given by the people last week to me.

Mr. Chairman, we are all after the peace process. We hope it will work. We want this vote to give us a 5-month window where the people of Nicaragua can stand up and be heard; perhaps they can have free elections which will come about as promised if the peace process is complied with. However, we do not have much confidence, Mr. Chairman, that the Sandinista government is doing to let this happen.

As we get into this debate today, I believe it might be helpful and in my opinion is necessary to remind our colleagues on both sides of this debate just who the Sandinista inner circle of government is. Therefore, I will insert into the RECORD today the biographical backgrounds of 60 of the members of the Sandinista government's inner circle for everyone to read. That will give everyone who takes the time to read these backgrounds clue as to the philosophies, beliefs, and intents of this inner circle.

Mr. Chairman, I want to read the Sandinista creed also imprinted in the information which they are all bound by is the oath they have to take before they can be a part of that government. It goes as follows:

> I believe in the doctrines and struggles of Marx, Engels, Lenin, and Che Guevera, the great teachers and guides of the working class, which is the protective force and driving force of the class struggle. I believe in the building of the Marxist-Leninist society.

Mr. Chairman, I want to help the Central American countries to make this peace process work. I believe the vote today will give them 5 months of additional leverage, which will encourage the Sandinista government to meet all of its promises which are in the agreement.

Mr. Chairman, I include the biographies to which I referred, as follows:

THE INNER CIRCLE

Arce Castano, Bayardo, FSLN National Directorate member. Vice Coordinator of the FSLN Executive Commission. Commander of the Revolution. Born in Managua in 1950. Joined the FSLN as a student and *La Prensa* reporter in 1969. Active in the FSLN's student front, the FER. Responsible for the rural logistical network in the northern highlands, 1974–76. Named in Havana to represent Borge's GPP faction on the unified FSLN National Directorate in March 1979. Key link between the FSLN and the Salvadoran FMLN guerrillas, for whom he coordinated negotiations for military training and arms deliveries in 1980. In May 1980, became president of the Council of State after the Sandinistas packed it with their supporters. In September 1980, became coordinator of the FSLN's Political Committee and its National Secretariat. Played a lead role in managing the November 1984 elections. A leading party theorist and an ideological hardliner. Arce is widely known for his then-secret May 1984 speech before the Moscow-line communist PSN in which he made clear the FSLN's goal of creating a one-party state. His brother, Gerardo Arce Castano, is a Sandinista Army captain against whom numerous human rights complaints have been documented. Directorate, the FSLN Executive Commission, and the FSLN Defense and Security Commission. Commander of the Revolution. Born in Managua on August 13, 1930. Enrolled in law school at the UNAN in Leon in 1954. Joined Moscow-line communist PSN with Fonseca and Silvio Mayorga in 1955. Jailed after the assassination of Somoza Garcia in September 1956. Escaped from house arrest in 1959 and traveled to Costa Rica for military training. Traveled to Cuba in 1960 to seek additional training and support from Fidel Castro. Founded the FSLN with Fonseca and Mayorga in Tegucigalpa, Honduras, in July 1961. Received extensive military training in Cuba with Fonseca and other early Sandinistas before returning as a leader of the Rio Coco guerrilla campaign of 1963. Director of the Republican Mobilization's newspaper in the joint PSN/FSLN 1965-66 attempt at above-ground organizing. Returned to armed tactics at Pancasan in 1967, fleeing subsequently to Costa Rica where he was arrested in January 1969. Lived in Cuba and Peru and may have visited the PLO in Lebanon. Accused of rape while in Cuba. Reentered Nicaragua from Mexico as a simple militant. Directed the training of FSLN recruits during the mid-1970s, but never again led forces in combat. Captured in Managua in February 1976 and severely tortured in prison. Freed by the Pastora-led National Palace takeover of August 1978, he flew to Panama and then Cuba. Leader and spokesman for the Prolonged Popular War faction. Named to the reunified National Directorate announced in March 1979 in Havana. His first wife Yelba was killed in June 1979 by the National Guard. In July 1979, became Minister of Interior. Succeeded Luis Carrion Cruz as the FSLN National Directorate member in charge of the Atlantic Coast. Has traveled to the Soviet Union, Bulgaria, and Libya as well as Cuba.

Cabezas Lacayo, Omar. MINT Brigade Commander. Vice Minister of Interior and Chief of its office responsible for political indoctrination and enforcement. Member of the FSLN Assembly and the FSLN Defense and Security Commission. Born in Leon in 1950. Joined the FSLN through the FER in 1968 while a student at UNAN in Leon with Bayardo Arce and Doris Tijerino. Never finished law school, becoming a combatant with Borge's GPP faction in 1974. On the general staff of the FSLN's Northern Front during the final offensive. An FSLN representative on the Council of State after Somoza's fall. Instrumental in establishing the new Sandinista education system and literacy campaigns along Marxist lines. Since coming to the Interior Ministry, has served as Chief of the Political Directorate and was involved in early Atlantic Coast autonomy talks. Author of successful book, *Fire from the Mountain*, portraying guerrilla activity in and around Leon.

Carrion Cruz, Luis F. Member of the FSLN National Directorate and of the FSLN Defense and Security Commission. First Vice Minister of Interior since April 1980. Commander of the Revolution. Born in 1952 in Managua into one of Nicaragua's wealthiest families. His father, Luis Carrion Montoya, a banker, was one of the largest stockholders and owners of BANIC, a financial group which dominated much of the Nicaraguan economy before 1979. Primary education at Catholic schools in Nicaragua. High school at the Jesuit-run Centro America in Granada, the most prestigious prep school in the nation. Transferred to the Phillips Exeter Academy in New Hampshire for his senior year, graduating in June 1970. Attended Rensselaer Polytechnic Institute for 1 year before dropping out. An early friend of Jaime Wheelock. One of the original members of Father Uriel Molina's MCR that worked to politically organize the Managua *barrios* in 1972. Formed the first FSLN Christian cell with Joaquin Cuadra and Alvaro Baltodano in 1974. Purged from the FSLN with Wheelock and the urban "Marxist-Leninist Proletariat Tendency" (faction) for "sectarianism and insubordination" in October 1975. (Wheelock and Carrion advocated a "traditional" Marxist approach to power through the urban proletariat, and had therefore come into conflict with the rural guerrilla warfare strategy influenced by the Chinese and Vietnamese then being pushed by the GPP.) Named to the reunified FSLN National Directorate announced in Havana in March 1979. Led the Carlos Roberto Huembes Eastern Front in Chontales during the final offensive. Vice Minister of Defense from December 1979 until April 1980. Attended the Sixth Congress of the Communist Party of Vietnam in Hanoi in December 1986 with Olga Aviles. Upon his return he noted, "the solidarity between our peoples [the Nicaraguan and the Vietnamese] fundamentally expresses itself on the political plane, in respect to the causes which we defend and in the interchange of the revolutionary experiences of our two countries." His brother Carlos is Political Secretary of the FSLN and headed the Sandinista Youth (JS-J19) from 1979 until 1985; his sister Gloria was General Secretary of AMNLAE, the Sandinista Women's Association. A nephew of Arturo Cruz, he is also a cousin of Javier Carrion McDonough.

Cerna Juarez, Lenin. MINT Brigade Commander. Director of State Security in the Interior Ministry. Member of the FSLN Defense and Security Commission and the FSLN Assembly. Born on September 29, 1946, in Leon. Son of a Moscow-line communist PSN activist. Joined an FSLN military squad in 1963 and brought his neighborhood friends, the Ortega brothers, into the FSLN. Participated in guerrilla training, sabotage, and bank robberies. Imprisoned from December 1968 until freed and flown to Cuba after the 1974 Christmas party hostage-taking. Received military training in Cuba. Briefly led the Rigoberto Lopez Perez Western Front inside Nicaragua but left the country again after being wounded. After the fall of Somoza, he was assigned to the Nicaraguan Embassy in Honduras, where he directed assassinations of regime opponents in exile, among them former National Guard Capt. Pablo Emilio Salazar ("Comandante Bravo," the effective and professional leader of the Guard's efforts against Eden Pastora's Southern Front), murdered in October 1979 in Tegucigalpa. As chief of the Secret Police, Cerna has been instrumental in the coordination of Cuban, East German, and Soviet training of members of the state security apparatus. Widely believed to have personally tortured civil opposition activists, including Sofonias Cisneros, President of the Union of Christian School Parents, in May 1985. Brother of Engels Cerna.

Cuadra Lacayo, Joaquin. Army Major General. Vice Minister of Defense and EPS Chief of Staff. Member of the FSLN Assembly and of the FSLN Defense and Security Commission. Guerrilla commander. Born about 1952. While studying law at UCA in the early 1970s, became involved in the FER's political prisoner protests and the MCR's *barrio* organizing. Received military training under Oscar Turcios on the Carrion family estate. Squad leader in the FSLN's December 1974 Christmas party hostage-taking. Returned from exile in Cuba and elsewhere to participate in the Tercerista's Northern Front campaign of October 1977. Served on the Internal Front Command with Carols Nunez and Moises Hassan during the June 1979 battle of Managua. With the Sandinistas' rise to power, became Army Chief of Staff and Commander of Operations in Managua. Appointed Vice Minister of Defense in 1980. Since 1979, has traveled to the United States as well as to the Soviet Union, Poland, and Bulgaria. With his long-time friend, Col. Alvaro Baltodano, he is said to have been involved in the 1980 assassination of Jorge Salazar. Also involved with directing the FSLN's assistance to the FMLN rebels in El Salvador and to other Marxist guerrilla groups in Latin America. Son of Joaquin Cuadra Chamorro. His cousin and brother-in-law, Oswaldo Lacayo, is his deputy. His two sisters are divorced from FSLN National Directorate member Carlos Nunez and Hugo Torres, Chief of the Political Section of the EPS General Staff.

Montero Corrales, Renan. Former Cuban intelligence case officer for the FSLN when he was with the Americas Department of the Central Committee of the Cuban Communist Party; now MINT Lt. Col. and member of the FSLN Defense and Security Commission. Chief of Directorate V (Foreign Intelligence and Clandestine Activities Abroad), Ministry of Interior since June 1983. Member of the FSLN Assembly. Born Andres Barahona Lopez in Cuba in the late 1930s, he reportedly fought with Che Guevara in Cuba and Bolivia, and may have been among the Cubans sent back to Cuba after El Chaparral in 1959. While a member of Cuban intelligence, he joined the FSLN in the 1960s, specializing in weapons smuggling; his job was to "keep the FSLN in line in the cities." After the FSLN came to power, he was given Nicaraguan citizenship at the request of Fidel Castro. Helped Borge set up the security services, serving as first chief of the DGSE in 1979. Today, Montero is reponsible for external intelligence, operations, propaganda, and support for other Latin American revolutionary groups. Travels regularly to Cuba, Panama, and Costa Rica.

Murillo Zambrana de Ortega, Rosario Maria. Wife of Daniel Ortega, President of Nicaragua. Member of the FSLN Assembly. Secretary General of the Sandinista Association of Cultural Workers, an FSLN mass organization. Born on June 22, 1951, in Managua. Educated in Switzerland. A secret member of the FSLN during her years as the personal secretary of Pedro Joaquin Chamorro at La Prensa from 1971 until his death in 1978. Murillo's first husband, also an FSLN militant, was killed in the war against Somoza.

Nunez Tellez, Carlos. FSLN National Directorate member. President of the National Assembly. Commander of the Revolution. Coordinator of the FSLN mass organizations. Born on July 26, 1951, in Leon. Son of a Leon artisan and a street vendor. Through the FER and Olga Aviles, he joined the FSLN in 1969 with his brother Rene. Involved in political organizing in Leon and in Managua after he moved there in 1974. Came under the direction of Eduardo Contreras in Managua. After Contreras led the December 1974 Christmas party hostage-taking, Nunez came under the direction of Carlos Roberto Huembes. Helped Huembes, Jaime Wheelock, and Luis Carrion secretly reenter Nicaragua. Became a member of the FSLN Political Commission after the death of Huembes in November 1976. Director of the FER and the Christian Revolutionary Movement (MCR) in 1977. Went abroad for foreign military and guerrilla training. Chief of Staff of Wheelock's Marxist-Leninist Proletarian Tendency. Joined the reunified FSLN National Directorate announced in Havana in March 1979. Coordinator of the Internal Front along with Joaquin Cuadra and William Ramirez. Led the Internal Front during the Battle of Managua and the retreat to Masaya in June 1979. Replaced Bayardo Arce as president of the Council of State until 1984, when it was replaced by the National Assembly, of which he became President. At one point National Directorate member responsible for the FSLN's Department of Propaganda and Political Education. Since the Sandinista rise to power, has traveled to the United States, Western Europe as well as numerous times to the Soviet Union, Cuba, and Eastern Europe. Divorced from Berta Cuadra, daughter of Joaquin Cuadra Chamorro and sister of Army Chief of Staff Joaquin Cuadra Lacayo. Brother of Rene Nunez Tellez.

Ortega Saavedra, Daniel Jose. FSLN National Directorate member. President of Nicaragua. Coordinator of the FSLN Executive Commission and Chairman of the FSLN National Planning Council. Commander of the Revolution. Born on November 11, 1945, in La Libertad, Chontales. His father was an accountant for a mining concern. Moved to Juigalpa and later to Managua where his father ran a small import-export business. Studied at private and church schools, including the Christian Brothers' Pedagogic Institute of Managua, where Jaime Wheelock Roman was also a student. Briefly studied for the priesthood in a Salesian seminary in El Salvador where one of his teachers was Miguel Obando y Bravo. Joined JPN in 1960. Arrested after JPN youths tried to seize a National Guard barracks. Under the direction of Adolfo Jose Evertsz Velez (then head of the communist PSN's paramilitary operations), entered his first terrorist cell in mid-1960, with Edmundo Avilez and Francisco Moreno, both of whom later followed Ortega into the FSLN and were killed at Pancasan in 1967. The cell placed small bombs at the *Cine Tropical* movie house and the homes of pro-Somoza politicans. Arrested in 1961 for fire-bombing vehicles at the U.S. Embassy. Recruited into the FSLN in 1963 by Lenin Cerna and became active in the student protest movement. Briefly attended law school at UCA before becoming a leader of the Managua undergound. Arrested in Guatemala in 1964, turned over to Nicaraguan authorities. His torture on that occasion is said to have led him to participate in a four-man FSLN squad that in October 1967 shot to death Sgt. Gonzalo Lacayo of the National Guard's Office of National Security (OSN), notorious for his ruthlessness against the Sandinistas and reputation as a torturer. Imprisoned a month later on bank robbery charges, convicted, and sentenced to 8 years in jail. Acted as an enforcer of ideological discipline in the Sandinista cell block in Carcel Modelo prison. Freed from prison after 7 years by the Christmas party hostage-taking in 1974 and flew to Cuba. Joined the FSLN National Directorate and collaborated with his brother Humberto in the formation of the Tercerista insurrectional strategy. Returned from Cuba in 1976. One of the leaders of the Northern Front during the October 1977 and February 1978 offensives. Served as liaison between the Southern Front and the FSLN National Directorate in 1978-79. Joined the reunified National Directorate in March 1979. After the war, emerged as a member of the governing Junta (and hence implicitly Borge's superior) and its chief international respresentative. Junta Coordinator, 1979-84. Traveled to Hanoi, Vietnam, where he was received by Premier Pham Van Dong on March 10, 1981. In Phnom Penh, Cambodia, on March 19, 1981, he declared, "If you permit us, we are ready to struggle by your side, with weapons in hands, against the Beijing expansionists. In the political and military fields the Nicaraguan revolution is always by the side of the Kampuchean [Cambodian] Revolution and wholeheartedly supports it." Between 1981 and 1986, Ortega made at least six public visits to the U.S.S.R.—including three for the funerals of Brezhnev, Andropov, and Chernenko. Elected president for a 6-year term in November 1984; took office January 10, 1985.

Ortego Saavedra, Humberto. FSLN National Directorate member. Member of the FSLN Executive Commission and FSLN Defense and Security Commission. Minister of Defense and EPS Commander in Chief. General of the Army (the only "four star" in the Army; Borge has three). Commander of the Revolution. Brother of President Daniel Ortega. Born circa 1947. Taught Catholic catechism classes in Managua as a youth before his repudiation of Christianity. After leading the Nicaraguan Patriotic Youth (JPN) in 1962 he founded the "Sandinista Brigades." Formally joined the FSLN in 1965. He and Brigade members were suspended from the FSLN for 8 months for "ultra-leftest tendencies," among them unauthorized military actions. During the government crackdown after Pancasan (1967), fled to Cuba, where he received military training. Lost the use of his right arm from wounds received in an unsuccessful attempt to free Carlos Fonseca from a Costa Rican jail in December 1969. Released from jail with Fonseca in October 1970 as a result of the hijacking of an airliner by an FSLN squad under the command of Carlos Aguero. Fonseca and Ortega flew to Havana for a hero's welcome. From Havana, Ortega went to the Soviet Union for a year, where he worked on rehabilitating his arm and developing his contacts with the Soviets. He then returned to Cuba. Received General Staff military training in North Korea in 1971 as a member of an FSLN delegation which also included Carlos Fonseca, Rufo Marin, and Carlos Aguero. Reportedly trained in PLO military camps in the mid-East in the mid-1970s. Returned and joined the FSLN National Directorate. In a major FSLN split over strategy, he was expelled from the FSLN along with his brother Daniel and Victor Tirado in 1977. Under the guiding hand of Fidel Castro, the three were named to the reorganized National Directorate as leaders of the Tercerista faction in March 1979. The major theorist behind the Tercerista's "insurrectional" strategy, which advocated immediate violence in the framework of a broad tactical alliance with all anti-Somoza sectors of Nicaraguan society. Directed the 1977-79 war from Costa Rica. Named Commander-in-Chief of the EPS in October 1979. Minister of Defense since January 1980. The EPS, the Sandinista Navy, the Sandinista Air Force and Air Defense, and the Sandinista Militia all fall under his command. Since the Sandinistas' rise to power, has traveled regularly to Cuba, the Soviet Union, East Germany, Bulgaria, Czechoslovakia, Algeria, Vietnam, Laos, North Korea, Cambodia, and Panama. Advocate of hard-line security policies, including closer ties to the Soviet Union. Married to Carlos Aguero's widow.

Ramirez Mercado, Sergio. Vice President of Nicaragua since November 1984. Member of the FSLN Assembly and of the FSLN National Planning Council. Novelist and author. Appointed in August 1987 to the Government's National Commission on Reconciliation. Born on August 5, 1942, in Masatepe, Masaya. His father was a small-scale coffee planter who belonged to Somoza's Liberal Party and was Mayor of Masaya; his mother was the director of the Escuela Normal, the "Instituto General Anastasio Somoza Garcia." In his youth, Sergio Ramirez directed the magazine *Poliedro*, a publication that fervently defended the Somoza regime. As a reward for his propaganda services to the dictatorship, Somoza financed his education, including studies in West Germany. Studied at the University of Kansas at Lawrence. Studied law at UNAN from 1959 to 1964. Participated in the July 1959 student protests. Helped found the FER with Carlos Fonseca in 1961. Became established as a major Nicaraguan literary figure and leftist intellectual as editor of *Ventana*. Raised a family in Costa Rica while serving as secretary-general of the Central American Superior Council of Universities. Lived in Berlin in 1973-75. Formally joined the FSLN in 1975. Helped recruit the Group of 12 in 1977 as part of the Tercerista broad front alliance strategy. Served as spokesman for the Group of 12 and negotiator in October 1978 mediation. Served on the Junta from June 1979 until 1984. Visited Iran, noting on August 26, 1987, that the Sandinistas' strategic ties with Iran were "very deep, sincere and brotherly." His brother, Rogelio, is an FSLN delegate to the National Assembly, director of its Foreign Relations Committee, and member of the FSLN Assembly. His sister, Marcia, is the Chief of Administration for the Social Security Institute (INSSBI).

Ramos Arguello, Julio Cesar, Army Colonel. Member of FSLN Defense and Security Commission. Commander, EPS Military Region III (Managua and environs) since 1985. Member of the FSLN Regional Directorate for Region III. Member of the FSLN Assembly. Born about 1951, he studied medicine at UNAN in Leon in the early 1970s. Joined the FSLN while in school in 1973, participating in a series of bank robberies. Joined Borge's GPP guerrilla faction in the northern mountains in 1977. Became Army Intelligence and Communications Chief in 1979. Replaced by Ricardo Wheelock Roman as head of the Military Intelligence Directorate, a central point of contact for foreign revolutionaries seeking military training (and sometimes action) in Nicaragua. Said to be heavily assisted in his duties by a large contingent of Cuban military advisers.

Ruiz Hernandez, Henry Il-defonso. Member of the FSLN National Directorate. Member of FSLN National Planning Council. Minister of Foreign Cooperation. Commander of the Revolution. Born in 1940. From a modest Jinotepe family. As a child, won the national elementary school award for best student, awarded by Luis Somoza Debayle. A Moscow-line communist PSN youth cadre, he attended Moscow's Patrice Lumumba University on a Cuban passport in 1966 but did not complete his studies (he opposed the official Soviet line against guerrilla warfare as the appropriate path to power in Latin America). Went to Cuba for guerrilla training, then joined the FSLN after the Pancasan disaster of 1967. Participated in the 1968 meetings in Costa Rica that laid the groundwork for the Prolonged Peoples' War doctrine adopted as official FSLN strategy after 1969. Deported from Nicaragua, he received military training with the PLO and traveled to North Vietnam. He returned to Nicaragua in 1971, devoting himself to organizaing guerrillas in rural areas. After the deaths of Fonseca and Carlos Aguero, he became the foremost guerrilla commander in the GPP, remaining in the mountains with the "Pablo Ubeda" Column until 1978. Named to the reunified

National Directorate announced in Havana in March 1979. Three weeks after the victory over Somoza, he went to Moscow, Bulgaria, Libya, and Algeria "to conclude technical agreements." Minister of Planning from 1979 until stepping down in 1985 to become Minister of Foreign Cooperation. In charge of the Miskito Indian resettlement program in the early 1980s. Half-brother of fellow Directorate member Jaime Wheelock. A leading advocate of Soviet positions on the FSLN National Directorate.

Tirado Lopez, Victor Manuel. FSLN National Directorate member. Commander of the Revolution. Born July 19, 1940, in El Rosario, Mexico. First came into contact with Sandinistas in Mexico in 1961, where he was a member of the Communist Party of Mexico during the early and mid-1960s. Joined the FSLN and fought on the Rio Coco in Nicaragua in 1963. Fled to Cuba in 1967 after the Sandinistas defeat at Pancasan. Returned to Nicaragua in 1971 to become a leader of the GPP mountain guerrillas. A leader of the Northern Front column in the October 1977 offensive. Joined the FSLN National Directorate in March 1979. Became a Nicaraguan citizen in September 1979. Served as a member of the FSLN National Directorate's Executive Commission and as chairman of the State Committee of the FSLN National Secretariat until 1980, when he took over labor activities within the FSLN's Department of Mass Organization. Has traveled extensively, visiting Algeria, Cuba, Czechoslovakia, Syria, Poland, East Germany, Vietnam, and the United States.

Torres Jimenez, Hugo. Army Colonel. Chief of the Political Directorate of the Sandinistas Army (EPS). Member of the FSLN Defense and Security Commission. Member of the FSLN Assembly. Guerrilla commander. Born on April 25, 1948. Son of a National Guard lieutenant from Leon. Joined the FSLN in 1971. Worked in barrio mobilization in the early 1970s. A squad leader under Eduardo Contreras in the 1974 Christman party hostage-taking. "Commandante Uno" (Pastora's second-in-command) during the August 1978 assault on the National Palace. Worked in logistics in Honduras for the FSLN's Northern Front. After 1979, he served as Vice Minister of Interior and Chief of State Security under Tomas Borge, before being moved to the Defense Ministry, where he was the EPS delegate to the Council of State. Has traveled to the Soviet Union to visit Nicaraguan students attending the Frunze Military Academy. Divorced from Cristina Cuadra (sister of Joaquin Cuadra Lacayo, Army Chief of Staff, who then married Oswaldo Lacayo, a longtime FSLN militant serving as Army Deputy Chief of Staff).

Vivas Lugo, Rene. Vice Minister of Ministry of the Interior since April 1981. Member of the FSLN Defense and Security Commission. Brigade Commander. Member of the FSLN Assembly. Born in 1949 into a wealthy family aligned with the Conservative Party. Joined the FSLN in Europe in 1970. Received military training in East Germany and guerrilla training with the PLO in Lebanon and Jordan. Acted as Henry Ruiz's second in command. Led the GPP's "Pablo Ubeda" Column after Ruiz left the mountains in 1978. Led the seizure of the mining areas (e.g., Siuna, Bonanza) of Zelaya Department in June 1979. Later served as National Director of the Sandinista Police. By the end of 1979, the training of police recruits by Panama (which had provided material, money, safehaven, and even a 300-man internationalist brigade to the struggle against Somoza) stopped, and the Panamanians were replaced with Cubans and East Europeans. Vivas also has served on the Sandinista government's official human rights commission.

Wheelock Roman, Jaime Stanley. FSLN National Directorate member. Minister of Agriculture, Livestock Development, and Land Reform. Member of both the FSLN Executive Commission and the FSLN National Planning Council. Commander of the Revolution. Born on May 30, 1947, in Managua. Son of wealthy landed family from Jinotepe, Carazo. Joined the FSLN in 1969 and briefly worked in the Leon organization. Accused of killing a National Guard officer in 1970, he fled to Chile, where he studied politics, sociology, and agricultural law. Studied in Germany from 1972 to 1973. Wrote several books of Marxist historical analysis. Returned to Nicaragua in 1975. Advanced a theoretical critique of the Maoist-oriented GPP strategy from an orthodox Marxist (i.e., urban proletariat-centered) perspective. Tomas Borge and the GPP-dominated FSLN National Directorate purged Wheelock and his "Marxist-Leninist Proletarian Tendency" (TP) for "sectarianism and insubordination" in October 1975. According to Shirley Christian, "The antagonism toward Wheelock was so great among some Sandinistas that they sent a squad to kill him, but a priest gave Wheelock a hiding place." Led the TP's labor organizing efforts until it reunited with the FSLN in March 1979. Best theoretically trained Marxist of the FSLN National Directorate. His wife, Vanessa Castro Cardenal, is now Chief of the FSLN's Political Education Department and a member of the FSLN Assembly.

SANDINISTA CADRE

Aguirre Solis, Danilo. FSLN militant who, as Deputy Director, enforces the Sandinista party line at the ostensibly independent newspaper *El Nuevo Diario.* FSLN Representative in the National Assembly; member of the Commission for Legal Parliamentary Affairs and Human Rights. Educated as a lawyer.

Astorga Gadea, Nora Josefina. Ambassador to the United Nations since March 1986. Member of the FSLN Assembly. Born in Managua in 1949. Daughter of a landowner. Went to Catholic schools and became involved in church-sponsored social work. Attended private schools in Washington, D.C., and Rome, then returned to Managua in 1969 to enter the UCA law school and become an FSLN collaborator. Visited Cuba in the early 1970s. Employed as a lawyer and head of personnel for the Somoza-controlled SOVIPE construction company. In March 1978, lured National Guard G-2 Gen. Reynaldo "Perro" Perez Vega to her apartment, where three FSLN militants assassinated him. Fled to Costa Rica where she announced her FSLN membership and was assigned to the Southern Front as a political officer. From October 1979 until February 1981, she was chief prosecutor in the special political tribunals which tried (often summarily) National Guardsmen and other political opponents. Subsequently became one of three Vice Ministers of Foreign Affairs.

Atha Rodriguez, Paul Stanley. MINT Captain. Assistant for "Special Projects" to Minister of Interior, Tomas Borge. Son of a Nicaraguan mother and a U.S. Marine who remained when the marines withdrew in 1932. Minister of Domestic Commerce from December 1979 until April 1980. Serving since 1980 as Borge's black-market business agent and confidant, Atha has set up a number of holding companies and front companies in Panama and elsewhere in the region. The largest of these is the "Holding Management and Investment Corporation" (or "H&M"), sometimes referred to as "Heroes and Martyrs of the Revolution, S.A." (or HYMSA). H&M was created as a Ministry of the Interior Department in 1984, replacing the Department of Business. Under Atha it has turned the management of confiscated properties into a series of trading companies and domestic businesses—including factories, restaurants, bakeries, laundries, motels, and hotels—providing money for the FSLN party leadership. H&M operating capital comes from outside the official budget; profits are not reported to tax authorities. Subsidiaries are provided hard currency at favorable exchange rates and can obtain scarce commodities abroad for use by high-ranking Sandinista officials.

Aviles Lopez, Olga. Ambassador to Vietnam, Laos, and Cambodia. Member of the FSLN Assembly. Born November 1, 1941, in Managua. Joined the FSLN in the 1960s. Underwent guerrilla warfare and special explosives training in Cuba. Participated in a number of FSLN armed actions. After the Sandinista rise to power, worked briefly in the International Relations Directorate of the FSLN before moving to the international relations division of the FSLN's trade union federation. In March of 1980, named "Guerrilla Commander," in Tomas Borge's Interior Ministry for her role as a member of the FSLN squad which conducted the December 1974 Christmas party hostage-taking. Traveled to Bulgaria in October 1980 as the head of an FSLN trade union delegation which met with the official communist-controlled unions. Traveled to Hungary in April 1981 as the head of a similar delegation. In February 1983 she replaced Doris Tijerino (now head of the Sandinista Police) as president of the FSLN's Nicaraguan Peace Commission (CONIPAZ). (CONIPAZ, a member organization of the Easter bloc's World Peace Council, is the Sandinista counterpart to the Communist Party of the Soviet Union's Society of Friendship With the Peoples). In October 1985, she attended the Fifth Congress of the Kampuchean [Cambodian] Peoples' Revolutionary Party (KPRP) in Phnom Penh at the invitation of Premier Heng Samrin. With FSLN Directorate member Luis Carrion, she attended the Sixth Congress of the Communist Party of Vietnam in Hanoi in December 1986. Has traveled numerous times to the Soviet Union, Cuba, and North Korea.

Baez, Gladys. Member, FSLN Assembly. Directorate Member, FSLN Region II. Born in 1941 in Juigalpa, Chontales. Left school after the third grade. Became a Moscow-line communist PSN militant in 1956. Represented the party at the 1960 Moscow Women's Congress and helped organize its women's organization. Left the PSN in the mid-1960s. Joined the FSLN. One of the few survivors of Silvio Mayorga's column at Pancasan in 1967. Said to be the first woman fighter to join the FSLN combatants in the mountains. Arrested in November 1967. After years of inactivity and illness, she joined the FSLN's Western Front in Leon and Chinandega. Later became manager of an agricultural cooperative in Leon.

Baldizon Aviles, Alvaro. Former FSLN militant and sublieutenant in the Interior Ministry who defected in June 1985. Born about 1959. Served as clandestine courier for the FSLN while working as a truck driver during the war against Somoza. Joined Sandinista police in April 1980.

Became Chief of Police at Station 15 in the Managua suburb of Ciudad Sandino. In September 1980, Baldizon was sent to the Soviet Union, where he attended a 10-month course in criminology in Volgograd. Upon his return to Nicaragua in July 1981, he joined the Ministry of Interior. In December 1982, Tomas Borge appointed him to the ministry's new Special Investigations Commission. His job was to investigate reports of Sandinista human rights abuses and develop plausible cover stories for international propaganda purposes. During his investigations, Baldizon learned about abuses and coverups involving such high-ranking government figures as Interior Minister Tomas Borge and Vice Minister Luis Carrion Cruz. He also discovered that murder and torture were regularly employed and approved methods to control the internal opposition. After 5 years as an official of the internal security apparatus, he fled to Honduras. His account of what the Sandinistas called "the standardization of the application of special measures against elements of the enemy potential and criminal potential throughout the national territory" was published in "Inside the Sandinista Regime: A Special Investigator's Perspective," Department of State, February 1986.

Baltodano Cantarero, Alvaro. Army Lieutenant Colonel. Combat Readiness Chief, Army General Staff. Member of the FSLN Assembly. Joined the FSLN in 1973 with Luis Carrion, Oswaldo Lacayo, and Joaquin Cuadra through the influence of Father Uriel Molina and the MCR. Military training under Oscar Turcios. Took part in the unsuccessful October 1977 FSLN Tercerista attack on Masaya. Fled to Mexico, but returned to fight in the final stages of the war. Since 1979, Baltodano has served as regional commander for several military regions and as chief of EPS Irregular Warfare and Training. Key figure (with EPS Captain Alejandro Guevara) in the entrapment and murder of charismatic COSEP leader Jorge Salazar in November 1980. In the court trial against eight Salazar associates who survived, Baltodano testified to being a DGSE plant who used past friendship to lure Salazar into the fatal plot. Baltodano was the one military officer to travel with Humberto Ortega to Cambodia in March 1981, where he praised "the heroic Kampuchean [Cambodian] Army." Traveled to East Germany in 1986 in pursuit of increased military scholarships and assistance. Brother of Emilio Baltodano Cantarero.

Baltodano Cantarero, Emilio, Member of the FSLN National Planning Council. Minister of Industry. Member of the FSLN Assembly. Born September 7, 1950, in Managua. Served as secretary to the Junta before assuming his present position. Son of wealthy businessman Emilio Baltodano Pallais, who serves as Comptroller General of the Republic. Brother of Alvaro Baltodano Cantarero.

Baltodano Marcenaro, Monica Salvadora. Vice Minister in the Ministry of the Presidency. Member of the FSLN Assembly. Holds the rank of Guerrilla Commander. Born August 14, 1954, in Leon. Went to Catholic schools where she became active in the campaign to free FSLN prisoners in 1970. Adopted Marxism at the University of Managua and joined the FSLN in 1973 via the MCR and FER. Captured and imprisoned from July 1977 to April 1978. One of the field commanders for the Managua Internal Front during the final offensive, she later served as a coordinator in the FSLN Secretariat of Mass Organizations. Married to Julio Lopez Campos, Director of the FSLN's International Relations Department. Her mother Zulema was appointed head of the Sandinista mass organization "Mothers of the Heroes and Martyrs" and to the Sandinista Human Rights Commission.

Bendana Rodriguez, Alejandro. Secretary General of Ministry of Foreign Affairs. Born August 22, 1950, in Managua. BA and MA in history from Louisiana State University. PhD in history from Harvard University. Deputy Chief of Nicaragua's UN Mission, 1979-82. Returned to Nicaragua in 1982. Controls the CNPPDH, ensuring that its reports on human rights follow the FSLN line. Often serves as the translator for Daniel Ortega or as a spokesman for the Sandinistas on American television.

Blandon, Nelba Cecilia. MINT Captain. Chief of the Censorship Department of the Ministry of Interior, as well as its Chief of Public and International Department. The principal implementor of censorship of media, political parties, religious organizations, and other civic groups. In 1984, Blandon attempted to justify censorship of the independent newspaper La Prensa, arguing that "They accused us of suppressing freedom of expression. This was a lie and we could not let them publish it."

Blandon, Ubeda, Jesus Miguel. Director of Radio Sandino, the official radio station of the FSLN. Director of Segovia, the official political-military magazine of the FSLN, published by the Sandinista Army's Political Directorate. Born December 13, 1940, in Matagalpa. Radio Sandino is one of the main news outlets in a society that relies heavily on radio for its news and information. "Chuno" Blandon is also a comedian and author of several books, including Entre Sandino y Fonesca Amador. Has traveled extensively to Cuba, Eastern Europe, and the Soviet Union.

Bolanos Hunter, Miguel. Former FSLN militant and urban guerilla commander. Member of the DSGE General Directorate who defected in May 1983. A Sandinista since 1978, Bolanos worked for 4 years in the F-7 (Mass Organizations) and F-2 (Foreign Diplomats) sections of the DGSE. Balanos described Sandinista logistics support for the Salvadoran FMLN guerrillas, who maintain their primary command and control headquarters in the Managua suburbs. According to Bolanos, members of the FSLN Directorate, the Directorate's Department of International Relations, the Fifth Directorate, the Ministry of the Interior, and the Sandinista armed forces all participate in channeling weapons and other Cuban and Soviet support to the Salvadoran guerrillas. Later convicted and jailed in the United States on drug-related charges.

Brenes Sanchez, Carlos. Army Lieutenant Colonel. Commander, EPS Military Region II. Member of the FSLN Assembly. Born in the Indian barrio of Monimbo, Masaya, in 1956. An FSLN supporter in Masaya from 1973, he received extensive military training in Cuba. Worked in the Southern Front smuggling arms and men from 1976-78. Participated in the September 13, 1978, Sandinista attack on Sapoa. In an attempt to exploit his Indian heritage, the Sandinistas assigned him as Military Chief of Military Region V (Northern Zelaya) after the fall of Samoza. However, in an early turning point that cemented Atlantic Coast communities' opposition to Sandinista policies, Brenes led the violent suppression of the February 1980 Puerto Cabezas protests and riots. Replaced in June 1980 by Manuel Calderon, he traveled abroad again for additional training. Traveled to North Korea in April 1984. Has also served as Chief of the Armored tank Brigade, and as second in command in Military Region III (Managua).

Calderon, Manuel. Guerrilla Commander. Chief of the Political Directorate of the Ministry of the Interior. Member of the FSLN Assembly. FLSN Commander in Puerto Cabezas immediately after the fall of Somoza. After 6 months of training in Cuba, Calderon replaced Carlos Brenes as EPS and Interior Ministry Security Chief of northern Zelaya in June 1980. In February 1981 Calderon was responsible for the arrest of Marcos Bello Misurasata labor leader at the La Rosita mines, on charges of "agitation." Responsible for directing many Sandinista military actions against the Indian populations in 1981 and 1982, Calderon was later replaced by William Ramirez and sent abroad for additional military training. He later returned to take over again from Ramirez, controlling the Indian populations with less brute force and more subtle means. A former Deputy Chief on the Political Directorate of the Interior Ministry, he replaced Omar Cabezas as Chief in October 1985.

Calderon Meza, Roberto. Army Lieutenant Colonel. Commander of EPS Military Region V (Chontales, Rio San Juan). Member of the FSLN Assembly and of the FSLN Regional Directorate for Region V. Born September 14, 1950, in Managua. Was imprisoned for his participation in FSLN actions under Somoza.

Campbell Hooker, Lumberto. Army Captain. Minister of the Atlantic Coast Institute. Minister-Delegate of the president and member of the FSLN Regional Directorate for Special Zone II (Bluefields and the Southern Atlantic Coast). Born February 3, 1949, in Bluefields. Known as "El Negro," he is the only Creole to hold the FSLN honorary title of "Guerrilla Commander." He was a military commander on the Atlantic Coast after the fall of Somoza, then Vice Minister of the Atlantic Coast Institute before becoming Minister.

Cardenal Martinez, Ernesto. Minister of Culture. Jesuit priest barred from performing sacraments for refusing to obey Roman Catholic canon law and leave his government post. Member of the FSLN Assembly. Born January 20, 1925, in Granada. Son of a wealthy Conservative family from Granada. Studied literature at Columbia University from 1947 to 1949. Participated in the abortive 1954 Conservative coup. Established his reputation as a poet with "*Hora Cero*" [Zero Hour], an epic poem about Sandino. Underwent a religious conversion in 1956. Entered Thomas Merton's Trappist monastery at Gethsemane, Kentucky, in 1957, but soon left for health reasons. Studied for the priesthood in Cernavaca, Mexico, under the liberation theologian Archbishop Sergio Mendez Arceo, and in Colombia. Ordained in Managua in 1965, and established a lay contemplative community on the Solentiname islands in Lake Nicaragua. Returned from a visit to Cuba in 1970 committed to revolutionary activism as a means of fulfilling the Gospel. Joined the FSLN in 1973, working first with Eduardo Contreras and later with Tomas Borge, Daniel Ortega, and Bayardo Arce. Solentiname became a clandestine training site for FSLN guerrillas, especially those of the Benjamin Zeledon Southern Front. After the October 1977 FSLN attack on San Carlos by combatants trained at Solentiname, Cardenal traveled to San Jose, Costa Rica, and proclaimed himself an FSLN militant. The National Guard destroyed Solentiname in retaliation, stripping its armaments supplies. Then served as a foreign representative for the FSLN until Somoza's fall. The most prestigious member of the Sandinista government, Cardenal is a key figure in the ideological convergence of Sandinismo and revolutionary Christianity. Cardenal has said that "in order to be authentically Christian, one must become a Marxist." Has gained an international reputation for his efforts to cause liberation theology to unify mystic Christianity and revolutionary Marxism. Brother of Fernando (next entry) and Rodrigo Cardenal, FSLN Ambassador to East Germany.

Cardenal Martinez, Fernando. Minister of Education. Member of the FSLN Assembly. Born January 26, 1934, in Granada. Ordained as a priest in the Jesuit order. Taught at the Colegio Centroamerica and the University of Central America in Managua. Took his first pastoral assignment in 1967 as spiritual director of church youth movements in Managua—Jornadas de Vida Cristiana and the *cursillos* movement. Participated in the student occupation of the National Cathedral on December 22, 1972, and other protests against the holding of political prisoners. Involved in the international publicity campaign against the Somoza regime in the mid-1970s. Member of the Group of 12. Vice Minister of Education and National Coordinator of the 1980 Literacy Crusade before becoming a leader of the Sandinista Youth (JS-19J). Sanctioned by the Vatican and removed from Jesuit order in 1985 for refusing to remove himself from political office. Brother of Ernesto and Rodrigo Cardenal.

Carrion McDonough, Javier Alfonso. Army Lieutenant Colonel. Army Deputy Chief of Staff since August 1985. Member of the FSLN Assembly. Guerrilla Commander. Born November 21, 1954, in Managua. Completed secondary school in 1972. Joined the FSLN through the Christian left in 1973 while a medical student at UNAN in Leon. He was a driver for Pedro Arauz Palacios and a member of an FSLN clandestine intelligence group in Leon. Went completely underground in September 1974, collecting weapons in Managua and Granada. Became a member of the "Juan Jose Quezada" Command which undertook the 1974 Christmas party hostage-taking. In 1975, received military and ideological training in Cuba. From there, Carrion went to Europe, Mexico, and Honduras, assisting in the establishment of solidarity committees and arms pipelines. Returned secretly to Leon where he recruited students through the FER and prepared combatants for the Pablo Ubeda Column. Captured by the National Guard on March 8, 1976. He spent 2½ years in prison, until freed by the August 1978 National Palace takeover operation led by Eden Pastora. In the final stages of the revolution, he served as second in command to German Pomares in the Oscar Turcios Column of the Northern Front, assuming command after Pomares died in May 1979. Led the column during the battles for Jinotega, Boaco, and Matagalpa, before leading the troops into Managua, June-July 1979. After the fall of Somoza, served the newly constituted EPS as a member of the General Staff and then as Commander of Military Region VI. He has also served as Chief of Military Region III and Chief of the Artillery. Was Commander of the Operations Group of the EPS General Staff (since dismantled as a failure) in charge of conducting all EPS operations against the Resistance. One of his trips to the Soviet Union was to the 27th Congress of the Communist Party of the Soviet Union in 1986. He also has traveled to Eastern Europe and North Korea. A member of the Sandinista military elite, he attended a special command and staff course taught by the Cubans in Managua. Awarded the Carlos Fonseca Order on November 11, 1986, for "distinguished militancy." Son of a U.S. citizen mother and a successful Nicaraguan lawyer, he is a cousin of the Carrion Cruz family.

Castillo Bellido, Marisol. Army Captain. Chief of Personnel for the EPS. Joined the FSLN after it killed her father, Jose Maria "Chema" Castillo Quant, the host of the December 1974 Christmas party raided by the FSLN. Married FSLN militant, Edgard Lang, brother of Emmett Lang. After 2 years as a GPP guerrilla, Edgard was arrested in November 1977, freed by the National Palace attack of August 1978, then killed in a National Guard attack on his Leon safehouse in April 1979. The rest of her family has fled into exile.

Castillo Martinez, Ernesto. Ambassador of Nicaragua to the Soviet Union and the Republic of Mongolia; former Minister of Justice. Member of the FSLN Assembly. Born June 12, 1939, in Granada. Former law professor at UNAN. Secret FSLN member while a member of the Group of 12. Intellectual leader of the radicalization of the Christian youth movement since 1967. Friend and protege of Felipe Mantica Abaunza, the wealthy businessman active in church and charitable causes who joined the Group of 12 but broke with the FSLN before the July 1979 victory over Somoza.

Castro Cardenal, Vanessa. Chief of the FSLN's Political Education Department. Member of the FSLN Assembly. Wife of FSLN National Directorate member (and Minister of Agrarian Reform and Agricultural and Cattle Development) Jaime Wheellock. Also related to Minister of Culture Ernesto Cardenal.

Chamorro Barrios, Carlos Fernando. Director of Barricada, the FSLN party newspaper which took over the physical plant of the Somoza's propaganda organ, Novedades. Member of the FSLN Assembly. Chief of the FSLN's Agitation and Propaganda Department, in charge of publicity and information for the FSLN. Handled publicity for Daniel Ortega's presidential campaign in 1984. Son of Violeta and Pedro Joaquin Chamorro, his sister Claudia is Nicaraguan Ambassador to Costa Rica, while his brother Pedro Joaquin is a director of the Resistance, and his sister Cristiana is Deputy Editor of La Prensa.

Chamorro Teffel, Adolfo. Army Major. Deputy Chief of the Political Directorate of the Ministry of Defense. An ex-National Guard captain, he attended Mexican military medical school on a National Guard scholarship. The many positions he has held since 1979 include Army Chief of Staff for Military Region III and Chief of Communications. Also served as Chief of Staff of the EPS Operations Group in Matagalpa (since disbanded), and EPS effort to deal more effectively with the growing insurgency.

Cranshaw, Guerra, Marta Isabel. Minister-Delegate of the president and member of FSLN Regional Directorate for Region II (Leon/Chinandega). Member of the FSLN Assembly. Came to the FSLN through Father Uriel Molina's Christian base community in Barrio Riguero. Traveled to Cambodia with Humberto Ortega in March 1981, where they were welcomed by Premier Heng Samrin.

D'Escoto Brockman, Miguel Jeronimo. Minister of Foreign Affairs. Catholic priest. Member of the FSLN Assembly. Born February 5, 1933, in Hollywood California. A godson of Somoza Garcia, who helped pay for his early education (his father was a Somoza diplomat and his mother a U.S. citizen). Joined the Maryknoll Order in 1956, and was ordained in 1961. Earned a BA and an MA under the auspices of the Maryknoll Seminary. He also received an MA in journalism from Columbia University. Missionary in Chile during part of the 1960s. Social communications director for the Maryknoll Order in the 1970s. Became and FSLN activist in 1975. Joined the Group of 12 in October 1977 and was a principal foreign representative for the FSLN during the war. Spoke at the Organization of American States (OAS) in June 1979 as a member of the Panamanian delegation. Forbidden by Vatican to exercise priestly duties because he refuses to obey canon law and rejects a papal directive for priests to leave political office.

Farach, Antonio. Former FSLN Militant who defected in 1984 after more than 10 years with the FSLN. After the revolution, worked for the Ministry of Foreign Affairs as a diplomat in both Honduras and Venezuela. Became totally disenchanted with Cuban domination of the Nicaraguan Government. Explained his decision to go into exile by saying: "I felt that we had sold our sovereignty to a foreign nation."

Ferreti Fonseca, Walter. Chief, Special Operations Directorate of the Ministry of Interior. Member of the FSLN Assembly. Guerrilla Commander. Born September 8, 1950, in Managua. A military leader of the FSLN's Managua Internal Front under Joaquin Caudra Lacayo in 1978-79. Now commands the 2,000-strong battalion of elite *Tropas Pablo Ubeda*, the Ministry of Interior's Special Forces Troops and the only military troops not under the direct control of Minister of Defense Humberto Ortega. Minister of Interior Tomas Borge has used these troops against his enemies in both cities and rural areas. Until April 1985, Ferreti was Chief of the Sandinista Police.

Garcia Cortes, Ivan. FSLN Militant and Director of Sandinista Television System (SSTV). SSTV, the only domestic television network (with two channels), is technically attached to the FSLN party, not to the Government of Nicaragua. Applications for independent TV channels have been regularly denied.

Guadamuz Portillo, Carlos Jose. Director of Voice of Nicaragua Radio since the Sandinistas' rise to power. Member of the FSLN Assembly. Joined the FSLN in the mid-1960s. Jailed in the late 1960s for hijacking a Lanica (national airlines) passsenger plane to Cuba. Captured when the plane landed in the Cayman Islands, where a large sign announcing (in Spanish) "Welcome to Cuba" had been hastily erected. Spent several years in prison, where he developed close ties to Daniel Ortega. Freed from jail by the 1974 Christmas party hostage-taking.

Guido Lopez, Lea. Founder in 1977 of AMPRONAC, the women's and human rights organization which survives today as AMNLAE (the Luisa Amanda Espinoza Association of Nicaraguan Women), the FSLN's women's mass organization. Member of the FSLN Assembly. Former Sandinista Minister of Health. Daughter of Armando Guido, Somocista party (PLN) deputy in the National Congress. As godfather at her lavish 1972 wedding to Julio Lopez Campos, Somoza gave the newlyweds a brand new four-door Daihatsu Ranchero automobile as a wedding present.

Guzman Cuadra, Alvaro, Senior MINT officer. Chief of the Penitentiary System in the Ministry of Interior; in charge of the public prison system only, not the detention centers and prisons of the DGSE, such as Managua's EL Chipote, that are closed to international human rights observers. Appointed Vice Minister of Foreign Commerce in 1979, then Vice Minister of the Institute of Mines and Hydro-Carbons in August 1981, then Chief of the Interior Ministry's General Staff. Has traveled extensively in the Soviet bloc: East Germany, North Korea, Bulgaria, Cuba, Hungary, Soviet Union, and Poland. The Guzman Cuadra family is from Granada's famous Atavezaba Street, home to many of the nation's wealthiest members of the aristocracy. Nephew of Central Bank president Joaquin Cuadra Chamorro. Brother Fernando is Ambassador to Argentina.

Hassan Morales, Moises. Mayor of Managua. Member of the FSLN Regional Directorate for Region III (Managua). Born on May 4, 1942, in Managua. Son of Palestinian immigrants from the Gaza Strip. Graduated in chemical engineering from UNAN and nuclear physics from the University of North Carolina at Chapel Hill. As a physics professor at UNAN he became associated with the GPP-aligned FER. Served as director of the United Peoples' Movement (composed of 20 pro-FSLN organizations plus the 2 other Moscow-line political parties, the PSN and the PCdeN) after July 1978. Headed the leftwing National Patriotic Front formed in January 1979 to support the FSLN against the FAO. As president of the Association of Professors at UNAN in 1979, he headed the political commission of the Internal Front during the June 1979 battle of Managua. Member of the first five-person post-Somoza junta from June 1979 until March 1981. With FSLN comandantes Tomas Borge, Henry Ruiz, and Humberto Ortega, Hassan attended the March 1980 signing of the party-to-party agreement between the FSLN and the Communist Party of the Soviet Union in Moscow. Signed less than 3 months after the Soviet invasion of Afghanistan, the joint public statement read in part: "The Soviet Union and Nicaragua resolutely condemn the campaign that the imperialist and reactionary forces have launched of building up international tension in connection with the events of Afghanistan, a campaign aimed at subverting the inalienable right of the people of the Democratic Republic of Afghanistan and other peoples of the world to follow the path of progressive transformation." Minister of Construction until becoming a Vice Minister of Interior in May 1983. Brother of Rosario Murillo's first husband.

Herrera Sanchez, Leticia. Army Lieutenant Colonel. Guerrilla Commander. First Vice President of the National Assembly. National Director of the Sandinista Defense Committees since late 1980. Member of the FSLN Assembly. One of the leaders of the *turbas divinas* [divine mobs]. Born in 1950. Daughter of an exiled anti-Somoza activist with ties to the FSLN and a Costa Rican mother. Joined the FER through the student protest movement in high school. Bore a child by Daniel Ortega. Went to Moscow on a scholarship in 1968 where she met members of the FSLN and received training. Returned to Nicaragua in 1970 to join the FSLN military underground. Participated in the 1974 Christmas party hostage-taking. A field commander for the Rigorberto Lopez Perez Western Front in Leon during the 1979 final offensive. Replaced Doris Tellez as Council of State First Vice President in May 1983.

Hurtado Vega, Pedro. General Coordinator, Sandinista Youth-July 19 Movement (JS-19J), the teenage-youth recruiting arm of the FSLN. Born December 26, 1957, in Granada. Among his trips to the Eastern bloc, he headed the FSLN youth delegation to Czechoslovakia in July 1986. (JS-19J is not to be confused with the Sandinista Children's Association, which is responsible for political education and indoctrination beginning at the age of 6.)

Jimenez Guzman, Lucio. Secretary General of the Sandinista Worker's Union, Jose Benito Escobar since 1981. Member of the FSLN Assembly. Addressed the 18th Congress of Soviet Trade Unions in February 1987.

Lacayo Gabuardi, Oswaldo. Army Lieutenant Colonel. Army Deputy Chief of Staff since May 1980. Member of the FSLN Assembly. A leading architect of the government's counterinsurgency policy. Educated as a civil engineer, he joined Father Molina's Christian Revolutionary Movement in 1971-72 along with several other current leaders of the EPS (such as Joaquin Cuadra Lacayo, Javier Carrion McDonough, and Alvaro Baltodano). Joined the FSLN in 1973. Married the sister of his boss, Army Chief of Staff Joaquin Cuadra Lacayo, after she divorced long-time FSLN leader Hugo Torres. His sister is married to FLSN National Directorate member Luis Carrion. His brother Roberto is Vice Minister of Housing and Human Services.

Lang Salmeron, Emmett. FSLN militant. Army Lieutenant Colonel. Chief of EPS High Command Reserve Units since March 1987. Member of the FSLN Assembly. Born about 1948. Son of Federico Lang, owner of the largest hardware store chain in Nicaragua. Joined the FSLN in 1969. Jailed for his role as a member of Leonel Rugama's urban commando and bank robbery squad (his brother-in-law, EPS Col. Leopoldo Rivas Alfaro, was also a member of Rugama's bank robbery team). A leader in May 1979 of the failed "Jacinto Hernandez Column" in Nueva Segovia, Zelaya. Became an EPS subcommander and militia organizer after Somoza's ouster. Served from 1985 until February 1987 as Chief of the Sandinista Air Force and Air Defense. His brother, Edgard, also an FSLN militant, was killed in a National Guard attack on a Leon safehouse in April 1979.

Lopez Arguello, Federico. Minister-Delegate of the president and member of the FSLN Regional Directorate for Region IV. Member of the FLSN Assembly. Former head of FSLN Agitation and Propaganda Department and Chief of Prisons, where he was involved in the executions of a number of prisoners.

Lopez Campos, Julio. Chief of the FSLN's Department of International Relations since September 1980. As such he is responsible for FSLN external relations and propaganda, affiliations with foreign solidarity groups and Communist parties. Member of the FSLN Assembly. Born about 1946. Joined the FSLN in 1967, when he was known as a bit of a hoodlum, along with Lenin Cerna. Studied political science in Lausanne, Switzerland, where he became the head of the Latin American Division of the (Trotskyite) Fourth International, a position he held form 1968-73. Former chief of FSLN propaganda and political education and UNAN professor. Member of Borge and Arce's hardline GPP faction. His family (evangelical Christians) has fled Nicaragua since the revolution. He is divorced from Lea Guido, former Minister of Health.

Loza, Oscar, MINT Captain. DGSE Chief of Operations since August 1983. Trained as a lawyer. Directed the October 15, 1985, raid closing the Office of Pastoral Social Services of the Archdiocese of Managua. Said to have personally murdered regime opponents and to have participated in the 1980 plot against Jorge Salazar.

Marenco Gutierrez, Dionisio. Head of the Planning Secretariat (within the Ministry of the Presidency) since July 1985. Member of the FSLN Assembly. One of the few senior Sandinista leaders with any technical training or background. President of the UCA student body, 1966-67, he was also an FER supporter and active in a number of student strikes and protests. Received MBA from Harvard-affiliated INCAE. Contacted Tomas Borge in 1974 and started an FSLN cell among business professionals at the Chinandega sugar mill where he worked as an engineer. Moved to just outside Managua during 1975. Became a member of Leonel Poveda's military cell of professionals. Pastora used his isolated home as the launching point for the August 1978 takeover of the National Palace. Marenco and his wife Daisy Zamora (who later became a Vice Minister of Culture) fought with a Tercerista FSLN faction squadron during the September 1978 insurrection in Managua. Escaping via the Honduran Embassy, he later worked with the Benjamin Zeledon Southern Front operating out of Costa Rica. After the Sandinistas came to power, he headed the Ministries of Domestic Commerce and Transportation.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, in 1941, Winston Churchill's message to the United States was "give us the tools, and we will finish the job."

In the 1980's, the Nicaraguan democratic resistance is sending the same message: "Give us the tools, and we will apply the pressure necessary to force the Sandinistas to accept the fundamental changes required for a truly free and democratic Nicaraguan society."

We know the Resistance has succeeded in pressuring the Sandinistas to make some movement toward fulfilling their commitment to democratize. But continued pressure is necessary.

The Communist Sandinistas are trying to do just enough to make it appear that they are participating in the peace process. They say they will grant amnesty to political prisoners. But their so-called amnesty applies to only 3,300 of the estimated 9,000 political prisoners, and they will be released only if another country will take them. That's deportation, not amnesty.

The state of emergency has been lifted, but officially legal peaceful demonstrations have been broken up by Sandinista mobs. The Sandinistas' police just stand by and watch.

Despite the lifting of the state of emergency, prominent opposition members have been arrested, held in 3- by 3-foot cells, and interrogated. All during the peace process.

After signing the Arias peace plan and during the peace process, the Sandinistas signed two military accords with the Soviets and Cubans. They provide for a continued military buildup into the 1990's that includes a 600,000-man military force and a squadron of MIG's. This is in addition to the $2.6 billion in military equipment that the Soviet bloc has already poured into Nicaragua.

The Sandinistas have said that they would relinquish the government if Nicaraguans were crazy enough to vote them out, but they would never relinquish the power. That is directly contradictory to any concept of a democratic process.

It's incredible that this Congress has approved over $650 million for the Afghan freedom fighters who don't even advocate democracy and who are half way around the world, with little or no opposition. Yet efforts to provide $36.2 million to freedom fighters on our own continent causes a great outcry. It just doesn't make sense.

Some of our colleagues suggest that aid should be denied to the Nicaraguan Resistance because of human rights abuses. There have been abuses by some individuals, but the Resistance has organized efforts to educate its fighters and punish offenders. The Sandinistas, on the other hand, have shown a systemized pattern of abuse and torture. Lino Hernandez, executive director of the Nicaraguan Permanent Commission on Human Rights, personally told me that the Commission received 18 complaints against the Contras in 1986, and 1,400 against the Sandinistas.

The Sandinistas have made limited reforms that can be easily reversed if they succeed in influencing this Congress to vote against helping the democratic resistance. These reforms have only been made in the face of increased effectiveness of the resistance and with the aim of defeating continued U.S. aid.

Without the continued pressure of the Resistance, the Sandinistas will be free to continue its military buildup and pursue subversive, destabilizing activities in neighboring democracies. This is a serious threat to our national security and the security of the Panama Canal. Only last week, a Colombian stressed to me his conviction that what is at stake in Nicaragua is the future peace and security of Central America and of his own country.

Many of us in this chamber have been to Nicaragua. We have our stories to tell. I don't believe there's one person in Congress who has been to the hospital tent in the major Contra camp who will vote against this modest aid package.

In that tent, there were about 40 hospital beds surrounding the operating table. I talked to the young freedom warriors in their own tongue and heard their stories.

One was a 19-year-old girl who was there for the third time. She has been fighting for freedom since she was 13 years old. I asked her why she kept going back. Now keep in mind that this young girl has no preconceived prejudices. She probably doesn't know what the word "Communist" means. She has no affiliation with any foreign influence. Just a 19-year-old campesino who has lost her freedom. She looked up from her hospital bed and answered my question:

> We fight because the Sandinistas have taken our homes, our human rights and our country. They have taken everything we have.

This young girl will not be returning to the battlefield again. They had to ampute her leg this time.

The next day, I talked to a young Tulsan whom I met in Honduras, Capt. Ted Westhausen. Ted asked me to take a message back to Congress and to his hometown. He said, tell them if it's not the Nicaraguan Resistance fighting now, it'll be me fighting later. His hometown agrees. A majority want the United States to support the Nicaraguan Resistance now rather than have to send troops in later.

And this is not the exclusive belief of Capt. Ted Westhausen. The leaders of the other Central American countries believe it, too. In El Salvador, President Napoleon Duarte told me that if the democratic resistance fails, "los Estados Unidos mandará los Marinos." The United States will have to send in the marines.

The vote today is not just to stop the spread of communism on our continent. It is a message to free people around the world. We cannot abandon them now.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, during my last trip to Nicaragua I met with mothers and wives of political prisoners, and one of the wives of the 8,000-plus political prisoners came up to me and said she had been promised that her husband was going to be released. Instead, he had been tortured and punished in the prisons beyond anything imaginable.

She told me she demonstrated along with other wives and mothers of political prisoners, and the "divine mobs" beat up on them, and they tore her top off her and left her exposed from the waist up before all the people who were watching. They beat her and tore her clothes off of her.

Mr. Chairman, I met with President Azcona of Honduras who said if not full compliance by Nicaragua of the peace plan or if the Contras are destroyed or not fully funded, 50,000 American troops and $250 million in U.S. military aid will be needed to support fledging democracies in Central America.

Sandinista Interior Minister Tomas Borge was asked the following question, "Will you respond to the remark that Nicaragua is the first domino in Latin America, that since the revolution triumphed in Nicaragua, it will be exported to El Salvador, then Guatemala, then Honduras, then Mexico? Borge responded, "that is one historical prophecy of Ronald Reagan's that is absolutely true!"

Daniel Ortega was quoted this past November as saying "What I would really like to be doing is what Che [Guevara] did—going onto other lands to struggle."

We in Congress must be honest with ourselves—would the Soviets be discussing the terms of their withdrawal from Afghanistan without pressure from the Afghan freedom fighters? Would Communist Angola be talking about the removal of 40,000 Cuban troops without the pressure from the UNITA freedom fighters?

If we do not aid the freedom fighters in Nicaragua, yes, there will be peace. But not a peace as the American people know it, but rather a peace that the people of Poland know, the people of Czechoslovakia, East Germany, Romania, Bulgaria, Ethiopia, Vietnam, North Korea, Cuba, and others know as well.

There are those who say give peace a chance. Well Communist style peace was given a chance in the countries I just mentioned. Ask the people who live there how they like the peace they have in their countries. Soviet style peace means a loss of freedom and complete government control. Give peace a chance? How about giving freedom a chance?

I would like to close with a quote from a freedom fighter broadcasting from a radio station in Budapest, Hungary, on November 4, 1956, when he cried out to the conscience of the world:

> Their tanks and guns are roaring over Hungarian soil * * * people of the world, listen to our call. Help us—not with advice, not with words, but with action. * * * Please do not forget this wild attack of Bolshevism will not stop. You may be the next victim. Save us—S.O.S.—civilized people of the world, in the name of liberty and solidarity, we are asking you to help. The shadows grow darker from hour to hour. Listen to our cry. Start moving. Extend to us brotherly hands * * * people of the world save us—S.O.S. Help, help, help * * * God be with you and with us * * *.

After that there was only silence. Is this what we want for Central America?

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield briefly to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

This vote is for humanitarian aid. If we must insure that the negotiating process continues. If we are to achieve a peaceful solution to the problem, a solution that benefits "the people" of Nicaragua, then the peace process must continue.

The Sandinistas must have an incentive to continue in the peace process. Without that incentive the process will break down.

There is another issue that we in the House must consider. It's the issue of immigration. Without freedom, without opposition parties, without amnesty, the United States will relocate the freedom fighters and their families. Translated that means that additional thousands will end up in Florida, Texas, California, and all the other States.

We are told that the next vote will be a vote for refugee assistance.

This House cannot advocate thousands upon thousands more into the United States and the situation will become more severe. Why? No one ever flees to communism, they all flee from it.

Do we have the will to do the job as it must be done? Our vote today will tell.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, how many times are we going to debate whether it is truly in the best interest of the United States to stand up for democracy and freedom?

The answer, of course, is: As many times as it takes to prevail. Some Members in this Chamber might wish otherwise, but this issue is not going to go away, no matter what the outcome of this debate is.

Many of you can turn your backs, you can close your eyes, and you can close your minds and your hearts to the pleas of decent, valiant, Nicaraguan citizens for freedom and democracy, just as a few short years ago many of you, many of the same people here today, fought to withhold aid from El Salvador as it struggled to emerge as a fledgling democracy after hundreds of years of military rule. But just as you would have consigned the people of El Salvador to the tyranny and oppression of the Communist fascists seeking to take over that country by force, so do you now try to pull the wool over the eyes of the American people and prevent our Nation from helping those few valiant people who are fighting for freedom in Nicaragua.

I hope you are not successful. I hope that enough of our Members will realize the importance of what we do here today. I hope that a majority of the House today and of the Senate tomorrow will express their anger and frustration at the broken promises of freedom, the repression of speech, of assembly, of trade unionism, and of religion worship, and the lack of respect for human dignity that so callously and blatantly is demonstrated on a daily basis by the Sandinista government in Nicaragua.

I hope that you will realize that this paltry $35 million is only a small step toward containing the $450 million annual inflow of Soviet arms and the $350 million in Soviet economic aid, as well as the technical assistance from Russians, Cubans, North Vietnamese, Iranians, Bulgarians, East Germans, the PLO, and other sources from the Iron Curtain.

I hope you will reject the terror tactics, the mob rule, the unjustified imprisonment, the torture, and the state-sanctioned murder at the hands of the Sandinistas, and I hope you will cast a vote in favor of aid to the Nicaraguan freedom fighters.

But if you do not, if you pretend that Nicaragua is not of this planet, if you pretend that communism is a benevolent force with which we can live in harmony and peace, then do not be surprised if within a year or two, we have this identical debate about the survival of El Salvador, Honduras, Costa Rica, or Guatemala.

□ 1330

Do not be surprised by the refugees who flee to your districts by the tens of thousands to escape Communist oppression in Central America, just as they have fled from Vietnam or Cambodia.

Do not be surprised when we begin debating the withdrawal of thousands of United States troops from Western Europe and Korea so that they can be stationed in some unforeseen desolate front in Central America or Mexico; and do not be surprised when the draft is reinstated and when some of your sons and your grandsons or those of your friends and constituents are called to defend a last ditch stand for freedom and security of United States citizens; and do not be surprised when you are looking for someone to blame, the American people say to you, "Why didn't you support the Nicaraguan freedom fighters when you had a chance?"

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I speak as one of those who has been somewhat ambivalent on this issue of aid to the Contras. I was one of those who voted to support the Sandinista government when it came to power back in 1979 because they were throwing out a corrupt dictator.

Then I voted for aid to the Contras in the first instance because I though Mr. Ortega had gone back on his word to us.

Then I did not think we were getting a very good accounting of what was happening to the money and whether it was being used wisely. I was invited to the White House before the second vote on aid to the Contras. Even after that visit I still thought there needed to be a better accounting as to where the money was going. So, I voted against that $100 million aid package, and it failed.

Right after the vote, Mr. Ortega flew to Moscow and threw his arms around Mr. Gorbachev for a photo opportunity in a display of victory, not a very good public relations stunt on his part.

But on the third time around, the President called me and said, "I remember that you didn't think that we had a very good accounting merchanism in place," and I did not think we did, either. "We have a lot better one now." The President described it in rather vivid detail.

The next package had aid in it for our allies, the governments of Costa Rica, El Salvador, Guatemala, and Honduras, and so I voted for it. It was a different package.

But it has been a very difficult issue for me, and that is reflected by polls which are taken in my district. It comes out about 50 percent for and 50 percent against.

This time I thought I might want to err on the side of caution. The President feels very strongly about this issue and he may just be right. He has come a long way toward a compromise. Ninety percent of the $36 million is for humanitarian aid, for food and clothing; $3.6 million is for lethal aid which would not be usable until March 31, and then only after it was decided by Congress in a sense-of-Congress resolution that the peace process was not moving forward adequately.

There seems to be some indication that maybe the Sandinistas are willing to come to the peace table now and to try to make some effort to comply with the Arias peace plan. What we are looking for is a democracy in Nicaragua. I think the people of Nicaragua would vote for democracy if they were given the opportunity to vote.

I think that right now if we do not vote aid, we are indicating another vacillation on our part. We should support our commitment for aid to the Contras. This is a bad time to withdraw our support when it seems we are so very close to peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding this time.

It seems to me the essence and the crux of this debate came down to the contrast between what the President said last night to the American people and what the gentleman from Indiana made as his conclusions and his points when he was speaking in response.

The President said very clearly to the American people what I believe, and that is that we would not see a peace plan working or anybody at the table in Nicaragua today if it were not for the Contras.

He also said what I also deeply believe, and that is that unless the Contras stay alive, that peace plan has no chance of success. There has to be a hammer over the head of the Communists or they are going to go ahead and do what they want.

Now, in the response, the gentleman from Indiana said that he believed that the Sandinistas were not good guys, that they were Communists and so on, but in his view if we did not stop this aid to the Contras, there would be no signing of any agreements on the part of the Sandinistas and that stopping the aid, at least the military part of it, was absolutely essential in order to get them to sign, and it was a risk worth taking.

He went on to say that if indeed they do not live up to their commitments in this case, and we know they have not in the past, then in that case the American people would be unified and we would deal with that problem. We would be facing them unified, and it was a risk, I point out, a risk, he said, worth taking.

The bottom line is, what is that risk? The risk is very simply and subtly stated. If we do not have the Contras around and they have been disbanded, there is only one choice in how we deal with them at that point, and that is with American troops and the loss of American lives.

The bottom line is that we need the Contras. They have to stay in existence if we are going to be able to successfully bring peace to that region, and peace means freedom for the people of Nicaragua and it means the security of those nations around them in El Salvador, Guatemala, Honduras, and Costa Rica, and it means our own national security interests.

So I urge my colleagues, think about this vote. It is too critical to miss the point. It is us, the lives of our American boys some day, or it is keeping the Contras alive to hopefully force the hand of the Sandinistas and make them live up to any agreements they make, which they otherwise simply will not do.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, Contra aid votes bring some positive and negative repercussions. First, in my opinion these continuous votes that we have had in the Congress have actually been good for the peace process, because it has brought pressure on all sides to make concessions and adjustments on behalf of peace. But these are tortuous and conscience votes nonetheless.

The negative side of all these votes is that we still do not have a bipartisan approach. The Congress and the administration still remain at odds as to how to resolve this issue.

A third observation: Many people have talked about gloom and doom, the success of the peace process, the failure of it riding on this vote. That is exaggeration—there are going to be many votes ahead. The next one probably will be in the spring or summer, so I think we have to look at this vote in perspective and not consider this vote the final and definitive congressional action on this subject.

This is not a vote that says that we trust Daniel Ortega more than President Reagan. If there was such a contest, Ronald Reagan would win hands down. Let us make that point that this vote should not be framed in this context.

Daniel Ortega and the Sandinistas have made promises and some concessions, such as lifting the state of emergency, a limited amnesty, and direct negotiations with the Contras. Let us face the facts; however, the Sandinistas have made their initiative because the economy is shattered and the Soviets have refused to pay all the bills. Ortega has taken a few steps, but none of them irreversible and significant, such as separating the military from the civilian sector, such as freeing all political prisoners, such as having a complete freedom of the press, assembly, and religion.

Likewise, there are some problems with the President's policy, nonetheless, there have recently been some improvements and some movement toward supporting the peace process.

First of all, this is a modest proposal that is scaled down from $270 million in miltary aid—the majority of this new package is for nonlethal aid.

The President has a better team, especially at the National Security Council. I was impressed with their briefings and their sincerity, and this administration needs substantial credibility on this issue, especially with the bias and deception and Iran-Contra schemes, in the past. I was particularly impressed with Alison Fortier, Jose Zorzano, and Ambassador Negroponte, and the NSC. I was also impressed by the CIA representatives who presented their arguments. They all had their act together.

But the motives, once again, and the objectives of the Reagan policy are suspect. Last night, in a last minute switch the President said that the Congress will have a voice in the disposition of the escrow account on the military aid, the $3 million for lethal equipment. Was this gesture to support the peace process, or was it just to get a handful of more votes in Congress to achieve a margin of victory.

We have all agreed that this is the time to keep the pressure on, especially on the Sandinistas to further negotiate. The issue is, how can we keep the pressure on most effectively? How can we keep the Arias peace plan alive? How can we get the Soviets and Cubans out of Nicaragua? How can we support the Central American Presidents like Arias, Azcona, Duarte, and Cerezo, all of whom have put their necks on the line.

Each one of us have our own reasons for voting the way we do. I stood here 2 years ago voting for humanitarian aid because the administration reassured me they were for the Contadora negotiations, and I got burned. They sabotaged that peace process. I can't forget that. But that doesn't mean I am not open, and trying to be fair, because it involves my country, and it is important that we rally behind the President on foreign policy.

I will be voting no today because I think it will help the peace process. I am not sure if it will. That answer will come in the months ahead—the Arias plan will be tested in the months ahead.

So my message and signals each one of us sends by our votes can be described in their own way. Here is mine.

To the President: It is not a rejection of your objective to democratize the Sandinistas through pressure. My vote is simply to give you an incentive to embrace the Arias peace process 100 percent, not 50 percent, and not when you need the votes in a close contest.

To the Sandinistas: It is not that you are being rewarded, because you have failed to comply with the peace process and I do not trust you. We need to see some irreversible steps ahead where real democratic freedoms and demilitarization. We need you to take some significant steps toward democracy. We are watching you, Sandinistas. If you continue to play games, this vote will turn around next time, and perhaps so will mine and other moderate Democrats who retain the margin of victory on this issue, as will President Arias and others interested in peace are giving you another chance, and so am I. But it could be the last time unless you clean up your act. I did it once before, and I will do it again.

To the Central American Presidents: The message is to keep trying and plugging away. We admire what you are doing, but please narrow your differences, but most importantly, do not give up.

To the Contras: The message is that you are not being abandoned. We know you can be militarily operational and adequately supplied till mid-July; in the meantime, you might consider developing a political agenda—like what do you stand for? What are your political programs for Nicaragua? The Sandinistas may not be loved in Nicaragua—but you have little support there too.

Yes; we have noticed the improvement in your leadership. But still, you have quite a ways to go.

Perhaps, most importantly, to my fellow Democrats: The message is that we need to develop an alternative. We cannot just keep on trashing Contra aid. The Speaker of the House and the Democratic leadership have pledged to seek such an alternative, such a path, I look forward to working with them to develop this alternative. Let us come up with something that supports the Arias plan that involves pressure on all sides, especially the Sandinistas. Let us come up with something that keeps the Contras with food and medicine. Let us develop a plan for economic development for the region. Poverty and starvation are also the causes for unrest—not just the East-West rivalry. Democrats, let us stand for a viable plan for a change.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, a couple of years ago a liberal Member of this House from my part of the country told me just a few feet from this podium as the clock was ticking away on yet another vote on Contra aid, that notwithstanding his recorded vote against Reagan's proposal, he said wouldn't be upset at all if the money was approved.

Since the cruelty of the Communists in Managua was becoming increasingly apparent to all, I suggested that he consider changing his vote but his simple answer was that he was locked in to his anti-Contra position. I walked away deeply disappointed by that response.

I fear, Mr. Chairman, that there are at least some Members of this House who may be planning to vote against Contra and who believe in their hearts that support for this aid request is prudent, at this particular time, and represents the most effective tangible means of bringing pressure on the Sandinistas to live up to their obligations and promises for democratization and respect for human rights made in 1979 to the OAS and more recently, in signing the Arias peace plan. But they feel locked in.

Of course, there are Members like the gentleman from Michigan [Mr. BONIOR], for whom I have a great deal of respect because I believe he is convinced he is pursuing the best course for peace in Central America. I disagree with him on this matter but I respect him.

But I am concerned and bothered by those who feel locked in to opposing Contra aid not necessarily by their previous opposition to Contra aid and the notion once an anti always an anti, but by a network of activist constituent groups and a perception that this is a matter of party loyalty.

I ask only that these Members who may feel locked in or feel pressured to vote in a way contrary to their true beliefs to consider the consequences of that subservience, both in personal terms and its impact on our hopes for peace and freedom in Central America.

I ask you to consider the new compelling information concerning Communist designs, aspirations, and intentions not only for Nicaragua but also for Central America. I ask you to consider the new information concerning near exponential military buildups in Nicaragua including plans for a 600,000-man fighting force bristling with Soviet armaments.

I ask you to consider pervasive use by Tomas Borge's, Minister of Interior of gestapo-type tactics to harass, intimidate, and torture the people of Nicaragua.

I ask you to listen carefully when Daniel Ortega himself says that even if the Communists lose and election at some future time, the Sandinistas would still retain power by means of military force.

I ask you to read this morning's Washington Post editorial exhorting Members to approve the aid package noting that "the record of the last 6 months demonstrates that a carrot and stick combination has moved the Sandinistas * * * [and] that with cease fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone."

I hope all Members today will fully heed their conscience—pro or con—and not act out of any fear or trepidation concerning political retribution or the possibility of bad press.

Too much is at stake today for Members of Congress to act in any other way but as statesmen. The lives, the hopes, the aspirations of millions will be positively or negatively affected by what we do.

I urge support for the President's request.

Mr. OBEY. Mr. Chairman, I yield myself 14 minutes.

Mr. Chairman, after almost 3 hours I think it would be useful to put this debate so far in a little perspective.

Before I get into the policy implications of the request of the President, I would like to dispel some of the fiction surrounding this request. It has been suggested first of all that it is a scaled-back request and that 90 percent of it is nonlethal aid. Both of those statements are simply inaccurate.

The request before us equates to $8 million per month for both lethal and nonlethal aid. In addition to the $36 million requested there is $20 million in indemnification authority and authority to provide passive air defense equipment which is worth about $3 million.

The value of this package is about $60 million if we include the indemnification authority and the value of that passive defense equipment, and it is for 4½ months. The request over a full-year period is not only a significant increase in overall dollars, it is an increase on the lethal side of the ledger of almost 400 percent! That is, we would be spending four times as much per month on ammunition, missiles, and mines as we did last year.

On the humanitarian side of the ledger this request is actually a decrease of about 33 percent on a monthly basis from last year. The administration says that 90 percent of the request is for nonlethal aid implying that it is humanitarian and not war related.

The fact is that the fiscal year 1988 continuing resolution strictly defined humanitarian assistance as only food, clothing, shelter, medical supplies, and payment for such items.

The request of the President opens up the definition of nonlethal assistance to include everything but weapons, weapons systems and ammunition. This allows for expenses such as air operations, communications, logistical support, civic action, intelligence operations, all to be counted as nonlethal assistance. In fact $26 million or 80 percent of the administration's $32 million in so-called nonlethal aid falls into the category of logistical assistance, activities which could directly support the war effort.

That is why this represents an escalation of the war, not a scaling back of the war.

Mr. Chairman, beyond those disturbing facts we have a much more important policy choice before us today. Do we want to take a risk for peace or do we want to continue a war?

Mr. Chairman, there is nothing new about this debate. It has been said by many that we have been supporting war for 6 years and have been observing negotiations for 3 months. Mr. Chairman, that is true only if we are talking about the most recent chapter in our relations with Nicaragua but this is really a fight which has been going on for more than 65 years.

Mr. Chairman, last week I was looking over a book put out to commemorate the 50th anniversary of the Rural Electrification Administration. Among the many features in that book was a biography of Senator George Norris who was one of the founders of the REA, and that personal profile gave a year-by-year chronology of his service in the U.S. Senate.

The entry for 1927 reads as follows, "Leads effort to bring back our troops from Nicaragua."

Mr. Chairman, after I saw that, I asked my staff to get me copies of some of the news stories surrounding that debate in 1927 when this country for the second time decided to follow a policy of trying to use military force to get the kind of government we wanted in Nicaragua. I invite my colleagues to read these stories because if my colleagues read them, they will see that nothing has changed except the names. The arguments are the same, the rationalization is the same, the hedging on the truth is the same. Only the names have changed.

In the 60 years since then, the arguments, as I say, have not changed. Our history has been that when Nicaragua had a government we liked, we propped it up with money or with the marines; when they had a government we did not like, we appropriated money to send in our own troops or somebody else's troops. The result of that after more than 60 years of following that policy, we still have no stability, we still have no effective policy in that region, and we find much anti-American sentiment in Central America because of our habitual reliance upon force.

In fact, Mr. Chairman, in some ways over those 60 years we have gone backward because the governments we were opposing 60 years ago may not have been to our liking but they at least were not the followers of an ideology which is foreign to our own interests. But 60 years of relying primarily upon military action or upon military servants to "keep Nicaragua tame" has simply produced the kind of hatred which has made it possible for Marxists to exploit.

So today there is still war and bloodshed in Central America. Our own country is still divided because our ideals are not being matched by our actions. We still have not learned that we can intensely dislike a country without making war against it.

American newspapers continue to tell the sad tale of young Nicaraguan kids being maimed and killed. The New York Times just last week told a terrible story, to which I referred earlier, of two young kids less than 10 years old in a Nicaraguan hospital with severe injuries, but with no access to pain-killing drugs. These are kids being blown up by land mines left by both sides, by the Contras and the Sandinistas.

So human misery has grown. We have poured about $5 billion in the last 8 years into Central America. This is just the latest 8 years of futility.

Now we have a different option. For the first time in history Central America has produced a combination of leaders who are saying to us to try something different.

"Use us," they say, "to put pressure on the Sandinistas to stabilize the area regionally rather than trying to impose your own will through techniques that are not working."

I say to my colleagues, it is easy for the Sandinistas to explain why the "gringos" are against them. All they have to do is cite history. What would be much harder for them to explain is why their own Central American neighbors are against them.

The Arias peace plan puts Mr. Ortega and the Sandinistas in a position where, for the first time, if they do not negotiate in good faith, they will have to answer that question to their own society, and I do not think that that answer will be very convincing.

The Arias peace plan requires much of the Sandinistas, it requires much of their neighbors, and it requires much of us. It asks us to cut off military aid to the Contras. It asks us to cut off military aid to the Contras.

The administration says that we cannot do that because the Sandinistas will lie to us and we cannot trust them.

Mr. Chairman, I have been lied to by the Sandinistas and, frankly, I expect to be lied to again by the Sandinistas. It does not surprise me.

But history has sadly shown that the Sandinistas are not the only ones who have been lying to Congress these days. Our own administration has lied and then spied on Americans who disagreed with their policy. Now the administration says they want bipartisanship and they want to cooperate with the Congress, but that cooperation is often, as many people know, a one-way street.

Let me give my colleagues a recent example. I participated in the negotiations with the administration which established the new timetable for this vote which is occurring today. I met in those meetings nose to nose with General Powell and a number of others to hammer out a procedural compromise in the appropriations bill under the jurisdiction of the Subcommittee on Foreign Operations, the subcommittee which I chair. The money which is now being expended between now and February 29 is under the jurisdiction of my subcommittee, but when the staff director of that same subcommittee charged with the responsibility of knowing how the people's money is being spent, visited Central America in his oversight capacity and tried to visit the very facilities where these operations are occurring, his access to those facilities was denied.

How can this Congress as an institution trust any administration to work in a cooperative way when the committee charged with the responsibility to oversee the expenditure of the people's money is not allowed to fulfill its responsibilities, not allowed to do that by the Director of the CIA, the same man who headed up the FBI when it engaged in its outrageous surveillance of many Americans whose only offense was to disagree with the administration's policy?

Once again we have American agencies behaving in an un-American way. We cannot afford that.

We ought to look at this vote today. Those who urge a "no" vote on the administration request say the Arias peace plan is a new hope and we are asking to give it life. We believe that it is the unified determination of the Central American Presidents which is the new element which has brought the Sandinistas to the bargaining table.

The administration says no, aid to the Contras has brought them to the bargaining table.

I would suggest to my colleagues that they forget which side of that debate they are on and simply say that whether it was the Contras or whether it was President Arias who created the conditions that made those negotiations possible, those conditions do now exist, nonetheless, and they should be responded to.

Let us by our vote today make it clear that this administration's habit of relying upon the military option while giving short shrift to their other options is a dead end. And let us substitute in these coming months a policy of hemispheric pressure to try to bring both sides to the table in search of arrangements which would assure the security of other countries in the region.

Some of my colleagues are saying, "I don't want to vote for this because we put the Contras out there in the first place and we simply cannot leave them in the jungle to rot."

As chairman of the Subcommittee on Foreign Operations, let me simply say this: there are many kinds of Contras just as there are many kinds of Sandinistas. Some of them are mercenary, brutal, and corrupt, while others are simply as I indicated before, 17- and 18-year-old kids who, like those kids in the Nicaraguan hospital that I also referred to, are having their guts blown out and their faces blown away. I know because I have seen it firsthand in those Contra hospitals.

The fact is that today, regardless of how many colleagues wish to describe it, further aid at this point kills the peace process; rejecting military escalation as this request does would keep it alive.

I never favored, and I do not now favor, continued aid to the Contras as a personal view.

☐ 1400

But, as chairman of a committee trying to work through my obligations to respect all of the interests and views in this House, I do recognize as a rational human being that the Contras, regardless of our view of them, have been operating based on commitments from this administration. We may have disagreed with those commitments; they may have been debated over our opposition; but they were made nonetheless. We recognize that we cannot morally simply walk away and leave them abandoned in the jungle.

If we win this vote today we will be prepared to offer food, medicine, clothing, and other necessities of life to allow them to survive so long as they cooperate in the peace process and do not scuttle it.

I urge my colleagues to support the peace process in Central America and to vote "no" on the administration's request for Contra aid now before us, so that we can begin, after 60 years, a new chapter based on a bipartisan coalition that will utilize the strength of our allies in the region to pressure Nicaragua for peace, that will assure the security of Nicaragua's neighbors, which will attack the root problem that led people to get sucked in by ideologies such as Marxism; namely, poverty, disease, concentration of land, education, and opportunity in the hands of an elite few, and through an intelligent application of our resources, try to bring about a policy that can be sustained—not just through this administration but through a succession of administrations. We need continuity of policy. No policy is good, no matter how good it is regarded to be by policy planners here in Washington, if it cannot be sustained by the American people for a long period of time. The President's policy cannot; the other policy can, and I urge my colleagues to vote that way today.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Kentucky [Mr. BUNNING].

Mr. HYDE. Mr. Chairman, will the gentleman yield to me for a brief comment?

Mr. BUNNING. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the last speaker was highly critical of the administration for denying access to Contra camps and where equipment is stored. I would like to point out the House Permanent Select Committee on Intelligence has had its staff all over the place making all the audits possible, and the CIA and the administration have been most cooperative. Perhaps those in charge they will get a more objective examination from the Permanent Select Committee on Intelligence than from the gentleman's subcommittee.

Mr. BUNNING. Mr. Chairman, I realize it is a bit presumptuous of me to say anything in this debate. I am a freshman Member of the House and it is hard to imagine what I could say that has not already been said better than I could say it.

However, I do rise to say a few words simply because I do feel so strongly about the issue.

The situation in Nicaragua is a complex one. No one can deny that. And because it is so complex, I have made three trips to Central America this year because I wanted to know as much about it as I could so that I would be able to make the proper decisions at a time like this—when freedom and peace throughout our hemisphere stand in the balance.

And yes, when I was in Nicaragua, I saw very clearly how desperately they need peace in that country.

The economy is a shambles. The people are suffering. It is a grey and dismal place.

It is impossible to escape the fact that a good bit of those economic and social hardships are caused by the ongoing conflict there. They need peace and they need it desperately.

But it also became very clear to me that they need freedom just as desperately and that the Sandinistas are not going to negotiate away their hold on the country without the threat of military pressure.

But I realize that everyone in this body has also made up their mind on what the right path to peace is.

So, rather than to try to convince any one that I'm right and they're wrong, I would just ask each Member to stop and think for a minute what would happen if they are wrong.

If I am wrong—if it turns out that military pressure is not a positive force in the peace process—and we vote today to continue support for the Contras, we can correct that mistake in 3 months or 4 months or 6 months. If we are wrong, we can turn back.

However, what happens if those of you who want to stop aid to the Contras win today, and it turns out that you are wrong? Sure that may be peace for a time while the Contras are mopped up and the Sandinistas reestablish full control. It takes a while to build all those prisons. But once they have consolidated their power—what happens if Mr. Ortega's promises prove to be as empty as the promises he has made the past 8 years? What happens if the promises of freedom prove false?

What happens if you are wrong and the Sandinistas do turn out to be exporters of communism and use their superior military forces to destabilize Costa Rica and Honduras and El Salvador and Panama? What happens if the only alternative we eventually face is communism throughout Central America or direct intervention with United States troops instead of Contra freedom fighters?

When you look at the possible consequences of your votes today you have to recognize that if you are considering a vote against this aid package, you are considering a vote against this aid package, you are taking a very, very big gamble. Because if this aid package is rejected today, we can never turn back. We have to live with the consequences forever.

I just hope that you will all think about that. I have a son in the Air Force, so I have to think about it.

[From the Washington Post, Feb. 3, 1988]

CONTRA AID

The Contra aid votes today and tommorrow in Congress can help advance Nicaragua toward peace and democracy. The Sandinistas, their economy devastated and their people divided, have already offered to let the resistance stay constituted and armed in a cease-fire and to continue (direct) cease-fire talks even if aid is approved. The contras have stopped demanding that the Sandinistas pay in heavy political concessions just for a cease-fire. President Reagan has reduced his aid request to dimensions that make conservatives fear he is undercutting the great strategic stakes he insists are in the balance.

Sen. Chris Dodd makes the case against aid on the opposite page today. He does not make the claim some others do that the contras are CIA stooges, mercenaries, terrorists and Somocistas—labels that have become increasingly inapplicable as the contras have sought to clean up their act and earn support in the countryside. His main argument is the widely heard plea to "give peace a chance."

Some part of the plea arises from a legitimate concern that contra aid and the impetus it gives to continued battle could sink Central America's plan for peace and democracy. Another part appears to arise out of the current, furious debate over whether the Sandinistas' partial steps toward a political opening result exclusively from Central American diplomacy or from the peace plan *and* conta pressure. Mr. Dodd and likeminded Democrats say contra aid has not helped, it's hurt, and it will keep hurting. This is an arguable claim, but we think the evidence finally goes the other way. Much has changed since Central American diplomacy became a factor last summer. The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the president's request.

It remains a gamble whether a Marxist party can move back toward democracy—in a country and region with pitifully little democratic experience. But it is a gamble worth taking: the Sandinistas have yet to consolidate the power, and their neighbors have a paramount interest in urging democracy upon them.

The Arias plan has two inseparable and equally vital parts: democratization and the establishment of peace. In tandem with Nicaragua, but not on its own, this country should be moving to fulfill its part of the obligation.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I look forward to the vote later today to end a failed policy in Nicaragua and enable us to set a different course—one that is true to our values, true to the views of the American people, and true to the realities of Central American politics.

Any number of arguments can be raised. Let me state a few.

First, a basic American value is honesty, and it should apply to our foreign policy. But what we've had from the President has been a steady stream of dissembling and deception. The objective of this administration has always been the overthrow of the Nicaraguan Government. Reagan officials admit they will never countenance a regime in which the Sandinistas are the dominant power. So let's be honest. The policy the President submits for approval is one intended to change the Government of another nation.

We are told that 90 percent of this request is for so-called humanitarian assistance. Well, let's be honest. Even taken at face value, the $32.6 million that's requested for 4 months works out to about $6,500 per Contra soldier per year. That's a lot of beans and rice in a country where per capita annual income is $868. Who are we fooling?

Second, we should be true to what the people of this country want. The vast majority believe we should stop supporting the Contras. The people are 2 to 1 against it. A majority of Democrats oppose it; a majority of Independents; a majority of Republicans.

One thing this administration has not yet grasped is that in a democracy like ours it's tough to carry out a major foreign policy effort that runs counter to the views of most of the people. Consensus at home is critical to our credibility and staying power abroad. Instead of trying to work with Congress to develop that consensus, the President has insisted on having it his way, with or without legal authority from Congress, much less the popular support of the people.

What we need now is a policy toward Central America that the American people can get behind. One that reflects our basic values. One that first bets on the ability of this country to work with our friends and neighbors in the region to address their crying need for economic stability and social justice. One that understands that the use of force should be a last resort, not a first choice. In that spirit, we should be talking about an "escrow for peace" to provide peaceful assistance to nations that comply with the Guatemala accords, not about the President's escrow for war.

Finally, we can't go it alone and expect to succeed in the political environment of Central America. One reason it's been so hard for the administration to sustain its policy is that we've been isolated, with no explicit backing and precious little tacit support from the countries in the region in whose security interests we presume to act.

Let's learn the lesson from this experience, and do what we can to encourage—not undermine—the international efforts underway since the Guatemala accords. We've got to demonstrate a clear commitment ourselves to truly regional security arrangements.

Last week the President proclaimed that he hadn't come to Washington to preside over the communization of Central America. Of course not; neither did I. The President of the United States isn't elected to preside over Central America. It's that fundamental misconception of the proper use of American power that has led this President to such fundamental error.

This country has real and legitimate interests in Central America. One of those interests is to further the cause of free institutions and democratic government. That certainly means deterring the spread of totalitarian governments—whether of the right or the left. That's the right thing for us to do; and it's in our own security interest.

In the process, however, we have to keep in touch with the old-fashioned principle that the ends don't justify the means. Too often, we've found quite the opposite: that ignoble means subvert the best of intentions. That's what the vote tonight is all about.

Mr. CHANDLER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, it is incomprehensible that any American, specifically Members of this body, would want to reward evil. That is what we will be doing by allowing the Sandinista regime in Nicaragua to go unchallenged. Let them have their way. We don't care.

By any standard, the Sandinistas are guilty of oppression on a massive scale. They have also had the unique ability to deceive a great share of world opinion through sheer audacity: if you're going to tell a lie, tell a whopper—some people will believe it. If anyone in this Chamber believes that there will be peace and harmony in Nicaragua were we to cut off aid to the Contras, he has been duped by a master in the art. Facts—if we are interested in learning them—reveal a wide chasm between President Ortega's rhetoric and stark reality.

How do the Sandinistas manage the Nicaraguan economy? On April 1, 1987, they offered a 56-percent wage hike. Of course, only loyal Sandinistas could receive this increase. But apparently April Fool's Day is celebrated in Managua, because 2 days later, prices went up 150 percent on basic foods, including beef and dairy products. The inflation rate for 1987 was 800 percent. The proletariat has been well served indeed.

How do the Sandinistas preserve religious freedom? The most common method is to conduct surveillance of church leaders, accompanied by detention, beatings, military inductions, and comparable elements of democracy. Religious instruction is banned as a scholastic course. The Government demands veto power over the appointment of bishops. In July 1981, the televised Sunday mass broadcasts of Cardinal Obando y Bravo were banned. And, most sinisterly, a strategic alliance has been forged with pro-Sandinista religious leaders, especially here in the United States, who are sympathetic to Marxist solutions to world problems. Their assignment: influence public opinion here and abroad. The Holy Trinity in Nicaragua has become Marx, Engels, and Lenin.

How do the Sandinistas ensure civil rights? Largely through suppression. Over 100,000 Nicaraguans have been forcibly relocated from their homes, a hallmark achievement of all communist regimes. Over one-half of the Miskito Indian communities have been destroyed. Non-Sandinista trade unionists have suffered indignities and physical assaults. Middle class businesses have largely been destroyed. Books considered "unsuitable" have been burned. There are over 11,000 political prisoners, as opposed to 600 under the feared Anastasio Somoza. And the entire Jewish population has been forced to flee following the confiscation of Managua's only synagogue.

How do the Sandinistas promote freedom of the press? Strict censorship is the usual means by which the Government silences opponents. La Marcha, the Conservative paper, has been closed since 1985. La Prensa, the most widely recognized newspaper, was closed in June 1986. It reopened in October 1987 but is severely restricted in what it can publish. The Sandinistas tolerate no criticism.

How do the Sandinistas treat their neighbors? They promote terrorism. Ortega publicly admitted—June 25, 1987—that he has been supplying guerrillas in neighboring states, especially in El Salvador. The Sandinistas have also supplied terrorist training schools for the world's radicals, including the Red Brigade, the Baader-Meinhof gang, and the PLO. Small wonder that two-thirds of the populations of Guatemala, El Salvador, Costa Rica, and Honduras approve of aid to the Contras.

How do the Sandinistas promote peace? They intend to make Nicaragua another Cuba, a Soviet satellite in Central America, from where continued violence and subversion can spread across the Western Hemisphere. Key defectors claim that the Soviet bloc has been building the Nicaraguan Armed Forces with the eventual goal of sustaining a 500,000 to 600,000 man army, 80,000 of which would be regular troops, the remainder reserve and militia.

How do the Sandinistas acquire a better human rights record than the Contras? They don't. Alleged atrocities committed by the Contras are legion in the world press and foes of Contra aid are always quick to make those charges. The independent Nicaraguan Association for Human Rights, established to monitor Contra atrocities, released a report February 1 which underscores the duplicity of this canard. About 43—to possibly 93—alleged human rights violations committed by the Contras are being investigated, including kidnaping and murder. But, lo and behold, this group found a far greater number committed by the Sandinistas; 1,143 cases are under investigation. In any war, there are inhumanities committed by all sides, partly caused by accident, emotion, or revenge. Among civilized nations, however, there are seldom instances where such acts are deliberately perpetrated. We killed hundreds of thousands of civilians when we firebombed Dresden in February of 1945, more than in the atomic destruction of Hiroshima and Nagasaki. Were these events indicative of a basic American evilness? No, they were viewed as means—albeit drastic means—to end the war quickly and save as many American lives as possible. Indisputably, we should monitor and investigate all human rights violations on both sides. But it is clear from the evidence that the Sandinistas are far worse in this regard. Disregarding this fact is tantamount to accusing the United States of heinous actions at Mylai while overlooking the Communist murder of 2 to 3 million inhabitants of Vietnam and Cambodia. There is no comparison.

The United States has given $182 million in direct aid to the Contras since 1981. From 1980 to 1986, United States aid to all of Central America totalled $1.4 billion. By contrast, Soviet bloc aid to the Sandinistas amounts to $1.6 billion over that same period. We are now discussing a pitiful $36 million; the Sandinistas will receive more than that in 1 month from Moscow.

The regime in Managua will discuss peace; they will talk up a storm in order to convince gullible Americans that human rights will be preserved in Nicaragua, that democracy will prevail. We have heard this rhetoric before. On April 10, 1975, Congress denied President Ford's request for $722 million in emergency military aid and $250 million in humanitarian aid for South Vietnam. We wanted peace. The Communists in Southeast Asia promised peace. They promised respect for human rights and freedom for their own people. What they delivered were several million dead Cambodians, Laotians, and Vietnamese. We are about to embark on this course again. Do we have the right to tell the freedom fighters that they have no right to live?

The Sandinistas, like Communists everywhere, are many things. But they are not fools. They know they can wrap a large segment of liberal public opinion around their bloody fingers by regurgitating volumes of verbal assurances. After all, we have fallen for this line before. Is it not terribly ironic that so much of our own news media and so many of our own people, especially some in this institution, are more likely to question the motives and integrity of our own Government and its leaders than they are those of enemy tyrants and murderers? Sure, we must be vigilant at home, and see to it that our freedoms are not abused. We should judge the Sandinistas by their real motives, not their duplicitous propaganda.

Nicaraguan Interior Minister Tomas Borge, an acknowledged murderer of 61 peasants in 1977, once declared:

> We have Nicaragua, soon we will have El Salvador, Guatemala, Honduras, Costa Rica, and Mexico. One day, tomorrow or five years or fifteen years from now, we're going to take 5 to 10 million Mexicans and they're going to have one thing on their mind—cross the border, go into Dallas, go into El Paso, go into Houston, go into New Mexico, go into San Diego, and each one has imbedded in his mind the killing of 10 Americans.

Borge knows what the stakes are. It is not for control of Nicaragua alone, nor even for Central America. It is part of a world empire which will not stop until we muster the resolve to stop it. Borge stated the real motive in 1981:

> This revolution goes beyond our borders. our revolution was always internationalist from the moment Sandino fought (his first battle).

Mr. Chairman, the Sandinistas know what the stakes are. It is time that we do.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, Pope John Paul II and Costa Rican President Oscar Arias, the Nobel Peace Prize winner, both said it best when they said that "peace cannot exist in Central America without democracy."

Now a great many of our colleagues on the Democratic side of the aisle have said that 6 years of war have not brought about this peace process. They say that it has been the Arias plan which launched the negotiations.

We have to look closely at the facts though, Mr. Chairman. The fact of the matter is that we would not have had an intermediate nuclear force agreement had the United States not deployed the Pershing II missiles to Western Europe. The Soviet Union would not today be discussing the prospect of withdrawing their 120,000 troops that have been perpetuating genocide in Afghanistan were it not for the fact that we have supported the Mujaheddin; and, as we know, the Mujaheddin are consistently victorious. We need to recognize that fact as we address the Central American peace process.

While many people have said that the pressure which the Contras have applied is not bringing the Sandinistas to the negotiation table, it is wrong. That is exactly what is doing that. We have to realize very clearly that it is in our interest to ensure that the United States of America never has to send a single U.S. combat troop to the region. Remember the four other Central American Presidents do not have that same interest that we do. We want to ensure that we never have to send a single combat troop, and the only chance to ensure that we won't is to provide support for the democratic resistance.

Many people have said, and one of my colleagues on the other side has often said, that there is not always an American solution to every world problem. He has quoted President Kennedy as saying that. We have got to realize that we are not imposing the American solution. We are Americans backing the Nicaraguan solution.

I urge support of this resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, we all share the same basic goal for Nicaragua and Central America, and that goal is peace. I happen to believe that peace can only be achieved by the adoption of this resolution today. It is a reasonable proposal to keep the pressure on the Sandinistas to continue to implement the kinds of democratic reforms which offer the only genuine guarantee for peace in that troubled country.

Each of us is vividly aware of the Sandinista regime. And if we as a Congress are willing to believe the promises that they have made, why shouldn't we also be willing to believe the threats that they have made? For example, the Sandinistas have threatened to expand their army to 600,000 troops, to export their revolution to neighboring countries, and to base Soviet Mig fighter bombers in Nicaragua, putting American cities at risk.

The Sandinistas have admitted that the concessions they have made were intended only to persuade the Congress to vote down this resolution. That's an admission that Contra aid has helped to move the peace process forward.

We are not voting today on sending lethal aid. We can make the decision in 2 months. Until then, our escrow account can, as today's Washington Post editorial so correctly notes, keep the pressure on the Marxist Communist Sandinistas to dismantle their dictatorship and to really give peace in the region a genuine chance.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, yesterday, I sent a letter to the President asking him to consider offering a compromise proposal for aid to the Nicaraguan Contras. I specifically suggested that the $3.6 million of military aid flow only after another vote by Congress in April.

My reasons were, as I said in the letter: First, I believed a vote by Congress for lethal aid at this time would give Ortega a reason to reverse the freedoms won thus far, and an excuse to walk away entirely from the peace process; and second, because of the deep division in this country on this issue, I believed that further lethal aid should represent a consensus, and be activated by a bipartisan vote.

I was pleased that in his speech last night, the President did modify his request, and grant a second vote to Congress on military aid, and consequently I will support this proposal.

Voting for aid to the Contras has been a difficult vote for all of us. None of us likes to support a war, or intervene in another country's revolution.

But I firmly believe that if it had not been for Contra aid in the past, that Nicaragua would not have participated in the Arias peace plan. I also believe that the Sandinistas, without pressure from within, would have been a threat to the other Central American countries, particularly El Salvador.

This vote today allows us to keep the pressure on the Sandinistas until April 1. And it allows Congress to make a consensus, bipartisan decision at that time.

□ 1415

Mr. EDWARDS of Oklahoma. Mr. Chairman, how are we running on time? Are we about even?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 11 minutes remaining and the gentleman from Oklahoma [Mr. EDWARDS] has 27 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding me this time.

Certainly in my judgment this is not the time to abandon the Contras and take the pressures off the Sandinista Government in Nicaragua. We are where we are today in Central America with democratic forces in control of most of the governments and even the Sandinistas are beginning to make some concessions toward democracy.

This has been a result, Mr. Chairman, of our steady support for democratic governments and the Nicaraguan freedom fighters. Let us not deceive ourselves, democracy needs to be supported in Nicaragua. It is true, however, the Sandinistas have made some concessions under the Central American peace plan. But their concessions are more cosmetic than real. They continue to repress the political opposition.

If the Contras lose our support it is possible that they would be forced to disband and that the only real pressure on the Sandinista government could be lost forever.

My fear is that to prevent another Cuba on the United States' southern flank, our only option might be, and I hope it never has to be, the use of direct military force.

The termination of United States support for the Contras could also threaten democracy elsewhere in Central America by sending the wrong signal. The military establishments in many Central American countries have withdrawn from government in response to strong U.S. support for democracy and security programs. If we cease to confront a Marxist-Leninist threat the militaries in other Central American countries could well decide to reenter the politics of those areas.

There can be little denying that under the Sandinistas, Nicaragua is increasingly becoming a Marxist-Leninist state with strong ties to the Soviet Union. While we debate over a small amount of assistance to sustain the freedom fighters, the Soviets and their allies continue to pour large sums of military equipment into Nicaragua. The Nicaraguan defector Roger Miranda has alerted us to the Sandinista plan to build the largest army in Central America, over half a million men in arms.

According to information provided by Miranda, the Soviet bloc has already supplied massive amounts of armaments to the Sandinistas, Miranda has also disclosed that the Sandinistas plan substantial additional acquisitions in the next 2 years. And I believe that President Reagan's overall request is certainly modest and is designed only to maintain the Contras as a viable force within Nicaragua.

As we all know, and it has been said many times today, the military assistance would become available only after March 31 if the President certified that the Sandinistas were not living up to their commitments under the peace plan, that there was no cease-fire in effect in Nicaragua and that the Contras had negotiated in good faith. President Reagan has delivered his personal assurance of continued consultation with the Central American Presidents and Congress. And I say, Mr. Chairman, what more can you ask of the President? He has demonstrated he is willing to go the extra mile for peace in that area. This is the moment of truth, not only for the democratic freedom fighters and forces in Nicaragua but also for the progress, the democratization in Nicaragua and indeed all of Central America. It is only as a result of the unrelenting pressure applied by the freedom fighters that the Sandinistas were forced to the negotiating table with their neighbors and the resistance forces in the political opposition. I say it is hypocritical for Congress to say that now is not a time to request assistance for the Contras. Under the continuing resolution, as everyone knows, which was passed last fall, the President requested renewed assistance to be considered by Congress only if it was submitted by January 27. It was therefore essential for the President not only to request renewed assistance now but to include the military component. The Congress forced the President to submit his request now. I say it rings hollow to suggest a delay. I hope my colleagues will vote to give President Reagan the support which he needs to respond to the developments in Nicaragua while the Central American peace plan is in progress.

Renewed assistance to the Nicaraguan resistance is essential to keeping the Sandinistas at the bargaining table and preventing the consolidation of a Marxist state in Central America.

Finally, Mr. Chairman, let us support our country's national security interests by supporting President Reagan today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. I thank the gentleman.

All day we have heard "give peace a chance." Peace has no chance without liberty. Peace without freedom will never last. Have we forgotten what motivated this country toward independence when Patrick Henry said, "Is peace so sweet and life so precious and dear as to be purchased with chains and slavery? God forbid it."

If lasting peace is ever to be in Central America it must be accompanied by liberty. There is no other peace.

Vote for the resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. I thank the gentleman for yielding.

We have heard several times in the debate today and before today from those who oppose continued funding for the Contras in Nicaragua that we should vote for peace and therefore vote to end United States support for the Contras freedom fighters in that country. I suggest to you what we really need to vote for is peace and democracy. I think a vote for these twin goals would fulfill the United States policy as we have had it for the past several years.

We should make no mistake about the fact that the Sandinistas have created an expansionistic Communist regime in Nicaragua which is a threat to its neighbors.

I recall a couple of years ago when we were visited by President Duarte of El Salvador, hearing him say very clearly that as long as there is a Communist-Marxist nation in Central America he felt that there would never be peace in that part of the world. It is no secret that Nicaragua has a massive army which is well-equipped by the Soviet Union. In fact, last year the Soviets spent for military aid to the Sandinistas some $450 million. Here today we are debating an escrowed account of only $3.6 million in military aid.

We have heard from Major Miranda, who recently defected, that the Soviet Union will continue its buildup and massive military assistance to the Sandinistas.

The policy we pursued thus far has worked. It has brought the Sandinistas to the bargaining table. They have made concessions. They promise to make more reforms to see us stop our aid to the Contras in that country.

Now is not the time to change that policy, it is in fact time to continue it, to keep their feet to the fire, to continue to push not just for peace in Central America, but peace and democracy.

I hope that my colleagues will join me in not sending the Contras to the bargaining table empty handed.

I urge the Members to vote "yes" for peace and democracy.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I want to say just a few words to those of you who are southern—you Virginians, Carolinians, Georgians, Floridians, Alabamians, Mississippians, Louisianans, Texans, Arkansans, and Tennesseeans—you sons and daughters of Patrick Henry, Washington, Jefferson, Andrew Jackson, Calhoun, Sam Houston, George Patton, and all the others of our dear southland who fought the good fight for freedom. You see them on canvas or in stone daily in this place, a temple of our liberties. What must their ghostly presence think as they hear the naysayers here today who would encourage the cause of international communism as it seeks to consolidate and spread its cancer around the very waist of our hemisphere. Robert E. Lee, certainly one of our finest, once said, "duty is the sublimest word in the English language." Today, as patriotic Americans from the Old South, our duty is to vote continued assistance for those young Nicaraguans who fight and die for freedom, not only in their country, but everywhere.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I ask what is this vote on Contra aid all about? Well I think it is about respect for the rule of law;

It is about respect for the sovereignity of even small countries;

It is about respect for a regional peace plan;

It is concern for stopping the killing in Nicaragua;

It is about respect for the dignity of people in a country that our Government has treated shabbily for more than a century;

It is about us stopping the making of war in a country that has done nothing to my country.

Last January, I visited a refugee camp in Nicaragua and spoke with a campesino who had been displaced from his home by the Contras. He told me what President Reagan could do with his millions of dollars to fight a war in his country. That poor peasant said he hoped President Reagan would spend the Contra aid money on the poor in the United States. The Nicaragua peasant went on to say very poignantly—

We campesinos are not animals.

Essentially, what that Nicaraguan peasant was saying, I want respect for my human dignity. Let's give that peasant and thousands like him his dignity—and stop making war in his country where too many have already died.

Reflecting on the 7-year war in Nicaragua:

When American taxpayers ask how past Contra aid funds have been spent, the respected General Accounting Office reported that the State Department could not account for over half the money granted in 1986.

When I ask our Nation's military leaders if the Contras can defeat the Sandinistas, they respond in the negative.

When I ask what the Contras' plans for governing would be should they overthrow the Sandinistas, they have none.

When I ask if the neighboring nations of Nicaragua are threatened by Nicaraguan aggression, as claimed by President Reagan and proponents of additional Contra aid, Costa Rican, Honduran, Salvadoran, and Guatemalan leaders voice support for the regional peace plan which calls for a stopping of further Contra aid.

When I ask if our allies support our actions with regard to Nicaragua, they do not.

The time has come to end America's sponsorship of war in Central America. Vote no on more Contra aid. And let's get on with addressing some other problems of this Nation: Housing, day care, plus the deficit.

□ 1430

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, does the gentleman suggest that the neighboring countries of Nicaragua are not threatened? If the gentleman would check the press, he would find that just last week the President of Nicaragua, Mr. Ortega, told the President of El Salvador, Mr. Duarte, when Mr. Duarte complained that Nicaragua was training guerrillas in his country, that if Mr. Duarte did not like that, the Nicaraguans would put missiles in the hands of the guerrillas in El Salvador. I, personally, called President Duarte and asked him if it was true, and he said it was.

Mr. BRENNAN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. No; I will not yield.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. EDWARDS] has expired.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I believe all of us, Republicans, Democrats, Contra aid supporters and Contra aid opponents want to see a basically similar outcome in Nicaragua. We want to see the 2.8 million people of Nicaragua able to live in peace. We want to see them able to live respectable and decent lives where they have the freedoms that we enjoy in the United States. We want to see the people of Nicaragua lift themselves out of the poverty that so many of them are subjected to. In sum, we want to see them able to lead the kinds of lives that so many of us in the United States take for granted. Lives that are full of happiness not terror, freedom rather than oppression, and prosperity instead of poverty.

Our debate today then centers around how we in the United States can foster and promote these goals in

Nicaragua. During the last 7 years, the Reagan administration has tried to achieve these goals by attempting to subvert the Government of Nicaragua which they concluded long ago is incapable of providing decent and respectable lives for the Nicaraguan people. They started by funding a CIA secret war in Nicaragua. They mined the harbors of Nicaragua and secretly funneled arms into the country. Next, President Reagan with congressional approval began the Contra war which to date has cost U.S. taxpayers over $200 million. As well as spending millions of dollars, the policy has damaged our image in many parts of the world, especially in Latin America. A World Court decision condemned us and the Iran-Contra debacle embarrassed us.

Most importantly, the Contra policy has cost lives. Thousands have died during the past 6 years of the Contra war. Civil war always brings out the worst in people. Human rights have been abused. People have been tortured. After 6 years of war Nicaraguans are not better off than they were before. The Contra war has produced death and little more.

In contrast to the 6 years of the Contra war, the 6 months of the Arias Peace Plan have begun to produce positive changes in Nicaragua. Although much still needs to be accomplished, during the past 6 months the Sandinistas have finally shown a willingness to implement much needed reforms as well as negotiate with the Contras.

The International Verification Commission in its report on compliance to the January 15 meeting of the Central American presidents concluded: "In the case of Nicaragua, the International Commission has been able to confirm that in spite of the wartime suffering it has made concrete steps toward initiating a democratic process." Specifically, the independent newspaper and the Catholic radio station have been allowed to reopen. They have released 985 political prisoners and have lifted the state of emergency that had been in effect since March of 1982. Most recently, the Sandinistas have finally shown a willingness to meet and negotiate with members of the Contra movement.

While many have been critical of this record of compliance, I believe it is a step in the right direction and must be supported by the United States through a policy of negotiation and nonintervention. We should accede to the wishes of President Arias—the architect of the peace plan and the winner of the 1987 Nobel Peace Prize—and halt the aid to the Contras. To do otherwise would be to violate the letter and spirit of the Guatemala peace accords. Surely, we do not want to be the body responsible for killing the peace plan. By approving Contras aid we run the high risk of doing just that.

Enough lives have been lost. The Nicaraguan people cannot afford to lose any more. By approving further aid we will assure further loss of life. Costa Rican President Arias says if we approve more aid today, 20,000 to 30,000 Nicaraguans would die in the next year. Let's prevent that from happening. Let's reassess our posture. Let's give peace a chance and in doing so put our stamp of endorsement on the Central American initiative. We gave President Reagan's approach over 6 years to produce results. So now at the request of our Central American neighbors let's at least give their new approach more than the 6 short months it has had thus far.

Let us also reject the myopic vision and self-serving view of world geography and history. In a world with 50,000 nuclear weapons, offered by the President last night, a tiny, mostly illiterate, economically depressed nation of 3 million people 1,000 miles from our shores poses little threat to our survival.

Further it is a self-evident double standard to suggest that political repression and authoritarian government are reprehensible and worthy of military intervention in Nicaragua but not in Chile or South Africa. This contradiction, this hypocrisy, may not be apparent to the President or the State Department, but everyone else on is fully aware of it.

In fact our present policy is not really guided by a desire to make life better in Nicaragua, we've had decades to do that, and have not. Our policy is governed by a misguided appraisal of our self-interest. Surely, there are other more beneficial causes in which we can invest our constituents hard-earned money.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I would like to focus just for a moment on what unites us here today. I think all of us in this body, as my colleague just said, favor peace and democracy in Central America. The question is how to achieve it.

Some say that a combined carrot-and-stick approach is needed, that is to say both diplomatic pressure and military pressure by the democratic resistance. Others believe that only the carrot is needed.

I would like to draw upon an analogy. We all favor peace in the world and a secure United States. Throughout our history there has been a national consensus that only by providing for the defense of this country will we never be put in the position of having to defend against an attack—in other words, peace through strength. We engage in diplomacy, to be sure, but we also recognize the need for the stick as well; that is, a strong military defense of America.

We wish this were not so, but reality shows us that it is. The same thing is true in Nicaragua. We wish for peace and freedom. We wish for it to be attained without further fighting, through diplomacy only. But the fact is and the reality is that we need both the carrot and the stick. The moment democracy has been irreversibly established, our aid to the democratic resistance can be withdrawn, the stick withdrawn. Until then, like the dollars for our own defense, this aid for the democratic resistance represents the best hope for the establishment of peace and freedom.

This is not just the opinion of a Republican. It is the growing consensus of considered opinion in the United States, including editorial writers.

It is not often that we find a Republican quoting from the Washington Post, but I do want to quote from today's edition. The lead editorial stated this:

> Mr. Dodd and like-minded Democrats say contra aid has not helped, it's hurt, and it will keep hurting. This is an arguable claim, but we think the evidence finally goes the other way.

The Washington Post editorial goes on to say:

> Much has changed since Central American diplomacy became a factor last summer. The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the President's request.

Mr. Chairman, Democrats and Republicans can agree on this, and I urge my colleagues to vote yes.

The CHAIRMAN. The Chair wishes to state that the gentleman from Wisconsin [Mr. OBEY] has 4 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield my remaining 4 minutes to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], with whom I almost always agree.

Mr. FASCELL. Mr. Chairman, I thank the distinguished gentleman for yielding this time to me, since I am rising in strong support of the request that is now pending before the Congress and the American people.

I want to say that my purpose up here is simply to put my opinion on the record. My position is taken as a result of what I consider to be common sense. Like the gentleman, I have watched this process from the very beginning, when the United States first put out its hand to the Sandinista government and tried to establish a new basis for friendly relationship with that government.

We did not do that on our own. We worked with a lot of people in the hemisphere, and with a lot of people within Nicaragua who were part of the revolution and have a legitimate right to express their opinion and to have in participation in what that government is going to do. I do not believe, based on my opinion and knowledge and experience, that it is just the Directorate of that country that has the right to say what will happen just because they are in power. There were other legitimate elements of the revolution against Somoza that have something to say about the future of the people of Nicaragua. Those people have a right, an absolute right, for participating in the determination of their future—in processes that include political participation and freedom of the press and of religion, all of which are promised under the Arias peace plan, which is the first major change since the Contras came in as a force in the political process. So the Arias peace plan has been useful. It put political pressure on everyone in the hemisphere, including the Sandinistas and the United States Government.

But I can assure the Members that we would not have even had that if it had not been for the fact that there was a legitimate difference of opinion existing in Nicaragua, backed up by the force of arms and supported by the political, economic, and military commitment of the United States.

We terminated our program of assistance to the Sandinista government because they failed to live up to their promises—the promises that clearly were made as to the future that the people of Nicaragua would enjoy.

Now, you may fool me once and it may be because you are smart, but if you fool me twice, it is because I am stupid. I do not want to go down that road. It is not a question of who you believe or who you disbelieve; it is a question of human nature, common sense, and history. What we have here is pure and simple political power. It is that people in power want to stay in power. They will do the minimal that is required under existing pressure, whether it comes from us, or internally, or from the surrounding countries. They will get away with whatever it is they can get away with.

We talk about whether the United States can just fold up and roll over and not be in this process; whether we should get out and stop the Contras. Well, the Sandinistas have had it in their power from the day they signed the agreement, from the day they signed this last agreement, the Arias peace plan, to simply implement what they agreed to under that plan. And we know that if they had done that, we would not be here discussing this matter today.

Therefore, Mr. Chairman, I urge my colleagues to join in supporting this reasonable and modest request which is more political than military.

The CHAIRMAN. The time of the gentleman from Florida [Mr. FASCELL] has expired.

The time of the gentleman from Wisconsin [Mr. OBEY] has expired. The gentleman from Washington [Mr. FOLEY] has 3 hours remaining, and the gentleman from Oklahoma [Mr. EDWARDS] has 3 hours and 15 minutes remaining.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I yield 1 hour to the distinguished gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN. Without objection, the gentleman from Missouri [Mr. GEPHARDT] may be allowed to yield time.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, as this debate on Contra aid continues, I have a strange sense of deja vu. We have been here before, but I am possessed by an eerie awareness. That it is a place where we should not be.

It is administration's untenable Central American initiative that thrusts Congress into the awkward position of trying to achieve through legislation what the administration does not seek through negotiation.

The administration argues that, without the Contras, the Sandinistas would never be moving toward democracy. I cannot agree.

It is the Arias peace plan that has achieved what both illegal and approved aid to the Contras have not: the easing of social and political restrictions in Nicaragua.

This administration's actions continue to contravene the Guatemala accord.

The President's additional aid requests are an affront to the American people and an insult to Mr. Arias, the other Central American presidents, and their collective efforts to bring peace to their home region.

If the democratic leaders of Central America can live with a Nicaragua abiding by the peace accords, why can't President Reagan? I hope his presumption is not that he possesses a greater sensitivity to the dynamics of the region.

Rather than this debate occurring through the unimpeded vision of historical awareness, it is obstructed by an ideological blindspot. This is the same dogmatic approach that has so frequently guided this administration's decisionmaking.

I say decisionmaking—and I emphasize that it not be confused with policymaking.

What is occurring in Central America is not policy. It is a series of visceral responses. Flawed, rigid, and underscored by our past actions.

What we must provide is not military aid but moral leadership in Central America.

Since 1981, Congress has approved almost $200 million in Contra funding. At the same time we have witnessed the death and suffering of 40,000 people.

The Reagan administration's Contra obsession has produced the outrage of the Iran-Contra scandal—and our humiliation worldwide.

Just today a new embarrassment is materializing: the FBI surveillance of American citizens opposed to the administration's Central American policy. Nuns, college students, church groups, and the Knights of Columbus involved in subversive activities? A new "enemies list"?

While this administration remains transfixed by the conflict's theoretical geopolitical machinations, it ignores the human elements of the situation.

Through supporting the peace process, we can rebuild our Nation's moral authority to promote democratic reform. We must spread democracy by example not imposition.

This administration does not trust Daniel Ortega. And they may be right on that count. But why does this administration so fear giving Mr. Ortega a chance to prove them right?

Let us call Mr. Ortega's bluff.

If he proves the administration right, then we act accordingly; the President can request additional aid from Congress at any time. If Mr. Ortega proves them wrong, then the administration should be willing to sacrifice their pride for peace. A small price to pay in my estimation.

Six years of military aid have only brought more war, yet only 6 months of negotiations are beginning to bring peace.

The reopening of La Prensa, the lifting of the state of seige, and the beginning of direct communication between the Sandinistas and the Contras should bring hope—not more guns to Central America.

This administration cites the disclosures of Nicaraguan military exile Major Miranda to substantiate its position. Major Miranda has tried to convince us that Nicaragua plans to threaten the security of the region with a 500,000-man army. However, like most of the arguments made on the behalf of Contra funding, it is laden with half-truths and incomplete information.

A careful examination of the Miranda disclosures reveals that such a buildup, should it occur, would guard against a feared U.S. invasion. Additionally, such an army would consist largely of a poorly trained and ill-equipped citizens militia, inadequate for offensive operations. This is a country that fears a U.S. invasion not plans one.

Speaking of half-truths, let's define terms for the American people. The President is requesting the bulk of his funds for nonlethal aid. Mr. Reagan, tell the American people that less than 5 percent of the $36 million request would be used for humanitarian purposes.

Amid today's rhetoric, I challenge my colleagues to heed the echoes of Teddy Roosevelt's call "to dare greatly." Today we must dare greatly on the side of peace rather than on the side of war.

It has been said that violence is, essentially, a confession of ultimate inarticulateness, let our message today be clear and simple: "Just say no" to more Contra aid.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, the lessons of the Korean and the Vietnam wars have hit me hard in the last few months and I think we should take a look at the lessons we have learned in those two wars and apply them to the Nicaraguan situation.

In Korea, we made a commitment, we had an agreement, we made a commitment to stay and defend that area. We have done that. Korea has become very aggressive, has become a very fine democracy and has done very well, economic miracles have occurred in that area.

In Vietnam, we had a situation also where we had an agreement. In fact, former Secretary of State Henry Kissinger received a Nobel Prize for that agreement in Vietnam, but we walked away. Congress pulled out the rug and we walked away. Now Vietnam, both North and South, plus Laos and Cambodia, are communistic.

Nicaragua is similar. We have a situation there where we are trying to establish peace, but if we withdraw on our side, if we walk away, Nicaragua will fall to the Communists, as will Costa Rica, El Salvador, possibly Honduras and Guatemala as well.

The key word to me is commitment. In South Korea we remained and continue to remain committed to democracy, whereas in Vietnam we abandoned our commitment. That proves to me that if we want to insure a democratic Central America, we must maintain our commitment to the Contras. If the Sandinistas know the United States has no intention of living up to its commitments, they have no reason to live up to the promise of the peace accords. If we pull out now, I have no doubt that other countries will be overrun, as I have stated.

We have already seen how a show of commitment in Central America is working to pressure the Sandinistas to make good on their promises. By the November 7 deadline of the Guatemala peace accords, the Sandinistas had only begun to make superficial compliance. Then at the January summit in Costa Rica, which was meant as a final review, they asked for an extension of the deadline to begin to implement changes. It was only the refusal by other Central American nations to allow such an extension and the threat of continued U.S. aid that forced the Sandinistas to make some immediate changes.

Mr. Chairman, I urge support for the resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. Mr. Chairman, I rise in support of the President's request for aid to the Nicaraguan freedom fighters.

My colleagues, I've heard many of you saying today, "Let's give the Arias peace plan a chance." But I want to ask, what does it mean to give the Arias peace plan a chance? I was in San Jose, Costa Rica, in early September and talked to President Arias, and we've all heard President Arias, and here's what he himself says, and I'm quoting:

> We must call things by their name. If there is no pluralism; if there are no free elections; if there are no individual rights in all the countries; if there is no freedom of the press, as there is here in Costa Rica—then you can call it what you like, but it cannot be termed a democratic regime. I think that without democracy, which, as I have said many times, is the heart of the peace plan, a lasting peace cannot be achieved in the region.

Mr. Chairman, the peace plan was signed on August 7. It laid out several steps for all of the Central American countries to take within 90 days. But when the 90 days expired November 5, no action had been taken.

The Sandinistas have been promising democracy since 1979, and they've broken all their promises. The Sandinista Communists are liars. While they talk about peace, they are announcing their plans to build up their troop strength to 600,000 personnel. After Gorbachev left Washington for the INF talks, they admitted that they had made a deal with the Soviets to receive hundreds of millions of dollars of military hardware and sophisticated Mig jets.

Freedom in this hemisphere and our own national security interests are threatened. And the real issue is whether the Soviet Union is going to be allowed to set up a second forward military base in our hemisphere. The resistance are the freedom fighters, the Contras, coupled with the moral commitment of the United States to stand up for freedom and democracy. And if we do not reaffirm that commitment today, then it may well be that the Contras will perish. And many of my colleagues will be glad, but militant communism will again be on the march in our hemisphere.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, in all the hours of debate on Contra aid over the years, and today the critics always seem to rely on the same arguments. Opponents of aid to the democratic resistance in Nicaragua always claim: The Contras are the obstacle to peace and democracy in Nicaragua. They also tend to portray the Contras as a band of paid mercenaries who are the creation of the United States.

There must be no doubt about one very specific reality in Nicaragua. The United States didn't create the Contras; the Communist Sandinistas created the Contras.

Since it came to power in July 1979, the Sandinista regime in Nicaragua has deliberately and systematically oppressed the people of Nicaragua. It has created a military regime unmatched in Central America, and it has continued to support armed efforts to overthrow the democratic governments of its neighbors.

Opponents of Contra aid seem fond of saying United States support for the democratic resistance in Nicaragua is immoral and contrary to international law. Yet, since July 1979, when they took power, the Sandinistas have been engaged in an armed attack on their neighboring countries and primarily targeting El Salvador. The Sandinista's support for armed guerrillas in neighboring countries forced President Carter to cut off aid to the Sandinista regime. In both the NATO Treaty and the Rio Treaty it is provided that an armed attack on one member is an armed attack on all, and the allied countries have a duty to respond that translates: send in the marines. The continued Sandinista support for armed attack against its neighbors prompted a response from the United States, a response that was appropriate under our treaty obligations under international law and a response that is morally right. That response was to help Nicaraguans betrayed by the Marxist-Leninist comandantes leading the Sandinista regime.

Many of the Nicaraguans who now form the leadership of the Nicaraguan resistance were once prominent members of the Sandinista government. They expected the Sandinistas to fulfill the commitments they made to the OAS in 1979 for democracy, human rights and nonalignment. They were betrayed. They expected the Sandinistas to fulfill those same commitments when they signed the Arias peace plan in Guatemala in August 1987. But the Sandinistas stalled. And finally, 2 weeks ago, the Sandinistas announced their willingness to start keeping their promises.

And what was the argument used by Contra aid opponents to convince the Sandinistas to make an effort to comply with their promises? The threat of more aid to the Contras. It worked. Doesn't that say it all?

After 8 years of promises and betrayal, can we really expect the Sandinistas to fulfill their obligations if we stop giving aid to the Nicaraguan resistance? Do we force unilateral disarmament in Central America? Do we cut off the element that has been the single most effective counter to the Sandinistas' intention to establish a totalitarian Communist state on the North American Continent? Without the Contras, where are the checks and balances in the Nicaraguan system to ensure democracy? Without the Contras, where are the checks and balances in Central America to confront the overwhelming Sandinista military machine?

If the past year has taught us anything, it is the effect of the Nicaraguan resistance on bringing the Sandinistas to the negotiating table. If we want to give peace and democracy a chance in Central America, the Contras are not the obstacle, they are the insurance policy.

And, Mr. Chairman, today is not a vote to provide lethal assistance to the democratic resistance. That vote, if it occurs, will be sometime in April and then only if the President, after consultation with the four Central American Democratic Presidents and the Congress, finds a cease-fire is not in effect due to the Sandinistas. Even then no military assistance will go forward if Congress adopts a resolution.

For Members of Congress, there are few issues of greater concern than how we should view the Central American peace initiative put forward by Costa Rican President Oscar Arias and signed in Guatemala City on August 7. The results of the January meeting in Costa Rica of the five Central American leaders demonstrate the problems we face in trying to figure out how to achieve peace in the region. Only after severe pressure was exerted on him, including a warning by congressional Democrats that Contra aid would be approved if he didn't, did Daniel Ortega offer hope for compliance with the peace process and for democratic steps in Nicaragua.

After the Guatemala peace accord was signed, I said I was cautiously optimistic that the agreement, if it were to be fully implemented, would lead to peace in the region. Now, after the startling revelations last December of the Sandinistas' intentions to build a 600,000-man army and Mig jets with the Soviet Union and Cuba sponsoring a major military buildup in Nicaragua, I do not believe the Arias peace initiative—by itself—can produce peace and democracy in the region. Those December revelations came from Major Miranda, a close aide to Defense Minister Humberto Ortega. Ortega himself confirmed that what Miranda said was true. What I find particularly dismaying about the Sandinista plans for their massive military expansion is the fact they concluded their agreement with the Soviet Union and Cuba in September after signing the Arias peace plan in August.

I talked with Miranda and I was shocked, but not surprised, by his account of the extent of the Soviet commitment to building up the Sandinista army complete with missiles and Mig aircraft. I am also concerned about the sincerity of the Sandinistas in complying with the Arias peace plan based on a statement made by Daniel Ortega on December 13, 1987. He said, "In the hypothetical case that the Sandinista front lost an election, the Sandinista front would hand over Government not power."

As you know, President Arias was named this year's recipient of the Nobel Peace Prize for his efforts to negotiate a peace agreement in Central America, and rightly so. I cosponsored and managed for the Republicans a House resolution commending him. It is important to emphasize that his initiative is as much a democracy initiative as it is a peace initiative but not that much attention has been given to this by the national news media.

As President Arias said, "Without democracy, there can be no peace in Central America—and, there is no democracy in Nicaragua." For this reason, all eyes have been on Nicaragua to see if the Sandinistas would sincerely and fully comply with the commitments contained in the Guatemala accord to which they agreed and on which Ortega shook the hand of my friend Salvadoran President Napoleon Duarte, not once but three times.

The Guatemala peace accord placed as much emphasis on the requirements for democratic institutions and the protection of personal liberties as it does on ending the actual fighting between sides.

The Arias plan made clear that all elements are equal and indivisible. Quoting from the peace agreement, signed by all the Central American leaders, including Daniel Ortega: "The points included in this document form part of a harmonious and indivisible whole. The signing—of the document—incurs an obligation, accepted in good faith, to simultaneously comply with the agreement in the establishment of periods."

It was said of this Arias peace plan that it is not a menu from which to choose those courses each President liked. It was a total document obligating each Government to adhere to all the principles to which they committed themselves by agreeing to sign the peace accord.

The unfortunate fact is that the Sandinistas signed the Guatemala plan in August, and then unilaterally issued a second proposal in November which completely contradicted their commitments to the Arias peace plan. And then in January, Daniel Ortega announced new measures, once again, appearing to conform with the peace plan while, at the same time, the Sandinistas were making it clear their objective was to influence the vote on Contra aid. Based on their proposals in November and January, it is clear the Sandinistas no longer agree to the elements of simultaneity of the Arias plan, but now require the surrender of the opposition before they agree to carry out democratization.

President Reagan supported the Guatemala accord even though it lacked the verification and enforcement procedures he believed necessary to make it successful. I, too, believed it was vital that the United States not appear to be an obstacle to the peace process, that we must at least give it a chance, and that if it were going to fail that it not fail because of any perceived interference from the United States.

I believe the United States gave the peace process in Central America an honest chance, and in return the Sandinistas cynically concluded an agreement with the Soviet Union and Cuba to double the size of the Nicaraguan Army and to import Mig jets from Russia. Since the signing of the Arias peace plan, other information has come to light as well. Salvadoran President Duarte disclosed that the location of the headquarters of Marxist guerrillas fighting his government is in Managua, as well as the clandestine radio transmitters and propaganda publishing house. President Duarte knows well the Sandinista connection with the Salvadoran guerrillas. It was those guerrillas who kidnaped his daughter. The negotiations to free her required a great deal of contact through Managua.

Critics of the President's policies in Central America have never accepted the principle that United States support for the democratic resistance in Nicaragua—the Contras—has been for the purpose of forcing the Sandinistas to honor their commitments made to the OAS in 1979 for democracy, economic pluralism, respect for human rights and nonalignment. Supporting the Contras has been necessary as a means of getting the Sandinistas to negotiate in good faith; it has not been for the specific purpose of overthrowing by military force the Sandinista government.

As the Contras began fulfilling their objective and became successful in putting pressure on the Sandinistas, Nicaraguan Leader Daniel Ortega signed the Arias peace initiative. That would have put Nicaragua on the road to democracy if the Sandinistas would comply with all the requirements of the Arias plan. Critics of the President would never admit that is the reason the Sandinistas signed the peace proposal, but there can be no question that it is the very success of the Contras that caused the Sandinistas to sign an agreement that would have forced them to make real reforms in their government—if they would live up to the provisions of the agreement they've signed.

That's the point of debate for Members of Congress now. How do we ensure that the Sandinistas comply with the obligations of allowing a free press, radio and television, unions to organize, opposition parties to function, disaffected citizens to demonstrate, political prisoners to be set free? They have never lived up to their promises before, who should believe they will now? To be perfectly frank, while I would hope I am mistaken, I do not believe them now. And a colleague of mine who recently had a very frank discussion with Cardinal Obando y Bravo told me that the cardinal said, "The Sandinistas are Marxist-Leninists who cannot be trusted." The cardinal is right.

On December 16, the Wall Street Journal published an editorial entitled "The Ortega Doctrine." As the editorial states,

> The real nature of the Sandinista regime has been perfectly obvious for years.

No one should have been surprised at the revelations of Sandinista intentions to build a 600,000-man army and to import Soviet missiles and Mig fighters. The editorial speaks of the Ortega doctrine, which if allowed to go unchallenged will make a mockery of the Monroe Doctrine. I don't doubt there are some who would be pleased to see that happen, but I know the majority of the American people will not accept the expansion of Communist power in this hemisphere.

How do we keep that from happening and how do we ensure that pressure is kept on the Sandinistas to continue the peace process and carry out the democratic reforms required by the Arias peace plan? I believe the answer remains U.S. assistance for the Contras. When military aid for the Contras expired on September 30, I believe the Congress was correct in not approving new military assistance in order to give the peace process a chance. I asked the President to wait. Now that we have seen the hypocritical nature of the Sandinistas, I believe we must approve military aid for the Contras to provide the only pressure they seem to respond to—military force.

I also believe that the Sandinistas have gravely miscalculated the strength of the Contras. All along the Sandinistas have characterized the Contras as simply a mercenary band of ex-Somoza followers who are being paid by the United States to fight. The truth is the Contras are a true democratic resistance force of dedicated Nicaraguans who feel the Sandinistas betrayed their revolution when Somoza was thrown out in 1979. Their strength doesn't come from aid given by the United States, it comes from the belief in their cause that democracy must be brought to Nicaragua and repression and misery imposed by the Communist Sandinista regime must be removed.

On October 21, the House Subcommittee on Western Hemisphere Affairs—on which I serve as vice chairman—held a hearing on the peace process. At that hearing, we heard testimony from Ms. Leslie Hunter, a representative of Central American Peace and Democracy Watch, a bipartisan group which includes both those who support and those who oppose aid to the Nicaraguan resistance. Ex-Governor Robb of Virginia, L.B.J.'s son-in-law, is a member of that group, for example. Ms. Hunter had just returned from a 3-week mission in Nicaragua where she interviewed more than 80 people, including members of the Sandinista government, the civic opposition, the press, labor and professional organizations plus representatives from the church and human rights groups.

I would like to share with you some of the things she told our subcommittee. She said:

> The Sandinista government has lost all credibility in the eyes of the Nicaraguan people.
>
> I found that the Nicaraguan people blame the government, not the Contras, for the economic disaster, the shortages, the ubiquitous long lines * * *.
>
> On amnesty: The government's concept of amnesty is surrender of the armed resistance.
>
> When asked whether the human rights climate had improved since the signing of the [Guatemala peace] accords, many people told me it had actually gotten worse.

Perhaps, most importantly of all, Ms. Hunter said:

> The consensus of the civic opposition and others in Nicaragua is that the Sandinista main goals are to disarm the resistance, to remain in power with their state structures intact, and to comply in a minimal way with the peace accords while deriving the maximum propaganda benefit from it.

Ms. Hunter, in her testimony before our subcommittee, emphasized:

> The only way that the FSLN [the Sandinistas] will comply with the accords is if the United States, Latin America and other Western democracies insist that they will not be party to a fraud.

I do not believe the American people are ready to let the Sandinista regime in Nicaragua pursue its goal of expanding its military power. We're not going to sit back and make our backyard safe for communism.

I believe military pressure by the Contras remains essential to force the Sandinistas to seek peace in Central America. The time has come to recognize that before Americans need to fight to protect American interests in Central America, there are Nicaraguans who are already giving their lives to protect their interests and ours.

Let us help them.

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, today I rise in strong opposition to the resolution before the Congress. I hope that we resoundingly do vote no on this particular measure or resolution.

Mr. Chairman, this reminds me of a debate in which advocates of Contra arms aid say that "words have the meaning that we say they have." That is what the debate is about today on this floor.

Here in my hand I hold a copy of the Arias peace plan, and what does it call for? It calls for national reconciliation, a recognition of unarmed, internal political opposition groups, in Nicaragua. Do we have that today? Has that particular condition been satisfied by the Contra forces in terms of the peace plan? Let there be no doubt—this condition hasn't been met by the Contras.

The National Reconciliation Commission, has the goals of amnesty, cease-fire, democratization and free elections.

Look at the provisions of this particular peace plan and you will find, I am sorry to say, that there has not been a good faith effort in terms of compliance with this.

Of course, on the side of Honduras, on the side of the United States, the provisions that deal with the nonuse of territory to invade other states, has that particular condition been complied with?

The five countries which signed this document reaffirm their commitment, and I quote:

> The five countries which signed this document reaffirm their commitment to prevent the use of their own territory and to neither render or permit military or logistical support to persons, organizations, or groups attempting to de-stabilize the governments of the other Central American countries.

The provision or clause dealing with the cessation of assistance to irregular forces or insurrectionist movements, once again, and I read from this document:

> The governments of the five Central American states shall request the governments of the region and the extra-regional governments which openly or covertly provide military, logistical, financial, propagandistic aid in manpower, armaments, munitions and equipment to irregular forces or insurrectionist movements to cease this aid as an indispensable—

Indispensable, and I repeat—

> element for achieving a stable and lasting peace in this region.

This is what the document says, and yet today we have Members rising on this floor asking us to vote on a $60 million, 4-month package of funding, for both lethal and nonlethal aid to assist the Contras.

In other words, are we willing to cease and permit the peace plan to have a chance to work?

Have we as Americans pursued a policy that would permit this plan to work? I think the answer is pretty clear, that we have not.

Immediately upon the agreement to this Arias peace plan with those five Central American governments, I submit not only that we did not cooperate, but in many instances I think functioned in bad faith. That is why one of the chief negotiators that we had in that region, Mr. Philip Habib, withdrew from that particular role, because I believe, and I do not know that he said that, but I believe that he withdrew because he perceived, I think properly, that there was not a role for a negotiator in terms of our present U.S. policy and administration intentions. Our role has been not to negotiate directly with the Nicaraguan Government. We maintain an embassy there, but I guess we are not going to talk to them about this particular problem. Maybe that is as it should be, I do not know, but it certainly is not the role of someone, a country that is trying to pursue a peaceful policy.

We can negotiate. This country can negotiate. We have demonstrated that, I think reluctantly and maybe belatedly in terms of the INF agreement dealing with Gorbachev, dealing with the Soviet Union. We can deal with the People's Republic of China to establish trade ties, and that is good, and that is as it should be; but yet when it comes to Central America in dealing with the Sandinista government in Nicaragua, somehow we do not seek or explore a political settlement in that tiny Central American nation. Surely that is what the United States needs is a political settlement. We have had 8 years of military stalemate in Central America. The leading military experts that have been appointed to top military posts in Central America, General Gorman and General Galvin, and have in congressional testimony pointed out the impracticality of the military situation and that the Contras cannot win a military solution; so I think it is time that we say no to this aid today and give peace a chance to work.

Today the U.S. House of Representatives will cast the first clear vote of the 100th Congress on whether to provide funding for more than $60 million in direct aid to the Nicaraguan Contra rebels. Rehashed arguments are being made for further aid. Conspicuously lacking is a cohesive U.S. policy plan that would help Central American countries transcend and escape the morass of bloody revolution.

We all understand that Communist nations and communism leaders evoke strong feelings in this United States. But if we can negotiate an Intermediate-Range Nuclear Forces Treaty with the Soviet Union and open trade with the Communist People's Republic of China, why not support a truce in Central America where communism has competed with democracy for decades.

President Reagan has set the Central American policy agenda by repeatedly requesting the Congress to finance the proxy war against Nicaragua. It has now become a routine. The President cries that "We must support the Contras" or else the sky will fall. Then the congressional leadership and majorities in both parties rush to make some sort of accommodation with the President and the obsession with Nicaragua.

Look at the script we have been following. Delay voting on any new aid. Send aid. Suspend aid. Create an escrow account for lethal Contra aid to be released on some future contingency. Ultimately, we end up right back where we started—obsessed with Nicaragua and the Contras while ignoring the future of all of Central America.

What happened during these past 6 years as we spent hundreds of millions of dollars directly and indirectly to prop up the Contras? Nicaragua's Government imposed a state of emergency, suspended civil and political rights, and became dependent upon the Soviet Union and Cuba for hundreds of millions of dollars a year in aid. What has happened during the past 6 months since the leaders of Central America pursued the Arias peace plan? Nicaragua has lifted its state of emergency, proposed direct talks with the Contras, restored some civil and political rights, and released some of its political prisoners with promises to release more.

This United States obsession with Nicaragua has meant that we have not dealt properly with the causes of unrest in the region: poverty, injustice, and huge foreign debts. Mexico has 80 million people or more than 23 times the population of Nicaragua, a tiny country with fewer people than the State of Minnesota. Mexico is much closer and more vital to our country. Yet no workable, comprehensive Reagan administration policy for addressing Mexico's debt and development problems exists. The policy pursued by the administration is first to send bombs rather than books and military helicopters rather than health care workers to the developing countries of Central America.

What happens if Congress goes along with Contra aid once more?

First, Nicaragua will most likely abandon further democratic reforms. Second, the Soviet Union will continue its support for the Sandinistas. Third, a bloody conflict which almost no one believes the Contras can win will be prolonged indefinitely. Fourth, we will deal a death blow to the best peace plan on the table in 8 long years. Finally, we will signal the leaders and people of Central America yet again that we have no confidence in their ability to control their own destiny. Such a message would have profound implications throughout all of Central America.

The approval of more Contra aid at this time would be a green light for more spending. The United States has already made major investments to build military bases and send equipment to Honduras, El Salvador, Guatemala, and other countries for support of the Contras' war effort against the Government of Nicaragua. More Contra aid to Nicaragua would undoubtedly mean more helicopters for Honduras and more guns for Guatemala. The options seem clear. The United States can pursue a political settlement or a military stalemate.

Supporting democracy means accepting the reality that the future of Nicaragua and Central America will not be determined by the Reagan administration or the U.S. Congress, but by the people of Central America. It is, after all, their future that is at stake. It's time for Congress once and for all to just say "no" to Contra aid. It's time to develop a sound bipartisan policy which addresses the urgent humanitarian needs of all of the people of Central America.

The actual peace plan procedure agreed to by the five Central American governments in the region should be part of this debate.

The peace plan procedure follows:

PROCEDURE FOR THE ESTABLISHMENT OF A STRONG AND LASTING PEACE IN CENTRAL AMERICA

The Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, determined to achieve the objectives and to develop the principles established in the United Nations Charter and the Charter of the Organization of the American States, the Document of Objectives, the Caraballeda Message for Peace, Security and Democracy in Central American, the Guatemala Declaration, the Punta del Este Communique, the Declaration of Panama, the Esquipulas Declaration, and the Contadora Treaty Proposal for Peace and Cooperation in Central America of July 6, 1986, have agreed on the following procedure for establishing a firm and lasting peace in Central America.

NATIONAL RECONCILIATION

DIALOGUE

To urgently carry out, in those cases where deep divisions have resulted within society, steps for national reconciliation which would allow for popular participation with full guarantees in authentic political processes of a democratic nature based on justice, freedom and democracy. Towards this end to create those mechanisms which, in accordance with the law, would allow for dialogue with opposition groups. For this purpose, the corresponding Governments will initiate a dialogue with all unarmed internal political opposition groups and with those who have availed themselves of amnesty.

AMNESTY

In each Central American country, except those where the International Commission of Verification and Follow-Up determines that such a measure is not necessary, an Amnesty decree will be issued containing all the provisions for the guarantee of the inviolability of life, as well as freedom in all its forms, property and the security of the persons to whom these decrees apply. Simultaneous with the issuing of the amnesty decree by the Government the irregular forces of the respective country will place in freedom all persons in their power.

NATIONAL RECONCILIATION COMMISSION

In order to verify the compliance with the commitments that the five Central American Governments subscribed to by the signing of this document concerning amnesty, cease-fire, democratization, and free elections a National Reconciliation Commission will be established whose duties will be to verify the actual carrying out in practice of the national reconciliation process, as well as the full exercise of all civil and political rights of Central American citizens guaranteed in this document. The National Reconciliation Commission will be comprised of a delegate and an alternate delegate from the executive branch, a bishop delegate and an alternate bishop delegate recommended by the Episcopal Conference, and chosen by the Government from a list of three candidates which should be presented by the conference within a period of 15 days upon receipt of a formal invitation. This invitation will be made by the Governments within five working days from the signing of this document.

The same procedure will be used to select a delegate and alternate delegate from the legally registered political opposition parties. The said list of three (candidates) should be presented within the same above mentioned period.

In addition, each Central American Government will choose an outstanding citizen, outside of public office and not pertaining to the party in power, and his respective alternate, to be part of this commission.

The decree, which puts into effect the agreements for the nomination of the members of the respective national commissions, shall be communicated immediately to the other Central American Governments.

EXHORTATION FOR THE CESSATION OF HOSTILITIES

The Governments make a vehement appeal so that in the States of the area, currently suffering from the activity of irregular or insurgent groups, a cessation of hostilities be arranged. The Governments of these states commit themselves to undertake all the necessary steps for achieving an effective cease-fire within the constitutional framework.

NEGOTIATIONS ON MATTERS RELATING TO SECURITY, VERIFICATION, CONTROL AND LIMITATION OF ARMAMENTS

The Governments of the five Central American states, with the participation of the Contadora group in exercise of its role as mediator, will continue negotiations on the points still pending in the Contadora: Treaty Proposal for Peace and Cooperation in Central America concerning security, verification and control.

In addition, these negotiations will entail measures for the disarmament of the irregular forces who are willing to accept the amnesty decrees.

REFUGEES AND DISPLACED PERSONS

The Governments of Central America commit themselves to give urgent attention to the groups of refugees and displaced persons brought about by the regional crisis through protection and assistance, particularly in areas of education, health, work and security, and whenever voluntary and individually expressed, to facilitate in the repatriation, resettlement and relocation [of these persons]. They also commit themselves to request assistance for Central American refugees and displaced persons from the international community, both directly through bilateral or multilateral agreements, as well as through the United Nations High Commissioner for Refugees and other organizations and agencies.

COOPERATION, DEMOCRACY AND FREEDOM FOR PEACE AND DEVELOPMENT

In the climate of freedom guaranteed by democracy, the Central American countries will adopt agreements permitting for the intensification of development in order to achieve more egalitarian and poverty-free societies. Consolidation of democracy presupposes the creation of a system of economic and social justice and well-being. To achieve these objectives the Governments will jointly seek special economic support from the international community.

FREE ELECTIONS

Once the conditions inherent to every democracy are established, free, pluralist and honest elections shall be held as a joint expression of the Central American states to seek reconciliation and lasting peace for its peoples. Elections will be held for a Central American parliament, whose founding was proposed in the Esquipulas Declaration of May 25, 1986. In pursuit of the above mentioned objectives, the leaders expressed their will to progress in the formation of this parliament and agreed that the Preparatory Commission of the Central American Parliament shall conclude its deliberations and submit to the Central American Presidents the respective treaty proposal within 150 days.

These elections will take place simultaneously in all the countries throughout Central America in the first half of 1988 on a date mutually agreed to by the Presidents of the Central American states. These elections will be subject to vigilance by the appropriate electoral bodies. The respective governments commit themselves to extend an invitation to the Organization of American States and to the United Nations as well as to governments of third states to send observers who shall bear witness that the electoral processes have been held in accordance with the strictest norms of equality, of access of all political parties to the media, as well as full guarantees for public demonstrations and other kinds of proselytizing propaganda.

The appropriate founding treaty shall be submitted for approval or ratification in the five countries so that the elections for the Central American parliament can be held within the period indicated in this paragraph. After the elections for the Central American parliament have been held equally free and democratic elections shall be held with international observers and the same guarantees in each country to name popular representatives to municipalities, congresses and legislative assemblies and the presidencies of the republics. These elections will be held according to the proposed calendars and within the periods established in the current political Constitutions.

CESSATION OF ASSISTANCE TO IRREGULAR FORCES OR INSURRECTIONIST MOVEMENTS

The Governments of the five Central American states shall request the Governments of the region and the extra-regional governments which openly or covertly provide military, logistical, financial, propagandistic aid in manpower, armaments, munitions and equipment to irregular forces or insurrectionist movements to cease this aid, as an indispensable element for achieving a stable and lasting peace in the region.

The above does not include assistance for repatriation or in lieu thereof the reassigning of the assistance necessary for those persons having belonged to these groups or forces to become reintegrated into normal life. Likewise the irregular forces or insurgent groups who operate in Central America will be asked to abstain, in yearnings for a true Latin American spirit from receiving such assistance.

These petitions will be made in accordance with the provisions of the Document of Objectives regarding the elimination of arms traffic, whether it be inter-regional or extra-regional, intended for persons, organizations or groups attempting to destabilize the governments of the Central American countries.

THE NON-USE OF TERRITORY TO INVADE OTHER STATES

The five countries which signed this document reaffirm their commitment to prevent the use of their own territory and to neither render or permit military or logistical support to persons, organizations, or groups attempting to destabilize the governments of the Central American countries.

DEMOCRATIZATION

The Governments commit themselves to promote an authentic democratic pluralist and participatory process that includes the promotion of social justice respect for human rights, [state] sovereignty the territorial integrity of states and the right of all nations to freely determine without outside interference of any kind its economic, political, and social model and to carry out in a verifiable manner those measures leading to the establishment or in their instances, the improvement of representative and pluralist democratic systems which would provide guarantees for the organization of political parties effective popular participation in the decision making process and to ensure free access to different currents of opinion to honest electoral processes and newspapers based on the full exercise of citizens rights.

For the purpose of verifying the good faith in the development of this democratization process, it will be understood that there shall exist complete freedom of press, television and radio. This complete freedom will include the opening and maintaining in operations of communications media for all ideological groups, and the operation of this media without prior censorship.

Complete political pluralism should be manifest. In this regard, political groupings shall have broad access to communications media, full exercise of the right of association and the right to manifest publicly the exercise of their right to free speech, be it oral, written or televised, as well as freedom of movement by members of political parties in order to proselytize.

Likewise those Governments of Central America, which have in effect a state of exception siege, or emergency [law] shall terminate that state and re-establish the full exercise of all constitutional guarantees.

INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMISSION

An international verification and follow up commission will be established comprised of the Secretary Generals of the Organization of American States and the United Nations or their representatives, as well as the Foreign Ministers of Central America, of the Contadora Group and the Support Group. This commission will have the duties of verifying and following up the compliance with the commitments undertaken in this document, as well as the support and facilities given to the mechanisms for reconciliation and verification and follow up. In order to strengthen the efforts of the International Commission of Verification and Follow-Up, the Governments of the five Central American states shall issue declarations of support for [the commission's] work. All nations interested in promoting the cause of freedom, democracy, and peace in Central America can adhere to these declarations.

The five Governments shall offer all the necessary facilities for full compliance with the duties of verification and follow-up of the National Reconciliation Commission of each country and of the International Commission of Verification and Follow-Up.

CALENDAR FOR THE IMPLEMENTATION OF AGREEMENTS

Within a period of 15 days from the signing of this document, the Foreign Ministers of Central America will meet as the Executive Committee to regulate, promote and make feasible compliance with the agreements contained herein and to organize the working commissions so that, henceforth, the processes leading to compliance with the contracted commitments may be initiated within the stipulated periods by means of consultations, undertakings and other mechanisms deemed necessary. Ninety days from the signing of this document the commitments pertaining to Amnesty, Cease-Fire, Democratization, Cessation of Assistance to Irregular Forces or Insurrectionist Movements, and the Non-Use of Territory to Invade Other States, will enter into force simultaneously and publicly as defined herein.

One-hundred-twenty days from the signing of this document, the International Commission for Verification and Follow-Up will analyze the progress [made] in the compliance with the agreements provided for herein.

After 150 days, the five Central American Presidents will meet and receive a report from the International Commission of Verification and Follow-Up and they will make the pertinent decisions.

FINAL PROVISIONS

The points included in this document form part of a harmonious and indivisible whole. The signing of [the document] incurs an obligation accepted in good faith, to simultaneously comply with the agreement in the established periods.

We the Presidents of the five States of Central America, with the political will to respond to the longings for peace of our peoples sign [this document] in the City of Guatemala, on the seventh day of August of 1987.

OSCAR ARIAS SANCHEZ.
JOSE NAPOLEON DUARTE.
VINICIO CEREZO AREVALO.
JOSE AZCONA HOYO.
DANIEL ORTEGA SAAVEDRA.

Indeed, words have specific meaning, we as the U.S. House of Representatives can help fulfill one key element of this process by voting no today and stopping the outside armed assistance from the United States that is destroying the ability of these small nations to achieve their goal of peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, in the past few weeks we have been hearing that we should give Daniel Ortega a chance to prove himself, and that we should do all we can to further the peace process in Central America.

I believe that Daniel Ortega has proven himself, and I desire nothing less for Central America than a strong and lasting peace with freedom. That is why I will support authorizing additional aid to the Contras today.

I believe that we should trust more in the many promises Daniel Ortega has broken rather than those yet unproven that he has made in the last few weeks.

Before there was U.S. aid to the Contras—before the Contras existed—Daniel Ortega promised the Organization of American States to hold free and open elections, and to promote a pluralistic political system.

The opposition in Nicaragua developed because of what really happened: The Sandinistas seized total power and the only election to date was a sham that saw opposition parties excluded from the process.

Daniel Ortega then promised the Nicaraguan people a better life. However, he has given them massive food shortages and an 1,800 percent inflation rate while he ruthlessly finances his destabilizing military forces with Soviet money.

In 1983, Daniel Ortega's government signed the Contadora objectives document, signifying acceptance of all 21 objectives, and 6 weeks later he broke it.

Last summer, Daniel Ortega promised to abide by the Arias peace plan which calls for both, I repeat both, peace and democracy, and already he has broken that promise. All these and many other promises have been broken by the Sandinistas.

The question we face here today is whether to put our trust in the proof of history or in Daniel Ortega. I believe that to abandon the Contras now is to abandon our shared hope for peace and liberty in Central America even as we are in sight of achieving it.

□ 1500

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, this is about the 37th vote we are going to be having on the issue of Contra aid and the whole issue concerning Central America. It seems that one thing has been clear from the very beginning: the President may have been able to get a majority of this House and the Senate from time to time, but he has never been able to sustain a majority of the American people. What that has led to is a bifurcated policy that is one that has been on again and off again.

Several months ago the President came to the Speaker and he wanted the Reagan-Wright peace plan for Central America.

When, to the administration's shock, a version of that in the Arias peace plan was accepted, the administration started to do everything within its power to undo that peace process. For that reason I think more than any other the President comes to this Congress today without a majority. In the House and the Senate, I believe the President's proposal will be rejected later this evening. What does that do for America's policy? America's policy from here, and starting tomorrow, has to be one of trying the peace process. We can sit here and try to review the history of the failure of the United States and particularly this government in the last 7 years to establish a policy to adequately represent our interests in Central America, 6 years of losing a war is not a good policy for the United States, 6 years of financing the death of Nicaraguan civilians, children, and women is not a policy that makes the United States proud. What we need to do is to take the United States and put it back in the kind of leadership position in the peace process with economic reform and support for democratic governments in the region that the democratic governments in Central America have asked us to do.

We look today to the democratic governments in Central America and they say to us, "Test the peace process. Do not pass more money for war today."

Mr. Chairman, let us look at what the President has done. The President has come to us with the legislative equivalent of gerrymandering. He has created a law that if passed will be repassed at a later date by the Congress if certain provisions have or have not been met.

What do we need a gerrymandering version of legislation here for when this Congress is in session from now until at least October 1? If the President finds a time where he thinks he can pass this legislation without all the sweeteners and directly address the issue, let him bring it to the U.S. Congress then. If he thinks he can convince a majority of the American people and the Congress of the United States that the peace process has failed and that military assistance is necessary, let him come then with that proposal to the Congress.

Today we ought to be supporting the Arias peace plan and the democratic governments of Central America, and to put Daniel Ortega and the Sandinistas on the spot. Negotiations are now in progress, they are face to face, the democratic governments want them to succeed and we ought not to be the nation that undoes the peace process.

I asked Secretary Shultz the other day before the Committee on Foreign Affairs for concrete examples of what we have done other than apply military pressure. Mr. Chairman, when we talk abut pushing people or trying to cajole people to your position we talk about pressure, we talk about the carrot, we talk about the stick. Where is the carrot in this process? If we have them at the peace table, if we have gotten face-to-face negotiations, do we not believe that for just one moment we can stop the military assistance and give the peace process a chance, I believe my colleagues will do that tonight, and I hope that the governments of Central America read it as the message it is intended to be, that we want the peace process to succeed. We want to see an end to the violence throughout Central America. We want to see democratic reforms for all the countries in Central America and not dealing just with the political process, but with the economic rights of the people of that region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, we have been told that there may be great personal political risks in the votes we cast here today. But these risks pale beside those faced by President Arias, by the other Central American Presidents and by the Nicaraguan people.

President Arias has staked his nation's future on the proposition that peace and democracy can be the norm in Central America, and not just a brief pause between Communist or Fascist dictatorships. The Nicaraguan people have staked their lives on the proposition that democracy is not just an elitist theory, but that a free society is their birthright.

Mr. Chairman, the Nicaraguan people are closer to peace and democracy now than they were 1 or 2 years ago. What accounts for this progress? A combination of factors: President Arias' brilliant diplomatic initiative, the Soviet's war-weariness, insistent pressure from the political opposition and yes, the effective military opposition of the democratic resistance.

Because of all these factors, President Ortega is spending this winter at the negotiating table instead of in Moscow.

These are all crucial factors in the complex effort to bring democratic reform to Nicaragua and peace to Central America. Without the support of the Nicaraguan people, the peasant resistance army I saw last year could turn into just another mercenary force. Without the Arias plan, there could be just another seemingly endless guerrilla war in Central America. And remember this, without the military pressure from the democratic resistance, the Arias plan could become yet another empty diplomatic gesture.

This vital balance could mean a democratic Nicaragua and peace in Central America. President Arias recognized this when he made simultaneity the crucial factor in his peace plan. What does simultaniety mean? It means when the Sandinistas promise democratic reforms, the resistance promises to lay down their arms and we promise to end our assistance. And when the Sandinistas actually take steps toward democracy, the resistance takes steps toward deescalation and we take steps to reduce our military assistance.

So far, so good. Promises have been made and steps taken by both sides. The Sandinistas have taken small steps toward democracy and the administration has reduced its proposed aid package from $270 million in military assistance to $36 million of almost all nonlethal aid. The very delicate multitrack peace process has begun.

But we are still at the beginning of this process, not the end. The end of our assistance should only come when irrevocable democratic reform comes into Nicaragua. The end—the goal—is free political activity in Nicaragua. Certainly this goal serves our own strategic interests. A democratic Nicaragua will not accept billions of dollars in Soviet military aid, nor will it seek to destabilize its neighbors. But a democratic Nicaragua will also signal the beginning of a lasting peace in Central America and that serves everyone's interests.

We cannot abandon this effort at the very moment it signals success.

Instead, we should use the recent INF negotiations as a guide. The Soviets signed this historic agreement because we were steadfast in our resolve, we negotiated from a position of strength, and we did not make unilateral concessions. Mr. Chairman, this strategy works with the Soviet Union and it will work with a Soviet client state. This client state has accepted $1 billion in Soviet aid, that's $1 billion versus $36 million. Think about it.

One final note. I am disturbed to hear the comments of some that if the resistance falters, and the Sandinistas renege on their promises, we can always use American troops to get back on the right track. This is wrong. I strongly oppose such a fall back option. The choice before us is not credulous withdrawal or send in the Marines. This is a simplistic, dangerous and wrong choice.

The only choice today is support both the Nicaraguan farmers and laborers who fight for their freedom in the resistance and President Arias who understands that Central America peace cannot be without Central America democracy. The only choice is support the opposition political leaders who pleaded with this Congressman last February in Managua "do not forget us." Mr. Chairman, our only choice is to support the Nicaraguan people in their quest for peace and freedom.

The largest daily newspaper in my State, the Seattle Times recently editorialized in favor of this choice. I'd like to insert that editorial into the RECORD at this time.

U.S. SHOULD SUPPORT PEACE PLAN AND CONTRAS

With a crucial vote in Congress on aid to the Nicaraguan contras coming up next week, the Reagan administration and the Sandinista regime have been doing some fast footwork to influence the outcome.

As a result, both sides are moving in the right direction: toward a middle ground on this unfortunately polarized issue.

To his credit, Nicaraguan President Daniel Ortega has continued to make concessions toward greater compliance with the Central American peace plan. The latest encouraging example; The Sandinistas announced this week that seven radio programs could go back on the air and six publications could resume printing. All had been censored since 1982 under the national-emergency law that Ortega lifted last week.

Meanwhile, the administration has wisely scaled down its request to Congress for contra aid, from the $270 million figure floated last fall to the $36.25 million package that Reagan offered this week.

Only 10 percent, or $3.6 million, is for military hardware. That would be held in escrow and released only if the contras and Sandinistas failed to reach a cease-fire agreement during talks that began today in Costa Rica.

Before releasing any lethal aid, however, the administration pledged to meet with the four other Central American presidents and seek their counsel, which is absolutely essential. Congress also should have a stronger role in that decision, perhaps through a congressional-resolution process.

Furthermore, if Congress approves the contra-aid request, Secretary of State George Shultz will go to Central America for the first direct U.S.-Nicaraguan talks in three years. That's exactly the diplomatic approach that many administration critics long have recommended.

Ideally, the United States should give strong bipartisan support both to the peace plan and the contra resistance, while Ortega's recent (but easily reversed) concessions are put to the test of time.

As Fernando Volio, president of Costa Rica's Legislative Assembly, said recently: "Without military pressure, the Sandinistas will never change . . . Reagan is right. Without the contras, the Sandinistas will grow stronger."

Clearly a combination of regional diplomacy and pressure from the contras has brought progress toward democracy in Nicaragua. There's no reason to abandon that effective approach now that it's finally working.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama [Mr. CALLAHAN].

The CHAIRMAN. The gentleman will suspend.

The Sergeant at Arms and Doorkeepers will do their duty and restore order in the Gallery. Demonstrators will be removed from the Gallery.

The Chair reminds all guests in the Gallery that they are guests of the House. We welcome their presence here, but any manifestation of approval or disapproval is a violation of the rules of the House.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. The Chairman has just admonished those of the guests of the House in the Gallery about the rules of the House, and I would just like to say that those rules are designed to permit the orderly debate and discussion of issues by Members of the House without the interference of approval or disapproval signs, but it is also true, I think, that demonstrations of the kind we have just seen do no good in support of the cause that, unfortunately, some people believe they will help by such demonstrations, and they have a contrary effect to that intended by those who demonstrate.

I hope we will have seen the last such example during the course of debate today.

The CHAIRMAN. The Chair would ask the gentleman from Oklahoma [Mr. EDWARDS] the amount of time that has been yielded to the gentleman from Alabama [Mr. CALLAHAN]?

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have yielded 1½ minutes to the gentleman for Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized for 1½ minutes.

Mr. EDWARDS of Oklahoma. Mr. Chairman, would the gentleman from Alabama yield?

Mr. CALLAHAN. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would only like to point out to my colleagues in the Chamber that the people we are talking about, the citizens of Nicaragua, would love to live in a country where they have the opportunity to demonstrate like this, to live in a country where they had an opportunity to speak and be heard.

Mr. CALLAHAN. Mr. Chairman, I rise in strong support of this effort today to provide the Nicaraguan freedom fighters with a $36.2 million aid package as requested by the President.

This resolution upholds America's support of the freedom fighters' efforts to establish peace, freedom, and democratic institutions for the people of their own land. At the same time, it most assuredly provides an incentive for the Sandinistas to abide by the important peace accords reached by the five central American countries last August.

Many arguments are made in opposition to this aid request. Some contend that adoption of the package will hinder the Central American peace plan; some simply do not like the Contras. But we cannot discount the irrefutable evidence of a Soviet presence in Nicaragua. That is the issue: The Soviet Union, through the Sandinista Government, is seeking expanded influence in North America. It is our obligation to block that expansionism.

As a representative of a gulf coast community, my congressional district has a keen sense of its closeness to Central America. Because the Port of Mobile regularly receives cargo from Central America, the interrelationship of our countries can be visualized and the ramifications for the United States of Communist control of that region are very frightening.

I honestly believe that failure to approve this resolution will have disastrous consequences for the cause of democracy and our national security. Once again, I urge my colleagues to support this resolution for what it really is. Recognize that it is United States support for the peace process in Central America and democracy in Nicaragua. Vote "aye" on the resolution.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. Mr. Chairman, I rise in opposition to any assistance to the Nicaraguan Contras.

After 7 years and close to $300 million United States dollars in assistance, Nicaragua is no closer to peace and democracy today than it was in 1981 when the CIA created the Contras. In fact, the Contras have served as the justification for the very behavior of the Nicaraguan Government that the peace process is now changing.

Mr. Chairman, the Guatemala agreement, signed by the five Central American Presidents on August 7, 1987, started a process for peace. While the United States is not a signatory, the agreement leaves no room for doubt as to what our Central American allies expect of us. Article V of the agreement calls upon "governments outside the region"—a clear reference to the United States—"which are providing * * * military, logistical, financial, and * * * humanitarian aid * * * to insurgent movements"—a clear reference to the Contras—"to stop such aid as an indispensable element to achieving a lasting and stable peace in the region."

Last week, Costa Rican President Oscar Arias, the author of the Guatemala agreement, called on the United States administration to stop all aid to the Contras, including so-called humanitarian and nonlethal assistance. Indeed, he took the unusual step of suggesting that the Congress should defy the administration and refuse to approve any such request.

Mr. Chairman, our Central American allies have set up their own verification commission to investigate compliance with the Guatemala peace accord. The commission's determinations were reported to the five Central American Presidents on January 15. The commission's assessment was that:

> In the case of Nicaragua, * * * in spite of wartime suffering, it has made concrete steps toward initiating a democratic process.
>
> * * * * *
>
> The Guatemala procedure sets forth a broad scheme for democratization, difficult to achieve in scarcely 5 months in a region characterized by a turbulent history.
>
> * * * * *
>
> The goals * * * have not been completely achieved as of this date. The fact that peace has not been attained does not detract from the validity of the Guatemala procedure. It makes a lasting political will for overcoming these obstacles even more imperative.
>
> In evaluating the progress * * * it is important to understand, that, just as its name implies, this procedure is a continuing process of on-going actions. For this reason, 150 days after the signing of the accord it would be as untrue to deny progress as it would be to claim success.

Moreover, the verification commission's report takes the Reagan administration—and this Congress—to task for ignoring the agreement when it states:

> In spite of the exhortation of the Central American Presidents, the Government of the United States of America maintains its policy and practice of providing assistance, military in particular, to the irregular forces operating against the Government of Nicaragua. The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this procedure as a whole.

A vote by this Congress for further aid to the Contras, at a time when we are being called upon by the governments of Central America to do exactly the opposite, would be a direct slap in the face to the peace process and to our allies in Central America who are struggling to implement this agreement.

Mr. Chairman, the countries throughout the Western Hemisphere—and most of our friends and allies outside the region—are actively lending their support to the Guatemala peace process. The administration and its supporters in the Congress are the only governmental group still talking about Contra aid.

Yesterday, a copy of the communique adopted by the Coordinating Bureau of the Movement of Non-Aligned Countries on January 29, 1988, was hand delivered to our Subcommittee on Western Hemisphere Affairs. The nonaligned movement is composed of 100 nations. Their communique reads in part as follows:

> The Coordinating Bureau of the Movement of Non-Aligned Countries held an urgent meeting in New York on January 29, 1988 to review the situation in Central America and the serious threat posed to the peace process in the region as a result of the decision of the U.S. administration to seek the renewal of aid to the mercenary Contra forces trying to overthrow the Government of Nicaragua.
>
> * * * * *
>
> The Bureau was deeply concerned that the U.S. administration had refused to heed the appeal made by the Central American Presidents at the San Jose summit by proceeding to seek the renewal of funding for the mercenary Contra forces for the purpose of overthrowing the legitimate Government of Nicaragua. The Bureau deplored the continuation of this policy of the U.S. administration, which seriously jeopardizes the peace efforts in the region and impedes the implementation of the Guatemala procedure as a whole.
>
> The Bureau once again called up the U.S. administration to cooperate in the implementation of the Guatemala peace accords by stopping its support for the mercenary Contra forces that are destabilizaing Nicaragua.

In 1928, following the occupation of Nicaragua by the U.S. Marines, Franklin D. Roosevelt said:

> The net result of our policy in Nicaragua is that never before have we had less friends in the Western Hemisphere.

Those words are just as true today. In fact, with regard to our policy toward Nicaragua, I would argue that we don't have a friend in the world today.

Mr. Chairman, the United States stands alone against our friends and allies around the world regarding the issue of assistance to the Contras. I hope that today this Congress will heed the call of the international community and terminate all aid to the Contra forces.

□ 1515

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute and 40 seconds to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, 40 years ago another Missourian confronted the same problem we are facing today. A small country was threatened by Communists, and many Americans were asking why we should care.

Harry Truman told us that the issue was not just the future of Greece, though that was important. The real question was whether or not the United States would accept its obligations as the leader of the free world in opposing Soviet expansion.

Back then some said that we should leave everything to the United Nations, just as their descendents now ask us to abdicate our foreign policy to the opinions of other countries. Harry Truman said the United Nations was important, but it was not a substitute for our own judgment.

In 1948 the left wing of Harry Truman's own party said the Soviet Union was not a threat to the West. Henry Wallace claimed that Stalin could be trusted, just as his heirs ask that we trust Daniel Ortega one more time. Harry Truman knew better, and so should we.

When the people of Greece appealed to the United States for help, they did not want or need American troops to fight their war for them. They only asked that they be given the opportunity and the means to defend themselves. The Nicaraguan people are asking for nothing more.

The verdict of history is that the Truman doctrine saved the West from Soviet expansion. Our vote today could have the same importance for our own hemisphere. I urge all my colleagues to vote for the resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Chairman, what is going to happen if we turn our backs on the Nicaraguan resistance? The small amount of aid we are debating today is of tremendous importance as we look to the future. The security of this hemisphere and the material and spiritual well-being of Nicaraguans is hanging in the balance. If we do not stand four-square in support of peace with freedom and justice, Central America's political problems will only multiply down the line.

We cannot isolate this debate from the fact that the Sandinistas have already established an army that is larger than any Central American army in history; a Russian-Cuban sponsored military force that is unprecedented and unjustified. Nicaraguan Armed Forces already exceed 75,000 troops, and they have promised to follow through on their intention to expand this to 600,000. This is one promise I think we can count on the Sandinistas to keep.

Even as we have been talking about peace, Eastern bloc aid has been steadily fueling the Sandinista's effort to consolidate their Marxist-Leninist revolution. We should not let Daniel Ortega and his allies dictate to us whether we will keep the opposition to this totalitarian attempt alive and in the field.

We must not turn our backs on the Contras. They are opposing a power which threatens the freedom and stability of the rest of Cental America. We must support the cause of freedom in Nicaragua because the freedom of all of Central America depends on it. We need to use every option available to us so that we never are faced with the prospect of sending American troops to fight widespread Communist aggression and oppression in Central America.

The Contras are willing to fight for the right to live in a free Nicaragua. These are individuals who have left everything they have to fight for the freedom of their homeland. Many of these same individuals took part in the revolution against Somoza and now have had their revolution stolen from them. It is our moral duty to support them as they seek to bring freedom to their homeland.

Even though the Sandinistas have officially lifted the state of emergency, they still are using their power to keep the opposition oppressed. As a leader of the Social Christian Party recently said, "we've gone from a state of emergency to a state of terror."

The opposition leaders who were briefly jailed at the same time the Sandinistas were making "concessions" are a clear example to the rest of Nicaragua not to take their "freedom" too seriously. If you take Ortega at his word, you could end up in jail. The opposition parties do not have the freedom to organize and campaign because at any time they may be attacked by Government-sponsored terror.

These are the Sandinistas on their best behavior as they try to court United States opinion to undermine Contra aid. What can we expect from them once the Contras have been disarmed? We must continue to aid the Contras until we have guarantees that actions such as this will not be used to ensure the endurance of a Sandinista one-party state.

The Contras have demonstrated that they are the engine that is running the peace process. Without the Contras the Sandinistas will never negotiate away their power. We must keep this chance for a negotiated solution alive with continued aid to the freedom fighters. In this case, a vote against aid is a vote against freedom, and against the peace process.

It has been suggested that we should just "give peace a chance" in Nicaragua. Well, the peace that is being proposed by some is easy to achieve because all it takes is for one side to lay down their arms and give up. This is the option that is being proposed by ending aid to the Contras. By denying them the aid which would allow them to remain a viable force, we are telling them to give up and go home to face the Sandinistas unarmed.

We want to see a true peace established in Central America. A ceasefire and negotiated settlement will yield good results only if we do not leave the Contras dependent on the good will of the Sandinistas.

If we cut off aid to the Contras, we would weaken them just at the point when they are engaged in face-to-face talks with the Sandinistas. These talks may establish democracy in Nicaragua, but they will not succeed if the Contras are hung out to dry. This is no time to run up the white flag of unconditional surrender. We should send the Sandinistas a clear message: give democracy a chance.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. COATS].

Mr. COATS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, those who oppose Contra aid say peace can be achieved by ending aid to the Contras and thus removing them as a threat to the Sandinista Government. They claim that reliance on the Arias peace accords will bring peace and democracy to Central America. Those in support of aid to the Contras, of which I am one, say that only the presence and pressure of the Contras have brought the Sandinistas to the negotiating table, and it is that pressure that is accountable for the recent concessions made by the Sandinistas. I believe there is enough evidence before each Member of this body of Congress today for us to conclude that once the Contra pressure has been eliminated, the Sandinistas will resume their consolidation of totalitarian power, continue their buildup in Nicaragua, and resume their efforts to spread revolution throughout Central America.

I hope and I pray that my assessment is wrong. I hope and pray that your assessment is correct. But I think the question we have to ask ourselves is what do we do if the Arias peace plan fails and we have effectively by this vote today removed the Contras as a viable option to deal with what is happening in Central America. We then face a regime dedicated to spreading revolution throughout Central America, with grave future consequences for the United States.

I asked President Arias this directly when I visited him in Costa Rica.

> Mr. President, what do we do if the Contras are no longer there and the Sandinistas do not live up to the peace accords?

He said,

> Then you have no option but to send in the U.S. Marines.

Is that the option we want to be left with in this country? Do we by removing the Contras move the United States not away from but rather ever closer to direct U.S. involvement? I ask my colleagues to consider not only the immediate consequences of this vote, but consider the long-term implications of what we do this evening.

Mr. GEPHARDT. Mr. Chairman, I yield 5½ minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, in the last few weeks, we have all heard the political arguments for and against further Contra aid. In the press of these articulate arguments, I would like to focus on a more personal and telling truth.

American aid to continue the Nicaraguan war has a crippling human cost.

The clergy of Central America who work with the poorest and most forgotten in this terrible war, know the cost of our aid. They speak eloquently of the toll in lost lives and limbs that the men, women, and children of Central America pay for each additional day of war.

Let me share their testimony with you.

Nancy Sylvester, of the Sisters Servants of the Immaculate Heart, visited Nicaragua in 1986:

> It was right after the U.S. Congress had voted $100 million in aid to the Contras. During that visit one question was asked of me repeatedly—"Why don't you stop your government from supporting the war?" It was a question asked not by Sandinista supporters, but by women—older women, women who have lost husbands, sons, daughters in the war. * * *

Patricia Johnson of the Dominican Sisters continues:

> On December 23, two days before Christmas, I received a telephone call from our sisters in Managua. The elder son of another woman in the cooperative had been killed the day before. At the time of his death, Mauricio was building houses in a resettlement area in the north. In this attack by the Contras, numerous unarmed civilians were killed, including a baby and a small child. This young man was buried on Christmas Eve.

Sandra Price, Sister of Notre Dame, has seen the agricultural cooperatives after Contra attacks. She has seen the destruction of homes, the burned, the maimed, and the dead; she saw the destruction of the December 20 attack on Siuna that left 16 civilians dead and 53 wounded. And she has herself been kidnaped by the Contras.

Sister Mary Brendan Conlon, an Ursuline of Louisville, tells us how American money is being spent to keep the sights and smells of death before the people of Nicaragua:

> Even with this little taste of death and dying, I've seen enough, and these people have seen far too much. Padre Enrique says he has buried 70 or 80 victims of violent deaths from Condega in his few years here.

Sister Louise Aherns of the Maryknolls concludes:

> The Maryknoll Sisters have been in Nicaragua since 1944—we are neither neophytes nor naive. * * * While members of Congress sat here debating the issue of Contra aid on the Sunday before Christmas, the people of Rosita prepared for the traditional day of celebration for the sick and elderly—gifts, a church liturgy, and provisions to take home. * * * But according to one of our Sisters who was there, the Contras arrived at dawn. (In outlying areas,) once again young men were kidnapped and forced to join the ranks of the Contras, babies were killed and maimed. * * * The hospitals was filled with wounded and dying. The Christmas feast became a memorial for the dead.

Those of us who have battled against every request for Contra aid know that the political maneuvering can be intense. On the seven direct votes we have had on Contra aid, I voted against the funding every time. Since 1985, when we first publicly began providing any kind of support for the Contras, I have voted against supporting the Contras 12 times. In the 7 years back to 1981, when the President set us on his policy toward war, I fought repeatedly to end covert aid to the Contras.

As always, I oppose this request for Contra aid. And I urge all my colleagues to vote "no" as well. More aid will destroy the prospects for peace.

Now we must give peace a chance. Now America must stop this deadly aid to signal our support for peace.

It has been a long fight.

Almost exactly 7 years ago, just before Christmas, four American churchwomen in El Salvador were raped and killed. Two of them were from Cleveland. Their deaths brought home to me, in a very personal way, just what the war in Central America means.

These churchwomen were shot and strangled and raped because they tried to bring human rights to Central America. Their deaths were perhaps the most visible sacrifice in the long, quiet fight that clergymen and clergywomen have waged for peace and human rights throughout the region.

The deaths and maimings in Nicaragua do not receive the daily coverage that atrocities against Americans can bring. But the suffering is just as real. And in a terrible way, our responsibility—as Americans—is greater for the deaths and maimings of civilians at the hands of the Contras.

My friends, peace is coming to Central America. The voices of the victims of our war must now be heard. With this vote, we must reaffirm our commitment to ending the suffering. We know from personal experience that we must focus on what it really means to deliver more guns and bombs. Then we can stop the killing. Defeat the plan and give peace a chance.

□ 1530

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Chairman, 25 years ago John F. Kennedy was faced with a decision during the Cuban missile crisis, a decision of peace or freedom.

I was struck as I listened to the two speeches last night that things really have not changed, that during the

President's speech he used the term "freedom" 10 times and it was not heard once in the Democratic response.

Mr. Chairman, 90 miles off the coast of Florida sits the tiny island of Cuba. The Cuban people live under the harsh and absolute domination of a Communist tyrant. There are many who say that because there is no open hostility or no armed hostility in Cuba today that the Cuban people are at peace. But certainly they are not free.

My generation of Americans, like all generations of Americans before, understand how precious freedom is, that in fact freedom is the core of all human progress. There were those who argued today that if we were to continue to aid those fighting for freedom in Nicaragua that we would bring an end to the peace process. Well, that argument does not hold up under scrutiny.

If that were the case, Daniel Ortega never would have agreed to direct negotiation on a cease-fire with the Contras. He never would have lifted the state of emergency after we passed additional military aid in the continuing resolution in December.

To renege today on aiding those who are fighting for freedom will, in fact, impose on the people of Nicaragua the peace of Cuba and not give them the opportunity to experience the freedom of Grenada.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I assume we are going through this exercise today because we are trying to convince a handful of our colleagues who are supposedly undecided to decide in favor of the way we speak.

Let me give two reasons why an undecided Member of Congress ought to vote for aid to the Contras this evening. First, aid to the Contras is working. We see that it has brought to the bargaining table something they said they would never do, negotiate directly with the Contras.

The Sandinistas have also made some modest, albeit modest attempts to make some changes in their society.

Why are they doing that? Not out of the goodness of their heart, but because the pressure that the Contra forces are putting on them is forcing them to do that.

The second reason is without aid to the Contras there is absolutely no reason for them to continue to negotiate. There is no reason for the Sandinistas to try to deliver on the promises that they for 8 years now have failed to perform and live up to, since 1979, to the people of Nicaragua.

I say we must negotiate from a position of strength. And the only way that we can negotiate from a position of strength is to continue to have an escrow account there available for lethal aid.

How can anybody who has heard Major Miranda, who was a very high assistant to Ortega, the Defense Minister, who has defected to this country and has stated that he knows that these people do not want democracy, he knows what the Sandinista leadership stands for and he knows the reasons that all of this window dressing and so-called democratization is going on is for the purpose of cutting off aid to the Contras, that their audience is the 435 Members of the House of Representatives.

This is a person who was in a high command. Why will we not listen to him? Why will we not heed his warnings?

We had a bipartisan hearing the other day regarding this issue and Mr. Miranda spelled out all the reasons why Members of this House ought to be voting for aid to the Contras this afternoon.

We hear a lot about giving peace a chance. My colleague from Florida just said give peace a chance. You know, the same kind of peace that they have today in Cuba; they are not at war, they are at peace.

I say give democracy a chance. The only way to give democracy a chance is to go ahead and support aid to the Contras with an escrow account as the President has offered us to do today.

Mr. CHANDLER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to point out something that occurred last night that I think may surprise you.

Between the hours of 5 and 11 on KOMO-TV in Seattle, Seattle the sister city of Managua, I might point out, there was a telepoll on that ABC affiliate. The question was: "How do you want your elected representative to vote on Contra aid?" Thirty-four thousand one hundred twenty-nine people responded. Fifty-four point two percent said vote for the aid.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I rise today to join with my colleagues who oppose the President's request for additional Contra aid.

I have been to the region. I have met with the leaders of the Central American countries, the leaders of the opposition groups, the leaders of the church and the trade unions. As many of you have, I have seen firsthand the conditions under which the people must live in these countries. And you know that a vote for Contra aid will only bring more misery, more poverty, more war to the people of Central America.

The American people have expressed their sentiments for the initiative taken by the peoples of Central America and their leaders. Under the leadership efforts of Costa Rican President Oscar Arias, they have set their own peace agenda. It is not the administration's plan. It is not the Soviet Union's plan. It is a plan written and signed by the leaders of the region who are working to set their own destiny. The Central American Presidents are taking a major risk for peace, and we must support them.

That is a point that the administration just doesn't seem to understand: That Central Americans are capable of taking charge of Central America. Instead, the administration seeks to prolong the war and frustrate the peace process. The military focus of the administration only makes more difficult the task of the Central American Presidents. Providing additional Contra aid now will destroy their efforts.

President Arias talks about the need for measures to promote democracy and peace through dialog and negotiation. "Democracy," he says, "cannot be achieved by bullets but only by ballots." His peace plan reflects this position.

And what does the administration offer as an alternative to the Arias peace plan? There is no evidence that the administration even has a sustained and coherent policy for Central America. Many slogans have been used—peace, freedom fighters, U.S. security interests—but none of these catchwords appear as an integrated element of an overall strategy.

The President's policy response is to throw more money at the problem. He is now asking Congress to approve a $36.2 million Contra aid package, a package that is touted as being relatively modest. But let's take a closer look at the numbers. His request is for $3.6 million in lethal military aid and $32.6 million for so-called nonlethal assistance. The President tells us that this amounts to 90 percent nonlethal and 10 percent lethal aid. However, the measure that we are voting on today also includes $20 million for an aircraft replacement fund, and an estimated $12 million for electronic and radar equipment for surveillance. Furthermore, the amount of true humanitarian aid in his package, that is aid for food, shelter, clothing, and medicine, only amounts to $7.2 million. This brings the total cost of the package to $68.2 million for a 4-month period. That is an annual total of $204.6 million, more than the Contras have ever gotten before.

The administration wants all this money, but they have not presented any plan for achieving specific objectives in Central America. We have heard about peace, freedom, and democracy for Nicaragua. We have heard feverish statements about threats to our national security. Peace and freedom for Nicaragua and protection of

United States security interests are not incompatible goals. But to achieve them, there must be a clear, coherent definition of objectives and carefully designed plans of action tailored to each specific objective.

The Central American leaders have legitimate fears for the integrity of their borders and the safety of their citizenry. All five leaders in Central America are willing to make commitments on these fundamental matters of national security. These issues have been addressed in both the Contadora process and the Esquipulas peace plan. The leaders are willing to draft terms for the withdrawal of foreign troops and advisers. They are willing to establish limits on arms and troops, reducing their numbers if necessary. They are willing to abstain from any action that may constitute a threat or use of force against any state. Any state. That means countries beyond the Central American borders, including the United States. Furthermore, the Central American leaders are willing to declare these obligations legally binding.

I believe that these are all things the administration wants. Yet, they continue to oppose a regional accord that addresses these issues. Their only call is for continued Contra aid, because, as U.S. officials tell us, we cannot trust the Communists—they lie. We have also heard arguments about verification problems with the peace plan. Yet we have recently witnessed the signing of a historic arms control agreement with the Soviet Union. The administration would have us believe that it is the Latin Communists who are the ones who lie; that while we trust our capability for verification in the vast Soviet Union, we are helpless with respect to tiny Nicaragua.

Nobel Peace Prize recipient President Arias has said, "While one man can start a war, peace is a slow process and the product of the effort of many." I would like to add, if we have given the Contra effort 7 years, the peace plan certainly deserves more than 6 months. I am confident that the House will make the right decision today, to cut off Contra aid and join the Central American leaders in giving both peace and democracy a chance in Central America.

Mr. CHANDLER. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I think it is important we not have misinformation in the House as we debate this issue. It is emotional enough already without having comments made that frankly do not reflect the structure of the package that is before us. The package, I will reiterate again, is $36,250,000 that will ultimately go to the Contras, $3.6 million in ammunition, the rest of it in food, logistical support, transportation, et cetera, but only $3.6 million military.

The $20 million that the gentleman referred to is money that is set aside in escrow by the Department of Defense in the event of loss of aircraft, to indemnify the aircraft. If no aircraft are lost, the money goes back into the account from which it was taken in the Defense Department.

The ECM material to be provided by the Defense Department is a concept that was approved by this very House just a few weeks ago when we passed the continuing resolution for fiscal year 1988. We embodied that exact same concept that passed this House by a majority vote at that time.

□ 1545

That is the arrangement that is currently in force. So I come back again to the basic proposition. The President has said there will be no lethal assistance, no ammunition, until Congress has the opportunity to vote. It is a good package, and it ought to be accepted.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, most Americans believe that "preventing a Soviet and Cuban military presence in Nicaragua is sufficiently important to the United States to warrant continued financial assistance to the resistance there." A poll of my constituents that I undertook supported this view by a 60-to-40 margin.

The United States has sought—through two administrations, one Democrat and one Republican—to accomplish by regional negotiation the goal of a free, pluralistic, and nonaligned Nicaragua.

Instead, the regime of Daniel Ortega, his brother Humberto Ortega, hardline, repressive Interior Minister Tomas Borge and top Sandinista idealogue Bayardo Arce has over the years imposed continuously antidemocractic measures. Indeed, Defense Minister Humberto Ortega recently outlined Nicaragua's plan to expand its military and realize hegemony throughout Central America.

Meanwhile, many of the original Sandinistas and their allies have fled and are now part of the resistance to the Sandinista quadrumvirate. The United States has supported this resistance as a means of pressing for the goals of a free, pluralistic, and nonaligned Nicaragua.

The Arias peace plan signed by the five Central American Presidents, including Ortega, calls for both an end to foreign military assistance and true democracy in Nicaragua. Pope John Paul recently told President Ortega that peace in Nicaragua must include true democracy.

Yet the encompassing control that Daniel Ortega exercises over life in Nicaragua makes it hard to envision any semblance of power-sharing absent the continued pressure of the resistance. From the indoctrinating education of children, to the ubiquitous secret police, block committees, and Sandinista "turbas," to the preferred treatment of party members, to the overblown Army, Ortega's government is a classic Leninist regime, rooted in anti-Americanism from the start.

Absent the pressure of the United States-supported resistance, there is precious little to suggest it will reform.

Let's be clear just exactly what the vote today is about. The President's package would provide $36.2 million in direct aid to the resistance. Of this total, only $3.6 million would be for weapons and ammunition, releasable only with the Congress' consent. And in fact, none of the funds in the package necessarily have to be expended, so long as the Sandinistas come into compliance with the Arias plan.

Opponents of aid to the resistance say, "let the Sandinistas go, and if they become a threat we will intervene militarily." But in a dictatorship of the kind the Sandinistas have sought to impose—unlike the situation in a democracy—covert operations are easily concealed. And it is hard to envision the same opponents of aid to the resistance today ever supporting American military intervention, under any circumstances, tomorrow.

Are we such innocents that we do not realize we are in a struggle between freedom and dictatorship in Nicaragua and the world?

Are we so gullible as to believe at this point that Daniel Ortega is not a child of Moscow and Havana and an instrument of instability in Central America?

Are we such shrinking violets that we are unable to stand up for freedom and support resistance even at our own borders?

Are we such gutless wonders that we will abandon those we have supported when they are on the verge of accomplishing the objectives of both the Arias plan and the United States?

Are we such bleeding hearts that we believe goodness and justice and compassion are all on the other side—that we must always blame America first?

If we are all of these, then God help us, because we are unwilling to help ourselves.

Mr. GEPHARDT. Mr. Chairman, I yield 6 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I do not judge the administration's proposal before us today as harshly as some of our colleagues do. It is a more constructive plan than the trial balloon floated last fall by Secretary Shultz. The President's 11th-hour decision to seek a sense of the Congress resolution before releasing this package's lethal aid is another positive step. I believe that we have witnessed a narrowing of our differences in recent weeks. Not a total elimination of them, but a discernible narrowing nonetheless. I, for one, welcome that movement.

Having said that, there are several legitimate concerns still being voiced with regard to this Contra aid package. I won't dwell on them, but I want to mention them. The package is both bigger and less humanitarian than it appears to be. Neither we, nor the Central American governments, have a satisfactory way of ensuring that lethal aid is not somehow mixed in with the nonlethal aid. We are asked, instead, to trust the CIA, Elliot Abrams, and others. Multilateral talks between the United States and all five Central American nations on important security issues are not part of the package. And, finally, it appears to me that a sense of Congress resolution affirming a month or two from now that Nicaragua actually has complied with the Arias peace plan could be filibustered in the U.S. Senate, eventually enabling the President to release lethal aid even if a majority of us, in truth, were opposed at that time.

Last month, I was afforded a rare opportunity. I went to Costa Rica with a five-member delegation to observe the summit held by the five Central American Presidents. I went not so much to observe or monitor the talks, but to gain firsthand the knowledge and insight that would enable me to cast an informed vote today.

Those talks opened on January 15 with low expectations. To most observers, the peace plan of Oscar Arias appeared to be dead in the water. All that was left to do was perform the last rites and to pull the plug. To my surprise—to almost everyone's surprise—Lazarus figuratively rose from the dead. When the summit concluded on January 16, Daniel Ortega agreed to a number of concessions that I personally did not believe he would ever make.

He promised to lift the 6-year-old state of emergency throughout Nicaragua upon his return to that country. He promised to continue broadening the tenuous freedoms of speech, assembly, dissent, and press that began to emerge last August. He promised to immediately release a dozen Nicaraguan opposition leaders who had been arrested following their meeting with the Contras in Guatemala earlier in the week. He promised to close the so-called people's tribunals in his country. And, he promised to name a team of Sandinista officials to begin meeting at once with Contra leaders to negotiate a cease-fire and amnesty.

In return, I told Mr. Ortega that if he kept his word, I would not support a Contra aid package of this nature. On the other hand, if he failed to keep his word, Contra aid would likely continue with my support.

Since returning to this country from Costa Rica, I have followed developments in Nicaragua and Central America on a daily basis. To date, President Ortega has kept faith with the commitments he made to us last month. Now, I intend to keep the commitment I made to him.

Most of us gathered here today have made up our minds on how we intend to vote on this particular proposal. Some of our colleagues have not. If you are one of those undecided members, I'd like for you to consider the following points. First, What is our Government's policy in Nicaragua? Is it what we say it is—to compel the Sandinistas to comply with the Arias peace plan and with the original promise of their revolution—namely a more democratic society and a mixed or pluralist economy? Or is the objective really to bring down the Sandinista Government, largely through military means?

For those who would embrace the latter, let me remind you that a military victory by the Contras, even if it were possible, would cause the Sandinistas and their tens of thousands of supporters to essentially change places with the Contras. The Sandinistas would again become the guerrilla insurgents, armed with 300,000 AK-47's, and wreak havoc on a successor government in Nicaragua, much as the leftist guerrillas are doing in neighboring EL Salavador to the government of Napoleon Duarte.

I, personally, believe that our policy is to bring a combination of economic, military and diplomatic pressure on the Sandinistas until they start living up to the original promise of their revolution.

For several years, the Sandinistas have said they would lift their state of emergency and restore the basic freedoms guaranteed by the Nicaraguan constitution after we halted aid to the Contras. The United States, in turn, has said we will halt Contra aid only after the Sandinistas have acted first. Part of the beauty of President Arias' peace plan is that it doesn't require either the United States or the Sandinistas to go through the door first. We basically go through it together, at the same time.

In his speech last night, President Reagan suggested that after the United States and the Sandinistas had gone through that door together, it somehow closes and locks on us, freezing the U.S. position in place. Daniel Ortega, on the other hand, could renege on his promises and walk right back out that same door leaving us on the other side.

The President's implication is just plain wrong. The door remains open for either of us to turn around and retrace our steps. If Ortega reimposes the state of emergency next week or next month, after we have acted in good faith, Congress could and very likely would, restore Contra aid faster than you can say "Managua." Any such duplicity by Ortega would effectively compel the other Latin nations, along with Canada and many western European nations, to join us in isolating Nicaragua economically, thus tightening our own economic embargo of that country. The Nicaraguan economy is a basket case. Already suffering from staggering runaway inflation, a decimated infrastructure, and shortages of gasoline, water, and electricity, it verges today on the brink of collapse.

Obviously, these are ample and compelling reasons for the Sandinistas to continue on the course they have begun. The threat of reimposed Contra aid is but one of those reasons.

Let us be clear, however, on what a "no" vote on this package does or does not mean. It does not mean that we are about to hang the Contras out to dry. We have a moral obligation to ensure that they are fed and clothed and remain a viable fighting force if the Sandinistas do not act in good faith, or until a cease-fire is in place and amnesty has been granted to the Contras.

If this administration proposal is defeated tonight, we will have an opportunity later this month to vote on the following kind of alternative plan: purely humanitarian aid—roughly $10 million over a 3-month period—triggered by a commitment from this administration to participate in multilateral discussions with all the Central American nations, including Nicaragua. This assistance must be monitored to effectively ensure that the aid is truly humanitarian. In other words, we must ensure that no grenades get mixed in with the cupcakes.

Most of us in this Chamber have already decided how we are going to vote this evening. Several have not. They are still faced with the question: What should we, the representatives of the citizens of the United States, do?

I say we should not undermine with our votes today the real progress toward peace and democracy that began on August 7 with the signing the Arias peace plan. We should promptly fashion and enact an alternative package that effectively holds the feet of both the Sandinistas and the Contras to the fire as they continue their dialog. The United States should begin participating now with all five Central American nations on a broad range of security issues to remove foreign military advisors from Nicaragua, ban the establishment of foreign bases there, and reduce the size of the armies in the region.

In short, we should respond to good faith steps with similar steps of our own. And finally, we should turn down this particular proposal before us tonight and walk through an open door with the people of Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield on that point?

Mr. CARPER. Let me just conclude this, if I may.

What should we do? I would suggest that today we should not undermine the progress that has been made. I would suggest today that we hold the feet of both the Sandinistas and the Contras to the fire to continue the progress that has begun. I suggest that we should broaden the dialog in the weeks ahead to include the United States for the first time in the discussions with the Central American countries, that we should respond in good faith to the Nicaraguan Government, and that, finally, we should walk through that door that has been opened for us today.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. CARPER] has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds.

First, do I understand the gentleman to be saying that his side now has a plan put together and he has the details of it? If so, let me say that I know that everybody in this Chamber was very distressed when Mr. Nixon said he had a secret plan and nobody could see the secret plan. I wonder if perhaps the Members of the House could see this secret plan.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Certainly, I yield to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, the outlines of the plan that I have just described have been suggested to leadership, and my hope is that if this plan is defeated today, the gentleman and his colleagues will join with a majority of us in implementing the plan.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I think it is very important to point out to the gentleman from Delaware that the day the Washington Post ran headlines that the Sandinistas were lifting the state of emergency, they arrested five people who dared to enter Nicaragua and have a protest against the government. The Sandinista newspaper printed, and I quote from that paper: "The recent restoration of civil rights should not be misinterpreted as a blank check for irresponsibility and subversion."

So again I say to the gentleman from Delaware that he should remember that Ortega lied to him the very day he made a promise.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Chairman, the Contras are literally the grease that allows the wheels of the peace process to turn. It is not a question of being either in favor of the peace process or aid to the Contras. Rather, we are in favor of aid to the Contras because that will help the peace process.

The whole question boils down to this: What do we perceive the Sandinista regime to be? Do we think they are going to be affected by world opinion? Do we think that when we take away the military pressure, when we take away that small amount of money that is going to be placed in escrow, that they are going to automatically come to the bargaining table and negotiate away the things they say they have won in their revolution? Of course they are not. They are hardcore Marxist-Leninist Communists. They are not going to give up anything. If we take away that pressure, what we are going to see is that they are going to act in their own perceived self-interest. Every regime does that, and we have to understand the nature of this regime.

Mr. Chairman, I ask the Members to vote for the peace process and vote to put this money in escrow.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. BLAZ].

Mr. BLAZ. Mr. Chairman, I thank the gentleman for yielding this time to me.

Let me say to my colleagues, as they know, I am one of those few Americans in this body who is not given the privilege of voting today. The temptation not to be here, the temptation not to speak was almost overwhelming, but not to come down here and speak would put me in that category of people who are not accounted for, and I could not live with that, because these are only fleeting moments in our service here when we are faced with such a momentous occasion and momentous time to cast our vote, and so not to do so would be unforgivable.

As they say in Spanish, este es momento de verdad—it is the moment of truth.

What you do today is going to affect generations of Americans. We have enjoyed 100 years of tranquillity and prosperity in our land because we have fought all of our wars across the seas, from the shores of Asia and the shores of Europe. In the last quarter of a century, however, something has happened. There is now fighting in our territory, on our shores, on our continent.

If there is one thing that bothers a soldier, it is not the enemy before him but the possibility that he would be abandoned by the main body behind him. There is no despair greater than can descend on a soldier than to know that he has been deserted. Let me say to my friends, I am telling them that if the cancer down in the southern part of this hemisphere is not stopped, it is going to go north, and the sword will be cut by a Red machete, and the only thing that is going to stop it is not an ocean but a river—the river Rio Grande. And if that river is ever crossed, you would have to change its name and call it the River of No Return.

Mr. Chairman, I am asking the Members to support the Contras. I am asking the Members to support the President. If I had a vote, I would vote for it strongly. To those of you who are undecided, I ask them to help me. I fought in three wars for this country. I ask that they vote for me for a change.

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The CHAIRMAN. The time of the gentleman from Guam has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 additional minutes to the gentleman from Guam.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BLAZ. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the gentleman said something very interesting, I say to General Blaz. The general has talked about a soldier and how it feels when the people backing him are not there.

Does the gentleman recall April 17, 1961, at the Bay of Pigs when we had some brave people that we trained and we armed and we said, "Hit the beach. We're behind you, get in there and recapture your country from the communist Castro."

Then when the moment of truth came and they were in there fighting, the air cover was not there because our Government decided to pull it back and they were left to be cut to ribbons and those who survived are still in jail in Havana. Does the gentleman remember that?

Mr. BLAZ. Of course I do.

Mr. HYDE. Does the gentleman remember April 25, 1975, when the last helicopter took off from the roof of the embassy in Saigon with thousands of people left behind who trusted us, believed in us, fought with us, worked with us, and now we were leaving them behind to "give peace a chance?"

Does the gentleman remember when our helicopters took off, and those people we left behind are now either at the bottom of the South China Sea or they are in refugee camps or they are dead.

Is that not so, I ask the general?

Mr. BLAZ. Yes, it is.

Mr. HYDE. So here we are again, there are freedom fighters in Nicaragua, we have trained them, we have given them some weapons, some beans, some bandages, and now we are going to turn and cut and run out on them again, are we not? That is called "playing with people's lives." Those are not my words. Those are the words of Governor Robb of Virginia.

Mr. BLAZ. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I have kept silent until now, because free and open debate is healthful for the democratic process, but now I rise to strongly support the administration's request for renewed assistance to the Contras.

It is well known that the Sandinistas have made important promises regarding the Central American peace plan such as agreeing to negotiate directly with the Contras, lifting the emergency decree, and announcing they would permit an international commission to monitor their guarantee of full political rights for the Contras should they lay down their arms; but these cannot be taken at face value—not just yet.

It is no secret that the Sandinistas have agreed to these concessions in order to influence the decision to be made here today. The test comes if they can follow through on these early gains when they know that the United States is serious in seeing the peace plan succeed. The President's proposal by its very nature is meant to allow for the peace process to unfold. It delays the implementation of the lethal aid component by placing the funds in escrow for 31 days, funds that will not be released unless the Sandinistas do not live up to their previous commitments, there is no cease-fire in effect, and finally that the Contras all the while have been negotiating in good faith. The Sandinistas will have time to act; to prove their sincerity with actions; to back up in substance what they have to say. As a soldier I know it is the epitome of foolishness and irresponsibility to show up for a battle unarmed. So in negotiation, it is foolhardy and naive to think we can come to the bargaining table and wrest concessions by merely pleading and making arguments based on what is morally right. We would like that to be so, but we are smart enough to know otherwise. Just as our resolve to maintain SDI brought the Soviets to the table and produced an INF treaty, so too our resolve to support those who fight for freedom and democracy will compel the peace process in Central America. Perception of strength is important in negotiations. But perceptions must be based on substance in order to be effective. That substance is our continued support of the Contras. The Sandinistas and the rest of the world must know that we will not falter in our resolve for peace and democracy in Central America.

As you know, Mr. Chairman, during World War II, Guam was occupied by the enemy. I knew what it was like to be deprived of my liberty, my freedom, my dignity. I know what it felt like to be deprived of my right to make my own decisions, to have my life controlled by the barrel of a gun. But even during those difficult days, those of us held captive knew for certain that the leader of the free world, the United States, would not forget us. And one of the reasons I am speaking before you today on the floor of the House of Representatives is because the United States stayed the course.

A few years later in Korea, I fought as a United States soldier in defense of liberty. Then, the United States and the free world resolved that the Korean people had just as much a right to freedom and liberty that I and they enjoyed. We followed through and backed our words and principles with action and stopped the aggressions of a totalitarian regime.

But then came Vietnam. As an officer there I discovered how it felt to be abandoned by my own country. I felt the frustration, the humiliation, and the pain of America losing its resolve to defend freedom and liberty. But I had a country to return to. Unfortunately, the Vietnamese who fought for these ideals did not. We watched as Saigon fell due not to a lack of Vietnamese resolve but a lack of American resolve.

Can we again abandon those who truly thirst for freedom? I think not. We must not ever again abandon the cause of freedom and liberty anywhere in the world. You may vote today to strengthen the Sandinistas' cause, but history will record that vote with timidity and chagrin.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I rise today to oppose the President's most recent request for additional Contra aid.

In judging the last 7 years of United States involvement in Nicaragua there is only one word that comes to mind: failure.

Our policy has failed to bring peace and stability to a troubled region. Instead we have subsidized a tremendous amount of human suffering and death.

Our policy has failed to promote democracy in Nicaragua. Indeed, Contra aid has provided the Sandinistas with an ideal excuse to suppress civil liberties.

Our policy has failed to limit the expansion of Communist influence in Central America. If anything, we have driven the Nicaraguans closer to the Soviet Union by driving them away from the United States. And now our Central American friends are warning us that a continuation of the war in Nicaragua could well lead to greater instability throughout the region and to new opportunities for Communist penetration in their own countries.

Our policy has failed to create a credible opposition force in the Contras. Let's face the truth squarely. The Contras are an American invention: created, financed, and trained by the Central Intelligence Agency. And they have often behaved more like repressive somocistas than like democratic freedom fighters. They continue to kidnap, maim, and kill unarmed Nicaraguan civilians. And we wonder why they have failed to win over the Nicaraguan people and remain totally dependent on the CIA for air drops of food, weaponry, and even cash.

Finally, our policy has failed to attract the support of the American people. On no issue has the administration invested more time and energy and resources than on their Contra Aid Program. Yet Americans remain steadfastly opposed to it. Poll after poll has revealed that two-thirds of the American people want Contra aid to end. Indeed, a January 1988 New York Times/CBS poll indicates that even those who consider themselves Republicans or conservatives oppose Contra aid by more than a 10-percent margin.

The Reagan administration has ignored the failure of its policy for too long. When it failed to convince the American people and the Congress to endorse it, the administration simply chose to ignore the rule of law, to take its support for the Contras underground and to develop covert operations.

Indeed, this past week we have learned that in pursuit of their policy administration ideologues have gone so far as to infringe on the constitutional rights of innocent American citizens. In an extraordinary reversion to an earlier era, the FBI appears to have conducted a wholesale spy operation on members of Central American peace groups.

The lesson of the recent past is clear: Now is the time to return to legality in our foreign policy and civility in our domestic affairs. The corruption of the Contra policy extends not only to the upheaval in Central America but to the perversion of our own institutions of government.

Statutes of Congress were unilaterally set aside in the blind pursuit of support for the Contras. Secrecy replaced public policy. Lies replaced truth. The Presidency itself was shaken, crippling the trust of our people, our allies in the American Government.

Also at stake is the viability of the efforts of the Central American democracies themselves. They are on the front lines of freedom. They are determined to wage peace with Nicaragua—and we have to help them.

Now is the time to demonstrate support for the peace plan forged by Nobel Prize winner Oscar Arias and the four other Central American leaders. The Guatemala plan has created the promise of lasting peace. It has opened the doors of La Prensa. It has pressured Ortega to free 1,000 political prisoners. And it has provided an opportunity for more open political debate inside Nicaragua. The peace plan has done more in 7 months than U.S. military aid to the Contras has done in 7 years.

Now is the time to demonstrate respect for our neighbors to the south, to show that we have finally learned from our mistakes and are ready to try to make the peace process work.

Now is the time to work with the Central American nations, and the other leading democracies of Latin America and the world. Now is the time to use the combined diplomatic and economic means at our disposal to keep the pressure on Nicaragua to support democracy, to respect human rights and to be a responsible neighbor to us all.

In the words of President Arias, "the hour of peace has arrived." It presents the United States with a dramatic choice: we can follow down our current path of military involvement, which portends eventual military intervention, or we can take the more promising route of compliance with the Guatemala plan.

Let anyone who is still undecided in this matter consider the words of Mexican writer Carlos Fuentes: "the great weakness of the Soviet Union is that it is surrounded by satellites and not by friends." Let this never be said of the United States. Let us use our tremendous influence and power to foster not war, but peace and democracy in Central America.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. If I have time, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I appreciate my friend yielding.

The gentleman talked about prisoners and that they released 1,000. I am informed by very reliable sources, Father Callahan of the Quixote Center, that there are 9,000 political prisoners in Nicaragua. I know as a fact that the International Red Cross and Amnesty International, is not permitted to even visit them. Does the gentleman not think they ought to let them visit the prisoners?

Mr. GEPHARDT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I compliment the gentleman from Missouri [Mr. Gephardt] for the magnificent contribution the gentleman has made to this important issue.

I rise in opposition to the present proposals.

Mr. Chairman, once again today we are being asked to vote on a resolution to provide aid to the Nicaraguan Contras. For 7 years we have been considering these requests from the Reagan administration to fund an army whose sole purpose is to overthrow the government of a sovereign nation.

I am voting against Contra aid today, as I have in the past, because I do not believe that the United States can impose democracy on Nicaragua through support for a military force which has little popular support among the Nicaraguan people.

The issue we are debating today is not whether we approve of the Sandinista regime in Nicaragua. Clearly, we do not. Rather, the issue is whether the United States should be adding to the instability of the Central American region by funding a civil war in Nicaragua.

The answer to this question is "no." There are more constructive ways of encouraging Nicaragua to democratize than through military force, and it is time for us to begin pursuing them.

How do we do that? First and most important, we support the Arias peace plan, the regional peace process that is being conducted under the leadership of five Central American Presidents. As a result of the Arias agreement, these nations are beginning to implement democratic reforms.

In Nicaragua, President Ortega has agreed to lift the nationwide state of emergency, grant amnesty to approximately 3,300 political prisoners, and permit the opening of newspapers and radio stations.

Also, the Sandinistas have begun to hold cease-fire talks with the Contras. So already a process of negotiation among Central American leaders begun in August 1987 has accomplished more to bring about democratic reforms than 7 years of U.S. funding for the Contras.

With results like that one would think that the United States would want to do all it can to ensure the success of this peace process. However, even though the Central American Presidents have asked the United States to stop funding the Contras, the Reagan administration is going ahead with a request which is a major escalation of the Contra war effort.

Thus, the Reagan administration is trying to persuade us that it knows better than five Central American Presidents what is best for Central America. This is both arrogant and wrong.

Another effective way of encouraging the Sandinista government to implement democratic reforms is through a combination of economic sanctions and economic assistance. If democratic reforms are not forthcoming in Nicaragua, then we should continue with our economic sanctions.

This policy will continue to have an impact on the Sandinista government which is already trying to deal with a very unstable economy. After all, this is our traditional way of putting pressure on nations which consistently ignore basic human rights.

However, when there is movement toward democratic reforms, we should use economic assistance to positively recognize this progress. The United States has a long history of helping other democratic nations develop economically because we understand that a sound economy is necessary for a stable democracy. The promise of economic assistance is certainly a more positive incentive for democratic reform than continued military intervention, and it is a policy we should pursue with Nicaragua.

Finally, the United States can and should use diplomatic pressure and public condemnation on the Sandinista regime. Contrary to what many foreign leaders may state publicly, governments are always concerned about how they are perceived in the world community. However, any diplomatic entreaties we make toward the Nicaraguans are undercut by the fact that we are funding a civil war in their country. Only when we abandon our militaristic approach to the problems in Central America can we expect the Nicaraguan people to take our call for diplomatic solutions seriously.

Thus, the Reagan administration has had many opportunities through the regional peace plan, economic sanctions, and diplomatic pressure to play a positive role in encouraging the Sandinista government to implement democratic reforms. Instead, the United States currently finds itself supporting a rebel force which has little popular support in Nicaragua and cannot hold any territory within the country's borders.

And now, the Reagan administration is asking us to approve more aid for the Contras even though administration officials have failed to deal honestly with Congress in the past. After all, we cannot forget that Assistant Secretary of State Elliot Abrams admitted giving misleading testimony before Congress during the Iran-Contra hearings.

And now, we are considering a request from the Reagan administration which contains disturbing hidden costs: an additional $20 million to replace damaged aircraft; between $4 million and $12 million for electronic equipment; a definition of nonlethal aid that includes anything which is not lethal and would include such things as aircraft, helicopters, and portable bridges. This does not sound like true humanitarian aid to me.

A key provision of this legislation calls for the $3.6 million in lethal aid to be released by the President after March 31, 1988 if he certifies that there is no cease-fire in place, Nicaragua has not met its obligation under the peace plan, and the Contras have negotiated in good faith. Congress would play no role at all in determining the release of this aid.

On January 19, the President certified that no progress had been made toward a cease-fire in Nicaragua despite the fact that the Sandinistas had already stated their commitment to negotiate with the Contras. If the President was willing on January 19 to make a finding in favor of Contra aid, despite evidence to the contrary, is there any doubt what his finding will be on March 31?

We are faced today not with a choice between supporting or not supporting democracy in Nicaragua. Rather, the choice is whether we will begin to support the Central Americans in their quest for democracy through peaceful, constructive cooperation with their leaders, or whether we will continue to fund a war that the Central Americans do not want.

Today we can end the failed military policy of the past 7 years by voting against this measure. This vote can mark the beginning of a more peaceful and realistic U.S. policy aimed at encouraging the establishment of democracy in Central America. I am voting for that new policy.

Mr. GEPHARDT. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. Hayes].

Mr. HAYES of Illinois. Mr. Chairman, I rise in opposition to House Joint Resolution 444.

Mr. Chairman, back in 1857, President James Buchanan declared that the United States would eventually take over Nicaragua through the natural expansion of the white race. In 1984, Ronald Reagan declared that he only wanted aid to the Contras until the Sandinistas "cry uncle." Sometimes, the more things change, the more things stay the same.

Ignorance of century-old American history is not unusual, but President Reagan's ignorance of recent American history is remarkable. The President claims that it is the Contras who have brought the Nicaraguan Government to the bargaining table. The reality is that the combined political and regional pressure of the Central American Presidents who signed the Arias peace plan has brought more positive change in Nicaragua in the last 6 months than in 6 years of Contra war. During the President's State of the Union Address, he once again referred to the terrorist Contras as "freedom fighters." Yet in his entire speech, while he outlined his view of freedom fighters all over the world, he ignored the cause of the millions of freedom fighters in racist South Africa. And in light of the arms-for hostages scandal, we would be wise to question whether the President can even tell the difference between a freedom fighter and a terrorist.

The Central American peace process is at a very fragile stage and the United States Congress has a chance to place our Nation on the same side as the other democratic nations in our hemisphere. By rejecting the President's call for military and material supplies for the Contras we can give the Central American peace process an opportunity to succeed. Peace is possible, and no one wants peace any more than the people of Central America. If, in 1988, we miss this chance, it will not only be history who will be our judge. It will be our friends.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to this aid request.

Mr. Chairman, the notion that we should fund a war to achieve peace in Central America, is absurd. Yet, that is the twisted logic the White House is using to obtain additional funding for the Contras. The administration argues that the triumph of peace is won through the efforts of the Contras, who are notorious for killing peasants, burning hospitals, and laying waste to farmlands. President Reagan really believes that it is the death and destruction in Nicaragua that will secure a democratic regime in Managua. However, nothing could be further from the truth. The fact remains that the only result of more arms to the Contras, is more war. I know that, Members of this body know that, the American people know that and even the White House knows that. The time has come for us to end this charade of supporting an immoral war, and instead pursue the call for peace.

Last August, the five Central American Presidents came together to build a new future for the region. They did this by drafting a peace plan, which among other things, requires the cessation of all outside aid to rebel forces. The five Presidents stood firm on this issue, and have reiterated their opposition to any such aid. Yet, despite their ardent pleas, the Reagan administration has turned a deaf ear. By submitting this Contra aid request, President Reagan has demonstrated that he will accept nothing short of a military solution in Nicaragua. This is not only foolhardy but, it goes against the strong sentiment in Latin America, for a political settlement in the region.

Never before have we faced such a clear-cut choice between peace and war in Central America. The Arias peace plan offers the best hope to end the hostilities which have plagued the area for over a decade. This opportunity must not be squandered away. Congress must take the first step and vote down Contra aid to stem the violence which has disrupted the life of all Nicaraguan citizens. The denial of assistance will also signal confidence in our Central American colleagues' efforts to deal with the conflict.

Mr. Chairman, I urge my colleagues to support a new direction for Central America and cease all aid to the Contra rebels.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, it has been said that there are liars, darn liars, and statisticians. One might as you listen to this debate today suggest that often around here we have liars, darn liars, and historians.

I have heard a lot about a failed policy on the floor today, a policy that is designed in terms of historical reflection that is convenient for whoever is speaking.

The fact is that Central America has been a place of great desperation for a long, long time. The Somozas dominated Nicaragua for 40 years. America conveniently extended support at times when indeed we should have been pressuring for change. That did not come through Democratic and Republican administrations over too many years.

In my first session in 1979, that debate was raging and America had made a decision to push the Somozas out in order to provide hope, freedom and opportunity, economic growth and change, and suddenly after that crisis we began to give money in sizable form to a new government and that new government suddenly we found was not the one we expected. The business people of Nicaragua had gone back to work. Others forgot about the crisis and the Communists of Nicaragua took over and the very people who came to this floor and pled to give freedom a chance, peace a chance, suddenly found the Sandinista Communists to be OK. Suddenly they are saying those people who are continuing their fight for freedom somehow are antipeace, somehow antifreedom, opportunity and hope.

I cannot imagine how one has made that emotional as well as intellectual transition.

The fact is finally because of the pressure, the Sandinistas are back at the bargaining table and that pressure is the only chance today for peace and freedom.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, these Sandinistas are hardcore Communists and to talk of putting them to the test if really embarrassingly naive. These Sandino-Communists are not just Marxists. They are Leninists, the engines of history, and they hate the Yankee imperialists. Their revolution is for real, and what has been won by the gun can only be taken away by the gun. That is what they say and that is their theology.

Now, we have head from the opposition to this proposition that more aid drives the Sandinistas into the arms of the Soviets. I heard it this morning on National Public Radio from the gentleman who is now managing the bill. We give them aid, we drive them into the Soviets' arms.

Well, when Foreign Minister and Father Miguel D'Escoto accepted his Lenin prize in Moscow on June 10, he said, and I quote:

> This prize brings us even closer to Lenin, that passionate champion of peace.

Then we have Thomas Borge, who in Playboy, something I do not read very often, but I read this in September 1983.

□ 1615

Thomas Borge in the September 1983 issue of Playboy magazine said:

> I have always been a Communist. I told my mother that her gentility would not dissuade me. I am a Communist.

It reminds me of Fidel Castro's interview with Barbara Walters in May 1977 when he said:

> I was a Communist in law school in the 1940's.

There is a strange arrogance, a hubris about people who say we make people become Communists, as though these people do not become Communists on their own, that they need us to energize them and motivate them into that belief.

If my colleagues would read the writings, and read the speeches, from out of Sandinista-land, they would know that they are hard-line, hardcore Marxist-Leninist Communists.

Put them to the test? If we disperse the Contras what are we going to do if the Sandino-Communists flunk the test? Do we give them an F on their report card?

No, I recall what earlier speakers said we are going to do, we are going to "mobilize world opinion." Boy, that sure freed the Captive Nations, did it not? That is wonderful. Mobilize world opinion, that will bring them to their knees.

We may even have a resolution here condemning what they do.

That is utter nonsense.

In 1975 we cut off all aid to Angola's freedom fighters. I was here, and I have saved the copy of the debate. People were saying, "We are going to drive these Angolans into the arms of the Soviets if we help UNITA, and this guy Savimbi."

We cut him off for 10 years.

What happened? The Soviets shoveled it in, $2 billion in military aid, including tanks, trucks, and the rest. Finally we wised up and we started to give aid to UNITA.

What happened? Yesterday Angola announced that they are going to send the Cubans home.

Pressure pays. That is Newton's first law of motion.

Mr. Chairman, I cannot understand, I confess, some of the strange arguments that I have heard, but I think of a quote that fits them beautifully. It is by Saul Bellow.

He said, "A great deal of intelligence can be invested in ignorance where the need for illusion is great."

That is just what we have here, a need for illusion.

Another hummer that we get from the other side is to "take some risks for peace." I can just hear some compesino in the mountains if Nicaragua saying, "No, you take the risk of betting on Ortega for peace, I am risking enough already."

We heard that slogan before, "give peace a chance," and so have a lot of people now at the bottom of the South China Sea.

I also will announce to the pacifist clergy that I believe there are some things worth fighting for. Those people who shy away from the use of force I suggest look at this Frenchman Lafayette whose portrait is over here, who came to this country to help us win our freedom. Nobody handed it to us. We had to fight for it. There are some things worth fighting for, and among them are freedom. We should be grateful our forefathers believed so passionately in freedom.

Another argument is that Contra aid will kill the peace process. If my colleagues will remember that we deployed Pershing II missiles and ground-launched cruise missiles in Europe, and the Soviets said, "We are walking out. You do that, and that is the end of the peace process."

And the President did flaunt the nuclear freeze, urged by some of these same voices of reason and moderation. If we had swallowed that, we would have never deployed the Pershing II's or the ground-launched cruise missiles, and we would not have an INF Treaty today.

Mr. Chairman, they came back. They came back.

Mr. Chairman, I will just tell my colleagues this much, if negotiation was the way out of this struggle, I do not know why Contadora failed. They had years to work on that. It just never worked because the military pressure was not there. The peace process depends on pressure. It depends on economic, political, and military pressure.

The use of pressure is so fundamental that it seems to me the only people who deny it, have a "need for illusion."

This proposal is so anemic that it is a very small insurance policy, and term insurance at that. The military is fenced off, Congress has the final say, and there is no logical reason for turning it down except, and I hate to pronounce the word, politics, the prospect of a Reagan defeat.

Henry Jackson said that in matters of national security the best politics is no politics. How odd that sounds in this Chamber today.

It is a tragic time to cut off aid. The patient is sitting up, color is returning to his cheeks, and there are those who can't wait to cut the oxygen hose. The Sandino Communist treaty compliance is a scam. Managua has been described as a city without the energy of desperation—but with the Contra successes, they are beginning to have hope. Don't strangle that fragile hope—support the Contras.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I appreciate the opportunity to speak after my distinguished colleague from Illinois [Mr. HYDE], who I think has made the ultimate argument in support of aid to the Contras, and that is because of this enormous fear of a group of people that we refer to as Marxist-Leninist Communists.

Query: Who are the most powerful Communists on the face of the Earth?

The Soviet Union. But I do not hear any of my colleagues, at least my rational colleagues, who want to advocate going to war or aiding Contras to overthrow the Soviet Union, because rational minds in this body know that the ultimate result of that would bring a level of human destruction on this planet that would not allow us to emerge as a civilized group of people throughout eons of time.

Who are the second most powerful group of these Marxist-Leninist Communists?

The Chinese. But I find it fascinating that at this point we are interested in selling them Calvin Klein jeans and Cadillacs because we have a trade deficit. Ideological differences that exist between us and China are no longer a big deal when our economic interests are involved. So we are not talking about aiding Contras to overthrow the Chinese. We are busy trying to sell them these things.

Who are the third most powerful group of these Marxist-Leninist Communists?

They are in East Germany. But I hear no one saying that we should aid Contras to overthrow East Germany, Czechoslovakia, Poland, et cetera. No rational mind in this body would advocate that.

So where do we choose to attack these dangerous Marxist-Leninist Communists, Mr. Chairman?

It is fascinating. It is in countries where the black and the brown and the red and the yellow, where they are dying from the work of death squads, from oligarchies, and military juntas, and dying from poverty and hunger and disease. So where are the dangerous Communists, Mr. Chairman?

Not in the Soviet Union. Not in China. Not in East Germany. Not in Czechoslovakia. But they seem to be in Third World countries. So when we choose to become brave and powerful and macho and talk about war, we say, "where is Daniel Ortega? That is a Communist that I can challenge."

Where are the Communists in Africa and Asia and Central America?

So being a simple human being, I have come to the conclusion, Mr. Chairman, that there must be two kinds of Communists on the face of the Earth, because we sure have different attitudes. There must be good Communists and bad Communists. The good Communists must be the ones that have a big enough bomb to bomb us back. Maybe the bad Communists are where we strap on the holster, Mr. Chairman, where we aid Contras. That is where the countries are where people are dying of starvation and malnutrition and hunger, where instead of being anticommunist we ought to be antipoverty, antihunger, antidisease, and antideath squads, and antiviolation of human rights.

Mr. Chairman, therein lies the fundamental contradiction and, I would assert, the hypocrisy of that argument.

If it was purely anticommunism, then why are we not bombing the Soviet Union?

Most of us here are not fools. We understand. So when we want to get tough, we want to get tough with Ortega.

Mr. Chairman, we are about to lose a generation of our children. I live every day on the principle that this generation has a responsibility to turn over to our children a better world than the one we inherited. Our responsibility, Mr. Chairman, is not to give our children another generation of the insanity of war, and myopic perspectives, but to guarantee our children a generation of peace, and I say let it start in Central America. Peace is not simply the absence of war, Mr. Chairman. Peace is the alternative to war.

In Central America we have an alternative to war. We can sit down peacefully and democratically and bring in all parties together to begin to negotiate beyond the insanity of war. If the human spirit could get beyond the notion that we could sell other human beings as chattel, if the human spirit could get beyond the notion of the divine right of kings, then the human spirit can get beyond the notion of the insanity of war. Mr. Chairman, in Central America we have a responsibility to engage in a generation of peace. Peace is more than the absence of war, peace is the absence of conditions that give rise to war.

Mr. Chairman, the only way we are going to remove the conditions of war is by sitting down and beginning to negotiate. We are not waging war on the Government of Nicaragua, we are destroying the people of Nicaragua with our economic insanity and our aid to the Contras to maim, kill, torture and harm human beings in the countryside of Nicaragua.

Mr. Chairman, this is not the kind of world that we should turn over to our children. We have to begin to deal with peace and that is what ought to drive us to not only challenge this proposal but every proposal that comes before us in the name of war.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Oklahoma for yielding me this time.

I would like to say by way of commentary on the always interesting rhetoric of the gentleman from California [Mr. DELLUMS], the place to start fighting for peace is Afghanistan, Afghanistan where 115,000 Soviet troops are fighting and killing poor people in Afghanistan, and our country is helping the resistance. I do not know if the gentleman from California supports that effort but I would suggest that this country is helping fight the Soviet Union in Afghanistan.

This country is helping to fight the Soviet-supported Vietnamese in Kampuchea, and if the gentleman from California does not think this country has not made more billions of dollars available to those brown people and those red people and those Third World people, the gentleman from California has not been paying attention.

Mr. Chairman, communism is the sworn enemy of the human spirit. We have one Communist base in this hemisphere, and that is Cuba. We do not need another Cuba on the land bridge between Texas and the Panama Canal. We have a country down there, Colombia, that is almost in a state of anarchy. We have Panama, and the Panama Canal being run by a corrupt unstable government. It does not seem to bother the gentleman that the Soviets would have another base in our hemisphere.

Mr. Chairman, I say to my colleagues, Nicaragua is an occupied country. What are Bulgarians doing there? What are the PLO doing there? What are East Germans doing there? What are North Koreans doing there? What are the Soviets doing there?

Is it the water? Is it the beaches?

I suggest to the gentleman that he has a vastly different view of what is right and what is wrong in the world than I do, but so be it.

Mr. GEPHARDT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, my distinguished colleague, the gentleman from Illinois [Mr. HYDE], knows that I am willing to debate him anytime, any place, anywhere in any circumstances on the issue of war and peace, and he knows I am prepared to do that.

Finally, Mr. Chairman, peace does not come through the barrel of a gun or through the bombay doors. Peace becomes reality when one is committed to democratic principles and committed to alleviate the conditions that give rise to war. The world is crying out for peace. Yes, it is crying out for peace in Afghanistan, it is crying out for peace in Central America, it is crying out for peace in southern Africa, and it cries out for peace in the ghettos and the barrios of America. We have to begin to deal with that. Let the national security policies include those conditions, and we will have turned over to the children a much better world than the one we inherited.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from California [Mr. DELLUMS] would have us believe that it is because the people of Nicaragua are dark skinned that we have raised this issue.

I say to the gentleman from California [Mr. DELLUMS] that I hope he will not leave the floor.

Mr. DELLUMS. I am listening to the gentleman.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I just came back from Managua and I met with a lot of people down there who are dark skinned, and who want the right to vote, who want the right to have a free press, who want the right to live without fear of being imprisoned and tortured by their government, and I will say to the gentleman from California [Mr. DELLUMS] that while I was down there with two people from your side of the aisle and another one from my side of the aisle, a very fine young dark-skinned lady, fighting for freedom against the Sandinista government, told us she was frightened and I want to tell my colleagues that since we left, she has been arrested.

I say to the gentleman from California [Mr. DELLUMS] that if he believes in freedom, freedom knows no color and the people of Nicaragua are as entitled to freedom as the people of the United States.

□ 1630

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, a "yes" vote today is not a happy vote, a pleasant vote or an easy vote, but a "yes" vote today is a necessary vote.

Why have good Democrats like Chuck Robb of Virginia, Senator BOREN of Oklahoma, and Senator BENTSEN of Texas advocated a "yes" vote? Not because Robb, BOREN, and BENTSEN are warmongers, not because Robb, BOREN, and BENTSEN are simple-minded anti-Communists. These three distinguished Democrats have looked at the facts and they have reluctantly concluded that a "yes" vote is the only reasonable factually based vote.

Why has the Miami Herald announced it was wrong in opposing aid to the Contras and urge a "yes" vote? Because it looked at the facts. Why has the Washington Post as late as this morning advocated a "yes" vote? Because it looked at the facts.

What do those who are going to vote no offer us? Like Richard Nixon in 1968 they have a secret plan. They will soon propose what vote they would bring to the floor. We now have a secret plan peace vote. But what is that secret plan?

If you are going to send humanitarian aid to the freedom fighters without a cease-fire, how are you going to protect it? Who is going to lead the first convoy, or are you saying we will set up a gulag in Central America, we will let the freedom fighters and their families hide in one refugee camp, but we will at least give them food in their misery? Is that your solution?

Before any partisan person in this House votes no they should ask themselves two questions. First, why if there is a secret plan there is no one in the leadership offering it? Why are there no people willing to stand forward? Why are we faced with a Nixon-like secret proposal but no clear-cut, specific plan to be voted on today? And second, if there is a massacre, if the morale collapses, if there are thousands of refugees, if freedom fails, what then is your plan? The U.S. Marines? What then do you propose if your way fails? What then do you offer?

Mr EDWARDS of Oklahoma. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. By segments, the gentleman from Oklahoma [Mr. EDWARDS] has 31 minutes remaining in this segment and 2 hours and 31 minutes at the end of this segment and the gentleman from Missouri [Mr. GEPHARDT] has 9½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Chairman, I don't often say this, but I agree with the Washington Post's editorial stand on this critical question of aid to the freedom fighters in Nicaragua. Aid to the Contras must continue.

As the Post editorial states:

> The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on the basis we support the President's request.

The Arias plan—signed on August 7, 1987—called for free and fair elections, not political persecution.

It called for freedom of speech and association, not broadcast restrictions and the arrest of political opponents.

It called for a good faith effort to restore peace and democracy, not a secret agreement with the Soviets to build a 600,000-man army.

It called for full compliance by a certain date—the first date was November 7—then it was pushed back to January 15, now who knows when Ortega will comply.

Mr. Chairman, I am not optimistic. As Mr. Ortega has said—he has no plans to give up power.

I am also tired of promises. I believe that actions speak louder than words.

In 1979, the Sandinistas made a promise to the OAS that their government would be "truly democratic" with respect for "fundamental liberties."

Almost 10 years later, the Nicaraguan people are still waiting for democracy.

Mr. Chairman, this is no time to weaken the freedom fighters.

As indicated by the Post, a vote against aid removes the carrot and stick approach that has brought Ortega to the negotiating table.

We must not take the pressure off the Sandinistas just as the negotiations are getting serious.

Support democracy—support the freedom fighters.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Chairman, this is a tough vote. It requires a lot of soul searching. No one wants to harm the prospects for peace in Nicaragua.

I believe the peace proposal put forth by Costa Rican President Arias can bring peace to Central America, but only if all of the participants are sincere in their desire to implement the democratic reforms that were agreed to in Guatemala last summer.

I have been encouraged by the recent steps which have been taken by the Sandinistas. The lifting of the national emergency, the release of some political prisoners, and the reopening of the independent newspaper and radio station are all positive signs.

The correlation between recent concessions made by the Sandinistas and this vote on additional Contra aid is obvious. The Sandinistas were slow to comply with the peace plan until after the date for this vote was set by Congress shortly before Christmas. The purpose of this additional aid is clear—to continue to apply pressure on the Sandinistas to implement and maintain democratic reforms.

It is a request that, while applying pressure, does not alter the balance of power in Nicaragua. All but 10 percent of this aid will be nonlethal or humanitarian aid. The remaining $3.6 million will be military assistance that will be held in escrow until the end of March. At that time, the Congress will determine whether the Sandinistas have complied with the peace process. If they have complied, as I hope they will, no military aid will be released.

Pressure, or leverage if you will, can produce positive results. The recently signed INF Treaty is an example of this. A few years ago millions of Americans were strongly opposed to the introduction of Pershing missiles into Western Europe for fear that it would escalate the arms race. However, the Soviets already had similar missiles in place. How many of us believe that the Soviets would have unilaterally agreed to dismantle all of their intermediate range missiles? They did so because it was in their own best interest once similar weapons were targeted against them.

A major concern of mine is the mixed signals we are receiving from Managua. The Sandinistas tell us that they are no threat to the other nations in the region, and that they have no interest in spreading revolution. But the record indicates otherwise. Soviet military aid continues to arrive in Nicaragua at the same high level it has in recent years. In addition, Nicaraguan Defense Minister Humberto Ortega has publicly stated that he plans to increase the size of the Nicaraguan Army to 600,000 within the next 10 years, regardless of the outcome of the peace negotiations. This would be a force far larger than is needed for defensive purposes.

He also indicated that Nicaragua plans to acquire additional Soviet weapons, such as Mig jet fighters, which would be of little use in the Nicaraguan jungle. Obtaining an offensive military capability is totally inconsistent with the Arias peace plan and would be a threat to the democracies of Central America.

The largest city in my district, Elizabeth, is the home of thousands of individuals who have firsthand knowledge of what the people of Nicaragua are experiencing. These refugees from Castro's Communist Cuba are adamantly opposed to trusting the Sandinistas. They are opposed because it is all too familiar to them: The restrictions on human rights; the buildup of the armed forces; and a heavy reliance on the Soviet Union are things that they too have experienced. Cutting off aid to the Contras now, in their judgment, would amount to another Bay of Pigs when we left the Cuban freedom fighters stranded on the beaches. These Cuban-Americans claim that we should continue aiding the Contras until Fidel Castro and the Soviets stop sending weapons and withdraw their military advisers from Nicaragua. Mr. Chairman, I share this belief, and I am going to vote in favor of the additional aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I rise in support of this aid package because I believe that if we are going to have peace, freedom, democracy, and justice in Nicaragua and all of Central America, we must keep the pressure on the Marxist-Leninist Sandinista regime. The Contras are not the freedom fighters we would like them to be, but I believe they are a great deal better for the people of Nicaragua, Central America, and the United States than the Communists who now rule Nicaragua. The best way to bring democracy to Nicaragua is the full and complete implementation of the Arias peace plan, and I believe the only way that will be accomplished is by the military pressure of the Contras.

If the Sandinistas were sincere about peace in Central America, they would stop the military buildup that will put, according to the Nicaraguan Defense Minister himself, 600,000 Nicaraguans under arms by 1995. They would stop aiding Communist insurgent groups in El Salvador and end the vast flow of military hardware received in recent years from the Soviet Union, Cuba, Libya and other Communist/terrorist regimes. In addition, they would allow total freedom of assembly, speech, and the opportunity to hold free and fair elections.

The Contras are the main obstacle standing in the Sandinistas' way of complete control. There are now between 12,000 and 16,000 Contras fighting against them. They are now operating in two-thirds of Nicaragua's territory and their improved military performance indicates they are receiving significant support from various segments of the population.

It makes no sense to withdraw support from the Nicaraguan resistance just as they have entered into direct negotiations with the Sandinistas. Every important concession that the Sandinistas have made is reversible. The Contras need continued United States support if they are to negotiate a successful cease-fire which will fully allow them to take part in the democratic process in Nicaragua.

Continued aid to the Contras is, therefore, necessary to extract further democratic concessions from the Sandinistas. Aid is necessary to implement the provisions for democracy so that the armed resistance can exchange bullets for ballots in a truly democratic Nicaragua. Without military aid, the Contras will be forced to choose between surrender on terms dictated by the Sandinistas or permanent exile.

The Central American peace plan is worthy of continued United States support. Its strong emphasis on democratization reflects our values and addresses our security interests. Continued Contra aid is not only compatible with the peace plan, it is also absolutely necessary to achieve its goals. Because the Sandinistas do not advocate the principles of democracy, pressure from the Contras is necessary to oblige them to implement the provisions of the peace plan.

If the United States abandons the Contras, it will be an open invitation for the Soviets, who have already supplied the Ortega regime with massive amounts of military aid, to have a free hand in Nicaragua. Failure on our part to assist in the democratic resistance will allow the Soviet-backed Sandinistas to build a second beachhead on the North American Continent.

Congress must decide now whether it will combat communism in Central America or let it spread like a cancer through the fragile democracies of Latin America. Unfortunately, there can be no self-determination in Nicaragua today so long as the Soviet Union retains paramount influence there. If we choose to deny these friends of democracy a real chance at self-determination, we will be condemning the Nicaraguan people and very possibly our Latin American neighbors to a turbulent period of Communist aggression that someday may reach our shores.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, in spite of 8 years of repression, torture and murder by the Communists in Nicaragua, in spite of the fact that the last 8 years have been littered with the bones of promises broken by these Communist dictators, here in this house of freedom, in literally this last bastion of world democracy, today some are saying that we should trust these charlatans once again. It is said that, in the name of peace, this modest amount of aid must be prevented from reaching the Nicaraguan freedom fighters. Of course, it isn't peace, but peace with freedom that is truly at risk here today. There is no one here who does not want peace. I want it. You want it. The Nicaraguan people want it.

But the Nicaraguan people want—and are entitled to—more than just peace. They want the right to live in liberty. They want their children not just to live in peace, but to have the right to free speech, to free assembly, to freedom of worship, to freedom of travel, to freedom of enterprise—all of the simple and yet tremendous freedoms that have made this Nation of ours great. And, just as important, they want the freedom not to be harnessed to the ever-growing Communist military machine in Nicaragua—a killing machine that will inevitably destroy the lives of their children through indoctrination and militarism, and sooner or later, the conquest of their democratic neighbors in Central America.

And so, once again, let us be frank, it is not the question of peace that lies before us today here in this great House. It is the freedom of the Nicaraguan people that is in our hands, and the future of their children.

Before we cast our votes, before we decide the fate of the Nicaraguan people, before we sacrifice their freedom on the altar of Communist promises, I ask my colleagues to listen to the words of Father Peter D'Abele, an American Roman Catholic priest who has lived and preached in Santo Tomas, Nicaragua, for more than 5 years—a priest who is still there today and who knows both the Nicaraguan people's desire for freedom and the ways that their Communist rulers continue to deny it.

Father D'Abele says that in the town of Santo Tomas in the heart of Nicaragua, only 10 percent of the residents support the Communist regime—only 10 percent. Ten percent of the residents are actively working to help the freedom fighters overthrow that regime. And what does he say about the remaining 80 percent? They are fighting the Communists by not cooperating with their regime.

Here is how Father D'Abele expressed the feelings of the people of Santo Tomas—not the feelings of international sympathizers who have made pilgrimages to Managua—but the feelings of real, average Nicaraguans in the middle of a civil war:

> If you have spoken to the people, they say they would rather not be in the army . . . they would rather be out milking their cows. When they're not left alone . . . when they are forced into one way or another, they would rather go with the Contras, because the Sandinistas have attacked family life and they've attacked the church.

Father D'Abele says that the Sandinistas are so bad that the freedom fighters are the only option left to the Nicaraguan people. He also indicates that the aid we gave the resistance last year had provided hope to the people of Santo Tomas that something could be done to win their freedom. Listen to what he says about the attack the freedom fighters carried out on Santo Tomas last October and what the town's residents really thought about it:

> I think, by and large, apart from being scared—everyone was—I think it impressed them. Because no one really believed that Santo Tomas would ever be attacked by the Contras. It was too large. It has always been a military base. There's a fuel depot down below. There's a helicopter pad up above. It's always been kind of a center of operations, and the fact that they had the audacity to attack it and to get as far as they did, I think, impressed a lot of people.

In speaking about the question of more American aid for the resistance, Father D'Abele said that the residents of Santo Tomas weigh the risk of a longer civil war with the risk that their hopes of democracy are going to be snuffed out by one shot—a vote against that aid by the House today. He says:

> If they don't vote this aid, then you have to accept that Nicaragua is going to become a Cuban satellite.

Once again, let me stress that this American priest has been in Nicaragua for over 5 years and is still there today. He has not gone on a 2-week tour of farm cooperatives sponsored by the regime. He's had the guts to speak out on this issue and we ought to listen.

By the way, let's end this delusion that the Communists have suddenly become Democrats under the peace plan. According to the "MacNeil-Lehrer News Hour" reporter who interviewed Father D'Abele, he was not only followed and harassed by the Communist secret police while he was in Santo Tomas, but he was sent back to Managua once they realized what Father D'Abele and others were telling him. This reporter noted that, despite the regime's talk of restored freedoms, the army and police in Santo Tomas had yet to hear of it.

Mr. Chairman, I thank God that we here in America can still hear the voices of freedom. That we can still hear the voices of Santo Tomas. But where is our conviction to freedom? Why has our support for the freedom fighters been so grudging and miserly? Why was the President of this great democracy prevented from addressing the American people directly on this issue of freedom last night? Why do Members of this great body insist that we disarm the freedom fighters and trust the Nicaraguan Communists yet again? The Sandinistas have never kept their promises and they probably never will!

Mr. Chairman, we're trying to get Daniel Ortega to do something he doesn't want to do, and that's honor the promises he made in 1979. How in God's name are we going to do that unless we hold the Contras over his head?

A lot of American boys died because when Adolf Hitler announced his plans to dominate the world, we weren't listening. So now, when the Ortegas announce their plans to spread Marxist tyranny all over Central America, I, for one, plan to take them seriously.

A denial of aid at this time will say that just when democracy started to bloom all over Central America, it was stomped out by the United States refusal to help the Contras. It will say that just when the Contras became a viable fighting force and increasingly popular in Nicaragua, we disarmed them.

What will happen? We will give the Ortegas and their Soviet masters a blank check to spread subversion right in our front yard. And we'll have to get ready for Soviet bases on both the Atlantic and Pacific coasts of this hemisphere.

Mr. Chairman, to point out the difference between communism and democracy and to point out the difference between hopelessness and hope, let me describe an event that took place not long ago when I had an opportunity to visit a city called Hanoi in a place called Vietnam, and there I had to negotiate with a Communist regime for the release of live POW's and the remains of fallen soldiers. That is the only philosophy in the history of the political world that has ever withheld prisoners of war and even the remains of dead soldiers and that is the same political philosophy that exists in Nicaragua today.

While I was there I had a chance to observe the faces of people shackled with international expansionist communism. Ladies and gentleman, there was no hope on the faces of those people, no jobs, no economy, no anything. Yes, that was communism at work, just like in Nicaragua.

I left there and I went to a place called Thailand. I had an opportunity to visit 125,000 refugees displaced by that expansionist communism. Those poor people, as I began to fly in there and then ride over a 50-mile stretch of dirt road, those people began to gather by the side of the road, little people, 5 years old, 20 years old, 80 years old, and they carried signs that said, "U.S.A., you are No. 1. America, we love you."

□ 1645

But there was one great big sign, the sign that said "America, please take us home." Mr. Chairman, they did not mean "Take us home to America," they meant "Make it possible for us to go back to their home, to be free, to live under democracy the way we do." There was hope on their faces and we Americans were their only hope. Mr. Chairman, we are the only hope of freedom loving Nicaraguans.

Mr. Chairman, communism has never been unshackled from the backs of people without outside help, never in the history of world politics. That is, until we did it in Grenada and are doing it in Afghanistan right now.

For God's sake, let us not abandon the people of Nicaragua, let us give them a chance at what we have here in this country, because in doing so you may just be insuring your own freedom in this world.

For God's sake, please support this legislation.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman.

Mr. Chairman, much has changed since the last vote a number of months ago. During the first half of last year, about 14,000 armed Nicaraguan resistance fighters have penetrated their country. In the first half of 1987 alone, the resistance has engaged the Sandinista army over 1,800 times. That has changed. A lot of people in this body were saying the resistance had no military sustainability. Towns and villages have been occupied briefly, critical roads have been shut off, Soviet helicopter gunships have been downed.

I remember, as you all do, during the Iran hearings that the witnesses articulated well that in Central America the Communist Sandinistas have helicopter gunships, the best in the Americas.

Right now the Communists in Central America have helicopter gunships that are better than our own, that are better than those, in fact, we have in the United States of America. The central and eastern provinces particularly of Nicaragua are hospitable to the democratic resistance, indeed much has changed.

All this has been done, of course, with very modest outlays of American expenses.

The Soviet Union, the Warsaw Pact countries, Cuba, Bulgaria, the PLO, if you add up the type of funding, the type of money that they have sent to the Americas it totals to $2.6 billion. And yet we are tripping all over ourselves in this debate to determine whether we should send $3.6 million of weapons to the Democrats in Central America; all the while the Soviet Union and her allies are funding the Communists in our own hemisphere by the sum of $2.6 billion. There are some that will say that if we withhold assistance to the resistance then Daniel Ortega will not ask assistance from Moscow. But I remind this body that in April 1985, and again in January 1986 when this body rejected giving the Democrats their assistance, Daniel Ortega took that opportunity, went to Moscow for additional equipment, additional gunships, and additional supplies.

He right now is negotiating as to whether he is going to get Mig fighter planes, aircraft, in Central America. Managua's friends say they are not serious. Daniel Ortega says he is serious.

If we do nothing, if we do not apply the pressure then Central America will be receiving Communist Mig airplanes. Their pilots, the Sandinista pilots are being trained such that they can fly them today.

The Sandinistas started out with about 12,000 troops. Then it built up to 20,000, then 30,000, then 50,000, then 60,000, and now there are 80,000 troops in Central America, in Nicaragua.

Daniel Ortega, the Communists are saying that even if we establish good relations with the United States they want to build that up to 600,000. Mr. Chairman, give real peace a chance, make sure that the Declaration of Independence stands for true democracy in Central America, not only North America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, not very often do I rise to speak on this floor unless it is something that is very, very, very important to me. I guess you would try to wonder how you say something different that has not already been said. But maybe we look at it from the regions of the country, the South, the Southeast, the Southwest, the people that really have the refugees that flow into their part of the country, the people that are fleeing communism to come to America. And you look at it and you talk with them and you see the need.

Maybe we will be the first part of the country affected, but our plea is to the rest of the country that you support us, that you see we are closest to the problem, that we understand what is going on in Central America, that we are worried about Communists coming through Mexico, that we are worried about refugees flowing into the bayous of south Louisiana or the refugees going into Florida or Arizona or California.

Maybe we do not believe what our forefathers believed and that is that freedom is something that we have to give a lot to accomplish, but I still believe that.

I hope that a majority of the people on this floor believe that we must obtain freedom and support freedom at whatever the cost may be, whether it be in Asia, Africa, but particularly in our own hemisphere where the Monroe Doctrine was designed to try to protect us and the Americas.

I ask you today to please support the South, support the Southwest, where we feel the greatest fear and where the people understand where the problem comes from and vote for the aid to the Contras today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, the Contras that we are dealing with here are real people, men and women who want freedom, who thought they were getting it under the Sandinistas but not under Ortega. These are the people that the President calls freedom fighters. They are outnumbered with the military strength of the Sandinistas but they are still fighting for freedom. I wonder why we have become so sophisticated that we cannot recognize it, that it was freedom fighters who made our own United States possible. Have we gone so far from our roots that we have forgotten the men and women who created this great country of ours? What about these Americans who dumped tea into Boston Harbor in defiance of the British rulers? What of those who fought and died at Saratoga and at Valley Forge? These were no fancy military experts, but they knew if they could get their freedom, they had to fight for it and that is what the Contras are doing, the individuals that we are proposing to cut off with this legislation.

What a travesty that so many Members of this body should be opposing the men and women who seek freedom and who hate a cruel and ruthless dictatorship. Have we forgotten how our country was built? The brave men and women who crossed the River Delaware with General Washington to put to rout the British enemy whom they had opposed? They were also Contras; they were contra England.

How can we justify a vote in opposition to these Nicaraguan freedom fighters? How can we turn our backs to those who seek freedom, who are even willing to give their lives in freedom? Let us remember that Nicaragua is in desperate straits. Its inflation rate is at an astounding 13,000 percent. And as the eloquent columnist of the Washington Post, Mr. Krauthammer said, if the United States stops helping the Contras, she will have managed the most extraordinary self-inflicted, strategic surrender in memory. "Our decline will be well earned."

Certainly, no red-blooded American would want to be present at that consummation.

This afternoon we are debating the future of the Contras. But the basic issue in this debate is what America itself is all about: The opportunity of freedom. Over the years America has stood for freedom, and thousands of people from other lands have come to America because they hated oppression.

One of the very first actions of the new United States of America was a proposal sponsored by our fourth President, James Monroe—the Monroe Doctrine—and its impact was sweeping: That we would not permit any foreign government to establish itself in our hemisphere. We wanted only governments that were free, as we in America.

The issue before this free American Congress today is freedom itself.

The Nicaraguan Government, as everybody knows, has violated that Monroe Doctrine. A native, leftwing group—the Sandinistas—forcefully took over the Somoza government. But they only did so by promising the Organization of American States that they would establish a free democratic government that would include other parties, that free elections would be held, and that would include persons representing all groups in the nation.

But those promises were quickly shoved aside, and the government of the Ortega boys promptly forgot their promises to the Nicaraguan people—about freedom. Within a short time Nicaragua has become a totalitarian, Communist regime—a total violation of the Monroe Doctrine.

In a continent reserved especially for freedom the leader of Nicaragua forced a Soviet, Communist, Marxist government within 2 driving days of the United States of America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. DONALD E. LUKENS].

Mr. DONALD E. LUKENS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is a very difficult decision for everybody in the House today. I want it known that although I really do hate communism, I do not hate Communists.

I am saddened by the fact that we in this body probably were split philosophically to begin with, but, after nine trips in 14 months to Central America, I am more convinced than ever that the regime in Nicaragua is a Communist dictatorship, and they intend to stay Communist and will never give up their power over the army.

It is the only country in the world, that I know of, where a political party has an army. The army does not belong to the people of Nicaragua, it does not belong to the Government of Nicaragua, it belongs to the Sandinista political party.

That is rather unusual that a party would want an army, but that is the power that Ortega says, graphically, he will not give up.

We met three times now with the Permanent Commission on Human Rights in Nicaragua and all the executive committee of that permanent commission now says that they have documentary evidence of 12,400 prisoners, some of whom have not been allowed to see anybody for 7 years.

I think a country whose government has such a sad record in human rights, on that basis alone, should be subject to some kind of pressure.

Thousands of people that eight of us marched with in Leon 6 weeks ago—and I revisited just this last weekend, 3 days ago—literally hundreds of them, came to me on their own and said that we would not be marching today if it were not for the Contras; we would not have any freedom to assemble; there would be no freedom of religion, certainly no freedom of press or speech if it were not for the military pressure in addition to the economic and political pressure.

I would hope that this House today would see fit, in its wisdom and vision for America, to vote for peace and freedom.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, like the cartoon says, the Sandinistas want peace in Central America—and then a piece of Costa Rica, a piece of El Salvador and a piece of Honduras.

We hear the slick phrase, "Give peace a chance." But let's remember to give freedom a chance.

Does anyone really believe the Sandinistas were giving freedom a chance when they accepted $450 million in military aid from the Soviets last year?

If America does not stand up for freedom in our own hemisphere, 2 hours by air from our border, then when will we support freedom?

Last summer our family visited the Statue of Liberty. On its base is etched a quote by José Marti, the father of Cuban independence. It says, "Liberty costs a great price, and one must either resign himself to live without it or decide to pay its price."

Freedom is never free, Mr. Chairman, and I urge my colleagues to recognize that and then vote in favor of the President's request.

Mr. GEPHARDT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to this request for aid to the Contras. I think that it is useful in reviewing this proposal to put it to two tests.

The first test is: Does the policy work on the ground in Nicaragua? And is it likely to succeed? This is a military action by soldiers that we are supporting and I think that as we think about whether or not they could militarily succeed, putting aside the CIA reports and even our own defense reports that say they are unlikely to overthrow the Sandinistas, it is important to review a little history of our involvement in Nicaragua.

The United States has invaded Nicaragua 12 times in history. If you go back to the CONGRESSIONAL RECORDS of the 1920's and 1930's it sounds an awful lot like the CONGRESSIONAL RECORD of today, and if you look at the old newspapers from those periods you will see that the headlines remind you of the headlines of today. So to the people of Nicaragua, the people that were involved in those times, this is nothing new.

□ 1700

I think a second fact we must recognize is that in the late 1970's, when this country underwent a revolution, 50,000 Nicaraguans lost their lives. This is a country of about 3.3 million, and if we remember, in the Vietnam conflict we lost about 50,000 people. On almost any day you can drive by the Vietnam Memorial here and get a sense of what that conflict and that loss of life meant in this country. So we can imagine what that meant in Nicaragua when we begin thinking about whether or not a military solution to the problem is something that can work on the ground in Nicaragua.

So I simply submit, on the basis of that anecdotal evidence and the evidence we see from our own military and our own Central Intelligence Agency, that having a military policy and a military solution to our problems is not likely to succeed.

I think the next thing we should look at is this: Does the policy reach the goals and the vital interests of the United States. On this point I think there has been some confusion, because we have many different goals that are enunciated by the administration. I think we should try to better articulate what our goals are. I think there are two. I think we have two vital interests in Nicaragua. The first is to reduce the foreign military influences in that country, certainly Soviet, Cuban, Libyan, whatever foreign military influence is in this country, and the second is to keep the Sandinistas from interfering with their neighbors, with many of whom we have treaties and obligations. If we put this policy against that test—what are our goals, and are we reaching them?—I think Members would agree with me that we are not.

Previous speakers on the other side have said that we just cannot negotiate with Communists. Certainly there are people in our country who have that view. I do not think the President has that view. If he did have that view, he would not be negotiating with Mikhail Gorbachev and the Soviet Union. If he did have that view, he would not be negotiating with the Chinese on a variety of subjects. And I believe that the President has even said that the Contras are in the field in order to put pressure on the Sandinistas so that we can get to negotiations to resolve and reconcile our vital interests.

Mr. Chairman, if that is our goal, then what are the people in the region who are leading the effort and working to make this effort come about saying about Contra aid? President Arias, who is the author of the live and viable plan of the moment, said, when he received his Nobel Peace Prize, that President Reagan knows very well—and I quote—"that the Contras are the problem and not the solution." And yesterday the people who have been active in the Contadora process said this:

> We urgently call upon the countries with ties or interests in the region to halt unconditionally, unilaterally, and immediately any actions aimed at destabilization or any type of aid to irregular forces, as is established in the San Jose Declaration for the Attainment of Peace and Democracy in Central America.

In conclusion, I would say, let us give peace a chance. Let us give the people in the region a chance. We have been trying the military solution for 6 years now. Let us give the other way a chance. Let us give life to the words of a great American uttered about his brother when he said, "We see wrong and try to right it, we see suffering and try to heal it, and we see war and try to stop it."

Mr. Chairman, we have tried the military solution. Let us try something else. Let us give peace a chance. Let us not give this aid to the Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in regard to the gentleman from Missouri's point about negotiating with the Communist Sandinistas, I would like to ask the gentleman, when in the history of the 20th century have we negotiated with Communists—whether they be Soviet Communists or Chinese Communists—from a position of weakness?

We are in a position of weakness if we pull the rug out from the precise force that has brought us to the present state in Nicaragua today.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I will yield in a moment.

I think it is highly unrealistic for a candidate for the Presidency of the United States to talk about negotiating with a known Communist regime in Nicaragua from a position of weakness. I yield now to the gentleman on this question.

Mr. GEPHARDT. Mr. Chairman, reluctantly, I yield myself 1 additional minute.

Mr. Chairman, let me say to the gentleman that I think it is ridiculous to say that we do not negotiate with the Sandinistas from a position of strength. It is a country of 3 million people, close to the American border. It has very few troops. Its economy is in a shambles. It is in absolute disorder and disarray from every viewpoint we can look at, and to say that the United States does not negotiate with this country from a position of strength is to misunderstand every fact of modern life.

We negotiated with the Soviets and we did it from a position of strength, and we negotiate with the Sandinistas from a position of strength. To say otherwise is simply not to be in touch with reality.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

I would like to point out that Cuba was a very small country, and that we certainly were in a position of strength 60 miles from Cuba. However, Cuba had built the largest military force in this hemisphere, with Soviet assistance. And, Cuba continues to conduct surveillance up and down the east coast of the United States.

Nicaragua would do the same. We were never able to deal with Cuba. When the Soviets brought in a brigade and President Carter had some objection, we simply dropped the issue. We have not been able to deal with the Cubans at all.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I appreciate the gentleman's yielding.

I think the point here is that if the Contras are gone, it is our troops that will create that strength. I think our friends on the other side of the aisle ought to clarify that. Is that what they are saying that that ought to be the final strength here?

Mr. RITTER. Mr. Chairman, I would say to the gentleman that I believe that is exactly what the gentleman from Missouri is saying.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I must respectfully disagree with my friend and colleague, the gentleman from Missouri, on this issue. He spoke about the history and what has happened in the world. I would like to review some of the lessons of history.

If we go back to the Bolshevik revolution, the Communists did not immediately seize power then. There was a struggle for a number of years between the Red army and the White army, the Red army eventually winning out. If we look at the years since then, not a single country that has gone Communist chose to do so in free elections. The choice has always been by force. If we look at the success of these Communist countries, we cannot point to one that has been an economic success. They are all economic failures, and these economic failures are scattered here and there throughout the world.

The choice today is not between peace and war. We all want peace regardless of what side of this issue we are on. We all want peace. The choice is what we want in Nicaragua, what the people in Nicaragua want, and what that country will look like in the year 2000 and beyond.

As has been pointed out, the Sandinistas are making concessions today, but why are they making concessions? They are making concessions out of necessity. They are making concessions as a result of the Contras and as a result of our aid in the past few years. We need to see this process through. Now is not the time to abandon the Contras. We need to evolve to a situation where the people in Nicaragua have a true choice. There have been no suggestions made by Ortega yet that he is willing to have free elections throughout the country for a parliament or a congress supervised by the United Nations or that he is willing to have free elections throughout the country for a President chosen by the people.

Today we are engaged in discussions with the Soviets regarding Afghanistan, about them pulling their troops and their military support out of that country in return for us giving up our support to the Afghan rebels. Can we not expect that we can see at least that much here in our own hemisphere?

Mr. Chairman, I think we should vote yes on this issue. We should demand that.

Mr. GEPHARDT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Chairman, I rise today to again address the issue of continued aid to the Nicaraguan Contras.

In the past few days alone, my office has been swamped with letters, telegrams, petitions, and phone calls from constituents and other citizens from all over the country who want to give the peace process a chance. People who feel as strongly as I do that our policies in Central America have been wrong. Every congressional office has received a copy of a letter, which I have asked to be included in the Extensions of Remarks from today's debate, signed by over 381 members of the clergy who represent every major denomination in the country. The message of the spiritual leaders of our Nation is clear: Support the peace process; vote no on continued aid to the Contras.

Not since Vietnam has an issue sparked such an outpouring from the American people.

The President's zeal to aid the Contras has led the United States to pursue illegal activities in violation of our own laws and in violation of international laws.

How can we purport to be advancing the cause of democracy when our own administration's policies have shown such disrespect for the democratic process. We should be setting a better example.

For years we have meddled in the affairs of Central America. Isn't it time to allow the people of the region the freedom to determine their own future? The peace plan developed by President Oscar Arias, for which he received the Nobel Peace Prize, calls for an end to all outside interference—from the United States, from the Soviet Union, from Cuba. It represents the wishes of the Central American people and we should abide by it.

The people of the United States have made their views clear. The people of Central America have made their views clear. In the true spirit of democracy, it is time for us to listen.

Mr. Chairman, I wish to submit for inclusion in the RECORD from today's debate the following letter which has been signed by members of the clergy from every major denomination in the United States.

FEBRUARY 1, 1988.

A STATEMENT ON CONTRA AID

We, the undersigned religious leaders, urge Congress to defeat any proposed new aid to the armed Nicaraguan opposition known as the Contras.

As men and women of faith who have leadership responsibilities within our religious bodies, we seek United States policies in Central America that are consistent with a deep sense of morality and justice, policies that rely upon diplomacy rather than the force of arms. We support the Guatemala peace accords and the ongoing peace process in the region. Sending additional aid to the Contras in any form or any amount would violate the Central American peace plan and contravene the expressed wishes of President Oscar Arias of Costa Rica. The immoral Contra war policy must finally be ended.

We ask all Senators and Representatives to vote against the request for new aid to the Contras on February 3 and 4.

AMERICAN BAPTIST CHURCHES, USA

Dr. Chester J. Jump, Jr., Interim General Secretary, American Baptist Churches, USA.

Dr. William K. Cober, Executive Director, National Ministries.

Dr. Donald G. Taylor, Executive Director, International Ministries.

Dr. Daniel E. Weiss, Executive Director, Educational Ministries.

Dr. Dean R. Wright, Executive Director, Ministers & Missionaries Benefit Board.

Rev. Kathryn W. Baker, Executive Minister, American Baptist Churches of the Niagara Frontier.

Dr. J. Ralph Beaty, Executive Minister, American Baptist Churches of the Great Rivers Region.

Rev. Helen Louise Bowser, Minister of Church and Ministry, American Baptist Churches of Rhode Island.

Rev. Donald H. Crosby, Executive Minister, American Baptist Churches of Rhode Island.

Dr. Telfer L. Epp, Executive Minister, Mid-American Baptist Churches (Iowa & Minnesota).

Rev. Robert A. Fisher, Executive Minister, Ohio Baptist Convention.

Rev. Carl E. Flemister, Executive Minister, American Baptist Churches of Metropolitan New York.

Dr. Heinz H. Grabia, Executive Minister, American Baptist Churches of Nebraska.

Rev. Sumner M. Grant, Executive Minister, American Baptist Churches of New York State.

Dr. Carlton B. Goodwin, Executive Minister, The Pittsburgh Baptist Association.

Rev. Pedro Hernandez, Executive Minister, Baptist Churches of Puerto Rico.

Dr. Paul T. Losh, Executive Minister, Vermont Baptist State Convention.

Dr. Calvin L. Moon, Executive Minister, American Baptist Churches of Maine.

Dr. Walter Parrish, Executive Minister, American Baptist Churches of the South.

Dr. Robert D. Rasmussen, Executive Minister, American Baptist Churches of the West.

Dr. Robert H. Roberts, Executive Minister, American Baptist Churches of Connecticut.

Rev. Carrol A. Turner, Executive Minister, American Baptist Churches of Monroe Association.

Rev. Larry K. Waltz, Executive Minister, Philadelphia Baptist Association.

Rev. George D. Younger, Executive Minister, American Baptist Churches of New Jersey.

CHURCH OF THE BRETHREN

William A. Hayes, Moderator.

Donald E. Miller, General Secretary.

Elaine Sollenberger, Moderator Elect.

Ronald D. Beachley, Executive, District of Western Pennsylvania.

Donald R. Booz, Executive, District of Florida and Puerto Rico.

Gordon W. Bucher, Executive, District of Northern Ohio.

Helen Constable, Associate Executive, District of Western Pennsylvania.

Janice M. Eller, Executive, District of Oregon and Washington.

Warren M. Eshbach, Executive District of Southern Pennsylvania.

Pamela T. Farrell, Associate Executive Mid-Atlantic District.

Ronald D. Finney, Associate Executive District of Northern Indiana.

Sylvus D. Flora, Executive, District of West Marva.

Martin A. Gauby, Executive, District of Idaho.

Larry W. Glick, Associate Executive, District of Shenandoah.

Terry Hatfield, Associate Executive, District of Northern Indiana.

Robert D. Kettering, Associate Executive, Atlanta Northeast District.

James L. Kinsey, Executive, District of Michigan.

Joseph M. Mason, Executive, District of Southern Ohio.

James E. Miller, Executive, District of Northern Plains.

Carl E. Myers, Executive, District of Illinois and Wisconsin.

Carroll M. Petry, Executive, District of South/Central Indiana.

Ronald D. Petry, Executive, Mid-Atlantic District.

Doris M. Quarles, Associate Executive, District of Virginia.

Merlin G. Shull, Executive, District of Shenandoah.

Ronald and Shirley Spire, Co-Executives, Southeastern District.

Irven and Pattie Stern, Co-Executives, District of Pacific Southwest.

Owen G. Stultz, Executive, District of Virginia.

James E. Tomlonson, Executive, District of Southern Missouri and Arkansas.

John D. Tomlonson, Executive, District of Western Plains.

Randall L. Yoder, Executive, District of Middle Pennsylvania.

Herbert D. Zeiler, Executive, District of Southern Plains.

Earl K. Ziegler, Executive, Atlantic Northeast District.

EVANGELICAL LUTHERAN CHURCH IN AMERICA

Bishop Herbert Chilstrom, Evangelical Lutheran Church in America.

Bishop John Adam, Slovak Zion Synod.

Bishop Harry S. Anderson, Northern Wisconsin-Upper Michigan Synod.

Bishop Dennis A. Anderson, Nebraska Synod.

Bishop J. Roger Anderson, Southern California.

Bishop James S. Aull, South Carolina Synod.

Bishop Darold H. Beekman, Southwestern Minnesota Synod.

Bishop L. David Brown, Northeastern Iowa Synod.

Bishop Guy S. Edmiston, Jr., Lower Susquehanna Synod.

Bishop Lowell O. Erdahl, East Metropolitan Minnesota Synod.

Bishop Lavern G. Franzen, Florida Synod.

Bishop Stefan T. Guttormsson, Southwestern Wisconsin Synod.

Bishop Lawrence L. Hand, Southeastern Pennsylvania Synod.

Bishop Wesley N. Haugen, Eastern North Dakota Synod.

Bishop Mark B. Herbener, Northern Texas-Northern Louisiana Synod.

Bishop Reginald H. Holle, Western Michigan Synod.

Bishop Robert L. Isaksen, New England Synod.

Bishop E. Harold Jansen, Metropolitan Washington Synod.

Bishop Herluf M. Jensen, New Jersey Synod.

Bishop John P. Kaitschuk, Central/Southern Illinois Synod.

Bishop Robert W. Kelly, Northeastern Ohio Synod.

Bishop Ralph A. Kempski, Indiana-Kentucky Synod.

Bishop Gerhard I. Knutson, West-Central Wisconsin Synod.

Bishop Charles H. Maahs, Missouri-Kansas Synod.

Bishop A. Donald Main, Upper Susquehanna Synod.

Bishop Rafael Malpica-Padilla, Caribbean Synod.

Bishop Lowell H. Mays, South Central Wisconsin Synod.

Bishop Curtis H. Miller, Western Iowa Synod.

Bishop Milton R. Reisen, Eastern Michigan Synod.

Bishop Peter Rogness, Southeastern Wisconsin Synod.

Bishop Robert H. Studtmann, Arkansas-Oklahoma Synod.

Bishop Paul R. Swanson, Oregon Synod.

Bishop Sherman Hicks, Metropolitan Chicago Synod.

Bishop Harold S. Weiss, Northeastern Pennsylvania Synod.

Bishop Wayne E. Weissenbuehler, Rocky Mountain Synod.

Bishop Paul M. Werger, Southeastern Iowa Synod.

Bishop David C. Wold, Southeastern Washington Synod.

Bishop Morris Zumbrun, Maryland Synod.

PRESBYTERIAN CHURCH (U.S.A.)

The Rev. James E. Andrews, Stated Clerk of the General Assembly.

The Rev. Frederick J. Beebe, Synod Executive, Synod of Southern California and Hawaii.

The Rev. Robert L. Brashear, Chair, 1987-88 Presbyterian Task Force on Central America.

The Rev. Linda B. Brebner, Associate Executive, Synod of Lincoln Trails.

Mildred M. Brown, Associate, Women's Unit.

The Rev. Vernon S. Broyles III, Director, Church and Public Issues.

The Rev. Tom Castlen, Executive, Presbytery of the Cascades.

The Rev. Clarence L. Cave, Associate for Racial Justice and Black Mission Development.

The Rev. George A. Chauncey, Deputy Director, Washington Office.

The Rev. Robert E. Coleman, Associate Executive, Synod of the Trinity.

The Rev. Robert T. Cuthill, Synod Executive, Synod of Lakes and Prairies.

The Rev. Gary Demarest, Member, 1987-88 Presbyterian Task Force on Central America.

Mary B. Diboll, Associate, Women's Unit.

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The Rev. William J. Fogleman, Synod Executive, Synod of the Sun.

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The Rev. Benjamin F. Gutierrez, Associate for South America.

The Rev. Dieter T. Hessel, Director, Committee on Social Witness Policy.

The Rev. Elenora Giddings Ivory, Chair, Committee on Social Witness Policy.

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Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis.

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Howard Housman, Chairperson, Board of World Mission, Moravian Church in North America.

Theodore Wilde, Executive Director, Board of World Mission, Moravian Church in North America.

William Gramley, Executive Director, Board of Christian Education, Southern Province, Moravian Church in North America.

John Hurst Adams, Presiding Bishop, Second Episcopal District, African Methodist Episcopal Church.

Clinton R. Coleman, Presiding Bishop, Fifth Episcopal District, African Methodist Episcopal Zion Church.

Earl R. Johnson, General Secretary, African Methodist Episcopal Zion Church.

Mr. FOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I rise before my distinguished colleagues to speak in opposition to additional funding for the Nicaraguan resistance known as the Contras. I was one of those that supported the hundred million back in 1985. Before I go on, let me visit some of those figures as far as the enemy is concerned.

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The enemy is supposed to be Nicaragua, a country of less than 3 million people, with 50 percent of that population under 15 years of age. The average per capita income in that country is $500. That is the so-called enemy. Those are the people who we are supposedly fighting against. That is why we are helping the Contras.

The reason I bring you those figures is simply to tell you that for 6 years we have been fighting this country of less than 3 million people—6 years. I grant you that I have been one of those who has supported that effort.

We have given the Contras money and moral support and every opportunity to bring peace and democracy to Nicaragua.

By the way, those of you who talk about democracy, when you talk about free elections, do you want them like we have in Paraguay, or do you want them like we have in Chile, or do you want them like we have in Mexico where we know two years before the elections are held who the winner is going to be? Is that the type of election reform that we want in Central America, in Nicaragua?

Now, let us really give peace a chance. Let us support the Arias peace plan. Let us get behind the five Central American Presidents who have worked out a plan to bring order and peace to their own countries.

We must no longer act as a patron toward the leadership of these countries. Would we treat our European or Asian allies with such a domineering and paternalistic attitude? I believe we would not.

Let us no longer treat our friends and allies in Central America as banana republics. Let us end once and for all our patron attitude toward Central America. Let us give the leadership in these countries the dignity that they deserve and recognize their efforts to achieve peace. They have been good friends to the United States and if we allow them to determine the course of action in their own countries, they will continue to be strong and loyal supporters of this Nation.

I have been to these countries. I have talked with the leadership and the people. I have seen the misery in Nicaragua and that misery is shared by all of Central and South American countries. The people of these nations want the same things that people everywhere want. They want peace, prosperity, and the opportunity to arrive at their own solutions to their problems.

To continue the patron system is wrong. Let us no longer impose this way of life on our neighbors to the south. We must allow them the opportunity to determine their own destiny.

Let the peace process continue to move forward. Let us try a new respectful approach in our dealings with the leadership of Central America. Let us no longer support the strong-arm militaristic tactics that have embodied our relationship with Central America. Banana republics no longer exist. Latin American countries deserve the same respect we accord Europe and other nations around the world. It is time to allow the leadership of Central America to come to a peaceful solution, and to give them the respect they deserve by supporting their efforts to bring peace and democracy to Central America.

Vote no on the Contra package.

The CHAIRMAN. The Chair will announce that there remains 3 hours and 59 minutes of debate, divided in this fashion:

The gentleman from Washington [Mr. FOLEY] has 1 hour and 56 minutes remaining.

The gentleman from Oklahoma [Mr. EDWARDS] has 2 hours and 3 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time.

Mr. Chairman, something very disturbing has crept into this debate in the last few minutes, and that is we have heard talk all day about the Arias peace plan, which all of us feel is an important part of what is happening in Central America, but a lot of us know from conversations with President Arias that the implementation of the Rio Pact is a part of what he talks about when he talks about the possibility of failure of the situation in Central America under that peace plan. All of know that the implementation of the Rio Pact means the introduction of American troops.

A few moments ago we heard one of the Presidential candidates of the Democratic Party come to this floor and talk about negotiating from strength based upon the use of our troops.

Now, I fear that we are now beginning to hear very distinctly what is being said in this Chamber by the opponents of this Contra aid package, that once the Contras are gone, if this whole thing does not work out the way they say it is going to work and if Ortega breaks the trust that they are now putting in him, American forces are the alternative in Central America. That is the unacceptable alternative.

Mr. FOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, this is an elpochal moment, a difficult day for all of us. The administration has made a good faith effort to reach a bipartisan accommodation with Congress yet this Member feels compelled to vote against further aid to the Contras because the policies put in place neither conform to contemporary law nor historical American values.

From a legal perspective, the United States is not justified under any reasonable interpretation of international law to conduct a proxy war against a duly recognized government on the principle of tit-for-tatism. Terrorist acts against Nicaragua cannot be justified simply because the Sandinistas sponsor analogous acts against El Salvador.

The policy of symmetry of reciprocal anarchy—has the effect not only of lowering us into the policy gutter with our enemies but of driving a stake into the heart of international law.

History has shown time and again in Latin America that rightist intervention is neither a legal nor effective antidote to leftist radicalism. Simply put, it is counterproductive. The most profound base of popular support the Sandinistas currently maintain is their opposition to foreign intervention and their will to defend the sovereignty of the state against the anarchistic tactics of the Contras. The inescapable and ugly reality is that the hearts and minds of a repressed people will not be won by priest killers and crop burners. People power, as Cory Aquino has found, is more effectively advanced from within, not without; by citizens rubbed raw with personal grievances, not by armchair Rambos concerned more with the politics of their own society, than the social concerns of the developing world.

In 18th-century Europe it was taken for granted that kings were empowered not only to declare war but to grant Letters of Marque to privateers to harass enemies of the state. Believing such authority was too powerful to concentrate exclusively in the executive branch, our Founding Fathers stipulated in article 1 of the Constitution that the power to declare war is reserved to the people's body, Congress. And, in the only parallel to the modern day usage of proxy forces, they also determined that the power to "grant Letters of Marque and Reprisal" belonged exclusively to the Congress, not the executive.

Under our constitutional form of government the power to make war and its derivatives such as the power of reprisal were defined to be public rather than private functions. Statutory recognition of this phenomenon was reflected in the Neutrality Act, which dates back to 1794. Over the centuries, a large body of international law has been built up, to which the United States formally ascribes, prohibiting the initiation of hostile expeditions not only by governmental forces but by private persons within its territory against other nations.

Administration spokespeople have defended our policy in Central America by noting nothing in statutes like the Boland amendment curtailed the President's constitutional authorities as Commander in Chief. This is true, but it is also true that the amendment did not transfer to the White House powers reserved by the Constitution to the Congress. Designed as a constraint on executive authority, the Boland amendment stands as a kind of Gulf of Tonkin resolution in reverse, a congressional refusal to give the executive a blank check on policy in Central America.

There would be no congressional-executive confrontation today if there had been no stretching of the law yesterday.

Our republic was designed as a constitutional form of government, where even the chief executive can not authorize private citizens to break the law.

In the Contra situation, counterfeit "Letters of Marque" have been granted private citizens who in some cases appear to have spent more time and effort profiteering from friends than pillaging enemies. It's time for Congress to exercise its pursestring authority and cease supporting these modern day Hessians.

For decades there has been debate about whether the United States should play the role of policeman for the world, with some arguing that it is a chore for which we lack either a moral imprimatur or adequate resources to undertake. But a new dimension to this debate has been provided in Central America.

By its policies, the administration is suggesting that not only are we entitled to play the role of world policeman, but rather than enforcing the law, the interventionist cops American taxpayers are encouraged to support are themselves above the law.

So embarrassingly illegal have our policies become that our Government has been coerced into withdrawing from the jurisdiction of the World Court on this and similar political disputes, thus backtracking on an almost century-old U.S. commitment to utilization of an international tribunal for dispute resolution.

Liberals may have erred by believing the Sandinistas wouldn't opt in the direction of police state controls. Nevertheless, our country has an obligation to stand by the side of law and a constitutionalist foreign policy, with the understanding that not only do procedual concerns matter but that adherence to proper rules in the long run is more likely to produce proper results.

As the premier lawmaking assembly of our time, Congress has a particular obligation not to undercut the worth of law itself. It is the rule of law and the constitutional process, not a particular policy, which is on trial today.

The only conservative, the only constitutionalist option the House has today is to cease providing illegal assistance to illegal groups advancing an illegal foreign policy.

The time has come to just say no to the drug war—not out of naively misplaced respect for the Sandinistas, but out of a realpolitick understanding of our own history and values.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, we hear many themes recounted and recalled during the course of the debate on this aid, and one of them is, "Remember the lessons of Vietnam." This is a lesson which I sincerely agree that we should remember.

Unfortunately, those who continually recall Vietnam are those who would vote against this aid package and guarantee another Vietnam.

I approach the fear of repeating Vietnam from a different perspective than that of most Members, since I am one of the very few Members of this House who served in that war, in the country, on the ground, as an adviser to the South Vietnamese Army.

To me, the Vietnamese were real people, with names and jobs and families. They were friends.

In 1974, the 93d Congress cut off military assistance to South Vietnam. In 1975, peace came to South Vietnam. It was the peace of repression, of poverty, of imprisonment, of death, of slavery. Yes, peace came to Vietnam, and the 93d Congress paid a large and vital role in establishing that peace.

You do not remember Huynh Ngoc Son or Vo Dinh Loi, but I do. One of them was my interpreter, the other my military counterpart, and both were my friends. They worked for me, they worked for Americans, and they are either slaves or dead.

The lesson of Vietnam is that we can bring peace to Nicaragua and Central America, just as we did to Vietnam and Southeast Asia. All we have to do is cut off aid to the resistance, and the peace of Vietnam will settle over the region.

Do not let the 100th Congress repeat the mistakes of the 93d. Learn and remember the lesson of Vietnam. Let us not deliver to the people of Central America the peace of Southeast Asia.

Vote "yes" on the aid package.

Mr. FOLEY. Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, this House must once again take a stand on a matter of vital importance, not just for our Nation. But for the millions of people of this hemisphere whose lives will be affected by our actions. I believe the decision we make today on providing more arms for the Contras could very well, for good or ill, mark a historic turning point in our relations with our Central American neighbors.

The proponents of military aid to the Contras seek to cast the issue as a referendum on good against evil—either you vote for Ronald Reagan and freedom or you vote for Daniel Ortega and communism. But it is obvious to most of us, as it is obvious to the majority of the American people, that that is not the real choice facing us here. The real choice is whether to fully support a process at the negotiating table that, although imperfect, has brought Central America closer to peace, or to continue a course whose central theme relies on a military solution that is only likely to bring more war, grief, and misery to that beleaguered region.

The fact is that the Arias peace plan has brought the goal of peace within reach, something that seemed impossible just 6 months ago. Let's not kid ourselves—Nicaragua is not on anyone's list of pluralist democracies, and it has a long way to go to before it can be considered in full compliance with the Arias peace plan, as do Honduras, Guatemala, and El Salvador. But the steps taken by the Government of Nicaragua have been substantial. The state of emergency and the ban on political demonstrations have been lifted; the opposition press has reopened; and the Sandinistas recently have dropped their adamant opposition and agreed to direct negotiations with the armed Contras.

Proponents of arms for the Contras argued for additional weaponry as an "insurance policy" for continued democratization by the Sandinistas. This proposal is not an insurance policy—but it could be a death warrant for the Arias peace plan. And the last-ditch offer by the administration to withhold the money for ammunition and weapons, if Congress passes a resolution finding Nicaragua in full compliance with the peace agreement, changes nothing; the so-called nonlethal aid in this resolution would still provide the Contras with over 25 million in aircraft, training, and communications. Together with money already in the pipeline, this would allow the Contras to continue waging war, and would be in direct violation of the terms agreed upon by the five Central American presidents, which we purport to encourage.

The contrast between 6 months under the Arias plan and 6 years of administration policies in Central America could not be clearer. The administration's policies have squandered a quarter of a billion dollars, and have produced 6 years of death and casualties, mostly for innocent Nicaraguan civilians. At home, their pursuit has produced a legacy of secret policies, shifting public rationales, and gross distortions and falsehoods. During the brief time since the signing of the Arias agreement last August, we have witnessed an unprecedented and encouraging movement toward cooperation and amity in that region. Undoubtedly the flame of peace that has been kindled is still flickering, but we risk extinguishing that flame completely if we ignore the wishes of the Central American people and authorize military aid to the Contras today.

The sooner the administration recognizes that the Contras cannot single handedly bring peace to Central America, the sooner this country can begin addressing its legitimate security concerns in a realistic manner. If the main threat posed by Nicaragua to the United States is its potential use by the Soviets as a military base, then we should be confronting the Soviets directly with our concerns. Obviously, it is they, not the Sandinistas, who will decide whether or not to attempt so provocative an action. If the Soviets are really convinced that such a foolhardy course is in their national interest, who is prepared to argue that this package of aid for the Contras would persuade them to reconsider?

To approve further military aid to the Contras at this time would only give Daniel Ortega a reason to abandon the Arias plan, crack down on political dissent, and further militarize Nicaraguan society. To approve this proposal could also encourage the Contra leadership to obstruct the cease-fire negotiations now underway, in order to trigger the future release of additional aid. I say, let's hold the negotiator's feet to the fire and continue on the path that has been endorsed by President Arias and the governments of the Central American nations.

Mr. Chairman, I intend to vote against this resolution, and I hope that my colleagues will have the wisdom to do likewise. But if we reject this proposal, it will be our responsibility to make sure that the Contras are not simply abandoned. Like it or not, the Contras are largely the creation of the U.S. Government, are almost fully funded by the U.S. Government, and are under the ultimate control of the U.S. Government. To simply discard them without proper provision for their future integration into civilian life would be an unconscionable dereliction of our duty. I am frankly disappointed that we will not be allowed the opportunity to vote today on a package of short-term, humanitarian aid to the Contras. I believe that we in the Congress can do no less than to authorize true humanitarian aid, consisting of food, clothing, shelter, and medicine, and channeled through reputable international organizations.

And so, looking forward to the date in the near future when we can provide that humanitarian aid, I will cast my vote against the policies of protracted war, and in favor of sending a clear message to the world that we want to give the Arias plan every opportunity to succeed. I urge this House to follow its conscience, and I remind my colleagues that a vote against arms for the Contras is not the end of freedom in Central America. It is, rather, the beginning of a new era based on cooperation and mutual respect for the legitimate interests of all the nations of the hemisphere.

□ 1730

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. RITTER], and I ask the gentleman first to yield briefly to me.

Mr. RITTER. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would just say in response to the previous speaker that that is the whole point. We do not have another package here. We have one package and some sort of wistful idea that if we just hold off maybe something else will come to the floor.

Mr. RITTER. Mr. Chairman, I am pleased to address my colleagues on the issue of support for the Nicaraguan democratic resistance.

I get the sense that Democratic opponents of aid to the resistance demand absolute certainty, if not outright verbal declarations by the Sandinistas, of ill will. Somehow, if the Sandinistas say they are working for the betterment of the Nicaraguan people, almost anything they do is excusable. We keep waiting for promises to be fulfilled, but we've been waiting since 1979. Their rhetoric mirrors the rhetoric of totalitarian people's republics everywhere. They've had good teachers in Soviet, Cuban, and other East bloc backers.

Mr. Chairman, sometimes Members of Congress are accused of not listening when people are speaking. I think we have a case of that here today.

Why do we not listen to Daniel Ortega when he says "* * * in the hypothetical case that Sandinista Front lost an election, the Sandinista Front would hand over government, not power." (New York Times, Dec. 13, 1987.) Isn't he really saying that there is no such thing as a peace process, as some in this body invision it?

Why do we not listen when Tomas Borge—Nicaragua's Minister of Interior and member of the FSLN National Directorate, the Commander of the Revolution—when he says "This revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought [his first battle]" (July 19, 1981 [at a military ceremony broadcast on Managua domestic service, as reported by FBIS, on July 21, 1981].)

Why do we not listen when Maj. Roger Miranda Begeochea—Chief of the Secretariat of the Nicaraguan Ministry of Defense and member of the Sandinista Assembly—Central Committee—comes to the United States, a member of the Sandinista inner circle, an avowed Marxist-Leninist, the highest ranking official ever to defect from the Sandinistas, and tells us that he became disillusioned with what was happening to his country. The revolutionary dream had for him become a totalitarian nightmare.

From Miranda's eyes we have had a chance to look straight into the heart of the Sandinista government, and we have seen darkness.

Why can't we believe Major Miranda when he tells us that during the time the Arias peace plan was in effect, secret protocols were being signed between the Soviet Union and the Sandinista military? Why can't we believe him when he says:

"The Nicaraguan resistance (forces) are the legitimate representatives of the interests and hopes of the Nicaraguan people."

The Sandinistas intend to build an army and militia totaling 500,000 men.

The Soviet Union has promised to give the Sandinistas high-performance fighter aircraft, Mig-21's and additional Mi-25 HIND-D helicopter gunships.

The Sandinistas are expecting delivery of or may have already received many more armored personnel carriers, self-propelled howitzers, antitank weapons, surface-to-air missiles, and antiaircraft guns.

That the Sandinistas have no intention of complying with the Guatemala peace accords.

And the list goes on and on. Miranda offers a view of Sandinista actions and intentions that radically differs from their rhetoric.

Although the opposition has sought to discredit him because his case against them is devastating, the intelligence community, after checking and rechecking, has verified that his information is indeed genuine. He is the real article. He is speaking the truth.

If only all U.S. policymakers could react to Roger Miranda's information with the speed and certainty with which Humberto Ortega acted. Ortega knew what Miranda had seen, and he, in a move that could only be called self-destructive, felt compelled to admit to a massive Soviet-backed Sandinista military buildup, the size of which was heretofore considered fantasy.

Why do we not listen to our Costa Rican friends who in an editorial have said, "* * * what is at stake is the fate of the nations that border Nicaragua. Because if the resistance is weakened or disappears the Sandinista regime will direct all its energy, with ample Soviet aid, to its confessed objective of exporting its revolution" (Editorial, Jan. 29, 1988, La Nacion).

If the Communists in Nicaragua democratize, if they send home the Soviets, there is no need for aid to those who oppose them. The insurance policy for peace in the region and security for our Nation lies in democracy. Without free expression and dissent, freedom of assembly, freedom of the press, freedom of religion, freedom of mobility, free trade unions, and the list goes on, there's no real peace, only the "peace" of submission.

War by the Sandinistas against their people will continue even if things appear quiet. That's the nature of communism. The tortured in the Sandinista political prisons, where record numbers are held, don't get to hold press conferences with the New York Times. Without such democratization, we are threatened by a Soviet base in Nicaragua, like Cuba—but connected to fledgling democracies with porous borders—and vast numbers of refugees who can only vote with their feet.

The facts are before us, I urge my colleagues to consider the degree to which they are ignoring Sandinista wrongs and take a new look at their position in regards to support for the Nicaraguan democratic resistance.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, tonight as we debate this issue the men will be coming out of the hills, and out of the mountains in Central America, to blow up things. They will be blowing up electrification facilities, they will be blowing up schools, they will be blowing up hospitals. They will be doing it in El Salvador, and some will call them terrorists for doing it. They will be doing it in Nicaragua tonight and some people will call them freedom fighters for doing it there.

Mr. Chairman, I ask some of my colleagues to imagine for a moment that through an accident of birth they were not blessed with the opportunity to be born in the United States of America and grew up to be Members of the U.S. Congress. But, instead through an accident of birth they were born campesinos, living in either El Salvador or Nicaragua. Imagine for a moment what they might have in the library inside their hut. It might come as a surprise to some of my colleagues on the other side of the aisle, but they do not have Marx in their library, Karl Marx or Groucho Marx. They do not have "Conscience of a Conservative" by Barry Goldwater. The reason they do not have a library is because they cannot read or write. Their parents could not read or write, and their grandparents could not read or write. This is because they were kept from those basic hopes by a succession of military dictatorships in Central America who knew that they could keep their people docile if they were not allowed to be educated.

How can we bring hope? How can we bring an end to the cycle of poverty and violence that has made this region a killing ground for decades?

I submit to my colleagues that when we watch the Contra leaders strutting around the halls of Congress with their Rolex watches and their silk suits talking about restoring democracy to Nicaragua, they are not talking about democracy that will provide hope for those campesinos in their huts, because they never have in the past. It will be democracy—Somoza style—all over again.

Mr. Chairman, I think it is time for us to recognize that our neighbors to the south have come of age. They do not need us to impose some superior moral insight on their lives.

Mr. Chairman, the five Central American Presidents came together and reached an agreement. It is an agreement that was accepted by all five governments.

We have listened today invariably to discussion about Nicaragua. We have not listened to any discussion about El Salvador or Guatemala where revolutions continue to take place and where there has not been a great deal of progress. Some might say the progress has not been as great in El Salvador as it has been in Nicaragua, but hopefully the peace we bring about through efforts that we make will alleviate that situation.

Mr. Chairman, let us hope that the peace that we can bring about through men and women of good will in this body is a peace that is going to strengthen the emerging democracies in that region. It is going to be a peace in which if one is a Roman Catholic archbishop of El Salvador, you will be murdered while offering mass simply because you had the courage to speak out against a military junta.

It will be a peace in the future which will mean that another 60,000 people will not be taken out and left in the killing fields of El Plajon in El Salvador, tortured and murdered by El Salvadoran death squads. It will be a peace in which children can grow up with the hope that they will have a chance for an education and it will not be an introdoctrinated education in any one of those countries, a chance for them to learn freely the principles of democracy as we understand them.

It is hard for them to learn about democracy before they have a chance to learn to read or write.

Yes; those nations are coming of age and the five Central American Presidents have come to a conclusion that it is time to end the killing in that region. They think they have a plan to do that. The support that I think we should be providing to them is support that will help them through economic development, the kind of support and assistance that will help to build stable democracies, the kind of support that is worthy of us as the great democracy that we aspire to be.

It is all too easy for us to sit here in Washington and talk about things like leverage.

It is a lot harder for those kids who live in the huts by the roadside, as every one of us has seen who have driven into cities like Managua or San Salvador to understand leverage.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I point out to the gentleman from New York [Mr. MRAZEK] that it is really easy for us to stay here in Washington and surrender other people's freedoms for them, too.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I had sought to ask the preceding speaker a question, but as his time did not allow it, I want to comment on his remarks. I agree with him that the nations of Central America are coming of age and I agree that we want the solution to their problems to come from them. The strength of the Arias plan is that it is the first plan that they have developed without the influence of the nations outside the region.

However, what happened 2 weeks ago in Central America is very instructive and demonstrates that the gentleman's colleagues intervened decisively to affect the course of events.

When the five Presidents got together to look at the issue of compliance with the Arias plan, Mr. Ortega arrived representing a nation under tremendous economic pressure and consequently in desperate need of resolution of their problem with the Contras and within the region.

The Central American Presidents put tremendous diplomatic pressure on Ortega to take some further action to demonstrate his willingness to comply with the Arias peace accords, but it was only, frankly, when my colleagues, the Democrats from the House, went down there and intervened and sat with him eyeball to eyeball and said, "Listen, Daniel, if you don't sit down and negotiate to make political space for your opposition parties, you are going to face military opposition."

It was your intervention that added the pressure of possible military aid to the economic and diplomatic pressure Mr. Ortega felt to force him into negotiations. So we must foster adherence to the Arias peace plan and recognize our responsibility to be part of the solution by not defeating this plan and abandoning the Contras and the negotiating process.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, when the five Central American Presidents signed the Arias peace plan, there was hope we would finally move toward democracy and peace. The Nicaraguan Government pledged it would release political prisoners, restore fundamental human rights, and negotiate with its internal opposition.

As with past promises, the pledges made by the Nicaraguan junta have not been honored. Over 9,000 political prisoners remain incarcerated. Radio Catolica is still prohibited from reporting economic and military news. The recent testimony of Sandinista Maj. Roger Miranda demonstrates that Nicaraguan dictator Danial Ortega continues to secure his Marxist-Leninist regime from the barrel of a gun.

As the former chief of the Nicaraguan Defense Ministry's Secretariat, Miranda provided irrefutable evidence that the Sandinistas plan an enormous military buildup over the next 8 years. They already command forces larger than all of the other Central American armies combined. The new plan demonstrates that the Sandinista dictatorship does not believe that their current overwhelming military superiority is enough.

With the help of their allies in Havana and Moscow, the Sandinista army will grow to become almost as large as the United States Army. The Nicaraguan Armed Forces will be equipped with the most advanced armaments in the region, including Mig-21's, self-propelled artillery, and additional tank battalions.

We should entertain no delusions that this massive body of armed force will remain at rest. During the last 9 years, Nicaraguan leaders have repeatedly stated that their revolution is one "without borders." The Nicaraguan Government's continued training of leftist guerrillas in El Salvador and Honduras confirms this belief.

I have consistently supported the President's program to aid the Nicaraguan Democratic Resistance. They have provided the pressure which has finally produced a string of Nicaraguan consessions. The Sandinistas said that they would not lift the emergency decree giving them dictatorial powers until the Contras were defeated. They have lifted that decree. They said they would have to close down the independent newspaper, La Prensa, indefinitely. It is now open. They said they would never negotiate with the Contras. Last month, they began negotiations.

Anyone who thinks that these concessions would have been forthcoming had we allowed the Contras to fade away is just plain wrong.

The lesson of strength must be repeated over and over. Only a few years ago, the Soviets said that if we deployed Pershing and cruise missiles in Europe, no arms control was possible. We deployed. Then they said that no deal was possible without the end to our SDI program. We moved forward with SDI. After showing strength and resolve, the Soviets finally realized we meant business and negotiated an equitable solution to the nuclear buildup in Europe. In a few months, the Soviets will remove thousands of nuclear warheads from Europe in a deal that would never have happened if we had not hung tough.

The Soviets and their allies are also retreating from Afghanistan and Angola. Against the steadfast resistance of the Afghan Freedom Fighters and UNITA, the Soviets and their surrogates are attempting to find ways to save face and withdraw their battered armies.

Mr. Chairman, the ignorance of appeasement is not acceptable. As the leader of the free world, it is our duty to aid those who are struggling for freedom. The President's request can provide the necessary pressure on the Sandinistas to restore Central American peace and freedom.

By allowing the President to place 10 percent of the requested amount in escrow, the pressure on the Sandinistas will continue. At the end of March, the administration, in consultation with the Central American Presidents and Congress, can decide the disposition of these funds based on the acts, not words, of the Sandinistas.

The pressures on the Sandinistas provided by the Contras are not only military. The Nicaraguan economy is in a shambles, with inflation last year at 1800 percent, expected to reach 13,000 percent this year. Twenty-Cordoba notes which had been warehoused because they were essentially worthless, have been reissued, but only after the bank added three zeros to make a 20 read 20,000.

Cutting off Contra aid will snatch defeat from the jaws of victory. Continued support for the Contras will send a signal to Communist countries around the world that the United States is determined to support the struggle for democracy. I urge my colleagues to support the President's request.

☐ 1745

Mr. FOLEY. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 30 minutes, and, without objection, the gentleman from Wisconsin will be permitted to yield time to others.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman—

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth.

Mr. Chairman, this is not the first time that this Congress and this Nation have reached a crossroads on this issue. In 1984 we had the Contadora plan, a plan to bring peace to the region, a plan that was endorsed one day by our State Department and the next after the Nicaraguans surprisingly agreed to the provisions in that plan which would have brought peace to the region we pressured our allies in that area and we ourselves found it on the next day to be totally objectionable.

Now hundreds of millions of taxpayer dollars later, thousands of deaths later, we are not one whit closer to peace in that area. We are once again at a crossroads with the Arias plan. We have the well-worn path of this administration. They want to dump more money down the Contra rathole, $36 million in direct aid, $20 million to $30 million in insurance and electronic support, replacement policies for the Contra planes that will be flown into a war zone. Our airlines would like to have such a subsidy from the taxpayers of the United States, $36.2 million which presumably will be carefully spent and accounted for.

Remember the humanitarian aid 2 years ago? Remember the missing $13.1 million that has never been accounted for? The Contras are either bad accountants or they are clever embezzlers with secret bank accounts.

Face it, the Contras are not nice, and they are not going to use the money for humanitarian purposes. Let us hear from some real humanitarians.

Two doctors from my State of Oregon, Susan Cooksan and Tim Takaro have been living in Nicaragua, working to provide genuine humanitarian assistance. They state, and I quote:

JINOTEGA, NICARAGUA,
January 21, 1988.

Greetings from the mountains of northern Nicaragua. We hope that the winter snows have been at least a little enjoyable for you. For us it remains warm in temperature but hotter than usual with respect to the war.

As described in our Dec. 7 and Jan. 10 newsletters, difficulties with life in general and health work in particular have dramatically increased over the past months. As you know, Congress will soon make a critical decision regarding the future of this impoverished but proud country. When we spoke with you in D.C. last fall, we described from our own experiences war crimes of the contras including violations of medical neutrality and atrocities against civilians. We also related how the terror perpetrated by the contras disrupts nearly all aspects of normal life in the north and how it is slowly strangling the society, retarding recent advances in health and other social services.

It is clear since our time in the States that the contras have not changed in their behavior. We will briefly cite several newly reported incidents in our region which we have confirmed with Witness for Peace and the Catholic Church. Two more health posts have been attacked. On Oct. 9, the health center in Mancotal was robbed during a contra attack, it had been completely burned in the May attack. On Jan. 5, the health clinic near Pancasan was ransacked, riddled with bullets and partially burned. a 14 year old girl was kidnapped during that attack. This brings to ten the number of health centers subject to deliberate attacks in the last 12 months in our health region. A 23 year old nurse from Yali died this winter after being in a coma for more than a month from injuries received in one of several random mortar attacks on northern municipalities. Since November 1st, 3 ambulances have been attacked, 2 in our region. In the Dec. 20 attack, both the patient and attending physician, Dr. Eric Pineda, died. Though the administration may want the contras to change, they remain the brutal terrorists that they have always been, with wanton disregard for medical and civilian neutrality. We hope this information will be helpful, please relate it to Rep. DeFazio. As medical personnel working to promote life, this policy of death is abhorrent. Its criminal manifestations violate the ideals of America.

Thank you for your concern.

Sincerely,

SUSAN COOKSAN, M.D.
TIM TAKARO, M.D., M.P.H.
JINOTEGA, NICARAGUA

Mr. Chairman, we have a choice here again today. We can choose the road well trod by this administration, the road to more bombs and bullets, the road to more money wasted, the road to more death and destruction, or we can demonstrate our commitment to peace and to human dignity. We have it in our power to stop this war and give the Central American presidents a chance to work out their own destiny.

Deny the President his war. Vote "no" on this request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Chairman today we are called upon to make a momentous decision.

What is at stake is whether or not the United States will tolerate a second Communist base in the Americas—a base from which the leadership of the Nicaraguan Sandinistas say they will export their revolution—a Communist revolution. The question is, what do we do about it?

If we fail in our support of the Contras, they will fail, and the Communist-dominated Sandinista Government will have its bases in Central America. It will use them to attack their neighbors—as the Sandinista leaders have told the world.

That is a serious threat to the security interests of the United States.

And what will happen to the people of Nicaragua?

If a free and fair election, free of intimidation by any faction, were held in Nicaragua, the people would reject the Sandinistas and choose to stay with the West. They would not choose to become a part of the Soviet bloc.

We should support the Contras by passing this legislation.

Let us use our influence to allow the people of Nicaragua to have the opportunity to make their decision.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, we are not usually asked to decide questions of war and peace as directly as we are today. It is often an indirect decision that we leave to the President or his agents, but not today. Today we have the choice to decide whether the war will continue or we will have peace.

I pray for peace.

Two hundred years ago the authors of the Constitution debated who should ultimately commit our people to war. They invested this solemn responsibility in the hands of the people's branch. They felt, as many of us do today, that the executive branch was too quick to fight, to call a nation to arms when other more reasonable paths to resolve disputes existed. Sadly, the Congress has allowed, for 7 years, this responsibility to lapse. Our indecision has allowed an administration quick to fight with weapons to keep an illegal and immoral war alive in Nicaragua.

The President has had one goal these 7 years: the forced removal of the present government of Nicaragua. While this first principle has never changed, like a con artist, it has worn many disguises. The Presidential instrument of violent removal, the Contras, is a sorry and unfortunate collection of men and boys whose personal histories and motivations are as varied and sordid as the tactics they have used to fulfill their master's will. Financed by United States tax dollars their initial role was that of a side show; to interdict the flow of arms to rebels in El Salvador. This poor excuse for a justification worked successfully in Congress for months until Contra brutality against women and children in the countryside of Nicaragua became unsupportable to even the most avid administration apologist. We are now asked to believe that the Contras' new role is only to pressure the Sandinistas to move toward a more democratic form of government.

There is an aphorism that is appropriate here: "Fool me once, shame on you. Fool me twice, shame on me." There is much shame attendant with a policy that has seen our Government illegally mine Nicaraguan harbors, produce a death manual for the Contras on how to murder innocent people, and then unlawfully divert money from an "arms-for-hostages" deal to keep this war going. The incredible deceit of this policy must stop. The President has forfeited his credibility in pursuit of this policy.

The issue is not whether we countenance communism in our hemisphere. Surely there is no better way for it to spread than for us to continue to finance the Contras and drive the Sandinistas into the reluctant embrace of the U.S.S.R. The issue is not about U.S. influence in the rest of the world. The richest, freest, most powerful Nation to inhabit this planet has more important problems than this mindless Presidential preoccupation with Nicaragua. Only by ignoring the smoking fires in the Middle East and enormous suffering in Africa will our influence suffer.

Americans believe in the rule of law. We celebrate and cherish it at home. We must have the courage to follow it abroad. The rule of law, the sanctity of contracts are the instruments of peace. These principles are being acted on in Central America as we debate continuing an illegal war in Washington. We can stop the war today and end this sorry chapter in American history. We have no other choice.

Mr. DORGAN of North Dakota. Mr. Chairman, it is easy to stand here wearing suits and having lunch today, talking about guns and war. It is a different matter for the victims of war in Nicaragua. They include the victims of the Sandinistas, and there are plenty of victims of the Sandinistas, and the victims of the Contras. While we cannot prevent Sandinista violence, the victims of the Contras are victims of bullets we buy for the Contra soldiers, bullets that I would like to stop sending to the Contra soldiers.

Hear the voices of just two Contra victims. Marlin Antonio Martinez, a victim, a 20-month-old baby who is not alive today. His mother, Aurora, was hiding in a ditch behind their village when 100 Contra soldiers stormed that village. For an hour they lay in that ditch, quiet, tense, frightened.

The Contra soldiers shot a bullet into that ditch. It went through Marlin Antonio's head, killed him instantly and wounded his mother. With blood dripping from her chest, she carried her dead child back to the village.

It is not just Marlin Antonio Martinez. It is Aurora Heralda Martinez in El Justi, Nicaragua, hiding in a ditch with a Contra soldier regiment attacking. She hid for about 2 hours, and finally when the shooting stopped from the Contras' attack she got out and started walking back toward the village and she saw two Contra soldiers walking toward her, and they cursed at her, and she turned and ran. But she could not run as fast as a machinegun bullet. It ripped through her back, through her intestines and through her 3-month-old baby's leg. She lived. Of course her baby's leg is now amputated, and a 3-month-old is now without a leg in Nicaragua.

I know there are horror stories on both sides. I have been there, and many of my colleagues have been there, and heard firsthand from the villagers about the victims of this war. I abhor violence and abuses perpetrated by both sides.

But I am saying we can do something about the victims of Contra soldiers because the Contra soldiers are the soldiers we have funded in Central America. I think it is wrong. This country has a responsibility to work for peace, not promote more war.

There is a peace plan underway in Central America today that we have a responsibility to support with every fiber of our body. That ought to be our mission today. I support the Arias peace plan because it has brought us closer to peace and democracy in 6 months than 6 years of Contra aid have done.

I know some people want to divide this Chamber into warhawks and peaceniks. It is not that simple. What we are talking about is a value system and a morality of who we are and what we do to help our neighbors. Our neighbors want peace, not more war. We can help them achieve that peace if we support the Arias peace plan and use every opportunity we can to make that peace plan work for the victims of that region.

I urge my colleagues to oppose more Contra aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I thank the gentleman from Oklahoma for yielding me this time.

I have heard so many stories told about individuals, people who have died, people who have been wounded on both sides, and this is war, it is a civil war. In war people are injured and economies are stilted, and people from the outside sometimes come in and help. The Russians have helped the Sandinistas, the United States has helped the Contras.

I do not know the individuals who have been injured. I do not know the individuals who are fighting, but I do know this person, this Members visited Nicaragua, went down and went into Matagalpa and into Managua, and as I was visiting I took a picture of a building. There was a sign in front of the Ministry of the Interior that said, "We are the sentinals of the people's happiness." I thought it was kind of Orwellian and I wanted a picture of it, and as I took the picture I saw people moving toward me. There were four Sandinista soldiers that were going to take me in for taking a picture.

Maybe that is not as eloquent a testimony as the depiction of someone with blood, someone missing a limb, but it says more about the Sandinista government than any portrayals of people who are injured, because the Sandinistas are not nice people. They are Fascists. They are holding power by rule of force, and they do not want dissension. The argument that someone taking a picture of the Ministry of the Interior is jeopardizing their security is to say their security is to deny freedom.

If that freedom is acquired only by force, then we have to take a look at the overall picture

It is interesting to me that in this debate that the denial of liberty seems to be low on priority.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I rise in vigorous opposition to the resolution before us and to the policy which we have unsuccessfully and tragically pursued in Nicaragua over the past 6 years. The policy is wrong not only because it is not successful, although it is unquestionably a failure.

That policy is wrong, not only because it is predicated on terrorism—although it has resulted in the deaths of tens of thousands of Nicaraguans—the equivalent of 6 million deaths in the United States—100 times our losses in Vietnam.

That policy is wrong, not only because it is ruining the chances through the Arias plan for the democratization of Central America, but also because it undermines our democracy here at home as well.

This policy is wrong predominantly because it is premised on an archaic and simplistic view of our diplomatic relations and military responsibilities in this hemisphere.

It perpetuates the notion that we alone have the ultimate authority to determine what is right and wrong, what is in the best interests of foreign people, and what government best serves them.

It is wrong because it betrays our own history and demeans the political principles of self-determination by which we live, and for which hundreds of thousands of young Americans have given their lives in defense of this country.

President Reagan, in the Newspeak by which he defines political issues, likes to call the Contras freedom fighters, and the equivalent of our Founding Fathers, a blasphemy for which the Organization of American Historians already has chastised him.

Would Jefferson have abducted and murdered Javier Antonio Salina Rocha, an unarmed farmer? The Contras did.

Would Washington have ambushed and murdered five people, including a nurse? The Contras did.

Would Madison have killed children, burned peasants' houses, assassinated a farm cooperative president, kidnapped and raped women, and ambushed unarmed civilian vehicles? Of course not.

But the Contras do commit all of these horrors because they are not like our Founding Fathers, they are terrorists, bought and paid for with the tax dollars of hardworking American men and women—most of whom have little idea of the tragedies our money and Government are financing in Nicaragua.

As one who has been deeply involved in this debate for 6 years and who has visited the leaders who have signed the Arias accord, I also know that this policy does great harm to our relations with our Central American neighbors.

Despite threats from admitted liars like Elliott Abrams, despite warnings of aid cutoffs from U.S. Cabinet officers, the signatories are now saying publicly what they have told us for years: Aid to the Contras strengthens the hand of the Sandinistas and provides the rationale for domestic repression and militarization which worries Nicaragua's neighbors.

The continuation of the United States boycott increases the dependence of the Sandinistas on the Soviet Union, although it should also be noted that many of our strongest allies in Europe are major trading partners with Managua.

The military acts of the United States—from mining Nicaragua's harbors to funding the Contras—violate international law, undermine the Arias peace process, and undermine respect for our Nation throughout the developing world.

Now, there are those in this chamber who say, "It's only $36-million," and, It's only $3.6-million for military aid." But we know that's not true.

In fact, the supporting documents which accompanied this presidential request show that the true cost is at least $43 million, and perhaps as high as $63 million, because hidden in that request is authorization for "passive air defense equipment," and other unspecified costs related to military supplies.

Whenever I hear someone say, "It's only $36 million" I think, maybe they've been around here too long. Because $36 million is not a small amount of money. And funding terrorism in Central America is unquestionably not the highest use of that money for the taxpayers of the United States.

In a nation like ours, where one in four children is poor, where one in six has no health insurance, one in seven is at risk of dropping out of school, and one in four will spend part of his childhood on welfare—I think there are far better investments we can make with our money:

For the $36 million the President wants to give the Contras, we could provide 66,000 pregnant women and infants with nutrition assistance through the WIC program, which today only reaches 35 percent of the eligible population. And that would mean fewer low birthweight babies, less medical care, and fewer disabilities.

For the same $36 million, we could fully immunize a million children against preventable childhood diseases, saving 10 times that amount in long-term health care costs.

Or we could provide nearly 70,000 children with compensatory education; only about half the eligible children receive chapter I services today.

Or we could enroll an additional 15,000 children in the Head Start Program, which today reaches only 16 percent of the eligible children.

I certainly know that few regard this vote today as a test of our commitment to children and families. But we in this chamber love to talk about how tough it is to choose priorities, to decide where to spend our limited money. And I say that in a choice between the children of America and the Contra terrorists in Nicaragua, I vote for our children.

To those who argue that our military support for the Contras is all that has brought the Sandinistas to the negotiating table, let me make two observations.

First, suppose that is true. Should it be the policy of this Nation to encourage negotiations between foreign governments through the funding of terror, or through use of our diplomatic capabilities?

And second, why is it that for the 6 years we funded the Contras, the Sandinistas did not come to the bargaining table, but once the Congress pared down military support, the Arias plan gained momentum?

Of course, as is apparent to President Arias and other knowledgeable observers, our policy of arming the Contras is not what has brought the Sandinistas to the table.

Rather, the salient factor in promoting the negotiations is the decision of the Central American leaders themselves to end the war which is devastating their region—not just the insurrection in Nicaragua, but the United States military buildup in Honduras, the guerrilla war in Guatemala, and the continuing bloodbath in El Salvador.

And perhaps there is no more tragic aspect of the administration's policy than the fact that it ignores this democratic coming-of-age in Central America and presumes that Uncle Sam knows best how to resolve internal political divisions throughout this hemisphere.

There are some in this Chamber who, with the best of intentions, are troubled by the continuation of a mindless policy which stains each of our hands with the blood of Nicaraguan men, women, and children. But, they ask, how can we back down without appearing defeated, and without giving the impression of weakness and a lack of resolve?

My colleagues, those rationalizations have been used to justify the perpetuation of unwise and self-defeating policies since long before the birth of Christ.

Are we stronger, are we safer, are we better respected or even more feared because, against the advice of our allies and even those whom we claim to assist, we pursue a policy of failure, of hypocrisy, and of death?

This is a foreign policy wholly consistent with the "March of Folly" described by Barbara Tuchman, a misguided policy pursued notwithstanding adequate warnings and explanations that it is a failure.

Whether the case of the Trojan Horse or the Renaissance Popes, the American Revolution or Vietnam, well-intentioned, highly educated, and politically skillful leaders over the centuries have demonstrated the capacity—even the tendency—to remain obstinately tied to a policy which is not only doomed, but which is widely perceived as irrational even while it is being defended.

Aren't we sinking into the second great military folly of our generation?

No one in the world community believes the Contra policy will succeed in bringing down the Sandinistas.

No one in Central America prefers a continuation of the war to a commitment to the Peace Process.

No one who signed the Arias accord believes aid to the Contras is consistent with that agreement—not even those countries allegedly threatened by the Sandinistas; not even President Duarte, whose country is entirely dependent on U.S. military and economic aid, is willing to endorse Contra aid.

Indeed, it is painfully evident that the Contra aid package before us today is really designed not to rescue the Contras from the Sandinistas, but rather to rescue the Reagan administration from its own folly.

Can we seriously believe that if the President thought that funding the Contras was as urgent as he pretends, he would seek only $3.5 million and deposit it in an escrow account for 2 months?

Of course not.

He'd forcefully come before this House, as he had frequently done in the past on so many issues, and lay out a compelling case and demand adequate funding immediately. But he cannot make that case, because the facts are against him and against his foolish policy.

Three months ago, President Arias of Costa Rica came to this Chamber and asked us to "give peace a chance." Do we, in the House of Representatives, really intend to respond to that historic challenge by perpetuating a pointless, unwinnable, unjust, and undemocratic war—simply to save the face of the authors of folly?

Is this Reagan policy so right, so unassailable, so urgent that we must dismiss the entreaties of those whom we presume to assist—the fledgling democracies of Central and South America—and instead perpetuate this war?

Let us use this opportunity not only to stop this senseless war, but to do something constructive as well—to write not the last chapter in two centuries of big brotherism and intervention in Central America, but the first chapter in an era of cooperation, economic development, political pluralism, and democracy which will provide our hemisphere with far greater security and hope than the Contras and the war they perpetuate.

Let those in this Chamber who are concerned that they are voting against the President or against our military role find comfort instead in voting for the integrity of the Arias plan, for allowing the promising negotiations to continue, and for a hope for genuine peace through unity rather than rancor through war.

That is the opportunity that faces us today—not an abandonment of our proper hemispheric role, but a recognition of it; not a continuation of a paternal relationship with our neighbors, but the beginning of one which respects their political integrity and the wisdom of their own leadership.

Let us have the courage to believe that democracy and negotiations can achieve peace.

And then, today's vote will be historic, not for what we have ended, but for what we have begun.

Mr. VOLKMER. Mr. Chairman, the leaders and the people of Central American countries of Costa Rica, El Salvador, Nicaragua, Honduras, and Guatemala are presently engaged in a process that holds out the only hope for peace in Central America. Last month I, along with other members of this House, visited El Salvador and met with President Duarte, who in answer to a direct question from a member of the delegation stated that he was opposed to further military aid to the Contras. President Arias has said the same thing. Why is it that our leaders do not listen to the leaders of the countries involved? Is it because our leaders are superior or know more than those directly involved? Isn't it time that we started listening to the leaders of Central America and yes, "Give peace a chance" and defeat this ill-conceived proposal today?

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I will vote against the President's plan to provide military aid to the Contras. In fairness, I do believe that a combination of facts, including the vision and leadership the Central American Presidents as well as economic and military pressure faced by the Sandanista regime, have led to the current peace process. But I oppose the aid because our commitment in Central America is not to the Contras, but to peace, democracy and freedom in Central America. If that commitment is going to suceed, we must keep faith with those presidents who have asked us not to provide the military aid. We always reserve other options if the Sandinista regime is not cooperative, thus causing the peace process to fail. But continuing Contra aid right now would snatch the defeat of a continuing war from the jaws of a successful peace arrangement.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama, [Mr. NICHOLS].

Mr. NICHOLS. I thank the gentleman for yielding time to me.

Mr. Chairman, I have listened to the debate on both sides of this issue and I am persuaded that every Member in this body is genuinely seeking an answer to the controversial Contra aid question which would result in a peaceful settlement in this war ravaged Central America country. Where we differ, Mr. Chairman, is in the matter of how to achieve that peace, and after considerable soul searching and having personally visited with groups in countries who supported the Sandinista government and others who support the Contra group, and having several years ago visited, along with other members of the delegation from the House Armed Services Committee, with Mr. Ortega, I am persuaded that the best course to reach that peace is in support of the proposal which would provide some $36 million, 90 percent of which is programmed for humanitarian aid.

Mr. Chairman, I genuinely want to believe that the Sandinista government is committed to the provisions of the Arias peace plan supported by Honduras, Costa Rica, Salvador, and Guatemala. I want to think that they are ready to seek a compromise of a sort with the Contra group which would lead to a more Democratic government and the provisions in this legislation are abundantly clear—if passed by both Houses of Congress, it would hold in abeyance that portion of moneys—$3.6 million—earmarked for ammunition until the end of March when this administration would consult with the four Central America countries and if the consensus at that time was the Sandinistas were indeed complying with the peace plan, then the moneys would not be necessary and would not be released.

I think this makes good sense. We must insist that President Daniel Ortega of Nicaragua keeps his promises. The United States has important security concerns in this region, and his promises to limit his army, to withdraw foreign military advisers and to prohibit foreign bases are extremely important both to the peace effort in country as well as in the long-term defense posture of this important region in Central America. It is to our interest and I would emphatically add to the interest of peace that until the four Central America countries involved agree that there is a clear unmistakable cease-fire and that Mr. Ortega is living up to his promises, we should hold these moneys and I am hopeful that such will be the case, and they will never have to be released.

The big issue as I see it, Mr. Chairman, and in which history may well record as an extremely important vote in our relationship with Central America is, whether we, as a Congress, are willing to stand by and see Nicaragua become a Communist country or whether we support democracy in the Americas.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise today to express my opposition to additional United States military and nonlethal aid to the Nicaraguan Contras. I strongly urge my colleagues to vote against the President's aid request.

Money is a fungible resource, a resource which can be expended to free other forms of financial assistance and other resources. Assistance to the Contras can be compared to a personal budget. Bills must be paid. If a person is given money for his rent, he is then able to use his funds to purchase other goods. In the case of the Contras, what will these additional funds accomplish? They will free up other funds and resources for the purchase of weapons. Furthering aid at this time will only serve to extend a bloody war and place the resolution of this conflict further away from the eager grasp of the Nicaraguan people.

During my years as a minister, I have worked hard to rebuild my community, to take a piece of land and to raise a building out of rubble, to restore commerce to areas where businesses were afraid to locate and to instill faith in people to believe in themselves, their community, and their country. Coming from that environment, it is difficult for me, as a member of Congress, to understand an administration that favors a policy which destroys the communities of a nation, destabilizes its economy, and murders its people.

During the time the United States has aided the Contras there have been over 50,000 casualties. This is what we as a nation have to show for the $276 million in assistance that we have given to the Contras. Money is a finite resource, especially in these times of budgetary restraint, a resource which we have squandered on a bloody and misguided policy. For $276 million, in my community and across the Nation, we could have built low-income housing, helped families to receive health care, and helped to educate our children. Having said this, I must ask, which is a better allocation of our resources? In which example has our country been better served? We must question the intensity and focus placed by the administration on a failing Central American policy, when that same administration's economic policies are in a shambles.

The issue of funding to the Contras brings to mind several fundamental issues. Are we really a "peaceful" nation, devoted to self-determination and the rule of law or are we a nation that seeks to oust governments that we disagree with instead of encouraging democratization. If our goal is to establish democracy, why do we then not make the same efforts in Chile, Paraguay, South Africa, or in Haiti that we have made in Central America.

If our goal is to block a Soviet base in Central America, why doesn't President Reagan negotiate directly with the Soviets, as Gorbachev recently indicated he is prepared to do, or open a dialog with the Cubans or the Sandinistas?

For the past 7 years our country has been sponsoring an insurgent force which has limited popular support. What government would willingly negotiate away its power or authority to a small violent minority? I do not believe that the Contras are interested in participating with the Sandinistas in the political process.

The greatest threat to our democracy does not come from Communist nations to the south but from within our own borders. The greatest danger our country faces comes not from an economically ravished, war torn Central American country, but from cities and towns across this Nation where a generation is coming to see drug trafficking as their only hope for economic enfranchisement, a country where the poor go hungry and have no shelter, people are inadequately educated, and businesses cannot prosper. These are the forces that will tear this country apart, not the Sandinistas in Nicaragua.

This most recent administration aid request helps to provide a framework for the destruction of the Central American peace plan. By granting additional military aid to the Contras we are fueling opportunities and reasons for the Sandinistas to reject the Central American peace plan with which they are earnestly trying to comply. Any aid that helps to keep an army in the field is ultimately lethal, regardless of administration claims to the contrary. The use of any United States-supplied goods ultimately assists in killing Nicaraguans.

I believe that the administration's goal is to help the Contras to achieve an unreasonable solution to an internal conflict. The Congress will ensure the continuation of the war and the slaughter if we approve additional aid for the Contras today.

Let us today set upon a road toward stopping the violence and death the Contra war brings to Nicaragua. Let us work toward honoring the agreements made by the Central American peace accords. Let us respect our allies in Central America as equals. Vote "no" on the President's aid request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, the genius of the Arias peace plan is that it requires that simultaneously nations open up their political process and guarantee the right of political opposition and, simultaneously, close off the opportunity or the right for military opposition.

The negotiations now going on between the Sandinistas and the Contras are all about opening up and guaranteeing the right of political opposition to the Nicaraguan opposition parties and, by extension, to the Contras when they return to their native land. The policy that we adopt here today should be the policy that best supports these negotiations. To determine what that policy ought to be, we should look very concretely at the facts that resulted in the birth of those negotiations.

What is it that caused those negotiations to be amended? We will recall that 2 weeks ago the five Presidents of the Central American nations met to determine the level of compliance of each of those nations. President Ortega came to those talks under enormous economic pressure. When he got there he was put under tremendous diplomatic pressure by his colleagues because there was broad dissatisfaction with Nicaragua's efforts to comply with the Arias peace plan.

Though he was under tremendous diplomatic pressure, though he was under tremendous economic pressure, he did not agree to take new steps toward compliance.

So what happened? A very important event took place. Democrats from this body flew in and eyeball to eyeball said to Mr. Ortega, "Look, you don't open up the political option, you will be faced with the military option; you don't allow political opposition, you are going to face military opposition." So given that stark choice, Daniel Ortega, the President of Nicaragua, chose to negotiate to open up his system of government to political opposition. And that is what he is doing today. Since that time about 2 weeks ago he has taken new steps and I congratulate him for that. But in fact he could have taken any one of those steps any time in the preceding 4 or 5 months. He chose not to. He chose not to until economic pressure, diplomatic pressure, and military pressure all converged to force him to make a clear specific choice between allowing real practical opposition and falling continued military opposition.

The policy we adopt here today must keep in place those three pressures on that negotiating team and the package we consider here today does not. By keeping the military aid in escrow we keep the possibility of the military option open and so keep that constellation of forces in place.

If, on the other hand, we choose abandonment rather than this package of humanitarian aid and military aid in escrow, then we have to face the consequences of this new policy of abandonment for there will be no new package. Promises of that are empty, because if they were serious, that package would be known today and part of this debate.

Abandonment will have serious emergencies. It will strengthen the rightists, the militarists, in all of the other nations of the region and some of these nations over the next year or so will very likely revert to military dictatorships as they are today very fragile democracies. Second, it will abandon the Contras and by stretching out the negotiations while the Contras are forced to disperse for lack of supplies, the Nicaraguans will avoid having to negotiate an agreement to guarantee political rights of their people and thereby a check on their policy of funding the subversion of other governments.

Let us support the peace process by keeping the three forces in place that birthed these recent hopeful negotiations. Without new success, the Arias peace plan is doomed. With their success, democracy and so peace can be possible for all of Central America.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, I rise in adamant opposition to further funding of the war in Nicaragua which for too many years with the support of the Government here in Washington has visited death and destruction on poor people in the Nicaraguan countryside without doing one single thing to bring us to the goals that the President has said underly this policy.

We as a nation are not more secure than we were before this war policy was enacted.

We, in fact, have brought more and more Soviet and Cuban involvement into Nicaragua as a result of our policy. We are no nearer to peace as a result of this war policy, no nearer to the respect for human rights, and no nearer to democratic government in Central America as a result of making war on the people of Nicaragua.

This is a failed policy. This is a policy that does not lead in the direction that the interests of the United States go. But we have a great opportunity before us now and it is because of the initiative of the Central American countries themselves and the formulation of the Arias peace plan. That chance is not a perfect chance; it could fail. But it has a chance to bring about peace and economic development and the nurturing of democracy over a period of time in Central America.

It is our last best hope for a resolution of the problems in Central America using the initiatives of the Central Americans themselves. It is the last best hope for an end to a failed policy of making war instead of peace.

The Congress faces a momentous decision tonight. This House has the opportunity to close the book on a failed policy before any more lives are wasted in support of that policy.

Then together, after that decision, Democrat and Republican Senators and Members of the House together can come together in support of actions by this Government which support the peace process, which support economic development, which really support democracy, because democracy will not be achieved by a Contra victory even if that could be achieved. The Contras are not democrats; they never were and they never will be. They merely want to impose a different totalitarian rule on the people of Nicaragua. The people of Nicaragua have suffered without a choice long enough. We can give them a democratic choice if we will support the peace process.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I am one of those who struggle on this very difficult question of what our policy ought to be in Central America, Nicaragua in particular. It was not until 1986 that I first voted for military aid to the Contras. But I have to deal with the question before us today and suggest to many of my colleagues that the question is not give peace a chance; the question before us is are we willing to give peace, freedom and democracy a chance in Central America today? There are those who suggest that if we vote for this resolution we will somehow end the peace process. I would suggest to you that is not the case at all. First of all, look at the resolution in front of us. Ninety percent of that aid is humanitarian, the other 10 percent which is military cannot be released until this Congress votes to say whether or not Nicaragua has complied with the Arias peace plan.

Second, I would call upon my colleagues who still have not yet resolved this issue to take a look not at what President Reagan has said but rather what Mr. Ortega himself said recently in Oslo, Norway, on January 31 of this year when he said we must continue the peace process even if Congress approves the aid.

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In Rome, on February 2 of this year, Mr. Ortega said:

> The talks will proceed because we intend to carry out what is envisioned under the peace accords with or without the funds.

Let us not suggest that a vote for this resolution somehow ends the peace process because even Mr. Ortega has said that is not the case. Then the vote today is really this: Do we believe we ought to maintain the existence of a political opposition within Nicaragua, and do we believe that we ought to have just the goal of unilateral peace at any price, or do we believe our goal ought to be peace, freedom, and democracy? If Members do believe that, they will vote yes on the resolution before us.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Chairman, I suppose almost everything has been said that can be said in this debate. In that respect, it is a little bit like that war down there. Almost everything has been done now that can be done, and we now know the results. We know the results of our military action: failure.

The President has won vote after vote in this Chamber to continue to send dollar after American taxpayer dollar of military aid down to Nicaragua—$277 million. To what end? Well, the President's goal was to change governments down there. I remember that he said, "We want to make them say uncle."

It has not worked. It is not going to work. This amount of $277 million is not the total of what we have spent in Central America in military assistance. We have spent $1 billion in Central America. Lest we think that is for other countries and has nothing to do with the Contras, I ask the Members to recall that in the 30 years before Ronald Reagan took office, this country spent a total of $170 million in military aid for Central America, and just since Ronald Reagan has taken office we have spent $1 billion in aid for Central America.

The goal was to change the government in Nicaragua. The goal, according to the President, again was to make them say uncle.

I kept this old yellow newspaper, this addition of the Washington Post dated August 9, 1986, and on the front page of this newspaper appeared this headline: Contras See Aid Bringing Victory This Year." The year was 1986. Let me read this to the Members:

> Nicaraguan rebel leaders say the $100 million in aid that the United States will send down will cripple the leftist Sandinista Government within a year.

And Aldolfo Calero was quoted as saying there is light at the end of the tunnel.

Mr. Chairman, it did not work. It is time to stop.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, the issue at hand today is one of trust. The issue is whether we can trust the Sandinistas.

Let me give the Members one case in point that we just learned about less than 2 hours ago.

I traveled to Nicaragua this past weekend with 2 of my colleagues from this side of the aisle and one colleague from my side of the aisle, the gentleman from Oklahoma [Mr. EDWARDS]. While we were there, we met with the mothers of political prisoners whose photographs which I took are here blown up for all the Members of this body to see.

While in this meeting we met a very dynamic young lady, young Yvette Ruiz, a 20-year-old individual whose father has been imprisoned, a man who was an ordinary gardener who was taken into custody by the Sandinistas and deprived of all his rights. We met with Yvette on Saturday. While we were there a group of turbas, the local thugs, came by in a bus that was preceded by the local polic and followed by the local police. If you look closely here, you can see the obscene gestures they are making to us as Americans and Nicaraguans on the sidewalk. They are making these gestures as they pass, and they are yelling obscenities to us for meeting with these mothers of political prisoners.

We asked these mothers whether or not they felt intimidated. They said they had in fact been beaten on January 22, their first anniversary of the January 22 movement. We were told by them that they were not afraid of being beaten, and that perhaps they would be beaten when we left.

We drove around the block. The next day we saw them again at the local rally in Managua, and once again Yvette was speaking out. We were just handed a communique 2 hours ago of which I have a copy saying that Yvette Ruiz was arrested on Monday. She was deprived of her civil rights for no reason except for a charge that she was speaking against the government when she was really attempting to deliver a letter to the five Central American Vice Presidents asking them to release her father.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. WELDON. Certainly, I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, am I to understand that since we were there on Saturday and met with this group and some of you saw them again on Sunday, she was arrested on Monday?

Mr. WELDON. She was arrested on Monday and taken in. And I have some of the comments that were made to her that I would be happy to read for the RECORD.

Mrs. BYRON. The young girl in the photographs, the one that was a very dynamic spokesman for the mothers who were protesting the political prisoners, was arrested on Monday?

Mr. WELDON. Yes. That was Yvette Ruiz.

Mrs. BYRON. And that is the democratic peace process that is currently underway?

Mr. WELDON. Yes. And my colleague was the leader of that delegation.

The agents told Ruiz that "She should not dream that the political prisoners would be freed: They will never be released." They asserted that the Nicaraguan Sandinista Government liked to see the January 22 movement march because it was useful in terms of convincing the outside world that political pluralism exists in Nicaragua. Nonetheless, such activities would never result in freedom for the prisoners.

Focusing on Ruiz personally, the men told her that she could have anything she wanted except for her father's freedom, if she ended her involvement in the movement. They said she could receive money, medicine, and a place in the university. The men went on to point out that in prison she would be alone, that Dr. Lino Hernandez could not help her. They said that they knew everything about the movement, and they realized that she was an activist. The agents asserted, "You know what we are going to do with you, but we can protect you from the turbas if you will cooperate with us."

This is the freedom that we are going to trust the Sandinistas with, without a positive vote on the resolution that is before us today. Mr. Chairman, I do not think that we can take that risk.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, since Congress began funding the Contras in 1981, approximately $490 million has been given by this country to the Contras in Nicaragua. Seven years and millions of dollars later, the American people are asking: "What good has it done?"

The Contras still hold no territory within Nicaragua, they have developed no significant base inside their nation's borders, and almost everyone agrees that they have absolutely no chance of achieving a military victory over the Sandinistas. Despite what many in this body would like to believe, the President's request will not change any of this.

Just as important, the President's proposal will quite possibly destroy the peace process, effectively undoing the encouraging advancements made by the Central American countries toward a peaceful resolution of the conflict in the region. The Guatemala peace agreement has produced more internal change in Nicaragua in the past 6 months than the United States-financed war has in 7 years. Let's give that process a chance. Let's put an end to Contra aid.

Mr. AUCOIN. Mr. Chairman, my constituents have heard a lot of talk over the years from Contra supporters about bringing "representative democracy" to Nicaragua. My question tonight is: What is wrong with a little representative democracy here in the United States?

Poll after poll through the years has shown that the American public opposes Contra aid. Today it is opposed by a margin of 2 to 1.

How can the supporters of Contra aid talk about the virtues of representative democracy in Nicaragua and fail to hear and heed the voice of the

American people and let that voice prevail in this Chamber tonight?

The fact is that the American people do not support this war.

They do not want to send more foreign aid to the Contras.

They do not believe that the Contras are latter-day Thomas Jeffersons.

So I ask the supporters of Contra aid, how can you talk about "representative democracy" in Nicaragua when you are unable to represent the voice of the American people here on the floor of this House?

Moreover, my constituents would like to know why an administration which seeks bullets for the Contras in the name of bringing "freedom of speech" to Nicaragua has permitted the FBI to spy on Americans who were exercising their own freedom of speech when they demonstrated their opposition to the Reagan policy in Central America.

And at some point in this discussion, I would like to ask someone in the White House to explain how they can dare to talk about using the Contras to fight for the "rule of law" when this same administration put itself above the law by supporting the Contras when the Boland amendment said that in law they could not do so.

Mr. Chairman, I urge my colleagues to let freedom ring in Central America tonight by giving the Arias peace plan a chance and to let freedom ring here in this Chamber by letting the voice of the American people be heard. And that voice says: No more aid to the Contras! No more aid to the Contras! No more aid to the Contras!

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the resolution to provide assistance for the democratic resistance in Nicaragua. Some of my colleagues have voiced their opposition to this request on the grounds that it may adversely effect the current peace process in Central America. I believe it can only help the peace process by ensuring that the Sandinistas stay at the bargaining table and live up to the commitments they agreed to 6 months ago.

Mr. Chairman, I'm concerned about the direction in which President Ortega and the Sandinistas are leading Nicaragua. Nicaragua is currently engaged in a military buildup which is unparalleled in the history of Central America. Last December, Daniel Ortega announced his intention to build an army which would, including reserves, total 600,000 troops. This from a country that has a population of only 3 million people. The Sandinistas have also acquired a substantial amount of modern Soviet military hardware, including 150 tanks, 250 armored vehicles, 500 surface-to-air missiles, and a number of military aircraft and sophisticated helicopter gunships. In fact, since 1979 the Sandinistas have received over $2.5 billion in military assistance from the Soviet bloc. Yet today we're asking for only $36 million to aid the freedom fighters, and only 10 percent of that can be used to purchase weapons.

Throughout his military buildup, President Ortega has explained that all he wants is peace. Mr. Chairman, his past actions, and present military strength, lead me to believe that what he really wants is piece—a piece of Honduras, a piece of El Salvador, and a piece of Costa Rica. When Ortega turns toward Costa Rica, I hope Nobel Peace Prize winner President Oscar Arias will remember coming before this Congress and bragging about his country not having a defense department—and telling the United States, "We feel free to tell you exactly what we think, even though it might not be what you want to hear." He doesn't want our advice—just our money. Perhaps he can ward off the Communist hordes by hitting them with his Nobel Peace Prize plaque.

We cannot afford an island of communism on the land of Central America. Fidel Castro's Cuba is bordered and limited by water—he cannot physically enlarge his borders. If Dictator Ortega obtains a viable foothold on the land of our hemisphere, he and communism will expand. They won't go south to South America—they will head north toward our fragile neighbor, for whom we do not do enough—Mexico. Then my sons—your children and grandchildren—will be firing the guns. They will become the freedom fighters.

Let's not fool ourselves. We aren't going to achieve freedom and democracy in Central America by closing our eyes and wishing the Sandinistas away. We need to keep the pressure on Ortega to bring about the political reforms all of us in this Chamber want to see. Let's not wait until Ortega and his Soviet friends are camped at Mount Vernon before we decide to do something about it. Let's take some action today, and continue support for the democratic resistance in Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. YOUNG].

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Mr. YOUNG of Florida. Mr. Chairman, throughout this debate I have heard the suggestion that we should give peace a chance, and I am for that. God knows I am for that and I think all of us are for that. When I think of giving peace a chance, I think of the peace that I enjoy as an American, the freedoms that I enjoy as an American, the liberties that I enjoy as an American; but I think, what does peace mean to someone in Latvia, Lithuania, Estonia, who have lost their nations' identities because of the force of communism?

What does peace mean to someone in Poland, Hungary, or Czechoslovakia?

What do the people of Cuba think peace means under the Communist regime of Fidel Castro? Their peace is so great that hundreds of thousands of them have fled Cuba to come to the United States and take up residency here.

I could give a lot of other examples, but peace means a lot of different things to a lot of different people.

Now, peace in the mind of Daniel Ortega is a nation controlled by the Sandinista junta, because he has said and his junta colleagues have said that while they might have free elections and they might in fact let the people be involved, but they will never turn over the power of the Government of Nicaragua.

Now, what kind of peace is that? If we do not keep the pressure on, we will continue to have another Cuba-type establishment, a Soviet outpost in Central America. You have got to keep the pressure on.

You know, many people who oppose keeping that pressure on in Nicaragua oppose, for example, the deploying of the Pershing II missile in NATO in Europe, but do you know something, most of us applaud today the INF treaty that we are going to get rid of nuclear missiles in NATO in Europe, in the Soviet Union, intermediate range and short range.

How did we do that? We did it by keeping on the pressure by deploying the Pershing missile so the Soviets had to negotiate with us to get something done, and it is the same story in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to Contra aid. Mr. Chairman, sometime tonight, hopefully, we will vote to aid or not to aid the Contras, and forget the word humanitarian, because if it were humanitarian aid it would be for both sides because in a war there are two sides and both sides are being killed, maimed, and starved. Both sides have their dying and dead. So lets just call it aid.

The question is to aid or not to aid. The arguments we have heard today are basically the same things we've been hearing for the last 6 years. The only new equation is the Arias peace plan. However, that is not enough to deter the mind set of those that see this as a struggle between two ideologies—democracy and communism. And no one with that mind set is going to admit that what this really is, is a proposition, of a small, poor Latin American country struggling with some very Latin American problems—primarily one of self-determination.

If my colleagues will indulge me, I will offer my own perspective to this debate. What we are really talking about is a policy for Nicaragua and all the dramatic and elaborate staging being demonstrated here today will not assist us in making the proper decision. A trip to Nicaragua will not help us either for those who visit Nicaragua either see and believe what they want to believe or what someone else wants them to see and believe. So I discount the stories my colleagues bring back from their so-called fact-finding missions.

What I do not discount are the lessons of history. The last humanitarian aid we sent to the Contras caused nothing but pain, suffering and orphaned children. I received a letter—maybe staged, maybe factual—but it does describe the situation in Nicaragua of the people who must face it on a day-to-day basis. This letter sent to me, but addressed to all Members of Congress said, and I quote:

> We mothers do not want more tragedy. Our hearts are broken and our eyes are full of tears because of this foul and evil war.
>
> You call it humanitarian aid and it would be if the dollars were invested to improve developing countries, to protect children the world over from dying of starvation or if it was used to build hospitals.
>
> We, who write you, suffer the consequences of this war in our own flesh. Our sons have been victims of this so-called humanitarian aid.
>
> Our hearts are filled with sorrow. We only ask that you to be compassionate with our people and grant that this aid be invested elsewhere; not in our killing.

Mr. Chairman, let me say that over the last 6 years thousands of people have died in Nicaragua—more than twice the number of United States combat deaths than in World War II. After 6 years of fighting with funds provided by United States taxpayers and private citizens the Contras do not hold a single town in Nicaragua. What have they accomplished and what have we gained? All I can see is that we created a permanent type of employment in Central America—"the mercenary".

And such employment is not limited to mercenaries, but also extends to well paid Contra leaders and public relations professionals. And, instead of a reduced Communist presence—the desired effect of our assistance to the Contras—we have increased Communist presence in Nicaragua. Indeed, if we had a profit and loss statement on our past policies it would definitely show us in the "red". In total, we have a net loss. Maybe, just maybe, supporting the Arias peace plan might just put us in the profit column.

In the past we have used poor judgment by supporting Somosa, Batista, and other right-wing dictators. Despite the fact that these tyrants were abusive to their own citizens, we backed them because they waved the American flag. We ignored the popular will in those countries, as well as the beginnings of revolutionary fervor. As a result, many developing countries have gone from the frying pan into the fire.

We must put an end to these situations where people like the Sandinistas provide the fire and people like the Contras provide the frying pan.

I urge my colleagues to give peace a chance in Nicaragua by ending aid to the Contras.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, all of us realize the importance of this vote. We also realize the fact that no matter how this vote goes, whether it is for or against aid to the Contras, that this is an issue that is not going to go away. We will face additional votes. We will face additional challenges and we will face the whole question of what we do about peace in Central America; but perhaps what can happen from this vote is that we can get the opportunity to perhaps develop a foreign policy in Central America that has a chance of success, that we can begin a new era of not simply fighting over Contra aid, but where both parties joining with all the nations of Central and Latin America can develop an approach together.

No policy of this Nation can succeed in a whirlwind of dissent. No policy can succeed where a majority of Americans are opposed. No policy can succeed when there is a majority of Latin and Central American nations opposed to it, where a majority of our allies are opposed to it, and where there is constant friction and distrust between the branches.

Such a policy is doomed to failure, and we either change it or we watch it become irrelevant in this hemisphere. First, the key to our policy must be an honest effort to reflect the basic principles that we stand for throughout the world. One of those principles is clearly that we advocate diplomatic, rather than military solutions, to the problems of the world. With regard to the Soviet Union, despite our great differences, we have negotiated an INF treaty. We are not saying that we ought to continue to deploy Pershing missiles because somehow we do not trust the Russians on the INF treaty.

We are negotiating today in an effort to develop a peace plan between Israel and Jordan with regard to the West Bank, and yet when it comes to Central America, diplomacy becomes the last option.

We have not implemented an effective diplomatic effort when it came to the Contadora effort and when it has come to the Guatemala peace process. Indeed, Secretary Shultz says:

> If you just vote for aid, I will go there and try to negotiate with regard to peace in Central America.

The fact is Secretary Shultz should have gone a long time ago. The consequence is that our only current policy is Contra policy, and Contra policy by its very nature is military policy and it will not succeed.

Second, we are a nation committed to improving the human condition for people throughout the world. John F. Kennedy remains one of the most popular Presidents in Latin America because he said that in this hemisphere we have to have a situation "where all men can hope for a suitable standard of living, and all can live out their lives in dignity and freedom."

Nothing can happen in a nation to improve human rights when it is torn by civil strife, regardless of what that government looks like.

The purpose of Contra aid is to promote civil strife, no more and no less, and for that reason it will not succeed.

Last, we stand by the principle that we will work together with the other nations of Central and Latin America in a common effort to prevent intervention, to promote social justice and to provide for peace and security.

The Guatemala Accord gives us that opportunity. The five Central American Presidents in the statement in San Jose on January 14, 1988, stated that the "definitive cessation of United States' assistance continues to be an indispensable requirement for the success of peace efforts in this procedure."

President Arias says no more U.S. aid, and yet in the face of these requests we somehow say, "We know what is right. We don't have to pay attention to you. Let's do what we think is right."

My view is that we must stand by the principles that we have said we stand for throughout the world. Our Nation's effort now must be to get back to diplomacy, human rights, and multilateral solutions for peace.

Will we lose any of our options in Central America if we vote against Contra aid? No; not at all. But it does give us the chance to implement a new and perhaps more effective policy approach for peace throughout Central America.

Mr. Chairman, when the House votes on the administration's request for $36.2 million of additional aid to Contras, the choice before us is clear: A vote for additional Contra aid is an endorsement of the administration's argument that the continued fighting of the Contra is the key to peace in Central America, and a vote against Contra aid rejects this policy in favor of the Guatemala peace accord.

Which is right? Both argue for peace—one by war, the other by negotiation.

The key to dealing with this issue rests with an analysis of what approach best implements the goals we should have for our policy in Central America.

These goals are clear: One, that it is better to find a diplomatic rather than a military solution to the problems of Central America;

Two, that all outside military intervention in the nations of this hemisphere must be stopped;

Three, that the underlying problems of Central America are best resolved with economic assistance, social justice reforms and human rights improvements; and

Four, any aid to insurgent groups should be limited to genuine humanitarian assistance controlled and approved by credible international and regional organizations and designed primarily to assist these forces in the transition from soldiers to citizens—from fire to cease-fire.

The basic question therefore is: Does the administration's request for $36.2 million in lethal and nonlethal aid assist our Nation in achieving these goals?

The thrust of the administration's policy has been to support the Contras as a fighting force: first to interdict arms shipments, then to overthrow the Sandinistas, and now to pressure the Nicaraguan Government.

Since President Reagan took office, the United States has provided over $1 billion in legal military aid to Central America along with hundreds of U.S. military advisers. This does not even include the millions of dollars in illegal arms diversions, private contributions and third-country donations.

This policy has largely developed by default—the failure of the administration to pursue any aggressive diplomatic effort. Their support for efforts to settle the region's conflicts have been halfhearted at best. Last August, after the signing of the peace agreement, Secretary of State Shultz said that the United States' intention was to talk to the five nations that signed the agreement.

Last fall, President Reagan spoke of his intentions to get together with Daniel Ortega and participate in multilateral negotiations to discuss our role in the peace process. Neither pursued their stated intentions. And today, the promise is to initiate a diplomatic effort by Secretary Shultz if Congress approves additional aid. This is the equivalent of diplomacy by blackmail and further undermines the administration's credibility on seeking a negotiated peace.

Our approach to protecting U.S. interests in Central America must be multilateral, favoring negotiations over an expanded war, and strengthing our democratic friends throughout Central and Latin America. Nicaragua needs peace and economic development and the Soviets and the Cubans cannot provide either one.

Nicaragua knows that Latin America, Western Europe and the United States hold those keys—and that only a viable and lasting peace can lead them to open the door. After 7 years, it is clear that there can be no effective U.S. policy toward Central America without the support of Central and Latin America.

The continuation of the Contra aid policy represents clear outside interference; just the same as we have been accusing the Soviets of doing around the globe. The administration should be pursuing Soviet leader Gorbachev's recent summit offer to simultaneously curtail outside military interference in Central America. His offer represents an excellent window of opportunity to seize such promises and move toward a diplomatic solution in Central America.

The basic problem with Contra aid is that it does not implement the common goals we all share. The peace process is the answer, not supplying the Contras with weapons and electronic radar.

For 7 years, the administration has claimed that support for the Contras is necessary to pressure the Sandinistas. And yet, the result has been to give the Nicaraguan Government every reason to continue to fight, to arm, to control and limit rights and freedoms. By contrast, the signing of the Guatamala peace plan has brought regional pressure on the countries of Central America to find common solutions and take steps toward promoting peace and human rights. We have tested the Sandinistas with arms—the time has come to test them with peace.

U.S. policy toward Central America must be centered on diplomacy and the search for negotiated political solutions to the region's conflicts, rather than on the current use of force or the quest for military victory. Our policy must include a commitment to economic development, social justice, and democracy in the region.

The lesson we have learned over the past 7 years is clear: the basis of United States policy in Central America must be to work with the other nations of Central America to obtain a diplomatic solution through the Guatemala peace process. If we want to establish in other countries in our hemisphere the democratic values we cherish, we must learn to adopt these values in our diplomacy.

When the administration speaks of humanitarian aid to the Contras, it can no longer pull the leg of the Congress and the American people when the CIA is chosen to administer a humanitarian aid package. In 1986 alone, the GAO reported that over half of the so-called humanitarian aid spent could not be accounted for. The Iran-Contra hearings sadly illustrated countless spending violations of millions of taxpayer dollars. It is high time the administration leveled with the American people and actually provided genuine humanitarian aid administered through a neutral international agency like the Red Cross to provide the Contras with food, medicine, and clothing.

It is time that the United States showed our neighbors in Central America a helping hand instead of a fist. What we need in Central America is not additional Contra aid but a partnership to restore economic development and economic opportunity; promote democracy and human rights; and ensure peace and security. A partnership to fulfill the vision of President John F. Kennedy 27 years ago of "a hemisphere where all men can hope for a suitable standard of living, and all can live out their lives in dignity and freedom."

Perhaps the greatest danger we face in Central America is turning our backs on the desire of our neighbors to improve their standard of living. It is time our Nation put forth a great effort to assist our neighbors who are poor, jobless, landless or malnourished to lead a better life.

In nations torn by civil strife, the United States should promote peace through national reconciliation, development of democratic political institutions and efforts to redress social and economic inequality. We must allow a major provision of the Guatemala peace accord to be given a chance: the five Central American countries agreed to address, with a sense of urgency, the problems of health, education, employment, security, economic and social democracy.

By agreeing to negotiate with the Contras last week, the Sandinistas have all but recognized the legitimacy of the Contras. The Sandinistas have also requested direct talks with the United States to discuss reductions in troop levels, foreign advisers, and the military force level. The administration still refuses to even sit down at the negotiating table with Nicaragua.

Neither the Sandinista government nor the administration-supported Contras can be defended as a model of democracy and human rights. What can and must be defended is an honest effort for peace in Central America. Today we are at the crossroads. We, as a nation, have two choices. We can support the fragile and workable regional peace agreement or we can remain uninvolved in peace and continue our present course of supporting the Contras.

Let us approach a new era of dealing with Central America with a renewed commitment to peace, economic assistance, social justice and human rights. The choice is clear: the United States owes its neighbors in the south the opportunity to give peace a chance. American negotiators did not bring about the Guatemala peace accord; the five Central American Presidents accomplished the agreement not imposed on them from the outside.

When the Nicaraguan chapter of our history is written, no matter what the eventual outcome of the conflict in Central America, I want future generations to say that we explored every avenue of peace, that we left no stone unturned in the quest for Central America peace. In the final analysis, is that not what this Nation stands for?

I urge my colleagues to make the sensible choice by defeating this Contra aid request and beginning a new era in Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I rise in support of the Contra package. The vote we cast today on Contra aid will determine whether or not the spark of democracy in Nicaragua will be extinguished or fanned into a flame. This vote will also determine whether the United States will succumb to being a pawn of Daniel Ortega's or a leader in bringing democracy and freedom to that troubled region. Today the Washington Post editorialized in favor of Contra aid. The editorial refers to the phrase, "give peace a chance" and points out it has been widely misused lately to support the effort to defeat Contra aid. Translated, this plea could read, "give the Communist Sandinistas a chance to consolidate their power and end any prospect for democracy in Nicaragua".

Tangible progress has been made in recent months toward securing peace in Nicaragua. However, we must not be deluded into believing that this progress has been the result of the Communist Sandinistas goodwill and cooperation. It has not. The effectiveness of the Contras, both politically and militarily, has been largely responsible for this success. A former top aide to Nicaraguan Defense Minister Humberto Ortega put it succinctly when he said, "as long as pressure is not exerted on (the Sandinistas) they will never reestablish democracy in Nicaragua".

But enough of statements and speeches—after all, as we all are aware—"actions speak louder than words." Let us look then at the actions. April 23, 1985, the House turns down $14 million in Contra aid only to watch red faced as Daniel Ortega goes to Moscow a few days later. March 20, 1986, the House defeats a Contra aid package and Mr. Ortega's army invades Honduras 3 days later. Fortunately, in both cases, the House reversed itself and voted to support the Nicaraguan resistance. It is this recognition of the need for United States support that has enabled progress to be made toward peace and freedom in Nicaragua.

Make no mistake about it, a Communist Nicaragua poses a very real threat to the security of the United States and to the stability of the region. If the dangers posed to this country by a Soviet satellite only 1,900 miles away, situated on the land bridge between Texas and the Panama Canal, doesn't concern you, then please consider the recent reports of human rights violations and repression which the Sandinistas have committed against leaders of the peaceful, democratic opposition. I urge my colleagues to cast their vote for continued progress toward peace and freedom in Nicaragua and to support the Contra aid package.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Chairman, when I met with Sandinista leaders nearly 6 years ago, there were signals then that Nicaragua wanted to start private discussions with the United States about a regional peace. Similar signs had been given to other American Government officials. But even now, in 1988, we are still waiting for Nicaraguan President Daniel Ortega—this time to fulfill his hollow promises of compliance with the Arias peace plan.

Opponents of aid to the freedom fighters tell us that the Sandinistas want to talk about peace—but in light of their continued resistance to negotiation, can the American people truly believe they are sincere?

It is true that in past decades, the United States did not conduct an enlightened foreign policy with regard to Nicaragua—we supported the government of Somoza. When the Nicaraguan revolution succeeded we tried to establish relations with the Sandinistas. Instead, they threw dirt in our faces.

We tried to build a new relationship with Nicaragua in 1979. For 2 years America was the major source of food aid and a most important financial source. We sent millions of dollars of assistance, including thousands of tons of food to feed their people. But the Sandinista government refused to participate in a dialog with us.

I continue to believe that the United States should pursue a foreign policy of encouraging a regional peace. If the Sandinistas would stop exporting their revolutionary communism, we could encourage mutual peace among the nations of Central America. Then, Central America could be economically revised.

But now Ortega is blatantly stalling the peace negotiations—a manipulative strategy, cloaked in the name of peace, to delay further U.S. aid to the Contras.

The United States has high stakes in the area because of our national security interests and the potential mass migration of Central Americans to America if those countries come under Communist rule.

The United States, acting in its own best interest, must keep the pressure on Nicaragua—as we can with this aid to the counterrevolutionaries—to genuinely negotiate a regional peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, I thank my colleague, the gentleman from Oklahoma, for yielding me this 5 minutes, and congratulate him on the effort he has made on behalf of this cause.

I want to say to my colleagues, having served on the Kissinger Commission in Central America and having spent some time on this issue myself, I think it is absolutely imperative that we inform the American people to as great an extent as possible, of the stakes which have arisen with regard to the issue of aid to the democratic resistance in Central America.

An editorial in the earlier part of this year on January 29, 1988, La Nacion, the Costa Rican prestigious daily newspaper, said:

> What is at stake is the fate of nations that border Nicaragua.

It went on to say:

> Because the resistance, i.e., the Contras, are weakened, or God forbid they disappear, the Sandinista communist regime of Nicaragua, according to La Nacion, would direct all its energy with ample Soviet aid to its confessed objective of exporting revolution.

You see, what is at stake is not just giving peace a chance. If that is all that were at stake today, there is not a man or woman in these Chambers who would not say let us give peace a chance.

But the question is, How do you get peace with freedom? How do we get peace with democracy? How do we prevent Ortega from using peace in the Clausewitzian theory of the absence of war, engaging in war by other means?

Does anybody doubt in these Chambers that the purpose of the Sandinista Communist government is to destabilize their neighbors?

Stop and think for a moment who those neighbors are. It is not necessarily Texas or California. The neighbors are Guatemala, Honduras, El Salvador, Costa Rica, and the Panama Canal.

Can you imagine what type of hemisphere this would be if there were a Communist exported revolution that threatened the Panama Canal, that gave the Soviets a Soviet base, as they have in Camranh Bay today?

Do you know the Straits of Malacca today to a certain degree are controlled by the Soviet Union? What would happen to the Straits of Malacca, the Strait of Hormuz, the Straits of the Philippines, the Straits of Taiwan, what if they were under the control of the Soviet blue water navy?

But here we are in our own hemisphere today debating whether or not we are going to give some assistance to the men and women in Central America who want to stop the export of revolution to neighboring countries.

Now, let me ask my colleagues this. If we are spending $300 billion a year to defend America and our allies in Europe and Asia against the threat of Soviet colonial empire expansionism, how is it possible that we could not spend one-hundredth, maybe it is one-thousandth. I have not quite figured out what $36 million is of $36 billion. Excuse the arithmetic, but can you imagine that we would not be willing to spend just an ounce, a modicum, just a tiny, tiny fraction of that $300 billion?

If we do not care about our own hemisphere, how would anybody in Europe or anyone in Asia trust us?

The President last night talked about Maj. Roger Miranda. How about Humberto Ortega, Daniel Ortega's brother, and commandante, who said they were going to send the leaders of the 600,000 man army in Nicaragua to Bulgaria, Czechoslovakia, and East Germany for training.

Does anybody want a Warsaw Pact country on the Isthmus of Central America?

My friends, do you really believe that a Warsaw Pact base in Central America is going to be hospitable to the cause of democracy in this hemisphere?

As Henry "Scoop" Jackson said in 1982 or 1983 when the Kissinger Commission was set up, and I supported that, imagine the pressure on Mexico. Imagine the pressure on the country of Mexico.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield very briefly to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, is the gentleman aware that the Sandinistas continue to say that they would guarantee against any Soviet base if we would sign an agreement with them?

Mr. KEMP. Well, all right, I thank the gentleman for bringing that up, because that reminds me that in 1979 in August or June, Ortega said they were going to democratize, allow La Prensa, the Catholic Church, the labor unions and free elections to be held. He violated those promises. The United States Congress gave, thanks to Jimmy Carter, $100 million to the Sandinista Communists, and the gentleman's side of the aisle is telling us that we refuse to negotiate? We gave $100 million. I was here in the Congress, voted against it, and now the gentleman is telling us to negotiate?

They will not keep their pledges unless we keep aid to the Contras. We must fight for freedom in Central America. Give aid to the freedom fighters.

In a few hours the U.S. House of Representatives will vote on President Reagan's aid request for the Nicaraguan Democratic Resistance. This vote is not about *x* million dollars in aid. It is a referendum on whether or not the United States sticks by its commitment to freedom and democracy and is willing to help reverse the spread of communism in our own hemisphere.

We have a choice. What we do today will help determine the outcome of democracy and freedom in Central America and eventually peace. If the democratic majority in Congress votes down aid to the Democratic Resistance forces, the Communist Sandinistas will be completely unopposed in consolidating their totalitarian dictatorship. The internal political resistance within Nicaragua is dependent on the military pressure of the anti-Communist Contra freedom fighters. We must not abandon the thousands of people who have stood up to Ortegas' beatings and persecution. If we abandon the cause of brave men and women in the field, we abandon all hope of stopping Soviet directed Communist subversion in Central America and eventually Mexico. To declare neutrality in Central America is the moral equivalent of selling out the anti-Communist Cuban resistance in 1961 and the anti-Communist South Vietnamese in 1975.

There should be no doubt that if we abandon our military assistance to the Democratic Resistance, the Sandinistas will solidify their tyrannical hold on the Nicaraguan people and will step up their support of militant guerilla forces against democracies in the region. If the aid request fails, the flame of freedom will be greatly endangered, there will be no peace, and we will face an expanded Soviet base for aggression.

Many of my liberal colleagues say that by rejecting the President's request we will be giving "peace a chance," but history tells us the opposite is true. Their logic does not hold because Daniel Ortega has broken every promise he has ever made. If you take a good look at Daniel Ortega's 9-year history of duplicity you see a trail of broken commitments. He promised democracy to the Organization of American States in 1979. Again on August 7, 1987. He promised fulfillment of the Arias Plan. But he has not kept these promises; instead his brother Humberto talks of sending Sandinista officers for training in Bulgaria, Czechoslovakia, East Germany. We do not want another Soviet bloc state in our hemisphere.

Those who believe that a cutoff of aid to the freedom fighters will bring peace to Nicaragua ignore the history of communism, the teachings of Marxist-Leninism and the record of Daniel Ortega. Marxist-Leninist theory teaches us that you use any means, cut any deal and make any deception to assure complete victory for Marxist-Leninism.

Daniel Ortega has no intention of fulfilling any of his commitments. Maj. Roger Miranda, the former Sandinista officer, has told us that the Sandinistas view any peace plan as essentially a means to eliminate aid to the Democratic Resistance and nothing more. If Congress abandons the Contras, they will be playing into the hands of the Communist Daniel Ortega.

How many times must Daniel Ortega break his promises while he talks of "democracy"? How many times must opposition leaders be thrown in jail or beaten in the streets of Managua? How many times must one of the Ortega brothers declare that they will never give up power? How much more Soviet military aid—currently $2 to $3 million a day—must go to the Sandinistas before the U.S. Congress realizes that it is being used as a puppet by Ortega to crush the only hope for freedom and democracy in Nicaragua, the Nicaraguan Democratic Resistance.

How can we spend nearly $300 billion a year for our defense and yet refuse to spend one one-hundredth of that in support of democracy and in defense of a political region in our own hemisphere. As the President said last night, "The Soviet Union and Soviet-bloc countries have sent over $4 billion in arms and military and economic aid—20 times the amount that the United States has provided the democratic freedom fighters. If Congress votes tomorrow against aid, our assistance will very quickly come to an end—but Soviet deliveries won't."

As the distinguished author Charles Krauthammer wrote in the February 8, 1988, issue of Time, "Americans still have to ask themselves the basic questions. Questions of national interest: Can the United States risk the domination of Central America by a Soviet client state."

I ask my colleagues to vote today to save the one hope for democracy, peace and fredom. To vote today, for this tiny bit of aid to those who fight to obtain what we prize so highly.

□ 1845

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Chairman, Congress has arrived at the crossroads in our Central American policy. Down one path lies more aid to the Contras, deeper United States military involvement, and more bloodshed in Central America. Down the other path lies our best hope for peace—a process we have already begun under the Arias plan, a blueprint with very specific steps and deadlines to achieve peace in Central America.

Today the House must choose.

It is important that we see the President's request for what it is, and for what it is not. It is not humanitarian aid, as several of my colleagues have noted earlier today, because more than three-quarters of the so-called nonlethal aid would be spent on military items like trucks and jeeps and aircraft.

It is not a scaled-back request. This package would more than triple the level of support our Government has been providing the Contras over recent months.

It is not even a $36 million aid package. The real figure is closer to $60 or $70 million. When you read the fine print of the President's request, you find millions of additional dollars for radar and air defense systems and up to $20 million to replace Contra supply aircraft that may be shot down.

Beyond all these arguments, however, the time has come for Congress to draw the line on Contra aid. No matter how much money the President requests, no matter how many paper restrictions they place on it, the House should not approve a penny more in Contra aid.

If this aid is approved, it will cripple the peace process and it will lead to only more killing and bloodshed in the region. This is not the path to peace in Central America. It is an ongoing journey to more destruction.

Mr. Chairman, I urge all my colleagues to vote against more Contra aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from ohio [Mr. McEWEN].

Mr. McEWEN. Mr. Chairman, it is appropriate to ask ourselves what has happened in Central America in the last 60 months. We have seen Guatemala become a democracy. We have seen Honduras become a democracy. We have seen El Salvador become a democracy. We have seen Nicaragua end this decade as a Communist beachhead receiving hundreds of millions of dollars from the PLO, from the East Germans, from the Bulgarians, from the Soviet Union, from the Cubans, and yet today as we stand here we know that that system is about to collapse.

Why is it that the Sandinistas are negotiating? Why is it that they are releasing political prisoners? Why is it that La Prensa is allowed to print today? Why is it that the peace process is underway?

It is because the United States of America and even this very Congress stood strongly behind democracy and behind freedom. There was a time when the President of the United States stood on the steps outside this Chamber and said let the world go forth that the torch has been passed to a new generation of Americans that is willing to bear any burden and to pay any price for the cause of democracy and for freedom.

The question before us tonight is will we not bear any burden, or pay any price, but will we give an eyedropper of aid to those who are willing to fight for their own freedom?

There are those of us who can on occasions like this hear the mugging going on in the street, hear the violation of the victims being drug into the alleyway and we can turn up the television and we can pull the drapes and we can pretend as though we do not hear and yet tonight there are those who are crying for our help. They do not ask blood, they do not ask troops, they just ask help, and we need to give it to them.

Mr. Chairman, Winston Churchill once compared our adversaries to a crocodile; when it opens its mouth you cannot tell whether it is trying to smile or preparing to eat you up.

Unfortunately, Daniel Ortega is doing both. He has put on his best smile by promising democratic reforms to convince this body and the American public, that the Sandinistas can be trusted to abide by the Arias peace plan. That is the bottom line. The question this body must answer is: Can Daniel Ortega be trusted?

The question is not do we want the Arias peace plan to succeed. I think we all want that. The real question is how do we go about ensuring that the Sandinistas conform to the plan that Daniel Ortega signed.

If we look to history as a guide to our decision, we will find ample examples of misplaced trust in tyrants and totalitarian governments.

In 1938, Neville Chamberlain went to Munich to appease Adolf Hitler so that he might leave other European nations alone. The British Prime Minister came back to England believing he had "secured peace in our time." Instead, by taking the word of a fascist dictator, he gave the green light to a Nazi invasion of Czechoslovakia. Mr. Chamberlain failed to understand that there is no honor among tyrants.

Things have not changed much since 1938. Daniel Ortega, in signing the Guatemalan accords, has promised to stop being a Communist and democratize Nicaragua. If we cut off aid to the Contras, we are saying to Mr. Ortega, we trust you to come through on your promises. In my opinion, that's too risky. It's wrong.

Just 2 weeks ago Maj. Roger Miranda, in referring to the Sandinistas, stated that, and I quote:

> For them, democracy consists of perpetuating themselves in power. They have closed off any possibility of a democratic outcome to the civil war in Nicaragua. I know the way they think. Unless pressure is put on them, they will never re-establish democracy in Nicaragua.

Mr. Chairman, it is time this Congress stand up and say to the Sandinistas, we are not going to let you off the hook. We don't trust you Comandante Ortega. You must abide by the peace plan and we are going to make sure you do by funding the democratic resistance.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I listened carefully to President Reagan last night, wondering what new arguments he might make to justify interfering in the peace process in Central America, in derogation of the Guatemala accords.

I heard nothing which would reverse my long held opposition to the funding of the Contra forces.

When the President spoke so warmly of the Nicaraguan freedom fighters and compared them with the French resistance of World War II, I remembered that he had earlier compared them with the American revolutionary Founding Fathers. I recalled how, in fact, the Contra commander, and a large majority of the Contra military high command, are former Somozan national guardsmen, a fact the State Department has admitted. I recalled the $18 million-plus of funds given to Contras in recent years which are still unaccounted for. The confirmed reports of individuals killed and maimed by the Contras are fresh in my mind. I recalled the numerous Contra bombings of hospitals, schools and roads, using maps and plans provided by the American CIA and I recalled the insider's description of the corrupt leadership and questionable objectives of the Contras rendered by Oliver North's former assistant, Robert Owen.

I wondered how many of the Nicaraguan peasants sympathize with these so-called freedom fighters whose brutal tactics they regularly observe. It seems clear why so few volunteer for the Contra forces and why, after 7 years of struggling, the Contras control no major area of Nicaragua and have to organize and direct forces from across the border in Honduras.

At the same time, I pondered the President's litany of agreements he thinks were broken by Ortega, and added to that my own understanding of the abuses—physical and social—visited upon these same Nicaraguan peasants by the Sandinista government; these Sandinistas who are certainly no less brutal in tactics than are the Contras. I read daily about the disastrous economy in Nicaragua, the result of inept governance by President Ortega and his commandantes. With all that, I can understand the ambivalence and confusion of the Nicaraguan citizens, who wonder who it is they can trust. I frankly don't trust either the Contras or Mr. Ortega and his Sandinista government.

The peace process is moving forward, though, and we should be working with that process—not against it. President Ortega is weak, now; his economy is in shambles. This is the time to work with President Arias, and the other Central American Presidents, to push Ortega for further concessions; this is the time to press to democratize the Nicaraguan Government; this is the time to pressure Nicaragua to hold free elections; if, instead, we help the Contras, we give Ortega an excuse to slow down his political concessions and a reason to move back toward more repression; let us test Ortega's sincerity.

The Guatemala agreement calls for a halt to outside funding to revolutionary forces, and it is my hope that we will not risk destroying the Central American peace process by providing these funds. And, it is my hope that this Chamber today will, instead, destroy the idea of further American assistance to the Nicaraguan Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I never cease to be amazed by the profound lack of recall, perhaps purposely, by those who would throw the Monroe Doctrine out the window. This same group of apologists refuses to remember that Castro was hailed as the great reformer that American sympathizers picked coffee and harvested cane in Cuba to help the Marxists. The liberals gave Cuba to the Communists and now sadly we see Cuba as a training ground for destabilization throughout the world.

I ask my colleagues to read the periodicals of that time, the CONGRESSIONAL RECORD of that time. Today's debate echoes of the capitulation, the lack of courage, and the lack of leadership that was evidenced which they gave Cuba to the Communists.

This same group of liberals refuse to remember that we built the Panama Canal, that we were the stabilizing factor, that it was built at the cost of our blood, sweat, tears, and lives. In the distorted and perverted rationale that we could contribute to the stabilization, the liberals under Jimmy Carter gave the Panama Canal away.

Does it not make you uneasy and ill that those who oppose aid refuse to remember the pictures of Ortega and the terrorist conclave of the Qadhafi types, established in Nicaragua? Now they want to give Central America to the Communists. They want to give Central America to the Communists because the Wright Central American death squad those who oppose freedom and the Contras, want to capitulate in the perverted sense that we are going to add to the stabilization.

The American people will not forget and I will not forget when my granddaughter asks why our troops have to be mobilized on our border.

Mr. EDWARDS of Oklahoma. Mr. Chairman, may I inquire how much time is left on each side?

The CHAIRMAN. The Chair will announce that the gentleman from Oklahoma [Mr. EDWARDS] has 1 hour and 20½ minutes remaining and the gentleman from Washington [Mr. FOLEY] has 1 hour 15½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise in favor of this aid package and in doing so I rise in favor of the implementation and the full implementation of the Central American peace plan.

Mr. Chairman, today I have like many of my colleagues listened carefully to the debate, and one of the key but highly inaccurate points that has been made by the opponents of this aid program is that if it is enacted it allegedly will undermine the Central American peace accords.

Those of us who support the proposal are cast erroneously as opponents of the Arias peace plan. I say to my colleagues that is exactly the reverse of the truth.

Mr. Chairman, I regret that in the debate today that those of us who favor a vote for the military aid in escrow have been too defensive on this point. I think that our approach in fact will strengthen the diplomatic efforts of Central America's democratic leaders while that of our opponents will weaken it.

To make my point I will quote from one of my colleagues, an opponent of aid to the Contras, who yesterday said:

> Escrow accounts and deadlines for democracy will not work. What is more important is the trend toward reconciliation and peace. We must be realistic, Nicaragua has never known democracy. It will take years, not weeks, to achieve.

I submit, Mr. Chairman, that the fact of the matter is that it is the Central American leaders who signed the peace agreement last August 7 and it was those Central American leaders that set the deadlines in a matter of months and weeks for the democracy of Nicaragua, not this Congress.

The Central American leaders themselves said that it could be done and it should be done in a finite period of time. It was they, the other Central American leaders, who set out the specific criteria which defined what democracy should include, not we.

So opponents of this proposal can of course describe it if they choose, as unrealistic, but in doing so they tell President Arias and the other Presidents of Central America that it is realistic. It is a realistic plan, the plan has been adopted and supported by the Central America Presidents.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise to speak in favor of the Contra aid request. I believe that if we cut all aid to the freedom fighters and the Communist-Sandinista government is then able to fully consolidate its position, our Nation will eventually be faced with something close to an economic and strategic nightmare.

Economically, our Nation could ultimately be faced with a tidal wave of refugees streaming across the Rio Grande into the United States. The administration has said, rightfully so, I believe, that the Sandinistas are not merely Stalinists, suggesting a totalitarian attitude, but they are also Leninists, meaning that they have an expansionist goal. If we allow the Communist-Sandinista government to establish a Cuban-style regime in our Western Hemisphere, all of Central America including Mexico, could very well fall to the Communists.

According to an estimate attributed to H. Eugene Douglas, the former U.S. Coordinator for Refugee Affairs, resettlement costs for these refugees would exceed $40 billion a year. Additionally, an expansionist Communist influence just south of our U.S. borders would require of the American taxpayer an unacceptable financial and economic burden to fortify and garrison our southern borders.

In strategic terms, the expansion of the growing military might of Communist Nicaragua, and the ongoing threat of Cuba would pose a serious land, sea, and air danger to the vital Caribbean region. We would need to be very much concerned over the 52-mile-long Panama Canal, which handles some 11,000 ships a year, including U.S. naval vessels, that can be shut down by destroying any one of its numerous locks or sinking any large vessel in the canal.

Nearly three-fourths of America's imported oil passes through the Caribbean along with 90 percent of our strategic materials, such as titanium, chromium, and manganese used by industrial aircraft companies and other contractors for the U.S. Armed Forces. Should the Soviets be able to close the other narrow trade routes in the Caribbean, which account for nearly two-thirds of all U.S. seaborne trade, the United States would be faced with an economic disaster.

It would seem to me that the President's request falls quite a bit short of what the feeedom fighters need, but it is enough to keep the Communist Sandinistas honest. Furthermore, it is vital that we provide continued aid for the Contras in order to continue putting pressures on the Communist-Sandinista government to negotiate an acceptable peace arrangement with the democratic forces in the area. The Nicaraguan people, who thought they were getting something better than Somoza, are suffering under the oppression of the Sandanistas. They want relief and they want freedom. Let's keep the pressure on the Sandanistas to bring this about by voting for this proposal.

□ 1900

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, on two different occasions over the past 3 years I have voted against aid to the Contras. As a matter of fact, I joined a rather small number of Republicans on those two occasions to vote no on aid to the Contras.

At that time, many of us argued that we need to give Mr. Ortega time to negotiate, we needed to try out the process, Mr. Habib had just begun the negotiation process.

It was just 3 years ago, Mr. Chairman, that one of our colleagues from Massachusetts returned from a trip to Nicaragua and he proudly raced back to the United States and bounced into Washington, DC, and announced to the press, the American people and to the U.S. Congress that he had an important message to deliver from Mr. Ortega. He said that Mr. Ortega has made a number of commitments. He said to us at that time, which happened to be about 1½ weeks before the vote, that if we did not aid the Contras that Mr. Ortega would negotiate and work with the Contras, he would bring about Democratic reforms.

He even went a step further. He said he would reach out and work with the American Government. And if that were not enough, Mr. Ortega also agreed, if we did not aid the Contras at that time, he would get rid of Soviet and Cuban military advisers.

I had a number of arguments with my colleagues on both sides of the aisle and the administration. I was convinced that we should give Mr. Ortega an opportunity to show his good will. I did not take Mr. Ortega very long to show his true colors. Not only did he renege on his promise to meet with the Contras, not only did he renege on his promise to work with the people and the American Government, not only did he renege on his promise to get rid of Soviet and Cuban military advisers, it only took several days before he went back to the Soviet Union for yet another shipment of supplies. It did not take too long for Mr. Ortega to repeat the same action. A few weeks before the vote, a year after that he made overtures and talked about democratic reforms and negotiations. Again we did not supply aid to the Contras. Again, it only took a few days for the Sandinista army to move into Honduras.

Mr. Chairman, I do not know how many more times we have to be duped by Mr. Ortega. He has shown us one important thing however. He does respond to pressure from our Government, he does respond to pressure from the American people, and he does respond to pressure from the Contras.

Before we vote today I hope that each and every one of us will ask ourselves a very important question, and I hope all of our friends and the American people will ask themselves one very, very important question. What is the interest of the Soviet Union in Nicaragua? What is the interest of the Soviet Union in a small country in our hemisphere? I ask my colleagues to consider that most important question before the vote.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in opposition to renewed aid to the Contras in Nicaragua. In listening to this debate today, we can discern wide agreement as to the United States legitimate goals in Central America—the realization of democracy, respect for human rights, economic development, political stabilization, the containment of efforts to export revolution, an end to Soviet influence in the region. Where we disagree is on the means to achieve these ends. I have never felt that pumping American tax dollars into Nicaragua's civil war was a promising way of achieving these objectives, and I especially believe that today's request for renewed aid is ill-timed and counterproductive.

The most promising way of realizing our legitimate objectives is through a mutually enforced agreement among the nations in that region—an agreement toward which the peace process, despite its imperfections, seems to be moving. There has been change in Nicaragua—perhaps not as much, or as fast, as we would like—but there are concrete examples of progress— the release of thousands of political prisoner, the reopening of La Prensa, and perhaps most important, the Sandinista government's willingness to negotiate directly for a cease-fire with the Contra forces.

We should not view these changes lightly. Over the last 6 years, the Congress has appropriated over $276 million to support the Contra forces in Nicaragua and yet it is only since the signing of the Arias peace plan that real progress toward a negotiated settlement has occurred.

I think it vitally important that the fragile Central American peace process be allowed to work. To put more money into Nicaragua's civil war at this juncture would encourage continued fighting and allow the Sandinistas a perfect excuse to turn their backs on the peace process. A vote for the President's package today would undermine, perhaps fatally, the prospects for an enduring settlement, and for that reason, I plan to vote against it.

I believe, however, that we should see this vote not as an end, but as a new beginning. Serious talk has already begun in the Congress concerning the kinds of constructive alternative steps the United States might take to move the peace process forward, to lock in the Sandinistas' concessions, and to facilitate the Contras' entry into the political life of the country. That is the direction this Congress should be taking and I urge my colleagues to join me in this endeavor and to vote "no" to the President's Contra aid package.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, the thrust of American policy toward Central America should not be determined solely on the basis of a yes or no vote on aid to the Nicaraguan Contras.

Engaging in such a narrowly focused debate demonstrates a serious lack of foresight. At best, it is continued crisis management.

We must, in a bipartisan fashion, pledge ourselves to the long-term goals of the Arias peace plan adopted in Guatemala and ultimately strive for a full-fledged partnership with our Central American neighbors.

The best example is the bipartisan foreign policy adopted following World War II, when the Truman administration and the Congress—led by Republican Senator Arthur Vandenberg of Michigan—worked together to rebuild Europe, physically, economically, and politically. The success of that policy, including the Marshall plan, and the North Atlantic Treaty Organization, remains evident today.

Likewise, political and economic stability is desperately needed in Central America and can be achieved only once a middle class is established. Yet military initiatives alone cannot create a middle class. Diplomatic and economic development initiatives are the tools needed to build this stabilizing force in Central America.

What are the vital components of an effective bipartisan foreign policy in Central America? First, we should reestablish a commission modeled after the Kissinger Commission to develop a long-term economic, political, and cultural partnership with our Central American neighbors.

Secondly, we need to expand educational opportunities that permit Central American students to study in the United States. College scholarships will provide a badly needed pool of well trained teachers, doctors, and other professionals to meet the social, economic, and education needs of the region. Such programs also effectively counter the massive soviet effort to saturate the region with graduates of Marxist institutions.

Finally, we need to improve and expand the Caribbean Basin Initiative which would go a long way toward restoring the badly damaged economies of Central American countries. CBI offers the region A program for trade, economic assistance, and tax measures to generate economic growth. It is time to resurrect CBI and make it work.

These are the building blocks for an effective bipartisan foreign policy leading to lasting peace, economic stability and democratization in Central America. I challenge the administration and the leadership on both sides to begin implementing a bipartisan foreign policy.

Mr. FOLEY. Mr. Chairman, I yield all remaining time on this side to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, everyone in this Chamber shares the same broad objectives: peace and democracy in Central America. We all want to promote the interests of the region, and the interests of the United States.

We have all participated in a national debate about whether or not the Contras are the best means for achieving our goals.

But Mr. Chairman, in its zealous effort to win congressional support for the Contras, the administration has been neither completely honest nor open. On the contrary, deception and misinformation have been the pillars of the administration's arguments on behalf of Contra aid.

Consider the Contra aid proposal now before us. The President's latest request was created to seem reasonable. Just $36 million, just 10 percent military aid, just a little escrow account as an insurance policy against Sandinista backsliding they say. The administration has portrayed the package as modest, logical, and essential to the success of the Arias peace plan.

In reality it is none of these things.

The President says his request totals $36.2 million, $32.6 million in humanitarian aid and $3.6 million in military aid, to be held in escrow. But that's only part of the story.

There's also $20 million in additional assistance in case any delivery planes are shot down and need to be replaced. There's also money for an air defense system for the Contras, which the administration says will total about $7 million over 4 months.

Add all this up, and suddenly you've got a $63 million request, not a $36 million request. And there's more.

The $32.6 million in the so-called humanitarian aid portion has only $6 million worth of what most of us consider humanitarian aid: food, clothing, and medicine. Only 20 percent of the so-called humanitarian aid package would go for truly humanitarian purposes. The remaining 80 percent—$26.6 million—is going for trucks and helicopters and communications equipment and other devices that facilitate Contra warmaking, not humanitarian assistance.

Remember too that this request is for only 4 months; $63 million for 4 months. That's about $16 million per month, or more than twice what the Contras received per month in 1987. Under the President's proposal, three times more humanitarian aid would flow to the Contras per month than in 1987.

So, Mr. Chairman, this is not such a modest request. It is a request that we support the Contras' war effort, and that we do so generously.

Nor is this request as reasonable as it may seem at first.

It is not reasonable to show support for the peace plan by violating it.

It is not reasonable to ensure peace by perpetuating war.

It is not reasonable to apply the same pressure in response to good behavior and bad.

It is not reasonable to expect that the Contras will willingly negotiate a cease-fire when they are receiving more aid than ever from the United States.

And frankly, Mr. Chairman, it is not reasonable to commit $60 million American dollars to rebels that even Oliver North's right hand man, Robert Owen, called "liars . . . greed and power motivated."

This request is old wine in a new bottle. It is as misleading as the administration's whole campaign on behalf of Contra aid has been.

In its effort to sell this failed policy, the administration has misled the Congress and the American people time and time again with exaggerated rhetoric based on more conjecture than fact.

In his effort to sway opinion on the Contras in 1985, President Reagan went so far as to say that Pope John Paul II had sent a message asking the President to continue aiding the rebels. The Pope quickly assured the President and public that he was not a Contra supporter, but the President's campaign of selective editing continued.

Take the widely touted Miranda revelations. The White House had plenty to say about Major Miranda's exclusive on the Sandinista's military plans.

What the administration does not say about Mr. Miranda's 600,000-man army, is that it is essentially a home guard. Five-sixths of the proposed army would be rural militia—peasants with 2 weeks of marksmanship training, carrying a gun over their shoulder while they plow their fields.

What the administration does not say is that Mr. Miranda outlined a plan that would actually reduce the active army in Nicaragua by 10,000 to 20,000 men.

Or take the administration's age old claim that the Nicaraguans are sending arms to the rebels in El Salvador.

What the administration does not say is that Salvador's own military intelligence officers say that support has all but dried up.

What the administration doesn't say is that their own defense attaché in Managua told a visiting Republican Senator that Nicaragua's support for Salvador's rebels was passive, not active.

The administration doesn't talk much about David McMichael, the CIA analyst who was in charge of monitoring the arms flow until he resigned to protest the administration's continual falsification of arms flow reports.

Mr. Chairman, these are but a few examples drawn from more than 6 years of administration lies about Nicaragua. The White House has nearly perfected the art of taking a kernal of truth and turning it into acres of misleading justifications. Their suggestion that this latest request is moderate, constructive, and reasonable is but the latest deception.

In reality, this request is the latest tactic in the administration's strategy to overthrow the Nicaraguan Government while feigning an interest in a negotiated settlement.

There is an alternative, and it is not cut and run. The first step is to defeat the President's request for more Contra aid. To close the chapter of deceit and lawlessness, and to begin a constructive policy toward the region.

Mr. Chairman, I urge my colleagues to reject the President's request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, let me just say the gentleman from Pennsylvania is absolutely wrong, the peace plan has nothing to do with and does not even speak to prohibiting aid from the Soviet Union or prohibiting the aid from the United States. What it speaks to is aid from Nicaragua to the guerrillas of El Salvador and exportation of revolution by countries that signed the pact.

But let me just say a little bit about some of the misstatements and the double speaking on this floor today by our opponents. History, Mr. Chairman, has a tough time on this floor. Our opposition tends to see history as they wish it was. They see the future as they wish it to be. If the Sandinistas were really trustworthy as their supporters claim, then Nicaragua never would have needed the peace plan in the first place.

Let us look back at history, the contadora process, the promises in 1979 for democracy and now the Arias peace plan that should have been complied with on November 7, and here we are with the Sandinistas still out of compliance.

Ladies and gentlemen, a basic tenet of Lenin's expansionist policy is that, "if you strike steel, pull back; if you strike mush, keep going." In Cuba they struck mush and kept going, and now we have a Communist Soviet military and intelligence base 90 miles off our borders. In Grenada, they struck steel and pulled back and now Grenada is working toward democracy.

We are about to pull the steel right out from under them and throw them a handful of mush and say go get it.

Mr. Chairman, we cannot do that. We must put up that steel so that the Communists and the Sandinistas will strike that steel and pull back.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, this debate is not about democracy; and the concern of the President of the United States in Nicaragua is not democracy. Ronald Reagan never worried himself for 1 minute about Nicaragua prior to the current government, and we would be very busy indeed in this Chamber if we were to finance invasions against every nondemocratic government in the world. We might have requests if that were the President's concern, for example, for financing invasions against maybe Saudi Arabia, or how about Brunei, governments which never had a democratic thought in all of their lives.

The gentleman who preceded me in the well said the peace accords have nothing to do with the United States. Let me read something from the Guatemala accords which this President says he wants us to support. I quote:

> The five Central American governments shall request governments of the region and

governments outside the region which are providing openly or covertly military, logistical, financial, rhetorical, or other assistance in the form of humanitarian aid to irregular forces or insurgent movements to stop such aid as an indispensable element to achieving a lasting peace in the region.

Mr. Chairman, those are the words of the peace accords, and our President, unfortunately, is asking us explicitly and overtly to undo and to contradict the heart and soul of that.

The challenge of this House tonight is whether we can live up to our name, the House of Representatives. The court of world opinion has rejected this policy. The Central American countries have rejected this policy. The American people have never supported the Reagan policy in Central America, and the question now is whether the House of Representatives for once and finally on this issue can summon the courage, if not to lead the people of this country, at the very least to represent them and to say to the policy of the President of the United States, Mr. President, with all due respect, you are wrong, you are counter to the very peace process in whose name you submit this policy, and you are counter to what this Nation is supposed to stand for in the world.

Mr. Chairman, I rise in opposition to the President's request for over $50 million to support the Nicaraguan Contras.

President Reagan's policy in Nicaragua began in 1981 as a covert operation in support of Argentinian trainers building an anti-Sandinista insurgent force. Then the CIA became more ambitious, moving to organize and train the Contras themselves in Honduras, Costa Rica, and Panama.

At first the Intelligence Committees let the covert plan through, having accepted the President's claim that its sole purpose was the interdiction of arms being sent from Nicaragua to rebels in El Salvador.

When plans to divide Nicaragua in half were revealed—plans that could only be directed at the military overthrow of the Sandinista government, the Congress moved quickly to limit the President's operation.

My colleague from Massachusetts, Mr. BOLAND, introduced the first of his amendments, which stated that none of the money Congress was appropriating could be used "for the purpose of overthrowing the Government of Nicaragua." In 1982, this body supported that measure unanimously, 411 to 0.

Despite this unambiguous mandate, the President persisted. After a skeptical Congress and public succeeded in tearing away the fig leaf of arms interdiction, the administration fell back on the proposition that any Communist regime is inherently hellbent on taking over its neighbors. This argument came replete with maps showing the color red gradually spreading up and down the Central American isthmus.

The references to Communist expansionism have not become more reasoned or substantiated, nor have arguments that the Soviet Union intends to set up a military base in Nicaragua. Rather, the Reagan administration recently shifted the terms of debate again to focus on political life within Nicaragua. And with the extraordinary joining together of the leaders of the five Central American republics to sign the Guatemala accords, the Contras have become a rather bloody insurance policy for democracy in Nicaragua. Today, we are asked to give humanitarian aid to freedom fighters who prosecute a brutal war in order to, as Secretary Shultz said yesterday, "give peace a chance."

Unfortunately for the Nicaraguan people the battle here in Washington is now less ideological than theological. The Reagan administration has devoted a full 7 years to its freedom fighters. Even if Daniel Ortega kissed the American flag and decided that Nicaragua should adopt our Constitution, you can be sure that our President would not abandon the Contras.

Nonetheless, we in the House of Representatives have an important job to do: to decide whether the President's policy is sound policy.

So let me consider briefly the President's central argument—that support for the Contras is the only way to push the Sandinista government toward democracy, to make them comply with the Guatemala accords.

The logic here is charmingly simple: give money to Contras; Contras pressure Sandinistas; Sandinistas become democratic. Take money away from the Contras and you might as well paint Central America red.

However, many of my colleagues have argued that the Contra war only pushes the Sandinista government toward greater reliance on the Soviet Union, toward repressive laws justified by the need for domestic discipline in wartime. The last time the Congress gave the Contras military aid, La Prensa was closed on the following day.

And the administration's commitment to democracy must seem a bit tenuous in light of its half-hearted attempts to encourage free elections in neighboring Haiti. After President Reagan made not one public statement or significant diplomatic initiative to press the Haitian junta to allow a fair plebescite, Secretary Shultz yesterday complained of the "difficulty of moving from military to democratic rule."

Mr. Chairman, consider for a moment the array of alternative means of pressing for democracy in Nicaragua. There are the pressures generated by the commitment of the Central American leaders, and their peoples, to follow through with the Guatemala peace plan. There is our own ability to negotiate, as yet untried in Central America but rather impressive when directed at arms control with the Soviet Union. There are economic incentives—real humanitarian aid and the lifting of a stifling trade embargo—for a country already subject to energy rationing and expected to experience 18,000 percent inflation during this calendar year. If the State Department spent half as much time trying to work for real democracy and human rights in Central America as it does putting out propaganda pamphlets about the Sandinista leadership we might now be seeing some real progress toward peace and democracy in the region.

Further, why have we not pursued the real opportunity presented by Secretary Gorbachev's informal proposal to President Reagan to end Soviet military aid to the Sandinistas in exchange for a cut-off of U.S. aid to the Contras?

Mr. Chairman, yesterday a constituent of mine came to my office to tell me of her recent trip to Nicaragua. She visited a family living off on their own in an isolated valley in Chontales Province. In November the Contras descended from the hills and kidnapped their teenage son. He managed to escape, but the Contras came back and captured him again. The Contras do not like it when their recruits desert, so they decided to peel the skin off this young man's face before putting him to death.

My constituent also informed me of a recent attack by the freedom fighters on a family homestead, an attack thoroughly documented in the Philadephia Inquirer in December, in which a pregnant young woman was raped at bayonet-point and then murdered, and her sister-in law was shot in the back as she ran away clutching her baby. The sister-in-law survived, as the bullet passed right through her and took off her baby's leg.

Mr. Chairman, there is a better way. This House of Representatives has an obligation to be representative, and to end the hypocrisy of this bloody war. Then we can go to work, together, to heal the wounds of Central America.

□ 1915

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN] who I think thinks like me that the purpose of the United States is to stand for democracy.

Mrs. MARTIN of Illinois. Mr. Chairman, I have always envied those on both sides who are so sure of their own positions, who from the beginning knew, for instance, regardless of party, that they could support no aid, that any remark against the Sandinistas was cruel and that indeed that served peace. I believe them.

I have envied those on another side who could know we should be in there, who know we should have even more aid, who felt strongly that without freedom there could be no peace.

But some of us have been more in the middle. We come from districts that do not necessarily support any foreign aid.

I come from a district that looks at foreign aid as aid to Chicago, not aid to Nicaragua. Yet at times we have to go beyond our own districts.

This time I relistened. It would be easy to support my President without thinking. There is nothing wrong with that. But it would be wrong if I just automatically agreed, if it affected the peace process. I can only tell you my conclusion.

If this is the President who is able to achieve an INF treaty by being strong, does he not deserve the courtesy of formulating a foreign policy that will again, yes, use American strength? And if the dollars we are talking about in lethal aid are half of what we were willing to give to non-American children in a suburb of Paris, it is hardly the dollars. What it is if one side is wrong and there is no aid, and democracy dies, and freedom has no chance, however do we face any constituent we represent? I can only tell you this, it deserves the chance, give freedom a chance.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR] my colleague across the bay.

Mr. OBERSTAR. Mr. Chairman, this evening we are poised on the threshold of a momentous decision for the Americas. There are few choices we make in this Chamber where peace and war hang in the balance. This 27th vote that we will cast tonight on Contra aid is that kind of vote.

The Reagan administration's policy has evolved from one of covert assistance to the Contras to overt, multimillion dollar assistance for the single purpose of overthrowing the Sandinista government, one that we diplomatically recognize, by military force.

And now they claim that aid to the Contras is needed to keep the pressure on for negotiations. But that policy ignores the new reality in Central America, that the Central American governments themselves have taken extraordinary steps toward regional self-determination by backing the Arias plan, the Guatemala peace accords, and supporting that plan for peace.

The prestige of the Nobel Prize for Peace is the driving force for peace in the region, not arms to the Contras; yet, peace and the Arias plan will never have a chance, never have a prayer unless we cut off the military aid and stop the fighting. We need to create a climate for real negotiations to take hold, negotiations by those in the region who are most affected by their outcome.

We will not achieve peace using the Contras as our agents; we will become peacemakers by supporting the one clear steady vision, the regional vision for peace: the Arias plan.

Cutting off military aid may not guarantee the success of negotiations, but continuing the military aid will assure their failure.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, the debate all day today has centered on the theme of where we have been in regard to aid to the Contras. Those who oppose aid have talked about the alleged inadequacies of the Contras as a fighting force in Nicaragua. Those who support aid have taken much solace from the fact the headlines no longer talk about the battles in El Salvador, of the imminent fall of the democratic government in El Salvador to an insurgency sponsored from Nicaragua. Instead, the headlines talk about battles now on the home turf of that aggressive force in Nicaragua. Those who support aid to the Contras indeed take much solace from the fact that the fighting in El Salvador has given way to fighting now where that aggression emanated from in Nicaragua. The debate is not really about where we have been in regard to aid to the Contras, the debate is where we are going from here.

Where are we now and where do we go? I have heard a strange argument tonight. The argument is that we ought to let the Central Americans settle their own business, let us stay out of it. If they cannot settle it properly, if they cannot contain Daniel Ortega and the Communist Sandinistas, well then we will send the Marines in, they will mop it up and clean it up.

It is a strange argument, folks, because it ignores the fact that it is Central Americans who are dying in Nicaragua, fighting for freedom there, not Americans; it is Central Americans who are containing Daniel Ortega's aggressive tendencies in the region; it is Central Americans dying in the Contra fighting forces to keep Daniel Ortega and his alleged plan to build a 600,000 man fighting force from overtaking that region. It is Americans who have to die in place of those Central Americans if we do not support them in their efforts.

So tonight when we ask ourselves where do we go from here, we ought eminently to ask ourselves what is this Nation's best self-interest? I submit to you we ought to ask ourselves a tough question: Is it better for us, is it in our self-interest indeed to continue support for those Central Americans who are fighting for their own freedoms, who are containing that Communist force in Nicaragua, is it better for us to continue our support for them and to ensure that peace indeed can come to El Salvador and the democracies that are peaceful in the region like Honduras and Costa Rica have a chance to grow and flourish; or is it instead in our Nation's best self-interest to abandon those forces in the field and to trust Daniel Ortega to do the right thing in the peace process?

I suggest to you that if we dare make that second choice, if we abandon those forces in the field, that one day the alternative discussed in this Chamber, sending the American boys and girls in, sending our Marines in, will be the awful fateful choice that will face this Nation.

I have four young boys, two of whom are talking about military careers. I am proud of them for it. I hope one day that they pursue those careers. But I would hate today to have on my conscience that we made a decision to send those boys to their death in defense of liberty when today we can count on the Central Americans fighting for their own liberty.

Support aid to the Contras.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Mr. FAZIO. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in opposition to aid to the Contras.

Mr. Chairman, the Sandinistas have made more progress toward democratization in the last 6 months under the Arias peace plan, than during 6 years of aid to the Contras.

If our goal is to overthrow the Sandinista regime then we should continue to fund the Contras. If our goal is to encourage peace, reduce repression and promote democracy in Nicaragua then we should support the Guatemalan accords in every way possible, including putting an end to aid that will keep the Contras fighting in the countryside.

The Sandinistas have made some important concessions in the last 6 months. It's irrelevant why they have made these concessions; what's important is how can we help sustain these concessions and encourage the Sandinistas to take further steps to protect the rights of all the citizens of Nicaragua.

It is true the Sandinistas may renege on their commitments to openness and democracy if Contra aid is stopped. But the Sandinistas will definitely renege on their commitments if Contra aid is approved.

The Reagan administration also is ignoring several valuable opportunities to address the legitimate security concerns which the United States has in the region.

Secretary Gorbachev told President Reagan during the recent summit that he was prepared to cut off Soviet military aid to Nicaragua if the United States cut off aid to the Contras. Ortega also has said that if he receives security guarantees from Washington, he would limit his army, withdraw foreign military advisers, prohibit foreign bases and prevent subversion from Nicaraguan soil.

We should seize this opportunity to test Ortega's sincerity rather than continuing to refuse to even sit down at the negotiating table with the Government of Nicaragua.

We should seize this opportunity to support the bold peace initiative of President Arias. We should seize this opportunity to reduce conflict rather than escalate it, to construct incentives for meaningful peace rather than continue to fund Mr. Reagan's military adventures in Central America.

Ms. PELOSI. Mr. Chairman, today the Members of the House have the opportunity to stop the President's policy of violence in Central America.

The question which we must answer, as individuals and as a nation, is are we going to support peace or are we going to support war?

The majority of Americans have already answered this question—they oppose the administration's violent and destructive policy.

The decision once again rests in our hands. For the 38th time in the 6 years of this policy, the business of the Congress is being tied up by the administration's pursuit of war in Central America.

In his recent lobbying for Contra aid, the President claimed that the Sandinistas' concessions have been the direct result of his policy of aiding the Contras.

He is wrong. In the 6 years that the administration has pursued this bloody policy, no progress was made in the peace process.

The progress made in the peace process so far, and it is significant, is a direct result of the peace initiative made by the Central American Presidents.

This peace process calls for a halt to the very kind of requests which this administration insists on pursuing. The administration has consistently, both covertly and overtly, tried to undermine this process.

In his speech last night, the President stated that he has sent envoys to Central America some 40 times in pursuit of peace.

Pursuing diplomacy, however, requires a single-minded devotedness to peaceful solutions to problems—the administration has not demonstrated any such devotion. Every time the President has talked about Central America, he has talked about the use of force.

During the most recent meeting of the Central American Presidents, administration representatives tried to strong-arm the Central Americans into supporting the President's policy. The message was given, loudly and clearly, that aid from the United States was dependent on their cooperation. Is this any way to promote regional self-determination and peace?

Today we, as Members of the House, can take a strong step to reorder this Nation's priorities which, over the past 7 years, have not reflected our values.

In his State of the Union address, the President spoke at some length about his Central American policy. He did not mention the serious problems facing us in health, in agriculture, or in housing or in our economy as a result of the October stock market crash.

I must ask, are we going to continue spending time and money for the sole purpose of perpetuating the killing in Central America or are we going to use our limited resources to promote peace, prosperity and democracy around the world?

The strength of our country should be measured by our adherence to values, not by our advocacy of violence. I urge my colleagues to use their vote to reaffirm the best in American values. I urge my colleagues to oppose the administration's request and vote for peace, not war. Thank you.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. I thank the gentleman for yielding.

Mr. Chairman, the gentlewoman from California talked about how progress in the peace process was only due to the diplomatic initiative. There were diplomatic initiatives for years and years under Contadora that did not bear fruit. Today the Arias plan is bearing some fruit in part because of the effective military resistance of the democratic opposition in Nicaragua. Let us remember that and let us remember as we pursue the peace process, where they make promises, we made promises; they take some steps to democracy, we take some steps, as the administration has, to reduce the aid package. But let us not jump and make big unilateral concessions.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, I rise in strong support of House Joint Resolution 444.

Mr. Chairman, I rise today to pledge my support for continued aid to the Nicaraguan freedom fighters, the Contras. Without this gesture of United States support and allegiance to the cause of democracy, the Contras greatly risk losing their fight for the basic right of freedom. Actions by the Nicaraguan Government have clearly illustrated that consistent United States diplomatic pressure and forms of aid are the only means of achieving concessions from the Sandinistas. In spite of the concessions which Nicaraguan President Daniel Ortega insists were made toward instilling democracy, his government has repeatedly stated that they will never concede power to the opposition. Additionally, any promises which were made, beginning in 1979 and up to this point, have been broken without respect for fundamental human liberties.

We must evaluate not only the question of Contra aid, but more broadly, our very obligation to democracy and freedom. When the normal democratic methods of gaining basic freedoms have been exhausted and institutional processes are no longer effective, pressure applied through forms of aid becomes the only alternative to an otherwise closed political system. The Sandinistas have closed their system by disallowing opposition opinions to be published in La Prensa, imprisoning political opponents and repressing most forms of political and religious expression. The Sandinistas now must be urged to open their system to the democratic process. This can be done, not by trusting the promises of President Ortega, as President Carter did a decade ago, but by making them see that our objective is a government of, by, and for the people. We will not accept anything short of this goal.

We are not alone in our belief that democracy is the only acceptable solution to years of Soviet-backed directives and Sandinista-led repression. Leaders of four of the five Central American countries agree that a democratic government in Nicaragua is essential to ensure peace, stability, and security throughout Central America. Members of Congress such as myself, who refuse to accept anything less are only asking that the people of Nicaragua be allowed to decide for themselves, through the ballot box, upon a form of government.

After participating in a bipartisan visit to four Central American countries in 1987 and meeting with leaders from both the opposition and the parties in power, I am convinced that our continued support for the Contras is needed. My conversations with many insightful persons, including Costa Rican President and author of the Arias peace plan, Oscar Arias, were influential factors in that decision. Had I not been fully convinced, by visiting with this region's leaders, that continued aid to the Contras was successfully prodding the Sandinistas to comply with the Arias peace plan, I would not have the solid commitment to aid which I share with you today.

Therefore, today I ask that we keep the broader goal of freedom in mind as we vote for Contra aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman from Oklahoma for yielding.

Mr. Chairman, much of what I would have wanted to have said was said very well by the gentleman from Louisiana [Mr. TAUZIN] just moments ago.

I commend him for his remarks and for the very astute way that he has put this issue in perspective.

Let me say to you that I do very strongly support this measure. I do so because it is my view that it presents me with an opportunity to do two things which should be of paramount importance to all of us.

First, it gives me the opportunity to support and to see a reality, a foreign policy position consistent with the national security interests of the United States which are involved in this proposition in an enormously significant manner. Not only does it allow me to do that, it allows me to do it in a cause that is so inherently a part of America's way of thinking, dealing and reacting in a troubled world; it permits me to support people who are there committed to the principles of freedom and democracy which we espouse and seek to promote because they are willing to do so and will not suffer their nation to become a part of a Marxist-Leninist tyrannical state without fighting for their freedom, if fight they must.

□1930

Mr. Chairman, I commend this resolution to the Members. I would suggest that the United States, by the act and cooperation of this Congress, if the Members support this resolution by their votes, will have a consistent and a rational policy toward Central America. But if they defeat it, we face the consequences that the United States of America will have been deprived of any cogent, intelligible foreign policy with reference to this very vital, significant part of the world here in our Western Hemisphere.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, what we write today may be the final chapter in a sad story in which there are no heroes and little of which to be proud. Through 6 years of conflict and confusion, we have learned much about the constitutional vulnerabilities of our system, the instability of our neighbors, and the search by our adversaries for opportunity. There has been disappointment for all.

The Sandinistas were said to be liberators who shared a commitment to pluralism and a belief in human dignity. If that were ever true, there is no trace of it now. The Contras were said to be freedom fighters in the image of our own forefathers. The Swiss bank account, drug allegations, and sordid past of these new allies instruct us that this was never so.

Even among us, there have been surprises. Those with whom some of us differed, but still respected because of their strength of conviction, were found to have paid more attention to constitutional forms of government in Central America than constitutional law in America. Through it all, we find ourselves potentially writing the last words about a war, and perhaps the first about a new peace.

It's difficult to know how we got here. The Contra war almost certainly helped to compromise the very liberties in Nicaragua that some argue we must now fight to restore. The economic isolation and sabotage undoubtedly assisted in creating the Soviet and Cuban dependency that we all fear.

That brings us to today's choice: an opportunity to end a sorrowful national experience, a chance to end our policy isolation in the region and the difference that it has caused with our allies.

This isn't a final statement. It certainly holds no guarantees. All that is proposed is to end military assistance as a test of the peace process. Humanitarian aid to keep the Contras viable could continue. It would be not an end to war, but a postponement, so that the conflicts, divisions, and national contradictions in our Contra policy might be brought to a close.

It is a difficult vote. Taking a chance for peace entails an element of risk, but it is also a risk worth taking. Vote no. Put the burden on the Sandinistas. Make it clear to the world that America will go the extra distance to build a peace just as certainly as we would to wage war. The burden will then fall on Managua to follow.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would just like to set the record straight. The previous speaker indicated that the United States was responsible for the dependency of the Communist Sandinistas on the Soviet Union and on Cuba. The fact of the matter is that in 1979, when they took power, Jimmy Carter offered them an olive branch. He offered them over $100 million in economic support, but they threw it back in that Democrat President's face and they turned to the Soviet Union for military support and economic aid.

Mr. Chairman, the fact of the matter is that they may be dependent on the Soviet Union and Cuba, but it is of their own volition, not because of the United States of America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I also wanted to comment on the tone of the last speaker, that it is a tragedy, another failed policy, another ending.

Is it not really an ending like encouraging the Hungarians to revolt for freedom and turning our backs on them because we had no choice under a Republican President? Is it not the Bay of Pigs again? Is it not again Laos, Vietnam and Cambodia? Is this one little island of Grenada going to be the only success where we bring people into democracy, other than the other little countries in that area which are successfully moving toward democracy? But with this cancer next door, what other successes can we talk about in our lifetime?

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, today we have come to a crossroads in the administration's failed policy in Central America. We can either seize, or we can reject, an historic opportunity to promote peace in Central America.

On the table is whether to send an additional $36 million to the Nicaraguan Contras. A "no" vote will give the Central American peace process a chance to succeed. A "yes" vote will promote more bloodshed and instability in a region already ravaged by conflict.

For 6 years, we have fueled war in Nicaragua under the guise of promoting peace. We have tried to win the hearts and minds of the Nicaraguan people—yet our United States-backed Contras have burned health clinics, attacked farm cooperatives, and destroyed schools. The administration calls for democracy in Nicaragua—but trampled it at home with the Iran-Contra affair.

So far, $275 million has been legally spent on the Contras. What are the fruits of this policy? A trail of senseless killings.

Compare this legacy with the recent accomplishments of the Guatemala accord. The state of emergency in Nicaragua has been lifted, amnesty to some 3,000 political prisoners has been granted, municipal and local elections are promised and special courts have been abolished. The Sandinistas have entered into direct talks with the Contras, reopened La Prensa, reopened Radio Catolica, and issued 13 licenses for new radio stations. El Salvador and Guatemala have also taken important steps.

Because of these tangible real actions and the future promise of the Guatemala accord, we have reached an impasse over aid to the Contras. The United States cannot talk peace and fund war. We cannot support both the Guatemala accord and the Nicaraguan Contras.

The proposal we are considering today is not a modest request to keep food in the mouths of Contras. It is a package to keep the Contras waging war in the countryside. If we are really on the side of peace in Central America, we must reject this request.

Let me make three simple points about the President's request.

First, according to the administration, 90 percent of this aid would be for nonlethal purposes. But this nonlethal funding can be used for helicopters, military training, aircraft, spare parts, portable bridges, and intelligence operations. Not one penny of this package would have to go for food, medicine, and clothing.

Second, this aid would represent not only a continuation, but an escalation, of the war in Nicaragua. This package is worth $300,000 a day—roughly three times the rate we recently passed—unfortunately—under the continuing resolution.

This is not the time to escalate the war. This is the time to end it.

Third, under the President's proposal, $3.6 million in lethal aid would be held in escrow and released on March 31 if no cease-fire is in place. This would mean that if the Contras could stall cease-fire talks until March 31, they would be awarded with $3.6 million in guns and ammunition. What possible incentive would they have to negotiate?

For 6 years the American people and the Congress were told that Contra aid would bring the Sandinistas to the bargaining table. Thanks to the courage of President Arias and the other Central American Presidents, Nicaragua is at the bargaining table—and yet we're here considering a new aid request from the President.

It is now clear what the President's policy recently is. His policy is to aid the Contras because the Sandinistas are Communists—nothing more, nothing less.

That is a bankrupt, hollow and simplistic policy. A policy driven by ideology rather than pragmatism.

Led by former Somocistas, the Contras have not, and will not, win the support of the Nicaraguan people. They cannot win a significant military victory. They have been corrupt, and guilty of numerous human rights abuses. As yet, they have no program for Nicaragua and no future vision for Nicaragua except to remove the Sandinistas.

Finally, Mr. Speaker, let me say that for 6 years the administration has been telling us that its Contra policy will promote democracy and freedom in Central America. But after 6 years, all we have to show for it are thousands of dead civilians, a region torn apart by bloodshed and strife, and a deepening distrust of Americans in Central America.

True to the meaning of the word "contra," the administration's policy is contra the rule of law at home and abroad—contra the Central American peace process—contra the request of Nobel Peace Prize recipient President Arias—contra the will of the American people—and contra the real needs of a region suffering in unspeakable poverty. Mr. Speaker, this policy is contra our fundamental American respect for human rights.

Today, we can close this unfortunate chapter of American policy. We can help end the war in Nicaragua and begin a new chapter that leads us toward peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. Miller].

Mr. MILLER of Washington. Mr. Chairman, we have heard the argument continuously that by voting "no" we would now create a better chance for peace. It is never explained how removing all the incentives and the pressures for the Sandinista government to move toward peace and democracy will help the pursuit of peace.

Let us give this package a chance. Let us create some pressures and incentives. Let us not just hope that peace comes through diplomacy in a vacuum. Diplomacy can work if there are some incentives and pressure with it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. Tallon].

Mr. TALLON. Mr. Chairman, one of the key points made by opponents of this aid program is that if it is enacted, it allegedly will undermine the Central American peace accords. Those of us who support the proposal are cast as opponents of the Arias plan, while those who oppose it cast themselves as champions of the Arias plan.

I regret that in our debate today those of us who favor a vote of military aid-in-escrow have been too defensive on this point. I believe that our approach in fact will strengthen the diplomatic efforts of Central America's democratic leaders.

To make my point briefly, it has been said that "escrow accounts and deadlines for democracy will not work. What is more important is the trend toward reconciliation and peace."

Nicaragua has never known democracy. It will take years, not weeks, to achieve.

Mr. Chairman, I submit that my colleagues should address these remarks to the Central American leaders who signed the peace ageement last August 7. It was they who set deadlines for the democratization of Nicaragua—not we. It was they who said it should be done in a brief and finite period of time—not we. It was they who set out specific criteria which defined what democratization should include, not we.

Opponents of our proposal have a right to describe it as unrealistic. But they must then also tell President Arias that he was unrealistic. Opponents of our proposal have a right to reject clear deadlines and standards. But then they must acknowledge that they in fact reject the fundamental premises of the Arias peace plan.

I have heard opponents of our proposal say over and over in past months that United States policy in Central America lacks clear objectives. Now the Central America Presidents have given us what we like to call clear goals and timetables. Our proposal puts teeth into their approach.

I have to confess my concern that some who speak against our proposal may in fact be uncertain in their commitment to democracy in all of Central America.

They may be willing to accept something less. They may be willing to seek a deal with the Sandinistas and their patrons: We will pull the plug on the Contras and turn the future of Nicaragua over to you, if you will give us some soothing paper promises about security matters, ending your aid to insurgent groups in neighboring countries, and the like.

If my concern is right, then this is not just a debate about how best to achieve democracy in Nicaragua, or how best to support the Arias plan. There is an underlying issue: Whether or not the essential concept of the Arias plan is sound, and whether the United States should use its influence to make it work.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. Feighan].

Mr. FEIGHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the United States prides itself on being a country of law, but it's hard to think of any other foreign policy that has run so counter to that principle. When we consider the events of the last year, it is amazing to me that this vote could be so close.

Let's have a minute to look at just how far this administration has gone outside the law in pursuit of the Contra war policy:

In support of the Contras, the administration mined Nicaraguan harbors and violated our international treaty obligations to the United Nations and the OAS.

To keep its war going, the administration ignored the Boland prohibitions on Contra aid passed by Congress.

Then the administration proceeded to violate the Arms Export Control Act and divert its ill-gotten gain to the Contras.

All illegal acts taken to advance an already illegal and immoral foreign policy.

But it doesn't stop there. Just last week we learned of new allegations of FBI spying on those people who have opposed administration policy in the region. This latest turn makes me think that it is time to look not at what Contra aid is doing to Nicaragua, but what Contra aid is doing to the United States.

Over the years, the administration has advanced an a la carte approach to finding a rationale for aiding the Contras. Back in 1982, it was a policy designed to interdict arms. From there it grew into designs to overthrow the Sandinistas. Then, President Reagan said he'd settle for making them "cry uncle." And now the administration argues that we need to preserve the Contras to keep the Sandinistas honest. This ever-shifting approach has never succeeded in convincing the majority of the American people and it should not pursuade Congress today.

Beyond the issues of illegality and the ever-shifting rationale, the administration's failure can be traced to a simpler root. The policy simply doesn't make sense. The internal logic is as slippery as the external justifications:

The administration says that the Contras have a groundswell of popular support, yet if we cut off aid, they will disappear tomorrow.

The administration says that we should support the Central American democracies, but at the same time, we should ignore their united call for an end to Contra aid.

And when the peace plan's author says that Contra aid is the greatest obstacle to peace in the region, the administration asks for more aid. In bizarre fashion, we are asked to vote for more war to ensure peace.

The Arias peace plan represents an alternative. It has succeeded in opening a political space in Nicaragua and has wrung concessions from the Sandinistas. More aid to the Contras will be the death knell for the plan and a continuation of a proxy war that the Nicaraguan and American people simply do not want. Let's resolve today to join our allies in the region and give them the ability to build peace in the region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. Oxley].

Mr. OXLEY. Mr. Chairman, today we are talking not so much about money, but pressure, and we found in our most recent history that pressure means something. It meant something when we put the Pershing II's in Germany and finally got the attention of the Soviets about taking out the missiles in the INF treaty.

We found out how much pressure meant when we supported the freedom fighters in Afghanistan and forced the Soviets to announce a withdrawal in Afghanistan. We have shown in the Middle East that pressure can bring about peace when we acted as we did in the 1978 Camp David accords.

So it is obvious that pressure does in fact work in foreign policy, and that kind of pressure that we can exert through the Contras is the kind of pressure that has led the Sandinistas to make some major reforms and some major concessions, but they can take them back unless we keep the pressure on.

It is going to be up to the Congress to determine whether in fact lethal aid can ultimately be released, and it seems to me a reasonable argument to make. It seems to me the Congress does have a role to play. The President has recognized that and has gone the extra mile in making that concession.

□ 1945

I say we should support that reasonable position. The Sandinistas have repeatedly offered cosmetic changes, only to turn around and take them away. They may reimpose the kind of Stalinist measures they claim to be foregoing to fill their "historic imperative," in their words, by undermining the freedom of their neighbors.

This Congress must reaffirm its commitment to freedom. We can do that very easily by approving this request and maintaining the Contras.

Mr. Chairman, there were some allegations made about FBI investigations of certain groups. Let me point out that those were only allegations that appeared in the newspaper. The FBI has the responsibility to determine whether those kinds of activities are illegal, and they were only doing their job.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. Mr. Chairman, last month, I was joined by 19 Democrat colleagues in urging the President to delay his request for additional aid to the Nicaraguan resistance.

I, along with many of my colleagues are convinced that Nicaraguan President Daniel Ortega is, for the first time in 9 years, being forced to recognize and pay more observance to the democratic principles. It is at this most critical period in the brief history of the Sandinistas that we must recognize the sensitive nature of ongoing negotiations between Ortega and rebel leaders as well as talks among the five Central American Presidents. The United States must exercise extreme care not to upset the delicate balance of these talks by providing the Nicaraguan President with the very escape hatch that he is seeking—newly approved United States aid to the Contras.

As we have all observed in recent weeks, the Sandinistas have come under intense pressure to comply with the Central American peace plan signed by the five Presidents in Guatamala City last August. The so-called Arias plan set the framework under which the other four Presidents have skillfully forced Ortega to observe critical points of the plan, such as, lifting a state of emergency and committing Nicaragua to direct negotiations with the Contras for a cease-fire and upon the cease-fire's achievement, a broad amnesty.

Additionally, Ortega faces increasing pressure internally from a deteriorating economy and the Contras.

In light of these developments, I view President Ortega's options as extremely limited. He can either obstruct the peace process and face political and military isolation or continue on the path to peace and democracy in Nicaragua. During the critical days ahead, the United States should support the process that has brought Ortega to his current dilemma. However, a congressional vote on the question of new Contra aid has the potential of allowing Ortega out of his box regardless of the outcome of the vote.

The administration was right to challenge its Democratic opposition in the Congress in 1985 with having no alternative policy to the Contras. I agreed and voted with the President. Now in 1988, there are alternatives. The Arias plan is already in place and the Democratic leadership of this House has promised its every effort to bring forward a humanitarian assistance proposal later this month. These alternatives offer the best hope of forcing Sandinista compliance with the regional peace agreement.

The administration's credibility and moral authority to lead United States policy in Central America was seriously eroded by the Iran-Contra affair. This development actually provided the Central Americans the political space to determine their own destiny if they chose. The Arias plan resulted.

Unfortunately, we are not a party to the treaty, which may be its greatest weakness. The Central American accord does not take into account security concerns of the United States and our Central American allies. These include the limitation or elimination of Soviet and Soviet Bloc military and security advisers, a substantial reduction in the size of Nicaragua's armed forces and guarantees against Soviet or Cuban military bases and the introduction of new weapon systems. These issues should be addressed in direct bilateral negotiations between Nicaragua and the United States in consultation with our Central American allies.

I urge my colleagues not to "overplay our hand" by granting President Ortega an excuse to avoid compliance with the peace plan. The United States must not be the obstacle to peace in Central America.

This is not the last vote on Contra aid. Now is not the time, when substantial progress is being made toward peace and democracy in Central America, to send—or even promise to send—more military aid to the Contras. Rather than offer Daniel Ortega a convenient escape clause, let's strengthen the U.S. favorable position by challenging the Sandinistas to further concessions.

The modest amount of U.S. humanitarian aid to the Contras being contemplated by the leadership does not tilt the balance in the region or give Ortega an excuse to refuse to comply with the treaty. It sends a clear message to Nicaraguan leaders that tactics aimed at stalling the Central American peace process could be met by continued support of the Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Stenholm].

Mr. STENHOLM. Mr. Chairman, I feel compelled to speak again, because this is about the fifth time today that we have heard this secret plan that is going to be coming out within the next 2 or 3 weeks that is going to do 95 percent or maybe 99 percent of what we are doing tonight. Since many of my colleagues who have been on the fence and are very close to going either way are counting on this secret plan, I felt compelled to point out that on all the key votes for Contras within this

House since we have been voting on this issue, there have only been 57 Members on my side of the aisle who have consistently voted for any kind of aid.

I must say to those who are using this as a reason and a rationale for not voting for the package tonight because of this hope that somehow, someway, those 220 Members who have never ever voted for any kind of assistance are somehow going to see the light and be persuaded to do what many of my colleagues, particularly the gentleman from Oklahoma who just spoke, hope they will do and that is vote for a Contra aid package for the first time in their congressional lives. I believe that the plan that we are voting on tonight is 99 percent of what the gentleman has advocated and worked for in the last 2 years, but that last 1 percent keeps him from being there tonight.

I am disappointed when not only the gentleman from Oklahoma, but also others of my colleagues, hold out this hope that somehow there is going to be a secret plan and that something is going to be better and we are going to pass it.

Now, you have to look at what is in that proposal that is going to be coming: additional Contra aid be limited to food, clothing, and shelter, that such aid be provided only if a ceasefire is in place, that aid provided on the latter basis not exceed 60 days. Micromanagement of foreign policy at its best.

There are so many strings attached to this, real problems associated with it, that I ask my friend and others to seriously consider whether or not tonight is not the night, whether or not there will in fact be another chance. That is the basic question that we have to answer.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I agree with the gentleman from Oklahoma. He is emphasizing not a secret plan, but a question of open military assistance at this point.

The tumble toward continued war and carnage in Central America has been broken, not by broken bones, but by the Arias peace initiative. A peace process is underway for the first time.

Does new military aid to the Contras contribute to the peace process in Central America? It does not. It would not be viewed that way by the Central Americans as they have made clear. You do not throw fuel on the fire, in this case more lethal aid to the Contras, when the leaders of the Central America governments are trying, with some measurable results today, to put the fire out.

There has been movement by both sides in this conflict. Our Government has made itself a party to the peace process by backing the Arias initiative. Contra and Sandinista delegations met recently, as we know, and they plan to meet again. Nicaragua has taken several tentative steps toward compliance with the Arias plan.

The Sandinistas have not suddenly changed all their stripes. The internal opposition remains justifiably cautious, but the improvements should not be dismissed. The Arias initiative has created pressure on the Sandinistas, it has created pressure on the Sandinistas to open up their society even further.

At this crucial moment, a vote against the Reagan Contra aid policy is a vote for the peace process. Approving the Reagan policy of military aid to the Contras would in the name of pressure be more likely to poison the chances for a just peace settlement.

Mr. Chairman, I strongly urge its defeat.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I know that we are all after the same thing, peace and democracy in all of Central America. We are just going after it in different directions.

This last weekend I went to Managua, Nicaragua, and spent 2 days visiting with more than nine different individual groups and organizations. This was the first time that I had heard some of the stories from the people of Nicaragua. I have not heard them explained to me from this side, my side of the aisle, I did not know that some of these problems existed.

Our first meeting was with Archbishop Bosco Vivas of the Cardinal's office, and his educational director, who had the ungodly name of Ortega. We met with him. We came away with the commitment that the church supported this vote here today. They told us a lot of sad stories. The cardinal of the Catholic Church since the earthquake several years ago has been trying to get a permit to restore the main cathedral which they cannot occupy because of the earthquake damage, but the Nicaraguan Government, the Sandinista government, says that church would be too large and allow too large of a public gathering, so the cardinal has to hold his church meetings in a smaller church.

We met with representatives of labor unions, and it was interesting to note that the AFL-CIO supports over 100,000 Members of labor groups who met with us down in Nicaragua. These 3 labor organizations support this vote today for Contra aid and said there would not be an on-going peace conference today if it were not for Contra aid, and the pressure of today's vote.

The labor leader reported that he had been ordered to become a neighborhood block captain and to attend two weekly meetings at night. When he refused and pleaded that he was too busy the Sandinistas told him, "We didn't ask you to consider it—We told you to do it." When he refused again, they put a sign in his yard that said, "This is an enemy of the people," and marked him for death.

We met with the January 22 Group of Mothers of Political Prisoners. Eighteen poor women who have sons dying in political prisons, who told us when Somoza, who they did not like, or support, was deposed from office, there was just one prison. Today, there are 14 prisons which they knew by name and numerous secret holding cells on military bases. The secretary of that organization, a mother of about 65 years old, said her son, a doctor, had his clinic confiscated and was put in jail simply for being rebellious and objecting to repressive policy—and was dying in prison. She was told that if she did not watch herself—she herself would be put in prison.

This group, Mr. Chairman, was beat up at their last meeting prior to this meeting by the Divine Mob of the Turbers, the equivalent to the young Red Guard of the Soviet Union. When we left this meeting on Saturday afternoon, January 30, one of those women was apprehended and put in jail for speaking out and protesting the imprisonment of political prisoners.

We met with Mrs. Violeta Charmorro, the editor of the La Prensa newspaper, and her brother-in-law, Hiemie Charmorro, who told us that their paper was open and free and could print as long as they did not print an editorial of any kind which criticized the Government. She predicted that the paper would be shut down completely, in the event of such an editorial. She told us that she supported the Contras, and Contra aid, that there would be no peace accord if there was not a threat of Contra aid.

We met with the internal opposition of 14 political parties who had come together under 1 group to field candidates for local and national elections if there ever are free elections in the country, which some found doubtful. They told us that 10 of their members had been in Costa Rica during recent conferences and testified at a press conference against the Sandinista 600. When they returned to Nicaragua, nine of them were jailed, and one prominent individual was sent to the front to fight because of speaking out against the Government.

The Permanent Commission on Human Rights, whose credibility, in my opinion, cannot be disputed. These people complained that now that they could have so-called free and open meetings, the Turbers, or the mob harassed and pressured the meetings and demonstrations of complaints to the Government resulted in a reply that the people were objecting and there was nothing they could do.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield another 30 seconds to the gentleman from Georgia.

□ 2000

Mr. RAY. So, the Permanent Commission on Human Rights reported that the Government tells people, sure, you can have an open meeting, you can demonstrate in the streets, but when you do we cannot protect you from the people—meaning the divine mobs, or the turbers.

My colleagues, we attended a demonstration of several hundreds of citizens which included members of the internal opposition who shouted slogans, "Sandinistas leave."

These reports are from the citizens of Managua, Nicaragua of about 1 million people.

I was somewhat surprised to hear this strong opposition to the Sandinista government, because their voices are seldom heard in this Congress or this country.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, this debate has gone on for hours and hours, and one point to me is particularly striking right now and that is that the real democrats in Central America say that military aid to the Contras is the problem not the solution.

I think at this point as we move to a vote, we ought to listen to the leadership of Costa Rica and Guatemala and other democratic nations, and those are countries that are telling us that the military route, providing military aid to the Contras is the wrong way to go and not a step forward.

Mr. Chairman, if we go that route, the route of aiding the Contras, it is a go-it-alone strategy for the United States in Central America. Our allies are not with it. It is clear they do not support that route, and in fact many of them have spoken out against it.

Mr. Chairman, I think tonight we ought to do as the citizens of Oregon have suggested for days and days, to step back away from a military solution to the civil war being fought in Nicaragua. It is a loser and we ought to reject it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I say to my colleagues for years now we have struggled to aid the Contras knowing full well they were our best hope to restore democracy in Nicaragua.

Either support the Contras or send our own men in, somewhere, sometime, someplace. Who in his right mind wants to do that?

I confess that in supporting the Contras all these years and keeping them barely alive our goal was not just peace but rather was freedom in Nicaragua, regional peace in Central America and fundamental democratic prosperity in our hemisphere. Before the Contras, our chances to achieve any of these goals was zero. Now as minimal as our aid has been, the chances for real peace and freedom in Nicaragua are much improved over the past 7 years. This progress is the result of many factors, the economic collapse within Nicaragua, the cooperation of regional presidents in a series of peace initiatives, the situation existent between the Soviet Union and the United States, the courageous showing of Jose Napoleon Duarte in El Salvador, and the Contras, and more than anything else the Contras. The Contras have forced the Sandinistas to the negotiating table. The Contras have forced the Sandinistas to bend their dictatorship, however temporarily. The Contras have forced the Sandinistas to turn inward rather than outward in their revolutionary salesmanship. The Contras have forced Daniel Ortega and the Sandinistas to stop visiting Moscow and start visiting the Vatican.

As the Contras have grown in strength the Sandinistas have grown in negotiating fervor. Thus, it works in the real world. We need the Contras. If our objective is real peace with real freedom in the region, we need the Contras.

Some have opposed this critical premise from day one, and they will do so again tonight. Logic and history show very clearly that they are wrong, in my opinion, but it is not to them that I seek an alliance on this issue. It is with those of my colleagues in the middle that I seek the strength of partnership, those of my colleagues who felt strongly both ways, those of my colleagues who see some truth in that we do not need guns to negotiate strategy and yet those of my colleagues who read history and believe there are no negotiations at all without strength.

I am asking those of my colleagues to give peace and freedom a real chance in a real tough world. Let us keep the Contras prepared to fight for freedom in case the Sandinistas are prepared to lie again. There are no guarantees. All options have risks. Let us join the President and keep the fight for freedom alive.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Chairman, I compliment the gentleman from Wisconsin [Mr. OBEY] for his continued leadership for peace in Central America.

Mr. Chairman, I have spoken many times on this floor on this particular issue and I apologize for again speaking.

We are not negotiating from a position of strength today as the United States on this issue. We are negotiating from a position of weakness because we have given away with the support of the Contras what makes America great. We have given away those things that make this country great, and I find it very disturbing that people have continually all day long on this floor equated strength with military power and then tried to lay history on to that, because anybody that looks at history at all knows the nations that relied upon the military for their main strength always failed. The strength of America is not the Maginot Line of supporting a military approach to foreign policy. The strength of America is the principles upon what this country was born and lives on, the strength of America is the support of other countries' right to self-determination.

The thing that is wrong and that has put us in a negotiating position of weakness in Central America is the support of a Contra policy based on overthrowing another government and its right to self-determination.

How in the world can we stand on this floor and say the strength of America is based on supporting the Contra military overthrow of another government?

That is exactly against the strength of America. The strength of America is leading for democracy by example. Leading for peace by example.

Mr. Chairman, I urge my colleagues to defeat the Contra aid package and return America to strength.

Mr. Chairman, I hear four main arguments for Contra aid today and they are all flawed.

First. The first is that Contra aid will help the people of Nicaragua, either by making the Sandinistas negotiate faster or by replacing them with a new regime, the Contras.

In reality, Contra aid will get more of the people of Nicaragua killed. International diplomatic pressure, such as that which has been so expertly exerted by President Arias of Costa Rica, will speed the negotiations. From what we know of the Contra leadership, they would be no clear bargain as a new government for Nicaragua.

Second. The second argument is that Contra aid will help the United States by making us more secure. I have not seen evidence that the Soviets are establishing a military beachhead in Nicaragua—and even the administration's Nicaraguan defector, Roger Miranda, says that has not been discussed. As former CIA Chief William Colby pointed out in the Atlanta Constitution, if the Soviets were doing so, it would be talks between the United States and the Soviet Union that would put a stop to it, not pressure from the Contras.

Third. The third argument is that Contra aid will help the other Central American countries by stopping Sandinista aggression or support for guerrilla movements in other countries. I know that a lot of Members haven't been in Congress long enough to remember that the Reagan administration once came up and told us that there was evidence that the Sandinistas were arming the Salvadoran rebels and they had found some people who were interested in being hired by the United States to interdict those arms and keep them out of El Salvador.

The people they hired to do that job are now, of course, the Contras. Since then, the Sandinistas have found plenty of Americans smuggling arms to guerrillas in their country, but the Contras were never able to turn up a boat load, plane load, or mule load of arms leaving Nicaragua for any other country. Instead, the Contras have used our aid and pursued the armed overthrow of the Government of Nicaragua, specializing in hitting civilian and economic targets.

The administration's policy of helping the Contras establish bases and supply lines in Honduras has created a justification for Nicaragua to be an aggressor. But Nicaragua has not taken out these bases. And Nicaragua's neighbors, its frontline states, do not want us to fund the Contras. I think they know what they're talking about.

Fourth. And, finally, a fourth argument is that Contra aid will help the Contras, that it will provide them with food and blankets, that it will help them keep body and soul together while the peace talks finish up so they can go home or, presumably, choose to return to the fight if the talks don't go well.

That is not what this money will do. This is not money to wind down the war and repatriate the Contras. This money—the humanitarian part of it—is for radios, for military training, for aircraft leasing, for command and control, for communications equipment, for air defense, for propaganda. It is not for beans and penicillin and it is not to help the Contra troops and their families. It is to help the war effort.

Mr. Chairman, the administration policy in Nicaragua has been riddled with lies from start to finish. The Contras weren't there to interdict arms. Walkie-talkies and jeeps are not humanitarian aid. The Sandinistas are not the devil incarnate and the Contras are not the equivalent of our Founding Fathers.

Today we end the Reagan policy. Today we stop acting as though recruiting a band of armed men to kill thousands of Nicaraguans is the best way to stop press censorship in Managua. Today we stop acting like a country which has so few diplomatic and economic tools at its disposal that it has to hire an irregular army in order to have any influence on a tiny, impoverished country.

Tomorrow, I hope that my colleagues on both sides of the aisle will join in working out a proposal that supports the Arias plan. We are not isolationists. We do not believe that Central America's problems will all be solved by stopping United States funding of the war in Nicaragua. There is much to be done.

The CHAIRMAN. The Chair will remind all persons in the Gallery that they are here as guests of the House, and any sign or manifestation of approval or disapproval is contrary to the rules of the House.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I rise in strong support of aid to the freedom fighters.

Mr. Chairman, the opponents of U.S. aid to the Nicaraguan freedom fighters say they oppose it because they want to give the peace process a chance. I rise in support of this aid for the same reason. Clearly, the only reason the peace process has come as far as it has is because of the little stick—it's certainly not a big stick when compared with the huge amount of aid the Soviets have pumped into Nicaragua—the little stick that we have provided to the freedom fighters during the past few years.

The opposition said that we could not give President Reagan the authority to certify whether a cease fire has been accomplished and release the very small amount of military aid that he has requested. Despite the fact that he was elected by the American people twice to make exactly that kind of determination, he has agreed to let us vote on that question. This is a dramatic concession and it shows us the strength of the feelings within the administration that the humanitarian aid is necessary.

Many of my colleagues are under intense pressure from both sides on this issue, but I would advise them to look to history for guidance. Recent history shows we have a poor record of defending democracy. We were duped by Castro, and by the time we realized the atrocities of his regime, it was too late to do anything about it. If you have read any of the recent literature on life and death for political prisoners in Cuban prisons, you realize what a tragic mistake we made there, just 90 miles from our coast.

We betrayed democracy in Vietnam. Historians will debate forever how we could have saved the Vietnamese from the terrible conditions they now suffer, but the fact remains that if we had possessed the political will, we could have saved that nation.

Mr. Speaker, fellow colleagues, don't let this happen a third time. Right now, the Communists in Nicaragua are trying to convert their military opposition into political opposition. The problem with this is that in Communist societies, political opposition almost always disappears unless it has the backing of military force. In an economically backward nation such as Nicaragua, this is inevitable.

Finally, if you won't support the freedom fighters for the sake of the Nicaraguan people, support them for our own interests. You all know the arguments against another Soviet base in this hemisphere. If the Contras fail to bring democracy, that's what we'll have. And that responsibility will rest on the shoulders of each member of this body who votes against helping the freedom fighters.

The people of Nicaragua are being oppressed. Aid to the Contras provides the only incentive to the Sandinistas to stop the oppression. Aid to the freedom fighters is in the interests of the Nicaraguan people. Aid to the freedom fighters is in the interests of the United States. Aid to the freedom fighters is in the interests of peace and democracy.

Mr. Chairman, I have two brief articles here that I would recommend to any of my colleagues who are still having questions about this issue and I will insert them into the RECORD and I would also like to invite any member wanting to see them before the vote to see me as soon as possible.

THE SUBTLE UNDERMINING OF A NATION—PART I

(By William O'Neil, Chairman)

(I realize this subject is very controversial and there are many different views and opinions on the issue. However, the following facts should be carefully considered since they might affect the future of this country.)

In October 1987, Major Roger Miranda, top aide to Defense Minister Umberto Ortega and chief of the Secretariat of the Ministry of Defense since 1982, defected from Nicaragua's Sandinista government. Major Miranda testified before Congress and reporters in December and gave Congress detailed first-hand evidence of the Sandinista communist government's plans for a massive military buildup in Nicaragua.

Most of the enormous arms expansion is scheduled to occur after Washington stops funding the Contras or after the Contras are otherwise eliminated in the next two years.

Major Miranda brought with him a 45-page preliminary contract between the Sandinistas and the Soviet Union listing all the weapons the Soviets are to supply Nicaragua between 1988 and 1995. An absolutely crucial point is that the agreement was secretly negotiated with the Russians one month after Daniel Ortega, leader of the Sandinistas, signed the Central American peace accord promising his government's peaceful intentions.

SOVIET WEAPONS BUILDUP

Among the Soviet items to be provided the Sandinistas are: A squadron of MiG-21 fighters, ground-to-air missiles, more MI 24 attack-helicopters, weapons to build a 600,000-man army (20% of Nicaragua's population), four 400-ton naval ships, gas warfare equipment, flame throwers, upgrading to heavier artillery and a new air defense system. All weapons damaged or lost in battle are to be "instantly re-supplied by the Soviet Union" to maintain maximum fighting strength.

The Sandinista Marxist-government further agreed to continue operating its terrorist training base inside Nicaragua for "exporting revolution" into neighboring countries of El Salvador, Honduras, Guatemala and Costa Rica. In the event of future American intervention, the Soviet- and Cuban-backed Sandinistas also have contingency plans to send terrorists into neighboring countries to take American citizens hostage and to bomb unarmed Costa Rica.

The Sandinista government has not fulfilled any of its numerous promises for democratic freedoms made since 1979. Its latest deception in professing peace and then secretly negotiating a gigantic arms increase indicates it definitely cannot be trusted. They are in reality preparing for serious war; not sincere peace.

There is no match for any of these powerful, advanced Soviet weapons anywhere in Central America. Unbelievably, this immense military escalation was openly acknowledged and confirmed in a press release from the number two leader of Nicaragua's government, Defense Minister Umberto Ortega, Daniel Ortega's brother. An original translated copy of the contract was sent to me by a deeply concerned member of Congress. If you want a copy, I will send it to you.

Congress will vote Feb. 3 on the question of continued aid for the Contra rebels who are trying to halt the spread of communism in Central America. The presidents of El Salvador and Honduras have told the United States that the only thing that drove the Nicaraguan Sandinista government to the negotiating table was the presence of the Contra resistance.

President Reagan and Secretary of State George Shultz, plus other key members of the administration, strongly feel Congress must keep constant pressure on the Sandinistas as it is our "only guarantee" or insurance policy that they will have any incentive to fulfill their promises of freedom and democracy in Nicaragua.

If our Congress does not continue Contra aid, what is the alternative? All Americans will have to accept the fact of a consolidated Soviet- and Cuban-style military base permanently established on our mainland.

If this happens, the question will then be asked: "Who allowed it to happen?" The press has handled the Nicaraguan subject very poorly. The national media has not given the facts to the American people. The combined power of a Democratic-controlled Congress and a heavily Democratic national news media (more than 9 out of 10 journalists are Democrats, based on several surveys) have jointly contributed to the unwitting, unintended and subtle undermining of future U.S. national defense and security. Some CBS reporters stationed in Managua apparently seem to maintain close relations with top members of the Communist government. This results in the communist government's point of view being continually presented and given equal or sometimes better news coverage.

While presenting the Sandinistas' side, the national media never refers to the Sandinistas as a communist government, which is what they are, but refers to them only as the government, or the leftist government (a more polite and forgiving term). This confuses the issue for the public. No coverage has been given whatsoever on the subject of why a permanent Soviet and Cuban communist military base in Nicaragua might post a possible risk to America's future national defense or security.

THE SUBTLE UNDERMINING OF A NATION—PART II

(By William O'Neil, Chairman)

How could a permanent Soviet-Cuban military base (a second Cuba) in Nicaragua pose a potential risk to America's future national defense or security?

1. The Panama Canal could be easily sabotaged and rendered useless in the event of hostilities.

2. Mexico and other countries are prime targets for future subversion.

3. Russian submarines operating out of El Bluff port on the Caribbean coast and Pacific Ocean ports such as Corinto, together with their base in Cuba, could enable the Soviet Union in the future to surround the United States with nuclear submarines operating along the East and West Coasts and the Gulf of Mexico. Since the Soviets recently acquired technology to operate quiet, undetected submarines off our shores, this would create a serious strategic threat.

4. Russian reconnaissance planes and Bear Bombers operating out of Punta Huete's new 10,000-foot-long airstrip could fly surveillance off our entire West Coast and listen to West Coast phone calls.

5. Fifty percent of our oil imports pass through gulf waters between Cuba and Nicaragua.

6. Soviet advisers are now present in Nicaragua and have flown their reconnaissance planes. Six thousand, five hundred Cubans are in every position of the Sandinista government as well as in the Nicaraguan military. Cubans also fly some of the Russian attack helicopters, have helped build 11 airfields and 40 new military bases since 1980, and serve as prison guards and torturers in Sandinista prisons. The Sandinistas now have more tanks and armored vehicles than Mexico.

But what about the interests of the Nicaraguan people? After eight years of communist Sandinista rule:

1. The economy is in shambles. The currency has virtually no value, with inflation at 1,500% a year. There are shortages of everything, particularly food, as commonly occurs in communist societies.

2. Gary Moore, a free-lance reporter who just returned from Nicaragua, said he found most of the people in southern Nicaragua constantly fearing and fleeing from Sandinista government troops. Land reform he indicated, was widely perceived as fake reform. People had their farms confiscated and converted to government-owned communal farms.

3. The Contras now have a base of good support in the countryside. The Nicaraguan people in large cities, however, are tightly controlled by the communist bloc system. They are issued ration cards that are taken from them, and jobs are withheld if they don't do what they are told or don't vote as suggested. The previous election was controlled through this mechanism as well as by attacks on the opposition by Sandinista government mobs.

4. P.J. O'Rourke just returned from Nicaragua and wrote his observations in an article on "Sandinistaland" in the December 3, 1987, issue of Rolling Stone, a very liberal publication. If you want a copy, I'll send it to you.

Why wasn't our President able to get his message out about Nicaragua, when he gave speeches on the subject and our State Department provided dozens of printed documents such as "The Sandinista Military Buildup" and "Inside the Sandinista Regime: A Special Investigator's Perspective" (devastating testimony from Alvaro Baldizon, an earlier top Sandinista defector)?

1. Our national news media never used the material, never told the American people about it. They concentrated on questioning and running down the Contras. Vital facts were unwittingly suppressed and withheld from the American public. At times, our national media has quoted U.S.-based, pro-Soviet, pro-Cuban, and pro-Sandinista human rights or think-tank studies as valid documentation in news articles.

2. Fierce opposition from the liberal wing of the Democratic party in Congress.

If Congress lacks the courage to continue supporting people fighting the spread of communism in their own country and on our continent, it is possible many voters might begin to view Congress as one of the more incompetent bodies in the United States. The Democratic party could also be making a serious mistake adopting as part of their platform the support of a communist government's positions and agenda, and failing to support those willing to fight for their own freedom and democracy. This could even be construed by some voters that the party might not be competent to manage either the government or foreign policy at the national level. It could even mean possible defeat at the national elections in 1988. The party should not be placed in the position of appearing to be either soft on communism or naive and weak in the foreign policy area.

The Arias Peace Plan is good, but Daniel Ortega's proven record is bad. The answer is: Vote for continued Contra aid to keep the Sandinistas' "feet to the fire," but hold back half of the military items for 30 days, and the other half of lethal assistance for another 30 days pending later review by the President and Secretary Shultz's State Department on the Sandinistas' complete compliance with their professed, but suspicious, promises.

The Afghan rebels did not fall for the phony peace offered by the Soviets, and now the Soviets are trying to find a graceful way to leave Afghanistan. If Congress and Central Americans let themselves be duped with cosmetic subterfuge, they could become the Neville Chamberlains of today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, we are at this late hour looking to a couple of more hours of debate and I think that the debate has been handled very well but there are some things yet to be said.

The gentleman from Washington [Mr. LOWRY] just spoke about dealing from the high ground, dealing from principle instead of through strength. The democracy of this great country has been kept because we have been willing to put our money where our mouth is, we have been willing to keep this country armed and strong through the process. In looking at what we are facing in Central America, if my colleagues truly believe that democracy is a companion of communism, then vote "no."

If my colleagues truly believe that the peace accord is to the best interest of Ortega's Communist government, vote no.

If my colleagues truly believe that without the threat of overthrow of his government that Mr. Ortega is going to abide by the peace accord, vote no, but if my colleagues believe, as I do, that it is to the strategic interest of this country not to have a Soviet base at our back yard in Central America, vote "yes."

If my colleagues believe for the democratic process to go forward in Nicaragua, that we have an alternative, an armed alternative that is there and ready to move forward in the event that the peace process breaks down, vote yes.

If my colleagues believe as I do in the future of this hemisphere and how we can work together through the peace process, vote "yes."

I have two young sons who are presently of college age. I do not want to see them in Nicaragua. We have an opportunity of supplying the young freedom fighters in Central America and solving this problem hopefully through the peace process. All of us want the peace process to work, but we cannot trust Mr. Ortega. Please vote "yes."

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, this is a faceless and nameless war to most Americans. We are told this war is being waged against the Sandinistas but we know the Sandinistas are not the people being killed. The victims are civilians, old men and women, farmers, laborers, and children. A recent study by the Harvard School of Public Health shows the effects of this war on one town. Acoyapa is a town of about 8,500 people in the war zone. In Acoyapa almost one in five households had a member leave their jobs on farms because they are not safe from Contra attacks. Nearly half of the children now suffer from chronic malnutrition. Over half of the people have experienced the death of a close friend or relative from the war, and one in five had lost a member of their household.

These are not soldiers killed in battle. These are civilians killed in and around their homes.

In Acoyapa, an economically devastated community in an economically devastated Third World nation, the leading cause of death for children over 6 years of age is firearms. Those children are not Communists or Sandinistas or terrorists, nor are they people exporting revolution into Costa Rica and El Salvador. They are being killed, however, by our surrogates with bullets we pay for and the President is asking us to cut another check to pay for more killing.

This policy is wrong. This policy has been wrong for 7 years. Our money is being used to finance a checkbook war that kills the people we are trying to save.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, today we are faced with yet another request for Contra aid. Let's look at the past 6 years and our policy. It has been a success if our goal is to inflict misery and pain on the poverty-stricken people of Nicaragua. But if our goal is to achieve peace and to create an atmosphere for democratic reforms then, clearly, the policy of providing aid to the Contras has failed.

Now it is time for the United States to listen to our allies in the region, whose fate is in much greater peril than our own, and reject aid to the Contras.

The Central American peace accord is the answer and it is supported by 13 Latin American nations. It represents the best hope to achieve peace and bring about political freedom for the people of Nicaragua.

The steps toward democratic reform already taken by the Sandinistas have been substantial and are a result of the peace plan—not of action by the Contras. Major concessions, such as the reopening of the opposition press and agreeing to direct negotiations with the Contras, have been made by the Nicaraguan Government. The peace plan is working. If we continue aid to the Contras then we will be giving the Sandinistas the perfect excuse they are looking for; the excuse to justify any repressive actions they would inflict on the people of Nicaragua. The Sandinistas have no good answers to offer the Nicaraguan people for their current desperate situation, so they use the Contras as a justification. Let's not continue to provide Ortega with the perfect excuse.

It is time for us to stop sending aid to the Contras and begin sending aid to Americans. Lets trade Contra military training for education and training for the unemployed American worker. Lets trade Contra transportation funds for improving America's infrastructure. Lets trade a failed policy of killing for a promising policy of peace.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I ask if $36 million is too much to ask of this great and magnificent Nation in the cause of peace in Central America. I firmly believe that the only way we can assist the peace process in Central America at this time is to keep the pressure on Nicaragua to negotiate and to keep its promises in an effort for peace. It is just $36 million, 90 percent of which is for humanitarian aid and only 10 percent for military aid, and that 10 percent, which is $3.6 million to be placed in an escrow account not to be used if the Sandinistas keep their word, if they do the things they promise to do.

I suggest to my colleagues very strongly that this House tonight ought to do no less than make this very small effort in the cause of peace in Central America. Our intelligence reports show us that the Sandinistas are in difficult problems in their economic processes in their country, that the people, the workers there, have lost their earning capacity, 90 percent of it since 1980, that inflation is in the several hundreds of percent per year.

Now is not the time to take the pressure off. Now is the time to keep the pressure on, and just think what is going to happen if they keep their word. That escrow money, that military aid, will never be used, but I believe this House, this Congress, in the name of the people of this country who have stood for freedom throughout the world down through the years ought to be more than willing to make this small effort in the cause of peace in Central America.

I hope that as we vote tonight we will not pull the rug from under the people who have been willing to risk their lives in the cause of peace, the cause of democracy, and the cause of freedom in the world, and I hope we will not blot from their hearts and their minds the determination to be a part of a peace process.

I hope we will pass and adopt this resolution for the Contras tonight.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise today in strong opposition to the administration's request for additional aid to the Contras in Nicaragua. In my view, this represents one of the most important votes we will cast during this session of Congress. After 7 years of spirited and often acrimonious debate, we have arrived at a point where the options presenting themselves are crystal clear in their implications for the future of Central America, and indeed, for the United States as well. It seems no exaggeration to conclude that the decision we make today will, to a large degree, determine the fate of Central America for years to come.

While I respect the President's desire for freedom and democracy in Nicaragua, I feel his tactics have quite plainly failed. The Contras have been fighting in Nicaragua for 7 years now, and have brought less freedom, less democracy, and certainly less peace. Each time the United States has continued to fund or escalate the Contra war, the Nicaraguan Government has responded with a narrowing of political freedoms and civil liberties.

In stark contrast, however, the Arias peace plan, begun scarcely 6 months ago, has already made tangible progress toward peace, as well as freedom and democracy in Nicaragua. The Sandinistas have lifted the state of emergency, disbanded the special military tribunals used to try Contra supporters, held direct talks with Contra leaders, allowed the opening of opposition newspapers and radio stations, released nearly 1,000 political prisoners and agreed to release the remainder if a cease-fire agreement is reached, and permitted numerous public demonstrations and meetings.

In its compliance report to the January 15 meeting of the Central American Presidents, the International Verification Commission concluded:

> In the case of Nicaragua, the International Commission has been able to confirm that in spite of the wartime suffering, it has made concrete steps toward initiating a democratic process.

In short, the peace plan has accomplished more in 6 months than the Contras have in 7 years.

The success of the Arias plan stems from its fusion of the inseparable objectives of peace, and freedom and democracy. The process initiated by the Arias peace plan is imperfect, and much remains to be accomplished. However, while it is possible that the Sandinistas will not sustain their compliance with the peace process, it is certain that they would not continue compliance if the United States continues funding the Contras.

Much of the debate today will center on the contention that the Contras have been, and will continue to be, a viable means of protecting U.S. security concerns in Central America. This question centers on the Sandinista's compliance with the Arias peace plan, and the degree to which their future intentions represent a threat to U.S. interests. While there is an urgent need for reform within Nicaragua, I am not convinced that the Sandinistas represent a threat to either the United States or our allies in Central America.

I am convinced, however, that regardless of how one views the Sandinista government in Nicaragua, the Contras simply cannot be an effective tool of United States foreign policy. While we have legitimate concerns over the Sandinista's behavior, it should not be assumed that aiding the Contras is the best means of addressing these concerns. Upon receiving the Nobel Peace Prize, Costa Rican President Oscar Arias himself stated that "the Contras, from my point of view, are the problem and not the solution."

Aside from exacerbating the violence and economic decline in Nicaragua, the Contras have accomplished very little. After fighting for 7 years, they have been unable to seize and hold territory or garner the support of the people of Nicaragua. In 1983 the political director of the FDN promised that "1983 is the year of victory. We will defeat the FSLN in 6 months." By the Reagan administration's own accounting, however, Contra forces have diminished by 25 percent since 1986.

We must also never forget the origin and composition of the Contra forces. In a 1986 memo to his boss Oliver North, Robert Owen stated that the United Nicaraguan Opposition:

> Is a creation of the USG (United States Government) to garner support from Congress. When it was founded a year ago, the hope was it would become a viable organization. In fact almost anything it has accomplished is because the hand of the USG has been directing and manipulating.

Commenting on FDN leader Adolfo Calero and his colleagues, Owen stated bluntly that "they are not the people to rebuild a new Nicaragua." Former head of the Contras Edgar Chamorro has stated that:

> We were an army controlled by the CIA. We were a proxy army, directed, funded, receiving all intelligence and suggestions, from the CIA. We had no plan for Nicaragua, we were working for American goals.

Finally after conducting on-site research on Contra human rights abuses during much of 1987, Americas Watch concluded that "their attacks on civilians have made them an outlaw force operating beyond the pale of civilized conduct." Contrary to President Reagan's claims, the Contras are clearly not the moral equivalent of our Founding Fathers.

The idea of sacrificing the Arias peace plan in favor of the Contras is even more disturbing—and irrational—in light of the widely accepted belief that the Contras can never defeat the Sandinista Army. Appearing before the Senate Armed Services Committee only 1 year ago, Gen. Paul Gorman, former head of the U.S. Southern Command, testified:

> You're not going to knock off the Sandinistas with a conventional armed force * * * throwing money at the problem at this point in time isn't going to produce, in my view, the kind of results that are required.

Recent CIA reports agree, evaluating the Contras as posing no strategic threat to the Nicaraguan Government. Commenting on President Reagan's $100 million Contra aid request in 1986, Robert Owen stated that:

> If the $100 million is approved and things go on as they have these last 5 years, it will be like pouring money down a sinkhole.

Scuttling the Arias peace plan to satiate the crusading ideology of America's new Republican fundamentalists would be gravest crime this body could commit.

The concerns I have outlined above do not imply a lack of awareness over America's legitimate security interests in Central America. President Reagan and House Speaker JIM WRIGHT have outlined three primary security objectives with which I concur: that no Soviet or Cuban military bases be established in Nicaragua; that Nicaragua not threaten the security of its regional allies through invasion or subversion; and, that Nicaragua respect the basic human rights of its people.

Addressing these security concerns is a valid and important goal of U.S. foreign policy in Central America. Meeting this goal, however, can, and must, be done through unqualified support for the Arias peace plan, and not through continued Contra aid. Nicaraguan President Ortega has agreed to meet these concerns if provided with sufficient security guarantees from the United States. Mikhail Gorbachev has also agreed to cut off aid to Nicaragua if the United States halts aid to the Contras. President Reagan is clearly in a position to make major strides in Central America as long as he is willing to halt aid to the Contras. The International Verification Commission established under the Arias peace plan stated explicitly that ending Contra aid "continues to be an indispensable requirement for the success of the peace efforts."

United States policy in Central America is in a position to make important progress if we are prepared to take advantage of the opportunities presented to us. The Arias peace plan represents a significant move toward regional autonomy and cooperation. Our allies have stated clearly that whatever insurance is needed to moderate Nicaraguan behavior can be provided by their collective moral, political, and economic pressure. The United States can and should play a part in this process. Our role must be constructive and not destructive, however. We would be foolish to reject the counsel of our allies in Central America and continue with the misguided Contra policy which has accomplished so little.

Years from now, historians may view our decision today as one which cast the die for Central America. If we pursue our interests, and those of our friends in Central America, in a rational and humane manner, history will record a steady process of economic and political growth. If we continue with counterproductive and immoral policy being pursued by this administration, history will record only continued decline into war and repression, the effects of which will eventually come to bear on the United States. We have made this mistake before, and I implore my colleagues here today not to tread this path again. It is time to opt for freedom and democracy, and peace in Central America. It is time to halt Contra aid once and for all, and pursue our interest through the Central American peace plan.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I believe I took the floor for the first time in 1983 to speak out against aid for the Contras. I do so again today for many of the same reasons.

Events in Central America only serve to reinforce those reasons. I said then that I believed that the only true solution to the region's problems must come from the nations of Central America.

I have consistently maintained that we cannot impose ourselves either through the Contras or otherwise on the nations of the region and their search for peace. That does not mean that we cannot and should not be players. We must remain involved in the search for peace, but that means listening to what Central American leaders want, not simply barging ahead with the administration's concept of how peace can be achieved: through the Contras.

I also mentioned back in 1983 that we should not ignore the human element to this debate. I mean that both in terms of the suffering of the people in the region as a result of our support for the Contras, and in terms of what it could mean if this conflict escalates to the point that the administration feels compelled to involve U.S. military personnel, even as advisors. I need not remind anyone in this Chamber what a slippery slope that can become.

I suppose in some ways the prospect of the so-called Contra war escalating has a very personal side to it for me that others may not share. That is because I am Hispanic, as are all the people of Central America. And if there is, God forbid, a direct involvement of U.S. troops in the region, then I can assure you that many of the U.S. soldiers involved in such a conflict would be Hispanic. They would be forced to fight against those with whom they share a common heritage, and in some cases, but for the grace of God, a common fate.

This is not to say that everyone in this Chamber is not concerned about an escalation of the Central American conflict. It is only to say that there are those who mistakenly wish to wage peace through a proxy war, rather than through a process endorsed by the region's leaders, including a Nobel Peace Prize winner.

Cardinal Obando y Bravo of Nicaragua, a man who is above reproach, is willing to stake his reputation in the name of peace by acting as a mediator between the Contras and the Sandinistas. We should share his courage and conviction that the peace process must be allowed to unfold without the guillotine of Contra aid decapitating it.

I would only like to add one more point for those who believe that if we do not support the Contras that communism will overtake the entire region. Our biggest enemy on that front is not the Sandinistas, but the chronic poverty that created the atmosphere under which the Sandinistas were able to assume power. It is corruption, poverty, and hopelessness that is the breeding ground for revolution. Revolution, even if it is lead by middle class Marxists, cannot take hold if the people are not suffering.

You won't find much support for revolution in Sutton Place, Scarsdale, or Shaker Heights. Let's get on with the business of winning the war against communism by fighting poverty and creating opportunity. Let's not forget that even the poorest of the poor only aspire to the same goals and ideals that we do: a decent life for themselves and their families.

Let's give peace a chance by voting no on Contra aid, and beginning the job of helping the people of Central America rebuilding their lives.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 8 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, after so many hours of debate all that can be said, all the known arguments that have been stated, and some with eloquence, have been referred to.

Mr. Chairman, this is not a matter of eloquence. It is not a mere vote for or against the Nicaraguan Contras. What we are voting for today is the future of Central America, and some do not really realize that. It is far more important an issue than winning or losing the vote this evening. The issue is: What will the consequences be of the vote tonight?

In deciding on this issue we look for a standard, we look for a measure by which to judge what we do and how we cast our votes this evening.

What shall be that measure? What shall be that standard? What shall be that polestar by which we guide our decision this evening?

Mr. Chairman, in looking for the guide, the standard, we find the words from John F. Kennedy's 1961 inaugural address where he said, "Communist domination in this hemisphere can never be negotiated."

Mr. Chairman, that is our standard. Mr. Chairman, that is our measure. President Kennedy spoke then as an advocate of freedom, of liberty, and of peace. President Kennedy knew the nature of communism and knew its goals and the ever restless tentacles and how they engulfed neighbors and along with that the loss of freedom and liberty. He knew the nature of communism. Communism does not change its goals any more than leopards change their spots.

Mr. Chairman, there are many historic votes that have been cast in this Chamber. Many of them send a signal around the world. Some are known, and some are not known until later.

This is an historic moment this evening, and let me refer to a vote that is little remembered, that back in 1939 this body voted against a $5 million appropriation for the harbor of Guam. The Empire of Japan saw that vote and received it as signal that the United States of America would not defend its interests in the Pacific. Of course that was a wrong vote and a wrong signal. We all know what came 2 years later, and that of course was the attack on Pearl Harbor.

Mr. Chairman, it is important that we realize the historic moment that we have before us tonight. We have heard from our friends to give peace a chance. It is a good slogan. It sounds good, peace, peace.

What kind of peace are we speaking of? Are we speaking of the peace of Castro's Cuba? Ask those who fled Castro's Cuba about the freedom and peace that remain there. Ask about the freedom and peace that cause them to leave. Yes, Mr. Chairman, that is one kind of peace.

The kind of peace that is in Nicaragua today is of a similar kind. The peace that is there is a peace that has press and radio censorship, a peace that has no labor strikes allowed, a peace that has political prisoners, a peace that has the fear of arbitrary police arrest and political arrest under a 1982 code, a peace where the police have the powers to try and sentence people under the codes that existed under Somoza, a peace where there is confiscation of all of the independent television stations and a peace that has the fear of the turbas, the Sandinista equivalent of the Nazi brown shirts of yesteryear.

Two years ago at this time the Contras were rather divided and they were a dispirited force politically and militarily. Their political leadership was divided into three different factions, and most of their fighters were located in refugee camps along the Honduran/Nicaraguan border. On the diplomatic front, the Contadora negotiations were stalled. Today the Nicaraguan resistance includes a political leadership that has broadened its representation and military force that is anywhere from 13,000 to 20,000 guerrillas fighting for freedom throughout Nicaragua. Its leadership includes many who at one time or another served with the Sandinistas. Alfredo Cesar, for instance, served in a succession of posts with the Sandinista Government and he is now a leader against it.

As for its military leadership, the resistance has a number of regional commanders who earlier were Sandinista fighters. Two of them were actually trained in Moscow and Havana. The guerrilla force of which they form a part has regained the tactical initiative and has brought the war in Nicaragua to a stalemate.

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This is a tough peasant army with popular support in the countryside that has helped bring the Sandinista government to the negotiating table. We should understand that. They have come a long way as a result of what we did here in 1986.

In addition to the military pressure, there has also been the political pressure put on the Sandinistas by the four Central American Presidents.

Last summer the five Presidents of the Central American countries signed an accord in Guatemala City that promised to bring to an end the three civil wars in the region by promoting reconciliation and strengthening democracy in each of the five countries. At their last meeting in Costa Rica 3 weeks ago, the four Presidents of the democratic countries criticized Nicaragua for failing to live up to the August accords. They called for immediate implementation of the agreements. Daniel Ortega, the President of Nicaragua, responded in a calculated fashion. He announced three major concessions: suspension of the nationwide state of emergency, direct negotiations with the Nicaraguan resistance and amnesty for 3,300 political prisoners. His declaration was greeted by some with hope and by others with great skepticism. President Duarte placed himself among the skeptics. "It is not sufficient for me, it is a small step," he said.

Cardinal Obando y Bravo noted, "There is much further to go."

In evaluating the peace process that has been in effect since last August when the five Presidents met in Guatemala one has to compare words with deeds. As a great Democrat of yesteryear, Al Smith, used to say, "Let's look at the record."

La Prensa was allowed to publish, but other newspapers closed down due to government pressure have not yet hit the streets. Yes, Radio Catolica is once again on the air and yet 20 other radio stations still remain silent.

Yes, 900 political prisoners were released in November, but this is only one-tenth of Nicaragua's unverified number of political prisoners.

While Daniel Ortega was announcing the end of the state of emergency in Costa Rica at the conclusion of the Presidents' meeting, the government was in the process of arresting 11 members of the internal opposition after their return from a meeting in Guatemala with leaders of the Nicaraguan Resistance. Even more ominous has been the reemergence of the "Turbas"—The Sandinista equivalent of the Nazi brownshirts of the 1930s—after a dormancy of 2 years. Since the beginning of the peace process they have attacked two human rights groups, a meeting of the opposition alliance, and a La Prensa journalist.

What we see is a rather sophisticated pattern by the Sandinistas of giving with one hand, while taking back with the other.

Both military and diplomatic pressure have taken a toll on the stubbornness of the Sandinistas. What is necessary at this point is to be consistent; to help promote the opening up of Nicaragua. What we want to do is open up the political process in such a fashion so that it can't be shut down. The analogy I would use is trying to open up a clam. A knife is needed for the job, a pickax is too blunt an instrument and a plastic fork simply won't do.

Only one-tenth the package, $3.6 million, will go for ammunition and air defense supplies; and that will be held back until the end of March. More important, Congress will have the final say on whether the lethal assistance gets delivered. If we pass such a resolution, then the President will not be able to deliver the ammunition and air defense weapons.

Military pressure must continue to help the diplomatic process. Such a strategy paid off in two milestone arms control agreements—the ABM treaty of 1972 and the INF treaty of 1987.

Good and positive agreements come as a result of strength and not of weakness. We should not have to relearn and relearn this, we should know this.

There are a number who would ask us to give peace a chance, being consistent is the right way to do it. Two newspapers that have consistently opposed aid to the Contras have changed their positions and support the package we have put together. Today, the Washington Post noted that while some say "Contra aid has not helped * * * we think the evidence finally goes the other way. Much has changed since Central American diplomacy became a factor last summer * * * a carrot and stick approach has moved the Sandinistas." On January 19 the Miami Herald said, "Until today the Herald has opposed military aid to the Contras * * *." To cripple the Contras—or, worse, to disband them—would be to forfeit Nicaragua to Marxism.

One final note. For those of you who think that this package will doom the peace process think again. Daniel Ortega, while visiting Norway said that negotiations for peace in Central America would continue even if the U.S. Congress approved extra funds for the Contras. He said "We must continue the peace process even if Congress approved the aid."

Thus, let us vote "yes" and by doing so let us not forfeit Central America to the Marxists.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I come to the well of the House today to express my personal opposition to the notion that democracy and the peace process will be served by the granting of further American aid to the Contras. I come with great pride as the chairman of the Congressional Black Caucus to announce that my colleagues in that body shall speak today with a single voice and a unanimous vote in saying no to this measure.

It is seldom that a question is posed which establishes so clear an opportunity to place America on the right side of history. Not only are our foreign policy interests imperiled by the folly of continued aid, the domestic impact is irrefutable. Fiscal responsibility has been thrown to the wind. Since the President has embarked on his campaign to rid Nicaragua of the Sandinistas, American taxpayers have spent one-quarter of a million dollars—half of which has not been accounted for. Simultaneously, we have seen a dramatic increase in domestic crises—borne of massive budget cuts. How does a Member of this body explain a yes vote to our homeless, to the millions of our children mired in poverty, to the family farmer, to our ailing senior population. There is no defense.

If there was ever a time when the actions of this House must be moral, thoughful, and deliberate—that moment is now. Let us give peace a chance and vote no.

Mr. CONYERS. Mr. Chairman would the gentleman yield to me?

Mr. DYMALLY. I am most happy to yield to my friend the gentleman from Detroit.

Mr. CONYERS. I thank the gentleman for yielding. I want to thank him for his courtesy in view of the shortage of time.

Mr. Chairman, behind this 37th vote on Contra aid lies a consideration far more important than the $36.2 million: Whether Congress has the will to withdraw its approval of this brutal, low-intensity war prosecuted by the President with a vengeance that makes clear to all Third World countries the fate that awaits them if they dare to proceed to govern their nations as if they were their own.

All of the continuous misrepresentations, large and small, made to our own citizens and to the world cannot mask the violations of international rules of law, treaties, and Federal statutes in this maniacal attempt to overthrow the Sandinista government by inflicting death, terror, and suffering upon its people. I am ashamed of what has been done in our name because it was not only unjust, it was unnecessary. We undermined the Contradora process. But by denying further Contra aid we indicate support for peace plan of President Arias. We may also salvage some of our honor and will surely have some of their lives.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Chairman, I rise in opposition to this "Rambo" proposal of President Reagan, to give another $36 million to the counterrevolutionaries of Nicaragua.

I have voted against such ill-advised aid everytime it has been proposed during the past 4 years, for two reasons:

First of all, I believe that the main argument for it is specious. The proponents in this body argue that this $36 million more for the Contras, this violent interference in the internal affairs of Nicaragua, is justified by the essentiality of advancing democracy and turning back Communist dictatorships in Central America.

Now, every anti-Communist thrust is not prodemocracy. For instance, the anti-Communist third reich of Adolf Hilter was an anti-Communist dictatorship, and many of us risked our lives in World War II fighting that Fascist regime.

At present, the Fascist/racist regime in South Africa is one of the most anti-Communist in the world—but it is also one of the most antidemocratic.

So, you see, a foreign policy which supports whatever is anti-Communist, often ends up also supporting what is antidemocratic-and that is part of our problem in Nicaragua. The U.S. Government has backed the most brutal totalitarian rulers there for the past 100 years, financially and militarily. Moreover, the Contras are related to the last barbaric dictatorship there, the anti-Communist Somoza regime which, of course, our Government supported.

When we find ourselves supporting antidemocratic movements merely because they are anti-Communist, we are on the wrong side of history. Some other Central America and Caribbean current examples are Haiti, Guatemala, Panama, and the Dominican Republic.

In other words, the Reagan administration's policy regarding Nicaragua does not promote democracy in that region.

Now, the second reason I oppose the bill before us, to give another $36 million to the Contras, is because our Government has already given them about $200 million of the hard-earned tax dollars of American citizens. More than $200 million—that is more than $10,000 per Contra; $10,000 per Contra to kill his fellow citizens; men, women, and children, $10,000 per Contra.

That is more than we pay the average senior citizen in the United States, per year; $10,000 per Contra for killing, more than we give for healing our own indigent citizens.

And hear this. The strongest debaters for this $10,000 per Contra are among the strongest debaters to reduce our Federal deficit. What hypocrisy.

They argue today to give the Contras more millions, but yesterday they argued that the Government was going bankrupt. They would rather give $10,000 per Contra, rather than give it to a deserving, would-be American college student, $10,000 per Contra, but reduced cost-of-living adjustments for American retirees, $10,000 per Contra, taken out of American Medicare needs, $10,000 per Contra, but not $10,000 per unemployed American, $10,000 per Contra, but nothing to keep an American family on its hard-earned farm or home, foreclosed by FHA.

I tell you, Mr. Chairman, charity begins at home. Take the Contras off welfare before reforming welfare at home. Let us heal our sick before we kill their healthy. First, reduce our budget deficit, our trade deficit, the stock market deficit, and our human deficit, in the United States of America.

Never will I vote for aid to the Contras of Nicaragua, when I need aid for my own district in these United States. I urge you to check your districts before you vote tonight.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to House Joint Resolution 444.

Mr. Chairman, we should concentrate in this debate on what we agree on. We would all acknowledge that we could not tolerate a military buildup in Nicaragua that threatens our security. We could not tolerate efforts to promote guerrilla activity with Nicaragua's democratic neighbors. But this request, unlike the many which have preceded it from this administration, comes at a time when a peace process is underway.

When it suits the purposes of this administration, proponents of Contra aid routinely invoke respect for our democratic allies in Central America. Then, when those allies painstakingly set forth on a path toward a negotiated settlement, we tell them that they have vastly underestimated the threat posed by the Sandinistas and the effectiveness of the Contras. Those who say that "Communists never negotiate" overlook President Reagan's recent negotiation of the INF Treaty and the fact that we can do business with our adversaries, whether in Moscow, Havana, or Managua, when it is in our interest and the interest of democratic nations to do so.

There is a risk in voting to disapprove this request. The risk is that the Sandinistas may renege on the concessions they made two weeks ago in San José. They may reimpose the state of emergency they so recently lifted; they may unilaterally violate the terms of any eventual cease fire. They may resort to the widespread imprisonment of the civilian opposition.

But the risk of ignoring the peace process is greater. We know for certain that the provision of aid—no matter how it is packaged—will cause the process to fail. What will our policy be then?

For the 6 years that the Contra war has been fought, this administration has continually declared that our goal is a democratic Nicaragua. But the prospect of real reform by the Sandinista directorate has invariably led to efforts to undermine or subvert any progress toward regional discussions of the shape of elections and the restoration of civil liberties.

We should be skeptical about the Sandinistas' concessions. They have shown every willingness to bankrupt the population of Nicaragua and to deplete the treasury with the threat of an invasion of United States troops. But we have also given our neighbors in Central America so many reasons to be skeptical about our own motives. Whatever became of the Kissinger Commission recommendations in the area of economic development? Whatever happened to the initial welcoming of initiatives in the areas of education, health, housing, and literacy for the other Central American countries? Those should be the focus of our policy, not the single-minded effort to destroy the Sandinistas militarily.

The policy of aiding the Contras intermittently may have contributed to the Sandinistas' decision to make temporary concessions. Whatever the motivation, they are there. That is the important fact. But the argument that we need to "keep up the pressure" makes little sense. The "pressure," the fighting, is not an end in itself. The goal is to foster the development of a Nicaragua that we and our Central American allies can live with. This vote comes amid a new set of circumstances, which we cannot afford to ignore. I urge my colleagues to oppose this request and to work to further this opportunity for peace.

Mr. AKAKA. Mr. Chairman, I rise in opposition to passage of this joint resolution.

Mr. Chairman, House Joint Resolution 444, providing $36 million in continued assistance to the Nicaraguan resistance, would provide funds to continue the war and extinguish the Central American peace process.

Since 1981, the administration policy of Contra aid has yielded only bitter fruit, failing to bring about the intended peace, or democratic reforms in Nicaragua. Instead, the outlook for peace and democracy in Nicaragua deteriorated over the course of the civil war, and the Contra presence in Honduras and Costa Rica threatened to destabilize the entire region.

It was not until the signing of the Guatemala accords last August that steps toward peace and democratization began in Nicaragua, indeed, throughout Central America. In 6 months, the Central American presidents with their accord have brought about the possibility for peace and reconciliation. The promise of a return to the rule of constitutional law, and the hope for democracy—achievements that over $277 million in American assistance to the Nicaraguan resistance have failed to realize.

What has American assistance to the Contras wrought? A long litany of failure: a dwindling, outmanned army that avoids direct engagement with the Sandinista forces; an army force that kills, shoots, and kidnaps innocent civilians while destroying peasant villages and farms; a resistance that cannot sustain itself, that cannot account for its expenditures, and that cannot capture and hold any strategic territory inside Nicaragua. Are these the forces we wish to entrust with the responsibility for bringing freedom and democracy to Nicaragua, and security to Central America? I think not.

The best hope for peace in Central America and the protection of the security concerns of the United States and our neighbors in this hemisphere rests with the Arias peace plan. We should resolve to encourage and seek participation in the process, and refrain from intimidating the four Central American democracies in an attempt to smother a regional, negotiated settlement.

Yesterday, while speaking in support of the administration proposal, the Secretary of State quoted a popular anthem in stating that we must give peace a chance. I agree, Mr. Secretary, but you can't get there from here, not with the President's proposal to continue the war. I urge my colleagues to defeat this resolution.

Mr. KASICH. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, the decision we make today will determine the fate of 5 million people and maybe the fate of all of Central America.

It will determine whether those 5 million people will be free to choose their own leaders, it will determine whether they will have a free press and political parties and trade unions and all of those freedoms which God gave, as a matter of right, not just to those of us who are white and speak English and live in North America, but to all people, including the people of Nicaragua.

This debate is partly about peace. About an end to the war in Nicaragua. About an end to the bombings and shootings. Every man and woman in this Chamber wants an end to the war in Nicaragua. On that, there is no disagreement.

But on two matters there is disagreement. Serious disagreement. Crucial, bottom line disagreement. And it is on those issues that the Members of this Congress must take their stand and choose their side.

First, to what extent are we talking not just about peace, but about freedom. Not just about peace, but about democracy. Peace, my friends, is an easily attainable goal. If the dictators of this world were not resisted, there would be no war. There would have been no war here 200 years ago, no war in Europe in World War II, no war in Cuba against Batista and no war in Nicaragua against Somoza. It is only when people resist oppression, when they demand the right to be free, that there is war. Submit to a dictator, whether he is in your own country or crossing your borders, and you can have peace.

The agreement that was signed by the Presidents of Central America is not a peace agreement. It is a peace and democracy agreement. It calls for a cease fire and democracy—free elections, free press, the right to political expression.

The Sandinista Government of Nicaragua has not complied with those agreements. The Presidents of every democratic country in Central America have condemned Nicaragua for its failure to comply. The Catholic Church, which is serving as the mediator between the Nicaragua Government and the resistance, has stated plainly that the willingness of Nicaragua to release its political prisoners—if another country will accept them—does not comply with the agreement. As Lino Hernandez, the head of the Permanent Commission on Human Rights in Nicaragua has said, that is merely changing the punishment—from imprisonment to exile.

The second area of disagreement is over whether or not United States assistance to the Contras is helpful to the process of bringing peace and democracy to Nicaragua.

What are the facts? Not opinion, but facts.

The agreement was signed on August 7. Between that date and January 15, there was virtually no progress at all in terms of compliance by the Sandinista government. The Presidents of the Central American democracies sharply criticized the Sandinistas for failure to comply with the agreements. Their moral persuasion did no good whatsoever. Their condemnation and their criticism did no good whatsoever. It was only when opponents of aid to the Contras told President Ortega that the Congress would vote for more aid unless he did something, that he did something.

Admittedly, what the Sandinistas have done is not much. Asked to allow democracy, they have permitted some demonstrations and prohibited others. Asked to allow a free press, they have allowed some press to operate and have denied licenses for others. Asked to release political prisoners, they have denied they have political prisoners but offered to release them into exile.

But whatever they have done they have done partly out of fear of the Contras and in response to the pressure from the Contras.

The Catholic mediators have described the Sandinistas as liars and have said they did not believe the Sandinistas would negotiate sincerely if the Contra threat was removed.

The leaders of the opposition political parties have said they would be allowed to operate if it were not for the Contras and if the Contras were removed as a threat, their parties would no longer be able to function.

The editor of La Prensa had said that if more aid to the Contras is approved, her newspaper will be closed by the Government—but if more aid to the Contras is not approved, the paper will be closed later—and then for good, and with no hope.

The mothers of the political prisoners look at you with tears in their eyes and say that if aid to the Contras is discontinued their sons will die in prison. And they say that as the Turbas, the Sandinista "brown shirts," the young hoods unleashed by the Government, taunt them and threaten them, and attack them.

Ask the Permanent Commission on Human Rights what it is like in Nicaragua today, after the peace accords, after the meeting of the Central America Presidents, and they will tell you that the Government still arrests those who are innocent, that the arrested are tortured in prison, and sometimes disappear. That the Government bombs small villages of peasants and forces them into relocation camps and that the government unleashes the Turbas to prey on innocent citizens with threats and beatings. This is the independent Human Rights Commission speaking, the people who led the fight against Somoza.

Ladies and gentlemen, every one of these people—the mothers of the prisoners, the priests, the human rights commission, the labor union leaders, the political opposition, the editors—every one of them tells us that if there are no Contras, there will be no freedom. And I tell you, if there is no freedom, there will be no peace. If there is no democracy, there will be no peace.

We cannot abandon these people. You cannot look into the tired and frightened and lost eyes of the mothers whose sons have been hauled off to prison for no reason, and abandon them without hope.

The dimensions of this resolution, which I have introduced for a bipartisan coalition of Republicans and Democrats, is not the issue. Ninety percent of this package is nonmilitary aid. There are no new weapons—just a resupply of ammunition for the weapons that are already there.

There are those who say "why is the vote today?" "Why can't we vote in 2 weeks or 3?" But they know, we all know, that the vote is today because the opponents of this package insisted that the vote be today and that was written into the law. And I will tell you that there is no guarantee that there will be another chance to vote on this. The real issues are simply two: first, do we get peace simply by allowing the Sandinistas to continue their military buildup, to continue their work for the Soviets and the Cubans, to continue the arrests and disappearances and tortures and beatings we protested against so strongly in El Salvador, but seem blind to in Nicaragua? Do we allow all of that to continue, or do we insist that we want both peace and freedom, both peace and democracy, as the Central Americans themselves demand?

And the second question is simply whether the Contras help that process along or hurt it? Speaker after speaker here today has said that to support the Contras is to destroy the peace process. But that is not what the Nicaraguans say. That is not what the Catholic Church, which is overseeing the negotiations, says. That is not what the labor union leaders say. That is not what the Commission on Human Rights says. That is not what the shopkeepers say. That is not what the political opposition says. That is not what the mothers of the tortured political prisoners say. That is not what the editors say.

No, the Nicaraguans, who have seen their Government walk out of the Contadora talks, who have seen their Government promise amnesty and deliver exile, who have seen their Government promise freedom and then unleash the young Turbas to threaten them and beat them, who have seen the Sandinistas smile for the United States, and then fly to Moscow, no, these people, the church, the press, the unions, the human rights monitors, they do not understand how we can fall for the same trick over and over and over again.

Once more, the Sandinistas promise they will not jerk away the football just before we kick it and leave us to fall flat on our faces. No my friends, the first two or three or five times this happened, you could plead trust. There is no excuse if we fall for it again—and the lives and freedoms of 5 million people are at stake. This is not a time for wishful thinking or for taking polls. This is a time to live up to your responsibilities as a Member of the Congress of the Government which is the protector of democracy and liberty.

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Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, this is the deliberative body of the greatest Nation in the world, the strongest Nation in the world, a nation that has stood for democracy and for freedom for over 200 years. But I must say to the Members tonight that I think we are not acting as if we were the greatest Nation in the world, the strongest Nation in the world, that nation that has been the purveyor of democracy around the world for 200 years. We have been that nation that other people, oppressed people throughout the world, have always known that if we existed, if the United States of America existed, there was always a light, a hope for freedom. I would suggest to those who support this additional aid for the Contras that the greatest Nation in the world can afford a few months, a little time to see if peace can be brought about in the Western Hemisphere.

I cannot tell the Members as I stand here tonight that the Arias peace process is going to work. I think it is going to work. I will tell the Members that I think we are a great enough nation to try to make it work, and I ask the Members to do so. What I can say to the Members is that we are not going to bring peace to the Western Hemisphere by supporting a bunch of mercenaries in this small country of Nicaragua.

If we want to handle the affairs of Nicaragua, we are the most powerful Nation in the world, and it is within our ability to do so and do so in short order. Yet we as a nation seem to have failed to have learned over the last 40-odd years, since the Second World War, some very definite things, things about which there is no question. Guerrilla warfare cannot be won without the support of the people.

We do not have that support through our mercenaries in Nicaragua. Even our generals, the two generals of the Southern Hemisphere, tell us that regardless of how much money we send to the mercenaries in Nicaragua, they cannot effectively hold any part of it for any length of time.

Have we not seen that ourselves since probably almost $1 billion has been transferred down to the mercenaries in Nicaragua? And what has been accomplished by it? Six years ago Nicaragua could not have beat itself out of a wet paper bag. Now that is not the case because every dollar we send down there is matched twofold.

So I say to the Members that even though $1 billion has gone to these mercenaries, they have not brought about peace. They are not going to bring about peace.

Are we not a great enough nation to let peace exist for a few months to try to see if our Western Hemisphere can be returned to democracy? I think we are that great. I think we do represent democracy, and I ask that as many Members as possible can vote against these additional funds for the mercenaries in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the President's proposal, House Joint Resolution 444.

Mr. Chairman, Simon Bolivar, the great South American leader of the 19th century, dreamed of making the Americas the greatest region in the world. "Greatest," he said, "not so much by virtue of her area and her wealth as by her freedom.* * *"

Today, freedom is on the rise in Central America. Fragile democracies are trying to grow with a new generation of heroic leaders.

The peace plan of President Oscar Arias, of Costa Rica, offers the best hope for security and peace in the region. I believe the request of the administration for military aid at this critical time undermines this initiative and the diplomatic progress that has been made between the nations of Central America.

The administration has made the Contras the primary instrument of its policies; I believe this narrow approach is unwise. Only the broadest possible program has a chance. This program must have several parts.

First, we must support the Arias peace plan. The peace plan is not solely a means to bring peace to Central America. It is also a means to bring democracy to Nicaragua. If the Sandinistas do not give Nicaraguans basic, democratic freedoms then the peace plan has failed. Censorship of the press, repression of political opposition, and suspension of legal rights must end for the Sandinistas to be in compliance with Arias peace plan.

Second, President Reagan has offered to send the Secretary of State to negotiate directly with Nicaragua. He should follow through with this proposal. Philip Habib, who was the President's Special Envoy for Central America, unexpectedly resigned in frustration reportedly because he was unable to negotiate directly with the Sandinistas. The Secretary of State should go to Central America to encourage the peace process. He should talk directly with top Sandinista officials to prevent a Cuban or Soviet military threat from developing.

Third, we must more clearly define to Cuba and the Soviet Union our vital security interests in Central America. We must be prepared to enforce these limits with American strength. Our responses must be specific and unequivocal—not undefined strategies such as the random mining of Nicaraguan harbors.

Fourth, we need to commit ourselves to a long range partnership with the fragile democratic governments of Central America. The Kissinger Commission report, all but forgotten by this administration, should be revived and implemented. We need a kind of Marshall plan for the economic development of Central America. Not since the Alliance for Progress in the early 1960's has any administration set clearly defined social and economic goals for the region and then aggressively worked to achieve those goals. A revitalized Peace Corps, an expanded program of surplus food distribution, and attention to the needs of Central America in health and education, all should be considered if we truly want democracy to prosper.

Fifth, we should immediately begin discussion with Mexico about trade relations and debt problems. A stable government and vital economy in Mexico is critical to our security and the development of democracy in Central America. Just as we have negotiated a comprehensive trade agreement with Canada, we need to strengthen our economic ties with Mexico with a free trade treaty. The consequences for not devoting more attention to Mexico are severe for Texas and the Southwest.

Sixth, we should give more support and credence to the opposition parties within Nicaragua. The political oppostion must be strengthened to challenge the Sandinistas in elections for the popular support of Nicaraguans. They will be the vehicle for true democracy in Nicaragua.

Finally, we cannot ignore the realities of the Contras. They may well have a place in a future Nicaragua. They have had an important role in the peace process. Peace is not possible without the Contras and the Sandinistas sitting down at the negotiating table. This process has begun; we should make sure the Contras can complete it.

I support a package of humanitarian aid that will keep them at the negotiating table without disrupting the peace process—to support them while they remain in the field. This aid must be strictly humanitarian: food, clothing, and medical supplies.

But the real question that we face today is not wherther we support the Contras in Nicaragua. The question is whether we support peace and democracy in Central America.

As John Foster Dulles once said: "You have to take chances for peace, just as you must take chances in war. * * *" I believe that the Arias peace plan deserves this chance.

Mr. GREEN. Mr. Chairman, I plead with my colleagues to vote against Contra aid and to give the Arias peace plan the chance it deserves, for that is what this vote is about today. I have often said that, although I have voted time and again against aid to the Contras, I am no fan of the Sandinistas. But then this vote is not about popularity contests.

This vote is about whether or not we are going to comply with the terms of the Arias peace plan, which says that no foreign nations will give assistance to the insurgents in the region. I hope that no one has to sell this Congress on the value of the Arias peace plan. It has in 6 months accomplished what 6 years of Contra aid has not—it has gotten the Sandinistas to agree to such democratic reforms as a lifting of the state of emergency, a general amnesty for political prisoners, face to face talks with the opposition, the opening of radio stations and newspapers, and the promise of free elections.

Proponents of Contra aid argue that the Sandinistas' motivation for these reforms comes from the Contra aid itself and that if we lift the Contra aid the Sandinistas will drop those reforms. To this argument I say that the stick in our foreign policy need not always be a gun. We have many incentives that I believe would be more effective than Contra aid and far more conscionable. It is after all, the economic disaster wrought by the civil war which has brought the Sandinistas to comply with the Arias plan, not any military victory achieved by the Contras. And we have many economic sticks at our disposal should the Sandinistas turn their back at any time on the Arias peace plan.

I ask those proponents of Contra aid, "What will we buy with some $60 million in Contra aid if we pass this package today?" In the short term, we shall probably buy the anger of the Central American presidents who have cosigned the Arias peace plan, for the peace plan specifically bans such aid. Second, we shall probably be buying an easy exit for the Sandinistas who can then vacate the democratic reforms they have been forced to accept.

But even more omnious is the long-term prospect of Contra aid. What could we buy with a full fledged program of U.S. aid to the Contras? The best, most honest consensus is that what we would buy is a protracted guerrilla war in Nicaragua with no victors and many victims. It is a prospect that our constituencies would not accept and our consciences must not condone. It is a prospect that would bankrupt whatever is left of the United States image in Central America.

The American public—as represented by the massive outpouring of mail and phone calls we have all received—views this vote today as pivotal to the future of the region and to our place in it. If we are to come down on the side of democracy, we must vote "no" to Contra aid. If we kill the Arias peace plan, the blood will be on our hands.

Mr. FRENZEL. Mr. Chairman, the question before the House today is relatively simple, but the overall policy of which it is a part is very complicated.

Despite the focus of national attention on funding of the Contras, it is a good idea to review the entire policy regularly, as well as the single element that we confront today.

For me the problem is especially difficult. When the Contras were presented as the whole policy. I have voted negatively. When they were integrated into a larger regional plan including economic assistance, I have voted positively.

Both proponents and opponents of Contra funding say that their vote will promote the achievement of the Arias peace plan. The administration believes that the Contras have been a vital factor in bringing the Ortega government into negotiations with the neighboring governments. And it believes that only the threat of the Contras caused Daniel Ortega to take recent steps to improve compliance with the Arias plan. Opponents believe that Contra funding will ruin the peace process, drive Nicaragua into the arms of the U.S.S.R., and continue to violate "the rule of law."

It is not hard for most of us to support freedom fighters in Afghanistan and Laos. Nicaragua is a more difficult choice. Many of us squirm at the thought of financing a Nicaraguan insurgency. At least I do.

In the days prior to this note, I have had more than the usual opportunities to discuss our Central American policies with administration officials. One recent positive development coming out of such discussions was the President's decision to involve Congress in the decision whether or not to go forward with the 10 percent of funding which is ammunition. Essentially the President is willing to give up his veto power if Congress disagrees that ammunition deliveries should go forward.

This modest change should not be interpreted as a wholesale revision, but it is an act of outreach which the opponents have not matched.

The opponents have talked about voting to resume humanitarian aid next month, but no proposals have been made, nor procedures guaranteed, nor dates set. Such a proposal has not been drawn, has no consensus support among anti-Contra forces, and cannot be relied upon when costing a vote today. So far the secret plan is still a figment of someone's imagination.

That makes today vote even tougher. There is no reliable backup. Those who would like the Contras preserved in a different, perhaps gentler, way are denied that alternative. At least they are denied an assured alternative.

And, even if such a proposal should come to this body, it would be, as described by a number of anti-Contra speakers today, similar to what is before us now. A pure humanitarian aid package for the Contras is not much different than the pending proposal as modified to provide congressional disapproval of lethal aid.

For those contemplating an affirmative vote, the larger policy is very important. Many anti-Contras do not believe that this administration really supports the Arias plan. Much of my recent questioning has dealt with administration goals for the region, and plans to achieve those goals. I have been persuaded that administration expects the Contras to be a factor in the achievement of the Arias plan.

The region needs our help in other ways, too. Without it, there will be difficulties in the area no matter what else happens. We need to provide more market access for all Central American countries, either through an improved CBI, or through another special market facility. Despite budget woes, we have to provide development aid as well. And, we have to stimulate U.S. investment. On all of these critical matters, the administration has had a better record than the Congress.

My own experiences have persuaded me of the intensity of anti-Contra feeling. Those feelings are genuine and must be considered carefully. American don't want to finance warfare or violence. Opponents of this bill fervently want the peace plan to work, and believe the Contras hinder that plan.

However, the Ortega government is, by most accounts, repressive, and not much given to living up to promises. It was drawn into the Arias plan discussions with difficulty, agreed to the plan reluctantly, and did not live up to its agreements. Recently it has begun to meet the obligations it accepted, but the most recent changes were undertaken only a few days before this vote. In an effort to defeat Contra funding. It is clear that the presence of the Contras has been the major influence on improvements in Nicaragua.

The deportment of the Ortega government has been regularly and roundly criticized in this House. The neighbors in the emerging Central American democracies are pretty critical, too, of the recent Gallop poll, sponsored by USIA, of attitudes in Costa Rica, Honduras, and El Salvador is to be believed. Overall, there is little on the record that would inspire confidence in the Ortega-Sandinista government.

I would be much happier if there were another option. A cheaper, exclusively humanitarian, package, as hinted at by the Speaker, has more appeal to me than the pending bill. But there is no other option. We must make a choice now.

Assuming that our goal is the full achievement of the Arias plan, and based on the performance of the Ortega government, I have reluctantly concluded that a vote for Contra funding is a better vote than one against.

The existence of the Contras, and our funding of them, has not impeded the process of peace. It seems to me that the greater risk, that of disruption and instability in the region, would be incurred if Contra funding was stopped, and, as a consequence, the Ortega-Sandinista government was relieved of pressures to meet it Arias plan obligations.

If Congress objects to the deliveries of ammunition, if and when they are requested by the President, it has only to muster a bare majority. If there is a cease-fire, and if the Ortega government is living up to is obligations, there should be no difficulty in making that majority.

If, as has been hinted by a number of speakers today, there is to be another bill coming later, I hope that its secrets can be shared on a bipartisan basis. It is long past time that this body attempts either to recreate a bipartisan foreign policy, or to at least seek consensus in these matters.

Mr. MOAKLEY. Mr. Chairman, I rise in strong opposition to the President's Contra aid package.

If we are truly interested in peace and if we are truly interested in a more democratic Nicaragua—then Members will reject this package. History has shown that every time the United States increases aid to the Contras—the Sandinista government has responded with restricting civil liberties.

Mr. Chairman, more has been accomplished with respect to democratic reform in Nicaragua during the last 6 months as a result of the Guatemala peace accord—then in the entire 6 years of the administration's war in Nicaragua. Whether the administration likes it or not—the peace process is achieving progress in the right direction. Let's build on this progress—not destroy it.

Mr. Chairman, I want to also urge my colleagues to refrain from calling aid to the Contras—no matter what the form—humanitarian aid.

As stipulated in the Geneva Conventions of 1949, true humanitarian aid must be made available solely on the basis of human need and not for any political purpose; it must be offered impartially to all sides in a conflict; it must go to civilians and noncombatants; and it should be provided through independent agencies that have not taken sides.

Mr. Chairman, what we are talking about today and what we have talked about in the past regarding Contra aid simply does not pass the test of what real humanitarian aid constitutes. The bulk of what has been provided to the Contras thusfar finances daily living needs of a combatant force and does not constitute what, by law, is humanitarian aid.

This is an important point. The fact is that our careless and sloppy misuse of the term humanitarian erodes the integrity of genuine humanitarian aid and puts at jeopardy the future of those in need whose lives depend upon the delivery of such assistance.

Further, providers of genuine humanitarian aid operate in conflict situations at the sufferance of warring parties. Our careless use of the term "humanitarian" here in Washington—puts these dedicated people and groups such as the International Committee of the Red Cross in danger. I hope my colleagues will respect the internationally recognized definition of the term "humanitarian" and use that word carefully.

Mr. Chairman, there are people in Central America who urgently need true humanitarian aid to relieve their suffering. Our efforts today should be aimed at helping alleviate the pain of the sick, poor, and disadvantaged—and not aimed at increasing the turmoil.

Any aid to a combat force—except emergency medical aid that is provided directly to sick and wounded on both sides of the conflict—is not humanitarian aid. The package we are discussing today is in no way humanitarian aid—it is yet another attempt to sustain the war.

I urge my colleagues to defeat the Contra aid package today.

Mr. Chairman, I would like to submit to the RECORD an excellent letter written to Members of Congress by a distinguished group of leaders involved in various humanitarian relief efforts around the world. I urge my colleagues to read this letter carefully.

JANUARY 29, 1988.

DEAR MEMBER OF CONGRESS:

We are writing to urge congressional support for efforts to meet the urgent need for humanitarian assistance in Central America—that is, assistance to relieve human suffering of civilians and non-combatants—including repatriation and resettlement of those displaced or exiled by the war. In so doing, we wish to clarify the use of the term "humanitarian" to characterize various kinds of foreign assistance. As executives of private and voluntary organizations that have provided humanitarian relief in conflict situations for many years we are concerned that repeated misuse of the term undermines the principles that safeguard the rights of war victims and threatens the safety of humanitarian aid providers.

The right to humanitarian relief aid, in international law and custom, is recognized only for civilians and non-combatants. The aid is to be provided solely on the basis of human need, free of extraneous political objectives, and is to be offered impartially to all sides in a conflict.

Aid to the Nicaraguan armed opposition often is mistakenly characterized as "humanitarian." In recent days, the terms "humanitarian" and "non-lethal" have been used interchangeably in news reports on the president's request for additional aid. In addition, in the FY 1988 Continuing Resolution "humanitarian" assistance to the armed opposition is defined as "food, clothing, shelter, medical services, medical supplies, and payments for such items." Assistance to any combat force, even if restricted to food, clothing, shelter and medicine does not meet the criteria of humanitarian aid and should not be labelled as such.

We know that other proposals for assistance to the region are likely to be made in the near future. We urge that proposals for humanitarian aid follow the internationally agreed upon principles described above. We urge also that any assistance offered to parties to the conflict during the period of a ceasefire be channelled through reputable international humanitarian organizations.

Our work in the region indicates that repatriation and resettlement of nearly 2 million Central American refugees is a growing concern that deserves from the international community the same urgent attention to which the Central American presidents committed themselves in the Guatemalan peace agreement. We urge your strongest support for humanitarian assistance for this purpose.

Thank you for your consideration of our views on this matter.

Sincerely,

Norman E. Barth, Executive Director, Lutheran World Relief; J. Richard Butler, Executive Director, Church World Service; John A. Lapp, Executive Secretary, Mennonite Central Committee; Richard S. Scobie, Executive Director, Unitarian Universalist Service Committee; Asia Bennett, Executive Secretary, American Friends Service Committee; John Hammock, Executive Director, Oxfam America; Robert J. McCloskey, Acting Executive Director, Catholic Relief Services.

Mr. COYNE. Mr. Chairman, I rise in opposition to the President's request that Congress today approve $36.2 million more in aid to the Nicaraguan Contras. The President's request provides that $32.6 million would be for nonlethal purposes—$3.6 million of the package, however, is for lethal aid, and would be held in escrow until March 31. At this time the President could release the lethal aid unless Congress were to pass a resolution finding Nicaragua in compliance with the Arias accord. Further, the President is requesting an additional $24 to $32 million for replacing lost supply planes and for defensive radar and electronic equipment. If this request is approved, it will mean that the Contras will have received more than $89 million in U.S. aid since the peace process began.

The key question under debate here is: whether the threat of further aid to the Contras will pressure the Sandinistas to move closer to democracy, or whether further U.S. aid will destroy the budding peace process?

Mr. Chairman, it is my opinion that approval of the President's Contra aid request will have adverse consequences both for the Central American peace plan and for U.S. security interests.

First, consider that the President's request comes at a time when the Sandinistas have been making reasonable concessions toward democratization. On the other hand, the Contras have become increasingly rigid in their demands in an attempt to delay the peace process. The U.S. administration, in its effort to destabilize the Sandinista government, is supporting a small guerrilla force which has little support among the Nicaraguan people. The Sandinistas, in their recent concessions, and in a personal letter to President Reagan by President Ortega, have shown that they want to end the strife in Central America. The Sandinistas want to end the war, but not if this means relinquishing power to the Contras. Further U.S. aid to the Contras, then, guarantees that the Sandinistas will continue the war.

Second, in evaluating the effect of the President's request on the peace process, consider that the Arias peace plan, while not perfect, has so far been the only effective vehicle for peace in the region. The Sandinistas have not responded to U.S. military pressure exerted via the Contras; however, they have responded to diplomatic pressure exerted by the Central American Presidents through the Arias peace plan.

Third, consider the components of the administration's request. The supposedly nonlethal aid, amounting to $32.6 million and available through June, could be used to transport troops and supplies, as well as lease helicopters. The President is also requesting additional funds for defensive radar systems. Is this truly nonlethal aid? Analysis shows that more than 75 percent of the supposedly humanitarian component of the request would in reality be used for military purposes. The President's request directly violates the Arias peace plan, the very plan the President has said he supports. The Sandinistas have stated emphatically that if further Contra aid is approved in violation of the peace plan, then they will not consider themselves bound by the agreement. Rather than ensuring compliance, as the administration argues, we can see that the new aid will clearly lead to an escalation in the war.

I urge my colleagues to consider the options carefully. True, the Sandinistas could renege on the peace plan if aid is cut off. On the other hand, the Sandinistas will certainly renege if aid continues. In short, we must give peace a chance. Worldwide diplomatic and economic pressure on the Sandinistas not to renege is strong. The Sandinistas have recently made overtures to Western European nations for economic assistance. With the Nicaraguan economy in dire straits, the Sandinistas cannot afford an embargo on economic assistance.

Finally, we come to the Soviet question. I am very aware of the threat to United States security posed by Soviet influence in Central America. I believe, however, that further aid to the Contras will simply pressure the Sandinistas into seeking more Soviet aid, both military and economic. This would lead to a no-win situation, as further United States military assistance to the Contras will rule out any diplomatic solutions, such as an agreement with Nicaragua to ban foreign military bases. Both Soviet General Secretary Gorbachev and Sandinista President Ortega have offered to halt Soviet military aid if the United States agrees to stop further Contra aid. Only the United States, through diplomatic pressures, can contain the Soviet military presence in Central America. This administration, however, refuses to consider diplomatic solutions, and instead relies solely on military pressure.

I firmly believe that the manner by which peace can best be achieved is through a regional negotiated solution such as the Arias accord, and I do not support military aid which undermines diplomacy. I urge my colleagues to join with me in voting against the President's proposal for continued military aid to the Nicaraguan Contras. I urge you instead to support alternative measures which will address the problems of economic and social development in Central America.

Mr. Chairman, I close with the words of one who successfully sought to change the world through the ways of peace and not violence. Martin Luther King, in speaking against United States involvement in Vietnam, a situation that bears frightening parallels to the present Central American conflict, once stated that:

> We must find new ways to speak for peace [in Vietnam] and justice throughout the developing world—a world that borders on our doors. If we do not act we shall surely be dragged down the long dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.

Mr. UDALL. Mr. Chairman, I continue to oppose additional aid for the Contras and support the Central American peace plan.

Clearly, the peace plan offers the best hope for the restoration of peace in the region and the eventual democratization of all the countries concerned. It has the support of the five nations of the region and deserves American support also.

Additional aid, even so-called nonlethal aid, for the Contras would simply undermine this peace plan, perhaps destroy it altogether. It would prolong the killing and destruction which is afflicting the Nicaraguan people and risk spreading this war to the countries neighboring Nicaragua. Any assistance will remove all motives the Contras might have for negotiating sincerely for a crease-fire. They would know that stubbornness would mean additional aid for ammunition in the near term and the possibility of even more funding in the future.

The President's last-minute appeal for his program merely recycled old arguments. His request for additional aid would continue a failed program which is itself contributing greatly to the problems of Central America. Even giving Congress the decision over lethal aid would hold the peace process hostage.

It will take a long time to restore peace and stability and to create truly democratic systems throughout Central America. This area has longstanding economic and social problems in addition to the problems which years of war have produced. But, a necessary first step is ending the war and restoring peace.

Mr. ANNUNZIO. Mr. Chairman, last December, the House of Representatives voted on a continuing appropriations bill of over $600 billion, which also included aid for the Contras. Under the rules which this legislation came to the House floor for action, no separate vote on the Contra assistance provisions were permitted.

Because no separate vote was taken, the will of the House of Representatives and the people of this Nation was frustrated. Today, we have the opportunity to reaffirm the position of the House by rejecting aid to the Contras, and instead, endorsing and supporting the peace process currently underway in Central America.

The Arias peace plan has produced several positive steps by the Nicaraguan Government. President Ortega has released about 1,000 political prisoners, and the newspaper La Prensa has begun publishing, without prior censorship, for the first time since 1972. Direct talks between the leadership of the Contras and the Nicaraguan Government also have been scheduled. It has been this peace process, not assistance to the Contras, which has produced these conciliatory actions by the Sandinistas.

Yet administration officials still refuse to sit down at the negotiating table for direct talks with Nicaraguan leaders. Most recently, Secretary Gorbachev during the summit in Washington, DC, offered to end Soviet military aid to Nicaragua, if the United States stopped its aid to the Contras. Still, the administration's response is a military one.

We in Congress should adhere to the wishes of the five Central American Presidents, who in a joint statement after their meeting in San Jose, Costa Rica, on January 15 and 16, renewed their call for an end to all military assistance to the insurgent forces in Central America. We must continue to give the Central American peace process a chance to work, instead of undermining it by seeking a military solution. Therefore, I urge my colleagues in the House of Representatives to vote against any assistance to the Contras.

Mr. DE LA GARZA. Mr. Chairman, if there be any alternative to force of arms, we—as a nation and as a people—have a moral responsibility to explore such an alternative in cooperation with all people of good faith who have the same commitment.

Peace and its derivative liberties must be sought by all peaceful means possible before resorting to the raw force of arms.

For if peace is achieved by force of arms, we have started on an irreversible road of using arms as the sole arbiter of freedom. And this is neither good nor healthy for a world power, or a weak people.

Our intervention in the manner proposed today only enables the civil strife to continue—and it divides families, putting brother against brother, father against son, and only encourages a nation to be at war with itself.

My vote for now must be to abide by our responsibility to explore all peaceful means.

Mr. HALL of Ohio. Mr. Chairman, I rise in opposition to House Joint Resolution 444, the resolution to approve the administration's latest request for Contra aid.

Today, we are voting on yet another installment of funding for the Contras. This specific request would provide $36.2 million in Contra aid through June, of which $3.6 million would be clearly lethal military aid in escrow which the President could release after March 31, 1988.

My colleagues should keep in mind that the request before us today would also allow for the expenditure of between $24 and $32 million in additional funds for the replacement of lost supply planes and for electronic and radar equipment. Moreover, although the core amount of $36.2 million is called nonlethal, the administration interprets this term to permit the purchase of trucks, the lease of helicopters, and the transportation of troops and supplies.

The total amount of this funding—a minimum of $60 million for 4 months—is almost identical, on an installment basis, to the administration's originally projected 18-month request of $270 million. The $32.6 million in so-called nonlethal assistance for a 4-month period also represents a tripling in the monthly rate of $2.65 million for nonlethal assistance approved last year.

If this request is approved by the House and Senate, the amount of direct and indirect Contra aid since the peace process began 6 months ago would total more than $89 million. And this would come on top of the more than $200 million of U.S. aid provided over 6 years to the Contras.

After all these expenditures, what do we have to show for our investment? The Contras have failed to rally the Nicaraguan people to their side, and they have failed to bring any significant territory under their control.

The policy of funding the Contras has yet to bring peace and democracy to Nicaragua. Instead, it has only brought killing, suffering, and hardship to the Nicaraguan people. Indeed, since 1981, over 25,000 Nicaraguans have been killed in the Contra war.

A coalition of organizations fighting Contra aid wrote in a letter to Members of Congress this week: "You cannot support both the peace process and the Contras." This certainly is true. Not only does Contra aid kill Nicaraguans, it also kills the prospects for peace.

Numerous Central American leaders have indicated that additional Contra aid would destroy the peace process. This would be a tragedy, since it is this peace process which has brought the Sandinista government to the conference table. Six years of Contra aid have not advanced the goals of peace and democracy for the Nicaraguan people; rather, it has been 6 months of the Guatemala peace accords that have done the most to advance these goals.

Last summer, at the height of the Iran-Contra hearings, Newsday made the following frank observation:

> A small detail is being lost in all the telegenic revelations coming out of the Congressional Iran-Contra hearings: The Reagan administration's policy of sending aid to the Contras makes no sense. The lying, deceit and ideological blindness that permeated the procedural disasters of the Iran-Contra affair are also at the heart of the substantive policy.

I agree that this policy makes no sense, and it is time for a clear vote from Congress against it. Let's not get so caught up in the details of this complicated aid package that we lose the basic issue.

A vote for the administration's money for the Contras not only is a misuse of the American taxpayers' dollars, it is a vote against the peace process. Support for more Contra aid at this time will undercut—if not destroy—all the work for peace of our neighbors in this region.

These nations have taken a risk for peace and, as frontline nations near Sandinista Nicaragua, they have the most to lose if the peace initiative fails. After funding an unsuccessful 6-year-old war effort, the least the United States should do is not to scuttle our allies' 6-month-old peace effort.

Instead, let us work with them to promote democracy aac7 smith, c 2-3-88 J. 19-060 F. 957/7 A03FE7.339

Mr. FAUNTROY. Mr. Chairman, I rise in strong opposition to the Reagan administration's request for $36.25 million in Contra aid, House Joint Resolution 444.

This request for lethal and nonlethal assistance for Contra aid amounts to at least $60 million.

I oppose this request because it will not promote peace but derail the process set in motion in Guatemala City with the Esquipulas II accord. The provision of such aid, rather than promoting democratization in the region, particularly in Nicaragua, would serve to strengthen the hand of hard-line Marxist-Leninist forces in the Sandinista leadership.

The vast majority of people in Central America want peace. We must give the Arias peace plan a chance. Let's vote against this ill-advised proposal, which would escalate the projection of the East-West conflict in the Western Hemisphere.

Finally, Mr. Chairman, I must comment on the hypocrisy of the administration's claim that it is concerned with the promotion of democracy in the Western Hemisphere. I believe the administration is anti-Communist, but it is not prodemocracy.

In Haiti, where democratic forces are in life-threatening peril, the Reagan administration tells us it has limited leverage and is prepared to recognize a regime installed through the brutal murder of voters and systematic state terror. The Reagan administration says it can do nothing to help; it will send the U.S. Ambassador to the inauguration of an illegitimate President of that republic on February 7, 1988. It is against economic sanctions. It has failed to utter a word of support for the courageous democratic Presidential candidates who boycotted an electoral farce on January 17, 1988. Its silence and inaction equals functional complicity in the hijacking of the Haitian people, a people which has demonstrated over and over again in the face of murderous violence, that it wants democracy. The Reagan administration's lame response is that for it to act or even speak out it needs a signal from the Haitian people. They have signaled repeatedly and courageously but the administration has been blind to that signal. Why? Well, there is no significant Marxist-Leninist presence in Haiti. Therefore, since there is no East-West dimension, Haiti is of no meaningful interest to the foreign policy decisionmakers in this administration.

Let us be clear, this is not a vote that the administration wants to promote democracy. It wants approval of this Contra package only to continue its anti-Communist crusade through military methods. It is a sterile, self-defeating approach and it will defeat the peace process.

Let's vote this package down.

Mr. DICKINSON. Mr. Chairman, once again, we are faced with the question of what role the United States will play in the democratization of Central America.

Do we continue to support the Nicaraguan freedom fighters to keep the Sandinistas at the negotiating table; or do we half-heartedly go along with the Arias peace plan by, once again, abandoning our support for freedom and democracy in Central America.

It seems to me that lately, our reputation for consistency in our foreign policy objectives leaves much to be desired. From wavering on arms sales to our Saudi Arabian friends, to a lukewarm commitment in the Persian Gulf.

This policy of inconsistency has been prevalent in Central America. Congress has undermined the administration's support of the democratic freedom fighters by defeating aid requests on two separate occasions. Only to turn around and support additional aid packages after Daniel Ortega accepted Soviet funding to promote the Communist agenda, and to continue the Sandinista's disregard for basic human rights in Nicaragua.

Since the Arias peace plan has been in place, the Sandinista regime has made no attempt to negotiate with the Contras, but has responded with plans to escalate the size of their military force to 600,000 soldiers.

Only recently, with the threat of a new U.S. aid package, have the Sandinistas agreed to talk directly with the Contras. It's very obvious that the Sandinistas respond to one thing, and one thing only: Pressure; the threat of a continued and consistent U.S. policy that espouses democracy and freedom.

Without this pressure, the Sandinistas have no incentive to honor the Arias peace plan, and have no intention of honoring basic human rights in Nicaragua.

Mr. Chairman, freedom costs. Without the continued pressure from the United States, the Sandinistas will ignore the Arias plan, and will continue to disregard the Nicaraguan pleas for democracy and freedom.

Let's make the Arias plan work, support peace and democracy by keeping the pressure on the Sandinistas. Support President Reagan's aid package.

Mr. HOUGHTON. Mr. Chairman, today I am voting against legislation extending further American military aid to the Nicaraguan Contras. But I do not want Managua to misunderstand this vote.

I have voted for Contra aid in the past. This time I vote "no" for a particular reason. That reason is the Arias peace plan. I visited Nicaragua in January. I have heard and read what President Ortega has recently said. Despite reasonable evidence to the contrary, I want to believe Sandinista statements about such things as allowing La Presna and Radio Catolica to remain open, halting aid to guerrillas in other countries, giving amnesty to those who have opposed them, and permitting open, honest elections to take place. This is what I want to believe.

I also would like to do my part in preventing the United States from being party to anything which might damage the chance for a political solution to a horrible war. Conditions are different than they were even a few months ago. There now is a plan if there is a will, and quite frankly, the will now must be the Sandinistas. No matter how my colleagues vote every one in his or her heart wants peace for Nicaragua, Central America, and the United States. As a veteran of World War II, I am well aware of the costs of war. What we search for is not just peace at any cost, but a fair, decent, and a democratic peace. This is not one shoved down the throats of citizens by a single party.

So as Mr. Ortega moves ahead in implementing his part of the Arias plan, there are more than a few of us who will be watching. If I, for one, find my trust to be misplaced, then I will feel no hesitation in reassessing my position.

I am going to hope during these next critical months that the Nicaraguan Government will somehow justify the trust which more than a few of us have placed in it.

Mr. GRADISON. Mr. Chairman, the House again has before it a request from the President to provide further assistance to the democratic resistance struggling against the government of Nicaragua. No other issue on the foreign policy agenda of the United States in this decade has so deeply divided American public opinion and the Members of this body as the question of Nicaragua and the best method to foster democracy, peace, and stability in Central America.

After carefully weighing the issues involved, I have decided to support the President's request for $36 million in assistance to the Nicaraguan resistance, including the provision of $3.6 million in military aid held in escrow. I urge my colleagues to join me in supporting the resolution.

Progress toward democracy and regional stability has admittedly been halting and uncertain. In a region where the roots of the democratic tradition generally do not run deep perhaps that is to be expected. Yet, there has been progress. El Salvador, Guatemala, and Honduras have joined Costa Rica in the democratic experiment. These advances must be strengthened.

In their midst, however, lies a regime in Nicaragua that, by all available evidence, continues to support insurgent forces in the region and whose commitment to fulfill the democratic promise of the 1979 revolution can be legitimately called into serious question. Additionally, recent revelations by a high ranking Sandinista military officer, Maj. Roger Miranda, that Nicaragua plans an expansion of its armed forces far in excess of what would realistically be required for defense calls into serious question that government's sincerity. It is difficult, under these circumstances to ascertain the intentions of the Nicaraguan Government.

Pressure from the armed democratic resistance, the opposition inside Nicaragua, the states of the region, international public opinion, and American policy have all had a role to play in moving Managua toward concession and compromise. The question is, how real and viable are these concessions?

Following a disturbing pattern, recent moves by the Sandinista regime, including the lifting of the state of emergency and the release of some political prisoners, have come as a vote in Congress on further Contra aid was imminent. Some Nicaraguan officials, including Foreign Minister Miguel D'Escoto, have been extraordinarily candid in their contempt for the Guatemala Accord signed by the presidents of the five Central American nations on August 7, 1987.

It appears to me, Mr. Chairman, that a vote by the House to deny the President's request would remove an important element in the pressure facing the Sandinistas and in our ability to move them toward democracy. Continuing to provide nonlethal assistance will maintain the structure of the military resistance. In my view, placing funds for lethal assistance in escrow will further the peace process by giving Managua continued incentive to agree to a cease-fire and take further and irreversible steps toward a more open political system.

In 1979, Nicaragua pledged to the Organization of American States and the Nicaraguan people that the promise of the revolution was the promise of democracy. The United States extended its hand in friendship and provided over $100 million in direct assistance and helped to secure millions more from multilateral lending institutions. Then there were no Contras and many now in the Nicaraguan opposition were a part of the government. The democratic promise went cynically unfulfilled and the authoritarian, Marxist, and revolutionary regime which emerged genuinely threatens the stability of the region.

Pressure, in all of its forms, has compelled the Sandinista regime to begin to move toward democratic reform. Now is not the time to remove any of the incentives for the regime to change. I urge my colleagues to support House Joint Resolution 444.

Mr. TOWNS. Mr. Chairman, I rise today to reaffirm my strong opposition to our government providing any aid—military or humanitarian—to the Nicaraguan Contras.

The Reagan administration has demonstrated time and time again that it believes that the goals of peace and freedom in Nicaragua are best supported through subsidies to armed resistance factions.

How ironic it is that, in this day and age, when we are all being asked to make do with less or without, our President is asking us to send millions of dollars in aid to a group of people who are working to overthrow a legitimate government.

How can we in America justify spending millions of dollars in aid to the Contras when our children cannot read or write because of an inadequate educational system; when our young people cannot go to college because of cuts in Federal financial aid programs. When we know that thousands of people go to bed hungry and homeless every night. When our neighborhoods and communities are being destroyed by the plague of drugs that are allowed to enter our country with impunity, because Federal funding for drug interdiction is being cut.

Where are our priorities?

I firmly believe that the road to peace in Central America is best paved by the people of Central America. The signers of the Guatemala accord have taken a major step toward resolving the problems which exist in their countries. The Arias peace plan has made me very hopeful about the prospect that peace and freedom will be soon in coming, not only to the people of Nicaragua, but to all the people of Central America.

I believe that aid to the Contras will kill prospects for peace. Central American leaders agree that an end to Contra aid is an "indispensable requirement for the success of the peace efforts." Costa Rican President Oscar Arias himself has said that more Contra aid will result in the deaths of 20,000 to 30,000 Nicaraguans in fighting.

Some argue that aid to the Contras is necessary to ensure cooperation from the Sandinista government. However, 7 years of funding the Contras has done little or nothing to bring peace to Nicaragua. It has only been through the recent signing of the Guatemala accord that substantial moves toward peace have been made.

I continue to believe that the role of the United States in Nicaragua should be one of facilitator, helping to bring all of the people of Nicaragua together so that they, themselves, may determine a mutually agreeable and acceptable solution to their conflict.

In closing, as I reaffirm my opposition to any aid to the Contras, I also pledge my continued support for the peace process which has already begun in Central America.

Mr. McGRATH. Mr. Chairman, after a great deal of thought, I have decided to vote in favor of continued assistance to the Nicaraguan resistance forces. Over the past several months, I have received thousands of letters and calls, which show tremendous divisiveness among my constituents. This issue is not one that can be considered solely on the basis of its popularity or lack thereof.

To the opponents of assistance, I will acknowledge that the Reagan administration has been equivocal to say the least over the last 6 years. The lack of direction does not, however, justify abandonment of the Contras. We appear to have muddled our way to a position where a combination of diplomacy and the threat of continued military aid will bring Nicaragua toward democracy and respect for its smaller and less powerful neighbors. I find it hard to believe we would have reached this stage without pressure exerted by the resistance.

President Reagan's plan is a significant departure from prior aid requests and a sincere effort to bring about a bipartisan compromise on American policy in Central America. He has included Congress in the decisionmaking process, and the majority leadership has offered no alternative to the administration plan. Those who complain that it was too late have short memories of the pace at which this body has worked on the Federal budget and other pressing matters within the last 3 months. Under the Reagan plan, the so-called lethal assistance may never be released if the Sandinistas follow through on their promises.

Daniel Ortega's slothful response to the requirements of the Arias peace plan has been a major influence in my decision to vote for the President's package. I think that recent concessions by the Sandinistas have been little more than thinly veiled public relations ploys timed to coincide with congressional action on aid to the Nicaraguan resistance.

The often repeated statement that no Marxist government has ever voluntarily relinquished power is dismissed by many as harsh rhetoric, yet no one can challenge its veracity. The Sandinistas' promise to allow opposition political activity rang hollow last week in Managua when Sandinista gangs harassed an opposition party meeting and roughed up political opponents. Several protesters were also arrested at a demonstration.

Others have been victims of this tactic over the last three decades. Solidarity members in Warsaw, Soviet Jews in Moscow and Leningrad and Hungarian students in the streets of Budapest are but a few of the unfortunate groups which have tried to exercise political power in a totalitarian state. My concept of democracy simply does not include officially sponsored intimidation and violence directed at political opponents.

Another well-known tactic the Sandinistas have adopted from their mentors is the gift of human beings. Yes; they have released political prisoners, but the number released is only 10 percent of the total held. Nearly every member of this body has accosted the Soviets, the South Africans, Vietnam, and others for imprisonment of political opponents. Like the others, Nicaragua offers us a token of sincerity, but with 9,000 people still in jail, an opposition figure would need a great deal of courage and fortitude to speak out against the government.

We will spend over $290 billion this year for national defense, which is primarily defense against Soviet forces. I find it inconceivable that we would simply permit the Soviets to repeat their success in Cuba. While I do not see the Sandinistas as an immediate military threat to the United States they are certainly capable of destabilizing areas south of our border where significant American interests are present. Those interests include the Panama Canal, Mexican oil reserves, and other resources vital to our national economy and the economies of every other nation in the region.

The Defense Intelligence Agency estimates that the Soviets provided $1.81 billion in military aid to the Sandinistas since 1980, with $600 million of that total sent in 1986. Economic aid over the last 8 years has been estimated to be approximately $1.83 billion. Nicaragua has standing armed forces numbering approximately 140,000 with support from an estimated 3,000 Cuban and 200 Soviet advisers. Smaller contingents from Eastern European nations, Libya, and the Palestinian Liberation Organization also are present.

Soviet deliveries of weapons to the Sandinistas include the following: 12 HIND helicopter gunships, 35 troop transport helicopters, 110 medium weight T-55 tanks, 30 light amphibious PT tanks, and 200 other armored vehicles. They also have a large stock of SA-14 missiles, which are the most modern surface-to-air weapons in the Soviet arsenal. To paraphrase President Reagan, I doubt that the Politburo anguished over sending these lethal supplies.

The Contras are the only internal force in Nicaragua capable of responding to future violations of the Arias plan. No one on either side of the aisle wants continued violence and bloodshed in Central America, and everyone seems to agree that we have geopolitical concerns in the region. If the peace process moves forward, as I hope it does, I am willing to support substantial economic assistance and a new trade relationship with Nicaragua. Without the resistance forces, we have no assurance whatsoever that we can reach that point. To renege on our support for the Contras at this time would have serious ramifications for the struggle toward democracy in Nicaragua and throughout the world.

Mrs. COLLINS. Mr. Chairman, on Tuesday, January 26, the Reagan administration placed its latest bid to scuttle the Central American peace process. By requesting over $36 million in aid for the Nicaraguan Contras, President Reagan once again demonstrated his unwillingness to allow the Central American nations to determine their own destinies.

On the surface, the interests of the signatories to the Central American peace treaty would seem to be diametrically opposed. Nicaragua is a Marxist state where civil liberties are at best tenuous, and has the largest land army in the region. Costa Rica, on the other hand, maintains a small police force and a longstanding policy of neutrality, while El Salvador and Honduras are American allies, the former in the midst of a civil war against the left-leaning FMLN and the latter the primary base of operations for American forces and the Nicaraguan Contras. Barring outside interference, how can a peace plan succeed among such diverse interests?

Throughout recent history Central America has been dependent on outside forces for the determination of its own destiny. During the 17th and 18th centuries, the Central American republics depended on Spain for material support and, more recently, the United States has dominated the region. It is not surprising that the Central American leaders have decided to work for peace and determine their own destinies.

The Reagan administration opposes these efforts on the premise that the Arias plan does not do enough to ensure peace. The true source of contention, however, lies not in the perceived effectiveness of the plan. Rather, self-proclaimed and deliberate efforts by White House officials to slow the peace process at the recent Central American summit stems from the realization that an independent Central America would translate into failure for the administration's hegemonic policy.

Mr. Chairman, it is time for the Reagan administration to understand that if dependency translates into war, then we must foster peace. We must always realize, as it says in the Charter of the Organization of American States, that our ultimate goal must be "to provide for the betterment of all, in independence, in equality and under law," the final objective being peace throughout the Americas. Only then can democracy and prosperity be finally achieved.

I urge my colleagues to oppose the administration's request, and to oppose any other proposals for aid for the Nicaraguan insurgency.

Mr. KENNEDY. Mr. Chairman, I rise in opposition to aid to the Nicaraguan Contras. The people of the United States are opposed to Contra aid because they don't want to see our country as the world's policeman. The American people know there is no threat to the United States from Central America. They know that the Mig's and missiles the President talked about last night just aren't there. Our Nation deals with Communist superpowers daily on a global scale. We sell grain to the Soviet Communists and weapons to the Chinese Communists. Yet the Reagan administration remains scared of a Marxist minipower in Central America. By financing more violence, we ignore the poverty, disease, and illness that are the basis of the conflict in Nicaragua. What we need is a policy that uses our technology, our capital, and most importantly, our compassion, to fight the illness and destitution that are the real enemies of democracy in the developing world.

Oscar Arias, after accepting the Nobel Peace Prize, said "the Contras are not the solution, they are the problem." I urge my colleagues to support the Arias plan, not the Abrams plan. Vote "no" on Contra aid.

Mr. BATES. Mr. Chairman, our administration's policy of support for the Contras in Nicaragua has brought the international stature of the United States to an embarrassingly low level.

In 1962, our Government voted in favor of U.N. Resolution 1815, which stated that all nations have "the duty not to intervene in matters within the domestic jurisdiction of any state."

This resolution was amended in 1970 by a declaration concerning friendly relations and cooperation among states. It was supported by our Government, and stated that:

> Every state has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state.

Mr. Chairman, the Reagan administration has clearly violated these principles of international law through its assistance to the Contras. Our commitment to international peace and security has been ridiculed by the actions of administration officials. These officials have violated our laws, and have shamed our Government in the eyes of the international community.

In order to renew the commitment of our country to the principles of international law, I urge my colleagues to join me in opposition to any further assistance to the Contras. We must demonstrate our country's leadership as a defender of the international principles which we have helped to develop. A "no" vote today will show that our Government can stand behind its words not only domestically, but internationally.

Mr. LOWERY of California. Mr. Chairman, I want to express my strong support for approval of the President's request for aid to the Nicaraguan resistance. This aid is the only real tool available to ensure the Sandinista government fully complies with the Central American peace agreement. United States support for regional negotiations backed by military pressure by the resistance has won concessions from the Sandinistas. This policy is working and should continue until true democracy is established in Nicaragua.

No Marxist-Leninist dictatorship has ever voluntarily shared power or created a true democracy. The Soviet Union has only begun to consider withdrawal from Afghanistan because of the increasing strength of the Afghan resistance. Communist governments only respond to diplomacy when that diplomacy is backed by military strength.

Mr. Chairman, war is a terrible and tragic event. No American willingly supports war as a solution to any international problem. Yet, if we do not support the Nicaraguans willing to fight and die to save the original ideals of their 1979 revolution, war will eventually spread to all of Central America. The Sandinistas will be free to support Communist guerrillas anywhere in the region, and if this occurs, our own young people may soon be forced to fight to defend American freedom and security.

The desire for peace and the willingness to negotiate are noble and vital principles, but alone they have not and can not bring peace to Central America. Military pressure on the Sandinistas is essential. The carrot-and-stick approach is working. However, the carrot of the Central American peace plan will be ignored by the Sandinistas if the stick of the Nicaraguan resistance is removed. I urge approval of this resolution.

Mr. STARK. Mr. Chairman, the Reagan administration is floating trial balloons on how to keep the Nicaraguan Contras alive after funding is cut off by the Congress. In recent news reports, Secretary of State Shultz has not ruled out seeking funding from third country sources.

We must put a stop to these efforts immediately. The will of the Congress should not be thwarted with these backdoor efforts by an administration who apparently will stop at nothing to see its policy implemented in Central America. The Congress has said enough, the people say enough, yet the administration seems willing to turn to questionable methods of keeping a lost cause moving.

I am prepared to introduce legislation which would deny most-favored-nation trade status to countries which provide any kind of assistance to the Nicaraguan Contras. Assistance is defined simply as any kind of help. The help could be money or goods. The assistance can be lethal or nonlethal. The Congress just will not tolerate the continuing circumvention of its clearly stated goals of no war in Nicaragua.

This administration has demonstrated the need for the Congress to take this type of action. They have gone to third parties before when Congress cut off aid. They have been willing to circumvent the law and have lied about it.

It is no good if the Congress cuts off aid to the Contras only to find the war continuing. This legislation is being proposed to make sure that if the Congress says no to war in Nicaragua, that is what happens. Let's give the peace process a chance.

Mr. SMITH of New Jersey. Mr. Chairman, I rise again today to urge support for the aid package before the House. The President's request grants the Sandinistas further opportunity to make constructive change in the period before March 31, and such reform would deflect additional aid for the Contras. The Sandinistas are granted still another opportunity to comply with the promises made when they signed the Esquipulas II peace accords. Civilian opposition and the military and political successes of the armed resistance—the freedom fighters—have expanded and have brought effective pressure on the Communists. For this reason, the Sandinistas have realized they must come to the peace table.

Mr. Chairman, I again encourage my colleagues to read this morning's Washington Post editorial urging Members to approve the aid package noting that—

> The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone.

Indeed, Mr. Chairman, unless the Contras are supported, we have no other viable alternative as an effective pressure on the Sandinista regime.

Many of those opposing this military aid, which will be placed in escrow until March 31, seem to lack the confidence that the Sandinistas will comply with a cease-fire. Today's vote comes 6 months after the Guatemala meeting of the Central American countries—after two extensions on the date for implementation. Why should we trust the words of the Sandinistas now?

The promises made to the OAS in 1979 have so often and repeatedly been violated that we would sound like broken records if we focus on that. Nonetheless, let's look at the more recent promises made at the Guatemala meeting in August 1987. We have received fresh, first-hand intelligence information from recent Nicaraguan defector, Maj. Roger Miranda, regarding the real intentions of the Sandinistas.

As Major Miranda stated in a meeting with House Members, "At the same time as they were talking about peace under the Esquipulas II agreement, in Nicaragua training of Salvadoran guerrillas, training of Guatemalan guerrillas went on." As early as 1980, the Sandinistas had created an agency simply called the Bureau, which coordinates logistics for the various guerrilla movements in Central America. Major Miranda confirmed that as late as October 1987 when he defected, the guerrilla groups, with headquarters in Managua, were still being granted facilities and military training by the Sandinistas.

In addition, Major Miranda has confirmed and provided critical data to substantiate our fear that the Sandinistas have every intention of establishing a strong, pro-Soviet military presence in Central America. As Miranda verified:

> The worst part is that in the second week of October [1987] the Sandinista Directorate approved a plan which had been drawn up in September [that was after the signing of the Peace Accords] with the Soviets and Cubans in Managua regarding the development of the Sandinista army over the next 8 years.

The Sandinistas have planned near exponential military buildups in Nicaragua including a 600,000 man fighting force bristling with Soviet armaments. Even at this time, the Sandinista military, at 75,000 strong, is the largest armed force in Central America.

What are Mr. Ortega's motives in his most recent promises? Mr. Ortega opened the January 15–17 regional peace plan review meeting with the five Central American Presidents with a request for an additional extension on the deadline for compliance. When his request was denied by the four democratic leaders, and the peace plan seemed doomed, Mr. Ortega announced his own "concessions." The most current Sandinista promises include an end to the 6 year state of emergency, direct talks with the armed resistance, and amnesty for more political prisoners.

We mustn't overlook the process which was set in motion on August 7, 1987—almost 6 months ago to the day. The date set for implementation of the tenets of the accords was November 7—90 days after the signing. In September, 16 non-Nicaraguan prisoners were pardoned; 985 political prisoners—out of the 8,000 to 10,000 estimated by the independent Nicaraguan Permanent Commission on Human Rights—were finally released on November 22. Among the mid-January list of concessions made by Mr. Ortega, his new promise for amnesty is conditional to a cease-fire, or should the United States or any non-Central American country accept the prisoners. Any conditions placed on the general amnesty is in contradiction to the peace accords.

Not until the Sandinista regime was backed up against a wall did Mr. Ortega agree to meet with the Contras in "limited" direct talks—the meeting has been set for next week. When the Sandinistas agreed to President Arias' suggestion that Cardinal Obando y Bravo—a very respectable religious leader gentleman whom I have had the honor to meet—be appointed as mediator in the negotiations, a glimmer of hope for a cease-fire was set aflame. Repeatedly the Sandinistas refused direct talks with the resistance, and insisted that the Contras lay down their arms prior to any talks.

The concessions ignore several tenets of the peace accords and are not enough to ensure the Sandinista commitment to genuine change—the steps toward democratization must be "irreversible steps." Although the peace accords committed the Central American countries to "an authentic democratic process * * * pluralistic and participatory," only 1 week after the signing, the peaceful demonstrations of the Nicaraguan Democratic Coordinator and the January 22 movement of Mothers of Political Prisoners were abruptly put down. The state security used electric cattle prods, sticks, and dogs to disperse the crowds and a number of individuals were arrested, including two well-known opposition leaders. Again, as recently as January 22 of this year, the offices of the internal opposition coalition, the Nicaraguan Democratic Coordinator, and a peaceful demonstration of the January 22 Mothers of Political Prisoners Movement were attacked by Sandinista mobs and yet the police did not attempt to halt the attacks. At this time the state of emergency has been lifted but arrests and attacks of opposition leaders and groups have continued.

The Sandinistas have permitted one opposition newspaper, the La Presa, to be published and one radio station, Radio Catolica, to be broadcast. This is a step in the right direction. And yet, all newspapers should be permitted to operate freely. Radio Catolica was initially prohibited from broadcasting news, and in fact, about 20 radio stations have still not been granted permission to broadcast news. As Interior Minister Tomas Borge directed the news directors, "every news medium [must] respect the desire of the revolution." In other words, the Sandinista's activities must not be criticized.

The National Reconciliation Committee which was called for in the peace accords has been ineffective. While the committee was designed to "verify the fulfillment of the commitments undertaken by the Central American governments," and to "initiate dialog with all domestic political opposition groups," the Sandinistas have refused to discuss with internal opposition groups lasting constitutional reform and new elections. How should we be expected to believe that true democratization—with free and open elections—will be granted when Mr. Ortega makes statements such as, if the "Sandinista Front lost an election, the Sandinista Front would hand over government, not power."

Mr. Chairman, the aid to the Contras must be supported. If we fail to approve this aid based on Ortega's most recent promises and concessions, we fail to provide a safety net for ourselves, and more importantly for those forces truly committed to democracy. Let's give Mr. Ortega one more chance—until March 31—to comply, but let's have this mechanism in place should the Sandinistas fail to live up to their word. I urge my colleagues to support this aid for the freedom fighters in Nicaragua.

Mr. DIXON. Mr. Chairman, I rise in opposition to the President's Contra aid package and urge my colleagues to vote against House Joint Resolution 444. Again, we are faced with a difficult choice—a choice between support for the five Central American leaders in their quest for peace and democracy in the region or support for the Contras who are determined to bring down the Nicaraguan Government. There should be no mistake—any additional assistance, whether military or under the guise of "humanitarian," is not only in direct violation to the Arias peace agreement endorsed by the five Central American leaders, but risks placing our country in the center of an undeclared war in Nicaragua.

The administration says aid to the Contras is our only insurance policy for peace, and that it is only because of pressure by the Contras that the Sandinista government has made modest changes toward democracy. Can more Contra aid insure greater democracy?

I have examined the administration's Contra aid package, and cannot agree with those who are calling it an insurance policy for peace. Of the $36.2 million, $32 million will be used for humanitarian assistance, which would include the purchase of helicopters, logistical equipment, and spare parts; another $20 million would be available to replace leased aircraft; and the remaining $3.6 million for military equipment would be placed in an escrow account until the President determines a cease-fire is not likely. Are these the tools of peace? Should our country triple our aid to the Contras at a time when diplomacy is working? Should United States taxpayers' dollars be used to buy guns and bullets for the Contras and, at the same time, put at-risk the gains made inside Nicaragua over the last 6 months?

While the response of the Sandinista regime has certainly fallen short of the goals set by the peace agreement signed in August, we have seen more positive changes. The Sandinistas have lifted the nationwide state of emergency, granted amnesty to political prisoners, agreed to hold municipal and local elections, allowed the opening of opposition radio stations, newspapers, and magazines, and more importantly, entered into a new round of direct talks with the Contra leaders.

While sharing the administration's concern for lasting peace and democracy in Nicaragua, I disagree with the steps the President has chosen to achieve that goal. We now have a chance to cast our vote in support of lasting peace and regional stability. It is the Arias process that has brought Nicaragua closer to democracy and allowed the first steps toward reconciliation in El Salvador and Guatemala.

Should our country that was founded on the principles of freedom and democracy, strike the final blow to peace in the region by further aiding the Contras? I urge my colleagues to just say no by voting against House Joint Resolution 444 and supporting the promise of peace.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the administration's request for further aid for the Contras.

There has been a lot of discussion about the particulars of this aid request, but that seems to me beside the point. We had no business funding the Contras in the first place, and we should not believe any claims this administration makes about its lofty motives in the region. Instead, we should demonstrate a real commitment to achieving peace in the region by respecting the agreement negotiated by those parties most affected—the Central American Presidents themselves.

From the beginning, there was ample evidence that the bulk of the Contra forces were former supporters of repressive dictator Anastasio Somoza, and that they enjoyed little popular support within Nicaragua. When concerns were expressed about the wisdom of funding these renegades, we were assured that there was no intent to destabilize or overthrow the Nicaraguan Government, only to stop the Sandinistas from providing weapons to guerrilla groups in El Salvador. In reality, weapons interdiction proved to be very low on the agenda. When Congress discovered the kinds of activities for which it was providing funds—the mining of Nicaraguan harbors and the publication of CIA assassination manuals, for instance—and passed the Boland amendment, other ways were found to fund the war.

Now I am receiving some very pious communications from the executive branch, trying to convince me that its main interest is in ensuring self-determination for the people of Nicaragua. This is even less believable than the weapons-interdiction claims. We have never stopped meddling in the internal affairs of Central American nations, particularly Nicaragua. Self-determination to some officials is only valid if the final result is in an image consistent with their philosophies and prejudices.

What more proof is needed than the actions of the administration with regard to a Central American peace plan? From the beginning, it has tried to belittle the peace process, and when that was unsuccessful, to derail it. There are claims that Ortega cannot be trusted. Where was the suspicion, the righteous indignation, when millions of dollars in Contra aid could not be accounted for, or when officials lied about their activities in Central America, or when funds were diverted to secret bank accounts? Sandinista suppression of liberties is highlighted, and a parade of "victims" of the Nicaraguan Government is brought forth, but evidence of gross human rights abuses by the Contras is played down, and the death of Americans at rebel hands is ignored. Nicaragua is portrayed as a deadly threat to American security and regional stability, while its small size, its extreme poverty, its preoccupation with internal problems, and its paranoia about the possibility of invasion by American forces are all ignored. The administration claims to be promoting true democracy in Nicaragua. Why is it not promoting democracy so enthusiastically in other nations in the region?

The administration's stated goals regarding Nicaragua are not so different from my own. I do want self-determination for the Nicaraguan people. I do not want Soviet bases in Nicaragua. I do not want any country in the region to promote instability within its neighbors' borders. However, it is abundantly clear that we have not been acting in a way to achieve these goals. U.S. security interests can be protected without sponsoring the overthrow of a legitimate government. Soviet bases can be kept out of Nicaragua through negotiation, rather than military campaigns which only serve to more closely ally the Sandinistas with the U.S.S.R. As to the first goal, I have seen no evidence that self-determination for Nicaragua is anywhere on our agenda.

Instead of relying exclusively on the use of threat of military force, we should be doing everything we can to ensure success of the Arias peace agreement, and to address the conditions of poverty and injustice that cause Central America to be plagued with instability and revolution. In that way, the United States could play a tremendous role in bringing about vital reforms, true democracy, and lasting peace to the region. I urge my colleagues to vote against further funding for the Contras, and I urge careful monitoring to ensure that such aid is, in fact, terminated.

Mr. BOSCO. Mr. Chairman, today marks the first opportunity that Congress has had since June 1986 to vote on the singular issue of continued American assistance to the Nicaraguan Contras, and I encourage my colleagues to join me in opposing House Joint Resolution 444, President Reagan's request for $36.2 million in Contra aid.

Every Contra aid vote we have had in the past year-and-a-half has been camouflaged either by multibillion-dollar appropriations measures or by procedural gimmickry. Cloaking these votes on Contra aid with parliamentary ambiguity may have been politically expedient for some, but it unfortunately did great harm to the constituency which looks most urgently to us today. I am not referring to the Reagan administration, but to the millions of Central Americans for whom the Arias peace plan represents a last, desperate hope.

Mr. Chairman, the quest for peace, human rights, and democracy in Central America poses many dilemmas for American diplomancy. Yet our debate today boils down to this central issue—should the guerrilla army known as the Contras continue to be the main instrument of American policy in Central America? Can we in Congress continue to fund a Contra army which is so unpopular that Americans oppose it by a 58- to 30-percent margin? Can this Nation's diplomacy really do no better than this?

Since the early years of this decade the Reagan administration has delivered $276.9 million in aid to the Contras. As America learned last summer, about $40 million of this total was collected by zealots in the National Security Council through solicitations to American citizens and third countries, and through a diversion of funds from arms sales to the Ayatollah. Also during this period the Contra war claimed the lives of over 40,000 Nicaraguans, out of a total population of 3 million. A comparable loss in the United States would amount to 3.2 million deaths.

Yet after 7 years of the bloody Contra war, the administration explains that additional Contra aid is needed to insure the "success" of its Central American policies. Reagan administration officials have revised their ultimate goals in Central America almost monthly over these past 7 years, and now they assure us that their aim is not the overthrow of the Sandinista government but rather to insure Sandinista compliance with the Arias peace plan.

Mr. Chairman, I could not disagree more strongly with the administration's characterization of its Central American policy goals and of the ramifications of our vote today. If we reject the President's request, and if the Contra war subsequently comes to an end, we will have provided the final, sad proof that our Government has spent 7 years pursuing a fatally flawed policy in the region. After 7 years of attempting to overthrow the Sandinistas through support for the Contra guerrillas, the Sandinista government will remain. Mr. Chairman, this is not a referendum on an American foreign policy success, as the administration would have it. It is a referendum on one of the most foolish foreign policy ventures in our history.

The Reagan administration has requested a package of $36.2 million in direct aid to the Contras and almost $25 million in additional indirect aid and insurance, all of which will be coordinated by the CIA. One of the sweeteners offered is the guarantee that $32 million will go toward humanitarian assistance, a canard with which we in Congress are all-too-familiar. Humanitarian aid includes trucks, the leasing of helicopters, the transportation of troops and supplies, and various logistical assistance to the forces in the field.

Under the administration's proposal, $3.2 million in lethal assistance will be placed temporarily in a so-called escrow account, to be released only after a Presidential certification that the Sandinistas have been responsible for the failure of a cease-fire. The administration argues that this escrow account gives the Sandinistas an incentive to comply with the terms of the Arias peace plan. In fact, such an arrangement will only compel the Sandinistas to acquire additional military and economic assistance from the Soviet Union, and it will encourage the Contras themselves to contribute to the breaking of the cease-fire. What the administration has actually created is a built-in incentive for Contra noncompliance with the Arias peace plan.

Still, Mr. Chairman, I confess that I find this escrow account concept intriguing—perhaps the United States could demonstrate its bona fide commitment to the Arias peace process by placing the administration's rhetoric of "Communist expansionism in Latin America," the CIA's network of contacts with the Contras, and Assistant Secretary of State Elliott Abrams' entire "diplomatic" operation at Foggy Bottom into an escrow account. After all, these efforts to inflame the situation in Central America have delayed the peace process as much as our financial contributions.

President Reagan's Contra aid policy has ravaged Central America for too long. The countries of that region have agreed amongst themselves to a plan whereby each respects the others' borders and each takes distinct and verifiable steps toward peace. While no one can foretell whether this bold initiative will be successful, we can predict with certainty that further incentives toward bloodshed provided by the United States through Contra aid will only prolong human suffering and result in failure. If the countries most affected by this war have the courage to end it, we would be arrogant, contemptuous, and morally wrong to stand in their way.

Mrs. MORELLA. Mr. Chairman, our policy in Central America must oppose the export of Marxist revolution and oppose any more delays in progress for democracy. We must protect the United States' national security interests in Central America and do what we can to bring peace and freedom to the beleaguered people of Nicaragua, Guatemala, El Salvador, Honduras, and Costa Rica.

Since the signing of the Arias peace plan last August 7, we have seen significant progress toward the achievement of these goals. During these 6 months, the Nicaraguan and other governments in the region have implemented major reforms. In Nicaragua, the focus of today's debate, we have seen the reopening of the antigovernment La Prensa newspaper and the creation of a forum for national reconciliation, headed by a key Sandinista opponent, Cardinal Miguel Obando y Bravo. During this time, Nicaragua's Government has also released a thousand political prisoners, lifted the state of emergency, and initiated direct cease-fire negotiations. The progress during this 6 months is in sharp contrast with the previous 6 years of Contra war, during which time Sandinista rule grew ever more restrictive.

As part of the peace process, the five Central American Presidents agreed to work for an end to outside aid to rebel groups. This means an end to Communist aid to the Salvadoran rebels and an end to United States aid to the Nicaraguan Contras. The five Presidents reiterated their opposition to such aid in a joint communique issued at the end of their meetings in mid-January. The same sentiment was echoed at that time by the International Verification Commission, composed of the Secretaries General of the U.N. and the Organization of American States, the foreign ministers of the five Central American nations, and the foreign ministers of eight Latin American nations. The Commission, set up to evaluate compliance with the peace plan, declared that an end to U.S. Contra aid was "an indispensable requirement for the success of the peace efforts."

Despite the progress in Nicaragua, despite the Central American Presidents' communique, despite the Verification Commission declaration, we have before us a bill that represents not just a continuation, but, in fact, an increase in Contra aid.

The package includes $36.25 million in direct aid to the Contras plus an additional $23.5 million in indirect financing, including insurance to reduce the cost of leasing aircraft, and loans of air defense equipment. This aid is intended to fund the Contras for 4 months. Using only the direct aid total—the lowest estimates—the package is worth roughly $9 million a month or $300,000 a day—about three times the current rate of Contra aid under the continuing resolution.

Not only the amount but also the nature of this aid package represents an escalation in the Contra war, an escalation in the face of progress toward peace. The continuing resolution provided funding for humanitarian aid to the Contras. The direct aid in the package before us today includes $3.6 million in lethal aid—guns, missiles, and ammunition, to be placed in escrow—and some $32.6 million in so-called nonlethal aid. This so-called nonlethal aid is mostly money to press the war effort, including funds for jeeps, trucks, and troop transports. Only $7.2 million of the package before us today is for true humanitarian aid such as food, clothing, medicine, and shelter.

The question before us tonight is how to respond to the progress toward peace and freedom, brought about by the Arias plan, that we have seen so far. Do we ignore the progress, do we ignore the five president's communique, do we ignore the International Verification Commission, and vote for this package which represents not just a continuation but in fact an increase in Contra aid? Or do we give peace a chance?

Mr. STANGELAND. Mr. Chairman, it is clear that the Congress is deeply divided on the issue of further assistance to the Nicaraguan democratic resistance, known as the Contras. But, while many of my colleagues find the President's policy to bring peace and freedom to Nicaragua controversial, my support of the freedom fighters has never wavered.

During this debate one point must be remembered: That the vast majority of the American people do not believe a Communist country on the mainland of America is in the best interests of the United States, especially if that country's government is aligned with the Soviet Union and Cuba, and is intent on "sharing" its revolution with their neighbors.

So, before we cast our votes on the President's $36 million aid request, I ask that you listen to some revealing statements. Now, these are not statements from President Reagan, the Contras, Sandinista defector Major Roger Miranda, or even ARLAN STANGELAND. No, these are statements from the Sandinistas themselves.

> You cannot be a true revolutionary in Latin America without being Marxist-Lenin-

ist. (Thomas Borge, Sandinista Minister of Interior, Newsweek, December 1984.)

This Revolution goes beyond our borders. Our revolution was always internationalist * * *. (Thomas Borge, Playboy, June 1984.)

Marxism-Leninism is the scientific doctrine that guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution; * * * Marxism-Leninism and Sandinismo are indissolubly united and because of that our moral strength is Sandinismo and our doctrine is that of Marxism-Leninism. (Humberto Ortega, Sandinista Minister of Defense and brother of Commandante Daniel Ortega, August 1981.)

Sandinismo embodies the Marxism of Lenin, Fidel [Castro], el Che [Che Guevara], Ho Chi Minh * * *. (Carlos Fonseca, founder of the Sandinistas.)

The principles of Marxism-Leninism, wisely applied to the reality of our society, guided the revolutionary actions of the Sandinistas over the dictatorship * * *. (Hugo Torres, Sandinista Popular Army, April 1982.)

In order to be authentically Christian, one must become a Marxist. (Ernesto Cardenal, Sandinista Minister of Culture, also a Priest until defrocked by the Vatican in 1984 for refusing to obey Roman Catholic canon law.)

You boys have to understand that God does not exist, that Jesus Christ does not exist either, that God is the revolution, and Jesus Christ are you, are all the Sandinistas * * *. (Part of a Christmas Mass to Sandinista troops by Ernesto Cardenal, December 1978.)

Our relations with Cuba are friendly, fraternal, and respectful. They are relations that are unalterable and non-negotiable. They are relations sealed with the blood of Cuban internationalists who have fallen on Nicaraguan soil * * *." (Speech by President Daniel Ortega to the Third Cuban Communist Party Congress, Havana, February 1986.)

In the hypothetical case that the Sandinista National Liberation Front [FSLN] lost an election, the FSLN would hand over government, not power. (Daniel Ortega, the New York Times, December 13, 1987.)

The reason for outlining these statements is to show that the Sandinistas are firmly committed to communism. No Communist government in the history of the world has ever agreed to convert to a democratic form of government, yet that is what the Sandinistas are asking us to believe they will do now.

We should be extremely skeptical of the Sandinistas' intentions in order to protect our own national security interests, to help keep other Central American governments from being subverted by communism, and to help the people of Nicaragua who do not want to live under a Communist regime.

If the Contras are defunded and killed-off, the United States and her allies will depend upon Soviet, Cuban, and Nicaraguan goodwill. Our insurance and deterrence of further Communist expansion will no longer be the Nicaraguan resistance, but the military of the United States of America. I do not think this is wise, especially when Nicaraguans are now willing to fight their own battles.

Can the Sandinista Communists be trusted to democratize Nicaragua? Perhaps another question should be asked instead. Why did they not democratize Nicaragua when they came to power 9 years ago when President Carter delivered economic aid to what was then billed as a free and democratic movement? The reason is that the Sandinistas deceived the world about their intentions then, and they are deceiving the world now by playing games with the Central America peace process in order to get Congress to kill aid to the freedom fighters.

Let us not play any more games with the Communists. If we want a Nicaraguan Government that offers freedom and democracy, we must pass aid to the resistance.

Mr. COOPER. Mr. Chairman, the debate today is not about whether we want to fight communism. We all want to do that, and I have voted to do that many, many times. The debate today is about the most effective way to fight communism. I believe that there is a better, more effective way to fight communism than the President's latest plan.

First, it is important to look at exactly what is in the President's plan. It has changed tremendously since the first press accounts of it were written, and it has even changed in the last few hours. The nature of the plan is particularly important since, following the President's wishes, he did not want to allow Congress the chance to amend or modify his plan. He wanted a simple, yes or no, up or down, vote on the measure, and Congress agreed. The President surely knew that he was taking a very risky position when he requested this because he could win everything, or lose everything.

This is not to say that this will be the last vote on the issue. Far from it. I have already voted on Contra aid over 16 times in my 6 years in Congress. We will have another vote on it before the end of this month, and probably two or three more before the end of the Reagan administration.

When the President's plan was rumored to be a $270 million appropriation covering a period of 18 months, it looked as if the vote was going to be one of the most important foreign policy votes of the decade. Its importance diminished, however, when the President scaled back his package to $36 million over a period of only 4 months. It is still a key vote, but it does not set Government policy toward Central America through the end of the President's term. In fact, we'll vote again in February, June, and probably September.

It is also important to realize that nothing in the President's proposal affects the amount of aid to be delivered this month. That means that the next congressional vote on the subject will be in time to continue the aid in an uninterrupted fashion.

Looking at the President's specific package, it would almost triple the amount of aid that the Contras have been receiving every month. The past level has been between $3 and $4 million every month. The new level would be between $10 and $12 million. There is a significant dispute as to how much of this aid would be lethal, nonlethal, or strictly humanitarian but there is little doubt that a tripling of funding per month would be seen on the ground in Nicaragua as a significant escalation of the war.

I have appreciated the advice of my constituents in making up my mind about the President's package. I have met with the American Legion—I was the only Tennessee Congressman to attend their briefing—as well as with church groups. I raised the issue in 14 recent meetings in 14 different counties. I have communicated with constituents by phone, as well as in writing. This has not been an easy decison, but I have appreciated their guidance. I wish that they had been privy to the President's most recent versions of his proposal, because I would like to have had their specific thoughts on it. I have carefully listened to the President as well, and I thought it was a terrible decision on the part of the television networks not to carry his latest speech to the Nation on the subject.

My conclusion, after all this careful thought and consultation, is that the President's package is not the most effective way to counter the Sandinista threat in Central America. The events of recent months in the region—the President Reagan/Speaker Wright peace plan, the Arias plan, the signing of a peace agreement, the pressure of the four democratic Central American Presidents against Daniel Ortega, the awarding of the Nobel Peace Prize to President Arias—the most forceful, and prodemocratic regional leader—and the making of significant Sandinistas concessions—have altered the political landscape in the region. Now, for the first time, the Sandinistas have lifted the state of emergency, they are negotiating a ceasefire face-to-face with the Contras, and they promised an extensive amnesty. President Reagan should take pride in the fact that his bipartisan peace plan started this process.

Of course, I still don't trust Ortega any farther than I can throw him. We will need to watch him like a hawk to make sure that he keeps his promises. We will need to verify everything that he does, and to count his mistakes as well as his successes. He has already made some mistakes. We also need to preserve all of our options, the Contras included, in case that Ortega changes his mind or fails to live up to his promises.

I have supported humanitarian aid for the Contras in the past. I support it now. The House leadership has promised a vote on aid to the Contras by the end of this month that would keep them intact as a military force. We need to preserve this policy option.

But the President's plan limits our policy options. It risks escalating the war, in violation of the peace agreement that has been signed by the Central American nations. It would probably, in my view, ruin any future hope that a peaceful solution to the conflict could be found. While there is a real chance for a peaceful solution, I feel that most Americans want to know that all peaceful means have been exhausted before major military force is used.

Another consideration that is easy to overlook is that Ortega would love to use increased Contra aid as an excuse to stop keeping his promises, and to reimpose the state of emergency in Nicaragua. Why give Ortega this out? Right now the eyes of the world are on whether he keeps his promises. Why allow him to blame us for escalating what he alleges is an invasion into his country? For the first time in years, world attention is focused not on the abuses of the Contras, but on the abuses of the Sandinistas, and their promises to reform.

The peace talks are doing a better job right now of unmasking the Sandinistas for what they are than anything we have done in the last several years. If he keeps all of his promises, fine. If he does not, then world opinion will be on our side for the first time, and we will still have all of our military options. In the meantime, we should enjoy watching Daniel Ortega squirm.

To sum up, I do not feel that the President's plan is the best way to battle communism in the region because, first, there is a chance for a peaceful solution, and second, whether the peace talks are successful or not, they are currently winning us more allies in our fight. In a sense, we are giving Ortega a little rope, and for that it is easy to criticize us. But he may hang himself with that rope if he fails to keep his commitments.

While we wait for the outcome of the talks, it is important to keep the Contras intact as a fighting force in case we need them. The vote at the end of February should do that. The result of such a policy is not to reduce any of our options, but to increase them, by using the peace talks to our advantage. I feel that this is the best way to oppose the Communist threat in Central America.

Mr. MOLLOHAN. Mr. Chairman, I am going to vote for the President's requested aid package for the Contras.

My vote for aid today can be understood only in its proper context. This debate, unfortunately, has not reflected that context. We have reduced a tremendously complex topic—United States policy toward Nicaragua—to a false simplicity. With my vote this evening, I will be labeled "pro-Contra." My colleagues who vote against the President's package will be labeled "anti-Contra." Under the terms of this debate—across the country and in this Chamber today—those are the only options available to us. We are one or the other; we are up or down; we are yes or no; we are pro-Contra or pro-Arias peace plan. Both sides of the debate have cooperated to establish this false dichotomy, with even President Reagan last night describing today's vote as an "up-or-down" one.

Yet all of us know, or should know at any rate, that those terms are not real. This vote isn't a referendum on whether we approve of the Contras, or whether we dislike war, or how strongly we disapprove of communism. This vote answers none of those questions. This vote today is more subtle than that. It is a judgment call. All it says about us is whether we think the specific plan sent to us by the President will advance our respective goals in Nicaragua. Each of us, or course, is free to use this vote to proclaim himself "pro-Contra," but I prefer to avoid using easy labels and will discuss briefly why I think this package today serves our best interests.

Since the fall of Somoza in 1978 and the amost immediate repudiation of United States overtures to the Sandinista regime, the United States has had roughly four policy options toward Nicaragua. We could give the Sandinistas very wide latitude, permitting them any domestic and foreign policy activities short of direct military attacks on the United States or our allies. The other extreme would be an uncompromising effort to topple the Sandinista regime. The third option allows the Sandinistas to retain internal political control but forbids them from engaging in activities that threaten the stability of the Central American democracies. The fourth option allows the Sandinistas to retain immediate control over the government apparatus, but requires them to move down the road to democracy.

I reject the first option as a fairly obvious and substantial threat to the security interests of the United States as well as our moral and ideological interests in furthering the cause of democratic government. While I wouldn't be upset to see the Sandinistas fall, I reject a policy of forcing their departure on practical grounds: I don't think the Sandinistas can be ousted without direct military intervention by the United States, and our interests in Nicaragua are not sufficient to justify direct intervention. The third option is not really an option in the long-term sense. Communist dictatorships are inherently didactic and repressive and a stable peace cannot come to a repressive Nicaragua. That leaves the fourth option, which I endorse: Allowing the Sandinistas to retain immediate control over the government so long as they do not threaten the improving structure of democracy in Central America and continue to take steps toward democracy.

The package sent to us by the President advances this goal. If you do not support that goal, you are free to criticize the package: It is an antagonistic gesture against unlimited Sandinista independence on the one hand, and it is grossly insufficient to pose a serious threat to the very existence of the Sandinistas on the other hand. If, however, you support a containment policy against the Sandinistas, you will have a difficult time explaining a vote against this package.

In considering this vote, I start with two basic premises: First I believe that an unchallenged and unfettered Sandinista regime would disrupt democracies in Central America and generally cause mischief in our hemisphere. Second, and even more obvious, the Contras don't like the Sandinistas and would prefer to expel them. The goal, then, of containing the Sandinistas can be achieved only by carefully negotiating the implicit tension between my two premises: If we give nothing to the Contras they disappear as an effective opposition to the Sandinistas, who, I believe, would immediately lose their sudden interest in democratization and peace talks. If we give too much to the Contras, they, in turn, lose interest in peace talks and decide that perhaps they should go for broke, as it were.

The terms of the aid package maintain that tension. The amount is sufficient to keep the Contras together as an organized opposition, but it is not enough to give them illusions of a purely military victory or to give the Sandinistas immediate fear of a purely military defeat. The placing of the $3.6 million in lethal aid in an escrow account is a deliberately nonprovocative act. Only with extreme disingenuousness could the Sandinistas cite $3.6 million in escrowed military aid as a reason to pull out of the peace process.

Mr. Chairman, I am on a short list of representatives labeled "swing votes" on Contra aid. I don't much care for that appellation, but for the reasons I discussed earlier, it's better than being called pro-Contra or anti-Contra. I am not pro-Contra and I am not anti-Contra: I simply judge each vote on its likely effects in advancing the peace process. By that standard, I must vote yea today.

Mr. MARKEY. Mr. Chairman, today we vote on the future of Central America.

The choice has never been clearer.

We can support the Guatemala peace plan, or we can support the Contras.

We can support a policy of peace, or a policy of war.

We can wallow in the failures of the past, or move ahead with hope for the future.

While Congress is looking to the future, the administration is dredging up failures from the past.

ADMINISTRATION DOUBLE-TALK

The administration has not given us much success in Nicaragua. They have given us a lot of double-talk.

The President says that the Contras have a strong support in Nicaragua. And then he says that they will disappear unless they get American money.

The President says that Nicaragua is a totalitarian dungeon, whose people yearn to throw out the Sandinistas. And then he charges that the Sandinistas are going to give guns to 600,000 people. That's a fifth of their population. That's every Nicaraguan male from 18 to 35.

So it's a totalitarian dungeon that is going to arm its inmates.

The Reagan administration says the Sandinistas are Communists. Then they say the Contras are really Sandinistas.

Remember when President Reagan solemnly assured us that the Contras were not aiming to overthrow the Nicaraguan Government—they were really kind of border patrol?

After 6 years of film-flam, Congress is getting a little skeptical.

CONTRA AID REQUEST

The administration is claiming credit for a democratic tide in Latin America. But the Reagan administration is 0 for 2 on democracy in our hemisphere.

Under Elliot Abrams, the Reagan administration has dropped the ball on democracy in Haiti. They dropped the ball on democracy in Panama. And they were in the process of losing the game in Nicaragua, until the peace plan sent them to the sidelines.

And now they're trying to tell us that they are concerned about democracy in Nicaragua, and that's what they want funding for the Contras.

To follow Henry Kissinger's criticism of this policy, where is the policy?

Is this Contra aid request part of an achievable policy, or is the administration simply asking for whatever the traffic will bear?

The lessons of the history of Central America policy are: The administration will ask for whatever it can get, and they will say whatever they have to to get it.

And if we defeat this request, history does not assure us that the Reagan administration is a good loser.

When Congress defeated Contra aid in 1985, the administration declared a national emergency and imposed an embargo on Nicaragua. When Congress defeated Contra aid in

1986, the administration declared a national emergency and sent $20 million to Honduras, after Elliot Abrams bullied the Honduran Government into requesting it.

The Nicaraguan Government recently lifted its state of emergency. I think President Reagan ought to be big enough to do the same.

CONTRAS

Let's look at the Contras. Their bloodlines are not very good. The Contras were organized in 1981, by agents of the Argentine military dictatorship, from the leftovers of Somoza's National Guard.

The Argentine military and Somoza's National Guard were distinguished for two things: killing civilians and lining their own pockets. The marriage of the two produced the Contras.

The Contras have behaved as guerrillas just like they behaved when they ruled Nicaragua. They are better at killing civilians than at attacking military targets. They are better at lining their pockets than at getting support from the people.

The Contra front leadership has undergone ten major reforms. Arturo Cruz was in. Then he resigned. The front men come and go. But their real boss, the Contra commander in chief, has always been the same man—the old National Guard Colonel, Enrique Bermudez—the old dictator Somoza's right hand man.

The Contras change their name more often than the route sign on a bus. But Somoza's man Bermudez remains in the driver's seat.

Today, the Contras call themselves the Nicaraguan Democratic Resistance. And East Germany calls itself the German Democratic Republic. Neither has democratic credentials.

Last week, Contra aid supporters held a mock hearing. The administration produced Mr. Miranda out of their hat once again, then whisked him away before he could answer any difficult questions. For some reason, they have refused to allow him to talk to any Contra aid opponents. Not until after the vote.

At this mock hearing Alfredo Cesar, one of the supposed civilian leaders of the Contras, was asked if they had control over the military. No, he said, "we do not have 100 percent control. But we hope to strengthen civilian control."

The Contras are not credible. And they are certainly not successful. They have been a disaster for Nicaragua. They have been an embarrassment to the United States.

NONLETHAL AID

The administration argues that this request is mostly nonlethal aid.

If Napoleon were in the Reagan administration, he might say that an army travels on its nonlethal aid.

When you're funding an army in the field, bullets are not the major expense.

The Contras have plenty of ammunition, and plenty of other money to buy bullets with.

What this request says is, you give us the iceberg, and we'll wait 30 days for the tip.

When the effect is to sink the peace process, it doesn't make much difference.

President Reagan last night offered to allow Congress more involvement in lethal aid. What he said was, you give me the money, then try to keep me from spending it.

NICARAGUAN REFORMS

While the Contras have failed, the Esquipulas peace plan is working in Nicaragua.

What has the peace plan achieved?

Lifting of the state of emergency.

An end to the anti-Contra tribunals.

Amnesty for thousands of prisoners.

The lifting of censorship.

Direct talks between Sandinistas and Contras.

Negotiations for a cease-fire.

The Guatemala peace plan has been achieving everything the Contras have failed to accomplish.

But the peace plan has enemies inside Nicaragua as well as outside. Ortega has his own Richard Perles and Jesse Helmses, like hardliner Tomas Borge at the Interior Ministry. Every time Ortega makes a concession for democratic reforms, Borge send out his Interior Ministry bully-boys to arrest some opposition leaders.

If we vote lethal aid to the Contras, it's curtains for the delicate reform process starting in Nicaragua.

WHITE HOUSE AND THE PEACE PROCESS

The White House has been trying to torpedo the peace process since it started. Now they claim that the Contras will support the peace plan. What we have now is a bunch of arsonists posing as architects.

Calling the Contras an insurance policy for peace is like calling gasoline an insurance policy against house fire.

Funding the Contras to support the peace process would be like bringing a six-pack to an alcoholics anonymous meeting.

PEACE PLAN VERSUS CONTRA AID

The Guatemala peace plan has succeeded where the Contras have failed. Everything the Contras were supposed to achieve, they have failed and the peace plan has succeeded.

It's time to move from a policy of failure to a policy of success. It's time to stop bankrolling repression and corruption in the name of anticommunism.

The Guatemala peace accords will be America's future policy for progress in Central America. I wish President Reagan would join us. If not, it's a long ride into the sunset on a broken-down old warhorse.

But we must look forward, even if President Reagan looks backward.

The Contras have failed. The peace plan has succeeded.

The Contras are the past. The peace plan is the future.

As the curtain falls on a failed policy, let's move forward together for peace and reform in our hemisphere. I urge my colleagues to join me in defeating this request and moving ahead on a constructive policy for our Nation. Let's vote against the failures of the past and for hope for the future.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to this latest of President Reagan's requests for aid to the Nicaraguan Contras; aid which, no matter how he sugar-coats it, would translate into lethal aid to be used to perpetrate war in Nicaragua. My opposition is based upon a myriad of reasons, but I would like to focus on two points that I feel are of particular importance to our debate today.

Frankly, it seems unbelievable to me that we are even having this debate, in view of the fact that the Guatemala peace agreement, which most of us have wholeheartedly supported, specifically states that aid to the Contras would be a violation of the accord. How can we expect other countries to honor the terms of this historic agreement when we in fact will not do the same? I can only believe that additional aid to the Contras at this point would severely cripple, if not destroy the peace process and lead to escalation of the war which the Nicaraguan people so desperately want to stop. Aid at this time would give the Sandinistas a perfect excuse to back out of the agreement, and should the peace process fail now, it is hard to imagine that the Sandinistas would agree again to such sweeping reforms.

In regard to this resolution before us, I must question the President's use and understanding of the term nonlethal. He is playing a deadly word game with the Congress and the people of the United States with his latest definitions. The purpose of the majority of the aid in this resolution is in fact a lethal one—it would give the Contras the means with which to continue and even escalate the war. Beyond that however, the President has defined nonlethal aid to be "anything but weapons, weapons systems, and ammunition." Clearly, under these parameters, money could be used for military purposes such as training, and equipment such as trucks and helicopters.

Further, the administration has managed to include in this request an additional $20 million for replacing up to 10 leased aircraft, and unlimited funds for electronic surveillance equipment and radar, all needed, of course, for the continuation of the war, not to further the peace process. In fact, only a fraction of the President's request would be spent on true nonlethal aid such as food, medicine, shelter, and clothing.

Like many of my colleagues, I have traveled to Central America to get a firsthand view of the region. I came away from Nicaragua with the strong conviction that the Nicaraguan people want a peaceful settlement of the deep conflicts facing them. They are tired of living in fear and poverty, and are filled with grief over the loss of friends and family members, no matter which side of this struggle they have taken. It is far past time to seek a peaceful solution. For our part, it is imperative for the United States to advance the ongoing peace process; we must not hinder it by continuing to funnel funding to the Contras. I urge my colleagues to do their part in the peace process by opposing this aid request.

Mr. BOEHLERT. Mr. Chairman, this vote should not come today. Our timing couldn't be worse.

At the very moment when there is progress toward peace in Central America, when diplomacy is working, when the people of the region are demonstrating leadership in resolving the major differences and bloody conflict within the region, we in Congress are at it again.

If there is ever a period for patience in dealing with an issue that has divided and impatient, it is now. The old admonition, "don't just stand there, do something" does not apply.

Here, I feel, is an example of where doing nothing is better than doing something.

Why? Simply put, the Arias peace plan is moving in the right direction.

From the beginning, I have felt that the diplomatic route was the one to follow in our attempt to achieve peace, stability and, most of all, freedom and democracy in Nicaragua and El Salvador. To my way of thinking, the military option should be the last, rather than the first one exercised in pursuit of our objectives. And I have always shared the view that the initiative for a peace plan as well as the leadership for its implementation should come from the nations and people with the most at stake, the Central Americans themselves.

But our policy has taken a different path. Diplomacy was repeatedly shunted aside. Bluntly stated, we have said there's no room for reason, negotiating could not be productive. Instead, we have gone with a policy of persistently trying to forcefully overthrow the Sandinista government in Managua. That's been our game plan, a plan which has not been supported in the region or the world community. We stand alone.

Finally, bold leadership came from Central America in the form of the peace initiative advanced by President Arias of Costa Rica. And finally there were positive developments to report.

The Guatemala accord, signed by the Presidents of Costa Rica, Honduras, Guatemala, El Salvador, and Nicaragua was hailed because of the bright prospects it offered.

Is it perfect? By no means. But it is a substantive document, one that gives new direction and one whose provisions should be heeded. Are they? Not completely. There is plenty of room for improvement, but after years of seemingly endless conflict which has cost thousands of lives and hundreds of millions of dollars, there is progress. Not as fast or as much as we would like, but progress.

Should we pull the rug out from under the peace plan progress by refueling the Contra military machine at this critical juncture, almost assuredly guaranteeing more of the same—bloody battles, lives lost, treasury spent, and without positive result? To me the answer is no.

From my vantage point, passage of this measure forces the Sandinista government to do just the opposite of what we want it to do, to walk away from rather than to further embrace the critical provisions of the Arias plan. To expand not contract its war effort.

The need now is to restate our support of the Arias plan. To demonstrate our conviction that diplomacy is preferable to military action in pursuit of worthy objectives in this war-torn region. To make it work. But we have to do more. The imperative now is the fashioning of a truly bipartisan redevelopment plan for Central America so that a fragile peace, once it is attained, is followed by a determined international cooperative effort to help the people help themselves so that life and liberty will not be hanging by a thread, continually threatened from within and challenged from beyond the borders.

Mr. OWENS of New York. Mr. Chairman, I rise in strong opposition to President Reagan's request for funding to continue his war in Nicaragua.

So long as Members of Congress are able to declare wars but are not required to actually fight them, during debates over war and peace in this Chamber there likely will always be some cloud of unreality hanging in the air, fogging judgments and obscuring from view the true, terrible costs of violent solutions to our problems. During debates over proxy wars like the one today, that cloud of unreality inevitably grows so large and so dense that it becomes all but blinding. In proxy wars, fought by other people and other people's children in far-off places, we can safely cry out for blood, confident that we will neither never see nor be splashed and stained by it when it is shed. In proxy wars, war is not war but a game to its patrons.

Ronald Reagan's war against the people of Nicaragua is the most unreal of unreal wars. With military commanders plotting strategy while sipping martinis around swimming pools in Miami, with bilious lies like freedom fighter dripping from the lips of administration officials, with gifts of key-shaped cakes and arms sales to "moderate" terrorists in Iran, with Ollie "Bellybutton" North buying Danskin tights with the proceeds, with Elliot Abrams hustling handouts from foreign dictators, Ronald Reagan's Nicaraguan war has been played out like a bad, somewhat stupid comic book adventure.

For the people of Nicaragua, however, the costs of Ronald Reagan's unreal war have been only too real. Over the last 7 years, the lives of 35,000 Nicaraguans have been snuffed out—10 times, proportionately, the losses our own Nation suffered in Vietnam. Unarmed civilians—women, children, even infants—have been maimed, mutilated, and murdered in countless numbers by the bandits we bankroll and embrace in the name of freedom. And after 7 years of bloodshed, 7 years of Contra atrocities each one more barbaric, more unspeakable than the one before, all we have to show for our comic book war is a stack of corpses a mile high.

The Arias peace plan, finally, represents a way out, a way through peace, not war, to reconcile international differences and provide for regional security. In its first 6 months, the Arias plan has already produced greater results than 7 years of Ronald Reagan's murder and mayhem. But still, the President insists, this horrible war must rage on, the killing must persist, the stack of corpses must grow. In the paradoxical thinking typical of unreal wars, Ronald Reagan says war not negotiation continues to be the only path to peace in Central America.

It is a time-honored, but bankrupt argument, a plea that can only be made by those for whom great distance obscures the horrors of war, by those who do not and never will suffer under the sound and fury of mortar fire or fear daily for the lives and safety of their families. It is an argument for men who wage war as a game.

Almost 20 years ago, a wise man, Dr. Martin Luther King, once counseled against following those who would seek peace through war, not only because it is the immoral way, but because it cannot and will not succeed:

> The past is prophetic in that it asserts loudly that wars are poor chisels for carving out peaceful tomorrows. One day we must come to see that peace is not merely a distant goal that we seek, but a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. How much longer must we play at deadly war games before we heed the plaintive pleas of the unnumbered dead and maimed of past wars?

Pursue peaceful ends through peaceful means in Central America; use this $36 million to preserve life, not to destroy it. Stop the unreal war; pull the plug on Contra aid now.

Mr. STALLINGS. Mr. Chairman, it is unfortunate that Congress must vote today on Contra aid. It is not the right time. But pursuant to House Joint Resolution 395, the President is granted expedited floor consideration of his latest Contra aid proposal. Consequently, the choice is up-or-down, without amendment, on a package that contains lethal and nonlethal aid and would cost $36.25 million, at a minimum, and closer to $60 million if counted properly. Although I would rather delay the vote, a vote for the President's package today would be even worse.

On January 21, 1988, I joined 19 of my colleagues in sending a letter to the President asking him to delay his request on Contra aid. In my view, a vote today on Contra aid is unnecessary, arbitrary, and premature.

On December 21, 1987, Congress passed House Joint Resolution 395, the Continuing Appropriations for Fiscal Year 1988. Included in this omnibus spending bill was an agreement between the administration and Congress on Contra aid. Under the terms of the agreement, the President was required to submit a Contra aid package on January 25–27 and the House would be required to vote on that package today, February 3. That agreement was made exactly 45 days ago.

Since that time, there have been dramatic developments in Nicaragua and Central America:

The Sandinistas have lifted the state of emergency in Nicaragua and thereby disbanded the special military tribunals.

The Sandinistas and the Contras have begun direct peace negotiations.

The Sandinistas have promised to release 3,300 political prisoners.

The Sandinistas have promised the Contras freedom to participate in internal political affairs and offered to create an international commission, that could include representatives of U.S. political parties, to monitor adherence to this promise.

The Sandinistas have lifted restrictions on 13 opposition radio and print news organizations within Nicaragua.

The Sandinistas have written to the President stating that the party would turn over "the reins of government to the opposition if that is what the people wish."

In sum, in the past weeks, the Sandinistas have taken important steps to implement the Arias peace plan, which was signed last August. Believe me, I am not convinced that the Sandinistas will adhere to the promises and concessions they have recently made. They have not changed their stripes. But I am not entirely pessimistic either. And that is the problem. Nobody can possibly know today whether the Sandinistas are sincere. We need more time before that decision can be made.

It seems utterly foolish for the United States to decide an issue so important to our national security based on a formula agreed to 45 days ago, in a highly uncertain environment, that set an arbitrary date for final resolution. The Arias peace process is still evolving and results are now beginning to show. But it is premature to gauge its ultimate success.

Unfortunately, the vote, by itself and because it will occur, will upset the peace process. Regardless of the outcome, the Sandinistas will receive a signal, and that signal has the potential of upsetting the pressures that have yielded the current, ongoing progress. In short, the vote is unnecessary and based on an arbitrary timetable that ignores the delicate state of affairs. For these reasons, I asked the President to delay the vote.

Obviously, however, the President disagreed and sent up his package on January 27. Since then, I have been working to persuade the House leadership to guarantee a second vote within the month on an humanitarian aid package for the Contras—in contrast to nonlethal aid in the President's request. It appears that the leadership has acquiesced, although the details remain to be worked out. Consequently, the choice before us is the President's proposal and, should it fail, a later vote on humanitarian aid. Given this choice, I intend to vote against the administration package.

The vote today is fraught with risk. The President is gambling that a vote for his package will not destroy the peace process. In contrast, the House leadership is gambling that the Sandinistas will keep their promises and continue the progress toward democracy in Nicaragua despite the cutoff of military aid to the Contras. At this point, I am willing to bet on the latter.

Before explaining why, let me say that the debate here is only about means. Despite the rhetoric, we do not disagree about the goals. Earlier this week, I met with the President and asked him directly whether he seeks to overthrow the Sandinista government. He said that he does not. We agreed that our goal is to bring democracy to Nicaragua so that the people of Nicaragua, in free and fair elections, can decide who should run their government. The debate here, then, is only about the best way to achieve that goal.

The President's proposal runs a great risk of destroying the peace process. In point of fact, it violates a central element of the plan to halt assistance to irregular forces, such as the Contras, in the region.

But more importantly, without the peace process, the Contras are not likely to bring democracy to Nicaragua. The Contras have been in the field since 1981. Up until August of this year when the Arias accord was signed, the Contras failed to wring a single concession from the Sandinistas. Ironically, after each vote by Congress to provide aid, the Sandinistas tightened their grip on the country. The state of emergency was imposed. The press was shut down and other liberties curtailed.

It has only been in the last 6 months, since the peace plan was agreed to, have the Sandinistas begun to make propitious concessions. This fact is not to deny that the Contras have had an effect on the government. Surely, they have, although by no means the only effect. Nonetheless, it is critical to recognize that the Contras, without the peace plan, provide no hope of returning democracy to Nicaragua. Not even the administration believes that the Contras can win the war. The Contras alone merely ensure a long-term conflict that continues the death, suffering, and poverty of those people caught in the middle of the conflict.

In contrast, a vote against the President's plan is more likely to bring democracy to Nicaragua. First, a "no" vote is consistent with the Arias accord, which as I said is essential to our ultimate success. In fact, on January 14, the International Verification Commission, set up to monitor implementation of the peace plan, stated explicitly that a "definitive cessation" of Contra aid is an "indispensable requirement for the success of the peace efforts and of this procedure as a whole."

Second, a "no" vote does not abandon the Contras. I recognize that the Contras have played a role in bringing the Sandinistas to the table. But other factors are more important, particularly the peace plan itself. Another factor is the Nicaraguan economy, which is in a shambles.

In any event, I would like to keep the Contras in their bases as additional leverage. I am aware that the Contras have weeks of supplies on hand and, in fact, will continue to receive deliveries through February 29, 1988. In addition, as I said, I am willing to provide additional humanitarian assistance, such as food, clothing, and other items that must be provided by someone whether or not the Contras are in the field. These items can be distinguished from the nonlethal aid in the President's package, which by definition includes humanitarian assistance and such items as helicopters, jeeps, and radios—instruments of war. It is estimated that the President's package includes only $7 million in humanitarian aid. In sum, the Contras are not likely to fold up their tents based on the vote today.

I should say, however, that should the Contras do so, it would confirm suspicion that they represent simply a front for the United States. I could not imagine the mujaheddin in Afghanistan or UNITA in Angola giving up their fights for freedom because United States aid was reduced. Unlike the Contras, both of these groups have significant internal support. In short, the Contras may have to overcome their own Valley Forge, just as our forces did during the Revolutionary War.

Third, a "no" vote recognizes the concessions the Sandinistas have made so far and encourages further progress. Despite the seemingly low price tag of $36.2 million, the President's package actually escalates the war. In addition to the direct aid, the President would also provide $20 million in indemnification, which would be used to ensure the planes and helicopters the Contras would lease with the direct aid. Thus, if leased aircraft is shot down, the indemnity funds would be used to pay off the owners. Moreover, then the President's package includes funds for passive defense systems on the leased aircraft, such as radar, that would cost another $5 to $10 million. In sum, then, the President's package amounts to about $60 million over 4 months. Extended over 1 year, the President's package equals approximately $240 million.

In conclusion, although I would rather have delayed the vote, given the choice, I must oppose the President's package. For a long time now, I have supported a negotiated, peaceful settlement to the conflict in Nicaragua. Finally, we are starting to make progress. I would strongly urge the President to supplement the Arias peace process by initiating direct, bilateral talks with the Sandinistas. In this effort, we can ensure that the Soviets are kept out of the region. This is a must.

In any event, a vote for military aid would short circuit the progress and destroy the peace process. In that event, the Sandinistas would surely renege on the concessions offered thus far. The risk we take by opposing the President is that they will renege anyway. But I am willing to take that risk because I think that it is more promising than the violent path the President would take us down.

This is not likely to be the final vote on this issue. The Sandinistas know that. They should know we are giving them a chance. If they blow it, they will learn that there is an iron fist inside this velvet glove. At least this member promises them that.

Mr. McEWEN. Mr. Chairman, I rise today in strong support of the President's Contra aid request. I will not reiterate all of the valid arguments which my colleagues have made in support of this effort. However, I want my colleagues to know that history is riding on our shoulders.

What we do here today is being watched in every capital of the free world and in the Communist aligned governments. It is important that we rise to the occasion and demonstrate our commitment and support those peoples who seek peace and freedom.

Mr. Chairman, I want to share with my colleagues two important historical revelations from two of America's renowned military leaders and strategic thinkers, Adm. Thomas Moorer and Gen. Douglas MacArthur.

Adm. Thomas Moorer, who fought for freedom and democracy in World War II, and later served as Chairman of the Joint Chiefs of Staff, was giving his assessment regarding the subject of perception and the impact of perception has had upon the decisions of our past adversaries. Let me share with you his insights from a 1982 speech before the American Enterprise Institute.

This idea of perception was brought very forcefully home to me at the end of World War II when I had an opportunity to question the Japanese leaders about why they had attacked Pearl Harbor. The answer was the same for all.

They pointed out that we had passed the draft law by only one vote, that we had failed to fortify Wake and Guam Islands, and that we had our army in Louisiana training with wooden guns.

In the general perception of the United States built up in the minds of the Japanese, we did not have the will to defend ourselves, so they made the decision to attack our sovereign territory. Never mind that this was a major mistake; it did result in a major war.

Gen. Douglas MacArthur's insights are parallel to those of Admiral Moorer. I urge my colleagues who oppose Contra aid to listen to the words and experience of this professional soldier and statesman:

> The history of failure in war can be summed up in two words: too late.
>
> Too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

Mr. Chairman, we do not have to repeat the mistakes of the past today. The President has proposed an insurance policy to protect the viability of the Contras and the peace process. It is diplomacy with pressure. It is working; let's give it a chance to continue to work.

Mr. JEFFORDS. Mr. Chairman, 6 months ago, the five Central American Presidents signed the Guatemala peace agreement. Since then, the five nations gradually, if haltingly, have taken steps toward national reconciliation and compliance with the accords. Substantial progress has been made, but much remains to be done.

In August, the five Presidents felt that January 15 would be an appropriate deadline for compliance with the agreement, and scheduled a meeting and review for that date.

Congress, however, was operating on its own schedule. In the course of negotiations on Federal spending legislation, an agreement was reached to provide $8 million in nonlethal assistance and then take a thorough look at a Presidential request on February 3. It was assumed that members would have the benefit of a conclusive January 15 Central American meeting and would be in a better position to decide upon a new aid request.

As each of the Central American nations struggled with the difficult realities of implementing change, the leaders realized that the January 15 date was an overly optimistic target for total compliance, and should instead be seen as a period of review and reaffirmation. The joint communique signed by the five Presidents strongly reiterated their support for the principles of the August accord, and pledged themselves to continue to work toward greater compliance and national reconciliation.

Yet, due to the constraints of the December agreement, we are forced to decide today whether to provide lethal and nonlethal assistance to the Contras. This puts Congress in a very uncomfortable and inappropriate position. The Sandinistas and the Contras have just concluded their first fact-to-face negotiating session on a note of optimism. Observers of the talks praised both parties for scaling down the verbal war and engaging in meaningful discussion. A second meeting has been scheduled for the near future. Yet today members are being asked by the administration to assume that these negotiations will not be successful.

The current discussion of formulating a House alternative to military aid to the Contras is encouraging. However, we should not repeat December's mistakes and set an arbitrary date that has no relation to the peace process. It is rather unrealistic to expect that the Sandinistas and Contras will have ironed out their differences and solidified a cease fire agreement in the next couple weeks. I would strongly urge that another vote in the House be carefully coordinated with the peace process in an effort not only to allow Members to better evaluate its progress, but also to strengthen the peace process itself.

As we work to craft an alternative, I would hope that Members will take advantage of this opportunity to arrive at a truly bipartisan alternative. We need a resolution of the current impasse that will outline how we should proceed in our relations with Nicaragua and the Contras in the crucial months ahead.

We should begin by voting down this aid request today, and then by carefully considering an alternative—but only at a time when it will have a positive effect upon the process.

Mr. KOSTMAYER. Mr. Chairman, the Central American Presidents met in Costa Rica to evaluate compliance with the regional peace plan signed in Guatemala on August 7. Their conclusion was not startling: compliance has been less than perfect. Nor was their resolution unexpected; they pledged to continue to seek full compliance "without delay or excuses."

Nicaraguan President Daniel Ortega, who nearly brought the whole process to the brink of disaster by implementing only partial reforms, used the President's meeting to announce further steps toward compliance. On Saturday he announced an end to the 6-year-old state of emergency in Nicaragua, and pledged direct talks with the United States backed Contras. Those talks began last week.

Of course, the peace plan is not just about Nicaragua. Honduras' performance has been less than exemplary. Frightfully slow in even setting up the required National Reconciliation Commission, President Azcona still refuses to live up to the terms of the agreement and expel the Contras from his country.

In El Salvador, President Duarte has pursued a policy of technical compliance that has won kudos from the administration but which has failed to really get at the root of his country's 7-year civil war. In declaring a national amnesty, for instance, Duarte extended the decree not only to political prisoners, but to suspected right-wing death squad killers as well. In Guatemala, some progress has been made, but a ceasefire has not been achieved.

And finally, the United States, as Costa Rican President Arias told the President's National Security Adviser, Lt. Gen. Colin Powell, has done little to enhance the peace process. Although President Arias, the architect of the peace plan, said upon the receipt of his Nobel Peace Prize, that "the Contras are the problem, not the solution," the administration, in its unique view, continues to believe just the opposite.

Thus the White House has requested another package of Contra aid. The package includes $32.6 million in so-called humanitarian aid and $3.6 million in lethal aid to be held in escrow until March 31, at which point it could be released if the President certifies that a Nicaraguan cease-fire has not be achieved. In addition, Secretary of State Shultz will be sent to negotiate with regional leaders—including the Sandinistas—if the aid request is approved.

Mr. Chairman, the administration argues that the Contras constitute necessary pressure on the Sandinistas—pressure to ensure that they keep negotiating and continue to move toward democratization. According to administration officials, the Contras are an "insurance policy" that will keep the peace plan from falling apart. Congress should reject the request; the administration's arguments don't holdup to scrutiny.

It's important to remember what the President's policies have accomplished so far. The record shows beyond a shadow of a doubt that the Contras in and of themselves have been counterproductive. The United States wants to see democratization in Nicaragua, and a reduction in Soviet and Cuban ties to the Sandinistas. Yet every time the Congress has provided additional Conta aid, greater repression and more Soviet and Cuban aid has followed. Before the administration took up the Contra cause Soviet aid to Nicaragua was roughly $5 million per year. Today, after 7 years of the Contra war, the State Department estimates that Soviet assistance to Nicaragua is nearly $500 million. It is against this backdrop that the latest request must be viewed.

The flaws in the administration's argument for more aid now are numerous. First, the administration's calculus totally ignores the negative effects further Contra aid will have. No matter how the White House tries to sell it, Contra aid violates the Arias plan. As such, continual U.S. funding for the rebels undermines the plan—just as noncompliance on the part of any of the Central American countries does. Pressure that violates the peace plan is destructive, not constructive.

Second, military pressure is only an effective tactic if there are clear conditions which, if met, will result in the lifting of the pressure. This has not been the case with the United States and Nicaragua, and there is little to suggest that anything has changed. The administration has responded to both good and bad behavior with more pressure.

In January 1981, for example, the administration informed the Sandinistas that United States economic aid was being cut off, pending a cutoff of Sandinista aid to Salvadoran guerrillas. Although the State Department's own study revealed that spring that they could no longer find evidence of such an arms flow, the limited economic aid to Nicaragua was cut off permanently. Even before waiting for the report, President Reagan has authorized $19 million in covert aid for the Contras.

Then the administration argued that U.S. support was needed to bring the Sandinistas to the bargaining table. They came. More Contra aid was requested; according to the administration, it was needed to extract concessions. Concessions were offered. Now the President argues, Contra aid is needed to insure that the Sandinistas keep their word and concede more.

All this demonstrates that if Congress approves more Contra aid now it won't be the last package—it will only be the latest installment. And it will allow the administration to pay lip service to negotiations while pursuing its real objective, the military ouster of the Sandinistas.

This is the third flaw in the administration's claim that more Contra aid will pressure the Sandinistas into negotiating: it assumes the administration supports a negotiated settlement.

There is ample reason to doubt the administration's trust and support for negotiations. Consider, for example, the statements of Assistant Secretary of State Elliot Abrams. "It is preposterous to think we can sign a deal with the Sandinistas to meet our foreign policy concerns and expect it to be kept," he said last fall. And yet, also last fall, Secretary of State Shultz told those of us on the House Foreign Affairs Committee that Mr. Abrams had been charged with "laying the groundwork for the next stage in our diplomatic effort" on the Arias accord.

The administration resistance to negotiations is not new. In late 1984 the Contadora group completed its second draft treaty and circulated it to interested parties. Although initially Secretary Shultz told the Europeans that it was an important step forward, by October a National Security Council memorandum boasted that, "We have effectively blocked the Contadora group efforts. * * *"

There is nothing to suggest anyone in the administration has belatedly found the religion of dialog. And absent a real American commitment to negotiations, pressure on the Sandinistas has no constructive outlet.

Even the administration's offer to send Secretary Shultz to participate in regional talks that include the Sandinistas must be viewed with a healthy dose of skepticism. The administration told congressional leaders last fall that the United States would negotiate directly with the Sandinistas if the Sandinistas would agree to direct talks with the Contras. Now the Sandinistas are face to face with the Contras, but the White House seems to have forgotten its earlier promise.

Finally, the administration's claim that Contra aid now will have a positive effect on the peace talks ignores the calculus of the Contras themselves. So long as they can reasonably expect to win aid from the U.S. Congress, the Contras have no incentive to negotiate a cease-fire. Further aid holds open the hope, however, unrealistic, that the Contras might one day achieve a military victory in all or part of Nicaragua, thus guaranteeing themselves a share of power in the country. Through negotiations, the Contras can at best help to create a democratic opening that allows them to participate freely in elections—elections they might win or lose.

Mr. Chairman, the administration's latest arguments for Contra aid distort the past, the present, and the future. The theory that more Contra aid will serve U.S. interests is, at best, wishful thinking based on false assumptions. Sustaining the failed policy of Contra aid as an insuance policy against the possible failure of the Arias plan is an equally bankrupt idea. If the administration truly wants to insure that the Arias plan succeeds, they might try complying with it.

Mr. COURTER. Mr. Chairman, I don't believe that I have ever before asked the permission of the Chair, and the indulgence of the House, to read a letter from a constituent. But I wish to do so now.

MORRISTOWN, NJ, *January 22, 1988.*

DEAR CONGRESSMAN: As a resident of the State of New Jersey I urge you, most emphatically, to support President Reagan's upcoming request for more military and humanitarian aid to the Nicaraguan Contra Rebels.

I urge this despite my own solid liberal background: I marched against Vietnam, I volunteered for McGovern in Massachusetts, and I voted for Jimmy Carter. But over the last six years I have been studying history and have become disturbed by what happens to a country when dominated by a Marxist-Leninist minority.

As a product of the Sixties and Seventies, the idea of having my own life controlled by an authoritarian, Leninist state is absolutely horrifying, and I think most Americans—regardless of their political affiliation—share that view. I think it nothing less than creeping racism to assume that the people of Nicaragua find this prospect in their own future any less frightening.

The only change the future generations of Nicaragua have for lives of individual freedom is if they physically resist now the control being forced upon them by Soviet-, Cuban-, and East European-trained cadres. But in an age of helicopter gunships and automatic weaponry it is naive to think that farmers and shopkeepers have any chance to resist sophisticated efforts to control them without help from outside. Please help the people of Nicaragua to help themselves, and please use my tax dollars to do it.

Sincerely,

DREW GIBSON.

Mr. Chairman, this letter from Mr. Gibson speaks to the struggle of the Nicaraguan resistance clearly, soberly, and sympathetically. When it came in the mail a few days ago, I was prompted to recall how the authors of our Federalist papers set for themselves this task: "to refine and enlarge the public view." Surely elected officials should strive to do the same. And yet, as this letter shows, the perennial challenge to those of us sent here to Washington is to be as refined and as broad in our views as are the people we represent.

Mr. MATSUI. Mr. Chairman, today we are considering a request from the Reagan administration which would betray founding principles of our country, violate international law, and endorse a mercenary campaign of terrorism and economic sabotage against the people of Nicaragua.

Described as a request for $36.2 million of mainly humanitarian aid to the Contras, the proposal before us would set in motion an aid package totaling up to $68.2 million. As for how these funds would be spent, we saw all too clearly last summer that the Reagan administration's oversight of Contra aid has been woefully inadequate.

In considering this request, we must recognize that President Reagan has lost all credibility when it comes to Central America. Under his misguided leadership we have seen the illegal mining of Nicaraguan waters, the distribution of a booklet advising his so-called freedom fighters to use terrorist tactics, the sabotaging of the Contadora process, and the direct violation of the spirit—if not the letter—of the Boland amendment: all to pursue a policy which is adamantly opposed by 58 percent of the American public. What, I must ask, has this policy got to do with democracy?

The situation is rather clear. The American people do not support the Contras, and neither do the Nicaraguan people. President Reagan claims that continued funding of the Contras will support the current Central American peace process when, in fact, such funding would be in direct conflict with the plan that is the very basis of that process. The administration claims that Contra aid is necessary to protect Nicaragua's neighbors, but all five Central American presidents signed a plan that demands that Contra aid be stopped. The administration even suggests that the Contra war has brought the Sandinistas to the bargaining table, while in reality every transfer of funds to the Contras has forced Managua closer to Moscow.

Four years ago, Reagan administration policies seriously undermined the Contadora peace process and led to its eventual breakdown. But now we have another promising peace agreement, an agreement of the people of Central America, by the people of Central America, and for the people of Central America. President Reagan states that funding the Contras will help this process, but only last night Costa Rican Ambassador Guido Fernandez stated in response to this view that "the Contras are not the solution—they are the problem."

Mr. MATSUI, today we must choose either the Reagan plan for continued senseless killing or the Arias plan for peace. I urge my colleagues to choose peace.

Mr. KASTENMEIER. Mr. Chairman, the House of Representatives is now facing a moment of truth regarding Contra aid.

The key issue which we must confront today is not the amount of money that the President seeks for the Contras or whether it is in the form of military or so-called nonlethal aid or both.

The main point we, in this Chamber, must decide is the policy that the United States Government should adopt toward Nicaragua and the Arias peace plan. Our debate should really be a debate over what political and moral principles shall inspire our relations with Nicaragua and whose visions will be allowed to prevail.

The President, still clinging to the vain hope of overthrowing the Sandinista regime, is, regrettably, obsessed with the need to continue funding his rebels. But, the United States does not have the right to wage a dirty war against Nicaragua and its people simply because Mr. Reagan dislikes the Sandinistas. Mr. Reagan must learn that he cannot export the American dream by war and violence.

The Central American peace plan is slowly moving forward. If there are those who are dissatisfied with the Sandinista compliance with the terms of the peace accord, it should also be admitted that Nicaragua, engaged in a civil war, has made significant concessions to keep the peace process alive. Furthermore, it must be noted that the Reagan administration has failed to comply with the Central American peace accords by continuing to supply the Contra forces—a clear violation of the peace accord requirement that outside support for insurgencies be ended.

Mr. Chairman, one of my constituents, who is presently residing in Managua, recently wrote,

> It is a dirty, dangerous business and all very well and good and easy for those who vote for continuing and escalating a war which already has this country in a stranglehold. But, there are three million people here who will have to live and die with the consequences of the vote. Tell me what they are supposed to do?

The choice we face today is clear. We can support the Contras and continue the war and the killing of innocent people in Nicaragua by voting more funds or, by cutting off all aid, we can support the Arias peace plan.

I will vote to stop all funding for the rebels and give peace a chance. Let us stop the death and destruction in Nicaragua. Let us also bring an end to the economic misery we have brought to the poor people of that country by lifting the embargo imposed by the Reagan administration.

This is the only choice open to us which is consistent with the interests of our Nation and consistent with the will of the vast majority of the American people.

It is time to begin a new era of peace and reconciliation with the people of Nicaragua.

Mr. Chairman, I urge a "no" vote on aid to the Contras.

Mr. MINETA. Mr. Chairman, for the last 7 years, our Government, led by the Reagan administration, has financed and directed a guerrilla war against the Government of Nicaragua.

The purpose of that war, we have been told by the President, has been to promote freedom, democracy, and human rights for the people of Central America.

Yet, what has the last 7 years of the President's Contra war actually given us? Instead of peace, we have seen increasing violence and bloodshed; instead of democracy, we have seen increasing tyranny; instead of freedom, we have seen increasing oppression; instead of security, we have seen increasing instability.

At the same time, this policy has done grievous harm to our own country and people. In carrying out this surrogate war, the Reagan administration has broken the laws of our Nation, has lied to the American people, has brought us the embarrassment of the Iran-Contra scandal, and has made a mockery of our Constitution.

Now, finally, there seems to be a way out of this morass of war and violence and hatred. The leaders of Central America have come together and agreed to implement a regional peace plan, a plan that offers the first real hope of peace and security for the people of Central America.

Right now, with the Guatemala peace accords, there is a chance for peace in Central America. This is a chance that has eluded us for the last 7 years of President Reagan's policy of war and escalation. And in only 6 months, this peace process has resulted in more positive movement toward dialog, reconciliation, democracy, and human rights for the people of Central America, than has all the years of the President's Contra war.

But rather than heeding the wishes of the Central American leaders who are seeking peace, President Reagan has chosen to sabotage their hopes and their independence. The President has demanded more money for the Contras, so he can send in the CIA with more weapons, to continue the bloodshed and escalate an armed conflict in which everyone loses.

President Reagan calls this request an insurance policy. But let there be no doubt: if we send more money to the Contras now we will be harpooning the peace process and only prolonging the bloodshed in Central America. More Contra aid is no insurance policy in Central America: it is a death wish for the peace process.

If we truly want peace, and freedom, and human rights in Central America, then we have no choice but once and for all to reject the Reagan administration's policy of military escalation. If we truly want democracy, then we have no choice but to reject this latest request for more Contra aid.

It's time to put an end to this administration's senseless challenge to reason and responsibility.

It's time to get to work on a policy that will lead to more peace, not more bloodshed.

It's time to get serious about supporting President Arias and the Central American peace plan.

Most importantly, it's time to send our diplomats, and not the CIA, to Central America.

Mr. JONTZ. Mr. Chairman, I rise today to express my concern about the vote we are about to cast on $36.2 million in additional aid to the Contras in Nicaragua.

Approving the President's request would bring the 6-month total of U.S. aid to the Contras to more than $89 million. And approval of the $36 million today also means that the stage will be set for even larger Contra aid requests to come to the floor this summer.

A question I have, which I share with many of my colleagues is what have the Contras done with all of the direct and indirect aid that our taxpayers have given them? After a good amount of investigation by our Government, we have not been able to account for tens of millions of dollars of that aid. Are we now getting ready to hand over even more money from our treasury which may or may not end up where it supposed to?

Whether you are for Contra-aid or against it, agreeing to approve this $36 million request before we can account for the previous millions we have given the Contras in aid is a grave disservice to the taxpayers of this country who deserve to know how and where their money is being spent.

Mr. ACKERMAN. Mr. Chairman, I rise in strong and vigorous opposition to House Joint Resolution 444, the President's request for $36.2 million in lethal and nonlethal aid to the Contras. In an attempt not to repeat what everyone else has said today, I will try to focus on what I believe is the hidden meaning of our 10-hour debate.

I agree with many of my colleagues that continued Contra aid will disrupt the fragile Central America peace process, tht we must give the signers of the Arais accord a chance to attain peace on their own terms, and that if, indeed, the Sandinistas do not fulfill their promises of democracy, the Congress can always vote in the future to once more fund the Contras. The Washington Post reported today that Congress has given approximately $209 million to the Nicaraguan resistance since 1981. We have already made a very significant contribution to the Contra cause; we must now decide whether to continue this effort.

But I am struck by what my colleagues seem to be saying between the lines. Are we really spending 10 hours discussing $36 million when we allocate equal amounts of money on other programs without hesitation? Are we really debating for 10 hours about donating funds to a military force of several thousand men, when we give more money in military assistance to nations with much larger armies? I think not. I think we are really talking about something much deeper and more profound. We are discussing the future of U.S. foreign policy after the Reagan administration. We are examining the effectiveness of American foreign policy since 1981, as exemplified by our support of the rebels in Nicaragua.

This is a crucially important topic that easily justifies at least 10 times 10 hours of debate. I hope that with this vote we will see the end of a foreign policy era—the end of the Reagan administration's covert actions, the end of our support for rebels who seek to overthrow selected governments with which our own Government happens to disagree. I am confident our vote tonight will mark the final day we turn our backs on human-rights violators, even if they are "friendly" dictators; the final day we sell arms to nations we publically denounce as terrorists; and the final day we pompously insist that we have a better plan for peace in Central America than the very Presidents of that region. I hope this vote represents a new day in foreign policy when we can examine conflicts not just as East versus West, as freedom fighters versus Communist thugs, as us versus them, but as world citizens who will stand up for peace with self-determination in every nation versus enemies of democracy, whatever their political stripe.

Our discussion of Contra aid is crucial today and vitally important for the future of peace in Central America. But just as importnt is what we say about the future course of American international relations. I urge my colleagues to vote no on Contra aid and yes to a more just and democratic U.S. foreign policy.

Mr. RODINO. Mr. Chairman, I was deeply disappointed that President Reagan has chosen this critical juncture in the implementation of the Arias peace plan to submit another funding request for aid to the Contras. The Arias peace plan presents the most concrete opportunity to achieve a stable and lasting peace in Central America. But, the President seems to be unwilling to give this attempt at peace a chance. In fact, the President has maintained his belligerent posture toward the Sandinistas. He still calls for continued funding of the Contras so that the Sandinistas will cry "uncle." Mr. Speaker, this kind of rhetoric is not the way to achieve a diplomatic breakthrough. At this time when President Arias and the other Central American leaders are working toward a solution to that region's problems, any indication that there is an intention to subvert this process will prove counterproductive.

The Arias peace plan represents a departure from the traditional ways of solving differences in Central America. It seeks to substitute dialog for violence, and cooperation for conflict. However, for the plan to work, all those who have a stake in Central America must support it without reservation in the hope that it will work. The Arias plan is not a momentary flirtation with diplomacy. It is a new and different way of dealing with the chronic problems of Central America. However, unless the United States commits its vast influence and prestige to the success of this approach, its chance of success is slim. For it to work it must be given a chance.

The administration's most recent Contra aid request demonstrates its lack of commitment to the new course. Any military aid to the Contras flies in the face of the letter and spirit of the Arias peace plan. Our funding of the Contras would demonstrate to our citizens and the people of Central America that the United States was never serious about pursuing peace.

Contrary to the arguments made by the supporters of further aid, the Arias plan has already produced solid successes with regard to Nicaragua. The Sandinistas have released almost 1,000 political prisoners; they have allowed La Prensa, the main opposition newspaper, to open and publish without censorship; and they have created a reconciliation commission which includes Cardinal Bravo, the main figure in the legitimate Nicaraguan opposition movement.

Any further aid to the Contras at this time would provide Daniel Ortega with reason to question the United States' commitment to full support of the Arias peace plan. Instead, any such aid would only send another signal to Daniel Ortega that we, the United States, are not interested in seeing the Arias peace plan work and that the only solution to the Central American problem must be through continued armed conflict.

Let us respect and support the genuine and sincere efforts of the Central American leaders who are trying to bring peace and democracy to their region, by working through the Arias peace plan without placing obstacles and hurdles in their path. Let's give peace in Central America a chance.

Mr. McGRATH. Mr. Chairman, after a great deal of thought, I have decided to vote in favor of continued assistance to the Nicaraguan resistance forces. Over the past several months, I have received thousands of letters and calls, which show tremendous divisiveness among my constituents. This issue is not one that can be considered solely on the basis of its popularity or lack thereof.

To the opponents of assistance, I will acknowledge that the Reagan administration has been equivocal to say the least over the last 6 years. The lack of direction does not, however, justify abandonment of the Contras. We appear to have muddled our way to a position where a combination of diplomacy and the threat of a continued military aid will bring Nicaragua toward democracy and respect for its smaller and less powerful neighbors. I find it hard to believe we would have reached this stage without pressure exerted by the resistance.

President Reagan's plan is a significant departure from prior aid requests and a sincere effort to bring about a bipartisan compromise on American policy in Central America. He has included Congress in the decisionmaking process, and the majority leadership has offered no alternative to the administration plan. Those who complain that it was too late have short memories of the peace at which this body has worked on the Federal budget and other pressing matters within the last 3 months. Under the Reagan plan, the so-called "lethal assistance" may never be released if the Sandinistas follow through on their promises.

Daniel Ortega's slothful response to the requirements of the Arias peace plan has been a major influence in my decision to vote for the President's package. I think that recent concessions by the Sandinistas have been little more than thinly veiled public relations ploys timed to coincide with congressional action on aid to the Nicaraguan resistance.

The often repeated statement that no Marxist government has ever voluntarily relinquished power is dismissed by many as harsh rhetoric, yet no one can challenge its veracity. The Sandinista's promise to allow opposition political activity rang hollow last week in Managua when Sandinista gangs harassed an opposition party meeting and roughed up political opponents. Several protesters were also arrested at a demonstration.

Others have been victims of this tactic over the last three decades. Solidarity members in Warsaw, Soviet Jews in Moscow, and Leningrad, and Hungarian students in the streets of Budapest are but a few of the unfortunate groups which have tried to exercise political power in a totalitarian state. My concept of democracy simply does not include officially sponsored intimidation and violence directed at political opponents.

Another well-known tactic the Sandinistas have adopted from their mentors is the gift of human beings. Yes, they have released political prisoners, but the number released is only 10 percent of the total held. Nearly every Member of this body has accosted the Soviets, the South Africans, Vietnam, and others for imprisonment of political opponents. Like the others, Nicaragua offers us a token of sincerity, but with 9,000 people still in jail, an opposition figure would need a great deal of courage and fortitude to speak out against the government.

We will spend over $290 billion this year for national defense, which is primarily defense against Soviet forces. I find it inconceivable that we would simply permit the Soviets to repeat their success in Cuba. While I do not see the Sandinistas as an immediate military threat to the United States they are certainly capable of destabilizing areas south of our border where significant American interests are present. Those interests include the Panama Canal, Mexican oil reserves, and other resources vital to our national economy and the economies of every other nation in the region.

The Defense Intelligence Agency estimates that the Soviets provided $1.81 billion in military aid to the Sandinistas since 1980, with $600 million of that total sent in 1986. Economic aid over the last 8 years has been estimated to be approximately $1.83 billion. Nicaragua has standing armed forces numbering approximately 140,000 with support from an estimated 3,000 Cuban and 200 Soviet "advisers." Smaller contingents from Eastern European nations, Libya, and the Palestinian Liberation Organization also are present.

Soviet deliveries of weapons to the Sandinistas include the following: 12 HIND helicopter gunships, 35 troop transport helicopters, 110 medium weight T-55 tanks, 30 light amphibious PT tanks, and 200 other armored vehicles. They also have a large stock of SA-14 missiles, which are the most modern surface-to-air weapons in the Soviet arsenal. To paraphrase President Reagan, I doubt that the Politburo anguished over sending these lethal supplies.

The Contras are the only internal force in Nicaragua capable of responding to future violations of the Arias plan. No one on either side of the aisle wants continued violence and bloodshed in Central America, and everyone seems to agree that we have geopolitical concerns in the region. If the peace process moves forward, as I hope it does, I am willing to support substantial economic assistance and a new trade relationship with Nicaragua. Without the resistance forces, we have no assurance whatsoever that we can reach that point. To renege on our support for the Contras at this time would have serious ramifications for the struggle toward democracy in Nicaragua and throughout the world.

Mr. McMILLEN of Maryland. Mr. Chairman, last month, I signed a letter with 19 of my colleagues urging the President to delay his request for additional aid to the Nicaraguan resistance.

The President should not have asked for military assistance to the Contras at this time. But he did, and I urge my colleagues to vote against it.

It is at this critical time during these most sensitive of negotiations that utmost caution in U.S. policy must be exercised. Any new United States military aid to the resistance at this time is extremely risky and a threat to lasting peace in Central America.

Military assistance to the Contras directly violates the Arias peace plan. Costa Rican President Oscar Arias opposes military aid precisely because it subverts the peace plan. By providing aid to the Contras, we give the Nicaraguan Government a perfect escape hatch. By stopping aid, we can at least test the Nicaraguan Government's commitment to the negotiations.

The administration needs to clarify its objectives in Central America. If our goal is to get the Sandinistas to negotiate, the administration should declare victory. For the first time in 9 years, President Ortega is paying more than just lipservice to democratic principles. The Nicaraguan Government has observed critical points of the Arias plan, such as lifting the state of emergency and committing Nicaragua to direct negotiations with the Contras for a cease-fire and upon the cease-fire's achievement, a broad amnesty.

If the administration's goal, however, is to overthrow the Sandinista government, the Contras have not proven to be the viable means.

In working for peace in Central America, the United States must exhaust diplomatic solutions before continuing to pursue military avenues.

The United States, after almost 7 years of supporting war, must now concentrate its efforts on working to build a plan for peace and democracy. A vote to reject the President's package does not constitute an abandonment of the Contras nor does it signify complete trust of the Sandinista government. But at this delicate time in the peace process, the United States must not be the obstacle to peace in that region.

We must instead work together to develop a true humanitarian aid package and long-term economic aid to the region. Then and only then will we be able to promote democracy and self-determination for the people of Central America, while protecting our national security interests.

Mr. OBEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members recorded their presence:

[Roll No. 6]

ANSWERED "PRESENT"—409

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
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Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
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Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
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Konnyu
Kostmayer
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LaFalce
Lagomarsino
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Leach (IA)
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Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

☐ 2100

The CHAIRMAN. Four hundred nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair announces that 56 minutes of debate remain.

☐ 2115

Mr. OBEY. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The Chair announces that the gentleman from Wisconsin [Mr. OBEY] has 31 minutes remaining; and the gentleman from Oklahoma [Mr. EDWARDS] has 25 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in strong opposition to the funding resolution under consideration.

Mr. Chairman, I rise in opposition to House Joint Resolution 444 and the continuance of United States aid to the Nicaraguan Contras. The policies of the Reagan administration toward this impoverished and war-torn country are misguided, and it is time for us to establish a Central American foreign policy that promotes peace instead of bloodshed.

Last summer, the five Central American Presidents signed the Arias peace plan which was designed to gradually reduce hostilities in the region. Complete implementation would include the democratization of the existing governments, simultaneous cease-fires, the suspension of outside military aid to insurgents, the prevention of neighboring countries from being used for military or logistical support of insurgents, and the reduction of armaments by the five nations of Central America.

While the application of the Arias plan has not always gone as smoothly as we would like, substantial progress has been made toward achieving its goals. Most recently, the Sandinistas have agreed to lift the 6-year-old nationwide state of emergency, grant amnesty to thousands of political prisoners, hold municipal and local elections, permit the opening of several radio stations and newspapers, and enter into direct cease-fire talks with the Contra rebels.

I suffer no illusions about Nicaraguan President Daniel Ortega. His record shows that he cannot always be trusted. But we need not embrace nor violently overthrow the Sandinista government to meet our legitimate national goals. Our security interests and those of our allies in the region would be best served by full compliance with the Arias peace agreement.

Costa Rican President Oscar Arias has repeatedly pleaded that Contra aid be halted because it will lead to more war and less democracy. Explaining the devastation that additional U.S. military assistance would cause to the peace process, President Arias is quoted as saying that he "would have to go back to Oslo and return the Nobel Peace Prize."

By voting against House Joint Resolution 444, we can prevent President Arias from having to make that trip. At the same time, we would be sending the important message that we have confidence in the abilities of the Central American leaders to work through the details of the plan that they—not the people of the United States—will have to live with.

The Contra aid request which we will be voting on today is unacceptable. It represents a deliberate attempt to thwart peace while escalating the Nicaraguan civil war.

Taking great liberties with semantics, President Reagan's nonlethal aid could include helicopters, jeeps, and other war-related equipment. In addition, the allocation of so-called humanitarian aid by the United States would enable the Contras to use their other available resources to continue the slaughter of civilians that is characteristic of this and all wars.

This week marks the 20th anniversary of the Tet offensive in Vietnam. Not forgetting the lessons and slogans of that era, I challenge President Reagan to give peace a chance. In offering the same olive branch to my colleagues, I urge them to cast their votes against House Joint Resolution 444.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, it is late at night and we have had a long debate, since 10 o'clock this morning. Very little new can be added. Let me just say this is a very difficult vote. We have friends on both sides of the issue. At times righteousness and truth appear to be on both sides of the issue, but we do have to make a decision and adding to the confusion of this decision is our respect for the President and the Presidency, and I desire not to hurt him or to in any way weaken the office, but we do have to vote and I have made a decision and my decision is to oppose the package and to urge that we move ahead with the peace process in Central America.

Mr. Chairman, I believe that if we are ever able to isolate the Sandinistas, and determine whether their intentions are pacific as they insist, or sinister as many have observed, we must reject Contra aid at this time. If there is any time that we will ever be able to isolate the Sandinistas and determine ourselves and have the world determine whether or not their intentions are pacific or sinister then we have to remove from them the one excuse which they have consistently used to delay implementation of the Arias peace plan and the excuse that they have used to deny their own countrymen the human rights and the civil rights and rights of free expression, the rights of assembly, and that excuse is that the United States is supporting the Contras, and the U.S. presence in that area.

I urge that the House defeat the bill tonight, take pause in its support for the aid to the Contras, and if then the Sandinistas fail to adhere to the peace plan, then we may if we have to, return to the fray and return to the side of the Contras, but at that time it will be at the behest of the four democratic Presidents, or at the behest of the Organization of American States, or were the worst to occur, at our own instance unilaterally.

Defeating Contra aid tonight will not injure U.S. status nor will it injure U.S. security. It may very well advance the peace process. Tonight I would urge the House and the Congress to give peace a chance. Let us vote down this bill and give peace a chance.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I support humanitarian aid to the Contras, but I am in opposition to the President's Contra aid request because it contains funds for lethal weapons.

We all know we are at a critical juncture in the Central American peace process. Concessions are being made by all parties in an effort to end the fighting. Our dedication to peace should not be measured in terms of numbers of weapons but rather in the degree of our commitment to long-term regional stability.

The regional governments are currently engaged in negotiations to implement a cease-fire. They have not asked us to rearm the Contras.

In fact, to ship arms to the Contras at this stage could sweep away incentives to seek a negotiated settlement: If the Contras are given reason to believe they can refrain from reaching any agreement for the next 30 days, then they would be in a much better position to receive additional materiel support from the United States. By the same token, if the Contras choose to negotiate with the Sandinistas then they lose their capability to wage war.

We clearly have a national interest in the Central American issue. Limited support of the Contras is justified, because they have proven to be effective in exerting pressure on the current Ortega regime and making cease-fire talks a reality. I think humanitarian assistance to these people can be justified, and I have supported nonmilitary aid in the past.

But, Mr. Chairman, more weapons will not immediately encourage a cease-fire, nor will more military aid encourage peace. We are obligated to protect the democracies of Central America from a Nicaragua which could become a Soviet outpost. The United States can and should support regional efforts against foreign intervention in the Western Hemisphere.

Our best hope right now is to have the full support of the five countries sponsoring the Arias plan. They could have as much leverage as the United States and no doubt have interests as strong as those of the United States to bring peace to Central America.

However, the United States cannot impose upon the Nicaraguan people what type of government they should have. Should the President later show a finding of fact that the Sandinistas are inhibiting progress toward peace, then the President would be expected to return to Congress for more aid to the Contras, as he sees fit. I would be willing to consider such a vote if it is found later that the Sandinistas are scuttling the prospects for peace. At this time, however, when all parties are working hard, we hope, to end the conflict, I strongly believe that we should further the peace process and not promote further violence and bloodshed.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, we are once again in the throes of another divisive debate on Central America. We are once again focused on the things that divide us while neglecting alternatives that would unite the American people. We should do as Truman and Vandenberg, Eisenhower and Rayburn did before us, develop a bipartisan policy that would bring freedom and peace to Central America.

The President should not have asked for military assistance at this time but he did so, and we should defeat it for several reasons.

First, it is in clear violation of the Arias peace plan which we should be strongly supporting. There is no doubt where President Arias stands on the question of military assistance to the Contras. He is against it.

Second, the United States lacks the moral justification to pursue a military solution until we have exhausted our diplomatic remedies. How can the administration convince the American people it has exhausted diplomatic remedies when it has refused for 3 long years to meet at the high levels with the Nicaraguan Government?

I do not believe it can.

The Nicaraguans want to talk to us about our national security concerns including the size of their military, and including the presence of foreign military advisers, but this administration has refused.

I do not know whether these talks would be successful, and no one in this room tonight knows whether they would succeed, but, ladies and gentleman, one thing is absolutely certain: We have a fundamental moral obligation to find out. It is not enough for us to merely oppose the President's request for military assistance.

As President Truman was fond of saying, "Any jackass can kick down a barn but it takes a carpenter to build one." Our challenge is to be carpenters building a plan for peace and democracy in all of Central America. Any suggestion that this is the final vote on the Contras is absolutely dead wrong. This issue is not going to go away regardless of what we do here this evening. A no vote on this resolution does not mean that we are abandoning the Contras. It does not mean we trust the Sandinistas either. It only means we are saying no to military assistance during this delicate time in the peace process when such aid would clearly violate the peace process.

If the President wants to he can go to work tomorrow morning on an alternative package of humanitarian assistance that could gain and should gain broad bipartisan support.

We can and must agree on an aid package of food, shelter, clothing, and medical supplies to be delivered to the Contras within cease-fire zones in Nicaragua. Under such a plan the Contras would remain in the field pending the outcome of the peace process. So we are not abandoning the Contras with this vote, and I do not believe we should.

If we care about the future of Central America and Mexico, as we must, we better do what we can to make sure that their people have a future of hope and opportunity. The best way to do this is to support the Arias peace plan.

Let us defeat military assistance and support a bipartisan package of humanitarian aid and long-term economic assistance for the region.

Then and only then will our neighbors in Central America have a future of hope and opportunity, and then, ladies and gentlemen, will we contain the spread of communism and preserve our Nation's security.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise in strong opposition to the resolution.

□ 2130

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it will be alleged in the closing moments of this debate that if you vote against the President's request we will be abandoning the Contras, they will be running out of bullets, they will not be able to defend themselves. Let me repeat what I said earlier today. The chance that the Contras have of running out of bullets is a whole lot smaller than our chance of running out of hot air on the House floor.

The administration has been piling in amounts of military equipment far in excess of monthly rates that they have been providing in the past 3 months, and that means that between now and the end of February they will be pouring in military equipment at such higher levels that even though the President has announced that there would be a hiatus in military aid, the fact is that so much will be delivered before that hiatus that it will make no difference whatsoever on the ground. The Contras will have plenty of ammunition and plenty of equipment.

It also will be alleged that the administration's plan scales back their previous plans. My colleagues need to understand that this request is not only a significant increase, not a decrease, an increase in overall dollars, but it is an increase on the lethal side of some 400 percent. We would be spending four times as much on ammunition, missiles and mines as we did last year on the humanitarian side. The request is actually a decrease of about 33 percent.

The administration says that 90 percent of the request is for nonlethal aid. The facts are that the fiscal 1988 continuing resolution strictly defines humanitarian assistance as being only food, clothing, shelter, medical supplies and payments for such items. The President's request opens up the definition of nonlethal assistance to include everything but weapons, weapons systems and ammunition. That means it allows air operations, communications, logistic support, civic action, intelligence operations and all of the rest. That means that $26 million or 80 percent of the $32 million in so-called nonlethal assistance actually falls into the category of logistic assistance which will directly support a war effort. That will mean an escalation of the war, not a scaling back.

Let me make one final point. Whether my colleagues believe that the Contras' pressure or negotiations have brought the Sandinistas to the table, the fact is that there is now a chance for peace after 6 years of war and 3 months of negotiations.

People say leadership comes from military strength. You bet it does. But leadership also comes from the wisdom of knowing when to use it and when not to use it, and this is the time to test them by not using it and putting together a bipartisan policy that can be sustained through this administration and administrations for the next 10 years.

We need continuity. The President's recommendations will not give it to us. The alternative that will be produced in the next month will.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the President's request for aid to the freedom fighters in Nicaragua.

I believe we, as the leaders of the free world, must demonstrate to Daniel Ortega and the Soviet Union that America is serious about democracy, free elections, free speech, and free press in Central America. Pressure exerted by the freedom fighters has brought the Communist Sandinistas to the bargaining table and has forced concessions. Only continued pressure will keep them from reversing this trend.

Once the Communist Sandinistas understood that the Central American Presidents were not going to keep the peace process alive, they made convenient concessions to influence continued aid to the freedom fighters. Daniel Ortega lifted the state of emergency, disbanded the revolutionary tribunals, and agreed to discuss a cease-fire. He waited to make these concessions until U.S. congressional approval for continued aid was apparent. Now, the Communist Sandinistas merely hope to prevent continued aid and wait out Reagan's final year.

The Guatemala peace proposal called for specific compliance provisions, but compliance overwhelmingly meant democratization. Does anyone actually believe that the Communist Sandinista regime, their recent concessions notwithstanding, really want democracy? I don't. The Communist Sandinistas have disregarded and abused almost every provision of the peace plan. Daniel Ortega must be judged on his actions—not his promises. The stakes are too great to risk another strategic Soviet beachhead in our hemisphere.

On August 7, 1987, Daniel Ortega and four Central American Presidents signed a peace accord committing their countries to democracy, amnesty, a cease-fire, and an end to the aid of insurgent movements in neighboring countries. Despite the 2-month extension of the 90-day deadline, the Communist Sandinistas are still blatantly in noncompliance.

The revelations of recent defector Major Miranda should not be forgotten. His intimate association with the Communist Sandinistan leadership allowed him to inform our intelligence officials of detailed military plans and valuable intelligence information. Major Miranda's testimony should leave no question in our mind that Daniel Ortega is fiercely committed to Marxism. The plan to build an army comparable to the size of the United States Army is extremely alarming; with an army of 600,000 men, one of every five Nicaraguans will be in the military.

As President Reagan said back in December "making sure the freedom fighters remain a viable force in Nicaragua is the only way to make the peace process go forward—to give peace and democracy a chance * * *." If Daniel Ortega signed the peace plan in good faith and with serious intent, then he has nothing to fear. Please vote "yes" on the aid package. It is a vote for peace, and for freedom.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in strong support of this resolution as the best way to proceed with peace in this part of the world.

Mr. Chairman. I have received numerous calls and letters from constituents expressing a range of views concerning the President's aid request to the Nicaraguan resistance fighters, or Contras. Despite the diversity of views expressed, everyone shares certain basic hopes and goals. We all want peace and democracy for Central America, and we support the peace plan principally authored by Costa Rican President Oscar Arias and agreed to by the five Central American Presidents, including Nicaragua's Daniel Ortega. Differences among my constituents, and throughout the Nation, center on the best way the United States can help this process toward peace and democracy.

I believe that a reduced level of aid to the Contras is the best way to foster that process. This aid, combined with the Guatemala plan, represents an effective two-track strategy.

As the Washington Post astutely observed on February 3, the day of the congressional vote on the President's aid request, "The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the President's request."

The New York Times, in a January 31 editorial urging a delay in the Contra vote, noted: "As President Arias says, the future of aid to the Contras is in the hands of the Sandinista government of Nicaragua. That being so, the threat to continue aid, at this precise moment, could put constructive pressure on the Sandinista government to keep up its grudging movement toward peace. Congressmen who truly support the Arias plan will see that and avoid a final decision to end aid now."

Indeed, it has been Contra pressure—in the context of a deteriorating economy, hyperinflation and the war's drain on Nicaragua—that spurred Ortega to agree on August 7 to the Guatemala plan, which calls for cease-fires, national reconciliation and democratization.

It was the same pressure that spurred Ortega in mid-January to make further concessions, by agreeing that the Sandinistas would lift the state of emergency and engage in direct negotiations with Contra leaders on a cease-fire. In making these concessions, Ortega clearly was seeking to persuade the U.S. Congress to vote no on further Contra aid.

If the Sandinistas had a good track record on past promises kept, perhaps these latest promises would be enough to sway U.S. policy. But the hard fact is that the Sandinistas have been making and breaking promises since they came into power. Ortega was one of three Sandinistas on the Nicaraguan Government of National Reconstruction [GRN], which on July 12, 1979, promised the Organization of American States that the GRN would replace the Somoza regime with a new government that would guarantee:

A pluralistic government;

Full observance of human rights;

Freedom of press, religion and unions;

Private enterprise in a mixed economy; and

A nonaligned foreign policy.

Since then, the Sandinistas have consolidated political control, arrested political opponents, accepted Cuban military advisers, assisted leftist guerrillas in El Salvador and joined the Soviet camp. Under a state of emergency, they closed newspapers and radio and TV stations, and censored those that continued to operate. Under the same state of emergency, they enacted regulations that straitjacketed the private sector. Now that the state of emergency has been lifted, let us closely monitor the level of freedom of expression and private enterprise allowed in Nicaragua.

Both opponents and proponents of the Contras recognize the real danger of Nicaragua becoming a Soviet beachhead in Central America and of Nicaragua exporting revolution and subversion in the region. Today the Contras are fighting to keep the Sandinistas in check. But what will we do if the Sandinistas' threats become reality, and we have abandoned the Contras? We will then be left with but one response: sending U.S. Armed Forces into combat in the region. That is a possibility I want with all my heart to avoid. And it is for this reason that my conscience tells me to vote to continue support for the Contras.

We are all following developments in Nicaragua with great interest. So far, the Sandinistas have sent some disturbing signals. In August, after Ortega signed the peace accord, the Sandinistas arrested two prominent opposition figures—one was Alberto Saborio, the head of the bar association—and held them for 3 weeks. And when Ortega announced his latest concessions in mid-January, the police in Nicaragua were rounding up 11 opposition leaders, including an editor of La Prensa. Their crime: having talked to Contra leaders in a meeting outside Nicaragua.

The Nicaraguan Minister of Defense, Humberto Ortega, announced that the Sandinistas plan to seek sophisticated Soviet weapons and to put 600,000 men under arms by 1995.

Given this record, it would be irresponsible simply to take the Sandinistas at their word. Their words must be translated into deeds—not gestures that can be reversed overnight.

At the same time, the United States has an obligation to encourage the emerging peace process. The best way to do so is to keep the Contras alive, but to reduce the level and kind of funding. Fortunately, the President's request does just that. The total aid request of $36.2 million represents a substantially scaled back figure. Only 10 percent, or $3.6 million, is for lethal aid, and it is to be held, unspent, in a separate account through March. The aid can only be released if the President certifies to Congress that: First, no cease-fire is in place; second, the Sandinistas had failed to comply with their promises for democratization; and third, the Contras had acted in good faith. Moreover, the President has promised to consult with the four Central American democracies on whether to release the military aid, and he has promised to inform Congress of their recommendations. He has also stated that he will withhold the lethal aid if Congress adopts a sense of Congress resolution that the Nicaraguan Government has complied with the peace accords.

It is worth noting that the Guatemala peace accord called for cessation of aid to guerrillas to take place simultaneously with a cease-fire and democratization. Let us hope and pray that our reserve fund for lethal aid will never be released, that the Sandinistas and the Contras agree on a cease-fire. Then we will be on the road to true peace and democracy, and our assistance can go toward healing this war-torn region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in support of House Joint Resolution 444.

Mr. Chairman, earlier today I spoke on the floor and submitted for the RECORD 60 members of Daniel Ortega's inner circle of government including Daniel Ortega.

These biographical backgrounds gave the specific training, educational backgrounds, and history of each individual.

Tomorrow, every one who reads this RECORD will see that many of these people were trained or educated in such countries as Cuba, the Soviet Union, East Germany, and other Communist countries.

Mr. Chairman, I also read into the RECORD the Sandinista creed which Daniel Ortega and its inner circle took an oath to.

Mr. Chairman, since making this statement, today my telephones have been inundated with calls and I've been asked again to refer to this creed which I will do now.

THE SANDINISTA CREED

I believe in the doctrines and struggles of Marx, Engles, Lenin, and Che Guevara—the great teachers, and guides of the working class which is the productive force and true driving force of the class struggle.

I believe in the building of the Marxist-Leninist Socialist Society.

Mr. Chairman, I refer to this simply to bring out the fact that when you are depending on the Communist government to set up free elections which could be a duplication of what happened in El Salvador—the establishment of a democracy—its going to be an uphill battle. Ladies and gentlemen, we need these remaining 5 months and a positive vote tonight will provide it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois [Mr. MICHEL] the Republican leader.

Mr. MICHEL. Mr. Chairman, I suspect there will be several distinguished speakers on the Democratic side who will rise after me, and I know that the House will accord them the courtesy of attention. I would hope that you might accord the same privilege to those of us on this side of the aisle. It has been a long day, and I simply want to first congratulate the gentleman from Oklahoma [Mr. EDWARDS] and thank him profusely for the manner in which he has conducted and managed the debate on our side of the aisle, to all of his cohorts who have acquitted themselves so well during the course of this debate. And let me turn over here to my Democratic side, too, and thank those of you who feel as we do and have talked in support of our resolution today and, yes, helped us work hard to garner votes. I am most appreciative of that effort.

I am reminded of a couple of years ago on that rostrum when I was there for only a few moments as we began a session saying there might be times when the issue would cross the aisle here, and this is one of those occassions. It is a foreign policy debate that we have been discussing today, and it is on foreign policy, and it ought to be a bipartisan decision when finally the vote is cast.

I was here in the House when President John Kennedy spoke all those marvelous words about an Alliance for Progesss in Latin America. They were very beautiful words that he uttered, but there was no followup or progress made, and his legacy left the Cuban people with a Communist state headed by Fidel Castro.

Contrast that record, if you will, with President Reagan's Central American initiative. Seven years ago there were four dictatorships and one democracy in Central America. Today, after consistent support from the United States, there is only one dictatorship in Nicaragua and four democratically elected governments surrounding it.

The record of progress cannot be disputed, and it was accomplished with both military and economic assistance for which we had to pull out all the stops to get approval over the past several years.

Now even after these successes there are those in the House who would alter the balance of power and change the dual formula that has gotten us this far in the peace process. We are told today that humanitarian aid is all that is required to support the democratic resistance in Nicaragua.

Mr. Chairman, I want these advocates of humanitarian assistance only to tell me is the Soviet Union on the verge of pulling out of Afghanistan because of our humanitarian assistance to the Afghan freedom fighters or because of the unmentionable military assistance component?

When we came to the aid of postwar Europe we did it not only with the Marshall plan of economic assistance, but with NATO as well for security and stability.

The gentleman from Texas [Mr. STENHOLM] and the gentleman from Illinois [Mr. HYDE] before me turned to the left over here to the portrait of Lafayette. Of course, being the inhouse Frenchman I guess I am free to make the comment that if during our Revolution the French had sent us only humanitarian aid, we would all be singing, "God Save the Queen" tonight.

The Communists in Nicaragua are saying that if we stop sending aid to the Contras at this time they really, honestly, truly, cross their hearts and hope to die promise us that democracy is going to come to Nicaragua.

I tell my colleagues that Jimmy Carter trusted the Sandinista Communists in 1979, and it actually helped to bring them to power. Congress was urged to trust them likewise and gave them $118 million of American taxpayer dollars. Most people have forgotten that bit of history.

Now about that catchy phrase used so often in today's debate, "Let us give peace a chance," I have to ask the question: What kind of a peace are we talking about? The people in the Soviet Union and Eastern Europe would undoubtedly say they are at peace, but that is not the kind of peace that I envision for truly freedom-loving people. I tell you, my friends, we give peace a chance only when we give freedom a hand.

Sometimes I wish I was not as old as I am, but I will tell you there are several advantages in recalling personal experiences of history, and I can still see that black and white Movie Tone news clip of British Prime Minister Neville Chamberlain stepping off that old trimotored plane at Heathrowe Airport in London. He had just returned from that famed mission in Munich with Hitler with an unbrella in one hand and waving that piece of paper in the other hand saying, "Peace in our time."

What a farce. What peace. It was not worth the paper it was written on, and millions of us were called into service to straighten it all out soon thereafter.

A lasting peace grows from secure freedom, my friends. It is not the other way around.

Finally, my colleagues, this has been a contentious issue for the past 8 years now for me I guess. I could say that I am getting a bit weary of dealing with it time after time after time. I think there are some other issues out there I would like to get to, but then I have to remind myself of the typical Communist tactic of stringing us along with false hopes and promises wearing us down in the hope that in a fit of frustration we will throw in the towel.

My colleagues, we are at a very critical juncture tonight. I plead with you to vote for this well crafted, balanced package one more time. The President has really shown his flexibility to accommodate Members of the Congress on both sides of the aisle and offered us the opportunity in March to make another assessment.

The President has been very accommodating in trying to cater to both sides of the aisle, and Members who come to him in good grace and ask him for an opportunity to be heard have been heard, and the President offered us in March another assessment of whether there has been progress or not.

I guess one thing is for sure, the issue of Nicaragua and Central America is not simply going to fade away. But it seems to me if my colleagues vote this package down they had better be prepared to bear the consequences. And you folks particularly who are on the margin and I may have to say on this side of the aisle, ought not to be deluded into thinking you can make it all right by voting for some unknown proposal several weeks down the pike as you have been apparently promised by your leadership.

There is no way you can save the democratic resistance as a meaningful force if you vote this package down. Look what you do to their morale. How do you suppose you can sustain them in the field? What recourse do they have out there on their own?

And bear in mind, those of us who are privy to some of the things that really go on and how this operation has taken place, beginning tomorrow that operation will have to begin to be phased down and closed down if this is a negative vote tonight.

As the gentleman from Texas [Mr. STENHOLM] said earlier, do not expect those of us who feel so strongly about this package, who have worked so hard for it, to simply embrace some ineffective, watered down palative to satisfy our conscience.

I would pose one final question to those of my colleagues who have so much confidence in the Sandinistas. Who among you is smart enough to predict the path Daniel Ortega will take you on?

Believe me, as for me I am taking no chance tonight. I am sticking with our President, who really does know where he wants to go, and his plan, without question, is in the best interests of the United States. I would ask for your support of our resolution.

□ 2145

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I rise in support of the resolution.

Mr. Chairman, by all accounts, the success of President Reagan's aid request will be decided by a relatively small group of conservative Democrats and moderate Republicans, and given the high stakes of this vote, they could well determine the future of Central America. As these legislators finalize their positions, they must decide whether Nicaragua represents a security threat to its neighbors, and determine whether the Sandinista's can be trusted to abide by the Arias peace plan. Finally, they must decide whether the Contras are the best hope we have of ever seeing Nicaragua develop into a democracy.

Nicaragua is clearly becoming the single greatest threat to the security of Central America. A former senior official in the Nicaraguan Army, Roger Miranda, who recently defected to the United States, revealed that Nicaragua plans to develop an army of 600,000. Under this mobilization, which has been confirmed by dictator Ortega, one in every five Nicaraguans would be placed under arms. If a similar mobilization were to take place in the United States, our army would be 50 million strong. During the 1980s, the Soviet bloc has sent 8 times more military aid to Cuba and Nicaragua than the United States has sent to Central America. It has sent 10 times more economic aid than the United

States. The Soviet bloc has provided Nicaragua with $4 billion in assistance while the United States has provided the freedom fighters with less than $250 million.

The Sandinistas cannot be trusted to abide by the Arias peace plan. In 1979, when the Sandinistas needed the support of the Organization of American States to legitimize their regime, they promised to allow political pluralism, maintain a truly mixed economy, respect human rights, and conduct a nonaligned foreign policy. As the Communists broke these promises, purged their opponents, and started building a Marxist/Leninist state dependent on Soviet and Cuban military assistance, President Carter ceased giving them aid. In the years that followed, the Sandinistas consolidated their control over the country with a Marxist government.

Today the Sandinistas appear to be complying with some aspects of the Arias peace plan. In the last few weeks, just before the Contra vote, the Ortega regime reopened Radio Catolica, lifted its state of emergency, offered a limited amnesty to the Contras, and allowed a few opposition parties to demonstrate in public. But these "concessions" have not met all the requirements of the Arias plan. The Communists have failed to meet all of the commitments outlined in the peace accords by the November 5 deadline.

Given the unwillingness of the Sandinistas to keep their earlier promises, what assurances do we have that they will not simply abolish the few freedoms that they have granted in the future? It is only prudent for Members to question the integrity of a government which consistenty breaks its promises, violates human rights, depends on Soviet and Cuban arms for control, and works to destabilize its neighbors. Members must conclude that trust must be earned and that the Sandinistas have done nothing to earn our trust.

The democratic resistance is our best hope of moving the Nicaraguan Communists toward maintaining the few freedoms they have recently granted and eventually forcing them to allow a truly pluralistic society to develop. Opponents of Contra aid would lead us to believe that we should give peace a chance and that any further aid to the freedom fighters would doom the peace process. For some strange reason, they believe that negotiation is sufficient to force the Sandinistas to see the light and change their ways. These well meaning individuals demonstrate only their keen misunderstanding about how the world works.

History teaches us that the proper response to disputes with our adversaries depends on the nature of our disagreement and the intentions of our opponents. We have always been willing to negotiate with those who respect the rule of law and the borders of their neighbors. In recent history, for example, we have consistently been able to work out our differences with Mexico and Canada over the negotiating table. But unfortunately, we have also been confronted by states that threaten the national security interests and the political integrity of our allies. These states, such as North Korea and North Vietnam, did not respect the rule of law and were intent on invading their neighbors. Hence, we were forced to use both force and negotiation in an effort to settle our disputes with them. Although we failed in Vietnam owing to domestic political constraints, we were successful in South Korea. Most recently, our friends in Angola and Afghanistan have been confronted with brutal, Communist regimes intent on their extermination. Our conscience required us to provide military and humanitarian assistance to these freedom fighters and they have been directly responsible for bringing their adversaries to the bargaining table.

Given the growing military might of Nicaragua, and their willingness to keep their promises and negotiate in good faith, we must support both the use of force and the power of persuasion to force the Sandinistas to moderate their policies. It is only now, after the Sandinistas have been threatened by the ravages of a war-torn economy and the might of a credible military opponent, that they have been brought to the negotiating table. Since September of 1986 when American military assistance began to flow again, 15,000 freedom fighters have reinfiltrated into Nicaragua. During 1987, both sides agreed that clashes averaged 300 per month. Future progress toward peace and freedom in Central America requires that the Contras continue to exert similar pressure on the Communists. We have a moral obligation to continue supporting the freedom fighters and thus we must pass the President's request for Contra aid. I urge my colleagues to support the resolution of the gentleman from Oklahoma [Mr. EDWARDS].

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. BOLAND], the former chairman of the Permanent Select Committee on Intelligence.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the President's request for additional lethal and nonlethal military assistance for the Nicaraguan Contras.

We begin this session as we ended the last—debating Contra aid.

Unlike 6 weeks ago, today, we debate the issue squarely on its merits, without the presence of other important concerns that properly commanded our attention, during the deliberations on the continuing resolution.

For me, the Contra aid issue reduces itself to this question: at this critical juncture in the history of Central America, does the furtherance of the peace process require, as President Reagan maintains, furnishing the Contras with more military supplies?

I cannot conclude that it does.

In fact, I believe that the opposite is true.

If we approve this request, in my judgment the odds, against the eventual success of the Arias peace plan grow longer, rather than shorter.

There have been some helpful signs in Central America in the past 6 weeks since we last debated this issue.

The Central American presidents have met to assess the status of their peace plan.

Not surprisingly, the have found that in 6 months, it has not achieved all of its goals.

But they have also found that, some discernable progress, has been made.

The Sandinistas and the Contras have met for the first time in direct negotiations.

Cease-fire proposals have been exchanged.

Clearly, much work remains, and the road ahead is both long and uncertain.

But I believe, that more has been done to advance the cause of peace during the 6 months of the Arias peace plan, than in the 6 years of war, which preceded it.

The issue now, is how to best nurture the fragile process of negotiation, so recently begun.

President Reagan argues that Contra military pressure drove the Sandinistas to the negotiating table, and that only a continuation of such pressure will keep them there.

That, it seems to me, is a view of the current, and likely future military stature of the Contras, that, is dangerously at odds, with reality.

Let us be candid about the limitations of the Contras.

I have seen no evidence which would support a conclusion, that the Contras are the vanguard, of a popular revolution likely to topple the Sandinista government.

While Contra forces range widely across sparsely populated areas of Nicaragua, they hold no terrority.

They do not have the ability to prevent the Sandinistas from acquiring Soviet bloc military equipment, in fact, they provide a continued pretense for doing so.

Neither can they establish a barrier around Nicaragua to prevent the export of Sandinista assistance to leftist guerrilla forces in Central America.

I should think, that more than 5 years of debating Contra aid, and measuring its results, we would be honest enough to acknowledge that, if the military and paramilitary activities of the Sandinistas pose a true threat, to the security of the United States, and our neighbors in this hemisphere, than we and our allies directly, not through the use of surrogates, will have to do something about it.

The Contras most certainly are, and can remain, an irritant to the Sandinistas.

They can exacerbate, an already bad economic situation in Nicaragua.

They can ensure that more Nicaraguans—combatants and noncombatants alike—will die in the weeks ahead.

I would hope, however, that the goal of our policy would be, to produce a result better than that, for the people of Nicaragua.

The peace plan, crafted by the leaders of the nations with the biggest stake, in the settlement of the conflicts in Nicaragua and the rest of Central America, offers a more hopeful alternative.

I believe, that it was that plan, that brought the Sandinistas and the Contras to the bargaining table and that it will be diplomatic pressure, exerted through the framework of that plan, that will keep them there.

To those who, discomforted by the lack of certitude that the Arias plan will live up to the expectations of its creators, would like to hedge their bets by providing just a little more aid to the Contras, while loudly proclaiming their support for negotiations, I say that it is time for a different approach.

Let us give the peace process a full, and fair chance to succeed.

I am prepared to do that by rejecting President Reagan's aid request.

I urge my colleagues to do the same.

Mr. EDWARDS of Oklahoma. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oklahoma has 18 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I have been listening all day to these debates and somebody just said to me, "Now, Murtha, I know you don't ever get involved in any deals, but I hear they are giving bridges out. I don't have any river, but I will take a bridge any time."

Now I have not heard a lot of new words in the debate, but I can remember in listening to some of the critics today, that some of the same people got up on the policy we were trying to follow in El Salvador. And I remember going down to El Salvador as an observer for the election and they had it fixed up so that I was supposed to go out into an area that very few Americans have been out to. They had a helicopter to fly me out there. It was kind of a dangerous type thing.

Father Hesburgh was along on that trip. He said, "Jack, if you are going out there I would like to go out there with you." I said, "Oh, this is very dangerous, Father, I don't think you would like to go." He said, "If you get killed I want to be able to give you the last rites." He got his beads out.

Now I know some people here would like to see that happen.

But we went out and they predicted, many Members of Congress predicted and many people in El Salvador predicted that the guerrillas would keep them from voting. Now this was on the constitution itself.

Eighty percent of the people in El Salvador voted even though the guerrillas said, "We are going to cut off your fingers."

I remember tears coming to our eyes as we flew over the countryside seeing these people lined up to vote in El Salvador.

Finally, after a lot of argument, and there is no question about the opposition on the floor having a lot to do with the way the final government was fashioned, but it worked out a policy and it has been very successful.

Here you have a President and El Salvador who at one time had been elected and the military threw him into jail and they were going to kill him. They broke his face. You will notice how prominent his jaws are. They broke his jaws and his face bones. The only reason he was saved is because Father Hesburgh intervened and saved his life.

But the point is the United States was involved and we have got a viable democracy, being criticized from both sides in many cases, but a viable democracy that is working in El Salvador because of the policy that was helped in the United States.

Now I remember going down to Nicaragua. This was when Ortega first took over. I was one of the people that they called a Communist when I voted for the aid that President Carter offered to Ortega. I remember people getting up on the floor and they said, "You are giving aid to Communists and this is wrong." But President Carter said, "Let me tell you, we want to help you out."

Well, you remember what happened. President Carter had to withdraw that aid because he was so concerned about some of the things that were happening, some of the violations of human rights. But we offered that type of assistance.

But I went down and I met with Comandante Ortega. I remember how vigorous he was—and I used the word "vigorous" loosely—about some of the things that I asked him. I said, for instance, "How come you are expanding that runway to 10,000 feet?" He said, "We are going to bring Mig's in there." Of course, I got a little bit hot and I jumped up and I said, "You bring the Mig's in, we are going to take them out." He jumped up and we had a big argument there in his Presidential chamber. I was kind of embarrassed that we were shouting back and forth.

But Kirk O'Donnell reminded me after the Grenada invasion, he said, "You remember what you told Ortega about taking those Mig's out." And I said, "Yes. I had forgotten all about it." But the point is in this long dissertation I am convinced if they are doing their own fighting we will avoid that type of a thing if we keep them straight. I certainly do not know which one of our positions is right. I believe, though, that you have to keep military pressure on the Sandinistas in order to keep them honest.

I am convinced we are close to peace. I admire the Speaker of the House for the chance he took with the President of the United States in order to propose a peace proposal. And I know we disagreed on how we come about that peace. But I am convinced peace is at hand in Nicaragua and the thing that worries me, those guerrillas are out there in the mountains and jungles and there is no way they can get out of there without having some resupply of food.

Now food is the problem, the biggest problem they have in taking the 30 days when they have to start moving out of there. And if we do not resupply them in some way they are going to be caught in a crossfire and they are going to have to live off the country and that is a real mistake.

So I would ask the Members to think very carefully in their vote today and I would ask you to supply this aditional aid that we need to keep the military pressure on the Sandinistas, to keep them honest so that we can have peace in Central America. Thank you very much.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the distinguished Speaker of the House, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I think this debate has been characterized by an extraordinarily high level of sincerity. I believe it applies to both sides.

I want to congratulate those who have conducted the debate—the gentleman from Oklahoma on this side and those who have worked with the gentleman from Wisconsin on this side. I accord sincerity to both and to all. There is no one in this Chamber who wants to support a Communist society. There is no one in this Chamber who wants to encourage or support a Fascist dictatorship. None of us attributes unworthy motives to any among us.

As a matter of fact, it gives me no joy to be in opposition to the President of the United States on a foreign policy debate. I am much happier when it is possible for me to stand here and be in a supportive role in matters of international affairs. That is the ideal situation.

It has been with great pleasure that I have stood in this very place, at this very microphone in active support of the President's Caribbean Basin Initiative, in support of the recommendations of the Kissinger report, in support of the government's recommendations for support of El Salvador and that very electoral process to which my friend from Pennsylvania just referred. He and I both were present at those elections and were greatly impressed by them.

I have risen in numerous other instances involving bipartisan foreign policy objectives.

Last August I took great pleasure and some small political risk, perhaps, in standing beside the President of the United States and joining with him in appealing to the Presidents of the Central American republics to launch an initiative for peace and democracy in the hemisphere and in their region.

They heeded our plea and within days they launched the historic Central American peace initiative which they still are actively pursuing and under which progress still is being made—too slowly, but progress nevertheless.

Having encouraged them in that effort, I think we have the responsibility to support them and to support the peace process.

One of the principles of the Esquipulas accords calls for the cessation of outside military aid to insurgent forces in Central America. Now we have the right to call upon other governments, other countries to abide by those accords. And just as we call on others to abide by them, do we not have the responsibility to comply ourselves?

□ 2200

It seems to me that we do. We tried going it alone. That did not work. For 6 long years, this Government recruited, operated, maintained, and equipped an army.

With all of that effort aimed at the overthrow of the Government in Nicaragua, we did not get anywhere. There were no concessions made on the part of the Government of Nicaragua as a result of 6 years of Contra attack. Yet in 6 months, their neighbors—pursuing the process of peace—have elicited from the Nicaraguan Government some significant concessions—not enough yet, but still significant. As a result of the pressures of the peace process, the Nicaraguan Government has permitted the opening of newspapers and radio stations; it has created a reconciliation commission and appointed as it head one of the government's most severe critics, Cardinal Obando y Bravo; and it has repealed the emergency act which had done away with some political rights and which actually created a system of military law. It has agreed to negotiate directly with the Contra forces, and it has indicated its willingness to release political prisoners, to establish limits on the size of its army and armaments, to dispense with all foreign military advisors, to prohibit any foreign military bases on Nicaraguan soil, and to prevent the use of its territory for the subversion of any other state in the region.

These are things that the Nicaraguan leaders say they are willing to negotiate to our satisfaction if we sit down and talk with them. They have made those commitments to the President's of the Central American republics and, in writing, to the President of the United States.

Under the urging of this peace process, the Nicaraguans also have agreed to conduct free and fair elections and to abide by the results of those elections.

Let me quote from a statement written by President Ortega for publication in the New York Times. He said,

> If the opposition wins the election, we will turn over the government to them. There should be no doubt or equivocation about our intentions here.

He writes,

> We are prepared to become the loyal opposition if that is what the Nicaraguan people decide."

I do not know whether you can trust that or not. I am not telling you that you can, but I think you have to test it. And surely the way to test it is by sitting down at the negotiating table and following the process of peace.

Other people, too, just as we do, have pride and dignity. They must be allowed to keep their pride, and they must be permitted to negotiate in good faith as equals. Obviously, it does not do any good for us to take the position—and it is childish and ridiculous for us to take the position—that we are above talking with the Nicaraguan leaders because they are Marxists. We talk with the leaders of the Soviet Union. They are Marxist. We talk with the leaders of the People's Republic of China. For us to take the position that we are on a lofty perch and can just look down with disdain on these people in Central America sometimes leaves the unfortunate impression that we consider them to be our inferiors. I am afraid that is the difficulty we have had for so very many years throughout Latin America.

We do not object to humanitarian aid for those people whom we have recruited into battle. Surely we owe them that. If this resolution is rejected today, we shall present to the House in a very timely fashion the opportunity to continue truly humanitarian aid, as the gentleman from Pennsylvania [Mr. MURTHA] mentioned—clothing, shelter, medicines, and the means of their effective delivery to the Contra forces during the time when the peace agreement is being worked out.

President Reagan said something a few days ago which I think is important. In paraphrasing a statement of World War II vintage by Winston Churchill, he said, "I did not come to Washington to preside over the communization of Central America." Well, of course he did not. He does not want that result. None of us wants that result. None of us came to Washington for that result.

But there is an important point to make, and that is that neither Mr. Reagan nor any of us came to Washington to preside over Central America in any sense. We came to Washington to preside over the United States.

I think the point I am trying to make is that the people of Central America elect their own leaders to speak for their own countries. The five Central American Presidents have joined together and have asked us not to send any more destructive weapons into their region. There have been enough deaths. Forty-five thousand people have died in one of their countries, and 35,000 people have died in another of their countries. They have asked us to desist from sending aid to irregular forces trying to topple and overthrow governments in their region.

Let us heed their plea. Let us accord them the respect that is due them. Let us accord them the right of local, nonviolent self-determination, on which right we would insist for our country. Perhaps the people they may choose to elect to run their country may not be people of our choosing; but after all, it is not our country. Maybe the people we elect would not be people they would choose. But let us respect one another. Let us join with them—not against them—in seeking an avenue to peace and democracy and justice with dignity. Let us show by our vote that we are prepared to reembrace the good neighbor policy, and that we are prepared to give peace a chance.

The CHAIRMAN. The Chair wishes to state that the gentleman from Oklahoma [Mr. EDWARDS] has 11 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds just to make two quick points. One is that it is true that the Sandinista government did ask Obando y Bravo to fill an important role, and just last weekend Cardinal Obando y Bravo's principal deputy said to us, a bipartisan group that was meeting with him, that in fact they did not believe that the Sandinistas would negotiate in sincerity if aid to the Contras was removed.

I would also say to the Chair that the head of the human rights commission in Nicaragua said that the release of political prisoners if another country will take them—in other words, exile—is not compliance with the peace accords.

Mr. Chairman, I yield all my remaining time, to conclude the debate, to the senior statesman of the House, the gentleman from Florida [Mr. PEPPER].

The CHAIRMAN. The gentleman from Florida [Mr. PEPPER] is recognized for 10 and one half minutes.

Mr. PEPPER. Mr. Chairman, let me say to my colleagues in the House that I join my colleague, the gentleman from Pennsylvania, in paying our highest tribute to our revered and distinguished Speaker, for whom we all have such great affection for the courage and wisdom he has shown throughout in trying to find a peaceful solution to this tragic situation in Nicaragua.

Mr. Chairman, today I am reminded of the second inaugural address of Abraham Lincoln when, in speaking of the War Between the States, he said, "Each side, thinking it supported a just cause, prayed to the same God for victory."

Today I do not see Democrats and Republicans debating an issue; I see Americans trying to determine what is the best way to achieve peace and democracy in Nicaragua, Central America, and in the Western Hemisphere. It is no different than the issues that we constantly debate here on this floor. This is not a Republican proposal; it is not a Democratic proposal; it is an American question. How can we best do it?

May I say that some of us, of course, feel a little more sensitive to this subject than others due to our location. We who live particularly in south Florida live as neighbors to at least 75,000 Nicaraguans who have been forced to flee from their country to find sanctuary and to find the freedom of America, and this House last year passed a resolution permitting them to stay in America until conditions in that country permitted their safe return. So we are concerned because we are most proximate in miles to Nicaragua and we have more association with the people.

Furthermore, we have a large part of our population who have known what persecution means in the Cuba from which they fled with our help. They had to leave their homes, their furniture, and their businesses. Most of them escaped with their lives but they lost everything else. So we are close to the problem, and we are very much concerned about how we can solve that problem.

What are the objectives? Is there any difference in our opinions on that subject? We all want peace, and we all want democracy. All we are talking about is this: What is the best way to get it?

I submit to my friends of the opposition that I believe there is a policy in that position. They are going on the assumption that if we kill the Contra aid, we will let the world know tonight when we leave this Chamber that there is at least not going to be any military aid and maybe no more humanitarian aid to the Contras, and that somehow or other will advance the peace process with which we are all concerned.

I agree with the position of the New York Times stated on January 31. It says that Congress seems "eager to support the peace plan of President Arias of Costa Rica," and that Congress "seems ready to pull the plug on the Contras.

"That risks creating a perverse result."

As President Arias says, "The future of aid to the Contras is in the hands of the Sandinista government of Nicaragua. That being so, the threat to continue aid, at this precise moment, could put constructive pressure on the Sandinista government to keep up its grudging toward peace. Congressmen who truly support the Arias plan will see that and avoid a final decision to end aid now."

In this morning's Washington Post, I think the matter was properly stated, and this is a very brief summary of their view:

> The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further without capsizing the peace plan, and on the basis we support the President's request.

Why do we have to hurt the peace plan if we adopt this resolution? The President in his letter of February 3 to ROBERT MICHEL has said that he first defers the release of the $3,600,000 worth of military aid until the end of March to see how the peace program is progressing. Then he says:

> If even at that time in my opinion it is not progressing satisfactorily, I will consult with the leaders of the Congress, and then if in Congress within 10 days there is the passage of a concurrent resolution stating that the peace program is proceeding satisfactorily and I should not release the military aid, I will not do so.

□ 2215

What endangers the peace plan with a proposal like that?

On the other hand, what is going to be the effect of our decision tonight if it is against this resolution upon the Contras?

Is it not really the intention of this opposition, my beloved friends and colleagues, to let the world know we are not going to give ever any more military aid to the Contras? Is that not really what we are seeing?

Now, what is going to be the effect of that? Suppose the Contras are not able to continue their pressure. Suppose the peace plan fails with a weak Contra opposition facing the Sandinista government. Who is going to save the peace, those four weak small Central American countries? Can they do it? Do you think they would undertake it? Would they be a match for the Soviet Union helping the Sandinistas to have a 600,000-man army? Would they be able to stand against the power of Castro? Would they survive another Contra organization? What strength would there be behind the peace movement then? Would they go back and try to pick up the pieces and reconstruct the Contras, put them in the field again, let them make another contribution to another era?

I say to you, my fellow Congressmen, my dear colleagues, it is a mistake for us to defeat this resolution. It does not endanger the peace process. It strengthens it.

The Washington Post is right. It is a stick and a carrot. The peace plan has not done all this by itself. It had the aid of the Contras who have been winning battles lately.

Why do we want to dispense with the stick if we are willing to be careful about its use and use it only when it is consistent with the progress of the peace plan?

So, my colleagues, I beg of you, I hope and pray that the decision we make tonight will be a wise one. I hope that we will be governed, not by petty considerations or selfish interests, but by what is good for America, what is good for our beloved hemisphere and what is good for this blessed part of the globe.

I ask you, let us continue the course that has brought us to the satisfactory conclusion that we enjoy today and let us hope and pray that that decision in its wisdom will be such that down the long lane of future years will contribute to achieving those goals for which we all hope and work and pray, peace and democracy for all the nations and all the people of our beloved hemisphere.

The CHAIRMAN. The gentleman from Oklahoma [Mr. EDWARDS] has the right to close debate and has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The text of House Joint Resolution 444 is as follows:

H.J. RES. 444

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to H.J. Res. 395 of the One Hundredth Congress, the Act making continuing appropriations for fiscal year 1988.

The CHAIRMAN. Pursuant to section 111(k)(3) of Public Law 100-202, no amendments are in order; and pursuant to section 111(k)(4) of said law, the Committee does now rise.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. KILDEE, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 444) relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress, pursuant to section 111(k)(4) of Public Law 100-202, he reported the bill back to the House.

The SPEAKER. Pursuant to section 111(k)(4) Public Law 100-202, the previous question is ordered.

The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 219, not voting 3, as follows:

[Roll No. 7]

AYES—211

Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Pepper
Petri
Pickett
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—219

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Perkins
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—3

Biaggi
Jones (TN)
Lightfoot

□ 2230

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF S. 1539, RAILROAD SAFETY ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mrs. MARTIN of Illinois. Reserving the right to object, Mr. Speaker, would the gentleman from Ohio comment on whether this has been cleared through either the ranking Member or the Republican leadership?

Mr. THOMAS A. LUKEN. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Speaker, we understood that it was cleared with the minority. We understood it was cleared through the chairman of the Committee on Energy and Commerce with the gentleman from Illinois [Mr. MICHEL].

Mrs. MARTIN of Illinois. Mr. Speaker, further reserving the right to object, under your rule none of this is supposed to be brought up without clearance from the leadership and we are trying to run that check now. We have indication that it has not been cleared, so I will have to continue my reservation of objection until we find out if it has been cleared.

The SPEAKER. The gentlewoman is within her right.

Mrs. MARTIN of Illinois. Could the gentleman from Ohio withdraw his unanimous consent request until we are able to find out if this has been cleared? I understand the ranking member of the subcommittee knows nothing of this.

Mr. THOMAS A. LUKEN. Mr. Speaker, I withdraw my unanimous-consent request for the present time.

The SPEAKER. The gentleman from Ohio withdraws his unanimous-consent request for the time being.

Mrs. MARTIN of Illinois. Mr. Speaker, we thank the gentleman from Ohio for his consideration.

The SPEAKER. The gentlewoman from Illinois will be notified when the unanimous-consent request of the gentleman from Ohio is brought up again.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on

H.J. Res. 444 the joint resolution just considered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM TUESDAY, FEBRUARY 9, 1988, UNTIL 12 O'CLOCK MERIDIAN, TUESDAY, FEBRUARY 16, 1988, AND ADJOURNMENT OF THE SENATE FROM THURSDAY, FEBRUARY 4, 1988, OR FRIDAY, FEBRUARY 5, 1988, TO 12 O'CLOCK MERIDIAN, MONDAY, FEBRUARY 15, 1988

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 242), and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 242

Resolved, That when the House adjourns on Tuesday, February 9, 1988, it stand adjourned until 12 o'clock meridian on Tuesday, February 16, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 4, 1988 or Friday, February 5, 1988, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 15, 1988, or until 12 o'clock meridian on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

☐ 2245

The SPEAKER. Without objection, the resolution is agreed to.

Mr. WALKER. Mr. Speaker, reserving the right to object, and I will not object, but if I understand it, what we are doing is extending the recess for an extra day or two, is that correct?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Washington.

Mr. FOLEY. In effect, the extension is 1 day. We would ask unanimous consent subsequent to this approval being given that when the House adjourns tomorrow it adjourn to meet at noon on Monday. We would anticipate a pro forma session Monday, a legislative session on Tuesday. We will announce a schedule subsequently.

Then, in accordance with this resolution, when the House would adjourn on Tuesday, February 9, it would adjourn to February 16. By the way, we would intend to have business on February 16 with votes, so Members should be advised that that day would be a day not only of return but a day of legislative business.

Mr. WALKER. Further reserving the right to object, I would just ask the gentleman a question. Did the gentleman from Washington indicate there would be business on Tuesday, February 9?

Mr. FOLEY. Yes, we intend to have business on Tuesday, February 9. We will probably announce that tomorrow.

Mr. WALKER. I thank the gentleman. Is there any indication as to whether or not there would be votes that day?

Mr. FOLEY. Yes, we expect the possibility of votes that day. It will not be a heavy day, but there may be some votes on that day.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, FEBRUARY 8, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 4, 1988, it adjourn to meet at 12 noon on Monday, February 8, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

RAILROAD SAFETY ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mrs. MARTIN of Illinois. Mr. Speaker, reserving the right to object, this legislation has been cleared, and we thank the gentleman from Ohio for both his courtesy and for making sure that all was well. We appreciate that on this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety Act of 1987".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, and not to exceed $41,868,470 for the fiscal year ending September 30, 1989.".

INCREASED PENALTIES; LIABILITY OF INDIVIDUALS

SEC. 3. (a) Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking "railroad" and inserting in lieu thereof the following: "person (including a railroad or an individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.) as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary)".

(b) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)) is amended by striking all after "thereof" and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000, as the Secretary considers reasonable.".

(c)(1) The first sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended to read as follows: "Any person violating any rule, regulation, order or standard referred to in subsection (b) of this section may be assessed by the Secretary the civil penalty applicable to the rule, regulation, order or standard violated, except that any penalty may be assessed against an individual only for willful violations.".

(2) The third sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by striking "occurred" and inserting in lieu thereof the following: "occurred, in which the individual resides,".

(3) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

(d) Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended by adding at the end the following:

"(f) Where, after notice and opportunity for a hearing, violation by an individual of any rule, regulation, order, or standard prescribed by the Secretary under this title indicates that such individual is unfit for performance of any safety-sensitive task, the Secretary may issue an order directing that such individual be prohibited from serving in a safety-sensitive capacity in the rail industry for such period of time as the Secretary considers necessary. This subsection shall not be construed to affect the Secretary's authority under section 203 of this title to take such action on an emergency basis.".

QUALIFICATIONS OF OPERATORS OF TRAINS

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(i)(1) The Secretary shall, within 18 months after the date of enactment of this subsection, issue rules, regulations, standards and orders concerning the minimum qualifications of the operators of trains. In issuing such rules, regulations, standards and orders, the Secretary shall consider the establishment of an engineer licensing program, uniform minimum qualification standards, and a program of review and approval of each railroad's own qualification standards.

"(2) Not later than twelve months after the date of enactment of this subsection, the Secretary shall transmit to the Congress a report on the activities of the Secretary under this subsection, together with an evaluation of the rules, regulations, standards and orders the Secretary anticipates will be issued under this subsection.".

ACCESS TO THE NATIONAL DRIVER REGISTER

SEC. 5. (a) Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401, note) is amended by adding at the end the following:

"(5) Any individual who is employed by a railroad or who seeks employment with a railroad and who performs or would perform services covered by the Hours of Service Act (45 U.S.C. 61 et seq.) or other safety-sensitive functions, as determined by the Secretary, may request the chief driving licensing official of a State to transmit information regarding the individual under subsection (a) of this section to his or her employer, prospective employer, or to the Administrator of the Federal Railroad Administration. The Administrator, employer or prospective employer shall make that information available to the individual, who will be given an opportunity to comment on it in writing. There shall be no access to information in the Register under this paragraph which was entered in the Register more than three years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by the States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

(b) Paragraphs (1) and (2) of subsection (b) of section 206 of the National Driver Register Act of 1982 (23 U.S.C. 401, note) are each amended by adding at the end the following: "Information submitted to the Register by States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION

SEC. 6. Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended to read as follows:

"(2) In any proceeding with respect to which a dispute, grievance or claim is brought for resolution before the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act (45 U.S.C. 153), such dispute, grievance or claim shall be expedited by any such Board and be resolved within 180 days after its filing. If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act, may award the aggrieved employee reasonable damages, including punitive damages, not to exceed $10,000.".

NORTHEAST CORRIDOR IMPROVEMENT PROJECT

SEC. 7. Section 704(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(1)) is amended by adding at the end the following: "improvements to the communication and signal systems at locations between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line; improvement to the electric traction systems between Wilmington, Delaware, and Newark, New Jersey; installation of baggage rack restraints, seat back guards and seat lock devices on three hundred forty-eight passenger cars operating within the Northeast Corridor; installation of forty-four event recorders and ten electronic warning devices on locomotives operating within the Northeast Corridor; and acquisition of cab signal test boxes and installation of nine wayside loop code transmitters for use on the Northeast Corridor;".

JURISDICTION OVER HIGH SPEED RAIL SYSTEMS

SEC. 8. (a) Section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)) is amended to read as follows:

"(e) The term railroad as used in this title includes all forms of non-highway ground transportation that run on rails or electromagnetic guideways, except for rapid transit operations within an urban area that are not connected to the general railroad system of transportation. The term railroad specifically refers, but is not limited, to (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by striking subsections (i), (j), and (k).

ENFORCEMENT OF SUBPOENAS AND ORDERS

SEC. 9. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking all from the semicolon and inserting in lieu thereof the following: ". In case of contumacy or refusal to obey a subpoena, order, or directive of the Secretary issued under this subsection or under section 203 of this title by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with the Secretary's subpoena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

STUDY

SEC. 10. Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the need and feasibility of imposing user fees as a source of funding the costs of administering the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) and all other Federal laws relating to railroad safety and railroad noise control. In preparing such report, the Secretary shall specifically consider various methodologies and means for establishing a schedule of fees to be assessed to railroads or others involved in providing rail transportation; procedures for the collection of such fees; the projected revenues that could be generated by user fees; a projected schedule for the implementation of such fees; and the impact of user fees on railroads or others who might be subject to such fees and on the Federal railroad safety and railroad noise control programs.

CONFORMING AMENDMENTS

SEC. 11. Section 202(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(a)) is amended by inserting immediately after the first sentence the following: "This authority specifically includes the authority to regulate all aspects of railroad employees' safety-related behavior, as well as the safety-related behavior of the railroads themselves.".

RULES, REGULATIONS, STANDARDS AND ORDERS

SEC. 12. The Federal Railroad Safety Act of 1970 is amended by inserting immediately after section 202 the following new section:

"SEC. 202A. (a) Within 180 days after the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring that whoever performs the required test of automatic train stop, train control, or cab signal apparatus prior to entering territory where such apparatus will be used shall certify in writing that such test was properly performed, and that such certification shall be kept and maintained in the same manner and place as the daily inspection report for that locomotive.

"(b) Within 30 days of the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring the use of automatic train control on all trains operating in the Northeast Corridor by not later than December 31, 1990. The Secretary shall submit a report to the Congress by January 1, 1989, on the progress of this effort, and detail in that report any proposals to modify the requirements in this subsection, and the reasons for such modification.

"(c) The Secretary shall require the installation and use of event recorders on freight trains no later than one year after the date of enactment of this section.

"(d)(1) Within 30 days after the date of enactment of this section, the Secretary shall establish a Northeast Corridor Safety Committee and appoint members to the Committee consisting of representatives of—

"(A) the Secretary;

"(B) the National Railroad Passenger Corporation;

"(C) freight carriers;

"(D) commuter agencies;

"(E) railroad passengers; and

"(F) any other persons or organizations interested in rail safety.

"(2) The Secretary shall consult with the Northeast Corridor Safety Committee on safety improvements in the Northeast Corridor.

"(3) Within 90 days following the date of enactment of this section, the Secretary shall, in accordance with section 333 of title 49, United States Code, convene a meeting of Northeast Corridor rail carriers for the purpose of reducing through freight traffic on Northeast Corridor passenger lines.

"(4) Within one year after the date of enactment of this section, and annually thereafter, the Secretary shall submit a report, including any recommendations for legislation, to the Congress on the status of efforts to improve safety in the Northeast Corridor pursuant to the provisions of this section.".

MISCELLANEOUS

SEC. 13. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)) is repealed.

AMENDMENTS TO SAFETY APPLIANCE ACTS

SEC. 14. The Act of March 2, 1893 (45 U.S.C. 1-7), the Act of March 2, 1903 (45 U.S.C. 8-10), and the Act of April 14, 1910 (45 U.S.C. 11-16), commonly referred to as the Safety Appliance Acts are amended as follows:

(a) The Act of March 2, 1893, is amended—

(1) in the first section (45 U.S.C. 1)—

(A) by striking "common carrier engaged in interstate commerce by";

(B) by striking "in moving interstate traffic"; and

(C) by striking "in such traffic";

(2) in section 2 (45 U.S.C. 2)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "used in moving interstate traffic";

(3) in section 3 (45 U.S.C. 3), by striking "person, firm, company, or corporation engaged in interstate commerce by";

(4) in section 4 (45 U.S.C. 4), by striking "in interstate commerce";

(5) in section 5 (45 U.S.C. 5), by striking "in interstate traffic";

(6) in section 6 (45 U.S.C. 6)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any such person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this Act, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor."; and

(7) in section 8 (45 U.S.C. 7)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "such carrier" and inserting in lieu thereof "such railroad".

(b) The Act of March 2, 1903, is amended—

(1) in the first section (45 U.S.C. 8), by striking "common carriers by" and by striking "engaged in interstate commerce" the second time it appears;

(2) in section 2 (45 U.S.C. 9)—

(A) by striking "common carriers engaged in interstate commerce by railroad" and inserting in lieu thereof "railroads"; and

(B) by striking "engaged in interstate commerce"; and

(3) in section 3 (45 U.S.C. 10), by striking "common carrier" and inserting in lieu thereof "railroad".

(c) The Act of April 14, 1910, is amended—

(1) in section 2 (45 U.S.C. 11), by striking "common carrier" and inserting in lieu thereof "railroad";

(2) in section 3 (45 U.S.C. 12)—

(A) by striking "in interstate or foreign traffic" wherever it appears;

(B) by striking "common carriers" and inserting in lieu thereof "railroads"; and

(C) by striking "common carrier" and inserting in lieu thereof "railroad";

(3) in section 4 (45 U.S.C. 13)—

(A) by striking "common carrier" and inserting in lieu thereof "person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation)";

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "person";

(C) by striking "of not less than $250 and not more than $2,500 for each and every such violation," and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty";

(D) by striking "and recovered" and inserting in lieu thereof the following: "and, where compromise is not reached by the Secretary, recovered"; and

(E) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(4) in section 5 (45 U.S.C. 14), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(5) by amending the first section (45 U.S.C. 16) to read as follows: "That used in this Act, the Act of March 2, 1893 (45 U.S.C. 1-7), and the Act of March 2, 1903 (45 U.S.C. 8-10), commonly known as the Safety Appliance Acts, the term 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).".

AMENDMENTS TO LOCOMOTIVE INSPECTION ACT

SEC. 15. The Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911 (45 U.S.C. 22 et seq.), is amended—

(1) by amending the first section (45 U.S.C. 22) to read as follows: "That the term 'railroad', when used in this Act, shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 23), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 5 (45 U.S.C. 28)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in section 6 (45 U.S.C. 29), by striking "carrier" and "carriers" wherever they appear and inserting in lieu thereof "railroad" and "railroads", respectively;

(5) in section 8 (45 U.S.C. 32), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad"; and

(6) in section 9 (45 U.S.C. 34)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) violating this Act, or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO ACCIDENT REPORTS ACT

SEC. 16. The Act entitled "An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission", approved May 6, 1910 (45 U.S.C. 38 et seq.) is amended—

(1) in the first section (45 U.S.C. 38)—

(A) by striking "common carrier engaged in interstate or foreign commerce by";

(B) by striking "carriers" and by inserting in lieu thereof "railroads"; and

(C) by adding at the end the following: "The term 'railroad', when used in this Act shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 39)—

(A) by striking from "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking the last sentence;

(3) in section 3 (45 U.S.C. 40)—

(A) by striking "common carrier engaged in interstate or foreign commerce by"; and

(B) by striking "carriers" and inserting in lieu thereof "railroads";

(4) by amending section 7 (45 U.S.C. 43) to read as follows:

"SEC. 7. Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) who violates this Act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be liable for a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO HOURS OF SERVICE ACT

SEC. 17. The Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), is amended—

(1) in the first section (45 U.S.C. 61)—

(A) in subsection (a), by striking "common carrier engaged in interstate or foreign commerce by";

(B) in subsection (b)(1), by striking all after "term" and inserting in lieu thereof "'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)."; and

(C) in subsection (b)(4), by striking "carrier" and inserting in lieu thereof "railroad";

(2) in section 2 (45 U.S.C. 62), by striking "common carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 63), by striking "common carrier" and inserting in lieu thereof "railroad";

(4) in section 3A (45 U.S.C. 63a), by striking "common carrier" and "carrier" wherever they appear and inserting in lieu thereof "railroad";

(5) in section 4 (45 U.S.C. 64), by striking "common carrier" and inserting in lieu thereof "railroad";

(6) in section 5 (45 U.S.C. 64a)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) Any person (including a railroad or any officer or agent thereof, or any individual who performs service covered by this Act, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. It shall be the duty of the United States Attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2 (a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(B) in subsection (a)(2), by striking "the common carrier" and inserting in lieu thereof "such person";

(C) in subsection (c), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(D) in subsection (d), by striking "carrier" and inserting in lieu thereof "railroad".

AMENDMENTS TO SIGNAL INSPECTION ACT

SEC. 18. Section 26 of the Act of February 4, 1887 (49 App. U.S.C. 26) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The term 'railroad' as used in this section shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in subsection (b), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad", and by striking "carriers" and inserting in lieu thereof "railroads";

(3) in subsection (c)—

(A) by striking "carrier by"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in subsection (d), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(5) in subsection (e), by striking "carrier" and inserting in lieu thereof "railroad";

(6) in subsection (f), by striking "carrier" and inserting in lieu thereof "railroad";

(7) in subsection (h)—

(A) by amending the first sentence to read as follows: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1970, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office."; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

(8) by striking "Commission" wherever it appears and inserting in lieu thereof "Secretary of Transportation".

MAXIMUM TRAIN SPEEDS

SEC. 19. The Secretary of Transportation, in consultation with the Federal Railroad Administration, shall, within six months of the enactment of this legislation, institute a rulemaking, as may be necessary, to provide for the safety of highway travelers and pedestrians who use railroad grade crossings at points where trains operate through any densely populated college campus. As determined by the Secretary to be necessary such rulemaking shall require, maximum speed limits for trains, guardrails, and warning lights at railgrade crossings located on any such campus, and intensified presentation of Operation Lifesaver educational programs on such campuses to familiarize students and other persons with the inherent dangers of such crossings.

RAIL PASSENGER SERVICE ACT AMENDMENTS

SEC. 20. (a) Section 301 of the Rail Passenger Service Act (45 U.S.C. 541) is amended by striking "agency" and inserting in lieu thereof "agency, instrumentality,".

(b) Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E)) is amended to read as follows:

"(E) Two members selected by the preferred stockholders of the Corporation, who each shall serve for a term of one year or until their successors have been appointed.".

(c) Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by striking the third sentence and inserting in lieu thereof the following: "The president and other officers of the Corporation shall receive compensation at a level no higher than the general level of compensation paid officers of railroads in positions of comparable responsibility.".

(d) Section 308(a) of the Rail Passenger Service Act (45 U.S.C. 548(a)) is amended by inserting immediately after "also" in the last sentence the following: "provide all relevant information concerning any decision to pay to any officer of the Corporation compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, and".

(e) Section 602(i) of the Rail Passenger Service Act (45 U.S.C. 602(i)) is repealed.

(f) Subsection (b) of the first section of the Act entitled "An Act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes", approved June 22, 1972 (Public Law 92-316; 86 Stat. 227), is repealed.

PROTECTION FOR CERTAIN WORKERS

SEC. 21. (a) No employee shall be disciplined or sanctioned as a result of information discovered through access authorized by this Act to the National Driver Register, where such employee has successfully completed a rehabilitation program subsequent to the cancellation, revocation, or suspension of the motor vehicle operator's license of such person.

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(j) The Secretary shall, within one year after the date of enactment of the Railroad Safety Act of 1987, issue such rules, regulations, orders, and standards as may be necessary for the protection of maintenance-of-way employees, including standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used.".

(c) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall be deemed to include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(d) The Secretary of Transportation shall, within one year after the date of enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

MOTION OFFERED BY MR. THOMAS A. LUKEN

Mr. THOMAS A. LUKEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS A. LUKEN moves to strike out all after the enacting clause of the Senate bill, S. 1539, and to insert in lieu thereof the provisions of H.R. 3743 as passed by the House as follows:

H.R. 3743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Safety Improvement Act of 1987".

SEC. 2. AUTHORIZATION FOR APPROPRIATIONS.

Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended to read as follows:

"SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There is authorized to be appropriated to carry out this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, not to exceed $41,868,470 for the fiscal year ending September 30, 1989, and not to exceed $44,381,000 for the fiscal year ending September 30, 1990.

"(b) Sums appropriated under this section for research and development, automated track inspection, and the State safety grant program are authorized to remain available until expended.".

SEC. 3. GRADE CROSSING DEMONSTRATION PROJECTS.

The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. GRADE CROSSING DEMONSTRATION PROJECTS.

"(a) The Federal Railroad Administration shall establish demonstration projects for the purpose of evaluating—

"(1) whether reflective markers installed on the road surface or on a signal post at grade crossings would reduce accidents involving trains;

"(2) whether a stop sign or yield sign installed at grade crossings would reduce such accidents; and

"(3) whether speed bumps or rumble strips installed on the road surface at the approach to grade crossings would reduce such accidents.

"(b) The Federal Railroad Administration shall, within two years after the date of the enactment of the Rail Safety Improvement Act of 1987, report to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate on the results of the demonstration projects established under subsection (a).

"(c) From sums authorized under section 214, there is authorized to be appropriated to the Secretary of Transportation for improvements in grade crossing safety, $1,000,000, to remain available until expended.".

SEC. 4. LICENSING OF ENGINEERS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary shall, within 180 days after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to establish a program requiring the licensing of any individual operating a train, including train engineers, after the expiration of 2 years following the establishment of such program. This requirement shall be implemented through a program of review and approval of each railroad's operator qualification standards.

"(2) The program established by the Secretary under paragraph (1) shall—

"(A) include minimum training requirements,

"(B) require comprehensive knowledge of railroad operating practices and operating rules;

"(C) prohibit from holding a license any individual who, within the previous 5 years, has been denied a motor vehicle operator's license by a State for cause or whose motor vehicle operator's license has been cancelled, revoked, or suspended by a State for cause; and

"(D) prohibit from holding a license any individual who has been reported to the National Driver Register because of a conviction described under section 205(a)(3) of the National Driver Register Act of 1982 within the past 5 years.

"(3) The Secretary shall, for purposes of implementing paragraph (2)(C) and (D), have access to information contained in the National Driver Register.

"(4) An individual denied a license on the basis of the inclusion of such individual's name on the National Driver Register shall be entitled to an administrative hearing to determine whether such license has been properly denied.

"(5) No individual shall be prohibited from holding a license because of a conviction for operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance, if such individual subsequent to such conviction has successfully completed a rehabilitation program established by a rail carrier or approved by the Secretary.".

SEC. 5. AUTOMATIC TRAIN CONTROL SYSTEMS.

(a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(m)(1) All trains operating after April 1, 1990, on the main line of the Northeast Corridor between Washington, D.C., and Boston, Massachusetts, or on the feeder line referred to in section 704(a)(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976, shall be equipped with automatic train control systems designed to slow or stop a train in response to external signals.

"(2) If the Secretary finds that it is impracticable to equip all trains as required under paragraph (1) before April 1, 1990, the Secretary may extend the deadline for compliance with such requirement, but in no event shall such deadline be extended past July 1, 1990.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), is further amended by adding at the end the following new subsection:

"(n) The Secretary, in consultation with the National Railroad Passenger Corporation, freight carriers, commuter agencies, employee representatives, railroad passengers, and rail equipment manufacturers, shall undertake a study of the advisability and feasibility of requiring automatic train control systems, including systems using advanced technology, such as transponder and satellite relay systems, on each rail corridor on which passengers or hazardous materials are carried. Such study shall include—

"(1) a specific assessment of the dangers of not requiring automatic train control systems on each such corridor, based on analysis of the number of passenger trains, persons, and freight trains traveling on such corridor daily, the frequency of train movements, mileage traveled, and the incident and accident history on such corridor;

"(2) an analysis of the cost of requiring such systems to be installed on each specific corridor; and

"(3) an investigation of alternative means of accomplishing the same safety objectives as would be achieved by requiring automatic train control systems to be installed.".

SEC. 6. INCREASED PENALTIES; LIABILITY OF INDIVIDUALS.

Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended—

(1) in subsection (a) by striking "railroad" and inserting in lieu thereof "person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad)";

(2) in subsection (b) by striking all after "(45 U.S.C. 39)" and inserting in lieu thereof "in an amount of not less than $250 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty of not to exceed $25,000 may be assessed.";

(3) in subsection (c)—

(A) by striking the first sentence and inserting in lieu thereof "Any person violating any rule, regulation, order, or standard referred to in subsection (b) shall be assessed by the Secretary the civil penalty applicable to the standard violated. Penalties may be assessed against individuals under this subsection only for willful violations."; and

(B) by inserting ", in which the individual resides," after "such violation occurred"; and

(4) by adding at the end the following new subsection:

"(f) Where an individual's violation of any rule, regulation, order, or standard prescribed by the Secretary under this title is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after notice and opportunity for a hearing, may issue an order prohibiting such individual from performing safety-sensitive functions in the rail industry for a specified period of time or until specified conditions are met. This subsection shall not be construed to affect the Secretary's authority under section 203 to take such action on an emergency basis.".

SEC. 7. TAMPERING WITH SAFETY DEVICES.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(o)(1) The Secretary shall, within 90 days after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to prohibit the willful tampering with, or disabling of, specified railroad safety or operational monitoring devices.

"(2)(A) Any railroad company operating a train on which safety or operational monitoring devices are tampered with or disabled in violation of rules, regulations, orders, or standards issued by the Secretary under paragraph (1) shall be liable for a civil penalty under section 209.

"(B) Any individual tampering with or disabling safety or operational monitoring devices in violation of rules, regulations, orders, or standards issued by the Secretary under paragraph (1), or who knowingly operates or permits to be operated a train on which such devices have been tampered with or disabled by another person, shall be liable for such penalties as may be established by the Secretary, which may include fines under section 209, suspension from work, or suspension or loss of a license issued under subsection (l).".

SEC. 8. DISPATCHER TRAINING.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(p)(1) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1987, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards are necessary, the Secretary shall promptly initiate appropriate rulemaking proceedings.".

SEC. 9. GRADE CROSSING SIGNAL SYSTEM SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(q) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1987, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.".

SEC. 10. EVENT RECORDERS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1987, conduct and complete an inquiry into whether to require that all trains be equipped with event recorders to enhance safety.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that event recorders should be required, the Secretary shall promptly initiate appropriate rulemaking proceedings.

"(3) For the purposes of this subsection, the term 'event recorders' means devices that—

"(A) record train speed, hot box detection, throttle position, brake application, brake operation, and any other function the Secretary considers necessary to record to assist in monitoring the safety of train operation; and

"(B) are designed to resist tampering.".

SEC. 11. PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION.

(a) EXPEDITED PROCEDURES.—Section 212(c)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(1)) is amended by inserting ", and any proceeding with respect to such dispute, grievance, or claim shall be expedited by the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act so that such dispute, grievance, or claim is resolved within 180 days after its filing with such Adjustment Board or other board of adjustment" before the period.

(b) COMPENSATION.—Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended by adding at the end the following new sentence: "If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee appropriate compensation up to the equivalent of 1 year's pay for such employee.".

(c) DISCLOSURE OF NAMES.—Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), or with the written consent of the employee, the Secretary shall not disclose the name of any employee of a railroad who has provided information with respect to an alleged violation of this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.

"(2) The Secretary shall disclose to the Attorney General the name of any employee described in paragraph (1) who has provided information with respect to a matter being referred to the Attorney General for enforcement under this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.".

SEC. 12. ACCIDENT REPORTS.

If a railroad, in reporting an accident or incident under the Accident Reports Act (15 U.S.C. 38-43), assigns human error as a cause of the accident or incident, such report shall include, at the option of each employee whose error is alleged, a statement by such employee explaining any factors the employee alleges contributed to the accident or incident.

SEC. 13. AMTRAK SAFETY PROVISIONS.

(a) The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is further amended by adding at the end the following new section:

"SEC. 216. UNSAFE FACILITIES.

"(a) The National Railroad Passenger Corporation (hereafter in this section referred to as 'Amtrak'), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this section.

"(b) If the Secretary determines that—

"(1) a facility which is the subject of a petition under subsection (a) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

"(2) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger, the Secretary shall recommend to the Congress that the Congress, as a part of its periodic reauthorizations of this Act, authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

"(c) Petitions may be submitted under subsection (a) of this section with respect to any relocation or remedial measures undertaken on or after January 1, 1978.".

(b)(1) From sums authorized under section 214 of the Federal Railroad Safety Act of 1970, there is authorized to be appropriated to the Secretary of Transportation for the purposes of this subsection, $1,000,000, to remain available until expended.

(2) The National Railroad Passenger Corporation, or any owner or operator of a rail station used for the operations of such Corporation, may apply to the Secretary of Transportation for funds appropriated under this subsection for payment or reimbursement of expenses, incurred after October 1, 1987, in connection with enabling such station to comply with the requirements of any official notice received before October 1, 1987, from State or local authorities asserting that a violation of building, construction, fire, electric, sanitation, mechanical, or plumbing codes exists or is alleged to exist with respect to such station.

(c) Section 402 of the Rail Passenger Service Act (45 U.S.C 562) is amended by adding at the end the following new subsection:

"(h)(1) If a rail carrier or owner of a rail line which has a contractual obligation—

"(A) to permit the Corporation to operate rail service on its line; and

"(B) to maintain such line in a condition suitable for such operation,

breaches such obligation, the Corporation may take the actions provided for in paragraph (2).

"(2) In the event of a breach under paragraph (1) the Corporation may take one or both of the following actions:

"(A) The Corporation may withhold from any payments due to such rail carrier or owner under the contract such sums as may be necessary to repair and maintain such line to the standards specified in the contract.

"(B) The Corporation may apply to the Commission for an order under subsection (d) establishing the need of the Corporation for the property at issue and requiring the conveyance thereof.

"(3) If the Corporation elects to withhold any sums under paragraph (2)(A), the Corporation shall apply such sums to the cost of performing the repair and maintenance work necessary to bring the condition of the line into conformity with the standards specified in the contract.

"(4) In ordering a conveyance under paragraph (2)(B), the Commission shall reduce the compensation due to the rail carrier or owner by the amount required to bring the condition of the line into conformity with the standards specified in the contract. The amount of such reduction shall be determined under the dispute resolution provisions of the contract, if any.

"(5) If a line to which a contractual obligation described in paragraph (1) applies is sold to a party other than the Corporation, such sale shall be made subject to the requirement that the acquiring part—

"(A) permit the corporation to operate rail service on such line; and

"(B) maintain such line in a condition suitable for such operation,

in accordance with the terms of the contract between the Corporation and the original rail carrier or owner, unless the Corporation and the acquiring party otherwise agree.

"(6) The rights and remedies available to the Corporation under this subsection are in addition to any rights and remedies conferred by any other law or by contract.".

SEC. 14. ENFORCEMENT OF THE SECRETARY'S ACTIONS.

Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking "enforce such orders" and inserting in lieu thereof "enforce any subpoena, order, or directive of the Secretary issued under this title".

SEC. 15. MAINTENANCE-OF-WAY OPERATIONS.

(a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(s) The Secretary shall, within one year after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary for the safety of maintenance-of-way employees, including—

"(1) standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used; and

"(2) standards for motor vehicles used by such employees which provide that the employees shall ride in a separate compartment from tools and hazardous materials carried in the vehicle.".

(b) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(c) The Secretary of Transportation shall, within one year after the date of the enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

SEC. 16. FENCING OF RAIL YARDS.

The Secretary of Transportation shall, within one year after the date of the enactment of this Act, issue such rules, regulations, orders, and standards as may be necessary to require the fencing of rail yards in heavily populated areas so as to prevent or deter injury of persons not employed by the rail carrier. In carrying out this section, the Secretary shall take into consideration such factors as the number of tracks, the frequency of trains, the proximity of residential areas, the direction and purpose of pedestrian traffic movement, and the local injury and fatality experience.

SEC. 17. LOCAL ENFORCEMENT OF SPEED REGULATIONS.

Section 206 of the Federal Railroad Safety Act of 1970 is amended by adding at the end the following new sub- section:

"(h) The Secretary may enforce regulations with respect to any carrier issued under this Act in regard to the speed of trains on the basis of information supplied by duly authorized agents of local government as if such information were supplied by Federal agents.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to improve the safety of rail transportation, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1539, RAIL SAFETY IMPROVEMENT ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 1539) to amend the Federal Rail Safety Act of 1970, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. DINGELL, THOMAS A. LUKEN, SLATTERY, LENT, and WHITTAKER.

* * *

NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office And Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 402) to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the legislation.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HOWARD] who is the chief sponsor of House Joint Resolution 402.

Mr. HOWARD. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I just take this time to express my gratitude and that of over 200 other cosponsors of this legislation for the fine and considerate work of the gentleman from California [Mr. DYMALLY] and the gentlewoman from Maryland [Mrs. MORELLA] on this issue. I thank them both.

Mr. HAMMERSCHMIDT. Mr. Speaker, the real tragedy of those thousands of children under the age of 5 years who have died in traffic accidents is that they might well have been saved.

Research shows us that the correct use of child passenger protection devices is as high as 90-percent effective in preventing fatalities and 67-percent effective in preventing injury.

Yet, only 48 percent of children under five are protected with the correct usage of these devices. That is why House Joint Resolution 402, designating February 7-13, 1988, as "National Child Passenger Safety Awareness Week," is so important and so timely.

I am pleased to be a cosponsor of this measure, which authorizes President Reagan to issue a proclamation asking Americans to spotlight the week with programs and activities that promote the correct usage of child safety belts.

It probably would surprise many people to know that motor vehicle crashes are the leading cause of death of children over the age of 6 months in this country. They are also the Nation's number one trauma-related cause of epilepsy, spinal cord injury, and mental retardation.

Even though all States have enacted laws requiring the use of child passenger protection systems, Americans obviously still need to be more aware of both the dangers involved and the demonstrated advantages of child safety belts. Having laws on the books serves little purpose, if compliance is inadequate.

I urge my colleagues to join in supporting this resolution, which encourages a measure of protection for this and future generations of our youngest Americans.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 402

Whereas motor vehicle crashes are the number one cause of death of children over the age of 6 months in the United States;

Whereas motor vehicle crashes are the number one cause of the crippling of children in the United States;

Whereas more children under the age of 5 years are killed or crippled as passengers involved in motor vehicle crashes than the total number of children killed or crippled by the 7 most common childhood diseases: pertussis (whooping cough), tetanus, diphtheria, measles, mumps, rubella (German measels), and polio;

Whereas motor vehicle crashes are the leading trauma related cause of spinal cord injuries, epilepsy, and mental retardation in the United States;

Whereas, during the years 1978 through 1986, nearly 9,300 children under the age of 5 years were killed in traffic crashes and more than 450,000 children were injured in the United States;

Whereas an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle crash as a result of protective devices being placed in areas more likely to benefit adults;

Whereas unrestrained children are subject to a significantly higher risk of serious head, spine, chest, and abdominal injury in motor vehicle crashes than adult passengers because the bodies of children are less developed and provide less protection;

Whereas an unrestrained child in a motor vehicle crash faces an increased danger of fatal or serious injury from ejection as well as injuries resulting from contact with the vehicle interior;

Whereas an unrestrained child in a motor vehicle not involved in a collision may be killed or injured as a result of sudden stops, turns, swerves, or falling from a moving vehicle;

Whereas all 50 States and the District of Columbia have enacted laws mandating the use of child passenger protection systems;

Whereas the latest national surveys show that 72 percent of children under the age of 5 are placed in child safety seats in the United States and that one-third of such seats are used incorrectly;

Whereas current nationwide studies estimate that only 48 percent of children under the age of 5 are fully protected in cars in the United States through the correct usage of child safety seats;

Whereas numerous government and private sector organizations have agreed to work in concert to achieve a minimum 70 percent correct usage of child passenger protection devices and adult safety belts by the year 1990;

Whereas research shows that the correct use of child passenger protection devices is 90 percent effective in preventing death and 67 percent effective in preventing injury; and

Whereas death and injuries may be reduced significantly through greater public awareness, information, education, and enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 7-13, 1988, is designated as "National Child Passenger Safety Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities to maximize correct usage of child safety seats.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 402, the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

A TRIBUTE TO JAMES WELDON JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, during the month of February, our Nation pays tribute to the contribution of black Americans to the history of our Nation.

I would like to add my voice to the residents of Nashville who, yesterday, joined the U.S. Postal Service in issuing a new postage stamp commemorating the accomplishments of James Weldon Johnson, an educator, diplomat, lawyer, author, and lyricist.

From 1930 until his tragic death in 1939, Johnson was a professor of creative literature at Fisk University in Nashville. Before he came to Nashville, Johnson had already distinguished himself in both the creative and political worlds.

Born in 1871, Johnson graduated with a bachelor of arts and master of arts degree from Atlanta University. He began his career teaching at the Colored High School in Jacksonville, FL, his birthplace. At the same time, he studied law and became the first black attorney to be admitted to the Florida bar. He also received doctor of literature degrees from Talladega College and Howard University.

A man of immense talent, from 1901 to 1906, he collaborated with his brother on 200 songs for musical comedies and light opera. The musical team was split when Johnson went into Government service when he was appointed as U.S. Consul to Venezuela in 1906. He later served as U.S. Consul to Nicaragua. For nearly 15 years, he was secretary for the National Association for the Advancement of Colored People.

Johnson worked to promote social, economic, and political equality. His writings, too, reflected the racial climate of the period. While known primarily for poetry, his best known book, The Autobiography of an Ex-Colored Man, has been praised for its analysis of race problems. The book has been described as one of the most extensive studies of the early 20th century.

Mr. Speaker, James Weldon Johnson is just one of the many individuals we pay tribute to during Black History Month. I am proud to join my colleagues in singling out some of these individuals for their contributions in making our society richer, fairer, and more equitable for all citizens.

DUELING GROUNDHOGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I was unable to be present yesterday because of an injured back. Had I been present, I would have informed my colleagues that Punxsutawney Phil, my most famous constituent, failed to see his shadow yesterday, signifying that spring is just around the corner. Phil is the world's original and only accurate weather-forecasting groundhog. That is why I am particularly appalled and disappointed that my colleague from Pennsylvania, Mr. WALKER, would take advantage of my unavoidable absence yesterday to try to palm off a fake groundhog on you. The fact that Mr. WALKER's spurious pretender to Phil's throne claimed to have seen a shadow when Pennsylvania was blanketed with rainstorms yesterday, speaks volumes about his groundhog's forecasting skills. Phil, however, has never made a bad prediction. It was Phil who predicted the October 19 stock market crash. And in an amazing feat of prophesy, Phil predicted that Congress would not be able to put a budget together when it was supposed to. Now Phil has confided in me who the winner of this year's Presidential race will be. I know all of my colleagues will be interested in reading Phil's latest bit of political clairvoyance which is included in the following statement I am inserting into the CONGRESSIONAL RECORD.

GROUNDHOG'S DAY PREDICTION—1988

(With apologies to Clement Clarke Moore)

'Twas the night before Groundhog's Day, when all through the land
Not a candidate was stirring, they were quiet to a man;
The polls had been conducted in Iowa with care,
In hopes that caucus voters soon would be there;
The vote-getters were nestled all snug in their beds,
While visions of the White House danced in their heads;
And mamma in her 'kerchief, and I in my cap,
Had just settled our brains for a break from their rap.
When from the screen of the t.v. there arose such a clatter,
I sprang from my bed to see what was the matter.
On every channel, the news was the same,
Of a groundhog named Phil, of Punxsutawney fame.
For it seems that the world's most accurate weather-forecasting seer,
Would be making a little more than his usual prediction this year.
The news reports had it that by dawn's early light
Phil would pronounce the end of winter, and the candidate he most liked.
Well, I went back to my sleep, my head filled with perplexion,
If Phil annointed one, would this be tantamount to election?
And what of the others, would they be filled with contention?
Would they draft a dark horse or broker the convention?

The following morning came early and quick,
And I turned on my t.v. set lickety-split.
And down to Phil's burrow, the mini-cams they flew;
There was Rather, and Jennings, and Tom Brokaw too.
And amid all the pushing and shoving and noise,
The struggle for sound bites, the complete lack of poise;
There stood tall and proud, as he has every year,
A groundhog named Phil—forecaster without peer.
(Unless one includes his mentor, Willard Scott, this year.)
He was dressed all in fur, from his head to his foot,
Had he wore clothes, they would be covered with soot.
His eyes—how they twinkled, his nose, how merry,
But his teeth, large and white, I admit looked somewhat scary.
His droll little mouth was drawn up in a smile,
Would his prediction make the trip by so many, worthwhile?
A wink of his eye and a twist of his head,
Soon gave me to know I had nothing to dread;
He spoke not a word, but went straight to his work,
Looked hard for his shadow, then turned with a jerk,
And laying a paw aside of his nose,
And giving a nod, on his legs he arose.
Electronic media, please give me your ear,
Let me tell you something you may all want to hear.
It's a hard enough job I think you'll agree,
To predict when the winter will set us all free.
The hours are great, and I like what I do,
And it sure beats sitting around in some zoo.
My specialty is winter, beyond a shadow of a doubt.
I have never pretended to have political clout.
But a prediction was expected, many folks say,
On my pick of a winner on Election Day.
So I'll make a prediction, and leave on this note,
One of the following may win, but you'll all have to vote!
And he whistled, and shouted, and called them by name;
Now, Babbitt! now, Gephardt! now, Simon and Hart!
Now Jackson! now Gore and Pierre S. duPont!
On, Michael Dukakis! On, supply-sider Kemp!
On, Haig, Dole and Robertson,
And the Vice President!
And I heard him exclaim, ere he burrowed out of sight
"Happy campaigning to all, and to all, a fair fight."

A Proclamation

Hear Ye, Hear Ye, to all true believers here on Gobbler's Knob and around the World. I, James H. Means, President of the Punxsutawney Groundhog Club, proclaim that the only true weather forecaster, Punxsutawney Phil, has just come out from his official home, at precisely 7:32 a.m., to start his second century of accurate predictions. His majesty stood tall and proud, however, he has failed to see his shadow. The King of all Groundhogs has returned to his burrow to celebrate. There will be an early Spring! That's the good news from Punxsutawney, Pa., the Weather Capital of the World.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, I want to join the gentleman from Punxsutawney. Having represented Punxsutawney Phil for so many years, there is no finer prognosticator of weather than Punxsutawney Phil, and I think the gentleman is absolutely right that his colleague from Pennsylvania would try to take advantage of the gentleman's absence, and if I had known it I would certainly have been glad to take the gentleman's place. But I join him in the outrage against the gentleman from the center part of Pennsylvania trying to steal the thunder of Punxsutawney Phil.

Mr. CLINGER. I thank the gentleman from Pennsylvania very sincerely. I know that he had the honor of representing Punxsutawney Phil for many years, and in fact was present on many occasions when Punxsutawney Phil delivered his predictions.

Mr. MURTHA. I used to get up at 5 o'clock in the morning and drive to Punxsutawney. I know there is nothing the gentleman enjoys more than that.

Mr. CLINGER. It is one of the great pleasures of representing Punxsutawney, and the gentleman will agree with me.

But I would just want to again vent my spleen on our colleague from Pennsylvania, and yield back the balance of my time.

□ 2300

A POSTMORTEM ON THE CONTRA AID VOTE

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, when there is a death, the coroners of the world conduct a postmortem if there is suspicion of murder. And this Congressman believes liberty in our hemisphere has been temporarily murdered by a close vote in this House this evening.

Now I am not going to spend much time castigating anybody by name on the majority side of the aisle. They gerrymandered themselves in my State into a majority so that one man, long dead, can laugh about the results of this vote because in 1982 when I was gerrymandered out of my seat on my first 6-year go-around, the Congressman, long dead, who did it to me, said that he would change seven seats in California; and he did. We were 22-to-21 when that lame duck session ended in December 1982 and when we reconvened a few weeks later, less than 3 weeks later, the California delegation was not 22-to-21. We picked up two new seats and they went to liberals. The new count was 28 to 17, an 11-vote spread. And what did we lose this vote by tonight? Five votes. If they shifted from "no" to "yes" it would have been 216 to 214. And you, Mr. Speaker, could not have voted to break a tie. Five votes.

When my good friend from California, Mr. BERMAN, told me this morning, they were hoping deliciously that the margin of defeat would be buried in Republican votes, and it is. Twelve Republicans voted against their President. One of them ate up a half hour in the Oval Office in the last few days and then had a former President, Gerald Ford, spend another 30 minutes on the phone with him wasting his time, wasting Ford's time. And this is this gentleman's first vote against Contra aid.

Now when the President had tailored a package that sounded for all the world to me like the McCurdy plan named after DAVE MCCURDY, of Oklahoma a year ago, and when the President finally moves to the McCurdy plan, MCCURDY moves away from it. Here are five Republicans that I think could win by 70 percent in their district if they change their vote because their district loves them and they would not care. Mr. BOEHLERT, who got Dan Mitchell's seat in upper New York State, Mr. AMO HOUGHTON, who just for the first time voted against the President on Contra aid, Mrs. CLAUDINE SCHNEIDER, of Rhode Island, beloved, wins with 70 percent and could do whatever she wants; Mr. TAUKE, a BUSH cochairman of Iowa. I am a cochairman of BUSH in California so this kind of stings a little bit. The fifth one is PAUL HENRY who holds Gerald Ford's seat in Michigan that Ford held for 25 years.

Now there is hope, and I hope the Ortega brothers are not laughing in their designer glasses tonight, because at least 9 of these 12 Republicans have told me—I polled them on the floor before the vote—they told me that they will switch their vote in an instant if Ortega screws around with this peace process and does not start releasing these political prisoners. And I know at least 30 people on the other side of the aisle, because their careers are at stake, that would switch in a minute if Ortega tries to screw up this peace process.

Now let me tell you a little story that the great lady, who was once one of the shining lights of this deliberative body, the incomparable Claire Booth Luce told me a few years ago at the International Hotel off of Scott Circle. I said, "Is it true, Claire, that you told young President-elect John F.

Kennedy during the interregnum between Eisenhower's 8 years and Kennedy's brilliant moving and powerful inaugural address," the best I have ever heard in my lifetime, because I did not get to hear Abe Lincoln's two addresses; I said, "Did you tell Kennedy that the measure of his Presidency would be whether or not Castro's communism survived in the Caribbean?" She said, "Yes I did. And let me tell you something, Mr. Dornan, I intend to tell President Reagan," who was then himself a President-elect, "that the measure of his Presidency will be determined on whether or not communism maintains its foothold in Central America and begins to spread."

Now Claire Booth Luce has gone to her eternal reward so I have no way of knowing whether she ever got to President Reagan and said to him the same thing about Nicaragua that she said to young President Kennedy at 43 years of age before he was sworn in. But I have a suspicion that she did and that is why President Reagan said the other night that he did not become the President to preside over the communization of Central America.

The irony is that you, Mr. Speaker, stood in this well and said of course he did not do that, he is here to preside over the United States.

Oh, I see; you are rewriting history, right, Jimbo? He is not the leader of the free world? He is not the Commander in Chief of our military forces that has national security obligations that go beyond our borders?

I do not fault Mr. Arias with only 10,000 police officers and security forces and no navy or army or marine corps or air force as such. I do not fault him for operating in his country's best interests. But the United States of America has a right to operate in its best interest. As the Presidents have told me to my face, as Azcona told a distinguished colleague of mine on the floor, Dan Burton and myself on September 6 to our face, he told us that we must exercise our role of leadership as a superpower and not pay attention totally to what small little weak powers do to cover their own bets as to whether or not the Ortega brothers survive in Central America.

Now I think the best essay I came across—it violates the law of Aristotle that nobody should sit down and dare to write philosophy until they are past their 50th birthday. I do not know what his ideology is. I think one of the most fascinating philosopher essayists in our country is Charles Krauthammer. I think he started out as a liberal. But he writes this editorial in the current issue of Time on the back page, titled "Whose Foreign Policy Is It Anyway?" And he says that, quoting Jim Wright, "If we are willing to abide by the determination of those Central Americans themselves rather than allowing someone in the State Department simply on his whim to say who is complying, and he is not," he says, "That statement of the House Speaker about putting the Contra aid in escrow to be released depending on future Sandinista behavior, to attack that is to say that we do not have a foreign policy. And that is what, Mr. Speaker, you said here on the floor just a few minutes ago, actually.

Krauthammer says that the U.S. Congress with its vote this week, now down by a shift of five, has by default been designated to be the final judgment on Sandinista compliance, as though they had been complying. Mr. Speaker, on this floor tonight you said they have opened up papers. That is not true. One paper, the press, La Prensa. You said they have opened up radio stations. There are 22 licenses pending. There were 49 radio stations down there when Somoza fell. There is one radio station, Radio Catolica. And I did an interview on it just a couple of weeks ago and talked about the hidden bank accounts of the Sandinista-Ortega brothers in Switzerland. And I pointed out on that radio show that a good, idealistic Marxist-Leninist, following Frederick Engel's dialectical materialism, following in the path of that puritan Leninist, no good Communist has a secret Swiss bank account. And if they do, they had better not get caught. Well, they are caught. Roger Miranda has given us the number of the account and to the dollar value that is in Humberto Ortega's account.

And when I sponsored a 2-hour meeting with him here last Wednesday, one of the Congressmen said, "How come you know so much about the secret bank account?" And you know what Major Miranda said? He said, "Congressman, I administered the secret account of the Defense Minister Humberto Ortega." So I said to Obando y Bravo—I spent 1 hour with him just about 10 days ago all alone. His next meeting was with Ortega. As I left, he got in his car to drive—no, Ortega was coming to his house. We passed like ships in the night. The Cardinal said to me, "Yes, we will run your interview." I said, "Will it get you in trouble? I talked about their secret bank accounts, trying to put wedges between these nine Communist Sandinistas." And he said, "Probably it will get us in trouble." And I guess it ran this week. I had someone call me and tell me—the nicest compliment I have had in my life—that I am public enemy No. 1 to the Sandinistas down there. Well that is fine, because I cannot get out of my head, during this whole debate, those visits that I made with my 28-year-old son to two of the farms in Honduras where those amputeed victims, young men and young women who are fighting for freedom, fellow North Americans fighting for our freedom right here on the mainland of this continent of ours, as Claude Pepper says, our beloved part of the world. I cannot get over the fact that they said they would give up their limbs again.

My son asked them, "What do you think when Democrats get up on the House floor and say that you bayonet pregnant women?" They just shook their heads and one man said, "May I answer?" And he rolled his wheelchair forward. He had all his limbs but they were all twisted and crippled. And he said, "We are of the people. We are campesinos. The people call us los muchachos, the boys, the commandos." That is why it is so ironic that one of the Members from New Jersey gets up and says if we drive the Sandinistas to it they will go up in the hills. The Sandinista Communists cannot go back into the hills, because, first of all, they were city people. It was a city movement. The campesinos, the peasants that run the hills hate the guts of these Communists, these fair-skinned city boys that have betrayed their revolution.

How many interviews have we heard where the Indians along the coast, the Suma, the Rama, the Miskitos said that Somoza was a bum, "but he left us alone. He only corrupted the city of Managua and maybe Leon." How many times have we heard the Mestizo, the mixed bloods, what we gringos refer to as Indians from Mexico all the way down to Patagonia, how many times have we heard them say, "We are the people fighting this war?"

Let me tell you something about Roger Miranda. Some of my own colleagues did not realize what I was getting at when we had him over here in the Ollie North memorial briefing room No. 227. And I said, "What was the straw that broke your back, Major? What made you come over?" He told us he was a dedicated Communist. This is a privileged kid from Managua. He went and got his degree in economics at the University of Santiago in Chile. That is when he told me he became a Communist. Then he was privileged to go get a master's degree up at the autonomous public university in Mexico City. I said, "What turned you around more than anything else?" He said, "I went out on the battlefield along the Rama Road, the road that runs to the east near El Bluff on the coast. He said, "I looked on the faces of the dead Contras on the battlefield and I realized that all my idealism from my Communist youth was a lie. I was not saving my people as I thought from Somoza; I was slaughtering my people." I said, "Is it a fact that you can easily tell the campesinos, the hard working peasants with their sun darkened skins, the hard working people who work in the fields, like Cardinal Obando y Bravo, by the way." And he said, "Yes, it is easy to tell."

Well that conclusion I had drawn before Miranda said this to me. That is why I asked this question, because when I was talking to the mothers and the young sisters and the wives down in these little beat-up storefronts that they are allowed to keep on one of the side streets in Managua a month ago, I remember September 6 or 7 when I was there with Mr. BURTON. I said, "DAN, did you notice that these people are peasants?" And then I asked the Embassy people, "What percentage of the 10,000 political prisoners are darker skinned peasants, not citified young Communists acting out their adolescent Marxist fantasies on their people, destroying the economy and clinging to their power with the rule of the gun and terror in these prison camps?" They said, "Oh, the political prisoners are 90 percent campesino peasants.

Then I flashed back on all of the visits that we made to the Contra camps up in Honduras, which, by the way, are gone. They are all inside Nicaragua, 14,000 of them. And I said, "My gosh, the whole force of the fighting people are dark skinned peasants." These are not the fair skinned Guardia or the fair skinned Sandinista city guys fighting to dump Somoza and betray their revolution.

Then it hit me that this was truly a peasant war, a civil war.

I had some befuddled Jesuit priest sitting in front of me over in my committee and I can talk in those terms because I may not want to characterize myself as devout—I leave that to Geraldine Ferraro—but I am loyal, and a loyal practicing Catholic. And when some Jebby sits in front of me and I have got 7 years of Jesuit education and tells me that if we had the equivalent number of people in our country in the hills, 14,000, we would have an army in the hills of 1.5 million Americans fighting against our government. I said, "Did it ever occur to you, Father, if we had one and a half million American fighting commandos in the Rocky Mountains people would call it a civil war?" And he had nothing to say.

When you have 14,000 people fighting in those hills, and it is not jungle the way it is commonly misreported by the press, by the fourth estate up there; it is more like the savanna or the Serengeti Plain in Africa. It is easy for helicopter gunships to hunt down these Contras who try to move in the daytime.

Now to tell you the truth, this vote is so frustrating tonight that I know there are thousands upon thousands of people taking advantage of what we call, in arms control talks, national technical means. I am trying to not violate House rules here about referring to that great expanded audience that is beyond these empty chairs here.

□ 2315

There are hundreds of thousands of frustrated Americans that want a postmortem on this vote, that want to know why all the Members on our side only got 2 minutes and the Members on their side seemed to have 6, 8, or 9 minutes. I will explain that. We had almost twice as many speakers on our side out of 175 Republicans. Two of our Members are sick. One of them just had a heart bypass. Out of their 267 Members, one of theirs is sick and another one just passed away; he was a pro-freedom-lover vote—Dan Daniel of Virginia. Although they had almost 90 more Members than we had, we had twice as many speakers. Do you know why? A lot of these Members in the majority do not want to match their vote with rhetoric and words that will come back to haunt them.

With the Republicans on this side, I am proud of my party and those who did vote with the President, because almost every one of them, with polls against them in their districts, are being called for a profile in courage, voting against a misguided public in their districts. They are willing to put their words together with their votes, and they will stand by their words in the future.

The reason they are so nervous is this: I wish the camera could have played across the faces of everybody on this side as CLAUDE PEPPER brought me to one of the dazzling moments of oratory in this House. In his mid-eighties he was speaking without a note, extemporaneously, about freedom. Red, white, and blue is this distinguished gentleman, our senior Member in years in this House. And the look on their faces was one of—"Oh, my gosh, is he going to turn votes? Is he going to turn this with his inspirational speech because he is inspired by the Cuban Americans and his southern Florida?" And they have risen as no initial first generation ever has in this country.

Do you know that the Cuban Americans in south Florida had seven Members of the Florida Assembly in Tallahassee? No group of immigrants has ever done that.

We have two great Hungarian Americans here, one Republican and one Democrat. They were sitting together watching this debate. This is pretty unusual for two people born in Hungary to make it. But we have all the great ethnic groups that make up this melting pot—my Irish, Jews, Poles, Germans, French, and they all slaved in workshops and educated the next generation, and that is where the politicians came from. The Cubans are doing it in their first generation.

When I was down in south Florida campaigning for Bush a week before last, they said to me, "Why is our country's freedom not on the agenda any longer?" They said, "We admire BUSH's courage."

Ninety-eight percent of them are foreign-born, and he said, "I will not lie to you. We are not discussing Cuba's freedom, and it is not on the agenda as far as we can see."

They said, "We love him, but we want you to go to him, Congressman DORNAN, and change that. Why shouldn't we be on the agenda?"

And it is a darned good question. And who shot them down? The same CIA that trained them under President Kennedy, that confiscated over 400 of their boats and locked them up in a bayou that I flew over once in south Florida, one of those back waterways cut out of the swamp.

They took their means of fighting for their freedom away from them and shut them down, and they said, "OK, we will make it in America, but we are never going to give up. We are praying for and waiting for that moment to drive that dictator, Castro, out of Cuba."

Let me read from Krauthammer's editorial. It is just absolutely dazzling, what this man says. This is entitled "Whose Foreign Policy Is It Anyway?" Here is the line I love:

> What then gives a Costa Rican more moral authority to decide the fate of Nicaragua than 14,000 Nicaraguans fighting to liberate their own country and asking only for the materials with which to do it?

I want to yield to my colleague, the gentleman from Indiana [Mr. BURTON], but before I do, I want to tell something about this Maj. Roger Miranda. I said, "Roger, how many fighters did you have in Masaya?"

On CBS News last night, Dan Rather said, "Masaya, the birthplace of the revolution that toppled Somoza." It is a suburb just to the east of Managua—well, not a suburb but a separate city.

I said, "I know you were a combat hero in Masaya. Were you the commander?"

"No, I was the deputy."

"How many Sandinistas were there fighting?"

I meant in all of Nicaragua. He misunderstood me. He said, "12."

I said, "12?"

He said, "12 in Masaya, 12 of us in 1978."

By 1979, after Eden Pastora, who hates the Communists, who was their No. 1 combatant fighter, Commandante Zero—he was the only name known to the people of all the fighters. Most of the guttiest ones were killed in combat. The Ortega brothers were bankrobbers who were either in jail or in exile during the whole struggle.

But here was Roger Miranda, the deputy Commandante in Masaya with 12 men. He said, "By 1979 we had 98."

I said, "Only 98?"

He said, "But this was happening in the cities. It was in the cities, not the hills over Nicaragua."

I said, "What was your Sandinista fighting force at the end?"

He said, "2,500."

The news media usually says 3,500, and so does your CIA. He said that there were 2,500 people.

How did they do it against Somoza? Well, for one thing, Jimmy Carter turned back two Israeli small freighters loaded with bullets. That is what the President was asking for tonight, just small arms to keep them as a viable fighting force, and he was going to seal it up for 2 months until March 31, depending on whether the Ortegas are going to keep the democratization process and open up more than one paper or more than one radio station and let out more than a handful of the 10,500 prisoners.

By the way, I asked Obando y Bravo, "Have you met one prisoner released of the so-called 1,000 that he released?"

And he said, "No; but, honestly, I had 4 or 5 calls, and I am so busy shuttling back and forth to San José and Santo Domingo and going to Europe to brief Ortega on what to expect from this tough anti-Communist Pope that I have not had a chance to return those calls."

I said, "Monsignor," which is the term you use in Latin countries, or "Your Excellency" or "Your Eminence" for a Cardinal, "Your Eminence, have you a list of 1,000 prisoners?" I said, "The American media is accepting Ortega's release of 1,000 prisoners."

He said, "No, no, we are still below 100."

Now, the networks say that Ortega is going to release thousands more, and we do not have a list of over 100 of the so-called 1,000 that he has released. When the Israelis released 1,100 Arabs on the northern border into Lebanon, the news cameras were there to record every single person released by name, and we do not have any 1,000 people released.

Then what I love is when he said they ended the state of emergency. Do you know what all your Embassy people tell me down there? When you have a police state as far gone as the rule of terror in Managua, what difference does it make if you end the state of emergency? Nothing changes. The peasants down there told me, "Nothing changes if he ends the state of emergency. It doesn't change any of the terror in this state."

I know the Soviets at this very moment are telegraphing to the Kremlin the results of this vote. Gorbachev has been emboldened by this vote tonight. I hate to report that, but it is a fact. He will see that we do not have a resolve. He wonders where our resolve comes from in Afghanistan. That is another hypocritical irony of the voting patterns in this House. But this Lourdes—as they say in French, Lourdes—in Cuba is this major listening facility, the biggest in the Western Hemisphere, where they are reporting on this vote to the Kremlin tonight. I had a briefing from the new National Security Adviser yesterday; the whole Foreign Affairs Committee did, and about 10 of us showed up out of 40, and they told us there is not 11 prison camps or 12 in Nicaragua, their only growth industry, their only building program; it is now up to 16, 16 major prisons. Under the hated oligarchs of Somoza, there was one and a quarter—Tipitapa, which is now expanded to five times its size, and one little torture operation that he had behind the International Hotel that had 12 cells in it. But now they have 16 prisons, and 9 of them are devoted totally to locking up the campesinos off the coffee and cotton farms, locking up thousands of people because the commandos, the los muchachos, swim in the sea of the people.

Miranda told us the Ortega brothers have already cut a deal with the Soviet Union for asylum in the Soviet Union if all goes bad. The turning point when they realized they were in trouble was a year ago when Humberto Ortega, the defense minister—just as Raoul Castro is Fidel's brother, Humberto Ortega controls the guns and the party's army, as it was pointed out here, and the party owns the military. That is not a blue and white rondel on the side of these helicopters. That is the Sandinista party emblem. It would have been like Richard Nixon trying to take over the whole Pentagon and painting every Air Force airplane with that little dumb looking Republican elephant with its trunk down. I prefer the one with trunk in the air for victory. And then suddenly he would say, "Well, I was thinking about resigning." I wonder if the Pentagon would agree to that since the Pentagon is controlled by the national chairman of the Republican party. Imagine if Paul Kirk had say over the Commander in Chief and the Joint Chiefs of Staff. That is the situation in Nicaragua, the only country in the world to my knowledge that is in this situation. In all of the other countries, even in the Soviet Union, the army is the army of the Soviet Union, controlled in its ultimate decisions by the party which runs the Politburo, 12 men under Gorbachev but dictating to him more than he would ever let on. But you could read the diplomatic traffic if you have the top secret clearance of a Congressman and see how much they do control them at this stage.

So now let us take a look at these prison camps. Here are 9 out of the 16. Here was Somoza's only prison—Tipitapa. They like to call it modelo, the modern prison. Part of it is where they keep the women. This black area here is the old Somoza prison. It is expanded three times by physical plant and five times by real estate.

This is Esteli. This is the area where they first used Soviet helicopter gunships, flying tanks. The MI-25, the export version with a few avionics off of the MI-24 that is used in Afghanistan, was first used here on August 2, 1985. That was the first time Soviet equipment was directly killing our fellow first cousins right here, our Norte Americanos.

The mayor of Esteli was just killed in combat and they tried to act like he was a political death. He was in uniform doing his weekend warrior duty as a reserve officer.

This is La Palmera Prison. This is near the third largest city, Grenada. It is a brand new prison.

This is Zona Franco, right near the airport. Every American Senator and Congressman who has gone down there flies right over this prison.

In these prisons tonight they are getting the word, because the grapevine is an amazing thing, it is like jungle drums. The word is already reaching these God-forsaken—well, God has not forsaken them—these liberty-forsaken people rotting in these prisons. They are getting the word that by a lousy shift of five votes, this Congress has destroyed their hope.

I wish I had all 16 pictures here. This is Puerto Cabezas on the coast. I got a top-secret briefing down there. I have to be careful what I say now. The Soviet Union and the Cubans have been jerry-rigging Soviet-made transports to try to shoot down these freedom fighter airlift airplanes with 57-millimeter cannons, with rockets, 3-inch rockets. They have actually fired at some of these planes coming in at night, and they are on the "cheap" down there. They do not get the high tech that we give through so-called covert programs to Afghanistan that Dan Rather loves to keep showing on the evening news. It seems like everybody around here loves the Afghanistan effort. I want to comment on that in a second. But right out of here they are building surface-to-air missile sites. They lucked out and got this DC-6, with people dying and with Colombian pilots dying for us in the cause of freedom. But Puerto Cabezas, the SAM site there, would probably have gotten one sooner or later.

This is Ascuncion Prison near Juigalpa. Look at the size of that thing. As I said, even the military installations, which are the only other building projects, are not as big as these prisons.

This is Club Hipico. Guess what? That is a former motel. When I first looked at that, I said, "Is that a Club Med?"

Somebody said, "Oh, yes." So finally I went up to Matagalpa about 5 weeks ago and met with some of the people up there. I met with the mothers in the main cathedral in the middle of Matagalpa, which again was one of the fighting places that got rid of Somoza only to have their revolution betrayed. We drove by Club Hipico, which was an old motel rebuilt and turned into another one of these vicious political prisons. This is Palo Alto, near Managua. This is not an extension of Stanford University. Look at these places. This is Chimandega, up along the coast near Corinto, where Soviet freighters are unloading. During this entire debate Soviet freighters are unloading weapons of killing. This is $2 billion worth, as was pointed out here. When Ortega was down conning everybody at San Jose, he had just left his deputies to sign a $294 million contract with the Soviets, with Gorbachev, just 2 weeks ago. That was while we had a congressional team down in San Jose, Costa Rica, they were advising the Communists, as it came out in the debate here.

This is Waswali Prison. Look at the size of that place. All the building materials down there are going to these Gulag-type Fascist-type concentration camps. It is unbelievable the torture stories that are now coming out from the human rights groups.

It sickens me that some of the Contras we are supporting in their fight revert to the brutality that Somoza engendered. That creates human rights violations. Many of them have been court-martialed, some of them have been executed in the field, and, yes, some of them are not serving their sentences. I have griped about that. But all the people down there that are worthy of the word "truth" tell me that the violations on the Sandinista side are 10 to 1. But we would not get that out of some of the befuddled bishops, networking nuns, and trendy ministers and vicars, to quote HENRY HYDE on this House floor. And that is exactly what they are, trendy.

And listen to this, with all these misstatements of facts here. Before I proceed, Mr. Speaker, let me ask the gentleman from Indiana if he wants to jump in at this point. If so, I will yield to the gentleman.

□ 1130

Mr. BURTON of Indiana. Yes, I would like to make a couple of comments, but you are doing so well, and I can sit here and listen to you all night.

Mr. DORNAN of California. I am getting wound up for round 2.

Mr. BURTON of Indiana. You are getting warmed up for round 2; all right.

The thing I would like to address is some of the arguments that have been made by the speakers and the others in the debate tonight when they said that the President of the United States should be presiding over the United States and not over Central America, and the implication was that we should be an isolationist nation. We should not be concerned about what is going on in our hemisphere.

I do not know whether they recalled the Monroe Doctrine or not, but the Monroe Doctrine is something that I revere, and many of my colleagues do, in that we do not think a foreign power from another part of the world should come in and establish a beachhead, Communist or otherwise, in our hemisphere.

Mr. DORNAN of California. You picked up on that the minute the President said that President Reagan is only to preside over the United States.

Mr. BURTON of Indiana. Yes, and that isolationist policy is one that will work to the detriment of this Nation.

The fact of the matter is that the Communist Sandinistas have been exporting revolution, and even though President Arias may have a different view, some of the newspapers in his own country have stated very clearly that they are exporting revolution, they have been sending supplies and they are concerned about it. In fact in an editorial of January 29 of this year, January 1988, La Nacion, Costa Rica's most prestigious daily, stated, "What does it state is the fate of the nations that border on Nicaragua?" Because if the resistance, the Contras, is weakened or disappears, the Sandinista regime will direct all its energy with ample Soviet aid to its confessed objective, that of exporting revolution. So they know in Costa Rica, they know in Honduras, they know in Guatemala, they know in El Salvador that there is going to be revolution exported rapidly once the Communists consolidate power, and the vote tonight that took place will lead to that kind of consolidation.

But the thing that concerns me the most—it is kind of a selfish thing with me, and I really would like to get this off my chest. This is not a speech. This is a feeling I have. I heard a number of my colleagues go to the floor, and I know you have a son who is what; about 20 or 25?

Mr. DORNAN of California. One 30 and one 28.

Mr. BURTON of Indiana. Well, I have a son who is going to be 13 this week, Danny Lee Burton II, and the vote we took tonight which is going to appease the Communists, and I am certain they are celebrating it tonight in Havana, and Managua and Moscow, that will ultimately lead to the consolidation of power and the rapid exportation of revolution throughout Central America and up into Mexico because the Soviets want to put us in an untenable situation on our southern flank, and that is their objective.

Mr. DORNAN of California. It diverts attention from the Warsaw Pact countries.

Mr. BURTON of Indiana. That is right, and they hope we will have to withdraw support from our NATO allies and bring troops like President Azcona wants us to do if this gets out of hand. He said he was going to request 50,000 United States troops be stationed in Honduras if this peace process fails and if the Contras are no longer a viable force, so where are these troops going to come from?

So the bottom line is the Soviets would like to put us in a difficult position on the soft underbelly of America, the Mexican-American border, and the thing that concerns me the most is that 13-year-old son of mine and the sons of other Americans who are going to have to go down there and defend our southern flank, the Mexican-American border, at some point in the future. That does not mention all the millions of refugees we are going to have coming across that border.

Just think about the young American boys in 4 or 5 years that are going to have to go down there and fight to do the job we are not doing now by supporting the Contras. The only problem then is that we would not be talking about 60,000 active military personnel in Nicaragua. We will be talking about 400,000 or 500,000, and they will have allies from the Cubans and other countries if they take them over, from El Salvador, the Communist guerrillas that will expand their support base down there, and so our kids are going to have to face a viable military force down there in 5 or 6 years if this continues, if we do not reverse ourselves, and I am very concerned about that.

I hope and pray that my colleagues on the other side of the aisle and those on our side of the aisle that voted incorrectly, I believe, tonight will see the light and wake up before it is too late so we can reverse ourselves because once those Contras die on the vine, and some of them were here watching the vote, and those 4,000 people lose their military supplies and their humanitarian aid, the food and logistical equipment they need to exist, then they are going to flee. They are going to come north to Miami, they are going to go to Texas, to California, your State, and there is not going to be anybody that we can turn to down there to help fight this Communist expansionist policy.

And we are going to have to send our boys down there to do it, and I think one of our colleagues, Mr. BOLAND, tonight alluded to that fact. He said that if it gets that bad we are going to have to do something about it, but why should we have to send our American boys in to fight what is acknowledged to be a civil war between Communists and people who want freedom when it is not necessary? But that is what we are heading for.

Mr. DORNAN of California. At the risk of sounding like Rev. Jesse Jackson I am going to read a statement here in a minute by retired Col. Larry Tracy, who did the best work in the State Department or the Defense Department in putting our books like this silver one that became our bible for 3 or 4 years. It was he who constructed the Ollie North slide show, and he now has a new one that has 60 slides, all new modern graphics, even improved. He wrote something here that I want to read. I want to "Bidenize" and pretend it is mine now. I want to attribute it to Tracy, but at the close of it he says something to you about your sons. He said that we used to be the arsenal of democracy when I was a little kid in New York at the beginning of World War II and proud of it. Pushing all the neutrality laws, Roosevelt was to help poor England which was standing alone under the great leader, Churchill. Larry Tracy says that if we send them the guns, we would not have to send our sons, and it is that simple.

Ten years from now, 8 years from now, this may come back to bite us.

Do you have a special order following mine?

Mr. BURTON of Indiana. The gentleman is correct.

Mr. DORNAN of California. Can you stay for it?

Mr. BURTON of Indiana. I am not sure whether I can or not.

Mr. DORNAN of California. Yield to me if you have to go.

Mr. BURTON of Indiana. OK; if I have to, I will.

Let me just say this. Congressman—who was this letter to earlier? One of my colleagues. Congressman Courter of New Jersey received this letter, and I think it is so important that the people in the offices here and anyone who might be watching hears this. It is so important. This letter goes right to the heart of the problem, and it says it better than probably anybody except maybe Claude Pepper of Florida stated the problem tonight. He said:

> Dear Congressman: As a resident of the State of New Jersey I urge you, most emphatically, to support President Reagan's upcoming request for more military and humanitarian aid to the Nicaraguan Contra Rebels.
>
> I urge this despite my own solid liberal background: I marched against Vietnam, I volunteered for McGovern in Massachusetts, and I voted for Jimmy Carter. But over the last six years I have been studying history and have become disturbed by what happens to a country when dominated by a Marxist-Leninist minority.
>
> As a product of the Sixties and Seventies, the idea of having my own life controlled by an authoritarian, Leninist state is absolutely horrifying, and I think most Americans—regardless of their political affiliation—share that view. I think it is nothing less than creeping racism to assume that the people of Nicaragua find this prospect in their own future any less frightening.
>
> The only chance the future generations of Nicaragua have for lives of individual freedom is if they physically resist now the control being forced upon them by Soviet-, Cuban-, and East European-trained cadres. But in an age of helicopter gunships and automatic weaponry it is naive to think that farmers and shopkeepers have any chance to resist sophisticated efforts to control them without help from outside. Please help the people of Nicaragua to help themselves, and please use my tax dollars to do it.

This is from a fellow who was a liberal, a McGovern supporter who marched against Vietnam but who has studied history, and he knows what the Communists are up to not only in Nicaragua but elsewhere where they tyrannize the people. I hope that everybody in this country will listen and take to heart what that gentleman from Congressman Courter's district had to say.

Mr. DORNAN of California. The sad thing is that a lot of Members of this body who also voted for McGovern, chanted, "Hey, hey, LBJ, how many babies did you kill today," became enamored with Ho Chi Minh, cried that date in September 1969 when he died and to this day will defend that brutal Communist regime in Hanoi. There is a small coterie of them in this House who are in love with the Sandinistas.

But when my good friend, Jim Scheuer, got up and said that nobody in this House on either side of the aisle is for the Sandinistas; that is factually incorrect. Maybe he does not know that. There are four groups in this House. There are conservatives, there are liberals, and we have this. As Claude Pepper said, we are all Americans, and we have got this fundamental difference on how you surgically apply force and power and, yes, sometimes violence like George Washington gets the job done. And there are the moderates, and from my viewpoint they shift back and forth so much I do not know where there is any pride in that position.

That is what Ollie North was talking about when he said a vacillating, unpredictable, on-again, off-again Congress. He was not talking about Eddie Boland, he was not talking about Danny Burton. He was talking about 12 people in our party and about 30 in the other party that have gone back and forth, back and forth on this issue, but there is a fourth group. I do not know any of them on our side. If there are, they keep it hidden, but there is a small group and two Democratic chairmen, one who is for Contra aid and one who is against it, and I respect them both. Two of them admitted to me there is this small group that have given their hearts and their loyalty to the Sandinista Communists. They traveled down there and met with Ortega privately. One U.S. Senator from the other body did it in front of you and me, refused to take you and me in to meet Ortega, in to meet with him, after we had just taken him in to meet Azcona 2 days before.

Mr. BURTON of Indiana. Not only that, but he would not let anyone go in with him except his personal adviser, who was a pro-Sandinista individual.

Mr. DORNAN of California. An Army colonel who was kicked out of the Army for refusing to go to Vietnam.

Mr. BURTON of Indiana. And he would not even allow anybody in the State Department to send in somebody just to be in attendance at the meeting which is in accordance with protocol. You are absolutely correct. We have people who are more than sympathetic to the Sandinistas in Nicaragua, and I think that is appalling, and I do not believe any of their constituents or the people across this country realize how closely tied they are.

Mr. DORNAN of California. Well, there are about 65,000 people that have cycled through groups like Witness for Peace down there in Nicaragua that have also fallen in love with that Communist regime so much so that they will stand there and tell you they are not Communists, and one thing the leadership around here is admitting on both sides of the aisle, and I think America should know this because I do not think the point can be made enough:

Roger Miranda told us last week that Miguel D'Escoto, the suspended priest that lives like a fat cat in a former banker's house with four or five Mercedes in his driveway and all the confiscated art treasures that he says he is just borrowing for a while, and he keeps gaining all this weight when he went on a so-called fast that lasted about 7 days, and he did not lose 5 pounds of that blubber, and his doctors had to take him off his so-called dedicated fast. He is not a Communist. Miranda said suspended priest D'Escoto is a frontpiece.

Sergio Ramirez, the Vice President who went to the University of Kansas at Lawrence, they said he is not a Communist. I said, "How about Victor Hugo Tinoco; hard-core Communist?"

You asked him; remember? The Deputy Foreign Minister?

You said, "Mr. Tinoco, are you a Communist?"

I will give you his answer verbatim. Tell me if I got it right.

By the way, did you see him speaking fluent English on television from

San Jose? And he had an interpreter there with us. He pretended not to speak English so he says.

He said, "I studied to be a Catholic priest once. Now I don't know if I'm a Catholic or Communist."

Don't know.

"All I know is I'm a Nicaraguan."

Remember what I said to him?

"Get off it, Vic; you know, giving us that crap."

He has got all his English-speaking American citizens, some of them with dual citizenship, down there guiding his Communist government.

Then he said to Miranda, "You were a young Marxist."

He changed the word to Communist. "* * * the one that went to school in Santiago, Chile, and Mexico City saying he is no longer a Communist."

You know that one Communist knows another when they sit around discussing ideology and how they are pulling the wool over the eyes of Congress. Remember what they said? They hate all the Congressmen. They hate us on both sides of the aisle except for their little group of friends, four or five of them.

But they said that the Democrats are more easily manipulated.

And this airplane pilot Denby that they held 8 weeks incommunicado, a lot of it in solitary confinement, and they admitted they had no case against him. He said they feel they are at war against the Republican Party, and, if they look at this vote, well, they should be, because we are for freedom. The only people on the majority side of the aisle that mentioned freedom along with peace were the Democrats who voted for the President's very reasonable plan on what to do.

So I said to Major Miranda, "How many of the Sandinistas are acknowledged hard-core Communists; six?"

He said, "Oh, no, no, no." He said, "All nine, all nine are Communists."

Now RON DELLUMS can come down to the floor and very eloquently say that how come we only beat up on people who do not have the atomic bomb, China or the Soviet Union? No. That is an interesting point. If Ortega had two nuclear weapons, two, I believe that both sides of this aisle would meet in secret and decide to take him out before he lobbed another one of those bombs, this erratic young Communist, at Florida, or Texas or southern California.

No, it is true that we have to do something to stem the tide of Communism where we can, Grenada, Angola, Afghanistan, right here on North American soil in Nicaragua, and, yes, we have to deal with Gorbachev and the main "Mother Wart of Communism" because they have got nuclear warheads by the thousands.

China is an inward-looking people. They have taken down every single picture of Mao in that country, and his widow is still in prison. They do not know what to do, and they are reaching out. Their motto now is, "Whatever works," so they are a hard-to-define group of Communists with 1 billion, 200 million people in China, but the Soviet Union is still one of the major exporters of terrorism around the world, and while we cut off our freedom fighters, 14,000 of them living off the land and off the air drops in Nicaragua the Soviets continue to flood supplies into those ports.

Mr. BURTON of Indiana. If the gentleman will yield?

One of the things struck me in the debate tonight. I heard very infrequently, if at all, anyone talking about the continued military support that the Soviets are giving to the Nicaraguan Communists. There was a lot of talk about us cutting off aid to the freedom fighters, the $30-some million we were talking about.

□ 2345

But the Soviets this past year sent 33,000 tons of war materials into Nicaragua, not guns and bullets, but helicopters, amphibious armored personnel carriers, sophisticated weaponry that these poor campesinos do not have, so they can crush them and control the countryside and export that revolution. We did not talk about that much tonight, but they have spent over a billion and a half dollars over the last 5 to 6 years into Nicaragua for not only controlling that country and subjugating those people down there, but also for the exportation of revolution, and here we are fighting over $30-some million in humanitarian aid and $3 million if they do not comply with the peace agreement that they signed.

Mr. DORNAN of California. Three million dollars.

Mr. BURTON of Indiana. Three million dollars, opposed to a billion and a half.

Mr. DORNAN of California. It is phenomenal. You know, out there in the popular culture, one of last year's big movies was "Top Gun." The star naval fighter aircraft in that film was an F-14 Tomcat.

Does the gentleman remember what they said that plane was worth in the film? $30 million.

Mr. BURTON of Indiana. That is right.

Mr. DORNAN of California. Actually, one crashed near Tonopah, NV, a couple weeks ago, the paper said it was $32 million.

Mr. BURTON of Indiana. So we are talking about one airplane.

Mr. DORNAN of California. One airplane. Now, out in California north of Los Angeles over Independence, CA, two F-18's out of the El Toro Marine Base in BOB BADHAM's district, two F-15's, probably engaged in what I used to do in peacetime, called air combat maneuvers, training to stay combat ready, you go in opposite directions and come back at one another. It is called bumping heads. You train for that horrible eventuality where you might have to do it for real, as a couple F-14's had to do over the Gulf of Sidra in August of 1981. These two F-18's hit one another. One pilot gave his life in peacetime, one of the 12,000 who have died since Vietnam in peacetime combat training accidents. The other, fortunately, bailed out. Both of them young fathers with lots of little kids.

These two airplanes, F-18 Hornets, were worth about $26 million each. For one midair collision in California last week was $52 million plus, and we quibble over $3 million to the democratic resistance in Cambodia and $3.25 million today.

Mr. BURTON of Indiana. That brings to mind something that was made a very salient point today by Congresman DUNCAN HUNTER of California. He brought out the point that at Punta Huete the airfield that is being built by the Communist Sandinistas which will accommodate Mig-21's through Mig-29 fighter bombers——

Mr. DORNAN of California. The Lucian 76's and 86's, the biggest airplanes in the Soviet arsenal.

Mr. BURTON of Indiana. This is the Blackjack Bomber, the biggest airplane they have.

He said that the Soviets ultimately plan to bring this aircraft in there. He said that would be equivalent to an $18 billion naval task force with an aircraft carrier. So if they bring in that aircraft, they are going to have a land-based aircraft carrier in effect and we are going to have to deploy a naval task force with aircraft carriers on it which would be worth $18 billion to take care of or to watch over this one airfield at Punta Huete. That airfield, they can use those aircraft for surveillance and intelligence gathering purposes for the entire west coast of the United States and the southern part of the United States. So not only will they have Cuba for the east coast, they will have Nicaragua for the west coast, and in addition to that it is going to cost us billions of dollars even if we did not have to go to war down there to keep an eye on the aircraft that will be stationed at that base.

Mr. DORNAN of California. Listen to this statement by one of the scholars on this issue, Larry Tracy. He said that some day historians in the not too distant future are going to look back at February 3, 1988, and see it as an historic date, a date when the Congress of the United States became the guarantor of the Brezhnev doctrine, a doctrine that says once a Communist country, always a Communist country.

We became the guarantor by only a shift of 5 votes tonight.

He says that a recurring theme of the Democrats has been, "Let's give peace a chance."

Now, how many times are we going to hear this? I guess that was Neville Chamberlain's song, "Peace in our Time."

Mr. BURTON of Indiana. They should have asked, how about giving freedom a chance?

Mr. DORNAN of California. I repeat, the only ones on this side who mentioned freedom were those voting with the President. The rest just talked peace.

He said, "Do these Majority Members realize that the Sandinistas and their Cuban and Soviet patrons do not see peace as the absence of war? They see it in terms of "Mir." That is the Russian word for peace. It has a much shaded meaning over our word.

Mr. BURTON of Indiana. After the war.

Mr. DORNAN of California. The Russian word "Mir" does not mean the absence of war. In the Communist lexicon it means, it has come to mean a condition that can only exist in a socialist state.

Mr. BURTON of Indiana. After the goals of the revolution have been achieved.

Mr. DORNAN of California. That is what their space shuttle is called, 'Mir." It is something that only exists in a socialist state.

My colleagues from the other side of the aisle may be aware—are not aware of that fact when they say they are for peace. What they are really saying in the Ortega context is that they are for "Mir."

Then we hear, "Lets take a chance for peace." How many times did we hear that today?

But who is taking the chance? Nobody in this Chamber, but many boys, your sons, I say to the gentleman from Indiana [Mr. Burton], they are the ones in their teens who may pay with their lives. They are the ones who are taking the chance through the votes of these people who are so shortsighted.

He says, "How many in this Chamber want to take a chance for peace?"

Perhaps when the body bags start coming back to their districts will they realize the magnitude of their folly with this vote tonight: however, Dave McCurdy of Illinois says, "Don't worry. We will be voting again in 3 weeks."

I wonder who is listening, the Ortega brothers, the other seven Communist commandantes in the fascist junta down there? I hope all those networking nuns down there, and everybody down there, I hope they are all listening, because Dave McCurdy told them that we are going to vote on it four more times this year. That is the shift of the so-called moderates, the vascillating, unpredictable, on-again, off-again group, that tells us we are going to face this debate four more times this year.

Now, Congressman Dellums, my colleague from California, spoke of United States actions in Grenada, implying that it was war on people of color. He did not imply it. He came right out and said it, but he said nothing of the fact that it was a black gentleman who requested President Reagan to send in troops, Governor General Paul Scoon. I met him down there. In fact, I went by his house. I got the whole briefing that first week in November 1983.

Mr. BURTON of Indiana. The gentleman might mention at this point that when we went out and looked at the weapons that were stored in those two storehouses——

Mr. DORNAN of California. Whoof.

Mr. BURTON of Indiana. There were over 5 million rounds of ammunition in Soviet boxes marked "food and economic aid," and right next door in the other building were thousands of AK-47 weapons and others for this little island, which is half the size of most small cities.

Mr. DORNAN of California. Lies and advertising.

What the gentleman from California [Mr. Dellums] also overlooks is that it was a black man, Tom Adams of Barbados, we met him, who relayed Scoon's request to all the other former British Dominion members there. He said nothing of that elegant black lady, the black lady, the Prime Minister, Eugenia Charles of Dominica, who stood with Ronald Reagan side by side in anouncing the liberation of Grenada.

And finally the gentleman from California [Mr. Dellums] said nothing of a CBS poll a week after the liberation in which 91 percent of the people, almost every one of them black, English-speaking blacks, agreed with President Reagan and only 9 percent agreed with Ron Dellums. Only 9 percent wished that they had Fidel Castro's rule back.

Mr. BURTON of Indiana. The thing that is so interesting, if the gentleman will yield further, when the gentleman and I went down there 2 or 3 days after the invasion and then Speaker Tip O'Neill had sent his delegation down there, we were kind of a truth squad, the gentleman and I, and Mark Siljander.

Mr. DORNAN of California. That delegation was led by Tom Foley who brought back a fair and truthful report.

Mr. BURTON of Indiana. Yes, but when we went down there, and the gentleman from California was with the other codel, I remember we were in jeeps going through the area and people were running up and throwing flowers at the jeeps saying, "God bless Ronald Reagan and God bless America," and they were writing on the walls, "God bless America," because they had been liberated from the totalitarian communism and Mr. Bishop down there and his New Pearl or New Jewel movement down there. Those things the gentleman from California [Mr. Dellums] should remember, because I am sure he experienced them as well when he was down there.

Mr. DORNAN of California. You know, what is amazing, the largest cruise ship ever built sailed with Jimmy Carter on it, Rosalynn Carter swung a big huge bottle of champagne against it just a week or so ago down in Miami, it is called the *Sovereign of the Seas.* It is just a magnificent, gorgeous ship, not my cup of tea, but just terrific for people who want to stay on a ship and island hop. One of the main stops on every voyage will be Grenada, to meet those people who speak English, no language problems, and tell all these retiring or honeymooning young Americans, "God bless America. Thank you for liberating us and bringing us back into the free world."

Here are Larry Tracy's last thoughts. Through the wonder of video tape, we will all have a record of the speeches made here today. There is no permanent record for people's private libraries of any of the speeches made during the Bay of Pigs in this Chamber. That is Frank Horton's hang-up, our friend. He voted for the Tonkin Gulf resolution. That is why this fine conservative Republican votes against everything to do with any military aid to certain parts of the world. I bet if we had a vote on Afghanistan, this fine American would probably even vote against Afghanistan.

So we have got this videotape. Larry Tracy says, "I can imagine the tragic-comic aspect of watching a video of our Democratic colleagues saying that cutting aid for the Contras will be the route to peace, and then they will have to watch the news develop that U.S. troops are fighting in Central America."

I remember when Senator Dodd said on Nightline in early 1976—this is somebody else's quote, Mr. Speaker—he said that if diplomacy failed, perhaps we would have to use a military option, but when there are no Contras, what military option exists other than U.S. soldiers?

Then he closes with, "Let us send our guns to the Nicaraguan freedom fighters, so we do not have to send our sons to Nicaragua."

Mr. BURTON of Indiana. If the gentleman will yield further, Bob Michel, our Republican leader, in his eloquent address to the House tonight when we were summing up, made reference to August 1938 when Lord Chamberlain flew to Munich to cut a deal with Hitler on Czechoslovakia, so there could be peace in our time, he said, and flew back and waived that document. His popularity, if there had been a Gallup Poll, would have been 99 percent and Winston Churchill would have been a nonentity, because nobody believed that war was imminent because of that piece of paper, and the seeds of war had just been sown.

The thing that bothers me, in addition to my son and these other young men that I am scared to death perhaps have to fight an unnecessary war down there, the thing that impressed me tonight is that we may have done the same thing that Lord Chamberlain did. We may have appeased the Communist dictators in Nicaragua and Cuba and the Soviet Union to such a degree that ultimately war is imminent.

Mr. DORNAN of California. Right.

Mr. BURTON of Indiana. And we are going to have to get involved in it. I hope that if there is a record of this and at some future time, maybe 20 years from now somebody looks back, I hope they have the gentleman from California and me talking and they can see that we did talk about that.

Mr. DORNAN of California. You bet.

Mr. BURTON of Indiana. But we did have a message that came across tonight from this whole body and that was a message of appeasement to the Communists, to those who would take away people's freedom, not unlike what happened prior to World War II.

Mr. DORNAN of California. Something just flashed through my head about getting on the record so that you can leave a legacy to your children and grandchildren.

Something just struck me about the gentleman from Indiana. There is another massive catastrophe brewing in this country and the gentleman and I and the gentleman from California, BILL DANNEMEYER, are on tape, on the official record in sight, sound, color and motion, on AIDS. In a year and 5 months, more people will have died of AIDS than died in combat in Vietnam, figures of 58,139, like on the Wall is 47,000 in combat. We are going to pass that in a year and 5 months. I am on the record on that and I want to be on record that my sons, like me, look like they are going to be caught between the bloodshed that people have to go through for liberty, but it will be my grandkids now following the kids of the gentleman from Indiana and their kids and jeopardizing their lives, becoming combat ready, dying in peacetime or dying in a hot war, that may give my grandchildren that breather to grow up between wars. Some families have been that lucky in this country and those families are the very families that should respect the families that get caught in the cycle, like those that did not wait to be married at 37 years of age, like my father. If my father had married at 22, like I did, I would have been fighting in World War II. There were families where some of those young veterans came home and survived the horror of 53,000 combat deaths in World War I to have their sons die in the same Flanders Fields and in the same fields of France, against the same enemy, because we did not understand between those two great wars of this century that appeasement breeds more destruction.

I want to ask the Speaker for permission to put the whole Charles Krauthammer article in, but let me read this last paragraph.

He says:

The Arias plan—

This is Charles Krauthammer writing in this week's Time—

The Arias plan has become the great totem of the current Nicaragua debate, but it is no substitute for an American foreign policy. Americans still have to ask themselves the basic questions, questions of national interest. Can the U.S. risk the domination of Central America by a Soviet client state, and questions of national purpose. Is it right for the U.S. to support a guerrilla force fighting a Leninist dictatorship? Central American answers to these questions are conflicting and cacophonous. They contradict one another regularly. In deciding its own answers, America might want to listen to various of these voices, but it is not obliged to be commanded by them.

Mr. Speaker, the full text of the article is as follows:

WHOSE FOREIGN POLICY IS IT ANYWAY?

(By Charles Krauthammer)

The Arias peace plan signed in Guatemala by five Central American Presidents has made one certain contribution to the endless debate about contra aid: a new vocabulary. All sides must now make their case in the ritual languages of the Guatemala accord. Opponents of contra aid say they are simply fulfilling the part that calls for an end to outside aid to insurgents. (Cutting off Nicaraguan aid to the Salvadoran insurgents is left to the appropriate Nicaraguan parliamentary committees.) The Administration, for its part, portrays contra aid as a mere "insurance policy" to save the peace plan in case the Sandinistas renege on their promises.

Neither side is impolite enough to note that the Guatemala accord has already expired. It was always more a hope than a plan. It had no enforcement mechanism. It has formally abolished its international verification commission. And three weeks ago it, in effect, abolished itself: the plan, said the communique of the five Central American Presidents gathered to assess its progress, had not been implemented, but no deadlines were extended. The U.S. Congress, with its vote this week on contra aid, has by default been designated to make the final judgment on Sandinista compliance.

But even if the Arias plan were still a going concern, a question remains: Why should the U.S. allow its interests and policies in Central America to be determined by others? House Speaker Jim Wright was asked about putting contra aid in escrow, to be released depending on future Sandinista behavior. Perhaps, said Wright, but only "if we're willing to abide by the determination of those Central Americans themselves . . . rather than allowing someone in the State Department simply on his whim to say who is complying and who isn't."

Wright disdains the idea of leaving determinations critical to American foreign policy to "someone in the State Department"—say, the Secretary of State. The Speaker, who has of late been playing the plenipotentiary, perhaps fancies himself better suited to the role. But it is truly odd to prefer leaving such determinations to foreigners. Most countries devote enormous resources to maintaining independence of judgment in foreign policy. Only in America does the majority leader offer a foreign policy for export.

The target of Democratic affections, the man to whom Wright would most like to assign the conduct of U.S. policy in Central America, is Costa Rican President Arias. He has become the authority for what is right and what is not. With his Nobel aura, Arias has taken on the aspect of a man who has transcended mere politics and national interest.

But President Arias, no less than President Ortega, is necessarily a creature of his time and place. His northern neighbor is run by committed Leninists with announced plans for a 600,000-man military. As the President of an unarmed country whose ultimate protector, the United States, has proved itself utterly vacillating in dealing with these Leninists, Arias is hardly a free agent, let alone a philosopher king. He is less the detached Central American pondering the fate of his continent than he is "President of a defenseless principality looking to secure its future."

Given Congress's performance over the past seven years, any Central American must anticipate that the future will include a Nicaragua run by Sandinistas. To be the architect of a plan that saves the Sandinistas from the contra threat (and en passant, softens some of the rougher edges of Sandinista rule) will serve Arias and Costa Rica well in a Central America destined to be dominated by Nicaragua.

There is nothing wrong with such a calculation. "Appeasement from lack of will is a disgrace. But appeasement from lack of power is mere prudence." It is no slur on the President of Costa Rica to suggest that he is pursuing his nation's interest. What is curious is the idea widespread in Congress that it is illegitimate, a breach of good neighborliness, for the U.S. to do the same.

For the Democrats, the Arias plan came just in time. It is the new anchor for the anti-contra case, a case that is running out of the usual arguments. It was variously said that the contras could not win, had no support and even less legitimacy. Yet after one year of full U.S. funding, they have had considerable success in the field. The Sandinistas find themselves stretched and on the defensive. Most ominously, the internal opposition is taking to the contras about what the Sandinistas fear will be a "united front" of the kind they used to topple Somoza. That, for what until recently was derided as a rump Somocista army, is legitimacy. Legitimacy has come from yet another source. "By agreeing to negotiate with the contras," says Representative Lee Hamilton, a leading opponent of contra aid, "the Sandinistas have in effect recognized the legitimacy of the contras."

> From which development (and other concessions wrung out of the Sandinistas by the contras) Hamilton concludes that the contras should now be cut off. Such a leap of illogic can only be achieved by appeal to the sacred text of the Arias plan. The contras have gathered support, established their legitimacy and forced open some political space. Why then destroy them? Because the "Central Americans" wish it.
>
> Now it is doubtful whether, before Nicaragua is fully democratized and thus demilitarized, this is indeed the wish of Nicaragua's neighbors. But assume that it is. Assume further that proximity gives Central Americans greater moral cachet than North Americans to decide Nicaragua's future. What then gives a Costa Rican more moral authority to decide the fate of Nicaragua than 12,000 to 14,000, 15,000 Nicaraguans fighting to liberate their own country and asking only for the materials with which to do it?
>
> The Arias plan has become the great totem of the current Nicaragua debate. But it is no substitute for an American foreign policy. Americans still have to ask themselves the basic question. Questions of national interest: Can the U.S. risk the dominiation of Central America by a Soviet client state? And questions of national purpose: Is it right for the U.S. to support a guerrilla force fighting a Leninist dictatorship? "Central American" answers to these questions are conflicting and cacophonous. In deciding its own answers, America might want to listen to various of these voices. It is not obliged to be commanded by them.

I believe, and some Democratic friends agree with me who voted against the President, that Arias commands 40 votes in this Chamber minimum.

If he would have had a press conference from Costa Rica this morning in San Jose and said, "I think that they are liars and they are hopeless, these darn Communists," 40 Members would have shifted their votes in this House.

Why should we leave our votes beholden, as nice a man as he is with his Nobel Peace Prize, but I wish every American could get from the Washington Times or other paper of record in this city, his interview, long interview on the record, that was on the front page of the Washington Times this morning.

Do you know what he says in that article? It is bizarre. He says that he learned in school how to treat Communists and evil people. Like Dracula, you hold up a cross. Can you believe that?

□ 2400

I have to ask Oscar about that myself because the first thing that struck me was one of those umpteen remade Dracula films, where he holds the cross, the vampire says, "Sorry, I am Muslim," which is a little ethnically harsh against one of the world's great religions, what he should have said is, "I am sorry, I am an atheist," and that would be factual because we are dealing with communism, and Communists who say that lying is OK. It is OK because Lenin said all countries are pie crust, made to crumble.

Why are we putting any faith in these nine Communists?

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. The thing that puzzles me about President Arias, and I think he is well intentioned, is what he thinks is going to occur if there is no viable opposition and if the Communists do solidify their position in Nicaragua and rapidly start to export revolution and they have been exporting military supplies and trained guerrillas into Costa Rica already. That is a fact.

I wonder what he thinks will happen? It sticks in my mind that he is counting on his proximity to the Panama Canal, and that the United States would never ever let Costa Rica fall to the Communists and that we would send in the Marines and troops to stop the Communists from taking Costa Rica. That may be in the back of his mind, and he might want to speed up the process now and get it over with if the Communists do not live up to the commitment that they have made.

Unfortunately I do not like that idea because that involves American boys like my son.

Mr. DORNAN of California. Larry Tracy did me a favor, he sent for the transcript of John McLaughlin's One on One program of 2 years ago, the second anniversary, and it would be the 17th of this month. This is when Arias had just been elected on February 2 and he was not going to be sworn in until May 8. I went down with Vice President Bush and the gentleman from the other body, the then Chairman of the Foreign Relations Committee. Here is what he said just 2 weeks after his election, and that was 15 days later 2 years ago. John McLaughlin in his inimitable energetic style says, "Do you feel that they have failed in their promises, the Sandinistas?"

And Arias says in that thoughtful professional way of his, "They promised a new Nicaragua, not a second Cuba, and Costa Ricans feel they have built a second Cuba."

In the close of that interview, John McLaughlin 2 years ago says, "All right, now I have a final question on this. Isn't it true that Costa Rica has it all ways, namely this, we have the Rio Pact and we have the Organization of American States Pact, so let's say there is an armed invasion from Nicaragua down into your country, Costa Rica. You pick up the telephone and call Ronald Reagan and you say, 'I am being invaded, Mr. President', and all these countries, Panama sends 10 soldiers, Colombia sends 10 soldiers, Venezuela sends 10 soldiers, and the United States sends the 82d Airborne Division, and that is the end of the problem, the end of the invasion problem. You really have it all ways, don't you? You don't have a defense budget, you can call us, you can call on us anytime and therefore you feel comfortable."

President-elect Arias answers, "We think it is correct that we have enough friends who will come to defend Costa Rica in case of an attack by Sandinistas or by whatever force. It is true."

The gentleman from Indiana [Mr. BURTON] and I witnessed Mr. Azcona saying the same thing to us when I asked him, does Arias rely on the 82d Airborne?

He said, "I cannot speak for Arias but as for me you and I have a bilateral agreement that you will rescue us."

THE SITUATION IN CENTRAL AMERICA FOLLOWING THE VOTE ON CONTRA AID

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would first yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I was saying that the gentleman from Indiana [Mr. BURTON] and I were eye witnesses to this Member of the other body who would not take us in to visit Ortega a day later, but came in to meet with the President in his home where the gentleman from Indiana [Mr. BURTON] tried to give him a run for his money in ping-pong, but the President of Honduras beat you badly.

Mr. BURTON of Indiana. We will forget about that ping-pong.

Mr. DORNAN of California. But just the point that he said to us, "I do not care about Arias, let him speak for himself, but you have a bilateral agreement with Honduras that if we get invaded you will come to rescue us."

Mr. BURTON of Indiana. And he went further than that because I asked him specifically about a Member of the other body talking with him a couple of weeks prior about American troop commitment, and he said that if the peace process failed and if the Communists solidified their positions and there was no viable opposition in the form of Contras he was going to request 50,000 American troops to be stationed there.

Mr. DORNAN of California. Exactly.

Mr. BURTON of Indiana. That does not include troops for El Salvador, for example.

Mr. DORNAN of California. And the gentleman from Indiana [Mr. BURTON] asked him to repeat it for Mr. HARKIN's benefit.

Mr. BURTON of Indiana. That is correct. That did not include by the way, El Salvador, Guatemala, or Costa Rica, and that does not even have a military force except for their police department.

Mr. DORNAN of California. And that is 10,000.

Mr. BURTON of Indiana. So I think the fact is that if we read between the lines, that Mr. Arias is counting on, as are the other Central American Presidents, the United States to come and stop the Communists if the peace process fails and there is no viable opposition. That is a great concern of mine because we now have in the field down there people who have been effective in dealing with the Communist government. The Communists have had reversals, and that is why they have come to negotiate. Now we have jerked the rug out from under the Contras and that leaves only one viable alternative to deal with the Communists down the road, and that is with American boys.

Mr. DORNAN of California. Exactly.

Mr. BURTON of Indiana. It is so unnecessary. I just do not understand it.

Mr. DORNAN of California. One interesting facet of the debate today was that we each had on each side of the aisle a presidential candidate show up. We have a clean division on this issue in our 13 Presidential candidates. All seven of the majority party in this Chamber, from Mr. Hart down to the gentleman from Missouri [Mr. GEPHARDT] who came back and spoke today, all seven say they would instantly cut off all aid to the Contras. They do not even talk about humanitarian aid. They say let the freedom fighters straggle out of the country like the Bataan Death March as they did in 1984 when all aid was precipitously cut off.

Then we have the gentleman from New York [Mr. KEMP] who spoke on our side and all six of our candidates are for helping this effort of young men and women willing to give their lives for freedom in South America.

Here is something that the gentleman from Missouri [Mr. GEPHARDT] said that I think deserves correction. He said that United States forces have invaded Nicaragua 12 times. "Invaded," I say to my colleagues, is a very strong word even if it is an invasion of liberation like the Normandy beaches or Grenada. Here is Shirley Christian's book, "Nicaragua, Revolution and the Family" and on page 10 she writes on at least two occasions that Sandino, and that is after whom the Sandinistas are named, Augusto Sandino, who was a compesino peasant, who came down from the hills to fight the oligarchy in Managua. She says on at least two occasions that Sandino said that he would lay down his arms if the United States military would take over the Nicaraguan Government and run it until the next election.

I have talked with liberal Democrats in this Chamber who say out of frustration to send the United States Marines to Haiti, which I visited recently, and send our Marines to Haiti to stop the Tons-Tons Macoutes from hacking people to death with machetes who are trying to exercise their franchise to vote now that they are rid of the oligarchy of Duvalier and his son.

Mr. BURTON of Indiana. But they will not do anything about Central America.

Mr. DORNAN of California. No, and this is the final point that I have, if the gentleman will yield.

Mr. BURTON of Indiana. I have one thing that we neglected to mention today which was an amendment which I had sponsored back in 1985, the Burton amendment which dealt specifically with Nicaragua and that amendment said that we would never recognize the legitimacy of the Sandinista Government until they lived up to the commitments they made to the Organization of American States in 1979.

They have never lived up to those commitments and yet we are recognizing that government and the legitimacy of it by the action we took today and other actions we have taken in this Chamber.

Yet the law we have passed, and it is on the books now, and my amendment prohibits that. We should not recognize the legitimacy of the Communist government of Nicaragua until they live up to every single commitment that they made in writing to the Organization of American States in 1979. They have never lived up to them. They have not lived up to the commitments they made in Esquipulas in August last year, and I do not believe they will without the pressure of the Contras being placed upon them.

Mr. DORNAN of California. If the gentleman will yield, here is an exercise that I went through today all over this Chamber with various Members including some on our side of the aisle out of that 12, and on the other side, on another part of the world, and I will close on this.

I mentioned the irony and hypocrisy about Afghanistan.

Afghanistan is 12 time zones away. There are 24 time zones in the world and when one gets around to 12 time zones, you are precisely at the exact opposite point on the Earth. Afghanistan and Pakistan are 12 time zones away from the Rocky Mountains, Denver, Salt Lake City; 11 times zones away from Chicago, Chicago is the same time zone as Managua, Nicaragua. On the other side of the world, to quote our leader BOB MICHEL, we are supporting with an X figure, and we are not allowed to talk about it although CBS Television does it all the time, but more than a half a billion dollars, we send more than a half billion dollars to the other side of the world to seven competing groups of Mujahideen freedom fighters who are not of our shared Judeo-Christian heritage. They are not North American cousins, fellow norteamericanos, and they will not necessarily establish a democracy. We have no assurance which one of these seven groups of the Mujahideen courageous freedom fighters will prevail and whether they will have an open western-style democracy, but we know in Nicaragua that none of these Contra political directorate leaders could ever turn back to some Somoza form of oligarchy with the four thriving democracies right next door once we get rid of the cancer of communism and the seedy fascists that are destroying the country down there. But on the other side of the world we give them low tech, although the Russians know all about this and tear them up with Hind helicopters, I guess I have to say it is an animal transportation program, all the way from low tech to high-tech Stingers. I can talk about that because Gunga Dan Rather keeps showing that Stinger kill, that one young man 25 years of age who has shot down nine, by now he probably has 10 Soviet aircraft shot out of the sky. That is a double jet ace from the ground helicopter and jet ace. We give them low tech, high tech, a half billion dollars, and although there are people, contrary to what the gentleman from Massachusetts [Mr. FRANK] says, on this side of the aisle against it, three or four mentioned they do not want to send money anywhere, not to Angola or Afghanistan, but he says everybody is for it. Nobody has the guts to stand up and speak against the Afghanistan aid. I asked several people all over the Chamber, the gentleman from Ohio [Mr. TRAFICANT], for example, when I asked him about there being 58,000 people unemployed in his district in Ohio, what about the Afghanistan program? Millions of dollars are going to the other side of the world with no guarantee of democracy, going to competing groups of people who it seems are described by the networks and the popular press as ferocious people loving to fight. Is it not too bad these poor kids have to be trained to fight? They do not have gun villages all up and down the border where they can recreate any gun known to man with their own turret lathes and equipment, and stoking the fire they can create any gun. They have this heritage for hundreds of years from swords to guns. My good friend and colleague, the gentleman from Ohio [Mr. TRAFICANT], said to me, "I have to study that issue, BOB, I do not know the facts there."

But he will argue about the price of one airplane going to our fellow cousins right here in Central America, and we give millions of dollars to the other side of the world which I deeply am committed to the support of, and of course Angola is caught in the middle because they are taking money from the devil himself. As Winston Churchill said, "I will make a pact with the devil—that is Stalin—to get rid of Herr Hitler."

So Savimbi, a freedom fighter and hero in this world, says that he will make a temporary pact with South Africa to get communism out of his country and then he will handle South Africa.

The Soviets hire Cubans to fly their helicopters there.

I rescued my friend, the gentleman from California [Mr. ANDERSON], when he could not come up with a reason. I said, "Let me give you an example. The Soviet kids fly their own helicopters in Afghanistan, so that makes it easy for them. They hire Cuban mercenaries to fly in Angola although the Soviet commanders command the ground troops at the company and battalion level, and they fly the gun ships on the field and show how to make adjustments with cannons to shoot down our freedom fighter air drop carriers, but there the Cuban pilots fly." That first mission of Estelle 2 years ago, that was flown to rescue a Cuban surrounded by Contras. They killed over 100 Contras, Cuban pilots flying on North American soil with Soviet gunships, and they trained a lot of Mig pilots. When they could not get the Migs in, and they came out with this in the intelligence reports, they retrained the Nicaraguan Mig pilots to fly helicopters. So the helicopters are flown by both Nicaraguans and Cubans here, Cubans in Angola and Russians in Afghanistan, and that frees their conscience to send a half a million dollars plus to the other side of the world in a so-called covert program that Dan Rather keeps talking about, and they have no compunction that not one person, even those against it, has the guts to get up in the well and say that is wrong when they say over and over, "The duly elected government of Nicaragua," as I pointed out. The government of Afghanistan that we recognize, that has a seat in the United Nations, is another puppet government just like this government that is beholden, lock, stock and barrel, to the Soviet Union's largesse which is running out on Mr. Gorbachev, because he is facing an economic disaster.

□ 0015

There is no difference between the phony government in Managua or the phony government in Cabal in Afghanistan. Both are propped up by the Soviet Union in dollars and their armaments. So the hypocrisy of supporting Afghanistan, at least by omission, not speaking out and crushing with a pitiful price of one F-14 Tomcat, these young, courageous peasant boys and girls in this peasant army of 14,000, this disaster.

A final, final, final thought. The gentlewoman from California [Mrs. BOXER] got up, my dear colleague, and said why do not the people rise up in the streets? I could not get more time from MICKEY EDWARDS to answer, but I wanted to say I will tell my colleague why not. Do you not remember the people's uprising in the streets of Budapest, Hungary, and the 50,000 killed? Do you not remember the uprising in Czechoslovakia? They learned faster. They only lost 13,000 in the streets. Kids do not fare very well against tanks.

I remember when Somoza was getting his legs cut off by Jimmy Carter, and I turned to my dear friend here, Larry McDonald, who said let us go down and save Somoza, and I said no, let him die, let this go down because he is a jerk, a thief, and the same thing with Marcos. But what was the price? Out of the frying pan, into the fire. So when Carter cut off his legs and when the OAS derecognized them and Somoza saw himself going down, he got his bulldozers out at night, and he took his father's remains out of the ground, a sergeant from the peasant class, a Camposino himself whose son denied the revolution, and they fly out of the country.

Why do not 14,000 Contras do what 2,500 Sandinistas do? Because the Sandinistas were not up against Soviet flying tanks, heavy 155-millimeter artillery and an army of 75,000 people. They were up against a sleazy, debauched, diminishing Guardia Nacionale, and all of the Guardia sergeants and others who did not get to Miami. The gentleman was in the room when I told Tinico could he bring the planes out from the Guardia, and that he had gotten hold of every man that he could by taking any woman who would say that he had slapped her face, and then all you are left with are young men, 17, 18, 19, no uniform, and he has them rotting for 8 years in prison, and he wants to keep them for 30.

President Reagan should tell Ortega, "Give me everybody." Get them out of prison, just as I made an offer to the Prime Minister of Vietnam in 1979 to give us our friends, our 14,000 political prisoners and we will take them off your hands. God knows what happened to them. I am for taking all of the political prisoners even if it means exile and reuniting them with their families.

Mr. BURTON of Indiana. I want to thank the gentleman from California for his very eloquent statement in this postmortem we are conducting tonight on one of the most unfortunately historic days that we have ever had in this Chamber.

I just would like to end myself by saying that there is peace in Budapest and there is peace in Czechoslovakia and there is peace in Vietnam, and there is peace in a lot of other Communist countries around the world, but there is no freedom.

I hope that we have not committed the people of not only Nicaragua but the other countries in Central America to a peace without freedom.

I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, on February 4.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. HUNTER, for 60 minutes, today.

Mr. CLINGER, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. HUTTO, for 15 minutes, today.

Mr. KLECZKA, for 60 minutes, on February 9.

Mr. KLECZKA, for 60 minutes, on February 10

Mr. SISISKY, for 60 minutes, on February 16.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes, February 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STOKES, and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $2,662.

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. LENT.

Mr. GINGRICH.

Mr. SKEEN.

Mr. LIVINGSTON in two instances.

Mr. HEFLEY.

Mr. GUNDERSON.

Mr. LOWERY of California.

Mr. CLINGER.

Mr. RIDGE.

Mr. SHAW in two instances.

Mr. SOLOMON.
Mr. SHAYS.
Mr. SHUMWAY.
Mr. EMERSON.
Mr. DAUB.
Mr. FIELDS.
Mr. MCCANDLESS.
Mr. DONALD E. LUKENS.
Mr. GEKAS in two instances.
Mr. SCHUETTE.
Mr. HASTERT.
Mr. MCEWEN.
Mr. LAGOMARSINO.
Mr. BARTON of Texas.
Mr. SMITH of New Jersey.
Mr. SUNDQUIST.
Mr. GILMAN.
Mr. COURTER.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. GARCIA.
Mr. RODINO in two instances.
Mr. FROST in three instances.
Mr. NOWAK.
Mr. COLEMAN of Texas in two instances.
Mr. DYMALLY.
Mr. HAMILTON in two instances.
Mr. HALL of Ohio in two instances.
Mr. BERMAN.
Mr. AUCOIN.
Mr. SYNAR.
Mr. VISCLOSKY.
Mr. CLAY.
Mr. SMITH of Florida in three instances.
Mr. MARKEY.
Mr. BORSKI.
Mr. FORD of Tennessee.
Ms. PELOSI.
Mr. DORGAN of North Dakota.
Mr. GORDON.
Mr. BARNARD.
Mr. BONKER in two instances.
Mr. ATKINS.
Mr. VENTO.
Mr. WILLIAMS.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian Independence, February 16, 1988, as "Lithuanian Independence Day."

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month."

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurses Association Week."

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day."

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 20 minutes a.m.) the house adjourned until 11 a.m. today, Thursday, February 4, 1988.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2829. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 18th report concerning the impact of competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out the provisions of the International Energy Program, pursuant to 42 U.S.C. 6272(i); to the Committee on Energy and Commerce.

2830. A letter from the Secretary of Transportation, transmitting the fiscal year 1987 annual report on railroad financial assistance; to the Committee on Energy and Commerce.

2831. A letter from the Administrator, Agency for International Development, transmitting a report of the funds appropriated by the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988, as enacted in Public Law 100-202, for development assistance and international organizations and programs, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

2832. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the Price and Availability Report for the quarter ending 31 December 1987, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

2833. A letter from the Secretary of Commerce, transmitting the monthly report on imports during July, August, and September 1987, of strategic and critical materials from countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); to the Committees on Foreign Affairs and Ways and Means.

2834. A letter from the Secretary of Energy, transmitting the Department's 11th report entitled, "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities", pursuant to 42 U.S.C. 7373(2); jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

2835. A letter from the Secretary of Commerce, transmitting the monthly report on imports during June 1987 of strategic and critical materials from countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); jointly, to the Committees on Foreign Affairs and Ways and Means.

2836. A letter from the Director, Federal Bureau of Investigation, U.S. Department of Justice, transmitting notification that the Bureau's portion of a study titled, "Report on the Effect of the High Cost of Living on the New York Office of the FBI and a Plan for Remedies" would be forthcoming following its review by OPM, pursuant to Public Law 100-178, section 502(b) (101 Stat. 1015); jointly, to the Committees on the Permanent Select Committee on Intelligence and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1803. A bill to amend the Merchant Marine Act, 1920; with an amendment (Rept. 100-501). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELAY (for himself and Mr. ARCHER):

H.R. 3895. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to waive a maximum financed amount limitation with respect to vendee home loans made for homes located in economically distressed areas; to the Committee on Veterans' Affairs.

By Mr. DYMALLY:

H.R. 3896. A bill to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the executive schedule; to the Committee on Post Office and Civil Service.

By Mr. FRANK (for himself, Mr. SHAW, Mr. GLICKMAN, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. CARDIN, and Mr. COBLE):

H.R. 3897. A bill to authorize the Attorney General to grant, oversee, and terminate Federal charters; to the Committee on the Judiciary.

By Mr. KASICH:

H.R. 3898. A bill to amend title 10, United States Code, to clarify and strengthen the authority of the Under Secretary of Defense for Acquisition, and for other purposes; to the Committee on Armed Services.

By Ms. OAKAR:

H.R. 3899. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. DAUB (for himself and Mr. DONNELLY):

H.R. 3900. A bill to amend title XVIII of the Social Security Act to provide long-term care benefits under the Medicare Program and to amend the Internal Revenue Code of 1986 to provide for incentives for individuals and employers to purchase long-term care insurance; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.R. 3901. A bill to amend title XVIII of the Social Security Act to provide an optional part C insurance program to provide coverage of certain vision, hearing, and dental services and prescription drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROBINSON:

H.R. 3902. A bill to specify the burden of proof in certain Federal civil suits relating to conditions in State penal facilities; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. Gunderson, and Mr. Petri):

H.R. 3903. A bill to amend the Internal Revenue Code of 1986 to exempt farmers from the requirement to capitalize preproductive costs, and to require farmers with large farming operations to use an accrual method of accounting; to the Committee on Ways and Means.

By Mrs. SAIKI:

H.R. 3904. A bill relating to the treatment of certain ground rents for purposes of the mortgage bond rules of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. WOLPE (for himself, Mr. Levine of California, Mr. Bonker, Mr. Smith of New Jersey, Mr. Miller of Washington, Mr. Dornan of California, and Mr. Berman):

H.R. 3905. A bill to require that the proposed agreement for cooperation between the United States and Japan concerning peaceful uses of nuclear energy be resubmitted to the Congress; to the Committee on Foreign Affairs.

By Mr. BARNARD (for himself and Mr. Parris):

H.R. 3906. A bill to enhance the value of the charters of thrift institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota (for himself, Mr. Daub, Mr. Moody, Mr. Jontz, Mr. Penny, Mr. Durbin, Mr. Glickman, Mr. Johnson of South Dakota, Mr. Jeffords, Mr. Obey, Mrs. Smith of Nebraska, Mr. Kastenmeier, Mr. Solomon, Mr. Stallings, Mr. Weber, Mr. Marlenee, Mr. Williams, Mr. Rowland of Georgia, Mr. Stenholm, Mr. Olin, Mr. Gunderson, Mr. Nagle, Mr. English, Mr. Campbell, Mr. Thomas of Georgia, Ms. Slaughter of New York, Mr. Watkins, Mr. Craig, Mr. Robert F. Smith, Mr. Petri, Mr. Tauke, Mr. Evans, Mr. McCurdy, Mr. Henry, and Mr. Skeen):

H.R. 3907. A bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. Michel):

H.J. Res. 447. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on Post Office and Civil Service.

By Mr. RUSSO:

H.J. Res. 448. Joint resolution designating February 16, 1989, as "Lithuanian Independence Day"; to the Committee on Post Office and Civil Service.

By Mr. LOWERY of California (for himself and Mr. Derrick):

H.J. Res. 449. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. MacKAY:

H.J. Res. 450. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 242. Concurrent resolution providing for a conditional adjournment of the House from February 9 to February 16, 1988, and a conditional adjournment of the Senate from February 4 or 5, to February 15, 1988; considered and agreed to.

By Mr. FAUNTROY:

H. Res. 354. Resolution commending the Washington Redskins on winning Super Bowl XXII; to the Committee on Post Office and Civil Service.

By Mr. de la GARZA (for himself and Mr. Madigan):

H. Res. 355. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. DIXON:

H. Res. 356. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the second session of the 100th Congress, to the Committee on House Administration.

By Mr. FORD of Michigan (for himself and Mr. Taylor):

H. Res. 357. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. ROSTENKOWSKI (for himself and Mr. Duncan):

H. Res. 358. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. UDALL:

H. Res. 359. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs in the second session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAWELL:

H.R. 3908. A bill for the relief of Keun Sun Lee; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 3909. A bill for the relief of Douglas Frederick Smith and Bonnie Smith; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. McMillen of Maryland.

H.R. 112: Mr. Duncan.

H.R. 190: Mr. Martinez and Mr. Fish.

H.R. 245: Mr. Gibbons.

H.R. 813: Mr. Bonker.

H.R. 958: Mr. Chapman, Mr. Frost, Mr. Inhofe, Mr. Owens of New York, Mr. Skeen, Mr. Sawyer, Mr. Dellums, Mr. Wolf, Mrs. Martin of Illinois, Mr. Whittaker, and Mrs. Johnson of Connecticut.

H.R. 1002: Mr. Markey.

H.R. 1016: Mr. Campbell, Mr. Flake, and Mr. Ford of Michigan.

H.R. 1115: Mr. Holloway.

H.R. 1119: Mr. Torricelli.

H.R. 1398: Mr. Moody.

H.R. 1481: Mr. Dowdy of Mississippi, Mr. Wolpe, Mr. Carper, Mr. Upton, Mrs. Meyers of Kansas, and Mr. Shays.

H.R. 1531: Mr. Panetta and Mr. Brown of Colorado.

H.R. 1583: Mr. Gingrich.

H.R. 1597: Mr. Moakley and Mr. Mavroules.

H.R. 1699: Mr. Nielson of Utah and Mr. Torricelli.

H.R. 1782: Mr. Inhofe and Mr. Miller of Ohio.

H.R. 1786: Mr. Bilbray, Mr. Ridge, Mr. Nichols, Mr. Inhofe, Mr. Konnyu, Mr. Nelson of Florida, Mr. Baker, Mr. Penny, Mr. Chapman, Mr. Archer, Mr. Applegate, Mr. Hatcher, Mr. Stangeland, Mr. Combest, Mr. Hastert, Mr. McGrath, Mr. Duncan, Mr. Mfume, and Mr. Ortiz.

H.R. 1885: Mr. Espy.

H.R. 1917: Mr. Leland.

H.R. 1957: Mr. McHugh, Mr. Jeffords, Ms. Pelosi, Mr. Hopkins, Mr. Richardson, Mr. de la Garza, Mr. Spratt, Mrs. Patterson, Mr. McEwen, Mr. Sundquist, Mr. Derrick, Mr. Skelton, Mr. Hastert, Mr. Dicks, Mr. Jones of North Carolina, Mr. Spence, Mr. Schaefer, Mr. Shays, Mr. Gallegly, and Mr. Penny.

H.R. 2051: Mr. Inhofe, Mr. Gallegly, and Mrs. Saiki.

H.R. 2260: Mr. Sikorski.

H.R. 2383: Mr. Moorhead, Mr. Stark, Mr. Frank, and Mr. Gonzalez.

H.R. 2384: Mr. MacKay.

H.R. 2464: Mr. LaFalce.

H.R. 2489: Mr. Jeffords.

H.R. 2724: Mr. Pepper.

H.R. 2725: Ms. Snowe.

H.R. 2848: Mr. Staggers, Mr. Tauke, Mr. Price of Illinois, Mr. Skelton, Mr. Gunderson, Mr. Hyde, Mr. Sundquist, Mr. Barnard, Mr. Fauntroy, and Mr. Campbell.

H.R. 2925: Mr. Hughes.

H.R. 2934: Mr. Staggers, Mr. Inhofe, and Mr. Johnson of South Dakota.

H.R. 3009: Mr. Lowry of Washington and Mr. Bartlett.

H.R. 3107: Mr. Lewis of Georgia.

H.R. 3174: Mr. Markey and Mr. Borski.

H.R. 3193: Mr. Brown of California and Mr. Dwyer of New Jersey.

H.R. 3286: Mr. Coleman of Texas, Mr. Bruce, Mr. Feighan, Mr. Wortley, Mr. Morrison of Washington, Mr. Mineta, Mr. Sunia, and Mr. Kolter.

H.R. 3321: Mr. Morrison of Washington and Mrs. Boxer.

H.R. 3336: Mr. Robinson, Mr. Owens of Utah, Mr. Kasich, and Mr. Evans.

H.R. 3359: Mr. Feighan and Mr. Weiss.

H.R. 3440: Mr. Lehman of Florida and Mr. Evans.

H.R. 3523: Mrs. Meyers of Kansas and Mr. Bryant.

H.R. 3524. Mr. Gonzalez.

H.R. 3602: Mr. Murphy, Mr. Weiss, Mr. Neal, Mr. Fazio, Mr. Miller of California, and Mr. Lowry of Washington.

H.R. 3614: Mr. Chandler.

H.R. 3619: Mr. Lipinski, Mr. Lantos, and Mrs. Roukema.

H.R. 3627: Mr. Gregg, Mr. Solomon, and Mr. Gallegly.

H.R. 3635: Mr. Buechner and Mr. DeFazio.

H.R. 3639: Mr. Carr, Mr. Roberts, Mr. Bevill, Mr. Ballenger, Mr. Skelton, and Mr. Edwards of Oklahoma.

H.R. 3651: Mr. Fuster, Mr. Levine of California, Mr. Miller of California, Mr. Gray of Illinois, Mr. Bustamante, Mr. Gray of Pennsylvania, Mr. Jeffords, Mr. Applegate, Mr. Clay, Mr. Coleman of Texas, Mr. Lehman of Florida, Mr. Kleczka, Mr. Wortley, Mr. Davis of Illinois, Mr. Coyne, Mr. Roe, Mr. Ackerman, Mr. Morrison of Connecticut, Mr. Brown of California, Mr. Sikorski, Mr. Frank, Mr. Lantos, Mr. Torres, Mr. Clarke, Mr. Fauntroy, Mr. Mavroules, Mr. Boland, Mr. Penny, Mr. Badham, Mr. Smith of Florida, Mr. Neal, Mr. Torricelli, Mr. Howard, Mr. Vento, Mr. Hughes, Mr. Glickman, Mr. Dwyer of New Jersey, Mrs. Patterson, Mr. Wolpe, and Mr. Fish.

H.R. 3654: Mr. de Lugo, Mr. Shumway, Mrs. Roukema, Mr. Neal, Mr. Madigan, Mr. Fauntroy, and Mr. Edwards of Oklahoma.

H.R. 3699: Mr. Fawell, Mr. Kleczka, and Mr. Obey.

H.R. 3715: Mr. Crockett, Mr. Madigan, and Mr. Panetta.

H.R. 3721: Mr. Oberstar, Mr. Martinez, and Mr. Buechner.

H.R. 3755: Mr. Vander Jagt, Mr. Kildee, Mr. Wilson, and Mr. Bonior of Michigan.

H.R. 3764: Mr. Feighan.

H.R. 3765: Mr. Sensenbrenner, Mr. Konnyu, Mr. Buechner, Mr. Hefley, and Mr. McMillen of Maryland.

H.R. 3830: Mr. Rowland of Connecticut and Mr. Shumway.

H.R. 3844: Mr. Duncan and Mr. Tauke.

H.R. 3850: Mr. Jones of Tennessee, Mr. Olin, Mr. Emerson, Mr. Weber, Mr. Jeffords, Mr. Lagomarsino, Mr. Espy, Mr. Richardson, Mr. Regula, Mr. Petri, Mr. Bevill, Mr. Durbin, Mr. Wyden, and Mr. Kolter.

H.R. 3856: Mr. Hutto.

H.R. 3865: Mr. DeFazio, Mr. Hunter, Mr. Chapman, Mr. Clinger, and Mr. Smith of New Hampshire.

H.R. 3870: Mr. Coelho.

H.R. 3878: Mr. Perkins and Mr. Traficant.

H.R. 3893: Mr. Marlenee, Mr. Barton of Texas, and Mr. Dorgan of North Dakota.

H.J. Res. 50: Mr. Gejdenson, Mrs. Kennelly, and Mr. Hall of Texas.

H.J. Res. 359: Mr. de Lugo.

H.J. Res. 377: Mr. Thomas A. Luken, Mr. Wolpe, Mr. Conte, Mrs. Lloyd, Mr. Fish, Mr. Pepper, and Mr. Kildee.

H.J. Res. 380: Mr. Bateman, Mr. Burton of Indiana, Mr. Carper, Mr. Hamilton, Mr. Hiler, Mr. Vento, Mr. Fawell, Mr. Hastert, Mr. Jacobs, Mr. Udall, Mr. Livingston, Mr. Bosco, Mr. Lungren, Mr. Hutto, Mr. Hefner, Mr. Ritter, Mrs. Vucanovich, Mr. Henry, Mr. Young of Alaska, Mr. Rahall, Mr. Bliley, Mr. Boland, Mr. Roe, Mr. Dorgan of North Dakota, Mr. Kostmayer, Mr. Hochbrueckner, Mr. Regula, Mr. de Lugo, Mr. Kasich, Mr. Garcia, Mr. Biaggi, Mr. Levin of Michigan, Mr. Clay, and Mr. Schuette.

H.J. Res. 386: Mr. Bosco, Mr. Dreier of California, Mr. Gekas, Mr. Hiler, Mr. Ortiz, Mr. Stokes, Mr. Weiss, and Mr. Wilson.

H.J. Res. 398: Mr. Roemer, Mr. Hayes of Louisiana, and Mr. Schaefer.

H.J. Res. 402: Mr. Ackerman, Mr. Akaka, Mr. Annunzio, Mr. Applegate, Mr. Derrick, Mr. Badham, Mr. Barnard, Mr. Beilenson, Mrs. Bentley, Mr. Bevill, Mr. Boehlert, Mr. Bosco, Mr. Bryant, Mr. Cardin, Mr. Chapman, Mr. Clinger, Mr. Coelho, Mrs. Collins, Mr. Conte, Mr. Courter, Mr. Crockett, Mr. de Lugo, Mr. Dingell, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Erdreich, Mr. Fauntroy, Mr. Florio, Mr. Foley, Mr. Gallo, Mr. Garcia, Mr. Gingrich, Mr. Gonzalez, Mr. Grant, Mr. Gray of Illinois, Mr. Guarini, Mr. Hastert, Mr. Hayes of Louisiana, Mr. Horton, Mr. Hughes, Mr. Towns, Mr. Traficant, Mr. Upton, Mr. Valentine, Mr. Visclosky, Mr. Weiss, Mr. Whittaker, Mr. Wortley, Mr. DeWine, Mr. Dickinson, Mr. Dicks, Mr. DioGuardi, Mr. Donnelly, Mr. Daub, Mr. Berman, Mr. Bateman, Mr. Biaggi, Mr. Blaz, Mr. Mfume, Mr. Boulter, Mr. Brooks, Mr. Espy, Mr. Flippo, Mr. Bustamante, Mr. Livingston, Mr. Lewis of California, Mr. Lewis of Florida, Mr. McCloskey, Mr. McDade, Mr. MacKay, Mr. Manton, Mr. Martin of New York, Mr. Matsui, Mr. Mazzoli, Mr. Miller of Ohio, Ms. Oakar, Mrs. Martin of Illinois, Mr. Moakley, Mr. Murphy, Mr. Neal, Mr. Kolter, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lancaster, Mr. Lehman of California, Mr. Lehman of Florida, Mr. Leland, Mr. Lewis of Georgia, Mr. Lightfoot, Mr. Lipinski, Mr. Thomas A. Luken, Mr. McEwen, Mr. McGrath, Mr. Martinez, Mr. Mineta, Mr. Molinari, Mr. Nagle, Mr. Nowak, Mr. Owens of New York, Mr. Packard, Mr. Perkins, Mr. Petri, Mr. Pickett, Ms. Pelosi, Mr. Rahall, Mr. Rinaldo, Mr. Robinson, Mr. Rodino, Mr. Roe, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Sabo, Mr. Skaggs, Mr. Skeen, Mr. Smith of Florida, Mr. Stangeland, Mr. Sundquist, Mr. Sunia, Mr. Torricelli, Mr. Markey, Mr. Nielson of Utah, Mr. Miller of Washington, Mr. Miller of California, Mr. Henry, Mr. Dorgan of North Dakota, Mr. Jacobs, Mr. Fawell, Mr. Fazio, Mr. Foglietta, Mr. Gunderson, Mr. Hansen, Mr. Hefner, Mr. Hyde, Mr. Kanjorski, Ms. Kaptur, Mr. Oberstar, Mr. Rose, Mr. Mrazek, Mr. Moody, Mr. Pickle, Mr. Price of Illinois, Mr. Rangel, Mr. Price of North Carolina, Mr. Mack, Mr. McMillan of North Carolina, Mr. Levine of California, Mr. Ravenel, Mr. Gray of Pennsylvania, Mr. Levin of Michigan, Mr. Hoyer, Mr. Hubbard, Mr. Kennedy, Mrs. Kennelly, Mr. Gilman, Mr. Russo, Mr. Dellums, Mr. Regula, Mr. Stratton, Mr. Lent, Mr. Yatron, Mr. Bliley, Mr. Carper, Mr. Clarke, Mr. Coats, Mr. Coble, Mr. Dixon, Mr. Frenzel, Mr. Frost, Mr. Fuster, Mr. Gregg, Mr. Hertel, Mr. Kastenmeier, Mrs. Lloyd, Mr. Lowry of Washington, Mr. Lungren, Mr. McCandless, Mr. Quillen, Mr. Tallon, Mr. Rhodes, Mr. Parris, Mr. Torres, Mr. Spence, Mr. Stallings, Mrs. Vucanovich, Mr. Roberts, Mr. Savage, Mr. Sawyer, Mr. Schuette, Mr. Young of Alaska, Mr. Traxler, Mr. Slaughter of Virginia, Mr. Mollohan, Mr. Moorhead, Mr. Ford of Tennessee, Mr. Fish, Mr. Wilson, Mr. Weldon, Mr. Waxman, Mr. Shays, Mr. Yates, Mr. Skelton, Mr. Wise, and Mr. Coleman of Texas.

H.J. Res. 409: Mr. Wheat.

H.J. Res. 413: Mr. DioGuardi.

H.J. Res. 438: Mr. Thomas of Georgia, Mr. Anderson, Mr. Wise, Mr. Swindall, Mr. Bosco, Mr. Owens of New York, Mr. Tallon, Mr. Wolf, Mr. de Lugo, Mr. Hefner, Mr. Huckaby, Mr. Fawell, Mr. Boland, Mr. Blaz, Mr. Olin, Mr. Smith of Florida, Mr. Montgomery, Mr. Miller of Washington, Mr. Kastenmeier, Mr. Hammerschmidt, Mr. Schumer, Mr. Ravenel, Mr. Coleman of Texas, Mr. Regula, Mr. Fazio, Mr. Leland, and Mr. Brooks.

H. Con. Res. 126: Mr. Smith of New Hampshire, Mrs. Collins, Mr. Thomas of California, Mr. Vento, Mr. Gray of Pennsylvania, Mr. Badham, Mr. Hammerschmidt, Mr. Owens of New York, Mr. Montgomery, Mr. Oberstar, and Ms. Kaptur.

H. Con. Res. 230: Mr. Edwards of California, Mr. Studds, Mr. Berman, and Mr. Bustamante.

H. Con. Res. 232: Mr. Schuette, Mr. Wortley, Mr. Mfume, Mr. Lagomarsino, and Mr. Mack.

H. Con. Res. 238: Mr. Dannemeyer.

H. Con. Res. 241: Mr. Levine of California, Mr. Thomas of Georgia, and Mr. Carper.

H. Res. 300: Mr. Cardin, Mr. Durbin, Mr. Biaggi, Mr. Donnelly, Mr. Feighan, Mr. Frost, and Mr. Konnyu.

EXTENSIONS OF REMARKS

CONGRESSIONAL DEMOCRATS' POLICY TOWARD NICARAGUA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that two very interesting op-ed essays relevant to the congressional Democrats' policy toward Nicaragua be placed in the CONGRESSIONAL RECORD.

Each of these articles was written by a highly-respected Washington DC lobbyist, geo-political writer and foreign policy consultant, Mr. Jim Guirard, who I am pleased to count as a personal friend.

Most interestingly, the author of these articles—who is quite literally at war with the congressional Democrats' opposition to aid to the Nicaraguan Democratic Resistance—is himself a prominent Democrat.

And, even more remarkable than that, he served for almost 20 years as administrative assistant to three distinguished Democratic committee chairmen—Chairman Ed Willis of the House Committee on Internal Security, Chairman Allen Ellender of the Senate Appropriations Committee and Chairman Russell Long's staff in 1981.

I point this out to make it plain that the messages propounded by Mr. Guirard's articles do not come from some "right-wing, narrow-gauge, reactionary, Reaganite, warmongering, anti-peace, pro-war, troglodite" (as almost all of us Republicans are at times labeled by pseudo-liberal elements of the media) but from a good, solid, centrist, classical-liberal Democrat. He calls himself a "Harry Truman/Scoop Jackson/Russell Long/Chuck Robb Democrat" to be exact.

Mr. Guirard, who spends a great deal of time and effort in the field of geo-political language and labeling—what we call the "war of words"—is deeply concerned that his fellow-Democrats' policy of appeasement and accommodation toward Soviet and Cuban colonialism in Central America has no name—no name at all.

He points out that this misguided policy is, therefore, able to hide its true identity behind such disinformational good-guy labels as "peace" and "negotiations" and Contadora" and "Arias No. 3," and so forth. He calls these "semantic masks."

Frustrated by all of this false labeling, Jim Guirard wants to apply "a bit of truth-in-labeling," as he describes it, and call the congressional Democrats' policy toward Nicaragua "The Write-off Doctrine." In the first of his articles, he explains the rationale for this name as follows:

The "Write-off" label achieves its appropriateness and semantic accuracy in the fact that the doctrine's clear result would, indeed, be to *write off* Nicaragua (and by implication, the rest of Cental America) to Cuba and to the Soviet Union. It would do so by effectively terminating all further funding to the revolutionary "Contras" (the Nicaraguan counter-communists).

Then, in his second essay, Mr. Guirard suggests an alternative spelling—that of "The Wright-off Doctrine"—in deference to the untiring efforts in behalf of this doctrine by House Speaker Jim Wright. He explains:

Some thought was given to naming this isolationist-pacifist policy after House Speaker Jim Wright: "The Wright-Off Doctrine." But there was still hope that the Texas Democrat might desert the pseudo-liberal "left" wing of his party and join those seeking to liberate Nicaragua from Soviet and Cuban colonialism.

For a fleeting instant, Wright did seem to tilt away from his "write-off" colleagues. He even proposed—jointly with President Reagan, no less!—a plan which, while seriously defective, placed at least some real pressure for reform on Nicaragua's "Stalinista" dictatorship.

But, almost immediately, the Speaker ruled his own plan out of order, in favor of the far weaker "Arias Plan no. 3." The designation "no. 3" for this proposal by Costa Rican President Oscar Arias is, incidentally, the result of its having been twice rewritten to satisfy Nicaraguan and Cuban objections.

Mr. Speaker, without repeating all of the fascinating observations and cogent arguments of Mr. Guirard's essays, I offer them for printing in the RECORD at this point of my remarks.

I urge my colleagues to study them carefully—particularly the stark contrast in mentality and in foreign policy outlook which exists between this new "Write-off Doctrine" and the major foreign policy doctrines toward Latin America (and toward communism) which have preceded it—namely, the Monroe Doctrine, the Roosevelt doctrine, the Truman doctrine, the Kennedy doctrine and the Reagan doctrine.

All of these earlier doctrines (three of them bearing the names of Democrats, plus the hallowed name of James Monroe) say basically the same thing. All of them are, therefore, in equally sharp conflict with the "Write-off/Wright-off" approach to dealing with rampant Soviet and Cuban colonialism in this hemisphere and throughout the world.

[From the Washington Times, July 15, 1987]

CALL IT THE WRITE-OFF DOCTRINE

(Jim Guirard Jr.)

As we thumb through the lexicon of geopolitics, a major new label seems desperately needed with respect to what is going on in Congress relative to Nicaragua.

At present, there is the well-known "Reagan Doctrine," which proposes that we must somehow liberate Nicaragua from Soviet and Cuban colonialism and repression. But, to date, there is no proper label for the opposing doctrine—the anti-liberation doctrine—of those who disagree with the president and with those in Congress who support him.

For lack of any name at all, these isolationist/pacifist policies of the majority of congressional Democrats (and a handful of Republicans) have been able to travel the country and the world under such sweet-smelling labels as "peace" and "negotiations" and "dialogue" and "Contadora."

Now, however, a highly appropriate name is finally being affixed to such policies by the pro-liberation forces in Congress. The chosen name is "the Write-Off Doctrine." An alternative spelling of "Wright-Off" (a back-handed reference to House Speaker Jim Wright, Texas Democrat) was not selected because of a feeling of some that Mr. Wright will finally reject the doctrine and should not, at least now, be burdened with its nasty image of isolationism and appeasement.

The "Write-Off" label achieves its appropriateness and semantic accuracy in the fact that the doctrine's clear result would, indeed, be to *write off* Nicaragua (and, by implication, the rest of Central America) to Cuba and to the Soviet Union. It would do so by effectively terminating all further funding to the revolutionary "Contras" (the Nicaraguan counter-communists).

First legislated in several versions of the infamous "Boland amendment," the doctrine's most recent incarnation took the form of House Joint Resolution 175, which some weeks ago passed the House of Representatives 230-196. (The similar provisions of S.J. Res. 81 were narrowly defeated in the Senate, 52-48.)

Only upon fulfillment of the absolutely unachievable accounting requirements of H.J. Res. 175 might the Write-Off Doctrine's proposed funding moratorium be lifted. Under its provisions, all 1985 and subsequent monies (public, private, and foreign) appropriated, sought after or even "encouraged" by any government official must be "fully and adequately" accounted for—short of which the Write-off moratorium would remain forever in effect.

Another cynical element of H.J. Res. 175 was that it would not matter whether the funds in question were "actually received by the democratic resistance." In effect, a series of impossible conditions-precedent were sought, in order that the proposed moratorium might continue indefinitely. Clever?

"Maybe not so clever," say those congressmen and senators who are now drawing invidious comparisons between the Write-off Doctrine and various earlier doctrines by which a long succession of American presidents have attempted to keep European colonialism—and, in recent decades, Soviet colonialism—out of the Western Hemisphere.

Notice how the earlier presidential statements (based on concepts of individual liberty and of national independence) contrast like night and day with the Write-off Doctrine's total reliance on punctilious accounting procedures as its standard for deciding the fate of Central America:

Monroe Doctrine: ". . . the American continents, by the free and independent condition which they have assumed and main-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tain, are henceforth not to be considered as subjects for future colonization by any European powers."

Roosevelt Corollary to the Monroe Doctrine: ". . . the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of wrongdoing or impotence, to the exercise of an international police power."

Truman Doctrine: ". . . I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."

Kennedy Doctrine: ". . . Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Reagan Doctrine: ". . . We must not break faith with those who are risking their lives—on every continent from Afghanistan to Nicaragua—to defy Soviet-supported aggression and secure rights which have been ours from birth."

Write-off Doctrine: H.J. Res. 175 would impose a never-ending ". . . moratorium on additional assistance for the Nicaraguan democratic resistance until . . . the Congress has determined, by enacting of a joint resolution . . . that the president has fully and adequately accounted for

(1) any proceeds from the sales to Iran of military equipment provided by the United States . . . regardless of whether the assistance was received by the resistance;

(2) the $27 million that was appropriated (in 1985) for 'humanitarian assistance' . . . and

(3) any assistance . . . regardless of whether the assistance was received by the resistance . . . that was encouraged by . . . the government or any officer or employee of the government."

At this juncture, no one is certain what the next incarnation of the Write-off-Doctrine will look like. One can only be certain that its newest mutation will once again be clucking pseudo-liberal sounds of withdrawal, abandonment, appeasement and surrender.

Completely absent from its vocabulary will be the principled sounds of such classical-liberals as Monroe, Roosevelt, Truman and Kennedy—men who understood well the threat of "colonization by European powers," who recognized the periodic need of "an international police power," who believed that America must "support free peoples who are resisting subjugation," and who were prepared to "pay any price, bear any burden . . . to assure the survival and success of liberty."

The question now is whether centrist and classical-liberal Democrats in Congress will continue collaborating with their "left" and pseudo-liberal colleagues who propose to write off Nicaragua to the Stalinistas. Or will they begin coming to their democratic good senses and vote to write off the Write-off Doctrine, instead?

[From the Wanderer, Sept. 10, 1987]

BEWARE THE SOVIET "PEACE" PLAN FOR NICARAGUA

(By Jim Guirard, Jr.)

Recently, this writer proposed that the then-nameless policy of most congressional Democrats toward Nicaragua be labeled "The Write-Off Doctrine" (The Wanderer, July 23rd, 1987, p. 5)—since it would inevitably write-off that country to the Soviet Empire. The name is gradually catching on, simply because it is true.

Some thought was given to naming this isolationist-pacifist policy after House Speaker Jim Wright: "The Wright-Off Doctrine." But there was still hope that the Texas Democrat might desert the pseudo-liberal "left" wing of this party and join those seeking to liberate Nicaragua from Soviet and Cuban colonialism.

For a fleeting instant, Wright did seem to tilt away from his "write-off" colleagues. He even proposed—jointly with President Reagan, no less!—a plan which, while seriously defective, placed at least some real presure for reform on Nicaragua's "Stalinista" dictatorship.

But, almost immediately, the Speaker ruled his own plan out of order, in favor of the far weaker "Arias Plan no. 3." The designation "no. 3" for this proposal by Costa Rican President Oscar Arias is, incidentally, the result of its having been twice rewritten to satisfy Nicaraguan and Cuban objections.

So where does this leave President Reagan, who set aside his own liberation doctrine to accommodate Speaker Wright? In limbo, halfway between the now defunct Wright-Reagan plan and the retrograde Arias-Wright plan—endorsed now by none other than Fidel Castro!

Bluntly speaking, it leaves the President's "keester" fully exposed to those in Congress and in the media whose wishful thinking and whose appetite for surrender do, indeed, promise to abandon Nicaragua to Castroite tyranny.

But there is a way out. Now that the Speaker and his band of "Wright-wingers" (Congressmen Bonior, Coelho, Alexander, et al.) have unilaterally abandoned Wright-Reagan, the President should do the same. Certainly, he should not feel bound by any associated "agreements and understandings" —such as not to lambaste congressional Democrats, not to vilify the Stalinistas, and not to seek more freedom-fighter aid before Sept. 30th—when those to whom he made such commitments have long ago jumped ship.

Instead, the President must clear the cobwebs of appeasement and retreat from his mind and reactivate those powerful "doctrines" through which a long succession of American Presidents—and Congresses—have fought to keep European colonialism, and particularly Communist colonialism, out of the Western Hemisphere:

Monroe Doctrine: ". . . The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

Roosevelt Doctrine: ". . . The adherence of the United States to the Monroe Doctrine may force the United States, however, reluctantly, in flagrant cases of wrongdoing or impotence, to the exercise of an international police power."

Truman Doctrine: ". . . I believe that it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures."

Kennedy Doctrine: ". . . Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

The Reagan version of these policies (all authored by "classical-liberal" Democrats, as contrasted to today's patently pseudo-liberal ones) was at one time very clearly stated:

Reagan Doctrine: "We must not break faith with those who are risking their lives—on every continent, from Afghanistan to Nicaragua—to defy Soviet-supported aggression and secure rights which have been ours from birth."

That highly principled statement, however, was made when "Reagan was Reagan"—before certain "pragmatist" advisers led him away from himself and into the camp of those who speak incessantly of "peace" but who become highly uncooperative when they hear someone insisting on freedom and liberty as well.

Before his presidential terms are too far gone to permit him to help liberate Nicaragua, Ronald Reagan must recognize what normally results from the "peace plans" he is currently embracing and "welcoming." Almost without exception they produce something more correctly spelled p-i-e-c-e—the tragic write-off of yet another piece of the planet and another piece of humanity to the Soviet Empire.

THE WITHERING OF THE UNITED STATES AT THE U.N.?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Florida. Mr. Speaker, I'd like to bring to the attention of my colleagues a disturbing phenomenon taking place at the U.N. Or to be more accurate, to the United States presence at the U.N. In the article that I ask to be printed below, former Assistant Secretary of State for International Organizations, Alan Keyes, makes a convincing case that many of the gains the United States made in the U.N. in the early eighties are now on the fast track toward disaster. I agree with Mr. Keyes' assessment, however, I disagree that Vice-President Bush is the solution.

It is easy to remember the days when the U.N. was little more than an open forum for Third World countries to bash the United States and its allies. Not coincidentally, at that time, Congress was never more skeptical about United States involvement in that institution.

There is sad irony in the scenario created by Mr. Keyes. The State Department, the U.S. agency with the greatest interest in maintaining a strong American presence at the U.N., may end up being responsible for the demise of that presence and for engendering ill will toward the U.N. on Capitol Hill.

[From the Washington Post, Jan. 21, 1988]

AMERICA'S U.N. POLICY: LAPSE OR COLLAPSE?

(By Alan L. Keyes)

On Jan. 5 the U.S. representative at the United States Security Council joined in a polemical assault on Israel at a vulnerable moment. He voted for an unbalanced resolution, which in effect condemned Israel's deportation of nine Palestinians suspected of masterminding many of the demonstrations on the West Bank. Some may see this as an isolated lapse in America's stance at the U.N., but in fact it is part of a pattern.

Principled opposition to the use of the Security Council as an anti-Israeli bludgeon has lapsed. Insistence on permanent, institutional reform of the U.N.'s management and decision-making processes has lapsed. Discriminating use of U.S. funds to support international organizations favorable to U.S. interests has lapsed. The hard-won capacity to push successfully for important U.S. initiatives has lapsed.

Do all these lapses add up to a collapse? Has the administration abandoned the principled, effective U.S. stance developed at the U.N. during the early Reagan years?

There is reason to be concerned that such a collapse is in progress. Officials at the State Department are eager to prove that the United States has relented from its past hard-line opposition to abuses and anti-American bias in the United Nations. Even before Congress completed work on the FY '88 spending bills, Deputy Secretary of State John Whitehead had decided to reopen the funding spigots for the U.N. in New York. He did so without regard for the effect it would have on organizations more critical to, and favorable toward, U.S. interests. These moves send a clear signal to the officials and delegates in New York: they can safely continue with business as usual. They will.

According to the authorization language recently passed by Congress, before turning over the $44 million balance of the U.S. contribution to the U.N. for 1987, the administration must certify that the organization has implemented the decision-making and administrative reforms adopted at the General Assembly in 1986 and made progress toward limiting abuses, particularly by the Soviet Union, of the U.N. system's personnel procedures. Third World delegates at the latest General Assembly session adamantly resisted implementation of the critical component of the reforms, which gave the United States and other major donors more say in decisions affecting the use of the U.N.'s resources. Instead, the assembly voted to enlarge the membership of the key program-budget committee, making it too unwieldy to be effective. Though the United States voted against the move, neither the State Department nor the U.S. mission at the U.N. did anything effective to oppose it.

Now a plan is being considered to issue the required certification based on the easily reversible personnel shuffling the U.N. has been doing for the past year. Officials at the U.S. mission joined in a post-General Assembly media boomlet characterizing these administrative moves as part of an era of resurgence for the U.N. They did so despite the fact that, according to preliminary tallies, the United States took its worst beating in years in the voting at the 42nd General Assembly. Even though the U.S. delegation took weaker stands (fewer U.S. "no" votes, more abstentions), even though it did not push hard for any potentially difficult U.S. proposals, even though it gave the U.N. $100 million before any results were in, the outcome indicates a significant decline in the number of states voting with the United States.

At this year's General Assembly not a single U.S.-initiated resolution met with any success. We seem to be returning to the days when U.S. leadership on a resolution meant automatic failure. Congress asked for effective action against the abuse of "secondment," a procedure that allows member states to place their nationals in U.N. positions on a temporary basis. (Some states abuse the procedure to guarantee continued control over their nationals. Roughly 90 percent of Soviet nationals at the U.N. serve on such terms.) This year the United States introduced a relatively mild resolution on the secondment issue. It alluded to the recommendation of the High Level Experts Group (the G-18) that secondment be limited to no more than 50 percent of any state's nationals in the U.N. Secretariat.

Even in this weak form, the initiative died in "informal consultations," without reaching the floor of the General Assembly's budget and management (fifth) committee. U.S. initiatives in the second and third committees (on capital formation and free elections respectively) met with similar fates. The only success registered at the assembly was the virtual absence of anti-U.S. name-calling in resolutions—the effect of several years of firm insistence on a principled position.

The White House has announced that Ambassador Richard Williamson, formerly the U.S. representative to the U.N. Organizations in Vienna, is the president's choice to take over the international organizations bureau. With the right backing, Williamson has the ability and experience to preserve at least some part of the achievements of the early Reagan years. But high-level policy officials at the State Department, working with the U.S. mission in New York, are pushing for premature certification on U.N. reform. If they succeed, they will preempt Williamson's authority and further damage the administration's faded credibility on U.N. issues. Williamson may not be confirmed until well into February, by which time the damage could be irreversible.

Many who worked hard to restore America's influence in the U.N. are appalled by the abandonment of the firm, principled, energetic approach that made it possible to do so. One hope remains. U.N. experience features prominently on the resumé of Vice President George Bush. The U.S. resurgence at the U.N. did not take place during his tenure there, but he has an opportunity to step in and prevent complete surrender of the gains made in recent years. Whether as a sitting administration official or as a presidential candidate, Bush should make clear now that he is not prepared to abandon the fight to restore America's influence in international forums.

MEDIA DISTORTIONS OF ISRAEL AND NEW HOPES FOR PEACE IN THE MIDDLE EAST

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BONKER. Mr. Speaker, the violence that has taken place in the Israeli-occupied West Bank and Gaza Strip over the past 2 months has been deeply disturbing to all Americans. Equally disturbing, however, has been the way in which the media has distorted the tragedy of these events. Although the Israeli Government responded quickly and positively to international concern about an "iron fist" policy, some in the media persisted in highlighting incendiary events. Such lopsided presentations only serve to fan the flames of emotion and obfuscate thoughtful approaches to resolving the problems there. Especially objectionable to me was the parallel ABC News attempted to draw between the situation in the Middle East and Israel's activities and the situation in South Africa. As Mort Zuckerman argues in the article I wish to submit for the RECORD from the February 1, 1988, U.S. News & World Report, not only are such comparisons unjust and unfair, but they ignore present realities and the history of this strife-torn region.

At a Foreign Affairs Committee breakfast I attended with Secretary Shultz just yesterday, the Secretary offered us some instructive words about the stalled peace process in the Middle East. He observed that the key players have been preoccupied with procedure more than substance, and that the United States and its partners in the peace process must refocus their attention on dealing with the concrete problems, such as that posed by the Palestinians.

In his testimony to the committee following the breakfast, Secretary Shultz outlined the new emphasis on short shuttle diplomacy that the administration hopes will avoid the impasse between the insistence Jordan's King Hussein places on an international conference and Israel's preference for bilateral talks with Jordan.

It is my sincere hope that the administration's renewed emphasis on the peace process and its new plan for shuttle diplomacy will enable all the parties to move on to issues of substance and help bring an end now to the needless bloodshed and agony of the people of Israel and the Palestinians.

[From U.S. News and World Report, Feb. 1, 1988]

TV'S INCOMPLETE PICTURE

(By Mortimer B. Zuckerman)

Television loves action. It is focusing often these days on the action in Gaza and the West Bank. When Israeli soldiers swing clubs among rioters, TV news gets a lot of what it likes best—great moments. They shock the viewer; they compel attention. When action is the essence of the story, as it is most simply in something like a sports event or an earthquake, the moments can add up to a truth. In the West Bank and Gaza riots, the moments have added up to a lie.

Television has polluted the public debate because it is inherently difficult for pictures to give context, history and meaning to events. It is asking too much for pictures in a half-hour news program to summarize 40 years of the history of Israel, or the history since 1967 or since the Yom Kippur War, or even the history that forced Israel to occupy the West Bank and Gaza. Words are necessary. The disturbing feature of the TV reporting of the West Bank and Gaza is not only that the words have been inadequate; some of them have been inflammatory. They have compounded the lie.

I refer in particular to the reporting by ABC television last month and its comparison of the Gaza uprising to riots in South Africa, suggesting an odious moral equivalancy between the two. There is a superficial resemblance in Israeli soldiers swinging clubs and South African police swinging clubs, between disenfranchised blacks and West Bank Arabs without full political rights in their own land. But these are facile comparisons. It is the job of journalism to take such comparisons as a starting point, not a conclusion. And the conclusions in comparing Israel and South Africa are dramatically different in substance from those that have been suggested by the TV images.

Israel is an open democracy, the only one in the Middle East, and it is being made to suffer for that. Even though the TV pictures are doing it damage in world public opinion, it has not closed its borders, deported journalists and imposed the kind of censorship South Africa has imposed.

For ABC to compare the Arabs of Gaza and the West Bank to blacks in South Africa is not only unfair but ignores history and reality. The blacks in South Africa are an overwhelming majority whose rights are denied. By contrast, the Arabs within Israel have full political and civil rights. (The exception: They cannot serve in the Israeli military.) It is only the Arabs in Gaza and the West Bank who lack these rights, because they are subjects of a military occupation as the result of a war in which the Arabs tried to destroy the very state of Israel. It is because of this threat to Israel that Israel must curtail their political rights. By contrast, the blacks want to be full partners in South Africa. In South Africa, the white government refuses to negotiate with the blacks; in the West Bank, it's the Arabs who refuse to negotiate directly with Israel. The blacks are oppressed because of the color of their skin; Zionism rejects racial superiority and indeed was founded in response to discrimination in the West. The blacks in South Africa have not stated their intention to drive the whites into the sea; the PLO leadership has proposed such an end for the Jews. Unlike the South African blacks, the Arabs of Gaza and the West Bank have an alternative. They suffer—and no one denies that they suffer—because they and their leaders have made a choice. This is the crux of the matter, and it requires spelling out a little.

The choice they have made is not to live in peace with Israel. They want the Jewish state to disappear, whatever its boundaries. A recent poll of the Palestinians in the West Bank by *Al Fajr* found 17 percent of the inhabitants favored the establishment of a Palestinian state in the West Bank and Gaza Strip—but 78 percent wanted a Palestinian state in what is now Israel. In their more conciliatory public statements, the PLO leaders now reject the idea of driving the Jews into the sea and would permit the Jews some kind of role in a future "secular and democratic Palestine." But in their charter, in their writings and in their speeches, their demands are not only for the areas Israel conquered in the war of 1967 but for the end—and often the violent end—of Israel as a political entity.

Both the PLO and its more extremist wings have taken or threatened to take the lives of Palestinians who want to negotiate. Today's TV images do not recall the 1983 assassination of Issam Sartawi, a PLO member and leading advocate of reconciliation with Israel, whose murder by extremist Palestinians became symbolic of the systematic assassination of conciliatory Palestinians.

So what the Palestinians have is a political leadership in the PLO that has consistently blocked any attempts at peace with Israel since 1948, when the Arab states refused to accept the United Nations plan for the partitioning of Palestine. Intransigence continued up to 1967, when Israel pleaded with Jordan's Hussein not to enter the fighting. After the 1967 War, Israel was prepared to give back the West Bank and Gaza for peace. The war was in June; in September, the Arab states met in Khartoum and issued the famous three "Noes": "No peace, no recognition and no negotiation" with Israel. To this day, the Arab leadership continues to be unwilling to talk directly with Israel or to risk the realistic political compromise that would relieve the lot of the Palestinian people. Israel is forced to rule over the Arabs largely because these Arabs have left no other choice.

It is easy enough to say there is a simple choice: That Israel should walk away from the occupied territories in the hope that this gesture would produce enough Arab good will for peace. History and geography counsel against such a gamble. There is a greater likelihood that Arab extremists would use these territories as a terrorist base that would utimately constitute a threat to Israel's very existence. Look at the map, as the Israeli soldiers say. To drive from the Jordan River of the West Bank to Tel Aviv on the Mediterranean takes about 90 minutes. If Israel abandoned the West Bank, a Jordanian or Palestinian Army would be about 10 miles from Tel Aviv—as close as Bethesda, MD., is to the White House. Even if the West Bank were demilitarized like the Sinai, an Arab army could cross the river in the afternoon and control the ridges overlooking Tel Aviv by the same evening, well before Israel's citizen Army would have time to mobilize. The unacceptable risk is that this territory could be a source of destabilization not only for Israel but even for Jordan itself. Jordan, being 60 percent Palestinian, would be threatened by a militantly Palestinian West Bank—a threat King Hussein is known to recognize.

No wonder Israel argues against the simple idea of exchanging territory for peace. The reality is that Israel will stay on the West Bank for a long time even though its presence there will continue to be challenged. Many Israelis and others view that prospect with grave misgivings. Violence will continue at some level, though probably not the kind of unrelenting civil war some predict. But whatever the problems and tensions, they can be endured because the real alternatives are worse.

It is necessary for statesmen, and especially the Arabs, to focus less on the future of the occupied territories and more on the future of the Arab inhabitants. During the years when Moshe Dayan was Minister of Defense in Israel, there was a policy of minimal Israeli intervention in Arab domestic matters that included the avoidance of provocation and the attempt to improve the standard of living. On balance, life measured in health, incomes, and education has improved for the Arabs in the West Bank and Gaza compared with that of their fathers and grandfathers. Teddy Kollek, as mayor of Jerusalem, has demonstrated how a potentially hostile Arab population can be treated with respect and political skill, making it possible for this city to work for both Arabs and Jews—in ways utterly inconceivable in South Africa.

Israel should not be discouraged or panicked by reaction to the Gaza riots. Israel should continue quiet, confidential relations with Jordan in what has been called an "adversarial partnership," wherein both parties encourage the West Bank's residents to accept their status as Jordanian subjects in all civil matters, leaving the security issues of the territory under Israel's military control. Only in this way can Israel, Jordan and the West Bank Palestinians be assured that PLO extremists will not make the West Bank their home base and turn the West Bank into another Beirut. Until there is a fundamental transformation of the political and ethnic hatreds in this area, this is the best hope among many lesser alternatives.

The question is not one of instant solution. There is none. To talk of one is to encourage expectations that can only be dashed by the historic enmities of that tragic region. The tragedy of glib comparisons to South Africa is that they incite the resentments of the viewers and stimulate the false hopes that there are simple solutions.

UPGRADE THE VETERANS' ADMINISTRATION TO A CABINET LEVEL DEPARTMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SOLOMON. Mr. Speaker, on January 14, 1988, the Wall Street Journal printed a letter by Congressman BEILENSON expressing his opposition to upgrading the Veterans' Administration to a Cabinet-level department. I take strong exception to the letter.

Congressman BEILENSON believes the Cabinet should be reserved for policy formulation that really needs the President's attention. On this one point we agree, and I am very pleased President Reagan has determined that the head of our Nation's veterans' programs should be in the Cabinet to help set national policy.

Today, I am submitting into the RECORD a statement by Charles Joeckel, executive director of the Disabled American Veterans, which was printed in the February issue of the DAV Magazine.

VETERANS: CAN WE DO LESS?

(By Charles E. Joeckel, Jr.)

Some people in Washington are capable of writing eloquent, seemingly rational arguments for throwing infants from the tops of buildings. After working in this city for many years, I'm no longer surprised to see high-flown rhetoric placed at the disposal of the most wretched, conscience-cutting propositions.

I've seen several "modest proposals" for America's veterans among those propositions since a land mine explosion took both my legs in Vietnam. The latest was "Veterans: More Than Their Due," written by Congressman Anthony C. Beilenson (D-Calif.) for the Jan. 14 Wall Street Journal. It is printed in its entirety beginning on the facing page.

Mr. Beilenson danced a beautiful rhetorical waltz, including many phrases of empty sympathy for disabled veterans, in his vicious attack on just about every veterans' program that exists.

But then, could we look for more understanding of the hardships of military life from a man who's never worn a uniform?

Could we hope for a less elitist attitude from someone with two degrees from Harvard?

Could we expect more empathy for a largely working class group of people from a Congressman whose district includes Beverly Hills and West Hollywood?

I don't ask these questions to launch a personal attack. I do so to point out the gulf that yawns between Mr. Beilenson's life and the lives of most veterans.

Very few disabled veterans go into the job market holding the golden key of a Harvard education. Most went into the Armed Forces with a public high school education; for many, through no fault of their own, that was the end of the line.

Very few have homes in an area like Beverly Hills or West Hollywood, possibly the swankest neighborhoods in America. Most veterans feel fortunate to use their VA-insured mortgage to buy a modest house in an ordinary working class neighborhood.

And, having never served in the Armed Forces, Mr. Beilenson seems to believe a tour of military duty is much like any other job. Obviously, getting shot at in a war isn't like any other job in the civilian economy, not a legal one anyway. And Mr. Beilenson should spend a week on the deck of a destroyer in the Persian Gulf if he thinks "peacetime" duty is such a treat.

Compared to just about any disabled veteran I've ever met, Mr. Beilenson has led a charmed life. He's wrong to judge the needs of America's veterans against the opportunities and outright gifts that life has bestowed upon him. He should recognize this fact if he wishes to speak with authority on veterans' programs.

He should also recognize that the advantages he's enjoyed in his life—blessings granted to a select few—come at a cost that's been paid by others. The economic and political systems that create those advantages would not exist if it weren't for America's veterans, and it seems to me that Mr. Beilenson's attitude lacks gratitude.

I'd like to discuss the points Mr. Beilenson's *Wall Street Journal* piece brought up in his argument against Cabinet-level status for the VA. But really there's only one. "A position in the president's cabinet," he says, "should be reserved for heads of departments who formulate policy in areas that really do need the president's attention."

Perhaps, if Mr. Beilenson felt veterans' programs were an area that really does need a U.S. Congressman's attention, he wouldn't have had so many uninformed things to say in his wholesale attack on VA benefits and services. And that's what his *Wall Street Journal* piece really was.

He brings up that old saw about separating combat and noncombat vets when paying out service-connected disability compensation. How is a leg lost in war worth more than a leg lost in peacetime? Further, anyone who watches the news knows the line between war and peace has become rather blurry in recent history.

Finally, what the VA pays in compensation for just about any disability is peanuts compared to what the courts are awarding for comparable disabilities in civilian liability cases. Whenever anyone shoots his mouth off about the high rates of VA compensation, I want to know why a soldier's sight is worth less than a civilian's sight.

Next, Mr. Beilenson brings up VA payment of compensation for such disabilities as "arthritis, diabetes and epilepsy." Such disabilities make up a tiny portion of the VA's compensation cases. And how does he know these disabilities "would have developed whether or not they were in the military."

Finally, any civilian working for a company with decent disability insurance gets benefits if catastrophic illness strikes. Why should members of the U.S. Army, Navy, Air Force and Marines be entitled to anything less?

Attacking the tax-free status of VA compensation, he says, "The assumption underlying this program is that a disabled veteran is not going to be able to work, or will earn less than he would otherwise." That may be Mr. Beilenson's assumption, but it was never the assumption of those who framed the compensation system.

In arguing that compensation simply isn't necessary for many now on the roles, Mr. Beilenson assumes that most disabled veterans have jobs. He sees no reason why a disabled vet can't find work in today's high-tech economy, and maybe there are few reasons other than a horrendous propensity on the part of employers to discriminate against disabled people.

At any rate, Department of Labor (DoL) statistics on veterans of the Vietnam War period paint a very different picture than Mr. Beilenson's account. According to DoL, disabled vets are nearly twice as likely to be unemployed as nondisabled vets. Among the unemployed, DoL counts two-thirds of those Vietnam vets whose service-connected conditions are rated at 60 percent or more.

The American people don't want these disabled vets out on street corners selling apples and pencils. A Congressman should be honest about the consequences of his proposals before he blandly starts talking about throwing vets off the compensation roles.

Mr. Beilenson also describes the VA pension program as "a separate government welfare system for veterans." Honestly, describing any veterans' program as "welfare" is an insult to every man and woman who has ever served in this country. Veterans' benefits are *earned* benefits.

Mr. Beilenson devotes a substantial portion of his *Wall Street Journal* piece to his argument for shutting down the VA health care system. In this, he cites a National Academy of Sciences (NAS) report that, *he* says, found the VA "wasteful, unnecessary and inefficient."

That judgment, in my opinion, grossly exaggerates what the NAS report really had to say. At any rate, everyone in veterans' affairs believes that report to be biased.

They believe it was heavily influenced by management personnel from the private sector of the medical economy—people whose employers stand to pick up at least $11 billion in new business if the VA ever shuts down.

These are the people who told Mr. Beilenson that medical care costs more in the VA than it does in the private sector. It's hard to compare apples and oranges, but every study to date indicates the VA is less expensive and more efficient than the private sector in health care delivery. There are virtually *no* studies that show the VA to be more expensive.

There's also no research that substantiates Mr. Beilenson's charge that the VA medical system "is generally acknowledged to be less than first rate." Nor is there any justification for saying, "Veterans probably would receive better health care if the VA hospital system were abolished."

Whether he knows it or not—and I suspect he won't like hearing me say this—Mr. Beilenson is in the pocket of the private medical industry on this one. Abolition of the VA would pump a great deal of trade in the direction of private health care providers, and that's what motivates everything they say about the VA.

The VA's patient load is made up of veterans who are service-connected or medically indigent. These veterans would gain virtually nothing from closure of VA hospitals and clinics.

Those with service-connected conditions would lose a system that specializes in war-related disabilities, and thousands of poor veterans would be left without any source of treatment.

Not just veterans but American society as a whole would lose a great deal as well. Let's look at some facts that Mr. Beilenson chooses to ignore—contributions VA health care system makes to the practice of medicine by:

Training one third of America's physicians and countless other medical professionals,

Standing as an example of efficiency in health care delivery at a time when the cost of care in the private sector is going straight through the roof,

Conducting a medical research program that has produced Nobel laureates and counts the CAT-Scan as one of its achievements,

Gathering an immense amount of expertise on treatment and rehabilitation of persons with traumatic injuries,

Backing up a military medical system that's in shambles, and

Offering a potential gold mine in the area of gerontological research with a population who will hit the health crisis years a decade ahead of the general population.

That's just the VA's medical system. But shouldn't a U.S. Congressman also know more about the impact of the G.I. Bill on the educational level of America's work force? Shouldn't he check out how that program has touched virtually every institution of higher learning in America?

Shouldn't he be interested in the effect of VA home loan guaranteed programs on the development of private home ownership in our country? Shouldn't he look closely at its impact on our nation's construction and mortgage banking industries?

In the absence of answers to questions like those, it might be possible to buy Mr. Beilenson's assertion that the VA doesn't have the kind of public policy clout that deserves a slot in the President's Cabinet. But, with the answers to those questions, one can see how pervasive an influence the VA really wields in a broad specturm of public policy concerns.

Finally, why shouldn't the head of the VA be present when the Cabinet discusses issues of war and peace? At those times, someone ought to remind the President and his key advisors that war's cost extends far beyond missiles, tanks, ships and fighter jets.

Someone ought to remind them that the human cost of war goes on for decades after the guns stop firing—that people lose arms, legs, eyes and life itself—that America's taxpayers will ultimately be required to pick up the monetary portion of those costs.

Mr. Beilenson describes America's veterans as a "special-interest group." I have to take exception to that. With their families, those veterans make up one third of the American population.

Those men and women, their spouses and their kids could hardly be described as a special-interest group at odds with average America. They are average America.

The only thing that sets them off is what they've done for our country and every one of its citizens, including Harvard educated lawyers who hale from the chic suburbs of LA. In talking about issues that affect veterans lives, let's remember what they've done.

America's businesses, its workers, its teachers, its farmers, and many others are represented on the President's Cabinet. We don't have a quarrel with that. But who decided veterans deserve government administration of a lesser order than other Americans?

MONO LAKE'S DEFENDER

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHUMWAY. Mr. Speaker, California and the Nation have lost a dedicated, articulate, and effective defender of our precious natural resources with the passing of David Gaines. The Sacramento Bee recently carried an editorial in tribute to David Gaines' contributions which details his successful effort to save Mono Lake. Prior to reapportionment, I had the honor of representing that unique saline lake, and to introduce legislation to protect it. With great sadness that David Gaines has gone, but with great pride in his achievements, I commend the following editorial to my colleagues' attention. I know that they will all join with me in extending condolences to those Mr. Gaines has left behind.

MONO LAKE'S DEFENDER

The name may not be familiar, but David Gaines was one Californian who really made a difference. When he founded the Mono Lake Committee 10 years ago, few people had ever heard of that remote, saline body of water in the Eastern Sierra, and practically no one seemed to care that it had long since been slated to be drained off to serve the growing thirst of Los Angeles.

But Gaines cared and cared deeply, campaigning tirelessly, first to overcome the indifference of local residents and then to draw the attention of the national media to the strange beauty of the lake and its vital importance to the tens of thousands of birds that nest there every year. In the process he managed to turn the preservation of Mono Lake into an environmental cause celebre and the lake itself into a most improbable tourist attraction.

Layer by layer, through court decisions, state statutes and acts of Congress that have variously declared the barren shoreline of Mono Lake a national forest scenic area, a state reserve and a federally protected preserve of critical environmental concern, he managed consistently to frustrate Los Angeles' efforts to export its water southward. And though the city has now come to the negotiating table to work out a long-term solution for Mono's future, the impact of Gaines' success is likely to reverberate far beyond the lake itself, working fundamental changes in the law of water rights in California and establishing new principles for the ways in which our dams and water conduits can be run.

Inevitably Gaines' death this week in an automobile accident recalls the passing more than 40 years ago of that other energetic advocate of the natural attractions of the Eastern Sierra, Father John Crowley, who likewise perished on its treacherous roads late one night just as his own efforts on behalf of the water resources of the region were about to reach fruition. Los Angeles, in respect, named a lake for Crowley. Gaines, in contrast, made a name for Mono, and the fact that its survival now seems secure is probably the most fitting tribute to his memory.

DELIBERATION ON H.R. 3

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. AuCOIN. Mr. Speaker, as the House and Senate conferees continue their deliberations on H.R. 3, the omnibus trade bill, I'd like to share with my colleagues an excellent article on the perils of protectionism. It was written by Mr. Steve Newman, a customs broker in Portland, OR, with Newman, Wilson & Co. He is also president of the Pacific Northwest International Trade Association.

The article follows:

PROTECTIONIST MEASURES HURT, NOT HELP, U.S. BUSINESSES

(By Steve Newman)

The debate over international trade policy has intensified during the past year and will certainly be a focal point of the 1988 election season. No one suggests that our current trade deficit is either healthy or sustainable. Campaign debate should center on remedies to the current situation.

Should we reduce the deficits by restricting imports through increase quotas, tariffs and "voluntary" restraints? Or should we become more competitive in the international marketplace and expand our exports? Increasingly, observers of international trade believe that protectionism will not provide long-term answers to the U.S. balance-of-trade deficit.

Those who demand limits on imports insist that domestic industries are damaged by the flood of foreign products. They cry out for protections against textile, steel and automobile imports, claiming this approach is the sensible way to reverse the balance of trade and keep our economy healthy.

However, the facts suggest a different story. Trade restrictions may raise costs for American consumers while creating disincentives to American companies to increase efficiency.

Quotas and tariffs on clothing and textiles cost the American consumer $20 billion a year in increased prices. Yet textile and clothing manufacturers have not been suffering—they just completed a record year for both production and profits. Furthermore, the average wage for domestic textile workers is less than $7 an hour, $2 below the average private-sector wage.

American steel producers have been protected by law. However, our steel industry, rather than reinvest profits in new production facilities to employ more Amercians, has chosen to diversify into oil and gas production.

Detroit asked for and received the voluntary restraints on small-car imports. Foreign automakers simply sent us their higher-priced models and maintained their strong market share. Japanese automakers actually sent us fewer units but earned higher profits.

U.S. automakers performed well last year, but Americans paid about an extra $5 billion as a result of voluntary restraints, pushing up prices on all automobiles sold here. It is the U.S. consumer who bears the cost of protectionist legislation. You will pay higher prices and have less to choose from.

If we restrict imports, we must consider the price we will pay. Last year, Congress passed another Textile Quota Bill. Taiwanese buyers of Oregon wheat made it clear that if Congress refused to sustain the president's veto, the buyers would defer any purchases of Oregon white wheat.

The cost to Americans of protecting one job in the textile industry is estimated at $86,000, based on the additional prices we pay for clothing. Is it worth it? Can we afford this approach?

Indeed, our trading partners maintain all types of trade barriers against American goods and services. We are told that Japan won't let particular products in and restricts imports of many items. The protectionists demand that we retaliate in kind.

In fact, the United States already protects an array of products, including peanuts, sugar and ice cream. We raise the duty on cucumbers from 1.5 cents to 3 cents between Sept. 1 and Nov. 30. We have absolute quotas on Parmesan and Gouda cheeses. Are we willing to do away with these barriers? We can hardly demand open markets and free access when we limit our own markets.

Oregon's economy—and the nation's—has become increasingly dependent on international trade. The world has become too small and its economies too interdependent to revert to the mercantilist, Smoot-Hawley Tariff days in the '30s. International trade services alone account for more than 2,500 jobs in Oregon, with an annual payroll of more than $100 million.

If you add the agricultural and industrial jobs dependent on international trade, it becomes evident how vital trade is to our continued growth. We must expand our exports. We must learn to be competitive in the international market place. We must insist that our trading partners remove their barriers to trade and agree that we will do the same. Those who doubt our ability to compete do all of us a disservice.

VIET HISTORY REPEATING ITSELF IN NICARAGUA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LIVINGSTON. Mr. Speaker, it is always important to learn from experience—especially when it comes from someone who has lived through the cruel, cold history of the conquest of South Vietnam.

Since we are on the eve of our yearly battle over the question of aid to the freedom fighters in Nicaragua, I urge my colleagues to read the following letter, which recently appeared in the New Orleans Times-Picayune. The author, Mr. Trang Thanh Le, draws a parallel between our experience in negotiating with the North Vietnamese Communists 15 years ago, and our current peace talks with the Communist regime in Nicaragua.

Mr. Speaker, no one wants to repeat the mistakes that we made in Vietnam and I urge my colleagues to heed Mr. Le's warning. Otherwise, years from now refugees from Nicaragua may be writing the same type of letters that Mr. Le is writing today.

[From the Times-Picayune, Dec. 8, 1987]

VIET HISTORY REPEATING ITSELF IN NICARAGUA

(By Trang Thanh Le)

NEW ORLEANS.—After having seen the communists cheat so many times in the past, I am seeing another scheme by the communists to rid themselves of the Contras in Nicaragua. What happened in Vietnam 15 years ago is happening now in Nicaragua.

In 1970, the Vietnamese communists tricked the United States and the whole world by saying they wanted to talk "peace." The whole world was excited by the idea.

Even though the conflict was between the Republic of Vietnam (South Vietnam) and Communist Vietnam (North Vietnam), the Vietnamese communists just wanted to talk to the government of the United States without the representation of South Vietnamese.

It was just like the Sandinistas now want to talk "peace" in Nicaragua without the Contras.

The reason for such a demand was simple—they knew they couldn't trick the South Vietnamese (and now the Contras). The South Vietnamese knew them too long and too well to be fooled by the "sweet peace talk."

To believe in the communists' accepting political opposition in a communist system is naive. Can anyone show a single communist country with political opposition?

When a communist government—in Vietnam, Nicaragua or anywhere else—wants to talk "peace," what it really means is how to get the opposition to surrender.

What the communists want is to seize power. They make all kinds of promises for reforms, but once they get the power, they never want to share power with anyone because the Communist Party is the only one that may exist in the communist system—otherwise it is not communist.

What the Sandinistas now want is not to negotiate seriously with the U.S. government. They will call for negotiation for years, waiting to prepare public opinion in the United States by their sympathizers, to create events to blame the U.S. government for not coming up with any solution to the conflict and to wait for a new U.S. government to give in to their demands.

I wish the American people understood more about the communists and their tactics. I am sure the U.S. government is wise enough not to fall into the same communist trap of 15 years ago.

CONGRESS MUST NOT SUCCUMB TO NRA PROPAGANDA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Florida. Mr. Speaker, I understand that the NRA is trying to find somebody in Congress to file a bill that would legalize the sale of new machineguns. As the author of the amendment that the House passed to end the sale of new machineguns, I am not surprised. It reminds me of that motion picture promo: "They're back!"

I urge my colleagues not to be dazzled by fanciful ads that support unrestricted gun ownership. Today the subject is plastic handguns. Tomorrow it may well be machineguns. At some point this lunacy must stop.

I trust that you will read carefully the op-ed piece by Ms. Kathleen Krog, a member of the Miami Herald editorial board, in the February 1, 1988, edition of that newspaper.

THE NRA SHOOTS OFF ITS MOUTH AS INNOCENTS DIE

(By Kathleen Krog)

On Jan. 26, Mattie Middleton, age 24, was walking down the street around 8:20 in the evening. She caught a bullet that gun owner Patrick Bernard Ferguson meant for a man in a car who had "made some negative comments" to him, according to the Herald's Jan. 28 In Brief column. Mattie Middleton died.

The day that Ferguson decided to shoot at a mouthy motorist, the National Rifle Association published full-page ads in two newspapers that I read: The Herald and The New York Times. The Herald ad features a woman's cast-off shoe with the words: "He's followed you for two weeks. He'll rape you in two minutes. Who cares?"

The Times ad shows a broken locket and says: "Your mother just surprised two burglars who don't like surprises. Who cares?"

The ads outline victims' terror. "A sudden spray of shattered glass. Brutal blows from a shadow. Then terror and torture eternity can't heal." You get the idea.

Then the ads list the people who care more about the criminal's rights than yours; "certain politicians," "most media," "four or five headline-seeking police chiefs," and "not enough judges."

The ads disclaim the NRA's intent to persuade everyone to own a firearm. The NRA just wants you to be sure that no one ever denies your Constitutional choice to own a gun.

The ads disturb. First off, they're hysterical. Second, those "four or five headline-seeking police chiefs" in actuality are the voting majorities of the International Association of Chiefs of Police and the Fraternal Order of Police, which both oppose "plastic guns." These weapons contain so little metal that they could elude detectors at airports, courthouses, and other public buildings where officials had detectors installed because so many Americans exercise their Constitutional choice.

The NRA opposes proposed Federal legislation that would ban the manufacture of plastic guns. It was a preventive measure, since the guns aren't on the market yet. The Secret Service—those stalwart guardians of the President—backed the legislation offered by Sen. Strom Thurmond, R-S.C., about as conservative as a legislator can be.

But the NRA leaned on its Senate pal, Sen. James McClure, R-Idaho, and other conservatives who believe in some Constitutional choices but not others, and the measure was defeated 47-42. The close vote heartened gun-control supporters and scared the NRA.

Defections in the gun-toters' ranks! Why, if enough senators find the temerity to keep undetectable weapons away from would-be terrorists, what's next? Before you know it, they'll be snatching .357 Magnums right out of a man's home. Give those noncaring, bleeding-heart liberal wimps one little piece of the shooting gallery, and next thing they'll want all the guns in America melted down and made into modern art.

CRIME PREVENTION FIRST

Hence the NRA's hysteria. The warm-and-fuzzy "I'm the NRA" ads just weren't getting the message across as well as a gut-level appeal to the fear of crime in all of us. My teen-age son was robbed at gunpoint. What if he had been carrying a gun too? A shoot-out over a bicycle. Shootings over nothing happen all the time now. More people are dying because more people—noncriminals—own guns.

Crime is a terrible problem. But if members forced the NRA to spend half its annual lobbying budget on pushing for honest-to-God crime-prevention measures, the crime rate certainly would fall. Just as certainly, the rate of accidental gun deaths will climb as steadily as the crime level does now as long as gun controls are kept off the books.

The NRA tells me I've got a Constitutional choice to own weapons, and that I should protect it. Right. Tell it to Mattie Middleton's family.

REPEAL OF THE PREPRODUCTIVE EXPENSE RULES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DAUB. Mr. Speaker, today I am introducing, together with my colleague on the Ways and Means Committee, BYRON DORGAN, a bill to repeal a complex and burdensome accounting requirement for farmers under the Internal Revenue Code. I am proud to say that we have accumulated over 30 original cosponsors before introducing this bill.

The 1986 Tax Reform Act imposed a complicated set of accounting rules, known as the uniform capitalization rules, on many taxpayers including farmers and ranchers. Now farmers and ranchers do not have much use for complicated redtape imposed upon them by the bureaucrats in Washington, and that's the major reason why Congress allowed farmers to continue to use the cash method of accounting after the Tax Reform Act. The complexities required to account for growing crops and livestock under other methods of accounting are greater in farming than they are in other businesses.

But by imposing the uniform capitalization rules on farmers the law is requiring the farmer-taxpayer to accumulate the costs of producing an animal and bringing it to production over a period of years. In fact, the period during which these costs must be accumulated runs from the time of conception—yes, that's right, conception—to the date when the animal has its first yield, that is, when it drops its first calf. Imagine what the complexities of this rule are when a farmer has hundreds of head of cattle in their operation. Under this law, a farmer has the virtually impossible task of assigning the specific costs to each animal in his herd.

One of the justifications for this provision in the Tax Reform Act was that tax shelter farmers were making use of deductions from breeding and feeding operations to decrease their tax liabilities. It was felt that this provision would help to prevent business investors from farming the Tax Code, and help resolve the problems created by overproduction. But, the passive loss rules which were ultimately included in the Tax Reform Act have effectively eliminated those investors who were not actually engaged in farming. The result is that these rules now only serve to cause additional bureaucratic nightmares for farmers. The reason for the rule no longer exists and it should be repealed.

Our legislation would repeal the preproductive period expense rules and allow farmers who utilize the simpler and more practical cash method of accounting to deduct costs as they are incurred. These rules would be repealed retroactively to January 1, 1987, when they originally came into law. This legislation has the support of many farm organizations, including the American Farm Bureau, National Milk Producers Federation, National Cattlemen's Association, American Horse Council, and the National Grange and I urge my colleagues to cosponsor our bill.

TRIBUTE TO LEE TENG-HUI

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHAW. Mr. Speaker, I rise to express my admiration and respect for the new President of Taiwan, Lee Teng-Hui. President Lee Teng-Hui succeeded President Chiang Ching-Kuo following Chiang's death on January 13.

Lee Teng-Hui was educated at Cornell University where he earned his doctoral degree. He was recruited into government service in 1972 by former President Chiang Ching-Kuo. Lee served in a number of government posts including mayor of Taipei and Governor of Taiwan Province. Lee's preformance in each of these positions demonstrated his dedication to public service as well as his energy, wisdom, and leadership abilities.

President Lee's new job will be his most difficult. I am confident that he will continue to guide Taiwan toward even greater economic prosperity and political liberalization. Taiwan's continuing economic and political stability is extremely important to the interests of the United States and serves as an example for other nations in eastern Asia and the Pacific Rim. Lee's administration will, I am sure, honor his mentor Chiang Ching-Kuo and set a standard for future administrations to emulate.

A TRIBUTE TO CLARK BOWER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GEKAS. Mr. Speaker, each year since 1981 Pennsylvania Farmer magazine and the cooperative extension services of the five States serviced by the magazine—Pennsylvania, West Virginia, Maryland, Delaware, and New Jersey, have cosponsored the "Master Farmer" award. This award is based on a farmer's financial progress, farm management and marketing skills and personal growth during their careers.

This year Perry County farmer Clark Bower of Blain, PA, received the coveted Master Farmer Award during ceremonies at the Pennsylvania State Farm Show in Harrisburg. He was also honored last week at the annual banquet of the Perry County Cooperative Extension Service at the Perry Valley Grange.

Mr. Speaker, Clark Bower represents the very best in farming. He and his wife Donna, along with son Logan, brother Ben, and neighbor and longtime employee Bob Hostteter, work long hours on the farm milking holstein cows and growing corn, wheat, oats, alfalfa and mixed hay. His strong belief in staying out of debt and promoting farm safety is one which most reflects that of a master farmer.

I would like to ask my colleagues in the U.S. Congress to join me in extending congratulations to Clark Bower, his family and employees for earning this prestigious award.

THE FAILURE OF SWAPO

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, over the past few decades, thousands of innocent Namibians have died in SWAPO's "war of liberation" in Namibia, as time goes on, as more civilians die needlessly, one thing becomes increasingly clear: SWAPO is the least successful liberation movement of all time. Twenty-one years after the start of its "armed struggle" SWAPO controls not 1 inch of Namibian territory.

As a Namibian Government cabinet minister recently put it, "SWAPO has discovered that * * * calls for the implementation of U.N. Resolution 435—on Namibian independence—and communiques claiming incredible military triumphs are no substitute for an effective administration addressing the needs of the people." "SWAPO has not provided effective administration. It has done nothing but provide a barrier to meaningful independence for Namibia.

The members and supporters of the Namibian Transitional Government of National Unity [TGNU] know Namibia has no alternative to peace. Prosperous and stable independence, so rare in the world today, depends on peace and national reconciliation. All Namibians are entitled to a peaceful, stable unified nation.

SWAPO does not seem to agree, SWAPO remains committed to an "armed struggle" as their only means of achieving independence. The parties represented in the TGNU have chosen a different road, the road of national reconciliation within the framework of a bill of fundamental rights.

When the TGNU took office, on June 17, 1985, the first chairman of the cabinet, Dawid Bezuidenhout, spoke eloquently of their goals:

> The struggle to which we have committed ourselves is a struggle for peace, for national reconciliation, for political stability and economic and social progress for all in this, our beloved land * * *.
>
> Unity in diversity has become our watchword. Peace and national reconciliation our battle cry * * *.
>
> Our commitment to justice, decency and respect for the rights of all, is evident from the inclusion of the rights enumerated in the * * *. Bill of Fundemental Rights and Objectives * * * the National assembly shall not be competent to pass laws abolishing, diminishing or derogating from any fundamental right * * *.
>
> The hour is late, too much blood has already been spilled. The chance to achieve our goal is within our grasp. Let us seize it now.

In legally abolishing apartheid and other forms of discrimination, in developing a democratic constitution, in reaching out peacefully to SWAPO, in working hard to improve life in Namibia for the benefit of all Namibians, the TGNU has shown that it meant what it said. It deserves our support.

TRIBUTE TO ANNA DATO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Anna Dato who is retiring from the Goleta Chamber after 13 years as executive director of the Goleta Valley Chamber of Commerce.

During her time with the chamber, Anna Dato initiated a monthly chamber newsletter, started chamber mixers, was one of the founders of Goleta Valley Days and the coordinator each year since its inception. She also instituted the annual program of work for the chamber and quarterly board planning meetings. She participated in the initial fundraiser for a Lancaster scholarship at UCSB.

Anna did not limit herself to the chamber, but held several additional community positions. She served as a director of Goleta Beautiful, a member of the Los Carneros Park Advisory Committee, and a director of the Coalition for Cityhood. She has been one of the leading fundraisers for the Goleta Depot's annual fundraiser each year.

Through her efforts, Anna obtained advertising funding each year for the Goleta Chamber and other county chambers and initiated a policy of providing yearly funding for capital improvements to the Goleta Valley Historical Society and the Goleta Depot.

Anna's contributions in the area of management and community service were recognized in 1981 by the Santa Barbara County Women's Achievement Awards. In 1985, Anna was named the "Goleta Woman of the Year."

Anna's service to the chamber was recognized at the Goleta Chamber's annual dinner on January 15 where she was presented with an honorary lifetime membership in the Goleta Valley Chamber of Commerce.

I join with the community of Goleta Valley in saluting Anna's efforts and expressing our sincere appreciation for her many years of service.

A NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SCHUETTE. Mr. Speaker, today, I would like to take the opportunity to pay tribute to hospitalized veterans across the Nation and to let my colleagues know that the week of February 8–14 has been designated as "National Salute to Hospitalized Veterans."

Special activities are being planned at each of our Veterans' Administration medical facilities and this national salute, especially since it has been chosen to be observed during the week of Valentine's Day, represents an ideal annual opportunity for all Americans to express their compassion and gratitude to those who served our Nation to protect our freedom by visiting those who are hospitalized.

In celebrating the National Salute to Hospitalized Veterans, we are paying tribute to the thousands of veterans who are hospitalized each year to help establish and promote a continuing awareness of the patriotism of these Americans. In addition, through open house activities in VA hospitals, it will increase community awareness of the role of VA activities, and will most importantly, encourage Americans of all ages to join the faithful volunteers whose concern for hospitalized veterans brings them to VA medical facilities throughout the year by serving as hospital volunteers.

Mr. Speaker, I hope my colleagues will join with me in celebrating the week of February 8–14 as a special tribute to hospitalized veterans. As we all know, America's veterans are the backbone of our freedom. Although it is easy to forget the important contributions and sacrifices our veterans have made, especially when we are not faced with threats to peace and our way of life; this week serves to help remind us of the debt we owe to all veterans. It is they who have given their resolution, their courage, their love for this country, and sometimes their blood, in order to protect peace and freedom for all peoples throughout the world.

Therefore, I invite you, Mr. Speaker, and my colleagues in the U.S. House of Representatives, to join me in participating in this salute to our hosptialized veterans by taking time out of your busy schedules to visit your nearest Veterans' Administration Medical Center to say thanks to a veteran for the patriotic service that has preserved our Nation's precious freedom.

HUNGRY CHILDREN CANNOT WAIT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHAYS. Mr. Speaker, today I would like to address an issue of utmost importance—the famine threatening the African Continent. Another year of drought has placed an estimated 5 to 8 million people on the brink of starvation. It is imperative that the United States generously respond to this impending tragedy. Our assistance will be critical in saving the lives of millions of Africans.

I am pleased to submit for the RECORD an article written by Willet Weeks, director of African Programs for Save the Children Federation in Westport, CT. Mr. Weeks highlights the urgency of the situation and applauds the generosity of the United States during the last famine relief efforts.

I urge my colleagues to support all efforts to assist the drought-stricken African nations. There is enough food in the world to feed over 7 billion people. When the current world population stands at approximately 5 billion, we must ask ourselves why hunger continues to be one of the most devastating problems facing the world. Now is the time to act. "Hungry children cannot wait."

HUNGRY CHILDREN CANNOT WAIT

(By Willet Weeks)

WESTPORT, CT.—Last month, I was in Ethiopia's Shoa province, at the end of what should have been the "rainy" season. Normally, the fields would have been filled with sorghum eight feet high, bent under the weight of seed-filled heads. Instead, I saw fields of straw, fit only to be plowed under or used as animal fodder.

In good times, 10-foot towers in every field would be occupied by boys armed with slingshots, mounting a never-ending vigil against birds that threaten the harvest. This year, they stood empty as a flock picked unmolested over the meager remains of a field that should have fed a village for a year.

Terrible drought has returned with unprecedented suddenness. The centuries-old pattern—drought once a decade—has been cruelly disrupted. Five million people are again at risk of starvation.

The playful youngsters who grabbed at my hands and danced around were unaware that death again stalks them. Those children are alive because of a worldwide effort—perhaps one of the largest logistics operations mounted outside of war. Most of the food was from the USA; most of the money that financed its delivery came from the U.S. people. And the overwhelming bulk of aid reached those for whom it was intended. Save the Children has records covering every bag of food it was responsible for, from the moment it reached the port of Assab to its delivery to a family in Shoa. The loss rate was less than 1 percent, a truly remarkable figure.

Steps must be taken to increase Ethiopia's food security by helping small farmers increase productivity and by establishing strategic reserves. But even with a multibillion-dollar effort in place, it would be well into the next century before Ethiopia could rely upon its own resources.

But the children can't wait.

For them, we must act now.

The U.S. government has pledged 115,000 metric tons of grain; others have followed its lead; all available reserves in Ethiopia are being marshaled. Another great relief effort is in motion. And it must extend beyond Ethiopia. In the Sudan, areas are in crisis already; in Angola and Mozambique, civil war isolates families from aid needed for survival.

A tall order for a relief-weary USA. But the stakes are too high not to respond.

WHO GOVERNS COLOMBIA?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Florida. Mr. Speaker, the Miami Herald recently asked, "Who governs Colombia?" For anybody concerned about the increasing flood of cocaine into the United States, that is a crucial question in 1988.

The Medellin cartel has declared war on public officials who oppose drug trafficking. The recent murder of Attorney General Carlos Mauro Hoyos is only the latest example of the depths to which the cocaine barons will go to protect their illicit operations.

President Virgilio Barco has assured the Colombian people that he will not cave in to the threats of the cartel. As chairman of the House Foreign Affairs Committee's Task Force on International Narcotics Control, I encourage and applaud this decision. The murders and trafficking occur in Colombia, and Colombia must take whatever steps are necessary to purge this cancer. If their response is too little, it may constitute a signal to the cartel that the Government is not willing to fight them.

To further complicate an already difficult situation, the New York Times reported on February 1, that "many influential Colombians" are becoming weary of the war against the drug traffickers. I trust this is hyperbole. Democratic governments cannot endure when the rule of law is undermined by interests that recognize no law except that dispensed from the barrel of a gun. And make no mistake about it, the Medellin cartel sees itself as above every law in Colombia and elsewhere.

The United States remains willing to provide sufficient legitimate assistance to Colombia in our mutual war against the poison of the Medellin cartel. The sooner Colombia realizes that its future is at stake here, the sooner our two countries could work together and defeat the cartel.

For the benefit of my colleagues, I urge them to read the January 27, 1988, editorial of the Miami Herald.

COLOMBIA: "TOTAL WAR"

Who governs Colombia? The Medellin Cartel? Or the democratically elected government headed by President Virgilio Barco?

The question arises anew after the latest casualty in what drug traffickers have branded a "total war." Colombian Attorney General Carlos Mauro Hoyos, one of the nation's toughest officials in that war, was kidnapped and later assassinated on Monday. A group calling itself "the Extraditables" claimed responsibility. The group reportedly was formed by Colombian drug traffickers indicted by the U.S. Government, which seeks their extradition.

Mr. Hoyos had just finished a week in Medellin investigating the release from prison last month of cartel boss Jorge Luis Ochoa. Recently Mr. Hoyos told Colombia's senate that murders of public officials were never solved because, "Fear has us in a state of siege, and the proponents [of killing] have as accomplices the terror-stricken citizens."

Indeed, traffickers practice the worst kind of terrorism. They fight their war with two powerful weapons: ruthless willingness to murder whoever gets in their way, and unlimited money to bribe whoever can serve their evil cause. Their strategic objectives are also two-fold: to continue flooding the United States with their poisonous substance, and to avoid being extradited at all costs. "Better to be in a Colombian grave than an American jail," they say.

In a nationwide television address on Monday night, President Barco said that his government would not "cave in to vile blackmail and infamous threats" from Colombia's cocaine barons. His courageous stance deserves the fullest U.S. support. If a "total war" is required to end the cartel's ruthless threat to Colombian society's very foundations, then Colombia must fight. Its very survival is at stake.

The Reagan Administration should offer to provide whatever assistance—such as helicopters, arms, and other materiel—Mr. Barco's government might need. Most of all, the Colombian government must summon all its resolve and end this anarchic menace no matter what it involves or how long it takes.

INTRODUCTION OF LONG-TERM HEALTH CARE BILL

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DAUB. Mr. Speaker, today, I and my colleague from Massachusetts, BRIAN DONNELLY, are pleased to introduce H.R. 3900, the long-term health care amendments of 1988. Ours is a long overdue bill which addresses the most pressing concern of America's elderly population: Long-term care and nursing home costs.

Through a combination of Government support and private sector stimulation, our initiative provides for Medicare coverage of long-term care expenses and establishes private sector incentives for the purchase of long-term care insurance.

And while our bill extends many new benefits to those eligible for Medicare, it demands no premiums or surcharges from beneficiaries. The program is entirely self-financing.

Further, the tax incentives included in our legislation are directed toward both individuals and employers. As a result, our bill motivates all phases of the private sector to take the initiative and plan for a secure future.

Above all, Mr. Speaker, we have stressed balance and fairness in this legislation: Balance between the Government and the private sector, and fairness to an ever-growing older population. I urge my colleagues to join me and Mr. DONNELLY in sponsoring H.R. 3900, this needed long-term health care bill.

FAREWELL TO A FINE NEWSMAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHAW. Mr. Speaker, I would like to take this opportunity to note the retirement of a member of the Washington press corps whom many of us have known during his years here.

Hal Cessna was the Washington correspondent for Cox Broadcasting for the past 18 years and covered Capitol Hill, the White House and many Government agencies. He did a fine job and was always gracious and thorough no matter how tough his deadline.

Hal was the sole Cox correspondent responsible for regular reports to six major radio stations around the country, including WIOD in Miami, as well as a half-hour television program in three cities. His background on the issues was impressive, his reports were fair and objective, and his interviewing style was always pleasant and personal.

Mr. Speaker, in a world in which representatives of the media are often considered antagonistic, it has been a pleasure to work with Hal Cessna. Hal did his job—news reporting—with a minimum of fanfare and a maximum of competence. Hal has been a reporter since 1946 and his experience showed.

I understand that Hal plans to pursue writing during his retirement and hopes to build a home with his wife, Char, on the eastern shore of Maryland. I wish him the best of success in the years ahead.

A TRIBUTE TO DEREK JAMES WARNER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GEKAS. Mr. Speaker, Sunday, February 7, 1988, will be remembered as a very special day in the life of one young man from my district, Derek James Warner of Harrisburg, PA. Derek Warner, son of Mr. and Mrs. G.N. Warner, has earned Boy Scouts' top honor—the Eagle Award—which he will receive before family, friends, and his Congressman during a ceremony at Mount Laurel Church of God in Harrisburg.

Derek, a member of Boy Scout Troop 368, has displayed exceptional service and leadership in his work with Scouting. I would like to extend my congratulations to Derek and would ask my colleagues in the U.S. Congress to join me in paying tribute to him on this very special occasion.

HST EXAMPLE IS ONE TO FOLLOW ON AID TO CONTRAS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. EMERSON. Mr. Speaker, as we prepare to debate aid to the Contras today, we face a critical test of our commitment toward the future of democracy. I commend to the attention of the House the following piece which appeared on January 28 in the Southeast Missourian, the largest daily newspaper in my district. As the editorial vividly points out, a great many lessons can be learned from the example of a great defender of democracy in another generation, President Harry Truman.

HST EXAMPLE IS ONE TO FOLLOW ON AID TO CONTRAS

(By Peter Kinder)

"Communist domination in this hemisphere can never be negotiated."—President John F. Kennedy, Inaugural address.

Congress will have a decisive vote next week on President Reagan's request to aid the Nicaraguan democratic resistance, the contras. The presidency of the only Missourian ever to occupy the office provides an instructive lesson.

Consider this arresting passage from Harry Truman and the Crisis Presidency, by Bert Cochran, in a chapter relating how the Truman Doctrine containing Communist expansion came into being. A climactic moment in the White House early in 1947 for Truman, his top advisers, and Senate leaders is described:

"The meeting was turning sour. Acheson (Assistant Secretary of State Dean Acheson), the real guiding spirit of the enterprise at State agitatedly asked permission to intervene, and when the President called upon him to speak, he let out all the stops. In the past eighteen months, he declared, Soviet pressure on the Straits, on Iran, and on northern Greece had brought the Balkans to the point where a highly possible Soviet breakthrough might open the continents to Soviet penetration.

" 'Like apples in a barrel infected by one rotten one, the corruption of Greece would affect Iran and all to the east. It would also carry infection to Africa through Asia Minor and Egypt, and to Europe through Italy and France, already threatened by the strongest domestic Communist parties in Western Europe.

" 'The Soviet Union was playing one of the great gambles in history at minimal cost. It did not need to win all the possibilities. Even one or two offered immense gains. We and we alone are in a position to break up the play,' Acheson concluded.

"A long silence followed. No further 'irrelevant' questions were asked. Who would dare? Vandenburg (Michigan Republican and Senate Majority Leader Arthur Vandenburg), greatly impressed, promised his support. . . ."

The hero of the piece, in my view, is a clear-eyed Democratic President from Missouri named Harry S Truman, who acted decisively and with firm resolve at a critical moment in history. He asked for and received from Congress $400 million in economic and military aid for Greece and Turkey to fend off Communist threats. Greece and Turkey later joined the NATO alliance and are free nations today because of Truman's bold response.

In so acting, Truman fulfilled Winston Churchill's characterization of him that he "did more to contain Communism than any man who ever lived."

The man from Independence acted squarely within the grand tradition of the Democratic Party of my grandfathers, the party that fought World War II, invented the doctrine of Containment, and led the West against the Soviet empire.

What a tragedy it is for America that the congressional wing of today's Democratic Party is thoroughly dominated, not by lineal descendants of Harry Truman in this foreign policy sense, but by a bunch of blame-America first, 'San Francisco Democrats' (in Ambassador Jean Kirkpatrick's phrase) who refuse to face the stark reality of what is happending in Central America.

Is that too strong? Consider this characterization of House Speaker Jim Wright's handling of the issue by a moderate commentator, Paul Greenberg, who is Editor of the Pine Bluff (Ark.) Commercial and a nationally syndicated columnist:

"Speaking of the ridiculous, intemperate, and irrational, that's a fair description of the Democratic leadership's policy toward Central America: Ignore the threat from Nicaragua, or rather from the Soviet Union and Cuba via Nicaragua. Undermine aid to the one force eager to curb this threat—the contras. Hogtie the President with constitutionally dubious tactics like the Boland Amendment. And generally pretend that these Stalinistas are a bunch of innocuous agrarian reformers—rather than Communists bent on turning Central America into the next Vietnam."

Missourians can be proud, however, that at least one Democratic Member of Congress from our state takes a Trumanesque leadership position by standing for aid to the contras. He is Ike Skelton, who represents the Sixth District in western Missouri (including Truman's birthplace, Lamar), and who longs for a restoration in the Democratic Party of Truman's vision in national security and foreigh policy.

Eighteen months ago, when Congress narrowly approved $100 million in military and economic aid to the contras, the resolution was introduced in the House by this courageous Missouri Democrat. It passed only because Skelton was joined by 52 members of his party, or 20% of House Democrats, in bucking their party's left wing.

Democrats who think they can prosper in the long run by making Central America safe for the Brezhnev Doctrine should reflect on the Truman example and its living embodiment today, Congressman Ike Skelton.

They might also reflect on the fact that as liberal ideologues have taken over the Democratic Party in the five elections since 1968:

The Democrats have won just one contest for the White House (and that by a hair's breadth over an unelected caretaker), losing three times by historic landslides;

In those five elections, the Democrats, for so long the nation's majority party, have won a puny 21 percent of the electoral votes;

Their two most recent thrashings have been at the hands of a previously unemployed movie actor who won 44 states (1980) and 49 states (1984), and who forty years ago was a labor union president and a proud, Harry Truman Democrat.

Forty years ago this year, Harry Truman kicked the leftists out of his party and, facing challenges from both Strom Thurmond and his "Dixiecrats" on the right and from Henry Wallace on his left, held the great, anti-Communist center in a lonely battle that won him the greatest upset in American political history.

I think we know how the man from Independence would handle this one, were he alive today.

FARMER TAX REFORM LEGISLATION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing a bill for myself and 34 of our colleagues designed to repeal a complex and burdensome accounting requirement for farmers under the Internal Revenue Code.

The Tax Reform Act of 1986 applies the uniform capitalization rules to taxpayers engaged in the trade or business of farming where the preproductive period of the farm product is more than 2 years. As a result, livestock farmers must maintain records on the costs attributable to each animal and cannot deduct those costs until that animal goes into production. While the farmer may elect not to follow these rules and deduct costs as they are incurred, they would then be required to use straight-line depreciation schedules on all farm assets. The administrative benefit the farmer would receive from electing out of the uniform capitalization rules would be more than offset by the financial loss in depreciation schedules.

This provision was originally included in the House version of the Tax Reform Act and was designed to help prevent business investors from farming the Tax Code. But, the passive loss rules which were ultimately included in the Tax Reform Act have effectively eliminated those investors who were not actually engaged in farming. The uniform capitalization rules for preproductive period expenses now only serve as an additional bureaucratic nightmare for farmers. Under this law, a farmer has the virtually impossible task of assigning the specific costs to each animal in his herd.

Our legislation would repeal the preproductive period expense rules and allow farmers who utilize the cash method of accounting to deduct costs as they are incurred. These rules would be repealed retroactively to January 1, 1987, when they originally came into law. This legislation has the support of many farm organizations including the American Farm Bureau, National Milk Producers Federation, National Cattlemen Association, American Horse Council, and the National Grange.

THE $32 BILLION DEFENSE DEPARTMENT SET-ASIDE: IMPLICATIONS FOR MINORITY ENTERPRISE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. VISCLOSKY. Mr. Speaker, on January 28, 1988, I had the honor of participating in a hearing in Chicago, IL, sponsored by Representative Gus Savage entitled "The $32 Billion Defense Department Set-Aside: Implications for Minority Enterprise." Because of the importance of this issue, I would like to share with my colleagues my opening remarks.

Testimony of Representative Peter J. Visclosky on the Section 1207 Minority 5 Percent DOD Set-Aside January 29, 1988

Good morning, Mr. Chairman. I am pleased to be here today as the House Defense Procurement Policy Panel and the speaker's task force on minority enterprise examine the implementation of the section 1207 minority business set-aside. This 5 percent set-aside is the largest one in U.S. History, and offers us an unprecedented opportunity to increase contracting prospects for small disadvantaged businesses. This panel is convened here today not to castigate the Department of Defense for failure to meet the set-aside, but to discover a constructive manner in which to meet this 5 percent goal.

Across the State line in northwest Indiana, we have seen small disadvantaged businesses shoulder a disproportionate burden during the economically devastating times which have swept the Midwest. The recession of the early 1980's exacerbated the problems facing the minority men and women who struggle to be entrepreneurs and small business owners. Mandating a set-aside is one way of ensuring that these business enterprises will receive an equitable share of Federal business opportunities.

In spite of P.L. 99-661's directive, DOD has only negligibly increased the percentage of small disadvantaged businesses receiving contracts. It is clear that further efforts to attract and assist minority businesses with the process must be undertaken. More substantial technical advice, involvement of local, and State Government, and additional mandates and incentives for contracting officers and prime contractors may be advisable. Perhaps the size of the businesses which may qualify for the set-aside should be increased. Finally, it may be necessary to establish rules to ensure that minority participants receive access to the full range of types of projects, from supplying services and goods to technologically advanced activities.

The Department of Defense is responsible for almost 80 percent of all Government purchases. As the title of this conference states, the 5 percent set-aside has the potential to direct $32 billion to minority businesses and the communities in which they are situated. This translates into 250,000 jobs. The legislative intent is clear; the implications for economic development are obvious. Why then has the DOD been unable to reach the 5 percent goal? What steps can be taken to realize the $32 billion set-aside? I hope that the distinguished businesswomen and businessmen who are here today will lend their expertise to the resolution of these questions. We must ensure that the benefits of our system of free enterprise are available to everyone, not just a selected few.

BEWARE OF THE NOISE

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Texas. Mr. Speaker, allow me to read a letter to the editor by M.L. Gilliam that appeared in the San Antonio Light yesterday and was headlined, "Don't worry about that little noise:"

It first became apparent about 3 months ago—the little noise under my car that I didn't want to hear.

"It's not too bad," I thought. "It'll go away." It didn't, but I still didn't want to hear it. It got worse. Finally, I took it to a mechanic.

"It's a filter in your transmission," he said. "Didn't you hear that noise?" I didn't want to hear it. I had just shelled out $300 to a plumber. Daughter's college tuition was coming up again. We were making long-delayed vacation plans.

"I'll be back," I said. A month later, the noise was even worse. I finally drove back to see the mechanic. The filter and the transmission, itself, were in bad shape. The repair estimate: $2,500. "Like I've always said," the mechanic intoned, shaking his head, "you can pay me now or you can pay me later. If you'da brought it in when you first heard that noise, you'da been out of here for a lot less."

Do you hear that little noise down in Central America? What's that, you say? You don't want to hear it? Does anybody remember the little noises coming out of Germany and Japan in the 1930's? We didn't want to hear them, either, did we?

INTRODUCTION OF THRIFT CHARTER ENHANCEMENT ACT

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BARNARD. Mr. Speaker, today, on behalf of Mr. PARRIS and myself, I am pleased to introduce the Thrift Charter Enhancement Act of 1988. This bill is intended to increase the attractiveness of thrift institutions, particularly troubled thrifts, to a wide range of potential investors and thus enhance the value of thrift charters. Its central thrust would be to remove certain onerous features of thrift regulation that are now reducing the desirability of thrift ownership and preventing new acquisitions of failing and healthy thrifts alike. The resulting private investment that could be expected from enactment of the bill would inject much needed capital into the thrift industry and significantly help the FSLIC to find buyers for troubled institutions. The following are some of the reasons such a result is especially important at this time:

The amount of capital raised by last year's Competitive Equality Banking Act is likely to be insufficient to meet FSLIC's needs in dealing with the industry's failures.

The healthy portion of the thrift industry will not be able to bear any additional insurance burden without creating a substantial additional incentive to leave FSLIC.

A bailout of the FSLIC by the U.S. Treasury would be extraordinarily unpopular, if not impossible, politically.

A merger of the FSLIC with the FDIC would be politically unpopular—neither the thrift nor the banking industry supports such an action—and would produce a single fund that might well be insufficient to protect against potential losses of the two industries combined.

The investment of additional private capital would reduce the costs to FSLIC associated with the disposal of failed thrifts, reduce the number of new failures, and sustain the growth necessary to increase FSLIC premium receipts. The Thrift Charter Enhancement Act of 1988 proposes only modest changes in thrift status, but they are designed specifically to attract new investors and to keep current investors interested in thrift ownership. The following are some examples of the bill's provisions.

Debt issuance and affiliate transaction restrictions would be relaxed for thrifts and thrift holding companies so they more closely resemble those governing banks and bank holding companies.

New, or "de novo," institutions, which now have stricter regulatory requirements applied to them than do other institutions, would be granted equal regulatory treatment following 3 years of compliance with the stricter requirements.

Prohibitions against serving on the boards of different financial institutions would be limited to anti-competitive circumstances.

"Net worth maintenance agreements," which now require companies acquiring a thrift to guarantee the thrift's net worth indefinitely, would be limited as to time.

HOW NOT TO RUN THE RAILROADS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LENT. Mr. Speaker, as a proponent of the public stock offering for the sale of Conrail, I would like to call Members' attention to an article in the February 8, 1988, issue of Forbes magazine. Entitled "How not to run a railroad," the article chronicles the Conrail success story and the effective leadership of its chairman, L. Stanley Crane. It also focuses on the need for Congress to take care in its deliberations on proposed amendments to the 1989 Staggers Act. I recommend this article to each and every Member.

HOW NOT TO RUN THE RAILROADS

(By James Cook)

Less than a year after Consolidated Rail Corp. went public in the largest initial public stock offering in U.S. history, its feisty boss, L. Stanley Crane, is worried that Congress is about to legislate Conrail and the rest of the railroad industry back into bankruptcy.

Crane's labor in transforming an amalgam of bankrupt railroads that had been taken over by the federal government into a viable independent property ranks as one of the great managerial triumphs of the postwar era. But now a group of shippers, primarily in the utility and coal industries, complains that they're the helpless captive of the railroad octopus, and are trying to persuade Congress to reregulate the industry. Crane reckons their proposal could cost Conrail $400 million in revenues and wipe out the $270 million or so Conrail earned last year. "You take away $400 million in revenues," he says, "and there's no way I could take $400 million of expenses out of the company unless I abandon a hell of a lot of track out there."

Crane, now 72, is understandably proud of what he has accomplished at Conrail in the nearly eight years since he retired as head of Southern Railway, now Norfolk Southern. From his headquarters in Philadelphia, he not only got the company back on its feet but he made it one of the most efficient and aggressively managed railroads in the U.S. today. Conrail's operating ratio—expenses as a percentage of revenue—went from 106% in 1980 to 87.2% in 1986.

Thus did Conrail move out of the red and solidly into the black, from a 1980 operating loss of $188 million to a 1986 operating profit of $403 million—$359 million if you eliminate various temporary employee benefit and tax concessions. Conrail did so despite a $224 million drop in revenues, to $3.1 billion. In the process, Conrail's share of the eastern railroad freight market gradually expanded.

Special dispensations from most of the parties involved were crucial to Conrail's turnaround—$3.28 billion in government money, state and federal tax concessions, authority to cease passenger operations, scrap 9,300 miles of track and let go 35,000 freight employees. Most important of all, Crane wrung major wage concessions from the labor unions, all of which ended as Conrail prepared to go public.

With those things going for it, what made Conrail so imposing a player in the current transportation game was the Staggers Act of 1980. Staggers effectively deregulated railroad pricing for the first time since the turn of the century. The act was the government's long overdue recognition that the railroads' once-vaunted transportation monopoly was no more. Costs and competition would henceforward determine the industry's price structure. The impact of that act turned the industry upside down.

For one thing, the Staggers Act permitted a railroad to cancel the joint rates it had with connecting railroads if it couldn't make money on them. That's a matter of no small importance, considering that half of a railroad's business may be interchanged with somebody else's.

In the old days, as Crane explains, if you carried a shipment half the total distance, you got half the revenues—no matter whether you incurred half the costs. Conrail and its predecessors had complained for decades that, with its high terminal costs, it got the short end of the stick in dividing the revenues with other railroads. Staggers enabled Conrail to cancel joint rates right and left and reprice its service to cover costs. As former head of Southern, one of the offending connections, Crane knew where all the bodies were buried. "It wasn't rates that mattered, it was the divisions," Crane chortles. "That's where the money came from."

Regulations had also forced the railroads to equalize rates over all available routes between the same points regardless of cost. Staggers put an end to that as well. Conrail began setting its rates to reflect the cost of handling the business. If that meant some of its rates seemed prohibitively high, why, better not to carry something at all than to carry it at a loss.

Equally important, the railroads were for the first time free to offer contract rates, which now cover roughly 40% of Conrail's total traffic. Such rates were generally lower than regular rates, and they went to shippers who could guarantee certain volumes of traffic under certain conditions. This enabled both shippers and the railroads to plan—to spend money on things like equipment and terminals because the revenues to justify them were assured.

In going after the now booming stack-train business, for instance, Conrail could offer shippers like American President Cos. fixed rates for the service under long-term contracts. This, in turn, enabled American President to buy its own equipment for the double-stack service and Conrail to spend the money to increase railroad tunnel clearance to accommodate the double-stack cars.

Because contract rates are confidential, the railroads could also offer one rate to one customer and a different rate to another. "Such secrecy has allowed us to offer an individual shipper something we could never offer if we had to make it available everywhere." Here's an example of this new freedom in action.

One midwestern utility threatened that if Conrail didn't cut rates to one of its power plants, the utility would use the plant for peaking rather than for base load purposes. Such a move would have cut its coal needs sharply, but now Conrail had room to maneuver. Sooner than lose the traffic, Conrail cut its rates sharply in November—"more than I like to admit," Crane concedes—enabling it to keep the business.

For Conrail and the industry, deregulation hasn't meant an opportunity to raise rates at the customers' expense. Quite the contrary. Truck competition has been so fierce that on a 9.4% drop in revenue ton miles between 1981 and 1986, Conrail's total revenues dropped a disproportionate 11.6%. But Conrail's costs per revenue ton mile fell even faster, so that the traffic Conrail did carry was increasingly profitable. Without the ability to tailor prices and service and so undercut the competition, Crane says, the industry would never have survived the 1982 recession.

Deregulation, then, played a critical role in reestablishing Conrail's (and the industry's) competitiveness, enabling Conrail to emerge from government ownership last spring. The market quickly recognized what Crane had accomplished. Offered initially at 28, Conrail shares rose to a high of 40⅞ before settling back after the October crash to around 29.

But now Congress threatens to undo all Crane has accomplished. Last fall a House subcommittee reported out a bill, the Consumer Rail Equity Act (HR 1393), that would effectively repeal Staggers. How? Let us count the ways. It would:

Force the railroads to establish joint rates;

Grant access to terminals and reciprocal switching arrangements at the request of any shipper or competing railroad;

Shift the burden of proof for the reasonableness of rates from the shipper to the railroads;

Pass through to shippers the cost savings resulting from improvements.

In short, HR 1393 would remove the very marketing tools that have been so effective in putting the industry back on its feet. "If you do away with Staggers, trucks will take all the business," Crane says. "There won't be revenues to support the railroads, and the industry will go bankrupt—not over the short term but the long term—and that's no exaggeration."

Does Crane seriously believe reregulation is a possibility? He does, and he's been stumping the country for months now trying to alert everyone involved to the danger.

Apocalypse aside, Crane sees plenty of reason for optimism. Last year, he says, turned out to be much better than anybody hoped. And he hopes to do about as well in 1988, especially since he's expected to retire at yearend. True, the auto and coal industries look softer than last year, but traffic otherwise looks promising, and truck competition seems likely to moderate a bit.

Conrail's a pure transportation operation, without any diversification at all, and its broadly balanced traffic base is rooted in the Northeast's traditional manufacturing economy. "The rust belt is coming back," Crane says. "No question about it. The steel industry has come back. USX is even reactivating their foreign sales organization, and they're going to start to export steel again. If we price ourselves properly and they don't reregulate us, we ought to be able to get our share of the business."

JUSTICE FOR MERCHANT SEAMEN

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. FIELDS. Mr. Speaker, I am pleased to submit for the RECORD today an outstanding editorial written by the highly distinguished columnist Mr. James J. Kilpatrick.

In his editorial, Mr. Kilpatrick applauds the recent decision of the Secretary of the Air Force to grant veterans status to our merchant mariners who served this Nation so courageously during World War II.

As someone who has long championed the cause of these forgotten men and who has cosponsored legislation to grant them veterans status, I an extremely pleased by this decision. In fact, my only regret is that it took more than 40 years to recognize the invaluable contributions of these brave Americans. Regrettably, because of this delay, many thousands of merchant mariners who served this nation with such distinction during World War II are no longer alive to receive the benefits and recognition they have so long deserved.

Mr. Speaker, these merchant mariners are the forgotten patriots of World War II and this Nation still owes them a great debt of gratitude. I am glad that even at this late hour our Government has finally made the right decision in granting them veterans status.

In addition, to the editorial by Mr. Kilpatrick, I am also submitting for the RECORD some of my previous remarks on this most important issue. I urge my colleagues to review this material and to join with me in complimenting the man who was instrumental in making this decision by the Secretary of the Air Force a reality—U.S. District Judge Louis F. Oberdorfer.

The text of these articles follows:

JUSTICE FOR MERCHANT SEAMEN

(By James J. Kilpatrick)

More than 40 years after the end of World War II, the merchant seamen who served so bravely in that conflict finally are to get the recognition that injustice so long has denied them. At last they are to be counted as veterans.

The decision has been a long time coming, but two weeks ago the Defense Department caved in. It will not appeal an order from U.S. District Judge Louis Oberdorfer granting surviving seamen the same rights and privileges that have been extended to other wartime civilian groups.

The court's order will have only limited effect, however. More than 250,000 merchant seamen served their country. It is thought that perhaps 70,000 to 80,000 of them are still alive, but they are beyond the age for such GI benefits as college tuition. A government witness conceded that the benefits now available to them will be mostly symbolic, "really minimal." Most of them will get "only a flag and a headstone" in a military cemetery.

The merchant seamen wrote a valiant chapter in the history of warfare at sea. More than a year before Pearl Harbor, the Coast Guard began training merchant seamen in gunnery and other military subjects. In October 1941, President Roosevelt lifted the ban on arming merchant ships: they would be sailing "on missions connected with the defense of the United States."

With the outbreak of war, merchant seamen received additional military training. Shipping articles were changed so that seamen could be ordered "to such ports and places in any part of the world as may be ordered by the U.S. government." A War Shipping Administration took over the merchant ships for service consistent with "strategic military requirements."

The merchantmen then set about the dangerous business of transporting Army and Navy cargoes. The great majority of 7 million soldiers went overseas on merchant ships. "With this support," said Adm. William King, "the Navy could not have accomplished its mission."

For all practical purposes, the merchant steamers were under the Navy's control. Military authorities assigned their places in convoys, regulated shore leave for seamen and supervised discipline for misconduct. A seaman who attempted to resign was subject to court-martial.

Tantamount to military service, theirs was a harsh service indeed. In the first three months of the war, German U-boats sank 145 merchant ships in American coastal waters, killing 600 seamen. Over the entire war, Judge Oberdorfer noted, 5,662 merchant seamen lost their lives or were declared missing in action. More than 600 seamen became prisoners of war.

Other civilian groups also served in the war effort. Not until 1977 did Congress move tangibly to recognize their service. Sen. Barry Goldwater added an amendment to the GI Improvement Act making benefits available to the WASPs (Women's Air Forces Service Pilots), and it was expanded to include other groups that had received military training and were susceptible to assignment for duty in combat zones.

Veterans' benefits were extended to 14 groups, including female telephone operators in Europe, engineer field clerks, female stenographers with the American Expeditionary Force and "reconstruction aides and dietitians." The merchant seamen were repeatedly turned down, largely because of the dog-in-the-manger opposition of the regular Navy and such organizations as the American Legion. They complained that the civilian merchant seamen were paid better than enlisted sailors. In fact, as Judge Oberdorfer noted, studies found that their total remuneration "was approximately comparable."

President Roosevelt linked "the beleaguered men of the merchant marine" with our soldiers, sailors and pilots. They carried out "a vital part in this global war." So they did, and if it should cost the taxpayers a few million dollars for their medical care, gravestones and flags, the money will be well spent.

MERCHANT MARINE SEAMEN DESERVE VETERANS BENEFITS

(By Congressman Jack Fields)

It's been more than 40 years since World War II ended. But some men who served in that war—men who helped free Europe, liberate the Philippines and defend the liberties which we Americans hold dear—still have not received the honors, benefits or rights they deserve. They are the merchant seamen who transported troops and war material from point to point during World War II. Regrettably, these brave men have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades, no celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers, to keeping Europe free, and to preserving the freedoms and liberties we Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by the men and women who served America in uniform.

Legislation now has been proposed in Congress (H.R. 4709) which would grant veterans status to the merchant seamen of World War II. As an original cosponsor of this much-needed legislation, I hope the House Veterans Affairs Committee, the House Merchant Marine and Fisheries Committee and the full House will act favorably on this important proposal this year.

Indeed, the men who served in America's merchant marine during World War II have every reason to feel neglected by the country they helped defend.

We know that 168,000 merchant seamen helped to deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. General Douglas MacArthur said that "the merchant seamen participating in the liberation of the Philippines shared the heaviest enemy fire. They . . . contributed tremendously to our success." The price they paid to keep us free was heavy: 569 U.S. merchant ships were destroyed; 6,632 seamen were killed; and 609 merchant mariners were taken as prisoners of war.

Indeed, the casualty rate for merchant seamen was second only to that of the U.S. Marine Corps during World War II.

In recognition of their efforts, President Roosevelt noted that they were men who "returned to their jobs at sea again and again, because they realized that the lifelines to our battlefronts would be broken if they did not carry out their vital part in this global war." But despite President Eisenhower's stated hope that America's merchant mariners' efforts in the war would long be remembered, the contributions made to winning the war by these brave men was all too readily forgotten.

Whether by bureaucratic incompetence or petty jealousy, our government's treatment of these brave merchant mariners has been regrettable. While the Department of Defense's Civilian Military Service Review Board made a small step in the right direction by granting veterans status to a group of merchant seamen who participated in the Normandy Invasion of 1944 (Operation Mulberry), the Board failed to adequately justify why two other groups of merchant seamen were not entitled to receive veterans status.

The Review Board arbitrarily chose to ignore two critical factors in their cases:

First, the Director of the Selective Service, General Lewis Hershey, instructed all draft boards throughout the country that "Service in the merchant marine . . . is so closely allied to service in the armed forces that men found by the local board to be actively engaged at sea may well be considered as engaged in active defense of the country. Such service may properly be considered as tantamount to military service."

And second, all merchant marine ships were painted wartime gray and all identifying marks were removed. In short, there was simply no way to distinguish between a merchant ship and an armed naval vessel. Because the merchant ships operated under military control, they were considered by the enemy to be military targets. The civilians on board, therefore, lost their immunity from deliberate and direct attack.

I believe that the men of the oceangoing U.S. mechant marine of World War II earned the veterans status and veterans benefits which the Congress only now is considering granting them. The elimination of this injustice will not be complete until all the merchant seamen of World War II, not just those who participated in Operation Mulberry, receive veterans status.

We must end the distinction of being the only nation in the world that does not recognize its merchant marine on an equal basis with its military service personnel during time of war. It is time that we finally enacted legislation, first proposed by President Roosevelt, to extend veterans benefits to these highly deserving an incredibly patient merchant mariners. Even at this late hour, we can and we must right this wrong which has existed for too long.

Gene DeFries, president of the Marine Engineers Beneficial Association recently addressed the need to accord veteran status to the merchant seamen of World War II. In his National Maritime Day speech, Mr. DeFries noted that "these merchant seamen are men who passed the test, a greater test than most have ever been called upon to face. These are men who went to sea. They are not arm-chair warriors. They are not "Rambo's" who have never seen the face of war. These are men of true courage. These are men who deserve our thanks, deserve our support and above all, deserve our honor."

They also are men who deserve veterans status and veterans benefits. I intend to continue to work to ensure that that goal becomes a reality as soon as possible.

MEESE OUGHT TO QUIT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. FORD of Tennessee. Mr. Speaker, I rose on December 17, 1987, to speak about the responsibility of Edwin Meese to resign from his position as Attorney General. I rise again today to share with my colleagues an editorial which appeared in the largest daily newspaper in the Memphis area, The Commercial Appeal, on December 26, 1987. This editorial, merely one among many that have called for Meese to resign, asks the question, "What will it take for Attorney Edwin Meese to resign and stop embarrassing his President and his country?" As his web of dishonesty and improper conduct further entangles him, it remains a cogent question.

The article follows:

[From The Commercial Appeal, Dec. 26, 1987]

MEESE OUGHT TO QUIT

What will it take for Attorney General Edwin Meese to resign and stop embarrassing his President and his country?

He has been under various clouds since he was nominated to be the nation's top legal officer. He has been investigated by two special prosecutors, with the latest probe still in progress.

The other day, two of Meese's friends and associates were indicted in the burgeoning scandal involving the Wedtech Corp., a New York defense contractor. The pair—E. Robert Wallach and W. Franklyn Chinn—were accused, along with a third man, of extracting payoffs from Wedtech for influencing Meese and other federal officials.

Special prosecutor James McKay said there was "insufficient evidence as of this date" to charge Meese with criminal involvement in the Wedtech case. But he said he will continue to investigate the attorney general in connection with Wedtech and other unspecified matters. Meese has acknowledged interceding for Wedtech in 1982, when he was still a White House conselor and the company was trying to win an Army contract.

Recently some apparent irregularities were disclosed in a blind trust established by Meese. The trust has earned him considerable money. According to his financial disclosure forms, the trust's investment manager—Chinn—had bought and sold stock worth far more than the $55,000 Meese had in trust accounts. Meese said he didn't know where the extra funds came from, and Chinn had declined to shed any light on the matter because of his Wedtech legal problems.

Meese was severely criticized last month by the Senate-House committee that investigated the Iran-contra affair. Its majority report accused him of being less than diligent in pursuing the matter in its initial phases and of giving President Reagan bad advice about how to respond to it. The panel said the President was "poorly served" by the attorney general.

Meese also has been criticized for giving Reagan poor advice on the nomination of Douglas Ginsburg to the Supreme Court. Ginsburg withdrew his name after it was revealed that he had used marijuana while a law professor.

The Wedtech probe and trials will drag on for months, and Meese's name no doubt will be associated with it at every step. The Reagan administration hardly needs such publicity during its last year. Meese ought to do the right thing and bow out.

A SUCCESSFUL FORUM ON DRUG ABUSE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HASTERT. Mr. Speaker, last week, I invited two students from each junior high and senior high school in my district to join me for a Youth Forum on Drugs.

More than 250 students attended the event and we had a very productive discussion of why there is a drug and alcohol abuse problem among our teenagers and heard some very valuable recommendations on what we, as adults, can take to find solutions.

I was fortunate to have my colleague, Congressman FRED GRANDY, of Iowa, join me in moderating this debate. I also assembled a panel of experts from my district who joined in our discussions.

Shortly after taking office last year, I established a special task force on drug and alcohol abuse to advise me on steps we could take in Washington and Illinois to deal with this pervasive problem. One of their first projects was to compile a directory of social agencies and other groups who can assist in dealing with these problems. The second project was to sponsor this forum.

Centel Cable Television, which serves a large portion of my district, taped the event and will show it on their system. In addition, copies of the tape will be available to schools and social service agencies to use in their drug programs.

One of the surprises of this event, I'll admit, is the willingness of our young people to talk about this problem and to offer solutions. I am considering making this forum an annual event and I would highly recommend it to my colleagues.

Mr. Speaker I would like to share with you the news report of the forum from the Naperville Sun. It captures well the focus of the event:

[From the Naperville Sun, Jan. 27, 1988]

A SUCCESSFUL FORUM ON DRUG ABUSE

(By Pat Raab)

Teenagers had a lot to say Monday about drug and alcohol abuse among their peers.

They talked about the effect of television progams that seem to glamorize drinking.

They asked why funding had been cut for such successful programs as In-Touch.

And questioned the mixed messages adults give on drinking and drugs.

They also told adults that the "push, push and cure you" approach to treating drug and alcohol abuse isn't successful because it doesn't deal with the reasons why kids turn to alcohol and drugs in the first place.

The more than 250 high school and middle school representatives who attended the Congressional Forum on Drugs and Alcohol Abuse, represented 54 schools in the 14th Congressional District. The forum was sponsored by Congressman Dennis Hastert (R-14). Assisting him was Congressman Fred Grandy of Iowa. Both serve on the House Select Committee on Children, Youth and Families.

The forum was held at the Illinois Math and Science Academy in Aurora.

Grandy, who played Gopher on the popular television series Love Boat, said he had a personal interest in drug abuse programs. Recalling his friend Lauren Tewes, who played Julie, the cruise director on the show, Grandy said, "she lost everything," because of her cocaine addiction.

Grandy urged the students to reach out and help each other get off drugs. "Without friends, you don't get anywhere," he said, "and you don't get off drugs. I wish I'd done that earlier to a friend," he said.

Besides Grandy, students also heard from a panel that included a district attorney, police department youth aid officer, a student leader, parent group leader, addiction counselor and a professional soccer player.

Hastert said government could make it tough on drug suppliers, but as long as there is still a demand, the problem won't go away.

"How big is the problem?" he asked.

Citing national statistics that drug use is on the decline, he also cited reports that showed alcohol use continues to be the drug of choice for students.

Bill Johnson, an addiction counselor in LaSalle County, said solving the problem of alcohol abuse means you have to admit alcohol is a problem.

Anne Meyer, president-elect of the National Federation of Parents for a Drug Free Youth, said marijuana use has apparently leveled off; cocaine use is down, but alcohol use is increasing, starting at even younger age levels.

Johnson said alcohol is an across-the-board problem with abusers. Most started with alcohol, he said, and although they may turn to other drugs, they usually continue to use alcohol.

Dave Hilderbrand of the Naparville Police Department Youth Bureau said teens "long to belong." He challenged the students to turn to their friends and classmates to "give them guidance. It will make a difference," he promised.

Juan Thomas, an Aurora West High School senior and president of the Illinois Assn. of Student Councils, added a teenager's perspective to the panel. He said a lot of his classmates probably would not be into drugs if they were involved in something.

Thomas said he was headed for trouble in elementary and middle school. But when he got to high school, someone asked him to run for Student Council. That involvement "gets me high, but won't get me killed," he said frankly.

"Every kid wants to belong to something," he said. If they find something to challenge their talents, they usually won't get sidetracked into drugs, he said. Those who choose drugs just haven't found a niche, he said. "It's that type of loneliness and insecurity that makes them go use drugs," he said.

Teddy Kraft, who was born in Poland and is now a West German citizen, is a forward/midfielder with the Chicago Sting professional soccer team. An active member of STOP, Sports Teams Organized for the Prevention of Drug Abuse, he said he couldn't get anywhere professionally if he used drugs.

But it was the 250 students in the audience who had the loudest messages.

One student, from LaSalle-Peru, wondered why some parents supply alcohol for their children's parties.

In response, Mrs. Meyer challenged the students to turn the tables and organize programs to educate parents on alcohol and drug abuse.

A DeKalb County student athlete observed that substance abuse among professional athletes was "disturbing" to young athletes, but, he added, "there are always Walter Paytons to look up to."

A student from LaSalle-Peru, complained that funding for the In-Touch program had been cut.

Problems often become crazes, Grandy said, When people move on to the next craze, the funding often moves too. He told the students they were not too young to lobby for programs they considered important.

A student from Dundee asked how anti-alcohol and drug programs could be effective when drinking is portrayed on national television as glamorous.

Mrs. Meyer recalled that cigarette advertisers had been challenged to present one health ad for every five cigarette ads aired. Cigarette ads were not banned from TV, she said, but within 30 days for the five-for-one rule, cigarette advertisers dropped their ads.

"We can do the same thing with alcohol, and I think we should," she said.

Juan Thomas said students needed to recognize that TV programs are not real life. "We have to be able to watch TV and know that they's not the way it is,"he said.

Those messages can be countered at the local level, Grandy said. Short of regulating all programming which would tread on freedom of speech, Grandy suggested that local programs could counter those less desirable messages.

"Counter a message with a better message," he said.

An East Aurora student was worried about the "slap their hands and let them go," approach in the courts that gives kids the idea they can do what they want and they'll get off.

She also said students don't want to go for help because "people want to push, push and cure you right now. But it still doesn't stop the reasons why kids started" abusing drugs in the first place, she observed.

An Addison High School student questioned the contracts student athletes sign promising not to use drugs or alcohol. Athletes ignore those contracts, she said, but the school doesn't invoke the penalties.

Juan Thomas recalled a downstate Illinois school where the varsity team was suspended for drinking and the sophomores played the next game. That changed a lot of minds in a hurry, he said. They decided they'd better "cool it," and they did, he said.

"We need tougher enforcement by school administrators," Thomas said.

Mrs. Meyer suggested that students who are concerned about possible double standard for athletes should voice their concerns to school administrators and the athletic director. "It can be done," she said about getting tougher adherence to school rules. "It takes a lot of courage (to go to the principal)" she said, "and don't go alone."

A Marmion Military Academy student said kids put too much pressure on themselves to succeed. When they fall short, they tend to blame adults. Then, in rebellion, they turn to drugs and alcohol, he said.

When adults are critical of kids, it makes them want to get back at adults.

Kids need to have goals and ambitions, he said.

Being involved, winning a game, acting in a play are all "natural highs," Grandy and others said. But the higher you push yourself, the greater the fall, cautioned Grandy. Playing a good game and giving a good performance should be enough, he said.

Let a natural high of achievement be enough, Grandy said.

And, "don't underestimate your ability to lead," he told the students.

A TRIBUTE TO SALA BURTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Ms. PELOSI. Mr. Speaker, it was just a year ago this week that we lost our dear friend, former Congresswoman Sala Burton.

Sala's interest in politics was born out of her early years in Poland and I heard her say many times, "I saw and felt what was happening in Western Europe when the Nazis were moving in. You learn that politics is everybody's business." No one understood that more clearly or felt that more strongly than our friend Sala.

After Phillip's death, Sala continued the Burton legacy in Congress and, as many of you will recall, she was very persuasive and effective in this role. It was a bittersweet experience for me to join you following Sala's death and on the occasion of my swearing in, I stated that I would change the circumstances under which I came to Congress if I could. I wish Phillip were here; I wish Sala were here. But they are not and it is my duty to the people of the Fifth District of California to continue their history of excellence, commitment and of making government work for people.

Phil and Sala Burton may have differed in style, but their political beliefs were uniquely wedded in a tradition of caring for people and understanding human concerns outside their own set of experiences. They were a magnificent team.

We will never forget that Sala once graced these Halls and that she added something very special to our lives.

THE 1988 AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 3, 1988, into the CONGRESSIONAL RECORD:

THE 1988 AGENDA

In his State of the Union address last Monday, President Reagan set out his agenda for his final year in the White House. There is always a thrill to a State of the Union address. It is impressive to see the President, the Vice President, Supreme Court justices, members of the Senate and the House, the President's cabinet, the military leadership of the nation, and the diplomatic corps all assembled in a single room. The news media and other spectators fill the galleries to standing room only. The entire atmosphere is charged, even though State of the Union addresses are largely predictable.

The central message of the President's address was that his domestic agenda is largely completed. His ability to control the domestic agenda has diminished as the nation turns toward a presidential election. He still has considerable power in blocking those things he does not want the Congress to pass, such as a protectionist trade bill or an increase in the minimum wage. He retains enormous influence in foreign affairs, and the things he emphasized in his State of the Union address—ratification of the Intermediate-range Nuclear Forces (INF) Treaty and support of the Contras in Nicaragua—involve foreign affairs.

There was little in his State of the Union address to suggest that the President will be pushing hard on defense, tax, or other items on the domestic agenda. The speech did not contain any new domestic initiatives or surprises. The President recited a familiar list of bills he wanted: the line-item veto, the balanced budget amendment, school prayer, and a ban on abortions. There was no sense of urgency or challenge in the President's presentation, and I do not think he dispelled the general impression in the Congress that he is largely marking time in his final year.

President Reagan correctly criticized the Congress for its reliance on omnibus bills—lumping together most of the government's fiscal agenda into a few massive catchall bills. This was a procedure developed by David Stockman and the President early in his administration to get controversial items passed by putting them into enormous "must-pass" bills. My sense is that the Congress will make a serious effort this year to pass the major appropriations bills individually, aided by last year's budget summit which settled many disputes in advance.

Administration officials readily admit that most of the opportunities for the President this year are in foreign policy, where his powers are broad. Members of Congress have also noted that the White House is emphasizing foreign affairs in the President's own schedule. The President is scheduled to make at least four foreign trips by the middle of this year, to Mexico, Belgium, Canada, and the Soviet Union.

The major issues before the Congress this year may not include several of those mentioned in the President's State of the Union address, but rather legislation already in the pipeline. The looming federal budget deficit—some $46 billion over the $136 billion Gramm-Rudman deficit target—will color all of the Congress' efforts this year. Major items on the agenda include:

Health.—The question of cost containment and effectiveness will be especially noticeable in health care issues. The Congress will consider long-term and nursing home care as well as the problem of financing health care for those inadequately protected. It will try to complete action on an expansion of Medicare to provide catastrophic health insurance. At the same time, the Congress will have to enact further cost containment measures to restrain federal outlays for Medicare and Medicaid.

Defense.—Defense policy will also be guided by deficit reduction guidelines, with the Congress and the President agreeing to a fiscal year 1989 defense spending limit of $299.5 billion. For the fourth straight year, this would keep defense spending increases below the inflation rate. Funding for the President's Strategic Defense Initiative will be a prominent concern, as will be efforts to guide the Pentagon's adjustment to new fiscal realities. The Congress is also likely to continue efforts to strengthen defense readiness and conventional forces.

Welfare.—Last year's major push to reform the welfare system was not completed in the first session. Welfare reform has concentrated on requiring work, training, and education programs to get families off welfare and into jobs. The Senate may consider a more moderate version of the $5 billion, five-year plan passed by the House.

Trade.—The prospects for controversial trade and competitiveness bills passed by the House and the Senate are unclear at present. A slight easing of the trade deficit in recent months, due to the plummeting of the dollar in international markets, may reduce pressure to legislate changes. The Congress may still act to force foreign countries to end unfair trade practices against US products. Congressional ratification of the US-Canadian Free Trade Agreement is expected.

Environment.—Efforts to strengthen the Clean Air Act will continue in 1988. At issue are what to do about the nearly 100 areas which fail to meet the August 1988 air pollution deadline and how to address the problem of acid rain control. Other environmental issues include groundwater protection and municipal waste disposal.

Foreign policy.—A critical vote on continued aid for the Nicaraguan Contras will occur in early February. Close evaluation of progress in the Central American peace process will be of equal concern to congressional observers. Perhaps the key foreign policy question will be how to respond to the new Soviet initiatives and arms control proposals. Senate ratification of the INF Treaty is expected. With little action by the President to spur the peace process in the Middle East, the Congress will assess the mounting tensions and hostilities in the region.

It is always hard to predict what the Congress will accomplish during the year, but my guess is that 1988 will be largely devoted to completing unfinished legislation from last year. The Congress this session will again be dominated by the tough question of how to pay for what it wants to do.

DOUG WILLIAMS' TRIUMPH

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. CLAY. Mr. Speaker, this past week, the political issues which ordinarily dominate the news in and about Washington were overshadowed by the excitement surrounding the Washington Redskins. The Redskins Super Bowl victory created a rare spirit of Washington nationalism among a citizenry more customarily divided by hometown allegiance.

But as all the temporary, transplanted and native Washingtonians join to celebrate the Redskins victory, I remind all football fans to take time out to acknowledge the special contribution of Doug Williams, the first black quarterback to play in a Super Bowl contest.

Black American athletes have fought a long, uphill struggle to participate in professional sports. Williams' triumphant performance at the 1988 Super Bowl is an important achievement in sports history, and will be recorded as another turning point in the history of professional black athletes. In this spirit, I am happy to share an outstanding article from the Washington Post, February 2, 1988, in which Juan Williams highlights the struggles and the achievements of black athletes on football fields across our Nation.

DOUG WILLIAMS' TRIUMPH

(By Juan Williams)

Doug Williams' Super Bowl performance goes in the record book under his name alone. But when he played hurt, when he proved himself a leader after his team was down by 10 points and when he threw for four touchdowns, Doug Williams was also playing and proving something for generations of black American men who dreamed and tried, but were denied the chance to play quarterback in the NFL.

We should be clear about this; being black did not get Williams to the Super Bowl. It did not give him the ability or the smarts to bring a championship to Washington. And it was not comfort to him during the ups and downs of his career and even this soap opera of a football season. In that sense, Williams' blackness has nothing to do with his success and the Redskins' magnificent victory.

But being black has been enough to keep players away from the quarterback position for most of pro football's history. Blacks could play linebacker, defensive back or running back—but not quarterback. They could go to Canada to play quarterback. They could quit in frustration if they insisted on being a quarterback and heard that they really weren't very good, which is what some sportswriters were saying about Doug Williams until Sunday's performance.

That's why Williams' triumph goes beyond Doug Williams and beyond the Redskins' burgundy and gold. His victory is not in being the first black football player. It did not come from his being the first black quarterback or the first black to be a good quarterback. Other black men used up their careers and dreams knocking down those walls—they were Doug Williams' lead blockers. And when Doug Williams played in the Super Bowl they played with him.

They include such men as the aptly named Willie Thrower, who was signed by the Chicago Bears 35 years ago as the first black quarterback. He threw only eight passes before having his contract canceled, and he went to the Canadian leagues to play. And there was also Marlin Briscoe. In his rookie season, 1968, Briscoe was the starting quarterback, ironically, for the Denver Broncos. He had a good year—14 touchdown passes in 11 games. But he was inexplicably waived off the team. He then signed with the Buffalo Bills, for whom he was not allowed to play quarterback but did become an all-pro receiver.

Also in the backfield with Doug Williams was Eddie Robinson, the legendary football coach, who once trained a black player specifically for the NFL's drop-back quarterback style. Robinson wanted to force the league's general managers to draft a black quarterback and *play* him at quarterback. But when draft day came several general managers asked Robinson and the player, James Harris, if he would agree to play another position. Harris said no. As a result, a man with four years of experience as a quarterback in the NFL's system was not drafted until the eighth round; he was so despondent that Coach Robinson had to persuade him to report to the Buffalo Bills.

Harris had some success as he played sporadically with three teams over 12 years. His achievement was staying in the big leagues as a quarterback. He persevered in a segregated system: only nine black players have thrown 25 or more passes in the NFL since the mid-'60s, and one of them is a running back—Walter Payton.

Against that backdrop of history, Doug Williams' victory Sunday is like the winning play on a 99-yard drive put together by many people—most of whom are nowhere near the field when the points finally go up on the scoreboard. Doug Williams provided that winning play by routing out the Broncos and also routing the last of the lies and blasphemies that gave support to the belief that black quarterbacks can't win in the big time. He won the biggest of the big games.

His performance is the ultimate answer to a Tampa Bay team that currently pays a rookie quarterback several million dollars to sit on the bench and learn how to be an NFL leader. Only a few years back, Tampa gave a black rookie quarterback named Doug Williams a small contract and insisted that he prove immediately that he could play in the NFL. Breaking through these negative assumptions about blacks—that they aren't smart enough to quarterback or can't inspire other players and must prove themselves at once—is all part of Williams' Super Bowl victory.

At some level, maybe not a conscious level, white owners and coaches for decades did not want black players to have the leading role on the great American stage called the football field. Football is an enormous part of American culture and arguably the main cultural sanctuary of American males. The quarterback is *the* glamorous figure in that culture—he is the field general and every cheerleader's dream date. Coaches have found quarterback-leadership potential in wild guys such as Billy Kilmer and even not-so-smart guys such as Terry Bradshaw. But somehow they never found that leadership potential in black players.

Joe Gibbs—to his credit—had no trouble seeing Doug Williams as a leader and a talent. Gibbs' trust in Williams for the big game is radical and new. It flies in the face of all the backroom stereotypes about blacks not being brainy enough or tough enough to quarterback the big games. Gibbs ignored such talk.

That is where Gibbs and Williams have created a modern race-relations breakthrough by going where football and another male culture—American corporate life—have never been before. Gibbs entrusted Williams with the company's greatest aspiration—to win the Super Bowl—despite all the years of negative stereotypes about any black who sought to lead his team. Doug Williams went into the game as a black player who is no role player and no token player. He is simply the best quarterback the Redskins have, and they gave him the chance to lead, which he did with class. And he won.

That's why his victory is a breakthrough—a dream come true for so many more than Redskins' fans.

TRIBUTE TO MARVIN BARRISH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Marvin Barrish, a resident of Northeast Philadelphia known as the dancing newsboy.

Though Marvin Barrish has been confined to a wheelchair since 1980, he continues to dance to inspire the handicapped and raise funds for charitable organizations.

Marvin was known as one of the best dancers of the 1950's. His dancing career began at age 3 when he would dance at his mother's newsstand at 19th and Walnut Streets in Philadelphia. It progressed through appearances at the Steel Pier in Atlantic City, on local television shows and even in the movie "Rocky II." When he lost the use of his legs, it looked like Marvin's dancing career was over.

Now, however, Marvin is again a celebrity as a dancer. He has done his wheelchair dance at the Spectrum at halftime of a Villanova basketball game and at the Special Olympics at Franklin Field and J.F.K. Stadium. Marvin has helped raise funds for the Variety Club, Children's Hospital, Shriner's Hospital, Spina Bifida Foundation, the Vietnam Memorial Fund and many other worthy causes.

Marvin Barrish has been commended by the Philadelphia City Council, the Pennsylvania State House and Senate. I join those who have already honored Marvin, and I pay tribute to his courage, effort, and inspiration.

SALUTE TO INTERNATIONAL UNDERSTANDING

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. COLEMAN of Texas. Mr. Speaker, Fort Bliss, TX, is the home of the air defense training school for the Air Force of the Federal Republic of Germany. Col. Karl E. Wallrath, commandant of the German Air Force Air Defense School, will return soon to Germany after 4 years at this command. I would like my colleagues to join me in recognizing his outstanding service to his country to promote friendship with the city of El Paso and the people of the United States.

Colonel Wallrath has held various posts in the United States as an officer of the German Armed Forces beginning in 1959. Approximately 9 years of his military career has been spent at Fort Bliss. He is the recipient of the U.S. Army Commendation Medal, the German Armed Forces Commendation Cross, and the German Sports Medal.

As commandant, Colonel Wallrath has served as a liaison to Fort Bliss and the city of El Paso. He has hosted numerous Government officials and business leaders through exchange programs between our two countries. He was instrumental in organizing a host family program for German officers stationed in El Paso, and promoted many German cultural events that contributed to the international flavor of El Paso. He was active in numerous civic organizations in El Paso.

Colonel Wallrath is married to Anna-Helene Wallrath, and they have one son. Mrs. Wallrath was also active in civic affairs, including participation in the El Paso Chamber of Commerce; Hospice of El Paso, the El Paso Foster Parent Association, and the Lighthouse for the Blind. In addition, she worked closely with several orphanages in Ciudad Juarez, Chihuahua, Mexico.

Colonel and Mrs. Wallrath have contributed to international understanding and good will during their stay in El Paso and the United States. I am honored to have had the opportunity to work with them, and I wish them well in all their future endeavors.

IN MEMORY OF PAUL MARION FIRICA

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. PICKLE. Mr. Speaker, the saga of Paul Firica is a miracle of our times. Like a meteor which flashed across the skies of central Texas—and the Nation—his brief time has illuminated our hearts.

Paul Firica was different. Unlike a lot of people who accept their lot in life, Paul Firica decided to do something about it. In 1985, he walked off his Romanian ship and sought the asylum and the waiting protection of a free people in the United States. Unfortunately, Paul Firica died of lung cancer at the age of 46 on January 1, 1988.

I don't think Paul Firica wanted to be, or tried to be, a hero. He sought no headlines, he contacted no newspapers or television networks. But he knew what he did want: He wanted to be free, to live in a completely free society. And this same desire is perhaps the strongest urge of all people for thousands of years. It is the same desire that has toppled empires, destroyed kings and kingdoms, and brought down dictators whenever those governments forgot the rights of people. For Paul Firica, it was his desire to come to this new land and see if this country could give him help and hope. The community of Austin, TX—and particularly the Central Assembly of God Church—has done that. The congregation, the caring leadership of Rev. Tom Wilson, opened its heart to Paul and his family.

We must not forget this readjustment is a typical American tradition. The United States, for our 215 years, has been the one open society for all the nations of the world. Remember, we are a diverse people. We, or our ancestors, came to America. Few of our families are native in the true sense. Our ancestors came here, like Paul, propelled by the same desire that propelled Paul off his ship at great risk.

Perhaps for no other reason than to remind us of our heritage, Paul Firica's life has special meaning. To all of us, he has given assurance that men and women can change their lives and, with God's help, can rekindle the flame of independence that burns deep inside each of us. Though his life's duration with us was short, we know he has aroused the pride and spirit of hundreds of people in central Texas. He has been our special friend. Austin has been proud to have him as a resident. The church loved him like a brother. He was different, and he made a difference. We do not know why Paul was taken from our midst anymore than we did not know why he was sent to us in the first place. Right how, it is simply the time to pay our respects to this brave soul.

Government plays a key rule in the destiny of men. Government should be both the protector and guardian of the rights of individuals, so that each person has the opportunity and right to pursue his goals as a person created by God and endowed with certain rights. When any government violates or neglects to guarantee those rights, then that government will be held accountable by the people who have bestowed that right in the first place.

This is the message our Founding Fathers proclaimed. We, the people, must prevail. A violation of these rights—by any nation, no matter what its ideology, will eventually bring about its own destruction. And when those rights are abused, people will rebel—or flee.

That is what Paul Firica believed. That is what caused him to choose to live his life in America. That is why his church chose to adopt him and his family. His life with us has renewed our faith in the goodness of people everywhere.

DEMOCRACY, DEBT, AND ECONOMIC GROWTH: ISSUES FOR THE UNITED STATES IN LATIN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for February 1988 into the CONGRESSIONAL RECORD:

DEMOCRACY, DEBT, AND ECONOMIC GROWTH: ISSUES FOR THE UNITED STATES IN LATIN AMERICA

There is trouble in Latin America and the U.S. is not paying enough attention to it. Many democracies have emerged in Latin America over the past decade, but they are fragile. They face serious social and political problems because of the prolonged economic crisis that has gripped the region since 1982. Nearly all face large and growing external debts. These and other problems—including the drug trade in Colombia, military revolt in Argentina, guerrilla war in Peru, political paralysis and 900% inflation in Brazil—increase the appeal of extremism and the dangers of instability. Many Latin Americans are dissatisfied and apprehensive.

I am impressed with the contrasting views of U.S. and Latin American leaders. The Administration speaks of the "resurgence of democracy" in Latin America. It believes debt problems are being overcome and that market-oriented economies in the region are getting stronger. It assesses the U.S. relationship with Latin America with satisfaction, even complacency. Latin American leaders, however, are worried and disillusioned. They think the U.S. is obsessed with communism in Central America, has not provided effective economic leadership, especially on debt matters, and has set a poor example by running huge budget deficits which contribute to higher interest rates. They worry about debt, poverty, unemployment and income inequality, and do not share our fixation with Nicaragua, which comprises less than 1% of the population of Latin America. These different views leave the impression that U.S. and Latin American leaders are looking at different continents. My sense is that Latin American leaders are disappointed in U.S. leadership, especially on economic issues, and that U.S. influence in the Americas is eroding.

We simply must be more attentive to Latin America. Several urgent international problems—drugs, immigration, terrorism, and protection of the environment—cannot be solved without help from Latin America. Our central concern is whether democracy in the region will endure. If elected governments fail to address economic and social ills, opportunists will push for radical policies and armed forces may intervene.

Latin Americans themselves must consolidate democracy, but the U.S. and the international community can help. The U.S. should continue to assist the development of judicial, police and electoral systems, and to speak out in favor of a free press, fair elections and human rights. Fighting economic injustice and the drug trade through our aid programs can also help democracy.

Perhaps the biggest contribution to democracy in Latin America would be progress on the debt issue. The region's external debt is staggering. The biggest debtors—Brazil ($110 billion), Mexico ($100 billion) and Argentina ($52 billion)—are in the throes of economic crisis and repayment difficulties. Weakened by years of austerity, high inflation and unemployment, these governments fear political suicide if they make painful economic reforms or pay all their creditors. Eight countries in Latin America have declared a moratorium on interest payments, and most voluntary lending to the region has ceased. Starved for new investment, Latin American economies have been unable to resume growth.

Latin America has a strong influence on the U.S. economy. We need healthy economic partners in the region, both as a market for our exports and as a source of resources and products. But debt places a sharp constraint on their ability to import. U.S. exports to the region peaked in 1981 at $42.1 billion, and have since declined by over 25%. This may have cost the U.S. 400,000 jobs.

Increasingly, Latin America has turned to the more open U.S. market to earn the income it needs to service debt. Since 1981 the U.S. share of Latin American exports to the industrial world has increased, and the U.S. trade balance with Latin America, a $1.3 billion surplus in 1981, is now a large deficit. Nonetheless, total Latin American exports are stagnating, and the level of Latin debt has increased since 1982 from $325 billion to $400 billion. New approaches must be found:

Industrial countries must work to reduce interest rates and expand trade. Europe and Japan especially must open their markets to more Latin American goods;

Some negotiated agreement between debtors and creditors is required. As the U.S. now acknowledges, full debt service is unlikely. New approaches, including Mexico's plan to guarantee payment of written-down loans, should be explored;

The U.S., Europe and Japan must work to provide new resources to the region through international financial institutions and foreign investment; and

Latin American economic reform is the most important step to spur new growth. Latin governments need to reduce public sector deficits, sell inefficient state enterprises, strengthen private sectors, attract foreign capital, expand savings and investment, and promote exports.

More effective U.S. policies on debt, trade, and economic growth can strengthen Latin America's democratic leaders. My impression is that they understand their problems, and recognize the burden of leadership to solve them. But they also need our understanding, respect and cooperation. Washington must respond to their problems positively, making Latin America a priority for U.S. foreign policy, and with a recognition that Latin American countries are prepared to be active partners in solving shared problems.

My feeling is that the U.S. is missing opportunities for inter-American cooperation because of our focus on Nicaragua. Washington cannot make Latin America safe for democracy, and it may not be able to provide billions of dollars in aid. It may no longer dominate Latin America, but it remains an important actor in the region. Through cooperative measures Washington can help the region confront its pressing problems.

TRIBUTE TO SAM GREENBERG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a truly outstanding member of my community, Mr. Sam Greenberg. Sam has been an active member of the San Fernando Valley Association for the Retarded for more than 30 years. On February 6, the association will honor him for his work and dedication to its worthy cause.

Sam Greenberg has been an integral part of the San Fernando Valley community for more than 50 years. Having grown up in Van Nuys, he returned there after graduating from the University of California, Berkeley. As the owner of Sam's U Drive, he was known throughout his community as a tough businessman. Sam also served as a commissioner for the city of Los Angeles Department of Airports and has been an active member of the National Rental Association.

Although Sam has been involved with many philanthropic organizations, he considers the San Fernando Valley Association for the Retarded his "pet charity." His generosity toward this organization stems from a sincere desire to help those who were born retarded. In fact, Sam's concern for these individuals has been a key factor in the survival of the association. Over the years, he has provided the organization with contributions, memorial grants and equipment necessary for its operation. In 1974, Sam's generosity enabled the association to build a new rehabilitation facility more than three times larger than its previous one. Two years ago, Sam established a $450,000 matching fund to help build the Continuing Action for Food Service Education Building [CAFE]. The association is determined to meet this challenge and is now in the last stages of raising the necessary funds. Once completed, this new building will offer the retarded citizens of our community a place to lead more productive and fulfilling lives.

Sam, together with his late beloved wife Helen, unselfishly devoted their time and energy to improve the quality of life for the residents of the San Fernando Valley. He has diligently continued their work for the betterment of the community.

It is my honor and pleasure to join my colleagues and the San Fernando Valley Association for the Retarded in honoring Sam Greenberg for his generosity and dedication toward the retarded and those serve them.

A TRIBUTE TO MAE BOREN AXTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GORDON. Mr. Speaker, I rise today to salute an outstanding American, Mae Boren Axton, of Hendersonville, TN, a songwriter, journalist, activist, teacher, and, most importantly, a humanitarian.

A very special event honoring her will be held February 15, 1988, in Nashville. In the true spirit of Mae Boren Axton, proceeds from this event will be given to the Spina Bifida Association of America. The most common disabling birth defect in America, spina bifida is caused by a defect in the spinal column of a developing fetus which damages the spinal cord. Mae Boren Axton's long involvement with the Spina Bifida Association is testimony to her humanistic ideals.

Mae Boren Axton is perhaps best known as coauthor of Elvis Presley's first million-selling record, "Heartbreak Hotel." This cemented her long association with the "King of Rock and Roll." She has since written or cowritten more than 200 songs that have been recorded by artists including Red Foley, Hank Snow, Feron Young, and Conway Twitty.

But Mae's accomplishments extend beyond the realm of songwriting. She has been the catalyst in the careers of numerous performers, songwriters, and business professionals. She discovered Willie Nelson in the State of Washington; publicized Johnny Tillotston; wrote the first article about Waylon Jennings; and took a young Jerry Reed into her home.

She has written countless articles for country music trade magazines, promotional stories, and album liners, and is the author of four books. The featured columnist for 15 years for Charlton Publications, publisher of magazines such as Hit Parader and Country Song Roundup, Mae has helped shape the destiny of country music and those who create it.

Hardworking and dedicated, Mae Boren Axton commends the respect of the music industry. As an activist, Mae successfully lobbied the Tennessee State legislature to combat tape piracy and copyright violations. She is an able force in the American political arena.

Mae Boren Axton, whose first career was teaching, is also the mother of two successful sons. John is a lawyer in Ada, OK. Hoyt is a songwriter and singer in his own right.

She has made real humanitarian contributions by coordinating benefits for Easter Seals, March of Dimes, United Way, Autistic Children, and Spina Bifida.

Mae Boren Axton has been honored as an Outstanding Tennessean; has received the Tex Ritter Award; was inducted into the Songwriter Hall of Fame and the Oklahoma Women's Hall of Fame; and has received seven BMI songwriting awards.

It is a pleasure to bring Mae Boren Axton's outstanding record of public service to the attention of my colleagues in the House of Representatives. I ask that they join me in paying tribute to her.

THE COLORADO TECHNICAL COLLEGE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HEFLEY. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding institution of higher learning located in Colorado Springs, CO.

The Colorado Technical College (CTC) began as a one room classroom, radio and television repair school 21 years ago. In these few short years, this college has a $2.5 million investment in an all-new campus, classrooms and laboratory equipment. Colorado Technical College will eventually provide 80,000 square feet of classroom, lab, office, and library resources. The college is committed to excellence and has invested heavily in state-of-the-art computer systems and electronics for classroom training.

CTC offers bachelor of science degrees in electrical engineering, electronic engineering technology, and computer science. Associate degrees are available in electronic engineering technology and biomedical engineering technology.

The college has significant success in placing its students after graduation. Industry hires over 95 percent of Colorado Tech's graduates within 3 months of receiving their degree.

It is an honor to acknowledge an institute that fills such a need in our community and I commend all those associated with it's success.

IT'S TIME TO SOLVE DALLAS POLICE-COMMUNITY RELATIONS PROBLEMS ON THE LOCAL LEVEL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. FROST. Mr. Speaker, the events of the last week surrounding the death of Police Officer John Chase present a great challenge for the city of Dallas.

A year ago I joined with local black elected officials in urging a public airing of tensions between the minority community and the Dallas Police Department. A very constructive hearing, requested by the Dallas City Council, was conducted by the Criminal Justice Subcommittee of the House of Representatives in May which all sides had the opportunity to air their views.

The city council, under the leadership of Mayor Annette Strauss, is in the process of implementing many important reforms in city and police department policies to address the legitimate concerns voiced at the congressional hearing. These problems are being solved on a local level, and that's clearly the best possible approach.

The death of Officer Chase last Saturday was a tragedy. I attended Officer Chase's funeral in Des Moines yesterday and was deeply moved by the love and respect shown for him by everyone who knew him and by the law enforcement community.

There is a dispute over the degree to which any bystander last Saturday urged Officer Chase's mentally ill assailant to kill the officer. If this actually occurred, it is wrong, and anyone who took part in this action should be prosecuted. It is clear to me that if anyone really did urge the assailant to shoot Officer Chase, this does not represent the sentiment of the black community.

Dallas' black citizens respect authority every bit as much as its white citizens, and while they want improvements to be made in the police department, the black population of Dallas does not condone what happened last Saturday any more than the white population.

Statements made by Chief of Police Billy Prince, blaming local black officials for creating a climate that contributed to last Saturday's shooting, were not responsible. Councilmembers Al Libscomb and Diane Ragsdale have every right to raise questions about past police practices and to advocate changes in police policy to give Dallas a better police department.

The city council has responded in a very positive way during the last year, and the very important changes the city is making should not be obscured by the passion of the last 7 days.

About a month ago, County Commissioner John Wiley Price sent me a copy of a letter he had written to Assistant Attorney General William Bradford Reynolds. Commissioner Price requested a meeting with Mr. Reynolds to discuss complaints about the Dallas Police Department. His request was made prior to the shooting of Officer Chase and was not directly related to that tragic event.

Commissioner Price, as one of the leading elected officials in the black community, has every right to present his grievances to the Justice Department. Even though the city council has made real progress since the congressional hearing last year, Commissioner Price apparently feels stronger action is needed.

My personal preference at this point is for this matter to be handled on a local level in Dallas by our mayor and, city council. I agree with the Reverend Jesse Jackson, Pettis Norman, and others that it's now time for Dallas to solve its own problems. I have no current plans to attend the meeting between Commissioner Price and Justice Department officials, but I will monitor the situation and make sure that Commissioner Price has every opportunity to have his views considered.

The Federal Government played an extremely important role last May by holding a congressional hearing in Dallas and focusing local attention on a problem that had long been ignored.

We should all support our police department, because they have a very difficult job to perform, and it is natural for our citizens to rally behind the police when an officer is killed in the line of duty.

We also should work to improve the department, for the benefit of the police officers, who deserve the best possible working conditions, and for all citizens of Dallas, who deserve the best possible police protection.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. CLINGER. Mr. Speaker, on February 2, 1988, I was absent from a vote on the Journal. Had I been present, I would have voted in the following fashion: Rollcall No. 2, the House approved the Journal of Monday, February 1, "no."

UNSUNG HEROES

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SYNAR. Mr. Speaker, when Karl von Clausewitz wrote of the fog of war, he was describing the confusion and turmoil which bring uncertainty to the battlefield. But there is another fog in war, one that continues long after the final sounds of gunfire have receded, obscuring the complete record of the conflict.

On April 23, 1944, the 465th Bomb Group of the 15th Air Force took wing on the first leg of a mission over hostile territory. Leaving their base in sunny Italy, this flock of war birds headed north to their targets in Austria. The feelings of expectancy were high, lulled only by the steady drone of the B-24 engines.

Suddenly, the air filled with Nazi fighter aircraft; 200 gray metal demons leaped from the sky, spreading death and destruction in their wake. It was in this maelstrom of fire and iron that the plane commanded by James Gardner was shot out of formation.

The situation seemed hopeless. Descending at 60 mph over redline speed, the alarm bell was sounded from the cockpit for the evacuation of the crippled bomber. It was at this most furious moment that two men revealed the depth of human courage.

As engineer and crewchief, Frank Coupe and radio operator Cpl. Robert Field were preparing to abandon their stations on the waistguns and bail out, they noticed the ballgunner trapped in his turret. As their stricken aircraft plummeted toward the Earth below, these two men disregarded their own safety and rushed to the aid of their trapped comrade-in-arms. Because the hydraulic system had been damaged in its encounter with the German fighter, the two men had to crank open the ballturret manually. Then, they helped the ballgunner put on his parachute and followed him out the camera hatch.

Sadly, this tale of uncommon bravery does not have a happy ending. The parachute of Sgt. Frank Coupe failed to deploy, thus ending this heroic young man's life. The chute of Cpl. Robert Field barely opened in time, but left him, along with four other crew members, stranded behind enemy lines. These men soon joined the ranks of prisoners of war.

As for the fate of the bomber, four crew members remained on board and nursed the lumbering giant back to its Italian base. Once there, it was determined that the plane was too unsafe to land and the four airmen bailed out. These four men were awarded the Distinguished Flying Cross for their tremendous feat.

It was not until years later that the story of Sargeant Coupe and Corporal Field came to light at a recent reunion of their copilot William Boyd and the five crew members who were interned in a German prison camp. The two airmen had been overlooked, but not forgotten. Now the fog of war has lifted, and these heroic men are at last getting the recognition they deserve.

TRIBUTE TO LARRY BIRD

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. ATKINS. Mr. Speaker, tonight the most knowledgeable and loyal sports fans in America, the fans of the NBA Eastern Conference Champion Boston Celtics, honor the "Prince of Parquet," Larry Bird, at an unveiling of a life-sized wooden sculpture of Boston's premier starting forward.

While this statue, 7 feet and 275 pounds of laminated basswood, is a fitting monument to a great champion, it is still less real and less permanent than the memories Larry Bird has already left in the minds of Celtics fans.

A three-time all star, Larry Bird is, arguably, the most inspirational athlete in America. Possessed of tremendous individual abilities, his greatest talent is his selfless playing style. Larry Bird is the consummate teammate. He makes his team play better and harder.

We've all heard a lot recently about the "Massachusetts miracle"—well, as far as I'm concerned, tonight we honor him.

ASIAN AND PACIFIC ISLANDERS IN THE DECENNIAL CENSUS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DYMALLY. Mr. Speaker, I would like to take this opportunity to express my support of H.R. 3828, which requires certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial census of population.

Under the current plans of the Bureau of the Census for the 1990 census, Asians and Pacific Islanders will be counted as a single category of individuals on the 100 percent and sample forms. The 100 percent form is sent to all households and the longer sample form is sent to a selected number of households. Both forms will provide space for respondents to write their ethnic subgroup.

In the 1980 census, Asians and Pacific Islanders were asked to indicate their ethnic background by selecting from a list of nine subcategories listed on the questionnaire. This information was tabulated by the Census Bureau to obtain relatively complete statistics on these subgroups.

The Census Bureau claims that certain operational problems were associated with the 1980 format which warranted the change to a write-in format. The write-in format requires the respondent to indicate in writing his/her ethnic background. The Census Bureau has decided, however, to tabulate the write-ins only from the sample forms which yield less detailed data.

By attempting to address the operational difficulties of the 1980 format, the Census

Bureau created a different problem. The write-in and tabulation plans for 1990 would lead to less accurate and detailed information on Asian Americans and Pacific Islanders. Given the uses of census data by the Federal, State, and local governments, the insufficiency of information on Asians and Pacific Islanders becomes a critical issue.

Federal assistance to the elderly, State educational policies, and local government housing programs are only samples of social programs that rely on the accuracy of census data for their effectiveness. Inaccurate information undermines the needs of the Asians and Pacific Islanders when governments develop and administer their social services.

As chairman of the Subcommittee on Census and Population, the panel with oversight jurisdiction of the census, I fully understand yet another important reason for obtaining the most accurate possible count of our population. Without such accuracy, we would not be able to satisfactorily fulfill our constitutional responsibility of enumerating our population for purposes of fair representation in legislatures.

H.R. 3828 requires the Census Bureau to determine the best method for tabulating the population of Asian and Pacific Islanders subgroups. The only restriction is that the Census Bureau may not obtain such tabulation through the sample form.

I commend the author of this measure, Congressman ROBERT MATSUI, for his diligence in bringing this issue to the forefront. I am very pleased to have joined him in this effort. I urge my colleagues to consider supporting H.R. 3828.

HOMETOWN HERO

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SKEEN. Mr. Speaker, just as Sunday's Super Bowl united the city of Washington in victory, the city of Hobbs, NM, also rejoiced in that victory because their hometown hero Timmy Smith played a part in it.

Today as we honor the world champions of football with a parade here in Washington, let me congratulate Redskin Timmy Smith from my home district—the city of Hobbs, NM. Timmy's education at Hobbs High School and his participation on "Eagle" athletic teams laid the ground work for what has become, in one short year, an impressive career for Timmy in the National Football League. In Sunday's Superbowl victory over the Denver Broncos Timmy gained more yardage than any other player, outdistancing the previous Superbowl record and scoring two impressive touchdowns to help the Redskins to one of the most lopsided Superbowl victories in history.

Congratulations Timmy, congratulations to your family and friends in Hobbs, NM, and congratulations to the people of Hobbs for all you did to encourage this young man to be the accomplished athlete he is today. I know Timmy will continue to set records in the NFL. While he sets a fine example for all our young athletes across the country.

A WELL-DESERVED TRIBUTE TO HERBERT L. BELLAMY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. NOWAK. Mr. Speaker, this Thursday evening a testimonial dinner will be held in my hometown of Buffalo, NY, honoring one of the leaders of our city's black community, Herbert L. Bellamy.

This is a well-deserved honor for Herb, whose public and private sector achievements include service as an appointed and elected official, and recognition as a community activist and a successful businessman. He is truly a multifaceted person.

His career has included 9 years as councilman-at-large on Buffalo's Common Council, which followed a dozen years as a commissioner on the Buffalo Civil Service Commission, the first black to serve in that capacity.

A close friend of Herb's and one of the organizers of this week's testimonial is the Reverend Bennett W. Smith, Sr., pastor of St. John Baptist Church in Buffalo, another prominent leader in the city's black community.

In a recent article he prepared, Reverend Smith described Herb Bellamy as "a doer, an engine, a driving force * * * a dedicated, determined and effective public servant."

Reverend Smith wrote:

> One of 12 children of a North Carolina sharecropper, Herb Bellamy settled in Lackawanna, New York where he literally pedalled his way to success. He was a bicycle-borne liquor deliveryman in 1954. Eleven years later, he'd ridden his way to his own business, the first of 12 he'd found. In 1968, he opened Bellamy Liquors and when others were moving out of the East Side, Bellamy recalled his own struggles in poverty and stayed. His businesses created jobs in a community where hope was only a memory and opportunity was only as close as the next government check. Bellamy knew that jobs were the key to a stronger, prouder, thriving black community. He knew that you solved 90 percent of a man's problems by putting him to work and he put hundreds of people to work in various businesses he created.
>
> Herb Bellamy was a dreamer. He dreamed of a better life. He dreamed of a better community. He dreamed of a better way to raise his family. But he was more. Herb Bellamy was prepared to pay the price to make his dreams realities. But still he wanted more. He wanted to make the dreams of others come true as well. Those dreams were the beginnings of 1490 Enterprises, Inc. Bellamy took a blighted inner city warehouse and turned an eyesore into the soul of an entire community. Today, that dilapidated building houses 32 local, state and federal government agencies. It feeds 150 senior citizens a day. It provides vital services to a community in need. It's a gathering point for neighborhood old folks where they pass the time together at cards, quilting or conversation. And it's an anchor, a monument to stability in a community of flux. North on Jefferson Avenue stands the neat Tudor housing complex that Herb Bellamy created back in 1980. More than 20 families live there. Just South in 1490 Manor, a Senior Citizens Home. It too is part of the Bellamy legacy * * *.

Noting Mr. Bellamy's awards have included an honorary degree from Canisius College, the Buffalo News "Citizen of the Year" award, the Roberto Clemente Humanitarian Award, service awards from the United Negro Scholarship Foundation, the YMCA, the NAACP and the Urban League, Reverend Smith described him as "a leader of compassion, concern and commitment" and added:

> That leader emerges every year to host the Black Achievers Dinner now heading toward its 16th year. It is the brainchild of Bellamy, designed to give recognition and community pride to those who have made contributions to the Black Community. The annual awardees provide significant insight into the purpose of the dinner. The celebrated and the sensational find seats next to unadorned and the ordinary. And both get recognized for their own particular contributions * * *.

Mr. Speaker, Reverend Smith's comments eloquently paint the complex picture that depicts Herb Bellamy's many and diverse contributions to our community. I would simply like to add my congratulations to Herb on this occasion and wish him continued success.

PERSONAL EXPLANATION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LOWERY of California. Mr. Speaker, because of a previous commitment I was unable to be in Washington yesterday, February 2, 1988. Had I been present, I would have voted in favor of H.R. 3884, to rescind the $8 milion appropriation for Jewish refugee schools in France.

While I appreciate the concern over the status of north African Jews in France that motivated this appropriation, this is not a project that should be funded by the U.S. Government. I support needed foreign aid programs such as refugee assistance. However, the construction of private schools in a developed nation like France is not a vital refugee program and raises other questions that should have prevented the original approval of this funding.

I support passage of H.R. 3884 to rescind this appropriation.

U.N. HUMAN RIGHTS COMMISSION TO DISCUSS EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HALL of Ohio. Mr. Speaker, this week the U.N. Human Rights Commission will be in session. During the course of its deliberations, it is expected that it will address the issue of human rights in East Timor.

A large number of my colleagues in both the House and the Senate have had a sustained interest in the plight of the people of East Timor, the former Portuguese colony which was invaded by Indonesia in 1975.

Most experts believe that a minimum of 100,000 Timorese perished as a result of the Indonesian invasion and subsequent occupation.

While some improvements for the people of East Timor have been noted in recent years, there is little doubt that serious problems persist and need to be addressed. Consistently disturbing reports from respected organizations like Amnesty International, the United States Catholic Conference, Asia Watch, and a variety of other credible sources underscore the need for action to end the suffering of the Timorese people and to bring a lasting peace to the island territory.

In the 99th Congress, 136 of my colleagues joined me as cosponsors of the resolution I introduced which called for a wide range of measures regarding East Timor. Given the ongoing international concerns about the well-being of the people of East Timor, I intend to renew this initiative in the near future.

At this time, the most immediate focal point for action to help the Timorese people is the U.N. Human Rights Commission meeting in Geneva. I urge all members of the U.N. Commission to adopt a resolution that will respond to the suffering of the people of East Timor. Human rights violations and grievances are a reality in East Timor, and the U.N. Human Rights Commission is an appropriate forum for their consideration.

Portugal, a nation with a long historical obligation to East Timor, now sits on the U.N. Commission. It is the hope of many in the U.S. Congress that Portugal will take advantage of its position to gather the Commission's support for measures that will lead to an improvement in human rights for the Timorese people.

The tragedy of East Timor will be compounded if the U.N. Human Rights Commission fails to endorse human rights for the Timorese people on this occasion.

Mr. Speaker, in order to update my colleagues on human rights conditions in East Timor, an article from the Boston Globe of December 13, 1987, follows:

[From the Boston Globe, Dec. 13, 1987]

A "HIDDEN HOLOCAUST" IN THE PACIFIC

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of international church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatment by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

According to Massachusetts Institute of Technology professor Noam Chomsky, President Gerald Ford and Secretary of State Henry Kissinger had advance knowledge of the invasion and authorized it. More than 90 percent of the invading troops carried American weapons, Chomsky has written.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portuguese government had all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revolutionary Front for the Independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 US senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983, Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people . . . the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a 'pass' issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Msgr. Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement, Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior, where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator, Msgr. Carlos Zimenes Belos, is under close military scrutiny. Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the Indonesian invasion soon after it occurred, 38 nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

NOBODY TAKES BLAME FOR EXPORT FINANCE ILLS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GARCIA. Mr. Speaker, last month, we were encouraged by a favorable turn in our trade deficit figures. During the month of November, our massive trade deficit declined by 25 percent, and U.S. exports increased by 9.4 percent. But the trade deficit still remains at an unsustainable level, and we, in Congress, must do all that we can to alleviate the problem.

Unfortunately, one major problem discouraging American exporters in trying to do their part to turn around our trade deficit has been the lack of export financing from the private sector. An article from Journal of Commerce of February 2, 1988 titled, "Nobody Takes Blame for Export Finance Woes" effectively describes the problem.

For your information, the Subcommittee on International Finance, Trade and Monetary Policy, which I chair, will be holding a hearing on February 25 on the financial condition of the U.S. Export-Import Bank as well as on the effectiveness of the new programs launched by the Bank in response to the 1986 Charter Renewal. Despite the budget constraints, Eximbank has made concerted efforts to compensate for the private bank's withdrawal from export financing. We will be looking into the ways in which Eximbank can further their efforts to ensure that the U.S. exporters have the competitive edge to sell their goods abroad.

I am submitting the Journal of Commerce article for my colleagues' perusal.

Nobody Takes Blame for Export Finance Woes

(By Mark Magnier)

"Two percent ten" is a phrase often used in the food export business to mean a 2% discount for bills paid within 10 days. But a joke going around the export community says two percent ten actually means a loan at 2% interest rate for 10 years.

The message behind the joke, says Ralph Chew—president of Chew International, a food and equipment export management company in New York—is that U.S. exporters are getting clobbered by the low-cost loans their overseas competitors can offer potential customers. The loans often are secured by the competitors' governments.

"People say the U.S. is the center of world finance, yet we can't finance our exports," Mr. Chew said. "We don't have the terms (that overseas buyers) have grown accustomed to."

Cut-rate loans became popular in the early 1980s when a strong dollar limited U.S. sales overseas. Now, Mr. Chew said, even as the weaker dollar is reviving prospects for U.S. exports, the dearth of attractive U.S. financing is ruining deals.

Financing is often described as the spigot that controls the flow of exports. Exporters, bankers and government officials interviewed for this article all agree that U.S. export financing is in sad shape.

What they dispute, however, is who should take the blame and what should be done to improve the situation.

Exporters say the banks are gun-shy at a time when the weaker U.S. dollar has finally given U.S. products a competitive edge. Bankers admit they often hesitate to finance loans abroad but say they already are staggering from losses caused by previous loans, particularly to Latin America.

Bankers also say they can't be expected to give out cut-rate loans, particularly when the U.S. government has been slow to guarantee their deals. Government officials reply that banks should show more initiative.

William Easton, vice president and manager of the trade finance division of First Bank NA, based in Minneapolis, said banks also are discouraged from financing exports by changes in the Tax Reform Act of 1986.

The act curtailed foreign tax credits for export transactions while preserving those for import transactions. Bankers say this acts to encourage imports and discourage exports as the nation is fighting off a huge trade deficit.

"I can't quantify how many exports are lost specifically because of this (tax provision), but more will be lost this year than last year," Mr. Easton said.

Bankers in trade finance departments also say they receive little support or attention within the bank from their own top management.

Deregulation also matters. As banks have come under increasing competitive pressure they have divided their operations into separate profit centers. Trade finance is not currently a high-margin business.

Exporters and bankers say they must receive more help from the government in the form of loan guarantees.

"I say to a customer, if there's no government program backing us, don't even loosen your tie," says Philip Ferzan, senior vice president and general manager of First Fidelity Tradexport, a unit of First Fidelity Bank N.A. of Newark, N.J.

The major government program available to help finance exports is the Export-Import Bank, based in Washington. Ex-Im Bank has had its own problems recently trying to defend its losses—$471 million in 1987—during a period of budget constraint.

Mr. Chew said this emphasis on making money is ill-conceived "When you're running a $17.6 billion a month trade deficit, who's to say you're always supposed to make money," he asked.

In his view, the United States must make significant resources available if it is to take exporting seriously. He says it will take a "space-shuttle type program" with as much as $8 billion in available financing to really get U.S. exports off the ground.

Jim Cruse, vice president of policy and planning for the Export-Import bank, says banks are partially to blame.

"Trade finance seems to be a dinosaur as far as most of the financial community is concerned," he said.

"The major issue for us is to see if the dinosaur will go extinct or if it will survive."

BRIG. GEN. CLARA L. ADAMS-ENDER'S MESSAGE OF ENCOURAGEMENT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. RODINO. Mr. Speaker, Brig. Gen. Clara L. Adams-Ender recently shared her message of hope and encouragement with students in the 10th Congressional District. Addressing students at the 13th Avenue School and Malcolm X Shabazz High School in Newark and at Vernon L. Davey Junior High School in East Orange, the general urged these young people to work toward excellence and to begin setting goals for their lives.

Brigadier General Adams-Ender speaks from experience. She initially enlisted in the Army as a means of obtaining a nursing education. But through hard work and dedication this talented individual quickly rose through the ranks. Twenty eight years later, she is the chief of the Army Nurse Corps, the highest ranking black women in the Army and 1 of only 4 females among the Armys' over 400 generals.

Brigadier General Adams-Ender's accomplishments are a living testimony to her values of commitment and determination. Her example of individual motivation serves as an important role model for young people throughout the Nation.

I want to commend Brigadier General Adams-Ender—not only for her accomplishments—but for sharing her enthusiasm and positive message with the students in my district.

Mr. Speaker, with your permission, I would like to include the following article in my remarks.

[From the Newark (NJ) Star-Ledger]

Black Woman General Urges Students in Essex To Excel

(By Stanley E. Terrell)

The highest-ranking black woman in the Army last week urged students in Newark and East Orange to work at achieving excellence and to begin setting goals for their lives.

In discussing her recipe for achieving success, Brig. Gen. Clara L. Adams-Ender, chief of the Army Nurse Corps, also advised the youngsters not to overlook the armed forces when making career choices.

Adams-Ender spoke to students at the Thirteenth Avenue School and Malcolm X Shabazz High School in Newark and at Vernon L. Davey Junior High School in East Orange during her visit to the area on Friday.

A native of North Carolina, Adams-Ender said she was invited to Newark by her sister, Rosa Knight, a teacher at Shabazz. She also expressed interest in "talking to students about doing whatever they want to do and learning to make those decisions. I also wanted them to know that the Army is a choice."

Her primary message was the need to "decide what you want to be in life and work hard for that goal. Never give up, and don't be afraid to ask for help from your parents and teachers."

One of only four females among the Army's 407 generals, Adams-Ender is responsible for 40,000 men and women in the Armys' Nursing Corps around the world. She was chief of the nursing department at Walter Reed Army Hosptial in Washington, D.C., from 1984 until earlier this year.

Enlisting in the military was a means of obtaining a bachelor's degree in nursing, with the Army picking up the tab for tuition, room and board.

"I walked by the recruiting desk, and I was told that they needed nurses badly. They said they would pay me $250 a month, plus tuition, room and board. That was 28 years ago, and I'm still here," Adams-Ender said.

The general told the students to begin to appreciate the value of education and the necessity of developing a healthy mind and body, as well as the importance of starting to view the various choices, available in terms of career opportunities.

Adams-Ender said high school students must have vision, which she described as the ability "to be able to see the goal you want to accomplish and see that goal accomplished in your mind."

"Once you've made a decision and are able to see the goal accomplished in your mind, then you can put together the steps to get you to that point. It works. I'm a living witness. I didn't aspire to make general, but once I made colonel, I saw that I may indeed make general. And here I stand today, a general," Adams-Ender said.

She also stressed the importance of reading, noting that during summer breaks while she was attending college, she would read 60 to 80 books. "Reading exposes you to a lot of different worlds," the general said.

Adams-Ender said a question she frequently hears from students is how she could choose a career in the military "where somebody is always telling you what to do."

Recalling her days as a private, Adams-Ender recalled another private who decided "to count the ranks above him, to see how many people he had to take orders from." After he got the list, he was motivated to elevate himself, and last year he retired as a three-star general, she said.

While noting that persons enlisting have a long chain of command to whom they must answer, Adams-Ender said the pressures are no different from civilian jobs.

"Everybody has a boss—whether you're in the Army or not—to tell you what to do in the job force. You've got to think positive. Yes, there are folks who tell you what to do, but as you begin to move up the ladder and out of the lower ranks, then you get an opportunity to tell other folks what to do. The situation is indeed what you make it," the general said.

Adams-Ender said the military provided her with a number of educational opportunities, explaining that she has received two master's degrees while in the service and "managed to do a number of things that I wanted to do."

While acknowledging that it was difficult being a woman in the military services nearly three decades ago, Adams-Ender said the experience has been rewarding.

"It's tough to do it to start with if you're a woman, because there's that extra challenge. But once you make it, you make it. You'll never be a Pfc. again. One of the main things in the military was the opportunity to do a variety of jobs that I never would have otherwise had, being able to switch jobs without losing your position of seniority," she said.

High school students must learn the importance of study, nutrition and exercise and avoid the pitfalls of drugs and alcohol, the general said, adding that a necessary attribute for success must also be persistence.

"Persistence is the art of never giving up," she explained. "Even when it looks as if there's going to be something to stop you, sometimes maybe it's not the smartest thing to keep on pushing this day, but it's better to go to bed with the resolve that you will push again tomorrow.

"Just as I made it to this point, there's someone else out there who can do the same thing and more. There are opportunities available to you and you need to look into them and consider your choices," Adams-Ender said.

She also encouraged the students to "wake yourself up early in the morning" and begin focusing on achieving the excellence required to be successful.

"Figure out how to motivate yourself every day. Wake up and tell yourself you're okay, that what you are doing is important and that nobody else can do what you're doing but you," she said.

Asked about racial prejudice in the military, Adams-Ender said, "You must understand that the individuals who make up the military are extensions of the society. If you have prejudice here, you must know you will have it there.

"But we are a group that has to be able to work together and fight together, and since we're about defending the country, we have to be about resolving those problems. I think we have come much farther along than society at large in this area."

TRIBUTE TO DORCHESTER

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. RIDGE. Mr. Speaker, today, I rise to pay tribute to the 45th anniversary of the sinking of the SS *Dorchester* and to the Chapel of Four Chaplains in Philadelphia. On that fateful day in 1943, four chaplains of different religious faiths paid the ultimate price for their country. A Nazi torpedo ripped apart the *Dorchester*, claiming all aboard the ship.

The Chapel of Four Chaplains was established as a living memorial to these fine men, Rev. George L. Fox, Rabbi Alexander D. Goode, Father Johnny P. Washington, and Rev. Clark V. Poling. The chapel provides interfaith vesper services every Sunday for church, veterans and civic groups, as well as for individuals. Besides other well-meaning and important community activities, the Chapel of Four Chaplains promotes and encourages interfaith and interracial unity, spiritual and community development, patriotism and citizenship. Emphasis is placed on the "spirit of sacrificial unselfishness with a vital faith and commitment to God and man as exemplified by the four chaplains."

Forty-five years ago, the Catholic, the Jew, and the Protestants faced death together on the slanting deck of the sinking ship and together they prayed. The lives of these four men has been an inspiration to me and to my faith and I am deeply honored today to add my words of praise to the four chaplains; Reverend Fox, Rabbi Goode, Father Washington, and Reverend Poling and to the Chapel of the Four Chaplains. May all look to them as an example of peace and cooperation.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. CLEMENT. Mr. Speaker, yesterday, I had the honor of meeting with President Reagan. Unfortunately, during the course of our meeting, two recorded votes occurred on the floor of the House.

Had I been present, I would have voted "yea" on passage of H.R. 3875, the Civil Service Due Process Amendments (Rollcall No. 3), and "yea" on passage of H.R. 3884, Rescinding Certain Budget Authority Recommended in Public Law 100-202 (Rollcall No. 4).

THE HEALTH COSTS OF AIR POLLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. MARKEY. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention a new study by the American Lung Association.

The Clean Air Act of 1970 was designed to be a cornerstone of efforts to reduce air pollution in order to protect public health and the environment. Unfortunately, the goals of the act have not been met. Not only have dozens of cities failed to meet existing standards, but there are major gaps in regulations needed to adequately reduce air pollution in this country. Specifically, the need for strong acid rain and air toxics legislation must be enacted by Congress this year.

The ALA publication, "The Health Cost of Air Pollution: A Survey of Studies Published 1978-1983," demonstrates how much air pollution has cost the United States in terms of health care costs, lost productivity and, most important of all, human lives. For instance, one of the studies summarized indicates that a 60 percent reduction in average 1978 particulate and sulfur dioxide emissions could save up to $41 billion a year in health care costs.

As Congress debates changes in the Clean Air Act this session, I urge my colleagues to review this information and consider carefully the public health implications of air pollution.

CHAPTER I—THE HEALTH COSTS OF AIR POLLUTION, SUMMARY OF FINDINGS

The Clean Air Act of 1970 established as national policy the protection of public health from the effects of air pollution and required that ambient air pollution standards be based on health considerations alone and without regard to the cost of compliance. The steadfastness of that policy statement over the years is a clear victory for environmental and health organizations and for citizens concerned about the quality of the air they breathe.

That victory is somewhat tarnished, however, by the slow pace with which air pollution standards have been developed since the Clean Air Act was passed for hazardous air pollutants suspected of causing severe health problems at low dosages. Standards for only six hazardous air pollutants have been adopted to date out of a priority list of 37 scheduled for possible regulatory action.

The failure of attempts to alter national policy separating economic considerations from decision-making with regard to the protection of public health from air pollution has not led to a lessening of interest in the economics of pollution and pollution control. Health cost information has entered into a wide range of environmental decision-making arenas, including those that set national or state pollution control priorities or strategies, and those in which the entire national environmental protection program has been reexamined in light of changing times and new information.

If the limited accuracy of heatlh cost estimates published to date is understood and if the ethical implications and shortcomings in the methods of analysis used in such studies are respected, health cost information can be useful in many circumstances because it offers an important measure of part of the price tag of living in a polluted environment and an assessment of the economic benefits to be derived from pollution abatement programs. These are big if's, however, and they caution against the use of health cost studies as the basis upon which public health policies are established.

On the other hand, without health cost information, the only economic data available to decisionmakers tally the costs of pollution control programs, which, standing alone, can appear unreasonably high or low. Health cost information can help decisionmakers choose strategies capable of achieving public health protection goals quickly and cheaply and it can prod slowmoving environmental regulatory programs into higher gear.

THE FOUR STEPS IN CALCULATING HEALTH COSTS OF AIR POLLUTION

Health-cost studies generally follow a sequence of four steps:

1. Measuring the pollution
2. Counting the population at risk
3. Defining the dose-response function
4. Evaluating the health costs

The first step involves determining the levels of pollution to which people are exposed. The principal sources of this information are air pollution monitors run by state and federal agencies and private industry. Since passage of the Clean Air Act the number of air pollution monitors has increased to over 5,000 nationwide, and information is now being collected for more pollutants than in the past. However, those data are not always reliable and, even if reliable data were uniformly available, readings from the few monitors that exist relative to the number of people exposed to air pollution offer poor measures of the actual amount of pollution that the public is exposed to. Moreover, most health cost studies continue to be confined, because of limited resources or the constraints placed by the method of investigation, to an analysis of exposure to one or, at most, just a few air pollutants. This approach ignores the potential for combinations of air pollutants to multiply their individual health effects.

The second step in health cost studies involves determining the population at risk of health damage from air pollution. The most commonly used technique simply refers to census data to determine the number of people living within an area selected for analysis. The heterogeneity of the population in different regions of the country, outdated census data, and shifts in the composition of a population during a study period are among the problems that hamper precise identification during health cost studies of the population at risk. Despite these problems, studies are gradually becoming more sophisticated in their ability to define populations actually exposed to the air pollution identified during step one—often by focusing on populations living near pollution monitors and or by compensating for factors, such as the migration of people into and out of communities, that could bias the results of health-cost studies.

The third step in health cost studies is establishing a dose-response function that defines the expected degree of adverse health impact, including deaths, which results from exposure to a given level of air pollution. Most scientists performing health cost investigations rely on epidemiological studies of large numbers of people living in many regions of the country under a wide range of conditions to establish dose-response relationships. Other approaches involve laboratory tests of the reactions of animals to doses of pollution, clinical studies of individual physiological responses to pollution under controlled environmental conditions, and investigations involving a small group of people living and working under various levels of pollution exposure.

There are several types of epidemiological studies. Cross-sectional studies analyze the relationship between pollution and public health in different regions of the country—for example, in a number of cities or urban counties—during a specified time period. Time-series studies examine the relationship between public health and levels of pollution at different times in a single region. In addition, epidemiological studies can investigate the relationship between pollution and death rates (mortality studies) or they can examine the effects of pollution on injury and sickness rates (morbidity studies). Epidemiological studies generally use regression analysis, a statistical tool, to examine individual factors, including pollution, that may affect human health. The goal of regression analysis in health studies is to establish and quantify associations between such factors and the status of public health.

Since 1978 many dose-response studies have been published. Although some studies fail to detect a link between exposure to air pollution and adverse health effects, most recent studies add to the body of evidence suggesting that air pollution can and does sicken people and lead to premature death. Nevertheless, there is considerable divergence among the findings of different dose-response studies with regard to which pollutants are the main culprits responsible for those adverse health effects and what concentrations of pollutants are needed to cause adverse health effects.

Some other important findings and trends in recent dose-response studies include the following:

The preponderance of evidence continues to suggest that exposure to air pollution in concentrations frequently found in urban areas causes illness and premature death.

Several studies reviewed suggest that air pollution plays a smaller role than indicated by older studies, although its role is still significant.

Most dose-response studies are limited to the examination of a few air pollutants. To the extent that health effects of different pollutants are additive, the actual health effects of all pollutants to which people are exposed, including effects that stem from the interaction of pollutants, could be much higher than those suggested by the limited studies.

Many more health effects, including death and sickness, have been found to result from exposure to particulates, sulfur dioxide, and sulfates which are emitted largely by stationary sources than from exposure to those pollutants emitted mainly by automobiles—nitrogen dioxide, carbon monoxide, and photochemical oxidants.

Many studies find little evidence to support the threshold concept, which proposes a non-linear relationship between air pollution exposure and health effects. The threshold concept assumes that there is a level of air pollution that is safe to breathe and that adverse effects occur only when those concentrations are exceeded. Many dose-response studies suggest that adverse health effects result from exposure even to very low pollution levels, although those effects are much less significant than those that occur at higher concentration.

In the fourth and final step in health cost studies, a monetary value is placed on each health response to air pollution exposure, including premature death. This step involves many subjective and often troubling assumptions about the statistical value of human health and life itself. As with dose-response studies, a considerable amount of work related to value-of-life evaluation was done between 1978 and 1983.

The most significant development has been an almost complete switch in recent years in the method used by economists to assign monetary values to human life and health. Before 1978 most studies used the human-capital approach, which evaluates the economic cost to a person of illness and death in terms of the wages he or she would lose from a pollution-caused illness or premature death from exposure to air pollution compared with wages expected from an otherwise normal life. Since 1978 most studies have used economic valuations developed through an alternate approach called "willingness to pay." Willingness-to-pay studies usually attempt either to define how much money people actually pay in their daily lives or that they purport to be willing to pay to enjoy a reduction in the risk that they will die prematurely or contract an illness or they attempt to quantify the amount of money required to convince people to accept an incrementally higher risk to their health or life.

The following conclusions with regard to recent research studies that assign economic values to life and health are identified:

Willingness-to-pay studies used an array of techniques to collect the data on which their conclusions are based. Some of the techniques include examining wage premiums paid to workers in high-risk jobs, the willingness of people to spend a few seconds of their time buckling seat belts, and preferences for crosswalks in favor of more risky jaywalking. Surveys have attempted to determine how much people would pay for improved medical care and for safer air travel. The information collected by each of those techniques can be used to calculate, by extrapolation, a value of a statistical life.

Willingness-to-pay studies report a wide range of human-life values, from $300,000 to more than $5 million, but the results of many studies are in the vicinity of $1 million. Nearly all willingness-to-pay studies place a value on human life several times higher than the values assigned by using the human-capital approach.

Several troublesome aspects of the human-capital approach that result from its reliance on the wage-earning power of a person as the basis of evaluating human worth are avoided by the willingness-to-pay approach.

The willingness-to-pay approach faces very difficult obstacles as it attempts to assess what people's true preferences and willingness to pay are. Surveys, for example, may contain spurious responses. Also, willingness-to-pay can be affected by how much a person believes he or she can afford to pay and by his or her perception of risk, rather than by the true risk he or she faces. Another aspect of this approach is that it, like the human-capital method, results in a measurement of the value of a statistical life saved, which is a concept quite different from the actual death of a human being.

COMPREHENSIVE HEALTH COST SURVEYS

Comprehensive health cost studies are those investigations that incorporate all four steps outlined above and that assign some economic cost to a specified population associated with adverse health effects stemming from exposure to air pollution. This report reviews eight such studies published between 1978 and 1983. Those studies are divided into three groups. Four research projects studied national health costs from air pollution, three for the U.S. and one for 11 western European countries. Two studies investigated the health costs from air pollution within particular regions of the U.S. The final two studies identified the health costs associated with particular small increments of air pollution concentrations without assessing the total health costs either nationally or regionally. Several studies examined only the effects of pollution on death rates; others examined only the effects on sickness rates; a few studies looked at both.

A generalization drawn from the results of the studies reviewed in this survey is that total health costs in the United States from exposure to the key air pollutants now regulated by the Clean Air Act are more likely to fall in the range of the low tens of billions of dollars and less likely to fall in the billions-of-dollars or hundreds-of-billions-of-dollars range. The studies reviewed place a national health cost bill from exposure to the two or three most widely investigated pollutants between about $5 billion and $40 billion.

Those findings are similar to the observations made in the 1978 American Lung Association publication, which reviewed earlier health cost research, although the range of findings was found to be not as broad at that time. The similarity is to some degree coincidental, because different methods used in more recent reports often led to calculations during the four intermediate steps widely divergent from the results of earlier studies. When the four steps were combined, however, many of the differences canceled each other out. For example, some recent studies have identified fewer health effects from pollution exposure compared with the findings of earlier projects, but they assign a higher cost to each health problem.

Recent studies continue to be limited in scope to investigating just a few of the many pollutants that may cause health-related economic costs. Of the few pollutants studied with any degree of depth, particulates, sulfur dioxide, and sulfates appear to cause more adverse health effects, including deaths, than carbon monoxide, photochemical oxidants, and nitrogen dioxide.

Some key findings of each of the eight studies reviewed in this survey appears below. A summary chart at the end of this chapter contains additional information about the studies. The findings presented here are those of the authors of the studies reviewed and are not conclusions of the American Lung Association.

A 60% reduction in average 1978 particulate and sulfur dioxide emissions in the United States would save between $5.1 billion and $15.9 billion in annual health costs related to premature deaths. Reduced sickness or morbidity costs would be worth about $25 billion a year (Crocker, et al. 1979).

The 20% reduction in average particulate and sulfur dioxide air pollution in the U.S. between 1970 and 1978 saves about $13.9 billion a year in mortality-related costs and about $2 billion a year in morbidity costs (Freeman, 1982).

Reductions in particulate and sulfate air pollution achieved between 1970 and 1978 solely because of pollution control requirements set by the Clean Air Act save about $4.4 billion a year in mortality-related health costs (NERA, 1980).

Implementation of a program designed to reduce sulfur dioxide emissions in 11 European countries to levels 34% of those in 1974 would increase the average life expectancies of individual national populations by as much as 562 days. Health cost savings related to reduced morbidity alone would be reduced by $5.8 billion a year through this program (OECD, 1981).

A program to reduce particulate and sulfur dioxide emissions at two power plants in the Tampa Bay region of Florida would produce morbidity health cost benefits of $5.1 million a year compared with an annual cost of the program of $3.1 million. If the pollution abatement program were extended to a third power plant in the region, however, total morbidity cost benefits of $5.4 million a year would fall below the annual cost of the program, estimated at $9.3 million (Loehman, et al. 1979).

Programs to reduce 1977 average particulate and sulfate air pollution in six urban California regions would save 850 people each year from premature deaths resulting from exposure to air pollution. Mortality health cost benefits from those programs would be $400 million a year (PIE-West, 1979).

Reducing the average nationwide concentration of sulfur dioxide by one microgram per cubic meter would result in a reduction in morbidity health costs of $20 million a year (Fishelson and Graves, 1978).

Reducing the average nationwide concentration of particulate or sulfur dioxide air pollution by one microgram per cubic meter would produce mortality health cost benefits worth between $10 and $25 per person per year. A similar reduction in sulfate pollution would benefit each American between $75 and $150 per year (Halvorsen and Ruby, 1981).

WHERE TO GO WITH WHAT IS KNOWN

More is now known about the relationship between air pollution, health effects, and economics than at any previous time. That adverse health effects exist is firmly established. But even the most recent and comprehensive health effects assessments are still unable to pinpoint with precision specific health effects associated with the exposure of people to concentrations of individual pollutants, not necessarily because effects don't exist, but because of difficulties in measuring them. Health cost studies which merge health-effects research with equally imprecise value-of-life assessments suffer from a compounding of uncertainties and they are even less accurate.

The research performed during the preparation of this book suggests that continued, cautious use of health cost information can assist environmental policy decisionmakers. However, the quality and usefulness of health cost information could be improved if greater effort were expended collecting and analyzing the data needed to perform health cost studies and if additional attention were devoted to resolving the difficult ethical and social issues that are raised by health cost investigations.

NATIONAL SCHOOL COUNSELING WEEK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. KILDEE. Mr. Speaker, I rise today to ask that my colleagues join me in acknowledgment of the ninth annual National School Counseling Week which is February 1 through 5. The school counselor is an integral member of America's education team, and is the linchpin in helping our Nation's young people solve many educational, social, and family problems with which they are confronted.

Today's school counselor is a trained professional who can effectively work with students. School counselors are oftentimes at the frontline of crisis situations, and are the gatekeepers to the other helping professions. As a former educator, I witnessed firsthand the dedication which school counselors have to their students. In addition to ensuring that a student succeed in their education endeavors, today's school counselor must be able to address problems which include: teen pregnancy, substance abuse, and youth suicide. I, for one, am glad to rise in support of school counselors and to congratulate them on the role they play in working with our country's most valuable resource.

I would also like to acknowledge the work of the American School Counselor Association, a division of the American Association for Counseling and Development. ASCA is the largest body of its type in the world and seeks to support the school counseling profession by issuing a code of ethics, producing journals, and conducting professional development sessions to constantly improve the skills of its members.

As a Member of Congress, I value the contribution of school counselors in helping to build America. As a father, I value high quality school counselors in helping my children reach their full human potential. Mr. Speaker, I ask my colleagues to join me in congratulating ASCA and all school counselors during National School Counseling Week.

HEALTH-RELATED OUTCOMES OF WAR IN NICARAGUA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. WILLIAMS. Mr. Speaker, I submit the following study of some of the effects of the war in Nicaragua.

HEALTH-RELATED OUTCOMES OF WAR IN NICARAGUA

(By Richard M. Garfield, RN, MPH, DrPH; Thomas Frieden, MD, MPH; and Sten H. Vermund, MD, MSc)

INTRODUCTION

While dramatic health improvements in Nicaragua and other Central American countries have been reported in recent years, warfare throughout the region has been detrimental to the population's well-being. Rising rates of malaria, measles, and polio have been reported, and warfare has become the most commonly reported cause of death in some Central American countries. The present report quantifies the health effects of warfare during the last four years in one Central American country, Nicaragua.

MORBIDITY/MORTALITY RATES

By May 1, 1986, a total of 4,429 war-related deaths had been reported in Nicaragua (Figure 1). Casualty figures from Nicaraguan sources have been interpreted variously. The term "casualty" in the Nicaraguan context usually includes the total of dead, wounded, and kidnapped persons. Figures for the number of dead have sometimes included the estimated number of contra dead. Such data are of uncertain reliability and not all of the contra dead are Nicaraguan. The figures reported here include only those fatalities among civilian and military personal on the Nicaraguan side of the conflict.

The dead include at least 210 persons under 12 years of age, 274 high school or college students, and 76 technicians or professionals. Nearly a third of all deaths occurred among civilians. This high civilian fatality rate is apparently a result of strategic considerations on the part of attacking "contra" troops. Targeting of civilians at farm cooperatives, on isolated roads, or in rural health centers appear designed to destabilize the Sandinista regime rather than to engage troops in battle. Data on the number of fatalities are derived from body counts and therefore may be considered minimum estimates.

An estimated .04 per cent of the country's 3.3 million population has been killed in fighting since 1982. From 20 per cent to 30 per cent of all accidental or violent deaths registered in Nicaragua since 1983 are related to the war (Ministry of Health unpublished). In the regions suffering the greatest number of casualites, 7 percent of all registered deaths were war-related in 1985, making this the third most common cause of death.

The war-related fatality rate among the general Nicaraguan population is more than 10 times greater than the aggregate rate of .003 per cent experienced by the United States population during the Vietnam War between 1965 and 1973. It is also greater than the aggregate rate of .03 percent experienced by the U.S. population during World War II. Still, the total number of fatalities among Nicaraguans amounts to only about 10 per cent of the number killed in that country's revolutionary war of 1978-79. It is estimated that 35,000-50,000 person died in the Nicaraguan revolutionary war.

Some 4900 war-related injuries and 3800 kidnappings have been reported among Nicaraguan military and civilians from 1983 to 1985 (Figure 1). In four major wars of the twentieth century, a minority of all casualties became fatalities. In contrast, among Nicaraguan casualties since 1982, close to half were fatalities. This appears to result from the particular nature of the contra attacks: mining of rural roads, mortar attacks on isolated villages, and ambushing of vehicles. By the end of 1985, over 100 rural communities had been attacked, 345 civilian vehicles had been ambushed, and 51 assassinations of local leaders had been reported. Among survivors, the predominant wound site is the lower extremities as a result of fragmentation and explosion caused by mines or mortars. Contra officials appear to have made a strategic decision to expand such attacks with materials supplied through new U.S. Congressional appropriations.

ATTACKS ON HEALTH WORKERS

Contra military strategies have resulted in a higher number of casualties among health personnel. By December 1985, 42 salaried health workers were reported to have been killed by the contras; 31 others have been kidnapped, and 11 more were reported to have been wounded (Figure 2). Some of the medical victims, such as Dr. Gustavo Sequiera, Vice Dean of the Managua Medical School, and Dr. Myrna Cunningham, Governor of Northern Zelaya province, are well known members of the Nicaraguan medical establishment. Most victims, however, are young health professionals who work in isolated rural communities. Some were killed when they happened to be in an area under attack; others were specifically identified as targets in order to disrupt health services. Such attacks are not limited to Nicaraguan nationals; in 1983, a French physician and a West German physician were killed in a mortar and rifle attack, respectively. During 1986, a Swiss technician and a Spanish nurse died in separate contra ambushes on jeeps. At least one U.S. physician survived a contra rocket attack against the commercial ferry upon which she was traveling (A. Lifflander, personal communication); no British or North American health workers have yet been killed.

EFFECTS ON SOCIAL SERVICES

Contra actions have led to the destruction of 300 work centers, destruction of 58 schools and the closing of 502 more, and the destruction of 2,100 homes and 11 social welfare centers as of early 1986. This has reportedly affected 7 per cent of elementary students and 6 per cent of adult education students. Sixty-five health facilities, including four large clinics and one hospital, are reported to have been completely or partially destroyed. In addition, 37 health units located in war zones have been abandoned by the government. The loss in available facilities has coincided with an increased need for medical and social services. The war has created a large group of disabled young adults needing rehabilitative care and equipment. About 9,000 orphans have resulted from deaths to adults.

Some closed or damaged social service institutions have reopened when greater stability returned to the zones in question. Of the 226 schools which were closed in 1984 or 1985, 176 are reported to have reopened during 1986. Several medical clinics have been destroyed and rebuilt as many as three times in the past four years. The Nicaraguan government estimates that close to 10 per cent of the country's inhabitants have lost access to health services because of the war.

The Nicaraguan Ministry of Health estimates that a total of $25 million in damage to the health system has been sustained. About half of this damage has been to physical plants, while the rest involves destroyed or stolen equipment and supplies. The economic value of destruction to the health system is only a small part of the estimated $2 billion worth of losses sustained by the country as a result of the war.

Contra attacks, lack of supplies, and war-related economic instability have forced about 250,000 Nicaraguans from their homes. About half of the displaced have resettled in some 80 new communities established by the government in areas near their original homes. Most of the other displaced persons have fled to major cities. This migration is a severe strain on the social and health infrastructure of the country. A health clinic is usually established within several months of the identification of relocation settlements, but water, sanitation, and food production systems may take a year or more to establish. Setting up these emergency services is a severe drain on the country's economy, since defense and reconstruction consume most of the national budget.

INFECTIOUS DISEASES

National malaria control efforts are considered quite successful in the eight provinces of the country which suffer few direct attacks by the contras. In these areas, the number of malaria cases recorded from January 1983 to April 1985 was 62 per cent lower than the monthly average during the previous eight years. During this same period, the number of malaria cases detected in the war zones was 17 per cent greater than the monthly average during the previous eight years. War-related population movements, the inability to carry out timely disease control activities, and shortages of health personnel in the war zones are likely responsible for the inability to reduce malaria transmission in these areas. Relatively greater underreporting of malaria cases in areas of conflict underestimates the differences in malaria incidence in the war and non-war zones. An investigation of positive cases in three of the eight non-war provinces during the first six months of 1984 showed that 78 per cent of all slide-verified cases were imported from the war zones. The areas most disrupted by the war, Regions 2 and 6, had reported 35 per cent of all malaria cases in 1983. In the first 11 months of 1986, 76 per cent of all reported malaria cases came from these areas. The risk of contracting and reporting a case of malaria from these areas was 7.6 times greater than in the rest of the country. War-related population movements, crowding among the displaced, and lack of resources in the preventive health services are also associated with increases in dengue and leishmaniasis.

A measles epidemic in 1985-86 appears to be intimately related to the war. Coverage of children under five years of age with measles vaccine had risen above 50 per cent for the first time in Nicaragua in 1982. Successive community health campaigns and immunizations provided through the primary health system further raised coverage in ensuing years. This was associated with the reporting of 200 to 75 cases per year in a declining trend during 1981-84. With the growth of the war in 1983, coverage with measles vaccine declined in war zone Regions 1 and 6. More importantly, many isolated rural communities went wholly unvaccinated because of the dangers posed by the war for health volunteers and medical professionals. This lack of coverage continued through 1985, creating a large pool of susceptibles under five years of age. By July of 1985, an epidemic was noted in Region 6. Of the 953 measles cases reported in the entire country in 1985, 49 percent came from Region 6 during the last six months of the year. By February 1986, the epidemic had spread to Region 1. During the first nine months of 1986, Regions 1 and 6 registered 51 per cent of the 2,021 measles cases reported in Nicaragua. Expanded immunization efforts in 1986 led to 60 per cent coverage of children under one year of age in these regions. This seems only to have attenuated the epidemic; the most vulnerable communities are still too dangerous for health workers to enter.

Other less contagious vaccine-preventable diseases which are targets of major control efforts have not rebounded. No cases of polio have been reported since 1981. Promotion of maternal immunization since 1983 has brought a gradual reduction in the number of reported cases of neonatal tetanus, from 132 in 1981 to 76 in 1985 (Ministry of Health, unpublished data). The decline in neonatal tetanus cases, however, would likely have been greater if the war had not disrupted efforts to train and supply rural midwives.

HEALTH INFRASTRUCTURE

Despite attacks on the health system and its personnel, a part of the country's health infrastructure has continued to grow in recent years. The number of doses of measles and polio vaccine administered increased slightly in 1985, reaching approximately 188,000 and 2,189,000 doses respectively. This followed a more rapid rise in the number of doses administered during 1980-83. The number of vaccine doses provided in preventive health campaigns, which grew rapidly during the 1980s, has continued to rise rapidly during the past three years. In 1985, health campaigns provided 45 per cent and 75 per cent of all doses administered of measles and polio vaccines, respectively.

The number of children under five years of age seen in oral rehydration centers rose 17 per cent during 1983-85, to reach a total of 173,000 visits in 1985. During the same period, the number of prescriptions filled rose by 19 per cent, reaching a total of more than 15 million in 1985.

The capacity of the public curative medical system expanded rapidly during 1980-83. In 1983, over 6.3 million medical visits and 207,000 hospitalizations were reported. The number of medical visits recorded in the national health system fell 9 per cent and the number of hospitalizations fell 10 per cent from 1983-84. Estimated coverage in the program of supplemental feedings to malnourished children fell from 38 per cent in 1983 to 28 per cent in 1985. Coverage in the program for postpartum care for low weight births fell from 52 per cent to 33 per cent in 1985. These decreases appear to result primary from the closing of health centers and the mobilization of civilian health workers to the armed forces. A total of 5,186 health workers have served for periods varying from 2 to 12 months in the militia. The number of doctors and nurses employed by the public health system fell by 10 per cent and 8 per cent, respectively, during 1983-86. There were 1,959 physicians and 1,167 professional nurses employed by the national health system in June 1986. During this same period, the number of surgical interventions rose by 4 per cent to reach more than 56,000 in 1986, reflecting improved utilization of existing capacity.

From 1983 to 1985, the number of visits to a physician dropped from 2.0 to 1.7 per capita; this decline followed a rapid rise from 0.8 annual visits per capita prior to 1979. Between 1983 and 1985, the number of medical visits among children under one year old fell from 3.8 to 2.4, while among one to four year olds, it had dropped from 1.6 to 1.0 per capita. The site at which ambulatory care is provided is also changing. While outpatient visits to hospitals fell from 4.1 million in 1983 to 3.4 million in 1985, visits to hospital emergency rooms doubled, reaching 55,000 in 1985.

It was planned to extend coverage to an average of 2.0 visits to a doctor per capita in 1986 (Ministry of Health, unpublished). This rise was to be brought about through increased employment of physicians in decentralized ambulatory care settings. In this way, increased medical contact would reduce pressure on hospitals to provide episodic ambulatory care.

Estimated infant mortality levels have remained stable since 1983 at 76 per 1,000 live births (Latin American Demographic Center [CELADE], unpublished). This followed rapid improvements in Nicaragua's mortality profile from 1979-83. A survey of 10,000 households using indirect demographic methods in 1986 found a more rapid decline in infant mortality in outlying regions than was expected. There is evidence, however, of a rise in infant mortality rates in the region which includes the capital city during the last two years. This rise may be the result of a rapid influx of persons displaced from the war zones. While war-related disruptions appear to have slowed or halted improvements in the country's health situation, deterioration in the population's overall health status has not been noted. The Ministry of Health's primary short-term goal is to maintain the improvements in the population's health status which occurred in the early 1980s (D.M. Tellez, Minister of Health, personal communication).

HUMAN RIGHTS DURING ARMED CONFLICT

In military parlance, the war in Nicaragua is a "low intensity conflict." While it may be low in intensity for the organizers and financial backers of the contra forces, it appears to be high in intensity for the target population. The particular epidemiologic profile of Nicaragua has been affected by three war-related phenomena: a rising death rate due to military engagements; uncontrolled human migration in the war zones; and the establishment of new communities by those displaced by the war. Low intensity warfare often targets the civilian population for hostilities. Doctors, nurses, and patients are frequently victims. This violates customary and satutory international law regarding the neutrality of health workers in situations of war. Such warfare has inhibited both the general population's efforts in seeking health services, as well as well as the ability of health workers and volunteers to provide services to those in need.

THE DEPRESSION REVISITED

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GINGRICH. Mr. Speaker, the recent stock market fall in October has sparked a debate over the causes of the 1929 stock market crash and the Depression of the 1930's. One of America's most prominent magazines, American Heritage, conducted an interview with economist Jude Wanniski on the similarities of the 1929 and 1987 crashes. Those interested in learning the lessons of history should read Wanniski's brilliant analysis of this issue.

[From American Heritage, February 1988]

CAN HISTORY SAVE US FROM A DEPRESSION?

An interview with Jude Wanniski

(By Timothy C. Forbes)

Jude Wanniski was among the early leaders in the revival of supply-side economic theory. A former associate editor of The Wall Street Journal, he founded and is president of the consulting firm Polyconomics, Inc., which is located in Morristown, New Jersey, and advises leading corporations and institutional investors on economics, politics, and communications. In 1978 Simon & Schuster published his pioneering book on economic theory and history, The Way the World Works. In it he draws heavily on historical precedent to argue that low tax rates are essential not merely to the wealth of a nation but to the welfare of its citizens and the progress of society. His ideas have significantly influenced the Reagan administration. Interestingly, he has no formal training in economics (he holds a B.A. in political science and an M.S. in journalism from UCLA); but the late chairman of the Federal Reserve, Arthur Burns, once observed to him that this was precisely his advantage. In addition to his work as a consultant and economist, Wanniski edits The Media Guide, an annual survey and review of the media that is wide-ranging in its coverage and outspoken in its evaluations.

This conversation took place in Wanniski's office on Election Day, November 3, 1987.

In your book The Way the World Works, you pin the cause of the crash of October 1929 on the rising protectionist sentiment that ultimately yielded the Smoot-Hawley Tariff Act. That's not the consensus of economic historians. How did you come to this idea?

Until October 1987, at least, the crash of 1929 was the most cataclysmic economic event of the century. As a result of the crash of '29, supply-side economic theory, which had been dominant in the Western world for almost two centuries, was forced into retreat. In other words, those economists who build their ideas, their economic models around the assumption that the producer of goods was the dominant actor in the economy couldn't explain why the market crashed. Consequently, policy makers turned to alternative models. They turned to demand-side economists, the Keynesians and the monetarists, who came up with the idea that the Depression had occurred because of insufficient purchasing power. The masses of people had insufficient purchasing power, insufficient demand power. So the demand-management school of economics took over, and bit by bit became dominant throughout Europe and especially in the United States. But by the 1970s the demand-side theories were no longer working. They could not explain the stagflation that began creeping into the system in the late sixties and became a way of life in the 1970s.

This was the state of things that led me to those economists who were reviving classical theory—supply-side theory—as a way of thinking about the world of the 1970s. But the requirement, I felt, was to find a rationale for the cause of the crash of '29 that would enable us to rehabilitate the classical model. I knew there had to be some event that caused such a cataclysmic interruption in dealings between producers and traders. And my answer was that it was the Smoot-Hawley Tariff Act of 1930.

How did you make this discovery?

I was at the American Enterprise Institute for Public Policy Research writing my book, and I had promised the publishers that I would explain the crash. But I was already into the fourth chapter, and I was no closer to finding the causes. Then one of the professors at the institute, Dr. Gottfried Haberler, and I had lunch. And I could see that there was nothing I could squeeze out of him that I hadn't gotten out of the literature. But when I got back to my office, a messenger came from his office with a monograph he had written on the Great Depression. It was only thirty pages long, and, maybe on page 12, Haberler had mentioned something about how the Smoot-Hawley Tariff Act of 1930 had contributed to the Great Depression. When I saw "1930." I got very excited, because I'd always thought Smoot-Hawley was 1931. But 1930 meant that the Congress that passed Smoot-Hawley was the same one that was sitting in 1929. Well, I couldn't wait to get into the library to get out the The New York Times microfilm and crank it to the last week in October.

There, at the top of the page, the market was crashing—and on the bottom of the page, the Smoot-Hawley Tariff Act was being debated in the United States Congress. So that was the "Aha!" experience.

In John Kenneth Galbraith's book The Great Crash, 1929, he proposes quite a different hypothesis, one that I think appeals to the moralist bent in Americans. He acknowledges that tax rates, monetary policy, and earnings expectations motivate stock prices early in a bull market. But as the prices rise for a period of time, a new element enters. He calls it the "dynamics of speculation"—greed, in short. This dynamic drives the price out of any relation to underlying values. In fact, a crash—the crash of '29, and I'm sure he'd think much the same about the crash of '87—is inherent in this very dynamic. It's inevitable that the bubble is going to burst once this virus has infected the system. How credible an explanation of the rise and fall of bull markets do you believe this is?

In the largest sense I don't think it has very much substance. There's certainly truth to the idea that most people who are piling into a bull market don't really know what they're doing. They're being pulled in by the vacuum. What's really happening is an arbitrage between profit opportunities and the availability of capital. And it's almost a mathematical certainty that if profit opportunities are seen by people, and they are willing to commit enough of their resources, they draw others in.

But what you have with a sharp run-up in the value of shares in the 1920s and 1980s is a reaction to long periods before then of errors in economic policy that drove profit opportunities down to a very low level. And suddenly some smart people came in and changed the structure of Government policy. Profit opportunities rose so quickly that markets adjusted rapidly. Then the collapse in prices occurred because a great, almost accidental error was made; in the case of Herbert Hoover it was his signing of protectionist trade legislation.

There's this idea that much of the run-up occurs because of the greater fool thesis, that people are buying shares and passing them on, one to the other. But this ignores, especially in the United States, the tremendous hedge markets we have. We've got a lot of smart people out there who are selling short, betting the market will fall. And they're as motivated by greed in their short sales as others who are motivated by greed going long.

I've always felt that Galbraith, if he had looked at the New York Times the way I did, might have found the Smoot-Hawley answer. But I think what happened with Galbraith is that he was so far along in his career by the time he had come to write The Great Crash, 1929, he probably had a research assistant looking at the microfilm who didn't notice that there was something going on there. So he had to come up with a theory of why the market crashed, and it was a theory that the market crashed because it was too high.

In other words, it's a nonexplanation. While the forces may be operating—greed is certainly part of life—it doesn't explain what actually triggered the crash?

Right. The crash of '29 was triggered by the recognition on the part of the world markets that the United States was more likely at the end of the last week of October 1929 than it was at the beginning of the week to impose protectionist trade-barriers on world commerce. And so the Dow-Jones industrial average fell from its peak of 381 around Labor Day of 1929 to a low of 230 in the last week of October. Of course, this was only the first wave. Other countries retaliated against Smoot-Hawley with protectionist tariffs of their own. So you had an imploding of world trade that sent the world reeling backward, giving up perhaps 30 years' worth of progress. And we had to go through a depression and a world war in order to get to a higher state.

One of the things that's frightened me throughout the current period is that although supply-siders like me believed they knew what was going on, they were confronting a world of policy makers who didn't. We believed that unless we could act rapidly enough, we could wind up having the world break down into a global depression that would lead to a nuclear war. The global electorate has to keep its wits about it and move to avoid the same kind of cataclysm we had in the 1930's and 1940's.

A lot of people now are drawing the parallels between '29 and '87. We've had a boom, a stock market crash, and now the question on everyone's mind is, Where do we go from here? Is a recession or even a depression unavoidable?

The adverse effects of the crash of '29 could have been avoided. The market expectations of October 1929 were that bad things were going to happen in the future. Now if Hoover hadn't signed the Smoot-Hawley Tariff Act, or if foreign retaliation had not followed and further diminished commerce, something very different might have occurred. And remember, this diminution of commerce brought Government revenues down in the United States so much that Hoover said we had to raise taxes to make up for the lost revenues. One error built upon another error until we got to the low point of the Dow-Jones Average, 41, that was hit in the summer of 1932. It was within days of Roosevelt's nomination in Chicago and his acceptance speech with its commitment to free trade.

Which was a flat repudiation of Hoover and the Republicans as the party of protectionism and isolationism.

Exactly. Our ruling elite didn't see, in 1929, how important it was that we be international in our approach, how important it was that in being a global leader, we not act as we had in the previous periods of our growing up, as narrow nationalists. In earlier days we could get away with pushing tariffs up and down and had done so. But we were in a far different position by the 1920's.

What had changed?

The United States in the 1920s was already the richest country in the world. We were booming on the supply-side ideas of Andrew Mellon, the Secretary of the Treasury, and Presidents Harding and Coolidge. We were growing at a great pace, and the rest of the world was kind of drawing water and hewing wood in support of our boom. But historically this kind of disequilibrium can't go on for very long. Either we were going to have to become poorer or they had to become richer.

The correct solution back in the late twenties, rather than the one we chose through the Smoot-Hawley Tariff Act—which made us poorer—was to share these growth ideas with the rest of the world. I'm not talking about sharing through the distribution of goods, by sending foreign aid out of the United States. I'm talking about sending ideas out. We are now getting a second run at this global leadership. Now, I hope, we're going to be able to meet the challenge.

You mention the Mellon tax cuts of the twenties, which are one of the inspirations, certainly, for the whole supply-side revival in economics. Those tax cuts, and the boom that followed, actually increased Government revenues to the point where there were regular surpluses. In that period the national debt declined by some 30 percent. Why didn't the Reagan tax cuts of our era achieve the same ends?

A couple of things. One is that there was no social safety-net system in the 1920s. So when the crash occurred. Andrew Mellow said, well, you liquidate capital; you liquidate labor; you just liquidate things until you get backs to a new equilibrium. But that meant that the poorest people in the country were crushed in the process. You can't do that today—and shouldn't. The second thing is that in the 1920s we were on a gold standard. That meant that monetary policy was acting at an optimum rate.

Now we have a floating currency, where monetary errors can be made and have been. We have a monetary deflation that brought the price a gold down very sharply from when Reagan was elected—from $620 to less than $300 in the summer of 1982. So we wound up with a recession, and this process brought the big deficits. Supply-siders were warning in the early 1980s that unless the Federal Reserve System was prevented from tightening monetary policy in 1981 and 1982, as it did, we would wind up with colossal budget deficits.

Recession in the kind of welfare state we have arranged is enormously expensive. The safety net is a good thing, but it costs. So supply-siders have been arguing from the beginning of the Reagan administration that at all cost recession must be avoided.

So, in your view, the budget deficits are a consequence not of tax cuts but of a restrictive monetary policy that triggered a recession in 1982. In any event, for years now, we have been running the highest deficits in our history, and we have a two-trillion-dollar national debt. Many suggest that the crash of October 1987 was in response to this. Is that right? How serious are the budget deficits? How serious is the national debt?

Again, the greatest threat to our deficits and our national debt is recession. The two-trillion-dollar national debt is not something that supply-siders are frightened by, because we have seen the tremendous addition, over the last several years, to the asset side of the ledger. The value of past savings, the value of financial assets to the United States, has risen by a phenomenal amount. It should make it relatively easy to finance the deficit, as long as we get it under control at some point. Now getting it under control at some point means not having any more recessions for a while. Not engineering them, certainly.

Doesn't history offer some comfort in terms of the debt and the budget deficits? They've increased tremendously in nominal terms, but as a proportion of gross national product or—as you just pointed out—as a proportion of assets, they're roughly what they were twenty-five years ago.

And they are much lower than they were at the end of World War II. At that time the publicly held national debt in the United States was something on the order of 120 percent of GNP. In other words, the whole country would have to work for fifteen months in order to pay off the national debt completely. At the present moment the publicly held national debt is something less than 50 percent of GNP, which means we would have to work six months to pay off the creditors.

What about the trade deficit?

We've become the world's greatest debtor because of the enormous capital inflows that have come into the United States as a result of supply-side growth policies. When we were beginning to sell the idea of encouraging the wealth of nations by getting tax rates down to an optimum level, we pointed out that if we did this first in the United States, we would quickly have to get the rest of the world to replicate our policies. Otherwise, capital would flow to the United States. And capital can flow to the United States net only if we run a trade deficit. A trade deficit is the flip side of a capital inflow.

If Japanese investors see that profit opportunities are greater in the United States than they are in Japan, they will sell us more goods than they're buying from us so that the differential can be used to buy financial assets. In other words, they can't buy stocks or bonds or hotels on Central Park South unless they sell us more goods than they're buying from us. So the capital inflow is huge today because we're a magnet for capitalism worldwide.

Why did this happen?

Because the United States, under President Reagan, had to grope its way out of the world of the 1970s—the world of stagflation—by cutting taxes. With the tax reform of 1986, the United States will have a top tax rate of 28 percent. This makes us, as The Wall Street Journal put it, the biggest tax haven in the world. And it is the capital flowing in that produces these enormous trade deficits.

The only solution to this disequilibrium is a recession in the United States or tax reforms in the rest of the world. Governments should bring the tax rates down in Europe and Japan and even more in the Third World. The highest tax rates in the world now are in Central America, South America, and sub-Sahara Africa, where no economic activity can really take place, because as soon as any occurs that's visible to the tax collector, the government confiscates the profits.

The common wisdom today says that the trade deficits and the budget deficits are looming over the economy in America, that they are the fundamental problems this economy faces. And according to many, they're a function of irresponsible tax cuts.

Those who make that argument are essentially correct, except that they're talking from the standpoint of those who would correct the problems by having a depression. They're part of the wrong solution—the one we really don't want to choose. Even those who are saying, "We must have a recession to correct the disequilibrium," can be faintly heard every now and then saying, "Well, yes, Germany and Japan should expand." But it's a kind of weak call, because they don't really understand the supply-side position. They know that there's something to what we say, but they're far more convinced of their own solution. So they say, "Even though we may have to go through some pain, better do it now than later, before it gets worse."

But I think that as long as we have a sense that we can get past these current difficulties, we'll be okay—if President Reagan can hang on with his commitment to keeping us out of recession through the rest of his term. Which means, as he puts it, to not allow deleterious tax increases to slow the economy down, to not permit protectionist trade legislation to be enacted, and to not get caught up in some great monetary error.

So, what triggered the crash of '87?

The feeling, worldwide, that the President has lost his dominant position in being able to manage this great economy. And the perception that the Congress of the United States, controlled by the Democratic party—which at this point in history is a party of pessimists—believes we must have trade legislation, we must have tax increases, we must even have a recession. All these threats are the real ogres now hanging over the market as a result of the world market's loss of confidence in President Reagan's ability to manage things.

But how do we solve the problem of the trade deficits? Let the dollar fall into oblivion?

No. Letting the dollar fall is inflationary. We could get into a 1979-80 cycle, in which the markets would see the value of financial assets evaporate in a monetary inflation.

That would be a trade war by other means, wouldn't it?

Yes. There are three major threats to the economy: a monetary inflation; increased taxation that could bring about a recession by reducing domestic profit opportunities; and increasing tariff walls through protectionist trade legislation that could reduce and diminish the United States as a magnet for capital. These three things could bring about the kind of recession that would make up poor enough to correct the trade deficit.

See, once you're poor enough, you can't afford the goods of the rest of the world, so you don't buy them. You're even too poor to buy the goods that you've produced yourself. So you sell them at going-out-of-business prices to the rest of the world. You have a fire sale. All of a sudden you have huge trade surpluses. This is what happened in the 1930s in the United States. Every month, month after month, the Department of Commerce would announce, "Well, the unemployment rate has gone up, but the good news is that the trade surplus has gotten bigger." We ran a trade surplus throughout the Depression.

So a trade surplus is not necessarily a sign of economic well-being?

No, it's not. You have to be able to look at the conditions. The trade surplus after World War I and after World War II was a sign of great strength in the United States, because the rest of the world was buying goods from us in order to rebuild, giving us financial assets in exchange. But now the trade deficit that we're having is a sign of great vitality because the capital inflows are arising out of the fact that we now have enacted the lowest tax rates on individuals in the world and we have become a magnet for capital. There is a great potential now for producing enough wealth to pay off the investments of the rest of the world, down the line. The rest of the world is really buying income streams; they're buying annuities here.

I think the only real solution to the trade deficits and the budget deficits is to go back again, again and again, to persuade the rest of the Western industrial democracies to reduce their tax rates, to expand. Not to reflate but to grow.

When we talk to the Germans now, all they seem to hear us saying is that they should increase their budget deficits and inflate their money supplies. And they're afraid of doing that because they think it will lead to inflation. But supply-siders are not saying that. We're talking about having them bring down their marginal income tax rates. They have a 56 percent top rate in Germany. Now they've promised to bring it down, by 1990, to 53 percent. But that's not enough. And it's not only Germany and Japan. I met with Treasury Secretary Baker a few weeks ago, and I told him, "You've got to get Germany and Japan to lower their tax rates, not just because those two countries are the problem but because they would serve then as models for Europe and Asia." Once Germany cuts its tax rates, then the rest of the European community would have to, in order to compete with Germany.

What would happen if they did not follow the German lead?

The Germans would have tremendous capital inflows. They would then switch from a trade-surplus country to a trade deficit country. There's another, human dimension here too. Unless they were followed quickly by the rest of Europe in getting tax rates down, the Germans would then have to import workers from Italy and Turkey—guest workers—to come in and perform the work, just as now we have pressures in the United States with these great capital inflows to import people from the rest of the world to do the work.

The political disequilibrium is horrendous. Imagine, in the ridiculous extreme, that the United States was the only country in the world applying a correct economic policy. Then the only solution for the rest of the world would be to move to the United States. Everyone would come to the United States eventually if you had open immigration and if tax rates were 100 percent around the rest of the world and they were at optimum here. But we shouldn't have to do that. We shouldn't have to import the rest of the world just because we're the only land of opportunity.

Our mission is to serve as a beacon to the rest of the world, so that we can export our ideas. People in Mexico shouldn't have to move to San Diego to fulfill themselves. They should be able to stay where they are, with their families, their friends, their roots, their background and their culture. That is the objective of the 1990s. This is the challenge for the next American President and the growth leaders in the United States and in the Western world: to export the ideas of growth so that we solve the problems by having the rest of the world grow, not by having the United States decline.

That's the challenge. But what do you think will really happen?

The crash we had in October 1987 was a good dose of ice water, even on those growth-oriented politicians and businessmen who have come to take it all for granted and who may have brushed aside the idea that we have to worry about the rest of the world, believing that we can be an island of prosperity in a world of either semiprosperity or poverty. The world won't let that happen. The global electorate won't let that happen.

Even if 98 percent of the world is prosperous and 2 percent somewhere has still not been brought aboard—and I can imagine this happening centuries from now—that 2 percent will give the rest of the world great headaches until we resolve that. They have to be brought up to the next stage. That's the march of history, the way I see it.

So in the long run, and in the short run, I'm very optimistic. I think this time around, the United States is going to sidestep protectionist trade legislation. We're going to avoid a recession. And we're going, in 1988, to choose a political leader who will be able to deal with the rest of the world problem. But the margins for error have narrowed. It's a very sporty course out there.

UNITED STATES-SOVIET EXCHANGES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I had the privilege of offering the "congressional perspective" on exchanges between the United States and the Soviet Union at a conference with top Soviets including Soviet Culture Minister Vasiliy G. Zakharov. The debate/dialog was sponsored by the Eisenhower Institute and Helsinki Commission on which I serve, and provided a useful exchange of ideas, hopes, as well as criticisms of such exchanges. It seems clear to me that both the United States and the Soviet Union are acting in their own self interest in promoting exchanges of various kinds and this is no different today than it was 30 years ago on June 27, 1958, when the first agreement was signed by President Eisenhower and Nikita Khrushchev.

The United States, for its part, hopes that the effect of sustained interface with a robust democracy, guaranteed protection of human rights, due process of law, a free media, an independent judiciary and a free market system will impress Soviet leaders, at least incrementally, that these basic tenets of American life do indeed work effectively and are not to be regarded with trepidation or suspicion. Lest we be too confident about the immediate positive impact of our values on Soviet leaders, we do well to note Mikhail Tsypkin's testimony at a recent Helsinki Commission hearing. He said:

> There is no established correlation between visiting a democratic society and becoming a democrat. On the one hand, Lenin, the father of Soviet Communism, spent most of his adult life in Great Britain and Switzerland, and he had nothing but contempt for democratic values. On the other hand, the most active proponent of democracy in the Soviet Union, Dr. Andrei Sakharov, has never been out of the Soviet Union. * * *.

But then again Dr. Sakharov has had the advantage of 20-20 hindsight observing the devastating results and being victimized by a 70-year-old experiment called communism that has littered the Soviet Union with much human misery and pain. For Lenin, at least before 1917, communism was an idea and he saw communism only in its infancy and even that, however, was a nightmare.

I would note here that there are many informed Americans who, while cautiously embracing U.S. Soviet exchanges, believe that the Soviet Union is accelerating certain types of contact with the United States for purely pragmatic reasons that could prove injurious to United States security. There are many who believe that the bottom line for the Soviets is to acquire Western technology for both economic and military purposes. There is much to this argument. As Richard Perle, former Assistant Secretary of Defense for International and Security Policy, has warned:

> The unhappy fact is that we have no policy, no deliberate sense of gains and loses, no orderly interagency process for evaluating risks—"assessing the implications for our national security of cooperative arrangements with Soviet intelligence agents and their co-opted scientific and technical colleagues"—and benefits.

These are sobering thoughts. Representatives from both sides, however, repeatedly assert that such exchanges should be on specific formats for exchanges are designed to promote mutual understanding, mutual respect, sharing of information and a corrsponding lessening of tensions, prejudices, and misperceptions that exacerbate relations. These certainly are laudable goals.

I believe there is an undue emphasis by the Soviets on the need for establishing a certain aura of symmetry between various institutions in both countries. While I have been very critical of agreements like the 1985 American Bar Association and the Association of Soviet Lawyers—ABA/ASL accord, I think the jury is still out in the minds of many Americans—and Congressmen—as to the advisability of such formal agreements. While the ABA is comprised of attorneys dedicated to the rule of law—and a fair trial for their clients—the ASL is subordinate to the Communist Party, and presents the Soviet human rights record and legal system to the West in favorable light. The ASL is not an independent, autonomous organization. Its vice president, Samuil Zivs, who also serves as vice-president of the Soviet Anti-Zionist Committee, has been severely critical of Anatoly Shcharansky and Dr. Sakharov and accused Amnesty International of "poisoning peoples' minds with disinformation about the Soviet Union".

At a 3-day meeting in Holland in early January, I asked Mr. Alexander Sukharev, president of ASL several specific questions concerning the due process rights of accused Soviet citizens. I asked him if basic due process rights exist in the Soviet Union, such as the right of counsel and a presumption of innocence until proven guilty. My questions went unanswered. Perhaps more dialog will induce more introspection and will yield reform in Soviet jurisprudence. But that dialog could have proceeded absent the agreement conferring "equality" between the two organizations.

One of the issues that I raised repeatedly in Holland with Theodore Burlatsky and Alexander Sukharev was the need for an amnesty for persecuted Christians and other people of faith during the celebration of the millennium. I believe that an amnesty, and a liberalization of Soviet law permitting freer exercise of religion, contact and exchanges of coreligionists in the West would establish a real basis for growth in relations between our two countries. If exchanges of religious leaders are permitted only for peace conferences, or nuclear disarmament talks, the view will persist here in the Congress that such contact is permitted primarily to serve Soviet propaganda purposes. What we hope the Soviets will consider is the freer contact and exchange of church leaders on issues of theology, social justice and other topics.

It is also hoped that the Soviet Government will permit freer travel at home and abroad of its own citizens and allow Americans—particularly those with family ties—to visit and stay with relatives in their own residences. Congress is really interested in this issue. Last year Congress passed a resolution I introduced calling on the Soviet Union to permit this kind of contact between family members. This right is guaranteed by the Helsinki accords and its implementation would dramatically enhance mutual understanding and respect between our two countries.

I believe that Americans who visit the Soviet Union as part of an exchange should be permitted freer access to Soviet citizens without the latter fearing retribution. Isolating the general Soviet population from face-to-face contact only reinforces the contention that the Soviet Union is a closed society. I think mutual understanding will be further advanced if younger students, especially those of high school age, are permitted to study in the United States and Soviet Union for extended periods of time. The young should be permitted—let me rephrase that, not just permitted but positively encouraged—to seek the truth, to ask probing questions and demand answers. And if they are so inclined, to dissent, without inviting the ire of Soviet officials.

Finally, let me just say that there is a strong undercurrent of guarded optimism on the part of many Americans concerning the hope of "glasnost" and "perestroika" in the Soviet Union. Exchanges can play a part in initiatives and furthering democratization in the USSR and bringing the two superpowers closer.

I dare say that the one exchange that Americans would most like to see however, isn't horizontal—that is to say—East/West. But rather an ongoing meaningful vertical exchange—Soviet citizen to Soviet Government and vice versa.

There is a strong belief here in the Congress that any country that keeps its word with its own citizenry—that is, respects human rights of its people—is indeed a country that can be trusted on matters of international importance and is worthy of our deep and abiding respect.

YOUNG WOMEN PROMOTE TENNESSEE HONEY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SUNDQUIST. Mr. Speaker, I would like to take just a moment to call the attention of my colleagues to accomplishments of two young constituents of mine, Miss Donna Nicholson, of Clarksville, TN, and Miss Stacey Green, of Dickson, TN.

The two of them were recently selected to represent and promote Tennessee's beekeeping and honeymaking industry, Miss Nicholson as 1988 "Tennessee Honey Queen" and Miss Green as "1988 Tennessee Honey Princess."

It may surprise some of my colleagues to learn that the business of making honey generates $19 billion annually in this country. As Donna and Stacey are quick to tell you, there is much to recommend this wholesome, natural product.

Donna Nicholson and Stacey Green have been honored by the Tennessee State Beekeepers Association because of their enthusiastic promotion of honey and because they are themselves practicing beekeepers.

Our "1988 Tennessee Honey Queen and Princess" are to be congratulated, not only because they are fine representatives for Tennessee honey, but also because these fine young women embody so well the ideals of industry, ingenuity, thrift, and selflessness promoted by the Tennessee Honey Queen program.

I congratulate Donna Nicholson and Stacey Green and wish them well as they pursue their educations and careers.

NATIONAL BURN AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GILMAN. Mr. Speaker, I would like to draw my colleague's attention to the week of February 8, 1988, "National Burn Awareness Week." As many of us are aware, burns are one of the leading causes of death in the United States, with almost 12,000 people dying each year as a result of burns, a majority of them children, the elderly, and the disabled.

Each year millions of dollars are spent trying to remedy the effects of burns and burn-related incidents; each year, 70,000 individuals are hospitalized as a result of burns. Fortunately, a special group of individuals have devoted themselves to helping burned children, conducting burn research and training medical personnel in the treatment of burn injuries. The Shriners of North America have committed themselves to improving the quality of life for burned children.

Recognizing that thousands of children are crippled, disfigured or killed each year by what has been called one of the largest hazards of children, the Shrine of North America opened three burn institutes in Boston, Cincinnati and Galveston, providing excellent care to severely burned children requiring immediate acute care, reconstructive or restorative surgery, and rehabilitation from severe burns. Almost unbelievably, there is never a charge to the patient or parent for any service or medical treatment received at Shriners Hospitals.

The Shriners burn institutes have been in the vanguard of burn research. One of the better known achievements of Shriners Hospitals research is the cultured skin developed by the Boston Burn Institute. Researchers developed a method of growing skin from a tiny sample of a burn patient's own skin. They are currently involved in the development of artificial skin and many other achievements that will continue to revolutionize the way burn patients will be treated in the future.

The establishment of the Shriners burns institutes has alerted the medical community about the needs of burn patients, and in turn, led to the establishment of non-Shrine burn centers throughout North America. In my district, many Shriners and other concerned individuals devote their energy to the burn unit at the Westchester County Hospital.

Throughout this week, the Shriners and many other members of my community will be conducting public awareness programs designed to familiarize the community with methods of burn prevention, treatment and rehabilitation, as well as educating the public of fire hazards, and thereby reducing the incidence of burn injury. I applaud; the Shriners for their efforts and hope that "National Burn Awareness Week" receives as much attention in every district in the Nation.

GIVE DEMOCRACY A CHANCE

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. McCANDLESS. Mr. Speaker, few issues are debated at such length and as passionately as the issue of aid for the freedom fighters in Nicaragua, also known as the Contras. I support aid to the freedom fighters. Their goal is to force the Sandinista government to honor the promises of the Sandinista revolution—promises of freedom and democracy for a troubled Central American country. However, those promises have been ignored. The Sandinistas have closed opposition newspapers and radio stations, and other basic freedoms and human rights are nonexistent in Nicaragua. In short, the Sandinistas have replaced their promises of freedom and democracy with Marxist-Leninist ideology and an announced objective of spreading a socialist revolution throughout the region.

Contra aid has been successful. Without Contra aid, there would be no negotiations between the Sandinistas and the freedom fighters; there would be no recently opened opposition newspaper or radio station; and, most importantly, there would be no hope of democracy. We must keep the pressure on the Sandinista government to honor the promises of their revolution. We must support the Nicaraguan freedom fighters. We must give democracy a chance.

In the February 1, 1988, issue of U.S. News & World Report, was an excellent and concise article on why it is "Time for a 'Yes' Vote on the Contra Aid." I commend the article to the careful consideration of my colleagues.

[From U.S. News & World Report, Feb. 1, 1988]

TIME FOR A "YES" VOTE ON CONTRA AID

(By Michael Kramer)

Take a moment and think about the value of pressure in international relations. Consider two examples:

Despite Moscow's internal economic problems, can any competent student of Soviet affairs seriously argue that an INF treaty would exist today if the Reagan adminsitration hadn't insisted on placing Pershing 2 missiles in Europe? If the allies had had nothing to trade, would the Kremlin have unilaterally dismantled its intermediate nuclear forces out of the goodness of its heart?

Similarly, on their southern flank, would the Soviets be eager to quit Afghanistan simply because Russian mothers sleep better if their sons aren't occupying another county? If the United States hadn't backed the mujeheddin rebels to the point where Afghanistan has become a Vietnam-style quagmire for Moscow, would Mikhail Gorbachev be planning a pullout simply for altruistic reasons?

The answer to these questions is obvious or should be: Pressure—and often only pressure—works.

Now consider the Nicaraguan situation. Contra aid faces another crucial vote week. Congressional opponents of renewed assistance say the Sandinistas have seen the light. The comandantes, they argue, have agreed to speak directly to the Contras (which they had previously refused to do), lift the state of emergency in Nicaragua and grant a conditional amnesty to political prisoners essentially because they are well-intentioned folks who would have "made nice" long ago if the Contras hadn't been nipping at their heels.

This is the view, too, of the Democrats running for President (new crowd, old tune)—candidates, in Jeane Kirkpatrick's admittedly demagogic phrase, who always seem to blame America first. And, of course, their critique is 180 degrees wrong. There is a connection between the INF treaty, Afghanistan and the chances for peace in Central America—a common thread: By their own, proud admission, the Sandinistas are dedicated Communists committed to spreading their Marxist-Leninist ideology throughout the region they inhabit. That they now may be moderating their thinking and behavior at all-an iffy proposition at best—is a result of the pressure, both real and prospective, that the Contras have been able to apply.

HOW THE SANDINISTAS PLAY THE GAME

The Sandinistas must be chuckling. Last week, after they announced their "concessions"—which they promised to renounce if Washington continues aid to the Contras—Nicaragua's Foreign Minister was asked if the comandantes were loosening their iron fist for tactical reasons: In order to influence Congress to reject further Contra assistance. "Of course," answered Miguel D'Escoto, a confident practitioner of pressure in perfect sync with his audience. Congress' Democrats, you see, are still anxious to kill off the one factor that has caused the comandantes to move off square one.

Why is the obvious course—keeping the Contras alive—even a matter of debate? Part of the blame rests squarely with the Reagan administration. Over seven years, the White House has squandered its credibility with respect to Central America. It has lied to Congress, shifted its goals and misread the mood inside Nicaragua. The upside is that the Sandinistas have been contained and that the time bought by that containment has permitted the consolidation of democracy elsewhere in the region, most notably in El Salvador. But President Duarte's limited success there—and the fragility of representative government in Guatemala and Honduras—only raises the stakes further if the Contras are disbanded.

ARIAS' FALLBACK: A FEW GOOD MEN

Today's anti-Contra lobby echoes an earlier naïveté when Americans, circa 1979, actually believed that Thomas Jefferson was the Sandinista patron saint. "Give peace a chance," they now say. "Trust the latest democratic pronouncements of Nicaragua's President, Daniel Ortega." If we're wrong, says House Democratic Whip Tony Coelho, then the four other Central American Presidents will come to us and "seek some help—and we should give it to them."

What kind of help? Oscar Arias, the Costa Rican President who authored the current peace proposal, has told friends that an invasion by the U.S. Marines would fit the bill. Which is fine for him to say. He's not talking about Costa Ricans making Central America safe for democracy; he's talking about our boys doing the job, the same job the Contras—native Nicaraguans—are willing to do themselves.

Even the most politically blind should feel queasy about the Sandinistas' lastest good-guy promises and should welcome the Contras as an insurance policy. Cut them off now, and they will be gone for good. Once disbanded, a guerrilla force—no matter how dedicated—is next to impossible to reconstitute. And once a nation like the United States has turned its attention elsewhere, it doesn't want to hear that a problem deemed "solved" is still an open wound.

The prudent course for Congress, then, is to keep the Contas alive. Any one of a number of proposals will suffice. Two of these—humanitarian assistance, or military aid held in escrow against a determination of the Sandinistas' sincerity—would get the job done. If we don't do at least this—and it really isn't all that much—where will we complain if things turn sour? The United Nations?

If the Contras die, the Sandinistas will be free to reimpose the near-Stalinist measures they claim to be forgoing and to fulfill their "historical imperative" by striking out against their neighbors. And then Oscar Arias will be right: Only the Marines will be left as an available counterforce, assuming whoever is President has the stomach to send them in—a bet even a loser like Jimmy the Greek wouldn't take.

IN THE INTEREST OF PEACE AND FREEDOM, SUPPORT THE RESISTANCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GUNDERSON. Mr. Speaker, today the Congress debates again the direction of United States policy in Central America. The outcome of the vote will determine whether the historic Guatemala City peace plan remains a vital instrument toward peace and freedom, or simply fades away as another missed opportunity for Central America.

As one who at first opposed military aid to the Nicaraguan resistance, I rise in support of the assistance package before us today. It was true, at one time, that there were other options for the United States to pursue in trying to promote stability and freedom in Central America. It could also be said that the United States had no business supporting a group like the Contras.

But as we debate this issue today, we must recognize that the times have changes, the Contras have changed, and the issue before us has changed.

The events over the past few months ought to give all of us a new perspective on the Central American question. The most salient issue, of course, has been the Guatemala City peace plan, which was signed by the five Presidents in the region in August. This plan holds the governments to a variety of far-reaching reforms, including amnesty for insurgents, cease-fire negotiations, basic freedoms, release of political prisoners, suspensions of state-of-emergency laws, cessation of support for insurgents, and other provisions.

Those of us who support this plan have been encouraged by the hope and dynamism engendered by this document. It has sparked a process by which the Central American people might achieve not just peace alone, but peace together with freedom.

The Nicaraguan resistance, unlike other insurgencies in the region, seeks to participate fully in this process, and in the new environment built by that process. No longer can we dismiss the resistance in broadbrush terms, as some unwashed, disorganized band of thugs. Their leadership is made up of men and women who fought to overthrow Somoza, served in the postrevolution coalition government, and then joined the resistance when the Sandinistas moved to consolidate their power.

The Contras are the only insurgency today, and possibly ever, with its own human rights group. The Nicaraguan Association for Human Rights [ANPDH], led by Dr. Marta Patricia Baltodano, educates the resistance as to the principles of the Geneva Convention, and monitors their human rights record. When Contras commit serious crimes out in the field, they are brought to trial before a military tribunal, and they serve time in military prison when found guilty.

We must consider the President's aid package within the context of this new environment. This package was explicitly designed to support the peace process, rather than undermine it or exacerbate the Nicaraguan conflict. The President's proposal consists of $36 million in direct aid to the Contras. Ninety percent of this package is nonlethal assistance, meaning food, clothing, medicine, transport, and other supplies. The remainder, $3.6 million in lethal aid, will be held in escrow until March 31, and would only be released if the Congress determined that the Sandinistas were not in compliance with the peace plan. I should emphasize that this package consists of reprogrammed funds, and requires no new money.

In view of the evolution of this issue, the central question we must answer today is which policy will continue the process toward achieving peace, freedom, and democracy?

Sandinista leader Daniel Ortega suggests we eliminate the Contras; then he will allow freedom and democracy. President Reagan argues the opposite, that the vitality of the resistance is what is pressuring the Sandinistas toward those goals.

A cursory review of history provides some valuable insight. It is inarguable that the Soviets would never have agreed to the terms of the INF Treaty were it not for the presence of American Pershing II and cruise missiles in Europe. The Soviets would never be willing to negotiate their withdrawal from Afghanistan were it not for the strong stand of the mujahedin rebels, supported in part by the United States.

The analogy rings true for Nicaragua. Daniel Ortega would never have signed an agreement instituting comprehensive democratic reforms were it not for the Contras. Two weekends ago, in the face of censure from the other four Central American Presidents and another Contra aid vote in Congress, he finally offered direct talks with the resistance and lifted the state of emergency.

How did the Sandinistas behave in response to 4 months of moral pressure by the Central American Presidents after the signing of the peace plan? The record shows:

In September, they worked out a plan with Soviet and Cuban assistance, to construct a 600,000-man armed force equipped with modern, offensive weapons. El Salvador, with a force of 46,000, is the next largest army in the region.

During September and October, the Sandinistas trained members of the Salvadoran guerrillas in the use of anticraft weapons.

On December 12, President Ortega told supporters in Managua that if by chance the Sandinista Party lost an election, "what it would give up would be the government, not the power." At present, the army, the judiciary, and the law enforcement agencies are controlled by the Sandinista Party as a matter of structure.

Of the more than 9,000 political prisoners held by the Sandinistas, only 985 have been released. By comparison, El Salvador has released all its political prisoners, including the kidnappers of President Duarte's own daughter and the murderers of American soldiers, land reform experts, and union officials.

The list goes on, and includes the arrests and mistreatment of civic opposition leaders, intimidation and repression of opposition media, and other human rights violations. In fact, the Sandinistas fall short at every point of the Guatemala City plan.

The vote today, then, is not a vote to give peace a chance. The vote today is really this: Should we do our part to ensure the existence of a viable political opposition within Nicaragua? For if the resistance loses its support, they will disband, and we will lose the one effective pressure that keeps Mr. Ortega at the cease-fire talks table and compels him to institute reforms. Without a viable Contra existence, I just don't envision the Sandinistas contributing to stability in the region, nor can I see them treating their people with respect, if they feel their grip on power is assured.

Finally, we must also understand what is not at stake here. The peace process is in no danger of crumbling as a result of this aid package Only a few days go during his tour of Europe, Daniel Ortega announced that the cease-fire talks would proceed, and that the peace process would continue, whether or not Congress approved the Contra aid package. Today's vote is not a vote to end the peace process; it is instead a vote to preserve the hope of peace, freedom, and democracy.

INF TREATY PRIMER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. STOKES. Mr. Speaker, the recently-concluded treaty between the United States and the Soviet Union on the elimination of intermediate-range and shorter-range missiles is an important matter of interest to all Members of Congress. To assist Members in understanding the key elements of that treaty, I am enclosing a gist with the key elements of that treaty.

INF TREATY PRIMER

TREATY ON THE ELIMINATION OF INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

Article I

Article I requires the permanent elimination of U.S. and Soviet intermediate-range and shorter-range missiles as defined in this Treaty.

Article II

This article defines the key terms used in the Treaty. Definitions are provided for the terms: ground-launched ballistic missile (GLBM), ground-launched cruise missile (GLCM), GLBM launcher, GLCM launcher, intermediate-range missile, shorter-range missile, deployment area, missile operating base, missile support facility, transit, deployed missile, non-deployed missile, deployed launcher, non-deployed launcher, and basing country

Article III

Article III specifies the existing missile systems to be destroyed. For the United States, it is Pershing II and the BGM-109G Ground-Launched Cruise Missile (GLCM). For the Soviet Union, it is the SS-20, SS-4, and SS-5. The shorter-range systems that are to be destroyed is the Pershing IA for the United States and for the Soviet Union, the SS-12 and SS-23.

NOTE: The Soviet SSC-X-4 (GLCM) and the U.S. Pershing IB which are also to be eliminated are not categorized as existing types of missile but rather as "missile systems tested but not deployed prior to entry into force of the treaty" and therefore are not listed under Article III. Article X requires that they be eliminated within the first six months after entry into force of the Treaty.

Article IV

Paragraph 1: Both parties will eliminate all its intermediate-range missiles and launchers, as well as all its support equipment for these weapons no later than three years after entry into force of this Treaty.

Paragraph 2: The reductions will be in two phases. The purpose of the two phases is to insure that neither side obtains a numerical superiority by delaying their reductions. The first phase is to take no longer than 29 months from the entry into force of the Treaty. At the end of those 29 months, each party can have deployed on intermediate ballistic missile launchers, missiles having no more than a total of 171 warheads. Deployed intermediate ballistic missiles (those in launchers, plus spares) can carry no more than a total of 180 warheads. The total of deployed and non-deployed intermediate ballistic missile launchers cannot carry a total number of missiles having more than a maximum of 200 warheads. Furthermore, as the eliminations proceed, the ratio of intermediate ballistic missiles to GLCMs must remain as they were on 1 November 1987 during this phase.

The second phase consists of the last seven months of the three year period in which the remaining ballistic missile launchers, missiles, as well as cruise missiles, will be eliminated. NOTE: The Protocol on Eliminations required that the preceding be completed within six and a half months. The remaining 15 days of the seven months is reserved for the removal and elimination of the U.S.-controlled warheads on the West German Pershing IA missiles.

Article V

Paragraphs 1 required the elimination of all shorter-range missiles and launchers, as well as support equipment, no later than 18 months after entry into force of the Treaty.

Paragraph 2 specifies that no later than 90 days after entry into force of the Treaty, all deployed shorter-range missiles and deployed and non-deployed launchers of such missiles are to be removed from their operating bases and sent to the designated elimination facilities where they will remain until their destruction within 18 months under the procedures set forth in the Protocol on Elimination. No later than 12 months after entry into force of the Treaty, all non-deployed shorter-range missiles are to be eliminated in accordance with the Protocol on Elimination.

Paragraph 3 specifies that shorter-range missiles and launchers shall not be located at the same elimination facility and such facilities shall be separated by no less than 1,000 kilometers.

Article VI

This article bans the flight testing or production of the weapons prohibited by this Treaty.

Section 2 gives each party the right to produce a type of ballistic missile not limited by this Treaty which uses a stage that is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate ballistic missile. This permits the continued production of the first stage of the SS-25 missile which is similar, in outward appearance, to the first stage of the SS-20 missile.

Article VII

This article contains twelve paragraphs which set technical parameters for the definitions of what are, or are not, intermediate-range and shorter-range ballistic missiles and Ground-Launched Cruise Missiles subject to elimination by the Treaty.

Paragraphs 1, 2 and 4 define all Ground-Launched Ballistic Missiles (GLBM) and Ground-Launched Cruise Missiles (GLCM) as intermediate-range missiles banned by the Treaty if they have been tested for weapons delivery within a range of 1,000 to 5,000 kilometers and shorter-range missiles banned by the Treaty if they have been tested within a range of 500 to 1,000 kilometers.

Paragraph 3 permits GLBMs with ranges of 500 to 5,000 kilometers if they are solely for defense against objects in space.

Paragraph 11 exempts ballistic and cruise missiles from being defined as missiles banned by the Treaty as long as they are tested from fixed land-based launchers distinguishable from the launchers banned by the Treaty and are subsequently used in other than a ground-based mode.

Paragraph 12 permits each party to have the right to produce and use booster systems which might be considered intermediate-range or shorter-range missiles banned by the Treaty as long as each party launches them only from fixed launchers located at research and development sites listed in Section V of the Memorandum of Understanding. The total booster inventory for each side cannot exceed 35 at any one time. Furthermore, the research and development launch sites are off-limits to on-site inspections.

Article VIII

Article VIII requires both parties to locate all the systems to be eliminated by this Treaty at the facilities designated in the Memorandum of Understanding. Furthermore, it requires that the transient time for a weapon from its deployment area to its elimination facility cannot be longer than 25 days. Additionally, the article specifies that within 30 days after entry into force of the Treaty, no missile can be located at a production facility or test range.

Article IX

This article sets up provisions for the exchange of data and timeframes for notification of certain events that occur in the elimination of the INF weapons.

Paragraph 2 states that the data exchanges and updates, as well as the notifications required by the Treaty, shall be passed through the two Nuclear Risk Reduction Centers; one located in Washington, D.C. and the other in Moscow.

Paragraph 3 specifies that no later than 30 days after entry into the force of this Treaty, each party shall provide an update of the data for all categories contained in the Memorandum of Understanding.

Paragraph 4 requires that within 30 days after the first six months of the Treaty, each side will provide updated information for the data categories contained in the Memorandum of Understanding.

Paragraph 5 sets up notification timeframes in the elimination of the INF weapons. Specifically, it calls for a 30-day advance notice for the scheduled elimination of a missile, launcher or support structure, as well as a notification no later than 48 hours after the elimination of one of these items. For those systems that are going to be destroyed by launching, notification must be given ten days in advance.

Article X

Article X contains nine paragraphs concerning the notification of the elimination of the various components of INF systems.

Paragraph 1 requires that all eliminations be conducted within the procedures set forth by the Protocol on Elimination.

Paragraph 2 specifies that verification by on-site inspection of the elimination of missile systems shall be carried out in accordance with Article XI of the Treaty and in accordance with the Protocols on Elimination and on Inspection.

Paragraph 3 requires that removal of INF weapons from deployment areas to elimination facilities shall be done in complete deployed organizational units, such as Pershing II batteries, GLCM flights, or SS-20 regiments.

Paragraph 5 permits each party, within the first six months of entry into force of the Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.

Paragraph 6 requires that missile systems tested, but not deployed, prior to entry into force of the Treaty, the Soviet GLCM known as the SSC-X-4 the U.S. Pershing IB (none exist according to the Memorandum of and Understanding), must be eliminated within six months after the entry into force of the Treaty.

Paragraph 9 permits the conversion of missile operating bases for use as a base associated with a ballistic missile or a cruise missile not subject to the Treaty. Each party must notify the other within 30 days in advance of the scheduled date and purpose of the conversion of a particular base.

Article XI

This article gives each party the right to conduct on-site inspections and specifies that the on-site inspections will be conducted in accordance with this article as well as the Protocol on Inspection and the Protocol on Elimination.

Paragraph 3 requires that 30 days after entry into the force of the Treaty, each party shall have the right to conduct inspections at all facilities designated in the Memorandum of Understanding, other than missile production facilities for the purpose of verifying the data provided in the Memorandum of Understanding and the subsequent update. These inspections shall be completed no later than 90 days after entry into force of the Treaty. (Note: Called "baseline" inspections by the U.S. Government.)

Paragraph 4 gives each party the right to verify the elimination of missile operating bases and missile support facilities. Such an inspection shall be carried out within 60 days after the scheduled date of the elimination of that facility. (Note: Called "close-out" inspections by the U.S. Government.)

Paragraph 5 gives each party the right of short-notice inspections which are permitted for 13 years. Each party has the right to conduct 20 short-notice inspections per year in the first three years, 15 short-notice inspections per year for the next five years, and 10 short-notice inspections per year for the remaining five years, for a total of 185 short-notice inspections by each side. No more than fifty percent of the short-notice inspections per year can be carried out inside any one basing country. A basing country is defined in Article II as a country other than the U.S. or U.S.S.R on whose territory INF systems are based subsequent to 1 November 1987. They are Great Britain, Belgium, the Netherlands, West Germany, Italy, East Germany, and Czechoslovakia.

Paragraph 6 provides that for 13 years after the Treaty goes into force, the parties shall have the right to inspect certain missile production installations by means of continuous monitoring. This gives the United States the right to continuously monitor the portals of the Votkinsk machine building plant in the U.S.S.R., the final assembly site of the banned SS-20 and the permitted SS-25 ICBM. The Soviets have stated that the first stage of the SS-25 is outwardly similar to the banned SS-20 missile's first stage. The United States will be able to establish a permanent continuous monitoring system at that facility within six months after entry into force of the Treaty.

The Soviet Union is permitted to establish a continuous monitoring facility at the Hercules Plant #1 in Magna, Utah, which is a former missile production facility for Pershing II missile stages.

The paragraph further specifies that, at the end of the second year after entry into force of the Treaty, if the Soviets have ceased final assembly at Votkinsk of ballastic missiles using a stage outwardly similar to a stage of a missile prohibited by the Treaty (i.e. final assembly of the SS-25) for a period of 12 consecutive months, then unless the assembly is reinitiated, both sides would lose the right to inspect these two facilities by means of continuous monitoring.

Paragraph 7 requires each party to confirm by inspection the elimination of all missiles, launchers, and support equipment by the other party. (Note: Called "elimination" inspections by the U.S. Government.)

Paragraph 8 gives each party the right to inspect the elimination of training missiles and launchers and up to 15 missiles and launchers converted to static displays.

Article XII

Article XII specifies that national technical means of verification will be used to monitor the provisions of the Treaty consistent with the generally recognized principles of international law.

Paragraph 2 specifies that neither party shall interfere with the national technical means of verification of the other party or use concealment measures which impede verification of compliance of the provisions of the Treaty.

Because of the similarities in organization between SS-20 and SS-25 regiments, paragraph 3 gives the United States the right to request the Soviet Union to display, in the open, the missiles and the launchers of an SS-25 operating base no later than six hours after such a request that the missiles and launchers will be displayed in the open for a maximum of twelve hours. The roofs of the missile garages will also be opened. The United States will have the right to make six such requests per calendar year for a period of 3 years after the entry into force of this Treaty unless superseded by a START agreement.

Article XIII

This article establishes a *Special Verification Commission* to resolve questions relating to compliance with the obligations assumed and to agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty. The article also requires that all data exchanges and notifications required by the Treaty be passed through the Nuclear Risk Reduction Centers.

Article XIV

The parties shall not assume any international obligations that would conflict with the provisions of the Treaty.

Article XV

The article specifies that the Treaty shall be of *unlimited duration*. But, if a party believes that its national sovereignty is in jeopardy because of the Treaty requirements, it can give notice of its decision to withdraw from the Treaty six months prior to that withdrawal.

Article XVI

The article permits amendments to the Treaty.

Article XVII

The treaty, including the Memorandum of Understanding and the Protocols, shall be subject to ratification in accordance with the constitutional procedures of each party and the Treaty shall enter into force on the date of the exchange of instruments of ratification.

MEMORANDUM OF UNDERSTANDING REGARDING THE ESTABLISHMENT OF THE DATA BASE FOR THE TREATY

The Memorandum of Understanding contains the data exchanged current as of 1 November 1987 on intermediate range and shorter range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers. The data contained in this Memorandum of Understanding is to be updated no later than *30 days* after entry into force of the Treaty. The updates will be passed through the Nuclear Risk Reduction Centers.

The Memorandum of Understanding contains seven sections:

Section I: Definitions

This section contains definitions of the data categories contained in the Memorandum of Understanding. The definitions are applicable to the Treaty and the Protocols as well.

Definitions are given for a missile production facility, missile repair facility, launcher production facility, launcher repair facility, test range, training facility, missile storage facility, launcher storage facility, elimination facility, support equipment, support structure, and research and development site.

SECTION II: TOTAL NUMBERS OF INTERMEDIATE-RANGE AND SHORTER RANGE MISSILES AND LAUNCHERS OF SUCH MISSILES SUBJECT TO THE TREATY

	U.S.A.	U.S.S.R.
The numbers of intermediate-range missiles and launchers of such missiles for each party are as follows:		
Deployed missiles	429	470
Nondeployed missiles	260	356
Aggregate number of deployed and nondeployed missiles	689	826
Aggregate number of second stages	236	650
Deployed launchers	214	484
Nondeployed launchers	68	124
Aggregate number of deployed and nondeployed launchers	282	608
The numbers of shorter range missiles and launchers of such missiles for each party are as follows:		
Deployed missiles	0	387
Nondeployed missiles	170	539
Aggregate number of deployed and nondeployed missiles	170	926
Aggregate number of second stages	175	726
Deployed launchers	0	197
Nondeployed launchers	1	40
Aggregate number of deployed and nondeployed launchers	1	237

Note.—Aggregated data furnished in the Memorandum of Understanding.

TOTAL NUMBERS OF MISSILE SYSTEMS TO BE ELIMINATED

	Deployed	Nondeployed	Totals
INTERMEDIATE RANGE			
U.S.S.R.:			
SS-20:			
Missiles	405	245	650
Launchers	405	117	522
SS-4:			
Missiles	65	105	170
Launchers	79	6	85
SS-5:			
Missiles	0	6	6
Launchers	0	0	0
SSC-X-4 (GLCM):			
Missiles	0	84	84
Launchers	0	6	6
U.S.A.:			
Pershing II:			
Missiles	120	127	247
Launchers	115	51	166
BGM-109G (GLCM)			
Missiles	309	133	442
Launchers	99	17	116
SHORTER RANGE			
U.S.S.R.:			
SS-12:			
Missiles	220	506	726
Launchers	115	20	135
SS-23:			
Missiles	167	33	200
Launchers	82	20	102
U.S.A.:			
Pershing IA:			
Missiles	0	170	170
Launchers	0	1	1
Pershing IB:			
Missiles	0	0	0
Launchers	0	0	0

Note.—Memorandum of Understanding does not aggregate data by missile systems. This chart is furnished so that the magnitude of the reductions by missile system can be better comprehended.

Section III: Intermediate-Range Missiles, Launchers of Such Missiles and Support Structures, and Support Equipment Associated with Such Missiles and Launchers

This is the largest section of the Memorandum of Understanding and lists the intermediate range ballistic missiles and cruise missiles by geographical location, the deployment areas that these missiles operate in after leaving their missile operating bases, the location of the missile operating bases with the numbers of missiles and launchers and support structures and equipment at each missile operating base for the Pershing II, the BGM-109G, the SS-20, the SS-4 and the SS-5.

Paragraph 2 gives the missile support facilities, their locations, and the numbers for each party of all non-deployed intermediate range missiles, launchers, the support structures and the support equipment associated with the missiles and launchers. Site diagrams for agreed missile support facilities, to include boundaries and center coordinates, were also furnished with the Memorandum of Understanding.

The missiles support facilities are further broken out into missile production facilities, launcher production facilities, missile storage facilities, launcher storage facilities, combined missile/launcher storage facilities, missile repair facilities, launcher repair facilities, combined missile/launcher repair facilities, test ranges, training facilities, elimination facilities, and the final category, missiles, launchers, and support equipment in transient.

Section IV: Shorter-Range Missiles, Launchers of Such Missiles and Support Equipment Associated with Such Missiles and Launchers

Paragraph 1 lists the deployed missiles broken out by missile operating bases, their geographic locations and the numbers for each party of all deployed shorter-range missiles, launchers and support equipment. Site diagrams, to include boundaries and center coordinates of each listed missile operating base, were furnished with the Memorandum of Understanding.

Paragraph 2 lists missiles support facilities, their locations and the numbers for each party of all non-deployed, shorter-range missiles, their launchers and support equipment. Site diagrams for agreed missile support facilities, to include boundaries and center coordinates, were appended to the Memorandum of Understanding. The data categories contained in this paragraph are identical to the categories for non-deployed intermediate range missiles.

Section V: Missile Systems Tested but not Deployed Prior to Entry Into Force of the Treaty

This section contains the missile support facilities, their locations and the number for each party of all intermediate range and shorter range missiles and launchers which were tested prior to the entry into force of the Treaty but were never deployed. Therefore, they are not considered existing types of intermediate range or shorter range missiles listed in Article III of the Treaty. The weapons in this category are the U.S. Pershing IB and the SSC-X-4 Soviet Ground-Launched Cruise Missile. Article X of the Treaty requires that these systems be eliminated within six months after entry into force of the Treaty. The Memorandum of Understanding lists zero Pershing IB missiles but does list 84 SSC-X-4 GLCMs along with six launchers.

(NOTE.—In Sections III and IV, one of the categories listed is identification of the elimination facility for each of the weapons to be eliminated. The Soviet Union has designated elimination facilities for all of their missiles in the Memorandum of Understanding. The United States has yet to declare any elimination facilities. According to the Executive Branch, neither party was required to designate elimination facilities during the exchange of data on 1 November 1987 and that the United States will designate elimination facilities at the next exchange of data 30 days after the Treaty goes in force.)

Section VI: Technical Data

This section contains agreed categories of technical data for missiles and launchers subject to the Treaty, support structures and support equipment associated with the missile systems, and the relevant data for each of these categories. Photographs of the missiles, launchers, support structures, and support equipment were appended to the Memorandum of Understanding. Technical data consists of measurements in metric system of the size of missiles, launchers and support structures, as well as the weight of the missiles by stages and the number of warheads each system can carry.

Section VII: Research and Development Booster Systems

This section lists the numbers and locations for each party of the launchers of research and development booster systems that are permitted by Article VII of the Treaty. These research and development launch sites, two located in the Soviet Union and 11 located in the United States and its territories, are not subject to on-site inspections authorized by Article XI of the Treaty.

Concluding Statement

Each party, in signing the Memorandum of Understanding, acknowledged that it is responsible for the accuracy of only its own data. Signature on the Memorandum of Understanding constitutes acceptance of the categories of data and the inclusion of the data contained therein. The Memorandum of Understanding shall enter into force on the date of the entry into force of the Treaty.

PROTOCOL ON PROCEDURES GOVERNING THE ELIMINATION OF THE MISSILE SYSTEMS

This Protocol sets up agreed-upon procedures on how to eliminate the missile systems subject to the Treaty.

I. Items of Missile Systems Subject to Elimination

(1) For the United States:

Pershing II: missile, launcher and launch pad shelter;

BGM-109G: missiles, launch canister and launcher;

Pershing IA: missiles, and launcher;

Pershing IB: missiles.

(2) For the U.S.S.R.:

SS-20: missiles, launch canister, launcher, missile transporter vehicle and fixed structure for a launcher;

SS-4: missiles, missile transporter vehicle missile erector, launcher stand and propellant tanks;

SS-5: missile;

SSC-X-4: missiles, launch canister and launcher;

SS-12: missiles, launcher and missile transporter vehicle;

SS-23: missiles, launcher and missile transporter vehicle.

(3) All training missiles, training missile stages and canisters and launchers shall be subject to elimination.

(4) All stages of intermediate-range and shorter-range ballistic missiles shall be subject to elimination.

(5) All front sections (less the nuclear warhead and guidance system) of deployed intermediate-range and shorter-range missiles shall be subject to elimination.

II. Procedures for Elimination and Elimination Facilities

The conduct of the elimination procedures shall be subject to on-site inspection in accordance with Article XI of the Treaty and the Protocol on Inspection.

Prior to a missile's arrival at an elimination facility, its nuclear warhead and guidance elements may be removed.

Immediately prior to the initiation of the elimination procedures for a particular missile or component, an inspecting party from the other side is required to confirm and record the type and number of items of missile systems which are to be eliminated. If the inspecting party deems it necessary, that will include a visual inspection of the contents of launch canisters.

A missile stage being eliminated by burning shall not be instrumented for data collection. Those missile stages shall be subject to continuous observation by an inspecting party until the burning is completed.

The completion of the elimination procedures shall be confirmed in writing by the inspecting party, as well as the party carrying out the elimination.

This Protocol requires that all missiles required to be eliminated within the three-year period shall, in fact, be eliminated 15 days prior to the end of the three-year period. During the last 15 days of the three-year period, the United States will withdraw the nuclear warheads from the West German Pershing I missiles.

Specific procedures for the elimination of the items of missile systems shall be as follows, unless the parties agree upon different procedures to achieve the same result:

For the Pershing II:

Missile:

(a) Missile stages shall be eliminated by explosive demolition or burning;

(b) Solid fuel, rocket nozzles and motor cases not destroyed in this process should be burned, crushed, flattened or destroyed by explosion; and

(c) Front section, minus nuclear warhead device and guidance elements, shall be crushed or flattened.

Launcher:

(a) Erector-launcher mechanism shall be removed from the launcher chassis;

(b) All components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) Missile launch support equipment, including external instrumentation compartment, shall be removed from launcher chassis; and

(d) Launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

(Note:—Elimination of the Pershing IA, IB, as well as the Soviet ballistic missile systems, both intermediate and shorter-range, are also specified in the Protocol and are essentially similar to the elimination procedures required for the Pershing II.)

For the BGM-109G (GLCM):

Missile:

(a) Missile airframe should be cut longitudinally into two pieces;

(b) Wings and tail section shall be severed from missile airframe at locations that are not assembly joints;

(c) Front section, minus nuclear warhead devices and guidance elements, shall be crushed or flattened.

Launch Canister:

(a) Launch canister shall be crushed, flattened, cut into two pieces of approximately equal size or destroyed by explosion.

Launcher:

(a) Erector-launcher mechanism shall be removed from launcher chassis;

(b) All components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) Missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis; and

(d) Launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

(Note.—The destruction procedures for the Soviet GLCM (SSC-X-4) specified in the Protocol are essentially the same as for the BGM-109G.)

Elimination of training missiles, launchers and canisters will be carried out essentially through cutting, crushing or destroying by explosions.

III. Elimination of Missiles by Means of Launching

Elimination of up to 100 intermediate range missiles by means of launching within the first six months after entry into force of the treaty shall be subject to on-site inspection. Immediately prior to each launch conducted for the purpose of elimination, an inspecting party shall confirm by visual observation the type of missile to be launched.

All missiles being eliminated by means of launching shall be launched from designated elimination facilities to existing impact areas for such missiles. No such missiles shall be used as a target vehicle for a ballistic missile interceptor.

Missiles being eliminated by means of launching shall be launched one at a time and no less than six hours shall elapse between such launches.

Such launches shall involve ignition of all missile stages. Neither party shall transmit or recover data from missiles being eliminated by means of launching except for unencrypted data used for range safety purposes.

IV. Procedures for Elimination On Site

(1) Support Structures.

The elimination of missile systems support structures shall be subject to verification by on-site inspection.

The specific elimination procedures for support structures shall be as follows:

(a) The superstructure of the fixed structure or shelter shall be dismantled or demolished and removed from its base or foundation;

(b) The base or foundation of the fixed structure or shelter shall be destroyed by excavation or explosion;

(c) The destroyed base or foundation of a fixed structure or shelter shall remain visible to National Technical Means of verification for six months or until completion of an on-site inspection.

V. Other Types of Elimination

(1) Loss or Accidental Destruction.

If an item subject to elimination by this Treaty is lost or destroyed as a result of an accident, the possessing party shall notify the other party within 48 hours that the item has been eliminated. The other party shall have the right to conduct an inspection of the accident to provide confidence that the item has been eliminated.

(2) Static Display.

The parties shall have the right to eliminate missiles, launch canisters and launchers as well as training missiles by placing them on static display. Each party shall be limited to a total of 15 missiles, 15 launch canisters and 15 launchers on static display.

Prior to being placed on static display, a missile, launch canister or launcher shall be rendered unusable for purposes inconsistent with the Treaty. Missile propellant shall be removed and erector launcher mechanisms shall be rendered inoperative.

Each party shall have the right to conduct an on-site inspection of each missile launch canister or launcher placed on static display within 60 days of receipt of the notification required.

This Protocol is an integral part of the Treaty and it enters into force on the date of entry into force of the Treaty. As provided for in paragraph 1(b) of Article XIII of the Treaty, the parties may agree upon such measures as may be necessary to improve the viability and effectiveness of this Protocol. Such measures shall not be deemed amendments to the Treaty.

PROTOCOL REGARDING INSPECTIONS

Following are the key elements of the Protocol Regarding Inspections which sets up procedures governing the conduct of on-site inspections as provided for in Article XI of the Treaty.

General Provisions

No later than one day after the entry into force of the Treaty, each party shall provide to the other three lists of personnel. A maximum of 200 individuals can be on each list. One list will be the permanent monitoring parties for the missile facilities in Utah and Votkinsk. Each party will have a 20-day period to determine if the individuals designated for that duty are acceptable to the host country. If they are not, they will be deleted from the list and replaced with personnel acceptable to the host country. The second list will be the names of the personnel conducting the baseline, close-out, short-notice, and elimination inspections. The third list will name the aircrews.

To exercise their functions effectively, inspectors and air crew members shall be accorded diplomatic privileges and immunities throughout the in-country period.

Notifications

Notification of an intention to conduct an inspection will be made through the Nuclear Risk Reduction Centers. The receipt of this notification shall be acknowledged back through the Nuclear Risk Reduction Center within one hour of its receipt.

For baseline, close-out, and short-notice inspections, notifications shall be made no less than 16 hours in advance of the estimated time of arrival of the inspection team at a designated point of entry. Included in the notification will be the date and time after arrival that the inspecting party will notify the inspected party where and when it wishes to inspect. Points of entry for the United States are Washington, D.C. and San Francisco; for the Soviet Union, Moscow and Irkutsk. European countries in which INF weapons are based each have one designated point of entry. For elimination inspections, notification shall be made no less than 72 hours in advance of the estimated time of arrival at the point of entry. Included in the notification will be the location of the site to be inspected.

The inspecting party must give notification of where it wants to inspect not sooner than four hours nor later than 24 hours after arrival at the point of entry for close-out or short-notice inspections. Inspecting parties wishing to update data may designate up to 10 facilities they wish to baseline inspect not less than four hours nor more than 48 hours after the arrival at point of entry. It is incumbent upon the inspected country that, once the inspecting party announces where it wants to inspect, to insure that the inspecting party arrives at the site within nine hours.

The inspection team may bring such documents as needed, as well as linear measurement devices, portable weighing devices, radiation detection devices, and other equipment that is mutually agreed upon. The inspecting team may also bring in cameras but pictures can only be taken at the request of the inspectors by their in-country escort, using the inspecting party's camera system. The camera system must be capable of producing duplicate, instant development photographic prints so that each party shall receive one copy of each photograph.

For baseline, close-out and short-notice inspections, the period of inspection shall not exceed 24 hours per site. This 24 hours begins upon completion of a one-hour pre-inspections procedures briefing at the site. It may be extended by agreement with the in-country escort by no more than eight hours. The duration of an elimination inspection is dependent upon the inspected party's schedule of elimination activity.

Upon conclusion of an inspection, a four-hour period is set aside for the completion of the inspection report. At the completion of the four hours, the team is required to leave the site. It will have 24 hours from the time it arrives at the point of entry to leave the country. For other than short-notice inspection, arrangements can be made to visit more than one site by the inspection team while they are in country.

For baseline, close-out, short-notice and elimination inspections, the size of the inspection team can be no more than 10 inspectors. For an inspection team that is observing elimination through missile firing, the team can have no more than 20 inspectors. And, for the team conducting the permanent portal monitoring at Votkinsk and Magna, Utah, there can be no more than 30 inspectors. On each team, there must be at least two inspectors that can speak the language of the inspected party.

A missile, missile stage, or launcher can only be inspected by external visual observation, including measuring its dimensions. A missile container also can only be inspected by external visual observation, including measuring. A container that is sufficiently large enough to contain more than one missile or missile stage is subject to inspection by means of weighing or visual observation, to include inspection of the interior of the container as necessary.

During the elimination of missiles by launching, the inspectors shall have the right to ascertain by visual observation that the missile prepared for launch is, in fact, a missile of the type subject to elimination.

INSPECTION ACTIVITIES AT VOTKINSK AND MAGNA, UTAH

The inspected party shall maintain an agreed perimeter around the periphery of the plant and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range ballistic missile or the longest stage of such a ballistic missile shall exit only through this portal.

There shall not be more than two other exits from the plant and such exits shall be monitored by appropriate sensors. The inspecting party shall have the right to establish continuous monitoring systems at the portal specified and appropriate sensors at the other exits.

Any shipment exiting through the portal shall be declared by the inspected party to the inspection team before the shipment gets to the portal. The declaration shall state whether such a shipment contains a missile or missile stage as large or larger or as heavy or heavier than an intermediate-range missile or its longest stage. The inspection team shall have the right to weigh and to measure the dimensions of any vehicle, including rail cars exiting the site to ascertain whether it is large enough and heavy enough to contain a restricted item.

Vehicles exiting through the portal that are large enough and heavy enough to contain a restricted missile item but are not declared to be carrying a restricted missile item, will be subject to inspection by the inspecting party to include the interior of all such vehicles.

The inspecting party shall have the right to weigh and measure the dimensions of any large cannister or of any shipping container declared to contain such missiles or missile stages and to image the contents of any launch cannister or of any shipping container declared to contain a missile or missile stage. It also shall have the right to view such missiles or missile stages in the cannisters or the shipping containers eight times per calendar year.

The inspected party shall furnish all necessary utilities, basic construction materials, site preparation, transportation of equipment, telephone lines, etc. for the inspecting party to construct and operate no more than three buildings with a total floor space of not more than 150 square meters for a data center and an inspection team headquarters. One additional building with floor space of 500 square meters will be built for the storage of supplies and equipment.

This protocol is an integral part of the Treaty. It enters into force on the date of the entry into force of the Treaty. The parties may agree on such measures as may be necessary to prove the viability and effectiveness of this protocol and such measures shall not be deemed amendments to the Treaty.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 4, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

9:30 a.m.

Joint Economic

To hold hearings on employment-unemployment statistics for January.

SD-628

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations

European Affairs Subcommittee

To hold hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Labor and Human Resources

Labor Subcommittee

To resume hearings to review practices and operations under the National Labor Relations Act.

SD-430

FEBRUARY 16

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the status of the space shuttle recovery program.

SR-253

2:00 p.m.

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 17

9:00 a.m.

Rules and Administration

Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1988, S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.

SR-301

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider S. 1516, authorizing funds for fiscal years 1988 through 1992 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

SR-332

2:00 p.m.

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 18

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund and Environmental Oversight Subcommittee
To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.
SD-406

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 19

10:00 a.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 22

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Special on Aging
To hold hearings on the Social Security "notch" issue, and possible solutions thereto.
SD-628

2:00 p.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

FEBRUARY 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.
SD-138

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

2:00 p.m.
Small Business
To hold hearings on S. 1929, to create a corporation for small business investment.
SR-428A

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

MARCH 1

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.
SD-138

MARCH 2

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 22

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can

insure the quality of medical tests performed in clinical laboratories.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.

SD-138

MARCH 30

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.

SD-138

MARCH 31

9:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

APRIL 12

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

APRIL 13

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.

SD-138

APRIL 19

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

APRIL 21

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

APRIL 26

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 27

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 28

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

HOUSE OF REPRESENTATIVES—*Thursday, February 4, 1988*

The House met at 11 a.m.

The Reverend Dr. Ronald F. Christian, assistant to the bishop, Washington, DC, Metro Synod Evangelical Lutheran Church in America, offered the following prayer:

Our Father and our God, we call upon Your name this day and pray for Your presence among us.

We seek Your guidance, O God, in all our choices and decisions.

We pray for Your peace, O God, among the peoples of the world, but beginning with ourselves.

We offer our thanks, O God, for the faith of our forebears, for the hope of the future and for Your love, O God, and Your grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Dan Daniel, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 343. An act for the relief of Pandelis Perdikis;

S. 391. An act for the relief of Hyong Cha Kim Kay; and

S. 1329. An act for the relief of Roswitha Starins.

RADON TESTING

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, 20,000 Americans will die this year from lung cancer caused by exposure to radon. More than one in every five homes has high levels of cancer-causing radon gas.

There are 8 million homes affected by indoor radon pollution.

Despite this clear case of a serious problem that needs to be addressed, despite efforts by our Government, by some State agencies, by the media, by realtors and builders, many homeowners still do not realize the danger they face by ignoring this threat.

In my own State of New Jersey, where radon problems have been frequent and troubling and where information about radon is widespread, only 3 percent of the homeowners see radon as a pressing concern.

The average homeowner has a dilemma: "To test or not to test" for radon.

There are certainly many efforts that the Congress, the Federal Government and State agencies can undertake to change this situation. A survey of radon hot spots throughout the country is being conducted by the EPA. There is legislation moving through the Congress to provide funding for the States to set up State radon programs.

I have been working on efforts to ensure that EPA sets an actual standard based on health. At the present time, EPA has a guideline which allows for a tremendously high risk of cancer. At the 4-picocurrie level that EPA sets as a safe guideline, 1 out of 65 people will get lung cancer. My bill tells EPA to set a standard basing it on health and not put a price on our heads.

But it is important that we find ways to make sure that the average homeowner is aware of this risk. We as Members of Congress have the ability to serve as role models to our constituents. I call on my colleagues to have their own homes tested for radon and to let their constituents know how serious a problem this is.

A local TV station, food store, and radon testing firm are undertaking an effort to promote awareness of the radon problem throughout this area by offering radon testing. The results from the testing will be compiled to develop a map of radon levels for this area.

I urge my colleagues to participate in this program and foster similar programs in their districts. I have been provided with a number of testing kits and I will gladly make these available to any of my colleagues who are interested.

CURBING HOLIDAY SPENDING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, first of all I would like to congratulate the prior speaker for speaking out on radon. I am introducing a bill today that I hope many Members join me in helping both homebuilders and homeowners to get tax credits to try to deal with radon when they find it in their homes or buildings.

Mr. Speaker, I salute President Reagan's declaration that he will not sign another huge continuing resolution. By turning continuing resolutions into Christmas trees, we've taken the "get in the holiday spirit" too far.

Today I am introducing legislation to prohibit use of the continuing resolution to fund programs that have not been considered through the regular legislative process. My proposal will amend the rules of the House in two ways:

First, no continuing resolution may include appropriations for a program, project, or activity that has not already been authorized;

Second, no continuing resolution may include funds for a program, project, or activity that are higher than those appropriated in the previous fiscal year.

We have a legislative process for consideration of new projects or programs—let's stop destroying that process and the integrity of the legislature with jampacked continuing resolutions at zero hour.

CUTTING CAPITAL GAINS RATE IS A TERRIBLE IDEA

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, last month, only weeks after the Tax Reform Act of 1986 became fully effective, we learned that the President has decided that what this country needs is a preferential tax rate for capital gains.

How disappointing that the man whose constant support was essential to the enactment of historic tax reform now wants to rip open a loophole in our brand new Tax Code.

Cutting the capital gains rate is a terrible idea.

First, it would not be fair to the vast majority of taxpayers. It would shift

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the distribution of the tax burden away from high-income taxpayers and to low- and middle-income taxpayers.

Second, when we had a capital gains preference we also had a tax system that had high marginal rates and more than a dozen brackets. Now we have only two tax rates, both of them low. The rationale for a capital gains differential just isn't there.

If we give in to this special interest, how could we refuse others?

If you ever wondered how our Tax Code got so complicated we had to throw it out and start over, consider where establishing this new loophole would lead.

MAKE A STRONG TRADE BILL A PRIORITY FOR 1988

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, the trade figures for November were released a few days ago, and while they are less alarming than the recordbreaking October numbers, the importance of strong trade legislation continues to be clear.

The good news is that our exports increased by $2 billion in November, and we imported $2.4 billion less.

The bad news is that despite the reduction in our trade deficit to $13.5 billion, our country still imported $37 billion more in goods during November, a figure higher than the 1987 monthly average.

Additionally, we had an accumulated trade deficit of $159 billion through the first 11 months of 1987, more than any other previous 12-month figure.

The continuing imbalance between our imports and exports has hurt our Nation and our Nation's working families. We will continue to lose good jobs until we enact trade measures which put the United States on an equal footing for fair trade with other nations.

Mr. Speaker, you have made the passage of strong trade legislation a top priority for 1988. Let us get on with the job.

ABUSE OF THE SAME DAY RULE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, just as October 19 has been called "Black Monday" because of the stock market crash, October 29 has been dubbed "Black Thursday-Thursday" because of the parliamentary law crash here in the House. That is when you convened 2 legislative days to avoid a two-thirds vote on considering the second reconciliation rule.

While we were told at the time that this was not unprecedented and that the same-day rule refers to legislative days, not calendar days, there was something that stuck in my craw about that tactic. Consequently, over the recess I asked my Rules Committee counsel to thoroughly research this question.

The resulting analysis, which I am including with a special order in today's RECORD, reveals that the double-day ploy violates the original intent of the House rule in question. Moreover, this was the first time 2 legislative days had been convened on the same calendar day to avoid a two-thirds vote. I would therefore respectfully request, Mr. Speaker, that you study this analysis and refrain from resorting to this dubious tactic in the future. Let us restore the parliamentary principle of uniformity in proceeding by giving Members a real day's notice before calling up a rule.

CONTROLLING CONTINUING RESOLUTIONS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today I am joining with Representative SCHROEDER from Colorado as an original cosponsor of legislation to control continuing resolutions.

Now, continuing resolutions were defined originally as a measure providing appropriations in the absence of one or more regular appropriation bills. It is true we have been using them for more than 100 years, but they have only been used in the past periodically and, you know, not as a substitute for all appropriations. With one exception prior to recent history, in 1950 Congress used an omnibus appropriation continuing resolution and there was such an outcry from the Members of Congress and the public that that was abandoned until 2 years ago.

We are now again making it a regular practice. During the 1980's, I think we have gutted the original intent of continuing resolutions and rolling all 13 appropriation bills into one continuing resolution cannot continue.

I remember that night, standing over there when the Clerk staggered down the aisle under the burden of 2½ feet of papers, plopped down one copy here, one copy on the Republican side, and all 435 of us had 1 hour to read and debate those thousands of pages and find out what was in there.

Just yesterday we repealed one of the more egregious examples of things that were slipped into that bill. We had to vote already to rescind some funds that were appropriated, and there will be more and more horror stories that will come of that bill. No one knew that night what was in there. We still do not know what was in there, and that is no way to run a government. It is no way to address the deficit. It is time to put a stop to that practice.

□ 1115

THE PAY FOR PERFORMANCE BILL

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, a number of my colleagues have talked about the problem of the continuing resolution. I have had a bill in the hopper for some time that I would ask my colleagues to consider. We ought to be really serious about doing something about this. We ought to create incentives in the system to make sure we do not do it again. My bill is called the pay-for-performance bill. It revolves around the fact that we have a permanent authorization and appropriation for one particular program and that is for Members' pay.

My bill would suspend the automatic or permanent authorization and appropriation for Members' pay at the beginning of the fiscal year if before that date the 13 major appropriation bills had not been passed out of the House, passed out of the Senate, conferenced and sent to the President.

My bill will also say that the 13th bill to be considered would have to be the legislative appropriation, that is, our appropriation for our committees, committee staff, and personal staff.

What that would mean is if we fail to act on the rest of the business of the people of the United States, we would not be paid, our staffs would not be paid, the committees could not go forward.

It may sound a little silly or childish that we have to do that but we have tried everything else.

Mr. Speaker, I ask this question of my colleagues, why should we be paid, why should those of us who work here in the House of Representatives and the Senate be paid if we have not done our work?

THE CONTRA AID VOTE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, last night the House of Representatives rejected the Reagan administration's support for the Contras terrorists in Nicaragua, and voted to support the peace plan of the Central American Presidents.

This morning, we awoke to further evidence that the administration's policy is not just one of failure, but one of deception and lies.

Lies to the American people, lies to the Congress, lies about our real policies and goals in Central America.

For weeks, the President told us aid to the Contras was essential, because the Soviets continued to send aid to the Sandinistas. Those very arguments were offered over and over again on the House floor last night.

But today, we learn that Secretary Gorbachev offered to end military aid to Managua if we ended our aid to the Contras. And the President failed to act, and failed to tell the American people or the Congress.

We also learn that our Government was aware of a deception, conceived by Oliver North and planned with Panamanian drug czar Noriega, to set up a phony arms smuggle between Nicaragua and the Salvadoran guerrillas—to deceive the Congress and the American people into supporting the Contras.

What a tragic policy.

In pursuit of democracy, we have undermined democracy, here at home, and in Central America, too.

In pursuit of arms interdiction, we have become arms traffickers.

In pursuit of peace, we have spurned opportunities for peace and undermined the Arias accord.

How tragic that the Reagan administration, which is the author of this tragic and failed policy, has done too little to promote real democracy in this hemisphere.

Where is the outrage at the continuing totalitarianism in Chile—South America's oldest democracy?

Where is the policy to address our relations with a corrupt government in Panama, where our real security interests are involved because of the canal?

Where are the statements of outrage at the murder of the human rights official in El Salvador, whose democratic government our President always cites?

Where are our efforts to support democracy in Honduras, which we are rapidly transforming into the largest permanent military base in Central America?

Last night's vote was not only an end of a terrible archaic and counterproductive policy, it was the beginning of a new era of respect for our Central American neighbors and faith in the power of negotiations.

The news on the front page of this morning's newspapers makes it even clearer that the Congress made exactly the right decision in ending military aid to the Contras. It is a policy founded on ignorance, pursued through deceit, and rooted in arrogance.

We have joined the world community in voting for negotiations, voting for regional autonomy, and voting for peace.

COMMISSION ON RACIALLY MOTIVATED VIOLENCE ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today, I introduce with the ranking minority member of the House Judiciary Committee, Mr. FISH, a bill to establish a commission to study racial violence. It saddens me that—in a country seen as the land of opportunity, a country based on the rule of law rather than of men—violence directed at people solely because of the color of their skin is still so prevalent.

Nearly three decades have passed since the birth of the civil rights movement when people demonstrated, marched, and even died in the effort to secure the equal rights and opportunities guaranteed to all Americans by the Constitution. And it was almost 25 years ago that Martin Luther King, Jr., stood on the steps of the Lincoln Memorial and delivered his celebrated "I have a dream" speech. In that speech he talked about a society where blacks and whites could live side-by-side in peace and harmony, where people were judged not "by the color of their skin but by the content of their character."

Progress has been made toward Dr. King's dream. No longer are there laws prohibiting individuals from living in the home of their choice, working at the job of their choice, or entering the school of their choice. People are not prevented from voting because of the color of their skin. More people of color are entering the professions, and we see politicians of all races at the local, State, and Federal level. And yet, the unemployment rate among blacks is more than double that of whites; more babies of color die in the first year of their lives than do white babies. Children of color drop out of school at a much higher rate than do white children, and minorities face a higher poverty rate. The list could go on. America is not the land of opportunity for many people of color.

And even more disturbing in a country based on the rule of law is the fact that violence directed at individuals solely because of their color appears to be on the increase. Reported incidents include:

Last November, in Wappingers Falls, NY, a teenage girl was found half nude, battered and with racial epithets scrawled on her body. She said six white men had kidnaped her, holding her captive and raping her for 4 days.

In January 1987, a group of civil rights marchers in Forsyth County, GA, were attacked.

In December 1986, a black man was hit by a car and killed in Howard Beach, NY, when he ran onto a highway to escape a gang of white youths who were chasing him.

In January 1986, seven individuals armed with baseball bats threatened and assaulted a group of Hispanic people at a Cedartown, GA, bowling alley.

In February 1986, two masked, armed white men attempted to throw a black student leader at the University of Texas from an eighth floor dormitory window.

In March 1986, a mob of white men gathered outside the home of an Asian family in Philadelphia, PA, shouted racial epithets, and threw rocks and bricks through the windows.

In May 1986, a 20-year-old black man was fatally beaten and stabbed by a gang of whites in Brooklyn, NY, when the bicycle he was riding collided with one of their cars.

In July 1986, a black teenager was shot to death in Lake County, IL, by a man who—witnesses said—shouted "Klan, Klan, Klan," as he fired.

In July 1986, in Bucks County, PA, the home of a black family was fire-bombed twice, the second attempt destroying the family's house, car, and possessions.

In October 1986, white University of Massachusetts students, angered by the World Series defeat of the Boston Red Sox by the New York Mets, attacked a group of black students, injuring one seriously.

Since 1984, 11 Korean businesses have been fire-bombed in Washington, DC.

In 1984, in New York City, a pregnant Chinese-American teenager was pushed in front of the subway by a white man.

In 1984, a Loatian immigrant was beaten to death by angry motorists when his car stalled on a St. Louis street.

Vietnamese fishermen in Texas, Florida, and California have been assaulted and intimidated.

Time magazine reported last year that, according to statistics supplied by the Department of Justice's Community Relations Service, racist attacks in the United States increased from 99 in 1980 to 276 in 1986.

A southern poverty law center study found that 45 known arson attempts and cross-burnings occurred between 1985 and 1986 at the homes of minorities who had recently moved into primarily white areas.

Violence directed at individuals solely because of their race threatens to tear apart the fabric of our society. If some Americans must live in fear for their safety, none of us is truly safe. For this reason, I am introducing legislation to create a bipartisan Commission on Racially Motivated Violence. The Commission is to collect and analyze information and statistics concerning acts of racially motivated violence, to investigate the causes of these acts, and to determine whether such acts are increasing and whether certain organizations are causing the violence. In addition, the Commission is to explore methods, including the role of governmental entities, that could be used to avert and eliminate acts of racially motivated violence and to achieve racial harmony in the United States. While carrying out its investigation, the Commission is to consult with representatives of groups and organizations involved or interested in protecting the rights of minorities.

The Commission is to be composed of 12 members. Six members are appointed by the President, including a Governor, a Federal official, a mayor, and a local law enforcement official whose cities have experienced racially motivated violence, and two representatives of organizations established to promote the rights of racial minorities. The remaining six members are appointed by Congress and include two members of the Senate Committee on the Judiciary, two members of the House Committee on the Judiciary, and two other individuals who are qualified to serve on the Commission by virtue of their education, training, or knowledge or their personal experience with racially motivated violence or its effects.

One year after its first meeting, the Commission is to submit a report to the President and the Congress, detailing the results of its investigations, and recommending actions that should be taken by the Federal Government, the States, the District of Columbia, local governmental units, and community organizations to respond to the problem of racially motivated violence.

Racially motivated violence is an insidious cancer on our society that must be eliminated if we are to fulfill the promise of America as a land where people of all races live and work together in peace and harmony. A commission such as the one in the proposed bill is a first step toward that goal.

MEMORIAL SERVICE FOR JESSE GRAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday at its annual meeting in the Nation's Capital, the National Tenants' Organization [NTO] held a memorial service for the founder of NTO, the late Jesse Gray of New York. Mr Gray died on January 2 after a long illness. His efforts in organizing tenants in public housing and other low-income housing projects has led to a better life for many thousands of low-income people.

I was honored to be invited to speak at this memorial service for Jesse Gray, but due to the late session of the House last night during the debate and vote on Contra aid, I was unable to be present for the memorial service but sent the staff director of the Subcommittee on Housing and Community Development, Gerald R. McMurray, to present my remarks at the memorial service.

Mr. Speaker, I am including as part of the RECORD my statement at the memorial service for Jesse Gray, as well as a statement presented to my Subcommittee on Housing and Community Development at a hearing today on issues relating to fair housing as they affect Hispanic people in this country. Jesse Gray spent his life working for fairness for the blacks, Hispanics, and white low-income people who were seeking a better housing opportunity and a fairer shake from society.

REMARKS OF CHAIRMAN HENRY B. GONZALEZ ON JESSE GRAY AT THE ANNUAL CONFERENCE OF THE NATIONAL TENANTS' ORGANIZATION

I am honored that the National Tenants' Organization has asked me to offer words of tribute to the late and greatly-missed Jesse Gray.

It was 1 month ago, on January 2, that Jesse Gray died in New York City after having spent 4 years in a semicomatose condition as a result of complications resulting from surgery. How ironic it was that Jesse Gray spent the last years of his life in a coma at a time when this Nation and its leaders have been in a coma with regard to the housing needs of our low-income and working class people. This Nation has forgotten the lesson that Jesse Gray and many of us have sought to teach: that Government and society have a responsibility to provide decent, safe and suitable shelter for all people. Jesse saw the beginning of our accomplishments in his lifetime, but they were only beginnings. The Reagan administration cut off those beginnings in 1981 and has brought this Nation to its knees with our streets filled with homeless families, children not being adequately educated, people without jobs, and a nation having forgotten the human needs of its less fortunate citizens.

What we miss today is the prophetic voice of Jesse Gray organizing, demonstrating, agitating, and demanding that even poor people have housing rights. Jesse Gray's life was an embodiment of the prophet standing at the gates of the city demanding compassion and shelter for those without shelter. His organizing talents led to creation of your great organization. Jesse's organizing abilities were rooted in a labor movement beginning in the 1940's. His activism resulted in his election to the New York State legislature in the 1970's where he so ably represented Harlem.

Every Congress, our distinguished colleague from Michigan, JOHN CONYERS, reminds us of Jesse Gray's contribution by introducing the Jesse Gray Housing Act which puts in legislative form the real public housing needs of our Nation, and I am always privileged to join Mr. CONYERS in supporting this legislation. As long as there is the concern and support of the National Tenants' Organization, the Jesse Gray Housing Act will be the goal to which we will strive to achieve.

We are living through the worst housing shortage since the Great Depression years. Rents have increased since 1982 by approximately 45 percent, rental housing for low and moderate income people is just not available. The largest increase in homelessness today is families, many of whom are working families, who just do not earn enough to keep up with the skyrocketing costs of housing. Recent statistics show that in the Washington Metropolitan area the average mortgage payment for a recently-purchased single-family home is over $1,000 per month. Rent for a two-bedroom apartment in the Washington Metropolitan area averages $600 to $700 per month. How can poor and moderate income families afford this? What kind of life are we creating for our children at these prices?

The legacy of Jesse Gray demands that we continue to fight in the manner that he fought and continue to demand of our society and our government a response that addresses the housing needs of all of our citizens, particularly the low and moderate income people.

STATEMENT OF CHARLES KAMASAKI, DIRECTOR OF POLICY ANALYSIS, NATIONAL COUNCIL OF LA RAZA

I. INTRODUCTION

Mr. Chairman and members of the Subcommittee, my name is Charles Kamasaki, and I am Director of Policy Analysis for the National Council of La Raza, one of the nation's largest Hispanic organizations. The Council is a private nonprofit organization, headquartered in Washington, D.C., which represents more than 80 local Hispanic community-based organizations in 32 states, the District of Columbia and the island of Puerto Rico.

We are pleased that the Subcommittee is holding hearings on the segregation of minorities in this country. The issue of segregation and the problems of housing discrimination often do not receive the attention they deserve. Further, we note that the issue of housing discrimination is usually discussed only in the context of racial bias. While the data clearly show that Black Americans continue to face severe housing discrimination, too little attention has been focused on similar problems faced by Hispanic Americans. Therefore, we sincerely appreciate this opportunity to appear before you today to present our views on this serious and persistent problem.

II. HOUSING CONDITIONS

Housing conditions for much of the Hispanic community are inadequate. An unpublished Department of Housing and Urban Development [HUD] study showed that in 1983 about one-third of all Hispanic households live in physically inadequate or overcrowded housing, compared to only one-tenth of White households.

The affordability of housing is a more critical problem for Hispanics than housing quality. The lower a household's income, then the higher the proportion of income that must be spent on housing. According to a forthcoming study for the National Council of La Raza by Cushing N. Dolbeare, very-low-income households typically spend well over half their incomes for shelter, including utilities.

In 1983, the median income of all Hispanic households was $15,115. The median Hispanic family homeowner income was $22,100, compared to $11,100 for Hispanic renters. About one-quarter of Hispanic households with incomes under $10,000 per year were homeowners; 45 percent of all Hispanic homeowners had incomes below $20,000, as did 79 percent of Hispanic renters.

That year, some 28 percent of all Hispanic households had incomes below the poverty level and the income of 1 household in 10 was less than half the poverty level. As a result, one Hispanic household in 10 paid more than 70 percent of their income for housing, and 2 in 5 spent more than 30 percent of their income for housing.

One factor which contributes to Hispanic housing problems is the lack of adequate rental housing for families with children and large families. In 1986, 26.6 percent of Hispanic families had five or more members, compared to 13.7 percent of non-Hispanic families.

The 1985 Current Population Survey shows that over 75 percent of Hispanic families had three or more persons, a rough proxy for the presence of children, compared to less than 60 percent of non-Hispanic families.

A 1980 HUD study found that 25.5 percent of all rental units in the United States did not allow children, and another 50 percent had policies which restricted the ability of families with children to rent the units. Such restrictions included limits on the number of children who could occupy a unit, limits on the number of units in an apartment complex where families with children could reside, limits on the age of child occupants, and prohibitions on children of the opposite sex sharing the same bedroom. Thus Hispanics face housing problems, resulting from low income and family size.

III. DISCRIMINATION AND SEGREGATION

A. Housing discrimination

Hispanics are both disproportionately poor and inadequately housed, but low income alone cannot fully explain the poor housing conditions in which many Hispanics live. According to a 1983 internal HUD study:

> When common factors contributing to housing deprivation are taken into account, differences in housing conditions among Whites, Blacks, and Hispanics are narrowed somewhat, but sizeable differences still remain. . . . Blacks and Hispanics are twice as likely as Whites to be either inadequately housed or overcrowded, even when they have similar financial resources.

It is clear that factors other than income are partially responsible for poor Hispanic housing conditions. One of these factors is housing discrimination. While there has been considerably less research on the nature and extent of housing discrimination against Hispanics than on discrimination against Blacks, the available data show that housing discrimination against Hispanics is pervasive. The following subsections describe research findings on housing discrimination and Hispanics in selected urban areas.

1. Dallas

A 1979 HUD "audit" in Dallas was the first HUD research to focus on the extent of housing discrimination against Hispanics. It had often been assumed that Hispanics would suffer less than Blacks from housing discrimination for two reasons: Hispanics were a smaller subpopulation, and the income of Hispanic renters was substantially greater than that of Black renters. The results of the audit showed otherwise.

The Dallas study found that 42 percent of dark-skinned Mexican Americans and 16 percent of light-skinned Mexican Americans were given false information on the availability of rental units. The chance of dark-skinned Mexican Americans experiencing at least one instance of discrimination in a typical housing search was 96 percent, and the probability of light-skinned Mexican Americans experiencing similar discrimination was about 65 percent.

The incidence of discriminatory treatment against dark-skinned Mexican Americans was found to be far greater than that against either blacks or light-skinned Mexican Americans. Discriminatory treatment against dark-skinned Mexican Americans regarding availability of a unit was two and one-half times as great as that against either Blacks or light-skinned Mexican Americans. Furthermore, discriminatory treatment against dark-skinned Mexican Americans on terms and conditions of the contract was also far greater.

2. Denver

A 1982 HUD-funded study in Denver also found evidence of housing discrimination against Hispanics. When teams of White, Black and Hispanic auditors were sent out to homes that were advertised for sale, the White auditors received considerably more information when they asked about homes similar to the advertised house in the same general area or in other locations. One in three Hispanic auditors was told that there were no homes available which were similar to the advertised home and in the same general area, compared to one in five White auditors. Furthermore, 60 percent of Hispanic auditors were told of no similar homes in other areas, compared to 31 percent of White auditors. These differences in the degree to which Hispanic and White auditors were informed of housing alternatives were sizeable and statistically significant.

Discrimination against Hispanics regarding housing availability was not found to be as widespread in the rental housing market, but some differences in the treatment of Hispanic and White auditors strongly suggest discrimination. For example, Hispanic auditors were twice as likely as Whites to be told that the advertised units were unavailable, and also twice as likely not to be told of other rental housing possibilities which might meet their needs. In neither case, however, were the differences statistically significant.

3. Boston

A Boston telephone survey found major differences in treatment of Whites and minorities. In a HUD funded study in 1981, a telephone survey was done of selected realtors who were advertising units for rent. The test teams consisted of three persons: one that would normally be identified by voice as White, one as Black, and one as Hispanic. In all 42 tests that were conducted, the White testers were invited to come to the office to be shown a unit, while Black and Hispanic testers were informed that no units were available 31 times.

Site visits were carried out on 47 firms including those that were already covered by the telephone survey and continued to advertise units for rent. In 23 of 47 tests only the White testers were shown units while Black and Hispanic testers were told nothing was available.

4. Other Studies

A 1986 HUD-funded study in Phoenix found evidence of discriminatory rental practices against both Blacks and Hispanics. In 13 percent of the audits, Blacks and Hispanics were asked to pay higher rents and deposits while Whites were given a variety of rental inducements.

Other surveys finding evidence of housing discrimination were performed in Houston and in San Jose, California. In both cases, Blacks encountered more discrimination than Hispanics. In 1973, a Houston audit found that at "White-occupied" apartment complexes, Black auditors encountered at least one form of discriminatory treatment in 42 percent of their visits, compared to 10 percent for Hispanic auditors. A 1978 study in San Jose found that Black auditors encountered some form of discriminatory treatment in 58 percent of their visits, compared to 20 percent for Hispanic auditors.

Finally, a recent telephone survey by the Lawyers Committee for Civil Rights Under Law in Washington, DC was done in the District of Columbia, Virginia and Maryland with both Hispanic and White testers. They found that Hispanics encountered at least one form of discriminatory treatment 20 percent of their calls.

B. Hispanic Residential Segregation

A recent report written by Professor Gary Orfield for the Joint Center for Political Studies on school segregation trends in the 1980's shows a constant growth in the isolation of Hispanics, with segregation becoming increasingly severe in virtually all parts of the country and in almost every period in the sixteen years that national data have been collected. Dr. Orfield concludes that:

> While Black segregation has remained about the same under Presidents Ford, Carter, and Reagan, Hispanic segregation has been growing steadily since the late 1960's when it was first measured nationally.

Among Hispanics, the data clearly show that the Puerto Ricans are the most segregated and the most disadvantaged groups. A 1981 article written by Dr. Douglas Massey points out that residential segregation among Hispanics is higher in New York than anywhere else in the country.

It is generally true that both school and residential segregation are linked together. In Dr. Orfield's study on school segregation, he found that 85 percent of the Hispanic students in New York State attended predominantly minority schools. Of this, 59 percent of the state's Hispanic students were in intensely segregated schools that were 90-100 percent minority.

Two other states show a high and rapidly increasing segregation. Three-fourths of California's Hispanic students and 68 percent of those in Florida attend schools where less than half the students are White.

The precise relationship between the incidence of discrimination and the levels of segregation in various communities is not known. Clearly, however, reductions in the levels of segregation cannot take place without reductions in the scope and degree of housing discrimination.

IV. POLICY RESPONSES TO HOUSING DISCRIMINATION

A. Fair Housing and Hispanic Complaints

Federal fair housing laws need more effective enforcement mechanisms to resolve housing discrimination complaints and to expand coverage to families with children and the disabled. But additional efforts specifically focused on Hispanics are also essential to effectively address housing discrimination against Hispanics.

The Fair Housing Amendments Act of 1987 which is pending in Congress is limited to improving the effectiveness of the enforcement process after a complaint is filed. It does not, however, address the need for action to increase the likelihood that Hispanics encountering housing discrimination will file complaints. Despite evidence of pervasive housing discrimination against Hispanics, HUD data reveal that Hispanics tend to file very few complaints. According to the data:

> From Fiscal Year 1980 through Fiscal Year 1985, formal complaints filed with HUD-certified fair housing state and local agencies by Blacks alleging discrimination totaled 14,172, while such complaints from Hispanics totaled 1,328, a ratio of about 11:1; yet the Black population is only about 37 percent larger than the Hispanic population.

This pattern was consistent over the six-year period. The ratio of Black-to-Hispanic complaints exceeded 10:1 in every year except Fiscal Year 1983 (9:1).

There are several possible reasons for this differential. The Black population is somewhat larger, and some of the above-cited studies suggest that in some markets, Blacks are more likely to encounter discrimination than Hispanics. It is also possible that Blacks are more likely to encounter overt forms of discrimination than Hispanics, and are therefore more likely to know that they have been discriminated against. However, these factors do not fully explain the extent of the difference in complaints.

Hispanics are less likely to file civil rights complaints in general, and fair housing complaints in particular. Several important reasons for this have been suggested. First, many Hispanics may not have a complete understanding of their rights; and second, all but the most blatant forms of housing discrimination frequently are not recognized as illegal discrimination by the victims. Some examples of subtle forms of housing discrimination, e.g., "steering," false information on the availability of rental units, and differential treatment in lending practices, are difficult for a victim to identify.

Furthermore, the weak enforcement mechanism in the present fair housing law may contribute to the low numbers of complaints filed by Hispanics. The lengthy period required to reach conciliation and the lack of any real redress to the victim may deter Hispanic victims from filing complaints. In addition, rental agents and realtors are aware that they are not likely to be penalized for practicing illegal housing discrimination, and therefore, are not often deterred from discriminating. These factors may limit confidence within the Hispanic community in the HUD conciliation process, thus reducing the number of complaints.

Language differences may exacerbate the above-cited factors. HUD no longer publishes brochures explaining fair housing laws in languages other than English, thus reducing the ability of limited-English proficient persons to understand their rights under the law. Limited-English proficiency may also hinder Hispanics from fully understanding what realtors or rental agents are telling them, thus limiting their ability to detect discrimination.

Another often ignored factor that helps to explain differences in the propensities of Blacks and Hispanics to file civil rights complaints is the disparity in the relative strength of civil-rights-oriented institutions in the two communities. The Black community has a long and proud tradition of strong, active civil rights groups such as the NAACP and the National Urban League, which inform Black Americans of their rights. Their counterparts in the Hispanic community are much younger, have fewer resources, and in many cases are much more fragile.

The lack of strong civil rights-oriented Hispanic institutions is especially true with respect to fair housing, and HUD has not been effective in addressing this problem. A review of HUD grants to public and private fair housing groups reveals that very few grants have gone to groups emphasizing services to the Hispanic community. Moreover, HUD has not carried out a single fair housing initiative focusing on Hispanics since the 1979 Dallas survey. To the extent that building the capacity of state and local groups is at least partially a function of the availability of resources, it is not surprising that there are few strong local fair housing groups focusing on fair housing for Hispanics.

HUD has also been negligent in ensuring that bilingual personnel are available at critical times in the complaint process, including: (1) the Fair Housing Division "800" telephone number victims of housing discrimination anywhere in the country can call in for information; and (2) in the fair housing division of the regional offices where complaints are filed.

B. Potentially Effective Policy Responses

While HUD has not focused on Hispanic fair housing needs, potentially effective mechanisms for addressing housing discrimination against Hispanics do exist. The Fair Housing Enforcement Demonstration Project, sponsored by HUD and the National Committee Against Discrimination in Housing [NCDH], provides some insight into ways in which increased anti-discrimination activity can be generated. Under the Demonstration Project in 1981, small grants were provided to nine local fair housing groups to conduct fair housing testing and a limited amount of outreach and public information.

By all accounts, the Demonstration Project was successful, and resulted in a series of impressive achievements:

In each area participating in the project, complaints rose dramatically. There was also a relatively high rate of success in complaint resolution.

During the two-year period of the project, HUD recorded a dramatic increase in complaints (from 4,000 to 5,300); over 50 percent of this increase occurred in areas where the demonstration was being conducted.

A modest amount of federal funding generated an extremely high level of activity. It is estimated that each dollar of project funding generated two to three dollars in activity by the local groups.

The activities carried out under the Demonstration Project clearly address many of the factors contributing to the low level of fair housing complaints by Hispanics. The local groups increased awareness of housing discrimination, provided counseling and technical assistance in filing complaints, and established a strong institutional presence in their respective communities.

C. Fair Housing Initiatives Program

The National Council wishes to think and congratulate Chairman Gonzalez for the inclusion of the Fair Housing Initiatives Program (FHIP) in the recent housing authorization bill (S. 825). As the Chairman will recall, the statutory language in H.R. 4 and S. 825 as passed by the other body was nearly identical. There was substantial controversy, however, over the report language. In short, S. 825's report language made explicit reference to "guidelines" included in the housing bill considered by the other body in the 99th Congress (S. 2507). The problem with the other body's report language, as the Chairman is well aware, is that the "guidelines" included in S. 2507 would have rendered the FHIP program ineffective. The specific concerns that we and other civil rights organizations had with the "guidelines" are described in the attached letter from the Leadership Conference on Civil Rights. Moreover, the "guidelines" were the product of a secret deal between the National Association of Realtors and HUD.

With the assistance of Chairman St Germain and the Chairman of this Subcommittee, explicit references to the S. 2507 guidelines were removed from the Statement of Managers accompanying the housing conference report.

While we are pleased that the issue was favorably resolved in conference, we are understandably concerned about the future implementation of the FHIP program. We are especially concerned because there is some evidence that the industry groups still maintain unhealthy relationships with HUD on Fair Housing-related issues. A recent Los Angeles Times article, which is attached to this testimony, raises serious questions regarding HUD's ability to implement the program in a fair and equitable manner.

V. CONCLUSIONS

The National Council of La Raza believes that strengthening the effectiveness of fair housing laws in protecting the rights of Hispanics requires two major policy initiatives. First, the strengthening of the fair housing laws is crucial, and must include an expansion of coverage to include the handicapped and families with children, and establishing more effective enforcement mechanisms to resolve complaints. Hispanics, particularly families with children, need timely resolution of their complaints, and typically cannot afford remedies which require them to take individual legal action. Therefore, we urge the Chairman and the Subcommittee to support timely passage of the Fair Housing Amendments Act.

However, the new legislation alone will not be sufficient. Given the analysis cited above, showing that few Hispanics tend to file discrimination complaints, it is essential that the implementation of the FHIP program be responsive to the needs of the Hispanic community. We make three specific recommendations in this respect.

First, we need to work with the Appropriations Committee to obtain funding in FY 1988 to implement FHIP. As the Chairman knows, S. 825 was acted on after consideration of the Continuing Resolution; thus, no FHIP appropriation was included in the bill. We urgently request the assistance of the Chairman and the Subcommittee in securing funding for FHIP this year.

Second, we urge the Subcommittee to carefully monitor the development of implementing regulations for FHIP. Given the history of the FHIP program, and the allegations in the Los Angeles Times article, we are concerned that HUD may seek to impose the S. 2507 "guidelines" through regulation. We hope that the Subcommittee and the civil rights community can work together to ensure that the regulations do not impede the effective implementation of FHIP.

Finally, we suggest that, given the relative lack of Hispanic-focused research, the absence of Hispanic fair housing organizations, and the unavailability of bilingual materials and staff at HUD, we believe that the FHIP program should include an explicit Hispanic focus; specifically, we recommend:

Support for systemic testing including Hispanic, White, and Black teams, in various locations, to provide more empirical data on the scope and degree of discrimination against Hispanics.

Funding to Hispanic groups interested in fair housing activities, to support outreach and public education, receiving and recording of complaints, conducting of tests, and referral of documented complaints to HUD.

Availability through HUD of all necessary bilingual materials and personnel in order to inform the Latino community about their equal housing opportunities and about complaint procedures.

The enactment of the Fair Housing Initiatives Program creates a major new opportunity to document and reduce housing discrimination against minorities. However, this opportunity could be lost or severely damaged unless the FHIP is adequately funded and fairly implemented.

We thank the Subcommittee for this opportunity to present our views, and pledge to work closely with you in your fight against invidious housing discrimination against minorities and other protected groups. I would be happy to answer any questions you have.

THE HOSTILITIES ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, today I am introducing the Hostilities Act of

1988 to better ensure that the collective judgment of the Congress and the President are effectively and efficiently exercised concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential activities. This act will also establish procedures which will better enable Congress to act pursuant to its constitutional war powers concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential hostilities.

The legislation repeals the War Powers Resolution, including the unconstitutional legislative veto provision in light of the Immigration and Naturalization Service versus Chadha decision where the Supreme Court held that a one-House legislative veto violates the separation of powers for the enactment of legislation. However, the legislation also utilizes some provisions of the War Powers Resolution as a frame work upon which are made signficant reforms to the consultation, reporting, and expedited provisions of that statute.

Mr. Speaker, I believe that it is inevitable that the Congress will have to enact reform legislation in this important constitutional area. This is not only a result of the Chadha decision, which has the effect of weakening Congress' position on questions concerning the use of armed forces in hostilities through continued reliance on a statute which contains an unconstitutional provision; but it is also a consequence of 14 years of experience with the War Powers Resolution, which has shown that some provision, particularly in the consultation area, are ineffective.

In fact what we have seen over the years is that Congress has failed to really impose the War Powers Resolution; whenever we have a serious consideration of it, everyone backs off from it. The executive branch backs off because they do not wish to acknowledge that they are bound by what they consider to be an unconstitutional provision. In fact many administrations, both Democrat and Republican, have said in times when there is the suggestion that the War Powers Resolution ought to be implemented, that in fact they are acting consistent with the War Powers Resolution but make it very clear that they are not acting pursuant to it. At the same time we have found congressional leadership, both Democrat and Republican, over that period of time not wanting to go to the brink of a constitutional crisis under that law at a time when there is a fundamental foreign policy question at hand.

So what has happened is that it is on the books, it is looked at to direct actions by both the Congress and the President of the United States but no one really wants to force it to a vote, no one really wants to force it to a consideration by the Supreme Court. Therefore, ultimately it is ineffective.

Accompanying the introduction of the Hostilities Act is a detailed section-by-section analysis, which explains the operations of this legislation. For this reason, my remarks today will only highlight some of the significant areas of reform. I would hope—through a couple of special orders to elaborate upon the intended operation of some of the other core provisions of the Hostilities Act.

Because the consideration of the constitutional war powers is largely an institutional matter between the President and the Congress, I urge my colleagues to cosponsor the Hostilities Act and join with me in demonstrating the need for bipartisan reform in the constitutional war powers area. I am convinced that only by a comprehensive reconsideration of this issue can Congress establish an effective procedural mechanism by which it can exercise its constitutional role in the war powers area.

I am not saying that this is the last word on this area. I am offering it for consideration so that we might begin a debate on what the proper procedure is.

I am also not sanguine about the possibilities that it may be considered in the near future in an election year. As a matter of fact, following yesterday's debate and the vote on the Contra aid question, it appears to me that in Washington at this time the only place that we will find a bipartisan approach to foreign policy is in the history books. Nonetheless, I think it is something we ought to consider and not allow to sit idly on the side.

At this time I would like to briefly discuss the provisions of the legislation which I am introducing.

CONSTITUTIONAL AUTHORITIES, FINDINGS, AND PURPOSE

Section 2 of the Hostilities Act of 1988 provides the authorities, findings, and purpose of the legislation. An extended consideration of these areas is made in this section because it serves as the foundation for and an integral part of the other sections of the Hostilities Act. For example, section 2(b)(4) provides that "the U.S. Armed Forces are raised, supported, provided for, and maintained by the Congress in the exercise of its constitutional power." This helps stress the fact that only the Congress can provide armed forces.

Additional, section 2(b)(7) provides that "the Congress has a role in determining whether the U.S. Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop." This subsection, therefore, helps emphasize the role the Constitution assigns to the Congress over the use of armed forces in actual, imminent or potential hostilities.

Finally, it should be noted that this legislation relies upon all of Congress' constitutional war powers, not just the power to declare war. This includes the power of the purse.

CONSTITUTION AND CONFERENCE WITH THE CONGRESS

Section 3 provides several significant reforms to improve the consultation between the executive and legislative branches on questions concerning the use of armed forces in hostilities. First, a definition of consultation and conference is included to ensure that consultation is an active form of deliberation and an interchange of opinion between the President and the Congress. Effective consultation and conference is not established where the President merely reports on actions already or soon to be taken.

Second, consultation, to be meaningful, should take place before a decision to introduce U.S. Armed Forces into hostilities rather than prior to the introduction itself.

Third, in exceptional, compelling circumstances, consultation and conference take place later than 48 hours after the decision to introduce.

Fourth, a continuing obligation of consultation and conference on developments affecting the armed forces involved in hostilities is imposed. The special consultation and conference committee, consisting of the congressional leadership and chair and ranking member of relevant committees, is established for the consultation and conference. The President may include other members of Congress but a minimum number of members on this committee is established. Committee members may designate other Members of Congress to take their place. An exception is also included where Members are physically unable to attend the consultation and conference meeting with the President.

REPORTS TO CONGRESS

Section 4 of the Hostilities Act includes some new requirements to make the reports submitted by the President to the Congress more meaningful. First, in addition to the requirement that the President submit reports when U.S. Armed Forces are introduced into hostilities, the President must also submit reports when U.S. Armed Forces "otherwise become involved" in hostilities. This will cover situations where U.S. Armed Forces are introduced into nonhostile circumstances which later become hostile.

Second, there are expanded requirements for the subject matter to be included in the reports. In addition to the current description of the required reports, the President must also state the "foreign policy and national interest justification" as well as the size and composition of the U.S. Armed

Forces involved or introduced into the hostilities.

These requirements will ensure that the policy aspects are considered by the President and the Congress and that the Congress will be fully informed concerning the size and composition of the armed forces. Hopefully, the requirements will provide more effective information upon which the executive and legislative branches can base their actions.

Third, a continuing reporting obligation is retained under the legislation I have introduced. Furthermore, the reports are required to be submitted to the members of the consultation and conference committee.

Finally, provision is made for a separate classified addendum for any classified information which may be submitted with the reports.

□ 1130

Sections 5 and 6 are the heart of the Hostilities Act. These sections enable Congress to act under its constitutional war powers and rulemaking authority to impose limitations on the use of U.S. Armed Forces in situations of hostilities or enable Congress to use its powers of the purse to include these limitations in appropriation resources.

Sections 5(a) and 5(b) establish a procedure by which Congress may impose limitations on the use of U.S. Armed Forces in actual imminent, or potential hostilities. Section (a) subsection (1)(c) permits such limitations "in any situation which—Congress determines—would likely result in hostilities if U.S. Armed Forces were introduced." This change is made to address a major criticism that the War Powers Resolution does not enable Congress to impose restraints on circumstances which have not yet reached the urgent level of imminent or actual hostilities. In this regard, the Hostilities Act is more comprehensive by establishing a procedural means through which Congress can exercise its constitutional powers for all possible hostilities circumstances. Additionally, this reform is proposed in recognition of the fact that once imminent, and certainly once actual, hostilities have developed, it may be too late to avoid the introduction or involvement of armed forces in conflict.

Sections 5(a) and 5(b) continue to enable Congress to consider limitations for actual or imminent hostilities which is similar to the War Powers Resolution. However, Congress must make finding that actual, imminent or potential hostilities exist. There is no connection between the submission of a report by the President and subsequent legislative action. Under the Hostilities Act, Congress has the burden of acting.

I might add that at the present time one of the concerns we have under the War Powers Act is defining what hostilities are or the imminence of hostile action. It is my observation that many mental gymnastics are gone through by administrations, including the present one, in redefining what hostile action is so that the triggering mechanism will not come into effect. I think in many ways this leads to a lack of credibility with administrations, not just this one, but prior administrations in their definition of what is hostile action. But the reason they do is they do not want to be bound by the automatic nature of the War Powers Act which I believe happens to be unconstitutional.

That is, once the War Powers Act goes into effect, the President's ability to act is vetoed by inactions by the Congress. I think this flies in the face of the decision made by the Supreme Court in the Chadha decision, but the problem is the only way we would have that finally resolved is if an administration admitted that they were involved in hostile action or the imminence of hostile action, went on to send the troops there and the Congress then would not act within the 60 days, and then someone would bring a court suit against the continued presence of armed forces there. You have the worst of all possible worlds. You have American forces in a situation where the very fact that the War Powers Act may be clicking brings to bear pressure on those who may be firing upon our forces to cause more difficulty, because if they believe that they caused that difficulty they will automatically cause the American troops to be removed from the area.

My legislation requires that the Congress act, that the President's hands cannot be tied by inaction by the Congress, but it also requires that Congress consider it. Congress cannot merely sit by the wayside and let things go on. The people's Representatives would be required to consider it and to vote one way or the other.

As I have said, for legislation to be considered under the section 5 procedures, Congress must make a finding that some form of hostilities exist. Such intended findings are similar to those made in the Multinational Force in Lebanon Resolution.

Section 5(b) of the Hostilities Act contains illustrative examples of limitations Congress may consider imposing on the use of U.S. forces in hostilities. Since the factual circumstances of troop involvement in hostilities can vary so widely, which, if any, limitations Congress may consider imposing is a case-by-case determination. The examples listed include limitations on the duration of involvement and the size and composition of the armed forces. Additionally, Congress may wish to consider using its power of the purse to impose finding limitations. This may include restrictions on the amount of funds or period of appropriation.

One attribute of the procedure in section 5 is that Congress may tailor the necessary limitations to a given policy. This is in contrast to the blanket and arbitrary 60-day limitation on the use of armed forces in hostilities imposed by section 5(b) under the War Powers Resolution. Such arbitrary and automatic limitations may prove unwise under certain situations and may also impede U.S. foreign policy objectives. This consequence is avoided therefore, under the Hostilities Act by permitting Congress to calibrate or tailor an appropriate response to a given situation.

One of the other things that strikes me is that oftentimes we have a situation in which Congress can do something by inaction. In many cases Congress does not want to get on one side or the other of a particular decision that the President has made, and so Congress stands by to see whether it is going to be a success or a failure. If it is a failure we criticize. If it is a success, we say belatedly we support the President.

That is not the way to introduce a spirit of bipartisanship or to give confidence to the rest of the world that America has much staying power when it involves itself with its military personnel anyplace in the world.

Closely related to the imposition of restrictions in sections 5(a) and 5(b) is a new internal mechanism under section 6 which allows Congress to impose funding limitations consistent with legislation passed by the Congress under section 5(a). Section 6 is designed to work as follows. Once the Congress approves section 5(a) legislation imposing limitations on the use of armed forces, it is in order for Congress to consider whether to include similar funding restrictions on defense appropriation measures. This permits Congress to utilize its power of the purse. Either House of Congress can decide not to utilize this procedure by passing a resolution to this effect. This section 6 internal mechanism is consistent with the principles set forth in Immigration and Naturalization Service versus Chadha under the rulemaking exception to the bicameralism and presentment requirements under article I of the Constitution most significantly, section 6 establishes a new parliamentary procedure where Congress can determine whether it should utilize its power of the purse on questions involving the use of armed forces in hostilities.

In other words, what I am attempting to do is to channel Congress' activities into those areas that are recognized as constitutional. We know we have the power of the purse; therefore, we should consider these actions of joint consideration by the Congress and the President with respect to hostilities or imminent hostilities in the manner prescribed by the Constitution. We should not avoid the Constitution or circumvent the Constitution by setting up a mechanism such as is contained in the War Powers Resolution which says that we can basically interfere with Presidential decisions by inaction by the Congress.

The Chadha decision tells us that a one-House veto of a Presidential action is unconstitutional. What would the U.S. Supreme Court say about a no-House veto?

That is what we really have in the War Powers Resolution.

An important part of the Hostilities Act that I am introducing is the expedited procedures for the consideration of legislation imposing limitations on the use of armed forces. These procedures are included in subsections 5(c) to 5(k) of the bill. These provisions are important because they promote dialog and comity between the legislative and executive branches. In the absence of comity, they help to assure the President of congressional resolve over particular legislation. The priority procedures are an exercise of Congress' rulemaking authority to better fulfill its constitutional duties in the war powers area.

Whenever 20 percent of the House or Senate sponsor or cosponsor legislation concerning actual or imminent hostilities, the committee must report out legislation for floor consideration within 21 days. Failure to report, will result in discharge of the legislation as introduced. There is a 50-percent threshold level of congressional support for potential hostilities, since these circumstances are not as urgent as actual or imminent hostilities. These expedited procedures ensure floor consideration once legislation has received sufficient, strong congressional support. There is limited time for floor consideration, which is similar to the procedures in the Congressional Budget and Impoundment Control Act of 1974. These provisions are designed to ensure adequate time for congressional consideration, an opportunity to vote on appropriate amendments with a final vote on a bill and to preclude any dilatory tactics. There is also included an escape hatch, where the House or Senate may decide that the expedited procedure should not operate and the committee is not obligated to report. At all times, the will of the majority can prevail.

That may sound like a strange concept in the House of Representatives these days where we come to the floor oftentimes with absolutely closed rules where bills are buried in committee as a matter of course, but it seems to me it is an important thing and it ought to work in both directions.

So as my bill is written I would like to underscore that at all times the will of the majority in either House can prevail.

These expedited procedures are an improvement, I believe, over the priority provisions in the War Powers Resolution. Under that statute any bill or joint resolution introduced under the War Powers Resolution is considered under fast-track procedures. In contrast, legislation under my Hostilities Act are not considered under expedited procedures until the sufficient threshold of congressional support has been demonstrated.

So the concern that any administration would have that a handful of Members of Congress acting on their own, against the interests of the vast majority of Members of both the House and the Senate to interfere with the ability of the President of the United States to act would be overcome. I have threshold provisions in here which require significant interests, so much so that Members are willing to sponsor or cosponsor the legislation to the manifest before the fast track is implemented.

This also sends a better signal to the executive branch, since it may wish to compromise or talk with the Congress once substantial support for legislation demonstrates serious support for particular legislation.

Section 7 is a new addition to war powers legislation and also is a significant improvement over the War Powers Resolution. This section enables Congress to be reassembled, as an exercise of Congress' adjournment power, to consider reports submitted under the act or to consider legislation under section 5(a) of the act.

Under the War Powers Resolution, Congress could only be reconvened by the President. This was in recognition of the President's constitutional authority to reconvene the Congress after it had adjourned. However, section 7 of the Hostilities Act is based upon congressional adjournment authority and is consistent with prior congressional practice.

There are two means by which Congress may be reassembled under section 7. First, the Speaker of the House and the Senate majority leader, after consulting with the minority leadership in each house, can call back the Congress to consider a report or legislation under the procedures of the Hostilities Act. Second, 40 percent of the membership in each House can petition for a reconvening by the Speaker of the House and the Senate majority leader.

Section 7 is an important addition in the war powers area because it ensures that Congress will never be foreclosed from exercising its constitutional war powers when such occasion may have been unforeseeable at the time of adjournment.

Section 8 acknowledges that sections 5, 6, and 7 of the Hostilities Act are enacted under the rulemaking authority of the Congress and may consequently be modified at any time by either House. Section 5 pertains to the expedited procedures, section 6 involves the internal funding mechanism provison and section 7 is an exercise of Congress' authority to condition an adjournment by permitting the reassembly of Congress.

Section 9(1) defines the term "introduction or involvement of United States Armed Forces" as used in the act.

Section 9 (1) and (3) provide illustrative definitions of the terms "hostilities" and "situations where imminent involvement in hostilities is clearly indicated by the circumstances." These definitions are drawn from the legislative history of the War Powers Resolution and Multinational Forces in Lebanon Resolution. Because of the disagreement between the Congress and the President over the existence of hostilities, I managed to attempt to explain that a bit ago. That is that administrations, not just this administration, but prior administrations have been involved in very difficult considerations of the definition of hostilities or imminent hostilities precisely because of a constitutional crisis arising in the midst of a particular armed forces exercise or introduction.

□ 1145

Today we do not have that type of cooperation or that type of coming together between the executive and legislative branch nor did we have it in the previous administration.

But because of that I believe it is essential that definitions be included in my statute.

Section 10 is similar to provisions in section 8 of the War Powers Resolution and makes clear that no authority to introduce or involve U.S. Armed Forces in hostilities may be construed from the Hostilities Act or any law, appropriation, or treaty which does not specifically authorize such use of the armed forces.

Finally Section 11 of the Hostilities Act repeals the War Powers Resolution.

While some provisions of that statute, particularly in the consultation, reporting, and priority procedures areas, are relied upon as a framework in the Hostilities Act, these similarities contain significant changes. A repeal of the War Powers Resolution ensures that the provisions of constitutional uncertainty are no longer existing law.

I believe it is time that some of the core provisions of the Hostilities Act are enacted under Congress' rulemaking authority and could be enacted regardless of whether the War Powers

Resolution is repealed. However, I believe that by repealing the War Powers Resolution, the executive branch may become an active participant of statutory reform in this vital constitutional area involving the war powers.

Mr. Speaker, I am not suggesting that the bill that I am introducing is the last word on the subject of establishing a framework within which the President of the United States and the Congress could act in the area of actual possible or imminent hostilities involving American forces. I do believe, however, that we do ourselves a disservice and the people we represent a disservice by allowing to remain on the books a law which I believe is patently unconstitutional.

The Chadha decision speaks to the question of the veto power of the Congress of the United States. The Chadha decision talks about the fact that the veto power given the President of the United States is an enormous power and it should not be lightly dealt with and suggests that we have a different way of operating in the Congress of the United States by action, not by inaction and by action involving both Houses of the Congress of the United States. To allow the War Powers Resolution to remain on the books when we recognize that there is a constitutional challenge there and to realize that the constitutional challenge would only be resolved in the midst of what would be considered to be a crisis between the Congress of the United States and the President of the United States, and which would be involving the actual participation of American men and arms involved somewhere in the world, to know these things and yet not to act is to do a disservice, as I say, to ourselves and to the people we represent and most specifically the men and women in the armed forces of America. So I offer this as a point of discussion hopefully as a point of serious discussion that we might begin to reform our attitude with respect to the War Powers Resolution. I am not suggesting that everything in here is the way I would necessarily like it. Some in the executive branch would think that I had given too many powers to the House of Representatives and the Senate vis-a-vis the President of the United States. Maybe so.

Some in the House and Senate would think that maybe I have given too much power to the President under these circumstances. Maybe so. What I have attempted to do is to establish a framework within which we would find the President of the United States and Congress coming together on a regular basis for consultation so that the decisions once made by the President would have a stronger backing by the Congress of the United States and so that we would stand before the world as a stronger, unified force in any circumstance in which the decision was made to interject American troops.

It seems to me we owe it to ourselves, we certainly owe it to the people who are in the armed forces in the United States today and around the world.

Mr. Speaker, I ask unanimous consent that a complete version of the Hostilities Act of 1988 and a section by section analysis be inserted in the Congressional Record.

The document referred to is as follows:

H.R. 3912

A bill to help ensure that the collective judgment of both the Congress and the President are exercised concerning the involvement of United States Armed Forces in hostilities, and to repeal the War Powers Resolution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hostilities Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) Constitutional Authorities.—This Act is essential in order for the Congress to exercise the constitutional authorities cited in subsection (b)(3) and is enacted as an exercise of those constitutional authorities and the Congress' rulemaking authority.

(b) Findings.—The Congress finds that—

(1) one of the primary objectives of the drafters of the Constitution was to effectively provide for the common defense of the United States;

(2) reflective of the doctrine of separation of powers, the Constitution divides the war powers between the Congress and the President and assigns duties to each of these branches of the Government;

(3) under the Constitution it is specifically provided that, among other powers, in order to provide for the national security the Congress has the responsibility and the power to—

(A) Provide for the common defense and general welfare of the United States;

(B) declare war;

(C) raise and support armies and provide and maintain a navy;

(D) makes rules for the government and regulation of the land and naval forces;

(E) determine whether funds, if any, shall be drawn from the Treasury as a consequence of appropriations made by law; and

(F) make all laws necessary and proper for carrying into execution, not only its own powers but also other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof;

(4) the United States Armed Forces are raised, supported, provided for, and maintained by the Congress in the exercise of its constitutional powers;

(5) it is essential that the President report fully and currently to the Congress, and consult and confer with the Congress, concerning the actual, imminent, or potential involvement of United States Armed Forces in hostilities if the Congress is to possess the required knowledge to fulfill its constitutional responsibilities and if the collective judgment of both the Congress and the President is to be brought to bear on issues concerning the involvement of United States Armed Forces in hostilities;

(6) in order for Congress to effectively exercise the constitutional responsibilities cited in paragraph (3), it is necessary for the Congress, in the exercise of its authority to establish its rules of procedure, to adopt improved and expedited procedures for congressional consideration of bills and joint resolutions concerning the involvement of United States Armed Forces in hostilities; and

(7) in exercising the constitutional responsibilities cited in paragraph (3), the Congress has a role in determining whether the United States Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop.

(c) Purpose.—It is the purpose of this Act to improve upon the objectives of the War Powers Resolution enacted in 1973, based upon the experiences under that law, through improved consultation procedures, reporting requirements, and procedures for congressional consideration of legislation relating to the involvement of United States Armed Forces in hostilities, in order to ensure that the collective judgment of both the Congress and the President will be effectively and efficiently exercised concerning the actual or potential involvement of United States Armed Forces in hostilities.

SEC. 3. CONSULTATION AND CONFERENCE WITH THE CONGRESS.

(a) Requirement for Consultation and Conference.—The President shall consult and confer with the Congress with respect to any introduction or other involvement of United States Armed Forces described in section 4(a).

(b) Nature of Consultation and Conference Required.—For purposes of this section, the term "consult and confer with the Congress" means that the President shall meet to deliberate with Members of Congress for an interchange of opinion, to consider the issues and options, and to seek the advice of the Congress with respect to any introduction or other involvement of United States Armed Forces described in section 4(a).

(c) When Consultation and Conference Is To Occur.—

(1) Before decision to introduce.—Except as provided in paragraph (2), consultation and conference with the Congress pursuant to this section shall take place before the President decides to introduce United States Armed Forces, with the objective of providing an opportunity for a sufficiently informed deliberation, an interchange of opinion, a consideration of the relevant issues and options, and the furnishing of advice to the President by the Congress.

(2) Exceptional, compelling circumstances.—In exceptional, compelling circumstances consultation and conference with the Congress may take place after the President decides to introduce United States Armed Forces. In no case, however, may the consultation and conference with Congress take place any later than 48 hours after the decision is made to introduce United States Armed Forces.

(3) Continuing consultation and conference.—Whenever there is an introduction or other involvement of United States Armed Forces described in section 4(a), the President shall regularly consult and confer with the Congress concerning developments af-

fecting those Armed Forces until United States Armed Forces are no longer in the hostilities or other situation described in section 4(a).

(d) MEMBERS OF CONGRESS TO BE INVOLVED IN CONSULTATION AND CONFERENCE.—Consultation and conference with the Congress pursuant to this section shall at minimum include—

(1) the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority leader and minority leader of each House of Congress (or such other Member of that House as any such Member may designate to serve in his or her place);

(2) the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives or of the Committee on Foreign Relations of the Senate (as the case may be), of the Committee on Armed Services of each House, and of the Committee on Appropriations of each House (or such other Member of that House as any such Member may designate to serve in his or her place); and

(3) such other appropriate Members of Congress the President deems necessary;

except that it shall not deemed a failure to consult and confer if the President is unable to consult and confer with a Member specified in paragraph (1) or (2) if that Member cannot be contacted by the President, is physically unable to meet with the President, or is otherwise unable to meet with the President, and that Member has not designated another Member to serve in his or her place.

SEC. 4. REPORTS TO CONGRESS.

(a) REQUIREMENT FOR REPORT.—In the absence of a declaration of war, the President shall report to the Congress, in accordance with subsection (b), in any case in which United States Armed Forces—

(1) are introduced into or otherwise become involved in hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) are introduced into the territory, airspace, or waters of a foreign nation while equipped for combat, except for deployments which relate solely to the supply, replacement, repair, or training of such forces; or

(3) are introduced in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.

(b) DESCRIPTION OF REPORT REQUIRED.—Within 48 hours after any introduction or involvement of United States Armed Forces described in subsection (a), the President shall submit a full and complete written report to the Congress (with a copy of this report to be provided to each Member of Congress specified in section 3(d)). This report shall set forth—

(1) the circumstances necessitating the introduction or other involvement of United States Armed Forces;

(2) the constitutional and legislative authority for such introduction or other involvement;

(3) the United States foreign policy and national interest justification for the introduction or other involvement of United States Armed Forces;

(4) the estimated scope and duration of the hostilities or other situation described in subsection (a) which necessitated the report; and

(5) the composition of the United States Armed Forces introduced or involved.

(c) PERIODIC REPORTS.—Whenever there is any introduction or other involvement of United States Armed Forces described in subsection (a), the President shall periodically (but in no event less often than once evey three months), so long as such Armed Forces continue to be engaged in the hostilities or other situation, submit to the Congress full and complete written reports—

(1) on the status, scope, and duration of the hostilities or other situation;

(2) on the United States foreign policy and national interest justification for the continued involvement of United States Armed Forces in the hostilities or other situation; and

(3) on the present composition of the United States Armed Forces in the hostilities or other situation.

(d) CLASSIFIED INFORMATION.—If any report required by this section includes classified information, that information shall be included in a classified addendum to the report.

SEC. 5. CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION IMPOSING LIMITATIONS ON THE USE OF UNITED STATES ARMED FORCES.

(a) LEGISLATION SUBJECT TO SPECIAL PROCEDURES.—This section applies with respect to any bill or joint resolution introduced in either House of Congress which would, if enacted—

(1) impose limitations on the use of United States Armed Forces—

(A) which (as determined by the Congress in that bill or joint resolution) have been introduced into or have otherwise become involved in hostilities;

(B) which (as determined by the Congress in that bill or joint resolution) have been introduced into or have otherwise become involved in situations where imminent hostilities is clearly indicated by the circumstances; or

(C) in any situation which (as determined by the Congress in that bill or joint resolution) would likely result in hostilities if United States Armed Forces were introduced; or

(2) amend or repeal—

(A) an act or joint resolution described in paragraph (1) which has been enacted under the procedures contained in this section, or

(B) the provisions of a bill or joint resolution described in paragraph (1) which have been included in a bill or joint resolution making appropriations for the Department of Defense pursuant to section 6 of this Act.

This section shall not apply if a bill or joint resolution contains any provision other than a provision described in paragraph (1) and (2).

(b) EXAMPLES OF TYPES OF LIMITATIONS.—The types of limitations on United States Armed Forces which a bill or joint resolution described in subsection (a) could impose include (but are not limited to) limitations on—

(1) the duration of involvement of United States Armed Forces;

(2) the size and composition of the United States Armed Forces involved;

(3) the amount of appropriated funds which may be expended for involvement of United States Armed Forces; and

(4) the period during which appropriated funds will be available for expenditure for involvement of United States Armed Forces.

(c) REFERRAL TO COMMITTEES.—Any bill or joint resolution described in subsection (a)—

(1) shall be referred in the House of Representatives to the Committee on Foreign Affairs;

(2) shall be referred in the Senate to the Committee on Foreign Relations;

(3) if appropriate under the rules of the House or Senate (as the case may be), shall also the jointly referred to the Committee on Appropriations, the Committee on Armed Services, or both; and

(4) shall not be referred jointly or sequentially to any other committee.

A committee to which such a bill or joint resolution is referred pursuant to this subsection may only consider those provisions which are within its jurisdiction.

(d) COMMITTEE ACTION REQUIRED IF CERTAIN NUMBER OF COSPONSORS.—

(1) IN GENERAL.—If a bill or joint resolution described in subsection (a) is cosponsored—

(A) by 40 percent or more of the Members of a House of Congress, or

(B) the case of a bill or joint resolution described in subsection (a)(1)(C), by a majority of the members,

(including in this calculation the original sponsor, but excluding any Member who dies, resigns, or otherwise ceases to be a Member after becoming a cosponsor), the committee or committees of that House to which the bill or joint resolution was referred shall report that bill or joint resolution not later than 21 calendar days after the requisite number of cosponsors has been attained, unless determined otherwise under paragraph (2).

(2) ACTION BY HOUSE OR SENATE.—During the 21-day period specified in paragraph (1), it shall be in order for any Member to offer a motion authorizing the committee or committees to which a bill or joint resolution described in subsection (a) was referred to not report that bill or joint resolution as otherwise required by paragraph (1). Any such motion shall be highly privileged in the House of Representatives and shall be privileged in the Senate. The motion shall be debatable for not to exceed one hour, to be equally divided between the Member making the motion and a Member opposed. The motion shall be decided by a recorded vote. Once a motion is made under this paragraph with respect to a bill or joint resolution, another motion may not be made under this paragraph with respect to that bill or joint resolution.

(e) DISCHARGE IF COMMITTEE FAILS TO ACT.—If any committee to which was referred a bill or joint resolution, which is described in subsection (a) and which has the number of cosponsors specified in subsection (d), has not reported it within the number of days specified in subsection (d) after the specified number of cosponsors has been attained (unless the motion provided for in subsection (d)(2) has been agreed to), such committee shall be discharged from further consideration of such bill or joint resolution and the bill or joint resolution shall be placed on the appropriate calendar.

(f) COMMITTEE CONSIDERATION OF MEASURE PASSED BY OTHER HOUSE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a bill or joint resolution described in subsection (a) passes one House, it shall be referred to the appropriate committee or committees of the other House (as specified in subsection (c)), which shall report the bill or joint resolution not later than 21 calendar days after such referral. If a committee does not report the bill or joint

resolution within that period, the committee shall be discharged from further consideration of the bill or joint resolution and it shall be placed on the appropriate calendar.

(2) If companion measure already reported.—If a bill or joint resolution described in subsection (a) passes one House and the relevant committee or committees of the other House has reported a companion measure, then the bill or joint resolution shall be held at the desk. If the companion measure is passed, then that bill or joint resolution shall be deemed to be taken from the desk and agreed to with amendments consisting of the text and title of the companion measure.

(g) Floor Consideration.—When a bill or joint resolution described in subsection (a) has been reported, or placed on the appropriate calendar pursuant to subsection (e) or (f)(1), it is in order—

(1) in the case of a reported bill or joint resolution—

(A) at any time after it is reported, for the chairman of a committee to which it was referred, and

(B) at any time after the 3rd day after it is reported, for any Member of the respective House, and

(2) in the case of a bill or joint resolution placed on the calendar pursuant to subsection (e) or (f)(1), at any time after it is placed on the calendar, for any Member of the respective House,

to move to proceed to the consideration of the bill or joint resolution (even though a previous motion to the same effect has been disagreed to). The motion may be made in the Senate notwithstanding any rule or precedent of the Senate, including Rule 22. All points of order against consideration of the bill or joint resolution, and all points of order against any provision of the bill or resolution, are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. No intervening motion shall be in order. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by the motion is agreed to or disagreed to shall not be in order.

(h) Time for Debate and Consideration of Amendments in the House.—

(1) General debate.—General debate on any bill or joint resolution described in subsection (a) in the House of Representatives shall be limited to not more than 6 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable.

(2) Amendments.—Consideration of any bill or joint resolution described in subsection (a) by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. At the end of 20 hours of such consideration (including votes on amendments and motions), the vote shall occur on any pending amendments, following which the Committee shall rise and report the bill or joint resolution back to the House. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion.

(i) Time for Debate and Consideration of Amendments in the Senate.—

(1) Debate generally.—Debate in the Senate on any bill or joint resolution described in subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 26 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate on amendments.—Debate in the Senate on any amendment to a bill or joint resolution described in subsection (a) shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill or joint resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal. A motion to further limit debate is not debatable.

(3) Final Passage.—Immediately following the conclusion of debate on the bill or joint resolution in the Senate, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the bill or resolution shall occur.

(j) House-Senate Conference.—

(1) Appointment of conferees and prompt filing of report.—In any case of any disagreement between the two Houses of Congress with respect to a bill or joint resolution described in subsection (a), conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such bill or joint resolution not later than 3 calendar days after the appointment of the committee of conference. In the event the conferees are unable to agree within 48 hours after being appointed, they shall report back to their respective House in disagreement.

(2) Action on conference reports.—Notwithstanding any rule of the House of Representatives or Senate concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, any conference report on a bill or joint resolution described in subsection (a), including a report filed in disagreement, shall be consider in the House and Senate not later than 3 calendar days after being filed.

(3) Debate in the House.—Debate in the House of Representatives on the conference report on any bill or joint resolution described in subsection (a) shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable.

(4) Debate in the Senate.—

(A) During the consideration in the Senate of such conference report on any bill or joint resolution described in subsection (a), debate shall be limited to 5 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(B) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(C) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(k) Definition of Member of Congress.—As used in this section and section 7, the term "Member of Congress" includes only voting Members and does not include delegates or resident commissioners. This subsection shall not preclude a delegate or resident commissioner who is the chairman of a committee from making the motion provided for in subsection (g)(1).

SEC. 6. ADDITION OF LIMITATION MEASURES TO DEPARTMENT OF DEFENSE APPROPRIATIONS.

(a) Amendment in Order.—If the Congress has passed a bill or joint resolution imposing limitations described in section 5(a) (and that bill or joint resolution has been enrolled or is eligible for enrollment) but has not become law, it shall be in order at any time after the enrollment of that bill to consider, any Rule of the House of Representatives or the Senate to the contrary notwithstanding, the text of such bill or joint resolution in the House of Representatives or the Senate as a provision of or amendment to any bill or joint resolution making appropriations for the Department of Defense, except that this section—

(1) shall cease to apply if that bill or joint resolution is enacted, and

(2) shall not apply in a House of Congress if that House agrees to a resolution stating that this section shall not apply with regard to that bill or joint resolution.

(b) Procedures for Consideration of Waiver Resolution in Senate.—At or after the time it reports a bill or joint resolution making appropriations for the Department of Defense, the Committee on Appropriations of the Senate may report a resolution to the Senate providing for the waiver of subsection (a) with respect to that bill or joint resolution. During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the Majority Leader and Minority Leader or their designees, and the time on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In any event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee. Such Leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

SEC. 7. PROCEDURES FOR RECONVENING THE CONGRESS.

(a) Reconvening.—Whenever the two Houses of Congress have adjourned pursuant to a concurrent resolution providing for an adjournment sine die or for more than 3 days to a day certain, the two Houses of Congress shall stand in adjournment pursuant to the provisions of that resolution unless the members are notified to reassemble pursuant to subsection (b).

(b) Conditions for Reconvening.—The Speaker of the House of Representatives and the Majority Leader of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble—

(1) for the consideration of a bill or joint resolution described in section 5(a), regardless of whether such a bill or joint resolution has been introduced; or

(2) for the consideration of a report submitted pursuant to section 4(a) and for the taking of appropriate action with respect to the matters described in that report;

if either (A) the Speaker and the Majority Leader of the Senate, after consultation with the Minority Leader of their respective Houses, deem the reconvening of Congress for that purpose to be appropriate, or (B) the Speaker and the Majority Leader of the Senate are each petitioned by at least 40 percent of the membership of their respective Houses to reconvene the Congress for that purpose.

SEC. 8. CONGRESSIONAL RULEMAKING.

Sections 5, 6, and 7 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 9. DEFINITIONS.

As used in this Act—

(1) the terms "introduction" and "involvement", when used with respect to the United States Armed Forces, includes the assignment of members of the United States Armed Forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities; and

(2) the term "hostilities" includes (but is not limited to) any armed conflict plus any other situation—

(A) in which fighting has actually begun,

(B) in which there is a state of confrontation, in which no shots have been fired, but where there is a clear and present danger of armed conflict, or

(C) which involves the exchange of fire with hostile forces; and

(3) the term "situations where imminent involvement in hostilities is clearly indicated by the circumstances" includes (but is not limited to) a situation where there is—

(A) a clear potential either for—

(i) a state of confrontation in which no shots have been fired, but where there is a clear and present danger of armed conflict, or

(ii) actual armed conflict, or

(B) a high probability of exchanges of fire with hostile forces.

SEC. 10. RULES OF INTERPRETATION.

(a) This Act.—Nothing in the preceding sections of this Act—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed to grant the President any authority with respect to the introduction or involvement of United States Armed Forces which the President would not have in the absence of this Act.

(b) Any Law or Treaty.—Authority to introduce or involve United States Armed Forces in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this Act), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction or involvement of United States Armed Forces in hostilities or in such situations; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction or involvement of United States Armed Forces in hostilities or in such situations.

SEC. 11. REPEAL OF THE WAR POWERS RESOLUTION.

(a) War Power Resolution.—The War Powers Resolution (50 U.S.C. 1541-1548; Public Law 93-148) is repealed.

(b) Additional Provision Concerning Armed Forces in Hostilities.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a; Public Law 98-164; relating to expedited congressional procedures for certain joint resolutions and bills), is repealed.

The Hostilities Act of 1988—H.R. 3912—Section-by-Section Analysis

SECTION 1—TITLE

Section 1 states that this Act may be cited as the "Hostilities Act of 1987."

SECTION 2—CONSTITUTIONAL AUTHORITIES, PURPOSE, AND FINDINGS

Section 2 sets forth the constitutional authorities, findings, and purpose of the Act. Each of these subsections, which provides the underlying premises upon which the Act is based, are intended to be integrally related to and binding upon the other sections of the Act.

SECTION 2(a)—CONSTITUTIONAL AUTHORITIES

The constitutional authorities subsection notes that the Act is based upon Congress' war powers and rulemaking authority. The processes established under Congress' rulemaking authority are intended to provide a procedural mechanism by which Congress can effectively and efficiently exercise the war powers duties delegated to the Congress under the Constitution.

SECTION 2(b)—FINDINGS

Section 2(b) provides the findings upon which this Act is premised. The enumerated findings, just like the constitutional authorities and purpose noted in sections 2 (a) and (c), are an integral part of and binding upon the other sections in the Act.

Common defense

Section 2(b)(1) notes that establishing an effective means of providing for the common defense was one of the principal objectives of the Framers of the Constitution. *See e.g.,* The Federalist Papers, No. 23 (A. Hamilton). *See also* U.S. Const. Preamble. Among other concerns, the system of raising armies under the Articles of Confederation had proven to be one of the "material defects" under that form of government. *See e.g.,* The Federalist Papers, Nos. 22-23 (A. Hamilton).

The common defense powers were intended to be broadly applied. As Alexander Hamilton noted:

"The authorities essential to the care of the common defense are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation; because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them. *The circumstances that endanger the safety of nations are infinite; and for this reason, no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be co-extensive with all the possible combinations of such circumstances;* and ought to be under the direction of the same councils, which are appointed to preside over the common defence." The Federalist Papers, No. 23 (emphasis added.)

With the exception of the power to direct the operation of the Armed Forces, all of the common defense powers referenced by Alexander Hamilton are exclusively congressional powers under the Constitution. This Act is intended to be consistent with the Framers' goal of providing an effective means for these common defense powers to be exercised.

Separation of powers

Section 2(b)(2) notes that the war powers under the Constitution are divided among and shared by the Congress and the President. The separation of powers principle and the corrollary doctrine of checks and balances are essential principles underlying our constitutional form of government. These principles reflected in so many areas of the Constitution, were particularly important to the Framers in the war powers area. As James Madison wrote:

"The separation of the power of declaring war, from that of conducting it, is wisely contrived, to exclude the danger of its being declared for the sake of its being conducted. The separation of the power of raising armies, from the power of commanding them, is intended to prevent the raising of armies for the sake of commanding them." 15 The Papers of James Madison, 521 (eds. Mason, Rutland, Sisson 1985).

Madison also commented that the separation of war powers is not based upon a pure or complete division, but typically provides a more obscure distinction between what duties belong to the President and the Congress. In his words,

"It cannot be denied, that there may, in certain cases, be a difficulty in distinguishing the exact boundary between legislative and executive powers; but the real friend of the constitution, and of liberty, by his endeavors to lessen or avoid the difficulty, will easily be known from him who labours to increase the obscurity, in order to remove the constitutional land-marks without notice." *Id. at 522.*

Perhaps the best characterization of the shared war powers in this constitutional area was made by constitutional scholar Edwin Corwin, who noted "that the Constitution considered only for its affirmative grants of powers capable of affecting the issue is *an invitation to struggle [among the federal departments] for the privilege of directing American foreign policy.*" E. Corwin, The President: Office and Powers, 1787-1957, 171 (1975) (emphasis in original).

The finding concerning the separation of powers doctrine in section 2(b)(2) of the Act is intended to acknowledge that the Framers assigned certain duties to the Congress and the President in the war powers area. This finding also acknowledges that it is an inherent consequence from the manner in which the constitutional war powers were divided that there are some areas of overlapping authority resulting from the sharing of authority.

Congressional war powers

Section 2(b)(3) sets forth the various war powers assigned to the Congress under the Constitution. One of the principal objectives of this Act is to establish improved procedural means for Congress to exercise these powers on questions involving the introduction of U.S. Armed Forces into actual, imminent or potential hostilities.

Among the various authorities granted to Congress in the war powers area is the power of the purse.

Article I, § 8, cl. 1 of the Constitution provides that Congress has the "Power To lay and collect Taxes, Duties, Imports and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States." The Supreme Court has held that the appropriations power under the General Welfare Clause is an independent, substantive power. *See e.g., United States* v. *Butler,* 297 U.S. 1, 66 (1936); *Helvering* v. *Davis,* 301 U.S. 619, 640 (1937); *Buckley* v. *Valeo,* 424 U.S. 1, 90 (1976).

The power of the purse is also specifically contemplated in the congressional power to raise armies through the provision that "no Appropriation of Money to that Use shall be for a longer Term than two Years." U.S. Const. art. I, § 8, cl. 12. The use of the appropriations power concerning legislative determinations to establish or create an army is also modeled on the long-standing practice in Great Britain, where Parliament used this power to disband or establish an army with certain conditions. *See e.g.,* The Federalist Papers, No. 26 (A. Hamilton); Coolidge and Sharrow, *The War-Making Powers: The Intentions of the Framers in the Light of Parliamentary History,* 50 B.U.L. Rev. 5, 7 (1970). Furthermore, the Constitution provides that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." U.S. Const. art. I, § 9, cl. 7.

Other enumerated congressional war powers

In addition to the power of the purse, Congress is also granted several other enumerated congressional war powers, including the power to declare war, U.S. Const. art. I, § 8, cl. 11, the power to make rules for the government and regulation of the land and naval forces, *id.,* cl. 14, and the power to raise and support armies and to provide and maintain a navy, *id.,* cls. 12, 13.

The reference to the Necessary and Proper Clause in section 2(b)(3) of this Act is borrowed directly from section 2(c) of the War Powers Resolution. *See* 50 U.S.C. § 1541(c) (1982).

Congressional provisions for U.S. Armed Forces

Section 2(b) (4) acknowledges one of the most important congressional duties and constitutional responsibilities relied upon under this Act and is consequently intended to be an integral part of the other provisions of this Act. This subsection emphasizes the point that only Congress can supply U.S. Armed Forces for the national security.

Clauses 12 and 13 of Article I, Section 8 grant this determination of providing U.S. Armed Forces exclusively to the Congress. Absent congressional action, there is no guarantee that U.S. Armed Forces will be created nor any assurance what the nature or size of the Armed Forces shall be. This vital and unique responsibility is clearly assigned to the Congress under our separation of powers form of government. In discussing the army power, Alexander Hamilton expressly noted "that the whole power of raising armies was lodged in the *legislature,* not in the *executive.*" The Federalist Papers, No. 24 (emphasis in original). The army power is also to be construed broadly, as Alexander Hamilton said: "This power ought to be co-extensive with all the possible combinations of such circumstances. . . ." Id., No. 23. The Supreme Court has "long held that the power 'to raise and support armies . . . is broad and sweeping.'" *Wayte* v. *United States,* 105 S.Ct. 1524, 1533 (quoting *United States* v. *O'Brien,* 391 U.S. 367, 373 (1968)).

The army power also includes a congressional power of review, as anticipated through the two-year limitation on appropriations. This "was designed to insure review by each new Congress of Presidential exercise of command over the armed forces." Legal Memorandum on the Amendment to End the War, 116 Cong. Rec. 16,120 (1970) (prepared by members of the Harvard Law Review).

Perhaps Justice Robert Jackson best characterized the authority and ability of Congress to act in providing U.S. Armed Forces, when he wrote:

"The Constitution expressly places in Congress power 'to raise and *support*' and 'to *provide* and *maintain* a Navy.' This certainly lays upon Congress primary responsibility for supplying the armed forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement. I suppose no one would doubt that Congress can take over war supply as a Government enterprise. . . . While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army or navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions." *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 579, 643-44 (1952) (Jackson, J., concurring) (emphasis in original).

Section 2(b)(4) notes the plenary authority of Congress to supply the Armed Forces for the national defense, and is one of the essential constitutional authorities upon which the other sections of this Act are based.

Role of consultation and conference and reporting obligations

Section 2(c)(5) finds that both the requirements of consultation and conference between the President and the Congress and reporting obligation by the President to the Congress under the Act are essential to (1) provide Congress with the information it requires to effectively exercise its constitutional responsibilities, and (2) to better insure that the collective judgment of both the Congress and the President will apply to situations involving U.S. Armed Forces in hostilities.

Rulemaking authority to adopt a new procedural mechanism

Section 2(b)(6) finds that under Congress' rulemaking authority it is necessary to adopt the new procedural framework in this Act for Congress to effectively exercise its constitutional authorities concerning the involvement of U.S. Armed Forces in hostilities.

Role of Congress over the involvement of U.S. Armed Forces in hostilities

Section 2(b)(7) finds that under the constitutional authorities referenced in section 2(b)(3), Congress is assigned a role in determining whether U.S. Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop. Section 5 of this Act enables Congress to impose limitations on the use of Armed Forces in actual, imminent or potential hostilities, as the case may be as determined or found by the Congress.

SECTION 2(C)—PURPOSE

Section 2(c) identifies the two purposes of this Act. The first is to ensure that the collective judgment of the Congress and the President are effectively and efficiently exercised concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential hostilities. The second is to establish procedures which will better enable Congress to act pursuant to its constitutional war powers concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential hostilities.

One of the stated objectives of the War Powers Resolution was to "insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations." 50 U.S.C. § 1541(c) (1982). Because experience with the War Powers Resolution has shown that this purpose has not been satisfactorily attained, the central objective of the Hostilities Act of 1987 is to better achieve the goal of collective judgment by improving upon the framework of the War Powers Resolution. The procedural mechanisms in the Act, including consultation procedures, reporting requirements, and procedures for congressional consideration of legislation relating to the involvement of U.S. Armed Forces in hostilities, are also intended to provide an enhanced means for the Congress to fulfill its constitutional obligations in the war powers area.

SECTION 3—CONSULTATION AND CONFERENCE

Section 3 establishes the consultation requirements under the Act for situations involving hostilities. The experience of proper and effective consultation under the War Powers Resolution has proven to be one of the areas most in need of reform. The terms "consultation and conference" are intended to clarify that consultation under the Act is intended to be more than a simple oral announcement or report of actions already taken or about to be taken.

Requirement for consultation and conference

Section 3(a) stipulates that consultation and conference shall take place for any of the reportable circumstances under Section 4(a). This new requirement, which expands the consultation requirement, has been advocated by other commentators, *See e.g.*, Vance, *Striking the Balance: Congress and the President Under the War Powers Resolution*, 133 U. Pa. L. Rev. 79, 92–93 (1984).

Nature of consultation and conference required

The War Powers Resolution did not contain any definition of consultation. Section 3(b) provides a definition of "consult and confer with the Congress" which is intended to achieve two objectives. First, in every case the consultation will be a face-to-face encounter by the President with specified Congressional leaders.

Second, the definition of "consult and confer" makes clear that the type of consultation intended shall include an interchange of opinion and deliberation on the issues and options concerning the decision to introduce or involve U.S. Armed Forceas in hostilities. This *active* form of consultation is specifically distinguished from a meeting where the President merely reports to the Congress those decisions already made or about to occur. Therefore, it is provided that for adequate consultation to take place under the Act, "the President shall meet to deliberate with members of Congress for an interchange of opinion and to consider the issues and options and seek the advice of the Congress" concerning the introduction or involvement of U.S. Armed Forces in hostilities.

The War Powers Resolution comtemplated an active form of consultation. As the House Report noted:

"A considerable amount of attention was given to the definition of *consultation*. Rejected was the notion that consultation should be synonymous with merely being informed. Rather, consultation in this provision means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions and, in appropriate circumstances, their approval of action contemplated. Furthermore, for consultation to be meaningful, the President himself must participate and all information relevant to the situation must be made available." H.R. Rep. No. 287, 93rd Cong., 1st Sess. 6–7 (1973).

Because experience under the War Powers Resolution has not satifactorially measured up to the intended standard specified in the House report, this Act provides a definition of consultation and conference in order to better clarify Congressional intent.

When consultation and conference is to occur prior to decision to introduce or involve

Section 3(c) addresses the vital issue of the timing of the consultation and conference. A few significant modifications from the consultation requirement under the War Powers Resolution are made. First, the consultation and conference must occur before the President *decides* to introduce U.S. Armed Forces into hostilities. This change is made to specify the sequence in which adequate consultation and conference shall take place. For example, if consultation and conference occurs after a decision is made by the President but before U.S. Armed Forces are introduced into hostilities, then the President has failed to comply with the consultation and conference requirement. This scenario is more like a report of facts that have occurred rather than the active consultation and conference intended under the Act. Additionally, the timing of the consultation and conference prior to a decision to the introduction of the U.S. Armed Forces into hostilities ensures that Congress will receive essential information in a timely fashion and will promote the collective judgment on these matters by the Congress and the President.

Exceptional, compelling circumstances

Second, section 3(c)(2) makes allowance for "exceptional, compelling circumstances" where the President is not obligated to consult and confer with Congress *prior* to a decision to introduce U.S. Armed Forces into hostilities. The terms "exceptional, compelling circumstances" are intended to specify that consultation and conference after a decision to introduce U.S. Armed Forces in hostilities is limited to extremely rare circumstances. In other words, it should be the rare and unusual exception, rather than the general practice, for the President to consult and confer with Congress after he has decided to introduce or involve U.S. Armed Forces into hostilities. The War Powers Resolution is inadequate to ensure effective consultation and conference because it only provides for consultation "in every possible instance." 50 U.S.C. § 1542. Section 3(c)(2) makes clear that in no instance shall consultation and conference take place "any later than 48 hours after the decision" to introduce U.S. Armed Forces into hostilities. This approach is intended to establish a more effective, objective and reasonable framework for executive and legislative consultation and conference over the involvement of U.S. Armed Forces in hostilities.

Section 3(c)(2), providing for consultation and conference *after* a decision to introduce U.S. Armed Forces into hostilities has been made, is modeled in part upon a similar provision for exceptional circumstances in the Intelligence Authorization Act for Fiscal Year 1981, which establishes duties on the President to report to Congress on intelligence activities. *See* Pub. L. No. 96-450, § 501, 94 Stat. 1981. *See also* H.R. Rep. No. 1350, 96th Cong., 2d Sess. 16 (1980) (conference report).

Requirement of continuing consultation and conference

Section 3(c)(3) provides for continuing consultation once U.S. Armed Forces have been introduced or become involved under the Act. Regular consultation and conference shall occur on "developments" affecting the U.S. Armed Forces involved in the situations described in section 4(a) of the Act. This requirement is similar to that under the War Powers Resolution except that it specifies that the regular consultation and conference is triggered by "developments" involving the U.S. Armed Forces. While it is difficult to enumerate all of the developments upon which such continuing consultation and conference shall occur, "developments" would include those facts and circumstances which Congress should be consulted and conferred with in order to meet the dual purpose of obtaining essential information to adequately exercise its constitutional authorities and to promote collective judgment by the branches.

Member of Congress to be involved in consultation and conference

Section 3(d) specifies a minimum of eighteen Members of Congress in leadership positions who shall be involved in the consultation and conference with the President. This includes the Speaker of the House of Representatives (1), the President pro tempore of the Senate (1), the majority and minority leaders of the House (2) and the Senate (2), and the chairman and ranking minority member of each of the following committees: the House Committee on Foreign Affairs (2), the Senate Committee on Foreign Relations (2), the House and Senate Committees on Appropriations (4), and the House and Senate Committees on Armed Services (4). This section makes clear that this group shall constitute the *minimum* number on the consultation and conference committee. It is left to the President's judgment whether to include other Members of Congress. Certain situations may suggest the necessity of the participation of Members on other committees or other Members of the identified committees. Section 3(d) also makes provision for designates to be selected by the specified Members of Congress to serve in his or her place in the event that the specified members may be unable to attend.

The War Powers Resolution provides that consultation shall occur with the "Congress." 50 U.S.C. § 1542. This has resulted in unnecessary uncertainty in determining whether proper consultation under that statute entails the entire Congress (for example, through a Joint Session of Congress) or whether consultation with some smaller group of congressional leaders is sufficient. Section 3(d) overcomes this problem by specifying the Members of Congress involved on the Consultation and Conference Committee.

The House version of the War Powers Resolution permitted the President to "consult with the leadership and appropriate committees of the Congress before committing United States Armed Forces to hostilities . . . ," but this provision was modified in Conference. *See* H.R. Rep. No. 547, 93rd Cong., 1st Sess. 8 (1973) (conference report); H.R. Rept. No. 287, 93rd Cong., 1st Sess. 6 (1973) (House report). This approach of mandating consultation with a limited group of congressional leaders is also similar to that in the Intelligence Authorization Act for Fiscal Year 1981, which permits the President to limit notice to eight congressional leaders in certain situations. *See* Pub. L. No. 96-450, § 501, 94 Stat. 1981. *See also* H.R. Rep. No. 1350, 96th Cong., 2d Sess. 16 (1980).

Physical inability to attend

Section 3(d)(2) provides for the situation where a Member of the Consultation and Conference Committee is unable to attend the meeting with the President if, after reasonable efforts, the President cannot contact that Member, the Member is physically unable to attend, or the Member is otherwise unable to meet with the President. This provision would waive complete compliance with Section 3(d) only upon proper showing of any of the three circumstances referenced and when the absent Member has not designated another member to serve in his or her place.

SECTION 4—REPORTS TO CONGRESS

Section 4 provides the reporting requirement under the Act, which is similar to the reporting requirement under the War Powers Resolution with some significant improvements in order to make the report concerning hostilities to the Congress more meaningful.

The most significant change is that the reporting requirement under the Act is not hinged to any 60-day clock, as under the War Powers Resolution, 50 U.S.C. § 1544(b), which requires termination of the use of the U.S. Armed Forces introduced into hostilities or imminent hostilities unless Congress has acted or is physically unable to meet as a result of an armed attack on the United States. Under the experience with the War Powers Resolution, there have been numerous disputes over whether a report should have been submitted to commence the automatic clock under the statute. By removing any linkage between the submission of a report and the commencement of the 60-day time period before termination of the use of Armed Forces must take place, it is hoped that the executive branch will be more encouraged to provide Congress with this vital information. Additionally, once a report is received by the Congress, the responsibility under this Act is on Congress to act through section 5 in determining whether a situation of hostilities exists. Congress may make this determination on the basis of the President's report or other information. This places the obligation on the elected Representatives and Senators who are sent to Congress to make the policy and legislative decisions as may be warranted by the situation of hostilities. The severing of a connection between a hostilities report and the 60-day time period under the War Powers Resolution is also made in recognition that such automatic features that are short of lawmaking are usually of doubtful constitutionality.

Requirement for report

Section 4(a) is similar to the reportable circumstances in the War Powers Resolution, 50 U.S.C. § 1543(a), except for the additional reporting requirement imposed where U.S. Armed Forces may "otherwise become involved in hostilities. . . ." Section 4(a)(1), in addition to mandating a report when U.S. Armed Forces are introduced into hostilities, requires that the President shall report when Armed Forces which are already positioned subsequently become involved in hostilities. Similar changes are reflected in section 4(b)(1), (2), (3) and (5).

Sections 4(a)(2) and (3) are the same as the requirements under sections 4(a)(2) and (3) under the War Powers Resolution, 50 U.S.C. § § 1543(a)(2), (3).

Description of report required

Section 4(b) provides that the President must submit a full and complete written report within 48 hours for any of the circumstances described in section 4(a). This requirement is similar to that under the War Powers Resolution, with the addition that the report should be "a full and complete written report."

The specific subject matters required to be addressed in the report which are referenced in sections 4(b)(1), (2), and (4) are similar to the War Powers Resolution, 50 U.S.C. § § 1543(a)(A), (B), and (C), with the requirement expanded, as already noted, to include similar situations where U.S. Armed Forces become *involved* in the hostilities.

However, two new issues must be addressed in the reports submitted by the President. Section 4(b)(3) requires that the President state the "foreign policy and national interest justification." Any response by the Congress and the President should be based upon U.S. foreign policy objectives and national interests. Section 4(b)(3) ensures that this facet is considered in the report which is submitted to the Congress. The section will also provide an opportunity for the Administration to seek congressional support on its policies and objectives relating to the involvement or introduction of U.S. Armed Forces in hostilities.

Section 4(b)(5) also adds a new requirement that the President inform Congress of the composition of the U.S. Armed Forces. The size and composition of the U.S. Armed Forces used is essential information which the Congress should have in its consideration of the situation. This requirement is similar to section 4(2) of the Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805. *See* H.R. Rep. No. 385, 98th Cong., 1st Sess. 8 (1983).

Finally, while the War Powers Resolution stipulates that the reports under that statute shall be submitted to the Speaker of the House and the President pro tempore of the Senate, 50 U.S.C. § 1543(a), section 4(b) of this Act provides that the report shall be submitted to the Congress and that the members of the Consultation and Conference Committee, described in section 3(d), shall be furnished with a copy of the report.

Periodic report

Section 4(c) contains the continuing reporting obligation under the Act. Two significant changes are made from the reporting requirement under the War Powers Resolution. First, included in such periodic reports, the President must report on the foreign policy and national interest justification and the present composition of the Armed Forces. Both of these requirements are important additions to the reports to be submitted under the Act, especially since these factors may change over time. The requirement that such reports address the status, scope, and duration of the hostilities has been retained from the War Powers Resolution.

Second, the periodic reports are to be submitted on a more frequent basis, at least every three months, rather than the six month requirement under the War Powers Resolution, 50 U.S.C. § 1543(c). This three month reporting period is the same as that under section 4 of the Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805.

Classified information

Section 4(d) is a new requirement which provides that any classified information included in a report submitted under this Act shall be included in a separate classified addendum.

SECTION 5—CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION IMPOSING LIMITATIONS ON THE USE OF U.S. ARMED FORCES

Sections 5 and 6 are the heart of the Hostilities Act since they enable Congress to act under its constitutional war powers or rulemaking authority to impose limitations on the use of U.S. Armed Forces in situations of hostilities or enable Congress to use its power of the purse to include these limitations in appropriation measures.

Sections 5(a) and 5(b) provide the circumstances under which Congress can act where U.S. Armed Forces may be or are involved in some form of hostilities. These provisions permit Congress, through the constitutional authorities referenced in Section 2, to impose limitations on the use of U.S. Armed Forces.

Sections 5(c) through 5(k) establish the mechanism and expedited procedures by which Congress shall consider legislation introduced under Section 5(a) of the Hostilities Act.

SECTION 5(a)—LEGISLATION SUBJECT TO SPECIAL PROCEDURES

Section 5(a) provides that pursuant to the procedural mechanisms under this Act, Congress may consider legislation which would impose limitations on the use of U.S. Armed Forces in four conditions. Under the first two situations, Congress may find that limitations should be imposed for Armed Forces which have been introduced into or have otherwise become involved in (1) *actual* hostilities or (2) *imminent* hostilities.

The third circumstance is a new one, which enables Congress to consider limitations for situations Congress finds "would likely result in hostilities if U.S. Armed Forces were introduced." One of the most frequent criticisms of the War Powers Resolution is that it does not permit Congress to consider legislation which would place specified prohibitions on the use of Armed Forces, as part of Congress' constitutional authorities noted in section 2(b)(4), *before* they are introduced into or become involved in *actual* or *imminent* hostilities. Section 5(a)(1)(C) provides that Congress may impose such limitations on situations where it determines in its own judgment are likely to result in *potential* hostilities. Thus, if only Congress can raise and support an army or provide and maintain a navy under the Constitution, Congress may determine that in supplying such forces it does not want them provided in certain situations, which in its judgment may result in potential hostilities. This constitutional authority on the part of Congress is also referenced in section 2(b)(7), where it is noted that "the Congress has a role in determining whether United States Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop."

Because the circumstances where Congress may determine in its judgement that a situation "would likely result in hostilities if United States Armed Forces were introduced" is not as urgent as a situation as one involving actual or imminent hostilities, section 5(d)(1)(B) requires that a majority of the Members of either chamber must sponsor or cosponsor such legislation in order to trigger the expedited procedures under this Act. This is in contrast with the forty percent requirement for legislation concerning actual or imminent hostilities under the Act.

Section 5(a)(2) provides the fourth situation for the consideration of legislation which would impose limitation on the use of Armed Forces. This section permits legislation which would amend or repeal prior legislation enacted under section 5(a)(1) and which receives sufficient Congressional support to be considered under expedited procedures.

The language used in section 5(a) "(as determined by the Congress in that bill or joint resolution)" is intended to operate in a similar manner to the determinations made by the Congress in sections 2(a)(5) and 2(b) of the Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805, where Congress determined that U.S.

Armed Forces in Lebanon had become involved in hostilities.

In each case under section 5, Congress would have to act to make a finding that any of the hostility situations applied. This requirement for such congressional findings is unlike the War Powers Resolution where the 60-day clock is automatically triggered by the submission of a hostilities report by the President. Section 5(a) is intended to place the responsibility on the Congress, as the elected representatives of the people, to impose limitations on the use of the Armed Forces in exercising the congressional war powers under the Constitution, rather than permitting Congress to rely on previously enacted automatic and arbitrary provisions. The requirement for a congressional determination that a situation of actual, imminent or potential hostilities exists is also similar to such findings in *Crockett* v. *Reagan*, 558 F.Sup. 893 (1982) *aff'd*, 720 F.2d 1355 (1983), *cert. denied*, 104 S.Ct. 3533 (1984), where the U.S. District Court concluded that Congress could make its own findings and investigations whether a state of hostilities exists or not in order to trigger the 60-day clock in the War Powers Resolution.

The final portion of section 5(a) provides a screen so that only the limitations concerning the use of U.S. Armed Forces described in sections 5(a)(1) and (2) will operate under the expedited and other procedures established in this Act. This is intended to ensure that Congress only considers single purpose legislation under this Act and is intended to preclude the consideration of unrelated provisions which might otherwise be debated under the expedited provisions and other procedures of this Act.

SECTION 5(b)—EXAMPLES OF TYPES OF LIMITATIONS

Section 5(b) is an illustrative provision listing some of the types of limitations which Congress may consider under its constitutional authorities concerning the use of U.S. Armed Forces in hostilities. This exemplary list is not intended to be exhaustive, as the parenthetical "(but are not limited to)" clarifies.

Four examples of types of limitations are noted the section 5(b). Pursuant to this section, Congress may determine to limit:

(1) the duration of involvement of United States Armed Forces;

(2) the size and composition of the United States Armed Forces;

(3) the amount of appropriated funds which may be expended for involvement of United States Armed Forces; and

(4) the period during which appropriated funds will be available for expenditure for involvement of United States Armed Forces.

These examples are clearly part of Congress' constitutional authority to provide Armed Forces, referenced in section 2(c)(5), and part of congress' power of the purse. Since only Congress can raise and support an army and provide and maintain a navy, through this constitutional power Congress may wish to establish Armed Forces with conditions, of a specified size or composition, or for a limited period.

Some past statutory examples where Congress has imposed limitations, including funding restrictions, on the use of Armed Forces include: The Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805 (placing restrictions on period of authorization, size and role of U.S. Marines in Lebanon); Department of State Appropriations Authorization Act of 1973, § 13, Pub. L. No. 93-126, 87 Stat. 454 (funding restriction on "the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia"); Act of July 1, 1973, § 108, Pub. L. No. 93-52, § 108, 87 Stat. 134 (funding prohibition on or after Aug. 15, 1973 on direct or indirect "combat activities" in southeast Asia); The Second Supplemental Appropriations Act, 1973, § 307, Pub. L. No. 93-50, § 307, 87 Stat. 129 (funding prohibition on or after Aug. 15, 1973 on direct or indirect "combat activities" in Southeast Asia); The Defense Appropriations Act of 1971, Pub. L. No. 91-668, § 854, 84 Stat. 2038 (funding prohibition consistent with the President's intent "to finance the introduction of American ground combat troops into Laos or Thailand"); Special Foreign Assistance Act of 1971, § 7(a), Pub. L. No. 91-652, 84 Stat. 1943 (funding prohibition consistent to the President's intent "to finance the introduction of . . . ground combat troops . . . or advisors" in Cambodia); The Defense Appropriations Act of 1970, Pub. L. No. 91-171, § 643, 83 Stat. 469 (funding prohibition consistent with the President's intent "to finance the introduction of American ground combat troops into Laos or Thailand"); Selective Training and Service Act of 1940, § 3(e), 54 Stat. 886 (geographic limitation on the U.S. Armed Forces inducted under the Act limitation to "the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands"). *See also* International Security and Development Cooperation Act of 1980, § 118, Pub. L. No. 96-533, 94 Stat. 3141 (the so-called Clark Amendment, which prohibited covert or other assistance which would promote military or paramilitary operations in Angola without the authorization of Congress). These prior statutes, while not an exhaustive listing of the range of limitations which Congress may constitutionally consider for the use of Armed Forces, demonstrate the prior role and practice of the Congress in this constitutional area.

In an opinion, printed in the Opinions of the Attorney General in 1909, the power of Congress to condition the use of Armed Forces was found to be a Constitutional exercise of Congress' power to create or provide Armed Forces. According to this Attorney General opinion:

"Inasmuch as Congress has power to create or not to create, as it shall deem expedient, a marine corps, it has power to create a marine corps, make appropriation for its pay, but provide that such appropriation shall not be available *unless* the marine corps be employed *in some designated way* . . ." 27 Op. Att'y Gen. 259, 260-61 (1909) (emphasis added).

Other commentators have acknowledged this conditioning authority of the Congress in the creation and placement of Armed Forces.

"It is Congress that is to 'provide for the common defense,' which implies the right to decide what is requisite thereto. Congress also is 'to raise and support armies,' and by necessary implication it can withhold or withdraw that support. In determining the size of the army it will 'support' it is entitled to weigh priorities: Shall troops be stationed in Germany or deployed in Cambodia? Indeed the constitutional mandate that 'no appropriation' for support of the armies 'shall be for a longer term than 2 years' implies that it is for Congress to decide at any point whether further appropriations should be made and in what amounts. The duty of Congress, in Hamilton's words, 'to deliberate upon the propriety of keeping a military force on foot,' surely comprehends the right to insist that a portion of the military forces should not be kept 'on foot' in Vietnam or Europe." *War Powers Legislation Hearings before the Senate Comm. on Foreign Relations*, 93rd Cong., 1st Sess. 12 (1973) (statement of Raoul Berger, Professor of Law, Harvard Law School).

Regular and expedited procedures for consideration of legislation introduced pursuant to section 5(a)

The remainder of section 5 establishes the procedures under which legislation introduced pursuant to section 5(a) may be considered. Two legislative tracks are envisioned. Under section 5(c) the regular Congressional procedure of committee consideration is provided for, as any legislation introduced under section 5(a) is referred to the appropriate committee(s). In this case, it is left to committee discretion to determine whether hearings or markup should be held or whether inaction is the best course.

Sections 5 (c) through (k) provide for an expedited means for considering legislation once the bill or joint resolution introduced under section 5(a) receives forty percent sponsorship or cosponsorship (or majority sponsorship or cosponsorship under section 5(a)(1)(C) for a bill or joint resolution where the House or Senate determines that a situation of *potential* hostilities is likely to arise).

It should be noted that these priority provisions are relatively modest when contrasted with the expedited provisions in the War Powers Resolution, 50 U.S.C. §§ 1545(a), 1546(a), which require that "any" bill or joint resolution introduced under that statute is subject to the priority provisions. Under the Hostilities Act of 1987, instead, the expedited procedures are not triggered until the sufficient threshold of congressional support has been triggered.

SECTION 5(C)—REFERRAL TO COMMITTEES

Section 5(c) provides that any bill or joint resolution introduced pursuant to section 5(a) shall in every instance be referred to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations. This is similar to the procedure of referral under the War Powers Resolution, 50 U.S.C. §§ 1545(a), 1546(a). However, unlike the War Powers Resolution, which only permitted referral to these committees dealing with matters involving foreign affairs, section 5(c) also provides, where appropriate, for joint referral to the House or Senate Committees on Armed Services and Appropriations. This takes into account the possibility that under other provisions of this Act it may be necessary for these committees to consider limitations on the use of U.S. Armed Forces. For example, the Committees on Armed Services may consider limitations imposed under the Department of Defense Authorization bill and the Committees on Appropriations may consider funding limitations. Section 5 (c) also provides that the consideration of any measure which is jointly or sequentially referred in each chamber is limited only to those portions of the legislation which falls within the jurisdiction of these committees.

Section 5(c)(4) further adds that legislation introduced under section 5(a) shall not be jointly or sequentially referred to any other committee than those specified in section 5(a). This limitation on committee referral is similar to that of the War Powers Resolution, which only permitted referral to one committee in each House, but is intended to allow only those specified committees with jurisdiction and expertise over the use of Armed Forces to consider legislation introduced under this Act.

SECTION 5(d)—COMMITTEE ACTION REQUIRED IF CERTAIN NUMBER OF COSPONSORS

Section 5(d)(1) provides for the triggering of expedited procedures when at least forty percent of the members of the House or Senate sponsor or cosponsor a bill or joint resolution introduced pursuant to section 5(a)(1) of the Act (or a majority in the case of section 5(a)(1)(C)). Once this threshold of legislative support is attained, the committee(s) to which the measure was referred must report no later than 21 calendar days after the forty percent sponsorship or cosponsorship level was reached. Normally, 174 Members of the House and 40 Senators would be required under the forty percent threshold. This level may be slightly lower, however, in the event of vacancies, since the calculation is intended to be based upon the total voting members of each House who are actually sitting. Delegates in the House of Representatives are not included in the calculation, since they are not permitted to vote.

Section 5(d)(1)(B) provides that the same expedited process will apply to legislation where either House of Congress determines that the imposition of limitations on U.S. Armed Forces in a situation which would likely result in hostilities if U.S. Armed Forces were introduced, with the exception that a majority sponsor or cosponsor requirement must first be established (pursuant to section 5(a)(1)(C)).

Section 5(d)(2) includes an escape clause to permit each House to decide not to require committee action should a majority deem this course to be preferable. The priority procedures of the War Powers Resolution, 50 U.S.C. §§ 1545(a), 1546(a), contained a similar escape mechanism requiring the expedited process to be followed "unless such House shall otherwise determine by the yeas and nays." It is not clear how or under what circumstances this procedure would arise or be implemented. To overcome this ambiguity, section 5(d) provides that it is in order at any time during the 21 calendar days for expedited committee consideration for a member to raise a privileged motion authorizing the committee(s) not to report. This privileged motion is debatable for no more than one hour, may only be offered one time in each chamber for each bill or joint resolution under expedited consideration, and requires a recorded vote.

Discharge if committee fails to act

Section 5(e) provides that in the event that any committee considering legislation under the expedited procedures does not report within 21 calendar days, the committee will be automatically discharged from further consideration and the legislation is placed on the appropriate calendar. The automatic discharge may be avoided in only two ways: (1) the committee reports legislation within the 21 calendar day period, or (2) the House in which the committee is a part determines not to require under the escape clause procedure of section 5(d)(2). The War Powers Resolutions did not provide for the possibility that a committee acting under the priority procedures of that statute would not report by the time specified. Section 5(e) provides for this circumstance.

Committee consideration of measure passed by other House

Section 5(f) provides that when legislation introduced pursuant to section 5(a) passes one House, the committee(s) in the other House to which it is referred shall report the measure no later than 21 calendar days after the referral. This approach is similar to that taken in the War Powers Resolution. *See* U.S.C. §§ 1545(c), 1546(c). Failure to report within the specified period will result in automatic discharge, under section 5(e) of the Act.

If companion measure already reported

Section 5(f)(2) contemplates a situation not considered under the War Powers Resolution by providing for the situation where a bill or joint resolution is received from the other House after the receiving House has reported its own measure. In this circumstance, the bill of the other House shall be held at the desk and following the final vote on the bill of the first House, the bill of the other House is taken from the table and language is inserted from the first House's bill. This approach has the benefit of facilitating the process of going to conference and also avoids duplicative committee consideration and action on the bill of the other House.

Floor consideration

Section 5(g) provides the manner in which a bill or joint resolution will be considered in the House and Senate when it has been reported out by committee(s) or discharged or has been reported or discharged after a companion measure has passed the other body.

Where a bill or joint resolution is reported, the chairman of the committee can call up a measure for consideration at any time after it is reported. However, if the chairman does not bring up the measure, once three days have passed since the measure has been reported, any member may move to proceed to consideration of the bill or joint resolution.

This provision has two important effects. First, it ensures floor consideration of a measure which is being considered under expedited procedures after having received strong sponsorship or cosponsorship, as indicated by the relevant threshold level of support. In the event the chairman does not move for consideration, after three days, any Member, presumably a sponsor or cosponsor, can make such a motion.

Second, this provision provides an incentive for the chairman to take a direct interest in the shape of the bill or joint resolution as it is considered by his or her committee, since the measure will be called up by another Member should the chairman fail to move to call up the measure.

Section 5(g) also contains language to specify the privileged status of the motion to proceed to consideration and to specify that no intervening motions can delay or otherwise prevent the motion from being made and considered.

Time for debate and consideration of amendments in House and Senate

Sections 5 (h) and (i) establish the time for debate and amendments of a bill or joint resolution introduced pursuant to section 5(a) in the House or the Senate. These provisions are based upon section 305 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 310-13.

The objective of these sections is to provide a limited but sufficient time for general debate and amendments on the sensitive national issues concerning the use of U.S. Armed Forces involved in hostilities. No more than twenty-six hours of consideration is provided for in each chamber. This should serve as adequate time for thorough deliberation of the primary measure(s) and amendments. The object under this Act is similar to that stated in the Senate report for the Congressional Budget Act. "The foregoing rules are designed to give privileged and expedited treatment to [bills or] . . . resolutions . . . and to forestall the postponement of action on such [measures] by the use of delaying tactics . . . ." S. Rep. No. 688, 93d Cong., 2d Sess. (1974) *reprinted in* 1974 U.S. Code Congressional & Administrative News 3547.

House-Senate conference

Section 5(j) provides for expedited consideration of a bill or joint resolution in conference. Similar provisions were provided in the War Powers Resolution. *See* 50 U.S.C. §§ 1545(d), 1546(d). However, section 5(j) (3) and (4)(A) limits the amount of time for the consideration of a conference report in order to ensure that any conference report considered under section 5 shall not be subject to filibuster or other delay. These provisions are also modeled in part upon section 305 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 310-13.

Definition of Member of Congress

Section 5(k) provides a definition of "Member of Congress" for section 5 and section 7, which both contain forty percent or a majority threshold pre-requirements for the operation of expedited procedures for the consideration of legislation or for the possibility of a reconvening of Congress. The definition in section 5(k) specifies that only voting Members shall be included in the definition and delegates and resident commissioners are excluded.

However, for purposes of floor consideration of a bill or joint resolution called up under section 5(g), section 5(k) clarifies that a delegate or resident commissioner who serves as a chairman of a committee specified under this Act shall not be precluded from moving for the floor consideration of legislation introduced pursuant to section 5(a).

SECTION 6—ADDITION OF LIMITATION MEASURES TO DEPARTMENT OF DEFENSE APPROPRIATIONS

Section 6 provides internal congressional rules for the consideration of appropriation measures which would be inconsistent with prior bills or joint resolutions passed by both Houses of Congress pursuant to section 5(a) which contain specific limitations on the use of Armed Forces in hostilities and are passed in identical form by both chambers but do not become law. Section 6 establishes an internal procedural mechanism by which Congress may consider whether to backup limitations on the use of Armed Forces (which have already been approved by a majority of the House and the Senate) with similar funding limitations.

Under this section, the issue of whether a funding prohibition should be imposed consistent with a limitation already passed in identical form by the House and the Senate will be brought to the attention of Congress. Congress may decide whether or not the power of the purse should be used in the particular situation.

For the purposes of this section, the rules of the House and Senate are waived. This waived applies to all rules but more than likely will be relevant to the rules concerning germaneness (House Rule XVI, cl. 7), and restrictions on the consideration of legislation on an appropriations bill (House Rule XXI; Senate Rule XVI), as well as other possible internal Congressional rules which would otherwise preclude section 6 from being considered.

Three mechanisms by which Congress may waive the procedures of Section 6 are provided. First, section 6 does not operate once the limitations in the legislation introduced under section 5(a), and passed in identical form by both Houses, become law. The section 5(a) legislation may become law by Presidential approval or by two-thirds override of any veto of such legislation.

Second, the House and Senate may decide that section 6 should not operate in the consideration of a specific bill or joint resolution. A concurrent resolution is the legislative vehicle by which this decision can be made since section 6 involves Congress' rulemaking authority. For example, Congress may decide to avoid this procedure where it is concerned that such finding limitations could affect the safety of the U.S. Armed Forces involved in hostilities.

Third, the House Rules Committee may waive section 6 in a resolution governing the consideration of legislation under this Act. This is similar to waivers that may be made under the Rules of the House for other legislation under other statutes, such as the Congresssional Budget and Impoundment Control Act of 1974. The majority of the House can defeat such waivers if it is able to defeat a resolution containing the waiver. This can ensure at least an indirect vote on the applicability of section 6 to section 5(a) legislation under the Act.

Because the Senate does not have similar procedures for the consideration of legislation under its Rules, section 6(b) provides a structure to ensure that this third means of waiving the internal funding limitation mechanism of section 6 is preserved in both Houses of Congress.

Section 6 is consistent with the principles set forth in *Immigration and Naturalization Service* v. *Chadha*, 462 U.S. 919, as a rulemaking exception to the bicameralism and presentment requirements to consideration of legislation. *See* U.S. Const. art. I, § 5, cl. 2; *Chadha*, 462 U.S. at 956 n.21. Section 8 of this Act provides that section 6 is enacted pursuant to Congress' rulemaking authority.

SECTION 7—PROCEDURES FOR RECONVENING THE CONGRESS

Section 7 sets forth that through Congress' adjournment power, U.S. Const. Art. I, § 5, cl. 4, it may provide for the reassembling of Congress, after it has otherwise adjourned for more than three days, to consider bills or joint resolutions that could be considered under section 5(a) or a report submitted under section 4(a) of this Act.

This is a significant change over the War Powers Resolution, which only enabled the Speaker of the House and the Senate President pro tempore or thirty percent of the membership of each House to *petition* the President to reconvene the Congress. *See* 50 U.S.C. § 1544(a). This War Powers Resolution provision was made in recognition of the constitutional authority of the President to reconvene Congress when it has adjourned when the President deems it an "extraordinary occasion." U.S. Const. art II, § 3, cl. 2. Section 7 of this Act does not interfere with this executive authority. Instead it is based upon Congress' authority to adjourn with conditions allowing for the reassembling of Congress. This is also consistent with the practice in several congressional adjournment resolutions in recent years.

Section 7(a) provides that for any sine die adjournment or adjournment for more than three days, Congress shall stand in adjournment pursuant to the provisions of that adjournment resolution unless the terms of section 7(b) become operative. This change enables Congress to adopt adjournment resolutions which do not contain the conditions noted in section 7(b) while at the same time permitting Congress to reconvene pursuant to section 7(b) should it be determined necessary. Because it is often impossible to foresee whether it may be necessary for Congress to be reassembled to exercise its war powers after it has adjourned sine die or to a date certain, section 7 would preserve this ability of Congress to reassemble itself on its own motion as an exercise of Congress' adjournment authority.

Section 7(b) provides two means by which Congress may be reassembled as a condition of its adjournment to consider either appropriate legislation that would otherwise be considered under section 5(a) or a report submitted by the President under section 4(a). First, the Speaker of the House and the Senate Majority Leader *may* determine in their judgment, after consultation with the minority leaders of their respective Houses, that the Congress should be reassembled to consider legislation under section 5(a) or a report submitted under section 4(a) of this Act. Second, should the Speaker and Senate Majority Leader determine not to call back Congress, forty percent of the membership in each House may petition each of them to reassemble Congress. Once forty percent of the membership in both Houses have so petitioned, the Speaker of the House and Senate Majority Leader *shall* reassemble the Congress.

The reason the Senate Majority Leader is involved in the reconvening decisions under section 7 rather than the Senate President pro tempore, as similarly provided under the War Powers Resolution, is a reflection of the fact that such similar adjournment resolution have provided this authority in the Senate Majority Leader.

SECTION 8—CONGRESSIONAL RULEMAKING

Section 8 provides that certain sections of this Act are enacted by the Congress as an exercise of the rulemaking authority of each House and in recognition that either House may constitutionally change such rules (see U.S. Const. Art, I, § 5, cl. 2). This provision involves the procedures in sections 5, 6, and 7, which shall be considered as part of the rules of each House and may supersede other rules to the extent they may be inconsistent with these sections of this Act.

SECTION 9—DEFINITIONS

Introduction or involvement of U.S. Armed Forces

Section 9(1) defines the term "introduction or involvement of United States Armed Forces" as used in the Act. This definition is the same as that under the War Powers Resolution for "introduction of United States Armed Forces" except that the definition under this Act is made to apply to the "introduction or *involvement*" of Armed Forces. This modification to the application of the definition takes into account those sections of this Act which apply to "introduction of United States Armed Forces" or "involvement of United States Armed Forces."

Hostilities and imminent hostilities

Section 9(2) provides an illustrative definition of hostilities and imminent hostilities under this Act.

Because of the divergence of application of a common definition of hostilities and imminent hostilities between the executive and legislative branches, section 9 adopts the definitions of these terms as understood in the legislative history of and under prior practice with the War Powers Resolution. *See* H.R. Rep. No. 93-287, 93rd Cong., 1st Sess. 7 (1983). *See also* Sen. Rep. No. 98-242, 98th Cong., 1st Sess. 8-9 (1983).

It is provided the term "hostilities" includes (but is not limited to): (1) situations in which fighting has actually begun, (2) a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict, or (3) situations involving the exchange of fire with hostile forces. Hostilities is intended to be broader in scope than armed conflict.

As the Senate Report to the Multinational Force in Lebanon Resolution noted, under these definitions it is possible for hostilities to exist in circumstances where only U.S. Armed Forces return and do not initiate fire, act only in self-defense, remain in one location without taking offensive actions, or perform "peacekeeping" roles. Additionally, it is not required for fatalities to result for a state of hostilities to exist. *See* Sen. Rep. No. 98-242, 98th Cong., 1st Sess. 8-9 (1983).

In section 9(3), it is further provided that the term "situations where imminent involvement in hostilities is clearly indicated by the circumstances" includes (but is not limited to): a situation in which there is a clear potential either for a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict or for actual armed conflict or high probability of exchanges of fire with hostile forces.

SECTION 10—RULE OF INTERPRETATION

Section 10 contains similar provisions from the War Powers Resolution.

Section 10(a) of this Act is similar to section 8(d) of the War Powers Resolution. 50 U.S.C. § 1547(d). As the House report to the statute noted, this section makes "clear that nothing in it can be interpreted as changing in any way the powers delegated to each branch of government by the Constitution." H.R. Rep. No. 287, 93rd Cong., 1st Sess. 12 (1973). Furthermore, section 10(a)(2) specifies that nothing in the preceding sections of this Act provide statutory authorization to the President to introduce or otherwise involve U.S. Armed Forces provided by the Congress into situations involving hostilities.

Section 10(b) is taken from section 8(a) of the War Powers Resolution. 50 U.S.C. § 1547(a). Because section 11 of this Act repeals the War Powers Resolution, were section 10(b) not included in this Act, the unintended effect could result in restoring the possibility that some courts might construe congressional passage of defense appropriations bills as implied congressional authorization for executive use of Armed Forces in situations involving hostilities. *See* S. Rep. No. 220, 93rd Cong., 1st Sess. 25, n.46 (1973).

SECTION 11—REPEAL OF THE WAR POWERS RESOLUTION

Section 11(a) provides that the War Powers Resolution (50 U.S.C. §§ 1541-48; Pub. L. No. 93-148, 87 Stat. 555 et. seq.) is repealed under this Act.

Section 11(b) provides that Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. § 1546a; Pub. L. No. 98-164) providing for expedited procedures for the consideration of certain joint resolutions and bills, is repealed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3396, PROVIDING FOR REHIRING OF CERTAIN FORMER AIR TRAFFIC CONTROLLERS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-502) on the resolution (H. Res. 360) providing for the consideration of the bill (H.R. 3396) to provide for the rehiring of certain former air traffic controllers, which was referred to the House Calendar and ordered to be printed.

ABUSE OF SAME DAY RULE

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 5 minutes.

Mr. LOTT. Mr. Speaker, in defense of our controversial procedural tactics in the first session, you recently told an interviewer, and I quote, "I have used whatever parliamentary rights and prerogatives exist for the Speaker to see that the majority of the Members get the opportunity to work their will."

Mr. Speaker, I don't think anyone would quarrel with such an approach so long as you play by the established rules, you are fair in the Chair, and you don't make up the rules as you go along to suit your immediate, partisan needs.

Thomas Jefferson, in the introduction to his Manual of Parliamentary Practice, put it this way:

> It is much more material that there be a rule to go by than what the rule is; that there may be a uniformity of proceeding not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Clarence Cannon, in his introduction to Cannon's Precedents, said that the compendium of precedents compiled by his predecessor was "more than a parliamentary text." In his words:

> Through the recognition of established parliamentary principles which it enjoined on Speakers and chairmen; through the stable and orderly processes which it instituted in the practice of the House, men came to look upon parliamentary probity as a matter of inherent right rather than a contingent privilege subject to political exigencies; to regard it as a science rather than an improvisation to be varied at the caprice of the Chair or the behest of partisan interests.

Former House Parliamentarian Lewis Deschler observes in the preface to his Precedents that, "Historically, the House has resisted efforts by a Speaker to act arbitrarily and in disregard of its precedents and procedures." The most notable example of this was the revolt against Speaker Cannon in 1910 in which most of his powers were stripped because of the manner in which he had arbitrarily exercised and abused them. "Today," wrote Deschler in his 1976 preface, "the office of the Speaker is judicial in character. The decisions of the Speaker are judicial and mediatory rather than polemic and partisan."

All our great parliamentarians and Speakers have recognized that the dual function of our body of rules and precedents has been to permit the majority to work its will while protecting minority rights in the process. More importantly, they have recognized that in order to reconcile these sometimes conflicting goals with a minimal amount of fractious strife, it is critical that our parliamentary laws be uniformly and fairly applied.

As Jefferson observed of the British House of Commons, nothing tended more to throw power into the hands of the majority "than a neglect of, or departure from, the rules of proceeding" which operate "as a check and control on the actions of the majority, and * * * a shelter and protection to the minority, against attempts at power."

Mr. Speaker, I have cited these parliamentary experts because we need to be reminded from time to time of the role "uniformity of proceeding" plays in maintaining order, decency, and dignity in this House. I was particularly disturbed last October 29 by what seemed to be a departure from the rules of proceeding in the handling of the reconciliation rule and bill.

I was especially upset by the decision to adjourn and create a new legislative day in order to avoid the requirement of a two-thirds vote on considering the second reconciliation rule that was reported just moments earlier. Clause 4(b) of House rule XI provides in part that it shall always be in order to consider a report from the Rules Committee—

> (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session). * * *

Something stuck in my craw about that ploy, though we were told at the time that this was not unprecedented and that the term "same day" referred to legislative day, not calendar day. It seemed to me that this interpretation negated the whole purpose of the rule which was to provide Members with sufficient advance notice of legislative matters being brought to the floor. Why would the rule require a two-thirds vote for same-day consideration of a rule if the House could instead adjourn and reconvene immediately by simple majority vote? Surely this flies in the face of the original intent behind the same day rule.

Mr. Speaker, over the recess, I asked my subcommittee counsel on the Rules Committee to thoroughly research this question. The resulting memorandum, which I am appending to this special order, confirms my original suspicions. It concludes that the October 29, 1987, consideration of a rule on the second legislative day of the same calendar day as reported, without a two-thirds vote, violates the provisions of clause 4(b), rule XI. The legislative history shows that it was the clear intention of the author of that rule that the two-thirds vote requirement apply to any rule considered on the same calendar day as reported, and not just the same legislative day.

This conclusion is supported not only by the author's Rules Committee testimony and floor statement, but also by simple logic. The second part of the rule, suspending the two-thirds requirement during the last 3 days of a session, can only refer to calendar days since, allowing for multiple legislative days during that period, one could not calculate backward which would be the final 3 legislative days. And this calendar day interpretation is confirmed by a precedent in which the Chair held that the rule applied to the last 3 calendar days, except for Sundays. In short, the author of the rule could hardly have intended for the word "days" to mean legislative days in the first part of his parenthetical clause, and calendar days in the second.

Mr. Speaker, you might argue in defense of your October 29th double-day ploy that the precedents already contain such an incident. A footnote to the same-day rule contained in at section 729(a) of the House Rules and Manual for the 100th Congress contains the following notation:

> * * * if the House convenes for two legislative days on the same calendar day, any report filed on the first legislative day may be called up on the second without the question of consideration being raised (Speaker O'Neill, Dec. 16, 1985.)

But, an examination of that instance reveals that the Speaker was responding to a parliamentary inquiry about whether a Rules Committee report filed after midnight on the legislative day of December 16th could be considered on the next legislative day, December 17th, without a two-thirds vote. The Speaker replied that it could. But, contrary to the assertion of the footnote, this was not an instance in which 2 legislative days were convened on the same calendar day. The legislative days were convened on different calendar days.

Nevertheless, I think a careful reading of the legislative history and intent of the rule would have persuaded the Speaker that midnight should indeed have been the cutoff time for the filing of the rule, regardless of whether the legislative day of the first calendar day ran beyond that hour. According to the author of the rule, what he was really aiming for was "24-hours" advance filing of a rule before its consideration in order to give Members adequate notice of the program.

Mr. Speaker, I can understand that you were probably advised that the 1985 statement of the Speaker was sufficient grounds for creating 2 legislative days last October 29 to avoid the two-thirds consideration vote on the reconciliation rule. But, even if that instance were accurately represented to you as not involving the convening of 2 legislative days on the same calendar day, I do not think the 1985 statement has any basis in the original intent and history of the rule.

The obvious flaw in both the 1985 and 1987 applications of the term "legislative day" to the "same day" rule is the opening it creates for calling up a rule just moments after it is reported, so long as the two actions are separated by a brief adjournment. While that did not happen in 1985, it did happen last October. This interpretation of the rule yielded the absurd result of giving Members even less notice and protection than they had prior to the adoption of the rule.

Back in 1924, the author of the rule was complaining about the tendency of the Rules Committee to meet at 10 a.m. to report a rule, and then to call it up on the floor as soon as the House convened at noon that day. For that reason, the author offered his amendment to the rules to permit Members to have 1 calendar day's notice prior to the floor consideration of a rule and the bill it made in order. The only escape hatch was to be a two-thirds vote on consideration if the rule was called up on the same day as reported.

Mr. Speaker, as a member of the Rules Committee, it has always been my understanding that clause 4(b) of rule XI required a 1 calendar day layover of reported rules, unless the House agrees by two-thirds vote to consider them on the same day as reported. In the same vein, at the beginning of this Congress the House adopted an amendment to clause 4(c) of rule XI requiring that any unauthorized member of the Rules Committee who calls up a rule after it has been on the calendar for 7 legislation days, may not do so until "the day after the calendar day on which such Member announces to the House his intention to do so." In other words, he is required to give 1 calendar day's notice.

By the same token, committee reports must lay over 3 calendar days before floor consideration under clause 2(1)(6) of rule XI; and conference reports must lay over 3 calendar days before their consideration under clause 2(a) of rule XXVIII. Saturdays, Sundays, and legal holidays are excepted.

All of these rules have been designed with the purpose of ensuring that Members are not asked to vote on measures without adequate warning or information. If we now permit rules to be brought to the floor within minutes of their being reported, rules which can also waive the 3-day layover requirements for bills and conference reports, then we will have completely destroyed the whole concept of uniformity of proceedings, fairness, and informed voting which undergird our legislative process. I therefore respectfully request, Mr. Speaker, that you heed the original intent of the same-day rule and avoid resorting to this tactic again. Let's restore the principle of giving Members adequate advance notice of our legislative business.

MEMORANDUM

JANUARY 12, 1988.

Re: Interpretation of Same-Day Consideration Rule for Reports from the Rules Committee (House Rule XI, clause 4(b)).

To Congressman LOTT.

From Don Wolfensberger, minority counsel, Subcommittee on the Legislative Process.

Question: Did the Oct. 29, 1987 consideration by the House of a second reconciliation rule *on the same calendar* day it was reported, *but a second legislative day,* violate the provisions of House Rule XI, clause 4(b) which requires a two-thirds vote to consider a Rules Committee report "*on the same day* it is presented to the House"?

Answer: Yes.

The Rule: House Rule XI, clause 4(b), provides that: "It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session). . . ."

The Facts: On Oct. 29, 1987, the House rejected a rule (H. Res. 296) providing for the consideration of a reconciliation bill (H.R. 3545), by a vote of 203-217. An emergency meeting of the Rules Committee was immediately convened and, around 2:30 p.m. a second rule (H. Res. 298) was reported, nearly identical to the first but absent a provision for the consideration of a welfare reform amendment.

Shortly thereafter, the majority leader (Mr. Foley) moved that, "pursuant to clause 4 of Rule XVI, that when the House adjourns today it adjourn to meet at 3:15 p.m. today." The motion was adopted on a vote of 243-166." (RECORD, Oct. 29, 1987, p. H9155-56).

The deputy minority whip (Mr. Madigan) asked the majority leader whether the purpose of a second legislative day "is so that the House avoids the necessity of having a two-thirds majority to be able to consider this and can consider it only with a simple majority?" (*Ibid.*, p. H9156)

The majority leader replied: "Actually, there is not any requirement for a special vote to consider it on the next legislative day. A two-thirds vote is required to consider it on the same day. The rule could be adopted under these circumstances with a majority vote." (*Ibid.*, p. H9156)

The majority leader then moved at 3:05 p.m. that the House adjourn. Because the adjournment vote would not end until after the new legislative day was to begin, the Chamber clock facing the chair was manually stopped just before 3:15. The vote was announced (236-171), the House adjourned, and then, almost immediately, was reconvened.

The second rule was then called-up by Rep. Derrick (S.C.) of the Rules Committee. A preferential motion by Rep. Gregg (N.H.) to adjourn was defeated, 165-250. And, after an hour of debate, the rule was adopted, 238-182. (*Ibid.*, p. H9165-66)

Legislative History and Intent of Same-Day Rule: The question of whether the two-thirds vote is required for the consideration of a rule on the same calendar day, but a subsequent legislative day, as reported, hinges on the original intent of the author of the rule.

The author of the rule was Rep. R. Walton Moore (D-Va.). He introduced it as a separate resolution (H. Res. 65) in the 68th Congress, and testified on its behalf before the Rules Committee on December 23, 1923. In that testimony, Moore put the need for the two-thirds, same-day consideration vote on a rule as follows:

"What I observed was that the Rules Committee would often meet at 10 o'clock in the morning, and then they would pass a resolution relative to the consideration of some measure. And that resolution would be forthwith, when the House met, presented by the chairman of the committee, and the measure brought on for consideration immediately. There was no notice at all in advance." ("Revision of the Rules," Hearings before the Committee on Rules, 68th Congress, 1st Session, 1924, Part 1, p. 11)

Rules Committee Chairman Bertrand Snell (R-N.Y.) objected to the Moore proposal on grounds that the Rules Committee often had to act in emergencies:

"I can recall there have been a great many times where it has been absolutely necessary if the House was to function to present special rules immediately." (*Ibid.*, p. 25)

Moore replied: "I can not see how the House loses anything to say that you shall not bring the resolution before the House immediately unless two-thirds shall authorize it, and two-thirds would almost undoubtedly vote for the immediate consideration in the case of a real emergency." (*Ibid.*, p. 26)

While the Rules Committee did not include Rep. Moore's proposal in the Rules revision resolution it reported (H. Res. 146), it did provide in clause 56 that the Rules Committee shall file its reports within "*three legislative days* of the time when ordered reported by the committee," and, if not called up by the member making the report "within *nine days* thereafter, any member designated by the committee may call it up for consideration." (H. Res. 146, CONGRESSIONAL RECORD, Jan. 14, 1924, p. 944)

In presenting the resolution to the House on behalf of the Committee on Rules, Rep. Snell explained that the amendment "absolutely does away with any possibility of a pocket veto by the chairman of the committee and fully protects the committee if the person authorized to call up a resolution does not do it within a prescribed time." (RECORD, Jan. 14, 1924, p. H949)

There is no direct discussion of legislative versus calendar days, though it should be noted that this portion of the rule does differentiate between the two: the committee is required to present reports "within *three legislative days* of the time when ordered reported," while any member designated by the commitee may, "within *nine days* thereafter * * * call it up for consideration." (*Ibid.*, p. 944)

On Jan. 18, 1924, during the further consideration of H. Res. 146 for amendment, Rep. Moore offered his proposal as an amendment to clause 56 described above, inserting the following: "(except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting." (RECORD, Jan. 18, 1924, p. 1139). At a later point in debate on his amendment, Rep. Moore, by unanimous consent, amended his amendment with the words: "But this provision shall not apply during the last three days of a session." (*Ibid.*, p. 1140) The amendment was subsequently adopted on a division vote of 141-114. (*Ibid.*, p. 1141)

During debate on his amendment, Rep. Moore made clear that his amendment required a full day's notice: "It provides that any resolution which is reported shall not be taken up for consideration on the day on which it is reported, but shall lie over for at least one day, unless the House by two-thirds vote determines otherwise." Moore then had the Clerk read a May 11, 1920 statement made by Rep. Champ Clark (Mo.), "a great parliamentarian and great Speaker [who] supported the view which I presented then and which I present now:

"The Rules Committee ought to be compelled to give 24 hours' notice every time it brings in a rule. They bring it on the House suddenly, and the House does not know a thing on the face of the earth what is in the rule * * * people ought to have fair notice." (*Ibid.*, p. 1139)

Rep. Davis of Tennessee joined in the debate by observing that, "if the membership of this House was given 24 hours' noitce those who were interested in the resolution would be present to vote upon it." (*Ibid.*, p. 1140) And, Rep. Sanders of Indiana, speaking in opposition to the amendment, said, "The leader may not have known on a Monday that there would be an opportunity to take up a bill on the floor on Tuesday. If we rob the Committee on Rules of the right which the Rules Committee has . . . to present a rule to this House which shall immediately make in order any pressing legislative business, we will deprive the people of the country of the work of this House on many days." And, Sanders concluded, "You will find the majority leader will have to move to adjourn, and we will lose a vast amount of time." (*Ibid.*, p. 1141).

Finally, in further support of the calendar day argument, it should be noted carefully that Rep. Moore amended his own amendment so that the supermajority vote for consideration of a same-day rule would "not apply during the last three days of a session." Assuming a sine die adjournment resolution has been adopted containing a date certain, one can only count backwards by three *calendar* days since there could be numerous legislative days within those three calendar days.

On Dec. 7, 1931, House Rules were further amended with regard to the requirement that the Rules Committee file reports within three legislative days of their being ordered reported. Under the revised rule, "*any* member of the Rules Committee" (not just a "designated" member) could call up such a report as a question of privilege "within seven *legislative* days [previously, just "days"] thereafter." (H. Res. 5, Congressional Record, Dec. 7, 1931, p. 10). Thus the House again differentiated between "days" and "legislative days." No comparable change was made with regard to the two-thirds consideration of rules on the "same day" as presented.

Most recently, at the beginning of the 100th Congress, the rule permitting any member of the Rules Committee to call-up a rule after it has been pending on the calendar for seven legislative days, was amended to require that a Member may do so *"only on the day after the calendar day* on which such Member announces to the House his intention to do so." According to the footnote to this recent revision, "In the 100th Congress, this paragraph was amended to require the member of the Committee on Rules calling up a report after seven *legislative* days' filing to have given *one calendar day* notice to the House (H. Res. 5, Jan. 6, 1987, p. —)." (*Manual*, 100th Congress, Rule XI, clause 4(c), § 730) Thus, the interpretation of "day" in this most recent amendment of the rules if "calendar day," not just "legislative day."

The Precedents: There is no precedent *directly* on the point of a rule being reported on one legislative day and considered on a second legislative day—both of which commence on the same calendar day. In support of such an action, it may be pointed out that the footnotes in the *House Rules and Manual*, 100th Congress, at § 729a., cite three instances in which the rule is interpreted to mean the "same legislative day."

[It should be noted that such references did *not* appear in the *Manual* prior to the 94th Congress. This may be because an attempt to waive the two-thirds vote rule was defeated under suspension at the end of the 93rd Congress. See *Procedure in the House*, 97th Congress, Ch. 21, § 18.11, Dec. 16, 1973.]

The one instance in the footnote which may *seem* to support a same calendar-day consideration, states that: "A privileged report from the Committee on Rules may be considered *on the same legislative day* only by a two-thirds vote . . . and if the House *convenes for two legislative days on the same calendar day*, any report filed on the first legislative day may be called up on the second without the question of consideration being raised (Speaker O'Neill, Dec. 16, 1985.)" [emphasis added]

The Speaker's statement came in response to a parliamentary inquiry by Rep. Walker (Pa.): "Since those reports [of the Rules Committee] were filed after 12 o'clock midnight, will that affect when they can be brought to the floor for consideration?" The Speaker responded: "They can be called up on the *next legislative day* without a two-thirds vote." (Record, Dec. 16, 1985, p. H 12197).

In that case, the House went beyond midnight on Dec. 16 with its legislative session of that day, and the rules were filed after midnight. The Speaker did not cite any precedents to support his interpretation. But it should be distinguished from a situation wherein two legislative days are *commenced* on the same calendar day, solely for the purpose of circumventing the two-thirds vote requirement. Contrary to the statement in the footnote, the actual situation did not involve two legislative days *"convened"* on the same calendar day. It involved two legislative days convened on two *separate* calendar days, the first legislative day of which spilled over into the morning hours of the second calendar day.

The first instance in which the "legislative day" interpretation is cited in the footnote is the following: "a report properly filed by the committee at any time prior to the convening of the House *on the next legislative day* may be called up for immediate consideration without the two-thirds requirement (Speaker Albert, July 31, 1975, a p. 26243)." [emphasis added; actual page number is 26247] Again, the instance cited was in response to a parliamentary inquiry, this time by Rep. Fascell: "Am I correct in the proposition that if a bill is passed by the other body tonight, there is a procedure under the rules whereby the matter could be considered tomorrow?" Speaker Albert replied:

"The regular rule is that if a report from the Rules Committee *has to go over 1 day* or it, [sic] takes a two-thirds vote for consideration on the same day reported. The other way is that a unanimous consent request can be made, and if the Committee on Rules can file it by 10 o'clock tomorrow, and the House adjourns tonight, then it will take a majority vote for consideration tomorrow after the House meets, just as it always does *on a subsequent legislative day.*" [Emphasis added]

In that case, Speaker Albert was talking about the report either going over *one-day* to avoid the two-thirds vote, or the Rules Committee obtaining unanimous consent on the pending day to file before the House convenes on the next legislative day. Obviously, by unanimous consent, the Rules Committee could also bring up the rule on the same legislative day as reported without the two-thirds vote for consideration. What comes through most in this response, however, is the need for some notice on the previous calendar day regarding a matter to be brought up on the subsequent calendar day which also happens to be the next legislative day.

The next instance cited in the precedents states the principle that the two-thirds requirement does not apply to "a report filed during special order speeches after legislative business on that prior legislative day (Oct. 14, 1986)."

An examination of the Congressional Record **of that date (p. 30861) reveals** that this was in response to a parliamentary inquiry by Rep. Roybal (Calif.) after Chairman Pepper filed a rule on the immigration bill during special order speeches:

Roybal. Was this filed under unanimous consent or was it filed as a privileged report?

The Speaker. Rules may be filed during special orders without unanimous consent.

Roybal. When must the House adopt that resolution? Is that to be adopted tonight, or is that a subject for tomorrow's deliberations?

The Speaker. They are scheduled for consideration later in the week.

Roybal. That can be anytime during the week, *but it can start anytime tomorrow, and any day thereafter, is that correct?*

The Speaker. *The gentleman is correct.* [Emphasis added]

It should be noted that nowhere is the term *"legislative day"* used. Indeed, the Speaker here confirms Roybal's contention that the rule could be considered on the next *calendar day*, "tomorrow." (Record, **Oct. 14, 1986, 30861**)

However, there is a precedent supporting the contention that the original intent of the rule was that the the word "day" means calendar day, on Thursday, Dec. 31, 1970, where the second session of the 98th Congress was to end at noon on Sunday, Jan. 3, 1971, a rule was called up on the same day as reported. In response to parliamentary inquiries as to whether a two-thirds vote was required for consideration, Speaker McCormack held that a rule could be considered on the same day reported, without a two-thirds vote, during the last three days of a session. In response to a parliamentary inquiry from Rep. Yates (Ill.) as to whether the rule meant "3 legislative days or 3 calendar days," Speaker McCormack replied:

"There are only three days remaining; which would be Thursday, Friday and Saturday. . . . Sundays are not counted within the purview of the rule. Speaker Longworth held that Sunday was 'non dies' in a ruling in 1929—see also Cannon's Precedents, vol. VII, 944 and 995." (6 *Deschler's Precedents*, Ch. 21, § 18.9)

This ruling comports with the interpretation of the word "days" under the Constitution (e.g. Article I, sec. 5, prohibiting either House to adjourn for more than three-days without the consent of the other; see Manual, § 82: "Sunday is not taken into account in making this computation . . . . Sunday (is) traditionally a 'dies non' under the precedents of the House." And, Article I, section 7: "If any bill is not returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law). In other words, days means calendar days, except for Sundays, regardless of whether the House is **in session or not.**

Conclusion: It is evident from the author's remarks on his original rule in 1924 that he intended the two-thirds vote requirement to apply to rules considered on the same *calendar* day as reported. This was to discourage immediate consideration of rules except in emergency circumstances, and to provide Members with adequate advance notice of the legislative agenda—preferably *"24-hours in advance,"* but at least during the preceding *calendar* day.

That same rule also provided for suspending this requirement in the last 3 days of a session. This could only mean *calendar* days since, with the possibility of multiple legislative days in the same calendar day, there would be no way of calculating the final three legislative days. It is inconceivable that the author of this provision could have meant legislative days the first time "days" is used and "calendar days" the second time it is used. The precedents on the final 3 days of a session bear out the calendar day interpretation.

To limit the term "same day" to only "the same legislative day," yields the absurd result of nullifying the whole purpose of the rule. This is because it permits two legislative days on the same calendar day and the possibility of a rule being considered moments after being reported. Both the legislative history and precedents support the interpretation that a two-thirds vote is required on the same *calendar* day a rule is reported, regardless of how many legislative days may be convened on that day.

MANDATING HOSPICE COVERAGE UNDER THE MEDICAID PROGRAM

The SPEAKING pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to make hospice coverage under the Medicaid Program, which is now optional, a mandatory benefit. As you may know, hospice was made an option under Medicaid in legislation passed and enacted during the 99th Congress at the same time that the hospice Medicare benefit was made permanent. I was proud to be the sponsor of both these pieces of legislation to serve the terminally ill and their families, and am pleased to introduce this bill today to extend the Medicaid hospice benefit. While already included as part of a comprehensive measure I introduced in the last session to combat acquired immune deficiency syndrome, or AIDS, it is being introduced as a freestanding bill to draw greater attention to the importance of making this benefit mandatory rather than optional.

In addition, I am very pleased to be joined by my distinguished colleagues, Mr. WAXMAN, chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment; Mr. MADIGAN, ranking member of that subcommittee; Mr. GRADISON; and Mr. GEJDENSON in introducing this measure. It is worth noting that Mr. WAXMAN and Mr. GRADISON were also original cosponsors of the optional hospice measure, and their continuing support in this effort is especially appreciated.

As you know, hospice is a compassionate, cost-effective system of caring for the terminally ill that helps them remain in their homes and communities, among family and friends. Over the past decade, we have seen enormous growth in the hospice movement, and today there are estimated to be over 1,500 hospice programs in operation throughout the country.

Hospice provides an innovative means of care and support in which a team of health care workers and others strives to make the remainder of the lives of the terminally ill, and the lives of their families during this very difficult time, to be as meaningful and comfortable as possible. Serious illness is difficult at any time, and terminal illness is much more: physically, emotionally, spiritually, and economically. Hospice helps to significantly relieve the burden in all of these areas.

Not only is hospice compassionate and emotionally supportive for the terminally ill and their families, but as important, in this time when the need for cost containment is crucial, it is cost-effective as well. It is widely concluded that the substitution of hospice for acute care can save significant amounts of money. The Congressional Budget Office has estimated that hospice coverage under Medicare could save more than $100 million over 3 years, and a report on hospice demonstration programs also concluded that hospice, in addition to its compassionate care, offers a cost savings in the last year of life. With specific regard to a Medicaid benefit, Illinois, for example, would save at least $1 million per year, by a conservative estimate, if it had such a benefit, based on decreasing Medicaid costs by at least 27 percent through less use of inpatient care. This would result in significant savings to the Federal Government and the States over time. Additional evidence of hospice's cost-effectiveness is provided by several studies that have shown hospice care saving 20 to 40 percent when compared with traditional acute care, and by the fact that numerous major health insurers have included a hospice benefit with little or no change or increase in premiums. We must continue to encourage the development and utilization of cost-effective, community-based forms of care such as hospice as we struggle to reduce the deficit.

Mr. Speaker, when the legislation making hospice an option under Medicaid was first introduced, it was with the aim of making this form of care for the terminally ill available to those with low incomes and their families. While the Medicare benefit makes hospice available to the elderly and disabled, and these groups comprise a large proportion of those who could benefit from hospice, a need was seen to enable Medicaid beneficiaries to have access to the same services.

The ranks of these persons now include, unfortunately, many AIDS patients, and will include many more over time. As we all know, AIDS is the greatest epidemic and the worst public health problem to strike this country in this century, and possibly in our entire history. As of January 25, 1988, there was a total of 51,916 reported AIDS cases and 28,965 deaths as a result of the disease. The Public Health Service projects that by the end of 1991, there will have been a cumulative total of more than 270,000 AIDS cases in the United States and 180,000 deaths, with fully 54,000 of these occurring in 1991 alone.

Clearly, much needs to be done to care for the rapidly growing number of persons who are going to become terminally ill and die of AIDS, and to do this in the most cost-effective and compassionate manner possible. While many AIDS patients prefer to be cared for only or mostly at home, there are a large number for whom hospice provides the most appropriate means of care. In particular, there is a large and rapidly growing group of intravenous drug abusers among AIDS patients, and these persons often are homeless or have unstable living situations and cannot be adequately cared for at home. For these persons in particular, as well as many other AIDS patients, hospice probably provides the best possible care during the terminal stages of the disease.

Fiscal year 1988 budget reconciliation legislation includes a provision that will reimburse hospices for inpatient care for Medicaid patients with AIDS even if these patients must spend more than 20 percent of their time in such a setting. This, in combination with the expansion of the hospice Medicaid benefit provided by this bill, should enable many more AIDS patients to receive the care they need in hospice programs, rather than having to spend all of their time in expensive inpatient settings or, worse, end up in the streets or bad home situations. And, even with the greater need of AIDS hospice patients for inpatient care, hospice can save considerable sums. In San Francisco, which makes extensive use of hospice and other community-based care, it costs about $25,000 to care for AIDS patients during their last year of life. In Atlanta, it would cost approximately $66,000 and in New York City, $120,000. Neither of these cities has extensive hospice programs.

In spite of the growing number of persons who could benefit from hospice care under the Medicaid program, especially with the AIDS crisis, only five States—New York, Michigan, Florida, Kentucky, and North Dakota—have so far created a Medicaid hospice benefit since the enactment of the option. While several other States, including California and Illinois, are also moving to create a

Medicaid hospice benefit, and this is encouraging, the other cosponsors and I believe that the current need is great enough to warrant making the hospice Medicaid benefit mandatory. This would rapidly speed up the process by which hospice services will become accessible to Medicaid beneficiaries throughout the country. The bill would become effective for calendar quarters beginning on or after January 1, 1989. States would be allowed additional time to enact enabling legislation if necessary, as will obviously be true in many cases. We urge our colleagues to give their approval of this measure to expand hospice coverage for those who could most benefit by it, and to save taxpayer and Government funds in the process.

For your convenience, the text of the bill follows:

H.R. 3913

A bill to amend title XIX of the Social Security Act to require hospice coverage under the Medicaid program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATING HOSPICE COVERAGE UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Subparagraphs (A) and (C)(iv) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) are each amended by inserting "and (18)" after "(17)".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1989, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BUECHNER) to revise and extend his remarks and include extraneous material:)

Mr. LOTT, for 30 minutes, today.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUECHNER) and to include extraneous matter:)

Mr. LOTT.

Mr. LOWERY of California.

Mr. BROOMFIELD.

Mr. RITTER.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. LANTOS in two instances.

Mr. VENTO in two instances.

Mr. SCHUMER in three instances.

Mrs. SCHROEDER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 343. An act for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

S. 391. An act for the relief of Hyong Cha Kim Kay, to the Committee on the Judiciary.

S. 1329. An act for the relief of Roswitha Starins, to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1983. An act authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL, and for other purposes;

H.R. 2566. An act to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes; and

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202.

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes a.m.) under its previous order, the House adjourned until Monday, February 8, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2837. A letter from the Secretary of Defense, transmitting a copy of Presidential Determination No. 88-7, his certification of production facilities for the Bigeye binary chemical bomb, pursuant to Public Law 99-591, section 1107(c)(1) (100 Stat. 3341-179); Public Law 99-661, section 152(c)(1) (100 Stat. 3835); to the Committee on Armed Services.

2838. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to revise certain organizational and procedural provisions of statutes affecting national banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

2839. A letter from the Secretary of Energy, transmitting the Department's seventh annual report on financing, supply and installation activities of public utilities in connection with the Residential Conservation Service Program, pursuant to 42 U.S.C. 8217(g); to the Committee on Energy and Commerce.

2840. A letter from the Secretary of Health and Human Services, transmitting the 1987 Annual Report on the Status of Organ Donation and Coordination Services, pursuant to 42 U.S.C. 274c(4); to the Committee on Energy and Commerce.

2841. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification of the intention to add the Islamic Republic of Mauritania, People's Republic of the Congo, Republic of Niger, and Republic of Togo to the list of approved participants in the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

2842. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a report on the preliminary assessment of the Nicaraguan Resistance Military Prosecutor's Office, pursuant to sec. 208(a) of the Military Construction Act of 1987, as contained in Pub. L. 99-591, to the Committee on Foreign Affairs.

2843. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2844. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 29th annual report of the Advisory Commission on Intergovernmental Relations, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

2845. A letter from the Chairman, Federal Trade Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2846. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report of its activities under the Government in the Sunshine Act during calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2847. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on the Commission's compliance with the competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2848. A letter from the Secretary of Housing and Urban Development, transmitting a report on the Department's compliance with the competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2849. A letter from the Chairman, Copyright Royalty Tribunal, transmitting the Tribunal's Annual Report for the fiscal year ending September 30, 1987, pursuant to 17 U.S.C 808; to the Committee on the Judiciary.

2850. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on the 15 positions (grades 16, 17, and 18) allocated by statute; to the Committee on Post Office and Civil Service.

2851. A letter from the Secretary of Transportation, transmitting the Department's annual report on activities conducted under the Commercial Space Launch Act for fiscal year 1987, pursuant to 49 U.S.C. app. 2621(a); to the Committee on Science, Space and Technology.

2852. A letter from the Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notification of the Agency's intention to award a contract for conversion to contract performance the weather observation activities at the John F. Kennedy International Airport, Jamaica, NY; contract being awarded as a result of an OMB Circular No. A-76 cost comparison, pursuant to Public Law 99-509; to the Committee on Science, Space and Technology.

2853. A letter from the Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notification of the Agency's intention to award a contract for conversion to contract performance the weather observation activities at LaGuardia Airport, Flushing, NY; contract being awarded as a result of an OMB Circular No. A-76 cost comparison, pursuant to Public Law 99-509; to the Committee on Science, Space and Technology.

2854. A letter from the Deputy Chief, Legislative Division Office of Legislative Liaison, Department of the Air Force, transmitting a copy of his decision document with background information and instructions for applying for an Armed Forces discharge certificate to be administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. H. Res. 360. A resolution providing for the consideration of H.R. 3396, a bill to provide for the rehiring of certain former air traffic controllers. (Rept. 100-502). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRYANT:

H.R. 3910. A bill to require further review by the Federal Communications Commission to ensure thorough deliberation on proposed changes in the method of regulation of interstate basic service rates; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself, Mr. McCollum, Mr. Mazzoli, Mr. Crockett, Mr. Feighan, Mr. Smith of Florida, Mr. Staggers, Mr. Smith of Texas, Mr. Shaw, Mr. Gekas, Mr. Hertel, and Mr. Bryant):

H.R. 3911. A bill to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States; to the Committee on the Judiciary.

By Mr. LUNGREN:

H.R. 3912. A bill to help ensure that the collective judgment of both the Congress and President are exercised concerning the involvement of U.S. Armed Forces in hostilities, and to repeal the War Powers Resolution; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. PANETTA (for himself, Mr. Gradison, Mr. Waxman, Mr. Madigan, and Mr. Gejdenson):

H.R. 3913. A bill to amend title XIX of the Social Security Act to require hospice coverage under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. RODINO (for himself and Mr. Fish):

H.R. 3914. A bill to establish a commission to investigate racially motivated violence; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Mr. Campbell, Mr. Yatron, Mr. Fuster, Mrs. Collins, Mr. Parris, Mrs. Byron, Mr. Rodino, Mr. Howard, Mr. Neal, Mr. Martinez, Mr. Murphy, Mr. Kolter, Mr. Gilman, Mr. Davis, of Michigan, Mr. Towns, Mr. Gordon, and Mr. Garcia):

H.R. 3915. A bill to amend the Internal Revenue Code of 1986 to afford tax relief to real estate developers, builders, and individuals who take measures to prevent radon from entering their buildings or homes, and to reimburse Federal employees for the cost of such measures when made incident to a transfer; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. SCHUMER:

H.R. 3916. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

By Mr. DELLUMS:

H. Res. 361. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. HAWKINS (for himself, Mr. Clay, Mr. Jeffords, and Mrs. Roukema):

H. Res. 362. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor and the pension reform activities of its Subcommittee on Labor-Management Relations in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. ROE:

H. Res. 363. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science, Space, and Technology in the second session of the 100th Congress; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. Olin, Mr. Sikorski, Mr. Montgomery, Mr. Penny, Mr. Sharp, Mr. Lipinski, Mr. Hefley, Mr. Skaggs, and Mr. DeFazio):

H. Res. 364. A resolution to amend the Rules of the House of Representatives to limit the contents of continuing resolutions; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. McCOLLUM introduced a bill (H.R. 3917) for the relief of Rajani Lal, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 779: Mr. Spratt.

H.R. 925: Mr. AuCoin, Mr. Lehman of California, and Mr. Mica.

H.R. 956: Mr. Davis of Illinois.

H.R. 3560: Mr. Kolter.

H.R. 3603: Mr. Clay, Ms. Pelosi, Mr. Lehman of Florida, Mr. Udall, Mr. Fuster, Mr. Coyne, Mr. Bonker, Mr. Leland, and Mrs. Collins.

H.R. 3696: Mr. Parris, Mr. Kolter, Mr. Bruce, and Mr. Weldon.

H.R. 3753: Mrs. Collins, Mr. Dellums, Mr. de Lugo, Ms. Pelosi, and Mr. Neal.

H.R. 3859: Mr. Flippo, Mr. Schuette, Mr. Henry, Mr. Wortley, Mr. Solomon, Mr. Wheat, Mr. Owens of New York, Mr. Duncan, and Mrs. Saiki.

H.R. 3883: Mr. Torres, Mr. Lujan, Mr. Mfume, Mr. Biaggi, Mr. Natcher, Mr. Lewis of Georgia, Mr. Kleczka, Mr. Rahall, Mr. Bevill, Mr. Rose, and Mr. Robinson.

H.J. Res. 416: Mr. Fazio, Mr. Hughes, Mr. Mrazek, Mr. Wolpe, Mr. Sabo, Mr. Dorgan of North Dakota, Mr. Moody, Mr. Sikorski, and Mr. Garcia.

H. Res. 271: Mr. Hall of Texas, Mr. Towns, Mr. Whittaker, and Mr. Grant.

H. Res. 300: Mr. Wortley, Mr. Sikorski, and Mr. Weiss.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

118. By the SPEAKER: Petition of the City Council, New York, NY, relative to the adoption of the Act for Better Child Care Services, H.R. 3660 and S. 1885; to the Committee on Education and Labor.

119. Also, petition of the city of Miami, Miami, FL, relative to funding for international refugee assistance programs; to the Committee on the Judiciary.

SENATE—*Thursday, February 4, 1988*

(Legislative day of Tuesday, February 2, 1988)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

Mr. REID. Today's prayer will be offered by Hampton Joel Rector, Methodist minister.

PRAYER

The Reverend Hampton Joel Rector, staff aide, the office of Senator ROBERT C. BYRD, and a Methodist minister, offered the following prayer:

Holy, holy, holy, Lord God of hosts; heaven and Earth are full of Thy glory.

Glory be to Thee, O Lord, most high.

O Lord, in whom we live, and move, and have our being: to consume the fretful concerns of our everyday lives, we turn to Thee in these moments.

Use this opportunity to fill us with Thy holy spirit; relieve us of the blindness of our selfishness; put far from us unworthy devotion to clan and to picayune ambition; grant to us a vision of this life as Thy wisdom would have it to be; encompass us in Thy will; that all that we do or decide this day, may be filled with Thy majesty and justice, and that our lives may reflect Thy light and Thy love and Thy salvation.

For these things we pray in the name of our Lord Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 4, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

REVEREND RECTOR'S PRAYER

Mr. BYRD. I thank the guest chaplain for his words of inspiration. I am very well acquainted with the guest chaplain's ability to choose words fitting for an occasion. After all, he has been a loyal member of my personal staff for more than 10 years.

The Reverend Hampton Joel Rector first came to work for me in September 1976. He is a native of Bluefield, WV, where his parents still reside. He holds degrees from West Virginia and Duke University, he is an ordained United Methodist minister, and has served as pastor in communities in West Virginia and North Carolina.

He is a native West Virginian who has strong ties with the State and he is an experienced and worthy member of my staff. I am pleased to have him as an employee, and I thank him on behalf of the Senate for his prayer.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I reserve the balance of my time for the moment and that the Republican leader may reserve his time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business for not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

SUBWAY CAR USE DURING VOTES

Mr. FORD. Mr. President, on Tuesday, February 2, several Members in the Hart Building missed a vote on the Senate floor because of subway traffic. Although several Members missed that vote, the problem is not an isolated instance. Members housed in the Hart Building have missed votes previously because of that problem. A change in the policy of subway car use during 15-minute rollcall votes is needed.

Senator STEVENS, the ranking member on the Rules Committee, and I have reviewed options to help resolve this problem. There is no sure solution, and we recognize that there will be problems associated with any policy implemented. But after reviewing this matter, we have directed the Sergeant at Arms to implement a new policy on the use of the subway car serving the Hart Building on a temporary basis in hopes that it will improve the timely transport of Members. The new policy is as follows:

First, the use of the subway car serving the Hart Building will be restricted to Senators only during 15-minute rollcall votes.

Second, a subway car will be scheduled to depart the Hart Building platform at the 3-minute remaining point of each rollcall vote. This means that a car arriving at the platform with more than 3 but less than 6 minutes remaining on a rollcall vote will stay at the platform and depart at the 3-minute remaining point.

Third, when a car serving either the Dirksen or Hart Building malfunctions during a rollcall vote, the remaining car will serve both buildings, and the car will be restricted to Senators only. The car will be scheduled to depart the Hart Building platform at the 3-minute remaining point; the car will then stop at the Dirksen platform to pick up Senators.

The Democratic and Republican Cloakrooms will be promptly informed by the Capitol Police of any malfunction during a rollcall vote.

This policy, to work effectively, requires the cooperation and support of all Members. We hope that Members will not ask drivers and police officers to make exceptions. I request that the letter sent by Senator STEVENS and myself to the Sergeant at Arms regarding the implementatoin of this new policy be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON RULES
AND ADMINISTRATION,
Washington, DC, February 4, 1988.

Hon. HENRY K. GIUGNI,
Sergeant at Arms, U.S. Senate, Washington, DC.

DEAR HENRY: On Tuesday, February 2, 1988, several Senators with offices in the Hart Building missed a roll call vote because of subway delays. To minimize this problem in the future, we are implementing an interim procedure for the running of the subway cars. The full Committee will be requested to ratify this new policy at its meeting on February 17, 1988.

The new policy is as follows:

1. The use of the subway car serving the Hart Building will be restricted to Senators only during 15-minute roll call votes.

2. A subway car will be scheduled to depart the Hart Building platform at the three-minute remaining point of each roll call vote. This means that a car arriving at the platform with more than three but less than six minutes remaining on a roll call vote will stay at the platform and depart at the three-minute remaining point.

3. When a car serving either the Dirksen or Hart Building malfunctions during a roll call vote, the remaining car will serve both buildings, and the car will be restricted to Senators only. The car will be scheduled to depart the Hart Building paltform at the three-minute remaining point; the car will then stop at the Dirksen platform to pick up Senators.

The Democratic and Republican Cloakrooms will be promptly informed by the Capitol Police of any malfunction during a roll call vote.

Please inform the Capitol Police assigned to the subway platforms of the Capitol and Dirksen and Hart Buildings of this new policy. We would also appreciate your making the necessary arrangements to have signs erected and displayed informing users of this policy.

Sincerely,

WENDELL H. FORD,
Chairman.
TED STEVENS,
Ranking Minority Member.

CONGRESS MUST PASS GENOCIDE IMPLEMENTING LEGISLATION NOW!

Mr. PROXMIRE. Mr. President, Americans and certainly Members of the Congress place supreme value on human life. Can there be any crime greater than to destroy the life of an innocent human being who has committed no crime, a human being who threatens no one, who has done nothing wrong except to be born into a particular religious, ethnic, or racial group? Yes, there can be something even more monstrous. It is the planned, premeditated destruction of the lives of literally millions of innocent human beings because they happened to worship God in a different religion or being of a different race or ethnic group. What am I talking about? I am talking about genocide. I am talking about the extermination of European Jewry by Hitler. And I challenge any Senator or Congressman to cite any crime in human history that comes close to the terrible genocide in Europe just prior to and during World War II.

Why do I rise today to speak on this subject? I rise because it is now 2 years since the Senate of the United States by an overwhelming 82 to 11 vote ratified the Genocide Convention. In that 2-year period the Congress has failed to finish the job. This is incredible. In fact, it is a disgrace to this U.S. Senate. How can this be? Didn't we ratify the treaty? We did, indeed. And in ratifying the treaty the Senate attached a declaration. The declaration was necessary. It provided that the President may not deposit the instrument of ratification until after the implementing legislation is enacted. Mr. President, I can understand how the Congress might wait a month or two to enact implementing legislation. But 2 years? Twenty-four months? The implementing legislation has been drafted. It has been introduced by the respective chairmen of the House and Senate Judiciary Committees. But there have been no hearings, not a whisper indicating any concern or any action.

Here is absolutely critical implementing legislation that is shamefully stalled in the U.S. Congress. The ratification of the treaty without action on this legislation by the Senate is simply an empty, hollow action that has no force. It has no meaning. How ridiculous this must be in the eyes of the world. Officials of the United States itself drafted the treaty right after World War II. We took it before the United Nations. The United Nations unanimously approved it. Way back in 1948—40 long years ago President Truman reaffirmed our country's commitment to human rights by signing the Genocide Convention. Every major country in the world has long since proceeded to ratify the treaty and where necessary enact implementing legislation to make it national law.

Then we had the appalling interim of 37 years—37 long years—Mr. President before this body finally ratified this treaty conceived and drafted by our own country. During those 37 years President after President, Republican and Democrat called on the Senate to ratify the treaty. President Kennedy called for its ratification. So did President Johnson. President Nixon pleaded for ratification. President Ford also asked the Senate to act. So did President Carter. To his credit President Reagan finally succeeded in persuading the Senate to act and the Senate did act. We ratified the treaty with an overwhelming vote.

So here we now have legislation that is essential to give any meaning to the Genocide Treaty. This is legislation that we must pass if the President is to be permitted to deposit the instrument of ratification of the treaty. So what happens? The Congress goes sound to sleep. By failing to pass this implementing legislation we should take a special international prize for gross hypocrisy. The Senate resoundingly passed the ratification of the Genocide Treaty. We thereby tell the world that we recognize this terrible crime. Then, what do we do about it? We do nothing about it. We speak loudly but carry no stick at all. We say we are against genocide, but if an American group committed genocide in our country, we have no law that would do anything about it.

Now, Mr. President, it is true that genocide is a crime that is almost invariably committed by the government of a sovereign country or in conjunction with the government of a sovereign country. So without a statute it is an exceedingly difficult crime to prosecute except after a war in which the government of that sovereign country is brought to its knees. But in a country like the United States where we take such pride in the fact that no person—including the President of the United States or the most powerful Member of the Congress is above the law, we should have enacted into the statutes of the United States an act setting forth precisely what is the crime of genocide and providing specific penalties for those who commit the crime.

Mr. President, I realize our Judiciary Committees in both Houses of Congress are very busy this year. I fully realize this is an election year. I know we have a great deal of must legislation that the Congress will have to enact before we adjourn next fall. But, here, Mr. President is one piece of legislation we must pass and pass swiftly.

Mr. PROXMIRE. I yield the floor.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BRADLEY. May I ask the majority leader if he would yield an additional 5 minutes at this time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Four and a half minutes.

Mr. BYRD. I yield 4½ minutes to the distinguished Senator.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 4½ minutes.

CONTRA AID

Mr. BRADLEY. Mr. President, yesterday the House of Representatives voted against further aid to Nicaraguan resistance. The House voted this way because the majority of the Members believed that the aid package proposed by the President will hurt, not help, peace and democracy in Central America.

I hope they are right. I hope the Nicaraguan resistance understands that the United States is not abandoning them. I hope the Sandinistas understand that the American people will be watching their actions. The next few weeks and months will demonstrate whether the Sandinistas are ready to negotiate a cease-fire with the resistance. But only time will tell whether they can tolerate debate and dissent; whether they grant amnesty that vitiates past charges and restores full legal rights, or whether amnesty means no more than shorter sentences and permission to speak on the Sandinistas' terms; whether every political prisoner will be freed or only those whose spirit is broken and whose voice is mute; whether the Sandinistas will shut down their high-technology torture chambers whose modern methods leave no scars to shock the conscience of human rights monitors; whether they will stop supporting insurgents bent on overthrowing elected governments in the neighboring democracies; whether they will scale back their military ambitions and concentrate instead on economic reconstruction and political reconciliation.

Last night's vote need not have turned out this way, though it is no surprise. You could see it coming.

I blame Ronald Reagan. There is a difference between speeches that rail at Communists and a policy that effectively counters them. Speeches are easy; policy takes effort and care.

Ronald Reagan did not care enough to figure out his goal and persuade the American people he is right. Seven years later, we still do not know whether he wants to overthrow the Sandinistas or get them to negotiate. Not knowing the ends, Congress has understandably resisted authorizing the means.

He did not care enough to make his case against a totalitarian government in human terms that the American people can understand and accept. Instead, he indulges in rhetoric about Latin dominos and anti-Communist imperatives that turns off all but the zealots.

He did not care enough to level with Congress. He failed to inform us and then misled us about Iran-Contra. And, half-truths continue to plague the policy.

He rejected anything that smacked of genuine bipartisanship as though it were a dirty word, even after the Kissinger Commission 5 years ago laid out the path to attain it. As for advice from Democrats, it was repeatedly ignored.

For almost 2 years now, I have tried setting aside any political considerations to support an unpopular effort to aid and reform the Contras because it was the best means available to achieve a difficult but important objective. It was an effort to get the Sandinistas to stop destabilizing the fledgling democracies around them and to nudge them toward a real negotiation with the resistance and internal opposition, a negotiation which would lead to greater freedom and an end to repression. But, in addition, I urged the President to broaden his approach to demonstrate that if we were truly interested in protecting democracy in the region we would have to deal with the fundamental problem: the living standard of its people.

"If you're serious about peace and democracy in Central America," Democrats told the President, "do something about its crushing debt burden." Ignored. He continues to keep fledging democracies under the banker's thumb.

"If you want economic growth," we said, "use up some political capital on those outrageous sugar quotas that protect a handful of big agribusinesses but insure deeper poverty to the poorest of Central America's poor." Ignored. He did not want to offend special interests that have strangled the legislative process for half a century, even for peace and democracy in Central America.

"The root of Central America's problem is economic," Democrats argued. "Yes, some military assistance, but we need a balanced package with more economic assistance to rekindle hope." Ignored. The $300 million in economic aid attached to the 1986 aid package was reneged on by the administration.

If all of this was not sad enough, he ignored our tactical advice, too. He ignored it even when it had Republican support. Democrats and Republicans alike appealed to the President to postpone this vote. Whether you believe the Sandinista's involvement in the peace process is a ploy or whether you believe it is a genuine response of a country with a shattered economy, in either case, more time would have tested the Sandinista's real intentions. To postpone this vote would have bought time to negotiate the cease-fire the Contras and the Sandinistas both say, for separate reasons, they want. If that happened, the Contras, would not need lethal aid as long as the cease-fire was observed. If instead the Sandinistas torpedoed the negotiations, aid was still an available option. But no, the administration turned a deaf ear to this counsel.

When postponement was rejected, the administration was urged to limit its request to nonlethal or humanitarian assistance for which there is broad, bipartisan support. Even the Contras would have preferred this to what has happened, and before the vote in the House they told the administration as much. But again, the administration turned its back—this time on the Contras themselves.

They could, as a last resort, have required an affirmative vote of both Houses to release the escrowed lethal aid only if the Sandinistas failed to negotiate a cease-fire. This, too, would have supported the peace process while keeping the threat of renewed pressure alive. At the 11th hour, the President distorted this suggestion into the proposal that if Congress voted for Daniel Ortega, he would not send lethal aid.

Ronald Reagan rejected our advice and, I might say, the advice of many in his own party. Instead, he stubbornly insisted on symbolic lethal assistance that he had to know Congress would defeat. It was almost as if he wanted to lose.

If Ronald Reagan really cared about a policy for peace and democracy in Central America, he would not have let this happen. But then, if he really cared, he would not have done a lot of things. He would not have tainted the program in the beginning by using military trainers from the Argentine junta; he would not have confused the public about his objectives; he would not have spent all his political capital on the "Morning in America" deception of the 1984 campaign. Instead, he would have kept some to educate the American people about the real struggle in Central America, not just the phony one that plays to the feel-good needs of the far right. And, most important, he would have used his popularity after the election to win support for his vision, not to betray the people's trust with secret schemes to privatize the program.

Ronald Reagan did not care enough to take the political risk. So, he turned the policy over to privateers. In doing so, he has come close to selling out the cause.

It is a real shame. I believe we are beginning to make progress toward peace and democracy. For the first time, the Contras are bringing their military leaders under political control. They are a fragile but unified, cohesive force with a strong negotiating position. Their political objectives are clear and coincide with the political demands of the 14 parties that make up the internal opposition. Chances for a cease-fire—which would make moot the lethal aid issue—were looking good. The Sandinistas, responding to Contra pressure, and perhaps as a way to fulfill a part of the promise of their revolution, finally seemed ready to make some of the concessions that a permanent, political solution to the conflict requires.

Ronald Reagan may have finally snatched defeat from the jaws of victory.

Why?

Why has the administration recklessly risked the Contras and peace process just when both had a chance? Some say that the administration has only paid lip service to a negotiated solution because overthrow is their goal. If so, I believe, and I hope, that no majority of any Congress would support them.

Others speculate that the administration calculates that the best way to protect U.S. security interests in Central America is to cut a deal with the Soviets, regardless of the fate of the Nicaraguan people. If true, this is a dangerous illusion.

A third group says the administration does not care enough about Central America, but Nicaragua, about democracy, about peace. They do not even care enough about the Contras. They just want a domestic political issue in 1988 and beyond. If that is so, such cynicism makes me sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from New Jersey be allowed to continue for the next 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, how much time will that leave?

The ACTING PRESIDENT pro tempore. It would leave approximately 5 minutes for morning business.

Mr. KENNEDY. I understand it would be satisfactory for the Senator to conclude within a minute.

Mr. DODD. I ask unanimous consent for an additional 1 minute.

Mr. HEINZ. I object.

Mr. President, it might be helpful to many of us who have things we would like to talk on, maybe this subject or maybe others, to extend the period for morning business. If we cannot do so, I might have to object.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, the period for morning business will not be extended. We stated what time the vote will occur. Senators are depending upon that vote to occur and to be done at that time.

I hope that the Senator from Pennsylvania will have an opportunity to address the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. HEINZ. Mr. President, I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator's time has expired.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I would be glad to yield, without losing my right to the floor, to the Senator.

Mr. HEINZ. I object.

Mr. KENNEDY. I would like to ask the Senator from New Jersey, does he have another paragraph?

Mr. BRADLEY. The Senator has another paragraph.

Mr. KENNEDY. I would be interested in what is incorporated in that final paragraph.

Mr. BRADLEY. All right.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. BRADLEY. Mr. President, it is about time we had a truly bipartisan policy—but that takes thought, flexibility, persistance, goodwill, and a willingness to listen to each other. Maybe now the President will hear Democrats more clearly. Until he does, I am left with no choice but to vote against this resolution.

Mr. KENNEDY. Mr. President, I urge the Senate to oppose the motion to proceed to consider the administration's proposal to provide more aid to the Contras.

After last night's vote in the House, Contra aid is dead in Congress, and the Senate should not waste its time trying to bring Contra aid back from the grave. The Senate should not give artificial respiration to a policy that is dead and should now be buried. It is time to pull the plug.

The House has made clear its commitment to the Central American peace process. Today, the Senate can add to that commitment—or detract from it.

Aid to the Contras is an idea whose time is past. Today, we should start building a policy for the future—of peace and freedom, reconstruction and reconciliation in Central America—and stop debating the failed policy of the past—which only brought more killing and wider war.

Nothing would please the Sandinistas more than to blame the United States for sabotaging the peace process. Nothing would make the Sandinistas happier than to walk away from negotiations with the Contras, restore the state of emergency, close down La Prensa, and put opposition leaders back in jail—and then blame it all on Uncle Sam and Contra aid. The Senate should do nothing that provides the Sandinistas with any pretext for any more oppression.

With or without us, the policy of the United States toward Central America is about to change for the better, and the Senate has a chance to catch up to reality and become part of that change.

The focus is now shifting to Central America, where it belongs. The whole world is watching to see whether Daniel Ortega will live up to the pledge he has made to his fellow Presidents and his fellow Central Americans. With our vote today, we can help stop the fighting—and give peace a fighting chance.

I urge the Senate to reject the motion to proceed.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Pennsylvania is recognized for 4 minutes.

THE JOB TRAINING PARTNERSHIP ACT

Mr. HEINZ. Mr. President, the other day I spoke before this body about the need to keep our promise to America's trade-impacted workers—the promise of passing a tough but fair trade bill. Today I rise to speak of the plight of an even larger group of American workers: those who may or may not be import-impacted, but who are found ineligible for trade adjustment assistance. The Job Training Partnership Act is their primary source of Federal aid.

According to the Bureau of Labor Statistics, between 1981 and 1986, over 5 million American workers were displaced by plant closings or layoffs. Imagine what it must be like to be in these workers' shoes—with at least 3, if not many more, years invested in a job and suddenly finding yourself out on the street.

Established in 1982 to replace the CETA Program, the purpose of title III of the Job Training Partnership Act is expressly to help these workers by providing funds for classroom training, on-the-job training, job-search assistance and relocation. Well, it looks great on paper, but the fact is—proven by GAO studies—that only 6 to 7 percent of dislocated workers received title III training and job placement assistance in program years 1984 and 1985. The remaining 93 percent had to manage on their own, many becoming dependent on welfare when their unemployment checks ran out. Because many live in depressed areas, these workers cannot sell their homes or other assets at anything approaching a reasonable price, and many thus cannot relocate to where the jobs are.

Early last year, Senator ROCKEFELLER of West Virginia, and I introduced a Worker Adjustment Improvement Act to provide $1 billion in new services to displaced workers. In hearings we held in Pennsylvania, we learned that the current Job Training Program simply does not reach those facing long-term unemployment. It creams the most job-ready off the top and leaves the rest to fend for themselves. The trade bill contains the Labor Committee's proposal to change all that. We need this new program desperately.

We cannot ignore these workers. Last year, the Senate passed a New Worker Readjustment Program. But the real test of our commitment revolves around whether we actually make something of our promises, whether we ultimately pass the trade bill providing workers essential assistance and prove that our promises are not just rhetoric.

With the GAO finding that less than a third of current JTPA projects offer the skills training most dislocated workers need, our task is complex. Not only do we need to provide workers training, we also need to improve its content and focus. Providing $980 million in funds for title III programs, the trade bill is certainly not some token retraining effort. But as long as that effort languishes in conference, workers must have doubts about how seriously we take our commitments.

In my State of Pennsylvania, over 750 workers are awaiting training programs. Further plant closings will lengthen those lines. These workers have turned to us for help, and we are failing them. America can't afford anything less than a serious commitment to enact the Worker Readjustment Program. Failure to retrain more than 1 in 20 displaced workers is more than a national embarrassment, it will ultimately amount to economic devastation. The Nation's economy depends on our solidifying our commitment to the work force. By passing the trade bill, with its $980 million Worker Readjustment Program, we will be keeping our commitment. I urge my colleagues to do just that.

I yield the floor, Mr. President.

Mr. BYRD. Mr. President, has morning business been closed?

The ACTING PRESIDENT pro tempore. There are still 40 seconds remaining, the leader is informed.

Mr. SYMMS. Mr. President, I make an inquiry of the leader if we will have an opportunity to speak on the Contra aid issue after the vote.

Mr. BYRD. Yes. Mr. President, of course, if the motion to proceed is agreed to, we will have up to 10 hours until no later than 10 o'clock today. I hope that will not go beyond 6 o'clock. But if the motion to proceed does not prevail, I will get morning business for a couple of hours, or whatever it requires, and Senators may speak during that period.

Mr. SYMMS. I want to speak for about 15 minutes.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is now closed.

Under the previous order, the majority leader is recognized.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I indicated that I would move to proceed to the resolution at this time. I do call attention to the Republican leader that, while he was in his office, I got consent that his time under the leader's standing order would be reserved, and that request would be honored if he should wish.

Mr. DOLE. If I could, I would further reserve the time but not take it at this time.

Mr. BYRD. He would be perfectly within his right to utilize that 5 minutes now or yield it to anybody on his side if he wishes to. Otherwise, I would like to proceed because Senators have been notified we would have the vote.

AUTHORITY FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

Mr. BYRD. Mr. President, I move to proceed to the consideration of Senate Joint Resolution 243.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to proceed to Senate Joint Resolution 243. The yeas and nays are automatic and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Connecticut [Mr. WEICKER] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. WEICKER] would vote "nay."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—54

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dole
Domenici
Evans
Exon
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—43

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
Daschle
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Stafford
Wirth

NOT VOTING—3

Biden
Simon
Weicker

So the motion was agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order.

Under the statute, time for debate between now and 10 p.m. is evenly divided between and controlled by the majority and minority leaders or their designees.

Mr. BYRD. Mr. President, it will be to everybody's benefit if we may have order in the Senate so Senators may know how the proceedings will be carried on from here.

The PRESIDING OFFICER (Mr. REID). The Senate will come to order.

Mr. BYRD. Mr. President, I thank the Chair.

Under the statute, there is a maximum of 7 hours and 12 minutes remaining. I should not say, "remaining." There is. I think that is accurate to state, 7 hours and 12 minutes remaining because the vote on the resolution now must occur no later than at 10 o'clock this evening.

I hope that the debate will not last that long. A motion to reduce the amount of time is in order. It is not debatable.

At some point in time I would, perhaps, want to resort to such a motion unless we can reach an agreement without it. I do not want to go to 10 o'clock tonight on a matter that is not going anywhere for the moment. But Senators are entitled to debate this, of course.

Had the motion to proceed been rejected, as I indicated to Mr. SIMPSON, I planned to set aside 2 or 3 hours so that Senators could talk on this measure before we go out.

There will be no session on tomorrow.

The remaining vote on the Senate joint resolution is the only vote that I contemplate today. I would take it that no one would ask for a rollcall vote on the motion to go over until Monday a week from this coming Monday.

In view of the fact that the time is equally divided between the majority and the minority leaders, I wonder if the minority leader would agree with me that each of us perhaps should allot the time for our respective sides so that I do not have to ask a Senator if he is for or against the joint resolution, and the minority leader does not have to ask Senators if they are for or against the joint resolution.

So if each could allot the time to his respective side, it seems to me it might expedite matters.

Mr. DOLE. If the majority leader will yield. That is a good suggestion. I would like to yield our time to the distinguished minority whip, Senator SIMPSON, and he, in turn, could allocate it, if that is satisfactory.

Mr. BYRD. Yes. And I will yield a block of time, though I want to keep control over some of the time. As I say, I do not want to go until 10 o'clock tonight debating this matter.

Mr. President, how much time now remains to each side?

The ACTING PRESIDENT pro tempore. The Republican leader has 3 hours 36 minutes and the majority leader has 3 hours 30 minutes.

Mr. BYRD. I thank the Chair.

I yield 1 hour 30 minutes to Mr. PELL and name him as my designee for the control of 1 hour 30 minutes. I yield Mr. BENTSEN 10 minutes in addition.

Mr. DOLE. If the majority leader will yield before he leaves the floor.

Mr. BYRD. Yes.

Mr. DOLE. It would be my hope, at least, that we might be able to vote around 6 p.m., if that could accommodate each side. I plan to be here until 6 p.m. I could be here later. I would try to work that out on this side. I will yield 1 hour 30 minutes at this time to the distinguished minority whip, Senator SIMPSON, and maybe in the meantime we could reach some agreement. That would take us to just about 6 o'clock, 1 hour 30 minutes on each side.

Mr. BYRD. I think that is a good idea. We will be happy to try to shop for that on this side.

Mr. President, I yield 1 hour 30 minutes to the chairman of the Foreign Relations Committee, but I yield 10 minutes to Senator BENTSEN in addition.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 10 minutes.

Mr. PELL. Mr. President, on Tuesday, the Committee on Foreign Relations, by a vote of 10 to 0, rejected the administration's request for Contra assistance. The committee's decision reflects the view that the administration request for some $60 million is not only contradictory to the peace process but could destroy the best hope for peace in Central America since the beginning of this decade.

Each Senator present at our committee business meeting expressed, in sensitive and decisive terms, the significance of the vote to be cast against the administration's policy of continued war. Today, as we prepare to cast what I hope will be a watershed floor vote against the administration's policy, I wish to share my concerns and convictions about that policy.

I believe strongly that the President's request for continued military and economic assistance to the Contras is fundamentally contrary to the peace process now underway in Central America. Continued military aid, especially, could sound the death knell for peace in the region.

Contrary to propaganda emanating from the administration, I believe it is the peace process—the termination of wanton death and destruction—that has brought major concessions from the Sandinistas. In January, after the five Central American Presidents met in San Jose, the Nicaraguan Government responded quickly. From Costa Rica, President Ortega announced that the Government of Nicaragua would suspend the state of emergency and reinstate constitutional guarantees. He also agreed to apply the amnesty law to those who have taken up arms, as soon as a cease-fire is arranged, and further declared that if a cease-fire is not arranged, the Nicaraguan Government still would be willing to release Contra prisoners, provided that a non-Central American government would take them.

Several days later, Nicaragua repealed its law establishing the controversial people's tribunals. The Sandinista government also proposed establishment of a special international commission to help assure that the Contras would receive constitutional guarantees facilitating their active participation in Nicaragua's future political life.

In a major departure from previous policy, the Sandinistas also agreed to meet face to face with the Contras in talks on a cease-fire. These talks, which began last week, are scheduled to resume 1 week from now in Guatemala City, subject to approval by mediator Cardinal Obando y Bravo. While wide differences separate the two negotiating teams, the very fact of direct talks is a positive sign that the peace process is continuing.

With regard to the administration's request, I wish to point out that the seemingly low stated figure of $35.6 million for 4 months is misleading. That figure omits $20 million for indemnification of lost aircraft and an unstated figure for electronic countermeasures, which could cost between $3 and $4 million. Indeed, when the numbers are added up and extrapolated, one finds something very near to the administration's original 18-month request for $270 million. So much for the so-called scaled-down request to satisfy the Congress. The bottom line is to keep the present Contra aid mechanism in place and the door open to further military assistance of an untold amount.

I wish to stress that I am seriously concerned by Secretary Shultz' indication last Sunday that the administration would not rule out asking other countries to provide Contra aid in the event that Congress terminates Contra funding. In 1985, we passed foreign aid legislation designed to prevent such activity by prohibiting the United States from entering into any arrangement, expressed or implied, with aid recipients and U.S. arms purchasers whereby they would provide aid to the Contras. This should be adequate to prevent such third country aid arrangements. But, if the administration does move to seek third country assistance for the Contras, it may be necessary to explore once again legislative remedies to prevent circumvention of congressional will.

By virtue of the vote in the House last night, the administration's request has been rejected. I call on my colleagues to reinforce this rejection of Contra policy by voting against it today in the Senate. We will have an opportunity in the months ahead to make a real contribution to peace and reconciliation in Central America. Moves are already afoot in the Congress to fashion a truely bipartisan policy that would include such provisions as humanitarian assistance to the Contras through the Red Cross and other international relief agencies. Such funding would support, rather than undercut, the Central American peace process.

Eventually, I hope to see, as part of this positive policy, the commencement of U.S. bilateral talks with the Sandinistas on mutual security concerns. In a recent letter to President Reagan, Daniel Ortega renewed Nicaragua's proposal for bilateral accords with the United States that would place strict limits on offensive arms, remove foreign military advisors, and ban foreign troops and foreign military bases. Such an accord would clearly serve the U.S. national interest.

We have an opportunity now to end the cruel and inhumane violence that has claimed the lives of thousands of Nicaraguans and maimed thousands more since the Contra war began. For years, I have termed the Contras "our terrorists" and watched with grief the ravages of war in the Nicaraguan countryside. Recent reports of innocent children crippled for life because of Contra attacks, or because they tripped on a Sandinista mine meant for the enemy, only strengthen my conviction that this violence—and the administration policy that fuels it—must stop. A vote against the administration's request today is a vote for peace in Central America.

Mr. President, that concludes my statement.

How much time do I have remaining?

The PRESIDING OFFICER. (Ms. MIKULSKI). The Senator has 3 minutes remaining for such use as he wishes.

Mr. PELL. How much in total do I have?

The PRESIDING OFFICER. An hour and twenty-three minutes.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. SIMPSON. Madam President, the minority leader designated that I would control time in the amount of 1½ hours. I believe we have begun our allocation of that time, and while the Senator from Arizona [Mr. MCCAIN] is on the floor, I ask unanimous consent that he be directed to allocate the time that has already been agreed to at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McCAIN. Madam President, I yield 10 minutes to my colleague from Nebraska, Senator EXON.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair and I thank my colleague from Arizona.

Mr. President, as this body knows, and as my numerous votes on the issue have clearly demonstrated, I have long had reservations about the President's Central American policy and have consistently opposed the provision of lethal assistance to the Nicaraguan resistance. Likewise, I opposed the previous President's request for the initial aid to the Ortega government after the revolution that brought the Sandanistas to power. I have always felt Ortega was a dedicated Communist, and I did not want to be part of anything that would strengthen his chances of long-term success.

In Nicaragua there were some well-intended individuals, many of whom were comrades in arms or political associates of the Sandanistas early on, who were burned and turned. Likewise, many in the United States, embarrassed by their early and terrible mistakes in supporting the Sandanistas, signed on the Contra cause as if, when one revolution failed, the logical thing to do is to start another. Somehow we have fallen into the trap that if American taxpayer funds are used to by ammunition to kill Communists, it must be a good investment. That is where the Reagan policy has led us, with the constant implication that if one is not for the Contras. Then you were for the commies. While continuing diplomatic relations with Nicaragua, our Government took on overt and covert actions in a civil war to overthrow a duly elected government not to our liking. We are led to believe that that is democracy in action.

I believe each Member of the Senate, the Secretary of State and, I hope, even the President understands that the root causes of the problems in Central America are poverty and exploitation—from both the political right and the left. Democracy is not the main goal of an average Nicaraguan trying to exist. To the typical citizen of Nicaragua, and Ortega is no better than a Somoza. Each type of leader causes the breeding ground of insurrection to continue to fester. We have, to date, not adequately addressed these root causes of conflict.

My concern that the President has wrongly relied upon covert programs of questionable legality and large doses of Contra aid remains. However, so does my distrust for the Sandinista regime of Daniel Ortega. I have never trusted the Sandinista government and was one of the first in the Senate to recognize it as Marxist. The indisputable close ties among the Sandinistas, Cuba, and the Soviet Union are, indeed, worrisome to me.

I have consistently stated that should offensive weapons such as Mig aircraft or missiles be introduced into Nicaragua, the President would have no choice but to remove them. We have obligations to the other Central American nations in this regard as the leader of this hemisphere. So let there be no doubt, Madam President, about American's resolve to protect our national security interests and those of our allies in this part of the world.

Madam President, last August a serious peace process finally began in Central America. It was not Ronald Reagan's peace process, but it had credibility. Finally, the other four Central American Presidents stood up and were counted for democracy and peace in the region. And they at least managed to drag Daniel Ortega to the conference table where he signed on the dotted line. While I do not know his intentions, and do not trust him, at least there are standards in place to measure his performance, these standards were not imposed by Uncle Sam. They were imposed by his democratic neighbors.

As I suspected, Daniel Ortega has complied with the Arias peace plan only in a limited way. He has done so only then under the pressure of the other Central American Presidents and, to some degree, the threat posed by growing Contra strength. There is no doubt that the greatest obstacle to peace in Central America remains Ortega's Nicaragua.

This does not give the United States a free hand to do whatever it wants in the region. Ultimately, it will be the Central American people who will have to shape their own destiny. I believe they should be afforded the opportunity to do so and our Nation should provide a helpful hand rather than a dictatorial one.

I have expressed these concerns personally to the President and told him that I could not accept his request as he originally presented it. A more reasonable approach, and one I told the President I could support, would place the lethal aid in escrow for a period of time to give the peace process more time to hopefully work. During this period, the United States would consult more closely with the Central American Presidents and Cardinal Obando y Bravo, the negotiator in Nicaragua, to determine how that process is evolving. At the end of that time, the Congress would then play a role in determining whether lethal assistance would go forward. For whatever reason and belatedly tendered as it was in his Tuesday evening address, the President has come a long way in his effort of compromise and has satisfied me that no lethal aid will go forward without congressional consent. There are many sincere opponents who believe cutting all aid now will enhance peace chances. Given the Ortega character, I cannot be confident that is a risk we can take now.

It is my best judgment that the chances of success for the Arias peace plan are best assured, and our national security interests best served at this time, by allowing the humanitarian aid to go forward as the President has formally requested, and place the lethal aid in escrow pending developments in the Arias peace efforts. There should be a clear understanding that any subsequent release of any lethal aid should have joint Presidential-congressional approval.

I heard parts of the debate in the House and have listened with interest to the likewise heated debate here. I heard some impassioned appeals on both sides of the proposal. The more impassioned the debate, the more convinced I became that the impassioned-inclined ones are probably no more sure or secure in their positions than those of us who do not share their zeal and absolute assumed knowledge of what is right or wrong on either side of this issue. Some just talk that way to shore up their own doubts. In my view this is not a "dead certain" call as to what is the correct course here. It is a call that we have to make and it is a call that we should make. And I am not sure what is the right course of action.

The Arias peace plan is not perfect. It may not even work. But after 7 years of war, it deserves a better chance and I believe my vote helps that process. I hope and pray I am right because lots of Nicaraguan lives are at stake. Thus far no lives have been lost in Congress by any of the combatants in the debate.

I do not choose to urge my colleagues to vote one way or the other on this issue. I do want them to know I will support the President's revised plan and urge all to only vote their convictions after careful consideration.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I thank my colleague and chairman of the Foreign Relations Committee.

Madam President, last night's vote in the House was a vote for peace in Central America. It was a vote against continued violence and bloodshed. The Reagan administration's Contra policy is symptomatic of a greater ill which besets U.S. policy toward all of Latin America. This administration has no real coherent long-term policy for peace in the region. The House vote gives us a chance to end a dark chapter in American history and to open a bright new chapter of cooperation and peace.

We are about to close the books on U.S. financing of a futile, bloody, unnecessary war.

The Central American peace plan put forth by President Arias gives us a chance to fashion a coherent policy to support reconciliation, and to aid in the political and economic development of the region.

What we need instead of arms and logistical supplies to the Contras is a willingness to help this delicate peace process move forward. The administration should seek to assist the process, not keep trying to figure out ways to throw a monkey wrench into the peace machinery.

In the weeks to come, the House leadership will propose a carefully limited and circumscribed humananitarian aid package to the Contras. But let me underscore this point. When the humanitarian aid bill comes to the Senate floor, unlike the situation in the House, it will be open to amendment. And there is a danger, probably a likelihood, that there will be a new attempt by supporters of the Contras to amend the bill to provide military aid. I say "danger" because such an amendment would endanger humanitarian aid.

Even if a military aid amendment were to pass the Senate, I would oppose it. It most certainly would not be accepted by the House. Therefore, supporters of the Contras should be aware and now is none too soon to put them on notice that any attempt to turn the humanitarian aid bill into a resurrected military aid bill will indefinitely delay humanitarian aid and perhaps kill it altogether.

So I urge any Senators inclined now to offer such an amendment at that time to consider very carefully the consequences.

Madam President, Congress and the administration should be working together to fashion a constructive policy to assist the Central American nations in building democratic institutions and addressing their serious economic and social problems. I hope we do not have to wait to see the President in the White House to get this process going.

The administration's policy of funding the Contra war has brought a great deal of violence and hardship to civilians. The general policy of responding militarily to regional unrest has not contributed to growth and development in the region. It has only exacerbated the problems of underdevelopment.

Last night's vote in the House demonstrates that there is a willingness in that Chamber to work on a new policy toward Central America, and Nicaragua. We in the Senate should underscore that vote with a vote of our own for a more rational approach to the problems of our Western Hemisphere neighbors.

So I urge my colleagues on both sides of the aisle to vote down this proposed package of further military aid to the Contras.

I yield back any remaining time.

Mr. McCAIN address the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield myself 30 seconds.

I would like to respond to the statement of my friend from California concerning the requirement for Members on their side who are in favor of lethal aid to somehow agree to a humanitarian package. I would like to remind my colleagues that the United States administration policy was repudiated by the House of Representatives last night. Therefore, the onus is on my colleague from California and his friends on the other side to come up with a policy that is acceptable to the majority of both Houses of Congress. Otherwise he will fail in their efforts to achieve peace in Central America. The ball is in his court.

Mr. CRANSTON. We know the ball is in the court of those who stated they are going to offer a humanitarian aid proposal. There will be a humanitarian aid proposal.

Mr. McCAIN. I did not yield, Madam President.

The PRESIDING OFFICER. Excuse me.

Mr. CRANSTON. May I respond to the Senator's statement?

The PRESIDING OFFICER. The Senator from Arizona has the time.

Mr. McCAIN. I yield back my time.

The PRESIDING OFFICER. Who yields time.

Mr. CRANSTON. Would the Senator yield me a brief moment to respond?

Mr. PELL. I yield 1 minute to the Senator from California.

Mr. CRANSTON. The ball certainly now is in the court of those who stated they are going to offer a humanitarian aid proposal. That will originate with some of the House leadership but that will be in consultation with Senators and I think with people on both sides of this issue. The only point I was making was that if friends of the Contras would like some humanitarian aid to go to them—and I believe they would—they will delay and possibly kill that if they seek to attach military aid once again to a humanitarian package. The reason for that conclusion is that it is very plain that the House in the present circumstances will not accept military aid, so they would not accept a Senate version that included military aid.

The PRESIDING OFFICER. Who will yield the time?

Mr. PELL. I yield 5 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Madam President, I thank the Senator very much for allowing me this time.

I understand anyone voting as they see fit on this matter. What I am going to do is what I think is best for our cause. I think it is time that we make up our minds and come to a conclusion, that it be known we are going to stand on it and try even harder with the money we do appropriate to get results.

This is not intended as a personal reference, but I was in the Senate when we went to Korea, and there was great hope that merely by going there, that would bring about a settlement of the matter.

I was in the Senate when we went to Vietnam, and there were strong assurances that that was the only thing, the sane thing, to do, and that it would only last for a matter of weeks.

I watched the development here, as the average fellow would, and I have a pattern. I voted for each of these proposals. I may have voted to reduce the sum at one time, but I have watched it and conferred with many Senators who have been there and have come back with eyeball evidence; and I believe we are closer than we have ever been to a condition being brought about that is more favorable to our interests. I am not saying that I think we can make this conflict evaporate overnight, but I have been strongly convinced all the while, until recently, that we had our future in that area in our hands. And I have been concerned that we would be forced into a situation in which we would have to send our own men to this area.

I am going to play the other side, as far as I know how and can, that we do the things that not bring about conditions of that kind.

I am convinced that if we abandon this matter now, withdraw and pull back our support, for little reasons here and there, the great sum total of this thing would be that we lessened our position, we worsened our chances to have a real victory and a final solution to this situation, that we have thrown it to the wind.

After all the investments we have made, I think we ought to stand firm, continue to try this plan that we have been working on and practicing so rigidly and faithfully.

This is not a matter of speculating on who is going to win an election or anything of that kind. These are the facts of life that could pertain to the life and death of our boys.

I am not trying to scare anyone. I try always to do the opposite. But if we go on and on neglecting and leaving the situation down there to the Communists and to the areas already affected, something bad is going to brew and happen; and we will have to pay the price, even, God forbid, maybe with the human flesh of our own men.

Instead of arguing endlessly—and I respect the right of every Member to do so—let us get together and pass this matter and hasten to the preparation of a permanent solution to this problem as soon as we possibly can.

I do not think anything less than this approach is going to bring results. We are standing together perhaps more than ever before. I hope we take one more step.

Madam President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 15 seconds.

Mr. STENNIS. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield 10 minutes to my colleague from Idaho [Mr. SYMMS].

Mr. SYMMS. I thank my colleague for yielding.

Madam President, I agree with the President pro tempore of the Senate, Senator STENNIS.

I say to you, Senator STENNIS, that many of us will miss you when you go into retirement next year. You have been a staunch patriot and you have recognized throughout your long and distinguished career that freedom is worth supporting, and I thank you for your continued support of it.

I must say at the outset, with respect to the comments of my good friend from California, who said that the vote last night in the House means that we will now have peace in Nicaragua. That we all have room for difference of opinion in this matter. However, I think that, more likely, the vote last night in the House means that the kind of peace we are going to have in Nicaragua is the same kind of peace they have in Vietnam today; the same kind of peace they have in East Berlin, where, if you try to leave town, they shoot you when you try to crawl over the wall.

I think it is most unfortunate, at a time in the latter part of the 20th century, when we are finally getting genuine, public support, of wars of liberation against Communist dictators—against the Soviet proxies that are entrenched in places like Afghanistan, Angola, and Nicaragua. Of course, the Soviet army itself is in Afghanistan. But for the first time, we are seeing people who have a desire to be free to challenge the Brezhnev doctrine of irreversible Communist expansion and consolidation. At this time, it is a tragedy if the Congress of the United States will not help support those forces of freedom so they can achieve their own freedom in their own countries.

In my judgment, peace and freedom are inseparable. We cannot say that we are going to keep the peace and then leave people locked in a slave camp where you know that the next step will be to expand the slave camp into the next country, until finally the day will come when we will be asked to use U.S. troops to fight a war that the Contras are fighting today to liberate their own country.

I am not surprised, Madam President, after a recent trip to Pakistan, that the Soviet dictators are trying to get out of Afghanistan right now. I see a parallel between Afghanistan, Angola, and Nicaragua where we have an opportunity to really make some major foreign policy victories for the United States. More importantly, foreign policy opportunities for people on this Earth to have a chance to live their life in some kind of a democratic system and society and to actually throw out the slave camps.

I heard the same arguments that were used in the other body when I was a Member of the House. I heard all those same arguments that the South Vietnamese did not need the money, did not need the help, and we know what the results of that were. We know what the result was in Cambodia, with two out of every seven people being killed.

My definition is that if you talk to the Communist dictators in Cambodia today, they will tell you they have peace there, but the price they paid to get it was to kill two out of every seven people, and anybody who speaks up and opposes the government today, they kill them, too. That is not our definition of peace. Our definition of peace means that people are free to continue the basic freedom we take for granted in this country.

The Mujahideen in Afghanistan are winning that battle out there. They are doing it now that they are well-armed. They held the ground for 5 to 6 years; and now that we have given them the support, they are actually defeating the Soviet army on the battle field, and we should continue that effort there. That is why the Soviets want to get out. It is not glasnost; it is not any other reason. The reason they want to get out is that Ivan is literally getting his tail handed to him on a platter by well-armed resistance forces in Afghanistan, and we are getting a victory and should continue to support that effort, as we should continue to support the effort in Nicaragua.

Such has been done at a terrible price to Afghanistan and its people. The Soviets, never ones to adopt half measures, have rotated into Afghanistan hundreds of thousands of Soviet occupation troops, they have carried out a campaign of terror, and have adopted a "scorched Earth" policy throughout the countryside. They have implemented a strategy of genocide against the Afghan people that will leave the country shattered and ready for Soviet rebuilding—a rebuilding that will do away with Afghan culture and tradition and substitute the "new Soviet model" in, its place.

They have killed innocent civilians.

Today in Afghanistan, Madam President, there is a KGB operation run out of Kabul that is setting off bombs in Pakistan killing innocent civilians. These are the same people that are backing the Daniel Ortegas and the leadership of the Sandinista Communists in Nicaragua. The same people, same sphere of influence, same parallel.

But, at least for now, a determined people have prevented the Soviets from consolidating their hold on Afghanistan. We must not abandon them in their fight.

I find it very frustrating to see that we can get support for the freedom fighters in Afghanistan but we cannot get support passed through the Congress for the freedom fighters in Nicaragua.

In another part of the world, Madam President, a similar battle is taking place, and that is Angola. We observed that Dr. Savimbi and the freedom fighters, the UNITA forces, are doing a very good job in Angola in fighting the MPLA, a Marxist proxy force.

The MPLA, a Soviet sustained regime, came to power in Angola in 1975 through behind the scenes maneuvering and intrigue. The MPLA is a minority in Angola and would have long ago been overthrown by the popular resistance but for the massive intervention of Cuban and Soviet forces. The situation in Angola today is that it remains a colony. Angolans have virtually no control over their own sovereignty. The MPLA is subject to the dictates of thsoe that keep it in power. The Cubans have an "internationalist force" of up to 47,000 in Angola; the Soviets provide the weaponry and goods and; the East Germans provide the internal security. The internal security apparatus is typical of most Third World Soviet client states. The basic administration of the government on a day to day basis is in the hands of the former colonial bureaucrats—Portuguese socialists that have stayed on—while top level decisions are made in a committee whose membership includes senior Soviets and Cubans.

It is ironic and most regrettable that most of this activity is funded by American oil interests. Through royalties and other fees paid by United

States oil companies to the MPLA, the United States subsidizes the destabilization of this region of Africa.

Against this Soviet attempt to consolidate Angola as a client state stands UNITA. The Union for the Total Independence of Angola under Dr. Jonas Savimbi has denied the Soviets a victory in his country. From the bleak days of the "long march" shortly after the MPLA took power, UNITA has reestablished itself through grassroots organizing and a program of truly national appeal.

Mr. President, despite the massive Soviet and Cuban presence in Angola, UNITA has fought the MPLA to a standstill. Politically, the MPLA has nothing to offer Angola other than an ill-defined "African Marxism" which Angolans are quick to translate as being Soviet colonialism. Militarily, UNITA has met and defeated the Cuban proxy forces in a series of MPLA offensives. UNITA now controls a third of Angola and is attacking the Luanda regime at will throughout the remainder. UNITA is able to do this, even though the MPLA has superior military force, because of popular support among the populace. UNITA grows stronger with time as more and more and more Angolans rally to the cause of freedom and true independence.

There is a parallel there, Madam President. We are making headway. I am happy to say the Senate and House of Representatives supported my efforts to repeal the Clark amendment which was described to me by Dr. Savimbi as a pro-Marxist amendment. We repealed it and have been doing the right thing since. We are starting to achieve victory in those fields of battle and freedom will prevail.

We started those efforts and I praise my colleagues for their support. Shortly, the Senate will vote on Continued U.S. assistance to another group of men and women that seek nothing other than a free and democratic future for their country. They, as other "democratic resistances," seek to truly reclaim control of their homeland in the name of pluralism and freedom. The so-called Contras in Nicaragua, like their counterparts in Afghanistan and Angola, seek to keep their countries free of the enslavement characteristic of "communism."

At this point, it should be clear to all that "communism" "Marxist/Leninism" or whatever it may be labeled, is and always has been a bankrupt and false doctrine. It is today an ideology that masks drives for power by elites. The elites take different forms—from the "apparatchiki" of the Soviet Union and Warsaw Pact countries to the "vanguards" or "wars of national liberation." The Sandinistas are the new "elite" of Nicaragua. The new "elites," as they are called, are the Daniel Ortegas and the commandantes. They seek to achieve total domination over Nicaraguan society using the "Cuban model" of totalitarian control.

As in Afghanistan and Angola, the only force preventing such from happening in Nicaragua is a band of patriots fighting in opposition to Communist expansion.

I find it disturbing, Madam President, that we cannot seem to make a parallel. Maybe some of us who are trying to get this program through, such as the President and others, have somehow not made the case.

I must say that I think that ABC, CBS, and NBC did not do the country a favor by their refusal to put the President on the news the other night and let him say his case to the American people. I found them wanting to play God instead of letting the American people make the decision for themselves to be able to call their Congressman and speak to them.

After all, the vote that was lost yesterday in the House, it would have only taken five Members to change their votes and it would have gone the other way.

In this fight, we need all of the support we can get. The Contras are not going to be able to win against a strong, well armed Nicaraguan Sandinista Communist army without having some sophisticated weapons.

In order for this struggle for freedom to continue we should be giving the people who are supporting freedom an opportunity to fight for that freedom.

We in the United States cannot be so shortsighted, so smug in our own liberty to believe that we have nothing at stake in this battle in Nicaragua.

We must face the reality and recognize that we are not an island unto ourselves and that we cannot be a free country while all the world around us is enslaved by the totalitarian rulers. I hope that we will eventually work this out and support these people.

I was told today on the floor by the distinguished Senator from New Mexico, Senator DOMENICI, that Daniel Ortega is already on the airways in Nicaragua calling for the Contras to surrender, that the United States has abandoned them, the United States can no longer be trusted, and they should surrender.

I respect my colleagues, and I know there are a lot of people who say we want to give peace a chance but the Daniel Ortega's and Thomas Borge's definition of peace is a state of silence where they may work their will free of internal or external interference so they will not be conflicted by anyone trying to interfere with them running the show the way they want to do it with the denial of the basic freedoms for the people of Nicaragua.

In this fight, raw courage, fierce determination and gallant patriotism go only so far against sophisticated massed weaponry which the Soviets use and are supplying their clients in volume. In order for the struggle for freedom to continue, these groups must receive the backing and support of free people around the world. We in the United States cannot be so shortsighted, so smug in our liberty, to believe we have nothing at stake in these battles. We must face reality and recognize that we are not "an island unto ourselves" and that we cannot be a free country while all the world around us is enslaved by totalitarian rulers. We must continue our support of peoples seeking their freedom.

Concerning Central America, people are caught up in the refrain of "let the peace process work." Here in the United States, the opponents of continued support for the Nicaraguan Democratic Resistance cry, "give 'peace' a chance."

Madam President, we all want peace. Peace is a precious commodity too scarce in today's world. We all strive for peace, but in doing so we must remember that words are often used in a context which is the exact opposite of their ordinary and customary meaning. To us in the free world, peace is a state of harmony and tranquility where we may enjoy our freedoms and be free of oppression. To the Ortega's and the Borge's, peace is a state of silence where they may work their will free of internal or external interference. Obviously, such definitions are in direct conflict and cannot be reconciled.

Nonetheless, we are assured by administration opponents that the Sandinistas, as signers of the Guatemalan accords, are bound by their signature and are serious in the pursuit of a democratic and open society. It is stated that if we will only give the peace plan a chance, the Sandinista's will follow their liberal tendencies and power sharing will be a natural outgrowth of reduced tensions in Nicaragua. It is stated that further aid only results in continued killing, maiming, and bloodshed, and for that reason alone we should abandon the Contras.

Madam President, it is true that armed conflict is a terrible, devastating thing, but how much more terrible is the day-to-day horror of living under a totalitarian dictatorship. Patrick Henry asked if "peace" was to be purchased at the "price of chains and slavery?" Hundreds of thousands of people in Asia, Afghanistan, Angola, and Nicaragua are responding to that question on a daily basis by their willingness to risk their all in a fight for freedom against seemingly overwhelming odds. If people are willing to endure the horror of war in a quest for freedom, can we abandon them in their fight?

In past statements, I have set forth what I believe to be the motivations which have brought the Sandinistas to the negotiating table. There can be no doubt that they have created a facade of liberalization in an effort to relieve the mounting pressure against their rule. The actions on their part to give the impression of compliance with the Escipulas II agreement are merely designed to gain advantage. As self-avowed Marxists, they act not in good faith, but act to further the revolution. As the Soviet Zinoviev said in 1919:

> We are willing to sign an unfavorable peace. It would only mean we should put no trust whatever in the piece of paper we should sign. We should use the breathing space so obtained in order to gather our strength.

Such an approach has become standard operating procedure for the Sandinistas. Humberto Ortega, Sandinista defense chief and brother of Daniel Ortega, gives us an insight into the FSLN and their struggle for power prior to the overthrow of Somoza:

> One cannot say that we have any formal alliance with the anti-Somoza bourgeoisie. We are taking advantage of a situation where certain sectors of the bourgeoisie, unable to present their own alternatives, have drawn closer to us. The Frente must use all situations which contribute to the takeover of power.

On another occasion Humberto cautioned his comrades:

> It is right that we demand in our ranks more (regarding) standards and party life, more class consciousness and more Marxist ideological clarity, but let us not do this on an open and mass level, since we run the danger of becoming sectarian and isolating ourselves from the masses.

And so it goes up to today. The Sandinistas operate, as a matter of policy, using secrecy, deceit, and subterfuge.

But today, they find themselves under seige. The euphoria of Somoza's overthrow has long since faded. The veneer of pluralism initially adopted by the Sandinistas has long since worn away. They have failed to deliver. And though they desperately seek to blame their faults and shortcomings on the United States and the Contras, Nicaraguans today are not buying that. The economic problems which the country faces are to a large extent the result of the Sandinistas own ineptness and that of their Cuban, Bulgarian, and East German mentors. They face economic collapse and a defection of the populace to the Democratic Resistance. The Sandinistas continue in power only because of Borge's secret police, block committees, and the Sandinistas army. They survive only because of staggering amounts of Soviet military and economic aid.

It is little wonder that Daniel Ortega and the commandantes of the ruling junta desperately seek an end to U.S. assistance of the Contras. That is why they are at the negotiating table, that is why La Prensa and Radio Catholica are operating today, that is why a token number of political prisoners have been released from Tomas Borge's prisons. It is all a hype to give Sandinista supporters in this Congress the cover they need to pull the rug out from under those seeking to stop the Marxists in Nicaragua. Let there be no mistake about that. There are those in the United States that directly counsel the Sandinistas on how to defeat U.S. policy.

Daniel Ortega and the commandantes have no intention of jeapardizing their rule in Nicaragua. As Ortega himself admitted in December:

> In the hypothetical case that (the) Sandinista Front lost an election, the Sandinista Front would hand over government, not power.

Even as Mikhail Gorbachev and Daniel Ortega were publicly talking about the need for peace, they were secretly laying plans for an unprecedented buildup of the Sandinista military well into the next decade. Nicaragua will not be a country with a army, it will be an army with a country.

The battle to determine the future of Nicaragua—whether it will be free or another Soviet client state is not just being fought in Nicaragua. As in Vietnam, the outcome will probably be determined here in Congress. The determinant is not necessarily the courage of the freedom fighters, but the political courage we have to support those that fight. This is not lost on Communists. They realize that as Clauswitz said, "War is an extension of politics by other means." Daniel Ortega recognizes this. In talking about Che Guevara, Ortega stated of Che's struggle in Bolivia:

> From the tactical, military standpoint, it was a failure, and he died. But from the political and moral standpoints which are the factors that are determinant in revolutionary struggles, Che never died.

The Sandinistas are attempting to have the Congress do what it cannot do in Nicaragua—destroy the Contras.

If Ortega is correct and the Sandinistas have a stronger political and moral will than the U.S. Congress, then we will abandon 20,000 men and women fighting inside Nicaragua today. We will abandon Nicaragua to a consolidation of power by a Marxist, Soviet dominated clique. We will abandon the region to subversion and intimidation by a dominating military presence. Perhaps in the future we will have further peace plans in Costa Rica, El Salvador, Honduras, Guatemala, and the biggest prize of all, Mexico.

I would submit that if we do not aid those in Nicaragua willing to fight for national freedom and independence today, we will be forced by events to commit United States forces to protect our interests on the Rio Grande.

Madam President, I hope we do not make the serious mistake of thinking peace is at hand and abandoning our friends in Nicaragua.

When you go to Nicaragua you find the people there are friendly to Americans. They want Americans to be there. They cannot understand why Americans are so hesitant to get involved in this situation.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. SYMMS. Madam President, I ask unanimous consent to have printed in the RECORD the article that was in the Washington Times, February 3, "Pinning Failure on the Donkey" by Pat Buchanan, and the article by our distinguished colleague in the House, the distinguished Congressman from Illinois, Congressman CRANE, "Tactics Designed to Defeat."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PINNING FAILURE ON THE DONKEY

No matter how the vote goes in Congress on Contra aid, rely upon it: The Democratic majority will vote to abandon Nicaragua to communism. Led by Reps. Jim Wright of Texas, Thomas Foley of Washington, and Tony Coelho of California, four-fifths of the House Democrats, cheered on by the seven dwarfs, will vote to disarm the anti-communist rebel army, just as a predecessor Congress voted to abandon the Vietnamese.

This time, too, we will be drenched in self-congratulatory rhetoric about how the party is truly America's conscience, willing "to take risks for peace." But the message sent to the Nicaraguans will be that these Democrats, in the name of "peace," will happily sacrifice any and all of their freedoms. The "champions of the little man" really don't give a damn about the people fighting in Nicaragua for the very freedoms the Democratic Party was celebrating last year. What a sea change in a quarter century.

In 1947, Harry Truman came to the defense of Greece and Turkey, then challenged by insurgencies supported from Moscow. Truman acted, because he saw communism's advance into the Aegean as a threat to the West, and because he believed Greeks fighting for freedom merited American support. Henry Wallace ("I would say that the communists are the closest things to the early Christian martyrs") broke with Truman and left the Cabinet.

Containment, halting the advance of the communist empire, became America's foreign policy. While Democrats had committed the folly of trusting Stalin, it was also Democrats who first stood up to Stalin and said: thus far and no farther. Truman sent U.S. forces into Korea; and John F. Kennedy and Lyndon B. Johnson committed American power to Indochina.

During Vietnam, however, something snapped. Disillusioned with the war into which they had led us, Democrats broke with President Johnson, calling Vietnam "the wrong war in the wrong place." Others went further, declaring, with their candidate in 1972, that Vietnam was "dirty and immoral." Others, not just Jane Fonda, began supporting the enemy. Students chanted, "Ho, Ho, Ho Chi Minh; the NLF is going to win," and Viet Cong flags hung out of the windows of federal poverty agencies.

When Vietnam collapsed, Sam Brown, President Jimmy Carter's choice to head the Peace Corps, showed up in New York to embrace Hanoi's U.N. delegation; and Robert Elegent wrote a seminal piece charging many American reporters with having favored the other side.

In its approach to Congress, the administration has failed to recognize that the Harry Truman wing of the Democratic Party has been thoroughly routed by the Henry Wallace wing. And, in its aid request, the administration is making the Vietnam mistake all over again. Instead of asking for what is required, $500 million for the Contras for two years, and demanding Congress vote the money or take responsibility for the Soviet conquest of Central America, the administration scaled back its request to a piddling $36 million, with a paltry tenth of that for weapons. The White House is asking for what it might get, not what it needs.

Even at this late date, the clarity necessary to rally the American people remains absent.

President Reagan should have declared that the end of U.S. policy was not "peace" in Central America, but the "liberation" of Central America, the ovethrow of the communist government in Nicaragua and the removal of all Soviet-bloc personnel. He should have demanded Congress provide as much military aid, as long as required, to keep the Contras fighting, until Daniel Ortega's Sandinista regime collapses.

"Democratization" should not be the goal of American policy; rather it should be reestablishment of the Monroe Doctrine, which says the alien Soviet ideology of Marxism-Leninism has no place in our hemisphere. (Indeed, if the Nicaraguans want a king, rather than a Congress, that's their business; and neither the Afghan resistance nor UNITA is likely to set up some parliamentary democracy.)

Partially because of the energetic pursuit of the Reagan Doctrine, by the president and a few of his men, communist regimes are embattled on three continents: in Afghanistan, Mozambique, Angola and Nicaragua. Even in Cambodia. If one or two of these fascist regimes could be dumped over and buried by local patriots, shock waves would reverberate throughout the Soviet empire; and Mr. Reagan would go down as an historic, pivotal president. In this cause, however, the "San Francisco Democrats" are not a partner with whom we can compromise; they are an impediment that needs to be confronted, defeated and removed.

Tactics Designed To Defeat

By all accounts, the upcoming Contra aid vote will go down to the wire. Conservative Republicans and liberal Democrats have made up their minds on this issue and will vote accordingly. A relatively small group of conservative Democrats and moderate Republicans will decide whether the president's request will be approved or rejected and, given the high stakes of this vote, they could well determine the future of Central America.

As these legislators finalize their positions, they must decide for themselves whether the Sandinistas' self-proclaimed Marxist-Leninists can be trusted to abide by the Arias plan.

To this end, they should recall Lenin's advice to his fellow communists. On many occasions, he counseled them to reject the idea of a universal code of ethical norms and to use deception as a legitimate and, indeed, a necessary ingredient to further their objectives. Throughout history, Marxist-Leninists of all stripes have employed Lenin's cynical tactics, as they broke numerous peace agreements and promises of political freedom to serve their own political objectives.

In 1945, as part of the Yalta Agreement, Stalin convinced the Allies that the Soviet Union would allow Eastern Europe to hold free elections, that the Soviet Union would not interfere in the internal affairs of these countries, and that the Soviet Union would accept the results of these elections. But, as we all now know, Stalin had no intention of keeping his word and these countries fell into communist hands.

In 1973, we signed an agreement with North Vietnam to end the war. The communists agreed to hold free elections, protect the human and political rights of their opponents, and above all, refrain from additional military action against the South. Two years later, a mechanized, modern army rolled into Saigon and defeated our former allies.

Again, in 1973, we supported a historic peace agreement in Laos, which created a coalition government between the communist Pathet Lao party, the Royalists and the Neutralists. At the time, the State Department called this a "historic agreement," a model of diplomacy, even as the communists started purging their opponents. Today, Laos is a brutal communist state.

In 1979, when the Sandinistas needed the support of the Organization of American States to legitimize their regime, they promised to allow political pluralism, maintain a truly mixed economy, respect human rights and conduct a nonaligned foreign policy.

As the Sandinistas broke these promises, purged their opponents and started building a Marxist-Leninist state dependent on Soviet and Cuban military assistance, President Carter stopped giving them aid. In the years that followed, the Sandinistas consolidated their control over the country with a Marxist government.

Today the Sandinistas appear to be complying with some aspects of the Arias Plan. In the last few weeks, just before the Contra vote, the Ortega government reopened Radio Catolica, lifted its state of emergency, offered a limited amnesty to the Contras and allowed opposition parties to demonstrate in public.

Given the unwillingness of the Sandinistas to keep their earlier promises, what assurances do we have that they will not simply abolish these new freedoms once the Contras have ceased to be an effective fighting force, as American aid runs out?

Given the allegiance of the Sandinistas to Marxism and Leninist thought, why should we believe that the Sandinistas will act in any way different from their compatriots in the Soviet Union and Vietnam?

These members of Congress who will determine the fate of Contra aid must recognize that the Sandinistas are employing traditional communist tactics of deception to defeat their enemies.

Only by our keeping the Contras in the field and fighting will the communists have any incentive to share power with the democratic resistance.

As history records, no communist government has ever exchanged its dictatorship for a democratic system. Why should we believe that the Sandinistas will keep their promises and set such a precedent?

Congress must pass the President's Contra aid request.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Madam President. I yield 15 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, in the past, I have been a consistent supporter of Contra aid. At the same time, I have unequivocally called for a negotiated settlement as a permanent end to all hostilities in Central America. These two positions have gone hand-in-hand. I believe that the pressure of the Contras was one of the primary reasons that President Ortega signed the Guatemala accord, pledging to a systematic democratization of Nicaragua. The peace process, initiated by the accord, is an important opportunity for a lasting peace in Central America. Assistance to the Contras has played an important role in bringing about this diplomatic and political process.

We must not forget that Daniel Ortega is a Communist and that the Sandinistas are a small group of Marxist-Leninist who have monopolized the political decisionmaking process in Nicaragua. This Government has alienated its democratic counterparts in the revolution, and if the Sandinistas are able to consolidate power they will be a threat to every other country in the region.

Equally important, we must remember that the fundamental goal of our policy is peace and democracy in Central America. I have strongly supported the Guatemala accord because it establishes the framework for long lasting peace. The peace process provides an important opportunity which must be taken very seriously. If this process fails, there is no end in sight to the hostilities in Central America.

By signing the Guatemala accord, Nicaragua bound itself to a process of democratization which includes lifting the state of emergency; allowing complete freedom for television, radio, and the press; permitting complete political pluralism; negotiating with the Contras for a cease fire; implementing an amnesty program; and finally, holding free and fair democratic elections.

This is the basic program of change I have been calling for as long as this issue has been before Congress. It is based on President Arias' firm conviction that, "without democracy there can be no peace in Central America." Full compliance would significantly democratize Nicaragua and provide the foundation for a lasting peace.

Since the peace plan was signed, Congress has provided sufficient aid to keep the Contras alive in the field. I have supported this policy. In order to promote the peace process in Central America, we must carefully employ a policy of carrots and sticks. For the Sandinistas, the carrot is the end of the Contra war, the stick is renewed Contra assistance. At the same time, this policy must be carefully coordinated with Central American diplomacy called for by the Arias plan.

I believe this approach is working. After signing the peace accord, the Sandinistas acted slowly to comply with its provisions. On January 15, Nicaragua was sharply criticized for lack of progress at the summit of Central American Presidents. They were also told by Members of Congress that the only way to stop Contra aid was to comply with the peace plan. Under the pressure of the Central American leaders, and prospects for new aid, Ortega announced a series of concessions: lifting the state of emergency, abolishing the people's tribunals, offering to engage in direct talks with the Contras, offering to release 3,300 political prisoners if a cease-fire is reached, permitting the resumption of a number of radio news broadcasts, and agreeing to hold municipal and regional elections. While I believe that some of these steps are tentative and not as far reaching as called for by the peace plan, they are the most dramatic steps taken so far, and demonstrate that the process is working.

Therefore, the fundamental question to ask about this package is: "Will it help further the goals of the Central American peace process?" I have been riding the train with the administration to help the people of Nicaragua, but I never agreed to get on a nonstop diesel deluxe. That is exactly what this package is—a nonstop diesel deluxe. While the Contras can be an effective stick to pressure the Sandinistas, this Contra aid package is a club which could smash the entire peace process.

First, the request is a substantial escalation of Contra funding. The $36.25 million of lethal and nonlethal aid, alone, works out to an annualized rate of $108 million. This is a rate 8 percent higher than Congress has ever approved.

This amount is completely out of line with levels of aid Congress has approved during the peace process. The $32 million in nonlethal aid is double the rate of aid provided in the long-term continuing resolution—listen to that: double the rate that we provided them last time when we voted for the long-term continuing resolution—and triple—triple the rate of the two short-term continuing resolutions.

Further, the $36 million is just one portion of the package. It also includes $20 million for airplane indemnification, and about $7 million in passive air defense support and surveillance. This brings the total package to over $60 million. A package this large is not only inappropriate, it could well be counterproductive. Ortega would be given an excuse to take back his concessions and back away from the peace process. He could argue that he has acted in good faith to comply with the provisions of the peace plan, but the United States has failed to comply by ceasing aid to the Contras. He might then claim that it was the fault of the United States that the peace process has broken down.

The second flaw of the plan is that it lumps together nonlethal assistance, with $3.6 million in military aid, including antiaircraft rockets, small arms, and ammunition. However, the Contras have sufficient amounts of arms and ammunition. This portion of the package is unnecessary from a military standpoint, and politically threatens to derail the peace process.

I believe this will not be the last vote on Contra aid, and I am not backing away from the Contras. I continue to believe that through a carefully implemented policy of carrots and sticks the Contras can pressure the Sandinistas to act in good faith. The goal of Contra aid is to promote the peace process. Currently the Arias plan is working, slowly and tentatively, but it is working. I believe that because of the size and nature of this proposal, it could disrupt the peace process and be counterproductive to the goals of peace and democracy in Central America.

I yield back any time that may remain.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Madam President, on behalf of Senator McCAIN who is not here, standing in his stead, I yield myself 10 minutes.

The PRESIDING OFFICER. Senator McCAIN?

Mr. McCAIN. Madam President, I yield 10 minutes to my distinguished and assertive colleague from Texas, Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank my distinguished colleague.

I would like to begin by talking about giving peace a chance. I guess if there is a catch phrase of this debate it is "give peace a chance." And I would like to begin by talking about the chance we have already given peace.

Our colleagues act as if it was only yesterday that anybody talked about negotiated settlement in Nicaragua. Why, I remember July 19, 1979, almost 9 years ago, when the Sandinistas came to power, Commandante Ortega came up to the White House, met with President Carter, talked about a negotiated settlement, and peace and democracy. We opened up the purse strings of the working men and women of America and we gave him $118 million of the taxpayers' money. We set up a worldwide aid package of $1.6 billion.

Commandante Ortega and the Sandinistas met with the Organization of American States with the United States and they made some commitments—and this is 9 years ago—and I would like to remind my colleagues of those commitments.

They committed to free elections. They committed to a broad-based democratic government. They committed to full respect for human rights. They committed to fundamental liberties: to freedom of religion, to union rights, to a mixed economy, to an independent foreign policy of nonalignment and a minimum of a permanent military corps.

Now, my colleagues, that was 9 years ago—9 years ago the Sandinistas committed to this. And, as a token of our approval, we gave them $118 million of the hard-earned taxpayers' money. We lined up $1.6 billion of aid. And 9 years later, is there anyone in this body who will stand up and say that there have been free elections in Nicaragua? Is there anybody here who believes that in Nicaragua today we have a broad-based democratic government? Is there anybody here who believes that we have full respect for human rights? The plain truth is that for 9 years we have had promises and we have never, ever had any action.

Now, Commandante Ortega has had a lot of excuses for why he has never done these things, but in 10 minutes I am not going to waste my time giving his excuses.

He signed another agreement in August, and in that agreement he basically committed to this same old list of promises. And yet, when the time limit expired, had he fulfilled any of them? No. Then there was an extension.

Then, on the eve of the meeting, as the four democratic Presidents in the region were set to denounce Commandante Ortega and reject the peace plan, suddenly he talked about negotiations for a cease-fire; not negotiations for a national reconciliation, but negotiations for a cease-fire. He talked about amnesty if some other country would take the people who were given amnesty. What kind of amnesty is that? You are let out of prison if you leave your own country and you do not come back?

I do not need to remind our colleagues here today that, all the time that promises were being made, we are all aware, both from a high-level defector and from the brother of Commandante Ortega himself, that there clearly were plans underway to build a massive military force long after the

Sandinistas were projected to be in full control of Nicaragua and the Contra rebels or freedom fighters were to be gone.

The truth is we already have a settlement. What each of the opponents of aid are asking for today, we already have. We have had it for 9 years.

What we do not have is a country that is living up to its commitment, and that is the Communist government of Nicaragua, which has shown no evidence of doing that.

I had the great privilege the week before the meeting of the four Presidents and of Commandante Ortega on the so-called peace plan, to be in Central America. During that visit we met with the Presidents of the four democracies, and I think it is fair to say that with the exception of Arias, each of them was convinced that the pressure of Contra aid had been critical in promoting movement by the Sandinistas. We met with Cardinal Obando y Bravo, who made it clear that the Sandinistas had made no effort to comply with the commitments they had made. And when I raised this with the Sandinistas, do you know what they said? They said: That is his opinion.

And I said, well, that is interesting because you appointed the cardinal as the overseer of your compliance, to which they said: We have not been able to eliminate all opposition. We have differences of opinion.

They were asked why they had not opened up the 20 radio stations that asked for licenses. And just right straight out of the movies, they said: "That is all a misunderstanding." The plain truth is, here we have a Marxist dictatorship that has its foot on the throat of its people, people who cry out for our help, people who are dying today in the jungles of Nicaragua, and we are on the verge, after 9 years of lies by the Sandinistas, of cutting off aid and snuffing out the last light of freedom in Nicaragua.

Now, clearly, people have differences of opinion but clearly there is a lot of naivete about our situation. I remember vividly a conversation that we had, and three of the four of us who were there are in this Chamber now, with President Arias. We were talking about cutting off aid, and the advantages and disadvantages, and President Arias said: If we cut off aid, one advantage is that the Sandinistas need an enemy and without the Contras they will not have an enemy. They will not have a war. They need a war.

So, sort of having a different view of things, I pointed out to him: Well, they will not have a war inside Nicaragua, but they can find another war. They can create one. They can have a war outside Nicaragua. They can have a war with you.

To which President Arias responded: They cannot have a war with Costa Rica because we do not have an army.

To which I pointed out, well, it would be a short war.

What we are deciding today is not whether there is going to be war in Central America. We are deciding whether there is going to be war in Nicaragua, as people are fighting for their freedom there, or whether there is going to be war in El Salvador and Honduras and Costa Rica and Guatemala, as a Communist dictatorship consolidates power on the mainland of the Americas.

Some may say: What difference does Central America make? There was a day in this great Congress when you could stand up and talk about freedom, about people yearning for freedom and being willing to die for it, and that carried weight. It does not carry that weight today. The House vote, I think, makes that clear. But what is our stake in Central America? Well, there are 100 million people between the Panama Canal and the border between Texas and Mexico. One out of every five Nicaraguan citizens is now a political refugee in their own country or in somebody else's country. The Communists cannot produce anything. Their people are starving in Nicaragua. But they are excellent at producing political refugees.

If we let this cancer spread in Central America we are looking at 20 million refugees coming across the border. Madam President, if 20 million refugees come across the border into Texas, what Senators here are willing to sign up for a refugee sharing program? What Senators here, that are going to oppose this aid, are willing to take their pro rata share? I suspect few if any.

We have vital interests in Central America. I have no doubt that we will not commit American troops in Central America. But when Mexico is threatened, when that tinderbox of collapsed economy and corrupt government is exposed to the flame of communism and ignites, we will then commit American troops.

I have two sons, one 12 and one 14, and I support this aid because I do not want my sons dying in Mexico, fighting a war that we could stop from being fought today. The House has made a grave mistake. I wanted to cast a vote today because I want people to know where I stand on this issue. But I wanted to cast a vote because I do not accept the finality of the vote in the House. I believe this issue is going to come back again and again and again until the American people awaken, until they awaken to the fact that our interest is challenged. And the great tragedy is that all over the world people are turning to democracy and freedom; communism is unappealing. We are on the march. The Soviets are losing the cold war. Let us not let a hot war break out in the Americas.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. PELL. Madam President, I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. I need 15. I can start with 5. That is what you gave Senator DIXON.

Mr. PELL. Ten minutes?

Mr. HOLLINGS. Well, we will start with 10.

Madam President, I wish we were debating a true solution to the crisis in Central America. I have watched the evolution of our policy over the years. We have had Operation Pan America, under President Eisenhower; the Alliance for Progress under President Kennedy. Time and again we have attached a nice, catchy title to the hit-and-run policy of the day. Regrettably, we have been big on promises, but short on real progress.

Time and again, we have sent money to Latin American nations. Too often, it goes to the ruling class, to the military dictator or to whomever. Most of it winds up in their personal bank accounts—and Mexico is no exception. It is like delivering lettuce by way of a rabbit. Only crumbs find their way to the hungry poor. Likewise, the ruling class, the military oligarchies refuse to allow the development of a middle class.

Unless and until we can foster the development of a sizeable middle class, then true democracy will be a fleeting dream. Certainly, we will not attain peace by invoking a piece of paper, whether it be the Arias plan or any of the many other plans. Perhaps our greatest opportunity for encouraging a democratic evolution in Latin America lies on the trade front. We have tremendous leverage as the world's richest market. Consider the potential if America were to reallocate import quotas to the advantage of our southern neighbors. For starters, how about reallocating 5 percent of textiles from the People's Republic of China, 10 percent of footware from Korea, 15 percent of hand tools from Taiwan, 30 percent of electronics from Japan. These reallocations would be an enormous economic propellant behind our quest for democracy in Latin America. We would begin to build a vibrant middle class there with a stake in the system. This would be the first pillar of a genuine democratic construction: All our fine talk about free elections would begin to have a realistic economic and social basis.

Unless and until we take such steps, we will continue to be confronted by the tragic spectacle of peasant boys and girls fighting in desperation against repression, or abandoning their homelands entirely.

Five hundred thousand Nicaraguans have already voted with their feet, fleeing into neighboring countries or to America. Another 15,000 or more have been fighting the best they can for some seven years.

Don't forget that we originally gave military and economic assistance to Ortega and the Sandinistas. I opposed him originally here on the Senate floor back in 1979. But I remember my friend, the late Senator from Nebraska, Ed Zorinsky, saying, "Come up to my office on the fourth floor. We have the junta up there."

I had not met a junta recently, so I thought that would be an education. Accordingly, Senator Zorinsky, Senator Stone, and several others joined me in meeting with Commandante Ortega. Ortega said, "We want the same things that you want. We want free elections, freedom of the press, freedom of religion, democracy like you have in America."

Right to the point I said, "I do not believe you, but I want you to prove me wrong. I am going down on the floor and I am going to help Senator Stone and the others get you aid money." And so we did, to the generous tune of $117 million.

How ironic that, several months ago, we heard a remarkable outcry here that $100 million was to much to give the Contras. One hundred million? Nine years ago, we gave $117 million to the Sandinistas. The Soviets have now given the Sandinistas $4.7 billion. The Sandinistas have run up a foreign debt of another $9 billion. So they have had plenty of money to consolidate their iron grip and build the largest army in Central American history. They have had plenty of money to build their political prisons. At the same time, they have done away with free newspapers and independent radio, and every other freedom. Yet now they dare play on the inexhaustible gullibility of Americans by enticing us with empty gestures of so-called democratization.

Indeed, they have received expert advice on how to manipulate the Congress. We have witnessed the disgraceful cynicism of a gentleman speaking on the House floor who had recently gone to Central America to advise Ortega on what to do. We have U.S. congressmen coaching the team down there, saying, "If you give a little bit of this and a little bit of that we can make a case on the floor and keep the Contras from getting aid."

Who is kidding whom? There is no education in the second kick of a mule. We trusted Ortega once and were betrayed.

As our old acquaintance, the former Attorney General John Mitchell used to say, "Watch what we do, not what we say." Likewise, let us not be overly impressed by the devalued coin of the Nobel Peace Prize. Patrick Henry said, "Peace, peace, everywhere men cry peace, but there is no peace." Richard Nixon said we would have "peace with honor." Le Duc Tho went to Stockholm to pick up his Nobel Peace Prize. In the years that followed, literally millions perished in Vietnam and Cambodia. Today, those millions rest in peace. Many more millions suffer in the terrible silence of communist totalitarianism.

Opponents of further aid to the Contras strike a pose of magnanimity. They say they favor humanitarian aid. But they do the Contras no favor.

Thank God the French did not limit themselves to humanitarian aid during the American Revolution. Thank God that Lafayette was not a pacifist. Our own country was not founded by humanitarians. It was founded by revolutionists. We waged a long and bloody war for our freedom.

That is the trouble with my fellow Democrats. I am embarrassed by them. They are not committed. They are not committed to fight for anything. They are only willing to posture and talk. They are in thrall to the opinion polls.

Winston Churchill said years ago that nothing is more dangerous for democracy than for politicans to live in the constant temperamental atmosphere of the Gallup Poll.

It is no secret why Contra aid failed in the House yesterday. All along, it has been a personal power struggle between President Reagan and first Speaker O'Neill and now Speaker Wright. The merits of the Contra cause have been lost in the scuffle.

It was a matter of honor with Speaker O'Neill. Our friend Tip got Eddie Boland to put forward his amendment. We would meet in the conference committees and appropriations and there was no chance of getting any kind of bill passed unless you went along with the Boland amendment. You knew the Speaker would kill the measure unless it included Boland. Meanwhile, the White House was saying, "Do not mind, we will sign it. We are not listening anyway. We will get aid for the Contras through other sources."

Everyone knew about the back-channel funding of the Contras. Excuse me, everyone knew except the President. And the President, he says he did not know anything. Nonsense. The whole administration knew it. We had 6 or 8 months of hearings on that caper.

Speaker Jim Wright, who got elected by vowing to kill Contra aid, is now carrying through on commitments to his liberal friends, calling, "Peace, give peace a chance." I say, let us give hope a chance. But there is no hope in Nicaragua without aid to the Contras. Surely Jim Wright knows that.

Likewise, my distinguished colleague from Connecticut knows it, or ought to. Peace plans? The Marxists only understand the language of force.

Let me quote Christopher Dodd in the Washington Post, because he is the best defender of this peace plan nonsense I know of:

> Contra aid didn't reopen the antigovernment newspaper La Prensa; the Arias plan did.

Who could believe that? The Contras have forced the Sandinista concessions, such as they are. In fact, the Sandinistas are not giving up anything. Look at the timetable. There was a November deadline which they extended to January, and now a majority of the Latin American Presidents, a majority, have done nothing.

> Contra aid didn't create a forum for political reconciliation, headed by a key Sandinista opponent, Cardinal Miguel Abando y Bravo.

But the real forum is a Contra plan. I can tell you that. You can see how much consideration they gave to Cardinal Bravo.

> Contra aid didn't secure the release of 1,000 political prisoners, with the likelihood of many more; the Arias plan did.

The Arias plan called for 10,000 freed prisoners.

> And Contra aid didn't initiate cease fire negotiations . . . the Arias plan did.

The Contras know differently.

> The President's aid request does not give the plan a chance; it dooms it.

Will $3,600,000 doom peace in Nicaragua? Nonsense. It is the bare minimum necessary to keep up the pressure for peace.

The PRESIDING OFFICER (Mr. Harkin). The time of the Senator has expired.

Mr. HOLLINGS. Will the leader give me time? I am just getting started. We are supposed to have 10 hours of debate.

Mr. BYRD. Mr. President, I wonder if the Senator will allow me to make a request.

Mr. President, I understand from Mr. Pell that he has requests that add up to 2½ hours. Is that correct?

Mr. PELL. That is correct.

Mr. BYRD. The Republican leader has canvassed his side. I would like to see if we can enter into an agreement. If Mr. Pell has 2½ hours, that takes us up to beyond 6:30. More requests are coming in.

Mr. DOLE. If the majority leader will yield, I wonder if we might agree to vote at 7:30 and equally divide the time. I think some of ours can reduce it a little bit, perhaps.

Mr. BYRD. Mr. Pell would have to speak to them. In view of the fact that he has 2½ hours, and I assume he has promised it, if the Republican leader has to take 2½ hours, that puts us up to 9 o'clock.

Mr. President, I do not think the prospects are very good for getting an agreement now. I hope that we will be able to get some reduction in the time. There is a nondebatable motion that could be made. I do not want to make that motion. I hope we do not go until 10 o'clock. I hope we can reduce it to some extent.

I would like to yield the floor now and not make any further requests. I hope that the Senator from South Carolina would be given some more time, but in the meantime perhaps we can continue to shop around and see what happens.

Mr. PELL. After the blandishments of the majority leader, I am delighted to yield another 5 minutes.

Mr. HOLLINGS. I thank the distinguished managers of the bill.

Mr. BYRD. Mr. President, I thank the Senator for yielding.

Mr. HOLLINGS. I thank the distinguished majority leader for his blandishments.

Mr. President, we remember exactly what happened in Vietnam after the so-called peace with honor when we reduced the military force and, finally, withdrew in helicopters from the Embassy rooftop. The result was genocide. The result was a reign of terror and repression throughout Vietnam, Cambodia, and Laos—and it continues to this day. We are well aware of the catastrophic consequences of Marxist victory in Southeast Asia.

I am ashamed that Members of Congress would coach Ortega on the fine points of manipulating American public opinion and the U.S. Congress. I am amused by their chagrin when Ortega goes to Moscow after a key Contra-aid vote. His coaches say, "How could he embarrass us like that?" That is the blind and naive nature of the approach of many. The truth is that Ortega knows what he is doing. He is a savvy leader, he and his brother. They have wrangled $4.7 billion in Soviet aid and built a huge military force. It certainly is not for self-defense, unless you believe the Costa Rican police force is preparing an invasion. They have the artillery, the tanks, the attack helicopters, the whole panoply of offensive warfare. So Ortega is going to Moscow to show that he is not listening to the American concerns. Ortega knows what he is doing. He went to Moscow to finalize his plan for a 600,000-man army. Once again, the Soviet Union is on the march. Enough of the argument that the Soviets are broke and need to cut a deal. We heard that same line on the INF Treaty. We have heard it for 20 years around here. Well, if the Soviet economy is so weak, why do they not do like the People's Republic of China? Deng Xiaoping cut his army from 5 to 4 million. He cut 1 million out of the army. He knows how to develop an economy, and it is his example that is putting so much pressure on Gorbachev. Well, if the Soviet Union is so strapped, why don't they get out of Afghanistan and Ethiopia and Yemen and Angola and Cuba and Nicaragua.

Where is the common sense of Democrats in Congress? Ordinarily, my Democratic friends are leading the way for freedom. It was a great Democrat who said we must pay any price, bear any burden in the cause of freedom. Yet today the Democrats are the "bug-out" party. Put on the pressure and we will bug out. Sure, we will tender a pittance of humanitarian aid. But the Democrats' motto has become, "When in doubt, do nothing, and stay in doubt all the time."

I understand the dilemma of Democrats who voted on the House side. They were voting for their Speaker, and he is an outstanding individual.

Indeed, Jim Wright has had the character to stand up and say we need to raise taxes and pay our bills. He was criticized by many Democrats, who said that this was stupid politics; do you not remember Mondale? Stupid politics or not, we do indeed have to start paying the bills, and the Speaker is to be commended for leading the way.

However, he has gone astray on the Contra issue. In his zeal to carry through on his commitment to the former Speaker and to Eddie Boland, he went astray. And now our entire party has gone astray. The Democratic Party is now hostage to the behavior of a foreign junta. Democrats have cast their lot with the Sandinistas.

What kind of nonsense is this? Talk about hostage taking. Now we are political hostages to the whim of a Central American Marxist dictator. So we try to supplicate him. To show our heart's in the right place, we say we will send him humanitarian aid. And, politically, we stick it in the President's face on a measly $3.6 million Contra aid request. Heavens above, $3.6 million would hardly pay for 100 yards of interstate highway.

I will reserve time, because I hope to join the Senator from Connecticut in a colloquy on his opposition to Contra aid.

I thank the distinguished manager.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Mr. Nickles.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. Mr. President, I compliment my good friend and distinguished colleague, the Senator from South Carolina, Senator Hollings, for his outstanding statement. We do not hear, in my opinion, too many statements actually made from conviction, and we probably hear even fewer statements made from courage. I compliment him for his statement. I think it is a message that we need to hear.

Mr. President, we have heard time and time again—I listened to part of the debate in the House of Representatives, it was an interesting debate. From the House, we heard two different philosophies. We heard time and time again individuals saying I am opposed to assistance to the democratic resistance forces in Nicaragua because I want to give peace a chance. We also heard other people—and I put myself in this category—who said let us do give peace a chance, let us help the peace process, let us put pressure on the Marxist Sandinista government. Do not take the pressure off if we are really going to help the people who are negotiating, who are trying to restore freedom; political freedom, economic freedom, religious freedom, and freedom of the press. If we are going to help people restore freedom in Nicaragua, we need to give them some leverage at the bargaining table.

Certainly, if we withdraw all assistance, we are giving the democratic resistance nothing to negotiate with. The Ortega brothers may have accomplished their goal through the negotiating process, and through the peace process. That goal is to defeat the freedom fighters. The Sandinistas may well have accomplished this goal because the United States fell for their promises. Promises which have been made time and time again by the leadership of the Sandinistas, which have been broken time and time again since they came to power in 1979.

They made many promises this past August. In the so-called peace accords they stated they released political prisoners. They released 985. There are still over 8,000 in prison. They said, "We will have press freedom." Yet, that has not happened. They talked about religious freedom. Yet, religious leaders are still being expelled or locked up; political freedom, yet they still lock up the opposition leadership. They talk about elections, the same promise they made in 1979. Who really believes that will happen? Particularly if there is no force, no pressure to force the Sandinista Marxists to provide that type of freedom?

The United States needs to keep the pressure on. The Sandinistas have a track record. That track record is nothing but broken promises, and I do not think this Congress should trust the Sandinistas or the Ortega brothers. After the August accords were signed, Defense Minister Humberto Ortega, made a statement, and said "yes, we have a goal." We are going to increase the military forces from 80,000 to 600,000. They have a goal and that goal is to continue the military buildup of the Communist regime.

During 1987—one of our colleagues said, "We are putting in too much money, and we are increasing the rate with an 8-percent increase over what we did in our most generous year, 1986." In 1986, we appropriated $100 million, $70 million of which was humanitarian, $30 million of which was military.

Do you know that in 1986 the Soviets put into Nicaragua $600 million of military assistance? We put in $30 million in military assistance. In 1987, the Soviets gave the Sandinistas $505 million in military equipment. We are debating on the floor of the Senate and the Congress whether or not we are going to help hold in escrow $3.6 million like that will be the difference between night and day, when the Soviets continue to put in hundreds of millions of dollars of supplies and military equipment. The Sandinistas have 150 tanks, five airfields, and are building up ports where they can continue to receive munitions, armored vehicles and aircraft. This is an unbelievable military buildup for a country the size of Nicaragua. Yet the U.S. Congress has been very silent.

What is the United States going to do? The President asked us for $36 million. He said they will hold 10 percent of it in escrow as leverage that will not be released if the Sandinistas actually keep some of their promises. In other words, we will have a little pressure to bring to bear. You know that the Sandinistas were feeling the pressure from the freedom fighters because the concessions they have made have not been as a result of the Arias peace plan. They have been the result of trying to influence Congress to stop supporting the democratic resistance in Nicaragua.

Think about that. It is awfully important. The concessions that have been made have all been directed not at complying with the Arias peace plan, but directed at the Congress. The Sandinistas want to influence Congress. I know that they are very happy about last night's vote—very, very happy. They succeeded. They made just enough concessions. They did not even come close to complying with the Arias peace accord, but they did just enough to influence just enough Members of Congress so aid would be shut off.

Mr. President, the aid we have been providing—and I say "we" because I am talking about Congress—has been sporadic, on again, off again; it has not been consistent. I think that is a mistake. The President has been consistent. He has been asking for support. But Congress vacillated back and forth.

I will put in the RECORD, a listing of Congress' on-and-off-again policy as far as support. I ask that the chart showing this policy be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

AMERICA'S ON-AGAIN, OFF-AGAIN NICARAGUA POLICY

[From the Republican Policy Committee]

On November 1981: Covert U.S. assistance to Contras begins.

U.S. AID: ON-OFF

March 1982: First major Contra military actions.

Off and On—December 1982:

Congress passes prohibition of aid to groups trying to overthrow Sandinistas or trying to provoke hostilites between Honduras and Nicaragua. Covert funds not cut off due to President Reagan's claim that Contras are funded for purpose of interdicting arms flow from Nicaragua to El Salvador; reportedly, classified section of bill provided $19 million for Contras.

On—December, 1983:

Congress provides covert aid for Contras in FY 1984, limited to $24 million.

Off—October 1984:

Congress prohibits further U.S. aid to Contras. Contras receive no further official U.S. aid until October 1985.

On—August 1985:

Congress provides $27 million in humanitarian aid to Contras to be obligated by March 1986.

On—October 1986:

Congress passes $100 million in aid to the Contras (of which $30 million limited to humanitarian purposes). Deliveries begin in November 1986. Of the $70 million presumably slated for military purposes, $40 million not available until after February 15, 1987.

Off and On—March 1987:

House of Representatives votes six-month moratorium on further Contras aid. Congress considers whether to again shut off U.S. assistance for good.

(Later approval of humanitarian aid: $3.5 million in September 1987; $3.2 million in November 1987; $8.1 million in December continuing resolution and about $6 million in transportation.)

Mr. NICKLES. Mr. President, support for freedom fighters has been working. Why all the opposition to assisting the resistance in Nicaragua? We are supporting the freedom fighters in Afghanistan, and it is working. They are making real progress. Thank goodness, they are. There are over 130,000 Soviet troops in Afghanistan today, and they are talking about leaving.

We have provided assistance in Angola and Dr. Savimbi and UNITA have had success.

We stood firm against the Soviets as far as the INF. We actually deployed the Pershing II's when a lot of people in this body and the other body said no, let us not, let us have a moratorium, let us have a freeze, let us not deploy. We held firm. We did deploy the Pershing II's, and as a result the Soviets are moving out the SS-20's. Persistent, consistent, firm policy in dealing with the Soviets, dealing with the Sandinistas, and dealing in Afghanistan and Angola has had success.

The vacillation on support for the Nicaragua democratic resistance that was shown by a loss of eight votes in the House was tragic. I do not know what the result will be in the Senate, but I hope we will be successful, that we will be consistent. Unlike our colleagues in the House, the Senate has provided fairly consistent support for the last 7 or 8 years to the Nicaraguan freedom fighters. I hope we have a positive vote today, one that will send a clear signal that we still are interested, not just in peace, but also peace with freedom. Freedom is very, very important. It might be possible to have peace in a totally controlled Communist military society but to have no freedom whatsoever. I pity the poor people who lose their freedom or those of us who have sons and daughters who may at some time have to fight to try to regain or hold back Communist forces from our own land.

Yes, we have a very, very serious problem, one that I hope Congress will have the courage to address. I hope we will address it positively by passing this resolution tonight.

Mr. President, I ask unanimous consent to insert in the RECORD a table on the Nicaraguan military buildup for the period August 1979 through January 1, 1988.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NICARAGUA—THE MILITARY BUILDUP, AUGUST 1979 to JANUARY 1, 1988 (U)

Yearly military supply activity			Status of forces							
During	Number arms shipments per thousands metric tons	Million U.S. dollars	As of	Total force [1]	Tanks	Other armored vehicles [2]	Fixed-wing aircraft/ helicopters [2]	Airfields	ADA Guns/ Msl Lchrs	Radars
			July 19, 1979	6,000	3	31	30/8	4	2/0	0
1979	-/-		Jan. 1, 1980	16,000	3	31	38/8	4	2/0	0
1980	-/1.6	10	Jan. 1, 1981	24,000	3	25	40/8	4	39/6	0
1981	2/9.4	160	Jan. 1, 1982	39,000	30	45	40/10	4	100/6	0
1982	6/11.2	140	Jan. 1, 1983	41,000	50	45	40/15	4	150/30	0
1983	25/13.9	250	Jan. 1, 1984	46,000	50	90	44/15	4	150/30	(4)
1984	37/20	370	Jan. 1, 1985	67,000	150	200	45/20	5	200/300	(4)

NICARAGUA—THE MILITARY BUILDUP, AUGUST 1979 to JANUARY 1, 1988 (U)—Continued

Yearly military supply activity			Status of forces								
During	Number arms shipments per thousands metric tons	Million U.S. dollars	As of	Total force [1]	Tanks	Other armored vehicles [2]	Fixed-wing aircraft/ helicopters [2]	Airfields	ADA Guns/ Msl Lchrs	Radars
1985	35/20.8	280	Jan. 1, 1986	74,850	150	199	45/25	5	200/300	(4)
1986	50/22	600	Jan. 1, 1987	74,850	150	220	44/57	5	300/300	(5)
1987	62/21.7	505	Jan. 1, 1988	80,000	150	250	35/52	[3] 5	400+/400+	(5)

[1] Active duty and mobilized militia/reserves. Figures since Jan. 1, 1985 have been revised upward to reflect newly declassified figures.

[2] Losses (combat and otherwise) may result in no net gain or a lower figure than prior year estimates.

[3] Construction at Punta Huete continues with approximately 3,000 meters of the runway paved.

[4] Some.

[5] 4 sites.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

I ask unanimous consent to revise and extend my remarks.

Mr. President, I had the honor of recently going to Central America as an official observer to the peace process. I return now more convinced than ever that we must oppose the President's package. I do that because I truly believe that the only thing that has worked in Central America is the peace process and I say that as someone who has very deep suspicions about a Marxist-Leninist government. With a name like MIKULSKI no one could be more suspicious of communism than myself. However, I do believe that after all of these years, it is the peace process initiated by President Arias that has moved the Sandinistas to do what they are doing, for whatever reason, whether they are sincere or cosmetic.

The pressure on President Ortega to comply with the agreement came from the other Central American Presidents. They want to pursue cease-fire negotiations in their own countries. They want peace and stability. They want to pursue economic development. They cannot pursue these goals in such a small region while war is raging throughout it.

Since the signing of the peace agreement, the Sandinistas have taken steps to comply with it. They appointed one of their most active critics, Cardinal Obando, to be the negotiator with the Contras. They granted a limited amnesty. They allowed La Prensa to print again. In the past 2 weeks, they lifted the state of emergency. They initiated direct meetings with the Contras to negotiate a cease-fire. Whether these actions remain genuine or not is still unclear. Whether they are taking these actions only for cosmetic reasons, I'm not sure. I am sure, however, that we should not give the Contras military aid at this time. I have a number of reasons that explain my position.

The peace agreement, authored by Costa Rican President and Nobel Peace Prize recipient Oscar Arias, will be undermined by further military aid to the Contras. The peace agreement specifically prohibits any government to provide military aid to "insurgents" or guerrilla groups in the region. The peace plan's international verification commission, consisting of representatives from the United Nations, the Organization of American States, and foreign ministers of 14 Central and Latin American nations, stated in its last report that a cutoff of aid to all rebel groups is an "indispensible element" to the success of the plan. President Arias has stated that Nicaragua will clamp down on civil and political rights and freedom of the press if more Contra aid is approved.

Six years of war have not brought the Sandinistas to the negotiating table. Six months of a peace agreement, pressure from the other Central American presidents, and a woeful economy have led to significant Sandinista concessions.

The administration's decision to fund the Contras will torpedo the cease-fire negotiations. More Contra aid gives the Sandinistas an excuse to get out of the peace agreement. It gives the Sandinistas the excuse to blame the United States. More importantly, it strips away any incentive for the Contras to negotiate a cease-fire in good faith. If the Contras get more military aid now, and they know they will get more in July when the administration puts forth another request, what is the impetus of the Contras to stop the war? And when will the war ever end?

The Contras will not die on the vine if they don't receive more aid now. The aid approved in the fiscal year 1988 continuing resolution is providing the Contras more aid per month than at any time since the conflict began. In the past 3 months, twice as many military and logistical supplies were provided to rebels inside Nicaragua than in the preceding 3 months. According to the State Department, the Contras have enough military equipment to carry them "well into" this year.

Let's take a a look at the administration's request. It is going to provide more than humanitarian aid. We are not just talking about boots, cans of Spam, and Tylenol to the Contras. We are talking about helicopters, radios, and the leasing of airplanes. By any definition, that is military assistance. Military assistance is not only bullets and handgrenades. It is infrastructure that we pass on today. This is a slyly conceived military aid package masked as a humanitarian gesture. Make no mistake, there is a big difference between humanitarian aid and nonlethal aid.

Let's not be deceived about what this package really is. It will do much more than keep the Contras alive. It will keep the war going through the better part of this year.

The Contras do not advance our national security interests in the region. Nicaragua by itself does not pose a threat to our security. Soviet missiles and submarine bases could be a very real threat. But what good would the Contras be in such a situation? Certainly U.S. action would be necessary. The best way to reduce this threat is to deal directly with General Secretary Gorbachev at the bargaining table, not through the Contras.

The Contras do not now and will not prevent the Sandinistas from expanding their revolution throughout the region. Military experts agree that Nicaragua is not capable of such action. Even if they did pursue this course, the United States would have other options.

The Contras do not advance our foreign policy concerns in the region. We want peace, democracy, and economic development in Central America. The peace agreement is our best hope. It has brought the Sandinistas to the cease-fire bargaining table. Pressure from the other Central and Latin American leaders is our best hope for democracy. This pressure has brought a limited amnesty, more freedom of the press, and the end of the state of siege in Nicaragua. If we provide more support for democratic institutions throughout the region, we can surround the Sandinistas with successful and prosperous democracy. This is our best defense against the expansion of the Sandinista ideology.

And finally, economic development can come from the United States and the rest of the world. The Caribbean

Basin Initiative is not working now because unrest pervades Central America. But it could work as an effective CarribBean and Central American common market. We could start a Tennessee Valley-style initiative for the region by tapping the hydroelectric power in Honduras and Guatemala. We could start a rural electrification program with high-tech assistance that provides more services for the people of the region than the banana and coffee bean markets ever did. But these programs cannot start—and economic development cannot happen—until the war ends.

The Sandinistas know they can face up to the bullet. They know the Contras are not a legitimate fighting force that threatens Sandinista control. The Contras have not conquered any significant amount of Nicaraguan territory, nor have they gained any legitimate political support within Nicaragua. The biggest threat to Sandinista control is not the bullet, it is the ballot.

President Reagan wants to hold the Contras as a bargaining chip, but there are other ways of doing that without furnishing the Contras with additional military aid. The peace agreement allows for—and we do have an obligation to provide—food, clothing, and resettlement assistance to the Contras. This can be distributed by the U.N. High Commissioner for refugees or the International Red Cross. But this is an obligation that comes only with a cease-fire agreement and an end to military aid to the Contras.

Ultimately, this debate should not be framed with the question, "do you trust Ronald Reagan or do you trust Daniel Ortega?" It's a question of the administration request for military aid versus the peace process. For 6 years, the administration's policy of war in Central America has not worked. In the past 6 months, the peace process has worked very effectively. This is one Senator that prefers peace rather than war.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, the news that was heard concerning the vote in the other body last night was listened to carefully by the freedom fighters in Nicaragua. It was listened to by them, and by those who fight near Kabula and Angola, and those who struggle for freedom in East Berlin and Poland. Everywhere in the world where people struggle for freedom, a message was sent last night telling them that, once again, the American government—and they cannot differentiate between our Congress and our executive—was abandoning people we have trained, armed, equipped, and encouraged to fight for freedom.

I cannot help but be reminded of a quote by Winston Churchill, who approached Neville Chamberlain after the Prime Minister's return from Munich, where he said the 1938 version of, "Give peace a chance": or, "Now we have peace in our time." He said, "Neville, you had two choices—war and dishonor. You chose dishonor. We shall have war."

Yesterday, the House of Representatives chose dishonor. We will have war. We will have a continuing war in Central America as long as there remains in Central America an expansionist Marxist-Leninist government which, in their own words, is committed to a revolution without borders which, as we speak, continues to train, arm, equip, and operate subversion into their neighboring countries; and the evidence remains very clear of their commitment to destabilize—indeed, to remove—the governments from those countries—governments which, unlike Nicaragua's have been democratically elected.

I think it might be well to review what the administration's proposal was. The administration's proposal was just over $32 million in humanitarian aid and $3.6 million in lethal aid. The lethal component would not be disbursed if the President received from the Houses of Congress confirmation that the Sandinistas were in compliance with the peace plan.

In other words, this proposal of the administration did give Congress a voice in the peace process. It did give Congress a voice as to whether lethal aid should be extended. I think it is absolutely insane that it was rejected.

The debate this evening is not based on whether we should sell Central America to the Communists or whether we are for another Vietnam war. This debate revolves around the perception of the threat that the Sandinistas pose to peace and stability in Central America and to the vital national security interests of the United States.

On the one side, I believe that the opponents of aid to the Contras believe that the Sandinista Government can somehow be made to behave; that, if left alone and prodded, with moral suasion and all the other wonderful words President Arias uses, that they somehow will confine themselves to their own borders and, over time, will allow some modicum of democracy to the people.

The viewpoint held on this side of the debate is that we are faced with a Communist-Marxist expansionist government that cannot truly change its ways, and that it will pose a threat to peace and stability in Central America until the Nicaraguan people are afforded the democratic freedoms promised by the Sandinistas in 1979, promised again on August 7—promises with which they are still not in compliance. That is the difference in this debate, and I would suggest that the track record of the Sandinista Government indicates that without the military pressure of the Contras, they will once again fail to come into compliance.

I keep hearing over and over, "Give peace a chance." I ask what kind of peace we want to give to the people of Nicaragua. Is it the kind that was referred to in 1974, during the debate, when my esteemed friend and colleague, CLAIBORNE PELL, said:

> By reducing American aid, we will be saving precious funds we can ill afford to spare. More important, the United States will be demonstrating its firm conviction that political accommodation must be found in Vietnam. Our aim should not be military victory for the South, but rather a political settlement consonant with the Paris accords of January 1973. Reconciliation and reconstruction, long overdue, require a context of peace. The continuing war in Vietnam, to a significant extent made possible by American arms supplied to the South, must come to an end.

We gave peace a chance in Southeast Asia. Three million were slaughtered in Cambodia; two million have fled Indochina, and hundreds of thousands are still in reeducation camps throughout Vietnam.

I think it is important to understand also a little bit about the elements of warfare. Soldiers cannot fight without bullets. A simple extension of humanitarian aid to people fighting in the field, having to stay on the move constantly, does not allow them to defend themselves. It is very easy, as we sit here in the Nation's Capitol, with the luxuries and the comforts that surround us, to say "we will just give them a little more humanitarian aid, and that will be just fine."

Ask any soldier who has fought in combat in guerrilla warfare, and they will tell you they cannot fight without bullets. To leave these people in the jungles without the means to defend themselves is an outrage. To claim that a little more humanitarian aid will solve the problem is an insult to the intelligence of those of us who know a little bit about a war.

The economic situation in Nicaragua is poor. The economy is in rapid deterioration, not so much because of the Contras, but because of the Marxist policies that exist, not only there but also in Cuba and Eastern Europe and the Soviet Union and every other country dominated by Marxist-Leninist-Communist economic policies. The situation in Nicaragua will not improve economically for the people if we cut off aid for the Contras. In fact, it will probably worsen.

The only way the economic conditions for the people of Nicaragua will improve is if the kind of government that is representative of the people is installed.

Mr. President, I think the situation as it exists in Nicaragua can best be described by the man that I respect more than any other I have met in the five visits that I have traveled to all of the Central American countries, Cardinal Obando y Bravo.

Recently, in a meeting with him, on the 12th day of January, I asked the cardinal, as we always do, how he felt about extending aid to the Contras. The cardinal said:

> As a mediator, I must be prudent. If I say there should be aid, I will anger the Sandinistas; if I say I am against aid, the Resistance will be angry. The Nicaraguan Resistance represents western democracy; the Sandinistas represent the complete opposite. The Nicaraguan Resistance, while they possess the means of continuing fighting, will continue to insist on democracy. The Sandinistas will never change their objective. There is no doubt that it is in the interests of the government to stop aid.

Tragically, this debate is not over. Tragically, this debate will go on and the killing will go on and the dying will go on.

It will continue until the issue is resolved in Nicaragua, either through the complete repression and oppression of the Nicaraguan people, forcing the United States to intervene, or by reversing the unfortunate decision made last night, and aiding those people who are struggling for freedom in the fulfillment of promises that were made to them, rights that should be obtained by all people throughout the world. Then and only then will this unfortunate and divisive debate and wound that exists throughout our Nation be healed.

I yield back the remainder of my time.

Mr. DODD. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. The Senator from Rhode Island controls 46 minutes; the Senator from Texas controls 10 minutes, and the majority leader controls 1 hour and 44 minutes.

Mr. DODD. I yield 15 minutes to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am opposed to the administration's request for $36 million in additional aid to the Nicaraguan resistance. I have come to this decision only after considerable thought and reflection. I have been guided not only by discussions with my constituents and officials of our Government, but also by a close reading of the history of United States involvement in Central America. Moreover, as with previous votes on this issue, my decision is born of a profound concern for the welfare of the people of Nicaragua and the future of American foreign policy in the region.

I wish to assure my colleagues and my constituents that I have deliberated long and hard over the possible consequences of a vote against further Contra aid. For nearly 8 years I have grappled with this issue. I have listened intently to the arguments on all sides of the debate and have tried, time and time again, to respond with both compassion and realisism to the changing political environment in the region.

Mr. President, I have weighed the danger of an expanded Communist presence in our hemisphere against the rirk of the United States being drawn into an ever-widening conflict. And, Mr. President, I have reflected on past efforts to aid the Contras and how these have, regrettably, too often led to the wanton destruction of remote villages and brought untold hardship to thousands of innocent campesions.

Most importantly, though, I have tried to listen to the people of Nicaragua and to the people of Central America and to discern how the majority would like to see the turmoil resolved. I have asked what kind of life do the Nicaraguan people want for themselves and for their children? What kind of democratic reforms would they like to see instituted in their country? What do they believe the role of the United States should be in the region?

From these competing, and often conflicting considerations, I have concluded that our response to Sandinista provocation must be a measured one—proportionate to the real danger posed to United States security interests, and discriminate in the effect our actions have on the region as a whole. We must balance the threat of military force against the danger of a protracted conflict in which American lives ultimately might be placed at peril.

Mr. President, the administration asks the Congress to provide additional funding to the Contra resistance forces so that military pressure can be maintained against the Sandinista regime, while negotiations in the peace process continue. Contra supporters argue that a cutoff of aid will send the wrong signal to Managua—that it will deprive the resistance of effective bargaining leverage, and will reward the Sandinistas without first having secured any concessions at the peace table.

Mr. President, I submit that it has not been the sword of war which has brought the Sandinistas to the conference table; it has been the pen of peace. Since Costa Rican President Arias proposed his peace plan the Sandinista Government has taken several steps, albeit modest ones, to move the peace process forward. Not only has the opposition newpaper La Prensa been reopened and permitted to publish without censorship, but also large numbers of political prisoners have been released. These are small, but significant gestures which defy the logic of the pro-Contra aid advocates.

Mr. President, we have now arrived at a critical juncture in the life of this Congress and the life of the beleaguered nation of Nicaragua. Before us is a peace process initiated by Central Americans, for Central America. It will rise or fall on the strength of our commitment and the honesty and fair dealing of the comandantes in Managua. We all share the responsibility for the future of the region and for the legacy of war or peace which we bequeath to our children.

I need not remind my colleagues of the bitter history which has scarred Nicaragua and the ignominious role the United States has played in that history. If we are to condemn the faults of others, then we must first acknowledge our own part in the turmoil which has engulfed that nation over the course of nearly 150 years.

It is a sad but true fact that the United States Government has supported a succession of unpopular regimes in Nicaragua—regimes which plundered the country and mortgaged its sovereignty as the price of continued friendship. A 1911 treaty, for instance, gave the United States an exclusive right of intervention in Nicaragua in return for the reorganization of the country's finances. One year later President Taft invoked this pact and dispatched 2,700 marines to the country.

For the next 22 years the United States maintained a military presence in Nicaragua, propping up the country's leaders and attending to its administrative affairs. Let us not forget that it was this Government which helped establish the notorious national guard which in time became the personal sword and shield of the Somoza family dictatorship. Under their ruthless sway, and beneath the unprotesting eyes of the United States, the Somozas were able to intimidate local peasants and businessmen and suppress any opposition to their absolute rule. The country's wealth was systematically looted until 1979, the time of the anti-Somoza revolution, when it is estimated that the Somoza family owned nearly one-third of all the land in the country and controlled nearly all major industries.

All of these events weigh heavily on the collective Nicaraguan memory and, to this day, form the basis of the suspicion which dominates the relationship between our two nations.

Mr. President, I do not seek to absolve the Sandinista government of the wrongs they have committed or to lessen the terror wrought by Communist totalitarian government. Surely the acts of violence and intimidation in which members of the Nicaraguan secret police have participated are as reprehensive as any found behind the Iron Curtain. Surely, any act of subversion perpetrated by Nicaragua against its neighbors is as intolerable as any conducted by the Soviet Union, Cuba, or Vietnam. When these states support each other's sinister plans, the offense is only the more repugnant and must be condemned.

Mr. President, what I seek to demonstrate by my vote against Contra aid in my sincere desire for peace in Central America. By opposing further aid for the resistance forces we would pose a direct challenge to the commandantes in Managua—will you choose the path of democracy for your country or will you choose repression?

Mr. President, I will cast my vote against Contra aid with full awareness that Daniel Ortega might very well renege on his commitment to the peace process. But I am also certain that, if he does so, he will be risking the wrath of the four Central American Presidents.

The Sandinista government must recognize that any hope they have of achieving legitimacy now hangs in the balance. If they betray the confidence which others have placed in them, they will be regarded both as traitors to the cause of peace and as those who have betrayed the very ideals of the revolution which brought the downfall of the Somoza dictatorship.

Mr. President, the countries of Central America are not banana republics and we are not their masters. They are sovereign republics with independent-minded, peace-loving peoples. We can not alter the wrongs of the past any more than we can change the geography which links the destiny of this hemisphere. Only the future is within our grasp. Only a vote against Contra aid will give peace a chance.

Mr. President, in view of the action taken by the House yesterday, I realize that this vote is largely symbolic. Nonetheless, I urge my colleagues to defeat this request for additional funds for the Contras.

I yield back the remainder of my time to the manager.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, as I understand it, under a previous order, I had 10 minutes allocated to me.

The PRESIDING OFFICER. The Senator will suspend. The galleries will please cease and desist from showing any outward manifestations of support or nonsupport for any of the speakers on the floor of the Senate, or the Chair will be compelled to ask the Sergeant at Arms to take appropriate action.

Under the previous order, the Senator is recognized for 10 minutes.

Mr. BENTSEN. Mr. President, I support the Arias plan and its goals of peace in Central America and democracy throughout the region. I also support continued aid to the Contras, including military aid, because I believe that the military pressure of the Contras is the only reason we have seen any movement at all toward democratization in Nicaragua and fulfillment of the Arias plan. I believe that the Senate should express its determination that such aid is needed, in spite of the action taken by the House last night.

I am convinced that the continuation of this pressure is the only guarantee we have that the gains made thus far in Nicaragua will not be temporary ones, to be thrown out by the Sandinistas once the Contras have been abandoned.

We have seen the willingness of General Secretary Gorbachev to discuss the withdrawal of Soviet troops from Afghanistan. No one, I hope, believes that this is being offered out of the goodness of his heart. No, I submit to you that Secretary Gorbachev has seen the light on Afghanistan because he has felt the military heat generated by the Afghan resistance.

It is reported publicly that we and others have been giving hundreds of millions of dollars per year to the Afghan resistance. I hear no one arguing that we should turn our backs on the Afghan resistance and depend on the good will of the Kremlin and on glasnost alone for an end to that conflict.

We can also look to the example of the INF Treaty, which is before us for ratification. This agreement will eliminate intermediate range missiles from Europe and the Soviet Union. It was made possible, we can say with a fair degree of certainty, only because the United States deployed the Pershing 2 missiles to Europe.

It took the pressure of the Pershings to get this arms control agreement, and it will take the pressure of the Contras to make the Sandinistas live up to the promises they made to their fellow Central Americans in August of this past year—promises of democratization, cessation of support to the guerrillas in El Salvador and elsewhere, and complete freedom of the press and political pluralism.

It is ironical, as I have pointed out in this Chamber on other occasions, that most of us are quite willing to stand up for the right of the Afghan people 10 thousand miles away to have a government of their own choosing, one that is not forced upon them by the military power of the Soviet Union.

At the same time, there is a great reluctance to support that same privilege for people here in our own hemisphere and to furnish supplies to Nicaraguans who are fighting for democracy in their own country.

It is important to emphasize that it is Nicaraguans doing their own fighting—not American soldiers or Marines in there doing it for them. It is Nicaraguans believing enough in the cause of democracy that they risk death to free their country.

Here we are, debating whether to give them what they need to continue the fight—the modest sum of $36 million—while the Soviets gave over $1 billion in aid to the Sandinistas last year, including over $500 million in military assistance alone.

Let us not mistake, either, the nature of the Sandinista regime in Nicaragua. It is not a group of peaceful leftists, content to practice their controlled—and I might add, rapidly disintegrating—Marxist economy. These are violent revolutionaries, men and women who are dedicated to spreading their brand of communism anywhere they can reach.

They have proclaimed a "revolution without borders." In an interview in 1983, Tomas Borge was asked about charges that Nicaragua wants to export its revolution, that, in the words of the interviewer, "Nicaragua is the first domino in Latin America. That since the revolution triumphed here, it will be exported to El Salvador, then Guatemala, then Mexico." Borge replied, "That is one historical prophecy of Ronald Reagan's that is absolutely true."

No, there should not be any doubt about the intentions of the Sandinistas, nor about their willingness to carry them out. Even after signing the Arias plan, according to information supplied us by Maj. Roger Miranda, a Sandinista army officer who defected in October 1987, the Sandinistas had plans to build an army of 600,000 men.

When Miranda revealed this information, I am sure there were skeptics who doubted him. The next day, though, Sandinista Defense Minister Humberto Ortega, the man for whom Miranda had worked, publicly admitted the accuracy of these plans.

The day after that, Humberto's brother, Nicaraguan President Daniel Ortega, atttempted to smooth over the situation by down-playing these plans. The fact is, some of the nine Sandinista commandantes—especially Humberto Ortega, Tomas Borge, and Bayardo Arce—actually told the truth about what they are planning and doing.

What happened then was that Daniel Ortega, a man who is more conscious of public relations than are some of his colleagues, stepped in to contradict what has just been said, and provide a smokescreen for those who do not want to believe that these men are who and what they publicly say they are.

We have all seen the pattern from the Sandinistas. They offer Contra-vote concessions immediately prior to congressional consideration of a proposal such as this one. Then following the vote, they show their true colors.

We saw Daniel Ortega fly off to Moscow to visit his supporters there after one vote; we saw the closing of La Prensa after another; we saw an invasion into Honduras after a third one.

We also have seen what the Arias plan means to the Sandinistas. In August they signed the agreement; yet they continue to support the FMLN guerrillas in El Salvador. They allowed the opposition Social Christian Party to march in Managua in October; then they arrested 18 marchers and drafted them into the army. They released 900 political prisoners; but they retain 9,000 more in jail. They announce complete freedom of the press; but they—the Sandinistas—control the only television station, and they refuse to allow another to open. They proclaim political pluralism; then they arrest opposition political leaders.

Let us not deceive ourselves. The only reason the Sandinistas have agreed to the limited steps taken so far in compliance with the Arias plan is the military pressure of the Contras.

This leaves us with two alternatives: take away the pressure of the Contras and rely on the good faith of the Sandinistas to live up to the Arias plan, or continue the pressure for as long as it takes to put the Arias plan into full effect.

I am not certain what the action of the House will mean with regard to prospects for additional Contra aid. It seems clear that further military aid will be very hard to get.

Nevertheless, given the record of duplicity established by the Sandinistas, including their history of pre-vote promises and post-vote repression, I am still persuaded that continuing aid to the Contras is our only hope of making the Arias plan more than a shattered dream and a memorial to the betrayal of Central American democracy.

I have listened to the wishes of the other democratic Presidents in Central America, and I wish them well. But unfortunately they do not have the muscle to back it up. We are the only country that does. Down there you have some people fighting desperately for the freedom of their country, fighting the fight that in time could well be our own.

I do not want to see American boys down there. I do not want to see American soldiers or American Marines. But here we have someone fighting for freedom, trying to stop us from having a Communist-dominated satellite of the Russians on this hemisphere, people who have the express purpose of exporting that revolution. We ought to be trying to stop it while we can.

I yield the balance of my time.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President. I would like to yield 15 minutes to the distinguished Senator from Colorado, Senator ARMSTRONG.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I am grateful to my colleague for yielding to me.

Mr. President, when a handful of pathetic survivors came limping out of Hitler's death camps they looked in the eye the leaders of Western nations and asked a question for which there was no answer satisfactory to conscience. They said: "Where were you when Hitler was establishing these camps?"

Is it because we did not know what was going on in Europe? No, we knew. We were told. Our predecessors in this body had every reason to know; had ample evidence of what was transpiring in Germany and Eastern Europe. But they pretended that they did not. They refused to look full in the eye the evil that was occurring there and so they let it happen.

Fifteen years ago last week in Paris, more or less the same thing happened. We pretended that the result of the Paris Peace Accord would be a fair and just peace in Southeast Asia when we knew or had reason to know that nothing of the kind in fact was likely to result; that the probable result would be death and deprivation; would be the consolidation, perhaps for many, many years to come, of a brutal dictatorship; that the result would be millions of refugees and untold human suffering. But we let it happen.

Mr. President, one of the enduring features of human nature is an unwillingness to look seriously at the developments which we find unsettling, at things which are unpleasant, at issues and circumstances and trends which provoke our conscience and call upon us to do something which we do not want to do or which are controversial or which put a burden on us.

Mr. President, there is another tradition in America. There have been moments, the Paris Peace Accords I think are a classic example—the conduct of our foreign policy in the 1930's are an even worse example. But there is another trend in the thought life of our country, to which I would appeal today and which I join with my colleague from Texas and my colleague from Arizona in appealing to within this body. It is the tradition that where men and women stand to fight for human freedom, the spirit of America goes forward to help them.

I think this is a moment, Mr. President, not for a fancy talk or for great emotion, but for plain words. And I have about three very plain points that I want to make.

First of all, there is no truthfulness in the Communist government of Nicaragua. A great literary critic of the 19th century, John Ruskin, wrote:

> The essence of lying is in deception, not in words. A lie may beguile by silence, equivocation, or by the accent on a syllable, by a glance of the eyes, a particular significance to a sentence, and all of these kinds of lies are worse and baser by many degrees than a lie plainly worded.

Now, the fact of the matter is, Mr. President, that the Communist government in Nicaragua, while it is guilty of many other offenses, of crimes against humanity, is also guilty of lying and lying and lying and lying, day after day, since they have been in power and even before they came in power.

Mr. President, I send to the desk and ask unanimous consent that there appear in the RECORD immediately following my remarks a document prepared by the Republican Policy Committee under the heading "Sandinista Promises." It is a detailed listing of the promises that have been made by the Sandinista regime, by the Communists before they took power and since they have been in power.

They promised free expression, freedom of religion, a mixed economy, union rights, an independent nonaligned foreign policy, a minimum permanent military establishment and other generally accepted human rights principles; and they did not tell the truth on a one of these promises. They did not just make these promises once and then break them. They made them and broke them and made them and broke them and they have done it over and over again.

I send this to the desk and ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ARMSTRONG. Second, Mr. President, I want to just state plainly and for the record that it is a copout for somebody to come to this body and say: "I am for the freedom fighters; I am for the Contras; but I am just against this bill."

That is tantamount to saying that at a time, as the Senator from Texas has pointed out with great perspicacity, that the Soviet Union is spending hundreds of millions of dollars in economic and military support to the Communist government in Nicaragua that we are going to deny minimal aid to give those who are fighting for freedom something with which to defend themselves. That is a travesty, to make such a suggestion.

While I do not question the good faith of someone who makes such an argument, my own conscience compels me to say that is pure sophistry; nothing less. It is plainly a copout.

Mr. President, the third point I want to make is this, that a vote against this resolution is against the policy which has been highly successful and which is working. President Reagan has made the pont in many ways and over a long period of time that the on-again/off-again nature of United States support for freedom fighters, for the democratic resistance in Nicaragua, has greatly complicated the problem of bringing peace with justice, peace with freedom, to Central America. And it is a fact.

We have been on both sides of the issue. For awhile we in fact supported the Sandinistas. Then we had aid to the Contras. We have cut off aid to the Contras. We have started it up.

It is no wonder, let me suggest, Mr. President, that the people of this country are confused about our policy and, indeed, every public opinion poll shows there is great confusion, not only about who is right but even about whose side the United States is on.

That is not surprising. But let me say that during this brief interlude during the last year or 2 when we have been faithfully supporting in word and deed and with modest amounts of humanitarian aid and military aid, the democratic resistance, they have mounted a very credible effort in the field, an effort which I believe is primarily responsible for what seems to be a growing willingness on the part of the Communist government of Nicaraguan to come to the bargaining table.

It is a policy which is working, which is achieving its intended effect.

Now, just as the fruit of that policy is about to mature, the other body, the House of Representatives, has said: No, we have had enough of that policy. It is time to switch signals again, pull the rug out from under the democratic resistance, stamp them out, cut off the aid, cut off the minimum military supplies they may need to defend themselves, even to cut off the humanitarian aid—although I guess there is floating around here someplace the notion under the right time and right circumstances, after all the political issues have been resolved, that we are going to send them some Care packages or something.

Mr. President, I will tell you that a vote against this resolution is a vote against a highly successful policy which is working. Mr. President, it is in my opinion a great misjudgment to listen to what the Central American Presidents and other leaders have said and conclude that it would be unwise to grant President Reagan's request as it is embodied here.

I have talked to some of these Central American leaders and I want to tell my colleagues something that many of them know but which we just need to talk plainly about. There are a lot of those leaders down there who are talking out of both sides of their mouths; who, for one reason or another, are either passive or only mildly enthusiastic about the notion of U.S. support for the democratic resistance.

Mr. President, I believe that at the bottom are two issues which are usually not spoken about but which we must speak about today.

The first is this: That a lot of that talk is for domestic political consumption. In fact, a number of the leaders have told me very frankly that is what it is. They said, "Do not pay any attention to what we have said; we do not really mean it. We hope you will continue to fund the democratic resistance."

The second is the insidious notion that if the Arias plan does not work, the United States will send in the 82d Airborne.

When I have been in Central America and talked to their leaders, I have made it plain that if they are banking on any such notion, they are making a mistake. I do not think the 82d Airborne will go down there, and I do not think it is very likely or possible that the American public will support such a development.

Yet I think many Senators know and have reason to know that is exactly the expectation of some of the leaders in that region.

Mr. President, the policy is working and if we continue, if we are faithful to it a bit longer, nor just another month or two or 6 months or maybe another year or 2—I do not know how long—I believe the result in the final analysis will be enough pressure on the Communist government to produce a reasoned and valid negotiated settlement that will entail not only a cease-fire but free elections, freedom of worship, a free economy, and all of the things that have been previously promised.

Having said that, let me say also that I do not know whether that is the Arias plan. I am not against the Arias plan, but I am not at all that impressed with the Arias plan because I remember the OAS peace plan of 1979. That was the plan which the Communist government, before they became the government, when they indeed were the insurgents, agreed to and in many ways that plan was actually more definitive and more responsible than the Arias plan. It was clearer and more specific.

And, in addition to that plan, it would have required the Sandinistas to forego the Soviet support which has really been the underpinning of the Communist government.

Then there was the San Jose peace plan which came out in 1982. That did not go anywhere.

Then there was the Contadora plan in 1983. We have not forgotten that. It is somewhere. It is still on the table. I do not know which table it is on, but it is still somebody's dream.

Then there was the Reagan-Wright plan and that lasted about a week, I guess.

Now we have the Arias plan.

I am not against what President Arias has proposed. I just do not think it has a chance of success, or at least a very slim chance, if we remove the military pressure which in my opinion has been a major contributing factor to bringing the Communist government to the bargaining table.

Mr. President, the opponents of Mr. Reagan's modest request have proven some things. They have proven, for example, that President Reagan may not get to address the country on nationwide television. I think that is a decision that the television networks are competent to make. I believe it was a bad judgment, a bad call, a bad mistake. I say that as one who is in that in real life.

In real life, I am an executive of a television station.

But they made that decision. I regret that they made that decision. They have the right to make it. It is their right to make that judgment. I believe that judgment will not be fortunate to those in the television industry who thought Jake and the Fat Man was more important that what the President had to say on this question of crucial national importance. But they had the right to do that.

The opponents of President Reagan's request have proven they can hotbox it in the House. I heard a bunch of bragging about how they bought radio announcements in swing districts and pressured vulnerable Members and turned enough of them around so that the thing went down by five or six votes. I guess a switch of four made a crucial difference. They have proven they can do that.

Mr. President, the opponents of President Reagan's request have proven they can tempt even the most senior Members and leaders of the Congress of the United States into a very personal confrontation. Make no mistake about it. That is what occurred last night in the House of Representatives.

Some of the most senior leaders of the other body decided this was going to be a test of will between them on a very personal basis with the President of the United States.

I do not say that on my own authority. I say that based upon talking to Members of the Congress, to Members of the House, who just said that is the way it was put to them. It was put to them, "You will have another chance to vote for Contra aid, but this time we have to show that we are going to back the Speaker. We are not going to back Ronald Reagan."

All right, they have proven that. But it does not change the fact. The fact of the matter is that a vote against this resolution, against a modest amount of further aid for the democratic resistance, is, in fact, a vote to scuttle a policy which is successful, which is working, and which holds promise for the future.

Mr. President, we can talk at great length about the strategic implications, but I believe that every Senator tonight knows that what is happening is much to the strategic disadvantage of the United States. We can talk about what effect it has on the credibility of our Nation's foreign policy when we encourage people to go out into the jungle to fight for their freedom and say, "We are with you, we will back you," and then pull the rug out from under them. We all know what that means for our credibility in the Middle East, in Afghanistan, in Asia, the United Nations, and everywhere.

Mr. President, we can talk about the heartbreak for the refugees. There have been so many already and there will be so many more if the Contra movement collapses.

I would like to confide that upon reflection I do not think the democratic resistance is going to collapse, whether we pass this resolution or the House does, I do not think this issue is going to go away.

Mr. President, Victor Hugo wrote, "Greater than the tread of mighty armies is an idea whose time has come."

An idea has come in Central America, and that idea is not strategic, it is not credibility, it is not politics, it is not hotboxing Members of the House of Representatives. That idea is human freedom.

They may be able to stop Mr. Reagan from making an address to the Nation on the television, but I do not think they can quench human freedom that easily.

I believe and hope that we can send a message of humanitarian and military assistance. I believe freedom will fight on. I believe human freedom will prevail in Nicaragua.

EXHIBIT 1

SANDINISTA PROMISES

(By William L. Armstrong, Chairman)

There is hardly a promise on human rights and fundamental liberties that the Sandinistas have not made, and hardly one that they've kept.

This paper is a review of the extensive promises made by the Sandinistas from the days before they rode into Managua in 1979 up to the current round of promises they have made in 1987/1988.

THE ORIGINAL PROMISES

On June 17, 1979, while Anastasio Somoza was still in power, a Sandinista-dominated Nicaraguan Government of National Reconstruction (GRN) was formed in San Jose, Costa Rica. Of the five GRN members, three of them, including Daniel Ortega, were members of the Sandinista National Liberation Front (FSLN). (The non-Sandinista members were Violeta Chamorro, now editor of the opposition newspaper La Prensa, and Alfonso Robelo, now a member of the seven-man Directorate of the Nicaraguan Resistance—the Contras.)

On June 18, the GRN held a press conference in which they pledged their government's program would be "truly democratic," with respect for "fundamental liberties," including: free expression; freedom of religion; a mixed economy; union rights; an independent non-aligned foreign policy; a minimum permanent military establishment; and other generally accepted principles.

These pledges were instrumental in the action of the Organization of American States (OAS), which, with the support of the United States, adopted a resolution on June 23, 1979, calling for the replacement of the Somoza regime with a democratic government "which reflects the free will of the people of Nicaragua;" would guarantee the "human rights of all Nicaraguans without exception;" and, would hold "free elections as soon as possible," leading to "the establishment of a truly democratic government that guarantees peace, freedom, and justice."

On July 12, after active negotiation with representatives of the Carter Administration and the OAS, the GRN sent a letter to the OAS, citing the OAS June 23 resolution and promising free elections. Attached to the GRN letter were two other documents:

A "Plan to Achieve Peace," which detailed a step-by-step measure for the peaceful resignation of the Somoza government and the takeover by the GRN.

A formal "Program of the Nicaraguan National Reconstruction Junta," dated July 9, in which the GRN spelled out in specific detail its June 18 pledges.

Taken together, the documents submitted to the OAS on July 12—the letter, the peace plan, and the GRN program—constituted a comprehensive program of democratic guarantees. They included:

The structure of the new government, featuring a 33-member legislative Council of State representing "all the political, economic, and social sectors that helped overthrow the Somoza dictatorship;"

A guarantee of full human rights observance as set forth in the United Nations Universal Declaration of Human Rights and in the Charter on Human Rights of the OAS;

Freedom of press, religion, unions;

Private enterprise in a mixed economy;

A non-aligned foreign policy;

A new national army with only a "minimum" permanent military establishment;

A guarantee of the lives and rights of members of the National Guard; and

Many other guarantees of fundamental liberties.

On the basis of these comprehensive guarantees, on July 15 the Carter Administration and the OAS approved final transfer of power from Somoza to the GRN. Somoza submitted his resignation to the Nicaraguan Congress on July 16 and left the country the next day. On July 17 the Carter State Department noted the Somoza resignation and announced:

"From the beginning of the violence that has set Nicaraguans against each other, the Organization of American States and its member nations, including the United States, have worked to facilitate a peaceful and democratic solution to the civil strife in Nicaragua. . . .

"A caretaker government is in place to begin the process of national reconciliation. A Government of National Reconciliation, formed initially in exile, will assume power. . . . It has pledged to avoid reprisals, to provide sanctuary for those in fear, to begin immediately the immense task of national reconstruction, and to respect human rights and hold free elections."

On July 17 and 18 National Guard resistance ended. The Sandinista-led anti-Somoza forces entered Managua on July 19. On July 20 the GRN was installed and had the opportunity to act upon their previous promises and commitments. Particularly astonishing is the speed with which the Sandinistas moved to violate them.

Promise: That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework. [from the July 12 GRN promises to the OAS]

Performance: "After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora, . . . the former headquarters of the National Guard in the town of Granada. . . . [O]n October 3, 1979, José Estebán González of the CPDH [the independent Permanent Commission on Human Rights], traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980 . . ." [Humberto Belli "Breaking Faith," The Puebla Institute, 1985, p. 120]

Promise: After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [from the July 12 GRN promises to the OAS]

Performance: The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was officially named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long-term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [from the document text, quoted in Shirley Christian "Nicaragua, Revolution in the Family," p. 151.] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas plan a total military and para-military force of 600,000 by the mid-1990s.

Promise: "An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair, mutually-beneficial economic relations." [from the July GRN promises to the OAS]

Performance:

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, was rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Martí National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Fidel Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In eary August, Comandante Henry Ruiz travelled to the USSR, Bulgaria, Libya, and Algeria to conclude aid agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, Comandante Daniel Ortega gave a speech condemning U.S. "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In eary 1980, Nicaragua abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "nonaligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister Comandante Humberto Ortega declared Marxism-Leninism the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista comandantes had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lamumba University as a youth cadre of the Moscow-line Nicaraguan Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counterrevolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnev died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinistas abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the USSR, and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

Promise: The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [from the July 12 promises to the OAS, Program of the GRN]

Performance: In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN Violeta Chamorro and Alfonso Robelo, resigned in protest.

Promise: Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [from July 12 GRN promises to the OAS]

Performance:

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc., would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled "Somocista" were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; these included about one-fourth of cultivated land, about 130 industries and businesses, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialist" and attacked their organizers. Strikes were banned thoughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being La Prensa; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was refused permission to open a new, independent television station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "Millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, La Prensa was order to not print any news from the region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of Comandante Tomás Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or which might bring about price speculation. Temporary closings of La Prensa began on July 8, 1981; full prior censorship was instituted in March 1982.

On July 31, 1979, the Nicaraguan Catholic bishops issued a pastoral letter welcoming the overthrow of Somoza and praising the new "spirit of freedom." Another pastoral letter on November 17 commented favorably on socialism if it were to be "an economic system planned with national interests in mind that is in solidarity with and provides for increased participation of the people." [Belli, "Breaking Faith," p. 149-150] Despite the supportive attitude of religious leaders, however, in mid-1980 the Sandinistas began to attack the bishops as "the Church of the rich." "The campaign escalated from initially mild criticism ('the bishops are too conservative, too fearful of opening themselves up to collaboration with Marxism') to a full-fledged attack ('the bishops are the voice of the bourgeoisie, have fallen into the hands of Reagan's policies, are vain, authoritarian, and counterrevolutionaries: enemies of the people')." [Belli. "Christians Under Fire." p. 40]

Meanwhile, the Saninistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's "Radio Catolica" and on La-Prensa's coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organization, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers;" other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista controlled mobs (turbas divinas, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

Promise: The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution of June 23, 1979, specifies that these be held "as soon as possible."

Performance: For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister Commandante Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1985. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine comandantes]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

DENYING RIGHTS, BUT MAKING MORE PROMISES

Throughout this early period while the Sandinistas were busy abandoning their July 1979 promises, they were also making new ones, promising the same rights and freedoms.

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

On March 12, 1980, they ratified the United Nations International Covenant on Civil and Political Rights, along with its Optional Protocol.

Aside from the unofficial violations of rights guarantees that started at the beginning of Sandinista rule, the FSLN has also officially suspended many of these guarantees:

The first major abridgement (Decree 812) was the "Law of State of Economic and Social Emergency," issued September 9, 1981, before any significant Contra activity. The effective period was to be one year.

Following the first major Contra action on March 14, 1982, the Sandinistas enacted (Decree 996) "The National Emergency Law" on March 15. This suspended virtually all rights specified in Decree 52 (the "Bill of Rights" of August 1979). The effective period was to have been one month but was repeatedly extended.

During the 1984 "elections," many of the restrictions under the 1982 State of Emergency were technically lifted (but key provisions, such as those relating to censorship, remained in force). But on October 15, 1985, Daniel Ortega ordered a new and expanded state of emergency, reimposing many of the 1982 rights suspensions.

THE MIDDLE YEARS—MORE PROMISES

All of the facts cited so far show that the Sandinistas made very extensive promises at the beginning of their rule as a means to achieve power and then they set about abandoning each and every promise as quickly as possible.

But the Sandinistas did not stop there. Incredibly, in the years that followed, they continued to make many of the same promises over and over again.

Three years after the 1979 promises for a mixed economy had been made and then broken, President Daniel Ortega was promising greater freedom for businessmen in Nicaragua. On February 15, 1982, Nicaraguan President Daniel Ortega promised his government would increase benefits available to businessmen who would work in the Sandinista drive to reinvigorate their recession ridden economy. President Ortega confirmed reports that the government released three businessmen, jailed the previous fall after signing a communique by a business council charging the leftist Sandinista government with "a definite Marxist-Leninist tendency." The government commuted the sentences of Superior Business Council President Enrique Dreyfus, Gilberto Cuadra of the National Confederation of Professionals, and Benjamin Lanza, president of the Nicaraguan Construction Council. [UPI, Jan. 15, 1982]

Five years after the 1979 promises to respect freedom of expression, Daniel Ortega (on July 19, 1984) was again promising that political parties would be allowed to hold meetings and that freedom of expression would be guaranteed. However, speaking at a rally in Managua marking the revolution's fifth anniversary, Mr. Ortega reaffirmed that there will continue to be pre-censorship of any report "that affects our country's defenses against American military power." [The Economist, July 28, 1984]

Five years after the 1979 promises of civil liberties, of press freedoms, and of free unions, Daniel Ortega was again promising (on August 7, 1984) to relax press censorship, restore the right to strike, and allow people to petition the courts for release from jail. The Sandinistas' announcement came the same day that the opposition newspaper La Prensa did not publish because government censors rejected stories about political violence and other events related to the pending presidential elections held November 4. [Christian Science Monitor, Aug. 8, 1984]

Five years after the 1979 promises for freedom of religion, a mixed economy, and free unions, Daniel Ortega was promising (in early November of 1984) to have a national dialogue with the regime's critics in the Roman Catholic church, the private sector, and the non-Sandinista trade unions. Such an exchange of views would allow all sides to help work out a constitution which the newly-elected assembly is to draft by 1987. [The Economist, Nov. 10, 1984]

Five years after the 1979 promises for religious freedom, in December 1984, Nicaraguan church spokesman Msgr. Bismarck Carballo said that President Ortega promised to exempt seminarians from the draft. However, at a meeting of church and government representatives last week, government officials argued that the students were not actually seminarians and would be eligible for military service. [Los Angeles Times, Sept. 6, 1985]

Six years after the 1979 promises for a mixed economy and political freedoms, on January 27, 1985, Nicaraguan Ambassador Carlos Tunnermann said the perception by Democrats in the U.S. of a worsening situation in his country is not correct. Ambassador Tunnermann explained that President Daniel Ortega had promised a broad amnesty program, continued mixed economy and political pluralism in a recent speech. The ambassador added that reports of draft resistance and monetary speculation are isolated cases. [The Washington Post, Jan. 28, 1985]

Six years after the 1979 promises to follow an independent, nonaligned foreign policy—promises which were ignored from day one—on February 28, 1985, the Sandinistas promised to send home 100 Cuban military advisers, and to refrain for an indefinite period from acquiring new weapons systems, including sophisticated interceptor aircraft. [The Washington Post, Mar. 1, 1985]

Six years after the 1979 promises of political pluralism and civil liberties, on April 20, 1985, Brooklyn Rivera, a leader of the Miskito Indian rebels, said that during six months of talks with Nicaraguan officials, President Ortega had expressed eagerness to end the conflict with the Miskitos; had promised to release 50 Indians jailed in Nicaragua; and, had pledged land and a broad degree of political autonomy for the Miskitos. [The New York Times, Apr. 21, 1985]

Eight years after the 1979 promises to respect fundamental liberties, on January 9, 1987, the Sandinistas enacted a new constitution containing all of the usual rights and guarantees, including right to strike, to privacy, and so forth. Several hours later, Daniel Ortega issued a new state of emergency suspending almost all the rights guarantees in the new constitution. [Washington Post, Jan. 10, 1987, p. A13]

THE CURRENT ROUND—MORE PROMISES

On August 7, 1987, in Guatemala City, Commandante Daniel Ortega joined the presidents of the four Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in signing the peace plan authored by Costa Rican President Oscar Arias. The peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:

Amnesty for political opponents and dialogue with unarmed political opposition;

A cease-fire with "irregular and insurgent groups" (in the Nicaraguan context, this meant a cease-fire between the Sandinistas and the Contras);

Democratization, including: (a) complete freedom for television, radio and the press; (b) rights of potential parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and

Cessation of aid to irregular and insurgent forces in the other Central American countries and non-use of national territory by such forces (for the Sandinistas, this means primarily ceasing support for the communist FMLN guerrillas in El Salvador and not permitting them to continue to be headquartered in Nicaragua).

The Sandinistas had taken almost no action to comply with any of these provisions in time for the November 5 deadline (even though, for example, Guatemala and El Salvador instituted direct cease-fire negotiations with their guerrilla opponents in early October). As the November 5 deadline passed, Comandante Ortega issued new promises and measures represented as initial compliance with the peace plan terms. These gestures included:

The promise to begin indirect cease-fire talks with the Contras through an intermediary (Ortega had announced a unilateral cease-fire offer, essentially a demand for the Contras to surrender in three, later four, small zones, on September 30 [Christian Science Monitor, Oct. 2, 1987];

The release of approximately 1,000 political prisoners (out of a total of about 8,000 to 10,000; the Sandinistas still insisted they would not declare a general amnesty, as had the other Central American signatory countries); and

The promise to lift the state of emergency and restore civil liberties—just as soon as the United States ceases support for the Contras. (The only measures taken in this area prior to November 5 were the reopening, around October 1, of La Prensa and "Radio Catolica.")

Again, the Sandinistas exhibited little willingness to meet the terms of the peace plan before the next milestone, the January 15-17 summit meeting originally intended as a final compliance review. Instead, Comandante Oretega began the review summit with a proposal to extend the peace plan deadline to permit the Sandinistas more time to begin implementation of the measures they failed to take by November 5 or even January 15. Instead, however, the democratic presidents refused to agree to an extension and demanded immediate Sandinistas compliance. Only when faced with the prospect of the peace plan's total collapse (and renewed Contra aid) did Comandante Ortega announce, on January 17, 1988, new steps [from Washington Post Jan. 18, 1988 p. A18]:

A formal lifting of the six-year-old state of emergency;

An agreement to begin direct cease-fire talks with the Contras; and

An amnesty of political prisoners (to take effect upon "the achievement of an effective cease-fire agreement . . . In addition, if no cease-fire agreement is reached, the government will set free all such persons if the government of the United States or any other non-Central American government decides to accept them in its territory. They can return to Nicaragua as soon as the war ends").

WHAT THEY WERE DOING WHILE MAKING THESE PROMISES

The effect of these "compliance" steps is still uncertain. However, the record of Sandinista performance on peace plan requirements after the August 7, 1987, signing does not encourage optimism:

On August 15, one week after the peace plan signing, the director of the independent Nicaraguan Permanent Commission on Human Rights, Lino Hernandez, and president of Nicaraguan Bar Association, Alberto Saborio, were arrested and sentenced to 30 days imprisonment during a peaceful demonstration by the coalition of Nicaraguan opposition groups. Sandinista security forces used attack dogs, night sticks, electric cattle prods, and government-organized mobs to suppress the demonstrators. [AP, Jan. 17, 1988]

On September 12, two Catholic priests who had been expelled by the government were allowed to return. However, 18 other priests remained outside the country after having been expelled by the Sandinista regime. [New York Times, Sept. 14, 1987 p.A3]

On October 1 and 2, respectively, the Sandinistas allowed La Prensa and "Radio Catolica" to resume operations without censorship. However, censorship decrees were not revoked and licenses were refused for other radio programs and an independent television station. Newspapers, television and radio stations confiscated by the government continued to operate as government or pro-Sandinista organs. [AP, Oct. 19, 22, 1987]

On October 22, members of the January 22 Mothers of Political Prisoners Movement were attacked by a Sandinista group during a peaceful vigil. Sandinista police did nothing to stop the attack. [AP, Oct. 22, 1987]

During October 1987, according to Sandinista defector Major Roger Miranda, the Sandinistas provided training to 15 Salvadoran communist FMLN guerrillas in the use of hand-carried surface-to-air missiles, such as the Soviet SA-7 and SA-15 and the U.S. REDEYE. This occurred two months after the Sandinistas had signed the peace plan requiring them to cease support for the FMLN. [Department of State]

On November 13, President Ortega announced an 11-point cease-fire proposal which called for the surrender of the Resistance—essentially a reworking of their September 30 unilateral cease-fire offer. The Sandinistas then refused to initiate an indirect dialogue with Resistance in Central America and refused to allow Resistance members to travel to Managua to deliver their cease-fire proposal personally. [Los Angeles Times, Nov. 13, 1987 Part I, p.1]

On November 17, 1987, the publisher of Nicaragua's sole opposition newspaper, La Prensa, strongly criticized Managua's Sandinista government and said the paper faced continual threat of closure. Violeta Chamorro, whose newspaper resumed publication in September after a 15-month government-imposed suspension, said President Ortega had broken promises to lift emergency powers that enable him to order the closing of the newspaper at any time. [Reuter's, Nov. 17, 1987]

On November 22, 985 political prisoners were released, leaving over 8,000 more in Nicaraguan jails. [Los Angeles Times, Nov. 23, 1987 Part I, p.1]

On December 3, and 4, the Sandinistas rejected a proposal for an interim truce put forward by Miguel Cardinal Obando y Bravo and rejected a Resistance cease-fire proposal. [AP, Dec. 5, 1987]

On December 13, in a speech to a labor group, President Ortega said that while the Sandinistas might give up the government, they would never give up power. [Reuter's, Dec. 15, 1987; New York Times, Dec. 14, 1987 p.A12]

On December 14, the Sandinistas cancelled the second round of cease-fire talks, which were scheduled to begin that day. [UPI, Dec. 14, 1987]

On December 15, the director of the independent Permanent Commission for Human Rights charged that the Sandinistas were flouting the peace plan provisions by continuing to shell civilians using Soviet-built equipment, holding thousands of political prisoners whom the Sandinistas exploit as slave labor, and stepping up mob attacks on the opposition. [Washington Times, Dec. 16, 1987 p. A6]

In December 1987, according to defector Major Roger Miranda, the Sandinistas offered the Salvadoran FMLN guerrillas 10,000 automatic assault rifles (including U.S.-made M-16s, presumably from Vietnam) from Nicaraguan Interior Ministry stocks. [State Department]

On January 5, fourteen opposition parties issued a joint statement accusing the Sandinistas of intransigence and not entering into dialogue with the opposition, as required by the peace plan. Representatives of other opposition groups criticized the Sandinistas for failing to grant amnesty to political prisoners, not stopping to aid insurgents, and not instituting democratic reforms. [Washington Times, Jan. 7, 1988 p. A1]

On January 15-16, 1988, the Sandinista state security police arrested four civilian opposition leaders (representing the Nicaraguan Bar Association, the Conservative Party, the Democratic Coordinating Group of the opposition, and the Social Christian Party) for participating in a public meeting with Contra leaders in Guatemala City earlier that week. The arrests came as Comandante Daniel Ortega was in Guatemala City for the regional peace plan review summit. According to a Sandinista Interior Ministry spokeswoman, Comandante Ortega was aware of the arrests. [Washington Post, Jan. 17, 1988 p. A28]

On January 22 (after the latest promises for peace plan compliance made by Daniel Ortega on January 17), Sandinista mobs attacked the offices of the Democratic Coordinator (a broad umbrella organization of opposition groups) and attacked the January 22 Mothers of Political Prisoners Movement during a peaceful demonstration held as a memorial of a massacre of protesters by the National Guard in 1967. Sandinista police did nothing to stop the attacks. [New York Times, Jan. 23, 1988 Sec. p. 5]

CONCLUSION

The Sandinistas have issued many promises since before they took power in Managua in July 1979—promises to the Nicaraguan people, to the other countries in the Western Hemisphere, to their immediate neighbors in Central America, to the United States, to the international community of nations. In this eight-year period it is difficult to find one promise they have fully kept.

The most recent round of Sandinista promises, made in the face of the January 1988 near collapse of the Central American peace plan, is no guarantee of freedom in Nicaragua or peace in the region. The Sandinistas have yet to weaken their hold over Nicaraguan society in any way that could not be immediately reversed as soon as the Contras were abandoned. Presently, there is no evidence that Nicaragua has ceased support to Salvadoran FMLN and other insurgent groups. There is no evidence that the Sandinista regime has altered its policy of implementing a Marxist, state-controlled economy while giving lip service to the goal of a mixed economy and pluralistic society. There is no reason to think that free expression will be respected or that all political prisoners will be released. There is no evidence that Sandinista dependency on Moscow, Havana, and the rest of the socialist bloc has lessened.

In short, there is no reason to think that, absent pressure from the Nicaraguan opposition, the Sandinistas will live up to these latest promises any better than the others they have made—and violated.

Mr. PELL. Mr. President, I yield 8 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 8 minutes.

Mr. HEFLIN. Mr. President, as my colleagues are no doubt aware, last night the House of Representatives voted down the President's request for additional assistance for the freedom fighters of Nicaragua. As a strong supporter of the Contras, I was disappointed that the House voted against the President's request of aid to the Contras. I believe the Contras should be assisted in their fight for freedom, and for liberty in Nicaragua.

Because of the House vote, many now wonder what the future holds for the freedom fighters of Nicaragua. The compromise that was reached last December during the budget process guaranteed a Senate vote on the President's request for assistance to the Contras. But in light of the House vote, the effect of today's vote is unclear. While many may view the Senate vote as an exercise in futility, as beating a dead horse, I disagree. I believe the Senate has a great opportunity to send a strong message to Daniel Ortega, to the Sandinistas, and to the Soviet Union that the Contras have not been abandoned. I believe the Senate has a deep responsibility to show Daniel Ortega, Fidel Castro, and the Kremlin that the U.S. Senate and the people of America will not tolerate the communization of Central America. In the upcoming vote, I hope the U.S. Senate will tell the world that America will not stand for a Soviet military buildup in Central America. I hope the Senate will today show Daniel Ortega, Fidel Castro, and the Soviet Union that we will be watching their every move. And I hope the Senate will today show the Contras that their fight is not in vain—that they have not been abandoned by the American people—and that some of us stand behind them in their fight for freedom, their fight against dictatorship, and their fight against communism in Central America.

During the last few days, many arguments have been lodged against aid to the Contras. I suppose the argument I have heard most often is, "Give peace a chance. Let the Arias peace proposal run its course. Let's see if Ortega's promises of democratic reform are sincere." This question of Ortega's sincerity must be asked—and answered—in the minds of all. And I believe the answer to Ortega's sincerity lies in the past.

From the past, it is clear that Ortega has already had his chance for peace and democracy. And from the past it is clear that Ortega and the Sandinistas ignored their chances for peace and democracy.

If my colleagues will remember, in 1979 the Sandinistas promised that they wanted a democracy in Nicaragua. Daniel Ortega came to Washington, met with Members of Congress and, as my distinguished colleague from South Carolina [Senator HOLLINGS] said yesterday, Ortega said, "he wanted the same democracy in Nicaragua that we wanted in the United States: free elections, freedom of the press, freedom of religion." So in 1979 and 1980, over my objections, Congress gave him a chance. Congress voted the Sandinistas about $115 million dollars in assistance—a proposal that I voted against. In 1980, Congress even added Nicaragua to a "list of faithful countries to be supported by the United States against external subversion and 'terrorism' "—another proposal I opposed. I didn't trust Daniel Ortega then, and I don't trust him now.

What did Ortega and the Sandinistas do with their chance for freedom and their opportunity for democracy? In 1980 they announced that elections would not occur until 1985. Also in 1980 they started to assist leftist guerrillas in El Salvador—which was, incidentally, another country on our list of faithful nations to be supported by the United States against external subversion and terrorism. In 1979 the Sandinistas started receiving military and economic aid from the Soviets which now totals over $4 billion.

What did the Sandinistas do with their chance for peace and freedom in Nicaragua and Central America? Nothing! And this was at a time when they received U.S. assistance.

Why, when the Sandinistas ignored this chance in the past, do my colleagues believe they are sincere today? Why, in light of their past broken promises, do my colleagues believe the Sandinistas are sincere in their support for the Arias peace plan today?

I believe that it is clear the Sandinistas are not sincere. But out of fairness to my colleagues, let us look at the Sandinistas' commitment to the peace proposal at hand.

The Sandinistas had months, I repeat months, to comply with the terms of the Arias peace proposal, and yet only begrudgingly resorted to limited compliance in the last few weeks. The Arias peace proposal calls for a demilitarization in Central America, and yet the Sandinistas have new plans for a 600,000-man army to be equipped with Soviet assistance. The terms of the Arias peace plan calls for an end to the assistance of insurgents in other nations and yet the Sandinistas persist in aiding the leftist guerrillas in El Salvador and elsewhere. The Arias peace plan calls for the liberty of political prisoners and yet the Sandinistas hold thousands of political prisoners in their jails. The Arias peace plan calls for democratization, and yet the Sandinistas have announced that, even if they ever were to hold elections and lose, they will not surrender power in government. The Arias peace plan calls for freedom for opposition groups to meet and yet the Sandinistas break up opposition demonstrations with troops. The Arias peace plan calls for freedom of speech, and freedom of the press, and, although the Sandinistas have allowed token opposition newspapers and radio stations to operate, this does not constitute freedom of the press and freedom of speech.

Have the Sandinistas really demonstrated a commitment to the Arias peace plan? I say they have not!

In this debate, opponents of Contra aid have urged the undecided Members of Congress to give the Central American peace proposal a fair chance by withholding additional aid to the Contras until such time as the diplomatic efforts are exhausted. As I said the day before yesterday, Members of Congress have been urged to wait and see what happens, wait and see if the Sandinistas hold up their part of the bargain, wait and see if they implement democratic reforms, wait and see if the Sandinistas, themselves, suspend aid to guerrillas in El Salvador, Honduras, Guatemala, Costa Rica, and Ecuador. A "wait and see" period without aid will weaken the Contras, reversing all advances they have made. A prolonged "wait and see" period will destroy the resistance movement, and will doom with it all hopes for democratic reform and freedom in Nicaragua.

In my judgment, this vote offers the Senate the choice between peace with freedom in Central America, or temporary peace at the cost of freedom. In my mind, the conflict in Nicaragua between the Sandinistas and the Contras extends beyond the realm of a civil war. The conflict is a clash between the United States and the Soviet Union, it is a battle between democracy and communism, it is a fight between freedom and dictatorship.

Therefore, I believe that it would be disastrous to suspend aid to the Contras. Indeed, I contend that the only hope for peace with freedom in Nicaragua and in Central America is to continue to provide both military and humanitarian aid to the Contras. We must not sacrifice freedom for short-term, short-lived peace in Central America.

Now is not the time for the diplomatic peace process. Historically, diplomatic efforts have been pursued either from a position of strength, or because there was no hope for success. For slightly over a year, the Contras have benefited from uninterrupted aid. Therefore, in light of the recent peace proposal, I must ask this question: Are the Contras in a position of strength or capitulation?

It is doubtful that they are in either position.

Rather, it appears that, while the Contras could not immediately pose a serious threat to Daniel Ortega and the Sandinista regime, they are not likely to disband either. Indeed, the Contras are gaining support, are growing stronger, and offer opposition that is troublesome to the totalitarian Marxist government the Sandinistas have established in Nicaragua. Therefore, the Sandinistas have sought to relieve some of this pressure by agreeing to the Arias peace plan, agreeing to limited reforms, and taking some steps, for show at least, designed to convince sympathizers that the Sandinistas are committed to democratization. But let us not fool ourselves into thinking that the ultimate goals of the Sandinistas are nothing less than a Communist dictatorship and a "hatchery of revolution" for surrounding countries.

In 1938, with hopes for peace, the leader of Western democracy took at face value the assurance of a dictator bent on dominating the world. He returned home proclaiming victory. "I believe it is peace in our time," he announced. That peace led to the bloodiest world war in the history of the world. Let us learn from the mistakes of the past. Let us learn to put our trust in deeds, not words. Let us learn to read the writing on the wall, and let us not confuse our hopes with what is written in plain sight.

The United States cannot abandon the Contras for the flimsy words and shallow promises of Daniel Ortega. When the Sandinistas assumed power, they made promises of democratic reforms. For these false promises, the Sandinistas actually received approximately $100 million in financial assistance from the United States—from the taxpayers of America—assistance I strongly objected to and voted against. Yet, today, more than 9 years after the Sandinista came to power, these promises remain unfulfilled. The citizens of Nicaragua are not allowed to choose their own representatives in government. Citizens who have dared to stand against Daniel Ortega have been imprisoned and murdered. Oppression was even evident immediately following Ortega's announcement that democratic reforms had been instituted and that the state of emergency had been lifted.

Yet, as long as the Sandinistas are opposed in some manner, they will not be able to consolidate power and turn Nicaragua into another Cuba. And eventually they will be forced to make some reforms. As the freedom-fighters gain in strength, the Sandinistas will be forced to grant more liberties and expand reforms, or face the political consequences. Therefore, for peace, for freedom, and for our own national security, we must provide U.S. assistance to the freedom-fighters of Nicaragua, and I intend to continue in this battle for aid.

While I feel that current diplomatic efforts which would attempt to resolve the conflicts and establish freedom in Central America should be encouraged, we must not abandon the Contras for unsubstantiated promises and mere hopes of progress. The needs, aims, and goals of the United States and the citizens of America should be tantamount in the minds of all members of Congress. In my opinion, any compromise or effort would not achieve our national goals unless it contained three criteria, which, in my judgement, must be integral parts of any peace plan for it to be acceptable to the United States.

First, the freedom of the Nicaraguan people must not be sacrificed for short-term peace. The cost for such a peace would be too high.

Second, any peace must contain provisions which will end all Soviet and Cuban influence in Nicaragua, and in Central America.

Finally, any Central American peace plan must provide for democracy, free elections, and freedom of the press and freedom of speech in Nicaragua. In my judgment, the opening of token opposition newspapers and radio stations does not constitute freedom of the press.

If any peace were to be implemented without accomplishing each of these aims, the national goals of the United States, and of our freedom-loving allies both in the Western Hemisphere and throughout the world, would be severely compromised. Therefore, I believe that the United States must take all action to ensure that these goals are met. Providing additional assistance to the Contras carries the hopes of achieving these goals. Therefore, assistance should be approved.

During the last 25 years, the Soviet Union has become increasingly involved in the politics of Central and South America and the Caribbean. In 1960, the Soviets had diplomatic relations with only 5 countries in the Western Hemisphere. Today, the Soviets enjoy full diplomatic relations with 16 countries, and Cuba is regarded by the Soviets as a major asset in their military strategy.

Cuba is only 90 miles from the Florida coast and the Soviets have armed Cuba to the teeth. It is the location of the most sophisticated intelligence gathering facility outside the territory of the Soviet Union. The Soviets have equipped the Cubans with almost 1,000 tanks, hundreds of advanced jet fighters and armed helicopters, bombers, various frigates, submarines, torpedo-equipped patrol boats and, more recently, amphibious landing ships, various sophisticated surface to air missiles, and anti-aircraft weapons. Thus, the armed forces of Cuba are the largest in Latin America—larger even than Brazil's, which has a population that is 12 times greater than Cuba.

There is no doubt that Cuba has been active in spreading revolution throughout our neighboring countries in Central and South America. The Soviet Union uses Cuba to do its dirty work—spreading the seeds of dissent, and distributing arms to guerrillas so that the Kremlin is not viewed as a participant in these terrorist activities. Cuba was instrumental in providing Maurice Bishop, the Prime Minister of Granada, with weapons. Cuba was also instrumental in helping the Sandinistas overthrow the Somoza regime in Nicaragua. Cuba has provided aid to the guerrillas seeking to overthrow the government in El Salvador and elsewhere. The United States cannot afford to allow the Soviets to have another foothold like Cuba in the Western Hemisphere.

However, this has already begun in Nicaragua. After the Sandinistas seized power, both the Kremlin and Castro began to provide Daniel Ortega with arms and with military advisors. Today, there are reportedly about 4,500 Cuban personnel in Nicaragua. These include military/security advisors, troops, civilian intelligence gatherers, other civilian advisors, and teachers who are constantly spreading the propoganda of communism through the schools of Nicaragua. Additionally, there are approximately 200 Soviet and Eastern bloc advisors, roughly 50 of whom are from Russia, and the remainder from countries such as East Germany, Czechoslovakia, Bulgaria, and elsewhere.

The weapons that have been provided by the Soviets to the Sandinistas are formidable—especially in comparison to the Contras. Nicaragua has approximately 150 tanks, and about 250 other armored vehicles. They have roughly 50 military helicopters, 10 of which are the advanced M1 24/25 HIND type, and many of the others are the Soviet HIP type, which are comparable to our own Huey helicopters. The Nicaraguan Air Force has recently been growing in size. In addition to the MIGs they have requested and I understand plan to receive in the next few years, they have already received several of the Soviet AN-26 transport planes, some of which have been equipped with bomb racks, as well as various other planes. Additionally, their airbases have been upgraded and they have completed three runways which are capable of accommodating jet aircraft of any size. The Nicaraguan Navy has also been greatly improved with Soviet help. They have a total of about 30 ships, not counting their fishing boats which are, in effect, armed trawlers. Of the fleet of 30 naval ships, approximately 20 are patrol boats, six are mine sweepers, and they have other antisubmarine warfare (ASW) ships. I might add that Nicaragua is the only nation in Central America that has these ASW ships and mine sweepers. The Sandinistas also have about 400 SA-7, SA-14, and SA-16 surface-to-air missile launchers, and about 300 mobile radar-equipped antiaircraft guns. With regard to field artillery, the Nicaraguans have about 120 guns of over 100 millimeters, almost 300 AT-2 and AT-3 Swagger antitank missiles, more than 35 of the Soviet BM-21 rocket launchers, and various other missiles which can be infantry held or helicopter mounted. This is by far the largest arsenal of field artillery held by any Central American country. Furthermore, according to DOD estimates, the Sandinistas have an army of approximately 80,000 regular troops, plus about 120,000 militia. This, Mr. President, is a formidable and well-armed force in Central America.

In contrast, the Contras have mustered an army of about 15,000 troops. Their weapons are scant. They have planes, but these are old and often undependable.

Many of my colleagues may argue that the Sandinista military buildup is certainly within their rights as a nation. However, I cannot stress too strongly that, in my judgment, this is not a Nicaraguan military buildup. Rather, this is a Soviet military buildup in the Western Hemisphere. Since 1979, the Soviets and Warsaw Pact Nations have provided the Sandinistas with an alarming $2.3 billion in military supplies and over $4 billion in total aid. In contrast, the United States has provided the Contras with only approximately $244 million from 1981 to 1987.

Opponents of Contra aid may argue that the Sandinistas have been forced to receive Soviet assistance because of the United States assistance to the Contras, and the threat the Contras offer. However, from approximately November 8, 1984, until September 30, 1985, Congress appropriated no aid to the Contras while the Sandinistas received a total of $730 million in military and economic assistance from the Soviet Union and Eastern European nations.

Many of my colleagues question the wisdom of providing aid to the Contras. This is certainly their prerogative. Yet, Mr. President, I believe that we must continue to provide aid to the Contras—military and otherwise. We must confront the Soviet build-up in South and Central America. Nicaragua is often viewed as some far-away place, which poses no threat to the United States. This may be the opinion of individuals in the northern regions of our country, but as the good people of Alabama are aware, Nicaragua is closer to Mobile, AL, than Chicago is. I believe that we have a choice of either aiding the Contras now, or being faced with the prospect of sending American troops into that region at some point in the future, And nobody wishes to see that happen.

Supplying the Contras with arms and other assistance accomplishes many goals.

First, it challenges the Soviet and Cuban military buildup in Central America, in our own backyard. The United States must send a strong message to the Soviets, and to the world, that revolutionary tactics which attempt to undermine the security and peace of free nations in the Western Hemisphere will not be tolerated, and will be challenged. I believe that we sent this message when the United States, at the request of various Caribbean nations, expelled the Soviet controlled Communist element from Grenada. And I believe that we must send this message again by providing aid for the Contras, who are fighting against communism and dictatorship in Nicaragua.

A second, and equally important reason for supplying aid to the Contras, is that, if we allow it, Nicaragua would be an ideal stronghold for Soviet expansion. Unlike Cuba, which is isolated by water, Nicaragua is of enormous strategic importance. The Panama Canal is within striking distance, and Nicaragua is well suited for transporting revolution throughout Latin America. Indeed, evidence has demonstrated that Nicaragua has already provided aid to guerrillas in El Salvador, in Honduras, in Guatemala, in Ecuador, and in Costa Rica. Despite the provisions of the Arias peace plan, Nicaragua continued to provide aid to leftist guerrillas.

Are we to sit idly by as the Sandinistas, the Cubans and the Soviets work to undermine the governments of Panama and Mexico, as well? I voice a resounding "No." As long as we bolster the Contras and help them to fight against communism, for freedom and democracy, the Soviets and Cubans cannot complete their revolution in Nicaragua. They cannot complete the process of turning Nicaragua into a Soviet "hatchery for revolution," an incubator of dissent and training ground for guerrillas to overthrow freedom-loving and democratic-minded countries in Central America and throughout South America.

A third reason I consider aid to the Contras as essential is that the pressure the Contras place on the Ortega administration in Nicaragua demands concessions, and will, hopefully, ultimately result in freedom for the Nicaraguan people. The Sandinistas seek to eliminate all opposition. They have attempted to accomplish this goal at all costs, murdering and imprisoning hundreds and thousands of dissenters. If they are allowed to eradicate their opponents, there will never be any prospect for freedom in Nicaragua—only tyranny and dictatorship. By aiding the Contras, we further the hope of freedom loving people for democracy in Nicaragua.

Mr. President, I was a member of the committee investigating the sale of arms to Iran, and the diversion of funds to the Contras which completed its hearings last year. Although the hearings were criticized by many as an attempt to subvert the President's foreign policy in Central America, I must disagree.

I have no doubt but that the hearings helped to educate the American people of the important concerns and issues our Nation faces in Central America. More people understand the struggle the Contras have made, and they realize the dedication and determination with which the Contras oppose dictatorship and communism in Nicaragua. They realize the dire threat posed by an increased Soviet influence in Central America. Furthermore, the American people were afforded a glimpse of those who fight for freedom in Nicaragua that they, otherwise, would not have seen. Adolpho Calero, who was the leader of the Contras, testified before the committee, and provided his first-hand assessment of the situation in Nicaragua.

And I must emphasize that the hearings were not an effort to subvert the administration's policy in Nicaragua. As I have already indicated, I am personally supportive of the Contras and believe that we must provide aid to the Contras, military and otherwise. My record will show that I have voted with the President every time this issue has been brought before Congress. I believe, and among the members of the Committee, I was not alone in this view, that the aid the administration has requested through the years is but a small price to pay to keep the dangerous threat of communism and the Soviet and Cuban influence at bay in the Western Hemisphere.

Mr. President, many decades ago, Nicaragua was the subject of a heated debate which occurred in the United States Senate. The central focus of the debate was whether the United States should approve funding of a canal that would be built through Nicaragua. There are many similarities between that debate and the discussions we now face relative to aiding the Contras. Then, as now, the influence of a foreign country was a major concern. Then, as now, opponents of the plan claimed that the expense was too high—the cost would not justify the results. Then, as now, there were allegations of fraud, bribery, and profiteering. Yet, in February 1891, the Senator from my home state of Alabama, a man named John Tyler Morgan, who served in this body for 30 years, and whose portrait now hangs on the third floor of the Capitol, just outside the Senate Library, spoke these words which are, ironically, as accurate today as they were nearly 100 years ago.

> "We believe, sir," he said, "that the time has now arrived for action on the part of the Senate and the Congress of the United States, and that unless we act this matter will drift out of our control; that we shall no longer have an opportunity to gain power or control over it hereafter . . ."

Mr. President, unless we provide adequate funding for the Contras, the Soviets will surely establish another stronghold in the Western Hemisphere. Unless we act now, this matter will surely drift from our control. The consequences we risk are frightening, indeed. We risk the threat to the national security of the United States of America, and the threat to the freedom of peoples throughout the Western Hemisphere. I believe that we must aid the Contras. We must renew our fight against dictatorship and communism throughout the world. I hope that my colleagues will join me in this battle and will support further aid to the Contras.

Mr. President, as I said earlier, I strongly support the plan for aid to the Contras. I do so feeling that it is inadequate, but, nevertheless, that it is sufficient to keep the Contra movement alive.

In order to address the Nicaraguan situation, let me go to another side of the world, to Afghanistan.

An interesting observation and statistic has come out of the Russian invasion of Afghanistan. There have been more Russian casualties in Afghanistan than in all the wars, police actions, battles, or skirmishes that have occurred since World War II relative to Russian military personnel.

That is a rather astounding figure when you realize that Korea has occurred, Vietnam has occurred, in Poland there have been many instances of insurrection. But what does it mean? It means that the Russians have had a plan of action by which they have used the troops of other nations to accomplish their goals.

If you will look and follow what has occurred with Russia and the spread of Marxism and communism, it is not always the same but is basically the same, you will see that there has been a modus operandi, as the police call it. It occurs time and time again, and it is, therefore, predictable for the future.

First, they pick out a country that is ripe for a revolution, where there have been atrocities, deprivation of human rights, dictatorships, and many, many other elements that we all are familiar with. That country which is ripe for a revolution, where poverty prevails, where the wealth is concentrated in a few hands, is picked out. Then they go in and they begin to identify the dissidents and train them in revolutionary activities, teaching them the tactics of guerrilla warfare, then supplying the arms and the military supplies and they overthrow the existing government.

Then they go in and they set up a government. That government then becomes an incubator of dissent in surrounding countries. It then becomes a hatchery for revolution in the surrounding countries. It then becomes an arsenal for weapons to be used in revolutions of surrounding countries. Then it becomes a school for the takeover.

This practice has been followed time and time again. It was followed in Cuba. But generally speaking they have not been able to use Cuba as a base for the hatchery of revolution to other countries because it was isolated, since it was an island. But we have in Central America, in Nicaragua, the same modus operandi that has occurred. The Soviets are starting a base with which to accomplish their goals.

Is there anyone who would believe that the Sandinista government is not going to continue to take military aid and other forms of aid from Cuba, from the Eastern bloc countries, and Russia? I just do not believe that anybody believes that.

Now, let us also see what else they have done in Nicaragua. Military advisers. There are reports of various amounts, but look at it. We know that there are at least 3,000 military advisers.

We look to the school system in Nicaragua. Cubans and others have gone into the school system. They are teaching their ideology in the school system and also training them in military subjects.

Now, they are not down there for the purpose of teaching those students how to play tiddlywinks. They are there for a purpose and the modus operandi follows. They are down there to spread revolution and communism, to isolate America.

I do not think the Contras are in great strength—I have seen figures, maybe at most 17,000—but they are at least keeping the Sandinista government occupied and prevented it from pursuing its goal of trying to consolidate power and then create a hatchery of revolution for other countries.

Other Central American countries may now be ripe for revolution. There is abundant povery that exists in Panama. There is abundant poverty that exists in Mexico and all of the surrounding countries. I do not want to have to send American toops down there; we still have the lingering memories of the Vietnam war, but we must keep the Sandinista government occupied. Thus, it is in America's interests to support the Contras. This is the reason why we ought to look at it not so much from the viewpoint of what it is doing in that country but from a viewpoint of what it means to America 5 years from now, 10 years from now, 20 years from now.

We all want peace. We want the peace process to work. But does anybody feel that the Contras are strong enough to negotiate peace at this time? Does anybody believe that the Contras are strong enough to further freedom at this time?

We look at what aid has been supplied to both the Contras and the Sandinistas. Over $4 billion has gone from Russia and Cuba and other Soviet block countries to the Sandinistas. Our total humanitarian and military aid for the Contras amounts to $245 million—probably only a very small percentage in comparison to the Russians if you make the mathematical calculations.

If you are going to have a peace process, then No. 1, the Contras have to be in a position to be a formidable threat to the Sandinistas. They are not in that condition today. If we have a peace, I wonder how long it will last? Does anyone really feel that the placing of 4 billion dollars' worth of aid in Nicaragua is going to be wasted by the Russians? I do not feel the American people realize what is going on down there. This vote is an opportunity to bring it to their attention. Again, I urge my colleagues to support this request for aid to the Contras.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield 10 minutes to the Senator from Minnesota, Mr. DURENBERGER.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DURENBERGER. Mr. President, I rise today to oppose the request for aid to the Nicaraguan resistance. Last night the House of Representatives voted the package down 219 to 211. The Senate vote on this resolution lacks real meaning and clearly has no force, and for that reason I earlier opposed the motion to proceed. Although the Senate may send an approved aid request back to the House, it will not be acted upon. It is now quite clear, Mr. President, that further United States aid to the Contras will come only when this Congress decides that funding a militarized attack on the Sandinistas is the only way to free the Nicaraguan people.

So today I will vote against this aid request, not because I trust Daniel Ortega and his comandantes. I do not. I will vote no today because I believe the aid package the President has proposed will continue the weakening of the United States national security interests in Central America and will not further the goal of peace with justice in the region.

I agree with my colleagues that the Sandinistas continue to move toward totalitarianism. Their preference for Soviet-style people's democracy over genuine democracy is clear and there is no doubt that Nicaragua has been subverting the fragile democracies in Central America. My colleague from Alabama referred to them appropriately as a "hatchery of communism."

I sat in the Senate Intelligence Committee chair long enough to know Central America's democracies cannot survive with a Marxist-Soviet/Cuban troublemaker in their midst. And I do not doubt that many of the FSLN leaders would like to continue to export their revolution. Ortega has threatened to send surface to air missiles to the antidemocratic guerrillas in El Salvador. These are clearly not the words of a mere socialist interested in domestic reform.

But if Nicaragua is a security threat to Central America, and it is, the Contras are not the solution—they are part of the problem. Seven years of Contra war did not lead to the promises and concessions that 7 months of the Arias peace plan produced. What the Contras have done is provide the Sandinistas an excuse to fulfill their dictatorial tendencies. What continued funding at the $100 to $270 million a year level does is provide the Sandinistas an excuse not to negotiate an agreement.

What the peace plan has done is to force the Sandinistas into granting some of the basic freedoms they have withheld from their people for so long. Sandinista actions do not guarantee a democratic outcome—not by a long shot. But Ortega has taken steps that are controversial amongst the commandantes themselves. The divisions within the Sandinista directorate should be encouraged—and the best way to do that is to continue to press for democratization without providing the FSLN an excuse to halt the process.

None of us trust the Sandinistas to live up to their promises but the matter before us is not predicated on trust. I believe what we must do is test the Sandinistas—test their commitments and promises, test their intentions, and test their willingness to allow a political opening to expand. Testing simply means calling the Sandinistas' bluff or it may mean beginning a process that the Sandinistas cannot easily control or reverse.

While no one believes that $36 or even $136 million will enable the Contras to overthrow the Sandinistas, $36 million is clearly enough to provide the Sandinistas with an excuse to halt the limited reforms they have allowed. They have done it before. There is no reason they will not do it again. For too long our policy toward Central America has been based on yearly allotments of Contra aid approved by razor-thin margins. Such a policy cannot continue. It is propaganda not policy.

Supporters of Contra aid have long argued that there is no viable alternative to continued funding but that is not true. Last month I for one and others have done this—read them in the paper from knowledgeable political leaders in this country—last month I laid out an alternative set of directions for United States policy that we could pursue in order to gain our twin goals of democracy and peace in Central America. First, I wholeheartedly support the peace process. Unlike this series of plans laid out here by my colleague from Colorado earlier, this is the first since 1979 Central American Peace Plan. I so endorse it.

If the process is going to break down it should not break down because of what we do on the floor of the U.S. Senate. But if the peace process breaks down nobody should be able to doubt it was the fault of the Sandinistas.

We all agree that Nicaragua is the key to lasting peace in Central America. The United States could do much more to encourage democracy in Nicaragua. The Contra political leaders—genuine democrats like Alfonso Robelo and Alfredo Cesar—should return to Nicaragua and join with the peaceful internal opposition—that has been there from the beginning in much the same way as Ruben Zamora and Guillermo Ungo returned to El Salvador.

The United States should refocus its efforts from the armed opposition made up largely of peasants and farmers from the northern portions of Nicaragua to support for the internal opposition that has remained in Nicaragua and fought valiantly for democracy over the last decade.

Aiding the internal opposition does not simply mean providing money: it means diplomatic support and it means using the National Endowment for Democracy. This means using a variety of affiliated national and international institutes to their full capabilities. Instead of focusing on a false choice between the Contras and the Sandinistas, a choice between one army and another, and one police force and another, we should devote our energies to the peaceful "freedom fighters." We have virtually ignored the political parties that make up the democratic opposition. We never have them over to the White House. Administration spokesmen rarely mention the labor and business groups working for democracy inside Nicaragua. And I wonder if we actually care about the plight of the Miskito Indians and other Atlantic coast peoples. Brooklyn Rivera is now engaged in dialog with the Sandinistas—but he has been cut off from the U.S. assistance program because he would not submit his movement to dictates from the Yankees. U.S. policy should aim at aiding all democratic opponents of the Sandinistas—not just the Contra force created in 1981.

The United States does, as many of my colleagues have stated, have an obligation not to abandon the Contras to the Sandinista military machine. Since the program of paramilitary support for the Contras began, I raised the question behind the closed doors of the intelligence committee of what happens, if this Contra army disappears or is entrapped? What happens if we get a Bay of Pigs? We have moved way beyond the possibility of a Bay of Pigs. Now the problem is—and I raised these questions over the last 6 years—what happens if our policy goals change or the tactics for achieving those goals change? Our country has a poor track record of support for paramilitary operations—whether the Ukranians in the 1940's, Cubans in the 1960's, or Hmong in the 1970's.

Building a mercenary force carries a heavy obligation. When it is an indigenous paramilitary force engaged in counterrevolution, it's even more difficult because the goals and the objectives, Mr. President, are not necessarily synonymous.

Now we have to face up to the question I asked 6 years ago—what do we do with the thousands of Nicaraguans who have chosen to risk their lives to oppose the Sandinistas when we decide to support a political solution. If I thought the Contras were going to be at the mercy of the Sandinistas without this aid, I would take a different view. Wouldn't you wonder about the real strength of a guerrilla force which disappears without yearly infusions of U.S. aid.

The fact is that the Contras are not going to go away because of the House vote yesterday or the Senate vote today. The U.S. Senate does not know how many supplies are sitting in Honduras—but we know there are some. The U.S. Senate does not know how long the Contras air supply line can continue without U.S. aid—but we suspect for some time. And the U.S. Senate does not know how many Contras will be able to fight on inside Nicaragua by living off indigenous resources—but there are likely to be many.

In fact, I would say most of them—the indigenous sources—are going back to the farm. They are not going to Miami. We spent much of last year, Mr. President, trying to determine just how far our Government went in trying to get financial aid to the Contras. We still do not know the answer, though, to the political questions that drive the military aid requests. Can the Contras win? My colleague from Colorado says they are winning. What is winning? When? Well, he did not want to answer that question. Nobody wanted to answer that one for 6 years.

Who is going to decide the settlement terms with the Sandinistas? The Contra military? Some of the freedom fighters' civilian leaders, the President of the United States, the Congress, the American media, the next vote we have here?

Mr. President, I recognize that the United States has legitimate security interests that Nicaragua jeopardizes. We cannot allow Nicaragua to be a platform for Soviet weapons like jet fighters. We cannot allow Nicaragua to continue to subvert its democratic neighbors even though we tolerate both of these in Cuba. But the Contras are not the answer.

Further aid to the Contras only provides a rationale and an evasion for Daniel Ortega when he is faced with accusations about his support for guerrillas in neighboring states. As long as Honduras provides support for the destabilization of Nicaragua, the democratic case against Sandinista subversion is weakened. This is the essential truth recognized by the Arias peace plan.

As we vote today, I hope we will face up to the fact that our security interests in Central America will not be solved by providing more aid to the Contras. I urge my colleagues to reject this proposal. By giving the peace process time to work, we have a chance to build a real consensus about U.S. action in Central America. If the Sandinistas act as some predict they will in the next few months, that consensus may be for Contra aid later this year. And if the real pressure for democratization comes from Nicaragua's neighbors, that consensus may be to follow the course I have tried to sketch today.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I shall vote against the President's request for additional Contra aid.

The President's formal request for Contra aid states that the purpose of U.S. policy is "to advance democracy and security in Central America, and thereby to assist in brining a just and lasting peace to that region, in a manner compatible with the Guatemala peace accord" signed by the leaders of Central America last August.

But the Guatemala accord clearly requests that outside powers cease providing "military, logistical, financial or propagandistic aid" to irregular forces or insurgent movements. The accord calls the halt of aid to guerrilla groups "an essential requirement for achieving a stable and lasting peace in the region."

American policy cannot be "compatible with the Guatemala peace accord" if it directly violates that agreement.

In their San Jose declaration of January 17, the Presidents of Central America reaffirmed that the end of aid to irregular groups is "an indispensable condition" for a lasting peace in Central America.

It should be clearly stated, and clearly understood by the American people, that it is not simply Nicaragua's President Ortega who believes that additional Contra aid will harm the peace process.

The San Jose declaration was composed by the democratically elected presidents of El Salvador, Guatemala, Costa Rica, and Honduras—our friends and allies in the region. So there can be no mistaking the fact that the language and interpretation of the Guatemala accord—which President Reagan says he supports—directly contradict the President's request for aid before us.

From the beginning, American policy has been motivated in part by a desire to help the people of Central America realize peace and democracy. Well, now the Central Americans have come together for the first time to work on their own peace plan.

If we meant what we have been saying all these years we should be supporting the Central Americans, our friends and allies in their peace effort. We should not be undermining them in their effort. And yet, the President's request now before the Senate directly violates the peace accords which the President says he supports. And, therefore, by any standard of logic or analysis of our interpretation of this accord, the administration's proposal is contradictory to our stated policy objective.

President Reagan has portrayed his request as a modest insurance policy for peace. It is not. If extended over 18 months, it would equal the administration's original $270 million request. It would provide the Contras with a higher annual level of aid than ever before.

The request would triple current levels of militarily significant aid, in the form of helicopters, jeeps, communications gear and other equipment. The administration describes such equipment as nonlethal. That is a play on words. Helicopters and jeeps are equipment used in the waging of war.

Under the President's request, lethal aid, along with stockpiled weapons and ammunition, would be delivered after March 31 if the President certified that no cease-fire had been achieved.

But what greater incentive could the United States provide the Contras to refuse a cease-fire offer? The escrow provision would directly undermine efforts to reach peace in Nicaragua.

Yet the President says he supports the Guatemala accord and the peace process now unfolding in Central America.

Neither the President nor anyone else can have it both ways. Either we support the Contras and a military solution in Nicaragua, or we support the Guatemala accord and a peaceful solution in Central America.

This vote on continued Contra aid measures our support for the peace process.

It is a referendum on a policy that has failed for over half a decade.

When the administration first began organizing, training, and arming the Contras, the American people were told that the covert program was needed to stem the flow of Sandinista arms to other Central American countries. The reasons for supporting the Contras have ranged since then from ensuring free elections to making the Sandinistas cry "uncle."

But despite the shifting justifications and extravagant rhetoric, it has become clear to most Americans that the Contra's goal is the military overthrow of the government of Nicaragua.

The majority of the American people do not support that policy. Americans recognize that the United States has serious interests in Central America. But Americans do not accept that funding the Contras will best advance those interests.

And the American people are right.

Supporting the Contras has not—and cannot—advance the U.S. main policy objectives regarding Nicaragua: promoting regional security and advancing internal democracy.

The Contras have made Central America less stable and secure, as the Sandinistas turned to the Soviets for military assistance and the Contras set up camp in Honduras and Costa Rica. Nicaragua's neighbors worry, with reason, that fighting will spill across their borders.

The Contras have helped precipitate and justify Sandinista repression. When the CIA and Contras destroyed important Nicaraguan bridges in 1982, a national state of emergency was imposed. The October 1985 Contra aid vote was followed by renewal of the state of emergency and a further clampdown on internal dissent. After $100 million was voted for the Contras in 1986, the Sandinistas closed the opposition paper La Prensa.

The Contras represent an external, American-backed threat which the Sandinistas have used to excuse their egregious mismanagement of the economy, political repression, and violations of human rights.

All Americans agree that the ideal outcome is real democracy in Nicaragua and in every other nation across the globe.

But America does not promote democracy in Nicaragua by arming and legitimizing a military force still tainted by undemocratic remnants of the Somoza dictatorship. Democracy is not advanced by funding a force that targets civilians, schools, health clinics, and the economic infrastructure upon which the people of Nicaragua rely.

In Nicaragua, the means we have chosen are incompatible with our ends. And they have not worked.

It is time to try another route.

An alternative exists in the peace process set in motion by the Central American governments themselves.

It is an initiative that reflects the best of American diplomacy in the post-World War II era. Our Nation was instrumental in the founding of the United Nations. Until the Contra war, we supported the International Court of Justice. We worked with our neighboring nations to create the Organization of American States.

We did so in the belief that the principles of international law, buttressed by negotiation, best serve our long-term interests and reflect the principles for which America stands.

The Guatemala accord is in this tradition. It is an effort to solve regional problems in a regional context. The Central American Presidents, supported by international opinion and sustained by regional pride, are willing to work and take risks to realize their common goal of a peaceful Central America.

It would be a tragic irony if our Nation, which has so often urged negotiation instead of violence, should prove unwilling to take the far lesser risks that the peace process involves for us.

The question is not whether the United States should ever use military force. We must be prepared, not just to give military assistance to our allies, but to employ force when our national interests are at stake. All recognize that such circumstances can and will arise.

The question is whether in these circumstances, in the case of Nicaragua, the Reagan administration's reliance on force—and virtual exclusion of diplomacy—best serves American interests. In judging the past 7 years, it is clear that force has not advance American interests. Change in Nicaragua has emerged from an alternative source.

The peace process is just that—a process. It is not a blueprint with each step clearly marked. Nor is it an instant solution to the region's complex economic, social, and political problems. Progress toward peace and democracy has far to go in every Central American country execpt the democracy of Costa Rica.

But with respect to Nicaragua, the peace process has one important fact in its favor: In 6 months it has done more to promote democracy and human rights in Nicaragua than have 7 years of the Contra war.

The peace process deserves the opportunity to be tested.

It is the peace process, not the Contra war, that has moved the Sandinistas toward easing repression inside Nicaragua.

In meeting their obligations under the Guatemala accord, the Sandinistas agreed to lift the state of emergency, grant amnesty to thousands of political prisoners, allow La Prensa and other press to operate without censorship, abolish the extrajudicial "people's tribunals," and negotiate directly with the Contras.

No one believes that these Sandinista concessions have changed the fundamental nature of that regime.

None of these actions is irreversible. The state of emergency can be reimposed; political prisoners can be rearrested; newspapers and radios can again be closed. There are no guarantees for future progress.

But continued funding of the Contras would virtually guarantee that progress would be set back.

It would provide greater incentives for increased Soviet aid to Nicaragua, at a time that the Soviets have indicated a desire to reduce their support.

It would send a clear signal to other Central American nations that the United States is unwilling to fully support their peace plan.

And it would very likely lead to a renewed clampdown inside Nicaragua. This is predictable. We don't need Daniel Ortega's warning that the Sandinistas won't abide by the Guatemala accord if we refuse to do so.

The Contras cannot guarantee democracy for the people of Nicaragua. They can guarantee more bloodshed and hardship.

This is why the United States should not continue on the failed path of the Contra war.

Within the context of the Guatemala accord, there is a role for Contra aid. Relocation aid to help Contra fighters and families resettle and integrate back into society is permitted under the terms of the accord. We have incurred, as one legacy of our failed policy, an obligation to help the Contras in their transition. But first there must be peace.

It is time to face the fact that the Guatemala accord has been more effective in advancing the causes of security and peace in Central America.

It is time for the United States to work in partnership with the governments of Central America, and support their efforts to solve their conflicts through diplomacy and negotiation.

The peaceful resolution of conflicts is a goal that the United States has done much to promote during past decades, and it is a goal that the American people support.

It is time to reaffirm America's commitment to peaceful change. This is the best way to address our legitimate concerns about democracy and security in Central America, and it is the most promising course available to us.

Mr. PELL. I thank my colleague.

Mr. McCAIN. I yield 6 minutes to my colleague from South Carolina and 8 minutes to my colleague from Washington.

The PRESIDING OFFICER. The Chair informs the Senator from Arizona that, under the agreement, he has 8 minutes remaining.

Mr. McCAIN. Then I yield 6 minutes to my colleague from South Carolina.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. THURMOND. I thank the Senator.

I wish to express my appreciation to my colleagues, Senator KASSEBAUM and Senator EVANS for their courtesy.

Mr. President, I rise in support of President Reagan's request to provide $36 million in aid to the democratic resistance in Nicaragua. The underlying issue is quite simply whether the U.S. Congress will assist in freeing an enslaved people, who are quite willing to fight for their freedom, or whether we will stand by as communism is consolidated first in Nicaragua and then spread throughout the region.

Mr. President, in 1979 the United States, along with members of the Organization of American States, withdrew official recognition of the Somoza government in return for a pledge from the Sandinistas to institute democratic reform in Nicaragua. The Somoza regime fell and the Sandinistas took control as we waited for democratic reform to take place. It is more than 8 years later and we are still awaiting democratic reform.

The sad truth of the matter is that there is no hope for democratic reform whatsoever in Nicaragua so long as the Sandinistas remain in power. There is also the danger that they pose to their neighbors because the Sandinista dictatorship has stated unequivocally that their Marxist revolution is a "revolution without borders."

Mr. President, there has been a geat deal of false information concerning the popularity of the counter revolutionary forces in Nicaragua. Opponents of aid to the Contras repeatedly make the claim that this is not a popular revolution. Nothing could be further from the truth. Let me compare the growth of the Sandinista movement over time to the growth of the Contra movement.

It took the Sandinistas more than 15 years to assemble a movement of between 5,000 and 7,000 soldiers. In less than 5 years the Contras have assembled nearly 20,000 soldiers. In fact, the Contra forces today exceed the total number of men in Somoza's National Guard, which in 1979 totaled only 14,000 men both active and reserve. This is clearly a popular revolt.

Mr. President, there are critics of support for the Contras who would have us believe there is no hope for success even if we support the Contras consistently. This is also untrue. We must remind ourselves that the Sandinista revolt took more than 15 years to succeed against a small National Guard force. The Contras face the largest and most powerful army in Central America. The Contras who have swelled in ranks to their current size are fighting against an active army of 75,000 Sandinista soldiers backed by another 60,000 reservists and militiamen.

There are those who keep saying give peace a chance. We gave peace a chance once before with the Sandinistas and it failed. More than 8 years later they are making similar hollow promises to buy time.

"Give peace a chance" will go down in history with other great quotes, such as "peace in our time" and "peace with honor." We can have peace in Nicaragua by cutting off aid to the Contras. The problem is we will have peace without democracy. Let us give democracy a chance and then give peace a chance.

Since 1981, the Soviets and her allies have provided the Sandinistas with more than $4.5 billion in assistance. During this same time frame, we have provided the democratic resistance with about $225 million. This Congress has stood by and watched as the largest land army in Central America has been armed, equipped and trained by our adversaries.

Mr. President, the Sandinistas offer nothing but totalitarian despair to the people of Nicaragua. Their only hope is through the success of the Contra movement. It would do us all well to remember this history of our own country and be thankful that the French Government did not send Lafayette to our shores with only humanitarian aid, or the empty phrase, "Give peace a chance." We should also remember that it was the United States Congress which helped give peace a chance in South Vietnam. The South Vietnamese liked their peace so much millions of them fled the country while countless others died trying to flee. I urge all of my colleagues to support President Reagan.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. I wish to thank the able manager of the bill for this time.

Mr. McCAIN. I thank the distinguished Senator for those very important words.

Mr. President, I request unanimous consent that I be allowed an additional hour from the minority leader's time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCAIN. Mr. President, I yield 8 minutes to my colleague from Washington, Senator EVANS.

The PRESIDING OFFICER. The Senator from Washington is recognized for 8 minutes.

Mr. EVANS. I had an opportunity to speak yesterday on this subject, so I will not try to extend my remarks. I will, however, reiterate some of the things which I believe are important as we face this terribly difficult vote, difficult for all of us.

Since the time I arrived in the Senate, I have been an opponent of Contra aid because I felt that it simply would not do the job that its adherents suggested that it would.

Two years ago in a speech on the floor of the Senate, I said that it was time to embark on a comprehensive program in Central America, the guiding point of which ought to be that the Central Americans, themselves, would determine their own future. Long before the Arias peace plan, I believe I said that those for whom Spanish is the primary language ought to be the ones deciding on their own future.

I felt at that time and I still feel, that we as a nation, should have consistently offered the kind of economic aid called for by the Kissinger Commission to the four democracies in Central America.

We should be, as I hope we are, talking, through diplomatic channels, to the Soviet Union, telling them it was time to keep out of the Western Hemisphere.

I felt then that a combination of events could help isolate Nicaragua, that ideas would cross borders far faster than Contras, and that eventually we would see a change in Nicaragua from the inside.

Much has happened in the last 2 years; much has happened which I believe changes the circumstances. Economic aid has helped these fragile democracies, but continued insurgencies has made it terribly difficult to make very much progress in otherwise destitute lands.

More important, the leaders of all five Central America Countries have spoken. They did not say, "Let Nicaragua be". They did not say, "Isolate Nicaragua while the other four democracies go their own way." All of them, including the President of Nicaragua, said, "Democracy in all five lands, democracy now, not democracy tomorrow. Democracy under specific plans and very specific timetables."

I do not believe those who suggest that the Contra activity had no influence whatsoever in the movement, although reluctant, of the Sandinistas.

The Sandinistas were pushed. They were pushed into what they have done and what they have signed by the pressures they feel around them.

Now we are faced with this vote just as the House was faced with it last night. It seems to me this vote is going to be a loser, especially if it is the final word. It will be a loser regardless of its outcome, for all we are showing is our divisiveness: there was a very narrow margin against in the House and, regardless of which way it goes, it will be by a narrow margin tonight in the Senate. We need to show something more than this. We need to show our unity rather than our division.

I do not like the package the President sent to us. It is inadequate. It is aimed in the wrong direction. But it may be better than no package at all for a very important reason. This cannot be the final answer. We cannot simply walk away from Central America.

Tactically, I believe that a positive vote of the Senate will give us a better base from which to build the bipartisan package which is desperately needed.

A "no" vote in the Senate coupled with a "no" vote in the House will create huge apprehensions abroad, especially in Central America, during the next 10 days while we are in recess.

I, therefore, intend to vote in favor of this package tonight. Tomorrow morning I intend to start working with any and all of my colleagues and with the President and those in the State Department to craft a better policy, one that is bipartisan, one that brings unity, and one that combines executive and legislative concepts.

I think those elements, Mr. President, include placing whatever money we set aside in escrow for now. It should be a significantly larger amount than is in the current package and aimed primarily at economic and social benefits for Central America. We should base its release on the measurements the Central American Presidents have set forth explicitly in their peace plan. The release should be by quite explicit procedures, with the approval of Congress and the President. If the peace plan is adhered to the money should not go to just four nations that are now democracies but to all five nations of Central America.

Let Nicaragua join with the others in the economic and social rebuilding so desperately necessary.

Finally, we must have some statement in this bipartisan package to tell us and to tell others what we would do if peace fails. To do less would leave our friends in Central America, our friends in Costa Rica, Honduras, Guatemala and El Salvador, with no available response if the peace plan fails.

What would happen to them then? What would they do? What power do they have to insist on adherence to a peace plan if the Sandinistas simply ignore it?

These are some of the possible elements necessary for a successful plan. It is going to require something from all of us. It is going to take all of the goodwill we can bring together. It will take some new thinking and it will take the laying aside of old shibboleths that all of us have on this issue.

I call on all my colleagues to think anew, to talk, discuss, debate, negotiate, even argue with one another but do not give up until we find a better, bipartisan answer. One which can join Republican and Democrat, House and Senate and executive and legislature together in a plan that truly will bring a lasting peace to Central America.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Florida [Mr. GRAHAM].

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GRAHAM. Thank you, Mr. President, and I thank Senator PELL.

I wish that we were not engaged in this debate today. I wish that the calendar had been such that this Congress would not have been called upon at this point in the sensitive negotiations in Central America to have made a decision which is going to be subject to interpretation by all sides in a way that is likely to misrepresent the real intentions of the U.S. Government and to be a negative force in achieving the goal that we all seek, which is peace in a region of vital importance to the United States.

But that decision is not available to us. We will vote. I shall vote in favor of the proposal which has been presented by the President because I believe that that best represents the process which will achieve the goal of the United States, which is to be a constructive force for peace in the region.

I define "peace" as more than just the absence of war. There are other areas of the world, some very close to us in our own hemisphere, such as Cuba, which could be defined as being at peace in the sense that there is the absence of war. But I believe that America stands for a value of peace that transcends the absence of a direct confrontation, that those values which were spelled out in our Declaration of Independence are the values that we want to have available universally and that our commitment to peace is a commitment to a peace in which human rights, democracy, the rights of individuals, are respected and that we cannot assume that we have achieved our global responsibility and be faithful to our principles as a nation by accepting a peace which is defined solely as the absence of confrontation.

The United States also has important security interests in this region, interests which are incompatible with the presence of a military initiative on behalf of and to the benefit of our principal global antagonist. I believe that the method to achieve a peace which meets our definition is best achieved through the continuation of the potential of military pressure. I wish it were not so.

I wish that purely through diplomacy our goals could be attained.

The history of the last 9 years in this region has not been that through diplomatic initiatives alone our goals of peace could be achieved.

I am pleased, Mr. President, to follow a very distinguished Member of this Senate and I think one of the great Americans of our generation, in the literal use of that term, Senator EVANS, and the remarks that he has just made because I believe that while it may be unfortunate that we are debating this issue today if it achieves the purpose of contributing to the development of a bipartisan coalition of American action in a region in which we have special interest, if it serves to bring the Congress and the White House together, if it serves to broaden the agenda of what U.S. interests are, if there is a criticism of the proposal that has been presented to us, it is so minuscule in relationship to the extent of our interest in this region as to be laughable.

Mr. CHILES. Mr. President, will the Senator yield on that point?

Mr. GRAHAM. I yield.

Mr. CHILES. I do not want to interrupt his train of thought, but I think he makes such a very valid point when he says what we are talking about in this package, lethal aid, and know that again has to be approved before it is going to be released, goodness, I cannot understand at this time that this is the wise signal that we are going to send that we are pulling the rug or that we lost our determination, that we are going to take away the ability to continue to apply the pressure.

Now, you know there was a meaningful debate that took place in earlier years as to whether this was a valid policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 3 minutes.

Mr. PELL. I yield an additional 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senators are recognized for 3 minutes.

Mr. CHILES. I thank the distinguished chairman.

To me history proves that the policy of applying pressure has worked and is working.

I just cannot believe that Mr. Ortega, out of the graciousness of his heart, is beginning to open up slowly some of the political process and religious process, press process down in that country. It is a little bit like George Washington sort of getting the message that, "Well, we know you may have Cornwallis sort of boxed in there, but we, the French, think it is time that we should not give you any lethal aid, so we are going to pull the string on you at this time."

Mr. GRAHAM. Mr. President, I concur in all of the implications of the message that we may be sending. What I see now as our responsibility is to tell those who share our values around the world, particularly in this region, not to despair; that out of this action of today may come the promise of a brighter tomorrow. And I will define that brighter tomorrow as including a continuation of those efforts that are necessary to achieve a genuine, lasting peace, a peace that Thomas Jefferson as well as Simon Bolivar will be proud to have as a representation of their legacy to the New World. It would also be a program which would lead toward the demilitarization of Central America.

Mr. CHILES. I think the Senator is so right. And if there was any reason that we felt—and some of us are concerned as to whether the administration is on board on the peace process as much as we would like to see them on board, some of us have that concern—but if there was any reason we felt the administration was dragging its feet, we do not have to give that final approval. But at least we would not be sending that signal that we are pulling the string now, that "Mr. Ortega, you have won. You can relax anything you were thinking about doing toward opening up the system of government in your country."

Mr. GRAHAM. And we would also need to recognize that there is a battle being fought against poverty and hopelessness and destitution and against an economic system that has deprived opportunity for many of the people of Central America. I would hope that that would be part of the message that we would send, that we are prepared to be a partner in a new day of opportunity and prosperity for our neighbor.

Mr. CHILES. I certainly concur in those remarks, as well.

Mr. GRAHAM. There are many good messages that we can send. Mr. President, I hope, as a consequence of this debate, that we will be that messenger and then we will be prepared tomorrow to begin to fulfill that message and give it reality.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator's time has expired.

Mr. McCAIN. Mr. President, I yield 8 minutes to my colleague from Kansas, Mrs. KASSEBAUM.

Mr. BYRD. Mr. President, if the distinguished Senator from Kansas will yield, I yield 1 hour to Mr. PELL for his further designation.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, even with the action of the House last night, the Senate vote on continued aid to the Nicaraguan resistance forces is a difficult one, at least certainly for some of us. Reasonable arguments can be made on both sides of this issue.

The peace process today is in a fragile phase. In recent weeks, the Sandinista government has made a series of steps to comply with the requirements of the Central American peace plan. While they have not fully met those requirements at this point, these steps, if maintained, have improved the chances for peace.

Some will argue that any extension of aid to the resistance could be cause, either real or imagined, for the Government of Nicaragua to renege on promises they have made or even to withdraw from the peace process.

Others argue that the resistance forces have been a major reason for the Sandinistas to come to the negotiating table and that cutting off aid at this point would only weaken the chance for full and complete compliance with the peace plan.

Despite forceful debate, pro and con, both of these arguments have merit. Neither view can be dismissed casually.

I believe it is important to maintain the resistance forces as a credible presence in this effort, so that the Sandinistas cannot conclude that they are free to ignore the demands of the peace process. There was celebrating in Managua last night after the House vote. At the same time, I believe it is essential that we always make clear that our goal is peace, not a continuation of war. Our goal must be a sustainable policy not just a political issue.

Achieving these goals requires that we strike a delicate balance on the question of continued aid. I see no way that the resistance could remain a credible presence in the peace process if we terminate all aid at this time. I, therefore, support nonlethal humanitarian assistance. This type of aid is within the guidelines of the peace plan as the Nicaraguan Government itself has acknowledged.

The real difficulty, at this time, lies in the question of lethal aid, even the relatively small amount included in the President's request. Over the past 2 weeks, there have been a number of Senators who have discussed this issue with senior White House officials. We tried to make clear that any lethal aid should be held in escrow and released only after a vote by Congress.

As we all know, the proposal before us does not include this language. However, on Tuesday night the President took a step in this direction by agreeing to withhold all lethal aid if Congress objects. While this is not all that some of us had hoped for, I believe it is a good-faith effort to address the concern many have expressed.

As I have said, the choice before us is a difficult one. However, I believe the potential problems created by cutting off all aid are greater than the risks entailed in approving this package. I, therefore, support the President's request and will vote for the aid package this evening.

Mr. President, our vote today can be viewed as largely academic, as all of us know, and as Senator EVANS well stated earlier in debate. The House has rejected this request and is unlikely to give it further consideration. I am concerned that this may cause us to lose sight of the real objective and the very real need for a thoughtful and effective policy in Central America.

Our goal must be to make clear to all sides in this conflict that no unilateral victory is possible and that only negotiations can produce genuine peace in Central America.

I have long been concerned that our policy has been much more responsive to our own domestic politic debate than it has been to the concerns and events in the Central American region.

My concern has only sharpened over the past several months. Under the continuing resolution, we have provided for this one up-or-down vote on Contra aid under expedited procedures between now and July.

These provisions in the continuing resolution have set arbitrary and inflexible deadlines for considering what has become, since the Central American peace accord, a rapidly changing situation in Nicaragua.

We need an approach that meets the needs of the evolving diplomatic process.

I have recommended an alternative to the White House, as many have done, which I think meets these needs. My suggestion—and one I think has supporters in various forms, is to establish an escrow account which could be used for humanitarian, lethal, or relocation and economic rehabilitation aid between now and July 1988. The President could ask Congress for the release of this money in increments or all at once. But, Congress would approve by a vote any request the President made.

The intent of this package is to provide a more flexible framework to deal with the challenges of the diplomatic process in the region—and to provide this framework with bipartisan support.

Yesterday's vote in the House did not resolve the problems that we face in our policy toward Nicaragua and the Central American region. It only demonstrated the inadequacy of the procedures we have set up to deal with these very delicate and demanding problems. I stand ready to do what I can to meet the challenges that are before us.

I yield back, Mr. President, any time that I may still have remaining on the allocated time.

THE PRESIDING OFFICER. Who seeks recognition.

Mr. PELL. Mr. President, I yield to the Senator from Oklahoma, 7 minutes.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague from Rhode Island. Mr. President, I respect the sincerity of all of those who have spoken on both sides of this issue. I respect the sincerity and integrity of those who may come down on the other side of this issue from myself. But I feel compelled to share with my colleagues my own honest views about this matter.

Since I have been in the Senate, I do not know of any single issue that I felt was more important to the future of this country, on which we would be called to vote, than this one.

We are not talking about involvement of our national interest halfway around the globe; we are not talking about a situation in Asia or Africa or even in Europe. We are talking about our own vital, national interests, here in our own hemisphere.

Recently, I spent 9 days in the Central American region. I left from Tinker Air Force Base back in Oklahoma City on that particular inspection tour. I was in Central America more rapidly than I could have been in the Nation's Capital, as I made that flight.

I honestly and sincerely believe that the vote cast in the House of Representatives yesterday is one of the most tragic mistakes ever made by the Congress in the area of foreign policy. I hope that history proves me wrong. But I am willing to be judged by history, 5 years or 10 years from now, when I say that if that decision is not ultimately reversed, we are going to regret it for years to come.

Our Nation has been able to play a role in the world because we have been fortunate in not being threatened on our own borders or in our own hemisphere. We have not had to be concerned about our neighbors to the North or our neighbors to the South. We have, therefore, been in a position to lead the free world. We have been able to respond to problems, whether they were in the Persian Gulf, whether they were in Asia, whether they were a threat to the continued existence of great nations like Great Britain and other allies that were threatened during the period of World War II. We have been able to intervene and to help in recent crises in the Philippines and many other areas of the world. We could not exert that influence, we could not even begin to think about the influence we could exert through our alliances like the NATO alliance, if we had to be using our resources and dissipating our energies and our efforts to worry about our security in our own hemisphere.

Mr. President, without a doubt, if we allow the establishment of a permanent Communist base for subversion in our own hemisphere, and that is exactly what we are talking about, with the ability to have it based on the land mass which is contiguous with our own, we are ultimately going to endanger the security of this country, we are going to endanger the security of the next generation, and we are almost assuring that the next generation of Americans will have their own lives and their own interests threatened.

We are doing everything we can possibly do to increase the possibility that our young people in the future will someday be called into combat to protect our own interests in our own back yard.

Mr. President, to cut off Contra aid at this time would end all hope for success of the peace process in Central America and would give the Soviets a strong, permanent base for subversion in our own back yard. That was the unanimous view of a wide spectrum of Central American leaders with whom I had private talks during a recent fact-finding tour through the region.

I read in the newspapers that some of my colleagues said they were in the region and the leaders of the surrounding countries all told them that they felt that for us to continue to aid the Contras would undermine the peace process.

All I can say, Mr. President, without questioning anyone's honesty or integrity, is that I talked to people at the Foreign Minister, Defense Minister level, I talked to key Government officials, I talked to a wide spectrum of all sides of the political process, right and left, in the neighboring counties, and not one of them told me that. Not one of them.

Without exception they said to me, privately and personally—and I understand why they, perhaps, cannot say it publicly. Would you say publicly that you thought we ought to continue aid to the Contras if you were not sure we were going to do it? If you thought the House of Representatives might cut off the aid? If you thought you might be left there with hostile neighbors on your borders without the United States of America to even commit itself to come to your aid if you were attacked, as a neighboring democracy.

Mr. President, they said to me privately and personally: If you want the peace process to have a chance, go back and plead with your colleagues. Ask them to keep the pressure on. It is only because of the leverage, it is only because of the pressure that we have any chance to succeed.

The Sandinistas are willing to talk about democratic reforms only because of military pressure caused by recent Contra victories and by collapse of the Nicaraguan economy, with annual inflation of 13,000 percent.

The Contra military forces are able to move effectively through more than half the country. Sometimes we do not get that from our press reports. They were able to move thousands of soldiers over hundreds of miles within Nicaragua and still achieve total surprise in a recent major victory. This could not have happened without the support of the Nicaraguan people. We are helping and sheltering more than 15,000 freedom fighters inside the country.

Because the Sandinistas have lost so many helicopters in recent days, they no longer use them to dislodge the Contras when they occupy a town. Instead, they have resorted to indiscriminately bombing their own towns.

I was shown not by the CIA, not by our Government officials, but by an Associated Press photographer, pictures of unexploded bombs that the Sandinistas had dropped on their own towns because they were afraid to send in their own helicopters. That is exactly the same tactic that Samoza used. When we talk about human rights, how can you have any greater violation of human rights than the indiscriminate bombing of your own towns?

There is no mystery about the Sandinistas. They control their own people through a police state that gives food ration cards only to those who are politically loyal. In spite of their promises of democracy, they recently arrested several opposition political leaders just for meeting with the Contras, including the managing director of La Prensa newspaper.

There is evidence that their aim is the expansion of communism throughout Central America. We all know it. They have admitted to plans to expand their army to a force of 600,000, nearly 10 times the combined force of their neighbors. They have, in coordination with the Cubans and Soviets, supported Marxist guerrillas who are trying to overthrow democratically elected governments in El Salvador and Guatemala.

Mr. President, our eyes are open. We all know what they are. Who here is naive enough to stand up and say: I believe that people like that, out of the goodness of their hearts and concern for world opinion, will give up the power that they have unlawfully seized from their own people whom they control through a repressive police state? If anyone can tell me whenever in history that a repressive regime like that, particularly a Communist dedicated regime, has ever willingly shared power back with their own people through democratic reforms without some kind of pressure being brought to bear to force them to do it, I would like to know when it was.

I hope every one of my colleagues—this is not the time for playing politics—will ask themselves, do we want to pass on to the next generation that kind of problem in our own backyard?

We can avoid that by acting now to give the Nicaraguans the tools to fight for themselves, to give the peace process a chance. We must not remove the pressure on the Communist government.

I agree with columnist Charles Krauthammer, who wrote recently, "Congress votes next week on whether to save the Sandinistas by cutting off Contras. As of today, the odds are that it will."

Sadly, that was borne out by the House of Representatives.

"If the odds don't change, the United States will have managed the most extraordinary self-inflicted strategic surrender in memory."

Mr. President, the House has acted. The Senate has a chance to act symbolically. Let us take the chance to act symbolically so we can go on record that the Senate of the United States does not favor that kind of self-inflicted wound so we will have some chance when negotiations are renewed to build a stronger package and to ultimately do what all of us in conscience know we should be doing.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona.

Mr. McCAIN. Mr. President, the statement the Senator has just given has presented the finest picture on Central America, presented by the distinguished chairman of the Intelligence Committee, a man who exemplifies the bipartisanship that should characterize this entire debate.

Mr. President, I yield 10 minutes to my colleague from California [Mr. WILSON].

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. WILSON. Mr. President, let me join in the commendation paid Senator Boren, the chairman of the Senate Intelligence Committee, by my junior colleague, the Senator from Arizona.

While I am admiring Democrats on the floor, and I admire many, let me say that I also join in the observation made with considerable eloquence earlier today by the senior Senator from Texas who, to paraphrase what he said, finds it bizarre that in a virtually parallel situation we have no doubt about the wisdom of spending many, many times more funds than the paltry sums that we supply to the Contras in order to support freedom fighters in Afghanistan.

The parallels are obvious. In both situations we have a Communist oppressor being resisted by freedom fighters seeking to take back their own land and to restore to it the kind of freedom that should be the birthright of all men everywhere but clearly is not.

There is, of course, a significant difference that the senior Senator from Texas spoke upon, and that is that Afghanistan is halfway around the world, whereas here on our doorstep, literally within walking distance, we have in Central America a war going on that has produced a flood of refugees who are literally able to walk to the United States.

Indeed, the junior Senator from Texas asked how many Senators would be willing to support a refugee assistance program that would impact his State of Texas, and mine, Mr. President.

It reminded me that the distinguished Senator from Oklahoma and I were part of the United States observer team 3 or 4 years ago watching the election in El Salvador that brought the election of President Duarte. As we stood really quite stunned by the spectacle of people standing in line for hours in the broiling sun, in some cases with sniper fire, in order to vote in the first free election in the history of that nation, I wanted to talk to those people. I wanted to ask them two questions.

I wanted to ask them first: did they have family in the United States? They did. "Si, hermano in Houston, hermano in San Diego."

They all said they had gotten out walking. It is possible through this land bridge, if you are sufficiently determined to come to the United States.

In fact, when they were trying to determine who in a nation of 5 million people in El Salvador could and would vote, they were stunned to discover that three-quarters of a million were missing, not through dealth squad activity but because they had left as refugees.

The second question I asked these people standing in line to vote, who certainly would have been a model to American voters who take so casually their franchise, was why it was so important for them to withstand sniper fire, heat, privation, to wait for hours to cast their vote. I got several answers, but the common thread through all of them was la paz. The hope was for peace. That was quite profound.

These were peasants, not lettered men and women, people who understood that somehow their best hope for peace lay in electing a government, in having a say as to who would provide them leadership because somehow they thought that that held the hope that that leader would be responsive.

Well, they are absolutely right. Mr. President, the only way that peace will come to Central America is if democracy comes to Nicaragua through free elections, not the sham we have seen that made Comandante Ortega a President Ortega. No one was deluded about that. It was not an open, honest, fair election in which competing parties did, in fact, compete. They did not.

Some years ago I went to Nicaragua, in August of 1983. I discovered I was the first U.S. Senator to travel to that nation during the tenure of our then ambassador, and he had been there 19 months. I had a meeting with then Comandante Ortega. For an hour I pressed him as to when Nicaragua, when the Sandinista regime, was going to permit the kind of free elections they had promised in their celebrated telegram to the Organization of American States when in July 1979 they desperately sought the support and assistance of all member states, which they received, by the way, not just from the Carter administration but from the Reagan administration, generous, financial support, until it was clear that they were not bringing democracy in place of an illegal dictator who deserved to be overthrown. But, in fact, as the widow of Chamorro has said, they have traded in Nicaragua one dictator for another, one oppressor for another.

Finally, after I pressed him for an hour, during which he evaded the question, going back to 1909 and the Sandino Fruit Company, he finally said, "Our revolution is too important. We will never sacrifice it. We will never do anything that jeopardizes our revolution."

I said, "You are telling me you are never going to have those free elections that you promised."

That was the end of our interview and they have never had the free elections. They have had the sham.

I must tell you, Mr. President, that for a long time I really held no hope that the Contras could be a sufficient military force, or really be more than an irritant. They have surprised me. Their military success, I will tell you, has surprised me. I still do not look to them to be able to overthrow the Sandinista regime. My God, the Sandinistas have been supplied with literally billions of dollars of sophisticated Soviet war equipment. We have given a paltry sum to the Contras, nothing compared to what we have given to the Afghan freedom fighters.

But somehow, because they do have the support of native pockets, because that economy is crumbling, because of the oppression by the Sandinista regime, the Contras have enjoyed success and the support of the indigenous population.

What they have done is to put the pressure on the Sandinistas; no less an authority than that freely elected President of El Salvador, Jose Napoleon Duarte, has said so in clearest terms, imploring the Senate on a prior Contra aid vote not to back away from our commitment but to bring to them the only kind of hope that the people of Central America really legitimately can entertain, and that is only will they enjoy peace if there is democracy in Nicaragua which is not going to come voluntarily through efforts of the Sandinista regime.

Now, let us cut through this. Mr. President, peace can come to Central America if democracy comes to Nicaragua. Democracy can come to Nicaragua very simply: if those in power are willing to lose power in an election, a free election. If they had sufficient confidence in their ability to appeal to the people, they would not fear that. But there has been no free election. If they want the Arias peace plan to work, let them comply with it. It is very simple. As President Arias himself said, there need not be more time for compliance. They have had 150 days. In truth, they have had since 1979.

Give negotiations a chance. Mr. President, we have given the Sandinistas every chance and only when they have been pressured by two things, by the military pressure of the Contras and by the pressure of the other Central American Presidents, have they made even the slightest move toward progress, toward genuine democratization.

Six hundred thousand men, we are told, will be under arms in that nation with billions of dollars of Soviet equipment. Why? To protect them from Costa Rica, from the grave threat from Honduras or El Salvador? It is absurd.

Let us go back in history to the first anniversary of the 1979 revolution when a series of speakers in Managua celebrated the revolution and said, "It is not enough that we have a Sandinista Nicaragua. We will not rest until there is also a Sandinista Costa Rica, a Sandinista El Salvador, a Sandinista Guatemala, a Sandinista Honduras."

They were not talking about positive persuasion. They are engaged in subversion. And were we to turn away for good, that subversion would ripen into overt aggression against the fledgling democracies that are the neighbors of Nicaragua.

Mr. President, before I came over here, a young woman came to my office to discuss an entirely different matter. She saw this debate on the television screen——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILSON. Mr. President, I ask unanimous consent that my time be extended by 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILSON. This young woman, watching the debate with me, finally turned to me and said, "How will this come out?" I said, "It is in grave doubt because the House has disappointed our hopes." She said, "I worry terribly about my little boy." I said, "How old is your boy?" She said, "He is 9."

Mr. President, she sees with a greater clarity of vision than apparently many in government the threat to her child.

Mr. President, I will put it simply. I do not want it on my conscience that one day 9-year-old boys, 10-year-old boys, American boys, may one day have to fight and die needlessly in a war that could have been avoided if this Congress had had the will and the wits to prevent the kind of crisis that she foresees, that all in Central America know to be a reality. The Gallup poll that was reported in the Wall Street Journal some months ago indicates a virtual reversal in terms of opinion. The opinion of the American people, colored by an incredibly successful campaign of disinformation, is not shared by those in the region. The people of Central America know the Sandinistas for what they are. They do not feel that they are going to be able to enjoy peace until genuine democracy comes and that it will not come through voluntary efforts by the Sandinistas.

Mr. President, I do not want that on my conscience. Let us say that the President's plan is one that lets Congress decide whether the Sandinistas are in fact in good faith, whether they are going to comply with the Arias plan. If they do, this discussion becomes academic. If they do not, we had better have a safeguard so that one day that small boy of hers does not have to bear arms in a needless conflict.

The PRESIDING OFFICER. The Senator's time has expired. Who seeks recognition?

Mr. PELL. Mr. President, I yield 7 minutes to Senator ADAMS.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I thank the Senator.

My distinguished colleagues, I rise in opposition to this resolution which approves the President's request for nearly $60 million in additional aid to the Contras in Nicaragua, including lethal aid. Lethal aid will simply contribute to a continued war and killing in Nicaragua.

I have listened to my colleagues this afternoon, and I have stood on this floor many times since arriving in the Senate and urged my colleagues to vote against Contra aid. Many of my colleagues who supported Contra aid have in return asked me, "Well, how do you bring democracy to Central America if not by supporting the Contras?"

Today, unlike many debates we have had in the past, the answer to the question is clear, so my plea to you is that this is a very important and different time for debate on the Contra aid issue. I would have preferred that we simply stay with the position established by the House, but if we are going to debate it, let us look at what are the circumstances which will bring peace hopefully to Central America. Our hope is based now on a courageous regional Central American peace process under the leadership of President Oscar Arias of Costa Rica. It is also based on our confidence, and we should begin to have confidence in our country, that throughout the world the economic systems based on totalitarianism, with communism as an economic system, are failing. All one has to do is to read "Perestroika," by Gorbachev, to know that even in the homeland, the Soviet Union, they know that their basic systems are failing. This is not the flagship for the world's economy. Let us recognize and have some confidence in our system. Communism simply is not selling as the economic touchstone for the developing world.

Before making additional remarks, I compliment my colleague, Senator BILL BRADLEY, for his comments on this vote today. We have differed many times in the past on our approach to this issue, but in his remarks today he stated he was going to not support Contra aid because he wanted to give the peace process a chance, and that is what is important. President Arias has said clearly, "Do not aid the Contras at this delicate moment; let us proceed with the peace process."

I have pleaded in the Foreign Relations Committee for a bipartisan American foreign policy. I have tried to carry out that commitment by supporting, for example, President Reagan's proposal for an INF Treaty, as a bipartisan matter a Republican President and Democrats across the board joining with Republicans to do that. I urge that we do that with Contra aid and not give Contra aid another chance; we have a bipartisan coalition in support of the peace process. The House of Representatives has spoken. We can join with the House of Representatives and forge finally a peace process, and I hope others will join with Senator BRADLEY in his insightful position articulated on the floor today.

This is our chance in the self-interest of the United States—no one else, the self-interest of the United States—to declare victory in the peace process and withdraw our direct military intervention and assistance before we escalate this war, start using U.S. military advisers and then troops to help the Contras in a conflict that I have not heard a single U.S. military official say can ever be won.

Why, oh why, do we in our own self-interest get into another situation that is a complete and absolute military disaster? We cannot win and no one says the Contras can win the war. But even suppose we did, what has been forgotten on this floor and is so tragic is that we had supported a government in Nicaragua once before in this century. We had American troops in Nicaragua for years and years and years and we did not change or make that government into a government that was exactly as we wanted. Now we are going to start this all over again. I pray we just learn.

People talk about the histories of the past. I have not heard them mention today the years and years of United States military occupation of Nicaragua. That is what we would have to do if we were unfortunate enough to have the Contras win because they would never sustain it themselves. They cannot win the war in the field. We have to supply the things for them to operate with but even if they did, we would have to be in there to sustain them.

That to me is not in our self-interest. I think our self-interest is to spend our military resources and the other scarce resources of the United States in the portions of the world where our self-interest is directly threatened, and where our self-interest is immediately apparent to the American public. I can mention one very easily. That is the Central Plain of Germany. I think we are doing well there. I support that policy.

I want to state this: If the Contra aid policy that was established was to send a message, the message has been sent. We have negotiations. Now if we stop these negotiations by voting for a Contra war, we lose everything that we have done to this point. I do not judge whether it was right or wrong to have started. I happen to think it was wrong to have started. But even those that are right, they have gotten to the point that they want it. So if they think they are right, I will accept that. I will accept it in the name of bipartisanship, even though I think the killing and everything has been wrong. But it has been done.

We are at the point that this is a chance to get out of the jungles before we get to a circumstance of pouring in more aid, more troops, having the Sandinistas build up their army, because that is what they are going to do, have the surrounding countries ask for aid because that is what they are going to do, and have the United States pay more and more and use more and more scarce military efforts in one of the worst places we could do it.

To reiterate, I rise in opposition to this resolution which approves the President's request for what really is nearly $60 million in additional aid to the Contras in Nicaragua, including "lethal" aid that will contribute to a continued war in Nicaragua.

I have stood on this floor several times since coming to the Senate and urged my colleagues to vote against Contra aid. Many of you who have supported Contra aid have in return asked me—how do I propose to bring democracy to Central America if not by supporting the Contras? Today, unlike in many of the debates we have had in the past, the answer to that question is clear. So my plea to you today is different in this very important sense. This time my urgings are based on a whole new set of circumstances—a hopeful set of circumstances that provide us the first hope in a long time of bringing peace, democracy, and stability to Central America. This hope is based on the courageous Central American peace process initiated under the leadership of President Oscar Arias, of Costa Rica. It is based on our confidence that throughout the world economic systems of totalitarianism based on communism are failing.

Before making additional remarks, I want to take this opportunity to compliment my colleague, Senator BILL BRADLEY, for his thoughtful approach to this vote today. While we have indeed differed many times on our approach to this issue, in his remarks today he has told us that even for some who have supported Contra aid in the past, giving the Central American peace process every opportunity to succeed is worth the risk of voting down this request for more Contra aid today. We have an opportunity to unite here today to form a bipartisan coalition to support the peace process. On this basis, I urge those of you who have supported Contra aid in the past to join Senator BRADLEY in his insightful position articulated on the floor of this Senate today.

This is our chance in the self-interest of the United States to declare victory in the peace process and withdraw our direct military intervention and assistance before we escalate to use of United States advisors then troops to help the Contras in a conflict that no United States military official I know about believes can achieve a military victory.

But suppose they did—have we forgotten United States troops were in Nicaragua for years.

The issues are not easy and they are not clear-cut. When we are dealing with war they never are. For 8 years now the Reagan administration, sometimes with congressional sanction and sometimes illegally, has supported war as opposed to peace in Nicaragua. The administration has repeatedly disavowed the charge that its goal is the overthrow of the Sandinista regime through military means. Instead, the administration claims it is looking for implementation of democracy.

If this was the Contra aid policy and we needed to send a message it was sent. We have negotiations—now if we stop this by voting for a Contra war we lose it all. The Contras stay in the jungles without winning. The Sandinistas build up their Army. The surrounding countries ask for aid and the United States pays and, worse, sends scarce military resources in this losing effort.

I want democracy in Nicaragua. That means self-determination. Self-determination means that each nation must choose its own form of government. In that context, please remember that we initially welcomed the Sandinistas when they came to power since we believed that they represented an acceptable alternative to a corrupt and totalitarian regime. Some favoring Contra aid are mad because Ortega did not do what they expected. I don't blame them.

The democratic nations of the region have developed this peace initiative to bring democracy to Nicaragua. While not all of its objectives have been secured, many positive steps have been taken. On January 20, the Sandinistas suspended a 6-year state of emergency which denied the political rights of Nicaraguan citizens. The printing presses at La Prensa are running. The Sandinistas have lifted the suspension on eight radio stations and four opposition publications which are operating once again. Certainly these are important steps toward democracy. Several labor union locals are operating again. They have even had two strikes. The Sandinistas are talking to the Contras. The Sandinistas are releasing political prisoners—not a general amnesty yet, but in light of the fact that we have not yet refused to stop funding the Contras—a step toward democracy. These are all steps toward democracy.

Much work remains before democracy will take hold in Nicaragua. How we get from here to there does not have to involve more violence—more killing and destruction of a nation already suffering from a war imposed on it by the United States. The nations of Central America want to make their peace plan work. They do not want aid going to the Contras. They do not think that kind of "pressure" will bring democracy to the region.

The International Verfication Commission set up to evaluate compliance with the peace plan recently issued its final report. In that report, the Commission concludes that an end to Contra aid is "an indispensable requirement for the success of the peace efforts." President Arias has repeatedly stated his opposition to continuing Contra aid. When are we going to get the message that Contra aid is not the answer?

If Contra aid is not the "Central American" answer to the region's problems, why should it be the answer to the United States' concerns in Central America? What do the Miranda disclosures tell us about the threat to U.S. security in Central America? What the Miranda disclosures tell this Senator is that if we persist in this misguided policy of funding the Contras, the Sandinistas will build up their military. Make no mistake, the Sandinistas will fight United States efforts to overthrow them either through a conduit internal force, or directly.

In other words, the decision is ours. Will we continue to up the ante with more and more dollars to escalate war in Nicaragua? The Soviets are prepared as we have seen to send as much as $5 to Nicaragua for every $1 sent by the United States. Or, should we start a new dialog with Soviet General Secretary Gorbachev who during the recent summit meeting said the Soviets are prepared to stop if we stop funding the Contras.

Finally, I want to say something about the "myth" around this town these days—that Contra aid is the "pressure" which is needed to keep the Sandinistas at the peace table. Those who think this way believe that as soon as we stop funding the Contras, the Sandinistas will walk away from peace and toward greater militarization, repression, and export of revolution to their neighbors. That conclusion just isn't logical.

The truth is that the Sandinista regime is in trouble if it does not start solving its internal domestic problems. The Nicaraguan economy is in crisis. Hyperinflation is running rampant. In 1 year, the inflation rate has increased from 1,800 percent to an unbelievable 13,000 percent. International trade is nonexistent. The Nicaraguan cordoba has become a worthless currency. Defense expenditures constituted 55 percent of spending by the Sandinistas last year. There is a crying need to concentrate on social priorities: improved health care, rebuilding infrastructure, and education. Moreover, the "pressure" for democratization from Nicaragua's neighbors is great indeed and will help propel democratic actions forward in Nicaragua.

We want a bipartisan foreign policy and many of us are trying to establish a bipartisan foreign policy.

Yesterday, the House said "no" to more Contra aid. On Tuesday, the Senate Foreign Relations Committee said "no" to more Contra aid. Under these circumstances, if it were not for the special provisions contained in the continuing resolution mandating this Senate vote today, we would not be here today voting on this matter. The way to move in this direction is to represent the American people who think we should halt aid to the Contras and place our bet on the peace plan. We should listen to the voices of our colleagues in the House and of the American people and join them in rejecting this request for Contra aid.

I just wanted to state one comment to some of my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ADAMS. I ask for 1 additional minute, Mr. Chairman.

Mr. PELL. I yield an additional minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ADAMS. I know some of my colleagues who are now favoring Contra aid are mad because Mr. Ortega came up here and a number of others did and the United States gave money to the Ortega regime. We did that once with the Castro regime. We overthrew or had helped and supported people who overthrew a very totalitarian regime.

All I am saying is because we have gotten into interference, you can get interference, interference back, and interference the other way, but all of it led to the same bad conclusion of the self-interests of the United States. The self-interest of the United States is not to be involved in these regional wars. If you want a guarantee or standoff, you can do other things, but do not get in deeper and deeper.

I hope today that we will not vote to continue Contra aid. I hope we will listen to the voices of our colleagues in the House, that the United States will form a policy of getting people out of that area. Somebody said a little earlier, "Well, would some of those who oppose Contra aid be willing to help get the people out of the jungles?" The answer is "yes." I am willing to help keep them out of the jungles. I just do not want to send them any further in.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ADAMS. I thank the President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield 10 minutes to my colleague from New Hampshire, Senator HUMPHREY.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, it might be useful at this juncture to consider the nature of the Sandinista regime. Who are the Sandinistas? What does Sandinista mean? It is a rather lovely word, has a pleasant sound as do so many Spanish words. What it really means, in reality, is Communist.

It is a pity that we have not called these people what they are, and indeed what they call themselves, Communistas—Communistas. They are Communists, and not Sandinistas.

Let me run down the short biographies of some of the principal members of the Communista national directorate, the politburo, if you will, of the Sandinistas.

Daniel Ortega, Comrade Daniel, got his start with the paramilitary wing of the Communist Party, placing bombs in Cine Tropical movie house; arrested in 1961 for firebombing U.S. Embassy vehicles. In September 1981, Ortega declared: "We are honored and proud to be called brothers of Col. Muammar Qadhafi." In February 1984 Ortega praised the Iranian Revolution for having "created new values in the history of humanity."

Tomas Borge, founder of the FSLN; first joined Moscow-line Communist Party in 1955 with the two other founders of the FSLN. Received extensive military training in Cuba in the early sixties.

Bayardo Arce, runs the Bureau, the FSLN assistance operation for Salvadoran and other foreign Communist guerrillas. Managed the largely fraudulent November 1984 elections, which he described in a secret speech as a "nuisance: imposed upon Nicaragua by the international bourgeoisie."

Humberto Ortega, another member of the directorate—took political and military training in Cuba, the Soviet Union and North Korea in the sixties and seventies. Main author of 1977 Sandinista Political-Military Platform, which set forth FSLN's plan to seize power and become "an iron-hard Leninist Party." Recently boasted that "thousands of Sandinista officers were being trained in use of advanced weaponry in Soviet bloc countries.

Henry Ruiz, attended Moscow's Patrice Lumumba University in 1966; received guerrilla training in Cuba in 1966; received military training with the PLO and North Vietnamese.

Victor Tirado. Former member of Mexican Communist Party who became Nicaraguan citizen in September 1979.

In addition to these members of the directorate, here are thumbnail biographies of rather high-ranking Communistas or Sandinistas they like to call themselves usually.

Renan Montero a former Cuban intelligence officer for over 20 years with the Americas Department of the Central Committee on the Cuban Communist Party. Received Nicaraguan citizenship after the 1979 revolution at the request of Fidel Castro. Now heads foreign intelligence for the FSLN.

Doris Tijerino. As a Communist Party youth, she studied at Patrice Lumumba University in Moscow, 1963–65. Now serves as chief of Sandinista Police.

Carlos Guadmuz. Jailed in late sixties for hijacking passenger plane. Now runs Sandinista owned and controlled Voice of Nicaragua Radio network.

Leticia Herrera. Studied in Moscow. A leader of the turbas, Sandinista mobs; first wife of Daniel Ortega; now vice president of the National Assembly.

Lenin Cerna. Bank robber and son of Communist Party cadre who named sons after Lenin and Engels. Brought the Ortega brothers into the FSLN. Now is chief of the secret police.

The point is, Mr. President, if anyone cares, for those who do care, the Sandinistas are not some romantic band of revolutionaries. They are Communists. They are Marxist-Leninists and many of them are outright criminals, thugs, gangsters, murderers, hijackers, terrorists. What a gang in whom to be entrusting peace.

It is not going to work. We may some day wish to deceive ourselves to avoid the hard choice which now faces us. This Senator believes harder choices will face us if we do not act responsibly and with conviction at this juncture.

The hard fact is that we have a Communist sore in Nicaragua. The hard fact is these Communists in Nicaragua have proclaimed their revolution to be a revolution without borders, without boundaries.

You do not have to be awfully sophisticated to know what that means. It means they are going to make trouble. Indeed, they have been making trouble for their neighbors, principally El Salvador.

Unless we check the spread of this Communist sore, it will enlarge and engulf other nations in Central America and ultimately come to be a threat to national security, not only of the region, but of the United States as well.

At some point down the road, unless we act with resolve and courage at this juncture, or soon, we will be faced with larger problems requiring larger and more expensive solutions. I feel that if we do not act, if we continue to pretend, if we continue to delude ourselves, if we continue to trust these Communists and gangsters to embrace democracy, ultimately the solution will require the spilling of American blood.

That is the thing we all fear, and well we should. There is not one of us who would have our children die in Nicaragua or elsewhere. No American wants that; and the way to prevent it is to nip this in the bud, to look the problem square in the face, to refuse to delude ourselves further, and to act in resolve to help those who are willing to help themselves—the freedom fighters of Nicaragua, the Contras, the anti-Communists. They are in the field. They are fighting. They want to bring the kind of democratic revolution which the Communists discussed, as the Sandinistas promised, but utterly and cynically betrayed.

That is the real solution to this problem. Does any Senator believe that these Communists or any Communists are going to yield to democracy? That has never happened.

Can a Senator point to a single example of a Communist regime that has given way voluntarily to democracy? I doubt it. I do not recall such an instance in history. I do not believe there is one, and it is not going to be Nicaragua that makes history by yielding to democracy, the first Communist regime to do so.

I do not know if the Contras can succeed. I do know that this so-called peace process—and how we love to embrace this phrase, peace process, as though there is something magical and self-fulfilling about it. I do know that this Arias plan, if it is to work—and I am not at all sure it can ever work when you are dealing with Communists and gangsters—but if it has any chance at all of working, can only work if there is incentive for the Sandinistas, for the Communists, to comply in good faith; and if we withhold aid for the Contras, the freedom fighters, there simply will be no incentive.

It has taken the pressure of the Contras in the field to make the Sandinistas yield even an inch in granting these few concessions to plurality which have been granted in the last 6 or 8 months. They are small. I hope they will lead to more, but they are mighty small and even those concessions would never have been achieved without the presence of the Contras, without the pressure of the Contras.

Before the Contras became a substantial force, we had nothing from the Communists in the way of concessions to democracy, absolutely nothing. Indeed, repression was growing worse with every passing year. Communism was becoming ever more firmly embedded, the Sandinistas ever more firmly entrenched.

Only the advent of an effective Contra force has pressured the Sandinistas into yielding, however slightly, to democracy. Take away that leverage, take away that incentive, take away that pressure, as we will take it away by refusing to fund the Contras, and you can forget any further progress on human rights and plurality and democracy in Nicaragua.

It did not happen before the Contras, and it will not happen if we let the Contras fade away on the vine.

Mr. President, I rather suspect Senators are well decided at this point, but I thought it would be useful to take my few minutes to remind us, once again, of the true nature of this so-called Sandinista regime, which we should more correctly call, more effectively call, a Communist regime, for that is exactly what it is, by their own admission.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DODD. Mr. President, I yield 6 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, throwing money at the Contras, about $2,000 per person, by the U.S. Congress, out of the U.S. Treasury, is not going to bring any peace. Sending money just does not solve the problem down in Nicaragua. Sending outside armaments down to Nicaragua is a real problem.

Is there anything wrong with President Reagan talking to Gorbachev and just saying to Gorbachev, "It's unacceptable that the Soviets are sending armaments into Nicaragua"? Was there anything wrong with bringing that up when Gorbachev was here a little over a month ago? Or is there anything wrong with the President picking up the telephone and telling Gorbachev that?

What are we doing in a country with about 3 million people, with a sick government, a sick country, and leading ourselves or somebody else to believe that we are going to solve the problem with just another payment down there?

The root of their sickness in Nicaragua has been that there are outside armaments. They are not capable of producing armaments of any consequence in Nicaragua. The root of their problem, the basis of their sickness, is outside armaments. Attempting to keep the Contras going so they can fight some more is not going to treat the illness; it only spreads it.

My prescription is that the best the United States can help the Arias peace plan is to tell Gorbachev, "No more, no more Soviet armaments," and get ourselves out of backing these Contras. We are back at it again. I do not know how many times we have to vote. Unfortunately, at other times, we have always voted to continue sending millions down there.

We have about a billion dollars invested in nothing but misery in Nicaragua. The problem is the outside armaments. It is time to say what the real problem is and get off it and come back home and look at the problems we have here.

How many different groups of people do you think need $36 million today in the United States? Or how many different aspects of this sick economy that we are stumbling into do you think we ought to focus our attention? How many hours and days and weeks is this President of our focusing on that miserable condition down there and ignoring some conditions that are getting more miserable here at home?

We cannot buy anything that is any good by sending money to the Contras. Our problem is to get the armaments out of Nicaragua, take away their capability of war, take away what is perceived as a growing threat, a military threat in Central America.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. MELCHER. I will be delighted to yield to the Senator.

Mr. HARKIN. I thank the Senator for yielding. He makes a very good point.

Information that has come out from the December summit meeting in Washington between Mr. Gorbachev and President Reagan shows that Gorbachev did, in fact, raise this security matter with President Reagan. Gorbachev offered to reduce Soviet shipments of arms to the Nicaraguans if, in fact, the United States halted its aid to the Contras.

The President refused to even respond to that offer. In fact, a few days after Mr. Gorbachev left town the administration trotted out Major Miranda and began beating the drums for more Contra aid. It is unfortunate too that the President let that opportunity pass.

Mr. MELCHER. I thank my friend from Iowa. That is a very important point. I am grateful to him for having elucidated on it.

Mr. President, I think we are being misled. I think the President is wrong on this. He has been wrong before. We let him do it. We appropriated money, despite those of us who strongly opposed it.

I say once again oppose it now, get back on the right track, keep the armaments out of Nicaragua.

It may be peace can gradually come there. It will come hard and slow but maybe it can come there.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCAIN. Mr. President, I yield myself 30 seconds.

This issue did indeed come up during the summit. The President was unable to get any commitment from him not only on that but getting out of Afghanistan by May. That continues to be the case as noted later in the article by Assistant Secretary Abrams: "the more we approached the offer, the more it seemed to evaporate."

I yield 6 minutes to the Senator from Nebraska, Mr. KARNES.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KARNES. Thank you, Mr. President.

Mr. President, when I returned from my visit to Central America with the minority leader and other Senators last September, I announced that I would support assistance for the Contras if the request was consistent with the goal of achieving Nicaraguan compliance with the Guatemala City Agreement. I believe that the administration's request is consistent with the goal of achieving full compliance. The President's announcement that lethal assistance is to be held in escrow and released only if the Nicaraguan Government fails to comply reinforces my belief that the President's package is consistent with the peace process.

Also the President has clearly provided in his proposal for direct and decisive input from both Houses of Congress in the lethal aid decisionmaking process, indeed a significant compromise.

Progress in securing lasting peace through this peace process, the Guatemala accords, depends not on promises, not on hope but on compliance, past, present, and future.

It is clear that the Nicaraguan Government has not yet complied with the terms of the Guatemala City agreement. That was made clear at the recent meeting of the Central American Presidents in San Jose, Costa Rica just 2 weeks ago on January 16 where the joint communique issued by the Presidents stated, and I quote from the text of that communique:

> Since all of the Esquipulas II commitments have not been entirely fulfilled, the presidents commit themselves to satisfying unconditional, unilateral obligations that bind the governments to the total and inexcusable fulfillment of the agreements. Among these are dialogue, the cease-fire negotiations, a general amnesty, and, above all, democratization.
>
> This necessarily entails the lifting of the state of emergency, total freedom of the press, political pluralism, and the dismantling of special tribunals. The commitments reported as not having been met by the governments must be immediately fulfilled in a public and obvious manner.

Again, this statement of January 16 by the Presidents of the Central American democracies indicates that we do not have compliance. I believe we must keep the pressure on the Nicaraguan Government to comply fully, and to modify its policy of piecemeal, half-hearted, half-baked compliance. Contra assistance is the best form source of leverage we have with the Nicaraguan Government. Maintaining this source of leverage is not only consistent with the peace process, I believe that it may well be essential to any realistic hope for peace and democracy in the region.

Mr. President, assistance to the Contras serves as an insurance policy for the peace process. The Nicaraguan Government has broken its promises to establish a democratic system of government and not to pose a threat to its neighbors; most notably these promises have been broken through Nicaraguan disregard of the OAS resolution of 1979.

Colleagues of mine on both sides of the aisle have learned from bitter experience about the Nicaraguan Government's willingness to break commitments. Continued aid to the Contras will send a powerful message to Managua that there will be penalties for failure to comply with the Guatemala City agreement and their pledges to establish democratic institutions and regional peace.

Mr. President, those opposed to the President's package seem to want to force the United States into making a choice between doing nothing and using American troops to maintain security in Central America. Democratic leaders in Central America have made it clear that if Nicaragua takes aggressive action they will move to invoke the Rio Treaty.

I am concerned about this, deeply concerned, and so yesterday I met with the Ambassador to the United States from Costa Rica, and he confirmed that invoking the Rio Treaty would be their first and essentially only option in the face of aggression from Nicaragua. In other words, if the Contra army disappears and the peace process does not proceed to a successful conclusion and the Sandinistas follow President Ortega's pledge of several years ago to lead a revolution without borders, the only army that will be able to respond in the mind of this Costa Rican Ambassador will be the United States Army, the United States Armed Forces. Under such circumstances under the Rio Pact the United States will have a responsibility to send military aid and likely its troops to the region.

Mr. President, aid to the Contras adds greater flexibility to our foreign policy. I see no reason for limiting our options toward resolving the pressing problems facing us and the future of democratic development in Central America by a negative vote on the President's proposal.

Finally our policy toward Central America must recognize our understandable national interest in this region. As I see it there are four specific national concerns that our policy toward the region must address. First, we must protect the vital sealanes that sit astride this region. Second, we must ensure that Nicaragua does not become a strategic military threat, as Cuba did in 1962. Third, we must not allow Nicaragua to become a source of subversion in Central America. Last, we must continue our efforts to bolster democracy in Latin America.

I believe that a carefully designed package of Contra aid, such as the one proposed by the President, directly or indirectly serves each of these interests. Perhaps the lost element in this debate is the fact that assistance to the Contras is not meant solely to improve the prospects of peace with freedom and democracy for the Nicaraguan people, though that is important in and of itself; it is also meant to allow regional democracies to grow and flourish.

There has been much talk about giving peace a chance in this Chamber. Unfortunately, there has been precious little discussion about what happens if democracy and true freedom in the region is not given a chance. The defeat of Contra aid almost guarantees that the outcome will not be in our favor.

Thus, Mr. President, for the reasons that I have stated, I will support the President's request for assistance. This I say being fully aware of the negative House vote last night, because I hope that positive action in the Senate today will serve as an impetus for the continuation of a rational policy toward Central America and not simply an empty gesture.

I urge my colleagues to vote for this package—this is a reasonable, responsible package—to vote for the people of our country and for the people of Central America.

Thank you very much.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Could I have 1 more minute to respond?

Mr. DODD. I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for yielding.

I want to respond to my distinguished colleague from Arizona, in regards to who raised the issue of whether or not we wanted to seek some security agreement with the Soviets with regard to Nicaragua.

I refer to an article in today's New York Times, in which the White House said—I will quote:

> The White House said today that the Soviet Union in recent weeks had offered to cut off most military aid to the Nicaraguan Government if the United States ended its aid to the contras and all military assistance to the nations of Central America.
>
> The offer was rejected out of hand. The White House spokesman, Marlin Fitzwater, called it "absolutely unacceptable" and "ludicrous."
>
> The Soviet proposal grew out of a comment made to President Reagan by Mikhail S. Gorbachev, the Soviet leader, during their summit meeting in Washington last December.

So, the White House itself admitted that it was Gorbachev that made the offer to cease sending arms to the Sandinistas if we would stop sending arms to the Contras.

I ask unanimous consent, Mr. President, that this article be printed in the RECORD. I think that article should lay this issue to rest.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 4, 1988]

U.S. SAYS KREMLIN PROPOSED TO CUT AID TO NICARAGUA

(By Joel Brinkley)

WASHINGTON.—The White House said today that the Soviet Union in recent weeks had offered to cut off most military aid to the Nicaraguan Government if the United States ended its aid to the contras and all military assistance to the nations of Central America.

The offer was rejected out of hand. The White House spokesman, Marlin Fitzwater, called it "absolutely unacceptable" and "ludicrous."

The Soviet proposal grew out of a comment made to President Reagan by Mikhail S. Gorbachev, the Soviet leader, during their summit meeting in Washington last December.

HOUSE BEGINS AID DEBATE

The details of the proposal were made public this morning as the House of Representatives began debate on the President's request for at least $43 million in aid to the contra rebels that would last into the summer.

The House debated the request late into the evening. Undecided Congressmen were lobbied all day by President Reagan, Secretary of State George P. Shultz, and Adolfo Calero, a contra leader, and by Democratic leaders who oppose renewed aid.

REQUEST WHITTLED DOWN

The Senate prepared for a vote on the issue whichever way the House vote went; a required vote by Thursday after a House vote for the aid, or a largely symbolic one at the urging of Republicans, after a defeat. The Senate majority leader, Robert Byrd of West Virginia, said debate on the procedure would be limited to 30 minutes.

The contra aid request had been whittled down considerably from the $270 million over 18 months that the President sought last November.

Of the $43 million, $32.6 million would be used for food, clothing, medical supplies and the like—so-called nonlethal aid—and $3.6 million would go to military aid. An additional $7 million was requested for electronic equipment, including radar jamming devices to assist contra supply aircraft.

PEACE MOVES CITED

The Administration's lobbying efforts ran into a widespread view among House Democrats and some moderate Republicans that renewed assistance would hamper peace moves under way in Central America.

Supporters of aid to the contras, however, declared that the Marxist Sandinista Government of Nicaragua was untrustworthy, despite recent concessions made in conjunction with the peace process, and that the aid to the rebels was needed to put pressure on Managua.

The Soviet Union's Central America proposal came when the Administration asked Moscow to explain an ambiguous comment Mr. Gorbachev made to President Reagan during the summit conference in December.

At the time, American officials took Mr. Gorbachev's brief remark to mean that the Soviet Union would end military assistance to Nicaragua if the United States cut off aid to the contras. But Administration officials acknowledged that they did not press the matter while Mr. Gorbachev was here.

Since then, Mr. Shultz and other American officials have questioned Soviet officials about the matter, and "the more we approached the offer, the more it seemed to evaporate," Assistant Secretary of State Elliott Abrams said today.

Although Administration officials have known of the Soviet response for several weeks and have previously alluded to it in public, they chose to make it public in detail today partly to influence the vote on renewed contra aid.

The White House also wanted to rebut a remark that Representative Lee H. Hamilton, an Indiana Democrat, made Tuesday night.

In his response on behalf of the Democrats to Mr. Reagan's address to the nation urging that aid to the contras be continued, Mr. Hamilton said: "U.S. officials say Gorbachev told President Reagan he was prepared to cut off Soviet military aid to Nicaragua if we cut off aid to the contras. We ought to put the Sandinistas and Gorbachev to the test."

Implying that Mr. Hamilton had been unfair, Mr. Fitzwater said that Lieut. Gen. Colin L. Powell, the President's national security adviser, had written to Mr. Hamilton on Monday explaining the nature of the Soviet offer.

"He had it on Feb. 1," Mr. Fitzwater said.

But Mr. Hamilton said he wrote to Mr. Reagan on Jan. 25 asking the White House to clarify the Gorbachev offer, "and they gave me the Powell letter at 11:30 this morning—after the fact."

Despite the atmosphere of ambivalence that has characterized each major vote on contra aid, House Democrats expressed confidence that the Administration's package would be defeated.

The House Speaker, Jim Wright of Texas, also asserted that Mr. Reagan's offer Tuesday night to give Congress a greater voice in determining the release of the $3.6 million in military aid had not changed many minds.

After offering to consult Congress before releasing the military aid, the President, in a letter delivered today to the House minority leader, Representative Robert H. Michel of Illinois, promised to "refrain voluntarily" from releasing the military assistance if the House and the Senate jointly adopted a resolution declaring that lethal aid should not be delivered.

"I believe that this arrangement will afford Congress and the executive branch the opportunity to address jointly the central question of Sandinista compliance with the commitments made at the San José summit," Mr. Reagan said.

Representative Mike Lowry, Democrat of Washington and chairman of the House Democratic Study Group, said that the President's offer to give Congress a voice on releasing military aid "changing nothing."

Mr. Calero, the contra leader, said the rebels would "press on with our last breath" even if the aid package is defeated. "The fight for freedom will go on forever," he added.

He conceded that without continued United States aid the rebels would "be in a very difficult position, but we will come through."

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, many have said that minds will not be changed and it may well be that no votes will be changed, but this vote is so important that there are things yet to be said and I think that is clear from the participation in this debate.

It has been said before, but I would like to emphasize, that this is not a small amount of money that is being requested, not a mere helping along of the peace process. This $36.2 million to be spent on lethal and nonlethal aid between now and June is in and of itself a tripling—a tripling—of the current aid levels to the Contras, from $2.6 million each month to over $8 million a month. But that is only the beginning of the story, Mr. President.

In addition to the direct aid, the package provides for $20 million to be made available from Defense Department funds for the replacement of aircraft which are shot down.

Furthermore, this aid package allows for "unlimited" transfer of electronic equipment, radar, and other air defense equipment from the Department to the CIA to assist Contra supply flights. And that equipment is estimated to cost several million dollars each month. Over the 4 months that this aid package is in effect, the additional electronic surveillance alone could amount to $12 million.

Mr. President, let us not be fooled and let us not see the American people fooled about what this package is about. It is a package asking Congress to appropriate more than $68 million for the Contras and it represents, on an annualized basis, a funding of some $270 million.

Mr. President, this is a down payment effort, nothwithstanding what the House has done, a down payment message with respect to the desires of this administration in Central America.

Mr. President, there is both a terrible and cruel hypocrisy regarding our application of judgment on Central America. The President, in his State of the Union Message, as well as in his Tuesday message, talked of flourishing democracies surrounding Nicaragua. Was he talking about General Noriega in Panama? Was he talking about the death squads in El Salvador? Was he talking about the Honduran death squads trained by our own CIA which are currently on trial in Costa Rica, two witnesses of which were killed just recently? Was he talking about corruption within the military of El Salvador, which has grown, much of it, from our own aid programs?

Mr. President, I do not know the answer to that, but I know that there is only one country in Central America that is a full democracy that protects the rights of human beings and that has been struggling for peace, and that is Costa Rica; a full democracy, Mr. President.

Now, this peace process has been far from perfect. Yes, it has. It has been far from perfect. But, Mr. President, our participation in this peace process has been far from perfect.

While we have talked about freedom and democracy, we have broken the law. We have walked out on the Manzanillo peace talks. We upset and frustrated the Contadoras peace talks. We avoided altogether the World Court, which we helped to establish. We ignored the Organization of American States whose charter allows us to use force to protect our interests in the region if we are indeed truly threatened. We have delayed payments of AID funds. We have diminished our commitment to the Treaty of Rio, and we have diminished the meaning in the process, of the Treaty of Rio. We have undercut the efforts of President Arias, both directly and indirectly. And we have made war on a foreign population through a proxy force which concentrates on "soft targets" like health clinics and rural electrification sites and civilians.

In thinking about whether or not to vote for more funds for this "policy instrument," we should remember the words not of a liberal, not of an opponent, but of a participant in this process, none other than Robert Owen—Robert Owen, the "eyes and ears" of Oliver North:

> In the spring of 1986, Owen told North that the civilian leaders of the Contras were a front, "a name only," that power lay in the hands of Adolfo Calero, "A creation of the USG," surrounded by people who are "liars and greedy and power-motivated." Owen, who spent many weeks with the Contras over many months, and came to know the Contras well, warned North that "this war has become a business to many of them, there is still a belief the marines are going to have to invade, so let's get set so we will automatically be the ones put into power. If [new funds are] approved and things go on as they have these last 5 years, it will be like pouring money down a sink hole."

Well, since Robert Owen wrote those words, we have indeed poured another $121 million on the Contras, and still there is no real light at the end of the tunnel. But we are violating the peace plan, as Senator MITCHELL competently and articulately pointed out, we are violating the peace plan—"we," the United States of America—by wanting to provide aid.

Now, argument after argument has been made on the floor—and I have listened carefully—about how we need the Contras because they are necessary as a strategy for peace. We need the Contras because they are pressure to create negotiations. But pressure for what? Pressure for what? Pressure to negotiate?

Mr. President, we all know the history of this administration in negotiations. They walked out of Manzanillo. They frustrated Contadora. They left Ambassador Philip Habib, one of our most distinguished and capable diplomats, dangling and isolated so much that he resigned. And they have not only refused to negotiate directly with the Sandinistas and push the Arias peace plan, but they have frustrated that plan.

Now, think about that, Mr. President. I remember going down to the White House and having a meeting with the distinguished manager here, the Senator from Connecticut, and others, with the President of the United States. I asked him personally, "Mr. President, are we going to negotiate directly with the Sandinistas?"

And his answer was, "No, that would be like the colossus of the north trying to dictate the outcome down there."

Then the Secretary of State said we are not going to negotiate, and others picked up that hue and cry. So, Mr. President, there are no bilateral talks.

But when Central America makes up its mind what it wants and endorses a plan and the Presidents speak and they say, "Don't give aid," all of a sudden we are ready to be the colossus of the north again. All of a sudden it does not mean anything to let them decide; mere words, mere hyprocrisy. And that is where we are, Mr. President.

But then we know that negotiations are not really the key because we keep hearing from supporters of Contra aid: "Why talk about negotiations? Communist regimes never negotiate themselves out of power." And that is true, Mr. President, they do not. So, of course, this notion that we are going to fund the Contras in order to provide pressure to negotiate when we do not negotiate is a farce. And then they are not going to negotiate because they will not negotiate themselves out of power. So here we are negotiating for a nonnegotiable purpose.

We are, indeed, I believe, locked in a kind of catch-22. Your aid to the Contras is to force them to negotiate, but then you do not negotiate. So you maintain the dream of overthrowing the regime, which is the real purpose, and the only truth of that is that it will always be a dream. There is not one military adviser or even one Senator who has been willing to argue that the Contras can overthrow the Sandinistas. So you fund the Contras and you are locked into an eternal process of killing for no ultimate purpose but supposedly to pressure a regime that will not negotiate.

Mr. President, I really believe that those who support Contra aid actually choose a far more dangerous course for the United States of America. Because, for every ounce and penny of aid, we give the Sandinistas more license to arm. We give the Sandinistas more license to seek aid from the Soviet Union. We give greater probability to confrontation. And we give them the ability, Mr. President, the ability—as I know my colleague from Connecticut will discuss—to turn their back on the Arias plan. Provide the funding and Daniel Ortega has the greatest excuse in the world to say, "OK, folks, you're in breach of the plan. Now we are going to arm," and on we go.

Mr. President, I say that the better plan is to lay bare the intentions of the Sandinistas, lay bare their intentions to the world. Take away Contra aid and you take away the excuses. Take away Contra aid, and the Contras are not going to disappear overnight if they are for real.

Mr. President, I ask unanimous consent that I may have an additional 3 minutes.

Mr. DODD. Mr. President, I yield to the Senator 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. KERRY. Mr. President, if the Contras are real they are not going to disappear in a few months; but let us have clean hands, a doctrine in law of equity called clean hands.

The United States should approach this with clean hands. Take away the Contra aid and I believe you provide the most direct challenge possible to the Sandinistas, and they will know what the choice is. They will either fulfill their promises or they will have exhausted the patience of the most patient. They either provide pluralism, democratization, and amnesty that they talk about, or they will have invited the unanimous ostracization of North America and Central America alike, as well as our allies in Europe, who currently do not support our plan.

I believe they will then have provided us with the foundation for multilateral steps which legally and effectively allow us to hold them accountable in their own hemisphere.

Mr. President, I believe the Sandinistas have abused their revolution and I believe they have been less than forthcoming in the peace process. But nothing in my experience, I believe, is based or nothing in my position in support of opposing aid is based on the notion that we should trust them or that we should have faith in what they are going to do. But I am convinced that we face a difficult path in Central America. We have to build a policy of bipartisanship and consensus.

This is the moment. If we were to deny this aid, lay bare their intention, then there cannot be any critics afterward. If they do not follow through, Mr. President, there are all kinds of alternatives available to us through the Organization of American States, through our allies, to ultimately even go to the steps of a quarantine or an embargo. There are countless ways to bring this small country of 2.7 million people and 150 old tanks and no air force to their knees if they truly threaten the United States of America.

Mr. President, we are not behaving like a great nation. We are simply not behaving as history has taught us we can to enforce policy around the world. You cannot prosecute a policy that involves the loss of people's lives, surrogate or otherwise, without the support of the American people.

There are many lessons of Vietnam, some of them still in dispute. But I think that one of the lessons is that we do not put Americans in harm's way, directly or indirectly, without the American people supporting the policy; without having exhausted the process of peace so as to understand why it is that lives may have to be lost.

I keep hearing people talking about how, in Central America, the Contras are roaming the countryside. Sure, it is countryside. It is in the north. It is where Somoza was strong. It is where the national guard was recruited from. But, Mr. President, the question here is can this policy work without the support of the American people? I respectfully suggest that, unless we give this peace process a chance and exhaust the possibilities, we will not have that support. A vote of 53 to 47 in the United States Senate is not bipartisan. It is not consensus. It is a doomed foreign policy.

This debate here today is not really about Contra aid, Mr. President. This debate comes about because for 7 years this policy has failed and it cannot succeed in the last 11 months of this administration and so this vote is really about who to blame for the failure of that policy.

Well, Mr. President, we who vote against Contra aid are not going to be intimidated by that political box. We will vote against it because we believe that we cannot continue to lose lives, ours or other people's, and we cannot pursue an illegal policy that does not have the support of the American people and is condemned to lead us down the same path as it has before in such recent times. That is why I think it is important to oppose it and that is why I think the House of Representatives took the courageous step it took yesterday.

Thank you, Mr. President.

Mr. McCAIN. I yield 10 minutes to our distinguished colleague, Senator HATFIELD from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the manager of the bill on our side, the Senator from Arizona, Senator McCAIN.

Mr. President, if one is to accept the prevailing arguments which have fueled this debate, I am afraid that the real issue will be lost. If we cling to the notion that this is but a roll of the political dice—a wager on the trustworthiness of Ortega pitted against the diplomatic leverage of the Contras; the essence of this conflict will continue to elude us. Because if you isolate the single most fundamental, most essential element of this conflict it is the simple fact of civil war.

And as we learned through our own tragic Civil War experience—as dissimilar as it may be in so many respects—it is not only the military dimension of the conflict which decides the ultimate result, it is the existence of leadership to heal the wounds which lie at the core of the conflict. My colleagues, there is not an Abraham Lincoln on either side of this battlefield. History is defined and intellectual honesty is disgraced if we suggest that there is. There is only the peace plan. That's all. That's all we have as a substitute for the great and compassionate leadership this nation was fortunate to possess in its struggle over a century ago.

We must ask ourselves what kind of national reconciliation we are supposedly trying to achieve in Central America. If your goal is to purge every last Sandinista, Soviet, and Cuban from the soil of Nicaragua, then the peace plan is not your cup of tea. But if you believe that violence should be the last resort, that political behavior can be moderated and that the world need not be recreated in our image, then the peace plan is all you have got. And the truth is that if you do support the peace plan, you cannot stand on this floor today and cast your vote for Contra aid and claim—honestly claim—that yours may not be the last nail in the coffin of this fragile process. The people of Nicaragua have suffered for the better part of a century from the arrogance of many of our political and economic policies. They deserve better than the Sandinistas, but they also deserve better than the Contras. The simple truth is that if either the Sandinistas or the Contras prevail, the result is ongoing civil war and bloodshed.

These Nicaraguans and their parents and grandparents who went before them have grown up under as much, if not more, tyranny as exists in Nicaragua today. Tyranny under different labels perhaps, but tyranny nonetheless. Their lives are full of the legacies of colonialism, imperialism, and adventurism. And none of it will disappear with a military victory for anyone.

As usual we are trying to have it both ways when we cannot. The message of the midnight hour has been filtering out: "The Sandinistas are on the ropes. Do not pull the plug now. We are close to doing them in." At the same time, Mr. President, the proponents of this package are arguing that it is the only hope for the peace process—that it is a necessary prerequisite to keeping the Sandinistas honest.

Let me remind my colleagues that we have been down this road before:

In 1984, before the vote, the National Security Council claimed that Soviet Mig fighter jets were being shipped to Nicaragua on a freighter. When the freighter was unloaded, there were no Mig's.

In 1985, before the vote, the White House said that the Contras were out of money and supplies and would collapse without U.S. aid. In reality, they were being supplied through the Iran-Contra network. Oliver North wrote a letter to Contra leader Adolfo Calero at the time:

> We need to make sure that this new financing does not become known. The Congress must believe that there continues to be an urgent need for funding.

In 1986, before the vote, the United States sent $20 million in emergency funds to help the Honduran army counter an invasion by Nicaragua. The so-called invasion turned out to be one of a large number of periodic Nicaraguan sweeps of Contra bases over the Honduran border.

What I am asking is not just that we stop aiding the Nicaraguan Contras. That alone is not a policy, and that alone will not give peace more than a few shreds of hope. For the wounds in Nicaragua are deep indeed. If food is taken from a child's mouth to pay for a helicopter or a machine gun, Mr. President, I suggest to my colleagues that it makes little difference where that helicopter or machine gun is made: the child is still hungry. And the children of Nicaragua have been hungry for a long time. This is not a time to draw distinctions between Contra wounds of war and Sandinista wounds of war. It is time to heal the Nicaraguan wounds of war.

Mr. President, I suggest that we wait a couple of months. That we stop supporting the Contras and we wait. And if the peace process continues, we do something we should have done a long time ago: We implement a policy of genuine humanitarian aid. Not the kind that includes helicopters and spare parts, but the kind that includes seeds and books and medicine and food. And not the kind that goes just to those Nicaraguans who were willing to fight our surrogate war, but the kind that goes to all Nicaraguans in need. Let us try that kind of leverage now.

Let us put our moral strength as a nation into the healing process.

It might not work, Mr. President, but I guarantee you that it has a better chance of success than does our current policy.

Mr. President, I ask unanimous consent that an article by Congressman PAUL HENRY and a statement by a number of religious leaders be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 31, 1988]

CONTRA AID: BAD ANSWER TO BAD QUESTION

(By Paul B. Henry)

One of my college professors repeatedly told his class: "To assure good answers, you must first ask good questions."

The question of continued funding for the Nicaraguan Contras has, unfortunately, been so poorly framed over the years as to ensure only bad answers. The question becomes the foreign-policy equivalent of "Have you stopped beating your wife?"

The Reagan Administration has allowed the Contra question to eclipse broader questions of American foreign-policy goals in the Central American region, and Congress has been beguiled into debating the question on those limited terms.

In so doing, both Congress and the President have been backed into a "no win" corner. If military aid is approved this week, we risk undermining the diplomatic offensive that has achieved more in six months than military aid has accomplished in six years. Such approval would give the Sandinista regime an excuse to renege on its promises of political pluralism and the restoration of democratic processes.

On the other hand, a rejection of aid without qualification would send a signal to the Sandinistas that Congress and the President have reached a stalement on American policy toward Nicaragua. They would thus be tempted to disregard the promises made last August and expanded upon two weeks ago in Costa Rica.

Either way, the Sandinistas win, because the question has been improperly framed from the beginning. And Congress faces the dilemma of either reaffirming bad policy or rejecting it and creating the vacuum of having no policy at all.

Hopefully, the answer to this imprudent ultimatum will be yet another reprieve through an unglamorous compromise that segregates Contra support into non-lethal and lethal-aid packages, fencing off release of the latter for subsequent congressional consideration.

Such an arrangement would allow one more chance, perhaps the last, to return the Contra caboose to the back of the policy train where it belongs, and enable the Administration to forge a truly bipartisan, multidimensional and multilateral approach to the Nicaraguan issue.

Three critical dimensions of our Central American policy need to be resolved:

An honest attempt must be made to root that policy in genuine bipartisan consensus. Bipartisanship means more than simply securing the magic number of "swing" votes needed to join the majority of Republicans supporting the President on the issue. It means a jointly formulated policy in which there is a sense of shared ownership sufficient to engender a shared obligation to defend it domestically and abroad. Dividing Congress and the nation with "good guy-bad guy" rhetoric over charges of neo-isolationism or naivete regarding Marxist regimes can only serve to undermine this effort. Members of Congress ought not to usurp the role of secretary of state. But implementing foreign policy in the absence of reasonable political accommodation denies the stable and predictable foundation upon which foreign policy consensus must be built.

Our Central American policy must be explicitly multidimensional. If continued democratization of Latin American societies is to be nurtured, policies addressing the problem of the drug warlords, the burgeoning Latin populations, the restructuring of Latin American debts and revitalization of Latin American economies must be given just as dramatic a focus and attention as the effort to counter Marxist subversion and presence in the region. We must rigorously examine the impact that our policies may or may not be having in inadvertently remilitarizing the very region in which we are trying to sustain the growth of fragile civilian political institutions.

Our Central American policy must deliberately seek to strengthen multilateral participation of the region's nations. A sense of shared ownership of that policy is no less important to those affected by it than it is to those conducting it. Last fall, while Congress was once again debating additional millions to the Contras, the State Department advised the Organization of American States that the United States could not afford to meet its financial obligations to host the annual OAS meeting. And of course, it goes without saying that a Central American policy is doomed to failure if it runs counter to the joint efforts of the Central American presidents to develop a regional solution to their problems.

As long as policy-making is determined by lurching from Contra aid request to Contra aid request, there is little in the way of meaningful discussion and agreement on the broader goals and purposes of our policy in Central America, and how and when military force might be used to achieve them. In the present context of the diplomatic initiative undertaken by the Central American presidents, the continued fixation on further funding of the Contra is even less adequate as a substitute for a broader policy. Until we begin to ask the right questions, we shall be frustrated with a policy process that yields only bad answers.

(Paul B. Henry, a Republican, represents Michigan's 5th District (Grand Rapids) in the House of Representatives.)

FEBRUARY 1, 1988.

A STATEMENT ON CONTRA AID

We, the undersigned religious leaders, urge Congress to defeat any proposed new aid to the armed Nicaraguan opposition known as the Contras.

As men and women of faith who have leadership responsibilities within our religious bodies, we seek United States policies in Central America that are consistent with a deep sense of morality and justice, policies that rely upon diplomacy rather than the force of arms. We support the Guatemala peace accords and the ongoing peace process in the region. Sending additional aid to the Contras in any form or any amount would violate the Central American peace plan and contravene the expressed wishes of President Oscar Arias of Costa Rica. The immoral Contra war policy must finally be ended.

We ask all Senators and Representatives to vote against the request for new aid to the Contras on February 3 and 4.

AMERICAN BAPTIST CHURCHES, USA

Dr. Chester J. Jump, Jr., Interim General Secretary, American Baptist Churches, USA.

Dr. William K. Cober, Executive Director, National Ministries.

Dr. Donald G. Taylor, Executive Director, International Ministries.

Dr. Daniel E. Weiss, Executive Director, Educational Ministries.

Dr. Dean R. Wright, Executive Director, Ministers & Missionaries Benefit Board.

Rev. Kathryn W. Baker, Executive Minister, American Baptist Churches of the Niagara Frontier.

Dr. J. Ralph Beaty, Executive Minister, American Baptist Churches of the Great Rivers Region.

Rev. Helen Louise Bowser, Minister of Church and Ministry, American Baptist Churches of Rhode Island.

Rev. Donald H. Crosby, Executive Minister, American Baptist Churches of Rhode Island.

Dr. Telfer L. Epp, Executive Minister, Mid-American Baptist Churches (Iowa & Minnesota).

Rev. Robert A. Fisher, Executive Minister, Ohio Baptist Convention.

Rev. Carl E. Flemister, Executive Minister, American Baptist Churches of Metropolitan New York.

Dr. Heinz H. Grabia, Executive Minister, American Baptist Churches of Nebraska.

Rev. Sumner M. Grant, Executive Minister, American Baptist Churches of New York State.

Dr. Carlton B. Goodwin, Executive Minister, The Pittsburgh Baptist Association.

Rev. Pedro Hernandez, Executive Minister, Baptist Churches of Puerto Rico.

Dr. Paul T. Losh, Executive Minister, Vermont Baptist State Convention.

Dr. Calvin L. Moon, Executive Minister, American Baptist Churches of Maine.

Dr. Walter Parrish, Executive Minister, American Baptist Churches of the South.

Dr. Robert D. Rasmussen, Executive Minister, American Baptist Churches of the West.

Dr. Robert H. Roberts, Executive Minister, American Baptist Churches of Connecticut.

Rev. Carrol A. Turner, Executive Minister, American Baptist Churches of Monroe Association.

Rev. Larry K. Waltz, Executive Minister, Philadelphia Baptist Association.

Rev. George D. Younger, Executive Minister, American Baptist Churches of New Jersey.

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Gordon W. Bucher, Executive, District of Northern Ohio.

Helen Constable, Associate Executive, District of Western Pennsylvania.

Janice M. Eller, Executive, District of Oregon and Washington.

Warren M. Eshbach, Executive District of Southern Pennsylvania.

Pamela T. Farrell, Associate Executive Mid-Atlantic District.

Ronald D. Finney, Associate Executive District of Northern Indiana.

Sylvus D. Flora, Executive, District of West Marva.

Martin A. Gauby, Executive, District of Idaho.

Larry W. Glick, Associate Executive, District of Shenandoah.

Terry Hatfield, Associate Executive, District of Northern Indiana.

Robert D. Kettering, Associate Executive, Atlanta Northeast District.

James L. Kinsey, Executive, District of Michigan.

Joseph M. Mason, Executive, District of Southern Ohio.

James E. Miller, Executive, District of Northern Plains.

Carl E. Myers, Executive, District of Illinois and Wisconsin.

Carroll M. Petry, Executive, District of South/Central Indiana.

Ronald D. Petry, Executive, Mid-Atlantic District.

Doris M. Quarles, Associate Executive, District of Virginia.

Merlin G. Shull, Executive, District of Shenandoah.

Ronald and Shirley Spire, Co-Executives, Southeastern District.

Irven and Pattie Stern, Co-Executives, District of Pacific Southwest.

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James E. Tomlonson, Executive, District of Southern Missouri and Arkansas.

John D. Tomlonson, Executive, District of Western Plains.

Randall L. Yoder, Executive, District of Middle Pennsylvania.

Herbert D. Zeiler, Executive, District of Southern Plains.

Earl K. Ziegler, Executive, Atlantic Northeast District.

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Bishop John Adam, Slovak Zion Synod.

Bishop Harry S. Anderson, Northern Wisconsin-Upper Michigan Synod.

Bishop Dennis A. Anderson, Nebraska Synod.

Bishop J. Roger Anderson, Southern California.

Bishop James S. Aull, South Carolina Synod.

Bishop Darold H. Beekman, Southwestern Minnesota Synod.

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Bishop Lavern G. Franzen, Florida Synod.

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Bishop Lawrence L. Hand, Southeastern Pennsylvania Synod.

Bishop Wesley N. Haugen, Eastern North Dakota Synod.

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Bishop Reginald H. Holle, Western Michigan Synod.

Bishop Robert L. Isaksen, New England Synod.

Bishop E. Harold Jansen, Metropolitan Washington Synod.

Bishop Herluf M. Jensen, New Jersey Synod.

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Bishop Robert W. Kelly, Northeastern Ohio Synod.

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Bishop Gerhard I. Knutson, West-Central Wisconsin Synod.

Bishop Charles H. Maahs, Missouri-Kansas Synod.

Bishop A. Donald Main, Upper Susquehanna Synod.

Bishop Rafael Malpica-Padilla, Caribbean Synod.

Bishop Lowell H. Mays, South Central Wisconsin Synod.

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Bishop Sherman Hicks, Metropolitan Chicago Synod.

Bishop Harold S. Weiss, Northeastern Pennsylvania Synod.

Bishop Wayne E. Weissenbuehler, Rocky Mountain Synod.

Bishop Paul M. Werger, Southeastern Iowa Synod.

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The Rev. Robert L. Brashear, Chair, 1987-88 Presbyterian Task Force on Central America.

The Rev. Linda B. Brebner, Associate Executive, Synod of Lincoln Trails.

Mildred M. Brown, Associate, Women's Unit.

The Rev. Vernon S. Broyles III, Director, Church and Public Issues.

The Rev. Tom Castlen, Executive, Presbytery of the Cascades.

The Rev. Clarence L. Cave, Associate for Racial Justice and Black Mission Development.

The Rev. George A. Chauncey, Deputy Director, Washington Office.

The Rev. Robert E. Coleman, Associate Executive, Synod of the Trinity.

The Rev. Robert T. Cuthill, Synod Executive, Synod of Lakes and Prairies.

The Rev. Gary Demarest, Member, 1987-88 Presbyterian Task Force on Central America.

Mary B. Diboll, Associate, Women's Unit.

Dorothy J. Doherty, Chair, Presbyterian Peacemaking Committee (Middle Tennessee).

The Rev. William J. Fogleman, Synod Executive, Synod of the Sun.

Ollie Gannaway, Associate, Presbyterian Peacemaking Program.

Carole Goodspeed, Staff Executive, Committee on Women's Concerns.

The Rev. Benjamin F. Gutierrez, Associate for South America.

The Rev. Dieter T. Hessel, Director, Committee on Social Witness Policy.

The Rev. Elenora Giddings Ivory, Chair, Committee on Social Witness Policy.

The Rev. Brad Kent, Chair, Synod of Mid-America Committee for Peacemaking.

The Rev. Richard Killmer, Director, Presbyterian Peacemaking Program.

Pam Laing, Moderator, Synod of the Sun.

The Rev. Lewis H. Lancaster, Jr., Associate Director, Global Mission Ministry Unit.

The Rev. Jorge Lara-Braud, Member, 1987-88 Presbyterian Task Force on Central America.

The Rev. John B. Lindner, Coordinator, New York Liaison Office.

Mary Ann Lundy, Director, Women's Unit.

The Rev. John D. MacLeod, Jr., Administrator, Raleigh Office for Synod D.

Dr. Belle Miller McMaster, Director, Social Justice & Peacemaking Unit.

The Rev. Bernadine McRipley, Executive, Newark Presbytery, Synod of the Northwest.

Jeanne C. Marshall, National President, Presbyterian Women.

The Rev. Robert D. Miller, Director, Education and Congregational Nurture Unit.

Margaret R. Montgomery, Interim Associate for World Service.

Clara Morgan, Scioto Valley Presbytery Women's Unit.

The Rev. George P. Morgan, Synod Executive, Synod of the Covenant.

Harriet Nelson, Member, 1987-88 Presbyterian Task Force on Central America.

Alice Nishi, Associate, Women's Unit.

The Rev. Kent Organ, Member, 1987-88 Presbyterian Task Force on Central America.

Mary Jane Patterson, Director, Washington Office.

Patricia M. Roach, Director, Evangelism and Church Development.

Dr. Isabel Rogers, Presbyterian School of Christian Education.

The Rev. Janet Schlerke, Associate, Synod of Rocky Mountains.

The Rev. Robert F. Smylie, Director, United Nations Office.

S. David Stoner, Executive Director, General Assembly Council.

The Rev. Charles A. Summers, Member, 1987-88 Presbyterian Task Force on Central America.

The Rev. David Tomlinson, Synod Executive, Synod of the Rocky Mountains.

The Rev. Eugene G. Turner, Synod Executive, Synod of the Northeast.

The Rev. Otis Turner, Coordinator, Black Justice.

Patricia Gill-Turner, Associate, Committee for Women of Color.

Elizabeth H. Verdesi, Associate for Council on Women and the Church.

The Rev. James Watkins, Associate Director, Presbyterian Peacemaking Program.

The Rev. Robert H. White, Associate for Presbytery Services, Synod of Mid-America.

The Rev. John L. William, Synod Executive, Synod of Mid-America.

The Rev. Sylvia Wilson, Associate, Racial Ethnic Unit.

The Rev. David L. Zuverink, Associate, Human Services.

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Edsel A. Ammons, Bishop, the West Ohio Area.

James M. Ault, Bishop, the Pittsburgh Area.

Edwin C. Boulton, Bishop, the Dakotas Area.

Roy C. Clark, Bishop, the South Carolina Area.

Judith Craig, Bishop, the Michigan Area.

Jessee R. Dewitt, Bishop, the Chicago Area.

Ernest T. Dixon, Jr., Bishop, the San Antonio Area.

R. Kern Eutsler, Bishop, the Holston Area.

Elias G. Galvan, Bishop, the Phoenix Area.

William B. Grove, Bishop, the West Virginia Area.

Joyce Hamlin, Executive Secretary for Public Policy Women's Division

W. T. Handy, Jr., Bishop, the Missouri Area.

Pat Callbeck Harper, Chair, Section of Christian Social Relations.

J. Woodrow A. Hearn, Bishop, the Nebraska Area.

Kenneth W. Hicks, Bishop, the Kansas Area.

Leroy C. Hodapp, Bishop, the Indiana Area.

Earl G. Hunt, Jr., Bishop, the Florida Area.

Neil L. Irons, Bishop, the New Jersey Area.

Ed Iwamoto, Superintendent, the Vancouver (WA) District, Chair, Department of Peace and World Order, General Board of Church and Society.

Reuben P. Job, Bishop, the Iowa Area.

L. Bevel Jones, III, Bishop, the Charlotte Area.

Leontine T.C. Kelly, Bishop, the San Francisco Area.

J. Lloyd Knox, Bishop, the Birmingham Area.

David J. Lawson, Bishop, the Wisconsin Area.

Carolyn Marshall, President, Women's Division.

Calvin D. McConnell, Bishop, the Portland Area.

C.P. Minnick, Jr., Bishop, the Raleigh Area.

Robert C. Morgan, Bishop, the Jackson Area.

Donna Morton-Stout, Associate General Secretary, General Board of Church and Society.

Roy I. Sano, Bishop, the Denver Area.

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Rev. Carol Joyce Brun, Secretary, UCC/New York.

Ms. Beverly Chain, Director, UCC/Office of Communication.

Rev. Benjamin F. Chavis, Executive Director, UCC/Commission for Racial Justice.

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Rev. Reuben A. Sheares II, Executive Director, UCC/Office for Church Life and Leadership.

Rev. Robert Sherard, Moderator, UCC/Jamaica.

Rev. Jaime Rivera Soler, Executive Secretary, United Evangelical Church of Puerto Rico.

Rev. Martha Ann Baumer, Conference Minister, Illinois South Conference.

Rev. Charles L. Burns, Conference Minister, Florida Conference.

Rev. Carole C. Carlson, Conference Minister, New Hampshire Conference.

Rev. W. Sterling Cary, Conference Minister, Illinois Conference.

Rev. William Delke, Associate Conference Minister, Maine Conference.

Rev. Thomas E. Dipko, Conference Minister, Ohio Conference.

Rev. Peter B. Doghramji, Conference Minister, Pennsylvania Southeast Conference.

Rev. A. Gayle Engel, Conference Minister, Kansas-Oklahoma Conference.

Rev. Robert D. Fiske, Conference Minister, New Hampshire Conference.

Rev. Donald A. Gall, Conference Minister, Iowa Conference.

Rev. W. James Halfaker, Conference Minister, Washington North Idaho Conference.

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Rev. Clarence M. Higgins, Jr., Conference Minister, Nebraska Conference.

Rev. David Jamieson, Conference Minister, Northern California Conference.

Rev. Carroll E. Kann, Conference Minister, Connecticut Conference.

Rev. Teruo Kawata, Conference Minister, Hawaii Conference.

Rev. Carole G. Keim, Conference Minister, Southwest Conference.

Rev. Zoltan Kiraly, Bishop, Calvin Synod.

Rev. Reuben P. Koehler, Conference Minister, Missouri Conference.

Rev. Ron Kurtz, Conference Minister, New York Conference.

Rev. Murdale C. Leysath, Conference Minister, Minnesota Conference.

Rev. Philip Joseph Mayher, Conference Minister, New Hampshire Conference.

Rev. Edwin Mehlhaff, Conference Minister, South Dakota Conference.

Rev. Clyde H. Miller, Jr., Conference Minister, Rocky Mountain Conference.

Rev. D. Curtis Minter, Conference Minister, Vermont Conference.

Rev. Donald E. Overlook, Conference Minister, Penn Northeast Conference.

Rev. Ralph C. Quellhorst, Conference Minister, Indiana-Kentucky Conference.

Rev. Fred P. Register, Conference Minister, Southern California Conference.

Rev. Marwood E. Retting, Conference Minister, North Dakota Conference.

Rev. Paul B. Robinson, Associate for Justice, Southwest Conference.

Rev. Eugene Rose, Associate Conference Minister, Central Pacific Conference.

Rev. Rollin O. Russell, Conference Minister, Southern Conference.

Rev. John M. Schaeffer, Conference Minister, Montana-Northern Wyoming Conference.

Rev. Donald J. Sevetson, Conference Minister, Central Pacific Conference.

Rev. Horace Sills, Interim Conference Minister, Southeast Conference.

Rev. James Tomasek, Conference Minister, South Central Conference.

Rev. Frederick R. Trost, Conference Minister, Wisconsin Conference.

Rev. Lyle J. Weible, Conference Minister, Penn Central Conference.

Rev. Alfred E. Williams, Jr., Conference Minister, Massachusetts Conference.

Rev. Don Yungclas, Conference Minister, Michigan Conference.

Rev. Bernie Zerkel, Interim Conference Minister, Central Atlantic Conference.

ROMAN CATHOLIC CHURCH

Most Reverend Raymond G. Hunthausen, Archbishop of Seattle.

Most Reverend John J. Fitzpatrick, Bishop of Brownsville.

Most Reverend Joseph L. Imesch, Bishop of Joliet.

Most Reverend Raymond A. Lucker, Bishop of New Ulm.

Most Reverend Albert H. Ottenweller, Bishop of Steubenville.

Most Reverend John P. Snyder, Bishop of St. Augustine.

Most Reverend Walter F. Sullivan, Bishop of Richmond.

Most Reverend Donald Pelotte, S.S.S. Coadjutor, Bishop of Gallop.

Most Reverend Dale J. Melczek, Auxiliary Bishop of Detroit.

Most Reverend P. Francis Murphy, Auxiliary Bishop of Baltimore.

Most Reverend Peter A. Rosazza, Auxiliary Bishop of Hartford.

Most Reverend Nicholas D'Antonio, Vicar General, Archdiocese of New Orleans.

Most Reverend Thomas J. Gumbleton, Archdiocese of Detroit.

Most Reverend Charles A. Buswell, Bishop of Pueblo, ret.

Sr. Ann Carville, OSF, Executive Director, Franciscan Federation of the Brothers and Sisters of the United States.

Sr. Margaret Byrne, CSJP, General Superior, Congregation of St. Joseph of Peace.

Sr. Anne O'Neil, RSCJ, Provincial Superior, Society of the Sacred Heart, St, Louis, MO.

Sr. Margaret Nulty, SC, Associate Director Leadership Conference of Women Religions.

The Provincial Council of the School Sisters of Notre Dame, Baltimore Province.

Reverend Steven Tutas, President, Conference of Major Superiors of Men.

Reverend Walter L. Farrell, SJ, President, Jesuit Conference.

Reverend Alan McCoy, OFM, Executive Director, Franciscan Conference.

Reverend Howard Grey, SJ, Vice-President, Conference of Major Superiors of Men.

Reverend Roland Faley, Executive Director, Conference of Major Superiors of Men.

Luise Ahrens, MM, President of Maryknoll Sisters, Maryknoll, NY.

Patricia Johnson, OP, Overseas Prioress, Adrian Dominican Sisters, Michigan.

Barbara Karl, SND, Sisters of Notre Dame de Namur, Maryland Province.

Miriam Therese Larkin, CSJ, President, Sisters of St. Joseph of Carondelet, St. Louis, MO.

Sheila McGinnis, SCMM, Sector Superior, Medical Mission Sisters, Philadelphia, PA.

Margaret O'Shea, IHM, Provincial Councilor, Sisters Servants of the Immaculate Heart of Mary, Monroe, MI.

Janet Marie Peterworth, OSU, General Councilor of the Ursuline Sisters of the Immaculate Conception, Louisville, KY.

CHRISTIAN CHURCH (DISCIPLES OF CHRIST)

Dr. John O. Humbert, General Minister and President, Christian Church (Disciples of Christ), Indianapolis, IN.

Rev. Claudia E. Grant, Deputy General Minister and President, Christian Church (Disciples of Christ), Indianapolis, IN.

Dr. William J. Nottingham, President, Division of Overseas Ministries, Christian Church (Disciples of Christ), Indianapolis, IN.

Rev. David C. Downing, Regional Minister/President, Christian Church (Disciples of Christ), Greater Kansas City.

Rev. A. Guy Waldrop, General Minister, Christian Church (Disciples of Christ) in Kentucky.

Rev. Charles E. Crank, Jr., Regional Minister Christian Church (Disciples of Christ) in West Virginia.

Rev. Stephen V. Cranford, Regional Minister Christian Church (Disciples of Christ) of Mid-America, Inc.

Dr. Nathan S. Smith, Regional Minister and President, Christian Church (Disciples of Christ) in Illinois and Wisconsin.

Dr. Mark K. Reid, Regional Minister, Christian Church (Disciples of Christ) in Oregon.

Rev. David A. Vargas, Executive Secretary, Latin America and the Caribbean Christian Church (Disciples of Christ).

Rev. Carl R. Flock, Regional Minister, Christian Church (Disciples of Christ) in Alabama-Northwest Florida.

Dr. Margaret Owen Clark, Regional Pastor, Christian Church (Disciples of Christ) of the Pacific Southwest Region.

Rev. Cathy Hopkins, Moderator, Christian Church (Disciples of Christ) of the Pacific Southwest Region.

Dr. Eugene N. Frazier, Executive Regional Minister, Christian Church (Disciples of Christ) in Oklahoma.

Rev. Bruce L. Jones, Regional Minister, Christian Church (Disciples of Christ) in Arizona.

Rev. William Chris Hobgood, Executive Minister, Christian Church (Disciples of Christ) in Arkansas.

Dr. Howard B. Goodrich Jr., Regional Minister, Christian Church (Disciples of Christ) in Indiana.

Rev. James C. Suggs, Regional Minister, Christian Church (Disciples of Christ) in the Southwest.

Dr. Robert K. Welsh, Vice President, Council on Christian Unity, Christian Church (Disciples of Christ).

Rev. Dwight L. French, General Minister, Christian Church (Disciples of Christ) in Pennsylvania.

Rev. Frank C. Mabee, Coastal Plains Area Minister, Christian Church (Disciples of Christ).

Rev. Charles F. Lamb, Regional Minister, Northeastern Region, Christian Church (Disciples of Christ).

Dr. Jimmie L. Gentle, Regional Minister, Christian Church (Disciples of Christ).

Rev. Ralph L. Smith, Regional Minister/President, Christian Church (Disciples of Christ) Kansas.

Rev. Rolland G. Pfile, Executive for Church in Society, Division of Homeland Ministries, Christian Church (Disciples of Christ).

UNITARIAN UNIVERSALIST ASSOCIATION OF CHURCHES IN NORTH AMERICA

Rev. Dr. William F. Schulz, President.

Natalie W. Gulbrandsen, Moderator.

Rev. Dr. Eugene Pickett, President International Association for Religious Freedom.

Rev. Dr. James Luther Adams, Professor Emeritus, Harvard University.

Rev. Dr. F. Forrester Church, New York, NY.

Rev. Dr. Kenneth T. MacLean, Trustee.

Rev. Arie R. Brouwer, General Secretary, National Council of Churches of Christ.

Dr. Jane Cary Peck, Vice-President, National Council of Churches of Christ.

The Rev. Leonid Kishkovsky, Ecumenical Office, The Orthodox Church in America.

The Most Rev. Metropolitan Philip Saliba, Archbishop Antiochian Orthodox Christian Archdiocese of North America.

Dr. Edwin G. Mulder, General Secretary, Reformed Church in America.

The Rev. J. Ralph Shotwell, Executive Director, International Council of Community Churches.

Rev. Dale Bard, Conference Executive, Arkansas Conference of Churches and Synagogues.

Mr. Charles L. Jones, Executive Director, Southern California Ecumenical Council.

The Rev. John Moyer, Executive Director, Northern California Ecumenical Council.

Ms. Janine Chagoya, Program Director, Northern California Ecumenical Council.

Rev. Gilbert Horn, Executive Director, Colorado Council of Churches.

Rev. Stephen J. Sidorak, Jr., Executive Director, Christian Conference of Connecticut.

Rev. Donald E. Leiter, Executive Director, Georgia Christian Council.

Rev. James P. Ebbers, Executive Secretary, Illinois Conference of Churches.

Dr. P. Boyd Mather, Executive Coordinator, Iowa Interfaith Forum.

Ms. Roz Ostendorf, Program Coordinator, Iowa Inter-Church Agency for Peace and Justice.

Rev. Suzanne Peterson, Program Coordinator, Iowa Inter-Church Agency for Peace and Justice.

Mr. Paul Stanfield, Program Coordinator, Iowa Inter-Church Agency for Peace and Justice.

Ms. Dorothy G. Berry, Executive Coordinator, Kansas Ecumenical Ministries.

Rev. James L. Stovall, Executive Director, Louisiana Interchurch Conference.

Rev. Thomas C. Ewell, Executive Director, Maine Council of Churches.

Rev. Dr. James A. Nash, Executive Director, Massachusetts Council of Churches.

Rev. Diane C. Kessler, Associate Director, Massachusetts Council of Churches.

Rev. Dr. Gustav Kopka, Jr., Executive Director, Michigan Ecumenical Forum.

Rev. Charles W. Rawlings, Executive Director, New Jersey Council of Churches.

Rev. Dr. Wallace Ford, Executive Secretary New Mexico Conference of Churches.

Rev. Collins Kilburn, Executive Director, North Carolina Council of Churches.

Rev. Carlton N. Weber, Executive Director, Ohio Council of Churches.

Rev. Rodney Page, Executive Director, Ecumenical Ministries of Oregon.

Rev. Dr. Richard C. Brown, Executive Director, Rhode Island State Council of Churches.

Rev. Frank H. Dietz, Executive Director, Texas Conference of Churches.

Rev. Loren Arnett, Executive Director, Washington Association of Churches.

Rev. Dr. William B. Cate, Executive Director, Churches Council of Greater Seattle.

Rev. John F. Price, Executive Director, West Virginia Council of Churches.

Rev. John D. Fischer, Executive Director, Wisconsin Conference of Churches.

Rev. Joan Campbell, Executive Director, U.S. Office, World Council of Churches.

Rev. J. Graley Taylor, Executive Director, Religious Broadcasting Commission.

Rev. John Magnuson, Campus Pastor, Covenant House, University of Washington.

Fr. Elias Stephanopoulos, Representative of Bishop Greek Orthodox Church.

The Rev. Richard G. Cunningham, Minister, University Christian Church.

Ms. Mary Walton, General Secretary, Friends General Conference.

Stephen G. Gary, Chairperson, American Friends Service Committee.

Edward Snyder, Executive Secretary, Friends Committee on National Legislation.

Winifred Walker-Jones, Presiding Clerk, Baltimore/Washington Yearly Meeting.

Ruth G. Crutchley, Executive Secretary, (Acting), Baltimore/Washington Yearly Meeting.

Richard W. Taylor, Clerk, Lake Erie Yearly Meeting.

William B. Kriebel, Presiding Clerk, New England Yearly Meeting.

Mary Foster Cadbury, Clerk, New England Yearly Meeting.

Samuel D. Caldwell, General Secretary, Philadelphia Yearly Meeting.

Rev. Jim Wallis, Sojourners Ministry Editor, Sojourners Magazine.

Rabbi Eugene Lipman, President, Central Conference of American Rabbis.

Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis.

Rabbi Alexander Schindler, President, Union of American Hebrew Congregations.

Al Vorspan, Vice President, Union of American Hebrew Congregations.

Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism.

Eleanor Schwartz, Executive Director, National Federation of Temple Sisterhoods.

The Most Reverend Edmond L. Browning, Presiding Bishop and Primate, The Episcopal Church.

The Right Rev. John T. Walker, Bishop of Washington, The Episcopal Church.

Diana Paulsen, Executive Director, Reformed Church Women, Reformed Church in America.

Rev. Elizabeth Lunz, Associate for Women's Ministry Unit, Presbyterian Church USA.

Doris Anne Younger, General Director, Church Women United.

Sylvia Talbot, President, Church Women United.

Jean Miller, Associate Director of Women's Unit, Presbyterian Church USA.

Babette L. Hart, Executive Secretary, Moravian Church in North America.

Cornelia Swain, Cumberland Presbyterian Church.

Betty Gordon, Vice President of the Women's Division, Board of Global Ministries, United Methodist Church.

Marilyn M. Brittling, Executive Director, Center for Women in Church and Society, United Church of Christ.

Janice R. Newborn, Department of Church Women, Christian Church (Disciples of Christ).

C. J. Malloy, Jr., General Secretary, Progressive National Baptist Convention.

J. Alfred Smith, Sr., President, Progressive National Baptist Convention.

Gordon Sommers, President, Provincial Elders Conference of Northern Province, Moravian Church in North America.

Howard Housman, Chairperson, Board of World Mission, Moravian Church in North America.

Theodore Wilde, Executive Director, Board of World Mission, Moravian Church in North America.

William Gramley, Executive Director, Board of Christian Education, Southern Province, Moravian Church in North America.

John Hurst Adams, Presiding Bishop, Second Episcopal District, African Methodist Episcopal Church.

Clinton R. Coleman, Presiding Bishop, Fifth Episcopal District, African Methodist Episcopal Zion Church.

Earl R. Johnson, General Secretary, African Methodist Episcopal Zion Church.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognzied for 10 minutes.

Mr. HARKIN. Mr. President, one is temped to reply to the rhetoric that has come around in like time. But the time has come to try to reduce the rhetoric now and to take a look at the recent history of Nicaragua. There are some salient facts that need to be recalled.

First, the revolution that brought the Sandinistas to power occurred in July of 1979. Nicaragua was devastated, completely laid to waste. The Nicaraguans tried to rebuild their country over the next year or so. In fact, the United States gave the Commandantes who were running the country at that time, some hundred million dollars. That has been alluded to several times.

I remind my friends that 60 percent of that money went to the private sector and to this day no one has ever accounted for that money. Much of it, I assume, was taken out of the country by the private sector at that time.

So only 40 percent of the money went for any kind of infrastructure, health, rebuilding sewer systems, water, and other vital social services.

In February 1981, the Reagan administration began its efforts to coordinate the Contra affairs, to put the CIA in charge, and to begin the process of undermining the fragile government that was starting to form in Nicaragua at the time.

What we have is a revolution that laid the country to waste. And in less than 18 months, the Reagan administration began the process of destablizing the Nicaraguan Government.

Up until that time, in time there was still press freedom in Nicaragua, still freedom for the radios to operate, still freedom for political parties across the political spectrum to operate. It was only after the Contras began their way that the Sandinista Government began to close the political space inside Nicaragua.

In March 1982, the Sandinistas for the first time imposed a state of emergency after two bridges were blown up by the Contras in northern Nicaragua, the first big act taken by the Contras after the Reagan administration had involved the CIA in coordinating and funding the Contras.

In October 1985, the Sandinistas renewed their state of emergency after Congress approved $27 million in aid to the Contras.

To show how short our memories are, it was not June 1986 when the Sandinistas closed La Prensa. Again, it was June 1986. Not back in 1980 after the Sandinista took power, not even in 1981 after the Contras started. In June 1986, they closed La Prensa. Why and when? After the Congress voted $100 million in aid to the Contras.

There has just been this torrent of misleading information and, I might add, on the part of this administration, outright falsehoods, on the recent history of Nicaragua.

I do not mean to respond to all of the items, but I have listened to a few of them here on the floor and I would like to respond to a few of them.

I heard allegations made about sophisticated weapons in Nicaragua.

I happen to have been one of those who has been to Nicaragua several times. I have had occasion to fly out with the Nicaraguans to visit a Miskito camp. I have visited some of their military implacements. All I can say is if what I saw was sophisticated Soviet weaponry, then we can reduce our defense appropriations 50 percent and still meet the Soviet threat.

Their vehicles do not work; their airplanes will not fly.

Earlier today I heard the Sandinistas eliminated the church. I would like to have that person tell that fact to all the priests, nuns, Catholics, Methodist ministers and others who have been in Nicaragua, who have worked with the peasants there. They are unarmed, not accosted by the Sandinistas, and are still in Nicaragua operating freely in the countryside.

I heard about that the Sandinistas threatened the security of our hemisphere—the old threat to Harlingen, TX routine.

Again, if the Sandinistas are a threat to this hemisphere, we are in deep trouble. How can we be threatened by a small country the size of my State of Iowa, with less than 3 million people, with a per capita income of $600 per year?

Then I heard about the sham elections in Nicaragua. Well, they were certainly not the best elections ever held, but in 1984 the Sandinistas received 65 percent of the vote. The opposition got 35 percent. If this is a sham election, they sure do not know how to operate a sham election if all they can get is 65 percent of the vote.

There were international observers for the elections and of all the accounts I read the observers concluded that they were basically fair elections in Nicaragua in 1984.

We have had some recent elections in Haiti. Has anyone said they were fair and open? About the biggest sham in elections you can see just occurred in Haiti but I do not see this administration urging that Contras be sent into Haiti.

In the 7 years of the Contra war, some 40,000 Nicaraguans have been killed. Over $17 million is still missing from the $27 million "humanitarian" aid package we approved in 1985. The GAO says they cannot account for $17 million.

I personally tried to investigate a couple of years ago, to try to wade through the data to find where that $17 million went. Missing bank accounts, money going to the Cayman Islands. We try to make sure we account for our taxpayers dollars, but here is $17 million that no one can account for. Where is it? Swiss bank accounts?

Yet now we are to throw even more money to the Contras.

Last fall, in my talks with President Arias, a few things became clear to me. He said the United States was taking the military route in Central America and in doing so alienating itself from the rest of Latin America.

Quite frankly, what I think the Arias peace plan does and what President Arias himself was doing was really saving us from ourselves. As he pointed out, the Contras are part of the problem, not the solution. And I would submit, Mr. President, that President Arias is probably one of the best friends that the United States has ever had in Latin America in protecting the long-term interests of the United States in Latin America.

Mr. President, in the Atlanta Constitution on Friday, January 29, there is an article by William E. Colby, the former Director of the CIA, and his reason on why we ought to stop Contra aid. I believe it is a well-reasoned and logical statement on how we can best meet the three threats to our security in Central America. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

For the Sake of United States and Central American Security, Stop Aid to the Contras

(By William E. Colby)

As they prepare for next week's showdown vote on contra aid, many congressmen are, with good reason, posing a fundamental question: Is U.S. and Central American security better served by aid to the contras, or by stopping it? The answer is simple; by stopping it.

Nicaragua poses three potential security threats to the United States and the region. At best, the contras are irrelevant to these threats. At worst, they exacerbate them.

First, although tiny Nicaragua's military power does not and cannot in itself threaten the United States, a direct threat to U.S. security could arise in Nicaragua if that country were to provide a platform for *Soviet* military power—missiles, submarine bases, and the like. This possibility deserves to be taken seriously (although Nicaraguan defector Roger Miranda Bengochea disclosed that the Sandinistas and the Soviets have not discussed the subject and have no plan to do so).

But the reality is that if the Sandinistas should be foolhardy enough to permit the Soviets to establish bases on their soil, the contras could do nothing to prevent it, even if we doubled their size. If the contras have any effect at all, it is to *increase* Sandinista incentives to commit the Soviets to Nicaragua's defense by providing the Soviets with such facilities.

Unlike the contras, the United States does have the ability to prevent this eventuality. WE—not the contras—can and should obtain Soviet and Nicaraguan agreement to keep the Soviets out of Nicaragua. We—not the contras—can and should make it clear that we possess and will employ the military might to eliminate any direct Soviet military threat emanating from Nicaragua.

But we must offer them both some incentive to accept such a deal. Stopping aid to the contras is exactly such an incentive, removing any need or justification for them to refuse it.

The second possible threat that Nicaragua poses is that of conventional military aggression against its Central American neighbors. Military experts agree that Nicaragua does not currently pose such a threat. Nor do Miranda's disclosures suggest an intent to build one; the force he reported is a militia, to defend Nicaragua against American attack.

Nicaragua does not possess the capability to project military power beyond its borders for any period of time. Its Korean War-vintage tanks—which are older than the people who drive them—are inappropriate for the terrain that the Sandinistas would encounter in an invasion.

But in the event the Nicaraguans attempt overt aggression, the contras cannot provide the defense. On the contrary, the contras constitute, if anything, an incentive for Nicaragua to invade Honduras, since that is where their bases and their sources of supplies are.

The argument that the contras tie down the Sandinistas and keep them from invading their neighbors does not hold water. If the Sandinistas are thinking of invading anyone, what constrains them, beyond their lack of offensive military capability, is the United States. In the event of an invasion, we would have every right, under the collective-security provisions of the inter-American system, to respond to a request of the victim for assistance, including U.S. forces, in repelling the invasion. And there would be bipartisan support in Congress for this action.

The third—and more serious—security threat that Nicaragua poses is that of subversion of its neighbors. Here, too, the contras are part of the problem, not part of the solution. Central America's presidents have launched and sustained their peace process out of a conviction that their societies are only destabilized by the conflicts raging in the region.

The contras do nothing to protect Nicaragua's neighbors against subversion. On the contrary—as Costa Rican President Oscar Arias has recognized—involvement with the contras weakens the authority of the other Central American presidents to keep the pressure on the Sandinistas, and gives Nicaragua an excuse for hedging its compliance with the peace plan. A verification commission led by the five presidents can work against a violator only when the others have nothing to hide, as the Hondurans do as long as they house the contras.

We will begin effectively to insulate Nicaragua's neighbors against subversion when we help build successful, prosperous, democratic societies. Programs of political, economic and social development are the real barriers against subversion. Continued Central American wars divert our energies and make this impossible; that is what drove the five presidents to Guatemala last August.

In short, our contra policy works against all three of our security concerns with respect to Nicaragua. We further our security interests through verifiable agreements with Nicaragua and its patrons backed by U.S. power, and by helping Central Americans create the conditions for democratic development.

The contras could help us more as a political movement within Nicaragua than as a paramilitary one assaulting its borders. Congress should stop the present program as counterproductive.

Mr. HARKIN. Mr. President, we are told that we should give Nicaragua this $36.25 million. Now we know it is closer to $60 million when you add the $27 million for air defense and leasing aircraft. On an annualized basis that is $108 million, more than any other aid package ever approved for the Contras. But how much have we already given the Contras? The best we can figure, since the Reagan administration started in 1981, we have given the Contras over one-quarter of a billion dollars in aid, one-quarter of a billion dollars.

Well, it is tax time, Mr. President. Americans across this country are beginning to fill out their tax forms. They are beginning to see what Uncle Sam takes out of their checks they work so hard to get. Do you know what they are hearing from us? They are hearing we do not have any money for education; we have to cut back. We do not have money for a meaningful day care bill that the Senator from Connecticut has pending. We do not have money for parental leave. We do not have money to meet some of the needs of our elderly citizens; we have to cut back. But, boy, we have $60 million more, or $108 million on an annualized basis, to send to the Contras. We need that money in this country more than we need it for the Contras. Then you look and see what the directors are making. I wonder how many people in this country know that Adolfo Calero, the head of the directorate for the Contras, is getting around $7,000 a month tax free from the people of this country, $7,000 a month tax free. And not only is he getting that, the other directors of the Contras are getting it, too. Just ask yourself, if you are getting $7,000 a month tax free, do you want to sit down and negotiate with the Sandinistas? Heck no. Keep the pipeline open. Keep the Contras active. And they continue to get this money. No wonder they do not want any agreement.

And then, Mr. President, we see in the paper that the United States is going to give this defector $800,000. This is in the paper today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask for 2 more minutes.

Mr. PELL. I yield 2 more minutes to the Senator from Iowa.

Mr. HARKIN. "U.S. to Give Defector $800,000." This is Col. Miranda Bengoechea, who defected from the Sandinistas and came up here—I might also add, a guy who could not even pass one lie detector test.

Now, here it is. He is going to receive a lump sum of $500,000, plus $75,000 in resettlement aid and a 5-year contract worth $45,000 annually, all from the President's contingency fund. Well, it is taxpayers' dollars.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1988]

U.S. TO GIVE DEFECTOR $800,000

(By Tom Kenworthy and Don Phillips)

Roger Miranda Bengoechea, a former top aide to Nicaraguan Defense Minister Humberto Ortega who has become one of the United States' most valued defectors, is to receive $800,000 from the U.S. government in rewards, resettlement assistance and a contract for unspecified services, congressional sources said yesterday.

The amount is more than the Central Intelligence Agency generally pays high-level defectors, apparently reflecting U.S. delight with the defection Oct. 25 and his performance since then.

Other defectors have received more than $600,000 in lump payments or lifetime annual stipends, according to published reports, and some will receive considerably more, depending on how long they live. Many have been given far less.

Miranda, 35, defected on an official trip to Mexico City leaving his former boss aboard Nicaragua's version of Air Force One.

Humberto Ortega later called Miranda a "little worm" and said he was the "most important betrayal" in the seven-year history of Nicaragua's leftist Sandinista regime. Since then, Miranda has appeared at dozens of interviews and news conferences orchestrated by the State Department to denounce the Sandinistas.

According to the sources, Miranda is to receive a lump sum of $500,000, plus $75,000 in resettlement aid and a five-year contract worth $45,000 annually, all from the president's contingency fund. The sources said they do not know what services he is to perform under the contract.

An administration official confirmed the payment's general outlines but said the financial agreement is tentative and could differ slightly from figures given by congressional sources.

The House and Senate intelligence committees have been briefed on the agreements, and members of the traditionally close-mouthed panels would neither confirm nor deny the payments.

A major question is whether Miranda was offered the payment before or after his decision to defect. A State Department official insisted that Miranda did not know how much he would receive until Jan. 5, several weeks after he began his round of U.S. interviews.

"I can say categorically he was not contacted and did not contact any U.S. officials in Nicaragua," the State Department official said.

The official said that he could not confirm the amount of the settlement but that it is a "standard resettlement package" that would give Miranda a standard of living "roughly comparable to that he would have enjoyed in his country of origin."

High-ranking defectors generally can count on receiving $300,000 to $400,000 in various forms of compensation, although some particularly valued defectors received more.

Arkady Shevchenko, a Soviet diplomat who defected here in 1978 as U.N. deputy secretary general, reportedly received a $60,000 annual stipend. Former KGB officer Yuri Nosenko, who defected in 1964, reportedly was given a lump sum of $125,000 and more than $500,000 in consultant fees and other payments.

Miranda, who had access to high-level military and government secrets as Humberto Ortego's personal secretary, has al-

> leged that the Sandinistas plan to use a regional peace plan as a cover to consolidate power and defeat the contra rebels.

Mr. HARKIN. Here is this guy getting $800,000. I thought he defected to come to freedom, to get away from this repressive government that he alludes to in Nicaragua to come to freedom. Is this the message we send, that anyone who leaves Nicaragua, leaves the Sandinistas, we will give them $800,000? Is that what we are saying? How much money is it going to cost to say to every person who leaves a Communist country to come to America, "Oh, we will give you $800,000 or $500,000," depending I suppose on how high ranking you are. I dare say we better look out, Mr. President. We are going to have a lot more Nicaraguans in the United States than we ever thought about if we start giving them $800,000.

Mr. President, I want to close by reading one of my favorite quotes from Walter Lippmann, who wrote the day after the Bay of Pigs:

> A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws. The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy.

It is time that we have learned the lessons over the past 7 years and begin to shape a new policy, a bipartisan foreign policy that will address the real issues not only in Nicaragua but all of Latin America—poverty, social injustice, and the need for economic development for the lowest of the lowest classes of people throughout Latin America. That is a policy we can all support. That is a policy in the long-term, best interests of the entire hemisphere.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield 7 minutes to the Senator from Indiana, Mr. QUAYLE.

The PRESIDING OFFICER. The Senator from Arizona has 5 minutes remaining to yield.

Mr. McCAIN. Mr. President, I ask unanimous consent to be allowed to control the remaining time for my side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator yields 7 minutes to the Senator from Indiana.

Mr. QUAYLE. I thank my friend from Indiana.

Mr. President, a number of Senators have quoted President Arias, and I believe that he is a good, honest, decent man. President Arias has said, Mr. President, that we cannot have peace in Central America unless we have democracy. We cannot have peace in Central America unless we have democracy.

Now, as we contemplate the issue before us, do we really believe that Daniel Ortega, who is a dedicated Marxist-Leninist, wants to see democracy? Do we really think that Daniel Ortega is interested in pluralism? Do we really believe that he wants to see democracy come to his country?

I dare say that is not the case, and I do not believe anybody will come up and say that Daniel Ortega wants to see democracy come to his country. Yet President Arias has said if we want to see peace in Central America, we must have democracy.

There has never been a Marxist-Leninist leader who has been interested in democracy. What we are seeing is a classic Lenin move where you take one step forward and two steps back. You do not take your eye off the objective of a totalitarian state that wants to expand beyond its borders and be a threat to its neighbors. To achieve that objective, you may, as Lenin said, have to take two steps backward and, as Lenin said, you have to use technical flexibility to achieve your objective.

We know what Ortega's objective is, and yet we are on the verge—and it happened last night—of helping him achieve that objective because the House of Representatives cut off aid to the freedom fighters and resistance in Nicaragua.

Why do you think Daniel Ortega is having to take two steps backward? It is because of the resistance in his country, where you have 15,000 to 20,000 people in that country who want to see a change, who want to see democracy, who want to see a little bit of freedom. Yet, what happened yesterday is that this Congress rejected the advice of the President of the United States, rejected the advise of the Secretary of State, rejected the advice of the Secretary of Defense, rejected the advice of the Chairman of the Joint Chiefs of Staff, rejected the advice of the Deputy Chairman of the Joint Chiefs of Staff, rejected the advice of the Chief of Staff of the Army, rejected the advice of the Air Force, rejected the advice of the Navy, rejected the advice of the Chief of Staff of the Marine Corps but accepted the advice and the recommendation of Daniel Ortega to vote no on this aid package.

So we now have a situation where the Congress is now going to be running this foreign policy endeavor. When the Congress has contradicted the President, the Secretary of State, the Defense Secretary, and all the Chairmen of the Joint Chiefs of Staff, you cannot show me a place in history where Congress inserted its judgment for those people's that the Congress has been proven to be right in the long run. No, Congress is not doing what is right. It may be doing what is political but it is not doing what is right. Let us look at what is happening down there.

A recent Rand report said this, that the Nicaraguans, Sandinista leadership, and I quote "* * * is moving methodically to becoming a Soviet client." That is the Rand report. That is not a report by the Department of Defense, Secretary of State, or the President. That is the Rand Corp. report.

I would say that they actually go beyond being a client state. Let us face it, Nicaragua is an occupied state. You have 2,000 Cubans and Soviets that are down there advising. You have Bulgarians. You have East Germans. You have people from all over the Communist world that want to see this totalitarian dictatorship succeed.

You have Soviet economic and military aid—$2.3 million a day, Mr. President. We have heard the Sandinista military 5-year plan to go to 600,000. They are building a 10,000-foot runway, the largest in Central America. They have been promised Mig's. Nicaragua has a very strategic location because its ports will not only allow the Soviets the Atlantic and Caribbean but also for the first time the Pacific.

As we decide in the House of Representatives to cut off the aid to the Contras, we ought to think about what this is going to do if in fact Ortega is able to consolidate his power. We ought to have, and Congress better know, the responsibilities it is going to have to face up to by these decisions in the future.

It has been estimated that if we cut off aid to the Contras and if we want to contain the expansion of Ortega, once he decides to continue his revolution outside his border—right now he is contained inside, but once he consolidates power and wants to go outside, it is estimated by the U.S. Department of the Army that there will be 100,000 troops. The Navy might have to dedicate a carrier, and the Air Force a squadron of planes. Do we want to do that? That is what the Congress is saying. Do we want to pay for that? That is what the Congress is saying by cutting off the Contras. That is what it is going to cost in terms of real money and real military effort. And we do not need to see that we have people there that want to help themselves.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BYRD. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

Mr. PELL addressed the Chair.

I yield 10 minutes to the Senator from Hawaii, Mr. MATSUNAGA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise in strong opposition to the President's request for $36 million in further lethal and nonlethal assistance to the Nicaraguan Contras. If my calculations are correct, on a monthly basis, this amount is three times the rate of aid currently being provided to the rebels. Counting funding for aircraft leasing and electronic countermeasures equipment, the total aid package could amount to as much as $68 million. This is on top of the millions of dollars worth of stockpiled weapons and supplies in previously authorized assistance which the President can release after the March 31 Presidential certification date.

Mr. President, I have taken to the floor on other occasions to express my opposition to Contra aid. My reasons were several.

First, I did not believe that a ragtag band of 12,000 assorted terrorists, criminals, and ex-Somocistas could exert significant military pressure on the Nicaraguan Government. Indeed, I feel it likely that Contra attacks would only strengthen the Sandinistas' resolve to crush the rebels, continue authoritarian rule over the country, and solicit more aid from the Soviets.

Second, the administration's Nicaragua policy flagrantly violated international propriety, custom, and law. Instead of encouraging a climate of international cooperation, we ignored a World Court ruling concerning the illegality of Contra aid by our continued support of a small rebel force bent on overthrowing a government with which we maintain diplomatic relations.

Third, rather than engaging in a peaceful dialog with the Nicaraguan Government, the administration sought to undermine every diplomatic initiative with military solutions to the Nicaraguan conflict.

Fourth, continued U.S. involvement in Central America threatened to draw American troops into an unjust war. As we experienced in Vietnam and the Soviets have realized in Afghanistan, we would find ourselves on the losing end of an interminable war of attrition.

All these reasons still remain, Mr. President. But now we have additional reasons to oppose the administration's request. For the first time, since the conflict began, a comprehensive, realistic framework for regional peace is on the table. The Arias plan, first espoused last August, provides for a cease-fire between warring parties among the Central American nations, a general amnesty for political prisoners, a halt to all outside aid to insurgents, renunciation of each Central American nation's territory as a staging area for armed struggle against any of the other nations, negotiations between government and rebel groups, and a series of democratization measures culminating in open, free elections.

Mr. President, although the plan experienced a rocky start, and not all of its provisions have been fully complied with, the Central American Presidents' meeting 3 weeks ago placed it firmly back on track again. At that meeting, rather than making concessions to the Sandinistas, the Presidents of Costa Rica, Honduras, Guatemala, and El Salvador refused to entertain any more delays in implementing the terms of the peace process.

Their resolve, coupled with the sincerity of their commitment to a nonmilitary solution to regional conflict, has elicited major, conciliatory gestures from the Nicaraguan Government, including the lifting on January 20 of the state of emergency, a promise of amnesty for thousands of political prisoners if a cease-fire can be effected, and an agreement to enter bilateral negotiations with the Contras for a cease-fire.

President Reagan insists that aid to the Contras is an insurance policy in the event that the Nicaraguan Government reneges on these concessions. The President is convinced that the Contras are the primary reason why the Sandinistas have come to the bargaining table. I disagree.

The Contras, despite $270 million in U.S. assistance, have not achieved any significant military victories in all the years they have been in the field. They lack the leadership, the troops, and most of all the popular support intrinsic to such victories. If the Contras have exerted any pressure on the Nicaraguan Government, it is of the sort that would drive it away from negotiations, and the kind with which we should not be associated. I refer to the innumerable Contra atrocities committed against innocent civilians and the great hardship endured by the common people of Nicaragua as a result of the Contras' disruption of the economy. No, Mr. President, the reason the Sandinistas have agreed to negotiate is that they have seen the viability of the Arias plan itself—an initiative developed solely by and for the Central American nations—and the firm resolve the Central American Presidents have displayed in their commitment to the terms of the plan.

Mr. President, the Arias plan presents the finest opportunity for a satisfactory end to the conflict in Nicaragua and in the other Central American countries. We should do our part to carry out the Nobel Peace Prize-winning plan by putting an end to Contra aid—and in so doing acknowledge the right of the peoples of Central America to determine their own destinies. We must relinquish the administration's morally, legally, politically, and militarily bankrupt policy and demonstrate to the world and ourselves that statesmanship, reason, and adherence to democratic principles are yet alive in the councils of government.

Mr. President, I urge my colleagues to oppose the administration's Contra aid request.

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Alaska [Mr. MURKOWSKI].

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator.

Mr. President, much has happened in the Central American region since Congress voted early last session to raise $30 million in humanitarian aid for the Contras, but it is clear that today the Contras have become an important part of the peace process in Nicaragua.

It will be recalled that earlier the Sandinistas insisted that the United States be a part of the peace process, that there was absolutely no room for the Contras. This is obviously a substantial change and one of the benefits of the peace process that we hope will be successful.

The presence of the Contras, I am convinced, provided leverage which has caused President Ortega, for the first time in 9 years, to take action which can return a small measure of democracy to Nicaragua—and I say small.

The strength of the Contras has contributed to the working out of the Arias peace plan by forcing the Sandinistas—forcing the Sandinistas—to deal with them.

In that respect, the action of Congress just before Christmas to continue humanitarian aid has had a very salutary effect on this situation.

Make no mistake about it: It has been expressed time and time again before this body today that Ortega is under great pressure. The Contras remain strong; they remain a challenge to his grip on Nicaragua. He is under pressure from his neighbors to observe the various points of the peace plan.

Finally, the Nicaraguan economy is in shambles—and this is important, Mr. President. Inflation is going out of sight. Ortega is now a man without excuses. The prospect of a vote in Congress for more Contra aid has really forced him to take actions in the last few weeks that he clearly would not have taken. By simply planning a vote on Contra aid, we have advanced the peace process, and that is to the credit of Congress.

I view this measure before us as one essentially providing for humanitarian assistance to the Contras, in an effort to keep them a viable bargaining force in negotiating peace in the region.

The measure does not release military aid. It holds it in reserve, and the President would ask Congress for a resolution if a cease-fire is not in place.

The argument over whether the Contra's military activities have or have not contributed to advancing the peace process in Central America is a painful one, and many Americans have strong views on it. I get them from my constituents, and it is not a subject on which people are neutral.

I have long said that our principal goal in Central America should be to remove Soviet influence there. Frankly, the administration did not have a clear goal in mind earlier in this process, but it does today. An important aspect of the President's proposal is that it makes, as I suggested a year ago, "an end to Soviet, Cuban, and other Communist-bloc military and security assistance to, advisers in, and the establishment or the use of bases in Nicaragua." A goal of American policy.

This specific policy objective needs to be enshrined in law.

Over the years, the Soviets have provided five times the military aid to Nicaragua that we have provided to the Contras. It is the Soviet military intervention that has transformed an internal conflict into an international conflict, a global conflict which has directly threatened the security of our hemisphere.

As long as Nicaragua is conducting, at Soviet expense, a military buildup far beyond its own defensive needs, then the United States must continue to exert its influence, because, after all, this is our hemisphere.

We must focus our attention on the best way to pursue the peace process and to pursue what must be our main objective, and that is to remove, as a priority, the Soviet and Cuban threat from Nicaragua.

According to our Constitution, as we know, foreign policy decisions are the responsibilty of our President, with the consent of Congress. Unfortunately, in this year, a Presidential year, partisan politics is short-circuiting the decisionmaking process.

After last night's action in the House, it is clear that those who control Congress, my friends—many of them are here today—now assume the responsibility for our Nation's role in Central America.

Make no mistake, Mr. President, the success or failure of their efforts will be measured on their watch.

The PRESIDING OFFICER (Mr. CONRAD). The time of the Senator has expired.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent for an additional 1 minute and 30 seconds.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield the Senator an additional 2 minutes.

Mr. MURKOWSKI. I thank the Senator from Arizona.

Mr. President, the measure that is before us is the only tool we have at the moment. Given the procedural posture we are in, the measure cannot be amended. While some in this body may question parts of this package, the President has indicated that Congress should be directly involved in releasing further aid, if needed.

However, on balance, I think this measure has contributed and will contribute to weakening the Soviet hold on Nicaragua and will advance the cause of peace.

Mr. President, things go full circle around here, as we all know, as we reflect on the $32 million package of humanitarian aid that was defeated in the House. Yet, now we are told about the possibility of forthcoming legislation for further humanitarian aid, perhaps a partisan package.

As we reflect on the reason why the participants in the Arias peace plan will not stand up and be counted, we have to recognize the rationale. They do not know whether America is going to be consistent, whether America is going to stand tall, or whether, indeed, they are going to be faced with the withdrawal of the American influence and the might of the Sandinista military capability, which far exceeds that of all the Central American countries put together.

So, as we reflect on the public utterances coming from those who speak for the people of Costa Rica, Honduras, Guatemala, and El Salvador, we have to recognize that they are looking to the United States; and they do not know, from our track record, whether we are going to be here today and gone tomorrow, as reflected by the type of debate that is going on here, not knowing whether they are going to be left with the threat of the Sandinistas who have the capability to run all of Central America, and those who predict that as a factual reality have to reflect indeed on what obligation this Congress would initiate to stop that threat if indeed this occurred.

I thank the Chair, and I thank my colleague from Arizona for the additional time.

Mr. BYRD. Mr. President, while the distinguished Republican leader is on the floor and other Senators, I think we have been able to agree on the time of 9 o'clock for a vote, and we have shepherded this around on the telephones and so on.

I ask unanimous consent that the vote on the resolution occur at 9 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope that our respective Cloakrooms will get out the word. This gives all Senators 50 minutes advance notice, and no Senator should miss this vote if he is in town.

I yield to Mr. PELL. Whatever time I have he can use.

Mr. PELL. Mr. President, I yield 10 minutes to the chairman of the Western Hemisphere Subcommittee, Senator DODD.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, first of all, let me thank my colleague from Rhode Island and commend him.

Mr. BYRD. Mr. President, will the Senator let me ask for the yeas and nays?

The PRESIDING OFFICER. Is there a suffcient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Senator.

Mr. DODD. Mr. President, first of all, let me commend my colleague from Rhode Island. Today this has been, we have stayed on the floor over the last 5 or 6 hours or so to go through this discussion here once again of the Contra aid program, which we have been through on countless occasions.

I will try not even to take the 10 minutes. My colleagues on both sides of the aisle have been patient. In the past when this issue has come up I have expressed my views. They are well known I think to both sides how I feel about it.

The bottom line here today, Mr. President, regardless of all the speeches that have been made, is that this particular request by the President has been rejected. This vote that will occur at 9 p.m. now will be a vote that will have less effect, quite honestly, than a Senate resolution. It has no binding legal effect whatsoever. The $36 million plus $20 million plus $7 million in aid that the President has requested under the terms of the agreement has been rejected by the vote cast last evening in the other body.

So we are going through the motions here today, a lot of the same speeches being given, the same intensity being expressed.

In fact, to quote the axiom, this is a lot of sound and fury, signifying nothing, in effect, despite the outcome of the vote.

Mr. President, I am always envious of those who speak with such certainty about their views in matters as complicated as this one. I would like to be able to stand before my colleagues and tell them that I am absolutely certain that if you follow the path that I have suggested, I will guarantee an outcome. Most of those people, I think, here who have listened to me know I have never made that statement. I do not know. I always said I hoped I was right. I was never absolutely sure I was.

For those who will stand before you and tell you that absolutely if you cut out this program, absolutely the following two or three or four or five things will occur, I can only say that I envy that certainty. There is not anything certain in this kind of business at all.

All we can do is make choices from time to time about courses of action that we hope will make the most sense for our country and for our allies. That is all we can do.

So today with the decision made last evening in the House at least temporarily we have made a choice to try to give the Arias plan a chance to work. I suspect over the next 2 or 3 or 4 weeks, before we will vote on this once again and we will hear the same speeches and the same intensity and the same certainties expressed by our colleagues, that we will have a better sense of where things are headed in Central America and hopefully be in a better position to make a decision about which course of action to follow.

In fact, this evening, if I could urge anything at all upon my colleagues and the administration, in light of what has occurred in the last 24 hours with the votes taken in Congress, it is to have some patience over these next few weeks before we start crafting alternatives and proposals and plans. It might be in our interest, as it is from time to time, not to do anything but to maybe think about some alternatives and let us see what happens over the next few weeks. The Contras are not going to go away. Nicaragua is not going to all of a sudden transform itself into Costa Rica. The Arias plan is alive and well. Let us see what happens with it. That is my advice whatever that advice may be worth.

I hope that is what will occur. I am hopeful that at the end of that period of time, we will see continued progress and see the Arias plan working. I hope I am expressing the views of my colleagues, regardless of the speeches they have given today, that they will wish for the same outcome, that this plan will be working.

So despite the vote, which I believe the administration side will prevail narrowly, will be divided almost 51 to 49 or 52 to 48, hardly a vote of confidence for anything, the net effect, the bottom line is here we are going to get a little time to see how this will work.

Let me make just a couple of observations, if I can, however, about some of the statements. I do not happen to believe, despite some of the speeches, this issue is really about democracy, unfortunately. We have heard in the past from some of the same people today urging a metamorphosis in Nicaragua in 160 or 180 days, the same people who urged on this body only within the last decade that we have patience in South Korea, because quite frankly, they needed more time to democratize. We heard of it in the Philippines, Taiwan, and South Africa. We heard it during the Somoza regime, give them a little more time, that they are going to democratize, in Guatemala, Paraguay, Argentina under the junta, and Chile, and Panama under Noriega. Countless times, we have heard for patience, let us see if they do not improve with a little more time.

Mr. President, I would be neglectful if I did not point out that many people on my side during those same debates have insisted upon democracy immediately in every one of those countries.

In our own country from time to time things have occurred that none of us are very proud of. During a civil conflict 120 years ago, one of the most distinguished, if not the most distinguished, Presidents of this country abandoned habeas corpus. He arrested press people in this city who were critical of the Union effort. And only a couple of decades ago we incarcerated an entire ethnic group of people prior to World War II, because we were frightened of what might happen here.

None of us are suggesting those things are things we would agree with today at all.

I cannot think of a single conflict, a civil conflict, in the world, were during that civil conflict, you have seen a liberalization. It just does not happen.

I am not apologizing or suggesting that Nicaraguans are right in doing that, but I know of no historical precedent where a nation involved in civil conflict liberalized and opened up its doors. It happens to be an ugly fact of history. It is the case today.

But nonetheless we are seeing some change, some progress, whether or not the Contras got the Nicaraguans to the table last August or not. Those who support it argue vehemently they did. Those who support the Arias plan and believe that effect we can debate that issue ad nauseum to no successful final result where one side wins or loses. The fact of life today in February 1988 is that they have signed an agreement. They are there.

I have heard my colleagues around here today quote a President who suited their side, quoted others who suited that particular point of view, quoted a Latin leader or the place they visited and talked to. I suspect, as my good friend from South Carolina will say, I spent too much time in that region. I suspect I probably talked to more of those people than probably anybody over the last 5 or 6 years. I would be the last one to stand here and tell you exactly how Oscar Arias feels tonight or Vinicio Cerezo or President Azcona or President Ortega or anyone else in that region, and I have listened to them for countless hours.

So I am not going to try and pretend I know what is in their minds at every single moment and what they would be doing if they were on the floor of the Senate tonight. This much I do know: they signed an agreement on August 7. The agreement is in pretty clear, plain language. It commits them to a process to try and restore some stability, peace, and democracy in the region through a process that they desire. That is clear. Regardless of whatever else they may have said along the way, that much is clear. And that particular proposal says, "Let's try this route." And that is really all of us on this side or those who have taken this position have argued for.

So tonight in this debate, which does not mean anything, my plea would be that we now take some time. Let us look at the next step. Let us watch what happens over the next few weeks. Speaker JIM WRIGHT has indicated they are putting together an alternative proposal over there that they hope will make some sense. I would encourage my colleagues, regardless of where they stand on this, to look at what he is offering. See if we cannot make some constructive suggestions to all of that and then see if we cannot maybe put together something that will make some sense.

With all due respect to the President and those of his advisers, I, unfortunately, think there are those around him who see this issue as some sort of theological question.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask for 2 additional minutes.

Mr. PELL. I yield 2 additional minutes to the Senator from Connecticut.

Mr. DODD. That this is, as I said, some sort of theological question of absolute certainty. I also happen to know there are people around the President who are far more practical and pragmatic about this question. I know there are many colleagues today who will support this request who have urged the President to follow a different course of action, who urged, as some of us did, that we not have a vote this week, either in the House or here in the Senate; that certainly waiting for 30 or 45 days was not going to bring an end to everything.

So I know that in many ways those that will be voting tonight in favor of this program would have far preferred an alternative to the package that is this convoluted package that has been rewritten hourly in order to pick up some votes.

So I hope, Mr. President, that tonight when we finish this debate at 9 o'clock and we take a week off from here that we will come back and cooler heads will prevail and that we can start to move away from this intensity that people seem so certain of in their views, give it a little time, and see if we cannot come up with some alternatives that make sense on this and start to serve our interests and our allies' interests in the region.

Again, I do not say that with any certainty, and I want to emphasize that tonight.

For those who are absolutely certain on their views, again, I envy you. I am not. I absolutely do not know if what I have said is right. All I can tell you is what I think, based on some time there, that will produce the best results for my country, not for Nicaragua, El Salvador, Honduras, Guatemala. I care about them, but my interest is for my country.

So I hope we will give this some time to see it worked out and come up with some alternatives and get about the business to start constructing some intelligent foreign policy.

Mr. McCAIN. Mr. President, I yield 10 minutes to the distinguished Republican leader, Senator DOLE.

The PRESIDING OFFICER. The Republican leader is recognized for 10 minutes.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Arizona and all the others. I have been listening to the debate off and on. I happen to think the House of Representatives last night made a very grievous mistake. I think that mistake sends the wrong signal to Managua, to Moscow, to Havana, and everywhere else where people are struggling for their freedom and, in some cases, looking to us for leadership and support; a mistake which has undermined, not improved, the chance to achieve peace and freedom in Central America.

Now, we cannot undo that vote in the Senate. But at least we can send our own signal. We do not have to compound it.

So I think we must do a couple of things. First, we must pass this resolution. We must send our own signal to Ortega and his crowd in Managua—and Gorbachev and his crowd in Moscow. They must understand that many of us are not willing to abandon the freedom fighters, or the cause of freedom, in Central America. We have lost this round. But we have not given up.

And let me add this personal note: As a private citizen, as some one who has fought to defend the freedom of my country, and as someone who cares deeply about the freedom of all people: I intend to lend my personal efforts to find ways—legal ways—and I underscore "legal ways"; totally above board ways—for private Americans who feel as I do to show their support for the freedom fighters in Nicaragua; and to make certain that their vital effort in Nicaragua can be sustained.

The House of Representatives, by a narrow margin, has decided it will not support the freedom fighters; but I believe millions of private Americans will join me in making individual contributions to this vital effort.

Second, we must be sure that this House Democrat "surprise package" that we keep hearing about but never see—that any such package is more than a sham and a fig leaf, to cover up the abandonment of the Contras.

If the Contras are going to represent any kind of effective pressure on the Sandinistas, at a bare minimum, they will have to be able to remain in the field; with a reliable supply line, under American Government control; and able to defend themselves from attack or initimidation by the Sandinistas.

Let me serve my own personal notice: I will vote against, and work against, any package—that, under the guise of humanitarian aid, or keeping the Contras alive, will actually force the freedom fighters out of Nicaragua; and actually leave the Communist Sandinistas in uncontested control of that country and its people.

Mr. President, a good friend of mine over in the House, Congressman CONNIE MACK of Florida, pointed out something very interesting during their debate. He noted that, in the President's speech Tuesday night, he used the word "freedom" 10 times—but in the Democrat response, the word was not mentioned at all.

Congressman MACK was not suggesting, nor am I, that the democratic opponents of Contra aid are any less dedicated to freedom than we are. I do not challenge the sincerity of their belief that the votes they cast were votes for freedom and peace.

But I do believe the observation that Congressman MACK made does suggest an important difference in perception between the President and those of us who stand with him on this issue: and those on the other side.

The President has made every reasonable effort; gone many extra miles—to respond to legitimate concerns in Congress, and to work on a cooperative, bipartisan basis with the House democratic leadership.

I can only express my own deep disappointment that some on the House side have not met the President half way—that is all he asked, half way—have not even been willing to take the hand of cooperation he offered.

I can only express my concern that, instead of supporting the President's good faith efforts to support the Central American peace process, they have tried to forge their own foreign policy—and conducted their own private diplomacy—in Central America.

For all the differences of opinion I had over the years with Speaker O'Neill—and I had plenty, including on Central America—I never found him trying to act as Secretary of State, as well as Speaker.

It is freedom, as much as peace, that is at the heart of this issue; it is freedom, as much as peace, that is at stake.

And I believe, too, that peace will never come to Central America—until real freedom is established in Nicaragua.

Mr. President, I believe that the House has made a tragic mistake.

In the long run, it raises our stakes in Central America, while reducing our options. In the long run, it undermines the prospects for freedom, without improving the chances for real peace.

I read in the paper that, after the House vote, the Sandinista Ambassador here in Washington announced he was going to celebrate. We have a chance to send a message to Ambassador Tunnerman, and to Daniel Ortega, and to Mikhail Gorbachev today—don't start celebrating too early.

We—the Senate; America—we have not given up on the freedom fighters, or on freedom in Nicaragua, and we will not—ever.

And I would say, as I have been saying to many people across the country, it is not that we fear Daniel Ortega or the Communist Sandinista army. If we put the question to the American people: "Do you want another Soviet base in this hemisphere?" The answer would be "No" by a big, big margin.

When I read about Daniel Ortega and, as the distinguished Senator from South Carolina said earlier today, the Ortega brothers, and as I read about Russian plans and about expansion of the army and sophisticated weapons, I wondered what we may be talking about on this Senate floor 4 or 5 years from now, or 10 years from now, and whether then we will be making a plea to the Soviets or a plea to someone else: "Why didn't we listen? Why didn't we listen to the Senator from South Carolina, a Democrat, or why didn't we listen to the Senator from Arizona, a Republican?"

This is bipartisan. We are talking about America, about freedom.

I guess this vote does not mean very much, but it may mean that Daniel Ortega and Mikhail Gorbachev and Fidel Castro will understand that there still is some will left in the U.S. Congress and it is bipartisan—as it should be—that we do have a majority, though slim, in the U.S. Senate; and that we do not intend, those of us who support the President's position or some other position, on abandoning the freedom fighters in this hemisphere.

I do not quarrel with anyone else's motives, I do not suggest they are any less patriotic, but what are we going to tell the 18- and 19- and 20-year-old freedom fighters when it is all over? What do we tell them? That freedom is not worth it? I wonder if somebody would have told leaders in our country that a couple of hundred years ago, it is not worth it.

I think it is worth it. I believe in the long run, if we persist as I assume we will on both sides of the aisle, that we will prevail and that we will have real freedom and democracy in Nicaragua.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 5 minutes to the Senator from South Carolina [Mr. Hollings].

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Rhode Island, the manager of the bill. He is very generous, because we have opposite views and he has been very kind to yield me this time.

I will try to be very brief. I just cannot reconcile, Mr. President, what I am hearing on the floor of the Senate. I was just back in the cloakroom watching the evening news. Arturo Cruz was being interviewed. Remember, he was one of the first of the junta with Ortega back at the very beginning. He later went with the Contras. Five minutes ago on the floor of the Senate I heard the Contras described as a bunch of ragtags, Somocistas, and bandits and ne'er-do-wells. But Arturo Cruz disagrees. He said, "Wait a minute. The Contras are peasants. Campesinos. They are farmers, working for freedom; former Sandinistas working for freedom."

Oh, I have listened to my good friend from Connecticut. He says this vote is all futility. We are wasting time. It is sound and fury, signifying nothing.

I listened closely because there is no one I respect more than Chris Dodd of Connecticut. We have listened to him at least for 6 months, now, traveling to and fro, with all his certainty about the Arias plan. Now he says that nobody can be certain about anything and we all ought to wait for the next few weeks, just do nothing. He counsels: when in doubt, do nothing; and stay in doubt all the time.

By the way, he says, this debate could not be about democracy because he remembers Lincoln locking up newspaperman and suspending habeas corpus. I immediately flashed to the meeting I had just 2 weeks ago with the Speaker of the House of the Parliament in Zimbabwe. The Speaker of the Parliament told me how he sat in the U.S. Senate Gallery and, to his absolute amazement and astonishment, he listened to the debate as we overrode the veto of the President of the United States on South Africa sanctions. He said: I have been thrilled about America ever since, He said: We never could have done that in any country that I know of in Africa.

We Americans do indeed know what true democracy is, and we, the custodians, the trustees charged with espousing freedoms and defending it, should be willing at least to give a few dollars to the Nicaraguan freedom fighters.

As Senator Dodd said, the President shifted gears on Contra aid, trimmed his sails. At the 11th hour, like the Mafia, he made an offer that the Congress could not refuse. The bare minimum amount, the bare-bones necessity to keep the Contras breathing.

Yet, even so, the House voted no. Meanwhile, the Soviets, over time, have given the Sandinistas $4.7 billion. The Soviet Union is committed to communism, the socialist form of government. They are willing to put in troops. They are willing to put in arms and advisers. They are committed. Yet we in the Senate give aid to the Contras like a dentist pulls teeth. It's excruciating. It's picky, picky, picky, every step of the way.

Heavens above, do not make the mistake of leaving war to the politicians. If you are going to commit men to fight and die, then God save them from the politicians. God save them from "Give peace a chance, give peace a chance." Heavens above, the Soviet Union mobilizes its money. They are committed. But we are pinching pennies here this evening over $3.6 million in lethal aid.

I have been a soldier in the field and there is no practical difference between the lethal and the humanitarian. A soldier marches on his stomach. You have to have good shoes and other necessities. I do not understand the distinction myself. I never did want to get into this talmudic splitting of hairs about lethal and humanitarian. The issue here isn't lethal versus humanitarian. The issue is democracy and freedom.

We have heard this debate before. When I first came to the Senate, we were talking about Cuba, a small island. They said, "Do not worry about that little island down there 90 miles away."

Now, Castro, has got an empire. He has got his troops in Africa, his government in Moscow and his people in Miami. He is all over the world. But don't worry about him.

What kind of peace have they got in Cuba today? Why, even the refugees in American prisons burn down the facilities rather than go back to Cuba. But we hear on the floor of the Senate that democracy and freedom are not the issue, the issue is negotiations and peace and "stop the killing."

Well, I know from hard experience, that is why I am speaking with conviction. We learned that so-called peace did not stop the killing in Southeast Asia. On the contrary, the peace treaty only started the killing. And so it is in Nicaragua. According to the Ortega plan, they will begin building their 600,000 man army after the Contras have been disposed of.

I ask unanimous consent to include in the Record a list of the equipment that the Soviets have deployed in Nicaragua over the last 7 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes remaining.

Mr. PELL. I yield 2 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to include a listing of this Soviet weaponry in the Record at this point, and we will ponder how much peace that Sandinista crowd wants.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAJOR SANDINISTA REQUESTS FOR SOVIET HARDWARE 1986–95

Equipment	Diarangen (1986–90) request [1]	Diarangen II (1991–95) request	Total inventory if delivered
Air Force			
Mig–21		12	12
MI–25/Hind	3	12	[2] 24
MI–17/Hip	8	12	[2] 48–52
MI–8/Hip	7		[2] 14
AN–26		8	14
AN–12	NA	NA	NA
Antiaircraft artillery			
23 mm (ZU–23–2) gun	126	414	792
100 mm gun [3]	24	42	84
57 mm (S–60) gun		18	36
14.5 mm ZGU–1 machinegun	82		346
14.5 mm ZPU–2 machinegun	6		106
SA–7 (C–2M 9P58) Grail Sam	17		346
SA–14 (C–3M 9P58M) Gremlin Sam	471	[4] 276	775
SA–16 (IGLA–1M 9P519–2) Sam	219	[4] 276	411
SA–13 (C–10) Sam		36	36
SA–3 (C–125) Sam	48		48
SA–6 Sam		36	36
SA–9 Sam		NA	NA
Armor			
T–55 Medium tank	4	74	[5] 208
BTR–70PB armored personnel carrier	44	174	218
BTR–60PB armored personnel carrier	3		27
Ground artillery			
122 mm Howitzer		[6] 108	144
130 mm field gun		36	36
82 mm mortar	342	80	1,047
160 mm mortar	NA	NA	NA
76 mm (M42 ZIS–3) antitank gun [7]		156	240
100 mm T–12A antitank gun		114	[8] 138
AT–3 Maliutka antitank missile		90	90
122 mm Grad 1P rocket launcher	148	80	444
122 mm BM–21 rockt launcher		24	60
Infantry weapons			
Makarov pistols	21,481		41,631
Rifles (AK)	118,851	125,000	501,446
RPK and other light machineguns	5,052		12,000+
RPG–7 (V&D) grenade launcher	3,635		8,000+
AGS–17 grenade launcher	272		600+

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[1] Figures in this column represent supplementary request for the last 3 years of the 5-year plan.

[2] These figures take into account Sandinista losses through October 1987.

[3] Documents identify current holdings as KS–19 but leave requested guns unidentified. May be substituted with 85 mm guns, according to documents.

[4] This figure includes both SA–14 and SA–16 SAM's. Final inventory assumes receipt of half of requested amount of each SAM.

[5] Includes 43 T–54 tanks.

[6] Includes 84 towed (D–30) and 24 self-propelled 122 mm howitzers.

[7] May be substituted with 85 mm D48 antitank gun, according to documents.

[8] Includes 24 identified in documents as 100 mm BS–3 antitank gun.

Soviet Bloc equipment delivered to Nicaragua

Equipment	*Defector figures*
Air Force:	
MI-25/Hind [1]	12
MI-8/Hip	14
MI-17/Hip [2]	24
MI-2/Hoplite	5
AN-2TP	17
AN-26	6
Antiaircraft artillery:	
23 mm (ZU-23-2) gun	252
37 mm (9M430 M-1939) gun	66
57 mm (S-60) gun	18
100 mm (KS-19) gun	18
14.5 mm ZGU-1 machinegun	264
14.5 mm ZPU-2 machinegun	100
14.5 mm ZPU-4 machinegun	56-66
SA-7 (C-2M 9P58) Grail Sam launcher	325
SA-14 (C-3M 9P58M) Gremlin Sam launcher	166
SA-16 (IGLA-1M 9P519-2) Sam launcher	54
Armor:	
T-55 medium tank	87
T-54 medium tank [3]	43
PT-76 light tank	22
BTR-50PU armored personnel carrier	1
BTR-60PB armored personnel carrier	24
BTR-152PB armored personnel carrier	90
BRDM-2 armored reconnaissance vehicle [4]	72
Ground artillery:	
122 mm (D-30) Howitzer	36
152 mm (D-20) Howitzer	60
B-10 antitank gun (S/R)	9
57 mm (M43 ZIS-2-57) antitank gun	354
76 mm (M42 ZIS-3) antitank gun	84
100 mm (BS-3 M1944) antitank gun	24
82 mm (M1937) mortar	625
106.7 mm mortar	6
120 mm (M1943) mortar	42
107 mm rocket launcher	16
122 mm Grad 1P rocket launcher	216
122 mm BM-21 rocket launcher	36
Infantry weapons:	
Rifles (AK)	257,595
RPK, RPD, RP-46, PKM, PRT machineguns	6,010
SVD (7.62 mm) rifle	460-520
SVDN-1 (7.62 mm) rifle	50
M9130 (7.62 mm) rifle	200
Makarov pistols	20,150
RPG-7 (V&D) grenade launcher	4,132
AGS-17 grenade launcher	254
RPG-70 grenade launcher	200

[1] Of 12 received, 6 were new and 6 had undergone major repairs that degraded engine performance.

[2] Includes 6 recently received but not yet operational.

[3] One document mentions a total inventory of 133 tanks.

[4] Includes 12 identified by the documents as "chemical reconnaissance vehicles."

Mr. HOLLINGS. Mr. President, we Democrats have supported $735 million in aid to the Philippines in recent years. We have supported $1.2 billion for the Afghan rebels. That is fine.

But here in our own hemisphere, because we do not want to assume responsibility, we denigrate freedom fighters as a rag-tag group. This is an insult to freedom. It is an insult to democracy.

Mr. President, what, in essence, the House has done is vote to make themselves hostages to the Ortega brothers. It is purely and simply that.

This is the stupidest politics I have ever witnessed. Anyone with smarts would have given Ronald Reagan the $3,600,000 and said, "Mr. President, you assume the responsibility because the outcome cannot be clear to anyone. Everyone admits that."

But rather than giving the President and the Contras the chance to keep the pressure on, the House is advertising now that the Government in Washington, the bastion of democracy, does not believe in democracy in Nicaragua.

Ortega has put us on notice that he will never give up his power. He is playing games with us.

It is an insult to democracy to come on the floor of the Senate and call the Contras a rag-tag group when they are fighting and dying down there. I thank the Senator for yielding time to me.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would be glad to yield 1 additional minute to the Senator from South Carolina if he wishes to continue for that time.

Mr. HOLLINGS. I thank the Senator.

I have watched this predicament develop. If you happen to sit on the conference committee on defense appropriations, as my distinguished chairman Senator STENNIS does, you know that the rationale of the Boland amendments was that we would take away Ortega's excuses. Well, it didn't work. Now we are faced with almost a personal political difference between the President and Speaker O'Neill, and Speaker WRIGHT adopted it when he became Speaker.

I understand that. I understand that.

What you really have in a vote on the House side is not a vote on democracy. You have Members who are scared to death and will never commit. We do have some isolationists in the Democratic Party. There is not any doubt about that. But a large, substantial measure of that vote was due to loyalty, friendship, and respect for JIM WRIGHT personally. That is what it was.

But the Senate can and must do better.

We lost 58,000 in Vietnam in a vain search for an ally willing to fight. You will remember Vietnamization in Vietnam. We were struggling and dying out there trying to find a crowd willing to fight. Now we have found a crowd willing to fight in Central America and we will not give them the barebone necessities to keep them going until we can really see how the Arias peace plan goes.

I hope the Members will not take this as has been indicated, as a partisan fight between Republicans and Democrats. It is a bipartisan struggle to do at least in this hemisphere, right here under our noses, what we are willing to do in Asia Minor and in the Far East.

Opponents of Contra aid say, "We are going to give them a humanitarian aid package later on." That is not to protect the Contras. That is to protect their political hides. Likewise, in the Senate they were scared to bring it up on the floor. They wanted to vote it down, to not even have it considered. They wanted everyone to say they were sophisticated now, that the vote would not mean anything.

They know the vote means everything, Mr. President. I would hate to have my name recorded when people are fighting and dying for freedom and democracy in the Western Hemisphere and say we do not even want to vote on it because it does not mean anything.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, this debate is about a dead vote on a dead policy. The House vote last night against war in Central America put the lid on an ill-conceived policy and today the Senate should nail that lid shut.

This policy has no one's support but the administration's. The American people do not support it, the Congress does not support it, the people of Central America do not support it, the four Central American democracies do not support it, the Contadora nations do not support it, and the International Verification Commission of the Arias plan does not support it.

The latest poll shows the President's policy has the support of a paltry 30 percent of the American population. The President does not even have the support of his own party—51 percent are against it and only 38 percent of Republicans support it.

The declaration of the Contadora and support group on February 2, urged the United States to cease—unconditionally, unilaterally, and immediately—all aid to the Contras. The International Verification Commission called for the "definitive cessation" of our aid to the Contras in its January 15 report.

The events of the last year underscore the high costs of this reckless pursuit of a government policy that does not have the support of its people. This administration has violated our most precious values in order to advance its support for the Contras. We are all familiar with the travesties of the Iran-Contra debacle. Lying to Congress, shredding documents, channeling funds illegally to the Contras, coercing other nations to contribute to Contras who are renegade mercenaries from the Somoza regime and who discredit the name "freedom fighters."

The revelations of abuse did not stop with the congressional investigation. Just last week, we learned that the FBI had infiltrated, wiretapped, and conducted surveillance on more than 100 organizations in this country which opposed the administration's Central American policies. One memo says:

> It is imperative at this time to formulate some plan of action against . . . individuals who defiantly display their contempt for the U.S. Government by making speeches and propagandizing their cause.

Such language and practices have a frightening resemblance to the Red-baiting of the 1950's.

And just yesterday, it was revealed that the White House had struck a deal with Panama's General Noriega to train the Contras in exchange for American support for international bank loans. We learned that the White House had set up a secret operation for Panama to arrange for an East bloc arms shipment that would be captured in El Salvador and then blamed on the Nicaraguans. General Noriega even flew to Washington in the plane of a convicted drug dealer to meet with the CIA Director William Casey. As a former associate of Noriega put it, "If you supported the U.S. Contras, you could do anything."

This policy has tarnished our most fundamental values. It has made a mockery of our support for international law and human regions. It has isolated us in the region, in the hemisphere and throughout the world, it is a losing policy, and we have already paid too high a price. Finally and for all time, let us end this policy here today now by defeating this proposal.

Mr. President, I ask unanimous consent to put the following materials in the RECORD relating to the administration's Contra policy.

In addition to articles on the administration's dealings with Noriega, the recent poll on Contra aid and the text of the report of the International Verification Commission, I am including an excellent article by Juan Mendez, the director of the Washington office of Americas Watch in which he outlines succinctly how the Contra policy has increased Sandinista repression. I also include a number of recent Contra human rights abuses compiled by Americas Watch.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 4, 1988]

A U.S. FRAME-UP OF NICARAGUA CHARGED

(By Stephen Engelberg

with Elaine Sciolino)

WASHINGTON, February 3.—A former senior Panamanian official said today that the White House set up a secret operation in 1986 that called for Panama to arrange an East bloc arms shipment that could then be captured in El Salvador and falsely linked to the Nicaraguan Government.

The Panamanian, José I. Blandón, is a former close adviser to Panama's military leader, Gen. Manuel Antonio Noriega. General Noriega is expected to be indicted on drug charges by a grand jury in Miami on Friday, Justice Department officials said.

Mr. Blandón said in a telephone interview that the deal was put together by Lieut. Col. Oliver L. North, the White House aide responsible for funneling aid to the contras during the period when the Administration was barred from providing military help to the rebels.

DISMISSED AS CONSUL GENERAL

Mr. Blandón was recently dismissed by General Noriega as consul general in New York, and in an interview with a Panamanian radio station he called on the general and his military associates to resign.

Government officials said Mr. Blandón had told investigators that General Noriega struck a deal with Colonel North to train the contras in Panama in exchange for American support for international bank loans. Mr. Blandón said the arrangement "could be possible," but indicated he had no direct knowledge of it.

Mr. Blantón added, "North and Poindexter handled the contra operation like a dictatorship," referring to Rear Adm. John M. Poindexter, the former national security adviser. "If you supported the U.S. contras, you could do anything," he said.

Lawyers for Colonel North have said for the past year that they would not comment on any matters. One of them said tonight that there would be no comment on this or any other aspect of the case.

A RELATIONSHIP WITH CASEY

An operation aimed at making it appear that Nicaragua was shipping arms to the Salvadoran guerillas would have fulfilled the Reagan Administration's longstanding goal of proving the Sandinista Government was exporting its revolution. The effort collapsed in June 1986 when The New York Times published an article reporting illegal activities by General Noriega, Mr. Blandón said.

It was disclosed last year that General Noriega had told Colonel North that he was willing to mount sabotage and assassination operations against Nicaragua and that Colonel North had endorsed the idea of a sabotage plan. But Mr. Blandón assertions suggest a deeper White House and Administration link to General Noriega.

Mr. Blandón also told investigators that General Noriega, who took power in 1981, had a close relationship with William J. Casey, who was Director of Central Intelligence, and once flew in the plane of a drug smuggler to Washington in 1983 to confer with him. It was not known if Mr. Casey knew of the plan to embarrass the Nicaraguan Government.

The new details about General Noriega's cooperation with one of the most sensitive foreign policy operations are significant because they could help explain why senior American officials were willing to cultivate a relationship with the military strongman, even as American intelligence was documenting charges of unsavory arms dealing and sales of banned technology to Cuba. Investigators from the Congressional Iran-contra committees examined in detail the arms shipment that Mr. Blandón said was to be falsely linked to the Nicaraguans and found no hint, in American Government documents, of such a plan.

It was unclear whether General Noriega, who has repeatedly accused the United States of trying to overthrow him to retain control of the Panama Canal, told Mr. Blandón of the reported operation in an attempt to discredit Colonel North or the Reagan Administration. A senior Latin American diplomat who believes the account said he understood that General Noriega seized the ship carrying the weapons because he felt "betrayed" by Reagan Administration officials, who he thought had provided derogatory information on him to The New York Times.

State Department officials declined to comment when asked about the relationship between Panama and the contras.

Another reason for American Government support for General Noriega is that he has provided a "platform" for the National Security Agency's eavesdropping operations in the region, according to intelligence officials.

Mr. Blandón, who served as chief political adviser to General Noriega when he was head of military intelligence, has provided details of these and other reported illegal operations before the Federal grand jury in Miami that is expected to indict the general on drug charges.

Mr. Blandón is scheduled to testify next week before the Senate Foreign Relations Committee.

SEALED INDICTMENTS

Government officials said Mr. Blandón had provided a wealth of information about corruption under General Noriega and his close military and civilian associates. While General Noriega's indictment will be made public, the indictment of his associates will remain sealed in the hope that some of them can be arrested and brought to trial.

Mr. Blandón's secret testimony to the grand jury and to Senate investigators, as described by the former consul general and Government officials, includes these disclosures:

General Noriega maintained a close personal relationship with Mr. Casey, who died last year. "Noriega definitely said he had the support of Casey," Mr. Blandón said. He said that on one occasion, General Noriega flew to Washington on the private jet owned by a convicted drug dealer, Stephen M. Kalish, for a secret meeting with Mr. Casey. Mr. Kalish testified before Congress last week that General Noriega borrowed the jet in November 1983.

A former intelligence official said that after Admiral Poindexter sternly told General Noriega to change his ways in 1986, Mr. Casey followed up with a more conciliatory approach that undercut the admiral's message.

The Salvadoran rebels asked General Noriega in late 1987 to help them buy sophisticated weapons, including American-made Stinger antiaircraft missiles. General Noriega agreed to help and later contacted Ricardo Wheelock, a Sandinista intelligence official. Mr. Blanón said he was later told the weapons had been delivered, although he said he did not know for certain whether the shipment included Stingers or some lesser weapons.

ONE VEILED REFERENCE

The Congressional Iran-contra committees looked into the relationship between General Noriega and Colonel North, but their report contained only one veiled reference to the general. It said that an unidentified Latin American leader had offered to help with operations aimed at the contras.

Congressional and Administration officials disclosed that in fact General Noriega had told Colonel North that he was willing to undertake sabotage operations and possibly assassinations against Nicaragua. Admiral Poindexter warned Colonel North to stay away from any assassinations, but he approved the sabotage idea. The plan never went forward because the Iran-contra affair became public and Colonel North was dismissed.

The effort to ship a large quantity of East German-made arms and vehicles to the Salvadoran guerrillas also failed, and it resulted in a series of confusing stories about the travels of a Danish cargo ship carrying them, the *Pia Vesta*.

Mr. Blandón said he learned about the operation from General Noriega. The New York Times article about General Noriega was published on June 12, 1986, and the ship carrying the weapons was seized by Panamanian officials two days later.

According to Congressional officials the shipment was arranged by a Swiss arms broker who has ties to the the French foreign security service. Colonel North's notebooks do not contain a direct reference to the plan.

The cargo ship passed through Peru on June 6, 1986, remained there for a few hours, then steamed northward to Panama. When the ship was seized, the bill of lading instructions were for the weapons to be delivered to Gen. Adolfo Blandón, Chief of Staff of El Salvador's armed forces. The general is no relation to José I. Blandón.

LIST FOR GRAND JURY

Mr. Blandón said in the telephone interview that he had revealed to the grand jury the names of General Noriega's top military and civilian associates. Like the Panamanian leader, he said, the associates were involved in drug trafficking, money-laundering and other illegal activities. He said he did not know if the grand jury intended to indict any or all of them. The list of names was published in Panama today in the newly reopened daily, La Prensa.

The associates include Marcos A. Justines, chief of the General Staff of the Panamanian Defense Forces and second in command to General Noriega; Mayor Navaldo Madrinán, head of the investigative police and one of the officials closest to General Noriega; Luis Códoba, head of the traffic police and former chief of Chiriqui Province, who opposition leaders believe was responsible for the beheading of the opposition leader Dr. Hugo Spadadora in 1985; Alberto Purcell, executive secretary of the General Command of the Defense Forces, and Lorenzo Purcell, head of the Panamanian Air Force.

BUSINESS FRONTS ARE NAMED

Mr. Blandón also listed a number of civilans who he said were involved in illegal activities, including the late César Rodriguez, who was murdered in Colombia, and Enrique Pretel, a well-known jeweler in Panama City.

Under a 1904 extradition treaty between the United States and Panama, neither country is required to hand over its citizens for extradition so the indictments against General Noriega and his associates could result in arrests only if they are out of the country.

[From the New York Times, Jan. 31, 1988]

AMERICANS ON CONTRA AID: BROAD OPPOSITION

[In percent]

	Approve	Disapprove	No opinion
Total population	30	58	13
By party and politics:			
Republican	38	51	11
Democrat	25	65	10
Independent	28	56	17
Liberal	24	68	8
Moderate	31	59	10
Conservative	34	51	14
By position on Reagan:			
People who approve of the way the President is handling his job	41	49	11
People who disapprove of the way the President is handling his job	22	70	9
By sex, race and region:			
Men	37	51	11
Women	23	63	14
White	32	55	12
Black	18	69	12
Hispanic [1]	27	66	7
Northeast	30	60	10
Middle West	25	62	13
South	35	50	16
West	26	64	10

[1] Hispanics are also included among whites or blacks if they identified themselves as such.

Source: Based on telephone interviews with 1,663 adults nationwide, conducted by telephone Jan. 17–21.

MEMORANDUM FROM AMERICAS WATCH, JANUARY 29, 1988

We have written to Adolfo Colero, Director of the Nicaraguan Resistance, to express our concern about continuing violations of the laws of war by the Nicaraguan Resistance. To date we have not received any response.

We requested information regarding the following cases:

—*Indiscriminate Attack:* Twenty-year-old Lucia Sequeira Campos, who was seven months pregnant, was living in a farming cooperative near San Miguelito, Rio San Juan, which was attacked by the RN at 2 a.m. one day in the week of November 15, 1987. The cooperative was defended by 40 reservists and militia. A bomb fell on her house and she was wounded by shrapnel on her left thigh; her 14-month-old daughter was burned on her knee. A *contra* leader who called himself "Walter" entered the house and ordered her to go with him, but she refused because of her wounds, so he left. The fighting continued until 6 a.m. Three children and two civilian adults were wounded, and one man died. the *contras* burned the children's dining hall.

—*Killing of Combatants Hors de Combat:* On September 21, 1987, *contra* forces kidnapped five men from Dlano Largo, Chontales, near La Libertad, and executed four of them, letting the fifth return home. Pablo Girón González was kidnapped from his house on September 9 by *contras* who asked for him by name, and who attempted to take away his 15-year-old daughter Giovanna. The same day, the group kidnapped Danilo Diaz Ramos and Emilio Diaz Laguna from a neighboring house. The same night, the group took Moises Salazar Silas from the farm where he worked. Pablo Giron was singled out because he was a member of the militia and worked for the local DGSE in La Libertad. The two Diaz brothers were members of the militia. The bodies of Pablo and Moises were found on September 23, on lands belonging to INA; their throats had been cut. Danilo and Emilio were found several days later. Both had their eyes gouged out and then bandaged, and they had died from deep slits to their throats. Danilo had an ear and fingers cut off.

Ambush of civilian vehicles: On October 17, 1987, two trucks belonging to CONDEMINA, the government's mining company, were ambushed by contras near Llano Largo, Chontales, on the road between Juigalpa and La Libertad. There were uniformed and armed soldiers riding in the back of both trucks, and nine civilians riding in both cabins. The *contras* opened fire without warning, with automatic weapons and grenades. Both vehicles were disabled. The soldier returned fire. One civilian, Denis Bartolo Arguello Mainor, was killed in the gunfire, and several others were slightly wounded. In our view, the attacking contingent did not comply with its obligation to minimize harm to civilians.

Kidnapping in Muelle de los Bueyes, Zelaya: On September 26, 1987, the brothers Catalino and Agripinio Murillo Amado, ages 23 and 20, were taken from the former's house in Las Conchitas, near Muelle de los Bueyes, together with Héctor Rosales Mendoza, 19. All three had served together in the Sandinista Army, but had been discharged in April 1987. They were forced to walk barefoot all night to a place called Cerro La Virgen, where they were interrogated and beaten. They were told they would be taken to Honduras as political prisoners. They spent six days walking north, and on the sixth day, the brothers were separated from the rest and their hands were untied. They escaped on the eighth night, when their guard dozed off, and walked to Mulukukú, Zelaya. Rosales Mendoza is still in captivity. Others seen in captivity by the Murillo brothers, include: Santos Pánfilo, 20, Agustin Valle Herrera, 22 and Pedro Martínez, 14, all from La Concha.

In accordance with the laws of war, demobilized soldiers are non-combatants and enjoy the same protections as civilians, so they cannot be held as prisoners of war. We urge you to provide us with a list of all prisoners now held by the RN in Honduras or elsewhere, and the reasons for the arrest in each case.

Kidnappings in La Conchita, Zelaya: Around Easter of 1987, a *Contra* group posted a list of five men in this *comarca* who had to turn themselves in because they were sapos (informers). One left town and the other four, who did not turn themselves in, were kidnapped by the *contras*. Two of them later came back, but one of these two was killed a few days later. His brother, Cándido Somoza, a Catholic Church Delegate of the Word, is still missing.

Indiscriminate fire: Muelle de los Bueyes was briefly seized during the *contra* attack on the Rama road on October 15. Though the main attack was on a nearby Army base, the contingent also fired indiscriminately in the main street in town. Three civilians were killed in their homes, and many more were seriously wounded. An Americas Watch researcher visited the town in November and found many houses with bullet holes in them.

Killing of Civilians: On November 3, 1987, the *contras* attacked a command post and then swept over the adjacent village in a farming cooperative in El Juste, Chontales. They shot and killed a woman inside her house, wounding her 10-year-old daughter, and shot her 16-year-old daughter in the back as she was running away with her two-month-old baby in her arms. The bullet exited the woman's stomach and destroyed the infant's knee. The *contras* burned the house with the dead woman inside, and four other houses. Some reservists who defended the cooperative died or were wounded in the attack, but one of them was found with his throat slit and his corpse riddled with bullets. The woman who was killed was Rita Galeano Villachica, 40; the wounded were: Geraldina Martinez Galeano 16, her sister Elivet, 10 and her son, Alixe Antonio Zúñiga Martinez, 2 months.

Killing of Civilians: On November 2, 1987, a contingent operating in the area of Waslala, Zelaya, captured Santos Ochoa Vidaurre, his brother Tomás and his son Hilario, as well as Gumersindo Aguinaga and his sons Rolando and Cándido, and Julio César Oporta and his two sons. All of them are peasants, and Santos Ochoa is also a Catholic Delegate of the Word. The three Ochoas managed to escape, though Tomás was beaten by his captors. The remaining six were murdered; their neighbors found the bodies.

Killing of Civilians: On November 7, 1987, a civilian vehicle was ambushed in the same general area of Waslala. It belonged to the Ministry of Construction, and there were no soldiers in it. A MICONS engineer, Pedro Pastor Mora, 32, and Luis Nicaragua, 18, died in the attack; six other civilians were wounded.

Mass forced recruitment: In April 1987, the *contras* kidnapped 53 men from their houses in the area of Ortillo Arguello, in Zelaya, They were taken to a training base in La Guachinga, Zelaya. They were not physically abused, but all were threatened with death if they refused to go through training. The majority escaped anyway.

A similar incident took place in El Jicaro, a *comarca* 20 kilometers from Fonseca, the end of the road from Nueva Guinea, Zelaya. According to a Delegate of the Word, in April 1987, a group of *contras* interrupted a vigil held at the local Catholic chapel, and took ten boys, ages 14 to 20, saying they wanted to talk to them. An hour later, the *contras* came back and told the family members to say goodbye to these young men because they were going with them. Though the relatives pleaded, all of the young men were taken away, and they haven't been seen since. Rumor has it that some have died. The names of eight of the ten are: Heriberto Suárez, Gerardo and Antonio Martinez Silva, José Urrutia Arias, Severino Sequeira Ortiz, Carmelo Lazo Miranda, Santos Rizo Laguna and Sinforoso Brenes Flores.

[From the New York Times, Feb. 1, 1988]

Should the Contras Be Newly Funded? No, Because Human Rights Won't Benefit

(By Juan E. Méndez)

Washington.—Many positive human rights developments have taken place in Nicaragua in recent weeks. After initially playing down their significance, the Administration now claims they have been brought about by the contras' continued pressure on the Sandinistas.

"Because of the freedom fighters," President Reagan asserted in his State of the Union Message, "the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities and release a few political prisoners." This faulty premise leads to the facile conclusion that Congress should vote more funds for the contras—to obtain even more progress for human rights.

The facts do not support the President. Major setbacks for human rights and for political freedom in Nicaragua have been directly related to the Reagan Administration's military actions against the Sandinistas.

For example, the large-scale relocation of Miskito Indians from the Rio Coco border area in January 1982 took place immediately after contra border incursions from Honduras in December 1981.

The imposition of the first state of emergency, on March 15, 1982, which initiated press censorship, was a response to the bombing of two important bridges in the northern areas, the Contras' first major acts of sabotage.

Perhaps the most severe Sandinista crackdown took place in October 1985. The state of emergency was renewed and several hundred dissenters were arrested and held without charges for periods ranging from a few days to a few weeks. Many were mistreated in detention. That crackdown was provoked by the vote in the Congress of $27 million in so-called humanitarian aid to the rebels.

In June 1986, the Sandinista Government closed down the newspaper La Prensa indefinitely, expelled Bishop Pablo Antonio Vega and prevented the Reverend Bismarck Carballo, director of Radio Calólica, from returning to Nicaragua. All of these actions took place in immediate responses to the Congressional decision to provide $100 million in lethal and nonmilitary aid to the Contras.

By contrast, improvements in human rights have taken place in the context of some prospect of a negotiated solution. In some cases, those improvements have been lasting.

In 1984, the Sandinista Government decided to press forward with elections, originally scheduled for the following year, mostly as a way of legitimizing its position in the Contadora negotiations—those involving Colombia, Panama, Mexico and Venezuela.

Before the elections, there was a visible relaxation of the tight controls established by the state of emergency. The political parties and alliances created in those days have remained active regardless of whether they participated in or boycotted the election.

The signing of the Central American peace plan last August has provided the impetus for a new round of improvements. La Prensa has been allowed to publish again, this time with no censorship. Radio Católica, which has been closed for almost two years, was allowed to broadcast again, and recently was allowed to resume news programs.

During a visit in November, I observed the most outspoken public debate on the radio and in the press that I had heard in Nicaragua since 1982. Bishop Vega and Father Carballo have been allowed to return to Nicaragua. The Government has released almost 1,000 prisoners held for reasons related to the conflict, and has pledged a full amnesty for everybody else when other parts of the Central American peace plan are implemented.

More recently, Manaugua has lifted the state of emergency and abolished the special courts used to try counter-revolutionary offenders. Lifting of the state of emergency restores habeas corpus, and places time limits on pre-trial detentions, which should end many abuses.

One major aspect of the Nicaraguan human rights situation remains unchanged: the grim pattern of violations of the rules of war by the Contras. They have continued to attack nonmilitary targets, to kidnap civilians, to kill disabled or surrendering Sandinista soldiers and to disregard the safety of civilians found in the path of battle. This is reason enough to deny them new funds on human rights grounds.

To suggest that funding them is a way of getting the Sandinistas to respect human rights is ludicrous.

[The Report of the International Verification Commission, issued Jan. 15, 1988]

Agreement on Procedure To Achieve a Firm and Lasting Peace in Central America: Report on Compliance

1. The International Commission on Verification and Follow-up of the Guatemala Procedure has noted the clear desire of the Central American peoples for peace, their longing for the establishment or perfection of democratic, pluralistic, and participatory government, which are the result of their will as freely at the polls, and which will assure the full enjoyment of human rights, economic development, and the overcoming of unjust and obsolete social structure, as well as the legitimate right to decide their own free destinies without outside interference. The strong desire of the Central America peoples for peace and political, economic, and social democratization is being blocked by a geopolitical fight that does not concern them and by domineering interests that have nothing to do with their own aspirations.

2. Hoping to contribute toward achieving these legitimate aspirations, which are the underlying reason for the agreements of Esquipulas II, the International Commission on Verification and Follow-up wants to make the following points regarding the five Central American governments' compliance with the commitments they made when they signed the Guatemala Procedure for establishing firm and lasting peace in the region.

3. The five Central American countries, in spite of some initial reservations, have complied with the commitment in the Procedure to form National Reconciliation Commissions.

4. There has not been a uniformity of interpretation by the five countries regarding either the criteria for organization of the National Reconciliation Commissions or the way in which they take decisions. It would be well if the difficulties that have arisen were overcome.

5. In the spirit of reconciliation that sustains the Procedure it is desirable that the countries "which are experiencing deep divisions within their societies" would include among the members of the National Reconciliation Commission figures who represent the political parties or groups that are politically close to the irregular forces or insurgent movements, with the aim of strengthening their mission of reconciliation, as is the case in Nicaragua and was the case in El Salvador.

6. In effect, in the case of El Salvador, the original organization reflected the criteria set forth in the previous paragraph, but the withdrawal from the National Reconciliation Commission of the representatives of the political parties of the opposition has created an unforeseen situation which affects its work.

7. As concerns the commitment to dialogue with all the internal political opposition groups and any who have accepted the amnesty, the International Commission on Verification and Follow-up has found that in Nicaragua, where this dialogue was begun, it has been suspended because of the

withdrawal of the opposition parties. In the case of El Salvador, the International Commission on Verification and Follow-up has found that the government has carried on dialogue with wide sectors of the political oppostion but that some of them consider that the government has given priority to the dialogue with the armed opposition. In Honduras and Costa Rica, according to information provided by the government in the first case and the opposition in the second, the internal dialogue takes place through the exercise of unrestricted freedom of expression in the political institutions of those countries which result in elections. For the rest, in relation to the dialogue with the political opposition, the International Commission on Verification and Follow-up is convinced that it is necessary to persist and deepen the efforts of national reconciliation.

8. El Salvador, Guatemala, Honduras and Nicaragua have issued amnesty decrees, in spite of reservations in the case of Honduras regarding whether this commitment is applicable.

In the case of Costa Rica the International Commission on Verification and Follow-up does not consider it necessary for it to issue an amnesty decree. However, since certain foreigners who reside in Costa Rica are the beneficiaries of amnesties decreed in their countries of origin, the International Commission recommends that this government study these cases so that they may obtain their freedom.

9. As concerns the content and goals of the amnesty decrees there have been critical assessments made in certain cases. In the specific case of El Salvador, where a general amnesty has been issued based on the idea of forgive-and-forget, the International Commission has noted that the decree of amnesty has benefited political prisoners; but that it only allowed a period of fifteen days for those under arms to avail themselves of it.

10. In the case of Nicaragua, although the government of this country has issued a decree of amnesty to those who have taken up arms which continues to be in force and has issued a law of pardon, the entry into force of the amnesty decree for prisoners has been conditioned on the certification by the International Commission on Verification and Follow-up of compliance in the cessation of aid to irregular forces by states within and without the region, as well as the nonuse of territory for destabilizing attacks.

11. As regards the scope of application of the amnesty, the International Commission has heard testimony that in several countries there was to a varying degree a systematic practice, during previous governments, of the physical elimination of captured members of irregular groups or insurgent forces, who could have availed themselves of the recent decrees issued by the present governments.

12. It should be understood that the purpose of the amnesty is to open up political spaces in some countries to allow opposition groups to rejoin democratic life, mainly those who have taken up arms. It is consequently premature to issue a definitive judgment on the effectiveness of the amnesty decrees as an instrument of national reconciliation.

13. Point 3 of the Guatemala Procedure sets forth a broad scheme for democratization, difficult to achieve in scarcely five months in a region characterized by a turbulent history.

14. It is fair to recognize the stability and broad level of development of the democratic institutions of Costa Rica.

15. In the case of Nicaragua, the International Commission has been able to confirm that in spite of the wartime suffering it has made concrete steps toward initiating a democratic process. Nevertheless, certain spokespeople of opposition parties and nongovernmental organizations have said that it is necessary to observe greater distinction between state and party institutions and it is necessary to more broadly assure the exercise of civil and political rights.

16. According to the vast majority of information sources consulted, the intention of the Central American presidents to make possible the effective participation of diverse currents of opinion in democratic life and to promote the protection of human rights is impeded in certain countries by abuses of authority by security forces and by the action of paramilitary groups. The International Commission also received accusations of human-rights violations committed by irregular forces or insurgent movements.

17. The International Commission on Verification and Follow-up has confirmed that there does not exist a state of exception, siege, or emergency in Costa Rica, El Salvador, Guatemala, and Honduras. The Commission has received information that in El Salvador a decree-law is in effect that allows the authorities to detain a person for more than seventy-two hours. In Nicaragua, the lifting of the state of emergency is subject to the Commission's certification that the aid to irregular forces from states within and without the region has been stopped and that use of territory for destabilizing other states has ceased. The government said that in practice the application of the state of emergency is applied flexibly. In more than one country the inoperation, in practice, or the right of asylum or of *habeas corpus* means that often detentions occur longer and under worse conditions than provided by law.

18. The International Commission has noted with satisfaction the preparations for the establishment of the Central American Parliament in the five countries. The creation of this important institution will represent a significant advance in the process of democratization and will fortify the political, social and economic unity of the countries in the region.

19. In spite of the efforts made, the lack of agreement on a cease-fire in the countries with irregular forces or insurgent movements and the intensification of fighting since the signing of Esquipulas II, with the consequent human and material losses, is a reason for deep concern.

20. There has been no success with the appeals to irregular forces or insurgent movements in El Salvador, Guatemala and Nicaragua to agree on a cease-fire or to avail themselves of the amnesty and join the political process in their respective countries, as foreseen in the Guatemala Procedure.

21. In spite of the exhortation of the Central American presidents the government of the United States of America maintains its policy and practice or providing assistance, military in particular, to the irregular forces operating against the government of Nicaragua. The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this Procedure as a whole.

At the same time we have received the accusation of the government of El Salvador that Nicaragua secretly sends help to the irregular forces in its country and that the suspension of this aid is an indispensable prerequisite for the success of the peace efforts of the Procedure as a whole. The International Commission on Verification and Follow-up has received the denial given by the government of Nicaragua in relation to this accusation.

22. In relation to the commitment not to utilize the territory of one state to attack another, the International Commission has noted accusations by certain governments of the region and the testimony of nongovernmental sources about the aid to irregular forces or insurgent movements which other Central American governments are providing and the use of territory of certain states to attack others. In this sense, it has received accusations by El Salvador against Nicaragua and by Nicaragua against Honduras, El Salvador, and Costa Rica. The respective governments said that they could not accept such accusations without knowing their basis and substantiation. They expressed their willingness to allow an unconditional inspection of their territories. The International Commission must note that the use of territory of the states of the region to attack others with or without the consent of the government whose territory is being so used facilitates the activities of these irregular forces or movements and makes more difficult the attainment of peace. The International Commission is still not in a position to verify what was said above because to date it has no power to set up mechanisms for on-site inspection.

23. Regarding compliance with the mandate in point 7 of the Guatemala Procedure, the International Commission on Verification and Follow-up took note with satisfaction of the meeting in Caracas on December 10, 1987 to carry out the decision of the Executive Commission meeting in San Jose on October 27-28, 1987 to continue the negotiations on the pending aspects the Contadora Act on matters of security, verification and control, and on the disarmament of irregular forces who are ready to avail themselves of the amnesty decrees. The meeting took place with the participation of the five Central American countries and the Contadora Group in exercise of its mediating function.

The negotiations resulted in a refinement of the terms of reference of future negotiations, e.g.: commitments on arms and troops; military exercises; procedural and operational aspects of the formation or statutes of the Commission for Verification and Control in matters of security; and means for disarmament of irregular forces.

Agreement was reached on organizing future work and meetings to take place in the Contadora Group countries with their coordination. The next meeting will take place in Panama in the first week of February 1988 and Colombia has offered itself as the site for the subsequent meeting.

24. As regards refugees, the International Commission has noted with satisfaction the steps taken in both creating institutional forms and in concrete acts such as protection, assistance, and voluntary repatriation which are clear advances in the search for humanitarian solutions to the problems of the region. In this sense, the holding in the course of this year of an international conference on Central American refugees sponsored by the governments of the area with the collaboration of the United Nations High Commission on Refugees would be a significant contribution to the peace effort. The situation of displaced people continues

to be a grave problem of humanitarian character whose solution requires additional urgent efforts. The achievement of the goals of Esquipulas II would contribute substantially to a real solution of the problem of the refugees and displaced.

25. The goals of Esquipulas II which encompass the achievement of peace through a cessation of hostilities, amnesty, democratization, the cessation of aid to irregular forces and insurrectional movements, and the nonuse of territory for attacking other states, have not been completely achieved as of this date. The fact that peace has not been attained does not detract from the validity of the Guatemala Procedure. It makes a lasting political will for overcoming these obstacles even more imperative.

26. In evaluating the progress in complying with the Procedure For Establishing a Firm and Lasting Peace in Central America signed in Guatemala on August 7, 1987, it is important to understand that, just as its name implies, this procedure is a continuing process of ongoing actions. For this reason, 150 days after the signing of the accord, it would be as untrue to deny progress as it would be to claim success.

27. It must be remembered that just as the deterioration of the political, economic, and social structure of Central America did not occur suddenly, so peace in the area also cannot be obtained suddenly. The factors are by their nature complex and operate at different levels at the same time. Many of the actors on the Central American scene are not part of the accord signed by the interested parties, who are the chiefs of state of the region. The challenge is enormous because it wishes to put into practice a consistent, universally satisfactory, simultaneous, and verifiable agreement, which applies to certain parties who are part of the conflict but not signatories to the agreement. The task at this stage is not therefore to proclaim the success or failure of a process which is ongoing but rather to evaluate the progress attained, identify the work to be done, and find ways to do it.

28. For these reasons, the International Commission on Verification and Follow-up considers it necessary, after referring to the specific subjects of its mandate, to make two general statements, not only because they affect the most general issue of compliance with all of the Procedure by the signatories, but also because it considers it useful to make a contribution in this sense.

29. It is necessary to note the concern manifested by various non-Central American members of the International Commission on Verification and Follow-up in regard to the modality of participation by the Central American countries, which are parties to the conflict, in the task of verification. The Presidents can examine these concerns in their next meeting in order to make a practical distinction between participation in what is properly referred to as verification, of the non-Central American members of the International Commission on Verification and Follow-up and that of the Central Americans. Rigorously defined, this would not require changes in the letter of the Procedure. This subject is at the same time related to another problem which has been noted in the course of the meetings of the International Commission on Verification and Follow-up, which is the lack of a more operative procedure for taking decisions.

30. One of the primary considerations of the International Commission on Verification and Follow-up was the necessity to establish practical modalities for the verification of the accords contained in the Procedure of Guatemala. In order to verify the commitments made in security matters, to wit, the cease-fire, the nonutilization of territories for aggression against other States and the cessation of aid to irregular forces and insurgency movements, the necessity for in situ inspection is a sine qua non requisite for verification if it is to be done with objectivity, independence and efficacy. All the members of the International Commission on Verification and Follow-up accept this basic premise and no one doubts the necessity of this mechanism being duly established in order to be able to begin verification and follow-up.

31. In this sense, the Ministers of Foreign Relations who are members of the International Commission on Verification and Follow-up agreed to bring to the attention of the Heads of State of the Central American countries the usefulness of asking the Secretaries General of the United Nations and the Organization of American States to send an urgent Technical Mission to the region with the object of finalizing the details of establishing, in the five Central American countries, mobile units with the characteristics outlined in the second Mission Report.

32. In reference to commitments in the area of democratization, among them respect for human rights as well as free elections of candidates for national office and for the Central American Parliament, and refugees and displaced persons, the International Commission on Verification and Follow-up considers that its work of verification and follow-up could be aided by action by international organizations.

33. The International Commission on Verification and Follow-up considers it pertinent to note that there exist factors other than those of a structural nature which could affect compliance with the Procedure in their totality. These factors are described below.

34. The nature of Esquipulas II consists, more than in formal juridical obligations, in the political commitment which sustains it and in the incontrovertible fact that it has wide popular and unanimous international support. Nevertheless, the Procedure could be complemented by stipulations which would facilitate its practical instrumentation, such as a plan of execution and a schedule for the fulfillment of commitments.

35. It has become publicly well-known that what permitted an agreement on the Procedure of Guatemala was the smoothing out of differences between the parties regarding the sequences of compliance with the different commitments through an agreement that these would be complied with simultaneously. The international community expressed admiration for this formula which healed the apparently irreconcilable differences in regards to the conceptual problem of precedence between pacification and democratization.

36. The divergencies of opinion, precisely in regard to the sequence of actions, brought to light the reality that simultaneous compliance, if it is not articulated in more detail than the general framework foreseen in Esquipulas II, will be difficult to realize in concrete terms. This is a fundamental and urgent problem which is still not resolved despite the efforts which have been made.

37. The outline of an orderly, chronological plan for the execution of the Procedure, supposes negotiation. This complicated and unavoidable task could move ahead decisively during the opportunity offered by the meeting of Presidents in San Jose.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. How much time have I remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Arizona has 11 minutes remaining.

Mr. McCAIN. Mr. President, I yield 8 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 8 minutes.

Mr. WALLOP. Mr. President, I thank the Senator from Arizona and I thank the Chair, and I particularly thank Senator HOLLINGS for restoring my faith in his party after watching its performance on the floor of the House last night.

Mr. President, peace is only one part of an equation. Peace by itself does not beckon people. Freedom beckons people and peace with freedom excites people and energizes them.

We have heard on the floor of the Senate this afternoon all kinds of statements. We have heard the Senator from Maryland [Ms. MIKULSKI] say that the peace process is the only thing that has worked.

You have to ask why there is a peace process. There is a peace process because people hoped for freedom and challenged the Communist dictatorship of Nicaragua. They asked for our assistance and have in hand an intermittent level of that assistance. Only after we gave assistance in such proportion that it was possible for those freedom fighters to make a difference has there been a peace process.

The peace process did not materialize out of thin air, it did not materialize out of the Presidents of the surrounding Latin American countries' wishes. It did not materialize out of anything but the desire for freedom of those who were willing to shed their blood—not American blood, but their blood—on behalf of the pursuit of the freedom they thought they had won when that Nicaraguan revolution took power from the Somozas.

What will sustain the peace process if there is no challenge to that Communist dictatorship? It is inconceivable that a peace process lives without the fertilizer of the desire and the pursuit of democracy. The House of Representatives last night snuffed out that little hope that there would be a pursuit of democracy supported by the world's greatest democracy.

That message not only hit home in Nicaragua. That message was not only broadcast to the Contras hours after the House got finished voting by Daniel Ortega and his people saying, "Lay down your arms; the House has forsaken you; America will no longer support you."

That hope and that light winked in Nicaragua, it winked in Afghanistan, it winked in Angola, it winked around the world where people believed the United States desired to support the pursuit of democracy, the pursuit of freedom.

Are we a nation that believes that people in pursuit of their own freedom ought to have a chance to establish it, or are we not?

Last night we said we are not. Tonight we have a chance to strike a tiny spark so that we may rekindle that hope and work toward the pursuit not of just peace but of peace with democracy, of peace with freedom.

I spent 8 years on the Intelligence Committee and Senator BENTSEN and others in this room were there with me. I tell you, Mr. President, that this process began not with Ronald Reagan but with Jimmy Carter and a finding in that committee that said we must change the emerging totalitarian nature of the Sandinista government.

The Senate believed at that time—having given the Sandinistas over $100 million in aid to expand the democracy they told us they wanted but in fact were snuffing out—that the first signs of aggression, of another country in this hemisphere were emerging in Nicaragua.

This is not new stuff. Let me read a statement from "The Challenge of Democracy: Conference on Efforts to Advance the Cause of Democracy Throughout the World," by the National Endowment for Democracy on May 18 and 19 of this year. The statement is by Armando Valladares, the great Cuban who spent 22 years in a Communist prison. He said:

> The Marxist dictatorships, on the other hand, belong to a transnational of terrorism, to a brotherhood of dictatorships, with the support of the Soviet Union. They have a defined philosophy, a battle tactic, the constant objective of establishing new dictatorships, and the support of extremist groups and parties from around the world, even democratic governments, the press, certain churches, and intellectuals.

We have seen ourselves bought intellectually by a group of people who tell us that peace is the only objective we ought to pursue. If it is the only objective we pursue, Mr. President, we need not ever have gotten involved, we need not ever have promised anybody anywhere in the world that their hopes for peace and freedom would gain the support of this country.

I cannot believe that this Senate and this Congress is about to give the Communist leader of Nicaragua more credibility than our own country's President, who says that we as a country have an obligation as people believing in democracy to support those around the world who pursue peace with freedom. If peace is all we want, we can have it at any time but it will be the peace of chains, the peace of totalitarianism, the peace that nobody in this country would submit to without a fight, make no mistake about it, even those who are voting against it.

I heard the Senator from Washington, Mr. ADAMS, tell this Senate that we had but to read Mr. Gorbachev's "perestroika" and we would know that communism was not working, that nobody is buying it around the world.

I ask that Senator, where is the opportunity for a Nicaraguan citizen to buy it? It is imposed upon him. It is not his choice. What we are being asked to do tonight is to say that we do not support the opportunity to let him gain that choice. The peace process simply will not work unless there is a process in place that is challenging the dictatorship. Dictatorship cannot by its nature begin to give up its own power. Supposing some benign power would come over Mr. Ortega and he would actually believe what he has been saying. Do you suppose that Mr. Tomas Borge, sitting right beside him, would allow him that choice? They live and exist by the power they hold, not by the power they are granted by the people they control. And until this country and this Senate and this Congress and this world believes that the only way we will ever get a change is by challenging it, nothing will happen. The peace process will emerge, peace will break out and so, too, will slavery in the very place from which we walk away.

Mr. ADAMS. Will the Senator yield, since he mentioned my name?

Mr. WALLOP. The Senator will not since he only has 8 minutes and we are coming up to the hour.

Mr. ADAMS. I thank the Senator.

Mr. WALLOP. I have to say that if this Senate chooses communism over the aspirations of freedom, over the choice of democracy, over the blood already shed in pursuit of freedom, then we will have done the most grievous disservice that the Nation can imagine to people whose courage was dependent upon a belief that America actually believed in democracy, that America actually believed at one moment in time that those who sought freedom had the right to know that we would be behind them. We told them from the House of Representatives last night that we did not have the courage to be there, that domestic politics were more important to us in the exercise of our freedom than the chance of their freedom. A guerrilla war is about killing. I heard one Senator say we were not winning. I think it was the Senator from Minnesota. we must remember that they are not fighting World War II.

They are fighting a guerrilla war that does not have battalions, occupy towns, and move to another place. And let me suggest to any colleagues that if the Nicaraguan democratic resistance were not winning, there would be no peace process today. Without the freedom fighters fighting, there can be no successful and just peace in Nicaragua.

The PRESIDING OFFICER (Mr. WIRTH). The time of the Senator has expired.

Mr. WALLOP. Mr. President, I urge this Senate to look to the cause of freedom as well as peace.

The PRESIDING OFFICER. The Senator from Arizona has remaining 3 minutes, the Senator from Rhode Island has remaining 1 minute.

Who seeks recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield my 1 remaining minute to the Senator from Washington.

Mr. ADAMS. I thank the Senator.

I wanted to reply to the Senator from Wyoming, who did not quote my speech at all as to what I had said, which was that America should be standing tall in the understanding that our system is triumphing in an economic way throughout the world because it better be and we better win with our system in Nicaragua because we are better than the Communist system. There is not a military man in the United States who says that any amount of aid we send to the Contras is ever going to let them win that war. So we are putting money into people just like happened before in a war that does not succeed. Therefore, let us stop this foolishness. Let us go with the opportunity that we have, as I said this afternoon, to accept the proposition that George Aiken said about Vietnam, which was, for goodness sake, declare victory and come home while you got the chance. Because the worst thing that could happen in this case is that we would end up occupying the place. So I hope we vote this down.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona.

Mr. BUMPERS. Will the Senator from Arizona, even though I am not on his side, be generous enough to yield 30 seconds?

Mr. McCAIN. I would be glad to yield 30 seconds.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I debated this afternoon about whether to speak on this issue or not. It is meaningless to debate it; the issue has already been killed, but I want to say this. And it is not only on this issue, but it is on others but especially on this issue. No responsible person here should vote according to the polls, but every poll shows that the American people oppose aid to the Contras by a minimal majority of 2 to 1. Never in the history of this country have the American people been as far out front and far ahead of the political structure as they are right now on this issue.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President. This has been a very long debate and one can add very little at this time.

Last night a signal was sent not only to the freedom fighters who live in the jungles of Nicaragua, but those who are struggling in the jungles of Angola, to the freedom fighters in the mountains and deserts of Afghanistan, to those who are struggling in the worker tenements and the shipyards of Gdansk, to all people throughout the world who are struggling for freedom. The message was that once again the American Government has encouraged them to arm, equip, and sacrifice for the cause of freedom, and then we have bailed out.

I cannot tell you how important a message that is. If we continue sending such messages, we will never have people who are willing to fight and die for freedom.

I would like to give you not my view of the Sandinistas, but to give you the view of Cardinal Obando y Bravo, a man who is most respected and revered by the people, except for the Sandinistas directorate, in his country. When I asked him if we should provide aid to the Contras, he said the following:

> As a mediator, I must be prudent. If I say there should be aid, I will anger the Sandinistas. If I say I am against the aid, the resistance will be angry. The Nicaraguan resistance represents Western democracy. The Sandinistas represent the complete opposite. Nicaraguan resistance, while they possess the means of continuing fighting, will continue to insist on democracy. The Sandinistas will never change their objective. There is no doubt that it is in the interest of the Sandinista government to stop aid.

I urge we affirmatively vote on this resolution.

Mr. SPECTER. Mr. President, I am today voting "yes" in favor of the procedural motion to proceed to consider Contra aid and "no" on the substantive issue against Contra aid because I believe that the Senate should decide this subject on the merits and that decision should be against the aid package.

The issue of aid to the Contras is one of great importance, should be the subject of extensive debate and then decided on the merits. The debate last night in the House of Representatives illustrates the seriousness of the issue, the intensity of the feelings on both sides and the closeness of the issue in the 219-211 vote. Even though the Senate's action today will not affect the outcome, since the House has turned down the aid package, it is worthwhile for the Senate to express its judgment on this issue.

While I respect the rights of the television networks to make their own judgments on coverage of events under our constitutional tradition of freedom of press and First Amendment rights, I personally consider it unfortunate that President Reagan's speech on Tuesday night was not covered by the three major commercial networks. On a matter of this importance, with this much controversy, it is worth the attention of the major networks and the American people to allow the President of the United States the coverage and to permit equal time to the opposing view. The absence of such major network coverage is a factor which weighs in my decision that the Senate should affirm the merits of open debate and public dialogue and decide the issue on the merits.

Accordingly, I am voting in favor of the motion to proceed even though most of my colleagues who oppose the substance of the aid package issue have decided the question differently on this preliminary procedural motion.

As to the merits, I continue to be opposed to aid to the Contras. In Nicaragua, war and bloodshed have resulted for years from a conflict which is financed by outside sources leaving many in the innocent civilian population dead or wounded. In my judgment, the preferable course is not to have the Contras financed by the United States, but instead our efforts should be directed to intensified diplomatic negotiations to try to resolve the dispute. While the $36.2 million in aid to the Contras is not decisive in the face of our enormous Federal budget, there are many more pressing domestic needs for the allocation of such funds.

Mr. CONRAD. Mr. President, I rise in opposition to the motion to proceed to the consideration of President Reagan's request for additional aid to the Contras. Since the House has voted to defeat this proposal, I see no reason for the Senate to consider it further.

If the Senate proceeds to act on the request itself, I will vote no. In my view, the most compelling reason to oppose this proposal for additional Contra aid is that President Arias of Costa Rica, chief architect of the Central American peace plan, has asked the United States to refrain. President Arias, who won the Nobel Peace Prize last year, has warned us that provision of lethal aid to the Contras would prompt the Sandinistas to abandon the peace process. While there are no guarantees that the plan will work, the United States should not give the Sandinistas an excuse to bail out.

It is possible that military pressure has brought the Sandinistas to the bargaining table. But I would argue that unrelenting economic pressures have greatly weakened the Government of Nicaragua and forced its hand. Mr. President, Nicaragua's economy has virtually collapsed. The inflation rate is an astronomical 1,800 percent—and continuing to rise. Electricity, gasoline, food and water are either being rationed or are available only intermittently. The country is on the verge of ruin because of prolonged conflict and mismanagement of its economy by the Sandinistas. These devastating economic conditions are the central threat to which the Sandinistas must respond. For these reasons, the Sandinistas' stake in pursuing the peace process should be relatively strong.

Over the past 7 years, the United States has provided $227 million of aid to the Contras. Our country has never received a complete accounting of how this money has been spent. Congressional investigations found that substantial amounts of money could not be tracked. Before additional assistance is considered, Congress deserves a full and accurate accounting of what has happened to the aid provided in the past.

I do not trust the Sandinistas, whose form of government represents a dictatorship of the left. There have been abundant abuses of power, repression of the press and political opposition, and unwillingness to protect basic human rights are abhorrent to any advocate of democracy. I am opposed to the practices of dictatorships—whether they come from the right or the left on the political spectrum.

At this stage of the peace initiative, I believe it is inappropriate for the United States to provide further aid to the Contras—particularly lethal aid. President Reagan's request for more guns, ammunition, planes and jeeps won't bring peace to Nicaragua; it courts the risk of wider war. I recognize that the Central American peace process could unravel—that the Sandinistas could break their promises. We should provide a fair test of the Sandinistas' commitment to the peace initiative—rather than providing them with excuses for failure. I believe the pressure is there—from sources besides the Contras—to keep the peace process alive.

Mr. BINGAMAN. Mr. President, today the Senate will once again vote on whether or not to support the Contras in Nicaragua. We all know, however, that this vote is, in fact, symbolic. Whether or not the Senate approves the President's request for $36 million in aid to the Contras, and I hope it is rejected, the fact is that the Contras will not receive those funds because our colleagues in the House have already rejected the aid request.

I hope that in the Senate today we can move beyond the political symbolism of this vote and begin to build a consensus for a new direction in our policy toward Nicaragua and Central America. I urge my colleagues to vote against the pending Contra aid package. Let us join our colleagues from the House in saying "no" to the counterproductive, wasteful, and inhumane policy that the administration has waged against Nicaragua for more than 7 years. I can't help but mourn the fact that these past 7 years were wasted on fermenting and supporting civil war in that country, when that time could have been invested instead in constructive involvement in the advance of our interests in peace, democracy, and economic and social justice for Central America. And I can't help but mourn the fact that hundreds of millions of United States taxpayer's dollars have been poured out of our Nation's coffers and into a war against the Nicaraguan Government that cannot be won. I for one have found it difficult to go back to New Mexico and tell voters that while vital domestic programs—needed to build a brighter future for our Nation in such areas as education, nutrition and economic development—have been cut, we've sent millions to the Contras.

In the course of this current debate on Contra aid, many of my colleagues have already spoken eloquently on the futility of the administration's Contra policy. On numerous occasions since I came to the Senate in 1983, I, too, have spoken at length on this subject. I don't need to do that again today because the history of this policy speaks for itself. It is a policy that has clearly failed to advance United States interests in Central America. I urge my colleagues to consider the fact that if United States dollars continue to support war in Nicaragua, the peace process spearheaded by President Arias will not have a chance.

I hope that we will reject the President's aid request and this failed policy. And I hope that having rejected the President's request we can join together, finally, in a sound bipartisan effort, to embark upon a new policy in Central America. One based in diplomacy, not aggression. A policy designed to advance peace, not war.

Mr. GORE. Mr. President, I rise in opposition to the proposal which President Reagan has sent us for military aid, to the Contras.

I oppose this proposal for one very simple reason: It would make peace in Central America less, not more, likely.

I have opposed military aid from the very start of this policy for the same reason.

For the past few months we have been providing the Contras with limited amounts of nonmilitary assistance in an effort to begin implementing the Arias plan, and to keep a certain amount of pressure on the Sandinistas to comply more fully with the provisions of the Guatemala accords at a critical point in the negotiations.

In fact, this strategy has worked reasonably well. The Sandinistas still have a long way to go before they will fully comply with the democratization provisions of the Guatemala accords, but they have finally begun to show positive movement in this direction. Many in the Reagan administration would have had us believe such progress was impossible. But it also is not clear to me that these results could have been achieved had we simply ended all aid to the Contras while the Sandinistas still were refusing to even begin to move along the road mapped out by the Guatemala accords.

Now, however, we have before us an entirely different proposal. The Reagan administration once again is asking for military aid. Only $3.6 million, we are told, and only in escrow—but military aid in any amount and given at any point will only mean more war. It in no way serves either our own country's interests or the interests of the Nicaraguan people.

Moreover, we would risk undermining the basic structure of the Arias peace plan. We would be giving the Sandinistas an excuse, and arguably, a reason to abandon the peace process. We would be giving the Contras an excuse, and arguably a reason, to be obstructionist in the cease-fire negotiations. And we would be sending a message to the people of Central America and to their leaders that we have neither respect for nor confidence in their ability to handle their own affairs.

There should be no doubt about these consequences. That is the message President Arias sought so eloquently to send us in his address upon accepting the Nobel Peace Prize last December. That is also the message he delivered in private discussions I had with him a few days before that. Instead of increasing the leverage of the forces of peace and democratization, it would undermine the leverage that already has been built. Instead of being a bargaining chip, it would destroy the bargain that has begun to be struck.

What we should be doing is working to strengthen, solidify and support the prospects for peace in Central America. Toward that end it is time that we took the initiative for direct bilateral negotiations with Nicaragua. Ortega keeps calling for direct talks; he even wrote an article in the New York Times to that effect. If he really is prepared to negotiate an agreement which:

Removes the existing Soviet and Cuban military and paramilitary presence from Nicaragua, and flatly and firmly prohibits any future Soviet or Cuban military or paramilitary presence in Nicaragua: no military advisers, no troops, no bases;

Commits Nicaragua not in any way to threaten the security, violate the sovereignty or otherwise seek to destabilize its neighbors;

Establishes strict limits on both the size of the Nicaraguan military and the weaponry at its disposal; and

Which sets up the necessary procedures and mechanisms for reliable verification and enforcement; then so are we. And if he is bluffing, then it is time to call his bluff. The Ortega brothers need to know that there cannot be true security for anyone in the region if Nicaragua arms itself with MiG-21's and conscripts a 600,000 soldier army.

These bilateral negotiations must in no way be construed as a substitute for the direct ceasefire negotiations with the Contras. They are intended to reinforce the Arias plan, not supplant it; take the peace process the next step, not get it off track. We should be prepared to affirm our own commitment to nonintervention in Nicaraguan internal affairs, so long as the Sandinistas are prepared to make the same commitments toward their neighbors, and so long as we can verify and enforce that commitment.

At the same time we should make it very clear to Mr. Gorbachev that Soviet miliary aid to Nicaragua and a perestroika in United States-Soviet relations are incompatible. I strongly reject the Soviet effort to equate our aid to governments who are our neighbors with their aid to insurgent forces and governments in this hemisphere, thousands of miles from their borders. The only issue for discussion here is Soviet military aid to Nicaragua. And that aid must cease. We should make sure that Mr. Gorbachev knows that on this issue our country is firmly united. This is an issue on which we should test Gorbachev, and see if he is for real.

Beyond that, and looking to the future of our hemisphere, we must finally break out of the mind-set which substitutes firefighting for a long-term strategy. We need to start doing a much better job at "preventive diplomacy". We must stop waiting until a crisis is on top of us, for in so doing we relegate ourselves to a reactive role, and to a world in which the realistic options available to us are all too severely limited.

Preventive diplomacy means phasing out our support for dictators like Noriega and Pinochet sooner rather than later. It means working on a sustained basis with groups such as democratic political parties, labor unions, the free press and the church to strengthen the institutional infrastructure on which democracy ultimately must rest.

It means attacking the social and economic injustices which are the breeding ground of extremism—and doing so sooner rather than later.

Thus, if we really are serious about preventing both the extremes of more Marxist victories and more death squads, we need to start working today to build the foundations—the political foundations, the economic foundations, the social foundations—of stable democracies.

This is a battle worth waging, a commitment worth making. It is true to our own traditions, and it is a contribution to the future of other nations in which all of us—Republicans and Democrats, North Americans and Central Americans—can be proud.

The process initiated by the Central American Presidents is an important step toward this goal. Much still remains to be done, and we should not be content until both regional peace and democratization are firmly established. The reconciliation process must continue to move forward, and we should maintain our vigilance throughout. If over the next few weeks the Sandinistas do not continue to follow through and deliver on their commitments to democratization, it may still be necessary for us to continue some form of nonmilitary aid to the Contras.

And if the Sandinistas go back on their commitments, then we must be prepared to work with our allies—including President Arias—to bring diplomatic, political and economic pressures to bear on them.

But after the revelations of the Iran-Contra hearings, no American should have any illusions about the dark and dangerous path down which the Contra war has led us. Do we wish once again to head down that path—a path of more warfare and destruction for our neighbors, and of profound threats to our own political system and cherished way of life from the blatant disregard for the law considered justified in the name of the Contras? Or do we prefer to do what we can to work with our neighbors to build a peace which has the potential to serve all of our mutual interests?

The choice is a clear one. This aid package must be defeated.

Mr. HECHT. Mr. President, as I have in the past, I support the President in his request for United States assistance—both humanitarian and military—to the Nicaraguan democratic resistance forces. The actions of the House yesterday notwithstanding, I believe that if we are to have peace in Central America, we must continue the pressure that has been exerted upon the Sandinista's to negotiate a peace.

Mr. President, during our recess, I spoke with hundreds of Nevadans as I toured my State. As Senators from my part of the country can attest, our voters can be both vocal and specific about their wish to see a few clear choices coming from the Congress on policy issues. Their point is well taken—I urge all Senators to be clear; to stand united on supporting the Contras until we see evidence of long term, responsible conduct by the Nicaraguan Government—not just promises.

I perceive an effort by some Members of Congress to stand on both sides of the issue of opposing additional Communist governments in this hemisphere—most voters can see through this weakness. I think that they resent this lack of clarity, and I agree with them.

WHY SUPPORT THE DEMOCRATIC RESISTANCE IN NICARAGUA?

Mr. President, my own reasons are straightforward and simple:

First, at the risk of overstating the obvious—because the freedom and well-being of the people of the United States could ultimately be threatened by the entrenchment and development of another subversively oriented Communist government in this hemisphere—especially in Central America. I know that it is fashionable in Congress to think in short-range future terms only, but in the Senate I would hope we could be a bit more farsighted.

Second, because the freedom of the other democratic states in that region could be similarly threatened. To those who dismiss anything sounding like a "domino theory," I recommend discussions with the Laotians and Cambodians.

Third, because these prodemocratic, Contra elements, who are attempting to give their government back to the Nicaraguan people—that is, taking back a stolen revolution—deserve our support. We are developing a reputation in the world as a dubious ally, one who will cut and run if we cannot have a quick and easy victory. We cannot afford this reputation.

Fourth, our policy of support to the resistance forces is proving successful. Winston Churchill once wondered if the American political will was strong enough for us to stay the course as an international leader. Listening to some of the voices here on Capitol Hill recently, I understand his concern. It is difficult to understand why we would give up a program showing significant success—unless, of course, one cannot stand the thought of any success credited to a strong President; or perhaps, had no great objections to the growth of another Communist government in the Western Hemisphere to start with; and

Fifth, unless we are willing to support the development of democratic governments in our own neighborhood, we are sending a dangerous and foolish message to both friends and potential foes in the rest of the world.

Mr. President, the Sandinista's would not even be negotiating for peace today were it not for the freedom fighters. The President's policy has worked; it must be allowed to continue to work.

I urge each Senator to think carefully about the judgment of history on his position on this question, and to support the administration's request.

Mr. DASCHLE. Mr. President, I rise in strong opposition to Senate Joint Resolution 243, a resolution to send an additional $36.25 million over the next 4 months in aid to the Nicaraguan Contras.

The administration would have us believe that this aid is a "scaled-down" version of previously anticipated requests, that most of this aid is "humanitarian," and that this aid is consistent with our professed support of the Guatemala peace accord. I say to Senators, if you support Contra aid whenever, however, and through whomever, then you should support this resolution. But if you are seeking to send scaled-down humanitarian assistance that is consistent with the Guatemala peace accord, you should vote against this Contra aid package, for it has none of those characteristics.

First, the aid is not scaled-down. The administration argues that $32.6 million in nonlethal military aid is needed to keep the Contras in the field over the next 4 months. This is in conflict with the administration's fiscal year 1987 request, which sought $30 million in nonlethal aid over a 12-month period. It is also in conflict with the fact that the Contras still have funds remaining from their fiscal year 1987 nonlethal aid.

The claim that the Contras must have this military aid to stay alive is simply false. Furthermore, when the total $36.25 million request is coupled with accompanying funds for indemnification of aircraft and electronic countermeasures, the delivery rate far exceeds that of fiscal year 1987 and reflects its roots: The administration's original 18-month request for $270 million. So, it is not a scaling down, but an escalation.

Second, I want to address the claim that this package consists primarily of "humanitarian" aid. It is important to clarify this administration's definition of "humanitarian." In the context of Contra aid, "humanitarian aid" means food, medicine, boots, and other items distributed through the Department of Defense and the CIA—the same network that could not control past "humanitarian" aid.

In the past, "humanitarian" aid was clearly defined as food, medicine, and other essential items distributed through internationally recognized relief organizations. Contra aid has rendered the term almost meaningless.

It is also interesting to note that even using its expanded definition of humanitarian aid, the administration cannot call the "nonlethal" portion of this package—which includes military training, helicopters, jeeps, and other logistical aid and excludes only weapons, weapons systems, and ammunition—"humanitarian." So, it is unclear how much of this package is humanitarian, and it is unclear where it will go.

Finally, in spite of the administration's claims to the contrary, this Contra aid package is inconsistent with the United States-backed Guatemala peace accord. The agreement strictly prohibits U.S. aid to the Contras. The administration claims that the "nonlethal" assistance will only sustain the Contras "in case there is no cease fire," and that the $3.6 million in lethal aid will be held in escrow until March 31. The President would then be free to release the funds. This strategy, the administration argues, will force the Sandinistas to the negotiating table.

But what will force the Contras to the table? Certainly not this plan. This plan would actually reward the Contras for avoiding a cease fire. If they can hold out until March 31—and we will give them $32.65 million to ensure that they can—they can get more lethal aid. Sending further aid to the Contras at this point can only weaken our diplomatic position and discourage peace by giving the Contras, the Sandinistas, and all parties involved an outside excuse for a breakdown in negotiations. We should not offer them such an easy way out. Instead, we should do everything in our power to promote negotiations and a positive outcome.

Mr. President, it is a sad commentary on our policy in Central America that we are voting on this resolution at the same time the Guatemala peace accord, a fragile agreement the United States professes to support, it struggling to take hold. Nevertheless, we must vote. We have two choices: To give the peace agreement a chance to work, or to escalate the war in Nicaragua. For me, the choice is clear.

Mr. SIMON. Mr. President, I want to express my strong opposition to Senate Joint Resolution 243, the President's package of lethal and nonlethal assistance to the Nicaraguan Contras.

I have consistently opposed aid to the Contras, both in committee and during full consideration of this issue in Congress. On Tuesday, the Senate Foreign Relations Committee voted 10-0, with my support, against the President's request.

Contra aid is counterproductive. It is harmful to our long-term interests in this area of the world. Contra aid is the surest way to push the Sandinistas closer to the Cubans and the Soviets. And while the United States had funded a war, thousands and thousands have been killed and maimed, and lives destroyed. Moreover, it has all been for nothing.

A more productive policy would work to diffuse tensions, to reduce armaments, and encourage efforts of the democratic governments of the region to find and implement a way to end the war in Central America.

A sensible U.S. policy should be based not on fueling the war, but on ending the war. Our policy should vigorously encourage, not undercut, the Arias peace process. We have come to the most important juncture in this administration: a genuine opportunity for a negotiated solution to war. It is time, once again, to say "no" to Contra aid.

SAY YES TO PEACE, NO TO CONTRA AID

Mr. HARKIN. Mr. President, the Senate has the opportunity today to close the door once and for all on 7 years of Contra war against the Nicaraguan people.

The House has made its decision: no more Contra aid. We must give our full support to the peace process begun by Nobel Peace Prize winner Oscar Arias.

And I would urge my colleagues to not be misled by the false and fanciful claims of the Reagan administration as they seek to maintain some momentum to fight another day for Contra aid. We have heard these false claims before.

From 1982, when the Contra program first became public, to today, the President has fashioned the public presentation of this policy to fit the temper of Congress at the time.

In 1983, it was a program solely to interdict arms.

In 1985, the Contras would stop Soviet expansion and force the Sandinistas to the negotiating table.

In 1986, the Contras were agents of political pluralism in Nicaragua.

Now, the President calls the Contras an insurance policy to guarantee Sandinista compliance with the Guatemala peace accords.

To paraphrase an old saying, the lyrics may change, but the tune remains the same.

Behind all the rhetoric, one fact remains the same. The goal of administration policy is the use of force to overthrow the Nicaraguan Government.

And the President, in his determination to make the Sandinistas cry uncle, has methodically sabotaged the Latin American search for a political solution—first the Contadora process, and now the Arias peace plan.

For this reason, Mr. President, we cannot have it both ways. We cannot embrace the peace process with one hand while voting for the administration's Contra policy with the other.

Latin Americans realize this. The five Central American Presidents, at the conclusion of a 2-day summit in Costa Rica, signed a communique calling for an end to outside aid for all insurgent forces, including the Contras.

The American people know this. The most recent CBS/New York Times poll shows that by a 2-to-1 margin, the public opposes Contra aid.

President Arias could not have been more direct, when last October he said that the Contras are part of the problem, not the solution to the crisis in Central America.

And yesterday, the House of Representatives put itself on record when it defeated the President's request for $36 million in military aid to the Contras.

If our goals are the promotion of peace and democracy in Central America, as the President so often proclaims, then the Arias plan has already proven it can work.

More democratic reforms have taken place in Nicaragua in the 6 months since the peace accords have been in effect, than in the 7 years of the Contra war.

The record shows that major setbacks—not progress, but setbacks—for political freedom and human rights in Nicaragua have been in direct response to Contra military pressure.

In March 1982, the Sandinistas imposed their first state of emergency—in response to the destruction of two bridges in northern Nicaragua, the Contras first major acts of sabotage.

In October 1985, the Sandinistas renewed the state of emergency and arrested several hundred dissenters—in response to congressional approval of $27 million in so-called humanitarian aid.

In June 1986, the Sandinistas closed down La Prensa and expelled two Catholic bishops—in response to approval of a $100-million Contra aid package.

In contrast, the signing of the peace plan last August has begun a process of democratic reforms and a political opening unprecedented since the beginning of Contra aid.

The Arias plan—not the Contras—produced the opening of La Prensa.

The Arias plan—not the Contra war—helped put Radio Catolica back on the air and secure the release of a thousand political prisoners.

Further steps have been taken since the January summit of the Central American Presidents. The Sandinistas lifted the 6-year state of emergency, began direct talks with the Contras, and pledged a broader amnesty.

Seven years of war and a quarter billion of U.S. taxpayers' dollars haven't produced these reforms. The Guatemala accords—and political pressure by the four Central American Presidents—have.

It is difficult to predict what additional reforms the Sandinistas may make or how lasting the effect of changes already undertaken may be. But it is certain that Sandinistas will use approval of more Contra aid as a reason not to comply with the peace plan and to stall the reform process now underway.

President Arias made this point during a discussion I had with him last September. The administration's military policy, Arias said, isolated the United States from its Latin allies and provided a cover, both domestically and in the international arena, for Sandinista policies.

So far, recent events have proven Arias correct.

Now is the time for the United States to embrace fully the peace plan and a policy of negotiations and end the force-first military program the administration has pursued for the past 7 years.

Before voting, we first must dispel the myth that this is a modest nonlethal aid package.

In reality, this package, when the $27 million for air defense systems and new aircraft are added, actually totals more than $60 million, not the $36 million advertised by the President. This represents the highest quality rate of Contra aid ever approved by Congress.

Make no mistake. This is not a humanitarian aid package. The aid we approve today will provide helicopters, military training, radar, and trucks, not just food and shelter for the Contras.

This aid will go for boot camps and battle gear, not soup kitchens, for the Contras.

This resolution will maintain the role of the CIA, increase Contra air drops, escalate Contra military activities, and discourage the Contras from taking the ceasefire talks seriously.

Seven years of Contras war have resulted in the deaths of 40,000 Nicaraguans. Nearly 25 Nicaraguans are killed each day. Approval of this aid package will not aid the defense of democracy. Nor will it promote the cause of peace.

Approval of this package will prolong the bloodshed that has become a tragic fact of life for the people of Nicaragua.

Another myth—what I call the security myth—must be dispelled before we cast our vote today.

The President claims that a vote for the Contras is a vote against Sandinista subversion of its neighbors, a vote against a Soviet buildup in our hemisphere, and a vote for our national security.

Does the President really believe that the Contras—a ragtag band of 6,000 fighting men and women, a peasant army that after 7 years of fighting and $250 million worth of United States aid has still failed to take a single Nicaraguan town—can defend us against Soviet subversion?

The Sandinistas have offered to negotiate reductions of its armed forces, to scale down their armaments, and to remove Soviet and Cuban advisers—only if the United States were to give a commitment not to overthrow them.

Mikhail Gorbachev, in a discussion with the President in December, offered to limit military shipments to Nicaragua in return for an end to United States aid to the Contras.

The President refused even to respond. He chose instead to wait until Gorbachev left town before parading out Major Miranda—otherwise known as the 800,000 dollar man—and his reports of an expanded Nicaraguan military buildup and threat of Soviet shipments of Mig aircraft.

But we could all rest easier if the President began taking the security issue seriously, and stopped manipulating it to scare Congress into supporting the Contras.

Surely, if we can negotiate reductions with the Soviets on intermediate and strategic nuclear weapons, we can make a deal on removing the Soviet and East bloc presence from Nicaragua.

In regards to the Nicaraguan buildup, the Sandinistas have consistently stated their willingness to discuss such matters in direct bilateral talks with the United States, which this administration ended 3 years ago.

I commend to my colleagues' attention a recent article by former CIA Director William Colby. He concludes that the President's Contra policy works against our security concerns with Nicaragua, and argues that we can insure our security interest through verifiable agreements with Nicaragua and its patrons.

We are not deciding on whether our security interests will be protected against Soviet expansionism. The Contras, even if funded, cannot adequately defend us. Negotiations, with the Sandinistas and the Soviets, provide a more realistic and effective means of defending against the threat of a Soviet beachhead in Central America.

We are deciding on whether the means we use to protect American national security will conform to fundamental American values, of respect for the law and respect for democratic institutions.

This administration's Contra policy has led to the production of assassination manuals, the illegal mining of Nicaraguan ports, the selling of arms to terrorist Iran and the illegal transfer of some of the profits to the Contras, and the trauma of our Nation's most serious constitutional crisis since Watergate.

For 7 years, this administration has been willing to undermine democracy at home in its alleged pursuit of democracy in Central America.

In its zealous pursuit of overthrowing the government in Nicaragua, the Reagan administration has waged its own holy war against the alleged Soviet menace, adopting the methods of our enemies and in the process alienating us from our allies in the region.

Today, we have the opportunity to turn away from this sad chapter in our Nation's history and chart a new course. Today, the Senate can begin the process that will realign our foreign policy with our basic democratic values and ideals.

The fact is, our real strength as a nation comes not from the barrel of a gun but from our ideals and our example. The writings of Thomas Jefferson and Tom Paine have done more to influence people in Latin America and elsewhere than all the Redeye missiles and M-16's combined.

Today, we can begin to stop dictating and start cooperating with our Latin neighbors. The United States can begin to support Latin Americans in their efforts to stop the killing and start the rebuilding in their countries.

For too long, the Reagan administration's obsession with Nicaragua has prevented us from advancing a long-term program for peace, democracy and economic development in Central and South America.

The strength of the Arias plan stems largely from the realization of this fact. The administration's support for the Contras has isolated us from the rest of Latin America. Our isolation has increased Latin solidarity with Nicaragua.

President Arias based his plan on the pursuit of a negotiated, rather than a military solution to the Central American crisis, and isolating Nicaragua, not the United States from the rest of Latin America. Through regional and international political pressure, Arias correctly believed the Sandinistas would be forced into reopening their society for democratic reforms.

Our obsession with the Contras has caused us to lose sight of the profound economic and political problems still facing the rest of Central America. As a contrast to Nicaragua, the President would have us believe that El Salvador, Guatemala, and Honduras are successful democracies, where civilian Presidents have consolidated their power, the military is ruled by the rule of law, and human rights abuses are all but eliminated.

This unfortunately is not the case.

In fact, in some cases, problems of military abuses have been exacerbated in the past 6 months.

The Government of Honduras, for example, has been taken to the Inter-American Court for Human Rights for its military's alleged responsibility for disappearing more than 100 of its countrymen in the early eighties. Two witnesses in the case, including a leading human rights official, have been gunned down. Some claim that they were killed by the same military battalion responsible for the earlier political killings.

At the same time that the United States—justifiably—condemns the detention of 12 Nicaraguan opposition leaders, the Reagan administration remains silent while 2 Hondurans are gunned down because of their defense of human rights.

In El Salvador, the National Assembly's amnesty law has resulted in the release of the National Guardsmen responsible for the 1981 assassination of two American land reform advisers.

El Salvador's amnesty law, which President Duarte claims was enacted to comply with the Guatemalan accords, has further undermined his country's already weakened judicial system. In reality, the right and the military have used amnesty to destroy the limited steps taken so far to institute the rule of law in El Salvador.

Our Nicaragua obsession has distracted us from tackling the profound problems of drugs, debt, and poverty in the rest of Latin America.

The President constantly warns us of the threat of Nicaraguan-based Soviet subversion of the hemisphere.

Think instead of the consequences of a large-scale repudiation by Latin America of its external debt—which now approaches $400 billion. Latin America poses a greater threat to Wall Street than to Main Street, Harlingen, TX.

For Nicaragua's neighbors, we must help them grapple with social and political instability with a long-term commitment to regional economic development.

For too long in Central America, the United States has been concerned solely with putting out fires. It's time we help rebuild the houses damaged by the flames of social injustice and economic deprivation.

Latin America's wars in the nineties will be waged in the marketplace and at the ballot box, not on the battlefield. We must shape our foreign policy to respond to the new crises and the new realities of the next decade.

We are just now heeding the warning of Walter Lippman, who wrote after the Bay of Pigs:

> A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws. The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy.

It is time to take the lessons we have learned over the past 7 years and begin to shape a new policy, sensitive to the democratic aspirations of Latin America and true to our values and ourselves.

Mr. GLENN. Mr. President, I rise to express my opposition to the pending request for additional Contra aid. Congress has debated and voted on this issue many times over the past several years and one would be tempted to say that there is nothing new in this current round. But there is a significant new development which is relevant to, and I believe should be determinative in, today's debate. Since the Congress last approved significant new aid for the Contras, the five Central American Presidents have signed an agreement, initiated a negotiating process on their own, and that process has produced more constructive results in 6 months than the Contras have attained in 6 years.

Why does this agreement between five foreign heads of state impact on our consideration of the President's Contra aid request? Because that agreement explicitly calls for the cessation of aid to regional insurgencies. At their recent meeting in San Jose, the Central American Presidents called cessation of aid to irregular groups an indispensable condition for the attainment of peace in the region. Hence, to approve new aid, at this critical juncture when the peace process is beginning to produce results, would be to thumb our noses at the Arias initiative and torpedo this attempt by the Central Americans to work out their regional problems. I believe their initiative deserves our respect, not our disdain; merits our constructive cooperation, not our indifference. The administration says it supports the Arias plan, but this request belies that assertion.

While the President has offered to put the lethal portion of his aid request in escrow pending the outcome of cease-fire negotiations between the Sandinistas and the Contras, I believe it should be noted that the bulk of the remaining "nonlethal" aid is in fact logistic assistance. Such assistance contributes to the Contras' war-making capability, and thus runs counter to the spirit, if not the letter, of the Guatemala City accords.

Whichever way we go on Contra aid is a gamble. But I am placing my bet and my vote on the peace process, on a negotiated settlement of regional problems. I can offer no guarantees that this process will succeed, but I believe we have an obligation to give it every chance when the alternative is a continuation of a long, bloody, and costly war against the long-suffering people of Nicaragua and their shattered economy. History will judge us harshly if we contribute to the failure of the peace process.

Over the course of the many debates on this issue I have emphasized the need to pursue a negotiated solution as a first resort, and I disagreed with the administration's insistence on pursuing a military solution as its first and only resort. Now the Central American nations have offered us a negotiated course of action, they have asked for our help and cooperation. I believe it would be extremely shortsighted for the United States, the most powerful Nation in this hemisphere, to take an action so blatantly at odds with, and destructive of, the Central Americans' own peace initiative. President Arias has pleaded with us to give peace a chance, I hope we will be wise enough to do so.

Mr. HEINZ. Mr. President, the defeat of the administration's Contra aid request by the House of Representatives should not be an end point, but the beginning of a new phase in our Central American policy. It will be an end point if the House's refusal to approve the administration's request is the last word. That would be a tragedy. But it will mark a new phase if the opponents of Contra aid who won yesterday face up to their responsibility and provide genuine incentives for the peace process to continue.

The Sandinista government has come a long way under the Arias plan—even if it waited too long to do so. Due to pressure from the Contras and their democratic neighbors, the Sandinistas have begun—and I stress begun—to open up their society. While the progress has been real, there is every reason to believe that it may be temporary if pressure is lifted. One stroke of Daniel Ortega's pen can reverse every reform we have seen since August.

For that reason, I believe it is a mistake to abandon the Contras at this point. They are now engaged in face-to-face cease-fire talks with the Nicaraguan Government—talks the Sandinistas earlier claimed would never take place. If the House—and subsequently the entire Congress—fails to provide an adequate alternative to the administration request for assistance, it may pull the plug on the peace process just as it was gaining momentum.

I have several times cast votes for Contra aid. These have not been easy votes. The country is deeply split on our policy in Central America. Pennsylvania is also split, and this division is reflected in the mail and phone calls I receive on the subject, which over the past several months have together been running very even in favor and opposed to Contra aid. My objective in supporting the program has been to provide the Sandinistas with a concrete reason to reform and live up to the pledge of democracy and freedom that was the original rallying cry of those who bravely overthrew the corrupt Somoza dictatorship. I believe the pressure brought by the Contras has been a key reason for the progress we have seen to date.

I understand the concerns of both sides in this controversy. I have been willing to carry the burden of doubt and criticism for my votes in favor of Contra aid to this point. I am somewhat hopeful that my approach all along—to provide the Sandinistas with concrete incentives to reform—is now being proven as the correct one.

But just as supporters of Contra aid have been willing, despite their reservations, to shoulder the responsibility of supporting a controversial policy, the opponents who have now defeated the administration's latest request must bear the responsibility of their actions. If no further assistance to the Contras is provided at this crucial time, if there is no reason for the Sandinistas to democratize there is a danger that the whole peace process will derail.

Without pressure to reform, the Sandinistas may return to their old—and bad—ways. We could see the development of the 600,000-man army that the Sandinistas have planned with Cuban and Soviet advice. We can only speculate about the possible restrictions on freedom that may be foreseen as needed in the next stage of the Sandinistas' revolution with a Cuban face.

This is the burden that opponents of Contra aid must now shoulder. They will be called to account if a cutoff of the Contras leads to the dire consequences many of us fear. The House and the Congress must now say where they will take our Central American policy. They must say how they will achieve the objectives of peace with democracy that all have supported as the proper aim of U.S. policy.

The ball is in Congress' court. The game is at a crucial stage, and the other players are watching the Congress to see what we will do. Those who have changed the rules had better come up with a way to win the game, or the cause of freedom, democracy—and ultimately peace in Central America will be an abandoned hope and a lost cause.

Mr. D'AMATO. Mr. President, my party's leader in this body, Bob Dole, has just stood up and told us plainly what we should already know: that it is freedom that matters. It is in the cause of freedom, Mr. President, that we are here—every day. How can any of us forget that? And yet we labor over that fact with politics and posturing, too often the politics of rationalization and retreat.

Do we have the courage, and the character, to stand tonight for what much of the media and the polls and the professionals tell us is, at the moment, perhaps, an unpopular cause? Do we believe that support for peoples struggling for freedom is more important than mere politics?

For the last few weeks, Mr. President, we have listened to those who would retreat from the cause of freedom because it has become difficult just at the hour of maximum need—and maximum promise; those who would disassemble this Government's efforts just as they are beginning to bear the fruit of peace, and to bring the hope of restored democratic freedom; those who would, in the cause of partisan politics, abandon those who we have led to rely on our promises.

I have heard many times today, "give peace a chance." Mr. President, we all want peace. But first we must give freedom and democracy a chance.

All of us who have watched the continuing struggle for freedom—in Afghanistan; Poland, and Eastern Europe; and in Latin America, have been heartened by the unwaivering dedication of President Reagan to the cause of liberty. His refusal to flinch from his commitment to the fight for democracy, despite hostility, faintheartedness, and mounting political odds, is a beacon of hope and inspiration to those seeking freedom throughout the world. More than anyone in American politics, he has had the courage to do what's right.

And he has been right. His strong stand with the Soviets has brought us the INF treaty, a real chance at arms control; pressure on the Sandinistas has begun to bring us the first faint hope of democratic reform in Nicaragua. We should not now falter, or we fail.

Senator Dole's statement tonight shows that spirit. His courage and clarity have made me proud to be his friend, and to serve with him in this Chamber. I hope that all of us are as firm in our dedication to the cause of liberty and to the President's efforts in that cause. I urge my colleagues to give freedom a chance.

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will be the final rollcall vote of the day. The Senate will not be in session tomorrow. The next session of the Senate will be on February 15, Monday. George Washington's Farewell Address will be delivered that day by Senator Terry Sanford. There will be no rollcall votes that day. There will be no other business transacted that day.

On Tuesday, the unfinished business will be S. 2, the campaign finance reform bill, but there may be some other legislation at that particular time or on that day that we can take up and which could result in rollcall votes. I would urge all Senators to be prepared for an early vote on that Tuesday, February 16. That would be a vote I would say unless there is bad weather in which case we will delay the vote. That would be around say 9:30. That will be a 15-minute rollcall vote.

So I urge all Senators to be prepared for that vote.

HAPPY BIRTHDAY MR. PRESIDENT

Mr. BYRD. Mr. President, now, I want to thank all Senators and I want to close this debate on a happy note on which we all will agree, I am sure.

Mr. President, this upcoming Saturday is a special day, to which I take genuine pleasure in calling attention.

February 6, 1988, will be President Ronald Wilson Reagan's 77th birthday.

I know that all of our colleagues join me in extending to President Reagan the happiest and warmest of birthday greetings, and in hoping for him many added years of a full and rewarding life.

One of the qualities about our President often remarked upon is his robust health. An athlete from youth onward, and always a physically active and vigorous man, President Reagan is blessed with a constitution that belies his actual age. The zest for life that the President demonstrates is an inspiration to the growing body of Americans who have passed their 70th birthdays.

I am sure that the President, Mrs. Reagan, their family, and their close friends will observe the President's birthday this weekend in some fashion. At that celebration, I hope that they will keep in mind the sincere esteem in which President Reagan is held by millions of his fellow Americans, including the respect and admiration felt for the President on both sides of the aisle in the U.S. Senate.

(Applause, Senators rising.)

CONTRA AID

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order the hour of 9 o'clock having arrived, all time for debate has expired, and the clerk will read the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—51

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Chiles
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Evans
Exon
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—48

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Weicker
Wirth

NOT VOTING—1

Biden

So, the joint resolution (S.J. Res. 243) was passed, as follows.

S.J. RES. 243

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the H.J. Res. 395 of the One Hundredth Congress, the Act making continuing appropriations for fiscal year 1988.

[Applause in the gallery.]

Mr. LEAHY. Could we have order, Mr. President?

The PRESIDING OFFICER (Mr. WIRTH). The Senate will be in order.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to exceed 10 minutes and Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. BYRD. Mr. President, business is being transacted. I hope that the Senate will be in order.

ABE STOLAR

Mr. LEVIN. Mr. President, I call to your attention the case of Abe Stolar, an American citizen who has been trying to leave the Soviet Union with his family since 1974. I have spoken many times in this Chamber on the Stolar family's behalf. Several times I have told of how his family has seemed to receive permission to emigrate to Israel, only to discover that they have been denied permission at the last moment.

Abe Stolar has reapplied for five visas to leave the Soviet Union with his family, including his young granddaughter. Unfortunately, Julia Stolar, one of the five and Abe Stolar's daughter-in-law, has been denied permission to leave with her husband, Michael. She has been denied an exit visa because she lacks permission from her mother. However, it appears that the Soviets have, at times, waived this procedure, in particular in the case of Yanna Begun. I have written to General Secretary Mikhail Gorbachev, urging him to grant Julia Stolar this same waiver. Julia's situation takes on new urgency now that she is expecting another child.

Many longtime refuseniks were allowed to leave the Soviet Union in 1987, and we rejoice in their freedom. But what do these highly publicized cases mean for the Stolars and others who wait like them?

Enough is enough. It is time that this U.S. citizen be allowed to leave the Soviet Union with his family.

Mr. President, I ask unanimous consent that a copy of my letter to General Secretary Gorbachev be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 17, 1987.

MIKHAIL GORBACHEV,
General Secretary of the Communist Party of the U.S.S.R., The Kremlin, Moscow, U.S.S.R.

DEAR MR. GENERAL SECRETARY: I have just read in the press that a spokesperson in the office of Konstantin Kharchev, chairman of the Soviet Council of Religious Affairs, told a New York City Councilman that the requirement of a financial waiver from relatives of those who wish to emigrate has been abandoned. This is, indeed, very good news.

I understand that some Soviet Jews who have been denied exit visas because of the previous waiver requirement have been told to reapply. I am also aware of the fact that Yanna Begun has been given permission to leave even without her father's permission.

I am writing to you because Abe Stolar's daughter-in-law, Julia Stolar, has been denied permission to leave with the senior Stolars and her husband, Michael. The denial was based on lack of permission from her mother. I would gather that this is no longer an impediment.

It is my hope that Julia will receive her exit visa quickly and that the entire Stolar family will be allowed to leave for Israel soon. I would appreciate your assistance in this matter.

Thank you for your attention.

Sincerely,

CARL LEVIN.

CONVENTIONAL ARMS IN EUROPE

Mr. WIRTH. Mr. President, today I want to continue my survey of the literature and analyses of conventional arms in Europe by sharing with my colleagues a most helpful article that appeared in the Economist on August 30, 1986. Entitled "The Sentry at the Gate: A Survey of NATO's Central Front," a summarized version of the article is here presented as a helpful analysis for my colleagues and all interested students and observers of this important issue.

The article follows:

THE SENTRY AT THE GATE: A SURVEY OF NATO'S CENTRAL FRONT

Since the postwar demobilization, the American forces in Europe have been guarding the hilly southern part of West Germany which is comparatively easy to defend; the British forces, smaller and less well equipped, were left holding the gently rolling North German plain, the ideal invasion route to the industrial Ruhr, the low countries and France.

Some commenters still fret about this "maldeployment" of NATO forces. The danger arising from it, however, has probably always been overstated. Belgian and Dutch forces—which are weak but by no means insignificant—are also assigned to the North Army Group. And the terrain in the north is not quite as hard to defend (nor is that in the south quite as forbidding to an attacker) as some armchair strategists seem to believe. Nevertheless, the historic deployment created a real military problem and still does to a degree, although the worst features of it have largely been overcome.

The first, and most important, part of the solution was the creation of the new West German army, beginning in 1955. It grew rapidly into the biggest, and in many ways the best equipped and trained, army on the central front. The second component of the solution was the assignment of more American forces to the northern part of the front in the mid-1970s.

To keep up the appearances of meeting its NATO commitments, the Americans "dual-based" a number of army units and air-force squadrons. The forces were sent back to the United States, but most of the equipment was left in Germany, on the realistic assumption that the men alone could be flown back fairly easily.

With these extra forces available, an entire American army corps was assigned to the northern part of the central front. Most of the corps is dual-based—only one of its brigades is actually in place—but if it can be got back in time, it would beef up the North Army Group substantially.

On the other side of the equation, Canada, which at one time had a significant army and air force on the central front, gradually withdrew most of its forces. But the biggest blow to the alliance came in 1966-67, when France not only withdrew its forces from the NATO command structure, but also threw all other NATO forces out of France.

Although successive French governments have insisted that France would fulfill its commitments under the NATO treaty (which means it would fight if West Germany were invaded, for the treaty states that an attack on one country is an attack on all), they also add that French forces would remain under national control even in wartime. So NATO commanders have been unwilling to frame their plans to include French forces. (However, a number of secret agreements have been made outlining specific methods of wartime co-operation.) And, although French army and air units conduct frequent exercises with regular NATO forces, using NATO tactical instructions and communication arrangements, French units today are not as well attuned to NATO ideas and doctrine as the others on the central front and not as well prepared to operate with other NATO forces.

Losing access to French territory, however, may have been even more troublesome to the alliance than the "loss" of French forces. Before 1966, the principal NATO lines of logistic support ran from the French Atlantic ports, mainly La Rochelle and St. Nazaire, across France to the central front. Now they run from Antwerp, Rotterdam and even Bremerhaven, all dangerously close to the West German frontier and all involving a few days' extra steaming in dangerous waters for ships coming from North America.

Besides being deprived of the French lines of communication, NATO also lost access to French airfields, which some observers believe was the most damaging blow of all.

It cannot be said too often to NATO's politicians, soldiers, sailors, airmen and voters that deterrence must not fail, and that if they screw their courage to the sticking place it will not fail. But courage means more than the will to face the enemy with conventional forces. It also means the political will to deploy and preserve ground and air forces strong enough to stabilize the front in three or four days. Further, it means the courage to keep nuclear weapons at the ready: tightly controlled but available for use.

The ground-force and air-defense nuclear weapons are all American except for the warheads on the French Pluton missiles. All the main armies on the central front except the French use the same 155mm and 203mm artillery, and nuclear shells for them are stocked in all corps areas, in American custody. The storage of these shells presents a special problem: they must be close enough to the front, so that the weapons will be available quickly if they are released to stop a disastrous breakthrough, but not so close that they might be overrun, and this part of the deterrent lost, in the first few hours of a war.

The Lance missile batteries—operated by the United States, Germany, Britain, Belgium and Holland—would bring all these nuclear warheads, in the custody of American minders, along when they took to the field in wartime. These units pride themselves on their ability to hide from enemy reconnaissance forces, so that their security problem is slightly less severe than that of the artillery ammunition.

The value of the battlefield nuclear weapons lies mainly in their ability to obliterate substantial concentrations of troops, even heavily armored ones, with a single shot. Even if these weapons are never used, their presence makes heavy concentrations of ground forces inviting targets. So the Warsaw pact generals have to plan to concentrate their forces at short notice, one of the most difficult maneuvers of all. Although the Warsaw pact need have little fear that its first attacking concentrations would be struck by nuclear artillery, there is little doubt that, if a breakthrough occurred, NATO commanders would be asking for authority to start the first nuclear war.

Although they are inferior in many ways to the Warsaw pact forces they face, the NATO conventional forces on the central front have a number of advantages. Their main strengths are that their troops are better trained, their equipment is generally of a higher quality and they have a stronger logistic support and back-up structure. Man-for-man, they would be expected to fight longer and more efficiently.

Being on the defensive itself has some advantages. Military analysts generally concede that an attacker needs a substantial superiority to break through. Oceans of ink have been devoted to the precise ratio that an attacker must have: three-to-one is the widely accepted one. Clearly the Warsaw pact does not have that sort of numerical advantage. It could muster such a superiority, or a greater one, in a small area where it meant to attack, but only by making widespread troop movements, and that would provide NATO that thing it needs above all others: warning time.

There are two reasons why warning time is so important to the central front. First, many of the troops and aircraft the NATO commanders count on are not at hand. They must be brought across the water from the United States and Britain, and this takes time. Second, most of the troops that are on the continent are stationed some miles away from their planned forward defensive positions. Thus it is essential to get moving early.

Solid clues that movements by the Warsaw pact forces are a prelude to invasion would almost certainly come in good time. The great fear, shared by NATO generals of all nationalities, is that the political leaders would waste time fretting about appearing provocative and withhold authority to make some essential movements until it is too late.

Many of NATO's frontline forces are a long way from their defensive positions. The Dutch and the Belgians have the farthest to go and the worst problems. The Dutch have more troops to move, but the Belgians have to go through mountainous and forested terrain which could take a lot of time if they came under air attack in bad weather. Two British divisions are mixed up with the Seventh German one; a certain amount of crossing over will have to take place, and this could be messy, particularly if there were large numbers of German refugees on the roads. Farther to the south, the greater part of one American division would have to cross the Rhine, which could be troublesome if the Russians destroyed bridges. Many NATO commanders consider this tactical maldeployment to be a greater problem that the strategic one of having the heavy American corps in the South and the smaller British corps in the north.

If the Warsaw pact decided to invade Western Europe from a "standing start", perhaps with the first movements of its armies and air forces disguised as an exercise, both sides would be obliged to start fighting with the forces that are now in place—before reinforcements could arrive from Britain and the United States, and maybe before the Belgians and the Dutch could get their armies moved into place. Such a short-notice attack is probably the most dangerous possibility for NATO.

Its commanders might have as little as 48 hours' notice. In this time they could do little more than put the alert system into high gear to get their reinforcements on the way, begin moving the troops in Germany forward toward their defensive positions and put the aircraft on full alert, including keeping some fighters in the air at all times. It would probably take at least three days to get all the front-line defensive forces properly in place. This is why it is vitally important not to delay the political authorization to start moving troops and equipment.

In such an immediate assault, the NATO forces would be outnumbered, but not overwhelmingly so. And they would be fighting a defensive battle on terrain they are familiar with and within a population that is friendly, a factor that is too often discounted.

The main battles, when they came, would be armored clashes, pitting biggish tank units against each other, with both sides' formations being supported by infantry (mostly carried in armored personnel carriers mounting fairly heavy weapons) and self-propelled artillery. Both sides would make maximum use of helicopters, both those mounting anti-tank weapons and the troop-carrying sort, that could insert light infantry units, armed with anti-tank missiles, into key spots on short notice.

Although NATO is likely to be outnumbered in all these vital ingredients, it will have two advantages. The first is mobility. The Warsaw pact forces can pick the time and place to invade, but NATO's heavy forces are highly mobile and with luck can arrange to fight their main battles from good firing positions on the terrain and maybe even at the time of their own choosing. Because of their superiority in night-vision devices and the specialized training required to use them properly, this would probably be at night.

The second principal advantage NATO has is that its tanks are streets ahead of those of the Warsaw pact. The German Leopard-2 (which is also operated by the Dutch) is probably the best of the lot. It has the best gun-aiming system in the world, a hard-hitting 120mm gun and a huge speed advantage over any tank the Warsaw pact has. The American Abrams, powered by a gas turbine, is even faster. Britain's Challenger is slightly less modern than these two in some important respects, but it also carries a 120mm gun and is about as fast as the Leopard-2.

In the air-versus-tank battle, NATO is less well off (although superior armour would protect the main tanks from most helicopter-fired missiles). Warsaw pact forces are well protected by ZSU-23 rapid-firing anti-aircraft cannon mounted on tracked vehicles, plus a whole array of anti-aircraft missiles, ranging from biggish mobile ones to the small, hand-held SAM-7s. NATO's helicopters and close-support aircraft, such as the British Harrier and the American A-10, would have a hot time attacking enemy armored units.

On the NATO side, all armies have hand-held missiles, but only West Germany has a modern, balanced anti-aircraft system.

The Warsaw pact forces might employ chemical weapons to secure a quick breakthrough. The Soviet leaders are clearly worried about the implications of using nuclear weapons, but seem to believe poisonous chemicals are legitimate, despite the fact that their country has signed a convention promising never to use them first.

Generally speaking, NATO forces are well provided with protective clothing, and would probably come through any gas attacks in fighting shape. But they would take casualties, and their efficiency would suffer from having to fight in cumbersome and restrictive clothing. The Warsaw pact forces would be wearing it too, at least at the outset, as a precaution against their own chemicals and in anticipation of a chemical counter-attack.

They would actually get the worse of the restrictive-clothing trade-off, because their protective suits are made of impermeable material, so that they are much hotter and more debilitating than NATO's.

Because their protective clothing is so troublesome, the Warsaw pack soldier could not be expected to keep wearing it for long unless forced to do so. It would therefore be important for NATO be able to launch (or threaten to launch) its own chemical attacks as soon as possible, in order to keep them buttoned up. The Americans have chemical weapons stored in West Germany, but there is every indication that it would be difficult to get political authority to use them. However, time would be essential: a few days—or even hours—in which NATO troops were under gas attack but the enemy forces were not could make all the difference to the way the battle went.

It is possible that within a few days a determined assault would see Russian, East German and, maybe, Polish and Czech forces deep into West Germany. Close on their heels would be follow-on units to try to turn the battle even more their way. The fight could well be decided by which side could get extra troops into action faster.

On the NATO side there are precious few mobile reserves ready for battle. The Central Army Group in the south is slightly better placed than the northern one. The mingy Canadian contribution to the central front land forces—a single 4,000-man mechanized brigade of three battalions tucked into the south-west corner of Germany—is a long way from the front. However, it is highly mobile and might well be of some value in plugging a gap.

But the main hope of the Central Army Group, if a breakthrough occurred in the first two or three days of fighting, would be that the French army would join in. Although even in war the French forces would remain under national control, there is every reason to believe that they would fight alongside those of the other NATO allies.

Assuming the French do come, the battle could be stabilized on the second or third day.

Stabilizing the front as early as possible is what NATO's defensive plans are aimed at—not least, of course, because West Germany insists on it.

Beyond the first few days of fighting, everything would turn on reinforcements. In general, NATO can probably reinforce faster than the Warsaw pact in the first four-five days; up to about 10-14 days the Warsaw pact would start to catch up, mainly by drawing on the Polish army and the Russian army in the western districts of the Soviet Union. If both sides suffered the same numbers of casualties, NATO would become increasingly outnumbered between 30 and 90 days, when all its regular and reserve units would have been brought forward to the central front but before its new conscripts could begin to arrive. However, even during this dark period, NATO would still not be grossly deficient in combat power.

One of the most sophisticated studies of the central-front balance, conducted by Mr. William Mako for the Brookings Institution, attempts to resolve the wide and complex differences of manpower and firepower among the many units that would be engaged by reducing them mathematically to the common denominator of "armored-division equivalents" (ADEs). His figures show that on day five NATO would be outnumbered only by about 1.1 to 1 ADEs 1.2 to 1 by day 14 and no more than 1.9 to 1 at any time in the first 90 days. And these figures assume proportionate losses for the two sides. But if NATO could hold the front, it would almost certainly inflict much higher casualties on the Warsaw pact armies than its own forces would suffer.

However well the NATO troops might fight, they cannot do so without the "beans, bullets and black oil". In NATO, logistics is entirely a national responsibility, and for years the alliance as a whole did not care much about the matter.

Oil is the least of the problems. In one of its wiser decisions, NATO set up a pipeline system of its own—much of it through France—years ago, and it still operates effectively. But by the late 1970s a lot of the bean and bullet storerooms were half-empty, and many of them were a long way behind the forward defence zone. Individual countries began pumping millions into getting the logistics train up to the same standard that the front-line forces were. The millions have done wonders, but the problem has not entirely gone away. Nor is it ever likely to.

New technology is the main culprit. The NATO goal is 30 days' worth of everything. The spending effort has helped with many low-technology weapons that have been around a long time. The worst shortages today are in guided missiles, particularly the air-to-air ones; even the cheap models cost many thousands of dollars a shot.

But sustaining a big conventional force in a big way may be an even greater problem for the Warsaw pact than for NATO. Its combat forces are not organized for long-term combat as NATO units are. Its doctrine calls for a quick victory: each division would fight until it was exhausted—perhaps as little as 48 hours—and then, in the earthy words of one American general: "They'll drag it in the weeds and bring on another."

If there were no lightning victory, if the battle ground to a halt as NATO would try to make it do, the Russians would have to start providing sustaining support—ammunition, food, spare parts, replacement equipment, repair service and so on—most of it directly from the Soviet Union. Such support would have to start coming early, because the Warsaw pact divisions have so little back-up of their own. But even when it came it would be troublesome, because they are not well organized, trained or equipped to keep it flowing to small units in the field.

To those accustomed to thinking of European wars as having neat front lines, a fight on the central front today would have many unpleasant surprises: The Russians could conduct attacks on NATO's rear areas on an unprecedented scale. The helicopter has made such attacks possible. A second reason that the Soviet Union is expected to attack the rear areas is that NATO's deployment makes it particularly vulnerable there. The forward defence strategy not only requires a hard crust well up front, but also means that most of the combat forces would be moving forward in the first few hours after a surprise attack.

Defending the central front on the ground also means, of course, defending it in the air, and at the moment that would mean attacking Warsaw pact territory. NATO's airmen have always planned to blast targets deep in Eastern Europe within a few hours of an attack. Their prescription is to bomb the many enemy airfields at the outset of the war, and this mission is now well established as their first priority. For this purpose NATO countries have developed both specialized aircraft, such as the British-German-Italian Tornado, and purpose-built runaway-busting bombs.

Besides attacking enemy targets in Eastern Europe, and providing close-in attacks to support the ground troops directly, NATO's air forces must defend both those troops and the NATO countries themselves against attacks by Warsaw pact air forces.

The NATO fighter force is of extremely high quality, but it is much too small for its job. One wing (around 72) of American F-15s is based at Bitburg in West Germany and a squadron (about 24) at Soesterberg in Holland. The F-15 is probably the best all-around fighter on the central front. The F-16s, which function interchangeably as attack bombers, are at least as good at dogfighting, using guns and heat-seeking Sidewinder missiles, but cannot fire radar-guided missiles as effectively. The United States, Belgium and Holland all operate the F-16.

A fairly cheap way for NATO to get more mileage out of the aircraft it does have would be to buy a fleet of around two dozen air-refueling tankers. For example, when a fighter is scrambled on a combat air patrol, it will return in about an hour, often without having fired its weapons. If it had a tanker standing by, it could stay on station for several hours or until it had fired its missiles. Not only would this procedure get more potential fighting time from the fighters, but it would keep them off the ground where they are liabilities: juicy targets for both air and ground attacks.

A tanker force would thus allow commanders to use better tactics. Instead of keeping the fighters on the ground until enemy raids began to show up on the radar screens, they could be flown off early and "parked" in the sky where they could react more quickly.

The fleet of NATO AWACS aircraft has worked well; it was bought from a central fund to which all members contributed on a sliding scale, and it is operated by mixed crews drawn from almost all member countries. A tanker fleet could easily be procured under a similar arrangement, perhaps for the central front alone. It would increase the potency of its air forces there by much more than if the same money were spent on extra combat aeroplanes.

In raw numbers NATO has fewer combat aircraft actually stationed on the central front than the Warsaw pact has. However, the differences are partly compensated for by the superior training of NATO's aircrews and ground crews. The pilots of NATO's dual-role aircraft train extensively at both ground attack and air defence. Warsaw-pact pilots do not. And because its ground crews are better, even without tankers NATO can get significantly more missions per machine than the Warsaw pact can.

Although NATO will probably continue to be outnumbered in the air on the central front in the near future, the total number of Warsaw pact tactical combat aircraft has been falling in recent years, and the United States is planning a slight increase. But the Warsaw pact has been catching up rapidly in the quality of its aircraft. Today's front-line Soviet aircraft have roughly three times the range and can carry twice the payload of the ones flying ten years ago. Many authorities consider that the new MIG-29 and SU-27 (code-named Fulcrum and Flanker, respectively, by NATO) are the equal of the newest generation of NATO fighters.

As with the ground forces, both the United States and the Soviet Union have aircraft they could use for rapid reinforcements. The United States regularly exercises its reinforcement operations by deploying squadrons from American bases to West German ones—they fly all the way, being refuelled in flight.

The United States has plans to send about 1,600 aircraft, mostly fighters, to Western Europe within the first few weeks of war: all of these could be used on the central front if required. Beyond that the American air force has another 1,500 or so aircraft that it could send, although it would have to reduce its forces in the Pacific to do so. The American marines have another 500.

The Soviet Union has about 2,100 more combat aircraft available, not counting those it has deployed to its southern military districts and to the Far East. Besides these machines, it has nearly 1,000 interceptors assigned to the Air Defense Force (a separate service in the Soviet Union) that are not committed to the Warsaw pact forces. Most of these would be retained for air defense of the homeland, but some might well be sent to the central front to operate as air-defence fighters.

There is little doubt that the central front could be held against the first echelon of a conventional attack by the Warsaw pact powers. But then the question marks begin to appear. Would the French lend their weight in time? Would the congestion caused by West German mobilization and the massive American and British reinforcements become unmanageable? Could the attacks on the rear areas be contained? Would the allied air force be able to give direct support to the ground battle or would it break its back pressing home attacks deep into Eastern Europe? Would the air defenses stand up to the pounding they would be sure to receive?

There are no certain answers to any of these questions. But it is clear that if many of them go the wrong way, the alliance would be facing a catastrophe and therefore the most difficult decision of all: whether or not to release nuclear weapons. The wags who describe NATO's strategy as "fight for three days and then blow up the world" are off track, but not so far off that anyone can feel comfortable about it.

It is clear that NATO's forces on the Central front are very close to being strong enough to hold that front with conventional weapons. All it would take would be a workable FOFA system, a bit more artillery here, a few more aircraft there and a few more men, tanks and command-and-control equipment almost everywhere. Why do the NATO countries take such a risk when a little more money would make a nuclear war that much less likely?

The essential answer is, first, all countries of NATO Europe find it hard either to raise taxes or to cut into their social programmes by enough to buy the extra "insurance"; and, second, there is a feeling among many Europeans that they do not want to be able to fight a long conventional war on their soil, successful or no. They believe their security lies in a conventional force that is strong enough to last for a few days, but weak enough to indicate clearly to the Soviet Union and it allies that any attack on the West would soon encounter the nuclear might of the United States.

NATO's armies and air forces would have some chance of defeating a sudden, surprise attack completely and could almost certainly last for more than a few days against an attack by partially mobilized forces (which would give NATO more warning time). The chances of holding indefinitely without using nuclear weapons are impossible to calculate, but it is a fair guess that if the NATO's conventional forces could hold out for two weeks they could hold out for ever.

GENERAL NORIEGA OF PANAMA LIKELY TO BE INDICTED

Mr. HELMS. Mr. President, in all likelihood, the Department of Justice will shortly make public the Federal indictment of Gen. Manuel Antonio Noriega, the de facto head of Panama, and his coconspirators.

The litany of Noriega's sordid activities is beyond belief—but there is scant doubt about their accuracy. These include international drug trafficking, arms trafficking to Communist guerrillas, murder, illegal sales of computer technology to Cuba, illegal sales of visas to Cubans, unprecedented corruption, and the transfer of sensitive CIA intelligence to the Communists in Cuba and El Salvador. And there are other matters.

Mr. President, for a decade I have tried to warn the American people about Noriega's activities. In April 1978, I spoke in this Chamber about the involvement of high-ranking officials of the Panama defense forces in drug trafficking. Noriega, now at the helm of the defense forces, blatantly uses those forces to control the government. Needless to say, the people of Panama want this dictator out. They want their country back.

Noriega has developed a complex network of civilians and military men to handle his illicit operations. Many of these persons have been mentioned in recent press reports. The men who make up the civilian group are Enrique Pretelt, George Novey III, Carlos Whitgreen, Jorge Krupnik, Floyd Carlton—awaiting trial, and Cesar Rodriguez—murdered in Colombia last year.

Mr. President, at least eight key men form the group of military men who handle these operations for Noriega. They are: Maj. Nivaldo Madrinan, Maj. Luis Cordova, Maj. Luis del Cid, Maj. Cleto Hernandez, Maj. Jaime Benitez, Maj. Rafael Cedeno, Maj. Hilario Trujillo, and Capt. Luis Quiel. All of these worked for Noriega when he was in charge of military intelligence.

Furthermore, according to former Noriega associates, there is a group of Air Force officers who conduct drug smuggling operations for Noriega. They are: Col. Alberto Purcell, Col. Lorenzo Purcell, Maj. Alberto Fundora, and Col. Marcos Justines.

General Noriega was chief of Panamanian intelligence (G-2) from 1971 to 1983. Since 1983 he has been the commander in chief of the Panama defense forces. In the last 5 years he has converted Panama into a criminal's paradise.

He has seized control of every important Panamanian institution—which allows him to carry out with ease his drug smuggling and money laundering activities. The directors of the following departments report directly to Noriega: National Bank of Panama, Immigration, Customs, Civil Aeronautics, Treasury, Comptroller, Attorney General, and the President of the Supreme Court.

For several years I have been probing the situation in Panama and the gangster activities of Noriega and his associates. First, as chairman of the Western Hemisphere Subcommittee and now as ranking minority member of the Foreign Relations Committee, I have conducted hearings, taken depositions, and held personal interviews with scores of Panamanians, and directed staff to make thorough investigations. What has been discovered is that Panama is today a haven for drug traffickers, terrorists, and Mafia hit men.

Mr. President, it has become clear that Noriega is not involved solely in the exportation of drugs to the United States. He has been involved in the supply of arms to the Communist M-19 guerrillas of Colombia, which has enabled the guerrillas to kill the Minister of Justice, and half of the Supreme Court. Noriega then gave these terrorists protection in Panama.

Noriega has also been sending weapons to the Marxist-Leninist FMLN guerrillas of El Salvador. This connection first became public in 1980 when a Panama defense force plane crashed in El Salvador while delivering weapons to the Communist guerrillas. According to credible sources, these arms transfers to the Salvadoran guerrillas were continuing as recently as late 1987.

Mr. President, not only was Noriega arranging for arms shipments to the FMLN guerrillas, he was also known to be holding meetings with the most important leaders of these guerrillas. They have sought safe haven in Panama many times, and their leader, Guillermo Ungo, now lives there.

It is abundantly clear that Noriega has been providing protection for drug traffickers, money launderers, and terrorists for many years. These gangsters are free to roam the streets of Panama without any fear of being arrested. Some of Noriega's former associates have been convicted in the United States, or otherwise cooperated with the Senate. They have testified to us that they were routinely met at the airport by chauffeur-driven limousines and bodyguards while on Noriega's drug business. They have testified that Noriega often places his personal aircraft at their service.

Recently there have been interesting revelations regarding Noriega's relationship to the Communist Sandinistas in Nicaragua. I have been able to confirm these facts independently. A Cuban and a Nicaraguan defector have stated that Noriega was sending arms to the Salvadoran terrorists through the Communist Government in Nicaragua.

So, Mr. President, finally the truth is coming out about the matters that some of us have known for years—Noriega's strong ties to known Communists and terrorists such as Cuba, the Soviet Union, Nicaragua, the PLO, and Libya. Fidel Castro has been one of Noriega's most trusted friends for many years. Senate investigators have been told by former Noriega employees of regular meetings between the two of them to discuss Central American strategy. We have also read in the media about Castro acting as an intermediary between Noriega and his friends in the Colombian drug cartel.

Noriega's ties with the Soviet Union are also emerging. In fact, the KGB has one of its most important agents operating in Panama. Furthermore, Noriega is currently working with the Soviets to allow them the use of airport facilities and the port terminals at the canal entrance. We have learned from our investigations that the Soviet Union will pay Noriega a 15-percent commission on the profits from these operations.

These same knowledgeable sources have disclosed that the Soviets plan to install a shipyard for the construction of gunboats and patrol boats in Panama. Such a project is intended to strengthen the ties between Panama and the Soviet Union.

The recent Sandinista defector, Maj. Roger Miranda, has publicly discussed Noriega's intimate ties to the Communist Government in Nicaragua. Miranda said that the Sandinista liaison with Noriega was Ricardo Wheelock. Major Miranda also confirmed that General Noriega sent weapons to the Communists in El Salvador through the Sandinistas.

Not only has Noriega made deals with Communists, but with terrorists as well. We have evidence that at the end of last year, Noriega sent a delegation to Libya to meet with Qadhafi and ask for support when the U.S. Congress was in the process of cutting off aid to Panama. We have been informed that Qadhafi promised Noriega $150 million.

Mr. President, at this point in history I do not believe that anyone doubts that Noriega is brutal, crafty, double-dealing, and a threat to hemispheric security. Noriega and his gang have taken Panama away from the people of Panama.

There are some in the United States including the U.S. Government who have supported Noriega for too long. We must pray that it is not too late to restore freedom to the Panamanian people. The United States appears now to be speaking with one voice, and it is crucial that we proceed to do whatever may be necessary to return Panama to the people of Panama.

CALIFORNIA DESERT PROTECTION ACT, S. 7, WILL PROTECT THE DESERT TORTOISE

Mr. CRANSTON. Mr. President, the alarming decline of the desert tortoise, California's State reptile, is a clear sign of the present failure to protect the fragile resources of the California desert and the need to do something about it now.

According to scientists, the loss of the tortoise could seriously affect the general desert environment—tortoises provide food for other desert species while tortoise burrows serve for nesting and shelter.

As brought out by a Los Angeles Times editorial this week, the desert tortoise problem is a dramatic example of the need to protect the California desert through the designation of national parks and wilderness areas as proposed in S. 7, the California Desert Protection Act. This legislation would increase desert protection and preserve delicate desert areas from misuse and development for future generations to study and enjoy.

As the sponsor of this bill, I want to share with my colleagues the LA Times editorial. I ask unanimous consent that the editorial "The Tortured Tortoise" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 1, 1988]

THE TORTURED TORTOISE

The desert tortoise may not be one of the more glamorous or romantic of nature's creatures, but it is an important inhabitant of the vast arid regions of the Southwest. The tortoise is the California state reptile, is designated by the state as a protected species and is proposed for the national list of threatened or endangered species.

None of these protective devices have offered much protection for the tortoise, however. The tortoise population is declining in the California desert in alarming numbers, as staff writer Larry Stammer reported in last Tuesday's editions of The Times. The decimation is particular distressing in portions of the Desert Tortoise Natural Area established in 1980. "We're losing the species in the wild. In the Southwest the tortoise is in trouble," said Glenn Stewart, a zoology professor at Cal Poly Pomona who is the chairman of the Desert Turtle Council.

Some help is on the way. The Desert Tortoise Preserve Committee has initiated a campaign to raise $2.5 million to acquire 9.5 square miles of privately owned property within the natural area. The Federal Bureau of Land Management, which now administers much of the California desert region, has budgeted another $500,000. The California Department of Fish and Game also has joined in the land-acquisition campaign.

None of these actions are likely to stop the senseless decimation of the tortoise population, which has plummeted 90% in the last 50 years and has declined as much as 50% in the past decade. Many of the tortoises have been shot. Others are taken by poachers or run over by off-road vehilces. In some areas the tortoise population is suffering because livestock compete for the grass on which tortoises subsist. The tortoise is doing best in remote wild areas untouched by human visitors and development.

The loss of the tortoise can have a widespread effect on the general desert environment, scientists say. The tortoises provide food for the desert kit fox, coyote, bobcat, golden eagle and raven. Snakes, lizards and rodents use tortoise burrows for shelter. The burrowing owl uses the holes for nesting. Kristin H. Berry, a wildlife biologist for the Bureau of Land Management, said, "If we take care of the desert lands to keep the tortoise alive, we'll be taking care of most other species."

The plight of the tortoise is an indication of what can happen to the entire desert unless it is offered greater protection and unless the public uses it with more respect and care. The U.S. Fish and Wildlife Service should accelerate efforts to place the tortoise on the list of threatened or endangered species. And the tortoise problem should add impetus to the desert parks and wilderness bill of Sen. Alan Cranston (D-Calif.).

The need for wilderness is not just to preserve an area for the fun of a few elitist backpackers, as critics often claim, but to save fragile and delicate regions in their natural state from overuse and development for future generations to appreciate and study. The decline of the desert tortoise is a dramatic example of this need in the California desert now.

UNITED STATES-JAPAN NUCLEAR COOPERATION AGREEMENT

Mr. PELL. Mr. President, in testimony before the Senate Foreign Relations Committee February 2, 1988, former Secretary of Defense James Schlesinger made mention of the fact that the half-life of plutonium is 23,000 years. That is longer than the recorded history of mankind, and it is for this reason I am so very concerned about the proposed United States-Japan Nuclear Cooperation Agreement.

The agreement would provide programmatic approval for Japanese processing, transfer, and use of United States controlled plutonium for a 30-year term. During this period shipments of plutonium from reprocessing plants in Europe to Japan could involve as many as two to three flights per month. Each flight could carry as much as 300 pounds of plutonium, one of the most toxic elements known to man.

Last month the President forwarded a report, National Security of the

United States, which listed nuclear proliferation and international terrorism as principal threats to U.S. interests. The risks of proliferation and terrorism posed by this agreement are substantial, encompassing nuclear powerplants not yet built or designed, routes and shipments not yet specified, and plutonium casks not yet designed. To amplify these and other concerns of the Foreign Relations Committee, I ask that the testimony of Senator JOHN GLENN, who appeared before the committee December 15, 1987, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GLENN ON JAPAN NUCLEAR AGREEMENT

Before I begin my brief remarks, I would like to thank the committee for inviting me to discuss the proposed revision of our agreement for nuclear cooperation with Japan. I congratulate the committee for its decision to hold this hearing, and for its appreciation of the profound implications that this agreement—in its current form—will have for America's ability to regulate international traffic in the kind of nuclear materials that devastated Hiroshima and Nagasaki in 1945.

Mr. Chairman. I do not mean to suggest I am in any way suspect of Japan's intentions in signing this agreement. Japan is party to the Nonproliferation Treaty, a charter member of the nuclear suppliers group, and has accepted IAEA safeguards over all its nuclear facilities. Indeed, it is Japan's impeccable nonproliferation credentials that have allowed the administration to submit an agreement that would not even be considered in other cases. Nonetheless, I am deeply concerned about the risks raised by this agreement and the precedent it sets for future nuclear cooperation.

The problem we are facing today is not a new one. A few months after the sudden end of World War II, Secretary of State Acheson summoned a group of experts to review possible measures to control these materials. The resulting Acheson-Lilienthal report reached the following finding about prospects for international control over plutonium: ". . . Assume an international agreement barring the use of plutonium in a bomb, but permitting use of the pile for heat or power. No system of inspection, we have concluded, could afford any reasonable security against the diversion of such materials to the purposes of war."

Forty years after these words were written, Assistant Secretary of Defense Richard Perle—then the top spokesman of the Reagan administration on strategic arms control issues—told a European Arms Control Conference: "There is no place for the spread of plutonium around the world in any sensible policy aimed at restricting the proliferation of nuclear weapons and I think that traffic in plutonium ought to be halted and halted absolutely."

Mr. Chairman, these quotes reflect some refreshing continuity in US foreign policy. Indeed, throughout the entire postwar period there has been substantial agreement between Presidents and Congresses, Republicans and Democrats, and House and Senate that international trafficking in bomb-grade nuclear materials would be contrary to U.S. and international Security Interests.

The agreement now before this committee represents a radical departure from this stable and sensible tradition. By loosening U.S. control for 30 years over international commerce in plutonium, the agreement would condone the widespread use of this deadly material. The risks of nuclear proliferation, nuclear terrorism and environmental destruction that would result from this agreement require that Congress undertake a thorough and sober examination of its terms.

I hope that during the committee's review of this agreement, the focus will be less on narrow bilateral issues and more on the implications of the agreement for our ability to sustain this continuity of policy. To put it bluntly, Mr. Chairman, we must not let our passion to become a reliable supplier of nuclear materials overcome our duty to remain a responsible supplier of such materials. In the dangerous nuclear territory now before us, if conflicts arise between commercial expediency and the integrity of our national and international controls, our commercial goals must yield.

President Ford addressed this very issue back in 1976: "We must be sure that all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made."

Yet there is evidence throughout this agreement of a reversal of these priorities. Let me cite just two examples:

The agreement would subject future Japanese plutonium facilities to safeguards concepts that are only in the early stages of development. If difficulties arise in applying these concepts at a particular site, "The parties shall make every effort to ensure that this does not delay the operation of the facility." I am not being satirical here, these are actual words from the text of the implementing agreement.

Even in the event that the U.S. was faced with suspending the agreement due to a material violation of these admittedly imperfect safeguards, the agreement would require the U.S. to "carefully consider the economic effects of this suspension and . . . seek to the maximum extent possible to avoid the disruption of international nuclear trade and fuel cycle operations." Again, I am quoting directly from the agreement.

As I read these excerpts, I am struck by how far this agreement would stray from past policy and set a dangerous precedent for other nations. If the agreement is allowed to stand, Congress may soon be hearing requests to relinquish U.S. rights over plutonium produced from U.S.-origin materials in other countries with advanced nuclear programs. Where are we to draw the line?

The Reagan administration has worked quite hard to revise our entire historical approach to the regulation of bomb-grade nuclear materials in international commerce. Under a novel legalism called "advance programmatic prior consent", a concept that I have not been able to find anywhere in our laws, the administration would relinquish case-by-case physical security reviews over what other countries do with the nuclear materials that we export.

As a result of this policy, the quantity of US-origin plutonium that would appear in international commerce would no longer be measured in pounds or kilograms, but in ton quantities that would by comparison rival our current nuclear stockpile.

I have often heard the administration argue that the U.S. no longer has a monopoly in the world's nuclear business, and that we must yield to the civilian use of plutonium or be excluded from international nuclear developments. Yet according to the data I have seen in the case of Japan, the United States exercises case-by-case prior consent rights over more than 80 percent of Japan's nuclear materials. Yes, that is not a US monopoly. But it is still a rather significant margin of influence that the draft agreement would relinquish.

Given the growing capabilities of other nations to produce and export weapon-usable material, we should be encouraging these nations to follow our example of responsible, case-by-case reviews of nuclear material exports, rather than leading them to adopt their own versions of these so-called "programmatic prior consents."

The agreement that is before this committee is perhaps the most significant nuclear cooperation agreement in history. But its significance stems less from the benefits it will produce for nuclear nonproliferation—indeed, the administration has evidently failed to elicit a Japanese commitment to require full scope safeguards over its own nuclear exports. Its significance lies more in the procedures it creates for accelerating and legitimizing widespread commercial uses of plutonium before international society has devised the means to protect humans and the environment from its hazardous consequences.

Mr. Chairman, I have many concerns about this agreement.

I am concerned about the fact that the administration can say that it is fully confident about the ability of the IAEA to safeguard large reprocessing and plutonium storage facilities, when in fact such safeguards are only in the research and development stage. Evidently, my concerns are shared elsewhere in our government.

The Nuclear Regulatory Commission has expressed strong opposition to this agreement. The Commission's technical experts concluded that Japan could be expected to lose track of hundreds of kilograms of weapon-usable material at each of the large plutonium facilities it plans to build. Using the IAEA's number of 8 kilograms per bomb, one can easily see that this represents enough nuclear material to create dozens if not hundreds of nuclear weapons. On what basis can our "timely warning" criterion be maintained in such an environment?

The Department of Defense has also opposed this agreement. In its recent report on the inadequacies of existing standards for the physical protection of plutonium, defense concluded that "opportunities for terrorist acts, including attempts to steal civil plutonium, will increase substantially as a result of the increased commercial use of plutonium."

In hearings before my committee last March on "nuclear non-proliferation and U.S. national security", Assistant Secretary Perle discussed his Department's frustrations in dealing with officials in other agencies who apparently regarded these national security concerns as rocking the boat. When I asked Mr. Perle about DOD's involvement in the negotiating process that led to this agreement, his response was "We crashed the party, Senator, on a number of occasions . . . we invited ourselves to meetings . . . we made a general nuisance of ourselves." He added: "I am afraid that much of the negotiation between the U.S. and Japan had taken place without being reported to us."

I would like to submit for the committee's review the full text of Mr. Perle's remarks, along with some recent press reports about the serious interagency disagreements about the wisdom of this draft agreement.

Mr. Chairman, it would be grossly irresponsible for Congress to approve this agreement without a close examination of the precise reasons why NRC and DOD opposed this agreement on national security grounds. I have written to both agencies to request full documentation of their views on why they opposed this agreement, and I would strongly urge your committee to require both NRC and DOD to fulfill their responsibilities under section 123 of the Atomic Energy Act to "promptly furnish" your committee with these views.

I am concerned that the administration estimates that over the course of this agreement air shipments of ton quantities of plutonium will pass through U.S. and Canadian airspace, despite the fact that large plutonium transport casks are also only in the early stages of research and development. I have been pleased to join Senator MURKOWSKI in requiring that, before any such shipments may occur, these casks be certified as capable to withstand actual crash and drop tests, under worst-case circumstances.

I am concerned about the administration's claim to clairvoyance in being able to estimate future threats of terrorism and sabotage at large plutonium facilities, some of which have not yet even been built. How can one reasonably estimate the capabilities and intentions of terrorist groups that may exist in Japan in the year 2017, when we know so little about today's terrorist groups in Japan? In reviewing the materials that the administration has presented Congress, I have found no in-depth analysis of the precise physical security threats that would exist, especially for these future facilities.

I am concerned about the way this agreement was negotiated, with Congress, the NRC and the Defense Department being kept in the dark until the time for approval had arisen. And if the agreement's so-called "programmatic prior consent" language comes into force, there would be a crippling of the congressional oversight mechanism for scrutinizing such future uses of our sensitive nuclear materials.

I am concerned that the administration's desire to accommodate Japan's long-term energy planning has led it to reinterpret our basic atomic energy laws—such as the concepts of "prior consent" and "timely warning"—rather than to pursue the more reasonable course of addressing Japan's concerns by facilitating the timely processing of Japan's subsequent arrangement requests. During Senate floor discussions prior to enactment of the Nuclear Non-Proliferation Act [NNPA], Senators MCCLURE, PERCY, and myself all agreed that case-by-case approvals of subsequent arrangements should continue on a highly expedited basis as a way of addressing such concerns.

To clarify the meaning of "timely warning" as intended by the authors of the NNPA, I would like to submit a detailed analysis of that concept for the record.

Mr. Chairman, Japan has often expressed its desire to use plutonium as a fuel for its commercial breeder reactor program. I have noticed that Japan has just announced new energy plans indicating that it does not expect to have such a reactor in commercial operation until as late as the year 2030. Given the extremely-long-term nature of Japan's commitment to such a program, I think that it would be reasonable for the U.S.—in accordance with our antiterrorism and atomic energy laws—to seek to encourage other nations to defer the production of large stockpiles of separated plutonium for programs that may not come into existence for generations.

President Ford put it well in his 1976 statement: ". . . we must develop means to establish international restraints over the accumulation of plutonium itself, whether in separated form or in unprocessed spent fuel. The accumulation of plutonium under national control, especially in separated form, is a primary proliferation risk."

The present draft agreement, Mr. Chairman, does not negate the hard fact that nationally controlled stockpiles of plutonium and highly enriched uranium are primary proliferation risks. And this is certainly true here in the United States, as well as abroad among our friendliest of allies. We should at the very least maintain our ability—indeed our responsibility—to perform case-by-case reviews of the specific physical security measures taken by foreign governments to handle US-origin sensitive nuclear materials. There is no reason why such reviews cannot coexist with long-range energy plans of those governments.

When we wrote the NNPA back in 1978, every effort was made to accommodate the needs of foreign energy planners while protecting U.S. security and environmental concerns. Yet from what I have seen, this agreement achieves less of a reconciliation of these objectives, than a simple trade-off—our physical security priorities are being weakened despite the ever-growing threat of nuclear terrorism, while the administration shows an unbounded willingness to alter our laws and policies to conform to the needs of foreign nuclear programs. I am especially doubtful that the current agreement, applying as it does to large plutonium.

Facilities to be built over the next thirty years, is based on sufficient information to satisfy the Atomic Energy Act's requirement that "adequate physical security" be maintained.

I hope that the committee will examine this agreement in the proper context not just of US/Japan relations, but in the broader historical context of America's commitment to reducing the risk of nuclear proliferation and terrorism.

To summarize what I have said, I think there are ten fundamental problems with this agreement in its current form:

1. A 30-year generic approval of reprocessing and return of plutonium, as opposed to the case-by-case approvals Congress intended under the NNPA.

2. Long-term programmatic prior consents that will frustrate the congressional oversight mandated under the Atomic Energy Act.

3. Approval of reprocessing in a large projected Japanese reprocessing plant without assurance of effective safeguards, which have yet to be developed for such plants.

4. The large throughput of the proposed reprocessing plant, representing unaccounted-for plutonium sufficient for more than 100 nuclear weapons. A target for terrorists.

5. Inadequate analysis of the NNPA's "timely warning" criterion as applied to this agreement. Indeed, the "timely warning" criterion will not be met under the agreement's terms.

6. Failure of the administration to get Japan's commitment to require full-scope safeguards over its nuclear exports.

7. An unbalanced "reciprocal rights" provision allowing Japan to claim under certain conditions all plutonium produced in U.S. nuclear reactors containing components or equipment manufactured in Japan.

8. Suspension rights that require the U.S. to evaluate economic impact instead of solely U.S. nonproliferation and national security issues.

9. Lack of a sufficient information base to determine and evaluate physical threats at large fuel cycle facilities that may not be built for some years to come.

10. A provision for overflights of U.S. territory by aircraft containing hundreds of kilograms of plutonium, despite the non-existence of a large cask that can withstand worst-case air crashes.

For all these reasons, and some I have not cited, I am opposed to this agreement in its current form and recommend that your committee return the agreement to the President for renegotiation, or resubmission with a waiver, to reflect the committee's concerns. If the agreement remains in its current form, and if the administration refuses to provide Congress with the information it needs and has requested to evaluate the national security implications of the agreement, then I would urge the committee to consider a joint resolution of disapproval.

PERMISSION TO REPRINT STATEMENT

Mr. GLENN. Mr. President, on December 21, 1987, I delivered a statement to the Senate on the Leadership Award presented to my Ohio colleague and friend, Congressman LOUIS STOKES by the Senate Black Legislative Staff Caucus. Due to numerous omissions and errors which appeared in the text after it was printed by the Government Printing Office, I ask unanimous consent that it be reprinted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMSON WHALES AND CRIMSON FACES

Mr. SYMMS. Mr. President, our distinguished colleague from North Carolina, Senator HELMS, has given the Senate yeoman service as ranking Republican on the Committee on Foreign Relations during the hearings in that committee on the proposed treaty with the Soviet Union on intermediate-range nuclear forces.

I say that, Mr. President, because the entire Senate owes a debt to Senator HELMS for the detailed scrutiny and hard work that he has given to the vital issues of national security raised by the proposed treaty. He has uncovered numerous loopholes and flaws in the treaty which must be addressed satisfactorily before the Senate should give its consent to ratification.

It is essential that the role of the Senate in perfecting treaties submitted by the President be carefully carried out, especially when the treaty encompasses, as does this treaty, fundamental questions of war and peace.

The Constitution calls on the Senate to participate in the crafting and shaping of treaties and does not envisage a simple rubber-stamping of whatever is sent over by the executive branch.

I therefore commend and thank my friend from North Carolina and call on other Senators to recognize the value of his work to the deliberative functions of this institution.

Finally, Mr. President, I ask unanimous consent that two recent editorials from the Wall Street Journal, which also comment on the high quality of Senator HELM's service, be printed in the RECORD at the conclusion of these remarks.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From the Wall Street Journal, Feb. 3, 1978]

CRIMSON WHALES, CONTD.

When Senator Jesse Helms raised questions at the INF treaty hearings last week, he was accused of offering a "crimson whale," a cousin of the "red herring." While it may be in the interest of treaty supporters to portray Mr. Helms as some Monster from the Deep, his whales nonetheless have kept beaching themselves top the treaty this week.

Consider the confusion over the SS-20, the major weapon the Soviets are supposed to remove if the treaty is ratified. The administration can't seem to figure out how many SS-20s the Soviets really have. Last July the CIA and State Department estimated the Soviets had 550, while the Defense Intelligence Agency, or DIA, figured 1,200. When INF was signed last November, the Soviets said 650. Just last month, however, the CIA and State Department reached new estimates of 700, while DIA stuck with 1,200. The "national intelligence estimate," as consensus view, is 950.

Grade-school arithmetic can tell you that if the Soviets chop up 650 missiles out of 950 they will have 300 left under the zero-option agreement. The administration argues that this is a tempest in a teapot, since the Soviet figure of 650 is "within the range of our uncertainties." We wonder how many Americans would be surprised to learn that the supposedly verifiable INF agreement depends on a "range of uncertainties," extending from zero to 300, not to mention 550 if the high DIA estimate happens to be right.

The much-advertised "on-site inspection" of Soviet bases might help us verify the number of SS-20s, of course, except that the inspection sites are specified by the treaty. If the Soviets ever want to cheat, all they have to do is put the missiles where the inspectors aren't allowed to go.

Another Helms whale was Article 14, the "non-circumvention" clause. This says the U.S. and Soviets "shall not assume any international obligations or undertakings" that would violate the treaty. That sounds simple enough, but several senators are wondering if it isn't an ambiguity big enough for the Soviets to drive a reinterpretation through.

"What is the purpose of this language?" Senator Dan Quayle asked in his opening statement last week. The plausible concern is that the clause could keep the U.S. from selling its allies technology that they need to defend themselves. Indeed, the Soviets already are saying INF prohibits the U.S. from modernizing the shorter-range nuclear weapons that will remain in Europe after INF is implemented.

The concern is heightened because the paragraph wasn't even in the treaty until late last November. "Who insisted on Article 14, by the way? They or us?" Senator Helms asked Defense Secretary Frank Carlucci on Monday. Replied Mr. Carlucci: "They wanted a real non-circumvention clause, and our negotiators negotiated them down to this kind of a provision." Mr. Carlucci dismissed the Soviet claims that INF prohibits NATO modernization as "pure nonsense" and "propaganda." The Reagan administration said similar things about the ambiguities in the 1972 ABM treaty, only to find Senator Sam Nunn arguing that the Soviet interpretation was more correct.

INF also removes U.S. ground-launched cruise missiles from Europe, but what about air-launched or sea-launched cruises? Since the guidance systems are similar in all three types, are we also banned from providing them to our allies? Cruises are essential, of course, because they can carry *conventional* warheads, and thus defend Europe without threatening a nuclear exchange. But the U.S. gave up *all* ground-launched cruises as part of the INF because we said it was impossible to distinguish between nuclear and conventional. And on Monday Senator Joe Biden already was arguing that the same logic should apply to air-launched or sea-launched cruises in the START talks.

Unlike presidential dropout Biden, of course, Senator Helms is supposed to be off-the-wall. His original "crimson whale" was the issue of whether the treaty calls for the destruction of any nuclear warheads. it doesn't, as Mr. Carlucci explained at length: "The warhead essentially consists of the physics package—high explosives, highly enriched uranium, plutonium. That package, consistent with other weapons systems that have been destroyed, could either be reused or, depending on the circumstances, recyled." Keeping warheads is a good part of the treaty, he explained, because the Soviets can produce new ones easier than we can.

So Senator Helm's whales are that the treaty doesn't eliminate any nuclear weapons, that we can't verify it well enough to say whether remaining Soviet SS-20s missiles will be zero or 550, and that it's ambiguous enough to be interpreted as cutting NATO allies off from technical assistance for the most modern conventional weapons. Senator Helms, it would appear to us, is the last one whose face should be crimson.

[From the Wall Street Journal, Jan. 29, 1988]

INF'S BLUE HORIZON

Senator Jesse Helms dominated this week's opening hearings on the INF treaty when he brought up the inconvenient fact that the agreement won't eliminate any nuclear warheads. "The part of nuclear weaponry that kills people and destroys property is excluded," he told the Foreign Relations Committee.

This caused several of the committee's senators, like the courtiers in "The Emperor's New Clothes," to resolutely insist that nothing is amiss with the magnificent new treaty. Republican Senator Dan Evans said the warhead charge was "more than a red herring; I'd call it a crimson whale." But Senator John Glenn, a Democratic arms-control specialist, was more cleareyed: "I found an appalling number of people . . . who were not aware that this treaty does not destroy one single nuclear explosive device."

The administration seems quite confused on the warhead issue. This week Secretary of State George Shultz said the INF agreement could open a new era in arms control because it actually "reduces nuclear weapons." At this month's Republican debate at Dartmouth College, Vice President Bush had to respond to Pat Robertson's charge that Mr. Bush had said the INF treaty will eliminate 1,600 Soviet warheads. To this, Mr. Bush asserted that the agreement will take out "their vehicles that can blow people up—their bombs." The vice president's mistaken comment escaped the front pages only because his media adviser dashed into the pressroom to make the inaccurate claim that the treaty provides for the "dismantling" of Soviet warheads.

In truth, what the INF treaty will mean is that the warheads will be taken off the missiles and saved. Why are Jesse Helms and Pat Robertson able to state clearly what is in the INF treaty, while the vice president and, judging from his rhetoric, the secretary of state cannot?

It is surely true that efforts must be made to limit the wanton destruction nuclear weapons would inflict. That is the stated goal of arms-treaty advocates, but it is also the *achievement* of recent history. Since World War II, Europe has lived both with nuclear weapons and without war. Moreover, while arms-control treaties have done nothing to reduce the number of nuclear weapons, the desire of strategists to achieve more real military effectiveness has led to improvements in technology that have reduced the destructive arsenals of both the U.S. and Soviet Union.

In 1967, the U.S. had a third more nuclear weapons than it does today. The total explosive power of U.S. nuclear weapons today is one-quarter of the peak reached in 1960. The average warhead yield of U.S. weapons is one-fifteenth its 1957 peak. The Soviets also have seen their total explosive power and average warhead yield decline since the mid-1970s. These gains are the result of technological improvements initiated outside the arms-control process. As the recent presidential commission headed by Fred Ikle and Albert Wohlstetter reports, these gains are likely to continue.

All of this raises the question of what arms-control talks with a dedicated adversary and closed society such as the Soviet Union are supposed to accomplish. Even if the INF treaty did provide for the elimination of nuclear warheads, it still would founder on some basic realities. For one, the best way to dispose of warheads would be to either bury them or burn them in nuclear-power plants. Either would create a verification nightmare.

Many Europeans recognize that the real threat facing their continent is the massive Soviet tank army, not the prospect of nuclear annihilation. The INF treaty obscures the issue of conventional-force modernization, which holds the key to keeping the peace in Europe in the face of a huge and intimidating Soviet-bloc army. This crucially relevant subject will not be seriously addressed or acted on so long as the West's leadership keeps the world in thrall to the arms-control process.

The INF treaty doesn't address the real threat facing Europe, doesn't reduce the number of missiles aimed at the U.S. and doesn't destroy a single nuclear warhead. So what, exactly, is this treaty's relevance or point? What does it accomplish?

Its advocates seem to be reduced to saying that Congress must ratify the INF treaty as the price of admission to the more desirable START talks on strategic-force reductions. So in the end, INF's proponents ask everyone to believe what they've been asked to believe about so many past arms-control treaties—signing this one will move us one step closer to arriving at real arms reduction, which sits just beyond the horizon.

BICENTENNIAL MINUTE

FEBRUARY 7, 1933: THE SENATE REMOVES ITS SERGEANT AT ARMS

Mr. DOLE. Mr. President, on February 7, 1933, 55 years ago this weekend, the Senate voted 53 to 17 to fire its Sergeant at Arms, David S. Barry. Now, it was certainly rare for the Senate to dismiss one of its high-ranking, elected staff members. It was even rarer for them to call the individual to the Senate floor to answer charges. David Barry, at 72 years of age, had spent almost his entire life around the Senate, first as a page, as secretary to various Senators, as a newspaper correspondent, and finally, for 14 years as Sergeant at Arms. Why did the Senate fire him?

It appears that Mr. Barry was a victim of bad timing and bad editing. The Republicans had lost control of the Senate in the 1932 election, and Barry knew he would not be reelected Sergeant at Arms when the next Congress met in March 1933. As a former journalist, he expected to write occasional pieces for publication during his retirement. He had already submitted an article entitled "Over the Hill to Demagoguery" to the New Outlook magazine. It was scheduled for publication in March.

Unfortunately for David Barry, the editor moved the article's publication up to February, and edited out an exceptional first paragraph. When the magazine appeared at the newsstands, it began with these words:

> Contrary, perhaps, to the popular belief, there are not many crooks in Congress; that is out-and-out grafters, or those who are willing to be such. There are not many Senators or Representatives who sell their votes for money, and it is pretty well known who those few are; but there are many demagogues.

Although these were strong words, they probably would have received little attention if some reporter had written them. But for the Senate's Sergeant at Arms it was an entirely different matter. So the Senate voted him out of office, less than a month before his term would have ended.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

Mr. BOND. Mr. President, on behalf of myself and the distinguished Senator from Illinois, Senator DIXON, I submit the following statement for the RECORD. Mr. President, today we begin the 12th year of the Congressional Call to Conscience for Soviet Jews, and I am proud to join my friend Senator DIXON in cochairing the Call to Conscience for this year.

Since its inception in 1976, the Congressional Call to Conscience has been one of the best mechanisms for Members of Congress to speak out on behalf of Soviet Jews seeking freedom of religion and the right to emigrate. Sponsored by the Union of Councils for Soviet Jews, the purpose of the vigil is to demonstrate our continued, bipartisan concern for human rights in the Soviet Union and to express support for individuals and families wishing to emigrate to the free world through weekly statements on the Senate floor. This morning my good friend, the Senator from Illinois, and I circulated a Dear Colleague stating the purpose of the vigil and requesting the participation of each Senator for 1 week throughout 1988.

This is a particularly important time to renew our support of Soviets who are persecuted by their own Government. While the recent summit agreement has shown the Soviet Union willing to take positive steps to peace, they have not shown the same willingness to extend basic human freedoms to their own citizens. The freedom to emigrate is one such freedom which is consistently denied citizens of the Soviet Union.

We are told by the Union of Councils for Soviet Jews that 8,155 Soviet Jews were granted exit visas last year. While that number is significantly higher than 914 granted in 1986, much of that can be explained by glasnost. In 1987 we saw the continuation of glasnost, a period not unlike the détente of the 1970's when the Soviets also sought important arms reduction agreements and economic cooperation. Yet during détente of the 1970's, exit visas were granted to double and triple the number of Soviet Jews than were allowed last year.

In addition, the 8,155 figure pales in comparison to the number of Soviet Jews that have been continually denied the right to emigrate despite repeated application. Jews who apply for exit visas and are refused—the refusniks—are subject to being dismissed from jobs, having their children expelled from schools and universities, and being harassed by the police and KGB. It is estimated that between 20,000 and 60,000 long-term Refuseniks remain in the Soviet Union. Some have suffered for more than 15 years. Despite Soviet willingness to let some well-known Refuseniks emigrate last year, thousands of lesser known people remain. Some are denied visas on the pretext that they or members of their families possess national secrets. Families are often separated by a cruel practice whereby only some members are permitted to leave.

The Soviets claim that the "Jewish problem" has been solved, since so few are applying to leave. Yet a closer look at the facts shows that of the nearly 400,000 Jews that remain in the Soviet Union, approximately 90 percent are denied the right even to apply to leave. In late December, after the Washington summit, Soviet visa-processing offices throughout the U.S.S.R. posted signs announcing that effective January 1, 1988, the requirement of invitations from first degree relatives as a prerequisite to application would be strictly enforced. This means that in order for someone's application even to be considered, he or she must produce an invitation from a member of his or her immediate family who lives abroad. Most Soviet Jews have no such relatives.

While we should appreciate Soviet interest in and encourage their willingness to achieve meaningful arms reductions, we must not be fooled into thinking that glasnost means a thaw in the treatment of Soviet Jews and others who wish to emigrate. Emigration is an internationally recognized right. Soviet citizens should be permitted by law to apply for emigration, without special stipulations on the country of destination or the presence of family members outside the Soviet Union.

Clearly it is up to us to show a sustained commitment to Soviet Jews and other potential emigres, by repeatedly and publicly calling attention to their plight. Our bipartisan effort in defense of individual freedoms is essential. As cochairmen of the Congressional Call to Conscience for 1988, we call on you to join us through the year.

MORE CARS THAN CUSTOMERS; EXCESS CAPACITY IN THE U.S. AUTO INDUSTRY

Mr. RIEGLE. Mr. President, two recent developments in the automobile industry are cause for serious concern about the future. Everyone decries the trade deficit numbers every month—it is now one of the most important financial market indicators. But there is a human cost which cannot be ignored, and which came to light again last week when Chrysler Corp. announced plans to close its Kenosha, WI, assembly and stamping plants by next September. The second announcement concerns Japan's decision to extend the voluntary restraint agreement for another year at the current 2.3 million car level.

It isn't just Michigan anymore, Mr. President. Although we are obviously bearing the brunt of many closings—Detroit, Flint, Pontiac, Willow Springs, and Conner—in addition to

Kenosha, St. Louis will lose a truck and bus plant, Leeds, MO, Norwood, OH, Framingham, MA, Hamilton, OH, and Westmoreland, PA, will also suffer the dislocation of thousands of workers. Ramos Arizpe, Mexico will lose a plant, which indicates that in many instances it isn't wage rates that are to blame, but the fact that the North American economy cannot continue to absorb the number of cars being produced.

Kenosha is a casualty of the excess capacity that exists in the automobile industry, and which will continue to worsen with the new foreign-owned facilities which are now operating in the United States and Canada. By 1990, 11 percent of all North American capacity will be foreign-owned, compared with 5 percent in 1986. The overall U.S. market, according to industry analysts is shrinking, and with the increase in foreign participation here, the domestic companies are scaling down. Since 1986, 13 domestic assembly plants and stamping facilities have been closed, and it isn't over yet.

In North America in 1987, total capacity of the Big Three was 15.6 million units. But only 11.2 million units of this capacity was needed to meet consumer demand; 4.4 million units of capacity was not. That is expense that no company can carry for any length of time. It is anticipated that by 1992, already announced closings by the Big Three in North America will account for a reduction in North American capacity of 1.8 million units.

What is happening to the manufacturers who have established assembly plants in North America—the so-called foreign transplants? As of 1987, these companies were using 600,000 units of 1.2 million units of capacity. By 1992, that capacity will increase to 2.7 million. Depending on the disposition of the Volkswagen plant in Pennsylvania, an additional 300,000 units of capacity will either continue to exist or will disappear.

What do we do about it? The choices are pretty clear, and we need to do all of them. We must increase the domestic share of the auto market by substituting the imports of our trading partners—not only from Japan, but South Korea, Yugoslavia, West Germany, Sweden, Britain, France, and Italy, in part by making sure they are priced fairly; increasing demand domestically; and we must begin to do what the rest of the world does—concentrate on marketing our products overseas.

Ironically, it may be the Japanese that show us the way in that department, and it may be that protectionism in Europe will insure that North American content in these transplants is at least 70 percent. Honda plans to export 70,000 cars from the United States by 1991; 50,000 of them will go to Japan—compared with total U.S. exports by all sources of 4,256 cars in 1987. Europe strictly limits Japanese car imports, but not American imports, and the Honda may qualify as American under current rules with a 70 percent North American content.

Chrysler has announced plans to sell between 5,000 and 10,000 cars to Europe in 1988 in addition to over 50,000 Jeeps which are exported. Ford and General Motors are also stepping up efforts to export to Europe and Japan. Clearly, we need to continue to expand our exports or there will continue to be more Kenoshas, more Flints, and Detroits, more plant closings, and a further erosion of our industrial base.

In 1987, 4.4 million cars and trucks were imported into North America: 74 percent of those were from Japan. Of that, 46 percent is due to so-called captive imports, which are vehicles that U.S. auto companies import. Today 9 percent of the total are from other Asian countries, principally South Korea. That number is projected to increase substantially in the next few years.

Mr. President, mathematically, it is very simple. If the number of imported units remains constant, as the overall market shrinks, the larger the percentage of market share these imports will comprise. So Japan's announcement that it will continue the voluntary restraint agreement at the current level of 2.3 million cars does not take into account the fact that the total United States market is expected to decrease, nor does it reflect the enormous number of cars with high foreign content being assembled in the transplant facilities. The overall number of Japanese cars which have been assembled in Japan and North America has actually increased, and their overall market share will be 37 percent in a 9-million-car market. I urge my colleagues to think about this.

Historically, we have not aggressively pursued export markets for automobiles. We need to do that and one of the advantages of a weaker dollar is that we will be able to do it competitively. But much of it is Japan's fault, because through pricing, it is clear that it has been much easier for them to sell cars here than in Japan. The issue of pricing as it relates to currency changes is a complicated one, but there is compelling evidence that just as in other sectors, the Japanese have historically captured and maintained a large share of the United States market by selling certain products below cost. That is illegal under our trade laws, it is called dumping, and there are serious investigations underway to determine what to do about it.

As more and more countries are playing the automobile game, we need a national policy which takes into account the extreme importance of this industry, not only to our overall economy, but for future technological developments which are spawned from this manufacturing sector.

The auto industry is the single largest manufacturing sector in our economy. It accounts for 4.1 percent of the gross national product. In 1986, the total value of motor vehicle output was $171.5 billion. No other industry even comes close.

A healthy domestic auto industry is essential to our Nation's economy. It is a great customer for other essential American industries—computer chips from the Silicon Valley; steel from the Ohio Valley; textiles from the Southeast; and electronics systems from the Sunbelt. Suppliers to the U.S. auto industry are located in 46 States. There are manufacturing facilities in 36 States.

We need a renewed commitment to preserve this vital part of America's history and America's future. The tremendous enthusiasm of many local government officials in attracting new assembly plants in Michigan, Illinois, Ohio, Tennessee, and elsewhere was, I believe, based on two assumptions: First, that these cars and trucks would contain a substantial percentage of American parts. And second, that they would transplant imports from these companies, rather than supplant them—create jobs rather than destroy them.

We just missed a big opportunity to strengthen our hand in dealing with Japan, in my opinion, in negotiating the United States-Canada Free Trade Agreement. Canada accounts for about 9 percent of North American car purchases, but will be making 19 percent of all cars produced in North America by 1991.

We had a chance to make sure that these transplants would contain at least 60 percent North American content. The Canadians refused to agree to increase the rule of origin to 60 percent. Instead, these cars will be able to meet the test for duty-free trade between the United States and Canada with imported engines and drive trains. If the Canadians had agreed, it would have created more jobs in both of our countries.

But despite the lofty intentions of the Free Trade Agreement—to bring our two countries closer together, thereby improving our ability to compete with Japan and Korea and others—we missed a chance to help ourselves.

We need coordinated U.S. policy which will support this vital American industry, not weaken it further. We created the automobile industry. It led to the creation of the greatest consumer market in the world. So great, that it is also the backbone of other economies who depend on this market above their own.

The future of the automobile industry is more than the future of Michigan. It is the future of America as a first-rate world economic power. We have the technology, we have the resources, we have the intelligence. We need the leadership—the national will—to prepare ourselves for the 21st century.

SENATE AIR AND SPACE CAUCUS

Mr. SHELBY. Mr. President, an invitation has been sent to each Senator's office, urging each Member—Democrats and Republicans alike—to join in the formation of a Senate Air and Space Caucus. We hope this Air and Space Caucus will provide a forum for discussion of our space program and its goals—a timely subject in light of the slowdown of America's program during the past 2 years, the steady growth of the Soviet space program, and the rapid development of the Japanese and European space efforts. The caucus will also be concerned with aviation, which, like space, is important to our continued technological leadership and is faced with increasing international competition.

This organization cannot substitute for the Senate's formal committee process, nor is it meant to. Instead, it will facilitate the interaction of Senators and their staffs, aerospace contractors, and aviation and space-oriented public interest groups in an effort to become more informed and focused in regard to these very important issues.

Joining with me in signing the letter to our colleagues were Senators HEFLIN, GLENN, GARN, RIEGLE, BENTSEN, WILSON, PRESSLER, FORD, and KASSEBAUM.

I ask unanimous consent that the letter be placed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 1, 1988.

DEAR COLLEAGUE: Aeronautics and astronautics are critical elements of our national security and are symbolic of our technological leadership and international competitiveness. The U.S. civil space program, in particular, appears to be at a crossroads. The difficulties plaguing our space effort must be quickly addressed in order that the United States maintain and improve upon its leadership position among the growing ranks of spacefaring nations.

We invite you to join us in forming a Senate Air and Space Caucus. This bipartisan caucus can complement the Senate committees charged with overseeing and funding space and aeronautics programs by providing an informal forum for discussion among Senators and their staffs, NASA, aerospace contractors, and others, including public interest groups.

For information, or to join the Air and Space Caucus, contact Steve Money (4-6504).

Sincerely,
Richard Shelby, Don Riegle, Pete Wilson, John Glenn, Wendell Ford, Jake Garn, Lloyd Bentsen, Howell Heflin, Larry Pressler, Nancy Landon Kassebaum.

SOUTHERN RESEARCH INSTITUTE OF BIRMINGHAM

Mr. SHELBY. Mr. President, it is my pleasure to rise today, to inform my colleagues of the performance of an outstanding institution in my home State of Alabama—Southern Research Institute of Birmingham. The Southern Research Institute was recently awarded the James S. Cogswell Industrial Security Award by the Department of Defense for protecting military secrets. I take this opportunity to publicly commend Southern Research Institute on Birmingham of this exceptional achievement.

The institute is a 43-year-old organization specializing primarily in industrial operations. Since the mid-sixties, the institute has won defense contracts to include materials testing for aerospace products and electronic guidance systems. Also, the institute obtains contracts in the health and environment fields, and is presently one of several companies responsible for ensuring the accuracy of AIDS tests given to Army personnel.

During my first year in the United States Senate, I have been outspoken on the issue of guarding military secrets. Earlier this year, I revealed to my colleagues that two major high-technology firms, the Toshiba Machine Corp. of Japan and Kongsberg Vaapenfabrikk of Norway, have exported classified propeller technology to the Soviets. With the intention of sending a strong message to these two companies that such violations would not be tolerated, I introduced two bills in the Senate. The first bill banned the import of products from both Toshiba and Kongsberg, and the second bill prohibited military supply stores from purchasing Toshiba-made goods.

I also revealed to my colleagues in the Senate that the United States Department of Commerce had eased certain export license controls which applied to Soviet-bloc entities. This easing of export license controls allowed significant computer systems and related equipment to routinely make its way into the hands of Warsaw Pact countries.

Further auctioning of our national security must be prevented. Strong enforcement measures should be enacted to review export licenses by both the Department of Commerce and DOD.

In light of this recent rash of Cocom violations which threaten and compromise our national security, an organization such as Southern Research Institute of Birmingham is to be applauded. I am proud this company faithfully follows the regulations stipulated by our Government in order to ensure our national security. What is classified must remain so.

As a recipient of the James S. Cogswell Industrial Security Award, Southern Research Institute of Birmingham takes its place as a leader in the defense contracting industry. The institute has set a fine example. Such high standards, in effect, ensure our national security. I know Southern Research Institute of Birmingham will remain a leader in the industry of defense contracting. Once again, I congratulate them on this important achievement.

PROHIBITION OF UNDETECTABLE FIREARMS ACT

Mr. DOLE. Mr. President, over many years, I have enjoyed the opportunity to work with my colleague, the distinguished Senator from Idaho Mr. MCCLURE, on efforts to protect the right of United States citizens to keep and bear arms.

Many times, it seems our vigil to guard against assaults on the second amendment has been never ending. Attempts to ban legally manufactured and owned firearms and ammunition are made in the Congress from every angle imaginable.

The latest assault attempts to ban small arms by renaming them as "plastic guns." In truth, there is no plastic gun being manufactured today. However, we should be mindful that as new technologies are discovered, detection technology keeps pace to ensure the safety of airlines and the security of targets of terrorists such as the U.S. Capitol and the White House.

Mr. President, I know that my colleague has been working with the National Rifle Association to fashion some compromise which, while not banning any currently manufactured firearms, would protect against the introduction of any new class of firearms that are not detectable by Today's x ray and magnetometer devices. I applaud the Senator for his tireless efforts and attention to this matter of concern to all Americans.

I will be consulting with a number of experts in the fields of firearm manufacturing, security, and firearm detection to review the specific provisions of the legislation, and may, at a future date, join Senator MCCLURE as a cosponsor.

However, I do want to indicate my appreciation for his efforts on behalf of America's gun owners, and look forward to our continued work together.

JAPANESE-UNITED STATES TRADING RELATIONS

Mr. DASCHLE. Mr. President, I take the floor today to commend our leader for his recent announcement that the conference agreement on the omnibus trade bill will be a top priority in the coming weeks. Many Senators share the sentiments expressed by Majority Leader BYRD that a comprehensive, but fair, trade bill is very important in our effort to reverse the very serious economic problems caused by the trade deficit.

Even though a comprehensive, but fair, trade bill is very important to the entire world's economy, the bill is especially significant for Japan, one of the United States' most important trading partners.

In 1986, more than $112 billion worth of trade flowed between our two countries. It has been estimated that the jobs of more than 750,000 American citizens are directly related to United States exports to Japan.

Unfortunately, however, this $112 billion trade account left the United States with a bilateral trade deficit of $58 billion. This single largest bilateral trade deficit has, in large part, provided the impetus for the comprehensive trade legislation pending in Congress today.

Even though the Japanese enjoy a very positive balance in general, bilateral trade, the United States enjoys a significant edge in agricultural trade. Agricultural trade with Japan plays a very important role in the United States agricultural economy. In recent years, Japan has purchased more than $5 billion in United States agricultural products. In 1985, more than 25 percent of United States exports to Japan were sent in the form of agricultural products.

Unfortunately, the trend in agricultural trade with Japan is very disturbing. Starting in 1985, 17 agricultural product categories have realized a decline in the United States share of the Japanese import market. The largest loss occurred in product categories very important to farmers in my State: corn, live animals and pork. Only eight agricultural product categories realized an increase in the United States share of the Japanese import market.

Is Japan totally to blame for the overall bilateral trade deficit, as some in this country have charged? Will total dismantling of Japanese trade barriers against United States products eradicate our bilateral trade deficit?

The answers to these questions are not simple. Certainly, the U.S. trade deficit cannot be dismissed with simplistic answers or solutions. Nor is the trade deficit caused solely by trade barriers, even though those barriers play a significant role.

The trade deficit can only be partly attributed to the U.S. budget deficit, although most experts agree that our need to finance the budget deficit has crowded the credit market to the point that we have been forced into greater reliance on foreign financing. This increasing dependence has resulted in the United States becoming the largest creditor nation in the world.

Nor can the excuse be given that the U.S. products are inferior to those of our trading partners. Not true, and again, a simplistic answer to a complex problem.

As we examine the causes and solutions to the trade deficit, the simple fact is that all of these factors do play a role. As we consider solutions and specifically work toward a conference agreement on the trade bill, it is very important that we reflect on one very crucial fact: Japan is far too important an ally to the United States for us to resort to excessive, or punitive, treatment.

The conference is facing many serious and contentious issues. And as we all know, our Japanese friends are closely watching our actions with more than passing interest. They, like many others, want the final trade bill product to be fair.

I am a cosponsor of the trade bill and actively support many of its provisions, especially the agricultural title. These provisions are an excellent compliment of proposals aimed both at increasing our agricultural exports and strengthening our ability to fight unfair agricultural trade barriers.

Specifically, the agricultural provisions direct the administration to implement a marketing loan on specific agricultural commodities if a GATT agreement on agricultural trade has not been finalized. It calls for increased funding for many of export promotion programs in the Department of Agriculture, such as the Targeted Export Assistance Program and the Export Enhancement Program.

The Senate bill also contains a provision I authored which would provide the Secretary of Agriculture with additional trade tools to fight unreasonable foreign meat inspection standards which serve as barriers to exports of U.S. meat shipments.

Second, I support the provisions which will create a stronger and more effective response to unfair trade practices. The Senate proposal, which I hope will be a part of the final agreement, outlines specific circumstances under which mandatory responses will be required to fight unfair trade practices. This provision, which strengthens section 301 of current law dealing with unfair trade, will provide this country with consistent and reasonable responses to future unfair trade practices.

It is my hope that the final version of the trade bill will include a quantification of trade barriers and give the President more direction on how those trade barriers must be eliminated. Because we have drifted far too long without a cohesive trade policy, I strongly support this change in the law.

These are but three of the provisions I consider most important in the trade bill negotiations. I will also be watching very closely developments in the areas of negotiating authority, the service industry, and the changes in section 201 pertaining to unfairly traded imports.

Finally, there is another provision in the trade bill with which I am greatly concerned. It is that which requires sanctions against the Toshiba Corp. I supported the amendment by the distinguished Senator from Utah [Mr. GARN] as an alternative to that offered by the Senator from Alabama [Mr. SHELBY] regarding sanctions against Toshiba when those amendments were considered last year. I remain committed to fair and reasonable sanctions in the final version of the trade bill. Toshiba Machine committed a grievous error by selling restricted, sophisticated technology to the Soviet Union and must understand the severity of this error.

Upon reflection since adoption of that amendment, it has become apparent to me that the sanctions intended for Toshiba Machine will have far-reaching implications. The current proposal would apply sanctions, not only to the offending subsidiary, Toshiba Machine, but to other subsidiaries as well, such as Toshiba America.

In search of a compromise, I have urged the conferees to delineate between the subsidiary directly responsible for the sale and those other subsidiaries which had no involvement in the decision to sell to the Soviet Union.

Toshiba has seven subsidiaries located in the United States. These independent subsidiaries provide employment for 4,100 Americans. Toshiba America has been a good partner in its business relationships with the United States. This partnership should be kept in mind as the conferees continue their work on this provision.

Mr. President, I commend the majority leader for his commitment that this important legislation will be on the floor in the next few weeks.

As we look at the world trading system, and our relationships with our allies, the trade bill takes on a special significance. Labels are easy to throw around. I am certain, however, that not one Senator in this body wants a trade bill which could be labelled as protectionist.

Nor do we want a trade bill which is clearly and artificially advantageous to one country over another.

Our trade bill must recognize the traditional alliances this country has developed throughout the world. Because of the level of trade and the historical partnership between our countries, our alliance with Japan must lead the list.

Clearly, the viability of the world's economy and the Japanese and United States economies will depend on a harmonious trading system and positive relations between not only the governments of our two countries, but the peoples of our two countries as well.

A comprehensive, but fair, trade bill can help achieve these objectives.

MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970, and for other purposes, with an amendment; it insists upon its amendments, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. THOMAS A. LUKEN, Mr. SLATTERY, Mr. LENT, and Mr. WHITTAKER as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 403. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 242. Concurrent resolution providing for a conditional adjournment of the House from February 9 to February 16, 1988, and a conditional adjournment of the Senate from February 4 or 5, to February 15, 1988.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 1983. An act authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes;

H.R. 2566. An act to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes;

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202;

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month"; and

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week."

The enrolled bills and joint resolutions were subsequently signed by the Vice President.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that today, February 4, 1988, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month"; and

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1889: A bill to amend the Geothermal Steam Act of 1970 to provide for lease extensions and for other purposes (Rept. No. 100-283).

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

S.J. Res. 210: Joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

S.J. Res. 214: Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Wade Brorby, of Wyoming, to be U.S. circuit judge for the Tenth Circuit;

Suzanne B. Conlon, of Illinois, to be U.S. district judge for the northern district of Illinois;

Richard J. Arcara, of New York, to be U.S. district judge for the western district of New York;

Paul V. Niemeyer, of Maryland, to be U.S. district judge for the district of Maryland;

Edward F. Harrington, of Massachusetts, to be U.S. district judge for the district of Massachusetts;

Romolo J. Imundi, of New York, to be U.S. marshal for the southern district of New York for the term of 4 years;

Daniel F. Lopez Romo, of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years;

Tony Michael Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years;

James Eldon Wilson, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years; and

Robert J. Kabel, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1989.

By Mr. NUNN, from the Committee on Armed Services:

Ronald F. Lehman II, of Virginia, to be an Assistant Secretary of Defense.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. HECHT, Mr. GRASSLEY, Mr. PRESSLER, Mr. KARNES, Mr. D'AMATO, Mr. MCCONNELL, Mr. MCCAIN, Mrs. KASSEBAUM, Mr. HATCH, Mr. COCHRAN, Mr. HOLLINGS, Mr. BOREN, Mr. EXON, Mr. SHELBY, Mr. NICKLES, and Mr. GRAMM):

S. 2033. A bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. CHILES:

S. 2034. A bill to provide financial assistance for programs for prekindergarten students designed to prevent students from dropping out of school, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN (for himself, Mr. HELMS, Mr. COCHRAN, and Mr. PRYOR):

S. 2035. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. MCCLURE):

S. 2036. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. STEVENS, and Mr. CHILES):

S. 2037. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; to the Committee on Governmental Affairs.

By Mr. DIXON (for himself and Mr. SIMON):

S. 2038. A bill to prohibit the closing of certain operations of the U.S. Coast Guard at the Glenview Air Station, Chicago, IL; to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN:

S. 2039. A bill for the relief of Xochiquetzalli Carreto; to the Committee on the Judiciary.

By Mr. BOREN (for himself and Mr. BENTSEN):

S. 2040. A bill to modify the wheat provisions of the Agricultural Act of 1949 by eliminating the Secretary of Agriculture's authority to restrict haying and grazing on idled wheat acreage; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. SIMON, Mr. PROXMIRE, and Mr. PELL):

S. 2041. A bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65 mile per hour speed limit; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER (for himself, Mr. Cranston, Ms. Mikulski, Mr. Murkowski, Mr. Dole, Mr. Byrd, Mr. Bingaman, Mr. Boschwitz, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Conrad, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Ford, Mr. Grassley, Mr. Graham, Mr. Hatch, Mr. Heflin, Mr. Humphrey, Mrs. Kassebaum, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Lugar, Mr. Matsunaga, Mr. Metzenbaum, Mr. Pell, Mr. Pressler, Mr. Quayle, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Shelby, Mr. Simon, Mr. Specter, Mr. Stennis, Mr. Weicker, and Mr. Wirth):

S. 2042. A bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. Leahy, and Mr. Kennedy):

S. 2043. A bill to authorize demonstration projects that provide certain participants in the special supplemental food program with coupons for use at farmers markets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY:

S. 2044. A bill to require further review by the Federal Communications Commission to ensure thorough deliberation on proposed changes in the method of regulation of interstate basic service rates; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself and Mr. Grassley):

S. 2045. A bill to amend the Food Security Act of 1985 to increase the number of acres placed in the conservation reserve program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself, Mr. Weicker, Mr. Biden, Mr. Lugar, and Mr. Chiles):

S. 2046. A bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. Metzenbaum, Mr. Harkin, and Mr. Evans):

S. 2047. A bill to require a health warning on the labels of all alcoholic beverage containers; to the Committee on Commerce, Science, and Transportation.

By Mr. KARNES:

S. 2048. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Unemployment Insurance Act to provide for the removal of the trust funds established by those acts from the unified budget, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or to be discharged.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Bentsen, and Mr. Gramm):

S. 2049. A bill to establish an independent national commission on the Veterans' Administration home loan guaranty program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish creditworthiness requirements for assumptions of Veterans' Administration vendee loans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIMPSON:

S. 2050. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

By Mr. McCLURE (for himself and Mr. Hatch):

S. 2051. A bill entitled the "Prohibition of Undetectable Firearms Act"; to the Committee on the Judiciary.

By Mr. GLENN:

S. 2052. A bill to continue the suspension of duties on m-xylenediamine and 1,3-bis (aminomethyl) cyclohexane; to the Committee on Finance.

S. 2053. A bill to temporarily suspend the duty on 8-hydroxy-quinoline; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. Pell, Mr. Dodd, Mr. Inouye, Mr. DeConcini, and Mr. Rockefeller):

S. 2054. A bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1989; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself and Mr. Danforth):

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself, Mr. Garn, Mr. Heinz, Mr. Armstrong, Mr. D'Amato, Mr. Hecht, Mr. Gramm, Mr. Bond, Mr. Chafee, Mr. Karnes, Mr. Wilson, Mr. Danforth, Mr. Hatch, Mr. Dole, Mr. Warner, Mr. Lugar, Mr. Domenici, Mr. Weicker, Mr. Grassley, Mr. Symms, Mr. Cochran, Mr. Nickles, Mr. McCain, Mr. Quayle, Mr. Specter, Mr. Boschwitz, Mr. Durenberger, Mr. McClure, Mr. Cranston, Mr. Riegle, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Burdick, Mr. Simon, Mr. Reid, Mr. Kennedy, Mr. Lautenberg, Mr. Inouye, Mr. Pell, Mr. Leahy, Ms. Mikulski, Mr. Metzenbaum, Mr. Kerry, Mr. Moynihan, Mr. Exon, Mr. Matsunaga, Mr. Levin, Mr. Johnston, Mr. Mitchell, Mr. Baucus, Mr. Chiles, Mr. Ford, Mr. Nunn, Mr. Bentsen, Mr. Hollings, and Mr. Boren):

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS Neighbor Works Week"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Matsunaga, Mr. DeConcini, Mr. Rockefeller, Mr. Stafford, Mr. Specter, Mr. McCain, and Mr. Dole):

S.J. Res. 253. Joint resolution designating April 9, 1988, and April 9, 1989, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 377. A resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Hecht, Mr. Grassley, Mr. Pressler, Mr. Karnes, Mr. D'Amato, Mr. McConnell, Mr. McCain, Mrs. Kassebaum, Mr. Hatch, Mr. Cochran, Mr. Hollings, Mr. Boren, Mr. Exon, Mr. Shelby, Mr. Nickles, and Mr. Gramm):

S. 2033. A bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes; to the Committee on the Judiciary.

CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT

Mr. THURMOND. Mr. President, I rise to introduce the Child Protection and Obscenity Enforcement Act of 1988. I am pleased that the distinguished Senator from Arizona, Senator DeConcini, and the able Senator from Nevada, Mr. Hecht, and 14 other Senators have agreed to join me in offering this important legislation.

Joining me as other original cosponsors of this bill are: Senator Grassley, Senator Pressler, Senator Karnes, Senator D'Amato, Senator McConnell, Senator McCain, Senator Kassebaum, Senator Hatch, Senator Cochran, Senator Hollings, Senator Boren, Senator Exon, Senator Shelby, and Senator Nickles.

Pornography is a major problem in our Nation today. Increasingly, this material has crept into all areas of our society from the print media, to films, and even to the telephone. In a 1986 report, the California attorney general reported that the pornography industry reaps from $7 to $10 billion annually. It causes me grave concern that so many adults have chosen to make pornography a part of their lives. However, of even greater concern is the effect this material may have on children. Currently, there is a growing market for using children in the production of sexually explicit material. Often these children are runaways who are given drugs or alcohol in order to entice them into participating in the production of sexually explicit material. There have even been shocking instances in which parents have actually sold their children for use in such material. With the growth of pornography, children are now able to gain access to obscene messages transmitted over the telephone by dial-a-porn services. Additionally, there is evidence that organized crime is involved in the trafficking of pornography. Regarding judicial rulings, the Supreme Court has ruled that obscenity and child pornography are forms of speech that are not protected by the first amendment. Therefore, we must take the steps necessary in order to ensure that the laws with regard to obscenity and child pornography are able to be strictly enforced.

In the past, Congress has taken steps to fight pornography. In 1984, we passed the Child Protection Act which updated the child pornography law to make it easier to prosecute persons involved in the distribution of sexually explicit material involving children. Shortly thereafter, the Attorney General's Commission on Pornography was formed to study the issue of pornography. After many months of work, the Commission issued a final report in 1986. In addition to the report, the Attorney General announced a seven point plan to attack pornography. This legislation, that I am introducing today, represents the final step in the implementation of this antipornography plan. This dedication by the Attorney General to wipe out obscenity is encouraging but the effort must continue. It is now our responsibility as legislators to fill in the gaps in current law as well as add new laws to aid in this struggle. The bill that I am introducing today will do just that.

Generally, this bill, which is based in part on the recommendations of the Pornography Commission, contains measures that will update current law taking into account the use of new technologies in the distribution of pornography as well as provisions to aid Federal prosecutors in convicting those who traffic in pornography. This bill contains two substantive titles. The first title contains provisions with regard to child pornography and the second title contains provisions with regard to obscenity.

Following is a brief overview of the provisions of this measure.

Title I amends the current law dealing with child pornography to:

First, prohibit the use of a computer to send notices advertising children for use in sexually explicit material or offering the sexually explicit material itself.

Second, prohibit the buying and selling of children for use in child pornography.

Third, require producers of sexually explicit material to document the ages of the persons that appear in depictions of sexually explicit conduct in order to deter the use of minors in such material.

Fourth, add the child pornography offenses as predicate offenses to the Racketeer Influenced and Corrupt Organizations statute.

Title II of this bill pertains to obscenity and contains the following provisions which:

First, amend the obscenity law to make it illegal to receive or possess with intent to distribute obscene material that has moved in interstate commerce.

Second, amend the current obscenity law in two respects in order to aid in the prosecution of those who are involved in the trafficking of pornography. One provision amends the current law to expand the jurisdictional nexus necessary to prosecute the transportation of pornography. This amendment would allow the prosecution of those who use facilities or means of interstate commerce in transporting pornography. For example, under this new section, a prosecution could be based on the movement of pornography on a Federal highway with the intent that the material be distributed in interstate commerce. Another provision would establish a rebuttable presumption for the obscenity offenses to provide that obscene material produced in one State and subsequently seized in another State is presumed to have been transported in interstate commerce. A similar presumption is included with regard to transportation of obscene material in foreign commerce. This provision addresses the often difficult problem that prosecutors have in proving that specific material moved in interstate or foreign commerce.

Third, add criminal and civil forfeiture provisions to the obscenity law that are similar to the provisions passed as part of the comprehensive drug bill at the end of last Congress. This section also changes the current forfeiture law in the child pornography law in order to conform it with this new provision. As well, this section amends the forfeiture laws of the Customs Service to ensure that such forfeiture proceedings are executed in a timely manner as required by current case law.

Fourth, amend the obscenity laws to make it illegal to broadcast obscenity on cable or subscription television. Currently, it is illegal to broadcast obscene material on radio or television. However, current obscenity law does not expressly cover cable television. In 1984, Congress passed the Cable Communications Policy Act which contains a provision that prohibits obscene programming on cable. However, this section read together with other sections raises doubts as to whether this section of the Cable Act is enforceable. Therefore, this bill would make it clear that obscene programming is illegal on cable or subscription services. This section also provides that the Federal and State government may regulate indecent programming on cable television.

Fifth, amend the communications law to prohibit the transmission of obscene messages over telephone services and to prohibit the transmission of indecent messages unless the service takes the necessary steps, as set forth by the Federal Communications Commission [FCC], to ensure that the messages are not readily accessible to persons under 18 years of age. Currently, these dial-a-porn services may transmit obscene and indecent messages if they comply with the pertinent FCC regulations. This section would simply prohibit obscene messages which are not forms of speech that are protected by the first amendment.

Sixth, prohibit the sale or possession with intent to sell of obscenity or child pornography on Federal lands which includes military bases and Indian reservations. This bill would also prohibit the possession of such material.

Seventh, amend the Federal wiretap statute to add obscenity offenses to the list of crimes for which the Government may obtain wiretaps.

Mr. President, the provisions contained in this measure will be helpful in stemming the flow of pornography in this country. I look forward to further consideration of this legislation by the Judiciary Committee. I strongly urge my colleagues to review this bill and cosponsor this worthwhile measure. I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Protection and Obscenity Enforcement Act of 1988".

TITLE I—CHILD PORNOGRAPHY

SEC. 101. AMENDMENTS TO EXISTING OFFENSES.

(a) SEXUAL EXPLOITATION OF CHILDREN.—Paragraph (2) of subsection 2251(c) of title 18, United States Code, is amended by inserting "by any means including by computer" after "interstate of foreign commerce" both places it appears.

(b) MATERIAL INVOLVING SEXUAL EXPLOITATION OF CHILDREN.—Subsection 2252(a) of title 18, United States Code, is amended by inserting "by any means including by computer" after "interstate or foreign commerce" each place it appears.

(c) DEFINITION.—Section 2256 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof: "; and"; and

(3) by adding at the end the following:

"(6) 'computer' has the meaning given that term in section 1030 of this title.".

SEC. 102. SELLING OR BUYING OF CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2251 the following:

"§ 2251A. Selling or buying of children

"(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor either—

"(1) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

"(2) with intent to promote either—

"(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

"(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

"(b) Whoever purchase or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either—

"(1) with knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage, sexually explicit conduct; or

"(2) with intent to promote either—

"(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

"(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

"(c) The circumstances referred to in subsections (a) and (b) are that—

"(1) in the course of the conduct described in such subsections the minor or the actor traveled in or was transported in interstate or foreign commerce;

"(2) any offer described in such subsections was communicated or transported in interstate or foreign commerce by any means including by computer or mail; or

"(3) the conduct described in such subsections took place in any territory or possession of the United States.".

(b) DEFINITION.—Section 2256 of title 18, United States Code, as amended by section 201 of this Act, is further amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding at the end of the following:

"(7) 'custody or control' includes temporary supervision over or responsibility for a minor whether legally or illegally obtained.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the line item relating to section 2251 the following:

"2251A. Selling or buying of children.".

SEC. 103. RECORD KEEPING REQUIREMENTS.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2257. Record keeping requirements

"(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

"(1) contains one or more visual depictions (originally made within 25 years of the date of sale or distribution by the producer of the book, magazine, periodical, film, videotape, or other matter) of actual sexually explicit conduct; and

"(2) is produced in whole or in part with materials which have been shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually records pertaining to every performer portrayed in such a visual depiction.

"(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of actual sexually explicit conduct—

"(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth, and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

"(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

"(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) of this subsection and such other identifying information as may be prescribed by regulation.

"(c) Any person to whom subsection (a) applies shall maintain the records required by this section at his business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

"(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in paragraphs (2) and (3), be used, directly or indirectly, as evidence against any person with respect to any violation of law.

"(2) Paragraph (1) of this subsection shall not preclude the use of such information or evidence in a prosecution or other action for a violation of any applicable provision of law with respect to the furnishing of false information.

"(3) In a prosecution of any person to whom subsection (a) applies for an offense in violation of subsection 2251(a) of this title which has as an element the production of a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct and in which that element is sought to be established by showing that a performer within the meaning of this section is a minor—

"(A) proof that the person failed to comply with the provisions of subsection (a) or (b) of this section concerning the creation and maintenance of records, or a regulation issued pursuant thereto, shall raise a rebuttable presumption that such performer was a minor; and

"(B) proof that the person failed to comply with the provisions of subsection (e) of this section concerning the statement required by that subsection shall raise the rebuttable presumption that every performer in the matter was a minor.

"(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in paragraph (1) of subsection (a) of this section, in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located.

"(2) If the person to whom subsection (a) of this section applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

"(3) In any prosecution of a person for an offense in violation of section 2252 of this title which has as an element the transporting, mailing, or distribution of a visual depiction involving the use of a minor engaging in sexually explicit conduct, and in which that element is sought to be established by a showing that a performer within the meaning of this section is a minor, proof that the matter in which the visual depiction is contained did not contain the statement required by this section shall raise a rebuttable presumption that such performer was a minor.

"(f) The Attorney General shall issue appropriate regulations to carry out this section.

"(g) As used in this section—

"(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in subparagraphs (A) through (E) of paragraph (2) of section 2256 of this title;

"(2) 'identification document' has the meaning given that term in subsection 1028(d) of this title;

"(3) the term 'produces' means to produce, manufacture, or publish and includes the duplication, reproduction, or reissuing of any material; and

"(4) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, actual sexually explicit conduct.".

(b) CLERICAL AMENDMENT—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding after the item relating to section 2256 the following:

"2257. Record keeping requirements.".

(c) EFFECTIVE DATE.—Section 2257 of title 18, United States Code, as added by this section shall take effect 180 days after the date of enactment of this Act except—

(1) the Attorney General shall prepare the initial set of regulations required or authorized by section 2257 within 90 days of the date of the enactment of this Act; and

(2) subsection (e) of section 2257 of this title and of any regulation issued pursuant thereto shall take effect 270 days after the date of the enactment of this Act.

SEC. 104. R.I.C.O. AMENDMENT.

Subsection 1961(1)(B) of title 18, United States Code, is amended by inserting after "section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)" the following:

"sections 2251 through 2252 (relating to sexual exploitation of children),".

TITLE II—OBSCENITY

SEC. 201. RECEIPT OR POSSESSION FOR SALE; PRESUMPTIONS FOR CHAPTER 71.

(a) Receipt or Possession for Sale.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1465 the following:

"§ 1466. Receipt or possession of obscene matter for sale or distribution

"(a) Whoever knowingly receives or possesses with intent to distribute any obscene book, magazine, picture, paper, film, videotape, phonograph recording, electrical transcription, or any other matter, which has been shipped or transported in interstate or foreign commerce shall be punished by imprisonment for not more than two years or by a fine under this title, or both.

"(b) Whoever violates subsection (a) of this section and is engaged in the business of selling or transferring obscene matter shall be punished by imprisonment for not more than five years or by a fine under this title, or both. As used in this subsection, the term 'engaged in the business' means that the person who sells or transfers or offers to sell or transfer obscene matter devotes time, attention, or labor to such activities, as a regular course of trade or business, with the objective of earning a profit, although it is not necessary that the person make a profit or that the selling or transferring or offering to sell or transfer obscene matter be the person's sole or principal business or source of income. The offering for sale of or to transfer, at one time, two or more copies of any obscene publication, or two or more of any obscene article, or a combined total of five or more such publications and articles, shall create a rebuttable presumption that the person so offering them is engaged in the business of selling or transferring obscene articles.".

(b) *Clerical Amendment.*—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1465 the following:

"1466. Receipt or possession of obscene matter for sale or distribution.".

(c) Use of Facility of Commerce.—The first paragraph of section 1465 of title 18, United States Code, is amended by inserting after the word distribution: ", or knowingly uses a facility or means of commerce for the purpose of interstate or foreign sale or distribution of,".

(d) Presumptions.—Chapter 71 of title 18, United States Code, as amended by subsection (a) of this section and by section 302, is further amended by adding at the end the following:

"§ 1469. Presumptions

"(a) In any prosecution under this chapter in which an element of the offense is that the matter in question was transported, shipped, or carried in interstate commerce, proof, by either circumstantial or direct evidence, that such matter was produced or manufactured in one State and is subsequently located in another State shall raise a rebuttable presumption that such matter was transported, shipped, or carried in interstate commerce.

"(b) In any prosecution under this chapter in which an element of the offense is that the matter is question was transported, shipped, or carried in foreign commerce, proof, by either circumstantial or direct evidence, that such matter was produced or manufactured outside of the United States and is subsequently located in the United States shall raise a rebuttable presumption that such matter was transported, shipped, or carried in foreign commerce.".

(e) Clerical Amendment.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1468 the following:

"1469. Presumptions.".

(f) Travel Act Amendment.—Subsection 1952(b) of title 18, United States Code, is amended by striking out "or prostitution offenses" and inserting in lieu thereof: "or obscenity or prostitution offenses".

SEC. 202. FORFEITURE IN OBSCENITY CASES.

(a) In General.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1467. Criminal forfeiture

"(a) Property Subject to Criminal Forfeiture.—A person who is convicted of an offense involving obscene material under this chapter shall forfeit to the United States such person's interest in—

"(1) any obscene material produced, transported, mailed, shipped or received in violation of this chapter;

"(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

"(b) Third Party Transfers.—All right, title, and interest in property described in subsection (a) of this section vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) of this section that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) Protective Orders.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) of this section for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this chapter for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered;

except that an order entered under subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) Warrant of Seizure.—The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (c) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) Order of Forfeiture.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(f) Executive.—Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order delcaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Disposition of Property.—Following the seizure of property ordered forfeited under this section, the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and shall direct the disposition of any property described in paragraph (2) or (3) of subsection (a) by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) Authority of Attorney General.—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) comprise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 1616, title 19, United States Code, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) Applicability of Civil Forfeiture Provisions.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 1468(d) of this title (18 U.S.C. 1468(d)) shall apply to a criminal forfeiture under this section.

"(j) Bar on Intervention.—Except as provided in subsection (m) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) Jurisdiction To Enter Orders.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) Depositions.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitons for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m) Third Party Interests.—(1) Following the entry of an order of forefeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section:

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) Construction.—The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"(o) Substitute Assets.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"§ 1468. Civil forfeiture

"(a) Property Subject to Civil Forfeiture.—The following property shall be subject to forfeiture by the United States:

"(1) Any obscene material produced, transported, mailed, shipped, or received in violation of this chapter.

"(2) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense involving obscene material under this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(3) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of this chapter involving obscene material, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) Seizure Pursuant to Supplemental Rules for Certain Admiralty and Maritime Claims.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant. The government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) Custody of Attorney General.—Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) Other Laws and Proceedings Applicable.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Postal Service, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"(e) Applicability of Certain Sections.—Sections 1606, 1607, 1608, 1609, 1613, 1614, 1617, and 1618 of title 19 shall not apply with respect to obscene material subject to forfeiture under subsection (a)(1) of this section.

"(f) Disposition of Forfeited Property.—Whenever property is forfeited under this section the Attorney General shall destroy or retain for official use any article described in paragraph (1) of subsection (a), and with respect to property described in paragraphs (2) and (3) of subsection (a) may—

"(1) retain the property for official use or transfer the custody or ownership of any forfeited property to Federal, State, or local agency pursuant to section 1616 of title 19;

"(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

"(3) require that the General Services Administration take custody of the property and dispose of it in accordance with law.

The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to judicial review. The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter.

"(g) Title to Property.—All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(h) Stay of Proceedings.—The filing of an indictment or information alleging a violation of this chapter which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(i) Venue.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

(b) Clerical Amendments.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by inserting after the item relating to section 1465 the following:

"1467. Criminal forfeiture.
"1468. Civil forfeiture."

(c) Repeal.—The last paragraph of section 1465 of title 18, United States Code, is repealed.

(d) Sexual Abuse of Children.—Sections 2253 through 2254 of title 18, United States Code, are amended to read as follows:

"§ 2253. Criminal forfeiture.

"(a) Property Subject to Criminal Forfeiture.—A person who is convicted of an offense under this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter shall forfeit to the United States such person's interest in—

"(1) any visual depiction described in sections 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter.

"(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

"(b) Third Party Transfers.—All right, title, and interest in property described in subsection (a) of this section vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) of this section that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) Protective Orders.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) of this section for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this chapter for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered;

except that an order entered pursuant to subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) Warrant of Seizure.—The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under section (c) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) Order of Forfeiture.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(f) Execution.—Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Disposition of Property.—Following the seizure of property ordered forfeited under this section, the Attorney General shall destroy or retain for official use any article described in paragraph (1) of subsection (a), and shall retain for official use or direct the disposition of any property described in paragraph (2) or (3) of subsection (a) by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) Authority of Attorney General.—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petition, for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 1616, title 19, United States Code, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) Applicability of Civil Forfeiture Provisions.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 2254(d) of this title (18 U.S.C. 2254(d)) shall apply to a criminal forfeiture under this section.

"(j) Bar on Intervention.—Except as provided in subsection (m) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) Jurisdiction to Enter Orders.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) Depositions.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal **Rules of Criminal Procedure.**

"(m) Third Party Interests.—(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those person so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forefeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forefeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forefeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) Construction.—The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"(o) Substitute Assets.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"§ 2254. Civil forfeiture

"(a) Property Subject to Civil Forfeiture.—The following property shall be subject to forfeiture by the United States:

"(1) Any visual depiction described in sections 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter.

"(2) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense under this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(3) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) Seizure Pursuant to Supplemental Rules for Certain Admiralty and Maritime Claims.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant. The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) CUSTODY OF ATTORNEY GENERAL.—Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) OTHER LAWS AND PROCEEDINGS APPLICABLE.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Postal Service, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"(e) Sections 1606, 1607, 1608, 1609, 1613, 1614, 1617, and 1618 of title 19, United States Code, shall not apply with respect to any visual depiction or any matter containing a visual depiction subject to forfeiture under subsection (a)(1) of this section.

"(f) DISPOSITION OF FORFEITED PROPERTY.—Whenever property is forfeited under this section the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and, with respect to property described in paragraph (2) or (3) of subsection (a), may—

"(1) retain the property for official use or transfer the custody or ownership of any forfeited property to a Federal, State, or local agency pursuant to section 1616 of title 19;

"(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

"(3) require that the General Services Administration take custody of the property and dispose of it in accordance with law.

The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to judicial review. The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter.

"(g) TITLE TO PROPERTY.—All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(h) STAY OF PROCEEDINGS.—The filing of an indictment or information alleging a violation of this chapter which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(i) VENUE.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

(e) TARIFF ACT AMENDMENT.—Section 305 of the Tariff Act of 1930 (19 U.S.C. 1305), is amended by adding at the end the following:

"(b) COORDINATION OF FORFEITURE PROCEEDINGS WITH CRIMINAL PROCEEDINGS.—(1) Notwithstanding subsection (a), whenever the Customs Service is of the opinion that criminal prosecution would be appropriate or that further criminal investigation is warranted in connection with allegedly obscene material seized at the time of entry, the appropriate customs officer shall immediately transmit information concerning such seizure to the United States Attorney of the district of the addressee's residence. No notice to the addressee or consignee concerning the seizure is required at the time of such transmittal.

"(2) Upon receipt of such information, such United States attorney shall promptly determine whether in such attorney's opinion the referral of the matter for forfeiture under this section would materially affect the Government's ability to conduct a criminal investigation with respect to such seizure.

"(3) If the United States attorney is of the opinion that no prejudice to such investigation will result from such referral, such attorney shall immediately so notify the Customs Service in writing. The appropriate customs officer shall immediately notify in writing the addressee or consignee of the seizure and shall transmit information concerning such seizure to the United States attorney of the district in which is situated the office at which such seizure has taken place. The actions described in paragraphs (1) through (3) of this subsection shall take place within sufficient time to allow for the filing of a forfeiture complaint within 14 days of the seizure unless the United States attorney of the district of the addressee's residence certifies in writing and includes specific, articulable facts demonstrating that the determination required in paragraph (2) of this subsection could not be made in sufficient time to comply with this deadline. In such cases, the actions described in paragraphs (1) through (3) of this subsection shall take place within sufficient time to allow for the filing of a forfeiture complaint within 21 days of seizure.

"(4) If the United States attorney for the district of the addressee's residence concludes that material prejudice to such investigation will result from such referral, such United States attorney shall place on file, within 14 days of the date of seizure, a dated certification stating that it is the United States attorney's judgment that referral of the matter for forfeiture under this section would materially affect the Government's ability to conduct a criminal investigation with respect to the seizure. The certification shall set forth specific, articulable facts demonstrating that withholding referral for forfeiture is necessary.

"(5)(A) As soon as the circumstances change so that withholding of referral for forfeiture is no longer necessary for purposes of the criminal investigation, the United States attorney shall immediately so notify the Customs Service in writing and shall furnish a copy of the certification described in paragraph (4) above to the Customs Service.

"(B) In any matter referred to a United States attorney for possible criminal prosecution wherein subparagraph (54)(A) does not apply, the United States attorney shall immediately notify the Customs Service in writing concerning the disposition of the matter, whether by institution of a prosecution or a letter of declination, and shall also furnish a copy of the certification described in paragraph (4) of this subsection to the Customs Service.

"(C) Upon receipt of the notification described in subparagraph (A) or (B) of this paragraph, the appropriate customs officer shall immediately notify the addressee or consignee of the seizure and shall transmit information concerning the seizure, including a copy of the certification described in paragraph (4) above and a copy of the notification described in subparagraph (A) or (B) of this paragraph, to the United States attorney of the district in which is situated the office at which such seizure has taken place, who shall institute forfeiture proceedings in accordance with subsection (a) hereof within 14 days of the date of the notification described in subparagraph (A) or (B) above. A copy of the certification described in paragraph (4) above and a copy of the notification described in subparagraph (A) or (B) of this paragraph shall be affixed to the complaint for forfeiture.

"(c) STAY ON MOTION.—Upon motion of the United States, a court, for good cause shown, shall stay civil forfeiture proceedings commenced under this section pending the completion of any related criminal matter whether in the same or in a different district.".

SEC. 203. CABLE TELEVISION OBSCENITY.

(a) FINDINGS.—The Congress finds that—

(1) cable television programming is routinely transmitted from transmitting facilities in one State to locations in other States and in foreign countries;

(2) cable and subscription television programs are routinely relayed in interstate or foreign commerce via satellities;

(3) operators of cable and subscription television services routinely make available to their subscribers movies and other programs that have been produced in a manner that involves interstate or foreign commerce and have been shipped or transported in interstate or foreign commerce;

(4) the equipment necessary to provide cable and subscription television service to consumers and television sets capable of receiving cable transmissions and subscription television programming are all routinely shipped and transported in interstate commerce and foreign commerce;

(5) a national market exists for all types of programming available via cable and subscription television, and this market involves the use of the channels of interstate and foreign commerce;

(6) production and distribution of cable and subscription television programming that is entirely within a single State has an impact on the national market for such programming;

(7) the proliferation of cable and subscription television outlets requires more effective safeguards against obscene cable and subscription programming; and

(8) the harm caused by obscene television programming combined with the interstate nature of such programming requires that the Federal Government must assist the States in their efforts to combat it.

(b) NEW OFFENSE.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1464, the following:

"§ 1464A. Distributing obscene material by cable or subscription television

"(a) Whoever knowingly utters any obscene language or distributes any obscene matter by means of cable television or subscription services on television, shall be punished by imprisonment for not more than 2 years or by a fine in accordance with this title, or both.

"(b) As used in this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, or to produce or provide material for such distribution.

"(c) Nothing in this chapter, or the Cable Communications Policy Act of 1984, or any other provision of Federal law, is intended to interfere with or preempt the power of the States, including the political subdivisions thereof, to regulate the uttering of obscene or indecent language or the distribution of obscene or indecent matter, of any sort, by means of cable television or subscription services on television, in a manner which is not inconsistent with the Constitution.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1464 the following:

"1464A. Distributing obscene material by cable or subscription television.".

SEC. 204. COMMUNICATIONS ACT AMENDMENT.

Paragraphs (1) through (2) of subsection 223(b) of the Communications Act of 1934 (47 U.S.C. 223) are amended to read as follows:

"(1) Whoever, knowingly—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes, of makes any indecent communication for commercial purposes to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed such call; or

"(B) permits any telephone facility under such person's control to be used in an activity prohibited by subparagraph (A),

shall, in the case of an obscene communication be fined in accordance with the provisions of title 18 or imprisoned not more than 2 years, or both, and in the case of an indecent communication shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

"(2) It is a defense to a prosecution under this subsection for a violation involving an indecent communication to persons 18 years of age or older in accordance with procedures the Commission shall prescribe by regulation.".

SEC. 205. POSSESSION AND SALE OF OBSCENE MATTERS IN FEDERAL JURISDICTION OR ON FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting before section 1461 the following:

"§ 1460. Possession and sale of obscene matter on Federal property

"(a) Whoever, either—

"(1) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States; or

"(2) in the Indian country as defined in section 1151 of this title,

knowingly sells or possesses with intent to sell an obscene visual depiction or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct, shall be punished by a fine in accordance with the provisions of this title or imprisoned for not more than 2 years, or both.

"(b) Except as provided in subsection (c), whoever, in an area described in subparagraph (1) or (2) of subsection (a) knowingly possesses an obscene visual depiction or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct shall be punished by imprisonment for not more than 6 months or a fine of not more than $5,000 for an individual or $10,000 for a person other than an individual, or both.

"(c) Subsection (b) shall not apply in the case of a person who possesses an obscene visual depiction in any place where such person lives or resides.

"(d) For the purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape but does not include mere words; and

"(2) the terms 'minor' and 'sexually explicit conduct' have the meaning given those terms in chapter 110 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding before the item relating to section 1461 the following:

"1460. Possession and sale of obscene matter on Federal property.".

SEC. 206. ELECTRONIC SURVEILLANCE.

Subsection (1) of section 2516 of title 18, United States Code, is amended by redesignating paragraphs (i) and (j) as (j) and (k), respectively, and by adding a new paragraph (i) as follows:

"(i) any felony violation of chapter 71 (relating to obscenity) of this title;".

Mr. HECHT. Mr. President, I am pleased today to join my distinguished colleagues, Senators THURMOND and DECONCINI, in sponsoring the Child Protection and Obscenity Enforcement Act of 1988. This legislation encompasses an extremely thorough and complete package which is a direct result of the Reagan administration's deep commitment to address the problem of pornography in this country. I, too, share this deep commitment.

The significance of this bill is tremendous, Mr. President, and when passed by this body, it will continue the commitment of the U.S. Senate to work in a bipartisan manner to ensure that the children of the United States can be, and should be, provided with a safe, prosperous, and, most importantly, crime-free environment in which they can grow into successful and productive members of our society.

Mr. President, this bill is a comprehensive legislative package, implementing many of the recommendations of the Final Report of the Attorney General's Commission on Pornography. It strengthens many of the provisions of current law which deal with the most serious and devastating problems facing our Nation's young people. Child pornography is a plague upon this society, but it is a plague which can be destroyed.

This legislation deals with pornography in 11 basic areas under three categories: First, child pornography; second, obscenity; and third, child protection. In addition to strengthening the Federal laws pertaining to child pornography, this proposal would also increase the ability of the U.S. Department of Justice and the related Federal law-enforcement agencies to attack the interstate traffic of pornography and obscenity, while strengthening our ability to control the ever-increasing problems associated with "dial-a-porn" telephone services and "cable-porn" television services.

Mr. President, many of the letters which I have received reflect the concerns and frustrations of parents who so desperately want to be able to raise their their children in a safe and wholesome environment. I would like to share two letters which I have recently received which exemplify the nature of the feelings of my fellow Nevadans.

Chris and Jill Strawn, of Reno, NV, recently wrote to me regarding their concerns about the effects of society upon the lives of their children. As expectant parents, the Strawns feel that

> Rampant pornography is a detriment to the efforts of parents, teachers and others who are striving to raise children of character and moral substance.

Mr. and Mrs. Strawn voiced their view that child pornography

> Is a terrible threat to our safety as its victims are innocent and helpless.

Mrs. Debra Shultz, of Elko, NV, wrote to me to thank the Members of this body for unanimously passing the Dial-a-Porn Control Act of 1987, and to request unanimous support for the legislative package we are introducing today. Mrs. Shultz cites the destructive nature of those who prey on our children and asked for our support to help secure the rights of freedom and liberty of many innocent young children.

Mr. President, these are but two examples of the overwhelming outcry of support from Nevadans for enactment of this legislation. It is with sincere hope for a strong and wholesome future for the children of Nevada, and of the Nation that I request my fellow colleagues to join in support of this measure.

● Mrs. KASSEBAUM. Mr. President, I rise in support of legislation being introduced today that can help deal in an effective way with the problem of hardcore pornography in our country. The bill is entitled the "Child Protection and Obscenity Enforcement Act of 1988." This legislative package was developed by the Department of Justice and would implement many of the recommendations of the 1986 Attorney General's Commission on Pornography.

As a mother of four, I am particularly concerned about the alarming rate at which child pornography is growing. Pornography is now the third highest profit industry in organized crime after narcotics and gambling. Consequently, it has turned into a highly sophisticated network, exploiting adults and children by the score.

I have been appalled by the spread of pornography. There was a time when this material could only be obtained by consenting adults. Now it is accessible through mass media such as "dial-a-porn" and cable porn operations or unsolicited mail-order letters advertising hardcore video tapes, complete with obscene photographs and language. These materials are now so easily accessible that it has become virtually impossible for parents to keep their children from being exposed to them.

Furthermore, there is more to pornography than just its offensive nature. It also is detrimental to society in general. A number of studies suggest that hardcore pornography may play a part in provoking individuals into acting out lilicit sexual behaviors. While it is difficult to make a direct link between exposure to pornography and the acting out of such violent acts, I believe there is enough evidence to suggest a connection.

With legislation of this type there are often legitimate concerns regarding infringement upon an individual's rights to freedom of speech and freedom of information. These are clearly provided by the first amendment of the Constitution, and if I felt this bill denied those rights, I would oppose it. I do not support censorship. What I do support is the enforcement of already existing obscenity laws against the production and commercial trade of illegal material and against the exploitation of children. This legislation is limited to three major areas: Correcting weaknesses and loopholes in existing Federal statutes; updating the law to take into account technologies newly utilized by the pornography industry to distribute illegal obscenity and child pornography; and cracking down on the growth of organized crime in the industry.

In terms of tightening current Federal laws, this bill would prohibit a parent, legal guardian, or other person having custody or control of a minor from selling or otherwise transferring custody or control of that minor for the production of pornography. Second, it would protect minors from use in sexually explicit materials by requiring verifiable recordkeeping with respect to the age and identity of each performer appearing in depictions of "actual sexually explicit conduct." Third, it would make it a criminal offense to receive or possess obscene materials with intent to sell or distribute.

To put the lid on organized crime, child pornography would be made an offense under the racketeer influenced corrupt organization statute. Among other things, this would allow the seizure and forfeiture of profits derived from the offense. There is also included a "syndicate buster" provision which would expand current law to include a prohibition on the use of a "facility or means" of interstate commerce to transport material of this sort. This means a prosecutor would need only prove that a defendant used a facility or means of interstate commerce, such as a truck or car, and not that the defendant actually transported the material in question across State lines as current law prohibits.

To deal with new technologies for the distribution of obscene materials, the bill would prohibit the use of computers to advertise, distribute, or receive child pornography and related information. It would also make it a criminal offense to utter obscene language or distribute obscene matter by cable television or other subscription television services. Along those same lines, it would prohibit the making of obscene telephone calls for commercial purpose to any person, regardless of age, regardless of whether the maker of the communication placed the call, and regardless of whether the communication was made directly or by recorded device.

I think it is appropriate that the Federal Government take strong measures against illicit pornography and child exploitation. I hope my colleagues will join me in support of this bill to combat this problem and help eliminate a modern tragedy in our society.●

● Mr. DECONCINI. Mr. President, I am honored to join with my distinguished colleague and friend from South Carolina, Senator THURMOND, in introducing the Child Protection and Enforcement Act of 1988. I believe this is one of the most important pieces of legislation ever to be considered by this great body.

Pornography in America is a big business. A very big business. The Justice Department has estimated that pornography sales total nearly $4 billion annually—and that is said to be a conservative estimate. A major part of the pornography network is child pornography and its trappings. Child pornography has become a highly organized, multimillion-dollar industry preying on the youth of our country who are either unable to protect themselves or are induced into participating by those they trust.

The sexual exploitation of any human being, especially those who are young, impressionable and vulnerable, is reprehensible. It is an affront to every individual and to every community that strives to maintain a decent society and to protect its citizens and their fundamental rights. If we are to deal effectively with the problem of pornography, it is essential that we recognize that it victimizes all members of society, regardless of sex, age, race, religion, or social status.

Perhaps the most degrading and revolting aspect of the increased pornography trade that is engulfing decency is child pornography. It is beyond the comprehension of this Senator that men and women would sexually exploit young children. Many of the victims are runaways who have fallen into criminal hands. But studies indicated that a vast number of children under the age of 8 are provided to the pornographers by parents and guardians.

In the fight against pornography the courts have played an ambivalent role. The Supreme Court has consistently held that the first amendment which protects the right to free expression does not protect obscenity. Yet, the judicial system has struggled in its effort to provide a working definition of obscenity and, for practical purposes, pornography. While the debate over the classifying of materials as pornographic or not continues, our children remain victims.

The use of children in the production of pornographic materials is extremely harmful to the physiological, emotional and psychological health of a child. The scars of having to engage in such activity remain forever etched in the youthful victim's mind. Many times the trauma of having to perform in these exploits is never overcome, endlessly tormenting the helpless victim.

Participation in the production of obscene material is not the only form of harm which can come to a child. In today's world kids are bombarded daily by pornographic publications at the local drug store, or by transmittal of pornography over cable television networks, or by obscene materials distributed through the mails and found in the nearby movie theaters. The values of a moral society have taken a back seat to the money-hungry, illegal and immoral sex industry.

Mr. President, for years now I have worked to have this area of social concern addressed. I joined as cosponsor in the successful effort to pass the Child Protection Act of 1984. In addition, I played an instrumental role in the passage of two Missing Children Assistance Acts, and strongly supported reauthorization of the Runaway and Homeless Youth Act. For years I have found myself aligned with the distinguished South Carolina Senator, supporting legislation of this kind. In 1982 Senator THURMOND and I introduced S. 2136 to make illegal the transmission, either over broadcast television or cable television, of obscene, indecent or profane language or material. Today, it is once again heartening to see the distinguished Senator from South Carolina continue to take the lead in the fight for those unable to fend for themselves—our children.

Mr. President, in May 1984 President Reagan signed into law the Child Protection Act of 1984. That law called for the establishment of a national commission to study the scope and nature of pornography in the United States. In July 1986, following 14 months of review, the Commission released its final report suggesting changes in the Federal law. The bill introduced today has been drafted relying on the recommendations of the Commission. As provided by the President in his transmittal message, the purposes of the bill are twofold:

> First, to update Federal law to take into account new technologies and ways of doing business employed by the pornography industry; and second, to remove loopholes and weaknesses in the law, which have given criminals in this area the upper hand for far too long.

The legislation introduced today addresses three key areas of concern: First, sexual exploitation of children through child pornography; second, obscenity provisions; and third, child protection amendments concerning dial-a-porn and cable porn.

In the area of exploitation, the bill as it is now crafted would prohibit the use of computers to advertise, distribute, or receive child pornography and related information. Additionally, this bill would prohibit a parent, legal guardian or one having custody or control of a minor from selling or transferring control of that minor when the person knows the minor would be used for production of pornographic materials. The bill would also require producers and certain distributors of these types of materials to create and maintain verifiable records with respect to age and identity of each performer appearing. If this recordkeeping requirement is not met, the burden of proving the perfomer was not a minor would be on the producer or distributor in any subsequent prosecution. Finally, in the area of exploitation, this bill would make a child pornography violation a predicate offense under the Racketeer Influenced Corrupt Organization [RICO] statute. This would allow, among other things, for the seizure and forfeiture of profits derived from the offense.

The obscenity provisions of this bill would establish the receipt or possession of obscene material, with the intent to sell or distribute, a criminal offense. Also the mere use of a facility or means of interstate commerce to transport obscene materials would be prohibited. This would reduce the burden of proof placed upon the prosecutor from proving the defendant actually transported across State lines to only having to prove the defendant used a facility or means of interstate commerce. Furthermore, this bill would permit criminal and civil asset forfeiture, similar to the asset forfeiture statutes which have been successful in the drug enforcement and racketeering areas.

And the bill would make it a criminal offense to possess or sell obscene visual depiction or child pornography on Federal property. Finally, under this section of the legislation, the Government would be authorized to seek court ordered wiretaps for felony obscenity offenses.

The remainining concerns addressed by this bill include the cable porn and dial-a-porn industries. As the bill is now drafted, the utterance of obscene language or the distribution of obscene material by cable television or other subscription television services would be a criminal offense. Second, the bill would prohibit the making of obscene telephone calls, for commercial purposes, to any person, regardless of age, regardless of whether the maker of the communication placed the call, and regardless of whether the communication was made directly or by recording the communication and replaying it over the phone.

Mr. President, the future of our society, as we know it, may be dependent on the actions taken by this Congress. In the recent history of our Nation the social problem of sexual exploitation has run rampant. The sordid element of society has capitalized on the perversions of the weak, and abused the rights of the moral. Most disturbing of all, the vermin that prey on those who cannot protect themselves have continually exploited the children of our society. The unknowing and unaware have become victims of the unscrupulous and demented.

In years past efforts have been made to combat the societal violations of these miscreants. Legislation has been passed, task forces organized, commissions appointed. Yet unless the battle is continually fought on all fronts, the ground gained in recent times could be lost. The legislation we are introducing today is a needed weapon in the prosecutor's arsenal against child pornography and obscenity.●

● Mr. EXON. Mr. President, I am pleased to rise to join with my good friends, the senior Senator from Arizona, DENNIS DECONCINI, and the senior Senator from South Carolina, STROM THURMOND, to introduce the Child Protection and Obscenity Enforcement Act.

Over the years, I have taken a special interest in protecting our children from the devastatingly evil child pornography trade. I have cosponsored several measures which have become law to crack down on this unseemly enterprise. I am proud that the U.S. Congress has made several major steps in its battle against child pornographers. The Child Protection and Obscenity Enforcement Act continues this effort.

This legislation, which was recently recommended by the President, embraces several proposals which other Members and I have supported for a number of years. These include provisions to prohibit the use of computers for the purposes of child sexual exploitation, to expand the criminal and civil forfeiture laws to cover assets of violators of Federal obscenity laws, and to crack down on so-called "dial-a-porn" operations.

I am hopeful that the Senate Judiciary Committee can complete its review of this legislation in an expeditious manner and that this important bill could be enacted before the end of the 100th Congress.●

Mr. KARNES. Mr. President, it has become unquestionably clear that throughout the country, including Nebraska, our children are being threatened by a social menace, the business of pornography.

In 1987 alone, the U.S. attorney's office in Omaha, NE brought six separate indictments for cases of child pornography. Of these four of the accused pleaded guilty, one committed suicide the night before his arraignment, and one case is still not resolved. These were six cases, in one year, in Omaha, where the U.S. attorney was able to gather enough evidence to prove the crime had been committed.

In addition, in the approximately 3-year period beginning March 1, 1985, the National Center for Missing and Exploited Children received 165 calls regarding sexual exploitation of children in Nebraska. Seventy-six of these calls led to actual cases where there were enough hard facts to investigate the matter further.

Child pornography is obviously a problem. Pornography, in a general sense, is obscene literature, art or photography, with little or no artistic merit. The legal definition of pornography has been the subject of extensive litigation for years in the Federal courts, including the U.S. Supreme Court.

Pornography, as defined by the courts, is either obscene or indecent. To the degree that it is obscene, pornographic material is not protected by the U.S. Constitution. Even though there are many prohibitions on the dissemination of obscene materials under current Federal laws, because of technical loopholes, the statutes are not enforced in many areas, and the trafficking of pornography continues.

Mr. President, we need to update our laws and tighten the legal guidelines relating to the distribution of pornography. This should be done in a way that leaves the free speech guarantees of the U.S. Constitution undisturbed.

Last session, this Senate voted on and passed, by a vote of 98-0, a provision introduced by my distinguished colleague from North Carolina, Senator JESSE HELMS, to outlaw dial-a-porn communications to minors. I voted in favor of this measure because I recognize the need to protect our children from exposure to lewd and disturbing telephone messages. The need for this is increasingly clear.

For example, it is worth noting that in one 24-hour period in May, 1984, 800,000 calls were placed to a single dial-a-porn service. It is not known how many of those calls may have been placed by children. The plain truth about this disgraceful service is that it has grown from a single operation in 1983 into a widespread industry, with operations based all over the country that service every major city.

Today, Mr. President, we have an opportunity to address the laws relating to the regulation and distribution of illicit material on a broader scale. The Child Protection and Obscenity Enforcement Act provides a comprehensive solution to the problems posed by the trafficking of obscene materials and the extent to which this leads to the exploitation of our children. The legislation will give parents some reassurance that their children will not be exposed to obscene or indecent material which contains no educational or cultural merit whatsoever.

We must consider the psychological and moral impact that pornographic material has on our children. The Attorney General's Commission on Pornography has concluded, based on its study of substantial data, that child pornography is a catalyst for depraved behavior among children. In its final report, the Commission stated that "there is substantial evidence that photographs of children engaged in sexual activity are used as tools for further molestation of other children." It has been shown as well that, in a given year, almost every single reported case of child sexual exploitation also involves some degree of adult pornography. The seriousness of this link between pornography and criminal acts cannot be overlooked.

A group located in Lincoln, NE, known as "Citizens Against Pornography of Lincoln, Inc." [CAP], has dedicated a great deal of time and effort to increasing the public awareness of the evil influences of pornography. CAP members serve as coordinators of a statewide network, known as "Network for a Porn-Free Nebraska." Their aim is to protect the moral fabric of communities in Nebraska, through the bonds of the family and the purity of our children.

Mr. President, I would ask unanimous consent to submit for the record the letter I received from the president of CAP which endorses the bill that my distinguished colleagues from South Carolina and Arizona have introduced today, and enlightens us further about the great need for refining our laws in this area. I would ask that my colleagues pay particularly close attention to the sections entitled "Porn Socializes Taboo Ideas" and "Porn Erodes the Sexual Safety of Children."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST PORNOGRAPHY
OF LINCOLN, INC.,
Lincoln, NE, January 4, 1988.

DEAR NEBRASKA CONGRESSMAN: Some wonderfully encouraging things have been coming out of Washington over the past year to help in the battle against child porn and hard-core obscenity.

One of the most encouraging of these was the recent introduction of The Child Protection and Obscenity Enforcement Act of 1987.

This package of anti-obscenity legislation is powerful enough to significantly deter, it seems to me, both the illegal child porn and hard core obscenity industries in our country.

I am so impressed with its provisions to bring the law up to date with current technology, e.g. prohibition of the use of computers to advertise, distribute and receive child porn. It would prohibit obscenity on cable or any subscription T.V. It would deter organized crime by providing that assets derived from child porn or through violation of obscenity law can be forfeited.

The Law would protect young people by outlawing the buying or selling of children by parents or others to produce pornography. (How sad that it is even necessary to have such a law!) It also protects young people by requiring that verifiable records be maintained of the age and identity of every performer.

We would like to know what your views are of this proposed law, and to encourage you to support it.

I am including a Background Sheet on CAP of Lincoln. We are serving as coordinators of a state-wide network, the NPFN. If you have citizens writing to you, wondering what can be done, you may want to put them in touch with us.

Sincerely,

DIANA NYANGIRA,
President.

BACKGROUND SHEET—CITIZENS AGAINST PORNOGRAPHY OF LINCOLN

Citizens Against Pornography of Lincoln was formed in the Fall of 1984 to fight pornography in all of its forms. It serves as a mobilization tool through which local men and women of a wide range of backgrounds can respond to the harm such materials have on our women, men, young people, families and community. Since 1985, Coach Tom Osborne has been its Honorary Chairman. Five significant aspects of CAP's work are these:

Community Education. CAP provides speakers for civic groups and a broad spectrum of the city's churches. It also publishes a monthly newsletter.

Positive Consumer Pressure Campaign. CAP has identified ten categories of businesses that typically sell porn in Lincoln. It has visited all merchants concerned. Those which have neither print nor video porn can display, if they wish, our red, white and blue "Welcome Sticker". We widely distribute lists of these merchants and encourage the public to reward them with their business. At the same time, the concerned public is encouraged to no longer spend their consumer dollars at businesses which persist in marketing such materials till the materials have been completely removed.

Legislative Change. CAP's Law Committee studies the State's antiobscenity laws and works toward their improvement. For example, the support of legislation increasing child porn penalties, was mobilized by CAP.

Court Watch. Through its research CAP has found that one reason that Cinema X and the Embassy stay in business in Lincoln has not been because of inaction by the police or County Attorney, but because of the very low fines levied by our local judges. These fines, little more than a token wristslap, have lacked deterrent effect. For this reason CAP maintains a court watch and keeps people informed of the records of the judges in relevant cases.

Co-ordination of NPFN (Network for a Porn-Free Nebraska). CAP serves as coordinator of the Network for a Porn-Free Nebraska. The NPFN is a state-wide group involved in anti-porn work. CAP provides a bimonthly NPFN Newsletter, and a yearly training/sharing workshop.

Why Do We Care? Sometimes people take a laissez-faire position on this material because they do not actually know what the content of these materials is like and because they feel that, possibly, no one is seriously harmed by them. This after all, is not the kind of material decent citizens are normally acquainted with. This is what our study has found:

Porn Socializes Taboo Ideas. One of the socially taboo ideas to which porn attempts to lend respectability is *incest.* Even in neighborhood convenience stores one can find such material as: "I Screwed My Mother this Summer" in Family Touch. Incest cartoons have been found in popular soft-porn magazines.

Another sexual taboo, *bestiality,* is found in soft, as well as hard porn. Example: Santa Claus having intercourse with this reindeer (Playboy, Jan. 1979).

Porn glamorizes and promotes multiple, uncommitted sexual relationships even though *promiscuity* is high risk behavior for AIDS.

Porn Devalues Women. Women, above all people, are blatantly degraded by pornographic and obscene materials. They are characteristically portrayed and masochistic and subservient, and of no greater value than their genitals. This kind of devaluation would not be given community tolerance if it were against Blacks, Jews, or other ethnic or religious groups. CAP believes that all members of our community, including women, should be valued as whole human beings—not just what they can be used for.

Porn Erodes the Sexual Safety of Children. Among the most troubling findings is that not only child-porn, but the most widely sold porn magazines, Playboy, Penthouse and Hustler, for many years showed children as suitable sexual objects. Judith Reisman did a study of adult-child sex in these three magazines. The study was funded by the Office of Juvenile Justice and Delinquency Prevention, in cooperation with the American University in Washington, D.C., where Reisman was a researcher. In analyzing the content of these magazines for the period 1953-1984, Reisman found more than 6,000 illustrations of children—most between the ages of 6 and 11.

989 child images were sexually associated with adults

1,225 child images were associated with genital activity

267 child images were associated with sex with animals or objects

592 were associated with specific kinds of force

2,096 juxtaposed the child image with adult sexual body parts or activity

Almost all inferred that the child was unharmed or benefited from sexual assaults; they also inferred that the activity was something that the child desired or sought out.

Both Pornographic and Obscene Materials Make Sexual Violence Against Women More Likely. The Attorney General's Commission on Pornography found that "substantial exposure, even to non-violent porn, will increase the acceptance of the proposition that women like to be forced into sexual practices and . . . that the women who says 'no' really means 'yes'."

This is the classic rape myth: That women like and deserve to be raped—and that even their protests should be disbelieved.

A 1984 study by two University of New Hampshire researchers found that states with the highest readership of pornographic magazines, such as Playboy and Hustler, had the highest rape rates. The study showed that Alaska had the highest rape rate (72 per 100,000 people) and the highest percentage of pornographic magazine readers (⅕ of the state adult population). Colorado, California and Arizona were among the 10 states with the highest correlation between pornographic readership and incidence of rape.

The chance of a woman being raped is increased by these materials and rape now is more than physical damage and emotional trauma. As the AIDS virus increasingly becomes part of the equation, the price of rape can be a death sentence—for the woman as well as for her attacker.

The Supreme Court States Categorically that Obscenity is Not Protected Speech. Some mistakenly believe that all speech is protected by the First Amendment. This is not true. Libel, for example, is not protected speech. Neither is inciting people to riot or the transmission of state secrets. Similarly, obscenity has never been considered protected speech. The legal definition of obscenity is stated in the 1973 Supreme Court case, *Miller* v. *California.* According to the Miller test, material is obscene if:

1. The average person, applying contemporary adult community standards, would find that the work, taken as a whole, appeals to the prurient (lustful, erotic, shameful or morbid) interest.

2. The average person, applying contemporary adult community standards, would find that the work depicts or describes, in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, and masturbation, excretory functions, lewd exhibition of the genitals and sado-masochistic sexual abuse.

3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

A Comment on CAP's Strategy. In a letter to the Public Mind of the Lincoln Journal (July 28, 1986), Bill Morris, head of the Nebraska Civil Liberties Union, commended CAP's approach. This is what he said:

"In Lincoln, the major anti-pornography group is Citizens Against Pornography. CAP's activities include communicating its views about pornography and boycotting of stores that sell materials its members consider objectionable.

"Although we neither support nor oppose CAP's views about sexually explicit materials, we see no constitutional objections to its activities. *In fact, we applaud its commitment to working towards its goals within the First Amendment's framework.*

"Whatever one's beliefs about sexually explicit materials, the First Amendment protects the right to communicate and act upon these beliefs. It deserves our strong support."

Mr. KARNES. Mr. President, CAP is not alone in its concern about the frequency with which child images appear in pornography in association with adult sexuality. In a study of three widely circulated adult magazines, performed by a researcher from American University and funded by the Office of Juvenile Justice and Delinquency Prevention, the author reveals that, for the period between 1953 and 1984, these magazines contained more than 6,000 illustrations of children—most between the ages of 6 and 11. The analysis shows that 989 of these child images were sexually associated with adults and 1,225 were associated with genital activity.

According to CAP, "almost all of these child images inferred that the child was unharmed or benefited from sexual assaults * * *" and that "* * * the activity was something that the child desired or sought out." Mr. President, we can not let this continue.

The Child Protection and Obscenity Enforcement Act will protect children from being exposed to illicit literature and from being exploited by their parents or guardians against their will, or without even their knowledge, for the purposes of producing pornography that will be sold across State lines. This so-called child slavery should have been outlawed long ago.

Unfortunately, we must contend with more than just photographs of children. I learned recently in reviewing the Attorney General's report that it is possible for anyone to call up a pornographic message on a personal computer. All you need is a computer and a modem which connects to the telephone, and you can then have child pornography at your fingertips. The use of this new technology has heretofore evaded current obscenity laws and would be outlawed with the enactment of this bill.

The findings of the Attorney General's commission on pornography point out the great need for refining our laws in this area, particularly regarding obscenity trafficking. Despite the fact that all forms of obscenity have been outlawed, obscenity trafficking has become a multibillion-dollar market annually. The technology for maintaining this market is state of the art, or close to it—clearly the sign of an industry that is not limited in its resources.

By outlawing the trafficking of such material across State lines, particularly by means of Federally subsidized modes of transportation, this bill addresses a major enforcement problem. Current Federal laws which prohibit the interstate traffic of obscene and pornographic materials place an extremely difficult burden of proof on Federal prosecutors. A prosecutor must demonstrate that State lines have been crossed before being able to prosecute a violator under the current obscenity statutes. This means that prosecutors practically have to follow obscenity traffickers across the country in order to make a successful case. The ways in which these criminals escape detection are endless, and place a great burden on Federal law enforcement officials.

Under the legislation being introduced today, the prosecutor will finally have the law on his side. Any organization or individual that produces obscene material in one State but sells it in another would automatically create a rebuttable presumption that the law has been violated. This provision in the bill would apply to the use of Federal roads, interstate railroads, motor vehicles, boats, airplanes, or other methods for obscenity trafficking across State lines.

Taxpayers will benefit as well, because tax dollars are used to subsidize Federal transportation systems. I presume that I speak not only for Nebraskans, but all Americans, when I say that most taxpayers would be happy to know that their tax dollars are not being used to subsidize interstate transportation systems which are currently the means being used for obscenity trafficking.

Mr. President, there are other significant provisions in this legislation that, together, make it more comprehensive and far-reaching than current law in this area. This bill is a direct result of an exhaustive study commissioned by the President of the United States and conducted by the Attorney General. It provides a much needed response to the growing problem of pornography in our country and the enforcement of existing laws which relate to pornography.

I am cosponsoring this legislation because I believe we need to provide an equal footing for Federal prosecutors to be able to enforce the laws which punish the individuals making millions of dollars from this industry and, who, at the same time, exploit our children. I want to thank my colleagues—Senator Thurmond and Senator DeConcini—for sponsoring this comprehensive legislation to protect our society, and especially our children. After all, the future of our country is our children.

By Mr. CHILES:

S. 2034. A bill to provide financial assistance for programs for prekindergarten students designed to prevent students from dropping out of school, and for other purposes; to the Committee on Labor and Human Resources.

PREKINDERGARTEN EARLY DROPOUT INTERVENTION ACT

● Mr. CHILES. Mr. President, I am pleased to introduce the Prekindergarten Early Dropout Intervention Act of 1988. This bill is designed to complement other legislation, introduced by myself and my colleagues, which is aimed at reducing our Nation's devastating school dropout rate.

I am proud that our Nation is a leader in many, many areas. But there is one category where our Nation leads the deeply troubles me: the rate of school dropouts. While the United States school dropout rate now exceeds 30 percent, the Japanese rate is approximately 10 percent. If the current trend continues, the U.S. school dropout rate will approach 40 percent by the year 2000.

At a time when our Nation's economy demands a better educated and more highly skilled work force, we are losing more and more of our students to the streets. They are lost to truancy, to lethargy, to crime, to teen pregnancy, to drug abuse, and worst of all, to hopelessness. These students, for whatever reasons, opt to drop out of school.

It is well-recognized that school dropouts shortchange themselves in terms of lost opportunities to earn a decent wage, attend college, or make broad choices about their futures. New jobs require high technology and sophisticated language skills; often, a high-school diploma alone is not sufficient today. Imagine the limited choices available to school dropouts. In fact, many end up unemployed or underemployed, on welfare, in prison, or otherwise dependent upon the larger society.

America urgently needs to examine the causes of our dropout problem. Moreover, we need to look at potential solutions—how can we, as a nation, most effectively prevent students from dropping out?

While focusing on teenagers directly is vitally important, more effective dropout prevention could result if we identify at-risk children early during the child's formative years and implement effective intervention during the crucial preschool period. Research demonstrates that acquisition and mastery of certain cognitive and language development skills learned between ages 3 and 5 provide the basis for successful education; many children who lack these skills upon entering school have a greater chance of falling behind their peers and are therefore at greater risk of later dropping out. High quality prekindergarten early intervention programs for dropout prevention which are designed to enhance cognitive and language development increase a child's opportunity to acquire and master skills which will enable him to succeed in school.

Early intervention, including parental education and involvement, can make the difference by transforming potential statistics into productive citizens. As the director of Chicago's Bureau of Early Childhood Programs says, "It's better to intervene early than to remediate later."

At this point, I would like to have printed in the Record an excerpt from the acclaimed report, "Changed Lives: The Effects of the Perry Preschool Program on Youths Through Age 19":

> Early education can lead to increased school success. In the Perry Preschool study, persons who had attended preschool had better grades, fewer failing marks, and fewer absences in elementary school; they required fewer special education services, were more likely to graduate from high school, and were more likely to continue their education or get vocational training after school than their no-preschool counterparts. The picture of detailed and consistent improvement in school performance and placement is also reflected in increased commitment: Those youths who attended preschool had a more favorable attitude toward high school. The economic analysis of these findings indicates that early education can substantially increase the efficiency of later schooling and that the effect of preschool education on school system costs alone is sufficient to cover the cost of early education.
>
> Thus, preschool programs can substantially increase the efficiency of elementary and secondary education, not only by reducing costs but also by increasing effectiveness. In addition to reducing costs, preschool will boost the school performance of children who have a relatively poor prognosis for school success. These children put more into education (school commitment) and they get more out (school achievement, educational attainment). On a large scale, improving the educational process for disadvantaged children seems likely to benefit all students by raising the average level of commitment and achievement in the environment in which education takes place.
>
> Preschool offers the educational system and the society that funds it a way to allocate educational funds that is economically efficient as well as equitable. Even without counting the inherent benefits to the children and their families from increased school success, we may judge preschool to be a sound social policy investment on the basis of its effects on educational costs alone.

My bill, the Prekindergarten Early Dropout Intervention Act of 1988, proposes to reduce the number of children who later drop out of school through the provision of high quality, effective early intervention programs for 3- and 4-year-olds. These programs are designed to enhance the cognitive and language development skills of at-risk children, thus increasing the opportunity for them to acquire and master those tasks which will enable them to succeed in school.

Under my measure, local education agencies, community based organizations, and nonprofit private organizations meeting specified criteria will be eligible for grants to establish:

First, model programs for early identification of prekindergarten children between the ages of 3 and 5 who are at high risk of dropping out of school, and

Second, effective model prekindergarten early dropout prevention programs.

In order to be eligible to receive a grant, the applicant must demonstrate that the program contains certain components. This is to assure that the program receiving Federal funds will be of high quality. Program components include: evidence that the applicant has the authority and capacity to conduct the program; a parental involvement segment, including outreach activities; educationally based activities which focus on the development of cognitive and language development skills; qualified instructional personnel; staff development activities; coordination of the program with other prekindergarten programs in the community; and data collection and meaningful evaluation of the program's effectiveness.

Grant proposals are to be submitted to the Secretary of Education, who will determine if criteria have been met.

Authorized appropriations include $25 million for fiscal year 1988 and such sums as may be necessary for fiscal year 1989 and fiscal year 1990. No grant shall be awarded in excess of $300,000.

A limitation is placed on the amount of Federal dollars funding this program. The Federal share of a grant under this title shall not exceed 90 percent of the total program cost in the first year, 70 percent in the second year, and 50 percent in the third year. The non-Federal share may be in cash or in-kind, fairly evaluated, including plant, equipment, or services. These funding restrictions are intended to limit the Federal role to guidance, rather than full, financial responsibility.

Mr. President, stemming the tide of school dropouts is clearly to everyone's advantage. We can avoid paying many times over in terms of welfare payments, teen pregnancies, prison beds, lost revenues, and underutilized minds if we invest a relatively small amount now. This is the big selling point of early intervention: we are not only helping at-risk children, but saving our country much grief and trouble in the long run. I ask my colleagues to examine this legislation and join me in making America more competitive for the future by helping to reduce the number of school dropouts.●

By Mr. HEFLIN (for himself, Mr. Helms, Mr. Cochran, and Mr. Pryor):

S. 2035. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS

Mr. President, I am very pleased to introduce, along with Senators Helms, Cochran, and Pryor, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988.

This bill proposes nothing that has not been considered by the Congress in the very recent past. These amendments to the Federal pesticide law are the same ones that were reviewed by three separate Senate committees last year. They have passed the Senate once, and passed the House twice. They have gone through House-Senate conference, have passed the House once again, and were presented to the Senate in the final hours of the last Congress. These amendments are identical to those currently being considered by the House, and include provisions that the House leadership plans to add regarding patent restoration, farmer liability, and food tolerances.

As many of my colleagues are already aware, the legislative initiatives of last year were the product of an historic agreement between a coalition of environmental, labor, and consumer organizations, the agricultural chemical industry, and agricultural producers. Final legislation failed to become law only because time ran out at the end of the 1986 session on efforts to resolve a few remaining issues. Unfortunately, because these same problems still plague the legislative process, the prospects of the adoption of constructive changes to FIFRA remain uncertain.

I believe that this opportunity to make changes in the Federal pesticide law should not be lost. We cannot afford to allow the difficult compromises forged last year to escape us. Accordingly, the bill we now introduce comes the closest to meeting the needs of all parties and most closely resembles the legislation which had progressed the farthest in the legislative process during the last Congress.

The bill is far from perfect. However, the technical, legal and economic issues in pesticide regulation are complex and any opportunity to achieve a compromise should not be lost. I am concerned that further efforts to accomplish additional changes in the law would destroy the delicate balance of concessions achieved last year and would endanger the success of this important legislation.

This bill contains a number of sweeping changes to FIFRA. It includes, for example, provisions to speed up the reregistration of older pesticides that could otherwise be postponed until sometime in the next century. It includes important measures to deal with pesticides in ground water and food. It provides faster procedures to remove pesticides from the market that present an unreasonable risk to the health of individuals and to the environment. In short, the bill carefully balances the interests of agricultural growers and ranchers, consumers, and environmental interests.

Mr. President, this bill offers a moderate and balanced approach to amending FIFRA. It recognizes the importance of pesticide in agriculture and in providing Americans and the world with an abundant supply of food. I look forward to working with my colleagues in successfully amending FIFRA in this Congress.

Mr. HELMS. Mr. President, Senator Heflin and I introduce today legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act. This is legislation, with minor changes, that the Senate considered last year—a historic measure that culminated 2 years of often heated negotiations and compromise of many interests.

Last year's bill was endorsed by the National Chemicals Association, a coalition of 41 environmental and labor groups, and the American Farm Bureau. I am confident that when Senators have had time to examine this package, we will have even greater support.

Mr. President, I ask unanimous consent that a letter from the North Carolina Farm Bureau be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

North Carolina
Farm Bureau Federation,
Raleigh, NC, July 27, 1987.

Hon. Jesse Helms,
U.S. Senate, Dirksen Office Building, Washington, DC
Attn: Mark Fleming.

Dear Senator Helms: Senators Leahy and Lugar have introduced S. 1516, legislation to amend the Federal Insecticide, Fungicide and Rodenticide Act. Though we have not yet seen a copy of the bill, the summary information we have received causes us concern.

The major provisions which Farm Bureau sought in FIFRA legislation during the 99th Congress are not contained in S. 1516. We feel very strongly that such provisions are reasonable, responsible and in the public interest to be included in any amendments to the Act. Those provisions are as follows:

1. Farmer protection from liability must be provided under federal law if pesticides have been lawfully applied. Specifically, we want to make sure that farmers will not be held liable under federal law for such things as having to provide drinking water supplies if farmers have used the pesticide in accordance with EPA approved label instructions.

2. National uniform tolerances for pesticide and herbicide residues must be established. States should not be permitted to establish pesticide residue tolerances different from those established by the EPA.

3. Groundwater protection provisions should strike a balance that provides protection for groundwater resources while ensuring that farmers will be able to responsibly use the necessary agricultural chemicals needed to protect crops.

4. The indemnification provision of current law which provides that a farmer be reimbursed for the value of any unused pesticides in his possession on which EPA suspends or cancels registration must be continued. S. 1516 makes indemnification subject to a special appropriations process by the Congress which will be difficult to achieve on a situation-by-situation basis. The current indemnification provision affords the farmer some financial protection against an arbitrary suspension or cancellation by EPA.

Senator, we believe the four points outlined above to be reasonable and fair to farmers and the public. We, therefore, ask your help in getting these provisions included in S. 1516 during markup by the Senate Committee on Agriculture, Nutrition and Forestry.

Sincerely,

W. B. Jenkins,
President.

Mr. President, the House FIFRA bill, H.R. 2463 is identical to this bill, but it is missing three important provisions—several are mentioned in the North Carolina Farm Bureau letter.

First, strong farmer liability language—the language we use is endorsed by the American Farm Bureau Federation and is similar to that language worked out last year in the so-called October 16 compromise.

Second, national uniformity language—we use the language from the October 16 compromise. The national uniform tolerance language was attached to the Senate FIFRA bill last year and approved by the Senate Agriculture Committee.

A third issue not in the House bill but included in our bill is patent term restoration. This is the same as the Senate version this year and the October 16 compromise language last year.

The end product we are introducing is in the best interest of farmers. I am confident that the full Agriculture

Committee will support the bill when we begin markup.

For Senators who really want a FIFRA bill from this Congress, this compromise legislation has the best chance of passing. It is the same bill, with minor changes, that was passed by the House last year—and introduced on the House side this year. I believe we can pass this bill in the Senate and there will be few, if any differences to be worked out in conference.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. McCLURE):

S. 2036. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

HOBBS ACT AMENDMENTS

Mr. THURMOND. Mr. President, this legislation is intended to amend the Hobbs Anti-Racketeering Act, to reverse the Supreme Court's decision in United States versus Enmons, and address a long-term, festering problem under our Nation's labor laws. The United States regulates labor relations—union organizing and collective bargaining—on a national basis. Our labor management policies are national policies. They are enforced by laws such as the National Labor Relations Act that Congress designed to preempt comparable State laws.

When it comes to the problem of labor union violence, however, the National Labor Relations Board appears extremely reluctant to deal with it. Although labor violence is a widespread problem in labor management relations today, our Government is unwilling to deal with it. The most glaring example of this governmental reluctance is what the U.S. Supreme Court did when it rendered its decision in United States versus Enmons in 1973. It is this decision which this bill is intended to rectify.

The Enmons decision involved the Hobbs Anti-Racketeering Act. The Hobbs Act is intended to prohibit extortion by labor unions. It provides that:

> Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any purpose or property * * *

commits a criminal act. This language is very clear. It outlaws extortion by labor unions. It outlaws violence by labor unions.

The problem, however, is that the Supreme Court in Enmons created an exemption which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective-bargaining objectives, no violation of the act will be found. In other words, if the end is correct, the means to that end, no matter how reprehensible, will not result in a violation of the act.

The Enmons decision is wrong. This bill will make clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me describe the Enmons case.

In that case, the defendants were indicted for firing high-powered rifles at three utility company transformers, draining the oil from a company transformer, and blowing up a transformer substation owned by the company—all done for the purpose of obtaining higher wages and other employee benefits from the company for the striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act, 18 U.S.C. 1951, did not prohibit the use of violence in obtaining "legitimate" union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held in Enmons that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages for genuine services that the employer seeks. By its focus on the motives and objectives of the property claimant who uses force or violence to achieve his goals, the Enmons decision has had several unfortunate results which make legislation overturning it necessary. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor-management context. Although other Federal statutes proscribe the use of specific devices or the use of the channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate vehicles of avoiding the full effect of the Enmons decision.

Although we should support the efforts of State and local law enforcement authorities in their attempt to punish labor-management violence by the means which are available to them, the Federal Government has a responsibility to assist State and local authorities in those instances of serious, extortionate violence which disrupt the collective bargaining process, just as the Federal Government is able to provide assistance in other situations where the underlying acts of violence are also violations of State law. [*See United States* v. *Culbert*, 435 U.S. 371 (1987) (application of Hobbs Act to bank extortion).]

The rationale of the Enmons decision is not consistent with Federal labor law. Although Enmons states that the "wrongful" use of force, violence, or fear under the Hobbs Act is judged by the standard of "wrongful" goals, the use of force or violence itself, quite apart from the user's ultimate objectives, is "wrongful" under Federal labor law.

By focusing on the legality of the goal, rather than the activity itself, the Enmons decision can lead to inconsistent results. Federal labor law affords disparate treatment to different industries and economic interest which may often have no relationship to whether disputes in those industries may be accompanied by violent injury to persons and property. For example, the National Labor Relations Act, as amended, generally outlaws the making of economic demands of neutral employers who are not parties to the primary labor dispute, but exempts the garment and construction industries from those restrictions in certain cases. Thus, an individual who might be prosecuted under the Hobbs Act for threatening to kill someone in furtherance of an illegal secondary boycott in the automobile industry, could not be prosecuted for the same conduct in the garment or construction industry where the boycott would not be illegal.

Perhaps the most objectionable thing about the Enmons decision is that it affords to parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether or not the extortionist has a colorable claim to such property and without regard to his status as a labor representative, businessman, or private citizen.

Attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was clearly drafted with the intent of repudiating the decision, and over the next several years attempts were made to come up with language which was acceptable to organized labor and at the same time restore the original intent of the Hobbs Act.

On May 2, 1977, Senators McCLELLAN and KENNEDY introduced S. 1437, the Criminal Code Reform Act of 1977. This bill represented a proposed compromise on several controversial and important points, the lack of agreement on which had kept prior bills from moving through the legislative process. The extortion offense, however, was again simply defined, as obtaining property of another "(1) by threatening or placing another person in fear that any person will be subject to bodily injury or kidnapping or that any property will be damaged; or (2) under color of official right."

The committee report on S. 1437 contains an excellent summary of the then existing law with respect to extortion under the Hobbs Act and indicates approval of the judicial decisions holding that "fear" under the statute applies not only to fear of physical violence but also fear of economic harm to the victim's property or business. Moreover, the report is unequivocal in its repudiation of the Enmons "legitimate objectives" rationale. Noting that such an exception had not been recognized with respect to extortion by other persons, the committee felt that labor union officials were not entitled to such a privileged treatment:

> The thrust of an extortion statue should be to punish violent extortionate means to obtain the property of another regardless of the legality of the ends sought, and this principle should apply in the collective bargaining context as well as elsewhere. Thus, an employer who blows up a union office or causes a union official to be assaulted in order to instill fear and thereby obtain property of the union ought to be guilty under the Act irrespective of whether the property could have been obtained lawfully through collective bargaining. And the same should be true in the reverse situation. Accordingly, the Committee has proposed in effect to overturn the Enmons result by treating the parties engaged in a labor dispute no differently from other persons in terms of the applicable prohibition under this section, which is limited to extortionate means involving actual or threatened violence.

The committee report, however, also responded to the concerns expressed by the Enmons Court that minor acts of picket line violence might, but for a narrow reading of the statute, be elevated into a federal felony. The report noted that:

> In the Committee's view such acts do not fall within the purview of the Hobbs Act (Nor should they be Federally punishable) since there is no intent thereby to obtain the employer's property through the use of force and the acts do not in fact cause the employer to part with his property; in short, such isolated acts of violence do not partake of the nature of extortion.

Later in that Congess, Senator KENNEDY and I introduced an amendment to S. 1437 which is similar to the bill being introduced today. At that time I noted that:

> This amendment would add a "proof" subsection designed to prevent a trial judge from holding that, in a case described in the new subsection, mere proof that personal injury or property damage occurred during a labor dispute constitutes a sufficient showing of the causal relationship between the obtaining of property and the threat of fear based on that injury or damage to justify submission of that issue to the jury. It prevents such a holding directly, by providing that proof of the coincidence of the labor dispute and the injury of damage in such a case is not "prima facie evidence" of the causal relationship. It is true, of course, that such a causal relationship sometimes does exist where injury or damage occurs during a labor dispute. This proposed subsection however, is based on the belief that where there is a cause and effect relationship, or the intent to obtain property by means of a threat or fear resulting from injury or damage, it should be possible to prove, in addition to that coincidence, some other circumstances adding to the strength of the inference of causation.
>
> The proposed subsection does not address the question of which particular additional circumstance or circumstances, when proven along with that coincidence, will suffice to justify the submission of the issue to the jury. One which clearly would be sufficient in many cases to avoid a directed verdict is the circumstance that the defendent was, or conspired with, a person negotiating on behalf of the union involved in the labor dispute. The same result might obtain where the repetitive or systematic nature of property damage, or its exact timing, contributed to an inference, based also on the fact that a labor dispute was pending at the time the damage was done, that the damage was purposeful rather than mindlessly vindictive.

The amendment was adopted, and S. 1437 passed the Senate on January 30, 1978; however, the bill was allowed to die in the House. The Senate should again restate its opposition to violence in labor disputes.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. It is ironic that the Hobbs Act, which was enacted in large part to accomplish this goal, has been virtually emasculated. The time has come to change that. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated.

By Mr. GLENN (for himself, Mr. STEVENS, and Mr. CHILES):

S. 2037. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; to the Committee on Governmental Affairs.

PRESIDENTIAL TRANSITIONS EFFECTIVENESS ACT

Mr. GLENN. Mr. President, I rise to introduce the Presidential Transition Effectiveness Act of 1988. This bill reflects an effort by the Governmental Affairs Committee to ensure that future transitions, including the coming 1988 transition, are properly funded and supported.

It has been 12 years since Congress last adjusted the funding levels in the 1963 Presidential Transition Act. That act was passed to provide for the smooth transfer of power between administrations, originally providing $450,000 to the incoming Presidential administration to cover the costs of preparing for the assumption of office—for example, staff, office space, and travel. The General Services Administration was made responsible for making sure all of the expenses were legitimate.

Prior to 1963, transitions were private affairs. The President-elect either had to raise the money for the transition by himself or rely on the national party committees. Congress took note of the problem in passing the Presidential Transition Act, expressing its view that transitions were public in nature, and that the legitimate costs of a transition ought to be covered in large part by Government funds. The funding allotment under the act was raised to $2,000,000 in 1976, where it remains today.

Obviously, we will have a Presidential transition in 1988. The question for us is whether the incoming administration will have the resources to prepare itself for office, whether we can make several changes today that will help not just the next President-elect, but Presidents-elect far into the future.

Funding is a key concern. Accounting for the effects of inflation, the $2,000,000 provided to President-elect Carter in 1976 is worth roughly $1.2 million today. Unlike the Federal election fund, which has grown automatically from $20 million in 1976 to $44 million today, Presidential transition funds are not indexed to rise with inflation. As a result, the next President-elect will almost certainly have to raise private money to cover some of the costs of the transition.

Even if Congress were to increase the public contribution to cover the inflation-adjusted costs of transitions, some private money is likely to be raised in the absence of any prohibition on such. Should such funds be subject to some regulation? Under current Federal election regulations, for example, Presidential candidates are required to submit detailed reports on all private cash contributions to the Federal Election Commission.

In contrast, during both the pre- and post-election period, there are absolutely no restrictions whatsoever on private money for Presidential transitions. The question is whether the lack of any disclosure undermines the public controls which exist under the Federal Election Campaign Act. It does not appear to make sense to control the flow of private cash during the election campaigns only to open the door for undisclosed contributions either for transition planning during the pre-election period or for the transition itself after the election is over.

The committee examined these and other issues in hearings last September and October. As a result of those hearings, and close consultation with past transition officials in both parties, I have concluded that Congress should amend the 1963 Presidential

Transition Act to address serious shortcomings in the way we fund and manage the transfer of power between administrations. That is why I am introducing the Presidential Transition Effectiveness Act today.

The act deals with two basic concerns raised in the hearings.

The first issue is whether we are providing enough support to cover the legitimate public costs of Presidential transitions. The answer is clearly no. At a minimum, it is time to adjust the public contribution to cover the impact of inflation. Under my bill, we would increase the public allotment to $3,500,000 while adding an automatic inflator to cover future cost increases in Presidential transition expenses.

As a result, it should be easier for Presidents-elect to conduct an effective postelection transition. The President-elect should not have to hire a fundraiser as his first act after the election.

I should note that $3,500,000 does not completely cover the effects of inflation since the 1963 Presidential Transition Act was last adjusted upward. According to the General Accounting Office, the true inflation-adjusted figure would be about $4,000,000. However, the budgetary realities are clear. Future Presidents-elect must share in the sacrifice needed to get our financial house in order, too.

In addressing the funding issue, we must also take note of the near-unanimous agreement among Carter and Reagan transition officials that a President-elect must undertake at least some advance planning during the general election campaign. A President-elect cannot wait until the morning after the election to start planning for the transition. In order for the President-elect to "hit-the-ground-running," the candidate must lay the administrative groundwork before the campaign is over.

It is important to note that such pre-election planning is by nature ministerial, not political. Decisions must be made about how to structure a personnel process for selecting the 3,000 or so people who will be appointed to the new administration. Initial contact must be made with the General Services Administration about office space and design. Choices must be made about the transition's operational and decisionmaking structure. These choices may seem mundane, but they need to be made nonetheless.

I believe that such pre-election transition planning is a legitimate cost of a presidential transition, and, therefore, that it ought to be covered at least in part by public funds. Under current Federal election regulations, however, a candidate may not use public campaign funds for transition planning. Jimmy Carter and Ronald Reagan were forced to raise private funds for their preelection transition efforts. However, as with postelection private contributions, such preelection transition planning money is not currently subject to any disclosure regulation.

A relatively small amount of preelection public funding can do the job, thereby relieving the candidates from having to raise private cash for transition planning. Under my bill, the major national party committees, or their designees, would be entitled to reimbursement of up to $200,000 in qualified transition planning expenses occuring in a period between the respective nominating convention and the general election.

Under the bill, only those national parties whose presidential candidate received 25 percent of the popular vote in the previous presidential election would qualify for transition planning reimbursement. For 1988, that means the Democratic and Republican national committees or their designees. It is my intent that such reimbursement only be given to those parties whose candidates have a reasonable chance of benefiting from the planning activity. The General Services Administration would be responsible for approving the reimbursements.

The national parties are the logical place for this kind of ministerial transition planning activity. I believe that transition planning by the national party committees would both strengthen the governance process and create a longer-term institutional memory on transition operations and management. It would also help close the gap between Presidential candidates and their parties a bit.

It is important to note that this legislation does not create a cash grant to the parties or their designees. Rather, it provides only for reimbursement, subject to the approval of the Administrator of General Services. Such a reimbursement mechanism will guard against the use of any preelection transition funds for electioneering. The General Services Administration has been in the postelection transition business for 30 years, and appears quite capable of telling the difference between transition planning and campaigning.

The second question this legislation addresses is whether there is a need to regulate private money contributions for preelection and postelection transition activities, and whether there is a need for public disclosure of basic information on the President-elect's transition team. The answer is yes on all counts.

There is little doubt that private money has grown inceasingly important to Presidential transitions. Presidents Nixon, Carter, and Reagan all raised private funds for their transitions. In 1968, Nixon raised $1 million in private funds to supplement the $450,000 already available under the 1963 Presidential Transition Act. In 1976, Carter raised $150,000 for his pre-election transition planning, but stayed well within the $2 million public allotment available under a 1976 amendment to the Presidential Transition Act. In 1980, Reagan raised approximately $1.25 million for both his pre-election and post-election transition activities.

Currently, there are no regulations covering private funding for Presidential transitions, whether during the pre-election period or following the general election. Whereas the Federal Election Campaign Act regulations require a close accounting of every penny of private contributions for electioneering, there is no regulation requiring even the slightest disclosure on private money for transitioning. Whereas every penny of private contributions for Presidential campaigning are disclosed, inspected, audited, reviewed, analyzed, and digested, none of the private money given for transitions is subject to even the slightest review. Such review is impossible given the fact that private transition money is not even disclosed. I believe this loophole in our campaign financing regulation must be closed.

The potential problems with the current scheme are clear. The lack of disclosure in the pre-election period undermines the efficacy of the Federal election rules, providing a loophole for money that might otherwise have to be disclosed in the campaign. The absence of disclosure in the post-election period creates the appearance, if not the substance, of conflicts of interest during what is clearly a very sensitive period in the policymaking and personnel process.

At a minimum, I believe that we should require disclosure of the sources, amounts, and expenditures associated with all private money contributions for both pre-election transition planning and the post-election transition itself. Under my legislation, in return for the reimbursement provided for pre-election transition planning, the national party committees or their designees would be required to make such a disclosure within 90 days after the election.

Similarly, in return for the $3,500,000 in public transition support, the President-elect would be required to make such a disclosure within 90 days after the inauguration. In general, these records are already kept—albeit in an undisclosed fashion—and should be relatively easy to assemble for meeting this reporting requirement. Thus, I do not believe the disclosure constitutes an unacceptable burden on either the national party committees or the President-elect. Given the potential for hidden conflicts of interest under our current arrangement, I believe the benefits clearly outweigh the costs.

This need for public disclosure also applied to those individuals who join the President-elect's transition teams. As the number of people who participate in the transition has increased, so has the confusion within Federal agencies. In 1980-81, for example, there were almost 1,000 people involved on the Reagan transition teams. Without some disclosure of just who was and was not a member of each team, and without an indication of where each member came from and who was paying the way, agency officials were confused about potential conflicts of interest and were thereby unable to provide the kind of quick response so necessary for preparing the President-elect for office.

Such confusion is easy to remedy without imposing an undue burden on the President-elect. Under my bill, the President-elect, again in return for the public transition allotment, will be required to provide a roster of all the people designated as members of Federal agency transition teams. Such a roster will include each member's name, most recent employment, and source of funding supporting his or her transition activities. This roster is to be made public before each transition team makes contact with an agency, and will be updated as necessary. As such, the roster is primarily for the purpose of clarifying just who is and is not a member of the transition team, not for providing detailed financial and conflict of interest disclosure.

My legislation also contains several other changes in the Presidential Transition Act which deserve brief mention. The bill allows the outgoing administration somewhat greater leeway in obligating some of the $1,000,000 currently available in advance of the end of the term. Currently, the outgoing General Services Adminsitration may not obligate funds until the inauguration of the new President. The bill also allows the incoming administration 30 days past the inauguration to wind down the transition. Currently, the phones go dead the moment the President-elect is sworn in.

The legislation also acts on a recommendation of the General Accounting Office and amends the 1868 Vacancy Act. That act provides that a President can only fill a Federal agency vacancy caused by death or resignation temporarily for 30 days, a deadline which is routinely ignored. Under my bill, the Vacancy Act would be amended to allow the President 120 days to fill vacancies temporarily unless a nomination to fill the vacancy has been submitted to the Senate. Such a change would revitalize this act, expressing Congress' intent that vacancies be filled promptly, while giving the President ample time to find qualified individuals to serve in advise-and-consent positions.

As a whole, this legislation will help ensure the smooth transfer of power originally intended by the 1963 Presidential Transition Act. By providing adequate resources for the post-election transition and by defining preelection transition planning as a legitimate activity, we will make it easier for the incoming administration to succeed. And by placing limited disclosure requirements on private cash, we can remove whatever lingering doubts may exist regarding the efficacy of our campaign financing disclosure. I urge favorable consideration of the measure.

Mr. STEVENS. Mr. President, today, I am pleased to join with my good friend and colleague, the chairman of the Committee on Government Affairs, Senator GLENN, in cosponsoring the Presidential Transitions Effectiveness Act. This proposal will bring several important changes to the Presidential Transition Act of 1963. In joining with Senator GLENN today, I wish to call to the attention of the Senate, the tireless effort which Senator GLENN has expended upon this measure. From the earliest hearings which the committee held during the first session of this Congress, Senator GLENN has consistently taken the approach that a bipartisan effort was necessary if the 1963 statute was to be brought up to date. I commend him for that approach and believe that the product of his efforts represents the best legislative solution to the problems which have been pointed out to the committee over the last year.

This bill is based upon the collective experience of the many experts who were directly involved in the Carter and Reagan transition teams during the elections of 1976 and 1980. Many of these people have testified before our committee and have expressed varying levels of frustration with the 1963 act. But, Mr. President, it was not just the former transition staff which suggested changes to the statute. In fact both the General Services Administration, which implements the act, and the General Accounting Office, which monitors expenditures under the act, have testified before the Committee on Governmental Affairs as to the urgent need for modifications to the statute—modifications which need to be in place prior to the beginning of the 1988 transition effort.

This proposal represents the consensus which has been reached by all of the many interested parties in this issue. As such, it is a compromise and as with all compromises, not every provision is completely satisfactory to every individual or group which has an interest in Presidential transitions. However, it is a fundamentally sound product which I can endorse to my colleagues.

The major provisions of the bill will increase the authorization for appropriations from the current level of $2 million to a suggested figure of $3.5 million. All parties who testified on the act before our committee were agreed that the $2 million authorization was woefully inadequate to offset the expenses of a transition in the late 1980's. Similarly, committee testimony showed that there was a need for a small amount of so-called preelection transition planning money. Under this bill, such preelection money will be made available to the national political party organization, via reimbursement from the Administrator of GSA. It will be strictly controlled and will be subject to strict accounting procedures. The chairmen of the Republican and Democratic National Parties have endorsed this approach.

In addition, this bill will require the strict public disclosure of all private moneys which might be raised by a transition committee and such disclosure will be required within 90 days of the general election. Similarly, a full public disclosure will be required of the President-elect and the Vice-President-elect for those representatives of the transition committees who are posted to the various Federal departments and agencies. Under this bill, the public will know the name, most recent employment, and source of funding for all such transition committee representatives.

In closing, Mr. President, let me again commend my good friend Senator GLENN for all of the hard work which he and his staff, especially Paul Light, have expended on this matter. I congratulate them for their interest, fortitude, and for the bipartisan way in which this proposal has been developed over the last several months. I trust that the Committee on Governmental Affairs will move rapidly to report the bill and that the Senate will have an early opportunity for its consideration.

By Mr. DIXON (for himself and Mr. SIMON):

S. 2038. A bill to prohibit the closing of certain operations of the U.S. Coast Guard at the Glenview Air Station, Chicago, IL; to the Committee on Commerce, Science, and Transportation.

GLENVIEW AIR STATION, CHICAGO

● Mr. DIXON. Mr. President, the Chicago area has been once again in jeopardy of losing the Glenview Air Rescue Station.

The safety of Chicago's boating community greatly depends on the Coast Guard's helicopters. On the average, they save over 20 people each year from drowning in Lake Michigan. In the last 6 years, more than 150 lives have been saved by Glenview Station personnel.

In spite of this clear evidence of Chicago's reliance on Glenview's services, the Coast Guard continually attempts to close it down. This year, they claimed budgetary constraints were going to force them to shut down Glenview.

If the Glenview Station was closed down, the nearest air station would be in Traverse City, WI. It takes a helicopter close to 1 hour and 40 minutes to fly from Traverse City to the southern part of Lake Michigan. This amount of response time is unacceptable. People will drown while the helicopters are still in the air.

Fortunately, the Coast Guard apparently saw the light and recently decided against closing down the Glenview Station in the next year. I congratulate Admiral Yost and Secretary Burnley on the wisdom of their decision.

However, a temporary stay is not good enough. Chicago will always need the good and fast services of the Coast Guard's Glenview-based helicopters. I want to know that the Coast Guard will recognize this need and make a long-term commitment to the people of Chicago. I am certainly willing to make the commitment to the Coast Guard and to the people of Chicago to work to find ways to come up with the necessary funds to keep Glenview open.

To demonstrate the seriousness of my conviction, I am introducing a bill today permanently prohibiting the Coast Guard from closing down the Glenview Station. Hopefully, this will send the message loud and clear to the Coast Guard that Chicago and this Senator cannot and will not tolerate the closing of the Glenview Air Rescue Station.●

By Mr. BOREN (for himself and Mr. BENTSEN):

S. 2040. A bill to modify the wheat provisions of the Agricultural Act of 1949 by eliminating the Secretary of Agriculture's authority to restrict haying and grazing on idled wheat acreage; to the Committee on Agriculture, Nutrition, and Forestry.

ELIMINATION OF CERTAIN WHEAT PROVISIONS

● Mr. BOREN. Mr. President, today, on behalf of Senator BENTSEN and myself, I am introducing legislation which would correct a technical error which was made in the Budget Reconciliation Act.

Specifically, the legislation will remove a clause inadvertently added to the haying and grazing provisions of the wheat program. The clause strengthens the Secretary of Agriculture's discretion over allowing haying and grazing, the exact opposite of what the agreement in reconciliation was intended to accomplish.

During consideration of the 1985 farm bill, a compromise was worked out on grazing. Under the 1985 farm bill, each year farmers are permitted to graze acreage idled as part of the wheat program for that year. However, haying was not resolved at that time and each year the Secretary was required to decide whether to allow haying of idled acreage. Because of the Secretary's discretion with respect to haying, farmers could not properly plan their crops because the decision was usually made late in the year. We all recognized that this resulted in an unnecessary hardship on our agricultural producers and developed a compromise which would remove the necessity for a Secretarial decision each year.

This compromise was incorporated into the Senate's version of the Omnibus Reconciliation Bill this past fall. Under the Senate's provision, haying and grazing would be permitted during a specified period, provided the producer was haying or grazing the crop for which the producer had a program base. This compromise eliminated Secretarial discretion with regard to haying and eliminated the uncertainty of program provisions due to such discretion.

The conference committee also agreed to inclusion of the Senate's version on haying and grazing in the conference report on reconciliation. Regretfully, however, the specific statutory language included in the reconciliation bill does not reflect in any way the compromise that was agreed to and actually takes a step backward from where we were last year. Under the provisions of reconciliation, the Secretary now has the authority to prohibit grazing as well as haying each year.

Consequently, once again, wheat producers in my home State of Oklahoma will not know whether they will be permitted to graze or hay acreage idled under future wheat programs until long after they must make their planting decisions.

The legislation we are introducing today will remove the Secretary's discretion with respect to haying and grazing of acreage idled under the wheat program. I urge my colleagues to work with us to ensure prompt consideration of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 107D(f)(4)(C) of the Agricultural Act of 1949 is amended by—

(1) in clause (i), striking out "clauses (ii) and (iii)" and inserting in lieu thereof "clause (ii)"; and

(2) striking out clause (iii).●

By Mr HEINZ (for himself, Mr. PROXMIRE, and Mr. PELL):

S. 2041. A bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65-mile-per-hour speed limit; to the Committee on Commerce, Science, and Transporation.

SPEED LIMIT COMPLIANCE

● Mr. HEINZ. Mr. President, today I am introducing legislation on behalf of myself and Senators SIMON and PROXMIRE to close a gaping loophole in Federal highway safety policy that results from last year's highway legislation (Public Law 100-17). At issue is a provision in the act which authorized States to raise the speed limit on rural interstates from 55 to 65 miles per hour but did not subject these roads to speed limit monitoring required by law for other interstate and limited access highways.

Since 1974, enforcement of the 55-mile-per-hour limit has been controlled by a monitoring mechanism in which each State must certify that at least 50 percent of its motorists are complying with the 55-mile-per-hour speed limit on highways where this limit applies. In the event that a State is unable to achieve the 50-percent compliance level, the Federal Highway Administration withholds 10 percent of that State's Federal highway moneys.

This provision has helped ensure that at least a majority of motorists drive within the limit without resulting in permanent withdrawal of Federal highway moneys from noncomplying States. In fact, since the law was enacted in 1974, only seven States have ever been penalized for noncompliance under the provision, and all of these States have achieved compliance in time to recover withheld funds before they permanently lapsed into the highway trust fund.

However, last year's highway legislation did not extend the compliance provision to roads on which the speed limit has been raised to 65 miles per hour. As a result, there is no incentive for enforcement of the speed limit to achieve compliance on these segments of the interstate system.

The safety problems associated with this exemption are underscored by the facts that 38 States have already agreed to raise the speed limit on eligible interstates; that preliminary data indicate that fatalities have increased significantly on those interstates where the speed limit has been raised to 65-miles-per-hour; and that the fiscal 1988 continuing resolution extends to 20 States the privilege of raising the speed limit to 65 on certain noninterstate roads in addition to those rural interstates whose speed limit hike was authorized in the highway act.

The result of this policy is not only dangerous, it is nothing short of ironic. Monitoring does not occur on precisely those roads where the need for it is greatest. And those States which have chosen not to raise the speed limit for safety reasons are at a relative disadvantage to other States because they must achieve 50 percent compliance on all of their interstates to avoid sanction of Federal highway funds while States with 65-mile-per-hour roads need only achieve compliance on segments of their highways on which 55 miles per hour remains the limit.

Finally, from a philosophical standpoint, the present law violates a basic principle of justice that all laws should apply equally.

My own State of Pennsylvania risks losing over $16 million per year if it does not achieve compliance. While this does not represent a change in policy for Pennsylvania, it is unfair to force Pennsylvania to monitor all of its limited access highways, which are posted at 55 miles per hour, when the law permits those States who have raised the speed limit just to monitor their remaining 55-mile-per-hour roads.

My legislation will correct these serious problems in a simple and straightforward fashion—by extending the compliance and penalty provisions to all interstates.

Mr. President, I am aware that the administration and effectiveness of the speed limit compliance provision is a subject that is currently under review by the authorizing committees in both Houses, and that a General Accounting Office evaluation of these matters is due out shortly. This legislation is not intended as a comprehensive solution to the speed limit compliance problem, which I will continue to work on as more information on this subject becomes available. I do think it's important, however, to craft Federal highway policy in a way that achieves the two objectives of maximum safety on our Nation's Federal highways and equitable treatment for all States.

My legislation attempts to address these two objectives, and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 154, of title 23, United States Code, is amended—

(1) by striking out "exceeding fifty-five miles per hour" in subsection (e) and inserting in lieu thereof "exceeding the speed limit",

(2) by striking out "at fifty-five" in subsection (e) and inserting in lieu thereof "at 55 or more",

(3) by striking out "exceeding 55 miles per hour" in subsection (f) and inserting in lieu thereof "exceeding the speed limit",

(4) by inserting "or more" after "at 55" in subsection (f), and

(5) by striking out "exceeding fifty-five miles per hour" in subsection (h) and inserting in lieu thereof "exceeding the speed limit on public highways with speed limits posted at 55 or more miles per hour".●

By Mr. DURENBERGER (for himself, Mr. CRANSTON, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. DOLE, Mr. BYRD, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. CONRAD, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. FORD, Mr. GRASSLEY, Mr. GRAHAM, Mr. HATCH, Mr. HEFLIN, Mr. HUMPHREY, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, Mr. LUGAR, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. PELL, Mr. PRESSLER, Mr. QUAYLE, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANFORD, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, Mr. STENNIS, Mr. WEICKER, and Mr. WIRTH):

S. 2042. A bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict; to the Committee on Energy and Natural Resources.

VIETNAM WOMEN'S MEMORIAL

Mr. DURENBERGER. Mr. President, I rise today to introduce legislation authorizing the establishment of a memorial to women who served in the Vietnam war.

I have long supported the efforts of the Vietnam Women's Memorial Project to complete our Nation's Vietnam Memorial with a statue of a female Vietnam veteran. The contribution of American women in that conflict is all too often overlooked. Few Americans are aware that 10,000 women served in the Armed Forces in the Vietnam war. They performed with heroism, they bled, and they died during the war. They came back to a country that did not understand their contributions and they still carry the pain of their experience.

The Vietnam Women's Memorial Project [VWMP] was founded to educate Americans about the role of women in the Vietnam war. One of their major goals is to complete the Vietnam Memorial with a statue of a women Vietnam veteran. The original authorization for the memorial—Public Law 96-297—specifically stated that the memorial was to honor the men and women who served in the war.

Last year efforts to complete the Vietnam Memorial received the strong endorsement of Secretary of the Interior Donald Hodel. And the project had already been endorsed by all major veteran's groups and many other organizations. In spite of this support, the Commission of Fine Arts voted down the proposed statue on October 22, 1987.

Because I believed in this project, and because I believed the Commission was wrong in its rejection, I introduced legislation in November that specifically authorized the construction of a memorial to women who served. My legislation—Senate Joint Resolution 215—directed the Secretary of the Interior to consult with the Commission of Fine Arts [CFA] but did not allow the Commission veto power over the project. Senate Joint Resolution 215 currently has 37 cosponsors.

My distinguished colleague from California, Senator CRANSTON, chairman of the Veterans' Affairs Committee and long-time supporter of the VWMP, also introduced legislation authorizing the construction of a memorial to women who served. Though both bills have the same goal, Senator CRANSTON's S. 1896 did not remove the Commission of Fine Arts ability to veto the project.

Because we shared the goals of the VWMP, we explored the possibility of offering an amendment to the continuing resolution last December. We agreed on language that allowed the CFA to veto the project but included strong sense of the Congress statements that express our belief that the statue should go forward. We also included a firm deadline of 90 days for all approving entities to act.

We decided not to offer the amendment after members of the Energy and Natural Resources Committee expressed their view that hearings should be held on the legislation before the Senate acted. I engaged in a colloquy with Senator BUMPERS, chairman of the Subcommittee on Public Lands, National Parks, and Forests with jurisdiction over memorials, in which he pledged to do all he could to hold hearings early this year.

As the date for hearings approaches, Senator CRANSTON and I are introducing legislation which incorporates the language from our amendment. We introduce this bill with 40 original cosponsors. I am pleased that Senator CRANSTON and myself—and all the supporters of the Vietnam Women's Memorial Project—are working together to achieve the goal we share: honoring the contributions and sacrifices of the women who served in the Vietnam war.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONSTRUCTION OF STATUTE HONORING WOMEN WHO SERVED IN THE VIETNAM CONFLICT.—(a) Subject to subsections (b) and (c), the Vietnam Women's Memorial Project, Inc., a nonprofit corporation authorized to operate in the District of Columbia, is authorized to construct a statute of a woman Vietnam veteran on public grounds within the 2.2-acre Vietnam Veterans Memorial site in the District of Columbia in honor and recognition of the women of the United States who served in the Vietnam conflict.

(b)(1) The Secretary of the Interior, in consultation with the Vietnam Women's Memorial Project, Inc., and the Vietnam Veterans' Memorial Fund, Inc., is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site for the statute within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia.

(2) The design and plans for the statute shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall decide whether or not to approve the design and plans and, if the Secretary approves them or takes no action to approve or disapprove them (in which case his approval shall be deemed to have been given), shall submit the design and plans to each of the Commissions forthwith. If either Commission fails to report its approval of or specific objection to such design and plans within 90 days after the submission of the plans, the approval of the Commission in question shall be deemed to be given.

(3) Neither the United States nor the District of Columbia shall be put to any expense in the construction of the statue.

(c) The authority conferred pursuant to this section shall lapse unless (1) the construction of the statue is commenced within 5 years from the date of the enactment of this section, and (2) prior to groundbreaking for actual construction on the site, funds are certified available in an amount sufficient in the judgment of the Secretary of the Interior, based upon the approved design and plans for the statute, to ensure completion of the construction of the statue.

(d) The maintenance and care of the statue constructed under the provisions of this section shall be the responsibility of the Secretary of the Interior.

SEC. 2. It is the sense of the Congress that—

(1) it is most fitting and appropriate that this statue in honor and recognition of the women of the United States who served in the Vietnam conflict be constructed at the site of the Vietnam Veterans Memorial to help complete the process of recognition and healing, for the men and women of the Armed Forces of the United States who served in the Vietnam conflict, that was undertaken with the establishment of the Memorial;

(2) the addition of the statute is well within the scope, purpose, and intent of the law, Public Law 96-297, authorizing the Vietnam Veterans Memorial Fund, Inc., to establish the Memorial and could and should be undertaken pursuant to that law without the need for the enactment of this Act;

(3) the Secretary and each of the Commissions should, in evaluating the plan and design for the statute, give weighty consideration to the sense of the Congress expressed in this section that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site; and

(4) after the addition of a statue of a woman Vietnam veteran, the Vietnam Veterans Memorial will be complete, and no further additions to the site should be authorized or undertaken.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to join with my distinguished colleague from Minnesota, Senator DURENBERGER, in introducing S. 2042, a bill to authorize the Vietnam Women's Memorial Project [VWMP] to erect a statue of a woman veteran at the Vietnam Veterans Memorial [VVM] site in Washington, DC. I am delighted to have my good friend, the ranking minority member of the Veterans' Affairs Committee, Mr. MURKOWSKI, and the Senator from Maryland, Ms. MIKULSKI, as the principal cosponsors of this legislation and that we are joined by a broad bipartisan coalition of 38 of our other colleagues in cosponsorship of this legislation.

Mr. President, as a strong supporter of the VWMP since it began in 1984 and as a charter member of its congressional advisory panel, I believe this legislation signifies an important step forward in achieving our goal. This bill represents a compromise between two measures Senator DURENBERGER and I introduced at the end of last year—Senate Joint Resolution 215 and S. 1896, respectively—and is an end result of our united, bipartisan support for the VWMP.

Mr. President, before I discuss the specific provisions of this measure, I would like to recapitulate briefly the recent events that led to today's introduction of S. 2042. Earlier this year, Secretary of the Interior Donald P. Hodel endorsed the VWMP's proposal for a statue of a woman veteran and concluded that it did not need special legislative authorization because the public law which authorized construction of the Vietnam Veterans Memorial, Public Law 96-297, was sufficient because the statue would be an addition to the Vietnam Veterans Memorial and not a separate memorial. Indeed, section 1 of that law specifically dictates the memorialization is in "honor and recognition of the men and women * * * who served in the Vietnam war."

With Secretary Hodel's support, and the support of every major veterans organization and several Members of Congress, the VWMP's proposal was presented to the Commission of Fine Arts [CFA] for consideration. However, despite the strong support for the project, on October 22, 1987, the CFA turned down the proposal.

Mr. President, I was deeply disappointed that the CFA decided to reject the VWMP proposal. In so doing, it unfairly slighted the courageous and invaluable efforts of the women of this Nation who served in Vietnam.

In an effort to reverse that decision, Senator DURENBERGER and I each introduced legislation. The Durenberger legislation, Senate Joint Resolution 215 would provide express authorization for the VWMP to establish the proposed memorial but would not require the Secretary of the Interior to obtain the approval of the CFA in the "selection of a site for the statue or in the selection of the design and plans for the statue."

Mr. President, I introduced S. 1896 because, in my view, circumventing the approval process for memorials established by Public Law 99-652—which set standards for the placement of commemorative works on certain Federal lands in the District of Columbia—to create a special exemption for the statue of a woman veteran would send the wrong message about the worth and merit of the statue. Rather, our legislation should serve as a vehicle to rally public and political support to overturn the CFA's decision.

Mr. President, although Senator DURENBERGER and I differed on that one point, we both believe strongly in the VWMP proposal. Thus, in order to unite our efforts, in December we developed a compromise between the provisions of Senate Joint Resolution 215 and S. 1896. The agreed-upon language follows the approval process for the VWMP proposal outlined in S. 1896, as well as in Public Law 96-297 and Public Law 99-652. This process requires that the proposal must be approved by the Secretary of the Interior, the CFA, and the National Capital Planning Commission.

Mr. President, in reaching agreement on the text of the legislation in December, Senator DURENBERGER and I also agreed to offer the compromise language as an amendment to House Joint Resolution 395, the fiscal year 1988 continuing resolution, but do so only if our proposal had the support of the Committee on Energy and Natural Resources—the committee with jurisdiction over this matter. Hence, on December 8, we sent a joint letter seeking the support of the chairman and ranking minority member of the Energy and Natural Resources Committee, Senators JOHNSTON and MCCLURE, and the chairman and ranking minority member of the Subcommittee on Public Lands, National Parks, and Forests, Senators BUMPERS and WALLOP. On December 9, Senator BUMPERS responded, on behalf of himself and Senators JOHNSTON, MCCLURE and WALLOP, indicating that he believed hearings were necessary on the VWMP proposal in order to give opponents and proponents an opportunity to have their views heard and that thus the committee did not support our proposed amendment to the continuing resolution. In accordance with our agreement, neither Senator DURENBERGER nor I proceeded with an amendment to the continuing resolution. Senator BUMPERS has since advised me that hearings will likely be held at the end of this month.

I ask unanimous consent, Mr. President, that copies of our letters to Senators JOHNSTON and BUMPERS and of Senator BUMPER's reply be printed in the RECORD at the conclusion of my remarks.

Mr. President, the legislation we are introducing today is essentially the compromise we worked out in December. It would express the unified support of Congress for the project and would provide a timetable for the approval process. Under this measure, the Secretary of the Interior would be required to decide whether or not to approve the design and plans for the project within 30 days after the date of the enactment of this act. If the Secretary failed either to approve or reject the plans within that 30 days, his approval would be considered, by operation of law, to have been given, and he would be required to forward the VWMP proposal to the Fine Arts and National Capital Planning Commissions. Then, under the bill, if either Commission failed to report to the Secretary their approval or rejection of the proposal within 90 days after the plan is submitted to them, the approval of the Commission in question would be deemed, by operation of law, to be given.

Our bill also includes language expressing the sense of the Congress that establishment of the VWMP is a fitting and appropriate way to help complete the process of recognition and healing for the men and women who served in the Vietnam conflict. In addition, the bill expresses the sense of the Congress that establishment of the statue is well within the scope of Public Law 96-297 and that the Secretary of the Interior and the Commissions should give weighty consideration to the sense of the Congress that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site.

Finally, the bill expresses the sense of the Congress that with the addition of the VWMP statue the Vietnam Veterans Memorial would be complete and that no further additions to the site should be authorized or undertaken. This provision should help alleivate concerns expressed by J. Carter Brown, Chairman of the CFA, that the VWMP's statue would become the first in a long string of additions to the Vietnam Veterans Memorial. With the addition of the servicewoman, the Vietnam Veterans Memorial would fulfill the original intent of the legislation enacted to authorize its establishment in honor of the dedication and sacrifices of the women as well as the men who served on behalf of this Nation during the Vietnam conflict. The Energy and Natural Resources Committee may wish to make this sense-of-the-Congress language into a statutory direction as to the completeness of the Vietnam Veterans Memorial with the addition of the VWMP statue. Senator DURENBERGER and I would support such a statutory direction.

Mr. President, the Vietnam Veterans Memorial, during its 5-year history, has served as an emotional focal point for the healing of Vietnam veterans and the Nation as a whole. This splendid memorial also serves as a historical reference point, educating those too young to remember the Vietnam war about the sacrifices made by those who served. Women who served in and with our Armed Forces have done so with honor, strength, and commitment; yet they are often overlooked when our Nation recognizes its veterans. A statutory representation of the 10,000 women who served would provide a vivid and appropriate reminder of the sacrifices and contributions they made during the Vietnam conflict.

There being no objection, the letters mentioned earlier were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 8, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR BENNETT: We are writing to ask your support and the support of your Committee for an amendment we would like to propose during consideration of H.J. Res. 395, the FY 1988 Continuing Resolution.

As you know, we have both introduced legislation to authorize the Vietnam Women's Memorial Project, Inc., (VWMP) to erect a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial (VVM) in Washington, D.C. After Interior Secretary Hodel endorsed this project earlier this year, the Commission of Fine Arts (CFA) turned it down in October.

Because we were deeply disappointed with the CFA's decision to reject a proposal endorsed by all major veterans' organizations, the VVM Fund, and many members of Congress, we introduced legislation specifically authorizing the VWMP to proceed. Both legislative proposals—S.J. Res. 215 with 27 cosponsors and S. 1896 with 10 cosponsors—are designed to ensure that the VVM is completed with a statue of a woman veteran.

There are differences between the two pieces of legislation—chiefly in the role granted to the CFA in the approval process—but we have now reached an agreement on a single piece of legislation in order to allow Congress to act on this matter as rapidly as possible before we adjourn this year.

A text of the amendment we are proposing is enclosed. We urgently solicit your support for this important endeavor.

The amendment would include the CFA in the formal approval process, establish a firm timetable for action, and express the strong sense of Congress that the VVM should be completed with a statue of a woman Vietnam veteran. The amendment is fully consistent with all provisions of Public Laws 96-297, which authorized establishment of the VVM, and P.L. 99-652, an Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its envirous. It is our sincere hope that passage of this legislation this year will obviate the need for further Congressional action next year.

We thank you for your consideration in this matter and hope that we can count on your support. We look forward to hearing from you at your earliest convenience. If you have any questions or would like to cosponsor our amendment, please contact us or have your staff contract Randy Schuenemann with Senator Durenberger (4-3244) or Liz Giffin with Senator Cranston (4-9126).

With warm regards,

Cordially,

ALAN CRANSTON.
DAVE DURENBERGER.

U.S. SENATE,
Washington, DC, December 8, 1987.

Hon. DALE BUMPERS,
Chairman, Subcommittee on Public Lands, National Parks, and Forests, U.S. Senate, Washington, DC.

DEAR DALE: We are writing to ask your support and the support of your Committee for an amendment we would like to propose during consideration of H.J. Res. 395, the FY 1988 Continuing Resolution.

As you may know, we have both introduced legislation to authorize the Vietnam Women's Memorial Project, Inc., (VWMP) to erect a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial (VVM) in Washington, DC. After Interior Secretary Hodel endorsed this project earlier this year, the Commission of Fine Arts (CFA) turned it down in October.

Because we were deeply disappointed with the CFA's decision to reject a proposal endorsed by all major veterans' organizations, the VVM Fund, and many members of Congress, we introduced legislation specifically authorizing the VWMP to proceed. Both legislative proposals—S.J. Res. 215 with 27 cosponsors and S. 1896 with 10 cosponsors—are designed to ensure that the VVM is completed with a statue of a woman veteran.

There are differences between the two pieces of legislation—chiefly in the role granted to the CFA in the approval process—but we have now reached an agreement on a single piece of legislation in order to allow Congress to act on this matter as rapidly as possible before we adjourn this year. A text of the amendment we are proposing is enclosed. We urgently solicit your support for this important endeavor.

The amendment would include the CFA in the formal approval process, establish a firm timetable for action, and express the strong sense of Congress that the VVM should be completed with a statue of a woman Vietnam veteran. The amendment is fully consistent with all provisions of Public Laws 96-297, which authorized establishment of the VVM, and P.L. 99-652, an Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs.

It is our sincere hope that passage of this legislation this year will obviate the need for further Congressional action next year.

We thank you for your consideration in this matter and hope that we can count on your support. We look forward to hearing from you at your earliest convenience. If you have any questions or would like to cosponsor our amendment, please contact us or have your staff contact Randy Schuenemann with Senator Durenberger (4-3244) or Liz Giffin with Senator Cranston (4-9126).

With warm regards,

Cordially,

Alan Cranston,
Dave Durenberger.

U.S. Senate, Committee on
Energy and Natural Resources,
Washington, DC, December 9, 1987.

Hon. Alan Cranston,
U.S. Senate, Washington, DC.

Dear Alan: Thank you for your recent letter regarding your proposal to erect a statute of a woman Vietnam veteran at the Vietnam Memorial in Washington, DC.

While I can certainly appreciate your sincere interest in resolving this matter as expeditiously as possible, it is my view that a hearing on this matter before the Subcommittee on Public Lands, National Parks and Forests, is both desirable and necessary. Senators Johnston, McClure, and Wallop share my view that a hearing should be conducted prior to any Senate action.

While it is not possible at this time to set a specific date for such a hearing, I assure you that I will make every effort to schedule a hearing on this proposal early in the second session of the 100th Congress, and look forward to working with you on this and other matters of interest to the Subcommittee. As always, I appreciate your cooperation and understanding.

Sincerely,

Dale Bumpers,
Chairman, Subcommittee on Public Lands, National Parks and Forests.

● Mr. MURKOWSKI. Mr. President, I rise today to cosponsor legislation that would authorize the Vietnam Women's Memorial Project, Inc., to construct a statute in honor and recognition of the women of the United States who served in the Vietnam conflict. I am pleased to join with my two distinguished colleagues, Mr. Cranston from California and Mr. Durenberger from Minnesota, as an orignal cosponor on this important legislation.

As many of my colleagues are aware, there has been a great deal of controversy surrounding the approval process for the Vietnam Women's Memorial. As a result, bills by both Senator Cranston and Durenberger were introduced. This legislation is a product of hard work and compromise. I commend both my friends and their staffs on their willingness to work together and reach an agreement on this important matter.

This statute, in honor and recognition of the 10,000 American women who served in the Vietnam conflict, is long overdue. These brave women clearly deserve to be recognized for their great contributions and sacrifices. A statue in their honor would be a fitting and appropriate tribute.

The Vietnam Women's Memorial project is supported by Secretary of the Interior Donald P. Hodel and every major national veterans organization. Further, the Vietnam Veterans' Memorial Fund, the American Nurses Association and the Association of Operating Room Nurses have all shown their support for this worthwhile memorial.

A statute at the site of the Vietnam Veterans memorial is a way in which we can fully recognize the service and sacrifices that these women gave so unselfishly to their country. I believe that the addition of this statute will successfully complete the memorial by honoring both the men and women who served their Nation during the Vietnam conflict.

Mr. President, it is my hope that with the support of the Congress we can convince all those involved in the authorization process of the memorial that this proposal is a just one. I urge all my colleagues to join me today in cosponsoring this worthwhile legislation.●

By Mr. KERRY (for himself, Mr. Leahy, and Mr. Kennedy):

S. 2043. A bill to authorize demonstration projects that provide certain participants in the special supplemental food program with coupons for use at farmers markets; referred to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMER TO FAMILY NUTRITION ENHANCEMENT ACT

Mr. KERRY. Mr. President, I rise to introduce an innovative proposal designed to help out our small farmers while at the same time offering nutritionally at risk mothers, children, and elderly citizens the opportunity to buy inexpensive fresh fruits and vegetables. I am pleased that my colleague from Vermont, Senator Leahy, the chairman of the Agriculture Committee is sponsoring this legislation with me.

The legislation, which we are introducing today establishes a 3-year demonstration program which will permit participants in the Women Infants and Children Program [WIC] and the Commodity Supplemental Food Program to use special food coupons that are redeemable only at farmers' markets. This idea originated in the States. Massachusetts, Vermont, Connecticut, and Iowa all have similar pilot programs which have proven and successful track records. Mr. President, I cannot think of any better way to enhance our farm economies than by providing low-income citizens with fresh nutritional produce.

My bill is closely modeled after the Massachusetts Farmers Market Coupon Program which has been in operation for two seasons. The returns to farmers in my home State have been impressive. Last year 140 Massachusetts farmers participated, and roughly 20,000 low-income households benefited by redeeming $10 food coupons at one of the Commonwealth's 15 participating farmers' markets. Evidence shows not only that sales at farmers' markets are up, but that the program has cultivated a whole new group of consumers at such markets. It is estimated that last year alone sales increased at farmers' markets participating in the Massachusetts program by roughly 30 percent. Furthermore, not only did WIC and elderly participants redeem their coupons at an extremely high rate, but an average 60 percent had never been to a farmers' market before becoming involved with the program. In addition, individuals participating in the program returned time and time again after they had finished using their coupons and spent their own money on good fresh nutritionally beneficial produce.

The educational importance of the program is truly significant. In Massachusetts for example, through the Expanded Food and Nutritional Education Program, coupon recipients receive counseling and advice on the nutritional value of the fruits and vegetables at farmers' markets. The legislation that we are introducing today also offers States the option to use EFNEP in operating their demonstration project.

Mr. President, my legislation helps the small farmer and assists low-income individuals. Over the past several years small farmers in America have had a tough time staying alive. Bank foreclosures, and farm auctions have plagued the very families who generation after generation tilled this Nation's soil to ensure that food was and is on our tables. The legislation that we are proposing today, will not turn the farm economy around but it offers a little help to a group who could certainly use it.

On another front Mr. President, all across this country we are witnessing an alarming increase of infant mortality and low birth-weight in babies. According to a recent study by the Children's Defense Fund, in 1985 more than 40,000 American babies died before reaching their first birthday while prenatal care for pregnant women decreased significantly. The incidence of infectious childhood diseases is on the rise and the number of children being immunized against diseases has reached a record low for this decade. We do have solutions to address this pervasive problem and Mr. President, the WIC Program is one of them. It has proven its worth in combating the war that threatens the health of our pregnant mothers, infants, and children. This investment is an undeniable sound one, in fact for every dollar spent on WIC $3 are saved down the road in reduced health costs. But despite its success, the program is grossly under funded. Nationally, only 40 percent of the WIC eligible population is currently being served. Meanwhile, President Reagan has recommended severe cuts in the nutrition programs in every single budget he has ever submitted to Congress. Obviously, as the Reagan policies continue to spawn the largest increase in childhood poverty in over a decade, programs like WIC and the Commodity Supplemental Food Program are needed now more than ever.

Although small, our demonstration program will give to those citizens whose nutrition and health are most at risk, a modest supplement to their current nutrition benefit. The program offers WIC and CSFP participants a $10 to $20 food coupon redeemable at farmers' markets which is in addition to their current food benefits.

Mr. President, in a nut shell, the legislation will require the Secretary of Agriculture to make demonstration grants to seven interested States. The purpose of the program is to expand the public's awareness and use of farmers' markets and to increase the sale of fresh produce at the markets. In addition, the program is designed to provide nutritionally at risk families with inexpensive fresh produce. Grants will go to a State's Governor who will then choose either the State's agriculture or health agency to administer the program. Grantees will provide WIC and CSFP participants with food coupons that can be redeemed at farmers' markets. The Federal cost of the project is $2 million with the States providing a 35 percent match. No Federal grant to a State will exceed $400,000 and there is a small State minimum of $75,000. All money used in the program is in addition to any current Federal nutrition dollars, and cannot be counted as income when determining income eligibility for any other Federal program. No more than 10 percent of the Federal funds can be used to administer the program, and no State or local taxes will be permitted to be collected from the coupons. Coupons will also be redeemed at face value when presented at the farmers' markets. To be eligible, States must serve at least 25 percent of their WIC and CSFP recipients, and after 90 days give a report to the Secretary of Agriculture which outlines the results of the program. The Secretary will in turn report to Congress on the viability of setting up such a program on a national basis.

In short, Mr. President, this legislation represents an innovative approach to tackling an ever pervasive problem facing some truly needy citizens. It is a responsible and effective way to supplement their nutritional needs while providing a small amount of relief to our Nation's farmers. I encourage my colleagues to join with me and Senator LEAHY in supporting this effort.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmer to Family Nutrition Enhancement Act".

SEC. 2. FARMERS MARKET DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary may pay the Federal share of establishing demonstration projects in seven States that would involve the issuance of farmers market coupons. Such projects shall be designed to—

(1) expand the public's awareness and use of farmers markets to increase the sales of fresh products at such markets; and

(2) provide nutritionally at risk families with inexpensive fresh produce from such markets.

(b) FEDERAL SHARE.—For purposes of subsection (a), the Federal share shall be 65 percent.

(c) ADDITIONAL PROJECTS.—The Secretary shall use funds appropriated to carry out this Act in a fiscal year that are not expended, to pay the Federal share of establishing additional demonstration projects in accordance with this Act in States other than those in which the original seven projects were established.

(d) STATE PLAN.—A State that desires to participate in such a project shall develop a plan for submission to the Secretary. Such a plan shall include a certification by the State that it shall—

(1) issue coupons worth a minimum of $10 and a maximum of $20 per eligible person each year to such a project;

(2) redeem at face value such coupons when presented;

(3) serve at least 25 percent of the recipients under the—

(A) special supplemental food program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(B) commodity supplemental food program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note);

(4) target the issuance of coupons to areas with the highest concentrations of eligible persons;

(5) target the issuance of coupons to areas with the greatest access to farmers markets; and

(6) consider the coupon a supplement to any other benefits received by an eligible person under the—

(A) special supplemental food program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(B) commodity supplemental food program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

(e) CONSIDERATION OF EXISTING PROGRAMS.—In selecting States to conduct programs under this Act, the Secretary shall ensure that at least three of the States selected have existing programs similar to those authorized under this Act.

(f) USE OF COUPONS.—Coupons issued under this Act may be used at farmers markets to purchase commodities or the products thereof, and shall be redeemed by the State for the value stated on such coupons.

(g) AFFECT ON OTHER PROGRAMS.—The amount of a coupon provided under this Act shall not be considered to be income or resources of an individual for purposes of determining eligibility to participate in, or benefits available under, any other Federal law.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act, $2,000,000 in each of the fiscal years 1989 through 1991.

(i) ALLOCATION FORMULA.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, in the case of each State that is eligible to participate in the program established under this Act during a fiscal year, the Secretary shall allocate funds made available to the State to carry out this Act during the fiscal year on the basis of a formula established by the Secretary that takes into consideration an allocation percentage for the State obtained by dividing—

(A) the number of individuals who the State projects will be served during the fiscal year under the State plan submitted under this Act; by

(B) the number of individuals who the State projects will be served during the fiscal year under the special supplemental food program authorized under this Act.

(2) MINIMUM ALLOCATION.—The minimum amount of funds made available under this Act during a fiscal year shall be $75,000 if—

(A) the State has a population of less than 3,000,000 residents; and

(B) the State plans to make coupons available to a majority of the recipients currently participating in the special supplemental food program and the Commodity Supplemental Food program authorized under this Act.

(3) MAXIMUM ALLOCATION.—The maximum amount of funds made available under this Act during a fiscal year to a State shall be $400,000.

(j) DISTRIBUTION OF FUNDS.—The Secretary shall make the State allotment available to the Governor of such State who shall distribute such funds to either the State department responsible for agriculture or that responsible for public health.

(k) ADMINISTRATION.—

(1) IN GENERAL.—A State shall not use more than 10 percent of the funds allotted to such State under this Act for administrative expenses.

(2) STATE OPTION.—A State that receives funds under this Act may—

(A) be administered in conjunction with the expanded food, nutrition, and education program carried out by the cooperative extension service of the State under sections 1584 through 1588 of the Food Security Act of 1985 (7 U.S.C. 3175a); and

(B) require individuals eligible to receive coupons to participate in such expanded food, nutrition, and education program as a condition of receiving such coupons.

(3) TAXATION.—A State receiving funds under this Act shall ensure that no State or local taxes are collected within the State on the purchase of food with coupons distributed under the State project.

SEC. 3. REPORTS.

(a) STATE REPORT.—Not later than 90 days after the end of each fiscal year in which the State has received a grant under this Act, the State shall prepare and submit to the Secretary a report that—

(1) describes the operation of the project within the State in such fiscal year, including the manner in which coupons were distributed to eligible individuals and redeemed by the State;

(2) specifies the geographical area of the State in which farmers' markets were designated to participate in the project in such fiscal year;

(3) identifies the number and eligibility characteristics of individuals to whom coupons were provided under the project in such fiscal year;

(4) specifies the number of farmers who participate in the project in such fiscal year; and

(5) evaluates the efficiency and effectiveness of the administration of the project by the State in such fiscal year.

(b) REPORT BY SECRETARY.—Not later than 180 days after the end of each fiscal year for which funds are appropriated under this Act, the Secretary shall prepare and submit, to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that—

(1) summarizes and evaluates the information contained in the reports submitted under subsection (a); and

(2) describes the success of the projects in achieving the purposes described in section 1(a).

SEC. 4. DEFINITIONS.

As used in this Act:

(1) ELIGIBLE PERSON.—The term "eligible person" means a person eligible to participate in the—

(A) special supplemental food program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1876); and

(B) commodity supplemental food program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

(2) FARMERS' MARKET.—The term "farmers market" means a market place where an eligible person can directly purchase unprocessed food from a farmer or at a stand or area set up for such farmers.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

By Mr. KERRY:

S. 2044. A bill to require further review by the Federal Communications Commission to ensure thorough deliberation on proposed changes in the method of regulation of interstate basic service rates; referred to the Committee on Commerce, Science, and Transportation.

THE FCC'S PRICE CAP PROPOSAL

● Mr. KERRY. Mr. President, today I am introducing legislation which would impose a moratorium on further action by the Federal Communications Commission relative to Docket No. 87-313, its proposal to eliminate cost-of-service, rate of return regulation for dominant carriers, and replace it with a price cap system of regulation. This same legislation is being introduced today in the House of Representatives by Congressman BRYANT of Texas.

Mr. President, the issue here is one that is extremely complex and will have a direct impact on virtually every consumer and every business in the United States. The changes contemplated by the FCC represent a revolutionary change in the way dominant carriers are regulated, and how they determine interstate basic service rates.

We are all aware, Mr. President, of the enormous changes that have taken place during the past decade in the area of telecommunications. Yet few if any of us are completely sure of the impact of these changes on consumers, and on our economy at large. There have been benefits, of course, but there have also been unexpected costs. It is my opinion that as we move forward and make further changes, we must be extremely cautious, and we must be certain Congress is a full partner in the process.

Unfortunately, in its pending proceeding on the price cap proposal, the FCC is proposing that it undertake an extremely significant change—indeed, a change that some argue is in conflict with its congressional mandate to set rates on a "just and reasonable basis"—without prior notice of exactly what it is proposing, what alternatives have or will be considered, and what weight it plans to accord the various costs and benefits of any new approach.

Under the current rate-of-return, cost-of-service regulatory scheme—which has been in place for decades—dominant carriers like AT&T must submit cost data to the FCC, which then sets prices in a way that allows the company to earn a preestablished rate of return. It's not a perfect system, but at least it provides a visible means of ensuring that telephone companies are allowed to make a fair profit, while ensuring that consumers aren't forced to pay monopoly rents.

If the FCC thinks it has a better idea for regulating dominant carriers they should certainly pursue it; but they should do so in a fashion that is appropriate to the magnitude of the change. A notice of Inquiry should be opened so that relevant data and points of view can be made a part of the public record. Only when the Commission is ready to make a specific proposal—and to present hard evidence that this proposal will yield positive benefits to consumers—should it initiate a rulemaking.

The pending procedure represents an attempt by the FCC to rush headlong into the price caps proposal. They have not considered other alternatives to rate-of-return regulation, nor have they even decided on the scope of the plan they will propose, or on any safeguards that may be included.

Thus, the bill we are introducing today requires the FCC to vacate its current proceedings, and to start anew. I believe this approach demonstrates that while the Congress is ready to consider alternatives to rate-of-return regulation, we are serious about our insistence that consumer interests be safeguarded, and that the burden of proof rests with those who are advocating a change.

Mr. President, it is my hope that the Senate Commerce Committee will hold a hearing on this issue in the near future. At such a hearing we may find that, indeed, there are other ways of ensuring that our substantive and procedural concerns are met. Until then, however, I am convinced that this legislation represents a prudent safeguard.●

By Mr. DOLE (for himself and Mr. GRASSLEY):

S. 2045. A bill to amend the Food Security Act of 1985 to increase the number of acres placed in the conservation reserve program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

ENVIRONMENT AND CONSERVATION PROGRAM

Mr. DOLE. Mr. President, today Senator GRASSLEY and I are introducing legislation designed to address rural America's concerns with water quality and environmental contamination. The Environmental Conservation Acreage Reserve Program [ECARP] would establish a new and separate long-term reserve, similar to the Conservation Reserve Program [CRP], of up to 20 million acres to target land with potential ground water, surface water, and other environmental and erosion problems.

FARM GROUP SUPPORT

Mr. President, I'm pleased to mention that we have shared the bill with several of the farm commodity groups. The National Corn Growers, the National Pork Producers, the National Association of Wheat Growers and the Fertilizer Institute have all endorsed the concept and direction of the legislation. Further refinements may be necessary, but I believe this is a good starting point and I invite other farm organizations as well as environmental groups to support this initiative.

WATER QUALITY AND THE ENVIRONMENT

Mr. President, the contamination of our Nation's water—whether surface water or ground water—is receiving more and more attention.

Ground water reservoirs, or aquifers, contain nearly 50 times the volume of the Nation's surface waters, constitute 96 percent of all the fresh water in the United States and are the primary drinking water source for one-half of the population, or about 117 million people and supply one-half of the Nation's irrigation water.

Although it is not yet possible to assess the extent of ground water and surface water contamination on a national level, it is a reasonable conclusion that prevention is the best cure. This new reserve will allow the Secretary to meet local and State water quality, soil damage, soil salinity, selenium, siltation and other environmental and natural resource management problems. It would also give us more time to assess and determine the best Federal response to these growing concerns.

PROVISIONS OF ECARP

As acres are enrolled into these long-term reserves [CRP and ECARP], farmers would be able to reduce their obligations under annual set-aside and whole-base bid programs. Acreage reduction efforts would therefore be shifted to a longer term, more cost effective basis. Farmers would give up program payments in return for special bonus payments and annual rental payments. The agribusiness sector would not be faced with the prospect of unlimited increases in idled acres since the total acreage allowable in the long-term reserves would represent 80 percent of all land idled under all Federal commodity and conservation programs.

This bill gives the Secretary of Agriculture authority to address local and regional environmental and erosion problems and it gives farmers greater flexibility in dealing with potentially cumbersome and varying regulations by States and the EPA.

CCC FUNDING

To ensure farmers receive annual rental payments on schedule, the bill provides funding through the Commodity Credit Corporation [CCC]. Some farmers are now hesitant to join multiyear programs given the unpredictability of the appropriations process. If rental payments are late, farmers face burdensome tax consequences from having rental payments bunched with other farm income during the same year.

CONCLUSION

Mr. President, this legislation balances the concerns of farmers, environmentalists, agribusiness men and women and the Federal Government, which is being drawn into an elevated role in protecting our Nation's soil and water resources. By retiring land on a long-term basis we can address erosion and water quality problems and provide for the betterment of wildlife and recreational needs of future generations. I ask unanimous consent that a summary of the bill be included in the Record at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary—Environmental Conservation Acreage Reserve Program [ECARP]

ECARP—Establishes a new reserve, similar to the Conservation Reserve Program [CRP], to idle 5-20 million acres identified as potentially threatening to the environment. Within one year, Secretary shall begin targeting additional land for long-term retirement based on environmental concerns; water quality, soil damage, soil salinity, siltation, restrictions on pesticide use and problems resulting from cultural practices. Expands the upper limit of the Conservation Reserve Program by an additional 5 million acres.

Incentives—Provides advance payments, and annual rental payments to producers who enroll acreage. Provides bonus payments for producers willing to retire permanently their crop bases and permits enrolled acreage to count against annual set-aside, acreage limitation and whole-base bid programs. Provides funding for reserves through the CCC.

Idled acres—Caps total acreage idled under all Federal commodity and conservation programs by requiring the maximum acres allowable in both long-term reserves to represent at least 80 percent of total U.S. acreage idled.

County impact—Limits decline in the economic activity due to long-term reserves in a country to 25 percent of the level of economic activity prior to initiation of the reserves unless greater economic activity is stimulated.

Local experts—Requires Secretary to consult with local conservation experts and farmers in specifying the timing and nature of practices and types of grasses used for establishing a cover crop.

Resource management—Allows a broader variety of management practices on enrolled land and fosters wildlife management and outdoor recreational uses. Encourages greater tree planting. Encourages that ECARP be used to stimulate rural development.

Bid-back option—Secretary can allow producers to "bid-back" their acreage to crop production if sufficient demand exists. Producers would be able to regain their bases. Provides for a separate $50,000 payment limit for participants enrolled in the ECARP.

Annual reports—Requires the Secretary to report by June 1, 1989 and each subsequent year on status and progress of ECARP. Requires the Secretary to report by June 1, 1989 on status of compliance and implementation of conservation plans as required by the 1985 Farm bill

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By Mr. DURENBERGER (for himself, Mr. Weicker, Mr. Biden, Mr. Lugar, and Mr. Chiles):

S. 2046. A bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants; to the Committee on Finance.

MEDICAID UNIVERSAL ACCESS TO PRENATAL, MATERNITY, AND INFANT CARE

● Mr. DURENBERGER. Mr. President, I rise today to introduce with Senators Weicker, Biden, Lugar, and Chiles the Medicaid Universal Access to Prenatal, Maternity, and Infant Care Amendment of 1988. This bill amends title XIX of the Social Security Act to require States to extend Medicaid coverage to all pregnant women and infants up to 1 year of age whose family income falls below the Federal poverty level. This is one case, Mr. President, where the dictates of compassion and fiscal responsibility are in full agreement.

Last year, my distinguished colleague Senator Bradley and I introduced a bill that would allow States to enroll pregnant women and children in Medicaid up to 185 percent of the Federal poverty level. That legislation was passed by Congress. The provision becomes effective July 1, 1988, and will greatly increase the opportunities for decreasing infant mortality and improving health for many pregnant women and children.

Under current law, in addition to Medicaid coverage for aid to families with dependent children [AFDC], the Deficit Reduction Act [DEFRA] of 1984 and the Consolidated Omnibus Budget Reconciliation Act [COBRA] of 1985 requires States to provide Medicaid coverage to certain categories of pregnant women and children who meet AFDC income and resource standards. DEFRA required States to provide Medicaid coverage for women who would qualify for AFDC and Medicaid when their children are born and pregnant women in two-parent families where the primary wage earner is unemployed. COBRA, by requiring States to provide Medicaid coverage to pregnant women in two-parent families even when the primary wage earner is employed, further expanded eligibility for women who meet AFDC income and resource standards.

This bill would go the next step and require that all States, at a minimum, provide Medicaid coverage for prenatal care, delivery, postpartum care, and infant care during the first year of life to low income women and infants up to the Federal poverty level.

The time has come for a more comprehensive necessary next phase in this continuing evolution of legislation to decrease infant mortality and expand coverage to poor, uninsured pregnant women and infants.

The responsibility for ensuring the provision of health care for pregnant women and children is fundamental to our basic character as a nation. Of the 3.7 million women that deliver babies each year, 40 percent are unemployed or work only part time and 25 percent are poor. Four out of every 10 mothers have a major health problem during pregnancy, and one in seven had health problems prior to the pregnancy. Every year, about 10 percent of babies are born with major health problems, and 40,000 infants die during the first year of life.

Studies conducted by the Institute of Medicine, U.S. General Accounting Office, the Alan Guttmacher Institute, and many others have substantiated that prenatal care reduces both infant death rates and low birth weight infants. The infant mortality rate is 9.7 per 1,000 live births among infants whose mothers begin prenatal care during the first trimester of pregnancy, and 48.7 per 1,000 live births for those infants where the mother had no prenatal care. Women who do not have sufficient prenatal care are about twice as likely to have a low birth weight infant. Thirty-four percent of pregnant women get insufficient prenatal care and 47 percent of women who do not receive adequate prenatal care are poor. This is unacceptable for a great nation.

Prenatal care for pregnant women requires different types of services and medical expertise based on pregnancy complications and social need. For example, an unmarried pregnant teenager; in addition, to medical care, may require social services, education in parenting and well child care, nutrition counseling, food supplements, housing, and transportation. Other women may require perinatology consultation, genetic counseling, and delivery in a level three perinatal center. Prenatal care services must be comprehensive, available and tailored to the needs of the individual. An excellent program in Minnesota has demonstrated over a number of years that pregnancy outcomes in a program targeted for high risk women are comparable to all other Minneapolis residents, even though program participants were at very high risk for problems.

Success requires cooperation of health care providers, maternal and child health agencies, social service agencies, regionalization of perinatal services and ready access of these services to all pregnant women. Sixty percent of women on Medicaid, 39 percent of poor women, and 40 percent of teenagers, receive their prenatal care at special publicly funded clinics. Therefore, expansion of Medicaid to all women and children below the Federal poverty level is an expedient way to assure prenatal care, maternity services, and infant care to all low income families.

It has been accepted in this year of great budget pressures that any new program must be cost effective. This program represents a wise investment of public funds.

A newborn infant is already a biologically complete human being with all organ systems functioning and nearly all of the brain cells that he or she will have for the rest of his or her life. Damage or injury to an infant during prenatal life or birth process means a lifetime of mental retardation, epilepsy, cerebral palsy or worse, and a lifetime of expense. Cigarettes, alcohol, drugs, infectious diseases, and maternal illness during pregnancy all have devastating effects on the developing fetus, with lifetime consequences. No child should begin life with problems that are preventable with prenatal care and education.

Of the 51 million women of reproductive age, 41 million have some form of private insurance coverage; however, 5 million have policies that do not cover maternity care and 14.6 million women have no insurance. Pregnant women with no insurance, and no financial support are left with distressing choices. They can quit their job, stop their education, go on welfare, or seek abortion.

Mr. President, this is more than a simple injustice against pregnant women and children. Our future as a nation is at stake. We absolutely must provide better alternatives for the pregnant women of this country, and a real chance for a healthy start in life for all newborns.

Mr. President, I ask unanimous consent that the text of the bill be printed in Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY COVERAGE OF MEDICAL ASSISTANCE FOR CERTAIN LOW-INCOME PREGNANT WOMEN AND INFANTS.

(a) In General.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by inserting "and" at the end of subparagraph (E); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) for making medical assistance available, including at least the care and services listed in paragraphs (1) through (5) and (17) of section 1905(a), to individuals described in subsection (l)(1);".

(b) Establishment of Income Level.—Section 1902(l)(2) of such Act (42 U.S.C. 1396a(l)(2)) is amended—

(1) in subparagraph (A), by striking "(not more than 100 percent)" and inserting "(not less than 100 percent nor more than 185 percent)"; and

(2) in subparagraph (B), by striking "percent, or, if less, the percentage established under subparagraph (A)" and inserting "percent".

(c) Conforming Amendments.—(1) Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended—

(A) in subparagraph (A)(ii), by inserting "or" at the end of subclause (VIII), by striking subclause (IX), and by redesignating subclause (X) as subclause (IX);

(B) in subparagraph (C), by striking "(A) or (E)" in the matter preceding clause (i) and inserting "(A), (E), or (F)"; and

(C) in subdivision (VII) of the matter immediately following subparagraph (F) (as added by subsection (a)), by striking "(A)(ii)(IX)" and inserting "(F)".

(2) Section 1902(e) of such Act (42 U.S.C. 1396a(e)) is amended—

(A) by striking paragraph (6) and inserting the following:

"(6) The State plan may provide that any woman described in subsection (l)(1)(A) (who is eligible for medical assistance only because of subsection (a)(10)(F)) shall be treated as an individual eligible for medical assistance under subsection (a)(10)(F) without regard to any change in income of the family of which she is a member until the end of the 60-day period beginning on the last day of her pregnancy."; and

(B) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "If" and all that follows through "subsection" the second place it appears and inserting "In the case of medical assistance provided under the State plan to a child described in subparagraph (B) or (C) of subsection", and

(ii) in the matter following subparagraph (B), by striking "subsection (a)(10)(A)(ii)(IX) and".

(3) Section 1902(l) of such Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (1)(C), by striking "children" and inserting "at the option of the State, children";

(B) in paragraph (2)(B), by striking ", under subsection (a)(10)(A)(ii)(IX),";

(C) in the matter preceding subparagraph (A) of paragraph (3), by striking "(a)(10)(A)(ii)(IX)" and inserting "(a)(10)(F)"; and

(D) by striking paragraph (4) and inserting the following:

"(4)(A) A State plan may not elect the option of furnishing medical assistance to individuals described in paragraph (1)(C) unless the State has in effect, under its plan established under part A of title IV, payment levels that are not less than the payment levels in effect under its plan on July 1, 1987.

"(B) A State plan may not provide, in furnishing medical assistance to individuals described in paragraph (1), that such individuals must apply for benefits under part A of title IV as a condition of applying for, or receiving, medical assistance under this title.".

(4) Section 1902(m) of such Act (42 U.S.C. 1396a(m)) is amended—

(A) by striking paragraph (3) and inserting:

"(3) A State plan may not provide coverage for individuals under subsection (a)(10)(A)(ii)(IX) or coverage under subsection (a)(10)(E), unless the plan provides coverage for the individuals described in subsection (l)(1)(C)."; and

(B) in the matter preceding subparagraph (A) of paragraph (4), by striking "(a)(10)(A)(ii)(X)" and inserting "(a)(10)(A)(ii)(IX)".

(5) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by striking "1902(a)(10)(A)(ii)(IX)" and inserting "1902(a)(10)(F)".

(6) Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking "(A) or (E)" each place it appears and inserting "(A), (E), or (F)"; and

(B) in subsection (c)(1), by striking "1902(a)(10)(A)(ii)(IX)" and inserting "1902(a)(10)(F)".

(d) Effective Date.—The amendments made by this section shall apply with respect to medical assistance furnished on or after July 1, 1988.●

By Mr. THURMOND (for himself, Mr. Metzenbaum, Mr. Harkin, and Mr. Evans:

S. 2047. A bill to require a health warning on the labels of all alcoholic beverage containers; to the Committee on Commerce, Science, and Transportation.

ALCOHOL WARNING LABELS

Mr. THURMOND. I rise today to offer legislation to require rotating health warning labels for alcoholic beverage containers. I am pleased to have my distinguished colleagues, Senator METZENBAUM, Senator HARKIN, and Senator EVANS, join me as original cosponsors of this measure.

Last year, I took the opportunity to inform my colleagues of the continuing lack of responsibility on the part of the alcohol beverage industry regarding their advertising practices. Such irresponsibility demands congressional action to counter the adverse effect these practices are having on the Nation.

Mr. President, the Public Health Service recently completed a study on the potential educational effects of health warning labels and concluded that labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives.

Mr. President, health warning labels are an important step to educate the consumer on the potential hazards of alcohol consumption.

The warnings in this measure, which would be placed conspicuously on the beverage containers, would read as follows:

WARNING: The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects.

WARNING: Drinking this product, which contains alcohol, impairs your ability to drive a car or operate machinery.

WARNING: This product contains alcohol and is particularly hazardous in combination with some drugs.

WARNING: The consumption of this product, which contains alcohol, can increase the risk of developing hypertension, liver disease and cancer.

WARNING: Alcohol is a drug and may be addictive.

Mr. President, alcoholism and alcohol abuse are recognized as one of our Nation's most serious problems.

To illustrate the extent of alcohol abuse, here are a few relevant examples:

First. The National Institute on Alcohol Abuse and Alcoholism [NIAAA] says that alcohol costs the American economy nearly $120 billion per year in increased medical expenses and decreased productivity.

Second. The NIAAA estimated that 18.3 million Americans are heavy drinkers which is defined as consuming more than 14 drinks per week.

Third. In 1985, over 12 million American adults had one or more symptoms of alcoholism. This represents an increase of 8.2 percent from 1980.

Fourth. Since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation. It is the only preventable birth defect among the top three. However, a 1985 Government survey revealed that only 57 percent of Americans had even heard of fetal alcohol syndrome.

Fifth. A 1987 HHS report to Congress entitled "Alcohol and Health" cites that nearly one-half of all accidental deaths, suicides and homicides are alcohol related. Nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime.

Sixth. Alcohol related traffic accidents claim over 18,000 lives each year in the United States.

Seventh. Among teenagers, alcohol abuse has reached epidemic proportions. According to the 1987 HHS report, an estimated 30 percent or 4.6 million adolescents experience negative consequences of alcohol use—such as poor school performance, trouble with parents, or trouble with the law.

Eighth. According to recent statistics, alcohol remains the most widely used drug among American youth.

For many years I have firmly believed in the need for warning labels on alcoholic beverages, and I have introduced this type of legislation before. In fact, I cannot imagine any argument against this legislation which I have not previously heard. More importantly, what I said in support of such legislation in 1979 and in 1981 is just as true today:

> If such a warning label deters a potential abuser of alcohol from taking a drink, or prevents a casual drinker from climbing behind the wheel of a car when he has had "one too many", or prevents a pregnant woman from potentially causing harm to her unborn child, then this legislation will be effective and worthwhile.

Mr. President, I'll never forget the letter I received from Mr. Ben Robinson of Alexandria, VA, regarding alcohol labeling legislation. I want to read you a portion of that letter because it briefly, and very persuasively, explains the importance of this bill.

> * * * Such a law is very much needed! It probably would not deter veteran drinkers, but for the young still unaddicted it would cause them to think twice before drinking. I speak from sad experience. Just a little over a year ago, August 12, 1984, our family was shocked with the news that our 22-year-old son was dead. From information that we received later in bits and pieces we learned that while camping with two other boys near a fishing pond in West Virginia, they all drank heavily of hard alcohol. Bruce, our son, passed out and never awakened.
>
> The Certificate of Death reads for the cause "acute ethyl alcohol intoxication, and extensive aspiration of stomach contents into tracheobronchial tree." Bruce was a novice to whiskey drinking. He did drink beer in moderation, but I had never known him to drink whiskey—and he and I were close.
>
> I cannot help but think that warning labels carefully written as to consequences would prevent alcohol abuse and deaths among young people.
>
> Within a few weeks after Bruce's death, Paul Harvey in his newscast said alcoholic deaths among the young are not uncommon. He mentioned a young girl who had drunk to excess and gone into a coma. He said that youth are very susceptible to alcohol poisoning and this is especially true when body temperature is low * * *. I wish you success and if there is something I can do to help, let me know.

Mr. President, this legislation will serve to provide individuals with the knowledge necessary to make an informed decision on whether or not to consume alcoholic beverages. Similar to cigarette warning labels, these labels do not create any legal restriction or penalty to those who do not heed the warnings. They merely provide cautionary notice that consumption of the product may entail serious consequences in certain situations.

Mr. President, I have received several letters from organizations endorsing health warning labels on alcoholic beverages. These organizations include the American Medical Association, the American Academy of Pediatrics, the National Council of Alcoholism, the Center for Science in the Public Interest, the General Association of General Baptists, Mothers Against Drunk Driving, the American Council on Alcohol Problems, the National Rainbow Coalition, the National PTA, the Christian Life Commission, the Association for Retarded Citizens, and the National Women's Christian Temperance Union. I ask unanimous consent that a copy of these letters be included in the RECORD, as well as the bill, immediately following these remarks.

I urge my colleagues to support the passage of this vitally important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 18,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only

57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) COMMERCE.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) CONTAINER.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) DISTILLED SPIRITS.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) MALT BEVERAGE.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) PERSON.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) SALE AND DISTRIBUTION.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) UNITED STATES.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) WINE.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) GENERAL RULE.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) LOCATION OF LABEL.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) REQUIREMENTS.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) BUREAU OF ALCOHOL TOBACCO AND FIREARMS.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) VIOLATIONS.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) JURISDICTION.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) EXEMPTIONS.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) LIABILITY.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this Act shall become effective 6 months after the date of its enactment.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, July 18, 1986.

Re Alcohol, Drug Abuse, and Mental Health Amendments (S. 2595).

Hon. STROM THURMOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The American Medical Association wishes to express its support for the alcohol labeling provisions of the recently introduced "Alcohol, Drug Abuse, and Mental Health Amendments" (S. 2595) that you are sponsoring.

Long-standing AMA policy supports the labeling of alcoholic beverage containers to warn of the various health risks associated with alcohol consumption. Such warning labels will play a necessary role in effectively carrying out the bill's overall intent of increasing the public's knowledge of alcohol-related problems.

We commend you for sponsoring legislation that will address this serious national health problem and look forward to its successful passage in Congress.

Sincerely,
JAMES H. SAMMONS, M.D.,
Executive Vice President.

AMERICAN ACADEMY OF PEDIATRICS,
Elk Grove, IL, April 21, 1986.

Re: Fetal alcohol.

To: Committee on Fetus and Newborn Task Force on Substance Abuse Committee on Genetics.

From: Jean D. Lockhart, MD.

At their April meeting, the Executive Board approved the attached resolution to the AMA, advocating a warning on all alcoholic beverages about use during pregnancy.

This is now Academy policy.

LABELING ALCOHOLIC BEVERAGES WITH STATEMENT ABOUT DANGERS TO THE FETUS

Whereas, the risk to the fetus of excessive alcohol consumption by the pregnant woman is now well established; and

Whereas, drinking alcohol beverages during pregnancy can cause birth defects; and

Whereas, alcohol consumption during pregnancy is casually related to low birth weight babies, small for gestational age babies, and with a variety of adverse fetus outcomes; and

Whereas, the Fetal Alcohol Syndrome is one of the leading known causes of mental retardation; and

Whereas, the general public needs to become more familiar with the risks of drinking alcohol during pregnancy; and

Whereas, this resolution was unanimously passed by the Chapter Chairmen's Forum of the American Academy of Pediatrics; and

Whereas, pregnant women need to be aware of the risks of alcohol consumption very early in the first trimester; therefore be it

Resolved, That pregnant women should be advised to avoid alcohol consumption during pregnancy; and be it further

Resolved, That the American Medical Association support the position of the American Academy of Pediatrics that there be a warning label on all alcoholic beverages, stating that: "Alcohol consumption during pregnancy can be harmful to the unborn baby."

NATIONAL COUNCIL ON ALCOHOLISM INC.,
New York, NY, January 27, 1988.

Hon. STROM THURMOND,
Senate Russell Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: On behalf of the National Council on Alcoholism, I would like to express my strong endorsement of your proposed legislation mandating health and safety warning labels on all alcoholic beverages.

If enacted, this legislation will provide alcohol consumers with concrete information about the association of alcohol consumption with health and safety risks ranging from alcohol-related birth defects and alcohol's contribution to liver disease, hypertension and cancer; to the impairment of driving ability and the danger of combining alcohol with other drugs. The label which identifies alcohol as a drug with addictive potential will help to mitigate against the alarming equation of alcohol with soft drinks and juices so frequently featured in alcohol advertising in both broadcast and print media.

Education has frequently been cited as a key ingredient in any comprehensive strategy to address alcoholism and alcohol-related problems in the nation. Clear and simple labels placed on every container of beverage alcohol every day of the year will keep educational messages about alcohol's effects constantly before the public eye. Public service announcements on radio and television and educational campaigns to combat alcoholism and related problems are of necessity, time-limited. The labeling of alcoholic beverage containers will institutionalize important public health information and cannot help but greatly enhance the public's knowledge regarding health and safety risks attendant on alcohol use.

In a democratic society, consumers have a right to know about the risks associated with the consumption of any given legal product. This information is critical if individuals are to make informed decisions about their use or non-use of alcohol. Alcoholic beverages have long been held harmless from a number of consumer information strategies. In fact, alcohol advertising which glamorizes drinking continues to be the major and most powerful source of information Americans receive about alcohol. Your proposed legislation makes a major contribution to alcohol education for American consumers.

NCA has been on record in support of health and safety warning labels on alcoholic beverages since 1982. In our view, the utilization of this simple, cost-effective and well precedented educational vehicle is long overdue. We have appreciated your leadership on this important alcohol policy measure throughout the last decade. We pledge our unqualified support for all your efforts to make health and safety warning labels on all alcoholic beverages federal public policy during the second session of the 100th Congress.

Please don't hesitate to call on the National Council on Alcoholism and its 200 local and state affiliates throughout the nation for our assistance in helping you to realize this goal.

Sincerely,

THOMAS V. SEESSEL,
President.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
Washington, DC, January 22, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: We understand that you will be introducing legislation to require the alcoholic beverage industry to inform consumers about the health risks associated with the consumption of alcoholic beverages.

Our society must adopt a comprehensive approach to reducing alcohol problems. We can reduce alcohol problems. As a starter, we should alert people who choose to drink about the risks. All alcoholic beverages should carry health warning labels, just as bubble bath, cigarettes, and over-the-counter drugs do.

The Center for Science in the Public Interest strongly endorses the rotating health warning label legislation you are proposing. We also appreciate the strong leadership role you have played in bringing this important matter to the attention of the Congress and the American public.

Sincerely,

PATRICIA TAYLOR,
Director, Alcohol Policies Project.

THE GENERAL ASSOCIATION OF
GENERAL BAPTISTS,
Poplar Bluff, MO, January 29, 1988.

Senator STROM THURMOND,
Senate Office Building,
Washington, DC.

Attention: Kerk Spong.

DEAR SENATOR THURMOND: It is my understanding that you are soon introducing a bill in Congress to require warning labels on alcoholic beverages.

Be assured that such bill would have the support of our fellowship. The General Association of General Baptists continues to view the consumption of alcoholic drinks as the source of many problems of our society. Warning labels on such drinks could be an assist in deterring the use of alcohol as a beverage.

We do encourage you in your efforts to serve in the best interests of our society.

Sincerely,

GLEN O. SPENCE,
Denominations Executive Director.

MOTHERS AGAINST DRUNK DRIVING,
Hurst, TX, February 1, 1988.

Hon. STROM THURMOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR THURMOND: The national organization of Mothers Against Drunk Driving continues to strongly support the concept of warning labels on alcohol beverage containers. Specifically, our more than 600,000 members and supporters urge that a warning label be included to alert the public that use of such a product will impair their ability to drive a car or operate machinery. This particular label will make a significant contribution toward educating the public about the risk involved with drinking and driving, as well as dispel any doubt that impairment begins with even the first sip of alcohol.

Each year almost 24,000 persons are killed as a result of alcohol-related driving incidents. An additional 560,000 people are injured, with 43,000 of those seriously or permanently hurt. On average, one person dies every twenty-two minutes—66 people each and everyday—as a result of alcohol-related traffic crashes. In view of these tragic results, MADD is committed to utilizing every means possible to prevent needless added pain and suffering.

It is imperative that individuals be made aware of the imminent danger they face should they choose to drive when consuming alcohol. Alcohol beverage container warning labels would provide an effective reminder of this fact.

Your continued support of legislation to require such labels is to be commended and we respectfully request that your colleagues join with you in this important life-saving effort.

Sincerely,

NORMA PHILLIPS,
National President,
Mothers Against Drunk Driving.

AMERICAN COUNCIL
ON ALCOHOL PROBLEMS,
Bridgeton, MO, January 29, 1988

Hon. STROM THURMOND,
Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: I understand that you intend to introduce legislation on February 3 that will mandate five different, rotating warning labels on alcoholic beverage containers.

Let me assure you of the enthusiastic, whole-hearted support of the American Council on Alcohol Problems and its constituency in the 31 states that make up its membership.

The absence of warning labels on alcoholic beverage containers is one of the major concerns of this organization. We will cooperate with you in every way to assure the passage of the legislation you are about to introduce.

Respectfully,

CURT C. SCARBORUGH, Ph.D.,
Executive Director.

NATIONAL RAINBOW COALITION, INC.,
Washington, DC., July 9, 1986.

Senator STROM THURMOND, Sr.,
Russell Building, Washington, DC.

DEAR SENATOR THURMOND: I wanted to write you to congratulate you on your stand—and to lend my support—for the position and the legislation requiring warning labels on alcoholic beverages.

In fact, you argued the case so well in the paper that your article ought to constitute the warning label. The information you gave was both informative and startling—exactly what a warning label should do.

If there is anything further that I or the National Rainbow Coalition can do to support your efforts to get warning labels on alcoholic beverages please do not hesitate to call upon us.

Sincerely,

REV. JESSE L. JACKSON,
President.

P.S.—Enclosed is the eulogy that I preached at Don Rogers funeral in Sacramento last Thursday, July 3. It's on the related subject of drug abuse.

THE NATIONAL PTA,
Chicago, IL, February 1, 1988.
Senator STROM THURMOND,
Russell Building, Washington, DC.

DEAR SENATOR THURMOND: The National PTA would like to extend our support to your efforts in enacting legislation that would require warning labels on alcoholic beverages.

As you know, alcohol is the most widely used and abused drug in our society. Yet, a 1983 National Weekly Reader Survey on Drugs and Alcohol noted that only 42 percent of fourth graders realized that alcohol was a drug compared to 81 percent who considered marijuana a drug, and the percentage of students recognizing alcohol as a drug decreased with age, to 28 percent, in the upper grades.

The public is not sufficiently aware of the danger of alcohol abuse or the short and long term effects of alcohol on their physical and mental health. Alcohol contributes to several fatal diseases, including cardiac myopathy, hypertension and stroke, pneumonia, several types of cancer and liver disease. As a poison, alcohol is second only to carbon monoxide as the substance directly responsible for the most unintentional poisoning deaths in the U.S. In addition, alcohol-related highway deaths are the number one killer of 15-24 year olds. In 1985, 52 percent of the 43,800 highway fatalities were alcohol related.

Health warning labels will serve important informational and educational functions. Labeling of all alcoholic beverages will highlight specific information about alcohol use and health effects. The glamorization and normalization of drinking promoted yearly, in a $1.3 billion advertising campaign, will be countered through warning labels on all alcoholic beverages. And finally, warning labels will reinforce school-based alcohol prevention and education programs.

We applaud your tireless effort to help educate the public to alcohol related problems. We hope that this year the health and safety of our nation's citizens takes priority over special interest concerns, and that legislation mandating health warning labels on alcoholic beverage containers be enacted.

Sincerely,

MILLIE WATERMAN,
Vice-President for Legislative Activity.

THE CHRISTIAN LIFE COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, February 2, 1988.
Hon. STROM THURMOND,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: I am writing to support proposed federal legislation to require a system of warning labels for beverage alcohol containers. As the Executive Director of the Christian Life Commission, the ethics and public policy agency of the Southern Baptist Convention's 15.5 million members and 37,000 churches, I applaud your effort to bring to pass this long-overdue requirement of "truth disclosure." It is shocking, in an era when so much attention has been directed to truth in advertising, product liability, and consumer affairs, that minimal standards of disclosure of the contents and effects of beverage alcohol are still nonexistent.

Beverage alcohol is America's most consumed drug. Not all of the social ills related to beverage alcohol can be remedied by legislative means. But a variety of legislative measures could help greatly in dealing with some of those social ills. Fetal alcohol syndrome and drunk driving are but two of those ills. Labeling legislation, which would require the industry to do what it should have long-since done voluntarily, would be an important step in heightening public awareness of the dangers of the use of beverage alcohol.

It is not too much to ask those in the beverage alcohol business to warn their customers that alcohol consumption constitutes a danger for drivers, since approximately 18,000 people die in alcohol-related events each year.

It is not too much to ask those in the beverge alcohol business to warn their customers that alcohol consumption during pregnancy creates a serious threat of birth defect and mental retardation in the infant. Fetal alcohol syndrome is one of the leading causes of birth defects and the only one which is preventable.

It is not too much to ask those in the beverage alcohol business to warn their consumers that beverage alcohol consumption can be a major health problem, since alcohol costs our economy over $100 billion annually in medical expenses and decreased productivity.

It is not too much to ask those in the beverage alcohol business to warn their consumers that beverage alcohol consumption contributes to approximately one-half of the accidental deaths, suicides and homicides.

I am enclosing a copy of a resolution adopted at the 1987 annual meeting of the Southern Baptist Convention. This resolution identifies labeling legislation as a major priority in dealing with the social problems related to beverage alcohol consumption.

As hearings on this legislation are scheduled, I would request the assistance of your office in notifying us. We would request the opportunity of presenting testimony in support of labeling legislation.

Sincerely,

N. LARRY BAKER,
Executive Director.

ASSOCIATION FOR RETARDED CITIZENS OF THE UNITED STATES,
Arlington, TX, February 3, 1988.
Hon. STROM THURMOND,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR THURMOND: On behalf of the 160,000 members of the Association for Retarded Citizens of the United States, I wish to commend you and the other Senate cosponsors for your introduction of legislation to mandate health and safety warning labels on all alcoholic beverages. Our members, the majority of whom are parents of persons with mental retardation, have been seeking such legislation for some time. As you are keenly aware, fetal alcohol syndrome is a leading and preventable cause of mental retardation.

We are particularly pleased that your proposed bill will require one of the warning labels to be affixed to beer, wine and distilled spirits containers to state that consumption of alcohol during pregnancy can cause mental retardation. Such a label, providing high exposure of this problem to the general public, is expected to be extremely helpful in preventing mental retardation caused by fetal alcohol syndrome.

The ARC strongly endorses this legislation and urges its prompt enactment.

Sincerely yours,

V.K. "WARREN" TASHJIAN,
President.

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,
Evanston, IL, January 30, 1988.
Senator STROM THURMOND,
Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The members of the National Woman's Christian Temperance Union are in favor of your bill being introduced in the Senate requiring labels on all containers of alcoholic beverages.

For over 100 years our organization has endeavored by various means to educate our citizens, especially our children, on the harmful effects of beverage alcohol, other narcotic drugs and tobacco, not only on the human body but also on society as well.

I am writing to encourage you to introduce this legislation mentioned above and to let you know that we support you in it.

Sincerely,

MRS. KERMIT S. EDGAR,
National President.

By Mr. KARNES:

S. 2048. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Unemployment Insurance Act to provide for the removal of the trust funds established by those acts from the unified budget, and for other purposes; pursuant to the order of August 7, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

LEGISLATION TO REMOVE THE RAILROAD RETIREMENT SYSTEM FROM THE UNIFIED FEDERAL BUDGET

● Mr. KARNES. Mr. President, we have seen it before—the Federal Government attempting to pull the rug out from under our railroad retirees.

Recently, during the Congress' annual budget reconciliation discussions, attacks were once again leveled against the federally managed Railroad Retirement Program. The proposal? To withhold cost-of-living adjustments—more commonly referred to as COLA's—as a means of cutting the fiscal year 1988 budget deficit. I believe this concept is simply unacceptable.

The railroad retirement system is merely managed, and not funded, by the Federal Government. Therefore, not only is it illogical to believe withholding railroad retirement COLAs will actually save Federal dollars; but it is also factually incorrect.

Now, it is true that we supporters of the railroad retirement system were ultimately successful in thwarting this most recent attack on railroad retirees. However, we cannot afford to let the issue go at that. Because this ridiculous maneuver has been attempted again and again in recent years, our railroad retirees have faced an undue fiscal threat and, in one or two instances, financial losses. Therefore, today I am introducing legislation that will contribute significantly to our efforts to prevent such congressional meddling in the future.

Specifically, my legislation will remove the railroad retirement trust fund from the unified budget. By doing so, the account will become more autonomous, thus making it less susceptible to the type of abuse that has become all too familiar. No longer will railroad retirees see their fund and their COLAs whipsawed by the bizarre budget process in Congress.

My legislation is a companion to H.R. 2229, introduced earlier in this Congress by Representative HARLEY STAGGERS. We cannot stress enough the importance of acting on this legislation during the remainder of this Congress. Railroad retirees need, want and deserve this legislation and we are committed to building the momentum that will be necessary to ensure its passage.

Mr. President, in recent years, railroad retirees have been asked to endure so much. Isn't it time we helped them out in their hour of need? I urge each of our colleagues to support this important and appropriate measure.●

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. BENTSEN, and Mr. GRAMM):

S. 2049. A bill to establish an independent national Commission on the Veterans' Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish creditworthiness requirements for assumptions of Veterans' Administration vendee loans; and for other purposes; referred to the Committee on Veterans' Affairs.

VETERANS' HOME LOAN PROGRAM IMPROVEMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce, along with the ranking minority member of the committee, Senator MURKOWSKI, and Senators BENTSEN and GRAMM, S. 2049, the proposed "Veterans Home Loan Program Improvements Act of 1988".

Before commenting on the provisions of the bill, I would like to express my appreciation to Senator MURKOWSKI for his many contributions to this legislation and the fine cooperation he has shown in working on this measure on an expedited basis at the beginning of the session. I am delighted that this bill is a result of our continued united, bipartisan effort to improve the VA Home Loan Guaranty Program, as was S. 2022, which we introduced and the Senate passed on February 1 to make certain technical corrections in the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987, enacted on December 21, 1987 (Public Law 100-198).

BACKGROUND

The VA Home Loan Guaranty Program, established by the Servicemen's Readjustment Act of 1944, Public Law 346, 78th Congress, was originally designed to assist veterans returning home from World War II who, due to their military service, had been unable to establish the credit history necessary to obtain a home mortgage. Since 1944, the program has guaranteed loans totaling more than $300 billion, helping more than 12.7 million veterans to purchase homes. In fiscal year 1987, the VA guaranteed 479,491 home loans totaling a record $34.9 billion.

Traditionally, for the vast majority of VA-guaranteed loans the cost to the Government of providing the guaranty has been quite small and the benefit to veterans and to society quite significant. Through fiscal year 1986, 7.5 million guaranteed loans, totaling $102.7 billion, have been paid in full. From its inception in 1944 until 1961, the Home Loan Guaranty Program was funded through appropriations which totaled only $730 million to the VA's readjustment benefits account. That's an average of $42.9 million per year for the 5.6 million loans made during those 17 years.

However, as a result of the downturn in certain areas of the economy in recent years, high default and foreclosure rates on properties guaranteed by VA loans, coupled with a large VA inventory of foreclosed homes acquired at liquidation sales, have threatened the viability of the program by substantially increasing program costs. Indeed, a total of $706.6 million in appropriations had to be made to the Home Loan Program in the past 5 fiscal years alone.

Mr. President, these program costs parallel the increasing debt which veterans have incurred through the foreclosure of homes purchased with VA-guaranteed loans. For the sake of both the veterans using or wishing to use their home loan benefits, as well as the program itself, I concluded early last year that action was needed to try to determine the reason for the great increase in program costs and to take steps to minimize them.

Accordingly, in 1987, I, along with Senator MURKOWSKI, developed S. 1801, which became the most comprehensive VA Home Loan Program legislation which our committee ever reported. Major provisions of the bill—as enacted in the Senate-House compromise agreement on H.R. 2672 on December 21, 1917—provide direction for significant steps to improve the financial solvency of the VA Home Loan Program and reduce its dependency on taxpayer's funds while also improving the program benefits available to veterans and maintaining the basic purposes of the program.

Nevertheless, last year's effort, historic and significant though it was, has not completed our work in this area. For fiscal year 1987, the program needed supplemental appropriations of $100 million, and I understand that the supplemental amount needed for fiscal year 1988 is likely to be far greater than the $389.8 million we appropriated to the loan guaranty revolving fund in the continuing resolution for fiscal year 1988, Public Law 100-203 on December 22, 1987. Economic factors beyond the direct control of the VA Program are responsible for much of the increase in foreclosures and program costs. But we must find further ways to reduce the impact that such factors are having on the program and on our Nation's veterans. We also need, to the greatest extent possible, to build in increased program protections to help minimize the impact of economic depression, such as has occurred in States where oil production plays an important role in the economy and which could strike any area of the country.

Mr. President, on Monday, I, along with Senators MURKOWSKI, BENTSEN, and GRAMM, introduced S. 2022, the proposed "Veterans Home Loan Program Emergency Amendments of 1988," which was passed by the Senate that day and for which we are seeking comparable expedited action on the House side. That bill would make changes to certain home loan provisions recently enacted in Public Law 100-198—relating to the 5-percent downpayment on vendee loans and the calculation of remaining guaranty entitlement, as well as certain technical amendments—to ensure that the improvements made by that law do not have the unintended effect of hindering VA property disposition efforts in certain areas and reducing the amount of guaranty entitlements which should be available to certain veterans. The provisions of that bill are described in my statement on it beginning on page S 364 of the RECORD for February 1.

S. 2022 was introduced separately because of the urgent nature of the changes it would make. However, I hope that the bill we are introducing today also will proceed swiftly toward enactment. To that end, I intend to include it at the Committee on Veterans' Affairs February 25 hearing on the VA budget and at its March 3 markup.

INDEPENDENT COMMISSION ON VA HOME LOAN PROGRAM

Mr. President, after reflecting on the current state of the VA Home Loan Program, following staff field inspections carried out last month, Senator MURKOWSKI and I have concluded that a new approach and perspective are needed to try to come to grips with some of the difficulties affecting the program.

Section 2 of our bill proposes this new direction by providing for the creation of an independent Commission on the Veterans' Administration Home Loan Guaranty Program. This Commission would be charged with carefully assessing the status of the program, analyzing the problems—particularly the recent program-cost and foreclosure-rate increases—the program currently is facing, evaluating possible solutions to those problems, and recommending changes to improve the financial stability and solvency of the program and the benefits and service offered to veterans. The Commission would be modeled after the Commission on Veterans' Education Policy, established by section 320 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Public Law 99-576, which was created and is currently carrying out its statutory mandate to assess VA educational assistance programs.

Under the bill, the Administrator of Veterans' Affairs, in consultation with the chairmen and ranking minority members of the Senate and House Veterans' Affairs Committees—each of whom, as well as the Administrator, or their designees, would participate in the Commission's study and deliberations as nonvoting, ex officio members—would select the nine voting members of the Commission. These nine members, none of whom could be Federal Government employees at the time of their appointments, would be chosen on the basis of their knowledge of the Home Loan Program and general experience and knowledge relating to the mission of the Commission. Four members would be chosen specifically because of their expertise in the housing, home loan, real estate and related fields relevant to the program. Five of the members would be representative of, first, the general public and would be selected from academic and commercial enterprises based on their knowledge and experience in areas pertinent to the work of the Commission and, second, the veterans' service organizations.

The combined expertise of representatives from the various industries to which I just referred, each of which plays a vital role in the Home Loan Program, as well as of representatives of the veterans who use the program, and the perspective of the public members will allow for a comprehensive, indepth examination of the program. Two employees who work in the loan guaranty division of a VA regional office also would be selected to be ex officio members of the Commission, to ensure that it has the viewpoint of those who are best able to see what is happening in the field.

Additionally, in order to evaluate the desirability and feasibility of coordinating certain VA policies—both statutory and adminstrative—and practices—especially in the areas of the acquisition, management, and disposition of foreclosed properties—with those of other Federal Government and Government-sponsored entities, such as the Federal Housing Administration and the Federal National Mortgage Corporation, representatives of such entities would—and similar entities could, at the Administrator's discretion—be represented on the Commission in an ex officio capacity.

The Commission would have 1 year to submit to the Administrator of Veterans' Affairs and the committees a report on its findings and recommendations. The Administrator would then be required to evaluate that report and, after consultation with the Commission, submit his views on its recommendations to the committees. To ensure that the Commission's recommendations are given serious consideration by the Administrator and, where appropriate, implemented, the Administrator would be required to submit to the Congress a followup report 6 months after the Commission's report, on the actions taken with respect to the recommendations of the Commission and any further recommendations which the Administrator considers appropriate.

Mr. President, I believe that the present state of the Home Loan Program requires the intensive, focused, objective scrutiny—removed from the day-to-day pressures of politics and program administration—that an independent national Commission of experts can provide. Their expertise, insights, and advice can aid us in our efforts to ensure that economic downturns at either the national or local level do not reduce the opportunities for veterans to use the home loan program benefits they have earned in service to our country.

INTEREST RATE ON VENDEE LOANS

Mr. President, section 3 of our bill would require the VA to offer an interest rate for vendee loans which is lower than the prevailing mortgage market interest rate where and to the extent the Administrator determines, in light of prevailing conditions in the real estate market involved, that the lower interest rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the loan guaranty revolving fund.

As I noted in my floor statement on S. 2022 on February 1, in certain areas of the country, competition among sellers of foreclosed properties has led many of them to offer sales inducements in the form of advantageous financing terms. In Houston, for example, many sellers are offering below-market interest rate loans. Sellers who are not themselves lenders will often buy down the interest rate on the loan—that is, provide a subsidy of the monthly mortgage payment sufficient to correspond to a substantial reduction in the interest rate. In such a market, the VA must have effective sales tools available if it is to reduce an inventory of properties which had grown from 8,977 in fiscal year 1980 to 22,584 by the end of fiscal year 1987.

Of course, while lower-interest-rate loans may be necessary to sell properties in some areas, they also reduce the VA's income over the term of the loan. Additionally, the lower yield provided by such loans reduces their attractiveness to buyers in the secondary market. Therefore, our bill calls for below-market interest rates to be offered only when that would be in the interest of the solvency of the fund—that is, when the costs associated with lowering the interest rate would be less than the cost of either reducing the purchase price of the property or of continuing to hold and maintain the property.

ASSUMPTIONS OF VENDEE LOANS

Mr. President, section 4 of our bill would extend the creditworthiness requirements applicable to VA-guaranteed loans—recently enacted in Public Law 100-198—to vendee loans.

Last session, along with Senator MURKOWSKI, I introduced in S. 1801, a provision—which, as modified, became part of the compromise agreement enacted in Public Law 100-198—to require generally that, before a VA-guaranteed loan could be assumed by the buyer of a veteran's home, the creditworthiness of the assumptor be established. Sale of the property without approval of the assumption based on the creditworthiness of the buyer would cause the loan to become due and payable in full. For a more detailed description of this provision, I would refer my colleagues to my statement during the debate on Senate passage of the compromise agreement on H.R. 2672, beginning on page S 17388 of the RECORD for December 4.

Previously, there had been no restrictions on the assumption of VA-guaranteed loans, as is still the case with respect to vendee loans. In contrast to conventional loans, which generally cannot be assumed, the purchaser of the veteran's home had been able to assume the veteran's loan without undergoing a credit check or meeting any underwriting criteria. Although the free assumability of a loan may make it easier for a homeowner to resell, it also can enable persons to buy a home even though their creditworthiness would not otherwise allow them to achieve homeownership. Such persons obviously generally are more likely to default on the loans, resulting in the VA acquiring more foreclosed properties and incurring additional expense. Easy assumability also has fostered abuses such as equity skimming.

The potential abuses resulting from the free assumability of loans are as applicable to vendee loans as they have been to VA-guaranteed loans. Accordingly, in order to reduce foreclosures on vendee loans, our bill would extend to persons assuming vendee loans the restrictions on assumability just made applicable to persons who buy homes and assume VA-guaranteed loans from veterans. I believe that this extension would be equitable as well as in the interest of the solvency of the Home Loan Program. The .5-percent fee which that law imposed on buyers who assume VA-guaranteed loans also would be imposed on buyers who assume vendee loans.

After the enactment of these new creditworthiness and fee requirements for assumptions of VA vendee loans, those loans should still provide attractive means of financing—and thus incentives for buying—VA foreclosed properties as compared to conventional financing, since the VA interest rate generally will be lower and the VA credit-underwriting requirements, more flexible. As I have previously noted, section 3 of our bill would also enable the VA to make vendee loans even more attractive, where necessary for competitive purposes, by offering the additional incentive of a below-market interest rate. Section 2 of S. 2022 additionally would allow for the Administrator, when and to the extent necessary to competitively market foreclosed properties, to offer vendee loans with no downpayment or a downpayment at less than 5 percent.

CONCLUSION

Mr. President, I believe it is not realistic to expect that a benefits program such as the Home Loan Guaranty Program will incur no costs. Certainly, however, when the cost of such a program increases significantly, it is essential that a close, objective examination be carried out to determine the reasons for the increase and find ways to minimize program costs. At the same time, I do not support changing the fundamental nature of the Loan Guaranty Benefits Program by either drastically curtailing it or insisting that it must be paid for in full by those seeking to use it.

As I indicated, I plan to seek rapid action on this legislation by the Veterans' Affairs Committee and the Senate. Thereafter, I intend to work closely with the leadership on the House Veterans' Affairs Committee to reach agreement on this bill as quickly as possible. I believe that we must ensure that the dream of American home ownership which the Home Loan Program provides remains available to our veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Improvements Act of 1988".

SEC. 2. INDEPENDENT COMMISSION TO ASSESS THE VETERANS' ADMINISTRATION HOME LOAN GUARANTY PROGRAM.

(a) ESTABLISHMENT AND MEMBERS.—(1) There is established an independent Commission on the Veterans' Administration Home Loan Guaranty Program (hereafter in this section referred to as the "Commission") to assess the Veterans' Administration home loan guaranty program under chapter 37 of title 38, United States Code.

(2)(A) The Commission shall consist of 9 voting members, none of whom may at the time of appointment be employees of the Federal Government and who shall be appointed, not later than April 30, 1988, by the Administrator of Veterans' Affairs in consultation with the chairman and ranking minority members of the Committees on Veterans' Affairs of the Senate and of the House of Representatives (hereafter in this section referred to as "the Committees").

(B)(i) Four members of the Commission—

(I) shall be broadly representative of the housing, home loan, and real estate and related industries, including real estate agents, mortgage bankers and other lending institutions which make Veterans' Administration-guaranteed loans, home builders, appraisers, and holders and servicers of Veterans' Administration-guaranteed loans; and

(II) shall be selected on the basis of their knowledge of and experience in the housing, home loan, and real estate and related industries and the Veterans' Administration home loan guaranty program.

(ii) Five members shall be representative of (I) the general public (and not be affiliated in any way with the interests described in subdivision (i)) and shall be selected from academic and commercial enterprises based on their knowledge and experience in areas pertinent to the work of the Commission and (II) veterans' service organizations. Not less than three of such five members shall be selected as representatives of the general public pursuant to clause (I).

(3)(A) The Administrator of Veterans' Affairs, the chairmen and ranking minority members of the Committees, the Commissioner of the Federal Housing Administration and the Chairman of the Federal National Mortgage Association (or, in the case of any such individual, a designee of such individual) shall be ex officio, nonvoting members of the Commission.

(B) The Administration shall designate two employees of the Veterans' Administration serving in loan guaranty divisions in Veterans' Administration regional offices as ex officio nonvoting members of the Commission and may designate additional ex officio nonvoting members from other Federal government agencies or government-sponsored entities.

(4) (A) The Administrator shall designate to chair the Commission a member from among the voting members of the Commission who is appointed pursuant to paragraph (2)(B)(ii).

(B) The chairman of the Commission, with the concurrence of the Commission, shall appoint an executive director, who may not at the time of appointment be an employee of the Veterans' Administration and who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Commission.

(C) The Administrator shall furnish the Commission with such professional, technical, and clerical staff and services and administrative support as the Commission determines necessary for it to carry out the provisions of this section effectively.

(b) FIRST REPORT.—(1) Not later than 12 months after the date on which at least five members of the Commission have been appointed, the Commission shall submit to the Administrator and the Committees a report on the Commission's findings and recommendations on the matters described in paragraph (2).

(2) The report required by paragraph (1) shall include the Commission's findings, views, and recommendations on the following matters:

(A) Ways to reduce default and foreclosure rates on Veterans' Administration home loans made or guaranteed under chapter 37 of title 38, United States Code.

(B) Ways to minimize Veterans' Administration property acquisition, management, and disposition costs resulting from foreclosures on such loans.

(C) The management and disposition of loans made by the Veterans' Administration to finance the sale of properties acquired by the Veterans' Administration as the result of such foreclosures.

(D) The causes of increases in the 10 years preceding the enactment of this Act in Veterans' Administration home loan guaranty program costs and ways to reduce such costs.

(E) Ways to improve the solvency of the Veterans' Administration's Loan Guaranty Revolving Fund.

(F) The need for improvement of program benefits and assistance to veterans participating or desiring to participate in the home loan guaranty program.

(G) The desirability and feasibility of coordinating Veterans' Administration policies (both statutory and administrative) and practices, particularly in the areas of property acquisition, management, and disposition, with the policies and practices of other Federal government agencies and government-sponsored entities.

(H) Such other matters relating to the administration of chapter 37 of title 38, United States Code, by the Veterans' Administration as (i) the Commission considers appropriate, or (ii) are suggested by the Administrator or, concurrently, by the chairmen and ranking minority members of the Committees.

(c) ADMINISTRATOR'S INTERIM AND FINAL REPORTS.—(1) Not later than 2 months after the date on which the Commission's report is submitted under subsection (b), the Administrator, after consultation with the Commission, shall submit an interim report to the Committees. The interim report shall contain—

(A) the Administrator's views on the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to the implementation of each such recommendation;

(B)(i) the Administrator's views on any legislation or regulations proposed by the Commission, (ii) the Administrator's views on the need for any alternative or additional legislation or regulations to implement the Commission's recommendations, (iii) the Administrator's recommendations for any such alternative or additional legislation, (iv) the proposed text of any regulations referred to in subclause (i) or (ii) which the Administrator considers necessary and the proposed text of any legislation referred to in such subclause which is recommended by the Administrator, and (v) a cost estimate for the implementation of any regulations and legislation referred to in such subclause; and

(C) any other proposals that the Administrator considers appropriate in light of the Commission's report.

(2) Not later than 6 months after the date on which the Commission's report is submitted under subsection (b), the Administrator shall submit a final report to the Committees. The final report shall include the actions taken with respect to the recommendations of the Commission and any further recommendations the Administrator considers appropriate.

(d) TERMINATION.—The Commission shall terminate 90 days after the date on which the Administrator submits the final report required by subsection (c)(2).

SEC. 3. INTEREST RATE REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Administrator shall make a loan to finance the sale of real property described in paragraph (1) of this subsection at an interest rate that is lower than the prevailing mortgage market interest rate in areas where, and to the extent, the Administrator determines, in light of prevailing conditions in the real estate market involved, that such lower interest rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the Veterans' Administration Loan Guaranty Revolving Fund established by section 1824(a) of this title.".

SEC. 4. CREDITWORTHINESS DETERMINATION WITH RESPECT TO ASSUMPTION OF VENDEE LOAN.

Section 1817A of title 38, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding clause (A), by striking out "guaranteed, insured, or direct housing loan obtained by a veteran" and inserting in lieu thereof "loan guaranteed, insured, or made"; and

(2) by amending subsection (f) to read as follows:

"(f) This section shall apply—

"(1) in the case of loans other than loans to finance the purchase of real property described in section 1816(d)(1) of this title, only to loans for which commitments are made on or after March 1, 1988; and

"(2) in the case of loans to finance the purchase of such property, only to loans which are closed on or after April 15, 1988.".

● Mr. MURKOWSKI. Mr. President, I am pleased to join today with the chairman of the Committee on Veterans' Affairs, Senator CRANSTON, in introducing bipartisan legislation which would:

First, establish an independent commission to recommend reforms in the Veterans' Administration Home Loan Guaranty Program;

Second, require the VA to use below-market rate financing when financing the sale of VA-owned homes if such a rate is necessary to competitively market the properties and is in the long-term financial interest of the program; and

Third, require evaluation of the creditworthiness of the buyer when a VA vendee loan is assumed. Vendee loans are VA financing of the sale of homes acquired by the VA as the result of foreclosure on the original VA guaranteed loan.

Mr. President, I am introducing this legislation because the VA Home Loan Guaranty Program is a vital facet of the benefits the Congress provides to those who have served in our Armed Forces. It is important not only to home-buying veterans, but also to all segments of the housing industry which serves them.

A quick estimate of the impact of the program on our society and our economy can be inferred from the fact that the VA has guaranteed over 12 million home loans. Unfortunately, another measure of the impact of the program can be derived from the billions of dollars the Congress has had to appropriate over the past decade to sustain the solvency of this once self-supporting program.

I am terribly concerned that the VA has a record high and still increasing inventory of foreclosed homes. This ever increasing inventory of homes which the VA must sell has a very damaging impact on the VA Home Loan Program and the economy. It leads to enormous losses. It leads to auctions in which the VA disposes of homes at rock-bottom prices.

In at least one area it has led to blocks of boarded up VA-owned homes. These homes are unoccupied, unmaintained, and are steadily losing value due to physical deterioration; even if they are not vandalized and stripped, as they often are.

The Congress, which sometimes engages in micromanagement of the VA and sometimes limits the VA's ability to manage its resources, shares some of the blame. However, there is both a requirement for, and the authority for, bold aggressive action on the part of the VA. The statues given the VA a great deal of flexibility in managing the program. For example, if the VA determines that homes are not saleable in a specific market, there is no requirement for the VA to acquire a foreclosed property in that market. The law clearly directs the Administrator to determine the net value of the property.

The VA has the authority to take the initative and determine that the net value of a foreclosed home located in a market where there are fewer buyers than homes is too low to make VA acquisition of the home viable.

In the final analysis, the Administrator is the judge of fair market value. For example, in my home State of Alaska, the VA is acquiring only 12 percent of foreclosed properties. A far more realistic figure for a devastated real estate market than the approximately 75 percent being acquired in Houston.

There are other things the VA can and should do that are not bold; merely good business sense. For example, the VA has the authority to ensure that the homes it is trying to sell are attractive to buyers and have a for sale sign in the front yard. How does the VA expect to be able to compete in the marketplace with other Federal and private entities if their homes are allowed to sit in state of disrepair, neglect, and with no visible indication that they are for sale.

Changes in our society and in our economy, to which the VA has been unable—or unwilling—to react, have left this vital program in financial shambles.

As a result, the Congress has been forced to accede to regular requests for appropriations or face the unacceptable alternatives of increasing veteran user fees or allowing the program to grind to a halt. However, I believe there are options beyond those of conducting business as usual.

In December 1987, the Congress passed, and the President signed, H.R. 2672, which became Public Law 100-198. This legislation, the latest in a series of program improvements originating in the Senate Committee on Veterans' Affairs, mandates far reaching reforms in the VA Home Loan Guaranty Program. And yet, these reforms may not be enough.

Our economy is in an expansion of recordbreaking duration, and yet the VA's inventory of foreclosed properties is at a record high level. The VA suffers from an ever higher average loss per property when the properties are sold. Clearly these are not the characteristics of a healthy program.

If the Congress is required to appropriate billions of dollars when times are good, what will be our fate if the business cycle turns down as history suggests it one day must? And let there be no mistake about it, at a time of enormous constraints in Federal spending, the dollars to support this program must be at the expense of other much needed veterans' benefits and services. Veterans are not well served by the current state of this program.

The critical importance and enormous cost of this program make it imperative that the Congress have the benefit of the best and broadest based advice. That is why this legislation establishes an independent and objective advisory commission with a broad based membership.

A commission which will draw upon the experience of individuals from the public with knowledge of contemporary issues and practices in business and public administration, as well as representatives of the industries involved in the Home Loan Program. Of course, the commission would also represent the veterans who are the intended beneficiaries of the program.

For example, this commission would examine the VA's marketing strategy and techniques. When the VA attempts to market the properties it has acquired, it must adapt to, and use, the environment and techniques created by the real estate industry which has turned the sale of houses into a science. In other words, the VA must make it easy and attractive for the private sector to want VA business. VA attempts to have the industry conform to VA policies and procedures will not achieve the level of home sales necessary to reduce the VA's inventory. Houston is a prime example of this fact.

The commission will be in a position to compare the VA efforts with those of successful real estate professionals and recommend ways for the VA to adopt successful techniques.

I believe the Home Loan Guaranty Program will benefit from a fresh evaluation and analysis of its policies and procedures. Such an evaluation should give the Congress new insights and recommendations upon which we can base further reforms.

The bill will also require the VA to offer below-market rate financing when such financing is necessary to compete in areas, such as, Houston. In some areas and some circumstances, properties which are not quickly sold lose their value and become unsaleable. In such an environment, the health of the Loan Guaranty Program makes it necessary to be very aggressive in marketing properties.

The alternative is a steady downward spiral of value accompanied by the constant drain of day-to-day holding costs. We see today the impact of that spiral in areas such as Houston. We see the impact of that spiral in the steady drumbeat of requests and additional appropriations for the Loan Guaranty Revolving Fund. This spiral must be broken.

The bill also includes a provision which corrects an error in Public Law 100-198, enacted in December 1987. In that act, the Congress required that—in most cases—in most cases—a VA guaranteed loan be assumable only if the assumptor is creditworthy. Most loans made by the VA to finance the sale of VA acquired properties—so-called vendee loans—are sold on the open market with full recourse. This means the taxpayer stands behind the loan and remains at risk until the loan is repaid.

Section 4 of this bill requires that the assumptor of a VA-made vendee loan must be creditworthy. This provision will protect the taxpayers who bear the risk of that transaction by correcting the inadvertent commission of vendee loans from the Public Law 100-198 provision requiring credit underwriting when VA loans are assumed.

Mr. President, the VA Home Loan Program is in a state of prolonged crisis. I urge my colleagues to join with Senator CRANSTON and myself in supporting this partial response to that crisis. Much more needs to be done and I intend to vigorously pursue additional remedies and reforms this year. The current situation cannot be tolerated.

Relying on a hoped for increase in oil prices to restore prosperity in energy-producing states is not a solution. We owe it to our veterans and those who support this program with their hard-earned tax dollars to take the necessary steps to reduce losses and return solvency to the program without resorting to increased veteran user fees or appropriations. Let's use those appropriated dollars to expand and improve health-care services to our Nation's veterans and the challenge of an aging veteran population.

Mr. President, I urge my colleagues to join me in working to turn this program around. America's veterans and America's housing industry deserve no less.●

By Mr. SIMPSON:

S. 2050. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

LEGAL IMMIGRATION REFORM ACT

Mr. SIMPSON. Mr. President, today I am introducing the Legal Immigration Reform Act of 1988. This bill is the second of a series of steps which I believe are vitally necessary for the development of a sound immigration and refugee policy for this country in the years ahead.

Seven years ago, the Select Commission on Immigration and Refugee Policy concluded 2 years of hearings, reports, and research studies, and delivered to the Congress its final report and recommendations for the development of "a sound, coherent, responsible policy which serves the interests of the United States and is true to the deepest and best values and traditions of its citizens."

The select commission, while reaffirming the benefits of immigration, reported that the first priority of immigration reform was to bring illegal immigration under control, while setting up a rational system for legal immigration. We took the first step in the 99th Congress when we passed the Immigration Reform and Control Act of 1986. That legislation, designed to bring illegal immigration under control, appears to be having the desired effect. Illegal border crossings are down by nearly 30 percent, most American employers are complying with the new prohibitions against the employment of unauthorized workers, there are very few reports of employment discrimination, and well over a million illegal aliens have applied for legalization under this bill.

The legislation I am introducing today, Mr. President, represents the second step: The establishment of a rational system of legal immigration. Again, the measure follows closely the recommendations of the select commission which are to provide "a modest increase in legal immigration * * * and to introduce a new system which * * * will be more equitable and more clearly reflect our interests as a nation." The select commission reaffirmed the importance to the United States of additional "new seed" or "classic" immigrants who come to work, save and invest, and recommended the creation of an immigration channel for persons who are not able to enter the United States on the basis of family connection. This bill, Mr. President, is designed to address those recommendations.

A similar bill is being introduced today in the House of Representatives by my fine friend Congressman CHUCK SCHUMER of New York. Congressman SCHUMER and I have worked closely in the drafting of this legislation and he is a vital participating member of the House Immigration Subcommittee, chaired by my friend and original sidekick in the cause of illegal immigration reform, RON MAZZOLI. Both were active participants in the processing of the immigration reform bill enacted in the last Congress.

The very astute and able chairman of the Senate Immigration Subcommittee, my friend TED KENNEDY, has introduced an immigration reform bill which also addresses the system by which we select immigrants. I pledge to work closely with our chairman in a sincere bipartisan effort for passage of a legal immigration reform measure which is truly in the national interest.

Mr. President, as our remarkable mentor and counselor Father Ted Hesburgh, the chairman of the select commission, pointed out in his introduction to the commission's final report, "if it is a truism to say that the United States is a nation of immigrants, it is also a truism that it is one no longer, nor can it become a land of unlimited immigration. As important as immigration has been and remains to our country, it is no longer possible to say as George Washington did that we welcome all of the oppressed of the world, or as the poet, Emma Lazarus, that we should take all the huddled masses yearning to be free." It is imperative that Americans perceive that this great country is no longer one of vast, undeveloped space and resources, with a relatively small population. In an earlier time, the nation could welcome millions of newcomers. Some brought skills. Many others brought few skills, but were willing to work. A smaller America with a simpler labor-intensive economy and a labor shortage, that was often quite enough—that, plus their great drive to become Americans.

Immigrants can still greatly benefit America, but only if they are limited to an appropriate number and selected within that number on the basis of qualities which would truly benefit America.

I believe that a necessary feature of any immigration policy which is in the national interest is the establishment of a national level of immigration. With the exception of unexpected refugee emergencies, I believe that this Nation should accept immigrants within a national level based on the economic and social impacts of immigration. I also believe that number should be reviewed and revised carefully on a regular basis consistent with U.S. national interests.

Current law does not provide for an overall level of immigration, and our overall flow of immigrants, excluding refugees, has been growing at the rate of about 15,000 persons per year. This bill will establish a national level of immigration, it will require annual reports on the effects of immigration, and it will require the Attorney General to make recommendations to the Congress on an appropriate level of immigration every 3 years.

I do not in any way wish to reduce legal immigration. In fact, increased immigration may well be in the national interest. However, I am also aware that opinion polls indicate that most Americans believe that current legal immigration should be reduced or kept at the same level. I therefore feel that, while we have reduced illegal immigration through employer sanctions, the Congress should be cautious in setting a higher level of legal immigration until we have more information regarding the social and economic impacts of immigration. Major research studies are currently under way on this issue which, together with the annual reports required by this bill, will provide useful information to Congress when we review the level of immigration in 3 years.

The bill establishes a national level of immigration at the current legal flow of 510,000, plus an additional 80,000 to be used to reduce the backlogs in categories which are eliminated under the legislation, and to provide for a new group of "classic immigrants"—those who so originally stirred our senses and our patriotism—who will be selected under a point system.

The national level of immigration set by this legislation exceeds the estimated level of legal immigration during fiscal year 1987 by 80,000. However, at the end of 1986, Congress enacted the Immigration and Control Act, and preliminary evidence shows that overall illegal immigration has since been reduced. The most reliable study to date, which compared border apprehensions to the number of man hours devoted to enforcement by the border patrol, found a 27-percent reduction in illegal entries. Given this funding, illegal immigration might be down by 81,000 to 135,000 persons per year—assuming net illegal immigration of 300,000 to 500,000 persons per year. Therefore, the overall effects of the new immigration law and the proposed legal immigration reform bill should not result in increased immigration to the United States.

Once we establish a national level of immigration, it is so important that we develop a system that chooses immigrants within that level who best serve the national interest.

Today, approximately 90 percent of all immigrants come to the United States only because they have a family connection here. Only 10 percent are admitted because they possess skills that are specifically needed by U.S. employers or skills that the Government has determined would well serve our society. These 10 percent are the only immigrants for whom we search our labor market to determine whether their presence would have an adverse effect on U.S. workers. I believe that legal immigration in this manner does not serve the national interest as well as it could, and that it is seriously in need of revision.

Family-connected immigration would remain an essential component of this legislation. Indeed, the lion's share of visas—69 percent—would still be distributed to immigrants who wish to join their immediate family members. However, I believe that we must recognize that immediate family members should encompass only the following relations: the parents, children, and spouses of U.S. citizens, and the spouses and children of permanent resident aliens.

Today, nearly 2 million persons wait—sometimes for many years—to immigrate legally to the United States; 1.7 million of these "backlogged" immigrants are the brothers, sisters, brothers-in-law, sisters-in-law, nieces, and nephews of U.S. citizens. Over 70,000 of the 216,000 numerically limited family visas that our current system allocates each year go to these more distant relatives. To again quote father Hesburgh's remarks introducing the select commission's final report:

> There is something wrong with a law that keeps out—for as long as 8 years—the small child of a mother or father who has settled in the United States while a nonrelative or less close relative from another country can come in immediately.

I propose that we continue to grant nearly 70 percent of all legal immigrant visas to the immediate family groups that I have described above, but that the more distant relatives not receive further treatment with automatic immigration rights to the United States.

In addition, I believe that a much greater number and proportion of immigrants should be admitted because they bring skills, qualities, traits, and attributes which are in the national interest. Instead of only 10 percent of all immigrants—or 54,000 per year—being admitted because of their skills, I believe that 30 percent—or 180,000 per year—should be admitted on these grounds. My legislation would create a separate category of independent immigrants and guarantee them 180,000 visas per year. Not only will this new independent category serve our Nation's interest more faithfully, but as Father Hesburgh noted, "* * * this category will provide immigration opportunities for those persons who come from countries where immigration to the United States has not been recent or from countries that have no immigration base here."

The new independent category would provide visas to aliens who have been requested by U.S. employers and which the Department of Labor has certified would not displace or adversely affect U.S. workers. The independent category would also provide 80,000 visas per year to aliens who would be chosen based on the qualities that historically have ensured that the alien will prosper in our country and benefit the nation as a whole: age, education, language and citizenship skills, and labor market skills.

I believe the preservation of immigration for the closest family members while providing for new independent immigration will only improve on the already significant contributions that immigrants have made to our country.

I look forward to working with Senator Kennedy and with Congressman Schumer in processing this bill. I also would note that many of the provisions in both this bill and Senator Kennedy's bill come from legislation that Congressman Ron Mazzoli and I introduced in 1982—the first immigration reform bill. I greatly look forward to working with Ron Mazzoli again and with the other fine members of his subcommittee: Pat Swindall, the very articulate and able new ranking Republican of the subcommittee, Bill McCollum, Barney Frank, Howard

BERMAN, JOHN BRYANT, and some of the new members of the subcommittee. I also feel confident that the members of the House Judiciary Committee will fully examine what we are sincerely proposing here and give their full thought and consideration to our project. Congressman PETER RODINO, the revered "Mr. Chairman" to all of us, and the senior seasoned ranking member HAMILTON FISH have spent many years mastering the difficult topic of immigration, and I am confident that they will be active and important players as the legislation proceeds. Finally, there are so many thoughtful members of the Senate who have historically played such a vital part in the immigration debate—STROM THURMOND, CHUCK GRASSLEY, HOWARD METZENBAUM, PAUL SIMON, DALE BUMPERS, and so many others—and I do very much look forward to working with them all.

By Mr. McCLURE (for himself and Mr. HATCH):

S. 2051. A bill entitled the "Prohibition of Undetectable Firearms Act"; to the Committee on the Judiciary.

PROHIBITION OF UNDETECTABLE FIREARMS ACT

Mr. DOLE. Mr. President, over many years, I have enjoyed the opportunity to work with my colleague, the distinguished Senator from Idaho, Mr. McCLURE, on efforts to protect the right of U.S. citizens to keep and bear arms.

Many times, it seems to our vigil to guard against assaults on the second amendment has been never ending. Attempts to ban legally manufactured and owned firearms and ammunition are made in the Congress from every angle imaginable.

The latest assault attempts to ban small arms by renaming them as "plastic guns." In truth, there is no plastic gun being manufactured today. However, we should be mindful that as new technologies are discovered, detection technology keeps pace to ensure the safety of airlines and the security of targets of terrorists such as the U.S. Capitol and the White House.

Mr. President, I know that my colleague has been working with the National Rifle Association to fashion some compromise which, while not banning any currently manufactured firearms, would protect against the introduction of any new class of firearms that are not detectable by today's x-ray and magnetometer devices. I applaud the Senator for his tireless efforts and attention to this matter of concern to all Americans.

I will be consulting with a number of experts in the fields of firearm manufacturing, security, and firearm detection to review the specific provisions of the legislation, and may, at a future date, join Senator McCLURE as a cosponsor.

However, I do want to indicate my appreciation for his efforts on behalf of America's gun owners, and look forward to our continued work together.

By Mr. GLENN:

S. 2052. A bill to continue the suspension of duties on m-xylenediamine and 1,3-bis(aminomethyl)cyclohexane; to the Committee on Finance.

S. 2053. A bill to temporarily suspend the duty on 8-hydroxy-quinoline; to the Committee on Finance.

SUSPENSION OF DUTIES ON CERTAIN CHEMICALS

● Mr. GLENN. Mr. President, I am introducing legislation today to temporarily suspend the duties on several chemicals that American manufacturers are forced to import because they are not manufactured in the United States. These bills should prove to be noncontroversial duty suspensions and I, therefore, urge their prompt passage by Congress.

MXDA (meta-xylene-diamine)

1,3-BAC (1,3-bis(aminomethyl)-cyclohexane)

The first bill will extend the expiration date of the temporary duty suspension on two chemicals from December 31, 1987 to December 31, 1990.

The synthetic organic chemical MXDA (meta-xylene-diamine), and its hydrogenated form, 1,3-BAC (1,3-bis(aminomethyl)-cyclohexane), are used, respectively, as an epoxy resin hardener in the production of epoxy surface coatings and as a component of specialty adhesives for aircraft and aerospace applications. Neither chemical is currently being manufactured in the United States, nor has either been manufactured in this country for at least 8 years.

The duties for MXDA and 1,3-BAC were suspended in the Trade and Tariff Act of 1984 through December 31, 1987, in order to enable Sherwin-Williams Chemical Co. to test the U.S. market for the two chemicals before investing in domestic production facilities. Unfortunately, Sherwin-Williams did not pursue the business very far before a change of ownership halted the effort. Recently another U.S. firm, Sherex Chemical Co. of Dublin, OH, has negotiated a contract with the world's only manufacturer to distribute the chemicals in the United States. If market acceptance is established, Sherex will study the feasibility of starting production in the United States. Unless the suspension of the duty rates is continued, however, test marketing of MXDA and 1,3-BAC will be difficult, and the U.S. plastics and aerospace industries may lose the opportunity for eventual domestic sourcing of these useful chemicals.

KELEX 100 (8-HYDROXY-QUINOLINE)

The second bill will temporarily suspend the duty on the chemical 8-hydroxy-quinoline, known as Kelex 100, through December 31, 1990.

Kelex 100 is a unique chemical derivative of quinoline, with unusual reagent properties that are highly valuable in the recovery and purification of strategic metals. Kelex 100 was invented and developed in the laboratories of Sherex Chemical Co. of Dublin, OH, but domestic consumption is so small—less than 100 tons annually—that establishing U.S. production facilities has been uneconomical. Therefore, Sherex has arranged for Kelex 100 to be manufactured according to Sherex's patented processes by a firm in Europe, where there is a somewhat larger demand for the chemical because of its use there in the recovery of gallium, a rare metal of strategic importance to the semiconductor industry. At least two American firms are now considering the feasibility of establishing facilities in the United States for the recovery of gallium and for the recovery of germanium, another strategic metal used principally in the production of infrared and fiber optics. The availability and cost of Kelex 100 during this technical stage of development will shape the decisions whether to establish these facilities, which in turn would bolster the American semiconductor, optics, and derivative high-technology industries.

Congress has enacted temporary duty suspension measures because it is our policy that U.S. manufacturers should be able to obtain, free of duty, foreign-made components that are domestically unavailable. I urge my colleagues to support this legislation, which will enable the U.S. chemical industry to continue to compete in the world market.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2052

Be it enacted by the Senate and House of Represenatatives of the United States of America in Congress assembled,

SECTION 1. m-XYLENEDIAMINE AND 1,3-BIS (AMINOMETHYL) CYCLOHEXANE.

Items 907.03 and 907.04 of the Appendix to the Tariff Schedules of the United States are each amended by striking out "12/21/87" and inserting in lieu thereof "12/31/90".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in item 907.03 or 907.04 of the Appendix to the Tariff Schedules of the United States (as amended by this Act) that was made—

(1) after December 31, 1987, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 8-HYDROXY-QUINOLINE.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"908.26	8-Hydroxy-quinoline (provided for in item 406.42.part 1b, schedule 4)	Free	No change	On or before 12/31/90".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. CRANSTON (for himself, Mr. PELL, Mr. DODD, Mr. INOUYE, Mr. DECONCINI, and Mr. ROCKEFELLER):

S. 2054. A bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1989; to the Committee on Foreign Relations.

PEACE CORPS AUTHORIZATION ACT

Mr. CRANSTON. Mr. President, I am today introducing S. 2054, legislation to extend the authorization of appropriations for the Peace Corps through fiscal year 1989 at a level—$157 million—that would enable the Peace Corps to continue making progress toward achieving the congressionally established goal of a Peace Corps volunteer strength of 10,000, as enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83. Joining me in introducing this measure are the chairmen of the Foreign Relations Committee, Senator PELL, and of the committee's Subcommittee on Western Hemisphere and Peace Corps Affairs, Senator DODD, and the Senators from Hawaii [Mr. INOUYE], Arizona [Mr. DECONCINI], and West Virginia [Mr. ROCKEFELLER].

For more than 26 years, Peace Corps volunteers have promoted international peace and friendship by helping persons in many nations overcome the often harsh circumstances—including malnutrition, lack of clean water, disease, and illiteracy—of their lives. Since the Peace Corps' establishment in 1961, over 125,000 American men and women have served as volunteers in 95 nations around the world.

As the Senate author of the provision establishing the goal of a 10,000-volunteer Peace Corps, I believe that the Congress should take the steps necessary to provide the Peace Corps with the resources to make steady progress toward realizing that goal.

Despite the continued national support for the Peace Corps among the American people and its symbolic significance to our aspirations for world peace and understanding, the numbers of Peace Corps volunteers declined from more than 15,000 volunteers in 1966 to 9,000 in 1970, to just over 5,000 in 1984. During that same period and continuing to the present, the populations in the developing nations of the world have increased dramatically.

As a result of our efforts over the past 3 years, the decline in the number of volunteers has become an upswing. Currently, there are about 6,600 men and women serving in the Peace Corps, a 25-percent increase over last year, and the prospects for continuing growth are good—if Congress provides the necessary resources. For example, at present the Peace Corps has hundreds more requests for volunteers from host countries, and nearly 1,400 more qualified applicants, than the agency's current budget enables it to use.

Mr. President, following establishment of the 10,000-volunteer goal, I and a number of other Members of the House and Senate, including Senators PELL and DODD and the chairman of the House Foreign Affairs Committee, Representative DANTE FASCELL, requested that Loret Ruppe, Director of the Peace Corps, develop a phased, realistic, and programmatically appropriate plan to meet that goal. Director Ruppe's plan, submitted to Congress on March 5, 1986, provided a realistic blueprint for moderate Peace Corps growth through the end of this decade and into the beginning of the next. So far, through the efforts of a number of us strongly committed to this agency's work on behalf of world peace, development, and mutual understanding—including notably my good friend, Senator DECONCINI, a member of the Appropriations Committee and the distinguished chairman of the Appropriations Subcommittee on Foreign Operations, Senator INOUYE—the Congress provided the funding needed to keep pace with that plan—$137.2 million for fiscal year 1987 and $146.2 million for fiscal year 1988. As I have previously indicated, the funding level called for in that plan over the next fiscal year—$157 million for fiscal year 1989—is the amount that would be authorized to be appropriated by this legislation.

Mr. President, in view of the increased opportunities for promoting world peace that would be provided with this modest increase, I truly believe it would be a small price to pay and that we should take all necessary steps to stay on the path we have forged toward achievement of the 10,000-volunteer goal. Of all the international efforts we make to achieve world peace and understanding, there is no greater contribution than that which the American people make through the Peace Corps. In this unique program, we share with the developing nations of the world the best of America—our people, our spirit, our ingenuity, and our compassion. Upon their return to this country, Peace Corps volunteers are a source of knowledge about another way of life that can be tapped to promote a broader understanding among Americans about peoples of other nations.

Mr. President, our Nation and all of the other nations in which Peace Corps volunteers serve are immeasurably enriched by the contributions made by Peace Corps volunteers. These are dollars extremely well invested, and I urge all of my Senate colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point followed by the text of Director Ruppe's March 5, 1986, blueprint for achieving the 10,000-volunteer goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act $130,000,000 for fiscal year 1986, $137,200,000 for fiscal year 1987, $146,200,000 for fiscal year 1988, and $157,000,000 for fiscal year 1989.".

PEACE CORPS,
March 5, 1986.

Hon. ALAN CRANSTON,
Member, Senate Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: In response to your request of February 3, we are providing a detailed plan for attaining a volunteer level of 10,000 over the next six years.

We share with you the concern for the needs of the developing world and a conviction that long-term development needs are best met through grassroots-level assistance. As we enter our second quarter-century, Peace Corps is reaffirming its role in providing such assistance, a role unique in the foreign assistance community.

As I participate in the 25th Anniversary symposia around the nation, I am pleased and very proud of the continued support of the American people for the basic goals of the Peace Corps. The strong response made by Americans throughout the nation to our appeals for increased numbers of volunteers to support our Africa Food Systems Initiatives has been repeated in the enthusiastic response to our anniversary activities. The so-called "me generation" is in fact very responsive to the needs of people on the other side of the world, and willing to contribute their time and skills to meeting those needs. And an older generation of Americans has renewed its interest in international volunteerism; their extensive experience ensures that they have the skills so much needed overseas.

Due to time constraints, the attached plan has been developed by Headquarters staff, with limited participation by our overseas staff, who are occupied in making the program reductions required under Gramm-Rudman. Despite this constraint, we feel that the outlined volunteer levels are feasible and supportable. We considered possibilities for expanding existing programs, for initiating new projects in countries where we now serve, and for establishing new programs in countries where we do not now operate. We also weighed the likelihood that host countries would agree to, and support, potential expansions. And we carefully evaluated "saturation levels" for each country (the levels at which the sheer numbers of volunteers in a particular country would preclude further increases).

While increased levels of volunteers are feasible, it is important to note the limitations inherent in development of this plan:

The need to reduce the Federal deficit continues to be an urgent priority of this Administration. As I noted in my earlier letter, we need to balance the economic needs of the developing world with the economic needs of our own Nation.

Potential increases noted in the plan must be viewed as somewhat tentative, as they depend heavily on the concurrence of the host country government. As you know, the bulk of our volunteer activity is in direct response to a specific request from a host country. Since host country governments did not participate in the development of this plan, we cannot guarantee their response. We feel that the overall numbers are attainable, however, in light of the numerous requests we have received for new or expanded efforts, although this will also depend on the availability of scarce skills among our applicants.

Increases are also subject to change based on changing political and economic environments in the countries served. We have not identified individual countries in this plan for that reason. The overall numbers would not be expected to fluctuate much, though, as one country's increase may well offset another country's decrease.

Increased levels cannot be attained without the establishment of programs in countries where we do not now operate. As with expansions, such new country entries depend on the concurrence of the host country. We have received a number of contacts concerning possible new country entries, but would have to go through the formal negotiation process before establishing programs.

Any increase in volunteer levels would require a commitment of resources in both dollar and personnel terms, and may be difficult to achieve in the current budget environment. Peace Corps cannot, and will not, place volunteers overseas without adequate support to ensure their continued health and safety.

Despite the tentative nature of any specific numbers, especially on a country-by-country basis, Peace Corps does feel that the need for development assistance is there, and that we can play a valuable role in helping the developing world meet its long-term needs. As you well know, Peace Corps is a most cost-effective (and, in our eyes, our most effective) development assistance program.

I hope the enclosed plan responds to your request. If you have any questions or need additional information, I and my staff are available to assist you in any way possible.

Thank you for your continuing interest in, and support for, Peace Corps' programs.

Sincerely,

LORET MILLER RUPPE,
Director.

SUMMARY

Summary of resources required to reach a volunteer force of 10,000 by 1992:

	Fiscal years [2]						
	1986	1987	1988	1989	1990	1991	1992
Trainee input	2,615	3,171	3,714	4,233	4,572	4,890	5,317
Volunteer years	5,103	4,961	4,999	5,737	6,571	7,256	7,830
Volunteers on board end of year	6,012	6,108	6,630	7,686	8,581	9,307	10,054
Budget requirements (dollars in millions)	[1] 124.4	137.2	146.2	157.0	172.8	185.3	196.2
Staffing requirements (FTE)	1,039	1,097	1,168	1,211	1,269	1,309	1,318

[1] Excludes $5.59 million sequestered (from a total appropriation of $130 million) as a result of Gramm-Rudman-Hollings constraints.

[2] Projected resource requirements are in constant dollars.

Establishing and maintaining a volunteer force of 10,000 would require more than doubling our annual trainee input over the next four to six years.

From 1,199 to 3,053 in Africa (up 1854).

From 707 to 986 in Inter-America (up 279).

From 684 to 1,253 in North Africa, Near East, Asia and Pacific (up 569).

Most of the volunteers would serve in agriculture and education programs, with lesser increases in health, water/sanitation, forestry and small enterprise development.

Over a dozen new country entries would be planned (up to 63 at present).

Funding would need to increase by $72 million over current levels.

Staffing would need to increase by close to 300 FTE over current levels.

Fiscal year 1987

Trainee input	3,171
Volunteer years	4,961
Volunteers on board end of year	6,108
Staff (FTE)	1,097

Dollars in millions:	
Program support	45.2
RCDE	12.8
Volunteer operations	79.2
Total	137.2
Increased trainee input over fiscal year 1986 by 556:	
Africa	282
Inter-America	224
North Africa, Near East, Asia and Pacific (NANEAP)	50

Major increases are in agriculture/rural development, education, small enterprise development and health.

Assumes entry into four (4) new countries (1 in Africa, 3 in Inter-America).

Increases in staff provide for overseas staff, recruitment, and support services.

Increases in Volunteer Operations for	$4.6
Basic training for new volunteers (trainees)	3.3
Program planning to support the expansion	.4
Medical support	.5
Program materials for volunteers	.2
Recruitment, other (1 FTE)	.2

Increases in RCDE provide for	2.5
Recruitment (8 FTE)	2.2
Support to the UN Volunteer program (+5 volunteers)	.3

Increases in Program Support provide for	$5.7
Overseas staff (28 FTE)	1.4
Headquarters staff (21 FTE)	.8
One-time costs—new posts	.8
Conversion to State systems for personnel/payroll	.5
One-time upgrade of overseas computer systems	.8
Overseas support costs (vehicles, FAAS)	.6
One-time computer expansion	.5
Support services	.3

Fiscal year 1988

Trainee input	3,714
Volunteer years	4,999
Volunteers on board end of year	6,630
Staff (FTE)	1,168
Dollars in millions:	
Program support	49.6
RCDE	13.0
Volunteer operations	83.6
Total	146.2
Increases trainee input over fiscal year 1987 by 543:	
Africa	360
Inter-America	108
NANEAP	75

Major increases continue in agriculture/rural development, education, and small enterprise development.

Assumes entry into 3 new countries (1 in NANEAP, 2 in Africa).

Increases in staff provide for overseas staff, recruitment and support services.

Increases in Volunteer Operations provide for	$4.4
Basic training for new volunteers (trainees)	3.2
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	.4
Medical support	.5
Recruitment, other (1 FTE)	.3

Increases in RCDE provide for	.2
Recruitment (8 FTE)	.3
Support to UNV program (grant in alternating years)	−.1

Increases in Program Support provide for	4.4
Overseas staff (43 FTE)	2.1
Headquarters staff (19 FTE)	.7
Overseas support costs (vehicles, FAAS)	.4
One-time upgrade of overseas computer systems	1.2
One-time costs for new posts	−.2
Other	.2

Fiscal year 1989

Trainee input	4,233
Volunteer years	5,737
Volunteers on board end of year	7,686
Staff (FTE)	1,211

Dollars in millions:	
Program support	48.4
RCDE	13.7
Volunteer operations	94.9
Total	157.0
Increases trainee input over 1988 by 519:	
In Africa	300

In Inter-America	144
In NANEAP	75

Major increases are in agriculture/rural development.

Assumes no new country entries.

Increases in staff provide for overseas staff, recruitment, and support services.

Increases in Volunteer Operations provide for	$11.3
Basic training for new volunteers (trainees)	3.10[S04FE8-864]{S675}
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	7.5
Medical support	.6
Other (1 FTE)	.1
Increases in RCDE provide for	.7
Recruitment (6 FTE)	.4
Support to UNV program (grant in alternating years)	.2
WATS equipment (one time)	.1
Changes in Program Support provide for	−1.2
Increases in:	
Overseas staff (31 FTE)	+1.5
Headquarters staff (5 FTE)	+.2
Overseas support costs (vehicles, FAAS)	+.4
Offset by decreases in:	
One-time computer purchases	−.5
One-time upgrade to overseas computer systems	−2.0
One-time costs for new posts	−.8

Fiscal year 1990

Trainee input	4,572
Volunteer years	6,571
Volunteers on board end of year	8,581
Staff (FTE)	−1,269
Dollars in millions:	
Program support	51.1
RCDE	14.4
Volunteer operations	107.3
Total	172.8
Increase trainee input over fiscal year 1989 by 339:	
In Africa	373
In Inter-America	−134
In NANEAP	100

The Inter-America decrease reflects a slight slowing after the peak years of IFCA (Initiative for Central America).

Assumes two new country entries (in Africa).

Major increases in small enterprise development, water/sanitation, and agriculture/rural development.

Increases in staff for overseas staff, recruitment and support services.

Increases in Volunteer Operations provide for	$12.4
Basic training for new volunteers (trainees)	2.0
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	8.4
Medical support	1.7
Other (3 FTE)	.3
Increases in RCDE provide for	.7
Recruitment (9 FTE)	.7
Suppport to UNV program grant in alternating years	−.1
New recruitment film	.1
New area office (3 FTE)	.1
WATS equipment (one time)	−.1
Increases in Program Support provide for	2.7
Overseas staff (32 FTE)	1.6
Headquarters staff (11 FTE)	.4
Overseas support costs (vehicles, FAAS)	.3
One-time costs—new posts	.4

Fiscal year 1991

Trainee input	4,890
Volunteer years	7,256
Volunteers on board end of year	9,307
Staff (FTE)	1,309
Dollars in millions:	
Program support	53.6
RCDE	14.6
Volunteer operations	117.1
Total	185.3
Increase trainee input over 1990 by 318:	
In Africa	254
In Inter-America	−36
In NANEAP	100

Inter America continues slowing.

Assumes 3 new country entries (1 in NANEAP, 2 in Africa).

Major increases in education and agriculture/rural development.

Increases in staff for overseas staff, recruitment and support services

Increases in Volunteer Operations provide for	$9.8
Basic training for new volunteer (trainees)	1.9
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	6.9
Medical support	.9
Other (2 FTE)	.1
Increases in RCDE provide for	.2
Recruitment film (one-time)	−.1
Recruitment (7 FTE)	.2
Support to UNV program (grant in alternating years)	.1
Increases in Program Support provide for	2.5
Overseas staff (28 FTE)	1.2
Headquarters staff (3 FTE)	.1
Overseas support costs (vehicles, FAAS)	.2
Replace overseas computer systems	.8
One-time costs—new posts	.2

Fiscal year 1992

Trainee input	5,317
Volunteer years	7,830
Volunteer's on board end of year	10,054
Staff (FTE)	1,318
Dollars in millions:	
Program support	54.9
RCDE	14.7
Volunteer operations	126.6
Total	196.2
Increase trainee input over 1991 by 427:	
In Africa	285
In Inter-America	−27
In NANEAP	169

Inter America continues slowing.

Assumes 2 new country entries (in Africa).

Major increases are in education and agriculture/rural development.

Increases in staff for overseas staff, recruitment and support services.

Increases in Volunteer Operations provide for	$9.5
Basic training for new volunteer (trainees)	2.5
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	5.8
Medical support	1.1
Other (1 FTE)	.1
Increases in RCDE provide for	.1
Recruitment (8 FTE)	.2
Support to UNV program (grant in alternating years)	−.1
Increases in Program Support provide for	1.3
Overseas support to volunteers (vehicles, FAAS)	.4
Reduced staff travel	−.1
Replace overseas computer systems	1.2
One-time costs—new posts	−.2

By Mr. HOLLINGS (for himself and Mr. DANFORTH):

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on the Judiciary.

DEPARTMENT OF COMMERCE DAY

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I join today with the committee's ranking Republican, Senator DANFORTH, in introducing a joint resolution to designate March 4, 1988 as "Department of Commerce Day."

This resolution is designed to commemorate the 75th anniversary of congressional action which established a separate Department of Commerce from what had previously been known as the Department of Commerce and Labor. At that time, Congress directed this newly created department to "foster, promote, and develop the foreign and domestic commerce" of the United States.

Then, as now, the economic vitality of the United States of America was dependent on our free enterprise system. This great Nation has grown and prospered because of the entrepreneurial spirit and rugged individualism of our people. And, over the years, the Department of Commerce has been right there to nurture and enhance our development into the world's greatest and most powerful economy.

We look back, and we look ahead. The coming decades will bring great challenges to American businesses and industries as we rise to meet the new global economic competition. The important responsibilities of the Department of Commerce in the areas of trade policy, industrial research and development, science and technology, and economic development become ever more crucial to America's fight to remain No. 1 in the world. In addition, more than half of the Department's employees are involved in ocean and atmospheric research, and as we look to secure future economic growth, so too much we ensure the safeguarding of our fragile atmosphere and coastal areas. The Department of Commerce's contributions toward this aim will be crucial in the years ahead.

I salute the officers and employees of the Department of Commerce for a job well done and hope they will join with this Congress in facing the challenges of the future. Finally, I urge my colleagues to join with me and Senator DANFORTH in approving this resolution.

By Mr. PROXMIRE (for himself, Mr. GARN, Mr. HEINZ, Mr. ARMSTRONG, Mr. D'AMATO, Mr. HECHT, Mr. GRAMM, Mr. BOND, Mr. CHAFEE, Mr. KARNES, Mr. WILSON, Mr. DANFORTH, Mr. HATCH, Mr. DOLE, Mr. WARNER, Mr. LUGAR, Mr. DOMENICI, Mr. WEICKER, Mr. GRASSLEY, Mr. SYMMS, Mr. COCHRAN, Mr. NICKLES, Mr. MCCAIN, Mr. QUAYLE, Mr. SPECTER, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. MCCLURE, Mr. CRANSTON, Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. DIXON, Mr. SANFORD, Mr. SHELBY, Mr. GRAHAM, Mr. WIRTH, Mr. BURDICK, Mr. SIMON, Mr. REID, Mr. KENNEDY, Mr. LAUTENBERG, Mr. INOUYE, Mr. PELL, Mr. LEAHY, Ms. MIKULSKI, Mr. METZENBAUM, Mr. KERRY, Mr. MOYNIHAN, Mr. EXON, Mr. MATSUNAGA, Mr. LEVIN, Mr. JOHNSTON, Mr. MITCHELL, Mr. BAUCUS, Mr. CHILES, Mr. FORD, Mr. NUNN, Mr. BENTSEN, Mr. HOLLINGS, and Mr. BOREN):

S.J. Res. 252. A joint resolution designating June 5-11, 1988, as "National NHS NeighborWorks Week"; to the Committee on the Judiciary.

NATIONAL NHS NEIGHBORWORKS WEEK

Mr. PROXMIRE. Mr. President, I am introducing today, with Senator GARN, a joint resolution calling for a Presidential proclamation of "National NHS/NeighborWorks Week" beginning June 5, 1988.

This resolution seeks to increase public awareness of Neighborhood Housing Services [NHS], and its partners, the Mutual Housing Associations and Apartment Improvement Programs. These NeighborWorks partnerships are the largest network of volunteers-based, nonprofit corporations working to revitalize older neighborhoods in the United States.

The resolution honors the thousands of citizen volunteers who have contributed their time and energy to NeighborWorks; and recognizes the active cooperation of thousands of businessmen and hundreds of local government officials in NeighborWorks activities.

NeighborWorks partnerships are initiated and funded locally. They have been organized in 137 cities and 297 neighborhoods across the country. Over 3,000 businesses and local governments contribute some $16 million yearly to NeighborWorks activities. It is estimated that over $4 billion has already been invested in rehabilitating and developing NeighborWorks' neighborhoods. Rehabilitation objectives have been successfully completed in more than 60 neighborhoods.

Mr. President, preserving the Nation's housing is a national priority. Reinvesting in older neighborhoods is good budget and social policy. Over a decade ago, I introduced legislation establishing a Neighborhood Reinvestment Corp., to promote neighborhood renewal through local action. The local-action neighborhood reinvestment program begun in 1977 has become, in little more than a decade, NHS/NeighborWorks in 137 cities and 297 neighborhoods.

That's a success story that needs to be recognized—and fostered. I urge my colleagues to join me and Senator GARN in designating the week of June 5, 1988, as "National NHS/NeighborWorks Week."

Mr. GARN. Mr. President, today Senator PROXMIRE and I are introducing a joint resolution calling for a Presidential proclamation of National Neighborhood Housing Services NeighborWorks Week during the week of June 5-11, 1988.

The purpose of the resolution is to heighten public awareness and increase private sector support for Neighborhood Housing Services [NHS] and its affiliated partnership organizations, Apartment Improvement Programs and Mutual Housing Associations, which are rebuilding America's lower income neighborhoods through public/private participation. The resolution will also honor those volunteer partners who have contributed countless hours of work and financial resources to their local NHS.

The NeighborWorks network is the largest neighborhood-based network of public/private partnerships at work revitalizing neighborhoods in our country today. NeighborWorks partnerships are working in 237 neighborhoods in 137 cities, which along with 60 self-reliant neighborhoods, house nearly 3 million people. The track record of the NeighborWorks network has been impressive. Over 14 years, the NHS partnerships have generated more than $4 billion in reinvestment for the rehabilitation and development of America's low-income housing stock.

Each NeighborWorks partnership is a locally controlled, nonprofit corporation managed by a volunteer board of directors, composed of residents, business representatives, and local government officials. Each partnership is locally funded by private sector institutions and the local government. More than 3,000 businesses and local governments are contributing to the operations of their local NeighborWorks partnerships at an annual level of $16 million.

In 1978 Senator PROXMIRE and I coauthored the legislation creating the Neighborhood Reinvestment Corp. which helps local communities develop Neighborhood Housing Services Programs and provides technical assistance. It has been very rewarding to see the expansion and success of these programs.

As a former mayor and a member of the Housing Subcommittee, I have had the opportunity to witness their work first hand. In Salt Lake City for instance, one of the critical features of the Neighborhood Housing Services revitalization strategy has been community involvement. In response to youth unemployment and the problems that result when young people aren't involved in meaningful activities, the local NHS established the West Side youth project which has developed trade and employment skills in over 100 young people. It has presented a positive image of the youth on the West Side and helped reduce neighborhood tensions and negative stereotypes. The youth have been involved in short-term, meaningful work projects and have had direct contact with local residents through the performance of jobs and services. I understand this project is going to be nominated for several national awards and will serve as a pilot in other areas of the country.

Keeping NeighborWorks partnership organizations strong and enabling them to serve additional neighborhoods requires a steady renewal of this local government and private sector support. "National Neighborhood Housing Services/NeighborWorks Week" will strengthen this local public/private partnership and I invite my colleagues to join with us in support of this resolution.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. STAFFORD, Mr. SPECTER, Mr. MCCAIN, and Mr. DOLE):

S.J. Res. 253. A joint resolution designating April 9, 1988, and April 9, 1989, as "National Former Prisoner of War Recognition Day"; referred to the Committee on the Judiciary.

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

Mr. CRANSTON. Mr. President, as the chairman of the Veterans' Affairs Committee, I am very pleased to introduce Senate Joint Resolution 253, a joint resolution to designate April 9, 1988, and April 9, 1989, as "National Former Prisoners of War Recognition Day." Joining me as original cosponsors in this effort are the committee's distinguished ranking minority member, the Senator from Alaska [Mr. MURKOWSKI], and five of our fellow committee members, the Senators from Hawaii [Mr. MATSUNAGA], Arizona [Mr. DECONCINI], West Virginia [Mr. ROCKEFELLER], Vermont [Mr. STAFFORD], and Pennsylvania [Mr. SPECTER], as well as the Senators from Arizona [Mr. MCCAIN] and Kansas [Mr. DOLE].

Mr. President, over the 17 years I have served on the Veterans' Affairs Committee, both as the committee's chairman from 1977 to 1981 and now again, and as its ranking minority member from 1981 to 1987, I have come to appreciate very clearly the deep concerns that many have—and which I fully share—for those of our Nation's veterans who made enormous sacrifices and endured extreme hardships as former prisoners of war. Their strength, courage, and commitment to our national security and democratic ideals and institutions helped to preserve our country, and we truly owe them a debt that can never be fully repaid.

In a Veterans' Administration study undertaken as a result of legislation I authorized in Public Law 95-479, the VA found that, although the particular type and source of hardship differed significantly according to place and time of internment, American prisoners of war from each of the three most recent wars—World War II, Korea, and Vietnam—were subjected to widespread hardships that often included extreme malnutrition, great psychological stress and abuse, inadequate medical care, brutal living conditions, and, very frequently, physical and psychological torture or other abuse.

The study also found that the conditions to which POW's were subjected can have long-term effects that may not be identifiable for extended periods of time and that, because of the lack of definitive medical knowledge regarding the effects of internment, might never be diagnosed as having their origins in the POW experience. Accordingly, Senator GRAHAM and I introduced legislation last session—which was passed by the Senate on December 4 as section 111 of S. 9, the "Omnibus Veterans' Benefits and Services Act of 1987"—to establish presumptions of service connection for certain diseases of former prisoners of war. The basic purpose of these provisions—like that of provisions which I have authored in previous years and which have been enacted to provide presumptions of service connection for former POW's for certain other diseases—is to provide a measure of relief for former POW's from the burden to submit evidence that certain disabilities are service connected in order to receive VA disability compensation for them. I expect this legislation to be enacted in the next month or so.

Mr. President, as my colleagues know, April 9, 1942, is the day that marks the fall of Bataan, the isle where thousands of American soldiers were taken prisoner by enemy troops in the Philippines and forced to march long distances under extremely brutal conditions to prisoner-of-war camps, where they suffered further hardships and deprivations. Many of those troops did not survive that harrowing ordeal, and those that did were often permanently disabled. Thus, April 9 is, sadly, a most appropriate day to honor our Nation's POW's.

Mr. President, in 1985, Congress directed the Department of Defense to issue medals to former POW's in recognition of the great sacrifices they have made in service to our Nation. I believe, and am recommending to the VA Administrator, that the first distribution of these medals should be marked by ceremonies on April 9—the proposed day of national recognition—to appropriately commemorate our former POW's.

As I stated earlier, we can never fully repay our former POW's for the profound and often extended suffering many of them have endured as a result of their service to this country. However, it is my hope that this resolution will help in our efforts to express, as a nation, our continuing gratitude to them.

I urge my colleagues to give their full support to the bipartisan resolution we are introducing today.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 253

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners-of-war in recognition and commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices of former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1988, and April 9, 1989, are designated as "National Former Prisoner of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such days with appropriate ceremonies and activities.

● Mr. MURKOWSKI. Mr. President, today I rise to speak in support of a resolution to designate April 9, 1988, as "National Former Prisoner of War Recognition Day." I am pleased to join with my colleague, the distinguished Senator from California, Mr. CRANSTON, as an original cosponsor on this important legislation. I urge all my colleagues to join me today in honoring the many members of the Armed Forces who were held as prisoners of war.

April 9, 1988, recognizes the 46th anniversary of the fall of Bataan and the beginning of the infamous Bataan Death March. It also recognizes the long-term health effects of the arduous conditions under which many of these former prisoners of war were held. But, more importantly, it recognizes the great sacrifices that these American veterans endured for their country. These sacrifices are what helped to preserve our Nation.

It is for these reasons that we set aside this special day to honor and pay tribute to those veterans who gave to their country so unselfishly. We are once again reminded that the freedom we enjoy today would not have been possible without the courage, bravery, and valor of these unique men. It is my belief that the fearlessness and spirit of these former POW's shall never be forgotten. The people of the United States will not forget these men who did not forget their country. We as Americans owe these men, who served our Nation so well, a great deal. The designation of this day and the soon to be released military medals honoring those who were held prisoners of war is one way in which we can begin to repay this debt.

Mr. President, I know of no better way to pay tribute to these prisoners of war and their families other than to give them the national recognition they deserve. I urge my colleagues to join me in cosponsoring this worthwhile legislation.●

ADDITIONAL COSPONSORS

S. 761

At the request of Mr. HARKIN, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 761, a bill to provide for the establishment of a Western Historic Trails Center in the State of Iowa, and for other purposes.

S. 950

At the request of Mr. HEFLIN, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 950, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 951

At the request of Mr. HEFLIN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 951, a bill entitled the "Federal Courts Study Act".

S. 1429

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1429, a bill to improve the Environmental Protection Agency data collection and dissemination regarding reduction of toxic chemical emissions across all media, to assist States in providing information and technical assistance about waste reduction, and for other purposes.

S. 1630

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1808

At the request of Mr. BUMPERS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1808, a bill to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of the transitional devices of the medical device amendments, and for other purposes.

S. 1817

At the request of Mr. KENNEDY, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1830

At the request of Mr. SANFORD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930 (and related beneficiaries) and to provide for increases on their benefits accordingly, and for other purposes.

S. 1892

At the request of Mr. DIXON, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1892, a bill to amend title 10, United States Code, and other provisions of law to maintain and improve the defense industries base of the United States by specifying the management responsibilities of the Under Secretary of Defense for Acquisition, encouraging investment in emerging technologies and modernized production facilities, fostering the dedicated participation of private domestic sources, and discouraging unfair practices by foreign sources.

S. 1929

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 1993

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. KARNES], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from Missouri [Mr. BOND] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2010

At the request of Mr. LEVIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as cosponsor of S. 2010, a bill to establish a National Voluntary Reunion Registry Demonstration Program.

S. 2015

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2024

At the request of Mr. KARNES, his name was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2026

At the request of Mr. CRANSTON, the name of the Senator from Alaska [Mr. MURKOWSKI] was withdrawn as a cosponsor of S. 2026, a bill entitled the "Atomic Energy Law Enforcement Act of 1988."

SENATE JOINT RESOLUTION 141

At the request of Mr. NICKLES, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day."

SENATE JOINT RESOLUTION 210

At the request of Mr. WILSON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 222

At the request of Mr. DECONCINI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 222, a joint resolution to designate the period commencing May 1, 1988, and ending May 7, 1988, as "National Older Americans Abuse Prevention Week."

SENATE JOINT RESOLUTION 226

At the request of Mr. DECONCINI, the names of the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. CONRAD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Kansas [Mr. DOLE], the Senator from Nevada [Mr. REID], the Senator from Nebraska [Mr. EXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Virginia [Mr. WARNER], the Senator from Vermont [Mr. STAFFORD], the Senator from Arkansas [Mr. PRYOR], the Senator from Connecticut [Mr. DODD], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Missouri [Mr. BOND], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. D'AMATO], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 226, a joint resolution to designate the week of May 8, 1988, through May 14, 1988, as "National Soccer Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 244

At the request of Mr. EXON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 244, a joint resolution to designate the month of April 1988, as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 245

At the request of Mr. CRANSTON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. DECONCINI, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. STEVENS], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

SENATE RESOLUTION 260

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 260, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE RESOLUTION 377—RELATIVE TO NEGOTIATIONS ON A NEW LONG-TERM AGRICULTURAL AGREEMENT WITH THE SOVIET UNION

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 377

Whereas United States grain surpluses remain at near record levels;

Whereas the cost of U.S. farm programs continues to be excessive as a result of low farm prices;

Whereas this Nation's farmers are dependent on export sales for one-fourth of their income;

Whereas every billion dollars in U.S. farm exports creates 35,000 jobs and generates another $1.4 billion of economic activity;

Whereas the export of value-added products generates significant opportunities for new employment and economic growth in the food processing industry;

Whereas the Soviet Union has already exceeded the minimum purchase requirements for the 1987-88 agreement year for wheat and has bought substantial quantities of corn and soybeans under the current long-term grain agreement;

Whereas agricultural exports benefit the United States transportation sector, including railroads, trucking, inland waterway users, ocean shipping and support industries; and

Whereas the Congress and the President are committed to the growth of our agricultural economy, the reputation of the United States as a reliable supplier, and the recapture of our fair share of world markets for farm products: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) as soon as practical after the date of the adoption of this resolution, report to the Congress his intention to initiate negotiations on a new long-term agreement on agricultural trade with the Government of the Soviet Union;

(2) seek to include in the terms of the new long-term agreement (A) higher minimum and maximum supply guarantees than in the agreement in effect on the date of adoption of this resolution, and (B) provision for the export of value-added products;

(2)(B) take appropriate actions to ensure that the Soviets will actually purchase in a timely manner the minimum quantities specified for each commodity;

(3) no later than May 30, 1988 report to the Congress on the potential impact of a new and expanded long-term agreement on economic growth and employment in United States agriculture and in related food processing and transportation industries; and

(4) take all other appropriate measures to assure the free movement of increased quantities of United States agricultural products to the Soviet Union.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolution to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative.

● Mr. LUGAR. Mr. President, the current long-term grain agreement between the United States and the Soviet Union will expire on September 30 of this year. The administration is now in the process of preparing for negotiations toward a new agreement.

The Soviet Union is an important export market for American commodities and purchases under the long-term grain agreement are a significant part of the success American agricultural exports are now enjoying.

In fiscal 1987, our agricultural exports increased to $27.9 billion and 129 million metric tons. For fiscal 1988, the U.S. Department of Agriculture now predicts those figures will rise to $32 billion and 141 million tons. With imports projected at the last fiscal year's level of $20.5 billion, this means our agricultural trade surplus will increase more than 50 percent to $11.5 billion.

Clearly, Mr. President, we need to encourage that kind of growth, not only for the benefits it brings to American agriculture but also for the benefit of the general economy where about 20 percent of the workforce is employed in some part of our food and farm system. It is estimated that for each $1 billion of U.S. farm exports, approximately 35,000 jobs are created and another $1.4 billion in economic activity is generated in the United States.

The key issue in the long-term grain agreement is the minimum amounts of commodities the Soviet Union pledges to purchase. The current agreement calls for purchases of at least 9 million metric tons of United States grain annually, including a minimum of 4 million tons each of wheat and corn. The Soviets also have the option of buying the remaining 1 million tons as wheat, corn or soybeans, with every ton of beans or meal counting as 2 tons of grain—up to a maximum of 1 million tons of grain equivalent.

In past years, the Soviets have not purchased the minimum amounts which the American side believed were required by the agreements. Lately Soviet purchases are quite substantial and wheat purchases are likely to be nearly 11 million tons, far in excess of the minimum in that category for the current October to September agreement year. Likewise, the Soviet Union is expected to purchsae substantial quantities of corn and soybeans.

Secretary Lyng has publicly stated the administration's objective of achieving a new agreement in which the minimum purchase requirements are clearly understood by both sides. Obviously, we would like to see the highest possible purchases of wheat, corn, and soybeans within the overall limits the two sides agree on.

My colleague, the distinguished Senator from Nebraska, Senator KARNES, has also made the important point that concluding such agreements goes a long way toward providing stability in what, historically, has been a volatile market. That kind of stability was the reason for the original agreement which took effect in 1976 after fluctuating and unpredictable purchases of our grain.

Mr. President, today I am submitting a resolution which simply encourages the administration in its efforts to negotiate a new long-term grain agreement. Because we are in conference on the Omnibus Trade bill which will have an effect on most of our bilateral trade relationships including that with the Soviet Union, the resolution calls for the President to report on the long-term grain agreement negotiations as soon as possible.

The resolution further asks the administration to seek higher minimum and maximum purchase levels than in the current agreement and to include value-added products in the new agreement.

Mr. President, I believe the objectives of this resolution will be of considerable value to both the agricultural and nonagricultural sectors of our economy. These objectives are something we can all support, regardless of party affiliation. I would appreciate the consideration of my Senate colleagues for this resolution and respectfully invite all Senators to cosponsor it.●

AMENDMENTS SUBMITTED

SENATE CONFIRMATION OF THE APPOINTMENT OF THE COMMISSIONER OF FOOD AND DRUGS

GORE AMENDMENT NO. 1401

Mr. GORE proposed an amendment to the bill (H.R. 1226) to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) the public health has been effectively protected by the presence of the Food and Drug Administration during the last eighty years;

(2) the presence and importance of the Food and Drug Administration must be guaranteed; and

(3) the independence and integrity of the Food and Drug Administration need to be enhanced in order to ensure the continuing protection of the public health.

SEC. 3. ESTABLISHMENT OF ADMINISTRATION BY LAW.

(a) ESTABLISHMENT.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 903. FOOD AND DRUG ADMINISTRATION.

"(a) IN GENERAL.—There is established in the Department of Health and Human Services the Food and Drug Administration (hereinafter in this section referred to as the "Administration").

"(b) COMMISSIONER.—

"(1) APPOINTMENT.—There shall be in the Administration a Commissioner of Food and Drugs (hereinafter in this section referred to as the "Commissioner") who shall be appointed by the President by and with the advice and consent of the Senate.

"(2) GENERAL POWERS.—The Secretary, through the Commissioner, shall be responsible for—

"(A) providing overall direction to the Food and Drug Administration and establishing and implementing general policies respecting the management and operation of programs and activities of the Food and Drug Administration;

"(B) faithfully executing this Act

"(C) faithfully executing any other federal laws for which responsibility for administration has been delegated to the Commissioner from the Secretary;

"(D) coordinating and overseeing the operation of all administrative entities within the Administration;

"(E) research relating to foods, drugs, cosmetics, and devices in carrying out this Act;

"(F) engaging in educational and public information programs relating to the responsibilities of the Food and Drug Administration; and

"(G) performing such other functions as the Secretary may prescribe.

"(c) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary through the Commissioner of Food and Drugs may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific review groups as are needed to carry out the functions of the Administration, including functions under the Federal Food, Drug, and Cosmetic Act, and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups.".

(b) CONFORMING AMENDMENTS.—Title 5, United States Code, is amended—

(1) in section 5316, by striking out the item relating to the Commissioner of Food and Drugs, Department of Health and Human Services; and

(2) in section 5315, by adding at the end thereof the following new item:

"Commissioner of Food and Drugs, Department of Health and Human Services".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of enactment of this Act except as provided in paragraph (2).

2. Section 903(b)(1) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) shall apply to the appointments of Commissioners of Food and Drugs made after the date of enactment of this Act.

NATIONAL AND REGIONAL CENTERS FOR PEDIATRIC EMERGENCY MEDICAL SERVICES

KENNEDY AMENDMENT NO. 1402

Mr. BYRD (for Mr. KENNEDY) proposed an amendment to the bill (S. 1968) to amend the Public Health Service Act to provide for National and Regional Centers for Pediatric Emergency Medical Services, and for other purposes; as follows:

On page 1, line 5, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 2, strike out line 1 and all that follows through page 6, line 25.

On page 7, line 1, strike out "3" and insert in lieu thereof "2".

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that three hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearings will be held at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearings is to receive testimony on the following measures:

FEBRUARY 23, 1988

Senate Joint Resolution 215, a bill to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war;

S. 1896, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue in honor and recognition of the women of the United States who served in the Vietnam conflict.

I understand that in the near future a bill will be introduced that encompasses aspects of both of these measures. Should such a bill be introduced, that measure will be the subject of the February 23 hearing.

MARCH 3, 1988

S. 1544, a bill to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes; and

H.R. 2652, a bill to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

MARCH 17, 1988

S. 1508, a bill to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes;

S. 1570, a bill to withdraw and reserve for the Department of the Navy certain Federal lands within Inyo, Kern, San Bernardino, and Imperial Counties, California, and for other purposes; and

H.R. 1548, a bill to withdraw certain Federal lands in the State of California for military purposes, and for other purposes.

Those wishing information about submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Beth Norcross at 224-7933.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled the second and third days of hearings on legislation to improve the Small Business Administration's Minority Small Business and Capital Ownership Development [MSB/COD] Program, more frequently referred to as the SBA section 8(a) Program. The second day of hearings is scheduled for Thursday, February 18, 1988, commencing at 10 a.m. The third day of hearings is scheduled for Thursday, February 25, commencing at 2 p.m. Each hearing will be held in the committee's hearing room in SR-428A.

The committee will continue to receive testimony on S. 1993, the Minority Business Development Program Reform Act of 1987, a bill which I introduced along with Senator WEICKER and Senator KERRY on December 21, 1987. Testimony will also be received on H.R. 1807, the Capital Ownership Development Reform Act of 1987, a similar bill which passed the House on December 1, 1987.

During the second day of hearings, testimony will be received from Senator CARL LEVIN, the General Accounting Office, and representatives of associations representing a majority of the types of firms participating in the 8(a) Program, including high technology professional service providers, construction contractors, and manufacturers. Senator LEVIN, a senior member of the Small Business Committee, will offer testimony on the pending bills from the vantage point of the findings of a series of oversight hearings concerning the Wedtech Corp. conducted by the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, which he chairs. The GOA will be releasing the preliminary findings of a recently completed 8-month review of the 8(a) Program, requested by Representative JACK BROOKS, chairman of the House Government Operations Committee, which will update the findings of GAO's April 1981 report, the SBA 8(a) Procurement Program—A Promise Unfulfilled.

During the third day of hearings, testimony will be received from individual program participants and recent graduates. Representative JOHN J. LAFALCE, chairman of the House Small Business Committee, is seeking to arrange his schedule to permit his appearance as the lead witness.

Further information concerning the committee's hearings on this important effort may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 4, to hear Charles L. Grizzle, nominated by the President to be Assistant Administrator for Administration and Resources Management, Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on February 4, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL WOMEN IN SPORTS DAY

● Mr. BRADLEY. Mr. President, on October 8, 1987, I rose to join the Senator from Oregon [Mr. PACKWOOD] in introducing a joint resolution to designate February 4, 1988, as "National Women in Sports Day." That day has arrived. It is much overdue.

Although the history of women in sports is rich and long, there has been little national recognition of the significance of women's athletic achievements. Over the last 15 years, several women athletes in our country have emerged as international figures. Their talent, determination, and dedication serve as an example for all Americans. "National Women in Sports Day" recognizes the importance of these athletic achievements to our country.

Today, over 10,000 women attend college on athletic scholarships. Women represent 30 percent of all college athletes, yet the athletic opportunities available to male students at collegiate and high school levels remain significantly greater than those for female students. This day provides us the opportunity to acknowledge the existence of such injustices, while emphasizing the progress women have made in their athletic community.

Over the last decade, there has been a decline in the number of women in athletic leadership positions of coaches, officials, and administrators. Women need to be restored to these positions in order to ensure equitable representation of women's abilities and to provide role models for young female athletes.

Mr. President, athletic fitness contributes to emotional as well as physical health. Women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, and confidence, as well as acquire leadership, communication, and cooperation skills. The bonds built between women through athletics help to break down social barriers of racism and prejudice. The positive effects of participation in athletics are bound to carry over to the athlete's contribution at home, at work, and to society.

"National Women in Sports Day" is an affirmation of these positive effects.●

NOMINATION OF ANTHONY M. KENNEDY TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

● Mr. DECONCINI. Mr. President, yesterday the Senate and this Nation came to the end of a long and arduous process by confirming the nomination of Anthony M. Kennedy to be an Associate Justice of the Supreme Court of the United States. I had previously announced my decision to vote in favor of the nomination.

I believe that the constutional responsibility to advise and consent on the President's nominees to the Supreme Court is one of the most important responsibilities granted to a U.S. Senator. The process of selection of an individual to fill the seat of retiring Justice Lewis Powell has been divisive and bitter. While I have been critical of President Reagan earlier in this process, I believe that in the appointment of Judge Kennedy he has found a way to resolve the matter responsibly and without further rancor.

Judge Kennedy is a conservative jurist, but is open-minded and willing to listen to all sides of an argument. He believes in restraint and caution and follows the course. He has strong opinions, but has no agenda to pursue on the Court. From my study of the record and from numerous discussions with members of the ninth circuit bar, I have concluded that Judge Kennedy will serve honorably and well on the Supreme Court for years to come.

As I mentioned in my opening statement before the Judiciary Committee hearings on Judge Kennedy's nomination, one of my greatest areas of concern is the area of privacy. I was encouraged to hear Judge Kennedy respond to questions from myself and other Senators, assuring us that he believed that the right of privacy is found in the Constitution. Unlike Judge Bork, who repeatedly conveyed that the right to privacy, if it existed, could not be found in the Constitution, Judge Kennedy unequivically said the right to privacy can be found in the Constitution. Although Judge

Kennedy preferred to include the right to privacy under the protection of the liberty language of the 5th and 14th amendments, he nevertheless was clear in his belief that the right is there and should be protected by the judiciary.

Furthermore, Judge Kennedy has stated, under oath, that he believes that the right to privacy is a fundamental right. If I might just read from the record of the hearings for a moment:

> Senator DeConcini. [I]t appears from reading your speech, that you have concluded, without question, that there is a fundamental right to privacy. And I think the chairman had you state that, and that is your position, correct?
>
> Judge Kennedy. Well, I have indicated that that is essentially correct. I prefer to think of the value of privacy as being protected by the clause, liberty, and maybe that is a semantic quibble, maybe it is not.
>
> Senator DeConcini. But it is there, is that——
>
> Judge Kennedy. Yes, sir.
>
> Senator DeConcini. No question about it being in existence?
>
> Judge Kennedy. Yes, sir.

And further, in response to a question from the chairman asking if Judge Kennedy had any doubt that there is a right to privacy: "it seems to me that most Americans, most lawyers, most judges, believe that liberty includes protection of a value we call privacy."

It becomes abundantly clear after reviewing the transcript of the hearings that Judge Kennedy and Judge Bork do not share the same judicial philosophy as it pertains to the fundamental right of privacy. Judge Bork could not, no matter how hard he looked, find the right of privacy in the words of the Constitution. Judge Kennedy, as seen by the excerpts above, has reached an opposite conclusion.

As Judge Kennedy as stated:

> It is central to our American tradition. It is central to the idea of the rule of law. That there is a zone of liberty, a zone of protection, a line that is drawn where the individual can tell the Government: beyond this line you may not go.

It is hard to argue with such a simple but pure articulation of the relationship between the people of our country and our Government. Judge Kennedy, unlike the picture painted by some of his detractors, is indeed a very eloquent individual.

I am reassured by my discussion with Judge Kennedy about the fundamental right of privacy. Although we both believe it exists, we also believe it is limited. The right to privacy does not give an individual the right to commit criminal acts in private. Nor, in my view, does it sanction the killing of unborn children. A believe in the right to privacy does not equate to a belief in the right to abortion. While neither I nor others have asked Judge Kennedy his views on abortion, I do not believe that his belief in the right to privacy signals any acceptance of Roe versus Wade.

In addition to the right of privacy being found in the Constitution, Judge Kennedy was asked whether or not he believed there to be any practical significance for the ninth amendment; whether or not there was any real value to be found in the ninth amendment; and whether or not there was any purpose for the ninth amendment? Just as he found himself of a different school of thought than Judge Bork on the right of privacy, Judge Kennedy's assertions regarding the ninth amendment were much different from those espoused by Judge Bork. In summarizing the past interpretations of the Supreme Court and the ninth amendment, the nominee said that it appeared to him that the Court was treating it as something of a reserve clause, to be used in the event that the phrase "liberty" and the other broad phrases in the Constitution appear to be inadequate for the Court's decision.

Now this distinction may not appear of a great magnitude at first glance. However, as Judge Kennedy pointed out, there may come a time in the future where rights not specifically mentioned in the Constitution achieve a level of importance requiring constitutional protection. In this event, the ninth amendment would serve to provide a constitutional basis on which such a right could be protected.

During the Bork hearings it became apparent that Judge Bork had changed his mind about how far the first amendment extended. Prior to the hearings, there was evidence in Judge Bork's writings that only political speech would fall under the blanket of first amendment coverage as Judge Bork interpreted the first amendment. During the hearing Judge Bork indicated that the first amendment did indeed cover more than purely political speech, yet Judge Bork was unclear as to what speech was covered.

Judge Kennedy had no problem explaining the application of the first amendment to speech. As he stated during the recent hearings:

> It (the first amendment) applies not just to political speech, although that is clearly one of its purposes, and in that respect it ensures the dialogue that is necessary for the continuance of the democratic process. But it applies, really, to all ways in which we express ourselves as persons. It applies to dance and to art and to music, and these features of our freedom are to many people as important or more important than political discussions or searching for philosophical truth, and the first amendment covers all of these forms.

It is apparent from the above quoted excerpt that Judge Kennedy's view of the first amendment is far more expansive than Judge Bork's.

During the Bork nomination hearings, Judge Bork communicated a belief that if one individual were to gain any rights, society or another individual would equally and inversely lose a right. Judge Kennedy, however, conveyed a different idea when discussing the right of an individual in society. Judge Kennedy said that he did not think there has to be a choice between order and liberty. But rather—

> [W]ithout ordered liberty, there is no liberty at all. And one of the highest priorities of society is to protect itself against the corruption and the corrosiveness and the violence of crime, and in—his—view judges must not shrink from enforcing the laws strictly and fairly in the criminal areas.

It would seem that in Judge Kennedy's view, individuals join together to protect their rights, and that unlike Judge Bork's view of our society as a "zero-sum" system, more than one interest can advance their liberties without taking liberty from other interests.

Judge Bork was clearly treading new ground when he formulated his "reasonableness" theory in the area of equal protection while speaking to the committee last summer. Prior to appearing before the committee, he had given no indication, either in his writings or in speeches, that he would apply this type of test to the various classifications of plaintiffs seeking equal protection under the 14th amendment. Once again, on this issue Judge Kennedy disagreed with the position taken by Judge Bork. Judge Kennedy informed the committee that he would follow current standards established by years of Supreme Court decisions and apply the three tiered system of review; strict scrutiny, heightened scrutiny, or rational basis, depending on what class of plaintiff is seeking redress.

Additionally, there was some question left in the minds of the committee members as to whether or not Judge Bork would apply equal protection to women. Judge Kennedy left no such doubt.

> Senator DeConcini. Would you agree, first of all, that the equal protection clause applies to all persons?
>
> Judge Kennedy. Yes, the amendment by its terms, of course, includes persons, and I think was very deliberately drafted in that respect.

Furthermore, while Judge Bork was uncertain whether the equal protection clause applied to women or not, Judge Kennedy was unsure that the current classification for women insured equal protection under the three tiered system. As Judge Kennedy said:

> And so the law there really seems to be in a state of evolution at this point, and it is going to take more cases for us to ascertain whether or not the heightened scrutiny standard is sufficient to protect the rights of women, or whether or not the strict scrutiny standard should be adopted.

But you need not take my only word as to Judge Kennedy's position and the equal protection clause. The following discussion between the distinguished Senator from Pennsylvania, Senator SPECTER, and Judge Kennedy should provide the necessary confirmation.

> Senator SPECTER. Is there any question in your mind about the equal protection clause applying beyond blacks to women, to aliens, to indigents, to mentally retarded?
>
> Judge KENNEDY. No. In fact, once again, the framers could have drafted the amendment so that it applied to blacks only, but they did not. They used the word "person".

I am satisfied by Judge Kennedy's explanation of his membership in, and resignation from, clubs that either by rule or by practice discriminate against women and minorities. I believe that he became concerned about these practices at about the same time as did the public at large. Of course, it would have been better if he had been a leader in this regard, but he did make efforts to change things after he realized that problems existed. When he was not able to make the changes that he thought were necessary and appropriate, he resigned from the clubs. I found that his conduct in these matters was acceptable and did not evidence any prejudice or bias. If he were guilty of anything, it was a lack of heightened sensitivity. I am afraid, however, that during the time period in question, most of us suffered from the same failing.

The one concern that I do have about Judge Kennedy is in the area of the narrowness of his rulings in civil rights cases. I was impressed by the testimony of the two witnesses representing the Hispanic Bar Association and the Mexican American Legal Defense and Education Fund. These two witnesses expressed the concerns of the Hispanic community that Judge Kennedy was not sensitive enough to the problems faced by minority citizens, Hispanics in particular. Ms. Antonia Hernandez expressed these concerns in the following manner:

> The foregoing judicial opinions rendered by Judge Kennedy and in particular the way in which he reached his results, have quite naturally caused me to conclude that Judge Kennedy—if he becomes Associate Justice on the Supreme Court—may not be fair in adjudicating the rights of Hispanics and of other minorities. Alas, this possible unfairness could become particularly prevalent in cases not subject to compelling judicial precedent.

The decisions that Ms. Hernandez cited as being the basis for her concerns were discussed in great detail with Judge Kennedy. He explained his reasoning and the constraints that he felt required him to issue the decisions that he did. While the discrimination against Hispanic citizens in Aranda versus Van Sickle does seem to be egregious based on the facts presented to the committee, Judge Kennedy's decision seems consistent with a restrained and cautious approach to issues. His decision shows an understanding of the problems faced by Hispanics in the community and sympathetic to their attempts to remedy them. His decision certainly did not satisfy the plaintiffs in the case, but does not seem to evidence a bias against any group.

The months since Justice Powell announced his retirement from the Court have been difficult for all of us. While I wish that Judge Kennedy had been the first nominee sent to us, I do believe that the process that has been followed and the decisions that have been made throughout these long months have been correct. In my opinion the process has worked properly once again. It is a temptation for the losers in a political contest to blame the system. We have heard a lot of that criticism concerning the Powell vacancy, but this criticism is misdirected. It was not the system that failed when this body rejected the nomination of Judge Robert Bork, it was the nominee. Although I do not believe that Judge Bork is a bad man or even a bad judge, I did conclude, as did the majority of my colleagues, that he should not be elevated to the Supreme Court.

I congratulate President Reagan for sending to the Senate a nominee so well qualified by intellect, temperament, and integrity.●

ILLINOIS-AMERICAN WATER CO., PEORIA DISTRICT

● Mr. DIXON. Mr. President, I would like to call the Senate's attention to the Peoria District of the Illinois-American Water Co. February 1988 marks a significant milestone for this company and is employees, as they near the 2 million mark of man-hours worked without a single day of lost time as a result of on-the-job accidents.

The water utility industry exposes workers to a large number of hazards, with an average disabling frequency rate of 34 accidents per million man-hours. The Peoria Water Co. should, indeed, be commended for this outstanding accomplishment.

The employees of the Peoria District of the Illinois-American Water Co. have worked diligently for 8 consecutive years, maintaining a superior level of dedication to safety standards. I am proud to recognize this fine group of people in my State of Illinois. They play a significant role in the progress of Illinois' industry, and I extend to them my sincerest congratulations and praise.●

SENATOR INOUYE AND JEWISH REFUGEE SCHOOLS

● Mr. DECONCINI. Mr. President, this week the honorable senior Senator from Hawaii, Chairman INOUYE, announced his intention to rescind $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa. After introducing this rescission, Chairman INOUYE has said that "he embarrassed his colleagues" and erred in judgment by originally including the provision in the continuing resolution. He went on to say that his initial action puts the Senate at risk and he would never put his pride in front of his duty to colleagues, constituents, and the American people. Chairman INOUYE always puts the institution and its constitutional process before any personal concerns.

Mr. President, the chairman of the Foreign Operations Subcommittee has once again exhibited why he is held in such high esteem by this body. Senator INOUYE epitomizes the definition of leadership with his personal integrity and sound judgment. Rather than worry about a personal fight of vindication he has placed his colleagues, the institution of the Senate, and the American people above self-interest. He is indeed a man of courage and grace to admit he may have made a mistake and thus avoids any inference of possible inappropriate action.

Senator INOUYE has defended his country by serving in the military, has represented the Senate in his role on the Watergate Committee, and recently served both his country and Congress in his leadership position on the Iran-Contra Committee. A decade ago a poll was taken by academics to determine who the most highly respected Members of Congress were over the past 200 years. The results enumerated such distinguished names as Calhoun, Webster, Clay, LaFollette, and Taft. Mr. President, if that poll was taken in this body, Senator INOUYE would surely rank at the top of each Member's list. He has elevated the American peoples' respect for this Chamber and accomplished this with dignity.

I would like to associate my comments about Senator INOUYE with the articulate remarks many of my colleagues have also stated. Although the proposal on the schools followed the normal appropriations process and was before the Senate for the required time, I support the chairman's decision to rescind the $8 million earmarked in the continuing resolution. Moreover, I respect the grace under pressure he has shown throughout the discussion of this issue.●

CHIANG CHING-KUO

• **Mr. KASTEN.** Mr. President, William Godwin wrote in 1793 that the twin objects of government are suppression of domestic injustice and defense against foreign aggression. But he cautioned that the statesman concerned with these tasks must be prepared "calmly to let years pass before he urges the carrying into effect of his teaching."

The passing of Chiang Ching-Kuo brings to an end one of our century's most exceptional careers of patient statesmanship. Chiang's concern was always for the welfare of his people—and Taiwan today bears indelibly the marks of his diligence.

Chiang knew that Godwin was right, that timing is the essential element of durable reform. He shared the far-sightedness and patience of the Chinese diplomat who was asked a couple of years ago whether he thought the French Revolution had been a success. The diplomat responded that—two centuries after the fact—it was still too early to tell.

Making Taiwan a 20th century democracy was not a task to be performed overnight. But Chiang knew in his heart that it was a task that must be performed.

Chiang promoted political democratization through economic growth. By encouraging universal participation in Taiwan's economic miracle, Chiang was laying the groundwork for full participatory democracy. Last year, at his insistence, the state of martial law was lifted for the first time since Chiang Kai-Shek arrived in Taiwan. In his will, Chiang implored his successors to keep steadily on the road to a democratic future.

Mr. President, I rise today to express my personal gratitude for the dedication and accomplishments of our late ally, Chiang Ching-Kuo. He understood the needs of his nation, and the policies he would have to pursue to meet those needs.

I offer condolences to the people of Taiwan for the loss of their great leader, as well as high hopes that his vision will be implemented in an ever freer Taiwan. All nations would do well to follow the example of his democratic spirit.

Mr. President, I ask unanimous consent that the eulogy of Chiang by Dr. Walter Judd, as well as an editorial from the New York Times of January 18, be entered in the RECORD.

The material follows:

BUILDING ON A LEGACY IN TAIWAN

A dynasty ended in Taiwan when President Chiang Ching-kuo died last week, but change had already begun. While faithful to the myths of Chiang Kai-shek's rule, the generalissimo's son was a realist who had recently set course toward liberalization and democracy. The challenge to Taiwan's new president is to keep that course, tackle economic problems and yet not upset the delicate balance that maintains calm in the Formosa Strait.

President Chiang never repudiated his father's dream of a China reunited under Nationalist rule. But he turned his actions toward strengthening Taiwan. And in the end he concluded that this required not only a dynamic economy but a government with greater popular legitimacy.

For Taiwan, politics has long meant the authoritarian rule of old men chosen in the 1940's. But in a portent of change, an ad hoc opposition party formed weeks before the 1986 legislative elections took 23 percent of the vote. In July President Chiang ended 38 years of martial law. That decision could have been a mere formality, but early signs suggested more: restrictions on the press and on political activities have been slowly loosening.

The late President also began breaking the hold of the old mainlanders, bringing the Taiwanese majority into government. The new President, Lee Teng-hui, is one of these. And without formally rejecting "the three no's"—no contact, negotiations or compromise with the mainland—President Chiang turned away from them, particularly by lifting the ban on travel to the mainland.

While the two Chinas remain nominally at war, de facto peace stems partly from a joint fidelity to the idea of one China. The Nationalists speak of one China under their rule, the Communists of two systems under their flag. In a worrisome move, Taipei has sentenced two advocates of independence to long prison terms. Yet the common goal of one China soothes tensions—and smoothes Washington's rocky path of two-China relations.

Can the new President, a bright and amiable man lacking his predecessor's power base, quash challenges to this delicate status quo? He must do so at a time when the very success of Taiwan's economic miracle poses new problems. Its trade surplus drives its growth but creates tensions with trading partners. The surplus will have to be reduced, which in turn will bring enormous internal political strains.

President Lee pledges to continue the liberalizing policies of his predecessor. Strengthening Taiwan's internal legitimacy will help prepare for the economic and foreign policy difficulties ahead.

EULOGY

Friends of China and friends of all Chinese: Nearly two-thousand-five-hundred years ago, the great philosopher and teacher, Confucius said, "He who exercises government by means of virtue may be compared to the north polar star, which keeps its place and all the stars turn towards it."

Today, those words are as fresh as the day they were first spoken; And how aptly they describe the man whose memory we are here to honor, President Chiang Ching-kuo of the Republic of China.

What a privilege it is to have known this man through the years, supported him in his work for freedom for the Chinese people, and admired him as a person and as a great leader.

He was the eldest son of one of the century's great and historical figures, Chiang Kai-shek. The son—"CCK", as he was so widely and affectionately called—was destined for truly outstanding leadership himself. He had been guided by his far-seeing father into two main strands of government service. These had prepared him well for the task of leading his people—through most difficult times—to security for the island of Taiwan, for economic progress and prosperity, for its people, and for successful development of wider democracy for those people.

Those strands of his early experience were in government administration, skillful handling of world-wide relationships, and achieving economic growth and progress on Taiwan. The skills were used with remarkable wisdom and success when CCK moved up in 1972 to the premiership of the Republic of China.

By that time the cornerstones for Taiwan prosperity were in place. First, orderly agricultural reform from oppressive landlordism to ownership of farms by the farmers themselves. In response, agricultural production had increased from shortages to surpluses.

CCK pressed ahead on the ten major construction projects. Created on the island of Taiwan, under his leadership, were new and greatly improved seaports, airports, high-speed rail lines, highways and bridges to move the traffic of commerce rapidly and efficiently.

The second cornerstone was the commitment to industrialization. CCK actively promoted development of advanced technology. There followed under this leadership extraordinary expansion of production of commodities and export to scores of countries around the world as well as for domestic consumption. Dramatic increases followed in per capita income, education, health services, improved standards of living.

Then when this economic expansion, which had come to be called the "economic miracle" of Taiwan, was flourishing, Chiang Ching-kuo led his people on from "economic prosperity" to something equally precious; political reform and expanded democracy.

He knew his own people, and he had the wisdom to move forward politically to a multi-party system. Freedom for the press and discussion of political issues were broadened, plus a lifting of the Emergency Decrees that had quite properly been put in place when the national capital was being removed to Taiwan in 1949 because of the real danger of Communist infiltration, and even attempted military conquest, from the Communist-controlled mainland.

Today, the "infiltration" of ideas is in the other direction—from Taiwan to the mainland. Under CCK's leadership, the ROC's citizens may now visit their relatives on the Mainland. The first-hand report the visitors bring is contagious. The mainlanders learn how very much better off than themselves are their brethren on Taiwan—in freedom, prosperity, and over-all living standards. The mainlanders want the same benefits for themselves. They know they can't get it under the communist system. They are bound to try to get the Three Principles of the People adopted on the mainland too.

Wisdom. Courage. Justice. VIRTUE. All of these are ideals that the Chinese people had from Confucius these many centuries. They are in fact the basic ideals of all humankind. They have found renewed expression and fresh demonstration on Taiwan through this unique leader, Chiang Ching-kuo.

As a person, Chiang Ching-kuo was not given to pomp and circumstance. He was a quite man of modest demeanor. Many was the day he could be found spending the early morning in the countryside, learning at first hand the concerns and views of the farmers and villagers.

A listener. A consensus-builder, an achiever by leading, not just ordering. That was CCK.

It can be said he was born to leadership, for his father had been for so many years at the very center of nation-building. Leadership is also learned from teachers, and Chiang Kai-shek's great teacher was Dr. Sun Yat-sen, the founder of the Republic of China. Tirelessly, CCK worked, as his father had, toward the goal of putting into practice Dr. Sun's Three Principles of the People—San Min Chu I. First, the principle of Nationalism—welding a nation out of a people; Second, the Principle of Democracy—people governing themselves by democratic practices; Third, the Principle of People's Livelihood—achieving better living conditions for all.

It had been adversity that brought the government of the Republic of China to the island province of Taiwan—the exhaustion from eight long years of cruel invasion and occupation by an external enemy, and twenty years of struggle with an internal enemy, the communists. It was Chiang Ching-kuo's constructive leadership built on the reforms instituted under his father's leadership, that has brought the Chinese people to increasing achievement of the Three Principles of the People. There is an increasing sense of nationhood under the flag of the Republic of China. There is a growing democratization that Chiang Ching-kuo had the maturity to know his prosperous people were ready for; and there is the Taiwan "Economic Miracle"—a dream come true.

Chiang Ching-kuo's ultimate goal, reunification of all the people of China, remains in the future. In a salute to him the other day, one of our largest national newspapers wrote, "(He) understood that for China there is no fast and simple solution. More important, he insisted that however long China must wait, reunification will come only when it brings with it not compromise for Taiwan, but freedom for the mainland."

Today, it is the Republic of China that is the political and economic model for what can be on the mainland, and one day will be.

For that, his people and the world, pay Chiang Ching-kuo honor today—the man whose legacy for his people is freedom, nationhood, democracy, prosperity.

As other stars in the sky turn toward the North Star, so we turn today toward Chiang Ching-kuo and what he achieved as a model for the future.

He has, and he will keep, his place in history. His work lives.

What a privilege it is for us to have known this man through the years, to have supported him in his work for freedom for the Chinese people, and to have admired him as a true patriot and great leader.

Wholeheartedly, we salute him today!●

ED HASENOUR

● **Mr. McCONNELL.** Mr. President, I rise today to pay tribute to a good friend of mine and respected businessman from Louisville, KY, Mr. Ed Hasenour. From modest beginnings, Mr. Hasenour established some of the most popular restaurants in Louisville and became one of the most respected restaurateurs in the State.

He left school at the age of 14 to work with his father. After 10 years in that job, he started a restaurant of his own. Its success led him to expand his operations.

Eventually, Mr. Hasenour had run several of the most acclaimed establishments in the city and became a widely recognized community leader. He founded the Kentucky Restaurant Association, sponsored amateur baseball teams, and was active in Kentucky Derby week festivities.

I would like to enter into the RECORD the following article that more thoroughly details his contributions to his profession and his community. I would like to join my fellow Kentuckians in mourning the loss of this exceptionally dedicated individual. His loss will be felt by great many friends and admirers.

The article follows:

WELL-KNOWN RESTAURATEUR ED HASENOUR DIES AT 77

(By Everett J. Mitchell II)

Ed Hasenour, operator of one of the best known restaurants in Louisville, died last night at Baptist Hospital East. He was 77.

Hasenour finished the eighth grade at St. Francis of Assisi Catholic school and went to work at the age of 14 at Ballard Mill, a flour mill on Broadway, where his father was a supervisor. He worked there for 10 years but was forced to quit because he was bothered by asthma.

He started in the restaurant business in September 1934, when he and a partner opened a cafeteria at Floyd and Breckinridge streets behind Male High School. By the following February, Hasenour had bought out his partner.

In 1952, Hasenour decided to expand. He opened a restaurant in a building that had been the home of Joe Lurding's bar at Barret and Oak. The new place was called, simply, Hasenour's Restaurant. Hasenhour and his son, Lee, sold the cafeteria in the early 1970s. They operated three Lums sandwich shops for about 10 years, starting in the late 1960s, but sold them in 1978.

A year later they established the Atrium, Lee Hasenour's glass and greenery addition to the restaurant.

Hasenour said in 1984 that the three secrets of his success were quality food, quality service and cleanliness, but added that there were elements of good fortune and several good friends to help along the way. A little bit of promotion helped too.

Hasenour sponsored a baseball team that won the National Amateur Baseball Federation junior title in 1945. The Hasenour Open was a yearly event at Seneca Golf Course in the 1950s, and the Hasenour trophy was awarded each year to the top scorer in Jefferson County high school football.

The ideas for the Derby Festival Balloon Race and the Run for the Rose came from Hasenour and his family. And they have been active in the Taste of Louisville, raising funds for the culinary-arts program at Jefferson Community College.

In 1974, Hasenour was named "restaurateur of the year" by the Kentucky Restaurant Association, an organization he founded.

He was former president of the board of directors of the Lincoln Heritage Trail Foundation, a director of the Greater Louisville Convention and Visitors Bureau and a director emeritus of the Kentucky Restaurant Association.

His survivors include his wife, the former Marcy L. Hukenback; his son; two daughters, Teri Gordon of Columbia, Tenn., and Marcia Larken; a sister, Mary Richter; and five grandchildren.

The funeral will be at 10 a.m. Saturday at St. Agnes Catholic Church, 1920 Newburg Road.

Visitation will be at Pearson's, 149 Breckinridge Lane, from 7 to 9 p.m. today and from 2 to 5 and 7 to 9 p.m. tomorrow.

The family requests that expressions of sympathy take the form of contributions to Kosar Charities, Mass of the Air or Boys Haven.●

VICE PRESIDENTS: IN THE SHADOW OF POWER

● **Mr. DURENBERGER.** Mr. President, a recent opinion article written by Norman Sherman, former press secretary to Vice President Hubert Humphrey, laid out very well the difficulties facing that great Minnesotan in running for President in 1968, in the shadow of his President, whom he served with great loyalty.

The article appeared in both the Minneapolis Star Tribune and the St. Paul Pioneer Press on Sunday, January 24. Mr. Sherman eloquently discusses the pain of both serving in this supporting role and of running from that position for the highest office in our land.

Since this body has produced most of our Vice Presidents since World War II, I thought it would be of interest to my colleagues. Thus, I ask that this article be printed in the CONGRESSIONAL RECORD.

VICE PRESIDENTS: IN THE SHADOW OF POWER

(By Norman Sherman)

WASHINGTON.—When George Bush moves his lips these days, I hear the words of Vice President Hubert Humphrey running for president in 1968, and it pains me to recollect those difficult days.

Ten years ago this month, after a long and illustrious public career, Humphrey died a deservedly revered and honored man. He had spent more than 30 years in elected office as mayor of Minneapolis, senator from Minnesota and vice president of the United States, making our system work to the benefit of millions.

During many of those years he talked of running for president, and in 1968 he finally got the Democratic nomination. Unfortunately, he ran as the incumbent vice president, struggling to perform an impossible act of staying close to President Lyndon Johnson and far away at the same time. He lost to Richard Nixon, who had himself lost to John Kennedy in 1960, leaping toward temporary oblivion after eight years as Dwight Eisenhower's vice president.

As the 10th anniversary of Humphrey's death approached, because I worked for or near him for a long time and edited his autobiography, reporters looking back on his career have called me, wanting to discuss his significant contributions to American society and law. When I have finished my litany of what he thought important, each reporter has remarked that all the landmark achievements I listed took place while Humphrey was in the Senate: civil-rights legislation, the Peace Corps, Food for Peace, federal aid to education, Medicare, the 1963 Nuclear Test Ban Treaty.

Each reporter has then asked: "Wasn't there something as important accomplished while he was vice president?" I have paused to appear thoughtful, but I really don't need the time. The answer is simply, "No, there was nothing that came close during those four vice presidential years. The job just didn't permit it, no matter how hard Humphrey tried."

It pains me to say so, but a Spiro Agnew is likely to do about as well as a Hubert Humphrey or a Walter Mondale or a George Bush, and Nelson Rockefeller no better. The job of vice president prepares you to be president only in the sense that you are there in case the president dies. The rest is robotics.

It is a job of no consequence, of few real and many quite forgettable accomplishments and, more's the pity, of self-delusion that you are an irreplaceable player in important acts of state.

It begins with the Secret Service protection. Agents make you look like a president, all those men and women ready to die to protect you, all the cars and code names and walkie-talkies and guns and bullet-proof vests. Air Force Two and helicopters and agents awake outside your door while you are asleep feed the ego in wondrous ways.

And then there are the headlines and the game of "Pick Up Chips." You may be nothing in Washington, but when you attend a political fund-raiser in Topeka or Tupelo or Tucson, you warrant eight-column headlines, front-page pictures and the undying gratitude of local political activists. You want to shout, "I am somebody."

The delusion continues with the national security briefings. You pretend they are just like the president's when they are really the same edited briefing material that a couple of dozen other anonymous folks at the State Department get.

"Almost the same (as the president's)" is how a Bush aide recently described Bush's briefings, a euphemism for "quite different, sanitized and incomplete." I once played the same charade.

Voodoo vice presidency often reaches its zenith with the awesome statement that "I have talked to heads of state." I stood close by when Humphrey said it and thought it meant something. I heard Walter Mondale say it, and now George Bush proclaims it. It is an expression that drips with empty meaning.

Vice presidents frequently are sent to funerals of head of state to represent our country. Their visits with living heads of state are only marginally more productive. Yet, vice presidents all brag about what those visits mean. "I can deal with a head of state; therefore, I myself can be a head of state." It is a kind of Cartesian proof of both existence and importance, but it is nonsense.

The fact is that no vice president does more than operate within the constraints set down by the president or, more probably, by the secretary of state. You may arrange, but you do not really negotiate. You may explain, you may request, but you do not innovate, deviate or spontaneously combust.

So set inside the "head of state" canard.

The other echo of times past comes when the vice president is asked to describe those occasions when he differed from the president on a variety of embarrassing policies. Bush on Iran-contra questions or Humphrey on Vietnam, the ultimate defense is the same: "I have offered my points of view privately; I am loyal and I have aired my differences only to the president. I am not going to change that now that I am running for the presidency."

It is the perfect defense. No incumbent president is likely to list points of disagreement. If the president was right, in hindsight, it can only embarrass the vice president. If the vice president was right, it can only embarrass the president. Further, the wonderful quality of the statement is that it implies differences that may never have existed.

The job of vice president means you are not homeless and you do draw a regular paycheck. Beyond that, you are what the president allows you to be, but you have no real authority, no real responsibility and no independent clout. And almost everyone inside knows that.

A vice president goes as a messenger wherever he goes, trappings of derivative power substituting for the real thing. The secretaries of state and defense have more authority on foreign affairs and defense policy. And, on domestic issues, each Cabinet officer, no matter how lowly or mediocre, has more authority in his or her field than the vice president.

So what shall we make of George Bush's claims? Not much. He is in the time-honored tradition of those who have preceded him. Service as vice president probably should not disqualify him, or anyone, from running for president or serving if elected. But Eisenhower wanted a week to think of something Nixon had done; I've had 10 years to think of what Humphrey, whom I idolized, did as vice president. It all adds up to zero.

Eugene McCarthy once derisively described Walter Mondale as having the "soul of a vice president." I think that is unfair. It is only a temporary condition that lasts from election to defeat or some other rehabilitation. Mondale has recovered. Humphrey did too. Since only one person in the country can suffer from the condition at one time, we know that George Bush, with luck, will also soon be well. Just pity the next person.●

FRAUD OF THE DAY—PART 26

● Mr. HEINZ. Mr. President, in line with my comments on January 27 about reprising some of my all-time favorite frauds, I am pleased to present today the classic case that was really a key factor in the development of the amendment that subsequently found its way into the Senate trade bill—the photo album case. Since that case continues to be a problem despite more aggressive Customs Service and Commerce Department efforts, it is worth repeating at this time to make absolutely clear to Senators what this country is up against in trying to enforce our laws. This fraud originally appeared October 7, 1987.

When I spoke yesterday about Customs Fraud, I also addressed the issue of the Customs Service budget. I argued that it was unrealistic to expect a significant increase in funds allocated to the Customs Service. Today, I want to discuss the very real limitations on Customs enforcement efforts even if the budget were adequate. The reality is that many perpetrators of fraud would continue to escape without any real punishment.

Today's fraud illustrates these limitations. It does not focus on a particular case or a specific company. Instead, it involves the entire photo album industry, and makes clear the way in which a private right of action could have a decisive role in helping the Customs Service fight fraud.

In 1985, Korea exported 1.859 million dozen photo albums to the United States. After an anti-dumping investigation, during which none of the information provided by Korean manufacturers could be verified, the Department of Commerce found a dumping margin of 64.8 per cent. In 1986, after the implementation of and anti-dumping duty order, imports of photo albums from Korea dropped 98% to 35,391 dozen. One would normally conclude from that that the problem of photo album dumping had subsided.

The facts, however, show quite a different story. The domestic industry immediately began noticing that photo album imports from Asian countries other than South Korea were increasing dramatically. After January, 1986, exports of photo albums from Korea to Taiwan rose 560%, from 265,498 dozen to 1.952 million dozen. Exports to Singapore rose 489%, to 2.51 million dozen. That means that Singapore was importing 10 photo albums per resident in 1986!

At the same time, Taiwan and Singapore increased their photo album exports to the United States by 1300 percent and 860 percent, respectively. It seems to me that these are persuasive figures that something funny has been going on—most likely that Korean producers were transhipping to the United States through Singapore and Taiwan in order to avoid the dumping duties.

In pursuit of these not-so-elusive albums, one prosecution has occurred. M.B.I., a Korean company which manufactures photo albums, pleaded guilty in December, 1986, to fraudulently transhipping photo albums and received $5,000 in criminal fines. Customs' efforts to obtain a large civil penalty have been thwarted thus far by the defendant's appeal of Customs' ruling that a substantial transformation did not occur in the country from where the albums were shipped. That ruling is based on ample precedent, but the system permits a defendant—in this case one which pleaded guilty and was convicted—to tie up civil litigation indefinitely. The net result is that M.B.I. has effectively gotten away with its crime and is free to continue it through other countries and other ports of entry.

Subsequent efforts to enforce the dumping duty order more broadly have run up against real limitations in Customs resources, the perceived extent of its legal authority to investigate allegedly sham assembly operations in the United States and in third countries, lack of cooperation by third country governments and producers in Customs' enforcement activities, and the relatively low priority the Justice Department gives prosecutions of this nature.

Recently Customs has been making a determined effort to surmount these difficulties, has suspended liquidation of all entries of photo albums and has seized at least one additional shipment in a different port. Even so, simply keeping up with an operation that is constantly shifting from country to country and port to port may well be beyond the Service's capacity.

Mr. President, last month I wrote a column on this case that appeared in the New York Times. I ask that that article be printed in the RECORD at the conclusion of my remarks today.

Mr. President, there is no question in my mind that if a private right of action existed today in cases like this one—where again, the foreign party pleaded guilty to criminal fraud—U.S. companies would have a valuable tool to assist the Customs Service's efforts to see that people comply with the law.

The article follows:

[From the New York Times, Aug. 21, 1987]

A HUGE CUSTOMS SCAM VICTIMIZES UNCLE SAM

(By John Heinz)

WASHINGTON.—Nobody enjoys a good snapshot more than the people of Singapore. Last year alone, enough photo albums were imported into Singapore to supply 10 to every man, woman and child in that country. Singaporeans are not just camera happy; they must be ecstatic.

But Singaporeans are not nearly the shutterbugs they appear to be. In fact, the flood of photo albums is just part of a grand scheme that makes a mockery of United States trade laws. Other nations are funneling these albums through Singapore to the United States in order to circumvent trade quotas imposed on those countries. In short, it is customs fraud.

In industry after industry, customs fraud is being perpetrated on such a huge scale by many of our trading partners that Federal enforcement agencies cannot keep up with it.

An amendment that is attached to the omnibus trade bill, however, permits those who have been victimized by customs fraud to sue for monetary damages in the United States Court of International Trade. The measure is patterned after remedies that have long been available under antitrust and securities laws. Although many unscrupulous foreign exporter are jittery about the amendment, it is doubtful that a single photographer in Singapore has even noticed.

Customs fraud is increasing. Items ranging from photo albums to steel to coffee are being laundered from one country to another, intentionally mislabeled and sent on to the United States. The practice costs the United States billions of dollars, hundreds of thousands of jobs and a lot of pride.

The Customs Service estimates that about 10 percent of all imports are fraudulent. In fiscal years 1984 and 1985, only 27 percent of the textile and apparel imports involved in customs fraud were even detected, according to customs officials.

A study by the National Treasury Employees Union concludes that such fraud costs America $19 billion a year in lost sales, $8 billion to $12 billion of our gross national product, $1.5 billion to $2.2 billion in Federal taxes and $2 billion in customs revenue. It also results in the loss of 500,000 jobs a year, the union study says. The phantom photo albums are just part of a much bigger problem.

There is compelling evidence that South Korean photo albums are being transshipped to America through third countries such as Singapore in order to circumvent a 1986 United States antidumping order. That order charged that South Korea's photo albums were being unfairly dumped at 65 percent below their cost of production. As a result, we imposed offsetting antidumping duties.

South Korean album exports to the United States subsequently declined from 22.32 million in 1985 to 424,692 in 1986. But at the same time, South Korean album exports to Singapore shot up 480 percent, while shipments to Taiwan increased 560 percent. The two countries, in turn, increased their 1986 photo album exports to the United States by 800 percent and 1,300 percent, respectively.

Despite labels and other identifying marks showing that the products came from Singapore, Taiwan and Hong Kong, laboratory tests have proved that the photo albums were actually made in South Korea. Other evidence suggests that even some albums labeled "Made in the USA" are actually products of South Korea.

Yet no effective action has been taken against this evasion of our laws as the American photo album industry watches its sales dwindle. The domestic industry's right to sue could not be clearer.

Executives of the American photo album industry, however, have only met frustration in their attempts to stop this practice. Customs officials assert that they are spread too thin to catch every fraudulent shipment. Our inability to enforce the antidumping order makes it virtually meaningless.

Nor is the problem limited to Singapore photo albums, or even to false listings of country of origin. Filing false tariff numbers, counterfeiting foreign export visas and providing inaccurate values of shipments are other common methods of operation for crooked traders.

The amendment to the trade bill gives aggrieved companies a way to defend themselves against unfairly traded imports. It puts teeth in the customs laws, and it gives victims of customs fraud the same legal recourse that victims of securities fraud have.●

AMERICAN ENTERPRISE INSTITUTE REPORT ON THE INF TREATY

● Mr. WALLOP. Mr. President, today, along with Senators QUAYLE, KASTEN, and WILSON I bring to the Senate's attention an excellent, comprehensive analysis of the INF Treaty. This report was prepared under the auspices of the American Enterprise Institute by former Deputy Assistant Secretary of Defense Frank Gaffney, who had the principal line responsibility inside the Pentagon for overseeing the ongoing negotiations in Geneva.

This report has noted several areas that should be of concern to Senators as the Senate deliberates over the treaty. One I directly point out is a simple drafting error which, with the simple replacement of an "and" for an "or," has the exact opposite intention that the drafters intended. This should dispel the notion that is prevalent inside the administration that this is somehow a perfect document that neither needs close Senate scrutiny or any possible changes by amendment.

● Mr. QUAYLE. The distinguished Senator from Wyoming is quite correct. Indeed, I found the analysis of article 14 of the treaty—that dealing with our rights and obligations not to circumvent the treaty—to be most troubling. While I believe that the concerns raised by this issue are soluble, I am somewhat dismayed at the administration's contention that this is a nonissue. I believe that it has the potential to cut to the very core of our security commitments to our allies, especially in Europe. In the Armed Services Committee hearings we have heard witness after witness testify to the necessity to continue the modernization of our short-range nuclear forces not covered by the INF Treaty and to develop and deploy unmanned, nonnuclear standoff missiles. This article and articles 2 and 7 will be construed by some as prohibiting many of the programs we need to complete or continue. I believe that the clarification of the exact meaning of these articles is critical to the maintenance of support for those programs here in the United States and especially among our allies. Perhaps a reservation to the INF Treaty or an exchange of letters with the Soviets will be needed to clarify these provisions.

● Mr. KASTEN. Let me echo the concerns of the Senator from Indiana. I am carefully studying this document as part of my review of the INF Treaty. I am struck by the sheer number of ambiguities in the INF treaty, ambiguities which some future Senate may have to grapple with if this Senate does not perform its constitutionally mandated task of providing not only its consent, but its advice to this treaty. I believe this document shows that the INF Treaty needs our attention. It needs work. It may need amendment and quite possibly Senate reservation. There is another aspect of this that concerns me. I fear that if the Senate does not scrutinize this treaty as it should, the view prevalent in the administration that the INF Treaty is a pristine document will carry over into the START Treaty that is being rushed to conclusion. I believe we in the Senate can have a very positive impact on the quality of the START Treaty we get if those negotiating it recognize that the Senate is not just a rubber stamp for whatever the administration negotiates.

● Mr. WILSON. Mr. President, I commend the Senators from Wyoming, Indiana, and Wisconsin for their insightful comments on the INF Treaty. I share their view of the value of the report prepared by Mr. Gaffney and the AEI working group. It is most thorough and well-written. It reveals many of the potential problems inside the INF Treaty that are obscured by legal terminology. It is, in my judgment, required reading for Senators prior to the impending floor debate on consent to the INF Treaty.

Let me comment on one issue raised in this analysis that concerns me. We have heard a great deal in the newspapers and in the committee hearings about problems with the data base the Soviets provided us under the terms of the treaty. This problem is compounded by a feature of the treaty that I suspect many Senators are unaware of. The data base agreed to and exchanged between the sides at the time the INF Treaty was signed is not the data base that will be used to regulate the treaty. Another exchange will occur 30 days after ratification. The accuracy of that data base, the official data base, will not be subject to challenge by the United States. Changes in the data base from the first data base may not be subject to the verification procedures in the treaty. I believe this may be a serious problem with this treaty that will require further explanation.

I urge my colleagues in the Senate to give this analysis of the treaty a careful read prior to making their decision on consent to ratification. I now ask for myself and my three colleagues present to place the entire analysis in the RECORD immediately following my statement so that it will be available to all Senators and their staff.

The analysis follows:

THE INF TREATY: ANALYSIS AND COMMENT

INTRODUCTION

This analysis of the Intermediate Nuclear Force Treaty, entered into December 8, 1987 between the United Sates and the Soviet Union and currently being reviewed by the U.S. Senate, was prepared by a working group convened at the American Enterprise Institute for Public Policy Research and chaired by AEI visiting fellow Frank Gaffney. The members of the working group are listed on the following page.

The purpose of the working group's analysis is not to support or oppose ratification of the INF Treaty; indeed the group includes individuals on both sides of the ultimate issue before the Senate. The aim here is rather to examine rigorously and in detail the effectiveness of the Treaty's provisions and protocols in achieving the Treaty's own goal: to eliminate all intermediate-range and all shorter-range nuclear missiles. Regardless of the wisdom of this goal it is clearly in the interest of the United States that the Treaty's requirements should be as transparent as possible and that its verification provisions should protect against undetected violations. Mindful of the Soviet Union's exploitation of ambiguities and loopholes in past treaties, and concerned that differing interpretations could lead to an unequal exchange of rights and obligations in the future, the authors have sought clarity, precision, and the timely assessment of ambiguities in the Treaty's text.

The members of the working group believe that a number of the INF Treaty's deficiencies discussed in this analysis could be exacerbated if an agreement limiting strategic arms were concluded and if certain of this Treaty's provisions were regarded as a precedent for the later agreement. They have thus identified problems which may strike some readers as minor details—but which could become critically important in the context of the more ambitious agreements currently being negotiated.

This analysis is offered in a constructive spirit on the premise that the Senate will wish to understand the Treaty in detail before deciding whether to ratify it unreservedly or to amend or adopt reservations to it. Where there are ambiguities the Senate may wish to clarify them by eliciting an indication from the Soviets of how they interpret those provisions. In all events the sort of close scrutiny offered here should assist in placing the final disposition of the Treaty on a firmer basis than if the issues identified were not squarely addressed.

CHRISTOPHER C. DEMUTH,
President, American Enterprise Institute for Public Policy Research.

ARTICLE-BY-ARTICLE REVIEW OF THE INF TREATY

INTRODUCTION

This paper reviews provisions of the INF Treaty, its two Protocols and Memoradum of Understanding. Comments are offered regarding a number of key issues. Where it is not yet possible to ascertain satisfactory the meaning or implications of a given provision, we have highlighted the need for clarification by setting forth the relevant questions.

ARTICLE I—PRINCIPAL OBLIGATION

In accordance with the provisions of this Treaty which includes the Memorandum of Understanding and Protocols which form an integral part thereof, each Party shall eliminate its intermediate-range and shorter-range missiles, not have such systems thereafter, and carry out the other obligations set forth in this Treaty.

Comment: The primary obligation of the Treaty parties is, according to this article, the complete elimination of all intermediate-range and shorter-range missiles and other specified items. This is the standard against which the Treaty's provisions must be judged. If, for example, as a result of the cumulative effect of allowed production, inadequate inspection and permitted R&D, the Soviets can retain or produce prohibited missiles and other systems, the Treaty would fail to achieve its purpose.

ARTICLE II—DEFINITIONS

Analysis of the Article II definitions should take into account not only their suitability in the context of this INF Treaty, but also the implications of their use as precedents for a START Treaty. It should be noted that the provisions of Articles VI and VII significantly add to and in some cases alter the definitions of terms dealt with in Article II.

The Treaty does not define "elimination" as such, though it does specify procedures for eliminating specific items. The problem is that the specified procedures will not in every case result in the actual elimination of these items. In fact, in some cases items "eliminated" according to the specified procedures may even be able to continue to perform their prohibited functions.

Article II, Paragraphs 1 and 2:

For the purposes of this Treaty:

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmaned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

Comment: Taken together, the definitions of ballistic and cruise missiles in Paragraphs 1 and 2 do not capture every possible type of missile. For example, a hyper-velocity glide vehicle appears not to be within the definitions. This should be confirmed, as some work is being done in the United States on that technology. What other missile technologies are similarly excluded by these definitions? Were all such exclusions intended by us? What uses can the Soviets make of such exclusions?

This provision permanently prohibits conventionally-armed ground-launched missile options that could contribute substantially to the non-nuclear defense of Western Europe. (see Report of Commission on Long-Term Integrated Strategy.) The INF Treaty makes such contributions more important than before. The breadth of the definitions—that is, the fact that they cover conventionaly-armed as well as nuclear-armed ground-launched missiles—is said to be justified by the verification difficulties that would be created if conventionally-armed missiles were not prohibited. This verification benefit, however, has largely been negated by the fact that the definitions do not cover drones (remotely piloted vehicles) or any other ground-launched missiles that do not carry weapons.

The operative assumption evidently is that the Article VII counting rule, which specifies that such systems may not be flight-tested for weapon-delivery, will prevent prohibited missiles from being developed in the guise of drones. Is this assumption valid? In other words, is it possible to flight-test a weapon-delivery system in a manner that would not be distinguishable from the flight-test of a drone? For further

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Given that major verification problems still inhere in these definitions, the wisdom of permanently banning conventionally-armed missiles should be reassessed.

Article II, Paragraph 3:

3. The term "BLBM launcher" means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLBM.

Comment: A key issue of the Treaty is its application to Soviet GLBM launchers. See comments on Article IV, Paragraph 1.

Article II, Paragraphs 5 & 6: .

5. The term "intermediate-range missile" means a GLBM or a GLCM having a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers.

6. The term "shorter-range missile" means a GLBM or a GLCM having a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers.

Comment: These definitions refer to "range capability," but that phrase is misleading. In the case of ballistic missiles, as Article VII, Paragraph 4 makes clear, the range is considered to be not the maximum range of which the missile is capable, but only the maximum range to which it has been tested. As for the case of cruise missiles, see comments on Article VII.4.

Article II, Paragraph 8:

8. The term "missile operating base" means:

(a) in the case of intermediate-range missiles, a complex of facilities, located within a deployment area, at which intermediate-range missiles and lauchers of such missiles normally operate, in which support structures associated with such missiles and launchers are also located and in which support equipment associated with such missiles and launchers is normally located; and

(b) in the case of shorter-range missiles, a complex of facilities, located any place, at which shorter-range missiles and launchers of such missiles normally operate and in which support equipment associated with such missiles and launchers is normally located.

Comment: "Normally operate" is not defined in the Treaty. Its use here implies that missiles and launchers may legally operate outside the missile operating bases. This may mean that missiles that qualify under the Treaty as "non-deployed" may nevertheless be operational, though it is clearly the intention of the Treaty that all operational missiles be deemed "deployed." Is there an agreed meaning for this term? What if anything do we know about the meaning the Soviets attribute to "normally" here?

Ambiguous or unclear terms of this kind may or may not have great significance in the context of the INF Treaty. But we can expect many such terms to be transplanted into the START Treaty, where their significance might increase greatly. It is elementary but bears emphasis that it is very bad practice to allow terms of an arms control Treaty to remain ambiguous or undefined.

ARTICLE III—TREATY-LIMITED SYSTEMS

1. For the purposes of this Treaty, existing types of intermediate-range missiles are:

(a) for the United States of America, missiles of the types designated by the United States of America as the Pershing II and the BGM-109G, which are known to the Union of Soviet Socialist Republics by the same designations; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the RSD-10, the R-12 and the R-14, which are known to the United States of America as the SS-20, the SS-4 and the SS-5, respectively.

2. For the purposes of this Treaty, existing types of shorter-range missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IA, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the OTR-22 and the OTR-23, which are known to the United States of America as the SS-12 and the SS-23, respectively.

Comment: On the assumption that the SSC-X-4 was at more or less the same early stage of development as the U.S. Pershing IB, the U.S. consented to have the Treaty treat these two missiles in the same fashion, different from the treatment of the "existing" items. The information about the SSC-X-4 in the Memorandum of Understanding—that 84 SSC-X-4 missiles and six launchers have been produced and are located at a storage facility—suggests that that assumption was erroneous.

This evident intelligence error raises questions about our ability to monitor the subject matter of the Treaty. How do we know that the 84 SSC-X-4 missiles that the Soviets have acknowledged are all the SSC-X-4 missiles that they possess? For that matter, what confidence do we have about the accuracy and completeness of the other data supplied by the Soviets? See comments on the Memorandum of Understanding.

Is there any significance to the difference between those inspection provisions applicable to the systems "never deployed" (i.e., Pershing IB and SSC-X-4) and those applicable to "existing" (i.e., deployed) items? See Article X.6.

ARTICLE IV—ELIMINATION SCHEDULE (INTERMEDIATE-RANGE SYSTEMS)

Article IV, Paragraph 1:

Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

Comment: The Treaty says that all Treaty-limited systems are to be "eliminated," and no such systems are to be "possessed" by either Party after three years. The actual obligation of the Parties, however, is to follow certain "elimination" procedures, custom designed for each banned item, and such procedures amount only to alteration rather than elimination of several Soviet launchers.

Whereas the "elimination" procedures for all Treaty-limited U.S. systems will ensure that such systems are reduced to scrap, the procedures for several Treaty-limited Soviet launchers have been designed to allow the "eliminated" launchers to be used for other purposes. Given that these "eliminated" Soviet launchers will be permitted to operate throughout the Soviet Union, the question is whether, even if we observe them through overhead reconnaissance, we have the capability of ascertaining whether the alterations have been reversed so as to allow the item to perform a prohibited function.

It may be that the Soviets would find it easier to produce a new launcher from "scratch" than to undo the elimination procedures on an old launcher. This raises the question: Do we have any confidence that we would detect clandestine production of Treaty-limited launchers? See comments on Article VI, Paragraph 1.

Some of the Treaty's language implies a greater comprehensiveness of its scope than is, in fact, the case. In drafting the Memorandum of Understanding, the Parties excluded from the list of items to be eliminated certain elements of an INF capability—certain facilities and equipment—that can be used for other purposes, too. With respect to the U.S. facilities and equipment being so spared, this seems a sensible, financially responsible measure. The United States can be expected to fulfill its obligations under the Treaty not to retain an INF capability, and will not put such items to prohibited uses. The exclusion, however, may on the Soviets' side facilitate the concealment of Treaty violations or may enhance their ability to effect a rapid "breakout." For example, the Treaty allows the Soviets to retain without alteration SS-20-related multiple-bay garages and support structures for shorter-range missiles.

Each exclusion from the elimination schedule, gerrymandered definition, and exception to the non-production rule may seem minor in itself, but taken together such provisions mean that the Soviets, even without violating the Treaty, can remain rather close to a militarily significant INF capability. And the violations that would be required to maintain an INF capability are less extensive (and thus easier to conceal) than the Treaty's comprehensive language leads one to believe.

ARTICLE V—ELIMINATION SCHEDULE (SRMS)

Article V, Paragraph 1:

Each Party shall eliminate all its shorter-range missiles and launchers of such missiles, and all support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than 18 months after entry into force of this Treaty and thereafter no such missiles, launchers or support equipment shall be possessed by either Party.

Comment: Regarding the possible significance of this Article's failure to mention the elimination of support structures for shorter-range missiles, see comments on Article IV, Paragraph 1.

ARTICLE VI—COLLATERAL CONSTRAINTS

Article VI, Paragraph 1:

Upon entry into force of this Treaty and thereafter, neither Party shall:

(a) produce or flight-test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles; or

(b) produce, flight-test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.

Comment: The ability of the Intelligence Community (IC) to monitor Soviet performance under the terms of this provision and the Treaty in general is a major issue. In this connection, the following questions, among others, must be addressed:

Can the IC accurately represent that it knows the location of all the facilities that have been used to produce the Soviets' Treaty-limited systems? Would it know if the Soviets actually began production of banned items at other facilities? Would it know if the Soviets created the capability at other facilities to begin production of banned items?

To what extent could permitted SS-25 production and testing mask or substitute for SS-20 production/testing?

It has been argued that this Article's prohibition of flight-testing serves to guarantee against covert deployment of the SS-20. The contention is that without flight-testing the Soviets would have no confidence in the reliability of their missiles and therefore would not deploy them. But our experience with the SS-16 missile, deployment and flight-testing of which were banned under SALT II, argues to the contrary. According to the Administration, the SS-16 was probably deployed over a long period of time even though we detected no flight tests.

It is also presumably the case that the Soviets will be able to obtain useful reliability information from the permitted launches to destruction and static fire burns prescribed by the Treaty's elimination provisions.

Furthermore, flight tests of the SS-25 will provide the Soviets some data relevant to the SS-20 because the first stages of those two missiles are essentially identical. Indeed, the Soviet Union's ability to use their unregulated SS-25 program as a vehicle for getting around the prohibitions of the INF Treaty or concealing violations of the Treaty is an intractable problem which arises repeatedly throughout this agreement. Some have sought to minimize the gravity of the issue by contending that the Soviets have little incentive to maintain a prohibited, concealed SS-20 capability because the SS-25s themselves, which are not prohibited, can perform the same military function as the SS-20 does.

This argument ignores, however, the possibility that the Soviets may value highly the specialized characteristics of the SS-20—in particular, its multiple warheads, high accuracy, and short time of flight. Such considerations may constitute ample incentive for the Soviets to exploit opportunities to maintain an SS-20 capability despite the Treaty. Also, if a START agreement is concluded, limiting or banning SS-25s and other strategic systems, the Soviets' incentives to violate the INF Treaty would increase substantially.

Article VI, Paragraph 2:

Notwithstanding paragraph 1 of this Article, each Party shall have the right to produce a type of GLBM not limited by this Treaty which uses a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, providing that the Party does not produce any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM.

Comment: This provision attempts to address the problems caused by the fact that the Treaty-limited SS-20 and the unlimited SS-25 ICBMs have first stages that are so similar that no practical inspection regime would be able to distinguish them. As a result of this provision, the Soviet Union will be allowed to produce first stages that are "outwardly similar to" the SS-20 first stage, thereby vitiating somewhat the general prohibition on production of any intermediate-range missile stage in paragraph 1. Although the Soviets say such stages are "not interchangeable with" SS-20 first stages, the absence of any definition of that phrase makes it meaningless.

Furthermore, it is unclear how—if at all—this Article would affect a future intermediate-range missile that might be developed using the first two stages of the SS-25 (just as the first two stages of the SS-16 gave rise to the SS-20). Could the development, testing and production of such a system be concealed using the SS-25 program as "cover"? In any event, it will be difficult for the U.S. to determine whether anomalous activities within the SS-25 program indicated a surreptitious intermediate-range missile development program.

This paragraph contains a noteworthy drafting error. Read literally, it permits the production of an "SS-25" second stage that is "outwardly similar to, and interchangeable with" the second stage of an SS-20. This problem arises because the paragraph begins with a "notwithstanding" clause that overrides the general prohibition on intermediate-range missile stage production of paragraph 1. This point should be clarified with the Soviets. What the last clause of the Paragraph meant to say (and should be revised to reflect) is: ". . . provided that that Party does not produce any other stage which is either outwardly similar to, or interchangeable with, any other stage of an existing type of intermediate-range GLBM."

ARTICLE VII—COUNTING RULES

As was pointed out in the comments on Article II, the Article VII counting rules have an important bearing on the definitions of key Treaty terms, and analysis of these rules should take into account both their suitability in the context of this INF Treaty and also the implications of their use as precedents for a START Treaty.

Article VII, Paragraphs 1 and 2:

For the purposes of this Treaty:

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

Comment: The Treaty does not define the word "type." This suggests that the Parties were unable to arrive at a common understanding of the term. In light of the controversy relating to whether the SS-25 is a new type of ICBM, and thus a violation of SALT II, it is important that the sides not hold to inconsistent definitions of so critical a term.

In the absence of such a definition it is impossible to know how different a new missile must be from a Treaty-limited missile in order for that new missile to be excluded from the Treaty's prohibitions (i.e., in order for the new missile to be considered either (1) not a weapon-delivery vehicle, or (2) not a vehicle of intermediate- or shorter-range).

Article VII, Paragraph 3:

If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.

Comment: The following questions arise from this provision:

With what effectiveness could a missile now designed for ABM, ATBM, or anti-air purposes be used in a ground-to-ground, weapon-delivery mode?

Could the Soviets develop a new intermediate-range or shorter-range missile in the guise of an ABM, ATBM, or anti-air missile?

Article VII, Paragraph 4:

The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMs or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers shall be considered to be intermediate-range missiles.

Comment: The counting rule for GLBM range capability provides a significant loophole: a new GLBM could be tested to 490 km in a non-minimum-energy trajectory and thus would have much greater actual range. The U.S. would have no grounds to object to such a system, even though it would unquestionably have the ability to strike targets over 500 km away.

The counting rule for GLBM range is taken from the SALT II Treaty (Article II.8, 2nd Agreed Statement). As Secretary Vance's published analysis of SALT II (Document 12B, p. 19) makes clear, the U.S. interpretation of this definition was not confirmed by the Soviets. Was there, in the course of the INF negotiations, any agreement on the meaning of "flying to fuel exhaustion"?

In any event, this provision is not verifiable. If we observed a new Soviet GLCM flying 490 km in a test, how would we be able to know how much fuel it had on board when the flight was terminated? Replacing a large conventional warhead on such a GLCM with a small nuclear warhead would allow it to fly INF ranges—even if the fuel would have been exhausted carrying the first payload to only 490 km.

Article VII, Paragraphs 7 & 8:

7. If a launcher has been tested for launching a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.

8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.

Comment: Is there any engineering or mechanical reason why the launcher for the SS-25 could not be used to launch an SS-20? Do we know whether any such launcher has ever been used for this purpose—including during development of the SS-25?

If an SS-25 launcher during development testing carried an SS-20 canister, it would be captured by the counting rule in Paragraph 8. Can we be certain no such launcher ever did?

Article VII, Paragraph 10:

Except in the case of elimination in accordance with the procedure set forth in the Protocol on Elimination, the following shall apply:

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLBM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and

(c) for GLCMs, the airframe of an intermediate-range or shorter-range GLCM shall be counted as a complete missile.

Comment: Because the first stage of an SS-25 is externally indistinguishable from that of an SS-20, the counting rules for U.S. missiles differ from those for Soviet missiles. They impose a more rigorous standard on the U.S. side (the largest stage of the Pershing II missile alone counts as a full-up missile) than on the Soviet side (only a full-up Soviet missile—or its canister—counts as a missile).

The difference between the counting rules for U.S. missiles and those for Sovet missiles affects the relative values of U.S. and Soviet inspection rights under the Treaty. Because of these counting rules, the U.S. side's rights to conduct continuous monitoring of a Soviet production facility apply only to a Soviet final assembly plant. The corresponding rights of the Soviets, however, apply to a U.S. plant that actually manufactures missile stages. (For further discussion of this point, see Article XI, Paragraph 6.) This means that the Soviet facilities that now manufacture SS-20 second stages (or first stages for that matter) are not subject to monitoring by the United States under the Treaty.

Given that the Treaty effectively permits the Soviets to continue manufacturing first stages of the two-stage SS-20 (see Article VI, Paragraph 2), it is not a minor matter that we have no inspection rights at all at whatever facilities manufacture SS-20 stages.

ARTICLE VIII—SITING LIMITATIONS

Article VIII, Paragraphs 1, 2 and 3:

1. All intermediate-range missiles and launchers of such missiles shall be located in deployment areas, at missile support facilities or shall be in transit. Intermediate-

range missiles or launchers of such missiles shall not be located elsewhere.

2. Stages of intermediate-range missiles shall be located in deployment areas, at missile support facilities or moving between deployment areas, between missile support facilities or between missile support facilities and deployment areas.

3. Until their removal to elimination facilities as required by paragraph 2 of Article V of this Treaty, all shorter-range missiles and launchers of such missiles shall be located at missile operating bases, at missile support facilities or shall be in transit. Shorter-range missiles or launchers of such missiles shall not be located elsewhere.

Comment: This Article describes where intermediate-range and shorter-range missiles and launchers shall be located during the period between entry into force and the end of the elimination period. These requirements raise the following questions:

Will we be able to tell that Treaty-limited items are not located elsewhere? For example, could they be stored without risk of detection in warehouses or other installations? Do we know that all areas in the Soviet Union where operational missiles exist have been identified by the Soviets as "deployment areas?"

How many intermediate-range missiles have the Soviets produced? How confident are we in our estimate?

Article VIII, Paragraph 5: All deployment areas, missile operating bases and missile support facilities are specified in the Memorandum of Understanding or in subsequent updates of data pursuant to paragraphs 3, 5(a) or 5(b) of Article IX of this Treaty. Neither Party shall increase the number of, or change the location or boundaries of, deployment areas, missile operating bases or missile support facilities, except for elimination facilities, from those set forth in the Memorandum of Understanding. A missile support facility shall not be considered to be part of a deployment area even though it may be located within the geographic boundaries of a deployment area.

Comment: If the Soviets have continued after November 1, 1987 to maintain SS-20s or support equipment at any missile support facility previously associated with these missiles but not listed in the MOU, they would be in violation of this provision. Is there evidence that any such items continued to be present at any such facility after November 1, 1987?

Article VIII, Paragraph 6:

Beginning 30 days after entry into force of this Treaty, neither Party shall locate intermediate-range or shorter-range missiles, including stages of such missiles, or launchers of such missiles at missile production facilities, launcher production facilities or test ranges listed in the Memorandum of Understanding.

Comment: The word "locate" in this provision seems to mean "to allow something to be at a loction." On the other hand, it could be read to mean "to move something to a location." This point should be clarified by the Parties especially if consideration is being given to creating a parallel provision in START.

Article VIII, Paragraph 8:

A non-deployed intermediate-range or shorter-range missile shall not be carried on or contained within a launcher of such a type of missile, except as required for maintenance conducted at repair facilities or for elimination by means of launching conducted at elimination facilities.

Comment: This provision seems altogether unmonitorable. And, in any event, even if we were to detect an apparent violation, the loophole (viz., "except as required for maintenance conducted at repair facilities . . .") would make it impossible to establish the point. Is it clear that, for purposes of this provision, a missile can be placed on its launcher only at a repair facility?

Article VIII, paragraph 9:

Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter-range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.

Comment: This provision contains the Treaty's first reference to "training" missiles and launchers. No definition or clarification of such terms is provided in Article II, Article VII, or elsewhere. Have the Parties agreed that training missiles must be inert—i.e., without propellant? If all missiles must be either deployed or non-deployed, where do training assets fit in? How will we be able to tell the difference between such missiles and "real" ones. This point is particularly important in light of last-minute Soviet reallocation of a number of deployed SS-20s into the training category.

ARTICLE IX—DATA AND RELATED NOTIFICATIONS

Article IX, Paragraph 1:

The Memorandum of Understanding contains categories of data relevant to obligations undertaken with regard to this Treaty and lists all intermediate-range and shorter-range missiles, launchers of such missiles, and support structures and support equipment associated with such missiles and launchers, possessed by the Parties as of November 1, 1987. Updates of that data and notifications required by this Article shall be provided according to the categories of data contained in the Memorandum of Understanding.

Comment: The quality of the data contained in the MOU is fundamental to the viability of this Treaty. If such data represent only a portion of the actual Soviet force then the remainder of that force will not be subject to any of the inspection provisions. Issues that need to be explored include: the quality of our intelligence; the likelihood that actual Soviet capabilities are higher; the significance of apparently wide discrepancies in the number of refire missiles associated with each of the several Soviet systems limited by the Treaty; and the extent to which our estimates are being altered on the basis of Soviet-supplied information (despite the fact that the factors which gave rise to these estimates in the first place do not appear to have changed).

Article IX, Paragraph 3:

No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of data contained in the Memorandum of Understanding.

Comment: The United States insisted on reviewing before Treaty signature—and retaining the right to reject—the data provided for in the MOU. The data in the MOU, however, are not the data that form the basis of the Parties' obligations under the Treaty. The data that really count are those to be exchanged by the Parties 30 days after the Treaty's entry into force; the Treaty does not afford us the right to reject Soviet data supplied at that time. In fact, if the United States is unsatisfied with the information provided in the data update—e.g., if we judge the Soviets to be understating their INF force—and the Soviets fail to convince us of the accuracy of their new data, then the United States would have no effective recourse. As a practical matter, we would feel compelled to continue to fulfill our obligations under the Treaty.

Under Article X.8, the Soviets will be allowed to remove missile support facilities and operating bases from this data base if they claim to have accomplished certain elimination procedures by the date of entry into force of the Treaty. Since there is no prohibition against eliminating Treaty-limited items during this period, the Soviets may choose to remove missiles and launchers from the updated data base contending that they have been eliminated. However, we will not have any inspection rights with regard to such missiles and hence will not be certain that they have, in fact, been eliminated. It is, moreover, unclear whether the Soviets would be obligated to follow the procedures in the Protocol on Elimination with respect to systems eliminated during this period.

Two of the advertised verification strengths of the Treaty are the agreement on data before Treaty signature (as reflected in the MOU) and the inspection rights applicable to the elimination of Treaty-prohibited items. In light of the foregoing paragraph, one cannot reach a judgment on the contribution these "strengths" make to the Treaty's verification regime until we have received the updated data from the Soviets 30 days after the Treaty's entry into force. In order to minimize the problem, the United States could insist upon a commitment from the Soviets either that, should they eliminate Treaty-limited systems prior to entry into force, they will follow the provisions of the Protocols on Elimination and Inspection or that they will refrain from such eliminations until the Treaty enters into force.

Article IX, Paragraph 5:

Upon entry into force of this Treaty and thereafter, each Party shall provide the following notifications to the other Party:

(f) notification of transit of intermediate-range or shorter-range missiles or launchers of such missiles, or the movement of training missiles or training launchers for such intermediate-range and shorter-range missiles, no later than 48 hours after it has been completed, including:

(i) the number of missiles or launchers;

(ii) the points, dates and times of departure and arrival;

(iii) the mode of transport; and

(iv) the location and time at that location at least once every four days during the period of transit.

Comment: It should be noted that the provision on notification of transit is not as valuable as it might have been, since it does not require that notification be given until 48 hours after the transit is completed.

ARTICLE X—ELIMINATION PROVISIONS

Article X, Paragraph 1:

Each Party shall eliminate its intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the procedures set forth in the Protocol on Elimination.

Comment: Unlike Article VI (production) and Article VIII (location of Treaty-limited items), this paragraph does not specifically apply its terms to the stages of Treaty-limited missiles. Section I.3 of the Protocol on Elimination does state that "all stages of intermediate-range and shorter-range GLBMs shall be subject to elimination." It might be argued, however, that this protocol language applies only to the stages of full-up missiles that are listed in the updated data base and whose elimination is observable pursuant to the Treaty's inspection provisions. That reading would allow the Soviets to separate, before the Treaty's entry into force, the two stages of the SS-20 and retain the separated stages indefinitely. This would greatly facilitate the reconstitution of a Soviet INF capability.

To fix this problem, the Parties could agree to add to Paragraph 1 the words "and stages of such missiles" after the phrase "intermediate-range and shorter-range missiles."

Article X, Paragraph 5:

Each Party shall have the right, during the first six months after entry into force of this Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.

Comment: This provision was included because the Soviets insisted that they would otherwise be unable to eliminate all their intermediate-range missiles within the allowed period. The Intelligence Community should assess whether any benefit might accrue to the Soviets in terms of establishing a useful data base on SS-20 reliability. (See comments on Article VI, Paragraph 1). Does the U.S. expect to destroy any of its intermediate-range missiles by launching them?

Article X, Paragraph 6:

Intermediate-range and shorter-range missiles which have been tested prior to entry into force of this Treaty, but never deployed, and which are not existing types of intermediate-range or shorter-range missiles listed in Article III of this Treaty, and launchers of such missiles, shall be eliminated within six months after entry into force of this Treaty in accordance with the procedures set forth in the Protocol on Elimination. Such missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IB, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the type designated by the Union of Soviet Socialist Republics as the RK-55, which is known to the United States of America as the SSC-X-4.

Comment: The significance of this paragraph is discussed in the comments on Article III.

Article X, Paragraph 7:

Intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers shall be considered to be eliminated after completion of the procedures set forth in the Protocol on Elimination and upon the notification provided for in paragraph 5(e) of Article IX of this Treaty.

Comment: This paragraph makes it clear that the term "elimination" in the Treaty does not mean elimination in the common sense of the term but rather fulfillment of the elimination procedures set forth in the Protocol on Elimination. The adequacy of such procedures was called into question in the comments on Articles II and IV.1.

Article X, Paragraphs 8:

Each Party shall eliminate its deployment areas, missile operating bases and missile support facilities. A Party shall notify the other Party pursuant to paragraph 5(a) of Article IX of this Treaty once the conditions set forth below are fulfilled:

(a) all intermediate-range and shorter-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers located there have been removed;

(b) all support structures associated with such missiles and launchers located there have been eliminated; and

(c) all activity related to production, flight-testing, training, repair, storage or deployment of such missiles and launchers has ceased there.

Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated.

Comment: This provision must be read in conjunction with Article XI.5(b), which deals with the inspection of former missile operating bases and support facilities. It opens the door to the possibility that facilities which currently have a role in Treaty-limited activities can be exempted from inspection if the Party claims to have fulfilled the three conditions listed and hence omits them from the data exchange which must be made 30 days after entry into force.

Are all the conditions listed in subparagraphs (a)-(c) discernible by national technical means of verification? If not, how will we have confidence that facilities known to be associated with Treaty-limited activities meet these conditions before entry into force? If so, what is the perceived need for close-out inspections at facilities eliminated after entry into force?

Article X, Paragraph 9:

If a Party intends to convert a missile operating base listed in the Memorandum of Understanding for use as a base associated with GLBM or GLCM systems not subject to this Treaty, then that Party shall notify the other Party, no less than 30 days in advance of the scheduled date of the initiation of the conversion, of the scheduled date and the purpose for which the base will be converted.

Comment: It seems intended, but is not made explicit, that a missile operating base must be "eliminated" before it can be converted for the use of a non-limited GLBM or GLCM. This possible ambiguity takes on special importance given that the Treaty allows the Soviets to retain such structures as multi-bay garages and other SS-20-related items at "eliminated" operating bases.

ARTICLE XI—VERIFICATION: INSPECTION PROVISIONS

The utility of this inspection regime is limited by the fact that it does not provide any right to conduct short-notice, on-site inspections at suspect sites, i.e., sites other than declared (or formerly declared) facilities. Thus, all of the effort described in this article is directed only at those places that the Soviets have in fact listed and thus chosen to make subject to inspection.

Article XI, Paragraph 3:

Beginning 30 days after entry into force of this Treaty, each Party shall have the right to conduct inspections at all missile operating bases and missile support facilities specified in the Memorandum of Understanding other than missile production facilities, and at all elimination facilities included in the initial data update required by paragraph 3 of Article IX of this Treaty. These inspections shall be completed no later than 90 days after entry into force of this Treaty. The purpose of these inspections shall be to verify the number of missiles, launchers, support structures and support equipment and other data, as of the date of entry into force of this Treaty, provided pursuant to paragraph 3 of Article IX of this Treaty.

Comment: If a facility is not included in the updated data base to be provided 30 days after the Treaty's entry into force (which Article X.8 says it need not be if it is "eliminated" prior to entry into force), do we still have the right to inspect it? On the one hand, this provision is said to apply to all facilities listed in the Memorandum of Understanding, but, on the other, the purpose of the inspections it authorizes is said to be the verification of the data in the updated data base. A related ambiguity is discussed under paragraph 5(b) of this Article.

Article XI, Paragraph 5:

Each Party shall have the right to conduct inspections pursuant to this paragraph for 13 years after entry into force of this Treaty. Each Party shall have the right to conduct 20 such inspections per calendar year during the first three years after entry into force of this Treaty, 15 such inspections per calendar year during the subsequent five years, and ten such inspections per calendar year during the last five years. Neither Party shall use more than half of its total number of these inspections per calendar year within the territory of any one basing country. Each Party shall have the right to conduct:

(a) inspections, beginning 90 days after entry into force of this Treaty, of missile operating bases and missile support facilities other than elimination facilities and missile production facilities, to ascertain, according to the categories of data specified in the Memorandum of Understanding, the numbers of missiles, launchers, support structures and support equipment located at each missile operating base or missile support facility at the time of the inspection; and

(b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of Article X of this Treaty other than former missile production facilities.

Comment: Subparagraph (b) provides the right to inspect former missile operating bases and support facilities "eliminated pursuant to paragraph 8 of Article X." This right constitutes a major element of the entire inspection regime. Its value, however, could be severely limited depending on how one interprets the ambiguous term "pursuant to." In particular, the question is: Is a site that has been "considered to be eliminated" under the last sentence of Article X.8 ipso facto deemed eliminated "pursuant to" that paragraph? If not, then the Soviets can severely limit the value of this inspection right by "eliminating" as many sites as possible prior to entry into force of the Treaty. This problem would be solved if the Parties agreed to add the following sentence to the end of subparagraph (b): "Any site considered to be eliminated under Article X, Paragraph 8 shall be deemed eliminated pursuant to Article X, Paragraph 8."

This section's negotiating history needs to be carefully reviewed. In particular, what is the rationale for the diminishing quota of inspections?

Article XI, Paragraph 6:

Beginning 30 days after entry into force of this Treaty, each Party shall have the right, for 13 years after entry into force of this Treaty, to inspect by means of continuous monitoring:

(a) the portals of any facility of the other Party at which the final assembly of a GLBM using stages, any of which is outwardly similar to a stage of a solid-propellant GLBM listed in Article III of this Treaty, is accomplished; or

(b) if a Party has no such facility, the portals of an agreed former missile production facility at which existing types of intermediate-range or shorter-range GLBMs were produced.

The Party whose facility is to be inspected pursuant to this paragraph shall ensure that the other Party is able to establish a permanent continuous monitoring system at that facility within six months after entry into force of this Treaty or within six months of initiation of the process of final assembly described in subparagraph (a). If, after the end of the second year after entry into force of this Treaty, neither Party conducts the process of final assembly described in subparagraph (a) for a period of 12 consecutive months, then neither Party shall have the right to inspect by means of continuous monitoring any missile production facility of the other Party unless the process of final assembly as described in subparagraph (a) is initiated again. Upon entry into force of this Treaty, the facilities to be inspected by continuous monitoring shall be: in accordance with subparagraph (b), for the United States of America, Hercules Plant Number 1, at Magna, Utah; in accordance with subparagraph (a), for the Union of Soviet Socialist Republics, the Votkinsk Machine Building Plant, Udmurt Autonomous Soviet Socialist Republic, Russian Soviet Federative Socialist Republic.

Comment: This provision establishes the asymmetrical monitoring rights discussed in connection with Article VI.2 and VII.10.

ARTICLE XII—VERIFICATION: NATIONAL TECHNICAL MEANS

Article XII, Paragraph 2:

Neither Party shall:

(a) interfere with national technical means of verification of the other Party . . .; or

(b) use concealment measures which impede verification of compliance with the provisions of this Treaty by national technical means of verification carried out in accordance with paragraph 1 of this Article. This obligation does not apply to cover or concealment practices, within a deployment area, associated with normal training, maintenance and operations, including the use of environmental shelters to protect missiles and launchers.

Comment: Given the fact that the Soviets have in the past not complied with the corresponding non-interference provisions of other treaties, there is reason to doubt the value of this provision.

Article XIII, Paragraph 3:

To enhance observation by national technical means of verification, each Party shall have the right until a Treaty between the Parties reducing and limiting strategic offensive arms enters into force, but in any event for no more than three years after entry into force of this Treaty, to request the implementation of cooperative measures at deployment bases for road-mobile GLBMs with a range capability in excess of 5500 kilometers, which are not former missile operating bases eliminated pursuant to paragraph 8 of Article X of this Treaty. The Party making such a request shall inform the other Party of the deployment base at which cooperative measures shall be implemented. The Party whose base is to be observed shall carry out the following cooperative measures:

(a) no later than six hours after such a request, the Party shall have opened the roofs of all fixed structures for launchers located at the base, removed completely all missiles on launchers from such fixed structures for launchers and displayed such missiles on launchers in the open without using concealment measures; and

(b) the Party shall leave the roofs open and the missiles on launchers in place until twelve hours have elapsed from the time of the receipt of a request for such an observation.

Each Party shall have the right to make six such requests per calendar year. Only one deployment base shall be subject to these cooperative measures at any one time.

Comment: We can expect that this provision will be hailed as a major accomplishment in the field of cooperative verification measures. While it does represent a new approach—one designed to obviate on-site inspection of certain suspect facilities—it does not under the circumstances accomplish its purpose, namely to allow us to monitor SS-25 bases to check whether SS-20s have been deployed there in violation of the Treaty. But Subparagraph 3(a) in effect affords the Soviets six hours in which to remove from a challenged site any illegally deployed SS-20s. Given that the SS-20 is a mobile missile designed to be movable upon short notice, it is unreasonable to suppose that, if the Soviets decided to cheat in this manner, they would not be able to effect a timely removal of the SS-20s after a challenge.

Other issues that merit attention in this regard include:

What is the value of this provision relative to the value of the short-notice, on-site inspection regime the United States was proposing up till the final days of the Treaty negotiations? It is noteworthy that, although the United States in the INF negotiations dropped its insistence on on-site inspection of suspect facilities, the Gorbachev-Reagan Summit Statement commits the Soviets to agree to procedures for such inspections in the START agreement. With this commitment in hand, perhaps the United States can now find a way to use it to strengthen the verification regime in the INF Treaty.

Does the negotiating record reflect some understanding about what a fixed structure for a launcher is, and indicate what would happen in the event new fixed structures for launchers appeared which did not have openable roofs? Is it physically possible for the Soviets to open the roofs of all fixed structures at SS-25 bases which are capable of containing SS-20 launchers? What about maintenance facilities, other garages, etc. in which a launcher could be located?

Does the Soviet obligations to show us the "missiles" on SS-25 launchers mean simply that we will be allowed to observe the SS-25 canister which will be judged (applying the standard INF Treaty counting rules) to contain an SS-25 and not an SS-20, or does it constitute an obligation to display the missiles removed from their canisters? If not, what value would this provision have as an aid to verification?

ARTICLE XIII—RESOLUTION OF COMPLIANCE ISSUES

Article XIII, Paragraph 1:

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verification Commission to:

(a) resolve questions relating to compliance with the obligations assumed; and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

Comment: Given the poor record of the Standing Consultative Commission established under SALT I in resolving serious concerns about Soviet violations of past treaties, it is unclear on what basis one should expect the Special Verification Commission established by this paragraph to do better.

It is also unclear what types of "measures . . . to improve the viability and effectiveness of the Treaty" are envisioned that the parties will agree upon pursuant to subparagraph 1(b). It should be ascertained whether this provision can be used to circumvent the amendment process (described in Article XVI), which properly requires that any proposed amendments to the Treaty be submitted to the Senate for its advice and consent.

ARTICLE XIV—NON-CIRCUMVENTION

The Parties shall comply with this Treaty and shall not assume any international obligations or undertaking which would conflict with its provisions.

Comment: The fundamental question about this provision is: Does it create any obligations over and above those contained in other parts of the Treaty? If not, then it merely emphasizes the Parties' commitment to comply with the Treaty, and, from a legal point of view, is surplusage. We assume that the Administration takes the latter position. However, under international law, if there is a question regarding the interpretation of a Treaty provision, then a reading which entails the creation of an additional obligation of the Parties is presumed correct as opposed to one that regards it as redundant (or "surplusage"). Consequently, if the Administration regards this provision as surplusage, then it must be clearly established now that the parties deem it as such in order to defeat the legal presumption that would otherwise apply. If this is not accomplished, then the provision could be cited as barring various Western defense efforts that, while not prohibited by the Treaty's terms, are said to be somehow "in conflict with" them.

ARTICLE XV—DURATION

Article XV, Paragraph 1:

This Treaty shall be of unlimited duration.

Comment: Although the Treaty is of unlimited duration, the inspection rights it grants last for only 13 years (3 years in the case of the verification enhancement provisions relative to SS-25 bases, possibly less for portal monitoring at Votkinsk under certain circumstances). The working assumption seems to have been that a START Treaty would be signed within 3 years. Should a START Treaty not be signed in that period, should thought be given to ensuring that the verification regime for this Treaty will be extended?

ARTICLE XVI—AMENDMENTS

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures set forth in Article XVII governing the entry into force of this Treaty.

Comment: See the comment on Article XIII.1(b) concerning the potential uses of the Special Verification Commission to circumvent the requirement that all amendments be submitted to the Senate for its advice and consent.

Signature section

* * *

Done at Washington on December 8, 1987, in two copies, each in the English and Russian languages, both texts being equally authentic.

Comment: Given the haste with which the final texts were prepared, and in view of the significant difficulties we have had in the past with divergent translations being cited as a pretext for Soviet behavior we judged to be inconsistent with their commitments, a careful review of the consistency of the two texts is in order.

Postscript on the Preamble

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Conscious that nuclear war would have devastating consequences for all mankind,

Guided by the objective of strengthening strategic stability,

Convinced that the measures set forth in this Treaty will help to reduce the risk of outbreak of war and strengthen international peace and security, and

* * *

Have agreed as follows:

Though preambular language is often dismissed as having little significance, it can have a bearing on public attitudes about the subject matter of the Treaty and on questions of Treaty interpretation. It is troubling that the preamble here focuses on the threat of nuclear war rather than the threat of war in general. Any major European war would have devastating consequences. The focus on the special threat from nuclear weapons lends itself to use as a criticism of NATO's flexible response policy, which entails reliance on nuclear weapons as a deterrent against aggression.

The preamble implies that the elimination of nuclear weapons as such enhances strategic stability. This could have dangerous effects on attitudes toward the remaining nuclear weapons in Europe and toward strategic arms, all of which are critical to Alliance security—indeed, more critical in the aftermath of the INF Treaty than before.

ELIMINATION PROTOCOL

INTRODUCTION

This protocol specifies the categories of items associated with Treaty-limited systems that the Parties agree to eliminate and the procedures that will be deemed to constitute "elimination." Two points merit particular attention: First, the Parties have agreed that not all the equipment or facilities associated with Treaty-limited missiles are to be eliminated. Second, they agreed that some of the items to be "eliminated" are not actually to be destroyed but simply modified or altered in designated ways so as to allow them to be used for other purposes.

SECTION I

Section I, Paragraph 4:

For both Parties, all stages of intermediate-range and shorter-range GLBMs shall be subject to elimination.

Comment: Notwithstanding this provision, the Soviets are permitted by the Treaty (see Article VI.2) not only to retain but even to produce the first stage of the intercontinental SS-25, which is virtually identical to that of the first stage of the SS-20. Article VI.2 of the Treaty vitiates this section of the Elimination Protocol as far as a key element of the most important Soviet INF system is concerned.

SECTION II

Section II, Paragraph 3:

Prior to a missile's arrival at the elimination facility, its nuclear warhead device and guidance elements may be removed.

Comment: This provision spares from elimination the nuclear warheads of the Treaty-limited INF missile systems. Given the serious concerns on the U.S. side about whether there could be effective verification of nuclear warhead destruction and whether important net intelligence benefits would flow to the Soviets from measures to verify such destruction and, given the Parties' apparently mutual interest in recovering and recycling warhead materials, this provision seems on balance to be desirable.

Section II, Paragraph 4:

Each Party shall select the particular technological means necessary to implement the procedures required in paragraphs 10 and 11 of this Section and to allow for on-site inspection of the conduct of the elimination procedures required in paragraph 10 of this Section in accordance with Article XI of the Treaty, this Protocol and the Protocol on Inspection.

Comment: What is involved in allowing the inspected party to "select the technological means necessary . . . to allow for on-site inspection of the conduct of the elimination procedures"? Is it clear that this right cannot be used to hinder the ability of the inspecting party to conduct a useful inspection?

Section II, Paragraph 7:

A missile stage being eliminated by burning in accordance with the procedures set forth in paragraph 10 of this Section shall not be instrumented for data collection. Prior to the initiation of the elimination procedures set forth in paragraph 10 of this Section, an inspector from the inspecting Party shall confirm that such missile stages are not instrumented for data collection. Those missile stages shall be subject to continuous observation by such an inspector from the time of that inspection until the burning is completed.

Comment: It is unclear whether we can have confidence that the Soviets are complying with this provision.

Section II, Paragraph 10: The specific procedures for the elimination of the items of missile systems listed in paragraph 1 of this Section shall be as follows, unless the Parties agree upon different procedures to achieve the same result as the procedures identified in this paragraph:

For the Pershing II:

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis; and

(d) launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

For the SS-20:

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis;

(d) mountings of erector-launcher mechanism and launcher leveling supports shall be cut off launcher chassis;

(e) launcher leveling supports shall be cut at locations that are not assembly joints into two pieces of approximately equal size; and

(f) a portion of the launcher chassis, at least 0.78 meters in length, shall be cut off aft of the rear axle.

Comment: The procedures "eliminating" SS-20 and other Soviet launchers have been designed to leave them useful to a certain extent. They contrast with the elimination regime applicable to comparable U.S. systems (i.e., the Pershing I's and II's) which requires a cutting up of the systems into halves. The significance of this discriminatory arrangement is discussed in the comments on Article IV.1 of the Treaty.

PROTOCOL ON INSPECTION

INTRODUCTION

This protocol details the rights and responsibilities of the Parties with respect to the inspections called for in the INF Treaty and its associated documents.

SECTION III

Section III, Paragraph 7:

Without prejudice to their privileges and immunities, inspectors and aircrew members shall be obliged to respect the laws and regulations of the State on whose territory an inspection is carried out and shall be obliged not to interfere in the internal affairs of that State. In the event the inspected Party determines that an inspector or aircrew member of the other Party has violated the conditions governing inspection activities set forth in this Protocol, or has ever committed a criminal offense on the territory of the inspected Party or a basing country, or has ever been sentenced for commiting a criminal offense or expelled by the inspected Party or a basing country, the inspected Party making such a determination shall so notify the inspecting Party, which shall immediately strike the individual from the lists of inspectors or the list of aircrew members. If, at that time, the individual is on the territory of the inspected Party or a basing country, the inspecting Party shall immediately remove that individual from the country.

Comment: There are two types of problems relating to this provision. First, the obligation of inspectors "to respect the laws and regulations of the [inspected] State" appears to offer the Soviets the opportunity to circumscribe narrowly the on-site activities of U.S. inspectors. Carrying out the legitimate functions of an inspection (e.g., demanding access to areas off-limits to individuals without necessary clearances) could be characterized as a failure to respect the laws and regulations of the inspected Party. Moreover, this paragraph permits the parties great latitude in deciding whether to expel an inspector.

Second, there is the larger question of ensuring that the inspectors will be able to operate in the Soviet Union in the intended manner and without personal risk. There have been problems in other contexts with Soviet treatment of U.S. (and other Western) inspectors (e.g., when Soviet troops in 1985 insisted on restricting the activity of—and ultimately killing—Major Nicholson, who was serving in East Germany as an inspector under the Four-Power Military Liaison Mission agreement which was concluded in the late 1940s). Have the Parties arrived at any understanding on how to resolve disputes about the proper bounds of the inspectors' activities so that incidents like the shooting of Major Nicholson will not occur?

SECTION IV

Section IV, Paragraph 5:

Either Party may change the point or points of entry to the territories of the countries within which its deployment areas, missile operating bases or missile support facilities are located, by giving notice of such change to the other Party. A change in a point of entry shall become effective five months after receipt of such notification by the other Party.

Comment: This paragraph appears to give the Soviets the right to make a unilateral change in the point of entry into the German Democratic Republic. This issue—a highly sensitive matter dating back to the earliest days of the Four Power occupation of Germany—gave rise to particularly difficult negotiating during the last days of the INF Treaty negotiations. The result was Soviet agreement to name an airport other than Berlin-Schoenefeld (which the United States regards as a part of Berlin and hence subject to Four Power control) as the point of entry into the GDR. If the Soviets have given private assurances that they will not use this paragraph to change the point of entry to Berlin-Schoenefeld, it would be desirable to make them part of the record, lest this subject cause needless friction in the future between the FRG and its friends in the West.

SECTION V

Several paragraphs under Sections V and VI of this Protocol give the inspected Party wide powers to influence the inspection process, e.g., the right to appoint in-country escorts with wide powers; to control in-country transportation; to provide telephonic communications for the inspectors' use; to specify "safety regulations" that the inspectors must observe, etc.

Can the U.S. prevent the Soviets from exploiting these provisions to frustrate effective inspection? What lessons were learned about likely Soviet behavior in the course of such inspections from the visit to Gomel?

Section V, Paragraph 4:

Equipment and supplies which the inspecting Party brings into the country in which an inspection site is located shall be subject to examination at the point of entry each time they are brought into that country. This examination shall be completed prior to the departure of the inspection team from the point of entry to conduct an inspection. Such equipment and supplies shall be examined by the in-country escort in the presence of the inspection team members to ascertain to the satisfaction of each Party that the equipment and supplies cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country where the inspection is conducted. Storage of the inspecting Party's equipment and supplies at each point of entry shall be within tamper-proof containers within a secure facility. Access to each secure facility shall be controlled by a "dual key" system requiring the presence of both Parties to gain access to the equipment and supplies.

Comment: Equipment and supplies brought in by inspection team may be examined by the "in-country escort" in order "to ascertain to the satisfaction of each Party that [they] cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established [query: by whom?] upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded. . . ."

The Parties cannot intend that this language be taken literally. Any kind of inspection equipment can perform functions "unconnected" with the Treaty; e.g., a camera can take pictures of things other than limited missiles and launchers. Presumably what is meant is that equipment will not be cleared for use if it cannot perform any functions connected with the Treaty. This would be worth clarifying with the Soviets.

Section V, Paragraph 5:

Throughout the in-country period, the inspected Party shall provide, or arrange for the provision of, meals, lodging, work space, transportation and, as necessary, medical care for the inspection team and aircrew of the inspecting Party. All the costs in connection with the stay of inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty, on the territory of the inspected Party, including meals, services, lodging, work space, transportation and medical care shall be borne by the inspecting Party.

Comment: This provision, as well as other provisions which envisage that the Soviets will supply services for U.S. inspectors and bill the United States for them, should be evaluated in the light of our experience with similar arrangements in connection with the construction of the new U.S. Embassy in Moscow.

Use in-country of host aircraft for transport to inspection sites conflicts with policy statements made following agreement at the Conference on Disarmament in Europe that the precedent established in that accord for host-aircraft use would not be applied to further, "serious" arms control agreements. This has possibly still more unsatisfactory implications for the START negotiations.

SECTION VI

Section VI, Paragraph 3:

In discharging their functions, inspectors shall not interfere directly with on-going activities at the inspection site and shall avoid unnecessarily hampering or delaying the operation of a facility or taking actions affecting its safe operation.

What is the implication of this "non-interference" provision for the "stand-downs" (pursuant to Section VII.1) needed to give the on-site inspectors an opportunity to assess what is at the site? Will inspectors be able to enforce the rules requiring that missiles, launchers, etc., not be moved during the pre-inspection period?

Section VI, Paragraph 6:

Inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty shall be allowed to travel within 50 kilometers from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected Party, shall be accompanied by the in-country escort. Such travel shall be taken solely as a leisure activity.

Comment: The intelligence by-products of this provision will not be the same for the two Parties. While it appears that nothing of importance lies within 50 kilometers of Votkinsk, Salt Lake City, an increasingly important commerical and defense center, lies well within the range of "of duty" Soviet inspectors.

Section VI, Paragraph 7:

Inspectors shall have the right throughout the period of inspection to be in communication with the embassy of the inspecting Party located within the territory of the country where the inspection is taking place using the telephone communications provided by the inspected Party.

Comment: This provision, requiring the use of host-country communications systems, may allow the Soviets to hinder effective inspection by U.S. personnel. It gives the Soviets the opportunity to deny U.S. personnel secure communications (or any at all) with their government while in the USSR.

Section VI, Paragraph 9:

The inspection team may bring onto the inspection site such documents as needed to conduct the inspection, as well as linear measurement devices; cameras; portable weighing devices; radiation detection devices; and other equipment, as agreed by the Parties. The characteristics and method of use of the equipment listed above, shall also be agreed upon within 30 days after entry into force of the Treaty. During inspections conducted pursuant to paragraphs 3, 4, 5(a), 7 or 8 of Article XI of the Treaty, the inspection team may use any of the equipment listed above, except for cameras, which shall be for use only by the inspected Party at the request of the inspecting Party. During inspections conducted pursuant to paragraph 5(b) of Article XI of the Treaty, all measurements shall be made by the inspected Party at the request of the inspecting Party. At the request of inspectors, the in-country escort shall take photographs of the inspected facilities using the inspecting Party's camera systems which are capable of producing duplicate, instant development photographic prints. Each Party shall receive one copy of every photograph.

Comment: This provision requires agreement within 30 days of entry into force of the Treaty on the "characteristics and method of use of" equipment brought by inspection teams. Given that the "initial" inspections (pursuant to Article XI.3 of the Treaty) are to start 30 days after entry into force (and to be finished 60 days thereafter), it is necessary that such agreement be reached promptly; will the fact that these discussions will be going on under such great time pressure create a problem for us? Why were these matters not agreed to before Treaty signature?

Section VI, Paragraph 14:

For inspections pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, pre-inspection procedures, including briefings and safety-related activities, shall begin upon arrival of the inspection team at the inspection site and shall be completed within one hour. The inspection team shall begin the inspection immediately upon completion of the pre-inspection procedures. The period of inspection shall not exceed 24 hours, except for inspections pursuant to paragraphs 6, 7 or 8 of Article XI of the Treaty. The period of inspection may be extended, by agreement with the in-country escort, by no more than eight hours. Post-inspection procedures, which include completing the inspection report in accordance with the provisions of Section XI of this Protocol, shall begin immediately upon completion of the inspection and shall be completed at the inspection site within four hours.

Comment: The inspections under Treaty Article XI, Paragraphs 3-5 (i.e., the bulk of the inspections provided for in this Treaty, except for the permanent portal monitoring) are limited in duration to 24 hours. This creates an incentive for the Soviets to delay and quibble. What recourse will the United States have if its inspectors are subjected to dilatory maneuvers?

SECTION VII

Section VII, Paragraph 1:

Within one hour after the time for the specification of the inspection site notified pursuant to paragraph 1(a) of Section IV of this Protocol, the inspected Party shall implement pre-inspection movement restrictions at the inspection site, which shall remain in effect until the inspection team arrives at the inspection site. During the peirod that pre-inspection movement restrictions are in effect, missiles stages of such missiles, launchers or support equipment subject to the Treaty shall not be removed from the inspection site.

Comment: Pre-inspection movement limitations are to be imposed within one hour of notification of the specific site to be inspected; will it be possible to verify that such a "stand-down" order has been issued on behalf of the inspecting Party by the inspected Party and that that order has been obeyed? See comments on Section VI.3 of this Proctocol.

Section VII, Paragraph 8:

A missile, a stage of such a missile or a launcher subject to the Treaty shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a missile, stage of such a missile or launcher. A container that the inspected Party declares to contain a missile or stage of a missile subject to the Treaty, and which is not sufficiently large to be capable of containing more than one missile or stage of such a missile of the inspected Party subject to the Treaty, shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a container to confirm that it cannot contain more than one missile or stage of such a missile of the inspected Party subject to the Treaty. Except as provided for in paragraph 14 of this Section, a container that is sufficiently large to contain a missile or stage of such a missile of the inspected Party subject to the Treaty that the inspected Party declares not to contain a missile or stage of such a missile subject to the Treaty shall be subject to inspection only by means of weighing or visual observation of the interior of the container, as necessary, to confirm that it does not, in fact, contain a missile or stage of such a missile of the inspected Party subject to the Treaty. If such a container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

Comment: The last sentence will allow the Soviets (except at Votkinsk) to declare any suspicious canister to be a canister for an SS-25 (or for some other non-limited missile) and, it appears, we will be unable to look inside it, weight it or x-ray it. As a result of this provision, the Soviets could keep any number of undeclared SS-20s in SS-25 canisters.

Section VII, Paragraph 9:

A structure or container that is not sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty shall be subject to inspection only by external visual observation including measuring, as necessary, the dimensions of such a structure or container to confirm that it is not sufficiently large to be capable of containing a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty.

Comment: It is unclear how small a structure or container must be in order for this provision to exempt it from inspection other than by external visual observation. For instance, it is not clear whether the counting rules of Treaty Article VII.10 apply to this provision and, if so, how.

Section VII, Paragraph 10:

Within a structure, a space which is sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, but which is demonstrated to the satisfaction of the inspection team not to be accessible by the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty shall not be subject to further inspection. If the inspected Party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, such an enclosed space shall not be subject to further inspection.

Comment: The language of this provision is not clear. Does the prohibition on further inspections apply only to the inspection then underway, or would it apply to subsequent inspections of the same facility, as well? In the latter case, would it be overridden by any evidence that a party has increased the dimensions of the space so that it could now contain a Treaty-limited item?

Section VII, Paragraph 14:

During an inspection conducted pursuant to paragraph 5(b) of Article XI of the Treaty, it shall be the responsibility of the inspected Party to demonstrate that a shrouded or environmentally protected object which is equal to or larger than the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty is not, in fact, a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty. This may be accomplished by partial removal of the shroud or environmental protection cover, measuring, or weighing the covered object or by other methods. If the inspected Party satisfies the inspection team by its demonstration that the object is not a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, then there shall be no further inspection of that object. If the container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, then it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

Comment: Rules about inspecting containers, shrouded objects, etc. have the following anomaly: as noted in connection with paragraph 8 above, if the inspected Party declares that a given container is a launch container for an unlimited missile, then said container is subject to a less stringent inspection regime.

SECTION VIII

Section VIII, Paragraph 1:

Inspections of the process of elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 7 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in this paragraph and the Protocol on Elimination.

* * *

(c) Subject to paragraphs 3 and 11 of Section VI of this Protocol, inspectors shall observe the execution of the specific procedures for the elimination of the items of missile systems as provided for in the Protocol on Elimination. If any deviations from the agreed elimination procedures are found, the inspectors shall have the right to call the attention of the in-country escort to the need for strict compliance with the above-mentioned procedures. The completion of such procedures shall be confirmed in accordance with the procedures specified in the Protocol on Elimination.

Comment: Exactly what does the "right to call the attention of the in-country escort to the need for strict compliance" with the inspection protocols procedures means?

Section VIII, Paragraph 2:

Inspections of the elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 8 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in Section II, IV or V of the Protocol on Elimination or as otherwise agreed by the Parties.

Comment: The Protocol contains no inspection rules for inspections of elimination of training missiles and launchers.

SECTION IX

The precedents established in this Treaty for continuous monitoring will be important for START. They should be rigorously assessed in that light.

Section IX, Paragraph 1:

The inspected Party shall maintain an agreed perimeter around the periphery of the inspection site and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall exit only through this portal.

Comment: The last sentence of this paragraph, as well as other paragraphs of this Section, apparently incorporates the fundamental inequality caused by the counting rule (Article VII.10 of the Treaty) according to which a Pershing II first stage counts as a whole missile, while only a full-up missile or its canister counts as an SS-20 on the Soviet side. In other words, all U.S. vehicles and containers large enough to contain a Pershing II first stage (length 3.7 meters) will be subject to inspection at the Magna facility's portal while only those as large as (or larger than) an entire SS-20 (length 16.5 meters) will be subject to inspection at the Votkinsk gate.

Furthermore, it is not clear whether there is agreement as to what constitutes an "agreed perimeter." Is there an accord reflecting certain minimum Soviet security standards, or are we making assumptions about the character and quality of such standards based on past practice?

Section IX, Paragraph 13:

Vehicles exiting through the portal specified in paragraph 1 of this Section that are large enough and heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party but that are declared not to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

* * *

(c) If inside a vehicle there are one or more containers or shrouded objects large enough to be or to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, it shall be the responsibility of the inspected Party to demonstrate that such containers or shrouded objects are not and do not contain intermediate-range GLBMs or the longest stages of such GLBMs of the inspected Party.

Comment: What does "responsibility . . . to demonstrate" means? To inspectors' satisfaction? What is the significance of this choice of words when elsewhere the requirement is spelled out with specificity?

Section IX, Paragraph 14:

Vehicles exiting through the portal specified in paragraph 1 of this Section that are declared to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

* * *

(c) The inspecting Party shall have the right to weigh and measure the dimensions of any launch canister or of any shipping container declared to contain such a missile or missile stage and to image the contents of any launch canister or of any shipping container declared to contain such a missile or missile stage; it shall have the right to view such missiles or missile stages contained in launch canisters or shipping containers eight times per calendar year. The in-country escort shall be present during all phases of such viewing. During such interior viewing:

(i) the front end of the launch canister or the cover of the shipping container shall be opened; (ii) the missile or missile stage shall not be removed from its launch canister or shipping container; and

(iii) the length and diameter of the stages of the missile shall be measured in accordance with the methods agreed by the Parties so as to ascertain that the missile or missile stage is not an intermediate-range GLBM of the inspected Party, or the longest stage of such a GLBM, and that the missile has no more than one stage which is outwardly similar to a stage of an existing type of intermediate-range GLBM.

Comment: The last sentence suggests that the Parties now know of some non-intrusive and non-damaging way to discriminate between the largest stage of the SS-20 and that of the SS-25. Is this the case? What is this technology? Is it currently available? What is its assessed reliability?

By what mechanisms are the Parties to agree to the methods for measuring SS-20/25 stages at Votkinsk? Do they include the non-damaging image producing equipment mentioned in Section IX.6? If so, why not say so? If the Soviets have not yet agreed that the methods to be used include such equipment, this lack of agreement should be noted.

SECTION X

An inspection shall be cancelled if, due to circumstances brought about by force majeure, it cannot be carried out. In the case of a delay that prevents an inspection team performing an inspection pursuant to paragraphs 3, 4 or 5 of Article XI of the Treaty, from arriving at the inspection site during the time specified in paragraph 2 of Section VII of this Protocol, the inspecting Party may either cancel or carry out the inspection. If an inspection is cancelled due to circumstances brought about by force majeure or delay, then the number of inspections to which the inspecting Party is entitled shall not be reduced.

Comment: This section foresees the possibility of a delay that prevents the inspecting Party from arriving at the inspection site within the 9 hour period specified in Section VII.2. The inspecting Party may cancel (and not have an aborted inspection count against its quota) or continue anyway (and presumably have to be an all-purpose loophole; the inspecting Party has an incentive to cancel since the presumably less worthwhile, delayed inspection still counts against the quota; even if it does not, the inspected Party will have been able to hide anything it wishes before the delayed inspection occurs. (Note that "delay" is distinguished from a force majeure circumstance in which the inspection presumably cannot be carried out at all.)

SECTION XI

Section XI, Paragraph 1:

For inspections conducted pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, during post-inspection procedures, and no later than two hours after the inspection has been completed, the inspection team leader shall provide the in-country escort with a written inspection report in both the English and Russian languages. The report shall be factual. It shall include the type of inspection carried out, the inspection site, the number of missiles, stages of missiles, launchers and items of support equipment subject to the Treaty observed during the period of inspection and any measurements recorded pursuant to paragraph 10 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures, as well as the inspection site diagram provided for by paragraph 6 of Section VII of this Protocol, shall be attached to this report.

Comment: The written inspection report is to be provided to the in-country escort within 2 hours of the completion of the inspection. This hardly allows for any serious analysis of observations. It seems to assume that the inspection report will simply verify the inspected Parties' information.

In any case, it should be made clear that failure to list an anomaly in the inspection report will not prevent the inspecting Party from raising the issue subsequently, either in the Special Verification Commission or elsewhere.

Section XI, Paragraph 2:

For inspection activities conducted pursuant to paragraph 6 of Article XI of the Treaty, within 3 days after the end of each month, the inspection team leader shall provide the in-country escort with a written inspection report both in the English and Russian languages. The report shall be factual. It shall include the number of vehicles declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party that left the inspection site through the portal specified in paragraph 1 of Section IX of this Protocol during that month. The report shall also include any measurements of launch canisters or shipping containers contained in these vehicles recorded pursuant to paragraph 11 of Section VI of this Protocol. In the event the inspecting Party, under the provisions of paragraph 14(c) of Section IX of the Protocol, has viewed the interior of a launch canister or shipping container declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest state of such a GLBM of the inspected Party, the report shall also include the measurements of the length and diameter of missile stages obtained during the inspection and recorded pursuant to paragraph 11 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures shall be attached to this report.

Comment: In addition to the aforementioned shortcomings of this Section, a further mechanical one merits mention. The problem of having competent translation and conforming of report texts performed under the time pressures stipulated here is not a trivial one. If these reports take on the importance one might expect, then having them done properly and consistently may prove to be as daunting a task as ensuring that they are technically sound.

MEMORANDUM OF UNDERSTANDING REGARDING INF DATA

Serious questions can be—and have been—raised about the accuracy of the data provided by the Soviets in this MOU. This is a matter that can be explored usefully and properly only through an examination of classified estimates and analyses.

However, it should be noted that the State Department stated in the Spring of 1987 that:

In addition to the approximately 400 SS-20 missiles now deployed, there may be as many as 200-400 (or more) such missiles in the USSR's inventory.

Thus, it would seem that our intelligence estimates on these matters fall within a wide range of uncertainty. It is also the case that our estimates have, for some time, been a matter of public record. Consequently, we should not take particular comfort from the contention that the Soviet-provided data fall within that range.●

THE HAZARDOUS WASTE REDUCTION ACT

● Mr. D'AMATO. Mr. President, I am pleased to join so many of my colleagues in cosponsoring the Hazardous Waste Reduction Act, S. 1429.

This country is en route to a waste management crisis. Hazardous waste, which this legislation addresses, is only the tip of the iceberg. The public became aware of the impending waste management crisis last year as a result of the plight of the infamous New York garbage barge. The odyssey of the garbage barge received a great deal of attention in the media. Many observers took a tongue-in-cheek approach. While this matter is anything but funny, the humor has served a useful purpose by focusing attention on what is a very serious problem.

Hazardous wastes pose very serious environmental as well as health and public safety problems. Our Nation produces an overabundance of hazardous waste each year. The Office of Technology Assessment has estimated that we produce over 250 million tons of hazardous waste each year. In New York State, there are 850 large and 4,000 small generators of hazardous waste which produce 40 million tons every year. The Governor is currently pursuing initiatives to induce these generators to reduce the amount of waste that they produce.

Hazardous waste management is a problem for all States and is one that requires Federal guidance. S. 1429 represents a major Federal initiative in providing that guidance. It establishes a clearinghouse to collect and analyze data about waste reduction so that full advantage can be taken of the efforts already in operation * * * such as those currently being undertaken in New York.

The bill also will make matching grants available to States to invest in innovative waste reduction problems through technical assistance and seed grants to small and medium-sized businesses. Another provision in the legislation is a requirement to report to Congress every 2 years on progress toward industrial waste reduction practices and opportunities on an industry-by-industry basis.

It is imperative that we take decisive action to head off the impending waste management crisis. I believe that S. 1429 is an essential step in that process. I urge my colleagues to fully consider this vital legislation and to promote its swift passage.●

INFORMED CONSENT: NORTH CAROLINA

● Mr. HUMPHREY. Mr. President, I ask that the letters of two women in North Carolina be entered into the CONGRESSIONAL RECORD. These women have had abortions and support the principle that informed consent should be given prior to the performance of an abortion. Lynne Latham states that she had little information upon which to base this important decision. She knew that the Supreme Court had given her the right to an abortion. She thought that it was just a "simple and safe procedure." She did not know that she would suffer physical pain and emotional scars. No one told her that the doctor would have to count the body parts of the fetus to be sure that the process was completed.

I urge my colleagues to support S. 272 and S. 273 which will require abortionists to secure informed consent. These measures are necessary to prevent similar tragedies from recurring.

The letters follow:

MARCH 1987.

DEAR SENATOR HUMPHREY: Please continue your efforts to see that women are adequately informed of the dangers of abortion. Nine years ago, I underwent an early abortion by suction curettage on a pregnancy of 12 weeks. I was never informed of any risks. I experienced severe emotional aftershocks that required me to be hospitalized. Also, I was damaged physically by my "safe" and legal abortion.

During the procedure, my cervix was damaged and that caused problems in my later pregnancies (my abortion was on my first one). My next 3 children were born prematurely and the first one died because of complications that commonly affect premature babies. My other 2 survived, but required special care. In addition, I also suffered a subsequent miscarriage at 12 weeks.

I have read several studies that indicate that there are indeed risks related to abortion. Women are being lied to and exploited by the abortion advocates who don't really care about a woman's right to choice or her well being. If they did, they would be allowing women to make informed choices and possibly never recommending abortion at all!

KATHY BERKOWITZ.

WINSTON-SALEM, N.C.

MARCH 1, 1987.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: I am writing this letter in the hope that someday it will help a woman deal with a crisis pregnancy. Please feel free to use my real name in any publication in which this may appear.

Six years ago, I was a college student in Oxford, OH and found myself faced with a terrifying decision. I was pregnant by the man I was engaged to marry. In most cases, this would seem to be a happy time in a woman's life. For me it ended up being a nightmare. I felt that I was educated and informed enough to believe what the Supreme Court had said was true: I had the *right* to control my body and if I wished, to terminate my unwanted pregnancy. From what I had heard, abortion was a simple and safe procedure. This was also what the counselor at the abortion clinic told me.

Unfortunately and too late, I found out that the clinic was more interested in my money than in helping me to make an informed decision. The doctor treated me more like a piece of meat than a human being. He was rough, abusive, and started the procedure before the gas had a chance to take effect. I was wide awake and felt everything. My child was literally torn apart and sucked from the womb. The procedure was bad, but the emotional scars were worse. I had recurring nightmares, the same dream over and over. I suffered from severe depression and began drinking heavily. I also gained 80 pounds in the six months after my abortion. At the point I thought I had gained control of my life, I had thoroughly lost control. In the mean time, I married the man whose child I had so brutally murdered. We both suffered from the guilt of our hasty and uninformed decisions. Had I known the truth, that at 5 weeks the doctor would count body parts to make sure he had completed his job, I never would have chosen this course of action. I also lost a child through miscarriage two years later.

This story has a happy ending. Thanks to an organization called Open ARMs (Abortion Related Ministries) I have a support group made up of women who have suffered as I did, along with men like my husband and medical personnel. We try to educate the public, to cut through the lies and misconceptions that the abortion industry has fostered. Hopefully, because I have spoken out, other women who find themselves in my situation can make an informed decision.

Respectfully,

LYNNE V. LATHAM.●

THE ALTA IRRIGATION DISTRICT

● Mr. WILSON. Mr. President, 1988 is a very important year for the Alta Irrigation District, located in the Central San Joaquin Valley in California, as it marks its centennial anniversary in the water distribution business as a public district and I think it appropriate to reflect on the history and prosperity of the district since its formation on August 16, 1888.

The Alta Irrigation District was originally formed in May of 1882 as a private water district known as the "76" Land and Water Co.

In March of 1887, the California legislature passed the Wright Act which sought to confer on farming communities, powers of municipalities in the purchase or construction and operation of irrigation works. In complying with provisions of the Wright Act, a petition calling for an election to form a public irrigation district and bearing the signatures of 66 landowners within the proposed district was presented to the Tulare County Clerk, John Knox, on July 7, 1888.

At the time of registering papers for the new public district, it was decided that the district had the distinction of having its diversion point on the Kings River approximately 4 miles higher than any point of diversion. As a result, the district was named the Alta Irrigation District.

At the present time, the Alta Irrigation District has approximately 700 miles of public and private canals and pipelines servicing the many landowners who make their living as farmers within the district.

The importing of surface water into the 130,000-acre irrigation district has been one of the primary factors in allowing the area to become one of the most productive agricultural regions in the world and has ensured the continual development, growth, and prosperity of incorporated cities such as Dinuba, Reedley, and other unincorporated communities within Fresno, Tulare, and King Counties.

I congratulate and commend the Alta Irrigation District and take great pleasure in heralding its centennial anniversary within this Chamber of the U.S. Senate.

THE PRESIDENT'S BUDGET

● Mr. CHILES. Mr. President, we're only 2 weeks away from the release date of the President's budget. It's always a major event, something people around the Nation watch with great interest.

Here in Washington, the day the budget comes out is also the day the annual scrimmage begins over Federal spending. It's become a familiar format. White House spokesmen say too much money is appropriated and Congress is the culprit.

Today, I want to give the Senate a chance to examine the spending figures and compare the record with the rhetoric. In the 7 years of this administration, Congress has actually appropriated some $50 billion less than requested by the White House.

Let me repeat that: In the past 7 years, the administration has asked to spend an additional $50 billion and Congress declined.

Last year alone, we approved $7 billion less than requested by the White House. What it comes down to is this: the White House has not been shy about asking for money, and it hasn't been shy about borrowing to get it.

I certainly agree with the President when he condemns omnibus spending bills containing virtually all Federal appropriations in a single, 1,000-page measure. And I'm willing to look closely at the President's rescission proposals to see where he thinks we've gone wrong.

Still, we set appropriations caps during last fall's economic summit, and Congress followed up by living within those caps. I would hope that the White House will follow our example, hold down its spending requests and make wise investment choices.

Mr. President, I ask to include in the RECORD at this point, tables showing the level of funding requested by the White House and the amounts approved by the Congress over the last 7 years.

The tables follow:

COMPARISON OF PRESIDENT'S REQUEST AND ENACTED LEVELS FOR APPROPRIATION BILLS, 1981–88 [1]

Fiscal year	Request	Enacted	Difference
1981	432.3	428.3	−4.0
1982	448.1	428.3	4.7
1983	498.6	505.0	6.4
1984	532.9	538.2	5.4
1985	584.2	572.6	−11.6
1986 [2]	584.7	558.3	−26.4
1987	587.5	569.5	−18.0
1988	611.1	604.5	−6.6
Total	4,279.4	4,229.3	−50.1

[1] Estimates for fiscal year 1981–86 are from the Senate Appropriations Committee. Estimates for fiscal year 1987–88 are from the Senate Budget Committee but should be comparable with the earlier estimates.

[2] Enacted level includes reductions from the 1986 sequester.

Appropriations history—total enacted by subcommittee	Fiscal year—															
	1981 request	1981 enacted	1982 request	1982 enacted	1983 request	1983 enacted	1984 request	1984 enacted	1985 request	1985 enacted	1986 request	1986 enacted	1987 request	1987 enacted	1988 request	1988 enacted
Subcommittee:																
Agriculture, Rural Dev. and Rel. Agencies	23,618	23,250	31,592	31,968	41,116	41,764	36,329	36,443	40,521	40,856	46,176	47,336	45,829	46,602	55,304	56,112
Commerce-Justice-State-Judiciary	10,067	9,606	8,449	8,814	9,342	10,243	10,251	10,710	11,751	12,241	12,425	12,226	15,959	12,179	14,821	13,910
Defense	166,866	171,369	208,336	205,318	250,105	232,074	263,203	250,869	294,381	275,384	303,777	270,401	302,367	268,759	294,040	275,534
District of Columbia	532	491	570	557	580	524	570	601	517	547	532	530	580	580	527	550
Energy and Water Development	12,373	12,123	11,889	12,611	12,660	14,815	14,866	14,539	15,877	15,485	15,406	14,574	15,812	14,926	17,647	15,614
Foreign Assistance	13,743	11,834	11,715	12,001	12,148	12,009	21,150	21,962	20,817	21,115	15,272	14,578	17,737	13,372	15,922	13,599
HUD-Independent Agencies	73,337	68,382	53,500	57,382	47,130	53,304	50,370	56,779	54,734	57,123	49,317	52,648	46,652	56,112	51,649	56,712
Interior	9,964	9,011	6,834	7,525	7,069	8,627	6,784	8,722	8,145	8,389	7,770	8,210	6,617	8,221	8,608	9,317
Labor, Health and Human Services, and Education	90,469	92,485	86,054	87,137	86,125	99,542	95,864	105,469	101,156	106,726	101,381	104,933	104,080	113,551	117,350	127,075
Legislative	1,405	1,234	1,510	1,363	1,701	1,504	1,753	1,689	1,703	1,645	1,910	1,602	1,869	1,684	2,044	1,809
Military Construction	5,721	5,326	7,515	7,114	8,212	7,223	8,747	7,178	10,324	8,405	10,340	8,082	10,137	8,156	10,073	8,507
Transportation	13,419	12,446	10,149	10,750	11,375	11,871	11,114	11,092	11,807	11,654	7,895	10,178	6,996	10,255	8,479	10,601
Treasury-Postal Service-General Government	10,246	10,161	9,943	10,193	11,002	11,477	11,898	12,288	12,474	13,076	12,543	13,042	12,865	13,643	14,617	15,127
Detail not available—Continuing resolution	559	597	0	0	0	0	0	0	0	0	0	0	0	1,441	0	0
Grand total, appropriations	432,319	428,315	448,056	452,733	498,565	504,977	532,899	538,341	584,207	572,646	584,744	558,340	587,500	569,481	611,081	604,466
Memo:																
Defense (Function 050) above	176,633	180,656	221,106	217,360	263,650	245,347	279,490	264,962	312,958	291,491	322,546	286,125	321,095	284,777	312,541	292,151
Foreign Operations above	13,743	11,834	11,715	12,001	12,148	12,09	21,150	21,962	20,817	21,115	15,272	14,578	17,737	13,372	15,922	13,599
Domestic appropriations above	241,943	235,825	215,235	223,372	222,767	247,621	232,259	251,417	250,432	260,040	246,926	257,637	248,668	271,332	282,618	298,717

[1] Enacted level includes reductions from the 1986 sequester.

Note.—Estimates for fiscal year 1981–86 are from the Senate Appropriations Committee. Estimates for fiscal year 1987–88 are from the Senate Budget Committee but should be comparable with the earlier estimates.●

BAR COMMITTEE REJECTS REAGAN ADMINISTRATION CASE FOR ABM TREATY REINTERPRETATION

● Mr. LEVIN. Mr. President, on January 4 of this year the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York released a report entitled "The Anti-Ballistic Missile Treaty Interpretation Dispute."

The committee was chaired by Donald H. Rivkin and included a number of very distinguished members of the bar of the city of New York.

As my colleagues know, in the fall of 1985, the Reagan administration announced a new interpretation of the Antiballistic Missile Treaty which would permit testing and development of mobile and space-based antiballistic missiles.

A number of aspects of the administration's arguments are deeply disturbing, but perhaps the most disturbing is the argument advanced by Judge Sofaer, the legal adviser to the Department of State, that:

> When [the Senate] gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanations it is provided.

Under this theory, when administration witnesses appear before the Senate to discuss a treaty, what they tell us is not necessarily authoritative. That is, the Senate cannot rely on statements made by the administration during the treaty ratification hearings and debate. In order to discover the true meaning of the treaty, according to Judge Sofaer, we must review the negotiating record, which consists of a mass of memoranda, cables, internal studies, and so on. That is a deeply disturbing doctrine and would alter profoundly the manner in which the President and the Senate conclude treaties. It would mean that to resolve any ambiguities or to ensure we ratify the true meaning of the treaty, we would have to enact amendments, reservations, or understandings on almost every aspect of the treaty.

Because of the consequences of this theory and because the administration's reinterpretation varied so dramatically from the past understanding of what the treaty meant, Senator NUNN undertook a detailed review of the question. Last year, he made a series of floor statements and released two reports which concluded that the administration was wrong. Senator NUNN concluded that the original meaning of the treaty, as explained to the Senate in 1972 when the Senate ratified it, was the correct interpretation. I am very pleased that the Association of the Bar of the City of New York, one of the most respected bar associations in the country, agrees fully with Senator NUNN's conclusion.

I do not wish to take much of the Senate's time this afternoon, but let me briefly summarize the findings of the report:

First, the report concludes that, "The treaty text supports the traditional interpretation and is inconsistent with the reinterpretation."

Second, "The negotiating history of the treaty supports the traditional interpretation."

Third, "Testimony to the Senate during the ABM ratification proceedings support the traditional interpretation of the treaty."

Fourth, "Conduct by the United States in numerous official statements by United States agencies responsible for arms control or the SDI Program, * * * justified the traditional interpretation."

Finally, the report states, and I quote:

> [T]he treaty text, negotiating record, Senate ratification proceedings and subsequent practice all support the traditional interpretation. By contrast, the reinterpretation is an unjustified "loophole" argument that, while identifying some ambiguities in the negotiating record, fails to make its case. In view of the support for the traditional interpretation in contemporaneous memoranda reflecting statements by Soviet negotiators, in the representations to the U.S. Senate by representatives of the administration that negotiated by treaty, in the statements by former U.S. treaty negotiators, and in the official positions taken by the Nixon, Ford, Carter, and Reagan administrations, the burden of proof, to quote Senator Nunn, "is on those who would claim that this has all been an extraordinary mistake."

In our view, that burden has not been met.

In other words, Mr. President, there are four relevant issues to examine in deciding whether the administration is correct in its reinterpretation. These are: First, the treaty text; second, the negotiating record; third, Senate ratification; and fourth, subsequent practice. The administration argues that each of these four areas support the reinterpretation but the Association of the Bar of the City of New York one of our most prestigious legal institutions, has concluded that the administration is dead wrong on all four points. In other words, in every place the administration could be wrong, they were.

Mr. President, I congratulate the Association of the Bar of the City of New York for a first rate job of legal scholarship and writing. The report is clear, concise, and persuasive. I commend it to my colleagues and ask that it be inserted in the RECORD.

The report follows:

THE ANTI-BALLISTIC MISSILE TREATY INTERPRETATION DISPUTE

(A Report of the Committee on International Arms Control and Security Affairs, the Association of the Bar of the City of New York)

COMMITTEE MEMBERS

Donald H. Rivkin, Chairman, George B. Adams, Jr., Daniel J. Arbess, James S. Boynton, Marjorie L. Cohen, John V. Connorton, Jr., Francis J. DeRosa, Stephen J. Dolmatch, Steven B. Feigenbaum, Richard N. Gottfried, John R. Hupper, Jr., Bruce R. Katz, Sylvia Khatcherian, David Leebron, John B. Madden, Jr., Lawrence C. Moss, Charles J. Moxley, Jr., Clyde Evan Rankin, III, Steven A. Rickard, Richard E. Rieder, David B. Rigney, Eliot L. Spitzer, Amy L. Starobin, Patricia H. Trainor, Gregory J. Wallance, Nanette Dembitz, Adjunct Member, and Mitchell B. Reiss, Associate Member.

FOREWORD

The Association of the Bar of the City of New York created the Committee on International Arms Control and Security Affairs out of a recognition that lawyers have a role to play, and an obligation to discharge, in the formulation of American arms control policy. The end products of arms control negotiations are agreements, and lawyers bring special skills to the formulation and drafting of agreements; lawyers schooled in the common law tradition respect precedent and continuity, essential elements of the arms control process; and, finally, practicing lawyers know that the object of private negotiations is, and the object of arms control negotiations ought to be, not the abject defeat of one party by the other but rather an agreement each party believes serves its own interests.

In 1985, this Committee, under the leadership of its then Chairman, Stanley R. Resor, published a report entitled "Achieving Effective Arms Control." One of the conclusions of our study was that "the ABM Treaty is critical to the prospect of future strategic nuclear arms controls." Our belief that the ABM Treaty occupies this central place in Unted States national security policy obliged us to devote our professional attention to the controversy over the interpretation of the Treaty which erupted in the fall of 1985 when the Reagan Administration asserted that the Treaty banned only deployment, but not testing and development, of space-based and mobile ABM systems based upon technologies developed after 1972. Our Committee has concluded that neither the text of the Treaty nor its negotiation and ratification history provides an adequate basis for that proposition.

This report does not necessarily represent the views of every member of the Committee on each of the issues it addresses. All members of the Committee do, however, endorse its conclusion that the Administration has not met its burden of proving that there are legal or historical reasons for departing from the traditional interpretation of the Treaty. (John B. Rhinelander, a member of the Committee, served as legal adviser to the American negotiators of the ABM Treaty. He believes, for that reason, that he should not associate his name with this report or its conclusions.)

The Committee must acknowledge its particular debt to Gregory J. Wallance. Mr. Wallance provided both scholarship and his considerable skills as a draftsman to the research underlying and preparation of this report. It is not an overstatement to say that the report would not exist but for his intellectual leadership

We wish to thank Robert M. Kaufman, the President of the Association of the Bar of the City of New York, who has so generously supported the work of our Committee, as have Fern Sussman, Executive Secretary, and Alan Rothstein, counsel to the Executive Secretary.

Throughout its 117-year history, the charter of the Association has extended beyond the immediate concerns of practicing lawyers to issues of general public interest. We offer this report as respectful inheritors of that tradition.

DONALD H. RIVKIN,
Chairman.

New York, New York, January 4, 1988.

INTRODUCTION

For the past decade and a half, the Anti-Ballistic Missile Treaty of 1972 (the "Treaty") has been a pillar of American national security policy and has made an important contribution to strategic stability between the superpowers. It is the only U.S.-Soviet strategic nuclear arms control agreement that has been ratified and remains in force today. There is a near-universal belief that without the defensive limitations in the Treaty, neither the Soviet Union or the United States would have—nor could have—negotiated the Salt I limitations on offensive nuclear systems and Salt II. Six former Secretaries of Defense, including the Defense Secretary in the Administration that negotiated the Treaty, recently stated:

"By prohibiting nationwide deployment of strategic defenses, the Treaty . . . . makes possible the negotiation of substantial reductions in strategic offensive forces." [1]

For these reasons, the present Administration's new interpretation of the Treaty to permit development and testing of space-based and other mobile types of Strategic Defense Initiative ("SDI") technology, as a first step in nationwide deployment of strategic ballistic missile defenses, raises a legal question of the gravest moment. A treaty is a legal document that expresses not only an international agreement, but also the law of the United States. It is, therefore, appropriate for the legal profession to examine the Administration's interpretation of the Treaty and offer its opinion on whether that interpretation is legally supportable.

Accordingly, the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York undertook a review of the Treaty and the conflicting interpretations of the provisions regarding development and testing of "futuristic" or "exotic" defensive weaponry, such as that contemplated by SDI. Our study concentrated primarily on four areas: the text of the Treaty; publicly available portions of the negotiating record of the Treaty; the record of the ratification of the Treaty in the United States Senate; and the publicly available record of subsequent practice by the United States and the Soviet Union. Our study did not deal with the national security or foreign policy aspects of the Treaty debate; rather, we approached the Treaty as lawyers analyzing an international legal document under accepted principles of treaty interpretation.[2]

Our conclusion: The present Administration's interpretation of the Treaty to allow development and testing of space-based and other mobile types of SDI technology is flawed and lacks sufficient legal justification for departing from what has been, since the entry into force of the Treaty, an interpretation of the Treaty that prohibits such development and testing. We find that the Administration's interpretation is not supported by the text of the Treaty, the available record of the Treaty negotiations, the Senate ratification record, the interpretations of the Treaty by the Administrations since 1972 or by known Soviet statements and practice.

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[1] Footnotes at end of article.

We are particularly impressed by the following considerations which, in our opinion, have not been persuasively dealt with by the present Administration:

The text of the Treaty bans development and testing of "ABM systems or components" that are "sea-based, air-based, space-based, or mobile-land-based"; the Administration's efforts to overcome this unequivocal prohibition depend on a definition of the meaning of "ABM system or components" that is simply not supported by the actual words and structure of the Treaty or by the negotiating record;

The negotiating record contains statements by the Soviet negotiators that the Treaty provisions prohibiting development and testing of ABM systems or their components applied to space-based and other mobile-type ABM systems using future technology;

Every senior member of the Nixon Administration's Treaty negotiating delegation, with the exception of Paul Nitze, has rejected the new interpretation; and even Mr. Nitze, prior to the present Administration's announcement of its new interpretation of the Treaty, supported the traditional interpretation; [3]

The Senate's ratification of the Treaty was based on testimony by the negotiators and other Nixon Administration officials consistent with the traditional interpretation; indeed, the *opposition* to the Treaty was based in part on the Treaty's prohibition of the very development and testing that the present Administration now claims is permitted;

Every Administration since 1972 interpreted the Treaty consistently with the traditional interpretation; even the present Administration, including the SDI Organization, in public statements, until 1985 adhered to the traditional interpretation of the Treaty.

In short, the Administration has failed to make its legal case for the new interpretation of the Treaty.

I. THE DISPUTE OVER THE INTERPRETATION OF THE ABM TREATY

A. The ABM Treaty

The ABM Treaty was one of the two arms limitation agreements negotiated between 1969 and 1972 by the United States and the Soviet Union, known collectively as SALT I.[4] The objective of the ABM Treaty is stated in Article I(2):

"Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty."

Article II(1) defines the term "ABM systems" used in the Treaty—a definition that is at the center of the dispute over the interpretation:

"For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles, or their elements in flight trajectory, currently consisting of (a) ABM interceptor missiles, . . . (b) ABM launchers, . . . and (c) ABM radars. . . ."

Article III of the Treaty, as limited by a 1974 protocol, allows each country to deploy one fixed, land-based ABM system. Article IV allows the existence of test ranges to develop and test the ABM systems referred to in Article III, and limits each party to no more than fifteen ABM launchers at the test ranges. Finally, Article V(1) bans development, testing and deployment of space-based and other mobile-type ABM systems:

"Each party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based."

Until the Reagan Administration announced the new interpretation, the provisions of the Treaty were generally understood to ban development and testing, as well as deployment, of all ABM systems and components other than the single, fixed, land-based system allowed under Article III and the 1974 protocol. At the time of the signing of the Treaty, the Soviet Union had the only operational ABM site, in the vicinity of Moscow. Following the entry into force of the Treaty, the United States constructed one fixed, land-based ABM site in defense of ICBM missiles in North Dakota, but dismantled a second such site then under construction. Subsequently, the United States deactivated the North Dakota ABM site on the ground that its negligible military value was far outweighed by the cost.[5] Until October 1985, neither party sought, nor claimed the right, to develop and test sea-based, air-based, space-based or mobile-land based ABM systems or components.

B. The "Reinterpretation" of the ABM Treaty

On October 6, 1985, Robert McFarlane, then Assistant to the President for National Security Affairs, stated during a television interview: "[The terms of the ABM Treaty] make clear that on research involving new physical concepts, that that activity, as well as testing, as well as development, indeed, are approved and authorized by the Treaty. Only deployment is foreclosed. . . ." [6] Subsequently, on October 22, 1985, Abraham D. Sofaer, the Legal Adviser to the State Department, in testimony in the House of Representatives, provided an in-depth explanation of the Administration's position. Essentially, the Administration's interpretation was that Article II, defining the term "ABM system" was a definition of *limitation*, that is, an "ABM system" was *only* a system consisting of ABM interceptor missiles, launchers and radars using existing technology. According to the Legal Adviser's testimony, such an interpretation of the definitional section of the Treaty was made necessary by the language of Agreed Statement D, an agreement that accompanies the Treaty, which provides as follows:

"In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty." [7]

The Legal Adviser concluded that Agreed Statement D allows the development and testing of ABM systems based on "other physical principles," that is, future technology other than ABM interceptor missiles, launchers and radars available in 1972.[8] As he testified:

"Systems and components based on future technology are not discussed anywhere in the Treaty other than in Agreed Statement D. In that provision, the parties felt a need to qualify the term—systems and components created in the future—with the phrase 'based on other physical principles.' If 'ABM system' and 'components' actually meant all systems or devices that could serve ABM functions, whether based on present or future technology, the parties would not have needed to qualify these terms in Agreed Statement D. That this qualification was added suggests that the definitions of 'ABM system' and 'component' in Article II(1) extended only to those based on presently utilized physical principles and not on 'other' ones." [9]

Essentially, the Legal Adviser depends on a "redundancy" argument: if future technology was banned by the definition of an ABM system in Article II, then there would be no need for Agreed Statement D. Instead, he contends, consistent with the principle of avoiding a redundancy if a treaty can be reasonably construed otherwise, the parties to the Treaty intended only to ban mobile ABM systems ("sea-based, air-based, space-based or mobile land-based") utilizing current technology, but reserve for themselves the right to develop and test—but, he concedes, not deploy without agreement—mobile ABM systems utilizing "other physical principles." [10]

The Legal Adviser also reviewed the Senate ratification proceedings and subsequent pronouncements by executive agencies. He concluded that statements during the ratification proceedings, and elsewhere, "consistently advanced the broader interpretation" or provided it with "strong support." Subsequent statements, in his view, have been inconsistent:

"The record of post-ratification statements is thus mixed. The earlier statements continue to support a broad reading of the Treaty. Several later statements present a contrasting view, accepting the restrictive construction. At no time, however, was there a universal interpretation." [11]

As to the negotiating record, the Legal Adviser, who personally reviewed "all of the significant statements and drafts," reached the "firm conclusion" that "although the U.S. delegates initially sought to ban development and testing of non-landbased systems or components based on future technology, the Soviets refused to go along, and no such agreement was reached." [12]

On August 12, 1986, the Legal Adviser submitted to the United States Senate a classified memorandum (dated August 6) analyzing the ABM negotiating record, which reached the same conclusion. On May 13, 1987, the Administration released an 82-page unclassified memorandum (dated May 11) prepared by the Legal Adviser that, while apparently revising the 1986 analysis,[13] adhered to the basic conclusion that "the Soviets refused to agree to prohibit development and testing of mobile [other physical principles] substitutes regardless of their basing mode."[14]

Essentially, the Legal Adviser cited two key episodes during the Treaty negotiations, each concerning a different provision of the Treaty, and argued that on each occasion the American negotiators yielded to a Soviet position inconsistent with a ban on development and testing of mobile exotics:

(a) on September 15, 1971, the U.S. delegation agreed to drop language from a provision in its own draft treaty (the remainder later modified as Article V(1)) that explicitly referred to exotic anti-ballistic missile defenses;

(b) on December 20, 1971, the United States agreed to define "ABM system" in Article II in a manner that would not prejudice the Soviet position that obligations relating to an ABM system applied only to interceptors, launchers and radars based on current technology.

These episodes, according to the Legal Adviser, support his theory of the negotiations that the United States sought, but failed to achieve, a ban on development and testing of mobile exotics. Instead, the United States negotiators were able only to obtain a commitment from the Soviets—expressed in Agreed Statement D—to discuss deployment limitations on ABM systems based on "other physical principles" but not to preclude their development and testing.[15]

On September 9, 1987, the Legal Adviser released a revised report on "subsequent practice," including the agreements and statements of the parties regarding the Treaty. Consistent with his earlier Senate testimony, he concluded that: "[the] record of subsequent practice does not establish a binding international legal obligation by the U.S. to follow the restrictive interpretation." [16]

C. The Response to the Administration's Interpretation of the ABM Treaty

Essentially, the critics of the position taken by the Administration argue that Article II, defining an ABM system, is a *functional* definition, that is, it defines the prohibited systems on the basis of performance and not technology. As argued by Harvard law professor Abram, and Antonia, Chayes in a "debate" with the Legal Adviser in the Harvard Law Review, "the natural reading of the phrase 'currently consisting of' [in Article II] makes the system description that follows illustrative, not limiting." [17] The traditionalists contend that, because of the reference to Article III in the inducing clause of Agreed Statement D ("except as provided in Article III of the Treaty"), that Statement is limited to reinforcing the Article III limitations on fixed, land-based systems. Under this interpretation, the parties to the Treaty viewed Agreed Statement D simply as an elaboration of the Article III limitations on fixed, land-based systems, under which development and testing of future technology for such systems is permitted, but that the plain language of Article V(1) (and Article II) bans development, testing or deployment of future technology for space-based and mobile-type ABM systems.

With regard to the ratification record and subsequent U.S.-Soviet practices, on March 11, 1987, Senator Sam Nunn made public a lengthy study of the 1972 Senate ratification proceedings and the available record of subsequent United States and Soviet practices. He concluded that, during the ratification proceedings, "executive branch witnesses clearly stated that development and testing of mobile space-based exotics was banned while development and testing of fixed land-based exotics was permitted." [18] Senator Nunn's study also found that "the available record of both official and unofficial U.S. statements" since the Treaty ratification support the traditional interpretation of the ABM Treaty and "contradict Judge Sofaer's claim that the U.S. position on the issue has not been consistent."[19]

At the same time, after a study of the classified negotiating record and of the Legal Adviser's August 6, 1986 memorandum, which he was not then able to release publicly, Senator Nunn presented a summary conclusion that, notwithstanding "ambiguities" in the cables and memoranda that made up the negotiating record, there is "substantial and credible information which indicates that the Soviet Union did agree that the development and testing of mobile/space-based exotics was banned. I have concluded that the preponderance of evidence in the negotiating record supports the Senate's original understanding of the Treaty—that is, the traditional interpretation." [20]

On May 19, 1987, Senator Nunn, following the agreement of the administration to declassify his study of the negotiating record, released his report on the August 6, 1986 Legal Adviser's memorandum and attached an Apppendix that provided "summary observations" of the updated May 11, 1987 analysis by the Legal Adviser.

Senator Nunn's interpretation of the negotiating history is that the United States delegation, which had been instructed to obtain a ban on development and testing of mobile exotics, overcame initial Soviet resistance and obtained explicit agreement, as reflected in internal memoranda prepared by the American negotiators, that Articles II and V in the final version of the Treaty imposed such a ban. With regard to the two key episodes, according to Senator Nunn, the following occurred:

(a) on September 15, 1971, when the United States negotiators dropped more explicit language from Article V banning testing and development of mobile exotics, they did so because the Soviet negotiators, according to a memorandum of the meeting, informed the United States delegation that the *Soviet* test imposed a ban on "any type of present or future components" of ABM systems;

(b) with respect to Article II, on December 20, 1971, the United States delegation proposed the phrase "currently consisting of" to connect two separate sentences in its draft, which thereby modified the listing of then-current ABM components. According to a memorandum of the meeting, "the Soviet side, as well as the American, recognized that there could be future systems" and even though the limitation on such systems "would be settled elsewhere than in Article II," the connective phrase in that article had to take account of that fact.

Thus, according to Senator Nunn, by the end of 1971 the United States had achieved agreement on a ban on development and testing of *mobile* exotics. However, at the beginning of 1972, the parties still had not reached agreement on limitations on either current or exotic *fixed, land-based* systems. Eventually, in Senator Nunn's view, the parties agreed to a scheme under which Articles III and IV prohibited deployment of exotic fixed, land-based system (while allowing deployment of fixed, land-based ABM systems based on current technology in specified locations). Agreed Statement D (together with Articles III and IV) implicitly allowed development and testing of fixed, land-based exotics at ABM test ranges. As one example, Senator Nunn cites the following statement on December 14, 1971 by the scientific advisor to the Soviet delegation as the genesis of this scheme, which was agreed in principle in January 1972, even though final language was not agreed to until just weeks before the Treaty signing:

"[I]t should be possible to provide that if components based on new technologies were developed which could substitute for the components limited under Article III . . . the matter should be referred to the [Standing Consultative Commission] and agreements thereon reached by Governments so there could be no circumvention of the limitations on Article III." [21]

Senator Nunn has not yet responded to the Legal Adviser's September 9, 1987 report on the "subsequent practice" of the Soviet Union and the United States. However, on September 22, 1987, a majority report of the United States Senate Committee on Foreign Relations concluded that: "[the] record of the 'subsequent practice' of the parties—reflected in U.S. and Soviet conduct under the ABM Treaty regime, in formal diplomatic exchanges, and in official public statements—provides overwhelming evidence that the parties jointly adhered to the interpretation of the Treaty articulated by U.S. negotiators in 1972 and understood by the U.S. Senate when it consented to ratification." [22]

D. The Applicable Principles of International Law

The applicable principles of international law for the interpretation of treaties between nations are not in serious dispute in the Treaty debate. As the Supreme Court observed recently:

"In interpreting an international treaty, we are mindful that it is 'in the nature of a contract between nations, *Trans World Airlines, Inc.* v. *Franklin Mint Corp.*, 466 U.S. 243, 253 (1984), to which [g]eneral rules of construction apply. *Id.* at 262. *See Warve* v. *Hylton*, 3 Dall. 199, 240-241 (1796) (opinion of Chase, J.)." *Societe Nationale Industrielle Aerospatiale* v. *United States District Court for the Southern District of Iowa*, 96 L. Ed. 2d 461, 477 (1987).

While the text of a treaty is obviously a primary guide, "the context in which the written words are used," *Air France* v. *Saks*, 470 U.S. 392, 397 (1985), the treaty's history, including "the negotiations, and the practical construction adopted by the parties," may also be relevant. *Id.* at 396 (quoting *Choctaw Nation of Indians* v. *United States*, 318 U.S. 423, 431-432 (1943)).

As discussed below, this Report concludes that the Treaty text supports the traditional interpretation and is inconsistent with the reinterpretation. The Report's review of the debate over the Treaty, as a matter of organizational efficiency, considers first the negotiating history of the Treaty, then the ratification proceedings in the U.S. Senate and subsequent practice by both the Soviet Union and the United States, and then analyzes the text of the Treaty in light of this history.

II. THE NEGOTIATING HISTORY OF THE ABM TREATY SUPPORTS THE TRADITIONAL INTERPRETATION

Developments during the negotiations of the ABM Treaty in 1971 and 1972 support the traditional interpretation. The American negotiators were instructed by the Nixon administration to achieve a treaty that banned development and testing (as well as deployment) of mobile exotics, but permitted development and testing of fixed, land-based exotic ABM systems (but not their deployment). Particularly in the negotiations over Article V (prohibition on development, testing, and deployment) and Article II (the definition of an ABM system), the American negotiators achieved this objective; indeed, they elicited statements from Soviet negotiators that the language of the text of the Treaty reflected the American objectives. Subsequent cables and reports by the negotiators stated that the original instructions to achieve a ban on development and testing of exotic mobile defenses, but to allow development and testing of fixed, land-based exotic missile defense, had been successfully carried out. What follows is a summary of the key developments during the negotiations.

A. NSDM 127

On August 12, 1971, President Nixon issued National Security Decision memorandum 127, which provided the following instruction to the Treaty negotiators:

"3. The agreement should contain a provision whereby neither side shall deploy ABM systems using devices other than ABM interceptor missiles, ABM launchers, or ABM radars to perform the function of these components. (This paragraph along with that in the next paragraph, should not prohibit the development and testing of future ABM components in a fixed, land-based mode.)

4. The agreement should contain a provision whereby neither party shall develop, produce, test, or deploy:

(a) sea-based, air based, space based, or mobile land-based ABM launchers, ABM missiles, or ABM radars;

(b) ABM components other than ABM interceptor missiles, ABM launchers, or ABM radars to perform the functions of these components."[23]

The significant point of NSDM 127, in view of the subsequent negotiations, was its distinction between fixed, land-based exotic missiles and mobile exotics; the negotiating team was instructed to achieve an agreement that did "not prohibit the development and testing" of fixed, land-based exotics. NSDM 127 just as clearly instructed the negotiators to achieve an agreement under which "neither party shall develop, produce, test, or deploy" mobile exotics, including space based ABM systems.

B. The Negotiations Over Article V

1. The Test of Article V

Article V of the Treaty states as follows:

"1. Each Party undertakes not to develop, test, or deploy AMB systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each party undertakes not to develop, test, or deploy AMB launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of AMB launchers." [24]

2. The Negotiations

Five days after receiving NSDM 127, on August 17, 1971, the American negotiators in Geneva presented the Soviet side with a proposal that, consistent with the instructions in NSDM 127, distinguished between fixed, land-based exotic defensive systems (*permitting* their development and testing) and mobile exotic systems (*banning* their development and testing). The draft, then-titled Article VI, states:

"1. Each Party undertakes not to deploy AMB systems using devices other than ABM interceptor missiles, AMB launchers, or AMB radar to perform the functions of there components [later known in revised form as draft Article V(3) and then as Agreed Statement D].

2. Each Party undertakes not to develop or produce for or test or deploy in sea-based, air-based or mobile land-based modes: ABM interceptor missiles, ABM launchers, ABM radars, or other devices to perform the functions of these components [later known in revised form as draft Article V(1)].[25]

By way of emphasizing the importance of achieving a ban on development and testing of mobile exotics, on August 27, Harold Brown, U.S. Delegate-at-Large, commented before Soviet negotiators on the United States draft Article VI. He explained that paragraph 1 of Article VI—which implicitly dealt only with fixed, land-based exotic defensive systems, pursuant to paragraph 3 of NSDM 127—covered "*any present or future system* which employs other means or devices to perform the functions of interceptor missiles, launchers, or radars in rendering ineffective strategic ballistic missiles or their components in flight trajectory."[26] Brown also defined for the Soviet delegation the meaning of the word "development" in paragraph 2 of draft Article VI:

"By 'development' we have in mind that stage in the evolution of a weapons system which follows research (in research we include the activities of conceptual design and laboratory testing) and which precedes full-scale testing. The development stage, though often overlapping with research, is usually associated with the construction and testing of one or more prototypes of the weapons system or its major components. In our view, *it is entirely logical and practical to prohibit the development—in this sense—of those systems whose testing and deployment are prohibited.*"[27]

The American proposal initially met with opposition from the Soviet negotiators; however, the Soviet delegation did not categorically reject it. Instead, the Soviet negotiators raised objections on the ground of verifiability, sought to have the United States define which systems would be included within the ban on mobile exotic weapons, and insisted that the proposal could not apply to the elements of the Soviet air defense network, especially surface-to-air missiles and air defense radars—a proposition that the American negotiators did not contest.[28]

As a result, the United States proposal on exotics was referred to an ad-hoc Salt I subpanel, headed on the Soviet side of Viktor Karpov and, on the American side, by Sidney Graybeal. On September 8, Karpov presented a Soviet counter-offer to the American draft Article VI(2), which read as follows:

"Each Party undertakes not to construct, not to test and not to deploy mobile land-based, sea-based, air-based or space-based ABM systems and their components, specially constructed for such systems."

In explaining this proposal, Karpov informed the American negotiators that the Soviet proposal *"took into account the wishes of the U.S. side."*[29]

In response, Graybeal presented a new American proposal on mobile/space-based exotic defense systems:

"Each Party undertakes not to develop, test or deploy sea-based, air-based, space-based or mobile land-based ABM interceptor missiles, ABM launchers, ABM radars, or other devices for performing the functions of these components." [30]

On September 15, Karpov and Graybeal met at the Soviet Embassy in Helsinki for what appears to have been the decisive meeting in the negotiations over the proposed American ban on development and testing of mobile defensive systems, including space-based ABM systems. The Soviet negotiators assured the Americans in this meeting that the Soviet proposal would accomplish the American objective—a ban on development of "any type of present or future components" of mobile ABM systems. As stated in the U.S. memcon of the meeting:

"Karpov argued that the new information [of the Soviet proposal] . . . obviates the requirement for the phrase 'other devices for performing the functions of these components' appearing at the end of [the U.S. proposal] . . . The Soviets were proposing to eliminate specific listing of AMB system components (launchers, interceptors, and radars) and substitute the word 'components' (using the literal Russian word 'komponenty') for this instead of the word for 'components' ('sredstva') used in Article 2 when referring to launchers, interceptors or radars. *Karpov agreed with Graybeal's interpretation that the Soviet text meant 'any type of present or future components' of ABM systems.*

Karpov said they would give favorable consideration to Graybeal's suggestion that the phrase 'specially constructed for such systems' be dropped from the Soviet wording . . .

Graybeal said he would take the new Soviet formulation into consideration and refer it to the U.S. Delegation. It is agreed that paragraph 1 of U.S. Article 6 [the U.S. proposal to ban deployment of fixed, land-based exotics] would remain bracketed as a U.S. proposal." [31]

Subsequently, the American negotiators proposed, as a modification of the Soviet proposal, that the agreed text conclude with the phrase "mobile land-based ABM systems or any components therefore," instead of the Soviet language "and their components, specially constructed for such systems." The American modification, which was ultimately accepted, further emphasized the point that the Soviet text applied to "any type of present or future components' of mobile defensive systems, not just to those components "specially constructed" for such systems, which might only imply a ban on development of upgraded mobile systems.

On September 17, the Soviet Delegation accepted this proposal. The United States then proposed a technical correction in the provision by changing the words "or any components therefore" to read "or their components." This technical change was accepted by the Soviets on September 22 and, on September 23, 1971, the mutually agreed U.S./Soviet Joint Draft Text read as follows:

"Each Party undertakes not to develop, test, or deploy sea-based, air-based, space-based, or mobile land-based ABM systems or their components." [32]

On September 24, the American negotiators cabled to Washington that the United States' position, reflected in draft Article VI(2), *"including components for future ABM systems which are not fixed and land-based . . . was agreed ad referendum."* [33]

Between January and May 1972, John B. Rhinelander, a Deputy Legal Adviser at the Department of State who joined the U.S. Delegation as its legal adviser in April, 1971, prepared a series of Article-by-Article analyses of the Treaty (extracts of his documents were declassified in May 1987). The final analysis, dated May 24, 1972—two days before the Treaty was signed in Moscow—stated with respect to Article V(1):

"Paragraph 1 of Article V prohibits the development, testing, or deployment of:

—an ABM system that is sea-based, air-based, space-based, or mobile land-based.

—an ABM interceptor missile, ABM launcher, or ABM radar that is sea-based, air-based, space-based, or mobile land-based.

—*a device capable of substituting for an ABM interceptor missile, ABM launcher or ABM radar that is sea-based, air-based, space-based, or mobile land-based (such as an air-based "killer" laser)*" [34]

3. The Article V Negotiations Support The Traditional Interpretation

The negotiating history of Article V of the Treaty supports the traditional interpretation that development and testing of mobile exotic defensive systems is prohibited by Article V. The American negotiators were instructed to achieve such a prohibition; they proposed a draft that reflected those instructions; the Soviet negotiators, while putting forth language of their own, stated that their proposal "took into account the wishes of the U.S. side"; and the Soviet negotiators stated that their text applied to "any type of present or future components" of ABM systems.

In response to these developments during the negotiations, the Legal Adviser makes, *inter alia*, the following points. First, he contends that the withdrawal of the United States draft in favor of the Soviet proposal reflects the American failure to achieve a ban on development and testing of mobile exotic defensive weapons. Second, with regard to the September 15th exchange between Karpov and Graybeal, in which Karpov stated that the Soviet text applied to "any type of present or future components" of ABM systems, the Legal Adviser contends that by "future components," the Soviet negotiator meant only "future AMB interceptor missiles, launchers or radars," *i.e.*, improvements or variations on the presently available interceptor missiles or launchers.[35]

Neither of these arguments is persuasive. The fact that the American negotiators withdrew their own proposal in favor of the Soviet text was hardly a "failure" to achieve American objectives, given the Soviet concession that the *Soviet* text applied to "any type of present or fuure component," of an ABM system. Indeed, if the American negotiators, after receiving such a major Soviet concession, still had insisted that the Soviets—sensitive to any implication that their air defense systems might be limited by the Treaty—accept *only* the American text, word-for-word (such as inclusion of the broad term "devices"), they would have risked losing agreement on a restriction in the Treaty that they had been instructed to achieve and which the Soviet negotiators now accepted.

Nor are we persuaded by the Legal Adviser's argument that Karpov did not mean what he said on September 15, 1971. The Legal Adviser presents no evidence that Karpov meant to restrict the scope of Article V(1) to future versions of existing components of ABM systems; rather, throughout the negotiations, both the American and Soviet negotiators used interchangeably such phrases as "future systems," "future components," "future devices," "future means," "future types" and "future kinds."[36] There is simply no suggestion in the record of the negotiations that the parties expressly or implicitly adopted a rule of construction that references to future ABM "systems" and "components" excluded exotic defensive systems.

In short, the plain words of the exchanges between the Soviet and American negotiators, as reported by contemporaneous memoranda, together with the evolution of the text of Article V(1), support the traditional interpretation that Article V bans development and testing of mobile exotic ballistic missile defensive systems and their components.

C. The Negotiations Over the Definition of ABM Systems and Components in Article II

1. The Text of Article II in the ABM Treaty

Article II of the ABM Treaty states:

"1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;
(b) under construction;
(c) undergoing testing;
(d) undergoing overhaul, repair or conversion; or
(e) mothballed."

2. The Negotiations

The Soviet proposal for the definition of an ABM system, first put forward in March 1971, provided as follows:

"The obligations provided for under this Treaty shall apply to systems specially designed to counter strategic ballistic missiles and their components in flight trajectory, namely: (a) ABM launchers, (b) ABMs, (c) Long-range acquisition radars, (d) Tracking and ABM guidance radars." [37]

As then drafted, the Soviet text was purely a definition of limitation applying only to the ABM systems then in use. By contrast, on July 27, 1971, the United States proposed a broad, functional definition of an ABM system, which it defined as: "an anti-ballistic missile (ABM) system is a system constructed or deployed to counter strategic ballistic missiles or their components in flight trajectory." The American definition then listed separately the three components in use, interceptor missiles, launchers, and radars.[38]

At the end of the Fifth Session, which lasted from July to September 1971, the two sides did not agree on the language of Article II. Significantly, as will be shown, the Soviet definition of "ABM system" by then had been modified to add the words "and including the following components—ABM interceptor missiles, ABM launchers and ABM radars," and then defined those three components in sub-paragraphs.[39]

The Sixth Session began on November 15, 1971. During the next month, the Soviets first agreed to delete the phrase "and including the following components" from their draft of Article II, and then reintroduced that language in a revised draft Article II less than one week later.[40] However, the Soviet Union plainly tied its language in Article II to the disagreement with the United States over the American proposal for a ban on deployment, but not development and testing, of fixed, land-based exotics (formerly draft Article VI(1), *See* pp. 22-23, *supra*, now identified as draft Article V(3)).[41] The Soviet negotiators proposed that, if the United States withdrew Article V(3), the Soviets would agree to the functional definition in Article II, as then drafted by the United States. However, the Soviet negotiator implied that he did not expect the United States to drop Article V(3); rather, as reported by an American negotiator:

"It would be necessary for his Delegation to go through the ritual of trying to get concessions from our [*i.e.*, the U.S.] side on Article V before he could be authorized to reach an agreement accepting the basic U.S. position on Article II." [42]

On December 20, the United States proposed a slightly modified draft for Article II that maintained a functional definition of ABM system ("a system to counter strategic ballistic missiles or their elements in flight trajectory"), and which also retained separate listing of ABM missile, launchers, and radars without any connective between the definition for "system" and the listing for the three different system components.

Later that day, an important exchange between Soviet and American negotiators over the definition of an ABM system took place. In that exchange the Americans proposed the connective "currently consisting of," while expressly noting that such language would bring future systems into the definition of an ABM system. The December 20 memcon states as follows:

"Grinevsky stated that the second problem [of three concerns he had about the new U.S. text] was the absence of a connective between the sub-paragraph defining ABM systems, and the three sub-paragraphs following which defined components. His Delegation strongly believed that there should be some connective such as 'namely' or 'consisting of.' Garthoff stated that the American side did not consider that a connective of this kind was either necessary or desirable. If, however, there was to be one, it should be precise. Therefore, he suggested, we might consider use of the phrase 'currently consisting of' as a connective. This was clearly a new thought to Grinevsky and Kishilov and they appeared uncertain of the reaction of their side. *Garthoff noted that the Soviet side, as well as the American, recognized that there could be future systems, and while the question of constraints on future systems would be settled elsewhere than in Article II, the correct way of indicating a valid connection between components and systems would be to include the word 'currently'.* Grinevsky agreed to take up this possibility with his Delegation." [43]

As the memcon reflects, the American proposal was to agree on a text for Article II that would define ABM systems to include exotics ("Garthoff noted that the Soviet side, as well as the American, recognized that there could be future systems"), but use other provisions of the treaty to decide what limitations applied to such systems ("while the question of constraints on future systems would be settled elsewhere than in Article II . . .").

The following day, December 21, the Soviet Delegation proposed a new draft text that adopted the American proposal by incorporating the connective "currently consisting of." The Soviet draft was incorporated into the Joint Draft Text of January 20, 1972, which read as follows:

"1. For the purposes of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of: . . . ." [44]

On May 24, 1972, the U.S. Delegation legal adviser, John B. Rhinelander, completed his final analysis of the separate articles prior to the signing of the Treaty. With regard to Article II, Rhinelander wrote as follows:

"An ABM system is described in paragraph 1 of Article II in terms of 'current' ABM components. This does not however, limit the generality of the term ABM system as used in the treaty to systems composed of 'current' ABM components, but would also include 'future systems' based on physical principles other than those used for 'current' ABM components and capable of substituting for a 'current' ABM component." [45]

3. The Negotiations Over Article II Support The Traditional Interpretation

From the point of view of the debate over the interpretation of Article II of the ABM Treaty, several important points emerge from the exchanges between the Soviet and American negotiators in the Sixth Session. One key development was the December 20 Grinevsky-Garthoff exchange in which the American negotiator proposed the connective "currently consisting of" for Article II and made the point that his proposal—which the Soviet delegation accepted—would incorporate "future systems" in the Treaty definition of ABM systems and components.

Of equal significance was the fact that, prior to this major Soviet concession, the Soviet delegation *twice* had proposed a connective that used the phrase "and including the following components"—and *twice*, confronted with adamant American support for a functional definition, withdrew that language. Yet the proponents of the broad interpretation argue that it makes more sense to read Article II as though it contained the language "*and* currently consisting of" three defined components, *i.e.* as a definition of limitation. Indeed, in an appearance in 1985 before the Senate Armed Services Committee, the Legal Adviser testified, with regard to Article II, that "it makes more sense to put the word 'and' in." Senator Nunn, Chairman of the Armed Services Committee, asked, "are you saying it makes more sense to use the word 'and'?" The Legal Adviser repeated his point: "yes; to read it as though the word 'and' was there, certainly." [46]

The Legal Adviser's position that the Article II connective should be read as though it contained the word "and" is squarely contradicted by the negotiating record; the Legal Adviser advances the *identical* position that the Soviet Union *unsuccessfully* proposed on *two* separate occasions before agreeing to an American proposal reflecting the long-standing American insistence on a functional definition. We conclude that the Legal Adviser's position lacks support in the negotiating record.

D. The Relationship Between Article III and Agreed Statement D

1. The Treaty Text

Article III of the ABM Treaty provides:

"Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy [a specified number of ABM launchers, interceptor missiles and ABM radar complexes] . . . ; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a party may deploy [a specified number of ABM launchers, ABM interceptor missiles and ABM radars]. . . .

Agreed Statement D provides as follows:

"In order to ensure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."

2. The Negotiations Over Article III And Agreed Statement D

To summarize, as demonstrated by the above analysis, by the end of 1971, the Soviet and American Delegations agreed on the following principles:

(1) a complete ban on development and testing (as well as deployment) of mobile exotic defensive systems, including space-based defensive weapons; and

(2) a definition of ABM systems that included future ABM systems and their components.

The negotiations next turned to the limitations on fixed, land-based systems, which originally had been addressed by the U.S. draft Article VI(1) (later Article V(3)).

a. The negotiations over agreed statement D

At the outset, a significant impasse developed over the limitations on fixed, land-based exotic defensive weapons, whose *deployment* (but *not* development and testing) the United States sought to ban. Initially, the Soviet negotiators resisted the ban on deployment of futuristic, fixed, land-based systems. On December 7, 1971, however, a Soviet negotiator "urged that some way be found to express the difference over this point [*i.e.*, limits on fixed, land-based exotics] in Article III rather than in Article V[3] [the successor to U.S. Article VI(1)]." [47] Then, in a major concession, on December 14, another Soviet negotiator, in a meeting with Harold Brown, proposed that in the event new technologies for the fixed, land-based systems covered by Article III were developed, the issue of their deployment should be dealt with by negotiations between the two countries (both the Legal Adviser and Senator Nunn assert that, as a consequence of this concession, which led to Agreed Statement D, deployment would be banned subject to negotiation):

"[I]t should be possible to provide that if components based on new technologies were developed which could substitute for the components limited under Article III . . . the matter should be referred to the (SCC) and agreements thereon reached by Governments so there would be no circumvention of the limitations on Article III." [48]

This proposal led to an agreement on the language of Agreed Statement D *before* the negotiators reached agreement on the language of Article III, which defined, *inter alia,* limits on the deployment of fixed, land-based ABM systems using current technology. On January 26, at a meeting in the Stadtkrug Restaurant in Vienna, two Soviet and two American negotiators reached agreement on the basic language of Agreed Statement D:

"In order to insure fulfillment of the obligation not to deploy ABM system components except as provided in Article III of the Treaty, it is agreed that in the event ABM system components other than ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such system components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."

At this meeting, a Soviet negotiator stated, with regard to Agreed Statement D, *"that his side had now accepted the earlier American formulation completely, and in fact had accepted the American position on the subject entirely,* save only that it would be a jointly agreed interpretation rather than a paragraph in the treaty." [49]

b. The negotiations over article III

Over the next five months—literally up until just weeks before the Treaty signing—the negotiators made slow progress over the limitations applicable to fixed, land-based systems, which later became Article III. Initially, the American proposal for Article III provided that each party: "undertakes not to deploy ABM interceptor missiles, ABM launchers, or ABM radars except in its own territory and only at one of the following [specified geographic locations]." [50]

On January 31, 1972, the American Delegation presented the Soviets with a "Statement on Future ABM Systems," which stipulated with regard to Article III:

"Article III should be drafted so as not to permit the deployment of devices other than ABM interceptor missiles, ABM launchers, or ABM radars to substitute for and perform their functions." [51]

Far from being opposed to the application of Article III to exotics, the Soviets reacted favorably to the American statement of the objective of Article III, which plainly precluded deployment of fixed, land-based exotics. The memcon of the meeting at which the American statement was presented states as follows:

"After reading the talking points [the American 'Statement'], *Grinevsky said that he believed there was complete agreement.*" [52]

On April 11, 1972, the United States proposed a draft of Article III that modified the lead-in clause in a manner that would more clearly ban the deployment of all ABM systems, while permitting an exception for fixed, land-based systems using current technology in specified geographic locations:

"Each Party undertakes not to deploy ABM systems or their components except that each Party may deploy ABM interceptor missiles, ABM launchers, and ABM radars within [specified geographic locations]." [53]

On April 28, 1972 the Soviet negotiators stated that the new United States formulation was acceptable. The April 28 memcon reads as follows, with regard to the discussion of Article III:

"I [Ambassador Parsons] said that if I understood him correctly, he [Grinevsky] was saying that they could agree to a formulation undertaking not to deploy ABM systems or their components except as the article would provide. *Grinevsky said that they could as this would ban 'other systems'.*" [54]

Ten days later, and two days before the Treaty signing, John B. Rhinelander drafted an analysis of Article III which stated that:

"Article III limits the deployment of ABM systems to those based on ABM interceptor missiles, ABM launchers and radars." [55]

3. The Negotiations over Article III and Agreed Statement D Support the Traditional Interpretation

The period of negotiations from December 1971 until final agreement on the draft text of the Treaty in May 1972, which was devoted in part to Agreed Statement D and Article III, presents challenges for both interpretations. On the one hand, many of the memcons report discussions between Soviet and American negotiators regarding limitations on "other" systems or "future" systems without clarifying whether the discussion regarded fixed, land-based future systems or mobile future systems or both. For this reason, proponents of the reinterpretation argue that limitations on future systems had not been resolved in the negotiations over Article II and Article V(1); rather, they contend, the United States was only able to salvage from its original negotiating position an agreement—Agreed Statement D—that in the event such systems were developed, the Soviets would discuss limitations on their deployment. The proponents cite remarks by Soviet negotiators to support this view, such as the statement in late December 1971 that "inclusion of a provision on so-called 'other ABM systems' *in the text of a treaty* limiting ABM systems is not acceptable. . . ."[56] Such statements, they contend, indicate that the Soviet negotiators still opposed any limitations on future systems, notwithstanding the basic agreement the two countries by then had reached on the text of Article II and V(1).

On the other hand, the negotiations concerning, first, Agreed Statement D, and then Article III, plainly were in the context of limiting fixed, land-based systems, *not* mobile exotic systems. At the very outset, for example, Soviet negotiators, as reported in a memcon quoted above, sought to use Article III to "express the difference over . . . limits" on fixed, land-based exotic weapons, and later proposed that an "agreed statement" serve that purpose. Moreover, during this period, the Soviet negotiators also made statements inconsistent with the Legal Adviser's argument that they had succeeded in thus far limiting Articles II and Article V(1) to conventional, non-exotic defensive weapons. Indeed, the Legal Adviser acknowledges that two Soviet negotiators indicated that "they regarded Articles I, II and III as together banning the deployment of future systems."[57] The Soviet negotiators' statement simply cannot be reconciled with the Legal Adviser's own argument that those Articles, as a result of adamant Soviet hostility to limiting future systems, reflected only limits on existing, conventional ABM launchers, interceptors and radars.

Because of the earlier Soviet acknowledgements that Articles II and V(1) applied to exotic weapons (see pp. 20–39, *supra*), and because the negotiations over Article III and Agreed Statement D were clearly in the context of fixed, land-based systems, the Legal Adviser's position lacks merit. Explicit statements by the Soviet negotiators throughout the negotiations over Articles II and V(1) establish that United States negotiators fulfilled their instructions to achieve a ban on development and testing of mobile exotic weapons. For example, on December 4, 1971, a Soviet negotiator, while expressing opposition to the United States proposal to ban deployment of futuristic, fixed, land-based ABMs, made an explicit statement that future, mobile-type ABMs were *already* prohibited by Article V(1): "The prohibition on air-based, space-based, land-based, etc. ABM systems is adequate to cover the problem of future systems."[58]

Thus, since the Soviet negotiators agreed that the ABM Treaty banned development and testing of mobile exotic systems, the remaining negotiations over Article III and Agreed Statement D occurred only in the context of the dispute over limitations on fixed, land-based systems. Accordingly, *initial* Soviet opposition to including in the Treaty text a provision banning fixed, land-based "other systems"—opposition which was eventually dropped—is not inconsistent with the Soviet Delegation's contemporaneous agreement to ban development and testing of mobile exotic systems.

Nor do we find persuasive the Legal Adviser's argument that, if Article III prohibited deployment of fixed, land-based systems other than those specified, then Agreed Statement D was superfluous and need not have been adopted by the parties, *i.e.*, the redundancy argument. Two considerations, in our view, defeat this argument:

First, agreement on Agreed Statement D actually was reached *before* agreement on the text of Article III. Yet the negotiations over the specific geographical limitations of Article III obviously were necessary since those specific limitations were not addressed by Agreed Statement D. By the time the negotiators were finished—almost on the eve on the signing of the Treaty—Article III prohibited deployment of futuristic, land-based systems, as did Agreed Statement D (both the Legal Adviser and Senator Nunn agree on the effect of Agreed Statement D on deployment of such systems). It made far more sense to leave both provisions in the Treaty rather than risk additional negotiations at the last minute over issues that, in fact, were settled; certainly there was no sensible reason for the United States to object to having *two* provisions in a Treaty that expressed limitations on exotic systems that had been the objective of United States negotiating efforts for nearly one year.[59]

Second, while the Legal Adviser's redundancy observation has some accuracy, its significance is seriously overstated. The actual text of the Treaty contains no redundancy. Within that text, Article V(1) prohibits development, testing and deployment of mobile exotics, while Article III limits deployment of fixed, land-based exotic defensive weapons (but not development and testing). The agreed statements were intended to clarify, reinforce or amplify those provisions and, as such, almost necessarily had to be somewhat redundant. Agreed Statement D serves such a function—a statement by the parties to the Treaty that supplements the Treaty text. By itself, such redundancy can hardly serve to reverse an otherwise sound interpretation of a treaty fully supported by the treaty's negotiating history.[60]

In sum, in view of explicit Soviet concessions to the Unites States' position that the Treaty should ban development and testing of mobile defensive systems based on future technology, as recorded in contemporaneous memoranda of negotiating sessions prepared by the American negotiators and as reflected in the American negotiators' final analysis of the terms of the Treaty, the negotiating history of the Treaty supports the traditional interpretation.

III. THE UNITED STATES SENATE RATIFIED THE ABM TREATY ON THE BASIS OF THE TRADITIONAL INTERPRETATION

Under the Constitution, the understanding of the United States Senate at the time it consents to a treaty has an important role in treaty interpretation. Article II, section 2, of the Constitution gives the President power "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." According to a leading scholar of foreign affairs and constitutional law, this provision dicates that "the President cannot make a treaty with a text different from the one to which the Senate consented; he cannot make a treaty with a meaning different from the one to which the Senate consented."[61]

This principle governs the meaning of a treaty whether the Senate's understanding is expressed in a formal reservation or "is apparent from the Senate's deliberations leading to its expression of consent. The Senate's understanding of the treaty to which it consents is binding on the President."[62]

Therefore, statements by Nixon Administration witnesses and by Senators during the ratification process are not only a guide to the meaning of the ABM Treaty under international law, but an expression of Senate understanding which, as a matter of constitutional law, governs the meaning of the treaty.

A. Statements During the U.S. Senate Hearings and Floor Debate Support the Traditional Interpretation

There is persuasive evidence that the United States Senate ratified the ABM Treaty on the understanding, as conveyed by spokesmen for the Nixon Administration, that the Treaty *banned* testing and development of exotic mobile defensive weapons. No Administration official during the Senate hearings on the Treaty advocated, or even suggested, to the Senate the textual analysis developed by the present Legal Adviser. A number of Nixon Administration witnesses used the distinction between fixed, land-based systems and mobile defensive systems, first emphasized in NSDM 127, the original instructions to the Treaty negotiators, to explain the ban on development and testing of future technology for mobile ABM systems.

For example, during Senate Committee on Armed Services' hearings, which occurred even before the formal transmittal of the Treaty to the Senate, Senator Goldwater, a critic of the Treaty, asked Secretary of Defense Melvin Laird whether development of space-based laser systems could proceed under the Treaty.

"Q. For my money, we should have long since moved on the space-based system with boosting phase destruction with shot, nuces, or lasers. I have seen nothing in SALT that prevents development to proceed in that direction. Am I correct?"

Laird submitted the following prepared response for the record:

"A. *There is . . . a prohibition on the development, testing or deployment of ABM systems which are space-based. . . .* The U.S. side understands this prohibition not to apply to basic and advanced research and exploratory development of technology which could be associated with such systems, or their components. . . . *There are no restrictions on the development of lasers for fixed, land-based ABM systems.*"[63]

Later in the hearings, Senator Henry Jackson, another critic of the ABM Treaty, closely questioned General Bruce Palmer, Jr., Acting Chief of Staff of the Army, on the meaning of Article V's ban on "development" of space-based defensive systems. General Palmer made plain that the Joint Chiefs of Staff interpreted the Treaty to permit only development of "futuristic systems" that are fixed and land-based:

"A. [T]he facts are that when the negotiation started the only system actually under development in any meaningful sense, was a fixed, land-based system. . . . [T]his had to be confined to the fixed, land-based [ABM] system. The [Joint] Chiefs [of Staff] were consulted. . . . [The Joint Chiefs of Staff agreed to the] concept that does not prohibit the development in the fixed, land-based ABM system. *We can look at futuristic systems as long as they are fixed and land-based.* . . . The [Joint] Chiefs [of Staff] were aware of that and had agreed to that and that was a fundamental part of the final agreement."

"A. The obligation undertaken by Article V [not to develop a space-based ABM system] is applicable only to that stage of development which follows laboratory development and testing. . . . Exchanges with the Soviet delegation . . . made clear that this definition was also the Soviet interpretation of the term 'development'." [64]

Perhaps the most significant testimony was that of Dr. John S. Foster, Jr., Director, Defense Research and Engineering, Department of Defense. Senator Jackson expressed his view to Dr. Foster that the Treaty prohibited testing and development of exotic weaponry other than fixed, land-based systems. Dr. Foster responded that Article V prohibited all but laboratory testing of mobile system technology:

"Q. Article 5 says each party undertakes not to develop and test or deploy ABM systems or components which are . . . space based. . . .

A. Yes sir. . . .

Q. If it is . . . space based . . . *[i]f it is a fixed land-based ABM system, it is permitted; am I not correct?*

A. *That is right.* . . . You can develop and test up to the deployment phase of future ABM system components which are fixed and land based. . . . Article V prohibits the development and testing of ABM systems or components that are sea-based, air-based, space-based, or mobile land-based. *Constraints imposed by the phrase 'development and testing' [in Article V] would be applicable only to that portion of the 'advanced development stage' following laboratory testing, i.e.,* that stage which is verifiable by national means. Therefore, a prohibition on development—the Russian word is 'creation'—would begin only at the stage where laboratory testing ended on ABM components, on either a prototype or bread-board model." [65]

Following these hearings, and during the floor debate, then Senator James Buckley explained that he would cast his vote against the ratification of the Treaty, *inter alia,* because the Treaty prohibited "development and testing" of space-based laser weapons—precisely the technology that the Reagan Administration now proposes to develop and test:

"Thus the agreement goes so far as to prohibit the development, test or deployment of sea, air or space-based ballistic missile defense systems. *This clause, in Article V of the ABM treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space* which could at least in principle provide an extremely reliable and effective system of defense against ballistic missiles. This technological possibility has been formally excluded by this agreement." [66]

B. *The Legal Adviser to the State Department Essentially Concedes that the Nixon Administration Witnesses Represented to the U.S. Senate that the Treaty Banned Development and Testing of Mobile Exotic Weapons*

Not one witness or Senator interpreted the Treaty during the ratification proceedings to allow the development and testing of mobile exotic defensive systems. The Legal Adviser argues instead that, because statements by several Administration officials referred to the prohibition on deployment of future systems, but failed to identify restrictions on development and testing of such systems, or because they suggested that development of exotics was not prohibited but failed to limit their statement to fixed, land-based systems, the Senate ratification record, at the very least, is ambiguous. For example, the Legal Adviser cites the following exchange between Senator Aiken, a member of the Senate Foreign Relations Committee, and Ambassador Gerard Smith, the lead Salt I negotiator:

"Senator Aiken. Is the ABM system getting obsolete? If the lasers can be used to knock out the SAM's, wouldn't they be effective against other types of missiles also?

Mr. Smith. Senator Aiken, I think it is an entirely different problem with respect to the use of lasers to help guide offensive missiles and from their use to guide defensive missiles, but we have covered this concern of yours in this treaty by prohibiting the deployment of future type technology. Unless the treaty is amended, both sides can only deploy launchers and interceptors and radars. There are no inhibitions on modernizing this type of technology except that it cannot be deployed in mobile land-based or space-based or sea-based or air-based configurations. But the laser concern was considered and both sides have agreed that they will not deploy future type ABM technology unless the treaty is amended." [67]

The Legal Adviser contends that since Ambassador Smith "could easily have responded with a clear assertion of the narrow interpretation," his failure to do so suggests that the Administration did not have a "clear and uniform view" on the issue of whether the ABM Treaty prohibited development and testing of mobile exotic weapons.[68]

The Legal Adviser also argues that separate exchanges between Senator Smith and Senator Goldwater and Ambassador Smith "can be read strongly to imply" that development of space-based laser systems is not prohibited. He quotes the following:

[Ambassador Smith.] Senator Smith [,] one of the agreed understandings says that if ABM technology is created based on different physical principles, an ABM system or component based on them can only be deployed if the treaty is amended.

Work is [sic] that direction, development work, research, is not prohibited, but deployment of systems using those new principles in substitution for radars, launchers or interceptors, would not be permitted unless both parties agree by amending the treaty.

Senator Goldwater. . . . One, under this agreement are we and the Soviets precluded from the development of the laser as an ABM?

Mr. Smith. No, sir.[69]

The Legal Adviser's arguments are unpersuasive and do not afford a reasonable basis for concluding, in view of the representations made to the Senate by Administration witnesses regarding the Treaty's ban on development and testing of exotics, quoted above, that the ratification record is ambiguous with regard to Treaty prohibitions on such development and testing. In view of the fact that in 1972, the *only* American laser ABM research program of any significance was a *fixed land-based system,*[70] and in view of later statements, such as those of Senator Buckley, that the Treaty prohibited development and testing of space-based laser defensive systems, these statements by Ambassador Smith, for example, are *not* inconsistent with the traditional interpretation; the Treaty as even the Legal Adviser concedes, bans deployment of "future type technology" whether fixed, land-based or mobile-based defense systems and, as Senator Nunn points out, allows development of fixed land-based anti-ballistic missile lasers, such as the one laser research program undertaken by the United States. Rather, the failure of witnesses to articulate on a handful of occasions throughout lengthy proceedings that covered a multitude of issues the distinction between limitations on development and testing of mobile weapons and the permitted development and testing of fixed, land-based weapons is of little probative value.

Far more significantly, on those occasions where Senators asked precise questions regarding prohibitions on development of fixed versus mobile defensive systems, the answers provided by official spokesmen for the Administration that negotiated the Treaty were fully consistent with the traditional interpretation and, in fact, *excluded* the contention of the reinterpretation that development and testing of mobile systems is allowed by the Treaty. Indeed, the Legal Adviser in an apparent partial repudiation of his earlier position (*see* p. 10, *supra*), now does not dispute that authoritative statements were made to the Senate that the Treaty banned such development and testing. As the May 1987 report of the Legal Adviser concedes:

"During the course of the hearing before the Senate Armed Services Committee, however, the Administration provided answers in writing and orally that in varying degrees could be read to support the restrictive interpretation. The position taken, apparently on the basis of guidance circulated on June 16, 1972, was that the Parties could engage in development of fixed, ground-based lasers, for ABM purposes. This statement implied that development of any mobile OPP [other physical principles] device was prohibited, though that position was not expressed with clarity and directness. *Nevertheless, the answers, particularly those given by DOD [Department of Defense] and JCS [Joint Chiefs of Staff] officials, reasonably led the few Senators who focused clearly on this issue to conclude that the Treaty precludes the development and testing of space-based lasers.*" [71]

Further, the Legal Adviser acknowledges that the testimony before the Senate Armed Services Committee reflected well-considered government deliberations and that it was reasonable for the Senate to rely on the interpretation of the Treaty presented by the Administration's witnesses:

"The President should, however, give appropriate weight to any understandings reflected in the ratification record even though they may not be binding as a matter of law. *The record contains Executive representations to the Senate which support the restrictive interpretation, which were apparently cleared in the government by NSC staff and upon which Senators could justifiably have relied in granting advice and con-*

sent: The legal issue is one which requires the President to consider all relevant factors in exercising his judgment." [72]

In sum, testimony to the Senate during the ABM Treaty ratification proceedings, supports the traditional interpretation of the Treaty that development and testing of space-based and other mobile-type exotic mobile defensive systems is prohibited.[73]

IV. SUBSEQUENT PRACTICE SUPPORTS THE TRADITIONAL INTERPRETATION

A. The Governing Principles of International Law

Under the international law the "subsequent practice" of the parties shall be considered in interpreting a Treaty.[74] Article 31(3) of the Vienna Convention on the Law of Treaties provides, in pertinent part:

> There shall be taken into account, together with the context:
>
> (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;
>
> (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation; . . . Vienna Convention on the Law of Treaties, done, May 23, 1969, S. Exec. L. 92d Cong., 1st sess. (1971).[75]

The emphasis of the Vienna Convention is on conduct by the parties—subsequent agreements or practices in applying the Treaty—that reflect their understanding of the Treaty's terms. This type of "evidence" obviously has "a high probative value as to the intention of the parties [to a treaty] at the time of its conclusion." [76] At a lower level of probative value are unilateral official statements by the parties as to the interpretation of the Treaty, for example, by government agencies or ministries responsible for arms control or defense policy. Least probative, if not entirely irrelevant, are uncommunicated, unofficial statements or deliberations of a party.[77]

Judged by these standards, the probative "subsequent practice" cited by the Legal Adviser is consistent with the traditional interpretation and fails to support the reinterpretation. As summarized:

(i) The Legal Adviser cites no evidence that the United States or the Soviet Union—prior to the Reagan Administration's statement of the reinterpretation—developed or tested exotic mobile defensive systems; indeed, during the 1980s, including a period of two years following President Reagan's announcement of the SDI program, the United States stated that its development and testing activities for space-based defensive systems had been designed to be consistent with the traditional interpretation;

(ii) Official statements by agencies of the United States, both prior to and during the first two years following the SDI announcement, are consistent with the traditional interpretation; there is an insufficient record of official Soviet statements, prior to the SDI announcement, from which to infer that the Soviet Union's understanding of the Treaty's terms is inconsistent with the traditional interpretation, while unofficial Soviet statements, and official Soviet statements following the SDI announcement, generally support the traditional interpretation; and

(iii) Some internal deliberations of United States arms control and defense agencies support the traditional interpretation, while others are consistent with the reinterpretation however, as even the Legal Adviser acknowledges, "internal deliberations are entitled to little if any weight in ascertaining an agreed understanding." [78]

B. The Conduct of the Soviet Union and the United States Since the Entry Into Force of the ABM Treaty is Consistent with the Traditional Interpretation

1. United States Conduct

The conduct of the United States, during the past decade when it first acquired the capacity to develop and test future defensive systems, has been consistent with the traditional interpretation. As acknowledged by the Legal Adviser:

"During the 1980's, however, and particularly between 1983 and 1985, the U.S. explicitly explained tnat its development and testing activities have been designed to be consistent with the restrictive interpretation."

However, the Legal Adviser contends that the United States decision to limit development and testing activities ultimately "was based on an inadequate study of the negotiating history [of the ABM Treaty]." [79] In other words, the subsequent practice of the United States, while consistent with the traditional interpretation, was a "mistake." Suffice it to point out that, since the Legal Adviser's study of the negotiating history was, in fact, inadequate (see pp. 20-50, *Supra*), this circular argument is not a convincing reason for ignoring American compliance with the traditional interpretation.

2. Soviet Conduct

The Legal Adviser cites no evidence of Soviet conduct violating the traditional interpretation of the Treaty. To the contrary, Soviet behavior, insofar as it is known to the United States, has been consistent with the traditional interpretation.[80] However, the Legal Adviser argues that "[n]o convincing evidence exists . . . that the Soviet's have advanced to the development stage with ABM applications for . . . [certain future] technology," *i.e.,* the Soviet Union may be incapable of developing and testing exotic defensive technology, although the Legal Adviser concedes that "a confident judgment" on this point is "impossible." [81]

The Legal Adviser's dismissal of Soviet conduct is itself unconvincing; in effect, he contends that the advocates of the traditional interpretation are required to demonstrate, first, that the Soviet Union had the capacity between 1972 and 1985 to develop and test futuristic defensive systems and, second, that they refrained from doing so—an impossible burden of proof, as even the Legal Adviser acknowledges ("a confident judgment as to whether or not the Soviets have progressed to this stage is impossible"). Rather, since the Legal Adviser seeks to revise an understanding of the Treaty that has been commonly accepted for a decade and a half, it is *his* burden to prove Soviet conduct *inconsistent* with that interpretation—which he utterly fails to do.[82] At best, too little is known about Soviet capabilities and conduct to justify a departure from the traditional interpretation, particularly in light of the substantial evidence in the negotiating record that the Soviet Union agreed to prohibit development and testing of mobile exotic systems.

In sum, subsequent conduct by the United States and the Soviet Union fails to justify the reinterpretation. Rather, American conduct has been entirely consistent with the traditional interpretation, while known Soviet conduct is consistent with the traditional interpretation.

C. Official Statements by the United States Support the Traditional Interpretation; Soviet Official Statements Either Support the Traditional Interpretation or Lack Probative Value

1. Official United States Statements

The Legal Adviser concedes that public statements by the U.S. Arms Control and Disarmament Agency (ACDA) supported the traditional interpretation of the ABM Treaty. Specifically, the FY 1979 Directed Energy Arms Control Impact Statement (ACIS) explicitly stated the official U.S. position that "PBWs [post-boost weapons] used for BMD [Ballistic Missile Defense] which are fixed land-based could be developed and tested but not deployed without amendment of the ABM Treaty, and the development, testing, and deployment of such systems which are other than fixed land-based is prohibited by Article V of the Treaty." [83]

The Legal Adviser also acknowledges that the FY 1979 High Energy Laser ACIS and the FY 1980, FY 1981, and FY 1982 Directed Energy Program ACIS contained similar language. The State Department concurred in all similar language. The State Department concurred in all of these ACIS.[84] Indeed, during this period the Legal Adviser's Office interpreted the ABM Treaty in accordance with the traditional view.[85]

Further, there are numerous examples of official United States support for the traditional interpretation even *after* President Reagan's SDI speech on March 23, 1983, in which he declared that SDI was a scientific research program that would be consistent with U.S. obligations under the ABM Treaty, which at that time were viewed officially as the traditional interpretation. As the Legal Adviser acknowledges, "a variety of Executive Branch actions and statements that occurred after the SDI announcement supported the restrictive interpretation . . . either implicitly or explicitly." [86]

Among such examples, the FY 1986 ACIS (transmitted in February 1985) "continued implicitly but clearly to support the restrictive interpretation." [87] Similarly, the Defense Department's Strategic Defense Initiative Organization (SDIO) reported to Congress in March 1985 that the SDI program complied with the Treaty, which it described in terms of the traditional interpretation.[88]

2. Official Soviet Statements

There are few "official" Soviet "statements" on Treaty constraints on exotic defensive systems, prior to the announcement in March 1983 of the SDI program. One arguably "official" statement was a speech to the Supreme Soviet, reported by *Pravda* on September 30, 1972, by Defense Minister Grechko, which included the following:

"The treaty on limiting ABM systems provides for a quantitatively small development of ABM facilities by the USSR and the United States and prohibits the handover of these facilities to other states or the deployment of them outside the countries' national territories. At the same time it imposes no limitations on the performance of research and experimental work aimed at resolving the problem of defending the country against nuclear missile attack. Thus the treaty checks the further quantitative increasing of ABM facilities and blocks the development of competition between offensive and defensive nuclear missile weapons." [89]

This statement, by itself, is inadequate as evidence of Soviet understanding of the Treaty. "Research and experimental work" is, if anything, *more* consistent with the permitted "laboratory testing"—but not development and testing—of future mobile systems under the traditional interpretation; certainly, these brief remarks can not sustain a reasonable inference that Grechko viewed the Treaty as allowing development and testing of exotic defensive systems.

Following President Reagan's announcement of the SDI program, but *prior* to the promulgation in October 1985 of the reinterpretation, "public" Soviet statements endorsed the traditional interpretation of the Treaty's restriction on future defensive weapons. For example, on June 4, 1985, Marshall Sergei Akhromeyev, Chief of the Soviet General Staff and First Deputy Minister of Defense, authored an article on the ABM Treaty in *Pravda*, which stated in part as follows:

"The provisions of the Treaty apply to any systems intended, as defined in Article II of the Treaty, to counter strategic ballistic missiles or their elements in flight trajectory. Since the ABM components being created within the framework of the "Strategic Defense Initiative" are intended for precisely this purpose, that is, they are designed to replace the interceptor missiles mentioned in the Treaty, all the provisions of the Treaty fully apply to them, above all the ban on the creation, testing, and deployment of space-based ABM systems or components." [90]

At a less public level, in May 1985 Lieutenant General Viktor Starodubov, then the Soviet Commissioner on the Standing Consultative Commission, stated to his American Counterpart, General Richard Ellis, that the Treaty prohibited testing in space of ballistic missile defensive systems or components based on other physical principles.[91]

In sum, we conclude that the Legal Adviser fails to identify any "official" statements by the United States or the Soviet Union that clearly articulated the premise of the reinterpretation. Rather, official statements of the United States Government endorsed the traditional interpretation of the Treaty. While the Soviet Government apparently does not publish official reports regarding the Treaty, published articles and statements by senior Soviet officials, prior to October 1985 when the Reagan Administration promulgated the reinterpretation, either are consistent with the traditional interpretation or lack sufficient probative value to be relevant to the debate over the Treaty.

D. Unofficial Statements of the Parties Do Not Justify the Reinterpretation

1. "Unofficial" United States Statements

At the outset of the report on subsequent practice, the Legal Adviser concedes that "[m]ost of the evidence examined in this study consists of statements, usually unconnected with any action having probative worth." [92] Many of these "statements" involve United States inter- and intra-agency debates, memoranda and directives. For example, the Legal Adviser contends that a "strong divergence of views" within the Department of Defense over limitations on development and testing of exotics emerged during the formulation of the internal directive for compliance by the United States with the Treaty; earlier drafts reflected the premise of the reinterpretation while the final version was consistent with the traditional interpretation.[93]

The most probative "quasi-official" statements, however, support the traditional interpretation. In May 1985, Paul Nitze, a Treaty negotiator and still a U.S. government official, in a speech at John Hopkins School of Advanced International Studies, stated that the ABM Treaty prohibited development and testing of mobile ballistic missile defensive systems based on exotic technology. After October 1985, when the reinterpretation was announced, Nitze withdrew his earlier position.[94]

2. "Unofficial" Soviet Statements

Similarly, the one "unofficial" Soviet statement cited by the Legal Adviser and connected with an "action having probative worth" cannot be easily reconciled with the reinterpretation. During the Salt II negotiations, a discussion took place between Soviet and American negotiators over the definition of multiple, independently targetable re-entry vehicles (MIRVS) launched by ballistic missiles. The U.S. negotiator proposed a definition for an "Agreed Statement" that used the following introductory phrase: "Re-entry vehicles are currently understood to be independently targetable if. . . ."

The negotiator explained to his Soviet interlocutor that the phrase "currently understood to be" was intended to assure that the definition applied to new techniques or devices for achieving the same result as MIRVS and that "precedent" for the use of the word "currently" appeared in Article II of the ABM Treaty.

The Soviet negotiator, Victor Karpov, a member of the Soviet Salt I delegation, responded as follows:

"With respect to the word 'currently,' it is translated into Russian as *v nastoyashcheye vremya.'* In support of the use of this term, the U.S. referred to the ABM Treaty. Such a comparison is not quite justified. The point is that the nature of the ABM Treaty and the new agreement are different. The ABM Treaty is of unlimited duration. The new treaty has a specific defined period of time for its duration. *Moreover, the approach in the ABM Treaty is based on a combination of two elements. The first element is in Article II,* which Karpov proceeded to read. At the same time, there was a Common Understanding between the sides, as follows: [quoting Agreed Statement D]. . . . *In the ABM Treaty, using 'currently' in Article II is quite justified because of the unlimited duration and the Common Understanding.* With the new agreement, the Soviets believe there is no need to use the word 'currently,' because the duration of the agreement is specifically circumscribed and there are elements in the second part of the Agreed Statement which make the reference redundant." [95]

Karpov's statement is consistent with the traditional interpretation of "currently" in Article II(1). His point was that in Article II of the Treaty, the word "currently" was both appropriate and necessary because the parties sought to regulate both current and future systems through a treaty of unlimited duration. By contrast, since the Salt II Treaty would only last five years, in Karpov's view, there was no similar necessity for a functional definition of MIRVS. The significance of this exchange is that Karpov was the lead Soviet negotiator for Article V during the negotiations of the Treaty, and that he was addressing in a comparable context in the Salt II negotiations the precise issue raised by the reinterpretation.[96]

By contrast, unofficial Soviet statements elsewhere cited by the Legal Adviser as supporting the reinterpretation lack the probative value of Karpov's observation and do not as directly address the issue of limitations on future systems. For example, at an October 1974 Soviet-American meeting to discuss a Soviet proposal to restrict new types of strategic offensive arms, Soviet Ambassador Semenov offered his opinion that the Soviet proposal was more specific than Agreed Statement D in the ABM Treaty. U.S. Ambassador Johnson, who had not been a member of the Salt I delegation, disagreed, and referred to the ABM Treaty provision "which in his recollection stated that systems based on new physical principles would be banned unless they were specifically permitted by additional agreement between the sides."

According to Johnson's memcon: "Semenov interrupted to say that he did not think that this was quite correct. It would be better to check the wording of the ABM Treaty and to analyze the proposal the Soviet side had submitted today." [97]

The Legal Adviser argues that Semenov's comment raises a "question whether Semenov concurred in Johnson's description of Agreed Statement D as banning all future systems," and provides an interference that the Soviet Union may have interpreted Agreed Statement D differently from the United States.[98]

There is no valid basis for the reference that the Legal Adviser draws from Semenov's comment. First, Semenov did not categorically reject Johnson's description of the ABM Treaty; rather, he cautiously suggested that both he and Johnson should re-examine the ABM Treaty, which they were apparently quoting from memory. The Legal Adviser's attempt to, in part, base the interpretation of a significant international treaty on an inference drawn from a negotiator's request to re-read the treaty before committing himself to an interpretation is, to say the least, questionable. Second, Johnson's description of the limitations on future defensive systems in the ABM Treaty, which distinguishes between basing modes, was, at best, cursory. He did not address the distinction between permitted development and testing of fixed, land-based systems and the prohibition of such activities regarding mobile systems. Therefore, Semenov's sensible suggestion that "it would be better" to check the wording of the ABM Treaty, before agreeing to Johnson's characterization, is probative of nothing more than the Soviet negotiator's desire to describe the Treaty's terms with precision. Third, the United States did not consider this remark worth pursuing further during the negotiations, and the issue was not raised by the United States at the ABM Treaty review conferences in 1977 and 1982.[99]

We conclude that conduct by the United States and numerous official statements by United States agencies responsible for arms control or the SDI program, including Arms Control Impact Statements and publications of the Strategic Defense Initiative Organization, justify the traditional interpretation. Soviet conduct either supports the traditional interpretation or is simply insufficiently known to be probative. With regard to unofficial, but "probative" Soviet statements, Karpov's remarks in March 1976 during the Salt II negotiations clearly support the traditional interpretation. Notably, the Legal Adviser does not mention other evidence of Soviet support for the traditional interpretation, such as Marshall Akhromeyev's *Pravda* article, or the Soviet statement in May 1985 in the Standing Consultative Commission, both of which supported the restrictive interpretation.[100]

In the final analysis, the Legal Adviser's "subsequent practice" argument rests on the least authoritative source of evidence, internal United States agency memoranda and inter-agency papers. As stated by the Legal Adviser: the "body of substantial evidence that supports the broader interpretation has been essentially internal." [101] Yet, as the Legal Adviser also admits, "internal deliberations are entitled to little if any weight in ascertaining an agreed understanding." [102]

V. SUMMARY AND CONCLUSION

The traditional interpretation of the ABM Treaty is fully supported by the Treaty text, negotiating history, Senate ratification proceedings, and subsequent practice of the Soviet Union and the United States. The language of Article II(1), which defines the terms used in the Treaty ("[A]n ABM system is a system to counter strategic ballistic missiles or their elements to flight trajectory, currently consisting of . . .") refutes the reinterpretation. The plain and natural meaning of the phrase "currently consisting of" makes the following reference to "missiles," "launchers" and "radars" illustrative only, in recognition of the obvious fact that, since the Treaty did not have a time limit, "exotic" ABM systems might be developed.[103] During the Treaty negotiations, the United States proposed the insertion of the word "currently" as a way of drawing a connection between future systems and the three then-current components. As a Soviet negotiator later stated during the Salt II negotiations, "in the ABM Treaty, using 'currently' in Article II is quite justified because of the unlimited duration and the Common Understanding." *i.e.* Article II(1) encompassed future systems not just current ones.[104]

Article V(1), without any qualification, forbids each party to "develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based." Nothing in Article V(1) suggests that the Treaty permits development and testing of futuristic mobile systems. When read together with Article II(1)'s broad definition of an "ABM system" to include exotics, Article V clearly and convincingly bans development and testing of future mobile systems. Further, the negotiating record reflects a clear Soviet statement that the text of Article V applies to "any type of present or future components of ABM systems." Consistent with the Treaty text and the negotiations, the representative of the Joint Chiefs of Staff informed the United States Senate that Article V prohibited development and testing of futuristic systems:

"We can look at futuristic systems as long as they are fixed and land-based . . . the [Joint] Chiefs [of Staff] were aware of that and had agreed to that and that was a fundamental part of the final agreement . . . the obligation undertaken by Article V [not to develop a space-based ABM system] is applicable only to that stage of development which follows laboratory development and testing." [105]

Article III and Agreed Statement D complete a coherent, uncontradictory Treaty framework that allows the development and testing (but not deployment) of fixed, land-based systems using exotic technology, while elsewhere banning the development and testing of exotic mobile ABM systems. The lead-in or "inducing" clause of Agreed Statement D ("In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty"), adapts the Article III limitations on deployment of fixed, land-based systems to future technologies; the failure of the inducing clause in Agreed Statement D to refer to Article V further emphasizes that the scope of the Agreed Statement is limited to fixed, land-based systems.

Further, from the very outset of the negotiations, as reflected in the Presidential instructions to the American negotiators, continuing through explicit exchanges with the Soviet delegation, to the testimony of representatives of the Nixon Administration during the Senate ratification proceedings, there was repeated and consistent emphasis on the distinction between permitted testing and development of exotic fixed, land-based systems and the prohibition of such activities for mobile systems. Indeed, the Soviet negotiators, as reported by an American memcon, sought to use Article III to "express the difference" over limits on fixed, land-based exotic weapons, and later proposed that an "agreed statement" serve that purpose. Subsequently, the Secretary of Defense informed the Senate that the original instructions to obtain a Treaty that distinguished between basing modes for the purpose of development and testing of exotic systems had been successfully carried out: "[t]here is . . . a prohibition on the development, testing or deployment of ABM systems which are space-based. . . . The U.S. side understands this prohibition not to apply to basic and advanced research and exploritory development of technology. . . . There are no restrictions on the development of lasers for fixed, land-based ABM systems." [106]

Finally, the traditional interpretation is far more consistent with the overriding purpose of the Treaty than the reinterpretation. As specified in Article I(2): "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for a defense of an individual region except as provided for in Article III of this Treaty." The proposition—necessarily advanced by the reinterpretation—that the United States or the Soviet Union, notwithstanding the undertaking not to "deploy [nationwide] ABM systems" or "to provide a base" for a nationwide ABM defense, could complete, without violating the Treaty, all development and testing of a future ABM system needed for such deployment, is simply not credible. The undertaking not to deploy or provide a base for ABM systems—a commitment of unlimited duration—would be of little value if both sides felt unconstrained by the Treaty to complete *all* preparations for such a future technologies ballistic missile defense "base" short of its actual deployment. The plain language of Article I(2) is directly at odds with such a contradictory reading of the Treaty—yet this is precisely what the reinterpretation contends is allowed by a Treaty whose agreed upon, overriding objective is to avoid deployment of ABM systems for an unlimited period of time.

Our conclusion is that the Treaty text, negotiating record, Senate ratification proceedings and subsequent practice all support the traditional interpretation. By contrast, the reinterpretation is an unjustified "loophole" argument that, while identifying some ambiguities in the negotiating record, fails to make its case. In view of the support for the traditional interpretation in contemporaneous memoranda reflecting statements by Soviet negotiators, in the representations to the United States Senate by representatives of the Administration that negotiated the Treaty, in the statements by former U.S. Treaty negotiators, and in the official positions taken by the Nixon, Ford, Carter and Reagan Administrations, the burden of proof, to quote Senator Nunn, "is on those who would claim that this has all been an extraordinary mistake." [107]

In our view, that burden has not been met.

FOOTNOTES

[1] Statement dated March 9, 1987, *reprinted in* 133 Cong. Rec. S-3171, p. 3 (daily ed. Mar. 13, 1987).

[2] An earlier report of this Committee examined a range of arms control issues, including the relationship between strategic offensive weapons and defenses against ballistic missiles. *Achieving Effective Arms Control: Recommendations, Background and Analysis*, Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York (November 1985).

[3] This Report uses the term "reinterpretation" (also referred to in quoted materials as the "broad" interpretation) to describe the Reagan Administration's position that the Treaty permits development and testing of SDI technology. The term "traditional interpretation" (also referred to in quoted materials as the "restrictive" or "narrow" interpretation) is used in this Report to refer to the view that the Treaty bars such activities.

[4] Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, 23 U.S.T. 3435, T.I.A.S. No. 7503. The text of the ABM Treaty and related agreements and statements is reprinted in the Appendix to this report.

[5] *See* Protocol on the Limitation of Anti-Ballistic Missile Systems, July 3, 1974, Art. I, 27 U.S.T. 1645, 1648, T.I.A.S. No. 8276 (Background on the construction of ABM sites provided by Stanley R. Resor, former Secretary of the Army and a past chairman of this committee).

[6] Chayes & Chayes, *Testing and Development of "Exotic" Systems Under the ABM Treaty: The Great Reinterpretation Caper*, 99 Harv. L. Rev. 1956 n.1 (June 1986) (cited as "Testing and Development").

[7] Both sides in the debate appear to equate the phrase "are created" in Agreed Statement D with development and testing.

[8] *Treaty Interpretation Dispute: Hearing Before the Subcommittee on Arms Control, International Security and Science Subcommittee of the House Foreign Affairs Committee*, 99th Cong., 1st Sess. (Oct. 22, 1985) (Testimony of Abraham D. Sofaer, Legal Adviser, U.S. Department of State), (cited as "Sofaer Testimony").

[9] *Id.*, p. 14.

[10] *Id.*, p. 15. Agreed Statement D uses the phrase "other physical principles." In this Report, the phrases "future systems" and "exotics" or "exotic defensive systems" are interchangeable with the term "other physical principles."

[11] *Id.*, pp. 211-12 (Appendix 15).

[12] *Id.*, p. 16.

[13] *See* Interpretation of the ABM Treaty, Part Four: An Examination of Judge Sofaer's Analysis **of the Negotiating Record (Sen. Sam Nunn) (May** 19, 1987), p. 12, corrected copy dated June 4, 1987 (cited as "Nunn, May 19, 1987, p. ").

[14] The ABM Treaty, Part I: Treaty Language and Negotiating History, Office of the Legal Adviser, Department of State (May 11, 1987) p. 75 (cited as "Legal Adviser Report, May 11, 1987, p. ").

[15] *Id.*

[16] The ABM Treaty, Part III: Subsequent Practice, Office of the Legal Adviser, Department of State (September 9, 1987), p. 108 (cited as "Legal Adviser Report, September 9, 1987, p. ").

[17] *Testing and Development*, *supra*, p. 1958.

[18] 133 Cong. Rec. S-2967, p. 2 (daily ed. Mar. 11, 1987).

[19] 133 Cong. Rec. S-3090, pp. 1-3 (daily ed. Mar. 12, 1987).

[20] 133 Cong. Rec. S-3171, p. 2 (daily ed. Mar. 13, 1987).

[21] Nunn, May 19, 1987, p. 107. The Standing Consultative Commission was established by the United States and the Soviet Union in 1972 to provide an ongoing consultation process to facilitate implementation of the Salt I accords.

[22] *The ABM Treaty Interpretation Resolution*, Report of the Committee on Foreign Relations,

U.S. Senate, 100th Cong., 1st Sess. 24 (Sept. 22, 1987) (cited as "The ABM Treaty Interpretation Resolution"). In November, 1987, the Congress and the Reagan Administration reached an agreement under which the Administration will abide by the traditional interpretation for one year—*i.e.*, not to develop or test space-based or mobile-type SDI technology, N.Y. Times, p. 1 (Nov. 18, 1987). This agreement only defers the Treaty dispute; it does not resolve it. Similarly, the joint United States-Soviet statement issued at the conclusion of the recent summit between President Reagan and General Secretary Gorbachev stated with regard to the Treaty: "The leaders of the two countries also instructed their delegations in Geneva to work out an agreement that would commit the sides to observe the ABM Treaty, as signed in 1972, while conducting their research, development, and testing as required, which are permitted by the ABM Treaty and not to withdraw from the ABM Treaty, for a specified period of time."

N.Y. Times, p. 10 (Dec. 12, 1987). This formulation appears to defer the issue of the Treaty's interpretation regarding development and testing.

[23] Nunn, May 19, 1987 pp. 20-21 *See generally* Garthoff, Raymond L., *Policy vs. Law: The Reinterpretation of the ABM Treaty,* (Washington, D.C.: The Brookings Institution, September 1987) (cited as "Garthoff").

[24] Although subparagraph 2 of Article V does not expressly state that development, testing and deployment of ABM launchers is limited to fixed, land-based sites, in view of the references to "launching more than one ABM interceptor missile" and to "automatic or semi-automatic or other similar systems for rapid reload" this subprovision implicity has that effect.

[25] Nunn, May 19, p. 22. The concept of exotic anti-ballistic missile defensive systems had not been raised in the first four negotiating sessions, which commenced in November 1969.

[26] *Id.*, p. 25, quoting Legal Adviser's Report, A-438 (emphasis supplied).

[27] *Id.* (emphasis supplied). The written record of the Treaty negotiations consists principally of Memoranda of Conversations ("memcons") prepared by the United States negotiators to report on conversations between members of both delegations and on meetings of representatives for negotiation. According to Raymond L. Garthoff, an American Treaty negotiator:

"All formal records of meetings, papers presented or received and memcons were transmitted to the interested agencies in Washington by 'airgrams' (in fact, in typed form, in the diplomatic pouch) with 'A-000' identifying numbers. In all some 1,000 A-memoranda were filed in the SALT I negotiation from November 1969 through May 1972, in which the ABM Treaty and Interim Agreement were negotiated. Shorter versions of particularly important materials were sent by encrypted telegram over the Department of State communications network (with U.S. Del SALT 000 designations), and instructions from Washington were similarly sent by cable (State 000000 designations).

"It should be borne in mind that except for papers exchanged, there is no common or verbatim record of the negotiations. Each side took such notes and prepared such memoranda as it found useful. Memoranda were usually dictated or written as soon after a discussion as was practical, but they are not transcripts of exchanges (Garthoff, *supra* page 30)."

This section of the report necessarily is based only on available, declassified memcons and negotiating documents.

[28] Nunn, May 19, 1987, pp. 30-37. The American negotiators had been instructed not to specifically address the types of technology that would be precluded by the Treaty. Paragraph 5 of NSDM 127 stated:

"In presenting this position, the Delegation should not invite a detailed negotiation or discussion of future ABM systems. Our objective is to reach agreement on the broad principle that the agreement should not be interpreted in such a way that either side could circumvent its provisions through future ABM systems or components. We intend to handle any problems that may arise through the Joint Commission and the formal review procedures."

[29] Nunn, May 19, 1987, pp. 41-42 (emphasis supplied).

[30] *Id.*, p. 42.

[31] Legal Adviser Report, May 11, 1987, A-503, p. 1 (emphasis added). Indeed, the quotation marks—"any type of present or future components"—in the original memcon suggested that this was the most significant development of a meeting expressly called for the purpose of resolving the issue of whether the two sides could agree on a text that would ban development of "any type of present or future components" for mobile ABM systems.

[32] Nunn, May 19, 1987, p. 45. One final modification remained before the language of Article V emerged in its present form. The parties agreed to a rearrangement of its text—the phrase "or their components" was placed after a revised introductory phrase, "Each Party undertakes not to develop, test or deploy ABM systems," in order to make clear that the provision applied to components of all mobile systems, not just mobile land-based systems.

[33] *Id.*, p. 47 (emphasis supplied).

[34] *Id.*, p. 83 (emphasis supplied). The May 24 memorandum also stated: "For example, a 'killer' laser system or particle accelerator which substituted for one or more ABM components would be prohibited. In addition, a satellite sensor, using advanced technology such that it could observe the boost phase of ICBM trajectories and obtain sufficienly accurate data that would permit launching an ABM interceptor without relying on other ABM tracking sensors, would be considered a prohibited, future system based on devices which substituted for current ABM components."

Id.

[35] Legal Adviser Report, May 11, 1987, p. 76.

[36] Nunn, May 19, 1987, pp. 53-54.

[37] Legal Adviser Report, May 11, 1987, p. 38.

[38] *Id.*

[39] *Id.*, p. 41.

[40] *Id.*, p. 41, citing A-626, p. 2, A-633, p. 4 and A-644, p. 5.

[41] According to the Legal Adviser, "Grinevsky noted on December 9 that the Soviet difficulties with Article II were 'related to the differences contained in Article V.' . . ." *Id.* at 42.

[42] Nunn, May 19, 1987, p. 86.

[43] *Id.*, p. 87 (emphasis supplied).

[44] Legal Adviser Report, May 11, 1987, p. 44. Significantly, the December 21 memcon reveals that, by effectively accepting the American definition of an ABM system, the Soviet negotiators faced "a very delicate situation within the Soviet Delegation" in that "the expression 'currently consisting of' had been strongly objected to by some members of the Soviet Delegation." Nunn, May 19, 1987, p. 87. This revealing comment, which apparently came from the Soviet negotiators, further supports the view that Article II, as adopted, reflected a functional definition of an ABM system which *included* exotic defensive systems, or their components; otherwise, the apparent *split* in the Soviet Delegation—presumably, there were holdouts who still hoped to limit the Treaty to present technology notwithstanding their concession on Article V—would make no sense in view of the initial Soviet resistance to the American proposal to limit future weapons systems.

[45] Nunn, May 19, 1987, p. 94.

[46] "Strategic Defense Initiative," *Hearings Before the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services,* U.S. Senate, 99th Cong. 1st Sess. 179 (Nov. 21, 1985).

[47] Nunn, May 19, 1987, p. 107. As will be recalled, the reference to Article V is to the initial American draft Article VI (1), which dealt with fixed, land-based systems and later was denominated in revised form as Article V(3), and then Agreed Statement D.

[48] *Id.*

[49] Legal Adviser's Report, May 11, 1987, A-743 (emphasis supplied). The reference to Article III in the draft Agreed Statement D apparently was to the proposed text, whose final language was not yet agreed to by the Soviet Union and the United States.

[50] *Id.*, p. 69.

[51] Nunn, May 19, 1987, p. 96.

[52] Legal Adviser Report, May 11, 1987, A-763 (emphasis supplied).

[53] *Id.*, p. 69.

[54] Nunn, May 19, 1987, p. 97 (emphasis supplied).

[55] *Id.*, p. 100.

[56] Legal Adviser Report, May 11, 1987, p. 53 (emphasis supplied).

[57] *Id.*, p. 57.

[58] *Id.*, A-613; Nunn, May 19, 1987, p. 68.

[59] *See* Rhinelander and Rubin, "Mission Accomplished. An Insider's Account Of The Negotiating Record," *Arms Control Today,* Volume 17, No. 7 (September 1987), p. 13 (cited as "Rhinelander and Rubin").

[60] The Legal Adviser is not consistent in his concern for Treaty redundancies. He correctly notes that the Article III limitations on *all* deployments except those at "launch sites" can be read as "allowing deployment only of fixed land-based systems." Legal Adviser Report, May 11, 1987, p. 9, n. 2. Yet he acknowledges without concern that this renders the Article V ban on the other deployment modes redundant, although he attributes this as a problem of only the traditional interpretation, which it clearly is not. It is equally redundant under the new interpretation which bans deploying "currently" existing components in space both in Article III (implicitly by omitting them from permitted deployments) and in Article V (explicitly).

Moreover, there is a respectable view that Agreed Statement D provided additional measures not present in Article III. As stated recently by John B. Rhinelander: "[B]y clarifying the future technologies would become subject to discussion and agreement in the [Standing Consultative Commission] only when they were 'capable of substituting for' existing components, Agreed Statement D not only prevented circumvention of the specific limitations on deployment in Article III, it also allowed for the use of new technologies as 'adjuncts,' an outcome sought by both sides."

Rhinelander and Rubin, p. 13. Agreed Statement D also modified Article XIII by adding to the list of issues that "will" be discussed within the Standing Consultative Commission limitations on fixed land-based systems "based on other physical principles" that are "created" by the parties.

[61] Testimony of Professor Louis Henkin, *The ABM Treaty and the Constitution: Senate Hearings 100-110, Before the Committee on Foreign Relations and the Committee on the Judiciary,* U.S. Senate, 100th Cong., 1st Sess. 81 (March 11, 1987) (statement of Professor Louis Henkin). Professor Henkin observed that these principles "have not been disputed in the past and are not controversial today."

[62] *Id.*, p. 82.

[63] *Military Implications of the Treaty on The Limitations of Anti-Ballistic Missile System and The Interim Agreement on Limitations of Strategic Offensive Arms: Hearings Before The Senate Committee on Armed Services,* 92d Cong., 2d Sess. 40-41 (June 6, 1972) (hereafter "Armed Services Hearings") (emphasis supplied).

[64] Armed Services Hearings, pp. 443-44 (emphasis supplied in part). The second paragraph quoted above was subsequently inserted in the record by the Department of Defense as a supplement to General Palmer's testimony.

[65] Armed Services Hearings, p. 275 (emphasis supplied). Similarly, Dr. Foster's statement beginning with the phrase "Article V prohibits . . ." was subsequently inserted in the record as a supplement to his testimony.

[66] 118 Cong. Rec. 26703 (Aug. 3, 1972).

[67] Legal Adviser Report, May 11, 1987, p. 13 ("The ABM Treaty, Part 2: Ratification process").

[68] *Id.*, pp. 13, 28.

[69] *Id.*, pp. 17-18; *see* Armed Services Hearings at 306.

[70] 133 Cong. Rec. S-3171, p. 10 (daily ed. March 13, 1987) (Sen. Nunn). The Legal Adviser also fails to point out that immediately following Ambassador Smith's response to Senator Goldwater's question about development of lasers, the following exchange took place between Senator Goldwater and Ambassador Smith:

Senator GOLDWATER. Well, now, there is a point of confusion, because I have been told that we are precluded from the development of the laser. *I have read that the orders have come down from the Secretary of Defense to stop the development of the lasers for ABM purposes. . . .* Yesterday Senator Proxmire made a statement that under this agreement the SAM-D [surface-to-air], which is an Army anti-aircraft missile, would be precluded from being tested; is that correct?

Mr. SMITH. No, sir. (Emphasis supplied.) The "orders" from the Secretary of Defense necessarily referred to the one existing land-based ABM laser program, strongly suggesting that Senator Goldwater's question only concerned fixed, land-based lasers. Further, the reference to a *land-based* anti-aircraft missile in the same context as the discussion of lasers also suggests that the lasers referred to by Senator Goldwater were in the fixed, land-based mode.

[71] Legal Adviser Report, May 11, 1987 ("The ABM Treaty, Part II"), p. 28 (emphasis supplied).

[72] *Id.*, p. 4 (emphasis supplied).

[73] In an April 1987 memorandum to the Legal Adviser, the Department of Justice's Office of Legal Counsel, in analyzing the implications for the ABM Treaty of the debate over the reinterpretation, concluded that "the deliberative record that is created when the Senate advises and consents to a treaty cannot be ignored in the interpretive process." The memorandum went on to state: "Obviously, a President could not negotiate a treaty with other nations on the basis of one understanding of the Treaty's import, submit the treaty to the Senate on a wholly-different understanding, and then, in implementing the treaty, rely solely on the understanding he had reached with the other parties."

The ABM Treaty Interpretation Resolution, supra, p. 61.

Notwithstanding the analysis by the Department of Justice of the implications of the testimony of administrative branch witnesses to the Senate during the ABM Treaty ratification hearings, advocates of the reinterpretation essentially urge that, although the treaty was submitted to the Senate on the basis of "one understanding" of its limitations on development and testing of exotic weapons, in implementing the treaty the President was entitled to rely on a different understanding that he claimed his predecessor had reached with the Soviet Union.

[74] This section of the Report necessarily responds only to the unclassified third part of the State Department's study.

[75] Section 325 of the *Restatement of the Foreign Relations Law of the United States (Revised)* codifies general principles governing the interpretation of international treaties that correspond to those set forth in the Vienna Convention. This section provides, in pertinent part: "Any . . . subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement."

Restatement of the Foreign Relations Law of the United States (Revised) Section 325 (Tentative Final Draft 1985).

[76] McNair, *The Law of Treaties,* 424 (1961).

[77] Legal Adviser Report, September 9, 1987, p. 105.

[78] *Id.,* p. 9. Subsequent practice covers the period from the entering into force of the Treaty to the inception of the dispute over its terms. In this case, the Treaty entered into force on October 3, 1972. The re-interpretation was first expressed by United States Government officials in October 1985. *The ABM Treaty Interpretation Resolution, supra,* p. 20.

[79] Legal Adviser Report, September 9, 1987, p. 108.

[80] *See* The President's Unclassified Report On Soviet Non-compliance With Arms Control Agreements (March 10, 1987), cited in Nunn, The ABM Reinterpretation Issue, 10 Washington Quarterly 45, 49 (1987).

[81] Legal Adviser Report, September 9, 1987, p. 100.

[82] The Legal Adviser contends that "the Soviets" insisted on "several occasions during [1974–1978] that the definition of ABM system in Article II(1) was intended to include only conventional ABM systems." *Id.,* p. 21. The Legal Adviser then summarizes the "discussions" in which this purported Soviet insistence arose, but at no time does he identify the forum in which these discussions took place, the identity of the negotiators, the author and nature of the documents memorializing these discussions, or provide anything other than brief, fragmented quotations from unidentified documents. In the absence of supporting documents, more details of these discussions, or of the identity of the Soviet and American negotiators, it is impossible to assess the probative value of this alleged event; indeed, in his cursory description, the Legal Adviser suggests the alleged Soviet position "is limited by the fact that the Treaty articles in question during the discussions were written to restrain only the conventional three types of components." *Id.*

[83] *Id.,* p. 55.

[84] *Id.,* and p. 60.

[85] *Id.,* pp. 55–57. In May 1983, Davis Robinson, the then-State Department Legal Adviser, sent a memo to the Deputy Secretary of State supporting the traditional interpretation. *Id.,* p. 75. An October 1983 interagency study examining the policy and strategic implications of a move toward greater reliance on ballistic missile defense also explicitly espoused the traditional interpretation. *Id.,* p. 76.

[86] *Id.,* p. 74.

[87] *Id.,* p. 79.

[88] *Id.*

[89] *Id.,* pp. 14-15. The Legal Adviser cites the speech to support his position even though, technically, it occurred prior to the entry in force of the Treaty.

[90] "The ABM Treaty—An Obstacle in the Path of the Strategic Arms Race," *Pravda,* June 4, 1985, reprinted in part, in *Arms Control Today,* Vol. 17, No. 7 (September 1979), pp. 17-18. To the extent Marshall Akhromeyev's statement suggests the Treaty banned "creation" in the sense of laboratory testing of space-based ABM systems, it is inaccurate.

[91] *Id.;* Nunn, *The ABM Reinterpretation Issue,* 10 Washington Quarterly 45, 49 (1987).

[92] Legal Adviser Report, September 9, 1987, p. 2.

[93] *Id.,* pp. 17, 20.

[94] The ABM Treaty Interpretation Resolution, *supra* at 25. With the exception of Paul Nitze, all of the United States Salt I negotiations emphatically support the traditional interpretation and maintain that the Soviet Union agreed to it during the Treaty negotiations. In 1974, for example, John B. Rhinelander wrote that: "The overall effect of the Treaty, therefore, is to prohibit any deployment of future systems and to limit their development and testing to those in a fixed-land based mode."

John B. Rhinelander, "The SALT I Agreements" in Mason Willrich and John B. Rhinelander, *SALT: The Moscow Agreements and Beyond* 128 (New York: The Free Press, 1974).

[95] Legal Adviser Report, September 9, 1987, p. 26 (emphasis supplied but brackets in the original).

[96] The Legal Adviser contends that Karpov's reference to Agreed Statement D suggests that the Soviet understanding of the Treaty was consistent with the reinterpretation. Had Karpov referred *only* to Agreed Statement D, the Legal Adviser's argument might have merit. But, in the context of the discussion of future technology, Karpov's reference to the word "currently" as, at least in part, imposing constraints on future systems, squarely repudiates the central thesis of the reinterpretation that "currently" has *no* relationship to future systems.

[97] *Id.,* p. 34. The Legal Adviser quotes four other internal U.S. memoranda that refer to this exchange. *Id.,* pp. 36, 39, 40–41.

[98] *Id.,* p. 35.

[99] Article XIV of the Treaty provides that, five years after the entry into force of the Treaty and at five-year intervals, "the Parties shall together conduct a review of this Treaty." Documents reflecting the planning for the 1982 ABM Treaty Review Conference "included no proposed discussion of the Treaty's applications to development and testing of mobile OPP devices. ACDA's planning papers included an analysis, however, that reflected the restrictive interpretation." *Id.,* p. 66.

[100] *See,* pp. 71–72, *supra.*

[101] Legal Adviser Report, September 9, 1987, p. 13.

[102] *Id.,* p. 9. At most, these "internal" memoranda only indicated some uncertainty that the Soviet Union *might* have adopted the broad interpretation. Tellingly, over the course of more than a decade, this uncertainty never rose to a level where the United States felt it necessary to approach the Soviet Union to clarify its position.

[103] The listing of ther "current" components serves an obvious purpose. Article VIII of the Treaty requires the parties to destroy or dismantle *existing* components not allowed under Artice III. By listing the "currently" existing "components" the Treaty defined the obligations under Article VIII with precision. In this regard, the Legal Adviser argues that the re-interpetation is supported by the fact that many Treaty provisions refer to 1972-type components. However, in order to fulfill the purposes of the Treaty, listing and defining *current* ABM components would seem to be unavoidable. In addition to 'Article VIII, the Treaty imposes very specific obligations regarding "currently existing" components. Some "ABM radars" would be permitted, while some "ABM launchers" were to be destroyed and therefore, these existing components needed to be defined.

[104] Legal Adviser Report, September 9, 1947, p. 26.

[105] *See* p. 54, *supra.*

[106] *See* p. 53, *supra.*

[107] Nunn, May 19, 1987, pp. 115–116. With regard to arguments supporting the re-interpretation, not specifically addressed in this Report, we rely on Senator Nunn's thorough analysis of the issues in the debate over the interpretation of the Treaty.

[Appendix]

Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

Article I

1. Each Party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

Article II

1. For the purpose of this Treaty and ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;
(b) under construction;
(c) undergoing testing;
(d) undergoing overhaul, repair or conversion; or
(e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the area of each complex being circular and have a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-arrary ABM radars.

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time for each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by this Treaty, each Party undertakes:

(a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

Article VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

Article XI

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

Article XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of the Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of the Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their oponents in cases provided for by the provisions of this Treaty:

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry ito force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America, Richard Nixon, President of the United States of America;

For the Union of Soviet Socialist Republics, L.I. Brezhnev, General Secretary of the Central Committee of the CPSU.

Signed at Moscow May 26, 1972.

Ratification advised by U.S. Senate August 3, 1972.

Ratified by U.S. President September 30, 1972.

Proclaimed by U.S. President October 3, 1972.

Instruments of ratification exchanged October 3, 1972.

Entered into force October 3, 1972.

Agreed Statements

The texts of the statements set out below were agreed upon and initialed by the heads of the Delegations on May 26, 1972 [letter designations added]:

[A]

The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

[B]

The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

[C]

The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.●

LITHUANIAN INDEPENDENCE DAY

● Ms. **MIKULSKI.** Mr. President, February 16, 1988, marks the 70th anniversary of Lithuania's Declaration of Independence.

Lithuania became a sovereign nation in 1918. For the next 21 years Lithuania flourished with independence and economic growth. In 1939, the Molotov-Ribbentrop Pact paved the way for Soviet troops to enter the country. The troops have not yet left.

The people of Lithuania never asked to be part of the Soviet Union. They were illegally and forcefully annexed by the U.S.S.R. The people of Lithuania and their relatives throughout the world, many of whom live in Maryland, have resisted Soviet domination for almost 50 years.

I commend the Lithuanian people for their peaceful resistance to Soviet rule. We should not rest in our effort to bring the cause of Baltic self-determination to the world's attention.

I am committed to bringing freedom and independence to Lithuania. We safeguard freedom in the United States when we demand freedom in other lands. When we reach out to the people of Lithuania, we reach back to our principles of liberty, democracy, and self-determination. When we pledge that we will never forget, we pledge that one day, freedom will come to Lithuania.

To those who gather in Vilnius and Kaunas on February 16 to mark the 70th anniversary of Lithuania's Declaration of Indepencence, I say Dieve palaimink Lietuva [God bless Lithuania].●

COMPETITIVENESS AND CAMPAIGN '88

● Mr. BINGAMAN. Mr. President, last week the Council on Competitiveness, an organization of leading executives from business, labor and higher education, released its report, "Competitiveness and Campaign '88," outlining the views of 13 Presidential candidates on our Nation's competitiveness challenge. The council is to be commended for this important work. As this election year progresses, we must keep our attention focused on the principal problems confronting our economy. As David Broder pointed out in a recent column in the Washington Post, competitiveness is the issue of the 1988 election. The council's report, while maintaining strict neutrality, provides an excellent guide to this issue. I hope the council will continue to keep the issue of competitiveness before the American electorate. I ask that the overview of the council's report and Mr. Broader's article be included in the RECORD.

The articles follow:

COUNCIL ON COMPETITIVENESS—COMPETITIVENESS AND CAMPAIGN '88

America has a competitiveness problem. That is the one major point upon which all the 1988 Presidential candidates agree. Yet, none of the six Democrats and six Republicans surveyed define this crisis as a single issue. Without exception, they view it as a series of interrelated concerns—each one sufficiently important and complex as to require unprecedented attention by itself. More importantly, the majority of the candidates have specific ideas and proposals for addressing the components of the problem.

If no common definition of competitiveness was revealed, a number of common themes did emerge. They include:

The macroeconomic and structural nature of the nation's critical challenges.

The need to reduce the federal budget deficit.

The primacy of human resource development.

The importance of finding ways to improve the export performance of American industry.

The twin notions of accountability and productivity—in both business and education.

The need for expanding the federal government's role in certain areas.

Through their statements most candidates acknowledge that many of the nation's most pressing challenges are macroeconomic and structural in nature. This permits a threading together of many issues: fiscal policy, exchange rates, budget deficits, education and retraining, science and technology, and labor-management relations, among others. Time and again, when asked to concentrate on a single issue—trade, for instance—candidates offered a wide range of responses stressing the relationships between savings and investment, technological innovation and human resource development and trade.

To the extent that a single issue dominates the candidates' responses, it is the need to resolve the federal budget deficit. Discussion of this overriding concern consistently appears throughout the report. Several of the candidates cited budget-deficit reductions as their top priority.

If reducing the federal budget deficit is the priority most frequently mentioned, improving the education of American students and expanding the training of American workers is a close second. Concerns are expressed in a variety of ways—from fear over the affordability and accessibility of higher education, to finding new ways to upgrade worker skills, and repeated calls for new levels of basic literacy.

The relationship between accountability and productivity appears repeatedly in a number of contexts—most pointedly in the discussion of the K-12 education system. Teachers and students must be held more accountable for their performances, according to the candidates. But they also stress the concomitant responsibility of business executives to train workers, improve product quality and seize export opportunities.

In the section on international trade, the candidates seem to be saying that the best way to improve competitiveness is to go out and compete. In general, they focus less on unfair trade practices by foreign competitors and more on the means to boost American export capability. For example, when asked how to address competition from low-wage countries, a number of the candidates took the opportunity to discuss productivity-related issues, such as research and development and education.

Finally, the report underscores broad bipartisan agreement that the federal role should be expanded in certain areas. In particular, candidates from both parties want increased federal support—direct and indirect—for America's science and technology efforts. They tend to stress initiatives that will expedite and improve the commercialization of American ideas. Further, most of the candidates favor more federal involvement in training and retraining the nation's work force.

A closer look at this report's findings follows:

CAPITAL FORMATION

Federal Budget Deficit

All candidates support reducing the federal budget deficit and most believe such reductions are critical—both to promote private savings and investment and to reduce the trade deficit. They disagree somewhat, however, on the relative importance of deficit reduction. And their views differ considerably on the means by which to reduce the deficit.

On spending: Eleven of the twelve candidates favor spending reductions. The twelfth, Kemp, advocates "putting a lid" on federal spending. In terms of specifics, two Democrats (Gephardt and Jackson) would concentrate on defense cuts, while a third (Simon) would either freeze or cut defense spending. Gephardt specifies a plan to restructure agricultural support programs, while Du Pont would eliminate farm subsidies altogther. Babbitt proposes a "universal needs test" for all federal spending and $20 billion in specific cuts in FY 1988.

Four Republicans (Bush, Dole, Du Pont and Kemp) support a line-item veto for the President.

Two Democrats (Gore and Simon) and three Republicans (Bush, Dole and Du Pont) support a balanced-budget amendment. Republican Haig volunteered that he opposes a balanced-budget amendment.

Two Republicans (Dole and Kemp) say they would not change the Social Security system.

On revenues: Only Babbitt favors a consumption tax to raise new revenues, and then only if it is progressive and the revenues are used to reduce the deficit. Gephardt supports an oil-import fee. Jackson supports taxes on the "wealthy" and corporations. Dukakis believes that the IRS should collect as much as possible of $110 billion in uncollected taxes through tougher IRS enforcement.

Six candidates would not support new taxes (Democrat Gore and Republicans Bush, Dole, Du Pont, Kemp and Robertson). Four of them (Bush, Du Pont, Kemp and Robertson) strongly oppose new taxes, arguing that they would undermine competitiveness. Dole says he might favor user fees.

Private savings and investment

The majority of candidates favor reducing the federal budget deficit as a principal mechanism for increasing domestic private savings. Other specific ideas include:

A consumption tax to shift economic incentives from consumption toward savings (Babbitt). Dole would consider replacing income taxes with a consumption tax to reduce overall rates—as long as the change is not regressive.

Tax incentives for workers to take part of their compensation in employee stock (Babbitt).

Various changes in public and/or private pension plans (Democrats Babbitt, Gephardt, Jackson and Simon and Republican Du Pont).

Changes in the treatment of capital gains (Democrat Simon and Republicans Bush, Kemp and Robertson).

Reviewing limitations on Individual Retirement Accounts (Republicans Dole and Robertson).

Reducing high tax rates and/or eliminating double taxation (Republicans Kemp and Robertson.)

Controlling insider trading and short-term financial speculation (Dukakis). Supplementing the Social Security System with a

Financial Security Plan to promote private savings (Du Pont).

HUMAN RESOURCES

K-12 educational system

Restoring excellence to the K-12 educational system is a priority for most of the candidates. A common theme is the need for increased accountability—as indicated by widespread support for more performance testing of teachers, students and administrators. Several candidates also support "carrot-and-stick" approaches, with financial rewards for improved performance. Among the specific proposals advanced:

Two Democrats (Gephardt and Simon) and two Republicans (Bush and Haig) support national testing of teachers. Three candidates (Democrat Gore and Republicans Dole and Robertson) favor state testing.

Three Democrats (Babbitt, Dukakis and Gore) and three Republicans (Bush, Dole and Robertson) favor state testing of student performance.

Beyond testing, several other incentives for improved performance were offered.

Among the ideas: education bonus grants to states that boost student performance and reduce drop-out rates (Gephardt); higher pay and greater autonomy for teachers in return for more accountability (Gore); and merit-based teacher pay (Bush, Kemp and Robertson).

Five candidates support increased federal funding for education programs (Democrats Babbitt, Gore, Jackson and Simon and Republican Bush). Five candidates support more funding for pre-school programs, particularly for the disadvantaged (Democrats Babbitt, Dukakis, Jackson and Simon and Republican Bush).

Two Republicans (Du Pont and Robertson) propose educational vouchers to give parents more flexibility in choosing schools, while a third (Kemp) proposes tuition tax credits for the same purpose.

Three Republicans advocate a "back-to-basics" approach to teaching (Dole, Haig and Robertson).

A variety of other ideas were proposed. Among them: a federal-state child-care voucher system to help working parents (Babbitt); special schools for students skilled in math and science (Bush); increased use of "magnet" schools (Kemp); federal incentives to help train teachers in new classroom technologies (Dole); home schooling as an alternative to "academic mediocrity" in schools (Robertson); and a $250-million national teaching excellence fund (Dukakis).

Student loans for post-secondary education

Most of the candidates believe that rising tuition costs threaten the continued availability of college education for all those who are qualified. To address this problem, the following ideas were advanced:

Two Democrats (Gephardt and Gore) and two Republicans (Bush and Dole) favor creating IRA-type savings accounts to help parents save for their children's college education. Bush also favors creating a College Savings Bond. Robertson supports long-term investment vehicles to promote private savings for education. Five Democrats (Dukakis, Gephardt, Gore, Jackson and Simon) and two Republicans (Bush and Robertson) favor increased support for low-income students through one or more of the following: grants, loans and work-study programs.

Among other ideas offered, Babbitt would provide unlimited government loans to all students. Bush and Babbitt would link debt repayments to post-graduation earnings, while Babbitt would forgive debts for graduates who teach for at least five years. Du Pont would create a National School Training Bank to supply government-guaranteed financing to individuals at market rates. Haig supports a proposal for a higher education "revolving fund." Dukakis proposes an "education insurance fund."

Training and retraining for American workers

There is widespread support for creating additional tax incentives for training and retraining, as well as for making training programs more readily available to new workers.

Three Democrats (Babbitt, Jackson and Simon) and three Republicans (Dole, Kemp and Robertson) support increased corporate and individual tax incentives for worker training and retraining efforts. Babbitt is the most specific, proposing an "individual training entitlement" similar to an IRA, to help workers save for their training needs.

Several ideas were offered to expand the availability of training. Democrats Gore and Gephardt call for expanding the Job Training Partnership Act. Dole proposes revising the trade adjustment assistance law to focus on training and retraining. Gore points to his co-sponsorship of the bill that requires advance notification of plant closings, which he says is critical for implementing an effective retraining program. Dukakis supports increased federal funding for dislocated workers.

In terms of sharing responsibility for training, two Republicans (Kemp and Robertson) advocate a greater role for the states. Democrats Gephardt and Simon advance several specific proposals for increasing business involvement in training and retraining efforts.

Among other ideas offered, Du Pont would create a National School Training Bank to provide government-guaranteed loans to workers at market rates. Gephardt favors a series of steps to make the Unemployment Insurance system more effective. And Dukakis supports measures to combat functional illiteracy.

INTERNATIONAL TRADE

Candidates generally agree that America's trade problems have been at least partially caused by domestic policies that have driven up the dollar's value and undermined productivity. A number of candidates, for instance, used the international trade section to address issues such as the federal budget deficit, public education, the R&D infrastructure and employee training. Thus, candidates tended to focus on steps America could take to get its own house in order.

Four Democrats (Dukakis, Gephardt, Jackson and Simon) and four Republicans (Bush, Du Pont, Kemp and Robertson) urge increased government support for boosting U.S. exports. Simon specifically calls for new Eximbank financing programs for small manufacturers. Du Pont advocates removing government-imposed disincentives to export. Bush and Kemp support the creation of North American free-trade agreements.

Two Democrats (Gephardt and Jackson) favor a mandatory reduction in trade imbalances, under certain circumstances, with countries whose trade surpluses are caused by unfair foreign trade practices. A third Democrat (Babbitt) does not favor such a mandatory reduction, but proposes a negotiated set of international agreements requiring countries with a multilateral trade surplus to reduce that surplus by one-third each year or face across-the-board tariff increases. Democrats Dukakis, Gore and Simon are opposed to the measure, but Simon states he is not unwilling to use access to the U.S. market as leverage to address unfair trade practices. Republican Dole offers an alternative approach to the so-called Gephardt Amendment, requiring USTR to initiate Section 301 investigations against countries with a persistent pattern of unfair trade practices. Republican Du Pont "strongly opposes" mandatory reduction in trade imbalances, as does Republican Haig.

Five Democrats (Dukakis, Gephardt, Gore, Jackson and Simon) and two Republicans (Dole and Robertson) would address the problem of foreign government subsidization of high-tech industries by using current trade rules and/or by negotiating new GATT rules.

Several macroeconomic initiatives were proposed, including reducing global debt burdens and improving coordination of industrialized nations' economic policies (Democrat Dukakis and Republicans Dole and Haig); a global monetary conference (Kemp); and bilateral exchange-rate agreements to devalue the dollar against the currencies of South Korea and Taiwan (Jackson).

SCIENCE AND TECHNOLOGY

Federal research and development programs

All the Democrats believe a disproportionate share of federal R&D funds are spent on defense and related programs, with negative consequences for U.S. commercial competitiveness. By contrast, Republican Du Pont feels that there have been many ways in which defense R&D efforts have contributed to U.S. commerical competitiveness. Republican Robertson, noting the space program, thinks that spin-offs are possible.

Democrats Gephardt and Simon both believe that federal funding for civilian R&D programs should be increased, with Gephardt calling for the federal government to invest 3 percent of GNP annually in civilian R&D programs such as university labs.

Gephardt also calls for the creation of an Advanced Technology Institute to foster applied research, plus the establishment of a White House office to oversee fedeal R&D programs. Gore believes that steps should be taken to increase private sector access to federal labs.

Federal support for science and technology

Four Democrats (Dukakis, Gephardt, Gore and Simon) and two Republicans (Bush and Robertson) support making the R&D tax credit permanent. Gore would raise the credit to 25 percent and Gephardt would expand it for manufacturing processes. Dole would consider extending a "well-targeted" R&D tax credit, if it could be done in a "fiscally responsible manner." Babbitt and Du Pont support the tax credit, but for various reasons would not make it permanent.

Five Democrats (Babbitt, Dukakis, Gephardt, Jackson and Simon) support increased federal funding of university labs and equipment. Du Pont supports such increased funding, but only if it is tied to specific projects. Robertson says state and private funds should be used for such improvements. Dukakis proposes to leverage these funds by requiring matching grants from the states and the private sector.

Four Democrats (Babbitt, Dukakis, Gephardt and Simon) support federal funding for Sematech, the semiconductor research consortium. A fifth Democrat (Gore), while not specifically citing Sematech, says he supports increased public-private collaboration on R&D projects. Republican Du Pont does not favor such expenditures; instead, he favors reducing antitrust restrictions on corporate collaboration on R&D and marketing efforts. Republican Robertson is undecided on the Sematech funding issue.

Several other ideas to strengthen science and technological capabilities were advanced by the candidates. Among them: strengthening intellectual property protection (Democrat Gephardt and Republicans Bush, Dole, Haig and Robertson); tightening the Freedom of Information Act to restrict access to the trade secrets of U.S. companies (Robertson); and a "factory extension service" to bring advanced technology and innovation to factories around the country (Gephardt).

THE ISSUE FOR '88: AMERICA'S COMPETITIVENESS

[From the Washington Post, Feb. 3, 1988]

(By David S. Broder)

DES MOINES.—Competition is a concept the average American grasps without explanation. People who have made an unofficial national holiday of the contest between two football teams on Super Bowl Sunday tune in to the notion that the country itself is engaged in a struggle for economic survival.

So it is not surprising that the set of issues embodied in the word "competitiveness" has emerged at the center of the 1988 political debate. It is as natural as the Redskins' rout of the Broncos. But it is still a development of significance.

Each national election serves two functions. One is the choice of leadership. The other is the determination of the agenda. Reporters focus on the former, because in our business names make news. But often, it is the selection of issues and problems to be addressed that is more significant.

On election night in 1980, we knew not only that Ronald Reagan would be the new president but that a military buildup, a tax cut and a slowdown in domestic spending were on the agenda. On the eve of the Iowa caucuses, the first major event of the 1988 presidential election, we do not know the name of Reagan's successor. But we do know that improving America's position in the world economy will be higher on the 1989 agenda than any of the three items Reagan brought with him to Washington in 1981.

We know that, because the campaign dialogue has established a consensus among the 13 candidates on that point. The fact is well documented in a report called "Competitiveness and Campaign '88," published last week by the privately funded Council on Competitiveness. But even if the point had not been made so neatly in this report, it would be obvious to anyone covering the campaign.

The candidates' consensus reflects a public temperament that has been reported in this column several times. To Reagan's credit, fears of inflation and of American impotence in the world, which powered him to the presidency in 1980, have abated. In their place is a rising public consciousness that we are struggling—but not winning—the battle to maintain our place in a rapidly changing world economy, of which we are inextricably a part.

Voters I have interviewed in the past 18 months ask two overriding questions: What kind of jobs will there be for us and our children in the next 20 years? And what is the chance of maintaining the American standard of living for the next generation, when we are competing with countries that have accepted far lower living standards for themselves?

Ever since the autumn of 1986, I have believed that the candidate who could best address those two questions—whatever his party or ideology—would be the best bet to win the White House after Reagan. Nothing I have seen in the campaign shakes that opinion.

John A. Young of Hewlett-Packard, the head of the Council of Competitiveness, and his colleagues found in examining the candidates' answers that several major themes emerged: the need to reduce the budget deficit; to improve education of young people and training of adults; to improve accountability and productivity in business, labor and the schools; to expand exports; and to expand investment, both public and private, in research and development of civilian goods and services.

The issues intermingle; they scramble party lines. Education is such an overriding concern that few Republicans and no Democrats are devoid of proposals for ways the federal government might help. Deficit reduction is at least as important, so no Democrat feels safe without plans for cutting certain areas of federal spending.

There are still sharp differences among the candidates. Richard Gephardt's approach to trade legislation is light-years away from that of Gary Hart, Michael Dukakis, Jack Kemp or Pete du Pont.

But almost without exception, the 1988 candidates agree that policies in all these areas must be judged, in large part, by their effect on America's competitiveness. And that is a very different criterion than Reagan brought to office in 1981.

One other big difference jumps out when you read what they have been saying: the attitude toward government itself has changed. Young and his colleagues found "broad bipartisan agreement that the federal role should be expanded in certain areas. In particular, candidates from both parties want increased federal support—direct and indirect—for America's science and technology efforts. . . . Further, most of the candidates favor more federal involvement in training and retraining the nation's work force."

This is a far cry from the government-bashing of the Great Inflation era, and it represents a big shift in post-Reagan politics. One of the major questions of the 1988 election has been settled already. Targeted governmental activism has won.●

SENATOR DANIEL INOUYE

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. BIDEN. Mr. President, in the 15 years that I have been privileged to serve in this body, I have had the opportunity to work with a number of men and women for whom the title "Statesman" is most fitting. These colleagues have not only served their States and this Nation well but, from my own personal perspective, have helped the junior Senator from Delaware to be a better Senator as well. They have been my allies when I most needed allies, my teachers when I most needed guidance, my friends in times of disappointment and despair, and my examples when I most needed the courage of my convictions.

Inevitably, when I pause to reflect upon those men and women, DAN INOUYE is among the first to come to mind. For he has been all of those—ally, teacher, friend, and example. In the quarter century that he has served the people of Hawaii, DAN INOUYE has been a vital part of the fabric that makes the U.S. Senate the greatest legislative body in the world.

He has served the Senate well on occasions when we as an institution not only faced our greatest challenges in recent history, but were compelled to meet those challenges as the whole world watched. While the world watched to see if our system of checks and balances worked, to see if we were willing and able to bring to light the facts when high administration officials sought to corrupt our political system, DAN INOUYE's service on the Watergate Committee answered the doubters. And when there were those who began to believe that the conduct of American foreign policy was the province of individuals not subject to the law of the land, DAN INOUYE and his committee brought out the facts and set the record straight.

These were not easy tasks, for in each case there were powerful forces working to keep the facts from being brought to light. But the challenge of those tasks is precisely the reason that the senior Senator from Hawaii was asked to undertake them. For in a quarter century, DAN INOUYE has never let this body down. He has been a model not only of hard work, but of integrity and forthrightness.

Those who would claim that political considerations would ever outweigh the value that he places on those qualities simply do not know Senator DANIEL INOUYE.

I am privileged because I do know DANNY INOUYE, and am honored that he is my colleague and my friend.●

THE SECURITY OF PAKISTAN

● Mr. HUMPHREY. Mr. President, the Congress wisely approved the President's follow-on package of military and economic assistance for Pakistan. In my view, the vote on aid to Pakistan was one of the most important on foreign policy issues during 1987.

Pakistan today is directly threatened. For her principled and courageous stand against Soviet aggression in Southwest Asia, Pakistan has come under direct attack by the Soviet puppet regime in Afghanistan. A report issued by the Department of State in December 1987 indicates that the puppet regime in Kabul violated Pakistan's airspace more than 574 times during 1987, killing more than 183 innocent people and wounding more than 437. More than 450 Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, killing and wounding scores of innocent people.

Unfortunately, Pakistan also faces a hostile neighbor to the East. I am concerned with recent reports that the Indian Navy has taken delivery of a Soviet nuclear power submarine. The Indian Trade Fair in Kabul last summer and exchanges of high-level officials between New Delhi and Kabul give reason for concern especially in light of the fact that the illegitimate regime in Kabul was condemned by an overwhelming majority of the U.N. General Assembly last November.

A recent column by Rowland Evans and Robert Novak entitled "Pincers on Pakistan," that appeared in the Washington Post on February 1, 1988, outlines the pressures facing Pakistan in a very troubled region of the world.

I ask that the editorial be printed in the RECORD.

The editorial follows:

PINCERS ON PAKISTAN

(By Rowland Evans and Robert Novak)

ISLAMABAD, PAKISTAN.—Moscow's stealthy decision to build India's military might with nuclear submarines and AWACS-style radar planes is both bad news for Pakistan and highly disturbing for U.S. and Western security beyond the Persian Gulf.

India is "ambitious" to become a "regional superpower" from the Gulf to the coast of China, President Zia of Pakistan told us over lunch. That ambition makes a snug fit with the long Soviet effort to undermine Pakistan, India's archrival.

Next to Turkey, Pakistan is America's strongest Asian ally, crucial in blocking a Soviet victory in Afghanistan. "Only two countries in South Asia—Turkey and Pakistan—have stood up to the Soviets," Zia said. "Take Pakistan out and the Soviets would become supreme from Turkey to Vietnam."

Western diplomats here agree with that sentiment. Judging from the U.S. commitments in the Persian Gulf and Afghanistan, so do President Reagan's policy-makers in Washington.

But what is not yet so clear is whether Reagan and his advisers fully understand the potential menace of the tightening Soviet-Indian alliance. The expected addition of three nuclear-powered submarines to the Indian Navy, in addition to a couple of aircraft carriers that are coming from the British, suggests a future challenge to U.S. supremacy in the Indian Ocean. India was furious in 1972 when, during the celebrated "tilt" to Pakistan, the United States sent a carrier task force there.

Things have now changed. Indeed, with Indian naval bases on both sides of the subcontinent, even Australia is signaling distress over the potential impact of such a large naval force.

The Soviet fleet, with a base at Aden, another on a key island in the Indian Ocean and a third huge naval arsenal at the U.S.-built Camranh Bay on the coast of South Vietnam, has given nightmares to Pentagon planners ever since the United States was driven off mainland Asia in the Vietnam War. The new Indian Navy now becomes a major add-on to the powerful Soviet fleet.

But India's military acquisitions from Moscow go a good deal further. One wing of MiG-29s, the latest Soviet model, is on its way and at least two more appear to have been promised to India. No Soviet-bloc state has ever been allowed to get its hand on the MiG-29.

As for the AWACS-style early-warning planes, the Soviet promise is ironically tied to Moscow's strategy in Afghanistan to destabilize Pakistan. Official figures show that Soviet-Afghan air attacks across the border into Pakistan killed or wounded at least 966 Pakistani citizens between 1980 and last may. This is the Soviet fist to split Pakistan and the United States, ending Pakistan's aid to Afghan refugees and the mujaheddin freedom-fighters.

But Pakistan has refused to buckle to that pressure. Instead, Zia asked the United States for AWACS aircraft to protect its border. That sent India rushing to Moscow demanding equal treatment, claiming that early-warning planes for Pakistan would be a security risk for India. And what happened? India is getting its planes, while the United States continues to "study" Pakistan's request.

The Soviet buildup of India to a regional superpower has not been big news in the United States. Most members of Congress seem uninterested, a fact underlining pro-Indian political prejudice. If Pakistan received a nuclear-powered sub from the Soviets, Congress would cancel all leaves and work through the weekend to handle the resolutions of condemnation and the bills cutting off U.S. aid.

This prejudice of U.S. politicians, despite India's naval buildup, is even more surprising in view of India's support for the Soviet invasion of Afghanistan. Officially, India sees no evil. It accepts the preposterous Soviet claim that the Red Army occupied Afghanistan because of outside "interference" with the Communist government—the very regime that was planted in Kabul by the Kremlin.

India has even informed Moscow that it will give asylum to Afghan Communist leaders if they have to flee for their lives following the oft-promised Soviet withdrawal.

That perverse loyalty to the Soviets by the country that has led the world in preaching against imperialism and for human rights shows how badly India wants to achieve its ambition as regional superpower. The probable targets in this power game are the United States and Pakistan, a fact well understood by President Zia, whose strategic mind is often underestimated in the United States. Even without the new India, Zia's strategic warning deserves closest attention in Washington.●

LEGALIZATION PROGRAM OF IMMIGRATION ACT

● Mr. CHAFEE. Mr. President, today I am pleased to join my colleague Senator KENNEDY and others in cosponsorship of S. 2015, legislation that would amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

In my view, extending the application period for the legalization program is a positive step toward this elusive success. An extension would not change the legalization program in any way, and it would give us the time we need to do some studied fine-tuning.

I have often been on record as a supporter of the landmark Immigration Reform and Control Act, one of the most carefully crafted compromises that the Senate has worked out. It was a hard-fought battle, and a job well done.

Nevertheless, we should not rest on our laurels. We must keep a vigilant eye on this at once compassionate and pragmatic program, and be willing to do what it takes to meet its goals.

Numerous midprogram changes in eligibility requirements, backlog, poor advertisement and explanation of the program, and unanswered questions about family unity are factors which are contributing to the low turnout for amnesty. There is a growing consensus that the confusion generated by the legalization program warrants an extension of the application period.

I believe that an extension of the application will give immigration advocates and the INS time to solve these problems, and make the legalization program a success.

Of particular concern is how the Immigration and Naturalization Service will treat families in which one spouse qualifies for amnesty while the other spouse and the children do not.

I am aware that many of my colleagues are convinced that this problem has been adequately addressed by INS Commissioner Nelson's announcement last fall of a family fairness plan. Yet the evidence from my home State suggests widespread fear and uncertainty.

It is still my hope that hearings will be held on my legislation, S. 1408, the Humanitarian Family Unity Act. I am not satisfied that the problem of family unity is at all solved, and I urge my colleagues not to drop the issue, not to ignore it, not to rest until immigrant families can be absolutely certain that they will not be separated under the new immigration law.

Thus, I am pleased to become a cosponsor of S. 2015. I do hope that an extension of the application period will lead to increased public education, which in turn will encourage many more qualified aliens to come forward, out of the shadows, and apply for legal status.

I also hope we will continue to look hard at this program, and do whatever it takes in the time we have remaining to make it a complete success.

The Most Reverned Louis E. Gelineau, Roman Catholic Bishop of Providence, RI, recently called for a truly humanitarian family unity policy and an extension of the legalization program's deadline, as objectives which go hand-in-hand. I ask unanimous consent that the full text of Bishop Gelineau's November 30, 1987, editorial in the Providence Journal be printed in the RECORD.

The editorial follows:

[From the Providence (RI) Journal, Nov. 30, 1987]

U.S. MUST ACT TO ALLAY THE FEARS OF ILLEGAL ALIENS

(By Louis Gelineau)

As most people know, the United States has had a new immigration law since Nov. 6, 1986. It provides for sanctions against employers who knowingly hire illegal aliens after that date, as well as an amnesty for persons illegally residing in the United States since before Jan. 1, 1982.

The intent of Congress, as is clear from the CONGRESSIONAL RECORD, was to provide a broad, generous amnesty to those persons who established and maintained an illegal residence in the United States before Jan. 1, 1982. Unfortunately, the regulations devised by the Department of Immigration to implement the amnesty program do not always reflect this original generous intent.

The relative restrictiveness with which the Department of Immigration interpreted the statute, and the distrust with which the population in question has traditionally viewed the Immigration and Naturalization Service have resulted in surprisingly low numbers of persons applying for amnesty.

Although the INS estimated that 3.9 million undocumented persons nationwide would benefit from the amnesty program, only some 750,000 had applied by the six-month mark. (The program is scheduled to run through May 4, 1988). If trends continue, more than 2 million potentially eligible persons will not obtain amnesty. We face a potential humanitarian crisis of enormous proportions in some regions of the country, in which tens of thousands of families nationwide could find themselves out of work, owing to employer sanctions, homeless as a result, and caught between a country in which they no longer have a place, and a home to which they are unable or unwilling to return.

It is true that the Department of Immigration has taken steps to liberalize certain aspects of their regulations. For example, the INS recently announced that persons who were otherwise eligible for amnesty—who had left the country and returned with a "valid" non-immigrant visa (generally obtained through misrepresentation at the U.S. embassy abroad)—would no longer be deemed to have interrupted their continuous illegal residence. Nationwide, it is estimated that this change may aid as many as 100,000 persons who previously had been judged statutorily ineligible.

Unfortunately, the INS has not taken similar steps with regard to another key issue; family unity.

According to the non-governmental human service agencies aiding persons to prepare their amnesty applications, the issue of family unity is perhaps the major reason that so few have applied for amnesty. This is true, even though the confidentiality of information contained in legalization applications is guaranteed, and even though INS recently announced that minor children of legalized aliens will not be deported. This policy applies only to children if both parents receive amnesty, or in the case of a single parent household, if the parent that the child lives with receives amnesty.

The issue of family unity goes to the heart of the credibility problem that hampers the efforts of the INS to encourage amnesty applications. Confidentiality notwithstanding potentially eligible amnesty applicants are not convinced that amnesty will not result in the exposure of ineligible family members. Without a clear policy decision that affirmatively provides not only for minor children, but for spouses as well, hundreds of thousands of otherwise eligible persons will simply not come forward.

The stated purpose of the amnesty was to bring a large part of the country's documented population forward, incorporating them into the democratic system. If only half of those eligible for the amnesty actually apply, can we say that the program has been a success? How will we face the serious problems which will surely arise but will not have been planned for?

Because of the favorable changes that have occurred in the amnesty program, and those which I trust will take place in coming months, as Bishop of Providence I urge potentially eligible aliens to contact one of the following Rhode Island agencies to discuss their cases with complete confidentiality: Catholic Social Services, 467-7200; International Institute, 461-5940; SER Jobs for Progress, 724-1820.

I also join with Cardinal Bernard Law, Archbishop of Boston, in calling for a six-month extension of the May 4, 1988 amnesty program deadline. Programmatic changes necessarily require time to be disseminated, and even more time is needed for those affected to take advantage of them.

Additionally, I would urge the Department of Immigration to consider extending the period for appeals from 30 to 90 days. It seems likely that a flurry of denials will attend the close of the amnesty program, overburdening efforts to provide adequate legal services to those persons. Also, 30 days is scarcely sufficient to gather the additional documentation which will certainly be required in many cases.

It is clear that for the amnesty program to be a success and fulfill its original humanitarian intent, the Department of Immigration must make some substantive gestures of good faith to remedy existing shortcomings. Such policy changes must address the issue of family unity and would do well to consider extending the program deadline and the appeals period. Only then will suspicion and distrust be allayed, freeing hundreds of thousands to take advantage of the opportunity of a lifetime.●

THE ABORTION NEUTRAL AMENDMENT

● Mr. HEINZ. Mr. President, last week the Senate approved S. 557, the Civil Rights Restoration Act which reversed the 1984 Grove City decision and restored four major civil rights laws to the full meaning and scope intended by Congress.

I was an orginal cosponsor of the legislation. I voted for final passage of the legislation. I voted against amendments that would dilute the civil rights contained in the legislation. I did, however, vote for my colleague, Senator DANFORTH's so-called Abortion Neutral amendment, which clarified that neither title IX of the Education Act amendments nor the implementing regulations require educational institutions, hospitals or other entities to provide or pay for abortions as a condition of receipt of Federal funds.

This amendment provided considerable controversy, Mr. President, before, during, and after its passage. However, in the wake of that debate, my hometown newspaper, the Pittsburgh Post-Gazette, has published a very thoughtful and dispassionate editorial on the amendment. Entitled " 'Grove City' Limits," it culls through the rhetoric to what I believe are the real issues. It offers some valuable insights. For these reasons, I ask that it be printed in the RECORD.

The editorial follows:

[From the Pittsburgh (PA) Post-Gazette, Wednesday, Feb. 3, 1988]

"GROVE CITY" LIMITS

Four years ago, in a case involving Pennsylvania's Grove City College, the U.S. Supreme Court unduly restricted the scope of laws against discrimination by institutions that receive federal funds. Last week the U.S. Senate took a major step toward overruling the court's crabbed interpretation, but that accomplishment was overshadowed by an exaggerated controversy over abortion.

Grove City College is a small, church-affiliated school in Mercer County that scrupulously resists entanglement with the federal bureaucracy. But because it enrolled students who received federal grants and loans, it was ordered to certify that it was complying with a 1972 federal law against sex discrimination. (Grove City's objection was to the certification requirement, not to the principle of equal treatment for women.)

To the Post-Gazette, it seemed at the time—and still does—that federal loans for individual students should not be regarded as aid to an "institution." The Supreme Court judged the matter otherwise, however. Then the court took a sidestep: It held that the law against sex discrimination in any federally aided "education program or activity" applied only to the specific program receiving federal money—in Grove City's case, the financial office—and not to the college as a whole.

It is this interpretation that the Senate rightly decided to overrule, not only in laws banning sex discrimination on the basis of race, religion, age and disability. The so-called Civil Rights Restoration Act thus qualifies as one of the most important civil-rights bill to be considered by Congress in years.

One would think that supporters of the Restoration Act would be jubilant over their victory in the Senate, which is likely to be followed by similarly overwhelming approval in the House of Representatives. (President Reagan has threatened to veto the legislation, but few take his threat seriously.) Yet the bill's most ardent supporters are grumbling because the Senate attached an amendment to the bill dealing with abortion.

Proposed by Sen. John Danforth of Missouri, the amendment says that nothing in the legislation "shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including the use of facilities, related to abortion." It also says that nothing in its language "shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion."

Sen. Danforth said he offered his "abortion-neutral" amendment out of a fear that the broader law contemplated by the Restoration Act might force Catholic and other religious universities to perform abortions at their hospitals or else lose federal funding. Not so, said opponents of the amendment, who noted that the law already provided for exemptions for schools that claimed compliance with the law would violate their religious tenets. But then the same critics, led by Sen. Lowell Weicker of Connecticut, proposed their own amendment, whose language was similar to that of the Danforth amendment.

The ensuing debate bordered on the metaphysical, with "pro-life" and "pro-choice" Senators accusing one another of hidden meanings and secret agendas. The most coherent argument against the Danforth amendment was that its language prohibiting a "penalty" against a student who has undergone an abortion might not be strong enough to prevent such mistreatment in cases where a reprisal, such as the loss of a scholarship, might be viewed by the courts as the loss of a benefit rather than as a penalty.

If there is merit to that quibble, it can be addressed in a House-Senate conference committee. The main thrust of the Danforth amendment is hard to fault. As we have observed before, there is no harm in clarifying that performing abortions is not a condition of receiving federal aid. That clarification is especially appropriate now that Congress is moving to enlarge the scope of anti-discrimination laws.●

MAE BOREN AXTON

● Mr. BOREN. Mr. President, on February 15, friends of Mae Boren Axton from across the country will gather in Nashville, TN, at the Vanderbilt Plaza to salute her for her tireless efforts in public service and for her legendary contribution to country music. Our colleagues, Senator and Mrs. GORE and Senator and Mrs. JIM SASSER will be among the sponsors.

Having penned the first million dollar hit for Elvis Presley with "Heartbreak Hotel," Mae Boren Axton was a principal actor in American music history of the 20th century. She not only wrote countless songs and articles of criticism, but had a hand in promoting the careers of artists such as Willie Nelson, Waylon Jennings, Mel Tillis, and many others.

Such wide-ranging contributions have made Mae Boren Axton, a native Oklahoman, one of our State's favorite daughters: she has been selected as a member of the Oklahoma Women's Hall of Fame and Gov. George Nigh, 2 years ago, proclaimed Mae Boren Axton Day in the State.

Above all, Mae Boren Axton has a strong commitment to be a positive influence in the lives of others. Whether it is for the mentally ill, the elderly, those with health problems, or just a friend in need, Mae Boren Axton is always there, ready to give help and encouragement in difficult times.

It is no coincidence that all of the proceeds of the February 15 event in her honor will go to benefit the Spina Bifida Association of America to help fight against the No. 1 birth defect affecting American children.

Mae's efforts have changed the course of history in modern, indigenous, American music, and her public service work has altered the lives of many individuals on a deeply personal level.

My colleagues can understand my personal pride in the fact that Mae Boren Axton is my aunt. The love, compassion, and concern that she gives to her family is deeply felt and her example of extending that same love and feeling for all God's children with whom she has contact, is an inspiration to us all.●

JEAN S. KEENER APPRECIATION DAY

● Mr. SASSER. Mr. President, February 12, 1988, is a red letter day for Mrs. Jean Keener and her family. On that day Morristown Federal Savings and Loan is honoring Jean with an appreciation day for an outstanding career of 50 years of loyal service to Morristown Federal Savings and Loan. As a close friend of Jean and her entire family, I congratulate her and join in saluting her on a remarkable career.

Jean's dedication to Morristown Federal Savings and Loan should come as little surprise to those who know her. Jean's father, George F. Smith, founded the institution. Jean started to work there upon graduation from Sullins College in 1938.

Being the daughter of the S&L's founder, one might have expected Jean to take an easy path in her work. She did not opt for the path of least resistance. She worked in almost every capacity at Morristown Federal. As the saying goes, she made her way the old fashioned way—she earned it.

As the years went by, Jean's responsibilities grew. In 1964, she was first elected president of Morristown Federal. She moved up to chairman of the board in 1985. In both posts, she charted a course for Morristown Federal which made it one of the leading financial institutions in the region.

Jean's expertise in the world of finance has meant ever-increasing responsibilities for her. In 1981, she was elected as president of the Tennessee League of Savings Institutions, and in 1982, she served as the Tennessee director of the Southeastern Conference of Savings and Loan Associations. Her grasp of matters important to the industry led to her selection in 1983 as director of the U.S. League of Savings Institutions.

As a member of the Senate Banking Committee, I have found Jean's involvement with these organizations and her insight on financial issues to be an invaluable asset. I have benefited greatly from her advice over the years and look forward to her continued input.

Jean Keener has not limited her substantial talents to just the financial community. She has personified the best that we can expect from a community's business leader. She is active in many local civic projects. She has worked tirelessly with Walters State Community College to enhance that school's standing. In addition, she plays a leading role in preserving the historical integrity of her Tennessee community through services with local museums and preservation efforts. She is active in the United Way. She helps our youth discover what the business world has to offer in her work with junior achievement.

These are just a few of the civic, social, and charitable organizations that Jean has been associated with throughout her career. All of us take great pride in her dedication to her community over the years.

I know that Jean's family will be enjoying her appreciation day on the 12th. Her husband, George, her three children, and nine grandchildren can take pride in her numerous accomplishments. It has been my honor and pleasure to have known and worked with Jean and her family for many years, and I join her family and community in extending best wishes to a truly wonderful lady.●

STUDENT AID

● Mr. PELL. Mr. President, we are all well aware of the importance of the Federal student aid programs in assisting disadvantaged students to obtain a strong, solid education. I would like to place an article in the RECORD which illustrates clearly the overwhelming value of these programs, as well as the benefit of the Job Training Partnership Act.

The article, which appears in the February/March edition of the Community, Technical, and Junior College Journal [AACJC] was written by a friend not only of mine but of all of education, Frank Mensel. Mr. Mensel, who is vice president for Federal Relations at the American Association of Community and Junior Colleges, has long been recognized as an exceptionally strong, effective and thoughtful leader in the education community.

The article that Mr. Mensel has written demonstrates clearly that student aid, combined with the essential elements of motivation and perseverance by a student, can help produce a veritable success story. I strongly recommend this most important article be read by each of my colleagues.

I ask that the full text of the article be printed in the RECORD.

The article follows:

MARY E. JOHNSON: THE PELL GRANT SUCCESS STORY

(By Frank Mensel)

The story of Mary E. Johnson of Tekamah, Nebraska, is a story lived by tens of thousands of Americans every year in community colleges. Yet it is a story that cannot be told too often—at least as far as the AACJC-ACCT Joint Commission on Federal Relations is concerned.

The Commission heard her at its hearings conducted during the regional "federal update" conference in Omaha in November. Her story is a ringing example of the feel the Commission gains for federal programs and legislative priorities by holding grassroots hearings each year.

Basically, her story is a Pell Grant and Job Training Partnership Act success story. Well before her testimony was finished, the eyes of the 60 listeners brimmed with tears. here are Mary's own words.

"When I was in my last year of high school, some 18 years ago now, my mind was concerned with what I was going to do with my life. I enjoyed school and did well, so college seemed the natural next step. The financial situation in my family was quite limited. So after searching for any help available, I was all set to go to college for a year. As life has a way of doing, it slapped me in the face. An unexpected child was due in the spring.

"In March, my son was born. As he grew, it soon became apparent something was wrong physically. He was diagnosed as being slightly brain damaged. With his need for physical therapy and lots of extra attention, I saw the need to stay home and care for him. My hopes of going on to college were tucked away for 'maybe someday.' Also, my husband's health was not good, due to diabetes. So, the best place for me was home with my family. I worked occasionally to help support us, never in the area I was interested in, but in whatever I could get at the time.

"We are farmers, living on a small 90-acre farm inherited from my father-in-law. After trying several areas of livestock production, we took a big gamble and started a dairy. It was profitable for a time. Gradually, as the bills kept coming in and more often than not we were unable to pay them, it became apparent we would have to sell out. Everyone on the farm seems to be having difficulties in the past few years.

"Soon after the birth of my daughter, in 1984, we sold the dairy operation. In one respect, it was a sad happening. But, I had had to spend a lot of time working with the animals, and after a time began to resent the farming operation because it was not the type of work I cared to do, only what I *had* to do.

"Now, we had to seek additional income off the farm as 90 acres are not enough to make a living from today. My husband found work at a large commercial dairy on the night shift. I looked for work but nothing was available that paid enough to make it worthwhile, after I paid the gas and babysitting expenses. After a time, I too went to work for the dairy that employed my husband, working alongside him. Again, I was working, but not doing anything that fulfilled me as a person—just working. After one and a half years of this, I decided this was it; there had to be a better way! The need for education became apparent; I was getting nowhere without it.

"But where did I start? We certainly didn't have the money to put me through college. I didn't even know exactly what I'd study if I ever got there; and after 15 years and two kids, could I cope with it anyway?

"One day I picked up the local paper and these headlines seemed to jump out at me: 'Career Planning Classes to be Held,' offered through the Ag-Action Centers of area community colleges. I frantically read on, almost believing someone had read my mind. I was going to classes come hell or high water!

"I faithfully attended and spent several evenings listening to the counselor telling me that there was a way for me to get to school. I then spent three days taking extensive tests and discussing my needs and wants with the counselors. They directed me to several agencies that were there to help people in just my particular situation.

"Now came all the red tape of proving that we were truly in need and that I could manage a family, school, and all the driving that going to school would entail.

"I drive 45 miles each way, daily, to attend classes at Metropolitan Community College. I encountered one agency which rejected me on that fact alone. Thank goodness there are agencies and supervisors with enough foresight to realize that I was a determined lady and would at least give it all I had! JTPA is that agency.

"My first funding assistance through JTPA came at the time of the Vocational Assessment Testing done prior to my enrolling in college. Later, when the decision was made to enter college, JTPA provided payment for my first year's tuition and books. Through the financial aid application, I was also eligible for and have received the Pell, Supplemental Opportunity, Board of Governors, and State Student Incentive Grants, plus college work-study.

"Though funding in my second year has declined somewhat, I have received funding from the special assistance program called WAGE, which combined with the Pell Grant, college work-study, and a small scholarship, allow me to continue with my education. I plan to earn my associate degree in accounting this summer.

"I am able to attend college solely because assistance was available to me; without financial help, I would be in the same situation as before—working, but not fulfilling myself in any way. An education can open many doors for you; some you don't even realize exist. I have been given an opportunity to better myself through my education. I hope this chance is extended to as many students as possible in the future. Although an education is desired by many, if it cannot somehow be paid for, it is not possible."

She closed her testimony on the perfect note; she pointed out that she now has part-time employment in her chosen field, with good prospects that it will open up a full-time career as soon as she graduates.●

JOHNSON AND WALES COLLEGE CULINARY TEAM FROM THE UNITED STATES

● Mr. PELL. Mr. President, Rhode Island is proud to have one of the top culinary schools in the Nation at Johnson and Wales College and we are even prouder to have students representing Rhode Island and the Nation competing in international culinary events.

A culinary team of six students from Johnson and Wales College left last weekend for Hotelympia 1988—the International Hotel and Catering Exhibition in London—where they will compete in the 105-year-old Salon Culinaire International de Londres.

The Johnson and Wales student culinary team is the only United States team, student or professional, competing in this prestigious event. The team is sponsored by Sarah Coventry, Inc., designer and manufacturer of brand-name fashion products.

Team Manager Noel Cullen, director of operations at Johnson and Wales College, also will judge England's "Chef of the Year" competition.

I understand the London competition is expected to serve as a dress rehearsal for the 1988 "Culinary Olympics" in October in Frankfurt, Germany. The Johnson and Wales students will be the only United States college team at that event competing against student teams from around the world.

The students named to the team are: Douglas Alley of Beals, ME; William Erlenbach of Valparaiso, IN; Suzanne Finkele of Wellsboro, PA; Wendy Geiler of Baltimore, MD; Dannella McWilliams of Kensington, MD; and Christine Stamm of Walpole, NH.

I am confident that I represent their many supporters throughout the Nation when I wish them well. I trust they will bring hard-earned honors home from London, when they return to Rhode Island on February 4, and that they will represent our country with equal pride in October.●

RECENT DEVELOPMENTS IN NORTHERN IRELAND

(By request of Mr. PELL the following statement was ordered to be printed in the RECORD:)

● Mr. BIDEN. Mr. President, I am concerned and dismayed about two recent developments in the affairs of Northern Ireland, developments which threaten to tear apart a crucial framework for peace in that beleaguered province.

The framework is the Anglo-Irish agreement, a treaty signed in November 1985 by the Republic of Ireland and the United Kingdom. The agreement gives the Dublin government a consultative role in the daily affairs of the North, and attempts to reassure the Catholic minority that its rights will be protected. One key provision of the accord was intended to secure evenhanded treatment for Catholics by the police and the judiciary. Because of a long history of discrimination in this area, Catholic suspicions about fairness in the administration of justice run deep.

Two decisions last week in London have reaffirmed these suspicions, and as a result have clouded future prospects for the accord. Many people in the Republic and Northern Ireland have expressed outrage at these decisions, and they are questioning the commitment of the British to fulfilling all of the terms of the agreement.

First, British Attorney General Sir Patrick Mayhew announced that his government would not prosecute officers of the Royal Ulster Constabulary [RUC]—the Northern Ireland police force—who interfered with an investigation into allegations of a shoot-to-kill policy by the security forces in 1982. The Attorney General admitted to evidence of attempts to "pervert the course of justice," but said that the officers would not be prosecuted because of undisclosed "national security" reasons. He further announced that the case was closed and that the report on the matter would not be published.

Second, a British Court of Appeal upheld the convictions and sentences of a group of men—all Catholics from Northern Ireland—convicted for two 1974 pub bombings in the British midlands. New evidence and a report that their confessions may have been coerced cast doubt on their guilt, and indicated they may have been wrongly convicted in a rush to judgment. Catholics in Northern Ireland believe that the denial of the appeal confirms their view that the British justice system is rigged against them.

These decisions are extremely regrettable. In particular, it is difficult to understand how the British Government could decide against prosecuting police officers in the face of evidence that they had obstructed an investigation. This announcement makes a mockery of the justice system, for it implies that members of the security forces are somehow above the law. It would appear that the RUC is not to be held publicly accountable for its actions, and that its officers are free to act without fear of prosecution. The damage to relations between the nationalist community and the RUC will be difficult to reverse. How do the British expect to increase public confidence in the security forces when it announces that its members are to be shielded from criminal prosecution?

The events of last week will also have serious implications for relations between Dublin and London. The decision not to prosecute the RUC officers is a slap in the face for Dublin, which has been pressing the Thatcher government to address the crucial issue of the administration of justice.

These recent developments call into question the British commitment to the Anglo-Irish Agreement. London should take concrete steps in the next few months to reassure skeptics on both sides of the Atlantic that they have not retreated from the accord. Otherwise, doubts about British's dedication to the treaty will continue, to the detriment of the long-term prospects for peace in Northern Ireland.●

NATIONAL WOMEN IN SPORTS DAY

● Mr. PACKWOOD. Mr. President, today marks the second anniversary of "National Women in Sports Day." As the sponsor of the resolution which created this day, I would like to say how pleased I am by the support that my colleagues have given this legislation.

Despite a rich history of participation in sports, women's contributions as athletic leaders have long been ignored. This day is one effort to see this situation does not long prevail. By drawing attention to our Nation's women champions and their legacy of excellence, I and the 50 Senators who joined me in cosponsoring this event want women and girls everywhere to see what fine role models they have in the athletic arena.

I first conceived the idea for "National Women in Sports Day" after learning of the tragic death of Flo Hyman, a champion volleyball player and Olympic silver medalist. A leader both on and off the court, Flo personified the best in human achievement that participation in sports can produce. I first met Flo in 1984 when she was contacting Senators regarding civil rights legislation. Therefore, it is especially fitting that our celebration this year takes place only one 1 week after Senate passage of the Civil Rights Restoration Act, a bill which guarantees better treatment for women athletes, students, and coaches. I am honored once again to be taking an active part in this celebration.

Last year, I presented an award named in memory of Flo to Martina Navratilova whose leadership and athletic excellence are an example to us all. This year the President will present the Flo Hyman award to Jackie Joyner-Kersee, a talented track and field star whose style and grace win her both gold medals and boundless respect.

Through athletic endeavor we learn that we can always jump higher, work harder, and do better. Our recognition of this day focuses special attention on the achievements of women athletes while stressing the important opportunity for learning leadership skills, building friendships, initiative, confidence, and discipline that sporting activities provide for women and girls.●

SITUATION IN EAST TIMOR

● Mr. DURENBERGER. Mr. President, in August of last year, 39 of my colleagues joined me in sending a letter to Secretary of State Shultz regarding the continuing tragedy in the former Portuguese colony of East Timor, which was invaded and occupied by Indonesia in 1975. By sending that letter, my colleagues and I wanted to ensure that East Timor receive international attention to help alleviate the suffering in that territory. I intend to pursue further efforts of this nature on the East Timor issue in 1988, not only because the suffering in East Timor persists, but also because silence can only help to breed further abuses in that little-known territory. I cannot, in good conscience, allow the plight of East Timor to continue without comment.

While the situation has improved since the traumatic days of the late 1970's and early 1980's, there should be no doubt that abuses in East Timor continue. A December 13, 1987 article in the Sunday Boston Globe makes that abundantly clear. So do persistent reports from a wide variety of religious and secular sources. The article in the Globe paints a grim picture of widespread fear among the Timorese population. It discusses abuses of detainees, and notes that the little the world hears about East Timor is merely a reflection of the tight restrictions placed on visitors, and the people whom they attempt to visit, by the Indonesian military.

The United States should do more about the East Timor situation. After I sent my letter last year, the State Department rapidly briefed my staff and claimed that there were no longer human rights problems in East Timor. This was strikingly similar to what I heard earlier in this decade when I first became involved in the tragedy of Timor. I do not dispute that the situation in Timor is better in 1988 than in 1981. But I also cannot dispute the numerous first-hand reports I have received about continuing violations in the area.

And if the U.S. Government should do more to address human rights violations in East Timor, so should others. Beginning this month, the U.N. Human Rights Commission will meet in Geneva to discuss the East Timor situation and other questions. I urge all members of the Human Rights Commission to approve the strongest possible resolution on the Timor situation. While there have been some improvements in Timor in recent years, this in no way outweighs the gravity of general conditions in the territory or the feelings of the inhabitants, who have thus far been denied any meaningful say in their own future. After as many as 150,000 to 200,000 East Timorese deaths as a result of the Indonesian assault, it is vital that the situation not be allowed to deteriorate any further. Current reports make it clear that serious human rights problems persist in East Timor. The U.N. Human Rights Commission will, I hope, act accordingly.

For the benefit of my colleagues, I ask that excerpts from the December 13, 1987 Boston Globe be published in the RECORD along with a New York

Times article concerning the letter I sent with my Senate colleagues last year.

The material follows:

[From the Boston Globe, Dec. 13, 1987]

A "Hidden Holocaust" In the Pacific

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of inter-national church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatmnet by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portuguese government has all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revoluntionary Front for the independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 U.S. senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983, Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people . . . the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a 'pass' issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Msgr. Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement. Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator. Msgr. Carlos Ximenes Belos, is under close military scrutiny Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the indonesian invasion soon after it occurred, 38, nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

[From the New York Times, Aug. 9, 1987]

Senators Voice Concern on Timor

(By Richard Halloran)

A bipartisan group of 40 senators has written to Secretary of State George P. Shultz about what they called "a renewed Indonesian military offensive against Timorese insurgents."

It was unusual for that many senators, led by Dave Durenberger, Republican of Minnesota, and Daniel Patrick Moynihan, Democrat of New York, to express concern for a situation that draws little public attention.

Mr. Durenberger said in a statement that "by sending this letter, my colleagues and I want to insure that East Timor receives international attention that will help to alleviate the tragic suffering of the Timorese people."

Timor is an island at the eastern end of the Indonesian archipelago. During the colonial era, it was under Dutch rule in the west and Portugese rule in the east. Indonesia inherited the Dutch portion when it gained independence and invaded East Timor in 1975.

Since then, according to repeated reports by Roman Catholic and humanitarian organizations, the Indonesians have sought, often with military force, to subdue East Timorese nationalist insurgents, many of whom are Catholics. Indonesia is largely Moslem. The statement by Mr. Durenberger said "international human-rights organizations and church bodies estimate that 150,000 East Timorese, one fifth of the island country's population, have perished from warfare and famine over the past 12 years."●

"NATIONAL KNOW YOUR CHOLESTEROL MONTH"

Mr. KARNES. Mr. President, high blood cholesterol is undeniably a major killer of Americans. As a result, I believe anything we do to educate the public on this disease is time well spent. In recent years, cholesterol awareness has grown steadily and I can assure you this knowledge has not evolved by accident.

Indeed, the cholesterol education of America can largely be attributed to the efforts of numerous dedicated groups and individuals. The National Institutes of Health, along with countless other public and private organizations, has been deeply involved in the study of blood cholesterol levels. In addition, my predecessor, the late Senator Edward Zorinsky, was extremely committed to cholesterol research and education. As you will recall he was the first of our colleagues to introduce cholesterol awareness legislation in the Congress.

Because Senator EXON and I are very interested in cholesterol awareness, we are following up on Senator Zorinsky's lead. Last week we introduced Senate Joint Resolution 243, a joint resolution proclaiming the month of April 1988 as "National Know Your Cholesterol Month."

It is my hope that during the month of April, Americans will make an effort to have their blood cholesterol level checked. We can only guess at the number of lives such an initiative may save, but I am sure it would eventually be in the hundreds of thousands.

In conjunction with the April observance, the National Heart Savers Association—an organization dedicated to promoting cardiac health—will be on Capitol Hill once again to provide cholesterol screening. Last April, over 9,600 Senators, Representatives, and Capitol Hill employees took advantage of this opportunity.

Mr. President, there are many ways to decrease the likelihood of contracting heart disease. Knowing your cholesterol level is perhaps one of the most important such means. I urge each of our colleagues to support this important resolution and to participate in the second annual Capitol Hill cholesterol screening.●

TREATMENT OF THE PEACE CORPS UNDER THE INSPECTORS GENERAL BILL: S. 908

● Mr. CRANSTON. Mr. President, on Tuesday of this week, the Senate passed S. 908, the proposed "Inspector General Act Amendments of 1988." That measure contained certain provisions, in section 5, relating to the internal audit and investigation functions of the Peace Corps and a number of other entities not having inspectors general.

As originally introduced, those provisions of the bill would have had an adverse effect on the Peace Corps' unique personnel system. Under that system—which is designed to ensure the ongoing infusion of new blood and new ideas and the opportunity for returned volunteers to serve on Peace Corps staff—Peace Corps employees generally may serve in that agency for no more than 5 years and, upon leaving Peace Corps employment, may not be rehired for a period of time equal to their prior period of employment. This is called the 5-year rule and is unique in the Federal Government. The bill as introduced would have given the head of the Peace Corps' audit unit employment authorities that would not have been subject to that rule. In my view, making the audit unit exempt from the 5-year-rule could have caused its staff members to be perceived as having a special tenure status not available to those employed in other Peace Corps offices and thereby caused a serious loss of morale as well as other internal problems. Thus, the drawbacks of the proposed modification to the Peace Corps personnel system would have unquestionably outweighed any benefit that would have been derived from the establishment of a career service for the purpose of ensuring greater continuity in investigations and auditing.

Due to these concerns, I initiated a letter, in which I was joined by the chairman of the Foreign Relations Subcommittee on Western Hemisphere and Peace Corps Affairs, Mr. DODD, to the very able chairman of the Governmental Affairs Committee, Mr. GLENN, to urge him to make a modification in S. 908 with respect to the Peace Corps—in order to avoid making a harmful change in the Peace Corps' personnel system.

As we stated in our June 11, 1987, letter to Senator GLENN on this subject:

> Favoring, as we do, the other provisions of S. 908 that would strengthen the Peace Corps' audit function, we believe it would be unwise to risk diminishing the Peace Corps' ability to carry out its vital work by making it subject to sweeping legislation affecting a host of other, dissimilar agencies without providing the exception that we believe is necessary in light of its unique mission and structure.

In response, Senator GLENN indicated that the bill as reported by the Committee on Governmental Affairs was not subject to this criticism because it modified the original version to make the internal audit head's personnel-appointment authority subject to the applicable law and regulations governing the Peace Corps employment.

Mr. President, I am very grateful to Senator GLENN for his excellent cooperation on this matter and the concern for the vitality of the Peace Corps which his actions in this matter have reflected. I thank him for his courtesy and great responsiveness to the concerns we brought to his attention.

Mr. President, I ask that my exchange of correspondence with Senator GLENN on this subject be printed in the RECORD at this point.

The material follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 11, 1987.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR JOHN: We are writing in connection with your Committee's consideration of legislation, in section 5 of S. 908, the proposed "Inspector General Act Amendments of 1987," to strengthen the internal audit capacity of various executive branch agencies which do not have an Inspector General and for which none is proposed in the bill. We are generally very supportive of this effort but wish to urge strongly that you make one modification with respect to the Peace Corps—in order to avoid making a very harmful change in the Peace Corps' personnel system.

The modification we seek would provide the Peace Corps with an exception to the provision, in subsection (f) of new section 8D of the Inspector General Act of 1978 (as proposed to be added by section 5(a) of the bill), that would give the head of each agency's internal audit unit the authorities set forth in section 6(a)(6) of that Act "to select, appoint, and employ . . . officers and employees . . . subject to the provisions of Title 5, United States Code, governing appointments in the competitive service" and to certain provisions of that title relating to pay.

The Peace Corps has a unique personnel system which was specially-tailored in 1965 to meet the particular needs of this overseas Volunteer agency. Under the 1965 legislation (Public Law 89-134), as amended in 1985 (section 1103(a) of Public Law 99-83), the Peace Corps' personnel authority for its United States citizen employees consists of time-limited foreign service appointments, which Peace Corps employees generally may not hold for more than 5 years (with the possibility of serving up to 6 years or 7½ years in certain exceptional cases). Thus, the Peace Corps personnel system was designed for the employment of a staff which, like the Volunteers they support, consists of individuals who view working in the Peace Corps as a special opportunity for service rather than as a career.

Separating out the Peace Corps' audit unit for different treatment—making audit unit members Civil Service personnel and exempting them from the 5-year rule—would have a very serious detrimental effect on the agency.

First, the 5-year-rule exemption could be interpreted as a message from the Congress that the mission of the audit unit is of a more important, higher order than other Peace Corps offices. Although the audit function is clearly very important, its responsibilities do not warrant elevation above other Peace Corps offices.

Second, making any particular Peace Corps office exempt from the 5-year rule could create a very serious morale problem.

In 1981, the Congress enacted legislation Senator Cranston authored and Senator Dodd cosponsored (section 601 of Public Law 97-113) to restore the Peace Corps' independence, removing the Peace Corps from the ACTION Agency. Under that legislation, more than 450 career civil service employees were transferred from the ACTION Agency to the Peace Corps. These employees were required, within 3 years after the enactment of the 1981 law, to accept limited foreign service appointments, which all United States-citizen employees of the Peace Corps hold. It would clearly be inequitable to those employees—of whom more than 200 are still in Peace Corps employ—to make one office exempt from the 5-year rule, to which all others are subject.

Third, such special treatment of audit personnel could, after a few years, bestow on that office an artificially-created aura of being the experienced "experts" on what the Peace Corps should be like and how it should function. In our view it would be most unwise to confer status on any office of the Peace Corps.

We are aware that some may argue that the audit function requires career personnel and more of an "institutional memory" than the 5-year rule allows or that, since the audit unit is not a policy-making office, it is not important for the 5-year rule to apply to it.

Responding to this argument it is not the case that audit units do not play a policy role. In our experience, audit units, although not charged with developing agency policy, clearly can and often do have a major impact in the creation or modification of policy. As the Chairman or ranking minority member of an authorizing committee, the Veterans' Affairs Committee, with oversight responsibility over an agency, the VA, having an Inspector General for the last 9 years, Senator Cranston is aware of a host of examples of the IG's profound influence on agency policy.

Moreover, the argument regarding the need for career audit personnel could be made as well for other Peace Corps administrative offices and its legal office, for example, as well as its program offices. Obviously, in all such cases, what is involved is a trade-off between the desirability of a personnel system that is attuned to the volunteer concept and provides for a continuing infusion of fresh blood and new ideas (including, in this case, new audit concepts and possibly more objectivity), on the one hand, and one that provides for longer-term staff more experienced in the agency's programs, on the other hand.

We, and we believe many others who have worked closely with the Peace Corps over the past two decades, credit the 5-year rule with contributing greatly to the agency's vitality and constantly renewed vision. Congress has not decided that any Peace Corps office should be a "career" office.

John, we are convinced that it would be a serious mistake to enact an exception in S. 908 to the Peace Corps' 5-year rule. The Peace Corps has a great record of working to help the peoples of developing Nations fight poverty, illiteracy, and malnutrition and to promote world peace and understanding. Favoring, as we do, the other provisions of S. 908 that would strengthen the Peace Corps' audit function, we believe it would be unwise to risk diminishing the Peace Corps' ability to carry out its vital work by making it subject to sweeping legislation affecting a host of other, dissimilar agencies without providing the exception that we believe is necessary in light of its unique mission and structure. For your convenience, we are enclosing a draft amendment to S. 908 to provide this exception.

Thank you for your consideration of this important issue. If you have questions or need further information, please have a member of your staff contact Ed Scott.

With warm regards,

Cordially,

CHRISTOPHER J. DODD,
Chairman, Subcommittee on Western Hemisphere and Peace Corps Affairs.
ALAN CRANSTON,
Chairman, Subcommittee on East Asian and Pacific Affairs.

DRAFT AMENDMENT TO S. 908, THE PROPOSED "INSPECTOR GENERAL ACT AMENDMENTS OF 1987"

(Purpose: To provide the Peace Corps with an exception to the internal audit unit head's civil service employment authorities)

On page 15, line 9, strike out "Sections" and insert in lieu thereof "(1) Except as provided in paragraph (2), sections".

On page 15, lines 13 through 17, redesignate clauses (1) through (4) as clauses (A) through (D), respectively.

On page 15, between lines 18 and 19, insert the following:

"(2) Clause (7) of section 6 shall not be applied to the internal audit unit and internal audit unit director of the Peace Corps.

COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 9, 1987.

Hon. CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.
Hon. ALAN CRANSTON,
Hart Senate Office Building,
Washington, DC.

DEAR CHRIS AND ALAN: I am writing in response to your joint letter concerning that provision of S. 908, the Inspector General Act Amendments of 1987, which would authorize the head of an agency's internal audit to employ officers and employees. On June 30, 1987, the Governmental Affairs Committee agreed to amend S. 908 to accommodate the Peace Corps' and other designated Federal entities' unique personnel systems. Specifically, S. 908, as reported to the floor with a favorable recommendation by the Committee, provides:

In addition to the other authorities specified in this Act, an internal audit unit director is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the internal audit unit and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

At this time, I would greatly appreciate your cosponsorship of S. 908. Information concerning the provisions of the bill are contained in the Committee's Report to accompany S. 908, numbered 100-150. If you are interested in cosponsoring, please have your staff contact Stephen Ryan or Lorraine Lewis.

Sincerely,

JOHN GLENN,
Chairman.●

S. 557 AND SECTION 504 OF THE REHABILITATION ACT: COVERAGE OF PERSONS WITH CONTAGIOUS DISEASES OR INFECTIONS

● Mr. CRANSTON. Mr. President, last Thursday, January 28, in connection with Senate action on S. 557, the proposed Civil Rights Restoration Act, an amendment to the bill was adopted relating to the protection under the provisions of section 504 of the Rehabilitation Act of 1973 of individuals with contagious diseases. This amendment, coauthored by my friend from Iowa [Mr. HARKIN], chairman of the Subcommittee on the Handicapped, was designed to allay any fears employers may have in hiring and retaining employees with contagious diseases. I fully endorse the Harkin-Humphrey amendment.

Prior to Senate consideration of this Harkin-Humphrey amendment, however, the Senator from Colorado, Mr. ARMSTRONG, and my colleague from California [Mr. WILSON] discussed at some length their interpretations of the Supreme Court decision in the Nassau County School Board versus Arline case and, in the case of Senator WILSON, the amendment itself. I believe that a number of points they made regarding the case and coverage for handicapped individuals under section 504 warrant a response, and thus, as the Senate coauthor with Senator STAFFORD of section 504, I am taking this opportunity to respond and to seek to clarify the issues involved.

SECTION 504

Mr. President, section 504 of the Rehabilitation Act of 1973 was enacted to ensure that recipients of Federal assistance deal fairly and reasonably with disabled individuals who are seeking to participate more fully in our society and in the activities of our commercial, professional, recreational, social, and governmental institutions. It prohibits Federal and federally assisted programs from discriminating against "otherwise qualified" handicapped individuals solely on the basis of their handicapping conditions.

During 1972, 1973, and 1974, I chaired, at the request of Senator Randolph, then-chairman of the Labor and Public Welfare Committee's Subcommittee on the Handicapped, a series of hearings regarding the range of problems facing disabled persons and restricting their opportunities for rehabilitation, work, and participation in society. One of the results of those hearings was the Rehabilitation Act of 1973, including section 504, which I crafted with my friend from Vermont

[Mr. STAFFORD], and three other great friends of disabled persons, Senators Javits, Williams, and Randolph.

Although that legislation was twice vetoed by President Nixon, it was finally enacted on September 26, 1973, as Public Law 93-112.

However, section 504 was originally limited in its applicability to individuals who had a physical or mental disability which constituted or resulted in a substantial handicap to employment and who could be expected to benefit from vocational rehabilitation, and it quickly became clear that the scope of section 504 needed to be clarified.

Thus, the following year we same five Senators proposed and the Congress enacted in the Rehabilitation Act Amendments of 1974—Public Law 93-516—a much broader definition of "handicapped individual" for purposes of the section 504 nondiscrimination provisions and the provisions in section 503 requiring certain Federal contractors to take affirmative action in the hiring and employment of handicapped persons. This definition includes any individual, first, who has a physical or mental impairment substantially limiting a major life activity; second, who has a record of such an impairment; or third, who is regarded as having such an impairment.

In enacting section 504 and the broadening definition, Congress recognized that much of the discrimination facing disabled individuals is not the inevitable result of their handicapping conditions, but, rather, arises out of the false perceptions and prejudices that others hold about individuals who have those conditions. The clear congressional intent was to sweep broadly—to change attitudinal barriers which had served so unfairly to deprive disabled persons of the rights and opportunities afforded to other Americans. Our goal was to ensure that individuals are evaluated individually based on their abilities—rather than only on any disabilities that they might have—and that unfair, blanket assumptions were not made about any individual, or categories of individuals, because of a real or perceived handicapping condition.

1978 AMENDMENTS REGARDING DRUG AND ALCOHOL ABUSERS

Mr. President, in 1978, concerns—similar to those which were discussed last Thursday by the Senator from Colorado and others regarding contagious diseases—were raised that sections 503—the contractor-affirmative-action provision—and 504—the antidiscrimination provision—of the Rehabilitation Act would compel certain airlines and other companies having Federal contracts or receiving Federal assistance actively to recruit and employ alcoholics and drug users or force employers to hire and retain alcoholics or drug users to perform jobs for which their condition made them unsuited or could endanger the public safety.

Although clearly the "otherwise qualified" standard, which has been in the law ever since it was originally enacted in 1973, would prevent such an outcome, many employers were nevertheless concerned. Thus, legislation was enacted which provided that the term "handicapped individual" would not include any individual who is an alcoholic or a drug abuser and whose current use prevents him or her from performing the duties of the job or whose employment would, by reason of current use, constitute a direct threat to the property or safety of others. That provision clarified by restating in statutory language the prevailing interpretation of, and clear congressional intent underlying, section 504.

In the course of the debate on the amendment of Senator CANNON, from which the provision ultimately enacted was derived, the then-chairman of the Human Resources Committee, Senator WILLIAMS, in a statement beginning on page 30323 of the RECORD for September 20, 1978, made very clear the view that the amendment was unnecessary and simply codified the existing interpretations of the Attorney General and Secretary of Health, Education, and Welfare. Senator WILLIAMS noted that the need for the legislation arose out of "misunderstandings and distortions concerning employment rights of alcoholics and drug dependent persons" and stated that the amendment would protect alcoholics and drug dependent persons from discrimination, and also would reassure employers that it is not the intent of Congress to require any employer to hire a person who is not qualified for the position or who cannot perform competently in his or her job. Moreover, an employer would remain free to consider past employment and work performance records of all applicants and to fire any employee whose job performance is unsatisfactory.

Senator WILLIAMS also expressed the view that the use of the word "qualified" in sections 503 and 504 "already serves * * * [the] purpose" of meeting employers' legitimate concerns regarding their employees' "capacity for safe, effective job performance" and that the amendment "merely reconfirms that, for purposes of sections 503 and 504 as they relate to employment, the term 'handicapped individual' does not include any person * * * whose * * * alcoholism or drug abuse renders that person not qualified * * *."

Senator HATHAWAY, then-chairman of the Human Resources Committee's Subcommittee on Alcoholism and Drug Abuse, whose remarks appeared in the RECORD immediately after Senator WILLIAMS, also stated that he did not believe that a "clarifying amendment is necessary."

Although the 1978 amendment literally stated that, for purposes of sections 503 and 504 as they relate to employment, the definition of "handicapped individual" did not include an alcoholic or drug abuser whose current use prevented performance of the job or constituted a direct threat to property or safety, that amendment did not result in any basic change in the process under section 504 by which it is determined whether the individual claiming unlawful discrimination is handicapped and whether that individual is "otherwise qualified," taking into account—as in the case of all other handicapped persons—any reasonable accommodations that should be made to enable him or her to perform the job satisfactorily. The practical effect, therefore, is the same as it would have been if the amendment had provided an exclusion from a definition of the term "otherwise qualified"—which is not defined statutorily.

THE ARLINE DECISION

Mr. President, the Supreme Court's decision in the School Board of Nassau County versus Arline case is completely consistent with congressional intent and case law on section 504 of the Rehabilitation Act. It does not, as the Senator from Colorado [Mr. Armstrong] contended, in his statements beginning on pages 378 and 381 of the RECORD for last Thursday, January 28, extend or expand the protections of section 504 to a new category of individuals to which it previously did not apply. There is absolutely no basis whatever in the language of section 504 or any other provision of the Rehabilitation Act, in the legislative history thereof, or in the implementing regulations for excluding handicaps resulting from contagious diseases from the scope of section 504. Thus, the Arline decision contained no surprises and does not in any sense represent judicial legislation. Rather, the Arline decision serves to ensure that the letter and the spirit of the law will be fully implemented.

Mr. President, under section 504 as interpreted by the Supreme Court in the Arline case, if a handicapped individual's employment would present a signficant risk to the health or safety of others, which a reasonable accommodation by an employer would not avoid, he or she would not be considered to be "otherwise qualified" for the job. This "otherwise qualified" standard provides the type of safeguards and protections for the public health and safety that the Senator from Colorado [Mr. ARMSTRONG] is concerned about. Section 504 does not require that employers hire all disabled individuals for all jobs. Rather, it provides disabled individuals with the opportunity to have their cases judged on their merits and to be free of unjust and unjustifiable discrimination.

Mr. President, the Senator from Colorado misrepresented the Arline decision in his remarks last Thursday, by implying that it would somehow require federally assisted organizations to take unwarranted risks in the health of other persons through the employment of persons with contagious diseases. On the contrary, the Court held that "a person who poses a significant risk of communication of an infectious disease to others * * * will not be otherwise qualified" and agreed with the American Medical Association that employment decisions about persons with contagious diseases should be based on reasonable medical judgments. The decision was well-reasoned and sensible. It protects handicapped individuals from being denied employment because of unfounded and irrational fears while, at the same time, providing for the protection of the public health and safety.

Mr. President, I want to emphasize that neither the Supreme Court in the Arline decision nor I am suggesting that the rights of handicapped individuals should be protected to the detriment of the public health or that other individuals should be placed at risk of harm. In fact, in the brief that I, joined by Senators STAFFORD, WEICKER, KENNEDY, INOUYE, and SIMON, and 30 Members of the House of Representatives submitted to the Supreme Court in support of the holding reached in the Arline case, we specifically stated that we "do not seek, and would oppose, any interpretation of section 504 that would require exposing schoolchildren, or any other individuals, to an appreciable risk of contracting a serious disease."

Mr. President, the Senator from Colorado contends that the Arline decision will "tie the hands of employers in making * * * decision[s] for the protection of other employees, of students and the general public." The Arline decision clearly states that, if an individual poses a significant risk to others based on sound medical judgment and a reasonable accommodation would not eliminate that risk, then the employer would be fully within his or her rights to discharge or not hire that individual. What section 504 does prevent is an employer firing, or refraining to hire, an individual because of misperceptions, ignorance, or irrational fears.

Mr. President, the Senator from Colorado also contended that the Arline decision will mean that "more healthy children and adults will be unwillingly exposed to persons with communicable disease" because employers will not want to face the possibility of a court hearing. That same type of argument could be made about any handicap currently covered under section 504 and the so-called burden that the law places on businesses. I simply do not agree. Section 504 has worked and has established an appropriate balance between protecting the rights of handicapped individuals and the public health and safety.

Mr. President, for an excellent analysis of the Arline decision and its importance to handicapped individuals, I would like to refer my collegues to the statement by the distinguished chairman of the Subcommittee on the Handicapped [Mr. HARKIN] which appeared in the March 3, 1987, RECORD beginning on page 4656.

Finally, Mr. President, I want to comment on a statement by my colleague from California [Mr. WILSON] in reference to the Harkin-Humphrey amendment. He stated that the amendment:

> will be an adjustment in the definition of the phrase "handicapped person," to take into account that someone who is currently afflicted with the contagious disease or an infection and who by reason of that would constitute a threat to public safety or by reason of that affliction would be unable to perform the duties. That person will not have the protection that exists for those who simply suffer a handicap and pose no threat of harm to others.

Mr. President, the reference to a lesser degree to protection for certain persons under the Harkin-Humphrey amendment is misleading. That amendment was obviously patterned after the 1978 alcoholism and drug abuse amendment and, therefore, should result in no substantive change in the law. Those whose handicap is the result of a contagious disease or infection would be entitled to the same procedures and application of the same criteria under section 504, including the reasonable accommodation principle, as are all other individuals with handicaps. The outcome in any particular case—whether it involves a contagious disease or some other type of handicapping condition—will depend on the facts of the case, including the individual's abilities, the nature of the job, and the effects of the handicap on the individual's ability to perform it. In this sense, an individual to whom the Harkin-Humphrey amendment applies would have no less protection than anyone else.

Mr. President, just as the 1978 law provided a sensible and balanced solution to the concerns raised, so does the Harkin-Humphrey amendment. It would help allay concerns that employers may have about employees with contagious diseases and infections and would still provide protection against discrimination for handicapped individuals. I congratulate Senators HARKIN and HUMPHREY for their efforts in achieving this goal●

SRI LANKA'S FORTIETH ANNIVERSARY

● Mr. LUGAR. Mr. President, Sri Lanka celebrates the 40th anniversary of its independence. I would like to take this occasion to congratulate a country which during the past four decades has provided an outstanding example of democratic growth and economic development.

In Sri Lanka, democratic institutions have indeed struck deep roots. In the course of seven national elections since independence, power has changed hands peacefully and voter turnout has been consistently high. Sri Lanka's parliamentary system is bolstered by the country's laudable success in education, with literacy rates approaching 90 percent for both men and women.

The economy of Sri Lanka has turned in a solid performance in recent years, with a growth rate of over 4 percent registered for last year. Since 1977, the government of President Jayewardene has moved toward a more market-oriented system and has promoted decentralization and entrepreneurship. Foreign investment has been successfully encouraged through the establishment of free trade zones. At the same time, foreign assistance has been channeled into beneficial projects such as the Maheweli hydroelectric and irrigation program in which the United States participates along with five other countries.

The United States has enjoyed a close bilateral relationship with Sri Lanka over the past 40 years. We welcome Sri Lanka's policy of permitting port calls by U.S. naval vessels. Sri Lanka has long hosted a Voice of America station on its territory, and a project is underway to upgrade the station as part of a new worldwide VOA Program. And in foreign affairs, we recognize Sri Lanka as a force for moderation.

The United States welcomed the peace accord signed July 29, 1987, between Sri Lanka and India providing for a cessation of hostilities in the Tamil conflict and an attempt to provide greater home rule. We commend the efforts by all parties to implement the accord under difficult circumstances and trust that realization of this agreement will help maintain the human rights of all Sri Lankans.●

SENATE CONFIRMATION OF THE APPOINTMENT OF THE COMMISSIONER OF FOOD AND DRUGS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 124, H.R. 1226.

May we have order in the Senate. If there is no order in the Senate and until we get order in the Senate we will not proceed.

The Senate is doing the people's business, Mr. President. May we have order in the Senate.

The PRESIDING OFFICER (Mr. ADAMS). The Senate will be in order. Those in the gallery will take their seats. They are guests of the Senate. We ask them to please refrain from conversation.

Senators will take their seats so that the majority leader may be heard. The Senate will be in order.

Mr. BYRD. Was the title stated?

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1226) to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation.

The PRESIDING OFFICER. Without objection, the Senate will proceed with consideration of the bill.

AMENDMENT NO. 1401

(Purpose: To establish the Food and Drug Administration by law, and for other purposes)

Mr. GORE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 1401.

Mr. GORE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) the public health has been effectively protected by the presence of the Food and Drug Administration during the last eighty years;

(2) the presence and importance of the Food and Drug Administration must be guaranteed; and

(3) the independence and integrity of the Food and Drug Administration need to be enhanced in order to ensure the continuing protection of the public health.

SEC. 3. ESTABLISHMENT OF ADMINISTRATION BY LAW.

(a) ESTABLISHMENT.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 903. FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—There is established in the Department of Health and Human Services the Food and Drug Administration (hereinafter in this section referred to as the "Administration").

"(b) COMMISSIONER.—

"(1) APPOINTMENT.—There shall be in the Administration a Commissioner of Food and Drugs (hereinafter in this section referred to as the "Commissioner") who shall be appointed by the President by and with the advice and consent of the Senate.

"(2) GENERAL POWERS.—The Secretary, through the Commissioner, shall be responsible for—

"(A) providing overall direction to the Food and Drug Administration and establishing and implementing general policies respecting the management and operation of programs and activities of the Food and Drug Administration;

"(B) faithfully executing this Act;

"(C) faithfully executing any other federal laws for which responsibility for administration has been delegated to the Commissioner from the Secretary;

"(D) coordinating and overseeing the operation of all administrative entities within the Administration;

"(E) research relating to foods, drugs, cosmetics, and devices in carrying out this Act;

"(F) engaging in educational and public information programs relating to the responsibilities of the Food and Drug Administration; and

"(G) performing such other functions as the Secretary may prescribe.

"(a) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary through the Commissioner of Food and Drugs may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific review groups as are needed to carry out the functions of the Administration, including functions under the Federal Food, Drug, and Cosmetic Act, and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups.".

(b) CONFORMING AMENDMENTS.—Title 5, United States Code, is amended—

(1) in section 5316, by striking out the item relating to the Commissioner of Food and Drugs, Department of Health and Human Services; and

(2) in section 5315, by adding at the end thereof the following new item:

"Commissioner of Food and Drugs, Department of Health and Human Services".

(c) EFFECTIVE DATE.—(1) The Amendments made by this Act shall take effect on the date of enactment of this Act, except as provided in paragraph (2).

(2) Section 903(b)(1) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) shall apply to the appointments of Commissioners of Food and Drugs made after the date of enactment of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1401) was agreed to.

Mr. GORE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I rise to speak on behalf of H.R. 1226, a bill to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation. The Food and Drug Administration firmly stands to protect the food and supply of drugs and medical devices for the American public. I have advocated this provision since 1978 when I introduced legislation addressed to the findings of 4 years of legislative oversight of the FDA and the pharmaceutical industry.

Appointment of the Commissioner of the Food and Drug Administration does not currently require confirmation by the Senate. This is in contrast to nearly all other appointments at the same level in the administration, such as the Surgeon General. H.R. 1226 would simply require Senate confirmation of the Commissioner of the Food and Drug Administration, to allow greater Senate oversight over the important duties of the FDA. In addition, H.R. 1226 will establish in law that the FDA Commissioner shall have the authority to perform functions related to the administration of the Food, Drug and Cosmetic Act.

I am pleased to offer this legislation for the consideration of the Senate, and wish to thank Senator GORE, sponsor of the amendment to it, for his energy and commitment on behalf of this bill.

Mr. GORE. Mr. President, it is time we let everyone know that they can count on having FDA around for many years to come. The legislation we are about to pass ensures that there will always be an FDA and that its head will be a Commissioner appointed by the President and subject to Senate confirmation. The Commissioner will have the responsibility for carrying out the Nation's food and drug laws.

I hope my colleagues see this measure for what it is intended to be, a routine measure, long overdue, and I hope my colleagues will be quick to support it.

For more than a century, the Food and Drug Administration has stood for solid protection of our food supply and medicines. All of us here can understand the importance of an independent and dependable FDA.

From the Pure Food and Drugs Act of 1906 to the Infant Formula Act of 1980, Congress has always turned to the FDA to ensure and enhance the public health. Its jurisdiction includes vital areas of public health, ranging from approval of drugs and food additives to inspection of medical devices and consumer complaints. Through the years, the agency has developed a worldwide reputation for professionalism and expertise.

We in Congress should strive to protect and promote that reputation for excellence. This amendment would give the FDA an independent Commissioner, appointed by the President and subject to congressional approval. An independent Commissioner will answer to Congress and the American people, not to several other agencies in the administration.

The head of every other major Federal health and safety agency is currently subject to Presidential appointment and Senate confirmation with a single exception—FDA. This includes the heads of the Federal Aviation Administration, the Environmental Protection Agency, the Occupational Health and Safety Administration, the National Highway Traffic Safety Administration, the Consumer Product Safety Commission, and the Nuclear Regulatory Commission.

The FDA is larger than the CSPC and the NRC, and more powerful than NHTSA or OSHA. It seems only reasonable to require the FDA Commissioner to account to Congress just as so many other commissioners must do.

Besides making the FDA Commissioner a Presidential appointment, this amendment would clarify the FDA's place in the executive process by having the Commissioner report directly to the Secretary. It also ensures the continued record of objectivity and professionalism that have become the hallmark of FDA technical and scientific review groups.

Mr. President, this legislation should enjoy the support of industry and public advocates alike. In the past, the current arrangement has resulted in serious delays in decisionmaking—delays that have endangered the public health and cost industry millions of dollars. I think we will all benefit from an independent and accountable FDA.

We must never allow red tape to stand in the way of progress or public safety. It's time to let the FDA concentrate on the business of safeguarding the health of the American people.

Mr. President, I hope my colleagues will support this small but essential step to bolster the independence of this tremendously important agency.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (H.R. 1226) was passed.

Mr. GORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC HEALTH SERVICE AMENDMENTS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 506.

The PRESIDING OFFICER (Mr. WIRTH). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1968) to amend the Public Health Service Act to provide for National and Regional Centers for Pediatric Emergency Medical Services, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1402

(Purpose: To remove the section that provides for National and Regional Centers for Pediatric Emergency Medical Services)

Mr. BYRD. Mr. President, on behalf of Mr. KENNEDY I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. KENNEDY, proposes an amendment numbered 1402.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 2, strike out line 1 and all that follows through page 6, line 25.

On page 7, line 1, strike out "3" and insert in lieu thereof "2".

Amend the title so as to read as follows: "To amend the Public Health Service Act to make certain technical amendments, and for other purposes".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1402) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health Service Amendments Act of 1988".

SEC. 2. TECHNICAL AMENDMENTS.

(a) Section 788(d)(1)(D) of the Public Health Service Act (42 U.S.C. 295g-8(d)(1)(D)) is amended by striking out "(other than training and retraining of faculty for schools of medicine and osteopathy)".

(b) Section 788(e) of the Public Health Service Act (42 U.S.C. 295g-8(e)) is amended—

(1) in paragraph (1), by striking out "physicans and dentists" and inserting in lieu thereof "physicians, podiatrists, and dentists";

(2) in paragraph (2)—

(A) by inserting "and, where appropriate, full-time or part-time teaching podiatrists" after "physicans" in subparagraph (A); and

(B) by inserting ", or in a department of geriatrics established prior to November 14, 1986" before the semicolon in subparagraph (C);

(3) in paragraph (3)(A)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new clause:

(iii) podiatrists who are faculty members at colleges of podiatric medicine or at hospital postdoctoral residency programs,";

(4) in paragraph (3)(B)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new clause:

"(iii) podiatrists who have completed postdoctoral residency programs."; and

(5) in paragraph (4)—

(A) by striking out "and" at the end of subparagraph (A)(ii);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) the term 'post-doctoral residency program in podiatric medicine' means a program sponsored by a college of podiatric medicine, a hospital, or public or private institution, which—

"(i) offers post-doctoral training in the specialties of podiatric medicine; and

"(ii) has been accredited by the Council on Podiatric Medical Education."

(c) Section 701 of the Public Health Service Act (42 U.S.C. 292a) is amended—

(1) by adding at the end of paragraph (4) the following new sentence: "The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree."; and

(2) by striking out paragraph (14).

(d) Section 702(a)(1)(A) of the Public Health Service Act (42 U.S.C. 292(a)(1)(A)) is amended by inserting before the semicolon "and clinical psychology".

(e) Section 704 of the Public Health Service Act (42 U.S.C. 292d) is amended—

(1) by striking out "or any training center for allied health personnel" in the first sentence and inserting in lieu thereof ", any training center for allied health personnel, or any graduate program in clinical psychology"; and

(2) by striking out "or training center" each place it appears in the first and second sentences and inserting in lieu thereof ", training center, or graduate program".

(f) Section 338C(b)(5)(A) of the Public Health Service Act is amended by inserting "clinical psychology" after "podiatry".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 402.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 402) to designate the week of February 7-13, 1988 as "National Child Passenger Safety Awareness Week."

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LAUTENBERG. Mr. President, I rise in support of House Joint Resolution 402, legislation to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week." This legislation will help promote public awareness of the importance of child passenger safety.

I am pleased to be the sponsor of the Senate companion of this legislation. I would like to note that 51 of my colleagues have joined in cosponsoring Senate Joint Resolution 214.

Since coming to the Senate, I have worked to improve safety on our roads and highways. Over the last several years, tremendous progress has been made. Promising airbag technology continues to improve. Legislation I authored to raise the minimum drinking age was passed, and that law has resulted in tangible savings of lives.

Mr. President, we are saving hundreds of teenage lives a year. But there is another group we need to look after—the small children riding as passengers in our cars.

Motor vehicle crashes are the leading cause of death and crippling of children over the age of 6 months in the United States. More children under the age of 5 are killed or crippled as a result of motor vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases. Between 1978 and 1986, nearly 9,300 children under the age of 5 were killed, and more than 450,000 children were injured, as a result of traffic crashes.

Children can be highly vulnerable as motor vehicle passengers, much more so than adults. For example, an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle crash because protective devices are placed in areas more likely to benefit adults. In addition, because their bodies are less developed and provide less protection, unrestrained children are subject to a significantly higher risk of serious head, spine, chest, and abdominal injury in a crash than older passengers.

The death of any child is a tragedy. But what is particularly tragic about the deaths and injuries of children involved in motor vehicle accidents, is that they are so often preventable if simple precautions are taken. Research shows that the correct use of child passenger protection devices is over 70 percent effective in preventing death and 67 percent effective in preventing injury in motor vehicle crashes.

However, despite the fact that all 50 States and the District of Columbia have laws mandating the use of child passenger protection systems, the latest national surveys show that only 72 percent of children under 5 are placed in child safety seats, and that one-third of such seats are used incorrectly. That means that only 48 percent of children under 5 are fully protected in cars through the proper usage of child safety seats.

Mr. President, our children are our future. It's our responsibility to protect them. We need to educate the public about the serious dangers children can face as automobile passengers and the importance of child safety protection devices and their correct use. Next week, "National Child Passenger Safety Awareness Week" will help focus the Nation's attention on the passenger safety of children and help promote the universal and correct usage of child passenger protection devices. Safety groups, law enforcement officials, and health professionals and others in communities across the country will be involved in activities and events designed to underscore the importance of child passenger safety and the precautions necessary to achieve. I urge my colleagues to join me in supporting this resolution.

The PRESIDING OFFICER. Is there further discussion of the joint resolution? If not, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 402) was passed.

Mr. BYRD. I move to reconsider the vote by which the joint resolution was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the companion joint resolution (S.J. Res. 214) be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BURN AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 210.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 210) to designate the period commencing February 8, 1988 and ending February 14, 1988 as "National Burn Awareness Week."

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the third reading and passage of the joint resolution.

The joint resolution (S.J. Res. 210) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 210

Whereas the burn problem in the United States is the worst of any industrialized nation in the world;

Whereas burn injuries are one of the leading causes of accidental death in the United States;

Whereas every year approximately two million people are victims of burn injury in the United States;

Whereas of these injuries, seventy thousand are hospitalized and account for nine million disability days annually;

Whereas approximately twelve thousands people die from burn injuries annually;

Whereas the rehabilitative and psychological impact of burns are devastating;

Whereas children, the elderly, and the disabled are most likely to suffer serious burns;

Whereas it is estimated that approximately 75 percent of all burns could be prevented by proper education of children and adults and the appropriate use of design and technology;

Whereas a general public awareness of the need for smoke detectors and home fire escape plans, in combination with an understanding of the risk associated with items in our home environment, can influence the reduction of injury and loss of life; and

Whereas there is a need for an effective national program that deals with all aspects of burn injuries: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 8, 1988, and ending February 14, 1988, is designated as "National Burn Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe such week with appropriate programs and activities.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR COMMITTEES TO REPORT LEGISLATIVE OR EXECUTIVE CALENDAR MATTERS

Mr. BYRD. Mr. President, I ask unanimous consent that committees be permitted to report legislative or executive calendar matters on Thursday, February 11, 1988, between the hours of 10 a.m. and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT RESOLUTION

Mr. BYRD. Mr. President, I call up House Concurrent Resolution 242, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 242) providing for a conditional adjournment of the House from February 9 to February 16, 1988, and a conditional adjournment of the Senate from February 4 or 5, to February 15, 1988.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 242) was agreed to.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President. I inquire of the distinguished assistant Republican leader, Mr. SIMPSON, as to whether or not the following calendar orders on the Executive Calendar have been cleared on that side of the aisle: All calendar orders on page 2, all calendar orders on page 3, and all nominations placed on the Secretary's desk in the Foreign Service appearing on page 4.

Mr. SIMPSON. Mr. President, all of those items on the Executive Calendar have been cleared on this side of the aisle.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned nominations; that the Senate proceed to the consideration of the nominations en bloc; they that be agreed to en bloc, that the motion to reconsider en bloc be laid on the table; and that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Thomas G. Pownall, of Maryland, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of 2 years.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

The following-named persons to be members of the National Advisory Council on Women's Educational Programs for terms expiring May 8, 1990:

Esther Kratzer Everett, of New York. (Reappointment.)

Helen J. Valerio, of Massachusetts. (Reappointment.)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Carolynn Reid-Wallace, of the District of Columbia, to be a member of the National Council on the Humanities for a term expiring January 26, 1992.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Robert Lee McElrath, of Tennessee, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990.

J. Wade Gilley, of Virginia, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990.

DEPARTMENT OF STATE

Richard Salisbury Williamson, of Illinois, to be an Assistant Secretary of State.

John R. Davis, Jr., of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Leonard H. O. Spearman, Sr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Chester E. Norris, Jr., of Maine, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Richard L. Barnes, and ending David M. Schoonover, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1988.

Foreign Service nominations beginning John A. Sanbrailo, and ending F. Gary Towery, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 26, 1988.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE TO RECONVENE ON MONDAY, FEBRUARY 15, 1988

Mr. BYRD. Mr. President, the Senate will reconvene at 12 o'clock meridian on Monday, February 15, 1988. After the prayer, the distinguished junior Senator from North Carolina, Mr. TERRY SANFORD, will deliver the address, George Washington's Farewell Address to the Senate.

There will be no business conducted beforehand. There will be no business conducted thereafter.

ORDER FOR RECESS FROM FEBRUARY 15, 1988, UNTIL 9:30 A.M., FEBRUARY 16, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that, upon the completion of the reading of George Washington's Farewell Address on Monday, February 15, the Senate stand in recess until the hour of 9:30 a.m., hoping that somebody can get here in any kind of weather on Tuesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. I further ask unanimous consent, Mr. President, that on Monday, February 15, 1988, that the Journal be considered approved to that date.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON TUESDAY, FEBRUARY 16, 1988

Mr. BYRD. Mr. President, the Senate will come in at 9:30 a.m., Tuesday, February 16. Barring any unforeseen inclement weather conditions that would make it difficult for Senators to reach the Senate by 9:30 on that day, I will suggest the absence of a quorum at 10 o'clock unless there is other business on which we can get a vote early. I foresee none at this point.

It would be my plan, then, to move to direct the Sergeant of Arms to direct the attendance of absent Senators and to ask for the yeas and nays on the motion.

Mr. President, if that motion is made—I say "if" because I have no way of knowing, none of us do, what the weather will be like, but it is the middle of February and it could be bad, so I am just going to say "if." If that motion is made at that time, the yeas and nays are ordered, I ask unanimous consent that the call for the regular order be automatic at the conclusion of 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST ROLLCALL ON FEBRUARY 16 TO BE A 30-MINUTE ROLLCALL VOTE

Mr. BYRD. That being the first rollcall of the day and being relatively early, I think it should be a 30-minute rollcall vote.

I compliment Senators on getting to the floor and casting their votes within the 15-minute period that has been ordered at the beginning of the 100th Congress.

They are coming to the floor, they are voting, and time is not being extended. I want to thank the leadership on the Republican side for its support of this effort. By virtue of the fact that the leadership on the other side has been very supportive and all Senators have been supportive, I think that the effort has been met with general approval by Senators on both sides of the aisle. A great deal of time is being saved.

As the Senate goes on into the summer and the sessions become longer and busier, the time that will be saved will be considerable.

Mr. President, if no other Senators wish to address the Senate or if there is no further business to be transacted——

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. BYRD. I yield the floor.

Mr. SIMPSON. I thank the majority leader.

I do share his views about the voting in these last days. I think nothing arrests the attention of a Senator quite like missing a vote, and certainly that is unfortunate when it happens. But this, indeed, is part of the quality of life that we all agreed we wanted to pursue. Even though it is a little tough and perhaps a little distressing to some, I commend the majority leader for entering that unanimous consent under the rule. We will adhere to it. I think it will add greatly to the process of our deliberations.

(Further remarks of Mr. SIMPSON pertain to the introduction of legislation and will be found in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over, under the rule, come over on Monday, February 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived for Monday, February 15.

The PRESIDING OFFIER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does any other Senator wish to speak or conduct business?

Mr. SIMPSON. Mr. President, I would add that I thank the majority leader for the job of moving this critical legislation in these past days, and I look forward to working with him upon our return after the recess period.

Mr. BYRD. Mr. President, I extend my thanks to the distinguished Senator, the assistant Republican leader, for his excellent cooperation.

PROGRAM

Mr. BYRD. Mr. President, I have already indicated that on Monday, February 15, there will be no business, and only the reading of the George Washington's Farewell Address by Senator SANFORD. I hope Senators will come to the floor and listen to that address. I hope and expect to be here. And I trust that others will attend.

On Tuesday, then, the Senate will come in early, and there will be in all likelihood a rollcall vote beginning at 10 o'clock that morning. That would be a 30-minute rollcall vote with the call for the regular order being automatic.

As I indicated earlier, that is the present plan barring unforeseen bad weather conditions.

I hope that it might be possible for our staffs to clear Calendar Order No. 496, an act to authorize appropriations for the Bureau of the Mint for fiscal year 1988. And there is another bill, Calendar Order No. 467, S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973. If the staff could clear action on that measure, it would be much appreciated. And action could perhaps be taken on one or both of those bills on Tuesday, February 16. Other measures may be cleared for action.

ADJOURNMENT TO MONDAY, FEBRUARY 15, 1988

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Conference Resolution 242, that the Senate stand in adjournment until 12 o'clock meridian on Monday, February 15, 1988.

The motion was agreed to; and, at 9:49 p.m., the Senate adjourned until Monday, February 15, 1988, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 1988.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

THOMAS G. POWNALL, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 2 YEARS.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS FOR TERMS EXPIRING MAY 8, 1990:

ESTHER KRATZER EVERETT, OF NEW YORK REAPPOINTMENT.

HELEN J. VALERIO, OF MASSACHUSETTS REAPPOINTMENT.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CAROLYNN REID-WALLACE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1992.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

ROBERT LEE MCELRATH, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990.

J. WADE GILLEY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990.

DEPARTMENT OF STATE

RICHARD SALISBURY WILLIAMSON, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE.

JOHN R. DAVIS, JR., OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO POLAND.

LEONARD H.O. SPEARMAN, SR., OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

CHESTER E. NORRIS, JR., OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING RICHARD L. BARNES, AND ENDING DAVID M. SCHOONOVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1988.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN A. SANBRAILO, AND ENDING F. GARY TOWERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1988.

EXTENSIONS OF REMARKS

VICTIMS OF HOMELESSNESS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. VENTO. Mr. Speaker, this week marks the anniversary of President Reagan's remarks on national television that homeless people are homeless "by choice."

While the fallacy of his statement has been well exposed, this administration's compassion for the homeless has improved little since the President made those callous remarks 4 years ago.

Another member of this administration made similar remarks on national television earlier this month, demonstrating that the administration's thinking on this issue has not developed much further. The Secretary of the Department of Housing and Urban Development, who has primary responsibility over homeless assistance programs, remarked that homelessness is not increasing because "our economy has done much better since President Reagan took office." It is surely shortsighted to say the least to hide behind selective economic indicators to deny the housing triage that is occurring in our country under this administration.

More and more men, women, and children have been forced into homelessness under this administration than under any other since the Great Depression. The severe increase in homelessness that has occurred in this decade is a symptom of the underlying problems occurring in this country as a result of this administration's housing, social, and economic policies. These policies have included major cuts in Federal housing programs, decreases in public assistance and social services, a refusal to keep the minimum wage in line with inflation and increases in the income disparity between the rich and poor. Combine these policies with the loss of affordable housing due to demolition, gentrification, and inflation, and it is clear to see how the phenomenon of homelessness has reached such critical proportions in 7 years of neglect.

Who are the victims of these policies? Half a million of them are children under the age of 5, according to an article in the Better Homes and Gardens, February edition. More than one-third of them are families, according to the U.S. Conference of Mayors. It is estimated that there are more than 2 million homeless Americans and the number is increasing rapidly. Yet this administration continues to deny the severity of this human tragedy.

This administration's denial of the tragedy of homelessness was one of the biggest obstacles Congress had to overcome in enacting legislation to address the most urgent needs of the homeless. Fortunately, Congress does not look through the same rose-colored glasses the administration uses when viewing the plight of the homeless. Congress has taken two important steps to reverse the Reagan housing policies. Despite strong objections from the administration, Congress passed the Stewart B. McKinney Homeless Assistance Act to provide emergency shelter assistance and supportive services to homeless individuals and families. Second, Congress enacted the Housing and Community Development Act to help prevent more low-income people from being forced into homelessness. To their credit, the administration signed the Homeless Assistance Act, however, it has frustrated the implementation and has not sought the funds so desperately needed to fulfill the goals. The administration has not yet signed the Housing Act but has promised to do so this week.

These two measures are important developments in our struggle to assist those without adequate shelter but we have much more work ahead. This administration has played the role of an anchor trying to hold us back from improving the quality of life for the poorest of the poor. After 6 years of struggling to get this administration to even acknowledge the need to assist the homeless, I can empathize with the type of despair a homeless person must feel in trying to find shelter, a decent meal or a job. Some homeless individuals, in their loss of dignity and self-worth, have given up. We in Congress must not give up on them. We should redouble our efforts to provide adequate assistance to the homeless. Until we succeed, hundreds of thousands of Americans will continue to languish on our streets—living an American nightmare instead of the American dream.

Mr. Speaker, I submit the following editor's letter and article in the hope that a better understanding of the homeless will result in the fulfillment of promises hailed in our recently passed laws and the values inherent in our great Nation that reveres the value of our fellow men and women:

[From Better Homes and Gardens, February 1988]

EDITOR'S LETTER—HOMES AND HOMELESSNESS

Dear Readers: Did you know that the typical homeless person in the United States today is a child under the age of five? An estimated one million kids are homeless in this country, half under age five. Tonight, those children will either be on the streets or in temporary shelters that provide little more than basic protection from the elements. How can this be? What's happened to our country? Is this the America we want for ourselves and our families?

Almost 40 years ago, as the veterans were flooding home from World War II, our Congress resolved that all Americans should have decent housing, and that it was the task of government to help achieve that goal. That's what VA loans and the FHA were all about. That's what tax incentives for building low-income housing and apartment houses were all about.

Today, that commitment to the American Dream is essentially dead. Homes, the basic building blocks for family life, are endangered at every level of the economic spectrum. Public housing has been, by and large, shut off. Builders can't afford to build low-cost housing anymore. They're put in a situation, because of financing and tax changes, from which they can profit only by building luxury housing.

As of now, the entry-level market for home ownership has dried up for all but the two-income young professionals who make a lot of money. The future faced by a great many young families in this country is that they'll never own a home of their own. I'm talking about your kids and mine.

Furthermore, if this situation continues, every homeowner eventually will be affected, because if too few can buy entry-level housing, the whole market will fall like dominoes, and we will all lose the tremendous investments we have in our homes.

This month, our features editor, Margaret Daly, has written an "Of Concern Now" article detailing the depth of the problem.

But we aren't going to let it go at that. We'll be following up with other articles on possible solutions, success stories, and, shortly before the presidential election in November, the views of the presidential candidates on how to deal with the situation.

I hope you'll read all these articles and everything else you can find to inform yourself on housing issues in this election year. And, I hope you'll ask anyone asking for your vote what he or she intends to do about the housing crisis in this country—your house, my house, the houses our kids want to buy someday, housing for our poor and elderly, and especially, for those little children who have no homes at all.—David Jordan, Editor.

HAS AMERICA LOST ITS COMMITMENT TO HOUSING?

(By Margaret Daly)

A GROWING CRISIS

Almost 40 years ago, Congress proclaimed a national housing goal of great vision: "A decent home and suitable living environment for every American family." Yet today, the state of housing in our country is in crisis.

Young people, unable to afford their first homes, are being locked out of the American Dream. The supply of housing for the poor has disintegrated almost beyond repair. The homeless—more and more of them children under five years old—shift in ever-increasing numbers from one dingy, often dangerous shelter to another.

Clearly, the vision of '49 has faltered. We are becoming a dangerously divided nation of housing haves and have-nots.

It's time to renew our commitment to decent and affordable housing for all Americans. The imperatives aren't just moral—though even the briefest glimpse into the eyes of a homeless child should rivet us to the issues at hand. The stakes are economic and political as well.

Housing is very much on the public agenda this election year. Senators Cranston (D., Calif.) and D'Amato (R., N.Y.) plan to hold hearings around the country. Candi-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dates will be speaking to the issues. Local governments and businesses are seeking creative new ways to house the poor and homeless.

On these pages, we highlight some of the major concerns, and we'll follow with other articles during this election year and beyond. We urge you to watch for the public discussions and share your views with us. The stakes are high indeed.

THE PLIGHT OF FIRST-TIME HOME BUYERS

Home ownership remains the number one goal for most Americans—a symbol of security and success, the bedrock of stability in community and family life. Yet, for the first time since the Depression, the rate of home ownership has declined steadily.

Hardest hit were the 25- to 34-year-olds—traditional first-time home buyers. Ownership for young parents—*prime* home buyers—dropped by almost 25 percent. John Sherman, 32, who teaches second grade in the Minneapolis area, and his wife, Barbara, 30, a part-time high school teacher, are typical. "We'd like to raise our sons in our own home," says Barbara (T.J. is 3, Michael, 8 months old.) "But we just haven't been able to save up enough for the down payment."

WHY THE CONCERN?

Unless you're looking for your first home, or your kids are, you may not be alarmed by the plight of first-time buyers. After all, a number of them did get in on the market when interest rates dropped last year, and older Baby Boomers who could afford to buy a few years ago already are leveraging their equity into more expensive houses now.

But their younger brothers and sisters may not be so lucky. Their incomes are losing ground to rising housing costs, and their rate of ownership has plummeted (see charts). "These families may never get on the housing ladder," says Ira Gribin, of the National Association of Realtors (NAR).

When we shut young families out of the home market, not only do their dreams of ownership and the security it represents shatter. Community vitality suffers. Employers lose workers. The economy can be hurt. "Businesses may move out if we cannot provide affordable housing," says Robert Whittlesey, of The Boston Housing Partnership.

Ultimately, all homeowners are affected. "Without first-time buyers, the whole housing chain breaks down," says Kent Colton, executive director of the National Association of Home Builders (NAHB). "We need them to buy our homes so we can move up."

LOCATION COUNTS

Many factors affect the growing chasm between home prices and the ability of young families to buy. Sometimes, expectations are too high. "Young people can't expect to move right into a home like the one where they grew up," says Barbara Alexander, managing partner at Salomon Brothers. But many first-timers live in areas where even the meagerest of homes are beyond their means.

Though affordability is a growing problem nationally, local factors play a major role in individual markets:

When young people live where rents are reasonable, saving up for a down payment mainly requires will power, patience, and realistic expectations. But in other areas; rents are rising fast, sapping what could otherwise be down-payment funds. And the down payment, according to a new study by the NAR, is the single largest deterrent to purchasing a first home.

Since the 1986 tax bill limits incentives to build rental units, new construction has halted—appropriately—in areas that were overbuilt. In tight housing markets, however, curtailed construction already is causing higher rents as vacancies shrink.

The tax law also put a moratorium on local mortgage-revenue bonds to help moderate-income families. Unless the law is changed, this source of new funds will disappear at the end of 1988.

Affordability diminishes, too, as local no-growth policies raise new-housing costs through such devices as zoning restrictions and impact fees. The issues are thorny (excessive traffic, for example), the arguments fierce on both sides. But the net result is that new housing development stagnates, current housing values rise, and lower-income families are shut out.

TOUGHER FINANCING

Stung by a rising rate of defaults, many lenders have tightened mortgage underwriting standards. That hits first-timers hardest, whose incomes are modest and who have no equity for leverage from a previous home. "If rates rise much again, first-timers will really be out of luck," says NAHB's Colton.

Larger down payments would help buyers qualify for a home loan. But there's a catch: many lenders disregard down-payment dollars that are borrowed or even that come from gifts. (The fear is hidden indebtedness.)

THE IMPORTANCE OF FHA

The best hope for many families are government-insured FHA or VA loans, which require minimal down payments and account for almost 50 percent of all first-time-buyers' mortgages. Yet these popular programs often come under attack as "unfair competition" to private enterprise.

As we went to press, Senate Republicans had blocked—and President Reagan was threatening to veto—a housing bill which, among other things, gave permanent status to FHA and VA loans. The prime objection was the budget for low-income housing. Nevertheless, the FHA and VA initiatives would have to be renewed some other way.

THE DISINTEGRATION OF LOW-INCOME HOUSING

Whatever one's views about the right to home ownership, it's difficult to argue against the right to safe, affordable shelter. Yet the existing stock of low- and moderate-income rental housing is deteriorating drastically throughout the nation.

With the exception of a few small programs, virtually all federal housing programs came to a halt in the 1980s, as the HUD budget was slashed from 7.4 percent of the total federal budget in fiscal 1978 to less than 1 percent in fiscal 1988. "We're not even building enough to keep the present supply stable," observes William Apgar, Harvard Joint Center for Housing Studies.

"We are creating jungles in our cities," says James W. Rouse, developer of such projects as Baltimore's Harborplace and founder of The Enterprise Foundation, which works with local business and government coalitions to develop housing for the poor. "For the sake of our civilization, we must find ways to create decent housing and neighborhoods."

Some experts expect the shortfall of low- and moderate-income rental units to grow to almost 8 million in the next 15 years. Two major factors:

The 1986 tax law discourages private builders from participating in new low-income projects. "We were proud to be building for low-income families a few years ago," says Leon Weiner, a builder and developer in Wilmington, Delaware. "They gave care to their homes and were motivated to move up. But we just can't afford to do it anymore."

Over the next five to 10 years, up to 900,000 subsidized units built by private developers under federal programs will be eligible for reversion to market prices or whatever use the owner wishes. "It's the biggest time bomb in the whole housing situation," says Salomon's Barbara Alexander. No one really knows how many of these "expiring use restriction" conversions will transpire. But the threat to the poor is clear, in rural as well as urban areas.

CHILDREN: THE NEW HOMELESS

Many factors contribute to homelessness, but certainly the deterioration of decent and affordable housing plays a considerable role.

Although it's difficult to pin down exact numbers, the problem is enormous and growing. Current estimates run anywhere from 300,000 homeless (the federal government) to 3 million or more (low-income housing advocates).

Dr. Ellen Bassuk, of the Harvard Medical School, estimates 2.5 million. "More important," she says, "the profile of the homeless has changed. No longer is it just the drunken male derelict everyone imagines. More likely, it's the single mother with children under five years old."

"I never thought it could happen to us," says Linda Stokes, 27, who lives with her five children in a Boston shelter. Not long ago, she and her husband (since separated) were renting a home near Worcester, Massachusetts, and applying the rent toward purchase. "Then my husband's construction job let up some," she says. "We missed one payment, and the owner sold the house out from under us. The only place we could afford to go was a shelter."

BRIGHT SPOTS ON LOCAL FRONTS

"We can't go back to the old federal programs, considering the monstrous federal deficit," says Paul Grogan, executive director of Local Initiatives Support Corporation, a nonprofit group providing support for community development corporations (CDCs) across the nation. "But we do need a new federal policy which could be guided by the will of state and local forces."

Creative mixes of public and private resources on the local, state, and federal levels are crucial. There are exciting developments as new coalitions, new forms of financing, and just plain grit begin to make a difference. We'll report on such developments soon, with examples of how you can help in your community. That's the American way, after all. What better way to preserve the American Dream?

A NEW HOLOCAUST CURRICULUM FOR AMERICAN HIGH SCHOOLS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LANTOS. Mr. Speaker, to many American schoolchildren, the Holocaust is something so incredible and devastating that it passes through their minds without much sense of horror or verisimilitude. Now the systematic mass murder carried out by Hitler has at last come to the classroom, in the form of a curriculum designed by Zelda Robinson of the Southfield, MI Board of Education. The 18-lesson tutorial uses printed materials, lectures and videotape to take students on a gripping, authoritative tour of just how 6 million people were exterminated by mostly ordinary German citizens who did their jobs or, worse yet, looked the other way and did nothing.

Most previous efforts to teach about the Holocaust were flawed by moralizing or excessive shock, shallow information or sentimentality. But Ms. Robinson's effort, called "Life Unworthy of Life", seeks to involve students, make them feel and think about what they are learning and leave an indelible impact. The entire process of prejudice—from involving average citizens in tolerating what is being persecuted to dehumanization and the use of technology—is examined in detail, using empathy. In one exercise, for example, students engage in victim and perpetrator role playing, keeping track of their daily caloric intake as compared to that of a concentration camp inmate.

The Holocaust, says the curriculum, had four distinct elements that made it different from other genocides.

One, it was totally involving. Every facet of an enlightened, industrial society became part of the mechanism of mass murder.

Two, the killers were no unschooled barbarians. They used the most advanced technical and scientific means available, including assembly line techniques.

Three, each step was approved by legitimate state authorities and legally carried out by public officials and public institutions.

Four, most civilians became indifferent to the destruction of their neighbors.

Assisting Mr. Robinson in "Life Unworthy of Life" were Sidney Bolkosky, a history professor at the University of Michigan/Dearborn; Betty Rotbert Ellias, a Southfield Lathrup High School English teacher and daughter of Holocaust survivors; and David Harris, a social studies consultant for Oakland County schools.

Mr. Speaker, I want to commend the creators of "Life Unworthy of Life" for making available a powerful and moving teaching tool that makes the Holocaust start, build and end with credible realism and sensitivity.

STATEMENT COMMEMORATING THE KIWANIS CLUB OF SHEEPSHEAD BAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize an organization that is a vital part of the 10th Congressional District in New York.

The Kiwanis Club of Sheepshead Bay has been untiring in its efforts on behalf of the community. On February 13, they will be celebrating their 30th anniversary with their annual dinner dance. At the dance they will be honoring past president John Torrente.

The Kiwanis Club of Sheepshead Bay is active in a number of special projects in the community. They have helped the Brooklyn School; for Special Children, the Hydrocephalos Foundation, the Shorefront Community Volunteer Ambulance Corps, the 61st Precinct Youth Council, and the Handicapped Boy Scouts. They run a summer camp, and are continually looking for other ways to help the community.

The Kiwanis motto is "We Build." The men and women of the Sheepshead Bay club have certainly taken this motto to heart, helping build strong community bonds, selflessly donating their time, and contributing to a spirit that is uniquely Brooklyn. I am proud to have the Kiwanis Club of Sheepshead Bay as part of the community I represent.

TRIBUTE TO SRI LANKA ON ITS DAY OF INDEPENDENCE, FEBRUARY 4, 1988

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure and respect that I rise to pay tribute to Sri Lanka, a long-time friend to the United States that today is celebrating the 40th anniversary of its independence.

Sri Lanka is a true success story. Winning independence just 40 short years ago, Sri Lanka has continued to consistently grow and flourish. In the developing world, which seems rife with economic hardship, Sri Lanka has managed to attain an open, strong, market-oriented economy. In fact, aided by the economic reforms of the Jayewardene government, Sri Lanka has exhibited impressive growth rates, increased employment, and high living standards. On the Physical Quality of Life Index, which compares a country's literacy, life expectancy, and infant mortality rates with its GNP, Sri Lanka scores an impressive 85 out of 100—one of the highest scores in the developing world and even higher than some developed countries.

The international community has expressed its confidence in the Sri Lankan economy by providing Sri Lanka with an unusually high amount of development assistance. In fact, the United States, along with Japan and a number of European countries, has donated much money and technical assistance to the $2 billion Mahaweli hyrdoelectric, irrigation and resettlement project in Sri Lanka. It is an ambitious project that has already prompted a rise in food production.

Politically, Sri Lankans enjoy all of the rights and privileges accorded by a democratic system. This fact notwithstanding, acts of terrorism have continued to ravage this island nation in the past few years. The peace accord, negotiated last year, presents a real opportunity for the reconciliation of the Tamil and Sinhalese communities in Sri Lanka. The United States supports genuine efforts for peace and hopes they will succeed in order that all Sri Lankans can enjoy peace and prosperity.

Our productive relations with Sri Lanka span back nearly 140 years to when the United States appointed a commercial agent to what was at the time Ceylon. Since that time, relations between the United States and Sri Lanka have continually progressed. The United States presently is the largest Sri Lankan export market and third largest supplier of goods. Beyond economic connections, our countries have enjoyed full diplomatic relations for the last 40 years and have fostered strong intercultural ties through educational exchanges and our Voice of America radio station there. Militarily, Sri Lanka allows United States ships to call at its ports. In short, close relations between the United States and Sri Lanka cover a spectrum of international ties.

Mr. Speaker, I once again congratulate Sri Lanka on the occasion of its 40th anniversary of independence. Sri Lanka has been a steadfast friend to the United States and a remarkable example to the developing world. I look forward to witnessing the continued success of this impressive land.

IN THE LEHIGH VALLEY OF PENNSYLVANIA, WOMEN COMPILE OUTSTANDING RECORDS IN SPORTS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. RITTER. Mr. Speaker, with Lehigh Valley women so active and successful in sports, it is a pleasure to be one of the original cosponsors of House Joint Resolution 399, a resolution declaring this day, February 4, 1988, as "National Women In Sports Day." In the October 19, 1987, issue of the NCAA News, I noted that 1,836,356 girls nationwide participated in high school athletics last year in various sports.

I am pleased to state unequivocally that the Lehigh Valley is a hotbed for women's activity in various high school sports. Although total figures are not available, in my district, women participate in track and field, basketball, golf, gymnastics, lacrosse, soccer, swimming and diving, tennis, cross country, volleyball, bowling, rifle, and field hockey. And I am delighted to point with pride to my neighbor, Cheryl Van Kuren of Coopersburg, who is a member of the U.S. Olympic field hockey team that will carry our colors to Seoul, Korea this summer.

One of the outstanding women in sports in the Nation is Pat Fisher of Lafayette College in my district. Pat is delighted with the action we take today in the Congress to recognize the long history of achievements of women in sports. She recognizes the importance of sports and fitness activities in the lives of all individuals and can see the growth in participation and excellence of women in sports.

However, while women's college athletics has benefited from greater visibility since coming under the auspices of the NCAA, there is continuing debate over how well the organization is meeting the needs of schools trying to build top-flight programs. At the NCAA convention in Dallas last June, the NCAA did not give themselves very good marks as we can see from their own report which follows:

	Current limits		Proposed cuts		Proposed limits	
	Men	Women	Men	Women	Men	Women
Div. I-A	245	135	15	14	230	121
Percent	64.5	35.5	6.1	10.4	65.5	34.5
Div. I-AA	220	135	20	14	200	121
Percent	62.0	38.0	9.1	10.4	62.3	37.7
Div. II	178	110	23	14	155	96
Percent	61.8	38.2	12.9	12.7	61.8	38.2

Note: As can be seen, the combined maximum limits in men's sports would be reduced by a greater number of awards (58) than would the women's sports' limits (42). However, in Division I, the percentage reductions in the combined maximums would be greater for women's sports than for men's.

Mr. Speaker, the above changes are most disturbing and should provide a stimulus for those of us in the Congress to take action to provide true equity for the woman student-athlete. The 1972 education amendments with title IX, prohibiting sex discrimination in schools' financing of sports programs, was a boon to girls' participation in organized sports. According to Carl Ojala, a professor at Eastern Michigan University, girls' participation in sports grew more than fivefold. Now, however, after the Grove City College versus Bell Supreme Court decision of 1986, there is serious concern as to the limitations that are being placed on women's sports.

The Women's Sports Foundation legal opinion states:

> Although each member institution has its own combination of sports and scholarships so that it is difficult to predict with specificity the effect of these reductions on a particular program, the adverse impact on women is clear. Women would not enjoy even the proportional share of scholarships justified by their participation and required by (the athletics scholarship section of the title IX regulation), let alone the equal opportunity required by (the athletics provision of the regulation) and the plain language of the statute.

Mr. Speaker, it is time for campus leaders and the Congress to join together to restore the intent of Congress in title IX of the 1972 amendments and I am optimistic that we will enact the necessary legislation in the 100th Congress.

UPGRADE THE VETERANS' ADMINISTRATION TO A CABINET LEVEL DEPARTMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SOLOMON. Mr. Speaker, on January 14 of this year the Wall Street Journal printed a letter by Congressman Beilenson in opposition to upgrading the Veterans' Administration to a Cabinet-level department. Out of respect to the 399 Members of this House who voted in favor of legislation elevating the VA to a Cabinet-level department it is only fair to point out the serious inaccuracies in Mr. Beilenson's letter.

I am disappointed the Wall Street Journal did not bother to check the accuracy of Mr. Beilenson's letter. Yet, given the national media's veteran's bashing as of late, it was no surprise. I only hope this antiveterans binge will not last forever.

First of all, contrary to Mr. Beilenson's views, the Veterans' Administration does not exist solely to administer benefits. Cabinet involvement by an agency as diverse and large as the VA, with 244,000 employees, will help coordinate important national activities impacting on a broad cross section of American life.

The policy responsibilities of the VA cover many areas, including health care, home loans guarantees, education, life insurance, vocational rehabilitation and employment, as well as disability compensation and pensions.

Almost 80 million Americans, veterans and their survivors and dependents, are potentially eligible for VA benefits. That's about one-third of the total U.S. population. Many of these people are poor and elderly. By the year 2000, two out of three American males over 65 years of age will be veterans, and how the VA meets the challenges of an older population could point the way for the entire country.

In the area of medical research, the VA conducts world-renowned programs which have earned two Nobel Prizes and pioneered many medical advances for the benefit of all Americans. Among these are heart pacemakers, CAT scans, liver transplants, and nerve regeneration.

In his letter, Mr. Beilenson claims that all veterans are entitled to preferences in Federal employment. This is not accurate. Veterans with service after October 14, 1976, are not entitled to veterans preference in Federal employment, unless they have a service-connected disability.

Also, he claims that millions are entitled to disability compensation even if the need for those benefits bears no relationship to their service in the Armed Forces. This is not accurate, either. By statutory definition, VA compensation is a benefit earned by virtue of a service-related health, medical, or physical condition.

When Mr. Beilenson says that benefits are available to veterans who have served only 3 months, I wonder how much he really knows about veterans benefits. While certain wartime and service-connected benefits are available with relatively short periods of service, most types of benefits require longer times of active duty.

Finally, he attacks the VA health care system, stating that it is generally acknowledged as less than first rate. He shows the weakness of his arguments when he has to cite a study which is 10 years out of date, regardless of the merits of its debatable conclusions. The fact is that all of the VA's 172 hospitals and 229 outpatient clinics are currently accredited by the Joint Commission on Accreditation of Health Care Organizations [JCAH], the Nation's most widely accepted measure of health care quality.

By comparison, only 75 percent of private hospitals have attained JCAH accreditation. And one-half of all physicians practicing in the United States received all or part of their medical training from the VA. The VA's side of the story isn't told very often because good news doesn't sell, and I appreciate this opportunity to let people know that the VA is providing high quality, state-of-the-art health care.

Veterans programs grew out of a national will to defend our freedoms and way of life. It is therefore appropriate that matters involving veterans be considered at the Cabinet level. Additionally, there is widespread public recognition that service in the national defense is one of the highest fulfillments of citizenship.

Our veterans through their loyal military service in war and peace, often at the risk of their lives, have earned the right to be heard at the highest level of Government.

A CONGRESSIONAL SALUTE TO ABEL "AL" C. GALLETTI

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to honor a distinguished business and civic leader in my district, Al C. Galletti. Al will be honored on February 14, 1988 at a charity event to be held aboard the cruise ship *Tropicale*. Al is being honored for his many contributions to the local fishing industry as a fish and game commissioner for the past 12 years. This auspicious occasion gives me an opportunity to express my appreciation for his work on behalf of the surrounding community.

A long-time resident of southern California, Al began his career as a meat supervisor for a local supermarket chain. By the early 1970's, Al had become a private businessman after creating Galletti Investment, Inc., a specialty meat market in Redondo Beach. On top of running his own business, Al also began to operate separate meat departments which were located in Royal Food Markets. In 1975, Al teamed his talents and business success with that of his brothers, Sabastiano and Joseph, and created Galletti Brothers Foods, Inc. Today, he is the chief executive of the company, specializing in financial management, and also heads the family's extensive real estate development and holding company.

While dedicated to a career in the food industry, Al has given a significant amount of his time and energy to various civic duties. In addition to his involvement with the California Italian American Foundation, which he founded and currently serves as chair, Al has made enormous contributions of time and energy to the California State Fish and Game Department. For the past 12 years, Al has served as one of only five at-large commissioners appointed by the Governor of California to oversee the regulations and policies of the State fish and game department. He has served as an effective representative of the local fishing community and has been at the forefront of wildlife preservation in California during his 12-year tenure as commissioner. Clearly, Al Galletti's numerous accomplishments highlight the truly remarkable contribution he has made toward the betterment of our State and community.

My wife, Lee, joins me in extending our warmest appreciation and congratulations to Al C. Galletti on this special occasion. His many years of community service and civic duty are an inspiration to us all. We wish Al, his wife Sarah, and their children, Maria, Sam, Lina, and Joseph, all the best in the years ahead. And of course, we salute the joys of Al's life, his grandchildren, Heidi Nicole Basch, Maxwell Joseph Basch, Abel Cosmo Basch, Peter Anthony Palmer, Marisa Sarah Palmer, Sarah Alyssa Galletti, and Abel Cosmo Galletti.

CURRENCY WITHOUT A COUNTRY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. VENTO. Mr. Speaker, I would like to draw my colleagues' attention to an interesting and provocative article by Howard M. Wachtel which was recently published in The Nation magazine. Mr. Wachtel, a professor of economics at American University and author of a book, "The Money Mandarins: The Making of a Supranational Economic Order," observes in his latest article that the technological advances which have made it possible for banks, brokerage firms, and other financial institutions to move large volumes of currency across international borders has also created a new tension between the public policies of nation-states and the objectives of various financial entities.

These technological capabilities, combined with the movement toward deregulation of financial institutions and currency markets, has created a new environment of uncertainty and speculation which, in turn, is responsible to some degree for instability in the stock and commodities futures markets. Mr. Wachtel notes that futures markets have been transformed "from specialization in real commodities, like corn and pork bellies, to dealing in paper." Speculators take advantage of short-term changes in currency exchange rates and move large volumes of currency across borders, sometimes causing serious economic dislocations which they are scarcely aware of or concerned about.

Mr. Wachtel's thought-provoking article is an important contribution to the public debate as we try to come to grips with an economic agenda for the future. He reminds us again that when people in our country lose their homes or farms or jobs, it is not all by chance. Rather, it is the likely consequence of deliberate choices made by those around the world who control our currency and by our own policymakers who surely choose to exercise the degree of control over our country's economic future through available regulatory mechanisms. I insert Mr. Wachtel's article in the RECORD:

CURRENCY WITHOUT A COUNTRY—THE GLOBAL FUNNY MONEY GAME

(By Howard M. Wachtel)

The October stock market crash was a symptom of the global economic changes unleashed by the free-market fantasies of Ronald Reagan, Margaret Thatcher and Helmut Kohl. The world's economic environment has been transformed by a powerful wave of globalization, privatization and deregulation of capital. Now, as the roaring eighties come to a close, we must come to terms with the fact that we live in an integrated private global economy, knitted together by unregulated financial and commercial establishments using the new information and communications technologies. While government and public policy remain confined to national boundaries, the new supranational economic order recognizes no geographic borders for its financial and commercial activities. Money is moved with the press of a button on a computer console and bounced off communications satellites, leapfrogging national borders. As a result, there is a tension between the bounded public policies of nation-states and the unbounded economic imperatives of supranational enterprises.

Presidents Jimmy Carter and Francois Mitterrand can testify to the difficulties of implementing liberal Keynesianism when confronted with the power of the new supranational economic order. Both came to power at a time when stagnation in the productive core of the economy had begun to foster increasing financial speculation. Stagnation was reflected in rising unemployment rates, which averaged less than 2 percent in France in 1950s, reached 4 percent in 1975 and were 6 percent by the end of the decade. When Carter took office the unemployment rate had similarly risen, to more than 8 percent, in the United States. Financial speculation—the flip side of the coin—took off after 1973, when the industrial democracies deregulated international money. Wealth-holders looking for speculative financial outlets in a stagnant manufacturing economy seized on the availability of new sources of international money and techniques of moving it.

Starting in 1975, the movement of money replaced the production of commodities at the commanding heights of the American economy, creating a new breed of money mandarins operating in a financial rather than production culture. Today an estimated 50 percent of the chief executive officers of large American corporations have backgrounds in law or finance, compared with 13 percent in 1950. Only 3 percent of the 1981 graduating class of the Harvard Business School took jobs in production. Epitomizing the new breed was James Roderick, who, upon ascending to the chair of United States Steel in 1979, said, "The duty of management is to make money. Our primary objective is not to make steel." True to his words, in 1986 Roderick abandoned the proud turn-of-the century name for his company and changed it to USX, the company's identification on Wall Street's stock ticker.

Conservative governments, smitten by the ideology of the free market, translated nineteenth-century ideas into late twentieth-century public policies of privatization and deregulation. The Thatcher and Reagan governments encouraged the financial speculation that was eroding the manufacturing core by deregulating financial markets, and in the United States tax rates on short-term capital gains were lowered. Debts piled upon debts and leveraged buy-outs pyramided into thin margins until it became hard to distinguish legitimate corporate debt from a so-called junk bond. It was only a matter of time before this structure imploded.

If there was anyone who doubted that the new global economy had arrived, he or she should have been disabused of doubts by the October stock market plunge. A global financial Olympics was played against a twenty-four hour game clock. Every time zone on earth had its moment on the money movers' computer screens, as transactions followed the sun around the globe. For the first time in history, events in Lower Manhattan had immediate consequences in Tokyo, Sidney, Hong Kong, London and Frankfurt.

The origins of this new global economy can be traced back to 1973, when the major industrial governments, led by the United States, abandoned the postwar Bretton Woods system. Created in July 1944, the Bretton Woods system had placed governments squarely in the center of regulating international money, principally through the mechanism of stabilizing currency exchange rates within very narrow and publicized ranges—a fluctuation of no more than 1 percent above or below the official rate.

A fall in a country's currency exchange rate, for example, can occur as a result of the following sequence of events: If the sum total of all moneys leaving a country exceeds the sums coming in, a balance-of-payments problem arises. This can trigger a drop in the value of that country's money in the international economy, because the demand for the country's money in the world does not keep pace with its supply. When this happened under Bretton Woods and the market exchange rate diverged from the official rates specified in the agreement, several steps could be taken to correct it: Central bank intervention could increase demand for the currency in trouble; or devaluation of the currency could change the official rate of exchange to bring it into line with the market rate. If the country whose currency was too abundant in the world could not correct its imbalances by these means, then it would be forced to buy back some of its currency by transferring gold in exchange.

The United States, which had about 75 percent of the world's gold supply after the war (around $23 billion), underwrote this arrangement, and the dollar became the preeminent currency in the world economy—literally as good as gold. For a quarter-century, the Bretton Woods system contributed to robust economic growth in the industrial democracies in large part because of the predictability associated with the fixed exchange rate system. The foundations of the system began to weaken in the 1960s. The problem began with massive capital flows out of the United States to the war-devastated economies of Western Europe as a result of Marshall Plan aid and foreign investment by new multinationally oriented American corporations. This led to the reemergence of the Europeans as trading rivals, which resulted in an increase in imports from the Continent. As a result, more dollars were leaving the United States than were coming in. Washington could not indefinitely provide the gold backing needed to support the dollar and the system. When Richard Nixon was elected President in 1968, U.S. gold stocks were about half what they had been in 1950 and were approaching the important psychological barrier of $10 billion. That barrier was breached in August 1971, and Nixon unilaterally took the United States off the gold standard and opened a new chapter in international finance.

In 1973 the governments of the industrial world commenced their first experiment with deregulated currency markets. Henceforth, currencies around the world were free to find their own rates of exchange on a day to day, hour to hour basis. Because there were no longer any official exchange rate targets, gold no longer played an official role in world monetary arrangements. With governments removed from direct international financial management, the money center banks—such as Citibank, Chase Manhattan and about two dozen other large banks around the world—with their institutional infrastructure already in place, accelerated the development of their own nascent private monetary system. This system was organized around Eurodollars, a name that originally meant dollar deposits in bank branches in Europe but now simply refers to dollars that circulate outside the United States, which are used for world trade and do not come under the regulatory authority of the American government.

American banks are required to set aside 20 cents as a reserve for every dollar deposited with them inside the United States. Eurodollar accounts, however, are not subject to such reserve set-asides. The full dollar can be lent out, raising the theoretical possibility of unlimited dollar creation. The total value of Eurodollars in circulation has grown at a rate of about 25 percent a year since the mid-1970s, compared with a growth of real trade of only 4 percent annually. By comparison, the total number of U.S. dollars has grown only 10 percent a year. Starting from a base of about $50 billion in 1973, the "stateless" Eurodollar system today is approaching $2 trillion, almost as large as the domestic monetary system of the United States, which comes under Federal Reserve and Treasury regulatory authority. It is as if we have been transported back to an earlier century, when private bank money operated around and in spite of government.

This expatriate currency mushroomed as a result of enormous dollar surpluses earned on oil sales by Opec countries between 1974 and 1981: about $375 billion more than they spent in the rest of the world. The money was placed in large-denomination certificates of deposit in the money center banks, which held the deposits in offshore banking sanctuaries such as the Cayman Islands in order to provide protection for the Opec depositors against seizure, avoid U.S. government regulation and escape American taxation. But this was only a bookkeeping fiction. In reality, the funds became part of the vast expansion of the Eurodollar system.

Having received these deposits, the money center banks then sought borrowers who could be charged enough interest to enable the banks to earn a profit. The banks first moved Eurodollars into Third World countries, saddling them with a $1 trillion debt burden by the end of 1986, compared to less than $100 billion in 1973. Instead of supporting new productive investment, however, a large portion of this debt went into luxury consumption. Over $200 billion disappeared through capital flight from the Third World back to the industrial countries. When lending to Third World countries turned sour, in 1982, after Mexico and other large Latin American borrowers effectively defaulted on loan servicing, Eurodollars were shifted into funding the U.S. budget deficit, into mergers and acquisitions, and finally into the U.S. stock market. Very little of this huge flow of funds—more than $2 trillion—went into investments that expanded production. This contributed to the twin problems of global economic stagnation and excessive financial speculation.

By the end of the 1970s, privatized money that was operating in a deregulated international environment through money center banks began to take advantage of the enhanced sophistication of computer and information technologies to globalize the world's financial system. The convergence of these three trends—deregulation, privatization and globalization—with the ideology of free markets advocated by Milton Friedman underwrote the neoconservative counterreformation of Thatcher, Reagan and Kohl.

This stateless reserve of capital exerts a transnational effect on national economic policies, seeking the lowest common regulatory denominator as it travels around the globe in search of the best rate of return. In the new supranational economic order, public policy is traded across borders, augmenting traditional competition in services and commodities. The globalized financial system allows the money center banks to make end runs around governments and then leverage their influence to promote the same deregulated and privatized environment within nation-states that they have been able to create for themselves supranationally. Since October 1981, for example, in response to pressure from Citicorp, Chase Manhattan and other money center banks, the Federal Reserve has permitted banking "enterprise zones" in the United States, moving offshore banking onshore and reproducing the unregulated and untaxed financial sanctuary of the Cayman Islands in cities like New York and Washington. Within twenty-one months of their inauguration, these International Banking Facilities had nearly $200 billion in Eurodollar deposits.

It is not coincidental that the first financial futures market began in foreign exchange in 1972, transforming futures markets from specialization in real commodities, like corn and pork bellies, to dealing in paper. In 1975 trading in Treasury Bill futures was added by the Chicago Mercantile Exchange, with the approval of the Commodity Futures Trading Commission, and in the early 1980s stock-index futures were introduced. Today the trading volume in stock index futures is almost equal to the trading volume of the stocks themselves. In the glitz and glitter of New York's stock exchanges and Chicago's futures markets, redsuspendered yuppies have lost sight of the original purposes of these institutions: to facilitate the ability of corporations to raise capital for productive purposes (stock markets) and to hedge risks for tangible commodities (futures markets). They are not supposed to be venues for high-stakes gambling.

Trading in foreign currencies has also become increasingly unstable as supranational capital has grown. National and international financial markets took on the coloration of gambling casinos a decade ago as a result of the large plays in foreign exchange rates accompanying the deregulation of international money. Speculation is no fun when there are no wild swings in prices. Although public economic management was not exemplary after the demise of Bretton Woods, nothing in the fiscal and monetary policies of the United States and other governments can justify gyrations in exchange rates of 40 percent or more.

Fixated on achieving short-term financial returns, currently traders in the money center banks, armed with footloose Eurodollars, engage in destabilizing foreign exchange speculation by attacking the weak currencies and supporting the strong ones. "It isn't un-American" to sell dollars and profit from the currency's decline, said James Young, Manufacturers Hanover's top sterling trader, in the midst of the recent stock market chaos. His 27-year-old counterpart dealing in deutsche marks, Fred Scala, described currency traders as "soldiers of fortune" with no "alliances," only a commitment to "work for the bank"—even if their dealings are incompatible with U.S. economic interests in the world economy, one could add. Having feasted on exchange rates, speculators then moved into the stock market with about $600 billion that underwrote the 20,000-odd mergers and acquisitions since 1979, accounting for more than two-thirds of the run-up stock prices in the past few years.

While the globalization genie cannot be put back into the bottle, every item on the wish list of supranational centers need not be underwritten by pliant governments held hostage by their own free-market ideologies. Ultimately, new transnational economic institutions will be needed to stabilize exchange rates, rethink economic relations between the North and the South, restructure Third World debt and mobilize investment for productive purposes. Borders must mean something once again, permitting governments to inject effective public policies into their economies, and new transnational public institutions must be created to regulate the global economy.

But the immediate problem is the unregulated Eurodollar markets. It is time to bring them under the same regulatory umbrella that exists for dollars inside the United States. In particular, money center banks should be required to observe the reserve set-asides that constrain U.S. banking. This will make it possible for governments to coordinate such economic parameters as interest and exchange rates by regulating the rate of future growth of Eurodollars. In the absence of such regulation, the October stock market meltdown will be only the prelude to a larger financial drama. Speculative money will continue to hit and run, moving from Treasury Bills to foreign exchange to mergers and acquisitions. Continuing instability will breed worse economic imbalances until another financial crisis occurs requiring an even larger bailout from the Federal Reserve than the one engineered to save the market in October.

While the proximate cause of the October crisis in world-wide financial markets was the anticipation of sharply higher interest rates in response to the U.S. government's report about a continuing enormous trade deficit, the problem was magnified by the environment of deregulation and the globalization of financial markets. Since 1981 the Securities and Exchange Commission has been performing more like a cheerleader than a regulator, standing on the sidelines shaking pinstriped pom-poms and rooting on the stock market. As the volume of transactions on the stock market grew geometrically and the complexity of new financial instruments transformed securities markets, from 1981 to 1986 the S.E.C. staff actually declined in number. The commission's computers are from the horse-and-buggy age compared with the state-of-the-art computer capabilities of the securities firms the S.E.C. is supposed to regulate.

In order to bring the financial markets under some degree of regulation, the first step needed is to appoint an S.E.C. chair who knows securities markets and is committed to enforcing existing regulations, beefed up by additional staff and a modern computer capability that can compete with Wall Street's. Next, Congress must take a look at regulations to deal with the new character of securities markets—including computerized trading, which destabilizes markets, and the confounding of stock transactions with futures and options trading on the futures markets.

The 1930 regulatory aim of separating different types of financial institutions in order to contain problems endemic to each and prevent them from spreading—financial firebreaks—must be reasserted. This means retaining and strengthening the Glass-Steagall act, a law prohibiting commercial banks from engaging in securities underwriting. Senators William Proxmire and Jake Garn have aligned themselves with those seeking repeal of Glass-Steagall: the money center banks; Alan Greenspan, chair of the Fed; Robert L. Clarke, Comptroller of the Currency; and L. William Seidman, head of the Federal Deposit Insurance Corporation. (Ten days after Black Monday, Seidman had the audacity to assert that the 1930s banking crisis was "supervisory" and not "structural" in nature, and therefore Glass-Steagall, which was put in place to prevent a spillover from the stock market into the banking system, is not needed.)

The principle of firebreaks should be extended to include new legislation prohibiting securities firms from trading in futures markets. It is also time to reconsider the very existence of financial futures, in view of the fact that these are fictions far removed from the basic purpose of a futures market. At a minimum, financial futures must be brought under the same regulatory formulas as stock transactions. Margin requirements—the proportion of hard cash that any buyer must have on hand to acquire stocks or futures—are currently only about 7 percent on the less-regulated Chicago futures markets, compared with 50 percent on Wall Street securities markets, allowing the same kind of undercapitalized speculation that fed the late 1920s bubble. The S.E.C. should be out front in proposing uniform securities regulations and in pressing for them in other countries' markets. This would eliminate the "technological" profits from hairtrigger computerized trading, which permits the computer to stay a minisecond ahead of the markets in different countries as they adjust to a common price for the same stock.

The postwar vision of the world economy was predicated on a degree of predictability and stability in exchange rates, which would contribute to the growth in international trade by mitigating risk and uncertainty in financial transactions. For the past fifteen years the ideology of free markets and deregulation has replaced that vision with one that celebrates the cunning of unfettered entrepreneurialism. Arbitragers, options traders and all manner of financial speculators have been on a feeding frenzy for the past five years.

If something good is to come of the financial near-implosion of the past several weeks, it will have to be a better understanding of how the process of deregulated globalism has strengthened the symbiotic relationship between stagnation and speculation, and of what governments need to do to begin to restore investment for productive purposes.

CZECHOSLOVAK HUMAN RIGHTS ORGANIZATION CHARTER 77 CALLS FOR SOLIDARITY WITH THE ROMANIAN PEOPLE BECAUSE OF HUMAN RIGHTS VIOLATIONS AND HARSH LIVING CONDITIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues in the Congress a call for solidarity with the people of Romania issued by Charter 77, the outstanding human rights group that was established in Czechoslovakia over a decade ago to monitor the observance of the Helsinki human rights provisions.

The Charter 77 document reminds us that Romania is one European country where human rights conditions have worsened—not improved—since the signing of the Helsinki Final Act. Witnesses testifying before the Commission on Security and Cooperation in Europe have been persecuted and tortured in Romania for their participation in the international hearings. Since the signing of the Helsinki Final Act, conditions have considerably worsened for ethnic minorities, and numerous instances of discrimination and ethnic persecution have been documented.

In addition, economic conditions have deteriorated in Romania. Basic foodstuffs are scarce or inaccessible, and extreme energy rationing has been implemented countrywide. For a country within the Soviet sphere, the Romanian Government has been unable or unwilling to fulfill the basic provisions of Communist doctrine: job security and basic material necessities for the working class.

Mr. Speaker, as you know last year a consequence of the deplorable condition of human rights in Romania, the Congress voted to withdraw most-favored-nation trading status to Romania. Furthermore, the United States has publicly denounced human rights conditions in Romania.

Charter 77 has issued a call on people everywhere to join in solidarity with the people of Romania who suffer from severe economic hardship and denial of basic human rights. I call on my colleagues here in the Congress to join with our friends in Europe in expressing solidarity with the people of Romania, in the spirit of concern expressed by Charter 77.

Mr. Speaker, I insert the full text of the appeal by Charter 77 in the RECORD for the benefit of my colleagues:

CHARTER 77 DOCUMENT NUMBER 2 88: A CALL FOR SOLIDARITY WITH ROMANIA

These days, the government of Europe, various organisations as well as many ordinary citizens, are contemplating the future of our continent, the prospects for peace in Europe, ways of overcoming the division of Europe into political blocs, and the extent and type of human rights enjoyed by the populations of various European countries. Conferences are frequently held on these topics.

All this is to the good and very important. What is less good is that the delegates at these conferences, sitting in well-heated and well-lit conference halls tend to forget there is a country in Europe where people have neither heat nor light.

On Romanian flats are offices, the temperature in winter rarely rises above ten degrees Celsius. Each flat is allowed a maximum of two forty-watt bulbs to be burning at any given time. In Romania, basic foodstuffs, such as flour, sugar and meat are—forty-three years after the war—either being rationed or not available at all.

After twenty-two years of rule, the Romanian leader offers the people of his country only one thing: the ostentatious cult of his personality.

It is a sense of total despair that has driven Romanian workers to demonstrations.

Romania is a curious country: not only does its government deny its citizens elementary liberties to an extent which has no parallel in any other Soviet Bloc country, but it is not even capable of ensuring what the communist regimes call their 'greatest achievement', the basic material and job security, which these regimes use as a means of self-legitimation.

We wish to hold to their word all those Europeans who feel enthusiastic about Gorbachev's statement that we all live in one European house. We call on them to realise that in this rich house there exists a nation which is forced to live in fear of cold and hunger.

This is not only a Romanian affair. Just as the peace and the freedom of Europe are common and indivisible issues of concern to all Europeans, the situation in Romania is equally of common concern. And just as the freedom of those who are indifferent to the enslavement of their neighbours becomes uncertain, the certainty of being able to rely on heat and light also becomes doubtful, if it is connected with indifference to the plight of those who are forced to live in the cold and in the dark.

We therefore call on the European public to remember Romania. We appeal to you to show publicly your solidarity with the plight of the citizens of that country. We suggest to all Europeans that on 1st February 1988 they should express their solidarity with the Romanian people by any means available to them. Let us attempt, at least for a single day, to live in an unheated and badly lit flat. Let us try to deny ourselves at least for a single day, all those things that form our material living standard and that are permanently denied to the Romanians. Wherever this may be possible, let us stage peaceful protest demonstrations in front of the Romanian Embassies. Let us appeal to our governments to help the Romanian people. Let us look for ways in which each of us could personally help.

We call on the Europeans to join Charter 77 in expressing publicly, on 1st February 1988, their solidarity with suffering Romanian society and their revulsion against the despotic ruler responsible for this suffering.

We are aware that one day of solidarity will not solve the Romanian crisis. But we are convinced that it can contribute towards its solution.

STANISLAV DEVATY,
LILOS HAJEK,
BOHUMIR JANAT,
Spokespersons for Charter 77.

TIME TO REFORM LEGAL IMMIGRATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SCHUMER. Mr. Speaker, today I am introducing legislation to improve and reform the system of legal immigration in the United States. Together with my colleague, the distinguished Senator from Wyoming, Mr. SIMPSON, who is introducing a virtually identical measure in the Senate, I am calling for much needed changes in the method by which our Nation promotes and controls immigration from all nations in the world to our country.

Last year, Congress enacted sweeping and crucial legislation to control illegal immigration when it passed the Immigration Reform and Control Act. But the task of reforming our outdated immigration laws is only partly completed. It is essential that we expeditiously address the issues of legal immigration as well. Under IRCA, we have finally begun to gain essential control over our borders, but this makes all the more compelling the need to improve and strengthen the system by which we admit legal immigrants.

The legislation we are introducing in the House and Senate today is a positive approach to a complicated issue. Our bill will simultaneously increase the opportunities for would-be immigrants and impose more order on the system which controls the influx of new citizens. America has thrived on the spark and imagination of immigrants from all nations of the world and will continue to do so as long as we recognize the need to continually perfect the system of immigration laws to ensure that the process is fair and responsive to our national needs. The legislation Senator SIMPSON and I are introducing today is a major step in that direction.

Our legislation focuses on several key areas. Above all, we are seeking to balance the emphasis of the preference system upon which immigration eligibility is determined. The outdated immigration laws in effect today are heavily weighted in favor of family ties, so much so that fewer than 1 in 10 of all new immigrants are admitted on the basis of acquired characteristics such as job skills and ability to contribute to our economy. The effect of this system is that individuals from certain nations find it almost impossible to immigrate to the United States. The formula needs to be reformed to allow greater diversity and improved opportunity for individuals who will clearly contribute to our national interest.

The approach outlined in the Simpson-Schumer legislation is based upon fairness and calls for a rational immigration policy that retains the important role of family unity, but also expands the opportunities for would-be immigrants who have skills and abilities to offer this country. The legislation is designed, through a carefully constructed "point system," to select immigrants whose job skills and educational background are in particular demand to meet the needs of the U.S. job market.

Many of the aspects of the Simpson-Schumer legislation are adapted from the recommendations, reported to Congress in 1981, of the Distinguished Select Commission on Immigration and Refugee Policy, headed by the Reverend Theodore M. Hesburgh. The bill creates separate channels of immigration to reflect our traditional recognition of the importance of family reunification while expanding the goal of enhancing our domestic labor market. Additionally, the bill strives to open our borders to more "independent immigrants," enlarging the cultural diversity upon which America's continued vitality and richness depends.

Overall, the Simpson-Schumer legislation will give substantially more visas to those family members of legal U.S. residents who are most closely related—spouses and children. This is especially important because of the predictable increase in application by these groups due to the anticipated legalization of well over a million immigrants under the provisions of IRCA. To reflect the desire that the most immediate family members be given preference, we are establishing a system for phasing out the provisions that previously allowed a preference for the siblings of legal immigrants. Not only has the fifth preference been responsible for chain immigration, but it has continuously failed to meet the demands of would-be immigrants. Indeed, many individuals seeking to immigrate through this avenue, have been waiting in line since the 1970's. To meet this pressing demand, our bill allocates a significant number of visas in the first 3 years to those persons in the backlog. As a result, these individuals will come into this country more rapidly than under the present system. Thereafter, those remaining in the backlog will be admitted at a steady rate.

Importantly, the Simpson-Schumer approach allows flexibility by allowing periodic adjustments in key provisions of the bills based upon determinations made by the executive branch and Congress. Because the quality and quantity of immigration have such a tremendous impact on our economic and cultural development, this flexibility is an essential component of any meaningful reform.

I urge my colleagues in the House to join me in supporting this important revision in our legal immigration laws.

Text of the Simpson-Schumer legislation is reprinted below:

H.R. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Legal Immigration Reform Act of 1988".

(b) REFERENCES IN ACT.—Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

SEC. 2. NATIONAL LEVEL OF IMMIGRATION.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—(1) Section 201 (8 U.S.C. 1151) is amended to read as follows:

"WORLDWIDE LEVEL OF IMMIGRATION

"SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b)(1), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family connection immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year;

"(2) independent immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

"(3) backlog immigrants described in section 203(c) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(c)), in a number not to exceed in any fiscal year the number specified in subsection (e) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the numerical limitation under such subsection for all of such fiscal year.

"(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—(1) The following aliens are not subject to the worldwide levels or numerical limitations of subsection (a):

"(A)(i) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(ii) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(b).

"(iii) Aliens whose status is adjusted to permanent residence under section 210, 210A, or 245A.

"(iv) Aliens provided permanent resident status under section 249.

"(B)(i) Immediate relatives (described in paragraph (2)), and aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

"(ii) Aliens born to an alien lawfully admitted for permanent resident during a temporary visit abroad.

"(iii) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(a) and aliens who granted asylum under section 208.

"(2) For purposes of subsection (A), the term 'immediate relative' means a child or spouse of a citizen of the United States.

"(c) WORLDWIDE LEVEL OF FAMILY CONNECTION IMMIGRANTS.—(1) The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—

"(A) 450,000, less

"(B) the number computed under paragraph (2), plus

"(C) the number (if any) computed under paragraph (3).

"(2) The number computed under this paragraph for a fiscal year is the sum of—

"(A) the number of aliens described in clause (i) or (ii) of subsection (b)(1)(B) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year; and

"(B) for each of fiscal years 1990 and 1991, 50,000 (to provide for backlog immigrants described in subsection (e) in each respective year).

"(3) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1991) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(2) (relating to independent immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(d) Worldwide Level of Independent Immigrants.—(1) The worldwide level of independent immigrants under this subsection for a fiscal year is equal to—

"(A) 220,000, less

"(B) the number described in paragraph (2) (to provide for backlog immigrants described in subsection (e)), plus

"(C) the number computed under paragraph (3).

"(2) The number described in this paragraph for a fiscal year is equal to—

"(A) 100,000 for fiscal year 1990,

"(B) 100,000 for fiscal year 1991, and

"(C) 75,000 for fiscal year 1992.

"(3) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1991) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(1) (relating to family connection immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(e) Numerical Limitation on Backlog Immigrants.—The numerical limitation under this subsection for—

"(1) fiscal year 1990 is 150,000,

"(2) fiscal year 1991 is 150,000,

"(3) fiscal year 1992 is 75,000, and

"(4) each subsequent fiscal year is 0.

"(f) Report on, and Revision of, Worldwide Level of Immigration.—(1) In January before the beginning of fiscal year 1993 (and of each succeeding fiscal year thereafter), the Attorney General, in consultation with the Secretary of Labor, the Secretary of State, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Administration, and the Secretary of Housing and Urban Development, shall prepare and transmit to the President and to the Judiciary Committees of the Senate and of the House of Representatives a report discussing the effect of immigration on the United States. The report shall consider—

"(A) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members;

"(B) the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States;

"(C) the impact of immigration with respect to demographic and fertility rates and resources and environmental factors; and

"(D) the impact of immigration on the foreign policy and national security interests of the United States.

The report for fiscal year 1993 (and each third fiscal year thereafter) shall include a discussion, based upon such consideration, of the need (if any) to revise the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) for each of the 3 succeeding fiscal years.

"(2) In March before the beginning of fiscal year 1993 (and of each third fiscal year thereafter), the President shall, after considering the reports transmitted under paragraph (1) and after soliciting the views of members of the Committees on the Judiciary of the House of Representatives and of the Senate, determine whether or not the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) should be changed for any of the subsequent 3 fiscal years, and, if so, each number which should apply instead of the number specified in the respective subsection for each such fiscal year. The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session.

"(3) Notwithstanding the provisions of subsections (c)(1)(A) and (d)(1)(A), if the number transmitted in a determination of the President with respect to subsection (c)(1)(A) or subsection (d)(1)(A) for a fiscal year—

"(A) is not less than 90 percent, nor more than 110 percent, of the number specified in that respective subsection, unless the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which disapproves the change with respect to the number for that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during the fiscal year or years involved; or

"(B) is less than 90 percent, or more than 110 percent, of the number specified in that respective subsection, if the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which approves the change with respect to the number specified in that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during the fiscal year or years involved.

"(4) Paragraphs (5), (6), and (7) are enacted—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each respective House, but applicable only with respect to the procedure to be followed in the case of joint resolutions described in paragraph (5), and supersede the other rules only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(5) For purposes of this subsection, the term 'joint resolution', with respect to a change in number transmitted by the President under paragraph (2) for a fiscal year or years, in the case described—

"(A) in paragraph (3)(A), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (f)(3)(A) of section 201 of the Immigration and Nationality Act, disapproves the change proposed by the President in the number specified under subsection   of that section for fiscal year (or years)   transmitted to the Congress by the President on   ', the blank spaces therein to be filled appropriately; or

"(B) in paragraph (3)(B), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (f)(3)(B) of section 201 of the Immigration and Nationality Act, approves the change proposed by the President in the number specified under subsection   of that section for fiscal year (or years)   transmitted to the Congress by the President on   ', the blank spaces therein to be filled appropriately.

"(6)(A) No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), which determination provides for a change in a number specified in subsection (c)(1)(A) or (d)(1)(A) for a fiscal year, a joint resolution (as defined in paragraph (5)) with respect to each such change shall be introduced (by request) in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman.

"(B)(i) Each joint resolution introduced in a House shall be referred to the Committee on the Judiciary of the respective House. The committees shall make their recommendations to the respective House not later than June 15 following the date of introduction.

"(ii) If the Committee has not reported such a joint resolution with respect to a change by such date, it is in order to move either to discharge the Committee from further consideration of the joint resolution, except that no motion to discharge shall be in order after the Committee has reported a joint resolution with respect to the same change.

"(iii) A motion to discharge under clause (ii) may be made only by a Member favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, in the Senate the majority leader and the minority leader or their designees and in the House of Representatives the chairman of the Committee on the Judiciary and the ranking minority member of such committee or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(D)(i) When the Committee has reported, or been discharged from consideration of, a joint resolution, a motion to proceed to the consideration of the joint resolution shall be highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(ii) Debate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided in the Senate between, and controlled by, the majority leader and the minority leader or their designees and to be equally divided in the House of Representatives between individuals favoring and individuals opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which a joint resolution is passed or rejected shall not be in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(D) If, prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same change transmitted by the President in a number specified under a subsection for a fiscal year, then—

"(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the resolution of the other House.".

(2) The item in the table of contents relating to section 201 is amended to read as follows:

"Sec. 201. Worldwide level of immigration.".

(b) Per Country Immigration Levels.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) by striking "(a) No person" and inserting "(a)(1) Except as specifically provided in paragraph (2) and in section 101(a)(27), 201(b), and 203, no person",

(B) by striking ", except as specifically" and all that follows through "following fiscal year", and

(C) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraphs (B) and (C), the total number of immigrant visas made available to natives of any single foreign state under subsection (c) of section 203 (relating to family connection immigrants) in any fiscal year may not exceed 8 percent of the total number of such visas made available under such subsection in the fiscal year.

"(B) If for fiscal year 1990 or a succeeding fiscal year the number of aliens described in clause (i) or (ii) of section 201(b)(1)(B) (relating to immediate relatives and similar individuals) who are natives of a particular foreign state and who are issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year exceeds the greater of—

"(i) the number level computed under in subparagraph (A) for that state for that fiscal year, or

"(ii) the level of such immigration of natives of that foreign state in fiscal year 1988 or fiscal year 1989 (whichever is greater),

then the number level applicable to that foreign state in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess, except that such reduction shall not exceed ½ of the number level otherwise provided without regard to this subparagraph.

"(C) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 203(c) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states during the remainder of such calendar quarter.

"(3)(A) Subject to subparagraph (B), the total number of immigrant visas made available to natives of any single foreign state under subsection (d) of section 203 (relating to independent immigrants) in any fiscal year may not exceed 8 percent of the total number of such visas made available under such subsection in the fiscal year.

"(B) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 203(d) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states during the remainder of such calendar quarter.";

(2) in subsection (b), by striking "the numerical limitation set forth in the proviso to subsection (a) of this section" each place it appears and inserting "a number level established under subsection (a)";

(3) in subsection (c)—

(A) by striking "other than" and all that follows through "section 201(b)" and inserting "other than an alien described in section 201(b)(2)", and

(B) by striking "section 202(a)" and all that follows through the end and inserting "subsection (a)(1), to the foreign state"; and

(4) by striking subsection (e).

SEC. 3. PREFERENCE SYSTEM FOR ADMISSION OF IMMIGRANTS.

(a) In General.—Section 203 (8 U.S.C. 1153) is amended to read as follows:

"ALLOCATION OF IMMIGRANT VISAS

"Sec. 203. (a) Preference Allocation for Family Connection Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family connection immigrants in a fiscal year shall be allotted visas as follows:

"(1) Parents and unmarried sons and unmarried daughters of citizens.—Visas shall be made available, in a number not to exceed 30 percent of such number level, first to qualified immigrants who are—

"(A) parents of citizens of the United States who are 21 years of age or older, or

"(B) the unmarried sons or unmarried daughters of citizens of the United States.

"(2) Spouses and unmarried sons and unmarried daughters of permanent resident aliens.—Visas shall be made available, in a number not to exceed 60 percent of such number level plus any visa numbers not used under paragraph (1) or (3) for the fiscal year, next to qualified immigrants who are—

"(A) the spouses of an alien lawfully admitted for permanent residence; or

"(B) the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, if the sons or daughters—

"(i) are under 26 years of age, or

"(ii) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(2) (as in effect on such date) by reason of such relationship and such petition was subsequently approved.

"(3) Certain registered former fourth and fifth preference aliens.—For fiscal years beginning with fiscal year 1993, visas shall be made available, in a number not to exceed 10 percent of such number level, as follows:

"(A) Not to exceed 15 percent of the number of visas made available under this paragraph shall be made available to qualified immigrants who—

"(i) are the married sons or married daughters of citizens of the United States,

"(ii) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(4) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved, and

"(iii) are registered for the benefits of this paragraph under section 204(a)(1)(C).

"(B) Any remaining visa numbers shall be made available to qualified immigrants who—

"(i) are the brothers or sisters of citizens of the United States, if the citizens are at least 21 years of age;

"(ii) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(5) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved; and

"(iii) are registered for the benefits of this paragraph under section 203(a)(1)(C).

"(b) Preference Allocation for Independent Immigrants.—Aliens subject to the worldwide level specified in section 201(d) for independent immigrants in a fiscal year shall be allocated visas as follows:

"(1) Special immigrants.—Visas shall be made available, in a number not to exceed 10 percent of such number level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof).

"(2) Aliens who are members of the professions holding doctoral degrees or aliens of exceptional ability.—(A) Visas shall be made available next, in a number not to exceed 25 percent of such number level, or, if less, 27,000, to qualified immigrants who are members of the professions holding doctoral degrees (or the equivalent degree) or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(B) The Attorney General may, when he deems it to be in the national interest, waive the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(C) In determining under subparagraph (A) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(3) Skilled workers.—(A) Visas shall be made available next, in a number not to exceed 25 percent of such number level, or, if less, 27,000, to qualified immigrants who are capable of performing skilled labor (requiring at least 3 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

"(B) An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(4) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 5 percent of such number level, or, if less, 5,000, to qualified immigrants who have invested, or established to the Attorney General their intention to invest, not less than $2,000,000 in an enterprise in the United States which will benefit the United States economy and create full-time employment for not fewer than 10 individuals (other than the spouse, sons, or daughters of such immigrant).

"(5) SELECTED IMMIGRANTS.—(A) Visas authorized in any fiscal year under section 201(c), less those required for issuance to the classes specified in paragraphs (1), (2), (3), and (4), shall be made available to qualified immigrants who attain a score of not less than 50 points, based on the point assessment system described in subparagraph (B).

"(B) The point assessment system referred to in subparagraph (A) shall accord points based on criteria as follows:

"(i) AGE (10 POINTS).—For an alien who (as of the first day of the fiscal year involved) is—

"(I) not less than 21 years of age or more than 35 years of age, 10 points; or

"(II) not less than 36 years of age or more than 44 years of age, 5 points.

"(ii) EDUCATION (15 POINTS).—For an alien who (as of the first day of the first year involved)—

"(I) has completed successfully grade school through high school or its educational equivalent (as determined by the Secretary of Education), 5 points;

"(II) has been awarded a bachelors' degree or its equivalent (as determined by the Secretary of Education), 5 additional points; and

"(III) has been awarded a graduate degree, an additional number of points (up to 5 additional points) to be determined by the Secretary of Education based on the level of the degree.

"(iii) ENGLISH LANGUAGE ABILITY (15 POINTS).—For an alien who demonstrates (before September 1 before the fiscal year involved) an understanding of the English language by the ability—

"(I) to speak words in ordinary usage in English, 5 points,

"(II) to read words in ordinary usage in English, 5 points, and

"(III) to write words in ordinary usage in English, 5 points.

In applying this clause, standards comparable to those applicable under section 312(1) shall be applied.

"(iv) UNDERSTANDING OF GOVERNMENT AND HISTORY (5 POINTS).—For an alien who demonstrates (before September 1 before the fiscal year involved) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States, 5 points. In applying this clause, standards comparable to those applicable under section 312(2) shall be applied.

"(v) OCCUPATIONAL DEMAND (20 POINTS).—For an alien who is in an occupation for which the Secretary of Labor determines (before the fiscal year involved)—

"(I) there will be increased demand in the United States for individuals in the occupation in the succeeding fiscal year, 10 points, and

"(II) there will be a shortage of individuals in the United States to meet the need in the occupation in the United States in the succeeding fiscal year, up to 10 points.

"(vi) OCCUPATIONAL TRAINING AND WORK EXPERIENCE (20 POINTS).—To the extent the alien has training, work experience, or both, in the occupation described in clause (v), up to 20 points, such points multiplied by the number of points awarded under clause (v) divided by 20.

"(C) The point assessment system described in subparagraph (B) shall be established by regulation by the Attorney General in consultation with the Secretary of Labor, the Secretary of Education, and the Secretary of State.

"(c) PREFERENCE ALLOCATION FOR BACKLOGGED IMMIGRANTS.—Aliens subject to the numerical limitation specified in section 201(d) for certain backlogged immigrants in a fiscal year shall be allocated visas as follows:

"(1) Visas shall be made available, in a number not to exceed 15 percent of the numerical limitation for the fiscal year, first to qualified immigrants who—

"(A) are the married sons or married daughters of citizens of the United States, and

"(B) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(4) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved.

"(2) Any remaining visas shall be made available to qualified immigrants who—

"(A) are the brothers or sisters of citizens of the United States, if the citizens are at least 21 years of age, and

"(B) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(5) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved.

Visas are made available under this subsection only within the numerical limitations described in section 201(d) and nothing in this subsection shall be construed as implying that because an alien is described in this subsection the alien will be provided a visa under this or any other provision of this Act.

"(d) TREATMENT OF FAMILY MEMBERS.—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(e) ORDER OF CONSIDERATION.—(1) Immigrant visas made available under subsection (a), (b) (other than paragraph (5)), or (c) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204(a).

"(2) Of the immigrant visa numbers made available under subsection (b)(5) (relating to selected immigrants) in a fiscal year—

"(A) ½ of such numbers shall be issued to eligible qualified immigrants in the order of their score on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved; and

"(B) ½ of such numbers shall be issued to eligible qualified immigrants with a qualifying score on such system strictly in a random order established by the Attorney General for the fiscal year involved.

"(3) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(f) PRESUMPTION.—Every immigrant shall be presumed not to be described in subsection (a), (b), or (c) of this section, section 101(a)(27), or section 201(b)(2), until the immigrant establishes to the satisfaction of the consular officer and the immigration officer that the immigrant is so described. In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(1) or in subsection (a), (b), or (c) of this subsection, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(g) LISTS.—For purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a) through (c), and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control.".

(b) CHANGES IN PETITIONING PROCEDURE.—Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (5), and

(2) by striking "(a)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(a)(1)(A) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in section 203(a)(1) or to an immediate relative status under section 201(b)(2) may file a petition with the Attorney General for such classification.

"(B) Any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification. An alien may be classified as an alien described in section 203(a)(2) with respect to a specific fiscal year on the basis of a petition filed in a previous fiscal year only if the alien has filed with the Attorney General a notice of continuing intent to be admitted to the United States as a immigrant under such section within the 2 fiscal years immediately previous to the specific fiscal year involved.

"(C) An alien may not be classified under section 203(a)(3) (relating to certain former fourth and fifth preference aliens) for a fiscal year unless the alien, or the United States citizen parent or brother or sister of alien described in that section, registers for the benefits of that section during fiscal year 1992. To the maximum extent practicable during the first 6 months of fiscal year 1992, the Attorney General shall provide notice to each individual qualified to be registered under this subparagraph of the requirement of the previous sentence.

"(D) Any alien desiring to be classified under section 203(b)(2) (or any person on behalf of such an alien) (relating to professionals) may file a petition with the Attorney General for such classification.

"(E) Any person desiring and intending to employ within the United States an alien entitled to classification under paragraph (2) or (3) of section 203(b) (relating to professionals and skilled workers) may file a petition with the Attorney General for such classification.

"(F) Any alien desiring to be classified under section 203(b)(4) (relating to employment creation) may file a petition with the Attorney General for such classification.

"(G) Any alien desiring to be provided an immigrant visa under section 203(b)(5) (relating to selected immigrants) in a fiscal year may file a petition outside (and only outside) the United States with a consular officer during the 12-month period ending with August of the previous fiscal year. Only one such petition may be filed by an alien with respect to any fiscal year.

"(2) A petition or registration under this subsection shall be in such form as the Attorney General may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require.

"(3) The petition under this subsection shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer.

"(4) On or after October 1, 1989, an alien who—

"(A) previous to being admitted as, or otherwise provided the status of, an alien lawfully admitted for permanent residence was married to an individual, and

"(B) is so admitted, or provided such status, as a child or as the unmarried son or unmarried daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence,

may not file a petition under this section on behalf of any alien to whom the alien was married previous to being so admitted or provided such status.".

(c) REVISION OF LABOR CERTIFICATION.—Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(14) Aliens seeking to enter the United States to perform skilled labor unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the occupations in which the aliens will be employed; and (B) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall only apply to immigrants seeking admission under section 203(b)(3). Decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by an appropriate district court of the United States, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner.".

SEC. 4. CONGRESSIONAL REVIEW OF REFUGEE ADMISSIONS.

Section 207(a) (8 U.S.C. 1157(a)) is amended—

(1) in paragraph (1), by striking "in fiscal year" and all that follows through the end of such paragraph and inserting the following: "during a fiscal year may not exceed 50,000, unless—

"(A) before July 1 before the beginning of the fiscal year, the President—

"(i) after appropriate consultation (as defined in subsection (e)), determines that admission of a specific number of refugees in excess of 50,000 is justified by humanitarian concerns or is otherwise in the national interest, and

"(ii) transmits such determination in writing to each House of Congress; and

"(B) there is not enacted a joint resolution described in paragraph (2) with respect to the determination."; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Except as provided in subparagraph (C), the provisions of paragraphs (4) through (7) of section 203(f) apply to joint resolutions described in subparagraph (B) in the same manner as such provisions apply to joint resolutions described in section 203(f)(4).

"(B) For purposes of subparagraph (A), a joint resolution described in this subparagraph means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to paragraph (2) of section 207(a) of the Immigration and Nationality Act, disapproves the number transmitted for fiscal year   by the President on   under paragraph (1) of that section.', the blank spaces therein to be filled appropriately.

"(C) In applying paragraphs (6) and (7) of section 203(f) under subparagraph (A)—

"(i) any reference to a joint resolution is deemed a reference to a joint resolution described in subparagraph (B);

"(ii) any reference to a change in a number is deemed a reference to a number transmitted under paragraph (1); and

"(iii) the deadline for reporting a joint resolution by a committee, described in section 203(f)(6)(B)(i), is September 1 rather than June 15.".

SEC. 5. MISCELLANEOUS CONFORMING AND TECHNICAL CHANGES.

(a) Sections 101(b)(1)(F), 202(a), 202(c), 204(a)(1), 204(b), 204(e), 216(g)(1)(A) (as added by section 2(a) of Public Law 99-639), 222(a), 244(d), 245(c)(2), 245(c)(5) (8 U.S.C. 1101(b)(1)(F), 1152(a), 1152(c), 1154(a)(1), 1154(b), 1154(e), 1186a(g)(1)(A), 1202(a), 1254(d), 1255(c)(2), 1255(c)(5)) are each amended by striking "201(b)" each place it appears and inserting "201(b)(2)".

(b) Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (b)—

(A) by striking "section 203(a)(3) or (6)" and inserting "section 203(b)(3)".

(B) by striking "section 201(b)" and inserting "section 201(b)(2)",

(C) by striking "a preference status under section 203(a)" and inserting "preference under section subsection (a), (b), or (c) of section 203",

(D) by inserting "(and, in the case described in section 203(b)(5), specify the point score on the assessment system)" after "approve the petition", and

(E) by striking "The Secretary of State" and inserting "Subject to section 203(b)(5), the Secretary of State";

(2) in subsection (e)—

(A) by striking "preference immigrant under section 203(a)" and inserting "immigrant under subsection (a), (b), or (c) of section 203", and

(B) by striking "section 201(b)" and inserting "section 201(f)";

(3) by striking subsection (f);

(4) in subsection (g), by inserting "(as in effect before the date of the enactment of the Legal Immigration Reform Act of 1988)" after "203(a)(4)"; and

(5) in subsection (h), by striking "preference status" and inserting "status under section 203(a)(2)".

(c) Section 212(a)(32) (8 U.S.C. 1182(a)(32)) is amended by striking "203(a)(3) and (6) and to nonpreference immigrant aliens described in section 203(a)(7)" and inserting "203(b)(2), (3), and (5)".

(d) Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof ", or"; and

(2) by adding at the end thereof the following new subparagraph:

"(C) was admitted as an independent immigrant under section 203(b)(4) by the end of the one-year period following the date of entry and who failed to invest substantial capital in an enterprise in the United States as required in such paragraph or who, having made such investment, has failed without good cause to maintain such an investment for a period of at least two years after the date of such entry or after the date such substantial investment was made, whichever date was later;".

(e) Section 244(d) (8 U.S.C. 1254(d)) is amended by striking "201(a) or 202(a)" and inserting "201(c) or 202(a)(2)(A)".

(f) Section 245 (8 U.S.C. 1255) is amended—

(1) in subsection (b), by striking "preference or nonpreference visas authorized to be issued under sections 202(e) or 203(a)" and inserting "visas authorized to be issued under section 203", and

(2) in subsection (c), by redesignating clause (5) as clause (4) and by inserting before the period at the end the following: ", or (5) an alien who is applying for adjustment of status to preference status under section 203(b)(5)".

(g)(1) Section 3304(a)(14)(A) of the Internal Revenue Code of 1986 is amended by striking "section 203(a)(7) or".

(2) Section 1614(a)(1)(B) of the Social Security Act is amended by striking "section 203(a)(7) or".

(h) Section 2(c)(4) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97-271) is amended by inserting before the period at the end the following: "(as in effect before October 1, 1989) or by reason of the relationship described in section 203(a)(2)(B), 203(a)(3)(A), 203(a)(3)(B), or 201(b), respectively, of such Act (as in effect on or after such date)".

SEC. 6. EFFECTIVE DATES AND TRANSITION.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1989, and shall apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1990; except that the amendments made by section 3(b) (relating to immigrant visa petitioning process) shall take effect on the date of the enactment of this Act and apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1990.

(b) GENERAL TRANSITION.—In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1989, for—

(1) immediate relative status under section 201(b) as the parent of a United States citizen, such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(a)(1)(A) of such Act (as amended by this Act), and the priority date for such petition shall be the date of its filing under section 204(a) of such Act;

(2) preference status under section 203(a)(1) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(a)(1)(B) of such Act (as amended by this Act), and the priority date for such petition shall remain in effect;

(3) preference status under section 203(a)(2) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(a)(2) of such Act (as amended by this Act), and the priority date for such petition shall remain in effect; or

(4) preference status under section 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(b)(2) or 203(b)(3) of such Act (as amended by this Act), as elected by the petitioner, and the priority date for such petition shall remain in effect.

(c) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1989, makes application for admission, the immigrant's admissibility under paragraphs (20) and (21) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) CONSTRUCTION.—Nothing in this Act shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-603.

TRIBUTE TO ROBERT RE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure and respect that I rise today to pay tribute to Robert Re, a man of courage and vision. Robert Re has distinguished himself these past 35 years while ensuring the rights and freedoms of all individuals under the law. Understanding the value of our American system and believing that justice must be one of the guiding principles of the law, he has been able to establish a climate in which the rule of, and respect for, the law prevails.

After serving his Nation in the Marine Corps during combat in Korea, he became actively involved in his community. Starting his career in 1956 as a patrolman in the rural community of HoHoKus, his intense energy, great enthusiasm, and sense of responsibility, helped establish him as a moving force, able to make a profound contribution. While rapid change and growth in Bergen County created problems and conflicts for some, for Robert Re, it created only new possibilities and promise.

Robert Re is an exemplary and dedicated professional who has consistently demonstrated great organizational skills and excellent leadership qualities. With commitment and purpose he served as an instructor at the Bergen County Police Academy and Director of Saddle River Civil Defense. He was instrumental in the formation of the Bergen County Arson Squad and is currently serving on the board of directors of the Bergen County Narcotics Task Force. Mr. Re has been cited for his outstanding achievements from Bergen County organizations—the Board of Chosen Freeholders, Council on Alcoholism, Police, and Fire Academy. The State of New Jersey has recognized his continuing commitments as well with honors from the senate and assembly.

In 1985 Re was chosen by the New Jersey Divisions of Criminal Justice to work preparing model rules and regulations for police departments throughout the State of New Jersey. In addition, he conducts police promotional exams as a member of the New Jersey Chiefs Testing Commitee.

His reputation did not go unnoticed outside his own community and he was appointed in 1985 special deputy U.S. marshal by Attorney General Edwin Meese.

In honoring Robert Re we honor every man and woman who are working to make our State and county a better place for all its citizens. May Robert Re continue to extend his varied talents, energy, knowledge, and experience to the new career of under sheriff that awaits him and the community that honors him this evening.

ESSAY ON THE FEDERAL BUDGET PROCESS

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. KOLBE. Mr. Speaker, I recently received a copy of a paper that Kendra Larson, a high school constituent of mine, wrote for her American Government class. This thoughtful and well-defined essay on the Federal budget process shows the degree of concern for the lack of substantive action in reducing the deficit and the complete breakdown in the budget process. Our young people are rightfully showing a deep interest in their future financial well-being. I am deeply embarrassed when I have to tell our young adults that their standard of living will be lower than their parents because Congress has failed in its responsibility to reduce the deficit.

Kendra has some very sound ideas for prodding Congress to do its job and pass meaningful deficit reduction. I think that all the Members of this body could benefit from these thoughts and ideas. I am enclosing the full text of her paper in the RECORD so that maybe we might give some thought to the policy Congress has of appeasing todays constituencies and leaving the expense to future generations. Maybe we ought to start listening to what our future generations have to say about those poor prospects.

OCTOBER 1ST "THE DEADLINE"

The Federal Budget as a whole is not a law, it is the specific appropriations for the agency funds in the budget that are the bills that make the law. Those appropriations for the agencies funds have to go through the law making process to become the budget.

First, the President sends Congress his ideas on the budget as a whole. All of the individual agencies, i.e., Defense, Welfare, Social Security and Human Resources, are in this budget.

Congress appoints committees and subcommittees to find out if the President's ideas are within reason in relation to the individual agencies. The committee's report back to Congress with the results of their studies. They report how much the agencies need and how much those agencies can afford to be cut by. Congress then goes through the committee reports on the agencies and tries to refine it to the satisfaction of themselves and the President. Finally both houses vote on the bills and send them to the President for his approval.

The President then reviews the bills and decides whether he approves of them or not. If he decides not to sign them they are returned to Congress.

By this time it could be as late as September 30th. If they are returned, Congress must go through the whole process once again. While they are revising the bills, they must pass a Continuing Resolution, so Federal Employees are not laid off and Social Welfare Programs can continue to be funded.

Finally, Congress has revised the bills and the President takes one more step toward agreements. He approves and signs the bills. By signing the bills he has approved the Federal Budget.

Congress then receives the bills and puts them into budget resolutions. At this point they must take the Federal Employees and Social Welfare Program off the Continuing Resolution and on to the Federal Budget for the year.

The problem in this tedious, time consuming process is that the President and Congress can't seem to complete the budget by October 1st. This sets Congress and the President back on other things they have had to set aside to work on the Federal Budget. In addition this situation can force the government to lay off Federal Employees and stop payments to all Social Welfare Agencies until a Continuing Resolution is passed.

Here are some reasons why Congress and the President should pass the budget on time.

If the budget is passed by October 1st:

Congress won't have to pass Continuing Resolutions and other emergency measures to keep Federal Programs running.

The general population would feel more comfortable with the government. The people on social welfare programs would know whether there will be funds or not by October 1st. A set date and the date being met would make people feel confident and more secure about their government and the men and women running it.

The United States would show more credibility to the other major powers and third world countries. It would show a stability and continuity lacking in the past. Our government is only as strong as its people, its government, and its budget!

Finally, that is what Congress and the President are elected and paid for. They are elected to keep our country running. If they continue to go back and forth, trying to decide on a budget, something else that is equally as important is not getting done, and the budget isn't getting done!

The following are incentives to force Congress and the President to get this portion of their job done on time:

First, according to Congressman Jim Kolbe, traditionally every year the Congress takes their summer break from the 8th of August through the 8th of September each year, unless it is an election year, then they only take three weeks. I propose that they reschedule the summer break to the 8th of June through the 8th of July. This would allow more time for the bills to get passed through both the Congress and the President.

Secondly, I propose that their paychecks are completely stopped or they are fined a reasonable sum for every day passing that the budget is delayed. When you stop and think about what happens if an American citizen neglects to file or pay his income tax, this seems very appropriate.

Finally, I propose that if the budget is not passed by October 1st, the budget from the year before should extended for the next year, for example, the Fiscal Year 1987 budget is in effect until it is time to pass the Fiscal Year 1989 budget. It should only take this occurring one time to get everyone's attention. The entire government and the American public will have to live with no pay increases, spending increases or new defense programs being funded. Perhaps then each Congressman's constituents or political backers would pressure Congressmen as well as the President to get the job done and on time!

It would be beneficial to get this proposal to be an Amendment to the Constitution rather than just make a law. If the proposal was just a law the Congress could pass another law to get around this one. To become an Amendment to our Constitution a bill must pass by a two-thirds majority vote in both houses of Congress and also passed by two-thirds majority of the United States. If the bill passes both houses and the states it becomes an Amendment to the Constitution. If it doesn't pass the bill is dropped.

Hopefully, sooner or later, one or all of these proposals will become an Amendment to our Constitution and completely resolve "The Deadline" issue.

A TRIBUTE TO WILLIAM KUNEC

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. KANJORSKI. Mr. Speaker, I rise to draw my colleagues' attention to Mr. William Kunec. An 18-year letter carrier from Wilkes-Barre, PA, Mr. Kunec exemplifies some of the finest qualities of a public servant. Through his attention and concern, he saved a person's life.

While making his deliveries, Mr. Kunec noticed that the mail and newspapers from several days had begun to pile up on an elderly woman's porch. Growing concerned, he saw that the front door was open, he heard the television and, from the door, he noticed that the refrigerator door was ajar. He called aloud the woman's name but received no reply from inside.

Responding with expedience and care, Mr. Kunec informed the police who entered the home to discover the woman was on the kitchen floor. The police took the woman to the hospital and, fortunately, she is now resting comfortably.

Not surprisingly, the Postal Service awarded Mr. Kunec a superior achievement award and recognized his exemplary actions in the February edition of the Postal Record.

It is with great pride and admiration for Mr. Kunec that I rise today to share with my colleagues this wonderful story about one of my constituents. We in northeastern Pennsylvania pride ourselves on helping our neighbors. My hope is that Mr. Kunec's story will inspire others to treat their neighbors with similar care and compassion.

LIBBEY GLASS: 100 YEARS IN TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Ms. KAPTUR. Mr. Speaker, this year marks an important event in the history of our Nation's glass capital as Libbey Glass celebrates its 100th year in Toledo, OH.

In 1888 Edward Drumond Libbey moved his New England Glass Factory "west" to northwest, OH. Several Ohio towns had been considered for the site but Toledo won the battle for the firm by being a pioneer in economic development incentives. By providing a 4-acre building site, ample land for employee housing, excellent rail and steamboat transportation facilities, and inexpensive natural gas, Toledo had attracted an employer who would make an indelible mark on the history of my community.

The original plant consisted of 1,500,000 square feet of space and consisted of a state of the art furnace area, engine house, boiler shed and kiln. Today, the facility spans 60 acres of land in North Toledo and employs approximately 1,200 workers. The skilled hands of Flint Glass Workers, Machinists and Glass, Pottery, Plastics and Allied Workers assist in the production of glass for over 90 countries around the world.

Back on August 17, 1888, the Toledo Daily Blade headline predicted that Toledo was to be "The Future Glass Capital of The World." Now, 100 years later I am proud to represent this community which has lived up to such a bold prediction.

In its history, Toledo's Libbey facility has achieved many firsts in the glass industry. These achievements include: the first automatic glassmaking machine in 1901; the automatically produced light blub in 1902; machine-blown glass tumblers in 1907; machine made glass tubing in 1917; the first mass-produced colored glassware in 1934; and hand-blown radio and radar bulbs for the war effort during World War II.

Today, Libbey Glass has developed into the leading manufacturer of tabletop glassware with products in millions of homes, restaurants, and retail stores all over the world. I know my colleagues in the House of Representatives join me today as I congratulate Libbey Glass for 100 years in Toledo, OH, the home of "America's Glassmaker."

DISTURBING INCIDENTS IN EL SALVADOR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Ms. PELOSI. Mr. Speaker, I would like to bring to the attention of my colleagues two very disturbing incidents that have occurred in El Salvador in recent weeks. On Saturday, January 16, the last archdiocesan refugee camp in San Salvador, Calle Real, was surrounded and occupied by the Salvadoran military and fired upon. One refugee of the camp was hit by a bullet in the stomach. On Sunday, January 24, as Francisco Herrera, a volunteer from Calle Real, was transporting six women and four children to a hospital in a nearby town, their truck was forced to stop. Six men in civilian clothing got out of an unmarked vehicle with rifles and a machine gun and surrounded the church truck; Francisco and a woman in the car were struck, beaten and the lives of all were threatened. In addition, the men threatened to kill any church workers found transporting refugees in the future.

I believe these incidents point to a disturbing trend developing in El Salvador. It seems that open attacks on church workers by the El Salvadoran military have become an accepted policy. Mr. Speaker, this is not acceptable. What is worse is the fact that our country supports an army that fires on unarmed civilians. The administration has made a firm commitment to democracy in El Salvador. As part of this commitment, I believe the United States must play a role in changing some of the barbarous practices of the military forces in El Salvador.

These incidents are of particular concern to me because Mr. Herrera was a resident of the bay area. We must take steps to end the policy of attacks on church workers so that Francisco Herrera's work in El Salvador will not be in vain. Thank you.

STATEMENT HONORING FANY AND FAJWEL NOWES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize two very special people who celebrated their 50th wedding anniversary yesterday, February 3. Fany and Fajwel Nowes represent the indominable spirit that some people exhibit under extreme circumstances.

Both are Polish Jews who experienced firsthand the horrors of the Holocaust. Throughout their ordeal they continued to help those who needed help. They saved hundreds from starvation through their exceptional bartering techniques, and eventually left Europe with four other family members to settle in New York in 1950.

They raised four children in New York and are now welcoming their grandchildren into their adopted American culture. As immigrants they make sure that their heirs do not take for granted the freedom they enjoy, and yet they are able to share a proud heritage with them.

It is a joy to see two people reach such a milestone. I know all my colleagues will join me in wishing Fany and Fajwel all the best in the years to come.

CONSIDERATIONS OF THE MIDDLE EAST CONFLICT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. BORSKI. Mr. Speaker, I recently met with Rabbi Marvin Goldman, Adath Zion Congregation; Sarah Cohen, president of the Northeast Philadelphia Synagogue Council; Mervin Kimmens, executive director, Brith Sholom; Eugene Cohen, chairman, Social Action; Emanuel Reshes, president, American Red Magen David of Israel; and Judith Goldman, Emunah Women, who expressed strong concern over the media coverage of events in Israel's occupied territories. Rabbi Goldman, quoting from a statement prepared by the group, thoughtfully and concisely addressed some current Middle East issues.

Rabbi Goldman stated:

> We in this country are proud of a free and independent press. We point to that right guaranteed by our Constitution; and we cherish that freedom as basis to our existence. Nevertheless, with that freedom comes the responsibilities for a fair and accurate presentation of truth.

The immediate worldwide reaction to the media's vivid coverage of Israeli clashes with Palestinians on the West Bank and Gaza, should be tempered with the Israeli past and present record of its search for peace in the Middle East.

Rabbi Goldman commented:

> Israel has always sought peace. It is a country which, time and again, has demonstrated it is not afraid to come to the peace negotiating table. In the past forty years, only one Arab country has come forward to seek peace. Egypt did not walk away disappointed. Tragically, all the other Arab nations ostracized Egypt because it sought peace. The Palestinian issue will be resolved only when Arab leaders are not afraid to come foward for peace.

Aside from the obvious and imperative need to maintain national security, the current Israeli policy of maintaining the occupied West Bank and Gaza is a result of the unwillingness of most Arabs to accept the fundamental principle of the Camp David accord, which is to recognize Israel's legitimate sovereignty, territorial integrity, and political independence.

In closing, I would like to submit part of a letter to President Hosni Mubarak of Egypt recently signed by myself and 87 of my colleagues in the U.S. House of Representatives. I believe it summarizes the viewpoint of countless Americans, like Rabbi Goldman and his group, who are concerned about the situation in the Middle East.

> We urge you to exercise your renewed influence in the Arab world to garner support for a political solution to the Palestinian question and to revive the stalled process. It is believed by many that the problems in the West Bank and Gaza must be resolved by a negotiated settlement within the framework of Camp David. Necessarily, this entails participation by moderate Palestinians, Israel, Jordan, and Egypt. This opportunity must not be missed due to the intransigence of any party to the negotiations.

SUPER TOWN: SAN DIEGO

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LOWERY of California. Mr. Speaker, it is with a tremendous sense of pride that I redirect my colleagues' attention to San Diego, my hometown and super host to Super Bowl XXII.

As everyone knows by now, the Washington Redskins defeated the Denver Broncos 42 to 10 in a record-setting performance before a stadium crowd of 73,302 and millions of television viewers around the world. Certainly my colleagues will indulge me a personal note that publicly, and in print, I had picked the Redskins to win—though my final score was a bit more modest. As much as I would like to dwell on my pigskin prognosticating prowess, however, my purpose today is to cite for the record the magnificent effort that all San Diegans made to ensure the success of the city's first Super Bowl.

Seldom have citizens of an entire city united in enthusiastic support as San Diegans did in planning, preparing and executing the enormous logistical tasks surrounding this event. And their accomplishments won rave reviews from thousands of visitors and National Football League officials.

The pageantry and partying exceeded all expectations. The weather was beautiful throughout the week and during the game, but that was no surprise for a city whose climate is acclaimed worldwide.

From the moment Gene Klein, then owner of the San Diego Chargers, persuaded other NFL owners to award Super Bowl XXII to our city, uncounted hours were spent by thousands of people in the course of 3 years toward making this affair an unqualified, outstanding success. It would be impossible to list here all those whose contributions aided in the overall cause, but I would like to mention some of those San Diegans who were key players, their performances matching those of Doug Williams, Timmy Smith, and all the Redskins in the contest itself.

Bob Payne was chairman of the San Diego Super Bowl task force and was joined by Leon Parma, Les Land, Herb Klein, and Peg Nugent in the forefront of planning and preparing.

Dal Watkins and Pamela Davies of the San Diego Convention and Visitors Bureau brought their expertise to bear in accommodating some 80,000 visitors.

And the following civic and community leaders provided exemplary service in various aspects.

Mayor Maureen O'Connor, Jack McGrory, Marty Breslauer, and John Lockwood of the city of San Diego; Alex Spanos, owner of the Chargers, and his executives; Bill Wilson, Jack Argent, Jack Powell, Steve Shushan, and Brian Bossard of the stadium staff; Chief Bill Kolender, Jim Kennedy, Bob Jones, and Jerry Sanders of the San Diego Police Department.

And finally, a deserving special mention to Barron Hilton, the man who brought professional football to San Diego in 1961, without whom San Diego would have never dreamed of sponsoring a Super Bowl. Hilton, too, was proud of San Diego's effort in staging Super Bowl XXII.

In 1965, San Diegans voted $27 million toward building a new stadium. In 4 days the Super Bowl brought some $140 million into the San Diego economy. To those of us charged with fiscal responsibility, at all levels of government, those are the figures that are really super.

THE PLIGHT OF ZACK BAUMEL

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. DONNELLY. Mr. Speaker, I wish to call to my colleagues attention the plight of Zack Baumel, who has been declared missing in action since his capture in Lebanon in June 1982.

He and his parents moved to Israel several years ago, though all three remain citizens of the United States.

Zack was captured while fighting for the Israeli Army. Syria denies any knowledge of Zack's whereabouts, despite eyewitness accounts and other information.

We all deeply understand the pain the Baumels must feel. Not knowing of their son's location or health and welfare is reprehensible. Their feelings of despair and isolation permeate their daily existence.

I call on my colleagues to urge Syria to allow the International Red Cross to intercede on Zack's behalf. Zack's plight is similar to the plight of thousands of individuals who cry out for human justice and freedom from every corner of the globe. Our efforts on Zack's behalf will bring his situation and that of others to world attention. Our focus is on those who continue to hold innocent human beings hostage to accomplish their ends. The Baumel's suffering will not end until their son's status is known and he is safely reunited with them.

HANNAH KAHN: ONE OF FLORIDA'S FINEST

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I was deeply saddened by the passing of one of Florida's most loved persons, Hannah Kahn.

She manifested her uniqueness in many ways. Creative, talented, charming and sensitive, she knew intuitively how to make others feel good. Hannah was a determined lady—otherwise she would not have survived for so many years with a serious illness. The legacy she leaves for her family, friends and admirers—her insight, compassion, caring and industry—will go on and on.

A businesswoman and a poet—what a rare combination. But Hannah Kahn was a very special person.

I would like to share with my colleagues a news article which describes some of her accomplishments.

The article follows:

[From the Miami Herald, Jan. 16, 1988]

POET HANNAH KAHN, CONSIDERED ONE OF STATE'S FINEST

(By Belinda Brockman)

Award-winning poet Hannah Kahn, acclaimed as one of Florida's finest, died Thursday of cancer. She was 76.

Ride a wild horse
with purple wings
striped yellow and black
except his head
Which must be red.

Ride a wild horse against the sky—hold tight to his wings Before you die whatever else you leave undone—once ride a wild horse into the sun

Hannah Kahn rode that wild horse across a lyric landscape of verse. Less infected by technique than some poets ("I use very little embroidery," she once said), Mrs. Kahn's poems were designed to emote feelings, of womanhood, motherhood, even old age. Many are sentimental, without being cloying. Typically, they are straightforward.

As she told the Miami News 10 years ago: "I have never written a poem that I was detached from. And the poems that I respond to the most are not psychological or philosophical. They are those that have become a part of time, and in some cases, changed my life."

The Miami Herald's poetry editor in the 1960s, Mrs. Kahn had more than 400 works published and authored two books of poetry, Eve's Daughter and Time, Wait. She was nominated in 1976 to be Florida's poet laureate, but then Gov. Reubin Askew declined to name anyone, saying the Florida Constitution prohibited his doing so.

Her first published work appeared in Good Housekeeping when she was 28. Subsequent years found subsequent poems in such publications as Saturday Review, Harper's, The New York Times, Poetry, Literary Review, and many more. Her poems have been in three anthologies of the Poetry Society of America and have been reprinted in everything from high-school texts to guides for ministers.

"Why has mine sold?" she said. "Because it doesn't intimidate people. They can understand it."

I wanted to write about the old men
Who looked at the dinner menu for a long time,
And then ordered doughnuts and coffee.

"A poem can be about anything . . . Something that stands out, that is not blurred into the momentum."

A tall woman, Mrs. Kahn was a New Yorker by birth. She passed out of the eighth grade when she was 11, and at 15 she took a job at Macy's. In 1938, she moved to Miami and married house painter Frank Kahn. He died in 1975.

I walk among the headstones in my sleep
I read the names, the dates. I place two stones
Upon your grave. I ask you to forgive
That in some strange, distorted way I live

For more than 40 years, Mrs. Kahn worked at a furniture showroom. She raised a family, who survive her—two sons, Melvin and Daniel, and one daughter Vivian born with Down's Syndrome.

"I like my life," she once said, "but sometimes I don't like the facts of my life."

At night, sitting at an electric typewriter with a reminder above to turn if off, she composed her poetry—first one line, then the melodic verse and stanzas that flowed from it.

The awards in recognition of the quality of her poetry were many. She won the International Sonnett Competition of the Poetry Society of Great Britain and America and an annual award from the Poetry Society of America, as well as numerous others.

Hannah Kahn's original manuscripts have been requested by, and will go to, the University of Florida.

Services will be at 1 p.m. Sunday, at Temple Israel of Greater Miami downtown.

Memorial donations may be made to the Association for the Development of the Exceptional.

THE VALUE OF COMMEMORATIVE RESOLUTIONS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. DYMALLY. Mr. Speaker, recently I have heard some public criticism of the role of Congress in designating days, weeks, and months as national observances.

As chairman of the Subcommittee on Census and Population, which has jurisdiction in the House over commemorative bills, I would like to set the record straight on why these resolutions are important to so many people and why they are not a waste of our time in Congress.

First, Members of Congress do not dream up these observances on their own. It is their constituents, whether in terms of their districts or committees on which they serve, who propose the resolutions to call attention to special events, anniversaries, cutural events, assistance programs, and issues of national concern.

It follows that if so many people and organizations ask Members of Congress to sponsor commemorative resolutions, then they must be relevant to events which are important in people's everyday lives. A closer look at some of the resolutions passed by Congress recently demonstrate the importance of these resolutions to the efforts of many Americans with worthy causes.

At first glance, "National Catfish Day" may have appeared frivolous to some unknowledgeable observers. But the importance of congressional and presidential acknowledgement of this issue becomes clear when one considers that catfish is the second largest industry in Mississippi, one of the poorest States in the Nation. The publicity resulting from "National Catfish Day" surely raised public awareness of this food (including with this chairman!) and helped promote the livelihood of many communities.

Then there are the resolutions calling attention to devastating diseases. Not too long ago, Americans knew little about osteoporosis, Reye's syndrome, lupus, and other serious illnesses.

Today, heightened public awareness has facilitated fundraising for much-needed research into the causes and possible cures for many diseases, leading to lower incidence and mortality rates. Surely, congressional recognition has contributed to efforts to increase public awareness.

An example is a resolution I sponsored last year at the request of doctors at the M.D. Anderson Hospital and Tumor Institute in Texas, to help promote the first nationwide symposium on minorities and cancer. Congressional passage of "National Minority Cancer Awareness Week" prompted local governments to establish programs of their own to increase awareness in minority communities of the higher risk of cancer.

There are other resolutions which pay tribute to many groups of people whose dedication and sacrifice help make life better for us all: income tax assistance volunteers, visiting nurses, organ donors, neighborhood crime watch volunteers, Federal employees, and emergency medical services personnel. And I would challenge anyone who suggests that it is frivolous for Congress and the President to honor our Gold Star Mothers, our POW's and MIA's, our women veterans, our educators, and the Special Olympics.

Finally, Mr. Speaker, let me point out that the procedure for passing commemorative resolutions is a smooth one which does not disrupt the other important business of the Census Subcommittee.

In fact, I would venture to say that I, the ranking minority member, and the other subcommittee members have been "pulling overtime" in an effort to closely monitor plans for the 1990 decennial census, a constitutionally mandated event of critical importance to every single American and every community in this country.

Mr. Speaker, if there are individuals who want to criticize the value of commemorative resolutions, they should express their displeasure to the people and organizations nationwide, from every walk of life, whose work and sacrifices are enhanced in some small measure by recognition from their elected officials.

In the midst of the hopelessly complicated cycles of budgets, authorizations, and appropriations which often keep Members of Congress running in circles and leave the public wondering about legislative procedures, I suspect there are many who are grateful that we take time to make the simple effort to recognize events and accomplishments which are important to people in their everyday lives.

THE RADON GAS TAX RELIEF ACT OF 1988

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mrs. SCHROEDER. Mr. Speaker, radon gas is a deadly health hazard that threatens families across the Nation. Only recently has radon gas caught the attention of the public as a major health hazard. Recent Environmental Protection Agency studies have estimated that between 5,000 to 20,000 deaths a year are caused by radon gas contamination. This makes radon gas the second leading cause of lung cancer, second only to cigarette smoking. Radon gas contamination is so extensive it affects homes in every State of the Nation.

While Congress and the EPA have done much to address the problem, more needs to be done to encourage builders, contractors and homeowners to take measures to reduce radon gas. My bill would be a major step toward this. Through a combination of tax credits and deductions, my bill would provide tax relief to individuals and firms who install radon reduction equipment.

In light of the seriousness of the problem, the least we can do is help people take the steps necessary to rid their homes of a deadly health hazard.

MOURNING FOR PRESIDENT CHIANG CHING-KUO

HON. WM. S. BOOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. BROOMFIELD. Mr. Speaker, I join the people of Taiwan and many of my colleagues in the House in mourning the death of President Chiang Ching-kuo who passed away last month.

In 1972, Chiang Ching-kuo succeeded his father, Chiang Kai-shek to the Presidency of the Republic of China. It was his father who led the fight against Mao Tse-tung on the mainland, and then in 1949, brought the Nationalist Chinese Government to the island of Taiwan.

Instead of maintaining the status quo established by his father as many expected, Chiang Ching-kuo led Taiwan through an economic and political transformation that made Taiwan a dynamic economic power with a rapidly liberalizing society.

Under Chiang Ching-kuo's leadership, Taiwan moved from an agrarian nation to a sophisticated, industrial world economic power. Taiwan has the third highest per capita income in Asia, the highest savings rate in the world, and a society where about 80 percent of all families own their homes. It has moved from manufacturing shoes and clothing to producing sophisticated manufactured goods that have helped Taiwan build up one of the largest foreign exchange reserves in the world.

Politically, Chiang Ching-kuo's success have been equally impressive. While his government's official stature has declined, with only a handful of nations recognizing Taiwan's claim to be the sole representative of the Chinese people, nearly every nation in the world continues to maintain unofficial ties and trade with Taipei.

Internally, Chiang has led his country to integrating the ethnic majority Taiwanese into the political mainstream which had been dominated since 1949 by the mainland Chinese. He also ended the nearly 40-year rule of martial law, permitted a liberalization of press laws, and allowed the formation of an opposition political party, the Democratic Progressives, that last year took part in elections for the first time since 1949. The Republic of China Government also has ended, for many on Taiwan, the ban on visits to the Chinese mainland.

Mr. Speaker, President Chiang Ching-kuo has led his country and people through a major transition that has left Taiwan for the better, and he deserves a full measure of credit for this. With his farsighted leadership he has placed Taiwan on a path of economic growth and political liberalization that, I hope, those on the mainland of China will seek to emulate for the sake of all Chinese people.

Chiang Ching-kuo's leadership will surely be missed, but he has left an important legacy affecting all of us that should be acknowledged.

LABOR AND THE WORLD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues the remarks of J.F. Otero, the international vice president of the Transportation-Communications Union, on Central America.

RESOLUTION NO. 37 "LABOR AND THE WORLD"

Mr. Chairman, fellow delegates, I support Resolution No. 37 as a whole and will address myself to the section on Central America.

For 27 years now, I have had the opportunity to work with fellow trade unionists from Central and South America in their struggle to achieve freedom and democracy for their countries and social justice for their fellow workers.

During this period, I have travelled extensively to Nicaragua during the Somoza Regime and after the Sandinistas took over. I have followed closely and in person these developments. In fact, by associating myself with national labor leaders and others in transportation in those countries and their struggle for justice and freedom, I was victimized and slandered.

So, Mr. Chairman, I rise with a degree of personal knowledge of the region and the players in the continuing drama and bloodshed enveloping Nicaragua and their neighbors.

We now have a great opportunity for peace.

A great opportunity to stop the killing.

A great opportunity for negotiations rather than confrontations. Let's not squander this chance for peace and stability.

This Resolution seeks to help our Nicaraguan brothers and sisters from the Confederation of Trade Union Unity (CUS) in their struggles. They are the ones on the front lines. We should not seek to impose our judgment over what they think is good for them.

I believe it is also appropriate that I review the record of the AFL-CIO over the years in terms of supporting democracy and democratic institutions in Latin America.

During the 70's, CUS asked us for help in their struggle against the Somoza dictatorship. We gave them that help! The AFL-CIO led the move to support the CUS Boycott against Somoza shipping.

But, the CUS paid a very high price. Their leader and my personal friend, Luis Medrano, was brutally assassinated by Somoza's national guard. Many other CUS leaders were killed, wounded or imprisoned in the struggle to oust Somoza.

After the revolution, CUS asked the AFL-CIO to support U.S. aid to the new Sandinista government. We did!!

The Sandinistas repaid CUS by persecuting their leaders, by putting them in jail, by beating them, by killing them, by taking over their homes and offices and trying to force them to join a government-controlled union.

And all this, Mr. Chairman, happened before there were any Contras and even before Ronald Reagan was nominated for President!

So, what is CUS asking us now? They do not ask the AFL-CIO to support Contra aid. CUS has chosen to fight for freedom and trade union rights without taking up arms. A very dangerous and courageous position. They have no links to the Contras. They do not support the Contras.

They have asked us to support a call for an end of U.S. aid to the Contras along with the end of Soviet-Cuban aid to the Sandinistas.

They have asked us to support a dialogue and negotiations between the Sandinistas and the opposition.

They have asked us to support the Contadora process and President Arias Peace Plan.

They want peace desperately, but they also say that without freedom and democracy there can be no peace!

And that, Mr. Chairman, is what this Resolution says. That's exactly what the Resolution asks this Convention to do. Nothing more, nothing less!

This Resolution reflects AFL-CIO policy, not Ronald Reagan policy!

We say: Get the U.S., the Soviets and the Cubans out of Nicaragua!

We say support President Arias Peace Plan and his call for dialogue between the Sandinistas and the Contras.

Let's adopt this Resolution and commit ourselves to work for its full implementation so that peace and democracy can soon be enjoyed by all Nicaraguans and their Central American neighbors!

I move adoption of Resolution 37.

HOUSE OF REPRESENTATIVES—*Monday, February 8, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Bless all people, gracious God, who seek to honor You by honoring those with whom they live or work. Enable us to see that we ought to praise You and respect the people about us. May the love we offer You, O God, be translated into affection and concern and care for every person. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 17, 1988, ONE MOTION TO INSTRUCT CONFEREES, NOTWITHSTANDING THE SPEAKER'S APPOINTMENT OF CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. OBEY. Mr. Speaker, I ask unanimous consent that notwithstanding the Speaker's appointment of conferees on H.R. 5, that one motion to instruct conferees be in order on Wednesday, February 17, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MEDAL TO COMMEMORATE COAST GUARD BICENTENNIAL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to design, strike, and sell a commemorative medal honoring the bicentennial of the U.S. Coast Guard in 1990. The Revenue Cutter Service, the forerunner of the Coast Guard, was established in 1790. The Cutter Service was developed primarily to assist the Department of the Treasury in the enforcement and payment of customs and tonnage duties. Not even a decade passed before these duties were dramatically expanded to include assisting the U.S. Navy in the defense of the country. Since those early days, the responsibilities of the service have continued to evolve and increase.

The Coast Guard has been involved in virtually every conflict in which U.S. military forces have been engaged, and stands ready at all times to join in protecting this country. Using several amphibious vehicles at Guadalcanal, the Coast Guard participated in a mission to extract marines from the shore where they were trapped by Japanese gunfire. Amid the spray of bullets, signalman, first class, Douglas Munro maneuvered his vehicle to a position between the marines and his fellow coast guardsmen. His quick and decisive action distracted the enemy fire, allowing for the safe rescue of all of the marines. Munro lost his life in this effort. He was posthumously awarded the Congressional Medal of Honor.

While this extraordinary act of heroism has been appropriately commended, I believe that all Coast Guard personnel are deserving of the distinction which my proposed medal will bring. On daily patrol on Long Island during World War II, Coast Guard seaman, second class, John C. Cullen came upon four suspicious individuals. Recognizing that they were in danger of being caught, the individuals bribed Cullen to keep quiet. Cullen played along, pretending to accept the bribe, and immediately returned to his base to report the incident. Cullen's skill and calm demeanor led to the capture of four German saboteurs who had come ashore from a German submarine.

The crucial responsibility of aiding the national defense does not overshadow the myriad of duties which the Coast Guard undertakes daily. Among these are assisting the Customs Service in the war against drugs, providing education programs for boating safety, performing rescue operations at sea, and striving to protect marine environments.

In 1896, for example, a schooner with nine people aboard was driven aground during a hurricane near the Outer Banks of North Carolina. Waves crashed against the vessel, breaking it into pieces and threatening the lives of those aboard. The men of the Pea Island Lifesaving Station formed a human chain and waded through the tumultuous waters, saving the captain, his crew of six, his wife and 3-year-old child.

The work of the Coast Guard has been, and continues to be, an integral factor in protecting individuals and our Nation as a whole. As I speak today, the Coast Guard is attempting to contain an oil spill in the Rosario Straits off of Anacortes, WA. A barge sank on Sunday, January 31, 1988, carrying 384,000 gallons of oil which could be disastrous to the marine environment and to the surrounding area. The multifaceted role of the Coast Guard in this type of situation includes efforts to prevent harm to people, marine life, and nearby communities.

These examples illustrate the important roles that the Coast Guard performs for our country. In 1975, the Congress passed legislation commemorating medals honoring the bicentennials of the U.S. Army, Navy, and Marines. I believe that the valuable work of the men and women of the Coast Guard, both past and present, equally merit this honor.

I urge my colleagues to join me in cosponsoring this legislation. Under the rules of the Subcommittee on Consumer Affairs and Coinage, any medal bill must be cosponsored by at least 218 Members before it may be considered. Members may join me as a cosponsor by calling the subcommittee at extension 6-3280.

ORDER OF BUSINESS

Mr. OBEY. Mr. Speaker, I ask unanimous consent that my special order might come before that of the gentleman from Texas [Mr. GONZALEZ].

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

IT IS TIME FOR PEACE IN THE MIDDLE EAST

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, "courage is grace under pressure." That was Ernest Hemingway's definition and for a generation that definition fit Israel and its leadership to a tee.

The creation of Israel is one of the remarkable stories of the postwar era. For the world, that event in 1948 represented the collective recognition of its responsibility for the attention, blindness, and neglect that led to the systematic destruction of millions of innocent and defenseless human beings in the Holocaust.

For Jews, it represented the culmination of efforts to finally establish a homeland, a place to call their own, a nation that could provide a secure life without relying upon the sometimes wanting actions of other peoples and other societies.

As a young teenager who was just beginning to be conscious of world events, I viewed David Ben-Gurion and others of and after his time as representing the Western ideal-philosopher statesmen who were strong enough to fight, and moral enough to never lose sight of their own humanity, even as they fought the fight.

Anyone who watched Israeli leadership forge a society based on humane values and democratic institutions, anyone who was familiar with the crucial and leading role of American Jews in building and protecting those same values and institutions here at home, could feel little but gratitude for their role in making the world and in

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

making our own country a more enlightened and civilized place.

But as is the case with virtually any great event in history, the creation of the State of Israel created problems and dilemmas for others—namely, the Palestinians who lived in the territory to be known as Israel.

Those dilemmas lead the Arab world to a mistaken decision to meet the creation of the State of Israel with a military effort to overthrow "on the ground" the partition of Palestine that defined the borders of the new state. They lost.

As a human being I can understand the emotions that lead them to that decision, just as I can understand the emotions that lead the world's Jews to demand the creation of Israel. But if the future is to be better than the past for millions of human beings in that region, after 40 years of history, it makes no more sense for Arabs to refuse to recognize the permanent existence of Israel than it does for Chinese nationalists to refuse to recognize the permanent existence of the People's Republic of China.

History creates competing rights and competing forces. It eventually makes choices and creates realities. Both realities are here to stay.

In the Middle East, I believe the moral obligation of the United States, ever since it played the leading role in the creation of Israel, has been to remain steadfast to that commitment. That remains true through today; it will be true in the future. But with that obligation comes a concurrent obligation to help shape events in the Middle East in a way that encourages policies on the part of all people in that area which maximizes opportunities for justice and minimize the chance for tragedy and conflict.

Mr. Speaker, when I remind myself of the constant pressure under which Israel has had to function—six wars, continuing terrorist attacks, continuing "Israel bashing" in the United Nations, the lack of recognition by all countries in the region except one—I am in awe of the durability of its democratic institutions and its democratic spirit. But, Mr. Speaker, 40 years of pressure can diminish the resilience of individuals and societies alike, leaving each with a reduced capacity to seek creative solutions to excruciating problems. Certainly that pressure has taken its toll on Israel. Israel's capacity to defend its military interests is stronger than ever. But its capacity to maintain the civic values it has always stood for has been frayed.

The refusal of the Arab world to negotiate directly with Israel about the Mid-East's future, and the strain of confronting the Palestinian dilemma have slowly polarized and rigidified Israel's domestic debate about how to deal with both problems. The price of constant military vigilance has added to that strain and narrowed Israel's ability to think through choices with its eye on the long view.

And now the West Bank and Gaza have exploded into violence.

Palestinians, many of them children, have engaged in protests on an unprecedented scale in order to protest their continuing status within the occupied territories. Israels reaction to that explosion has left many Palestinians dead, many more of them beaten, hospitalized or jailed, and some of them under threat of deportation. What we have seen and heard has often been appalling.

Mr. Speaker, in reacting to the frustration and brutality of past weeks, we must—in the interest of fairness, and in the interest of giving accurate guidance to that action—place what we have seen and heard in perspective.

As serious and appalling as some of the incidences have been, measured by deaths actually inflicted, they pale by comparison to examples of other recent brutalities in the Middle East. The killing of thousands by Syria in the Hamma massacre and the killing of Palestinians in Lebanon by Amal are two examples. So too are the numerous examples of terrorists attacks on innocent women and children by PLO forces.

But placing recent events in perspective does not remove the obligation to try to stop the killing and the brutality.

Mr. Speaker, America cannot determine the conduct of Israeli, Palestinian, or Arab individuals, governments or movements. But we do, as the principal guarantor of Western values, as the leader of the Western alliance, and as the most important friend and supporter of Israel, have a special obligation to affect events in a way that will do three things:

First, maximize justice;

Second, help a friend; and

Third, avoid the unraveling of what stability there is in the Middle East, before that unraveling threatens Western interests in that part of the world.

We must display a maximum commitment to use all of the influence and wisdom we can muster to move Israel and its Arab neighbors to meaningful negotiations about both short- and long-term changes that will assure Israel's security and bring a just and humane approach to resolving the Palestinian plight. Weak action or inaction on our part is no favor to anyone; it is simply a guarantee that all of us will slide further into tragedy.

We cannot afford to let the excuse of American and Israeli elections interfere with that duty. That effort will take time, but it must be sustained with intensity now, next week, next month, and for as long as it takes. It will mean a continuing willingness to be firm with Israel and with every Arab party. We owe it to our own conscience and we owe it to our friends in the region to proceed.

And, Mr. Speaker, we should immediately, tomorrow, insist with all the force of commitment we can display that Israel not follow through on the intention announced by housing administer Levy to break ground on three Israeli settlements near Arab villages on the West Bank. It would be the height of irresponsibility to throw gasoline on Palestinian passions and we must insist that announcement not be implemented.

Mr. Speaker, there are some who object to any criticism of Israeli policy or to the questioning of any increased financial commitment to Israel in a time of Gramm-Rudman imposed scarcity. Mr. Speaker, that is nonsense.

Mr. Speaker, I recognize that the Palestinian problem and the continuing existence of Palestinian refugee camps has not been caused by Israel alone. Its Arab neighbors have been willing to continue a situation which keeps those camps as a visible reminder of the issue rather than providing help to relocate through inhabitants in order to bring them a better life.

Mr. Speaker, as chairman of the Foreign Operations and Export Assistance Appropriation Subcommittee, I have supported administration requests for large amounts of aid—economic and military—to Israel because I recognize our obligation to help defend a nation we helped create, with whom we share Western values, and of whom we asked much during the Camp David negotiations. My commitment to that obligation remains inviolate, as does my respect for the tremendous force for good that has been represented by the American Jewish community throughout our history.

Mr. Speaker, one can be a supporter of the state of Isreal and at the same time insist that new West Bank settlements be stopped, just as one can be a patriotic American and still oppose military aid to the Contras.

Mr. Speaker, it is simply that American taxpayers do not want to see us, by virtue of our financial assistance to Israel, become associated with a policy of throwing gasoline on Palestinian passions, by appearing to countenance or facilitate further West Bank settlements or by appearing to do less than is necessary to create the conditions for flexible negotiations.

Mr. Speaker, my commitment to Israel's security and to our obligation to continue to assist providing that security is inviolate, but so too is my commitment to see that American taxpayers, Jewish and non-Jewish alike, are not embarrassed by policy actions which are perfectly understandable, given the harassment endured by Israel for a generation, but which nonetheless contain the seeds of tragedy for Israeli, Arab, and American alike. It is time for friends to sit down with friends and figure out how to change the status quo which threatens to bear such bitter fruit.

□ 1315

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, just last week the House of Representatives by a margin of eight votes refused the President's request for moneys to continue to supply the so-called Contras or rebels hiding out in Honduras for occasional forays into Nicaragua during which they murdered, pillaged, raped and killed wantonly civilians, both Nicaraguans, farmworkers, teachers, hospital aides, Americans who are there on humanitarian missions, some representing church missionary groups, some representing merely their own desire to help the impooverished peasant classes in Nicaragua. None of them, even the American by the name of Lyndon who was murdered in a most cruel way by the so-called Contras, were engaged in any aspects of the war raging there because of the help that our President and the Congresses have been all too willing to offer. I stated in the last presentation on this House floor that it was very significant and ominous at the same time that the so-called Arias plan had been developed unilaterally by the heads of the Central American states including Honduras which we occupy. We are in out-and-out occupation of the nation known as Honduras. We have military troops and have had them in force since 1982. We have built airport facilities for military purposes. We have built roads for military purposes, not for commercial access to aid a country in its production of farm crops and the like to get to market, but in order to prepare and plan for an eventual invasion of the neighboring nation, Nicaragua.

We have through our State Department and our President, the executive branch, done everything a government could do to forestall, impede, and obstaclize the so-called peace plan given the name of the present Costa Rican President, Arias. It should be noted that in this effort it was started up by a pool of crude so-called anti-Communist spirits which have so victimized our thinking since the Russian Revolution.

I have placed in this RECORD several years past the white paper issued by President Coolidge, Secretary of State Frank Kellogg, in which he gives as a reason and rationalizes the sending of the marines in 1929 into Nicaragua in hot pursuit of Sandino himself, though they never caught him, and then occupying that country for 13 years, making sure that we installed the militia known as the Guardia Civil, that we installed the Somoza dictatorship and despotism of that family, and eventually it was due like a rotten tomato to just cave in as it did in 1979. Everybody outside of the United States who had any voice, any objective evaluation of the situation had no trouble in predicting the eventuality of that occurrence, yet we did everything we could to thwart the revolution in Nicaragua. We did everything we could to maintain that rotten apple, and it was of its own corruption, its own tyrannical devices that it just crumbled. It was the uprising of the Nicaraguan people after 50 years of subjugation with American interests, American money, American arms, and American imposition. There is no way we can escape that dictum of history.

It is true that at one point during the Franklin Roosevelt administration and as a beneficiary of the so-called good-neighbor policy, Nicaragua still remained as a sort of spoiled brat. It was President Somoza that Franklin Roosevelt had referred to when he said, "Yes, I know he is an SOB, but he is our SOB."

And it has been this terribly fallacious thinking that has guided fundamentally our policy. We do not care how bad a regime is as long as it is anti-Communist and proclaims friendship for the United States, but, if we stand on the terms of that friendship, we see that it is not exactly a self-denying, pristine pure friendship for the United States. It has always been those interests that have benefited directly, American interests, if you please, that have been the representatives of what is symbolizing America in that part of the world.

With the vote last week came the usual lamentations, and protestations and rebellious remarks on the part of the administration and the President. In the San Antonio Light for Sunday, yesterday, February 7, there is an article entitled "U.S. may admit rebels." It is bylined by Stewart M. Powell, Washington bureau, and I am sure that means for the Hearst newspapers, because the San Antonio Light is a Hearst newspaper.

> Now that Congress has ended seven years of official and unofficial military aid to the U.S.-backed rebels in Nicaragua, the Reagan administration may try to admit to the United States tens of thousands of Contras and their families, U.S. officials said.

Mr. Speaker, that is just the first paragraph, and I include the entire article for the RECORD:

U.S. MAY ADMIT REBELS

(By Stewart M. Powell)

WASHINGTON.—Now that Congress has ended seven years of official and unofficial military aid to the U.S.-backed rebels in Nicaragua, the Reagan administration may try to admit to the United States tens of thousands of Contras and their families, U.S. officials said.

The action—reminiscent of the U.S. program for admitting at least 130,000 frightened South Vietnamese in the months immediately after the tumultuous American withdrawal from South Vietnam in 1975—may take months to materialize and years to implement, the officials conceded.

Serious obstacles lie in the way.

"People don't want to think about the eventualities," said a White House official involved in the U.S. effort to assist the Contras. "It's a real ticklish problem. It is very difficult for us. What do we do with the people in the field who got the short end of the stick?"

"We'll take care of them—eventually," said a State Department official familiar with U.S. refugee policy. "We'll have to."

Administration officials late last week were vowing to cobble together another last-ditch package of official U.S. assistance for the 16,000 Contra foot soldiers operating within Nicaragua.

President Reagan, who has made Contra aid a hallmark of his administration, promised to "consult" Congress and Central American allies to somehow add to the $209 million in U.S. assistance provided to the Contras during the past seven years.

The pledge followed the 219-211 House vote to reject Reagan's request for $36.2 million in fresh supplies, including $3.6 million in combat supplies.

Said Reagan: "I wish to assure those struggling inside Nicaragua for those values we hold so dear, of my personal support."

Democratic congressional leaders vowed to provide, within three weeks, "humanitarian" aid for the Contras battling Managua's Soviet-backed forces. The Central Intelligence Agency has until Feb. 29 to continue airdrops of food and arms approved by Congress late last year.

Leaders of the U.S.-backed Nicaraguan resistance said their men would fight with or without U.S. aid. Enough ammunition remains for 60 days and enough food for 30, according to Contra leader Adolpho Calero, who said, "We will press on with our last breath."

The State Department publicly declined to talk about "eventualities." Said a spokesman: "We're still talking to the Contras in the present tense about continuing the fight. We intend to support them."

While the administration ruled out soliciting private aid or contributions from U.S. allies as it did secretly during the Iran-Contra affair, retired Gen. John Singlaub, who has been deeply involved in supporting anti-communist efforts around the world, promised to seek private donations by selling "war bonds."

The decisive House vote, following Reagan's personal appeals, effectively ends any hope that the Contras will receive the reliable military assistance required to sustain offensive operations inside Nicaragua, military analysts said.

The President in his Saturday's radio address in a substory underneath this top story, same page, same paper, is quoted as saying in the headline of this small article, "Reagan Says Contras Won't Be Abandoned."

Now what has been the fruit of this misbegotten and illegal policy? So we can go back into history and point out where just in the 20th century alone our country has invaded Nicaragua about nine times and in 100 years close to a hundred times. But if we do so and refer to these rather dreary details of history, it is only so that we in the Congress can eventually properly have the real perception of that world, not the misperceptions under which we have been belaboring and which I have seen and heard ad nauseam during the so-called debates on the Contra aid or the surrounding corollary issues.

The fact is that until we do we will prescribe for our children, grandchildren and great-grandchildren a balkanization of the Americas. We will have Europeanized America with all of Europe's bitter and ancient hatreds still boiling and churning under the surface even after the most horrendous world wars in which millions and millions of human beings have died.

Mr. Speaker, is this going to be our fate in the New World? It is in our hands to determine it, for after all there is no question that nobody dares challenge the United States as the most powerful country in the world, second to none regardless of all of the fear and the hyped-up pending suspense toward Soviet Russia. The United States, no question about it, certainly in this half of the world is the most powerful military nation, the wealthiest nation in the world, but, as giant as we are, as goliath as indeed we are, I maintain that more than physical force we must have the moral force of what America stands for, and, as we stray from the basic constitutional principles in such direct proportion as we stray, we are in deep trouble with consequences even coming back in our own domestic front.

Why do I say this? So-called Contra leaders, which the President has referred to in the most abominable abuse of words as freedom fighters, have been paid to come to our country, have involved themselves in our internal politics in two Presidential campaigns and in a host of congressional campaigns. Adolfo Calero and his copartner leader of the so-called Contra Cabinet are very safely hiding out in Miami. They are not down there in the jungle fighting for freedom. They are over in Miami with a big boodle in Swiss secret accounts and cheek by jowl with the most nefarious drug peddlers of cocaine and other hard drugs that have ever beset the United States. The reason: because of the insistence, this obsession on the part of our leaders, President and congressional, as well as business, as well as press. The corporate press, rather than being an independent voice, has succumbed to the President's and the administration's pressures.

□ 1230

The administration's influence has been tremendous, everybody admits to that. But since when are we going to abjectly accept the interference in our internal processes, if you please, even though it has happened in even greater amounts? We have had vast Arab oil money interests involved heavily in Presidential campaigns in the past. We have had the so-called anti-Communists, with German units actually leftover hard Nazi elements involving themselves in our politics through money contributions as far back as 1966; in Texas particularly when one so-called group which is really by all descriptions a neo-Nazi group sent $45,000 in behalf of the U.S. Senator John Tower's effort for reelection in 1966. All of this was reported. But the insinuations of the significance of what is behind the contribution was not any more than the interference in the congressional campaign in El Paso, the campaigns in San Antonio and in the valley of Texas, also some of the campaigns in California, some of the campaigns in the northeast where you have Puerto Rican elements and Cuban elements which were very heavily funded.

What is the source of that money? Taxpayer dollars, if you please, handled by Colero and his buddy, the other leader that shares power with him in Miami. Part of that was also the nefarious illegal activities that the President okayed and resulted in the so-called Iran-Contra scandal which a sort of hodgepodge committee of the Congress was supposed to have looked into but never followed through on these leads, such as the drug trafficking of these Contra elements working cheek by jowl; or the CIA heavily involved through its agents and contract agents using equipment that was even based, flown out and serviced by our regular Defense Department installations, Army as well as Air Force. The shipment of Mariel material, so-called, for the aid of the Contras returned in the form of illegal drugs; the use of such elements as the leading Venezuelan and Colombian drug king Ochoa, all of these things happened because whenever any one of us decides to cut corners, violate the Constitution rather than faithfully execute the laws, determinedly thwart the laws, we are going to get into trouble. It is like in our domestic fight against crime. How in the world can we ever conquer this tremendous "King Crime" if it is cheek by jowl with high government officials, local government officials, State officials and those of other governments that share the New World with us? It is impossible.

We will not do it. It has so permeated the lifestream of our society that I doubt we can survive an effort to successfully extricate this poisonous, this malignant tumor from our body politic.

The great hero, as described by President Reagan, Ollie North, what is his background? He started out in Southeast Asia as a captain-aide to colonel, later general, Secord.

Many of my colleagues probably remember that name. Where have they made their millions? What was General Secord, assisted by Captain North, aiding and abetting? The biggest kingpin drug lord of Southeast Asia, all in the name of his fighting Thailand Communists, Cambodian Communists and generally South Vietnam Communists; the so-called neutralization of the village officials, the murder of almost 100,000 of mayors and villagers in Southeast Asia. All of that was done in our name by the likes of Captain North, General Secord and a host of others too numerous to mention here.

When we were kicked out ignominiously—you know, our colleagues like to hear a lot of this poison talk. I remember during the political campaigns for presidency we would hear the Republican Party saying, "Well, the Democrats are the ones that start wars." Well, maybe so. But the Democrats win the wars they start; the Republicans lose them as they did in 1975 when we were ignominiously kicked out of Southeast Asia.

What happened to General Secord and Capt. Ollie North? They transferred their activities. Where to? The Middle East, Iran, where there, not in the name of officialdom of America but in the name of private contractors, they continued the same kind of tactics. Should we have been surprised that all of this, done in absolute obstinate resistance to the clearly enunciated policy of the Congress in the Boland amendment of 1984 been a surprise to us? Come on.

How can we claim innocence when our hands are dripping with mud and dirt and blood?

The Arias plan was developed for one simple reason, and this is very poignantly brought out by Father Cesar Jerez of the Society of Jesus, as brought out in an article he wrote in the "Catholic Worker" for December 1987. I will just read from the introductory paragraph, an explanatory, parenthetical remark.

Father Cesar Jerez, S.J., was Jesuit Provincial for Central America from 1978-1983. He is now president of the University of Central America in Managua, Nicaragua. On October 17, 1987, he spoke at Nativity Church and afterwards came to Maryhouse to be interviewed. The following are portions of his remarks.

The article referred to is as follows:

THE ARIAS PEACE PLAN

(By Fr. Cesar Jerez, S.J.)

As you know, on the seventh of August this year, in Guatemala, the Central American presidents signed a peace plan for Central America. This plan has been called Esquipulas II or the Agreement of Guatemala or the Arias Plan. The question could be why, after years of trying to be together on this issue, the presidents finally sign a plan? I can see four main reasons why:

The first one is that, really, by now, the Central Americans are tired of war. So many people have been killed, so many displaced—around 200,000 people have been killed in Central America in the last ten years, and more than two million have been displaced either as refugees in foreign countries or inside their own countries. In my opinion, from a theological point of view, the blood of the poor has spread over the soil of Central America, finally bringing together the Central Americans for the aspiration of peace—a sign of resurrection, uniting Central Americans.

The second point is that there was a strong, Central American feeling at that moment. Why? Because the Central Americans had been preparing and talking about peace for several months, and, at the last moment, the Reagan-Wright plan came along saying: "Here is what you have to discuss." It is very much like this: Imagine that some of you had been preparing a big meal for several days, and at the last minute someone came and said to you, "Here's the menu, you have to eat Chinese food." (I don't have anything against Chinese food!) Something like this happened to the Central Americans. So they looked around and said, "Why should Washington impose on us what we have to eat?" And I would like to say that, for the second time in our history, our presidents came together and said "No." The last time was in the past century, when we fought that national war against [William] Walker.

The third reason that the plan could be approved was that Nicaragua came to the discussion, to the table, with great freedom. Those who are manipulating the news will tell you that Nicaragua can do nothing without first asking permission from Havana and Moscow. But Nicaragua came freely to the negotiations and was ready to give up a lot of things, though making some demands, as well.

And the fourth reason for a successful agreement was precisely the capacity the Central American presidents had to negotiate; for instance, they agreed to the simultaneous application of the peace plan all over Central America.

Now, what is the main content of the plan? The plan is quite complicated, but fundamentally, to accomplish peace the plan is talking about amnesty and dialogue. It is talking about the mobilization [of the good will] of our countries; it is dealing with the idea that nobody can outfit those armed forces which are trying to overthrow any elected government in Central America; and it is also dealing with the point that no country will be used to attack a neighboring country. Those are the main points of the plan.

Last week, [Jeane] Kirkpatrick visited Managua. Last Monday, it was announced that the president of Costa Rica was awarded the Nobel Prize for Peace. Here you have the images of what is going on in Central America. On one side you have that lady coming to Central America, visiting Managua, and telling those who are in the opposition that she is very much in favor of them and against the Nicaraguan revolution. And on the other side you have an institution respected all over the world, the Nobel Prize, given to Arias, to support the effort of Arias, yes, but mainly to support the process of peace in Central America.

BEING REALISTIC

The plan means a big hope for Central America, no doubt. But, at the same time we have to be realistic, and see that at any time that road to hope can be destroyed, or obstacles could be put in the way. Why? The U.S. administration has the determination to stop the plan, although they have been saying that they are in favor of the plan. Look at what is happening now. Nicaragua took the offensive on the plan. Nicaragua was the first country in Central America to have the National Commission of Reconciliation. They took concrete steps toward democratization—reopening La Prensa, reopening Catholic Radio, and establishing a [unilateral] ceasefire in some parts of the country. But nonetheless, yesterday and today Arias and the [U.S.] administration here have been saying that Nicaragua or Ortega has seduced the contras [into cooperating]. You can imagine what kind of a test it has been for Nicaragua—Nicaragua has been showing a lot of good will. So we have to admit that there are several problems in and with the peace plan.

One of these is that the plan is not dealing with the armed forces in conflict in Central America. Take for instance the case of El Salvador. The Central Americans said that each country has its own characterstics, and they have to solve their problems taking into account those characteristics. In many places, people are using what we call the "symmetric argument," saying that, if Duarte is dealing with the [opposition] fronts, the president of Nicaragua should have to deal with the contras. The question is: Is the case of the fronts talking to Duarte really the same as the case of the contras talking to Ortega? Some of you are surely convinced that it is the same, but I would say it is different. The fronts are strong enough inside El Salvador, they are a force there, they have some territory in possession, and Duarte accepted to have a dialogue with them. In Nicaragua, in the countryside, the contras are strong and are doing quite a lot of destruction. But they cannot say they are in possession of a part of the country; and their strength is generated from outside. If their outside funding could not come to them, you can be sure the contras would disappear—they are sustained from outside.

Let me note, finally, that the plan sets down concrete dates and mechanisms of control for its implementation. When I say that, I am referring to the seventh of November, but that is not the only date. That is the first date for checking the progress of the plan; but on the seventh of December, as well, the international commission of vigilance will also come together to examine how much of the plan has been accomplished. And on the seventh of January, the presidents of Central America have to come together to find out how well the plan has been implemented. The strange thing is that, here in this country, the papers, the news, have been talking only about the seventh of November. But please, those of you who are in favor of peace in Central America, remember the seventh of December and the seventh of January.

Question: Do you think the question of dialogue with the contra leaders is an insurmountable problem?

Answer: It has consistently been the official position of Nicaragua that talks need to be directly with the U.S. administration. But so far it hasn't been possible to establish those direct talks. In my opinion, it is very much like the poor knocking at the door of the rich, asking for dialogue, and the answer has been: "You are liars, you are not telling the truth, we are not ready to talk to you." Nonetheless, President Ortega has kept insisting at the United Nations that this be done. And some of the Central American presidents, even Arias of Costa Rica and Cerezo of Guatemala, have insisted that the U.S. should talk to Nicaragua. I think, and my conviction is, that Nicaragua will do any possible thing to overcome this problem—how and when, we will see.

Q: But what does Nicaragua realistically expect to get out of this peace plan? What sort of guarantees are there that anything will come of it?

A: For us, peace, concretely, means to stop the war. Of course, you could say that even if you stop the war, the question would remain—do you have some criteria to say what peace is about? I would simply say that what can be accomplished in favor of the majority of any country, in favor of the poor in any country, that is what concretely means peace for us. To stop the war and do things in favor of the poor of the country—that is peace, and that is what we're trying to accomplish. The plan says, right at the beginning, that what we need in Central America is social justice—that's quite clear. As for having a guarantee, we cannot have a clear map or blueprint of the situation precisely because it is a struggle and you have several forces in conflict. You also have the biggest power in the world, the U.S. administration, trying to stop that small revolution called the Nicaraguan revolution. That is precisely what the struggle is about. Some are in favor and some against, and to those who are in favor I would say that it is quite clear what we would like to accomplish.

Q: Why do you not return to Guatemala, your native land?

A: I cannot go back to Guatemala because in 1980 I made a strong statement on the killing of the Indian population of Guatemala. The reaction of the Guatemalan government was to publish a list of several names, of, they said, the leaders and intellectuals of the country who should be eliminated. The first was Manuel Colon Argueta, who had already been killed. The second had also already been killed. The third was my name.

I am not an intellectual; I am not a leader. Why was my name there? They said I was destroying the image of the country. A question of aesthetics—accusing me of damaging the image of the country. But rather it is a question of ethics, because they are destroying the country. Since then they have attacked me quite openly. I feel like a Central American; I would say I am happy doing what I am doing now.

Q: As a Guatemalan, how do you feel about the accords being signed in your own country, where the military will not be brought to any accountability for the crimes committed against the Guatemalan people?

A: I think that Cerezo has been playing a rather important role in the international field, and he has gotten a good name at that international level. I think that his plan has been to say, "Okay, if I can get international support then I can do something inside Guatemala. But the fact is that he has accomplished very little inside Guatemala, because the military are following any movement he is making. Until now, Cerezo has had the capacity to bargain or to escape from the army. But if he wanted to take a

> strong position and do something clear for social justice, my feeling is that he cannot go too far. But, it's also true that, for the first time in many years, the Catholic bishops in Guatemala are pretty well united. Mainly on the human rights issues and on the rights of the Indian population—they have been quite strong on certain issues, which is really good—but also [in light of] the experience of what happened to the guerilla movements in Guatemala. I can see that many or some of the bishops are very much afraid, and they are kept in a sort of "no way out." Because they say, "Okay, Cerezo is not the solution, the military are not the solution. But neither are the guerilla movements, because the killing has been awful already and will be awful in the future. So what is the way out?"
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> Q: Other danger points in the plan concern the roles of Honduras and El Salvador, both of which countries are almost hostage to U.S. aid. And what of efforts to coerce Costa Rica? U.S. A.I.D., for instance, recently denied a loan to Costa Rica.
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> A: I agree with you that two of the weak points in the plan are El Salvador and Honduras. The case of Costa Rica is a special case. When you see Mr. Duarte kissing the U.S. flag and you see the amount of money flowing into El Salvador to that civil war—for Central Americans to see that, it is awful. Probably even for you—it's a mixture of something naive, dumb, nonsense, whatever you call it. How could he do it? So we know that at any time the present U.S. administration can force Mr. Duarte or Mr. Azcona to withdraw from the peace plan. That is true, and that will be their responsibility vis-a-vis Central American history. Honduras is an occupied country, a country which has been used and abused by the U.S. [armed] forces—and, at any time, they can do anything with Honduras. Take for instance if Honduras [backed by the U.S.], were to provoke Nicaragua, creating an incident at the border; after that they could say, "Okay, we withdraw from the plan." That's a possibility, in other words. That is why Nicaragua has to take a lot of care and not be provoked.
>
> With Costa Rica the problem is the external debt of that country; as well, I think that Mr. Arias has never been sympathetic to the Nicaraguan revolution. If you will remember, when he took over, he did not invite Ortega to his inauguration—he made it known that Ortega was unwelcome. And, at the inauguration, Mr. Arias asked for the signatures of the other presidents attending, to say that the Nicaraguans should have elections immediately. Nobody accepted that document and they left Costa Rica without signing it. So, in that sense, Costa Rica can be used. But nonetheless there is hope—there is good will, and we would like to do anything possible to accomplish peace.

Suffice for me to say that Father Arias—and nobody can accuse him of being a Marxist-Leninist Communist or a menace to the United States—says when asked "But why is it, why is it that this peace plan finally evolved" he said, "I will tell you why: because the leaders of these seven Central American entities and neighbors are tired of the bloodshed."

More than 200,000 people have died and their people are saying, "Look, we want you to put a stop to this. We don't care what it costs."

And this is why President Arias could finally get a hitherto fractious, divided, pluralistic group of presidents and put them together in open defiance to the United States.

The United States was doing everything it could to say, "Don't you dare meet and do this."

When President Arias was being elected about 2 years ago or so our Ambassador in San Jose was doing everything he could to bring about his defeat. And he did not succeed because Costa Rica has been a democracy for 100 years. It is the one true democarcy with literate people surrounded by people sunk in ignorance and poverty.

Costa Rica, for some other factors too numerous to go into now, has mandatory and has had mandatory education for 100 years.

Costa Rica has open elections. Anybody can run.

The last election that Mr. Arias was running in they had two men running under the Communist Party. Where do you think they came from? They came from the labor union of the United Fruit Plantation.

So that when we talk about these countries in such a demeaning condescending way it merely means that we are ignorant of their nature, we are ignorant of their history, we are ignorant of their magnificent culture and we are headed for disaster for we have a willful President who says notwithstanding what the Congress wants, just like Secretary Weinberger said shortly before he resigned, he said, "Oh, we are not going to obey that law," referring to the so-called War Powers Limitation Act, "because we don't consider it constitutional." Why, that is the way kings talk, not Presidents in a democrtacy and a constitutional democracy at that.

A LEGACY OF HOPE

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 15 minutes.

Mr. BRYANT. Mr. Speaker, in the waning days of 1987 an idealist died and today, February 8, 1988, as our Nation again beings its Presidential selection process in earnest with the Iowa caucuses, the recognition of the lifetime contributions of this extraordinary individual is fitting.

Of all the people I have encountered in the world of politics none has been as consistently and persistently optimistic about the ability of right-thinking people to better the world in which we live—globally and locally—as John B. Rogers, Jr.

John Rogers, who succumbed to an asthma attack at the age of 52 after beating cancer, was many things. A loving husband and father. A respected editor and reporter for newspapers in Lubbock, San Antonio, and Austin, TX. A union leader and communications director for the Texas AFL-CIO. A campaign manager and political consultant. And a newsletter publisher and businessman.

One could probably have forseen the potential contributions of John Rogers, who, as a young man of 10 in San Antonio, published his own neighborhood newspaper. The youthful crusader went on to the University of Texas, dropping out to earn a living before finally returning and graduating with a degree in journalism in 1960.

Texas AFL-CIO President Harry Hubbard eulogized John Rogers by remembering that:

> John coined a phrase, "Always plan your work, and work your plan." Yes, we'll miss you as we plan for the future and we'll miss you as we work our plan. However, your guidance will remain with us always. * * * Wherever workers and other progressive groups assemble in the name of workers' rights or social justice, John will be there admonishing us to do more.

John Rogers devoted his life to "fighting the forces of evil," as he so often observed. He rallied legions of followers in the fight. To him and to those of us who often joined him in that righteous combat, the effort was invigorating. John Rogers taught us that fighting for just causes inspires us to do even more, not to tire of the battle.

Austin political columnist Dave McNeely wrote that—

> Rogers was a no-nonsense political strategist. His whole life was directed at his family, his friends and promoting efforts to improve the lot of humanity.

It says a lot about the kind of man John Rogers was that, at his memorial service, the church was packed with hundreds of the men and women who fought at his side and quite a few who had stood on the other side, that the tributes to his memory included laughter and thanksgiving for his contributions, as well as sadness at his passing.

Those of us privileged to know and work with him share with wife Mary Beth and his children, Billy and Eleanor, the joy that John Rogers brought to almost everything he turned his attention to.

If there didn't seem to be a way to make things right, he'd create a new one. If few others seemed to share his passion for the cause at hand, he'd find the most clever ways to enlist sufficient troops to get the job done.

John Rogers was the most practical of idealists. And, largely because of John Rogers, as I look to the future, I know that our dreams of a better world can and will be realized.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Obey) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Obey, for 60 minutes, today.

Mr. Alexander, for 30 minutes, on February 9.

Mr. Dingell, for 60 minutes, on February 17.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Bryant, for 15 minutes, today.

Mr. Gonzalez, for 60 minutes, on February 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Dannemeyer) and to include extraneous matter:)

Mr. Hefley.

Mr. Smith of New Hampshire.

Mr. Gilman.

Mr. Gingrich in two instances.

The following Members (at the request of Mr. Obey) and to include extraneous matter:)

Mr. Bryant.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Kanjorski.

Mr. Natcher.

Mr. Mazzoli.

Mr. Hutto.

ADJOURNMENT

Mr. BRYANT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 9, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2855. A letter from the Secretary of State, transmitting a report and determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency; to the Committee on Appropriations.

2856. A letter from the Secretary of Defense, transmitting the fiscal year 1986 annual report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

2857. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C Act 7-138, "Protection for Foreign Officials, Official Guests, and Internationally Protected Persons Amendment Act of 1987," and report, pursuant to D.C. section 1-233(c)(1); to the Committee on the District of Columbia.

2858. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-140, "Senior Citizens' Home Repair and Improvement Program Fund Act of 1987," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2859. A letter from the Staff Director, Commission on Education of the Deaf, transmitting a report on the quality of education of deaf persons in America, pursuant to 20 U.S.C. 4342(b); to the Committee on Education and Labor.

2860. A letter from the Chairman, Intergovernmental Advisory Council on Education, transmitting a report and accompanying recommendations for the improvement of the educational system in the area of job training and retraining; to the Committee on Education and Labor.

2861. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2862. A letter from the Director, National Science Foundation, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2863. A letter from the Director, National Science Foundation, transmitting a report on women and minorities in science and engineering, pursuant to 42 U.S.C. 1885d; to the Committee on Science, Space, and Technology.

2864. A letter from the Secretary of Commerce, transmitting the annual report on ocean pollution, monitoring, and research covering fiscal year 1986; to the Committee on Science, Space, and Technology.

2865. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October through November 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2866. A letter from the Secretary of Health and Human Services, transmitting the annual report on Medicare for fiscal year 1984, and the End Stage Renal Disease Program, pursuant to 42 U.S.C. 1395ll(b); 42 U.S.C. 1395rr; jointly, to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. Davis of Michigan, Mr. Hutto, Mr. Biaggi, and Mr. Young of Alaska):

H.R. 3918. A bill to authorize expenditures for boating safety programs, and for other purposes; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mr. ANNUNZIO:

H.R. 3919. A bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARMEY (for himself and Mr. Crane):

H.R. 3920. A bill to amend the Fair Labor Standards Act of 1938 to repeal its minimum wage and overtime requirements; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. McDade, Mr. Mavroules, Mr. Ireland, Mr. Conyers, Mr. Dreier of California, Mr. Gallo, and Mr. Upton):

H.R. 3921. A bill to amend section 15(l) of the Small Business Act; to the Committee on Small Business.

By Mr. COUGHLIN:

H.R. 3922. A bill to amend section 1807(a)(7) of Public Law 99-514; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 3923. A bill to make a technical correction to section 8103 of title 46, United States Code; to the Committee on Merchant Marine and Fisheries.

By Mr. KILDEE:

H.R. 3924. A bill to clarify that certain technical assistance grants shall be treated for Federal tax purposes as being made for a charitable purpose; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. Lott):

H.J. Res. 451. Joint resolution commending the State of Israel and its people on the occasion of the 40th anniversary of the establishment of the independent State of Israel; to the Committee on Foreign Affairs.

By Mr. McEWEN (for himself and Mr. Pepper):

H.J. Res. 452. Joint resolution designating December 12, 1988, as "National Freedom Fighters Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself and Mr. Lagomarsino):

H.J. Res. 453. Joint resolution designating September 16, 1988, as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. HOWARD (for himself and Mr. Hammerschmidt):

H. Res. 365. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Public Works and Transportation in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. Davis of Michigan):

H. Res. 366. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself and Mr. Solomon):

H. Res. 367. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself and Mr. Gilman):

H. Res. 368. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. ROE (for himself and Mr. LUJAN):

H. Res. 369. Resolution honoring the 25th anniversary of the Cerro Tololo Inter-American Observatory; to the Committee on Science, Space, and Technology.

By Mr. ROYBAL:

H. Res. 370. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Aging in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. ST GERMAIN:

H. Res. 371. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 2d sess. of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MOORHEAD:

H.R. 3925. A bill for the relief of Gagik Barseghian; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 3926. A bill for the relief of Nebraska Aluminum Castings, Inc.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. BUECHNER.

H.R. 732: Mr. MYERS of Indiana, Mr. NIELSON of Utah, Mr. BARNARD, Mr. BLAZ, Mr. HAMILTON, Mr. DERRICK, Mr. FAUNTROY, Mr. HYDE, Mr. SCHUETTE, Mr. WISE, Mr. FUSTER, Mr. BIAGGI, Mr. MCDADE, Mr. WORTLEY, Mr. LEACH of Iowa, Mr. BATES, Ms. OAKAR, Mr. MCMILLAN of North Carolina, Mr. BADHAM, Mrs. BOXER, Mr. FORD of Tennessee, Ms. KAPTUR, Mr. DOWDY of Mississippi, Mr. SKEEN, Mr. BURTON of Indiana, Mr. YOUNG of Florida, Mr. PENNY, Mr. FOGLIETTA, Mr. HARRIS, Mr. NICHOLS, Mr. MADIGAN, Mr. ROE, Mr. SIKORSKI, Mr. DAVIS of Illinois, Mr. RITTER, Mr. STRATTON, Mr. HOPKINS, Mr. DAVIS of Michigan, Mr. RINALDO, Mrs. MEYERS of Kansas, Mr. COELHO, Mr. FLAKE, Mr. NEAL, Mr. KOLTER, Mr. SKELTON, Mr. RIDGE, Mrs. PATTERSON, Mr. KENNEDY, Mr. LOWRY of Washington, Mr. MARLENEE, Mr. MCCLOSKEY, Mr. IRELAND, Mr. ST GERMAIN, Mr. HILER, Mr. MURTHA, Mr. APPLEGATE, Mr. HENRY, Mr. JONES of Tennessee, Mr. ROBERTS, Mr. BEREUTER, Mr. GRANDY, Mr. PARRIS, Mr. MCGRATH, Mr. MOAKLEY, Mr. NOWAK, Mr. HAWKINS, Mr. SKAGGS, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. STUDDS, Mr. CHAPMAN, Mr. CLINGER, Mr. SLATTERY, Mr. PEASE, Mr. TAUZIN, Mr. BOULTER, Mr. MCEWEN, Mr. FISH, Mr. PERKINS, Mr. LUNGREN, Mr. SISISKY, Mr. MURPHY, Mr. KANJORSKI, Mr. MILLER of Washington, Mr. CRANE, Mr. SYNAR, Mr. BUNNING, Mr. REGULA, Mr. KASICH, Mr. DELAY, Mr. GILMAN, Mr. EDWARDS of Oklahoma, Mr. WOLPE, Mr. HAMMERSCHMIDT, Mr. DELLUMS, Mr. WYDEN, Mr. WHEAT, Mr. ROBINSON, Mr. LEWIS of Florida, Mr. STALLINGS, and Mr. STAGGERS.

H.R. 1184: Mr. FRENZEL.

H.R. 1197: Mr. DAVIS of Michigan.

H.R. 1352: Mr. WILLIAMS.

H.R. 1394: Mr. DELLUMS, Mr. CLARKE, Mr. HOWARD, Mr. SUNIA, Ms. PELOSI, Mr. WEISS, Mr. GORDON, Mr. DAUB, Mr. ENGLISH, Mr. STUDDS, Mr. BROWN of California, Mr. WOLPE, and Mr. GRAY of Pennsylvania.

H.R. 1583: Mr. MRAZEK, Mr. CLARKE, Mr. BAKER, and Mr. DREIER of California.

H.R. 1925: Mr. PORTER.

H.R. 1966: Mr. WILLIAMS.

H.R. 2051: Mr. DAVIS of Michigan.

H.R. 2134: Mr. ROE, Mr. OWENS of New York, Mr. LAGOMARSINO, Mr. HENRY, Mr. MOLLOHAN, Mr. KILDEE, Mr. BOUCHER, Mrs. BOXER, Mr. BILBRAY, Mr. FORD of Michigan, Mr. TOWNS, Mr. ECKART, Mr. DWYER of New Jersey, Mr. MFUME, Mr. BOEHLERT, Mr. SCHUETTE, Mr. MAVROULES, Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. LOWRY of Washington, Mr. CLARKE, and Mr. MCEWEN.

H.R. 2239: Mr. WEISS.

H.R. 2532: Mr. BIAGGI.

H.R. 2879: Mr. GARCIA and Mr. FROST.

H.R. 2950: Mr. TALLON.

H.R. 3019: Mr. TALLON.

H.R. 3144: Mr. HAMMERSCHMIDT, Mrs. BOGGS, Mr. FLIPPO, Mr. STENHOLM, and Mr. GIBBONS.

H.R. 3340: Mr. WEISS.

H.R. 3397: Mr. GONZALEZ, Mrs. COLLINS, Mrs. BENTLEY, Ms. KAPTUR, Mr. MFUME, Mr. ROE, Mr. CONTE, Mr. HALL of Texas, Mr. BIAGGI, and Mr. JONTZ.

H.R. 3440: Mr. BEILENSON and Mr. FAWELL.

H.R. 3455: Mr. BATES, Mr. JACOBS, and Mr. HUGHES.

H.R. 3511: Mr. COLEMAN of Texas.

H.R. 3562: Mr. SIKORSKI, Mr. BOSCO, Mr. OWENS of New York, Mr. JONES of North Carolina, Mr. HUGHES, Mr. SLATTERY, Mr. WYDEN, Mr. KOSTMAYER, Mr. WISE, Mr. ST GERMAIN, Mr. WOLF, and Mr. LEVIN of Michigan.

H.R. 3610: Mr. BEVILL, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mr. DELLUMS, Mr. DIXON, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KLECZKA, Mr. LATTA, Mr. LEWIS of Georgia, Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. LIPINSKI, and Mr. LEVIN of Michigan.

H.R. 3783: Ms. KAPTUR and Mr. OWENS of Utah.

H.R. 3791: Mr. HORTON, Mr. PEPPER, Mr. PETRI, Mr. GONZALEZ, Mr. OWENS of New York, Mrs. COLLINS, Mr. SOLOMON, Mr. FRANK, Mr. GUNDERSON, Ms. KAPTUR, Mr. BATEMAN, Mr. DAUB, Mr. GEKAS, Mr. SHUMWAY, Mr. WILSON, Mr. MICA, Mr. BIAGGI, Mr. KOLTER, Mr. ROE, Mr. HASTERT, and Mr. PARRIS.

H.R. 3794: Mr. DUNCAN.

H.R. 3814: Mr. WISE, Mr. COLEMAN of Missouri, Mr. PORTER, Mr. SMITH of New Hampshire, Mrs. BYRON, Mr. OXLEY, and Mr. DANNEMEYER.

H.R. 3815: Mr. SOLOMON.

H.R. 3820: Mr. AKAKA.

H.R. 3847: Mr. FAWELL, Mr. DAVIS of Illinois, and Mr. WHITTAKER.

H.R. 3881: Mr. SCHUETTE, Mr. DAUB, Mr. MARLENEE, Mr. NICHOLS, Mr. WORTLEY, Mr. WALKER, Mr. PETRI, Mr. QUILLEN, Mr. GUNDERSON, and Mr. TRAXLER.

H.R. 3893: Mr. ROBERTS, Mr. PENNY, Mr. KYL, and Mr. BROOMFIELD.

H.R. 3907: Mr. MACK, Mr. SUNDQUIST, Mr. TALLON, Mr. CHAPMAN, and Mr. SLATTERY.

H.J. Res. 374: Mr. BROWN of California, Mr. DAVIS of Michigan, Mr. UPTON, Mr. FAWELL, Mr. KOLTER, Ms. PELOSI, Mr. LELAND, Mr. CHANDLER, Mr. HAMILTON, and Mr. LOWRY of Washington.

H.J. Res. 405: Mr. CLARKE, Mr. FISH, Mr. EDWARDS of Oklahoma, Mr. HALL of Texas, and Mr. WYDEN.

H.J. Res. 429: Mr. GILMAN, Mr. WEBER, Mr. KOLTER, Mr. DAVIS of Illinois, Mr. FROST, and Mr. ARMEY.

H.J. Res. 438: Mr. FORD of Tennessee, Mr. BEVILL, Mr. JOHNSON of South Dakota, Mr. BOUCHER, Mr. CHANDLER, Mr. BRUCE, Mr. ESPY, Mr. KOLTER, Mr. ROE, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. ROWLAND of Connecticut, Mrs. LLOYD, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. MATSUI, Mr. MACK, Mr. RAHALL, Mr. PORTER, Mr. MORRISON of Washington, Mr. FROST, Mr. SKELTON, Mr. HATCHER, and Mr. SCHUETTE.

H.J. Res. 447: Mr. PERKINS, Mr. ORTIZ, Mr. SOLARZ, Mr. BEVILL, Mr. FLIPPO, Mr. ACKERMAN, Mr. FUSTER, Mr. GONZALEZ, Mr. DINGELL, Mr. HORTON, Mr. CHAPPELL, Mr. WORTLEY, Mr. LUJAN, Mr. MCDADE, Mr. GREGG, Mr. HOPKINS, Mr. FAWELL, Mr. VANDER JAGT, Mr. MILLER of Washington, Mr. MCEWEN, Mr. MARTIN of New York, Mr. CONYERS, Mr. RICHARDSON, Mr. RAVENEL, Mr. HENRY, Mr. UPTON, and Mr. GILMAN.

H. Con. Res. 216: Mr. CROCKETT.

H. Con. Res. 223: Mr. ARMEY, Mr. AUCOIN, Mr. BADHAM, Mr. BENNETT, Mr. BIAGGI, Mr. BILBRAY, Mr. BOLAND, Mr. BROWN of California, Mr. BUECHNER, Mr. BUSTAMANTE, Mr. CLARKE, Mr. COLEMAN of Texas, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. FISH, Mr. GARCIA, Mr. GLICKMAN, Mr. GREEN, Mr. INHOFE, Mr. KEMP, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. MACK, Mr. MANTON, Mr. OWENS of New York, Mr. SHAYS, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SOLOMON, Mr. STRATTON, Mr. TORRES, Mr. TRAXLER, Mr. WALKER, Mr. WEISS, Mr. WELDON, Mr. YATES, and Mr. YOUNG of Florida.

H. Con. Res. 237: Ms. OAKAR, Mr. STARK, Miss SCHNEIDER, Mr. MOODY, Mr. DELLUMS, Mr. COELHO, Mr. WALGREN, Mr. FROST, Mr. HOCHBRUECKNER, Mr. BATEMAN, Mr. RICHARDSON, Mr. CARDIN, Mr. BOEHLERT, Mr. HORTON, Mr. JONTZ, Mr. WHEAT, Mr. AKAKA, Mr. CARPER, Mr. LANTOS, Mr. DYMALLY, Mrs. SAIKI, Mr. TOWNS, Mrs. ROUKEMA, Mr. SMITH of Florida, Mr. LOWERY of California, Mrs. BENTLEY, Mr. DEWINE, Mr. SCHEUER, Ms. PELOSI, Mrs. COLLINS, Mr. INHOFE, Mr. HUGHES, Mr. SWIFT, Mr. MAVROULES, Mr. LEVIN of Michigan, Mr. MRAZEK, Mr. HAMILTON, Mr. SYNAR, Mr. PURSELL, and Mr. DONNELLY.

H. Res. 300: Mr. FRANK, Mr. DEWINE, Mr. JONTZ, Mrs. MARTIN of Illinois, Mr. ARMEY, Mr. LANTOS, Mr. HOYER, Mr. MRAZEK, Mr. ACKERMAN, Mr. TORRICELLI, Mr. HORTON, Mrs. BENTLEY, Mr. DWYER of New Jersey, Mr. FAWELL, and Mrs. BOXER.

EXTENSIONS OF REMARKS

MAYOR BARRY MAKES DRUGS HIS MAIN TARGET IN 1988

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. RANGEL. Mr. Speaker, the Washington Times and the Washington Post each published articles on January 27, 1988, saying that D.C. Mayor Marion Barry pledged in his State of the District Address to make combating drugs his No. 1 priority in 1988. He also urged that a drug summit be held among the Governors of Virginia, Maryland, and himself. I applaud Mayor Barry for making fighting drugs his No. 1 priority and for his regional initiative and ask that the articles be printed in the CONGRESSIONAL RECORD at this point.

The articles follow:

[From the Washington Times, Jan. 27, 1988]

BARRY MAKES DRUGS HIS MAIN '88 TARGET

(By Michael Hedges)

D.C. Mayor Marion Barry announced yesterday new city programs for 1988—including new anti-drug efforts and a cash incentive for area high school students—but hinted broadly that his promises would be financed with a tax increase.

In his annual State of the District address, delivered at the John F. Kennedy Center, the mayor said he would make "the crusade against drugs my number one priority in 1988."

But, after outlining his anti-drug programs to applause, the mayor slipped in a statement that first drew groans, and then a smattering of cheers from an audience composed largely of city workers: "I may have to call on you for revenue enhancements to support our programs."

After his address, the mayor refused to discuss possible tax increases, saying his program would be revealed when he delivered his budget to the City Council on Feb. 8.

But Ward 2 council member John Wilson, chairman of the council's committee on finance and revenue, said, "I think [Mr. Barry] will ask for a tax increase this year. I don't know where they're going to suggest it come from or which tax will be affected. But I do know that the citizens of this city cannot stand any more tax increases."

Concerning the city's drug abuse problems, Mr. Barry said that, within "a week or so," he would give the details of a new citywide effort to arrest drug pushers on the streets of the District.

During an impromptu press conference after the address, the mayor refused to describe the program, or say if it would replace or supplement the Clean Sweep program that has been used by city police against drug sellers.

At a recent press conference, the mayor would only say that Clean Sweep was being "evaluated." But city government sources have said Mr. Barry considers the program too costly in police overtime, and too much of a strain on the city's prison system to continue.

Mr. Barry also yesterday called for a "summit" with Virginia Gov. Gerald Baliles and Maryland Gov. William Donald Schaefer to discuss the regional drug abuse problem. No date for such a meeting was announced.

And, in what he described as a related effort, the mayor announced he would be giving the top 10 percent of city high school students a check for $1,000 as a reward for their academic efforts.

After his speech, the mayor said of the cash incentive: "They see their friends with a pocket full of money from drug dealing, we have to combat that. We are a materialistic society.

"It saves us more to give them $1,000 than to spend $19,000 a year to put somebody in jail," he said. Mr. Barry estimated that the program would cost about $450,000, but said he would do it "even if it costs a million."

The proposal drew mixed reviews from members of the city's school board.

"It certainly is putting money in a direction that would give children something to aspire to," said Board of Education President Linda Cropp. "I think the idea is fantastic."

Board member Bob Boyd said, "My initial reaction is to be very leery of that. We used to expect young people to do well for their own benefit not, in effect, to bribe them to do something for their own good. I would condition the money being spent on higher education."

The mayor referred only briefly to problems in the city. On corruption in the city government, he said: "There have been a few who misused the public trust, abused my personal trust, and stole from the public treasury. I will not allow that from anyone in this government, just as you should not allow it from anyone you trust," he said.

But the mayor drew the most sustained applause of his address when he laid his woes on the city news corps. "There are some members of the media who would rather peep into our bedrooms than report our accomplishments," he said. "There are some jounralists who would rather make the news than report the news."

The mayor's speech, delivered to an audience of about 1,200 city workers, school children and the elderly who were bused in for the occasion, stressed the need for citizen involvement in city affairs.

"A successful city is a partnership," he said. "I promise you today as long as I am mayor this government will continue to try. This government will provide the opportunity. But is you the people who will make a profound difference," he said.

The mayor delivered the speech in a fiery, evangelical style which was often punctuated by cheering. Before he spoke, the Eastern High School chorus gave a stirring rendition of the first chapter of Genesis in song. Then, a huge screen behind the mayor was used to show a slickly produced video on the city's history, which was heavily laden with praise for Mr. Barry.

At the end of the speech, departing guests were given a digital clock imbedded in plastic as a souvenir. As of late yesterday, city officials could not say how much the event cost city taxpayers.

Both the slide show and the mayor's speech focused on the progress the city has made in the two decades since the 1968 riots following the assassination of Martin Luther King Jr.

"The gunfire and the screaming sirens were the sounds of a dying city," the mayor said, recalling the spring of 1968. "But Washington did not die. It lived. It grew. It has become a proud model of accomplishment and prosperity."

Council member Harry Thomas said: "It was one of the best speeches I've heard him give. I hope we can help him live up to some of the promises he made."

Mr. Wilson was less effusive. "He basically told us what a great mayor the mayor is, and most of what he talked about the council did with a lot of resistance from him," he said.

The "big issue" the mayor did not address was the city's prison overcrowding problem, Mr. Wilson said. "If people can go out in the street and earn $1,000 in two hours, knowing that if they get caught and if they go to jail they'll be out the same day, then that's not a deterrent to the drug problem or the crime situation," he said.

(Vincent McCraw and Carrie Dowling contributed to this report.)

[From the Washington Post, Jan. 28, 1988]

MAYOR BARRY'S "CRUSADE"

There was nothing all that original in his proposal, but Mayor Barry struck the right note in his "State of the District" speech Tuesday. In calling for government as well as citizen action, the mayor declared a "crusade against drugs" to be his "number one priority in 1988." The address was focused on what has become the single most deadly threat to the safety of this city's residents, young and old alike. Drugs, big-crime money and murder have been taking over neighborhoods at a terrifying pace—and though no speech by a mayor can stem the tide, Mr. Barry's pledge of a "citywide attack" and a summit of regional leaders could help.

"Drugs threaten our stability," said the mayor. "Drugs threaten our safety . . . and drugs threaten the soul of our city." There is no exaggeration here: with alarming speed, the city has become a lucrative drug market violently fought over by competing criminal groups from around the country and the world. Law enforcement authorities, including U.S. Attorney Joseph diGenova, have warned that the lives of innocent bystanders are increasingly endangered. Mr. diGenova, citing this "new level of violence and danger to the community," has noted that the groups have "no code of conduct" and "do not care who is killed."

Mr. Barry's message was short on details, but his attack seems to include additional programs tailored to various schools, more job training for young people and increased neighborhood activism against drug use. And though his administration is being criticized for cutting back on the "Operation Cleansweep" program of the police,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the mayor says he is about to announce new police initiatives against drug dealers.

Only then—and whenever his other proposals materialize and translate into specific actions—will residents have a real measure of this latest "crusade." But those Washingtonians who must live in the degradation and gunfire of the urban drug scene are understandably desperate for some shred of evidence that their government and others across the city have a sense of what is happening.

[From the Washington Post, Jan. 27, 1988]

BARRY SOUNDS THE CALL FOR AREA DRUG SUMMIT

(By Tom Sherwood)

D.C. Mayor Marion Barry, declaring he will make a "crusade against drugs my number one priority in 1988," touted a get-tough agenda of antidrug measures yesterday and strongly suggested that he will seek higher taxes to meet the rising cost of major city services.

Pledging a "citywide attack" and calling for increased neighborhood activism, the mayor proposed a drug summit with the governors of Virginia and Maryland and other regional leaders, and laid out plans for new school and job training programs to aid youths "at risk."

Barry, under fire for cutting back on Operation Clean Sweep, also said he will announce major new police initiatives soon.

The mayor outlined his plans in a generally upbeat 40-minute State of the District address delivered at the Kennedy Center. Invoking memories of the riots 20 years ago, he hailed the city's progress since then but decried a recent spate of drug-related killings.

"Drugs threaten our stability. Drugs threaten our safety . . . and drugs threaten the soul of our city," Barry said in a speech that was interrupted frequently by applause from the crowd of more than 2,000. The assemblage included the mayor's Cabinet members, government workers, business leaders, senior citizens and 500 public school children bused in for the occasion.

Barry's speech was generally met with enthusiasm, but D.C. Council members reacted with caution to his passing comment that he "may have to call on you for revenue enhancements to support our programs." Barry, who is to present his fiscal 1989 budget on Feb. 8, declined to be more specific with reporters about a tax increase.

Council member John A. Wilson (D-Ward 2), chairman of the Finance and Revenue Committee who twice led successful fights last year to block Barry's proposed income tax increases, said, "I don't think [a tax proposal] would be greeted kindly, but it would be given a fair hearing. . . . At the moment, I'm not willing to accept anything."

Among the other major proposals in the speech were: A juvenile justice initiative called "Invest in the Future" that would coordinate new and existing programs designed to help young people.

Plans to expand cash awards to high school scholars. Barry proposed giving $1,000 to public school students who graduate in the top 10 percent of their class, a proposal that could cost more than $400,000 annually. Barry later told reporters that he may also offer similar cash awards to an unspecified number of students who are designated as "most improved" by schools regardless of their grade averages.

Creation of a "mobile city hall . . . to bring services of the government to every corner of the city." Barry said he would accompany the vehicle at times to see problems firsthand.

Targeting job training and development specifically in neighborhoods east of the Anacostia River in Wards 6, 7 and 8, with a particular emphasis on redeveloping a portion of St. Elizabeths Hospital.

Establishment of a new downtown jobs center and the opening of a business and career center for minority youths interested in establishing businesses.

Acknowledging shortcomings in his staff, Barry said he is shaking up his administration to fill several key jobs that are vacant or held by acting officials.

On allegations of corruption in government, Barry said there will always be some who steal but added, "I will not tolerate that from anyone in this government."

Some of the most sustained applause came when Barry sharply criticized the news media, saying there "are some journalists who call every problem a setback . . . who would rather peep in our bedrooms than report our accomplishments . . . who would rather make the news than report the news . . . who think of themselves as judge, jury and executioners."

Many city officials in the crowd cheered wildly and stared up at a balcony filled with reporters and television cameras. Barry later refused to identify the reporters or news organizations to which he referred.

Barry did not specify when he might seek the regional summit with Virginia Gov. Gerald L. Baliles, Maryland Gov. William Donald Schaefer and suburban officials to draft antidrug policies.

The mayor, in seeking more regional cooperation, said the District handles a disproportionate share of the area's social problems, such as homelessness, and called on the city's wealthier neighbors to do more. Drugs "know no city boundaries," Barry said, adding that "Washington will no longer be the region's drug marketplace."

Baliles' press secretary, Chris Bridge, said the governor was unaware of Barry's regional summit proposal and would need more details. "Obviously it's in the region's interest," said Bridge.

Schaefer spokesman Bob Douglas said, "I don't believe the governor has been contacted by the major. However, a few weeks ago [Schaefer] said the state of Maryland needs to work on a regional basis to solve several problems including drug trafficking. . . .

"The governor will be pleased to know the mayor supports his suggestion."

An aide to Prince Georges' executive Parris Glendening said Barry talked about the summit last week with Glendening and that the county executive is "all in favor of it."

COMMERCIAL KILLING OF WHALES

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. MILLER of Washington. Mr. Speaker, today I join in cosponsoring two bills being introduced which address a likely violation of the International Whaling Commission's agreement to commercial killing of whales.

For decades, the world watched as hunters, legal and illegal, decimated the whale population. The United States sought to end this carnage when, in 1972 we petitioned the International Whaling Commission to end commercial whaling. In 1982, the International Whaling Commission adopted an indefinite cessation of the commercial killing of whales beginning in 1986.

Both the United States and the International Whaling Commission have worked long and hard to achieve this objective. But after all this progress, now we learn that five Japanese whaling ships recently set sail for Antarctica to slaughter 300 minke whales under the guise of scientific research.

This is an insult to scientific research. Worse it means more carnage, more slaughter of this supposedly protected species.

My colleague GERRY STUDDS will introduce a bill which urges the Secretary of Commerce to certify under the Magnuson Fisheries Conservation and Management Act, that Japan is undercutting the International Whaling Commission's protocols.

With this certification, if Japan kills these whales, the Secretary of State must reduce by at least 50 percent any fishery allocation made to Japan and will authorize the President to restrict imports of Japanese fishery products.

This bill is important because it puts the Japanese, or any other country, on notice that commercial whale kills carry a very high price. It tells the world in no uncertain terms, that we will not tolerate the continued slaughter of this species.

My colleague, DON BONKER's resolution states that it is the policy of the United States to support the indefinite cessation of all commercial whaling. It also calls on all nations to refrain from activities which would undermine the whaling moratorium of the International Convention for the Regulation of Whaling. And, last, it calls for sanctions against those nations which continue to kill whales in violation of this widely supported convention.

Mr. Speaker, I am cosponsoring these two resolutions because they are important. But I am also cosponsoring these resolutions because I have watched the whales off Friday Harbor and Point No Point in Washington State. These magnificent creatures have a right to live. They have a place on this Earth as sacred as our own.

Congressman STUDDS' resolution will be referred to the Committee on Merchant Marine and Fisheries and its Subcommittee on Fisheries, Wildlife Conservation and the Environment. Congressman BONKER's resolution will be referred to the Committee on Foreign Affairs and its Subcommittee on Human Rights and International Organization. I serve on both these key subcommittees and will be working for early consideration and approval of these resolutions.

This is an important environmental issue. It is also a very important test of our resolve to prevent the destruction of these great creatures. And, it is a test of our resolve to make the moratorium we have been working on for over 15 years effective.

Mr. Speaker, I urge my colleagues to support both resolutions.

CONTINUING THE REVOLUTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. GINGRICH. Mr. Speaker, the question has been asked as to whether supply-side economics is finished. Unequivocally, the answer is "No." Recently, economist Paul Craig Roberts revealed the indisputable victory of supply-side economics while the Atlanta Journal editorial board called for a new battlefront to be opened.

[From Business Week, Dec. 28, 1987]

THE INDISPUTABLE VICTORY OF SUPPLY-SIDE ECONOMICS

[By Paul Craig Roberts]

Is supply-side economics finished? Only in the sense that General George S. Patton's army was finished in Germany in May, 1945.

The war for acceptance of supply-side economics was won several years ago, when its main propositions were incorporated into such standard economics texts as Paul A. Samuelson's and a new generation of PhD candidates began researching supply-side topics in their dissertations. Today macroeconomic models attempt to incorporate such supply-side principles as the impact of taxation on incentive as a matter of course, and empirical investigations of the magnitude of supply-side effects are a mainstay of academic research. Economists have given up trying to disprove it. Instead, they spend their time measuring and estimating its effectiveness.

On the political level, after the stock market crash it has become clear that the supply-side war has been won. Not a single one of the 12 Presidential candidates wants to raise tax rates to balance the budget. The few candidates who even mention tax hikes specify that they will only entertain taxes that would not harm incentives on the supply side of the economy. On Dec. 10, the GOP governor and Democratic legislature of Florida were forced by public outcry to backpedal on a 5% tax they had jointly imposed on services.

What better time to repeal the Reagan tax-rate reductions to raise taxes than now? We have a lame-duck President battered by the Iran-*contra* affair and the worst stock market crash in history, surrounded by aides known best for their willingness to sell out principles in order to put together a political deal. Yet no one is leading the charge except a few obscure left-wing academics who occasionally manage to get the attention of a disguntled journalist.

Paradoxically, today the supply siders' main concern is the Federal Reserve Board. Only the Fed has the power to produce an economic catastrophe that would make it politically profitable to repudiate Reaganomics. If the Fed leads the economy into a recession, a grateful political left would sing its praises.

TAXES DON'T MATTER?

Prior to the supply-side revolution, the economy's performance was believed to depend on the total level of spending or demand in the economy. Economists thought that taxes affected only the ability of private individuals to spend, and since the government spent the tax revenues, taxation did not lessen the driving force of demand. In short, taxes didn't matter.

Supply-side economics showed that taxation—and government spending—also affect incentives and relative prices and that the results are not washed out the way demand effects are when spending is transferred from the private to the government sector. The disincentive effect of the higher tax rate remains. As government grows, the incentives to produce decline. This accumulation of disincentives led to stagflation and worsening trade-offs between inflation and unemployment, as successive raises in government spending called forth weaker increases in real output and stronger increases in prices.

A few diehards have tried to explain the record five-year Reagan expansion as a deficit-fueled Keynesian consumption binge. But these polemicists have not explained why the Reagan expansion was noninflationary. Why did smaller deficits lead to worsening inflation for Carter, while larger deficits were accompanied by declining inflation under Reagan? There was a bad recession from 1974 to 1975, but it was not followed by a five-year expansion with falling inflation. Clearly, something else has been going on.

TAX CUT MOVEMENTS.

The strong position of supply-side economics is further bolstered by developments all over the world. Heavily socialized countries such as Britain and France have reversed course and undertaken extensive privatization. France, traditionally the most statist of the developed countries, has abolished price and exchange controls and cut tax rates for individuals and businesses. There is not a country in Western Europe today that does not have a strong tax-cut movement.

In Third World countries, there is a widespread revulsion against development planning and its legacy of massive debts, corrupted economies and demoralized political systems. In China and the Soviet Union, the repudiation of central planning is further indication that the growth of government in the 20th century has exceeded its natural boundaries. Governments everywhere are saddled with massive responsibilities that they no longer want and cannot meet. The market for statist economies, which finds the answer to every problem in more government interference in the economy, has simply disappeared.

This is a great source of frustration to ideologues in Ivy League universities. It is not Keynesian economists who are dissatisfied with the supply-side emphasis on incentives, but the left-wing egalitarians in their midst. An economic theory in which incentives are important justifies income inequality, which leftist ideologues can't abide. The inability of leftwing economists to find any political allies is the telltale sign of supply-side supremacy.

[From the Atlanta Journal, Jan. 31, 1988]

TO FINISH THE TAX REVOLUTION, CUT THE RATE ON CAPITAL GAINS

You can't argue with success—unless, of course, you're a congressman. Democratic congressmen argued that President Reagan's reduction of tax rates would bring in less revenue. It brought in more.

Democrats argued that a lower tax rate on capital gains would produce fewer tax receipts. Experience shows it produces more.

Reagan restated his support for a lower tax rate on capital gains in his State of the Union address. Lower rates on capital gains would not be a boon to the wealthy. Democrats said the same thing about lower regular tax rates, but lower tax rates on the rich brought thousands of them out of the closet. The number of taxpayers reporting incomes of $1 million increased 267 percent. The number reporting incomes of $100,000 rose 87 percent. The net windfall spilled into the U.S. Treasury.

Lowering the rate on capital gains, which are gains from stocks, real estate and other property, will produce the same effect. A lower tax rate will generate more tax dollars; a higher rate will generate fewer.

For instance, Congress increased the tax rate on capital gains in 1969. Revenues from the higher rate plummeted 40 percent. Congress cut the rate in 1978. Revenues swelled 44 percent. The rate was cut again in 1981. Again, revenues soared.

But Congress still bickers with success. Learning nothing from experience, in 1986 it increased the capital-gains rate from 20 to 28 percent. Harvard economist Lawrence Lindsay says the higher rate will cost the Treasury up to $105 billion over five years.

The solution? Cut the rate, as President Reagan proposes. Lindsay pegs the "ideal" rate at 18 percent. He predicts revenues will rise 72 percent from the tax cut.

Too, Congress should restore the special tax preference for long-term capital gains, and in the process restore stability to the financial markets. The preference was dropped in 1986, leaving rates on both short- and long-term gains the same. Investors took the quick profits since they carried no tax penalty, in the process sparking much of the commotion on Wall Street. Restoring the special preference to long-term gains will—in addition to generating more federal revenue—add some needed stability to the financial markets.

It's about time the Democrats and naysayers quit quarreling with success. They predicted the rich would pay less in taxes; the rich have paid more. They predicted a lower capital gains tax would bring in less revenue; experience shows it will bring in more. The success of Reagan's tax revolution is obvious. His last and most important element—cutting the tax rate on capital gains—needs to be put into place.

MIKE ROTUNNO—SHIP-TO-SHORE EXPERT

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the lifetime accomplishments of a remarkable man, Michael Rotunno of Southampton, NY. Mr. Rotunno will celebrate his 80th birthday on February 17, and it seems an appropriate benchmark for recognizing his unusual talents and experiences, especially as a ship-to-shore radio operator for over 60 years.

In this age of high technology and advanced communications, it is somehow very calming to know of this individual who devoted his life to excellence in ship-to-shore radio communications. The one-on-one relationships Mike Rotunno developed throughout the world with colleagues in the radio business, and others, have contributed to the saving of lives, the security of our country, and much peace of mind for people in distress.

Mike Rotunno first took to the sea as a 19-year-old radio operator in 1927, and came to Southampton with Mackay Radio—of ITT—in 1930. He served as the chief radio operator on the *Minnekahda* at age 20, and took the *Excalibur*—with 2,000 on board—on its maiden voyage 3 years later. Throughout his long career he has traveled by ship as an operator to every continent except Australia, and never missed 1 day of work in 40 years with Mackay. He still remembers the call letters of every ship with which he was ever in contact.

There are a thousand entertaining stories Mike can tell of his exploits, but a few stand out as highlights:

In World War II he received the message about a German submarine off Amagansett, Long Island, and provided communication links leading to the ultimate capture of three Germans from the sub who had sneaked onto the beach and taken a train to New York City;

He handled all the distress signals from the sinking *Andrea Doria,* and was the last person to receive a message from its captain, as the ship was going down;

During Admiral Byrd's second expedition, Mike Rotunno communicated with him by radio for 1 year;

More recently, an emergency phone call from a rural part of France conveyed only partial information about a very serious car crash involving the son of some long-time Southampton residents. From the phone call, the family now frantic, didn't know if their son was alive or dead, or where they could get more information. Mr. Rotunno connected with a fellow operator on a ship off the coast of France, found someone who had witnessed the crash scene, and within a few hours was able to call with the good news that the young man was badly injured, but alive.

There are not many people who can claim to have lived in Southampton for nearly 60 years. Mike Rotunno remembers much about this charming town before the sands literally shifted and shaped it into the popular resort community of today. He has served as a deputy sheriff, is an active member of the Knights of Columbus, and of the Southampton Association. In the summertime, he reports regularly for work at the Southampton Bathing Corp., and fulfills his love for deep sea fishing as a member of the Fisherman's Club and the Hamptons Surf Club.

Mr. Speaker, Michael Rotunno was once honored by Mackay Radio as "the best radio operator they ever had." May I suggest that he is the best Southampton has ever had. Indeed, he is the stuff from which the best of our Nation is made. With his zest for life and amazing recall, there will be many more birthdays and opportunities to hear Mike Rotunno's fascinating stories. For now, I know you will join me in congratulating him and his family on the occasion of his 80th birthday.

TRIBUTE TO LARRY AND SUE STAMPER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two extraordinary members of my community, Larry and Sue Stamper. I ask my colleagues to join me in honoring these two friends for their dedicated service and great contribution to their community. The Stampers will be honored for their work with the Burbank Community Hospital at the hospital's annual Orchid Ball on March 5.

Larry Stamper has devoted his life to helping and serving others. Since 1959, he has studied theology and served as a Methodist minister in southern California. Presently he is the pastor of the Burbank First United Methodist Church. For more than 10 years, Reverend Stamper has served as chaplain for the Burbank Police Department. Larry has also served the Burbank community through his involvement in local government. In 1981, he was elected to the city council of Burbank and, in 1983, he served as a member of the board of Pacific Home of Burbank/Burbank Homes, Inc. He is also a member of the board of trustees for Burbank Community Hospital as well as the board of directors of the Verdugo Hills Council, Boy Scouts of America. Through these positions, Larry has been a significant and positive force in shaping the Burbank community.

In addition to juggling a family and a career, Sue Stamper has served the Burbank community as an active member of many local service organizations. While raising three children, Sue also pursued a career in banking and she is now the assistant vice president of Highland Federal Bank. Despite this busy schedule, Sue has always found time for volunteer and charity work. She is a member and past president of Friendly House Affiliates, a charitable organization supporting a home and rehabilitation center for alcoholic women. Sue is also a member of the National Charity League of Burbank, Burbank Kiwanitis, P.E.O., and Zonta, a service club for business and professional women. Sue has contributed much of her time to the Burbank Community Hospital as a member of the Orchid Ball Committee.

It is my honor and pleasure to thank and pay tribute to Larry and Sue Stamper who have given so much of their time and energy to serving their community. The citizens of Burbank have benefited greatly from this couple's dedication and involvement.

REPRESENTATIVE MILLER SALUTES SPECIAL OLYMPICS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. MILLER of California. Mr. Speaker, I know that Members of the House of Representatives will want to join in in saluting the Contra Costa County Special Olympics Program on its 20th anniversary of service to the people—and especially the children—of California.

As we await the opening of the winter Olympic games in Calgary, we also must note the achievements of the young men and women who, over the years, have been such competitive athletes in the Special Olympics. I'm honored to have had a long relationship with these young athletes, and with the outstanding directors of the Contra Costa Program.

In particular, I want to salute the board of directors of the Contra Costa Special Olympics, including Dr. Michael Grimes, who has been a very close personal friend for many years, as well as James B. Beckum, Howard B. Folkman, Dorothy G. Folkman, Bob DuRee, James Ginsbach, Lorie W. Hudson, Bob Kaemper, Doris Kaemper, Susan Klas, Sandy Stanley, Peter Wilson, Carl Dobratz, and area director Sunny Gramont. Each of these board members has added immensely to the lives of all the Special Olympic participants in Contra Costa County.

Special Olympics provides a unique opportunity for disabled children to enjoy the activity, the competition, and the skill that is part of being a dedicated athlete. Special Olympic participants exemplify the ideals of sportsmanship, because they compete not merely to win, but to enjoy and benefit from the process.

Those who help to organize the Special Olympics also exemplify these ideals. They provide an example of generous self-sacrifice and leadership for all to follow.

Special Olympics has grown phenomenally since its formation in 1968 with a national meet for 1,000 athletes cosponsored by the Kennedy Foundation and the Chicago Park and Recreation District. Today approximately one and a half million athletes participate in Special Olympics nationwide. The program has enjoyed similar success in Contra Costa County.

This Saturday, the Contra Costa County Special Olympics will hold a 20th anniversary dinner in Concord, CA, and I know that my colleagues in the U.S. House of Representatives join me in congratulating all of the participants over the years, and in extending our deep appreciation to the director, trainers, volunteers, and financial supporters who make this very valuable community activity a great success for the young athletes year after year.

CONTINUED HUMAN RIGHTS VIOLATIONS IN EAST GERMANY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. PORTER. Mr. Speaker, to my dismay, East German authorities have begun another crackdown against human rights, environmental and peace activists. According to reports, approximately 150 activists joined a recent demonstration commemorating the 1919 murder of German Communist Party founders Rosa Luxemburg and Karl Liebnecht. Some of the individuals displayed a placard reading true freedom is the freedom to dissent. Charges against these individuals range as high as treason.

Why, simply for peacefully expressing their beliefs, should people be punished? Freedom of speech is a basic right of individuals, guaranteed under numerous international documents, and accepted by the German Democratic Republic as a signatory to the Helsinki accords.

Two months ago, I introduced House Concurrent Resolution 228 urging the German Democratic Republic to resolve the pending cases against four persons who were arrested while working in the basement of the Zion Church. I was extremely pleased that the German Democratic Republic released these individuals the very afternoon my resolution was introduced.

Mr. Speaker, I remind my colleagues that House Concurrent Resolution 228 also calls upon the German Democratic Republic to initiate no further reprisals against individuals for peacefully expressing their views, and to continue expanding the positive steps recently taken in the area of human rights. I encourage the German Democratic Republic authorities to immediately free the remaining individuals, as reports indicate, and to reexamine their attempt to squelch dissent in East Germany. The thousands of East German individuals protesting outside churches throughout the country should signal to the German Democratic Republic Government that severe restrictive measures are no longer accepted by their citizens, or by the rest of the world.

SIGNIFICANT IMPROVEMENTS MADE TO HOUSE TELEPHONE SYSTEM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. KANJORSKI. Mr. Speaker, I want to take this opportunity to update our colleagues on some important improvements which have been made in the telephone system being installed in the U.S. House of Representatives. As you may recall, in the past I expressed my frustrations with the new telephone system. It is only proper, therefore, that I take similar steps to let you know when things are going right.

I am pleased to report that since the time I expressed my concerns with the telephone system I have had several meetings with the House employees who are implementing the changeover in telephone systems and with representatives of AT&T. In every instance these individuals have been attentive to my suggestions for improvements and have worked with me and my staff to make the necessary modifications.

My concerns focused on specific types of service and options under the new telephone system. Previously Members had different telephone systems in their offices depending in part on what levels of service they felt met their individual needs. When I was first elected, I made the decision to have an advanced telephone system in my offices. Accordingly, I selected AT&T's Merlin system. I was very impressed with the Merlin system and was frustrated to lose some of its features under the new House system.

I am pleased to report now, however, that nearly all of the features I desired have either been incorporated into the House system or will soon be added. In fairness, I should also add that I am impressed with some of the features which will soon be added to the House system which were not available with the Merlin system.

Mr. Speaker, I recognize that inevitably there will be "bugs" that must be worked out any time a major system like the House telephone system is converted. The critical factor in making a conversion successful is the dedication and attention that those responsible for the system show in trying to meet the needs of the system's individual users. In this critical area, AT&T and the staffs of the Committee on House Administration and of the Clerk of the House have been extremely responsive. Together, they have successfully met most of my concerns and needs.

I want to take this opportunity to publicly thank Chairman CHARLIE ROSE, Clerk of the House Donn Anderson, and the people of AT&T for their commitment to service and for meeting the needs of individual Members of Congress. Their attention to the problems and the ensuing changes are a good example of what American ingenuity and commitment can achieve.

POLLUTION LIABILITY

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. MILLER of Washington. Mr. Speaker, today environmental and maritime experts are working furiously to clean up one of the largest oil spills ever in Puget Sound.

In the early morning hours of Sunday, January 31, a 176-foot fuel barge loaded with over 300,000 gallons of heavy fuel oil capsized and sank in the Guemes Channel of Puget Sound. Since February 4 over 46,000 gallons of the sunken barge's toxic fuel has leaked out and been swept into the waters of Puget Sound.

The Guemes Channel is home to some of the swiftest tidal currents in my State—further complicating an already dangerous and difficult cleanup job. During the next week, expert divers with the help of a 600-ton derrick will be attempting to raise the barge without spilling anymore of its hazardous cargo.

Mr. Speaker, accidents happen. And it is important to point out that this problem is not unique to my district. Recently, other major oil spills have been reported on the Monogahela River, in the Delaware River, in Savannah Harbor and in Cook Inlet, AK. Shorelines are damaged, fisheries and wildlife habitat contaminated, businesses are disrupted and people living near the spill are inconvenienced.

Environmentalists and other concerned citizens want to know if there is a Federal law to set responsibilities for cleaning up oil spills, or compensating lost business opportunities, or providing for safe drinking water? I must answer—not yet. Presently, Federal law places too much responsibility on the Federal Government's role for cleaning up spills and not enough on those who cause the spills.

We need to worry about the costs of providing safe drinking water supplies, and providing relief for those who suffer economic losses.

There is an answer. It is H.R. 1632, the Comprehensive Oil Pollution Liability and Compensation Act. This bill will establish a new comprehensive set of rules that will provide prompt, adequate and equitable compensation for those who suffer from oil spills.

H.R. 1632 will also encourage prompt clean up of oil spills and create mechanisms to reimburse Federal, State and local governments for the costs cleaning up a spill. It would impose strict "joint and several" liability for those transporting or producing oil and make other long needed reforms. H.R. 1632 would also establish a clear and predictable legal and regulatory framework for claimants, spillers, insurers and government officials.

Mr. Speaker, the Committee on Merchant Marine and Fisheries, which I serve on, and the Committee on Public Works have been working on this bill for almost a decade. It has widespread support from the administration, from industry, from environmental groups and coastal States. I urge my colleagues to cosponsor this important bill and to join in supporting it.

RUNNING FROM REALITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. GINGRICH. Mr. Speaker, every once in a while, the left-wing foreign policy establishment reveals its true colors. Presidental candidate ALBERT GORE seems to be the only candidate of his party to be in the mainstream of American thought. According to the Washington Post, every other candidate at a recent debate believes that the Soviets signed the INF Treaty because they were experiencing economic difficulties.

Michael Kramer of U.S. News & World Report recently asked: "Can any competent student of Soviet affairs seriously argue that an INF Treaty would exist today if Reagan hadn't insisted on placing Pershing 2 missiles in Europe?" Maybe Mr. Kramer should ask whether any candidate for the Presidency should be taken seriously if he doesn't believe that pressure works with the Soviets.

The articles follow:

[From the Washington Post, Jan. 31, 1988]

GORE TOUTS HIS "STRENGTH"

Sen. Albert Gore Jr. (D-Tenn.) has opened up a new front in his war to establish himself as the only "strength" Democrat running for president. At a debate Friday night in Sioux Falls, S.D., he asked former senator Gary Hart whether Hart believes the U.S. deployment of medium-range missiles in Europe, a policy conceived by President Jimmy Carter and carried out by President Reagan, was responsible for the Soviets' agreeing to the INF Treaty.

For Reagan to take credit for the INF, Hart replied, "is like the rooster taking credit for the dawn." He said he believes the Soviets had wanted to negotiate away their medium-range missiles in Europe years ago, and their decision had nothing to do with deployment of the medium-range and short-range missiles. The other Democrats at the debate did not disagree, all saying that the Soviets' foundering economy drove them to the table.

"I find [this] difficult to believe," Gore said, savoring a distinction he is sure to draw as he campaigns through the South. "Do you really think the Soviets just said to themselves, 'We're feeling some economic pressure: Let's remove our SS20s'?"

[From U.S. News & World Report, Feb. 1, 1988]

TIME FOR A "YES" VOTE ON CONTRA AID

(By Michael Kramer)

Take a moment and think about the value of pressure in international relations. Consider two examples:

Despite Moscow's internal economic problems, can any competent student of Soviet affairs seriously argue that an INF treaty would exist today if the Reagan administration hadn't insisted on placing Pershing 2 missiles in Europe? If the allies had had nothing to trade, would the Kremlin have unilaterally dismantled its intermediate nuclear forces out of the goodness of its heart?

Similarly, on their southern flank, would the Soviets be eager to quit Afghanistan simply because Russian mothers sleep better if their sons aren't occupying another country? If the United States hadn't backed the mujeheddin rebels to the point where Afghanistan has become a Vietnam-style quagmire for Moscow, would Mikhail Gorbachev be planning a pullout simply for altruistic reasons?

The answer to these questions is obvious, or should be: Pressure—and often *only* pressure—works.

Now consider the Nicaraguan situation. Contra aid faces another crucial vote next week. Congressional opponents of renewed assistance say the Sandinistas have seen the light. The comandantes, they argue, have agreed to speak directly to the Contras (which they had previously refused to do), lift the state of emergency in Nicaragua and grant a conditional amnesty to political prisoners essentially because they are well-intentioned folks who would have "made nice" long ago if the Contras hadn't been nipping at their heels.

This is the view, too, of the Democrats running for President (new crowd, old tune)—candidates, in Jeane Kirkpatrick's admittedly demagogic phrase, who always seem to blame America first. And, of course, their critique is 180 degrees wrong. There *is* a connection between the INF treaty, Afghanistan and the chances for peace in Central America—a common thread: By their own, proud admission, the Sandinistas are dedicated Communists committed to spreading their Marxist-Leninist ideology throughout the region they inhabit. That they now may be moderating their thinking and behavior at all—an iffy proposition at best—is a result of the pressure, both real and prospective, that the Contras have been able to apply.

HOW THE SANDINISTAS PLAY THE GAME

The Sandinistas must be chuckling. Last week, after they announced their "concessions"—which they promised to renounce if Washington continues aid to the Contras—Nicaragua's Foreign Minister was asked if the comandantes were loosening their iron fist for tactical reasons: In order to influence Congress to reject further Contra assistance. "Of course," answered Miguel D'Escoto, a confident practitioner of pressure in perfect sync with his audience. Congress's Democrats, you see, are still anxious to kill off the one factor that has caused the comandantes to move off square one.

Why is the obvious course—keeping the Contras alive—even a matter of debate? Part of the blame rests squarely with the Reagan administration. Over seven years, the White House has squandered its credibility with respect to Central America. It has lied to Congress, shifted its goals and misread the mood inside Nicaragua. The upside is that the Sandinistas have been contained and that the time bought by that containment has permitted the consolidation of democracy elsewhere in the region, most notably in El Salvador. But President Duarte's limited success there—and the fragility of representative government in Guatemala and Honduras—only raises the stakes further if the Contras are disbanded.

ARIAS'S FALLBACK: A FEW GOOD MEN

Today's anti-Contra lobby echoes an earlier naïveté when Americans, circa 1979, actually believed that Thomas Jefferson was the Sandinista patron saint. "Give peace a chance," they now say. "Trust the latest democratic pronouncements of Nicaragua's President, Daniel Ortega." If we're wrong, says House Democractic Whip Tony Coelho, then the four other Central American Presidents will come to us and "seek some help—and we should give it to them."

What kind of help? Oscar Arias, the Costa Rican President who authored the current peace proposal, has told friends that an invasion by the U.S. Marines would fit the bill. Which is fine for him to say. He's not talking about Costa Ricans making Central America safe for democracy; he's talking about our boys doing the job, the same job the Contras—native Nicaraguans—are willing to do themselves.

Even the most politically blind should feel queasy about the Sandinistas' latest good-guy promises and should welcome the Contras as an insurance policy. Cut them off now, and they will be gone for good. Once disbanded, a guerrilla force—no matter how dedicated—is next to impossible to reconstitute. And once a nation like the United States has turned its attention elsewhere, it doesn't want to hear that a problem deemed "solved" is still an open wound.

The prudent course for Congress, then, is to keep the Contras alive. Any one of a number of proposals will suffice. Two of these—humanitarian assistance, or military aid held in escrow against a determination of the Sandinistas' sincerity—would get the job done. If we don't do at least this—and it really isn't all that much—where will we complain if things turn sour? The United Nations?

If the Contras die, the Sandinistas will be free to reimpose the near-Stalinist measures they claim to be forgoing and to fulfill their "historical imperative" by striking out against their neighbors. And then Oscar Arias will be right: Only the Marines will be left as an available counterforce, assuming whoever is President has the stomach to send them in—a bet even a loser like Jimmy the Greek wouldn't take.

BRAVERY AT SEA—A MERCHANT MARINER'S STORY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, last month the Secretary of the Air Force issued an order that awarded veteran's status to any person who served on a U.S.-flag oceangoing merchant ship between December 7, 1941, and August 15, 1945. This long-awaited ruling, a reversal of the administration's previous position on the matter, will enable World War II merchant seamen to receive the same pension, medical, and other benefits as veterans.

I am a cosponsor of legislation that would have granted veterans status to merchant seamen who served during the Second World War. I believe this legislative effort encouraged the military to reverse its previous position on the matter. Now that this issue has been resolved, Congress may proceed with the task of authorizing appropriate medals to honor these brave Americans.

A constituent of mine, Capt. A. Ralph Strong of Southampton, NY, has shared with me his experience as a member of the U.S. Merchant Marine during World War II. Captain Strong, who was awarded the Mariners Medal for Bravery after the war, has an inspiring story to tell. It is a story of patriotism. I want to give Members of Congress and the American people the opportunity to learn of this example of bravery, and ask that Mr. Strong's recent letter to me appear in the RECORD at this point:

JANUARY 20, 1988.

Mr. GEORGE J. HOCHBRUECKNER,
U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR SIR: I am writing to you to urge you to support the passage of Bills H.R. 1235 and H.R. 1430, To provide benefits to merchant seamen who served in the United States merchant marine during World War II; and To authorize decorations, medals, and other recognition for service in the United States merchant marine, and for other purposes.

For years the men who served our country so well during the World War II campaigns have been overlooked by the government and various organizations. The officers and men who navigated the ships of the merchant marine in wartime so bravely were perplexed to be passed over by the government and other organizations for recognition in their devotion to duty in all sorts of battles and attacks at sea. The military men (U.S. gun crews) on board merchant marine ships were praised and honored for their participation and bravery, but not the civilian ship officers and men who were in command.

I served in the merchant marine for 50 years (1930-1980) starting out as a cadet for 4 years, becoming an officer on various vessels and raising my license grades through 14 years to become Ship Master.

I joined an American company, the United Fruit Company, in 1938 (Pier #3, North River, New York, in those days). The company operated passenger and refrigerated freight ships, and the fleet numbered about 50 ships. This fleet served world-wide during World War II. Many ships and officers and men were lost in this war when the ships were subjected to viscious attacks by German U-boats, planes, shells, mines, sabotage, and explosions due to collisions in convoy. These ships were first coming under attack in 1939 while still in peace-time service, sailing from U.S. ports on the east and west coasts, Gulf of Mexico and Caribbean. The German U-boats were active in blockading the U.S. east coast and the Gulf of Mexico and sinking oil tankers transporting oil from Texas to east coast refineries. So United Fruit Company vessels were sailing without any armaments or means to protect themselves, except by virtue of their speed and evasive action and were at the mercy of these undersea predators who were most aggressive and viscious. Many of our vessels were running with "dummy" guns in view for months and being attacked. There were many ships lost within 2 years. The U.S. Navy did not possess suitable patrol craft to cope with this situation and small yachts were commandeered for spot patrols. The subs would destroy vital navigation aids by gunfire, etc., and lie in wait for vessels to appear, showing light characteristics of the "aid" and then sink the ship.

Some of these subs would submerge and then raise up under men struggling in the sea and throw them off their decks.

My company fleet lost approximately 28 ships during World War II and many officers and men. The passenger ships had been taken over at once for naval transports. These merchant marine personnel, by nature of their time and work involved, were by far the most efficient found anywhere. "An army travels on its stomach" and it was the merchant marine who kept them supplied with food, armaments, etc. (Our U.S. merchant marine is so depleted now that I doubt that we could supply and support our army in a European ground war).

Unions were beginning to become active in the merchant marine sponsored by Joe Curran and Paul Hall (SIU). However, such organizations were not very strong in 1939 and, eventually, some shipping companies, including the United Fruit Co., had their own organizations to represent the personnel and they never did join any of the unions.

Many U.S. shipping firms maintained a certain portion of their fleets under foreign flags. These ships had U.S. masters, engineers and radio officers. This was started mainly to prevent seaman unions from delaying the operation of vessels carrying, for instance, perishable cargo, such as the cargoes carried by the United Fruit vessels. About one-third of our fleet was sailing under Panama or Honduras flags but, otherwise as an entity of the U.S. Merchant Marine.

In June, 1942, things were very acute for shipping on the east coast and gulf shores. My company had to shift operations from New Orleans (a large passenger and freight business) to Tampa due to sub attacks at the mouth of the Mississippi River passes.

Ships were not supposed to sail along east coast areas at night. Some sections had anti-sub nets and ships would run from one net to another, if possible. One time, we were supposed to use a net off Florida. Upon arrival, this was not available, and so we continued along coast and were attacked by sub off Palm Beach on a moonlight night. We managed to reach shallow water in time, by evasive action.

By the end of February, 1942, we were fitted with some guns at Baltimore and sailed the same route to Central America. One gunnery chief and 8 naval ratings were assigned to our ship. The vessel was still engaged in peacetime service. While in the Gulf of Mexico, in June, the ship was attacked by a submarine (100' SE of Brownsville, Texas, buoy) at 2025 on a dark night. The first torpedo missed. Another one hit the stern where the magazine for the after 3" 50 gun was located. This blew up and the stern of the vessel was destroyed. Within 10 minutes the vessel capsized and left a few survivors struggling in the sea. Not one of the 4 lifeboats was seen in the dark. Gradually, crew members still alive found 2 makeshift rafts. I was chief officer and the senior one in charge, the captain having gone down with the ship. Only the third officer and the radioman were officer complement surviving. Of the 9 navy men, only 2 got to the rafts. Altogether, there were 14 of us surviving from a complement of 45. After two weeks awash on two rafts, with very little food (I lost 35 pounds), we were rescued by a PBY flying boat out of Corpus Christi Naval Air Station. They were a combined training/search grid mission at the time. The submarine had been using us for bait most of the time. The PBY fired a depth charge at them but there was no way of knowing if it hit them (sure hope it did!) On the 6th day, one injured crew member died and we had an "at sea" burial.

I was incapacitated for approximately 1 year due to injuries and the effect of this ordeal.

Upon returning to duty in April, 1943, I was assigned by my company to a vessel which was loading ammunition at Cavan Point (near the Statue of Liberty)—these were block busters for Liverpool. The vessel was under the Honduranean flag, United Fruit Co. owned, but operated for all intents and purposes as U.S. ship as were all such units in the company. We were able to do 15 knots speed which was fairly fast in those days. The subs were able to do over 18 knots by then and were patrolling and attacking in wolf packs hitting the convoys. We eventually set out with orders to proceed singly, with no escort, with the vital but dangerous cargo across the Atlantic.

Later crossings were made in many convoys both to England and the continent with many collisions, sub attacks, plus minefield dangers involved. One of the United Fruit Co. managed vessels (a Liberty ship) was proceeding in a convoy from New York to England. Usually, other segments would meet the N.Y. Group as they progressed northeastward. While meeting the Nova Scotia group in that area in fog, they collided with a tanker loaded with 100 octane aviation gas. Both vessels exploded and all were lost. United Fruit Captain Lundy from New Orleans and crew were buried at Cape Breton, Nova Scotia.

In May of 1944, my ship was proceeding eastward from Buoy "A" (Hudson River Canyon) bound for Europe with a full cargo of Army frozen meat (18 degrees F.) This was a fast convoy consisting of 30 vessels including 3 refrigerated food vessels, 6 Jeep aircraft carriers ferrying military planes and 21 oil tankers (mostly the T2 type) carrying aviation gas. There were 6 new U.S. Navy destroyers as escort, with radar, and progress was at 14 knots in 2 columns. South of Long Island, visibility was poor due to fog. At about 2000, a tanker approached at a 45 degree angle and collided with us tearing out a huge hole on our port side. The tanker was the "Sag Harbor". Fortunately, we didn't hit him! He hit us! Otherwise, all would have been lost. Our buoyant, frozen cargo saved our ship and we were able to limp back to New York.

I was in convoys to the Mediterranean—North Africa, Algiers, Tunis, Sardinia, Sicily, Italy, without any break except about 10 days in U.S. between trips but still on duty, managing the vessel. All this on a patriotic, voluntary duty.

Sometimes, the question of remuneration to merchant marine officers and men is mentioned. The rates of income were not very high in the shipping industry during the war. A shipmaster was receiving about $450. per month. Various areas of the world, which were considered more harzardous involved the consideration of a bonus. The accumulation of the privileges, benefits and honor received by the United States veteran of this war, far exceed any considerations or monetary remuneration accorded men who served their country voluntarily in the Merchant Marine during World War II.

There is only a small percentage of these brave men still alive and those still living will be mostly in their 70's and 80's. It is a long time for the recognition of the contribution made by the American Merchant Marine and it is only fair that these men receive, even at this late date, their well-earned praise and benefits.

After the war, I received from Admiral E. S. Land, Administrator of the War Shipping Administration, the Mariner's Medal for Bravery.

Respectfully,

Capt. A. RALPH STRONG.

Southampton, New York.

TRIBUTE TO STEPHEN AND NANCY WILSHINSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BERMAN. Mr. Speaker, I rise today to salute Chabad of the Valley and two extraordinary individuals, Stephen and Nancy Wilshinsky. Stephen and Nancy will be honored at a banquet on March 13, 1988, in recognition of their outstanding service to the community of the San Fernando Valley.

Chabad of the Valley is a Jewish educational and outreach organization which operates schools, summer camps, senior citizen, and youth programs and a host of beneficial social service programs. During the first 15 years of its existence, Chabad of the Valley has proven to be an exemplary organization which promotes a sense of values, morals, and ethics throughout the community. The organization is also a leading provider of social services for the troubled and needy.

Stephen and Nancy have played key roles in the past success of Chabad of the Valley and have supported many philanthropic causes over the past years. Stephen has assisted the less privileged not only during his free time, but has made a concerted effort to help the less privileged through his business contacts. While maintaining his position as a highly reputable broker in the stock brokerage firm of Bear, Sterns, & Co. he has utilized his shrewd financial and executive skills to help create programs for the needy.

Both Stephen and Nancy are well known for their generous contributions to numerous charitable organizations, both local and abroad. They have devoted a great deal of their time and energy to the problems of the needy in the community. Most noteworthy of their efforts is the opening of their home to house orphaned children, while also sustaining a number of poverty stricken families. The Wilshinsky's have been, and continue to be, shining examples of citizens who are not only concerned with the welfare of the community, but citizens who have succeeded in their efforts to make a difference.

It is my distinct pleasure to join Chabad of the Valley as it honors Stephen and Nancy for their outstanding contributions to the community of the San Fernando Valley.

CONGRESSIONAL MILITARY REFORM CAUCUS; 1987 ANNUAL REPORT TO THE COCHAIRMEN ON CAUCUS ORGANIZATION AND SPONSORED EVENTS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BENNETT. Mr. Speaker, on behalf of myself and Congressman TOM RIDGE, as cochairmen of the Congressional Military Reform Caucus, we would like to submit to our colleagues the following staff report on the activities of the caucus during the past year.

This is a report to the cochairmen of the caucus that was prepared by the staff of the caucus. Since this is the first time recently that such a report has been prepared, it includes some additional general information about the caucus that may be helpful to those interested in learning more about its activities. Membership in the caucus is open to any Member of either body committed to strengthening and improving our national defense. There are no dues.

Although I realize that this statement is rather lengthy, I believe that it is important for it to appear in the CONGRESSIONAL RECORD for two reasons. First, as a quasi-official organization, the caucus should be open about its activities with other Members of Congress and the public. This report serves that purpose admirably. Second, the report is a serious effort to summarize many valuable activities of the caucus and, I believe, merits inclusion as part of the historical record.

The text of the staff report follows:

100TH CONGRESS, FIRST SESSION ANNUAL STAFF REPORT TO THE COCHAIRMEN OF THE CONGRESSIONAL MILITARY REFORM CAUCUS

CONTENTS

(I) Brief history and statement of general purpose.

(II) Membership.

(III) Cochairmen.

(IV) Finances.

(V) Panel discussions and briefings sponsored in 1987.

(VI) Issues of special and legislative interest in 1987.

1. Conventional forces and conventional balance in Europe.
2. Infantry anti-tank weapons.
3. Bradley Fighting Vehicle.
4. Close air support.
5. Separation of operational and developmental testing.
6. Live-fire weapons testing.
7. Black programs.
8. Whistleblower protection.
9. Revolving door.

(I) BRIEF HISTORY AND STATEMENT OF GENERAL PURPOSE

The Caucus, founded in 1981, is an informal and bipartisan organization whose activities are intended to support the regular committee work for a stronger national defense.

The purpose of the Caucus is to achieve the strongest and most effective defense possible. The Caucus does not advocate overall increases or decreases in defense spending, only more effective expenditure of those dollars allocated for national defense. The specific action agenda of the Caucus has evolved over the years consistent with changing national events and the needs of the military, as perceived by the members and Cochairmen of the Caucus. During its early years, the Caucus emphasized issues such as maneuver warfare, reform of military organization and procurement reform. Later, procurement reform received additional emphasis while the Caucus helped lead efforts to pass several key procurement reforms. During the 100th Congress, the Caucus has ensured that those initiatives that were still approved were continued, and has added a primary emphasis on improving conventional forces, particularly in NATO Europe.

In stressing improvements in conventional forces and other military capabilities during the 100th Congress, the Caucus is guided by a philosophy that emphasizes that wars are fought by people, not just by weapons. Above all, the most important people in fighting those wars are the average soldiers, sailors and airmen who do the actual fighting, rather than administrative personnel, military bureaucrats or defense corporations. The Caucus seeks to improve the training, strategy and tactics of our conventional forces. It advocates lean armed forces that are not top heavy with administrative layers. These forces must be ready to fight immediately, and must have the basic supplies and weapons to sustain such conflict. Further, they should have weapons and supplies that are of the best quality that can be obtained. The Caucus desires to ensure the engineering excellence of our weapons by evaluating new weapons programs in terms of the soldiers who actually use them. It wants to increase weapon reliability in the chaos of war by "flying before we buy", i.e. by promoting tough, realistic weapons testing before weapons are purchased in production quantities. In a time of flat defense budgets, the Caucus believes that it is essential that hard choices be made, and that ineffective or unnecessary weapons systems be cancelled to ensure adequate funding for adequate numbers of those pieces of basic equipment and weapons that are badly needed. Finally, the Caucus hopes to increase the interest and awareness in Congress of issues which tend to be neglected in favor of higher profile issues during deliberations in either the Department of Defense or the regular congressional defense processes.

(II) MEMBERSHIP

During the 100th Congress, the membership of the Caucus has remained high, and currently includes 136 members of the House and Senate. Of this total, 27 are members of the Senate and 109 are members of the House. Also, 78 are Democrats and 58 are Republicans.

(III) COCHAIRMEN

At the beginning of the 100th Congress, the members of the Caucus elected three Cochairmen.

The Democratic Chairman from the House of Representatives is Rep. Charles E. Bennett (D-Fla.) and the Republican Chairman from the House of Representatives is Rep. Tom Ridge (R-Pa.). Rep. Bennett is a decorated infantry combat veteran of the Pacific Theater of World War II, where he fought as an officer in New Guinea and the Philippines. Rep. Ridge is a decorated infantry combat veteran of the Vietnam War, where he fought as an enlisted man.

The Cochairman from the Senate is Sen. Charles Grassley (R-Iowa). Senator Grassley also served as Senate Cochairman during the 99th Congress.

(IV) FINANCES

The Caucus has no dues or budget. Incidental expenses for mailings and events are paid for out of the budgets of the Cochairmen. The Caucus is staffed by the staff of the Cochairmen.

(V) PANEL DISCUSSIONS AND BRIEFINGS SPONSORED IN 1987

In order to fulfill the Caucus' purpose of raising the level of interest and expertise among members of Congress and their staff in military reform issues, the Caucus during 1987 has sponsored a very active program of panel discussions and briefings. Because of limited resources, no transcripts of these events were made or are available. In a few cases, participants brought prepared statements, and copies of some of these may be available from the offices of the Cochairmen.

(1) "The Search for Close Air Support" panel discussion on close air support (November 17, 1987). This lively panel discussion between service representatives and independent experts explored whether close air support, the tactical air support of ground combat operations, requires increased attention from the Air Force and Army. See below for further discussion of this issue.

Panel members included: Chuck Myers, Aerocounsel, Inc.; Maj. General Thomas Carl Foley, U.S. Army; Brig. General Joseph W. Ralston, U.S. Air Force; and Pierre M. Sprey. Rep. Denny Smith moderated the discussion. Six defense contractors exhibited models of their respective close air support aircraft.

(2) "The Conventional Military Balance in Europe" panel discussion on the conventional military balance in NATO Europe (September 29, 1987). Three independent experts presented a spectrum of views on the conventional balance in Europe. See below for further discussion of this issue.

Panelists included: John M. Collins, Congressional Research Service; Joshua M. Epstein, Brookings Institution; and Michael L. Moodie, Center for Strategic and International Studies.

(3) "Can We Stop Soviet Tank Armies?" panel discussion on NATO antitank capabilities (July 29, 1987). Independent experts and an Army representative expressed varying views on the capabilities and needs of NATO's infantry anti-tank weapons. See below for further discussion of this issue.

Panelists included: Brig. General Mike Lynch, U.S. Army (Retired); Maj. General Wilson Shoffner, U.S. Army; Phillip Karber, BDM Corp.; Pierre M. Sprey; and the moderator was David Evans, Chicago Tribune. Five defense contractors exhibited their anti-tank weapons.

(4) "A Discourse on Winning and Losing, Part I" staff briefing on military strategy (August 11, 1987). Col. John Boyd, U.S. Air Force (Retired) presented his well-known in-depth briefing on military strategy. This briefing has been given previously at the National War College and before many other audiences in the government and the military. Part II of this briefing will be presented in early 1988.

(5) "Letting Combat Results Shape the Next Air-to-Air Missile" staff briefing on use of air-to-air missiles in combat (June 22, 1987). Col. Jim Burton, U.S. Air Force (Retired) briefed staff on the results of his original research on actual use of air-to-air missiles in wars between 1963 and 1982. He concluded from his research that new air-to-air missiles should emphasize low cost, light weight and the ability to hit enemy planes within visual range using simple technologies.

(VI) ISSUES OF SPECIAL OR LEGISLATIVE INTEREST IN 1987

(1) Conventional forces and conventional balance in Europe:

The Caucus sponsored an excellent panel discussion on this subject in September where three experts provided different assessments of the balance.

The Caucus also supported legislation sponsored by Rep. Bennett, and cosponsored by more than 40 other members of the House. It was enacted as section 1212 of the Fiscal Year 1988 Defense Authorization Act. This amendment requires the Secretary of Defense to appoint a conventional defense advisory board in the Defense Department. The Board's purpose is to review a detailed study of the conventional defense situation, particularly in Europe, and to recommend ways to improve that conventional balance. The amendment also directs the General Accounting Office (GAO), Congressional Budget Office (CBO) and Congressional Research Service (CRS) to form a Study Group to assess the situation, and submit its findings to the Defense Department's Board. This amendment is particularly important since the proposed treat on Intermediate Nuclear Forces (INF) will likely be ratified, thereby increasing the attention paid to our conventional forces in Europe.

At this date, the various congressional agencies in the Study Group have begun coordinating their work. They will run two workshops in March and April for members of Congress and staff in order to obtain the views of U.S. experts on the balance in NATO Europe and on Soviet perceptions of this balance. They will summarize the experts' views in a report to Congress and DOD on the strengths and weaknesses of NATO's conventional defenses and on recommended corrective actions.

In addition to these efforts to address the general issue of the conventional balance and conventional forces, the Caucus has several specific initiatives with the same aim of improving conventional forces. First, this connection is clear in the case of specific weapons systems, for example antitank weapons, the Bradley Fighting Vehicle or close air support aircraft. Infantry antitank weapons, especially, are one of the single most important areas where NATO can and should act to improve its position relative to the Warsaw Pact and other potential conventional opponents. Second, this connection is also present in broader policy initiatives. For example, better weapons testing is absolutely necessary for good weapons quality. Also, revolving door conflict-of-interest prohibitions and whistleblower protections are necessary to ensure that decisions are made on the basis of true military needs, rather than extraneous factors.

(2) Infantry anti-tank weapons.

In addition to the panel discussion sponsored by the Caucus in July, the Caucus endorsed anti-tank amendments to the defense authorization that were successfully offered by Rep. Bennett and Rep. Ridge. The amendment by Rep. Bennett sought to assure that two different NATO anti-tank weapons received equal funding for operational tests by the U.S. Army. This equal funding was reflected in the conference report on the Fiscal Year 1988 Defense Authorization Act. The House also approved an amendment by Rep. Ridge requiring live-fire testing of various NATO anti-tank weapons, but this amendment was not contained in the conference report.

The Caucus has stressed that insufficient attention has been given to inadequacies in NATO's infantry anti-tank weapons. Tanks are key to Warsaw Pact offensive strategy. While it is neither necessary nor realistic to expect that NATO will spend the funds necessary to match the Warsaw Pact forces tank-for-tank, it is clear that well-targeted investments in infantry-portable anti-tank weapons can greatly improve the conventional balance.

Unfortunately, the GAO found in a report ("Antitank Weapons: Current and Future Capabilities", September 17, 1987, GAO/PEMD-87-22) that significant doubts exist as to the effectiveness of many U.S. antitank weapons against Soviet tanks. The report revealed that the Army has purchased and issued to its soldiers almost a million anti-tank weapons without adequately testing them in combat-like conditions. The report showed that the Army is relying on its infantry to use special tactics that may not always be practical, and that Army estimates of ability to kill Soviet tanks were unacceptably vague.

The conference report for the Fiscal Year 1988 Continuing Resolution included report language to implement this GAO report. The explanation of the conferees (p. 632) states:

"The conferees further direct the Department to modify the antiarmor master plan to incorporate the GAO recommendations for assessing and comparing the performance of antiarmor weapons."

Interested Caucus members have indicated that they continue to support operational tests on various anti-tank weapons, including the Bofors Bill and the Milan 2, and that they continue to support early action to address, on both an interim and long-term basis, the inadequacies in NATO infantry anti-tank weapons.

(3) Bradley Fighting Vehicle:

An amendment successfully offered by Caucus members Reps. Bennett, Boxer, Ridge, Denny Smith, Ron Wyden, Mel Levine, Albert Bustamante and Louise McIntosh Slaughter on the House floor was intended to fix once and for all the Army's newest armored troop carrier, the Bradley Fighting Vehicle. The conference retained this amendment. It was enacted as section 123 of the Defense Authorization Act for Fiscal Year 1988.

The amendment's sponsors said they were prompted by concerns that the troops who would be ordered into the Bradley for transport to the front might be endangered by the vehicle's flaws. Analysts who have studied the Bradley have offered the following criticisms of the Bradley. In brief, the Bradley is expected to fight along side our tanks, but it is highly vulnerable to anti-tank rockets or shells. The vehicle had been designed so that troops sat surrounded by high explosive ammunition. The vehicle's water-fording, or "swim", capability seemed inadequate, and resulted in the death of one American Army soldier in training shortly after he had written home to complain about this quality. Also, the vehicle's electrical system breaks down frequently, crippling the gun. The transmission sometimes simply stops working, immobilizing the vehicle. Finally, these critical analysts have noted that there have been repeated allegations of lax quality control and other problems by former FMC Corporation employees and others.

As enacted, the amendment required the Army to report to Congress on how it plans to fix the Bradley so that the Bradley will be lethal to the enemy yet reasonably secure for our soldiers. In particular, it prohibited spending on more Bradley Fighting Vehicles until the Secretary of Defense completes testing the Bradley's problem areas and comes up with a plan to fix them. Numerous problems with the Bradley, which is designed to carry our infantry into battle, have been found but the Defense Department had still sought to keep buying more Bradleys before fixing them. The amendment does recognize that cost is a factor.

A hearing was held by the Armed Services Committee in November 1988 at which DOD reported on progress on addressing some of the concerns raised. At this hearing, the Army testified, and GAO agreed, that live fire testing of the Bradley "makes it clear" that improvements are needed. The Army is adopting some reconfigurations of the vehicle that will improve crew survivability. One controversial proposed improvement—adding 10,000 lbs. of reactive armor to the vehicle—is still under consideration by the Army. Also under consideration is a proposal to restow greater amounts of ammunition from inside the crew compartment to outside the vehicle—which may be an improvement. DOD witnesses said DOD now "strongly supports" live fire testing for all weapons systems.

The Army said that improvement programs are under way to fix the other reliability problems that have plagued this vehicle. Additionally, operational tests of the Bradley showed that, despite Army doctrine to the contrary, the Bradleys ended up fighting side-by-side with tanks in mock battles and, therefore, suffered heavy casualties. In scenarios where the Bradley's mobility was used, the crews were almost always inside the Bradley when hit. When the crews were outside the vehicle, they survived. But, as DOD tester John Krings testified, "Bradley drivers didn't fare too well becasue they're always in it."

Sponors of the Bradley amendment have said that they continue to support full compliance with the law and in order to seek the safest vehicle for our soldiers that is reasonably possible.

(4) Close air support:

Under the leadership of Rep. Denny Smith and Rep. Ridge, the Caucus has closely followed military and DOD civilian actions on the issue of additional close air support aircraft, and it sponsored a panel discussion on the subject in November.

Apparently, DOD efforts to encourage the Air Force to study the need for, and possible design of, a close-air support aircraft resembling the so-called "mudfighter" seem to have failed.

Interested Caucus members have indicated that they continue to support considering the option of developing a "mudfighter" along with other alternatives already under consideration.

(5) Separation of operational and developmental testing:

The Caucus strongly supported the creation a few years ago of an independent operational testing office within DOD, and led legislative efforts during 1987 to preserve this vital independence.

With Public Law 98-94, Congress established in 1983 the office of the Director of Operational Testing and Evaluation (OT&E). This law explicitly stated that the Director and his staff "are independent of . . . all other officers and entities of the DOD responsible for research and development." Congress believed a separate office was critically necessary to improve the quality of weapons and military systems. As Senator Roth stated on the floor of the Senate during a 1986 debate:

"(before Congress created the new office) operational testing was controlled by the same man who controlled research, development and acquisition. And we had problems. We had cheating in tests; we had rigged tests; sometimes we had no tests; and often we had self-serving test analysis and reports influenced heavily by those who did not want to see their own handiwork objectively assessed."

For this reason, the original law also explicitly defined operational testing as field testing under realistic combat conditions, in order to distinguish it from developmental testing. Developmental testing is done under laboratory-type conditions with deep involvement by program managers and contractor personnel, and with the purpose of improving weapons under development. It is crucial that, after completion of developmental testing, some party outside the development process conduct a tough field test with the purpose of determining whether the weapon is really ready for production.

Because of this clear congressional intent, the Caucus objected to a plan by the Director of OT&E in 1987 for the administrative merger of testing offices, which would confuse testing functions and purposes. The Caucus backed an amendment to the Fiscal Year 1988 Defense Authorization bill sponsored by Rep. Denny Smith reiterating congressional intent that developmental and operational testing remain absolutely separate. This amendment was accepted by the House Armed Services Committee, and an identical amendment was included by the Senate Armed Services Committee in its version of the DOD bill. The final provision appears as section 801 of the conference report.

The Caucus noted from the publication of a memorandum that the Deputy Director of OT&E, Karl Pflock, and, apparently, the Director were seeking to revise the latest legislative ban on merger of the testing offices. On December 9, 1987, Sen Grassley, Sen. David Pryor, Rep. Denny Smith, Rep. Ridge and Rep. Bennett all wrote Secretary of Defense Frank Carlucci asking that the Secretary act to prevent lobbying by the Director of OT&E and his staff in favor of the merger, and to make these persons aware of the seriousness and possible illegality of their actions.

The Caucus notes the clear support of Caucus member and House Armed Services Committee Chairman Les Aspin in this matter. He wrote in a letter of January 4, 1988 to the Cochairman his view on DOD's September 1987 proposal to Congress that developmental testing (DT) and initial operational testing (IOT) be grouped together. The letter states:

"While aggressive IOT is essential to a successful procurement, and IOT and DT should be complementary functions, it remains the intent of Congress that operational testing be independent of the developmental test functions. . . .

"While it is important to examine the DOD recommendations, on two recent occasions, the Congress has expressed—in law—its intention to maintain the independence of the Director of Operational Test and Evaluation."

Further, the GAO reported to the Cochairmen of the Caucus ("Testing Oversight: Operational Test and Evaluation Oversight: Improving But More is Needed", March 18, 1987, GAO/NSIAD-87-108BR) that DOT&E makes too few actual on-site observations of operational tests, that DOT&E relies far too heavily on military service test reports with little assessment of actual test results, and that DOT&E has not provided policy guidance for tests or maintained reliable records on its principal activities.

Interested Caucus members have stated that they continue to favor close oversight of this matter, as well as all necessary administrative and legislative actions to ensure that independent testing is preserved as Congress intended.

(6) Live-fire weapons testing:

The Caucus has long advocated tougher, more realistic testing of new weapons, and was previously instrumental in enactment of requirements that live-fire testing be satisfactorily completed before new munitions or systems can enter low rate initial production. The purpose of this requirement is to ensure that weapon systems really work—that they can either survive a hit by enemy ammunition or destroy an enemy target, depending on their mission. It is vital that our troops have weapons systems that are effective on the real battlefield, and not just under computer-simulated conditions.

A report by the U.S. General Accounting Office ("Live-Fire Testing: Evaluating DOD's Programs", August 1987, GAO/PEMD-87-17) found that the Pentagon continues to rely far too heavily on computer simulations in the laboratory when testing new weapons systems. The report stated that DOD program managers and officials have avoided adequately testing such systems with live ammunition under combat-type conditions, apparently because such realistic live-fire tests can threaten "business as usual" at the Pentagon.

The Caucus endorsed two amendments to the Fiscal Year 1988 Defense Authorization Act that were sponsored by Reps. Bennett and Bustamante in cooperation with DOD's Assistant Deputy Under Secretary for Live-Fire Testing. These amendments were enacted as section 802 of the Act. Section 802 toughened last year's law by extending its coverage to programs for the modification or upgrade of covered systems. The amendments also increased funding for this important Pentagon office, which had only one permanent employee until summer 1987.

The House Armed Services Committee Acquisition Policy Panel held a hearing September 10, 1987 on the GAO report and on DOD's live fire testing programs. At that hearing, the DOD's director of live-fire testing provided a vivid example of the value of live-fire testing. He testified that in his opinion, if the U.S.S. STARK had gone through such testing, lives could probably have been saved when it was struck in the Persian Gulf by missiles. That ship had been designed "as best as was possible" at the time based on then-current design guidelines and calculations. But one attack in the real world revealed problems that designers simply did not and could not anticipate without tests using live ammunition. Indeed, after looking at the effects of the missile hits, a blue-ribbon Navy commission recommended making improvements in the U.S.S. STARK and all ships in its class because of design and equipment flaws. At the request of the Cochairman to the Navy and the conferees on the defense bill, the Defense Authorization bill provided $64 million to make immediate corrections in the fleet.

Caucus policy is that the Office of Live-Fire Testing should receive adequate funding, staff, and authority to perform all necessary tests. As the Cochairmen stated in a letter to former Secretary of Defense Caspar Weinberger, previous lack of support for this office should not be used to justify claims that necessary tests delay the "normal" procurement process. Indeed, it would seem that anyone making such a claim misunderstands congressional intent in creating this office. A few good tests at the right point in the procurement process prevent enormous waste and later delay.

(7) Black programs:

Caucus members share the broad concern in Congress that highly classified (or so-called "black") programs have grown sharply in recent years without clear criteria to determine under which circumstances a program should be so classified. Therefore, the Caucus endorsed legislation to address this problem that was sponsored by Rep. Barbara Boxer and enacted as sections 1132 and 1133 of the Defense Authorization Act for Fiscal Year 1988.

Although the precise numbers are secret, there is concern that DOD's total black budget has grown enormously in recent years, by one estimate from about $5 billion annually in Fiscal Year 1981 to about $25 billion in Fiscal Year 1988. Some have even suggested that certain programs have been designated as black to prevent effective congressional oversight, or to hide cost overruns, technical problems, or even fraud. Indeed, few requirements existed ordering either justification or notification to members of Congress concerning designation of programs as "special access", or "black".

As enacted, section 1132 requires the Secretary of Defense to submit to Congress each year by Feb. 1 a report on special access programs which specifies the total amount requested for special access programs and sets forth: (1) a brief description of each program; (2) a brief discussion of the milestones established for the program; (3) the actual cost of the program for each fiscal year during which that program has been previously been conducted; and, (4) the estimated total cost of the program and its cost for the succeeding four years. Furthermore, section 1132 requires reports to Congress to: (1) provide notice of the designation of new black programs or of changes in their status; (2) justify such designation; and, (3) provide notice of any waivers of the above requirements by the Secretary of Defense. Finally, section 1133 requires the Secretary to report to the defense committees 60 days after enactment on the policy and criteria used for designating a program as black. It also requires GAO to study such report and report to the defense committees on its findings by April 1, 1988.

Caucus members have said that they will continue to monitor this issue as the various reports to Congress are received.

(8) Whistleblower protection:

The Caucus endorsed legislation introduced by Rep. Boxer (H.R. 1394) and cosponsored by over 100 members of the House that is aimed at providing better protection for military whistleblowers. The House approved similar legislation as a floor amendment to the Fiscal Year 1987 Defense Authorization bill, but it was dropped in conference. In November 1987, the House Armed Services Committee Acquisition Policy Panel held a hearing on this issue, and another hearing is expected in February 1988.

If enacted, H.R. 1394 would set a solid procedure whereby military whistleblowers who feel they have been harassed as a result of reporting waste or fraud to Congress or to the Inspector General could obtain review of their cases. Review would first come by the Inspector General, then by the appropriate service's board for correction of military records, and finally by appeal to the Federal Appeals Court (where there would be the possibility for judicial review de novo).

Caucus members have said that they will continue to seek enactment of this legislation, with any appropriate amendments, during the 100th Congress, so that members of the military who do their patriotic duty in reporting waste and fraud are not unfairly punished or even discouraged from coming forward.

(9) Revolving door:

The Caucus endorsed a minor clarifying amendment to "revolving door" legislation enacted during the 99th Congress after strong support from the Caucus.

The purpose of the law enacted last year was to reduce the temptation for conflict of interest on the part of DOD negotiators when dealing with defense contractors. That law bars any "primary representatives" of DOD from accepting employment with a contractor for a period of two years after such negotiators leave government service if the negotiators had substantial dealings with such contractor. DOD and defense contractors must report annually to Congress on persons leaving the Defense Department to work for defense contractors.

Because of concern about possible misinterpretation by DOD of the intention of last year's law, its sponsor, Rep. Bennett, offered a small amendment to the Fiscal Year 1988 Defense Authorization Act that was accepted by the Armed Services Committee. As enacted section 821 of this Act clarifies the issue by specifying that the prohibition applies not only to the government's most important "primary" negotiator, but also to any government negotiator on the program who was one of the "primary" negotiators in the sense of having significant responsibilities.

Interested Caucus members have said that they will continue to monitor reports and implementation by DOD, as well as compliance by military and contractor personnel.

REAUTHORIZING THE WALLOP-BREAUX TRUST FUND

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HUTTO. Mr. Speaker, today I have joined my good friend, the chairman of the Committee on Merchant Marine and Fisheries, in cosponsoring legislation to reauthorize the Aquatic Resources Trust Fund, better known as the Wallop-Breaux Trust Fund, which expires this year.

The benefits that millions of Americans have enjoyed as a result of programs funded through the Wallop-Breaux Trust Fund are numerous. However, as with most legislation passed by the Congress, there is always room for improvement.

I appreciate the leadership our chairman and other members of the Merchant Marine and Fisheries Committee are taking in this matter. While I am a cosponsor of the bill being introduced today, I must frankly say that it does not make several changes that I believe would improve the boating safety and fish restoration programs that are funded through Wallop-Breaux. However, this bill is a starting point and I will be working hard within the normal legislative process to try to improve it.

GLASNOST HAS NOT YET REACHED SOVIET JEWS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. SYNAR. Mr. Speaker, the present mood of "glasnost" in the Soviet Union offers a new opportunity to appeal to Soviet leaders on behalf of Jews who have requested permission to leave the U.S.S.R. in accordance with international law, and to recognize that those Jews who choose to remain have the same rights accorded every other Soviet nationality and religious minority.

As many as 400,000 Soviet Jews are reported to want permission to emigrate from the Soviet Union. Yet in 1987 barely 700 were allowed to leave each month: 8,155 Soviet Jews emigrated during 1987. This compares to a high of 51,000 that received exit visas in 1979. Glasnost has not yet reached Jews in the Soviet Union.

Soviet refusal to provide free emigration is a violation of the Helsinki accords, of which the Soviet Union is a signatory. Violations of the human rights of these Soviet citizens stands as an obstacle preventing us from breaking down the walls of misunderstanding between our countries. The progress we have begun to make in arms reductions should give us confidence that we can make progress in other important areas of United States-Soviet relations.

Concern for Soviet Jewry is most definitely on the agenda of the 100th Congress. I am a cosponsor of legislation—House Concurrent Resolution 34—which criticizes continued Soviet violation of its international human rights obligations, especially the right to emigrate. This measure passed the House March 31, 1987 by a unanimous vote of those present.

Members of Congress have sent hundreds of different appeals to General Secretary Gorbachev on behalf of individual Soviet citizens seeking to emigrate. These individuals were often separated from family members or in desperate need of medical care in the West. While the impact of these letters is not always clear, on occasion we are fortunate to see results.

Last year I sent a letter to Soviet leaders, cosigned by 35 of my colleagues, requesting that Soviet citizens Evgeny and Galina Kluzhner be allowed to emigrate. We expressed our concern that their emigration application had been met with reprisals against them.

Only a few months later, the Kluzhners received permission to emigrate to Israel. Whether our letter was instrumental in gaining this approval we will never know. However, we do know that letters such as these are a source of inspiration to Soviet Jews and they may, in fact, persuade Soviet officials to consider cases they might otherwise ignore.

Individual cases such as the Kluzhners are the heart and soul of the movement to sustain and support Soviet Jewry.

This week I wrote another letter to General Secretary Gorbachev on behalf of a celebrated Soviet refusenik family: Lev Furman, Marina Furman, and their daughter Aliyah.

On December 6, 1987, while 200,000 people filled The Mall in our Nation's Capital to express our solidarity with Soviet Jewry, Lev and Marina Furman, with their baby daughter, tried to demonstrate in front of the city hall in Leningrad. Even as we joined in the demonstration here in Washington, the Furman family—baby carriage and all—were forced into a car by the KGB for alleged "hooliganism" and taken to the nearest militia headquarters. Marina and Aliyah were detained for several hours, then released after paying a fine. Lev was jailed for 10 days before being released from custody.

Lev Furman requested an exit visa in 1974 but was originally refused permission to emigrate on the basis of his supposed access to "state secrets." He and Marina have applied on several occasions. Although his father Michael has been granted permission to emigrate, Lev, Marina, and Aliyah are still awaiting their visas. The Furmans are constantly subject to harassment and reprisals but refuse to be intimidated. They will not give up.

Calling refuseniks who tried to demonstrate for the right to emigrate "a wretched handful of renegades," a TASS English-language broadcast the day after the Furmans' arrest defended Soviet emigration policies and charged that "opponents of the relaxation in international relations" plan to turn the "speculative aspect of human rights such as emigration into a barrier to the normalization of East-West relations." The report cited Gorbachev's remark, during a television interview in the United States, that there are no reasons other than state security to deny Soviet citizens permission to emigrate. The TASS broadcast further went on to claim that applications for exit visas are shrinking and that in "several hundred" cases, persons granted the visa changed their mind and refused to leave.

The bitter truth is that in December Soviet Jews, given impetus by the release of several celebrated long-term refuseniks, requested invitations from Israel in greater numbers than at any time during the year.

Soviet Jews are realists. Despite the outpouring of 200,000 Americans on The Mall last December, the outlook for 1988 is grim. We need only notice the contrast between the throng of people in the shadow of the Capitol and the little band of courageous protestors before the Leningrad City Hall.

The "End of the Year Editorial" in the "Refusenik Update" Union of Councils for Soviet Jews—January 8, 1988—concludes that while the week of December 6, 1987, marked a major turning point for the Soviet Jewry movement, this new year 1988 calls for revised assumptions and new strategies:

> The historic outpouring of almost a quarter of a million American demonstrators to Washington to demand freedom for Soviet Jews was a powerful mandate. But, as the week of the summit went on, it became clear that merely "raising" the human rights issue by the American people, segments of the American press, and the administration is insufficient to produce any significant movement.
>
> More telling, the prospect of a 1987 summit clearly failed to persuade the Soviets, during 1987, that the American price for improved relations would depend on high and sustained levels of Jewish emigration. The modest increase in exit visas this past year (8,155) is in stark contrast to the comparable period of warming relationship in the late 1970's that culminated, in 1979, in the emigration of more than 51,000 Soviet Jews. Indeed, our government fostered the impression that expanded trade would be high on the United States' agenda irrespective of progress in the field of emigration or Soviet failure to comply with the Helsinki accords and other human rights agreements. This signal to the Soviets was made evident by the involvement of the U.S. Department of Commerce in facilitating Gorbachev's meeting with leading American industrialists on the last day of the summit.
>
> Most important * * * for the first time, the Soviets began to strictly enforce the first degree relative invitation limitation. Without much question they are signaling a firm bar to application by the vast majority of the 400,000 Jews wishing to emigrate.
>
> Accordingly, as we face 1988 and beyond, the UCSL will continue to develop and press for more active intervention and linked negotiation on behalf of Soviet Jews both by our government and by the very Americans who demonstrated their commitment on December 6 in Washington. We call upon the Department of State, and the Congress, to work with us in developing more effective economic tools for negotiating improved soviet human rights performance, and ask the business community as well, to recall that they and their stockholders are Americans, committed by tradition and law to human rights.
>
> We hold that U.S. Government insistence upon credible and direct linkage in the area of human rights be *sine qua non* for enhanced relationships in the fields of cultural, scientific, medical, legal, sister cities, and similar exchange program.
>
> In the final analysis, it will be the grassroots commitment of the American public to the moral imperatives of human rights and Soviet Jewish emigration that will assure that appropriate considerations of linkage are applied to the dangerous and vital circumstances of Jews in the Soviet Union.
>
> (Quoted from "An End of the Year Editorial" by Pamela B. Cohen, National President, and Micah H. Naftalin, National Director, in "Refusenik Update," Jan. 8, 1988, Union of Councils for Soviet Jews, Washington, D.C.)

Mr. Speaker, I would reiterate the excellent suggestion of the UCSJ editorial that a new strategy is needed in 1988 to develop and press for more active intervention and linked negotiation on behalf of Soviet Jews by the United States.

It is not enough merely to raise the issue of human rights. We hope that appeals on behalf of individuals are instrumental in persuading Soviet officials to consider cases they might otherwise ignore. Demonstrations of pubic support for Soviet Jews are likewise influential in protesting human rights abuses in the Soviet Union. Our Nation supports the granting of full rights for Jews in the Soviet Union to learn their language, to practice their religion and, if they wish, to emigrate freely in accordance with standards of international law. However, these expressions of solidarity and support will be most effective when linked with negotiations regarding arms control and trade agreements between the United States and the Soviet Union.

The crucial importance of this strategy was stressed in the testimony of recent emigre and former refusenik Vladimir Lifshitz before the Helsinki Commission on December 4, 1987:

> Soviet officials will try to bargain with the United States in different areas and only to this end will they address human rights. They are not now, nor will they be, sensitive to human rights issues without linkage to trade and arms control.

The winds of change are blowing in the Soviet Union and in East-West relations. While we welcome the spirit of openness, it is clear that glasnost has not yet reached Jews in the U.S.S.R.

A crucial "litmus test" of rhetoric about glasnost and peace is the Soviet Union's policy in regard to its Jewish population.

CONTRA AID

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HEFLEY. Mr. Speaker, last week, Congress took a negative step toward achieving peace in Central America as the President's request for $36 million in aid to the Nicaraguan freedom fighters was defeated by a vote of 219 to 211.

I am deeply disappointed in the final outcome of the Contra aid vote not only because it reveals Congress' failure to recognize the situation in Nicaragua, but because we have managed to completely damage our worldwide credibility by proving we are not a good friend to those in desperate need of our help. When you extend the hand of friendship to another, implicit in that is the commitment that you will try to help in times of need. The United States is developing the reputation of extending our hand and then jerking it back. We can't be depended on.

We all want to see peace in Central America. Pulling the rug out from underneath those striving for peace and freedom, however, is not the best method of achieving this goal.

For the past several months, Nicaraguan President Daniel Ortega has appeared increasingly willing to discuss peace. His motives for doing so, though, are born in the hope of avoiding bringing the issue of aid before Congress for a vote. Now that the issue has come up, and we've voted against providing any form of aid, there is absolutely no reason for Ortega to continue pursuit of a peace plan.

Despite all of his talk about peace, Ortega is still arresting and torturing people, he still has custody of at least 6,000 political prisoners, he has admitted to supporting the guerillas in El Salvador, and he admits to plans for developing a 600,000-man army. Not only that, he has struck a deal with the Soviet Union to obtain even more Migs and tanks.

Does that sound like a man committed to peace and freedom?

On the other hand, the Contras have been receiving more and more support from the Nicaraguan citizens and have had a tremendous impact recently in pressuring the Sandinistas toward the peace process. But rather than help them realize their goal of peace, we're pulling out.

It is now just a matter of time before the nine commandants of the Sandinista government, who are hardcore Communists, solidify their hold on Nicaragua and begin looking to their neighbors, such as Costa Rica. And when their neighbors cry for help from the United States against a Communist takeover, will we turn our backs on them as well?

Costa Rica has no army and will rely on us to send Marines if it is threatened by the Sandinistas. I don't want our young people fighting in the jungles of Central America, but this vote in Congress moved us a step closer to that possibility.

There is no question that the Russians and Cubans are in Nicaragua in significant numbers. We can't dispute the over $100 billion that Russia has poured into that country in the last year, or that Nicaragua has a Communist government seeking to subvert the duly-elected democratic governments of its neighbors. We simply can't overlook the 10,000-foot runway the Soviets are building in Nicaragua which can accommodate their Backfire bombers—bombers which will then be able to reach virtually every city in the United States. If they were serious about peace, why would they need the submarine pens constructed by the Soviets?

It is clear that the Soviets are not involved in Nicaragua in order to develop better trade relations with the West. They are there to create a Communist outpost in Central America. History has shown how the Soviet Union has used Cuba as a surrogate to further its goal of global communism. We can assume Nicaragua would play the same role.

The people of Nicaragua have no true freedoms—no freedom of the press, no freedom of religion, no freedom of assembly, or the freedom to criticize their government. Yet, we continue to ignore the pleas of a people crying out for help.

We scream about the civil rights violations in South Africa. How can we continue to ignore the cruel, blatant civil rights violations which occur daily in Nicaragua? We can't talk of peace without also talking of freedom. Our own revolution was not a peaceful act, but it was worth the effort because of the freedoms it produced. Thank God that in our struggle for freedom we had better friends helping us than we have been to the people striving for freedom in Nicaragua.

UKRAINIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HOWARD. Mr. Speaker, January 22, 1988, marked the 70th anniversary of Ukrainian independence. Unfortunately, this freedom was short-lived as the Russians took over the Ukraine in 1923; only 5 short years after they had won their independence.

Today, though the Ukraine has its own constitution, and its own government, its people do not have the freedom to decide their own fate as a nation. These decisions are instead made in Moscow, in the Soviet Union.

The Ukrainian people have suffered great losses under Soviet rule. The history of the Ukrainian Soviet Socialist Republic has been marked by repeated executions, deportations, political incarcerations, and famines. The Soviet Union has continually tried to destroy the nationalism of the citizens of the Ukraine. But though they have suffered countless times, Ukrainian national pride and spirit has not been dimmed.

The strength and pride of the Ukrainian people could not be more apparent than in the survival of Christianity in the Communist ruled nation. This 70th anniversary of Ukrainian independence is especially important since it also marks the millennium of christianity in the Ukraine. The Soviet Union has used all means to destroy free religious worship in the Ukraine, but the Ukrainian Catholic, and the Ukrainian Orthodox churches have managed to survive this fate.

The people of the Ukraine are still hoping to bring back a democratic Ukrainian National Republic. They want to preserve their own culture, and live freely and independently, without fear of the harsh Soviet Government. I commend this spirit and join them in their call for freedom.

The United States, this year, is celebrating the 200th anniversary of its Constitution. Let us look forward to the day when the Ukrainians can celebrate a truly democratic constitution openly and freely.

DOLLHOUSE AND MINIATURE COLLECTING—PART OF AMERICAN CULTURE

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. SMITH of New Hampshire. Mr. Speaker, tomorrow I will introduce a commemorative resolution to recognize the week of October 9, 1988, as "National Dollhouse and Miniature Week," and I would like to encourage my colleagues to join me in paying tribute to a hobby that dates back to our Nation's colonial days.

This pastime has grown tremendously in popularity among collectors and remains an ideal family activity. Today, about 10 percent of our population has some involvement with dollhouse and miniature collecting, according to the Miniatures Industry Association of America. Collectors communicate with each other and learn more about their hobby through four trade journals that are distributed to all corners of the country.

Dollhouse and miniature collecting is a hobby our children can embrace. It is a wholesome activity that encourages creative use of the imagination. In 1987, several States—including my home State of New Hampshire—declared their own Dollhouse and Miniature Week in October to commemorate this pastime so important to our culture. During this week, various dollhouse and miniature exhibits were displayed in several States.

Again, I urge my colleagues to cosponsor this resolution to recognize the thousands of miniature collectors across the United States who have carried on an important American tradition.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. NATCHER. Mr. Speaker, it is a privilege to join with the 300,000 members of the Future Homemakers of America as they celebrate FHA/Hero Week with the theme "Future Homemakers of America: Leaders on the Move."

The Future Homemakers of America believes youth can make a difference in the home, at school, and in the community. For over 40 years FHA/Hero members have been aware, concerned, and doing something about serious issues confronting teens—issues such as drug and alcohol abuse, AIDS prevention, fitness and nutrition, peer pressure, and suicide. Chapter projects help members develop their leadership potential, family communication, career awareness and community spirit. This longstanding commitment to community service helps FHA members become "leaders on the move"—responsible citizens making a difference.

Also, 1987 was a busy and exciting year for FHA members and their advisers. Nearly 2,000 student members and advisers attended the National Leadership Meeting in Washington, DC. At this meeting three programs were unveiled. "Financial Fitness" is a peer education program designed to help teens develop financial planning and money management skills they can use now and throughout their lives. "Leaders at Work in Food Service" is a program that enhances leadership skills in teens while on the job. Participants develop projects around one of four basic leadership skills: interpersonal, managerial, communication and entrepreneurial. "The 1988 NutraSweet Giving It 100% Award for Community Service" enables chapters to turn their community concerns into action. It is an opportunity for members to put their leadership and vocational home economics skills to work for others while reaping recognition. There will be national and State winners with cash prizes awarded.

This past fall over 6,700 students and advisers attended cluster meetings, which are a series of regional weekend conferences held in St. Louis, Albany, Atlanta, Denver, and Milwaukee. Cluster meetings are offered to enable more local students and teachers the opportunity to receive high quality training.

There were 11,256 FHA members in Kentucky during 1987–88 in 256 chapters. Fifteen hundred members were in the Second Congressional District, which I have the privilege of representing in the Congress of the United States. Sixty-six members and advisers from Kentucky attended the 1987 National Leadership Conference, and I certainly enjoyed meeting with members of the Kentucky delegation while whey were in Washington, DC. Twelve hundred members and advisers attended the 1987 State meeting, which was held in Owensboro. The theme of this meeting was "Future Homemakers of America—Voices of Tomorrow."

Two of the Kentucky association officers reside in the Second Congressional District. Deanna Durham, the 1987–88 president, attends Larue County High School in Hodgenville. Robbie Evans, the 1987–88 State secretary, attends Franklin-Simpson High School in Franklin.

A new project—"Global Connections"—is being emphasized in Kentucky. This project focuses on the needs of the underprivileged and underdeveloped areas at home and abroad.

The Future Homemakers of America is an excellent organization. I want to commend all of the members and advisers for their continued commitment to community service, and to wish them continued success in all their future endeavors.

NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. TAUZIN. Mr. Speaker, I rise today in recognition of hospitalized veterans in Louisiana and the rest of the Nation. The week of February 8–14 has been designated a "National Salute To Hospitalized Veterans Week." This is an ideal opportunity for us to express our gratitude to and honor those who have participated in—and survived—the wars which this country has fought.

The Salute To Hospitalized Veterans Week had four goals: First, to pay tribute and express appreciation to the thousands of hospitalized veterans; second, to promote a continuing awareness of the patriotism of these Americans; third, to increase community awareness of the role of VA medical centers, and fourth, to encourage Americans of all ages to join the faithful volunteers who serve in VA medical facilities throughout the Nation.

In observance of this week, I encourage all Americans to visit their local veterans medical facility to let our veterans know that we have not and will not forget them. We remember their courage and the tremendous sacrifices they made for the United States.

They responded when needed with unflinching spirit and fought courageously in the name of freedom and liberty. They understood that democracy is a challenge and not a gift. Their efforts earned the United States the status of being the freest and one of the most prosperous countries in the world.

Unfortunately, freedom does have a price; one that our veterans have paid. Many paid the ultimate price—life itself. Others were left to carry the cross of illnesses and handicaps.

We must continue to honor and care for our Nation's veterans. Their determination and spirit serve as symbols of strength and provide the cornerstone for peace.

It is with great pride that I recognize this week and the men and women it honors.

IN DEFENSE OF TELEPHONE SUBSCRIBERS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BRYANT. Mr. Speaker, too many times in the past few years, the Federal Communications Commission has adopted major changes in communications policy without first thoroughly examining the impact of those changes on the public. In the case of subscriber line charges, we intervened to prevent the Commission from going forward with a plan that could have doubled local telephone rates. In other cases, such as children's television, the FCC's ideologically driven revisions to long-standing policies have been struck down by the courts because they are "arbitrary and capricious" or because there was not an adequate basis of facts to support such revisions.

Unfortunately, by the time the courts act to reverse arbitrary actions by the Commission, the policies are often already in effect and the public has been harmed.

The Commission is currently considering the substantial revision in the way it reviews the rates proposed by the dominant communications common carriers. Rather than review tariffs to ensure that they are "just and reasonable," the Commission would establish a price ceiling and allow dominant carriers to set their rates at any level up to that ceiling. However, prices at the ceiling could result in a return far in excess of a reasonable level for a regulated company with market power. Prices set below the ceiling might not recover the costs of providing service, placing competitors at an unfair disadvantage and forcing customers of other services offered by a dominant carrier to pay higher-than-necessary rates to make up the difference.

Given the significance of this proposal, one would think that the Commission would have thoroughly justified and explained it. Unfortunately, that is not the case. The Commission claims that the current method of regulation imposes costs on carriers and consumers, but without any factual backup for that claim. It asserts that consumers will benefit from the new proposal, but without demonstrating those benefits by clear and convincing evidence. It has not even published the rules it would adopt to implement the proposal.

Mr. Speaker, such an important change in the way telephone service is priced must be given a complete airing before it is adopted. The FCC has not done so. For this reason, I am today introducing this legislation. This bill would terminate the Commission's current efforts to substitute "price caps" for cost-of-service regulation. The Commission would be barred from beginning another proceeding that would alter the rules and methods used to regulate the rates charged by dominant carriers until January 1, 1989.

I do not mean to imply, Mr. Speaker, that everything about the current regulatory scheme is perfect. If the Commission continues to believe that revisions in the regulation of dominant carriers' rates are necessary, my bill does not prevent the agency from opening an inquiry on the subject and collecting hard data in preparation for a new rulemaking. To safeguard consumers and encourage the continued development of competition, however, the bill requires that any new rulemaking proposal must contain the complete text of any new rules and be accompanied by quantitative data that demonstrates by clear and convincing evidence that all telephone consumers will obtain comparable or better service at lower rates than under the current system of regulation.

My bill will permit the FCC to discharge its responsibilities to review its rules and revise those rules that no longer serve the public interest. At the same time, it will ensure that the process by which those revisions are made protects the public from policies based less on facts than on ideology. I urge my colleagues to support it.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I take this opportunity to congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens and I invite my colleagues to join me in welcoming the following newly naturalized Americans, extending to them our best wishes for a happy and prosperous life in their new homeland:

Martha Ramona Abreu, Ryszard Adamiak, Sophia Adamis, Antonio Adriao, Maria Agapito, Geoffrey Agard, Kunsoo Ahn, Marie Francoise Desroches Alcin, Roger Almirol, Anella Alois, Howard Anderson, Pietro Anselmo, Reuven Appel, Rollin Aurelien, Jr., Rollin Aurelien, Behnam Bagheri, Gene Jay Beauvoir, Orlando Florendo Begonia, Rivka Liba Binefeld, Moshe Binefeld, Eric Ireneusz Blachno, Bienvenida Magboo Bofetiado, Seweryn Bojmal, Miriam Milady Bompartito.

Pearl Winsome Booth, Izemene Borno, Nora Bou, Chaim Carl Bronstein, Tsyvia Sylvia Bronstein, Rosa Yleana Cabrera, Emylyn Ordonez Cacho, Edwin Ordonez Cacho, Carole Cambronne, Anna Maria Carl, Maria del Carmen Lopez Cespedes, Nancy Chan, Chung Cha Chang, Mao-Ching Chang, William Chao-Yu Kwan.

George Cheng-Hong Hsu, Sion Cohen, IsmeJeanne Colin, Rod Crespo, Jozef Stanislaw Czyz, Fernande Daniel, Louis Milot Dardignac, Maria Virginia Fonacier De Leon, Odete De Sousa C Valentim, Carlos Enrique Del Pozo, Eltise Desir, Seneida Diaz, Etya Dobruskina, Herminia Sanglay Dominon, Evans Dorcean, Therese Aubin Draper, William Anthony Draper, Edith Dubuisson, Turguad Dubuisson, Napoleon Adviento Dural, Fernando Ong Dy.

Sislyn Constantia Dyke, Winston Stanley Dyke, Shirian Ivy Earle, Barry Einhorn, Gloria Escobar, Emilius Etinne, Maria Magdalena Fedorow, Alexander Fishbeyn, Mikhail Fishbeyn, Riva Fishbeyn, Benito Antonio Flores, Marina Flores, Wilfreda Corpuz Fontanilla, Sharon Margaret Francis, Chaim Friedland, Mertella Elizabeth Frison, Gai Galitzine, Aleykutty George, Dominique Benoit Gilet, Nicola Giliberto, Bracha Golander.

Yechiel Golander, Rifka Mindy Goldberg, Betys Greenspon, George Wilberforce Grizzle, Gitel Gruber, Eugenia Gurevich, Joselina America Gutierrez, Rose Carolle Harding, Joseph Hartman, Malka Hayut, Shlomo Amnon Hayut, Paul Hervold, Elvia Veronica Higinio, Nadra Tahir Husain, Adolfo Hernaldo Ibarra, Nubia Marina Ingersoll, Ilrick Shamar Isaac, Josef Isrol, Marie Carmel Jacques, Christopher Jadczak, Moise Jankovits.

Markess Joseph Jean-Charles, Gilberte Jean-Francois, Joseph Finance Jean-Marc, Guymard Jean, Maria Consuelo Gil Jimenez, Cesar Augusto Jondee, Brunia Joseph, Moo Woong Jun, Candida Jusi, Salah Mohamed Ibrahim Khalil, Stanley Khorosh, Svetlana Khorosh, Philip Youngseon Kim, Sarah Soomi Kim, Yung Chin Chou Kou, Padmavathy Kurra, Brunel Joseph Laguerre, Hue Kiem Lam, Vinh Chan Lam, Paulette Ruth Landry, Mary Lane.

Timothy Anthony Lane, Carole Lartique, Caroline Mean-Jane Lee, Edward Sung-Soo Lee, Sonny Yong Lee, Terrence Tieh Lee, Yisroal Boruch Leibowitz, Winston Fitz-Hugh Lovell, Su-Fung Ma, Gladys Teresa Martinez, Akhter Moin Matin, Bereta Antionette McNab, Samol Meas, Hadassa Mendelson, Salomon Mermelstein, Aleida Margarita Milbury, Michael Hugh Miller, Carmen Molleda, Maureen Leslie Moolick, Eduardo Ricardo Morales.

George Kuru Naduparambil, Christine Huynh Nguyen, Marc Pierre Nicolas, Khalil

Mohsen Niroomand, Michael Oakman, Adelino Olivo, Filiberto Rafael Ovalles, Julio Luis Padron, Thankamma Samuel Panacherry, Isabel Dora Pastor-Guerrero, Rupal Jayantibhai Patel, Shashikant Patel, Escolastico Pena, Eddy Marie Philippe, Joseph Saint Juste Placide, Etzer Racine, Angela Ramos, Marie Nicole Remy, Carmen Adalgisa Reynoso, Francia Altagracia Rosario, Frank Henri Ruffin.

Ahmed Mohamed Salha, Marie Dina Salvant, Elizabeth Silvestre San Agustin, Jesus Cristobal Sanchez, Maria Concepcion Dural Santillana, Ricardo Santos, Jr., Heriberto Hill Santos, Sunny Ginley Santos, Concetta Schiavo, Marcel Alvin Service, Jennifer May Shapiro, Mohammad Ghaith Izzat Sharif, Shanthi Ramesh Shenoi, Cho Fong Shiu, Zouart Spenjian, Chana Stern, Marina Elizabeth Anne Streer von Steeruwitz Obolensky, Sreng Sun, Ismay Mavis Swammy.

Mark Anthony Swammy, Edmund Tennenhaus, Esther Tennenhaus, Israel Tennenhaus, Eduvigis Altagracia Vega, Gary Volkov, Josephine Anne Wallace, Paul Ainsworth Williams, Susan Lee Woo, Dov Yagel, Melvin Yaphe, Ertan Yuzak, Philippe Zamor, Yong-Suk Zarski, Julia Lopes de Pinho Marreiros.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 9, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:00 a.m.

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To continue hearings to review international drug control programs, focusing on law enforcement and foreign policy in Panama.

SD-419

FEBRUARY 11

9:00 a.m.

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To continue hearings to review international drug control programs, focusing on law enforcement and foreign policy in Panama.

SD-419

FEBRUARY 16

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the status of the space shuttle recovery program.

SR-253

10:00 a.m.

Foreign Relations

To resume hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

2:00 p.m.

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 17

9:00 a.m.

Rules and Administration

Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1988, S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.

SR-301

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider S. 1516, authorizing funds for fiscal years 1988 through 1992 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

SR-332

Environment and Public Works

Environmental Protection Subcommittee

To resume hearings on S. 1804, to designate the coastal plain of the Arctic National Wildlife Refuge in Alaska as wilderness, and related matters.

SD-406

Foreign Relations

To hold hearings on the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10).

SD-419

Governmental Affairs

To resume hearings to review the implementation of the Presidential Transitions Act of 1963, focusing on ways to eliminate the use of private resources in the transition process and to provide for the orderly transfer of power between administrations.

SD-342

11:00 a.m.

Foreign Relations

Business meeting, to consider the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10), and pending nominations.

SD-419

2:00 p.m.

Foreign Relations

To hold closed hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

S-407, Capitol

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 18

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

Superfund and Environmental Oversight Subcommittee

To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.

SD-406

Foreign Relations

To continue hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Small Business

To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

2:00 p.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the

U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 19

10:00 a.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

2:00 p.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 22

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Special on Aging

To hold hearings on the Social Security "notch" issue, and possible solutions thereto.

SD-628

2:00 p.m.

Office of Technology Assessment

The Board, to meet to consider pending business items.

EF-100, Capitol

FEBRUARY 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.

SD-138

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2042, to authorize the Vietnam Women's Memorial Project, Inc, to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SD-366

FEBRUARY 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

2:00 p.m.

Small Business

To hold hearings on S. 1929, to create a corporation for small business investment.

SR-428A

FEBRUARY 25

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

SD-406

Finance

To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.

SD-215

2:00 p.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on speed limit issues.

SD-406

Small Business

To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through particpation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

MARCH 1

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.

SD-138

MARCH 2

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

2:00 p.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.

SD-342

MARCH 3

9:30 a.m.

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

SD-366

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

MARCH 16

9:30 a.m.
Energy and Natural Resources
Business meeeting, to consider pending calendar business.
SD-366

MARCH 17

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

MARCH 22

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Managment Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

CANCELLATIONS

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, February 9, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we pray for those who have need in our world and we especially remember those who do not experience the liberties we enjoy. We know the human boundaries that separate people one from another and yet we know, too, the power of prayer to transcend all boundaries from whatever cause. We recall in this our prayer the hostages and their families, the refugees, those seeking political freedom, and all people who yearn for a home and security. We pray for them even as we pray for each other. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

APPOINTMENT OF CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5) to improve elementary and secondary education, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees:

From the Committee on Education and Labor, for consideration of the House bill, and the Senate amendment (except section 7003), and modifications committed to conference: Messrs. Hawkins, Ford of Michigan, Kildee, Williams, Martinez, Hayes of Illinois, Perkins, Sawyer, Solarz, Wise, Richardson, Robinson, Visclosky, Atkins, Jeffords, Goodling, and Petri, Mrs. Roukema, and Messrs. Gunderson, Bartlett, Fawell, Henry, and Grandy.

From the Committee on Energy and Commerce, for consideration of section 7003 of the Senate amendment, and modifications committed to conference: Messrs. Dingell, Markey, Swift, Rinaldo, and Bliley.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC,
February 5, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:25 p.m. on Friday, February 5, 1988, the following message from the Secretary of the Senate: That the Senate passed Senate Joint Resolution 210; and passed without amendment House Joint Resolution 402 and House Concurrent Resolution 242.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and referred to the Committee on Appropriations:

Committee on Public
Works and Transportation,
Washington, DC, January 26, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Wright: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on December 10, 1987:

LEASE PROSPECTUSES

VA Outpatient Clinic, Los Angeles, California.

IRS Service Center (amended), Austin, Texas.

IRS, Woburn, Massachusetts.

Health and Human Services/Food and Drug Administration, Dallas, Texas.

Federal Supply Service, Northeast Depot (modified).

U.S. Geological Survey, Arvada, Colorado.

Health and Human Services—Office of the Assistant Secretary (NCHS), Suburban, Maryland (modified).

Department of Defense—Defense Communications Agency, Northern Virginia.

Department of Defense and Office of the Secretary of Defense, 1201 South Fern Street, Northern Virginia.

Army and Air Force, Columbia Pike Building, Northern Virginia.

Department of Defense, Skyline IV Building, Northern Virginia.

Department of Defense/Army, Woodmont Complex, Suburban Maryland.

EPA—OAQPA (Office of Air Quality and Planning Standards) Durham Research Triangle, Park, North Carolina.

CONSTRUCTION

Internal Revenue Service, Memphis, Tennessee.

ACQUISITION

Border Station, Wellesley Island, New York.

11(B) RESOLUTIONS

Upper Manhattan/Harlem, New York.

Lower Manhattan, New York.

Internal Revenue Service, Washington-Metropolitan area.

Department of the Navy, Washington-Metropolitan Area.

The original and one copy of the authorizing resolution is enclosed.

Every best wish.
Sincerely,
James J. Howard,
Chairman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 17, 1988

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the business in order under the Calender Wednesday rule be dispensed with on Wednesday, February 17, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 16, 1988, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AUTHORIZING THE SPEAKER TO APPOINT TWO MEMBERS OF THE HOUSE TO REPRESENT THE HOUSE AT CEREMONIES IN OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on February 22, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE CLEAN GRAIN ACT OF 1988

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing the Clean Grain Act of 1988.

The Clean Grain Act establishes incentives for the delivery of top quality, clean grain to the Commodity Credit Corporation. A cleaner, higher quality product would help U.S. farmers regain an important competitive edge in international markets.

My legislation directs the Federal Government to take a leading role in recognizing the value of high quality, clean grain. Specifically, the Act directs that premiums be paid to farmers who deliver exceptionally clean grain to the Commodity Credit Corporation. Warehousemen who clean CCC-owned grain would also qualify for premiums.

The benefits of clean grain are evident. Besides expanding the farmer's export markets, clean grain is less expensive to handle and transport, and less likely to spoil or become insect infested during storage.

American farmers should never lose the sale of one bushel of grain because cleaner grain was available somewhere else. American farmers and warehousemen have invested in the world's most sophisticated grain production and handling system. We must use that advantage to make U.S. grain the cleanest, highest quality grain in the world marketplace.

LEGISLATION TO CURE THE BUDGET FIASCO

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the budget fiasco that beset us 2 days before Christmas should never be repeated. Not only did we see year after year a crisis atmosphere that compelled us with our backs to the wall to pass a final budget document at 3 o'clock in the morning as it was this last time, without anyone really knowing the contents of what that massive document contained, known as the budget, but we had to undergo the indignity of knowing and suffering later knowledge that many Members both in the Senate and in the House slipped in last-minute kinds of items unbeknownst to the rest of the membership all of which passed because we had to pass a budget and now only through newspaper and other kinds of investigations do we learn of some of the inequities of what happened on that budget crisis day.

I have introduced legislation which although not a cure for this budget dilemma of ours, at least will go a long way in putting to rest forever the possibility that Members could do this, No. 1, and, No. 2, that it would end for all time the crisis atmosphere under which we create that final budget.

What I propose is this: that if indeed the Congress of the United States fails to pass a budget by September 30 of a given year that the next morning, midnight of the 1st of October, automatically it should be reenacted, the budget of the previous year. So automatically enactment of the previous year's budget eliminates for all time that crisis that we talked about and does not prevent the Congress if it should will to do so, create a new budget. It cannot affect Gramm-Rudman and it can do away with crisis management.

TAX STATUS OF SOLICITATIONS MADE BY NONCHARITABLE TAX-EXEMPT ORGANIZATIONS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, as chairman of the Ways and Means Committee's Oversight Subcommittee, I want to bring to the attention of all of my colleagues a provision added to our tax laws on December 22, 1987, by the Omnibus Budget Reconciliation Act of 1987 which became affective on February 1, 1988. This provision concerns fundraising solicitations made by noncharitable tax-exempt organizations, political action committees and political committees. Thus it affects us all—now, today.

The law requires that beginning February 1, 1988, all fundraising solicitations from noncharitable tax-exempt organizations, political action committees and political organizations must state in a conspicuous and easily recognizable format that contributions or gifts to the organizations are not deductible as charitable contributions for Federal income tax purposes.

This new requirement to disclose that the contributions are not deductible affect solicitations for contributions made in written or printed form, by television or radio, or by telephone. Organizations whose gross receipts are normally less than $100,000 are exempt from the disclosure requirement.

Failure to disclose this information in the solicitation for funds could result in a penalty of $1,000 for each day the failure occurs, up to a maximum annual penalty of $10,000. No penalty will be imposed if the failure is due to reasonable cause.

The requirement is part of the lobbying and political activities of tax-exempt organizations provisions of the act that grew out of the oversight's subcommittee review of the tax rules governing such activities in March of last year.

The IRS has issued a press release and other guidance about this disclosure provision, including the reasonable cause exception, and the other new rules affecting tax-exempt organizations. I urge your office to contact the IRS if you have any specific questions.

INTRODUCTION OF DEPOSITORY INSTITUTIONS INSIDER ABUSE PREVENTION AND ENHANCED ENFORCEMENT POWERS ACT OF 1988

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARNARD. Mr. Speaker, today the ranking minority member of the Banking Committee, Mr. WYLIE, and I are introducing the Depository Institutions Insider Abuse Prevention and Enhanced Enforcement Powers Act of 1988 to respond to a serious epidemic of financial institution insider abuse and criminal misconduct in the United States.

The Commerce, Consumer, and Monetary Affairs Subcommittee, which I chair, has conducted several investigations and held numerous hearings, most recently last November, on the efforts by the bank regulatory agencies and the criminal justice system to combat a continuing wave of institution fraud and abuse. Data compiled for the subcommittee in mid-1987 indicates that misconduct in financial institutions by senior insiders and major borrowers continues to be a leading cause of failed and failing banks and thrifts. Between one-third and one-half of all financial institution insolvencies appears to be linked in varying degrees to such behavior. For example, out of 210 S&L insolvencies during the last 3½ years, the Home Loan Bank Board found serious abuse, fraud, or criminal misconduct in 106 institutions. For the last 3½ years, the costs to the FDIC, FSLIC, and the NCUA from the failed banks, thrifts, and credit unions associated with such fraudulent misconduct totaled at least $4.5 billion and probably involved much more. The Comptroller of the Currency just issued a study which found that inept or corrupt management is more frequently the cause of national bank failures than depressed economic conditions, contradicting a widely held view. While the banking agencies have taken meaningful steps to increase their commitment to remedy such abuse, effective civil enforcement or other deterrence has been stymied by an absence of statutory authority.

Accordingly, Mr. WYLIE and I have drafted a comprehensive bill, which reflects the need for additional civil enforcement and administrative authority, as recommended in two reports by the Committee on Government Operations, and which also incorporates and improves upon statutory provisons the bank regulatory agencies have specifically requested as part of their efforts to prevent insider abuse and misconduct in the Nation's financial institutions.

The proposed bill would: First, strengthen and standardize the civil enforcement powers of the Federal banking agencies, clarifying and expanding cease and desist authority and also allowing for industrywide prohibition orders against culpable insiders who move from institution to institution, wreaking havoc wherever they go; second, allow the agencies to directly penalize appraisers for fraudulent appraisals; third, increase the dollar amounts of civil money penalties and allow them to be imposed for violating supervisory agreements; fourth, authorize penalties for filing false or misleading call reports; fifth, require a GAO study on the desirability of continued secrecy of the agencies' civil enforcement actions; sixth, require that agencies make available examination reports and supervisory orders to outside auditors; and seventh, provide more information to the Congress and the public on how the banking agencies are dealing with insider misconduct, to mention the highlights of title I and title III. Title II would change the Right to Financial Privacy Act, to allow for transfers of records—including submissions of complete criminal referrals—to Federal and State law enforcement agencies if there is reason to believe that insiders or outsiders, such as borrowers, have committed crimes against financial institutions or supervisory agencies or have violated money laundering provisions and the drug enforcement statutes. This provision responds to that statute's unreasonable constraints on the legitimate enforcement activities when both insiders and outsiders try to defraud financial institutions and even use false financial records to commit their crimes.

I have attached a section-by-section analysis of the bill, and I would hope for its expeditious consideration by the House Banking Committee.

SECTION-BY-SECTION ANALYSIS OF PROPOSED "DEPOSITORY INSTITUTIONS' INSIDER ABUSE PREVENTION AND ENHANCED ENFORCEMENT POWER ACT OF 1988"

TITLE I—CIVIL AND ADMINISTRATIVE ENFORCEMENT

SECTION 101. **Employees, agents, shareholders of a depository institution subject to administrative enforcement orders.** Presently the banking agencies can suspend and remove only officers and directors but not employees or agents from a financial institution, if warranted, and cannot prohibit controlling shareholders from participating in the conduct of the affairs of the financial institution. The bill expands this authority to "any other person participating in the conduct of the affairs of" an insured financial institution and specifically includes employees, agents, and stockholders.

SECTION 102. **Amendments to cease and** desist authority with respect to restitution, restrictions on specific activities, and incomplete records. All of the agencies' cease and desist ("C & D") authority would be amended in three ways. First, the bill would specifically grant the agencies the power to order restitution or reimbursement in a C & D order, to allow for recoveries of losses resulting from misconduct. Second, the bill clarifies existing law by specifying that cease and desist orders may include restrictions on specific activities of the institution or its employees (for example, by restricting an individual's lending authority over certain dollar amounts). Third, this section authorizes the issuance of temporary C & D orders whenever an institution's records are so incomplete or inaccurate that the supervisory agency is not able to determine its financial condition.

SECTION 103. **Merger of removal and prohibition authority.** First, this section unifies the two parts of each agency's removal/suspension/prohibition provision, which now follow different standards for removal depending on where the misconduct takes place, whether at another financial institution or business enterprise, or at the particular institution from which removal is sought. In sum, if an insider has engaged in significant misconduct, the standards for removal should be the same, irrespective of where the misconduct occurred. Second, the section would allow an agency to proceed with a removal or prohibition action in a situation where the institution has been harmed or the interests of the depositors have been prejudiced without requiring the agencies to quantify the harm or prejudice. For example, it deletes "substantial" before "financial loss or other damage". The FDIC has encountered situations where it has moved quickly at an early stage against insider misconduct which is causing an institution significant losses, only to be rebuffed by an administrative law judge or a Federal court, because the institution had not yet suffered "substantial" losses. Third, violations of written agreements between financial institutions and supervisory agencies would give rise to an agency's power to remove, suspend, or prohibit an individual.

SECTION 104. **Industry-wide removal, suspension, and prohibition orders.** Under existing law, a banking agency can prohibit an insider from participating in the affairs of only the financial institution in which he or she is presently located. Often, a culpable insider leaves one financial institution and goes to work for another, often an institution falling under another agency's jurisdiction. The second agency is not likely to be aware of the insider's prior serious misconduct. Under this section any officer, director, or other person who is removed or suspended from an insured institution or prohibited from the participation in the conduct of its affairs, would be automatically barred by statute from holding office and from further participation in all other insured institutions and their holding companies, while the original order is in effect, with the following exception. The person may seek the prior written approval of the appropriate Federal agency overseeing the other financial institution(s) involved, to vitiate the applicability of this provision as to it (or them), with recourse to hearing and appellate review process if such approval is denied. This approval would be necessary both to continue an ongoing affiliation or participation at the time of the order and to commence a new affiliation or participation anytime in the future after the order. This section could be viewed as a rehabilitation procedure, to allow the agencies to closely scrutinize the prior misconduct and recent behavior of an individual before reentry into the industry.

SECTION 105. Prohibition orders allowed after separation from service. This section would authorize each banking agency to impose industry-wide prohibition orders against culpable insiders who resign or otherwise depart from an institution before the agency was able to initiate civil enforcement action. Resignations and terminations are frequent and are sometimes done to thwart an enforcement action; often a banking agency is not able to initiate a removal or prohibition action before a person leaves. Or sometimes the agency finds substantial misconduct once an individual has left and an institution has failed, but at that point it can take no action.

SECTION 106. Amendments to civil money penalty provisions. This section increases the maximum amount of civil penalties and expands the grounds for imposing them. (a) The bill would increase all civil money penalty (CMPs) provisions are found throughout the banking statutes to maximum amounts to $5,000 (per day or per violation). (b) Except for the OCC, the banking agencies can impose CMPs only for violations of permanent and temporary cease and desist orders. In fact the NCUA has imposed no CMPs, and the Bank Board has imposed very few CMPs, all because of their limited authority. Therefore, the bill would enable all the banking agencies to impose such penalties for violations of law or of supervisory agreements.

SECTION 107. Clarification of criminal penalty provisions for violation of certain orders. At present, it is a misdemeanor for a person against whom there is a suspension, removal, or prohibition order to participate in the affairs of an insured financial institution, without the prior approval of the appropriate supervisory agency. This amendment expands the provision's coverage to include bank and S & L holding companies, subsidiaries of such holding companies, and certain other organizations.

SECTION 108. Disciplinary authority over persons who prepare fraudulent real estate appraisals for depository institutions. A September 25, 1986, Committee on Government Operations' report highlighted numerous and serious abuses by independent real estate appraisers who submitted grossly inflated and often fraudulent appraisals for financial institution loans secured by real estate. Much of the misconduct uncovered by the FDIC or the FHLBB after an institution fails often involves fraudulent real estate transactions which were made possible by a fraudulent appraisal. Therefore, this section authorizes the banking agencies to directly discipline appraisers who have willfully misrepresented or through gross negligence misrepresented the value of real property as collateral for a loan made by any federally insured institution.

SECTION 109. Attempts to influence an appraiser's valuation of real property treated as an unsafe and unsound practice. Real estate appraisers have advised the committee that lenders often "pressure" them to come up with certain property values so that loans can be made, irrespective of whether market conditions justify that value. Financial institutions making real estate loans and the banking agencies must be put on notice that attempts to influence directly or indirectly an appraiser's valuation of any real property serving as collateral is automatically deemed an unsafe and unsound practice.

SECTION 110. Revision of Procedure for Termination of FDIC Insurance. At present the FDIC must give 120 days prior notice to the appropriate Federal and State bank supervisory agencies, so each such agency may take corrective actions, prior to the FDIC's termination of insurance. This has created unnecessary delays for the FDIC, often amounting to several months with no corrective action taken by other agencies. The proposed revised section would require notice to the other banking agencies, so that they are alerted, but would remove those time periods, while still retaining the 30 day prehearing notice to the bank.

SECTION 111. Clarification of existing law relating to agency authority. This section is a technical amendment to clarify that existing agency authority under other Federal or State laws is not affected by these amendments.

SECTION 112. Increased penalty for participation by convicted individuals. At present, persons who have been convicted of a crime involving dishonesty or breach of trust can be penalized, but only if they serve as directors, officers, or employees of financial institutions without the prior written consent of the relevant banking agency. Besides a minor technical change, this section would extend this prohibition to any person participating in the conduct of the affairs of the financial institution, including shareholders, and it would also increase the maximum civil penalty from $100 to $5,000.

SECTION 113. Penalty for violation of change in bank control act and change in savings and loan control act. Currently an individual subject to assessment of a civil money penalty for violation of either statute is entitled to a de novo trial in U.S. district court, even after a full administrative proceeding. This is the only provision in law relating to CMPs that provides for such a duplicate review. Accordingly, this amendment deletes the de novo trial procedure and makes the CMP assessment under these statutes reviewable under the Administrative Procedures Act, which allows for a complete hearing and judicial review. The amendment also deletes "willfully" before the term "violates", because "willfulness" is a level of intent used mostly in criminal statutes, not appropriate for CMP provisions in the banking statutes. Finally, the section reduces the maximum penalty from $10,000 to $5,000 to standardize all CMP maximums at that amount.

SECTION 114. Expansion of FHLBB administrative enforcement provisions to service corporations. The Home Loan Bank Board has been frustrated by lack of authority to issue civil enforcement orders against persons, usually officers, associated with S & L "subsidiaries" and "affiliate service corporations" or with second-tier subsidiaries of S & Ls, who abuse their roles or perpetuate frauds in affiliated thrift institutions. This section would grant the Bank Board such authority.

SECTION 115. Amendments to various provisions of law relating to reports. The first part of this section amends the Bank Protection Act of 1968, by deleting a requirement that banks and thrifts submit periodic reports concerning the installation, maintenance and operations of security devices and procedures. The supervisory agencies believe that the continual production and submission of these reports serves no useful purpose. The remaining subsections provide new civil money penalty authority for failure to file holding company reports and for filing false or misleading reports of condition ("call reports") and holding company reports. Currently, penalties can only be assessed for late call reports, including failures to submit any report.

SECTION 116. GAO study of desirability of continued secrecy of administrative and civil enforcement actions. The 1984 Committee on Government Operations report, "The Federal Response to Criminal Misconduct and Insider Abuse in the Nation's Financial Institutions", strongly recommended the public disclosure of the existence of civil enforcement orders, together with a summary of the order, unless such disclosure would threaten the safety and soundness of an institution, in which case the disclosure could be delayed for a reasonable amount of time. We still bvelieve that disclosure of final civil enforcement orders could serve as a deterrent against future insider abuse, alert financial institutions, and also increase the confidence of depositors and investors. The bank regulatory agencies generally oppose disclosure, even where exceptions could be made to prevent possible depositor runs on institutions. It would be very useful for the GAO to survey interested parties and examine the issues.

SECTION 117. Availability of redacted civil enforcement orders. While awaiting this GAO study, it would be very useful for the banking agencies to issue civil enforcement orders, deleting information under present policies so as not to identify institutions and persons. At present, there is no body of past decisions to guide administrative law judges (ALJs) hearing these matters, counsel for insiders and financial institutions, and banking agency attorneys. As a consequence, the administrative proceedings take more time, result in inconsistent decisions, and provide absolutely no guidance for future cases and for financial institutions.

SECTION 118. Information required to be made available to outside auditors. This section mandates that all Federal banking agencies directly furnish to the external auditors of financial institutions copies of call reports, examination reports and all proposed and final civil enforcement actions, under discretionary regulations to assure confidentiality. The committee's investigations have revealed instances (such as United American Bank/Ernst & Whinney) where an institution's external auditor was unaware of the problems in the institution because it did not have direct access to such information.

TITLE II—RIGHT TO FINANCIAL PRIVACY ACT (RFPA) AMENDMENTS

SECTION 201. Amendments to Definitions. The coverage of the RFPA is expanded to include bank and savings and loan holding companies and their subsidiaries, and the definition of "supervisory agency" is modified similarly.

SECTION 202. Clarification of coverage of disclosure exemptions for supervisory agents. This section would exempt (from the RFPA's notice provisions) examinations by and disclosures to supervisory agencies, in the exercise of their regulatory functions with respect to holding companies and any subsidiary of either an institution or a holding company, and any insiders of such entities.

SECTION 203. Transfers of financial records relating to possible violations of laws. Law enforcement agencies and the bank regulatory agencies have expressed concerns about notifying suspected individuals (who are often in a conspiracy with others) that they are making criminal referrals or otherwise transferring documents to the FBI/U.S. Attorney. The individuals under investigation often have access directly (if insiders) or indirectly (through a conspiracy with insiders) to vital bank records and can alter, destroy, or conceal them. Under this amendment the RFPA's notice provisions would not apply whenever a financial institution or a supervisory agency transfers financial record information to a Federal or State law enforcement agency, if there is reason to believe that such a record may be relevant to (a) a possible crime by or against the financial institution or against the supervisory agency, (b) a violation of the various drug control statutes, and (c) a violation of the money laundering statutes. Anyone who is perpetrating a crime against the financial institution—often huge and costly frauds amounting to hundreds of millions of dollars—whether it be an insider or a borrower, should not be able to take advantage of the RFPA. Often the very records themselves are the primary evidence of the crime.

SECTION 204. Technical amendment relating to production of subpoenaed records. This provision simplifies the RFPA's unusual procedures for production and review of financial records subpoenaed by grand juries and eliminates unnecessary delays.

SECTION 205. Exchange of information among supervisory agencies. This amendment would clarify that the Act does not prevent the banking agencies from sharing examination reports and other supervisory information with the SEC as to those publicly-held institutions regulated by the SEC or those institutions owned by SEC-regulated holding companies.

SECTION 206. Technical amendments clarifying the duty of financial institutions to deliver records and for other purposes. Financial institutions would have a duty to deliver customer financial records if one of the exceptions within the RFPA applies, as certified in writing, and to make deliveries of records within 14 days. This section first addresses concerns by financial institutions about their duties to furnish information covered by one of the eleven exceptions to the Act's notice requirements. On the subject of delayed deliveries, Federal prosecutors have complained that financial institutions often take months to photocopy and deliver records. Although this provision is without any sanctions, it advises the financial community of its duty to deliver records in a timely fashion.

TITLE III—REPORT TO CONGRESS

SECTION 301. Annual report to Congress. Each agency would submit an annual report to Congress showing (a) the numbers of informal and formal supervisory, administrative, and civil enforcement actions, (b) data on uncollected civil money penalties, (c) a description of all other enforcement efforts and initiatives against unsafe and unsound practices, criminal misconduct, and insider abuse, and (d) recommendations concerning the need for additional legislation and resources. With few exceptions, the banking agencies normally do not release or publicize much of this important information.

ENHANCED ENFORCEMENT POWERS ACT OF 1988

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I am pleased to join Mr. BARNARD in offering this proposal to prevent insider abuse at depository institutions and to enhance the enforcement powers of the financial institutions regulators. As the ranking Republican member of the Committee on Banking, I have been deeply concerned with the growing incidence of insider abuse occurring at depository institutions and with the financial institution regulators' ability to prevent this. I have watched closely my fellow Banking Committee member, Mr. BARNARD, as the Government Operations Subcommittee he chairs on Commerce, Consumer and Monetary Affairs has exposed financial fraud at depository institutions and evaluated the regulatory agencies' ability to deal with it. I am quite pleased to have been able to work with Mr. BARNARD on this bill to give the regulators the powers they need to enable our depository institutions to operate in a safe and sound manner.

The bill we submit today represents the blending of two different proposals that results in a stronger, more comprehensive approach to the regulators' enforcement powers over depository institutions. We used a joint proposal submitted by the regulators as the starting point for our endeavors. That proposal has the support of the FDIC, Federal Reserve Board, Comptroller of the Currency, Federal Home Loan Bank Board, National Credit Union Administration, and Farm Credit Administration. We then attempted to enhance this proposal by first tightening specific provisions and then by blending it with certain provisions of the Depository Institutions' Insider Abuse and Fraud Prevention Act offered by Mr. BARNARD in the last Congress. I am pleased to say that the result is a highly thoughtful, sophisticated approach to regulatory enforcement.

These measures are particularly important at this time. The financial news of the past year has been bleak: panic and a stock market crash on Wall Street; the failure of over 200 federally insured depository institutions; widespread abuses by insiders in both the banking and securities industry. Congress must act to preserve the integrity of our financial institutions. As the Banking Committee studies whether to allow banks to engage in securities activities and vice versa, it is particularly important that regulators have the ability to combat malfeasance and misfeasance at financial institutions. This legislation does this.

The bill offers several significant features. First, it makes several technical clarifying amendments to the regulators' enforcement powers based on their collective experience. Second, it provides for an industrywide prohibition of an individual removed from one institution from serving at another depository institution. Third, the proposal generally broadens the scope of the financial institutions regulators' civil money penalty provisions along with increases in the dollar limits. Fourth, the bill gives the bank regulators disciplinary authority over persons who prepare real estate appraisals, an area where frequent abuses are occurring today. Fifth, the bill streamlines the FDIC's procedures for terminating a bank's insured status. Sixth, it extends FHLBB regulatory enforcement to second-tier affiliates. Seventh, the bill provides the regulators with a greater ability to remedy incomplete or inaccurate call reports. Eighth, the bill provides for the GAO to study the desirability of the regulators disclosing all final enforcement orders and requires the regulators to publish appropriately redacted versions of final agency enforcement decisions. Ninth, the bill requires that an institutions' outside auditors be given reports of examination. Lastly, the bill makes amendments to the Right to Financial Privacy Act to ease certain restrictions on the transfer of bank records from a financial institution to a Government authority and between Government authorities, for the purpose of criminal prosecution.

This bill will give the financial institutions' regulators the ability to do their job to maintain a safe and sound banking system in a far more efficient as well as effective manner. I strongly urge other Members to join my colleague Mr. BARNARD and me in supporting this proposal.

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INDIAN HOUSING ACT OF 1988

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill, the Indian Housing Act of 1988, to amend the United States Housing Act of 1937, to establish a separate program to provide housing assistance for Indians and Alaskan Natives. This bill is designed to simplify the Indian Housing Program as it is now operating under the Department of Housing and Urban Development [HUD], provide it with more flexibility and make it more cost-effective. The bill contains four sections as follows.

The first section creates a new title of the Housing Act of 1937 as a separate Indian Housing Program so that in the future any actions taken on the regular Public Housing Program will not apply to the Indian Housing Program unless specifically stated. Mr. Speaker, throughout the years since the inception of the current Indian Housing Program as a part of the regular Low-Income Housing Program under the 1937 Act, many provisions required for improving the regular program that applies to the urban areas of our Nation were automatically made to apply to the Indian Housing Program causing a great deal of confusion and complicating the successful and efficient implementation of the Indian Housing Program. Although over the years efforts were made to undo these inadvertent applications of the law, it was a cumbersome process that often left HUD and the Indian housing authorities at a great disadvantage until Congress either rescinded or amended such actions.

Section 202 would codify the existing Mutual Help Homeownership Opportunity Program which accounts for more than 50 percent of the housing built under the Indian Housing Program. In almost all instances the only available supply of owner owned housing for residents of Indian reservations and Alaskan Native Villages has been the Mutual Help Homeownership Program. However, Mr. Speaker, this program is not even stipulated in law or in published regulation. Thus far it has been operated from the HUD Indian Housing Program handbook with a considerable amount of uneven interpretation. Provisions in this bill make clear that it may be used for all Indians in need of housing and not merely the lowest income members of reservations. This recognizes that in reality there is no other program to provide homeownership opportunities for any affluent members of reservations and Native villages. Provision is also made to encourage row-house design, in addition to single family dwellings, that achieve economies of scale. It provides further that HUD establish general performance standards that provide flexibility for using different design and materials so long as the costs involved are in relation to the estimated economic life of a project. The bill also specifies that Indian housing authorities will require each participating family to sign agreements that specify the family contribution and provides that such contribution may include land, labor, cash, materials, or equipment. It also provides for the Secretary to encourage, where appropriate and feasible, cooperative ownership and a self-help program with technical assistance similar to that which is so successful under the rural housing programs operated by the Farmers Home Administration [FmHA] under section 523 of the Housing Act of 1959. Thus Indian and Alaskan Native families can join in a cooperative effort to build a substantial portion of their own dwellings, reducing therein the actual cost to the Federal Government and engendering community pride and cooperation. Families would be responsible for providing for the maintenance and utilities for their dwelling units. The Indian Housing Authority would be required to have in effect procedures for insuring the periodic and timely maintenance of these homes.

Section 203 of the bill, Mr. Speaker, contains additional provisions that apply to the entire Indian Housing Program, clarifying that there must be a recognition of the extremely difficult problems that are often associated in providing housing in remote locations of Indian reservations, as well as in native villages distributed throughout the vast area of the State of Alaska. It is ludicrous to expect the same cost factors to be used to cover the cost of housing built in Anchorage or Fairbanks as would govern housing built on the Bering Sea or in Fort Yukon. Often, Mr. Speaker, the same logistical problems apply to remote places in reservations in the lower 48 States. In such places, skilled labor and adequate materials must be obtained from places far distant from the site of the project. This sometimes results in relatively high, but unavoidable, unit costs.

This section also addresses the interminable problem that has persisted in the Indian Housing Program wherein the Department of Housing and Urban Development provides the housing assistance, the Department of the Interior provides for the roads and access facilities, and the Indian Health Service, a part of the Department of Health and Human Services, provides the water and the Sewer Facilities required. Despite interagency task forces and other coordinating attempts, far too often the roads and water and sewer facilities are not available at the time the HUD housing is ready for construction. This has substantially contributed to the so-called excessive pipeline of units under reservation in the Indian Housing Program. These three agencies, as we all know, have their own program policy and budget imperatives and priorities. Therefore, this section would authorize the Secretary of HUD to use development funds for advances toward meeting the cost of the timely installment of roads, water, and sanitary facilities necessary for a given project. Such advances would only be made if the improvements of the facilities were to be made according to the standards and requirements of the respective Federal entity and would be paid back to the HUD Indian Housing Program when such Federal entity provided the funds.

Finally, Mr. Speaker, section 3 contains definitions and section 4 contains the necesary conforming amendments.

TRIBUTE TO DONALD L. ROGERS

The SPEAKER pro tempore (Mr. SLATTERY). Under a previous order of the House, the gentleman from Ohio [Mr. WYLIE] is recognized for 5 minutes.

Mr. WYLIE. Mr. Speaker, I rise to pay my respects to Donald L. Rogers not only for his contributions to banking but also for his integrity and trustworthiness. Don Rogers died on January 18 at which time he was president of the Association of Bank Holding Companies, approaching the 30th anniversary of the association under his leadership.

Don Rogers grew up in Steubenville, OH, attended Miami University in Oxford, OH and was graduated from the College of Law of Ohio State University in Columbus. At Ohio State University he became active in the Young Republican Club and started a lasting friendship. After his admittance to the bar, Don Rogers joined the staff of the Senate Banking and Currency Committee in 1953 as associate counsel, later to become counsel. His sponsor was Senator John W. Bricker of Ohio, the second ranking Republican. However, a great part of his work was for the Subcommittee on Banking of which Democratic Senator A. Willis Robertson, of Virginia was chairman. The staff of the Banking Committee worked together in a professional manner in assisting Senators from both sides of the aisle. Don typified that type of the highest professional duty. He worked on legislation where he was credited with the recodification of the Federal banking laws which was contained in the proposed Financial Institutions Act of 1957 as passed by the Senate though killed in the House. It was however later enacted in separate bills. Don Rogers did the Senate staff work on the major piece of legislation—the Bank Holding Company Act of 1956.

Don became the executive director—later president in 1976—of the Association of Bank Holding Companies in October 1958, 5 months after its organization. It has been written that this was a case of a job finding a man, not a man finding a job. Don Rogers brought to the association his expertise, honesty, and dedication, and made the association his career. Over the past three decades the association under his leadership has earned the respect of Members and staff of the Congress, the White House, The Federal Reserve and the agencies of the executive branch.

I shall miss his counsel and his friendship. To his lovely wife, Helen, I extend my deepest condolences.

At this point in my remarks, I am including a statement by John R. Petty, chairman of the Association of Bank Holding Companies, in the RECORD:

STATEMENT BY JOHN R. PETTY

Don Rogers, more than any other individual, has been associated with the success of the bank holding company movement in the United States. From his tenure as Counsel to the Senate Banking Committee (1953-58) to the present day, Mr. Rogers' encyclopedic knowledge of the Bank Holding Company Act and related statutes has been legendary. Whenever any signifiant question on the subject has arisen in Congress or the regulatory agencies over the years, government officials, members of Congress, and other Washington insiders have turned to Don Rogers for guidance and enlightenment.

Don's integrity, foresight, and leadership have been vital components in fashioning the constructive evolution of the financial services industry, in which bank holding companies play a central role. His advocacy of expanding the base of the industry to allow for a broader array of products and services to be offered on a widespread geographic basis was of genuine benefit to consumers and small businessmen, and will continue to benefit the American public as those policies are further implemented.

At the same time, Don Rogers presided over the growth of the Associaton of Bank Holding Companies, nurturing its evolution from a group of 11 members in 1958, when bank holding companies were a rarity and were viewed with suspicion in many quarters. Today, the association's 125 members account for almost 75% of the nation's domestic banking assets, and the bank holding company has become the dominant form of banking structure.

As President of the Association, Don helped fashion forward-looking legislative and regulatory policies for the Association and for bank holding companies generally. Positions the Association took over the years with his leadership have proven prophetic and correct. In 1980, at the Association's Annual Meeting in Williamsburg, Virginia, the members voted a historic policy regarding interstate banking, which included a proviso urging members to enact state reciprocal banking statutes. The fruits of this policy are all around us in the form of dozens of state laws that permit bank holding company expansion across state lines. In addition, just last year, the Association adopted a trend-setting policy in the area of financial institution structure—the Financial Services Holding Company, which Don Rogers helped develop within the Association.

All in all, the contributions he made to banking over the last 35 years have created a record that is unmatched in Washington. Along with his record, however, we fondly recall that Don was a considerate human being whose thoughtfulness and courtesy were hallmarks of his professional life. He served the Washington community as Chairman of the Wolf Trap Associates, member of the Wolf Trap Foundation Board and was active in other private organizations. We will miss his wisdom, and his warmth.

On behalf of the Association's members and Don's many admirers in the industry and in the nation's capital, we extend our deepest sympathy to his wife, Helen, who has been a wonderful companion and constant support over the years for our good friend, Don Rogers.

(Note: Mr. Petty is Chairman of Marine Midland Banks, Inc., New York, NY.)

GEN. THADDEUS KOSCIUSZKO, REVOLUTIONARY WAR HERO

The SPEAKER pro tempore (Mr. VOLKMER). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, February 12 marks the 242d anniversary of the birth of Thaddeus Kosciuszko, the great Polish patriot and hero of the American Revolutionary War, who fought courageously for the cause of freedom on both sides of the Atlantic.

Thaddeus Kosciuszko began his education in military strategy and engineering at the Warsaw Corps of Cadets. The King of Poland, impressed with Kosciuszko's natural ability in military matters, sent him to France to pursue further studies, where he developed an unsurpassed expertise in military fortifications.

During the year 1772, Poland was divided up among its greedy and hostile neighbors with the cooperation of certain Polish nobles, and to the detriment of most of the people of Poland. This same oppressive spirit was prevalent in England, where the Government, led by self-interested British nobility, was also bent upon a policy of usurping the rights of American colonists.

Against this tyranny of the Polish partitioning, a large number of Polish aristocrats and gentry openly resisted, and by doing so were driven from their beloved homeland. Siding with the patriots, Kosciuszko became an exile in search of justice far from home.

The news of the outbreak of hostilities in America kindled Kosciuszko's imagination and his desire to fight for the cause of liberty. He abandoned his commission in the royal Polish forces, and left his homeland to serve under Gen. George Washington in the American response to British aggression.

General Kosciuszko's talent lay in his ability to make use of an area's terrain for defense purposes, and his skills were welcomed by the Continental Army. He was first employed in designing the defense along the Delaware River, for which he gained a colonel's commission and an appointment to the staff of General Gates at Ticonderoga.

Perhaps Kosciuszko's most important undertaking was the construction of an American fortification at West Point. The Hudson River was essential to preserve the communication between the Eastern, Middle, and Southern States, and Kosciuszko labored for more than 2 years to make sure that West Point was impregnable to enemy forces.

Hailed as a hero by Americans and honored for his contributions to American independence, Kosciuszko returned to Poland in 1784, and was soon involved in the struggle for Polish independence. During the 6 years he spent in the Continental Army, Kosciuszko proved himself to be among the bravest and the ablest of his kind, earning the respect and admiration of Americans as well as his own countrymen.

Mr. Speaker, it is an honor for me to join with Polish Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent all over this Nation, in paying tribute to General Kosciuszko and his dedication to the cause of liberty. May his actions serve as a source of inspiration for all those who are dedicated to the principles of self-determination and freedom.

LATIN AMERICA: THE UNTAPPED MARKET FOR ARKANSAS FARM PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 45 minutes.

Mr. ALEXANDER. Mr. Speaker, Latin America offers a potential bonanza for farmers in Arkansas and all across the country if we should produce a different kind of foreign policy for Latin America. But we will never realize the richness of the markets of our neighbors to the south unless we adopt policies promoting peace, stability, and an aggressive export program.

Today there are about 500 million Latin Americans. Rice and beans are two crops we produce an abundance of in Arkansas, and they are a major part of the diets of most Latin Americans. Yet our exports of rice and beans to Latin America fall far short of the potential market that lies waiting there. We voluntarily shut ourselves out of the Cuban rice market, for example, of about 200,000 metric tons per year. Mexico and Trinidad and Tobago each imported more than 50,000 tons of rice a year from 1981 through 1985, but virtually none was American rice. Exports of United States soybean oil to Colombia declined by nearly one-third from 1980 to 1984, and over the same period soy meal exports to Mexico were down nearly one-half.

Moreover, United States exports of rice and beans to the nations on the front line of conflict, nations embroiled in the cauldron of war for almost 7 consecutive years, Nicaragua, Costa Rica, Honduras, and El Salvador, are nearly nonexistent. A large potential for trade is waiting there for the right United States policy in Central America.

Arkansas is the Nation's greatest rice producing State. We produce more rice in Arkansas than in any other State in the Union.

In fact, my district, the First Congressional District of Arkansas, produces more rice than any other State in the United States. If we could put our farmers into the business of feeding millions of hungry Central Americans, we would pump substantial sums of money into a depressed farm economy thus creating new export markets.

One farmer said to me last week in my district that what Central America needs is Arkansas rice and beans, not the Army and the United States Marines. The potential for expanded trade between the United States and the nations of Latin America is recognized by many knowledgeable people both in the United States and in the Latin American countries themselves.

In December I enjoyed an opportunity, even a rare privilege, to talk with the Nobel Peace Prize winner, President Oscar Arias of Costa Rica, and he told me that there is potential for large-scale trade between the United States and Latin America, particularly in rice and beans. He encouraged me to promote trade with Costa Rica and other Central American nations. He said that trade and economic development are the missing links, in his words, in progress toward peace and democracy in Central America and that they are vital in attacking the fundamental dilemma of the region today, the cause of the conflict in the region which is itself a grinding poverty and malnutrition among the people who have been neglected there. President Oscar Arias of Costa Rica said here in the Congress when he addressed us last year that ballots, not bullets, in his words, are needed for peace in Latin America. "This leads to trade," he said, "and increased trade with people who you represent in Arkansas."

Clearly, before we can develop a thriving trade with our southern neighbors, chronic conflicts that have beset the region must be ended. If the United States can throw the full weight of its support behind such progressive leaders as President Oscar Arias, then their policies of political, social, and economic reform will eventually restore stability and economic prosperity to the region. When that happens, the Latin Americans will have the money to buy our products that we produce in Arkansas, especially rice and beans, as well as other American products, and the agricultural economy in Arkansas and throughout the Farm Belt will be one of the major beneficiaries.

In fact, Mr. Speaker, I can think of no other State that stands to gain more than my State of Arkansas from a different policy in Central America because we produce more rice and beans than any other State. Increasing exports is vital in the quest to restore the health of the farm economy. American agriculture is based upon the presumption of export. We produce about twice as much as we can consume ourselves in our own domestic economy, and therefore we presume that we must export these products in foreign trade in order for our farmers to prosper.

When farm exports plummeted more than $17 billion in real dollars between 1981 and 1987, our farmers were devastated. One of the fundamental steps we must take in reviving this trend would be to compete aggressively in Latin America, and that is something that we are forfeiting to our trade competitors now. We are not making the effort to compete with those other countries in the world that grow the products that we produce in Arkansas.

Mr. Speaker, as an example of the recent failure to compete for the Latin American markets I recall the Miami conference on the Caribbean which I attended with some of my colleagues here in the Congress last November where participants from our trading partners outnumbered Americans by at least 2 to 1.

□ 1230

My friends, there were as many members of the Japanese Congress as there were from the United States Congress. At that conference Americans should have jumped at the chance to make Latin American trading contacts like "ducks on a June bug" as we say in the South. Instead, only a handful of Members of the U.S. Congress and a few other government officials were present to promote American products at that gathering. That experience only serves to demonstrate that if we do not take advantage of the economic opportunities presented to us in Latin America, our trading competitors will.

They are beating us at our own game in our own hemisphere.

In the case of one Latin American country, Cuba, for example, we have chosen to forbid our farmers to trade with Cuba and to forbid, in fact, all trade with Cuba, thus depriving ourselves of an opportunity to compete for an annual farm market estimated at about $489 million to our own farmers.

In an effort to stop this policy that flies in the face of good business sense I have introduced legislation to make an exception to the United States embargo against Cuba and to allow the export of United States farm products to Cuba.

My bill has 23 cosponsors and I invite other Members, especially representing farm States, who want to free their farmers to trade with other nations in this hemisphere to cosponsor the bill which I have introduced.

In June of this year the House Subcommittee on International Economic Policy and Trade, chaired by the gentleman from Washington [Mr. BONKER] will hold hearings on this bill, and this week two economists from Arkansas State University are visiting Havana to conduct research on how much trade has been lost to this country during the 25 years of the prohibition of trade with Cuba and to estimate what the annual potential for farm trade with Cuba is, should our Congress in its wisdom decide to make an exception to that policy of embargo.

I have stressed on many occasions that this is a farm issue and a trade issue, and it is not a foreign policy issue.

Our farmers must be free to compete in any market, especially in this hemisphere. After all, if Kansas wheat farmers can sell their wheat to the Soviet Union, referred to by President Ronald Reagan as the "evil empire" in his words, why cannot our Arkansas rice farmers sell their rice to Cuba? What is the difference between a Russian Communist and a Cuban Communist? Why can we sell wheat to a Russian Communist and not rice to a Cuban Communist?

We need to free the farmer to sell his products to the Cuban market which we have forfeited, a rich prize that has been forsaken long enough.

I would be delighted to yield to the distinguished gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I rise not with any desire to interrupt a very splendid presentation and one which incidentally I know the gentleman has been making for some years, and, like some others of us, overlooked. The gentleman is probably submitting the most important and meaningful message to this Congress that has been received thus far, during the 1st session or this beginning of the 2d session of the 100th Congress.

The facts are as stated by the gentleman from Arkansas. I want the record also to reveal that the gentleman has been clear in his insight and in his perception of the real world here that we share with our neighbors in what we call Latin America.

We have been for so long so mistakenly guided by ignorant misperceptions of this world, we have not yet decided, we are on the threshold of decision as to whether or not we are going to take the choice that leads us to decline in such creative and wealth-producing activities as commercial intercourse or whether we will pursue this false goddess of war which can and has always resulted in detriment, in loss of blood and treasure, as we have suffered thus far with the mistaken policies that this distinguished gentleman and leader in Congress from Arkansas has so eloquently consistently spoken out against for 7 years.

I wanted the record to show his contribution, because it has been constructive, it has been creative, it has been one of real leadership and it has been quite a source of inspiration to me to stand shoulder to shoulder together with my colleague from Arkansas.

With respect to what the gentleman is saying, the statistics are stark and clear: Between 1980 and 1985, the meager commercial intercourse that had also declined in the previous half decade or 5-year period from an original postwar level of some 39 percent down to 1980 of about 17 percent, between 1980 and 1985 there has been a further decrease. And the gentleman is correct, no human society lives alone and static and frozen. It is active, it has got to be alive and if we do not trade somebody else is going to trade with all of these societies.

The disastrous course that this administration has followed, the rather rudderless leadership offered by previous administration subsequent to John F. Kennedy's administration, with the possible exception of the Lyndon Johnson administration with respect to Mexico in particular, not Latin America generally, but Mexico in particular, we have reached a very dangerous point.

The United States has lost the last vestiges of moral leadership in the councils of the Organization of American States as witnessed by the fact that despite America's obstruction and very, very poisonous animosity to the so-called peace plan which came as a result of the seven heads of these states getting together, despite America's opposition. The gentleman spoke about meeting with President Arias of Costa Rica and quoting him as saying that the missing elements are trade, not aid, necessarily and certainly not munitions and not military assistance.

On the other hand, we have insisted on militarizing the only nonmilitary society in all of Latin America and that is Costa Rica which is a very enlightened society.

If we wanted to make comparisons I could truly say statistically and otherwise that it is more enlightened than our own society. They have a lot less level of illiteracy than we have and, per capitawise, they outstrip us.

They have had compulsory free public education for 100 years. That is an enlightened kind of republic.

If President Arias had really given vent to what he has had to confront in his election for President, just about 2 or 3 years ago, the U.S. Ambassador did everything he could to impede his election. We mixed into their internal processes in a fruitless attempt to defeat him.

So that if the seven heads of these states got together, it was out of sheer necessity and desperation because they are tired of the bloodshed that has cost 200,000 lives. They do not associate America as a helping partner but rather as one that is seeking war rather than peace.

And the gentleman knows that finances and commercial intercourse and trade must depend on stability. That means peace. It does not mean that we should continue to pay this inordinate price in following this false shibboleth of anticommunism where we are willing to sacrifice our own young in ventures that cannot end in anything but catastrophe simply on ideological bases, not on facing the real world as it is.

The inconsistency of this is clearly reflected in our relations with such entities as the Chinese, the so-called Communist Chinese Government.

There the President made a trip to China. He anchored down a trade agreement in which the Chinese bargained to buy 6 million metric tons of our grain. When they reneged on that we had the farm prices of three autumns ago.

This is how dependent we have become on such things as trading with an ideologically undesirable country because it is far away, but have taken that pretext, using it against an infinitesimally more helpless country in refusing to do any kind of trading or even diplomatic exchanges. This is folly itself.

Such other countries as Great Britain, France, Germany are there; they are trading. Their trade has increased proportionally as ours has decreased disproportionately. I think the gentleman should be saluted.

We should get behind the gentleman's legislative proposals and I for one wish to endorse them. I think he is absolutely correct in the positions he has taken, the utterances that he has placed in this Record which have given us a chance to study, evaluate, and consider.

I think that the fact remains that the end result, the acid test is what has resulted. The smallest country next to Costa Rica, El Salvador, where we have poured over $4 billion of our Treasury, where we have lost about 22 of our servicemen, where today even after installing the man we handpicked to run that country we are just no closer to a solution there than we were 7 years ago. I think the fruits are the test of the merit of any particular course of action.

I think what is happening and what has happened as a result of this administration's insistence on military intervention, on military means both through overt, covert, and semiovert and semicovert methods, have resulted in bankruptcy. We have a bankrupt policy.

I am delighted we have creative heads among us. I salute the gentleman from Arkansas and wish to show my adherence to both his proposals as well as to what he is advancing.

Mr. ALEXANDER. I thank the gentleman from Texas for his encouragement, his support, and his enlightenment. I wish the U.S. Under Secretary for Inter-American Affairs, Mr. Abrams, knew one-tenth, just one-tenth as much about Latin America as the gentleman from Texas, because he has been there, he speaks the language, he knows the people and what he speaks today is the truth about Latin America and is showing us the future of Latin America.

It is clear that the recent experience with Latin America is a classic example of the damage that can be caused from a weak foreign policy, not a strong nation that has a strong foreign policy, but a strong nation that has a weak foreign policy.

In some cases, it might even be called nonexistent foreign policy, because it has inflicted pain upon the people of Latin America and has also inflicted pain and injury upon the people of this country and especially the farmers who would trade with Latin America if we had a different kind of policy there.

In this decade the administration has pursued two policies which have contradicted the needs of the agriculture economy. First, a weak trade policy and, second, an overvalued dollar.

□ 1245

Historically, by the way, farmers in America have prospered when we have had two things: First, an aggressive export policy, which we do not now have, of course, and have not had during the administration of Mr. Reagan, and an affordable dollar; some people call it a weak dollar. We have had the opposite until this last year. We have had an overvalued dollar which in effect created an invisible trade barrier that priced our products out of world competition.

To put it bluntly, the administration's policy took money out of the farmer's pocket because the overvalued dollar priced American farm products out of the world market.

Belatedly, some progress is being made in bringing the dollar to a level that will reflect the underlying competitive nature of the U.S. economy. I have supported efforts to bring the dollar down to a proper level that will help the farmer, and some improvements have been made recently.

Overall, the most recent monthly trade figures showed a reduction in the trade deficit of about $4 billion. Yet, when we characterize a monthly trade deficit of $13 billion as an "improvement," it only proves how far we have fallen in the Reagan years.

This metamorphosis from creditor nation to debtor nation has been particularly damaging for our farmers, who deserve a cheap dollar and a strong export policy so that they can compete in Latin America and in other markets around the globe.

Our Nation needs to change both of these policies, and we need a different kind of policy in Central America to promote trade in order to provide opportunities for our farmers. In this area of trade with Latin America, we are literally a sleeping giant. We are a sleeping giant, and so is Latin America. We are sleeping because we produce products that we need to sell, and they are sleeping because they are waiting on us to develop a policy that will promote peace and stability and trade and economic development and political reform in Latin America that will accommodate the aspirations of the Latin American people.

It is time to awaken ourselves from the slumber of ignoring the Latin American market. This Nation has neglected those hundreds of millions of potential rice and bean customers far too long. The old discredited triad of reaction, bullets, and neglect must be transformed into a new policy embracing reform, peace, and trade.

Mr. Speaker, let me say to my colleagues that we have an opportunity now. With the failure of the Reagan policy in Central America, we have an opportunity to turn the page and end a chapter and, in so doing, to create a new chapter in United States-Latin American relations.

Mr. Speaker, let us start now with trade.

THE IMPORT OF UNITED STATES-LATIN AMERICAN RELATIONS

The SPEAKER pro tempore (Mr. Volkmer). Under a previous order of the House, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I addressed the fact that we lack a policy because we cannot designate what has happened in the name of our country in actions taken by our government representing us in what we call Latin America, and particularly in reference to Central America, though it by no means is limited to that area, and so we have the total absence of what anybody could designate as a policy.

The catastrophic results, I think, have not reached the general level of consciousness of the majority of our citizens. For example, how many Americans realize that we have been labeled as a terrorist nation guilty of acts of international terrorism directed against Nicaragua a few years ago when we, through the CIA and other mechanisms, bombed their harbors, blew up their docks, or attempted to, and attempted to assassinate their leaders? And in all of these grievances, while they were being registered with the international tribunal of justice known as the World Court in Switzerland, we had an ambassador, as we have today, in Managua, the capital of Nicaragua. Now, when we do that to the world, we proclaim that we recognize that particular government as the legitimate government of that country. So should we be surprised that the world looks at these inconsistencies, at these glaring contradictions, and has a puzzled attitude, as reflected in almost every single journal of opinion in the Western European countries from Italy to West Germany to England, as well as in Asia and Japan and other entities in the Pacific Basin?

The gentleman who preceded me, the honorable gentleman from Arkansas, Mr. BILL ALEXANDER, has all along demonstrated a leadership and has spoken out even before I have on this particular need to foster and stimulate what is a normal thing, something which other leading countries in other geographical sections of the world take for granted that they should do. Why is it that there has been little or no response or awareness?

Well, I believe it is because our public is really not informed. I think that is reflected in the average American with whom I converse throughout the country. I have been privileged, as chairman of the Subcommittee on Housing and Community Development, in the last 7 years to have traveled in 36 of the States, in every single major rural, semirural, densely urban, and semidensely urban area in our country. I have been from here in the District of Columbia, where I have been on the premises of every single public housing project in the District—and even the local managers cannot say they have done that, much less the Secretary of Housing and Urban Development—to the eastern seashore, just an hour and 15 minutes' drive from the Capitol, and I have seen the most atrocious housing and living conditions of what can variously be termed as either migratory or seasonal farm workers, conditions that I had not seen in 65 years back home in Texas when a depression was raging, farm conditions that were literally horrible.

I have been to California, I have been from South to North, I have been in Minnesota, Wisconsin, Michigan, and Ohio. I have been to Holgate, Ohio, 55 miles on the other side of Toledo, where incidentally, I might inform some of my colleagues from Texas, we have now a community of Ohioans that came from Texas of the same stock as I proceed from, from my own city. They now are rooted there, and they went there because this is an agricultural producing area. Holgate is famous because it is the birthplace of Joe E. Brown. They have a statue there at the ballpark in honor of Joe E. Brown. I have been to those camps, I have been to those growing fields. I have been to Saginaw, MI, I have been to Detroit, and I have been to Lansing. All these places have people who have come up unnoted, unrecorded, lost in this great, wonderful mass of American citizens, the most noble and generous of any that we can find anywhere. Their instincts are sound. Their perceptions, even though uninformed, are very good. I have heard, whether it is on such things as international relations or domestic finance and banking matters, more wisdom from a truck driver back home than I have heard from some of our so-called leaders of finance around this country.

Today I want to dwell on that, because the gentleman from Arkansas has been talking about the farmer. Why is it that the farmer prospers at various junctures of our historical development? Why is it that he does not prosper at other times such as now? Well, the reason we do not hear much about the farm crisis is that we have literally run out of the single most important nucleus on our farms, that is, what we used to call the independent family farmer. The family farmers are gone, and they have been going; just 4 years ago our total farm population in the rural areas when down to 6 percent, believe it or not.

There are definite causes for this. The principal reason is here in our own backyard. It is here in the halls of Congress where the representatives of the people have abdicated a great trust to the people they are supposed to have been representing all through these years. It goes to those of us who have been assigned to the particular committees that have jurisdiction, such as the Banking Committee, of which I have been a member since 26½ years ago when I arrived on this scene.

I have seen the cause and effect. It is not that I claim to be an expert. My friend, the gentleman from Arkansas, was very generous in attributing to me expertise that I frankly have not proclaimed, although my name may be similar and I happen to be very fortunate with my family background, since my father was the managing editor or administrator, as they call it in the Spanish language, in Mexican journalism, of the only full Spanish daily published in the United States for 40 years in San Antonio, TX, and was in contact with the intellectual elements that found themselves in exile at one point or another in San Antonio, TX. From that standpoint, I have been fortunate, but I do not think it gives me an expertise, because I do not belong to the committees that have jurisdiction, the Committee on Foreign Affairs and the like.

I have had some interesting experiences. In 1966, the OAS elected me as an observer from the United States to go to Santo Domingo and observe the election there on July 1, 1966. It was a great privilege. Yet it would be far from the truth for me to claim to be an expert. I do not proclaim that. But I do know the difference between what is accurate and what is not.

I also know that there is a dearth of knowledge as revealed by our leaders in the State Department, in the White House, and in the Congress as to the history, the cultural historical development of every one of these entities that we like to think of as one homogenous mass, but which is not. Every one of these 21 independent entities have their own history.

Our course has been to go back to outworn policy of Calvin Coolidge of 1929. Incredible as that sounds, this is exactly what has happened. Now, that is bankrupt. Had it not been for the intervening administration of Franklin Roosevelt, who, thanks to the great mind that he had, as Undersecretary of Latin Affairs, conceived of what was popularly known as the "Good Neighbor Policy," had it not been for that, had we not had that and then World War II broke out in 1939 or 1941, the United States, instead of having allies, would have had resentful, recriminating neighbors. Instead, all we have to do is cross the border at Nuevo Laredo and to to the cemeteries, go there on "All Saints' Day" and see the little flowers and the American flags in dozens of cemeteries. These were Mexicans that during World War II came over and joined our armies and died in the Pacific died in Germany. But just a few years before that the word was "the hated gringo." After all, we have invaded Mexico twice in 1914, and we invaded them before that. A little bit later we had Black Jack Pershing chasing Pancho Villa all over northern Mexico. These things, of course, are historically in the past, and we should not let the dead hand of the past come back.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am glad to yield to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I have asked the gentleman to yield to clear up a point which the American people might like to be reminded, of, and that is this: Was it not Calvin Coolidge who came to this Congress, to this place where we are now, and addressed a joint session assembled here and opposed the independence of Mexico on the basis, in his words, that the Bolsheviks would take over, in other words, that the Communists would take over, and so he opposed the independence of our neighbor to the south on that basis? Is that the same policy we have got today?

□ 1300

Mr. GONZALEZ. My colleagues will note that about 5 years ago I placed in the Record the white paper that President Coolidge's Secretary of State, Frank Kellogg, issued to rationalize the Marines in Nicaragua. He pointed out that the United States was sick and tired of Mexico's exportation of Bolshevism to Central America. In other words, Mexico was the Cuba of that day. It was not communism, it was Bolshevism, because in the post-World War I period it was the Bolshevik fear and the anarchist who was synonymously identified with the Bolsheviks.

The word "Communist," and I am old enough to know, I am a little bit older than my distinguished colleague, the gentleman from Arkansas [Mr. Alexander], and I can remember that prior to 1946 or 1947 the word "Communist" was something that was exotic. Back home in San Antonio we had a very celebrated little gentleman called Harry. He happened to have been one of those that went down from New York to San Antonio during the height of the Depression and he got to going to what we call the Mile M Plaza, which was right in front of this newspaper that my father was identified with, and he used to have these hot firebrand speeches about, "Rise, you working folks."

Of course, this was 100 percent what we call Mexican-American. Today they call them Hispanics. All of these identification labels I have always deplored. I have been the one to say, look, we are either Americans or we are not. If we are not, we better start finding out what the devil we are.

That has brought criticism from some of these professional minority leaders, but that is the way I honestly feel and I felt that way then when it was a very different world.

Old Harry would tell me years later after he had made some money, he eventually went on and founded a lumber yard on the West Side, and he built homes called "shacks" that we would sell at $10 down and $10 a month in areas where there was no drainage, water had not been extended by the city, but that is all the poor element had that they could call their own little 25-foot yard or lot and their little home. Old Harry told me that he came down and he would make these speeches and he would see these sullen hungry-looking Mexican workers there in the plaza, and he would say, "arise," and they would just look at me and they would turn around and say, "Ese judio esta loco," "That Jew is crazy."

Then came Roosevelt and the beginning of the Roosevelt programs and all that, NRA, for example, and all of a sudden a few of these folks started getting jobs with WPA and trying to fix up the San Antonio River, and I would make the same speech and while there was no audience he said not only were they not saying this guy does not make any sense but he said something had happened and he said of course what happened was that finally some outlet was provided to these otherwise indolent unemployed individuals.

There is one thing that no matter what country is involved, what climate a human being lives in, a human being must feel that he is useful, must feel that he has a purpose for existence. What I am saying is that in our country whether we did it through accretion and indirection, what we have done is delegated a whole sublayer of our society to this status. How can we expect more enlightened treatment of our neighbors to the south from the same people in power who do not even give minimal attention to our domestic needs? Should we be surprised that we end up with the cities acquiring all of these rooted-out farmers? Should we be surprised if we also have the highest incidence of homelessness since the Great Depression if we at that time have abandoned everything? Should we be surprised if the farmer of the United States cannot make a living if he cannot get a loan at a decent interest rate without paying usury?

There is no country in the world through the history of man that has ever survived economically and had to accept usury. Interest rates are at the core of this. We do not hear anybody talking about it, rather the people through their elected representatives and their elected executives, because the executive branch has been just as derelict in its abdication as has been the Congresses. I say "Congresses" because this goes back several decades.

As a member of the Committee on Banking and Urban Affairs, I have cringed first with the first crunch, what they called the credit crunch in 1966. At the same time in June 1966 we had overnight a 1-percent increase in the prime interest rate announced by the principal banks. That had never happened even during the Civil War. Prime interest rate meant prime interest rate at that time.

Today we have to qualify that meaning.

The real interest rate today is still usurious. It is still extortionist. No small shopkeeper, and when I say small shopkeeper I mean small, none of them can afford to borrow money in order to have an inventory on hand in his shop at anything near the 10 percent to 11½, to 13 percent that is prevalent now, and still stay in business because one cannot hack it if one's profits go to pay usurious interest rates.

This is what has happened with the Farm Credit System. The Congress just enacted a law that we hope will work, but it is too late and it is too little.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Mr. Speaker, I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, if the people from Iowa and New Hampshire were paying attention to the gentleman from Texas [Mr. Gonzales], he might be nominated for President.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Arkansas, but that is one office that I would not wish on my worst enemy. I know what it means, and I have always felt that way. I have had the honor of working with six different Presidents. I truly mean that it is a job I would not want because it is an awesome responsibility.

If a President is elected and I do not care what party label he has been elected on, I want to cooperate to the extent that I can, however, if whoever is President including the most intimate friend I ever had and that was John F. Kennedy, and some people say it must have been Lyndon Johnson because he was only 55 miles away from my hometown but I say, yes, it is true he was nice but I have never had the degree of intimacy and camaraderie that I had with President Kennedy since I first met him in 1951. But despite that, if the President was asking me to vote for something and that something did not reply to questions I propounded as to what would be its impact on the greatest interest or the greatest number, not only in my district, but now as 1 out of 435 voting on a national basis, the greatest interest for the greatest number in the Nation is the test. That sounds simple, that sounds easy, but I want to explain to my colleagues, and I am sure they are aware of it because they have come up through the same process that I have and I respect that, each one represents a sacred segment of America, and I surely do respect that but when I say that we have abdicated, I am not saying that out of disrespect to the institution. I am saying that as a plain matter of fact. In fact it is with pain that I note that we at this time in our participatory democracy, so-called representatives constitutional form of democracy, that we should have reached the point where we have professional congressional jobbers, congressional seat jobbers, and these vast PR firms.

If one can raise $150,000 for a campaign, one hires them. They then guarantee that they are going to have their computer evaluations ready for you, they are going to tell the Member what the voters are going to go for like a fish that one is trying to fish out of the pond, and then that is what the Member cottons his talks to and that is what the speeches are tailored to.

I think that is terrible because that is exactly what is happening.

The SPEAKER pro tempore (Mr. VOLKMER). The gentleman will suspend.

The Chair will remind all persons in the Gallery that they are here as guests of the House, and any sign or manifestation of approval or disapproval is contrary to the rules of the House.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, it is pathetic, but it is true. In Texas 2 years ago the average contested congressional race took a budget of more than $250,000 to lose with. We had a couple of $1 million races.

Fine, one can say that it is all within the law, but let us look at where England was before the 1932 Reform Act. The same conditions were there, some of these aristocratic large entities acting as jobbers were there who would take the highest bid from some other rich landed gentry who had a son who might want to go to Parliament, and the highest bidder would receive the blessings of this jobber lord and he would go and appoint him.

Then came the Reform Act of 1932 and I think Great Britain, or England has been pretty much free of that to a certain extent, but with the present Tory administration I wonder about Merry Old England. But one reads about Roman history. They are in the waning hours of the Roman republic, Silas the historian says. Rome and its assembly, the Roman assembly consisted of 37 members apart from the senate, and the seats were being sold for those who aspired, or who wanted to get a controlled representative to the assembly. Silas in one of his history references refers to the African, for instance, Jagertha, who needed something in his kingdom from this great Roman government, who came to Rome with gold, got his wants taken care of with gold and Silas quotes him as he is leaving Rome and he looks back wistfully and says, "Rome, a city ready to be purchased by the first man who has the right amount."

I hate to say this, but I must because I have been the target, on the receiving end, of some of these vast interests. Ever since I started seeking political office that has been the case, but which I never intended and never planned because I was up in years and married before I found myself in that situation, and only after the war when I realized that the way we had been brought up in this country was very wrong under our system, and then I found myself involved in the city election, local legislative body, because that is really the only job I have sought, a position in the legislative area because I believe that as we grow and mature in our political system, and our country is very young, it is the youngest one, that we have got to develop what I call a professional attitude. I call this legislative advocacy.

□ 1315

I believe anyone knowing why he would want to be a legislative representative should know to prepare along certain lines, and without intending it I studied engineering before I went to law school. After I finished law school the war broke out. I could not make up my mind about practicing law and working as an engineer, so I ended up doing a jillion things, and here I find myself in reward in a great country. That could not be possible anywhere else on the face of the Earth even in the land where my parents came from Mexico with all their wealth. I doubt that I could have ever have had the opportunities. As my father would often say, "So all my six children have received educational opportunities for free, and I could have never been able, nor could they have been motivated, if I had been, and I was able because we had wealth then."

So he was a profoundly grateful man to this county that had given him hospitality, and we grew up in this area that we were going to go back, and of course it was foolish because we were being born here. We did not know anything about that, and when we did visit we were so depressed that we knew we were not.

But the fact is that we stand in relation to the fact that at this point in our development, in our governmental processes particularly, the great corporate interests and financial interests; these are mega interests, vast, transnational in proportion, are the ones who are in total control and influence of the executive branch of this Government.

And having contributed $130 million to congressional races 2 years ago through the so-calleds PAC's, all of it may be legal. I am not questioning that. I am questioning about the effectiveness of the system that the Constitution clearly intended would give the one prime constitutional office as directly controlled by the people as it was humanly possible to design. This is a reason why you cannot be appointed to the House of Representatives. You can to the Senate, but not to the House. The only way any one of us can get here is by being elected by the people in the given district from which we seek election.

So is it good that any average citizen without anymore than modest economic means should be denied the right to seek this office?

In Texas this year, in order to post your name in either primary the filing fee that must be paid is $1,500. No less than about 10 years it was $6,000. I had to go out and borrow from the bank.

Surely I have never been a big fundraiser or recipient, and that is fine with me. What is money good for if the people are for you? It is good for doing that which today is indispensable. You have to use some media, and that is so expensive nowadays, but what I am talking about is how this reflects in our attitudes here to some basic issues.

What I have proposed, for instance, is the reform of the Federal Reserve Board. I find that even among my colleagues in the Banking Committee I am looked upon as if I am proposing one of the most radical proposals that, believe it or not, this horrible socialist, maybe even Communist, would, if he were able to be proposing—but all I ask is examine it. What is it I am seeking? All I am seeking is that the intent of Congress, when it created the Federal Reserve Board in 1913, be carried out. It has, and it has been subverted.

In fact it was not long after it was enacted that President Wilson became very concerned, just as President Lincoln had been on the eve of his death in 1865. The uppermost thing in President Lincoln's mind was the same problem that before him was uppermost in Andrew Jackson's except that Andrew Jackson was a forceful man, and the reason the historians picture the commentators and newpapers of that day calling Andrew Jackson a backwoodsman, crude man, coming into the Capitol is that what he did was to shake up the temples of this vast wealth and shake them up good. He was the one that discontinued the second national bank of the United States. The first one was created 20 years almost before that.

But from the very beginning of our country this was the great problem confronting such minds as Thomas Jefferson. Even James Madison. Now by our standards today nobody could ever accuse him of being anything but conservative, but by their standards in that day they were revolutionaries, and not everybody was for the Revolution in America. You probably had more crown sympathizers or Tories than you had revolutionaries out of that 3½ million population, total of the 13 Colonies then, but what was the issue?

These were men who had studied at the fountains of history, as well as literary and the arts and everything.

These were learned men. You had John Adams, ambassador equivalent in England during the time they were drafting the Constitution designing the learned treatises that had the bases for most of the discussion pointing out that the greatest example of sustained democracy was the Italian Florentine and Venetian experiment that lasted for 500 years where you had a counterbalance of power, the executive, judicial, and representative. And it was from those letters or missives that these men—but what was the big issue in the Congresses before, in the First Continental Congress, the Second Continental Congress, because everybody always needs and has to have a banker.

The question is: Is a society going to turn over the destinies of its economic and financial well-being to the banker, or is it going to restrain? And Jefferson was very clear, and so when the First Continental Congress had to borrow money, it had to have a banker, they chartered the Bank of North America, but only after they had a tremendous knock-down and dragged-out fight, because what did those bankers want to do? Why they wanted to charge 15, 16, 17, 18, 20 percent, and finally Jefferson said that you are not going to get more than 6 percent period. That is what it has taken.

The average American, I can tell you this, thinks that we have laws protecting us against usury because we always have had them, but the only National Usury Act that the country ever had was done away with in 1865, implemented in the National Currency Act of 1865 right after the death of President Abraham Lincoln. So maybe the Nation was convulsed with Lincoln's assassination, but these wily men of money power were doing nothing different than what they have always done throughout all ages, all climes, all countries, and that is get more because it is insatiable. This class of man, the more he has, the more he wants, and unless restrained—and this goes back as long as man has written history, to 7,000 years before Christ. As the Lord Jesus Christ was preaching, you had in the Judaic kingdoms usury punishable by death and no interest charged. It was a sin for one man to lend his neighbor and charge him interest even.

Those were crude days you say in comparison with today. Oh, today they tell you money is a commodity like anything else. That is nonsense. The value of the medium of exchange is a thing, and that is money. And whether it is accessible depends on the apportionment of the credit thereof, and the Constitution says that the Congress only shall coin, but is it now? The Federal Reserve Board is. It is not the Government printing presses, it is the Federal Reserve Board's printing presses.

My colleagues in any given moment can reach into their pockets, pull out a one-dollar bill, and it says Federal Reserve note. When I came to the Congress 26 years ago, 7 out of 10 of the bills I pulled out said U.S. Treasury notes. Now there is a vast difference there. My colleagues can ask, "What difference does it make?" Every difference.

What it means is that our central banker, as they call this institution in other countries though it is not structured that way, the Federal Reserve Board, to the astonishment of every single Western country there is not one Western nation that handles its money matters like we do. Do you think the French would tolerate their Government paying to have their money printed and paying interest on it? Of course not. In England they stopped that when the Lord Exchequer was halted in that practice years ago.

We are still trying to do business because the people's Representatives, the watchdogs of the people, have been dozing at the doghouse, and the Presidents do not have the power or the will either, even though they can appoint the Chairmen, they can appoint the members. The Federal Reserve Board is not a Federal Government entity. This is a thing that I have a hard time conveying to even my colleagues. The Federal Reserve Board is the Board of the 14,000-plus commercial banks in our country. Well, that has been diminished here in the last few years.

In Texas, why they have been going out in droves to some 13,000, but in effect they are actually controlled by the 6 largest through the Open Market Committee, a device that did not come aboard until 1923. That was 10 years after the Federal Reserve Board Act was approved by the Congress.

That has everything to do with the farmers going under. It has everything to do with the thousands of businesses that just this last year in record numbers went bankrupt.

This is the core of the matter: If those powers that control our Government as far as the executive branch is concerned are so total as they really are—now we have had this election this year, and it reminds me of the election 60 years ago in 1924. Americans do not like to think in terms of history, but this is a duplicate if ever I have seen one. The Democrats were torn with the issue beginning to come across, a religious situation, a religious state versus religion, so forth and so forth. They were also in a quandry as to what, if anything, was going to come up. The man that actually ended up in being the nominee was John Davis. Who remembers John Davis? Who knew him then? The Republicans were pulling out Calvin Coolidge. Harding had just emerged, tainted, mud in his hands with the scandals, Teapot Dome scandals, et cetera, et cetera.

So what happened? You had Robert M. LaFollette, as we pronounce it, coming out of Wisconsin roaring and saying:

> I have received 200,000 signatures on a petition on the part of people calling themselves American Progressives that want me to seek the nomination for the President under the independent standard of the Progressive Party.

□ 1330

Over 200,000 signatures. Today we have all of these volunteer candidates with no petition of even 1,000, saying, "We would like for you to run for the Presidency." That is the big difference. But what was the issue LaFollette was bringing out? He was saying:

> Our Cabinet, our last two Cabinets have been captured by the special interests, these vast trusts, oil trusts, banking trusts and the like. It is time that we brought the people back into their proper role in our government.

I would welcome my colleagues to read a very, very interesting book, a one-volume book. What is it? Citizens participation or the citizen as a stockholder in his government, by the great William Allen White, one of the greatest, more perceptive thinkers, authors, literary figures, as well as political writer, ever.

In this one volume he has taken the activities of the conventions, Presidential conventions of 1924 and in the back part of the book he has the speech of acceptance, on demand, of Robert M. LaFollette and then the platform. He has the platform as advanced by the Republican Party and he has the platform as advanced by the Democratic Party.

Then he says in his preface:

> You know, the party system as it first evolved in its origins, there the farmer in Virginia had a pretty good knowledge and an acquaintance with the farmer in Connecticut. When they talked about Federal contests they were very knowledgeable and they participated. But today the party has very little relevance to the average citizen.

I ask my colleagues if that is not what is happening today, yet that is the process that we are going to go through in choosing who will represent us in the executive branch of the Government, where now, unless you have 40, 50, 60, 70 millions of dollars for a campaign, infused by foreign interests such as the sheiks of Arabia and their oil money, and even Iron Curtain money; is this what we want, is this what is going to determine what we will be asked to vote upon, without any choice, any more than the American people have to really choose between viable choices?

Should we be surprised if the voters, since 1972 have come out less than 50 percent? Where in 1981 the President was elected with 28½ percent of those eligible. Is that what we have come to? I ask my colleagues because it has everything to do with what we have not done.

Right now in the Banking Committee we have had an array of witnesses because in March, next month, the so-called moratorium which was proposed by the Controller of the Banks in the absence of Congress giving it any serious legislation as to what the proper bounds of banking privileges would be. Mind you, it seems to me who is going to limit that? It is unlimited now. They are running our country. They are the ones that are allocating.

Except this: That as we have gotten away from these fundamental constitutional questions and responsibilities and precedents, we have turned our country over to external forces over which we have no control.

Ten years ago, 12 years ago, even 8 years ago, 15 years ago, 20 years ago, 25 years ago, every single Chairman of the Federal Reserve Board that came before the committee, when I asked him would say, "Oh, we have no control over interest rates." It was like they were saying that interest rates are an act of God.

I would ask that: "Do you mean to tell me interest rates are an act of God?" "Oh, no."

All of a sudden, as of 2 years ago, "Oh, sure, why of course we can control interest rates."

They will determine money supply and they have all kinds of fancy jargon like M1 and M2 and all that kind of bull.

What that really means is, "Hey, look, the cut isn't enough even though it is exorbitant now; to the devil with the greatest interest of the greatest number."

Unfortunately that means the American standard of living. What has happened to shelter? I ought to know, I have been chairman of this committee for 7 years now.

Let me tell you what has happened. Only 6 percent of American families today can afford a new, newly constructed single family dwelling unit; 6 percent. No such thing as long-term 30 year stretchout mortgages at reasonable interest rates; no such thing as a builder being able to build an affordable house.

Five years ago I advised a meeting of mortgage bankers, homebuilders and others that I had just met with a couple of men, members of the Japanese Diet, the parliamentary body there, a big producer of shelter, housing, in Japan and a couple of financial experts. They had just told me that they were here thanks to my willingness to meet with them on the request of the Japanese Embassy; they were here to advise me that "We are looking over the American market" because they had the ability to produce a home, single family detached home, put it on the lot, sell it for $10,000 or less at no more than 7 percent.

And I said, "Gentlemen, if you want to sit here in America and let happen to you what has happened to the automobile industry, that is your business. But it is my business to see that that doesn't happen."

But we have got to do something. We have got to provide the dream and the pledge and the commitment of the 1937 and 1947 basic Housing Acts: a safe, decent home to an American family that desires it, or works for it.

Instead of that, as of 3 years ago the rate of repossession of homes outpeaked the highest point of the Depression. OK, you have to interpret that in the light that the country is much bigger, more population. But still is that America? Is it America that we should see countless hundreds of thousands, we estimate no less than 2 million in our committee, of homeless, rooted-out Americans, families, not neer-do-wells, not alcoholics, not mental cases, though I dare say any one of us to go out here into the environment and be rootless and homeless and not be a little bit off our mental ability in a matter of months.

I just cannot convey the anguish, the pain that I have seen in a mother's and a father's eyes with two children living in an automobile in freezing weather in San Antonio, TX, in a park.

Here in Washington actually freezing to death. New York, same way.

Families are rooted out, not individuals or neer-do-wells or unstable characters; these are mothers and fathers and children. They are refugees in our own country. Yet we are asked to contribute millions of dollars to a group that, in violation of international law, in violating the laws ourselves of our own country, our own treaties, our own Constitution, our own statutes such as the Neutrality Acts, in order to produce more exodus from countries we never had refugees from.

I do not recall in my home city of San Antonio when we were inundated in the different cyclincal periods by so-called Mexican braceros, or undocumented or illegals, ever seeing a Central American. But as of 4 years ago we had more of them from Salvador than we had from Mexico living unperceived by the mainstream.

You know, after all, we cannot expect if we at home do not have charity, can we expect to have it anywhere else and be respected.

I talked to the leaders of my city who accuse me of being a big spender because I vote for housing, I vote for education, I vote for work training programs, retraining programs; dog-goned right, in fact I am the author and the sponsor of most of them since 1964, the Economic Opportunity Act.

I will be glad to show any of my colleagues where they worked and how they worked and what beautiful production we had, instead of having citizens not contributing to the health and common welfare.

We have citizens now who are taxpayers, they are doctors, they are lawyers, they are architects, they are engineers, they are producing, they are contributing, they are on the tax rolls. And that is because we had the programs.

We had a dropout rate in high school of so-called Mexican-American children before 1964 of over 78 percent. Ten years later that had dropped to below 20 percent.

In the last 3 years it has gone up again 10 percent. Show me that there is no cause and effect.

But while they tell us that we have $8 billion for the International Monetary Fund so that they can save some of these big banks, their foolish investments in some of the countries that will not ever pay them back, they tell us they do not have $100 million—in 1983—in order to approve my Homeowners Mortgage Emergency Assistance Act.

We passed that out of the House, to the House's glory, on a strictly partisan basis. It went to the Senate with the Republicans in control and they killed it. They let it languish and die. The constant litany we heard was "We don't have the money, and this is a new program." Bosh.

I patterned mine after the old Homeowners Loan Corporation of the Depression period when Congress and the representatives of the people had faith in the people.

People were broke. The Congress did not want them to lose their homes so they gave them a line of credit.

What happened? When they closed out the Homeowners Loan Corporation by the time the war broke out, the U.S. Treasury had earned $400 million.

Those dollars in terms of today would be like more than a billion dollars.

That is what having faith in our people means. It is what we have done in our leadership today. I am giving you just one example.

I have not come up to this forum and just denounced; I have come up and denounced and offered suggestions. I have offered specific legislation.

All I have ever asked is give me a hearing, that is all. Then you do whatever you want to.

The Federal Reserve Board, what was I asking them? I was asking that its membership be enlarged to include businessmen other than bankers, realtors, homebuilders, and shopkeepers.

Why not? Instead of 100-percent big bankers there. Do you think that if the issue came down, as the chairman of the Federal Reserve Board told me when they first started advancing the theory that the Congress was a culprit, and I said, "Just a minute, Mr. Chairman, what you are saying is that somebody is going to have to be hurt. What I am asking you is who are the Americans that are going to be hurt?" He said, "Well, now, the people you are talking about, of course." I said, "Well, in what way?" "Well, you know, of course they won't be able to have all the goodies that they had." What he meant was that for some Americans they were going to have to pay the price of a lower standard of living, which we have vaunted and boasted throughout the world, in order to pay for the inordinate foolish greed of the highest powers ever developed in the history of the world.

All I am saying to my colleagues is, "Look, I reintroduced these bills. It is never too late to do what is right even though it may be a little late to avoid catastrophe."

If anybody reading these remarks among my colleagues thinks that the day of reckoning is still not yet to come, he will have a thought coming to him. If he thinks the worst that happened on October 19 last year is about the worst, he had better get prepared.

What I have been saying is let us not sit here and wait until we have the house of cards tumble over us and creating these great crises at a cost of social disillusion and social disturbances.

□ 1345

We can anticipate this. These are manmade problems; they are human-made problems. They are susceptible of manmade decisions to irradicate the problems and resolve the problem.

So, Mr. Speaker, all that I ask of my colleagues is to examine the bills that I have reintroduced.

CONGRESS GOES TO HEXAGON

The SPEAKER pro tempore (Mr. VOLKMER). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to bring to the attention of our colleagues the outstanding community work that a local theater group has done for the past 32 years. The group is Hexagon, Inc., and since its founding in 1955 has annually produced an all original comedy musical satirical revue to benefit a Washington area charity.

This year's recipient is the Boys and Girls Clubs of Greater Washington and Hexagon has set aside the evening of March 9 for "Congress Goes to Hexagon" and has given Members of Congress, their staffs, and guests the first opportunity to buy tickets for the performance that night. Hexagon's show this year is "Party Ties and Platform Heels" and is booked at the Duke Ellington School of the Arts in Georgetown for 19 performances in March. If the past is a guide, Hexagon will sell out each performance almost before public sales are announced.

As some of my colleagues may know, Hexagon has congressional history. Several current and former colleagues, including former Speaker Thomas P. (Tip) O'Neill, and Representatives RICHARD GEPHARDT, DAN GLICKMAN, PETER KOSTMAYER, LEON PANETTA, BOB DORNAN, Senator DAN QUAYLE, and former Senator Eugene McCarthy have taken part in past Hexagon productions. This year several more of our colleagues are expected to perform in the March 9 special revue for Congress.

In its early years, the Hexagon group performed one weekend a year, and raised some $1,000 for a charity in the Washington area. In the early 1970's Hexagon began to grow. It moved to a larger auditorium, began advertising, and expanded its run to two weekends. During that time, the group raised about $20,000 to $30,000 annually for such worthy groups as the American Cancer Society, the D.C. Kiwanis Crippled Children Clinic, and Second Genesis, a drug rehabilitation program. In the late 1970's, Hexagon further defined its guidelines to direct the show's proceeds to the specific needs or activities of a Washington-based charity that directly benefits Washington-area residents.

As the group grew and became better known, the show's proceeds also grew. In 1979, Hexagon raised $75,000 for the Capital Children's Museum. Between 1981 and 1986, the show raised over $763,000 for six community organizations, including funds to install a new roof and expand the dining room of a soup kitchen and purchase equipment for a training program for the visually handicapped. Through 1987, Hexagon's efforts have raised some $1.3 million for area charities.

Last year, 400 volunteers took part in the Hexagon production, which raised $135,000 for the Higher Achievement Program [HAP], which itself received the President's Volunteer Action Award in 1982. Proceeds from last year's show are being used to expand and upgrade HAP's six tutoring centers for low-income, high-aptitude children in Washington's inner city neighborhoods.

In June 1987, Hexagon was awarded the President's Volunteer Action Award at a White House luncheon with President Reagan. The award is presented to the outstanding volunteer group in America and Hexagon was one of the 18 so honored.

Mr. Speaker, I ask my colleagues to join me in helping Hexagon to continue its successful efforts in helping an area charity by supporting this year's production and especially the March 9 "Congress Goes to Hexagon" special night. Tickets may be obtained at the Congressional Staff Club office, Room 805, House Annex No. 1, and details may be obtained by phoning 226-3250.

Hexagon's 1988 production promises to be as entertaining as ever for the audiences and the Boys and Girls Clubs of Greater Washington will be the winners.

THE HAITIAN ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, last Sunday a new President was sworn in in Haiti. That action represents a triumph of the forces of evil, of cynicism. That swearing in, that inauguration represented a triumph of the most cynical U.S. foreign policy ever exhibited. It is the cynical type that has been used in too many parts of the world.

Our State Department acted in collusion with the activities that brought Mr. Leslie Manigat to the place where he was inaugurated. The Ambassador from the United States, the Ambassador to Haiti, was present at that inaugural, which, no matter what kind of double talk we hear from the State Department, represents a sanctioning of the swearing in of Leslie Manigat.

The question is, can Leslie Manigat, who is rumored by many to be a good person, restore democracy in Haiti? Can a good man who is installed through a dirty, violent, evil process succeed in restoring democracy to Haiti? Can Leslie Manigat be the father of a new kind of democracy in Haiti? Can Leslie Manigat stand on the bodies of the martyrs of November 29, those people who went out to vote in good faith in a really democratic election? Can he stand on their bodies and build a democratic Haiti?

Can Leslie Manigat turn his eyes away from the numerous massacres that took place in the neighborhoods where young people resisted the army and the terrorist Tonton Macoute? Can he turn his eyes away from that and build a new democracy?

Can Leslie Manigat say with all honesty that it was a fair election when he knows as well as the rest of us that every citizen who voted had to show his ballot to a member of the army? There was no secret ballot. Worse than there being no secret ballot, the ballot had to be displayed before a man who had a gun.

The Haitian elections represent a new low in the depths of cynicism. They do not even pretend to be an appropriate election with secret ballots.

No one can say that Mr. Manigat is naive and does not know what is happening. He is a professor of political science. Mr. Manigat has also been an opponent and a critic of the Duvaliers, both Claude Duvalier and Francois Duvalier. They were both criticized by Leslie Manigat. Leslie Manigat had to flee the country during the reign of the Duvaliers. He is a brilliant man. His mind is good. He has a mind as good as that of Adolf Hitler. It is just as keen and just as sharp, and he understands the machinations by which he came to power.

Mr. Manigat will have to bear the burden of his actions. Mr. Manigat can never rule and restore democracy in Haiti, since he came to power in a partnership as bad as that of the thugs of Mussolini or the storm troopers of Hitler. There were many members of the armed forces who participated in the massacre of November 29, and for some reason people have latched on to the figure of 39 people being killed, although people who have relatives in Haiti tell me that no less than 150 people were murdered and that many were not counted because their relatives retrieved their bodies and were afraid to have the authorities see the bodies because they feared reprisals. For numerous reasons, of course, the official government did not want to have a proper account of the casualties.

November 29 was a bloody day, and to ignore that and assume that you can go ahead with sham elections and proceed to build a democracy is to participate in the worst kind of evil and cynicism. As I said before, it is not just a triumph for Leslie Manigat. He is not the only victor. It is a triumph for U.S. foreign policy.

Mr. Richard Holwill and Mr. Elliott Abrams of the United States State Department have all along turned their heads—not turned their heads but in many cases whispered in collusion with the military rulers of Haiti. It was not by accident that General Namphey acted in such a bold and ruthless way. He had an understanding with the members of the State Department who were responsible for our Haitian policy. At a time when we were attempting to marshal in the hemisphere a response to the murders on November 29 and condemn the military junta, it was the State Department that undermined the efforts of the Congress.

The Congress passed a strong resolution. We attached a strong resolution even to the continuing resolution, which was the most significant act we passed this year. The members of the Congressional Black Caucus called for strong action. But everywhere we turned within the hemisphere, to the Organization of American States or to the Caribbean countries, there were representatives of the State Department seeking to soften any criticism of the military junta in Haiti, seeking to gloss over the fact that on election day people who went out to vote had committed no crime other than the fact that they wanted to vote in a democratic election and were murdered.

So the State Department, along with the army, is the criminal which has helped to place Mr. Manigat in power. Mr. Manigat can never bring true democracy to Haiti. You cannot traffic with criminals and expect not to become a criminal. You cannot become a puppet of a murderous regime and expect them to allow you to act in any manner that will permit freedom.

Mr. Manigat says that he will declare war on drugs, that he will no longer allow Haiti to be used as a center for marshaling the drug trade and as an entry port for drugs coming into the United States. Many people do not realize that Haiti is a major stopping off point, a major point of departure for drugs that enter the United States. We have not talked about that much. We have General Noriega on the front pages of our newspapers nowadays.

General Noriega of Panama is being put on the carpet, and he has been indicted. This general, who has been our great friend for all these years and has numerous friends in the State Department and in high places in the U.S. Government, is in the headlines, and we finally have had enough of him. We are now telling the world that he is a billionaire because of the fact that he has been a major control point for drugs entering the United States. Panama has been a major port of entry. Panama operates in league with the cocaine empire of Colombia and some other places in South America.

We are not saying at this point that Haiti also is in the same category. Nobody is telling the American people that. According to the information the CIA has, the colonel who directly helped to organize the massacre of November 29 of the Haitian citizens who went out to vote is a kingpin of the narcotics trade in Haiti. That colonel is a major operative and is a conduit for drugs into the United States.

Many of our citizens have been baffled by the fact that year after year, decade after decade, drugs continue to cross our borders with impunity. Nobody seems to be able to stop the onflow of drugs into the United States. Many people are baffled. Many people do not understand why the greatest Army and Navy and the greatest Coast Guard in the world are helpless against the drug traffic. Many of them are quite shocked to find that whole empires have been built up in South American countries, that the drug kingpins have built empires to the point where they now have tanks and guns and they stage attacks on the governing authorities. The drug-sponsored army in one case took tanks and attacked a courthouse building and killed 11 judges in Peru. Just recently a major outspoken prosecutor was killed. It is just commonplace that these people are above the law. They have already taken over certain countries. The long arm of the drug kingpins has also reached into various places within our own Government. It has definitely reached into the White House, the National Security Council, and the State Department, not only through Haiti, not only through Panama, but through other areas.

What is going to be revealed as an uncovered, exposed operation can no longer be hidden. Panama is a story that will make the Iranscam and the Iran-Contragate look like small potatoes compared to the kind of collusion between highly placed United States officials and people who are involved in the drug traffic.

There is a reason why our Army, our Navy, and our Armed Forces cannot stop the drug traffic in this country. They cannot stop the drugs from coming across the border. There is a reason why young people in all our neighborhoods, black, white, middle class, and poor, are now threatened by drugs. There has been corruption in very high places that has led to the present state of affairs, and that corruption has certainly spilled over into our foreign policy. Our foreign policy is too often influenced by elements that are corrupt, by those who are criminals.

Such is the case with Haiti. Leslie Manigat will become a victim of the same forces that have killed so many in certain other South Amercian countries.

So we saw on Sunday that Leslie Manigat, a former political science professor and one-time exiled opponent of the Duvalier regime, was sworn in as President. He was placed in power by elections which were held in Haiti on January 17, elections in which fewer than 5 percent of the Haitian people voted. Five percent is the figure that we were given. Most of the countries of the free world are accepting the figure of 5 percent. The people who have direct contact with the people of Haiti say that even less than that, less than 2 percent of the people of Haiti voted in this sham election.

The turnout was low because the people perceived that the elections had been rigged. Haiti's feared military soldiers had been allowed in the polling places, and they looked at every voter's ballot. Private secret balloting was not permitted. Ballot boxes were stuffed. People were allowed to vote more than once. Children well under the legal voting age were allowed to vote as polling officials looked the other way. Reportedly, many Manigat supporters were seen giving Manigat ballots to illiterate voters who, because they could not read, assumed they were being given ballots for the candidate of their choice. They did not know they were really voting for Manigat.

In spite of those obvious irregularities, an article in Monday's New York Times quotes Mr. Manigat as saying that those who say the elections were rigged and antidemocratic are spreading "a campaign of disinformation." Mr. Manigat is a smart college professor. He knows how to use words. He is saying that all of us who say that the election was rigged are spreading a campaign of disinformation.

Elsewhere in Mr. Manigat's inauguration speech, Mr. Manigat praised the army. He said there were "admittedly flaws" in the army's administration, but that the army had run Haiti "without bloodbaths, without civil war, without anarchy, without chaos, without foreign military intervention."

Mr. Manigat does not recall any bloodbaths. There was a series of bloodbaths. The bloodbath which was highly publicized on November 29 was not the only bloodbath by the Haitian Army. Mr. Manigat neglected to note that the army was involved in that violence. Mr. Manigat did not talk about how the military government refused protection for the Electoral Council, the legal Electoral Council that was established by the Constitution of Haiti. The army had refused to give them protection. When they were attacked by the terrorist group called the Tonton Macoute, they were allowed to attack them with impunity, without any interference by the army. The army also took steps to later disband, illegally, of course, the Electoral Council that had been established by the Constitution.

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This is the great army that Mr. Manigat now praises.

In his inaugural speech, Mr. Manigat said that he had been "democratically elected" and he called his inauguration "a grand premiere of an open-air democracy."

To quote Mr. Manigat: "This country is counting on us to push back totalitarianism and to achieve a new era of democracy." Shades of Hitler and Mussolini, promising a thousand-year reign of the New Right.

Manigat called for political reconciliation and national unity and promised to work for economic and social development.

In other words, this professor has all the right words.

In an apparent appeal to the United States, Mr. Manigat said that while he deplored the violence of last November that led the United States to cut off military and nonemergency aid to Haiti, he should not be held responsible for the previous administration's offenses. This same army that he has praised before he now says, "Please don't hold me responsible for their violence."

He even promised to crack down on drug smuggling in Haiti, an issue of great interest to the United States. As I said before, most of us did not realize just how much drug smuggling is a major industry in Haiti. Most of us do not realize also that the people who do not want democracy in Haiti most, people who organized the November 29 massacre, were the kingpins of the Haitian drug trade.

Most countries who sent representatives to the inaugural signaled their displeasure with the rigged elections process by sending a low-level delegation. We regret very much that countries in the free world are not consistent and that instead of boycotting this inauguration completely, they did choose to send some representatives.

The Haitian people, of course, did not celebrate this inauguration. Before leading opponents of Mr. Manigat and the former presidential candidates themselves in the November 29 elections, Mr. Louis DeJoie, Mr. Sylvio Claude, Mr. March Bazin and Mr. Gerard Gourgue, all urged the people to stay off the streets and not participate in any inauguration celebration.

One Haitian businessman told the New York Times in disgust,

> There was a wild explosion of joy 2 years ago when Jean-Claude Duvalier left. We thought everything was possible, but our hopes have been reigned in like a wild horse. Today we have very mild expectations. People are not happy, but they are willing to give it a chance. They have no choice. They feel it is something that has been forced down their throats.

The Reagan administration's position on Haiti, as I have said before, continues to be one of playing games with the American people. They have withdrawn aid after they were forced to withdraw aid; strong action by the Congress I think precipitated it after the November 29 massacre.

They are now talking about the fact that Mr. Manigat looks like a decent gentleman. They are glossing over the events and the factors which led to Mr. Manigat's inauguration.

On Monday, State Department spokesman, Mr. Charles Redman, was quoted by the Associated Press as saying:

> We note that the National Governing Council has fulfilled its promise to hand over power to a civilian president. Although we have expressed our concerns about the process bringing about this change, we hope it marks the beginning of a transition to democracy that the Haitian people want. President Manigat inherits a difficult task and we hope he is able to move quickly to implement the programs that Haiti so desperately needs.

That was the spokesperson for the U.S. State Department.

Is there any question in anybody's mind who has even a second grade education that a statement like that is a prelude to the restoration of aid to Haiti? It is only a matter of days, maybe it is a matter of hours, before the United States restores all aid to Haiti. It is clear we have been prepared for it by these statements.

Secretary of State George Shultz has said that the United States does not accept Manigat's election, to quote Mr. Shultz, he uses the following phrase:

> Manigat's election was not a true reflection of a democratic electorate.

Well, this kind of fancy talk is all meant to hide the fact that we are about to get in bed again with a murderous dictatorship, with a man who represents a murderous dictatorship, and we are preparing the way for that process.

Secretary Shultz said that he is impressed with Manigat's credentials as a scholar and as an author who has studied and taught in the United States, France, and Latin America. Shultz said that the Reagan administration is watching "to see if Manigat can govern in any effective way." They are watching to see if Manigat "isn't simply a spokesman for the military."

In other words, if Manigat can make the trains run on time the way Mussolini did, if Manigat can build better roads the way Hitler did, then we are ready to accept Manigat as a legitimate father of a new democracy in Haiti.

This "wait and see" attitude is also reflected in an op-ed article in today's Washington Post by a lady named Sally Shelton-Colby. Shelton-Colby was formerly the United States Ambassador to Grenada. Remember Grenada? We invaded Grenada because they had a Communist-leaning government and they would not have free elections. They went 5 years promising free elections and they would not. One of our measures that had to be overthrown was the fact that they would not have free elections.

Anyway, the former United States Ambassador to Grenada and the Eastern Caribbean, Miss Sally Shelton-Colby, says in an article in the Washington Post that she is a friend of Manigat. She admits that she knows Mr. Manigat, is a friend of his. She suggests that in order for Manigat to earn United States support, he should integrate Haiti's democratic opposition. In other words, the gentlemen who refused to participate in this sham election, Miss Shelton-Colby is calling on Mr. Manigat to include them in the government. He should also schedule early legislative elections at the national and local levels. He should prove that he is democratic by scheduling new elections.

Well, is he going to schedule elections where members of the army have to receive the ballots? Why should we call upon the people who administer one election in such an atrocious way to now schedule a new election to prove that they are democratic?

Miss Shelton-Colby also says that Manigat could announce a plan to separate the police from the military and begin a program of professionalizing both the police and the army. He should throw out the thugs, she says with enthusiasm. A thug should throw out the other thugs. A person who has been installed by thugs should now throw out the thugs.

He could also emphasize electoral and judicial reform and the long-term strengthening of Haiti's extremely weak political parties. He should also take care of strengthening the labor unions and he should take care of strengthening the private sector.

I do not know Miss Shelton-Colby, but if this is evidence of the kind of Ambassador we had in Grenada and the eastern Caribbean, we can see why our policy there was such a failure, how we misread events there in such a drastic way, how we went in and invaded Grenada and all we had were tourist maps on the basis of the information and kind of intelligence we had been receiving.

Miss Shelton-Colby writes that even though the process which elected Manigat was "deeply flawed," "we recognize that democratic transitions do not happen overnight and that political transitions require leadership sensitive to various groups, including the military. Like it or not, the military in Haiti, as in many other countries, is an important political factor."

I only wish the Reagan administration and others who take this "wait and see" position would apply it to countries like Nicaragua, which the administration has insisted must immediately comply with every demand or risk, or else they should be overthrown by people we finance. We spent $200 million financing the Contras, $200 million financing people we call freedom fighters, because Nicaragua refused to have free elections. Now we are going to say that we should just wait and see and be more sensitive to the Government of Haiti because it just happens this way. The military sometimes is the only vehicle by which you can maintain order in a country.

Well, this bloody military in Haiti is the same military that was there for 30 years under the reign of Jean-Claude Duvalier and Francois Duvalier.

Haiti is the poorest country in the Western Hemisphere. Haiti is probably one of the poorest countries in the world. Haiti has gone down, down, down under the Duvalier rule for 30 years. The Haitian people did not love Duvalier. They obeyed Duvalier. They knuckled under to the Duvalier rule because the army had guns and they did not.

To say that this army now should be understood, we should put them on the psychiatrist's couch and understand their problems, understand that they are all that we have, to say that is to reach the depth of dumbness. It is just stupid. It is also in my opinion the height of insincerity to talk about being concerned with democracy and at the same time recommend that we must allow the army to play its role in guaranteeing democracy.

According to an article in the current edition of In These Times, a weekly newspaper, the danger in Haiti, however, is not over, even though everything may appear to be calm on the surface. There have been reports of arrest, raids, beatings, and murders.

The army knows that the danger is not over. They are continuing to terrorize that portion of the population which has offered resistance. Young people in certain villages are under constant scrutiny. Young people in certain villages that are known for resistance and neighborhoods known for resistance are under constant harassment are fleeing, in many cases, for their lives.

Amnesty International reports and the Haitian human rights groups also confirm that more than 100 youths, church workers and political activists, have recently fallen into the hands of the military, that many of them have been killed, while others are in detention cells around the country.

Mr. Speaker, at this point, I submit this article for the CONGRESSIONAL RECORD.

[From In These Times, Feb. 3-Feb. 9, 1988]

HAITIAN UNREST: "SOONER OR LATER, IT'S GOING TO EXPLODE"

(By Ann-christine d'Adesky)

PORT-AU-PRINCE, HAITI.—The political situation here has grown dangerous and ugly. In the few short weeks separating the aborted popular election November 29 from the junta-controlled election mascarade January 17, the army has moved quickly to consolidate its power and stamp out any vestige of democracy.

Their actions have been brutal: arrests, raids, beatings, murders. There is still no clear tally of the many dozens of citizens who were picked up by the army and its civilian counterpart—the infamous "Tonton Macoutes" paramilitary squads—before and after both elections. Reports by Amnesty International and Haitian human rights groups indicate that more than 100 youths, church workers, and political activists have recently fallen into the military's hands. Many have been killed, and many are still languishing incommunicado in detention cells around the country.

"There is a civil war going on here," said Bobby Duval, head of the Haitian League of Former Political Prisoners, shortly before the January 17 election farce. "On the surface everything seems calm, or just a little turbulent. But underneath, everything is moving. The army moves against the people. The people—more every day—move against the army. Sooner or later, it's going to explode."

Nothing has defined the line separating the two camps more than the contrasting picture offered by the two elections. In the first, more than 2.3 million of Haiti's 3 million registered voters literally battled soldiers and armed Macoutes for the right to vote. During the week before November 29, the capital was a battleground of random machine-gun fire and grenades erupting at all hours of the day or night.

That week saw the birth of the vigilance brigades, youths armed with sticks and machetes and warning whistles they used to protect their poor neighborhoods from the marauding Macoutes. Only a few military men were killed by the vigilance brigades, who fled into hiding in the hours surrounding the November election-day massacre of an estimated 80 to 150 Haitians, according to hospital workers and eyewitnesses.

"Against our will": During the January election the capital was an occupied city, the gutted streets of brigade neighborhoods deserted by legions of poor Haitians who piled their prized belongings on top of overcrowded "tap tap" jitney buses and headed for the provinces. The air was ominously quiet; residents averted their eyes as military tanks and Uzi-carrying soldiers constantly patrolled the streets.

"We tried to have our election November 29 and the army did nothing to stop the Macoutes from killing us," said washerwoman Marie Frances, on the eve of the January 17 election. "Now they are using their guns to try to force us to vote against our will."

Frances was one of many Haitians who supported a national strike by the democratic opposition January 16. Although the strike was only a partial success, drawing greater support in the south than in the north, it was a clear signal that the provisional National Government Council had lost whatever credibility it had before the November 29 election.

More important, the strike revealed the new face of Haiti's rapidly widening opposition. After November 29 the large and somewhat amorphous pool of many-striped presidential hopefuls was sharply reduced by the refusal of the four leading contenders to participate in the junta-organized election. These four leaders, representing more than 80 percent of the electorate, quickly formed the Committee of Democratic Alliance (CED-Comite D'Entente Democratique), and began denouncing every step the government made to try to legitimize a new election.

"It's a grand farce," said Haitian leader Louis Roy on November 10 as he protested the new electoral law that gave the army free rein at the polls and scrapped the notion of the secret ballot or voter registration. "It's a return to the system of voting we had under [Jean-Claude] Duvalier."

Pure farce: The reality of January 17 was only a small part the circus of bribery and scandal Roy and the CED predicted, although it truly qualified as pure farce. The greater significance of January 17 is the mass boycott that occurred that day, despite the army's last-minute effort to put a democratic face on the election by sidelining the most notorious of the Duvalierist candidates.

More than 90 percent of Haitians stayed away from the polls January 17. Of the fraction who tried to vote for the few conservative candidates still left in the race, many later expressed their disgust at the ensuing comedy. Whether these individuals will now support the government-backed victor is an open question.

The going rate for a ballot bribe on January 17 was five gourdes ($1). All that was required was a clean finger or thumb, in many cases wiped or scraped free of the tell-tale fuschia dye used to identify those who had already voted. Among the many irregularities reported on election day were repeat and underage voters, stuffed ballot boxes, lack of identification, busing of bribed voters from one polling place to another and the shameless forcing of certain ballots without candidate pictures into the undyed hands of illiterate voters. The cruelest example of the exploitation was the pressing into voter service of patients of the Bedee insane asylum in Port-au-Prince.

From the first moments of the non-election, it was clear that the army was backing former political science professor Leslie F. Manigat for president, his wife Mirlande for senator, and a notorious Macoute, Franck Romain, for mayor of Port-au-Prince. Other Duvalierists filled the remaining 103 parliamentary and municipal seats.

Mid-week after the election, the opposition had settled on its estimate that 2 percent of the electorate voted, while the government vacillated between 60 percent and 75 percent, depending on which election lackey was quoted. Manigat was all-smiles, the beneficent sure-winner with the reported U.S. and Caribbean stamp-of-approval. Meanwhile, Manigat's conservative competitors were rapidly switching horses, denouncing the election as shrilly as the CED, which had immediately demanded the cancellation of the elections, which they continued to declare "null and void."

By the time Manigat was officially elected puppet ruler on January 24, the opposition was pushing anew for the ouster of the junta, along with the nicknamed "Chameleon" Manigat. The junta's attempt to quell the swelling opposition backfired when its arrest of CED leader Louis Dejoie II on January 20 drew the outrage of the army's usual allies—the elite business community. Dejoie II was formally accused of quasi-sedition or "threatening the public order." He was released a half-hour after the junta detained Roy on January 22. Both men had been lobbying abroad for a Canadian, U.S. and Caribbean embargo of Haiti.

Canada responded to the sham election by refusing to recognize it, while the U.S. took nearly a week to admit that there were serious irregularities that prevented its approval of a rigged election. Yet according to inside sources the U.S. reportedly encouraged a Manigat victory. On sham Sunday Jamaican election observer Neville Gallimore said he had witnessed no voting irregularities. Gallimore, a mouthpiece for Jamaican Prime Minister Edward Seaga, was reportedly representing a courier for the U.S. State Department.

Dejoie's mock trial and the use of the Bedee inmates reveals how desperate and isolated a clique of Haitian army officers has grown in its struggle to remain in power. But that perverted zeal is matched by the determination of ordinary Haitians to improve their lot. Even before the second election, brigade members were reportedly gathering weapons—sticks, machetes, arms smuggled in from Miami—to use against the army.

A young brigade member-in-hiding summed up the present situation this way: "Look at me, they have arrested and tortured me." He then revealed a torso that still bore the signs of an alleged army beating after his arrest November 27. "They are not going to stop, so we cannot stop either."

His 28-year old companion put it more starkly. "One way or another," she said, "if we don't fight, we'll die, either of bullets or of hunger."

Mr. OWENS of New York. Mr. Speaker, as a moral leader in the world and as a symbol of democracy for millions, the United States can ill-afford to ignore the electoral process which brought Leslie Manigat to power. We cannot excuse its flaws and indicate that in spite of that process, Manigat may be worthy of our support after all. We cannot ignore the fact that Manigat was brought to power by murderers, by thugs, by the kingpins of the Haitian drug industry.

If Manigat was truly democratic, he would not have participated in elections marked by bribery, by ballot box stuffing and repetitive voting, by elections that were controlled and orchestrated by soldiers. His participation in this farce gives credence to those who say that Manigat is a mere puppet of the military, that his function will be to put a democratic face on a militarily run, totalitarian regime.

Haiti's influential Roman Catholic Church has not accepted Manigat. They refused to accept and endorse his election.

Another candidate in the election, Hubert de Ronceray, insists that he is the real winner and that he is the President of parts of Haiti. The door is open for civil war in Haiti.

Under these circumstances, the United States should suspend all aid to Haiti, not only should the United States not restore the aid that it cut off, but it should suspend all aid and it should sever its diplomatic ties to Haiti. We should recall our Ambassador to Haiti. We should reverse our policy, the policy where we have acted in collusion with the army. That should be reversed and we should say to the world that we really believe in democracy. We really understand what has been going on in Haiti the last 50 years. We understand why Haiti is the poorest country in the Western Hemisphere. We understand how the people of Haiti have been oppressed and beaten down. We are ready to recognize that this is a scandal which exists just 90 miles from the shores of the United States.

The United States should recognize that it understands that here is a foreign policy which has set the stage for the decent people of Haiti, for the young people who have dreams, for the young people who have led the resistance. We have set the stage for them to go nowhere else except to communism.

Young people whose names we do not know today, the dreamers whose names we do not know today in those neighborhoods of Port-au-Prince and in the various outlying provinces who offered such great resistance to the Duvaliers and were really responsible for the final departure of Duvalier, the same young people who led the strikes against the military junta, those are the young people who in desperation will turn to communism.

Haiti is only 90 miles from the shores of the United States, but Haiti is even closer to Castro's Cuba. We have had a long history in Haiti of people rejecting communism, no matter how bad things have been. They have rejected communism repeatedly. There is no Communist Party, no Communist movement of any significant size.

We are fools if we think that that is going to continue. We are fools if we think human beings out of desperation will not turn to whoever offers them some way out. We are going to reap the terrible fruit of what our State Department has done in collusion with the military junta in Haiti. We can reverse our policy. We can refuse to recognize Manigat as the legal elected President of Haiti. We can cut off all aid. We can recall our Ambassador to Haiti. We can take steps now to right these wrongs.

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We can take steps now to restore our own image in this hemisphere. We should demand the electoral council which the military junta illegally disbanded last November be reinstated and that it be allowed to hold general free elections that are fair and free and not rigged.

If Leslie Manigat is the professorial genius who loves democracy, if that is the image that he wants to promote, then let him be daring enough to promote that image by calling for free elections. Let him supervise them, let him restore the electoral council, let him supervise fair elections, let him compete with his opponents, let him indicate to us that he is not a murderer and a criminal and that he does not belong with the people who put him in power.

Haiti will be free sooner or later. Haiti has now inherited a legacy from the martyrs of November 29. They will never allow another 30 years of oppression. One way or another, the people of Haiti are going to be free, and are going to have freedom. I hope that the United States will be a partner in that effort.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Rhodes) to revise and extend their remarks and include extraneous material:)

Mr. Wylie, for 5 minutes, today.

(The following Members (at the request of Mr. Alexander) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Dorgan of North Dakota, for 30 minutes, today.

Mr. Owens of New York, for 60 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Wolf, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Rhodes) and to include extraneous matter:)

Mr. Gilman in two instances.
Mr. McEwen.
Mr. Schulze.
Mr. Dannemeyer in two instances.
Mr. Marlenee.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Mazzoli.
Mr. Rodino.
Mr. Crockett.
Mr. Kanjorski.
Mr. Ortiz.
Mr. Lantos.
Mr. Dymally in two instances.
Mr. Bonior of Michigan.
Mr. Swift.
Mr. Borski.
Mr. Schumer.
Mr. Brooks in two instances.
Mr. Bruce.
Mr. Nowak.
Mr. Alexander.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 210. Joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 402. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 242, 100th Congress, the House stands adjourned until 12 noon, Tuesday, February 16, 1988.

Thereupon (at 2 o'clock and 17 minutes p.m.), pursuant to House Concurrent Resolution 242, the House adjourned until Tuesday, February 16, 1988, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report of various House committees and a delegation traveling under authorization from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second, third, and fourth quarters of calendar year 1987 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Wolanin	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Dan Blair	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Ronald Downing	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Kristin Gilbert	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Committee total							359.32				359.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Jan. 15, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom DeLay	12/11	12/13	Nicaragua		306.00		1,605.00				1,911.00
Hon. Charles Wilson	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Military transportation							[3] 6,428.33				6,428.33
John Plashal	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Military transportation							[3] 6,428.33				6,428.33
Mark W. Murray	11/18	11/21	Honduras		426.00		1,014.00		31.00		1,471.00
Terry R. Peel	11/18	11/21	Honduras		426.00		1,014.00		41.00		1,481.00
Committee totals					3,702.00		16,489.66		72.00		20,263.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cost shown is comparable first-class rate.

JAMIE L. WHITTEN, Feb. 2, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G. Carter Baird	10/15	10/16	Japan		170.25		2,380.67		52.64		2,603.56
Sharon A. Cekala	11/29	12/11	Germany		1,336.50		2,186.00		28.20		3,550.70
	12/11	12/16	England		690.75						690.75
Alfred J. Finch	10/15	10/20	Japan		822.00		3,087.83		55.80		3,965.63
	10/20	10/27	Korea		798.00						798.00
	10/27	10/30	Philippines		210.00						210.00
John A. Friel	10/19	10/23	Germany		493.00		2,347.00		39.48		2,879.48
	10/23	10/30	England		531.75						531.75
Walter G. Harlow	11/29	12/12	Germany		1,452.75		2,025.00		21.90		3,499.65
William P. Haynes	10/12	10/21	Germany		759.00		2,669.000		68.08		3,496.08
	10/21	10/25	Greece		315.00						315.00
	10/25	10/26	England		213.75						213.75
	10/26	10/30	Scotland		318.75						318.75
Stephen M. Largent	10/15	10/20	Japan		871.25		2,352.83		27.20		3,251.28
	10/20	10/27	Korea		826.50						826.50
	10/27	10/30	Japan		517.00						517.00
Robert J. O'Brien	10/12	10/21	Germany		234.00		2,669.00		55.80		2,958.80
	10/21	10/25	Greece		525.00						525.00
	10/25	10/26	England		315.00						315.00
	10/26	10/30	Scotland		363.75						363.75
Steven R. Fletcher	10/15	10/20	Japan		822.00		3,087.83		134.85		4,044.68
	10/20	10/27	Korea		798.00						798.00
	10/27	10/30	Philippines		247.50						247.50
Donald E. Sampson	11/29	12/12	Germany		1,480.00		2,254.00		27.00		3,761.00
Joseph M. Stehr	10/11	10/23	Germany		1,083.25		2,347.00		46.95		3,477.20
	10/23	10/30	England		531.75						531.75
Robert F. Stockman	10/15	10/20	Japan		871.25		2,352.83		40.67		3,264.75
	10/20	10/27	Korea		826.50						826.50
	10/27	10/30	Japan		517.00						517.00
Graham W. Van Note	10/19	10/24	Korea		399.00		2,486.00		36.43		2,921.43
R.W. Vandergrift	10/21	10/5	Greece		315.00		2,951.00		101.85		3,367.85
	10/25	10/28	England		243.75						243.75
Thomas F. Ward	11/29	12/11	Germany		1,084.50		2,356.00		31.20		3,471.70
	12/11	12/17	England		847.25						847.25
Vernon Westbrook	11/29	12/11	Germany		1,035.00		2,356.00		65.25		3,456.25
	12/11	12/17	England		847.25						847.25
Committee total					23,713.00		39,907.99		833.30		64,454.29

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Feb. 2, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or Employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Republic of Korea, Thailand, and Philippines, Nov. 24–30, 1987:											
Hon. Beverly B. Byron	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. William L. Dickinson	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Roy Dyson	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Marilyn Lloyd	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Herbert H. Bateman	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Ben Blaz	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							5,042.82				5,042.82
Mr. G. Kim Wincup	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Mr. Anthony R. Battista	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Ms. Karen S. Heath	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Mr. Peter M. Steffes	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,727.56
Mr. Stephen K. Conver	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987—Continued

Name of Member or Employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Military transportation							7,927.56				7,927.56
Delegation expenses	11/27	11/30	Thailand				60.00		3,117.00		3,177.00
Delegation to Oman and Bahrain, Nov. 26-Dec. 2, 1987:											
Hon. Arthur Ravenel, Jr	11/28	11/29	Oman		90.34						90.34
	11/29	12/2	Bahrain		90.34						90.34
Commercial transportation							3,237.00				3,237.00
Hon. Jack Davis	11/28	11/29	Oman		90.34						90.34
	11/29	12/2	Bahrain		90.34						90.34
Commercial transportation							3,237.00				3,237.00
Delegation expenses	11/28	11/29	Oman						8.08		8.08
Committee Total					10,690.36		90,943.16		3,125.08		104,758.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Feb. 1, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George Wortley	11/11	11/23	Canada		451.00		[3] 1,380.60				1,831.60
							[4] 106.96				106.96
Hon. Thomas McMillen	11/18	11/23	Morocco		250.00		[3] 6,428.33				6,678.33
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Hon. David Dreier	11/18	11/23	Morocco		250.00		[3] 6,428.33				6,678.33
	11/24	11/27	Pakistan		560.00						560.00
	11/30	11/30	Turkey		462.00						462.00
Committee total					2,9950.00		14,344.22				17,339.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Commercial transportation.

FERNAND J. ST GERMAIN, Chairman, Jan. 31, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rep. Austin Murphy	12/27	12/30	Honduras		([3])		([3])				
Following expenses are in addition to those reported in previous quarterly report:											
Adrienne Fields	9/1	9/3	Italy	117,857	89.83						89.83
Patricia Morrissey	9/1	9/3	Italy	117,857	89.83						89.83
Jo-Marie St. Martin	9/1	9/3	Italy	117,857	89.83						89.83
Committee Total					269.49						269.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation and subsistence provided by the Department of Defense.

AUGUSTUS F. HAWKINS, Chairman, Jan. 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Abbruzzese, P.A.	12/14	12/15	United Kingdom		242.00						242.00
Commercial transportation							4,825.00				4,825.00
Burton, D.	12/11	12/13	Nicaragua		306.00				419.06		725.06
Military transportation							1,605.00				1,605.00
Dorman, R.K.	11/24	11/28	Pakistan		560.00						560.00
	11/28	12/1	Turkey		462.00						462.00
Military transportation							13,607.11				13,607.11
Dymally, M.M.	7/24	7/24	United Kingdom		[3] 109.50						1.9.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	7/25	7/28	Ethiopia		[3] 483.00						483.00
	7/28	7/31	Angola		300.00						300.00
	7/31	8/1	Portugal				964.49				964.49
Commercial transportation							5,480.00				5,480.00
	11/19	11/22	Brazil		[3] 648.00						648.00
Commercial transportation							3,866.00				3,866.00
Committee total					3,110.50		30,347.60		419.00		33,877.16
Gilman, B.A.	11/1	11/2	United Kingdom		[3] 55.00						55.00
Commercial transportation							821.00				821.00
Goodman, M.	10/5	10/10	Rep. of Germany		[3] 1,329.60						1,329.00
Commercial transportation							2,079.00				2,079.00
Inglee, W.B.	12/14	12/15	United Kingdom		[3] 210.00						210.00
Commercial transportation							4,583.00				4,583.00
Jenkins, R.M.	11//28	12/3	Chile		[3] 764.50						764.50
Commercial transportation							3,802.00				3,802.00
Lukens, D.	12/11	12/13	Nicaragua		306.00						306.00
Military transportation							1,605.00				1,605.00
Meyers, J.	10/8	10/10	Austria		352.00						352.00
	10/10	10/13	Germany		564.00				86.00		650.00
Military transportation							5,250.00				5,250.00
Committee total					3,581.10		18,140.00		86.00		21,807.10
Roth, T.	12/11	12/13	Nicaragua		306.00						306.00
Military transportation							1,605.00				1,605.00
Smith, L.J.	10/8	10/10	Austria		352.00						352.00
	10/10	10/13	Germany		564.00				86.00		650.00
Military transportation							5,250.00				5,250.00
Solarz, S.	11/11	11/13	Canada		449.00				328.56		777.56
Military transportation							1,380.60				1,380.60
Tavlarides, M.J.	11/28	12/3	Chile		[3] 764.00						764.00
Commercial transportation							3,802.00				3,802.00
Committee total					2,435.00		12,037.60		414.56		14,887.16
Grand total for 4th quarter											70,571.42

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, Jan. 29, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Krause, staff	12/5	12/9	Kwajelein		55.25		633.00				688.25
Committee total					55.25		633.00				688.25

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Jan. 20, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ballenger, Hon. Cass	12/11	12/13	Nicaragua		306.00		793.18				1,099.18
Committee total					306.00		793.18				1,099.18

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, Jan. 29, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Louis Ventre, Jr	10/25	10/31	Sweden		1,356.00		731.68				2,087.68
	10/31	11/4	Germany				406.57				406.57
	11/4	11/7	France				45.82				45.82
Commercial air							1,561.84				1,561.84
Hon. George E. Brown, Jr	11/21	11/24	Morocco		375.00						375.00
	11/24	11/28	Pakistan		407.00						407.00
	11/28	12/1	Turkey		462.00						462.00
Military air							6,428.33				6,428.33
Committee totals					2,600.00		9,174.24				11,774.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Bilirakis	12/11	12/13	Nicaragua		306.00		1,605.00				1,911.00
Committee total					306.00		1,605.00				1,911.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G.V. (SONNY) MONTGOMERY, Chairman, Jan. 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ed Jenkins	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560
	11/28	11/30	Turkey		462.00						462.00
Military transportation							6,428.33				6,428.33
Hon. Ronnie G. Flippo	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Military transportation							6,428.33				6,428.33
Hon. Bill Frenzel	11/28	12/1	Switzerland		392.00						392.00
Commercial transportation							2,139.00				2,139.00
Committee totals					2,936.00		14,995.66				17,931.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bernard Raimo, Jr., staff	11/6	11/9	South America		648.00						648.00
	11/9	11/4	Africa		489.00		235.66				724.66
Commercial airfare							3,753.00				3,753.00
Calvin R. Humphrey, staff	11/6	11/9	South America		648.00						648.00
	11/9	11/17	Africa		489.00		235.66				724.66
	11/17	11/18	Europe		230.00						230.00
Commercial airfare							3,753.00				3,753.00
Robert J. Surrette, staff	11/28	12/11	Europe		1,790.00						1,790.00
Commercial airfare							2,337.00				2,337.00
Hon. Bud Shuster	12/29	1/1	Europe		(3)		(3)				(3)
Committee total					4,294.00		10,314.32				14,608.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not available at this time.

LOUIS STOKES, Chairman, Jan. 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elliott A. Brown	11/10/87	11/13/87	Venezuela		375.00		739.00				1,114.00
Committee total					375.00		739.00				1,114.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Jan. 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, THE SOVIET UNION, AND THE FEDERAL REPUBLIC OF GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND APR. 21, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Wright	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Tony Coelho	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
DOD transportation							1,592.66				1,592.66
Commercial transportation							2,526.00				2,526.00
Hon. Dick Cheney	4/10	4/13	Spain		504.00		43.48				547.48
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Jim Howard	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Les Aspin	4/10	4/13	Spain		504.00		43.48				547.48
	4/13	4/18	U.S.S.R		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							2,448.46				2,448.46
Commercial transportation							2,007.00				2,007.00
Hon. John Paul Hammerschmidt	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Lawrence Coughlin	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Ralph Regula	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Carroll Hubbard	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Thomas Downey	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Les AuCoin	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Norm Dicks	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon Wes Watkins	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Mickey Leland	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Steny Hoyer	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Jim Moody	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							534.39				534.39
Commercial transportation							4,066.04				4,066.04
Hon. Estaban E. Torres	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Sherwood Boehlert	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515/60		881.60
DOD Transportation							3,373.14				3,373.14
Hon. Jack Russ	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, THE SOVIET UNION, AND THE FEDERAL REPUBLIC OF GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND APR. 21, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marshall Lynam	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							2,448.46				2,448.46
Commercial transportation							4,896.00				4,896.00
Advance	4/3	4/9	U.S.S.R.		850.00						850.00
John Mack	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Kathy Mitchell	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Spencer Oliver	4/10	4/13	Spain		504.00		43.48				547.48
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00						366.00
DOD transportation							3,373.14				3,373.14
Commercial transportation							4,896.00				4,896.00
Advance	4/3	4/9	U.S.S.R.		850.00						850.00
Chris Walker	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Daniel Popp	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Committee total					30,319.00		97,337.95		19,342.32		146,999.27

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM WRIGHT, Speaker, Dec. 5, 1987.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2867. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or defense services, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2868. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2869. A letter from the Comptroller General, General Accounting Office, transmitting a report on the audit of the Senate Building Beauty Shop's financial statement for the 6-month period ended December 31, 1986 (GAO/AFMD-88-8, February 1988), pursuant to 40 U.S.C. 193m-1; to the Committee on Government Operations.

2870. A letter from the Comptroller General, General Accounting Office, transmitting a report on the audit of the Senate Building Beauty Shop's financial statements for the 4-month period ended June 30, 1986 (GAO/AFMD-88-7, February 1988), pursuant to 40 U.S.C. 193m-1; to the Committee on Government Operations.

2871. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2872. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the order granting certain aliens defector status, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

2873. A letter from the Chairman, State Justice Institute, transmitting a draft of proposed legislation to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1989, 1990, 1991, and 1992, and for other purposes; to the Committee on the Judiciary.

2874. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1989, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DYMALLY: Committee on Post Office and Civil Service. S. 1447. An act to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area (Rept. 100-503). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2216. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act) to revise the standard for coverage under that act and for other purposes; with an amendment (Rept. 100-504). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3927. A bill to amend the U.S. Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANDERSON:

H.R. 3928. A bill to authorize leasing, exploration, development and production, and transportation of the oil and gas resources of the coastal plain study area of the Arctic National Wildlife Refuge and to provide for the enhancement of the Nation's fish and wildlife resources, the National Wildlife Refuge System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. BARNARD (for himself and Mr. WYLIE):

H.R. 3929. A bill to deter and remedy unsafe and unsound or abusive practices and fraudulent or other criminal misconduct by directors, officers, employees, agents, and shareholders of federally regulated depository institutions by strengthening and enhancing the enforcement authority of the Federal depository institutions regulatory agencies, and to clarify and improve certain provisions of the Right to Financial Privacy Act of 1978; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. PARRIS, Mr. SAXTON, and Mr. KLECZKA):

H.R. 3930. A bill to amend the banking and securities laws to minimize hazards to federally insured financial institutions from securities, insurance, and real estate activities; to develop and test structures for bank holding companies to prevent unfair competition in the delivery of certain securities, insurance and real estate services; to establish functional regulation of financial institutions by providing that bank securities activities be carried on only in separate securities affiliates of a bank holding company subject to oversight by the Securities and Exchange Commission; and to establish a Financial Intermediaries Review Commission to analyze, report, and make recommendations to Congress concerning the future of banking institutions, their possible combining with other financial and commercial firms, and the regulation of our national and international financial markets; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. BATES:

H.R. 3931. A bill to improve security and control of Department of Defense supply inventories; to the Committee on Armed Services.

By Mr. BROOKS (for himself and Mr. Horton):

H.R. 3932. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; to the Committee on Governmental Operations.

By Mr. BROOKS (for himself, Mr. English, Mr. Horton and Mr. McCandless):

H.R. 3933. A bill to amend and extend the authorization for the National Historical Publications and Records Commission, and for other purposes; to the Committee on Government Operations.

By Mr. COBLE:

H.R. 3934. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 3935. A bill to remove the designation of the third Monday in February as a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Florida (for himself, Mr. Hutto, Mr. Bennett, Mr. Mica, Mr. Grant, Mr. Bilirakis, Mr. Smith of Florida, Mr. Fascell, Mr. Ireland, and Mr. Mack):

H.R. 3936. A bill to authorize the appropriation of funds to reimburse the State of Florida for expenses it and its local governments incurred with respect to refugees and related populations; to the Committee on the Judiciary.

By Mr. MARLENEE (for himself, Mr. Roberts, Mr. Penny, Mr. Grandy, and Mr. Dorgan of North Dakota):

H.R. 3937. A bill to partially offset economic losses of rural small businesses and small agricultural cooperatives occasioned by reductions in farm cropland under the Agricultural Act of 1949, and for other purposes; to the Committee on Small Business.

By Miss SCHNEIDER:

H.R. 3938. A bill relating to the ocean dumping of municipal sludge; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHULZE (for himself, Mr. Duncan, Mr. Frenzel, Mr. Lungren, Mr. Chandler, Mr. Denny Smith, Mr. Hunter, Mr. Grandy, and Mr. Baker):

H.R. 3939. A bill to repeal title III of the Congressional Budget Act of 1974, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. SLATTERY (for himself and Mr. Alexander):

H.R. 3940. A bill to authorize and direct the Secretary of Agriculture to establish a schedule of premiums for exceptionally clean, high quality grain forfeited to the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of New Hampshire:

H.J. Res. 454. Joint resolution designating October 9-15, 1988, as "National Dollhouse and Miniature Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS (for himself and Mr. Horton):

H. Res. 372. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. LaFalce:

H. Res. 373. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. SCHULZE (for himself, Mr. Duncan, Mr. Frenzel, Mr. Lungren, Mr. Chandler, Mr. Denny Smith, Mr. Hunter, Mr. Grandy, and Mr. Baker):

H. Res. 374. Resolution to amend the Rules of the House of Representatives to abolish the Committee on the Budget, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 3941. A bill for the relief of Samuel R. Newman; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

H.R. 3942. A bill for the relief of Space Systems Laboratories, Inc., of Melbourne, FL; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1620: Mr. Pepper.

H.R. 1705: Mr. Kildee.

H.R. 1957: Mr. Mica, Mr. Stump, Mr. Bunning, Mr. Whittaker, Mr. Torres, Mr. Denny Smith, Mr. Levine of California, Mr. Ballenger, Mr. Horton, Mr. Torricelli, Mr. Gingrich, Mr. Coleman of Texas, Mr. Lowery of California, Mr. Smith of New Jersey, Mr. Miller of Ohio, and Mr. Moorhead.

H.R. 2323: Mrs. Smith of Nebraska.

H.R. 2567: Mr. Penny.

H.R. 2750: Mr. Weiss.

H.R. 2828: Mr. Bonior of Michigan, Mr. Solarz, Mr. Gonzalez, Mr. Sikorski, Mr. McCloskey, Mr. Glickman, Mr. Gejdenson, Mr. Bonker, Mr. Ford of Michigan, Mr. Sabo, Mr. Dellums, Mr. Mazzoli, Mr. Sawyer, Mr. Vento, Mr. Leland, Mr. Wilson, Mr. Torricelli, Mr. Bruce, Mr. Tallon, Mr. Smith of Florida, Mr. Boehlert, and Mr. Jacobs.

H.R. 2883: Mr. Chandler, Mr. Wise, Mr. Biaggi, Mr. Bosco, and Mr. Cooper.

H.R. 3119: Mr. Evans, Mr. Frost, Mr. Jacobs, and Mr. Udall.

H.R. 3202: Mr. Edwards of California.

H.R. 3342: Mr. Schuette.

H.R. 3392: Mr. Broomfield, Mr. Conte, Mr. Smith of Iowa, Mr. Conyers, Mr. Skelton, Mr. Ireland, Mr. Mavroules, Mr. Dreier of California, Mr. Hatcher, Mr. Roemer, Mr. Wyden, Mr. Cooper, Mr. Hayes of Illinois, Mr. Sisisky, Mr. Torres, Mr. Combest, Mr. Gallo, Mr. Baker, Mr. Flake, Mr. Holloway, Mr. Mfume, Mr. Lujan, Mr. Roe, Mr. Bliley, Mr. Dorgan of North Dakota, and Mr. Bates.

H.R. 3562: Ms. Oakar, Mr. Towns, Mr. Dingell, Mr. Tauke, and Mr. McDade.

H.R. 3742: Mrs. Boxer.

H.R. 3778: Mr. Vander Jagt and Mr. Duncan.

H.R. 3800: Mr. Rose.

H.R. 3816: Mr. Downey of New York, Mr. Rangel, Mr. Evans, Mr. Waxman, Mr. Nielson of Utah, Mr. Wolpe, and Mr. Fazio.

H.R. 3844: Mr. Roberts, Mr. Bereuter, Mr. Pashayan, Mr. Hefley, Mr. Solomon, Mr. Obey, Mr. Durbin, Mr. Thomas of Georgia, Mr. Traxler, Mr. Bevill, Mr. Anthony, Mr. Lewis of Florida, Mr. Moody, and Mr. Robinson.

H.R. 3865: Mr. Madigan, Mr. Whittaker, Mr. Smith of Texas, Mr. Coats, Mr. Horton, Mr. Barnard, Mr. Lewis of Florida, Mr. Morrison of Washington, and Mr. Grant.

H.R. 3870: Mr. Boehlert, Mr. Foley, Mr. Gunderson, and Mr. Nielson of Utah.

H.R. 3907: Mr. Roth, Mr. Bereuter, Mr. Hefley, Mr. Boehlert, and Mr. Hopkins.

H.R. 3915: Mr. Dymally.

H.J. Res. 349: Mr. DeWine and Mr. Pepper.

H.J. Res. 353: Mr. Skeen, Mr. Miller of Washington, Mr. Kolter, Mr. Fawell, Mr. Chandler, Mr. Buechner, Mr. Hochbrueckner, Mr. Nielson of Utah, Mr. Inhofe, Mr. Mack, Mr. Coats, Mr. Sabo, Mr. Fish, Mr. Torres, Mr. Nelson of Florida, Mr. Lehman of Florida, Mrs. Vucanovich, and Mr. Livingston.

H.J. Res. 383: Mr. Martinez, Mr. Coble, Mr. Clarke, Mr. Ackerman, Mr. Darden, Mr. Kemp, Mr. Bonker, Mr. Price of Illinois, Mr. Hansen, Ms. Oakar, Mr. Tauke, Ms. Pelosi, Mr. Ford of Michigan, Mr. Gingrich, Mr. Wylie, Mr. Biaggi, Mr. Perkins, Mr. Blaz, Mr. Towns, and Mr. Donnelly.

H.J. Res. 388: Mr. Bennett, Mr. Blaz, Mr. Bosco, Mr. Chappell, Mr. DeFazio, Mr. de Lugo, Mr. Dorgan of North Dakota, Mr. English, Mr. Garcia, Mr. Grandy, Mr. Gray of Pennsylvania, Mr. Henry, Mr. Hoyer, Mr. Jacobs, Mrs. Lloyd, Mr. McDade, Mr. Martin of New York, Mrs. Meyers of Kansas, Mr. Miller of California, Mr. Molinari, Mr. Moorhead, Mr. Mrazek, Mr. Murphy, Mr. Pickett, Mr. Price of Illinois, Mr. Stokes, Mr. Stump, Mr. Tallon, Mr. Thomas of Georgia, Mr. Thomas of California, Mr. Wolf, Mr. Wortley, Mr. Young of Alaska, and Mr. Schuette.

H.J. Res. 418: Mr. Bateman, Mrs. Boxer, Mr. Davis of Illinois, Mr. Fazio, Mr. Hastert, Mr. Lagomarsino, Mr. Lipinski, Mr. McDade, Mr. Mrazek, Mr. Neal, Ms. Pelosi, Mr. Scheuer, Mr. Thomas of Georgia, and Mr. Towns.

H.J. Res. 438: Mr. Towns, Mr. Henry, Mr. Fields, Mr. Neal, Mr. Wortley, Mr. Livingston, Mr. Skeen, Mr. Young of Alaska, Mr. Garcia, Mr. Horton, Mr. Lagomarsino, Mr.

Hayes of Illinois, Mrs. Collins, Mr. Akaka, Mr. Emerson, Ms. Slaughter of New York, Mrs. Boxer, Mr. Chapman, Mr. Perkins, and Mr. Solomon.

H.J. Res. 445: Mr. Gray of Illinois, Mr. McCloskey, Mr. Gordon, Mr. Henry, Mr. Horton, Mr. Staggers, Mr. Kostmayer, Mr. Emerson, Mr. Kanjorski, Mr. Ford of Tennessee, Mr. Roe, Mr. Levin of Michigan, Mr. Murphy, Mr. Espy, Mr. Schuette, Mr. Mollohan, Mr. Nielson of Utah, and Mr. Cheney.

H. Con. Res. 229: Mr. Fawell.

H. Con. Res. 238: Mr. Oxley and Mr. Rhodes.

H. Res. 300: Mr. Annunzio, Mrs. Morella, Mr. Edwards of California, and Mr. de Lugo.

H. Res. 364: Mr. Smith of New Hampshire, Mrs. Martin of Illinois, and Mr. Lott.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

120. By the SPEAKER: Petition of the Statewide Committees Opposing Regional Plan Areas [SCORPA], Santa Cruz, CA, relative to the Constitution; to the Committee on Government Operations.

121. Also, petition of Edward B. Atkinson, Yakima, WA, relative to the Constitution; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1987:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19..... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons
Do	Association for Gerontology in Higher Education
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	American Stores Co
Do	Baltimore District Farm Credit Council
Do	Bank of New York
Do	Clarke/Bardes Organization, Inc
Do	Creditors in case of Grant Broadcasting System, Inc
Do	First City Bancorporation of Texas, Inc
Do	Interim Systems Corp
Do	Merrill Lynch Capital Partners
Do	Nevada Resorts Assn
Do	Pepsico, Inc
Do	Tinicum, Inc
Nicholas W. Allard, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Wireless Cable Assn, Inc)
Mac Allen, 1325-1/2 Wisconsin Ave., #300 Washington, DC 20007	
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Toshiba Corp
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Diagnostic Health Services, Inc
Do	Kentucky Institute for Eye Health & Surgery
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Caudine Investments, N.V.
Do	Chubb Corporation
Do	Continental Corporation
Do	Earthquake Project
Do	Sunstates Corp
Do	Unilever United States, Inc
Lawrence M. Axelrod, Touche Ross & Co 1900 M St., NW Washington, DC 20036	Schnuck Markets, Inc
APCO Associates, 1155 21st Street, NW,# 1000 Washington, DC 20036	Earthquake Project
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Monica S. Baker, 206 G St., NE, #201 Washington, DC 20002	Foley & Company
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Banc One, Cleveland, NA
Do	Beverly Investment Properties, Inc
Do	Federal Deposit Insurance Corp
Do	Rouse Company
Do	Salt River Project
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Nuclear Electric Insurance Co, et al.
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Diagnostic/Retrieval Systems, Inc
Do	Federal Criminal Investigations Assn
Do	Mack Trucks, Inc
M. Graeme Bannerman, 9108 Parliament Drive Burke, VA 22015	Sawyer-Miller Group
Haley R. Barbour, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Al Williams & Company
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors
Do	Credit Union National Assn, Inc
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange
Judith Freelin Bassett, 600 Maryland Ave., #701 Washington, DC 20024	Aircraft Owners & Pilots Assn
Merritt Becker, 1712 Euclid St., NW Washington, DC 20009	Bruce P. Cameron
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Electronic Industries Assn
Do	Eli Lilly & Company
Do	Severson Werson Berke & Melchior
James Bishop, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	Baxter Healthcare Corp
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Aetna Life & Casualty
Do	Allentown Cement Co, Inc
Do	Clark Construction Group
Do	Cooper's Ferry Development Assn, Inc
Do	Financial Security
Do	GTech Corp
Do	Massa Products Corp
Do	NOVA University
Do	OCG Technology, Inc
Do	Puerto Rico Federal Affairs Administration
Do	Revlon Group, Inc
Do	U.S. Sprint
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees
Harold W. Bolinger, 300 Independence Ave., SE Washington, DC 20003	Liberty Lobby, Inc
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Satellite Broadcasting & Communications Assn
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	Consolidated Natural Gas Co
Do	Tosco Corporation
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Freedom, NY, Inc
Richard Brescia, 150 State Street Albany, NY 12207	American Petroleum Institute
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Clover Park School District)
Joseph Browder, 1317 F Street, NW Washington, DC 20004	Dunlap & Browder, Inc
Cheryl A. Brown, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	American Assn for Respiratory Care
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp
Do	Cellular Corp
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co
Brownstein Hyatt Farber & Madden, 410 Seventeenth St., 22nd Floor Denver, CO 80202	Alliance for Capital Access
Do	MDC Asset Investors, Inc
Do	Smith Barney Harris Upham & Co, Inc
Do	Western Union Corp
Bryan Cave McPheeters & McRoberts, 1015 15th Street, NW, #1000 Washington, DC 20005	Farmland Industries
Do	Navistar International Corp
Do	Tenera, L.P.
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	U.S.-Taiwan, Republic of China Fair Trade Council
Sydney J. Butler, 1400 Eye St., NW Washington, DC 20005	Wilderness Society
Kenneth V. Buzbee, 217 E. Monroe, 200A Springfield, IL 62705	Food Marketing Institute
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation
Do	Lukens General Industries, Inc
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique
Do	Government of Guatemala
Do	Republic of Guatemala (Presidency of the)
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp
Do	Blue Cross & Blue Shield Assn
Do	Campbell Soup Co
Do	Committee for Equitable Compensation
Do	FASA (Fashion Accessories Shippers Assn)
Do	Government Program Services
Do	Greater Boston Community Development, Inc
Do	Hospital Insurance Forum
Do	Missouri Baptist Hospital of Sullivan
Do	Stephen Moses Interests
Do	NATCO (National Assn of Tax Credit Coalition)
Do	Presidential Airways, Inc
Do	Russ Berrie & Co, Inc
Do	World Airways
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	United Illuminating Co
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Merck & Co, Inc
Do	University of California (San Diego)
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)

Organization or Individual Filing	Employer/Client
Paula Kay Carlson, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Gerald P. Carmen, 1667 K St., NW, #700 Washington, DC 20006	Carmen & Muss (for Cab-Tek, Inc)
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Cab-Tek, Inc
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc
Robert S. Carroll, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Reed Smith Shaw & McClay (For:Mellon Bank)
Martin Casey, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Bolt Beranek & Newman, Inc
Do	Critical Languages & Area Studies Consortium, Inc
Do	Experiment in International Living
Do	Loyola College (Baltimore)
Do	National Jewish Center for Immunology & Respiratory Medicine
Do	University of Kentucky Research Foundation
Do	University of Scranton
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assn of Retired Persons
Peggy M. Childress, 4500 Lincoln Plaza Dallas, TX 75201-3318	National Gypsum Co
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Providence Hospital
Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005	Dalmark Corporation
Do	Tremark Corporation
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)
Aletha A. Collinson, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc
Douglas B. Comer, 1333 New Hampshire Ave., NW Washington, DC 20036	Electronic Processing, Inc
Committee for Stable Deterrence, 2460 Westlake N., #E Seattle, WA 98109	
John J. Coogan, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co
Tom Corcoran, 8736 Old Dominion Drive McLean, VA 22102	BHC Wallace Services
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Airlease Management Service, Inc
Do	Cole & Corette
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Champion International Corp
Do	Occidental Petroleum Corp
Do	United Technologies Corporation
Do	Westvaco Corporation
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Home Shopping Network)
Kelly Craven, 777 14th St., NW Washington, DC 20005	National Assn of Realtors
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Nashua Corporation
Ron D'Aloisio, 2001 S St., NW, #210 Washington, DC 20009	Farmworker Justice Fund, Inc
James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036	Direct Marketing Assn
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Armco Steel Co
Do	Monumental Corp
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group
Do	McCaw Communications Cos
Do	National Fruit Canning, Inc
Do	Non-Indian Negotiating Group
Do	Port Blakely Tree Farms
Do	Tri-City Nuclear Industrial Council, Inc
Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006	A.I.A. & Associates
Robin Deck, 1155 15th St., NW, #400 Washington, DC 20005	Blue Cross & Blue Shield of South Carolina
William R. Deere, 600 Maryland Ave., SW, #701 Washington, DC 20014	Aircraft Owners & Pilots Assn
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co
Julie Desmond, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Bankers Trust Co
Do	Disk Drive Consortium
Do	IBM Corp
Do	Morgan Stanley Group, Inc
Do	Union Pacific Corp
Do	West Indies Rum & Spirits Producers Assn
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Bank of Oklahoma
Do	DOT Partnership
Do	Reynolds Metals Co
Do	Telex Corporation
Do	Williams Companies
Gloria Dittus, 201 Massachusetts Ave., NE, S-5 Washington, DC 20002	BMc Strategies, Inc (For:New Hampshire Yankee)
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd
Do	California Wine Commission
Do	Cox Enterprises, Inc, et al.
Do	Hercules, Inc
Do	Mergentime Corp
Do	Monarch Wine Co of Georgia, et al.
Do	Profit Sharing Council of America
Joan Albert Dreux, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	Finley Kumble Wagner Heine..(for Gov't of Antigua & Barbuda)
Do	PHLCORP
Frances A. Dubrowski, 21 Dupont Circle, #400 Washington, DC 20036	Natural Resources Defense Council, Inc
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Bluffton City Utilities
Do	John Brand
Do	City of Niles Utilities Department
Do	City of Seaford
Do	State Water Resources Control Board
Do	Village of Andover
Do	Village of Angelica
Do	Village of Silver Springs
Do	Village of Watkins Glen
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Corp/California Energy Commission)
Do	Dunlap & Browder, Inc (For:Celanese Corp)
Do	Dunlap & Browder, Inc (For:Natural Resources Defense Council, Inc)
Do	Dunlap & Browder, Inc (For:Oxygenated Fuels Assn)
Do	Dunlap & Browder, Inc (For:Unelco)
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	International Telecharge, Inc
Do	Stedman Foundation, Inc
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	Railstar Control Technology, Inc
Do	Railway Progress Institute
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gover Stetson Williams & Eberhard (For:Confederated Tribes of the Colville)
Education Assistance Corp, 115 First Avenue Southwest Aberdeen, SD 57401	
Paul S. Egan, 2001 S Street, NW, #503 Washington, DC 20006	Vietnam Veterans of America, Inc
Mark C. Ellison, 300 N. Washington St, #208 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn
Dewitt Howard Evans, 1320 G Street, SE Washington, DC 20003	Institute for Preservation of African American Literature
Dwight H. Evans, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	Association for Regulatory Reform
Richard H. Fay, 1150 Connecticut Avenue, NW, #900 Washington, DC 20036	Reed Smith Shaw & McClay (For:Mellon Bank)
Feingerts & Kelly, PLC, Poydras Center, #2750 650 Poydras Street New Orleans, LA 70130-6161	New Orleans Public Service, Inc
Manley B. Feinstein, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Art Dealers Assn of America, Inc
Do	Conoco, Inc
Do	Sotheby's, Inc
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Al Williams & Company
Fine Geddie & Associates, 418 Scott Street Montgomery, AL 36104	Douglas Oil Co
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036	Association of Independent Organ Procurement Agencies
Do	Commonwealth Mortgage Corp of America

Organization or Individual Filing	Employer/Client
Do	Missouri Baptist Hospital
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp
Do	Coalition Against Noneffective Technologies
Do	Sedima International, Inc
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006-4680	Education Assistance Corp
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital
Stephen R. Frank, 8744 Gothic Avenue Sepulveda, CA 91343	Eagle Group
Franklin County, New York, 63 West Main Street Malone, NY 12953	
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Service Assn
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)
Ellen Frishberg, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn
Galvin Haroian & Mlawski, 777 Third Ave., 24th Floor New York, NY 10017	Herman's Sporting Goods, Inc
Do	Voyager International, Inc
Sara G. Garland, 137 13th St., NE Washington, DC 20002	Grand Forks (N.D.) Regional Economic Development Corp
Do	Rapoza Associates
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Cantor Fitzgerald & Co, Inc
Do	Dollar Bank
Do	Dollar Drydock Savings Bank
Do	Seaman's Bank
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Astra Holdings Corp
Do	IPAC, Inc
Gilmartin Poster & Shafto, 26 Broadway, #1300 New York, NY 10004	B & B Dredging Corp
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Hyundai Motor America
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Dana Corp
Do	National Cattlemen's Assn
Do	National Governors Assn
Golden Freda & Schraub, P.C., 1625 Massachusetts Ave., NW, #300 Washington, DC 20036	Ad Hoc Rural Consortium
Linda Goold, 1600 M Street, NW Washington, DC 20036	Investment Co Institute
John Gordley, 3700 Riverwood Ct. Alexandria, VA 22309	Circle Energies Corp
Mark S. Gorman, 311 First St., NW Washington, DC 20001	National Restaurant Assn
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	CBS, Inc
Do	McCaw Communications Cos
Do	Merck & Co, Inc
Do	U.S.-Taiwan, Republic of China Fair Trade Council
Do	United Cable Television Corp
McGee Grigsby, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Latham & Watkins (For:Farmers & Merchants Bank of Long Beach)
Mary Hanlon, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Insurance/Financial Affiliates of America
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	American Railway Car Institute
Harris & Orr, 999 Third Ave., #3210 Seattle, WA 98101	Netlink USA
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co
J. William W. Harsch, 1722 Eye St., NW, 6th Floor Washington, DC 20006	City of Cranston
Harter Secrest & Emery, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn
David J. Hayes, 555 13th Street, NW Washington, DC 20004	Hogan & Hartson (For:Tektronix, Inc)
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036	
Diane Hendricks, 1805 Crystal Drive, #209 Arlington, VA 22202	Westermann & Hendricks
Sean Henneberry, c/o Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Masstock (International) Ltd
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	American Medical Technologists
Do	Asocoflores
Do	C.B.I. Sugar Group, Inc
Do	California Energy Commission
Do	Canada Cement LaFarge, Ltd
Do	City of Compton
Do	Dalton Construction Co
Do	Genstar Cement, Ltd
Do	Globos International, Inc
Do	Halogenated Solvents Industry Alliance
Do	International Franchise Assn
Do	Lake Ontario Cement, Ltd
Do	Ryder Systems, Inc
Do	Sioux Honey Assn
Do	St. Lawrence Cement
Do	St. Mary's Cement
Do	Thai Steel Pipe Industry Assn
Do	Transamerica Corporation
Do	Walnut Street Bridge Commission
Do	Yamaichi International (America), Inc
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action, Inc
Sheila K. Hixson, 2000 P Street, NW Washington, DC 20036	Cook & Associates
Adonis E. Hoffman, 2908 Fort Baker Drive Washington, DC 20020-7222	Angola Peace Fund
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Baptist Medical Center
Do	First Interstate Bancorp
Do	Glasrock Home Health Care, Inc
Do	Lehndorff Management (USA) Limited, Inc
Do	Manufacturers Hanover Corp
Do	Underwriters at Lloyd's London
Eleanor S. Holmes, 1001 22nd St., NW, #600 Washington, DC 20037	BP America, Inc
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	Warner-Lambert Co
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad
Hudson Bayless & Boland, Inc, 438 New Jersey Ave., SE Washington, DC 20003	Rauscher Pierce Refsnes, Inc
Do	Space Services, Inc of America
James R. Hughes, 1020 19th St., NW Washington, DC 20036	U S West, Inc
Sharon M. Hughes, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc
Charles G. Huntington, 600 Maryland Ave., SW, #770 Washington, DC 20024	American Academy of Family Physicians
Hunton & Williams, P.O. Box 1535 Richmond, VA	National Assn of Small Business Investment Cos
F. H. Hutchison & Co, 1101 King St., #500 Alexandria, VA 22314	Evergreen Forest Products, Inc
Do	Sequoia Forest Industries, Inc
Do	Winston & Cashatt, et al.
Floyd H. Hyde Associates, 815 15th St., NW, #709 Washington, DC 20005	Water Department, City of San Bernardino, CA
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)
Do	Hill & Knowlton, Inc (For:Newmont Mining Corp)
Charles W. Ingram, 208 E Street, NE Washington, DC 20002	S.K.C. & Associates
Maurice C. Inman Jr., 1231 Stone Canyon Road Los Angeles, CA 90077	
Int'l Union of Electronic Electrical Sal Mach & Furn Workers, 1126 16th St., NW Washington, DC 20036	
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Borg-Warner Corp
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
Jamin Ebell Bolger & Gentry, P.O. Box 4269 Kodiak, AK 99615	Old Harbor Native Corp
Karen Jettmar, 1400 Eye St., NW Washington, DC 20005	Wilderness Society
Harvey C. Jewett, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Allen Fredrick Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Soybean Processors Assn)
Bruce Johnson, 1718 Connecticut Ave., NW, #410 Washington, DC 20009	CAM Finance Associates
Johnston Barton Proctor Swedlaw & Naff, 1100 Park Place Tower Birmingham, AL 35203	John W. Jamison III
B. Meaghan Jolly, 7908 Burdette Road Bethesda, MD 20817	Burdette Road Baby's Assn
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc

Organization or Individual Filing	Employer/Client
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Zapata Corporation
Do	Zapata Gulf Marine Corp
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Bear Stearns & Co
Do	Cleveland Cliffs, Inc
Do	Scott Fetzer Co
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Iriquois Gas Transmission Systems
Barry Kasinitz, 2001 S Street, NW Washington, DC 20009	Vietnam Veterans of America, Inc
Anthony P. Kavanagh, 410 First Street, SE Washington, DC 20003	Consolidated Edison Co of New York, Inc
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	Brown Brothers Harriman & Co
Do	Eastern Airlines, Inc
Do	KWG Properties
Do	Siemens Medical Systems, Inc
Kevin B. Kearney, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Keck Mahin & Cate, 2033 K St., NW, #300 Washington, DC 20006	American Assn for Marriage & Family Therapy
Do	National Assn of Social Workers
Do	Sunmar Shipping, Inc
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)
Do	Keene Shirley & Associates, Inc (For:Apex Marine)
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)
Do	Keene Shirley & Associates, Inc (For:Council for International Development)
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)
Do	Keene Shirley & Associates (For:Mortgage Guaranty Insurance Corp)
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)
Do	Keene Shirley & Associates, Inc (For:United Maritime Officers Assn)
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition
Do	Apex Marine
Do	Australian Barley Board
Do	Council for International Development
Do	CSR, Ltd
Do	Limited, Inc
Do	Marine Engineers Beneficial Assn
Do	McDonnell Douglas Astronautics Co
Do	Mortgage Guaranty Insurance Corp
Do	National Farmers' Federation of Australia
Do	National Tax Limitation Committee
Do	United Maritime Officers Assn
Michael Kellett, 1400 Eye St., NW Washington, DC 20005	Wilderness Society
William N. Kelly, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates, Inc (For:San Bernardino, CA, Water Department)
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chicago Research & Trading Group, Ltd
Do	Flying Tigers
Do	Georgia Forest Landowners Council
Do	Gray Communications Systems, Inc
Do	John Hancock Mutual
Do	Marathon U.S. Realties, Inc
Do	Mitsubishi Electronic America, Inc
Do	Prudential Insurance Co of America
Do	U.S. Sprint Telecommunications Co
Do	University of Georgia
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Aetna Realty Investors, Inc
Do	Coca-Cola Bottling Co West, Inc
Do	George W. Felker III, et al.
Do	Georgia Stadium Corp
Do	Intelligent Systems
Do	Trammell Crow Co
King Shapiro Cohen Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Service Master
Do	USG Corporation
Do	Valhi, Inc
Andrew M. Klein, 1101 Connecticut Ave., NW, #600 Washington, DC 20036	Schiff Hardin & Waite (For:Chicago Board Options Exhange)
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees
Nicholas M. Kublicki, 1407 North Kenilworth St., #1 Arlington, VA 22205	American Conservative Union
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Peter Kyros, 3909 Yoakum Parkway, #4-303 Alexandria, VA 22304	Mutual Protection Trust Cooperative of American Physicians
Do	Uniformed Services Disabled Retirees
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005	
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	Coalition for Consumer Justice
Do	GA Technologies, Inc
Do	National Taxpayers Union
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	Greenebaum & Rose
Joseph A. LaSala Jr., 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp
Leadership Conference Education Fund, 2027 Massachusetts Ave., NW Washington, DC 20036	
Michael R. Leaveck, 2001 S St., NW Washington, DC 20009	Vietnam Veterans of America, Inc
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Crystal Globe, Ltd
Do	Northern Falcon, Inc
Do	Sahlman Seafoods, Inc
Lepon McCarthy & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Helmsley-Spear, Inc
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:United Network for Organ Sharing)
Lipsen Hamberger Whitten & Hamberger, 1725 Desales St., NW, #800 Washington, DC 20036	American Coastal Industries, Inc
Do	American Dehydrated Onion & Garlic Assn
Do	American Public Transit Assn
Do	American Resort & Residential Development Assn
Do	American Telephone & Telegraph Co
Do	Burns & Roe, Inc
Do	Council of Engineers Scientists Organizations
Do	Diagnostic Retrieval Systems, Inc
Do	DINAMO/ovia
Do	McKesson Corp
Do	Medley Tool & Model Co, Inc
Do	Meridian Bancorp, Inc
Do	RJR Nabisco, Inc
Do	Staley Continental, Inc
Do	TeleCommunications, Inc
Do	Tobacco Institute
Do	Union Pacific Corp
Do	Vickers Shipbuilding & Engineering, Ltd
Do	West Virginia University
Celia C. Lovell, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	Citation Homes
James J. Magner, 600 Maryland Ave., SW Washington, DC 20024	Lachelli Waller & Associates
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	R.S. Landauer, & Co Jr.
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Briscoe Co
Do	Krueger, Inc
Do	National Cable Television Assn, Inc
Do	Texas International Co
Do	U.S. Telephone Assn
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc

Organization or Individual Filing	Employer/Client
Melinda Marks, 4 Echo Hill Montvale, NJ 07645	Friends of Animals
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knwolton, Inc (For:United Network for Ogan Sharing)
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Lebenthal & Co, Inc
Do	Lehndorff & Babson Real Estate Counsel
Do	RJR Nabisco, Inc
Do	Sara Lee Corp
Do	Tele-Communications, Inc
Donald S. Mazzullo, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Verdie Forest, Inc
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc
Do	American Nuclear Energy Council
Do	Commonwealth Edison Co
Do	ETA Systems, Inc
Do	GA Technologies, Inc
Do	Sealaska Corp
Do	Tri-City Industrial Development Council
Do	United Illuminating Co
Do	Urenco, Inc
McCamish Ingram Martin & Brown, P.C., 650 MBank Tower 221 West 6th Street Austin, TX 78701	Central & South West Corp
Do	Citicorp
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Geneve Corporation
Do	Henley Group, Inc
Steven A. McCoy, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	General Cinema Corp
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Al Williams & Company
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	RF&P Railroad
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heileman Brewing Co, Inc
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling
Do	Farm Credit System Capital Corp
McNair Group, Inc, 1155 15th St., NW, S-400 Washington, DC 20005	Illinois Central Gulf Railroad
Do	
Do	McNair Law Firm, P.A.
Do	Norfolk Southern Corp
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Amick Farms
Do	Auburn University
Do	International Paper Co
Do	Munitions Carrier Conference
Do	National Council on Alcoholism, Inc
Do	Pfizer, Inc
Robert McNulty, 420 Lexington Avenue New York, NY 10017	Hill & Knowlton, Inc (For:Republic of Indonesia)
John R. Mendenhall, 345 Park Avenue New York, NY 10154	Union Pacific Corp
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Barron Collier Co)
Do	Cadwalader Wickersham & Taft (For:Coalition for Capital Import Neutrality)
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
Milgrim Thomajan & Lee, 405 Lexington Avenue New York, NY 10174	Lloyds U.S.
Harris Miller & Associates, 1655 N. Fort Myer Drive #700 Arlington, VA 22209	Fruit Growers League of Jackson County
Do	Texas & Southwestern Cattle Raisers Assn
Do	Texas Sheep & Goat Raisers Assn
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Creative Artists Agency, Inc
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	ABRASSUCOS - Brazilian Juice Assn
Do	ANIC - National Assn of Citric Industries
Gregory R. Mueller, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation
Patricia Collins Murdock, 1313 L St., NW Washington, DC 20005	Service Employees International Union
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al.
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202	
Hardy Myers, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:A-dec, Inc)
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors
National Assn of Atomic Veterans, P.O. Box 409 Eldon, MO 65026	
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Joy Technologies
Frederick W. Neill, 600 5th Street Aurora, IL 60505	
E. John Neumann, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	Thompson Medical Co
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company
Bartley M. O'Hara, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	Anheuser-Busch Companies, Inc
Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Transmission Corp
Deborah A. O'Malley, One Post Office Square Boston, MA 02109	Sullivan & Worcester (For:RCC International Corp)
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Massachusetts Hospital Assn
Ohio Business Committee, 4410 Chesapeake St., NW Washington, DC 20016	
Peter J. Olsen, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Native Corp
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Los Angeles-Long Beach Harbor Repair Council
David S. Osterhout, 1604 Montmorency Drive Vienna, VA 22180	Lockheed Corporation
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Washington Physicians Service
Gerald Padwe, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Restaurant Associates)
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Bell Helicopter Textron, Inc
Do	Commonwealth of Puerto Rico
Do	Eaton Corp
Do	Lockheed Aeronautical Systems Co
Do	Pilatus Britten-Norman, Ltd
Do	Research Corp Technology, Inc
Do	Westinghouse Defense & Electronics Systems Co
Do	Won Door Corporation
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Dole Fresh Fruit Co
Do	Government of the Republic of the Marshall Islands
Do	G. Heilman Brewing Co, Inc
Do	Immune Response Corp
Do	Incorporated Research Institute for Seismology
Do	Minerals Marketing Corp of Zimbabwe
Do	Nakajima All Co, Ltd
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc
Marc A. Pearl, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Rainier National Bank
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	Save Home Equity Deductions (SHED)
Michael W. Peters, 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th St., New York, NY 10019	Riverbay Corp
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	Contel ASC
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Committee for Competitive Marketing
Do	National Development Service Corp
Do	Owens-Illinois, Inc
Pro-Desert Coalition, P.O. Box 188380 Sacramento, CA 95818-8380	
Product Liability - Sports, 200 Castlewood Drive North Palm Beach, FL 33408	
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn

Organization or Individual Filing	Employer/Client
Thomas F. Railsback, 1133 15th St., NW, #1100 Washington, DC 20005	London Harness Co
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos
Craig Raupe, 1010 Pennsylvania Ave., SE Washington, DC 20003	United Illuminating Co
Ralph Rayburn, 807 Brazos Street Austin, TX 78701	Texas Shrimp Assn
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons
Reese Communications Companies, Inc, 2111 Wilson Blvd., #900 Arlington, VA 22201	Drexel Burnham Lambert, Inc
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036	
Reid & Priest, 40 West 57 Street New York, NY 10019	Transol USA, Inc
Do	Utility Decommissioning Group
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	EXPEX, Inc
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)
Christine R. Riddiough, 114 15th St., NE Washington, DC 20002	National Assn of Gay & Lesbian Democratic Club
William P. Rieck, 2200 Mill Road, #616 Alexandria, VA 22314	Specialized Carriers & Rigging Assn, Inc
Riggle Keating & Craven, 205 West Wacker Dr., #2022 Chicago, IL 60606	Gillette Industries, Inc
Russell C. Ring, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents
Joe H. Ritch, 100 Washington St., #200 Huntsville, AL 35801	Sirote Permutt McDermott Slepian Friend Friedman Held...
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Chemical Bank
Do	Emmis Broadcasting
Do	New Energy Co of Indiana
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Dallas Area Rapid Transit)
Nathan Robfogel, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Dominium Group, Inc
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Vietnam Women's Memorial Project, Inc
Joe O. Rogers, 1815 H St., NW, #600 Washington, DC 20006	Rogers International, Inc (For:China External Trade Development Council)
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Eastern Gas & Fuel Associates
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Equimark Corporation
Do	Joy Technologies
Ernest S. Rosenberg, 1440 New York Ave., NW, #300 Washington, DC 20005	E. Bruce Harrison Co (For:Alternative Materials Institute)
Do	E. Bruce Harrison Company (For:NEDA/Clean Air Act Project)
Do	E. Bruce Harrison Company (For:NEDA/Ground Water Project)
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newpaper Publishers Assn
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc
Russo Watts & Rollins, 655 15th Street, NW, #250 Washington, DC 20005	Wind Baron Corp
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp
Brenda Seymore Sanders, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Robert W. Santy, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Money Store Investment Co)
Do	Touche Ross & Co (For:Restaurant Associates)
Do	Touche Ross & Co (For:Schnuck Markets, Inc)
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20007	California Assn of Sanitation Agencies
Satellite Broadcasting & Communications Assn, 300 N. Washington Street, #208 Alexandria, VA 22314	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers
Kenneth J. Seaman, One Post Office Square Boston, MA 02109	Sullivan & Worcester (For:RCC International Corp)
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Honda Motor Co
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc
Craigan P. Shirley, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)
Do	Keene Shirley & Associates, Inc (For:Apex Marine)
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)
Do	Keene Shirley & Associates, Inc (For:Council for International Development)
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)
Do	Keene Shirley & Associates, Inc (For:Marine Engineers Beneficial Assn)
Do	Keene Shirley & Associates (For:McDonnell Douglas Astronautics Co)
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc
David D. Shobe, 2215 Constitution Ave., NW Washington, DC 20037	American Pharmaceutical Assn
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:Corporate Growth Concepts)
Do	Keefe Company (For:Linnabary & Associates)
Do	Keefe Company (For:U.C. Consultants)
Ronald G. Sills, 1148 Conroy Lane, #17 Roseville, CA 95661	
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Sawyer-Miller Group
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Telephone & Telegraph Co
Do	Baker-Hughes, Inc
Do	CSX Corporation
Do	Genentech
Do	Long Island Power Authority
Do	MCI Communications Corp
Do	Reynolds Metals Co
Do	Westinghouse Electric Corp
Don S. Smith, 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006	Williams Companies
Jerry N. Smith, P.O. Box 9158 Amarillo, TX 79105-9158	
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))
Smith Raclin & Hirasuna, 2033 K Street, NW, #300 Washington, DC 20006	General Instrument Corporation
Gillian Spooner, Touche Ross & Co 1900 M Street, NW Washington, DC 20036	NVHomes
Do	Schnuck Markets, Inc
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alleco, Inc
Do	Cranston Corp
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc
St. Lawrence County, New York, Judson Street Canton, NY 13617	
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Strategic Resources Corp (For:Listeff Fashions, Inc)
Martin J. Steadman, 164 Lexington Avenue New York, NY 10016	Paul Buiar Associates, Inc (For:Phillip Morris USA)
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Pioneer Financial
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
V. G. Stoia, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Mary R. Stout, 2001 S Street, NW Washington, DC 20009	Vietnam Veterans of America, Inc
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America
V. Anne Strickland, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	City of Baton Rouge
Do	City of New Orleans
Do	Duke University
Do	Hand Arendall Bedsole Greaves & Johnston
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Uniroyal Chemical, Inc
Tapstar, Inc, 722 Oak Grove Severna Park, MD 21146	National Strategies & Marketing Group
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)
Henry A. Thomas, 5902 Lamont Drive New Carrolton, MD 20784	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Capital Credit
Do	Chicago Research & Trading Group, Ltd
Do	Hinderliter Industries, Inc
Do	Kaiser Steel Corp
Do	Lowrance Electronics
Do	Marathon Properties
Do	Morse/Diesel
Do	Sikorsky Aircraft Corp/Div of United Technologies

Organization or Individual Filing	Employer/Client
Do	Wayne County Michigan
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Mitchell's Management Corp
Do	Spruce Development Corp
Webster B. Todd Jr., 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Iriquois Gas Transmission Systems
Do	Sierra Club of America
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies
Stanley F. Turesky, 2550 M St., NW, #300 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)
Do	Van Dyke Associates, Inc (For:USF&G Corp)
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Loyens & Volkmaars)
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters
S. Diane Turpin, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute
U.S.-Japan Dialogue of the Year 2001 Committee, 2600 Virginia Ave., NW, #512 Washington, DC 20037	Year 2001 Committee
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Postal Square Associates
Do	Wagner & Brown
Vietnam Veterans of America, Inc, 2001 S Street, NW Washington, DC 20009	
T. Visconti & Associates, Inc, 1089 W. Granada Blvd., #3 Ormond Beach, FL 32074	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bank One, Columbus, N.A.
Do	Dale Michael A/K/A Riviera Bowling Lanes
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Association of Business Publishers
Do	EMSI, Ltd
Do	New MediCo Associates, Inc
Do	Rainbow Navigation, Inc
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	Loyens & Volkmaars
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Charter National Life Insurance Co
Do	S. Grumbacher & Son, Inc
Do	PHLcorp, Inc
Do	Resorts International, Inc
Austen W. Watson, 1725 Jefferson Davis Hwy., #701 Arlington, VA 22202	Singer Co
Jay Watson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Peter K. Weber, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Winner Wagner & Associates, Inc
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Diagnostic Retrieval Systems, Inc
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)
Mark B. Weinberg, P.C., 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas
Do	Federal Indian Tribes of Michigan
Wellford Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Catalyst Energy Corp
Do	Energy Factors, Inc
Do	Sithe-Energies USA, Inc
Do	Taurus International Manufacturing, Inc
G. Franklin West, 3804 Rodman St., NW, #302 Washington, DC 20016	Church Alliance
Edith E. Westermann, 1225 Jefferson Davis Highway, #600 Arlington, VA 22202	Westermann & Hendricks, Inc
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	American International Manufacturing Corp
Do	ARCO
Do	Consortium of State Maritime Schools
Do	Gulf South Engineers, Inc
Do	Hughes Aircraft Company
Do	Manhattan Building Companies, Inc
Do	Massachusetts Maritime Academy
Do	National Gypsum Co
Do	New England Fisheries Development Foundation, Inc
Do	Oceanic Institute
Do	Paul Weiss Rifkind Warton & Garrison
Leland J. White, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	LTV Corporation
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Security Pacific National Bank
Charles C. Williams, P.O. Box 3500 M/S 630 Vancouver, WA 98668	Tektronix, Inc
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Southwestern Bell Corp
Do	Turner Broadcasting System, Inc
Do	U.S. Telephone Assn
Do	United Bankers, Inc
Willkie Farr & Gallagher, 1155 21st St., NW Washington, DC 20001	National Assn of Independent Fee Appraisers
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG
Do	Empire of America Federal Savings Bank
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	FAG Bearings Corporation
Do	United Airlines, Inc
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	Staley Continental, Inc
Christopher J. Witkowski, 2000 P St., NW, #700 Washington, DC 20036	Aviation Consumer Action Project
Hazel A. Witte, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Irvin M. Woods, 600 Maryland Ave., SW, #701 Washington, DC 20024	Aircraft Owners & Pilots Assn
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Canadair Challenger, Inc
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Association of American Railroads
Do	Food Marketing Institute
Do	Ford Motor Co
Do	Genentech
Do	General Aviation Manufacturers Association
Do	GTE Corporation
Do	LTV Corporation
Do	North American Phillips Corp
Do	Polaris Industries
Do	Primark Corporation
Do	Product Liability Coordinating Committee
Do	Tobacco Industry Labor Management Committee
F. Dalton Yancey, 910 16th St., NW, S-402 Washington, DC 20006	Florida Sugar Cane League, Inc
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	New Hampshire Yankee
Do	Romulus Engineering

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1987:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through............................, 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	9,942.91	5,648.96
Do	Golden Gate Bridge Highway & Transportation District	9,410.30	4,305.79
Do	Tobacco Institute	20,241.39	4,305.79
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	120.00	6.00
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,194.23	5.00
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Albert E. Abrahams, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	191.53
Matthew J. Abrams, 1828 L St., NW, #660 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)		
Do	Dominion Marine Assn		
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		75,935.22	
Ad Hoc Coalition on International Electric Power Trade, 12800 Shaker Blvd. Cleveland, OH 44120-2099			140.23
John J. Adams, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	424.46
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	2,000.00	1,500.00
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		41,501.35	41,501.35
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	7,250.00	
Do	Association for Gerontology in Higher Education	750.00	
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1730 M St., NW, #607 Washington, DC 20036	Arizona Public Service Company	1,950.00	4,604.08
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		52.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			3,829.40
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		1,089.11	1,089.11
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		4,596,095.00	114,888.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	2,100.00	6.00
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600 Washington, DC 20004	Digital Equipment Corp	16,250.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc	890.00	
Do	Amerada Hess Corp	5,775.00	95.00
Do	American Nuclear Energy Council		
Do	American Stores Co	4,000.00	76.00
Do	American Telephone & Telegraph Co	850.00	
Do	Archer Daniels Midland Company		
Do	Asamera Minerals (U.S.), Inc	250.00	
Do	Baltimore District Farm Credit Council	15,000.00	285.00
Do	Bank of New York	21,100.00	399.00
Do	Boston Company	890.00	
Do	Buckeye Pipeline Co, L.P	1,800.00	19.00
Do	Charles Jacquin et Cie, Inc	140.00	
Do	City of Philadelphia	2,000.00	38.00
Do	Clark Enterprises, Inc		
Do	Clarke/Bardes Organization, Inc	716.00	
Do	Coalition for Fair Capital Reimbursement	2,000.00	38.00
Do	Commercial Metals Co	8,300.00	152.00
Do	Copley Real Estate Advisors, Inc	890.00	
Do	Creditors in case of Grant Broadcasting System, Inc	1,044.00	19.00
Do	COMSAT Corp	750.00	
Do	Drexel Burnham Lambert, Inc	63,240.00	1,197.00
Do	Embassy of the People's Republic of China		
Do	First City Bancorporation of Texas, Inc	1,860.00	19.00
Do	First Texas Savings & Loan		
Do	Fujitsu America, Inc	2,000.00	38.00
Do	General Motors Corp		
Do	W. R. Grace & Co	6,840.00	114.00
Do	Guardian Industries	100.00	
Do	Gulf & Western Industries, Inc	1,150.00	19.00
Do	Houston Oilers	180.00	
Do	Jacquin's	140.00	
Do	Peter Kiewit Sons', Inc	18,060.00	342.00
Do	Levi Strauss & Co	2,290.00	38.00
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	25,294.00	475.00
Do	Merrill Lynch Capital Partners	1,600.00	19.00
Do	Mesa Petroleum Co	42,000.00	798.00
Do	Metropolitan Transit Authority of Harris County	1,500.00	19.00
Do	Morgan Stanley & Co, Inc		
Do	Motion Picture Assn of America, Inc	6,700.00	114.00
Do	Mutual Fairness Taxation Assn		
Do	MEDCO Containment Services, Inc		
Do	National Football League		
Do	Nederlander Theatres		
Do	Nevada Resorts Assn	16,500.00	304.00
Do	News America		
Do	Pepsico, Inc	2,640.00	38.00
Do	Pharmaceutical Manufacturers Assn	5,525.00	95.00
Do	Population Services International	2,000.00	38.00
Do	Property Capital Advisors, Inc	890.00	
Do	Reebok International Ltd	550.00	
Do	Research Corporation		
Do	RJR Nabisco, Inc	5,200.00	95.00
Do	Scotfoam Corp		
Do	Sheller-Globe		
Do	Southern California Edison Co	2,275.00	38.00
Do	Texas Air Corp		
Do	Tinicum, Inc	2,000.00	38.00
Do	Todhunter International, Inc	140.00	
Do	United Illuminating Co	5,097.00	95.00
Do	W. B. Voss		
Do	Warner-Lambert Co	26,400.00	494.00
Do	Wertheim & Co	500.00	
William E. Albers, 1731 Connecticut Ave., NW Washington, DC 20009	Albers & Company (For:May Department Stores Co)	16,400.00	200.64
James J. Albertine, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)		
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	68.75	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Eastern Air Lines, Inc)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	137.50	
Do	Cadwalader Wickersham & Taft (For:Henley & Co, Inc)	13.75	
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)	13.75	
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	92.13	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	115.50	
Do	Cadwalader Wickersham & Taft (For:PepsiCo, Inc)	92.13	
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)		
Do	Cadwalader Wickersham & Taft (For:Scott Paper Co)		
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	4,450.53	
John D. Allan, c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,796.15	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,250.00	233.60
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Asn	7,500.00	
William E. Allen, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		7,500.00	1,623.00
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		330,000.00	72,087.94
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			41,843.10
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alltel Corporation, 100 Executive Parkway Hudson, OH 44236			277.00
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	7,175.00	72.00
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,000.00	473.75
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc	2,858.00	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	89.31
American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114		17,010.07	17,010.07
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			6,432.85
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		66,944.00	136,202.00
American Assn for Counseling & Development, 5999 Stevenson Avenue Alexandria, VA 22304		47,910.00	31,712.00
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,107.11	251.23
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		121,007.57	121,007.57
American Camping Association, Bradford Woods Martinsville, IN 46151		5,721.82	5,721.84
American Chamber of Commerce of the Dominican Republic, P.O. Box 95-2 Santo Domingo Dominican Republic			
American Conservative Union, 38 Ivy Street, SE Washington, DC 20003			
American Council for Capital Formation, 1850 K Street, NW, #520 Washington, DC 20006		1,573.00	4,817.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		50,633.18	50,633.18
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			6,000.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		124,381.00	124,381.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			146,858.27
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Frozen Food Institute, 1700 Old Meadow Rd., #100 Mclean, VA 22102		6,000.00	6,000.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K St., NW Washington, DC 20006		1,500.00	
American Hotel & Motel Assn, 888 Seventh Ave. New York, NY 10106		22,552.86	13,182.50
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,005.60
American Insurance Assn, 1025 Connecticut Avenue, NW Washington, DC 20036		3,239.00	3,239.00
American International Group, Inc, 70 Pine Street New York, NY 10270			56,688.73
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		210,582.00	135,693.69
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,275.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		208,250.00	11,418.64
American Library Assn, 50 E. Huron St. Chicago, IL 60611		197.00	5,131.86
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202			1,662.95
American Meat Institute, P.O. Box 3556 Washington, DC 20007			6,500.00
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			96,860.25
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			3,010.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		20,320.43	20,320.43
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			5,025.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		157,402.28	238,984.53
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		8,846.95	8,846.95
American Podiatric Medical Assn, 9312 Old Georgetown Road Behesda, MD 20814-1621			21,611.45
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		91,621.65	78,759.96
American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036		82,106.00	82,106.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,585.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc for the Prevention of Cruelty to Animals, 441 E. 92nd Street New York, NY 10128			
American Soc for Personnel Administration, 606 North Washington Street Alexandria, VA 22314			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			39,867.50
American Soc of Hospital Pharmacists, 5630 Montgomery Avenue Bethesda, MD 20814			1,275.00
American Soybean Association, 600 Maryland Avenue, SW, #510 Washington, DC 20024		9,900.00	6,652.30
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			3,000.00
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		400.00	400.00
American Textile Manufacturers Institute, Inc, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036		32,718.58	43,231.09
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	71,707.10
American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005			
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		342,021.00	197.03
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		7,471.28	7,471.28
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		8,000.00	7,956.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Coalition for American Energy Security	4,500.00	
Do	Nathan Lewin (for 47th Street Photo)	5,000.00	
Do	Northrop Corp	3,000.00	
Do	Pan American World Airways, Inc	3,000.00	
Do	Thompson Medical	3,000.00	
Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	50.00	
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Co (For:Graphic Communications Int'l Union)	3,012.00	92.00
A. Richard Anderson, 300 South Sixth Street Minneapolis, MN 55402	Pillsbury Company		
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	8,662.00	
Bette B. Anderson, 1020 19th St., NW, #520 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	479.21
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute		473.74
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		47.50
Anderson & Pendleton, 1000 Connecticut Avenue, NW, #707 Washington, DC 20036	Corporacion Nacional del Cobre de Chile		
Do	Military Mission of Chile		
Anderson Benjamin Read & Haney, Inc, 1020 19th St., NW, #520 Washington, DC 20036	Coalition to Stop the Raid on America	750.00	100.00
Lisa Andrews, 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co		
Mark Andrews, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	875.00	195.43
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
Andrews' Associates, Inc, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Anglo American Auto Auctions, Inc, 2 International Plaza Dr., #600 Nashville, TN 37217			29,824.00
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	500.00	
Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins Co	2,000.00	227.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,764.00	
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	2,585.00	
John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	156.00	35.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	All Industry Television Station Music License Committee		
Do	Ameritech		
Do	Aris Anagnos Properties	27,054.35	647.53
Do	Artery Corp		
Do	Central States SE & SW Areas Health Welfare & Pension Funds	304,326.37	3,455.66
Do	ConAgra, Inc		
Do	Diagnostic Health Services, Inc		19.39
Do	Guardian Life Insurance Co of America	50,232.64	595.18
Do	Independent Federation of Flight Attendants	4,000.00	482.00
Do	Kentucky Institute for Eye Health & Surgery	921.48	150.18
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	63,956.00	710.29
Do	National Field Selling Assn	8,000.00	43.46
Do	National Parking Association	23,884.30	803.17
Do	Schoenke & Koenig	14,361.80	163.72
Do	Toshiba America, Inc	297,129.50	12,962.64
Do	Toshiba International Corp		
Do	Toyota Motor Corporation	205.63	
Do	Washington Gas Light Co		
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	400.00	
Do	Ashland Oil Co	200.00	
Do	Corporate Property Investors	500.00	
Do	Quintana Petroleum Corp	1,562.80	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Asea AB	1,187.50	
Do	Business Roundtable	6,615.00	42.90
Do	Caudine Investments, N.V.		0.90
Do	Chubb Corporation		40.06
Do	Continental Corporation		40.06
Do	Earthquake Project		
Do	Federated Department Stores, Inc	585.00	
Do	Fluor Corporation	910.00	
Do	Harris Bank Corp, Inc		
Do	Recording Industry Assn of America, Inc	915.75	
Do	Resorts International, Inc	5,508.75	9.46
Do	Sunstates Corp		135.56
Do	Unilever United States, Inc	1,742.50	
Do	Venezolana de Cementos Ca	5,218.25	34.35
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice		
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	14,575.45
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Joseph Ashooh, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	800.00	245.10
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Associated Credit Bureaus, Inc, P.O. Box 218300 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			14,500.00
Association for the Improvement of the Mississippi River, 100 S. 4th Street, #500 St. Louis, MO 63102			
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		13,086.46	
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036		8,142.23	8,142.23
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		98,669.92	98,669.92
Association of American Veterinary Medical Colleges, 1522 K Street, NW, #834 Washington, DC 20005			
Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202			
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016		15,000.00	11,859.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		16,062.50	16,062.50
Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036			
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Arthur Andersen & Co		
Do	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,497.16
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	30.00	
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc	634.31	
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	5,000.00	3,000.00
Aviation Consumer Action Project, 2000 P Street, NW #700 Washington, DC 20036			25.00
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	6,125.04	2,118.50
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Lawrence M. Axelrod, Touche Ross & Co 1900 M St., NW Washington, DC 20036	Schnuck Markets, Inc		
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		70.00
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	1,500.00	214.58
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	3,042.00	75.86
John Francis Bader, 2600 Virginia Ave., NW, #610 Washington, DC 20037	Urenco, Inc	3,900.00	
Carole A. Baekey, 1815 H Street, NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Federal Indian Tribes in Michigan)		390.62
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	5,000.00	80.00
Brent A. Baglien, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Franklin Eugene Bailey, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	3,000.00	370.14
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
John P. Bailey, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	8,000.00	811.29
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
John Baize, Capitol Gallery Bldg., #510 600 Maryland Avenue, SW Washington, DC 20024	American Soybean Association	1,088.75	146.35
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	400.00	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	524.94
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,206.25	382.34
Monica S. Baker, 206 G St., NE, #201 Washington, DC 20002	Foley & Company (For:Curval Products, Inc)		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alamo Rent-A-Car, Inc	26,407.50	474.03
Do	Astroline Communications Co	10,000.00	6,650.00
Do	Burlington Northern Railroad	169,647.50	256.03
Do	Uniden Corp of America		
S. Eason Balch, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Jacqueline Balk-Tusa, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Charles E. Ball Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	61.30
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Arthur Andersen & Co		
Do	U.S. Committee for UNICEF		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Henchi Balos, P.O. Box 921 Majuro, Marshall Islands	Republic of the Marshall Islands (RMI)		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
M. Graeme Bannerman, 9108 Parliament Drive Burke, VA 22015	Embassy of Lebanon	6,000.00	935.00
Do	Sawyer-Miller Group	6,000.00	1,560.00
Samuel J. Baptista, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Int'l Knitters Corp		11.37
Do	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co		
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual		151.79
Do	Heidelberg Eastern, Inc	1,853.75	41.94
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co		17.78
Do	Rukert Marine Corp	487.50	19.75
Do	Stratton Hats, Inc		19.50
Do	Texas Citrus and Vegetable Import Association	675.00	41.51
Do	Uniroyal Chemical Co, Inc	4,259.57	76.11
Barnett & Alagia, 250 South County Rd. Palm Beach, FL 33480	Cuban American Foundation		
Do	Dairymen, Inc	10,780.00	1,499.66
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors	600.00	
Do	Citibank, N.A.	2,675.00	87.00
Do	Credit Union National Assn, Inc	1,400.00	
Do	Investors in Industry		
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James E. Barrett, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College)		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	2,500.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	750.00	
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,000.00	55.73
Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002	Religious Coalition for Abortion Rights, Inc	5,875.02	27.60
Judith Freelin Bassett, 600 Maryland Ave., #701 Washington, DC 20024	Aircraft Owners & Pilots Assn	12,000.00	1,971.64
Diane Bateman, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	9,000.00	1,899.43
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Corp	1,125.00	
Robin Battaglini, 1600 M Street, NW Washington, DC 20036	ITT Corporation	2,000.00	40.00
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,275.00	
John F. Battles, Massachusetts Petroleum Council 11 Beacon St., #515 Boston, MA 02108	American Petroleum Institute		
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	30.00
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
Margaret E. Bayers, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	285.44	134.46
Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Union Pacific Resources	350.00	131.25
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises	8,500.00	7,300.00
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald F. Beavan, 190 Highland Drive Centerville, MA 02632	Capital Holding Corp	17,500.00	15,107.00
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,615.00	931.03
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	192.00	39.68
Merritt Becker, 1712 Euclid St., NW Washington, DC 20009	Bruce P. Cameron	5,000.00	
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,387.73	21.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,500.00	
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	538.46	163.79
Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607	Western Independent Bankers	500.00	
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp	16,200.00	5,050.60
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	6,440.00	75.00
William A. Behan, 1700 N. Moore St., #820 Rosslyn, VA 22209	Magnavox Government & Industrial Electronics Co	9,369.00	2,231.98
James Beizer, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Peter M. Belanger, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
M. Wendell Belew Jr., 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronics Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Long Lake Energy Corp		
Do	Massachusetts Mutual Life Insurance Co		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	296.93
Diane L. Bell, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,875.00	386.68
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596			
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	1,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Mary K. Bellamy, 1600 M St., NW Washington, DC 20036	Investment Company Institute	15.66	
James P. Bellis, 1629 K St., NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:Altantic Ritchfield Co)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:European Community)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	9,600.00	
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Hoffman-La Roche, Inc)		10.00
Beverly L. Bennett, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute		
Diana Berardocco, 555 13th St., NW, #1050 East Washington, DC 20004	Avon Products, Inc		
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group	625.23	
Edwin M. Bergsmark, Three Seagate Toledo, OH 43603	Toledo Trust Company	375.00	1,597.00
Paul C. Bergson, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,000.00	
Jane W. Bergwin, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	850.00	
Pamela M. Berkwitz, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	12,000.00	1,612.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	488.00
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	4,950.00	64.81
Do	Government of Barbados, Ministry of Finance & Planning	26,783.00	393.36
Debra Berlyn, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	8,615.39	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	5,000.00	
Jay Harris Berman, 621-A 7th St., NE, Washington, DC 20002	National Assn of Professional		
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	China External Trade Development Council	2,000.00	1,316.00
Do	Eli Lilly & Company	800.00	287.59
Do	First Atlantic Investment Corp	1,500.00	1,161.32
Do	First Boston Corp	3,000.00	2,131.91
Do	Flo-Sun Land Corp	2,000.00	1,961.32
Do	Forum Group, Inc	2,000.00	1,150.00
Do	Galesi Group	2,000.00	1,953.94
Do	Malone & Hyde		
Do	Natural Gas Supply Assn	3,000.00	1,979.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Okeelanta Corp	1,700.00	2,061.32
Do	Republic of Korea	2,000.00	1,230.00
Delanne Bernier, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	450.00	198.00
Donald C. Berno, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	9,875.00	
Craig A. Berrington, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,100.00	60.00
Better Working Environments, Inc, 3716 Scripps Way Las Vegas, NV 89103			
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	5,250.00	346.77
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	Town of Oyster Bay Industrial Development Agency		
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,259.75
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	American Waste & Pollution Control Co		
Do	Camp Dresser & McKee, Inc		
Do	First Boston Corp		
Do	Lamar Corporation		
Do	Southeast Health Plan of Louisiana, Inc		
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Building Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,510.76	
Patricia H. Billings, 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,997.03	
Robert D. Billings, 301 Corla Ct. Oxon Hill, MD 20745	American Conservative Union		
Hugh L. Binford, 339 Ruckel Drive Niceville, FL 32578			
Bingham Dana & Gould, 1724 Massachusetts Avenue, NW Washington, DC 20036	Disabled American Veterans	585.00	
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004			
Birch Horton Bittner Pestinger & Anderson, 1155 Connecticut Ave., NW, #200 Washington, DC 20036	Alaska Pacific Refining, Inc		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Amerada Hess Corp		
Do	Calista Corp		
Do	City of St. George		
Do	Ellers Oakley Chester & Rike		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Robert J. Bird, 555 13th Street, NW, #490 Washington, DC 20004	General Mills, Inc	450.00	
Do	Zachry, Inc		
Charles O. Bishop Jr., 1225 Connecticut Ave., NW Washington, DC 20036	American Public Transit Assn	6,920.00	117.00
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	BATUS, Inc	14,216.00	146.35
Do	Mobil Oil Corp, et al	4,747.71	134.70
J. Barry Bitzer, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	27.53
Do	Allentown Cement Co, Inc	15,000.00	9.75
Do	Allied-Signal Corp	22,500.00	445.10
Do	Bethlehem Steel Corp	22,500.00	83.02
Do	Chicago RTA	9,000.00	178.81
Do	Clark Construction Group	9,000.00	25.05
Do	Cooper's Ferry Development Assn, Inc	9,000.00	479.39
Do	Diamond Star Corp	30,000.00	307.29
Do	Financial Security	22,500.00	130.22
Do	GTech Corp	9,000.00	4,998.50
Do	Johnson & Johnson, Inc	30,000.00	1,295.95
Do	Kaman Aerospace Corp	45,000.00	297.48
Do	Massa Products Corp	15,000.00	342.65
Do	NOVA University	30,000.00	3,345.44
Do	OCG Technology, Inc	1,500.00	122.11
Do	Puerto Rico Federal Affairs Administration	9,000.00	2,005.80
Do	Revlon Group, Inc	6,000.00	142.16
Do	Tobacco Institute	22,500.00	322.23
Do	Trans World Airlines, Inc	18,000.00	385.06
Do	U.S. Sprint	12,000.00	242.77
Do	Union Pacific Corp	22,500.00	349.84
Do	UNITA	75,000.00	385.79
Robert J. Blackwell, One Thomas Circle, NW, #900 Washington, DC 20005	Enserch Corporation	3,038.00	892.10
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
David A. Blair, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	2,323.00	
Neal B. Blair, Suite J 11244 Waples Mill Rd. Fairfax, VA 22030	Free the Eagle, et al	19,383.30	
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	3,302.55	
Beatrice K. Bleicher, 1700 K Street, NW, #1100 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Christopher M. Blessington, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp		38.50
Do	Environmental Science & Engineering		
Do	Fluor Corporation		
Do	National Paint & Coatings Assn, Inc	250.00	43.60
Do	Pb-Kbb, Inc	520.00	34.40
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	1,000.00	83.20
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,000.00	
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	20,424.96	886.22
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,200.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,875.00	634.56
Vera Steiner Blore, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	300.00	5.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	699.96
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)	250.00	62.50
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn	1,000.00	671.90
Wayne F. Boan, 927 15th St., #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		60,000.00	60,000.00
Karen Bodenhorn, 1522 K Street, NW, #1120 Washington, DC 20005	American College of Nurse-Midwives		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Larry A. Boggs, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Alaskan Factory Trawlers Assn	2,000.00	
Do	Northwest Apparel & Textile Assn	1,000.00	
Do	Pacific Seafood Processors Assn	300.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
George H. Bohlinger III, 1015 18th St., NW, #400 Washington, DC 20036	Domino's Pizza, Inc		
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Association		
Richard O. Bolger, 2055 N. 15th Street, #300 Arlington, VA 22201	American Soc of Magazine Photographers	40,590.96	7,961.88
Harold W. Bolinger, 300 Independence Ave., SE Washington, DC 20003	Liberty Lobby, Inc	550.00	
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,976.40	457.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph C. Bonanno Jr., 4068 Keith Drive Campbell, CA 95008			
A. Dewey Bond, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	500.00	
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,700.00	114.50
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	2,190.00	24.60
W. Dan Boone, 345 Park Ave. New York, NY 10154	Union Pacific Corp, et al		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	D Boratyn, Ltd		
Richard H. Bornemann, 10 Fourth Street, SE Washington, DC 20003	United Illuminating Co	2,750.00	392.76
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	150.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,657.00	52.50
Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036	McDonnell Douglas Helicopters, et al	1,500.00	92.00
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	3,121.37	218.65
James G. Bourie, 126 S. Washington St., Alexandria, VA 22320	Potomac Advisory Group		
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,400.00	
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,948.16	569.54
Bowery Savings Bank, 110 East 42nd Street New York, NY 10017			
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		89.09
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	600.00	139.00
Richard A. Boyd, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	3,000.00	
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	445.38
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Appalachian Energy Group		
Do	Austin Capital Metropolitan Authority		
Do	Chemical Manufacturers Assn, Inc		
Do	Computer Dealers & Lessors Assn, Inc		
Do	COMDISCO, Inc		
Do	Enron Corp		
Do	Graham Resources, Inc		
Do	Liberty Bank & Trust of New Jersey		
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn		
Do	Southdown/Pelto Oil Company		
Do	Star-Kist Foods, Inc		
Do	Valero Energy Corporation		
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Co	30,000.00	390.00
Do	Arkla, Inc	4,000.00	210.00
Do	City of Tucson	7,000.00	140.00
Do	Coin Coalition	4,000.00	370.00
Do	CSX Corporation	8,000.00	210.00
Do	Energy Absorption Systems, Inc	8,000.00	180.00
Do	Energy Contractors Price-Anderson Group	4,000.00	140.00
Do	Estes Company		
Do	LaserVideo, Inc	4,000.00	180.00
Do	Pratt & Whitney Aircraft Group	4,000.00	40.00
Do	Satellite Broadcasting & Communications Assn		
Do	Southern Arizona Water Resources Association	2,000.00	150.00
Robert W. Bradford, 1101 John A. Denie Road P.O. Box 34550 Memphis, TN 38184-0550			
Frank W. Bradley, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	6,600.00	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	500.00	
Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Lawrence J. Brady, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Carren Bragg, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	500.00	
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	180.30	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	General Dynamics Corp		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	2,000.00	
Do	Citizen/Labor Energy Coalition		
Richard D. Brannick, P.O. Box 550 Dexter, NY 13634	National Border Patrol Council		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc	300.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	17,821.24	2,288.67
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	59.79	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America		
Do	American Car Rental Assn		
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	Committee for Tax Equity		
Do	Committee to Eliminate Equipment Giveaways	5,000.00	
Do	Murry's, Inc		
Do	National Car Rental System, Inc		
Do	Temistocles Ramirez	1,000.00	
Do	Ryder Systems, Inc		
Do	Trans World Airlines, Inc		
Do	Truck Renting & Leasing Assn	1,500.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,229.21
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	361.15
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn		
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		35.19
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Elizabeth Y. Britton, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	352.37	22.15
Stephen W. Broadie, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,500.00	13.40
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 2715 M St., NW, #300 Washington, DC 20007	Plunkett & Cooney (For:American Soc for the Prevention of Cruelty to Animals)	1,875.00	164.47
Do	Plunkett & Cooney (For:Blue Cross & Blue Shield Assn of MI)	3,592.50	93.79
Do	Plunkett & Cooney (For:City of Detroit, Michigan)	7,500.00	108.00
Do	Plunkett & Cooney (For:Detroit Educational TV Foundation)	945.00	74.95
Do	Plunkett & Cooney (For:Humane Soc of the U.S)	1,875.00	164.47
Do	Plunkett & Cooney (For:Massachusetts Soc for the Prevention of Cruelty to Animals)	1,875.00	164.47
Do	Plunkett & Cooney (For:Michigan Consolidated Gas Co)	10,000.00	266.59
Do	Murray & Scheer (for: Lightning Location & Protection, Inc)	4,500.00	37.20
Do	Murray & Scheer (for: PHP Healthcare Corp)	3,473.75	68.90
Do	Plunkett & Cooney (for: Humane Soc of the U.S.)	240.00	
Do	Plunkett & Cooney (for: Michigan Humane Soc)	240.00	
David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	4,000.00	
Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 1620 Eye Street, NW, #706 Washington, DC 20006	Northern Textile Assn	7,875.00	7,875.00
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	250.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central Power & Light Co		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,344.04	88.00
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Automated Business Management Systems, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Evergreen Associates, Ltd (For:Clover Park School District)	5,326.50	46.25
Do	Evergreen Associates, Ltd (For:Computer Dynamics & Aeronautics Corp)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd (For:Military Impacted Schools Assn)		
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Ben Jarratt Brown, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Cheryl A. Brown, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	Baxter		
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	2,201.51
Doreen L. Brown, 1001 Connecticut Ave., NW, #800 Washington, DC 20036	Consumers for World Trade		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	3,465.00	33.89
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	4,000.00	2,441.78
William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	525.00	262.65
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	307.60	500.00
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	18,000.00	157.30
Do	Cellular Corp	6,765.00	54.00
Do	Home Satellite Television Association, Inc	2,262.00	39.00
Brownstein Hyatt Farber & Madden, 410 Seventeenth St., 22nd Floor Denver, CO 80202	Alliance for Capital Access	10,175.00	5,828.55
Do	MDC Asset Investors, Inc		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Western Union Corp	46,114.50	11,505.26
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Canadian Financial Corporation		
Do	Schochet Associates		
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	250.00	35.00
Kathryne M. Bruner, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	875.00	583.39
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	541.15	96.50
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn		
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Co	925.00	439.04
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Thomas L. Buckmaster, 1225 Connecticut Avenue, NW, #303 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	250.00	
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc	2,137.50	1,261.09
Douglas W. Bulcao, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	1,440.00	4.00
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	637.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	168.50
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, Suite 700 South 1800 M Street, NW Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		82.50
Robert J. Burdick, 1126 16th Street, NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	3,057.90	
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	Bixby Ranch Co	6,000.00	1,038.59
Harriet Hunt Burgesss, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	5,737.50	3,379.09
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
John L. Burke Jr., Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Massaro Properties, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	311.54	3.50
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		47,110.75	1,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	205.10
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Arthur Andersen & Co	1,325.00	
Do	City of Philadelphia	225.00	10.00
Do	Clark Equipment Co	350.00	
Do	Epson America, Inc		
Do	Hankin Management-Arsenal Business Center Associates	450.00	25.00
Do	Pennwalt Corp	150.00	10.00
Do	Pennzoil Co		
Do	Philadelphia Industrial Development Corp	225.00	20.00
Do	Philadelphia Port Corp	300.00	15.00
Do	Philip Morris, Inc	2,650.00	6.00
Do	Softgel Assn	1,250.00	
Do	Temple University	450.00	25.00
Do	Thomson Group	2,100.00	956.20
Do	U.S.-Taiwan, Republic of China Fair Trade Council	4,100.00	257.68
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
David W. Bushong, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	12,814.75	
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau	1,587.00	3,525.00
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	6,402.00	
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute	900.00	100.00
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation		
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
John D. Cahill, 230 E Street NE Washington, DC 20002	Massachusetts Bay Transportation Authority	3,750.00	
Do	Massachusetts Port Authority	15,500.00	
Do	Massachusetts Water Resources Authority	1,575.00	
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	63.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	National Mass Retailing Institute	6,250.00	
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	8,500.00	2,035.00
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 2011 Crystal Drive, #903 Arlington, VA 22202	Space Industries, Inc	1,425.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,200.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		1,137.19
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			180.00
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Avco Lycoming Textron	200.00	
Do	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	175.00	
Do	General Dynamics Land Systems	300.00	
Do	General Dynamics Valley Systems Division	200.00	
Do	Lockheed Aeronautical Systems Co	325.00	
Do	Norden Systems, Inc	180.00	
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation	1,427.00	
Do	Lukens General Industries, Inc	1,500.00	
Do	Safetran Systems Corporation	3,038.00	
Do	Syro Steel Co, et al.	2,100.00	
Do	3M Company	6,956.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	15,000.00	3,352.28
Do	Republic of Guatemala (Presidency of the)	9,000.00	1,352.28
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	159.45	62.45
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp	375.00	
Do	Blue Cross & Blue Shield Assn		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	5,500.00	
Do	Committee for Equitable Compensation	1,362.50	
Do	EG&G, Inc	100.00	
Do	Government Program Services		
Do	Greater Boston Community Development, Inc		
Do	Hospital Insurance Forum	1,000.00	
Do	Missouri Baptist Hospital of Sullivan	437.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mobil Oil Corp		
Do	Stephen Moses Interests		
Do	Natural Gas Supply Assn		
Do	NATCO (National Assn of Tax Credit Coalition)		
Do	Occidental Petroleum Corp		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	Presidential Airways, Inc	625.00	
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	2,493.75	
Do	South Central Bell		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	World Airways		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		5,477.91	11,399.10
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	1,000.00	
Carl C. Campbell, 1030 15th St., NW, Suite 700 Washington, DC 20005	National Cotton Council of America	300.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9418 Wooded Glen Ave. Burke, VA 22015	General Motors Corp	26,000.00	6,986.31
Do	National Civic Crusade for Panama		1,037.83
Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,926.36
Charles J. Campisi, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	13,750.00	652.80
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		6,197.20	3,983.21
Robert P. Canavan, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	306.92	
Anne C. Canfield, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	915.00	
Edward F. Canfield, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions		
Howard W. Cannon & Associates, 499 South Capitol St., SW, #400 Washington, DC 20003	Rockwell International Corp		
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005	Baxter		
Capital Service of Washington, Inc, 1439 Rhode Island Ave., NW Washington, DC 20005	Massachusetts Biotechnology Council, Inc	2,500.00	2,148.32
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School	861.25	
Do	Endocrine Society	400.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	412.50	
Do	National Assn of Pediatric Nurse Associates & Practitioners	375.00	
Do	National Coalition for Volunteer Protection	1,125.00	
Do	National Multiple Sclerosis Society	572.50	
Do	Polymer Technology Corp	500.00	
Do	Rehabilitation Institute of Chicago	812.50	
Do	Saatchi & Saatchi Compton Worldwide	1,050.00	
Do	Technicon Data Systems Corp	1,200.00	
Do	Thompson Medical Co	337.50	
Do	Westmore, Ltd	750.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Association of American Publishers	2,800.00	
Do	National Council of YMCA of the USA	250.00	75.19
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Norval E. Carey, 1025 Connecticut Ave., NW #704 Washington, DC 20036	Gulf Oil Corp (for GA Technologies, Inc)	16,780.00	1,181.27
Maurice E. Carino Jr., 1000 16th St., NW, #800 Washington, DC 20036	Bethleham Steel Corp	100.00	
Robert B. Carleson, 1800 K Street, NW, #605 Washington, DC 20006	KMG Main Hurdman (For:Mercedes Benz of North America, Inc)		
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)	56.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	450.00	
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Carmen & Hugel (for CareerCom)	1,500.00	10.00
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom	1,500.00	1,500.00
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	5,625.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	4,000.00	
Cy Carpenter, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,000.00	623.61
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Manufacturing Co		
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,100.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Co		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	105.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	792.61	148.03
David Cartwright, 1155 15th Street, NW Washington, DC 20005	National Small Business Assn	7,500.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,050.30
Daniel L. Casey, 5A East Curtis Avenue Alexandria, VA 22301	American Conservative Union		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	14,904.14	127.00
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,437.50	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	13,929.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alloy Technology		
Do	American Hospital in Shanghai Foundation	125.00	
Do	Anatolia College Board of Trustees		
Do	Arizona State University		
Do	Atlanta University		
Do	Atlantic Financial		
Do	Barry University		
Do	Boston College	150.00	
Do	Boston University		
Do	Brown University		
Do	Catholic University of America	225.00	6.50
Do	Centex Communications, Inc		
Do	Children's Hospital		
Do	Columbia University		
Do	Crane Co Resistoflex		
Do	Crane Company		
Do	Crane Hydroaire		
Do	Crane National Vendors		
Do	Drexel University	150.00	12.50
Do	Fudan Foundation	300.00	40.00
Do	Global Broadcasting Group, Inc	450.00	
Do	Indiana University		
Do	J & B Management Co		
Do	Loma Linda University Medical Center, Inc	825.00	
Do	Louisiana Public Facilities Authority	75.00	
Do	Loyola Marymount University		
Do	Martha Graham Center of Contemporary Dance, Inc	500.00	
Do	Medical College of Ohio, Toledo		
Do	Medical College of Pennsylvania	150.00	
Do	Medical University of South Carolina	450.00	
Do	Medusa Cement Co		
Do	Mount Sinai Medical Center		
Do	NeoRx		
Do	New England College of Optometry		
Do	Northwestern University		
Do	O'Connell Management Co, Inc		
Do	Ocean Spray Cranberries, Inc		13.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Oceanic Institute	150.00	
Do	Pan Metal Corp		
Do	Pioneer Financial	1,125.00	63.75
Do	Pirelli Cable Co		
Do	Polytechnic University	300.00	12.50
Do	Renewable Fuels Assn	375.00	22.00
Do	Rochester Institute of Technology	450.00	48.00
Do	Rocky Mountain Energy Co		
Do	Saint Joseph's University	300.00	6.00
Do	Thomas Jefferson University		
Do	Tufts University		38.00
Do	United Hospitals, Inc		
Do	Universal Med Center/U of TX Health Science Center at Dallas		
Do	University of Alabama in Huntsville	150.00	12.50
Do	University of Bridgeport		
Do	University of Hawaii	75.00	27.50
Do	University of Southern Mississippi		
Do	University of Utah		
Do	University of Vermont		
Do	Wertheim Schroder & Co, Inc		
Do	West Virginia University	75.00	
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	5,100.00	
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Nicholas G. Cavarocchi, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002			
Rosario Ceballo, 2030 M St., NW Washington, DC 20036	Common Cause	4,500.00	1,802.64
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Do	Martin Marietta Corp	250.00	
Cellular Telecommunications Industry Assn, 1990 M St., NW, #610 Washington, DC 20036			
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	19,346.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			407.11
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	533.08	317.25
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Applied Energy Services, Inc	4,526.00	30.00
Do	Burnett & Hallamshire Holdings Plc	48,738.00	228.93
Do	Manufacturer's Life Insurance Co		
Do	Napp Chemicals, Inc		
Do	Peat Products of America, Inc		
Do	Ruan Transportation Management Systems	24,753.00	107.00
Do	Ultrapower, Inc		
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Harza Engineering Co		
Henry Chajet, 1920 N St., NW Washington, DC 20036	American Mining Congress	300.00	50.00
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc	442.50	12.86
Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Durwood Chalker, P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Ed Chandler, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	11,385.00	500.00
Richard M. Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	96.00	358.31
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television		
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	335.80
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036			1,173.00
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,375.00	1,375.00
Do	Capital Childrens Museum	1,375.00	1,375.00
Do	Corcoran Gallery	1,375.00	1,375.00
Do	Fords Theater	1,375.00	1,375.00
Do	National Building Museum	1,375.00	1,375.00
Do	National Symphony	1,375.00	1,375.00
Do	Phillips Collection	1,375.00	1,375.00
Do	Shakespeare Theater at the Folger	1,375.00	1,375.00
Do	Washington Ballet	618.75	618.75
Do	Washington Opera	1,375.00	1,375.00
Do	Washington Performing Arts Society	756.25	756.25
John B. Childers, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,138.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 4500 Lincoln Plaza Dallas, TX 75201-3318	National Gypsum Co	330.00	180.40
J. Samuel Choate Jr., 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Joseph L. Choquette III, c/o Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	575.00	1,012.69
Hal M. Christensen, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Delta Dental Plans Assn	1,500.00	
Jack E. Christy, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	617.89	
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	207.40
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			10,867.31
Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
Chwat/Weigend Associates, 400 First Street, NW, #816 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Radio Relay League	2,000.00	2,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	Coalition on Alcoholic Beverage Procurement	1,000.00	1,000.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		2,000.00	2,000.00
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036		1,500.00	1,500.00
Citizens for Sensible Control of Acid Rain (CSCAR), C/O 1225 Connecticut Avenue, NW, #300 Washington, DC 20036		345,000.00	265,034.12
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	400.00	198.00
David A. Clanton, 1667 K Street, NW, 9th Fl. Washington, DC 20006	Buchanan Ingersoll, P.c. (For:Federation of Apparel Manufacturers)		
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James W. Clark Jr., 1505 Prince Street, # 300 Alexandria, VA 22314	American Optometric Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	10,631.25	317.73
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	2,398.00	1,903.58
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	350.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp	90.00	
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	North Wind Undersea Institute		
Do	Security Pacific National Bank		25.50
Do	Synthetic Organic Chemical Manufacturers Assn, Inc		
Do	Union Oil Co of California, et al.	500.00	10.00
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	5,359.01	1,015.72
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
W. M. Click, P.O. Box 719 Dallas, TX 75221	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	1,200.00	400.00
Do	Joint Corporate Comm on Cuban Claims	600.00	43.20
Do	J. C. Maxtone-Mailer	600.00	235.37
Do	Proprietary Association	6,000.00	2,109.86
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Putman Properties, Inc		
Do	Timken Co		
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		5,737.50	5,876.35
Coalition to Oppose Energy Taxes, 1100 15th St., NW, #1200 Washington, DC 20005		30,000.00	1,493.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Coalition Against Double Taxation, Inc, c/o Kiernan & O'Brien 3050 K Street, NW, #330 Washington, DC 20007			
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	National Investment Development Corp		
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	255.25
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	540.00	1,506.82
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Providence Hospital	2,700.00	75.00
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	220.00
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,250.00	1,286.36
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	6,916.66	14.21
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
Linda Colancecco, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	8,000.00	
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		851.54
George T. Coldeway, 8245 NW 53rd St., #200 Miami, FL 33166-4609	South Florida Hospital Assn		
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	94.00
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,000.00	1,032.32
Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005	Ad Hoc Ski Footwear Committee		
Do	Chase Manhattan Bank, N.A.		
Do	Millipore Corporation		
Colette R. Coleman, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn, Inc		
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	Alliance for Capital Access	40,000.00	40,000.00
Do	American Couplings Coalition	1,080.00	1,080.00
Do	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn		
Do	Bicycle Mfgrs Assn of Amer, Inc	750.00	750.00
Do	Committee of American Ammunition Manufacturers	975.00	975.00
Do	Crop Insurance Research Bureau	5,625.00	5,625.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	2,500.00	2,500.00
Do	Independent Lubricant Manufacturers Assn	1,000.00	1,000.00
Do	Inland Steel Corp		
Do	Municipal Castings Fair Trade Council	330.00	330.00
Do	National Assn of Convenience Stores	6,200.00	6,200.00
Do	National Assn of Mutual Insurance Cos	7,500.00	7,500.00
Do	National Broiler Council	900.00	900.00
Do	National Coalition of Fresh Potato Processors		
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn	3,720.00	3,720.00
Do	Norris Industries	875.00	875.00
Do	Outdoor Power Equipment Institute	750.00	750.00
Do	Petroleos de Venezuela, S.A.	4,500.00	4,500.00
Do	PetroJam, Ltd	10,000.00	10,000.00
Do	Pittsburgh Corning Corporation		
Do	Secondary Lead Smelters Assn, Inc	800.00	800.00
Do	Society of Independent Gasoline Marketers of America	6,200.00	6,200.00
Do	Specialty Steel Industry of the United States		
Paul Edward Michael Collin, 3600 Guard Road (Fed. Reg. No. #77634-012) Lompoc, CA 93436			
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	8,977.50	313.02
Do	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	2,970.00	24.51
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)	945.00	18.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	573.94
Aletha A. Collinson, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc	400.00	145.00
Dominique Colon, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Tim Colton, P.O. Box 498 Chester, PA 19016	Pennsylvania Shipbuilding Co	360.00	30.00
Columbia Gorge United, Box 328 Stevenson, WA 98648			
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Lori A. Comeau, 2550 M Street, NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	40.79
Douglas B. Comer, 1333 New Hampshire Ave., NW Washington, DC 20036	Electronic Processing, Inc	6,250.00	
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee for Humane Legislation, Inc, 1 Pine Street Neptune, NJ 07753		468.40	24,300.32
Committee for Proposition Thirty, P.O. Box 915 Hartselle, AL 35640			
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		8,000.00	
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		293,463.12	326,836.91
Common Cause, 2030 M St., NW Washington, DC 20036		2,518,782.00	500,479.62
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Lance Compa, 1411 K St., NW, #410 Washington, DC 20005	United Electrical Radio & Machine Workers of America	6,668.54	
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003			
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		5,960.40
Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			5,067.94
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	9,500.00	3,915.82
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	569.05
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	762.50	31.63
Gregory E. Conrad, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Consortium of Social Science Assns, 16250I Street, NW, #911 Washington, DC 20006		23,750.00	1,063.30
Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036		11,155.00	19,468.91
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			7,990.00
John J. Contney, 1250 E. Hollandale Beach Blvd. Hollandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	320.00	342.34
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	4,134.47	48.67
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	350.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	1,758.00	
Stoney Cooks, 433 6th Street, NE Washington, DC 20002	South/North Development Group, Ltd		
Bente E. Cooney, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	1,875.00	
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	10,000.00	
C. William Cooper, 603 Broad St. Sewickley, PA 15143	United Distribution Companies		
Jesse D. Cooper, 1860 Lincoln Street, #404 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	3,000.00	51.90
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	18,500.00	1.60
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	873.00
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	8,300.00	5,499.65
John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Tom Corcoran, 8736 Old Dominion Drive McLean, VA 22102	BHC Wallace Services		
William M. Corcoran, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Airlease Management Service, Inc	6,000.00	
Do	Alcalde Henderson O'Bannon & Rousselot		
Do	American Leather Goods Manufacturers Assn		
Do	Institute of Electrical & Electronics Engineers, Inc	900.00	
Do	Investment Partnership Assn		
Do	Kelso & Company	6,900.00	
Do	MCA, Inc	9,650.00	
Do	National Structured Settlements Trade Assn	8,800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Petersen Publishing Co	500.00	
Do	Republic National Bank of New York		
Do	State of Washington	25,400.00	
Do	Texas Air Corp	100.00	
Do	Tropicana International, Inc	13,950.00	
Do	U.S. League of Savings Institutions	2,500.00	
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		5,462.00	2,397.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,907.00	98.60
Correct Currency In Law, 312 Second St., SE Washington, DC 20003			
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004	CH2M Hill	2,000.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	684.54	619.29
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	4,000.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	32,300.00	
Philip S. Corwin, 1120 Connecticut Avenue, NW, Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #795 Austin, TX 78701	Central & South West Services, Inc	900.00	1,788.83
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
J. Daniel Costello, 1615 H St., NW Washington, DC 20006	U.S. Chamber of Commerce	9,225.00	305.00
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		450.37
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		349.99	720.79
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
William R. Courtney, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,125.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	5,000.00	
Do	Association of Maximum Service Telecasters, Inc		
Do	Brown Brothers Harriman & Co	2,363.50	23.40
Do	Champion International Corp		14.50
Do	Coalition for Effective Tax Reform		
Do	Coalition to Preserve the Integrity of American Trademarks		92.00
Do	Coalition to Stop the Raid on America	240.00	82.25
Do	Commonwealth of Puerto Rico	1,260.00	
Do	ERISA Industry Committee	1,612.50	7.00
Do	General Mills, Inc		3.10
Do	Georgia-Pacific Corp	1,940.00	3.00
Do	Hallmark Cards, Inc		37.20
Do	International Business Machines Corp	2,780.00	60.70
Do	International Paper Co	1,940.00	17.50
Do	Investment Company Institute	6,600.00	7.50
Do	National Football League		
Do	O-W Fund, Inc		94.15
Do	Occidental Petroleum Corp		12.50
Do	Post-Newsweek Stations, Inc		
Do	Scott Paper Co	280.00	
Do	Sun Life Assurance Co of Canada (U.S.)	12,551.38	89.30
Do	United Technologies Corporation		5.00
Do	Wesleyan University, et al	1,000.00	
Do	Westvaco Corporation		14.50
Eugene S. Cowen, 2445 M St., NW Washington, DC 20037-1420	Capitol Cities/ABC, Inc	44.80	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	500.00	184.82
Do	United Fishermen of Alaska		133.83
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	5,757.54	
C. Bryan Cox, P.O. Box 419139 Kansas City, MO 64141-6139	Kansas City Life Insurance Co		
C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,150.00	19.07
Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	1,387.50	
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Nebraska Wheat Board)		
Donald Forsyth Craib III, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	177.00	44.90
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	330.00	28.50
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority	6,750.00	
Do	Dade County		
Do	Dade County International Airport		
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co	9,625.00	1,335.25
Richard L. Crawford, 311 First Street, NW Washington, DC 20001	National Restaurant Assn	17,500.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
William H. Creamer III, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	100.00	15.00
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	4,000.00	
Patricia Cregan, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	2,100.00	370.56
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co	375.00	799.41
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		10,737.30	10,737.30
David T. Crow, 1015 18th St., NW Washington, DC 20036	Fertilizer Institute	10,000.00	1,655.66
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco Inc	993.75	10.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		10.00
Do	Central Nebraska Public Power & Irrigation District		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Contractors Liability & Indemnification Alliance	1,395.00	18.00
Do	Cook Inlet Region, Inc		
Do	Eli Lilly & Company		
Do	Emery Worldwide		
Do	Meridian Minerals Co	400.00	10.00
Do	National Assn of Wholesaler-Distributors	1,126.25	10.00
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al		
Do	Regional Airline Association		
Do	Sterling Drug, Inc		
Do	Tiffany & Co		
Do	Trust for Public Lands	930.00	20.00
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Board of Foreign Trade, Government of the Republic of China	200.00	200.00
Do	Nashua Corporation	100.00	100.00
Do	Wacker Siltronic Corp		
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			42.00
Cuban American Freedom Coalition, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122			
Brien F. Culhane, 5752 Drake Ct., #371 Alexandria, VA 22311	National Parks & Conservation Assn	75.00	10.00
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	1,500.00	150.00
Scott S. Cunningham, 1100 15th Street, NW Washington, DC 20005	Union Carbide Corp		
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,712.34	1,301.22
Kathleen L. Curry, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,881.00	
M. Rupert Cutler, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CR Associates, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002	Alzheimer's Disease & Related Disorders Assn		
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
D'Amour & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc	11,344.91	1,003.12
Do	New England Assn of Business, Industry & Rehabilitation, Inc	4,000.00	703.30
William D. D'Onofrio, 1800 W. 8th St. Wilmington, DE 19805	National Assn for Neighborhood Schools, Inc		
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	4,337.00	185.49
Do	Coalition for Regional Banking & Economic Development	300.00	20.00
Do	Houston Clearing House Assn	995.00	220.50
Susan Dahlquist, 2000 K St., NW, 7th Foor Washington, DC 20006	National Committee to Preserve Social Security	10,000.00	889.70
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	650.00	225.00
Dairy Farmers for Responsible Dairy Policy, 517 C Street, NE Washington, DC 20002			
Lewis I. Dale, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,427.88
Donna M. Daley, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	70.00
James G. Dalton, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	2,500.00	
Robert C. Daly, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
John E. Daniel, 1233 20th St., NW, #400 Washington, DC 20036	Ohio Edison Co		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412-0910	Kiawah Island Co, Ltd		
Cynthia L. Darcy, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	2,250.00	
Colleen A. Darling, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League	6,000.00	5.25
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036	Schering-Plough Corp	774.00	934.00
Theodore S. J. Davi, P.O. Box 825 Green Bay, WI 54305			
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036	American Advertising Federation		
Do	American Assn of Advertising Agencies	3,254.34	
Do	American Newspaper Publishers Assn	19,195.43	
Do	Association of National Advertisers	3,254.34	
Do	Direct Marketing Assn	9,873.85	
Do	National Assn of Broadcasters	21,553.19	
James H. Davidson & Associates, Inc, 1250 Connecticut Ave, NW, #650 Washington, DC 20036	Magazine Publishers Assn, Inc	20,590.79	
Do	National Assn of Industrial & Office Parks	15,216.06	
Do	Rouse Company	10,542.57	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	800.00	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	161.52	213.03
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	9,000.00	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	4,475.97	402.65
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,200.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,400.00	697.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American General Life Insurance Co	721.50	73.75
Do	American Horse Council		
Do	Armco Steel Co	3,120.00	85.02
Do	Bethlehem Steel Corp	3,120.00	85.02
Do	Chandis Securities Co	2,000.00	13.00
Do	Chicago Board of Trade	4,166.66	156.35
Do	Committee of Annuity Insurers	780.50	15.50
Do	Committee of Life Insurers	1,400.90	15.00
Do	CIGNA Corporation		
Do	Dresser Industries	1,968.00	16.00
Do	Florida Power & Light		
Do	Florida Sugar Cane League, Inc		
Do	James Graham Brown Foundation		
Do	LeBoeuf Lamb Leiby & MacRae	18,595.60	209.00
Do	Lincoln Life Improved Housing, Inc		
Do	Lincoln National Life Insurance Co	637.25	8.00
Do	Monumental Corp	1,000.00	8.90
Do	National Assn of Life Companies	350.00	8.10
Do	National Cattlemen's Assn	1,660.66	166.92
Do	NEOAX, Inc	11,613.60	29.00
Do	Stock Information Group	4,453.15	30.00
Do	Travelers Companies	804.90	16.50
Do	U.S. Sugar Corp	1,551.70	185.02
Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309	E&J Gallo Winery		
Do	Northwestern Bell (Iowa Div)		
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	348.00	20.50
Do	Kohlberg Kravis Roberts & Co	1,139.50	18.00
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co	525.00	8.00
Do	New York Clearing House	862.50	9.00
Do	Norwest Corporation		
Do	Occidental International Corp	783.00	19.00
Do	Otto Bremer Foundation	522.00	13.50
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group		
Do	Pacific Northwest Coalition for Maritime Law Reform	1,000.00	
Do	Star-Kist Foods, Inc		
Brenda T. Day, 655 15th St., NW, #300 Washington, DC 20005	Armtek Corp	6,330.00	
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036	American Public Transit Assn	3,080.00	
Gail De Loach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		
Trevia A. Dean, Dean & Company 2550 M St., NW, #300 Washington, DC 20037	American Insurance Assn		
Do	National Rifle Assn of America		
John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009	Auto Internacional Assn	621.55	304.75
Do	Coalition of Automotive Assns	1,136.00	531.73
Do	Specialty Equipment Market Assn	3,408.00	1,595.83
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Sony Corp of America		
Do	Westpac Banking Corp		
Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006	A.I.A. & Associates		227.70
Do	Center for Civic Education		0.87
Do	Constitutional Rights Foundation	2,448.46	159.40
Mark O. Decker, 1101 17th Street, NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	600.00	
Do	Pension Real Estate Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 600 Maryland Ave., SW, #701 Washington, DC 20014	Aircraft Owners & Pilots Assn	5,000.00	1,414.26
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Do	Nurses Organization of the Veterans Administration		1,000.00
Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Harcourt Brace Jovanovich, Inc	8,437.50	240.88
Do	National Assn of Independent Insurers	30,000.00	1,054.36
Do	Transamerica Insurance Services	15,075.00	50.53
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	100.00	
Willard L. Demory, 2300 M St., NW, #800 Washington, DC 20037	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George Demougeot, 1612 K St., NW, #206 Washington, DC 20006	Government of Haiti		16.00
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	N U S Corporation	750.00	
Do	National Office Products Assn	1,250.00	
Do	Primark Corporation	450.00	
Do	Westinghouse Electric Corp	225.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,180.80	314.36
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	3,400.00	999.00
Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	925.00	176.73
Janice Deputy, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Detroit Tooling Assn, P.O. Box 338 Dearborn, MI 48121			
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	400.00	392.20
R. Daniel Devlin, 1825 Eye Street, NW, #350 Washington, DC 20006	Trans World Airlines, Inc	400.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Air Products & Chemicals, Inc		
Do	Amax, Inc		
Do	American Ref-Fuel Company		
Do	American Stock Exchange, Inc		
Do	Arctic Alaska Seafoods, Inc		
Do	Baptist Foundation of Texas		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Chase Manhattan Corp		
Do	Chrysler Corporation	5,077.50	
Do	Committee for Future Investment in America's Past	2,898.00	
Do	CIC Enterprises, Inc		
Do	Digital Equipment Corp	405.00	
Do	Disk Drive Consortium		
Do	Dolco Packaging Corp		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	1,200.00	
Do	Hanschell Inniss, Ltd	900.00	
Do	Health Insurance Assn of America		
Do	Hershey Foods Corp		
Do	Hospital Coalition		
Do	Household International	7,200.00	
Do	Integrated Resources, Inc	7,800.00	
Do	Intel Corporation		
Do	IBM Corp		
Do	Man-Made Fiber Producers Assn, Inc	5,400.00	
Do	Morgan Stanley Group, Inc		
Do	Mutual Life Insurance Co of New York	2,400.00	
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Pfizer, Inc		
Do	Premark International		
Do	Primerica, Inc	363.00	
Do	Prudential Insurance Co of America		
Do	Joseph E. Seagram & Sons, Inc	12,140.00	
Do	Semiconductor Industry Association	2,106.00	
Do	Squibb Corporation		
Do	Tribune Broadcasting Co		
Do	Union Pacific Corp	1,200.00	
Do	West Indies Rum & Spirits Producers Assn		
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc	2,400.00	1,264.00
George T. DeBakey, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Nicholas DeBenedictis, 1346 Chestnut St., #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	9,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,187.00	839.00
Mary Elise DeGonia, 600 Maryland Avenue, SW West Wing, Suite 300 Washington, DC 20024	70001 Training & Employment Institute	500.00	20.00
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Continental Grain Co	344.10	
Do	Groth Air Services, Inc		
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	683.70	
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,274.59
Gregory L. DePriest, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., c/o Bernadette Hammond 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		314.30
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Gary Alan Dickinson, 2 International Plaza Dr., #600 Nashville, TN 37217	Anglo American Auto Auctions, Inc		29,824.00
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	Allied Signal, Inc	8,400.00	
Do	Chicago & Northwestern Transportation	4,300.00	
Do	United Technologies Corporation	22,500.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications	918.00	
Do	American Greyhound Track Operators Assn	11,743.00	
Do	Arizona Department of Commerce	38,156.00	
Do	ABD Securities Corp	1,500.00	
Do	Bear Stearns & Co	3,500.00	
Do	Boundary Gas, Inc		
Do	California Assn of Thrift & Loan Companies	175.00	
Do	Car Audio Specialists Assn (CASA)	500.00	
Do	Children's Hospital		
Do	DOT Partnership	3,378.00	
Do	Federal National Mortgage Assn	178.00	
Do	Federated Cash Management Systems	7,000.00	
Do	Fiat USA		
Do	Iroquois Gas, Inc	120,795.00	
Do	Marine Engineers' Beneficial Assn		
Do	Morgan Guaranty Trust Co	5,000.00	
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)	7,500.00	
Do	National Fed of Societies for Clinical Social Work	4,000.00	
Do	Ocean State Power	985.00	
Do	Paulucci Enterprises	19,689.00	
Do	Providence Hospital		
Do	States of Arkansas, et al.		
Do	Technomed	712.50	
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Diepenbrock Wulff Plant & Hannegan, 300 Capitol Mall, 17th Floor Sacramento, CA 95814	St. Elizabeth Community Hospital	1,180.83	1,180.83
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
George Dillard, 5128 Sauer, Suite A Houston, TX 77004	Kaleidoscope Research & Marketing Group		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	16,746.99	2,334.21
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	282.94	46.75
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	211.59	6.00
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	214.05	43.75
Do	Lumbermens Mutual Casualty Company	2,100.00	
Dale P. Dirks, 400 First St., NW, #712 Washington, DC 20001	Health & Medicine Counsel of Washington	11,065.32	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Professional Services Counsel		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		131,415.72	131,415.72
Gloria Dittus, 201 Massachusetts Ave., NE, S-5 Washington, DC 20002	BMc Strategies, Inc (For:New Hampshire Yankee)	1,200.00	393.03
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	37.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,920.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	1,875.00	
John M. DiJoseph, 2050 Clarendon Blvd., #300 Arlington, VA 22201	American Soc of Magazine Photographers		
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	275.00	
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	212.00	35.00
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	54.95	
Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian J. Donadio, 122 C St., NW, #875 Washington, DC 20001	American Osteopathic Assn	3,503.00	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Co:poration	1,229.25	65.32
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
William Donovan, 1111 N. 19th St, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	2,500.00	
Francis X. Dooley, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	7,500.00	420.00
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	839.27	4.50
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		250,945.00	250,945.00
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	6,461.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	866.25	
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Co	1,000.00	160.50
Russell E. Dougherty, P.O. Box 9346, 8280 Greensboro Dr. McLean, VA 22102	Military Impacted School Districts Assn	1,627.25	
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	120.00
Theodore Douglas, 6554 Coventry St. Louis, MO 63033			
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd	119.00	
Do	Beeman and Associates	100.00	3.79
Do	Canadian Institute of Steel Construction		
Do	Government of the Republic of Panama		
Do	Harris Steel Group, Inc		
Do	Lake Ontario Cement, Ltd		
Do	Laurel Steel Products, Ltd		
Do	Masstock (International) Ltd		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,113.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	200.00	
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,449.91
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,300.00	160.33
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	601.87
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton	250.00	
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	435.00	
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	PHLCORP	15,000.00	553.20
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	2,890.00	2,290.65
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise Marianas America, Inc.	16,000.00	19,336.44
Dana D. Duden, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	AMSPEC	3,000.00	730.00
Do	Harris/3-M Document Products, Inc	10,000.00	1,150.00
Ann Anderson Duff, 1331 Pennsylvania AVenue, NW Washington, DC 20004	National Assn of Manufacturers	1,200.00	
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
C. Ray Duggan, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	20.00
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Dulles Access Rapid Transit Corp, 8000 Towers Crescent Dr., #801 Vienna, VA 22180			7,870.61
Mervin E. Dullum, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	200.00	114.40
Amy K. Dunbar, One Beacon Street Boston, MA 02108	Palmer & Dodge (For:National Assn of Bond Lawyers)		37.40
Don R. Duncan, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	5,000.00	81.86
Leslie Delong Duncan, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	1,800.00	612.89
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	State Water Resources Control Board		
Do	Western Fuels Association, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	4,312.00	2,114.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Margaret A. Durbin, 1001 pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,200.00	
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501	State of Nevada, Nuclear Waste Project Office	161.00	
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Miguel H. Agosto	2,400.00	
Do	American Consumer Trade Council	3,715.51	
Do	Anchor Industries, Inc	1,139.50	
Do	Associates of North America		
Do	Colorado River Municipal Water District (CRMWD)		
Do	Committee for Preservation of the Anesthesia Care Team	26,000.00	
Do	Communications Satellite Corp	2,400.00	
Do	D & B Wholesale Cosmetics, Inc	1,200.00	
Do	DSC Communications	9,460.60	
Do	William Gold	1,343.00	
Do	Jaime Goldenberg	25.00	
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	9,000.00	
Do	Hart-Culp International	2,087.00	
Do	Lightnet	5,646.50	
Do	MedMax		
Do	Model Imperial Supply Co, Inc		
Do	Oklahoma State University	3,600.00	
Do	PacifiCare Health Systems	3,308.50	
Do	Pitts Energy Group		
Do	Psychemedics Corp	274.50	
Do	R-Max	4,733.50	
Do	Southland Corporation		
Do	St. Thomas Paving		
Do	Stedman Foundation, Inc	4,000.00	
Do	M. Steven Cosmetics Co	16.00	
Do	Superconducting Super Collider		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	US Sprint	3,895.00	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers	300.00	
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	599.45
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,378.00	
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council	3,300.00	3,300.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturers Assn		
Do	Total Petroleum, Inc		
DynCorp, 1313 Dolley Madison Blvd. Mclean, VA 22101			1,584.00
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	28.85
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Do	Sofreavia	342.00	79.85
Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009	Bear West Co, Inc (for Union Pacific Resources)	131.25	
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	187.50	22.00
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	524.00
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gaming Pueblos of New Mexico		
Do	Pueblo of Sandia	110.00	5.50
Do	Sault Ste. Marie Tribe of Chippewa Indians		
Do	Gover Stetson & Williams (For:Shoshone Business Council)	2,100.00	113.00
Charles J. Eby, 8408 Queen Elizabeth Blvd. Annandale, VA 22003	Hill & Knowlton, Inc (for: Monsanto)		
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	68.10
Robert C. Eckhardt, 122 3rd Street, SE Washington, DC 20003	Certain Claimants Lawyers		
Do	Investment Company Institute		
William R. Edgar, 1620 Eye St., NW, #501 Washington, DC 20006	Gates Learjet Corporation		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	512.50	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		84.90	100,357.97
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	15,464.80	490.94
Ed Edmondson, 416 Court St., P.O. Box 11 Muskogee, OK 74401-0011	Association of Oklahoma General Contractors		
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group		
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	475.75	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,422.95	45.00
William A. Edwards, 201 Massachusetts Ave., NE Washington, DC 20002	New Hampshire Yankee	5,500.00	6,728.56
Charles E. Ehrhart, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	12.50
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10001	National Commercial Finance Assn	11,500.00	491.00
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	30,000.00	7,594.66
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,402.50	922.02
Timothy L. Elder, 100 N.E. Adams Street Peoriagton, IL 61629-1430	Caterpillar, Inc	250.00	360.71
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	3,000.00	910.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	39.80	
Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	350.00
J.W. Ellis, 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	3,100.00	
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Nor-Cal Federal Coalition		
Keith H. Ellis, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	4,028.00	356.24
Mark M. Ellison, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	950.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		80,169.90	53,339.16
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			4,026.73
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	6,000.00	242.85
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	798.25	462.12
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		10,733.39	161.40
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		288.00
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Joseph J. English, 1010 Vermont Avenue, NW Washington, DC 20005	Stewart-Warner Corp	11,500.00	217.53
Patricia A. English, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	1,000.00	2,210.95
Environmental Action, 1525 New Hampshire Ave., NW Washington, DC 20036			
Cheryl Anthony Epps, 13 Firstfield Road Gaithersburg, MD 20878	International Assn of Chiefs of Police	9,075.00	473.25
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	American Bankers Assn		
Do	Voluntary Hospitals of America, Inc	6,985.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	10,274.51	
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Group		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corporation		
Do	Stepan Corporation		
Dwight H. Evans, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc		
John R. Evans, 9208 Seven Locks Road Bethesda, MD 20817	Drexel Burnham Lambert, Inc	2,350.00	
Joseph O. Evans, 4401 Lee Highway, #21 Arlington, VA 22207			
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			400.00
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	Association for Regulatory Reform	2,500.00	
Do	ACA	2,500.00	
Do	SIA	2,500.00	
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 122 C Street, NW, #875 Washington, DC 20001	American Osteopathic Assn	1,400.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,128.92
F/P Research Associates, 1700 K St., NW, #504 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Do	Shell Oil Co	1,000.00	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Leslie Fain, 400 First St., NW, #800 Washington, DC 20001	Committee for Humane Legislation	6,250.00	50.00
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
F. S. Fallon Jr., 3322 West Knights Avenue Tampa, FL 33611			
Frank J. Farfone, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,875.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,200.00	82.50
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		112,632.00	83,316.52
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	300.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	450.00	
Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036	Peabody Holding Co, Inc		162.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	23,482.97	2,357.97
Do	Public Service Co of New Mexico	21,313.60	2,863.60
Do	Sierra Pacific Power Co	20,082.10	987.10
Do	Standard Oil Co (Ohio)	11,250.00	
William D. Fay, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,780.00	5,636.99
Federal Judges Association, 280 S. 1st St., #5150 San Jose, CA 95113-3002		37,000.00	23,977.49
Federal Land Bank Assns of Texas Stockholders' Defense Fund, P.O. Box 1528 Jacksonville, TX 75766			7,450.81
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,479.77	1,479.77
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		10,800.00	10,800.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,759.64
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		416.50
Eli M. Feinberg, 9100 S. Dadeland Blvd., #1109 Miami, FL 33156	EMF & Associates (For:Aviation Collection)		447.03
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Assn of Colleges of Osteopathic Medicine	3,000.00	
Do	American Gastroenterological Assn		
Do	American Soc for Gastrointestinal Endoscopy	1,000.00	
Do	American Soc of Clinical Pathologists	8,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	4,800.00	20.09
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	405.00	32.00
Fensterwald & Alcorn, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		356,702.04	245,231.24
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Eastern Airlines, Inc	2,152.50	
Do	National Business Aircraft Assn	4,231.50	
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,875.00	1,706.00
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209	American Academy of Physician Assistants	10,000.00	32.00
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	164.84	20.00
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Thomas D. Finnigan, 1100 15th Street, NW, 12th Fl. Washington, DC 20005	Union Carbide Corp		23.00
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,000.00	27.50
First National Bank of Boston, 100 Federal St. Boston, MA 02110			21,629.00
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	1,403.93
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
William P. Fisher, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
David H. Fiske, Goodwin & Soble 1300 19th Street, NW, #350 Washington, DC 20036	Software Publishers Assn	1,332.00	61.00
Patrick E. Fitch, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	3,534.00	752.12
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute	50.00	20.79
Richard S. Fitzsimmons, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	22,500.00	5,457.59
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	1,001.97
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Flack, Inc (For:Spiegel, Inc)	300.00	8.00
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	2,625.00	479.36
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power	8,250.00	5,399.00
James J. Flanagan, 25 Research Dr. Westborough, MA 01581	New England Power Service Co	1,380.00	171.20
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Home Satellite Services		14,573.15
Do	Pathology Practice Assn		26,859.68
Do	Syva Company		37,151.52
Jonathan W. Fleming, 1225 I St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Fletcher Heald & Hildreth, 1225 Connecticut Ave., NW, #400 Washington, DC 20036	Wheat Gluten Industry Council, et al.	175.00	120.80
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,450.53	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	7,000.00	1,140.14
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Brantford International, Ltd		
Do	Coalition Against Noneffective Technologies		
Do	Curval Products, Inc		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
Do	Sedima International, Inc		
Do	Shelson International		
Do	Brough E. Treffer & Associates		
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006-4680	City of Kenosha, Wisconsin	985.00	
Do	Dimensions, Inc	800.00	27.88
Do	Education Assistance Corp		100.54
Do	Kohlberg Kravis Roberts & Co		
Do	Paper Machine Cloth Group	3,000.00	143.96
Gary L. Fontana, Thelen Marrin Johnson & Bridges 2 Embarcadero Center San Francisco, CA 94111	Hawaiian Electric Co, Inc		
Do	Thermal Power Co		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		13,831.00	13,831.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,175.00
Foodservice & Lodging Institute, 1919 Pennsylvania Ave, NW, #504 Washington, DC 20006			
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Audio Recording Rights Coalition		
Do	Camp Barsh Bates & Tate	360.00	
Do	Coalition to Protect the Integrity of American Trademarks	1,400.00	37.00
Do	Greene O'Reilly Agnew & Broillet		
Do	Olsson Frank & Weeda, P.C.	885.00	5.00
Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	900.00	101.43
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Maria Foscarinis, 1439 Rhode Island Avenue, NW Washington, DC 20005	National Coalition for the Homeless	1,050.00	
Nancy E. Foster, 600 Maryland Ave., SW, #510 Washington, DC 20024	American Soybean Association	4,245.00	308.60
Stacie Foster, 1100 15th St., NW, #700 Washington, DC 20005	Sonat, Inc		
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital		6,171.00
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Carmouche Barsh... (for Sears Roebuck & Co)	1,000.00	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Hoffmann-La Roche, Inc	14,096.75	1,570.75
Donald Fraher, 777 14th Street, NW Washington, DC 20005	American Symphony Orchestra League	10,323.12	817.41
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	1,868.75
Richard L. Frank, 1029 Vermont Ave., NW, #400 Washington, DC 20005	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	1,350.00	
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	480.54
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,103.00	100.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, 1185 Avenue of the Americas New York, NY 10036	J. P. Stevens & Co, Inc		3,837.10
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Service Assn		
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	183.13
Sally Narey Frans, 385 Washington Street St. Paul, MN 55102	St. Paul Fire & Marine Insurance Co	15,270.00	
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	174.50
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	5,084.00	4,879.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030		90,427.00	233,243.07
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 50 E Street, SE Washington, DC 20003	U.S. League of Savings Institutions	6,250.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	200.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Societe Generale thru SGS North America, Inc)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)	4,000.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	1,600.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	200.00	
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc	3,500.00	558.42
Verrick O. French, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	1,125.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Artery Organization, Inc	305.00	
Do	International Electronics Mfgrs & Consumers of America, Inc	425.00	
Do	Montgomery Ward & Co, Inc	1,320.00	
Do	Wheels, Inc	340.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	22,500.00	1,584.08
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	General Electric Co	765.00	45.05
Do	Lonza, Inc	1,515.00	16.00
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,500.00	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co	39,759.00	1,899.47
Do	Coalition for Environmental-Energy Balance	11,017.00	242.62
Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,250.00	29.10
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			34,513.66
Susan T. Fritschler, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,204.42	251.72
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	119.86
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	390.00
Jeffrey Fritzlen, 1120 20th Street, NW, #600-S Washington, DC 20036	Union Pacific Corp	2,000.00	
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	5,975.23	
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	2,500.00	157.24
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,919.00	931.88
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1819 L St., NW, #600 Washington, DC 20036	Travel & Tourism Government Affairs Council	2,000.00	
Deborah Gahs, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Gainer, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,307.66	
Norman S. Gaines, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,200.00	
Joe H. Galis, D.C. 1, 19000 SW 377 St. Florida City, FL 33034			
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,300.00	367.42
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United		
Galvin Haroian & Mlawski, 777 Third Ave., 24th Floor New York, NY 10017	Herman's Sporting Goods, Inc	3,400.00	2,300.00
Do	Voyager International, Inc	1,950.00	1,300.00
Cheryl Gannon, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	7,431.07	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	31,419.50	
Nicole Gara, 1117 North 19th Street, NW, #300 Arlington, VA 22209	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S	1,000.00	12.00
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,095.25	99.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	34.09
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Alamo Rent-A-Car, Inc	4,770.00	106.80
Do	Andrew Corp	27,890.00	678.67
Do	Midcon Corp		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company		
Ellen Greenberg Garrison, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,960.00	45.00
John C. Gartland, 7575 E. Fulton Road Ada, MI 49355	Amway Corp		
Ann Lakin Garver, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	30.00	25.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Aerolift, Inc	11,250.00	
Do	Greenbriar Leasing	51,853.74	
Do	Northwest Industrial Gas Users	4,797.37	
Do	Northwest Marine Iron Works	19,125.00	
Do	Riedel International	12,726.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Vernon Gasaway, 191 Sands Street, Apt. 5j Brooklyn, NY 11201			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Frank T. Gasper, 8104 River Falls Drive Potomac, MD 20854	Moog, Inc		
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	6,000.00	20.33
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	16.00	226.27
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	180.00	
Do	Robert H. Kellen Company (For:Infant Formula Council)		
Morton A. Geller, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			10,537.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		2,000.00	84.66
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		5,343.02	5,343.02
Diane Generous, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration	1,000.00	
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy Whorton George, 499 South Capitol Street, SW, #407 Washington, DC 20003	Enron Corp		
Do	Transco, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co	202.21	1,156.20
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,064.48
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,927.09	215.03
Phyllis H. Gerstell, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Danny Ghorbani, 10506 Cavalcade Street Great Falls, VA 22066	Association for Regulatory Reform	4,950.00	260.00
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007		500.00	
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	200.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	13,387.00	243.00
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corp		
Lucie Kristie Gikovich, 1275 Pennsylvania Ave., NW, 4th Fl. Washington, DC 20004	Pacific Telesis Group	15,450.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,653.83	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gildea, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	900.00	598.11
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Allied Defense Industries	200.00	
Do	Astra Holdings Corp	300.00	
Do	IPAC, Inc	200.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	30,000.00	1,080.96
Daniel F. Gilligan, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	1,000.00	
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	12,000.00	207.60
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Allied-Signal, Inc	6,300.00	48.32
Do	American Polygraph Assn	7,000.00	54.20
Do	Lockheed Corporation	1,000.00	9.66
Do	Lockheed-Georgia Co	5,000.00	38.66
Do	Mechanical Technology, Inc	5,624.54	43.49
Do	Oglethorpe Power Corp	1,250.00	10.00
Do	Rockwell International Corp	13,500.00	106.31
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn	4,000.00	31.24
Do	Watkins Associated Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	365.00	42.05
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,958.65	67.01
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Raymond A. Glennon, 1730 Pennsylvania Avenue, NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	22.00
Elmer G. Gleske, 655 15th St., NW, #300 Washington, DC 20005	Flight Safety Intl inc		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Fanuc Ltd		
Do	Hitachi Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc	108.00	
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Teco Transport & Trade Corp	51.00	
God Family & Country, P.O. Box 777 Harrison, TN 37341		1,392.00	1,581.23
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	11.06
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	1,186.90
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Aerojet Ordnance Co		1,557.00
Do	American Academy of Ophthalmology	2,310.00	1,750.00
Do	American Medical Assn	19,500.00	1,957.00
Do	Baretta USA Corp	4,765.00	1,887.00
Do	Camp Barsh Bates & Tate	726.00	1,811.00
Do	Chemical Manufacturers Assn, Inc	157.00	1,603.00
Do	College of American Pathologists	5,000.00	1,957.00
Do	Dana Corp		1,557.00
Do	Electronic Data Systems Corp	11,666.00	1,957.00
Do	Energy Research Corp	16,800.00	1,957.00
Do	Equitable Life Assurance Society of the U.S	50,000.00	1,957.00
Do	Eye Bank Assn of America	1,875.00	1,754.00
Do	Federal Express Corp	6,665.00	1,957.00
Do	Federated Investors, Inc	6,250.00	1,957.00
Do	Fiat, USA	36,020.00	1,957.00
Do	Ford Motor Co		1,557.00
Do	Investment Company Institute	1,406.00	1,593.00
Do	Martin Marietta Corp	2,250.00	1,637.00
Do	MCI Communications Corp	11,700.00	1,957.00
Do	National Assn of Homes for Children	2,250.00	1,727.00
Do	National Cattlemen's Assn		778.00
Do	National Football League	2,260.00	1,870.00
Do	National Governors Assn		1,557.00
Do	National Restaurant Assn	11,250.00	1,957.00
Do	National School Transportation Assn	6,137.00	1,957.00
Do	Patrician Mortgage Co	4,000.00	1,833.00
Do	Phillips Petroleum Co	5,000.00	1,786.00
Do	Public Securities Assn	2,647.00	1,957.00
Do	Ricoh Corp		1,957.00
Do	Texas Cattlefeeders Assn	1,706.00	1,015.00
Do	Ticor Title Insurance Co	7,500.00	1,914.00
Do	Times Mirror Co	1,468.00	1,620.00
Do	Tobacco Institute	30,000.00	1,957.00
Do	Washington Metropolitan Area Transit Authority	27,000.00	1,557.00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Pan American Satellite Corp	2,920.00	48.00
Golden Freda & Schraub, P.C., 1625 Massachusetts Ave., NW, #300 Washington, DC 20036	Ad Hoc Rural Consortium	300.00	118.18
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		6,795.00
Goldman Sachs & Co, 1825 Eye St., NW, #450 Washington, DC 20006			1,150.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,300.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
John Gonella, 50 F Street, NW, Washington, DC 20001-1564	Association of American Railroads	1,046.68	39.35
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	3,000.00	
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp	1,440.00	1,838.17
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	1,147.50	657.29
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	National Hydropower Assn		
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	18.00
Linda Goold, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	109.90	10.00
John Gordley, 3700 Riverwood Ct. Alexandria, VA 22309	Evans Grain Co	4,500.00	124.26
Do	Hill & Knowlton, Inc (For:Iowa Pork Producers Assn)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	National Sunflower Assn	16,500.00	2,019.48
Do	Hill & Knowlton, Inc (For:Nebraska Wheat Board)	900.00	
Do	Renewable Fuels Assn	10,500.00	205.05
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		115.00
Gordon Feinblatt Rothman Hoffberger & Hollander, 233 East Redwood Street Baltimore, MD 21202	O-W Fund, Inc	6,900.00	50.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,992.20	172.50
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	2,100.00	
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress	30.00	8.00
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			10,034.54
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	975.00	731.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions	100.00	591.46
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
David W. Graham, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,876.10
Elaine Z. Graham, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Grant Thornton, 1850 M St., NW, #300 Washington, DC 20036			
James L. Granum, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)	21,000.00	52,096.69
Grassroots, Nat'l Assn of Farm Credit System Stockholders, P.O. Box 1528 Jacksonville, TX 75766		96.09	96.09
Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,040.00	
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	3,160.00	1,557.83
Do	Portsmouth-Kittery Armed Services Committee, Inc	3,600.00	1,140.08
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	1,028.00	25.00
Neil A. Gray, 1776 Massachusetts Ave., NW Washighton, DC 20036-1993	Highway Users Federation	2,199.00	42.50
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Great American Reserve Insurance Co, 2020 Live Oak P.O. Box 388 Dallas, TX 75221			
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
James R. Greco, P.O. Box 3151 Houston, TX 77001	Browning-Ferris Industries, Inc		
Donald R. Greeley, 1101 17th St., NW, #307 Washington, DC 20036	Hoechst Celanese Corp	3,000.00	179.60
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	7,916.00	142.46
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	8,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Ginny Grenham, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	7,750.00	266.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Abbott Laboratories		
Do	Air Transport Assn of America		
Do	American Insurance Assn	800.00	20.00
Do	American Psychological Assn	1,800.00	68.00
Do	Arthur Andersen & Co		
Do	Camp Barsh Bates & Tate		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	CBS, Inc		
Do	COMSAT Corp	200.00	6.00
Do	McCaw Communications Cos	2,600.00	250.00
Do	Merck & Co, Inc		
Do	NutraSweet Co		
Do	Pharmaceutical Manufacturers Assn	200.00	6.00
Do	Philip Morris, Inc		
Do	Puyallup Tribe of Indians	600.00	22.00
Do	United Cable Television Corp		
Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Metal Finishers	750.00	
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		25.68
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			
James N. Groninger, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	859.22
Groom & Nordberg, Chtd, 1701 Pennsylvania Ave, NW, #1200 Washington, DC 20006	Ad Hoc PFIC Group	200.00	20.00
Do	American Petroleum Institute		
Do	Bankers Life Company		
Do	Chevron Corporation	200.00	20.00
Do	Colorado-Ute Electric Assn, Inc		
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	150.00	10.00
Do	Prudential Insurance Co of America	400.00	50.00
Do	Prudential-Bache Securities, Inc	200.00	20.00
Do	Puerto Rico, USA Foundation	200.00	2,700.00
Do	Reading & Bates Corporation		
Do	Southern California Edison Co	100.00	10.00
Do	Union Texas Petroleum Corp	200.00	20.00
Do	Westinghouse Electric Corp		
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co	609.84	907.83
John T. Grupenhoff, 10000 Falls Rd., #300 Potomac, MD 20854	American Academy of Dermatology	3,150.00	170.40
Do	American Academy of Otolaryngology-Head & Neck Surgery	1,020.00	110.00
Do	American Gastroenterological Assn	1,200.00	120.50
Do	American Soc for Gastrointestinal Endoscopy	1,200.00	120.50
Do	American Soc of Clinical Oncology	810.00	110.00
Do	American Urological Assn	425.00	118.70
Do	Cooley's Anemia Foundation	290.00	117.20
Geri A. Guardino, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	436.16
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Dillon Read & Co, Inc	6,000.00	
Do	LF Rothschild Unterberg Towbin, Inc	11,000.00	
Do	Michigan State Housing Development Authority	13,000.00	
Do	Morris Communications	11,000.00	
Do	O'Connor & Hannan	59,000.00	
Do	Paine Webber Group, Inc	14,000.00	
Do	Riverton Investment Corp	9,000.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 102 Roff Way Reno, NV 89501	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp	3,000.00	50.00
Do	KMS Fusion, Inc	1,100.00	75.00
Do	Rexnord Defense Systems, Inc	1,500.00	75.00
Do	Walk-Haydel & Associates, Inc		
Lewis Gulick, 1008 N. Randolph Street, #206 Arlington, VA 22201	TCR Services, Inc	5,000.00	
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		193,168.90	127,943.86
Dan A. Gunderson, Minnesota Petroleum Council 350 St. Peter St., #1025 St. Paul, MN 55102	American Petroleum Institute	1,000.00	1,160.41
Raymond J. Gustini, Breed, Abbott & Morgan 1875 Eye Street, NW, #1000 Washington, DC 20006	Great Western Financial Corp	3,409.06	672.44
Paul D. Guth, 226 W. Rittenhouse Square, #3200 Philadelphia, PA 19103	Philadelphia Stock Exchange		
Do	Wire Pro, Inc		
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
George Guyant, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Dallas E. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077	Balcor Co	19,500.00	8,026.40
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083		1,250.00	1,250.00
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	150.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	3,168.75	6,927.24
Craig Hackler, 400 N. Capitol St., NW, #320 Washington, DC 20001	International Chiropractic Assn		
Loyd Hackler, 1616 H St., NW Washington, DC 20006	American Retail Federation		
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	3,041.10	3,849.39
Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	16,902.02	2,160.00
John F. Haifley, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	6,000.00	1,342.64
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Boston Redevelopment Authority		194.89
Do	Gay Head Taxpayers Assn	429.00	16.95
Do	Indian Land Claim Committee		
Do	Leach & Garner Refining Corp	198.00	74.74
Do	Northeastern University		
Do	Town of Mashpee		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	737.85
Elliott S. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company	2,340.00	1,902.56
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,566.06
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	459.33
Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul T. Haluza, 1325 Pennsylvania Ave., NW Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	153.55
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	137.50
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Alaska Tae Woong		
Do	Cook Inlet Land Exchange, Inc	4,125.00	73.50
Do	Estate of Helen Wodell Halbach	645.00	
Do	First Federal Savings Bank		
Do	Graeper-Van Noy-Wagner, Inc		
Do	Grand Trunk Corp	1,915.00	
Do	Louisiana Pacific Corp		18.00
Do	Martel Laboratory Services, Inc	6,066.20	8.00
Do	Safe Travel America		22.00
Do	Skylink Corporation, Inc		
Do	Tandy Corporation		
Do	United Video	2,375.00	17.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,173.05	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	927.50	59.54
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,925.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	975.00	296.39
Thomas A. Hammer, 1000 Potomac St., NW, #106A Washington, DC 20007	Sweetener Users Assn	7,500.00	300.00
Steven A. Hammond, Hughes Hubbard & Reed One Wall Street New York, NY 10005	Bureau Veritas		259.97
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Oil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,926.37	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	990.00	
Elisabeth Hanlin, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
Mary Hanlon, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	104.00	26.00
Thomas H. Hanna, 300 New Center Building Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	375.00	9.00
Richard L. Hanneman, 206 North Washington Street Alexandria, VA 22314	Salt Institute		
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Insurance/Financial Affiliates of America		
Do	Northeast Georgia Medical Center	1,237.50	15.56
Do	Nuclear Fuel Service, Inc	18,305.00	836.25
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Eric Hard, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	30,000.00	51,358.22
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Jon Harkavy, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Dan R. Harlow, 717 N. Harwood Street Dallas, TX 75201	Maxus Energy Corp	1,000.00	
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	793.00	2,566.13
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW Washington, DC 20024	Honda North America, Inc	200.00	238.08
Jeffrey Harris, Sachs Greenbaum & Tayler 1140 Connecticut Ave., NW, #900 Washington, DC 20036	Domino's Pizza, Inc		
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	125.00	64.50
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	8,000.00	478.96
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA	9,130.00	205.00
Do	American Railway Car Institute		
Do	Association of Food Industries, Inc	865.00	2.00
Do	Cheese Importers Assn of America, Inc	1,100.00	23.00
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	500.00	70.00
Harris & Orr, 999 Third Ave., #3210 Seattle, WA 98101	SP Energy Development Co	3,145.00	876.55
Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036	Association of Urban Universities	13,125.00	151.78
Anne Harrison-Clark, 1725 K Street, NW, #814 Wsahington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	27.20
J. William W. Harsch, 1722 Eye St., NW, 6th Floor Washington, DC 20006	Solv-Ex Corporation	2,664.17	1,921.97
Do	Wormser Engineering, Inc		
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			20,800.00
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	48.75	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	National Resources Defense Council	8,864.00	222.09
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn	3,651.72	3,651.72
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	6,000.00	877.00
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,211.18
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,250.00	50.00
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	3,923.07	835.21
Paul M. Hawkins, 26 Ridgeview Drive Asheville, NC 28804	Colonial Life & Accident Insurance Co		
David J. Hayes, 555 13th Street, NW Washington, DC 20004	American Electronics Assn		40.66
Do	Hogan & Hartson (For:Semiconductor Industry Association)		107.93
Peter M. Hayes, 214 Massachusetts Ave., NE Washington, DC 20002	Salt River Project	3,521.00	3,021.27
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Do	William D. Ray	1,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	18,375.00	2,049.65
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Animal Legal Defense Fund	3,500.00	
Do	Doris Day Animal League	24,000.00	
Do	New England Anti-Vivisection Society	1,386.66	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,750.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		74.84	74.84
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036			
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,200.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	11,493.78	950.45
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	CSX Corporation	6,000.00	124.00
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Panhandle Eastern Corp		
Do	Sealaska Corp		
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert E. Heggestad, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	19,110.00	761.95
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	125.40	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,651.00
Richard L. Hellwege, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Association of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	928.83	2.00
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002	American Library Assn	1,128.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	1,252.00
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	4,000.00	717.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Hennessy Associates, 152 Washington Avenue Albany, NY 12210		4,000.00	575.00
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn	7,404.00	
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	205.00	31.00
George B. Herbert Sr., 6601 Southpoint Drive, #245 Jacksonville, FL 32216	J M Family Enterprises, Inc		
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	149.75	15.75
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet General Corp	3,894.35	447.29
Do	American Medical Technologists	3,207.50	20.00
Do	Claudia Ashton		2.15
Do	Association of Floral Importers of Florida		2.15
Do	Association of Human Resource Consultants		175.75
Do	ARCO	4,218.75	9.03
Do	Balanced Trade Group		93.07
Do	Bay Area Rapid Transit District	5,998.93	1,029.31
Do	Bechtel	9,778.83	29.41
Do	Bramelea Pacific	3,480.31	164.56
Do	California Almond Growers Exchange	19,225.63	1,272.99
Do	California Energy Commission	3,590.00	1,595.94
Do	California Kiwi Commission	2,274.38	2.15
Do	Cellular Telecommunications Industry Assn	3,543.56	414.84
Do	Central Utah Water Conservancy District	6,295.63	283.69
Do	Chicago Mercantile Exchange	1,144.69	929.01
Do	Council of American Overseas Research Centers		2.15
Do	Dalton Construction Co	1,500.00	1,744.44
Do	Desert Research Institute	539.06	2.15
Do	East Kentucky Power Cooperative	48.13	99.59
Do	Electronic Data Systems Corp	3,768.75	671.30
Do	Farm Labor Alliance	22,631.68	4,432.92
Do	Girling Health Care, Inc	3,750.00	3,063.05
Do	Globos International, Inc		8.61
Do	Granite Rock Co	1,158.75	431.35
Do	GA Technologies, Inc	3,671.19	286.29
Do	Halogenated Solvents Industry Alliance	615.00	14.00
Do	Independent Cement Corp	404.05	2.15
Do	International Apple Institute	676.25	2.15
Do	International Franchise Assn	1,500.00	1,379.05
Do	John Hancock Mutual	3,564.37	1,201.47
Do	Las Vegas YMCA		82.76
Do	Manhattan Building Companies, Inc	3,125.00	2.15
Do	Massport/Commonwealth of Massachusetts	1,600.00	2,008.55
Do	Mid-Valley Water Authority	281.25	26.20
Do	National Council on Teacher Retirement	4,476.25	613.40
Do	National Medical Care	9,270.63	6,344.73
Do	National Potato Council		717.18
Do	New England Fisheries Development Foundation, Inc	750.00	2.15
Do	NTEC - Northeast Texas Electric Cooperative, Inc	11,591.25	129.21
Do	Pacific Mutual Life Insurance Co	2,927.50	1,421.02
Do	Prudential Insurance Co of America	9,849.06	1,860.18
Do	Riverside Resorts	13,479.06	774.00
Do	Sabine River Authority	5,685.63	2.15
Do	State Maritime Schools	250.00	2.15
Do	Sunkist Growers, Inc	15,326.25	1,159.12
Do	Tex-La	97,992.12	579.03
Do	Transamerica Corporation	4,032.81	1,617.88
Do	U.S. Telephone Assn	280.00	928.98
Do	University of California	41,717.50	9,013.35
Do	University of Nevada/Las Vegas	1,875.00	1,091.21
Do	University of Nevada/Reno	4,950.00	4,251.67
Do	Vermont Electric Cooperative	172.10	77.78
Do	Walnut Street Bridge Commission		115.40
Do	Westlands Water District	1,376.56	45.57
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Fred Hervey, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	4,781.00
Mary B. Hevener, 1200 18th St., NW Washington, DC 20036	Lee Toomey & Kent (For:Pfizer, Inc)	450.00	
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,222.00	514.88
G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert G. Hibbert, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute		
J. Thomas Higginbotham, One Mellon Bank Center, #2002 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	368.00
Carol A. Higgins, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	338.47	186.86
John S. Hightower, 1344 Kenilworth Parkway Baton Rouge, LA 70808	Louisiana Pacific Corp	7,125.00	1,796.00
Gerald 'Jerry' Hill, 6 Executive Park Drive Atlanta, GA 30329	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	147.35
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	4,454.50	
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,680.00	
Roderick M. Hills, 1155 15th St., NW, #302 Washington, DC 20005	Manchester Group, Ltd (For:C Itoh & Co, Ltd, et al.)		
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	16,250.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,461.56	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Cornish F. Hitchcock, Suite 700 2000 P St., NW Washington, DC 20036	Aviation Consumer Action Project		15.00
Kenneth Hoagland, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,500.00	9.00
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	2,000.00	
Claude E. Hobbs, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp		
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	1,250.00	
Glen D. Hofer, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Gail Hoffman, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	9,423.05	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	3,808.16
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	2,375.01	11.31
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	5,000.00	68.35
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn	2,217.50	
Do	Baptist Medical Center		
Do	Caremark/Home Health Care of America	2,472.50	2.00
Do	Circadian, Inc	2,737.50	300.30
Do	Citizens Energy Corp		18.00
Do	Control Data Corp		190.50
Do	CH2M Hill		
Do	First Interstate Bancorp		4.57
Do	Glasrock Home Health Care, Inc		
Do	Jewish Institute for Geriatric Care		7.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lehndorff Management (USA) Limited, Inc		28.54
Do	Manufacturers Hanover Trust Co		1,509.01
Do	May Department Stores Co	13,440.00	337.93
Do	Mel Fisher Maritime Heritage Soc/Mel Fisher Enterprises, Inc		6.00
Do	Mercedes-Benz of North America, Inc		
Do	Merck & Co, Inc		6.00
Do	Mutual Life Insurance Co of New York	1,350.00	13.50
Do	National Hospice Organization	1,575.00	
Do	National Telecommunications Network	360.00	
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Pillsbury Company		839.67
Do	Software Co Task Force on Foreign Market Penetration		610.38
Do	SouthernNet, Inc	236.25	
Do	Timex Corporation	100.00	
Do	Toyota Motor Sales, USA, Inc	19,507.50	154.00
Do	Underwriters at Lloyd's London		364.44
Do	University of Pennsylvania	622.62	
Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,700.00	52.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	17,500.00	
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			575.00
Philip C. Holladay, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Hart, 1875 Eye St., NW, #1200 Washington, DC 20006	Citgo Petroleum Corp		
Do	Citmoco Services, Inc		37,265.39
Do	Grocery Manufacturers of America, Inc		50.00
Do	Southland Corporation		
Holland & Knight, 888 17th St., NW, #400 Washington, DC 20006	Pan American Satellite Corp	3,000.00	
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	2,490.00	3,113.70
Holly Farms Corporation, 1755D Lynnfield Road, #149 Memphis, TN 38119			49,221.58
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn		
E. Y. Holt Jr., 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
John W. Holt, 1850 K St., NW Washington, DC 20006	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		179,708.00	189,103.36
Billy E. Hooper, 1522 K Street, NW, #834 Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	1,714.68
Karen A. Hoover, 430 M St., SW, Apt. N-409 Washington, DC 20024	American Maritime Officers Service		
Mark Hopkins, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	30.00
Robert Horvitz, 1006 Poplar Drive Falls Church, VA 22046	Association of North American Radio Clubs		
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Margaret A. Houlihan, 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Group, Inc		
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc	1,000.00	
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	5,000.00	111.41
Do	Western-Southern Life Insurance	2,500.00	29.36
John Howard, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	300.00	5.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	1,740.30	1,620.58
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Senga Howat, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,846.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,000.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp	45.75	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,205.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John B. Howerton, 3727 North Edison St. Arlington, VA 22207-1831			
John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	8,400.00	
Henry W. Hubbard, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Vietnam Veterans of America, Inc)		
Betty Hudson, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation	15,000.00	342.44
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	600.00
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ken Hughes, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club		1,625.00
Peter W. Hughes, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	21,750.00	637.36
Richard T. Hughes, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	501.60	
Royston C. Hughes, 1020 16th St., NW Washington, DC 20036-5754	Enron Corp	7,500.00	
Vester T. Hughes Jr., Hughes & Hill 1000 Mercantile Dallas Building Dallas, TX 75201	Mrs. H. E. Butt		
Do	Sammons Enterprises, Inc		
William Hughes, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	39.72	
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	American Institute of Certified Public Accountants	1,740.00	5.00
Do	Anglo American Auto Auctions, Inc		
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc	210.00	5.00
Do	47th Street Photo		
Edward L. Huie, 4780 Corridor Place, #B Beltsville, MD 20705	National Assn of Air Traffic Specialists	6,653.06	390.29
Cordell W. Hull, 50 Beale St., 23rd Fl. San Francisco, CA 94119	Bechtel Group, Inc		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,000.02	120.00
Jean E. Hungiville, 1111 14th St., NW Washington, DC 20005	American Dental Assn	1,000.00	
Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036	Dow Chemical Co	500.00	4,850.00
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	925.00	391.73
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	1,650.00	48.00
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute	216.00	1,139.72
Hunton & Williams, 2000 Pennsylvania Ave., NW P.O. Box 19230 Washington, DC 20036	Edison Electric Institute	24,845.00	620.53
Do	Historic Richfields Assn		
Do	Long Island Lighting Co	32,500.00	
Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain		
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	499.31
Philip A. Hutchinson, 490 L'enfant Plaza, #3210 Washington, DC 20024	Volkswagen of America, Inc	200.00	15.00
Robert E. Hutchinson, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jean Hutter, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S	4,663.00	
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	10,312.52	17.60
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	500.00	
Lester S. Hyman, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		3,825.00
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	50.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Newmont Mining Corp)	100.00	
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)	100.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Republic of Korea)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	950.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	150.00	
Robert D. Hynes Jr., 1825 K St., NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	1,000.00	989.92
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	175.00
Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	1,078.98	105.93
Do	Emerson Electric Co	530.99	530.99
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	722.50
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		2,765.53	2,765.53
Independent JOA Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036			
Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		1,000.00	1,000.00
Indiana Hi-Rail Corporation, R.R. 1 Connersville, IN 47331			
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		79.20	83.35
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		25,977.21	25,977.21
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	2,676.00	117.49
James E. Ingram, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,500.00	300.00
Robert A. Ingram, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	98.65
Maurice C. Inman Jr., 1231 Stone Canyon Road Los Angeles, CA 90077			
Institute of International Bankers Inc., East Building, 4th Floor 280 Park Ave. New York, NY 10017	Institute of Foreign Bankers	28,771.84	28,771.84
Institute of Makers of Explosives, 1120 19th St., NW, #310 Washington, DC 20036			
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214.		124,249.19	124,249.19
Integrated Resources, Inc, 666 Third Avenue, 4th Fl. New York, NY 10017			7,800.00
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		9,040.72	19,840.72
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			91,640.39
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		19,071.00	4,602.25
International Liaison, Inc, 3413 Chantarene Drive Pensacola, FL 32507	Norsk Forsvarsteknologi A/S		
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			57,071.02
International Public Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209	Embassy of South Africa		
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			11,080.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			30,401.18
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	61.82	51.31
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	1,210.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, 2081 First National Bank Bldg Saint Paul, MN 55101		5,854.86	12,333.90
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	16,396.00	5,132.00
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	6,500.00	30,988.48
Glenn Jackson, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al	2,672.65	2,824.60
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	374.59
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc	40.00	
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	1,500.00	55.75
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,391.69	1,391.69
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94118			
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Evelyn Jarvis-Ferris, 444 Market Street San Francisco, CA 94111	Shaklee Corporation		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1550N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Sonia S. Jasso, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
Julie A. Javernick, 413 North Lee St. P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Joseph A. Jeffrey, 1920 N St., NW, #300 Washington, DC 20036	American Mining Congress		
Jeford International, Inc, 1600 Wilson Blvd., #713 Arlington, VA 22209	Garber International Associates, Inc	150.00	
Do	ISC Defense & Space Group	175.00	
Do	John Deere Technologies International, Inc	300.00	
Do	LTV Defense & Space Co	200.00	
Do	Newport News Shipbuilding & Drydock Co	350.00	
Do	Pratt & Whitney Group	250.00	
Do	Raytheon Corp	150.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	39,602.00	1,219.00
Do	ASARCO, Inc	20,655.00	389.00
Do	Colorado School of Mines Foundation		
Do	East Bay Municipal Utility District	8,995.00	905.00
Do	Los Angeles County Sanitation District	18,543.00	1,461.00
Do	New York Power Authority	10,074.00	415.00
Do	Padre Dam Municipal Water District		
Do	Rhone-Poulenc, Inc	20,983.00	809.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	Metropolitan Transit Authority	13,500.00	1,346.61
Do	MCI Communications Corp		
Do	National Glass Association		
Do	San Francisco Public Utilities Commission	633.04	16.96
David Jenness, 1625 I Street NW, #911 Washington, DC 20006	Consortium of Social Science Assns		
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,300.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Allen Fredrick Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Soybean Processors Assn)	3,553.32	84.00
Bruce Johnson, 1718 Connecticut Ave., NW, #410 Washington, DC 20009	Ad-Hoc Asset Backed Securities Legis. & Regulatory Assn		
Do	FAIC Securities, Inc	9,000.00	666.00
Do	Kellner DiLeo & Co	6,000.00	636.00
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	2,278.50
Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Military Airplane Company		
Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	4,500.00	248.91
John B. Johnson, Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	1,890.01	1,028.45
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Johnny Johnson, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	578.00	
Kenneth A. Johnson, 4524 Hillsboro Ave. North New Hope, MN 55428	Pillsbury Company	350.00	296.53
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	188.68
Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005	Paperboard Packaging Council		
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,250.00	418.40
Thomas G. Johnson, One Shell Plaza P.O. Box 2463 Houston, TX 77252-2463	Shell Oil Co		
David A. Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	4,542.75
B. Meaghan Jolly, 7908 Burdette Road Bethesda, MD 20817	Burdette Road Baby's Assn		
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	950.00	88.79
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	2,186.00	28.00
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Ernest W. Jones, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	775.00	292.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,562.50	
Wiley N. Jones, 1825 I St., NW, #400 Washington, DC 20006	Southern Pacific Transportation Co	1,000.00	500.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities		11,400.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	AmeriTrust Co, Nat'l Assn	124.00	
Do	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Bank Street Consultanting Group		
Do	Bear Stearns & Co		
Do	Cleveland Cliffs, Inc		832.92
Do	Embassy of the People's Republic of China	4,054.00	39.85
Do	Heron International, Ltd		
Do	Litel Telecommunications Corp		
Do	Los Angeles County	22,571.25	232.68
Do	M.A. Hanna Company		299.75
Do	Mississippi Chemical Corp		
Do	Morgan Grenfell & Co Ltd	4,610.00	17.00
Do	National Assn of Independent Insurers		
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	National Beer Wholesaler's Assn, Inc	1,981.00	
Do	Pfizer, Inc	4,528.65	85.36
Do	Primark Corporation	4,553.00	58.75
Do	Scott Fetzer Co		259.60
Do	Stakeholders in America	22,430.00	3,806.04
Do	State Assn of County Retirement Systems		
Do	SCM Corp		
Do	Teleconnect Co		
Do	USAA Federal Savings Bank		
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
David C. Jory, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio		
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	5,041.26	989.78
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Aetna Life & Casualty Insurance Co		
Do	American Express Co	1,000.00	
Do	ADAPSO	5,000.00	
Do	Hotel & Restaurant Employees & Bartenders Int'l Union	24,437.52	1,863.50
Do	International Speedway Corp	7,500.00	
Do	National Academies of Practice	2,500.00	
Do	Rentar Industries, Inc	4,000.00	
Do	Stock Information Group	10,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
JK Research Associates, Inc, 3408 Bonnie Road Austin, TX 78703	Seabed Assn	5,123.37	5,123.37
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	50.00	10.00
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Society of the U.S., et al	1,813.00	23.00
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
Nancy E. Kantola, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	243.00
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		7,373.00
Emily O'Connor Karolyi, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Anthony K. Karwoski, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Peter J. Kassander, 412 Fifth St., SE #1 Washington, DC 20003	Seattle Organizing Committee, 1990 Goodwill Games	5,728.68	
Patricia L. Katson, 11215 Oak Leaf Drive Silver Spring, MD 20901	Liberty Lobby, Inc	8,250.00	40.00
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 2033 K St., NW, #300 Washington, DC 20006	American Assn for Marriage & Family Therapy		
Do	National Assn of Social Workers		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robin E. Keeney, 1828 L Street, NW Washington, DC 20036	American Land Title Assn	2,025.00	
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l		240.00
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	2,000.00	
Thomas F. Kelley III, 1025 Connecticut Ave., NW, #415 Washington, DC	American Insurance Assn		
Ty Kelley, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Kelley Drye & Warren, 1330 Connecticut Ave., NW Washington, DC 20036	Business Roundtable		
Do	ITT Consumer Financial Corp		
Do	Marconi Underwater Systems Ltd		
Do	J.P. Morgan & Co, Inc	1,282.50	18.50
Do	Society of the New York Hospital	1,851.50	139.70
Do	Tokyo Electric Co., Ltd		
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Financial Companies	300.00	18.00
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	53.10
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John E. Kelly, 3408 Bonnie Road Austin, TX 78703	JK Research Associates, Inc (For:Seabed Assn)	2,380.00	
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Richard B. Kelly, Kelly Eckhaus & Mohen 230 Park Avenue New York, NY 10169	National Assn of Catalog Showroom Merchandisers	875.00	
Do	Resource Technical Consultant (USA), Inc		
William N. Kelly, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	2,125.00	960.00
Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036	General Motors Corp	2,500.00	1,643.19
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,095.33	2,095.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William T. Kendall, 50 E St., SE Washington, DC 20003	Alliance for Free Enterprise		
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp	500.00	
Do	Hogan & Hartson (for Timex Group, Ltd)		
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation		
Do	Rose Communications	250.00	
Do	Toyota Motor Sales, USA, Inc	1,000.00	
Do	Worldwide Information Resources, Inc	500.00	
Stephanie Kennan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	511.54	396.00
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	20.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Alaska Resource Analysts, Inc	21,776.90	3,677.59
Do	Koniag, Inc		
Frances H. Kennedy, 208 N. Quaker Lane Alexandria, VA 22304	National Parks & Conservation Assn	100.00	
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,120.20	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	National Wood Energy Assn, Inc		
Do	Ultrasystems, Inc		
Jeremiah J. Kenney Jr., 12th Fl. 1100 15th St., NW Washington, DC 20005	Union Carbide Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	524.94
J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW Washington, DC 20036	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association	8,300.92	3,430.90
Do	International Assn of Airport Duty Free Stores		
Do	National Customs Brokers & Forwarders Assn of America	3,500.00	1,464.41
Elizabeth Kepley, 122 C St., NW, #800 Washington, DC 20001	Concerned Women for America		
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,389.00	237.00
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	53.70
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	92.00	
Victoria M. Kessler, 1731 Connecticut Avenue, NW Washington, DC 20009	Albers & Co (For:May Department Stores Co)	19,710.00	70.00
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #980 Cocoa Beach, FL 32931			
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Dorothy A. Keville, 422 11th Street, SE Washington, DC	Mothers Without Custody, Inc		
Gilbert W. Keyes, P.O. Box 3999 (Mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co	92.42	81.43
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 3022 Cedar Hill Road Falls Church, VA 22042	Bechtel Group, Inc		
Kiawah Island Co, Ltd, P.O. Box 12910 Charleston, SC 29412-0910			
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Brian D. Kidney, 444 N. Capitol Street, NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,741.77
Brian M. Kilbury, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union	1,200.00	1,200.00
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	894.00	
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mary K. Killorin, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp	10,000.00	17.50
Do	Furniture Rental Assn of America		
Do	Kootznoowoo, Inc	900.00	
Do	PepsiCo, Inc	21,344.00	314.20
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Foreign Trade Assn	1,200.00	720.00
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	2,973.75	254.49
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			3,723.24
James L. Kimble, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	Contractor Liability & Indemnification Alliance	4,762.50	
Do	Recording Industry Assn of America, Inc	1,162.50	
Ann Ottoson King, 1620 Eye Street, NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	76.50
Lonnie J. King, 1552 K St., NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	500.00	191.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alabama State Docks Department		7.00
Do	Mercer University	6,838.93	29.10
Do	National Pharmaceutical Alliance	2,363.50	7.50
King Shapiro Cohen Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp		
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	3,000.00	330.75
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	22,800.00	7,276.37
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Cecilia Anne Kirby, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,524.41	
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	31.08	
John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Service Master	23,000.00	
Do	T.I.M.E.-DC, Inc	6,000.00	
Do	Valhi, Inc	51,000.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	American Council of Life Insurance, Inc		
Do	Investors Fiduciary Trust Co		
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	8,400.00	459.47
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Mary Brice Kirtley, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	200.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,125.00	
James A. Klein, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,750.00	108.84
Kline Knopf & Wojdak, Inc, 355 N. 21st Street, #303 Camp Hill, PA 17011	General Public Utilities Corp		
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	387.45	108.50
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		26.25
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	85.41	8.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,238.50
Ruth E. Kobell, 600 Maryland Ave., SW, #202 Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	2,885.64	67.15
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	150.00	43.00
Mary Jane Kolar, 727 South 23rd St., #100 Arlington, VA 22202	Association of Government Accountants		
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	403.79
Timothy S. Kolly, P.O. Box 9033 Charlottesville, VA 22906	Worrell Enterprises, Inc		
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Atlantic Richfield Co	5,233.75	85.93
Do	Avia Footwear, Inc	19,127.10	1,872.90
Do	Bollinger Machine Shop & Shipyard, Inc		
Do	Crowley Maritime Corp	7,150.00	
Do	Oregon Economic Development Dept		
Do	Pacific Coast Council of Freight Forwarders	5,424.97	575.03
Do	RREEF Funds		
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn	806.25	209.19
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc		
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,937.00	1,650.03
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	1,750.00	
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	120.00	72.00
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	47,993.44
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	11,167.74	
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,750.00	486.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	469.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	218.00	
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Krivit & Krivit, P.C., 50 E St., SW Washington, DC 20003	City of St. Petersburg, FL	1,200.00	100.00
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			4,113.14
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Thomas A. Kube, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	4,000.00	1,050.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Sara E. Kuhn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	5,622.08	116.88
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Transport Lines, Inc	1,055.00	42.72
Do	Seafarer's International Union	30,000.00	328.36
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	16,249.98	151.48
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	Citicorp Investment Bank		1,202.58
Do	Fidelity Management & Research Co	5,000.00	2,478.95
Do	Financial Security Assurance Co		2,114.10
Do	Municipal Bond Insurance Assn	25,829.00	265.45
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Alpha Environmental, Inc		
Do	Alpha 21 Corporation		
Do	Federal Land Bank Stockholders Defense Fund	10,134.18	
Do	Guardsmark, Inc		
Do	R. F. Shoup Corp		
Peter Kyros, 3909 Yoakum Parkway, #4-303 Alexandria, VA 22304	Mutual Protection Trust Cooperative of American Physicians		
Do	Uniformed Services Disabled Retirees		
John R. Kyte, 18 Muzzey Street Lexington, MA 02173	BMc Strategies, Inc	2,080.00	266.09
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001		6,605.00	6,163.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	80.00	21.00
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause	6,000.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,200.00	669.89
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	425.00	250.68
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	
L. Charles Landgraf, 1333 New Hampshire Ave., NW, Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Thomas M. Landin, P.O.Box 7929 One Franklin Plaza Philadelphia, PA 19101	SmithKline Beckman Corp		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Landis Cohen Rauh & Zelenko, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	3,000.00	
Do	National Council for Japanese American Redress	1,650.00	
Do	NFL Players Association	4,000.00	
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America	1,000.00	
Do	Mainstreets Coalition		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	3.30
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	375.00	674.27
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	City of Baltimore	7,800.00	
Do	Coalition for Consumer Justice	5,400.00	
Do	Council for Housing & Rural Development	4,000.00	
Do	GA Technologies, Inc	2,754.00	
Do	National Glass Association	2,470.50	
Do	National Independent Automobile Dealers Assn	5,568.00	
Do	National Leased Housing Assn	900.00	
Do	National Taxpayers Union		
Do	Pyropower Corp	1,436.25	
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	3,000.00	
Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814	Mattco Forge, Inc		
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	161.84
Lillie Hoover Largent, P.O. Box 1085 Martinsburg, WV 25401	National Peach Council		
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,600.00	64.24
Charles B. Lavin Jr., 1120 19th St., NW, #LL-20 Washington, DC 20036	Alarm Industry FCC Frequency Advisory Committee		
Do	Central Station Electrical Protection Assn		
Do	National Burglar & Fire Alarm Assn, Inc		
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,500.00	72.65
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	10,500.00	1,750.00
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,876.21	34.45
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	2,565.00	37.60
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20002	Mesa Limited	2,000.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	R. T. Vanderbilt Co, Inc		
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,600.00	
Joseph A. LaSala Jr., 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp	1,000.00	41.10
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		74,265.16	79,025.04
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		40,040.44	40,040.44
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			44.84
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	45,640.35	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	200.00	30.00
Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402	City of New Brighton		
Peter A. Lefkin, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn	260.00	125.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	990.00	
C. Richard Lehmann, 15327 NW 60th Ave., #240 Miami Lakes, FL 33014	Richard Lehmann & Associates, Inc (For:National WPPSS 4&5 Bond Holders)		
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	
Matthew R. Lehrman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	
Karen Leichtman, 1319 F St., NW, #300 Washington, DC 20004	Halt: Americans for Legal Reform		
G. Timothy Leighton, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	3,000.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	American Shrimpboat Association		
Do	Marine Construction & Design Co		
Do	Northern Eagle Partners, L. P.		
Do	Port of Seattle		
Joseph L. Leitzinger, Bank of California Building 900 4th Ave. Seattle, WA 98164	Simpson Investment Co	467.00	1,143.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Laverne Still Lemen, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	1,155.00	59.55
Betty Jane Leonard, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	600.00	777.74
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,144.00	1,131.59
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	6,828.02	26.85
Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
Lepon McCarthy & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Helmsley-Spear, Inc		10,050.00
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	160.09	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher and Associates, Inc		
Lesher and Associates, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group		16,621.20
Do			
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,312.00	26.60
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	130.50
Leva Hawes Mason & Martin, 1220 19th St., NW, #700 Washington, DC 20036	Finnigan Corporation		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc	4,058.75	28.50
Betsy Levin, One Dupont Cirle, NW, #370 Washington, DC 20036	Association of American Law Schools		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn		
Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine Jr., 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co	174.00	
Kenneth S. Levine, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	977.50	
Lawrence E. Levinson, 1875 Eye St., NW, #940 Washington, DC 20006	Gulf & Western, Inc	2,750.00	80.00
Roger N. Levy, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	2,500.00	
Jack W. Lewis, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	2,067.00	90.19
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	10,100.00	698.28
Mindy M. Lewis, Box 3005 Columbus, IN 47201	Cummins Engine Co, Inc	296.16	135.17
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	650.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,876.44	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	General Conf of the 7th Day Adventists Church Risk Mgt Svcs		
Do	Underwriters at Lloyd's London	1,375.00	765.00
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,650.97	351.56
James M. LeMunyon, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
William J. Lhota, 215 N. Front Street Columbus, OH 43215	Columbus and Southern Ohio Electric Co		
Richard A. Lidinsky Jr., 1140 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	769.20	91.50
Howard C. Liggett, P.O. Box 1312 Pensacola, FL 32596	Escambia County Tax Collector		
Ross W. Lillard, 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
Leanne Klyza Linck, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	859.83	52.75
Stephen R. Lindauer, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	1,996.80	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)	58.40	
Do	Hill & Knowlton, Inc (For:MediVision, Inc)	802.20	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:United Network for Organ Sharing)	1,473.00	
George E. Lindow, 625 Liberty Avenue Pittsburgh, PA 15222-3197	Peoples Natural Gas Co	761.52	240.30
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	1,350.00	210.00
Andrew D. Lipman, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Janice C. Lipsen, 1000 16th Street, NW, #603 Washington, DC 20036	Counselors for Management, Inc (For:Independent Zinc Alloyers Assn)	6,500.00	7,080.00
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lisboa Associates, Inc, 1317 F St., NW, #400 Washington, DC 20004	University of the Virgin Islands	2,062.50	
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Atcor, Inc		
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,800.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
Thomas W. Little, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	250.00	
William F. Little, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	696.55
Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	43.00
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	60.00	
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402			
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	2,498.80	183.12
Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	22,395.09	
Robert F. Lockhart Jr., 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
John H. Lonnquist, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.20
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	174.63
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	23,875.00	4,030.62
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	11,250.00	
Celia C. Lovell, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co	5,004.00	275.82
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	9,988.58	9.00
William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	500.00	
Kathy K. Luhn, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc	2,856.00	206.69
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Cassidy & Associates, Inc		
Do	City of Miami	3,750.00	
Do	City of Miami Beach	3,500.00	
Do	Cybernectics & Systems, Inc	6,000.00	
Do	Dade County, Florida	7,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)	5,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)		
Do	Washington Consulting Group	9,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,559.68
Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006	Federation of American Controlled Shipping	600.00	19.70
Do	Pennsylvania Power & Light Co	1,620.00	178.00
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Ann P. Lunson, Eastman Kodak Company 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	25.25	9.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,087.86	183.60
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc		
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	2,875.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	5,685.00	5,714.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	18,975.00	500.00
Thomas L. Mack, 14 Almaden Place Gaithersburg, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	2,376.00	
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	6,250.00	75.00
Malcolm MacKay, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
John H. Madigan Jr., 224 East Capitol Street Washington, DC 20003	American Cancer Society	5,000.00	1,050.00
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	American Assn of Airport Executives	1,000.00	
Do	Burbank-Glendale-Pasadena Airport Authority	2,000.00	
Do	City of Avalon	750.00	
Do	Federal Express Corp	3,500.00	
Do	Mark Air, Inc	4,000.00	
Do	Quantas Airways, Ltd	5,000.00	
Do	Regency Outdoor Advertising	2,000.00	
Do	Southern California Rapid Transit District	5,000.00	
Do	Ventura Port District	3,000.00	
Susan Magaw, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	10,884.62	31.00
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S	4,500.00	
A. John Maguire, 1030 15th Street, NW Washington, DC 20005	National Cotton Council of America	20,625.00	2,325.52
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	
David L. Mahan, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Linda F. Maher, 1140 Connecticut Ave., NW, #1006 Washington, DC 20036	Turner Broadcasting System, Inc	275.00	
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:American Medical Assn)		
Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	128.03
Michael C. Maibach, Intel Corporation, SC6-65 P.O. 58121 Santa Clara, CA 95052-8121	Intel Corporation	12,000.00	9,876.56
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			758.30
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	387.00	10.00
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	National Hemophilia Foundation	1,750.00	
Do	Research Society on Alcoholism	800.00	73.09
Do	Samaritan Health Services	900.00	29.16
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C		
David Mallino, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	8,177.33	1,144.40
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	850.00	166.19
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn	28,750.00	1,283.06
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Audiovox	2,300.00	3,860.00
Do	R.S. Landauer, & Co Jr	1,200.00	1,100.00
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Institute of Real Estate Appraisers	3,042.50	
Do	American Petrofina, Inc	187.50	
Do	Bowling Proprietors' Assn of America	105.00	
Do	Briscoe Co	187.50	
Do	Centre Pointe Associates		
Do	Chronar Corporation		
Do	Commerce Union Bank		
Do	Connecticut National Bank	1,624.00	
Do	Fairfield Communities, Inc	280.00	
Do	Flying Tiger Line, Inc		
Do	Government of Cyprus	825.00	
Do	Krueger, Inc		
Do	Melrose Company		
Do	Money Store		
Do	National Cable Television Assn, Inc	11,687.50	
Do	North Beach Property Owners' Assn	550.00	
Do	Northrop Corp		
Do	NEC Corporation	550.00	
Do	Philip Morris, Inc	1,105.00	
Do	Rollins Environmental Services		
Do	RLC Corporation		
Do	Security First Group		
Do	Donald T. Sterling & Associates		
Do	Superior Training Services	525.00	
Do	Texas International Co	137.50	
Do	Traweek Investment Co, Inc		
Do	U.S. Telephone Assn	7,625.00	
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	76.00
Manchester Associates, Ltd, 1155 15th Street, NW, #811 Washington, DC 20005	Corporacion Del Cobre (USA), Inc		
Do	Eldorado Resources, Ltd		
Do	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA		
Manchester Group, Ltd, 1155 15th St., NW, #302 Washington, DC 20005	C Itoh & Co, Ltd, et al		
Susan Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	13,000.02	89.90
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	300.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)	150.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	750.00	
Do	Hill & Knowlton, Inc (For:United Air Lines)	1,125.00	
Richard J. Mannix, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co	4,225.00	1,302.84
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	1,695.24	568.01
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			6,700.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
R. A. Marble, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,978.02	
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		29,884.05	25,245.18
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,700.00	2,700.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			20,255.00
Richard Mark, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	9,999.96	6,347.72
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	7,668.70	153.50
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	5,323.07	5,544.24
Marc L. Marks, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp		
Matthew J. Marks, 1120 20th St., NW, #650 Washington, DC 20036	UETA, Inc		
Ronald Anthony Marks, 10 Waterside Plaza, #2b New York, NY 10010			
Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081	International Chemical Workers Union	5,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Coalition to Keep Alaska Oil	5,737.50	138.85
Do	Marlowe & Company (For:Graphic Communications International Union, AFL-CIO, CLC).	400.00	
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	7,437.00	102.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Graphic Communications Int'l Union	3,412.00	3,504.00
Do	Lazare Kaplan International, Inc	7,437.00	7,539.00
Valsin A. Marmillion, 10880 Wilshire Blvd., #2010 Los Angeles, CA 90024	Hunt Marmillion & Associates (For:American Bankers Assn)		1,638.13
Chalmers H. Marquis, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe	38.58	
Cynthia L. Martin, 2711 Jefferson Davis Highway, #903 Arlington, VA 22202	Avondale Services Corp	5,500.00	17,220.15
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard, Inc	750.00	
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	413.64	466.43
J. Ross Martin, Kansas Petroleum Council 1414 Merchants Nat'l Bank Bldg. 8th & Jackson Topeka, KS 66612	American Petroleum Institute	700.00	890.28
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	376.68	264.65
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	1,440.00	621.16
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	82.62
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 85 Ridge St. North Sydney, NSW 2060 Australia			
Merrill D. Marxman, 7708 Fullerton Road Springfield, VA 22153	Marxman & Associates, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	11,250.00	202.79
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		2,251.25
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Euromissile)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton, Inc (For:Hastings College Foundation)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	5,350.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	12,225.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	825.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	7,500.00	
Do	Hill & Knwolton, Inc (For:United Network for Ogan Sharing)	150.00	
James D. Massie, 50 F Street, NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	300.00	114.75
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	568.08	169.04
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,125.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,125.00	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,081.71	7.40
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,085.45
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	1,300.00	24.00
Marshall L. Matz, 2501 M St., NW, #400 Washington, DC 20037	American School Food Service Assn	9,000.00	1,313.36
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	11,262.54	267.25
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	12,000.00	53.06
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	13,500.00	2,677.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Attorneys' Liability Assurance Society Ltd		
Do	Business Roundtable	153.75	
Do	Comdisco, Inc		
Do	Continental Illinois Nat'l Bank & Trust Co		
Do	FMC Corporation	138.00	
Do	Goldman Sachs & Co	275.00	
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	275.00	
Do	Lasalle Partners, Inc		
Do	Lebenthal & Co, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Philip Morris USA		
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp	68.75	
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Smith Barney Harris Upham & Co, Inc	225.00	
Do	Tele-Communications, Inc		
Do	Voluntary Hospital Assn		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	600.00	81.00
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	10,000.00	2,338.90
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Douglas E. McAllister, 1920 N St., NW Washington, DC 20036	American Mining Congress		
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	American Health Care Assn	4,000.00	
Do	ADAPSO	4,000.00	
Do	Human Rights Campaign Fund	4,000.00	
Do	Lawyers' Mutual Insurance Co	2,000.00	
Do	Joseph E. Seagram & Sons, Inc	3,000.00	
Do	Southern California Rapid Transit District	4,000.00	
Do	Southwestern Resources, Inc	200.00	
Do	State Street Development Co of Boston		
Do	Stock Information Group	4,000.00	
Do	Verdie Forest, Inc	200.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	15,276.30	
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	United Way of Central Indiana		
John A. McCahill, 1250 Connecticut Ave, NW Washington, DC 20036	U.S. Olympic Committee		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	114.32	
McCamish Ingram Martin & Brown, P.C., 650 MBank Tower 221 West 6th Street Austin, TX 78701	Central & South West Corp		
Do	Citicorp	875.00	397.49
Do	United Services Automobile Assn	580.00	448.95
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Frederick D. McClure, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp	7,500.00	5,040.97
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Allied Capital Corp		12.83
Do	Bell & Howell/Columbia Pictures Video Services		12.38
Do	Coca-Cola Company		425.75
Do	Geneve Corporation		6.01
Do	Gulf & Western Industries, Inc		302.66
Do	Henley Group, Inc		14.63
Do	Mobil Oil Corp	1,478.75	593.28
Do	Ross Capital Corp		26.87

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TSO Financial Corp		10.22
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs).		
Margaret M. McCormick, 236 Hamburg Hall 5000 Forbes Ave. Pittsburgh, PA 15213	Carnegie-Mellon University	10,626.00	250.64
Meredith McCoy, Arnold Groburger & Haley 1101 Connecticut Ave, NW, #500 Washington, DC 20036	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
Steven A. McCoy, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
James K. McCracken, 111 Massachusetts Avenue, NW, #200 Washington, DC 20001			
Cliff G. McCreedy, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		30.80
John McDavitt, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,808.00	
David F. McDermitt, 2238 Highland Avenue Falls Church, VA 22046	National Utility Contractors Assn	19,875.00	15,000.00
Albert L. McDermott, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	2,598.75	
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	875.00	
Mark T. McDermott, Joseph Powell McDermott & Reiner, P.C. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Pulblic Citizen, Inc	4,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communicatins Union	3,300.00	3,300.00
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDoanld Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	General Cinema Corp		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Michael D. McDonald, c/o Maryland Petroleum Council 60 West St. Annapolis, MD 21401	American Petroleum Institute	175.00	
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack McDonald Co, 1489 Chain Bridge Road, #200 McLean, VA 22101	American Express Corp		
Do	Belz Enterprises		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd		
Do	Hitachi Sales Corp of America		
Do	Jacques Borel Enterprises, Inc		
Do	Royal Zenith Corp		
Do	Societe Generale de Surveillance, S.A.	24,207.00	
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,623.90	515.61
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates (For:Hearing Industries Assn)		
Rick McElheny, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Terry M. McGann, 1900 Placer Gold Court Gold River, CA 95670	California Assn for Health Services at Home (CAHSAH)		885.52
Do	Foundation Health Corp		
Do	Maxicare	3,600.00	3,807.05
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	391.50	
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	9,250.02	241.70
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,982.00	2,002.02
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Jeanne H. McGowan, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Christopher C. McGrath, New York State Petroleum Council 156 William St. New York, NY 10038	American Petroleum Institute		
Jerome J. McGrath, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	500.00	
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Joseph M. McGuire, 1501 Wilson Blvd. Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	RF&P Railroad		
Do	Savage/Fogarty Companies, Inc	284.00	
Do	Vulcan Materials Co		
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines (Yukon) Ltd		
Do	Novacor Chemicals, Ltd		
Do	NOVA Corp of Alberta		
Do	Pan-Alberta Gas Ltd		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,500.00	210.25
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	4,170.91	223.49
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	10,025.00	715.13
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas I. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,500.00	
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	8,413.25	260.46
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,150.00	
Edward T. McMahon, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	712.00	
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heileman Brewing Co, Inc	502.50	107.55
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	520.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling	300.00	64.06
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	800.00	182.65
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,350.00	
McNair Group, Inc, 1155 15th St., NW, S-400 Washington, DC 20005	CSX Corporation	16,050.00	259.74
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Alabama Construction Contractors, et al	1,736.50	140.85
Do	Alabama Power Co	5,504.96	510.32
Do	Allied-Signal, Inc	1,599.00	649.47
Do	Amalgamated Clothing & Textile Workers Union	1,800.00	14.40
Do	American Insurance Assn	767.00	28.70
Do	Amick Farms		
Do	ADDSCO Industries, Inc	2,400.00	125.61
Do	Earl Barr		
Do	BellSouth Corp		
Do	Blue Cross & Blue Shield of South Carolina	2,292.00	330.09
Do	Bristol-Myers Co		
Do	Business Roundtable	5,231.00	31.09
Do	Carolina Urocorp	2,308.30	68.61
Do	Citmoco Services, Inc	4,158.50	111.63
Do	Gasoline Alliance to Preserve Competition	11,605.91	342.93
Do	Georgia-Pacific Corp		
Do	Intergraph Corporation	1,559.00	113.66
Do	Marriott Corp		
Do	Michelin Tire Company	7,751.00	247.58
Do	Milliken Mills	1,031.00	60.40
Do	National Council on Alcoholism, Inc	1,333.33	
Do	National Industries	1,624.00	45.21
Do	New York State Bankers Assn	11,846.88	605.97
Do	Norfolk Southern Corp	120.00	122.52
Do	Pacific Theatres	300.00	59.28
Do	Pfizer, Inc	1,275.00	77.90
Do	R.J. Reynolds Tobacco Co	3,956.71	87.27
Do	Union Pacific Corp	288.64	
Do	Vulcan Materials Co	1,908.00	207.25
Do	Waste Management, Inc		
Do	Westinghouse Electric Corp	1,359.50	39.99
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	165.00	70.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	4,250.00	133.31
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	805.00	65.00
Robert McNulty, 420 Lexington Avenue New York, NY 10017	Hill & Knowlton, Inc (For:Republic of Indonesia)		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha McSteen, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	2,608.51
George G. Mead, 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7100 Baltimore Avenue College Park, MD 20740	United Action for Animals, Inc	1,200.00	
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	3,000.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		426.71
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			
Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
Michael Meehan, 1439 Rhode Island Ave., NW Washington, DC 20005	Capitol Services of Washington, Inc (For:Massachusetts Biotechnology, Inc)	500.00	
William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	2,593.25	25.00
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	3,262.58
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	270.24
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, 345 Park Avenue New York, NY 10154	Union Pacific Corp	5,000.00	
Howard A. Menell, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Edward L. Menning, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	35.14	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Barron Collier Co)	72.00	
Do	Cadwalader Wickersham & Taft (For:Coalition for Capital Import Neutrality)	194.00	
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)	387.00	
Do	Cadwalader Wickersham & Taft (For:PFIC Group)	387.00	
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	7,288.76	
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			19,500.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	5,788.73
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	2,000.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	1,844.92	55.56
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	
Larry D. Meyers, 412 First Street, SE Washington, DC 20003	American Beekeeping Federation		
Do	CEPEX Pacific, Inc	1,800.00	
Do	International Assn of Refrigerated Warehouses	1,000.00	
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Coalition to Defeat H.R. 28l/S. 492	5,000.00	
Do	National Peanut Growers Group	1,000.00	
Do	Nuclear Waste Task Force	5,000.00	
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		
Do	Superconducting Super Collider	3,600.00	
Do	Texas A&M Research Foundation	7,500.00	
Do	Texas Cotton Marketing		
David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	90.18	41.00
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris RF Communications	4,000.00	950.00
Do	Harris/3-M Document Products, Inc	10,000.00	1,722.75
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	525.00	
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc	500.00	
Laurie L. Michel, 555 13th St., NW, #900 East Washington, DC 20004	Ballard Spahr Andrews & Ingersoll (For:Arthur Andersen & Co)		
Mid-Continent Oil & Gas Assn, 711 Adams Office Bldg. Tulsa, OK 74103		354.37	17,554.19
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	114.00
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	500.00	
Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		175.00
Do	PepsiCo, Inc		75.00
Do	Pizza Hut, Inc		125.00
Charles R. Miller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	722.50
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Harris C. Miller, 322 Westview Court Vienna, VA 22180	Occidental Chemical Corp	630.00	
Lawrence E. Miller, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Michael J. Miller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Robert H. Miller, 490 L'enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco, Inc		30.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Electronics Assn		
Do	Council on Research & Technology	2,211.00	
Do	Ideal Basic Industries, Inc	486.77	
Do	National Assn of Temporary Services, Inc		
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al	11,470.00	50.00
Do	47th Street Photo	1,000.00	
Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Colonial Bancgroup, Inc		
Miller Young & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Sacramento, et al	265.20	
Do	Sugar Land Telephone Co	1,465.00	46.85
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	3,000.00	190.35
John C. Milliner Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	900.00	500.00
Robert G. Mills, 450 Maple Ave., East, #204 Vienna, VA 22180	U.S. Defense Committee	2,400.00	
Mineral Insulation Manufacturers Association, 1420 King Street Alexandria, VA 22314		6,438.80	8,192.70
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings	6,000.00	
Miro Miro & Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Detroit Tooling Assn	6,107.50	
Do	Michigan Council of Self-Insured Group Administrators	11,338.75	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	30.97	
Henry A. Mitchell, St. Mary's Street P.O. Box 12807/1300 Raleigh, NC 27605	Investment Co Institute	2,812.50	
Lisa Mitnick, 3000 K St., NW, $300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	950.00	
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co	375.00	
John V. Moller, 1155 15th Street, NW, #1010 Washington, DC 20005	Manchester Associates (For:Corporacion Nacional del Cobre de Chile)		
Do	Manchester Associates, Ltd (For:Eldorado Resources, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)		
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	300.00	
Do	Lynch Associates	300.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	172.50
C. Manly Molpus, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	1,000.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Michael Monroney, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Alfredo C. Montoya, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,750.00	
Alan J. Moore, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Carlos Moore, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	71.00	10.00
Francis B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	4,410.89
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund		209.55
Thomas L. Moore, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Timothy X. Moore, 2900 M Street, NW, #300 Washington, DC 20007	All-Industry TV Music License Committee		
William D. Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903	Greater Providence Chamber of Commerce	337.50	125.00
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		877.59	877.59

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	1,484.00	
E. Joyce Morgan, 1920 N St., NW Washington, DC 20036	American Mining Congress		
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	36.99
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Coalition to Stop the Raid on America		
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
Robert E. Morin, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	283.09
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	3.80
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	1,500.00	
James W. Morrison Jr., 1390 Piccard Dr. Rockville, MD 20850	CNA Insurance Co		
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco	905.00	
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	35,142.00	347.19
Do	Rosenberg Real Estate Equity Fund, Inc	3,851.00	37.70
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		70.00
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		22,369.32	22,369.32
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	600.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical	45,000.00	800.06
Do	ABRASSUCOS - Brazilian Juice Assn		370.58
Do	ANIC - National Assn of Citric Industries		373.52
Do	Thai Food Processors Assn		81.57
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW Washington, DC 20004			3,153.55
Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202		8,588.61	8,588.61
Thomas O. Moulton Jr., 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	12,000.00	
Susan Connolly Moya, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB	10,000.00	
Do	Carteret Savings Bank, F.A.		
Do	Empire of America, FSB		
Do	First Nationwide Bank		
Do	Glendale Federal Savings & Loan Assn		
Do	Meritor Savings Bank		
Do	Northeast Savings, F.A.	195,373.00	
Do	Washington Mutual Savings Bank		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,100.00	500.57
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	85.50
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Robert J. Mullins, Suite 202-W 600 Maryland Avenue, SW Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	5,370.31	24.12
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	160.00	0.80
James Brian Munroe, 1747 Pennsylvania Ave., NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Patricia Collins Murdock, 1313 L St., NW Washington, DC 20005	Service Employees International Union	7,164.50	23.75
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al		
James P. Murphy, 485 Lexington Ave., 25th Floor New York, NY 10017	New York State Bankers Assn	1,800.00	479.00
John P. Murphy, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	900.00	273.00
Lester L. Murphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc		
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al	8,600.00	
Richard E. Murphy, 414 West Braddock Rd. Alexandria, VA 22302	Generic Pharmaceutical Industry Assn		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,560.46
James E. Murray, One Farragut Square South Washington, DC 20006	Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.)		
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Cyanamid Co	500.00	
Do	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	Lightning Location & Protection, Inc	625.00	
Do	LTV Corporation	450.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	PHP Healthcare Corp	600.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202			711.53
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,400.00	
Gary D. Myers, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	4,500.00	388.92
Hardy Myers, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:A-dec, Inc)	950.00	15.00
Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Stephen M. Nagler, 20415 Nordhoff St., P.O. Box 2158 Chatsworth, CA 91311	Patlex Corporation		
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,900.00
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Direct Marketing Assn	1,750.00	
Do	Disclosure Information Group		
Do	Information Industry Assn	1,500.00	
Do	Journal of Commerce, Inc	7,000.00	10.00
Do	Monsanto Co	1,575.00	
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	5,896.23	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		7,849.60	7,849.60
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		97,100.00	12,944.79
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,151.79	2,089.43
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		6,542.93	3,617.94
National Assn of Air Traffic Specialists, 4780 Corridor Pl., Suite B Beltsville, MD 20705			9,458.33
National Assn of Aircraft & Communications Suppliers, Inc, 23871 Madison Torrance, CA 90505			1,300.00
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 230 Park Ave. New York, NY 10169			1,201.00
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			315.05
National Assn of Energy Service Companies, 2330 M St., NW Washington, DC 20037			
National Assn of Federal Employees, 4101 NW 122nd Street, Suite D OKlahoma City, OK 73120			
National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005			74.86
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		351,881.00	45,989.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			3,772.60
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		125,675.50	125,675.50
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		12,900.00	12,900.00
National Assn of Olympic Businesses, P.O. Box 3337 Idyllwild, CA 92349-3337		370.00	299.32

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn of Real Estate Investment Trusts, Inc, 1101 17th St., NW, #700 Washington, DC 20036			1,739.37
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,250.00	2,580.00
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314		67,000.00	
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		7,500.00	7,500.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			19,200.00
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041		128,711.00	33,102.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		4,070.00	4,070.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		53,609.72	53,609.72
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			7,000.00
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007.			
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		5,637.44	4,000.00
National Comm to Preserve Social Security, 2000 K Street, NW, 7th Floor Washington, DC 20006		814,625.00	814,625.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		884.50	6,309.89
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001		11,500.00	491.00
National Cooperative Business Assn, 1401 New York Ave., NW, #100 Washington, DC 20005		27,500.00	14,226.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		45,431.06	45,431.06
National Council for Languages & Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		12,466.07	17,033.14
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		19,517.00	14,206.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		1,791.03	1,791.03
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		46,350.25	46,350.25
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		4,450.00	4,450.00
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		51,013.75	51,013.75
National Grain & Feed Assn, 725 15th St., NW Washington, DC 20005			115.00
National Grange, 1616 H St., NW Washington, DC 20006		22,500.00	22,500.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		4,921.50	
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039			5,583.00
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		14,000.00	12,683.23
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			1,347.60
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036		5,338.85	5,338.85
National Peach Council, P.O. Box 1085 Martinsburg, WV 25401			
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Public Affairs Corp, 900 17th Street, NW Washington, DC 20006	Westinghouse Electric Corp	300.00	
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036		3,036.00	3,036.00
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			18,619.27
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		7,352.62	7,352.62
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002		10,975.73	18,105.40
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,042.00
National Small Business Index, R.R. #1 Aitkin, MN 56431			
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		12,500.00	10,350.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			374.55
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Alliance for Capital Access	8,750.00	
Do	Joy Technologies		265.23
Do	Manor Care		5,855.58
Do	PGA Tour, Inc	5,000.00	23.77
Do	Triangle Industries		552.68
Do	U.S. Sprint		
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		8,080.00	2,001.94
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		7,581.00	7,581.00
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090			
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Landis M. Neal, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	9,000.00	
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	465.00	54.50
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	17,250.00	21.00
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Jorge A. Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce	10,250.00	858.00
Laura C. Nehf, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Stanley Nehmer, 1225 19th Street, NW, #210 Washington, DC 20036	Non-Ferrous Metals Producers Committee	500.00	350.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			500.00
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt		21,773.66
Do	Government of the Republic of El Salvador	5,000.00	
Do	Hashemite Kingdom of Jordan	55,000.00	5,827.54
Do	Islamic Republic of Pakistan	60,000.00	4,552.82
Do	Kingdom of Morocco		2,899.97
Do	Republic of Kenya		1,978.05
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Florida East Coast Railway Co	1,000.00	
Do	National Council Social Security Management Assns, Inc	4,000.00	170.00
Do	National Farm & Power Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc	4,500.00	100.00
Do	Senior Executives Assn	5,000.00	295.00
Do	Soo Line Corporation	2,500.00	39.34
Do	TACA International Airlines		
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept., AFL-CIO	520.00	
Carolyn B. Nelson, #2 Metroplex Dr., Suite 500 Birmingham, AL 35209	Metropolitan Properties, Inc		
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	2,100.00	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co	27.50	
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	Weyerhaeuser Company	5,925.00	49.09
Michael A. Nemeroff, 1720 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Borden, Inc)	7,789.95	329.60
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	106.00
Mark Nestlen, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		43,184.23	30,856.67
E. John Neumann, 1101 17th St., NW, #405 Washington, DC 20036	Baltimore Gas & Electric Co	1,205.62	1,009.50
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006			
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		60,000.00	88,947.00
Cynthia E. Newman, 400 North Washington Street Alexandria, VA 22314	Professional Insurance Agents	500.00	25,515.60
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		67.06
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,821.15	2,140.66
Nissan Motor Corporation, U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006			
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn, Inc	2,299.00	42.40
Do	Bausch & Lomb		
Do	Thompson Medical Co	418.00	
Barbara D. Nocera, 955 L'enfant Plaza, SW, #905 Washington, DC 20024	Honda North America, Inc	200.00	
A. Allan Noe, 655 - 15th St. NW, #975 Washington, DC 20005	Unilever United States, Inc	1,500.00	771.06
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	10,909.09	384.81
Julia J. Norrell, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,325.00	30.18
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			1,246.61
Northern Telecom, Inc, 600 Maryland Avenue, SW, #605 Washington, DC 20024			
Edward M. Norton Jr., 1600 L St., NW, #812 Washington, DC 20036	Grand Canyon Trust		
Mary Jane Norville, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	300.00
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004	EDS Corporation		
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	16,736.04
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,499.98	1,515.82
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dinah K. O'Berry, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	131.12
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	9,450.00	23.00
Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036	Dow Corning Corp		
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	900.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,000.00	50.00
Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	87.88
Thomas H. O'Brien, 1201 East Abingdon Dr. #300 Alexandria, VA 22314	Harris Corporation	2,500.00	698.90
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn	400.00	
Shannon O'Chester, 122 C Street, NW, #800 Washington, DC 20001	Concerned Women for America		
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co		
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	92.50	260.58
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		200.00
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	25,375.00	1,739.00
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	8.10
Patrick C. O'Connor, 1211 Connecticut Ave., NW, #302 Washington, DC 20036	American Supply Association	8,300.92	3,583.39
Do	American Warehousemen's Association		
Do	Movers' Round Table	2,185.62	961.40
Do	National Assn of Fleet Administrators	2,587.50	1,135.67
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance for Capital Access		
Do	American Bus Assn	5,191.56	
Do	American Businesses for Int'l Trade	15,000.00	
Do	American Clinical Laboratory Assn	1,250.00	
Do	American Family Life Assurance Co	3,000.00	
Do	American Inst of Certified Public Accountants	593.00	
Do	American Maritime Transport, Inc		
Do	American Soc of Assn Executives	2,944.69	
Do	American Soc of Cataract & Refractive Surgery	7,375.00	
Do	American Trucking Assns, Inc		
Do	Arthur Andersen & Co	1,000.00	
Do	California Student Loan Finance Corp	1,882.96	
Do	Center for Environmental Education, Inc		
Do	ChemWaste Management, Inc	1,087.00	
Do	China External Trade Development Council	5,400.00	
Do	City of Minneapolis	1,500.00	
Do	Coca-Cola Company	30,000.00	
Do	Connaught Laboratories, Inc	10,170.50	
Do	Corcoran Mullins Jennison	500.00	
Do	CNA Insurance Co	2,118.73	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Drexel Burnham Lambert, Inc		
Do	Eastern Michigan University	502.95	
Do	Electronic Data Systems Corp	1,000.00	
Do	Embassy of Bolivia	15,000.00	
Do	Government of Netherlands Antilles	75,400.00	
Do	Health Care Financing Study Group	1,000.00	
Do	Hennepin County	900.00	
Do	Historic Landmarks for Living		
Do	Independent Advertising Council		
Do	Independent Computer Consultants Assn	3,798.13	
Do	Investment Company Institute	5,000.00	
Do	Journal Newspapers		
Do	Kawasaki Kisen Kaisha, Ltd	11,138.00	
Do	Martin Marietta Corp	4,800.00	
Do	Mexican Cement Chamber	45,000.00	
Do	Miller & Schroeder Financial, Inc	3,000.00	
Do	Minnesota Mutual Life Insurance Co	26,000.00	
Do	Mitchell Sweet & Associates	2,250.00	
Do	National Apartment Assn		
Do	National Assn of Portable X-Ray Providers		
Do	National Assn of Private Enterprise of El Salvador	15,000.00	
Do	National Club Association		
Do	New York City Council	750.00	50.00
Do	Pacific Telesis Group	6,412.00	
Do	Philadelphia Stock Exchange		
Do	Primark Corporation	671.25	
Do	Prudential Insurance Co of America	948.00	
Do	Roberts & Shefelman	1,000.00	
Do	Joseph E. Seagram & Sons, Inc	2,137.77	
Do	Securities Industry Assn	5,395.00	
Do	SmithKline Beckman Corp	3,776.25	
Do	State of Alaska	6,650.00	
Do	State of West Virginia		
Do	United Illuminating Co	1,000.00	
Do	Westinghouse Electric Corp	1,500.00	
Grady O'Cummings III, 198 MacDougal Ct. Brooklyn, NY 11233	Gifford A. Finch		
Do	National Comm for Poor People		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,200.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Coucnil	5,000.00	400.00
Daniel J. O'Grady, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	3,215.94	71.10
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	305.70
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	125.00	
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	City of Atlantic City	11,500.00	30.50
Do	Dulles Access Transit Corp	7,500.00	370.61
Do	Holden Group, Inc (Public Employer Benefits Council)	575.00	
Joseph O'Neil, 1600 M St., NW Washington, DC 20037	ITT Corporation	3,000.00	60.00
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,344.00	608.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	2,200.00	119.50
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Bank of New England	400.00	
Do	Business Roundtable	375.00	
Do	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	Glass Packing Institute		
Do	Massachusetts General Hospital	1,000.00	
Do	Massachusetts Hospital Assn	5,000.00	
Do	Milk Industry Foundation		
Do	National Assn of Jai-Alai Frontons, Inc		
Do	New England Deaconess Hospital	1,500.00	
Do	Northwestern Mutual Life		
Do	Retail Industry Trade Action Coalition		
Do	Sears Roebuck & Co	400.00	
Do	Texas Utilities Co		
Do	USX Corporation	2,100.00	
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute	139.85	74.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,500.00	
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,471.53
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	750.00	
Harry R. Obley, One Mellon Bank Center Pittsburgh, PA 15258	Mellon Bank N.A., et al.	2,000.00	4,538.96
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	500.00	
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Muhammad Idris Oke, 2041 Pennsylvania Avenue Baltimore, MD 21217			
Philip M. Ola, 1919 Pennsylvania Avenue, NW, #400 Washington, DC 20006	Steel Service Center Institute		
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	687.50	500.00
Gerald L. Olson, Pillsbury Center, MS 3771 Minneapolis, MN 55402	Pillsbury Company		560.00
Richard C. Olson, 6862 Elm Street, #510 McLean, VA 22101	Citibank, N.A.	9,600.00	
Do	DynCorp	1,584.00	9.00
Roy E. Olson, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Colorado Springs Chamber of Commerce	300.00	
Do	United Engineers & Constructors	300.00	
Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp, et al.	1,500.00	1,168.85
Philip C. Onstad, 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation		200.00
Charles J. Orasin, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc	8,540.00	
Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037			
Elvira J. Orly, 1050 Connecticut Ave., NW, #800 Washington, DC 20036	Allied-Signal, Inc		
James L. Osborne, 4th & Davis Streets P.O. Box 808 McMinnville, OR 97128	National Assn of Mutual Insurance Cos		
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Tranpsortation Communications Union	1,000.00	300.00
Kevin D. Ott, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	300.00	
Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc	2,125.00	457.13
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,375.00	783.15
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al	50,250.00	13,302.24
Do	Everett Mutual Savings Bank, et al		
Do	Washington Physicians Service		1,463.95
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
R. Ray Paabo, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,722.70	37.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Gerald Padwe, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Restaurant Associates)		
Pagonis & Donnelly Group, 1620 Eye St., NW, #202 Washington, DC 20006	Algoma Steel Corp, Ltd, et al		
Do	Brown Boveri Corp	9,540.00	201.00
Do	Burroughs Wellcome Co	8,100.00	
Do	City of Pompano Beach	2,700.00	
Do	Dow Chemical USA	7,050.00	166.48
Do	Harrah's, Inc		
Do	Holiday Corp	11,643.75	86.73
Do	Management Compensation Group	3,960.00	
Do	National Woolgrowers Assn	11,250.00	631.45
Do	Nord Resources Corp		
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC	9,375.00	
Henry S. Palau, 201 N Washington St. Alexandria, VA 22134	Retired Officers Assn		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co	22,500.00	
Do	Business Executives for National Security, Inc	3,000.00	
Do	European Community	19,800.00	
Palumbo & Cerrell, Inc, 1629 K St., NW Washington, DC 20006	American Soc of Composers Authors & Publishers	54,000.00	
Do	RJR Nabisco, Inc	21,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Pan American Satellite Corp, Two Greenwich Plaza, #100 Greenwich, CT 06836			6,283.00
Peter J. Pantuso, 7900 Westpark Drive, A-320 Mclean, VA 22102	National Confectioners Assn of the U.S.		1,500.00
Marcia M. Pape-Daniels, 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004	CH2M Hill	750.00	
Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005			
G. Oliver Papps, N.J. Petroleum Council 170 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	10,769.22	725.00
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
David N. Parker, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	10,682.58	346.32
Tom V. Parker, c/o Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute		
Benjamin G. Parks III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006	National Forest Recreation Assn	750.00	
Do	National Inholders Assn	5,760.00	710.00
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,500.00	157.05
Ann M. Parman, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Kenneth O. Parris, 2638 Rivers Road Atlanta, GA 30305	Parris Group (For:HSN Redi-Med, Inc)		
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,300.00	650.00
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,312.50	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	655.14
Richard E. Pasco, 1015 15th St., NW, #402 Washington, DC 20005	National Pork Producers Council	2,000.00	9.00
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Gary B. Patterson, Delaware Petroleum Council, P.O. Box 1429, Dover, DE	American Petroleum Institute		261.47
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Huntington Beach)	197.00	
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Richard M. Patterson, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical Co	500.00	4,925.00
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn	4,069.00	160.83
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Ad Hoc Group for 8(a) Reform	1,421.25	
Do	Aiwa America, Inc	8.17	
Do	Akai America, Ltd	12.87	
Do	Alexander & Baldwin, Inc	150.00	36.50
Do	American Congress on Surveying & Mapping		
Do	American Express Co		
Do	American International Automobile Dealers Assn	140.00	
Do	American Maritime Assn	260.00	
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	7,000.00	300.00
Do	Atacra Trustees		
Do	ALTA Technology		
Do	Biogen		
Do	BATUS, Inc		
Do	Cadawalader Wickersham & Taft		
Do	Chelsea Property Owners		
Do	Chemfix Technologies, Inc	705.00	
Do	Chicago Board Options Exchange	75.00	2.50
Do	Chrysler Corporation		
Do	Coalition on State Use Taxes	6,000.00	
Do	Columbia Farm Credit District	2,111.25	
Do	Columbia, Inc	1.24	
Do	Computerland Corporation		
Do	Costa Rican Foreign Trade Committee	600.00	
Do	Council of Graduate Schools	825.00	40.00
Do	Crowley Maritime Corp		
Do	Cryolife, Inc	900.00	
Do	Dealer Action Association		
Do	Dole Fresh Fruit Co	360.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dredging Industry Size Standards Committee (DISSC)	4,003.75	
Do	Duty Free Shoppers Group, Ltd	65.00	
Do	DOYON, Ltd	2,275.00	30.00
Do	Fiart Cantieri Italiani, S.P.A.	6,155.00	
Do	Fidelity Investors		
Do	Fishing Vessel Owners' Assn	330.00	
Do	Flint Industries		
Do	Freedom to Advertise Coalition	2,240.00	8.00
Do	Fuji Photo Film USA, Inc	27.97	
Do	Government of the Republic of the Marshall Islands	7,126.25	
Do	Great Western Financial Corp	825.00	40.00
Do	G. Heilman Brewing Co, Inc	350.00	
Do	Hitachi Sales Corp of America	372.49	
Do	Hobby Industry Assn		
Do	Hotel Dieu Hospital		
Do	Immune Response Corp	180.00	
Do	Incorporated Research Institute for Seismology		
Do	Institute of Scrap Iron & Steel, Inc		
Do	Kaiser Aluminum & Chemical Corp	4,700.00	
Do	Kenwood USA Corporation	8.17	
Do	Litton Industries, Inc		
Do	Loan America Financial Corp		
Do	Loop, Inc		
Do	Marathon Oil Co	2,100.00	
Do	Mars, Inc	75.00	
Do	Mass Mutual	2,310.00	210.00
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	657.11	
Do	Maxell Corp of America	50.74	
Do	May Department Stores Co	2,955.00	219.25
Do	Metropolitan Life	990.00	120.00
Do	Minerals Marketing Corp of Zimbabwe	750.00	
Do	Mitsubishi Electric Sales of America, Inc	136.87	
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	3,300.00	
Do	MCI Telecommunications, Inc	720.00	
Do	Nakajima All Co, Ltd	65.00	
Do	Nakamichi USA Corp	7.18	
Do	National Assn for Foreign Student Affairs		
Do	National Assn of Life Underwriters	825.00	60.00
Do	National Assn of Retail Druggists	615.00	
Do	National Cable Television Assn, Inc	4,210.00	
Do	National Intergroup, Inc	1,498.75	
Do	National Marine Manufacturers Assn	10,620.00	354.00
Do	National Soft Drink Assn		
Do	Navajo Nation	525.00	39.50
Do	New Process Co		
Do	New York Life Insurance Co	2,430.00	60.00
Do	Newmont Mining Corp		
Do	Northwestern Mutual Life	660.00	
Do	NEC Electronics (USA) Inc	20.29	
Do	Onkyo USA Corp	4.46	
Do	Options Clearing Corp	250.00	
Do	OSG Bulk Ships, Inc	1,720.00	10.00
Do	OTASCO, Inc		
Do	Paine Webber, Inc	1,175.00	
Do	Pioneer Electronics (USA), Inc	11.14	
Do	Reader's Digest Assn, Inc		
Do	William G. Reed		
Do	Retail Industry Trade Action Coalition	665.00	
Do	Retail Tax Committee	1,100.00	10.00
Do	Rice Millers' Assn		
Do	Sansui Electronics Corp	11.63	
Do	Sanyo Electronics, Inc	320.02	
Do	Sharp Electronics Corp	200.72	
Do	Shell Oil Co		
Do	Smokeless Tobacco Council, Inc	1,450.00	8.00
Do	Sony Corp of America	203.94	
Do	Squibb Corporation		
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman	1,800.00	
Do	Teac Corp of America	9.90	
Do	Toshiba America, Inc	121.52	
Do	TDK USA Corp	62.87	
Do	U.S. Air, Inc	320.00	
Do	U.S.A. Coalition/Fishing Vessel Reflagging		
Do	Union Pacific Corp	1,100.00	
Do	Unitary Tax Campaign		
Do	US JVC Corporation	222.75	
Do	Yamaha Electronics Corp, USA	2.97	
Andrew R. Paul, 1875 Eye Street, NW, #940 Washington, DC 20006	Gulf & Western, Inc	5,500.00	137.90
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation	1,588.75	
Do	CalMat Company		
Do	GAF Corporation		
Do	Kawasaki Motors Corp, USA	660.00	
Do	Oglethorpe Power Corp		
Do	Security Life of Denver	1,955.00	
Do	Tobacco Institute	13,616.25	
Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314	National Spa & Pool Institute		
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc	1,625.00	
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Marc A. Pearl, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action	15,000.00	150.00
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	95.72
Humberto R. Pena, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	500.00	
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,150.00	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,798.00
Pennwalt Corporation, Three Parkway Philadelphia, PA 19102			4,519.10
Gregory M. Pensabene, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	2,700.00	645.00
Pension Real Estate Assn, 1101 17th Street, NW, #700 Washington, DC 20036			
Barbara K. Pequet, 1311 Quincy St., NE Washington, DC 20017	American Soc for the Prevention of Cruelty to Animals		
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	National Assn of Bond Lawyers, et al		
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp of America		
Do	National Second Mortgage Assn		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Second Mortgage Assn		
Do	Save Home Equity Deductions (SHED)		
Ernest Michael Perley, 112 St Clair Ave., W., #504 Toronto, Ontario M4v 2y3	Canadian Coalition on Acid Rain	610.69	156.05
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	134.71
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	812.50	
Phillips S. Peter, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co.	300.00	
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc	143.56	
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004	Distilled Spirits Council of the U.S., Inc	2,000.00	
Kenneth W. Peterson, Kansas Petroleum Council 1414 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute	531.00	
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	450.00	
Mary B. Peterson, 700 New Hampshire Ave., NW Washington, DC 20037	General Motors Corp.	1,800.00	76.00
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	25,800.00	1,062.46
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		200,000.00	19,228.47
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Cultural Institutions Retirement Systems)		
Do	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)	18,940.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, 1500 10th Avenue, North, Apt. 3 St. Petersburg, FL 33705			27.84
Robert X. Peyton, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	2,000.00	289.16
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,570.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		29,454.45	29,454.45
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,577.25	70.25
Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	3,750.00	100.00
Do	Pacific Seafood Processors Assn	7,500.00	506.00
Mary Frances Phelps, 1050 Connecticut Avenue, NW Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	6,261.86
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	21,000.00	4,237.65
Michael D. Philips, 1616 P St., NW Washington, DC 20036	Union of Concerned Scientists	5,600.00	
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Janet K. Phillips, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	500.00	
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	6,600.00	
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Environmental Health Science Centers	6,000.00	902.83
Do	Association of Univ Programs & Occupational Health & Safety	11,050.00	1,208.03
Do	Metal Trades Department, AFL-CIO	2,375.00	621.65
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th St., New York, NY 10019	Riverbay Corp	2,481.00	40.00
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	1,750.00	773.37
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	375.98	243.15
Theodore M. Pierce, 1300 North 17th St., #300 Arlington, VA 22209-3899	ADAPSO, the Computer Software & Services Industry Assn		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	29,575.00	60.00
Stuart F. Pierson, Verner, Liipfert, Bernhard, & Mcpherson 1660 L St., NW, #1100 Washington, DC 20036	LTV Corporation, et al.		
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	Dun & Bradstreet Corp		
Do	El Pomar		
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		75.49
Do	Oklahoma Natural Gas Company		
Do	Six Flags Corporation		
Susan G. Pikrallidas, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc	1,754.00	25.00
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano	1,410.00	15.00
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,215.00	
Nancy Pinson-Millburn, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	4,261.00	20.00
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	4,475.00	1,027.16
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Ronald L. Plesser, 1133 15th St., NW, #1100 Washington, DC 20005	Direct Marketing Assn	1,750.00	
Do	Disclosure Information Group		
Do	Information Industry Assn	1,500.00	
Do	Journal of Commerce, Inc	7,000.00	10.00
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	991.86	12.00
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	537.40	343.24
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific National Bank	2,360.00	275.00
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		4,572.50
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Portable Power Equipment, 4720 Montgomery Lane, #514 Bethesda, MD 20814		5,300.00	5,300.00
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental Energy Balance	59,752.50	2,610.60
Potomac Advisory Group, 126 S. Washington Street, Alexandria, VA 22320			
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Council on Education	1,926.00	
Do	Bayley Seton Hospital		
Do	Belz Investment Co	390.00	
Do	Chase Manhattan Bank, N.A.		
Do	Committee for Competitive Marketing		
Do	Council of State Housing Agencies	180.00	
Do	Hayes Microcomputer Product, Inc	1,433.00	
Do	Massachusetts Housing Finance Agency		
Do	National Development Service Corp	361.00	
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Societe Generale de Surveillance, S.A.		
Do	Starrett Housing Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	1,259.53
Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Dollar Bank, Federal Savings Bank		1.00
Do	John Hancock Mutual Life Insurance Co	16,128.75	2,678.72
David J. Pratt, 1130 Connecticut Ave., NW, #100 Washington, DC 20036	American Insurance Assn	550.00	130.00
Robert L. Pratt, 125 Second Avenue Waltham, MA 02254	Thermo Electron Corporation	4,800.00	1,241.00
Richard H. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Nuclear Insurers	250.00	
Do	American President Lines	5,555.00	
Do	Bay Tankers Inc		
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Calista Corp		
Do	Council on Research & Technology	1,050.00	
Do	COMPACT		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Data General Corp	495.00	
Do	Design Professionals Coalition		
Do	Dragnet Fisheries, Inc		
Do	Intelsat		
Do	Kellogg Company	135.00	
Do	Marine Management, Inc		
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Moore McCormack Resources, Inc		
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance	787.50	
Do	Port of Seattle		
Do	Professional Services Council		
Do	Seaboard Pacific Co	1,299.66	
Do	South Dakota Dept of Transportation		
Do	Sunmar Shipping, Inc	1,072.00	
Do	Transportation Institute	812.50	
Do	Tri-City Industrial Development Council	120.00	
Do	University of Michigan Hospitals	135.00	
Do	University of Washington		
Do	Waste Management, Inc	135.00	
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		
Robert V. Price, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	4,500.00	550.00
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute	556.00	
Do	Toyota Motor Manufacturing, USA, Inc		
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	350.00	37.14
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	215.42
Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025			
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, 2310 Grant Building Pittsburgh, PA 15219		20,200.00	57,958.51
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,250.00	641.11
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,793.75
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	210.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		13.00	14.99
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036			16,100.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		57,344.60	23,248.07
Public Employer Benefits Council, 555 13th Street, NW #500-W Washington, DC 20004			
Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205		47,557.13	2,794.58
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	95.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,400.00	533.05
Do	Florida Progress Corp	600.00	59.23
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	4,200.00	
Robert N. Pyle & Associates, 3222 N Street, NW, #32 Washington, DC 20007	Ceramatec, Inc	2,750.00	75.00
Do	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	600.00
Do	Stratcor	6,000.00	110.00
Do	Welch Foods, Inc	3,750.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,000.00	56.71
George Gregory Raab, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,575.00	658.72
Clifford Raber, One McDonald's Plaza Oak Brook, IL 60521	McDonald's Corp		
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn	2,320.00	
Radin & Associates, Inc, 1200 New Hampshire Ave., NW Washington, DC 20036	Arnold & Porter		
Michael Rae, 2030 M St., NW Washington, DC 20036	Common Cause	5,140.02	54.60
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Tanya A. Rahall, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	7,750.02	71.50
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	76.00	42.00
Thomas F. Railsback, 1133 15th St., NW, #1100 Washington, DC 20005	London Harness Co	2,295.00	
Do	Walt Disney Productions	2,534.50	
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		105,600.00	205,713.61
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 236 Massachusetts Avenue, NE, #409 Washington, DC 20002		88,128.29	161,348.27
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	13,500.00	405.64
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Robert A. Rapoza Associates, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20002	National Rural Housing Coalition	10,840.40	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,626.98
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	131.30
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	R.H. Pines Corp	100.00	38.27
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	834.00
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)	228.00	
Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701	Central & South West Corp		
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		13,000.00	16,500.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim Council		
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	328.85	67.87
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	605.77	
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	17.50
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	50.00
Robert S. Reese Jr., 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
William D. Reese, P.O. Box 899 Salt Lake City, UT 84110	Utah Power & Light Co		
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,000.00	
J. Ronald Reeves, Washington National Airport Washington, DC 20001	U.S. Air, Inc	2,000.00	193.75
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	3,000.00	1,335.00
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	550.00
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Reclamation Corp	3,724.50	25.14
Reichler & Appelbaum, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	8,000.00	2,190.09
Do	Republic of Nicaragua	6,000.00	
Do	United Coconut Assn of the Philippines	6,500.00	1,294.90
Charlotte Reid, 2466 Chatham Road Aurora, IL 60506	Motorola, Inc		
Michael Reid, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,559.29	312.59
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	9,196.00	823.11
Do	Committee of Corporate Telecommunications Users		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CIAC Group		
Do	Edison Electric Institute	406.00	15.00
Do	Pennsylvania Shipbuilding Co	19,975.00	626.67
Do	Rhode Island, Inc		
Do	SPD Technologies	3,477.50	12.17
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		115,762.59	18,209.18
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc	500.00	101.60
Do	Captial Services of Washington, Inc (For:Massachusetts Biotechnology Council, Inc)	500.00	39.00
Richard Rendon, 1439 Rhode Island Ave., NW Washington, DC 20005	Capitol Services of Washington, Inc (For:Massachusetts Biotechnology, Inc)	500.00	
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	EXPEX, Inc	2,000.00	801.74
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	12,900.00	690.60
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			25,000.00
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		76,569.80	50,456.80
John H. Reurs, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	18,870.23	125.60
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,643.75	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Frederick W. Rhodes, 1828 L Street, NW Washington, DC 20036	Loral Systems Group	4,250.00	
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	3,000.00	
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	120.00	75.23
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			232.38
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,500.00	
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)		
K. O. Richardson, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	180.00
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,213.00	
Larry D. Rickards, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,400.00	61.00
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al		
Christine R. Riddiough, 114 15th St., NE Washington, DC 20002	National Assn of Gay & Lesbian Democratic Club	2,100.00	
Judy Noel Riddle, 6630 West Broad Street Richmond, VA 23230	Lawyers Title Insurance Co		
Mary Catherine Riddle, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	100.00	30.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	693.00	
E. George Riedel, 1600 M Street, NW Washington, DC 20036	International Telephone & Telegraph Corporation	3,080.00	70.00
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	13,503.00	361.70
Riggle Keating & Craven, 205 West Wacker Dr., #2022 Chicago, IL 60606	Gillette Industries, Inc		126.00
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
John F. Ring, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters		
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	155.00	70.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,462.50	40.00
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers	2,000.00	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003	Gaming Industry Assn of Nevada, Inc	3,200.00	3,394.98
Do	Golden Nugget, Inc		
Do	National Assn of Off-Track Betting	1,900.00	4,993.91
Do	National Assn of Optometrists & Opticians, Inc	19,800.00	7,188.41
Do	Nevada Resort Assn	4,800.00	5,092.50
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	2,400.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee	14,037.50	30.00
Do	Akin Gump... (Drexel Burnham Lambert, Inc)	2,556.25	22.00
Do	American Bakers Assn	7,607.50	20.00
Do	ALC Communications Corp	2,002.50	110.00
Do	Borg-Warner Corp	5,056.78	115.00
Do	Business Coalition for RICO Reform	1,630.00	222.34
Do	Chemical Bank		
Do	City of South Bend	1,517.50	31.70
Do	Emmis Broadcasting		
Do	Energy Contractors Price-Anderson Group	12,432.50	50.00
Do	Gunnar Dana Associates		
Do	Lever Brothers Co, Inc	181.88	105.00
Do	National Basketball Assn	5,000.00	20.00
Do	National Soft Drink Assn	1,811.50	110.00
Do	New Energy Co of Indiana	1,400.00	5.00
Do	Primerica		
Do	Renewable Fuels Assn	187.50	575.00
Do	Tiffany & Co		
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	1,587.50	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,095.56
Richard R. Roberts, 304 Pennsylvania Ave., SE, #300 Washington, DC 20003	American Council of Highway Advertisers	1,500.00	1,531.78
Richard W. Roberts, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	10,000.00	1,684.75
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	TKC International, Inc (For:Coalition to Extend Safe Harbor Leasing for Mass Transit)	2,000.00	
Do	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))	2,000.00	
Do	Keefe Company (For:University of Miami)	600.00	
Gordon C. Robertson, 444 North Capitol St., NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	9,417.12	200.54
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Cabot Corporation	9,606.25	204.23
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	14,923.19	107.00
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 1111 N. 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Thomas E. Robinson, 1101 17th St., NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	900.00	
Do	Pension Real Estate Assn		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Vietnam Women's Memorial Project, Inc	5,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	Euromissile	10,500.00	7,676.00
Do	FMC Corporation	4,500.00	5,078.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	1,250.00	3,144.00
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	134.80	7.00
Quincy Rodgers, 1155 21st Street, NW, #400 Washington, DC 20036	General Instrument Corporation	2,000.00	84.66
Donald L. Rogers, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,025.00	
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Liberty Lobby, Inc	448.00	61.39
Joe O. Rogers, 1815 H St., NW, #600 Washington, DC 20006	Rogers International, Inc (For:China External Trade Development Council)	12,500.00	150.00
Nancy Rogers, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	6,562.50	346.43
Rogers & Wells, 200 Park Avenue New York, NY 10166	Adamar of New Jersey, Inc, et al.		
Do	American Express Co		542.32
Do	Liz Claiborne, Inc		
Do	Compagnie Financiere de Paribas		
Do	Desert Palace, Inc		
Do	Dreyfus Corporation	5,000.00	674.50
Do	Grocery Manufacturers of America, Inc		
Do	Indal, Ltd		
Do	Internoor Trade, Inc		
Do	Investment Partnership Assn		529.50
Do	Kamehameha Schools/Bernice P. Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Beverage Importers		207.00
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/College Ret. Equities Fund		
Do	Walker Telecommunications Corp	3,500.00	440.50
Do	Wine & Spirits Wholesalers of America, Inc		200.00
Do	Wordperfect Corp		464.26
Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Lori S. Rogovin, 5999 Stevenson Avenue Alexandria, VA 22314	American Assn for Counseling & Development	6,477.00	
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	32,250.00	243.90
Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Jack Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
John F. Rolph III, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	1,500.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn	55.00	460.89
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company	2,665.00	87.60
Wilfred J. Romero, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Michael J. Romig, 1001 Pennsylvania Avenue Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036	American Iron & Steel Institute	2,250.00	
Do	Association of American Railroads	2,350.00	
Do	CalMat Company	2,150.00	
Do	Crawford Fitting Co	2,150.00	
Do	Lone Star Industries, Inc	2,150.00	
James Roosevelt, 201 East Sand Point, #250 Santa Ana, CA 92715	National Committee to Preserve Social Security	15,000.00	
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co	584.91	
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Amherst College, et al.		
Do	Digital Equipment Corp		
Do	Reebok International Ltd		
Rose Communications, Inc, 1660 L St., NW, #809 Washington, DC 20036	Johnson Matthey Inc		5,338.12
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Cigar Assn of America, Inc		
Do	Equimark Corporation		
Do	Joy Technologies		
Do	Social Security Protection Bureau	1,500.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	8,000.00	
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Richard Rosenbaum, 666 Third Ave., 4th Fl. New York, NY 10017	Integrated Resources, Inc		
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	1,150.16	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Progran, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Lawrence J. Ross, Ross & Duerk, P.C. 1700 K Street, NW, #1100 Washington, DC 20006			
Nancy Ross, 236 Mass. Ave., NE Washington, DC 20001	Rainbow Alliance	4,225.00	422.70
Phillip T. Ross, 198 Macdougal Street, #3L Brooklyn, NY 11233	Grady O'Cummings and O'Cummings		
William F. Ross, South Carolina Petroleum Council 716 Keenan Bldg. Columbia, SC 29201	American Petroleum Institute	438.00	980.68
Ross & Hardies, 1090 Vermont Ave., NW, #540 Washington, DC 20005	Intertek Services International, Ltd	8,769.00	
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,120.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Rhond Rudolph Roth, 813 Maryland Avenue, NE Washington, DC 20002			
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,211.54	
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	132.00	1,018.00
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,000.00	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition	1,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	450.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newpaper Publishers Assn	800.00	21.00
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc	131.25	
Do	Revco D.S., Inc	262.50	
Rowan & Blewitt, Inc, 1000 Vermont Ave., NW Washington, DC 20005	Velsicol Chemical Corp		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	450.00	262.01
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Eugene T. Ruane, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	3,375.00	75.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	900.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #505 Falls Church, VA 22041	National Beer Wholesalers of America	210.00	25.00
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Domenic R. Ruscio, 317 Massachusetts Ave., NW, 1st Floor Washington, DC 20002			
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		40.00
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,100.00	49.48
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher and Associates, Inc		
William Russell & Associates, Inc, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	Columbia Communications Corp		
Do	Pacific Telecom, Inc		
Herman Max Ruth 71990-158, P.O. Box 1000 Otisville, NY 10963	Herman Max Ruth		
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs		635.10
Do	American College of Radiology		811.20
Do	American Optometric Assn		530.10
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp	1,450.00	117.10
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc		
RADAR, 4949 S 25A Tipp City, OH 45371		269,000.00	9,005.00
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	5,000.00	5,286.50
Do	Chicago & North Western Transportation Corp	42,000.00	6,639.78
Do	Delaware Otsego System	18,000.00	5,469.69
Do	Genesee & Wyoming Corp	750.00	5,286.50
Do	Regional Railroads of America		5,286.48
RJR Nabisco, Inc, 1100 Reynolds Blvd. Winston-Salem, NC 27106			20,252.86
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp	1,500.00	344.38
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	1,625.00	339.59
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	2,500.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Brenda Seymore Sanders, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute	50.00	
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	3,581.27	555.26
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert W. Santy, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Money Store Investment Co)		
Do	Touche Ross & Co (For:Restaurant Associates)		
Do	Touche Ross & Co (For:Schnuck Markets, Inc)		
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20007	California Assn of Sanitation Agencies	1,000.00	1,021.45
Do	Cure Corp		229.10
Do	Las Virgenes Municipal Water District	581.25	9.30
Do	Victor Valley Wastewater Reclamation Authority		
Do	Western Research Institute	1,767.50	656.26
Ronald A. Sarasin, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	56.95
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Save Our Schools, 777 14th St., NW, #747 Washington, DC 20005		349,150.83	18,987.55
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	3,534.81
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	600.00	155.00
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	13,205.62	69.69
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	13,763.94	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
C. M. Schauerte, P.O. Box 3247 Houston, TX 77253	American General Corporation		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corporation		
Schell & Co, Inc, 1776 K Street, NW, #700 Washington, DC 20006	Fuller Co		
Do	GATX Corp		
Michael T. Schilling, 1000 Wilson Blvd. Arlington, VA 22209	TRW, Inc	540.00	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	61.90
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	1,006.50	73.30
Theresa A. Schneider, 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	400.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	8,926.70
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	160.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	627.31	562.03
Amy J. Schultz, 317 Third St., SE, #22 Washington, DC 20003	Robert A. Rapoza Associates (For:National Rural Health Assn)	5,833.32	
Mark Schultz, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,000.00	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,854.40	345.15
Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute		
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		35.50
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	108.31
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	11,000.00	
Steve Aaron Schwartz, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,455.00	
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	12,000.00	
Harold B. Scoggins, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,423.00	
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	791.25	245.00
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	268.38
John Havens Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	238.30
Scribner Hall & Thompson, 1850 K St., NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Enterprises, Inc		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,633.73	
Seabed Assn, 3408 Bonnie Road Austin, TX 78703		1,521.35	5,123.37
Earl W. Sears, P.O. Box 12285 Memphis, TN 38112	National Cotton Council of America	1,425.00	20.59
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	402.82
Do	Honda Motor Co		34.00
Pamela Sederholm, 1875 Eye St., NW, #1200 Washington, DC 20006	Southland Corporation		
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates	650.00	219.00
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	750.00	417.64
Marlissa Senchak, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	15,000.00	1,562.18
Stanton P. Sender, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,200.00	591.05
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	4,781.00
John J. Serfustini, 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co	6,250.00	1,941.58
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	2,000.00	
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006			
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	924.56
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Agricultural Producers		
Do	American Soc of Pension Actuaries	12,600.00	
Do	Flxible Corp		
Do	Technology for Communications International	6,000.00	
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Ali A. Shami, 6863 Calhoun, Dearborn, MI 48126	United Lebanese Lobby of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,350.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn		22,434.60
Daniel E. Shaughnessy, 1008 N. Randolph St., #206 Arlington, VA 22201	Western Great Lakes Maritime Assn		
Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	5,625.00	15.10
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Association for the Improvement of the Mississippi River		
Do	Atlas Minerals Division		
Do	Emerson Electric Co		
Do	Federation of Bankers Assn of Japan	11,758.13	
Do	Holly Farms Corp	46,863.75	2,357.83
Do	Institute of Foreign Bankers	28,700.00	71.84
Do	Investment Company Institute		
Do	Investment Counsel Assn of America, Inc		
Do	National Automobile Dealers Assn		348.48
Do	Taiwan Power Company		
Do	Utility Nuclear Waste Management Group		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Marshall & Stevens, Inc	585.00	
Do	Societe Generale de Surveillance, S.A.	369.91	28.66
James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Cargill, Inc	2,020.00	575.57
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,063.98	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,700.00	201.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	345.45
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	13,000.02	928.74
Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	273.00	
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Cheryl Y. Shelton, 236 Massachusetts Ave., NE, #409 Washington, DC 20002	Rainbow Lobby	4,300.00	
Judith C. Sherman, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nelson T. Shields, 1400 K St., NW Washington, DC 20015	Handgun Control, Inc.	3,084.48	
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		45.00
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			
John B. Shlaes, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn.	2,475.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,351.56	27.05
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc.	8,965.00	
Do	Peoria Journal Star, Inc		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	48,000.00	2,025.37
Do	Money Store	5,000.90	71.52
Do	Power Authority of the State of New York	9,868.75	9,954.47
Siegel Mandell & Davidson, P.C., One Whitehall Street New York, NY 10004	Sigallo, Ltd		
Christine Sigler, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,475.00	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	7,999.98	680.88
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute	105.09	30.00
Howard J. Silver, 1625 Eye St., NW, #911 Washington, DC 20006	Consortium of Social Science Assns	900.00	13.30
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Loggers Assn	5,236.00	
Do	Alaska Pulp Corp		
Do	Amselco Minerals, Inc		
Do	ARCO Marine Co, Inc		
Do	Bristol Bay Native Corp	15,737.50	
Do	General Communications, Inc	100.00	
Do	Standard Oil Co		
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006		6,884.10	3,432.12
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Sawyer-Miller Group	500.00	30.00
Silverstein & Mullens, 1776 K St., NW Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	GATX Corporation		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motors, Inc		
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	CertainTeed Corp		
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation	4,288.76	
William Douglas Simon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	Labor Management Maritime Committee, Inc.	1,553.00	242.68
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corporation	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America, Inc	500.00	
Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037	Tosco Corporation	925.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Telephone & Telegraph Co	400.00	
Do	Anheuser-Busch Companies, Inc	3,000.00	
Do	Baker-Hughes, Inc	400.00	
Do	CSX Corporation	400.00	
Do	Drexel Burnham Lambert, Inc	30,000.00	
Do	G.O. Holdings Management, Inc		
Do	Genentech	400.00	
Do	General Development Corp	3,000.00	
Do	Long Island Power Authority	30,000.00	
Do	Mesa Petroleum Co	2,000.00	
Do	MCI Communications Corp	400.00	
Do	Reynolds Metals Co	400.00	
Do	Westinghouse Electric Corp	400.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	722.50
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation		
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	8,350.00	7,558.00
Steven A. Skonberg, 1111 North 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	1,250.00	410.04
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	7,373.91	
Paul A. Skrabut Jr., 1629 K Street, NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	16,500.00	
Do	Palumbo & Cerrell, Inc (For:Business Executives for National Security)	16,500.00	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	5,400.00	
Jonathan Slade, 444 North Capitol St., #711 Washington, DC 20001	Cuban-American Freedom Coalition, Inc	4,000.00	150.15
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007	Grumman Aero Corp, et al	300.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180	U.S. Defense Committee	1,500.00	
Barry S. Slevin, 1000 Potomac Street, NW Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union).	324.00	
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Deborah Sliz, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	3,500.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		69,971.11	47,059.84
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	3,666.00	
Do	Florida East Coast Railway Co	750.00	
Do	National Hockey League	500.00	
Do	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James R. Smircina, P.O. Box 5000 Cleveland, OH 44101	Centerior Energy Corp, et al	440.19	407.11
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc		
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Hydrogen Research Center	5,258.88	764.09
Elizabeth M. Smith, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,447.00	130.04
Frederick P. Smith Jr., 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Gordon L. Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)	2,500.00	
Herbert Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Angus Defense Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Euromissile)		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	19,263.00	3,081.90
Kathryn Smith, 1454 Duke Street Alexandria, VA 22314	American Osteopathic Hospital Assn		
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,500.00	840.00
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	568.08	410.87
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Ronald E. Smith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	2,557.30
Sara Hope Smith, 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	216.50
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	9,000.00	9,000.00
Do	Illinois Diversatech Corp	12,000.00	12,100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	N.Y. Metropolitan Transportation Agency	18,000.00	18,730.00
Do	National Assn of Foreign Trade Zones	12,201.00	14,071.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	8,960.58	9,276.92
Do	San Francisco P.U.C.	8,250.00	8,250.00
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		1,555.60	1,555.60
Clair A. Snyder, 35 North 6th Street, Reading, PA 19601	Meridian Bancorp, Inc		
David F. Snyder, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	300.00	105.00
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	6,246.45	
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	Cincinnati Microwave, Inc	22,500.00	3,400.82
Do	Norfolk Southern Corp	15,000.00	3,599.62
Do	U.S. Air Group	15,000.00	3,551.84
J. R. Snyder, 400 1st St., NW, #704 Washington, DC 20001	United Transportation Union		1,300.00
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	5,312.85	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp	70.00	121.85
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		10,771.53	39,096.52
Charles R. Sonnier, Sonnier & Hebert P.O. Drawer 1040 Abbeville, LA 70511	Coushatta Tribe of Louisiana		
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	7,000.00	76.00
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	American Assn of Small Dredging & Marine Construction Cos	8,300.00	3,250.78
South/North Development Group, Ltd, 610 Fourth Place, SW Washington, DC 20002	Government of the People's Republic of Angola	8,180.00	3,922.88
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		18,012.47	18,012.47
Space Industries, Inc, 2011 Crystal Drive, #903 Arlington, VA 22202			42,580.00
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,800.00	247.01
D. Dean Sparkman, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	300.00	
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,478.24	
Specialized Carriers & Rigging Association, 2200 Mill Road, #616 Alexandria, VA 22314			
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Peter A. Spina, 150 East 42nd Street New York, NY 10017	Mobil Oil Corp	900.00	
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	500.00	150.00
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	200.00	20.00
Gillian Spooner, Touche Ross & Co 1900 M Street, NW Washington, DC 20036	NVHomes		
Do	Schnuck Markets, Inc		
Gillian M. Spooner, Touche Ross & Co. 1900 M Street, NW Washington, DC 20036	Robert Rogers		
Earl C. Spurrier, The Madison Building, #514 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc	618.75	18.50
Do	Alleco, Inc	24,564.00	
Do	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists	4,700.00	
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Chemstar, Inc	1,767.50	
Do	Cincinnati Gas & Electric Co, et al.		24.76
Do	Independent Data Communications Manufacturers Assn, Inc	5,337.00	319.14
Do	Microband Corp of America		
Do	National Collegiate Athletic Assn	2,625.00	5.00
Do	Public Securities Assn		
Do	Samaritan Health Services	6,200.00	
Janet G. St. Amand, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	300.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	600.00	1,416.96
Stakeholders in America, Trumble & Associates P.O. Box 87 Chaska, MN 55318		38,000.00	41,236.04
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	American Truck Dealers	823.87	
Do	Employee Stock Ownership Assn	2,263.39	
Do	McDermott, Inc	2,387.87	
Do	National Assn of Royalty Owners, Inc	459.03	
Do	Small Business Council of America, Inc	540.26	
Do	Texas Ophthalmological Assn	400.00	
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	13,230.00	157.03
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	1,680.00	
Do	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	15,680.00	29.10
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Strategic Resources Corp (For:Listeff Fashions, Inc)	3,960.00	40.00
Frank M. Staszesky Jr., 10025 Scenic View Terrace Vienna, VA 22180	Bechtel Group, Inc		
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S		
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 8712 Gateshead Road Alexandria, VA 22309	Delchamps, Inc	150.00	
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	250.00	35.00
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	150.00	50.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc	350.00	50.00
Do	Federacion Nacional de Cafeteros de Colombia	250.00	70.00
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:National Candle Assn)	1,025.00	
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).	223.75	
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	2,511.00	64.00
Martin J. Steadman, 164 Lexington Avenue New York, NY 10016	Paul Buiar Associates, Inc (For:Phillip Morris USA)	1,000.00	
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	National Passenger Traffic Assn	23,108.75	218.55
Ramona C. Stelford, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co	702.52	
Do	Boeing Company	780.00	
Do	Caltex Petroleum Corp		
Do	Canadian Sugar Institute		
Do	Citizens Savings Financial Corp	2,185.00	
Do	Co-Operative Central Bank	704.20	
Do	CSO Company	55.08	
Do	Harley-Davidson Motor Co, Inc		
Do	Outboard Marine Corp		
Do	Pioneer Financial	8,363.75	
Sterling Drug, Inc, 1615 L St., NW, #920 Washington, DC 20036		2.00	240.00
Michael E. Steward, 7957 Revenna Lane Springfield, VA 22153	Puget Sound Power & Light Co	3,850.00	204.52
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Monsanto Co		
Do	Roses, Inc		6.00
Do	Timken Co	2,125.00	
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,750.00	
Terence P. Stewart, Stewart and Stewart 1001 Connecticut Avenue, NW, #910 Washington, DC 20036	Cabot Corp	1,948.66	665.40
Do	Monsanto Co		7.80
Do	PPG Industries, Inc	1,902.41	1,622.65
Do	Smith Corona Corp	8,463.74	3,426.50
Do	Timken Co	9,882.08	2,104.20
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn		681.00
Do	Cheminova		
Do	International Sanitary Supply Assn		583.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,754.06	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,850.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		3,210.00	546.17
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,500.00	
Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harry L. Storey, 555 17th St., #840 Denver, CO 80202	Alliance for Clean Energy	9,000.00	2,458.00
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	2,562.50	7,820.60
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Marcy B. Stras, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:National Candle Assn)		
Raymond L. Strassburger, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,250.00	
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America		
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	116.76
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Albert E. Strong, Suite 1500 North 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	900.00	
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	11,790.00	2,600.00
Cory N. Strupp, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	3,863.00	
Susan Stuebing, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	600.00	100.12
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	871.85	374.76
Ann Sullivan, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	4,342.61	3,394.47
Edward L. Sullivan, 1120 20th St., NW, Suite S-720 Washington, DC 20036	Peabody Holding Co, Inc		
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,939.32	1,351.29
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006	American International Group, Inc		51.50
Do	BP North America, Inc		
Do	Esselte Business Systems, Inc		
Do	Goldman Sachs & Co		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	6,700.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	American Insurance Assn	800.00	17.50
Do	Baker Oil Tools, Inc		
Do	City of Baton Rouge	4,500.00	5.00
Do	City of New Orleans		
Do	Committee Against Revising Staggers	10,000.00	
Do	Council of Industrial Boiler Owners		
Do	Hand Arendall Bedsole Greaves & Johnston		
Do	Industrial Oil Consumers Group		
Do	North American Co for Life & Health Insurance	1,472.50	18.40
Do	Philip Morris, Inc	3,765.00	18.50
Do	Process Gas Consumers Group	20,000.00	
Do	Jimmy Swaggert Ministries	987.50	5.00
W. Thomas Suttle, 1755 Willard St., NW, #4 Washington, DC 20009	Institute of Electrical & Electronics Engineers	2,900.00	609.00
William W. Suttle, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	580.00	21.20
Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc	2,000.00	
Do	Shell Oil Co		
David L. Swanson, Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Clean Coal Technology Coalition	6,525.00	
Do	Edison Electric Institute	20,737.50	
Do	GA Technologies, Inc	15,000.00	
Irving W. Swanson, 11212 Farmland Drive Rockville, MD 20852	Harris Corporation	19,200.00	3,349.20
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Do	Outboard Marine Corp		
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	20,405.64	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	4,937.50	651.06
Do	China External Trade Development Council		
Do	Embassy of Japan	5,000.00	
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	American Hoechst Corporation		
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	182.20
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	9,000.00	1,150.00
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	980.00	1,665.86
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,000.00	354.67
Systematics, Inc, 4001 Rodney Parham Road Little Rock, AR 72212			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	83.60
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation	1,000.00	
Do	Louis Arnold Fury	2,000.00	
T. Boone Pickens, Jr. United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006			2,877.79
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)	150.00	
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)	350.00	
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Rita Takahashi, 1730 Rhode Island Ave., NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	9,750.00	16.39
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,082.50	86.10
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	7,200.00	1,337.99
M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	900.00	
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	26,936.00	
Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
Taubman Company, Inc, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48303-0200			26,128.00
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,000.00	
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	547.66
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,750.00	31.00
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,443.56	607.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. William Taylor, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Templeton & Company, 1000 Potomac St., NW Washington, DC 20007	Space Industries, Inc		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	4,000.00	323.04
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	1,485.00	226.90
Michelle C. Tessier, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1140 Connecticut Ave., NW, #512 Washington, DC 20036	Amoskeag Savings Bank		320.92
Do	Citicorp Mortgage Finance, Inc	6,119.79	320.92
Do	Maine Savings Bank	17,852.49	320.92
Do	Massachusetts Bankers Assn	517.43	320.92
Do	New Hampshire Savings Bank	354.54	320.92
Do	Salomon Brothers, Inc	22,651.88	320.92
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		68.00
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
J. David Thomas, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Chemical Division	310.00	319.68
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	15.00	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	40.00
Bruce E. Thompson, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers	2,500.00	364.32
Do	Metal Trades Department, AFL-CIO		
Do	Sheet Metal Workers Int'l Assn	3,000.00	
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	2,200.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	Alltel Corporation	277.00	
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Bechtel Group, Inc	312.50	64.67
Do	Combustion Engineering, Inc	312.50	64.67
Do	Daniel International Corp	312.50	64.67
Do	M.W. Kellogg Company	312.50	64.67
Do	Mitchell's Management Corp	236.25	545.40
Do	Morrison-Knudsen Co, Inc	312.50	64.67
Do	National Coalition to Defeat H.R. 281/S. 492		16,608.47
Do	Spruce Development Corp	236.25	58.26
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)		
Thomson Zeder Bohrer Werth & Razook, 200 South Biscayne Blvd., #4900 Miami, FL 33131	Burger King Corp	10,854.15	7,543.90
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	232.00	
Douglas Clare Thorson, 2059 Whisperwood Glen Lane Reston, VA 22091	Save Our Schools	5,250.00	146.18
Tiber-Potomac, Inc, 1199 North Fairfax St., #601 Alexandria, VA 22314	International Council of Shopping Centers	27,498.00	22,376.07
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	2,150.10	
Do	Coalition for H.R. 2972 (Richardson) Substitute Bill	5,500.00	
Do	Integrated Resources, Inc	251.00	
Do	Sharp Manufacturing Co of America		
Do	Town of Andover, Massachusetts	150.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	755.63	
Do	American Trucking Assns, Inc	1,500.00	
Do	Amoco Corporation	850.00	
Do	Anheuser-Busch Companies, Inc	2,144.07	
Do	Association of Trial Lawyers of America	262.50	
Do	Boeing Company	812.50	
Do	Brown Group, Inc	375.00	
Do	Capital Cities/ABC, Inc	1,062.50	
Do	Chrysler Corporation	1,187.50	
Do	H. J. Heinz Co		
Do	Major League Baseball	1,062.50	
Do	Morgan Stanley & Co, Inc	975.00	
Do	MSU System Services, Inc	1,187.48	
Do	National Rifle Assn of America	625.00	
Do	Northern Telecom, Inc	187.50	
Do	Northrop Corp	470.00	
Do	NutraSweet Co	1,562.50	
Do	G. D. Searle & Co	250.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	11,947.00	45,159.58
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		420.00
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		450.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	3,500.00	605.82
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute		
Tobacco Associates, Inc, Suite 912 1101 17th St., NW Washington, DC 20036			4,356.60
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Webster B. Todd Jr., 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	1,875.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
William R. Tolley Jr., PO Box 37 Melbourne, FL 32919	Harris Corporation		274.71
Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
William D. Toohey, 1899 L St., NW, #600 Washington, DC 20036	Travel Industry Assn of America		
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	425.00
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,150.00	
Joseph P. Trainor, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	740.80
Jeffrey B. Trammell, 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	700.00	
Transportation - Communications Union, 815 16th St., NW Washington, DC 20006		16,200.00	29,520.80
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		2,010.00	2,010.00
Travis & Gooch, 1100 15th St., NW, #1200 Washington, DC 20005	Coalition to Oppose Energy Taxes	1,431.25	
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	100.00	15.00
Tripp Scott Conklin & Smith, 2000 E. Oakland Park Blvd. Fort Lauderdale, FL 33306	Alamo Rent-A-Car, Inc	5,000.00	2,000.00
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	9,000.00	
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	2,250.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	776.10
Trumble & Associates, P.O.Box 87 Chaska, MN 55318	Stakeholders in America	11,460.00	2,451.31
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Soc of the U.S. and M.S.P.C.A.	1,750.00	5.00
Do	Northeast Solvents Recovery	1,200.00	17.95
Do	Sierra Club of America		
Motoyuki Tsutsui, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Tucker & Vaught, Western Federal Savings Bldg., #1330 718 17th St. Denver, CO 80202	Manville Corporation		
Do	Regional Transportation District		
Shannon B. Tuel, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Stephen Tull, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Stanley F. Turesky, 2550 M St., NW, #300 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Dyke Associates, Inc. (For: USF&G Corp)	1,500.00	45.00
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	8,446.55	
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
Jane L. Turner, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
John M. Turner, 1875 Eye St., NW, #470 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	526.00	262.00
Turner Broadcasting System, Inc, 1140 Connecticut Ave., NW Washington, DC 20036		9,525.00	9,525.00
Richard F. Turney, 1725 K St., NW Washington, DC 20006	Courtney McCamant & Turney	300.00	
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	5,000.00	
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036		5,110.20	7,015.44
U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180		8,159.65	8,159.65
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			172,651.34
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		30,159.38	80,065.50
U.S.-Japan Dialogue of the Year 2001 Committee, 2600 Virginia Ave., NW, #512 Washington, DC 20037	Year 2001 Committee		
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	4,500.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	200.00	79.00
Kenji Ueno, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 10 East 53rd St., 24th Fl. New York, NY 10022			5,363.85
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			29,635.00
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		4,895.40	1,389.54
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
Marian S. Urnikis, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,050.00	
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Grayce K. Uyehara, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	2,058.00	36.00
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	70.00
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,665.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Van Dyk Associates, Inc, 2550 M St., NW, #300 Washington, DC 20037	American Gas Assn	3,750.00	750.00
Do	UAL, Inc		
Do	USF&G Corp	12,500.00	1,545.00
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies	525.00	24.00
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage	12,939.00	
Do	Cincinnati Electronics	4,200.00	
Do	Ford Aerospace	3,300.00	
Do	Marconi Electronics		
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	900.00	124.71
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Ad Hoc Coalition for Health Security		
Do	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants	2,740.00	
Do	American President Lines	445.00	
Do	Arctic Slope Regional Corp	2,137.00	
Do	Bumble Bee Seafoods, Inc	95.00	
Do	BRAE Corporation		
Do	Clean Coal Technology Coalition		
Do	Collier Company	4,026.00	
Do	Consumers United for Rail Equity (C.U.R.E.)	13,158.00	
Do	Fidelity Management & Research Co	2,286.00	
Do	Geothermal Resources Assn	595.00	
Do	Hawaiian Electric Company, Inc		
Do	LUZ International Ltd	5,525.00	
Do	Postal Square Associates	2,560.00	
Do	Tranquillity Irrigation District		
Do	Uranium Producers of America		
Do	Wagner & Brown	4,059.50	
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	275.00	212.00
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc	75.00	429.50
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			18,862.12
Theresa Varner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	580.19	
Jennifer Vasiloff, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,633.20	79.70
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Carol Verby, 1390 Piccard Drive Rockville, MD 20850	CNA Insurance Co		
Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	238.09
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	937.50	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	5,000.00	163.16
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	American Airlines, Inc	6,390.00	12.00
Do	Bank of America		
Do	Bear Stearns & Co		
Do	Chemical Bank		
Do	Citicorp		
Do	Continental Health Affiliates		
Do	Dunigan Enterprises		
Do	Enserch Corporation		
Do	Federal Express Corp	18,267.50	6.00
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co		
Do	International Raw Materials, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Pennzoil Co		
Do	Provident Life & Accident Insurance Co		
Do	Public Service Co of New Mexico	27,915.00	203.51
Do	Salomon Brothers, Inc	3,620.00	132.80
Do	Southern California Edison	1,967.50	12.00
Do	Southern Star Shipping Co, Inc		
Do	Travelers Insurance Co		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	2,000.00	
Do	National Fraternal Congress of America	50.00	
Virginia Association of Railway Patrons, P.O.box 867 Richmond, VA 23207			0.44
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	50,400.00	243.88
Nick J. Volcheff, 2509 E. San Miguel Phoenix, AZ 85016	AT&T		
Volkswagen of America, Inc, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024			450.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	13,979.27	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			6,988.75
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Cabot Corporation		
Do	Crisis Comm for Foreign Affairs Resources		
Do	Grocery Manufacturers of America, Inc		
Do	Hanson Industries		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	9,040.72	254.56
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	44,455.00	
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Association of Business Publishers	10,000.00	3,060.11
Do	Canadian General Electric		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Daewoo International Corp	337.50	105.00
Do	EMSI, Ltd	1,425.00	275.00
Do	National Beer Wholesalers of America	16,032.50	1,321.32
Do	National Debt Repayment Foundation		
Do	New MediCo Associates, Inc	12,283.33	2,337.65
Do	Rainbow Navigation, Inc	8,212.50	1,342.50
Howard W. Wahl, 10501 Bit and Spur Lane Potomac, MD 20854	Bechtel Group, Inc		
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn		144.87
Do	New Tech Snacks, Inc		
Herbert R. Waite, 100 Federal St. Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	9,250.00	12,379.00
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	920.00	936.82
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Robert Joseph Walker, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	280.00	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Agrico Chemical Company, et al.	8,640.00	
Do	Aluminum Company of America	750.00	
Do	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc	8,250.00	
Do	Bank Capital Markets Assn	9,583.00	
Do	Broadcast Music, Inc	7,500.00	
Do	Champion International Corp	750.00	
Do	Charter National Life Insurance Co		
Do	Coalition to Preserve Group Workers' Compensation Funds	2,500.00	
Do	CBS Records Group	6,000.00	
Do	CBS, Inc	2,250.00	
Do	CSX Corporation	750.00	
Do	Dresser Industries, Inc	750.00	
Do	Enron Corp	1,500.00	
Do	First Texas Savings & Loan		
Do	Ford Motor Co	750.00	
Do	Goodyear Tire & Rubber Co	750.00	
Do	Green Bay Packaging, Inc		
Do	Lone Star Steel Co	11,250.00	
Do	MK-Ferguson Company		
Do	Northville Industries Corp	7,500.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Oppenheimer & Co, Inc		
Do	Owens-Illinois		
Do	PHLcorp, Inc	3,750.00	
Do	Quanex Corp	1,125.00	
Do	Resorts International, Inc	1,200.00	
Do	Southern Company Services, Inc	7,500.00	
Do	Texas Ozone Task Force	1,500.00	
Do	U.S. Fidelity & Guaranty Co	4,500.00	
Do	Union Carbide Corp		
Do	Weil Gotshal & Manges		
Do	Weyerhaeuser Company		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	Brinks, Inc	1,000.00	
Do	California Federal Savings & Loan Assn	1,000.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	JMB Realty Corp	1,000.00	
Do	Life of Virginia	1,000.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Securities Industry Assn	500.00	
Do	Torchmark Corporation	1,000.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	11,250.00	50.00
Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farm Bureau Federation	1,500.00	
Do	American Sugar Cane League	3,750.00	
Do	Amstar Corp	2,500.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Fiber Fabric & Apparel Coalition for Trade	8,750.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	4,375.00	
Do	Merchants Grain & Transportation, Inc	2,500.00	
Do	Service Corporation International	1,875.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
R. Douglas Wallin Jr., 1235 Jefferson Davis Hwy. Arlington, VA 22202	Emerson Electric Co		931.17
Charles S. Walsh, Fleischmen & Walsh 1725 N St., NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	10,000.00	
Susan M. Walsh, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	10,934.00	
William C. Walsh, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,576.95	
Frank J. Walter, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
William C. Wampler, 412 First Street, SE Washington, DC 20003	Sterling Drug, Inc		
Bonnie B. Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004	Kimberly-Clark Corp		
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,592.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	6,899.88	179.00
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,158.05	228.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,890.00	
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	6,250.00	
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)	342.00	79.85
Do	DGA International, Inc (For:SNECMA)		
William H. Warner, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	39.00	35.28
Christine M. Warnke, Suite 300 1101 Connecticut Avenue, NW Washington, DC 20036	American Textile Manufacturers Institute, Inc	400.00	98.80
Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	612.00	25.54
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			1,541.20
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Koichi Watanabe, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057			
Millie Waterman, 5656 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		1,783.36
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries	2,400.00	
Clarke R. Watson, 769 Detroit Street Denver, CO 80206	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,042.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	2,750.00	
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	177.38
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,648.00	
George B. Watts, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,500.00	
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	6,660.00	331.38
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,000.00	3,092.46
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Inc		
James M. Webb, 801 North 11th Street St., Louis, MO 63101	Sverdrup Corp		
Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter K. Weber, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,700.00	40.00
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Asarco Corporation	500.00	
Do	Colorado SSC Project		
Do	Interstate Natural Gas Assn of America	170.00	
Do	Mazda Motor Manufacturing (USA) Corp		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Better Working Environments, Inc		
Do	Diagnostic Retrieval Systems, Inc	500.00	
Do	International Taxicab Assn		
Do	Kelly Assisted Living	200.00	10.50
Do	Kelly Services, Inc		
Do	Miller Brewing Co	1,000.00	125.00
Do	National Assn of Wholesaler-Distributors		
Do	National Fed of Independent Business	1,000.00	
Do	Waterbed Manufacturers Assn		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents	700.00	410.00
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp	2,400.00	40.00
Do	TIME, Inc	680.00	
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)	1,500.00	110.24
Nancy Weinberg, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc	100.00	230.28
Mark B. Weinberg, P.C., 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas	1,500.00	196.94
Do	Federal Indian Tribes of Michigan		303.92
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	5,898.00	167.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,500.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	453.11
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	148.75	7.40
Bryant L. Welch, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	50.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,115.39	
Jerry Welcome, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,000.00	
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Soc of Composers Authors & Publishers	7,500.00	
Do	Old Republic Companies	4,625.00	
Wellford Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	American Business Conference	900.00	
Do	Canadian Embassy	4,725.00	
Do	Catalyst Energy Corp	1,000.00	
Do	Department of Natural Resources, Province of Manitoba	1,350.00	
Do	Energy Factors, Inc	1,000.00	
Do	Grants & Contracts Projects, United Way of America		
Do	J&B Management Company	750.00	
Do	Long Lake Energy Corp	2,500.00	
Do	Manville Corporation		
Do	Ministry of the Environment	5,000.00	
Do	National Corp for Housing Partnerships	1,000.00	
Do	National Independent Energy Producer's Hydro Tax Reform Comm	6,000.00	
Do	National Independent Energy Producers	2,000.00	
Do	Sithe-Energies USA, Inc	5,000.00	
Do	Taurus International Manufacturing, Inc	1,200.00	
Do	VMS Realty		
Do	YMCA of the USA	2,000.00	
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Eleanor Wenner, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	17,272.50	405.00
Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439	Committee for Minor. Access to Post Second. School Ownership		
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	25,000.00	402.28
G. Franklin West, 3804 Rodman St., NW, #302 Washington, DC 20016	Church Alliance	4,000.00	
Joy Cherie West, 1629 K St., NW, #715 Washington, DC 20006	City of Detroit	11,876.00	5,302.58
West Mexico Vegetable Distributors Assn, PO Box 848 Nogales, AZ 85621			1,000.00
Harry H. Westbay III, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	300.00	113.79
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		3,500.00	3,500.00
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	192.12	
William Wewer, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	6,750.00	
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	1,385.40
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company		2,541.51
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	352.25	
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	2,463.44	306.52
John C. White, 1899 L Street, NW, #500 Washington, DC 20036	Camp Barsh Bates & Tate	20,000.00	
Do	Chicago Mercantile Exchange	5,000.00	
Do	Coastal Corp	12,500.00	
Do	Comtran, Ltd		
Do	Louis Dreyfus Corp		
Do	Tobacco Institute	5,000.00	
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	538.46	263.50
Leland J. White, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Margita E. White, 1730 M Street, NW, #407 Washington, DC 20036	Television Operators Caucus, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	5,317.17
Sam White, 412 First St., SE, #40 Washington, DC 20003	American Beekeeping Federation		
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Peanut Growers Group	6,000.00	
Do	Nuclear Waste Task Force	7,500.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,250.00	
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
William F. Whitsitt, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,700.00	449.22
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	500.00	
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	LTV Corporation	170.00	16.25
Wickwire Lewis Goldmark & Schoor, 500 Maynard Bldg. Seattle, WA 98104	Arctic Slope Regional Corp		1,012.51
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants	500.00	89,296.26
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	18,787.90	9,650.18
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	89.00
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	1,830.00	280.00
Wiley Rein & Fielding, 1776 K St, NW, 12th Fl. Washington, DC 20006	CBS, Inc		
Guenther O. Wilhelm, Suite 1100 1899 L Street, NW Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Dean M. Wilkinson, 1611 Connecticut Avenue, NW Washington, DC 20009	Greenpeace, USA	359.72	40.84
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	American Assn of Presidents of Independent Colleges & Univs	13,632.00	88.40
Do	Bonneville International Corp	6,939.50	11.01
Do	Central States Health & Life Co of Omaha		
Do	Empire Blue Cross & Blue Shield	35,399.50	629.62
Do	Greenwich Capitol Markets		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Manville Corporation		
Do	National Assn of Independent Colleges & Universities		
Do	Shee Atika, Inc	963.86	3,646.14
Annelise Williams, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company		
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	800.00	
Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	125.00	
Lucinda L. Williams, 1155 15th Street, NW, #400 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	400.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20035-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Institute for Clinical Research, Inc		
Williams Myers & Quiggle, 888 17th St., NW Washington, DC 20006	Church Alliance	39,093.75	2,354.53
David K. Willis, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Wayne D. Willis, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	756.00	94.36
Willkie Farr & Gallagher, 1155 21st St., NW Washington, DC 20001	American Trucking Assns, Inc		
Do	AOC International, Inc	1,017.50	
Do	ASEAN Federation of Textile Industries (AFTEX)	2,084.78	
Do	Companhia Siderurgica Paulista (COSIPA)		
Do	Comptroller of the State of New York	506.25	
Do	Council of Institutional Investors	370.00	
Do	Ferro Union	250.00	
Do	Japan Iron & Steel Exporters' Assn		
Do	LEGI-SLATE	3,255.00	59.24
Do	Tatung Corp	2,127.50	
Do	Washington Public Power Supply System	3,112.50	
Do	Westinghouse Electric Corp	1,442.50	
Do	Yamaha Motor Co, Ltd, et al	6,380.00	
Charlotte M. Wilmer, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Broadcasting Co, Inc, et al		
Do	American Cyanamid Co	2,200.00	158.30
Do	American Honda Motor Co, Inc	3,810.00	
Do	Apache Corporation		
Do	Capital Cities/ABC, Inc		
Do	Citicorp		
Do	Handgun Control, Inc		12.26
Do	National Assn of Broadcasters		
Do	People of Enewetak	960.00	26.96
Do	World Wildlife Fund		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	1,538.40	442.64
Craig S. Wilson, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp		
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	6,000.00	197.03
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	684.00	12.00
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
G. Peter Wilson, 249 Maitland Avenue P.O. Box 1119 Altamonte Springs, FL 32701	Institute of Internal Auditors, Inc		
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Kerrie Bunting Wilson, 224 East Capitol Street Washington, DC 20003	American Cancer Society	4,000.00	100.00
Patrick Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036	PPG Industries, Inc	40.00	8.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	American Assn of Equipment Lessors	9,000.00	
Do	American Automotive Leasing Assn	4,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Burlington Northern, Inc	15,000.00	
Do	Coalition to Preserve Group Worker's Compensation Funds	25,000.00	
Do	FAG Bearings Corporation		
Do	Green Bay Packaging Co	7,500.00	
Do	The Hartford	15,000.00	
Do	Leggett & Platt	12,000.00	
Do	National Assn of ASCS County Office Employees	2,490.00	
Do	Pennzoil Co	15,000.00	
Do	Quanex Corp		
Do	Rosenberg Real Estate Equity Fund		
Do	Ruan Transport Corp	18,000.00	
Do	U.S. Air, Inc	9,000.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	450.00	153.75
Kathleen J. Winn, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	475.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	656.25	57.00
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Assn of Museums		
Do	Beatrice Companies, Inc		
Do	City of Tucson		
Do	Council of Forest Industries of British Columbia	1,050.00	
Do	CNA Financial Corp		
Do	Emerson Radio Corp		
Do	International Council of Shopping Centers	1,275.00	7.50
Do	Lease Management Corp		
Do	Staley Continental, Inc		
Do	Syntex Laboratories, Inc		
Do	Terson Company, Inc		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition	1,800.00	
Do	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc		
Do	BASF Structural Materials, Inc		
Do	BASF, Corp		
Do	Connecticut Liquidity Investment Fund, Inc		13.90
Do	Fiberite Corp		
Do	Fusion Systems Corp		38.75
Do	Hercules Aerospace Co		
Do	Irving Bank Corp		34.36
Do	IBJ Schroder Bank & Trust Co	1,500.00	6.50
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Norsk Forsvarsteknologi A/S	8,100.00	
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc		
Do	Singer Co		
Do	Thrifty Rent-A-Car System, Inc		43.00
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Christopher J. Witkowski, 2000 P St., NW, #700 Washington, DC 20036	Aviation Consumer Action Project		10.00
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard Inc	500.00	
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc	100.00	22.47
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	CIGNA Corporation	1,500.00	427.00
Do	Revlon Group, Inc	2,500.00	914.00
Do	Smith Kline Beckman, Inc	2,000.00	702.00
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp	107.00	222.00
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group	13.00	14.99
Ronald Wolsey, One North Charles St., #1520 Baltimore, MD 21201	Amoco Corporation		
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,175.00	82.19
John L. Wood, 2121 San Jacinto St. P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #530 Washington, DC 20005	National Assn of Life Companies	1,393.75	358.10
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	11,442.50	27.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Irvin M. Woods, 600 Maryland Ave., SW, #701 Washington, DC 20024	Aircraft Owners & Pilots Assn	11,485.00	1,871.92
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,600.00	368.99
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	140.00	96.00
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Canadair Challenger, Inc		
Do	Equitable Life Assurance Society of the U.S		
Do	Pan American World Airways, Inc		
Do	Toshiba America, Inc		
Do	Toyota Motor Sales, USA, Inc		
Do	Transportation Group, Inc		
W. Robert Worley, 1101 17th Street, NW, #405 Washington, DC 20036	Southern Company Services, Inc	399.00	1,451.38
David A. Wormser, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		2,814.50
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	3,500.00	2,248.42
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	14,381.25	517.23
Do	Alliance of American Insurers	3,915.00	37.74
Do	Association of American Railroads		
Do	BellSouth Corp		
Do	Bohemia Lumber Co	1,800.00	96.36
Do	Duke Power Co		
Do	Enserch Corporation		
Do	Food Marketing Institute	1,875.00	
Do	Ford Motor Co	2,402.25	117.19
Do	General Aviation Manufacturers Association	4,712.25	19.47
Do	Georgia-Pacific Corp		
Do	GTE Corporation	2,458.75	12.05
Do	Interlocking Directorate Reform Coalition	5,321.25	79.57
Do	Metropolitan Insurance Co	6,000.00	195.10
Do	Mortgage Guarantee Insurance Corp		
Do	MDRX, Inc		
Do	National Cable Television Assn, Inc	12,499.80	515.52
Do	North American Phillips Corp	26,650.00	299.82
Do	Northwestern Mutual Life Insurance Co		
Do	Pennsylvania Higher Education Assistance Agency		
Do	Primark Corporation	2,922.50	38.39
Do	Product Liability Coordinating Committee	8,400.00	116.08
Do	Shared Medical Systems (SMS)	3,700.00	33.85
Do	Solar Turbines, Inc		
Do	Sony Corp of America	5,575.00	85.33
Do	State of North Carolina		
Do	Texas Oil & Gas Corp		
Do	Tobacco Industry Labor Management Committee	19,622.35	1,611.02
Do	U.S. Telephone Assn	5,893.54	257.43
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	1.60
Lucia Wyman, 1401 Elm St., #4100 Dallas, TX 75202	Cattle Resources, Inc		
Do	Swift Independent Corp	5,000.00	442.57
Do	Valley View Energy Corp		
Wyman Bautzer Christensen Ruchel & Silbert, 2300 N Street, NW, #600 Washington, DC 20037	American Boiler Manufacturers Assn, Inc		
Do	Eklutna, Inc		
Do	Louis R. Miller		
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Mary J. Yarrington, 2000 K St., NW, 7th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,245.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	1,120.45	423.65
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	10,371.16	127.38
Richard K. Yep, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	8,858.00	
Paul Yestrumskas, Gate Post Lane Southbury, CT 06488	Timex Group Ltd	300.00	672.71
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
D. Scott Yohe, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	390.00	462.50
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Edward A. Yopp, 1200 Golden Key Circle, #141 El Paso, TX 79925	West Texas Higher Education Servicing Corp		
Roberta Lynn Youmans, 509 C Street, NE Washington, DC 20002	Roisman, Reno & Cavanaugh (For:National Housing Law Project)	2,100.00	
John Andrew Young, 1899 L Street, NW, #500 Washington, DC 20036	Coastal Corporation		
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates		
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	
Thomas F. Youngblood, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,803.04	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	605.26
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006	Bus Transit Caucus	637.00	
Do	Regional Transportation District	1,584.00	42.61
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	National Music Publishers Assn, Inc	12,168.95	168.95
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	2,500.00	
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, 555 13th Street, NW, #1050 Washington, DC 20004	Avon Products, Inc		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	700.00	262.62
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	565.37
Mitchell Zeller, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	1,500.00	97.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,210.80	
Zuckert Scoutt Rasenberger & Johnson, 888 17th St., NW, #600 Washington, DC 20006-3959	National Comm of Cities & States for Airline Service	4,000.00	974.00
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	Manchester Group, Ltd		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1987 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19..... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,090.38	4.50
Ablondi & Foster, P.C., 1776 K Street, NW, #606 Washington, DC 20006	Rhone-Poulenc, Inc	12,483.75	1,589.12
Do	Taiwan Textile Federation	10,000.00	223.07
Action, Inc, 333 Pennsylvania Ave., SE Washington, DC 20003	American Indian Higher Education Consortium		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	300.86
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America		
Afognak Joint Venture, 413 Rezanof Drive East Kodiak, AK 99615			40,628.00
Afognak Native Corp, 413 Rezanof Drive East Kodiak, AK 99615			52,641.00
Karen D. Alexander, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	195.23	
Richard F. Ali, Suite 808 1901 North Moore Street Arlington, VA 22209	National Assn of the Remodeling Industry	2,500.00	
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,000.00	275.55
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	579.50	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	6,500.00	6,469.70
Do	County of Suffolk, New York	17,600.00	17,492.17
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		14,559.67	14,559.67
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		252,593.00	111,776.00
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			25,129.53
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		6,933.00	48,880.50
American Assn of Presidents of Independent Colleges & Univs, C-366 ASB Provo, UT 84602			19,104.49
American Chamber of Commerce of the Dominican Republic, P.O. Box 95-2 Santo Domingo Dominican Republic			
American Conservative Union, 38 Ivy Street, SE Washington, DC 20003			
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611		2,072.34	9,072.34
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			108,634.74
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			250.00
American Frozen Food Institute, 1700 Old Meadow Rd., #100 Mclean, VA 22102		6,000.00	6,000.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		31,638.00	31,638.00
American Health Care Assn, 1200 15th Street, NW Washington, DC 20005		235,255.20	53,259.97
American Honey Producers Assn, P.O. Box 368 Minco, OK 73059			
American Hospital Assn, 840 N. Lake Shore Dr. Chicago, IL 60611		76,083.85	76,083.85
American Medical Peer Review Assn, 440 First Street, NW, #510 Washington, DC 20001			
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		147,679.72	92,795.57
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			5,186.00
American Soc for Personnel Administration, 606 North Washington Street Alexandria, VA 22314			
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			4,400.00
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	74,706.20
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	7,953.75	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,900.00	439.47
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
Anderson & Pendleton, 1000 Connecticut Avenue, NW, #707 Washington, DC 20036	Corporacion Nacional del Cobre de Chile		
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	29,596.20	2,654.24
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan	4,143.90	105.36
Do	Institute for Financial & Fiscal Studies	2,265.40	164.21
Do	Japan Machine Tool Builders Assn	3,193.20	93.67
Do	Project Orbis, Inc	1,795.20	92.55
Do	Riviana Foods, Inc		
Do	Seidman & Seidman/BDO		
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)	1,053.50	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	724.29
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	1,800.00	523.18
Arkansas Assn of Bank Holding Companies, 103 W. Capitol Little Rock, AR 72201			
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
John E. Arnold, 1725 Jefferson Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	211.20
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Assn of Exporters & Importers	4,422.50	300.89
Do	Amok, Ltd, et al		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Canadian Forest Industries Council	2,475.00	
Do	Harris Bank Corp, Inc	25,632.50	
Do	Japan Fair Trade Center		82.55
Do	National Coordinating Comm for Multiemployer Plans	15,312.00	1,506.32
Do	Sacramento Municipal Utility District	358.87	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Association for the Advancement of Historical Research, P.O. Box 15232 Washington, DC 20003		350.00	350.00
Association of Maximum Service Telecasters, Inc, 1730 M St., NW, #713 Washington, DC 20036			1,609.75
Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036		10,520.00	6,479.54
Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc	574.09	
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Azanian Coalition, 616 South Carolina Ave, SE, #2 Washington, DC 20003			
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			
APCO Associates, 1155 21st Street, NW,# 1000 Washington, DC 20036	Advanced Center for Technology Training	1,375.00	
Do	American Foreign Service Assn		
Do	Amok, Ltd, et al		4,364.76
Do	Asocolflores		135.50
Do	ASEA AB		
Do	Canadian Forest Industries Council		84.25
Do	Canadian Meat Council		
Do	Cemai		2,118.75
Do	CEL Educational Resources		57.84
Do	Embassy of Australia		575.00
Do	Ferroalloys Association		
Do	Harris Trust & Savings		
Do	Japan Fair Trade Center		86.25
Do	Manitoba Energy Authority		282.50
Do	New Hampshire Yankee		1,720.85
Do	Norhtern California Power Agency		460.00
Do	Outboard Marine Corp		
Do	Profilo Holding A.S	1,755.00	152.75
Do	Recording Industry Assn of America		45.00
Do	Sacramento Municipal Utility District		1,134.11
Do	Sacramento Public Utility District, et al.		
Do	Tulane University	680.00	680.00
Do	University of California		397.52
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	2,366.00	417.06
James Michael Bailey, 910 17th St., NW, #210 Washington, DC 20006	Association of U.S. Night Vision Manufacturers		
John P. Bailey, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,000.00	329.51
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn	5,000.00	5,000.00
Do	Banc One, Cleveland, NA	2,000.00	2,000.00
Do	Beverly Enterprises, Inc		
Do	Beverly Investment Properties, Inc	1,000.00	1,000.00
Do	Blue Cross & Blue Shield of Northern Ohio	5,000.00	5,000.00
Do	Cleveland Clinic Foundation	3,000.00	3,000.00
Do	Edison Electric Institute	2,000.00	2,000.00
Do	Alex Miller	1,000.00	1,000.00
Do	Reliance Electric Co	500.00	500.00
Do	Rouse Company	1,000.00	1,000.00
Do	Travelers Insurance Co	2,000.00	2,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. League of Savings Institutions	1,000.00	1,000.00
Do	Uniden Corp of America		
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition to Exclude Operationg Income from PFIC Provisions	9,000.00	7,484.48
Catherine A. Ball, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	8,438.00	264.87
Charles E. Bangert, P.C., 1450 G Street, NW,#1200 Washington, DC 20005	Business Roundtable	3,100.00	
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045			
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics	3,400.00	
Do	National Basketball Assn	200.00	
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	429.50	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
David M. Barrett, Barrett Hanna Daily & Gaspar 2555 M Street, NW, #100 Washington, DC 20037	Allied Tube & Conduit Corp		
Do	Energy Consumers & Producers Assn		
Barrett Smith Schapiro Simon & Armstrong, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Coffee Sugar & Cocoa Exchange, Inc		
Do	Hugo Neu & Sons, Inc		
Do	Metropolitan Transportation Authority		
Douglas P. Bates, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable	2,000.00	25.00
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	750.00	278.65
Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	300.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,500.00	574.08
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
James R. Baxter, 1101 15th St., NW, #1040 Washington, DC 20005	National Construction Employers Council		
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises	3,000.00	1,500.00
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	9,714.25	468.49
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	60.00	
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	265.63	30.00
Do	Fox Weinberg & Bennett (For:Hoffman-La Roche, Inc)	387.50	10.00
Douglas P. Bennett, 9020 Saunders Lane Bethesda, MD 20817	Association of Executive Search Consultants, Inc		
Do	Corning Associates		
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	1,650.00	28.01
Do	Government of Barbados, Ministry of Finance & Planning	31,032.11	544.44
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Eve Berton, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
L. Christina Beydoun, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
Robert D. Billings, 301 Corla Ct. Oxon Hill, MD 20745	American Conservative Union		
Hugh L. Binford, 339 Ruckel Drive Niceville, FL 32578			
Robert Bingaman Jr., 1424 K Street, NW, #300 Washington, DC 20005	National Abortion Rights Action League	11,279.64	
Robert J. Bird, 555 13th Street, NW, #490 Washington, DC 20004	General Mills, Inc	650.00	
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	Baxter Healthcare Corp	8,669.25	
Do	CNA Insurance Co of Chicago, Illinois	900.00	
Do	National Mass Retailing Institute	1,250.00	
Do	Texaco, Inc	400.00	
Do	Texas Gas Transmission Corp	2,897.33	
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,446.01	146.40
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Center	444.00	
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Environmental Science & Engineering		
Do	Fluor Corporation	80.00	
Do	National Paint & Coatings Assn, Inc	650.00	80.90
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	1,000.00	185.52
Larry A. Boggs, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Association		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Bonsib, Inc, P.O. Box 1807 Washington, DC 20013			
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	D Boratyn, Ltd		
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Robert W. Bradford, 1101 John A. Denie Road P.O. Box 34550 Memphis, TN 38184-0550			
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	American Independent Refiners Assn	300.00	
Do	Consolidated Natural Gas Co		
Do	Tosco Corporation		
Talmadge Branch, 300 Eye St., NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	General Dynamics Corp		
Do	Winstead McGuire Sechrest & Minick		
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	54.52
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central Power & Light Co		
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	820.00	132.00
Cynthia A. Brown, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		197.33
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
James P. Brown, 5622 Delmar Blvd., #105-W St. Louis, MO 63112	City of St. Louis - City Hall		
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	16,000.00	
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Canadian Financial Corporation		
Do	Schochet Associates		
Building Owners & Managers Assn International, 1250 Eye St., NW, #200 Washington, DC 20005			3,240.94
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	241.00
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,752.42	165.50
John L. Burke Jr., Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Massaro Properties, Inc	5,000.00	5,000.00
Do	Stadium Authority of the City of Pittsburgh		
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Michael Burns, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	3,620.00	15.00
Larry D. Burton, 1001 22nd Street, NW, #600 Washington, DC 20037	Standard Oil Co (Ohio)		
James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005	National Council of Savings Institutions	10,000.00	141.34
Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	2,840.99	118.15
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	277.71
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	National Mass Retailing Institute	6,250.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		
James Callan, 1726 M Street, NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Committee for Equitable Compensation	500.00	
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	Air Transport Assn of America		
Do	Algonquin Gas Transmission		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Pitney Bowes		
Do	Riffe Petroleum Co		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Air Corp		
Do	Texas Utilities Services, Inc		
Do	Union Pacific Corp		
Do	Westinghouse Electric Corp		
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	8,895.00	1,207.00
William F. Canis, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar Tractor Co	3,000.00	568.45
Capital Advocates, 1127 11th Street, #950 Sacramento, CA 95814	Crowley Maritime Corp	1,250.00	7,615.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Association of American Publishers	1,000.00	
Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	11,790.00	
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Bruce J. Carlton, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress	2,665.00	
James E. Carmichael, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture		
Do	Afognak Native Corp	4,446.00	307.00
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	5,625.00	
David C. Carter, 1156 15th St., NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
David Cartwright, 1155 15th Street, NW Washington, DC 20005	National Small Business Assn	7,500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,389.91
Daniel L. Casey, 5A East Curtis Avenue Alexandria, VA 22301	American Conservative Union		
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	National Assn of Development Companies (NADCO)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Small Business United)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)	1,350.00	1,350.00
Gordon Cavanaugh, 509 C Street, NE Washington, DC 20002	Roisman Reno & Cavanaugh (For:Council of Large Public Housing Authorities)	11,416.67	293.35
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	1,200.00	
Henry Chajet, 1920 N St., NW Washington, DC 20036	American Mining Congress	150.00	60.00
Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Apache Corporation	700.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	2,875.00	
Do	Coalition of State Employment Security Agencies	6,750.00	
Do	Manville Corporation	1,275.00	
Do	Metcalf & Eddy/KVB Group	1,475.00	
Do	National Assn of Retired Federal Employees		
Do	University Patents, Inc	175.00	
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, Inc, et al	27,100.00	1,274.00
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,375.00	1,375.00
Do	Capital Childrens Museum	1,375.00	1,375.00
Do	Corcoran Gallery	1,375.00	1,325.00
Do	Directors Guild of America	12,437.50	
Do	Fords Theater	1,375.00	1,375.00
Do	National Building Museum	1,375.00	1,375.00
Do	National Symphony	1,375.00	1,375.00
Do	Phillips Collection	1,375.00	1,375.00
Do	Shakespeare Theater at the Folger	1,375.00	1,375.00
Do	Washington Ballet	618.75	618.75
Do	Washington Opera	1,375.00	1,375.00
Do	Washington Performing Arts Society	756.25	756.25
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
David A. Clanton, 1667 K Street, NW, 9th Fl. Washington, DC 20006	Buchanan Ingersoll, P.c. (For:Federation of Apparel Manufacturers)		
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Vernon A. Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	2,398.00	5,936.55
Clean Water Action Project, 317 Pennsylvania Ave., SE Washington, DC 20003		5,910.00	2,067.44
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			512.69
Coalition to Promote America's Trade, 1101 15th St., NW, #205 Washington, DC 20005		7,000.00	45,166.67
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	National Investment Development Corp	3,750.00	
Coastal Properties Institute, Inc, 66 Surfwatch Drive Johns Island, SC 29455			
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	737.80
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	900.00	111.50
Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005	Ad Hoc Ski Footwear Committee		49.81
Do	Chase Manhattan Bank, N.A.		
Do	Government of the Netherlands Antilles		36.35
Do	Millipore Corporation		
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,818.07	85.27
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			57,289.19
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		317,188.87	387,776.56
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		16,000.00	11,746.52
Communications Management, Inc, 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	28,075.00	41,094.00
Do	Philip Morris USA	1,607,258.00	991,374.00
Lance Compa, 1411 K St., NW, #410 Washington, DC 20005	United Electrical Radio & Machine Workers of America	6,303.18	
Computer & Communications Industry Assn, 666 11th St., NW, #600 Washington, DC 20001			
Concerned Women for America, c/o Carol Poulos 122 C Street, NW, #800 Washington, DC 20001		18,577.45	18,577.45
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	882.05
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letters Carriers	3,980.23	
Gerald R. Connor, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	2,375.00	
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,418.00
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		59,720.00	76,620.00
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,556.00	643.00
C. William Cooper, 603 Broad St. Sewickley, PA 15143	United Distribution Companies		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Walter Coulliard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,503.80	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			24,599.91
Council on Non-Profit Organizations, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006			
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,075.00	11.66
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority		
Do	Dade County		
Do	Dade County International Airport	2,000.00	
Richard L. Crawford, 311 First Street, NW Washington, DC 20001	National Restaurant Assn	17,500.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	4,000.00	
Mary Dent Crisp, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security, Inc		
Herminia L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	1,250.00	1,050.00
Brien F. Culhane, 5752 Drake Ct., #371 Alexandria, VA 22311	National Parks & Conservation Assn	400.00	25.00
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	9,303.52	735.34
Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	5,000.00	310.00
Richard C. Curry, P.O. BOX 66 Mclean, VA 22101	Fire Island Associates, Inc		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	6,586.00	800.93
M. Rupert Cutler, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	1,362.58	3.20
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	American Council of State Savings Supervisors	12,000.00	
Do	Marine Midland Banks, Inc	24,000.00	
Joseph G. Dail Jr., 6623-A Old Dominion Drive McLean, VA 22101	Procompetitive Rail Steering Committee	4,500.00	
Donna M. Daley, 1200 l7th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	60.00
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Susan A. Davis, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	201.20	10.50
Susan Davis International, 1818 N Street, NW, #350 Washington, DC 20036	Turkish Republic of Northern Cyprus	25,000.00	12,147.35
Gail De Loach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	600.00	
Elizabeth C. Demato, 5201 Auth Way Camp Springs, MD 20746	Seafarers International Union	3,000.00	353.93
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		10,954.24	10,954.24
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc.		
Nicholas DeBenedictis, 1346 Chestnut St., #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
Beth DeGrasse, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	3,901.20	
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	81.18	43.78
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	126.96	42.16
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	165.82	55.09
Do	Lumbermens Mutual Casualty Company	2,100.00	102.87
Dobrovir & Gebhardt, 1025 Vermont Avenue, NW, #1105 Washington, DC 20005	New York State Ophthalmological Society	140.00	26.10
John D. Doherty Jr., 900 17th Street, NW, #706 Washington, DC 20006	Chase Manhattan Bank, N.A.	230.85	14.62
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp	1,350.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons		
Thomas F. Donnelly, 955 L'enfant Plaza, SW, #1202 Washington, DC 20024	National Water Resources Assn	3,125.00	
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	766.29	4.00
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		1,306.85
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	6,500.00	30.00
Do	European Confederation of the Footwear Industry		
Do	Guam Contractors Assn		3,494.58
Do	International Electronics Mfgrs & Consumers of America, Inc	360.00	5.00
Do	MacMillan Bloedel, Inc	600.00	
Do	Texas Assn of Steel Importers	1,500.00	16.00
Russell E. Dougherty, P.O. Box 9346, 8280 Greensboro Dr. McLean, VA 22102	Military Impacted School Districts Assn	3,632.50	
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd	352.00	1,693.53
Do	Ameritech		
Do	California Wine Commission	3,009.00	239.85
Do	Chicago City Colleges		
Do	Directors Guild of America	970.00	576.33
Do	Dofasco, Inc, et al.	7,949.00	1,400.41
Do	Hercules, Inc	3,924.50	70.85
Do	Home Shopping Network, Inc	270.00	
Do	State Higher Education Executive Officers Assn		
Do	ZIM Israel Navigation Co, Ltd		
Steve Doyle, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers' Assn		
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	226.40
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	13,000.00	165.75
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Corp/California Energy Commission)	4,500.00	
Do	Dunlap & Browder, Inc (For:Unelco)	2,700.00	24.00
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Dunnells Duvall Bennett & Porter, 1220 19th Street, NW, #400 Washington, DC 20036	National Assn of Aircraft & Communications Suppliers, Inc		39.38
Judy C. Durand, 1120 20th Street, NW, #600s Washington, DC 20036	Union Pacific Corp	666.00	964.92
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	325.56	35.41
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council	7,500.00	7,500.00
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Allscrips, et al	5,280.00	19,173.50
Do	Apex Marine Corp	2,650.00	159.79
Do	ARCO Marine Co, Inc	28,725.00	304.60
Do	Bender Shipbuilding & Repair Co, Inc	8,500.00	488.47
Do	Crowley Maritime Corp	4,035.00	350.70
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturers Assn		
Catherine East, 1275 K Street, NW, #750 Washington, DC 20005	National Women's Political Caucus	999.99	53.70
George H. Eatman, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Slurry Technology Assn	1,000.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Edwards & Antholis, 95 Madison Avenue Morristown, NJ 07960	Resorts International, Inc	13,162.50	2,730.12
Electronic Funds Transfer Assn, 1726 M Street, NW, #1000 Washington, DC 20036			2,200.00
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,661.03	175.25
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	23,077.00	
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036			11,649.00
Mark Esherick, 1601 Connecticut Ave, NW, #400 Washington, DC 20009	Zero Population Growth, Inc	1,564.00	
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,100.00	328.29
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corporation		
Do	Stepan Corporation		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn		
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Services, Inc	625.00	146.65
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	10,000.00	393.69
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	11,937.20	437.20
Do	Public Service Co of New Mexico	28,569.49	5,794.49
Do	Sierra Pacific Power Co	20,859.74	2,599.14
Do	Standard Oil Co (Ohio)	11,250.00	
William D. Fay, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,780.00	3,233.43
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,129.00	988.00
Federal Judges Association, 280 S. 1st St., #5150 San Jose, CA 95113-3002		6,800.00	9,429.15
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			206.22
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		10,000.00	19,252.00
Joel F. Feldman, 1752 N St., NW, #800 Washington, DC 20036	National Welding Supply Assn	5,100.00	
William Ferguson Jr., 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp	600.00	73.50
Do	City of Alhambra		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside		
Do	City of Provo		
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Company		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Dick Fischer Development, Inc	3,700.00	1,288.46
Do	Dillingham Construction Group	5,312.50	707.60
Do	Foss Maritime Co	750.00	618.35
Do	U.S. Borax & Chemical Corp	12,750.00	806.83
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,875.00	1,317.00
Joseph Findaro Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	2,376.88	95.33
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1140 Connecticut Ave., NW, #400 Washington, DC 20036	Society of Real Estate Appraisers		
David H. Fiske, Goodwin & Soble 1300 19th Street, NW, #350 Washington, DC 20036	Software Publishers Assn	1,332.00	134.00
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	2,625.00	405.85
Felipe M. Floresca, 67 Wall Street, #2509 New York, NY 10005			
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	CSX Transportation Systems	6,629.00	
Do	ETA Systems, Inc	19,271.00	
Do	MEDCO Containment		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Westinghouse Electric Corp	12,312.00	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	7,000.00	889.37
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	Curval Products, Inc		
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,562.50
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Camp Barsh Bates & Tate		
Richard C. Fortuna, 2916 Stephenson Pl., NW Washington, DC 20015	Hazardous Waste Treatment Council	1,500.00	750.00
Alan Fox, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	7,120.00	
Alissa T. Fox, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	62.50	
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	532.50	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Bristol-Myers Co	6,655.00	4,311.25
Do	Hoffmann-La Roche, Inc		3,291.06
Do	Johnson & Johnson	618.00	1,190.00
Do	Lederle Laboratories	4,914.00	1,984.69
Do	National Coalition for Cancer Research		
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	2,399.28
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	196.20
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Lewis R. Freeman Jr., 1025 Connecticut Ave., NW, #409 Washington, DC 20036	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	325.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,250.00	
Owen V. Frisby, 900 17th St., NW Washington, DC 20006	Chase Manhattan Bank, N.A.	623.90	49.38
Charles H. Fritts, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn	10,630.00	100.17
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
Linda Parke Gallagher, 1225 Eye Street, NW, 7th Floor Washington, DC 20005	Linda Parke Gallagher & Associates (For:National Corp for Housing Partnerships)		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Sara G. Garland, 137 13th St., NE Washington, DC 20002	Pfizer, Inc	4,500.00	102.85
Do	Rapoza Associates	10,000.00	191.90
Ellen Greenberg Garrison, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,960.00	214.75
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Garry Geffert, 2001 S Street, NW, #312 Washington, DC 20009	Farmworker Justice Fund, Inc		189.91
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		2,000.00	2,617.83
Fred J. Gentile, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co		
Gerard Byler & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Commissioned Officers Assn of the U.S. Public Health Service	150.00	
Do	Havasupai Tribal Council	260.88	
Do	Leech Lake Reservation Business Committee	708.23	
Do	Siletz Tribal Council		
Do	Tanana Chiefs Conference, Inc	200.00	
Do	Tiospa Zina Tribal School		
Do	Tohono O'odham Nation		
Do	Tulalip Tribes	2,200.00	
Do	White Earth Tribal Council	628.00	
David Troy Saxton Getty, 1857 N. Wilton Pl., #102 Los Angeles, CA 90028-5765			
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	26.64	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	CalFed, Inc	955.00	117.06
Do	Kelso & Co		
Do	Merrill Lynch Bank & Trust Co	1,231.25	194.03
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	30,000.00	1,423.46
Gilmartin Poster & Shafto, 26 Broadway, #1300 New York, NY 10004	B & B Dredging Corp		2,638.00
Elmer G. Gleske, 655 15th St., NW, #300 Washington, DC 20005	Flight Safety Intl inc		
Leslie Alan Glick, Duncan Allen & Mitchell 1575 I Street, NW, #300 Washington, DC 20005	Visaflor, S.A		71.80
Horace D. Godfrey, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Assoc, Inc, 918 16th St., NW, #701 Washington, DC 20006			
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	6,310.74	897.34
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	4,381.40	
Helen C. Gonzales, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	National Consumer Law Center	361.05	
Beth Goodrich, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	144.68	
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress	15.00	4.00
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,320.97	2,028.00
David W. Graham, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,804.00
Karen Graham, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	384.60	
Grant Thornton, 1850 M St., NW, #300 Washington, DC 20036			
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)		37,619.46
Neil A. Gray, 1776 Massachusetts Ave., NW Washighton, DC 20036-1993	National Asphalt Pavement Assn	1,350.00	59.25
Kaylene H. Green, 2341 Jefferson Davis Highway, #1035 Arlington, VA 22202	Bath Iron Works Corp	500.00	182.38
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,129.00	1,588.12
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Council	5,880.00	309.16
James J. Grogan, P.O. Box 19614 Irvine, CA 92714	Lincoln Savings & Loan Assn	10,000.00	
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	5,797.62	
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America		
Lewis Gulick, 1008 N. Randolph Street, #206 Arlington, VA 22201	TCR Services, Inc	5,000.00	
David Gusky, 1016 16th Streeet, NW Washington, DC 20036	National Fed of Federal Employees	1,099.20	
Leland M. Gustafson, 1726 M St., NW, 1100 Washington, DC 20036	Pacific Gas & Electric Co	4,015.01	27.62
Raymond J. Gustini, Breed, Abbott & Morgan 1875 Eye Street, NW, #1000 Washington, DC 20006	Great Western Financial Corp	34,245.50	2,045.25
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	3,851.25	3,036.02
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,435.90	
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	62.66
Craig Hackler, 400 N. Capitol St., NW, #320 Washington, DC 20001	International Chiropractic Assn		
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
John F. Hall, 1945 Old Gallows Road, #405 Vienna, VA 22180	American Wood Preservers Institute		
Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	4,514.77	
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Alaska Tae Woong		
Do	Alaskan Cod, Inc	1,100.00	14.50
Do	Cook Inlet Land Exchange, Inc	8,702.50	151.65
Do	First Federal Savings Bank		
Do	Anne & Art Johnson		
Do	Louisiana Pacific Corp		
Do	Martel Laboratory Services, Inc		32.00
Do	Safe Travel America		
Do	United Video		
Karen Hammond, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,800.00	1,185.32
Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005		908,110.00	208,600.00
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	China External Trade Development Council	1,650.00	539.96
Do	Embraer Aircraft Corp	15,000.00	303.75
Do	3M Corporation	7,721.62	456.30
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S		
James W. Harff, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	1,059.98	225.52
Jon Harkavy, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW Washington, DC 20024	Honda North America, Inc	200.00	232.49
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036	Association of Urban Universities		
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Arnold I. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Armstrong World Industries, Inc)	4,812.50	107.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	22,356.25	707.36
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	8,062.50	832.45
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	15,268.75	228.72
Do	Eckert Seamans Cherin & Mellott (For:CSX Corporation)	8,575.00	5.00
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		282.00
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,651.00
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	1,146.10
Kathleen Henderson-Whyte, 1625 Eye St., NW, #500 Washington, DC 20006	Ketchum Public Relations		
Bruce Heppen, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Mary Lyn Herdt, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,041.90	10.33
Robert C. Hoffman, 2600 N. Powhatan Street Arlington, VA 22207	Foresight Consulting Group, Inc		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Citizens Energy Corp		
Do	Mel Fisher Maritime Heritage Soc/Mel Fisher Enterprises, Inc	1,500.00	24.00
Do	Merck & Co, Inc	3,337.50	30.00
Do	Mutual Life Insurance Co of New York	525.00	6.00
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,063.51	
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,394.00	227.75
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	China External Trade Development Council	15,000.00	7,500.00
Do	Colorado State University	3,750.00	1,875.00
Do	ECAD, Inc	4,500.00	2,600.00
Do	International Brotherhood of Teamsters	500.00	350.00
Do	MediVision, Inc	2,000.00	1,000.00
Do	Strohs Brewery Co	500.00	350.00
Do	United Technologies Corporation	4,500.00	2,600.00
Sanford D. Horwitt, 5935 N. 5th Road Arlington, VA 22203	Committee for Humane Legislation, Inc		
Do	Friends of Animals, Inc		
Hospital Corp of America, 1300 N. 17th St., #1000 Arlington, VA 22209			
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Senga Howat, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,846.00	
John B. Howerton, 3727 North Edison St. Arlington, VA 22207-1831			
Hudson Bayless & Boland, Inc, 438 New Jersey Ave., SE Washington, DC 20003	Perot Group	3,710.00	448.00
Do	Primark Corporation		36.00
Do	Salomon Brothers, Inc	2,265.00	545.00
Ken Hughes, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club		
Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482	Avtex Fibers, Inc		
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Pfizer, Inc		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,000.02	80.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	6,335.00	
Hunton & Williams, 2000 Pennsylvania Ave., NW P.O. Box 19230 Washington, DC 20036	Edison Electric Institute	20,192.50	459.05
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Floyd H. Hyde, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)		
Isabel E. Hyde, 1800 K Street, NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co	3,250.00	
Floyd H. Hyde Associates, 815 15th St., NW, #709 Washington, DC 20005	Fresno City, California	13,915.32	
Do	Fresno County, California	4,000.00	
Do	Gary, Indiana	7,502.90	
Do	San Leandro, California	5,382.87	
Do	Water Department, City of San Bernardino, CA	2,499.99	
Independent Insurance Agents of America, Inc, 100 Church St., 19th Fl. New York, NY 10007		33,960.00	33,960.00
Independent JOA Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036			
Marie Infante, 1200 15th Street, NW Washington, DC 20005	American Health Care Assn	2,588.13	268.00
James E. Ingram, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,500.00	300.00
Institute of International Bankers Inc., East Building, 4th Floor 280 Park Ave. New York, NY 10017	Institute of Foreign Bankers	3,562.54	2,848.09
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			29,777.04
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			800.00
International Public Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209	Embassy of South Africa		133.00
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	5,800.05	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Employee Relocation Council	787.50	
Do	Limited, Inc		
Do	Oberlin College		
Do	Rochester Tax Council		
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	12,464.00	10,264.00
Kristine Jacobs, 1613 Harvard St., NW, #513 Washington, DC 20009	National Save the Family Farm Coalition		
Joseph A. Jeffrey, 1920 N St., NW, #300 Washington, DC 20036	American Mining Congress		
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	500.00	647.35
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Citicorp Capital Investors, Ltd		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	494.69
Bruce Johnson, 1718 Connecticut Ave., NW, #410 Washington, DC 20009	Ad-Hoc Asset Backed Securities Legis. & Regulatory Assn		
Do	FAIC Securities, Inc	9,000.00	616.00
Do	Kellner DiLeo & Co	6,000.00	566.00
Barbara W. Johnston, 1150 Connecticut Ave. NW #710 Washington, DC 20036	Utah International, Inc		243.66
Joint Maritime Congress, 444 N. Capitol St., #801 Washington, DC 20001		32,548.00	32,548.00
Beverly E. Jones, 1101 16th Street, NW Washington, DC 20036	Consolidated Natural Gas Co	1,000.00	55.00
Charlie W. Jones, 2111 Belle Haven Road Alexandria, VA 22307	Man-Made Fiber Producers Assn, Inc	8,775.00	148.00
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	325.80	501.74
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Mall Properties, Inc	1,500.00	1,351.00
Do	Zapata Corporation	1,000.00	
Do	Zapata Gulf Marine Corp	1,000.00	1,024.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities		7,732.00
Jones Consulting Group, Inc, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005			
Patricia Jordan, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp		
Do	City of Alhambra	700.00	20.90
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside		
Do	City of Provo	500.00	38.91
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Co		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties		
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio		
Diana Jost, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	H.N. Gorin Associates, Inc		
Do	Humane Society of the U.S., et al.	1,870.00	293.13
Do	Leading Edge Products, Inc		
Do	Mutual Savings Central Fund, Inc		
Patricia L. Katson, 11215 Oak Leaf Drive Silver Spring, MD 20901	Liberty Lobby, Inc	8,250.00	
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	416.66	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	416.66	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	416.66	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	416.66	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	416.66	
Do	Keene Shirley & Associates (For:Mortgage Guaranty Insurance Corp)	416.66	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	416.66	
Do	National Tax Limitation Committee	416.66	
Do	Keene Shirley & Associates, Inc (For:United Maritime Officers Assn)	416.66	
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition	4,700.00	2,256.43
Do	Apex Marine	15,000.00	1,319.43
Do	Australian Barley Board	26,189.30	2,400.73
Do	Limited, Inc	14,115.00	2,348.00
Do	McDonnell Douglas Astronautics Co	12,500.00	2,500.00
Do	Mortgage Guaranty Insurance Corp	4,000.00	1,319.43
Do	National Farmers' Federation of Australia	15,366.00	3,737.53
Do	National Tax Limitation Committee	17,000.00	2,211.50
Do	United Maritime Officers Assn	15,000.00	
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	534.50	
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	2,000.00	
Richard B. Kelly, Kelly Eckhaus & Mohen 230 Park Avenue New York, NY 10169	National Assn of Catalog Showroom Merchandisers	700.00	
Do	Resource Technical Consultant (USA), Inc		
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)		
Do	Floyd H. Hyde & Associates, Inc (For:City of Alameda, CA)	2,461.20	211.39
Do	Floyd H. Hyde Associates, Inc (For:City of Fresno, CA)	2,461.20	1,905.33
Do	Floyd H. Hyde Associates, Inc (For:City of Gary, IN)	2,461.20	303.94
Do	Floyd H. Hyde Associates, Inc (For:Fresno County, CA)	2,461.20	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			169.12
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			308.20
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	3,111.00	125.00
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,913.56	41.45
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp	18,000.00	39.50
Do	Furniture Rental Assn of America		
Do	Kootznoowoo, Inc		
Do	Sierra Club Legal Defense Fund	770.00	
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,525.00	
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Service Master	23,000.00	
Do	T.I.M.E.-DC, Inc	6,000.00	
Do	Valhi, Inc	51,000.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	Capitol Markets Group	4,764.25	
Do	Color Systems Technology, Inc	509.75	
Do	Columbia Pictures Industries, Inc	195.00	
Do	Grocery Manufacturers of America, Inc		
Do	H. K. Porter Company, Inc		
Do	Search Group, Inc	8,187.00	281.58
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	66.76
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		5,000.00	650.00
Darrell Knuffke, 1400 Eye Street, NW, Washington, DC 20005	Wilderness Society		
Kogovsek & Associates, Inc, 3600 S. Yosemite, #830 Denver, CO 80237	Animas-La Plata Water Conservancy District, Durango County	3,375.00	2,113.90
Do	City of Pueblo, Pueblo County	3,500.00	1,665.98
Do	Colorado State University	3,750.00	825.75
Do	Dolores Water Conservancy District	4,000.00	918.00
Do	Rio Grande Water Conservation District	4,500.00	2,236.96
Do	Rocky Mountain Health Care Corp	6,427.50	1,370.07
Do	Southern Ute Indian Tribe	7,500.00	3,599.81
Do	Southwestern Water Conservation District, Durango County	6,500.00	2,113.90
Do	St. Mary Corwin Hospital, Pueblo County		
Do	Ute Mountain Ute Indian Tribe	10,000.00	
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	338.00	56.07
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc		
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	410.00	
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	State of New York Mortgage Agency		2,048.58
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Alpha Environmental, Inc		
Do	Alpha 21 Corporation		
Do	Federal Land Bank Stockholders Defense Fund	10,174.86	
Do	Guardsmark, Inc	10,000.00	
Do	R. F. Shoup Corp		
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	1,277.52
James E. Lamble, 4000 Tunlaw Road, NW, #324 Washington, DC 20006	Bechtel Power Corporation		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Albert E. Lane, P.O. Box 37152 Cincinnati, OH 45222	Media-Independence-Competition-Medcom-Mic		
Do	People Opposed to Energy Lobby - Potel		
Lane & Mittendorf, 1750 K Street, NW, #1200 Washington, DC 20006	Nike, Inc		
Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814	Mattco Forge, Inc		
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,500.00	33.25
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	3,500.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn		226.00
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	1,547.21
Leach Biesty & McGreevy, 1619 New Hampshire Ave., NW Washington, DC 20009	Washington Psychiatric Society	5,250.00	83.05
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Rural Voters Education Project, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408		76,500.00	2,850.00
League of Rural Voters, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408		561.80	
Franklin M. Lee, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress		
Mary Nell Lehnhard, 1709 New York Ave., NW Washington, DC 20006	Blue Cross & Blue Shield Assn	437.28	
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	7,000.00	1,864.01
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine Jr., 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co		
David A. Lewis, 1601 Connecticut Ave., NW, #800 Washington, DC 20009	Physicians for Social Responsibility	3,961.53	68.77
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp		
Do	Manufacturers Hanover Corp	850.00	
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	2,250.00	532.05
Lillick McHose & Charles, 1800 M Street, NW, #250N Washington, DC 20036	American High Seas Fisheries Assn	15,642.00	1,779.73
Lincoln Savings & Loan Assn, P.O. Box 19614 Irvine, CA 92714			9,735.80
Linton Mields Reisler & Cottone, 477 H St., NW Washington, DC 20001	Iowa Department of Transportation	5,375.00	
Do	Madison Gas & Electric Co	1,628.00	
Do	Metropolitan District	6,773.00	25.00
Do	Michigan Dept of Transportation	3,848.00	
Do	Northern States Power Co	2,641.00	
Do	Oregon Department of Transportation	3,750.00	
Do	State of Colorado, Dept of Highways	2,970.00	
Do	State of IL, Dept of Transportation	7,011.00	58.00
Do	State of IL, Dept of Transportation, Div of Water Resources	3,255.00	
Do	Superior Water Light & Power Co	344.00	
Do	Wisconsin Electric Power Co	5,567.00	175.00
Do	Wisconsin Fuel and Light Co	245.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wisconsin Natural Gas Co	929.00	
Do	Wisconsin Power & Light Co	2,946.00	
Do	Wisconsin Public Service Corp	3,116.00	
Janice C. Lipsen, 1000 16th Street, NW, #603 Washington, DC 20036	Counselors for Management, Inc (For:Independent Zinc Alloyers Assn)	9,000.00	12,385.00
Lipsen Hamberger Whitten & Hamberger, 1725 Desales St., NW, #800 Washington, DC 20036	Amarillo Chamber of Commerce		
Do	American Coastal Industries, Inc	1,333.33	66.66
Do	American Dehydrated Onion & Garlic Assn	4,600.00	462.11
Do	American Public Transit Assn	14,560.00	484.45
Do	Burns & Roe, Inc	3,333.33	177.12
Do	Chellingworth & Singer, Ltd	9,458.33	839.46
Do	Council of Engineers Scientists Organizations	2,500.00	733.52
Do	Diagnostic Retrieval Systems, Inc	7,500.00	121.93
Do	Dravo Corporation	6,204.17	1,688.25
Do	DINAMO/ovia	4,000.00	386.94
Do	Electronic Data Systems Corp	6,148.67	591.97
Do	Enserch Corporation	1,691.67	98.38
Do	Gray Communications Systems, Inc	4,000.00	74.39
Do	LHT Industries, Inc	7,966.67	765.44
Do	McKesson Corp	3,333.33	204.44
Do	Medley Tool & Model Co, Inc		
Do	Meridian Bancorp, Inc	3,000.00	237.58
Do	National Fed of Independent Business	1,225.00	19.00
Do	National Rural Letter Carriers Assn		
Do	Olivetti Corp of America		
Do	Pharmaceutical Card System, Inc		
Do	Pillsbury Company	1,762.50	202.10
Do	RJR Nabisco, Inc	19,266.67	2,284.99
Do	Seatrain Tankers Corp		221.74
Do	Shearson Lehman Brothers, Inc	3,100.00	128.85
Do	Staley Continental, Inc	4,150.00	1,407.22
Do	Tobacco Institute	5,000.00	1,091.37
Do	University of Syracuse	7,200.00	231.06
Do	Vickers Shipbuilding & Engineering, Ltd	4,000.00	231.38
Do	West Virginia University	4,200.00	249.44
Do	Westinghouse Electric Corp	23,150.00	1,242.88
David A. Litvin, 1001 22nd St., NW, #600 Washington, DC 20037	Standard Oil Company (Ohio)		
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	11,250.00	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,759.50	436.77
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,207.84
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	5,625.00	5,663.00
Anthony R. Macchia, 4 World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	National Taxpayers Union	1,990.00	
John H. Madigan Jr., 224 East Capitol Street Washington, DC 20003	American Cancer Society	5,000.00	900.00
Linda F. Maher, 1140 Connecticut Ave., NW, #1006 Washington, DC 20036	Turner Broadcasting System, Inc	275.00	
Michael C. Maibach, Intel Corporation, SC6-65 P.O. 58121 Santa Clara, CA 95052-8121	Intel Corporation	12,000.00	8,614.97
Steven R. Maimon, P.O. Box 7579 Washington, DC 20044	Ibus Group, Ltd		
R. Roger Majak, 1700 N. Moore Street, #1620 Arlington, VA 22209	Tektronix, Inc	10,317.50	343.55
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Celanese Corp		
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		11,898.00	176,876.14
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	62.50	
Richard J. Mannix, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co		
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	4,207.50	123.00
Valsin A. Marmillion, 10880 Wilshire Blvd., #2010 Los Angeles, CA 90024	Hunt Marmillion & Associates (For:American Bankers Assn)	60,000.00	1,516.94
Sandra Marqunadt, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	439.00	
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	9.00
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters		
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
J. Ross Martin, Kansas Petroleum Council 1414 Merchants Nat'l Bank Bldg. 8th & Jackson Topeka, KS 66612	American Petroleum Institute		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			203.49
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	150.00	
Do	Keefe Company (For:New York University)	1,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	200.00	
Do	Keefe Co (For:University of Miami)	99.00	
Herbert S. Matthews, Rte. 3, Box 437 Mechanicsville, MD 20659	Martin Marietta Aerospace	7,200.00	
Marshall L. Matz, 2501 M St., NW, #400 Washington, DC 20037	American School Food Service Assn	9,000.00	341.70
Do	Electronic Data Systems Corp	2,000.00	
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	19,615.38	720.66
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
David F. McDermitt, 2238 Highland Avenue Falls Church, VA 22046	National Utility Contractors Assn	19,875.00	14,427.05
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	875.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Greeting Card Assn		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists' Assn	11,500.00	
Do	California Assn of Children's Hospitals	6,400.00	
Do	Hitachi America, Ltd		
Do	Juvenile Diabetes Foundation, International	7,400.00	
Do	Outpatient Opthalmic Surgery Society	11,150.00	
Do	Society of Outpatient Surgeons	2,500.00	
Do	Technicon Instruments Corp		
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	1,320.00	618.98
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		4,622.04
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Polygraph Assn		
Do	Borg-Warner Corp		
Do	City of West Lafayette		
Do	Coin Depot Corp		
Do	International Theatrical Agencies Assn		
Do	National Assn of Orchestra Leaders		
Do	National Manufactured Housing Assn		
Do	Pony Express Courier Corp		
Do	Wells Fargo Armored Service Corp		
Mary Lee McGuire, 2232 N. Illinois Street Arlington, VA 22205	Cook Inlet Regional, Inc	25,000.00	
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA	Savage/Fogarty Companies, Inc		
Do	Vulcan Materials Co		
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	6,663.45	
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
Edward T. McMahon, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	142.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	5,656.25	86.80
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	240.00	28.50
George G. Mead, 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	3,268.15
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	7,259.22	54.00
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Harold E. Mesirow, 1800 M St., NW, #250 Washington, DC 20036	Lillick Mchose & Charles (For:Foss Launch & Tug Company, et al.)		
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	National Assn for Ambulatory Care	420.00	3.58
Do	Watts Health Foundation, Inc	4,160.50	80.00
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Janice I. Milazzo, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	590.00	
Carol Miller, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		2,619.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David H. Miller, 900 17th Street, NW Washington, DC 20006	Chase Manhattan Bank, N.A.	195.75	14.62
Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Marye T. Miller, 50 F St., NW, #1040 Washington, DC 20001	Ray F. Bragg, Inc (For:American Independent Refiners Assn)	50.00	
Harris Miller & Associates, 1655 N. Fort Myer Drive #700 Arlington, VA 22209	Agricultural Producers	1,500.00	
Do	Home Group	3,000.00	1,350.00
Do	National Council of Agricultural Employers	4,000.00	
Do	National Unity Fund	52.50	29.25
Do	Western Range Assn		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Electronics Assn		
Do	Council on Research & Technology	8,843.13	483.65
Do	Electronic Industries Assn		
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	
Do	Marine Engineers' Beneficial Assn	800.00	
Do	Olin Corporation	3,000.00	
Do	Port of Tacoma	945.00	
Do	State of Washington, Dept of Transportation	3,000.00	
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	47th Street Photo	1,000.00	
Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Camp Carmouche Barsh... (for Sears Roebuck & Co)		
Do	Colonial Bancgroup, Inc		
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	1,700.00	140.10
Miner Fraser & Gabriel, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	Navajo Nation	5,625.00	3,852.85
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Cablevision Systems Development Co		
Do	Communications Industry Assn of Japan	16,000.00	
Do	Home Recording Rights Coalition	23,800.00	
Do	Houghton Mifflin Company	6,949.25	
Do	Siemens Capital Corp	47,500.00	
Do	Turner Broadcasting System, Inc	2,640.00	
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	300.00	
Do	Lynch Associates	300.00	
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
John H. Montgomery, 2555 M St., NW, #100 Washington, DC 20037	National Rural Water Assn	8,332.00	4,500.00
Walter K. Moore, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		1,125.74
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition to Stop the Raid on America	3,101.00	
James Morrison, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	2,550.00	
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Reef Corporation (for Eagle Management Trust)	1,267.50	
Do	Rosenberg Real Estate Equity Fund, Inc	1,267.50	
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League		
Beth Moten, 1016 16th St., NW, Washington, DC 20036	National Fed of Federal Employees	8,645.20	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		21,649.24	21,649.24
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	Toshiba Corp		
Gregory R. Mueller, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	937.50	
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)	937.50	
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,225.00	
Richard J. Muller, 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	207.70	1.50
Barbara Munson, 1300 North 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	3,869.60	296.79
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	5,000.00	473.06
Lester L. Murphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc		
William T. Murphy Jr., Barrett Montgomery & Murphy 2555 M Street, NW, #100 Washington, DC 20037	American Cement Trade Alliance, Inc	2,800.00	
Do	Natural Gas Supply Assn	1,500.00	
Do	O'Connor & Associates		
Do	Options Policy Assn (TOPA)		
Do	Sargent & Lundy Engineers		
James E. Murray, One Farragut Square South Washington, DC 20006	Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.).		
Margaret R. Murray, Scott McLeod Himmelberg Matz Pires & Price 2501 M Street, N.W. #400 Washington, DC 20037	American Assn of Crop Insurers		
Do	Chicago Board of Trade		
Do	National Rural Telecom Assn	130.00	
Do	United Egg Producers		
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	450.00	
Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,500.00
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Direct Marketing Assn	4,812.50	27.00
Do	Disclosure Information Group	3,850.00	18.00
Do	Information Industry Assn	4,575.00	6.00
Do	Journal of Commerce, Inc	1,500.00	24.00
National Abortion Rights Action League, 1424 K Street, NW Washington, DC 20005			14,885.39
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			8,000.00
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 230 Park Ave. New York, NY 10169			1,059.00
National Assn of Energy Service Companies, 2330 M St., NW Washington, DC 20037			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		57,833.42	126,717.45
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,717,715.69	326,608.43
National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		88,927.77	43,359.23
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			123,543.45
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314			90.21
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			19,240.00
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041		132,969.00	32,691.00
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		762,666.00	20,417.01
National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009		300.00	116.01
National Comm for Citizens in Education, 10840 Little Patuxent Pkwy., #301 Columbia, MD 21044-3199			
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		26,601.69	
National Education Assn, 1201 16th St., NW Washington, DC 20036		28,442.00	28,442.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		19,121.43	19,121.43
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039			
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			38,430.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		12,536.78	12,536.78
National Motorsports Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062		24,557.32	11,348.22
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		39,032.00	7,854.52
National Organization for Women, 1401 New York Ave., NW, #800 Washington, DC 20005			2,167.82
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			34,270.80
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		129,168.39	160,221.48
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002		5,209.29	10,703.98
National Save the Family Farm Coalition, 80 F St., NW, #714 Washington, DC 20001			200.00
National Solid Wastes Management Assn, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036			
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		35,056.00	35,056.00
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090			
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	113.62	
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	1,350.00	1,350.00
Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036	Association of Small Business Development Centers	1,350.00	1,350.00
Do	Colson Investments	1,350.00	1,350.00
Do	National Small Business United	1,350.00	1,350.00
Do	Southeastern Lumber Manufacturers Assn	1,350.00	1,350.00
Mary Elizabeth Neese, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	546.87
Jorge A. Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce	10,250.00	300.00
Neighborhood Housing Services of America, 3805 Alton Place, NW Washington, DC 20016			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn.	3,500.00	
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,318.14	261.05
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,000.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Barbara D. Nocera, 955 L'enfant Plaza, SW, #905 Washington, DC 20024	Honda North America, Inc	200.00	
A. Allan Noe, 655 - 15th St. NW, #975 Washington, DC 20005	Unilever United States, Inc.	1,500.00	587.53
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	National Check Cashers Coalition	12,000.00	7,350.00
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			
Edward M. Norton Jr., 1600 L St., NW, #812 Washington, DC 20036	Grand Canyon Trust		14.00
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	California Co-Compost Systems		
Do	California Student Loan Finance Corp	4,200.00	1,380.00
Do	Milton Gordon, First Financial Group		
Do	MEBA District II, et al	420.00	575.00
NL Industries, Inc, 3000 North Belt East P.O.Box 60087 Houston, TX 77205			11,996.44
Hubert K. O'Bannon, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn.	900.00	
Rindy O'Brien, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	6,650.59	327.14
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	138.00
Bartley M. O'Hara, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	Anheuser-Busch Companies, Inc		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Santa Fe International Corp		
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	3,762.50	
Thomas J. Oden, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,062.48	299.30
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Muhammad Idris Oke, 2041 Pennsylvania Avenue Baltimore, MD 21217			
Peter J. Olsen, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture		
Do	Afognak Native Corp	3,046.00	188.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Korean Footwear Exporters Assn		
Do	Nissei Corp	345.50	31.20
Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037			
Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,124.16	
David S. Osterhout, 1604 Montmorency Drive Vienna, VA 22180	Unisys Defense Systems	1,000.00	
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)	892.00	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	892.00	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	892.00	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	892.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,500.00	766.48
Jack W. Owen, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		40.26
P/M Consulting, Inc, 202 E Street, NE Washington, DC 20002-4923	Syscon Corporation	9,000.00	9,000.00
Do	Talley Corporation	9,000.00	9,000.00
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC	9,375.00	
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	3,400.82	
David N. Parker, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Prudence H. Parks, 1100 H Street, NW Washington, DC 20080	Washington Gas Light Co	1,205.90	370.03
Tom E. Paro, 1735 DeSales St., NW Washington, DC 20036	Association of Maximum Service Telecasters, Inc	396.00	
Kenneth O. Parris, 2638 Rivers Road Atlanta, GA 30305	Parris Group (For:HSN Redi-Med, Inc)		
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co	1,500.00	
Do	Association for the Advancement of Human Rights in Japan	2,100.00	
Do	Bristol-Myers Co		
Do	Care Enterprises	2,250.00	
Do	Commonwealth of the Bahamas		
Do	Generic Pharmaceutical Industry Assn	1,500.00	147.78
Do	Herbalife International	2,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union		
Do	International Brotherhood of Teamsters	2,250.00	
Do	Issue Management, Inc	4,800.00	
Do	Manville Corporation	1,500.00	
Do	Motion Picture Assn of America, Inc	3,600.00	240.00
Do	National Assn of Independent Insurers	975.00	
Do	National Beer Wholesalers of America	1,000.00	103.10
Do	Pilatus Britten-Norman, Ltd	2,000.00	
Do	Schering Corp	4,800.00	147.17
Do	T.I.M.E.-DC, Inc	4,800.00	
Do	Texas Research & Technology Foundation	2,500.00	
Do	United Food & Commercial Workers International Union		
Do	Warner-Lambert Co	4,800.00	186.17
Do	Won Door Corporation	1,125.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Cook Inlet Region, Inc		3,304.00
Do	McDonnell Douglas Corp	3,595.50	
Do	NEC Corp and NEC America, Inc		
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			7,000.26
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,644.48	
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union		
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Leonard Perlman, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Kenneth W. Peterson, Kansas Petroleum Council 1414 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		200,000.00	19,925.73
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)		
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	Nippon Yusen Kaisha (NYK) Line	60,000.00	252.62
Do	U.S. Suzuki Motor Corp	20,000.00	583.84
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Physicians for Social Responsibility, 1601 Connecticut Avenue, NW, #800 Washington, DC 20009		14,956.17	13,588.61
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	3,000.00	
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics		
Do	Dun & Bradstreet Corp		
Do	El Pomar		
Do	Genentech	17,352.44	
Do	Infectious Diseases Society of America	4,107.80	
Do	Lee Enterprises - Call-It-Co		
Do	National Assn for Biomedical Research		
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
Ronald L. Plesser, 1133 15th St., NW, #1100 Washington, DC 20005	Direct Marketing Assn	4,812.50	27.00
Do	Disclosure Information Group	3,850.00	18.00
Do	Information Industry Assn	4,575.00	6.00
Do	Journal of Commerce, Inc	1,500.00	24.00
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	2,031.46	25.00
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		387.42
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn		1,372.07
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Population-Environment Balance, 1325 G St., NW #1003 Washington, DC 20005			6,957.42
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,154.00	152.85
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Alliance for Medical Nutrition	1,902.00	
Do	Belz Investment Co		
Do	Chase Manhattan Bank, N.A.		
Do	International Telecommunications Satellite Organization	6,004.00	
Do	Jacques Borel Enterprises, Inc	330.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Societe Generale de Surveillance, S.A.	616.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	10,700.00	218.13
Do	John Hancock Mutual Life Insurance Co	18,845.00	989.91
Joel Pritchard, Bogle & Gates One Thomas Circle, NW, #900 Washington, DC 20005	International Telecommunications Satellite Organization		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	516.64
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		2,381.53	1,077.54
Procompetitive Rail Steering Committee, 2310 Grant Building Pittsburgh, PA 15219		27,500.00	65,298.61
Project Cure, Inc, 105 N. Foster St. Dothan, AL 36303		88,695.67	228,103.60
Protect the Innocent, Inc, 451 South Indiana Street Mooresville, IN 46158			
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Thomas F. Railsback, 1133 15th St., NW, #1100 Washington, DC 20005	Federal Judges Association		
Do	Merck & Co, Inc		
Do	National Council of U.S. Magistrates		
Do	Walt Disney Productions	2,385.00	
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	5,250.00	295.78
Robert A. Rapoza Associates, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20002	National Rural Housing Coalition	5,949.00	
Do	Policy & Management Associates	24,633.56	20,752.09
Brian Rasmussen, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
Craig Raupe, 1010 Pennsylvania Ave., SE Washington, DC 20003	Air Transport Assn of America		
Do	Algonquin Gas Transmission		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	Pitney Bowes		
Do	Riffe Petroleum Co		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Air Corp		
Do	Texas Utilities Services, Inc		
Do	The New England		
Do	Union Pacific Corp		
Do	Westinghouse Electric Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Floyd C. Raynard, P.O. Box 888045 Atlanta, GA 30338	Stellar Technology Enterprises, Inc	11,625.00	1,847.66
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	Associated Natural Gas Company, et al		
Dale L. Reistad, 1726 M Street, NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company		10.00
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009			20.55
Renewable Fuels Assn, 201 Massachusettes Ave, NE, #C-4 Washington, DC 20002		154,651.20	49,470.92
Resource Technical Consultants (USA), Inc, D/B/A Tecna, 330 Seventh Avenue, #1902 New York, NY 10001		443.00	746.00
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Timothy M. Reynolds, 1001 22nd St., NW Washington, DC 20037	Standard Oil Co (Ohio)		
Richard Richards, Law Office of Richard Richards 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Hughes Aircraft Company		
Do	Universidad Autonoma de Guadalajara	900.00	128.00
Steve Richardson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	7,668.96	741.10
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Assn for Stock Car Auto Racing, Inc (NASCAR)	8,000.00	
Do	National Motorsports Comm of ACCUS, FIA, Inc		
Larry D. Rickards, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,000.00	30.00
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al		
Riddell Holroyd & Butler, 1331 Pennsylvania Avenue, NW, #1215 Washington, DC 20004	H. F. Ahmanson & Co	12,000.00	
Do	Associates Corp of North America	1,000.00	
Do	First Chicago Corp	1,000.00	
Do	W. K. Kellogg Foundation	3,750.00	
Anthony W. Robinson, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World	3,600.30	
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	5,363.73	334.29
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	385.00	81.20
Quincy Rodgers, 1155 21st Street, NW, #400 Washington, DC 20036	General Instrument Corporation	2,000.00	2,550.86
Rodriquez & Associates, 1325 18th Street, NW, #103 Washington, DC 20036	New York Foreign Freight Forwarders & Brokers Assn		
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Liberty Lobby, Inc	245.75	83.70
Jack Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco Inc	1,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	12,000.00	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
William C. Rountree, Suite 600 1001 22nd St., NW Washington, DC 20037	Standard Oil Co (Ohio)		
John H. Rousselot, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Robert S. Royer, Royer & Shacknai 1747 Pennsylvania Ave., NW Washington, DC 20006	American Military Sales		
Do	Chrysler Military Sales Corp		
Do	City of Akron, Ohio		
Do	Ford Riff & Burgess		
Do	Harley-Davidson Military Sales		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co		
Eugene T. Ruane, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	500.00	236.07
Gloria Cataneo Rudman, Suite 801 444 N. Capitol St., NW Washington, DC 20001	Joint Maritime Congress	10,353.00	
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs		630.20
Do	American College of Radiology		735.80
Do	American Optometric Assn		630.20
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
David J. Sadd, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans	4,536.80	
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
David W. Sanasack, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	4,800.00	50.00
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		2,100.00	13,726.00
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	692.99
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
James P. Schlicht, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,000.00	130.07
Robert Richard Schmitt, 1535 Colfax Blair, NB 68008			
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
William B. Schultz, Suite 700 2000 P St., NW Washington, DC 20036	Public Citizen, Inc		
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Investment Co Institute	107.02	166.10
Do	State of Oregon, City of Portland, Oregon Metro	2,621.30	4,069.64
Alan R. Schwartz, Nash Railsback & Plesser 1133 15th Street, NW, #1100 Washington, DC 20005	Disclosure Information Group		
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Steve Aaron Schwartz, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Schwinn Bicycle Co, 217 North Jefferson St. Chicago, IL 60606			340.00
Thomas W. Scoville, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress	2,103.00	
Walter J. Sczudlo, 1129 20th Street, NW, #300 Washington, DC 20036	Natural Gas Supply Assn	16,250.04	752.47
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	406.81
Pamela Sederholm, 1875 Eye St., NW, #1200 Washington, DC 20006	Southland Corporation		165.00
M. Mark Seklecki, 50 F Street, NW Washington, DC 20001	American Hospital Assn		118.82
John J. Serfustini, 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co	6,250.00	604.92
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	2,000.00	
Stuart D. Serkin, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Slurry Technology Assn	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Shamrock Foods Co, 2228 N. Black Canyon Phoenix, AZ 85009			
Daniel E. Shaughnessy, 1008 N. Randolph St., #206 Arlington, VA 22201	Western Great Lakes Maritime Assn		
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Investment Company Institute		
Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006	Group Health, Inc	845.00	11.00
Elizabeth Shipley-Moses, 1107 Jackson Court Falls Church, VA 22046	Society for Nutrition Education	359.00	
Craigan P. Shirley, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	902.77	
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	902.77	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	902.77	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	902.77	
Do	Keene Shirley & Associates (For:McDonnell Douglas Astronautics Co)	902.77	
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)	902.77	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	902.77	
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)	902.77	
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:A.P.G. Corp)		
Do	Keefe Company (For:Coalition to Extend Safe Harbor Leasing for Mass Transit)	2,000.00	
Do	Keefe Company (For:Committee for Employment Opportunities)	300.00	
Do	Keefe Company (For:CIC Enterprises)		
Do	Keefe Company (For:Dormitory Authority)	3,000.00	
Do	Keefe Company (For:Greater New York Hospital Assn)	1,500.00	
Do	Keefe Company (For:Management Insights, Inc)		
Do	Keefe Company (For:National 4&5 Bondholders)	4,000.00	
Do	Keefe Company (For:New York Hospital)	1,300.00	
Do	Keefe Company (For:Pierce Kennedy & Hearth)		
Do	Keefe Company (For:RJR Nabisco, Inc)	3,000.00	
Do	Keefe Company (For:Targeted Management Consultants)	5,000.00	
Do	Keefe Company (For:Vrain)		
Stephen Silbiger, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,420.96	189.34
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
William Douglas Simon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	7,373.91	
Deborah Sliz, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Slurry Technology Assn, 1800 Connecticut Ave., NW Washington, DC 20009		14,000.00	
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc		
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,432.00	1,393.52
Herbert Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Euromissile)		
Hugh H. Smith, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
James P. Smith, 1300 N. 17th St., #1000 Arlington, VA 22209	Hospital Corp of America		
Stephen Smith, 1012 14th St., NW, 6th Fl. Washington, DC 20005	Human Rights Campaign Fund	9,423.05	78.20
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	671.00	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	Colorado Dept of Labor Employment	1,425.00	1,425.00
Smith Raclin & Hirasuna, 2033 K Street, NW, #300 Washington, DC 20006	Marine Management, Inc		
Do	Seaboard Pacific Co		
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	GSX Corporation		
Do	Massachusetts Education Loan Authority		
Society for Nutrition Education, 1700 Broadway, #300 Oakland, CA 94612-2128		42.98	390.50
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	4,702.92	
Charles R. Sonnier, Sonnier & Hebert P.O. Drawer 1040 Abbeville, LA 70511	Coushatta Tribe of Louisiana		
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	50.38	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Connecticut Municipal Electric Energy Cooperative		
Do	Northern California Power Agency		
Alan P. Spielman, 1709 New York Avenue, NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	250.00	65.00
Standard Oil Co (Ohio), 1001 22nd St., NW, #600 Washington, DC 20037			35,210.59
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	25,920.00	36.80
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	390.00	
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Rena Steinzor, 1350 New York Ave., NW Washington, DC 20005-4798	Spiegel & McDiarmid		
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	10,161.50	210.34
Do	Coalition to Promote America's Trade	43,038.75	1,649.77
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
Raymond L. Strassburger, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,250.00	
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
R. Keith Stroup, Suite 500A, Box 69 100 Maryland Ave., NE Washington, DC 20002	League of Rural Voters Education Project, Inc	1,500.00	850.00
Marcia Z. Sullivan, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	5,760.00	213.91
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	American Industrial Clay & Georgia Kaolin	1,389.25	151.45
Do	Anglo-American Clays Corp	1,389.25	151.46
Do	Engelhard Minerals & Chemicals Corp	1,389.25	151.47
Do	J. M. Huber Corp	1,389.25	151.47
Do	Minnesota Mutual Life Insurance Co	12,800.00	20.50
Do	Nord Resources Corp	1,389.25	151.48
Do	State of Nevada		682.83
Do	Thiele Kaolin Co	1,389.25	151.49
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	3,562.00	1,907.22
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	All-Industry Television Station Music Licensing Committee	6,370.00	
Do	D.C. Hospital Energy Cooperative	215.00	
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	9,000.00	1,150.00
Anthony Syrett, Crystal Gateway 3, #900 1215 Jefferson Davis Highway Arlington, VA 22202	Marconi Electronics, Inc, et al	700.00	345.01
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation	400.00	
Do	Louis Arnold Fury	1,000.00	
Rita Takahashi, 1730 Rhode Island Ave., NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	3,250.00	3.30
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,750.00	164.91
Elayne L. Tempel, 1016 16th St., NW, Washington, DC 20006	National Fed of Federal Employees		
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			1,193.75
Sarah M. Thomas, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	4,500.00	17.60
Virginia B. Lamp Thomas, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,400.00	496.88
Sara Thomasson, 1200 15th St., NW Washington, DC 20005	American Health Care Assn	2,707.69	319.16
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	150.00	
Do	Keefe Company (For:Dormitory Authority)	1,400.00	
Do	Keefe Company (For:Mutual Benefit Insurance Co)	7,500.00	
Do	Keefe Company (For:New York University)	7,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	1,250.00	
Do	Keefe Co (For:University of Miami)	650.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,500.00	162.79
Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health & Welfare & Pension Fund	7,360.00	
Do	Westinghouse Electric Corp	1,903.50	
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Hinderliter Industries, Inc		23.17
Thompson & Mitchell, 1120 Vermont Ave., NW, #1000 Washington, DC 20005	American Inland Waterways Committee		994.58
Do	Cold Finished Steel Bar Institute	4,585.00	106.00
Do	Crown Life Insurance Co	15,000.00	2,439.05
Do	Midwest Stone Institute	207.00	
Do	Mutual Fairness Taxation Assn	31,250.00	7,476.05
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn	23.80	9.40
Do	National Pork Producers Council		179.97
Do	Orkin Exterminating Co, Inc		17.90
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	228.00	
Whitney C. Tilt, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	7,000.00	1,864.01
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	12,115.38	483.91
Ron Tipton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,728.50	168.62
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
William D. Toohey, 1899 L St., NW, #600 Washington, DC 20036	Travel Industry Assn of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003		26,084.45	46,050.57
Travel Industry Assn of America, 1899 L St., NW Washington, DC 20036			
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Sierra Club of America		16.63
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:New Tech Snacks, Inc)		
Turner Broadcasting System, Inc, 1140 Connecticut Ave., NW Washington, DC 20036		8,540.00	8,540.00
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,275.00	64.00
U.S. Committee for the Oceans, Route 2, Box 91 Ararat, VA 24053			
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	2,380.00	
Craig Ulrich, 1300 N. 17th Street, #1200 Arlington, VA 22209	Consumer Bankers Assn		
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	5,000.00	315.14
Unilever United States, Inc, 10 East 53rd St., 24th Fl. New York, NY 10022			7,116.51
Unique Athletes, Inc, 3 Woodland Avenue Westhampton Beach, NY 11978			
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		50,158.59	50,158.59
Uranium Producers of America, c/o Covington & Burling 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044		154,253.95	59,967.41
Howard W. Valley, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage	12,939.00	
Do	Ford Aerospace		
Do	Marconi Electronics	3,300.00	
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	990.00	106.75
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	6,001.00	136.12
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc	300.00	988.37
George F. Vary, 1667 K St., NW Washington, DC 20006	Armco, Inc	800.00	735.39
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Atlantic Richfield Co	485.00	
Do	Bell Atlantic Corp	1,612.00	
Do	Brown & Root, Inc	38.00	
Do	Central Gulf	675.00	
Do	Federated Dept Stores, Inc	822.50	
Do	GenCorp	6,640.00	
Do	Investment Company Institute	13,139.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mutual of America	132.00	
Do	NYNEX Corp	4,812.00	
Do	Rayburn Country Electric Cooperative, Inc		
Do	STV Engineers	255.00	
Do	Travelers Corporation	28,886.00	
Do	TRW, Inc	8,240.00	
Do	UNC, Inc	2,170.00	
Victoria E. Vidal, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	1,000.00	52.82
Rudolph A. Vignone, 1800 K St., NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co	4,750.00	
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank of America		
Do	Chemical Bank		
Do	Citicorp		
Do	Enserch Corporation		
Do	Federal Land Bank Assns of Texas Stockholders' Defense Fund		
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co		
Do	John Hancock Mutual Life Insurance Co		
Do	Merrill Lynch & Co, Inc		
Do	Provident Life & Accident Insurance Co		
Do	Travelers Insurance Co		
Nick J. Volcheff, 2509 E. San Miguel Phoenix, AZ 85016	AT&T		
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		20,000.00	11,237.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Alliance for Corporate Growth	15,720.00	1,411.29
Do	Cabot Corporation		
Do	Committee of Publicly Owned Companies		
Do	Crisis Comm for Foreign Affairs Resources		
Do	Distrigas Corp	6,542.75	241.41
Do	Grocery Manufacturers of America, Inc		
Do	Smith Corona Corp	13,264.25	1,579.75
Do	Trustcorp/Toledo Trust Co	21,600.00	3,073.80
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	48,420.00	
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Canadian General Electric	1,500.00	325.21
Do	Daewoo International Corp	4,256.25	889.14
Do	National Beer Wholesalers of America	14,018.75	3,589.41
Do	National Debt Repayment Foundation		
Howard W. Wahl, 10501 Bit and Spur Lane Potomac, MD 20854	Bechtel Group, Inc		
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn		91.38
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Kevin Walsh, P.O. Box 15232 Washington, DC 20003	Association for the Advancement of Historical Research	350.00	
G. L. 'Lew' Walts, 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	7,875.01	87.30
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			1,575.93
Ronald D. Waterman, 227 Massachusetts Ave., NE, #300 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	12,000.00	1,750.01
Do	Wisconsin Counties Assn	6,375.00	1,750.01
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	6,660.00	315.75
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	288.61	
Mary Webb, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	189.00	
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Susan Weber, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009	Zero Population Growth, Inc		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Fruehauf Corporation		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Stephen Wehrly, Route 4, Box 457 Vashon, WA 98070	Miller Brewing Co		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)	1,163.01	32.69
Mark B. Weinberg, P.C., 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas	1,163.01	32.69
Stanley A. Weiss, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security		
Susan Weiss, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,200.00	
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	225.00	2.80
Bryant L. Welch, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	60.00
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,856.18	141.26
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn		
Pamela R. West, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,640.00	100.26
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company	5,000.00	2,862.10
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Steven C. Whitney, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	2,274.59	117.28
Scott Widmeyer, 1901 L St., NW Washington, DC 20036	Ogilvy & Mather		
Andrew F. Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237	American Public Land Exchange Co	300.00	
Do	CSX Corporation		
Do	Flex, Inc		
Do	Edward Northrop	1,050.00	80.00
Do	Page Land & Cattle Co		
Do	Sierra Club		
Do	Union Pacific Resources		
Do	Western Land Exchange Co		
Do	Weyerhauser Company		
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	67.00
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		280.00
Dean M. Wilkinson, 1611 Connecticut Avenue, NW Washington, DC 20009	Greenpeace, USA	179.86	26.92
Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	7,059.72	
Harding deC. Williams, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	4,000.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	113.00	73.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	300.00	20.50
Do	American Hospital Assn	2,297.00	82.00
Do	American Real Estate Committee	80.00	5.46
Do	Association of Family Farmers	1,512.50	49.20
Do	Association of Progressive Rental Organizations		5.46
Do	Century 21 Real Estate Corp		
Do	Committee for Employment Opportunities		
Do	CIGNA Corporation	487.50	15.03
Do	Environmental Processing, Inc		9.57
Do	Estee Lauder, Inc		
Do	Federation for American Immigration Reform		20.50
Do	Financial Security Assurance Co		
Do	First Boston Corp	8,300.00	248.71
Do	First Data	125.00	9.57
Do	Goldome FSB		
Do	Higher Education Assistance Foundation	1,062.50	64.23
Do	Houston Endowment, Inc		
Do	IU International Management Corp		20.50
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman	48.00	2.74
Do	Miller and Leher		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Cable Television Assn, Inc	3,500.00	99.76
Do	Nationwide Insurance Co		
Do	Norfolk Southern Corp		49.20
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn		101.03
Do	Recording Industry Assn of America, Inc	1,400.00	39.63
Do	Student Loan Marketing Assn	425.00	34.17
Do	Texaco, Inc	812.50	24.60
Do	Texas Air Corp		133.92
Do	U.S. Telephone Assn	200.00	9.57
Do	U.S. Telephone Communications, Inc	200.00	9.57
Do	Universal Foods, Inc	80.00	5.46
Do	USAA Financial Service Co		
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Kerrie Bunting Wilson, 224 East Capitol Street Washington, DC 20003	American Cancer Society	4,000.00	75.00
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	6,569.12	
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Children's Hospital of Pittsburgh	54,000.00	1,175.44
Do	Medical College of Pennsylvania	15,000.00	1,155.78
Do	St. Christopher's Hospital for Children	75,000.00	673.21
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company		
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Norfolk Southern Corp)		
Roberta Lynn Youmans, 509 C Street, NE Washington, DC 20002	Roisman, Reno & Cavanaugh (For:National Housing Law Project)	2,100.00	
Judith A. Young, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	60.48
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	296.65
Thane Young, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp		
Do	City of Alhambra		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside	700.00	116.96
Do	City of Provo		
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District	400.00	20.98
Do	Irvine Company	800.00	43.62
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	National Music Publishers Assn, Inc	12,120.91	120.91
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	350.00	67.68
Zero Population Growth, Inc, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009		5,067.00	5,503.00
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	1,650.00	
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	Manchester Group, Ltd		

EXTENSIONS OF REMARKS

THE PAST SHAME AND FUTURE HOPE OF THE UNBORN

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DANNEMEYER. Mr. Speaker, in my home State of California, in 1985, California abortionists snuffed out the lives of over 300,000 children. While the rest of the country can claim the collective distinction of 29 abortions per 1,000 women, proabortion Californians may feel exuberant of a teenage abortion rate over 2½ times that size.

American society has failed itself. We have allowed ourselves to be convinced that death is preferable to life and that, if we must live, our lives are to be spent in the shadows of our human frailties and shortcomings.

Mr. Speaker, surely if Congress can muster the courage to spend $56 million on the Endangered Species Act to protect animal life, then I can only hope and pray that this august body will strive to protect human life in at least equally minimal fashion.

One way in which we can do this, Mr. Speaker, is to show legislative support for President Reagan's Proclamation of Personhood that is detailed in the following:

THE PRESIDENT'S PROCLAMATION OF PERSONHOOD

HISTORIC DOCUMENT

On the 14th of January this year, quietly and without fanfare, President Reagan signed one of the most important documents ever to be executed in America.

The majority of the people most concerned and most interested in this document weren't even aware of the signing. Many are not aware of it today.

The historic document that President Reagan signed just 10 days ago was a Presidential Proclamation of Personhood. In the few moments I have I would like to tell you why this document was written, specifically why it is so important and powerful, and how it might be used with critical effectiveness in the pro-life movement.

THE U.S. SUPREME COURT'S TREACHERY

In 1973 the U.S. Supreme Court wove a judicial death knot around the unborn child. For 15 years this knot has resisted the best efforts of the entire pro-life movement to untie it. Despite everything we have attempted and have been able to do, between one-and-a-half and two million young women every year opt to destroy their unborn children. Holding this evil bondage in place is a Court decision that says that the mother has a constitutional right to an abortion.

The key to the Court's decision is their interpretation of personhood. The U.S. Constitution says that no person shall be deprived of life without due process of the laws. In other words, everyone is entitled to his day in court. But by defining the unborn child as "not fully a person," the Court was able to authorize the arbitrary killing of this whole class of human beings.

Now the Court was well aware that the time-honored definition of a "person" is simply a human individual, a member of the human species. To get around this long established, common sense definition of a person the Court pretended that it did not know when human life began.

Although science clearly tells us that the origin of an individual life is conception, the pro-abortion Court cited pro-abortion sources for its position, and maintained that because there was no consensus among these sources, it was not in a position to speculate on the beginning point of human life.

Having established this crooked foundation, the Court went on to build a crooked house on it, one in which the unborn child became more human as gestation continued, finally culminated in a full human being at birth.

By virtue of this corrupt reasoning a pregnant woman could arrange to have her child killed without violating anyone's constitutional rights. And because of this semantic game playing, in the last 15 years the Court has been able to rubber stamp the murder of 22 million innocent Americans—generating a stench that must rise to the very nostrils of the Creator himself!

We in the pro-life movement have been enraged by this, we have been sorely grieved by it, we have been deeply frustrated by it, but we haven't been able to do anything about it because our American System, set up to defend the constitutional rights of all innocent people, was being corrupted by the very institution created to protect those rights—the U.S. Supreme Court.

Short of tearing the whole social fabric apart, there seemed to be no solution to this agonizing problem. The harder we pulled on the death knot, the tighter it wound itself around the unborn child.

THE GLIMMER OF HOPE

When you look very, very hard at the Court's reasoning process, one thing begins to be clear. The decision must be attacked at the point where it goes wrong. And that is in the definition of personhood.

Now who has an official right to say what a person is? The Court says, "We do, because our job is interpreting the Constitution." But of the three co-equal powers of our government, the President does, too. Here is what Thomas Jefferson said about this.

"To consider the judges (justices) as the ultimate arbiters of all constitutional questions * * * is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. * * * My construction of the Constitution is * * * that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal."

Now the Constitution obliges the president to solemnly swear that he will "preserve, protect, and defend the Constitution of the United States." But how can he do this when he is deeply aware that the Constitution has been attacked and corrupted? Is he obliged to execute a manifestly unjust law?

President Lincoln faced this problem in 1863, when the Constitution, as interpreted by the Court, said that the black man was not a person, and not being a person could be chattel. As President, should Lincoln have enforced this decision? Was there a means by which this grossly unjust decision could be reversed?

Lincoln's answer to this was to draw upon his co-equality with the Court, and issue an Emancipation Proclamation. He freed the slaves by an executive declaration.

On January 14, 1988, President Ronald Reagan freed the unborn babies by just such a declaration. He proclaimed them to be persons, in the full sense of the Constitution. Let me read you his words:

"Now, Therefore, I, Ronald Reagan, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim and declare the unalienable personhood of every American, from the moment of conception until natural death, and I do proclaim, ordain, and declare that I will take care that the Constitution and laws of the United States are faithfully executed for the protection of America's unborn children. Upon this act, sincerely believed to be an act of justice, warranted by the Constitution, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

And now, on January 23, 1988, are they unborn persons or are they not?

Let me answer that by asking this question. When Lincoln signed the Emancipation Proclamation were the slaves free or were they not?

Fellow Americans, they were *free.* Thousands left their masters and joined the Union armies. They were free, never to return to slavery again.

Are the unborn now persons? Yes. *They are persons in the full sense, never to have their personhood taken from them again.* They are free citizens of the United States of America, entitled to all the benefits and protections of that blessed condition.

Now, unfortunately, these tiny, helpless babies cannot walk away from their mothers. That is why we are here. We are here to defend and protect them, and assure that they receive the full measure of their American rights.

There are those who will say that President Reagan's Proclamation of Personhood is only a public relations gimmick. That it doesn't mean anything. That it has no force and no official significance. That the unborn must continue as chattel, the possession of the mother, to be murdered for $200 by any abortionist who has a ready curette.

Fellow Americans, the unborn are now *persons.* Are we going to allow them to be kept in bondage as a thing, that can be destroyed by someone's arbitrary choice?

The yoke of the U.S. Supreme Court has been broken. The death knot has been severed by one stroke of our President's righteous pen. We cannot, must not allow our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

precious unborn babies to be regarded as nonpersons. Ever again.

A PLAN OF ACTION

I am sure you sense the vast power of the President's Proclamation. I am sure you are asking yourselves, "What can we do? What should be our plan of action?"

I can now only give my own opinion, but I suggest that we begin a massive writing campaign to the White House. Thank President Reagan for his great gift of a Proclamation of Personhood. Tell him you are behind him.

Urge him to issue an executive order closing all the nation's abortuaries, forthwith. Ask him, if necessary, to send out federal troops to enforce his orders. Even as President Eisenhower sent federal forces to Little Rock, Arkansas, and President Kennedy sent them to Mississippi, President Reagan should enforce the closing of the abortion chambers to protect the civil rights of our tiny, unborn citizens.

We must ask also the Surgeon General for guidelines on those few pathological pregnancies where a mother's life is at stake. I am sure he will respond promptly to this need in a way that we could all agree with.

For those of you who want copies of the President's full Proclamation, you may get one at the Crusade for Life or American Portrait Films tables. There may not be enough to go around, but xerox them, or copy them at your local Instant Printer's, and hand them out to everyone you talk to. Take them to your church tomorrow, and share them with everyone.

My pro-life friends, our hour has come. All we need is the vision to see that our President's Proclamation has driven the first spike in. Our job now is to capitalize on what he has given us.

Above all we must have faith, and not falter, in believing that this Proclamation is God's chosen instrument to end abortion.

The babies' lives are in our hands. Let us dedicate ourselves before God, in this unparalleled moment of opportunity, to press forward, until every baby conceived is brought safely into the world.

Then we can once again say, with a clear conscience, "God bless America."

THE 10TH DISTRICT CELEBRATES DR. MARTIN LUTHER KING, JR., DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. RODINO. Mr. Speaker, I am proud to have been one of the original sponsors of legislation designating the third Monday in January as a national holiday to honor Dr. Martin Luther King, Jr.

As I said when this legislation was first introduced, this national holiday would not only honor this extraordinary man whose life and achievements were heroic and whose leadership aroused the conscience of our Nation. Martin Luther King, Jr., Day would also be a time for all Americans to reexamine our commitment to fight bigotry, hatred, oppression, and injustice. It would be a day devoted to reflection and recommitment to the ideals and goals of Dr. King—our greatest human rights advocate and one of our national heroes.

The true spirit of Dr. Martin Luther King, Jr., Day was reflected in the many events which were organized by my constituents this year. With the support of the New Jersey Martin Luther King, Jr., Commemorative Commission, led by my good friends Connice Woodruff and former Gov. Richard J. Hughes, the 10th district hosted concerts, school assemblies, and essay contests, church services, special exhibits and forums, to commemorate the achievements of Dr. King.

Highlights included the People's Organization for Progress Commemorative March in Newark to focus attention on the problems of housing and racism, the Newark-North Jersey Committee of Black Churchmen celebration at Abyssinian Baptist Church, a visit to Dr. King's birthplace by the students of the John L. Costley School in East Orange, the city of Orange's first annual Ecumenical Breakfast, and the Martin Luther King, Jr., Memorial Service sponsored by the United Clergy of the Oranges.

Mr. Speaker, I would like to include in my remarks the following article on the Dr. Martin Luther King, Jr., Day celebrations in the 10th district.

The article follows:

[From the Star Ledger, Jan. 19, 1988]

RECALLING KING: JERSEYANS SEE THE DREAM AS UNFULFILLED

(By Frederick W. Byrd)

The Rev. Dr. Martin Luther King Jr. and the struggle he led against hatred and segregation were celebrated throughout the state yesterday during the holiday in honor of his birthday.

Some 150 people marched through Newark to demand more low-income housing, and the spirit was solemn.

"The fight for racial justice is at its lowest ebb of the last 25 to 30 years," said the Rev. James Scott of Bethany Baptist Church in Newark.

Sen. Frank Lautenberg (D-N.J.) noted that median black family income has dropped from $17,500 in the 1970s to $16,500 today, black unemployment levels are twice those of whites, and the federal government's commitment to low-income housing has been drastically cut.

"If Dr. King were alive today he'd be with us," said one of the marchers, the Rev. David Burgess of the Metropolitan Ecumenical Ministries in Newark. "He was not a man who just believed in nice phrases from the Bible. He was on the side of the poor and the dispossessed."

The Newark march began at noon in Military Park, proceeded along Broad Street and Market Street to the rally at Bethany Baptist Church.

The marchers were essentially silent, with almost no chanting along the way, though they all could hear King's speeches over a loudspeaker in a following car.

Newark Councilman Donald Tucker reminded the marchers "this march is about housing and justice. We are concerned about the lack of housing today in Newark.

"If you read the report of the Governor's Commission on Civil Disorders in 1967 and compare the housing situation then with the situation today, you find we are much worse off," he added.

Victor De Luca of the Newark Coalition for Low Income Housing added that his group opposed recent demolitions of public housing by the Newark Housing Authority and was demanding "at least" a one-for-one replacement of every lost unit.

The People's Organization for Progress was one of the main organizers of the event. Wayne Garnes, vice chairman, said: "This program reflects what Dr. King fought for all of his life. The education of people about conditions is primary in our struggle for justice."

And Lautenberg added: "There would be a problem if we simply were about commemorating a birthday and not about bringing the message of equality into today. We must remember this nation has a responsibility to all parts of the community.

But there was joy at the progress made so far and at the future, represented by the many children in the march.

The Young Pioneers Club of Trinity Temple in Newark formed an honor guard and played band music. Their organizer, Nathaniel Lewis, noted: "I am old enough to remember when blacks couldn't go to restaurants or rest rooms; so we have made progress."

The Mt. Calvary Baptist Church Youth Choir lead the audience in singing "Lift Every Voice and Sing."

And Pauline Ross, the student representative on the Newark Board of Education, said: "King was a great man because he did not just dream his dream; he continued to struggle to make his dream a reality."

Meanwhile, members of the Montclair High School Social Responsibility Club teamed up with New Jersey SANE/FREEZE to conduct a door-to-door food and clothing drive yesterday in both Montclair and Newark.

Explaining the drive, Melanie Khanna of the Social Responsibility Club said: "Peace issues like nuclear war tend to be middle-class concerns, while poor people are preoccupied with social issues like housing and hunger.

"But the issues are inextricably tied together. So are the fates of wealthy communities like Montclair and distressed cities like Newark."

She referred to a speech King delivered at Riverside Church in New York in 1967, quoting him as saying "a nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death."

In Morris County yesterday, there was a daylong celebration of the holiday, beginning at 8 a.m., when nearly 500 people gathered for the third annual interfaith breakfast at the Church of the Assumption in Morristown.

"It was the largest crowd we've had," said organizer Felicia B. Jamison. "I think it's because of the times, the unrest, because racism seems to be on the rise."

Many of those who attended the breakfast were among the estimated 1,500 who went on to noon services at the Calvary Baptist Church on Martin Luther King Avenue in Morristown.

Clergy representing 10 churches in Morris County addressed the overflow crowd, which gave voice to King's message through prayer and song.

"Thank you, Lord, for Martin Luther King Jr., who inspired us with his dream, who walked into our lives and our hearts with his marches for justice, who demanded freedom with great courage in the face of grave danger," Rev. W. James White of the United Methodist Church in Morristown said, reciting a litany called "Let My People Go."

At Drew University's first Martin Luther King Day celebration in Madison, a former teacher of the civil rights leader was honored for his writings on the civil rights movement.

George D. Kelsey, a retired theology professor who taught at Drew for 25 years, was presented the Martin Luther King Jr. Humanitarian Award by Drew University President Paul Hardin.

Kelsey was King's professor in the early 1940s at Morehouse College in Atlanta for a course called "The teachings of Jesus."

"He (Kelsey) was often spoken of with admiration by Dr. King," Hardin said, noting why the professor emeritus was chosen as the first honoree for the plaque.

"His book—'Racism and the Christian Understanding of Man'—was an important offering to the civil rights movement," Hardin continued. "It combined theological commitment with ethical activism. It is a brilliant, intellectual call to put aside racism."

Kelsey, however, was more modest about his work and being singled out for the award.

"It's awkward because I have to ask the question 'what have I done?'" Kelsey said. "And I have to answer, 'I've done what I should have done, and it was not special, but rather ordinary.'"

The 238-seat Bowne Theatre was filled for most of the 2½-hour program, which included singing, dancing and recitations of speeches by civil rights activists, including King and Malcolm X.

Hardin said the celebration will be an annual event at Drew.

In Plainfield, the holiday was celebrated with ceremonies at the Grant Avenue Community Center. Jazz musician Noel Pointer, New Jersey Nets player Tony Brown and Mayor Richard Taylor attended. Other guests included New Jersey Community Affairs Director Leonard Coleman and East Orange Mayor John Hatcher.

Tributes to King continue today as U.S. Postal Service representatives present commemorative stamp pins and a portrait of the "drum major for justice" to representatives of the Urban League of Essex County.

James Walton, the postmaster and general manager of the Newark Division, said the presentation will be made at noon today during ceremonies at 744 Broad St. Newark.

He added the painting of King was done by William Frye, a postal employee in the Newark division.

Upsala College in East Orange will hold a special convocation tomorrow on "Martin Luther King Jr.: Legacies a Generation Later."

Lenworth Gunther, professor of history at Essex County Community College, will be featured speaker.

The Upsala College Gospel Choir will sing as part of the tribute.

The state King Commemorative Commission will hold its Third Annual Ecumenical Service Sunday at 3 p.m. in the War Memorial Theatre, West Lafayette St. in Trenton.

Speakers will include former Gov. Richard Hughes; Constance Woodruff, chairwoman of the New Jersey Advisory Commission on the Status of Women, and Dr. William Wately, pastor of St. James AME Church in Newark, as keynoter.

THE PRESIDENTIAL TRANSITIONS EFFECTIVENESS ACT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BROOKS. Mr. Speaker, today, along with Congressman FRANK HORTON, I am introducing the Presidential Transitions Effectiveness Act. The bill will authorize appropriations for the Presidential Transition Act of 1963 and make some amendments to that act to improve its operation.

The Presidential Transition Act is intended to ensure that a change from the administration of one President to his successor will be carried out as smoothly as possible. Under our Constitution, the prime duty of any Chief Executive is to "take care that the laws be faithfully executed." That responsibility starts the minute the new President takes the oath of office. In order to enable the President-elect to begin his term with a minimum of disruption, the Transition Act provides him with resources to study the operations of the Federal agencies and recruit personnel to staff key positions. It also provides some funding to help the outgoing President organize to phaseout his administration in an orderly manner.

The bill that we are introducing today authorizes appropriations of $3.5 million for providing transition services to the President-elect and Vice President-elect, and $1 million for the outgoing President. The $3.5 million figure represents an increase from the current authorization of $2 million—an amount that has not been increased since the transition from Gerald Ford to Jimmy Carter in 1976-77 and is now clearly inadequate. Further, the legislation provides that in the future the authorization shall be adjusted for inflation.

Mr. Speaker, my purpose in proposing this increase is to make sure that adequate public resources are provided for Presidential transitions, and to eliminate the need for a President-elect to turn to the private sector for funds. Much of the work of transitions involves scrutiny of the operations of Federal agencies, and it creates at least a potential appearance of impropriety to have this scrutiny undertaken by individuals who are paid by private interests.

In line with this concern, my bill also requires that the incoming administration disclose the source of any money, other than funds from the Federal Government, that is used for transition purposes. It further requires that information concerning the individuals who are empowered to go into the agencies and examine their operations on behalf of the transition be disclosed and made available to the public. Several other minor amendments relating to use of aircraft by transition personnel and the time of availability of funds are also included in this legislation.

Mr. Speaker, as I said earlier, all of us—Democrat and Republican alike—have a stake in seeing to it that the transfer of power from one administration to another next January is accomplished as efficiently as possible. This bill will help serve that purpose, and I hope it will be considered and enacted swiftly.

A TRIBUTE TO MR. JOHN VINCENT GALLAGHER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to Mr. John Vincent Gallagher, a professional Navy manager at the Long Beach Naval Shipyard. Mr. Gallagher retired after 36 years of dedicated, loyal, and faithful service to the U.S. Navy.

I am proud to take this opportunity to pay a special tribute to Vincent Gallagher's career and share with my colleagues his fine leadership.

Vince Gallagher served on active duty in the U.S. Navy for 4 years, 1951-55.

He began his civilian employment as an electrician and later became an electronic fire control systems repairer at the Post Engineer Section, Fort McArthur in San Pedro, CA. In his spare time, Mr. Gallagher attended Long Beach City College and California State University at Long Beach. He earned associate and bachelor of arts degrees from each institution, respectively.

On March 14, 1965, Mr. Gallagher transferred to the Long Beach Naval Shipyard as an Engineering Technician. Three years later, he became administrative officer of the Combat Systems Office. On July 13, 1980, Mr. Gallagher was promoted to director of the Management Engineering Office.

During his tour as director of this office, the Long Beach shipyard experienced difficulties with its workload, work force, and financial posture. Mr. Gallagher's decisive and insightful leadership, however, contributed to the shipyard's ability to respond to repairing needs of the Pacific Fleet while improving its cost and schedule performance.

His successful leadership is characterized by his foresight, technical knowledge of, and experience in, the shipbuilding and repair industry, keen insight into the business aspects of the industry, and insistence on product conformance to specifications.

Mr. Gallagher's is most remembered by peers for the key roles he played in some of the shipyard's recent accomplishments. Vincent Gallagher was part of an extremely capable managerial corps at the Long Beach Naval Shipyard responsible for the reactivation and repair of the battleships U.S.S. *New Jersey* and the U.S.S. *Missouri,* both critical components of our Pacific Fleet defense. Under the same management, the shipyard completed the overhaul of the U.S.S. *Cleveland*, a project selected pursuant to the 1985 Defense Appropriations Act as part of an experiment in public-private competition. Moreover, Mr. Gallagher participated in the successful completion of repair work on the U.S.S. *Jarrett* and the U.S.S. *Fletcher,* which were both within budget and of top quality.

In addition to his role as director of Management Engineering Office, Mr. Gallagher has also been in the forefront of the shipyard's efforts in complying with the Air Quality Improvement Act, as well as other environmental programs.

Mr. Speaker, as John Vincent Gallagher retires from the Long Beach Naval Shipyard, his contributions will long be remembered by the citizens of Long Beach, his peers, and the U.S. Navy. I ask the Members of this body to join me in thanking Mr. Gallagher for his service to our country, and to wishing him a happy and prosperous future.

THE 22D CONGRESSIONAL DISTRICT STUDENTS COMPETE IN NATIONAL BICENTENNIAL COMPETITION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to congratulate a special group of high school students from my 22d Congressional District who have recently competed in the first level of the National Bicentennial Competition on the Constitution. On January 20 of this year, a mock congressional hearing on the Constitution was held between Pearl River High School and Clarkstown South High School. Although I understand that both teams performed in a superb fashion, Clarkstown South prevailed as the winner, and will advance to the regional-level hearing to be held later this month in Albany.

I would like to acknowledge those members of the Pearl River Team who in spite of their loss, displayed an abundance of skill and determination: Kevin Byman, Chris Flood, Joshua Leader, Carol Luczkiewicz, Judith Marone, Alex Maza, Vlad Maza, Sandra Nandlal, Patrick O'Leary, Calvin Lee, and Carolyn Riley. Recognition must also be given to their coordinator, Bob Wood.

I would also like to congratulate those outstanding members of the Clarkstown South Team: Elisa Berg, Marc Bergen, Mike Braunstein, Ilene Brenner, Diane Dierksen, Jessica Enright, Katie Goldberg, Christine Janick, Ian Klein, Craig Koritz, Jason Leiderman, Christine McLay, Lee Marlow, Jodi Maklan, Brian Niland, Joseph Nuzzi, Nicole Ortsman, Christopher Panigides, Lauren Rosen, Aron Rubin, John Schulman, Stacey Schwartz, Cori Sockloff, Rob Spector, Allan Talusan, Mike Waxman, and Steve Weiss. Ken Glotzer, with the assistance of Anthony DeBartolo and Edward Moetzinger, was coordinator of the winning team.

Recognition must also be given to the panel of judges, Dr. Jacquelyn Holland, Dr. LaRuth Gray, and Mr. Bob Drennen, for their role in the competition, as well as a special thanks to the 22d congressional coordinator, Capt. Mark Morris, for his time and dedication into making this a successful program.

The National Bicentennial Competition provides an excellent opportunity for students in our schools to study the Constitution as a living document. By participating in the competition, students have developed the skills necessary for their future role as responsible citizens.

BUDGET ACT DOES NOT WORK

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. SCHULZE. Mr. Speaker, today, along with several of our colleagues, I am introducing legislation attacking the heart of our budget process problem. I'm sure most of us agree that the Budget Act of 1974 does not work, that our system has broken down, and that we must immediately gain some control of our fiscal responsibilities. I urge my colleagues to join me in sponsoring legislation to abolish the House Budget Committee.

Since 1977, annual deadlines for consideration of the first budget resolution have been met one time in 11 years. In the same time period, the deadline for action on budget reconciliation has been met only four times.

Section 303(a) of the act, prohibiting fiscal changes prior to budget resolution adoption, and section 302(a) which precludes subcommittees from exceeding their budget authority, were each waived 19 times in 1986. Section 402(a), prohibiting action on new authority not reported on time preceding the next fiscal year, was waived 26 times. In only 1 year since 1977 has Congress enacted all its appropriations bills on time. This irresponsible policy has got to stop.

The proposal I have developed includes two measures: First, a simple resolution repealing House rules authorizing the Budget Committee; and second, amendments repealing title III of the Budget Act, yet ensuring continued accountability to the Gramm-Rudman deficit reduction targets. My legislation also retains an independent Congressional Budget Office [CBO] to track Federal spending and compliance with deficit reduction efforts. If enacted, this proposal would eliminate a major roadblock to timely consideration of appropriations measures, streamline the budget process, and ensure that efforts to track and reduce budget deficits continue.

In tracking our budget deficit numbers since 1969, the year of our last balanced budget, one finds a distinct correlation between passage of the 1974 Budget Act and spiralling budget deficits. Budget deficits have increased from 2.8 percent of GNP in 1977, the first year of budget act implementation, to 5.3 percent of GNP in 1987.

I strongly urge my colleagues to endorse this proposal to abolish the Budget Committee and bring common sense back to the budget process. In the near term, this legislation will save money, trimming legislative appropriations needs. More importantly, it will remove roadblocks to sound policymaking and give us more time to complete our work. The following is a section by section summary of our legislation.

SUMMARY OF RESOLUTION TO ABOLISHMENT OF THE BUDGET COMMITTEE

Section 1

A. Amends Rule X of the Rules of the House of Representatives by:

1. Repealing paragraph (e) of the clause authorizing a Committee on the Budget;

2. Repealing subparagraph 2 of paragraph (a) granting emergency waivers under the Congressional Budget Act of 1974 for reporting dates for bills and resolutions authorizing new budget authority;

3. Striking out "and the Committee on the Budget" in paragraph (b)(1) of clause 2 regarding Oversight responsibilities;

4. Repealing "special oversight functions" regarding special studies (already duplicative) regarding tax expenditures and budgetary impact analysis by repealing paragraph (b) of clause 3; (Will be handled by the CBO, Joint Committee on Taxation, and the Committee on Ways and Means)

5. Repealing paragraphs (b), (g), (h), and (i) of clause 4 delegating duties to the budget committee, requiring other committees to submit budgets to the budget committee by February 25 of each year, requiring a budget resolution, providing for reconciliation;

6. Repealing paragraph (d) of clause 6 regarding standing committee subcommittees.

B. Amends paragraph (j) of clause 1, Rule X, by moving the Congressional Budget Office under the jurisdiction of the Government Operations Committee.

C. Conforms prior changes to committee procedure rules including quorum requirements;

D. Conforms rules of debate with 1974 Budget Act to the regarding consideration of Budget Resolutions;

E. Removes automatic statutory increases in the public debt and requires a separate vote on each debt ceiling increase.

THE SSC AND SCIENTISTS

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BRUCE. Mr. Speaker, for decades, the United States held the lead in the percentage of research and development scientists and engineers in the world. But recent statistics show that Japan, West Germany, France, and the United Kingdom are catching up.

Something must be done to reverse this trend before it has an even more dramatic effect on America's position in the world trade economy. A decline in the number of college-age students means we need to increase the percentages of students studying science.

We can't draft scientists, but we can provide the incentive to draw today's students into science. This is one of the main reasons we need to increase funding for the National Science Foundation, and begin funding for the superconducting super collider.

The SSC is important to the United States because it will help us maintain our world-leading role in high-energy physics research. Its value becomes even more important when we take basic research from the accelerator to the assembly line.

The superconducting super collider would help provide the excitement needed to draw more of America's students into the fields of science.

I would like to share the article from the Washington Post on the shrinking U.S. lead in science and have it inserted into the RECORD.

WANTED: MORE ENGINEERING, SCIENCE MAJORS

NSF DIRECTOR CITES DISTURBING TRENDS

(By Boyce Rensberger)

The health of science and engineering in the United States is threatened by a shrinking percentage of young Americans going into the fields and by tightening federal budgets that impede efforts to reverse the trend, the director of the National Science Foundation says.

Speaking last week before a joint meeting in Arlington of the American Physical Society and the American Association of Physics Teachers, Erich Bloch said the two trends boded ill for efforts to rebuild American competitiveness in the world marketplace. The NSF is the chief source of federal funding for nonmedical and nonmilitary research.

Making the prospect darker, Bloch said, is the fact that the number of college-age people in the United States peaked in 1983 and is expected to decline for at least several decades. If the country is to maintain the current size of its scientific and engineering communities, the proportion of young people entering the fields must be increased.

"Fewer young people increases the importance of attracting women and minorities to science and engineering," Bloch said. Despite recent increases in the number of women in graduate programs, the share appears to have leveled out at less than 15 percent of all technical degrees. Black and Hispanics account for about 20 percent of the population but take less than 2 percent of the doctorates in, for example, physics.

"The large numbers of minorities and women in the country provide an opportunity—one we cannot afford to miss," Bloch told the physicists and physics teachers. "Our motive should be pragmatism as much as altruism—the need to develop all our human resources."

An irony of the current situation is that the participation of Americans in science and engineering has been declining in the face of growing demand. The demand has been met almost entirely by foreign students, who now earn more than one-fifth of the science doctorates, one-third of the mathematics doctorates and more than half of the engineering doctorates awarded each year by U.S. universities.

Although many stay in the country, contributing to the American economy and scientific prowess, Bloch warned that this situation could easily change. "It is bad policy to depend on a resource we cannot control," he said.

Although the number of scientists and engineers has been growing, the proportion of the labor force working in research and development is about the same as it was 20 years ago, NSF figures show. In the same period, the chief U.S. overseas competitors—Japan, West Germany, France and the United Kingdom—have increased that proportion rapidly.

In 1965, for example, each of the four had only about one-third as many scientists and engineers in proportion to their population as did the United States. By 1984, Japan had nearly matched the United States and the others had grown to roughly two-thirds the U.S. level.

Bloch said the NSF's ability to encourage more young Americans to enter science and engineering has been weakened by federal budget-cutting. He said the NSF appropriation for 1988 increased by less than 6 percent over 1987, slightly more than enough to keep even with inflation. The share going for research, however, was increased by less than 4 percent, a cut in constant dollars.

"The outcome of the budget process this year was very disappointing, especially in view of the high hopes generated by the administration's commitment [in President Reagan's 1987 State of the Union speech] to doubling the NSF budget" in five years, Bloch said.

Still, Bloch said, the NSF hopes to maintain the high priority of programs to encourage more young people to enter the field.

Bloch said expansion of such programs, directed at the college level, will be slower than planned. There will also be an effort to begin new programs for secondary schools.

Bloch said the budget-cutting showed that the public and Congress do not agree "that the investment in science and engineering research and education is central to the nation's economic future. And that investment must take precedence over more immediate political concerns."

NATIONAL BOY SCOUTS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. NATCHER. Mr. Speaker, it is a privilege to join with the members of the Boy Scouts of America as they celebrate their 78th anniversary with the theme "The Adventure Begins." This theme will be used throughout this year and into 1989.

The Boy Scouts of America is a national organization that was incorporated on February 8, 1910 and was chartered by the 64th Congress of the United States on June 15, 1916. While the organization has broadened its membership requirements and modified its methods of meeting the needs of young people in an ever-changing society, the Boy Scouts of America's three original objectives have remained constant over the years—character development; citizenship training; gaining knowledge of the value of keeping mentally, spiritually and physically fit.

The Boy Scouts of America has identified five "unacceptables" in today's society: drug abuse, child abuse, illiteracy, unemployment, and hunger.

In February 1987, the Boy Scouts of America launched an antidrug program entitled "Drugs: A Deadly Game." A 16-page booklet designed for youth of all ages was distributed to members of the BSA, and an additional 2 million copies were given to school systems and community groups. A teachers' guide with a student discussion guide, and a videotape have been produced. Outdoor posters and mall posters have been posted and Julius Erving ("Doctor J") worked on the production of a public service announcement for television.

All members of the BSA professional staff and other employees received comprehensive training on child abuse and how to deal with it. During 1988 a program to combat illiteracy will be launched.

In November 1988, the membership will conduct a "Scouting for Food National Good Turn." Scouts will collect nonperishable foods that will be turned over to other agencies for distribution.

The Boy Scouts of America's National Museum is located in Murray, KY, at Murray State University. The staff there continues to develop exhibits and prepare the scouting research center. Attendance has exceeded expectations, and a formal dedication is planned for 1989 in conjunction with the 1989 Scout Jamboree. 1987 was a banner year for Scouting in western Kentucky. The year ended with a membership of 3,013. This is an increase of 40 percent over the membership in 1982. Four Scouts from the Four Rivers Council were chosen to participate in the World Jamboree in Australia in December 1987 and January 1988. 739 boys attended Camp Roy C. Manchester during the past summer, and 25 Scouts earned the Eagle Scout Award last year. The Four Rivers Council met stringent requirements and was designated a quality council by the Boy Scouts of America.

At this time I would like to commend all of the members of the Boy Scouts of America for their past accomplishments and to wish them continued success in their future endeavors.

CATOOSA COUNTY CELEBRATES THE BICENTENNIAL OF THE U.S. CONSTITUTION

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DARDEN. Mr. Speaker, in conjunction with my remarks of November 9, 1987, concerning the Catoosa County Commission on the Bicentennial of the U.S. Constitution, I would like to submit into the RECORD the following resolution by that commission:

RESOLUTION

We the people of Catoosa County, Georgia, in order to recognize and celebrate the Bicentennial of the United States Constitution, the foundation of our system of government which continues to secure the Blessings of Liberty to ourselves and to our posterity, do hereby resolve as follows:

Whereas, the Catoosa County Commission on the Bicentennial of the United States Constitution was formed to promote awareness of the two-hundredth anniversary of the Philadelphia Convention of 1787 which produced our most Beloved National Charter; and

Whereas, many area businesses and individuals donated funds, in kind contributions, and sacrificed their time toward this observance; and

Whereas, the above contributions made possible a Grand Celebration in Catoosa County throughout the summer, coinciding with the events two centuries earlier; and

Whereas, the initial phase of the Bicentennial Celebration having been so successfully completed, under budget, with funds remaining in the hands of the Commission; and

Whereas, the Commission is conscious of the financial state of affairs in our National Government; and aware of the importance of a sound economy and a lessened National Debt;

Therefore, it is hereby resolved, by the Catoosa County Commission on the Bicentennial of the United States Constitution that the sum of Seventeen Dollars and Eighty-seven cents ($17.87) in lawful United States Currency, representing the balance of the sums remaining in said Commission's account, shall be forwarded to the Treasury of the United States of America to be applied against the National Debt.

This 20th day of October, 1987.

PEACE IS NOT A CAUSE, IT IS AN EFFECT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DANNEMEYER. Mr. Speaker, after 70 years of totalitarian rule the Soviet empire continues to crush the human spirit of hundreds of millions of people throughout the world. Despite this tragedy, America has decided to reward this festering destiny with treaty after broken treaty and appeasement ad nauseum.

Two lessons should be garnered from history. First, that the Soviets have not extended their empire 1 inch since the beginning of a treaty-less Reagan administration; and second, that peace will never be found in the dry ink on parchment paper. Peace is a characteristic of the human spirit.

Mr. Speaker, the following letter to the editor sets forth clearly this latter lesson:

[From the North County (CA) Blade-Tribune, Dec. 11, 1987]

A PURE ILLUSION

EDITOR:

All this talk about summit, glasnost (publicity), and treaties, obscures the fundamental and continuing differences between a collectivist and a free man as they define themselves, structure their environment and their institutions.

A free man "is endowed by his Creator with * * * Liberty," or the ability to choose.

A collectivist is allowed some privileges by his government.

A free man experiences freedom, the opportunity to make choices.

A collectivist is told what to do.

A free man's government exists to safeguard his natural rights.

A collectivist serves his government.

A free man is the base unit of value as an individual.

A collectivist is valuable only as he is a useful member of the group.

Unless and until collectivism defines human nature in natural, or Jeffersonian, or biblical terms (man: the choicemaker), such cosmetic and image-oriented activities as glasnost (USSR) or "peace treaty" (Nicaragua and Afghanistan) are pure illusion intended for control purposes.

Remember, peace is not a cause * * * it's an effect.

JAMES FLETCHER BAXTER,
Carlsbad.

THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AMENDMENTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BROOKS. Mr. Speaker, today, along with Congressmen GLEN ENGLISH, FRANK HORTON, and AL MCCANDLESS, I am introducing the National Historical Publications and Records Commission amendments of 1988. This bill will make minor amendments to the statutory provisions which establish the National Historical Publications and Records Commission [NHPRC] as an entity of the National Archives and Records Administration. It also will authorize funding for NHPRC's grants program for the next 5 years.

With the bicentennial of our Constitution just past, it is appropriate that we should consider this legislation. That celebration reminded all of us how important our Nation's documentary heritage is to the understanding of how our Government works. The NHPRC was created in the act that established the National Archives in 1934, with the mission of leading the efforts to preserve and publish our Nation's historical documents. For the past 24 years, the NHPRC's Grants Program has supported projects across the Nation that have kept historical records from being lost through the ravages of time and neglect.

The legislation I am introducing today has two parts. The first part makes minor changes in the NHPRC's operational structure, as codified in Chapter 25 of Title 44, U.S.C.; it generally tracks a legislative recommendation that was transmitted to the Congress by the acting archivist on September 30, 1987.

The second portion of the legislation authorizes appropriations to the NHPRC for the next 5 years. It provides for authorizations of $5 million annually—the current authorization—for fiscal years 1989 and 1990, $8 million annually for fiscal years 1991 and 1992, and $10 million annually for fiscal year 1993. This will allow the Congress to assess and appropriate funds for NHPRC's important work in light of prevailing overall budgetary conditions.

Mr. Speaker, I urge all of my colleagues to support this legislation. It will help ensure that future generations will have a full understanding of our Nation and its heritage.

UPGRADING THE DIRECTOR OF THE CENSUS BUREAU TO EXECUTIVE LEVEL IV

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DYMALLY. Mr. Speaker, I recently introduced a bill, H.R. 3896 which amends title 5, United States Code to upgrade the position of the Census Bureau Director from executive level V to executive level IV.

The present executive level position of the Census Bureau Director, who is appointed by the President with the advice and consent of the Senate, is not commensurate with the authority and responsibilities exercised within and on behalf of the Department of Commerce by that official. It was set in the early 1960's before legislation expanded the activities and roles of the Census Bureau.

The work of the Census Bureau in recent years includes the decennial, economic and agricultural census. The data collected from these censuses are used in public and private planning, including such matters as tax policy and Social Security. Additionally, many Federal agencies rely on the Census Bureau for key statistical surveys, analyses, and training.

The role of the Bureau, however, is not reflected in the level now accorded the position of its Director. A comparative analysis of functions and responsibilities at the various levels of the executive schedule found in the Department of Commerce and its level IV positions shows clearly that the Census Bureau Director's responsibilities are comparable to those of other Commerce Department level IV positions.

Mr. Speaker, for these reasons I urge that the position of Director, Bureau of Census, should be raised from a level V to a level IV of the executive schedule found in title 5, United States Code, section 5315.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens. I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Mary Adreozzi, Luisita Anicete, Moshe Arieli, Maricio Aufgang, Marie Aurelien, Laina Auyeung, Oswaldo Baez, Suad Barghot, Richard Barrios, Marciana Bascon, Filippo Basile, Margareth Beauharnais, Kettly Belony, Maria Benson, Eva Bickel, Zipora Bickel, Attila Bondar, Nirys Boursiquot, Hilmer Brown, Marie Butler.

Jean-Claude Cadet, Monique Caputo, Lucy Castaneda, Frantz Cayo, Marie Cayo, Kenneth Chandler, Linda Chandler, Mettlus Clerge, Elvis Climes, Angela Crawford, Carlito Crespo, Lucy Cruseta, Aftab Dar, Neelam Dar, Angeliki Daskalakis, Anna De Filippis, Felice De Filippis, Silvia Donates, Eddy Dorestan.

Marie Dorestan, Philippe Doucet, Rodrigo Enriquez, Alberto Espinoza, Santa Estrella, Hilary Field, Helene Fisher, Frantz Fleury, Pnina Freistadt, Bluma Fried, Klara Fried, Bernard Friedman, Carmela Frustaci, Joan Funnye, Francisco Galoso, Claudell Germain, Nicola Gilberto, Mary Girvan, Tova Gluck.

Galina Gokman, Mark Gokman, William Goldenberg, Bozena Gorczynski, Ekaterini Gouvis, Maria Gracia, Moshe Gratt, Schochana Gratt, Monika Greene, Jacqueline Guerrero, Rogelio Hamilton, Louise Haubourg, Simon Haysom, Peter Hooper, Golda Hosenberg, Marie Hyacinthe, Ken Isaac, Nicola Isernia, Toaby Isrol, Martine Jabouin.

Adeline Jean-Baptiste, Rosemonde Jean-Paul, Marie Jean, Yong Jo, Peter Julmis, Kea Jun, Franc Juvan, Eileen Kastner, Rachel Kaufman, Mary Keegan, Josephine Kent, Asbed Khosdeghian, Lydia Khosdeghian, Wonsook Kim, Vera Knigge, Rachel Kohn, Batja Kroser, Hortense La Guerre, Daniel Lacroix, Bando Ladjevardi.

Mireille Lapaine, Rose Law, Josette Legerme, Ruth Lemoullec, Josette Leonard, Olga Leonorovitz, Genevieve Leveille, Letizia Lisa, Juliana Livingston, Socorro Llado, Carmen Lopez, Jorge Lopez, Alejandro Luis, Manuel Luna, Anh Luong, Marian Lutomski, Ashwani Malhotra, Sushma Malhotra, Sohail Maqbool, Archibald Marshall.

Elizabeth Mathew, Thresa Mathew, Edner Mathieu, Yechiel Meiteles, Andrew Meng, Rebecca Meng, Nicholas Andrew Michales, Monika Michalik-Lobaido, Christine E. Miglionico, Sabine Milord, Hazel Mitchell-Wilson, Isaac Mizrachi, Ana Molina, Juan Molina, Eduardo Morales, Cargill Murphy, Parveen Nathaniel, Adrien Nelson, Yin Ng, Anh Nguy.

Howard Nguyen, Tony Nguyen, Van Nguyen, Kenny Nham, Xay Nham, Vincent O'Rourke, Maria Mercy Macadaeg Olivares, Mory Om, Dominika Overton, Marisa Ovide, Dudley Paisley, Garineh Panossian, Maria Papachristopoulos, Marco Figueroa Parada, Abinash Parida, Barbara Parsons, David Parsons, Daniela Paszkiewicz, Shashikant Patel, Sushila Patel.

Elipcon Payen, Andrew Pelczar, Fernande Personna, Martian Personna, Manickarajan Pillay, Gaetano Pinto, Safa Popescu, David Powell, Huw Powell, Ivett Gaona Powell, Michael, Praino, Magalie Predestin-Fong, Marcelo Quarantotto, Nora Quaye, Miriam Rada-Robinson, Venkataraman Radhakrishnan, Suresh Rajpara, Mary Reilly, Abelard Reyes, Germania Rodriguez.

Alexandra Rogriguez, Martino Rostelli, Frank Ruffin, Teresa Salinas, Maria Santos, Gunter Schenker, Mendel Schwimmer, Nola Scrubb, Ila Shah, Carlyle Sheppard, Carol Sheppard, Bai-Chin Shih, Odete Cordeiro Valentim.

WEST BANK AND GAZA PALESTINIAN STATEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a letter from Hanna Siniora and Fayez Abu Rahme of January 27, 1988, to Secretary of State George Shultz and a January 15 statement by Palestinian leaders and institutions regarding recent events in the Israeli-occupied territories of the West Bank and Gaza.

This letter and statement were delivered to Secretary Shultz in a recent meeting the two Palestinians leaders, Hanna Siniora and Fayez Abu Rahme, had with Secretary Shultz during their recent visit to Washington. Mr. Siniora is the editor of the East Jerusalem newspaper, Al-Fajr, and Mr. Abu Rahme is a lawyer from Gaza.

The letter and statement follow:

JANUARY 27, 1988.

His Excellency GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY SHULTZ: This meeting takes place at a crucial time when uncivilized and oppressive measures are being employed by Israeli occupation forces to quell the just uprising of our Palestinian people. This uprising comes as the inevitable national expression of our people's will to struggle until we achieve our freedom in our independent Palestinian state under the leadership of our sole legitimate representative, the Palestine Liberation Organization.

Our people are in urgent need of immediate international protection from the brutality of Israeli's military authorities which have been unleashed against our unarmed civilian population to kill, maim and terrorize our women and children. To this end, we hope the international community will immediately authorize the provision of an international force to intervene in the occupied territories, to whose trusteeship our population can be delivered, as a first step towards the convening of an international peace conference. This conference is to be held under the auspices of the United Nations, and will be attended by all concerned parties to the conflict, including, foremost, the Palestinian nation through its legitimate representative, the PLO.

We look forward to your personal active involvement and that of the United States Government in the peace process, which we hope will bring an end to the suffering endured by our people for the past 20 years.

Yours respectfully,
HANNA SINIORA.
FAYEZ ABU RAHME.

STATEMENT BY PALESTINIAN INSTITUTIONS AND PERSONALITIES FROM THE WEST BANK AND GAZA

Jerusalem, January 14, 1988.

During the past few weeks the occupied territories have witnessed a popular uprising against Israel's occupation and its oppressive measures. This uprising has so far resulted in the martyrdom of tens of our people, the wounding of hundreds more and the imprisonment of thousands of unarmed civilians.

This uprising has come to further affirm our people's unbreakable commitment to its national aspirations. These aspirations include our people's firm national rights of self-determination and of the establishment of an independent state on our national soil under the leadership of the PLO, as our sole legitimate representative. The uprising also comes as further proof of our indefatigable spirit and our rejection of the sense of despair which has begun to creep to the minds of some who claim that the uprising is the result of despair.

The conclusion to be drawn from this uprising is that the present state of affairs in the Palestinian occupied territories is unnatural and that Israeli occupation cannot continue for ever. Real peace cannot be achieved except through the recognition of the Palestinian national rights, including the right of self-determination and the establishment of an independent Palestinian state on Palestinian national soil. Should these rights not be recognized, then the continuation of Israeli occupation will lead to further violence and bloodshed and the further deepening of hatred. The opportunity for achieving peace will also move further away.

The only way to extricate ourselves from this scenario is through the convening of an international conference with the participation of all concerned parties, including the PLO, the sole legitimate representative of the Palestinian people, as an equal partner, as well as the five permanent members of the Security Council, under the supervision of the two Super Powers.

On this basis we call upon the Israeli authorities to comply with the following list of demands as a means to prepare the atmosphere for the convening of the suggested international peace conference which will achieve a just and lasting settlement of the Palestinian problem in all its aspects, bringing about the realization of the inalienable national rights of the Palestinian people, peace and stability for the peoples of the region and an end to violence and bloodshed:

1. To abide by the 4th Geneva Convention and all other international agreements pertaining to the protection of civilians, their properties and rights under a state of military occupation; to declare the Emergency Regulations of the British Mandate null and void, and to stop applying the iron fist policy.

2. The immediate compliance with Security Council Resolutions 605 and 607, which call upon Israel to abide by the Geneva Convention of 1949 and the Declaration of Human Rights; and which further call for the achievement of a just and lasting settlement of the Arab-Israeli conflict.

3. The release of all prisoners who were arrested during the recent uprising, and foremost among them our children. Also the rescinding of all proceedings and indictments against them.

4. The cancellation of the policy of expulsion and allowing all exiled Palestinians, including the four expelled to Lebanon on 13 January, 1988, to return to their homes and families. Also the release of all administrative detainees and the cancellation of the hundreds of house arrest orders. In this connection, special mention must be made of the hundreds of applications for family reunions which we call upon the authorities to accept forthwith.

5. The immediate lifting of the siege of all Palestinian refugee camps in the West Bank and Gaza, and the withdrawal of the Israeli army from all population centers.

6. Carrying out a formal inquiry into the behavior of soldiers and settlers in the West Bank and Gaza, as well as inside jails and detention camps, and taking due punitive measures against all those convicted of having unduly caused death or bodily harm to unarmed civilians.

7. A cessation of all settlement activity and land confiscation and the release of lands already confiscated especially in the Gaza strip. Also putting an end to the harassments and provocations of the Arab population by settlers in the West Bank and Gaza as well as in the Old City of Jerusalem. In particular, the curtailment of the provocative activities in the Old City of Jerusalem by Ariel Sharon and the ultrareligious settlers of Shuvu Banim and Ateret Kohanim.

8. Refraining from any act which might impinge on the Moslem and Christian holy sites or which might introduce changes to the status quo in the City of Jerusalem.

9. The cancellation of the Value Added Tax (V.A.T.) and all other direct Israeli taxes which are imposed on Palestinian resi-

dents in Jerusalem, the rest of the West Bank, and in Gaza; and putting an end to the harassment caused to Palestinian business and tradesmen.

10. The cancellation of all restrictions on political freedoms including restrictions on freedom of assembly and association; also making provisions for free municipal elections under the supervision of a neutral authority.

11. The immediate release of all funds deducted from the wages of laborers from the territories who worked and still work inside the Green Line, which amount to several hundreds of millions of dollars. These accumulated deductions, with interest, must be returned to their rightful owners through the agency of the nationalist institutions headed by the Workers' Unions.

12. The removal of all restrictions on building permits and licenses for industrial projects and artesian water wells as well as agricultural development programs in the occupied territories. Also rescinding all measures taken to deprive the territories of their water resources.

13. Terminating the policy of discrimination being practiced against industrial and agricultural produce from the occupied territories either by removing the restrictions on the transfer of goods to within the Green Line, or by placing comparable trade restrictions on the transfer of Israeli goods into the territories.

14. Removing the restrictions on political contacts between inhabitants of the occupied territories and the PLO, in such a way as to allow for the participation of Palestinians from the territories in the proceedings of the Palestine National Council, in order to ensure a direct input into the decision-making processes of the Palestinian nation by the Palestinians under occupation.

THE FORGOTTEN AMERICA—RURAL SMALL BUSINESS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MARLENEE. Mr. Speaker, I rise today to introduce a bill which is designed to afford a measure of much-needed relief to the small businessmen and women of rural America. This legislation is critically important in helping to shape the destiny of what I have begun to refer to as "The Forgotten America—Rural Small Business."

Beginning in about 1979, we in the Congress have been struggling to find solutions to the financial crises facing agricultural producers throughout this great land of ours. As the farm recession continued to worsen during the early 1980's, Congress seemed to come up with a new plan of salvation every 6 months, or so.

The late-1970's era of easy credit financed at outrageously high interest rates had encouraged many farm producers to expand and modernize their operations. This huge debt was secured on paper by rapidly rising, inflation-driven land values.

Suddenly the expansionary binge came home to roost. America's world market share and exports dwindled, occasioned to large extent by unfair and predatory trade tactics of foreign competitors. Combined with an overvalued dollar, and our own farm programs which established uncompetitive price floors for American commodities it became impossible for farm borrowers to service the staggering debt they had taken on just a few years earlier.

The subsequent plunge in real estate values, and the growing inventory of farmland resulting from foreclosures and voluntary liquidations, soon spelled trouble for even the most prudent, least indebted farm owners who watched helplessly as their paper assets diminished in value. As these assets dwindled, they were often inadequate to secure even the annual operating loans for the next year's crop.

It should be noted that, during these increasingly difficult times for producers, rural small businessmen and women continued to extend credit in an effort to help their farm and ranch neighbors stay on the land and ride out the raging financial crisis. Many rural small businesses went down the proverbial porcelain convenience due to producers who were unable to pay bills 2, 3, or 4 years old.

From personal experience, I know many suppliers and storeowners who shared in the economic misery and suffering because they went the second—and even the third—mile in an effort to keep farm producers on the land and in business. Many of my own former suppliers aren't around anymore.

When farm operators couldn't pay the bills, these friends and neighbors were forced to close their doors and move elsewhere in search of new jobs or business opportunities. Unfortunately, many did not find adequate new jobs or opportunities. They suffered, their families suffered, and our communities have suffered from their absence.

The social fabric of rural America has changed for the worse, and is not as strong as it once was. A general spiritual malaise hangs over many rural communities as we who remain behind survey the corpses of once thriving main-street rural businesses.

In the 1985 farm bill, Congress correctly analyzed many of the problems which had led to the financial collapse of production agriculture in the United States. Under the capable leadership of Chairman DE LA GARZA and our ranking Republican member, Mr. MADIGAN, the House Agriculture Committee helped pass a bill designed to restore the international competitiveness of American farm commodities.

It laid the groundwork allowing us to more aggressively strike back at trading countries who had chosen to employ predatory export subsidies and artificial, discriminatory trade barriers against our products. Recognizing that the 1985 bill's rather drastic departures from previous farm programs could result in generally lowered prices for producers, the Congress created an income safety net to help farm operators survive the transition.

Let me make it clear: I supported most of the 1985 bill's major provisions, and I continue to feel that under the circumstances, the measure represents the solution most likely to succeed over the long term for American agriculture. The current farm legislation is restoring vitality and stability for farm and ranch producers, and Government costs continue to diminish as predicted.

However, I have come to realize that some of the discretionary features of the 1985 bill, and also in the underlying 1949 Agricultural Act, are being exercised in a manner which ignores the financial welfare of "The Forgotten America—Rural Small Business." As more and more millions of once-productive acres are idled throughout the country, the small businessmen and women of rural main-street are being rapidly forced out of business.

As their sales volume shrinks due to the lessened demand created of fewer and fewer acres of cropland, they can no longer make a profit. They cannot be competitive locally, nor can they compete with other merchants and suppliers who are more diversified.

Mr. Speaker, you will recall that the 1985 farm bill contained provisions in each of the four major programs—wheat, feed grains, cotton, and rice—which directed the Secretary of Agriculture to implement land retirement elements in a manner which would not adversely impact local communities and rural agribusinesses. Even the Conservation Reserve Program contained a cap limiting enrollment to 25 percent of a county's cropland.

I don't think we in Congress ever for 1 minute imagined that the Secretary would exercise his right to waive such 25-percent limitation, except in one or two isolated instances. Instead, he has now allowed enrollment of CRP land in more than 40 counties to exceed this 25-percent limit, while simultaneously continuing large set-asides in some of the commodity programs.

A recent USDA report estimates that some 300,000 potential jobs were lost to the economy in 1987 due to the set-aside levels alone. Farm-related businesses and industries lost more than $3 billion in sales, and State and Federal treasuries collected about $650 million less in revenues, not including revenues lost due to CRP enrollment.

Planted acres in 1988 are estimated to be 48 million fewer than in 1985, and 16 million below the 1983 Payment-in-Kind Land Diversion Program. I need not remind my colleagues what of the disaster which resulted for rural small businesses due to that 1983 program.

Because of my growing concern about the fate and the future of our rural small businesses and farm suppliers, I offered an amendment to the so-called 0-92 Program when it came before the House Agriculture Committee last year. That amendment requires the Secretary to implement 0-92 in a manner which will minimize any adverse impacts on rural small business after considering the total number of acres taken out of production under all of the program options including CRP.

To further follow up on that concern, the bill I am introducing today makes some additional assistance available to those who are members of "The Forgotten America—Rural Small Business."

My legislation will mandate that, if—through any combination of Acreage Reduction Programs, the 0-92 or 50-92 options, Paid Land Diversion Programs, or the Conservation Reserve Program—the Secretary of Agriculture causes a reduction of about 39 percent or more of the productive cropland in any individual county, then the Small Business Administration will be compelled to make low-interest economic disaster loans to agribusinesses or other small business concerns in the county impacted.

This legislation is not without precedence: In 1984, Congress authorized such loans to be made available as a result of the 1983 Payment-in-Kind Land Diversion Program. The logic behind my measure is similar—anytime the Government takes more than 35 or 40 percent of the land out of production in an effort to assist producers, it stands to reason that local businesses and enterprises will suffer catastrophic losses in their revenues and profits.

In my opinion, it is far past time for Congress and the Federal Government to recognize the financial crisis facing rural small business. It is essential today that we take immediate steps to provide some effective and equitable mechanism which will offset the damages that direct and consequential Federal actions taken under the authority of the farm bills have wreaked upon the men and the women of "The Forgotten America—Rural Small Business."

Mr. Speaker, I hope I can count on the support of our colleagues in this important effort. As we all know, loans—even at 1- or 2-percent interest—are not the answer to the real problems of rural businesses threatened by lost sales volume as more and more land is retired from production. However, this measure should cause the Secretary of Agriculture to be much more cautious in the future when considering implementation of land-idling farm programs.

Ideally, the Secretary will recognize that if he surpasses the 39- or 40-percent level established in the legislation, then it is he who will be causing additional Government outlays for the small business economic disaster loans provided.

Hopefully, this bill will act as a barrier which the Secretary will respect in the future, and as a result he will be encouraged not to remove so much of a county's croplands from production. I thank the Speaker for this opportunity to introduce and briefly explain my proposed legislation, and I strongly urge my colleagues to give it their wholehearted support.

RALPH HUBBELL: BUFFALO'S MR. BROADCASTING

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. NOWAK. Mr. Speaker, in the radio-television broadcast industry in the Buffalo, NY, area, one of the most celebrated, popular, and respected sports reporters and commentators is Ralph Hubbell.

In 1985, when Ralph observed his 50th anniversary as a western New York sports reporter, a committee of friends prepared the following sketch of his diverse career:

RALPH HUBBELL: HIS FIFTY YEARS OF BROADCASTING IN BUFFALO

1931—WEBR: It all began here with a half-hour poetry program at 11:30 a.m., six days a week. Ralph's salary was $5.00 . . . that was per week, not per day.

1934—WEBR: Ralph became a full time staff announcer. He was well on his way at a salary of $18.50 a week.

1935—WEBR: On February 10th he started his sportscasting career when Herb Howell, the station owner, succumbed to Ralph's many requests to begin a fifteen minute sports program at 6:15. Sam Cordovano, a prominent wrestler at the time, was Ralph's guest on that first program.

1936-1939—WBNY: He changed stations but not his duties. He was still a staff announcer, still did a poetry program and still did a sportscast at 6:15. However, he added another dimension to his sports coverage. He began doing play-by-play of the Buffalo Bisons in Offerman Stadium, an experience which was instrumental in securing his next job.

1939-1948—Buffalo Broadcasting, owners of WGR and WKBW: At WGR Ralph became a full time sportscaster, replacing Roger Baker, with shows at 6:30 and 11:30 nightly. His play-by-play coverage now included many of the other sports in our area besides baseball.

1948-1966—WBEN (Radio and TV): It was during his stint at WBEN that Ralph had what he refers to as his "most memorable" experience in broadcasting. He did the play-by-play of a basketball game between the University of Buffalo and Villanova in the Palestra in Philadelphia. Villanova was ranked in the top five teams in the country and was rated a 22 point favorite over U.B. U.B. won by one point and Ralph readily admits that he cried on the air all through the last minute of his broadcast of the game.

1966-1967—WHLD (Niagara Falls): He continued his sportscasting career for Eddie Joseph. During this period, Ralph formed an association with the Ontario Jockey Club, an association which lasted until 1979.

1968-1970—WGR (Radio and TV): Here it was two sports columns daily on radio at 5:55 and 6:55, and an 11:00 program on Channel Two.

1970-1982: Ralph has spent the last eleven years in a free lance capacity with stops at WHLD, WEBR, WBTA in Batavia and, currently, with his "Let's Talk Sports" on Cablescope. He also wrote a column for The Magnificat and The Niagara Falls Gazette during this period.

These are the bare bones, the skeleton if you will, of a man's 50 years in broadcasting in our town. A town where, among many other honors, he has been the recipient of the Saints and Sinners Fall Guy award and the Greater Buffalo Advertising Club's Man of the Year award.

Throughout the years he has been the Master of Ceremonies or main speaker at over 3600 functions in the Western New York area.

How did he manage to survive in this tough field for a half-century? Is it because of his quick wit and great sense of humor, including his outrageous puns? Is it because of his penchant for truth and honesty in everything he does? Is it because of his wondrous way with words, both written and spoken?

When all is said and done, perhaps it is just because he is . . . Ralph Hubbell.

When friends helped Ralph mark that 50th anniversary, he was presented a plaque which stated: "In celebration of a half-century of Good Sports from a Good Sport . . . Ralph Hubbell.

In what is a very competitive business, Ralph Hubbell has a reputation for fairness, honesty, and genuine friendliness.

As Radio Station WECK noted in a newsletter announcing another Ralph Hubbell special program: "You can always count on a hearty 'Welcome Back' greeting as he opens the show and a sincere 'And you take care' at the close."

Ralph has that special ability to convey to his listeners his enthusiasm for both amateur and professional sports and to be not only informative but amusing and touching.

I am happy to note that Ralph today continues to share his enthusiasm over western New York's airwaves. It is a pleasure to take this time to salute him and extend sincere best wishes and thanks on behalf of thousands and thousands of fans, friends, and admirers.

GLASNOST AND SOVIET JEWRY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. HOYER. Mr. Speaker, in early January, I had the opportunity to travel to the Soviet Union with the American Council of Young Political Leaders. During our visit, I met with several refuseniks who talked of the human rights situation in the era of glasnost, they also spoke of the December summit meeting between President Reagan and General Secretary Gorbachev and what, they felt, that meeting holds for their futures.

Mr. Speaker, I would like to share their thoughts with my colleagues:

JANUARY 8, 1988.

Congressmen STENY HOYER,
House of Representatives, Washington, DC.

DEAR SIR: As is well known, Jewish emigration from the Soviet Union has, for many years, been an example of cynical and flagrant violations by the Soviet government of serious international commitments. The policy of glasnost' and democratization has, in no way, changed the arbitrary lawless practices in which applications for emigration visas are processed.

Even during the preparations for the summit meeting, our numerous attempts to take advantage of the new atmosphere in the country to establish a productive dialogue with the so-called Citizenship Commission of the Supreme Soviet—which has been widely advertized as an appeal body for complicated refusals—proved to be unsuccessful. No one would listen to us, either in the Supreme Soviet or in the Central Committee of the Communist Party of the Soviet Union, and this once again confirmed the absence of any constructive approach on the part of the Soviet authorities to the problem of Jewish emigration from the USSR.

During the preparations for the summit meeting, the Soviet leadership demonstrated and skillfully publicized certain signs of progress: emigration quotas were somewhat increased, a number of well-known long-term refuseniks were given permission to leave, and family reunification became possible for a broader circle of people. America's firm stand on human rights issues, coupled with numerous assurances by Soviet official representatives—including those of the highest possible level—that progress in nuclear disarmament and in trade would be accompanied by real progress in the field of emigration, as well as initial signs of such an improvement, gave birth to hopes that a successful summit would result in a tangible improvement in Soviet Jewish emigration.

Now, when the summit is over, both sides agree that it was successful, because of the historical achievements in the field of disarmament, and even more impressive prospects for the future which are envisioned. As far as Jewish emigration is concerned, no sooner had the ink dried on the treaty signed in Washington, than the indications of progress in this field began to disappear one after the other.

As of January 1, 1988, Soviet visa offices have once again been demanding that invitations from first-degree relatives be produced when submitting an application for an exit visa. This denies some ninety per cent of those Soviet Jews who would like to leave the possibility of doing so.

Furthermore, the twenty applications for exit visas which were accepted for consideration without the necessary financial waivers during the summit, were an exception. For all other people with this problem, the obstacles still remain.

The situation has returned to the way it was before, and this has aroused extreme concern among us, and has raised fears for the future of Jewish emigration from the Soviet Union. The attempts by Soviet officials at the highest levels to convince Western leaders that the flood of Jewish emigration has dried up, should be regarded as mere propaganda to cover up the reduction in Jewish emigration to which we have been witnesses.

In this period of so-called glasnost' and democratization, Soviet Jewry is deprived of any offices for their protection, and is being subjected to increasing pressure from neofascist and nationalist organizations—specifically Pamyat' (Memory) and Otechestvo (Fatherland). While the doors to the exodus remain closed, the attitude of the U.S. Congress to the problem of Soviet Jewish emigration has always been based on lofty principles of morality and human rights. We are deeply grateful for that, but wish you to be informed about the real state of affairs.

Yours sincerely,

Yuli Kosharovsky, Anatoly Genis, Vladimir Turkeltaub, Vladimir Kislik, Grigory Rosenstein, Natalia Khasina, Yuri Cherniak, Yuri Semenovsky, Igor Uspensky, Evgeny Grechanovsky, and others.

TRIBUTE TO DR. OTHEL HAND

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. KOSTMAYER. Mr. Speaker, I am not alone in calling myself a friend of Dr. Othel Hand of the American Family Life Corp.

Dr. Hand counts scores of House and Senate Members and high administration officials as his friends.

The article which appeared recently in the Columbus Ledger-Enquirer will interest the many Members of Congress who count Dr. Othel Hand as a friend.

[From The Columbus (GA) Ledger-Enquirer, Jan. 27, 1988]

OTHEL HAND: A NEW THRUST TO CITY'S SPIRIT

(By Glenn Vaughn)

Things have never been the same since Othel Hand came to town.

Even as he began in 1962 his 11-year senior ministry at Columbus' First Baptist Church, his inspired eloquence attracted widening notice and tongues were set to wagging.

He is flamboyant, they said. His highly-colorful sports jackets are "a bit much," they said. He puts artificial flowers in his yard, they said. Later, with relish, came the topper: He has started to wear a hairpiece, they said.

But there was something infectious about his exuberance and flair which made things begin to happen. He tackled a long-overdue, major restoration at his church . . . He launched in the community an interfaith worship series and was the first Protestant minister ever to preach from the pulpit at Holy Family Catholic Church . . . He spearheaded a community beautification program . . . He constructed a handsome fountain at First Baptist, encouraged the development of others and dubbed Columbus "the Fountain City" . . . He focused his zest on a successful rejuvenation of the Springer Opera House.

Othel Hand's "can do" freshness helped ignite a spirit in Columbus that still grows.

In 1973 he moved his motivating ministry to the marketplace as senior vice president of American Family Corp. Today, at a youngish and nimble 66, he is the firm's director of government relations, spending about half his time in the nation's capital.

No one, who has been touched by his ever-present cheer or heard his seemingly effortless golden voice lilting from the pulpit, will be surprised that he opens with ease the doors of Washington officaldom. Nor would any doubt that he knows all 100 U.S. senators, and they know him, and has a first-name relationship with half of them. It's the same for most congressmen and others high in government.

His eye-catching involvements include being a Washington Opera Company trustee, a member of the board of governors for Ford's Historic Theater and a member of the "Golden Circle," which is a Kennedy Center support group. He is a member of the prestigious Senate Trust Committee which often meets in the White House and has been guest chaplain for the U.S. Senate. He is highly active with the American Cancer Society and serves as a trustee for Macon's Mercer University.

In his Washington circles everyone knows the dapper Dr. Hand, including clerks, bellmen, waiters and waitresses at hotels he visits. Fashionable dressers often ask the name of his tailor. (He is David Garrison of Tifton.)

That he, a quintessential gentleman, grew up on a one-horse cotton farm without electricity in Mississippi astounds many. After working his way through Mississippi College at Clinton, he earned masters and doctorate degrees at Southern Seminary in Louisville, Ky., the same way. He taught religion for five years at the University of Richmond and pastored churches in Jacksonville, Fla., and Hickory, N.C.

He and his wife of 42 years, the former Martha Pillow, have two sons—Kerry of Columbus and Mark of Jacksonville—and four grandchildren, two in each son's family.

G. Othel Hand, whose hobbies are gardening, cooking and collecting antiques, is one of those rare individuals who seems to savor, and be thankful for, life's every moment. His reassuring demeanor comforts the humble as well as the mighty in the same warm way.

In Columbus once-wagging tongues today say he's a marvel and he's our own.

ARCTIC COASTAL PLAIN MANAGEMENT ACT OF 1988

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. ANDERSON. Mr. Speaker, today I am introducing legislation on a very sensitive and important issue that Congress has been grappling with for some time now. This legislation, which I have titled the "Arctic Coastal Plain Management Act of 1988," will accomplish many important national objectives. Two national objectives in particular, each one no less important than the other, are responsibly addressed in this legislation. The first of these national objectives is increasing domestic production of oil and gas in order to reduce this Nation's growing dependence upon unreliable foreign sources of oil. The second fundamental objective of my legislation is to protect and expand our Nation's fish and wildlife resources.

During the first half of the 100th Congress, there were many hearings on the future of the Arctic National Wildlife Refugee [ANWR]. Moreover, there will be more hearings on this priority issue in order to focus upon and address some important environmental and oil and gas activity questions regarding ANWR. The decision on what to do with ANWR's future, particularly with respect to the 1.5 million acre coastal plain of the 19 million acre refuge, is certainly not an easy one.

There are those individuals who argue that oil and gas development should proceed in the coastal plain irrespective of its impact upon the environment and the fish and wildlife resources within the coastal plain. Similarly, there are those who employ the same kind of extreme thinking, though with a different perspective, that any oil and gas activity period would be extremely harmful to the coastal plain's pristine nature as well as its fish and wildlife resources. I however, do not subscribe to either school of thought on this difficult issue.

Rather, I believe that oil and gas exploration, production, and development can proceed in the coastal plain without causing any significant adverse impact upon the porcupine, caribou, the muskoxen, and the other wonderful species that utilize this area.

My bill would allow for an orderly oil and gas leasing program in the coastal plain without any undue and unnecessary delay. However, any oil and gas exploration, production, and development that would take place would be carried out under strict environmental standards, thereby providing the necessary protection to the area's fish and wildlife resources as well as air and water quality.

In addition to an orderly leasing program for the Nation's greatest untapped oil and gas potential area, the "Arctic Coastal Plain Management Act of 1988" would also accomplish the second principle objective of protecting and expanding our Nation's fish and wildlife resources, both in Alaska as well as outside Alaska. A large portion of the Federal revenues that would be generated in an ANWR oil and gas leasing program would be specifically earmarked for this important national objective. For example, 10 percent of the Federal revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest, or other income derived from the coastal plain competitive leasing program authorized under this legislation would be distributed to the Migratory Bird Conservation Fund to be used for the acquisition of private lands outside of Alaska having critical wildlife and habitat values; 5 percent of these revenues would be used to control erosion of wetlands which provide important habitat to migratory waterfowl; finally, 3 percent of these Federal revenues would be distributed to a fish and wildlife enhancement trust fund which would be used to promote and finance fish and wildlife conservation, enhancement, and research programs.

Besides the economic and national security benefits as well as the fish and wildlife benefits contained in the Arctic Coastal Plain Management Act, this legislation would also go a long way in reducing part of this country's budget deficit as well as providing critical funding for energy conservation and alternative energy research.

I would urge my colleagues to support my bill. It is truly a balanced, sensitive, and careful approach to one of the most significant and pressing issues facing Congress in this 100th session.

ACADEMIC EXCELLENCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MATSUI. Mr. Speaker, today I would like to bring to my colleagues' attention the outstanding achievements of 68 youngsters who will be participating in the final round of competition in the 1988 California Central Valley Spelling Bee. These students have demonstrated that academic excellence is alive and well in California, and they have distinguished themselves from more than 160,000 students across Colusa, El Dorado, Placer, Sacramento, Solano, Sutter, Yolo, and Yuba counties.

On March 12, 1988, these students will participate in an oral competition at California State University in Sacramento to determine who will represent central California in the National Spelling Bee here in Washington, DC. Although only one student can receive this honor, each participant, through success at local spelling bees and at the qualifying written test, has already proved to be a winner.

Mr. Speaker, academic excellence is the key to our Nation's continued prosperity and success, and competitions like these help maintain high standards of achievement in our schools. I would like to thank the Sacramento Bee for being the sponsoring newspaper for this fine event, and I congratulate these outstanding students on their achievements and urge them to continue in their pursuit of knowledge.

RESTRUCTURING OUR FINANCIAL SYSTEM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. SCHUMER. Mr. Speaker, on March 1, 1988, the moratorium on the expansion of banking powers which was enacted into law by the Competitive Equity in Banking Act [CEBA] will end. If the Congress fails to act by proposing a roadmap for future reform in the banking industry, we will revert to the regime of deregulation by regulators and legislation by loophole which predated the moratorium.

Over the last few months, as the March 1 date has drawn closer, a number of my colleagues have offered thoughtful proposals designed to avoid this undesirable result and to reassert the role of Congress in shaping the future of our financial institutions. These proposals range from the most radical and far-reaching changes in our financial system, such as the proposed repeal of the Bank Holding Company Act and the Glass-Steagall Act suggested by Representative BARNARD in H.R. 3799, to more limited changes, such as the addition of four specific securities powers suggested by Representative RIDGE in H.R. 3837. Other approaches include the repeal of the Glass-Steagall Act alone, which is proposed by Representative NEAL in H.R. 3800, and the emphasis on States rights, which is advocated by Representative CARPER in H.R. 3063. Chairman ST GERMAIN has encouraged this healthy debate within the Banking Committee and has announced that all of these proposals for additional securities powers, as well as expanded bank powers in insurance and real estate, will be considered by the committee soon.

Although I have not supported any of the proposals which have been introduced thus far, I share the conviction of my colleagues that the time has come to seek legislation which attempts to lay a framework for restructuring our financial system. Congress must act affirmatively, rather than defer to the uncoordinated, and often ill-considered, changes which result from actions by the regulators and the courts, But in acting, we must not destroy the special strengths of our financial system, a system which has served our country well.

The risk of a serious misstep is most dangerous if we simply react to pressures for drastic change. The problems of FSLIC have taught us that deregulation can be a recipe for disaster. When the Banking Committee considered deregulation of thrifts, we were told that their managements could handle the risks and uncertainties of active real estate development. While that was so for many institutions, it was demonstrably untrue for too many others. The result is an industry which has losses far beyond the capacity of FSLIC's resources, and which continues to lose money every day.

We should not ignore the same risks in addressing the expansion of powers for commercial banks. At the most basic level, the argument is that the banks need the freedom to enter new areas of business because they are suffering financially and need additional sources of profits. But I do not believe that any of these proposals will be a panacea for those banks which have experienced eroding profits in recent years. Certainly, they will not solve the more pressing problem of raising sufficient capital to comply with the new requirements recently negotiated by the Federal Reserve Board.

Nor do I believe that the stock market collapse of October 19 is irrelevant to the changes that we are considering. There is a wide consensus that the insulation of banks from the securities markets was a stabilizing factor when the entire financial system appeared to be on the brink of collapse. the General Accounting Office, reporting on its study of the October 19 market crash, pointed out that our financial markets are currently in a highly delicate position. The GAO specifically warned the Congress that the repeal of Glass-Steagall might have seriously disruptive effects on the market and, at a minimum, would require the addition of significantly greater resources to the bank supervisory agencies.

The new world which we are entering has very real risks. No one can predict the impact on any reforms which Congress may pass. So while we must act if we are not to code all initiative to unelected regulators and judges, we must be cautious in taking these first steps to reorder the banking system.

I have worked with colleagues of both parties, Representative KLECZKA on the Democratic side, and Representatives PARRIS and SAXTON on the Republican side, to develop an alternative proposal which seeks to meet these concerns. I am pleased to join with them today in introducing a bill, The Comprehensive Bank Restructuring, Powers and Safety Act of 1988 (H.R. 3930), which addresses all of the areas under consideration for expanding bank powers and offers a new structure for addressing those issues.

In broad terms, the act grants two new powers to banks in permitting them to underwrite and deal in commercial paper and mortgage-backed securities. More importantly, however, the act creates a new structure for the exercise of those new powers, and any other powers which Congress may choose to grant in the future. The new structure will serve to insulate insured deposits from these securities activities, and will enable the Securities and Exchange Commission to regulate those securities activities. This structure contemplates a system of functional regulation which, if successful, would permit the expansion of additional powers over time. The act also creates a similar structure for real estate activities of banks, and closes various loopholes which have permitted the expansion of insurance activities by banks. Finally, the act creates a Financial Intermediaries Review Commission to map out future reforms in this area.

While we recognize that changes and improvements to this proposal may be made as the debate goes forward in the Banking Committee over the next several weeks, we hope that this bill will provide a model which will stimulate that debate and will also attract support from a majority of our colleagues on the Banking Committee who seek prudent change.

Before briefly describing the details of the bill, let me outline the philosophy which underlines this proposal. I approach these issues as someone who has supported the principles of Glass-Steagall since I joined the Congress. The essential concept of insulating banks, with their Federal deposit insurance and the promise of the Federal safety net, from highly speculative activities, made sense in 1933 and it makes sense today. Although there was never a perfect separation of banking and securities functions, Glass-Steagall was a critical building block in the financial structure which led to innovative and open markets in this country. It encouraged the entrepreneurial instincts in our economy by fostering a strong securities industry which was not protected from failure to bond to tradition. At the same time, it ensured that banks would provide a reliable source of credit and liquidity in times of crisis in those more volatile markets. There are many, including some of the more thoughtful banking regulators, who would like to see similar forces for stability—or circuit breakers—in the new landscape.

In promoting the growth of an independent securities industry, Glass-Steagall also led to the development of different corporate cultures: the more conservative approach of commercial bankers versus the more venturesome approach of investment bankers. Neither was preferable as an absolute matter; each made an important contribution to our system as a whole. Regulation generally followed in the same manner, with bank regulators attempting to assist banks in carrying out their special role in our financial system and, if necessary, stepping in to bail them out. By contrast, securities regulators adopted a more adversarial stance designed to protect individual investors and the integrity of the markets, while leaving individual firms at risk.

I believe that the freedom to fail has had a beneficial impact on our system. Indeed, my reservations about the proposal advanced by Representative NEAL, which would authorize the entry of banks into the securities business under the existing structure of Federal Reserve oversight, are not simply that the bill is a one-way street which keeps all but a few securities firms out of the banking business while permitting all banks to enter the securities business. Rather, my principal concern is that merger of the two businesses—which have had very different cultures—under supervison of the Federal Reserve Board will compromise the risk-taking ethos of the securities business.

In addition to encouraging an entrepreneurial spirit, Glass-Steagall, coupled with the separation of banking and commerce, has avoided problems of concentration. This country does not have a few large financial institutions which dominate the economy. Thus, we have avoided the rigidities experienced by a country like Germany, where a handful of financial behemoths control the capital markets and stifle entrepreneurial initiatives. Rather, we have benefited from a variety of differentiated businesses which have competed vigorously for the benefit of businesses and consumers.

Those who support radical changes argue that banks required financial relief because their traditional businesses have become less profitable, that competition in the securities industry is undermined by the barriers to entry by the banks, and that the regulatory distinctions no longer correspond to the realities of the marketplace.

Each of these claims is suspect. Even if the banks are currently less profitable than before, it is questionable whether bank profits will benefit from entry into the securities business today, when many investment banks and even commercial banks are laying off employees and preparing for leaner times. Over the long term, the evidence is not clear that the cycle of earnings in the securities business is sufficiently distinct from bank earnings to provide true diversification.

The banks' entry into the securities business may initially increase competition, although it bears noting that this increased competition will also diminish the likelihood of increased profits to the banks. However, the impact may be shortlived if the industry consolidates as it has done in Canada and England in the wake of deregulation. There is an additional risk that banks will compete by offering cheaper credit from their federally insured pool of capital, rather than by reducing the spreads in public offerings. Even with the strongest firewalls and most stringent antitying provisions, this may be impossible to prevent altogether.

The changes in the marketplace have outstripped the ability of regulators to control events, but much of the problem has stemmed from initiatives taken or tolerated by some of the more ideological the regulators themselves. Although complaints have been made that diversified financial firms have encroached upon the preserve of the banks, the single greatest anomaly has been the absence of regulation of banks' securities activities by the Securities and Exchange Commission—an omission which this act attempts to remedy.

The reality is that no one can predict the future with any degree of confidence. There is a far greater risk, therefore, of going too far and too fast, than of taking a few well-considered steps. This legislation proposes a structure which, if it works, can be utilized for additional expansion of bank activities. If it does not work, then the harm to our system will be minimized. The act has four basic components:

First, as a condition of expanding the securities powers of banks to permit the underwriting and dealing in commercial paper and mortgage-backed securities, the act requires the transfer of all securities and securities-like activities—speculative trading in foreign exchange, commodities, etc.—to a separately capitalized securities affiliate which is subject to SEC regulation. Commercial paper and mortgage-backed securities are appropriate vehicles for starting the process of change because they are two areas in which the concentration of a few firms has been stressed as a reason for encouraging bank entry into the business. Various firewall provisions prohibit the use of federally insured bank deposits in securities activities. In addition, banks are prohibited by favoring their own securities affiliates or discriminating against nonaffiliated securities firms in extending credit or clearing services. A similar reorganization is required for foreign securities activities of banks. The principally engaged loophole is closed so that any future expansion of securities powers will be granted by the Congress, as opposed to the regulators.

Second, in the area of insurance, the act closes the South Dakota loophole which was recently endorsed by the Federal Reserve Board in the Merchants National decision, and clarifies the exemption for insurance activities in small communities of 5,000 persons or less by restricting the sale of insurance to those communities. In both cases, the act reaffirms the original intent of Congress in regulating insurance activities of banks, and closes loopholes which creative lawyers have read into the law.

Third, the act creates a separate structure for designated real estate activities of banks. As with the case of securities affiliates, there are various firewall provisions which are designed to avoid the misuse of the Federal safety net and to safeguard federally insured deposits.

Finally, the act establishes a Financial Intermediaries Review Commission drawing from a wide spectrum of disciplines to study the future of our financial system. The Commission will report to the Congress in 2 years with recommendations for further change. A special charge of the Commission will be the reevaluation of the separation of banking and commerce, and an assessment of the risks and benefits of much more far-reaching deregulation, such as that envisioned by Representative BARNARD in H.R. 3799. The Commission will also evaluate the efficacy of the firewall provisions proposed in this act.

Mr. Speaker, I believe that this act provides a foundation for change which is moderate, fair, and soundly conceived.

COSPONSOR OMISSION

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DAUB. Mr. Speaker, I would like to correct an error today regarding an oversight in the listing of cosponsors to a bill I introduced on January 25, 1988 to permit farmers to purchase tax-free certain fuels for farm use. Congressman JIM MOODY's name was not included as an original cosponsor of this bill, H.R. 3844, and I regret this oversight. By this statement I simply would like to set the record straight.

FAST FOR THE FAMILY OF VLADIMIR BRAVVE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Ms. SLAUGHTER of New York. Mr. Speaker, last Sunday, I attended a vigil sponsored by the Rochester Jewish Federation on behalf of Vladimir Bravve, a brave young man and former refusenik who wants to be reunited with his family. The Soviets have refused Vladimir's parents, Grigory and Ninel Bravve, permission to join him and the rest of their family here in the United States. Out of desperation, Vladimir began a fast to draw attention to the unfortunate situation of his family and the cold intransigence of the Soviet authorities.

Vladimir's fast has been debilitating. When I saw him on Sunday his face was drawn, his coloring, pale. He was dizzy and weak. On his doctor's advice and the counsel of friends, Vladimir ended his fast for the sake of his family. Vladimir's health and strength are too important to them to jeopardize by a continued hunger strike.

There has been an outpouring of support from many in the Rochester community who have pledged to continue Vladimir's fast. Today, I am sharing this commitment. I have chosen to go without food from midnight tonight through midnight tomorrow for the sake of this family.

Over the past year, I have addressed this body on numerous occasions to share with you the tragedy of this family. Many of you have signed letters I sent to Gorbachev on the Bravve's behalf. In addition, I have met personally with Soviet officials at the Soviet Embassy, sent a personal appeal to Raisa Gorbachev during the summit, and 2 weeks ago, sent a telegram to the State OVIR office in Moscow—all on behalf of the Bravves and to date there has been no response from the Soviets. My fast, tomorrow, is my own personal statement to carry on the fight for the reunification of the Bravve family.

A TRIBUTE TO HECTOR RANGEL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Hector Rangel, who will be retiring from his post as head officer of the Mexican Consulate in Corpus Christi, TX, a position he has held for over 10 years.

An attorney in International Law, Mr. Rangel has served 46 years in the Mexican Diplomatic Foreign Service. In addition to his tenure as head officer of the Mexican Consulate in Corpus Christi, Mr. Rangel has served as head officer for the following Mexican Consulate Offices: In California, San Diego, San Bernardino, Calexico, El Centro, Sacramento; In Texas, Laredo, McAllen, San Antonio, Dallas, Austin, and Corpus Christi. In Mexico City he was appointed at the Mexican Foreign Office in Mexico City as Chief of the Immigration Department.

I have known Mr. Rangel for many years. He is a well-respected and admired leader of the Mexican, as well as Corpus Christi community. Mr. Rangel has accomplished his duties as head officer of the Mexican Consulate in Corpus Christi, TX with dedication and efficiency. He has managed to harmonize a Federal institution with the people of the community.

The duties of the Bureau of Consular Affairs, include the responsibility for the administration and enforcement of the provisions of the immigration and nationality laws, insofar as they concern the Department and the Foreign Service; the issuance of passports and visas and related services; and the protection and welfare of American citizens and interests abroad. Mr. Rangel has carried out these responsibilities with distinction.

Mr. Rangel has bonded our neighboring countries with his demonstrated leadership and influence in the South Texas community. Every year he is an active participant in area events, such as the popular El Diez y Seis de Septiembre celebration of Mexican Independence Day. This is an event in which the United States and Mexico participate in a series of parades, dances and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many native South Texans as well as our winter visitors. Mr. Rangel, as an officer of the Mexican Consulate, will long be remembered for his immense contribution to international friendship and mutual understanding between Mexico and the United States, as well as the level of dedication and service he gave to his work.

Next week, Mr. Rangel will be honored with a reception given him by members of his family in honor of his retirement. I admire his integrity and join his family and friends in commending him for his longstanding contributions.

BEST WISHES TO FORREST DAVIS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BONIOR of Michigan. Mr. Speaker, I request the indulgence of my colleagues in order to observe the retirement of Mr. Forrest L. Davis. It has been my great privilege to have enjoyed the loyal and dedicated service of my friend Mr. Davis as a member of my district staff since the beginning of my first term in the House in 1977.

It seems to me that, throughout not only his career in government but his entire adult life as well, Forrest Davis has exemplified the qualities which made this country great and have been the backbone of American society. His unselfish devotion to his family, community, and country has been expressed in many ways, as a soldier, American Legion post commander, union activist, fraternal leader, and loving husband and father.

However, among all the qualities which I have come to admire about Forrest Davis through the years, his decency, honor, innate sense of fair play, the one which has made the most lasting impression on me is that he never gave in to adversity or allowed it to harden him to the circumstances of those around him. Whether helping to teach his coworkers to read in C.C.C. camps during the Great Depression or helping friends down on their luck, Forrest Davis has always had a hand up to offer his fellows.

For as much as I will miss his services, I am very grateful to have been able to know and work with him at all. On behalf of all residents of the 12th Congressional District, I wish to extend to Forrest Davis our very best wishes for his retirement and congratulations for a job well done.

HONORING VIC DiGERONIMO

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. McEWEN. Mr. Speaker, allow me to take this opportunity to commend to your attention the distinguished and exemplary career of my good friend Mr. Vic DiGeronimo, a prominent resident of the great State of Ohio who is completing his term as president of a major national construction association. I ask you to join me in saluting Mr. DiGeronimo and his many accomplishments as president of the National Utility Contractors Association [NUCA].

Victor DiGeronimo is a lifelong resident of Independence, OH, where he resides with his wife, Lurlie, and their eight children. Vic literally started his career with a pick and shovel in his hand. He achieved his current position of president and treasurer of Independence Excavating, Inc., after working as a laborer, truck driver, equipment operator, and superintendent. Today he oversees all of the day-to-day operations of the company, including bonding, finance, major purchasing, negotiating, and other functions.

Independence Excavating was started in 1956 by Donald DiGeronimo, the oldest of five DiGeronimo brothers. Through diversification and sound management, the company has flourished. By 1980, the company's sales reached $12 million by building projects geared toward public works facilities. The company has also been in the forefront of innovative techniques that have significantly reduced the cost of building these public facilities. The firm now recycles waste concrete into usable aggregate through its extensive concrete recycling facilities, today producing in excess of 100,000 tons of material.

In addition to his vast professional experience, Vic DiGeronimo has devoted a great deal of his time in a number of volunteer roles. He is a former president of the Ohio Contractors Association. Vic has served as a longtime board member of the National Utility Contractors Association, Associated General Contractors and the American Road and Transportation Builders Association. He is also the recipient of several prominent awards presented annually by these esteemed trade associations.

Vic was elected president of the National Utility Contractors Association for the 1987 term. The association is comprised of some 2,000 companies nationwide involved in the construction of water, wastewater treatment and other underground utility systems so vital to the health and economy of this Nation. Under his diligent leadership, the association has provided outstanding service to the industry in the field of government relations, safety and other vital areas. The association also continued its strong growth under Vic, adding four new chapters in California, Michigan, and Virginia.

As NUCA president, Mr. DiGeronimo has particularly represented his association and his industry well in government relations. During the past year, Vic has made several appearances before House and Senate committees to present Congress with the important views of the Nation's utility contractors and suppliers. Included in these visits were appearances on the subjects of EPA Construction Grants Program funding and appropriations for Farmers Home Administration programs.

In addition, Vic has been intimately involved in construction safety related issues during his career. While his prime concern is protecting construction workers, he has been able to demonstrate to his fellow contractors that the most economical way to do a job can also be the safest. The industry leader worked with the Ohio Contractors Association to provide a safety certification program for contractors. In 1983, his company received NUCA's William H. Feather Safety Award in recognition of outstanding safety efforts.

In 1987, NUCA provided valuable input to officials of the Occupational Safety and Health Administration [OSHA] in that agency's proposed revisions to Federal trench and excavation safety rules. More recently, Vic appeared before the House Subcommittee on Health and Safety during that panel's oversight hearings on construction safety issues.

It has been a busy year for my friend and colleague, but it has been an extremely productive one for his industry and the association he leads. I join in saluting Mr. Vic DiGeronimo as he relinquishes his NUCA presidency, and I wish him good health and prosperity in the years ahead.

TRIBUTE TO SEAN MACBRIDE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to a Nobel laureate, statesman, and Irish patriot. I am speaking, of course, of the late Sean MacBride.

Sean MacBride died in January after a 70-year career of pursuing world peace and human rights. He was best known in recent years as the author of the MacBride Principles, an antidiscrimination code aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Roman Catholics.

Sean MacBride became involved with the Irish nationalist movement at an early age. He spent 20 years with the Irish Republican Army [IRA], but broke with the IRA in 1937 because he believed that the Republican cause could be best served by constitutional, not violent, means. He remained a determined opponent of violence in Ireland until the day he died.

In the late 1930's Sean MacBride became one of the most successful lawyers in Ireland. He often defended IRA suspects and fought repressive antiterrorist legislation.

In 1947, MacBride formed a new nationalist political party in Ireland, which in coalition with existing opposition parties defeated the party in power. Sean MacBride was elected to the Irish Dail in 1947, and in 1948 he became Ireland's Foreign Minister.

Sean MacBride was also active on the international stage. In 1948, he was a vice president of the Organization for European Economic Cooperation, an early version of the European Economic Community. He served for a year as the President of the Council of Foreign Ministers of the Council of Europe.

Sean MacBride helped found Amnesty International in 1963, and served as its chairman for 12 years. At the same time, he was also Secretary General of the International Commission of Jurists. From 1973 to 1976, MacBride was an Assistant Secretary General of the United Nations and United Nations Commissioner for Namibia, or South-West Africa.

In 1973, Sean MacBride was awarded the Nobel Peace Prize for his work on behalf of human rights. Three years later, he received the International Lenin Prize for Peace Among Nations, making him only the second man to win both awards.

As a member of the Ad Hoc Congressional Committee for Irish Affairs, I am a cosponsor of legislation in the 100th Congress to enact the MacBride Principles. I urge all of my colleagues to support this legislation to provide economic justice in Northern Ireland and a final legacy for Sean MacBride.

I join other Irish-Americans and the international human rights community in paying tribute to the memory of Sean MacBride.

SALUTE TO THE LINCOLN THEATER IN MOUNT VERNON, WA

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. SWIFT. Mr. Speaker, I rise today to note a historical treasure in the town of Mount Vernon, in beautiful Skagit County—the Lincoln Theater. The majestic Lincoln Theater was once the showcase of downtown Mount Vernon. The sounds of vaudeville and popular music could be heard in the heyday of the Lincoln and it was a popular movie house for silent films, and later "talkies." But over the years much of the building has fallen into disrepair. The citizens of Mount Vernon, recognizing the beauty and historical significance of the Lincoln, have formed a group dedicated to revitalizing the theater and returning it to its former grand stature. One important step has already taken place. On November 5, 1987, the Lincoln Theater was listed on the National Register of Historic Places.

The Lincoln Theater Center Foundation plans extensive remodeling to restore the facility. The Lincoln boasts a huge organ, still in place and ready for a new life. The fabulous instrument is a Wurlitzer pipe organ, a style "D-special," which gives the effect of an entire orchestra. It produces the single or collective sounds of such instruments as a violin, bugle, trumpet, marimba, xylophone and chimes. Along with getting the organ in top shape, they hope to modify and enlarge the stage to it can once again be used for musical and theatrical events.

The Lincoln Theater Center Foundation has enlisted the support of the entire community to raise private funds to refurbish the theater. After the restoration is complete, the Lincoln Theater will be alive with the sights and sounds of the performing arts—a treasure for the people of Skagit County to enjoy for decades to come. The efforts of this group of citizens have not gone by unnoticed. The week of February 14–20, 1988, has been designated as Lincoln Theater Center Week in Skagit County. Mr. Speaker, I would like to thank those people in Skagit County for all their hard work in making the dream of bringing back the Lincoln a reality.

THE INF TREATY: A GIANT STEP IN THE RIGHT DIRECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. LANTOS. Mr. Speaker, after years of intricate negotiating and high hopes, President Ronald Reagan and General Secretary Mikhail Gorbachev have signed a treaty to eliminate each country's intermediate-range and shorter-range nuclear missiles. It is an important document, perhaps the most important ever drawn up between the superpowers, and I urge my colleagues in the Congress to ratify it.

The treaty runs to 169 single-spaced typewritten pages, with 17 articles and three annexes. Yet as Strobe Talbott, Time magazine's Washington bureau chief and an expert in arms control, points out:

> Reduced to its essence, this mass of legalese is one of the simplest, most radical attempts in history by the leaders of two adversary nations to resolve a point of tension between them. Never before has the word "elimination" appeared in the heading of a nuclear arms treaty. It is a dramatic example of the practitioners of nuclear diplomacy taking a sword to the Gordian knot.

Under terms of the treaty, the United States will remove from Europe 429 intermediate- and shorter-range Pershing warheads, while the Soviets will, from the same theater, remove 1,667 warheads. The reductions are subject to a form of onsight verification by teams of inspectors from both nations—itself a historic concession.

The treaty is not perfect; it still leaves both nations with heavy strategic and tactical nuclear arsenals. It does leave the Warsaw Pact with an imbalance of conventional forces, although the United States will still have 330,000 troops and 4,600 tactical nuclear weapons in Europe.

But for Congress to fail to ratify it would be a disaster of the first magnitude, especially for the NATO alliance. The citizens and governments of Europe have been persuaded by America to support the treaty. If for some reason we do not ratify it, America's role as the leader of NATO would be severely weakened.

There is another, even more compelling reason for the treaty. It establishes the precedent for later negotiations—the START talks—to eliminate even more nuclear weapons. Elements of the treaty's inspection teams could also be used to monitor whatever agreements emerge from the START talks concerning strategic weapons, conventional forces or chemical weapons.

The record since World War II gives us some reason to be skeptical as to whether the Soviets will indeed adhere to the treaty's terms. We all remember what happened after the two countries agreed to the SALT II Treaty in 1979. Six months later, the Soviet Army invaded Afghanistan, and the Congress never ratified the treaty. Six years passed before the superpower leaders met again.

But now, even though the Soviet system remains largely unchanged, conditions are different. A new leader has taken over the reins of Soviet power, a man who gives every appearance of wanting both to debarnacle the Soviets' way of seeing the world and to do what he can to stop a wasteful arms race that is devastating to this country's economy.

There are questions, too, about the American intelligence community's ability to determine if the Soviets are cheating. While I have confidence in our ability to detect Soviet violations, it seems to me also that the INF treaty actually discourages cheating. The Soviets will still retain their strategic nuclear capability, and so the price of cheating on the INF Treaty will not be worth the international outcry that the Soviets would face.

Mr. Speaker, on balance it seems clear to me that the INF Treaty should be ratified and supported fully by the American Government. While much remains to be done, the treaty is a first best hope for lasting world peace. Without it, the threat of nuclear holocaust remains as great as ever. With it, the threat is lessened and the chances for still more arms reductions are greatly increased. I strongly urge its adoption.

TRIBUTE TO GEN. THADDEUS KOSCIUSZKO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic Americans, I rise to inform my colleagues that on February 12 we celebrate the birthday of Gen. Thaddeus Kosciuszko, a great hero to the Polish-American community and, indeed, to all Americans.

General Kosciuszko, a true military genius, was a leading force for liberty in the American War for Independence. His greatest skill was using the terrain as a natural defense against the attacking British forces. In several instances during the war, his bold strategies saved the American forces from heavy casualties and military setbacks.

Born and educated in Poland, Kosciuszko is revered there by the Polish people as George Washington or Abraham Lincoln is here. While Kosciuszko fought for Poland's freedom all his life, he was drawn to the Colonies' courageous fight for liberty, and he sailed to America in 1776 to join the battle against the British.

At Saratoga, Kosciuszko devised a military plan that brilliantly warded off the British forces, led by General Burgoyne, who were charging from all sides. At West Point, Kosciuszko blocked the mighty British Navy from the South, and prevented them from attacking the American encampment and inflicting severe damage to the colonial soldiers. Later in the war, Kosciuszko saved George Washington from sure defeat as Washington retreated along the Delaware River.

But Thaddeus Kosciuszko was more than a military strategist, he was an enlightened individual who fought against slavery decades before freedom became reality for black slaves. Several times in his life, Kosciuszko refused to allow slaves to work for him even when offered to him by American officers. Indeed, in his will, of which Thomas Jefferson was executor, Kosciuzko directed that all his American assets be used to purchase the freedom of slaves as well provide them with an education and land.

Gen. Thaddeus Kosciuszko is a symbol for all of us, particularly the Polish people and Polish-Americans. As Maj. Ernest L. Cuneo said in an article: "In Poland the name of Kosciuszko is an abbreviation for the soul of Poland, and the determination that it will never die." In America, Kosciuszko represents the outstanding contributions Polish-Americans have made to our country for more than 200 years.

CONTRA AID VOTE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MAZZOLI. Mr. Speaker, last week's vote on Contra aid was difficult for every one of us in the House.

Despite my respect for the President and acknowledgement of the burdens he bears as our Commander in Chief, I could not support his proposal for aid to the Contras.

I believe that if we are ever able to isolate the Sandinistas and determine whether their intentions are pacific, as they insist, or sinister as many claim, then we have to deny them the one excuse they have claimed for failure to abide by the terms of the Arias peace plan.

It is also the excuse the Sandinistas have relied upon to deny human rights, free assembly, free press, and religious freedom to their own countrymen.

That excuse: U.S. support for the Contras forces.

If the United States takes pause in its support for the Contras, and if the Sandinistas then fail to adhere to the terms of the Central American accord, we can return to the fray at the invitation of the four democratic Central American presidents or the Organization of American States or, if necessary, unilaterally.

Defeating Contra aid does not jeopardize U.S. security. But, it may advance peace for this troubled region.

In order to put this aid request into terms we can more easily understand, Louisville Mayor Jerry Abramson has told me that $36 million equals:

The entire capital budget for the city of Louisville for 4 years;

All the funds the city would have received through revenue sharing for 4 years; and

All of the services and programs the city provides through Community Development Block Grant funding for 4 years.

Also, Mr. Speaker, $36 million would allow the city of Louisville to:

Repair and modernize the city incinerator which was built in 1954 and last overhauled in 1973 ($14 million);

Modernize its two-way radio system (now 30 years old) used by police, fire, and emergency services personnel ($11 million);

Meet the capital needs of its entire park system ($8 million); and

Help 3,000 homeowners of moderate- and low-income rehabilitate their homes and bring them up to standard ($3 million).

In the same vein, I have been advised by Jefferson County Judge/Executive Harvey Sloane that for $36 million, Jefferson County could:

Bring 1,200 substandard homes and 2,500 substandard rental units up to standard ($24 million);

Create 2,500–3,000 new jobs by selective loans to area small businesses ($6 million); and

Purchase 300 apartments and 300 beds for area homeless and suitable quarters for up to 200 homeless area children ($6 million).

THE 70TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. CARDIN. Mr. Speaker, it is a privilege to join with many friends in the Lithuanian community to commemorate the 70th anniversary of Lithuanian Independence Day.

After hundreds of years of unstable governments and domination by Poland, Russia, and Germany, on February 16, 1918, the Lithuanian Council proclaimed Lithuania an independent state.

However, the struggle of the Lithuanian people was not ended by this proclamation. It was not until July 12, 1920, that Russia signed a peace treaty with Lithuania recognizing it as an independent nation, and forever renouncing "all sovereign rights possessed by Russia over the Lithuanian people and territory."

Despite that treaty, in 1940 the Lithuanian people once again found themselves under Russian domination when the Soviet Union annexed Lithuania as a constituent republic of the U.S.S.R.

Lithuanians around the world continue to fight for their independence. Their struggle has not gone unnoticed. The United States has continued to maintain diplomatic relations with the representative of the former government of Lithuania, and I am proud to be a cosponsor of a House resolution designating February 16, 1989, as "Lithuanian Independence Day."

I am honored to represent the many Lithuanians in the Third Congressional District of Maryland. These are proud people, whose commitment to human freedom and dignity has been unflagging. I know that they will continue their struggle in the hopes that one day we will see a free and independent Lithuania. I am proud to join them.

KILDEE HONORS RABBI GERALD H. SCHUSTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. KILDEE. Mr. Speaker, I rise today to honor a man who has made tremendous contributions to improving the quality of life in my hometown of Flint, MI, Rabbi Gerald H. Schuster. In the next few days, Rabbi Schuster will be leaving Flint to become the director of pastoral services and general hospital chaplain at the Louis A. Weiss Memorial Hospital in Chicago, IL. We in Flint consider ourselves extremely fortunate to have been able to benefit from the services of Rabbi Schuster for the past 18 years. Over the years, Rabbi Schuster has been an active member in all segments of our community, and his work will serve as a testament to what religious leaders can do to enrich the lives of the community in which they serve.

In his 18 years as the spiritual leader of Temple Beth El in Flint, Rabbi Schuster made a concerted effort to work with the young people in the congregation so that they would understand the important role that religion plays in a person's life. Rabbi Schuster performed hundreds of religious services that have provided him a unique bond with each member of his congregation. His sermons often reflected his personal philosophy of compassion, justice and the need to help those who are the most vulnerable in our society.

Equally impressive, Rabbi Schuster has contributed a significant amount of his time and energy to bring members of our community together to confront some of the perplexing problems we face. Rabbi Schuster has served on the board of the Genesee County Mental Health Association, the Urban Coalition of Flint, the State of Michigan Bio-Ethics Network Planning Committee, and various committes in Hurley and McLaren Hospitals. Rabbi Schuster was also a founding member and vice-president of Hospice of Flint. As a member of the Interfaith Action Council, Rabbi Schuster organized several interfaith activities, including tours of Israel.

For the last several years, Rabbi Schuster has undertaken a new role as the coordinator of pastoral services at the Hurley Medical Center in Flint. With commitment and purpose, he has provided counseling and spiritual care to individuals and families who are in need of a consoling voice. I can think of few other individuals who have the compassion, the patience, and the love for his fellow person as Rabbi Schuster. In many ways, he has served as a spiritual leader for our entire community.

Mr. Speaker, I have always believed that the role of government is to promote, protect and to enhance human dignity. Rabbi Schuster certainly exemplifies all of these qualities, and his time with us has helped renew our faith in the goodness of people everywhere.

It is extremely difficult for our community to bid farewell to our rabbi and our friend. We know that we will never be able to replace him, but we realize that we are all better people because we have been able to share precious years with him and his family. It is my honor and privilege to join my colleagues in paying tribute to Rabbi Schuster for his leadership and dedication in helping our community mentally and spiritually prosper in our economically difficult times. I know that Rabbi Schuster will continue to extend his love and warmth to his new community. He will always have a special place in the hearts of those he touched in Flint, MI.

TRIBUTE TO RABBI STEVE ROBBINS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Steve Robbins, a prominent member of my community. Rabbi Robbins has been the rabbi at Temple Emanuel for the past 10 years where he oversees the religious, educational, and communal life of the synagogue. The temple will honor Rabbi Robbins on March 17, 1988, at the Beverly Hills Wilshire Hotel for his many years of outstanding service.

Temple Emanuel, a reform synagogue of 1,700 families, plays a pivotal role in the Jewish community of greater Los Angeles and the reform movement nationally. It operates a full- and part-time school system with 1,200-plus students.

Rabbi Robbins has utilized his bachelors of arts degree in history and sociology, obtained from UCLA in 1967; bachelors and masters in Hebrew letters, obtained from Hebrew Union College in 1972, and skills in humanistic psychology and family therapy in a number of other important institutions. He served as director of the B'nai B'rith Hillel Foundation, University of Cincinnati, and the Hillel Foundation at the University of California at Berkeley. In addition, he has been on the faculty of the University of California at Berkeley, Graduate Theological Union, John F. Kennedy University, and Hayward State University.

The Jewish community of the greater Los Angeles area also benefits from Rabbi Robbins' tireless efforts in extensive public policymaking for the community. As chairman of the Urban Affairs Commission, an integral part of the Jewish Federation Council, Rabbi Robbins is a major voice in influencing public policy on social, political, economic, and interethnic issues in southern California. He has a particular interest in intergroup relations and the Counter Cult Program in the Jewish community of Los Angeles which he developed himself.

It is my honor and pleasure to join the Temple Emanuel in paying tribute to Rabbi Steve Robbins for his dedication to the southern California Jewish community.

BEARS ON ICE—UNIVERSITY OF MAINE HOCKEY TEAM NO. 1

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Ms. SNOWE. Mr. Speaker, on behalf of the State of Maine I would like to congratulate the University of Maine hockey team on the outstanding season they are enjoying. This team's remarkable success is well portrayed in a recent Sports Illustrated article that I would like to share with my colleagues.

Under the guidance of head coach Shawn Walsh, the University of Maine is currently the Nation's top ranked college hockey team, and has become a great source of pride for the entire State. Even more noteworthy than the team's excellent won-lost record, however, is the manner in which they have achieved their considerable success.

In an era when major college sports are often tainted by scandals, the Black Bears have proven that students do not have to sacrifice their academic integrity to compete in intercollegiate athletics at a national level. Coach Walsh has provided his players with an environment that is conducive to academic success, and the players have responded accordingly. These young men are acquiring a first-rate college education in addition to enjoying the rich rewards of athletic competition.

Mr. Speaker, the following Sports Illustrated article does an excellent job of describing how this model college sports program operates:

[From Sports Illustrated, Jan. 25, 1988]

BULLISH ON THE BEARS

(By Morin Bishop)

Stirring a state whose teams are unaccustomed to such lofty heights, Maine is No. 1 in all college hockey.

Outside Alfond arena in tiny Orono, Maine, the only signs of life this afternoon are the smell of burning firewood in the chill air and the occasional sight of a student hurrying to class across a campus parking lot. But inside things are humming as the University of Maine hockey team settles in for another of its periodic group therapy sessions.

When the players have settled down and taken their places in the plush new locker room, Shawn Walsh, the Black Bears' 32-year-old coach, opens the gathering by confessing his own sins committed during

Maine's 4-1 win over U.S. International the previous night. Among other errors Walsh surprisingly concedes that he was too harsh with a player who had unnecessarily iced the puck late in the game. Emboldened by their coach's honesty, some players forthrightly own up to their mistakes. One allows that he took a stupid penalty because he overreacted to a shove from an opponent; another confesses to making nasty comments to a teammate on the power play; a third admits that he hadn't paid enough attention when planning his academic schedule at the start of the semester and as a result had to miss half the game to take a final exam. By now the penitents are falling all over themselves to confess. Father Shawn happily grants absolution and the team is ready to start preparing for its next opponent. Alan Alda would love it; Woody Hayes would have been ill.

The scene epitomizes the introspection and Three Musketeers' togetherness that have helped the Black Bears achieve their impressive 19-4-2 record this season and No. 1 ranking in NCAA Division I, the first time a University of Maine team has been rated best in the land. Though the team had dropped to No. 2 behind Minnesota after a Jan. 4 loss to unranked North Dakota, Maine regained the top spot last weekend with a convincing 6-4 win over the Gophers.

Certainly you won't find much grumbling about Walsh's tactics around Orono. And who can quarrel with a man who in four years has turned around a program that had a dismal Division I record of 33-73-1 in the five seasons before his arrival? He has built a real winner, advancing to the quarterfinals of the NCAA playoffs last year in just his third season.

What ought to particularly please the Maine faithful is that Walsh has achieved this success while actually improving the team's record in the classroom, an accomplishment attributable to still more unusual tactics. All freshmen are required to attend a study hall three to four times per week, as is any other player whose grade point average dips below 2.0, the borderline for eligibility. Questionnaires are sent to professors every five weeks so that each player's academic progress may be monitored. Walsh has a copy of everyone's schedule, so he knows when a player is and is not supposed to be in class. Any team member who plays hooky, or for that matter hockey, instead of attending class is ordered to appear at Walsh's so-called "breakfast club" meeting, a mandatory 6 a.m. skate in full equipment.

Walsh's efforts have borne fruit on and off the ice. Last year the hockey team's GPA was 2.51, and this year it currently stands at 2.60, not Phi Beta Kappa numbers but above the all-university average of 2.50. "We have a 'Public Ivy League' environment here." says athletic director Kevin White. "I think it's part of the culture, the mystique of the eastern academic tradition. The people up here, they just drip with integrity. They want to see the GPAs at the end of the year, and if the hockey team is below the community, they want to know why."

That ever watchful community also affords the team an almost unheard-of measure of support. Says senior defenseman Dave Nonis, one of seven players from British Columbia and a member of Walsh's first recruiting class, "I'd played in front of crowds from 400 down to maybe 20. I get to Maine and we're getting 1,500 to 1,800 people for intrasquad games. We were getting near-sellout games my first year, and we were losing." The record of Maine's love affair with the hockey team speaks for itself: The Black Bears lead the Hockey East Association in home attendance for the third season in a row, averaging 4,912 per game in the 4,100-seat Alfond Arena. The hockey team consistently out-draws its gridiron counterpart in total attendance, and hockey is the only sport at Maine that operates in the black.

How did Walsh reverse the tide in just four years? The answer is, with a combination of luck, resourceful recruiting and a solid system stressing defense. "You rebuild a program from the inside out," says Walsh. "You can't control the W's and L's in college hockey for a while. So you control what you can: Get food in your system and get a good night's sleep. My first year we lost 12 one- or two-goal games. We couldn't buy a close win, but there were glimmers. My philosophy is simple. You recruit offense, you teach defense. I look for size on defense and speed up front." Says center David Capuano, "In our system your're never really busting to get back because you're on your guy anyway. You've got to have that high guy covered."

Walsh's charm as a recruiter was evident in his first frantic weeks at the school when he signed up right wing Dave Wensley and center Mike Golden. Wensley was in the vanguard of Walsh's "B.C. connection," one of the original four players recruited on Walsh's hurried expedition to British Columbia immediately after his hiring in April 1984. Wensley was so taken with Walsh's pitch that he agreed to attend the school sight unseen. "The first thing I did was grab a globe," says Wensley. "I thought Maine was east, down on the coast, just north of Florida. I worked my way up the map. My eyes got larger and larger as I went higher and higher. I couldn't believe how far north it was." Wensley certainly has no phobia about far-flung locales—his parents are currently living in Bhutan, where his father, Henry, is employed in the United Nations program as a foreman charged with overseeing three wood-processing mills. Wensley remembers being impressed with Walsh's determination right from the beginning. "He said that he wanted to win a national title in four years," Wensley recalls. "He said it was going to take a lot of rebuilding, and he has held to everything he told us."

But Walsh did not restrict his efforts to Canada. The team is evenly split between Americans and Canadians, and perhaps his most important recruit that first year was Golden, a center from Reading, Mass. A top candidate for this year's Hobey Baker award, which is given annually to the nation's top college player, the speedy Golden leads the team and is in the top three in the nation in scoring, with 52 points in 25 games. Golden's history has been a troubled one. After a sterling high school career, he was sought by virtually every major college hockey school in the East and was highly regarded by several NHL teams, including the Edmonton Oilers, which drafted him in the second round in 1983. Acceding to his mother's wishes that he get an education—and mindful of the fact that Edmonton already had some pretty decent centers, including a guy named Gretzky—Golden decided to bide his time, go the college route and enter the NHL later on. "I had a mixed-up view about going to college," Golden says. "I had the impression that I could play in the NHL in a year or two. I didn't go to school with any academic determination."

He flunked out of the University of New Hampshire after one semester. Deciding to forgo college altogether, Golden spent several months playing Junior B hockey in Canada before making a one-day visit to a Junior A team in Portland, Ore. "Had I stayed there for three days, I would have been ineligible for college hockey [because NCAA rules limit such visits to two days]," says Golden.

"When I got to Portland, I suddenly got really apprehensive about the decision I was making. I got on a plane and flew back home. Eventually I sat down with my mother and told her that I wanted to go back to school." After several months working at odd jobs, including assembling modular furniture and cleaning carpets for a Sears store, Golden undertook the task of selling himself to the Eastern schools. To his dismay he discovered that the same people who had once courted him so avidly were less interested now that he had lost a season of eligibility and would have to sit out a year as a transfer.

Maine was not on Golden's list of preferred schools. In fact, he had made up his mind to duck the campus visit that Walsh had arranged for him. "I told Coach Walsh on the phone in November that I wasn't going to make the visit. He really lectured me. He asked me, 'Why are you going to eliminate your options?" He was really stern, almost like a father. I told him, 'Fine, I'll come up and take a look.' "

Walsh's paternal manner obviously struck a responsive chord in Golden, whose father, Frank, died in a fire in 1978. "I came up and sat in on a class and saw a game," recalls Golden. "I really liked the fan support. I liked the team. They weren't that good, but they really worked hard. He [Walsh] also came up with a scholarship for me for 3½ years. I looked at everything up here and decided that I couldn't pass up this opportunity. This was the best decision I ever made. College is the greatest place to grow up."

The luck of the Irish also played a part in Walsh's success, most notably in the person of left wing Mike McHugh from nearby Bowdoin. McHugh, a late bloomer who began skating at the age of 10, was a pure gift, a walk-on who began his college career riding the bench during the first half of Walsh's inaugural 1984-85 season. But when Maine lost six in a row before the Christmas break, Walsh decided to give the kid a shot. McHugh has been a fixture at left wing ever since, increasing his scoring from 17 points that freshman season to 19 as a sophomore to 50 as a junior, including a team-leading 21 goals. This year he has 43 points in 25 games.

Defenseman Jack Capuano, from Cranston, R.I., signed on in Walsh's second recruiting class, and his brother Dave, a center and the Black Bears' leader with 59 points last season as a freshman, came on board one year later. Al Loring, a junior, and Scott King, a sophomore, combine to give the Black Bears the leading goaltending duo in the East. Walsh had the combination he wanted: size on defense, speed up front and exceptional goaltending.

Walsh's conservative defensive philosophy comes as no surprise to those who know about his apprenticeship under Ron Mason, the rink genius who transformed Michigan State into a perennial national power. In fact, many of Walsh's recruiting contacts in British Columbia were forged during his days beating the bushes for Mason. Walsh's tutelage under Mason began early, in 1973, when he was a freshman third-string goalie on Mason's Bowling Green team. "It was brutal," says Walsh. His love of hockey was so great and his interest in coaching already so serious that from the beginning of his freshman year Walsh was performing an incredible juggling act: attending class, practicing with the varsity and playing for the jayvees as well as working as an assistant coach on the Bowling Green High School team and coaching the high school jayvees. It was a hectic schedule that Walsh would continue into his junior year, when a knee injury ended his playing days and Mason invited him to become a student assistant at the university level.

Three years later, having completed a master's program in education, Walsh was hired as a full-fledged assistant at Bowling Green, and when Mason moved on to Michigan State in 1979, Walsh went with him. "I got really close with Ron and Marion [Mason]," says Walsh. "Anything I've accomplished, I owe to them."

Walsh, who is single, says, "I'm married to a little black puck, and I've got 26 kids," he says. "They're like your own. You're so proud of them on some days, and on others you'd like to smack them." There the coach goes, confessing again. The way his team is playing, though, its opponents are the ones who may have to ask forgiveness.

NATIONAL BURN AWARENESS WEEK

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mrs. VUCANOVICH. Mr. Speaker, the week of February 8-14, 1987, marks the third consecutive year of "National Burn Awareness Week."

Every year over 2 million people are victims of burn injury; every 30 minutes someone dies of a burn injury. Statistics like these give our country the dubious distinction of having the worst burn problem of any industrialized nation in the world. As citizens of the most technologically advanced nation on Earth, we are bound to educate ourselves not only to the many positive uses but also to the possible dangers of technology. Microwave ovens represent a handy kitchen accessory as well as a burn hazard.

Victims of burn injury are largely children, older Americans, and the disabled. This group suffers from a death rate of five times that of any other group. And what shames us all even more is a recent statistic that approximately 75 percent of all burns can be prevented by proper education. It was toward this goal of education that I introduced House Joint Resolution 428 on December 16, 1987, designating the week of February 8, 1988, as "National Burn Awareness Week," providing for a public awareness program designed to familiarize everyone with methods of burn prevention, treatment, and rehabilitation.

No one is immune to the tragedy of burns. Unfortunately, the issue of burn injury is ignored or hardly noticed until a tragedy occurs. Burn injuries can happen at any time. Many think of the holidays as a time when burn injuries occur the most frequently, what with Christmas trees and holiday cooking. But during the summer many Americans enjoy barbecuing outside on the grill; this summer activity poses a burn hazard too if proper precautions are not taken.

Each year millions of dollars are spent trying to remedy the effects of burns and burn-related incidents; each year 70,000 individuals are hospitalized and another 12,000 die as a result of burns. The difference in combatting this problem is people educating people, and it is in the spirit of this difference that I commend Mr. Fred Jameson of the Institute for Fire and Burn Education in Las Vegas, NV, for his efforts to educate the American public about the problem of burn injury. I urge my colleagues to do their part in educating their districts to the urgency of fire hazards and burn injuries.

ENCOURAGING A DEMOCRATIC TRANSITION IN PANAMA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to draw my colleagues' attention once again to events in Panama, where the corrupt, dictatorial regime of Gen. Manuel Antonio Noriega has suffered yet another setback. Last week Noriega was indicted by a Miami grand jury on charges of drug trafficking and racketeering.

Noriega's indictment was only the latest installment in an ongoing and somewhat familiar story of a corrupt dictator slowly losing his grip over a civilian populace yearning for democratic rule.

Last June, the public statements of a retired army officer condemning the involvement of General Noriega in drug trafficking, electoral fraud, and assassination set off a series of protests and strikes against the government. The Panamanian people took to the streets and united in an opposition coalition, The National Civic Crusade, which represents 107 community organizations opposed to the current government as represented by General Noriega and his puppet civilian counterparts. The opposition is united in its goals to force the resignation of General Noriega, to have free and fair elections in 1989 which will result in a civilian government free from the oppressive influence of the military, and to restore the access of the Panamanian people to a free press and the civil liberties of a true democracy.

Although the opposition has met with little success, it plans to continue its antigovernment protests, and it will undoubtedly be met with increasingly repressive actions. Freedom of the press continues to be curtailed, political arrests and detentions are high, and in recent days, General Noriega has signaled his intention to continue in power until a new government is elected in 1989—a government which would, of course, represent his hand-picked successors.

Congress has taken the first step in trying to help the Panamanian people achieve their goals by mandating a cutoff of aid to Panama. However, it is clear that without sustained efforts by the United States to encourage a transition to democracy, the weight of General Noriega's power will be the determining factor in any new government in Panama. We need to renew our efforts to encourage free and fair elections and to change the role of the military in Panamanian politics from one of dictatorship to one which supports basic civil and human rights.

In supporting the efforts of the Panamanian people to move their government toward a true democracy, I would like to commend the following three articles to my colleagues. The article by Abraham F. Lowenthal and Geoffrey Pyatt of the Inter-American Dialogue from the Chicago Tribune of December 12, 1987, is particularly thoughtful in its assessment of the situation in Panama and in its recommendations for United States actions.

[From the Chicago Tribune, Dec. 12, 1987]

MEANWHILE, IN NEARBY PANAMA . . .

(By Abraham F. Lowenthal and Geoffrey Pyatt)

(Abraham F. Lowenthal, professor of international relations at the University of Southern California, is executive director of the Inter-American Dialogue, a group of 60 prominent citizens from throughout the Western Hemisphere. Geoffrey Pyatt is a member of the Dialogue's Washington staff.)

Much of Washington's attention has been riveted on the efforts to achieve a regional peace and political opening in Central America. The peace process launched by Costa Rican President Oscar Arias has lifted hopes that the bitter civil wars in Nicaragua and El Salvador can be brought to an end, and that the way can to opened toward democratic practices. The United States has focused with particular intensity on bringing democracy to Nicaragua; the Reagan administration's impatience for full democracy there can hardly be exaggerated.

Meanwhile, less than an hour's flight from Managua, Panama's thinly disguised military dictatorship still clings to power—with little sustained protest from the United States. It is, at best, ironic that the United States is obsessed with Nicaragua, which has few resources and scant real U.S. interests, while we often tend to ignore Panama—site of the strategically and economically important canal, a base for 10,000 U.S. troops and significant intelligence and training facilities, and substantial U.S. investments. By letting the focus on Nicaragua obscure what is happening in Panama, the Reagan administration risks a major deterioration of U.S. influence in a region where our interests are substantial and tangible.

Just after last summer's unrest in Panama began, the regime controlled by Gen. Manuel Antonio Noriega momentarily appeared on the brink of collapse. When retired Col. Roberto Diaz Herrera confirmed longstanding stories of government involvement in electoral fraud, drug trafficking and assassination, he shattered the Panamanian military's code of silence. Diaz Herrera's break with the government, in turn, led Panama's citizens to vent years of resentment at Noriega's authoritarian style and corrupt practices.

In the weeks following, tens of thousands marched in the streets of Panama City demanding Noriega's ouster. An opposition coalition—the National Civic Crusade—called a successful general strike, and the government declared a state of emergency and imposed press censorship. In August, a widely circulated Gallup poll indicated that 75 percent of Panamanians surveyed favored the resignation of Noriega. The international banking community, meanwhile, began to pull its money out of Panama.

By late fall, however, the opposition movement seemed to have lost its momentum. And in October, the military stifled a planned antigovernment protest.

Panama's unarmed civic opposition, protesting with white handkerchiefs and banging pots, will not be able by itself to bring down the Noriega dictatorship, but public repudiation of the regime is remarkably widespread. There is also significant dissatisfaction with Noriega's methods within the Panamanian armed forces and a spreading belief that he has betrayed the legacy of the former military chief and canal treaty signatory, Gen. Omar Torrijos. Add to this the need for a stable investment climate to preserve Panama's fragile service-based economy, and the forces are mounting that could drive Noriega from power.

In a country where the United States has long had a preponderant influence, many Panamanians are looking to the U.S. Embassy, the U.S. military's Southern Command and to Washington for clues about whom the U.S. is supporting. It is time for a clear and consistent response from Washington.

Direct U.S. efforts to force a regime change in Panama probably would prove counterproductive. By focusing its ire on Noriega, the Reagan administration increases the likelihood that the general will merely be replaced by another member of the Defense Forces. The United States would be case as an interventionist power trying to dicate Panama's future.

It would be better for the United States to work for a gradual political opening and to seek a change in the underlying relationship between the Panamanian military and civilian society. Achieving such a transition, however, would require a more sustained and forthright policy.

First, the United States should make crystal clear its support for open and fair presidential elections in 1989, without appearing to favor a single candidate or social group. This message cannot be conveyed by purely episodic expressions of administration displeasure; it can result only from a persistent campaign of diplomatic suasion, laced with tangible rewards for positive change.

Second, the U.S. Embassy should encourage the Catholic Church in Panama to be more forceful in helping the civic opposition to organize so it can play a transitional role in advance of elections.

Third, the United States should discreetly but firmly indicate to Noriega that the stability and success of the Panamanian Defense Forces would be enhanced if he removed himself as a catalyst for polarization.

Fourth, we should encourage the Latin American democracies to take more of an interest in Panama, in order to dilute the overwhelming U.S. presence there.

Following these guidelines will not guarantee instant democracy in Panama; nothing can. But by devoting sustained and visible attention to Panama, we could make it much more difficult for Noriega to repress those who are demanding peaceful change. For an administration that has spent more than $5 billion in the name of Central American democracy, such a commitment to Panama's democrats is not too much to ask.

[From the Washington Post, Feb. 5, 1988]

PANAMA'S NORIEGA INDICTED IN U.S.

(By Joe Pichirallo)

Gen. Manuel Antonio Noriega, Panama's military commander and de facto ruler, was indicted yesterday on federal drug and racketeering charges that he used his vast governmental powers to convert Panama into a safe haven for international drug traffickers, according to U.S. law enforcement sources.

Noriega was charged in a sealed indictment returned by a federal grand jury in Miami, sources said. The Miami indictment is scheduled to be made public today.

A U.S. criminal indictment of an incumbent foreign leader is virtually unprecedented. A law enforcement official said yesterday that research by the Justice Department indicates that only one other sitting foreign leader, the chief minister of the Turks and Caicos Islands, a tiny British dependency in the West Indies, has ever been indicted by the United States.

Noriega's indictment is expected to have serious diplomatic and political ramifications that extend far beyond the specific criminal allegations.

The indictment coincides with a strong effort by the Reagan administration and Congress to pressure Noriega to resign, which has prompted Noriega and others to allege that the indictments are part of the campaign to oust him. The Panamanian constitution bars extradition of its citizens, making chances slim that Noriega will come to trial in the United States.

Federal prosecutors have also received approval to seek a separate indictment of Noriega in Tampa, Fla., and the U.S. attorney's office there has scheduled a news conference on the subject today.

Sources said the Miami indictment charged Noriega with violating federal racketeering and drug laws by participating in Panama in a criminal enterprise that included leaders of the notorious "Medellin cartel" group of Colombian drug kings. Investigators say the cartel is responsible for most of the cocaine smuggled into the United States.

Sources said the Tampa investigation is largely tied to allegations made by convicted drug smuggler Steven Michael Kalish, who told a Senate subcommittee last week that he made hundreds of thousands of dollars in payoffs to Noriega.

In the Miami indictment, sources said, Noriega is charged with playing a pivotal role in a conspiracy that shipped drugs through Panama to the United States and used Panamanian banks to launder millions of dollars in illicit profits from U.S. drug sales. Noriega is named in the indictment along with 15 other defendants, including drug smugglers, pilots and money launderers.

U.S. law enforcement officials deny that the charges are part of an administration attempt to force Noriega out, but some officials note that the new chill in official relations with Panama has made it easier to investigate Noriega.

Noriega, 51, who became Panama's military commander in 1983 after serving as chief of military intelligence, has repeatedly denied any involvement in drug trafficking. He has denounced the investigation as part of an effort by some U.S. officials to discredit Panama.

CBS News reported last night that Noriega in a television interview called the indictment "strictly a political act aimed at frightening me."

As a sign of the case's sensitivity, Attorney General Edwin Meese III took a "personal hand" in discussions at the Justice Department this week that led to the decision, and the impending charges were also discussed at the White House, according to an administration source.

The United States has major national security interests in Panama, site of the strategically important Panama Canal and the largest U.S. military base in Latin America.

Within the last seven months, the rise of the most sustained internal political opposition to Noriega and a worsening economic situation in Panama have prompted the Reagan administration to push for Noriega to resign.

U.S. policymakers believe that Noriega must depart before free elections and a civilian democratic government can occur in Panama.

Officials said the administration is wary about how Noriega and Panama will react to the indictment.

Current and former U.S. officials said that in the short run, the charges will likely make it more difficult for Noriega to resign and permit a smooth transition to a civilian government.

And, U.S. officials said, Noriega would be effectively blocked from moving to the United States or to a country where he could be extradited here.

Officials also said some policymakers fear the indictment might cause Noriega to expand his ties to Cuba's Fidel Castro and Nicaragua's Marxist Sandinista government. However, other officials said it is likely to add steam to the internal effort to oust Noriega.

William J. Jorden, a former U.S. ambassador to Panama, said yesterday that "in the short term [the indictment] will harden him. It will make it more difficult for him to step down gracefully. On the other hand, the pressures are likely to build up to a point where there is no other choice than for him to go."

Noriega has managed to withstand repeated challenges. Current and former U.S. officials said the United States in the past had not moved against Noriega in part because he had a longstanding relationship with the Central Intelligence Agency. For example, current and former officials said, during the tenure of the late CIA director William J. Casey, Noriega had close ties with the agency.

In recent years, Panama has received praise from top U.S. law enforcement officials, including Meese and John C. Lawn, director of the Drug Enforcement Administration (DEA), for its cooperation on drug investigations.

Officials said DEA is in a delicate situation because it played a leading role in the Miami investigation and its agents also are dependent on Panama for help in the war against drugs.

Allegations about Noriega's involvement in drugs have been around for 15 years. But law enforcement officials said that until recently the evidence has not been viewed by prosecutors as strong enough to take a case into court.

Sources said a major break occurred when a former top Noriega drug pilot, Floyd Carlton Careres, began cooperating with the DEA and the Miami U.S. attorney's office last year after his conviction on drug charges.

Carlton's information was later unexpectedly corroborated by Jose I. Blandon, a former top Noriega aide who recently became a leading Noriega critic, sources said.

Among the allegations cited by Blandon is that Noriega has close ties to Castro and that Noriega has played the CIA and Cubans against each other.

Blandon has said he was present at a meeting in Havana when Castro medicated a dispute between Noriega and leaders of the Medellin cocaine cartel.

Other sources said the meeting took place on June 29, 1984, and that Castro's role was expected to be briefly cited in the Miami indictment. No charges were filed against Castro.

[From Newsweek, Feb. 15, 1988]

DRUGS, MONEY AND DEATH

(By Nancy Cooper with Charles Lane and Rod Nordland in Panama City, David L. Gonzalez in Miami and John Barry, Robert B. Cullen, Robert Parry and Richard Sandza in Washington)

The sign used to hang outside Gen. Manuel Antonio Noriega's office: "If your enemy surrenders, it's because he couldn't kill you." The Panamanian strongman is putting his conquer-or-die philosophy to the test. His people are protesting his rule; friends in the Reagan administration are pressing him to resign; former associates are turning against him—and in court. Federal grand juries in Miami and Tampa last week indicted the dictator on charges of drug trafficking, money laundering and racketeering: the first time the United States has formally charged the leader of a major allied country with criminal acts.

The indictments suggest that Panama's vaunted banking and service economy was this: the perfect place to trade drugs, guns and government secrets, so long as Noriega got serviced with a cut of the cash. "What he did was utilize his position to sell the country of Panama to the traffickers," said U.S. Attorney Leon Kellner, announcing the Miami indictment. Among other charges, the grand jury there said that Noriega helped members of the Medellin cartel, the violent Colombian drug ring, by providing safe airstrips for their cocaine shipments and safe haven for their hit men. It accused him of laundering the cartel's profits. In return, according to the indictment, Noriega received more than $4.6 million. The Tampa grand jury also charged him with three counts of conspiring to smuggle 1 million pounds of marijuana into the United States and to help launder the proceeds; under the plan, Noriega would share $1 million in payments with two other men.

The criminal action was the toughest U.S. move yet against Noriega. "We are right in this fight," the general told Crítica, a progovernment newspaper. "This is simply another aggression against Panama by the United States." Noriega has previously dismissed similar accusations as driven by a U.S. desire to retain control of the Panama Canal. The country's Foreign Ministry also released a statement, saying that "Panama energetically and indignantly rejects this new assault against its leaders." In an implicit threat to U.S. strategic interests in the Panama Canal and nearby military bases, the statement also warned it would be "extremely dangerous" for the United States to try Panama's "patience, tolerance and good faith." In Panama City, the government sent troops into the streets to quell any possible demonstrations, while opposition newspapers exulted. Noriega to jail: faces 145 years, said the headline of El Extra. At least one newspaper published letters calling for a coup by younger officers—just what the U.S. government seems to want.

What took Washington so long? Intelligence sources marked the hard-eyed, hard-fisted Noriega for a brutal dictator, who through a blend of corruption and coercion transformed the senior command of the Panama Defense Forces (PDF) into something more like an organized-crime family. U.S. officials suspected he took a cut of all illicit cash flowing through Panama. They were sure that thousands of kilos of cocaine arrived in the United States under his protection. They believed he had shipped weapons to the Sandinistas and sold U.S. secrets to Fidel Castro. They heard lurid tales implicating him in torture and murder. A secret biography prepared by the U.S. Defense Intelligence Agency describes him as "brutal" and without loyalty, "for rent and not for sale." A former employee calls him frightening: "When you are near him, you feel you are near death."

Foster home: Interviews with a wide range of sources in Panama, in the Panamanian exile community in Miami and Washington and inside the U.S. government and intelligence community, paint a dark picture of the dictator. Manuel Antonio (Tony) Noriega was born in poverty in 1934. He was illegitimate; his mother put him in a foster home when he was five. Noriega's teenage ambitions, according to his high-school yearbook, were "psychiatrist" and "president of the republic." Instead, a scholarship landed him in a military college in Peru. He allegedly worked for the CIA while at the school, supplying information on suspected leftists among his fellow cadets. His predilection for violence also emerged early. Noriega entered the National Guard after graduation and was posted as a junior officer to Colón Province. According to Guillermo Sánchez-Borbón, a Panamanian journalist now living in Miami, Noriega allegedly raped a prostitute in Colón. A rising young officer named Omar Torrijos kept him from being punished and sent him to Chiriquí Province. There, claims Sánchez-Borgón, Noriega raped a 13-year-old girl and beat up the child's sister. Again, Torrijos intervened.

Torrijos took power in Panama in a 1968 coup, and young Noriega soon repaid him for his past protection. A group of young officers attempted to overthrow Torrijos while he was out of the country. Noriega, then in charge of the garrison in Chiriquí secured an airstrip so that Torrijos could return safely and quash the coup. A month later Noriega ascended to the rank of lieutenant colonel and head of what was then the National Guard's G-2 section. This gave him control over military intelligence as well as criminal investigations, customs and immigration. Noriega built his power base during his 13 years on the job—and also built up a collection of dossiers on anyone who might ever be an enemy.

The G-2 job made Noriega useful to the U.S. intelligence community, which wanted to know everything that might affect the security of the canal and the U.S. Southern Command headquarters nearby. Noriega worked for both the CIA and the Defense Intelligence Agency; according to a U.S. official with knowledge of those early dealings, Noriega was "paid for particular deals; he was not on any kind of retainer."

Torrijos died in a mysterious plane crash in 1981. With their leader gone, the top commanders of the National Guard worked out a deal for rotating the job of commander in chief. It called for Col. Rubén Darío Paredes to serve the first two-year term, then to be elected president in the 1984 elections. Noriega duly succeeded Darío Paredes as commander in chief in 1983, then double-crossed him the next year by throwing the military's support behind another presidential candidate, Nicolás Ardito Barletta. (One of Darío Paredes's sons was named along with Noriega in the Miami indictment; another died in a drug-related double murder a year ago—on Noriega's orders, suggests the father.) Ardito Barletta won the election amid charges of vote fraud—only to be pushed out a year later when he promised to call for an independent investigation into the murder of an opposition leader, Hugo Spadafora.

U.S. mailbag: Violence is a recurring theme in stories about Noriega. As a young officer, Noriega battled the guerrillas in Chiriquí Province. In sending his men out against the rebels, Noriega reportedly demanded proof of success: the dead guerrilla's ear, for example. It began to be said, however, that Noriega didn't leave all the killing to his troops, and tales of his own relish for inflicting pain began to circulate. Noriega allegedly supervised the torture of a young man arrested for writing anti-government graffiti, says Sánchez-Borbón; the general directed that electric shocks be applied to the man's testicles. In another case, claims the exiled journalist, a woman friend of Noriega's who had been arrested was sexually tortured while a hooded man stood by and watched. As she screamed in pain, he shouted with pleasure. She thought she recognized the voice: Noriega's.

U.S. intelligence sources say they are convinced that Noriega himself planned the 1985 murder of Spadafora, the opposition leader. Spadafora had publicly accused Noriega of drug trafficking; the official Panamanian press predicted that if Spadafora didn't shut his mouth, he might end up without his head. The doctor kept talking—and his headless body turned up in a U.S. mailbag across the border in Costa Rica. He had been tortured and sodomized—sexual humiliation is by many accounts a favorite instrument of terror in PDF prisons. "F-8" (the identification of a PDF goon squad) was carved onto his back, and three ribs had been broken. His testicles had been beaten until they were "monstrously swollen," said someone who saw the autopsy report. Then, while Spadafora was still alive, he was beheaded—slowly, with three separate incisions. Noriega, who was then in France, "didn't cut off [Spadafora's] head, but he directed the entire operation," says one knowledgeable source.

With a personal fortune estimated at anywhere between $200 million and $1 billion, Noriega tries to present himself as a cultured man. He likes to read and to drop names of books; he hands out Cuban cigars with his name embossed on them. His luxurious home is filled with fine art and expensive furniture. On an official salary of $40,000 per year, he has a fleet of BMW's, an apartment in Paris and a chateau in southern France. He owns property in Spain, Japan and Israel, as well as more than a dozen buildings in Panama. Noriega is vain enough to have gone to Switzerland in 1982 to try to have his corrugated skin smoothed—and, after being taunted as *cara piña* (pineapple face), he is touchy enough to have pushed a law making such offensive remarks about public officials punishable by up to two years in jail. He lies about his age, claiming to be several years younger than his mid-50s.

Noriega has an illegitimate son by one mistress and three daughters by his wife, Felicidad Sieiro—a ferociously possessive woman who is rumored to have attacked one of his former lovers. The general now is said to provide bodyguards for one of his current mistresses. Noriega himself, reportedly a black belt in judo, is rarely without his 14-shot, 9-mm Smith and Wesson pistol or his phalanx of Israeli bodyguards. In public, he is often surrounded by attractive young women, but in Panamanian social circles there is persistent talk that the general is bisexual.

Listening post: For a long time, the United States seemed willing to ignore stories about Noriega's corruption. According to knowledgeable U.S. government sources—Noriega denies it—the CIA gave him a monthly stipend. In return, the general fed the CIA information on Cuban activities and Panamanian politics. José Blandón, the former Panamanian consul general in New York and the chief witness against him before the Miami grand jury, says that by 1980, the relationship between Noriega and the CIA had become firmly established—partly because the general allowed the U.S. intelligence agency to operate an electronic surveillance station in Panama. The listening post eavesdrops on both Central and South America. "Because of that station, stability in Panama is very important to the CIA," says Blandón.

Noriega was useful in many other ways, too. Blandón says that he allowed the training of contra soldiers in Panama, at the request of Lt. Col. Oliver North. Using the screen of Panama's bank-secrecy laws, North and Maj. Gen. Richard Secord had three dummy corporations set up for use in funding the contras. Sen. John Kerry, who is heading a congressional investigation of Noriega's alleged drug trafficking, says Casey acted "almost like Noriega's case officer." In addition, Noriega has been of value to the U.S. military, particulary the U.S. Southern Command, based in the former Canal Zone. According to Ambler Moss, U.S. ambassador to Panama from 1978 to 1982, while the Panama Canal Treaties permit American troops in Panama to defend the canal only, in practice the PDF has not questioned how many U.S. soldiers there are or what they are up to. Noriega has understood clearly his value to the United States; congressional investigators say he bragged that as long as he helped the contras he could manipulate the Americans like "monkeys at the end of a chain."

Noriega could brag about making a monkey of the Drug Enforcement Administration, too. In May 1986, after Noriega had raked in millions in drug payoffs, DEA Director John Lawn sent him a letter expressing "deep appreciation for the vigorous anti-drug-trafficking policy you have adopted." As the DIA's secret biography says, Noriega is "innovatively cunning." So he "helped" the DEA, fingering a dealer now and then or notifying the American agency of an incoming drug shipment. Since Panama and the United States have only limited extradition, dealers in Panama were legally beyond the DEA's reach. According to a Senate investigative source, Noriega would tell his soldiers to pick up the dealer and put him on a Miami-bound plane. The DEA agent on board would make the arrest the moment the plane touched down in Florida. Noriega would also allow U.S. raiders to stop small boats near the Panamanian coast. But all these represented small catches: 10 kilos of cocaine, $10 million or $15 million. Noriega kept for himself the big fish who would pay big bribes—and the occasional setups served as a warning to traffickers who might have been tempted not to ante up. "People who paid Noriega didn't have to worry," says Blandón. The DEA "closed its eyes to Noriega's major crimes in return for his cooperation in exposing minor violations," says Gabriel Lewis, a now exiled former Panamanian ambassador to the United States. Lawn refused Newsweek's requests to discuss the DEA and Noriega.

Meanwhile, Noriega was playing the other side, too—a fact of which the United States became increasingly aware. Noriega helped Cuba and Nicaragua evade U.S. trade embargoes; the two countries hid behind Panama's tight secrecy laws for banking and corporations. The general also allowed the KGB to set up operations in Panama City, and U.S. intelligence sources are certain the general has helped provide weapons for the Sandinistas since at least 1982. The late CIA director William Casey nevertheless considered Noriega a valuable asset. In 1985 Sen. Jesse Helms introduced legislation cutting off U.S. aid to Panama. (Helms did not accept the agreement that ceded U.S. control of the canal, and wanted to discredit Panama's government.) The fiercest opponent of the bill: the CIA chief. "Casey called Helms and urged him to withdraw his amendment," says a Senate source. "He was very adamant about it. He said Noriega was doing things for the United States that Helms didn't know about." A ranking State Department official also told Helms to back off, saying Noriega was going to help the contras.

Grand jury: Even so, Casey became disenchanted with his intelligence asset. Although the administration had longstanding intelligence about Noriega's drug activities, Panama was never considered a real problem until the murder of Spadafora in September 1985 and the subsequent overthrow of Ardito Barletta. At this point it became clear that Noriega would never honor the promises of democratization contained in the 1977 Panama Canal Treaties. What finally jolted the administration, say several sources, was concern about increasing Panamanian cooperation with the East bloc. American officials were particularly worried by unauthorized high-technology transfers. By last summer, when a former comrade's allegations of Noriega's involvement in political corruption and murder touched off widespread protests in Panama, the Reagan administration was ready to back away from the strongman. Last December Assistant Secretary of Defense Richard Armitage visited Panama to discuss a plan arranged by Blandón, under which Noriega would quietly step down. When Noriega refused, Blandón went to the grand jury—and the administration decided not to oppose an indictment.

The administration seems prepared to continue dealing with the men around the general, if not with Noriega himself. Exiled opposition leaders were surprised that the Florida indictments did not name the "Gang of Six," the notorious thugs in Noriega's high command. In fact, say sources, the Miami grand jury considered naming the Panama Defense Forces as a criminal enterprise in the indictment; State Department officials managed to talk them out of it. The military is deeply entrenched in Panama, having taken control of virtually every segment of the country's commerce. The PDF also owns outright some 60 private enterprises, such as duty-free liquor stores at the airport. Having Noriega only leave would not solve Panama's problems or even stabilize the country. "This is not a situation where you remove one guy and the sun is going to come out," says Moss.

The indictments may make Noriega more desperate to hang onto power, since he might face the risk of extradition to the United States if he left Panama. Nor can he simply resign, without facing retribution at home. For once, the internal opposition and the Reagan administration share the same hope: that Noriega's colleagues will take matters into their own hands and force him out. The Panamanians want to restore the democracy their soldiers took from them; the Americans seek to guarantee stability in a strategic country. While their goals diverge, they face a common obstacle: a tough little man named Noriega, whom no one expects to fade easily into history.

SENATE—*Monday, February 15, 1988*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. STENNIS].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The prayer this morning is called Washington's Prayer for the United States of America. It is preserved at the chapel at Valley Forge.

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to the government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. The first order of business today will be the reading of George Washington's Farewell Address, which will be done by the Senator from North Carolina [Mr. SANFORD].

(Mr. SANFORD, at the rostrum, read the Farewell Address, as follows:)

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation.* Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the convening hour of the Senate on tomorrow, under the order, be changed from 9:30 a.m. to 10 a.m.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDENT pro tempore. Under the previous order, the reading of the Farewell Address having been concluded, the Senate stands in recess until Tuesday, February 16, 1988, at 10 a.m.

Thereupon, at 12:55 p.m., the Senate recessed until tomorrow, Tuesday, February 16, 1988, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 16, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

FEBRUARY 17

9:00 a.m.

Rules and Administration

Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1988, S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.

SR-301

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider S. 1516, authorizing funds for fiscal years 1988 through 1992 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

SR-332

Environment and Public Works

Environmental Protection Subcommittee

To resume hearings on S. 1804, to designate the coastal plain of the Arctic National Wildlife Refuge in Alaska as wilderness, and related matters.

SD-406

Foreign Relations

To hold hearings on the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10).

SD-419

Governmental Affairs

To resume hearings to review the implementation of the Presidential Transitions Act of 1963, focusing on ways to eliminate the use of private resources in the transition process and to provide for the orderly transfer of power between administrations.

SD-342

Labor and Human Resources

Business meeting, to consider S. 1265, proposed Minimum Health Benefits for All Workers Act.

SD-430

10:30 a.m.

Judiciary

To hold hearings on pending nominations.

SD-226

11:00 a.m.

Foreign Relations

Business meeting, to consider the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10), and pending nominations.

SD-419

2:00 p.m.

Foreign Relations

To hold closed hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

S-407, Capitol

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 18

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to consider the nomination of Charles L. Grizzle, of Kentucky, to be Assistant Administrator for Administration and Resources Management, Environmental Protection Agency.

SD-406

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-226

10:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

Superfund and Environmental Oversight Subcommittee

To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.

SD-406

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Small Business

To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

2:00 p.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

2:30 p.m.

Judiciary

Business meeting, to consider pending calendar business.

SD-226

FEBRUARY 19

9:30 a.m.

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

10:00 a.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Interme-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

diate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

10:15 a.m.

Judiciary

To hold hearings on S. 1851, to implement the International Convention on the Prevention and Punishment of Genocide.

SD-226

2:00 p.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 22

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Special on Aging

To hold hearings on the Social Security "notch" issue, and possible solutions thereto.

SD-628

2:00 p.m.

Office of Technology Assessment

The Board, to meet to consider pending business items.

EF-100, Capitol

FEBRUARY 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.

SD-138

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SD-366

Foreign Relations

To resume hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-range and Shorter-range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

2:00 p.m.

Small Business

To hold hearings on S. 1929, to create a corporation for small business investment.

SR-428A

FEBRUARY 25

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

9:30 a.m.

Judiciary

To hold hearings on the nomination of Bernard H. Siegan, of California, to be United States Circuit Judge for the Ninth Circuit.

SD-226

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

SD-406

Finance

To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.

SD-215

2:00 p.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on speed limit issues.

SD-406

Small Business

To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

FEBRUARY 26

10:00 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.

SD-406

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1512 and S. 1515, bills to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.

SD-226

MARCH 1

9:30 a.m.

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings to review competitive issues in the cable television industry.

SD-226

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.

SD-138

MARCH 2

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

2:00 p.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.

SD-342

MARCH 3

9:30 a.m.

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection

Service, and the Agricultural Marketing Service.

SD-138

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-226

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

SD-366

MARCH 4

10:00 a.m.

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.

SD-226

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 14

10:00 a.m.

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold hearings on the reform of Internal Revenue Service Code penalties.

SD-215

MARCH 15

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.

SD-138

MARCH 16

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MARCH 17

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.

SD-366

MARCH 22

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.

SD-138

MARCH 23

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SD-253

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.

SD-342

MARCH 24

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.

SD-138

MARCH 30

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.

SD-138

MARCH 31

9:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

APRIL 12

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

APRIL 13

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.

SD-138

APRIL 19

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

APRIL 21

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

APRIL 26

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 27

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 28

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

CANCELLATIONS

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

SENATE—*Tuesday, February 16, 1988*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable Kent Conrad, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord * * *.—Psalm 33:12.

Righteousness exalteth a nation; but sin is a reproach to any people.—Proverbs 14:34

Eternal God, sovereign Lord of history, Ruler of the nations, the words of George Washington, father of our country, are fresh in our minds. They speak to us, never more relevantly than to our present condition: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. * * * where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. * * * reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

Merciful Father, are we so much wiser than our first President, that we with impunity may set aside this foundation of a strong and secure society? Help us Lord, lest we forget, forsake, and foreclose on all hope for our future. In Your name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 16, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kent Conrad, a Senator from the State of North Dakota, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

ORDER FOR MIDDAY RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess today between the hours of 12:45 p.m. and 2 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHAPLAIN COMMENDATION

Mr. BYRD. Mr. President, I compliment the Chaplain on his prayer, his quotation of the Scriptures, and his quotation from George Washington's Farewell Address. Well done.

RESERVATION OF MAJORITY LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The acting Republican leader.

Mr. SIMPSON. Mr. President, I thank the majority leader.

NATO ALLIANCE VISIT

Mr. SIMPSON. Mr. President, I understand that the majority leader had a very productive visit to leaders of our NATO allies and the NATO capitals. It was a very fine delegation. It resulted in some good basic understanding of the INF Treaty and the ratification procedures and problems. I hope that will receive general approval from the leaders of our NATO allies.

I understand it was a very productive visit, and I thank the majority leader on behalf of the Senate and the Members of the minority for that visit with those leaders.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

It was a very worthwhile visit that we made to five NATO capitals. It was a bipartisan delegation consisting of Senator Nunn, Senator Pell, and Senator Boren, chairmen of the Committees on Armed Services, Foreign Relations, and Intelligence, and Senator Warner, ranking member of the Armed Services Committee.

These are the committees that will be studying the treaty prior to its appearance on the Senate Calendar and debate on the floor.

The delegation made me very proud. It worked hard.

I think that the leaders with whom we met were impressed with the delegation and the high sense of purpose of this delegation.

I will be speaking before the Foreign Relations Committee on February 24, and at that time will, of course, be giving a pretty full report on our visit.

We visited the NATO capitals, of London, Bonn, Paris, Ankara, and Rome. We found that the NATO leaders, the heads of state, the Defense Ministers, the Foreign Ministers, and other high officials and opinionmakers support the INF Treaty and without amendment. They believe that the alliance should act quickly to propose an agreement on the reduction of conventional and chemical weapons. They believe that the alliance should act collectively and firmly in the post-INF atmosphere to improve the weapons that remain eligible under the INF Treaty, and the delegation, I think, was strong in the position that it took; namely, that the ground-based nuclear weapons should be modernized and the range should be extended up to the limits allowed under the INF Treaty. The delegation also emphasized very strongly the fact that the United States could be counted upon to continue its support in the alliance, and the fact that the INF Treaty would be approved would not lessen in any way the support of the United States for the alliance.

So those NATO leaders were reassured that America's security and the security of the NATO members of the alliance are one and the same, that Europe's security is our security, and vice versa. Finally, I think it was pretty much all agreed that the new style of Soviet leadership has had an impact upon our respective publics and that we who are the leaders of our respective publics have a job to do in educating our publics. It was agreed that we must not let down our guard, that there is a great difference between rhetoric and results, that results count, that the new Soviet leadership

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

has problems, that it will meet with resistance in its bureaucracy to the reforms that the new leadership there is proposing, and that we must be prepared to seize any opportunities for improvement in our mutual security interests and in our relationships with not only our NATO allies but with the Soviet Union.

But in the meantime, we must move ahead collectively within the alliance to improve our posture so as to discourage the Soviet Union or any of the Warsaw Pact countries from taking risks that will be unacceptable to the alliance.

One final note. Let caution be the watchword. I think that is the theme that we want to strike with the American people. I said it on the trip and I say it again here, I have been somewhat mystified to see Mr. Gorbachev in the polls ranked as highly as our own President, almost. I would urge the American people that what we are seeing is a man who is very articulate, aggressive, who understands how to manipulate public opinion, who is good at PR, but that we should keep in mind that this is new wine probably in an old bottle.

I thank the distinguished assistant leader.

Mr. SIMPSON. Mr. President, I thank the majority leader for that excellent review. We will be looking forward to his testimony in the Foreign Relations Committee. It will be helpful to us all.

SCHEDULE

Mr. SIMPSON. Just briefly, Mr. Leader, we are prepared now to go forward after this recess. I again commend the majority leader for the format where we are assured of doing our work for 3 solid weeks a month without question, votes on Mondays and Fridays, and having this opportunity for official visits and delegation activity in our own States. That was very helpful and it gives us all a better handle on our lives as we deal with the quality of life issues. I think that worked very well. Senators were able to do this trip and others of us were able to go home and have opportunities to visit with our constituents in midweek. We do not get that opportunity unless we usually have a substantial recess. And it was very helpful and very important. And I thank the leader for helping and assuring that we get to that type of format.

So, indeed, we are prepared on this side of the aisle to go forward, as we did in these last weeks. We did assist in a bipartisan effort on the Grove City activity. That was certainly bipartisan all throughout on the issues—serious, tough issues—of abortion neutrality and we reached a result there which culminated a 4-year effort and involved many on both sides of the aisle.

Justice Kennedy will be sworn in this Thursday and we have completed that travail through three nominees. And that has involved many of us. The Supreme Court of the United States will have a full complement to do its work which is so critically important. I think we are all pleased with that.

Now we will proceed with the remaining vacancies in the Federal court system, and the committee will do that. Senator LEAHY is involved in the ad hoc committee to help resolve that.

At this time, I want to pay personal wishes and best wishes for a speedy and full recovery to our fine chairman of the Judiciary Committee, a very capable and fair man, JOE BIDEN. We wish him well as he recovers from very serious surgery which took place during the recess period; and to his lovely wife Jill and to little Ashley and Joseph and Robert whom I have come to know. God bless them all and sustain him in this time of trial.

So, Mr. Leader, we will now be ready to proceed with you in these weeks to come on the budget and the INF and Canadian-United States free trade agreement, which needs a good deal of our careful attention, and other items that will certainly be before us.

At this time I would ask unanimous consent to have printed in the RECORD Senator DOLE's bicentennial minute for today.

BICENTENNIAL MINUTE

FEBRUARY 14, 1931: COMPLETING THE RUSSELL BUILDING

● Mr. DOLE. Mr. President, 57 years ago this week, on February 14, 1931, the Senate voted to spend $3 million to complete the office building that we know today as the Richard Russell Building. This first Senate Office Building was begun in 1906 and completed in 1909. The structure's architectural plans mirrored the Cannon House Office Building in most respects, except that it was originally C shaped, with the north end open along First Street. The 1931 plan called for closing in the north end and creating a quadrangular building.

The growing size of the Senate staff and Senators' need for more space provided the rationale for this expansion. In supporting the funding request, Appropriations Committee Chairman Wesley Jones pointed out that about 20 Senators had only 2 rooms apiece. "I know that the work of Senators is increasing every year," said Senator Jones. "I know that a Senator with four or more clerks—and there are none with fewer—cannot get along very well with only two rooms. He must have some privacy. He must have some means of meeting the people from his State in a private sort of way."

Senator David Walsh of Massachusetts objected that the new wing to the office building would curtail ventilation and light to inside rooms, and would cause "a mad scramble for outside rooms." He added, "I come from a large State; I have a fairly large mail and a fairly large number of callers. I occupied two rooms for 3 years. It was unpleasant and there was some discomfort, but what harm is there in having 15 or 20 new Senators for a year or two being content with 2 rooms, with the assurance that finally they will get 3 good rooms." But in the end, the need for more space prevailed over these complaints and the new wing was completed in 1933.●

Mr. SIMPSON. It was interesting, I believe, the comment on the Russell Senate Office Building, that 57 years ago the Senate voted to spend $3 million for the Russell Senate Office Building. It was not originally called that. First it was the Senate Office Building and when the Dirksen Building was built it was simply abbreviated to SOB, which has a connotation all its own in the West. But, nevertheless, we have spent a little more than $3 million on every building since I have been here. And it is an interesting relation of that in the bicentennial minute.

So I do commend the majority leader and look forward to working with him. And I do indeed mean that. I thank the majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

WHY NOT NEGOTIATE A MORE STABLE NATO FRONT IN EUROPE?

Mr. PROXMIRE. Mr. President, this is the second in a series of speeches this Senator is delivering in the Senate on the extraordinarily useful analysis by Senator LEVIN of the myth of so-called Soviet dominance of conventional forces in Europe. Senator LEVIN's study contends that the Warsaw Pact does not have anything like the overwhelming military dominance in conventional military forces in Europe that the Reagan administration alleges. LEVIN concedes however, that the Warsaw Pact has an advantage in some respects but he contends that these advantages are counterbalanced by NATO advantages in other areas. In this speech I will discuss the Warsaw Pact advantages in the deployment of forces. Senator LEVIN concludes that in this respect the Warsaw Pact is, indeed, ahead. He also concludes, however, that the disadvantage for NATO can be quickly and easily corrected by moving more NATO troops into the forward position to which they are assigned and repositioning some of the best trained and equipped NATO forces in the northern part of Germany. Here the north German plain is considered the terrain most suited to mechanized warfare. Here is where a sudden, swift attack by the Soviet Union and its allies could win early and decisive advantage.

The Levin study charges that the problems on the northern German front are twofold. First, Warsaw Pact forces are positioned forward. They are ready to strike and strike quickly. On the other hand NATO forces are not stationed near the border. It would take time to move the NATO forces into position. The lapse of time might prove fatal. Second, most of the Warsaw Pact forces in this area are Soviet forces. Facing these Soviet forces are NATO units from Holland and Begium that are not in a complete state of readiness. There are also United States Reserve Forces that would have to be moved into position, as well as West German and British Forces. Senator Levin argues that a rapid Warsaw Pact breakthrough in this region could lead to a collapse of the entire NATO conventional defense effort in the central front. The Levin solution seems convincing and simple. he would rearrange existing NATO forces by improving the ability to reinforce the central front quickly. He would move American divisions in West Germany to the north German plain.

We should explore the Levin solution. It sounds simple. It's logical to reinforce areas where NATO is weak. So why not act? The cost could be high, but could be spread among all the allies. Aren't the forces on both sides of this front already roughly equal in number? They are. Isn't there a rough quality advantage in weapons clearly on the side of NATO? There is. Isn't the training and morale of NATO personnel superior to that of the Warsaw Pact? It is. Wouldn't the overall NATO defense gain greatly by this kind of simple repositioning? It would. So what are we waiting for?

Mr. President, the supreme commander of the NATO forces, General Galvin should provide answers to Senator Levin's analysis. In his recent testimony before the Senate Armed Services Committee, he cited the problem faced by NATO in northern Germany. But while he recommended accelerating the ability to reinforce the central front quickly, he did not recommend improving conventional defenses by rearranging existing NATO forces. Has he considered moving American divisions in West Germany to the north German plain? If not, why not?

If the supreme commander has concluded that repositioning NATO forces is impractical for good reason, we need to explore the alternative Levin recommendation and work to reduce the Warsaw Pact threat through conventional arms control negotiation with the Soviet Union. Mr. Gorbachev has stated that asymmetrical reductions in pact armored forces in the central region are possible. Now is the time to find out whether Mr. Gorbachev is serious about conventional arms control that would enhance the security of both alliances. As an interim measure would it be feasible to negotiate an agreement with the pact to maintain their armored forces but to move them to locations where they pose less of a threat? This could be done without making overall reductions in pact forces. Both sides made the first steps to reducing the threat of surprise attack when they signed the Stockholm accords, which provide for notification and inspection of large military maneuvers.

Of course, an option not discussed by the Levin report would be the unilateral buildup of NATO forces in the north German plain without diminishing forces elsewhere. This alternative could cost more than NATO countries might be willing to spend. It might also result in a counterbalancing buildup by Soviet forces on the West German front.

Secretary Gorbachev has publicly indicated his desire to negotiate a limitation on conventional arms. Why shouldn't we put him to the test? Such negotiations would not diminish the national security of either side. They would save resources for both sides. By applying the principles of verification, of compliance developed in the INF Treaty, combining on-the-spot inspection with meticulous satellite observation, such an agreement could be reliably enforced.

Such an agreement would remove what Senator Levin properly identifies as a serious threat to free Europe. So it would be advantageous to NATO. On the other hand the reaction of the Soviets to such a proposed agreement would constitute a serious test of the sincerity of Secretary Gorbachev's professed desire for negotiations to reduce the threat of war in Europe.

REPEAL THE GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, competition is the core of vitality in all our industries, and finance is no exception. This point is well argued in a recent editorial from the Mobile, AL, Press, "Ill-conceived U.S. banking regulations are seriously hampering the financial service sector of the economy." I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Mobile (AL) Press, Oct. 25, 1987]

Free Banks To Compete and Survive

Ill-conceived U.S. banking regulations are seriously hampering the financial service sector of the economy and making it difficult for American banks to compete in a world market.

Ironically, some of the regulations threatening the health of the U.S. economy were adopted in 1933 under the Glass-Steagall Act in an effort to avoid a repeat of the Great Depression. The act sought to separate the commercial securities business from traditional banking.

Unfortunately, the experts in 1933 were wrong in the explanation of the causes of the Depression.

Traditional loans to businesses used to be how banks made their money. But many businesses are increasingly using commercial paper and junk bonds to finance their ventures. Since banks aren't allowed to make those issuances, they have lost about half of their business loan markets.

Because the regulations imposed on American banks exist nowhere else in the world, well-capitalized banks in Japan and Europe are making it difficult for U.S. banks to compete in the world market. Only three U.S. banks are among the world's largest 25. A few years ago, seven were in the top 10.

Furthermore, a patchwork of state laws and federal regulations have hampered interstate banking, preventing bankers from diversifying their risks. For example, Texas banks lend heavily to the energy sector and Iowa banks lend heavily to the farm sector. When those two sectors were hard hit by downturns in the economy, the banks were hard hit.

Two-thirds of 136 banks that failed in 1986 were in the Kansas City and Dallas Federal Reserve districts, where many of the country's agricultural and energy banks are located.

What is needed is not more regulation, but less. Banks need to be given the freedom to compete in the financial services sector and to spread their risks. Forty-one states, including Alabama, now allow some form of interstate banking. Banks should also be free to conduct interstate branch banking.

Failure to deregulate banking puts them at a disadvantage in the marketplace and risks increasing bank failures.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to exceed beyond the hour of 11 a.m., and Senators may speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

HONORING ATTORNEY MORTON HOLBROOK, OWENSBORO, KY

Mr. FORD. Mr. President, on February 27, 1988, Owensboro, KY, attorney Morton Holbrook will be honored for his 50 years of practice as a distinguished Kentucky lawyer and for his untiring service to his profession and his community.

Mr. Holbrook was born on September 15, 1914, in Whitesville, Daviess County, KY. He is married to the former Margaret Hill Kincheloe. They have two sons, Morton J. Holbrook III, an attorney with the U.S. State Department, and Allen W. Holbrook, an attorney who practices law in his father's firm of Holbrook, Wible, Sullivan & Helmers, P.S.C. Morton and Margaret are the proud grandparents of three grandsons: Allen Lindsay, age 6; Joseph, age 3; and Stephen, age 2.

Holbrook received a bachelor of arts degree from the University of Kentucky in 1935 and a juris doctorate degree from Harvard Law School in 1938. He began his practice of law in Owensboro, KY, in the firm of Congressman Glover H. Cary and Judge Wilbur K. Miller, who later served as a judge on the U.S. Circuit Court of Appeals in Washington, DC.

With the coming of World War II, Holbrook entered the U.S. Army in 1942 and served in the European Theater under Gen. George S. Patton. After the war Holbrook returned to the practice of law in Owensboro where he became active in the Daviess County, KY, and American Bar Associations. He is a fellow of the American College of Trial Lawyers and belongs to the World Peace Through Law Center and the American Judicature Society. He has served on commissions charged with revising Kentucky's civil procedures and statutes. Holbrook served as chairman of the ad hoc committee that drafted and implemented the 1975 constitutional amendment that unified the Kentucky court system. Holbrook was given the American Judicature Society's Herbert Harley Award in 1977 for this work in improving the judicial system of Kentucky. He received the Kentucky Bar Association's Outstanding Public Service Award in 1967 and was named the distinguished alumnus of the University of Kentucky in 1975.

In addition to his dedication to the legal profession, Holbrook has worked tirelessly to improve higher education in Kentucky. Since 1980 he has served on the Kentucky Council on Higher Education, serving as chairman from July of 1983 to May of 1985. Holbrook was principally responsible for securing additional funding for the graduate programs of the Owensboro Consortium and State approval of a tuition equalization program for undergraduate courses. During Holbrook's tenure as chairman of the council new college entrance requirements and formula funding for State universities were implemented. In 1984 Holbrook's efforts were recognized when he received Owensboro's first Distinguished Service to Education Award.

Holbrook has also been an active participant in Kentucky politics. He served as a delegate to the 1968 and 1972 Democratic Conventions. He was a member of the drafting committee of the laws of the Democratic Party of Kentucky adopted in 1972 and served for many years on the Kentucky Registry of Election Finance. Candidates and officeholders at all levels of Kentucky government regularly seek his advice and counsel because of his keen political sense and his wide circle of friends.

Throughout his life Morton Holbrook has exemplified a commitment to excellence—in his profession and in his public service. His wit, his widsom, and his hard work have brought honor to his profession, his community, and his family. In this 50th year of his career, Morton's many friends and associates proudly salute this distinguished Kentuckian.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

TRADE AND INVESTMENT MISSION TO KOREA

Mr. DASCHLE. Mr. President, I have just returned from a trade and investment mission to Korea. It was my first opportunity to visit that country. It will not be my last.

It was my good fortune to lead a delegation from South Dakota to Seoul. I know that I speak for each of them in commenting on our remarkable experience.

As South Dakota continues to diversify its economy, we are becoming increasingly interested in the possibilities for partnership in the Pacific rim.

Korea is the seventh largest trading partner in the United States. In 1987 they imported $9.5 billion in U.S. goods and services. Contrary to common perception, the United States' share of Korean agricultural imports comprised almost 50 percent of their total last year. And this year, that figure is expected to rise.

With each year Korean investment in the United States continues to grow. Their interest in U.S. investment, motivated in large measure by their desire to offset their trade surplus with this country, is likely to increase exponentially in the years ahead.

A decade ago, few would have guessed that Korea would be where it is today. Korean people are a remarkable demonstration of the resilience and determination so greatly admired by Americans. Their economic success during the past quarter century is a literal story of rags to riches.

In 1987 GNP expanded 16 percent over the previous year. Twenty-five years ago, per capita income was $100. Today it is over $3,000. And if there is one reason for this beyond all others, it is their fervent resolve to be educated. Korea can boast of having one of the highest percentages of students in higher education of any country in the world. It is a little known fact that this relatively small country has more doctor of philosophy graduates from colleges and universities in the United States working in their government than we do in ours.

One cannot help but be extraordinarily impressed with what one sees during a visit to Korea. The economic vibrancy is evident virtually everywhere. The noise of construction crews, working 7 days a week, can be heard everywhere. The bustling city of Seoul is alive with activity around the clock.

Discussion with business and government leaders provide a refreshing change from those within the United States. Where here talk of the economy leads to discussion of deficits and recession, there it is talk of surplus and double digit economic growth. Where here the friction between government and business appears to be a perpetual way of life, in Korea the partnership has produced economic success thought to be virtually impossible a few years ago.

South Dakota can learn a great deal from the experience of the Korean people. Education, persistence, determination and partnership are qualities for which my people may boast, too. That is why I believe that the future holds great promise for a strong relationship between the people of my State and the people of Korea. In trade or in investment, through our bond of friendship, there is much cause for optimism.

That optimism must be tempered, however, by increased calls for protectionism in the invaluable trade relationship between our two countries. Such calls can do nothing but damage the economic well-being of either the United States or Korea. Korean farmers who call for the continued prohibition of all United States beef products ignore the growing reality of the interdependence of our globalized economy. Those in our country who would restrict the importation of Korean products and impede the growth of our economic ties are also gravely in error. They ought to be challenged.

It is my sincere hope that the trade deficit between our two countries be reduced and ultimately eliminated soon. Having spoken to leaders at the highest level in both government and business in Korea, it is my belief that this is their hope, too.

As the government of Roh Tae-woo begins to implement its own trade policies, I believe the strong possibility exists that the prohibition of imported beef will be eliminated soon. In addition, it has just been announced that significant Korean investments will be initiated this year to assist in offsetting the existing trade imbalance. I ask unanimous consent that articles in the Korean Times and the Korea Herald which detail these plans be included in the RECORD at the end of my remarks.

As developments such as these occur, it is critical that they do so in the most conducive environment obtainable. While there may be ample cause for the filing of petitions before GATT, let us seek cooperation rather than confrontation. It is my strong belief that significant mutual advantage can be found on both sides in this approach.

In this regard, actions speak louder than words. Given our mutual belief in the power of education, the Governor of our State has just announced the creation of the Korean-South Dakota Fellowship. The fellowship will be designed to bring better mutual understanding of agricultural problems and opportunities through the exchange of academicians. The program will coincide with the beginning of the 1988 academic year. It is my hope that this exchange will be but the beginning.

Mr. President, I urge my colleagues who have not yet done so, to visit Korea. They should see for themselves the economic explosion now taking place.

However, if their experience resembles mine, while the economic miracle may take them there, it is the warmth of the Korean people which will draw them back.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Korean Times, Feb. 14, 1988]

STEPS EYED TO INCREASE INVESTMENT IN UNITED STATES—JOINT VENTURES PLANNED AS WAY TO DEFUSE MOUNTING TRADE PRESSURE

The government is preparing a wide range of steps to expedite investment in the United States by the private sector in a bid to defuse mounting trade frictions between the two countries.

Sources at the Trade-Industry Ministry said yesterday that the government plans to increase loans of foreign exchange to business concerns in order to help them establish their own corporate firms or joint ventures with U.S. firms in the United States.

They also said that the government will provide various incentives, such as tax reduction and the simplification of paperwork for overseas investments to business concerns which seek to advance into the United States.

The Trade-Industry Ministry will especially encourage small and medium industries rather than business conglomerates to invest in the United States.

In this context, the ministry is collecting information on investment conditions in the United States and will drive such industries whose exports to the United States are limited to the U.S. quota system to make inroads on the U.S. market.

Those industries whose exports are subject to the U.S. quota system include textiles and electronics.

The ministry disclosed that it is now making contacts with U.S. economic organizations and business concerns to expedite investment by the private economic sector in the United States.

The ministry said that investment conditions in the United States are very bright.

At present, a total of 199 Korean businesses advance into the United States, including 113 trading companies.

However, the number of manufacturing companies which operate their own plants in the United States stand at only 27.

Since the start of this year, the United States has unusually stepped up its trade pressure in order to rectify its soaring deficits in trade with Korea.

The U.S. government is now threatening to invoke Section 301 of the U.S. Trade Act against imports of Korean products over such sizzling issues as beef, cigarettes, insurance and intellectual property rights.

Besides the expedition of investment in the United States by the private sector to defuse trade frictions, the government is set to dispatch large-scale buying missions to the United States on five occasions this year, starting with the first mission in May.

The buying missions will be encouraged to purchase facilities, goods and other materials worth more than $500 million from the United States.

In the meantime, the government plans to curb this year's trade surplus with the United States to between $8.5 billion and $9 billion, compared with the $9.5 billion surplus recorded last year.

[From the Korea Herald, Feb. 14, 1988]

GOV'T TO SET UP MORE LOCALLY INCORPORATED PLANTS IN U.S.

The government is considering a multipronged measure to stimulate domestic business concerns to establish more locally incorporated plants in the United States.

Ministry of Trade and Industry officials said yesterday that the reserves from the ever-growing current-account surplus will be used to finance the overseas projects by domestic concerns.

Trade officials explained that the U.S. trade pressure on Korea is becoming stronger than ever before. The presence of as many Korean concerns as possible in the United States will surely serve to effectively bypass the trade barriers by the nation's largest trading partner.

They also said that the government will expand the tax favor to overseas investment projects after close consultations among related ministries.

The financial benefits will be concentrated on the projects by small- and medium-sized firms, rather than those by big-name firms.

Most promising industrial area in which the Korea-U.S. concerns can form joint-ventures or consortiums is textiles, the officials said.

Noting that many U.S. states are trying hard to attract more Korean concerns to their states nowadays, the officials said the U.S. investment climate is good enough to gain a profit on the Koreans' part.

As it stands now, a total of 27 Korean companies, including Goldstar Co. and Samsung Electronics Co. are operating offshoot bodies, locally incorporated in the United States.

ENDANGERED SPECIES

Mr. SIMPSON. Mr. President, while I certainly want to assist the distinguished majority leader in moving the legislative agenda forward, I have shared the objections of Senators HEFLIN, SYMMS, and HECHT and others regarding consideration of the Endangered Species Act at this time. Several Senators have been trying to develop amendments to the Endangered Species Act and yet it seems to me that the majority staff on the Environment and Public Works Committee is wholly unwilling to assist these Senators in developing compromise language which would be less controversial than considering the floor amendment.

It seems to me that the committee staff could have worked out many of the more controversial issues ahead of time—so we would not be in the position we are in now with regard to objections and holds on the measure.

I know that some of the extreme environmental groups and some of the humane organizations are putting intense pressure on members of the Environment Committee not to introduce or to vote for any amendments because they view the Endangered Species Act as being some form of holy document or something akin to an ancient rune.

However, just like any other legislation, the Endangered Species Act is open to amendment and Senators should be given adequate time to develop constructive amendments to the act. For that reason we should not go forward with consideration of an Endangered Species Act today or this week.

The Endangered Species Act has come to be one of the most important pieces of environmental legislation on the books today. The act supersedes all other Federal laws when conflicts concerning a threatened or endangered species arise and that is why it is so critical to amend the law when amendments are needed.

While the Endangered Species Act has resulted in some significant accomplishments in the wildlife management field, the law has also been abused by some and stretched by others to the point where serious conflicts are arising. For instance the Park Service in the Western States uses the Endangered Species Act to close off public lands to recreational activities when such restrictions are not called for. State management of large predators has been called into question and there are conflicts involving the turtle excluder devices in the gulf; there are conflicts regarding EPA's regulation of pesticides that affect endangered species, and there are other conflicts that the Senate should be concerned about.

It just seems to me that with some time and effort by the staff we could work out some compromise provisions on the Endangered Species Act and for that reason we ought not to force it on the Senate agenda today.

SUSAN GORDY: A MAJOR ASSET OF THE FIRST NATIONAL BANK OF CHICAGO

Mr. DIXON. Mr. President, in its Sunday, February 14, edition, the Chicago Tribune profiled Susan Gordy, the legislative representative of Illinois' largest bank, the First National Bank of Chicago.

I've known Susan for a long time, and I'm pleased that her talent and ability has been recognized this way. She is a real asset to her bank, and to the banking industry generally.

People like Susan play a vital role in the legislative process, and everyone who knows her agrees that she is absolutely one of the best. Mr. President, I ask that the Tribune article be included in the RECORD.

The article follows:

LOBBYIST OUT FRONT IN BANKS' BIG PUSH

(By Laurie Cohen)

Susan Gordy may be the top lobbyist for First National Bank of Chicago, but she doesn't tone down her tennis game when playing with Washington power brokers, even though she especially needs their help now.

"I don't know how to play customer tennis," Gordy said, recalling her recent defeat in a doubles match of Ken McLean, a key aid to Sen. William Proxmire, the Wisconsin Democrat who heads the Banking Committee.

Off the court, that aggressiveness will come in handy as she fights the biggest legislative battle that banks have faced in years. Bankers are trying to ensure an end to a congressional moratorium, set to expire March 1, on expanding business beyond traditional commercial banking.

More important, major banks are trying to win a broad expansion in securities-related activities once the moratorium expires.

"This is probably the biggest push our industry has ever had," said Edward Yingling, chief lobbyist for the American Bankers Association, the largest bank trade group.

Gordy, 33, has been a lobbyist for First National for 10 years. Last fall she also became chairman of a bankers association committee that coordinates the activities of lobbyists for the top 200 U.S. banks.

Bankers argue that broader powers are needed to increase their profits and bolster competition in the securities business, thus lowering prices for customers.

"The time has come for Congress to take a hard look and decide how best to make domestic policy," Gordy said. "It's time to allow financial institutions [in the U.S.] to compete internationally."

But opponents, including the influential securities industry lobby, argue that the disputed powers are too risky for the financial institutions that hold insured deposits.

Until recently, it seemed that things were going bankers' way in Washington. But in the last week a series of developments has clouded the picture.

On Monday, a federal appeals court in New York upheld a Federal Reserve Board ruling that bank holding companies may underwrite several new kinds of debt securities, including municipal revenue bonds, commercial paper and securities backed by various assets, such as mortgages and credit card receivables.

The decision was a victory for bankers, but it also increased the stakes for their opponents. It's expected to prompt the securities industry to push for legislation to extend the moratorium, so banks can't exercise the new authority.

"Banks have more to lose now," said Kenneth Guenther, executive vice president of the Independent Bankers Association of America. "As the legislative play goes forward, Congress remains a very high-risk game."

Rep. Charles Schumer (D., N.Y.), an ally of the securities industry, last week introduced a bill that would give banks two new securities underwriting powers. But in exchange, the proposed legislation would require banks to shift existing securities activities into separate securities affiliates of a bank holding company.

The bill also would close loopholes that banks already use to engage in real estate and insurance activities. Some sources said House Banking Committee Chairman Fernand St Germain (D., R.I.) may be drafting similar legislation.

In another setback, the General Accounting Office on Wednesday urged that Congress go slow in phasing in new securities powers.

The banking industry, in the meantime, has had its own problems in presenting a unified front to legislators. The American Bankers Association has supported Proxmire-sponsored legislation that would let banks enter securities underwriting through an affiliate of a bank holding company. The Senate Banking Committee is expected to consider the bill at the end of this month.

But Guenther's group, which represents community bankers, has refused to endorse the proposal because it would permit common ownership of securities firms and commercial banks. The group fears that securities firms would invade small banks' turf and win deposits.

Gordy rejects suggestions that the momentum in Washington may have shifted away from the bankers. "We expect the tide to ebb and flow," she said. The new developments "just mean we'll have to lobby harder."

Like many other banks, First National has pushed its employees to write letters to Congress urging an end to the moratorium. So far, employees of the Chicago bank have written about 7,000 letters, but Gordy's goal is 20,000 by March 1.

In Washington, Gordy has developed a reputation for being energetic and well-informed. She became vice president of government relations at First National at the beginning of last year, when Martin Farmer, the bank's respected veteran lobbyist, left for Barnett Banks of Florida.

She wins high marks from William Mattea, legislative assistant to Sen. Alan Dixon (D., Ill.), a member of the Banking Committee.

"I don't know anyone who has a better relationship with their member on the Senate Banking Committee," said Douglas Kidd, director of government relations at Bankers Trust Co. in New York.

Because the banking powers issue has been heating up, Gordy recently has been spending about three days a week in Washington. Capitol observers said that still puts her and the army of other bank lobbyists based outside the city at a disadvantage to those who live there and can mingle with congressmen and their staffers full-time.

Although she downplays any obstacles she may have faced as a woman, others disagree. There are an increasing number of women entering the lobbying field, but Gordy is the only head of government affairs at a top U.S. bank.

The Capitol "is still very much a man's world," said one female congressional staffer. "A lot of lobbying goes on at a very personal level. A lot of friendships are forged on the golf course, over dinner, or in the locker room.

"These sorts of opportunities aren't as accessible to women as they are to men. It's hard for a woman to be a lobbyist."

Such disadvantages haven't hindered Gordy. "Susan sure has handled herself well" in a "male-dominated field," said Mary Ullrich, assistant vice president at Chicago's Harris Trust and Savings Bank. "She's just done a heck of a job."

Gordy said she can do her job better by knowing the arguments on both sides of an issue rather than by socializing in the proverbial old-boys network. "I don't believe you only get what you want by cutting deals in smoke-filled rooms," she said.

Ironically, Gordy's first brush with lobbying was on the opposite side of the fence, working for the insurance industry as a lobbying intern in the General Assembly in Springfield.

One of her first big issues was a bill prohibiting banks from selling insurance. (Under Illinois law, banks in communities under 5,000 people are permitted to be registered to sell insurance.)

"The bill didn't get passed or even have a committee hearing," Gordy said. "I learned that the banks have a powerful lobby," she said.

She was later hired by First National and worked as a lobbyist for the bank in Springfield while earning a law degree from Illinois Insitute of Technology Chicago-Kent College of Law. Gordy is married to David Epstein, a politically well connected attorney who was chief counsel in Springfield to House Democrats and former parliamentarian of the Illinois House.

ADDRESSES TO WEHRKUNDE CONFERENCE BY SENATORS BYRD AND NUNN

Mr. PELL. Mr. President, I returned Sunday from a most interesting visit to five NATO capitals as a member of a Senate delegation led by the distinguished majority leader Mr. BYRD. In addition to myself and the Senator from West Virginia, the delegation included the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], and the Senator from Virginia [Mr. WARNER].

At the outset of our visit to Europe, we attended the Wehrkunde Conference in Munich, Germany. At that forum on European security issues, two of our colleagues, Senators BYRD and NUNN, gave excellent addresses which were received with strong appreciation by the assembled delegates to the conference. I would like to draw your attention to the very thoughtful conclusion of the address by the distinguished majority leader:

> In the end, the fulcrum for peace is credibility. We must redeclare ourselves an Alliance—not just in name, but in force. The Soviets must be convinced of our public support, the depth and flexibility of our armed response—and our staying power. All of this is within our reach. If we do not grasp the moment, we risk failing the cause of our common security.

Senator NUNN hit a similarly thoughtful note in his concluding remarks:

> NATO has kept the peace for forty years because we have had leaders of vision. The Allied Heads of State who will gather at the Summit this spring will be judged against this high standard. While our values and our goals are constant, our challenges are new and we must think anew. The future of NATO is in our hands.

Mr. President, I ask unanimous consent that the addresses by the distinguished majority leader and the distinguished chairman of the Senate Committee on Armed Services be included in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATE MAJORITY LEADER, ROBERT C. BYRD, FEBRUARY 7, 1988, WEHRKUNDE CONFERENCE, MUNICH, GERMANY

ARMS CONTROL AND THE FUTURE OF THE ALLIANCE

Distinguished participants, 1988 promises to bring about a massive shift in the way most of the free world sizes up its own security. The sudden emergence of Mikhail Gorbachev—and the prospect for sweeping reform in the Soviet Union—has provoked great hopes, even among the most skeptical. With remarkable force and openness he has come more than halfway in the pursuit of arms reduction at a time when the Reagan presidency—and his chief adversary—is coming to a close.

The signing of the INF treaty last December has opened the door to new optimism—new uncertainties—and new risk. For NATO, the treaty is both a tribute and a test—an invitation to fashion a stronger alliance among ourselves—and a more pragmatic strategy toward the Soviets.

I come today to give an accounting of the ratification prospects in the United States Senate—but more, to raise some crucial questions about the security of Europe and the United States beyond the INF agreement.

Given the nature of politics in America—particularly in an election year—the messages coming out of Washington are at times misleading. With the White House controlled by one party, and the Senate by another, the conventional wisdom is that the prospects for agreement on even the simplest issue are remote. But the truth is that, in the end, we manage to agree more often than not—a fact explained less by goodwill than by the nature of our institutions.

In the case of treaties, the document bears the mark of the President and his diplomats, It falls to the Senate to scrutinize the document from the perspective of a nation divided by region and ideology.

By historic construction, the Congress is the people's forum and, in the end, the stabilizing force.

The INF treaty has been presented with a sense of urgency and promise. Given the tense and volatile relations between America and the Soviet Union since the War, it is hardly surprising to hear the echoes of old fears and suspicions rise from the Senate debate. Both countries have been looking at each other down the same gun sight for too long to expect unanimous ratification. For all the attendant flourish, the final vote will belie our entrenched skepticism toward the Soviets.

Much of our apprehension can be laid to Mr. Gorbachev's stunning achievement in eclipsing his predecessors—both in style and message. At times he seems to have almost mesmerized Western publics with the prospect of detente with his adversaries abroad and the trappings of glasnost at home. Compared with the heavy-handed leaders that have gone before, he cuts a dashing new figure—even by the high art of image-making in the West. American polls are now recording a trust toward this Russian leader where none existed before. Yet even those of us who have traditionally given our support to arms reduction pacts are still nagged by questions that must certainly move to the center of Senate debate.

Where is the evidence that a half-century of Soviet pursuit of dominence and control has been bridled? Who is to risk deterrence on the professed goodwill of a man only three years into power? What gives us to believe that he will have the economic endurance, or the political backing to turn glasnost into prosperity and stability? Glasnost should not be confused with freedom of the press or freedom of speech by Western standards.

We all understand the agrument that less distraction and tension from its traditional adversaries will allow the Soviets to reallocate revenues and attention from the military to domestic affairs. And that that, in turn, will further ease tensions with the West. Yet, if Soviet and Russian history is any guide, we cannot take much comfort that a leader with an ambitious reform agenda will also promote foreign policies that favor us as well. Nikita Khruschev was the last Soviet reformer of our time. But while he pressed for destabilization at home, he took the game of international brinksmanship to new limits—at the Berlin Wall and Cuba's missile silos.

For now the implications for the West are very unclear should his domestic reforms work; and they are just as unclear if they do not. If they do, will Mr. Gorbachev's new power be turned to peaceful competition—or a redoubling of the old policies of confrontation? If they do not—and his mandate is narrowed—will he be able to continue the bold initiatives toward the West that have so far defined his tenure?

These are the dark unknowns and the challenges that we in the United States and you in Europe must confront in the months ahead. Because it is our response that will be the measure of our common trust and our common bond for years to come. Let caution be the watchword.

Like it or not, we live in an age of instant perception—as changeable and as powerful as the wind. He who masters the game of images—the ability to turn 30 seconds of television into a global metaphor—becomes a force of enormous magnitude. The very act of suddenly halting his heavily guarded motorcade to greet a crowd of Washington bystanders was a more lasting image than the actual signing of the treaty. It was Mr. Gorbachev at his theatrical best, playing to a post-war generation raised on the dream of detente—a generation with no memory of a Berlin blockade, of Soviet tanks in Hungary. No banging a shoe in anger at the United Nations. No clicking glasses with bearded revolutionaries. Merely the appearance of open friendship.

Mr. Gorbachev's mastery of style has no more brillant example than his seductive handling of the occupation of Afghanistan. History is pretty clear on the subject. The Soviet army invaded and carried on a scorched earth war against a nation with little more than courage to defend itself. After a decade, the Afghan people have refused to collapse. With public opinion, mounting casualty lists, and finances running against further engagement, Mr. Gorbachev is looking for a graceful way out. His hope is to make the Soviet withdrawal appear to be an act of generosity—rather than a surrender. He will use the withdrawal to advance Soviet diplomacy in the Middle East. We should no more reward the Soviets for having failed to devour Afghanistan than NATO should thank Moscow for pulling back from your borders an excessive show of nuclear force aimed at intimidation.

While new style and the new substance are a welcome change from the brooding inflexibility that has marked Soviet foreign policy, in reality, they are in large measure due to the courage, the cohesion, and vision of the West. Without cocking our guns, we made the point that democracy's frontiers are worth defending. We proved that, together, we are the match for any aggressor—that we are the only real foil to Soviet expansionism.

Witness the fact that the Soviets gave up far more to get a treaty than we did—including on-site verification and dropping the linkage to SDI.

Their compromise does not mean that the treaty is not in the Soviet's interest, and will not be used to advantage in other maneuverings with the West. But neither does it mean that we cannot seize opportunities to test the Soviet willingness to compromise on conventional forces and further arms control.

In the end, it would be ironic, indeed, if we allow our brief victory to conclude that our adversary has abandoned its historic goals on the world scene. Rather, our course should be one of new initiative to constantly test the confidence and the willingness of the new Soviet leaders to expand the pace and the radius of peaceful coexistence.

As leaders, we must change the perception held by too many of our own peoples that Mikhail Gorbachev has pulled the West to the nuclear negotiating table. He may have won the battle of the briefing books during the long months of negotiations. He may have won the competition for headlines during his visit to Washington. But we must not let him walk away from the INF table with nothing more than a signature and a promise. Nor must we let the Soviets quit Afghanistan with a shred of honor or reward.

We cannot effectively deal with the Soviets until our people are convinced that the Western alliance must be united, strong willed, and well-armed. We must sharpen the sense of need for continued deterrence in Europe. And we must test the Soviets with ever tougher initiatives for peace—real peace, not the image of peace.

For doubters and supporters alike, the central questions in the Senate debate will not be so much the terms of the treaty—but rather, the direction of NATO, the proper depth of our combined deterrence and, our ability above all and our will to sustain the doctrine of flexible response toward the Soviets.

These are both the questions and the challenges. If we cannot take our own measure, and give a response supported by our own peoples—then the INF treaty will become less a breakthrough to a peaceful world than a footnote to a dangerous illusion of security.

Strategists speculate whether the West can keep our combined level of deterrence credible in the face of Soviet claims that NATO modernization circumvents the INF treaty and jeopardizes future arms agreements. They wonder whether we can sustain the political will necessary to keep the Alliance countries truly secure—or whether we will be distracted by Soviet charges of "foul" as they continue to improve their own offensive capabilities.

I speak for the vast majority in the United States when I underscore our commitment to a strong European alliance—in arms and men, as well as in words. It is never easy to convince people to pay the high costs for their national security—to hedge against uncertainty in the future. But we have done it in the past, and we will do it in the future. Because America well understands that Europe is more than yesterday's home for so many of our people—its security is our security as well—and worth paying a great price to maintain.

I was born at a time when Woodrow Wilson proclaimed World War I the "war to end all wars." And I was a young man when Franklin Roosevelt galvanized a nation with his call to arms. A generation has come of age since America and Europe last fought side by side. That that generation has been spared the trauma of war is a credit to the trust and strength we have given on both sides of the Atlantic.

In the coming months, we have a number of opportunities to declare our unity of purpose—not just to the Soviets, but to our own public.

Our defense ministers should vote to move ahead with the Montebello decisions during their NATO meeting in April. I would certainly support whatever funding is necessary in the American budget cycle this spring to move ahead the Montebello program without delay.

A strong Western agreement to keep American troops at their present strength would counter any Soviet disinformation campaign aimed at forcing fissure into NATO on the grounds that America is not a reliable ally. America has stood the test before and will not waver in the future.

I welcome France's proposals for bilateral initiatives, so long as they remain within the NATO context, and are a means to strengthen the alliance—not fragment it.

We should renew our support for joint maneuvers, combined brigades, the stationing of alliance troops across each other's borders, and the modernization of our conventional and tactical nuclear forces. Guns are useless without ammunition. Such cooperative measures serve the cause of military preparedness and visibly make the case that deterrence in this era is not a unilateral or obsolete issue.

The French and British nuclear arsenals should be kept separate from arms control talks between the U.S. and the Soviets.

Pragmatism underscores the truth that we have no satisfactory substitute for nuclear deterrence in the pursuit of peace, not the peace that comes with bondage—which needs no deterrence—but peace with freedom, which does. As much as we all dream, we know we are still far from a time when the world is in perfect balance. We must still depend on the production and deployment of nuclear systems to remind would-be aggressors that aggression, even by conventional means, will be answered with nuclear force.

But the most immediate challenge for the NATO Alliance is to take the initiative on conventional forces negotiations by presenting a full fledged reduction and constraints proposal to the Soviets this year. No matter how sincere may be the Soviets' call for total nuclear disarmament, there remains the dark truth that their offense rests less on the bomb than on the foot soldier.

If peace ultimately rests on balance, then we must address the existing assymmetry on all fronts. The Soviets agreed to eliminate more of their medium range missiles, because they had more than we. So there is no reason why we should not ask that they respond with commensurate real reductions in the conventional threat. No other agreement would so bolster NATO's security interests. For many in the United States Senate and the tens of millions of Americans we represent, it is the natural preface to any agreement on long-range missile reduction.

The truth, however, is that we can mount no strong proposal on conventional arms without the support of our own peoples. Perhaps the most difficult task for Western leaders in the months ahead is to deflect the Soviets' attempt to play to our natural fear of nuclear arms, particularly among our youth. The entire West must come to understand that neither the denuclearization of Europe nor total nuclear disarmament will remove the threat of Soviet expansion—but would, instead, increase it.

In the end, the fulcrum for peace is credibility. We must redeclare ourselves an Alliance—not just in name, but in force. The Soviets must be convinced of our public support, the depth and flexibility of our armed response—and our staying power. All of this is within our reach. If we do not grasp the moment, we risk failing the cause of our common security.

The American/Soviet Disarmament Negotiations and Their Consequences for NATO

I am honored to be invited to speak on the occasion of the 25th anniversary of Wehrkunde. This distinguished audience is a testament to the prestige this conference has achieved over these many years under Ewald von Kleist's leadership. Our friend Ben Schemmer has written that people would kill to get invited to Wehrkunde. Once the audience is selected, however, the killing is over and the focus of Wehrkunde turns to ideas and dialogue to ensure that the horrors of war are never repeated.

One of the reasons Wehrkunde has become so successful is its tradition of encouraging high-level American participation. Wehrkunde underscores the point that NATO is indeed a trans-Atlantic alliance that works best when the United States and its allies are talking to each other, calmly and candidly.

Much of the credit for what has become the annual American pilgrimage to Wehrkunde must be given to my good friends John Tower and Bill Cohen. John is here for the 23rd time. John has certainly put the Wehrkunde conference on the map in Washington. Bill Cohen took up the baton from John Tower after John left the Senate in 1985 and is here for the 10th time. Bill called me six times last week telling me my paper was late so I can assure you that he takes his leadership responsibilities very seriously.

The topic of this year's conference is "The American/Soviet Disarmament Negotiations and Their Consequences for NATO." This title appropriately describes the INF Treaty now pending in the Senate; first, because INF was a bilateral American/Soviet negotiation; and second, because the treaty for better or worse constitutes disarmament in the classic sense, that is, the complete elimination of entire classes of weaponry.

From one perspective, the INF Treaty represents the successful culmination of a long and arduous journey. The treaty is a triumph of Alliance cohesion and determination in which the NATO Alliance can justifiably take pride. It is a tribute to the Governments in the basing countries which displayed such resolve and courage in implementing the deployments in the face of widespread domestic opposition and skillful Soviet propaganda. The treaty also reflects the fruits of continuity in the United States between two successive administrations—one Democratic, the other Republican—which, with bipartisan support in Congress, stood steadfastly behind NATO's "dual track" approach. Finally, special credit must be given to our able negotiators, including Ambassadors Nitze, Kampelman and Glitman, who are with us today.

There are several positive features in this agreement. The 4:1 asymmetry in Soviet reductions versus U.S. reductions sets a useful precedent for disproportionate cuts in the upcoming Conventional Stability Talks. The agreement also breaks new ground in intrusive on-site inspections and cooperative measures for enhancing national technical means of verification.

While the Treaty codifies important achievement, we must view the agreement through a wider lens. To assess the full implications of the INF Treaty for NATO security, we must consider the broad strategic framework within which it will be implemented.

I believe that what Chancellor Schmidt said about SALT II in his famous ILSS speech a decade ago applies equally today with regard to INF:

> "The more we stabilize strategic nuclear parity between East and West . . . the greater will be the necessity to achieve a conventional equilibrium as well."

When Chancellor Schmidt made that speech, the Soviet Union was only beginning to deploy the SS-20, and NATO of course had no Pershing II or Ground Launched Cruise Missiles. If the INF Treaty is fully implemented, we will return to that same zero/zero situation in terms of these specific systems. However, as Phil Karber has pointed out, we must consider what the Soviets have added in conventional and battlefield nuclear power in Central Europe during the last ten years.

"The Soviets have added more than 1000 artillery tubes, 900 tanks and 1500 armored personnel carriers;

"They have doubled the number of dual capable aircraft and doubled their range payload;

"They have gone from zero to over 1000 in nuclear-capable artillery."

Moreover, the net increase during this period in Warsaw Pact conventional weapons systems in the Central Region exceeds the total inventory of such systems in the five and a third divisions in Seventh U.S. Army today. Overall, the Warsaw Pact/NATO conventional firepower advantage has grown from 1.8-to-1 ten years ago to 2.2-to-1 today, an increase of almost 25%.

Viewed form this perspective, the INF Treaty must be regarded not as an ending, but rather a beginning. Deterring war and preserving freedom is not like building a dam. It is not something that stays put once you do it. What then are the consequences of the INF Treaty for NATO?

I am reminded of the story of the man who held a small bird behind his back with his fingers gripped tightly around the bird's neck. As the man prepared to squeeze the life out of the bird, he turned to a young boy and asked—Son, tell me, is the bird alive or dead? The boy, with considerable wisdom, replied—Sir, it's in your hands.

Whether history judges the INF Treaty to have made a positive or a negative contribution to the defense of Europe will depend ultimately on which road the Alliance chooses to travel at this critical juncture. One NATO road leads backwards down a slippery slope to European denuclearization, American disengagement, and Soviet domination. The other NATO road leads forward to the solid ground of solidarity, stability, and security. To paraphrase the young boy, the choice is ours. It's in our hands.

"SLIPPERY SLOPE ROAD:" IS MARKED WITH SEVERAL WARNING SIGNALS

First warning signal: A growing nuclear allergy in the West. The rejection by many of our citizens of the basic principle of nuclear deterrence is the product not only of NATO's failure to educate our publics concerning the realities of the Alliance's declared strategy but also of considerable reckless rhetoric as to the alleged immorality of this doctrine.

Here in the Federal Republic, there is of course a special sensitivity to the nature of the nuclear weapons which will remain after INF is fully implemented. Many Germans have voiced their sharp disagreement with NATO's decision to postpone indefinitely any new negotiations on nuclear systems with ranges below 500 kilometers and openly question the need to go forward with the Montebello Decision on modernization.

As one who has long questioned the practicality of many of our short-range nuclear systems, I understand the salience of this issue here in West Germany. In an ideal world, NATO would have begun with negotiations on conventional armaments, chemical weapons, and battlefield nuclear systems, then moved on to intermediate-range and strategic nuclear negotiations only after an equilibrium had been established at these levels.

As we all know, however, this is not an ideal world, and we must speak in terms of reality. It is the awesome presence of nuclear weapons that underpins NATO's deterrence today, as it has since the dawn of the atomic age.

I believe that the modernization of our remaining battlefield and theater nuclear forces is a necessity. However, we must resist the temptation to use the INF Treaty as the pretext for reviving proposals for nuclear systems which could not pass muster before. We must not forget that every conventional platform and delivery system which is now given a nuclear role effectively removes one more weapon from NATO's conventional order of battle.

Tactical nuclear weapons serve valid deterrent functions. But as we conduct needed modernization in these forces, we must not give the impression that a "nuclear fix" is the answer to all of NATO's deterrent woes. Let me emphasize this point—our goal is to raise the nuclear threshold in Europe, not to lower it.

Second warning sign on "Slippery Slope Road:" Changed public attitudes toward the United States and the Soviet Union. A poll last year suggested that while 55% of the German public thought the Soviet Union was a threat five years ago, only 24% think so today. Another poll shows that by an overwhelming margin, most Europeans think that the Soviet Union, and not the United States, deserves the credit for recent progress in arms control. Still other polls portray a growing skepticism in Europe of the credibility of the U.S. nuclear guarantee to NATO. Fortunately, we as politicians realize that polls can quickly change.

When the United States puts new nuclear weapons into Europe, many Europeans fear that our intention is to confine a nuclear war to European soil and thereby decrease the likelihood that our central strategic forces would ever be employed. When the United States takes nuclear weapons out of Europe, many Europeans fear that our intention is to avoid a U.S. nuclear response to Soviet aggression and thereby decrease the likelihood that our central strategic forces would ever be employed. Some pundits have suggested that whether we are putting nuclear weapons in or taking them out, European ministries should save money by simply installing tape recordings that say, "the Americans are decoupling!".

Over the years, European apprehension over American nuclear intentions has provided a growth industry for psychiatrists. But for every psychiatrist employed in Europe, there is another hard at work in America analyzing our apprehension over European commitment to the conventional component of flexible response. Occasionally, both groups of psychiatrists are dealing with the same problem, such as the state of shock many of us were in after the Reykjavik Summit.

While conceding that Reykjavik justified at least a few sessions on the psychiatrist's couch, I would counsel that our European friends should try to be a bit more reassured about U.S. willingness to shoulder nuclear responsibilities. To those who remain skeptical, I would point to Article XI of the INF Treaty, which provides for the establishment of a U.S. inspection camp right outside the gate of the Votkinsk mobile missile final assembly facility in the middle of the Soviet Union. The point of this inspection, I would remind my European friends, is to ensure that any missiles coming out of that gate are not SS-20s capable of hitting Paris, Bonn or London, but rather SS-25s capable of hitting New York or Washington.

My point is this: the United States is committed to the defense of Europe. As President Reagan said in 1981, "Europe's shores are our shores; Europe's borders are our borders." In the era of Gorbachev, NATO cannot afford public confusion and mistrust over this fundamental premise. It is not enough for NATO to be sure of our policies and our goals. We must be sure of ourselves.

Third warning sign on "Slippery Slope Road:" U.S. and European fiscal and budget realities. Our failure to get our fiscal houses in order means that NATO will have to improve its defense capabilities without increasing the amount of money available for this purpose. It is possible that misplaced euphoria in the wake of INF could further erode public support for essential force improvements in Europe.

If the U.S. Congress perceives that the allies are going backward, rather than forward, in correcting glaring conventional deficiencies (what I have termed "automatic escalators") then the debate over U.S. troop levels in Europe will be revived. In the final analysis, the future of this issue depends on the perception that we are all equally committed to a credible conventional defense in accordance with NATO's flexible response strategy. That was the measuring stick when I introduced what in Europe is known as the "Bad Nunn Amendment of 1984." It remains the measuring stick today.

There can be more than one kind of slippery slope. There is a slippery slope that leads to denuclearization. There is another slippery slope that leads to a disillusioned America because of the absence of long-overdue improvements in NATO's conventional defense capabilities. The challenge is to avoid both slippery slopes and seek firm, level ground.

Fourth warning sign of "Slippery Slope Road": NATO's reluctance to think boldly in the area of conventional arms control. For too long, we have placed the highest priority in arms control on strategic forces—where the balance is in rough parity—while allowing ourselves to be content with a sterile, and increasingly irrelevant arms control approach with respect to conventional forces. One of the ironies in conventional arms control is that it was the Soviet Union and its allies in Eastern Europe—and not the West—that took the initiative in making far-reaching proposals, even though they enjoy a decided military advantage in this area. There are some rent indications that various allied positions on the new Conventional Stability Talks have begun to converge. It remains to be seen, however, whether the Alliance is capable of uniting behind a bold and innovative proposal.

Fifth warning sign on "Slippery Slope Road": a continuing failure of political will in getting the most out of our collective defense resources. One of the more frustrating realities of our Alliance is that even though NATO spends more on defense than does the Warsaw Pact, the Pact consistently produces more military hardware than NATO. In Tom Callaghan's phrase, the Alliance is headed down a path toward structural disarmament; that is, ever-higher-cost weapons leading to ever-smaller purchases of those weapons.

The problem has been compounded by our inability to translate innovative technological advantages to the conventional battlefield. As one cynic observed, if we can confine the next war to a laboratory, NATO will win.

THE ROAD TO SOLID GROUND IS CLEARLY MARKED

We are perhaps fortunate that the warning signs on the slippery slope road are so unmistakable. If we view these warnings as trends that need to be reversed rather than as milestones on a one-way road to our ultimate demise, NATO can persevere. There is another road NATO can and must follow: a road that leads to a strengthened deterrent and an improvement in our ability to safeguard freedom and preserve peace, a road that will ensure that the INF Treaty reinforces rather than weakens Western security.

I believe that the roadmap to firm, level ground requires a "three track" approach:

(1) Revolutionary conventional force improvements;

(2) Bold and innovative conventional arms control proposals;

(3) Vigorous public education, including clear explanations of our military needs and our arms control rationale.

TRACK ONE: IMPROVEMENTS IN CONVENTIONAL DEFENSE CAPABILITIES

NATO's goal must be to reverse General Bernard Rogers' well known admonition that in the event of Soviet attack, NATO would have to resort to the use of nuclear weapons in a matter of "days, not weeks or months." I believe NATO should be able to defend conventionally for "weeks, not days."

There are a number of steps NATO must take if it is to get on the road toward achieving this goal. First, we must eliminate the automatic escalators—that is, the critical deficiencies in NATO's conventional warfighting posture which could force an early choice between surrender or escalation to the use of nuclear weapons. Among the most glaring deficiencies are our allies' low rate of sustainability in ammunition stockpiles and the inadequate number of shelters and refuel/reload capabilities for U.S. aircraft which would deploy to Europe in a crisis. Some, but not enough, progress is being made in this regard. Second, we must continue to pursue the Balance Technology Initiative, which seeks ways to exploit the West's advantage in technology to render Soviet tank armies obsolete. Third, we must expand existing programs of Co-operative Research and Development. These programs, together with side-by-side testing of U.S. and allied weapons, can be a turning point in reversing the trend toward structural disarmament and in redressing the conventional imbalance.

Ambassador Abshire has recently outlined a number of other no cost or low cost steps for improving NATO's conventional defenses, including:

A high-level NATO/Warsaw Pact net assessment to pinpoint specific conventional vulnerabilities;

A thorough review of NATO's crisis management capability;

A study of ways to correct NATO's vulnerability in the Northern Army Group (NORTHAG) sector;

New trade-offs with the allies; for example, the provision by the United States of less-preferred ammunition in return for consolidation of our allies' national logistics infrastructures and additional European efforts toward defensive terrain preparation;

A renewed effort on armament cooperation; and

A mandate for longer-range discussions involving governments and industry for better use of defense resources.

These and other proposals for getting the Alliance—in Phil Karber's words—to "think smarter, not richer" deserve careful consideration.

TRACK TWO: BOLD AND INNOVATIVE CONVENTIONAL ARMS CONTROL PROPOSALS

In formulating our proposal for the Conventional Stability Talks, we must recognize that the root of military instability in Europe lies not in the Warsaw Pact's modest numerical advantage in troops in the Guidelines Area. It lies in the Pact's capability for a potentially decisive short-warning attack against NATO. Our aim in conventional arms control ought to be identical to the aim of the Balanced Technology Initiative: to effectively deny to Soviet ground forces forward-deployed in Eastern Europe their ability to threaten NATO with a short-warning offensive capability. This necessarily entails reductions in Soviet tanks, artillery tubes, maneuver battalions, and the like, not just manpower.

I believe the goal of a stable, non-threatening conventional balance would be promoted by the negotiated withdrawal of about half of the U.S. and Soviet ground forces in the NATO Guidelines Areas or by reductions by both NATO and the Warsaw Pact to common ceilings. Under either approach, we should be guided by the following objectives:

withdrawal as complete combat units, including the appropriate slice of helicopter aviation assets;

withdrawal of forces to beyond the "Atlantic to the Urals" region;

withdrawal of equipment to distances that would equalize reinforcement times; and

establishment of an intrusive verification regime to ensure that those withdrawn units remain withdrawn, and to provide reliable early warning of Soviet mobilization of its ground forces.

Let me elaborate on each of these points.

Objective One: Withdrawal of combat *units*. Verification is greatly simplified by the withdrawal of entire, discrete combat units—divisions, regiments and battalions. Merely reducing, say, the number of tanks on each side to some common ceiling imposes much more difficult verification problems. The same applies to manpower ceilings—as we painfully learned in MBFR.

Objective Two: Units should be withdrawn from designated garrisons and reassigned to designated new locations in the rear areas. Withdrawal by units then enables one to monitor both the known site from which the unit was removed and the known site to which they have been relocated. If tanks and artillery pieces are simply withdrawn from front-line troops as part of an equipment reduction plan, and that equipment is simply scattered back into the Soviet Union, the likelihood of detecting a slow but steady drafting back of those weapons is remote.

Objective Three: Units should be withdrawn to far enough distances that their return would be a difficult and time-consuming process. The objective of conventional arms reductions must be to achieve a stable balance at the inter-German border areas. Thus, potential reinforcements need to be based far enough away to ensure the *early* detection by either alliance of a mobilization decision by the other side. With U.S. troops returned to CONUS, even if their equipment remains prepositioned somewhere in Europe, we are looking at 10 days to two weeks for their return—at best. Thus we need to be sure that if withdrawn Soviet forces are not demobilized, they are at least relocated far to the east of the current Western Military Districts. Otherwise we may negotiate asymmetric force reductions that reduce the security of the Alliance.

Objective Four: Open monitoring and challenge inspections. Clearly, if we must verify that units withdrawn to remote locations have not been returned either wholly or piecemeal, roving inspector teams, designed along the lines of our current Military Liaison Mission, and challenge inspections, designed along Stockholm (CDE) lines, must both be employed. Those inspectors must have much less restricted, routine access to forward garrison areas to perform equipment counts, and much better challenge access to potential hiding places, such as large warehouses.

These steps should, in my opinion, be complemented by far-reaching Confidence and Security-Building Measures (CSBMs) to increase the transparency of the Warsaw Pact's military posture, increase the amount of warning available to NATO prior to a Soviet attack, and reduce the possibility of an inadvertent war should both sides decide to mobilize in a crisis. NATO's objective in the so-called CDE II negotiations should be to buy time for allied leaders to decide to react and to accomplish that reaction. To achieve these objectives, NATO needs to know about Soviet operational movements in peacetime and about Soviet operational readiness.

A word of caution is in order: Confidence and Security-Building Measures are not a panacea. Unless coupled with measures to shorten NATO's reaction to warning time, its mobilization time, and its reinforcement time, improved warning time is of marginal value. The well-established rule that the defense should prevail even if the attack-to-defense ratio is about 3:1 only works if the defending side detects the attacker's preparations, makes the correct decisions, gets its units to their correct wartime locations and digs in.

In formulating our position for CDE II, NATO should not be limited either in its imagination or its boldness. If the Soviet Union is prepared under the terms of the INF Treaty to allow Americans at Votkinsk and to open its SS-25 garages to overhead U.S. reconnaissance six times a year, then we should not shirk from proposing innovative schemes for on-site access to militarily significant nodes in the Warsaw Pact's mobilization infrastructure. These could include airfields, railroad yards or even headquarters.

The objective of efforts both on the arms control track and the force improvement track ought to be a stable, non-threatening balance of conventional forces in Europe. As in the case of the INF dual track, we should view each of these undertaking not as a mutually exclusive endeavor, but rather as parallel and mutually reinforcing tracks toward the same destination.

TRACK THREE: PUBLIC EDUCATION

The first two tracks, taken together, are crucial to the structuring of the Alliance's response to Soviet invitations, offers, and propaganda. They also form the framework for my third track, a major public education program. We cannot generate the needed public support for a sensible approach to redressing the imbalance without a much better public understanding of these issues. We, the attendees at this conference, have crucial roles to play in that public education process—we must all become more active and outspoken about the opportunities and the challenges facing the Alliance, about why we must do some things and must not do others.

CONCLUSION

Moving away from the slippery slope road and following and roadmap to solid ground will not be easy or quick. It will require alliance solidarity, public education, and bipartisan commitment throughout the alliance. But this is a road which must be followed.

Force improvements, conventional arms control, and public education must each be on the agenda for the forthcoming NATO Summit. In addition, the Heads of State should consider other essential elements of a coherent conceptual framework for ensuring allied security into the next century. The NATO Summit should be the occasion for a solemn reaffirmation of the U.S. commitment to the Alliance in both its nuclear and conventional components. It should also be the occasion for a solemn reaffirmation on the part of our allies to take conventional defense seriously and to share equitably the burden of collective defense.

NATO has kept the peace for forty years because we have had leaders of vision. The Allied Heads of State who will gather at the Summit this spring will be judged against this high standard. While our values and our goals are constant, our challenges are new and we must think anew. The future of NATO is in our hands.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 10:46 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for transaction of morning business not to exceed beyond 1 hour, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. Mr. President, today I wish to commend the distinguished majority leader, Mr. BYRD, who recently led a stellar group of Senators to NATO capitals for discussions on the INF Treaty. He brought together people who have the utmost responsibility on this matter. I look forward to reviewing the report this fine group will present to the Senate. However, today, Mr. President, I would like to share impressions gained from my own trip with my colleagues who will soon be debating ratification of the INF Treaty on the Senate floor.

NATO AND THE INF TREATY

Mr. LEAHY. Mr. President, in January I visited several NATO capitals to discuss the views of the allies on the INF Treaty. I was particularly interested in how they saw the treaty affecting NATO's capabilities to deter intimidation or aggression from the Warsaw Pact, its implications for the security ties between the United States and Europe, and what they believe NATO should do next. In many respects, the most important question relating to the INF Treaty is not the particular impact of the treaty itself, but what NATO's next steps in arms control and defense should be.

The central issues of the treaty impinge directly and immediately on the political and military solidarity of the Alliance, and the Senate has an obligation to understand fully what this treaty may mean to the long-term strength of NATO before it gives its advice and consent.

A full listing of my meetings in Europe is appended to this statement. Let me just state here that among my meetings were discussions with the British, Belgian, and Italian Foreign Ministers, the British and German Defense Ministers, and the Chief of Staff of SHAPE and his chief military assistants. In addition, I met with American Ambassadors in Britain and Italy, and our charges in Germany and Belgium, as well as the United States Permanent Representative to NATO.

To avoid problems of confidentiality, I have not attributed statements or points of view to individuals. But, I have tried to reflect as accurately as possible the spectrum of opinion I heard from all these meetings.

It will be noted, Mr. President, that my meetings were in the four key countries hosting U.S. Pershing and cruise missiles, and the countries where virtually all remaining United States nuclear weapons in Europe are based. These are the countries most directly affected by the INF Treaty, and who will be integral to decisions the Alliance must make about a future where arms control is likely to lead to continued reductions of strategic and theater nuclear weapons.

This is a lengthy statement, Mr. President, so let me first summarize my conclusions.

CONCLUSIONS

The Senate must act promptly to ratify the INF Treaty, and do so without adding "killer amendments" that would cause the Soviets to reject it.

Senators should not in their zeal for NATO insist on adding conditions to ratification of the INF Treaty that would create serious political controversy and division in the Alliance. The more specific and binding the Senate is about measures it believes the Alliance must take in force modernization or arms control, the greater the problems it will cause the allies.

The INF Treaty is irreversible no matter what the Senate does. Politically, there is no chance that INF deployments could be resumed if the treaty is rejected. In fact, there is a strong probability that INF systems already deployed would have to be removed. If we are to avoid the Soviets retaining their SS-20's while NATO loses Pershing and GLCM, the Senate must give its advice and consent to this treaty.

Our allies are willing to make and carry out difficult decisions on force improvements, including modernizing short-range nuclear weapons, but should not be forced into premature, highly public debates. The United States, as leader of the Alliance, has an obligation to use the consultative machinery of NATO to reach decisions that take into account the special situations of each country.

The allies unanimously support prompt conclusion of a START Agreement. However, there remains a legacy of deep concern about long-term United States intentions in extending its nuclear umbrella over Europe. These concerns were exacerbated by the far-reaching goals announced by President Reagan at Reykjavik—complete elimination of nuclear missiles—and the absence of consultations with the allies about such goals. The damaging impact on allied confidence in the United States of the Reykjavik summit must not be underestimated. A challenge to American leadership is to allay these profound concerns so heedlessly stimulated.

There is no Alliance consensus on what to do next on arms control in Europe. There is support for moving on to talks on conventional force reductions—though an underlying concern persists that such talks could lead to potentially dangerous U.S. conventional force reductions. A serious disagreement among the allies is possible on whether, when and with what goals further talks on remaining nuclear weapons in Europe should begin. Unless managed skillfully by the United States, this potential disagreement could lead to the isolation of the Federal Republic of Germany over a core Alliance security issue. This should not be allowed to happen, not with a steadfast ally like Germany.

In grappling with all these major issues about where NATO goes next, the present and successor administrations should look back to the model followed by the Carter administration in reaching NATO's December 1979 "dual track" decision. That step-by-step process successfully dealt with some of the most potentially divisive issues ever faced by the Alliance, and NATO came out of it stronger and more united than ever before. Above all, the allies should not be forced by the domestic political needs of an outgoing administration or individual Members of the Senate into premature decisions on such profoundly important security questions.

TREATY RATIFICATION

There have been some claims by treaty opponents that our allies, all of whom have formally endorsed the INF Treaty, were pressured by the Reagan administration to support it against their private inclinations. According to this claim, the allies are appalled at the zero option outcome, never expecting the United States would actually agree to remove all INF missiles from Europe. The theory goes on that the allies really wanted an agreement that left a clear, though reduced, capability based in Western Europe to strike into Soviet territory. This line of argument says the allies would have preferred an INF Treaty closer to the so-called walk in the woods proposal of 1984. Senators will recall that this proposal by Ambassador Paul Nitze would have left each side with 100 INF missile warheads.

Let me first state emphatically, Mr. President, that none of the allied foreign or defense ministers or NATO military officers with whom I spoke voiced any reservations whatsoever about the urgency and importance of ratification of the INF Treaty. They professed astonishment that anyone in the United States would make such claims. All stressed emphatically that the treaty should be ratified without conditions that would make it unacceptable to the Soviet Union. So far as I can tell from extensive discussions with the British, Belgian, German and Italian foreign and defense ministers or senior ministery officials, as well as top NATO military leaders, the Alliance unanimously wants prompt ratification of the INF Treaty, and would regard delay, defeat or derailment through unacceptable conditions a political and military disaster for NATO of very great magnitude.

So there can be no misunderstanding, I will repeat, Mr. President. Our allies want the Senate to give its advice and consent to the President to ratify the INF Treaty promptly and without conditions which would force a renegotiation of any portion of the agreement.

That said, Mr. President, I will also tell my colleagues that there are some influential figures among our allies who are not unreservedly happy with the complete removal of the INF missiles. Through the early 1980's the allies withstood intense political pressure in allowing these missiles to be based in their countries. They did so because NATO concluded in 1979 that it needed a capability in Europe to launch nuclear retaliation deep into the Warsaw Pact, including into Soviet territory, as part of the strategy of flexible response. Under that strategy, the Alliance must have a full range of capabilities to respond to any level of Warsaw Pact aggression from the conventional through the theater nuclear up to strategic nuclear war.

It seemed clear to me that at least some allied leaders wish that the outcome of the negotiations had been partial removal of the INF missiles, with a core deep strike missile capability remaining to maintain the deterrent credibility of flexible response. On the other hand, a cardinal principle of the Alliance is shared burdens and shared risks, and this principle would have been hard to maintain with an INF force cut to only 100 warheads. As a practical matter, these residual warheads would have had to have been concentrated in one or two countries, with possibly severe political problems for those countries being so singled out.

However, no allied leader with whom I spoke argued that the INF Treaty was disadvantageous to NATO, and all urged its prompt ratification. Almost all did say that the INF Treaty, by itself, means little from a military or arms control point of view—though they stressed its great political importance—and must be complemented soon by a strategic arms reduction treaty. Otherwise, the Soviets will quickly replace SS-20 warheads with more strategic missile warheads, as on the SS-25.

NEXT STEPS IN FORCE IMPROVEMENTS AND ARMS CONTROL

All allied leaders with whom I spoke pointed to remaining NATO deep strike forces, primarily dual capable aircraft, as preserving for the alliance the capability to present to the Soviet Union a credible risk of nuclear attack from within Europe. However, most conceded dual capable aircraft do not present the same deterrent risk as missiles. NATO's flexible response strategy remains fully valid, but the Alliance does need to examine thoroughly and systematically what further measures, both in arms control and in defense improvements, are needed to maintain high quality deterrence in the INF Treaty era. All accepted the obvious point that elimination of INF highlights Soviet conventional force advantages, but several emphasized that these Soviet advantages are not nearly as pronounced as many, especially in the United States, like to claim.

In all capitals, I found the allies willing to consider in the NATO framework what additional force improvements may be needed. All reaffirmed the 1983 Montebello decision that NATO should modernize its short range nuclear systems. All expressed a willingness to look at conventional force improvements. But, Mr. President, it was made very clear to me that the allies do not want to be stampeded into a public debate over what specific steps each country should take in force improvements. Even as I was in Europe for these meetings, I saw evidence why our allies should feel these concerns. There were press reports of senior administration civilian officials and U.S. military leaders talking about the importance of NATO deploying an extended range Lance missile. Of introducing a standoff nuclear missile for use on dual capable aircraft, and of upgrading the large NATO nuclear artillery force. There was a perception in Europe that the administration is already trying to push key allied countries toward early decisions on specific modernization programs before NATO has worked out a combined action plan for its next steps in force improvements and arms control—and before the allies have had an opportunity to work out a political consensus in their own countries about how to proceed.

The allied leaders with whom I spoke were invariably polite. But it was quite clear to me that underneath their courteous phrases were real concerns that the administration, in its need to demonstrate "strength" during the INF Treaty debate, will press them on modernizing short range nuclear forces. Also, frankly, I think they are worried that their friends in the Senate, in their zeal to show Alliance security is not compromised by the INF Treaty, may try to add conditions about NATO nuclear and conventional force modernization and improvements to the treaty. The more specific and binding these Senate conditions, the more problems they create for our allies.

I am confident, after these discussions, that all our allies are prepared to do what is necessary, within the political and fiscal realities of each partner, to maintain the strength and cohesion of NATO and the validity of Flexible Response. But, they want to use the NATO consultative machinery to work out specific steps, with due regard to the special sensitivities and political conditions of each country. The allies definitely do not want the Alliance consultative mechanism shortcircuited—as it disastrously was at the Reykjavik Summit. Nor do they want to be forced into a highly controversial public debate over specific force modernization measures, as they were during the neutron bomb fiasco.

Mr. President, let me interject a personal observation here. My sense from these conversations and from a broader acquaintance with NATO, one that I fostered over my 14 years in the Senate, is that politically and financially our allies cannot afford to do major things in force improvements—conventional or nuclear. They face many of the same fiscal and economic problems we do, and realistically they are not going to significantly expand defense spending, for that matter is the United States. Therefore, the more we claim NATO is at severe disadvantage in certain kinds of forces and the more we insist great efforts are needed to rectify imbalances, the more we foster perceptions of weakness. This simply undermines Western will and solidarity. It will not, whatever the doom and gloom crowd may think, stimulate our allies into greater defense efforts.

Therefore, Mr. President, during the INF Treaty debate and afterward, I hope the administration and individual Senators will keep calls for NATO defense efforts reasonable and within the bounds of political and fiscal reality. Let us not set up the Alliance as weak, when it is immensely strong, and let us not call for spending and deployments we will not accomplish.

The same concerns hold for the arms control dimension of NATO's overall political and military strategy for maintaining stability in relations with the East. Just as there is as yet no clear consensus among the allies on the question of precisely what force improvements to undertake, when and by whom, so there is no agreement on what to do next on arms control.

All those with whom I spoke were united in urging rapid conclusion of a START agreement reducing strategic offensive forces. That is the logical priority after ratification of the INF agreement. Allied leaders were clear that the INF agreement, while it is primarily important for political reasons, will be militarily meaningless without strict limits on Soviet strategic forces. Otherwise, as I noted earlier, the SS-20 warheads the Soviets will eliminate under the INF Treaty will be easily replaced by additional strategic ballistic missile warheads, such as the SS-25's.

Beyond that, there is no unanimity of view on what NATO's arms control priority should be. Most told me they strongly favor making major asymmetric conventional force reductions by the Warsaw Pact NATO's next goal. Others said they would add a ban on chemical weapons—to eliminate what some feel are significant Soviet advantages—though many conceded there are serious verification problems with verification of a chemical weapons ban.

Most allied leaders told me they wanted no further steps by NATO on its remaining theater nuclear arsenal. They believe INF and START treaties are as far as the Alliance should go in eliminating or reducing nuclear weapons, at least for now. They emphasized time and again that nuclear weapons are an integral part of NATO's deterrent strategy of Flexible Response, and the Alliance must take care to deflect the longstanding Soviet goal of the denuclearization of Europe. This would leave Western Europe naked before Soviet and Warsaw Pact conventional force advantages. "Decoupling" or the withdrawal of the American nuclear umbrella from Europe remains a nightmare to all our allies.

However, Mr. President, German leaders across the political spectrum, as well as opposition party figures in Britain—argued to me that NATO must move promptly to negotiations on short or battlefield range systems, of which NATO will retain well over 4,000 even under the INF Treaty. Most insisted the goal should not be a "third zero,"—elimination of all remaining nuclear systems in Europe. The aim should be reductions in short range nuclear systems to equality at some lower number (the Soviet Union is variously estimated in public literature to have some 6,000 short range warheads in Europe).

Our German friends, certainly the Government, share absolutely the position that NATO must retain nuclear weapons. However, antinuclear sentiment is extremely strong in Germany, and the German Government must be sensitive to pressures to go beyond the INF Treaty. Most of the remaining NATO nuclear arsenal is based in Germany, and if ever used, most would explode on German soil. German interest in negotiations on short range nuclear systems is understandable, and the Alliance has an obligation to consider the German point of view carefully.

THE CONSULTATIVE PROCESS AND THE CHALLENGE TO NATO

Allied leaders were highly complimentary of the Reagan administration's use of NATO consultative machinery during the INF negotiations. I heard no concerns expressed about the ability of the allies to present their views on the negotiations and to have them taken into account in the formulation of U.S. positions. There were some concerns expressed about the rapidity of the negotiations in the closing phases. It seemed to me that some allied leaders felt that the administration's initial proposal for a zero option in Europe was not serious, and the allies were somewhat surprised at the Soviet acceptance of the zero outcome. However, the allies all indicated they had had ample opportunity to consult with the United States during the negotiations, and all declared the zero-zero result was acceptable to them (although, as noted earlier, some said the zero-zero outcome did create new problems for the Alliance).

Much more serious concerns were voiced about indications the administration may pressure the Alliance to make quick decisions about specific conventional nuclear force modernization actions, and about what to do next in arms control. One allied leader was quite blunt in criticizing actions by the administration that circumvent established NATO consultation and decisionmaking procedures. All allies told me they want NATO to study next steps very carefully, making full use of Alliance mechanisms. Insofar as it is possible, they want to address issues of force modernization—and even arms control steps—out of the public limelight. They reminded me how well the process leading to the December 1979 dual track decision worked and said we should use the same model.

Specifically, the Germans fear the administration is going to spark a highly visible debate on modernizing and extending the range of the Lance battlefield missile, on deploying a tactical air launched missile on dual capable aircraft, and on modernizing NATO's nuclear artillery. The Germans are not ready for such a public debate, which would be highly divisive in their country. They need to make use of the NATO consultative machinery to deal with the issues of nuclear—and conventional—force modernization. Some spoke of using the consultative process to work out a new "dual track" strategy of short range nuclear modernization in the framework of a new nuclear arms control proposal.

In most meetings, allied leaders spoke of their shock at the President's actions at the Reykjavik summit, where he appeared to jettison 40 years of NATO strategy of integrating nuclear weapons into its overall deterrence posture. They said nothing in recent years had "jolted" them so much as this evidently casual, almost offhand agreement by the President to pursue the goal of a complete elimination of nuclear missiles. The damage of the administration's conduct of the Reykjavik summit should not be underestimated.

As an interesting demonstration of how closely the allies follow developments here, several times allied leaders raised the study by Dr. Fred Ikle and others entitled "Discriminate Deterrence." They saw this study as another bit of evidence, together with the Reykjavik summit, the zero/zero option, star wars, and other strategic actions of the Reagan administration, of a gradual loosening of the U.S. commitment to nuclear deterrence in Europe. They fear the United States is looking for ways to reduce the risk of nuclear war beginning in Europe and spreading to the intercontinental level—or conversely, that the United States is looking for ways to confine any nuclear exchange to Europe, sparing the American homeland. I sought to reassure them on this point, referring to the Ikle study as a classic example of the many "file and forget" papers that are done by our strategic community. Nevertheless, to have this study raised with concern is a needed reminder that the allies study our actions in much the same way as our kremlinologists or sinologists "read the tea leaves" to try to predict future directions of Soviet or Chinese policy. We ought to be more aware of how such essentially peripheral exercises feed into allied anxieties about where we may be going in security policy.

SCHEDULE OF MEETINGS

The following is a list of my meetings on INF and related issues in Europe. I also had a separate schedule of meetings with EEC and host country officials on agriculture trade matters, which will be dealt with in a separate report.

LONDON

Ambassador Charles Price, U.S. Embassy.
DCM Ray Seitz, U.S. Embassy.
Alexander Vershbow, U.S. Embassy.
Sir Geoffrey Howe, Foreign Secretary.
George Younger, Minister of Defense.
Gerald Kaufman, Labor Party Foreign Policy Spokesman.

BRUSSELS

DCM Ronald Woods, U.S. Embassy.
Alexander Leibowitz, U.S. Embassy.
Leo Tindemans, Foreign Minister.
Ambassador Alton Keel, U.S. Mission to NATO.
Political Adviser Robert Gray, U.S. Mission to NATO.
John Kornblum, U.S. Mission to NATO.
Steven Geis, U.S. Mission to NATO.
General Robert Reed, Chief of Staff, SHAPE.
Donald Gelber, Political Adviser to SACEUR.
General Lutz Moek, Deputy Chief of Staff, Operations.
Admiral Fiorenzo Rosso, Deputy Chief of Staff, Support.
General Michael Nelson, Asst. Chief of Staff, Operations.
Air Comm. John Willis, Chief, Special Weapons Branch.

BONN

DCM James Dobbins, U.S. Embassy.
Felix Vargas, U.S. Embassy.
Manfred Woerner, Defense Minister (and soon to be Secretary General of NATO).
Helmut Schaefer, State Minister for Foreign Affairs.
Voker Ruehe, CDU Foreign Policy Spokesman.
Willy Wimmer, CDR Defense Spokesman.
Ortwin Lowack, CSU Foreign Affairs Spokesman.
Karl Lamers, CDU Arms Control Spokesman.
Michaela Geiger, CSU Spokesman on U.S. Affairs.
Dr. Werner Hoyer, FDP Defense Spokesman.
Dr. Horst Emke, SDP Foreign Policy Spokesman.
Dietrich Stobbe, SPD U.S. Affairs Expert.
Dieter Boden, FRG Foreign Service, aid to Dr. Emke.

ROME

Ambassador Maxwell Rabb, U.S. Embassy.
DCM John Holmes, U.S. Embassy.
John Tefft, U.S. Embassy.
Guilio Andreotti, Foreign Minister.
Guiseppe Pisanu, Undersecretary of Defense.

Finally, Mr. President, I also wish to take this opportunity to commend the majority leader on the new schedule that we have. There has been a great deal of interest in Vermont on the INF Treaty and other matters pending here. Usually, I would only be able to travel to Vermont on weekends. Last week, however, I was able to schedule meetings all over the State to discuss not only the trip that the leader was having, a trip that was carried prominently and clearly in the Vermont press, but also to discuss my trip and the legislative calendar.

Everywhere I went, Mr. President, throughout the State, I heard over and over again from Vermonters, ranging from schoolchildren to senior citizens, that they were delighted to see we actually had a schedule which enabled them to hear from us directly. I hope that Senators will cooperate with the leadership in making this new schedule possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader as to whether or not Calendar Order No. 527 on the Calendar of Business has been cleared on his side of the aisle.

Mr. SIMPSON. Mr. President, I advise the majority that, indeed, that has been cleared on our side of the aisle.

Mr. BYRD. I thank the assistant Republican leader.

GEOTHERMAL STEAM ACT AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 527.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1889) to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Geothermal Steam Act Amendments".

SEC. 2. The following **[**subsection is**]** *subsections are* inserted at the end of section 2 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1001):

"(f) 'Substantial investment' means expenditures at an amount per acre as specified by the Secretary. Such expenditures shall be made on one or more of the following: drilling exploratory, development, or temperature gradient wells; geological, geochemical, or geophysical surveys; environmental studies; architectural and engineering services procured in connection with design of generating facilities; or other expenditures approved by the Secretary.".

"(g) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following: (1) thermal features within units of the National Park System designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790); and (2) Crater Lake National Park.".

SEC. 3. Section 6 of the Geothermal Steam Act of 1970 as amended **[**(30 U.S.C. 1005(a))**]** *(30 U.S.C. 1005)* is amended by striking subsection (a), and inserting in lieu thereof, the following:

"(a) Geothermal leases shall be for a primary term of ten years. If geothermal steam is produced or utilized in commercial quantities within this term, or any administrative extension thereof as provided under subsection (c), such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.".

SEC. 4. Subsection 6(c) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(c)) is amended by designating the current language as paragraph 6(c)(1), and by inserting the following as a new paragraph 6(c)(2):

"(c)(2) Any geothermal lease issued pursuant to this Act and in effect on or after the date of enactment of the Geothermal Steam Act Amendments **[**of 1987**]** shall be extended for successive five-year periods, but totaling not more than fifteen years, if—

"(i) the lessee has submitted a report to the Secretary detailing bona fide efforts to bring such lease or approved cooperative or unit plan of development into commercial production, given the then current economic conditions, and either;

"(ii) actual drilling operations, to a depth specified by the Secretary, were commenced prior to the end of its primary term and prior to the end of each successive five-year extension period and such drilling operations have not been used in obtaining a prior extension on any other lease and are being actively pursued on the lease to be extended or on another lease where, at the time application for extension is made and such drilling occurs, such leases are included in the same approved cooperative or unit plan of development or operation; or

"(iii) in the opinion of the Secretary, substantial investment has been made during the primary term and during each successive five-year extension on such lease or on another lease where, at the time the substantial investment is made, such leases are included in the same approved cooperative or unit plan of development or operation and such expenditures have not been used to obtain an extension on any other lease.".

SEC. 5. Section 6(d) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(d)) is amended by striking subsection 6(d), and inserting in lieu thereof the following:

"(d) For purposes of subsection (a) of this section, the term "produced or utilized in commercial quantities" includes the completion of a well capable of producing geothermal steam in commercial quantities.".

SEC. 6. Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan: *Provided*, That such elimination is based on scientific evidence, and occurs only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated would be eligible for an extension under section 6(c) of this title within two years if it separately meets the requirements for such an extension.".

[SEC. 7. For purposes of section 115(2)(a) of Public Law 99-591, significant thermal features within the national park system shall include, but not be limited to, the following thermal features designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

[SEC. 8. The first sentence of section 115(2)(d) of Public Law 99-591 is amended to read as follows:

["(d) With respect to all geothermal leases and drilling permits issued, extended, renewed or modified, the Secretary shall include stipulations in leases and in drilling permits necessary to protect significant thermal features listed pursuant to subsection (a) of this section where a determination is made based on scientific evidence that the exploration, development, or utilization of the lands subject to the lease or drilling permit is reasonably likely to adversely affect such significant features.".

[SEC. 9. As part of the monitoring program required by section (2)(b) of Public Law 99-591, the Secretary of the Interior shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall begin with the collection and assessment of data for significant features near current or proposed geothermal development.

[SEC. 10. (a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study of the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within Yellowstone National Park. The area to be studied shall include the lands within the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975 Federal Register (Fed. Reg. vol. 40 No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

[(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Spring Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in subsection (a) of this section.

[(c) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the report required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

[(d) The Secretary may not issue, extend, renew, or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) in the Corwin Spring Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in section 10(a) of this Act. This section shall not be construed as requiring leasing subsequent to the one hundred and eighty days after study submittal.

[(e) Nothing contained in this Act shall affect the ban on leasing under the Geothermal Steam Act of 1970, as amended, with respect to the Island Park Geothermal Area, as designated by the map in the "Final Environmental Impact Statement of the Island Park Geothermal Area" (January 15, 1980. p. XI), and provided for in Public Law 98-473.]

SEC. 7. The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(b) As part of the monitoring program required by subsection (a) of this section, the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall begin with the collection and assessment of data for significant features near current or proposed geothermal development.

"(c) Upon receipt of an application for a geothermal lease the Secretary shall determine on the basis of scientific evidence if exploration, development, or utilization of the lands subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within units of the National Park System. Such determination shall be subject to notice and public comment. If the Secretary determines on the basis of scientific evidence that the exploration, development or utilization of the land subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within units of the National Park System, the Secretary shall not issue such geothermal lease. In addition, the Secretary shall withdraw from leasing under this Act those lands, or portion thereof, subject to the application for geothermal lease, the exploration, development, or utilization of which is reasonably likely to result, based on the Secretary's determination, in a significant adverse effect on a significant thermal feature within units of the National Park System.

"(d) With respect to all geothermal leases and drilling permits issued, extended, renewed or modified, the Secretary shall include stipulations in leases and in drilling permits necessary to protect significant thermal features within units of the National Park System where a determination is made based on scientific evidence that the exploration, development, or utilization of the lands subject to the lease or drilling permit is reasonably likely to adversely affect such significant features. Such stipulations shall include, but are not limited to—

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on its activities;

"(3) requiring the lessee to continuously monitor geothermal production and injection wells; and

"(4) requiring the lessee to suspend activity, temporarily or permanently on the lease if the Secretary determines that ongoing exploration, development, or utilization activities are having a significant adverse effect on significant thermal features within units of the National Park System until such time as the significant adverse effect is eliminated.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.".

SEC. 8. (a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study of the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within Yellowstone National Park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. vol. 40 No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsecton (a) of this section may adversely affect the thermal featurs of Yellowstone National Park, the Secretary shall include in the report required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

(d) The Secretary may not issue, extend, renew, or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Springs Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring leasing subsequent to the one hundred and eighty days after study submittal.

SEC. 9. The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025), is amended by adding the following new section 29:

"SEC. 29. Nothing contained in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15,

1980. p. XI), and provided for in Public Law 98-473.".

SEC. 10. To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of title I of section 101(h) of the Act Making Continuing Appropriations for fiscal year 1987, Public Law 99-591 (100 Stat. 4431-264 through 100 Stat. 4431-266), this Act shall be deemed to supersede the provisions of section 115(2) of title I of section 101(h) of the Act Making Continuing Appropriations for fiscal year 1987, Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266).

Mr. HECHT. Mr. President, I am pleased that the Senate is about to take action on S. 1889, a bill introduced by Senator MELCHER and myself to promote geothermal energy development in the United States. Geothermal energy is the most promising form of alternative energy currently available in our country.

Geothermal energy already provides electricity for hundreds of thousands of people, and its significance is growing day by day. Geothermal energy can also be used for space heating and industrial processes.

My own State of Nevada has truly immense geothermal potential. It has been estimated that Nevada's geothermal energy reserves can offer the equivalent of the full electric production of four nuclear powerplants. Geothermal energy may also prove a boon to the booming gold mining industry in Nevada, where the hot water may improve the efficiency of mining operations and turn seasonal operations into year-round ventures.

Ever since I came to the Senate I have worked hard on the legislation that is now before us. I have introduced bills in each of the recent Congresses to allow for the extension of geothermal leases for up to 15 years when temporary market conditions prevented a lease from being fully developed during its primary term.

As ranking minority member of the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources, it has been my pleasure during this Congress to join forces with my subcommittee chairman, Senator MELCHER, on the legislation now before us. I thank him for his leadership and his cooperation on this legislation.

I would also like to salute the father of geothermal energy in Nevada, former U.S. Senator Alan Bible, for his early and farsighted efforts in support of geothermal energy. Many years ago Senator Bible recognized the potential of this form of energy. I am pleased to be able to follow in his legislative footsteps, to continue the work he started, which will have significant value for our State and our country.

Mr. President, we have before us S. 1889, a bill introduced by Senator MELCHER and myself to amend the Geothermal Steam Act of 1970. A number of geothermal lessees have made substantial investments, in their leases during the primary term of their leases, but for a number of reasons will not be able to bring those leases into production during the primary term of the lease. This legislation allows for lease extensions when the Secretary of the Interior determines that the lessee has made a substantial investment in the lease or related lease in an approved cooperative or unit plan of development or operation and such investment has not been previously used to obtain an extension of another lease.

A lease held by the State of California, CA 5632, in Lake County, the so-called Binkley Leasehold, would appear to me to be covered by this bill. Over the last 10 years the State has spent about a million dollars on this lease for such things as legal expenses, economic analyses, permits, environmental studies, surveys, design work, and assorted consultants. The State is serious about eventually producing energy from this lease, and is hopeful that the provisions of this bill relating to substantial investment would allow California to receive an extension for this lease.

Without prejudicing in any way the authority of the Secretary under this bill to decide what constitutes substantial investment in a given situation, I would like to state my expectation as one of the sponsors of this legislation and the ranking minority member of the subcommittee of jurisdiction, that the Binkley lease would qualify for a lease extension under the substantial investment provision of the bill, assuming that the lessee meets all the other terms and conditions necessary for a lease extension.

Thank you, Mr. President. I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. Are there further amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GAUCHER'S DISEASE AWARENESS WEEK

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 122.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 122) entitled "Joint resolution to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as "Gaucher's Disease Awareness Week", do pass with the following amendments:

Page 2, strike out lines 3 through 8, and insert: *That the week beginning October 16, 1988, is designated as "Gaucher's Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.*

Amend the title so as to read: "Joint resolution to designate the week beginning October 16, 1988, as 'Gaucher's Disease Awareness Week'.".

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I would like to inquire of the assistant Republican leader as to whether or not Calendar Order No. 517 on the executive calendar under Department of Defense has been cleared for action on his side of the aisle.

Mr. SIMPSON. Mr. President, I advise the majority leader that that item, Calendar No. 517, has been cleared on this side of the aisle.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Ronald F. Lehman II, of Virginia, to be an Assistant Secretary of Defense, vice Richard N. Perle, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Ronald F. Lehman II, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, may I respectfully inquire of the majority leader whether it might be possible to go to the consideration of Calendar Item No. 507 on the Executive Calendar, the nomination of Wade Brorby, of Wyoming, to be United States Circuit Judge for the Tenth Circuit.

Mr. BYRD. Mr. President, we have a hold on our side of the aisle on the other nominees to the judiciary. On that one nomination, the distinguished assistant Republican leader discussed this matter with me earlier. The Senator who has exercised his right to place some holds on some nominees has been contacted. I certainly want to be as accommodating as I can be to the distinguished assistant Republican leader. By virtue of his efforts and his great interest in this nomination, we are prepared to proceed with the consideration of the nomination at this time. I yield to the Senator from Wyoming to make the motion.

Mr. SIMPSON. Mr. President, I deeply appreciate that, and I certainly understand the concern of my colleague on the other side of the aisle with regard to the other nominations. I understand the nature of the hold on those other nominees. I hope that can be resolved soon. I do want to thank the majority leader. I realize fully that this is a personal accommodation. I accept it as that. I am very gratified at that.

I have known Wade Brorby since we attended law school together at the University of Wyoming. There were only a small number of students in our graduating class, and I had the opportunity to get to know Wade very well. He graduated with high honors from the University of Wyoming Law School. A superb lawyer he is.

But my long personal acquaintance with him is not the reason that he was being considered for this position. He has been selected entirely "on the merits". The entire Wyoming congressional delegation, under the fine leadership of our senior Senator, Malcolm Wallop, and with the able assistance of our congressman, Dick Cheney, set up a "blue ribbon" merit selection committee of well respected and seasoned lawyers to evaluate individuals for this judgeship. Wade Brorby was the very first choice of this impartial panel.

I have known Wade to be an outstanding member of the legal community in Wyoming. He has practiced law in the city of Gillette, WY, following his law school graduation and after a three-year stint in the Air Force. Not only has he actively, avidly and successfully practiced law, he has also been a very active member in the Gillette community and a member of the board of directors of many Campbell County and Gillette service clubs and organizations.

Wade has consistently handled himself with distinction. He is a "class guy" in every respect. In his law school days he was on the editorial board of the Wyoming Law Journal and on the dean's list. He even edited my law review articles—and they were dazzling pieces! His practice of law and his association with the legal community and Gillette community also exemplify his character and fitness to be a judge. He and his lovely wife, Miriam, are delightful people whom Ann and I are very honored to count among our fine friends. I heartily and earnestly support him as the nominee for the Tenth Circuit Court of Appeals and unhesitatingly commend him to you. I do appreciate the leaders expeditious handling of his nomination by the Senate.

This nomination has been "in the pipeline" for many months. The Tenth Circuit Court of Appeals seat for which Wade is nominated, has been vacant since April 8 of last year. A second Tenth Circuit Court of Appeals seat has now been vacant for over 3 years. The backlog in caseload is becoming more than an embarrassment, it is a disservice to the administration of Justice. The addition of Wade Brorby, who thoroughly thrives on hard work, will go a very long way in resolving that situation. There simply could not be a finer selection.

I thank my colleagues on both sides of the aisle for their assistance in confirming this fine nominee.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Executive Calendar Order No. 507.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

THE JUDICIARY

The assistant legislative clerk read the nomination of Wade Brorby, of Wyoming, to be U.S. circuit judge for the Tenth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, let me thank the majority leader for the extraordinary courtesy in allowing me to make that motion as a member of the minority party. That was very uncommon but it is very deeply appreciated.

Mr. BYRD. Mr. President, I thank the distinguished Senator. He is very welcome. I am pleased to be of assistance and I always want to be of assistance where I can be.

Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on February 5, 1988, he had approved and signed the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 9, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 402. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week".

Under the authority of the order of the Senate of February 3, 1987, the enrolled joint resolution was signed on February 9, 1988, during the adjournment of the Senate, by the President pro tempore (Mr. STENNIS).

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5) to improve elementary and secondary education, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill, and the Senate amendment (except section 7003), and modifications committed to conference: Mr. HAWKINS, Mr. FORD of Michigan, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mr. SOLARZ, Mr. WISE, Mr. RICHARDSON, Mr. ROBINSON, Mr. VISCLOSKY, Mr. ATKINS, Mr. JEFFORDS, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARTLETT, Mr. FAWELL, Mr. HENRY, and Mr. GRANDY.

From the Committee on Energy and Commerce, for consideration of section 7003 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. SWIFT, Mr. RINALDO, and Mr. BLILEY.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2515. A communication from the United States Trade Representative transmitting, pursuant to law, a report identifying foreign export subsidies and opportunities where U.S. export subsidies can be used most effectively; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2516. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, notification of funding sources prior to any transfer of funds in support of the Nicaraguan Democratic Resistance; to the Committee on Appropriations.

EC-2517. A communication from the Secretary of Defense transmitting, pursuant to law, certification of production facilities for the Bigeye Binary Chemical Bomb; to the Committee on Armed Services.

EC-2518. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation "To amend title 10, United States Code, to provide authority for the Armed Forces to recover and examine certain remains"; to the Committee on Armed Services.

EC-2519. A communication from the Secretary of Transportation transmitting a draft of proposed legislation "To make two technical amendments to laws relating to drug interdiction"; to the Committee on Armed Services.

EC-2520. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report on the stockpiling of strategic and critical materials; to the Committee on Armed Services.

EC-2521. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification that the Navy intends to sell certain naval vessels to the Government of the Arab Republic of Egypt; to the Committee on Armed Services.

EC-2522. A communication from the Deputy Assistant Secretary, Department of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the commissary resale warehouse function at Offutt Air Force Base, NE, to performance under contract; to the Committee on Armed Services.

EC-2523. A communication from the Secretary of the Army transmitting, pursuant to law, a report on the determination and findings for other than full and open competition for evaluation of service of 24th Infantry Regiment; to the Committee on Armed Services.

EC-2524. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on supplemental contract awards for the period January 1, 1988, to February 29, 1988; to the Committee on Armed Services.

EC-2525. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation "National Bank Regulatory Simplification Act of 1988"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2526. A communication from the Secretary of Transportation transmitting, pursuant to law, a report detailing the activities undertaken by the Department of Transportation to implement the Commercial Space Launch Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-2527. A communication from the Secretary of Energy transmitting, pursuant to law, the Eleventh Report entitled "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities"; to the Committee on Energy and Natural Resources.

EC-2528. A communication from the Assistant Secretary (Land and Mineral Management) of the Department of the Interior transmitting, pursuant to law, a report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1985 and 1986 for Federal Onshore and Outer Continental Shelf Oil and Gas Leases"; to the Committee on Energy and Natural Resources.

EC-2529. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2530. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on financing, supply, and installation activities of public utilities in connection with the Residential Conservation Service Program; to the Committee on Energy and Natural Resources.

EC-2531. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report entitled "The Impact of State Hospital Payment Ratesetting Systems"; to the Committee on Finance.

EC-2532. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the 52d quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-2533. A communication from the Secretary of Commerce transmitting, pursuant to law, monthly reports on imports during July, August, and September, 1987, of strategic and critical materials from countries of the Council for Mutual Economic Assistance; to the Committee on Foreign Relations.

EC-2534. A communication from the Secretary of Commerce transmitting, pursuant to law, a monthly report on imports during June 1987 of strategic and critical materials from countries of the Council for Mutual Economic Assistance; to the Committee on Foreign Relations.

EC-2535. A communication from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, a report analyzing the impact of IMF-supported economic adjustment programs implemented during 1985 on the provisions of basic human needs in program countries; to the Committee on Foreign Relations.

EC-2536. A communication from the Assistant Secretary (Legislative Affairs) of State conveying a Honduran National Congress resolution expressing support for the Esquipulas II accords and for democratization in Central America; to the Committee on Foreign Relations.

EC-2537. A communication from the Secretary of State transmitting, pursuant to law, a report with respect to U.S. security assistance programs; to the Committee on Foreign Relations.

EC-2538. A communication from the Chairman, Board for International Broadcasting, transmitting, pursuant to law, its annual report covering the period from October 1, 1986, through September 30, 1987; to the Committee on Foreign Relations.

EC-2539. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-132, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2540. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-133, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2541. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-134 adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2543. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-137, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2544. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-136, adopted by the council on

January 5, 1988; to the Committee on Governmental Affairs.

EC-2545. A communication from the President of the Export-Import Bank of the United States transmitting, pursuant to law, a report containing a statistical summary of performance under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-2546. A communication from the Secretary of Education transmitting, pursuant to law, the annual report of the Advocate for Competition for the Department of Education; to the Committee on Governmental Affairs.

EC-2547. A communication from the Assistant Secretary (Administration), Department of Transportation, transmitting, pursuant to law, a report for the alteration of four Saint Lawrence Seaway Development Corporation systems of records; to the Committee on Governmental Affairs.

EC-2548. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "Review of Boxing and Wrestling Commission Chairperson's Travel Expenditures for Fiscal Years 1982 Through 1987"; to the Committee on Governmental Affairs.

EC-2549. A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, the annual report of the Federal Trade Commission for the fiscal year 1987; to the Committee on Governmental Affairs.

EC-2550. A communication from the Vice President, C&P Telephone Co., transmitting, pursuant to law, a report containing a statement of receipts and expenditures of the Chesapeake and Potomac Telephone Co.; to the Committee on Governmental Affairs.

EC-2551. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the Board's annual report regarding the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-2552. A communication from the Chairman, Commission on Intergovernmental Relations, transmitting, pursuant to law, the 29th annual report of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

EC-2553. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-138, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2554. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Nuclear Regulatory Commission's "Annual Report on Competition"; to the Committee on Governmental Affairs.

EC-2555. A communication from the Controller, Washington Gas Light Co., transmitting, pursuant to law, a report containing a certified copy of a balance sheet of the company as of December 31, 1987; to the Committee on Governmental Affairs.

EC-2556. A communication from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting, pursuant to law, a report on the Board's fiscal year 1987 activities to increase competition; to the Committee on Governmental Affairs.

EC-2557. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, an annual report on competition; to the Committee on Governmental Affairs.

EC-2558. A communication from the Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Commission's third annual report on competition; to the Committee on Governmental Affairs.

EC-2559. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report on competition for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2560. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, the (VA) annual report on procurement competition, pursuant to section 21 of the Competition in Contracting Act (CICA); to the Committee on Governmental Affairs.

EC-2561. A communication from the Executive Secretary, Federal Reserve Employee Benefits System transmitting, pursuant to law, the annual report for the plan year ending December 31, 1986; to the Committee on Governmental Affairs.

EC-2562. A communication from the Director, Administrative Office of the United States Courts transmitting, pursuant to law, a report on 15 positions (grades 16, 17, and 18) allocated by statute to the Administrative Office of the U.S. Courts as of December 31, 1987; to the Committee on Governmental Affairs.

EC-2563. A communication from the Chairman of the Copyright Royalty Tribunal transmitting, pursuant to law, the annual report for the fiscal year ending September 30, 1987; to the Committee on the Judiciary.

EC-2564. A communication from the Chief Immigration Judge, Department of Justice transmitting, pursuant to law, a report on grants of suspension to section 244(a)(1) and section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

EC-2565. A communication from the Assistant Attorney General of the United States (Legislative Affairs) transmitting, pursuant to law, a certification indicating whether any part of section 8142 of House Joint Resolution 395 will interfere with any ongoing criminal investigation; to the Committee on the Judiciary.

EC-2566. A communication from the Secretary of Education transmitting, pursuant to law, notice of final funding priorities for rehabilitation research and training centers for fiscal year 1988 under the National Institute on Disability and Rehabilitation Research; to the Committee on Labor and Human Resources.

EC-2567. A communication from the Chairman of the Intergovernmental Advisory Council on Education transmitting, pursuant to law, the report and recommendations of the Council for the improvement of the educational system in the area of job training and retraining; to the Committee on Labor and Human Resources.

EC-2568. A communication from the Administrator of the Task Force on Environmental Cancer and Heart and Lung Disease transmitting, pursuant to law, the annual report of the task force for 1986; to the Committee on Labor and Human Resources.

EC-2569. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report entitled "Women and Minorities in Science and Engineering; to the Committee on Labor and Human Resources.

EC-2570. A communication from the staff director of the Commission on Education of the Deaf transmitting, pursuant to law, a report entitled "Toward Equality: Education of the Deaf," a report on the quality of education of deaf persons in America; to the Committee on Labor and Human Resources.

EC-2571. A communication from the Deputy Assistant Secretary of Defense (Systems) transmitting, pursuant to law, the report on performance of Department of Defense commercial activities for fiscal year 1987; to the Committee on Armed Services.

EC-2572. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize a scholarship program for selected junior military officers and defense force leaders with similar status from the countries of the Americas, other than the United States and Canada, to attend educational institutions in the United States which host, or have an agreement with, a Senior Reserve Officers' Training Corps (ROTC) unit; to the Committee on Armed Services.

EC-2573. A communication from the Assistant to the President for Legislative Affairs transmitting, pursuant to law, notice that the information asked for on the current method of estimating yields of Soviet underground nuclear tests to determine compliance with the 150 kiliton limit will be forthcoming with the President's report on Soviet noncompliance with arms control agreements; to the Committee on Armed Services.

EC-2574. A communication from the Secretary of Defense transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board for fiscal year 1987; to the Committee on Armed Services.

EC-2575. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the interim report on the Transitional Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2576. A communication from the Director of the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, the third annual report on the impact of offsets in defense-related exports; to the Committee on Banking, Housing, and Urban Affairs.

EC-2577. A communication from the Acting Secretary of Commerce transmitting, pursuant to law, the annual report of the Export Administration for fiscal year 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-2578. A communication from the Assistant Secretary of Commerce transmitting, pursuant to law, notice of the National Oceanic and Atmospheric Administration's intention to award a contract for performance of certain commercial-type functions at John F. Kennedy International Airport, NY; to the Committee on Commerce, Science, and Transportation.

EC-2579. A communication from the Assistant Secretary of Commerce transmitting, pursuant to law, notice of the National Oceanic and Atmospheric Administration's intention to award a contract for the performance of certain commercial-type activities at LaGuardia Airport, NY; to the Committee on Commerce, Science, and Transportation.

EC-2580. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on railroad financial assistance for fiscal year 1987; to the Committee on Commerce, Science, and Transportation.

EC-2581. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report on ocean pollution, monitoring, and research for fiscal year 1986; to the Committee on Environment and Public Works.

EC-2582. A communication from the Chairman of the United States International Trade Commission transmitting, a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1989; to the Committee on Finance.

EC-2583. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, the annual report on the status of DOD guaranty loans for fiscal year 1987; to the Committee on Foreign Relations.

EC-2584. A communication from the Assistant Legal Advisor for Treaty Affairs transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 4, 1988; to the Committee on Foreign Relations.

EC-2585. A communication from the Chairman of the Farm Credit Administration transmitting, pursuant to law, the third Farm Credit Administration report required by the Competition in Contracting Act; to the Committee on Governmental Affairs.

EC-2586. A communication from the Assistant Secretary of Transportation (Administration) transmitting, pursuant to law, notice of proposed changes to certain Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2587. A communication from the Administrator of General Services transmitting, pursuant to law, a report on the donation of surplus personal property for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2588. A communication from the Chairman and the General Counsel of the National Labor Relations Board transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2589. A communication from the Acting Assistant Secretary of the Treasury (Management) transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2590. A communication from the Assistant Secretary of Agriculture (Administration) transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2591. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 7-140 adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2592. A communication from the Chairman of the Occupational Safety and Health Review Commission transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2593. A communication from the Director of the Federal Bureau of Investigation transmitting, pursuant to law, notice of a delay in the submission of a report on the effect of recruitment, retention, and operations of the New York field office caused by the unusual living expenses of the area; to the Committee on the Judiciary.

EC-2594. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of the decision granting defector status to a certain alien under section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2595. A communication from the Counsel to the Pacific Tropical Botanical Garden transmitting, pursuant to law, the audit report of the Pacific Tropical Botanical Garden for calendar year 1986; to the Committee on the Judiciary.

EC-2596. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Library Research and Demonstration Program; to the Committee on Labor and Human Resources.

EC-2597. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Regional Resource and Federal Centers Program; to the Committee on Labor and Human Resources.

EC-2598. A communication from the Secretary of Education transmitting, pursuant to law, notice of final funding priority for fiscal years 1988 and 1989—Teachers as Researchers; to the Committee on Labor and Human Resources.

EC-2599. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Audit—Senate Building Beauty Shop Statements—6 Month Period Ended 12-31-86"; to the Committee on Rules and Administration.

EC-2600. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Audit—Senate Building Beauty Shop Statements—4 Month Period Ended 6-30-86"; to the Committee on Rules and Administration.

EC-2601. A communication from the Executive Secretary, Office of the Secretary of Defense transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October through November 1987; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-403. A resolution adopted by the California Republican Party relative to fair trade; to the Committee on Finance.

POM-404. A resolution adopted by the California Republican Party relative to the Alaska Boundary Negotiations; to the Committee on Foreign Relations.

POM-405. A resolution adopted by the Commission of the City of Miami, Florida relative to funding for international refugee assistance programs; to the Committee on the Judiciary.

POM-406. A resolution adopted by the City Commission of Port Isabel, Texas relative to the serious needs of veterans in the Rio Grande Valley; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

H.R. 3025. A bill to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact (Rept. No. 100-285).

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment and an amended preamble:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988 as "National Fishing Week."

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 206. Joint resolution to declare Dennis Chavez Day.

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week."

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

S.J. Res. 224. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day."

S.J. Res. 246. Joint resolution to designate the month of April, 1988, as "National Child Abuse Prevention Month."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 4, 1988, the following reports of committees were submitted on February 11, 1988 during the adjournment of the Senate:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1904. A bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce (with minority views) (Rept. No. 100-284).

EXECUTIVE REPORTS ON COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE:

S. 2055. A bill to designate certain national forest system lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain national forest system lands, and to release other forest lands for multiple-use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 2056. A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2057. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURDICK (for himself, Mr. DOLE, Mr. INOUYE, Mr. GRASSLEY, Mr. STENNIS, Mr. MCCLURE, Mr. SIMON, Mr. SYMMS, Mr. EXON, Mr. BOND, Mr. GORE, Mr. DURENBERGER, Mr. BUMPERS, Mr. NUNN, Mr. SHELBY, Mr. SANFORD, Mr. RIEGLE, Mr. LUGAR, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. HOLLINGS, Mr. BOSCHWITZ, and Mr. KARNES):

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as National Health Awareness Week;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 378. A resolution to refer S. 2056 entitled "A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer" to the Chief Judge of the U.S. Claims Court for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE:

S. 2055. A bill to designate certain national forest system lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulas for certain national forest system lands, and to release other forest lands for multiple-use management, and for other purposes; referred to the Committee on Energy and Natural Resources.

IDAHO WILDERNESS LEGISLATION

Mr. McCLURE. Mr. President, today I am introducing the Idaho Forest Management Act of 1988, legislation that will finally resolve the longstanding difficult issues surrounding the remaining forest wilderness in my State of Idaho. A product of many weeks of negotiation between Idaho Governor Cecil Andrus and myself, this legislation will chart a positive future for the management of Idaho's extensive national forests.

We are blessed in Idaho with an abundance of natural resources. The Gem State is the most heavily forested of the Rocky Mountain States. We have more than 16,000 miles of rivers and nearly 2,000 natural lakes. Idahoans can boast, and rightly so, that they live in one of the most beautiful States of the Republic, from Mount Borah's Peak 12,600 feet above sea level to the floor of Hell's Canyon, a gorge deeper than even the Grand Canyon. We have an abundance of minerals such as gold, silver, copper, iron, lead, and zinc. From the pristine alpine forests and wildflower-filled meadows surrounding trout-filled Kelly Creek, to the barren and desolate beauty of the craters of the Moon, our natural resources provide outstanding recreational opportunities as well as an economic foundation for our communities, including jobs and taxes.

The majority of these resources occur on Idaho's vast public lands. The output of goods and services from these lands is determined through management practices established either by Federal legislation or administrative regulation. Out of Idaho's 53 million acre land base, more than 33.5 million acres is managed by the Federal Government. More than 20.5 million of that is national forest land of which approximately 13 million acres is, by definition, roadless. The legislation I am proposing today creates new wilderness within the boundaries of nine national forests in Idaho, including the Boise, Caribou, Challis, Clearwater, Panhandle, Payette, Salmon, Sawtooth, and the Targhee, and would increase the current wilderness system in Idaho from 3,969,757 million to nearly 5.4 million acres, which is more wilderness than in any other State in the lower 48, and second only to Alaska.

Over the years, I've hiked through much of the wild country of Idaho and fished some of the best streams and lakes in the Nation. Like most Americans, I treasure these experiences and feel real gratitude in knowing that my grandchildren will have ample opportunity to enjoy them as well. Whether they enjoy the solitude of a wilderness setting or the convenience of a recreation area with road access, Congress has provided such opportunities for generations to come.

At the same time, however, it is important to note that these public lands also provide a resource base for the traditional Idaho industries of timber and mining, cattle ranching, and energy development. Some of Idaho's most avid sportsmen are lumberjacks and miners by trade. Their livelihoods as well as their recreational pursuits are in large part dependent upon national forest resources.

The Forest Service has been studying and evaluating roadless areas in Idaho for potential wilderness designation for more than 20 years. The first mandated roadless area review and evaluation—rare I—was begun in 1972, and the second such review, rare II, was conducted in the late 1970's In 1979, the Carter Administration made its recommendations to Congress on which lands out of a possible 62 million acres nationwide should be designated wilderness. Since that time, wilderness bills have been enacted in States from coast to coast. Only Nevada, Montana, and my State of Idaho still face difficult wilderness questions.

The Idaho Forest Management Act I am introducing today will bring a degree of certainty to the management of these roadless areas that has been so desperately needed for such a long period of time. Governor Andrus and I, and indeed several elected officials within the Idaho delegations of past and present have worked diligently over a very long period of time trying to resolve this complex and difficult matter. Numerous meetings and hearings, including four days of hearings of the U.S. Senate Committee on Energy and Natural Resources during the late summer of 1983, have been conducted in an attempt to find the best solution—from all perspectives—to this issue. We have sifted through hundreds of pages of testimony and thousands of pieces of written correspondence, and, we have reviewed any number of resource statistic and forest management documents in our attempt to craft this wilderness legislation.

It is important to note parenthetically that Governor Andrus and I have known each other since the early 1960's when we served together in the Idaho Legislature. In spite of the fact that we are from different political parties, a mutual trust resulting from our long association, our experience with public lands issues, and the trust the Idaho people have placed in us offered us a rare opportunity to resolve this issue. With this as background, we approached the crafting of this bill in a unique way. Rather than begin negotiations with a target plan based on a predetermined number of acres, we started from scratch and discussed the best use of each area of the national forest individually. While such details of our negotiations may seem superfluous, they are essential to understanding our proposal. The final product includes a chain of delicately balanced resource tradeoffs. Virtually every decision to allow timber harvesting has been balanced by another decision to protect fish and wildlife habitat. Every decision to allow motorized access to a specific area has been balanced by another decision to set aside an area where motorized vehicles will be prohibited. To add or to delete from our proposal could do great damage to the balance we have so carefully constructed.

I am pleased to say that Governor Andrus and I believe this legislation considers the needs of both current and future generations. It also strikes a balance between the economic requirements of the State and the desire to set aside lands for nondevelopment. It proposes over 1.4 million acres of new wilderness, creates special management areas in nearly 611,000 additional acres, and finally addresses the future management of those roadless areas not designated as wilderness. It proposes many more acres than a great many Idahoans have been willing to accept yet also proposes considerably fewer acres than a great many Idahoans have pushed for. It is in every sense of the word a compromise; albeit a reasonable, workable compromise for Idahoans all of whom, one way or another, are dependent on the State's national forests and the goods and services they provide. From our public school system, which is supported by Forest Service timber receipts, to our outfitters and guides, who introduce the rest of the world to Idaho's back country, this bill provides the true balance of wilderness and multiple use management on which our future planning and growth must be based.

Several years ago I came across an article in the Wall Street Journal which addressed the wilderness issue and the philosophies behind it. While we have made many decisions with respect to this Nation's wilderness system over the past few years, I believe this article written by Vermont Royster, one of this country's most celebrated newspapermen, bridges what still is a very large gap between wilderness and nonwilderness advocates. It is the job of Governor Andrus and I to bridge that gap in our home State, but it is imperative that we also bridge that gap here in Washington in order to reach an equitable resolution of this matter. I'd like to share with my colleagues a portion of Royster's article in the hopes that it will motivate some recognition of the poet that exists on both sides of this issue:

> Poets, to be sure, have always found romance in wilderness, and perhaps today's environmentalists are poets at heart. But is there not also a touch of the poet in those who look at barren land and see it plowed with growing fields of grain? Or in those who dig the earth in search of oil to fuel homes and factories or give electricity to light the night? Yet to hear some people talk, it's a sacrilege to cut down a single tree. . . . It's wicked to drill through frozen tundra or clear forest land for man's habitation.
>
> For my own part, I would like to see some untamed land kept to remind us of Eden lost, where those who will may visit to escape our concrete cities and the maddening crowd. Our spirit as well as our flesh needs its respite. Still, we, the human species would never have moved out of the Mesopotamian Valley to spread ourselves over the whole Earth except that we tamed wilderness for man's use . . . only thus were we able to be fruitful and multiply.

Mr. President, let me emphasize my commitment to diligently pursue the resolution of this issue before the end of the year. We in Congress have what I believe is a unique opportunity to finally put to rest this important wilderness legislation which has been so difficult for us in the past. Passage of this bill will provide the Forest Service in my State of Idaho with the legislative direction and stability they require in order to most effectively perform the very important task of managing our National Forest System, and it will provide pleasures and benefits for this and many future generations of Idahoans and, indeed, all Americans. I strongly urge my colleagues to support me in pushing for quick passage of this important wilderness legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Idaho Forest Management Act of 1988".

TITLE I—FINDINGS, PURPOSES, WILDERNESS AND SPECIAL DESIGNATIONS

SEC. 101. (a) The Congress finds that—

(1) certain areas of undeveloped national forest lands in the State of Idaho possess outstanding natural characteristics giving them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the national forest system of Idaho have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the national forest system in Idaho have also identified those areas which should be specially managed under a prescribed formula designed to allow timber harvesting while protecting and mitigating damage to fish and wildlife resources and also identified other areas which should be specially managed for recreational access only; and

(4) review and evaluation of roadless and undeveloped lands in the national forest system in Idaho have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands in Idaho for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people;

(2) designate certain National Forest system lands in Idaho for special management under prescribed formulae designed to allow timber harvesting while protecting and mitigating damage to fish and wildlife resources and to designate certain other lands for special management to allow recreational access only;

(3) withdraw, subject to valid existing rights, National Wilderness Preservation system lands in the State of Idaho, including those so designated by this Act, from operation of the general mining and mineral leasing laws in order to protect the physical characteristics and wilderness values which motivated the Congress to include these lands within the System;

(4) require appropriate inventory to assess and document the minerals potential of National Wilderness Preservation System lands in the State of Idaho in order to enhance the data base; and

(5) insure that certain national forest system lands in the State of Idaho be made available for multiple uses other than wilderness in accordance with applicable national forest laws and planning procedures and Title II of this Act. The lands referred to in this paragraph may be managed for a wide variety of uses, depending on their unique characteristics, including but not limited to fish and wildlife protection management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, grazing, timber harvesting, watershed and vegetation management, energy and minerals exploration and development, and other uses.

SEC. 102. In furtherance of the purposes of the Wilderness Act (78 Stat. 890), and to end the dispute regarding the RARE II studies of the Forest Service lands, subject to valid existing rights, the following national forest system lands in the State of Idaho, comprising approximately one million four hundred two thousand three hundred (1,402,300) acres and generally depicted on maps appropriately referenced, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(a) certain lands in the Idaho Panhandle National Forests which compromise approximately twenty two thousand six hundred (22,600) acres as generally depicted on a map entitled, "Salmo-Priest Wilderness-Proposed", dated December, 1987, and which shall be known as the Salmo Priest Wilderness;

(b) certain lands in the Idaho Panhandle National Forests which comprise approximately fifty four thousand eight hundred (54,800) acres as generally depicted on a map entitled, "Selkirk Crest Wilderness-Proposed", dated December, 1987, and which shall be known as the Selkirk Crest Wilderness: Provided that if all of any portion of lands owned by the State of Idaho comprising approximately fifteen thousand four hundred forty (15,440) acres as generally depicted as "proposed legislative exchange" on such map are acquired by exchange by the Secretary, they shall become part of the Selkirk Crest Wilderness and the Secretary shall modify the boundary of the area accordingly;

(c) certain lands in the Idaho Panhandle National Forests which comprise approximately fourteen thousand nine hundred fifty (14,950) acres as generally depicted on a map entitled, "Scotchman Peak Wilderness-Proposed," dated December, 1987, and which shall be known as the Scotchman Peak Wilderness;

(d) certain lands in the Idaho Panhandle National Forests and the Clearwater National Forest which comprise approximately one hundred sixty one thousand one hundred (161,100) acres as generally depicted on a map entitled, "Mallard-Larkin Wilderness-Proposed," dated December, 1987, and which shall be known as the Mallard Larkin Wilderness. The previous classification of the following is hereby abolished: The Mallard Larkin Pioneer Area;

(e) certain lands in the Clearwater National Forest which comprise approximately one hundred forty two thousand two hundred fifty (142,250) acres as generally depicted on a map entitled, "Kelly-Cayuse Wilderness-Proposed," dated December, 1987, and which shall be known as the Kelly-Cayuse Wilderness;

(f) certain lands in the Payette National Forest which comprise approximately two hundred sixty three thousand one hundred (263,100) acres as generally depicted on a map entitled, "Secesh-Payette Crest Wilderness-Proposed," dated December, 1987, and which shall be known as the Secesh-Payette Crest Wilderness;

(g) certain lands in the Boise National Forest which comprise approximately nine thousand three hundred (9,300) acres as generally depicted on a map entitled, "Snowbank Wilderness-Proposed," dated December, 1987, and which shall be known as the Snowbank Wilderness;

(h) certain lands in the Boise National Forest which comprise approximately sixty six thousand two hundred (66,200) acres as generally depicted on a map entitled, "Red Mountain Wilderness-Proposed," dated December, 1987, and which shall be known as the Red Mountain Wilderness;

(i) certain lands in the Boise and Challis National Forests which comprise approximately one hundred two thousand four hundred (102,400) acres as generally depicted on a map entitled, "Sawtooth Additions-Proposed," dated December, 1987, and which shall be known as the Sawtooth Additions and which are hereby incorporated in and shall be deemed to be part of the Sawtooth Wilderness and are to be managed by the Sawtooth National Recreation Area;

(j) certain lands in the Boise National Forest which comprise approximately forty seven thousand six hundred (47,600) acres as generally depicted on a map entitled, "Trinities Wilderness-Proposed," dated December, 1987, and which shall be known as the Trinities Wilderness;

(k) certain lands in the Sawtooth National Recreation Area which comprise approximately one hundred thousand two hundred (100,200) acres as generally depicted on a map entitled, "White Cloud Wilderness—Proposed," dated December, 1987, and which shall be known as the White Cloud Wilderness and shall be administered in accordance with the Wilderness Act (78 Stat. 890) as provided in section 103 of this Act, or the Act of August 22, 1972 which established the Sawtooth National Recreation Area (Public Law 92-400), whichever is more restrictive: *Provided,* That nothing in this Act shall affect the value of any valid existing rights which may have existed under the mining laws of the United States prior to August 22, 1972;

(l) certain lands in the Challis National Forest which comprise approximately one hundred fifteen thousand six hundred (115,600) acres as generally depicted on a map entitled, "Pioneer Wilderness-Proposed," dated December, 1987, and which shall be known as the Pioneer Wilderness;

(m) certain lands in the Challis National Forest which comprise approximately fifty four thousand five hundred (54,500) acres as generally depicted on a map entitled, "Borah Peak Wilderness-Proposed," dated December, 1987, and which shall be known as the Borah Peak Wilderness;

(n) certain lands in the Targhee National Forest which comprise approximately fifty four thousand six hundred (54,600) acres as generally depicted on a map entitled, "Italian Peaks Wilderness-Proposed," dated December, 1987, and which shall be known as the Italian Peaks Wilderness;

(o) certain lands in the Targhee National Forest which comprise approximately sixteen thousand three hundred (16,300) acres as generally depicted on a map entitled, "Lionhead Wilderness-Proposed," dated December, 1987, and which shall be known as the Lionhead Wilderness;

(p) certain lands in the Targhee National Forest which comprise approximately three thousand five hundred (3,500) acres as generally depicted on a map entitled, "Winegar Hole Addition-Proposed," dated December, 1987, and which are hereby incorporated in and shall be a part of the Winegar Hole Wilderness;

(q) certain lands in the Targhee National Forest which comprise approximately one hundred fifty five thousand two hundred (155,200) acres as generally depicted on a map entitled, "Palisades Wilderness-Proposed," dated December, 1987, and which shall be known as the Palisades Wilderness. Within the Palisades Wilderness, on and immediately around Palisades Peak, the Secretary shall permit helicopter landings for recreational skiing as if the area had not been designated wilderness. Such landings shall continue either under permits issued to the existing permittee, or to such other permittee or permittees as the Secretary may authorize; and

(r) certain lands in the Caribou National Forest which comprise approximately eighteen thousand one hundred (18,100) acres as generally depicted on a map entitled, "Mount Naomi Wilderness-Proposed," dated December, 1987, and which shall be known as the Mount Naomi Wilderness.

SEC. 103. (a)(1) There is hereby established the Bonner's Ferry Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Idaho Panhandle National Forest, and comprising approximately eighty nine thousand eight hundred (89,800) acres, as generally depicted on a map entitled "Bonner's Ferry Special Management Area" and dated December, 1987. Notwithstanding any other provision of law, the Secretary shall manage the area designated "A" on the above described map so as to provide 3.5 million board feet additional allowable sales quantity of timber annually above the allowable sale quantity level for that area in the forest plan for the Idaho Panhandle National Forests at the date of enactment of this Act; *Provided, further,* that the allowable sales quantity in the Bonner's Ferry District of the Idaho Panhandle National Forests shall be not less than 40.5 million board feet annually for the first planning period and the allowable sales quantity for the entire Idaho Panhandle National Forest shall be not less than 283.5 million board feet annually for the first planning period.

(2) There is hereby established the Clearwater Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Clearwater and Idaho Panhandle National Forests, and comprising approximately fifty thousand six hundred sixty (50,660) acres, as generally depicted on a map entitled "Mallard-Larkin Special Management Area-Proposed" and dated December, 1987. The areas which are composed of Foehl Creek, Minnesaka Creek, Bear Creek, Bacon Creek, Yankee Point-Neversweat, and Skull Creek-Copper Creek, shall be managed permanently as a "C8S" area as described in the Forest Plan. Clearwater National Forest dated September 1987. The goals of this "C8S" management prescription shall be to manage these areas to maintain high quality wildlife and fishery objectives while producing timber from the productive Forest land. In managing these areas, the Secretary shall meet the goals by resource as set forth in section C of the "C8S" management area prescription contained in the Plan. The Secretary shall achieve these goals by managing the areas pursuant to the standards by resource set forth in section C of the "C8S" management prescription, and the minimum forest standards in section E of Chapter II, of the Plan.

(3) There is hereby established the East Weitas Special Management Area, (hereinafter in this paragraph referred to as the "area"), located in the Clearwater National Forest, comprising approximately twenty six thousand one hundred (26,100) acres, as generally depicted on a map entitled "East Weitas Special Management Area" and dated December, 1987. The area shall be managed permanently as a "C8S" area as described in the Forest Plan, Clearwater National Forest dated September, 1987. The goals of this "C8S" management prescription shall be to manage these areas to maintain high quality wildlife and fishery objectives while producing timber from the productive Forest land. In managing these areas, the Secretary shall meet the goals by resource as set forth in section C of the "C8S" management area prescription contained in the Plan. The Secretary shall achieve these goals by managing the areas pursuant to the standards by resource set forth in section C of the "C8S" management prescription, and the minimum forest standards in section E of Chapter II, of the Plan.

(4) There is hereby established the Cook Mountain Special Management Area, (hereinafter in this paragraph referred to as the "area"), located in the Clearwater National Forest, comprising approximately seventy seven thousand one hundred (77,100) acres, as generally depicted on a map entitled "Cook Mountain Special Management Area," dated December, 1987. The area shall be managed permanently as a "C1" area as described in the Forest Plan, Clearwater National Forest dated September 1987. The goal of the "C1" management prescription for the Cook Mountain area shall be to manage the area to maximize big-game

summer habitat potential without building new roads; to provide for short-term livestock grazing where compatible with elk habitat management; and to provide for high quality dispersed recreation in a semi-primitive motorized setting. In managing these areas, the Secretary shall meet the goals by resource as set forth in section C of the "C1" management area prescription contained in the Plan. The Secretary shall achieve these goals by managing the areas pursuant to the standards by resource set forth in section C of the "C1" management prescription, and the minimum forest standards in section E of Chapter II, of the Plan.

(5) There is hereby established the French Creek Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Payette National Forest, and comprising approximately one hundred fifty seven thousand (157,000) acres, as generally depicted on a map entitled "French Creek Special Management Area-Proposed" and dated December, 1987. The goal of this management prescription is to improve wildlife and fishery resources while producing timber from the productive Forest land. The Secretary shall take specific actions to protect, maintain and improve calving areas, summer and winter range, and habitat for elk and other big game. New roads may be constructed for the purpose of timber harvest and management: *Provided* That any such roads shall comply with road density standards for the Elk Management Unit in which they are to be constructed and such roads shall be closed to public motorized use. Grazing lands within the area shall be subject to extensive management and, where appropriate to protect fish and wildlife habitat on a site specific basis, to intensive management practices. Fish habitat and water quality within the area shall be maintained or improved.

With respect to wildlife and big game habitat, the Secretary shall consult with the Idaho Department of Fish and Game in developing management and monitoring practices. The Secretary shall comply with the following standards:

(i) Management activities shall be concentrated within the smallest possible area and shortest period of time practical for the completion of each project within a timber sale area.

(ii) Logging shall not occur simultaneously on adjacent timber sale areas.

(iii) Ecotones shall be created in timber sale units by unit design and by interspersing successional stages.

(iv) Big game wallows and licks identified as key habitat by the Secretary shall be protected from disturbance and hiding cover shall be maintained immediately adjacent thereto. No timber harvest of any kind shall occur near wallows or licks during the "rut."

(v) Timber harvest shall not occur in calving and fawning areas, identified by the Secretary between May 1 and July 1, or any time when such areas are being used by big game for such purposes.

(vi) Big game hiding and thermal cover shall be provided around a minimum of 50 percent of the perimeter of meadows greater than five (5) acres where existing conditions make this viable. Cover areas shall be no less than two elk site distances wide and contain no less than a ten acre stand."

The Secretary shall set such additional standards as may be necessary and prudent with respect to cultural, recreational, wildlife, range, timber, soil, water, air, research natural areas, and resource protection as may be necessary to meet the goal of this management prescription.

(6)(A) There is hereby established the South Fork Special Management Areas (hereinafter in this paragraph referred to as the area), located in the Payette National Forest, and comprising approximately fifty four thousand two hundred (54,200) acres, as generally depicted on a map entitled "South Fork Special Management Areas-Proposed" dated December, 1987. The area shall be administered by the Secretary to allow no harvesting of timber or other commercial activity in the area designated "A" on the above described map, which area is generally one half mile in both directions from the center of the South Fork of the Salmon River from the confluence with the East Fork of the South Fork, south to the Payette National Forest boundary.

(B) The Secretary shall allow timber harvesting in areas outside of area "A" but within any drainage of any tributary which flows into that reach of the South Fork of the Salmon which lies within area "A" (hereinafter the "reach system") only to the extent such harvesting results in no net increase in sediment deposit in the reach system. Such timber harvesting shall occur only upon the following conditions:

(i) Sediment deposited in the reach system shall be mitigated;

(ii) Mitigation shall occur by removal of deposited sediment or by prevention of sedimentation, in an amount equal to, in volume, the total amount of the sediment to be deposited in the reach system as a result of commercial activity associated with timber harvesting within the sale area as predicted by the BOISET sedimentation model, or any state-of-the-art reach system specific replacement;

(iii) Mitigation by removal of deposited sediment shall occur before, during or immediately after commercial activity associated with timber harvesting within a sale area commences. Mitigation by removal shall occur, to the extent reasonably practicable, in locations within the reach system in the following priority order: stretches downstream from the commercial activity that are significant to anadromous fish; stretches upstream from the commercial activity that are significant to anadromous fish; other downstream stretches; and other upstream stretches;

(iv) Mitigation by prevention shall occur in areas within the reach system that are significant to the anadromous fishery in stretches of the reach system before mitigation by prevention is conducted in other areas;

(v) The Secretary shall monitor sedimentation from all commercial activities, and if such monitoring shows that commercial activity associated with timber harvesting in a sale area is resulting in sediment deposits in the reach system which are materially and consequentially in excess of that predicted by the BOISET sedimentation model or its replacement assuming normal activities and conditions, the Secretary shall require such commercial activity to cease. The activity may resume only if the Secretary ensures that such additional action as may be necessary to prevent or mitigate the increase in sediment deposits are undertaken by the commercial operator, or other appropriate entity; and

(vi) Mitigation must begin prior to or during the season in which timber harvesting resulting in sedimentation commences.

(C) The Secretary shall consult with the Idaho Department of Fish and Game in identifying stream sediments or areas of significance to the anadromous fish or fishery for purposes of mitigation by removal or prevention. The Secretary shall schedule and manage mitigation activities in order to avoid disturbance of anadromous fish or damage to fish habitat."

(7) There is hereby established the Lime Creek Special Management Area (hereinafter in this paragraph referred to as the "area", located in the Sawtooth National Forest, and comprising approximately forty thousand five hundred (40,500) acres, as generally depicted on a map entitled "Lime Creek Special Management Area—Proposed" and dated December, 1987. The use of motorized recreational vehicles is prohibited within the area except on trails designated for such use. The Secretary shall designate certain trails in the area for use solely by motorized vehicles and shall designate certain other trails on which motorized recreational vehicles shall be prohibited. Such use or prohibition may be either permanent or for specific periods. The Secretary may not construct any new trails within the area: *Provided*, that relocation of any portion of any existing trail to alleviate resource damage shall not constitute construction of a new trail if the existing portion is thereafter closed.

(8) There is hereby established the Smokies Special Management Area (hereinafter in this paragraph referred to as the "area", located in the Sawtooth National Forest, and comprising approximately one hundred fifteen thousand six hundred (115,600) acres, as generally depicted on a map entitled "Smokies Special Management Area—Proposed" and dated December, 1987. The use of motorized recreational vehicles is prohibited within the area except on trails designated for such use. The Secretary shall designate certain trails in the area for use solely by motorized recreational vehicles and shall designate certain other trails on which motorized vehicles shall be prohibited. Such use or prohibition shall be either permanent or for specific periods. The Secretary may not construct any new trails within the area: *Provided*, That relocation of any portion of any existing trail to alleviate resource damage shall not constitute construction of a new trail if the existing portion is thereafter closed.

(b) The Secretary shall administer the areas designated by this section to achieve the purposes for which each area was established and in accordance with the laws and regulations applicable to the National Forest System.

(c) Land and resource management plans for the affected national forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, shall emphasize achieving the purposes for which the areas are designated.

SEC. 104. (a) As soon as practicable after the enactment of this Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in section 102, section 103, and section 309 and a legal description of each area designated by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 890) governing areas designated by that Act as wilderness areas, except that, with respect to any wilderness area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be reference to the effective date to this Act.

TITLE II—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

SEC. 201. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in Idaho and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Idaho, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Idaho;

(2) with respect to the national forest system lands in the State of Idaho which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Idaho reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Idaho are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Idaho for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revisions" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to—

(1) those national forest system roadless areas in the State of Idaho which were evaluated in any unit plan or which are being managed pursuant to a multiple use plan; and

(2) national forest system roadless lands in the State of Idaho which are less than five thousand acres in size.

TITLE III—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

SEC. 301. The grazing of livestock and all grazing allotments on lands designated as wilderness in section 102 and special designations in section 103 in this Act where established prior to the date of enactment of this Act shall be continued together with such motorized vehicular access and water developments as may be in use on such lands. Predator control methods shall be continued as currently practiced on such lands. This section shall be considered in accordance with section 4(d)(4) of the Wilderness Act.

STATE WATER ALLOCATION AUTHORITY

SEC. 302. (a) Within the State of Idaho, nothing in the Wilderness Act nor this Act nor any other legislation designating lands as wilderness or Special Management Areas shall constitute or be construed to constitute either an express or implied reservation of water or water rights for any purpose. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness or Special Management Areas pursuant to the substantive and procedural requirements of the laws of the State of Idaho. This section shall not affect any reserved water right which the United States may have previously acquired within the State of Idaho with respect to any lands designated as wilderness or Special Management Areas by this Act or any other Act for the primary purposes for which such lands had been originally withdrawn from the public domain.

(b) As provided in section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Idaho with respect to wildlife and fish in the national forests in Idaho.

(c) Within areas designated as Wilderness by this Act, the Forest Service is directed to utilize whatever sanitary facilities are necessary, including but not limited to vault toilets which may require service by helicopter, to insure the continued health and safety of the communities serviced by the watersheds in Wilderness areas in the State of Idaho; furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist or which may be necessary in the future to prevent the degradation of the water supply in wilderness areas within the State of Idaho.

(d) Within areas designated wilderness or Special Management Areas in the State of Idaho by this or any other Act, the Secretary is directed to allow helicopter access by Federal and State agencies for emergency purposes and to State agencies for fish and wildlife purposes: Provided that this subsection does not authorize the construction of any new landing areas. Access shall be allowed only in existing landing sites, whether previously constructed or natural.

PROHIBITION OF BUFFER ZONES

SEC. 303. No protective perimeters or buffer zones around any wilderness areas are necessary or authorized to protect any wilderness areas within the State of Idaho or may be established pursuant to this or any other law. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

MINERAL RESOURCES

SEC. 304. In furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall continue to make assessments of the mineral potential of national forest wilderness areas in the State of Idaho, on a recurring basis, using environmentally compatible methods, in order to expand the data base with respect to the mineral potential of such lands.

LANDING OF AIRCRAFT

SEC. 305. Except as otherwise specifically provided in this act, the landing of aircraft on lands within the State of Idaho designated as wilderness or Special Management Areas, where this use has become established prior to the date of enactment of this Act shall be permitted to continue and the Secretary shall not permanently close and shall maintain any aircraft landing strip in use on national forest lands in Idaho on the date of enactment of this Act. On lands acquired after the date of enactment of this Act the Secretary may close any aircraft landing strip only with the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of bankcountry airstrips.

INVENTORY OF STRUCTURES WITHIN WILDERNESS AREAS

SEC. 306. (a) Within two years from the date of enactment of this Act, the Secretary shall cooperate with the Secretary of the Interior and with agencies and institutions of the State of Idaho in conducting an inventory of the ranch, homestead, trapper, and other cabins and structures within areas designated as wilderness in section 102(a) of this Act and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a report on—

(1) the location of these structures;

(2) their historic significance, if any;

(3) their present condition;

(4) recommendations as to which of these structures should be—

(A) stabilized;

(B) restored;

(C) maintained; or

(D) removed;

(5) the estimated cost of such stabilization, restoration, maintenance, or removal; and

(6) the suitability of any of these structures for inclusion in the National Register of Historic Places.

(b) Until such time as the study under this subsection is completed and the required report submitted to the committees, the Secretary shall not knowingly permit the destruction or significant alteration of any historic cabin or other structure on national forest land within the areas designated as wilderness in section 102(a) of this Act.

LAND ACQUISITION

SEC. 307. The Secretary shall promptly identify all lands within the areas designated in sections 102 and 103 of this Act which are not owned by the federal government and shall acquire such lands by exchange where such lands are held in public ownership by the State of Idaho or a unit of local government or by purchase on a willing buyer-willing seller basis, donation or exchange where such lands are privately held.

OUTFITTER CAMPS

SEC. 308. (a) With respect to outfitter and guide camps and practices as assigned and allowed by permit prior to the date of enactment of this Act on lands within the State of Idaho designated as wilderness or as Special Management Areas by this or any other Act, the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.

(b) Notwithstanding the foregoing provisions, the Secretary may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected conservation system unit was established, including the wilderness character of any wilderness area within such unit, and may thereupon deny such proposed use or establishment.

(c) The Secretary shall not prohibit the continuance of any commercial outfitting and guide camps and practices subject to this section without the express written concurrence of the agency of the State of Idaho charged with the regulation of the outfitting and guide industry.

ROADS

SEC. 309. (a) For the purposes of this Act, any parallel track together with an area measured by 50 feet to each side from the center line of such track which was in use prior to the enactment of this Act in areas designated by section 102 and which may be traveled by four wheel vehicles licensed for highway use by an appropriate state agency is hereby defined as a road.

(b) The designation of lands in section 102 by this Act does not include any roads as defined in subsection (a) nor any improved (such as gravel or paved) roads, and the Secretary shall indicate such roads on the maps and shall revise the boundaries on such maps to exclude such roads on the maps as required in section 104.

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 2057. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; referred to the Committee on Energy and Natural Resources.

NEW JERSEY COASTAL HERITAGE TRAIL

● Mr. BRADLEY. Mr. President, today I am introducing legislation to establish a New Jersey Coastal Heritage Trail. This trail will provide a tour route to highlight the natural, cultural, and historic aspects of the New Jersey coast in an innovative way. The coastline of New Jersey offers an enormously rich and diverse array of resources. The objective of this proposal is to create a path using publicly-owned roads in order to enable people to more easily appreciate and understand these tremendous resources.

My proposal calls upon the National Park Service [NPS] to lay the groundwork for this effort. Although the proposal does not prejudge the sites or resources to be included in the trail, I envision that it will extend roughly from Sandy Hook down to and around Cape May and up into the Delaware Bay region. The NPS will prepare an inventory of the important resources along the trail route. It will also solicit and ensure active public involvement and consultation with the State and local municipalities as well as any other appropriate Federal agencies.

The purpose here is to put a mechanism in place to ensure that the Federal, State and local governments, as well as private citizens, work as partners to develop a blueprint to emphasize the interrelationship of New Jersey's natural and cultural resources.

The trail will focus on existing sites—interpreting, restoring, and protecting them in the future, if necessary. We hope to highlight the ecological significance and distinctive cultural and historical elements of New Jersey's coastal area. Many types of resources merit inclusion. For example: national recreation areas, wildlife refuges and bird sanctuaries, marine mammal sanctuaries, national monuments, historic shipwreck sites, historic lighthouses, historic communities, and the cultural aspects of the Pinelands. The key is to tie together the elements that comprise the richness of the New Jersey coast. To do so will require the efforts of a wide variety of people at all levels of Government as well as the interest and commitment of individual citizens.

The New Jersey Coastal Heritage Trail proposal authorizes no acquisitions, condemnations, or any other type of taking. Its purpose is to link resources that already exist and to interpret the significance of those resources.

Mr. President, there exists a plethora of possible sites which could be included in the trail. I would not prejudge the work of the National Park Service, but some representational possibilities might include: historic towns and communities, such as Salem, Bridgeton, Cape May, Ocean Grove, and Smithville; wildlife refuges, such as the Edwin B. Forsythe Wildlife Refuge, the Stone Harbor Bird Sanctuary and the Marine Mammal Stranding Center; abandoned shipwreck sites, such as the site of the Alexander Hamilton—a paddle wheel steamer built in 1924—off Monmouth County; historic sites, such as Hancock House or Barnegat Light; examples of our rich cultural heritage, such as the cranberry industry in the Pinelands or the oyster industry around Millville or even folklore such as the Jersey Devil; and national recreation areas, such as Sandy Hook.

It is obvious that, in addition to some of the loveliest beaches along the eastern seaboard, the coastal area of New Jersey offers rich and exciting possibilities for learning about our history, experiencing our culture, and exploring the natural beauty of our parks, wildlife refuges, and other wild areas. I hope that this trail will make that diversity a part of our national heritage.●

By Mr. BURDICK (for himself, Mr. Dole, Mr. Inouye, Mr. Grassley, Mr. Stennis, Mr. McClure, Mr. Simon, Mr. Symms, Mr. Exon, Mr. Bond, Mr. Gore, Mr. Durenberger, Mr. Bumpers, Mr. Nunn, Mr. Shelby, Mr. Sanford, Mr. Riegle, Mr. Lugar, Mr. McCain, Mr. Rockefeller, Mr. Hollings, Mr. Boschwitz, and Mr. Karnes):

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week"; to the Committee on the Judiciary.

NATIONAL RURAL HEALTH AWARENESS WEEK

Mr. BURDICK. Mr. President, as cochairman of the Senate Rural Health Caucus, I am pleased to introduce National Rural Health Awareness Week. Since the Senate Rural Health Caucus was founded in 1985, we have seen enormous progress in the area of rural health policy. While important gains have been made, our work will not be finished until rural Americans have access to the same high quality health care service as other Americans.

In rural communities today, there remains a health care crisis. The health status of rural Americans remains significantly lower than that of urban Americans, with rural Americans showing disproportionately higher rates of maternal and infant mortality, higher injury rates, higher rates of chronic illness, and more poor and uninsured. In addition, rural areas face acute shortages of health professionals, including nurses, psychologists, physicians, and allied health professionals. Many rural hospitals and other health care facilities are closing across America. This has a severe impact on our rural communities.

The first step in addressing the rural health crisis is to focus attention on the special health care needs of rural Americans and rural communities. That is why I am introducing this resolution designating the week of May 15 to 21, 1988, as "National Rural Health Awareness Week."

I strongly encourage my colleagues to join me in recognizing the importance of the health of rural Americans and improving the health care delivery systems in rural America.

● Mr. DOLE. Mr. President, I am pleased to join with Senator Burdick to introduce a bill designating the week of May 15-21, 1988, as "National Rural Health Awareness Week."

This legislation will bring attention to the special needs of the 40 million Americans who depend on health services in rural areas.

Though we have made some progress in improving our ability to deliver health care to these regions, we still face enormous problems.

I trust that the observance of "National Rural Health Awareness Week" will awaken all people to the special health needs of rural America.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. Moynihan, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 533

At the request of Mr. Thurmond, the names of the Senator from Louisiana [Mr. Breaux], the Senator from Texas [Mr. Bentsen], and the Senator from Vermont [Mr. Leahy] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 698

At the request of Mr. Thurmond, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 698, a bill to amend title 17, United States Code, to prohibit the conveyance of the right to perform publicly syndicated television programs without conveying the right to perform accompanying music.

S. 824

At the request of Mr. Specter, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture of extrajudicial killing, and for other purposes.

S. 1162

At the request of Mr. Mitchell, the names of the Senator from Alabama [Mr. Shelby], the Senator from New Mexico [Mr. Bingaman], the Senator from Hawaii [Mr. Inouye], the Senator from Illinois [Mr. Simon], the Senator from Indiana [Mr. Lugar], and the Senator from Montana [Mr. Melcher] were added as cosponsors of S. 1162, a bill to amend chapter 89 of title 5, United States Code, to provide authority for the direct payment or reimbursement to certain health care professionals; to clarify certain provisions of such chapter with respect to coordination with State and local law; and for other purposes.

S. 1370

At the request of Mr. Bumpers, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1370, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1567

At the request of Mr. Bumpers, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 1567, a bill to provide for refunds pursuant to rate decreases under the Federal Power Act.

S. 1678

At the request of Mr. Hatch, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 1678, a bill to establish a block grant program for child care services, and for other purposes.

S. 1761

At the request of Mr. Durenberger, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1776

At the request of Mr. Armstrong, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from New York [Mr. Moynihan], the Senator from Michigan [Mr. Riegle], the Senator from North Dakota [Mr. Conrad], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1776, a bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the bicentennial of the Constitution.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from California [Mr. Wilson], the Senator from Connecticut [Mr. Weicker], the Senator from Utah [Mr. Garn], the Senator from Massachusetts [Mr. Kerry], and the Senator from Florida [Mr. Chiles] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1830

At the request of Mr. Sanford, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1833

At the request of Mr. Chiles, his name was added as a cosponsor of S. 1833, a bill to make grants from amounts appropriated from the Federal hospital insurance trust fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare Program.

S. 1848

At the request of Mr. Wilson, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 1848, a bill to authorize a Minority Business Development Administration in the Department of Commerce.

S. 1877

At the request of Mr. Bradley, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1877, a bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes.

S. 1897

At the request of Mr. Thurmond, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 1897, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Incorporated.

S. 1910

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 2024

At the request of Mr. BAUCUS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2033

At the request of Mr. THURMOND, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Kentucky [Mr. FORD], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2036

At the request of Mr. THURMOND, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2036, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from Nevada [Mr. HECHT], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2051

At the request of Mr. MCCLURE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act."

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Delaware [Mr. BIDEN], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 59, joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 147

At the request of Mr. LEVIN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Arizona [Mr. MCCAIN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 147, joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 182, joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to erect a monument to Gen. Draza Mihailovich in Washington, District of Columbia, or its environs in recognition of the role he played in saving the lives of more than 500 United States airmen in Yugoslavia during World War II.

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Kentucky [Mr. FORD], the Senator from Delaware [Mr. ROTH], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 199, joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 214, joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. LAUTENBERG, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of Senate Joint Resolution 218, joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 223

At the request of Mr. NUNN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 223, joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. WARNER, the names of the Senator from Kentucky [Mr. FORD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Washington [Mr. ADAMS], the Senator from Michigan [Mr. RIEGLE], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 229, joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. QUAYLE], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from New York [Mr. MOYNIHAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arizona [Mr. DECONCINI], the Senator from Kentucky [Mr. FORD], the Senator from Connecticut [Mr. WEICKER], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. TRIBLE], the Senator from New York [Mr. D'AMATO], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 237, joint resolution to designate May 1988 as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 240

At the request of Mr. BIDEN, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arkansas [Mr. PRYOR], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. STENNIS], the Senator from Alabama [Mr. SHELBY], the Senator from Nevada [Mr. REID], the Senator from Washington [Mr. ADAMS], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Georgia [Mr. FOWLER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from North Carolina [Mr. SANFORD], the Senator from Idaho [Mr. MCCLURE], the Senator from Missouri [Mr. BOND], the Senator from California [Mr. WILSON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wyoming [Mr. SIMPSON], the Senator from Kansas [Mr. DOLE], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. D'AMATO], the Senator from Nebraska [Mr. KARNES], the Senator from Connecticut [Mr. WEICKER, the Senator from Nevada [Mr. HECHT], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. EVANS], the Senator from Virginia [Mr. TRIBLE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Texas [Mr. GRAMM], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 240, joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. SARBANES, the name of the Senator from Iowa [Mr. HARKIN] was withdrawn as a cosponsor of Senate Joint Resolution 242, joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. BRADLEY, the names of the Senator from New York [Mr. D'AMATO], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. DECONCINI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Michigan [Mr. RIEGLE], the Senator from Oklahoma [Mr. BOREN], the Senator from Utah [Mr. HATCH], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 247, joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. GRASSLEY, the names of the Senator from Kansas [Mr. DOLE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Concurrent Resolution 32, concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the names of the Senator from Nebraska [Mr. KARNES], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Resolution 377, resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SIMPLE RESOLUTIONS

SENATE RESOLUTION 378—TO REFER S. 2056 TO THE CHIEF JUDGE OF THE U.S. CLAIMS COURT FOR A REPORT THEREON

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 378

Resolved, That the bill (S.) entitled "A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Janzen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, March 2, 1988, on a new proposal by the Forest Service to govern administration of the Small Business Timber Sale Set-Aside Program. The hearing will be held in room 428A of the Russell Senate Office building and will commence at 2 p.m., for further information, please call Chuck Culver of the committee staff at 224-3188 or Deborah Merrick at 224-4843.

SUBCOMMITTEE ON INNOVATION, TECHNOLOGY AND PRODUCTIVITY

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee's Subcommittee on Innovation, Technology and Productivity will hold a hearing on Tuesday, March 1, 1988, at 9:30 a.m., on the use of advanced manufacturing technologies by small business. The hearing will be held in room 428A of the Russell Senate Office building and will commence at 9:30 a.m. For further information, please call Scott Hibbard of the committee staff at 224-3052.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, February 18, 1988, beginning at 2 p.m. in Senate Dirksen 628, on S. 1703, the Indian Self-Determination Act Amendments—section 209, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 16, 1988, at 2 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 16, 1988, at 9:30 a.m. to hold oversight hearings on the return of the space shuttle to flight status.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BLUEGRASS MUSIC IN UPPER EAST TENNESSEE

● Mr. SASSER. Mr. President, Tennessee's heritage of bluegrass music is a nationally known treasure. In particular, the tricities region of Tennessee has played a central role in the growth and development of bluegrass. The tricities region of upper east Tennessee was recently highlighted in Bluegrass Unlimited for its many contributions to bluegrass music. I commend this publication to my colleagues for a fascinating glimpse into the history of this art form.

The magazine points out that this center of musical creativity has been home to many bluegrass greats, and was host to some of the very first commercial country music recordings in 1927.

Whether playing in local music establishments such as A.P. Carter's store and the Down Home or on a number of earlier popular radio shows, bluegrass entertainers continue to rely on this upper east Tennessee area as a springboard to greater fame. The tricities area is home to bluegrass greats such as Earl Scruggs, the Stanley Brothers, Jim and Jesse, Mac Wiseman, Red Rector, Ricky Skaggs, Jethro Burns, and many others. The beautiful setting and warm hospitality of this region has allowed this distinctive musical form to flourish as it has evolved from its Appalachian beginnings.

Appropriately, East Tennessee State University, located in Johnson City in the heart of upper east Tennessee, offers a number of courses on the history and heritage of bluegrass music. Through the work of Dr. Richard Compton, chairman of the East Tennessee State University Music Department and Dr. Richard Blaustein, director of the Center for Appalachian Studies and Services, a variety of bluegrass classes and fellowships related to bluegrass culture are offered. The Center for Appalachian Studies and Services funds projects related to bluegrass culture. Dr. Blaustein, the director of this center, plays in a bluegrass band, the Dixie Dewdrops, himself.

In addition, ETSU sponsors its own bluegrass band, giving students an opportunity to display their musical talents. By exposing students to the east Tennessee bluegrass heritage, the students are able to gain an indepth understanding of this musical heritage and interest in bluegrass music is ensured through the generations.

I am pleased that Bluegrass Unlimited has taken the opportunity to honor the special role that upper east Tennessee plays in both the past and future development of bluegrass music. It is heartening to know that there are so many individuals, such as Dr. Compton and Dr. Blaustein, who have taken an interest in preserving this important aspect of our Appalachian heritage and passing the love and talents of bluegrass music onto our youth. While the entire issue is dedicated to the tricities bluegrass scene, I want to share with my colleagues the lead article entitled "Rock Me in the Cradle of Bluegrass." I believe this article will entice many of my colleagues to read the remainder of this fascinating journal and discover the joys brought to us by those associated with bluegrass music in the tricities region of upper east Tennessee. Mr. President, I ask that Tim Stafford's article be included in the RECORD at this point.

The article follows:

BLUEGRASS MUSIC IN THE TRI-CITIES REGION OF UPPER EAST TENNESSEE

(By Tim Stafford)

I caught bluegrass in 1974. I was a high school freshman. Two guys in my concert choir class were playing guitar and mandolin. I'd never seen a mandolin before, and I'd never heard of the kind of music they were playing.

Bluegrass? Yeah, one of them said, and after a while they pointed out the window to a house below the hill: that's Doyle Lawson's parents' house. Who's Doyle Lawson? They laughed. He's the best. At what? One pointed to the mandolin. By the end of the day I knew all about Doyle and the Country Gentlemen, A.P. Carter's Store, other staples of the music littered around the area like mute artifacts, and I knew I wanted to play.

I'm sure my experience is similar to those of other young people who've caught the bluegrass bug. Within a year, I'd begged my parents to purchase a cheap banjo and guitar, and was dreaming of playing in a band. But it seemed so natural then, I never thought of it happening any other way.

Later on, I spent two years in Southwestern Ohio in graduate school. Every morning, there was bluegrass on the radio—WPFB and Moon Mullins from Middletown, mainly—and on the weekends, Janice McLaughlin's excellent Oak Street Ramble on WMUB-FM reminded me of home, yet beyond the group of eight or so musicians who irregularly got together on and off Miami University's campus, there didn't seem to be much going on in bluegrass.

As a matter of fact, there is as much excitement over the music in Ohio as anywhere, and not only because so many Appalachian people settled there after World War II. But it didn't seem so to me because bluegrass reminded me of home.

Home is the Tri-Cities (Kingsport, Bristol and Johnson City) area of Upper East Tennessee, perhaps the center of the area which served as bluegrass's "incubator." Although today a growing area for industry and the 93rd largest population expansion in the nation, the Tri-Cities remains primarily an agricultural, rural area, the same area in which Flatt and Scruggs, the Stanley Brothers, Jim and Jesse, Mac Wiseman and virtually all the others who popularized the Monroe sound found their greatest early market.

Of course, bluegrass wasn't "born" in the Tri-Cities, if it was "born" anywhere, but it was nurtured here, and it's possible that without such tender care in the cradle, the baby might not have survived. Yet, it did, and the most ironic thing of all is that almost no one here now seems to realize that, even though the reminders are all around.

The old schoolhouse are still here; many of the old radio stations still function, although their programming is now oriented mainly toward country-pop and the live radio show has disappeared, except for WBBI's Bluegrass Saturday Night for Abingdon, Virginia. But you can still find bluegrass here. How else could a fourteen-year-old high school freshman have been turned on to it so much thirteen years ago?

As performance centers, most of the dance halls and schoolhouses have been replaced by regular music establishments like the A.P. Carter's store and the Down Home, while bluegrass via the airwaves has retreated—or advanced, depending on your orientation—in a developing trend nationally, to public radio.

But every bluegrass fan and musician knows there are two faces to the music; public and private. The thousands of back-porch pickers form an informal network which coalesces into an even higher organization with the many bands who play only irregularly but make up a private bluegrass community. This is why it isn't hard, notwithstanding most of the population of East Tennessee's ironic apathy towards bluegrass music, for any young person in the area to learn about bluegrass and catch its contagiousness.

On a larger scale, there are really three levels of bluegrass here: first, the big-time groups and musicians like Doyle Lawson (see interview in this issue) who travel the festival circuit and are well known throughout the country; second, the local groups who are well known here and perhaps occasionally outside the area; and third, the legions of "just for fun" pickers who don't come close to forming bands or achieve excellent musicianship, but who occasionally see members of the first two levels locally and outside the area.

Of course, the Carter Family, from Maces Springs, Virginia, just over the Virginia line, once existed in and beyond all three levels. The roots of traditional country music in all forms go very deep here. Its past and present merge effortlessly into a seamless whole.

Perhaps that's why most natives take it for granted. I was born and grew up perhaps five miles from Maces Springs, and never heard about traditional music until high school. Oh, we had all heard the banjo, mainly on *The Beverly Hillbillies* and other things, but to me, like most of the kids in my peer group, pop music reigned in the early seventies and country music was still very much sugar-coated with the Nashville Sound.

It's taken years, but now, with the valuable experience of graduate school and living outside the area, I think I know why the music has stayed with me and why there is so little attention paid to it here. The music is inextricably bound up with the culture. Bluegrass can travel anywhere and still be valid and exciting, but for some reasons I don't understand, it is simply *part* of this area.

When I travel the backroads and hear Flatt and Scruggs pounding over the cassette to the beautiful scenic backdrop which might have provided the inspiration for whatever tune I'm hearing, it is as natural as anything can be. And if someone who I've never seen before throws his hand up in greeting and smiles, that's part of it too—never expected, unappreciated, but inextricably part of the culture.

Caught in between broad cultural generalizations and my wonderment over the music's connection to this area are the hard facts of its history and continuance here. It's really quite remarkable how many influential people in the history of bluegrass and country music were born near the Tri-Cities area. In fact, if you could draw a circle with a 100-mile radius around Kingsport, Johnson City and Bristol, it would encompass the homes of people like Earl Scruggs, the Stanley Brothers, Jim and Jesse, Mac Wiseman, Don Reno, and scores of others.

Earlier, it was only natural that some of the very first commercial country music recordings were made in Bristol. In 1927, Ralph Peer and his RCA Victor cronies recorded the Carter Family, Mom and Pop Stoneman and Jimmie Rodgers on State Street in that city bisected by the Tennessee/Virginia state line. (A local musician/artist has recently commemorated this event with a mural on a downtown Bristol building: see figure two.)

Most musicologists and country music scholars recognize these seminal discs as the most important early country music recordings; they literally began the country music recording industry. In addition, this early exposure in part helped to make possible the growth of the country and later bluegrass scene in the Tri-Cities region.

[Editor's Note: The Country Music Foundation Records has a 2-LP set of "The Bristol Sessions" slated for release September 25th featuring many of the artists who made their recording debut or continued rising recording careers in Bristol. Those included on this set are the Carter Family, Jimmie Rodgers, Stoneman Family, Tenneva Ram-

blers, Blind Alfred Reed, Henry Whitter, and many more. A celebration in Bristol is slated to follow the album's release on September 26th.]

And, indeed, radio stations such as WOPI and WCYB in Bristol and WJHL in Johnson City soon blossomed into major performance and listening centers. After World War II, shows such as WCYB's Farm and Fun Time offered free publicity for practically every important early bluegrass entertainer at some point in the 1940s and '50s (see Jack Tottle's interviews with Ralph Stanley and Mac Wiseman in this issue). And, even after the advent of local labels, such as Jim Stanton's Johnson City-based Rich-R-Tone, WCYB served as a recording studio for many groups such as the Stanley Brothers, whose recordings there capture the spirit of the times and are classics of recorded bluegrass.

In addition, the Stanley Brothers, Flatt and Scruggs, Jim and Jesse and countless others promoted various products on early morning shows on other stations in the area. The obvious reason for this was the market for bluegrass in the Tri-Cities area. The early morning, noon-day and evening shows on WOPI, WCYB and other stations actually paid performers very little; their main function was to offer a rostrum for the groups which would allow the performers to be heard by potential promoters and simultaneously promote their public appearances. Consequently, shows such as Farm and Fun Time remained major spawning grounds for bluegrass talent.

As a result, many bluegrass musicians made their homes in the Tri-Cities area and the place-names of the bluegrass heartland made their way into the iconography of the bluegrass repertoire. And, with the spread of the music in the sixties and seventies, places such as Flint Hill, Roane County, Clinch Mountain, Pike County and Kingsport became familiar to bluegrass fans throughout the world.

Jack Tottle noted that Japanese pickers he'd met knew which sidemen had recorded on Stanley Brothers' albums cut in the area in the 1950s. One Japanese banjo player I met in Lexington, Kentucky, in June 1985 knew only a few words of English, but "Kingsport" was among them.

Obviously, he was familiar with one of native Joe Greene's fiddle tunes. Kingsport is also the home of Doyle Lawson, one of the country's most popular and successful bluegrass artists (see my interview with Doyle in this issue). Recently, Doyle moved back to the Tri-Cities area, and is now booking many more shows in the region.

The availability of such shows is evidence of the continuing appeal of bluegrass and related music here. One of the best places to hear the music today is the Down Home in Johnson City, long recognized as one of the premiere acoustic clubs in the country (see interview with co-owner Phil Leonard also in this issue).

There are several other places in the Tri-Cities area which feature bluegrass, old-time and acoustic music, including the Carter Fold in Hiltons, Virginia. Located just over the Tennessee line in Poor Valley near the Maces Springs homeplace of the Carter family, the fold is run by Janette Carter, Sara and A.P.'s daughter.

Every Saturday night, huge crowds jam the fold to watch both local and nationally-known bands. With its rustic setting, the fold (sometimes called "Carter's Store" because the Carters initially had music at a grocery store near the site) is a tourist attraction in its own right, a "no-miss" chance for travelers to sample the music of the bluegrass heartland and the Southern Appalachian culture with which it is so closely bound.

But surprisingly enough, one of the focal points of bluegrass in the Tri-Cities today is the region's only four-year university, East Tennessee State University in Johnson City. The Center for Appalachian Studies and Services, WETS-FM (the university's public radio station), and the Music Department all offer unique support to bluegrass-related happenings.

Dr. Richard Blaustein, director of the Center for Appalachian Studies and Services (CASS) at ETSU, is well-known to many fans of old-time music. He performs regularly with the Dixie Dewdrops band and has written extensively on old-time fiddlers contests and the region's treasure-trove of musicians. Since the beginning of his tenure at CASS, which was set up under Tennessee's Better Schools Program in 1984 and last year became one of the top five "Centers of Excellence" in the state, Blaustein has redirected the course of the organization.

CASS offers fellowships which fund projects related to all aspects of Appalachian culture, including music. For example, CASS fellow Tommy Bledsoe used his support to produce an album by 94-year-old fiddler Uncle Charlie Osborne on the June Appal label. A CASS fellowship was also awarded to Phil Leonard, program director of WETS-FM and co-proprietor of the Down Home, to produce his Down Home Music series (see interview this issue).

Blaustein has also revived the popular Homefolks Festival which was a tradition on the ETSU campus from the sixties, and features many local bluegrass and old-time bands. Those interested in past Home Folks Festivals can listen to recordings of Flatt and Scruggs and other bands made at ETSU in the sixties at the Archives of Appalachia, also a part of CASS. The Burton-Manning folksong collection housed at the archives is one of the richest compilations of folk tunes and traditions in the nation.

CASS's triennial magazine, Now and Then, has featured issues on Appalachian music including bluegrass. (For more information write to: Center for Appalachian Studies and Services/Institute for Appalachian Affairs, Box 19180A, East Tennessee State University, Johnson City, TN 37614-0002, or call 615-929-5348, 4498).

WETS-FM, the University's public radio station, includes in its programming a number of acoustic and bluegrass-oriented shows. In addition to nationally-syndicated weekend programs such as A Prairie Home Companion, Our Front Porch, and the station's own Down Home Music, Phil Leonard programs an hour-long "acoustic review" Tuesday through Friday and supports Jack Tottle's excellent Bluegrass Heartland show on Monday afternoons. Local bluegrass aficionados have learned that WETS-FM's 60,000 watt signal offers perhaps as much of their kind of programming as any station in the area.

The Music Department itself at ETSU has recently decided to give bluegrass a fair hearing. Thanks to chairman Richard Compton and others, students at ETSU can now enroll in classes such as "The History of Country and Bluegrass Music," "Bluegrass Guitar," and "Bluegrass Ensemble (The ETSU Bluegrass Band)."

Rounder recording artist Jack Tottle designed and teaches all these courses. It is somehow appropriate, because of the lack of indigenous interest, that an outsider who appreciated the historical importance of this region for bluegrass was able to convince the Music Department that such courses belong in the curriculum. Since moving to the Tri-Cities five years ago, Jack has become an ardent supporter of music from the cradle of bluegrass.

There are other organizations here which promote bluegrass actively. The East Tennessee Musicians' Cooperative is an inter-form group which has been presenting opportunities for local groups for the past several years. Many local bluegrass and old-time groups are members of the "Co-op," as it's called.

Every Fourth of July weekend, the Co-op supplies entertainment for the Jonesborough Days Celebration in Tennessee's oldest town. Also in Jonesborough every year, the Co-op hosts the Old-Time Radio Reunion, a chance for veterans of the many historically important local radio shows to mix with the younger musicians and perform over WJCW-AM radio and for a live audience. The Co-op also sponsors a live bluegrass radio show over WJCW-AM from time to time called the "Rocky Top Roundup."

Over in Bristol, The Appalachian Music Association was organized in 1982 out of the Bristol Country Music Foundation. This organization provides informal gatherings for bluegrass musicians, such as the Slater Community Center dancing and jam session every week in Bristol, and holds formal events such as the annual Appalachian Music Days Festival at the Steele Creek Park and the State Street Music Festival downtown annually.

The existence of such organizations is proof that bluegrass is still very much alive in its cradle. Quality-wise, the music is just as vibrant today here as it was thirty or forty years ago. There are acres of good bluegrass bands around today in the Tri-Cities literally carrying on the tradition.

Perhaps a glance at the results of SPBGMA's 1987 International Bluegrass Band Competition held at the Mariott in Nashville earlier this year even better illustrates the vitality of the music in East Tennessee. No less than five bands from this region made the final fifteen cut in the contest, and three of those finished with prize money. Incidentally, these were the only five bands from the area entered in the contest.

The continuity of bluegrass as a band-oriented event in the Tri-Cities region is perhaps even more revealing considering the surprising lack of steady work for bluegrass musicians in the area. Maybe that's because so many of these bands are simple extensions of "level one": the myriad of back-porch pickers. But maybe it's because most of the local bands are family affairs. In fact, it's hard to find a local band that isn't made up of relatives of some sort here.

And that goes back to the nature of bluegrass music in the Tri-Cities and its unique connection to the area. It's almost as if bluegrass belongs here; not that it's really any better here than anywhere else or that there aren't other places where it "belongs," (like D.C., for example) but it simply fits here, like cab drivers in New York City, or other community-inherited traits.

Hopefully, it will continue. I sense a transformation here, a drastic moving away from the things which used to give the music its identity; but I also sense a pride usually reserved for families among the musicians. I think bluegrass is safe in its cradle for the time being, but wouldn't it be ironic if it died out here? Perhaps the lesson can be applied everywhere: the music will live and grow as long as people support it, thus the parameters of our task. The Tri-Cities was an efficient nanny, but now the baby is grown and still requires care, perhaps now as never before.●

INTERPLAY BETWEEN CAPITAL GAINS TAX AND THE FINANCIAL MARKET

● Mr. BOSCHWITZ. Mr. President, once again I would like to address what President Reagan considers "the most important piece of unfinished business" of 1986 tax reform: that is, reducing the capital gains tax.

While the 1986 Tax Reform Act lowers income tax rates substantially, the maximum tax rate on long-term capital gains increases from 20 to 33 percent. That's a 65 percent increase. Significantly, such an increase in the capital gains rate will reduce the venture capital needed to start up new businesses that create more and better jobs and pay taxes.

At this time I would like to put into the RECORD an article by Louyis Rukeyser. Mr. Rukeyser recognizes the negative impact of increasing the capital gains tax and makes a plea for the tax to be reduced in order to restore a more efficient market.

As my colleagues recall, an objective of tax reform was to let the market, not tax considerations, influence investment decisions. Mr. Rukeyser points out to us how this objective has not been realized. When tax rates are relatively high, there is an incentive for investors to hold assets or not to invest. Even as the stock market skyrocketed up until the October 1987 crash, punitive tax considerations led investors to hold on to their investments.

Mr. Rukeyser perceives that the high tax on capital gains interfered with normal financial market signals. He believes the tax could have been a major contributor to the crash. Investors held on to their investments, whereas normally, as the market went up they would have sold assets to lock in profits. Rather than supporting investment and innovation, the economy was faced with a crisis situation.

Mr. Rukeyser also touches on my point regarding revenues. History shows that increasing the capital gains rate results in a loss of revenue. In contrast, lowering the tax rate on capital gains has consistently resulted in an increase in tax collections for the Treasury. That's because the capital gains tax is unique—the taxpayer only incurs the tax when an asset is sold. If the capital gains tax is high, the taxpayer has no incentive to dispose of assets and incur a tax.

Again, I urge my colleagues to join me in the effort to reinstate an exclusion for long-term capital gains. I have introduced legislation, S. 444, which would provide a 40-percent exclusion for assets held 1 year and a 60-percent exclusion for assets held 3 years or more. Mr. President, it's time to complete the unfinished business of tax reform. Doing so will be a major step toward more orderly markets and higher tax revenues.

The article follows:

[From the Plain Dealer, Dec. 6, 1987]

REDUCING U.S. TAX ON CAPITAL GAINS COULD RESTORE FINANCIAL CONFIDENCE

(By Louyis Rukeyser)

NEW YORK.—Hye there, Congress, how would you like a cheap and sensible way to restore confidence to the nation's financial markets?

If you guys are serious, you could work wonders simply by enacting a quick and needed reduction in the capital gains tax.

Ironically, unlike some other kinds of tax cuts, this one would lead not just to a happier economy, but to higher, not lower tax receipts.

A year ago, Congress outdid itself in the stupidity sweepstakes by raising the capital gains tax from a maximum of 20%, many small investors paid less to 28%, a whopping 40% increase.

Although few people in Washington have been willing to admit it publicly, this may have been a significant contributing factor to the Crash of '87.

The capital gains tax, you see, is a unique levy. It's the only one taxpayers decide when to pay. As long as an investor holds onto his investment, there's no tax.

Ordinarily, when a market skyrockets as this one did between January and August, investors would be selling heavily at every attitude, to lock in profits. This year, though, taxpaying investors faced a double whammy. Not only was the rate on long-term gains way up, but the tax on short-term profits was due to taxable next January. Any way you looked at it, the tax incentives were to hold on and hope.

So investors did just that. Before the market collapsed Oct. 19, the Dow Jones industrials did not have a single important sell-off, indeed, the Dow had by then gone an extraordinary 3½ years without so much as a normal 10% correction.

Had such adjustments occurred this year, there would not have been so much steam in the market to be let out with the first grant pinprick. By holding on abnormally, investors helped assure that the inevitable correction would itself be abnormal.

Nor is there anything new to the discovery that raising capital gains rates has widespread deleterious effects. The national interest lies in efficient, responsive capital markets. Were there no capital gains tax whatsoever, investors would buy and sell at every price level based solely on their financial rather than tax judgments.

Most serious students of the tax (notably including Federal Reserve Chairman Alan Greenspan) believe that eliminating it entirely would significantly promote more and better jobs, and higher living standards generally.

Given this conviction, and the certainly that the government would thus collect higher revenues further down the economic stream, why did Congress last year move in precisely the opposite direction?

Clearly, because legislators were sold on the idea that raisng the capital gains tax was "soaking the rich," and thus potitically (if not not economically) irresistible.

The only trouble with this cynical conclusion is that it happens not to be true. For history tells us that every reduction in the capital gains tax dramatically including the last two in 1978 and 1981, resulted in more, not less, capital gains revenue.

Those hostile to capital formation, and those who do not understand its irreplaceable role in raising everybody's living standards, are perenially baffled by the phenomenon of lower rates producing higher revenue.

The reason is simple. When rates come down, people are willng to take capital gains, whereas, as in 1987, when rates go up, people avoid realizing paper profits.

Much has been made of the increased market role of tax-free institutions, such as pension funds, and many have bewailed the lack of greater individual participation.

Slashing the capital gains rate immediately, at least to the 15% minimum rate on other income scheduled for next year, would send an immediate positive signal to individual investors, as well as producing both higher revenues and more orderly markets.●

THE MEDICARE NURSING PRACTICE AND PATIENT CARE OF 1987

● Mr. CHILES. Mr. President, on October 30, 1987, Senator DURENBERGER introduced S. 1833, the Medicare Nursing Practice and Patient Care Improvement Act of 1987. I am pleased to join my colleague in cosponsoring this measure.

Our Nation is facing a shortage of nurses that seriously threatens the delivery of safe and quality health care to patients. According to the 1986 nursing supply survey conducted by the American Hospital Association, the vacancy rate for registered nurses in U.S. hospitals has more than doubled between 1985 and 1986—from 6.3 percent to 13.6 percent. Not only are there more vacancies for qualified nurses, but hospitals and other health care providers are reporting that it is taking longer to fill those vacancies. Recent data indicate that many hospitals need 60 or more days to recruit qualified nurses, especially in specialty areas such as intensive and critical care.

The shortage of professional nurses to render quality health care deeply troubles me. While there have been nurse shortages in the past, this one seems to be more serious. According to Connie Curran, executive director of the American Organization of Nurse Executives, this shortage "* * * involves all types of nurses in all kinds of hospitals and in all regions of the country." Even more troubling is the fact that there is no indication that the situation is improving. Even though the number of nurses educated has doubled over the past 30 years, demand for registered nurses is increasing. The Bureau of Labor Statistics has forecast a 33-percent increase in the number of positions between

1985 and 1995, from 1.4 to about 1.8 million. At the same time, fewer people are choosing to be nurses, as evidenced by declining enrollments in nursing education programs.

Over the past few years, various studies, commissions, and forums have focused on the nursing shortage in an attempt to identify why our Nation is experiencing a problem in this area. One factor cited is that the appeal of nursing as a desirable career seems to be waning. Many people who might have chosen nursing as a profession are opting to pursue other careers with better salaries and advancement potential.

Among the other reasons that nurses given for leaving the profession are: increased severity and intensity of care in hospitals, poor staffing ratios, undesirable working hours, and a lack of administrative support. More significant, however, is professional dissatisfaction which results because the specialized abilities of registered nurses are more often than not fully utilized. Under current management practices, highly trained and skilled professional nurses are often inhibited in their ability to provide high quality, cost-effective care because they are required to perform nonclinical, nonnursing related tasks. This underutilization of professional talent results in wasted resources, disappointment, apathy, and an eventual migration from nursing.

What can be done to solve our nursing shortage problem? One approach is to promote new, unique and innovative methods to recruit and retain nurses. S. 1833 contains important provisions which, I believe, will accomplish this, and I am proud to be a cosponsor of this measure.

The bill authorizes the funding of projects to demonstrate and evaluate innovative nursing practice and management models which are designed to link case management with patient care, increase the nurse's role in administration, improve working conditions to attract and retain the highest quality staff, and improve the cost-effectiveness and quality of patient care.

Projects which may be funded include initiatives to: promote more effective utilization of nurses; study patient outcomes of nursing care, including nursing diagnosis and treatment; support the establishment of professional collaborative relationships between nurses and physicians; develop or expand career progression opportunities for nurses; and, improve working conditions for nurses, in an effort to promote professionalism and retain the brightest and best in the profession.

Mr. President, we cannot neglect to address the shortage of nurses that threatens the delivery of quality health care services to our citizens. What is needed now are innovative approaches which will not only serve to abate the problem before us, but also encourage practice models that will result in the best and most cost-effective health care.●

THE JAMES B. TAYLOR, JR., MEMORIAL AND CARRIER AVIATION TEST PILOTS HALL OF HONOR

● **Mr. McCAIN.** Mr. President, I recently became aware of a new activity that pays tribute to a small but elite band of Americans whose heroic accomplishments in advancing naval aviation are virtually incalculable.

I refer to the professional test pilots involved in the experimental flight testing of U.S. Navy aircraft designed for carrier operations. Historically these pilots, unsung and unheralded, have faced risks as challenging and hazardous as combat flying itself.

Thanks to a dedicated group of Navy veterans and aircraft industry executives, the most outstanding of these pilots will be memorialized now and forever in a new chamber aboard the U.S.S. *Yorktown* CV-10, the famous "Fighting Lady."

The *Yorktown* today is a public museum at Patriots' Point in Charleston Harbor, SC. The ship's new chamber is called the "James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor." It is here that the test pilot will be recognized for his work in naval aviation.

I am just one of the thousands of former naval aviators who owe a deep debt of gratitude to those whose labors of love and flying skills have enabled the rest of us to perform at peak efficiency.

In a day when the word "hero" has lost much of its true meaning, it is refreshing indeed to see some real American heroes honored in this way. The following is a brief report on this new activity which I recommend to all my colleagues, and I ask that it be printed in the RECORD.

The report follows:

THE JAMES B. TAYLOR, JR., MEMORIAL ROOM AND CARRIER AVIATION TEST PILOTS HALL OF HONOR

(By James R. Greenwood)

Last fall in a little known ceremony aboard the U.S.S. Yorktown (CV-10) at Charleston, SC, the first nine in a select group of American test pilots were honored for their significant contributions to the development of United States Navy carrier aviation.

The ceremony, conducted by the U.S.S. Yorktown CV-10 Association & Foundation, followed the dedication of the famed ship's new "James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor." The room is named for the late Lt. Cdr. James B. Taylor, Jr., U.S. Naval Reserve, a naval aviator and test pilot in two world wars.

In addition to Commander Taylor, eight other pilots, four living and four deceased, were enshrined in the new Hall of Honor. And in the years to come still others will be selected and inducted in like ceremonies.

Among the nation's shrines of flight, the new James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor is truly unique. It is the only place in the country that honors aviators who helped build American air power by test flying carrier-based naval aircraft.

More than a few of these experimental test pilots have paid the highest price in the pursuit of their profession. One of them was "Jimmie" Taylor, an early pioneer in aeronautical development.

Commander Taylor learned to fly in 1914. When the United States entered World War I he quit Princeton and joined the Navy, soon winning his wings as Naval Aviator Number 437. In the words of aviation authority Harry Bruno, he was "one of the greatest test pilots in American history."

During an active aviation career spanning more than 25 years, both as a naval aviator and a "free-lance" civilian contract test pilot, Jimmie flew, tested or demonstrated 461 different makes and models of aircraft. This could well be a world record for the most aircraft flown by one pilot.

He evaluated some of the most advanced military fighter and attack designs of their day—planes built by Douglas, Boeing, Brewster, Grumman, Seversky, Curtiss and Vought. He was one of the very few pilots qualified to perform terminal velocity dives and other high stress maneuvers.

But his value to naval aviation went far beyond his skill as a pilot. His expert assessment of the European air industry in 1937, for example, revealed dramatic gains in aircraft technology abroad. His informative report drew high praise from the Navy's Bureau of Aeronautics.

He was also instrumental in bringing about constructive changes in the Navy's requirements for testing new aircraft. And he was one of the first to urge the consolidation of all naval flight test activities for greater efficiency, a plan which ultimately resulted in the establishment of the Naval Air Test Center at Patuxent River, Maryland.

In 1918, as a young ensign, he flew the initial flight of the Loening M-2 Kitten, the Navy's first monoplane. the next year he became one of the first pilots to fly scout planes from platforms built over the gun turrets of battleships.

He was also one of the first naval aviators to test new types of landing and launching gear on the U.S. Navy's first aircraft carrier, the U.S.S. Langley.

Jimmie Taylor left the Navy in 1922 and became a contract test pilot for a number of early aircraft manufacturers. On April 3, 1939, while diving a Curtiss XSBC-4 Helldiver for the Navy, he lost parts of his plane and nearly blacked out in a violent 13.5-G pullout. He may have been the first pilot in history to fly a plane over 500 mph and live.

In 1940, some 16 months before Pearl Harbor, the Navy recalled him to active duty. Tragically, he was killed on May 25, 1942, when a new electric control mechanism he was flight testing on a modified Grumman XF4F-6 Wildcat fighter suddenly failed and the plane crashed.

For his "heroism and extraordinary achievement" as an experimental test pilot, he was awarded the Distinguished Flying Cross posthumously by a grateful nation. The citation accompanying the medal states in part:

"Lieutenant Commander Taylor's superb airmanship, great personal valor and fearless devotion to duty were responsible in large measure for the rapid advance of military aviation and in keeping with the highest traditions of the United States Naval Service."

About Jimmie Taylor, Senator John McCain of Arizona, himself a highly decorated former Navy combat pilot, recently wrote: "Because of his dedication and love for aviation, he exemplified the true spirit of the test pilot. The risks he encountered to ensure the safety of others is the utmost sacrifice in the service of our country."

Commander Taylor's pioneering work paved the way for better and safer airplanes. He pushed planes beyond their limits. And in the process he helped develop a whole new technology for proving new concepts in aircraft design. The highly sophisticated flight test operations we know today are a living tribute to the legacy of Jimmie Taylor.

Candidates for enshrinement in the new James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor are chosen for their exceptional performances in the field of carrier aircraft flight testing. The other eight test pilots inducted in the Yorktown ceremonies October 10, 1987, were:

Eugene B. Ely of the Curtiss Exhibition Company, who in 1910 and 1911 successfully landed and took off from wooden ramps erected on Navy ships. The feats marked the beginning of naval aviation. Later in 1911 Ely died in a plane crash.

Theodore G. Ellyson, Naval Aviator Number One, who tested the first Navy aircraft, the Curtiss A-1. The first Navy pilot to fly at night, he also flew the initial tests on the Navy's first flying boat, the C-1. Commander Ellyson lost his life in a 1928 aircraft accident.

Vice Admiral Frederick M. Trapnell, a pioneer in naval flight test. He was also a leading force in moving the Navy into jets. He also commanded the U.S.S. Coral Sea. Admiral Trapnell retired in 1952 and died 23 years later.

Major Gen. Marion E. Carl, USMC (Ret.), first Marine Corps combat ace in World War II. A veteran naval test pilot, he had a key role in testing jets for carriers. He also flew jet and rocket-powered research vehicles in which he set speed and altitude records.

Lt. Col. Charles A. Sewell, USMC, a veteran of Korea and Vietnam combat who became chief test pilot for Grumman Aerospace where he flew first tests on a number of carrier aircraft, among them the A-6 Intruder and F-14A Tomcat. He was killed in a plane crash in 1986.

Robert M. Elder, one of the first naval aviators to test jet aircraft and later flight operations director for Northrop Corporation. He is the only pilot ever to land a P-51 on an aircraft carrier. In 1948 he flew the first Navy carrier suitability tests on the FJ-1 Fury, the first jet fighter to go to sea.

James L. Pearce, a Navy fighter ace in World War II who flew tests on some of the earliest jet aircraft designed for carrier operations. While at North American Aviation he tested the AJ Savage, FJ Fury and A-5 Vigilante, a Mach 2 carrier-based attack aircraft.

Robert O. Rahn, a former U.S. Army Air Forces test pilot who flew America's first jet, the Bell XF-59 Airacomet. At Douglas Aircraft he performed tests on some of the Navy's most successful carrier aircraft, including the AD Skyraider, F3D-1 Skynight, F4D Skyray, A4D Skyhawk and F5D Skylancer.

It is fitting that "The Fighting Lady" was selected as the permanent site for memorializing pilots who have achieved distinction flight testing carrier-based naval aircraft. From her decks, and the decks of her sisterships, some of the best and bravest pilots in the world racked up victory after victory in the defense of freedom.

Commissioned in 1943, the Yorktown CV-10, namesake of the first Yorktown (CV-5) which was sunk at Midway in 1942, fought many historic battles in World War II. It also saw action in Korea and Vietnam. A museum since 1975, it serves today as a national monument to carrier aviation.

The new James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor was first proposed by James T. Bryan, Jr., executive director of the U.S.S. Yorktown CV-10. Association & Foundation and the ship's ordnance officer during the war.

Much of the credit for transforming an idea into reality goes to James B. Taylor, III, chairman of Gates Learjet, his brother David and sister Aileen Butler. They are the sons and daughter of the man in whose memory the new shrine is named. The two brothers had followed in their father's footsteps—both became naval aviators in World War II.

The honorees were chosen by a selection committee which included A. Scott Crossfield, a former test pilot now serving as technical consultant to the House Committee on Science, Space and Technology, and Albert W. Blackburn, also a former test pilot and now associate administrator for policy and international aviation, Federal Aviation Administration.

Other panel members represented a broad spectrum of the air industry and the U.S. Navy. Nominations were submitted by senior naval officers, by fellow test pilots and by the chief executives of airframe companies engaged in the manufacture of carrier aircraft, past and present.

Periodically in the future other experimental test pilots will be similarly honored and their names and deeds added to the roster of airmen previously inducted. Such well-deserved recognition will go far in preserving America's proud heritage in naval aviation.●

JEWISH COMMUNITY HOUR RADIO SHOW CELEBRATES TWENTY-FIFTH YEAR

● Mr. DIXON. Mr. President, the Jewish Community Hour, a Chicago area radio show, celebrates its 25th consecutive year of being on the air in February 1988. I would like to take this opportunity to congratulate the show and its producer, Bernard Finkel, for providing the Chicago area with an extraordinary radio program for the past two and a half decades.

The Jewish Community Hour first aired in mid-February, 1963, and has since been a variety show of music, commentary, humor, special features, interviews, weather reports; and news from Israel and the Chicago area Jewish community. The show has continued to provide something for everyone, regardless of age or religious inclination under the guidance of producer and host for the past 12 years, Bernard Finkel.

The Jewish Community Hour has been recognized for its community public service by various area organizations. The Jewish Community Hour is the only show of its kind in Chicago and the only radio show in the area to receive such prestigious community endorsements.

Mr. President, I would like to bring attention to this radio show and congratulate it and its producer, Bernard Finkel, on reaching such a milestone. I wish the Jewish Community Hour the best, and thank everyone connected with the show for their dedication.

THE RETIREMENT OF FRANK S. SATO, INSPECTOR GENERAL OF THE VETERANS' ADMINISTRATION

● Mr. MURKOWSKI. Mr. President, I rise to pay tribute to Frank S. Sato, who recently retired as Inspector General of the Veterans' Administration.

An Air Force veteran, Frank Sato was appointed Inspector General of the Veterans' Administration by President Reagan on July 31, 1981, after confirmation by the U.S. Senate. He was responsible for all audit and investigative activities within the Veterans' Administration.

As former chairman, and now ranking minority member of the Committee on Veterans' Affairs, it was my good fortune to have had the opportunity to work closely with Frank. The second IG in the history of the Government's largest independent agency, his accomplishments are truly remarkable. Under his leadership, potential monetary recoveries and cost efficiencies identified in audit reports totaled $1.1 billion in 1986 alone. During his 6-year tenure, actual monetary recoveries and cost efficiencies totaled over $2.7 billion.

Mr. Sato's investigations into fraudulent situations have had significant impact on reducing fraud and improving the service to veterans and use of taxpayers' dollars. In 1986, for example, 422 indictments were issued on IG cases referred for prosecution. Investigations in the VA's Loan Guaranty Program disclosed that veterans' properties were being fraudulently obtained and rented out until foreclosure, without relieving the veteran of mortgage liability; those investigations helped lead to legislation which changed the rules on assumptions of VA loans.

I particularly remember Frank for the time he took to investigate an issue critical to the veterans of Alaska. After a comprehensive report and despite a burdensome schedule, Mr. Sato personally took the time to work closely with me in order to assist Alaska veterans to continue to receive the best medical care in the most cost-effective manner.

During his more than 32 years of Federal service, Mr. Sato was also known for his governmentwide contributions, including service as Chair of the President's Council on Integrity and Efficiency Audit Committee. He received the Association of Government Accountants Distinguished Leadership Award in 1978, the Department of Defense Distinguished Civilian Service Award in 1979, and the Association of Government Accountants Gold Medal Award in 1981. Most recently, Mr. Sato was selected to receive a distinguished award from President Reagan for his outstanding work at the VA.

Frank Sato's lifetime of public service is even more remarkable when we recall that he was incarcerated with his family from 1942–45, along with 120,000 Japanese-Americans. It was this experience, he told me, that forged his civic involvement and commitment to responsible Government.

We were fortunate to have had the benefits of Frank Sato's service. I wish him nothing but the best and thank him again for his service to veterans and his country.●

WELFARE REFORM

● Mr. MITCHELL. Mr. President, I would like to have an article, which appeared in the February 1, Washington Post, inserted into the public record. The article is entitled, "Public Beliefs on Welfare Challenged" and stems from a speech our distinguished colleague from New York, DANIEL PATRICK MOYNIHAN, delivered on the Senate floor last week.

PAT MOYNIHAN has spent the last three decades studying and working with welfare reform in a number of capacities. There is no one currently in the Congress who has been more involved with examining the welfare system than the Senator from New York.

To address a situation in our country where one in every five children is living in poverty, we implement two programs; SI and AFDC. But while the majority of children receiving SI are white, the majority of children receiving AFDC are black or Hispanic.

The Post article highlights statistics from PAT's research and hands-on experience: Since 1970 the provision for children receiving survivors insurance [SI] has increased in real terms by 53 percent, while the provision for children receiving AFDC benefits had declined by 13 percent.

And, as a result we have a system where the Government tries to alleviate poverty for one group of children while wholly ignoring the children living in poverty in the other group.

Most Americans assume that welfare benefits are at least generous enough to rescue from poverty people who are too young, too old, or too sick to work. This is false. Few States have ever provided benefits generous enough to remove families from poverty, even when the value of food stamps and subsidized housing are taken into consideration.

Welfare reform is not a new objective. It has frustrated both Congress and the White House for decades. The players are different now, but the issue remains the same. What's wrong is not that we have too many benefits or not enough variation among States, but that we've failed to offer a genuine way to become self-supporting.

During this Congress, I believe we are taking the right approach. PAT MOYNIHAN has drafted legislation that will fundamentally change the welfare system. Fifty-five of us, more than half the Senate, have cosponsored the bill and are working with PAT to enact effective changes.

For the first time, we are seeing Democrats advocating work requirements for welfare recipients, and Republicans are starting to endorse Federal funds for child care and transportation allowances. With the wealth of information available from recent studies and the bipartisan support apparent for welfare reform, this Congress may actually achieve true reform.

PAT MOYNIHAN wrote in his book, "Family and Nation,"

> A commonplace of political rhetoric has it that the quality of a civilization may be measured by how it cares for its elderly. Just as surely, the future of a society may be forecast by how it cares for its young.

As the welfare reform debate continues and as welfare reform is considered on the Senate floor, I urge you to join with PAT and the 55 of us who have cosponsored the Family Security Act. Our children are our future.

The article follows:

PUBLIC BELIEFS ON WELFARE CHALLENGED

(By Spencer Rich)

Are welfare benefits so high they discourage work?

Do most people stay on welfare for eight or 10 years or more?

Do young women have babies just to qualify for welfare?

Is a tendency to go on welfare passed down from generation to generation?

Two leading figures in the national welfare policy debate addressed such widely held public beliefs about the welfare system last week.

On the Senate floor, Daniel Patrick Moynihan (D-N.Y.) making a pitch for his bill to revise the welfare system, showered the Senate with statistics challenging the notion that welfare benefits are excessively high and have grown rapidly over the past decade or so.

In 1970, said Moynihan, the average person on Aid to Families with Dependent Children (AFDC)—which has about 3.8 million women and more than 7 million children on the rolls—received a benefit of $140 a month, measured in 1986 dollars.

Sixteen years later, in 1986, that benefit, in the same constant dollars, had dropped to $122.

By contrast, Moynihan said, another public support system for children who have lost the support of a father—Social Security survivor insurance—rose from $222 month per child in 1970 to $339 in 1986, measured in constant dollars.

Noting that most children who receive Social Security survivor benefits are white, while the majority of those who receive AFDC are black or Hispanic, Moynihan told the Senate, "We have created an extraordinary institutional bias against minority children." He added in an interview, "Built into our Social Security system is discrimination between majority white children growing up with one parent and minority black children growing up with one parent."

In an article in Science magazine, Greg J. Duncan of the Institute for Social Research at the University of Michigan, with colleague Martha J. Hill and Saul D. Hoffman of the University of Delaware, summarized some of the findings from various welfare studies and from his pioneering longitudinal studies of income in welfare families.

Contrary to a widespread belief that many people stay on welfare almost forever, Duncan and his coauthors said that of all people on AFDC, about 30 percent receive welfare for one or two years, 40 percent for three to seven years and only 30 percent for eight years or more.

Welfare does have some inhibiting effect on work, reducing work effort for female heads of families 180 hours a year on average, according to one recent study, Duncan and his colleagues wrote.

They said a recent comprehensive study suggests that the "amounts of AFDC payments have no measurable impact on births to unmarried women, and only a modest effect on rates of divorce, separation and female head-of-household status."

One finding addresses the popular notion that welfare dependency is handed down from generation to generation.

Based on a 19-year study of the fortunes of representatives families, Duncan and his coauthors reported that in families that had not been dependent on welfare while the child was growing up, 91 percent of the daughters were not on welfare when observed later at the ages of 21 to 23.

Where the parents had been moderately dependent on welfare while the child was growing up, 62 percent were not on welfare when observed at the same ages.

Even where the family had been highly dependent on welfare when the child was young, 64 percent of the daughters were not on welfare when observed at ages 21 to 23.

The House passed its welfare overhaul bill, the Family Welfare Reform Act of 1987, on Dec. 16 after weeks of controversy and lobbying by Democratic leaders. The five-year, $5 billion measure would convert AFDC into a program that places adult participants in education and job training programs while providing benefits to their families.

Moynihan's measure, which will be taken up by Senate panels this year, is expected to cost about half as much as the House bill because it does not attempt to increase welfare benefits. Like the House bill, it would create mandatory education, work and job training programs. It also includes several provisions aimed at children's needs.●

LITHUANIA'S DECLARATION OF INDEPENDENCE

● Mr. BOSCHWITZ. Mr. President, I rise today to recognize the 70th anniversary of Lithuania's Declaration of Independence. In 1920, the Soviet Union recognized Lithuanian sovereignty for "all time." Unfortunately, that lasted about as long as it took Stalin to work out a deal with Hitler, and in 1939, Soviet troops invaded Lithuania and ended its independence.

The United States has never recognized Lithuania's annexation into the U.S.S.R. and despite the long Soviet occupation, the Lithuanians continue to resist incorporation into the Soviet Union. Today, they are coming together in their country's capital, Vilnius, and in its second largest city, Kauna, to commemorate that Declaration of Independence of 70 years ago. They do so at great personal risk, because public celebration of Lithuania's Independence Day is considered a criminal offense by Soviet authorities.

Americans of all political persuasions stand behind this noble effort, and I am joining my colleagues in a petition on behalf of the Lithuanian people, asking the Soviet Union to allow them to demonstrate peacefully on this anniversary. I salute these valiant people as they struggle to regain a voice in shaping their own destiny and that of their country.●

CONGRATULATIONS TO AUGUSTINE GURROLA

● Mr. REID. Mr. President, I am proud to congratulate Mr. Augustine Gurrola, who has been chosen to receive the 1988 New Mexico Club of Nevada Distinguished Award. Mr. Gurrola will be honored at the annual installation banquet on February 26, 1988, at the Elk's Lodge in Las Vegas, NV.

Mr. Gurrola, a native of Gallup, NM, received his bachelor of science degree from Notre Dame University and his masters degree in civil engineering from the University of Southern California. He has more than 25 years experience in management, engineering, and design and construction projects such as testing support structures, highways, utilities, airports, and housing. Much of this outstanding work has been in support of the Nuclear Weapons Testing Program at the Nevada test site.

As vice president and general manager of the energy support division of Holmes and Narver, Augustine Gurrola is responsible for management of the A&E contract between his distinguished firm and the Nevada office of the Department of Energy. This contract includes engineering, surveys, inspection and special studies for the Nevada test site, and operations and maintenance on Johnson Island in the Pacific area.

Mr. Gurrola is currently the chairman of the opportunity development council, consisting of companies under contract to the Department of Energy. The ODC has actively supported such organizations as the National Association for the Advancement of Colored People, the Nevada Association of Latin Americans, and the Latin and Black Chambers of Commerce. He also serves as a director in the Latin Chamber of Commerce.

Always a leader in providing business and educational opportunities for young people in southern Nevada, Mr. Gurrola is currently working with the Department of Energy and the University of Nevada-Las Vegas to establish a minority engineering program at the university. The Student Intern Employment Program managed by Mr. Gurrola at Holmes and Narver has been very ambitious, employing 30 summer students in 1987.

Since the inception of the Magnet School Program in Las Vegas, Augustine Gurrola has spearheaded his firm's partnership with Chaparral High School. The Magnet Program ended, but Mr. Gurrola's commitment remains strong. Holmes and Narver has raised funds yearly for student scholarships at UNLV, assisted in student science fairs, and contributed technical publications.

Recognizing his dedication, the Clark County School District asked Mr. Gurrola to be a member of a strategic team whose goals are to provide better educational facilities and reduce the high school dropout rate. He is an active participant in the professionals and youth building a commitment program for the school district. PAYBAC counsels youths on the benefits of education and provides guidance in career selections.

Augustine Gurrola's professional achievements and outstanding record of service to the community are an inspiration to us all. Once again, I offer him my congratulations.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, it is a great honor for me to join with more than 1 million Lithuanian Americans in celebrating the establishment 70 years ago of the Republic of Lithuania. On this day, February 16, it is customary for those of Lithuanian heritage and their friends and supporters to commemorate the proclamation of a progressive and independent Lithuania which, for its all-too-brief life of 22 years, was a beacon of democracy. Today all Americans are afforded the opportunity to reflect on the proud heritage of our fellow citizens of Lithuanian descent and to renew our dedication to the principles of freedom and liberty for which this important day stands.

The continuing unity of the Lithuanian people is based on a common heritage dating back many centuries. In the more than 700 years since the original formation of a united Lithuania, the history of this valiant nation has been marked by constant struggle against aggressors. Through countless invasions Lithuanian defenders stood resolutely against their foes and demonstrated their commitment of freedom. After well over a century of domination by Russia, the people of Lithuania proclaimed their independence and reestablished their sovereignty as a nation on February 16, 1918. Years of repression ended with the adoption of a constitution in 1922, which granted to the Lithuanian people the basic freedoms of speech, assembly, and religion. For more than two decades the young nation prospered economically and lived at peace with its neighbors. Yet this brief period was terminated in 1940, when Soviet forces occupied and annexed Lithuania in violation of their peace treaty of 1920. The Soviets to this day continue to control the land and its people, an occupation the United States has never recognized.

Remarkably, the brave Lithuanian people have withstood centuries of relentless pressure to abandon their religion, their culture, and their language. Their success in preserving that culture as immigrants to the New World has not only guaranteed their cohesion as a community, but has produced innumerable contributions to American society. In the last century Lithuanians joined in the building of our new land as foundrymen in western Pennsylvania; weavers in New England and New Jersey; tanners in Philadelphia; dockworkers in Cleveland; and tailors in Baltimore. Today their descendants are leading members of the professional, business, artistic, and academic communities. Lithuanian Americans have greatly enriched America's culture with their longstanding tradition of self-help and voluntarism, as shown by the more than 2,000 Lithuanian charity and mutual aid organizations in the United States today.

On this 70th anniversary of the Republic of Lithuania's restoration, we must also pay tribute to the brave men and women whose visions of freedom and whose sacrifices of the past and present continue to guide the Lithuanian people. Our thoughts turn to Viktoras Petkus, founder of the Lithuanian Helsinki Monitoring Group, who has served more than 20 years in prisons, labor camps, and internal exile. We think of Balys Gajauskas, who has spent more than half his life in prison for his human rights activities. Bishop Julijonas Steponavicius has been in exile since 1961, and Father Alfonsas Svarinskas and Sigitas Tamkevicius will remain in exile until 1993. These men have risked their lives for the rights and freedoms we, as Americans, enjoy and cherish, and their strength and steadfastness of purpose serve as a bright ray of hope for all of us.

Mr. President, Lithuanians gather today in their capital, Vilnius, and around the world to commemorate the 70th anniversary of the establishment of an independent Lithuanian Republic. Despite the violent disruption of their peaceful gatherings just last August and November, they will not be deterred from demonstrating their continuing commitment to freedom. We in the United States stand with them on this important occasion, and share in the hope that the day is near when their dream of independence once again becomes a reality.●

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

● Mr. EXON. Mr. President, I rise today to honor the people of Lithuania, an independent nation that for too long has been illegally occupied by the Soviet Union. Today, February 16, marks the 737th anniversary of the founding of this heroic nation and the 70th anniversary of the restoration of the independent state of Lithuania in 1918. On this memorable day, the world should pause to honor the noble people of Lithuania.

Many of the visitors in the Senate gallery today are probably too young to recall the recent tragic past of Lithuania. This tiny nation on the Baltic coast in Europe has long been occupied and victimized by more powerful neighbors. It enjoyed a brief freedom beginning in 1918 only to lose that freedom in a brutal Soviet occupation in 1940. At the same time, the Soviet Union also illegally swallowed the tiny neighboring nations of Latvia and Estonia. In a world distracted by the larger horrors of World War II, nothing was done to reverse this outrage.

Yet our Nation has never recognized the Soviet occupation and to this day we view Lithuania as an independent nation illegally occupied by the Soviet Union. In this way, we continue to press for the withdrawal of Soviet forces and the liberation of the Baltic States.

Similarly, Lithuanians around the world, including in my home State of Nebraska, have never given up the struggle for the freedom of their homeland. Nor should they. Indeed, all free people should join them in their effort to free the land that is rightfully theirs. For if we ignore this encroachment of sovereignty and tolerate the illegal occupation of lands, no matter how tiny or remote, then freedom is doomed. This is the lesson we must all understand. We ignore it at our own peril.

Mr. President, we are witnessing all kinds of wondrous changes within the Soviet Union. I submit, however, that until the Soviet Union undoes the injustice it has done to Lithuania, those changes will be revealed as cosmetic and propagandistic. As long as the Baltic States remain enslaved, we should not be distracted by meaningless Soviet gestures and fooled by the smiles of new Soviet leaders.

The Lithuanian people need our continued support if their dream of a free homeland is to ever occur. These proud and energetic people deserve our commitment to their independent future. I hope that free people everywhere will join me today in paying a special tribute to the Lithuanian people as we renew our commitment to their freedom.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, February 16, 1988, marks the 70th anniversary of the Declaration of Independence of Lithuania.

June 14, 1988, will mark the 47th anniversary of the date on which the Soviets, acting on the Molotov-Ribbentrop Pact and in collusion with Nazi Germany, began their occupation of the then sovereign State of Lithuania and the deportation of thousands of Lithuanian citizens to Siberia, few of which never returned.

The people of Lithuania and their relatives worldwide, many of whom reside in Illinois, have been peacefully resisting Soviet occupation of their land, deportation of their peoples and russification of their culture.

I heartily commend the people of Lithuania for their nearly half-century of gallant and peaceful resistance to Soviet domination and occupation. The most recent example of peaceful resistance occurred on August 23, 1987, when some 10,000 Lithuanians, Estonians, and Latvians gathered in the streets of Tallinn, Riga, and Vilnius to commemorate Soviet occupation. My hope is that General Secretary Gorbachev will allow these ceremonies to continue unimpeded again this year.

I am completely committed to freedom, independence, and self-determination for Lithuania. We must never forget the Lithuanian struggle. When we support the people of Lithuania, we support the pursuance of freedom and liberty in the United States and everywhere. And when we continue our support of Lithuania, we know that one day freedom will come to Lithuania. Tegyvuoja Laisvoji Lietuva! (May Lithuania be free!)●

CIVIL RIGHTS RESTORATION ACT

● Mr. INOUYE. Mr. President, I wish to clarify the remarks pertaining to the Civil Rights Restoration Act that I entered in the RECORD of our proceedings on February 1, 1988. My statement concerned a proposed amendment denying people with infectious diseases protection under the Rehabilitation Act of 1973. It was inadvertently printed under the title "Statement on Amendment No. 1396 to the Civil Rights Restoration Act." However, my comments did not refer to amendment No. 1396, which is completely harmonious with the Arline decision.

I supported the amendment numbered 1396, as adopted. It does not reduce the scope of the act or eclipse the Arline decision. It simply emphasizes that neither the Rehabilitation Act nor the Arline decision requires employers to hire individuals who directly threaten the safety of others or are incapacitated by their illnesses. Consequently, it is entirely consistent with the intent of section 504 of the Rehabilitation Act, as interpreted in Arline.●

175TH ANNIVERSARY OF LIVINGSTON TOWNSHIP

● Mr. BRADLEY. Mr. President, February 13 marked the 175th anniversary of the founding of Livingston Township. I call upon my colleagues to join me in commemorating this historic occasion.

Since its formation in 1813, Livingston has enjoyed a history marked by remarkable growth and progress. It began as a small farming community and by the latter part of the century became the home of various industries. The shoemaking trade employed about 10 percent of the township's residents, with many others involved in the dairy business. Business boomed for shoemakers during the Civil War as the demand for soldiers' shoes increased dramatically. After the war, the sizing industry—part of the hatmaking trade—flourished until about 1910. The standard of living in Livingston was given a further boost in the late 1800's when "Livingston Accommodation," a stage coach line, began operating. It quickly became one of the largest public transportation systems in northern New Jersey, marking an end to the years of isolation that plagued the township.

Throughout this century, growth in Livingston has increased rapidly. There has been a tremendous building boom and influx of new residents, along with considerable progress in transportation, education, and various municipal services—all of which have contributed to making Livingston one of the finest communities in New Jersey today. After 175 years, Livingston is no longer a small farming community, yet the feeling of pride and cooperation among the residents, remains one of the township's greatest assets.

Livingston celebrated its 175th anniversary on February 13 with a series of special events. I join the residents of Livingston in celebrating 175 years of progress, and I extend my best wishes to them for continued success in the future.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, I rise to join the people of Lithuania in commemorating the 70th anniversary of Lithuania's Declaration of Independence.

On February 16, 1918, Lithuania's independence was proclaimed, and for two decades the sovereign nation flourished. However, the signing of the Molotov-Ribbentrop Pact in 1939 and the subsequent Soviet occupation of the Baltic States ended that period of independence.

Although the Lithuanian people no longer enjoy the freedoms they once knew as a sovereign nation, their memories of independence remain strong. The Soviets have stolen Lithuanian independence, but they have not stolen hopes and dreams of freedom and sovereignty. Those remain strong in the hearts of Lithuanians and their relatives abroad.

Today, Lithuanians intend to meet in their capital, Vilnius, and the country's second largest city, Kaunas, to commemorate the occasion. Some 200 Lithuanians contacted General Secretary Gorbachev informing him of their intentions to commemorate the day with flower-laying ceremonies. Others plan to commemorate the day by attending services in churches throughout Lithuania.

In the Senate, we have encouraged General Secretary Gorbachev to permit desiring Lithuanians to participate in these peaceful ceremonies commemorating Lithuanian Independence Day. Senators RIEGLE, DURENBERGER, and I circulated a letter in the Senate, signed by 29 of our colleagues, which sent that message to the Soviet Union. I ask that a copy of the full text of the letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, February 11, 1988.
Hon. MIKHAIL S. GORBACHEV,
General Secretary of the Communist Party,
The Kremlin, Moscow, U.S.S.R.

DEAR MR. GORBACHEV: This year marks the 70th anniversary of the restoration of Lithuanian independence and the establishment of independent nation-states in Estonia, Latvia and Lithuania. We have received reports that citizens of Estonia and Lithuania intend to honor their independence days, which occur this month, with public ceremonies.

From a series of peaceful demonstrations which took place in the Baltic States last year, we know that national feelings run strong and deep among the Baltic peoples. This was made especially clear to us and to people throughout the United States when on Auguat 23, 1987, some 10,000 Balts gathered in the streets of Tallinn, Riga and Vilnius to peacefully commemorate the 1939 Molotov-Ribbentrop Pact and its secret protocols, which led to the occupation of the Baltic States by the U.S.S.R.

Prior to that August demonstration, many of us wrote to you urging you to prevent any official disruption of these peaceful gatherings. We were encouraged by the fact the August demonstrations were allowed to proceed, and hope your government will similarly respect the rights of the Lithuanian and Estonian people to mark their independence days in whatever peaceful manner they choose.

In Lithuania, we understand that 200 Lithuanians have written a letter informing you of their intention to commemorate their independence day on February 16 with flower-laying ceremonies at various sites of historical and national significance in Vilnius and Kaunas. The letter appealed for your assurances that the ceremonies be allowed to proceed unimpeded. However, one report reaching the west indicates that Soviet authorities may move to block these peaceful ceremonies.

We have also learned that 41 Lithuanian citizens, including 10 priests, have issued an appeal to other Lithuanians to join them in commemorating their Independence Day at religious services to be held in churches throughout Lithuania.

In Estonia, in addition to public demonstrations held on February 2nd, citizens there have announced the formation of the Estonian National Independence Party, to promote human rights and self-determination of the Estonian Republic.

In the past, we have been greatly concerned over the official harassment and abuse directed against individuals who have participated in public demonstrations.

Indications are that those who participate in this year's commemorations may face similar reprisals. We are particularly concerned over the January 29th "Pravda" report stating that Communist Party leaders in Lithuania had decided to intensify their efforts against "bourgeois nationalism and clerical extremism." We are also disturbed by the news that Ms. Nijole Sadunaite, a leading Lithuanian dissident and demonstration organizer, was assaulted on the streets of Vilnius on February 6 in a apparent attempt to intimidate her.

We therefore write today to urge you not only to allow the Lithuanian and Estonian people to peacefully honor their national independence days, but also to take all necessary measures to guarantee that they do not become targets of state-sponsored harassment before or after these commemorations.

In your November, 1987 speech marking the 70th anniversary of the Bolshevik revolution, you referred to the "enormous and unforgivable" crimes of Stalin, and you asserted that Soviet foreign policy under your leadership has remained in concert with the "basic course worked out and charted by Lenin." As you know, when Lenin was at the helm of the Soviet Union's Communist Party, the U.S.S.R. signed peace treaties in 1920 with each of the three Baltic States, renouncing claims to their territory in perpetuity. Two decades later, Stalin violated this solemn commitment. We sincerely hope that the course set by Lenin will be the one which guides your response to the Baltic peoples as they seek to peacefully express their aspirations for human rights and self-determination.

Sincerely,

David F. Durenberger, Frank R. Lautenberg, Donald W. Riegle, Jr., Dennis DeConcini, John Heinz, Bill Bradley, John Glenn, Christopher J. Dodd, Dale Bumpers, Quentin N. Burdick, George J. Mitchell, Carl Levin, Paul Sarbanes, Paul Simon, Richard G. Lugar, William Proxmire, David Pryor, Lowell P. Weicker Jr., Brock Adams, Rudy Boschwitz, Thomas Daschle, Alan J. Dixon, Bob Graham, Barbara A. Mikulski, David K. Karnes, Daniel P. Moynihan, Arlen Specter, Frank H. Murkowski, Paul S. Trible, Harry Reid, Timothy Wirth, Pete Wilson.

Mr. LAUTENBERG. Mr. President, last August, the Soviets demonstrated a willingness to allow Baltic citizens to participate in peaceful demonstrations. But on other occasions, individuals who have participated in public demonstrations have been the targets of official harassment and abuse. In the true spirit of glasnost, I hope the Soviets will permit today's demonstrations to proceed without incident.

Mr. President, today and every day Congress should join the people of Lithuania in their struggle for freedom and independence. We must continue to elevate their quest for sovereignty international attention on every occasion.

I urge my colleagues to join me today in commemorating the 70th anniversary of Lithuanian independence.●

THE 70TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. BRADLEY. Mr. President, 70 years ago on the 16th of February, the brave Lithuanian people declared independence from Russia and established the Lithuanian Republic. The freedom of speech, freedom of assembly, freedom of religion, and self-determination enjoyed by the citizens of Lithuania was short-lived. Life as an independent republic ended in 1940 when the Soviet Government forcibly annexed Lithuania and her sister States of Estonia and Latvia.

On this day of commemoration, I applaud the strength and spirit of the Lithuanian people. They continue to struggle for the freedoms they enjoyed only too briefly. During the past 48 years they have endured many hardships under Soviet occupation. Basic human rights that we, as Americans, hold so dear are being violated and repressed in Lithuania as well as Estonia and Latvia. Under Soviet rule, drastic actions have been taken to eradicate Lithuanian language, cultural values, artistic traditions, and religious freedoms.

Despite the attempts of the Soviet Union to dominate the Lithuanian people, they have not lost their love of freedom, pride in their identity, or national spirit. The Lithuanians courageously continue to resist the russification of their homeland. Here in the United States, Americans of Lithuanian descent look to the land of their fathers in the hope that self-determination can be restored.

The United States must continue to recognize the plight of the Lithuanian people and actively demonstrate against Soviet domination. We, as a nation, must not forget our struggle for freedom, and on this 70th anniversary, let us rededicate ourselves to the cause of freedom. I join my colleagues in praising the spirit of the Lithuanian people and in deploring human rights violations inflicted on these courageous people in their quest for freedom and dignity.●

ORDERS FOR WEDNESDAY

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the prayer tomorrow and the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of morning business, not to extend beyond 20 minutes and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 2

Mr. BYRD. Mr. President, will it not be the case that upon the completion of morning business tomorrow, the Senate will resume consideration of the unfinished business, S. 2?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair.

Mr. President, does any other Senator wish to seek recognition?

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. McCLURE's remarks appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

MUTUAL LEGAL ASSISTANCE COOPERATION TREATY

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Mutual Legal Assistance Cooperation Treaty with Mexico (Treaty Document No. 100-13), transmitted to the Senate on February 11, 1988, by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Cooperation between the United States of America and the United Mexican States for Mutual Legal Assistance, signed at Mexico City on December 9, 1987.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter more effectively trans-border criminal activities. The Treaty should be an effective tool to combat a wide variety of modern criminals including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing and utilizes existing statutory authority.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the execution of requests for searches and seizures; (4) the serving of documents; and (5) the provision of assistance in procedures regarding the immobilizing, securing, and forfeiture of the proceeds, fruits, and instrumentalities of crime.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 11, 1988.*

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senators may have until 5 o'clock p.m. today to have statements inserted in the RECORD, and that they may have until 5 p.m. to introduce bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I inquire of the assistant Republican leader if he has anything further he wishes to say.

Mr. SIMPSON. Mr. President, I have no further business on this side of the aisle, and none that I am aware of.

Mr. BYRD. I thank my friend.

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to; and, at 2:50 p.m., the Senate recessed until tomorrow, Wednesday, February 17, 1988, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 5, 1988, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF JUSTICE

DEBORAH J. DANIELS, OF INDIANA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS, VICE JOHN D. TINDER, RESIGNED.

GROVER W. GARRISON, OF LOUISIANA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS, VICE JAMES L. MEYERS, RETIRED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

FRANCES MATHEWS, OF COLORADO, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990, VICE ELAINE Y. SCHADLER, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

HOWARD W. CANNON, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 4 YEARS, NEW POSITION.

Executive nominations received by the Senate February 16, 1988:

THE JUDICIARY

THOMAS S. ZILLY, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE WALTER T. MCGOVERN, RETIRED.

DEPARTMENT OF COMMERCE

PAUL FREEDENBERG, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, NEW POSITION.

MARC G. STANLEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE GERALD J. MCKIERNAN, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MARK E. BUCHMAN, OF CALIFORNIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE GLENN R. WILSON, JR., RESIGNED.

DEPARTMENT OF ENERGY

ERNEST C. BAYNARD III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE MARY L. WALKER, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

LESLEE KATHRYN ALEXANDER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1991, VICE HARRY O'CONNOR, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

RICHARD C. CRAWFORD, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1993, VICE ROBERT MICHAEL ISAAC, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

JOHN E. HIGGINS, JR., OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING DECEMBER 16, 1992, VICE DONALD L. DOTSON, TERM EXPIRED.

U.S. POSTAL SERVICE

TIRSO DEL JUNCO, OF CALIFORNIA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE REMAIN-

DER OF THE TERM EXPIRING DECEMBER 8, 1991, VICE JOHN R. MCKEAN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

GREGORY J. AARON, [redacted]
JAMES E. ABBOTT, [redacted]
STEVEN L. ABBOTT, [redacted]
RICHARD A. ACETO, [redacted]
WILLIAM A. ACREE, [redacted]
JOHN R. ADAMS, [redacted]
TERRY R. ADAMS, [redacted]
DAVID J. ADERHOLD, [redacted]
DAVID A. AGEE, [redacted]
JOSE R. AGOSTO, [redacted]
WILLIAM D. AIRMAN, [redacted]
HIROSHI AJAS, [redacted]
ORLANDO J. ALBANI, JR., [redacted]
CECILIA C. ALBERT, [redacted]
TIMOTHY S. ALBIN, [redacted]
FRANKLIN J. ALBRECHT, [redacted]
JAMES E. ALBRITTON, [redacted]
STEPHEN D. ALDERMAN, [redacted]
ANTHONY A. ALDWELL, [redacted]
GLEN B. ALEXANDER, [redacted]
DENNIS L. ALFORD, [redacted]
DANIEL P. ALFSON, [redacted]
CRAIG E. ALLEN, [redacted]
JIMMY R. ALLEN, [redacted]
JULIAN D. ALLEN, [redacted]
RALPH E. ALLEN, [redacted]
SCOTT C. ALLEN, [redacted]
ALBERT A. ALLENBACK, JR., [redacted]
SUSAN E. ALTEN, [redacted]
PAUL G. AMRHEIN, [redacted]
BARBARA B. ANDERSON, [redacted]
CARL E. ANDERSON, [redacted]
ERIK C. ANDERSON, [redacted]
JAMES R. ANDERSON, [redacted]
KENNETH R. ANDERSON, [redacted]
TOMMY S. ANDERSON, [redacted]
WARREN L. ANDERSON, [redacted]
JON T. ANDRE, [redacted]
DENNIS A. ANDREW, [redacted]
THOMAS L. ANDREW, [redacted]
ILDIKO E. ANDREWS, [redacted]
JAMES L. ANTENEN, [redacted]
JAMES A. ANTILLA, [redacted]
THOMAS P. APOLLONIO, [redacted]
RANDOLPH G. ARBEITER, [redacted]
MARTIN F. ARCE, [redacted]
RICHARD C. ARCHIBALD, [redacted]
WILLIAM P. ARD, [redacted]
GARY A. ARMISTEAD, [redacted]
ANITA M. ARMS, [redacted]
DAVID H. ARTMAN, JR., [redacted]
JOHN B. ASHCRAFT, [redacted]
MICHAEL D. ASHER, [redacted]
JEFFREY C. ASHWORTH, [redacted]
MICHAEL J. ATHERTON, [redacted]
SCOTT T. ATKINS, [redacted]
DENNIS L. AUSTIN, [redacted]
GEORGE L. BACH, [redacted]
BRIAN R. BADGER, [redacted]
ANTHONY G. BADOLATO, JR., [redacted]
DARRELL J. BADUREK, [redacted]
JACK L. BAILEY, JR., [redacted]
RICKY L. BAILEY, [redacted]
ROSANNE BAILEY, [redacted]
STANLEY D. BAILEY, [redacted]
DANNY J. BAIRD, [redacted]
RICHARD R. BAIRD, [redacted]
CRAIG M. BAKER, [redacted]
DEAN L. BAKER, [redacted]
RICHARD J. BAKER, [redacted]
STANLEY L. BAKER, [redacted]
STEPHEN L. BAKER, [redacted]
TERRY L. BAKER, [redacted]
GARY A. BALDWIN, [redacted]
RICHARD W. BALDWIN, [redacted]
JO ANN BALL, [redacted]
PETER J. BALZLI, [redacted]
JANET E. BARALLI, [redacted]
LEONARD F. BARBEE, [redacted]
BENJAMIN H. BARNARD, [redacted]
JAMES H. BARNES, JR., [redacted]
RANDALL T. BARNES, [redacted]
JOHN J. BARNOSKI, [redacted]
THOMAS L. BARR, [redacted]
CHARLES W. BARRETT, JR., [redacted]
ROBERT J. BARROW, [redacted]
BARBARA A. BARTLEY, [redacted]
THOMAS L. BASS, [redacted]
LEONARD C. BATES, [redacted]
THOMAS R. BATTISTA, [redacted]
MICHAEL E. BAUM, [redacted]
GARY P. BAUMGARTEL, [redacted]
GARY D. BAXTER, [redacted]
DAVID M. BEAN, [redacted]
EVERETT L. BEASLEY, JR., [redacted]
ROGER A. BECK, [redacted]
WILLIAM C. BECK II, [redacted]
EDWARD J. BECKETT, [redacted]
WILLIAM R. BEECHEL, [redacted]
ROBERT R. BEERMANN, [redacted]
RONALD L. BEESLEY, [redacted]
DONALD E. BELCHE, [redacted]
RONALD E. BELK, [redacted]
DAVID G. BELL, [redacted]
JOSEPH A. BELLABONA, [redacted]
DUANE E. BENDER, JR., [redacted]
BRUCE A. BENNETT, [redacted]
DOUGLAS L. BENNETT, [redacted]
KEITH A. BENNETT, [redacted]
ROSS E. BENNETT, [redacted]
STEVEN E. BERENDT, [redacted]
THOMAS M. BERES, [redacted]
THOMAS E. BERGAM, [redacted]
DONALD R. BERTOLDO, [redacted]
MICHAEL P. BESS, [redacted]
ROBERT P. BESSEL, JR., [redacted]
GERALD R. BESSETTE, [redacted]
EUGENE S. BEST, [redacted]
THOMAS H. BETHART, [redacted]
CALVIN T. BETZ, [redacted]
MARTIN J. BIANCALANA, [redacted]
THOMAS M. BIBBY, [redacted]
ROBERT E. BIEHL, [redacted]
WILLIAM J. BIERCK, JR., [redacted]
BRIAN A. BINN, [redacted]
EDWARD F. BIRKETT III, [redacted]
JOHN D. BIRKHIMER, [redacted]
JAMES R. BJORK, [redacted]
ROBERT H. BLACK, [redacted]
GARY F. BLANK, [redacted]
JIM A. BLEDSOE, [redacted]
WILLIAM R. BLEY, [redacted]
WILLIAM K. BLOCHER, [redacted]
LEROY A. BLOCK, [redacted]
JAMES P. BLOOM, [redacted]
JOHN E. BLUME, JR., [redacted]
DARYL G. BODEN, [redacted]
MICHAEL P. BOEHME, [redacted]
STEVEN C. BOEHMER, [redacted]
VINCENT A. BOGDANSKI, [redacted]
DWIGHT R. BOGGS, [redacted]
LYMAN M. BOLES, [redacted]
GREGORY G. BOMBINSKI, [redacted]
JAMES R. BONE, [redacted]
JOEL D. BONEWITZ, [redacted]
ALAN L. BONNER, [redacted]
GEORGE C. BONNETT, JR., [redacted]
HOLLIS E. BOOKER, [redacted]
WILLIAM H. BOOTH, [redacted]
MARVIN L. BORGMAN, [redacted]
MICHAEL D. BORYSEWICZ, [redacted]
DENNIS A. BOSSEN, [redacted]
BARRY F. BOST, [redacted]
JOHN R. BOSTICK, [redacted]
ROBERT N. BOUDREAU, [redacted]
DONALD R. BOUTIN, [redacted]
WILLIAM F. BOWLIN, [redacted]
DAVID M. BOWMAN, [redacted]
MARGARET A. BOWMAN, [redacted]
ANNE W. BOYD, [redacted]
HAROLD S. BOYD, [redacted]
THOMAS J. BOYD, [redacted]
GARY D. BOYLAN, [redacted]
DAVID R. BOYLE, [redacted]
HARRELL W. BOYLES, [redacted]
DAVID G. BRADFORD, [redacted]
ROSS L. BRADIE, [redacted]
THOMAS P. BRADY, [redacted]
TERRY W. BRANSON, [redacted]
DAVID W. BRAUN, [redacted]
DONALD L. BRECHTEL, [redacted]
RICHARD R. BRIGHAM, [redacted]
DAVID L. BRITT, [redacted]
EDWARD J. BRITTON, [redacted]
JOHN T. BROCK, [redacted]
KENNETH F. BRODA, [redacted]
MICHAEL D. BRODERICK, [redacted]
RANDALL E. BROOKS, [redacted]
RAYMOND W. BROW, JR., [redacted]
DOUGLAS R. BROWER, [redacted]
JOHN S. BROWER, [redacted]
CHARLES D. BROWN, [redacted]
EDWARD M. BROWN, [redacted]
HENRY H. BROWN, [redacted]
KATHRYN A. BROWN, [redacted]
KENNETH R. BROWN, [redacted]
LARRY J. BROWN, [redacted]
PAUL T. BROWN, JR., [redacted]
RALPH B. BROWN, JR., [redacted]
ROBERT W. BROWN, [redacted]
SAMUEL BROWN, JR., [redacted]
THOMAS E. BROWN, [redacted]
WILLIAM J. BROWN, [redacted]
DREW W. BROWNING, [redacted]
CHRISTOPHER D. BRUCE, [redacted]
LESLIE A. BRUCE, [redacted]
JEROME P. BRUMBY, [redacted]
CHARLES H. BRUMFIELD, JR., [redacted]
WALTER F. BRYCE, JR., [redacted]
GALE R. BUCHHOLTZ, [redacted]
RICHARD L. BUCK, [redacted]
JOHN P. BUCKNER, [redacted]
MICHAEL L. BUMPAS, [redacted]
RANDLE K. BUNNER, [redacted]
GEORGE V. BUNUAN, [redacted]
MICHAEL A. BURCH, [redacted]
JOHN D. BURGAR, [redacted]
LEGAND L. BURGE, JR., [redacted]
DANIEL L. BURKETT, II, [redacted]
PATRICK A. BURNS, [redacted]
JAMES M. BURSON, [redacted]
STEPHEN P. BUSCH, [redacted]
MICHAEL D. BUSH, [redacted]
MOLLY K. BUSH, [redacted]
WILLIAM D. BUSS, [redacted]
BRETT M. BUTLER, [redacted]
GERALD J. BUTLER, [redacted]
JEFFREY C. BUTLER, [redacted]
EDWARD G. BUTTNER, [redacted]
JOHN L. BUZZATTO, [redacted]
LARRY L. BYRD, [redacted]
DENNIS P. CAHILL, [redacted]
MICHAEL D. CALLAGHAN, [redacted]
PAUL J. CALLAHAN, [redacted]
TIMOTHY P. CALLAHAN, [redacted]
PAUL H. CALVERT, [redacted]
ENRIQUE CAMACHO, [redacted]
HAROLD J. CAMACHO, JR., [redacted]
STEPHEN P. CAMANN, [redacted]
MICHAEL A. CAMPANO, [redacted]
PAUL C. CAMPBELL II, [redacted]
REGIS CANNY, [redacted]
WILLIAM CANNY, [redacted]
FRANCIS X. CANTWELL, [redacted]
ROBERT C. CAPES, [redacted]
ROCKY P. CAPOZZI, [redacted]
BERNARD P. CAREY III, [redacted]
BRUCE J. CAREY, [redacted]
DAVID A. CARLSON, [redacted]
ROBERT D. CARLSON, [redacted]
JAMES W. CARLTON, [redacted]
ROBERT A. CARNAHAN, [redacted]
STEPHEN W. CARROLL, [redacted]
WILLIAM B. CARROLL, [redacted]
BRIAN E. CARRON, [redacted]
CHARLES E. CARTER, JR., [redacted]
DALE K. CARTER, [redacted]
JOHN H. CARTER, [redacted]
ROBERT F. CARTY, [redacted]
JOHN W. CARVER, [redacted]
RICHARD J. CASEY, [redacted]
BURTON A. CASTEEL, JR., [redacted]
GEORGE L. CASTLE, [redacted]
STEPHEN R. CASTO, [redacted]
KIRT R. CATTRON, [redacted]
ERWIN C. CATTS III, [redacted]
RALPH S. CERNEY, JR., [redacted]
KURT T. CHAMBERLIN, [redacted]
THOMAS W. CHAMBERS, [redacted]
MARVIN C. CHAMPION, [redacted]
LESTER K. C. CHANG, [redacted]
ROBERT M. CHAPMAN, JR., [redacted]
LINWOOD N. CHAYER, [redacted]
RICHARD S. CHENEY, [redacted]
PATRICK J. CHESTERMAN, [redacted]
STEPHEN D. CHIABOTTI, [redacted]
CHARLES L. CHIESA, [redacted]
ERIC W. CHILDRESS, [redacted]
KEVIN P. CHILTON, [redacted]
JOSEPH W. CHRIST, [redacted]
PAUL CIACCIA, [redacted]
DANIEL C. CLARK, [redacted]
ROBERT E. CLARK, JR., [redacted]
STEVEN P. CLARK, [redacted]
PETER M. CLEPPE, [redacted]
KEVIN S. CLIFFORD, [redacted]
SCOTT S. CLINE, [redacted]
JAMES D. CLOPPAS, [redacted]
BILL L. COCHRAN, [redacted]
BARBARA E. COFFEY, [redacted]
RICHARD F. COLARCO, [redacted]
DOUGLAS L. COLE, [redacted]
WESLEY D. COLE, JR., [redacted]
CHARLES M. COLEGROVE, [redacted]
DENNIS K. COLEMAN, [redacted]
WILLIAM T. COLEMAN, [redacted]
FRANK B. COLENDA, [redacted]
DALE H. COLLINS, [redacted]
PATRICK J. COLLINS, [redacted]
ROBERT J. COLLINS, JR., [redacted]
ROSS B. COLLINSWORTH, [redacted]
NICHOLAS E. COMBS, [redacted]
ALBERT G. CONNER, [redacted]
JAMES B. CONNORS, [redacted]
JAMES G. CONROY, [redacted]
CANDICE L. COOK, [redacted]
CURTIS R. COOK, [redacted]
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ROBERT W. COOK, [redacted]
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WILLIAM B. CORROW, [redacted]
BRIAN J. COTE, [redacted]
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CHARLES M. COURT, [redacted]
C. DOUGLASS COUTO, [redacted]
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GARY L. COY, [redacted]
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ROBERT G. CRAIG, [redacted]
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ROBERT D. CRAWFORD, [redacted]

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EDWARD H. V. HANCE, [redacted]
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RICHARD K. KIND, [redacted]
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TIMOTHY R. KINNEY, [redacted]
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TERRANCE G. MYKES, [redacted]
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MARY K. NANNING, [redacted]
ROGER B. NASH, [redacted]
MARC R. NATHANSON, [redacted]
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DON M. NEEDHAM, [redacted]
PAUL M. NEEDHAM, [redacted]
CORAL D. NEISSEL, [redacted]
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VICTOR W. A. NELL, [redacted]
LAWRENCE M. NELSON, JR. [redacted]
THOMAS J. NETT, [redacted]
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DUANE E. NOLL, [redacted]
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STEVEN D. NOVY, [redacted]
VAUGHN G. NUN, [redacted]
HENRY A. OBERING III, [redacted]
JAMES J. OBRIEN III, [redacted]
WILLIAM C. OBYRNE III, [redacted]
PETER R. ODAY, [redacted]
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GARY D. OGBURN, [redacted]
DAVID J. OLKOWSKI, [redacted]
PAUL J. ONCALE, JR., [redacted]
JAMES N. OPENSHAW, [redacted]
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DON S. ORTH, [redacted]
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DAVID J. PATTON, [redacted]
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EDWARD L. SEARLES III, [redacted]
LAWRENCE V. SEASTRUM, JR., [redacted]
LEWIS B. SEDBERRY, [redacted]
ROBERT S. SEEKINS [redacted]
RUSSELL E. SEEMAN, [redacted]
ROBERT J. SEIGEL, [redacted]
DONNIE B. SELF, [redacted]
EDWARD A. SERINE, [redacted]
EDWARD D. SEWARD, [redacted]
JAMES S. SHADDOCK, [redacted]
BARRY L. SHADE, [redacted]
JOHN B. SHAFER, [redacted]
JAMES M. SHAMESS, [redacted]
MICHAEL E. SHANNON, [redacted]
STEVEN J. SHARKEY [redacted]
ANTHONY P. SHARON, [redacted]
GERALD L. SHAW [redacted]
REGINALD A. SHAW, [redacted]
NANCY A. SHEFFLETTE, [redacted]
JAMES B. SHELTON, [redacted]
WILLIAM E. SHEPARD, [redacted]
JOHN D. SHEWCHUK, [redacted]
LUTHER W. SHIELDS [redacted]
REESE S. SHINKLE [redacted]
KENNETH E. SHIRLEY [redacted]
THOMAS L. SHIVELY, [redacted]
KENNETH M. SHOBE, [redacted]
JOSEPH A. SHOLTIS, JR., [redacted]
RICHARD F. SHROY [redacted]
DAVID A. SHUNK, [redacted]
STEPHEN W. SICKELS, [redacted]
JOHN W. SIDES, [redacted]
DONALD C. SIEGEL, [redacted]
GREGORY A. SIEGEL, [redacted]
STANLEY G. SILVERMAN, JR., [redacted]
JAMES T. SILVERTHORN, [redacted]
DANIEL J. SIMEK, [redacted]
JAMES L. SIMMONS, [redacted]
KENNETH L. SIMS, [redacted]
RICHARD P. SISMOUR, [redacted]
REAGAN L. SKAGGS, [redacted]
LARRY E. SKAPIN, [redacted]
NORMAN W. SKELLY, [redacted]
KENNETH M. SKELPS, [redacted]
JERRY T. SKINNER [redacted]
BERNARD K. SKOCH, [redacted]
JOHN SKORENKI, [redacted]
RICHARD W. SLADEK, [redacted]
JACK O. SLAGLE, JR., [redacted]
TERRY L. SLAWINSKI, [redacted]
MELVIN S. SLONE, JR., [redacted]
JAMES W. SMAIL, [redacted]
HAROLD J. SMARKOLA, JR., [redacted]
BOBBY W. SMART, [redacted]
MICHAEL W. SMILEY, [redacted]
ALAN G. SMITH, [redacted]
ALAN M. SMITH, [redacted]
BARRY H. SMITH [redacted]
CARL T. SMITH, [redacted]
CHARLES L. SMITH, [redacted]
DAVID W. SMITH, [redacted]
GLENN E. SMITH, [redacted]
GREGORY D. SMITH, [redacted]
RICHARD B. SMITH, [redacted]
STEVEN R. SMITH, [redacted]
FRANK H. SNAPP, [redacted]
GREGORY P. SNYDER, [redacted]
LARRY B. SOCKWELL, [redacted]
DUANE E. SOLLEY, [redacted]
BRUCE E. SORUM, [redacted]
JOHN C. SOUDERS, [redacted]
MARK A. SOUTHWICK, [redacted]
DANA M. SPEARS, [redacted]
ALAN C. SPENCER, [redacted]
KENNETH A. SPENCER, [redacted]
MARK S. SPENCER, [redacted]
ROGER L. SPENCER, [redacted]
WAYNE F. SPENST, [redacted]
LOUIS D. SPICKES, JR., [redacted]
MICHAEL H. SPIEGELMAN, [redacted]
CRAIG W. SPIESS, [redacted]
GREGORY A. SPILKER, [redacted]
WILLIAM H. SPINDLE, [redacted]
GARY W. SPRIGGS, [redacted]
WILLIAM C. SPRINGER, JR., [redacted]
DANNY G. SPROUSE, [redacted]
DUWAYNE D. STACHELSKI, [redacted]
JUDSON E. STAILEY, [redacted]
JOHN W. STALEY, [redacted]
FLOYD M. STALL, JR., [redacted]
MARGARET M. STANEK, [redacted]
EDWARD T. STANFORD, [redacted]
TIMOTHY M. STANKO, [redacted]
ROBERT S. STANLEY, [redacted]
TAD A. STANLEY, [redacted]
SHELDON D. STARKES, [redacted]
VIRGIL A. STARKES, [redacted]
THOMAS A. STARKOVICH, [redacted]
TOREASER A. STEELE, [redacted]
JAMES STEFANIAK, [redacted]
DONALD D. STEFFEN, [redacted]
JOSEPH W. STEIMER, JR., [redacted]
WAYNE R. STEINBACH, [redacted]
JAMES R. STEPHANS, JR., [redacted]
APRIL J. STEPHENS, [redacted]
DAMON G. STEPHENS, [redacted]
ROBERT J. STEPHENS, [redacted]
SCOTT D. STEPHENS, [redacted]
VERNON E. STEPHENS, [redacted]
BILLY J. STEPHENSON, JR., [redacted]
GARY W. STERN, [redacted]
DOUGLAS E. STEWARD, [redacted]
DARRYL B. STEWART, [redacted]
TIMOTHY B. STEWART, [redacted]
DAVID L. STICKLER, [redacted]
WILLIAM L. STILLER, [redacted]
JOHN W. STLEDGER, [redacted]
GARY W. STOCK, JR., [redacted]
RICHARD R. STOCK, [redacted]
ORVILLE L. STOCKLAND, [redacted]
DAVID C. STOFFER, [redacted]
JEFFRY H. STOKER, [redacted]
JOHN W. STONE, [redacted]
LEE W. STONE, [redacted]
PATRICK R. STONE, [redacted]
ROBERT D. STONE, JR., [redacted]
STEPHEN D. STONE, [redacted]
JAMES E. STOUCKER, [redacted]
RICHARD STPIERRE, [redacted]
RICHARD E. STPIERRE, [redacted]
RUSSELL C. STRICKER [redacted]
DAVID L. STRINGER, [redacted]
WILLIAM B. STRINGER, [redacted]
DAVID A. STROM, [redacted]
CHARLES L. STSAUVER, [redacted]
MARK A. STUBBEN, [redacted]
JOHN E. STUBBLEFIELD, [redacted]
JAMES A. STUDER, [redacted]
BRIT M. STURDY, [redacted]
DENNIS W. STURM, [redacted]
BILLY F. SULLIVAN, [redacted]
JOHN D. SULLIVAN, [redacted]
JOHN P. SULLIVAN, [redacted]
KEVIN J. SULLIVAN, [redacted]
MICHAEL J. SULLIVAN, [redacted]
RONNIE D. SULLIVAN, [redacted]
THOMAS G. SULLIVAN, [redacted]
DON R. SUMMERS, [redacted]
ALLAN L. SWAIM, JR., [redacted]
DANIEL F. SWANEY III, [redacted]
ERIK C. SWANSON, [redacted]
LAWRENCE E. SWEENEY, [redacted]
REX D. SWISHER II, [redacted]
GERALD D. SWOBODA, [redacted]
LAWRENCE G. SZCZUR, [redacted]
BUFORD D. TACKETT III, [redacted]
HOMER L. TACKETT, [redacted]
MICHAEL D. TALBERT [redacted]
RICHARD B. TALLMAN, JR. [redacted]
MARCIA J. TAMBLYN, [redacted]
GLEN R. TANNER, [redacted]
DORNA A. TAYLOR, [redacted]
EARL V. TAYLOR, [redacted]
HENRY L. TAYLOR, [redacted]
JAMES B. TAYLOR, [redacted]
JOHN E. TAYLOR, [redacted]
JOSEPH J. TAYLOR, JR., [redacted]
PAUL A. TAYLOR, [redacted]
RODERICK A. TAYLOR, [redacted]
ROY J. TAYLOR, JR., [redacted]
ROBERT C. TEASDALE, [redacted]
SCOTT C. TEEL, [redacted]
JOHN J. TEEVENS, [redacted]
JAMES D. TEIGEN, [redacted]
STANLEY D. TEMPLETON, [redacted]
ANN M. TESTA, [redacted]
GEORGE L. THEISEN II, [redacted]
MARK R. THESSING, [redacted]
KENNY M. THETFORD, [redacted]
KEVIN W. THIESEN, [redacted]
WAYNE L. THOM, [redacted]
BLAKE W. THOMAS, [redacted]
ECMON C. THOMPSON, [redacted]
JAMES G. THOMPSON, [redacted]
JOHN E. THOMPSON, JR., [redacted]
LYNNE C. THOMPSON, [redacted]
MARTHA THOMPSON, [redacted]
TERRY S. THOMPSON, [redacted]
THEODORE E. THOMPSON, [redacted]
JOHN A. THURMAN, [redacted]
SIDNEY R. THURSTON, [redacted]
STEPHEN R. TILLER, [redacted]
MICHAEL S. TILLMAN, [redacted]
DAVID TILLOTSON III, [redacted]
SANDRA K. TINNEY, [redacted]
BRUCE L. TIPTON, [redacted]
THERON M. TOLER, [redacted]
LAWRENCE A. TOMEI, [redacted]
BARRY R. TOMLINSON, [redacted]
WILLIAM R. TOOKER, [redacted]
JOSEPH E. TOOLE, [redacted]
ROBERT J. TRAUBE, JR., [redacted]
ROBERT E. TREMPE, [redacted]
PHILIP W. TRENT, JR., [redacted]
PHILIP H. TRITSCHLER, JR., [redacted]
DONALD C. TROWBRIDGE, [redacted]
EDWARD L. TUCKER, [redacted]
LESTER P. TUCKER, [redacted]
RONALD B. TURNEY, [redacted]
CHARLES M. TUTWILER, [redacted]
JOHN T. TYRRELL, [redacted]
ROBERT P. ULLMAN, [redacted]
MICHAEL J. ULMER, [redacted]
ROBERT F. UMBARGER, [redacted]
WALTER A. UPHAM, [redacted]
JOHN L. VAALER [redacted]
DAVID D. VANARSDALE, [redacted]
ROLAND J. VANDENBERG, [redacted]
MICHAEL E. VANDERFORD, [redacted]
LINN L. VANDERVEEN, [redacted]
RONALD VANDERWEERT, [redacted]
NANCY M. VANDUYNE, [redacted]
LOUIS D. VANMULLEM, JR., [redacted]
JAMES H. VANNESS, [redacted]
RONALD W. VANORNE, JR., [redacted]
CARL E. VANPELT, [redacted]
JAMES R. VANSICKEL, JR., [redacted]
FREDERICK D. J. VANVALKENBURG, [redacted]
DOUGLAS C. VANWIGGEREN, [redacted]
LARRY D. VANWINKLE, [redacted]
LARRY E. VAUGHN, [redacted]
ROBERT H. VEITCH, [redacted]
GERALD J. VENTEICHER, [redacted]
JON M. VETTERLEIN, [redacted]
RAYMOND A. VITKUS, [redacted]
KURT C. VOGEL, [redacted]
JEROME W. VOIGT, [redacted]
RICHARD L. VOLPE, JR., [redacted]
DOSS C. VONBRANDENSTEIN, [redacted]
BRIAN R. VOORHEES, [redacted]
GEORGE WAGASKY III, [redacted]
DAVID A. WAGIE, [redacted]
CARM C. WALGAMOTT, [redacted]
DAVID C. WALKER, [redacted]
DOUGLAS H. WALKER, [redacted]
HARRY C. WALKER III, [redacted]
LEON L. WALKER, JR., [redacted]
THOMAS N. WALKER, [redacted]
WILLIAM T. WALKER, [redacted]
HORACE A. WALLACE, JR., [redacted]
LEWIS S. WALLACE, JR., [redacted]
RONALD E. WALLACE, [redacted]
TERRY L. WALLACE, [redacted]
FRANCIS J. WALLER, JR., [redacted]
ROBERT L. WALLER, [redacted]
JAMES A. WALSH, JR., [redacted]
GARY W. WALTERS, [redacted]
ROGER D. WALTRIP, [redacted]
TEDDY N. WANG, [redacted]
JOHN P. WARD, [redacted]
GEORGE P. WARGO, [redacted]
ROBERT P. WARRICK, JR., [redacted]
WALTER M. WASHABAUGH, [redacted]
RONALD K. WASHINGTON, [redacted]
JERRY K. WATSON, [redacted]
RANDALL B. WATSON, [redacted]
THOMAS F. WATSON, [redacted]
GEORGE A. WATT, [redacted]
STEPHEN D. WATT, [redacted]
EDWARD N. WATTS, JR., [redacted]
HAROLD L. WATTS, [redacted]
STEVEN G. WAX, [redacted]
VERNON E. WAYMIRE, JR., [redacted]
LLEWELLYN B. WEAVER, JR., [redacted]
CHRIS M. WEBER, [redacted]
WAYD R. WEBER, [redacted]
DOUGLAS W. WEBSTER, [redacted]
RODNEY WEEMS, [redacted]
STANLEY W. WEGIEL, JR., [redacted]
JON A. WEGNER, [redacted]
LEWIS S. WEILAND, [redacted]
RICHARD J. WEISBECKER, [redacted]
RAYMOND E. WEISS, [redacted]

STEPHEN W. WELDE, [redacted]
MICHAEL W. WELLMAN, [redacted]
MARK A. WELSH III, [redacted]
RICHARD J. WENDT, [redacted]
VAUGHAN A. WENZEL, [redacted]
MARC H. WERNER, [redacted]
KENNETH R. WERNLE, [redacted]
JERRY D. WERTHMAN, [redacted]
CHRIS R. WESTBROOK, [redacted]
RONALD R. WESTENBARGER, [redacted]
ALAN R. WESTROM, [redacted]
EDWARD M. WHALEN, [redacted]
GREGORY A. WHALEY, [redacted]
CHARLES R. WHEELER, [redacted]
DAN D. WHETSTONE, [redacted]
PAUL D. WHETZEL, JR., [redacted]
JAMES L. WHITE, [redacted]
ROGER C. WHITE, [redacted]
THOMAS W. WHITE, [redacted]
MICHAEL D. WHITEHOUSE, [redacted]
STANLEY G. WHITFIELD, [redacted]
MICHAEL J. WHITNEY, [redacted]
GARY T. WHITWORTH, [redacted]
RANDOLPH A. WICKERS, [redacted]
JOHN L. WIGGINTON, [redacted]
CARL J. WILES, JR., [redacted]
BRYAN L. WILKINS, [redacted]
WILLIAM G. WILKINSON, [redacted]
EDGAR D. WILLIAMS, JR., [redacted]
ERWIN L. WILLIAMS, [redacted]
GARY E. WILLIAMS, [redacted]
JOHN L. WILLIAMS, [redacted]
JOHN R. WILLIAMS, [redacted]
JOSEPH Y. WILLIAMS, JR., [redacted]
KENNETH L. WILLIAMS, [redacted]
KENNETH R. WILLIAMSON, [redacted]
WILLIAM H. WILLIAMSON, JR., [redacted]
RAYMOND A. WILLSON, JR., [redacted]
CHARLES E. WILSON III, [redacted]
ERIC S. WILSON, [redacted]
HOWARD C. WILSON, [redacted]
RICHARD L. WILSON, [redacted]
SETH J. WILSON, [redacted]
BRUCE E. WIMMER, [redacted]
DENNIS E. WINCHELL, [redacted]
ROBERT E. WINKLER, [redacted]
GORDON M. WIRAM, [redacted]
JAY B. WISHALL, [redacted]
RICHARD K. WISNER, [redacted]
JAMES H. WISNESKI, [redacted]
RICHARD P. WITTE, [redacted]
GERARD D. WITTMAN, [redacted]
SHERI L. WOLFSON, [redacted]
JOSEPH R. WOLOZYN, [redacted]
GAREY T. WOOD, [redacted]
JOHN P. WOOD, [redacted]
DAVID A. WOODS III, [redacted]
BILLY A. WOOLEY, [redacted]
RICHARD R. WOOLS, [redacted]
LESLIE C. WORDEN, [redacted]
LAWRENCE P. WRAY, [redacted]
DAVID K. WRIGHT, [redacted]
JOHN R. WRIGLEY, [redacted]
JOHN W. WYATT, [redacted]
LINDA S. WYATT, [redacted]
STEVEN WYPISZYNSKI, [redacted]
JOHN R. WYSOWSKI, [redacted]
ROBERT YABLONSKI, [redacted]
DAVID P. YONIKA, [redacted]
JAMES H. YOUNG, [redacted]
KARL B. YOUNG, [redacted]
MICHAEL J. YOUNG, [redacted]
KENNETH E. YOWELL, [redacted]
GREGORY S. ZANIEWSKI, [redacted]
FRANK A. ZAWADA, [redacted]
FRANK A. ZAZULA, JR., [redacted]
ROBERT M. ZDENEK, [redacted]
TIMOTHY R. ZEIGLER, [redacted]
GREGORY J. ZENO, [redacted]
MELVIN R. ZERNOW, [redacted]
JAMES N. ZWEIGLER, [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

JAMES R. ANDERSON, [redacted]
CHARLES C. BALDWIN, [redacted]
MAVIS S. BALDWIN, [redacted]
JOHN I. BERNSTEIN, [redacted]
DONALD R. BICKERS, [redacted]
WILLIAM J. BISCHOFF III, [redacted]
CLINTON BRANTLEY, [redacted]
JAMES BROOKS, [redacted]
EMILIO A. CHAVIANO, [redacted]
SAMUEL COSBY, [redacted]
BRUCE EWING, [redacted]
JOSEPH M. GLATTS, [redacted]
JOSEPH E. GOLDEN, JR., [redacted]
HARRY E. GRIFFIN, [redacted]
BERNARD J. GROCHOWSKI, [redacted]
HOWARD E. HARRIS, [redacted]
JUNIUS W. JOHNSON, [redacted]
LESLIE A. PEINE, [redacted]
ALEXANDER B. ROBERTS, [redacted]
ROGER J. SCHILTZ, [redacted]
LAVERNE L. SCHUELLER, [redacted]
CHARLES C. SEIDLITZ, [redacted]
LOREN E. SWANSON, [redacted]
MILTON O. TYLER, [redacted]
EDCORT D. YATES, [redacted]
WILLIAM H. ZOSHAK, [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

BRYCE F. ABEL, [redacted]
GEORGE W. ASH, [redacted]
CURTIS L. BENTZ, [redacted]
MARK A. BREIDENBACH, [redacted]
EMIL D. BRUPBACHER, JR., [redacted]
LINDA D. CARTER, [redacted]
JAY L. COHEN, [redacted]
DONALD A. COX, JR., [redacted]
TERENCE A. CURTIN, [redacted]
CHARLES J. DUNLAP, JR., [redacted]
JEROME S. GABIG, JR., [redacted]
JEFFERY L. GRUNDTISCH, [redacted]
JOHN S. HANNAH, [redacted]
DANIEL P. HASS, [redacted]
PETER R. HELD, [redacted]
DAVID C. HENDERSON, [redacted]
JOHN G. HUMPHRIES, [redacted]
JEFFERY T. INFELISE, [redacted]
ROBERT L. KUSTER, [redacted]
GERALD M. LAWLER, [redacted]
DAVID W. MADSEN, [redacted]
MARK C. MAGNESS, [redacted]
MICHAEL R. MCANTEE, [redacted]
MICHAEL MCDONALD, [redacted]
JOSEPH E. MINICLIER, [redacted]
TERRENCE J. MORAN, [redacted]
CHESTER H. MORGAN II, [redacted]
JOHN M. MORRISONORTON, [redacted]
CLINTON C. PEARSON, [redacted]
JOHN M. PELLETT, [redacted]
CLARENCE R. PENNINGTON, [redacted]
FRANK D. PULIS, [redacted]
BERNARD K. SCHAFER, [redacted]
MICHAEL W. SCHLABS, [redacted]
THOMAS E. SCHLEGEL, [redacted]
PATRICK L. SINGER, [redacted]
JACK W. SMITH, [redacted]
JOHN C. SUHAR, [redacted]
THOMAS S. M. TUDOR, [redacted]
CHARLES H. WILLIAMS, [redacted]
ERIK L. WINBORN, [redacted]
HARRY YEE, [redacted]

NURSE CORPS

To be lieutenant colonel

GERALD A. BAKER, [redacted]
BARBARA D. BARNICOTT, [redacted]
ELAINE S. BERRETH, [redacted]
PHYLLIS M. BISPING, [redacted]
NANCY B. BJERKE, [redacted]
PATRICIA A. BOLAND, [redacted]
BARBARA C. BRANNON, [redacted]
KATHY E. BRENNAN, [redacted]
MARGARET A. BROWN, [redacted]
DIANA L. BUSSIAN, [redacted]
ETHEL L. BYRNES, [redacted]
MARY A. E. CARDINALI, [redacted]
FLORENCE M. CHESNICK, [redacted]
MARSHA L. CHRISTMAN, [redacted]
MARY A. CLARK, [redacted]
GERALDINE S. CROW, [redacted]
MARCIA M. DEFEND, [redacted]
MARJORIE L. DESSELLE, [redacted]
CAROLYN F. DOMINIK, [redacted]
LYNN E. DUFFANY, [redacted]
CONSTANCE M. EGAN, [redacted]
LYNDA S. ELLIS, [redacted]
MARY I. GLASER, [redacted]
PATRICIA L. GUNNING, [redacted]
PATRICIA E. HARRIS, [redacted]
SUSAN J. HELM, [redacted]
KATHLYNN J. JESKE, [redacted]
DARLENE R. JOHNSON, [redacted]
SUZANNE E. JORDAN, [redacted]
INGRID L. KOSAKOSKI, [redacted]
JULIA W. MADSEN, [redacted]
GRETCHEN L. MALASKI, [redacted]
GAUDIOSA MALDONADO, [redacted]
MARGARET B. OSLICK, [redacted]
KAY A. PRATHER, [redacted]
PATRICIA A. ROMAN, [redacted]
LOISLEE A. SCHWARTZ, [redacted]
ANGELES J. SHIOLI, [redacted]
CHERYL A. SMITH, [redacted]
CYNTHIA A. SMITH, [redacted]
DIANE R. SMITH, [redacted]
FRANKIE G. SMITH, [redacted]
RODNEY L. SMITH, II, [redacted]
PATRICIA C. STRADLEIGH, [redacted]
ALBERT M. SWANEGAN, II, [redacted]
IRENE M. TALMADGE, [redacted]
ADELLA M. THOMPSON, [redacted]
WILSON PATRICIA A. TILEY, [redacted]
DIANA M. TRITCHLER, [redacted]
JANE L. VALENTINE, [redacted]
DIANE F. WARNER, [redacted]
ANGELA L. WATWOOD, [redacted]
PAMELA J. WHITE, [redacted]
SANDRA D. WIGGIN, [redacted]
CALVIN W. WILLIAMS, [redacted]
JULIA K. YAWN, [redacted]
SHARON K. ZIMPHER, [redacted]

MEDICAL SERVICE CORPS

KENNETH A. ANSELL, [redacted]
JOHN S. BEHRENS, [redacted]
RAMON L. BENEDETTO, [redacted]
JIMMY C. BROWN, [redacted]
STEPHEN P. DEWOODY, [redacted]
DOUGLAS M. DREIFUS, [redacted]
THOMAS J. ESLICK, [redacted]
PHILIP L. FORD, [redacted]
SCOTT H. GARNER, [redacted]
GREGORY P. HART, [redacted]
LAWRENCE G. JANES, [redacted]
CLAUDE E. KEELING, [redacted]
KENNETH J. KUROWSKI, [redacted]
JOHN A. LAMPTON, [redacted]
CLIFFORD M. LOPER, [redacted]
ALFRED LOPEZ, JR., [redacted]
WILLIAM A. MCHAIL, [redacted]
TIMOTHY M. MORGAN, [redacted]
CARL L. NEWELL, [redacted]
WILLIAM F. OBRIEN, [redacted]
CURTIS W. PEARSON, [redacted]
ALAN T. PEASE, [redacted]
ANN M. PEASE, [redacted]
THOMAS A. PETERS, [redacted]
CHRISTOPHER J. POOL, [redacted]
JAMES D. REAY, [redacted]
ARVIN M. RHODES, [redacted]
PHILIP J. ROWEN, [redacted]
THOMAS A. RUPP, [redacted]
WILLIAM T. SANDERS, II, [redacted]
RICHARD F. SCOTT, [redacted]
THOMAS D. SKALOMENOS, [redacted]
EDWARD P. SYRON, [redacted]
JERRY L. WAGGONER, [redacted]
RICHARD F. WELTZIN, JR., [redacted]
THOMAS J. WHITE, [redacted]

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MICHAEL L. BINION, [redacted]
EDWARD C. BISHOP, [redacted]
FRANCISCO BONILLALINERO, [redacted]
KENNETH L. BRIER, [redacted]
CHRISTOPHER C. BROWN, [redacted]
LEE C. BUCH, [redacted]
MICHAEL H. CALDWELL, [redacted]
KEITH D. CHANDLER, [redacted]
LAWRENCE G. CONWELL, [redacted]
HAROLD DAVIS, [redacted]
JAMES PATRICK DIXON, [redacted]
EDMUND L. DLUGENSKY, JR., [redacted]
JOHN H. ELMORE, [redacted]
KENNETH A. ENGEBRETSON, [redacted]
SCOTT M. EYESTONE, [redacted]
JOHN W. FANTON, [redacted]
DONALD R. FLANAGAN, [redacted]
JOHN G. GRAHAM, [redacted]
LEE A. GUSTAFSON, [redacted]
RICHARD K. HARRIS, [redacted]
RONALD E. HERGENRADER, [redacted]
ALAN J. HESS, [redacted]
JEFFREY R. HILL, [redacted]
RONALD C. HILL, [redacted]
DAVID HUNTER, [redacted]
JOHN JOYCE, [redacted]
ELAINE F. LAUB, [redacted]
KENNY D. LOCKE, [redacted]
PETER A. LURKER, [redacted]
JOSEPH E. MARTIN, JR., [redacted]
KENT M. MCLEAN, [redacted]
JESSE D. S. MORGAN, JR., [redacted]
GERALD F. MURRAY, [redacted]
JOHN P. NELSON, [redacted]
ERNEST H. OERTLI, III, [redacted]
JOHN E. PETERS, [redacted]
GARRETT D. POLHAMUS, [redacted]
RICHARD C. POSTLEWAITE, [redacted]
RICHARD L. PRICE, [redacted]
STEVEN R. SEM, [redacted]
CARL J. TULLIO, [redacted]
CHARLES A. WATKINS, III, [redacted]
RAYMOND D. WILKINS, [redacted]
WILLIAM E. YORK, [redacted]
DALE A. YOUNG, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1988:

DEPARTMENT OF DEFENSE

RONALD F. LEHMAN II, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

WADE BRORBY, OF WYOMING, TO BE U.S. CIRCUIT JUDGE FOR THE 10TH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, February 16, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 1988.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

Bishop Paul A. Baltakis, bishop for the spiritual assistance of Lithuanian Catholics living outside of Lithuania, Brooklyn, NY, offered the following prayer:

Almighty Ruler of all nations, we thank You for the democratic system of government with which You have blessed us, and of which this august House is an integral part. Bless the deliberations of its Members in these troubled times. The world looks to the decisions made here for sustenance, for encouragement, and for example, including the Lithuanian nation, which celebrates today the 17th anniversary of the restoration of its independence, of which it has been deprived more than half that time. We thank You for the Lithuanian Catholic Religious Liberty Group in the House, and we pray Your merciful blessing on the Lithuanian people.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1226. An act to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrrence of the House is requested:

S. 557. An act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964;

S. 908. An act to amend the Inspector General Act of 1978;

S. 1579. An act to amend the Public Health Service Act to revise and extend the block grant program, and for other purposes;

S. 1726. An act to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes;

S. 1968. An act to amend the Public Health Service Act to make certain technical amendments, and for other purposes; and

S.J. Res. 243. Joint resolution relating to Central America pursuant to H.J. Res. 395 of the One Hundredth Congress.

PRIVATE CALENDAR

The SPEAKER pro tempore. Today is the day for the call of the Private Calendar.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

BISHOP PAUL A. BALTAKIS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure for me to welcome to our Nation's Capital, Bishop Paul A. Baltakis, bishop for the spiritual assistance of Lithuanian Catholics living outside of Lithuania, who offered the opening prayer.

Bishop Baltakis was born in Troskunai, Lithuania on January 1, 1925, and attended the Seminary and Franciscan Formation in Belgium. He witnessed first hand the brutality of the Nazis when he was arrested in 1944, and spent 1 year in forced labor as a prisoner of war in Finland and Norway. In 1946, he entered the Franciscan order in St. Truiden, Belgium, and he was ordained to the priesthood in 1952.

In 1953, he became associate pastor of the parish of the Resurrection in Toronto, Ontario, and ultimately was elevated to the position of local superior, Franciscan Friary of the Resurrection. Eventually, he moved to New York, where from 1969 to 1979, he served as the director of the Lithuanian Cultural Center in Brooklyn. From 1973 to 1979, he was the local superior of the Franciscan Friary of Saint Casimir in Brooklyn, and from 1979 to 1984, he served as provincial of the Lithuanian Franciscan Vicariate of Saint Casimir.

Because of his commitment and dedication to the spiritual needs of Lithuanian Catholics, Pope John Paul II nominated him to be the titular bishop of Egara for the spiritual assistance of Lithuanian Catholics living outside of Lithuania.

I want to thank Bishop Baltakis for being with us today, and to wish him continuing success in his dedicated work in the church.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1054, RELATING TO CRIMES AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE

Mr. BONIOR of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until 7 p.m. this evening to file a privileged report providing for the consideration of H.R. 1054, relating to claims against the United States for negligent medical care provided members of the armed services. This legislation is scheduled for the House floor tomorrow.

Mr. Speaker, this request has been approved by the minority leadership.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONDEMNING THE CRUELTY AND INHUMANITY OF THE ETHIOPIAN DICTATORSHIP

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, last week in Ethiopia troops came into a small

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

community that many of the Members in this Chamber have visited, a place called Korem. Ethiopian soldiers rounded up some 3,000 men, women, and children. The next morning they ordered these people to cram into 17 trucks. When the crowd refused, the soldiers fired into the crowd killing 30 and wounding many others.

My colleagues, when is this Congress going to speak up and say enough is enough? How much more evidence do we need to say that this is one of the most inhumane, cruel governments of anywhere in the world?

Name any freedom and it does not exist in Ethiopia.

There is a positive response. If we are looking for a positive vehicle to strike a blow against this injustice, I invite my colleagues to join me in cosponsoring H.R. 588 which condemns the cruelty and inhumanity of the Ethiopian Government.

IN COMMEMORATION OF SUSAN B. ANTHONY'S BIRTHDAY

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. SLAUGHTER of New York. Mr. Speaker, as the only woman Representative from the State of New York, I rise today to remind my colleagues that yesterday, February 15, marked the 168th birthday of Susan B. Anthony. I am proud to be a Representative of the city of Rochester, NY, where Ms. Anthony spent much of her life and where she is buried at Rochester's Mount Hope Cemetary.

Susan B. Anthony, an early abolitionist, dedicated her life to the cause of women's suffrage. Today, in the midst of the Presidential primaries, it is appropriate to reflect on the courage of Ms. Anthony who over 100 years ago became the first woman ever to vote in a national election when she registered and voted in Rochester in 1872. She was promptly arrested, with 15 others, for violating the law. In a test of the legality of the 14th amendment, which guarantees equal protection under the law, Ms. Anthony lost her case due to a manipulative judge who would not allow the jury to be polled and imposed a fine of $100. Ms. Anthony refused to pay the fine and never did. As there was no attempt made to enforce the sentence, she was prevented from taking the case to the Supreme Court as she had hoped to do.

Though at the time of her death, only four States had granted women the right to vote, Ms. Anthony had led the way for universal suffrage. Fourteen years later, the 19th amendment, granting women the right to vote, was added to the Constitution.

I might not be standing before you today as an elected Representative of the people of the 30th Congressional District of New York if not for the extraordinary efforts of this remarkable woman. Susan B. Anthony's vision of equality for all helped make it possible for women and minorities to participate in the political process.

A TRIBUTE TO THE LATE PRESIDENT CHIANG OF TAIWAN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the late President Chiang Ching-kuo was a very much beloved leader of the Chinese people. After 1949, he directed all his energies into making Taiwan an economic power. In 1987, the per capita income of the Taiwanese was nearly $6,000 and foreign-exchange reserves stood at $76 billion. Today, Taiwan is a medium-sized economic power in the world.

Chiang not only made Taiwan a miracle of economic success, he also instituted many political reforms such as abolishing martial law and most foreign exchange controls, as well as allowing Taiwan citizens to visit their relatives on mainland China. In short, Chiang made it possible for democratization to take root in Taiwan.

The Chinese people in Taiwan lost their leader, and the United States lost a trusted ally and friend. We, however, believe the friendship between the Republic of China and the United States will continue to grow under the leadership of President Lee Teng-hui. We wish President Lee the best of luck while we mourn the passing of President Chiang Ching-kuo, one of the most important leaders of the free world.

DEVELOPING A BUY-AMERICAN TRADE POLICY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last year I offered several Buy-American amendments. Many Members claimed they were too protectionist.

So, what has happened since then? Japan buys CBS Records, Japan buys Shearson and Lehman, Japan buys Westin Hotels and Resorts, Japan buys Bank America. Japan bought recently the Dunes Casino in Vegas, the Alladin Hotel and Casino Hotel and complex in Vegas as well. Japan is buying all of our new and exciting technology companies.

The problem is America has not developed a Buy American program. Japan has developed an intensive Buy-American program, the most intensive in world history.

But what are we doing down here? Where is our trade bill? We are still afraid of being called protectionist, so what do we do? We let the most protectionist nation in the world's history, Japan, not only steal our jobs, but buy our country right out from under our noses. It is getting that bad.

In my area it is so bad if our kids want a piece of the rock they are going to have to import a boulder from Mt. Fujiyama. Where is our trade bill? Let us make this President veto it, but let us stand our ground, and let us get a trade law that America can be sound and solvent with.

THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. WILLIAM T. FLINN

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues a very special occasion that few of us are fortunate enough to experience. I am particularly pleased and privileged to have the opportunity to commend Mr. and Mrs. William T. Flinn on the occasion of their golden wedding anniversary.

Now living in Rolling Meadows, Illinois, Margaret and William were married in Chicago on October 16, 1937. On October 16, 1987, they joined the ranks of those who have loved, endured, agreed, and disagreed for five decades. They can look back on those years with a sense of great pride and accomplishment.

William was born in Chicago, IL, and has served the public and his community for many years by working in the railroad and transportation industries, and by coaching youth football and baseball. Margaret was born in Milwaukee, WI, and has also served the public for many years as a registered nurse. Together they have raised two children, Judith Jean and Janice Louise, and have been blessed with five grandchildren.

The commitment of William and Margaret to each other and to their family is impressive and, especially in today's world, deserving of special recognition and honor. I congratulate the Flinn's on the recent celebration of their 50th wedding anniversary, and I join with their family and friends in wishing them many more years of happiness together.

□ 1215

LEGISLATION TO LIMIT FUTURE INCREASES IN MEDICARE PART "B" PREMIUMS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today I am introducing legislation which would limit future increases in Medicare part B premiums. The January 1988 increase in Medicare part B premiums, 38½ percent increase, bears no relationship whatsoever to the 4.2-percent cost of living adjustment which was received by Social Security beneficiaries. This needs to be corrected. My bill would make that correction.

The Social Security Amendments of 1983 which I proudly supported, and most of us in this Chamber supported, would have limited future Medicare part B premium increases to the cost of living adjustment, the rate of the cost of living adjustment in Social Security checks. That was to be effective in 1989. However, because of a law signed last December by the President, that was extended to 1990.

My bill, if passed, would return it to the effective date of 1989. These Medicare premium hikes have a devastating effect on people living in Louisville and Jefferson County and around the Nation. Not only are health care costs going up, but food costs, utility costs, telephone service, transportation, they are all on the increase.

For these reasons, Mr. Speaker, I hope my bill will become law in 1988.

Our senior citizens need the assurance that next January their Medicare part B premiums, if increased, will increase no more than the rate by which their checks for Social Security increase as well. This is an important bill and I hope it passes this Congress.

THE PRESIDENT SHOULD GIVE UP HIS FRUITLESS EFFORTS TO SLASH ECONOMIC DEVELOPMENT AND EDUCATION ASSISTANCE

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, later this week the President will submit his budget for next year. For developing areas of the Nation such as my congressional district in southwest Virginia, the President can make his last budget his best budget.

Since 1981, President Reagan has waged a war on the Federal agencies that are assisting the lesser developed parts of the country become economically self-sufficient. The Appalachian Regional Commission, the Economic Development Administration, Federal UDAG Program have continuously been slated by the President for elimination.

Federal vocational education funding would have been abolished while the cooperative extension service and student loan programs were targeted for major reductions.

Congress has successfully defended these agencies against the President's proposals. This year the President should call a truce. He should give up his fruitless efforts to slash economic development and student aid. He should recognize the wisdom of investing in our human resources.

COMMUNICATION FROM THE HONORABLE BYRON L. DORGAN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following communication from the Honorable BYRON L. DORGAN:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 1988.

Hon. JIM WRIGHT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that an employee in my office has been served with a subpoena issued by the District Court for the Northeast Central Judicial District of the State of North Dakota.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BYRON L. DORGAN,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977, AUTHORIZATIONS FOR FISCAL YEARS 1988, 1989, AND 1990

Mr. ROE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1612) to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That (a) section 7(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended by adding at the end the following:

"(7) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, $5,778,000 for the fiscal year ending September 30, 1988, $5,788,000 for the fiscal year ending September 30, 1989, and $5,798,000 for the fiscal year ending September 30, 1990.".

(b) Section 7(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by striking "and" after "1986;"; and

(2) by inserting immediately before the period the following: "; $38,540,000 for the fiscal year ending September 30, 1988; $41,819,000 for the fiscal year ending September 30, 1989; and $43,283,000 for the fiscal year ending September 30, 1990".

(c) Section 7(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "and" after "1986;"; and

(2) by inserting immediately before the period the following: "; $28,235,000 for the fiscal year ending September 30, 1988; $31,634,000 for the fiscal year ending September 30, 1989; and $35,454,000 for the fiscal year ending September 30, 1990".

(d) Section 7(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "and" after "1986;"; and

(2) by inserting immediately before the period the following: "; $525,000 for the fiscal year ending September 30, 1988; $525,000 for the fiscal year ending September 30, 1989; and $525,000 for the fiscal year ending September 30, 1990".

SEC. 2. Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended by adding at the end the following:

"(j) COST SHARING.—(1) In the case of any State which has voluntarily engaged in cost sharing by matching Federal grants from the Federal Emergency Management Agency for activities under this Act over the three-fiscal-year period ending September 30, 1987, any such cost sharing that may be required for the fiscal year ending September 30, 1988, or the fiscal year ending September 30, 1989, shall be at a level no higher than the State's average level of such cost sharing over such three-year period.

"(2) In the case of any State which has not engaged in cost sharing by matching Federal grants from the Federal Emergency Management Agency for activities under this Act over such three-fiscal-year period—

"(A) no such cost sharing may be required for the fiscal year ending September 30, 1988; and

"(B) any such cost sharing that may be required for the fiscal year ending September 30, 1989, shall be at a level no higher than 25 percent of the cost of the activities involved.

"(3) Nothing in this subsection shall be construed to prevent a State, voluntarily and at its option, from engaging in cost sharing at a level higher than the maximum level which may be required of it under paragraph (1) or (2).".

The SPEAKER pro tempore. Is a second demanded?

Mr. LUJAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr.

LUJAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is imperative that our Nation continue an effective Federal Earthquake Reduction Program. The Federal Emergency Management Agency [FEMA] currently estimates there is a 2 to 5 percent probability per year of a catastrophic earthquake in California, and greater than 50 percent probability in the next 30 years. Such an event could cause $15 to $70 billion in direct property damage and 3,000 to 13,000 fatalities. Proper prediction and response planning would substantially reduce these losses and provide for rapid and economic recovery of any impacted community.

The Earthquake Hazards Reduction Act established a national program to coordinate Federal efforts to reduce future losses of life and property from earthquakes. It was also designed to prevent the severe socioeconomic disruption that a catastrophic earthquake could cause. Achievement of these goals depends on the combined and coordinated actions of all governmental units—Federal, State, and local—as well as the private sector.

Before going on, let me thank Chairman UDALL and ranking Republican member, DON YOUNG, of the Committee on Interior and Insular Affairs for helping to bring this bill to the floor for final passage.

The bill before us represents a compromise which was worked out between the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science, Space, and Technology and Interior and Insular Affairs. I would like to briefly explain the bill before us, as passed by the Senate on December 22, 1987.

This agreement between the House and Senate committees authorizes a total of $73.078 million in fiscal year 1988, $79.766 million in fiscal year 1989, and $85.060 million in fiscal year 1990 for the Earthquake Hazards Reduction Act. The agreement does the following:

Retains the House provision to restore the State and local assistance program at the Federal Emergency Management Agency [FEMA], which would have been cut in half by the administration's request;

Maintains the House provision to reduce slightly the administration's proposed earthquake budget for the National Science Foundation in fiscal years 1988-90;

Retains the Senate's provision which increases the U.S. Geological Survey's program in fiscal year 1988 by $2 million to fund the study of earthquakes in the Eastern United States and to support university research in the field of engineering seismology. Support for both initiatives is doubled in fiscal year 1989 and increased by 3.5 percent in fiscal year 1990;

Accepts the Senate version of the provision, which was similar to that of the House, to prohibit FEMA from requiring a 50-50 cost sharing match for States participating in FEMA's State and local assistance program until 1989.

All other provisions are identical to provisions in the House-passed bill.

Mr. Speaker, the agreement reached, which is reflected in the bill, provides for an adequate national effort to protect our citizens from impending earthquakes. The bill maintains current State and local support activities, while it bolsters basic university research and seismic field monitoring and prediction efforts. This earthquake bill and the knowledge generated by it will save billions of dollars in property losses and countless lives.

As recognized by the Congress a decade ago, earthquakes are a national problem. The problem intensifies each year as areas become more vulnerable and densely populated.

I urge my colleagues to adopt H.R. 1612, as amended.

SENATE-HOUSE COMPROMISE—H.R. 1612, EARTHQUAKE HAZARDS REDUCTION ACT BUDGET

[In thousands of dollars]

Agency	Fiscal year 1986—		Fiscal year 1987—		Fiscal year 1988 request	Fiscal year 1989 H.R. 1612	Fiscal year 1988–89, H.R. 1612, as reported		Fiscal year 1988–87 request +/− appropriation	Fiscal year 1988–89 request +/− H.R. 1612, as reported	
	Authorization	Appropriation	Authorization	Appropriation			1988	1989		1988	1989
FEMA	5.596	5.254	5.848	5.778	5.313	5.322	5.778	5.788	−0.465	+0.465	+0.466
USGS	35.578	34.332	37.179	[1] 34.775	32.540	33.679	38.540	41.819	−2.2350	+4.000	+4.140
NSF	27.760	22.750	29.009	25.100	28.700	32.100	28.235	31.634	+3.6	−.465	−.466
NBS	.499	.499	.521	.499	.525	.525	.525	.525	[2] +.026	0	0
Total	69.433	62.835	72.557	66.152	67.078	71.626	73.078	79.766	+.926	+4.000	+4.140

[1] $1,500,000 fiscal year 1987 reprogramming request for retirement benefits.

[2] Overhead.

Note.—Amendment (H.R. 1612, Union Calendar No. 72) Science Committee and Interior Committee fiscal year 1990 authorization (thousands): FEMA, $5.798; USGS, $43.283; NSF, $35.454; NBS, $0.525; total, $85.060.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking Republican member on the Science, Space, and Technology Committee, and as the senior Republican member of the Committee on Interior and Insular Affairs—the two committees of jurisdiction for this legislation—I rise in support of H.R. 1612, as amended by the Senate. This legislation reauthorizes the National Earthquake Hazard Reduction Act of 1987.

A 3-year reauthorization bill originally passed the House under suspension of the rules on June 3, 1987, by a voice vote, and it has been amended by the Senate to reflect an agreement reached between the committees of jurisdiction of the two bodies. This 3-year renewal will provide necessary stability to these vital programs.

The Earthquake Hazards Reduction Act was originally constructed to coordinate the Federal research and earthquake mitigation activities of four Federal agencies: The National Science Foundation [NSF], the National Bureau of Standards' Center for Building Technology [NBS-CBT], the U.S. Geological Survey [USGS], and the Federal Emergency Management Agency [FEMA].

H.R. 1612, with the Senate amendments, will provide for a total authorization of $73.078 million for fiscal year 1988, $79.766 million for fiscal year 1989, and $85.060 million for the programs in fiscal year 1990. The Science Committee has been interested in a comprehensive multiyear, 50-State approach to the national program. Among other activities, we view the next 3 years as a test for incorporating earthquake monitoring stations located east of the Rocky Mountains—originally operated by the Nuclear Regulatory Commission—into permanent USGS data-gathering facilities. Further, the expansion of earthquake research activities to universities across the country, in order to study both known and potential seismically active areas nationwide, will broaden the knowledge base and professional training for Earth scientists beyond just the west coast, where much of the research program has been concentrated in the past.

A 3-year reauthorization will provide FEMA, State agencies, and State legislatures adequate time to work out cost-sharing arrangements for State and local emergency management planning. Currently, the Federal Government provides planning grants with no requirements for States to provide matching resources. However, California has voluntarily elected to cost share. Under H.R. 1612, beginning in 1989, cost-sharing requirements will be extended to all States who receive Federal moneys. We believe this is a reasonable approach, both to aid in dealing with the Federal deficit and to help maintain a proper balance between Federal and State responsibilities.

Mr. Speaker, I urge passage of H.R. 1612, as amended.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. Walgren] who is the chairman of our Subcommittee on Science, Research and Technology.

Mr. WALGREN. I thank the gentleman for yielding me a little time on this bill, only to really recommend it to my other colleagues in the House of Representatives.

Earthquakes are a problem that it is hard to be really serious about because they are not with us right today. Yet when we look at the immediate past history and see the damage that was done in Mexico City, the damage that was done in southern California, this is clearly the kind of problem that we have to be serious about.

The testimony to our subcommittee was essentially that without a full Federal role both in the science and the understanding in terms of research, but also in terms of supporting the community effort of awareness and planning, this is a problem that would be put off to a rainy day and never really dealt with seriously.

That is why I think this is such a good bill. When you realize that we are authorizing and appropriating something in the range of $68 million in fiscal year 1987 and we bring this to $73 million in 1988 and up to something in the range of $85 million in 1990, you realize that we are as a Congress being serious about the effort that must be made in this country to prepare for earthquakes.

There are lots of new things being understood about earthquakes. We found in the last surprise in southern California that it was not along the fault line that the earthquake happened, it happened along a fold rather than a fault. That opens up a whole new area of understanding how these events happen in the Earth. We know that engineering buildings with earthquake safety built into them enables them to do wonderfully well even under great stress.

Stanford University that I graduated from, just threw its president out of the president's house and emptied one of the dorms in that university because the buildings were not earthquake sound.

□ 1230

It is important that we have the awareness to build these things into our communities from now on so that if we are lucky enough that we have a cycle time before the next major earthquake hits, we will then have protected our population in advance.

So I want to commend this bill strongly to the House. It is a good compromise between several committees, each of which has a piece of the action, and it shows to me that we can work together among the various committees of the House and the Senate and come out with a good program in the public interest.

Mr. Speaker, I thank the committee chairman for yielding this time to me.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. Boehlert].

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1612. The programs authorized in this bill are varied and complex, but they have a single, simple purpose—to save lives and property.

The earthquake last year in Whittier, CA, provided graphic proof of the progress our national hazards reduction program has made, but also of how much we have left to learn.

On the one hand, lives were saved by preparedness procedures and building reinforcement. On the other hand, the quake was caused by a fault scientists had not even mapped.

We must continue the program so the next quake can come as less of a surprise and cause less damage.

I hesitate to cite the example of California because I fear it will just increase the complacency of my colleagues from the East. Let me assure you, this measure is not some kind of special favor for the west coast.

A majority of the States in this country face a threat from earthquakes. Some of the most powerful quakes in the Nation's history occurred in Missouri and South Carolina.

This bill would enable several important projects for the study of eastern quakes to continue.

It provides adequate funding for the U.S. Geological Survey to take over eastern earthquake monitoring from the Nuclear Regulatory Commission. It provides continued financing for the National Science Foundation's Earthquake Engineering Research Center in Buffalo, NY. And it provides enough money to prevent the Federal Emergency Management Agency from imposing cost-sharing requirements on States this fiscal year.

This 3-year reauthorization is a sign of congressional support for this important program. Our committee will be monitoring it carefully throughout this period to ensure that it continues to improve safety and advance science.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from West Virginia [Mr. Rahall], who is chairman of the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs.

Mr. RAHALL. Mr. Speaker, I thank my distinguished colleague, the gentleman from New Jersey [Mr. Roe], the chairman of the full Committee on Science, Space, and Technology, and I commend him, as well as the ranking minority member, the gentleman from New Mexico [Mr. Lujan], for not only their efforts to ensure funding for the very important program but also their diligent efforts at reaching a compromise with the other body as far as the funding levels are concerned.

Mr. Speaker, I rise in support of H.R. 1612, the Earthquake Hazards Reduction Act Reauthorization.

This important legislation represents an agreement between the House and Senate on funding for the National Earthquake Hazards Reduction Program as carried out by the Federal Emergency Management Agency, the U.S. Geological Survey, the National Science Foundation, and the National Bureau of Standards.

H.R. 1612 authorizes funding for these four agencies for fiscal years 1988, 1989, and 1990. This 3-year authorization, instead of a 2-year authorization as in past practice, will add stability and strength to this important national program.

H.R. 1612 also provides a funding increase for the USGS to undertake a study of the earthquake potential in the Eastern United States and to support university research in engineering seismology.

Again, Mr. Speaker, H.R. 1612, as agreed to between the House and the Senate, will provide adequate funding for research and hazard mitigation so that our citizens will be protected from the dangerous effects resulting from earthquakes. I urge my colleagues to accept this important legislation.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. Emerson], a member of the Committee on Interior and Insular Affairs.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this legislation to amend the Earthquake Hazards Reduction Act Amendments. I also want to commend the leadership of my colleagues on the Interior and Science, Space, and Technology Committees for moving this legislation forward.

Perhaps many do not realize it, but earthquakes pose a threat, in varying severity, to virtually the entire United States. More than 75 percent of our States have some portion of their boundary in a region classified as having major or moderate seismic risk. The purpose of this legislation is to reduce the potential loss to life and property from future earthquakes, and the establishment and maintenance of an effective earthquake hazards reduction program is indeed an important priority for much of our country.

The four principal agencies funded in this legislation provide vital data in terms of identifying high risk areas, vulnerability analysis, construction standards, earthquake prediction, preparedness and response planning, and perhaps the most important aspect—public education about earthquakes.

In my congressional district in Missouri, there lies a substantial portion of one of the largest fault lines in the United States, the New Madrid Fault. One of the most significant earthquakes in the continental United States occurred in 1811-12 along this fault line, and the threat of another major quake in this area is of vital concern to us. In order to minimize the impact of future quakes in my area, as well as around the Nation, it remains vitally important that the Federal Government continue to coordinate efforts to enhance public safety in the event of damaging earthquakes.

We have all seen first hand the destruction that can occur from earthquakes. We know that we are delinquent in our knowledge of earthquakes, how to predict them and minimize their effects. I advocate preparedness, and this legislation goes a long way toward helping us meet that objective.

Mr. LUJAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

Mr. CRAIG. Mr. Speaker, I rise in support of the Senate amendments to H.R. 1612, the Earthquake Hazards Reduction Act Amendments. I believe that the Senate amendments adequately address questions raised by the members of the Interior Committee.

The Earthquake Hazards Reduction Act of 1977 clarifies and coordinates the authority of the U.S. Geological Survey, the Federal Emergency Management Agency, the National Science Foundation, and the National Bureau of Standards in their efforts to develop a program to predict earthquakes and to minimize the destruction they cause. This is an ongoing scientific process which requires long-range planning. The Senate amendments to H.R. 1612 assists this planning in that it provides for a 3-year reauthorization. Previously, the Congress reauthorized the program annually, or for 2 years, which sent mixed signals to the scientific community.

Additionally, the Senate amendments to H.R. 1612 retains the Federal and State cost-sharing provisions of the House bill.

H.R. 1612 represents consistent scientific policy, good fiscal policy, and furthers the policy of federalism. I urge my colleagues to support the Senate amendments to H.R. 1612.

The SPEAKER pro tempore (Mr. Montgomery). The question is on the motion offered by the gentleman from New Jersey [Mr. Roe] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1612.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMEMORATING THE 25TH ANNIVERSARY OF THE CERRO TOLOLO INTER-AMERICAN OBSERVATORY

Mr. ROE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 369) honoring the 25th anniversary of the Cerro Tololo Inter-American Observatory.

The Clerk read as follows:

H. Res. 369

Whereas the Cerro Tololo Inter-American Observatory located northeast of La Serena, Chile, at one of the recognized prime clear air sites in the southern hemisphere, is the only United States national observatory in the southern hemisphere;

Whereas the Cerro Tololo Inter-American Observatory continues to be a model for United States-Chilean scientific cooperation, as well as for Latin American cooperation;

Whereas the Cerro Tololo Inter-American Observatory is one of the world's most modern and well-equipped major international research centers for frontier research in ground-based astronomy and recently celebrated its twenty-fifth anniversary on January 20-22, 1988;

Whereas the Cerro Tololo Inter-American Observatory serves more than two hundred visiting international scientists and students from more than fifty institutions worldwide each year;

Whereas the Cerro Tololo Inter-American Observatory has provided new insights into births, lives, and deaths, structures and chemistry of stars and galaxies, and the age and fate of the universe; and

Whereas the Cerro Tololo Inter-American Observatory has been effectively managed by past directors of the facility, the present Director Robert Williams, and presidents of the Association of Universities for Research in Astronomy (AURA), Incorporated, under contract with the National Science Foundation: Now, therefore, be it

Resolved, That the House of Representatives honors and applauds this observatory for its enormous contributions to world scientific activities in science, space, and technology, as well as to international scientific cooperation and interaction, and supports those future efforts in land and space based astronomy designed to maintain a United States leadership position in astronomical research and technology.

The SPEAKER pro tempore. Is a second demanded?

Mr. LUJAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. Roe] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. Lujan] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. Roe].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Congress debates and makes its upcoming determinations in the trade bill, it is extremely important to note that the United States has lost more than its domination of global trade in recent years; it has also lost its unparalleled leadership in science, space, and technology. Nations of the developing world are looking more and more to Europe and Japan for technical training and education and for cooperation in scientific projects. These trends are to be expected, and are caused in part by the growing diversity of scientific talent across the Western alliance. But, they may also be traced to another, more disturbing cause—the increasing reluctance of the United States to foster close scientific and technical links with many nations of the developing world, especially those in our own hemisphere, particularly in South America. The Committee on Science, Space, and Technology recently visited South Africa to try to address this problem.

We were told repeatedly by the scientific leaders of South America that our visit was very welcome but most unusual; these leaders were used to receiving delegations from Japan, Germany, and France, but not from the United States.

The purpose of our trip was to re-invigorate scientific and technical relations between South Africa and the United States. One specific approach that we discussed in Brazil, Argentina, and Chile was Pan-American cooperation in the launching and tracking of an Argentine scientific satellite in the early 1990's. This proposal, which was received with great interest, could ultimately lay the groundwork for establishing a Pan-American Space Agency to plan and conduct Latin American space activities in cooperation with the United States and other countries. Closer United States/Latin American cooperation in space activities would be particularly welcome in light of the fact that the major space activity currently conducted in South America is European—the European Space Agency's launch facility in Kourou, French Guiana.

We discussed other promising areas particularly in training and education, for enhancing linkages with South America. We plan that, within the next several weeks, the committee will develop a variety of joint cooperative efforts that it will pursue to strengthen our cooperative scientific and technical activities with Latin America. The first initiative has resulted in this resolution, House Resolution 369.

The purpose of House Resolution 369 is threefold: to honor the Cerro Tololo Inter-American Observatory during its 25th year of operation; to recognize the observatory for significant contributions to international scientific activities in science, space, and technology; and to express support for future efforts in land and space based astronomy designed to maintain a United States leadership position in both astronomical research and associated technology and to share that leadership with our South American neighbors.

As the resolution states, the Cerro Tololo Inter-American Observatory, located near La Serena, Chile, is one of the world's most modern and well-equipped major international research centers for frontier research in ground-based astronomy. This observatory funded in part by the National Science Foundation is the only U.S. observatory in the Southern Hemisphere. In addition, this observatory is a model for United States-Chilean scientific cooperation, as well as for Latin American cooperation.

The development of the Cerro Tololo Inter-American Observatory began in 1963. The location of the observatory was selected so that the singular astronomical objects of the Southern Hemisphere, such as the magellanic clouds, would be accessible for study by Northern Hemisphere astronomers. Prior to construction of the Cerro Tololo Inter-American Observatory, there were no southern observatories located in areas of atmospheric excellence and the technical capabilities of available telescopes had not kept pace with the telescopes operated north of the equator.

Twenty-five years later, the ideal climatic conditions surrounding La Serena, Chile, coupled with modern instrumentation and facilities, provide astronomers around the world the opportunity to study the unique astronomical objects of the Southern Hemisphere. This facility strengthens our bonds with South America and the 24 Nations, 80 universities, and 150 scientists who conduct research there.

During the Science, Space, and Technology Committee's recent review of scientific cooperation, facilities, and accomplishments in South America, our delegation participated in the ceremonies honoring the 25th anniversary of the only national observatory in the Southern Hemisphere—the Cerro Tololo Inter-American Observatory. The inaugural ceremony, held in 1967 when the first telescope became operational, was also attended by a congressional delegation. As we continue to provide this facility with leading edge technology which will advance the frontiers of science and assist the United States in maintaining a leadership position in astronomical research, I believe a tribute should be paid to the observatory and the accomplishments of astronomers around the world. The Science, Space, and Technology Committee urges our colleagues to join in this tribute through passage of House Resolution 369 in honor of the 25th anniversary of the Cerro Tololo Inter-American Observatory.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 2, 1962, atop a remote mountaintop near La Serena, Chile, the United States joined with our Latin American neighbors to raise the American and Chilean flags over the property known as CTIO—the Cerro Tololo Inter-American Observatory. Today, we bring to the House floor a resolution celebrating CTIO's 25th birthday. It is a proper time to stand back and admire the contributions which Cerro Tololo has made to astronomy and to Pan-American harmony.

CTIO is one of three facilities under the National Optical Astronomy Observatories [NOAO], funded by the National Science Foundation [NSF]. Its sister observatories include the national solar observatory in my home State of New Mexico and the Kitt Peak National Observatory in Arizona. Dr. Sidney Wolff is the current Director of NOAO.

The Committee on Science, Space, and Technology had the opportunity last month to visit th CTIO facilities and participate in a symposium commemorating their 25th anniversary. Dr. Wolff and Dr. Robert Williams, Director of CTIO, conducted a tour of the facilities for us and briefed us on the exciting research currently going on at the only U.S. National Observatory in the Southern Hemisphere. I draw your attention to an article published in Science magazine on July 3, 1987 on one of CTIO's most recent discoveries—the supernova named 1987a.

Premier among CTIO's telescopes is their 4-meter reflector, the largest telescope in the Southern Hemisphere and the fifth largest in the world today. However, I note that the capabilities of this huge telescope are now being challenged by advancing mirror technology in the 8-meter range. Indeed, the European Southern Observatory [ESO] recently announced plans to construct four 8-meter telescopes atop La Silla, a mountaintop in Chile near CTIO. The Europeans have committed $250 million to this effort. Our future plans presently include interest in constructing two 8-meter telescopes, one for installation at CTIO in the Southern Hemisphere and one in the Northern Hemisphere. I anticipate our committee will be reviewing proposals to fund these new telescopes in the near future.

The strength of CTIO lies not only in its scientific and technical expertise but also in the strong international bonds which it has generated. The permanent scientific staff at CTIO consists of 14 astronomers and physicists from the United States and approximately 100 Chileans who make up the support staff. Originally, the university consortium managing CTIO—the Association of Universities for Research in Astronomy [AURA]—signed an agreement with the Government of Chile which mandated that any staff vacancy be filed with a Chilean citizen. CTIO is now considered one of the most desirable employers for technical skills within Chile. It also attracts renowned scientists from not only the United States and Chile, but from all over the world to use its telescopes.

Mr. Speaker, it is certainly fitting for the Congress to pay tribute to our astronomical crown jewel in the Southern Hemisphere. I urge my colleagues to join me in wishing CTIO a happy birthday and in commending all those whose efforts have made it the world-class research facility which it is.

Mr. ROE. Mr. Speaker, I yield myself an additional 1 minute.

I do that, if I may, to pay my high respects to our distinguished minority leader, the gentleman from New Mexico for the outstanding job he did in representing our country, our government, and the committee for the work done in Cerro Tololo. I was highly impressed.

We, of course, have not had all the training the gentleman has had. He has been very interested and been a leader in the developing of our relationships with South America, and he was able to deliver his remarks in fluent Spanish. I just wanted to compliment him for the great job he did in behalf of the committee.

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Mr. LUJAN. Mr. Speaker, if the gentleman will yield, I thank the gentleman for his leadership in those Latin American efforts. I think they will bear fruit and will be good for both the Latin American countries and the United States.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of House Resolution 369 which applauds and honors the enormous scientific contributions of the Cerro Tololo Inter-American Observatory in Chile and joins the Association of Universities for Research in Astronomy [AURA] in celebrating the observatory's 25th anniversary.

Mr. Speaker, I have recently been fortunate to personally visit this facility with a number of my colleagues. I return from that visit convinced of the desirability of congressional support for Cerro Tololo, the only U.S. National Observatory in the Southern Hemisphere.

Without this facility a number of celestial objects would be completely hidden from the view of American researchers in the north. Over 200 researchers from the United States, Latin America, Canada, and Europe take advantage of Cerro Tololo's facilities every year.

Of course, what makes an observatory valuable to researchers besides its location, is the quality of its telescopes. The observatory currently operates several telescopes ranging in size from 0.6 to 4 meters. The latter is the largest telescope in the Southern Hemisphere and the fifth largest in the world.

Today, we can look back and appreciate the vision exhibited by the National Science Foundation, the Ford Foundation, AURA and the Presidents of Chile and the United States who strove to fund and install the 4-meter scope and insure the success of Cerro Tololo in the years to come. In 1976, 10 years after that decision was reached, the mirror was finally installed and the 4-meter scope became operational.

It has now been over 20 years since the Congress has displayed that type of dedication and vision to the possibilities inherent in operating a Southern Hemisphere observatory. Technology has given us the capability to see more clearly.

Mr. Speaker, the occasion of the 25th anniversary of the Cerro Tololo Observatory allows us to reflect upon the successes of the past and peer into the future of this facility. When the time comes, I hope Congress will share our researchers need to see more clearly and show our renewed support for our Southern Hemisphere observatory.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. Roe] that the House suspend the rules and agree to the resolution, House Resolution 369.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1612, and on the resolution, House Resolution 369, just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TECHNICAL AMENDMENTS TO COMMERCIAL FISHING INDUSTRY VESSEL ANTI-REFLAGGING ACT OF 1987

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3923) to make a technical correction to section 8103 of title 46, United States Code.

The Clerk read as follows:

H.R. 3923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 89103(b)(3) of title 46, United States Code, is amended by striking "subsection," and substituting "section,".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAXTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. Jones] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. Saxton] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. Jones].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us makes a technical but necessary change to a law recently enacted by Congress. On January 11, 1988, the President signed H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. That bill is now Public Law 100-239.

The main focus of the law deals with the reflagging of commercial fishing industry vessels. The law also deals with the U.S. citizenship requirements for the manning of U.S.-flag vessels, including offshore supply vessels and mobile offshore drilling units operating beyond the American Outer Continental Shelf. Inadvertently, the amended section 8103(b)(3) of title 46, United States Code, contains the word "subsection" as opposed to the word "section."

The change proposed will serve to avoid harming the competitiveness of a significant number of U.S. vessel owners who are involved in the international offshore energy service industry. American owners of offshore supply vessels or mobile offshore drilling units working overseas operate out of a foreign port for long periods of time, or, in the case of drilling units, may even be attached to the continental shelves of other nations. Unlike merchant vessels which only call in offshore ports as part of an international voyage, these offshore service industry companies are often forced to hire members of the local work force and to abide by coastal State laws and regulations.

The wording as it now stands makes it possible for the U.S. Coast Guard to waive U.S. citizenship requirements only as to unlicensed seamen, as opposed to our original intent to ensure that the Coast Guard can remain flexible when it comes to the manning requirements imposed upon offshore supply vessels and mobile offshore drilling units when they are employed beyond the American Outer Continental Shelf.

H.R. 3923 would correctly permit the U.S. Coast Guard to issue a waiver from the U.S. citizenship requirement as set forth in section 8103 of title 46 of the United States Code for both licensed and unlicensed seamen. This change will permit the Coast Guard to exercise the necessary discretion in implementing U.S. citizenship requirements for the crews of certain U.S.-flagged vessels.

To fail to act to clarify the application of section 8103 would subject U.S. companies to exclusion from working in areas of the world where they pioneered offshore development. The vacuum left by the withdrawal of American companies would soon be filled by foreign competitors. The loss of important overseas markets would cause the loss of American jobs both in the offshore service industry itself and in the steel, shipyard, equipment manufacturing, and other companies which supply their needs.

Let me emphasize that we are talking about offshore supply vessels operating from a foreign port and mobile offshore drilling units operating beyond the U.S. Outer Continental Shelf.

I know of no controversy about this bill. It will not cost the Federal Government anything. I urge prompt House approval of H.R. 3923.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3923, a noncontroversal bill to make a one word technical correction to section 8103, title 46, United States Code amended by H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987, Public Law 100-239, signed into law on January 11, 1988. That bill dealt with the reflagging of commercial fishing vessels and also contained a section setting forth U.S. citizenship requirements for the manning of all U.S.-flag vessels. Public Law 100-239 made significant advances for U.S. fishing, shipbuilding and labor interests.

When the Merchant Marine and Fisheries Committee approved the bill, we intended to allow the Secretary to waive manning requirements for both licensed and unlicensed seamen for fishing industry vessels as well as offshore supply vessels and mobile offshore drilling units. However, due to a simple proofreading error, the word "subsection" was inserted instead of the word "section" at a key point in the manning provision. The effect of that was to limit the waiver ability to only unlicensed seamen. Making this amendment corrects this inadvertent error.

Mr. Speaker, there is no controversy over this technical change and I urge our colleagues to approve this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. Jones] that the House suspend the rules and pass the bill, H.R. 3923.

The question was taken; and (two-thirds having voted in favor thereof) the rule was suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3923, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTRODUCTION OF LEGISLATION TO ESTABLISH THE DELAWARE AND LEHIGH NAVIGATION CANAL NATIONAL HERITAGE CORRIDOR IN THE COMMONWEALTH OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvaina [Mr. Ritter] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, today, it is my pleasure, along with Congressman Kostmayer, to bring an important historical and environmental treasure to the attention of my colleagues and the Nation. This treasure is part of an elaborate national canal and river-based transportation system which provided the infrastructure for supplying our developing Nation with the coal that fueled its factories and heated its homes. The proposed Delaware and Lehigh National Heritage Corridor is that treasure.

In the Lehigh Valley, the corridor, rooted in the Lehigh Canal and the Lehigh River, weaves its way through the region like a thread joining the fabric of adjacent communities. This corridor, beyond even its vast historical significance, allows us to finally bring a regional focus to the Lehigh River and its surroundings; the corridor will allow us to coordinate the many parties interested in furthering our No. 1 natural resource. Several years ago I brought together a group of public officials and private citizens from county executives to shad fisherman; from history buffs to business people; from bankers to boaters. We sought to develop a focus, an agenda, and a plan for bringing the Lehigh River back to its days of glory. We sought to help this beautiful natural resource to once again live up to its potential, an appropriate 1980's version of the halycon days when the river and the canal were king.

Those efforts can serve as the groundwork for future action. Mr. Speaker, I am happy to say that the proposed Delaware and Lehigh Navigation Canal-National Heritage Corridor gives the citizens of the Lehigh Valley that common ground.

In an era of rapid growth and changes, the corridor will allow us to build bridges between the various governmental entities—the counties, the municipalities, the boroughs and the townships along the length and breadth of the river. Cooperation on issues which involve the canal and river offers unique opportunities to citizens of the Lehigh Valley to boost regionalism and proactively build the kind of community we want. The canal, the Lehigh River, the corridor can serve as a unifying force bringing our communities together, not only over historic preservation but recreation, conservation, sportsmans' activities, creative economic and residential development, the environment and tourism. This corridor, and the regional approach it entails, have the distinct potential for enhancing the quality of life in the Lehigh Valley.

Approximately 375 historic and archaeological sites exist within the total corridor and symbolize, in physical form, the naturally formed ecosystems of the area, creating the backbone of a potential recreational trail/corridor. This corridor would also interconnect with other national and regional recreation sites; the Appalachian Trail at the Lehigh Gap, the Lehigh County Saylor Cement Kilns, Lehigh Gap State Park, the Hugh Moore Park and Canal Museum, the Delaware and Raritan Canal State Park at New Hope/Lambertville, the Delaware Water Gap National Recreation Area, the proposed Upper Delaware National Scenic Recreational River, and the planned Morris Canal County Park in Warren County, NJ.

The Delaware and Lehigh Navigation Canal, which opened for regular commercial navigation in 1834, provided an early and essential link in a 4,000 mile national transportation route and helped to transform Pennsylvania from an agrarian region to the center of an industrialized society.

In 1855, the peak year for the transportation of goods by canal, 1,276,000 tons of coal moved down the Lehigh Canal to Easton, and the Delaware Canal, which supported the Lehigh Canal, carried 755,000 tons of coal. Much of that coal went to firing the furnaces of the Nation's emerging steel industry—what later became the Bethlehem Steel Corp.

The Lehigh and Delaware Canal served as the primary means for transporting coal and other bulk goods from the "Anthracite Region" of Pennsylvania to New York, New Jersey, Philadelphia, and other industrial centers as far away as Europe.

The route of the Delaware and Lehigh Navigation Canal parallels stagecoach routes and the trails of the Lenni-Lenape Indians, and passes numerous 18th, 19th, and 20th century sites of National and State historical significance.

The Delaware Canal was declared a National Historic Landmark in 1978 by the National Park Service at the request of the Commonwealth. The National Park Service declared the Lehigh Canal a National Historic Site and placed it on the Register as a National Historic Trail also in 1978 at the request of the Commonwealth. This bill will designate both canals together as a National Heritage Corridor.

Mr. Speaker, I, along with Representive Kostmayer, am introducing a bill tomorrow to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor.

The purpose of this legislation is to assist in preserving, in Pennsylvania, the unique and significant contributions to our national heritage of certain historic waterways and structures surrounding the Delaware and Lehigh Canals. A cooperative Federal, State and local approach is proposed.

The bill would establish the Delaware and Lehigh Navigation Canals National Heritage Corridor Commission. The commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the corridor.

The membership of the commission shall be composed of 20 individuals. They will include, the Director of the National Park Service (or his delegate), the secretary of the Pennsylvania Department of Environmental Resources, the executive director of the Pennsylvania Historical and Museum Commission, and the executive director of the Pennsylvania Department of Commerce/Economic Development Partnership. There will be eight representatives of local governments from the Commonwealth, (nominated by the Governor and appointed by the Secretary of the Commonwealth) four of whom shall be representatives from the Lehigh Navigation Canal region and four shall be representatives from the Delaware Canal region.

It will also be composed of eight individuals from the general public who are citizens of the Commonwealth, (again, nominated by the Governor and appointed by the Secretary of the Commonwealth) four of whom shall be residents of the Lehigh Navigation Canal region and four shall be residents of the Delaware Canal region.

Their appointments shall commence not later than 6 months after the date of enactment of the legislation and shall be for terms of 3 years after which they may be reappointed. The commission would be established for 5 years, and there may also be a 5-year extension.

This bill authorizes $350,000 annually to the commission to carry out its duties under this act, except that the Federal contribution to the commission shall not exceed 75 percent of the annual costs to the commission of carrying out those duties.

Corridors, such as the one we are proposing today, have been successfully established. One, in Massachusetts and Rhode Island, is known as the Blackstone National Heritage Corridor and the other, in Illinois, is known as the Michigan and Illinois Heritage Canal Corridor. It is an effective way for the Federal Government via the National Parks Service to parlay limited expenditures of resources, technical expertise and a national historical stimulus into more extensive local and regional efforts to rebuild and reclaim treasures, providing for industrial and economic redevelopment, tourism and historical, recreational and environmental enhancement.

I would like to invite my colleagues to cosponsor this legislation which is a step toward enlightening our citizens about the historical roots of our industrial democracy. I would also like them to consider visiting the beautiful, interesting, and friendly Lehigh Valley of Pennsylvania, which through the workings of this legislation will be made even more so.

A TRIBUTE TO THE LATE HONORABLE DAN DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. Sisisky] is recognized for 60 minutes.

Mr. SISISKY. Mr. Speaker, I have asked for this special order today because many Members have indicated to me that on the 1 hour of January 28 of this year in memory of our colleague, Congressman Dan Daniel from Danville, VA, that we would take a special order out. Some of the Members are not able to be here and I will ask for a motion later on to allow Members to put other material in; but I think it is important today, just about 3 weeks after the death of our dear colleague, to talk a little bit about this great gentleman from Virginia.

How great was he? To those who attended his funeral in Danville, VA, I think we found out how great he was. Almost one-fourth of the entire House of Representatives attended the funeral, some 200 miles away from Washington.

□ 1300

It was a cold harsh day, and all of us came away with the observance of how his people thought about him, people who were at the airport, people who were lining the streets, flags at half mast, policemen all around; the sadness of that day struck us all.

But what really happened was that Members from this body, and, yes, some from the Senate, who were completely remote from the values that Dan Daniel held as a political philosophy, and I think Dan would never make an apology that he was a great conservative in this country, that this funeral was attended by not just conservatives, but by very liberal Members of this House who had a lot of respect for this gentleman and were paying tribute to him by attending his funeral.

Last night at 11 p.m. I returned to this country from a 6-day trip to the nation of Japan. I flew in from Tokyo nonstop into New York, and we were there on Armed Services Committee business. An amazing thing happened, an amazing thing. In two instances, as we were looking at post exchanges, and commissaries, and bowling alleys that were there for our troops in Japan, in two instances it was commented to me by people who run these places or are in charge of them, what a great tragedy and what a loss to the quality of life to our service people the loss of Dan Daniel was. And to me that was the greatest tribute.

All of us who knew Dan Daniel knew that peace through strength was not just an idle thought, that it is what he honestly believed. And he will be remembered by that, but I think what he will be remembered by even more than that is the fact that he believed that the troops, those who served this Nation, both male and female, of those who serve this Nation and all the services believe that Dan Daniel was a friend, that Dan Daniel believed because you were in the service to your country that the quality of your life should never diminish, and to me this is a tribute to this wonderful gentleman from Virginia.

I will say more later on, but at the present time I will be glad to yield to any Members that are here today.

Mr. OLIN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Virginia.

Mr. OLIN. I thank the gentleman for yielding. I would like to congratulate him for taking out this special order. It is extremely important that we have this opportunity to reflect on the service of Dan Daniel, our recently departed dean of our Virginia delegation, and I appreciate the opportunity to take part in this ceremony.

I got to know Dan Daniel for the first time when I decided to run for Congress, and I found out that the city of Lynchburg was in the district I chose to represent. I did not know Dan Daniel at that time. But on my first trip to Lynchburg I sure got to know him. He was not there, but his reputation was there, and I found out that every member of the chamber of commerce was on his side. I found out that the people in the city knew him, loved him, and I found a level of respect, an appreciation and loyalty that I had not experienced often in my life in anybody. That feeling that I got from my first visit to Lynchburg has continued since that time.

Dan Daniel's district is the neighboring district to my district as it is to, I am sure, the gentleman from the Tidewater area and others. I have got three or four counties that border on his district. I drive through part of that district on my way to Washington and back home.

Dan has become very, very close to me in the 5 years that I was privileged to serve with him. When I got to Washington, having been elected, I called on Dan, and in fact I talked to him before that, but I called on him again, and he offered me all the help that he could possibly give me. He introduced me to his extremely capable administrative assistant, Fred Fletcher, and Fred in turn offered me any help that he could give. Fred had been there even longer than Dan, is an extremely capable person, took care of most constituent service problems, and Fred was extremely helpful to me in getting my office established and learning what to do as a Congressman. Shortly after we were there Dan held a little luncheon for the new Members from Virginia, at least the Democrats. I guess it was only Democrats at that luncheon, but three of us got elected in that year, 1982, and he had a little luncheon to welcome us to the Congress.

My relationship with him continued over the 5 years. We had a number of overlaps, but being in adjoining districts we had a portion of the national forest that we both shared and bordered on, and we had a number of problems there that DAN turned out to be extremely helpful on.

I would not be able to add comments with regard to DAN's service on the Armed Services Committee and the Intelligence Committee beyond what those that have known him longer can add and those that have served with him on those committees, but it is well known throughout the Congress, throughout the Commonwealth of Virginia and certainly in his district that he made substantial contributions to the future strength and stability of our Nation through those efforts to which he was extremely dedicated.

Last year when DAN began to have the problem that showed up in various ways he took trips out to Houston to the heart center out there. I along with others questioned DAN about how things were coming along. We found out a little bit about his situation. He would not talk about it much. It was very evident, I think, to all of us that the problem was of some magnitude, and we all hoped for him that he would be able to serve out his time in Congress the way he intended to do.

As we all know, DAN decided to retire from the Congress at the end of the present Congress. He made that decision on Tuesday, January 19, last month. After that all of us, and I was included, prepared press releases and testimony with regard to our feelings about DAN DANIEL and commenting on the service that he had rendered. On the day before he died, Friday, January 22, he visited the editorial board of the Lynchburg newspaper and gave them a long interview with regard to his total congressional service. I think it is quite evident that he felt that even though his health condition was serious that it would not prevent him from completing his term this year.

As we all know, DAN died the next day, on Saturday January 23. It was a terrible shock to all of us that have known him. It is going to be a tremendous loss to Congress and a loss to the Commonwealth and the Nation.

Typical of DAN DANIEL is the letter I got from him, and maybe others had the same thing. When I got back to Congress the Monday or Tuesday after he died I received in my mail a letter written by DAN on January 22. That was that Friday, the same Friday he had the interview with the newspaper. It said:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 1988.
Hon. JIM OLIN,
U.S. House of Representatives, Washington, DC.

DEAR JIM: Thanks so much for your thoughtful remarks to the press regarding my retirement announcement.

Obviously, I view the idea of leaving Congress with mixed emotions and reached my decision only after much soul searching.

With kind regards and best wishes,
Very sincerely,
DAN DANIEL.

It was signed by DAN. That is typical of the kind of man DAN DANIEL was. He had all kinds of good qualities, loyalty, perseverance, responsibility, but I think that his relationships with people were maybe among the greatest talents that he had. He paid attention to his constituents. He paid attention to his friends. And this little letter he had written right before he had died, he was in bad shape at that time, but he saw to it that he got that letter out not knowing what might happen to him. He got it out promptly, and it expressed the warm feelings that DAN DANIEL had for everybody that he ever associated with. He was a great man. He is going to be missed. It was a horrible shock the way he died as he did.

Mr. SISISKY. I thank the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

With the passing of DAN DANIEL I became the senior member of the Virginia delegation, and I understand full well the enormity of the job to fill the shoes of our recently departed friend. DAN DANIEL was my friend first and foremost as a colleague in the Congress, and, as a defender of all Virginians, DAN DANIEL was a man of honor, talent and a tenacious will to fight the tough battles, the sometimes awesome responsibilities that we often face in this, the Congress of the United States. DAN was a man who knew his priorities. His loyalties were not determined so much by the typical partisan divisions that frequently occur here on Capitol Hill, but rather he determined his loyalties by the desires and aspirations of his constituents.

DAN was a Democrat, but it was not infrequent to see him voting with me and with my other Republican colleagues on important issues to his constituents, to his Nation, regardless of what I am sure was partisan pressure from time to time. This is all consistent with the finest traditions of the Commonwealth of Virginia which he knew so well and cherished so greatly.

Another example of DAN DANIEL's dedication to service was his fierce commitment to our national defense. At a time when some Members of Congress were looking for military contracts to take home to their districts as a form of pork barrel DAN fought tirelessly and frequently for a stronger America without ever favoring amendments or legislation that might benefit him politically or be of assistance to his district. His was a fight based on the knowledge that a weak America is not only provocative and, therefore, dangerous for ourselves, and our children and our children's children, but a threat to the aspirations and hopes of all freedom-seeking people around the world. His efforts to improve readiness in the military not only made America stronger, but it also protected the men and women, the individuals, operating in combat by improving the quality of their equipment and their ability to sustain a combat effort that they might be asked to undertake on behalf of this Nation at any time.

Like other great Americans remembered in the long history of great Virginians DAN DANIEL believed that America is the "last hope for man." He was a patriot whose loyalty was based on his insights into the character, the inherent decency and the fighting spirit of the people he grew up with and whom he represented so ably in the Congress. It was a deeply rooted faith in the average American that inspired DAN DANIEL to fight for those causes necessary to strengthen freedom and give birth to democracy and freedom around the world.

When Henry David Thoreau was dying a friend asked him if he had made his peace with God, and Thoreau replied, "We have never quarreled."

Well, with DAN DANIEL's life of honesty, and vigilance and courage I am sure that as he meets his Creator he indeed will be made most welcome.

I along with all of my colleagues will miss DAN DANIEL and the wisdom and the knowledge that he shared so freely with all of us and which inspired us all.

I thank the gentleman for yielding.

Mr. SISISKY. I thank our senior Member of our delegation very much for his comments.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to thank NORM SISISKY for taking this time today to pay tribute to our beloved colleague, DAN DANIEL. DAN was one of my closest friends. We served together in this Chamber for 18 years and I sat next to DAN on the Armed Services Committee for many years.

DAN was an inspiration to me and to others. He was so patriotic. He believed in a strong military and his commitment to a strong defense made all of us work harder on defense issues.

He is one of the few people I know in Washington who could quickly summarize an issue. He had the ability to get right to the heart of the matter. He said in one sentence what it takes most of us three or four paragraphs to say. Though he was not a college graduate, Dan was very well read, and he was an excellent speaker. Often in remarks, he would quote, from memory, a passage from a book or the words of a famous person that would help him get his point across.

Dan Daniel was also an inspiration in the way he lived his private life. He rose through the ranks in a cotton mill in Danville, VA, to become one of the chief executive officers of the company. He was very active in the American Legion and served as its national commander. He was a great friend of the veteran and was a veteran himself.

Dan had strong religious beliefs. He was president of our House Prayer Breakfast group. We have had one of our best years under his leadership. Attendance is up. We now have as many as one-tenth of the entire House of Representatives at our Thursday morning breakfast meetings.

I think Dan may have had a feeling something might happen to him. As president of the Prayer Breakfast, he was to be on the program at the National Prayer Breakfast on February 4. But he declined that opportunity. He wanted someone else to do it. He only requested that we sing his favorite song, "How Great Thou Art." His other favorite song was "Amazing Grace"—which our colleague Bill Hefner sang at Greenbriar after we learned of Dan's death.

He did some other things to make me think he knew his health problems were very serious, but through it all, Dan continued his everyday activities. He played golf whenever he could and he never backed off from his work as chairman of the Readiness Subcommittee.

I would hope we will be able to come up with a proper way to honor Dan Daniel and the contributions he made to help keep our military strong. Perhaps we could name a program or a military facility after Dan; something that will serve as a lasting tribute to the work he did for our military during his years in the Congress.

Dan was proud of his family. He talked many times about his wife, Ruby and son, Jimmy, as well as his three grandchildren. I think he was particularly proud of the fact that one of his grandsons had joined the military.

Dan was a great friend. He was a patriot. We all will miss him.

□ 1315

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Virginia [Mr. Bateman].

Mr. BATEMAN. Mr Speaker, I thank the gentleman from the Fourth Congressional District of Virginia, Mr. Sisisky, and thank him further for having taken out this special order in order that we who knew, loved, and served with Dan Daniel might come here and express our sense of loss and regret at him no longer being with us.

For me, my associations with Dan go back to January of 1968 when I first came as a member of the General Assembly of Virginia, where Dan was a very respected member of the house of delegates. I came to know Dan then. And as a matter of fact, it would have been impossible not to come to know him because he was a very respected member of our State legislative body. But beyond that, Dan made it a point to get to know the new members of the general assembly, to welcome them, to make them feel at ease in order that they might take up their roles in that body and perform their services better.

Mr. Speaker, I found that same spirit very much a part of my experience when I came to the Congress when Dan, of course, had been here already for many years when I arrived in 1982.

As before, he was extremely helpful to me in his advice. He was always willing to take of his time to consult with you, to try to be of assistance to you.

Many people have said of Dan, since his unfortunate death, that he was the epitome of a Virginia gentleman. I think Dan would like very much to be remembered in those terms because it is a term or a phrase that would be particularly meaningful to him.

He was, indeed, a Virginia gentleman.

He also embodied, through his life and his work, one of the very highest, if not the highest of traditions of people of the Commonwealth of Virginia, and that was the tradition of public service, the sense that every citizen has an obligation to give of himself in a significant way to serve the community, the State and the Nation of which they are a part.

In every respect, Dan Daniel has done that. He was a distinguished State legislator. He has been a remarkably effective contributor as a member of this body through the 19 years that he served here.

Like the gentleman in the well, the gentleman who preceded me, I served with Dan on the House Committee on Armed Services. I know the respect with which he was held by the full membership of that committee. He was an outstanding member. His dedication to the idea of peace through strength was unwavering throughout all the years that he was here. In the years when the defense budgets were being savaged and our military capability significantly diminished, through the years of our efforts to rebuilt our national defenses, Dan was never reluctant to be a very vital part of those in the Congress seeking to do better by our national defense and particularly for the people in the uniformed services who are the very touchstone of how strong and secure we can be.

Dan, as chairman of the Subcommittee on Readiness of the Committee on Armed Services has made invaluable contributions, which have been mentioned here.

He also did something else through the years of his service here in the Congress and that was to preside over the Oversight Committee and the morale and welfare activities within the Department of Defense. This was one of his major concerns, how to serve, how to benefit, how to make service in the uniform of our country more attractive, more meaningful and to make a better life for our people in the military services.

Obviously, he was a kind and a caring person. His having brought himself to a position as one of the most distinguished Members of this body, his prior legislative service in the State legislature, and having risen from menial positions in the mill in Danville, his hometown, to a position of great leadership within that mill, are all things that attested to an unusually good mind, to a desciplined mind, the hallmark of a person who not only cares but who is steadfast, hard working and who is willing to give the best of himself in all that he did.

Through all these years he had the companionship and the devotion of the remarkably gracious lady, Ruby Daniel, who has meant so much to my wife, Laura, and me. She and Dan through all these years that we have known them were very, very great friends. We look forward to seeing Ruby and doing anything that we can to make her life an easier and more pleasant one. We look forward to her being back in Washington in the next few weeks and to the opportunity to be with her then.

We send our love to her as we extend our respect and admiration to our very dear friend, Dan Daniel.

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Florida [Mr. Hutto].

Mr. HUTTO. Mr. Speaker, Dan Daniel is no longer with us in this body. We will greatly miss his friendly greetings, his cheerful conversations, and his wise counsel. He will not be watching the House proceedings from the rail or seated near the center aisle as he was oftentimes. We will not see him walking briskly in the tunnel between the Rayburn Building and the Capitol. Mr. "D," as some of us called him, will not be presiding over the Readiness Subcommittee of the House Armed Services Committee he chaired nor will he be speaking from the House floor for the men and women of our uniformed services. The reality of seeing him whack a little white pellet right down the middle in his favorite pastime of golf will not be there. Fond memories these are of this great man. They will linger on for those who knew and loved DAN DANIEL.

Though he will not be physicially present with us, he made his mark and left an influence that will not be forgotten soon. Our country and we as individuals have been richly blessed because he came our way.

That DAN did not attend college would be surprising to most. He was certainly educated, and I gather it was through the so-called school of hard knocks. DAN had risen through the ranks to a high position in Dan River Mills in his hometown of Danville, VA, before coming to Congress. He was chosen for leadership positions in many organizations.

DAN DANIEL was truly American in every respect—patriotic in thought and in action. He once served as the national commander of the American Legion, and he was respected by everyone for his patriotism.

DAN's passing is a personal loss for me. For the past several Congresses, I have been the ranking majority member on his Readiness Subcommittee and have worked with him very closely. DAN seemed to have a knack of cutting through the rhetoric and getting to the meat of a matter. I think without a doubt that he has done more for the improvement and readiness of our armed services than anyone in Congress. I understand that it was he who, several years ago, was responsible for getting operation and maintenance as a line item in the budget. He saw clearly that all kinds of sophisticated planes, ships, tanks, and guns are useless unless spare parts are available and proper maintenance is done. DAN was always in the forefront in seeing that our service people were provided for, not only in their work but also in their off-hours with their families. He headed the morale, welfare, and recreation panel for years and supported the use of nonappropriated funds for worthy purposes.

DAN DANIEL was one of the chief architects of the new U.S. Special Operations Forces Command, which holds great promise in helping our Nation deal with terrorism and low-intensity conflict. Some 3 years ago, he appointed me as chairman of the special operations forces panel under the Readiness Subcommittee. It was a pleasure to work under his leadership.

DAN was blessed with a wonderful family and many friends, as evidenced by the large turnout of people at his funeral. My wife, Nancy, and I extend our deepest sympathy to Ruby and their family. Yes, we will miss DAN's physical presence in our lives, but the cherished memories of DAN DANIEL will linger on.

Mr. SISISKY. I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the gentleman, my colleague from Virginia, for taking this time in memory of our dear departed friend, DAN DANIEL.

I want to express my condolences to Mrs. Daniel and to the family and to say that we are going to miss DAN very, very deeply.

Many fine things have been said about him by people who have known him longer than I have. But certainly things come to mind, as I knew DAN DANIEL: that he was a gentleman's gentleman, probably one of the more highly respected Members of this body by those who came in touch with him.

□ 1330

In the way he conducted himself here on the floor and the way he conducted himself in the Halls, he certainly stood out as a man among Members of this body. To say that he was self-made is one of the highest accolades. As was pointed out by our dear colleague, the gentleman from Florida [Mr. HUTTO], he was a man who came here with no formal education, but yet you might have thought he was a doctor or lawyer or that he had some great degree of education.

DAN DANIEL was a man of great integrity, superior character, and high moral principle.

His participation in our Thursday Prayer Breakfast was very quiet, not shown to the public, but those of us who participated and attended always left there feeling much the better about ourselves for having known him.

DAN will be deeply missed but certainly not forgotten by those of us who had the opportunity to work with him, to observe him, and to call him our friend.

Again, Mr. Speaker, I want to give my condolences to the family. I know that they can have peace of mind knowing that he is in Heaven with his Maker and watching us as we deliberate here in the days and years ahead.

Mr. DARDEN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our good friend DAN DANIEL epitomized, in my mind, the best traditions of the American south.

Anyone who knew Chairman DANIEL would, I am sure, agree with the description of him as "courtly," He was tall and lean, with that snowy white hair and that great, rugged face.

His voice was the soft, dignified song of old Virginia. He carried himself with an air of confidence, and yet no one would have called him haughty or arrogant.

His manner—whether in a small group of intimate friends or among the ranks of the great and powerful—always was one of warmth and friendliness.

Chairman DANIEL—like any great southern gentleman—was a man of his word. You could depend on what he told you to be the truth, and you could depend on him to keep the promises he made.

Most importantly, he held fast to the southern traditions of duty to family, God, and country. Those traditions guided him through two decades of distinguished service in this HOUSE.

When I came to this body more than 4 years ago, Chairman DANIEL was among the first people to greet me, and to offer his help in learning the ways of the House. He knew of the important role of military affairs in the Seventh District of Georgia, and he immediately invited me to join the Readiness Subcommittee of the Armed Services Committee.

I can say with absolutely no reservation that it was an honor and a privilege to serve on that subcommittee under such a distinguished and dedicated gentleman as Chairman DANIEL.

He was steadfastly devoted to ensuring that America's Armed Forces are prepared to defend freedom against any foe, at any time, anywhere in the world. In presiding over the subcommittee and its staff, he always welcomed new ideas and new opinions which enhanced the readiness of America's military.

I must add a personal note about something Chairman DANIEL did, a few months before his death, to help resolve an issue of major concern to the people of the Seventh District of Georgia.

There was considerable public concern about proposals to allow joint military and civilian use of Dobbins Air Force Base in Marietta, GA. I was concerned, personally, that the introduction of civilian air traffic at Dobbins might adversely affect the readiness of the Reserve and National Guard units there.

Chairman DANIEL quickly agreed to my suggestion that the Readiness Subcommittee conduct a field hearing to assess the situation. Not only that, he promised to take a major personal role in examining the issue.

All of us knew then that Chairman DANIEL was experiencing some very serious health problems. And, although I greatly appreciated his help in organizing the hearing, I really doubted that his health would allow him to travel to Marietta.

But, as I said a moment ago, DAN DANIEL was a man of his word. On the day of the hearing, he was there presiding. And, when other members of the subcommittee had to return to Washington, he stayed on—making sure every argument was heard and every possibility was considered.

Under his guidance, the subcommittee came to its conclusion that, indeed, joint use could endanger the readiness of the Armed Forces units at Dobbins. It was, as I have pointed out to a number of my constituents, a perfect example of Congress at work—gathering information, deliberating, and then setting policies which serve the greatest interests of the Nation.

Mr. Speaker, I am proud to have counted among my friends and colleagues a man such as DAN DANIEL, who was the gentleman from Virginia in the truest sense of the word. I will miss him greatly, both as a colleague and as a friend—and I hope it is some comfort to his family, and his other friends, that so many others in this Chamber share that emotion.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to my colleague, the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank my colleague, the gentleman from Virginia [Mr. SISISKY], for taking this time to recognize a truly outstanding man, a dear friend of us all.

I did not know DAN DANIEL prior to coming to Congress except by reputation as one of the outstanding Members and senior Members of the Virginia delegation. I had not had the privilege of serving with him in the general assembly, as others indeed have had. But I had hardly arrived here when DAN took me under his wing and helped educate me into the intricate workings of this great body and helped to advise me, particularly on national security issues.

We have heard much talk about his service on the Armed Services Committee and as the chairman of the Readiness Subcommittee of that committee, and they were indeed important tasks and he filled them most ably. But I think one of the most important things in his mind was his service on the Select Committee on Intelligence. He really worried constantly about the security of this country and took it very much to heart. You could always count on him to be in the forefront in defense of the great liberties that we so often take for granted.

I remember also observing what a humble person DAN was. He once shared with me this story: While commander of the American Legion, he had an opportunity to visit Rome, and the group had an audience with the Holy Father. With him in that group was the then Speaker of the House of Representatives, John McCormack, and the Holy Father came in, and the Holy Father's assistant said, "Who is in charge of this group?"

DAN DANIEL, without hesitating, even though he was commander of the American Legion and this group was the American Legion group, turned and said, "John McCormack is in command of this group."

The Speaker never forgot that. That was the kind of a person DAN was.

I think we can really say that DAN was a Virginia gentleman in the tradition of Thomas Jefferson, and there are precious few of them left.

I would like to extend, on behalf of Mary Virginia and myself, our heartfelt condolences to Ruby and the rest of the family. Again I commend my colleague, the gentleman from Petersburg, VA, for bringing this special order to the floor at this time, and I thank him for yielding to me.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Virginia for his remarks.

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to my colleague, the gentlewoman from Maryland.

Mrs. BYRON. Mr. Speaker, let me also thank my colleague for giving us this opportunity to participate on this very sad occasion today, but it is, I think, so important for us to reflect back on the contributions of DAN DANIEL. Almost everyone has made the comment that the gentleman from Virginia, in a true sense of the word, was "The gentleman from Virginia."

Often we come on the floor and we look for a colleague. We all have our habits, and we know where we are going to go. If you needed to look for DAN, he was usually back there on the rail. He always was leaning on the rail or sitting in one of the chairs next to the rail. He was quiet, but he was very strong. He was not flashy. I do not think anybody could think of DAN DANIEL as being flashy, and he was so respected. He did not have a college degree. We all wondered and were amazed at what achievements he had made as he moved forward. But he had ability, and that ability showed through time and time again.

He loved Virginia. He really did love Virginia, but I think he loved his country more. I do not think there was ever a question that when an issue came up, DAN looked at it in the light of what would be the best for his country and for the Nation. He was a strong family man, and he loved his family dearly. But he loved his country. I think when we stand here and look at the Members who are coming along, many of us feel with a great deal of warmth and respect that we were lucky to have known an individual such as DAN DANIEL.

I know how difficult it is for his family and for Ruby. A quick loss is one that is hard to understand. He had made his conscientious decision not to seek reelection. It was very difficult for him to decide not to seek reelection again because of health reasons. Yet I do not think anybody thought his passing would be so quick. But DAN was a Member of this body, and I guess if he could not be a Member of this body, there would be other places he has been called to.

Mr. Speaker, to Ruby, to his son and his grandchildren, we say we are pleased to have known him.

Mr. SISISKY. Mr. Speaker, I thank the gentlewoman from Maryland.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I want to thank the gentleman for taking time out for this special order.

As I was listening in my office and as I have listened here, I think most of the things have been said. I do want to relate a few comments of my own, first, to express my sympathy and condolences to DAN's wife Ruby and to his son Jimmy.

Second, I want to make the comment, as I think one other Member did, about the diverse group that attended his funeral. I have not been to a lot of congressional funerals, if you will, but it was so impressive, as I heard the gentleman from Virginia say, to reflect on how the people of Danville and the people of his congressional district were at the funeral, and also the diverse nature and the political differences of the people there. They included perhaps some of the more liberal Members of the House and some of the more conservative Members of the House, and there was such a large number from the House. One individual who was there made the comment that they had never seen such a diverse congressional delegation attend a funeral. I think that is a tribute clearly to DAN DANIEL and to the service that he had in the House.

Second, DAN was extremely well respected. That is indicated, as everyone has said, in how well he served his district. He was a Virginia gentleman. He was very, very courtly. I never heard him raise his voice.

Clearly, it would be accurate to say that he was a great patriot. He served his Nation well as military personnel, and he was the president of the American Legion. One of the principles that that organization of veterans of our Nation subscribes to is the motto, "For God and Country." I think these words, "for God and country," sum up DAN DANIEL's service here in this body.

In closing, my other comments would be that it is unfortunate that we seem to wait until after somebody has passed away before we say all these wonderful things. Perhaps this is an indication that in the future, when we feel something about somebody, about how much we respect them or how much we think of them, we should perhaps tell them before they pass away and not wait until the end.

Mr. Speaker, I want to just close by expressing my sympathy to Ruby and his entire family and letting his congressional district and the people of Virginia know that they have had clearly one of the finest Members ever to serve not only the State of Virginia but the entire country.

Mr. Speaker, I would like to join with my colleagues in remembering our late colleague Dan Daniel and appreciate my Virginia colleague Norm Sisisky for his efforts in arranging this special order.

It was my honor and privilege to serve in this House with Dan Daniel and to be a part of the Virginia delegation with him for 8 years. Many people have described Dan Daniel as a real gentleman and there could be no truer way to describe him. Dan possessed the highest qualities of honor, courtesy, civility, decency, and patriotism.

Serving in this House we have the opportunity to work with many people and there was no finer public servant than Dan Daniel. While we were from different sides of the aisle, Dan was a conservative and we found ourselves aligned on many issues, especially the importance of maintaining a strong national defense. His work on the Armed Services Committee reflected his commitment to our national security, and as a strong voice for the men and women who serve in the Armed Forces, he made certain that we didn't forget those who serve.

While he was dedicated to serving his country, he was also dedicated to serving those he represented in the 5th District of Virginia and he leaves a record of exemplary constituent service.

I am reminded of Dan's service as national commander of the American Legion and one of the principles by which that organization of veterans of our Nation subscribes: "For God and Country." To me, those few words sum up Dan Daniel's life: to serve God and country.

He was a great American and a great friend and this House will not see his equal again. Our sympathy goes to his wife and son and his family and many friends.

Mr. STOKES. Mr Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I join today with the gentleman in the well and all of my colleagues in this eulogy to our friend Dan Daniel. He and I were classmates. Both of us came to the House in the 91st Congress, so we have known one another for 19 years. During the greater part of that time Dan and I knew one another, but had never worked together on a committee until we both went on the House Intelligence Committee. At the time of his passing, Dan was still a member of this committee which I now chair. It is our service together on the House Intelligence Committee which gave me the opportunity to really know Dan Daniel. He was a unique man in many respects. One of his most admirable traits was timeliness. I never knew Dan to be late for any of our committee hearings. If our hearings started at 9 a.m. Dan was always there ahead of time. I can't ever recall starting a hearing at 9 a.m. without Dan being present. On occasions he would have to leave our committee to attend Armed Services Committee meetings. Whenever this occurred, he was always apologetic about having to go to his other committee meeting. Additionally he would always say, "Now, Lou, if you need me, you call me, and I'll be back." Thus, in this manner, he demonstrated how conscientiously he undertook his committee work. Dan was not only conscientious about his attendance at our meetings, but he spent a lot of time with our staff in preparation for our hearings. It was Dan's unflexing commitment to a strong national defense that made him devote untiring energy to the work of the Intelligence Committee. He brought to our committee an enormous amount of expertise gained from his service on the Armed Services Committee and particularly his chairmanship of the Readiness Subcommittee. I never saw him in action on his other committee but on our committee he loved to ask questions. In doing so he was always a gentleman. He was also artful in getting a little more time as his time for questions was expiring. I can hear him now in that soft gentle southern Virginia accent inquiring "if my time has not expired would the chairman indulge me in one more question." Who could turn down a gentleman like Dan Daniel? I certainly couldn't. I admired Dan for many things but mostly for the way he represented his district. There were a few issues on which Dan and I were miles apart philosophically. When those issues came up I would still approach him about his vote. Dan would always say, "Mr. Chairman, I can't go with you on that." Then he would always explain his reason by referring to his constituents as "my people." He would say, on many occasions, "Lou, my people want me to vote for this or my people want me to vote against this." He always used the term "my people." He knew his district—he knew his people—and he represented them in the way they wanted him to represent them. For this I admired him. On Tuesday of the week following his death, Dan was scheduled to accompany me and other members of the Intelligence Committee on a factfinding trip to Honduras on the President's request for additional aid to the Contras. Instead, this trip was canceled due to his death and on that Tuesday a delegation from the House went to Danville, VA, to pay our last respects to our colleague. I mention this to demonstrate how right up to his death Dan Daniel was working on the hottest issue in Congress in order to properly represent his people when this issue came to the floor. His plans for this trip had been made even though he had announced his intention to retire from Congress.

In fact, in our last conversation, about a week prior to his death, when Dan called me in Cleveland, he advised me of his decision to retire. He explained that he based his decision upon his medical problems which no longer enabled him to give 100 percent of himself to his job. At Dan's funeral our colleague, Bill Nichols, spoke words of commendation. In one of the most eloquent eulogies I have ever heard, he crystallized the life of our friend Dan by referring to him as a real gentleman. He was indeed the epitome of a gentleman. Additionally, Dr. Howard W. Lee, who provided words of praise at Dan's funeral, was equally eloquent in commending Dan's family and the families of other public persons for the sacrifice these families make in order for public officials to serve their country. We are all enriched by the sacrifices made by the Daniel family which enabled him to serve in this body. Dan Daniel gave this Nation, his family, his people, and his friends, 100 percent.

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Mr. SISISKY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. Slaughter].

Mr. SLAUGHTER of Virginia. Mr. Speaker, I thank my colleague for yielding and for arranging to have this special order relating to our late friend, Dan Daniel, a Member of Congress from Virginia.

All who have known Dan Daniel, whether it be Members of Congress or members of the general assembly of Virginia that he served with, or the people in his community, know that the outstanding characteristic of Dan Daniel was his distinguished character. He was beyond reproach in all of his dealings with his fellow man, whether in his community or in public service or otherwise.

He was a devoted family man and had the devotion of his friends and family.

In his community, he was outstanding. He started out working for the Dan River Mills. He started at the bottom and he came right up into a position as one of the principal executives of Dan River Mills.

He had only gone through the seventh grade in education, but all of us who served with him know that he educated himself and was a well-educated man, as shown by his service in the general assembly and in the Congress.

I had the good fortune to serve on the Education Committee with him in the House of Delegates in Virginia, as well as on the Privileges and Elections

Committee, and in both committees he made great contributions to Virginia.

He was interested in, and very active in, the founding of the community college system.

He served during the constitutional session of 1968 when the Virginia Constitution was extensively revised, and in particular his service on the Privileges and Elections Committee had an important part in that task.

In every respect, he was outstanding as a member of the General Assembly and in representing the people of his district.

He was the beneficiary, of course, of this confidence that he had built up when he ran for Congress and being elected the first time, he was rarely opposed from then on.

We all knew that DAN had the public confidence and he had our confidence. We will miss the wise counsel and distinguished service that he has rendered to his country.

In the Congress he served on the Committee on Armed Services and the Select Committee on Intelligence, and in these capacities he contributed enormously to the security of this country. He was vitally concerned with our national defense, our national security, and he contributed more than many Members of Congress have in a long career to that purpose.

DAN DANIEL will always be remembered in his community and in Virginia for the fine service he rendered in the legislature, and he will always be remembered there and here in the Congress as long as those Members survive who had served with him, for his great, patriotic, unselfish, wise, and distinguished service to the people of this country.

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Speaker, I thank the gentleman for yielding. I want to join my colleagues in offering our prayers and thoughts to the Dan Daniel family.

Unlike many of my colleagues who had known DAN for many, many years, I came to know DAN just recently. Approximately a year ago I was appointed to the Armed Services Committee. I was fortunate to be appointed to DAN's subcommittee. Much unlike other committees in the U.S. Congress, DAN DANIEL was the type of chairman that aggressively sought out the participation of the younger junior Members on both sides of the aisle and, to put it in a word, to share the spotlight. I think we find in most instances with the chairman and subcommittee chairman there is a tendency for them to carry the legislation and not share the work and spread the participation around.

It was DAN who always worked and looked out for the younger and more junior Members.

I also got to know DAN in the Prayer Breakfast in which I participated and found him to be a tremendous spiritual leader to everyone on both sides of the aisle.

I am sure it has been said a number of times already today that he was a gentleman in the truest sense of the word. He loved Congress. He loved his friends, of which he had so many. He loved his family.

Again I wish his family the best. He will be missed by all of us in the Congress. I am sure he will be missed, as the gentleman from Virginia, Mr. FRENCH SLAUGHTER, just said, by his people.

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for taking this special order.

Mr. Speaker, I probably knew DAN DANIEL longer than any other person that I have known in the House of Representatives. Back in the middle 1950's, DAN was elected the National Commander of the American Legion. I was the State Commander of the American Legion in Tennessee. DAN came to me and he said, "It's time that we put a World War II veteran in as chairman of my National Legislative Program."

Consequently, I accepted that, and we were in Washington conferring with the veterans committees.

At various times DAN came to my home and spent many an evening. He loved the war veterans more than anybody I know and always believed that whatever they got they had earned and justly deserved.

He worked hard. He loved everybody, really. He loved the people of his district in Virginia.

As has been said earlier, he was a quiet sort of individual, but he could say more in 1 minute than most of us could say in 5 or 10.

Of course, I offer my condolences again to his family. We will all miss DAN DANIEL very much.

Mr. SISISKY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I have prepared remarks, but I understand time is short. I was delayed en route back to Washington, but I wanted to take just a minute or two to add my expression of sympathy to his family and my expression of appreciation for having had an opportunity to know this distinguished American for only a short period of time.

Mr. Speaker, I know I speak for Members of the House on both sides of the aisle and from all parts of the country in expressing my personal sense of loss at the death of our colleague from Virginia, DAN DANIEL.

Because my congressional district in North Carolina lies adjacent to the Fifth District of Virginia, which DAN DANIEL represented, I was privileged to work closely with him on matters of regional interest. In all of my contacts with DAN DANIEL, whether on issues of concern mainly to North Carolina and Virginia or on matters of national importance, he was always a forthright, well informed, and effective advocate.

As a senior member of the House Armed Services Committee, DAN DANIEL's major legislative interest was national security. No Member of this House was more passionately devoted to the cause of a strong national defense.

DAN DANIEL was not a Member who often sought the public spotlight. Even his specific area of interest and expertise—military readiness—lacks the glamour of the more visible defense issues such as strategic nuclear weapons or seapower. But it is no less important. As chairman of the Subcommittee on Readiness, DAN DANIEL was dedicated to ensuring that American military personnel have the equipment and resources they need to do the vital job we have entrusted to them.

DAN DANIEL was a vigorous proponent of a strong defense. But he was equally determined to make certain that the American taxpayer receives maximum value for each and every defense dollar expended. He worked with members of all philosophical and political viewpoints as a champion of procurement reform to make that goal a reality.

DAN DANIEL's legacy as a member of the Armed Services Committee—an unwavering commitment both to capable military forces and responsible use of Federal money—provides a guiding beacon for all of us as we face some of the most formidable challenges in our Nation's history.

Mr. Speaker, one of the greatest personal benefits of service in the House of Representatives is the opportunity to forge friendships with outstanding elected officials. In this case, I was doubly fortunate. Not only did I come to know DAN DANIEL well, but my duties in the House have also enabled me to work closely with his brother, Reuben.

Reuben Daniel is the former sheriff of Halifax County and the former mayor of Roanoke Rapids, NC, both of which are located in my district. Like DAN, Reuben exemplifies the best qualities of public service, and I am proud to call him my friend. Reuben and his family have my deepest sympathy at the loss of his brother.

Mr. Speaker, DAN DANIEL was a credit to this House, an excellent representative of Fifth District citizens, and a devoted servant of the United States. He is already missed. I hope that we will retain some of his experience and wisdom as we tackle the difficult tasks ahead.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from North Carolina. I thank all my colleagues today who spoke about this wonderful gentleman from Virginia.

You know, he has been described as a patriot, a Virginia gentleman, a humble man, a man of God, a man of family, dependable, conscientious, of high character, a hard worker and many other things, and it is all true.

To Ruby and to Jimmy Fox and to Dan's three grandchildren, may I on behalf of the Congress of the United States extend our heartfelt sympathy and, of course, our heartfelt thanks.

Mr. Speaker, in all those descriptions that I have described about Dan, the one that I left out was the respect of his peers, those of us who are on an equal level with him, the respect of his peers.

We thank the family of Dan for the sacrifices they made in allowing this great gentleman to serve this Nation, and we also thank the people of the Fifth District of Virginia for ten times bringing Dan to serve his Nation in a way that he would want to serve it.

Mr. Speaker, I yield to the gentleman from Florida [Mr. Gibbons].

Mr. GIBBONS. Mr. Speaker, I thank the gentleman very much for yielding this time.

I have listened to the gentleman's very fine and moving words. I found myself wanting to express myself as well as did the gentleman. Like the gentleman, I admired and loved Dan Daniel. He was as straight as an arrow and as honest as the day is long. He was a great American patriot. He was a kind friend, a willing worker. I can remember so many quiet walks back and forth between the House Chamber and the Rayburn Building with him counseling about his love for our country, his love for his family and his love for his game of golf and his deep interest in the security of this Nation.

Mrs. Gibbons and I miss him. We wish his family the best of everything.

I thank the gentleman for allowing me to participate in this special order.

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Mr. SISISKY. Mr. Speaker, I thank the gentleman from Florida [Mr. Gibbons] for his remarks.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I appreciate the gentleman from Virginia [Mr. Sisisky] taking this special order and yielding me this time. In just a short tribute, let me say that when Dan Daniel left, I felt as though I lost not only the chairman of the Subcommittee on Readiness, and I think the country lost a great patriot, but I lost a very good friend. He was a guy who I would visit on a regular basis and get advice from him. We have some of the greatest people in the Congress on the Committee on Armed Services, the gentleman from Mississippi [Mr. Montgomery], the gentleman from Alabama [Mr. Nichols], and the gentleman from New York [Mr. Stratton], and there are so many good people, including the gentleman from Florida [Mr. Bennett], but Dan Daniel was one of the giants in the Committee on Armed Services and I feel a great sense of personal loss at not having him with us anymore in body. I think his spirit is here. I think it will continue to be.

Dan Daniel represents really what that Committee on Armed Services is all about, love of country, and respect for his fellow man. I had the great privilege to be able to work with him just not on the Subcommittee on Readiness, the subcommittee he loved so much, but on the Subcommittee on Special Forces. He probably cared more about that than anything else in the Congress in his last few years. I make a commitment along with the gentleman from Florida [Mr. Hutto] and the gentleman from Massachusetts [Mr. Mavroules] that we are going to make sure that the Special Forces operations are going to be what Dan Daniel always wanted them to be, very effective in serving this country.

Mr. Speaker, I can only say that I hope that when I complete my tenure in office I can be just half the kind of a Congressman that Dan Daniel was. He really is the epitome of what the American public wants to have in their public officials.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Ohio [Mr. Kasich] for his eloquent remarks.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I know time is short but I would just like to thank the gentleman from Virginia [Mr. Sisisky] for taking this special order today.

Dan Daniel was a very special Congressman, and he was a giant in this Chamber.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Indiana [Mr. Burton] for his comments. Mr. Speaker, I also extend my appreciation to all the Members who have participated in my special order.

Mr. BOUCHER. Mr. Speaker, I rise today to honor the memory of the late Virginia Member of the House, Dan Daniel. I share the deep sorrow felt by my fellow Virginians at this loss.

Dan Daniel was a man deeply respected by his colleagues and by his constituents.

Whether he was working to improve our Nation's military preparedness or attending to the needs of his rural district, Dan demonstrated the qualities of a gentleman and a statesman.

As he gained stature as the dean of the Virginia Congressional Delegation and as chairman of the Readiness Subcommittee of the Armed Services Committee, Dan never forgot his roots. He never lost sight of the upstanding, hardworking people of Virginia—their hopes, their dreams and their day-to-day struggles.

Mr. Speaker, the people of Virginia and the Members of this body have lost a friend, a leader, and a statesman. But Dan's accomplishments will stand as a living reminder of his contribution to our great Nation.

Mr. ANDERSON. Mr. Speaker, our late distinguished colleague from Virginia, the Honorable Dan Daniel, served his State and Nation with distinction throughout his political life. Many tributes will be offered in memory of Dan on that basis. I, however, would like to take note of the fact that Dan Daniel and I came to Congress together in 1969, and since that time I have considered him not only to be my colleague, but to be my friend. He was above all else a good, gentle, and decent human being. Although I note the passing of a distinguished Congressman, of greater significance to me, I mourn the passing of a good friend. My wife Lee joins me in extending our deepest sympathy to Dan Daniel's wife Ruby and his son Jimmy.

Mr. DICKINSON. Mr. Speaker, I have had the distinct pleasure of knowing Dan Daniel since he came to Washington in 1969. Having served on the Armed Services Committee and traveled the world with Dan for some 20 years, I will greatly miss him.

As the chairman of the Readiness Subcommittee, he provided excellent leadership in providing for the needs and demands of meeting our national security requirements; including his stalwart support of the MX Missile Program, and his determination to standardize nato military equipment to the highest caliber.

Not only was Dan interested in the overall picture of our defense posture, but he was equally concerned with the adequate funding of the readiness and conventional weapons programs for the welfare of the soldier.

Every service member who has ever shopped at a military PX our commissary owes a debt of gratitude to Dan Daniel. He made a conscientious effort and commitment to ensure that all military personnel and their families were afforded the best life style available.

A true southern gentleman, and a tireless supporter of democratic freedom fighters, Dan Daniel was a tremendous asset to the House of Representatives. He represented the Fifth District of Virginia admirably, and was committed to the soldier, his family and their quality of life.

Mr. BENNETT. Mr. Speaker, I rise to express my sorrow on the death of Representative Dan Daniel, an outstanding legislator and a personal, trusted friend. He loved our Nation and dedicated his life to its service. He was a pleasure to be with in all circumstances. He was a man whom we all loved and we send our love and sympathy to his beloved family.

Mr. BLAZ. Mr. Speaker, we have lost a colleague and a friend, and a great American.

Dan Daniel was a man who made a big difference. In the State of Virginia, here in the

Congress, and in our national leadership, this quiet, hard working, exceptionally effective man engendered in all of us a sense of admiration and pride. He was an outstanding American, a man whom we hold up as an example, a model of what we would like to be and what we would like our children to be.

A member of the Virginia House of Delegates since 1959, DAN DANIEL was first elected to Congress in 1968 and served 10 terms, 20 years of much honored and much respected work.

This 100th Congress has lost a pillar. I worked with DAN on the House Armed Services Committee where I was able to better appreciate the esteem and respect this man commanded by his values and efforts. He was devoted to the defense of this Nation and as chairman of the Subcommittee on Readiness played the key role in ensuring that the Armed Forces of the United States had the support needed to maintain the best defense for this Nation.

Our Nation has lost a true patriot and leader of the highest caliber. My heartfelt condolences go out to his family. He will be greatly missed, but fondly remembered and always an inspiration.

Thank you, Mr. Speaker.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with Congressman SISISKY and my colleagues in the House of Representatives in paying tribute to the Honorable DAN DANIEL, whose death on January 23, was a tremendous loss to the people of this Nation.

DAN DANIEL began his career of public service when he was elected to the Virginia House of Delegates in 1959. He was first elected to the Fifth Congressional District of Virginia in 1968, and he had ably represented his constituents during the 20 years he served as a Member of the House of Representatives.

Congressman DANIEL compiled an outstanding record of excellence and creative accomplishment as the chairman of the Subcommittee on Readiness of the House Armed Services Committee, and as a member of the Subcommittee on Program and Budget Authorization of the House Permanent Select Committee on Intelligence.

As dean of the Virginia delegation, DAN DANIEL gained the respect of his colleagues for his knowledge and expertise in defense and intelligence matters. Congressman DANIEL was a fine legislator, and a dedicated and devoted American, who will be sorely missed by all of those who have had the opportunity to know him and to work with him in the Congress.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Ruby, and the other members of his family who survive him.

Mr. McCURDY. Mr. Speaker, the death of our colleague, DAN DANIEL, has saddened all of us. He served our Nation, this House, and especially the people of Virginia's Fifth Congressional District with great distinction.

It was my honor and pleasure to serve with DAN DANIEL on the Committee on Armed Services. No Member of the House was more determined to see the United States remain strong as a means to assure our continued freedom and to maintain peace. He was confident of the path he walked for his country and his God.

DAN DANIEL exemplified the word gentleman in every good sense. He was truly kind, thoughtful, and civil in his relationships with his associates. His unfailing courtesy towards every Member of this House was a constant reminder of the greatness of the Office we hold. Whatever personal failings we might have, Mr. DANIEL addressed us with the respect he believed was due to any person elected by the people of this Nation. That respect was ultimately a mark of his love for his country and his devotion to this institution.

DAN DANIEL held our esteem not only as a distinguished representative of Virginia but as a fine and decent person. I will miss his guidance in the work of the House, and I will miss his presence among us.

Mr. BROOMFIELD. Mr. Speaker, it is with great sorrow, and a deep sense of personal loss, that I rise today to pay tribute to a good friend and colleague, the Honorable DAN DANIEL of Virginia, who died on January 23, 1988.

DAN was a great American in the truest sense of the word and perhaps one of the best Members this body ever had. In the 20 years that I served with him in this great body, I have never seen anyone so devoted to this country and its welfare.

As a senior member of the House Armed Services Committee, he consistently supported a strong national defense for our Nation, and regularly put aside partisan considerations to do what was best for America. Even though we were from opposite sides of the aisle, we often voted the same way on many important issues.

DAN was a fine "Southern Gentleman" who never stopped doing the best he could for his district, his State, and his country. In fact, he even decided to retire rather than keep doing a job he could not do 100 percent. That shows the kind of person he was.

My wife joins me in extending our sincerest and deepest sympathies to DAN'S wife, Ruby, and their son and grandchildren. I know I speak for all of us when I say that DAN will be sorely missed around here.

Mr. CHAPPELL. Mr. Speaker, I join my colleagues in expressing deep sorrow at the passing of our distinguished colleague, DAN DANIEL, and in extending heartfelt condolences to his wife Ruby, his son, grandchildren, other members of his family and his staff.

DAN was a patriot, gentleman, and an outstanding legislator.

DAN and I came to Congress at the same time. He was a natural leader, and I had the unusual honor of nominating him to the Presidency of our 1969 freshman class.

He was a stalwart defender and fighter for a strong national defense.

A finer personality I have never known, compassionate, understanding, patient, hard working, devoted to high principle.

Our Nation has lost a great American. We have lost a dear friend and colleague. We shall all miss him deeply.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend DAN DANIEL, a very fine gentleman, who passed away Saturday, January 23.

DAN was in my prayer group and I always enjoyed his company. I could always count on DAN to tell me to some new jokes to share with my constituents down in Alabama.

DAN and I served together since he was elected to Congress in 1968. He did an outstanding job for his constituents. He also served his Nation with a very deep sense of dedication.

As a senior member of the House Armed Services Committee, DAN DANIEL advocated a strong defense. He was a very able and diligent chairman of the Subcommittee on Readiness.

I will miss DAN DANIEL. This Congress and this Nation will miss DAN DANIEL. We have lost one of our truest patriots, but his good deeds will not be forgotten.

Mr. MOAKLEY. Mr. Speaker, I rise to offer my condolences on the passing of our colleague Representative W.C. DAN DANIEL. DAN was elected to the House 4 years before I was, and we came to be good friends. He was as our Speaker has said, a true Virginia gentleman. He was passionate about defense issues, and he taught me a great deal about these issues.

As a member of the Committee on Armed Services, DAN was one of the staunchest advocates for a strong defense in our party. Although I may have disagreed with him from time to time on our levels of defense spending, DAN was a true gentleman that one could disagree with without ever finding him disagreeable.

I shared with him my support for defense readiness, and I know of the fine work he did in this area to ensure the proper maintenance for our Armed Forces facilities and equipment. As chairman of the Armed Services Subcommittee he worked hard to ensure our readiness in both personnel as well as parts. He realized the importance of ordinary manpower in order to preserve our national security. More than anything else, he worked to help the average soldier's job in defending our country. He strengthened their morale and worked hard to improve their daily needs.

He shared with the average soldier his dedication to the military many years after his service in World War II had ended. He was a national American Legion commander where he continued his passionate work in the defense of our country.

DAN was a man of great character, never complaining about his illness even though he was hospitalized many times in the last year. He continued to carry on his business in the House to the best of his ability and continued to yield his advice about legislation and golf. He was a good friend both in the Chamber and on the golf course and I can say from personal experience that he truly led by example in both places. I mourn his passing, and extend my sincerest condolences to his wife and family.

Mr. DYSON. Mr. Speaker, today I rise to extoll the life and work of our recently departed colleague, DAN DANIEL. DAN DANIEL was the truest form of a Virginian, and, though a true gentleman, he was a determined and, if necessary, a stubborn man.

DAN DANIEL never lost sight of the basic values which have made Virginia what it is today and upon which our forefathers established this great Nation. DAN DANIEL was a page of American history. But he always looked toward the future and strived to improve this great land of ours. Throughout his long and distinguished career, he maintained the ability to adapt to the situation at hand and address problems with that fixed purpose which attends any successful endeavor. Whether confronted by difficulties in Virginia's Fifth District, as chairman of the Readiness Subcommittee or in the House Armed Services Committee, DAN DANIEL handled himself with poise and did the job right.

These are the qualities for which we, DAN DANIEL's colleagues, will remember him most: His ability to focus on the problem at hand and to implement a solution without alienating those with whom he disagreed.

The people of Virginia's Fifth District will remember DAN DANIEL for his unflagging concern for them and his tireless dedication as their representative. They will recognize him, and rightly so, as the local boy who went far but never forgot why he was there and whom he was there to serve. He is truly a man in whom all citizens of the Old Dominion can take pride and to whom they can look for an example.

No one should overlook DAN DANIEL'S work as chairman of the Subcommittee on Readiness. To DAN, nothing was as important as a strong national defense based on the readiness and preparedness of its armed services. He realized that without national security all domestic affairs can become subject to the whim of other nations. He was steadfast in his work to ensure the readiness of our men and women in the armed services. Despite the awesome size of our Armed Forces, DAN DANIEL was always quick to remember the individual wearing the uniform and to recognize that Government must tend to his or her needs. We will long remember DAN DANIEL for his ability to provide balance between all perspectives. I, his colleague, have surely learned from him and can continue to look upon his example for guidance.

One of our distinguished colleagues, the Honorable SONNY MONTGOMERY, has suggested that we memorialize DAN DANIEL'S contributions to this country's defense preparedness by naming some part of that defense complex after him. I agree. DAN DANIEL would be proud to have us use his name in that way, and, as a member of the House Armed Services Committee, I will urge my colleagues on the committee to join us in this honorable tribute. I would like to offer my heartfelt condolences to the beloved family and many friends of DAN DANIEL. While we mourn the loss of a distinguished colleague, I am heartened by the certainty that his legacy will continue to positively influence our work in Congress for years to come.

Mr. PICKETT. Mr. Speaker, throughout our history, Virginians have taken enormous pride in a tradition of producing, and of sharing with the Nation, some of America's finest public servants.

Congressman DAN DANIEL is an extension of that tradition.

This son of sharecroppers from southside Virginia faced more than his share of obstacles, but he always managed to overcome them. He rose from a job as an hourly employee at one of Virginia's largest textile mills to become the mill's top executive. He served as a past national commander of the American Legion, and he was the first enlisted man ever to hold that position. He was a distinguished member of the Virginia House of Delegates. And for the past 19 years, he made an enormous contribution to his country as a Member of this House.

DAN will probably best be remembered for his outstanding work on the House Armed Services Committee, where he was an unwavering champion of America's men and women in uniform. In a time of tight budgets and big, sophisticated weapons systems, the Nation's sailors and soldiers were indeed fortunate to have Chairman DANIEL making certain that they were not short-changed when it came to basic weapons, supplies, and proper support.

Beyond his enormous contributions to our work here, we will also remember DAN, very simply, for the kind of gentleman he was. Always kind and courteous; always willing to help a colleague or a constituent; and always doing his level best for this country: that is the kind of man DAN DANIEL was.

It has been said often since his untimely death, but I think it bears repeating today: DAN DANIEL was the epitome of the Virginia gentleman.

DAN DANIEL will be missed, but he will be remembered always as another great Virginian who served so well when his country needed him.

I thank my distinguished colleague from Petersburg, Mr. SISISKY, for organizing this special order

Mr. MICHEL. Mr. Speaker, I join with all our colleagues in paying tribute to DAN DANIEL of Virginia, our esteemed colleague, who died on January 23, 1988.

He was the very model of a Virginia gentleman, courteous in debate, unyielding in principle, and dedicated to our country. As a member of the House Armed Services Committee and the Intelligence Committee he never let partisanship stand in the way of patriotic duty. When it came time to vote on legislation that would strengthen the security of our Nation and that of our allies, DAN DANIEL was in the lead, showing the way through his calm, persuasive, persistent advocacy of what is needed for the defense of freedom. That is why he was so highly respected in the House.

Those of us on the other side of the aisle recognized DAN as a leader in the struggle for freedom. We knew that when it came to the crunch, we could count on DAN voting for this Nation's interests.

We hear the slogan, "Give peace a chance." I have always believed that the best way to give peace a chance is to give freedom a hand. DAN DANIEL's career in the House was marked by exactly that quality—giving a hand to the defense of freedom. We will miss DAN, but I know his example will continue to inspire those of us who were fortunate enough to know and work with him.

Mr. SPENCE. Mr. Speaker, I commend the gentleman from Virginia [Mr. SISISKY], for taking a special order to honor our dear friend and colleague, the late DAN DANIEL. His untimely death leaves an incredible void here in the House that will be felt for many years to come.

DAN DANIEL succeeded the legendary Gov. William Tuck as the Congressman from Virginia's Fifth District, and like Governor Tuck, DAN DANIEL achieved an enviable record as a friend of the American taxpayer and an effective spokesman for a strong national defense.

DAN DANIEL preceded me in the House by one term, and from the very beginning of my service I developed a friendship and admiration for him that was solidified by our close working relationship on the House Armed Services Committee.

It would be hard to imagine anyone not liking DAN DANIEL. He was a person without guile or mean spirit, and his courtly manners were truly reminiscent of a time when courtesy and the Golden Rule were the accepted norm rather than a convenient and temporary gesture. He believed in people, and people believed in him as evidenced by the overwhelming vote he always received in his bid for reelection.

I was always impressed by the fact that DAN DANIEL took his job as a public servant seriously. As a senior member of the Armed Services Committee and the chairman of the Subcommittee on Readiness, he showed keen and exceptional insight into the defense needs of America. He believed in military preparedness based upon giving the fighting man serviceable and operational equipment as opposed to Taj Mahal weapons systems that Einstein at his best would not understand. In fact, it was largely through his efforts that standardization of arms used by the United States and its NATO allies became a fait accompli several years ago.

DAN DANIEL was not a self-serving person. He was not given to arrogance or pretentiousness. He was not born with a silver spoon in his mouth, and like the very best in the American character, he was the epitome of the self-made man. He was proud of the fact that as a youth he worked his way up by the bootstraps, and by the time he was elected to Congress, he had become a corporation executive by hard work, dedication and commitment to the American dream.

I shall miss DAN DANIEL. We will all miss his wisdom, counsel and dedication to high ideals. He was a great patriot, a wonderful friend and a gentleman of the first order. To his wife Ruby and his son I extend my heartfelt condolences and admiration for a husband and father who served his State and Nation with distinction and honor.

Mr. JONES of Tennessee. Mr. Speaker, I join with my colleagues in the House in mourning the death of our colleague DAN DANIEL. He was a man we all admired—a man who set personal and professional standards we all strive to emulate.

DAN and I came to the House of Representatives about the same time. We shared many of the same philosophical views of how to best serve our district and our country. He was deeply committed to reflecting the views of the people who elected him to serve in the Congress.

In doing that, DAN DANIEL conducted himself with integrity and dignity at all times. He was a man of his word and a man whose opinions were highly respected. He never failed to provide me with well reasoned and candid counsel on issues of mutual concern.

I also came to respect DAN DANIEL as a man of firm principles and high values. Through our mutual participation in the weekly meetings of the Congressional Prayer Breakfast, I came to appreciate DAN's deeply held spiritual values. I am certain that it was those values that formed the foundation upon which he lived his life.

There are many words of praise heaped upon Members of Congress. In my mind, there are none more eloquent to describe DAN DANIEL than to simply say that he was a good man who served his people with distinction. We shall all miss him greatly.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to express my sorrow at the passing of my colleague and friend, DAN DANIEL. Over the years I have always considered it a privilege to call DAN my friend.

He leaves an outstanding legacy of 19 years of service in the U.S. Congress. DAN served the people of the Fifth District of Virginia. He labored long and hard, giving his all to those he represented. So it was not really a surprise that when DAN recently announced his retirement from Congress, the reason he cited was that his health would no longer enable him to give "100 percent * * * [and that] would be inconsistent with [his] basic work ethic." DAN DANIEL would not think of giving less than his best to those he served.

For those of us here in Congress, we will most remember DAN for his work on the Armed Services Committee. As chairman of the Subcommittee on Readiness, his role in maintaining and developing the military preparedness of this country cannot be understated. However, his association with the armed services began long before he reached Congress. In World War II he served in the Navy. After the war, he became active in several veterans' organizations and served for a period as the national commander of The American Legion. As both a veteran and a member of the Armed Services Committee, DAN brought unique insight and knowledge to those issues which came before his subcommittee. I know we in Congress will miss his expertise as well as his friendship.

Mr. Speaker, I would like to extend my condolences to the Daniel family. We will truly miss DAN DANIEL in this Chamber.

GENERAL LEAVE

Mr. SISISKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 60 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is a privilege for me to reserve this special order in commemoration of the 70th anniversary of Lithuanian Independence Day. I would like to take this opportunity to thank all of the Members of the House of Representatives who are joining with me today in drawing attention to the plight of the courageous people of Lithuania who are attempting to preserve their national identity and heritage in the face of Communist tyranny and oppression.

February 16 is a special day in man's historic struggle for self-determination. It was on this day 70 years ago that the Lithuanian people proudly proclaimed their independence, and began to reestablish their democratic institutions after the devastation of World War II.

The Lithuanian people worked diligently at safeguarding their newly won freedom, and began to enjoy the rewards of their own efforts in preserving their democratic form of government. Unfortunately, the fruits of liberty were short-lived, and with the outbreak of World War II, Lithuania was savagely invaded by Stalin's Red army. The Communists began arresting and executing Lithuanian patriots. Thousands of Lithuanians lost their lives or were forcibly relocated to distant parts of the Soviet Union, as the Communists attempted to destroy the culture, religion, and national identity of the Lithuanian people.

The Lithuanian people have remained strong in their resolve to resist the oppression of the Communists, and our own country has never recognized the forced incorporation of Lithuania into the Soviet Union. Many members of the Lithuanian American Council, Inc., are here today in the House of Representatives to participate in commemorating the 70th anniversary of Lithuanian Independence Day.

The Lithuanian American Council selected Bishop Baltakis to be guest chaplain this year in the House of Representatives as a part of our commemoration. The names of the officers of the Lithuanian American Council follow:

National President, Grozvydas J. Lazauskas.

Vice Presidents: Stanley Balzekas, Petras Buchas, Povilas P. Dargis, Alexander Domanskis, Esq., Leonas Kriauceltunas, D.V.M., Viktoras Naudzius, Casimir Oksas, Mykolas Pravevicius, Secretary, Stasys Dusauskas. Treasurer, Daina Danilevicius-Dumbrys.

Members: Irene D. Blinstrubas, Vytautas P. Dargis, M.D., Vanda Gasparas, Ramune Kelecius, Vida Jonusas, Birute Skorubskas, and Morkus Simkus. Council's Representatives in Washington, DC, Jonas B. Genys, Ph.D., Milda Vaivada. Director of Information, Msgr. Joseph Prunskis: J.C.D. Office manager, Nijole Gierstikas. Trustees: Vytautas Abraitis, Algirdas Budreckis, Ph. D., Kostas Burba, and Vytautas Yucius.

Honorary President, Kazys C. Bobelis, N.D. Honorary Members of the Board: Stephen Bredes, Jr., Alena Deventis-Grigaitis, Msgr. Joseph Prunskis, J.C.D., Anthony J. Rudis, Teodoras Blinstrubasa and Vladas Simaitis, J.D.

Also, the Lithuanian Council of Chicago commemorated this 70th anniversary with a program at Maria High School auditorium on Sunday, February 14. The officers of this organization include:

President, Matilda Marcinkus. Vice Presidents: Petras Buchas, Edmundas Jasiunas, Teodora Kuzas, and Vladas Soliunas. Secretary, Vytautas P. Dargis, M.D. Recording Secretary, Angele Katele. Treasurer, Oskaras Kremeris. Financial Secretary, Jura Jasiunas. Trustees: Ignas Andrasiunas, Juozas Bagdzius, Julias R. Kuzas, and Valeria Stanaitis.

The members of the Lithuanian Council of Chicago are as follows:

Christina Austin, Antanas Beleska, Juozas Blazys, Edvardas Boreisa, Helen Buchinskas, Mecys Buzenas, Elena Cizauskas, Stephanie Jonutis, Sabina Klatt, Veronika Lenkevicius, Stasys Mankus, Euphrosine Mikuzis, Petras Noreika, Casimir C. Oksas, Mykolas Pranevicius, Kazys Rozanskas, Vincent Samaska, Irena Sankus, Justinas Sidlauskas, Morkus Simkus, Joseph Stanaitis, and Edward Stockus.

Mr. Speaker, the Soviets have been brutal in their treatment of Lithuanians who have worked to preserve their cultural and religious heritage. Many times Soviet authorities have subjected religious and political dissidents to psychiatric abuse by incarcerating them in mental illness facilities and forcing them to take mind altering drugs. In January of this year, the Soviet Union announced that it had adopted new legal rights for mental patients, and I joined with my colleagues in cosigning a letter to the head of the psychiatric section of the Soviet Ministry of Health, to express my concern and outrage over seven Lithuanian dissidents who have been victims of psychiatric abuse at the hands of the Communists. A copy of the text of that letter follows:

FEBRUARY 16, 1988.

Dr. CHURKINU, A.A.,
SSSR, RSFSR, 103051 Moskva, Rakhmanovsky pereulok, 3, Ministerstvo zdravookhraneniya SSSR, Glavnomu spetsialistu po psikhiatricheskim delam.

DEAR DR. CHURKINU: We are members of the United States House of Representatives who were pleased to learn of the statute promulgated on January 4th by the Presidium of the Supreme Soviets, giving more legal protection to mental patients in the USSR. We welcome the news that the so-called "special" psychiatric hospitals previously controlled by the Interior Ministry have been transferred to the jurisdiction of the Health Ministry.

The January 4th statute gives us cause to hope that the internment of individuals in psychiatric hospitals for their religious and/or political views will become a thing of the past in the USSR.

In that regard, we are appealing to you on behalf of seven Lithuanian individuals who have been forcibly detained in psychiatric hospitals for what we believe to be purely political reasons. Their names and brief descriptions of their cases follow:

Jonas Bagdonas: Interned since 1962 in Sychovka Special Psychiatric Hospital for participation in the Lithuanian national movement.

Arvydas Cekanavicius: Committed in 1979 to Chernyakhovsk Special Psychiatric Hospital, apparently for signing a petition urging Soviet troops to leave the Baltic states.

Vilius Dogilis: Sent in January 1987 to Vilnius Psychiatric Hospital for speaking freely to a Soviet journalist about his conversion from drug addiction to Pentecostalism.

Voldemaras Karoliunas: Interned since 1977, now in Kaunas Psychiatric Hospital, and given drugs to "cure" him of his religious and national beliefs.

Henrikas Klimasauskas: Committed since 1976 for possessing underground Catholic publication, interned in Ziegzdriai Republican Psychiatric Hospital.

Vytautas Lazinskas: Sent to Vilnius Psychiatric Hospital in 1972 for erecting a cross.

Petras Lukosevicius: Committed to Vilnius Psychiatric Hospital in 1981 for writing his memoirs about time spent in labor camp and for possessing underground literature.

We would like to know whether any of these individuals have been discharged from psychiatric hospitals and, if so, when they were released. For those individuals who remain incarcerated, we urge you to order an immediate review of their cases and to implement whatever procedures are necessary to expedite their release.

We look forward to receiving your reply.

Mr. Speaker, this year also marks a milestone in the history of Lithuania—the 600th anniversary of the erection of the Cathedral in Vilnius, Lithuania. This cathedral has served for centuries as the symbolic center of religious life for Lithuanian Catholics. However, the Soviet Union nationalized all church property when it invaded Lithuania in 1940, and seized and desecrated this sacred building. Recently hundreds of priests in Lithuania joined together to petition the Soviets for the return of the Vilnius Cathedral. It was a privilege to join them in this worthy cause by adding my name as a cosponsor of House Resolution 300, a bill to express the strong opposition of the House of Representatives to the continued control of this cathedral. A copy of that resolution follows:

H. Res. 300

Whereas 1988 is the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania;

Whereas the site on which the Vilnius Cathedral stands was once the location of a pagan temple and has served for centuries as the symbolic center of religious life for the people of Lithuania;

Whereas the founding and erection of the Vilnius Cathedral is closely related to the conversion of Lithuania from paganism to Christianity in 1387, and the Vilnius Cathedral is called the "cradle of Lithuania Christianity";

Whereas the Vilnius Cathedral is both a religious and a national shrine, and the remains of prominent religious and secular rulers of Lithuania have been interred in the cathedral, including the remains of the patron saint of Lithuania, Casimir, and the greatest ruler of Lithuania, Grand Duke Vytautas;

Whereas, despite the numerous natural and man-made disasters that caused the partial or complete destruction of the Vilnius Cathedral, the religious faithful in Lithuania always rebuilt it;

Whereas the Soviet Army invaded Lithuania in June 1940, and the Soviet Government incorporated Lithuania into the Union of Soviet Socialist Republics;

Whereas the Soviet Government nationalized church property in Lithuania, seized scores of churches, and converted them to other uses against the wishes of the Roman Catholic community in Lithuania;

Whereas Soviet officials, over the protests of the Roman Catholic Church leadership in Lithuania, announced in 1950 that the Vilnius Cathedral would be transferred to Government control and transformed the cathedral into an art gallery in 1956;

Whereas the seizure and desecration of the Vilnius Cathedral by the Soviet Government violates the provisions on religious liberty contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas Roman Catholics in Lithuania have never reconciled themselves to the loss of the Vilnius Cathedral;

Whereas in 1985 the Lithuanian Christianity Jubilee Committee, led by Bishop Juozas Preiksas, applied to the Soviet Government for the return of the Vilnius Cathedral and two other churches as part of the 600th anniversary of the Christianization of Lithuania;

Whereas over the last few years hundreds of priests in Lithuania, including 60 percent of the priests in the Vilnius Archdiocese, have publicly petitioned for the return of the Vilnius Cathedral; and

Whereas Soviet authorities have met such petitions with either silence or outright refusal: Now, therefore, be it

Resolved, That in observation of the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania, the House of Representatives—

(1) expresses its deepest concern over the refusal of the Government of the Union of Soviet Socialist Republics to return to Vilnius Cathedral to the control of the Roman Catholic Church;

(2) voices its support to the Lithuanian people in their efforts to secure—

(A) the return of the Vilnius Cathedral, and

(B) the right to exercise fundamental religious rights so long denied them;

(3) calls upon the President and the Secretary of State to—

(A) raise the issue of the return of the Vilnius Cathedral in meetings with Soviet officials, and

(B) direct representatives of the United States Government at international human rights forums to speak out forcefully for the return of the Vilnius Cathedral;

(4) strongly encourages Members of Congress who visit the Union of Soviet Socialist Republics to include the return of the Vilnius Cathedral on the agenda in discussions with Soviet officials; and

(5) urges the Soviet Government to—

(A) reverse its policy of denying to Roman Catholics in Lithuania the right to worship in the Vilnius Cathedral, and

(B) return the cathedral to Roman Catholic Church control before the end of 1988.

Mr. Speaker, on this occasion of the 70th anniversary of Lithuanian Independence Day, I am honored to join with Lithuanian-Americans in my own 11th Congressional District of Illinois, and Americans of Lithuanian descent all over this Nation, as we assure the brave people of Lithuania that our country continues to support their aspirations for freedom and independence. We express our hopes and our prayers that one day the Lithuanian people will once again achieve liberty, and determine the course of their own destiny in a free homeland.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore [Mr. MONTGOMERY]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I am happy to yield to my distinguished colleague, the gentleman from Illinois [Mr. LIPINSKI], who represents one of the largest Lithuanian districts in the United States.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman from Illinois [Mr. ANNUNZIO] taking this special order. I appreciate this opportunity to speak on the subject of the Lithuanian Independence Day. I am not quite so sure if I have as many Lithuanians in my district in Chicago as the gentleman from Illinois [Mr. RUSSO] has in his district, but it is fairly close. He has a few more than I have.

Mr. ANNUNZIO. If I might reclaim my time for a moment, we are very happy to have the Lithuanians living in Chicago and we are very happy to have a large Lithuanian community in Chicago.

Mr. LIPINSKI. Yes, and I would venture to say that the Lithuanian community in the city of Chicago is fourth or fifth as far as ethnic Americans within Chicago in the Cook County area behind two groups which the gentleman from Illinois [Mr. ANNUNZIO] knows extremely well, Polish-Americans and Italian-Americans who probably run first and second as ethnic Americans in the Cook County area.

Mr. Speaker, I appreciate the gentleman from Illinois taking this special order.

On this day in 1918 Lithuania declared its independence and enjoyed more than 20 years of freedom as a sovereign nation. Lithuania became an integral part of the world community, while its culture and traditions flourished at home. Unfortunately, this did not last very long. During World War II the Soviet Union seized Lithuania in an illegal pact with Nazi Germany. Since that time the Soviet Government has instituted a program that has systematically deprived the Lithuanian people of their freedom, independence, culture, and heritage.

This insidious process of russification, characterized by sanctions for practicing religion, severe limits on migration out of the Soviet Union, and strict and often violent repression of Lithuanian demonstrators, reveal the disgraceful behavior of the Soviet Union toward the Lithuanians in the last 50 years.

It is remarkable that despite all the oppressive power of the Soviet Union, the spirit of the Lithuanian people both in their homeland and here in the United States, is as strong as ever.

This year, Lithuanians are gathering again to commemorate their independence day even though their celebration is a criminal offense in the Soviet Union.

In America, Lithuanian-Americans are marking Lithuanian Independence Day and strengthening the bonds that link them with their brothers and sisters in Lithuania.

If Secretary Gorbachev is sincere about glasnost, he should allow the Lithuanian people to commemorate their once-sovereign nation without fear of arrest, imprisonment or bodily harm. Instead, Soviet authorities have cut the telephone lines of dozens of local activists and threatened anyone who dares take part in the independence day remembrance. According to one activist, there are, "policemen and vigilanties gathering in the streets. Nobody is allowed to do anything. But we will try."

Mr. Speaker, we must support these brave people in their defiant attempt to remember their independent homeland. I urge all of my colleagues to cosponsor the bill offered by the gentleman from Illinois [Mr. Russo] which officially sets aside this day as Lithuanian Independence Day, and I want to commend my very good friend from Chicago, the gentleman from Illinois [Mr. Annunzio], for holding this special order on this very important day.

Further, Mr. Speaker, I would like to say that I had the opportunity last Sunday to speak at Maria High School in the heart of the Lithuanian community in Marquette Park in the city of Chicago. There were over 900 people in attendance. The program put on there was a great testimonial to the people of Lithuanian-American heritage's love for their homeland of Lithuania.

Mr. Speaker, there were over 900 people there and I was invited to speak by the Reverend Edward Prunskis, one of the leaders in the Lithuanian community in the United States and in the city of Chicago. Father Prunskis had fled Lithuania back in 1940 when the Germans marched in and took over Lithuania from the Russians.

Unfortunately, he has not been back there since. He did succeed remarkably so 4 years ago in getting the Soviet authorities to release his 94-year-old mother who came to the United States to spend her last years on Earth with him in the city of Chicago.

At that time I commemorated with the Lithuanian-American people about Lithuania, and I also spoke to them about the great contribution that Lithuanian-Americans have made in this country.

In comparison to some other ethnic groups that have come to this country, Lithuanian-Americans are not that large of a group, but because of their tremendous belief in education, because of their tremendous work ethnic, they have achieved great things in the United States of America such as today a gentleman of Lithuanian extraction happens to be the Federal prosecutor for northern Illinois, Anton Bolukis. His father is an outstanding judge in the great county of Cook back in the State of Illinois. There are countless other Lithuanians who have accomplished great things in education, in science, in business, and other areas in the United States, and I think that we should be very proud of that fact. They are an extremely important part of our ethnic heritage in this country.

Mr. Speaker, I appreciate this opportunity today to pay tribute to the Lithuanian people in this country and also to Lithuanian Independence Day that we will celebrate here on the House floor.

Mr. ANNUNZIO. Mr. Speaker, I very much appreciate the comments of the gentleman from Illinois [Mr. Lipinski].

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I am happy to yield to the gentleman from New York [Mr. Gilman].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. Annunzio] for taking out this special order in commemoration of Lithuanian Independence Day. As a co-sponsor of the legislation commemorating Lithuanian Independence Day, which has become Public Law 100-247, having been approved by President Reagan on February 11, 1988, I am especially pleased to add my voice to those recognizing this 70th anniversary of the establishment of Lithuania.

Our observance of Lithuanian Independence Day symbolizes our identification with the Lithuanian people's strong desire for democracy and freedom shared by people all over the world. For more than a century, the Lithuanian people suffered under foreign domination, trying vainly to win their independence. On February 16, 1918, Lithuania was finally able to do just that.

This independence was soon followed by German occupation during World War I, but, thereafter, and for the next 20 years, until 1938, the Lithuanian people were free. That small nation then came under Soviet domination during the course of World War II, and in 1940, Lithuania was declared a constituent Republic of the U.S.S.R.

Thereafter, during World War II, Germany occupied this land once more, for another 4 years until the end of the war. Unlike other nations after the war, Lithuania was unable to return to independence, and was, by 1945, firmly incorporated into the Soviet Union where it remains to this day. While Lithuania lost its independence, as did many other Eastern European nations, the Lithuanian people lost neither their desire for freedom, nor their strong culture. It is for these reasons that we recognize Lithuanian Independence Day and celebrate it for those who cannot. With this celebration, we are reminding the Soviet Union that we have not forgotten their inadmissible policies with respect to Lithuania and confirm to them our nonrecognition of Lithuania's incorporation into the Soviet Union. We must continue to work and remember the millions of people who are denied their basic human rights behind the Iron Curtain just as the Lithuanians are denied their independence.

Mr. Speaker, Lithuanian Independence Day is also a day for Americans of Lithuanian descent to celebrate their ethnic heritage and point with pride to their contribution to American society. We celebrate with them and at the same time share their concern over the plight of their loved ones living in Europe. While the plight of Lithuania and her people shows us how fortunate we, in the United States and other free nations are, it also serves to renew our obligation to all people who desire freedom and democracy.

Mr. Speaker, I include the full text of Public Law 100-247 in the Record at this point:

Whereas this year marks the 70th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council on February 16, 1918;

Whereas the Government of the Soviet Union recognized the sovereignty and independence of the Republic of Lithuania in the peace treaty of July 12, 1920;

Whereas the United States does not recognize the illegal incorporation of the free and independent Republic of Lithuania into the Union of Soviet Socialist Republics in 1940;

Whereas the United States continues to provide accreditation to the Charges d'Affaires of the Republic of Lithuania;

Whereas the United States remains firmly committed to the principle of self-determination as contained in the Final Act of the Conference on Security and Cooperation in Europe (also known as the 'Helsinki Final Act'), an agreement to which the Soviet Union is a party;

Whereas the people of the Republic of Lithuania struggle every day under Soviet domination;

Whereas the United States condemns the Soviet policy of forced Russification, ethnic dilution, and religious and political persecution; and

Whereas it is appropriate that the people of the United States, who so strongly cherish the principles of independence and self-determination denied the Lithuanian people by the Soviet Union, join with the people of the Republic of Lithuania to demonstrate our common desire to advance the cause of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, is designated as "Lithuanian Independence Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

□ 1415

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. ANNUNZIO] my full committee chairman, my close friend from Chicago. He has done this on a yearly basis. It is my personal privilege to serve with him on the Committee on House Administration that touches so many things, and I am not amazed that he takes time on this very important subject to do this every year.

Mr. Speaker, let me say for the record that I have read in full his prepared remarks, part of which he has given today, and the rest will be inserted in the RECORD, and I wish to be associated with those remarks on the record because I think they tell the story as it is.

As far as my district is concerned, we have meaningful enclaves, Lithuanians that had settled and worked in the western Pennsylvaina and Pittsburgh district the last 50 to 75 years and probably longer than that. They are respected as a group. They have integrated into the Pittsburgh mosaic, for want of a better decriptive term, because we have many communities there of ethnic backgrounds that have all worked together and intermarried, and they have all become an affirmative aspect of the great Pittsburgh story.

Mr. Speaker, I heard mention of work ethics, and I must say I do in great affirmation say that is one of the greatest contributions made by the Lithuanian ethnic group. They are the hardest workers in our area. Their church and customs, their intermingling into activity is second to none except by some stretch of the imagination, if they were eliminated from our district, I would have to say that the Pittsburgh district would have lost something of great value. They are so inculcated into the American dream and the American picture, and so knowing this and having lived this for many, many years, as long as I have been down here in Congress and before, and knowing the Lithuanian group as an individual ethnic representation of where they came from, their fatherland, I want to say this: They are the most valued group, they have worked into our scene, as I have mentioned before, into the Pittsburgh scene. This probably cannot be measured as far as value, and I consider this a personal privilege at this time under these circumstances in conjunction with my good friend and mentor from Chicago to take part in what I think is one of the most important special orders, to pay tribute to a group of this caliber.

So I want to conclude by thanking our good friend for taking this time.

Mr. ANNUNZIO. Mr. Speaker, I want to thank the gentleman from Pennsylvania for his outstanding contribution.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Chicago for this special order.

From Merrillville, IN, the district I think of the next speaker, a letter was published in the Indianapolis Star this morning that bears upon this special order, and I thought since the gentleman who wrote the letter, Mr. Vincent Gumulauskis, I think since his letter was so well written it deserved to be read into the RECORD because it has to do with the Lithuanian slavery issue, and the letter is entitled "48 Years of Soviet Slavery."

And he says:

Feb. 16, 1918, is a very important date for many Lithuanians worldwide. Lithuania is one of three Baltic states which were free and independent nations, members of the League of Nations.

Lithuania's freedom lasted only 22 years to 1940, when the imperialist armed forces of the Soviet Union invaded the Baltic states. Sad to say, all three Baltic states had signed a "treaty of friendship" with the Soviet Union, as worthless as the paper on which it was written.

By June 1940, without any trials or due process of law, many Lithuanians were tortured, murdered and deported to the wastelands of Siberia. Many were never heard from since. Yet the Soviet Union claims to expound "human rights."

What happened to Lithuania was pure genocide, and the free world has done very little to help the freedom-loving people of the Baltic states.

The recent missile treaty signed between the United States and the Soviet Union may build hope for peace between both nations. But just remember, the Soviet Union is building modern nuclear powered aircraft carriers, as well as submarines and an army equipped with tanks for chemical warfare.

Why is a small country like Nicaragua building such large airfields and a deep water submarine base? Who will be using these facilities in the future, if not the Soviet Union?—Vincent Gumulauskis, Merrillville.

Mr. Speaker, I think this gentleman of Lithuanian descent states the issue very well. They enslaved Lithuania, and, if we let them, they will do it in Central America.

Mr. Speaker, I thank the gentleman from Illinois [Mr. ANNUNZIO] for his time.

Mr. ANNUNZIO. Mr. Speaker, I yield to the gentleman from Indiana [Mr. VISCLOSKY] my friend and neighbor.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Illinois for yielding and also for his leadership on this issue. I might also add as a neighbor I thank the gentleman for all of the tremendous good works he has done both in the Congress and in the organized labor movement to make a condition of the people I represent in the northwestern corner of Indiana a much brighter picture.

Mr. Speaker, I rise today, as I have in previous years, to mark the anniversary of Lithuanian independence. On February 16, 1918, Lithuania, a small yet fearless nation, declared its independence from the historical domination of the U.S.S.R. and Germany. However, in 1939, in an effort to counter the Nazi presence in neighboring Poland, Soviet troops were permitted to establish a garrison in Lithuania. This led to its forced incorporation into the Soviet Union in 1940. Twenty-two years of independence had come to a devastating end.

I am proud to note that the United States, then and now, has refused to recognize this conquest and Lithuania is still designated as a captive nation.

I am fortunate to have a significant Lithuanian population in my district. Through them, I have come to know that they are a proud, hard-working people who continue to work for an independent Lithuania. It is my hope that my colleagues in Congress who are not familiar with the Lithuanian struggle, will come to appreciate the desires and dreams they have for their native land.

Soviet repression and violence toward Lithuanians continues today in many forms. It has recently been brought to my attention that seven Lithuanian dissidents are being held in Soviet psychiatric hospitals for participating in Lithuanian national movement activities. I urge my colleagues to join with me in cosigning a letter to the Soviets protesting these incarcerations.

The people of Lithuania never asked to be annexed; they were forcibly incorporated by the U.S.S.R. I commend and salute all Lithuanians for their continued, peaceful efforts to eradicate the Soviet occupation of their land. As we mark the 70th anniversary of Lithuania's Declaration of Independence, I say "Dieve palaimink Lietuva"—God bless Lithuania.

I would only add again, Mr. Speaker, as an aside, that it warms my heart to be on the floor with an Italian Member, a Slovak Member, a Polish Member to honor essentially a Lithuanian national heritage, and I do think it is that characteristic of the United States where all of us have come from someplace else that makes our Nation so great.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for his most valuable contribution.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, once again, I yield to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. I thank the gentleman for yielding once again.

The Congressman from Indiana mentioned being on the floor with a Polish Congressman and an Italian Congressman, and I thought it would be only fitting to make mention of the fact that there is a tremendous affinity between the Polish people and the Lithuanian people, and when Poland and Lithuania a couple of hundred years or so ago were actually one nation and the name of it was Poland, the vast majority of the kings, the princes, the dukes, et cetera, who were the rulers of the country actually came from Lithuania, and when Poland had its brief period of independence in recent history from 1919 to September 1, 1929, the gentleman most responsible for leading Poland in that period of time, Josef Pilsudski, the marshal of Poland, was actually born, raised, and educated in Lithuania, so there is a tremendous camaraderie between the Polish people and the Lithuanian people, and I think I would have been remiss if I had not made mention of that here today.

Mr. ANNUNZIO. I thank the gentleman. You are absolutely correct about the affinity that the Slovak people have for each other especially those that are behind the Iron Curtain, and I know every year we have that great captive nations parade in Chicago where they all assemble. I am always happy to participate either as a marshal or a speaker at the program, but I know that this fight will never end. It will never end until one day the people of Europe and other peoples throughout the world who are being held against their own will in slavery do have the benefits of the human rights that we have in the United States, and then this period, that this chapter in world history, will one day come to a close.

Mr. RITTER. Will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER] my distinguished friend.

Mr. RITTER. Mr. Speaker, many Americans recognize the contributions that Lithuania has made to Western civilization. For 500 years in alliance with Poland the Lithuanian people contributed to the growth of the ideas and the ideals of Western civilization. It is a great culture; it is an old culture.

In 1918, as a result of the redrawing of boundaries at the end of the First World War, Lithuania became an independent country. It retained that independence until 1940, when because of the Molotov-Ribbentrop Pact, it was painfully taken away. Many Americans do not realize that the Soviets were in partnership with Nazi Germany in the first invasions of World War II.

As we all know, through the ensuing World War, and eventually onto peacetime—for the rest of the world—Lithuania was never again to achieve her rightful independence.

I think of when it all began, on that fateful night of June 14, 1941, a night engraved on the memory of I'm sure many that are here today, when Soviet troops forced more than 50,000 Baltic men, women, and children, kicking and screaming, into railroad cattle cars, and sent them off to an uncertain fate in far off and inhospitable Siberia.

During the next 10 years, as the Soviets eliminated more than 600,000 Baltic citizens, fully 10 percent of the total population of those nations, we saw the beginning of the Soviets goal: to create a Lithuania cast in the image of the Soviet Union. Critical in achieving this goal, was the wiping out of all vestiges of Lithuanian independence, religion, and culture.

At first, as I've already mentioned, the Soviets used deportations and outright murder to achieve their goal. The method later changed to an intense Russification campaign. Churches were closed, Christian education was stifled, Lithuanians were denied freedom of the press, citizens were prohibited from assembling together freely, books and papers printed in the west were strictly forbidden, in an attempt to break the Lithuanian people and ease all vestiges of their culture. Add to this, a huge, Soviet directed, influx of Russian emigres and the manipulation of all schools, newspapers, radio and TV by Soviet propagandists and we see the totality of the situation.

However, the Lithuanians have vigorously resisted the stifling of their uniqueness and will not crumble to the dominance of the Russian majority. The nationalization of Lithuanian industry, the collectivism of its agriculture, and the Sovietization of its economy have stripped Lithuania of its rightful heritage. Yet, the strong voice of Lithuanian Americans—and our last census reported that there are over 800,000 ethnic Lithuanians living in the United States—reminds us and encourages us that, Lithuanian culture will not be trampled under the Soviet boot, and the Lithuanian people are as determined as ever to reestablish an independent Lithuania.

Today is an important day because it marks the anniversary of Lithuania Independence Day. And, throughout Lithuania, particularly in the cities of Vilnius and Kaunas, the Lithuanian people had planned to commemorate their independence, to celebrate their independence. The Lithuanian people intended to take wreaths of flowers and lay them at the feet of monuments to their national heritage, their unknown soldiers at churches and at cemeteries. The Lithuanian people had hoped to, in a peaceful, not violent way, call attention to their rightful heritage.

An appeal from Lithuania, signed by 41 clergy and lay leaders in Lithuania, which reached the West January 30, states, in part:

> We appeal to believers world-wide, asking them to support us with their fervent prayers that Lithuania regain its religious, spiritual and national freedom and that it rise from its great moral decline.

Soviet officials had allowed peaceful demonstrations in Lithuania, Latvia, and Estonia, on August 23, 1987, the anniversary of the Nazi-Soviet Pact which led to the occupation of the Baltic States by the Soviet Union, punishing suspected organizers and participants later.

It was therefore thought there was hope for today's demonstrations.

However, yesterday we learned that 10,000 auxiliary police were mobilized to break up today's ceremonies. We learned they had been issued rubber truncheons, that ambulances had been readied, and that the doctors were on call and the hospitals alerted. Observers called the preparations a "military alert."

At this late hour I have learned that the planned Lithuanian demonstrations, demonstrations that should have been allowed if glasnost or openness were real, have been prevented. In what can only be called an atmosphere of terror, the Lithuanian people have been prevented from peacefully asking for self-determination.

Apparently, groups of armed thugs and militia-men patrolled the streets in a fantastic display of force, and leading dissidents were put under house arrest.

Father Casimir Pugeviclus, director of Lithuanian Catholic Religious Aid said, "this will be an acid test of glasnost." Yes, today was a test of glasnost and glasnost has failed.

I stand here today, in solidarity with the Lithuanian people. I stand here to tell them and their Soviet captors that we will never forget them nor will we forget their cause. The Soviets may have prevented a demonstration today, but they will never extinguish the Lithuanian hope for freedom nor silence our voices that speak on their behalf.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for his comments.

Mr. MICHEL. Mr. Speaker, I am glad once more to join with our colleagues in marking Lithuanian Independence Day. February 16, 1988, is the 70th anniversary of that nation's declaration of independence.

As you know, the United States has never recognized the Soviet Union's takeover of Lithuania. The implications of this decision are clear: The people of Lithuania, as well as of Estonia and Latvia, their Baltic neighbors, have a right to self-determination, the United States officially recognizes that right and that right has been taken away from them by force.

In 1939, the leaders of the two most powerful totalitarian powers of the time—Hitler in Germany and Stalin in the Soviet Union—joined in a bloody pact of fellowship in order to pursue their imperialistic aims. One result was the illegal and brutal occupation and, eventually, domination of, the Baltic States by the Soviet Union. One partner of that pact was defeated in World War II, while the successors of the other treaty partner now rule in the Soviet Union, never having repudiated the Baltic Nations' takeover.

The people of Lithuania today retain their love of freedom, even under harsh repression from the Soviet Union, whose troops still illegally occupy it and whose government still claims to represent its people.

I salute the brave people of Lithuania today and commend them for resisting Soviet rule.

Mr. MOAKLEY. Mr. Speaker, I am truly honored to join my colleague FRANK ANNUNZIO for today's special order commemorating Lithuanian Independence Day.

The small Baltic State of Lithuania will never surrender to the Soviet oppression that has dominated its people for many decades. The citizens of Lithuania are subject to continuing attacks on their religious and individual freedoms by the Soviet forces still existing in their homeland. In spite of this constant persecution, the people of Lithuania have never lost their will to regain their liberty and freely practice their unique and wonderful culture once again.

The Members of this Congress and the people we represent must support the return of independence to Lithuania and condemn without reservation the continuing occupation by the Soviets. We will continue our effort until Lithuania and her neighboring Baltic States are free from Soviet dominance and are members of the community of free nations.

Mr. STRATTON. Mr. Speaker, I rise today to commemorate the 70th anniversary of the Lithuanian Declaration of Independence and to call the attention of all free people to the human rights atrocities perpetrated on the Lithuanian people since the conclusion of World War II.

Each year in Congress we stand to honor the short-lived independence of the Lithuanian nation. Still, the details bear repeating. It was 70 years ago today, on February 16, 1918, that Lithuania's National Council proclaimed independence. The Soviet Union recognized that independence for all time in the peace treaty of 1920. But by 1940, as a result of the Nazi-Soviet Pact, Soviet troops had occupied Lithuanian soil and forceably annexed the nation. Since that time, simple, basic freedoms—fundamental to all human beings—have been denied to the Lithuanian people.

It is our duty to remain steadfast and to assist our friends in their struggle to regain those human rights: speech, religion, and self-determination. The voices of the Lithuanian people have been repressed, and we must make certain that, through us, they are heard by the Soviet Union and the rest of the world.

Mr. Speaker, a new and refreshing wave of optimism has taken hold of many Americans in light of our recently improving relations with the Soviet leaders. Key Soviet words such as "glasnost" and "perestroika" have become a common part of our American vocabulary. But, I ask you, has the word "glasnost" brought a feeling of openness to our friends' struggle in Lithuania? How do Lithuanian dissidents feel about "perestroika" and its new beginnings while suffering under the same intolerable denial of human rights that they have for almost a half century?

Words alone will not quell the Lithuanian people's desire for freedom, nor will words relax our commitment to assist in the struggle of all freedom-loving people throughout the world.

Mr. HYDE. Mr. Speaker, today I join my colleagues in commemorating the 70th anniversary of the Lithuanian Declaration of Independence. This body joins the more than 1 million Americans of Lithuanian descent in celebrating the 22 years of Lithuanian freedom and in recognizing the contributions and accomplishments of the Lithuanian people. Together, as well, we mourn the brutal subjugation of their homeland.

The Lithuanian people are noted for their rich culture and their religious devotion. This is an affront to totalitarian conformity, and so, for almost 50 years now, the Soviet Union has tried to eradicate all vestiges of an independent Lithuania. The Soviet Union has failed, and will continue to fail, until it realizes that it can imprison a people, but it cannot imprison their spirit.

The history of Lithuania is the history of this spirit. It is not a story of military successes or political power, but of a proud and unyielding people. A people, unfortunately, who have rarely known freedom.

In 1795, the Lithuanians were conquered by czarist Russia. On three occasions they rose in revolt, only to be defeated each time. Yet while the nation was conquered, the people endured. They endured the sabers of the Cossacks and the russification campaigns of the czars, maintaining their cultural identity if not their freedom. When, in 1918, they saw an opportunity in the wake of the First World War, they broke their shackles. On February 16, 1918, the Council of Lithuania declared Lithuanian independence. After several years of struggle with the Soviets, independence was realized.

It was tragically short-lived. On June 15, 1940, the Soviet Union forced the Lithuanians to form a friendly government and subsequently occupied the country. As many as 350,000 citizens were arrested and deported to Siberia. Many thousand more fled to safety in the West. The United States has never recognized this brutal, unjustified occupation.

Lithuania's membership in the League of Nations gives ironic testimony to the failure of that organization to preserve peace and justice in the world. As the Second World War proved, no nation is secure when nations devour their neighbors. Regrettably, we live in a world in which the only real insurance against aggression lies in the possession of a strong defense.

But Lithuanian history offers more than a lesson in the need for military preparedness. It dramatizes the spirit that motivates ordinary men and women to risk death or imprisonment as they struggle for the right to worship as they please, to speak the language of their parents, to exercise national self-determination.

It is often said that when freedom is diminished anywhere, it is diminished everywhere. In the name of freedom I call upon General Secretary Gorbachev to withdraw all Soviet personnel from Lithuania and allow its citizens to exercise the national self-determination that is the birthright of all peoples. I ask this in the name of glasnost. I ask this in the name of the Lithuanian people who are even now crying to be free.

Mr. SOLOMON. Mr. Speaker, I rise today for the purpose of honoring Lithuania, one of the great nations in the history of Eastern Europe, and to support its struggle for true national self-determination. The key role Lithuania has played in the history and culture of the Eastern European region is too often overlooked. In fact, not only did Lithuania exert a tremendous influence over the history of the region, but we can find a great deal that can be admired in the role the Lithuanians played as the nations of that area reached new levels of maturity in early times.

Certainly, we can admire the Lithuanian nation's march from the Baltic Sea coast to challenge the oppressive occupation of Eastern Europe by the Mongol Horde in the 14th century. But we can also respect that the nation's early and free acceptance of Christianity to replace an ancient paganism, and also its willingness to honor the language and customs of those who came under its rule. Above all, it is noteworthy that in the evolution of the Lithuanian Grand Princes into monarchs who granted rights and privileges to their aristocracy and self-governing towns, we can see much the same development that took place among the nations of Western Europe of that time, a development that for us would lead to the parliamentary system of government we enjoy today.

Today we address the specific issue of Luthuanian independence, and in reviewing the history of these great people, it is impossible to sense their strong feeling of national identity. While agreeing to merge their ruling dynasty with that of neighboring Poland in the earliest days of their kingdom, the Lithuanian people insisted on maintaining their independent standing. Under a Federal system adopted in the 16th century, this independent status was formalized through the recognition of the Grand Princedom, or Grand Duchy, of Lithuania within the Kingdom of Poland. Despite the absorption of Lithuania and Poland into the Russian empire two centuries later, the Lithuanian people never lost this sense of national identity. In fact, as the 19th century progressed, they began to seek a renewal of the strength of this identity, and at the beginning of this century, demanded from the Russian tsar autonomy for their nation.

The chance for true independence came, however, 13 years later, and at the end of the First World War, the Lithuanian people took the opportunity to begin the difficult task of rebuilding their nation amid the political upheavals and economic depression that characterized those times. Unfortunately, as we now know, their strong efforts were to be quickly thwarted by the duplicity of the Soviet Union, which, while solemnly signing the treaty recognizing Lithuania's independence and while proposing the 1929 treaty that outlawed war between the two states, merely awaited the chance to regain control of the Lithuanian nation.

While the treachery of the Soviets' 1940 invasion of Lithuania has led to the imposition of Communist tyranny upon that nation, that treachery has not destroyed the striving of the Lithuanian people toward true self-determination. Given Lithuania's long and proud history, and given the efforts being made by Lithuanian nationalists even as we speak, I doubt that Soviet efforts to submerge the Lithuanian nation will succeed in the long run, and I know that the American people command and support the Lithuanian people in this worthwhile struggle to regain what is rightfully theirs.

Mr. ROE. Mr. Speaker, February 16, 1988 marks the 70th anniversary of the establishment of the independent Republic of Lithuania. For the following 22 years, the Lithuanian people experienced freedom. During this time, Lithuanians took advantage of their independence. A land reform program was successfully instituted, industrialization progressed and education became available to the masses. Additionally, Lithuanian culture flourished. Writers found inspiration in their native folklore and achievements were also made across a broad spectrum of cultural activities.

The much cherished independence of the Lithuanian people was short lived. In 1940, Soviet troops marched in, forced the resignation of the coalition government and installed a Soviet empowered government. To this day, Lithuania remains under control of the Soviet empire.

Our Nation has never recognized the forced incorporation of Lithuania into the Soviet Union; instead, we maintain diplomatic relations with representatives of the former independent government. It is important that the Lithuanian people know that we support their struggle to achieve basic, fundamental human rights.

As we pause to mark a grave injustice that is perpetuated across the ocean, we must also recognize the hundreds of thousands of Americans of Lithuanian descent who have made important contributions to their adopted homeland.

It is imperative that free people everywhere, and Americans in particular keep the aspirations for freedom alive by rendering moral and spiritual support to those who have lost their freedom.

Mr. HOWARD. Mr. Speaker, February 16, 1988 will mark the 737th anniversary of the establishment of the State of Lithuania in 1251. It will also commemorate the 70th anniversary of the declaration of Lithuanian independence from the Soviet Union. Although the first date is an occasion for celebration, the latter marks a tragic episode in Lithuanian history.

Due to the Nazi-Soviet Pact of 1939, Lithuania, along with Estonia and Latvia, was annexed into the Soviet Union. Lithuanian freedom fighters courageously tried to resist this incorporation and repel the Soviet army. Unfortunately, this battle was lost and 50,000 Lithuanian lives were lost.

Lithuanians have continued to sacrifice and risk their lives in defiance of the Soviet regime. On May 14, 1972, a young Lithuanian boy named Romas Kalanta burned himself as a martyr in protest of Soviet denials of political and religious freedoms and human rights. Dramatic events such as this, demonstrate the Lithuanian people's hunger for freedom and independence.

The Soviet Union claims that Lithuania asked to join the Union of Soviet Socialist Republic. History does not contain many occurrences of nations that emerge from colonial rule and refuse their right to independence and self-determination.

The extraordinary will to be free that the Lithuanian people possess in spite of communist rule serves as a model to all oppressed people in the world. They have maintained the faith, heritage, and culture of their forefathers.

Though Soviet authorities consider such actions illegal, native Lithuanians will unite in two of Lithuania's largest cities, Kaunes and Vilnius, to celebrate the 70th anniversary of their declaration of independence. Let us join Lithuanians across the globe to commemorate this anniversary and remember the loss of their freedom to Soviet imperialism. My hope is that Lithuania will someday regain its self-government, freedom and permanent independence.

Mr. DONNELLY. Mr. Speaker, today I join my colleagues in marking the 70th anniversary of the establishment of the Independent Republic of Lithuania. I wish to take this opportunity to pay tribute to Lithuanian people everywhere who share in the common goal of liberty, freedom and self determination for this nation rich in culture and heritage.

We are all aware that Lithuanian independence was short-lived. In 1940, Soviet troops forced the coalition government to resign and put in its place a Soviet-monitored government. Lithuania still remains under Soviet control.

As the Soviet Union struggles with the enormous task of withdrawing troops from Afghanistan, we must reaffirm our pledge for Lithuanian independence and turn-up the volume on our call for the return of individual freedoms and self-determination to this enormously proud nation, the Republic of Lithuania.

I am pleased to recognize the contribution of the many Americans of Lithuanian descent, including a very active Lithuanian community in my district, who continue to yearn for the day when the Republic of Lithuania will once again enjoy the freedom and independence that all Americans cherish.

Mr. HORTON. Mr. Speaker, I join my esteemed colleagues in commemorating the 70th anniversary of the declaration of independence of Lithuania, a country that has been virtually denied its right to exist.

On February 16, 1918, the Council of Lithuania, a 20-member body, founded the country by issuing a declaration of independence. For 2 years after that, they had to fight off the Soviet Bolsheviks. Finally, they signed a peace treaty in 1920, and Lithuania was again recognized as a free nation. Even the Soviet Union had agreed to respect the newly independent nation. In 1921, Lithuania joined the League of Nations. As a sovereign nation, Lithuania was thriving culturally, economically, and educationally. Freedoms of religion and of the press were enjoyed by the people just as we do in the United States.

But, the agreement known as the Soviet-Nazi Pact of 1939 allowed the Soviet Union to annex the country of Lithuania. The virtually defenseless country was invaded by the Soviet Union in 1940, and her citizens were stripped of their freedom. The Soviets today are continuing to attempt the russification of Lithuania by preventing Lithuanians from speaking the Lithuanian language in schools, screening clergy members who wish to practice their religion, and other various means of depriving these innocent people of their basic human rights.

The people of Lithuania have endured much repression by the Soviet Union, but they do not give up. As Americans, we appreciate their hunger for freedom, as well as the great contribution Lithuanian Americans have made to our Nation.

Mr. Speaker, we remember the plight of the Lithuanian nation and pledge neither to forget their hopes nor to give up pressing for their freedom.

Mr. ATKINS. Mr. Speaker, I rise today with several of my colleagues to pay tribute to the Lithuanian people on the 70th anniversary of Lithuanian Independence Day.

Today, millions of Lithuanians will celebrate their independence—but the celebration will not be as festive as our own Fourth of July. Unlike the American Independence day, which is marked by joy and happiness, Lithuanian Independence Day will be marked only by hope and resolve. For the Lithuanian people are not free, and the Lithuanian people cannot bask in the pride of self-government. Instead of celebrating what they have, the Lithuanian people will celebrate what they once had, and unite in their determination to regain their independence.

When the Lithuanian Council threw off the shackles of foreign domination and declared its independence 70 years ago today, it had every hope that its declaration would be a permanent one. For 21 years, Lithuania did flourish in the glow of independence and economic success. But on the eve of World War II, a secret agreement between Nazi Germany and Soviet Russia cleared the way for a Soviet invasion of Lithuania, and its sister states of Latvia and Estonia. Today, all three countries share the suffering of unwanted foreign rule.

But the Baltic people have never relinquished their hope or resistance. Through years of terror marked by alternating Nazi and Soviet rule, the brutal collectivization policies of the Stalin dictatorship, and continued Soviet domination and oppression, these people have held on to their faith in religion and their determination to rule themselves. Today, this faith and determination is characterized by the efforts of Lithuanians living in the Free World, who have formed agencies and organizations to remind the world of illegal Soviet occupation, and to ensure that this issue remains on the international agenda. Of course, it is also characterized by the unyielding resistance of those living in Lithuania, Estonia, and Latvia, who continue their fight for freedom.

We continue to hear talk of a new "openness" emanating from the Soviet Union. However, in Lithuania this talk continues to be just that. Today, Lithuanian nationalists plan to lay wreaths at historic sites in Vilnius and Kaunas, but they have already been met with charges of "extremism," and threats of violence.

Mr. Speaker, I ask how the Soviet leadership can speak of openness, but refuse to allow a proud people not only its right to self-government, but its right to celebrate an important date in its history. I hope that I speak for all of my colleagues in urging the Soviet Union to allow this celebration to take place in peace, and to remove its iron grip from a proud, peaceful and determined people.

I am honored to represent the many Lithuanians in the Fifth Congressional District of Massachusetts, and I am proud to take part in the celebration of Lithuanian Independence being held this month by the Lawrence Chapter of the Lithuanian American Council. I am similarly pleased to be a cosponsor of a House resolution designating February 16, 1989, as "Lithuanian Independence Day." I know that the Lithuanian people and their friends will continue their struggle for independence until this hope becomes a reality. On this day we observe this struggle, and renew our vows to make it end in fruition.

Mr. CLINGER. Mr. Speaker, today I join many of my colleagues in commemorating the anniversary of Lithuanian independence. And on this occasion, I'm sure that all Members of the House join with us in honoring Lithuanians and their struggle for freedom.

In 1918, the people of Lithuania broke free from the yoke of oppression and became an independent and free nation, seeking to advance their culture and take a rightful place among the international community. For the next 22 years, they built their country and forged ahead to what looked like a bright future.

However, in 1940, the Soviet Union, under the leadership of Joseph Stalin, brutally took away the freedom of Lithuania and subjected the nation to political and cultural oppression. The Soviets violated a treaty signed by them in 1920 in which they guaranteed the right of Lithuania to self-determination.

On almost a daily basis, the language and culture of these brave people is under siege because the Soviets prefer to have uniformity among the nations they have annexed. They want the sparks of independent culture to die and with it the desire for an independent nation. I say today, that this must not be allowed to happen.

To many in the West, it seems as though a new age in dawning in the Soviet Union. General Secretary Gorbachev talks of glasnost and peristroika; he says that now is the time for openness and equality in this often brutal Communist state. Now is the time for them to prove what they say, and a good place to start is with Lithuania.

As a Member of the U.S. Congress, I am proud that we do not recognize this illegal annexation of Lithuania. By continuing to do so, we state that the domination of a Communist state over a people wishing to be free is never acceptable.

Today, on the anniversary of Lithuania independence, I pledge my support in efforts to liberate these oppressed people from Soviet domination and to ensure that their culture and history live on in a free nation.

Mr. COURTER. Mr. Speaker, today marks the 70th anniversary of the day in 1918 when the people of Lithuania, speaking through their national council, proclaimed the independence of their nation. Because it was hard-pressed by many nations opposed to Communist rule, the Soviet Government acknowledged the sovereignty of Lithuania. Only later, when the U.S.S.R. and Nazi Germany were dividing peoples and countries between them in the great land grab that preceded World War II, did the nation of Lithuania once again lose its independence.

So determined is the Kremlin that the people of occupied Lithuania forget their past and their destiny that this year, as the 70th anniversary approached, the Central Committee of the Lithuanian Communist Party issued an official warning that "any commemoration of February 16 for a Soviet citizen is an anti-Soviet act." What kind of place is it where the act of recollecting one's birthright become a crime?

But the people of Lithuania have little interest in seeing their day of independence forgotten. They do not intend for the past to disappear down some Orwellian "memory hole." They intend to carry out peaceable demonstrations, and to place flowers at the gravesites of their martyrs, described by the Government as "religious fanatics" and "bourgeois nationalists."

I welcome the anniversary. While I do not expect it to bring freedom from the claws of totalitarianism, I do expect that it will bring hope.

Mr. Speaker, I ask that the RECORD for today include information released from the Lithuanian Information Center in New York about an attempt to deter one of the more heroic living Lithuanians—a nun named Nijole Sadunaite, who was recently assaulted in Vilnius. Why was she assaulted? Because she refused to forget.

Mr. Speaker, I am proud of the fact that our Government still refuses to recognize the annexation of Lithuania and the other Baltic States, and I salute all those, such as the Joint Baltic American National Committee, who keep alive the embers of memory and the flames of hope.

[Press release of the Lithuanian Information Center, Feb. 10, 1988]

PROMINENT DISSIDENT BEATEN IN VILNIUS

One of the leading dissidents of Lithuania was beaten last Saturday, learned Lithuanian Information Center in a phone call to the victim, Nijole Sadunaite.

Sadunaite was assaulted by two men in the capital city of Vilnius, near the Adomas Mickevicius monument, where she led a demonstration last August calling for Lithuanian freedom. One of the men had been tailing her all morning, said Sadunaite, who has been under intensive KGB surveillance since announcing plans for Lithuanian independence day demonstrations next week. Civil and religious ceremonies are planned for February 14, and 16, the day Independence was declared in 1918.

The 49 year old nun was placing a call from a public phone when she was first confronted by her "tail," as she put it, who demanded that she stop smiling and then, in a fit of anger, threatened to kill her. Sadunaite and a friend nearby began walking away, but were confronted soon thereafter, at approximately 11 am, by the same man and another, who swooped down on them from behind and singled out Sadunaite. The man who had threatened Sadunaite earlier began pummeling her stomach with his fists. The two assailants ran away when a car and its passengers driving by stopped at the side of the road to intervene.

From her Vilnius apartment, Sadunaite said she was still feeling discomfort and pain, but was in "good spirits." The independence day ceremonies will proceed as planned, said Sadunaite, who is one of the organizers. "We will not be provoked," she emphasized. If the sites of the flower-laying ceremonies are cordoned off, "we will not force our way—we will go to church instead."

"If they kill me as they promised," she continued, "or if they plan an 'accident,' have no doubt that it was the work of the KGB."

The morning of the assault, Sadunaite planned on attending religious services outside of Vilnius, in Rudamina, marking the 2nd anniversary since the death of leading religious rights activist, Fr. Juozas Zdebskis. The Catholic priest died under suspicious circumstances in a car accident widely believed to have been staged by the KGB. He, like Sadunaite, had received similar death threats.

Mr. YOUNG of Florida. Mr. Speaker, the people of Lithuania, and of Lithuanian descent, today celebrate the 70th anniversary of the declaration of independence of their homeland, with similar ceremonies to be held February 24 to mark the 70th anniversary of Estonia's independence.

Unfortunately, for the people of these countries and all the Baltic States, these will be muted celebrations because for the past 48 years the Soviet Union has denied freedom and independence to these brave people. During its occupation of the Baltic States, the Soviets have overtaken a continuous campaign to virtually eliminate the cultural heritage, traditions, languages, and religion of the Lithuanian, Estonian, and Latvian people.

In recognition of the denial of human rights to the Baltic people, I am reintroducing today two resolutions calling for full freedom and independence of the Baltic States and expressing the sense of the Congress that our Nation should do everything possible through diplomatic channels to see that Soviet personnel are removed from these occupied lands.

These resolutions reaffirm the policy of the United States to refuse to recognize the unlawful Soviet occupation of the Baltic States and to continue to maintain diplomatic relations with the independent Republics of Lithuania, Estonia, and Latvia as independent states.

Soviet leaders have widely publicized their new policy of glasnost with the announced intendion of expanding the freedoms and rights of the Soviet people. If the Soviet Union is sincere in this regard, it should immediately grant the long denied independence to the peaceful and freedom loving people of the Baltic States who pose no security risk to the Soviet Union. The resolutions I introduce today, the text of which follow my remarks, encourage the President to enter into discussions with Soviet leaders to end Soviet occupation of these lands, release Baltic political prisoners, and restore the self-determination of the Baltic people.

Mr. Speaker, through our efforts to recognize the independence of Lithuania, Estonia, and Latvia we call world attention to the Soviet denial of human rights and freedom to the people of these nations for almost half of this century. The Baltic people are proud and strong and will never relinquish their quest to regain the independence that has been stropped of them by the Soviet Union and they are deserving of our moral and diplomatic support to help them achieve their dream of the reestablishment of thre truly independent states of Lithuania, Estonia, and Latvia.

H. CON. RES. 244

Whereas the United States, since its inception, has been committed to the principle of self-determination;

Whereas this essential moral principle is also affirmed in the Charter of the United Nations;

Whereas the Union of Soviet Socialist Republics is, according to its Constitution, a volunary federation of autonomous republics;

Whereas the three Baltic Republics (the Republic of Lithuania, the Republic of Latvia, and the Repubic of Estonia) did not become member republics of the Union of Soviet Socialist Republics voluntarily, but rather were occupied militarily by Russian Armed Forces in the early days of World War II and subsequently incorporated by force into the Union of Soviet Socialist Republics and have since been governed by governments approved by, and subservient to, the Government of the Union of Soviet Socialist Republics;

Whereas the ethnic makeup of the Baltic peoples (the Lithuanians, Latvians, and Estonians) is distinctly foreign in language, culture, common traditions, and religion from that of the Russian people;

Whereas, by deportation and dispension of the native populations of the Baltic States to Siberia and by a massive colonization effort in which Russian colonists replace the displaced native peoples, the Soviet Union threatens complete elimination of the Baltic peoples as a culturally, geographically, and politically distinct and ethnically homogeneous population;

Whereas, despite such treatment, the spirit of the citizens of the Baltic States is not broken and the desire of the citizens of the Baltic States for national independence remains unabated;

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent Republics of Lithuania, Latvia, and Estonia; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of the people of those countries in Asia and Africa that are, or have been, under foreign imperialist rule: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President and the Secretary of State should take all necessary steps to bring the Baltic States question before the United Nations and to urge that the United Nations request the Soviet Union—

(A) to withdraw all Russian and other nonnative troops, agents, colonists, and controls from the Republics of Lithuania, Latvia, and Estonia, and

(B) to return all Baltic exiles from Siberia and from prisons and labor camps in the Soviet Union;

(2) until the Baltic States become independent, the Secretary of State should, through such channels as the United States Information Agency and other information agencies of the United States Government, do his utmost to bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications;

(3) the United States should not agree to the recognition, by any international conference, of the Soviet Union's unlawful annexation of Lithuania, Latvia, and Estonia, and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic States by the Soviet Union;

(4) the President should require that all government map publishers, and should request that all private map publishers, show, on all maps of Europe, the Republics of Lithuania, Latvia, and Estonia as independent states, with a footnote explaining that the military occupation and forced incorporation into the Soviet Union of Lithuania, Latvia, and Estonia has never been recognized by the United States;

(5) the right of self-determination should be returned to the peoples of Lithuania, Latvia, and Estonia through free elections conducted under the auspices of the United Nations after Soviet withdrawal from the Baltic States; and

(6) the right of self-determination should be made a prime political objective of the United Nations and should be accorded through free elections under the auspices of the United Nations to all peoples now involuntarily subjugated to Soviet communism.

H. CON. RES. 245

Whereas the United States does not recognize the illegal annexation by the Soviet Union of the Baltic nations of Estonia, Latvia, and Lithuania;

Whereas the United States as a member of the United Nations has pledged to uphold the ideals of the United Nations Charter and "to take joint and separate action" to promote "universal respect for, and observance of, human rights; and fundamental freedoms for all without distinction as to race, sex, language, or religion";

Whereas during the 83rd Congress, the Select Committee to Investigate Communist Aggression of the House of Representatives thoroughly investigated the seizure of the Baltic nations by the Soviet Union and, in its Third Interim Report, concluded that the "evidence is overwhelming and conclusive that Estonia, Latvia, and Lithuania were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics";

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII, concerning equal rights and self-determination of peoples, which states "all peoples always have the right, if full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development" and the "participating States . . . also recall the importance of the elimination of any form of violation of this principle"; and

Whereas the House of Representatives in the 96th Congress, by adopting H. Con. Res. 200, reaffirmed the United States policy concerning the Baltic nations and thereby urged positive actions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should—

(1) enter into discussions with the Soviet Union—

(A) for the withdrawal of all non-Estonian, non-Latvian, and non-Lithuanian military, political, administrative, and police personnel from Estonia, Latvia, and Lithuania, respectively, and

(B) for the release of political prisoners of Estonian, Latvian, or Lithuanian nationality from prisons, labor camps, pyschiatric institutions, and other detention centers within the Soviet Union and their return to Estonia, Latvia, and Lithuania, respectively;

(2) instruct the United States delegation to each review meeting of the Conference on Security and Cooperation in Europe to seek consideration of the following matters:

(A) the illegal annexation of Estonia, Latvia, and Lithuania by the Soviet Union, and

(B) the denial of self-determination and territorial integrity of Estonia, Latvia, and Lithuania by the Soviet Union; and

(3) Make every effort to gain the support and cooperation of all nations to achieve the objectives of the discussions under paragraph (1) and the consideration of the matters under paragraph (2).

Mr. FEIGHAN. Mr. Speaker, I want to commend Representative ANNUNZIO for leading this special order today on Lithuanian Independence Day. It's absolutely critical that Members of the United States Congress show their strong and unwavering support for the people of Lithuania—especially on this historic date.

As we know, Catherine II annexed Lithuania to Russia in 1795. The Lithuanian people rose up against the Russian Army in 1794, 1831, and from 1863–64, always refusing to reconcile themselves to being part of the Russian empire. In 1918, Lithuanians declared their independence after 123 years of occupation.

From 1918 until 1939, Lithuania remained an independent state. Tragically, it lost its independence when it was occupied by 300,000 troops of the Soviet Army in June 1940. During that year alone, 6,000 Lithuanians were killed and another 30,000 Lithuanians were sent to Siberia. Even though Lithuania was a noncombatant during World War II, more than one-third of its people were lost—a loss greater than that suffered by any other country. Tens of thousands were killed. Tens of thousands were taken to concentration camps. Nearly 400,000 Lithuanians were exiled to Siberia.

Despite the past 48 years of occupation and repression, the spirit of freeodm has survived in the hearts of the Lithuanian people. Lithuanian activists planned peaceful demonstrations to take place in Lithuania's two largest cities, Vilnius and Kaunas, for this past Sunday, as well as for today. At least 200 residents signed a petition to Mikhail Gorbachev, declaring their intention to proceed with peaceful demonstrations throughout Lithuania on those days and urging him to prevent the harassment of participating. Flower-laying ceremonies were planned for various national sites, including the Tomb of the Unknown Soldier, the Vilnius Cathedral, and the statue of the poet Adomas Mickevicius.

Soviet authorities have been afraid, however, to allow even these peaceful demonstrations to take place. Workers were told to avoid demonstration sites or else they would be placing themselves in grave danger. This past Sunday, organizers of the demonstrations were placed under house arrest and prevented from attending religious services at their local churches where they had planned to observe Lithuanian Independence Day. The telephone lines of key activists throughout the country were cut. Uniformed and plainclothes police surrounded key demonstration sites.

In spite of these tactics, nearly 100,000 Lithuanians attended Masses throughout the country on Sunday where they sang national hymns. In Kaunas, Lithuania's second largest city, violence broke out when 4,000 worshippers left the cathedral for the monument of the priest-poet Maironis, singing Lithuania's national anthem and refusing to disperse. Militiamen then charged the crowd with rubber truncheons and arrested several leaders.

Mr. Speaker, I salute the courage and determination of the Lithuanian people. Over the past year, Representative JOHN MILLER and I, as cochairman of the Lithuanian Catholic Religious Liberty Group, have tried to focus the attention of the United States Congress on human and religious abuses taking place in Lithuania. I pledge today to continue with our efforts throughout the coming year and to support these brave people as they struggle to regain their religious and political freedoms and their basic human rights.

Mr. ROWLAND of Connecticut. Mr. Speaker, I am privileged today to join my esteemed colleague from Illinois in commemorating the 70th anniversary of Lithuanian independence from German and Soviet oppression. It is with sadness that I, however, that this commemoration can be held most anywhere in the world, except in the state of Lithuania.

For centuries, Mr. Speaker, the peoples of present-day Lithuania played an integral role in this birth and development of modern Europe. Indeed, without the merchants of Lithuania, and the Baltic region in general, many of European history's successful and powerful principalities, dukedoms, kingdoms, and nations would never have been. At the same time, these historically energetic and industrious people have also been the victims of some of the most brutal and horrific regimes mankind has even known. Perhaps no better example of this has been the savage oppression of the Lithuanian people at the hands of the Nazi Germans, and today the ongoing oppression by the Soviet Union.

On February 16, 1918, a very determined and courageous Lithuanian Council proclaimed Lithuania's independence. This announcement was soon followed by membership in the League of Nations and recognition by the world community, including Germany and Russia. These early days of independence were all too brief, however, in the shadow of the infamous Molotov-Ribbentrop Pact of 1939, which led to the occupation and illegal annexation of Lithuania by the Soviet Union. This insidious agreement between Hitler and Stalin, in fact, has marked nearly 50 years of mankind's most shameful episodes of oppression and barbarism. Literally hundreds of thousands of Lithuanians were sent to certain death in Soviet slave-labor camps. Those who remain in Lithuania are denied even the most basic freedoms that we take for granted in this country. Throughout this time, however, the Lithuanian people, both in Lithuania and around the world, have never lost sight of their dream; that one day Lithuania will again be free.

As a native of Waterbury, CT, an area that many Lithuanians who fled their homeland settled in, I have witnessed and felt the faith and conviction of the Lithuanian people's dream. As a Roman Catholic, I have shared in the unbreakable bonds of this faith. American-Lithuanians are a shining example of the opportunities this country has given to ethnic groups from the four corners of the globe. They are a bright example of the American dream realized. How sad it is that those who remain in Lithuania are not able to contribute the same energy and spirit to their own homeland. The dreams of opportunity should be the right of all peoples.

I am pleased to see Mr. Gorbachev's policy of glasnost being implemented. Promises of openness and the withdrawal of troops from Afghanistan are laudable goals. However, the United States cannot forget the plight of Lithuanians, Latvians, and Estonians who have yet to taste the benefits of glasnost; have yet to see Soviet troops withdrawing from their lands; and have yet to be allowed to openly express their faith. On this 70th anniversary of independence, let us proclaim loudly the contributions of Lithuanians in America, but let us also proclaim our determination to share in their dreams for the same opportunities to contribute to exist in Lithuania. We in Congress today, and succeeding generations, should set a goal. We should strive to achieve in our lifetimes the celebration of Lithuanian independence in Lithuania.

Again, Mr. Speaker, I would like to thank Mr. ANNUNZIO for organizing this commemoration of Lithuanian independence. More importantly, however, I would like to thank the Lithuanian people in my district, in this country, and around the world for reminding us of their kinsmen's plight, and for urging us to help continue the struggle for freedom around the world.

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to join with my colleagues to commemorate Lithuanian Independence Day. I would like to express my gratitude to Congressman ANNUNZIO for arranging this special order to provide us with the opportunity to once again call attention to the ongoing struggle of the Lithuanian people.

Seventy years ago today, the Lithuanian nation declared its independence, a goal toward which it has been striving while under more than a century of Russian domination.

For 22 years, the people of Lithuania enjoyed the freedom so many of us take for granted. In 1940, the Soviet Union occupied the country and subsequently incorporated it into the U.S.S.R.

The United States has never recognized the usurption of the Lithuanian people's right to self-determination. We have, and will continue, to maintain diplomatic relations with the representatives of the former independent government.

This year, on the 70th anniversary of the declaration of Lithuanian independence, 125 citizens of that nation have issued an appeal to Mr. Gorbachev urging the Soviets to allow the commemorative ceremonies to procede without interference. In the spirit of the Soviet-proclaimed policy of glasnost, the ceremonies most certainly should be allowed to proceed unimpeded. The eyes of the world should be focused on Lithuania and the Soviet response to the ideals this commemoration represents.

Mr. Speaker, today we join with the Lithuanian people in show of support for their cause; in recognition of their right to independence and as a pledge that we will not abandon their struggle to be free.

Mr. HUGHES. Mr. Speaker, I am very proud to join with my many colleagues who have spoken this week to commemorate the 70th anniversary of Lithuanian Independence Day.

Lithuania formally broke free from extended Russian domination and brief German occupation on February 16, 1918. On that date, a 20-member elected council proclaimed an independent Lithuania, bounded by ethnographic frontiers and governed by democratic principles. The Nascent government had to endure a Soviet invasion in 1919, but Lithuanians rose to the challenge and expelled their oppressers in 1920, forcing the Soviet Union to legally recognize "without any reserve the sovereignty and independence of the state of Lithuania * * * and forever (renounce) all sovereign rights possessed by Russia over the Lithuanian people and territory."

In 1940, however, after 22 years of freedom, the promise of Lithuanian autonomy was broken by the Soviets. During World War II, the Republic of Lithuania was invaded by Soviet forces, occupied, and incorporated into Soviet boundaries. Russian oppression caused an abrupt halt to the strides which the tiny republic had made both economically and culturally in this short period of time.

It is a tribute to justice and courage that the people of Lithuania still refuse to relinquish their national spirit. Despite attempts at russification, the Lithuanians continue to use their own language, and have retained their unique cultural heritage. In support of the continuing Lithuanian struggle for autonomy. the United States Government refuses to acknowledge the permanent incorporation of the Republic of Lithuania into the U.S.S.R. While the Russians continue to control Lithuanian territory, the people of this courageous nation steadfastly adhere to their national identity.

On this occasion, we salute the determination of the people of Lithuania, and join in solidarity with them in their continuing opposition to tyranny, and their enduring quest for true human rights. The strength of the Lithuanian dissidents truly serves as a beacon to oppressed people throughout the world.

Mr. MANTON. Mr. Speaker, I am honored to join with my colleagues in commemorating the 70th anniversary of the Declaration of Independence of Lithuania, which took place on February 16, 1918. Today we remember the struggle of the Lithuanian people and remember our obligation to continue to work for their freedom.

For the past 70 years, the sovereignty of the Lithuanian people has been denied. Since the Soviet occupation in 1940, the people of Lithuania suffered the loss of their religious freedom and of their fundamental human rights. Furthermore, thousands of Lithuanians have been forced from their homeland. Between 1945 and 1951, an estimated 350,000 Lithuanians, or 10 percent of the present population were arrested and deported. The Soviet Government continues a campaign and repression against the Lithuanian Catholic Church. The Government strictly controls the training of clergy and the printing of religious literature, including the New Testament.

The Soviet Union's continued repression of Lithuania and the sovereignty of the Lithuanian people cannot be forgotten. There are more than 1 million people of Lithuanian descent living in the United States today who are dedicated to a free Lithuania. We in the Congress must also remain dedicated to the cause of a free and sovereign Lithuania. I join my constituents from the Ninth Congressional District of New York in honoring those who have fought and continue to fight against Soviet oppression.

Mr. Speaker, the United States has never recognized the Soviet's illegal annexation of Lithuania. As we honor the brave people of Lithuania today we also rededicate ourselves to their struggle for freedom. The people of Lithuania can be assured that we will continue to fight for their right of self-determination. They have my support and my prayers that one day Lithuania will again be a free and sovereign nation.

Mr. MORRISON of Connecticut. Mr. Speaker, I am proud to join my many colleagues in commemorating the 70th anniversary of the restoration of Lithuanian independence.

After 500 years as a free and sovereign nation, Lithuania was occupied by Russia in 1795. They remained occupied by the Russians and later by the Germans, until February 16, 1918, when the Lithuanian people declared their country a united and independent republic.

Sadly, Lithuania's independence lasted a mere 22 years. In 1940 the Soviet Union demanded the formation of a Soviet-controlled government as part of the Nazi-Soviet pact, and held a one-party election. The Soviet Union annexed its tiny, heroic neighbor 1 month later. Occupied by Germany for most of World War II, it was reoccupied by the Soviet Union at the war's end.

The people of Lithuania have a long, rich cultural and religious heritage. Under Soviet occupation this proud nation has been put through the severest of tests. Untold thousands of Lithuanians have been killed, imprisoned, or deported for fighting to preserve their culture and their political independence. Hundreds of thousands of Lithuanians have been forced to flee their native land. The Catholic Church, by far the dominant religion of the Lithuanian people, is officially outlawed, and has been the target of particularly harsh treatment.

Lithuanians treasure their heritage, and despite the brutality of the Soviet occupation, their will has remained strong. Their belief in traditional values and their desire to once again live a life of freedom and self-determination have given Lithuanians their spirit and strength.

The United States has never recognized the unlawful occupation of Lithuania and its neighbors, and continues to maintain diplomatic relations with the representatives of the independent Republic of Lithuania. We honor Lithuanians around the world today on the anniversary of their independence, but we should also remember their struggles each day. We must not rest until Lithuanians, and oppressed people everywhere, have succeeded in their quest for freedom.

Mr. COUGHLIN. Mr. Speaker, over the last 212 years Americans have often been reminded that freedom can carry with it a very high cost.

Other people, by virtue of their own bitter experiences, appreciate only too well how precious a commodity liberty is. Such is especially the case today in the Baltic republics.

Mr. Speaker, February includes two dates of particular importance to the people of the Baltic States. Today, on February 16, we commemorate Lithuanian Independence Day, noting the 70th anniversary of Lithuania's declaration of independence. Later this month, on February 24, we will likewise mark the 70th anniversary of freedom's call in Estonia.

Tragically, however, these dates will not be celebrated in these two Baltic nations this year. As is the case in neighboring Latvia, the peoples of Lithuania and Estonia can only aspire to freedom once again this February, because the security and military organs of the Soviet Union continue to victimize the Baltic States. The forced incorporation of these separate nations into the U.S.S.R. in 1940 by dictator Joseph Stalin, in collusion with Nazi Germany, continues to plague these countries even today. The United States, properly, has never recognized this illegitimate annexation of terrority.

In recent days many citizens of the Baltic nations have openly displayed their contempt for Soviet rule, through demonstrations for rights and freedom. They have done so in the face of hostile propaganda and threats by the KGB, and under these circumstances they reveal the true depth of their commitment to justice and liberty.

It has been said that "no one can be perfectly free till all are free." Democracy continues to be trampled underfood in Lithuania, Estonia, and Latvia. So long as this is the case, we must consider the very notion of freedom to be endangered. As Americans, we owe to all who struggle for liberty our solidarity and our special tribute.

Mr. Speaker, the peoples of Lithuania, Estonia, and Latvia face great odds in challenging the Soviet regime. But challenge it they must, for it has usurped legitimate authority in those nations. Today we join voices with those aspiring to freedom in the Baltic States, and together we will help ensure that the dream of freedom one day becomes a reality there.

Mr. MILLER of Washington. Mr. Speaker, 70 years ago on this day, out of the ruins of World War I, a council of 20 members elected from a Lithuanian congress declared an independent Lithuanian state based on democratic principles. Today we mark that occasion both with sorrow and hope. For on our country's Independence Day, we can freely celebrate and enjoy the freedom and liberty that democracy brings to the people. But, Lithuanians today gather at their own peril to remember the independence which was taken away from them.

For nearly two decades Lithuania was a growing prosperous democracy. As with any young democracy it had its problems. But they were growing and prospering. Land reform opened up farming to the people. Industrialization spurred the economy. Labor control laws such as the introduction of the 8-hour day improved the average Lithuanian's way of life. Improvements in education substantially raised the country's literacy rate. And in this atmosphere literature and art and religious life flourished.

But in 1939, the so-called nonaggression pact between Nazi Germany and Communist Russia destroyed what we commemorate today—the independence of Lithuania. Forty-seven years ago, the Government of the Soviet Union began the mass deportation of hundreds of thousands of Estonians, Lithuanians, and Latvians. This was the latest in a series of genocidal tactics used by the Soviets to legitimize their annexation of the Baltic States and to erase from the Earth all traces of the people, the cultures and the countries of Estonia, Lithuania, and Latvia.

All private institutions were nationalized, farms were collectivized, and the wealth of the people became state property. The Soviets assumed control over the production and distribution of all goods and products, over all means of transportation, over communications, printing, and the press. Those who escaped deportation or prison were forbidden to leave their countries and were barred from all coastal towns and border areas. Religious liberties were trampled, native languages banned, cultures denigrated.

Through the decades, the Soviets have been ruthless and relentless in their efforts to eradicate all traces of the Baltic States. They have failed. The Soviets have failed because Estonians, Lithuanians, and Latvians all over the world have been equally relentless in their efforts to restore their homelands and to never let the world forget the horrible events of the last four decades of Baltic history. In the past year, Lithuanians have once again shown their courage. Last August 23, they gathered to commemorate the victims of the Molotov-Ribbentrop Pact. Last November they gathered to mark the 125th anniversary of Lithuania's priest-poet, Maironis. And just a few weeks ago they gathered in support of Petras Grazullis, a prisoner of conscience who refused to take part in a 3-month military exercise on grounds that the Soviet Army was occupying his country.

The Lithuanians have not forgotten. Today, Americans are showing that we, too, will not forget the plight of the Lithuanians. We will continue to work for the day when once again Lithuania will be an independent and free country.

Mr. HENRY. Mr. Speaker, I rise today to pay tribute to the Lithuanian people on the occasion of the 70th anniversary of the independence of the Republic of Lithuania. Lithuania has a proud history which goes back many centuries; unfortunately, during much of that history, Lithuania was under the domination of foreign powers. After more than a century of Russian domination, on February 16, 1918, Lithuania declared its independence from Soviet Russia. The Red army then invaded Lithuania, but the brave Lithuanian people were able to expel the aggressors and forced Soviet Russia to sign a peace treaty which recognized Lithuania's right to exist as a free and independent nation. Lithuania was recognized by the United States and other nations and it became a member of the League of Nations.

This independence lasted a short 22 years. The Lithuanian people during this time had developed a strong economy and industry. Their culture and national unity flourished. Most importantly, Lithuanians had freedom. All of this ended in June of 1940, when Stalin demanded a Soviet-installed government in Lithuania and sent his army into Lithuania to enforce his wishes. One month later the Soviet Union annexed this heroic nation into its empire. Thousands of Lithuanians died while fighting for their freedom from the Soviet Union and more were killed when Hitler turned on his former ally and invaded the Soviet Union through the Baltic States. Many thousands of Lithuanians were herded into cattle cars for the long journey across the Soviet Union to labor camps in Siberia. When the Red army returned in 1944 they continued to suppress the Lithuanian freedom fighters until the early 1950's. Today Lithuania is still a colony of the Soviet empire.

The Soviet Union since this time has attempted a "Russification" of the Lithuanian people. The Soviet Government has denied the Lithuanian people their basic human rights, including the right to self-determination; the Catholic Church, to which the majority of Lithuanians belong, is harassed; and the culture and language of the Lithuanians is repressed.

But Lithuanians have never wavered in their resolve to maintain these ties that bind them together and today we salute them as they continue to struggle against Soviet imperialism. The United States has never recognized the brutal takeover of the Baltic states, and the American people support the cause of freedom and sovereignty for the Lithuanian people. The Government of the Soviet Union must know that Americans are aware of the atrocities which they perpetrate against the Lithuanian people and we will continue to pressure the U.S.S.R. to implement the United Nations Declaration on Human Rights and the Helsinki accords. As Americans we must never forget the importance of freedom and human rights for all peoples, and we join with Lithuanians all over the world to celebrate Lithuanian Independence Day as a symbol of our determination that Lithuania once again be a free, independent, and sovereign nation.

Mr. RUSSO. Mr. Speaker, It is an honor to be a part of the commemoration of the anniversary of the declaration of independence of Lithuania. I welcome the opportunity to express my hope and confidence in the efforts of the people of Lithuania. This anniversary is a poignant reminder and celebration of the courage of the Lithuanian people.

It was February 16, 1918, that the brave citizens of Lithuania, after centuries of domination, united and declared themselves to be a free and independent nation. This assertion of self-determination by the people of Lithuania is a declaration dear to the hearts of Americans. We know the sound of it, the courage of it. It is our own story.

And for Lithuania, the period that followed that historic February was filled with the accomplishments that we would expect from a proud and free people—progressive social legislation, thriving art and literature, high educational attainment and significant economic progress.

Tragically, peace and freedom were replaced by war and oppression during World War II and the brave land was incorporated—illegally, immorally—into the Soviet Union. The freedom-loving people in Lithuania have continued to be deprived of their human rights. Yet, this tragedy has never overshadowed their spirit.

The Soviet Union has never been successful in extinguishing the desire for freedom among the people. The Soviet Government has been ruthless in its efforts to deprive the Lithuanian people not only of their sovereignty, but also of their national, cultural, and religious identity. But all their trickery and ruses notwithstanding, they have not been able to hide the strong nationalistic and religious movements in Lithuania. The Lithuanian people remain courageous and determined.

Today, Lithuanians are united in their country's capital, Vilnius, and its second largest city, Kaunas, to commemorate their days of independence in anticipation of those to come. They are gathering despite the fact that public celebration of Lithuania's Independence Day is considered a criminal offense by Soviet authorities.

The repercussions and Soviet authority violence toward demonstrators who gathered in Lithuania's capital city of Vilnius on August 23, 1987, to commemorate the victims of the Molotov-Ribbentrop Pact of 1939 were distressing. Government actions following the November 1, 1987 gathering in Kaunas, where 8,000 people gathered to mark the 125th anniversary of Lithuania's priest-poet, Maironis, are equally disturbing.

This is indeed a people to be honored, and I am grateful for the opportunity to speak in recognition of their story of courage. In a world beset by doubts and struggles, the Lithuanian determination is a source of inspiration and a reminder of the indomitable human spirit—a spirit that struggles for liberty and justice even under the oppressive yoke of an unyielding, totalitarian authority.

I also take pride in mentioning that I have sponsored legislation that would designate February 16, 1989, as Lithuanian Independence Day for next year. Many of my colleagues in the House have already joined me by cosponsoring, and I urge all my fellow Representatives to join with me in remembering the courage of the Lithuanian people.

What we can give to the people of Lithuania in return is the acknowledgment that we are with them as they hold to the cherished hope of an independent Lithuania. By paying tribute to and recognizing their strength, we remain true to our own American moral and political ideals, and say to the world "These people, too, must be free."

Mr. ACKERMAN. Mr. Speaker, I rise with my colleagues to commemorate Lithuanian Independence Day. On February 16, 1918, Lithuania began 22 short years of national sovereignty, until it was annexed by the Soviet Union in 1940. As we all know, Lithuania has suffered great religious and national injustices during these years of occupation. I have often spoken out against Soviet persecution of Jews—in fact I marched in the recent Freedom Sunday demonstration for Soviet Jewry and have written countless letters for the release of refusniks. But I strongly believe that religious persecution, especially as it is practiced in the Soviet Union, knows no difference between Jews and Catholics, between Moslems and other believers. All religious groups suffer in the U.S.S.R.

Ironically, today is also a time of great optimism in the Soviet Union. I am heartened by Mikhail Gorbachev's succcess in liberalizing and opening up his country. Glasnost presents tremendous opportunities for arms control treaties between our two nations, as well as an increased exchange of goods and ideas. A freer, more liberal Soviet Union is certainly in the interests of the United States. But we must not be so taken by the promises of glasnost that we forget the atrocities Mr. Gorbachev continues to commit. In 1987, the 600th anniversary of Christianity in Lithuania, religious crimes continued despite glasnost. A prominent Catholic activist was arrested in Vilnius; despite the plea of 100 members of Congress, Bishop Steponavicius is still in internal exile after 26 years; western visitors were prevented from attending the anniversary celebration, and religious publications continue to be suppressed. Just this weekend, three organizers of the independence day celebration were placed under house arrest for, among other things, organizing a flower-laying ceremony in Vilnius and Kaunas. This litany of crimes graphically demonstrates the limits, even the hypocracy, of Gorbachev's glasnost.

In the face of these abuses, we must continue to speak out against all forms of religious persecution. We must continue to commemorate Lithuanian Independence Day, we must remember that from 1918 to 1940 Lithuania was an independent state, and we cannot doubt that with our help and perseverance Lithuania will once again enjoy freedom in the near future. Finally, we must realize that we do not stand alone in our pleas. On Sunday 100,000 people observed independence day in religious services throughout Lithuania. Nationalism is alive and well—we can only help the cause by raising our voices with thousands of others today.

A COMPREHENSIVE TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, as we begin the new year, I will repeat what I have said since I came to Congress 20 years ago—the United States needs a comprehensive trade policy.

Regardless of what the optimists within the administration say, American manufacturers are in trouble and our Nation's trade balance sheet is bloody with red ink.

Last year's trade deficit is projected to be a recordbreaking $170 billion, and it reminds us that America is becoming more and more dependent upon foreign goods at a time when too many of our manufacturers are closing their plants.

If the trade deficit continues to rise, the United States will become an economic satellite of Europe and East Asia. We'll have fewer manufacturing jobs; real wages will decline; and we'll lose our economic and political standing in the world. This sad fate would surely be an unfortunate end to our years of leadership in the world market.

Since the dollar started losing value on the world market in early 1985, officials within the administration have been trying to convince Congress and the American people that the falling dollar will make our exports affordable for foreign buyers. They claim it's only a matter of time before the balance of trade tips in our favor again as foreign consumers buy our exports.

Well, you can't fool all of the American people all of the time. Tinkering with the value of the dollar shifts people's attention away from real issues—issues such as declining productivity, unemployment, plant closings, and the decline in the standard of living in this country.

Instead of letting our economy slide any further, however, we first need to look at the problems of the past so we can avoid them in the future, and then we need to draft a reasonable and comprehensive strategy for our Nation's future economic growth and expansion.

Steel is one American business which has certainly had its problems in the last decade and which has been gravely hurt by foreign imports. In 1977, many of my colleagues and I founded the Congressional Steel Caucus because we felt the need to focus our time and attention on the U.S. steel industry.

And, while we thought the industry was in trouble then, things have only gotten worse in the past 11 years. When the caucus was founded in 1977, foreign steel captured 19.3 percent of the U.S. steel market. Right now imports take about 22 percent.

In 1977, the steel industry had 452,000 workers on the payroll. Right now there are only about 170,000 steelworkers.

In 1977, the United States had the capacity to produce 162 million tons of raw steel. Right now the most we can make is about 93 million tons.

In 1977, the United States produced 125 million tons of raw steel. Last year we produced about 88 million tons.

In 1977, there were 51 foreign countries which exported steel to the United States. Last year, about 73 countries sold us their steel.

Whether anyone will admit it or not, one reason the steel industry started losing its share of the world market was that the different groups which make up the steel industry didn't stick together.

At various times, the specialty steel producers, the tube and pipe companies, and the giant integrated producers each individually argued for import controls and quotas for their part of the steel market. Sometimes they got what they wanted, and sometimes they didn't. Obviously, each one of them should fight their own battles against low-priced imports, but they should also stick together on the general problem of steel imports.

When the industry was riding high, too many steel producers spent their profits instead of investing some of those dollars in modernizing their plants. This, of course, has significantly reduced U.S. steel productivity and made American steel less competitive. The failure to modernize also contributed to the closing of more than 700 American steel companies, plants, and facilities since 1971.

The cost of these plant closings is high. It means less American steel and fewer American steelworkers. In my congressional district alone, 40,000 steelworkers have lost their jobs during the last 11 years because of layoffs and plant closings.

Today, at the same time that American steel companies have been laying off workers and closing plants, Japanese firms have been investing hundreds of millions of dollars in our steel industry. They've been either buying into U.S. companies or entering into joint ventures with U.S. companies to produce steel made in America.

One American steel company jointly owned by the Japanese is National Steel Corp., which is half owned by Japan's Nippon Kokan Corp. National Steel employs 12,500 workers, has assets of $1.7 billion, and last year had about $2.4 billion in sales.

Another major United States steel company that is 10 percent owned by the Japanese is the Wheeling-Pittsburgh Steel Co. It employs 6,600 workers, has assets of $1 billion, and had sales of $1.1 billion in 1987.

These two large and powerful steel companies only begin to show the impact of the $23.4 billion which the Commerce Department says Japan has invested in the United States.

In just the past year, Sony paid $2 billion to buy CBS Records, Nippon Life Insurance Co. bought $538 million in Shearson Lehman Brothers stock, and an American chemical company, was acquired by a Japanese chemical firm in a $540 million unfriendly takeover.

Overall, according to an official at a New York bank which specializes in Japanese investments, Japanese companies showed a preference for high-technology and biotechnology companies. We must follow this trend very closely, because these are two industries where America still enjoys an edge over our foreign competitors. This gap is narrowing, and it will close more quickly if foreign owners are allowed to export our industrial secrets.

Unfortunately, there's been very little control or monitoring of foreign investments in steel companies, and we're not sure of the total amounts involved or the affect it has on American workers. But, if this trend continues, Japanese investors might control these steel companies and be able to determine American steel policies.

Some of these jointly-owned steel companies may decide to locate in States with laws which discourage union organizing and collective bargaining. These laws lower their labor costs and increase their profits. The result, of course, is that these companies can undersell unionized steel companies.

Unless we monitor or control Japanese and other foreign investment, we may see lower wages and higher unemployment in joint-venture industries.

At the same time that the Japanese are investing in the United States steel industry, they're making mills in Japan smaller, more efficient, and less labor-intensive. They have also limited our ability to sell American steel in Japan.

The Japanese steel market is effectively controlled by trading companies which buy from steel producers and sell to consumers. Steel made outside

Japan must be sold through these middle men, but there are many pressures limiting foreign steel sold in Japan. Large Japanese steel companies are very jealous about their market share and they pressure the middle men not to let imports into the Japanese market.

In fact, between 1963 and 1978, less than 1 percent of the steel used in Japan came from outside of their country. Since then, the percentage has crept higher, but it is still below 10 percent, and far below the 22 percent level of steel imports we suffer from in the United States.

Since the United States helped rebuild Japan after the Second World War, the first key to their economic success is a result of one fundamental concept—cooperation.

In Japan, there is a high degree of cooperation between their businessmen and their government. Unlike free-wheeling and independent Americans, the Japanese are not free traders. They never have been, and they never will be.

When the Japanese talk with us about their wish for free trade, they're playing a game—a game called the free trade charade.

Another secret of Japan's success is a mixture of cooperation and controlled competition. For example, in the race to develop superconductor technology, the Japanese formed a committee bringing together top minds from Japan's universities, government, and private companies to trade ideas and discuss commercial applications and government research funding.

Japanese firms and their government will cooperate to develop the fundamentals of this technology and then the firms will branch off and develop superconductor products based on their shared initial research.

In America, many Members of Congress would like to adopt a similar approach to the development of superconductor technology, but the White House opposes any centralized Government role in assisting commercial research. In fact, an administration official said that free-market competition is our "secret weapon that will overwhelm the [Japanese] process" of developing new technology.

I'm afraid our secret weapon hasn't been working very well, but Japanese cooperation between business and government has helped them develop into an industrial giant second only to the United States.

Our trade deficit with Japan in 1986 was $58.6 billion, and when the 1987 figures are released, this deficit is expected to be even higher. What better evidence than this do we need to prove that they have more effective trade policies and a much stronger exporting economy?

Another reason the Japanese are winning the international trading game is that they carefully study their competition. They've been watching the United States political and business scenes for decades, and they understand how we operate.

They know that the administration's "get tough" semiconductor tariff was just a temporary measure. It was temporary even though the late Commerce Secretary Baldridge said Japan's trade tactics put a number of United States semiconductor companies out of business and cost the jobs of 30,000 to 40,000 Americans.

The Japanese knew that the semiconductor tariff wouldn't be permanent, and that it was designed to appease protectionist Members of Congress and to decrease the momentum of pending trade legislation.

The Japanese have known for years that we've never been serious when we talk about reducing our trade deficit by limiting imports.

They know that in today's complex world economy, the quest for free trade is elusive, at best. The Japanese are too sophisticated to think that we should all compete on the fictitious level playing field. In fact, the only nations which tell us they fully support free trade are also the same nations who are eagerly waiting to flood our markets with their goods.

They know that in spite of our complaints about the flood of Japanese steel, cars, textiles, and consumer electronics, the most we'll do is scream, yell, wave the flag—and eventually give up when consumers and businesses complain that defending our industries will raise prices and cut profits.

Just as the Japanese have flooded our markets with foreign steel, our whole domestic market economy is also being flooded with all kinds of inexpensive Japanese goods. And yet, their market is limited or closed to American exports such as beef, rice, ketchup, processed cheese, and oranges.

The Japanese markets have not only limited foreign goods in their country, but services as well. The most striking example is the new $8 billion airport that is being built 300 miles south of Tokyo. Japanese firms were presented with initial outlines of the project ten years ago, but foreign firms were not included in this notification.

American firms did not receive sufficient information about construction plans and schedules to allow them to prepare their bids in a timely and effective manner. This unfair bidding system was weighted against non-Japanese firms and has prevented construction companies from other nations from working on the $8 billion dollar project.

Although Prime Minister Takeshita recently proposed to open up Japan's public works projects to American construction and engineering firms, it remains to be seen if U.S. companies get more than a nominal share of the $60 billion in contracts that will be offered during the next 10 years.

I would welcome the opportunity for U.S. builders and engineers to work in Japan, but I wonder if it's ever going to happen. History seems to indicate that free, fair, and open competitive bidding in Japan is a privilege enjoyed by very few foreigners.

Instead of allowing the Japanese and our other trading partners to continue taking over our market while we're barred from selling our goods in their country, we need to level out the trade balance.

That's one of the main reasons my colleagues and I introduced H.R. 3, the omnibus trade bill.

The bill strengthens the authority of the U.S. trade representative to retaliate against the unfair trade practices of our trading partners and it will help identify nations which limit our access to their markets.

The trade bill also provides almost a billion dollars for retraining workers who have lost their jobs. This money will help ensure that the skills of productive workers are not wasted and it will allow us to train workers for new, productive positions.

H.R. 3 will also require foreign companies and individuals to provide information on their investments in our country. It's vitally important to understand exactly where foreigners invest their money. Obviously, the hundreds of millions of dollars that the Japanese are investing in our steel companies affect U.S. business policies.

Foreign investment information will also help us determine how foreign investments affect American workers—do they cost jobs and lower wages and worker benefits? Are other nations investing just in our traditional basic industries, like steel, while they develop their own futuristic high-technology industries?

Enactment of H.R. 3 will give us this information on foreign individuals and corporations and it will help us learn how much control they have over our Nation's economy.

At the same time that we work toward making the trade bill law, we need to adopt some of the economic strategies that have proven so successful for the Japanese.

In the steel industries, we should modernize and streamline our factories, monitor new foreign steelmaking techniques, and improve cooperation and communications among the steel management, steelworkers, and all levels of government. Together, they need to develop policies and strategies which benefit all of the groups involved.

Workers may need to make wage concessions, management may need to make benefit concessions, and the government may need to make tax concessions. But, the goal should always be to produce the best product at the most reasonable cost.

Mr. Speaker, cooperation is one of the hallmarks of the Japanese system, and it is one we will do well to adopt. Management, labor, and the government no longer have the luxury of stubbornly opposing one another. The reality of last year's $156 billion trade deficit means we're in a fight for the economic life and strength of our Nation.

Passage of this year's trade bill is the most important step we can take to begin the process of strengthening America's exporting capacity, reducing our dependence on foreign goods, and improving our access to foreign markets.

Passage of H.R. 3 will signal to the Japanese and our other trading partners that we're finally serious about implementing a comprehensive trade policy, and that our new mobilization for competitiveness has begun.

Congress needs to exert its leadership and exercise the power to regulate foreign trade which was given to us 200 years ago by the framers of the Constitution.

We can't wait for the administration's voodoo economics to take effect, because its policy of devaluating the dollar on world currency markets is sapping the strength of our economy.

I urge all of my colleagues to continue to support the omnibus trade bill because I believe its enactment will improve the health of our economy and our future position in the international marketplace.

□ 1445

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE DEPOSITORY INSTITUTIONS REGULATORY MODERNIZATION ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I intend to introduce legislation later this week which, in a three-step process, would merge the Federal deposit insurance funds and consolidate the Federal financial regulatory agencies.

While there has been a staggering amount of testimony in Congress on the need to modernize existing banking law to meet the needs of the modern-day financial marketplace, discussion about the collateral need to update an outmoded regulatory structure has been notable by its absence. As Congress responds to the entreaties of private interests it would be well advised to strengthen the public role in banking regulation as well.

My legislation, the Depository Institutions Regulatory Modernization Act, is designed to initiate discussion of the public interest in Federal financial regulation. Title I of the three-part bill would establish common management of the various deposit insurance funds beginning January 1, 1989. Title II would merge the deposit insurance funds beginning January 1, 1993. Title III would bring about the consolidation of the various Federal financial regulatory agencies by January 1, 1997.

I will today describe the first two titles of the bill, titles which deal with the bedrock of Federal regulation of financial institutions, which is deposit insurance. During special orders tomorrow, I will speak in detail on title III of the legislation.

Title I requires that the three Federal deposit insurance funds—the Federal Deposit Insurance Corporation [FDIC], the Federal Savings and Loan Insurance Corporation [FSLIC] and the National Credit Union Share Insurance Fund [NCUSIF]—be managed by a single governing board. Such a board could manage any interfund borrowing which may be necessary in the interim period before a merger of the funds.

At this point, I include in the RECORD a chart which describes the characteristics of the various deposit insurance funds as of September 30, 1987.

CHARACTERISTICS OF DEPOSIT INSURANCE AS OF SEPT. 30, 1987

[Dollars in billions]

	FDIC	FSLIC	NCUSIF [1]
Number of insured institutions	14,336	3,178	14,460
Amount of total assets in insured institutions	$3,200	$1,219	$161
Amount of insurance fund reserves	$18.3	$(8.9)	$1.6
Amount of deposits in insured institutions	$2,468	$909	$148
Insured deposits	$1,571	$790	$146
Uninsured foreign deposits	$344		
Uninsured domestic deposits over $100,000	$524	$119	$2.0
Insured deposits as a percentage of:			
Total deposits (percent)	64	87	99
Total assets (percent)	49	65	91
Insurance fund reserves as a percentage of:			
Insured deposits (percent)	1.16	([2])	1.10
Total deposits	.74	([2])	1.08
Total assets	.57	([2])	.99

[1] 1987 credit union industry figures are as of June 30, 1987.

[2] Percentages not computed because fund resources are negative.

Of the three titles in the bill, title I is, at this point, the least controversial. A realistic look at the condition of the FSLIC, and an equally realistic assessment of the thrift industry's reluctance to pay additional funds toward recapitalization, reveals that current conditions require a merger of the administrative boards of the funds.

The underfunded FSLIC recapitalization measure approved by the Congress last year simply will not restore confidence in the thrift deposit insurance fund. It appears Congress sharply underestimated the cost of resolving the outstanding FSLIC problem cases. According to a draft FDIC internal report I have obtained, "Available estimates * * * of present value cost are between $23 billion and $45 billion, and the evidence presented in this report suggest that $23 billion may well be too low."

Perhaps the most ominous conclusion of the FDIC draft report was the following:

> Assuming that future FSLIC and FDIC premium income will be needed to resolve as yet unknown future problems, the implication is that a taxpayer bailout is required. If borrowings are made against future insurance fund income (that is FSLIC recapitalization), the bailout may be postponed but probably not avoided.

At this point, I include in the RECORD charts which indicate the annual insurance and assessment costs for the various funds and the condition of the deposit insurance fund reserves:

ANNUAL INSURANCE AND ASSISTANCE COSTS, 1979–86 AND FOR THE FIRST 9 MONTHS OF 1987

[Dollars in millions]

	FDIC	FSLIC	NCUSIF [1]
1979	[2] ($13.1)	$39.8	$6.4
1980	[2] (34.6)	23.2	32.5
1981	720.9	936.1	43.9
1982	869.8	865.3	79.3
1983	834.0	1,018.4	55.6
1984	1,848.0	2,113.5	28.1
1985	1,778.7	3,414.3	25.5
1986	2,824.5	13,269.7	37.9
1987 [3]	2,277.5	4,252.1	55.7

[1] NCUSIF totals are for the fiscal years ending September 30.

[2] FDIC recovered more from adjustments to prior years' losses than it spent on insurance and assistance in 1979 and 1980.

[3] FDIC and FSLIC figures are for the 9 months ending September 30. These amounts are from unaudited financial data reported by these funds. Also, FSLIC 1987 figure includes FADA.

DEPOSIT INSURANCE FUND RESERVES IN RELATION TO ASSETS OR DEPOSITS AT FISCAL YEAR END 1985 THROUGH 1987 [1]

	Fund reserves as percent of insured deposits	Fund reserves as percent of total deposits	Fund reserves as percent of total assets
FDIC:			
1985	1.20	0.78	0.61
1986	1.12	.74	.58
1987	1.16	.74	.57
FSLIC:			
1985	.63	.55	.43
1986	.47	.40	.31
1987	([2])	([2])	([2])
NCUSIF:			
1985 [3]	1.01	1.00	.92
1986 [4]	1.04	1.03	.95
1987 [5]	1.10	1.08	.99

[1] FDIC and FSLIC fiscal years end on December 31. NCUSIF fiscal year ends September 30.

[2] No ratios were computed because FSLIC's fund reserves are negative.

[3] Percentages shown for NCUSIF for 1985 were computed using fund reserves for the fiscal year ending Sept. 30, 1985.

[4] Percentages shown for NCUSIF for 1986 were computed using fund reserves for the fiscal year ending September 30, 1986, and industry data as of Dec. 31, 1986.

[5] Percentages shown for NCUSIF for 1987 were computed using fund reserves for the fiscal year ending September 30, 1987, and industry data as of June 30, 1987.

Obviously, the first step to revitalize Federal deposit insurance is common management of risk. This means common management of the various funds. Accordingly, I will ask the House Banking, Finance and Urban Affairs Committee to include title I of this legislation in the comprehensive banking bill now under consideration.

Title II provides for the actual merger of the deposit insurance funds. The legislation retains insurance coverage of up to $100,000 per depositor for deposits in banks, savings and loans and credit unions under a Federal Deposit and Savings Insurance Corporation [FDSIC]. The assets of the Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Deposit Insurance Corporation [FDIC] would be transferred to the FDSIC effective January 1, 1993, and those of the National Credit Union Share Insurance Fund [NCUSIF] effective January 1, 1994.

While this legislation is the first of its type to be introduced in this House in recent years, I am not the first to advocate a merger of Federal deposit insurance funds.

Legislation to consolidate the FDIC and the FSLIC was first introduced in 1963. The House bill introduced in that year, H.R. 729, would have created the Federal Deposit and Savings Insurance Board to manage Federal deposit insurance funds.

In 1971, the President's Commission on Financial Structure and Regulation, popularly known as the "Hunt Commission," proposed the establishment of a Federal Deposit Guaranty Administration which would have incorporated the FDIC, the FSLIC and the NCUSIF under one agency while retaining separate funds.

In 1975, the "Financial Institutions and the Nation's Economy [FINE]" study recommended that all functions of the Comptroller of the Currency, the FDIC, the Federal Home Loan Bank Board and the National Credit Union Administration, and the regulatory and supervisory functions of the Federal Reserve Board, be combined into a single "Federal Depository Institution Commission."

In 1982, section 712 of the Garn-St Germain Depository Institutions Act—Public Law 97-320—directed each of the three Federal deposit insurance agencies to study, among other things, "* * * the feasibility of consolidating the three separate insurance funds."

In response to that directive, the FDIC in 1983 recommended an FDIC/FSLIC merger. In its recommendations, the FDIC made an observation that rings with more resonance today than it did then:

> Separate regulatory and insurance systems for savings and loan associations and banks are becoming intolerable from the standpoint of competitive equity among like firms and from the standpoint of fostering the most effective and efficient regulatory system and the strongest possible insurance system . . . The future of the financial services industry will require a larger, better diversified insurance fund and greater flexibility in dealing with troubled or failed institutions, particularly cross-industry takeovers.

While FDIC no longer argues in favor of merger, former chairman William Isaac continues to be a strong advocate.

A 1984 Brookings Institution staff study noted that a consolidation of Federal deposit insurance funds could save money through a basic economy of scale. According to the study:

> When a resource such as an insurance fund reserve is subject to random demands, the principle of economies of massed reserves may apply. At a larger size, it is easier to meet fluctuations of demand: The greater the number of firms that are served, the more likely it is that random claims will occur at a steady and predictable rate. Thrift and bank claims have a lower correlation between industries than within industries, implying a lower variance for a combined fund than for separate funds. Thus the balance tips in favor of consolidation.

In March 1985, then Federal Reserve Board Chairman Paul Volcker, noting the growing propensity of thrifts to exercise essentially bank-like functions, indicated that he could also support a fund merger.

The fund merger option was a recurrent topic in the questioning of witnesses in recent Banking Committee hearings. Interest in the subject was such that the chairman of the committee, Mr. St Germain, and two other committee members, Mr. Parris and Mr. Bartlett, joined me in requesting the GAO to study the administrative and procedural aspects of a merger of the three funds. That study is now underway. The GAO findings should be of great assistance to the Congress on this matter.

While some may differ on the timing for a merger, there is a growing consensus that a fund merger is inescapable. Robert Gaiswinkler, the former chairman of the National Council of Savings Institutions, a major thrift trade group, suggested in a press account that a fund merger is inevitable after the FSLIC is recapitalized and made healthy. James Cirona, president of the Federal Home Loan Bank of San Francisco, observed: "The merger will take place simply because it has to happen."

A merger makes sense for several reasons.

MARKETPLACE CHANGES

First, the financial marketplace has changed. This is the 1980's, not the 1930's. While banks, savings and loans and credit unions had distinct, individual characteristics when their respective insurance funds were created, times have changed. Savings institutions now engage in commercial lending and all institutions compete for consumer business. Interindustry mergers, the breakdown of geographic barriers and changes in product lines reflect the change.

As the FDIC noted in its recommendations to Congress in its 1983 report to Congress:

> It is difficult to argue that the insurance funds of the FSLIC and the FDIC should be separately maintained when the functions of the thrift institutions and commercial banks are so similar that virtually the only distinction that can now be found in present law between the two types of institutions is in the nature of the insurance attached to the liabilities of each. Not only are the depository institutions involved now almost indistinguishable in the powers they possess, but they are also beginning to come together, in some instances, in larger financial organizations, a trend that doubtless will accelerate in the future.

One large, well-staffed and flexible deposit insurance fund could anticipate changes in the financial marketplace rather than simply respond to changes as they occur.

PUBLIC CONFIDENCE

Second, public confidence in Federal deposit insurance would be strengthened. Bailing out the FSLIC, especially in the stop-and-go manner provided in the FSLIC recapitalization legislation, does not inspire public confidence in Federal deposit insurance. It inspires public trepidation. Consider the text of an advertisement placed in a Wisconsin newspaper by an FDIC-insured bank last year. The text reads:

> FDIC Reserve Fund—$18.2 billion or FSLIC Reserve Fund—$2.7 billion. Which one would you rather have insuring your money?

While recapitalization of the FSLIC was a short-term necessity, it has the unfortunate effect of encouraging public comparisons of the "healthy fund" with the "sick fund."

Columnist Jack Anderson gave the following advice to the millions of readers of Parade magazine on September 20, 1987. Under the heading of "What You Can Do to Safeguard Your Deposit," Mr. Anderson and his coauthor, Michael Binstein, wrote:

> Keep your money in a federally-insured bank. Its deposits are protected by the Federal Deposit Insurance Corporation, which has $18.4 billion to back its guarantees. In contrast, the Federal Savings and Loan Insurance Corp. is down to about $500 million, which is all it has to back about $900 billion in savings and loan deposits.

Merger of Federal deposit insurance funds would preclude such confidence-sapping comparisons.

AVOIDING A TAXPAYER BAILOUT

Third, a merger would lessen the chances that taxpayers will be called on to bail out one fund or another. At the minimum, it should decrease the amount of any bailout.

A June 1985 internal FDIC draft staff study on an FDIC/FSLIC merger, while noting administrative roadblocks which might hamper consolidation, nonetheless acknowledged that "merging the insurance agencies may be the only viable solution to the S&L problem." On the subject of a taxpayer bailout, the study very astutely observed:

> The Treasury could infuse cash into the FSLIC. This alternative, however, would be detrimental to the banking system in that it would contribute to the impression that banking is a public utility and it would not solve one of the major problems of the industry: regulatory standards that are driven more by the necessity of preserving what is probably an inadequate fund, rather than by a direct attempt to solve the underlying problems of the industry.

For those who doubt that a massive taxpayer bailout of the FSLIC may be in the cards absent a merger of the funds, consider the following:

In mid-November 1987, the newly elected Chairman of the U.S. League of Savings Institutions alerted Congress that the industry had already contributed enough to FSLIC recapitalization. According to Mr. Theo H. Pitt, Congress should enter into a "sharing of responsibility" arrangement to rebuild the fund. Translated, that means "taxpayer bailout." Former league Chairman Gerald Levy amplified that view by saying "We're going to pay our fair share, but its impossible for us to pay the full bill."

Last December, Treasury Under Secretary George Gould conceded that taxpayers may be asked to bail out FSLIC. He thoughtfully suggested that "we should try to keep as much of it off the back of the taxpayer as possible."

RISK EXPOSURE

Fourth, a merger would reduce risk exposure for the Federal Government. For Federal deposit insurance, commercial bank risk involves such factors as loan losses and the level of bank and nonbank competition. Savings institutions, on the other hand, are extremely sensitive to changes in the interest rate. Thus, the larger number and more varied type of institutions insured by a consolidated fund would broaden risk and limit exposure. Had the FDIC and FSLIC been merged in 1984, the number of financial institutions deemed "too large to fail"—institutions with assets which total 50 percent or more of the reserves of their respective funds—would have declined from 82 to 27, decreasing exposure and increasing stability in the deposit insurance system.

POLICY COORDINATION

Fifth, regulatory policies could be better coordinated. The General Accounting Office pointed out in its excellent September 1986 study, "Deposit Insurance: Analysis of Reform Proposals," that a merged fund would provide a single focus for evaluating the deposit insurance risk to which the Federal Government is exposed. Consolidation would also enable coordination of closure and liquidation procedures as well as capital and accounting requirements. With a larger and more diverse membership in the fund, the options available for merging troubled and healthy institutions would broaden.

EQUITABLE INSURANCE ASSESSMENTS

Sixth, a Federal Deposit Insurance Fund merger would put an end to the ridiculous situation in which healthy thrifts play one regulator against another by threatening to switch charters, thereby escaping the steep FSLIC insurance premiums.

The economic incentives for well-capitalized thrifts to play this game are powerful. A healthy, FSLIC-insured thrift now pays roughly two-and-one-half times as much for deposit insurance as a comparable FDIC-insured commercial bank. An exodus of healthy thrifts from the FSLIC threatens the current recapitalization effort and weakens the authority of regulators.

There is reason to believe that healthy thrifts may exercise their option to leave the FSLIC when the congressionally mandated moratorium on fund-switching expires later this year. According to the draft FDIC memorandum, nearly 900 thrifts now qualify for FDIC insurance on the basis of capital ratios and earnings.

The recent signal from the Federal Reserve Board that it is willing to allow banks to acquire healthy thrifts should be a warning sign. The FSLIC may be lemonized sooner rather than later as healthy thrifts leave the fund with the assistance of an acquiring commercial bank.

According to the FDIC memorandum, an additional 540 thrifts might meet FDIC insurance standards with a slight capital increase, an increase that would be readily available upon acquisition. It should be noted that if all institutions are treated alike for purposes of deposit insurance, as my legislation provides, the incentive to play one regulator against another will decline markedly. At some point in the post-merger period, the Board of the FDSIC might propose to the Congress risk-based deposit insurance assessment. We would no longer, however, be faced with a situation in which a well managed, conservatively run thrift is forced to pay substantially higher deposit insurance premiums than a comparable commercial bank.

OTHER ARGUMENTS FOR MERGER

More than two-thirds of all federally insured deposits, including a portion of the thrift industry, are now insured by one fund—the FDIC.

When all is said and done, it is the full faith and credit of the United States which stands behind the deposit insurance guarantee. This means that the ultimate guarantors of confidence in the banking system are the taxpayers. In this scenario, it makes little sense to stand behind three funds when one fund would be more efficient.

If Congress is to protect the accounts of depositors, ensure the safety and soundness of the financial system, and prevent an eventual end-run on the Federal Treasury by lenders looking for a bailout of a particular deposit insurance fund, the groundwork for a merger should be laid.

LAYING THE GROUNDWORK

The purpose of this legislation is to begin laying that groundwork. There are technical and administrative questions which will arise in any discussion of a merger, questions which can be resolved, I believe, in the course of Banking Committee hearings on the subject and through consultation with the various deposit insurance agencies and the General Accounting Office.

There are serious public policy questions which must be examined as well. In any discussion of a Federal Deposit Insurance Fund merger, the question inevitably arises: should not the various federally chartered institutions be regulated in a similar manner? The crazy-quilt regulatory system by which the Federal Government protects the interest of depositors and ensures the stability of the financial system is an inefficient product of another era. Title III of my comprehensive bill would provide for the logical next step by bringing about a merger of the Federal financial regulatory agencies following the orderly merger of the Federal Deposit Insurance Funds.

The question Congress faces is not one of technique or administration, but of political will. On the matter of a merger of the deposit insurance funds, it is no longer a matter of whether to consolidate the funds, but in what manner and at what pace.

Let us begin the debate. A large-scale revision of our deposit insurance system requires constructive suggestions from all parties involved, especially those in the financial services industry.

I would hope that those in the lending industry who have doubts about a merger of the deposit insurance funds will not oppose this idea simply for the sake of opposition. History suggests that outright industry opposition to congressional initiatives in the area of deposit insurance can be less than fruitful.

Between 1921 and 1933, more than 12,000 banks failed, putting millions of depositors at risk. Yet in 1933, after a failure of 40 percent of the Nation's banks, major segments of the lending community opposed a congressional initiative to create a Federal Deposit Insurance Agency. The president of the American Bankers Association opposed congressional deposit insurance authorization legislation, contending that deposit insurance was "unsound, unscientific and dangerous."

Fortunately, Congress and the President ignored that advice and created the agency that was to become the FDIC. In a period of crisis, Congress looked to the needs of individual depositors and rejected parochial industry arguments.

Turf-oriented arguments will not prevail today any better than they did in the 1930's. The trend in Federal deposit insurance is clearly toward a merger of the funds, not the retention of separate funds regardless of marketplace changes, fiscal circumstances or administrative efficiency. We will certainly see a merger of the funds before one nickel of taxpayers' money is appropriated to bail out a bankrupt fund, notwithstanding arguments from special interests to the contrary.

The inevitable resolution to the current deposit insurance crisis rests with the creation of a single Federal Deposit Insurance Agency—well staffed, well capitalized and subject to regular and diligent oversight by the Congress.

During special orders tomorrow, I will describe in detail title III of the legislation, which would consolidate the existing Federal financial regulators.

At this point, I include in the RECORD several charts which include a profile of the institutions insured by the various deposit insurance funds:

PROFILE OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, YEAR END 1985–86 AND AS OF SEPT. 30, 1987

[In billions of dollars]

Commercial banks	Dec. 31, 1985	Percent	Dec. 31, 1986	Percent	Sept. 30, 1987	Percent
Number	14,404		14,200		13,850	
Asset:						
Loans	$1,607.6	59	$1,727.7	59	$1,750.7	60
Cash and securities	474.6	17	521.4	18	509.1	17
Reserves	26.2	.96	41.2	1	30.1	1
Other [1]	622.1	23	650.8	22	653.0	22
Total	2,730.5	100	2,941.1	100	2,942.9	100
Liabilities/capital:						
Deposits	2,117.9	78	2,283.5	78	2,266.6	77
Borrowings	317.4	12	356.1	12	364.9	13
Capital	169.2	6	182.3	6	180.4	6
Other [2]	126.1	5	119.2	4	131.0	4
Total	2,730.5	100	2,941.1	100	2,942.9	100

[1] Includes currency and coin, balances with other banks, and cash items in process of collection.

[2] Includes acceptances from other banks and customers, accounts payable, interest, taxes, other expenses, and cash dividends declared but not yet paid.

PROFILE OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, YEAR END 1985–86 AND AS OF SEPT. 30, 1987

[In billions of dollars]

Savings and Loan Association	Dec. 31, 1985	Percent	Dec. 31, 1986	Percent	Sept. 30, 1987	Percent
Number	3,246		3,227		3,178	
Asset:						
Loans	$695.1	65	$706.6	60	$742.3	61
Cash and securities	252.4	24	322.6	28	355.8	29
Other	121.9	11	136.1	12	121.2	10
Total	1,069.4	100	1,165.3	100	1,219.3	100
Liabilities/net worth:						
Savings	843.9	79	889.9	76	908.9	75
Borrowings	156.7	15	196.5	17	234.9	19
Net worth	46.8	4	53.1	5	50.9	4
Other	22.0	2	25.8	2	24.6	2
Total	1,069.4	100	1,165.3	100	1,219.3	100

PROFILE OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, YEAR END 1985–86 AND AS OF JUNE 30, 1987

[In billions of dollars]

Credit unions	Dec. 31, 1985	Percent	Dec. 31, 1986	Percent	June 30, 1987	Percent
Number	15,045		14,693		14,460	
Assets:						
Loans	$73.9	62	$85.5	58	$90.3	56
Investments	39.5	33	54.5	37	66.0	41
Other	6.2	5	7.7	5	4.3	3
Total	119.6	100	147.7	100	160.6	100
Liabilities/equity:						
Shares/savings	109.5	91	136.0	92	148.3	92
Notes/accounts payable	2.4	2	2.5	2	2.5	2
Reserves	4.6	4	5.4	4	4.2	3
Other	3.1	3	3.8	2	5.6	3
Total	119.6	100	147.7	100	160.6	100

CONTRA AID—PAY NOW OR PAY LATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that I do very infrequently is read things that I have read in the paper to my colleagues who may be watching in their offices. Today on my way back from Indiana I read a column by Cal Thomas of the Los Angeles Times Syndicate on "The Price of Freedom: Pay Now or Pay Later." I thought it was very important that this be conveyed to my colleagues, so I brought it here to read to them today.

Mr. Thomas says that:

> The TV commercial for an oil filter carries a message that can be applied to the recent House vote denying more aid to the Nicaraguan freedom fighters. In the commercial, an auto mechanic, touting the benefits of the company's product, says, "You can pay me now or you can pay me later." He means that, if you don't invest in the oil filter now, you'll probably have to pay far more later for an engine overhaul.
>
> By refusing to approve continued aid to the Contras, House Democrats are setting the stage for much more serious trouble down the road. Just as important, the vote marks a dangerous resurrection of the spirit of isolationism which appears stronger now than at any time in the last 70 years.
>
> Costa Rican President Oscar Arias has been widely quoted as saying that he believes you can kill a vampire with a crucifix, by which he means, in the case of Nicaragua's communist leadership, with the power of moral persuasion. He is as poor a student of horror stories as he is of communism. A crucifix merely repels a vampire. It takes a stake in the heart to kill one. Wielding the foreign policy stake is a move free countries are increasingly reluctant to make.
>
> The history of this century has repeatedly demonstrated that, like the person who put off buying the oil filter, those who refuse to oppose tyrants only delay the day of reckoning.
>
> A long-ago incident illustrates the problem.
>
> On May 7, 1915, a German U-boat torpedoed and sank the Lusitania off the coast of Ireland. More than 1,100 civilians, including 128 Americans, were killed. It was the most blatant of a series of German provocations against the United States and its allies.
>
> Even so, President Woodrow Wilson spoke for the isolationists, who apparently believed that cowardice would preserve them, when he said, "There is such a thing as a man too proud to fight." Yes, and for such men the synonyms for coward were created, none of them tasteful: chicken-hearted, lily-livered, faint-hearted, fearful and gutless.
>
> In his The Oxford History of the American People, historian Samuel Eliot Morison writes that the sinking of the Lusitania ". . . might have been the best moment for the United States to have entered the war. Had she been able to bring her strength to bear in 1916, the war would probably have been over within a year; the disastrous loss of life and breakdown of civilized standards would have ended two years earlier than it did, and the Russian revolution would not have taken place, at least not then."
>
> Quite a price to pay for isolationism, procrastination and faintheartedness.
>
> After he had helped sow the seeds for a much larger harvest of war than might have been necessary had he acted sooner, President Wilson used a biblical text to justify a program of American preparedness.
>
> On Nov. 4, 1915, following months of warnings and public criticism from Theodore Roosevelt, Jr. and others, Wilson authorized the creation of a cadre of trained officers for the new army by quoting the prophet Ezekiel: "But if the watchman see the sword come, and blow not the trumpet, and the people be not warned . . . his blood will I require at the watchman's hand."
>
> Already the ideological grandchildren of those pre-World War I isolationists are trying to invoke a Wilsonian defense for their refusal to help others fight for freedom. Writing from Tegucigalpa, Honduras, James LeMoyne of The New York Times appears ready to concede not only Nicaragua to the communists, but all of Central America: "To decide whether Central America really matters to the United States, the United States has to decide what it really values and feels it must defend, Washington does not want to remain a stick-wielding imperalist. In fact, it could probably tolerate a hostile and even pro-Soviet Central America."

□ 1530

Can my colleagues imagine a writer writing that? That is in direct violation of the Monroe Doctrine.

He went on to say: "It would be very uncomfortable, and it would force a rethinking of American security plans. But it would be done."

We could accept a completely Communist, Soviet dominated Central America just south of Mexico. I cannot believe anyone would put that into print, because it jeopardizes our soft underbelly, the Mexican-American border. We cannot even keep illegal aliens out. We are getting as many as 10,000 a day crossing that border.

If the revolution Daniel Ortega founded spreads throughout Central America and up into Mexico, it is estimated that we will get at least 10 million refugees and probably more like 20 million fleeing the progression of communism throughout Central America and Mexico, and we are going to have to feed, clothe, house, and educate those people, and they will be able to work for much less money, thus taking jobs away from Americans. For each 1 percent of unemployment, it costs the taxpayers of this country $35 billion. So if we increase unemployment by 5 to 7 percent, as is expected, if we get this migration of refugees, then we are looking at another $150 to $200 billion in unnecessary expenditures. We cannot afford that. We cannot even balance the budget now. What are we going to do if we have to expend that additional amount of money?

Nevertheless, there are those in this Chamber who have the Wilsonian attitude of isolationism, the head in the sand syndrome, the ostrich syndrome, if you please, just leave them alone and they will go home wagging their tails behind them. But communism will not do that, not on your life.

The Soviets sent 18,000 tons of war materials into Nicaragua, and 2 years before they sent 23,000 tons of war materials into Nicaragua, and last year they sent 33,000 tons of war materials into Nicaragua. Daniel Ortega and his brother, Humberto, admit that they want a 600,000-man army. And Daniel Ortega has been out in the world market trying to get 3 million rifles, automatic rifles. What in the world is he going to do with 3 million rifles when there are only 3 million people in the whole country? He wants to export revolution. He said recently in an article in November of last year he would like to be doing, if he had his druthers, what Chez did, Chez Guevarra, the Cuban who was killed exporting the Communist revolution in Latin America, and what he did Ortega wants to do. And if we continue to cut off additional aid to the Contras in Nicaragua, he will have his way, and he will be able to do just that.

The problem is that down the road we will have to pay the piper, just as Wilson did back in 1916, 1917, and 1918 when we had to go into World War I, because appeasement policies and backing down to tyrants only leads to war.

Winston Churchill talked about World War II in these terms. He said if we had used the common sense found in the ordinary English household, World War II could have been averted. But not Lord Chamberlain. Lord Chamberlain flew to Munich in August of 1938, and with hat in hand he said to Herr Hitler, "What do we have to do to have peace, peace at any price?" And Herr Hitler said, "Give me the Sudetenland, give me half of Czechoslovakia." Can my colleagues imagine anyone who would give away the freedom of half a country? But Lord Chamberlain did that, and he flew back aboard his trimotor airplane to Heathrow Airport, and he got off the airplane to tumultuous applause. If there had been a Gallup poll conducted, he would have had a 99-percent approval rate. And when Winston Churchill went to the House of Commons to protest, he was shouted down and they would not even let him talk, yet a couple of years later they made Winston Churchill Prime Minister because Hitler had violated every single agreement he had made, and because he viewed the appeasement of Lord Chamberlain as an invitation to further aggression.

That is the same thing we face in Central America today, the same thing Wilson faced in 1916, and yet we do not pay attention and it is on our front door. England was an ocean away, but this is at our front door.

The border between the United States and Mexico is 2,000 miles long, exactly, 1,980 miles long. It is the soft underbelly of America, not unlike the soft underbelly of Europe that Winston Churchill talked about in World War II.

But this is on our border, and the Soviets have been sending Hind M-24 helicopters down there, flying tanks, and they have sent billions, 2 billion dollars' worth of war materials in there. And we have stood idly by and let it happen. And on this side of the aisle the preponderance of the Members, the vast majority of the Members, not my colleague in the chair because he was with us, but the vast majority of Members on this side of the aisle voted against helping the freedom fighters in Central America, and that will lead to the inevitable involvement of the United States of America down there unless we reverse that.

President Azcona of Honduras told me in his Presidential home in Tegucigalpa less than 3 months ago that, if the peace process fails, and if we cut off aid to the Contras and they die on the vine, that he is going to request 50,000 U.S. troops in his country alone, and he is going to ask for $250 million in additional military support. That does not include El Salvador, that does not include Guatemala, does not include Costa Rica where President Arias of Costa Rica only had 10,000 people in his police force. He has no army, and they are all going to be asking for U.S. troops when the Communists make good on their promise to export that revolution throughout Central America, and they told us time and again very clearly that they plan to do that.

Tomas Borge said in a Playboy interview about 2 years ago, he said that the question was: Will you respond to the question that Nicaragua is the first domino in Latin America, that after that will be El Salvador that will fall to the Communists, then Guatemala, then Honduras, then ultimately Mexico, and the foreign minister down there said, the Minister of Interior said, and I quote, "That is one historical prophecy of Ronald Reagan that is absolutely true," so they told us what they planned to do, but we would not listen.

The Senate listened. They voted for aid to the Contras, but in this body we lost by eight votes, and those people might very well die on the vine in the next few months and with them the hope of freedom in Nicaragua, and with them dying goes the consolidation of power for the Communists in Nicaragua and the more rapid exportation of Communist revolution into El Salvador, Guatemala, and Honduras, and ultimately Mexico. They have been exporting revolution already, but you can bet your bottom dollar that if Daniel Ortega gets 3 million rifles that he is trying to buy, the exportation will increase at a rapid rate.

Cal Thomas, when he finished his piece, concluded it this way: He said Central American blood is now on the hands of most congressional Democrats, and if the day comes, as it surely will, when American blood must be spilled to undo the damage caused by last week's House vote, that blood will also be on their hands. We have failed to pay for freedom in Nicaragua now. We will have to pay a lot more later with interest.

Mr. Speaker, I submit to my colleagues who may be watching this in their offices who voted the wrong way last week to listen to what this writer has written because he is accurate.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will have to remind the gentleman from Indiana that it is against the rules of the House to refer to Members in their offices pertaining to television.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate that. I will just speak to my colleagues wherever they may be. I hope that they will think about what they did last week and relent and consider the facts, and, when we have another vote on Contra aid, as I am sure we will, that they will reverse themselves, and I am not talking about a piece of legislation that will pass, that will give some aid to the Contras from a purely humanitarian standpoint at predescribed locations where when we drop the aid in the Communists will know it is coming and they will be able to pick up the Contras one by one and pick them off and eliminate them as a viable force against the Communists down there. It is going to have to be true aid truly in support of freedom.

Mr. Speaker, I would like to read one other thing before I leave. It is from a person in my district. He wrote a letter to the Indianapolis Star, and I think it bears repeating and reading here today. He calls it a history lesson in the Contra vote. He said:

> I am beginning to wonder how much history the present Democratic members of the House have read.
>
> The Contra bill vote gave me the same sick, sinking feeling I had back in 1939 when a gentleman with an umbrella and a piece of paper stepped from an airplane and declared, "Peace in our time!"
>
> Not too surprisingly, four years later in 1943 I was wounded and disabled in the "peace" near a town in Italy called Cassino. Most of my generation knew that the gentleman was wrong, and knew it was a matter of time until we had to either give up entirely or fight a war.
>
> How many lives would have been saved if we had called Hitler's bluff? Would we have had the Holocaust?
>
> These congressmen are very naive if they believe they can accomplish a just settlement by their oratory. No communistic or totalitarian form of government ever has lived up to any treaty or promise. A recent Star editorial about Ortega listed all the promises he has failed to keep.
>
> One of their credos is that the end justifies the means. Do any of these congressmen understand the totalitarian definition of peace?

The Soviet word incidentally for peace is mir, m-i-r, and what it means is peace after the goals of the revolution have been achieved. When we think of peace, we think of peace as the absence of war, but their definition of peace is peace after the goals of the revolution have been achieved. That means after they have enslaved a nation. Then there is peace.

My definition of peace is the same as I alluded to just a moment ago in Webster, but I have a Burtonism for those who care to listen, and it is this: And that is that peace without freedom is not peace. It is slavery. Peace without freedom is not peace, it is slavery, and that is what many of my colleagues advocate for Central America.

He went on to say:

> "Does it mean living with the Four Freedoms, or does it mean "rest in peace" as we say at funeral services? Right at the moment I feel our educational system has failed if these congressmen do not understand history.
>
> Added to the vote is the censorship imposed by the TV networks on the President's speech. I am sure they have another word for it, but the definition remains the same. A rose by any other name still smells the same.

Bill Jackson of Indianapolis wrote that.

I would like to conclude my special order, Mr. Speaker, by saying this is a very perilous time for the people of Central America, that it is an equally perilous time for the people of the United States of America. We must not bow to the pressures exerted on us by the Soviet Union or her surrogates. We must do what is necessary to stand up to the tyrants of this world. In Afghanistan we have helped the freedom fighters, in Angola we have helped the freedom fighters, and we must help the freedom fighters in Central America and in Nicaragua that is on our front doorstep for, if we do not, it is going to come back to haunt us in the years to come, and like the appeasement that came back to bite Lord Chamberlain and Wilson, our President, the appeasement will come back to bite my colleagues on the other side of the aisle, and it will bite the boys who are sent down there to fight in an unnecessary war. We must not allow that to happen.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hastert) and to include extraneous matter:)

Mr. Coats, for 60 minutes, on February 25.

Mr. Broomfield, for 60 minutes, on February 17.

Mr. Porter, for 60 minutes, on February 17.

Mr. Shumway, for 60 minutes, each day on March 1, 2, and 3.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Ritter, for 5 minutes, today.

(The following Members (at the request of Mr. Sisisky) and to include extraneous matter:)

Mr. Owens of New York, for 5 minutes, today.

Mr. Annunzio, for 60 minutes, today.

Mr. Kleczka, for 60 minutes, today.

Mr. Gaydos, for 60 minutes, today.

Mr. Kleczka, for 60 minutes each day, on February 17 and 18.

Mr. Gaydos, for 60 minutes, on February 17.

(The following Members (at the request of Mr. Kleczka) to revise and extend their remarks and include extraneous material:)

Mr. Stratton, for 5 minutes, today.

Mr. Sunia, for 5 minutes, on February 17.

Mr. Hutto, for 5 minutes, on February 17 and 15 minutes on February 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hastert) and to include extraneous matter:)

Mr. Frenzel.

Mr. Henry.

Mr. Horton in two instances.

Mr. Conte.

Mr. Madigan.

Mr. Lewis of Florida.

Mr. Ritter.

Mr. Gilman.

Mr. McEwen in three instances.

Mr. Rinaldo.

(The following Members (at the request of Mr. Sisisky) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Lipinski.

Mr. Hoyer.

Mr. Traxler.

Mr. Stokes.

Mr. Montgomery.

Mr. Mazzoli.

Mr. Atkins.

Mr. Torricelli.

Mr. Ackerman.

Mr. Levine of California.

Mr. Lantos in two instances.

Mr. Fascell.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 908. An Act to amend the Inspector General Act of 1978; to the Committee on Government Operations.

S. 1579. An Act to amend the Public Health Service Act to revise and extend the block grant program, and for other purposes; to the Committee on Energy and Commerce.

S. 1726. An Act to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes; to the Committee on Energy and Commerce.

S. 1968. An Act to amend the Public Health Service Act to make certain technical amendments, and for other purposes; to the Committee on Energy and Commerce.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On February 5, 1988:

H.R. 1983. A bill authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes;

H.R. 2566. A bill to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes; and

H.R. 3884. A bill to rescind certain budget authority recommended in Public Law 100-202.

On February 10, 1988:

H.J. Res. 402. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week".

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 17, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2875. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1988, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-165); to the Committee on Appropriations and ordered to be printed.

2876. A letter from the Assistant Secretary (Comptroller), Department of Defense, transmitting the Department's listing of contract award dates for the period March 1, 1988 to April 30, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2877. A letter from the Deputy Assistant Secretary (Systems), Department of Defense, transmitting the Department's report on commercial and industrial-type functions performed by Department of Defense contractors for fiscal year 1987, pursant to 10 U.S.C. 2304 nt; to the Committee on Armed Services.

2878. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a report analyzing the impact of IMF-supported economic adjustment programs implemented during 1985 on the provision of basic human needs in program countries, pursuant to 22 U.S.C. 286e-9(b); to the Committee on Banking, Finance and Urban Affairs.

2879. A letter from the First Vice President and Chairman, Export-Import Bank of the United States, transmitting the Bank's report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(iii); to the Committee on Banking, Finance and Urban Affairs.

2880. A letter from the Controller, Washington Gas Light Co., transmitting a certified copy of the Company's Balance Sheet as of December 31, 1987, pursuant to D.C. Code section 43-513; to the Committee on the District of Columbia.

2881. A letter from the Secretary of Education, transmitting a copy of final regulations—Regional Resource an Federal Centers Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2882. A letter from the Secretary of Education, transmitting the Department's tenth annual report on the implementation of the Education of the Handicapped Act, pursuant to 20 U.S.C. 1418(f)(1); to the Committee on Education and Labor.

2883. A letter from the Associate Director, Bureau of Education and Cultural Affairs, U.S. Information Agency, transmitting the Office of Private Sector Programs report for calendar year 1987, pursuant to 22 U.S.C. 2460 nt.; to the Committee on Foreign Affairs.

2884. A letter from the Director, Administrative Office of the United States Courts; transmitting actuarial reports on the judicial survivors' annunities system and the judicial retirement system for the year ended December 31, 1986, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2885. A letter from the Administrator, Environmental Protection Agency; transmitting the agency's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2886. A letter from the Chairman, Federal Labor Relations Authority; transmitting the agency's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2887. A letter from the Administrator, General Services Administration, transmitting the agency's report on donation of surplus personal property for fiscal year 1987, pursuant to 40 U.S.C. 493; to the Committee on Government Operations.

2888. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the agency's report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2889. A letter from the General Counsel, National Labor Relations Board, transmitting a copy of the fiscal year 1987 FMFIA report on internal control and financial systems provided to the President of the United States, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2890. A letter from the Administrator, Panama Canal Commission, transmitting the Commission's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2891. A letter from the Secretary of Energy, transmitting the Department's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2892. A letter from the Acting Secretary of the Land and Minerals Management Service, Department of the Interior, transmitting notice on leasing systems for the Beaufort Sea, sale 97, scheduled to be held in March 1988, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

2893. A letter from the Acting Attorney General, Department of Justice, transmitting a report on the U.S. Trustee System Fund for the period October 1, 1986 to September 30, 1987, pursuant to Public Law 99-554, section 115(a) (100 Stat. 388); to the Committee on the Judiciary.

2894. A letter from the Director, Office of Personnel Management, transmitting the fiscal year 1985 report on the implementation of the Federal Equal Opportunity Recruitment Program, relative to minorities and women, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

2895. A letter from the Secretary of Transportation, transmitting a report on "Highway Resurfacing, Restoration and Rehabilitation Practices", pursuant to 23 U.S.C. 109 nt.; to the Committee on Public Works and Transportation.

2896. A letter from the Secretary of Health and Human Services, transmitting a report on rural teaching hospitals and referral centers, pursuant to Public Law 98-21 (97 Stat. 167), (97 Stat. 157); to the Committee on Ways and Means.

2897. A letter from the Secretary of Health and Human Services, transmitting a report on "Evaluation of the Rural Hospital Swing-Bed Progam", pursuant to Public Law 96-499, section 904(c) (94 Stat. 2617); to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL of Ohio. Committee on Rules. House Resolution 375. Resolution providing for the consideration of H.R. 1054, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care (Rept. 100-505). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 3943. A bill to provide law enforcement authority for the Federal Protective Service, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. HOLLOWAY (for himself, Mr. Vander Jagt, Mr. Dannemeyer, Mr. Dornan of California, Mr. Livingston, and Mr. Petri):

H.R. 3944. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against tax to taxpayers for dependents who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer residents, and to repeal the credit for expenses for child care services necessary for gainful employment for expenses with respect to such dependents; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 3945. A bill to amend XVIII of the Social Security Act to limit the rate of increase of the part B Medicare premium to the rate of increase in Social Security benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOODY (for himself and Mr. Aspin):

H.R. 3946. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 3947. A bill to reopen the base membership roll of the Pascua Yaqui Indian Tribe of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. BOEHLERT:

H.J. Res. 455. Joint resolution designating the week beginning April 10, 1988, as "National Medical Laboratory Week"; to the Committee on Post Office and Civil Service.

By Mr. MICA:

H. Con. Res. 243. Concurrent resolution calling for the resignation of General Noriega as the commander in chief of the Panamanian Defense Forces, a position from which he has functioned as the de facto ruler of Panama; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H. Con. Res. 244. Concurrent resolution calling for full freedom and independence for the Baltic States; to the Committee on Foreign Affairs.

H. Con. Res. 245. Concurrent resolution expressing the sense of the Congress that the United States should seek, through diplomatic channels, the withdrawal of certain personnel of the Soviet Union from Estonia, Latvia, and Lithuania and the release by the Soviet Union of political prisoners of Estonian, Latvian, or Lithuanian descent; to the Committee on Foreign Affairs.

By Mr. ASPIN (for himself and Mr. Dickinson):

H. Res. 376. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 377. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 2d sess. of the 100th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

265. By the SPEAKER: Memorial of the Senate of the State of West Virginia, relative to the sovereignty of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

266. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to American clock and watchmakers; to the Committee on Post Office and Civil Service.

267. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the Bureau of the Census; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BONIOR of Michigan introduced a bill (H.R. 3948) for the relief of Hyong Cha Kim Kay; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 130: Mr. McCloskey.

H.R. 245: Mr. DeWine, Mr. Pepper, and Mr. Thomas of California.

H.R. 470: Mr. Shays.

H.R. 537: Mrs. Saiki.

H.R. 539: Mr. Henry.

H.R. 633: Mr. Nielson of Utah.

H.R. 709: Mr. Evans.

H.R. 807: Mr. Fuster.

H.R. 969: Mr. Oxley.

H.R. 1017: Mr. Dyson.

H.R. 1213: Ms. Snowe, Ms. Oakar, Mr. Bates, Mr. Ford of Tennessee, and Mr. Lehman of Florida.

H.R. 1352: Mr. Grant.

H.R. 1604: Mr. DioGuardi, Mr. Blaz, Mr. Swindall, Mr. Borski, Mr. Saxton, Mr. Wise, Mr. Shays, Mr. Courter, Mrs. Meyers of Kansas, and Mr. de Lugo.

H.R. 1632: Mr. Miller of Washington.

H.R. 1721: Mr. Wilson and Mr. Inhofe.

H.R. 1779: Mr. Gregg and Mr. Daub.

H.R. 1801: Mr. Tallon and Mr. Clarke.

H.R. 1899: Mr. Thomas of California.

H.R. 1923: Mr. Borski.

H.R. 1961: Mr. Manton.

H.R. 1962: Mr. Manton.

H.R. 2311: Mr. Edwards of Oklahoma.

H.R. 2487: Mr. Slaughter of Virginia, Mr. Weiss, and Mr. Whittaker.

H.R. 2517: Mr. Gejdenson.

H.R. 2580: Mr. LaFalce.

H.R. 2632: Mr. Weiss, Mr. Boucher, Mr. Chandler, Mr. Fish, Mr. Hyde, and Mr. Dorgan of North Dakota.

H.R. 2640: Mr. Marlenee, Mr. Inhofe, Mr. Bryant, Mr. Murphy, Mr. Montgomery, and Mr. Walgren.

H.R. 2707: Ms. Snowe.

H.R. 2724: Mr. Markey.

H.R. 2768: Mr. Hertel.

H.R. 2859: Mr. McGrath and Mr. Oberstar.

H.R. 2943: Mrs. Bentley, Mr. Kennedy, Mr. Owens of New York, Mr. Lehman of California, Mr. Pashayan, Mr. Young of Alaska, and Mr. Oberstar.

H.R. 2944: Mr. Dyson, Mr. Mollohan, Mr. Clarke, Mrs. Bentley, Mr. Kennedy, Mr. Owens of New York, Mr. Lehman of California, Mr. Pashayan, Mr. Young of Alaska, Mr. Oberstar, and Mr. Fuster.

H.R. 2999: Mr. Carper.

H.R. 3032: Mr. Shays.

H.R. 3045: Mr. Rowland of Georgia.

H.R. 3132: Mrs. Kennelly.

H.R. 3133: Mr. Ford of Tennessee, Mr. Rodino, and Mr. LaFalce.

H.R. 3265: Mr. Lancaster.

H.R. 3317: Mr. Martinez and Mr. Gray of Pennsylvania.

H.R. 3323: Mrs. Kennelly and Mr. Frenzel.

H.R. 3330: Mr. Robinson, Mr. Rodino, Mr. Roybal, Mrs. Collins, Mr. Wise, Mr. Richardson, Mr. Visclosky, Mr. Wyden, Mr. Gephardt, Mr. Howard, Mr. Torres, Mr. Lowry of Washington, Mr. Kennedy, Mr. Flake, Mr. Dellums, Mr. Panetta, Mr. Tallon, Mr. Udall, Ms. Pelosi, Mr. Mineta, Mrs. Kennelly, and Ms. Oakar.

H.R. 3371: Mr. Kastenmeier.

H.R. 3440: Mr. Torricelli.

H.R. 3480: Mr. Sawyer.

H.R. 3482: Mr. Levin of Michigan and Ms. Snowe.

H.R. 3511: Mr. Bates and Mr. Rodino.

H.R. 3518: Mr. Wheat.

H.R. 3619: Mr. Sundquist, Mr. Ford of Tennessee, Mr. Towns, Mr. Williams, and Mr. Eckart.

H.R. 3633: Mr. Berman, Mr. Fazio, Mr. Hawkins, Mr. Kildee, Mr. Leland, Mr. Miller of California, Mr. Scheuer, Miss Schneider, Mr. Studds, and Mr. Udall.

H.R. 3679: Mr. Kildee, Mr. Dingell, and Mr. Pursell.

H.R. 3716: Mr. Horton, Mr. Daub, and Mr. Lancaster.

H.R. 3757: Mr. Miller of Ohio, Mrs. Morella, Mr. Lowery of California, Ms. Oakar, and Mr. Dymally.

H.R. 3766: Mr. Murphy, Mr. Fauntroy, Mrs. Collins, Mr. Lehman of Florida, Mr. Oberstar, Mr. Martinez, Mr. Fazio, and Mr. Crockett.

H.R. 3781: Mr. Hughes, Mr. Vento, and Mr. Lehman of California.

H.R. 3784: Ms. Kaptur and Mr. Owens of Utah.

H.R. 3787: Mr. Frank.

H.R. 3791: Mr. Blaz, Mr. Lagomarsino, and Mr. Foglietta.

H.R. 3806: Mr. Petri, Mr. Wortley, Mr. de Lugo, Mrs. Morella, Mr. Horton, Mr. Brown of California, Mr. Lancaster, Mr. Ackerman, Mr. Pepper, Mr. Sabo, and Mr. Miller of Ohio.

H.R. 3814: Mr. Hyde, Mr. DeWine, Mr. Lancaster, Mr. Coble, and Mr. Marlenee.

H.R. 3842: Mr. de Lugo, Mr. Dornan of California, Mr. Hayes of Illinois, Mr. Owens of New York, Mr. Regula, and Mrs. Lloyd.

H.R. 3844: Mr. Hansen, Mr. Slattery, Mr. Gekas, Mr. McEwen, Mr. Michel, Mr. Chapman, Mr. Dowdy of Mississippi, Mr. Gunderson, Mr. Kastenmeier, Mr. English, Mr. Thomas of California, Mr. Burton of Indiana, Mr. Nielson of Utah, Mr. Montgomery, and Mr. Spratt.

H.R. 3854: Mr. Dornan of California, Mr. Duncan, Mr. Tauke, Mr. Wortley, Mr. Davis of Illinois, Mrs. Johnson of Connecticut, Mr. Fawell, Mr. Oxley, and Mr. Kemp.

H.R. 3859: Mr. Smith of Florida, Mr. Horton, Mr. Hertel, Mr. Upton, and Mr. Williams.

H.R. 3870: Mr. Rose.

H.R. 3893: Mr. Olin, Mr. Weber, Mr. Gilman, Mr. Hiler, Mr. Foley, Mr. Henry, Mr. Barnard, Mr. Hall of Texas, Mr. MacKay, Mr. Hamilton, Mr. Coble, Mr. Mrazek, and Mr. Chapman.

H.R. 3907: Mr. Volkmer, Mr. Barnard, Mr. Hatcher, Mrs. Byron, Mr. Dickinson, Mr. Roberts, Mr. Boulter, Mr. Gilman, Mr. Hansen, Mr. Herger, and Mrs. Johnson of Connecticut.

H.R. 3914: Mr. Sisisky, Mr. Ackerman, Mr. Gilman, Mr. Dymally, Mr. Smith of Florida, Mr. Howard, Mr. Sabo, and Mr. Miller of California.

H.R. 3936: Mr. Pepper.

H.R. 3937: Mr. Thomas of Georgia.

H.J. Res. 140: Mr. Rinaldo, Mr. McEwen, Mr. Hochbrueckner, Mr. Schumer, Mr. Owens of Utah, Mr. Moakley, Mr. Flippo, Mr. Stratton, Mr. Applegate, Mr. Whittaker, Mr. Gephardt, Mr. Wilson, Mr. Weiss, Mr. Dowdy of Mississippi, Mr. Mollohan, Mr. Mavroules, Mr. Synar, Mr. Sisisky, Mr. Kanjorski, Ms. Snowe, Mr. Lancaster, and Mr. Eckart.

H.J. Res. 244: Mr. Fuster, Mr. Lehman of Florida, Mrs. Roukema, Mr. Denny Smith, Mr. Morrison of Washington, Mr. Horton, Mr. Dornan of California, Mr. Kostmayer, Mr. Roe, Mr. Mrazek, Mr. Wortley, Mr. Smith of Florida, Mr. Pepper, Mr. Fazio, Mr. Hatcher, Mr. Wolf, Mr. Lagomarsino, Mr. Coyne, Mr. Anderson, Mr. Rodino, Mr. Traxler, Mr. Sunia, Mr. Dwyer, of New Jersey, Mr. Rowland of Georgia, Mr. Vento, Mr. Borski, Mr. DeWine, Mr. Lantos, Mr. Conte, Mr. Bonior of Michigan, Ms. Oakar, Mr. McCollum, Mr. Callahan, Mr. Owens of New York, Mr. Hughes, Mr. Martinez, Mr. Kasich, Mr. Dickinson, Mr. Hall of Ohio, Mr. Lewis of Georgia, Mrs. Bentley, Mr. Hansen, Mr. Guarini, Mr. Volkmer, Mr. Conyers, Mr. Pashayan, Mr. Gunderson, Mr. Brown of California, Mr. Daub, Mrs. Collins, Mrs. Patterson, Mr. Towns, Mr. McMillen of Maryland, Mr. Torricelli, Mr. Foglietta, Mr. Espy, Mr. Fish, Mr. Carper, Mr. Fawell, and Mr. Lewis of California.

H.J. Res. 373: Mr. Moakley, Mr. Panetta, Mr. Crockett, Mr. Chandler, Mr. Miller of California, Mr. Miller of Washington, Mr. Darden, Mr. Stark, Mr. Borski, Mr. Stump, Mr. Mineta, Mr. Dymally, Mr. Kasich, Mr. Waxman, Mr. McCloskey, and Mr. Owens of Utah.

H.J. Res. 374: Mr. Lent, Mr. Oberstar, Mr. Harris, and Mr. Fauntroy.

H.J. Res. 386: Mr. Biaggi, Mr. Borski, Mr. Brooks, Mr. Bunning, Mr. Conyers, Mr. Dixon, Mr. Edwards of California, Mr. Fawell, Mr. Kolter, Mr. Rowland of Georgia, Mr. Stark, Mr. Tallon, Mr. Thomas of Georgia, and Mr. Waxman.

H.J. Res. 415: Mr. Bunning, Mr. Bevill, Mr. Rahall, Mr. Lipinski, Mr. Leach of Iowa, Mr. Kostmayer, Mr. Wortley, Mr. Garcia, Mr. Neal, Mr. Barnard, Mr. Swindall, Mr. Owens of New York, Mrs. Boxer, Ms. Snowe, Mr. Walgren, Mr. Fawell, Mr. Staggers, Mr. Kasich, Mr. Foglietta, Mr. Chappell, Mrs. Roukema, Mr. Waxman, Mr. Skelton, Mr. Atkins, Mr. Berman, Mr. Akaka, Mr. Anderson, Mr. Biaggi, Mr. Nelson of Florida, Mr. Coyne, Mr. Smith of New Hampshire, Mr. Towns, Mr. Donnelly, Mr. Crockett, and Mr. Hatcher.

H.J. Res. 420: Mr. Lagomarsino, Mr. Hefner, Mr. Coble, and Mr. Jones of North Carolina.

H.J. Res. 429: Mr. Sikorski, Mr. DeWine, Mr. Jontz, Mr. Wyden, Mrs. Boxer, Mr. Torricelli, Mr. Waxman, Mr. Smith of New Jersey, Mrs. Bentley, Mr. Bliley, Mr. Towns, Mr. Schumer, Mrs. Byron, Mr. Houghton, Mr. Eckart, and Mr. Courter.

H.J. Res. 438: Mr. Weiss, Mr. Volkmer, Mr. Erdreich, Mr. Dornan of California, Mrs. Morella, Mrs. Saiki, Mr. Bilbray, Mr. Lancaster, Mr. Ritter, Mr. Mrazek, Mr. Howard, Mr. Dymally, Mr. DeFazio, Mr. Walgren, and Mr. McGrath.

H.J. Res. 440: Mr. Emerson, Mr. Lagomarsino, Mrs. Lloyd, Mr. Fuster, Mr. Jontz, Mr. Owens of New York, Mr. Stump, Mr. Espy, Mr. Roe, Mr. Bilbray, Mr. Garcia, Mr. Solomon, Mr. Smith of Florida, Mr. Florio, Mr. Wolf, Mr. Hayes of Illinois, Mr. Horton, Mr. McDade, Ms. Snowe, Mr. Hawkins, Mr. Schuette, Mr. Lehman of California, Mr. Perkins, Mr. Hyde, and Mr. Ford of Tennessee.

H.J. Res. 447: Mr. Dymally, Mr. Coleman of Texas, Mr. Grant, Mr. Dwyer of New Jersey, Ms. Oakar, Mr. de la Garza, Mr. Scheuer, Mr. Hall of Texas, Mr. Boehlert, Mr. Coble, Mr. Bonker, Mr. Callahan, Mr. de Lugo, Mr. Barnard, Mr. Akaka, Mr. Mfume, Ms. Kaptur, Mr. Matsui, Mr. Ray, Mr. Kastenmeier, Mr. Valentine, Mr. Espy, Mr. Moakley, Mr. Dowdy of Mississippi, Mr. Volkmer, Mr. Jones of North Carolina, Mr. Lent, Mr. Walgren, Mr. AuCoin, Mr. Visclosky, Mr. Sawyer, Mr. Skaggs, Mr. Hatcher, Mr. Clarke, Mr. Swindall, Mr. Tauzin, Mr. Hoyer, Mr. Smith of Iowa, Mr. Rowland of Connecticut, Mr. Tallon, Mr. Harris, Mr. Stark, Mr. Jeffords, Mr. Chandler, Mr. Frenzel, Mr. Wolf, Mr. Young of Alaska, Mr. Rhodes, Mr. Oxley, Mr. DeLay, Mr. Tauke, Mr. Davis of Michigan, Mr. Clinger, Mr. Erdreich, Mr. Lott, Mr. Sundquist, Mrs. Bentley, Mr. Kasich, Mr. Ballenger, Mrs. Vucanovich, Mr. Hiler, Mr. Schuette, Mr. Frost, Mr. Buechner, Mr. Blaz, and Mr. Hunter.

H.J. Res. 448: Mr. Sunia, Mr. Henry, Mr. Roe, Mr. Wortley, Mr. Owens of New York, Mr. Feighan, Mr. Lowery of California, Mr. Donnelly, Mr. Dannemeyer, Mr. Annunzio, Mr. Clarke, Ms. Slaughter of New York, Mr. Mrazek, Mr. Hochbrueckner, Mr. Kemp, Mr. Hayes of Illinois, Mrs. Roukema, Mr. Howard, Mr. Gunderson, Mr. Fazio, Mr. de la Garza, Mr. McDade, Mr. Thomas of California, Mr. de Lugo, Mr. Hoyer, Mr. Smith of New Jersey, Ms. Oakar, Mr. Cardin, Mr. Miller of Washington, Mr. Moody, Mr. Applegate, Mr. Erdreich, Mr. Hertel, Mr. Stratton, Mr. Torricelli, Mr. Porter, Mr. McEwen, Mr. Schuette, Mr. Towns, and Mr. Pepper.

H. Con. Res. 152: Mr. Applegate.

H. Con. Res. 169: Mrs. Byron, Mr. Stratton, Mr. DeWine, Ms. Slaughter of New York, Mr. Feighan, Mr. Rhodes, and Mr. McEwen.

H. Con. Res. 229: Mr. DeWine.

H. Con. Res. 238: Mr. Kolbe and Mr. Nielson of Utah.

H. Res. 300: Mr. SMITH of New Jersey, Mr. GILMAN, Ms. OAKAR, Mr. ARCHER, Mr. HERTEL, Mr. SMITH of Florida, Mr. LANCASTER, Mr. TOWNS, Mr. HOWARD, and Mr. RITTER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

122. The SPEAKER presented a petition of Mr. Steve Wool, Baltimore, MD, relative to constitutional rights; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

TRIBUTE TO DICK CRONIN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. CONTE. Mr. Speaker, it is an honor for me to participate in a tribute to the best State fish and wildlife director in the country, Dick Cronin.

Recognized as a leader in Massachusetts, throughout New England and across the country, Dick Cronin has spent the last 38 years protecting the environment, speaking for sportsmen and preserving our natural resources for generations to come. On February 19, 1988, his friends and colleagues will honor him at a dinner in Boston.

Over the years, Dick has been an inspiration for me in my work in the Congress. His passion and energy is unmatched. His dedication and sense of fairness is inspiring to all who know him. And his work as director of the division of fisheries and wildlife is at a rare level of excellence. Whether working tirelessly to secure a better deal for Massachusetts sportsmen or speaking forcefully against unwise development, Dick Cronin is respected and effective.

The inspiration of Dick Cronin is not only grounded in his current work as director, but his life, his career path is a model for our young people to emulate. Dick has always had a love for the outdoors, and he began his professional service in fisheries and wildlife management during his college days at the University of Massachusetts-Amherst. He had a summer job working on a wood duck survey.

Graduating from UMASS in 1951, Dick joined the division of fisheries and wildlife and worked his way up the ladder. He was a fisheries manager in the Berkshires; he served as a district manager, a superintendant of field operations and public relations officer. Nine years ago, after holding practically every job in the division from laborer to the top, Dick was appointed director of the Massachusetts Division of Fisheries and Wildlife.

Over the years, I've worked with Dick on many, many projects. We worked to kill the Dickey-Lincoln Dam. We fought for ratification of the interstate Atlantic salmon compact. We stopped a potentially devastating development project on the Merrimack River at Sewalls Falls. We've fought to provide adequate funding for fish and wildlife programs, with Dick working the State government like a master. His skill in Boston, in and throughout the bureaucracy and with the State legislature, is well known and respected.

In an article that I will include for the RECORD, Frank Sousa, a good friend and excellent outdoor writer, wrote of Dick Cronin:

Cronin is the Tip O'Neill of the outdoor field. I mean, if you do not think you have to be a politician to survive in the political jungles of Boston—and survival means winning for sportsmen and wildlife what is rightfully theirs and vital—then I have a rivet from the old Brooklyn Bridge for you and for only $500, cash money.

From my days in the State senate and as a good friend of Tip O'Neill, I can appreciate Frank Sousa's observation about Dick's skill and respect on Beacon Hill.

Just a few weeks ago, this respect was manifested in a rare show of affection by the Massachusetts House of Representatives. A resolution was passed unanimously by the house and signed by every member. Speaker George Keverian commented at the presentation ceremony that in all his years in the house, he had never seen another resolution signed by every member. In addition, the house recently passed a bill designating the division of fisheries and wildlife's new field headquarters in Westboro as the Richard Cronin Building. This bill was signed by 127 members of the house and senate. In all my days on Beacon Hill and since then, I've never seen such admiration, respect and unity by the Massachusetts Legislature. It is a genuine tribute to a great man for a lifetime of work and achievement.

Mr. Speaker, Dick Cronin's work as a professional fish and wildlife manager is well known and respected around the country. I'm honored to work with him in my official capacity as a Member of Congress, but Dick has also been a great friend. Over the years, we've spent a lot of time together. He is a regular at my annual fishing derbies at Onota Lake in Pittsfield. He has been there with advice and counsel many times. For me, Dick Cronin is a one-of-a-kind professional with heart, compassion and dedication. He's a good friend, and he's a great human being.

Mr. Speaker, I would ask that two newspaper articles be included in the RECORD at this point. In the Berkshire Eagle, Lisa Capone wrote an excellent article which appeared on February 3, 1988. Frank Sousa, in his column "All Outdoors," wrote a piece that was printed in the January 31, 1988, edition of the Springfield Union News.

[From the Berkshire Eagle, Feb. 3, 1988]

FOR CRONIN, THE JOB IS JUST LIKE A HOBBY

(By Lisa Capone)

BOSTON.—Enter Richard Cronin's office, and the first thing he points out is the view from the 19th floor of the state's Saltonstall Building—the outdoors.

After working for the state Division of Fisheries and Wildlife for 38 years, the last nine as its director, Cronin says the time he spends out of doors is unfortunately not enough.

But he compensates by decorating his office with the surroundings he prefers to bureaucratic papers: mounted animals, such as wood ducks, a sparrow hawk, a flying squirrel and a ring-necked pheasant, and wall prints depicting a salmon, a bald eagle on the Merrimack River and a heath hen—a now extinct species last spotted on Martha's Vineyard.

"I'll tell you, the job has been a hobby," the 61-year-old Cronin said in a recent interview.

"I've held every job from laborer up to the top job. You have to resign yourself to the fact that you're a bureaucrat here, when you finally take this job. The ideal job in this outfit is in the field."

Cronin, who has been fighting cancer for the past two years, say he'll continue to direct the department's 143 employees until his health dictates otherwise.

IN THE BERKSHIRES

His career with the Division of Fisheries and Wildlife began in his college days with a summer job on a wood duck survey. He graduated from the University of Massachusetts in 1951 with a degree in wildlife management and was assigned to the western wildlife management district, headquartered in Pittsfield. He worked in the Berkshire area for four years on a wide variety of projects.

Since then, he has held the jobs of fisheries manager for the northeast district, district manager, superintendent of field operations and public relations officer.

"It was a career path since the 8th grade," he said. "I can recall that they gave a test in the 8th grade on career development. I got the highest mark I ever got in school. They never got a higher score of somebody who wanted the out of doors—and many of the teachers remarked on it when I got into the field."

The Massachusetts House of Representatives presented a resolution to Cronin four weeks ago congratulating him on his lifework. At the ceremony, Speaker George Keverian pointed out that, in all his years in the House, he had never seen another resolution signed by every member. Two weeks ago almost as many legislators—127 members of the House and Senate—signed their names to a bill that would designate the Division of Fisheries and Wildlife's new field headquarters at the old Lyman School for Boys in Westboro the Richard Cronin Building.

LONGTIME GOAL

Cronin said he has spent the past decade seeking to secure the Lyman School property for the division, and he was finally successful when legislation passed in December authorizing the sale.

"He's sort of an inspiration," said Fisheries and Wildlife Commissioner Walter Bickford, who has known Cronin since the 1970's.

"Professionally, his whole life is fisheries and wildlife. He's a true environmentalist."

Cronin commutes to Boston daily from rural Harvard, where he lives with his wife and serves as town moderator. He said his life has been split between a career in wildlife management and time spent bringing up two daughters and a son, now a major in the Army at Fort Devens.

"The highlight of my career was when I was a district manager and fisheries manager buying land," Cronin recalled. "Land that I purchased in those days for $100 an acre is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

worth $10,000 in some cases—or more—today, and to be able to drive by today and know that that's in public ownership—it leaves a mark."

According to Cronin, about 17 percent of Massachusetts' 5.5 million acres of land is owned by the public or conservation groups, "but we need considerably more." He lauded the Legislature's approval last year of a $500 million bond package allowing agencies such as his own to purchase open space for wildlife and public recreation, but he indicated more money will probably be needed shortly.

"I think they're going to have to evaluate it in two or three years and see how well it's been spent. My feeling is that, sure, these are bonds that are going to be paid for by my grandchildren and their kids, but the point is that they're not making any more land. And if it is not secured—the choice pieces secured—in public ownership, it is so tragic."

BIGGEST THREAT

Cronin said that the greatest threat to wildlife continues to be encroachment by humans, construction and loss of habitat.

He said he favors the concept of a Massachusetts land bank that would enable cities and towns to finance open-space purchases with money raised through real estate transfer taxes. And he said the state should consider giving tax breaks to property owners who agree to keep their land undeveloped and open for public recreation.

He said such a program could work along the same lines as the state's agricultural preservation program, which offers financial rewards to farmers who agree not to sell their land to real estate developers. The lack of a similar tax policy on open spaces, he said, forces people into selling house lots.

[From the Union (MA) News, Jan. 31, 1988]

STATE WILDLIFE DIRECTOR ALWAYS LOADED FOR BEAR

(By Frank Sousa)

It has never ceased to amaze me that when two people have a difference of opinion, many perceive them as enemies.

Not so, especially if both are thinking men, and double especially when they believe in the same thing.

I sincerely believe in Fisheries and Wildlife as the guardians of our fish and wildlife, sportsmen's rights.

So does director Dick Cronin.

The difference is that Dick believes 100 percent in the division, while I'm only 99 and 44/100 percent sure in my belief.

It's difficult to fault someone who believes in his mission as completely as Richard and is willing to stand up and be counted, even if it means standing up to be knocked down and be counted over, repeatedly.

Of course this big redhead doesn't go down all that easily and that's why I never hesitated to swing from the heels at the well jutted jaw whenever we saw different things from different views.

That's as it should be.

I would guess the supreme compliment I can give a 66/100 of a percent opponent and 99 and 44/100 percent ally is that both of us honestly believed we were right and fought for this belief; and while the admiration might be given grudgingly at times, it is given.

Many, perhaps all, forget that when the directorship was open that I was Cronin's supreme backer.

And why?

This man said in personal conversation, and I believed him then, that he would finish out his career in the Massachusetts Division of Fisheries and Wildlife and not move on to bigger and better offerings as each and every director in the past several decades had done.

And while I did not come here to praise Cronin, I did not come to slay him, so just consider these following feelings slippage, slippage being something that happens out of your control.

Yes, Rich has been good for the division; I consider it a supreme compliment to him that after family and friends, the division was most important in his life.

I think he thinks of the division being the fish and wildlife and habitat under his protection and the sportsmen.

One of his problems is that Dick works like I play hockey, a ton of heart skating on two broken ankles.

But we both get there eventually; and I like his "I don't know how we're going to get there but we're going to get there," approach.

Yah, Cronin's heart is with the Massachusetts Division of Fisheries and Wildlife, our natural resources, with our sportsmen, and in his job.

The dope. He could have taken an easier path than locking horns with politicians, sportsmen, writers.

But he never let the "you fool with the bull, you get the horns" stop him from doing what he believed in.

Yah, he had me hooked when I first went out on a limb for his appointment and he has me hooked, even now.

Of course he had me hooked even when he looked me in the eye and said "here's my chin, sock it in; but I'm going forward."

Of course, there were times I wanted to replace my clean swing at the jutting jaw with a blow below the belt . . . but you do not take a low blow shot at enemy or ally who is willing to be carried off on his shield for what he believes in.

I didn't know all of Dick's abilities when the directorship was up for grabs a decade ago. For instance, I didn't know that Rich was a big bear, as well as a dedicated lifetime division man, and that his wrestling matches with that other big bear of the division, Jack Swedberg, registered a 7.9 on the Richter Scale of earthquake measurement.

And it is good that he be a big bear. There are guys in the division that need a big bear, cuddly or rough, to motivate them.

But it doesn't end there.

Cronin is also the Tip O'Neil of the outdoor field. I mean, if you do not think you have to be a politician to survive in the political jungles of Boston (and survival means winning for sportsmen and wildlife what is rightfully theirs and vital) then I have a rivet from the old Brooklyn Bridge for you, and only for $500, cash money.

Dick used this cuddly bear/Boston Irish politician route on me a number of times, and his argument was hard to dispute, except at times, when it was very disputable. His approach was, "Frank, if you write it, there will be more harm than good done to the outdoors and sportsmen."

And he wasn't just trying to win an argument or good press, he meant it.

He meant it because he never sent out smoke so he couldn't be tracked; in fact his "don't blame my biologists, blame me, I'm the room at the top," gave you the feeling that if you had to have someone in the foxhole to your right in the pitch black with the enemy sneaking around, that you would not okay to have the redhead there.

You knew he'd would still be there when it got down and dirty and bayonets were fixed and everyone was terrified, and many fled.

It was with great regret that I found that it was me attacking the Cronin foxhole at times, and I never did it with relish.

I felt like brother against brother in the Civil War, knowing full well that this blood would not run away when fighting for what he believed in . . . the betterment, perhaps even the survival of the Mass. Division of Fisheries and Wildlife.

No way am I going to outline the legendary things he has given the division, let him break out his own press clippings. If he has 'em.

I get the feeling that he is more apt to have battle plans involving wildlife, the division, sportsmen than me me clippings.

This is not an apology on my part. I have neither the guts for a public apology nor feel I owe one. Rich is a lifetime professional fish and game man and I'm a lifetime professional outdoor columnist.

We both have our own minds and opinions and neither should apologize to the other for honest beliefs.

But what I see through the smoke of part time friction is a friend and fellow individual interested in our outdoors and the animals and humans that use it.

And I know he'd have it no other way.

I felt this from the first day we met when he said, "My God, an outdoor writer who looks like an outdoor writer!"

I'm not sure that was a compliment.

It was with interest I read about the bill finally giving to the Division of Fisheries and Wildlife the 85 acres and buildings that it had made its home for years.

During the signing of the bill the House also approved a resolution unanimously honoring Cronin for his 38 years of service, this unanimous action being a near "no no" for this august body.

The House followed up with a two minute standing ovation for Dick.

And Rich was touched; but in his wry way, I'm sure he laughed to himself, "If I'm so great why did I have to fight so long and so hard, for everything." And while the public applause was appreciated by this loving family man and proud professional (who wrestles bears like Swedberg behind closed office doors to prepare for the bumps and lumps of being a Fish and Games director); I'm sure it is the unheard applause of the sportsmen who chin to each other, "Our deer herd is the best ever," "Can you imagine our hunting turkeys again in this original land of the Pilgrims," "Fishing's pretty good today," "What does that jerk, Sousa know about pheasant? Even his hunting dogs are cross eyed."

Sousa says, "Cross eyed! Oh, ya, Cronin, I'll sock you in the soup. . . ."

"Oh, ya, Sousa, try it. But I won't swing back. But beware of my bear hug, buster."

And a hell of a bear hug it is, whether it be family, friends, the division, sportsmen, wildlife, or writers. Buddy, you know you've been hugged.

THE UNIVERSITY OF AKRON'S COMMITMENT TO EXCELLENCE IN EDUCATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. STOKES. Mr. Speaker, one of the greatest problems facing our Nation is the education of our youth. Disadvantaged students suffer even greater from this national crisis. I am proud to report, however, that one institution of higher education, the University of Akron, is confronting this challenge head on.

The university recently hosted its annual Dr. Martin Luther King, Jr., celebration. It was a fitting occasion for me to witness first hand the efforts of President William V. Muse to accomplish Dr. King's dream of quality education for all Americans. Under his leadership, Dr. Muse and his dedicated faculty have instituted a quest for excellence for disadvantaged students.

To accomplish this goal, Dr. Muse created an office of minority affairs to monitor the hiring process, recruitment, and retention of minority students at the university. This office, under the direction of Dr. Sebetha Jenkins-Leggette, instituted programs such as the Black Academic Bowl, Peer Counselor Program, and STEP—Strive Toward Excellence Program—to address the academic problems of minority students.

Mr. Speaker, I would like to share with my colleagues a series of articles concerning Dr. Muse and the University of Akron's response to this critical problem. I would also like to commend Dr. Muse for the stance he has taken in making minority education a priority of his administration. I hope other universities will follow the excellent example he has set.

MINORITY ENROLLMENT SHOWS DRAMATIC GAINS AT THE UNIVERSITY OF AKRON

At a time when fewer and fewer Blacks are going to college, how can a predominantly white university attract and retain more minorities? The answer has eluded many institutions, yet the University of Akron, Ohio's third largest university with a fall enrollment of 27,069, has achieved dramatic gains.

Black enrollment at UA has jumped 18 percent—from 1,710 students last fall to 2,024 this fall. UA's freshman class of Black students alone is up 13 percent—from 803 to 910.

UA's increase is a significant contrast to nationwide statistics. Despite the fact that more Blacks are graduating from high school than ever before, an American Council on Education report released in October notes that the percentage of 18- to 24-year-old Blacks entering college dropped 7 percent from 1976 to 1985.

When Dr. William V. Muse became president of UA in the fall of 1984, he mandated that increases in minority enrollment and hiring were to be top priorities of his administration. At the time, minority enrollment was declining, and there were only eight full-time Black faculty and one Black administrator.

"We recognized that making the University of Akron more attractive to Blacks would require a comprehensive commitment by every segment of the campus," notes Muse. "We also realized that we needed to work more effectively with the Black community."

Muse's first step was to create an Office of Minority Affairs to monitor the hiring process and the recruitment and retention of minority students. A nationwide search for a director culminated in the hiring of Dr. Sebetha Jenkins-Leggette, a Black woman who was previously assistant to the president at Mississippi State University. Coming to Akron in mid-1986, Jenkins-Leggette also was named assistant to President Muse and became a member of his cabinet.

Since then, she has developed unique, grassroots programs for UA. Church and family are vital components.

"We're reaching out to Black students and their parents not through the high schools, but through the churches." explains Jenkins-Leggette. "When the minister stands up in front of the congregation and tells the parents. 'I want you to get involved in your children's education,' they listen. The ministers have become valuable liaisons between the University and Black parents."

Jenkins-Leggette has used that connection to create UA's Black Academic Bowl. Begun this fall, the program brings church-sponsored teams of sixth, seventh and eighth grades to campus on Saturdays to compete in tournaments that test their knowledge of Black history, Black adhievements and related topics. Well attended by parents, the Saturday programs include sessions about preparing for college both academically and financially.

Black parents are also involved in their children's education through UA's Parent Advisory Board. Formed during Black Freshmen Orientation this fall, the board is comprised of some two dozen parents.

UA's Peer Counselor Program—the focus of the University's efforts to retain Black students—is now in its second year. Designed to help Black students socially adjust to college life—particularly life on a large, urban campus such as UA—the program pairs selected upper-classmen with incoming freshmen. Last year, about two dozen juniors and seniors worked with 161 freshmen; this year, the program has grown to include 45 juniors and seniors and 200 freshmen.

"When I came to UA, there was talk about starting a peer tutoring program for Black freshmen," recalls Jenkins-Leggette. "I pointed out that we already had trained tutors—what these students need are friends who can help them feel comfortable on campus by taking them to athletic and social events, by giving them extra, caring support."

The peer counselors are trained to deal with a wide range of problems their freshmen may encounter. "Our counselors are always there for the freshmen, even if it's something as basic as calling early in the morning on a snowy day to offer a ride or a cup of hot coffee before class," notes Jenkins-Leggette.

Another program fostering a sense of belonging and school pride is UA's Black Student Leaders Advisory Board. Some 30 presidents and vice presidents from such campus groups as Black United Students and the National Society of Black Engineers meet monthly for breakfast and to exchange information about their organizations's events and programs.

Reaching beyond campus is UA's Black Community Leaders Advisory Group, comprised of about 25 ministers, teachers, politicians and business people. The group regularly meets with Muse, University administrators and faculty for what Jenkins-Leggette calls a "frank exchange."

Muse points to other efforts that he believes have contributed to UA's 18 percent minority enrollment increase and the University's improved image in the Black community. In June, UA established the Janet B. Purnell and W. Howard Fort Scholarship Fund for academically talented Black students. Named for two Black former members of UA's Board of Trustees, the scholarships go to 36 full-time undergraduates each year.

Also this summer, the federally-funded Upward Bound program moved to UA from Western Reserve Academy in Hudson, and brought with it 80 teenagers from Akron and East Cleveland who lived on campus for six weeks. The gifted high school students participated in a rigorous academic program designed to strengthen skills in English composition and literature, reading, mathematics and laboratory sciences. Now that summer is over, Upward Bound is continuing with Saturday sessions that offer career and college guidance workshops, goal-setting seminars, and tours of universities in Ohio and beyond.

Muse is also making good on his pledge to hire more minorities. In the past year and a half, three of four deans' positions—in the College of Education and College of Fine and Applied Arts and the School of Law—have been filled by Blacks.

About one-third of the clerical and staff positions at UA have been filled with minorities during the year, bringing the total percentage of minorities on the non-academic staff to 15.1 percent. There are now 18 full-time Black faculty, and Black graduate assistants now number 58 up significantly from 13 last year.

"We've put together a systematic, broad-based plan to improve minority enrollment, retention and hiring on this campus," says Muse. "What we're doing is very practical very grass-roots oriented.

"At a time when the statistics for minorities in higher education are on a downhill slide, it feels really good to be part of an effort that's making gains," he adds. "Now, we need to meet the challenge of doing even better."

UA RECEIVES RECORD $3 MILLION FROM FIRESTONE FOR STEP PROGRAM

A $3 million gift to help economically disadvantaged students succeed in college was given to the University of Akron in December by The Firestone Tire and Rubber Company. The largest in US's 117-year history, the gift is also believed to be the largest of its kind ever given in the country. The University will use the gift to develop the "Strive Toward Excellence Program"—STEP—a far-reaching academic, scholarship, and guaranteed admission program.

The gift was presented to UA President William V. Muse by George W. Aucott, executive vice president of Firestone; Benjamin G. Ammons, vice president of Firestone and chairman of UAs Board of Trustees; and Michael J. Connor, chairman of the Firestone Trust Fund.

STEP will bring academically talented youngsters in grades 6 through 12—called Firestone Fellows—to UA's campus for workshops and classes throughout the entire year. Then, when, the Firestone Fellows graduate from high school and STEP, UA will guarantee their admission to the University. One-third of the Firestone gift—

$1 million—will be used to endow scholarships for the STEP graduates.

The first class of 40 Firestone Fellows will begin the program this summer. Youngsters who have completed the sixth grade will be chosen from nominations by Akron area principals, teachers and guidance counselors. Forty more students will be added each year.

"Recruiting and retaining more black students is a top priority at this University," explained Muse. "With Firestone's generosity and our commitment. UA will have one of the best programs of its kind in the United States aimed at inspiring, encouraging and preparing minority and economically disadvantaged students to succeed in college," he said.

In making the presentation for Firestone, Aucott noted that STEP will provide the support system that will permit many economically disadvantaged young men and women to obtain college educations. "This experience will not only change their lives, but the lives of their children, too," he said. "The University of Akron is uniquely positioned to implement this program with the Akron area public schools."

Unlike some other university minority programs that offer summer workshops, UA's STEP will be year-round. The six-week summer curriculum will focus on creative writing, mathematics, science, drama, culture and dance. Then, on Saturdays during the academic year, the Firestone Fellows and their parents will attend workshops on preparing for college. Topics will include financial aid, career and college selection, positive self-concepts, and junior and senior high school curriculum choices.

"A unique strength of this program is the involvement of parents," said Muse. "The key is for parents to receive the same information and guidance as their children so they can provide at-home support for education." He noted that STEP also calls for mentors from the University and community to participate in workshops and serve as role models by enabling the Firestone Fellows to "shadow" them at their places of employment.

STEP will join other UA programs aimed at attracting and retaining more minorities. They include UA's Peer Counselor Program, UA's Black Academic Bowl, UA's Black Parents Advisory Board, UA's Black Student Leader Advisory Board, and Upward Bound.

TRIBUTE TO WILLIAM J. NAWROCKI

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to William J. Nawrocki, who is retiring after a long and distinguished service as postmaster of Hackensack, NJ.

Bill was born and raised in Jersey City, where he attended parochial and public schools, graduating from Lincoln High School. He attended the College of Engineering, NYU, and in June 1935, received the degree BS in civil engineering and was commissioned a second lieutenant, CE, U.S. Army Reserve. At college, he played varsity basketball, receiving three letters, was a class officer and active in the student council.

In November 1940, he was called into the Armed Forces. At Fort Belvoir, VA, he served with the engineer school, the ERTC, and the engineer board, which is the research and development center of the Corps of Engineers. He was reassigned to the R&D Division, ASF, the Pentagon, and became Chief, Engineer and Transportation Section. He represented the CG, ASF on the Joint Chiefs of Staff Subcommittee for Beach and Underwater Obstacles. He received a commendation for his services in research and development. His active duty was completed in August 1946, with the rank of lieutenant colonel. He remained active in the Army Reserve and retired in June 1963, upon graduating from the Command and General Staff College, Fort Leavenworth, KS, and completing 28 years of service.

In civilian life he was employed as an engineer on various construction projects. After the war, he became associated with the NYC architectural firm of Voorhees, Walker, Foley and Smith, as assistant chief engineer, mechanical department, and then as project manager and chief, office services.

In February, 1964, he was appointed Acting Postmaster of Hackensack, and in August, 1965, he was confirmed by the U.S. Senate and received his Presidential Commission. He received an award from the Director, Philadelphia region, for having the best group 2 Post Office in the Philadelphia region. The Postal Reorganization Act eliminated the Post Office Department and established the U.S. Postal Service. This restructure set up management sectional centers in 1972, and Bill was assigned as the MSC Manager/Postmaster, Hackensack.

Bill is active in community life. He was formerly chairman of the Hackensack Housing Authority; Commander of the MOWW, northern New Jersey chapter; president, Batory Group, Association, Sons of Poland; chairman, Hackensack Area Community Chest; president, Hackensack Kiwanis Club; treasurer, Boy Scouts, Tindai district; deputy commander, the American Legion; and chairman, Bergen County Cultural and Heritage Commission. He is a member of the advisory board of the Salvation Army, Hackensack. In 1974, he received the "Man of the Year Award" from the Bergen AMPOLS for his outstanding service to the Bergen County community. He has been serving for many years as the grand marshall, Memorial Day parade, Hackensack.

Bill is married to the former Marion E. MacEwen of Boston, MA, and has 5 daughters and 10 grandchildren.

Mr. Speaker, I join Bill Nawrocki's friends and associates in wishing him all the best in the years ahead.

A LETTER FROM NEW JERSEY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. COURTER. Mr. Speaker, on February 3 the House narrowly defeated a motion for further aid to the Nicaraguan resistance. But the issue will return, since the contest between freedom and tyranny in Nicaragua is still going on, and I cannot believe this House wishes to permit the latter to prevail.

I take this opportunity to enter into the RECORD an exceptional letter I received from a constituent, Mr. Drew Gibson of Morristown, NJ. It makes the case for the Nicaraguan resistance clearly, soberly, and sympathetically. When I read his letter, I was prompted to recall how the authors of the Federalist papers set for themselves this task: "to refine and enlarge the public view." Surely elected officials should strive to do the same. And yet, as Mr. Gibson's letter shows, the perennial challenge to those of us sent here to Washington is to be as refined and as broad in our views as are the people we represent.

The letter, dated January 22, 1988, follows:

JANUARY 22, 1988.

DEAR CONGRESSMAN: As a resident of the State of New Jersey I urge you, most emphatically, to support President Reagan's upcoming request for more military and humanitarian aid to the Nicaraguan Contra Rebels.

I urge this despite my own solid liberal background: I marched against Vietnam, I volunteered for McGovern in Massachusetts, and I voted for Jimmy Carter. But over the last six years I have been studying history and have become disturbed by what happens to a country when dominated by a Marxist-Leninist minority.

As a product of the Sixties and Seventies, the idea of having my own life controlled by an authoritarian, Leninist state is absolutely horrifying, and I think most Americans—regardless of their political affiliation—share that view. I think it nothing less than creeping racism to assume that the people of Nicaragua find this prospect in their own future any less frightening.

The only chance the future generations of Nicaragua have for lives of individual freedom is if they physically resist now the control being forced upon them by Soviet-, Cuban-, and East European-trained cadres. But in an age of helicopter gunships and automatic weaponry it is naive to think that farmers and shopkeepers have any chance to resist sophisticated efforts to control them without help from outside. Please help the people of Nicaragua to help themselves, and please use my tax dollars to do it.

Sincerely,

DREW GIBSON.
Morristown, NJ.

HONORING JAY AND DEBBIE SCHECHTER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the current president of Young Israel of Flatbush and his wife, Jay and Debbie Schechter.

Jay and Debbie have a 20-year affiliation with Young Israel of Flatbush. Before that, their parents and grandparents have been members since 1938. Jay has served in numerous offices including his current post of president throughout those 20 years. In addition, he serves as the chairman of the board of education of the Yeshiva of Flatbush. His outstanding ability and service to the community were recognized in 1979 when President Carter named him to the National Holocaust Commission. Jay is not the only bright star in the Schechter family. His wife Debbie has also served Young Israel with consistent dedication and skill. She has been an active member of Young Israel of Flatbush and been of great assistance to Jay.

On March 1 the congregation will honor this dedicated couple at its annual dinner, and I would like to add my personal congratulations. No tribute is more greatly deserved.

OWEN B. BUTLER: GREAT CINCINNATIAN, GREAT AMERICAN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. McEWEN. Mr. Speaker, later this month, a friend and one of our Nation's leading citizens will be honored by the Greater Cincinnati Chamber of Commerce by receiving the "Great Living Cincinnatian Award." Mr. Owen B. Butler is truly deserving of this distinction. He joins over 50 others in the history of the city who have ever received the award.

As a leader in the Cincinnati community for the past three decades, Brad Butler epitomizes what this award is all about. He was chosen by the executive committee for his outstanding community service, his monumental business and civic achievements, his forceful leadership, and his compassion and commitment to betterment of all Cincinnatians.

Mr. Speaker, I would like to commend to the attention of my colleagues a brief biography of Mr. Butler which details his many achievements:

BUTLER NAMED GREAT LIVING CINCINNATIAN

CINCINNATI, OH, January 18, 1988.—Owen B. Butler, retired chairman of the board of The Procter & Gamble Co., is this year's recipient of the Great Living Cincinnatian Award presented annually by the Greater Cincinnati Chamber of Commerce.

Butler joins 50 prior recipients of the award, which was first presented in 1967.

Recipients are chosen by the executive committee of the Chamber's board of trustees based on the following criteria: community service; business and civic attainment on a local, state and national or international level; leadership; awareness of the needs of others; and distinctive accomplishments that have brought favorable attention to their community, institution, firm or organization.

The award will be presented at the Chamber's Annual Dinner Feb. 19 at the Hyatt Regency Cincinnati.

Owen B. "Brad" Butler, 64, was born in Lynchburg, Va., and has been part of the Greater Cincinnati community since 1957.

After joining The Procter & Gamble Co. as a salesman in 1945, Mr. Butler held a number of positions of increasing responsibility in sales management before he became sales manager of Procter & Gamble's U.S. soap and detergent business in 1960. In 1968 he rose to vice president of sales for the entire corporation. He joined the board of directors in 1972 and was named executive vice president in 1973, supervising Procter & Gamble's operating staff departments. He was named vice chairman in 1974.

Brad became chairman of the company in 1981 and retired from the post in 1986. One of his most visible achievements during his five-year tenure was construction of the company's 800,000-square-foot, twin-towered headquarters building in downtown Cincinnati.

A graduate of Dartmouth College, Brad has placed a high priority on education since childhood. Beginning in 1982, he chaired both the design committee and the full subcommittee of the committee for Economic Development. In its 1985 report, "Investing in Our Children: Business and the Public Schools," the CED made well-publicized recommendations for making students employable. The CED's second policy statement, "Children in Need: Investment Strategies for the Educationally Disadvantaged," calls for a national campaign of early and sustained involvement in the lives of disadvantaged children.

He recently accepted an appointment to head a State of Ohio commission on education.

Brad is a member of the "Y Group" on business-government relations, and he participates in House Wednesday Group meetings.

Mr. Butler serves as senior adviser for Daiwa Securities America, Inc., and as chairman of the Cincinnati Branch Board of the Federal Reserve Bank of Cleveland. He is currently director of Northern Telecom, Ltd., Hospital Corporation of America, Deere & Co. and EQUICOR-Equitable HCA Corp.

Brad and his wife, Erna, have lived on their farm near Morrow, Ohio, since 1957.

THE MOST IMPORTANT SPECIAL INTEREST OF THEM ALL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PORTER. Mr. Speaker, I would like to submit for my colleagues attention the text of my recent Washington Report, which was printed in the January 28, 1988 edition of the News/Voice. It addresses the issue of special interests which Congress and the administration must courageously deal with if our budget deficits are to be reduced and controlled:

THE MOST IMPORTANT SPECIAL INTEREST OF THEM ALL

How many of these abbreviations do you recognize: ADA, ACU, ANEC, CFA? If you can't identify them don't feel badly. These public interest groups and scores of others are best known in Washington. There they work to influence Congress on issues of concern to them, including, of course, the funding they favor.

Virtually every special interest in our nation now has an organized lobby to promote its goals—and I do not use the term "special interest" in a pejorative sense. "Special interests" are the handicapped, educators, union members, businesses, veterans, and many others. Congress has responded well to their concerns, but in doing so we have lost the bottom line and have failed to add up the burden this places on our economy and on the American people.

Every lobbying group advances a compelling argument that its cause is just, and therein lies the problem. As our society has grown in size and complexity, demands for federal funding have far outstripped our economic resources. In the scramble for a piece of those resources, individuals have increasingly sought political power by identifying themselves as members of a particular interest group—seniors, veterans, business, students—rather than Americans in a larger sense.

Reflecting that political power, Congress has become a battleground, where victories for those specific interests often supersede the larger concerns of the nation. Our federal budget process in particular is regularly ignored and abused; again this year, the Congress produced a massive and shameful omnibus continuing resolution (CR) to fund the entire federal government that contains everyone's favored spending. You've no doubt heard of some of the pet projects in the latest $603 billion CR, which according to Newsweek "was passed in such haste that the Office of Management and Budget is still trying to find all the special interest baubles hidden in the fine print of its thousand pages."

Special interest pressure was never more evident than during November's overwhelming House vote to create a cabinet-level post for veterans. As the vote rolled up, everyone around me on the House floor said it was a terrible idea . . . but practically every member voted for it.

Why? Because the Congress is gripped in the craven fear of special interests. In particular, members are wary of the ratings these groups regularly release reporting whether a member was "right" on selected votes. These fears of receiving an unfavorable rating or report have undue influence on the way many members vote.

Although it was difficult, I voted against the VA cabinet-level proposal. My vote was not anti-veteran in any way, but rather a vote against expanding the cabinet with a new department at a time when deficits have reached crisis proportions. I think of myself as second to none when it comes to supporting our veterans; I respect the commitment they made to our country and probably represent more veterans than most other members of Congress. But faced with massive deficits, the need to control federal spending must be the higher priority.

Following that vote, I said that it's time for courage, time to end business as usual in Washington and risk offending the lobbyists in order to come to grips with the crisis that is upon us. But in our political system, that means the American people must demand that change. They must send a message to Congress: "Get our budget and deficits under control. If necessary, I'm willing to freeze or trim my favorite program as long as everyone else is willing to do the same."

While the many interest groups that represent our diverse society will always be a force on Capitol Hill, their influence should be tempered by larger concerns. We cannot forget that while we may be Social Security recipients or veterans or businessmen or government employees, before anything else we're Americans—the most important "special interest" of them all.

BLACK HISTORY MONTH, 1988

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LANTOS. Mr. Speaker, "Black History Month" this year got off to an unusually rousing start when Doug Williams and the rest of the World Champion Washington Redskins were feted in the Nation's Capital by 500,000 joyous fans and a reception at the White House. All Americans, of every color, could be proud of this young man's record-shattering performance, that of the first black to quarterback any team in the Super Bowl.

Unfortunately, the annals of blacks in America do not read like Williams'. It has been only a generation since the last legal barriers to black equality were removed, and the vestiges of inequality linger. Yet if one looks at the whole of black history, one cannot help appreciate what blacks have done for themselves in the middle and final decades of this century.

Their ancestors were rounded up in Africa, traded for manufactured goods from Great Britain and elsewhere, loaded into slave ships with inadequate food and water and shipped across the ocean. "Tight packing" was the preferred method because while more slaves died during the voyage, more survived to labor in the fields of their masters.

During the height of the Atlantic slave trade, roughly from the 1500's to the 1800's, 10 to 20 million blacks were transported into slavery in various countries around the world. Let me repeat—10 to 20 million. Of that total, 400,000 to 1.2 million wound up in North America, to swelter amid flies and disease on the plantations of the Carolinas or Georgia or Alabama or Virginia.

During the first two centuries of slavery in America, everything went against the slave. In the eyes of the law in most Southern States, blacks were "antimate chattel," without rights in the Nation that had just drawn up a Constitution and Bill of Rights beginning with "We the people.* * *"

Imagine the most intelligent, respected leaders in our society today. Now imagine people of equal stature, back in 1850, actually debating over whether Missouri should be admitted to the Union as a slave State or a free State. Or whether Dred Scott still belonged to his owner if he fled to another State. Or whether constitutional guarantees for all, on our planet's last best hope for democracy, could be fulfilled by hopelessly flawed reasoning, supported by many black leaders of the day, called separate but equal.

Not until this century did anything resembling legal progress for blacks begin materializing, and not until 1954—just 34 years ago—did school integration become the law of the land. Not until the 1960's were blacks legally allowed to sit at lunch counters with whites in the South. There are many blacks in their late 30's and early 40's today who remember traveling through Georgia with their parents in the late 1950's, only to be told by the Holiday Inn manager that there were no rooms for the family there that night.

Now, in 1988, things are better, although, to be sure, nowhere near Nirvana. In corporations, blacks are not promoted as quickly as whites. In many U.S. communities, segregated housing is still the norm, despite laws against it. If you are a young, uneducated black male in an American city, your chances of getting a job and living any sort of decent life are not good. If you are a young, uneducated, black, pregnant woman, you face despair, a life of perpetual winters.

But we do have black astronauts reaching for the stars, black women lawyers arguing cases, black athletes excelling, black bankers and businessmen closing deals. Perhaps most important, we have Bill Cosby, whose sitcom is the most popular on American television, where color is never mentioned. Black talent is being discovered and nurtured, though not to the extent that it should be.

Mr. Speaker, in another generation, we have hopes that even the vestiges of racial hatred will disappear, that Martin Luther King's dream will become reality. For now, we have "Black History Month"—a time to ponder the past, learn its lessons, appreciate progress and move forward, perhaps to a day when a black history month is no longer necessary.

HONORING LOUIS HEIMBACH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. GILMAN. Mr. Speaker, permit me to call to my colleagues attention the stellar public service performed over the past 17 years by Orange County's executive, Louis Heimbach, of Middletown, NY.

Lou, who was first elected town supervisor of the town of Wallkill in 1971, brought his years of experience as a successful farmer to the management of town government. Lou was so proficient that his townspeople reelected him as their supervisor to two additional terms. By then, having earned his reputation as an effective administrator, he became a leading candidate for the office of county executive of Orange County.

The executive form of county government was still in its infancy stage when Lou Heimbach became our second county executive. It had only been a few years before that our Orange County charter had been revised to provide for a county executive and a county legislature. During his 11 years in office, Lou performed a masterful job in keeping the complex wheels of our county government functioning.

Lou Heimbach, a graduate of Middletown High School, received both his bachelor of science degree and a masters in business administration from Cornell. An Air Force veteran, Lou resides in the Middletown area with his devoted wife Catherine and their sons, David and Jonathan.

On February 20, the GOP committee of the town of Newburgh, NY, is honoring Lou Heimbach as the 1988 Republican "Man of the Year." I invite my colleagues to join in saluting this fine example of public service.

HONORING LOUIS HEIMBACH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. FISH. Mr. Speaker, I rise today to pay tribute to Louis Heimbach, a friend and constituent from the 21st District of New York. Lou will be honored for his years of government and community service as the town of Newburgh Republican Committee's "Man of the Year." Lou's commendation will come at the committee's annual Lincoln Day Dinner on February 20. After hearing mention of only a portion of Lou's community and political involvement, I am sure you will understand why he is a natural choice.

Lou serves the local community in the third year of his third term as Orange County executive, which follows the three terms he served as supervisor of the town of Wallkill. He chairs the Hudson Valley Economic Development District Board, which is the economic branch of a seven-county consortium that consults with local municipalities on development concerns. Lou is also a member of the Stewart Airport Commission, an organization designed to expand the airport while preserving the quality of life in the area.

On the State level, Lou has served as the president of the New York State County Executives Association, and he is presently vice chairman of the New York State Association of Regional Planning and Development Organization. He has served as a member of the State Civil Service Commission and was chairman of the New York State Association of Counties Blue Ribbon Task Force on Physically Handicapped Children.

A former president of the National Association of County Executives, Lou has been recently appointed vice president of the National Conference of Republican County Officials.

As you can see, Lou, who has his bachelor's and master's degree from Cornell University, does not spend his time idly. Lou's dedication and his contributions are felt throughout the Hudson Valley.

WASHINGTON, SAVE YOUR CHILDREN!

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. STOKES. Mr. Speaker, I read with great concern a recent article in the Washington Post entitled, "Washington, Save Your Children!" The author, Joyce A. Ladner, Ph.D., a prominent sociologist at Howard University, describes the bleak outlook on life held by many of today's youth. This view on life, she writes, has led to an outbreak of violence never before experienced in our communities.

Mr. Speaker, our Nation prides itself as a leader in global affairs. Yet, what future can we envision when our most valuable resource—our children—are dying before our eyes?

I would like to encourage my colleagues to read this important article. We cannot afford to ignore Dr. Ladner's message and the implications it holds for our Nation:

Washington, Save Your Children! We Have Created a Blood-Soaked Wasteland of Despair, Where Our Kids Feel Worthless

(By Joyce A. Ladner)

As the black mother of a 13-year-old son, I am chilled by the murders of children in the District. As a sociologist who has spent a great portion of my career trying to find solutions to the problems facing poor blacks, I find myself trying to explain a new kind of terror, pain and confusion.

Like many District mothers and fathers I have talked to, I have reached my boiling point and I say enough is enough. We cannot continue to allow young men to maim, to kill and to be killed. Their lives are worth far more than the jackets and radios that often spark these fatal fights—even if some of these young people no longer believe this to be so.

The senseless killings and permanent maimings of black teen-agers by their peers have caused a crisis in our community. Dramatic action is needed to resolve it. But apart from a protest demonstration organized by the mother of one of the dead youths, the killings have been met with far less response than one would expect. I'm not hearing what I'd like to hear from the political leaders of this community.

The violence has escalated to the level where young black men are being killed almost routinely by other blacks. Some neighborhoods in the District are so terrorized by the violence that we are rapidly approaching street anarchy. Just this week police took a 9-mm semiautomatic handgun from a child of 12, the 178th weapon confiscated in this month alone.

What has happened to our city's youth to make them behave like this? In recent weeks I have talked to community leaders, youth workers and the young people themselves. I found much that is chilling, much that is sad. But I also found at least some grounds for hope.

A young man, elegant in Timberlane boots and silver chains, swaggered into one youth center I visited. "I hear there is someone here who wants to talk to an authority on the street," he said. "I'm an authority. What do you want to know?"

This handsome teen-ager is not someone you would want to cross. He, and others like him, can be dangerous. Yet, by the time I finished talking with him about how he viewed life and death on the streets, he was laughing shyly, looking like the child that, in many ways, he still is.

In my conversation with this young man and others, I was astonished at how little hope they have for the future. In one group of over a dozen poor teen-ages I talked to, only one was optimistic that the killings can be stopped. "I would put a police trailer on every corner where they sell drugs, because the drugs are the problem," he said. The other accept the violence as an inevitable fact of life. One 15-year-old said, "Nothing will stop it unless those who are doing it are locked up in Lorton or are six feet under." My "street authority" said he would buy three Uzis, go to each corner and mow down all the drug dealers.

Anyone who reads the newspapers knows what the problem is: In little over a month Kendall Merriweather, a 17-year-old Ballou High School student, was shot over his boom-box. Mark Settles was shot at the tender age of 12, allegedly by his uncle, and his German Shepherd was found shot dead beside him. The crowning blow for me came when 15-year-old Sean Smith was murdered over his jacket.

A lot of young people accept this violence as almost normal because they are faced with it in their homes, where they have grown up seeing relatives argue and fight. Limited verbal skills, high levels of stress and the frustration that come from a lifetime of extreme poverty in the midst of a wealthy society lead many of these youths to resort to violence to release pent-up anger. Many now feel they have to arm themselves in self-defense. As a teen-age girl put it, "Everybody else has a gun, so you'd better have one if you want to protect yourself." A 19-year-old male told me, "You can get shot and killed without selling drugs or from being a high-school drop-out. Nobody is safe even if you have a gun. The police are not that safe. Anytime people kill you over jackets and radios, they'll kill you over anything. Life doesn't mean anything."

Some young black women arm themselves with large knives in self defense. A director of a program for at-risk youths gave me a lethal-looking hunting knife with a four-inch blade. The knife was one of several the director had confiscated from a group of girls who, at a Halloween party she gave, had tried to drag one of their pregnant peers to a nearby graveyard. They meant to beat the girl up to "teach her a lesson" for having caused another of their friends to miscarry by a similar beating.

Sadly, self-defense for any of these youths means they may stab or shoot someone for calling them an insulting name, or someone accidentally pushes against them in a crowd. A counselor at a youth center said, "They feel they have to defend their pride, their sense of self and what they own against insults most of us would ignore." With the availability of guns and the devaluation of human life, fist-fights have been replaced by shoot-outs. As a Houston teen-ager said, "It's better to kill someone than to have to fight it out all night."

Still, the picture is not all dismal. Somehow, miraculously perhaps, some inner city youths manage to stay relatively untouched by the turmoil and decay all around them. They stay in school, go on to college, get and hold decent jobs. A still larger, middle group of youngsters could go either way. They would like to avoid the street gangs and drop-outs but they are unsure of the way. And even among those who have dropped out, many don't want to be what they are. I asked the "street authority" what he wanted to be. "A construction worker," he said. Then he laughed at the impossibility of his aspiration.

The vulnerability of these young people was driven home to me by the director of a program for at risk youth who mentioned to me that many kids in the program did not receive a single present for Christmas. Even the poorest family will manage to buy a toy for a toddler—not to mention the foodbasket, free-toy circuit that reaches welfare families with small children. But these teenagers are not on anyone's list. And it hurts. They talk tough, but you can see the hurt in their eyes, the director said. One teenager even admitted he had cried. A Christmas present may seem like a penny-ante concern. But such things are critical for the human spirit. It's another blow to an already fragile sense of self-worth.

The despair that has enveloped many poor communities is, however, a relatively new phenomenon. Back in the '60s I conducted research on poor black girls and found they shared the same hopes and aspirations as girls in the middle class. What they lacked were the foundations and pillars that middle class youths take for granted—decent clothes, educated parents, a secure home environment and role models.

I do not know what happened to these girls, but the chances are slim that they achieved their middle-class dreams. The children in Washington who are killing and being killed are the children of these poor black girls of the '60s—a generation that had fewer foundations and supports to hinge their dreams on than any other in recent memory. That generation reached adulthood when there were fewer jobs available for unskilled workers. Extended families and tightly-knit neighborhoods were rapidly disappearing. That generation had no civil rights or black-power movement to give it hope, pride and a strong sense of self-worth. Middle-class prosperity helped the few lucky ones to move to the suburbs. Many of the visible role models who had served as living proof that one could rise above poverty left with them.

The invasion of drugs into poor black neighborhoods did more than anything else to destroy the traditional values and hopes of families already weakened by joblessness and severe poverty. This modern-day plague created an unprecedented level of black-on-black crime where the elderly are preyed upon and children are recruited to buy and to sell drugs.

Although many parents of violent youths are working poor rather than welfare families, they find themselves unable to prevent their children from making quick and easy money by selling drugs, especially when they don't have the money to buy them the expensive clothes, jewelry, boom-boxes and cars that are popular among their peers. The parents' authority is further undermined by the tremendous amount of violence their children see in the streets and in the media.

The 19-year-old "street authority" said if he is away from home for several days during which there is a new report of a killing of an unidentified young black male, his mother is sure it's him until he returns home. Do her fears upset him? "Yes," he said, "it bothers me a little but I can't stay away [from the streets]." As a middle-class parent, it is hard for me to even imagine what it would be like to have to cope with the routine worries of his mother.

Yet, despite these enormous problems, I have not met a poor black mother over the past 20 years who did not want her children to do better in life then she did. Unfortunately, children aren't influenced that much by their parents' dreams unless the parents can help them to achieve them. Poor children soon realize their parents cannot afford to send them to college if they can't always pay the rent or keep the food from running out before payday. A 17-year-old told me he stopped dreaming of going to college when he turned 16. "By then I knew it was all over," he said.

Dashed dreams lead quickly to cynicism, hopelessness and despair. Unable to climb the ladder of legitimate success, young people are more easily lured into the fast lane of selling drugs for quick cash. Expensive Gor-Tex Jackets ($100 and up), Timberlane boots ($145), gold chains, and BMWs help to boost the flagging self-esteem of young people who feel they cannot achieve otherwise and who find reinforcement for that belief in the materialistic values of the larger society.

The sanctity of human life has always held special value for a people who held on to life with such tenacity through the long, hard years of slavery. It is one reason why young mothers in the black community resist putting their babies up for adoption. But the old values regarding the sanctity of human life have clashed head-on with a new culture in which life is up for grabs.

I find it hard to believe, much less accept, the wanton disregard some of today's youths have for human life. How can they boast of being able to kill someone without getting their clothes bloody, or brag that they do contract killings for $200? How can their consciences let them sleep at night? When I was a child, my 9-year-old cousin accidentally killed another cousin while playing with a gun. I remember feeling sorrier for my surviving cousin than for my cousin who had been killed because I knew his conscience would bother him for the rest of his life.

But those inner-city youth who perpetrate today's violence grow up in a subculture where they make their own rules, where nothing is sacred. All too many of them know, personally, inmates serving prison sentences, intravenous drug abusers dying of AIDS, friends or relatives who have been treated for gunshot or stab wounds, or who have suffered from drug overdoses. When I asked some of these teenagers how it feels when one of their friends is killed, they shrug. "That's just what happens." But when you press them, they admit that "it hurts." Still there is the sense of hopelessness. "What can you do?" Only a great change in their own personal circumstances would spark a new optimism and hope in them.

I am tired of seeing Washington ambulance workers load bullet-riddled corpses of young black men into ambulances on the evening news. But, unlike some people with whom I have talked, I do not intend to become so desensitized to the problem that I will start turning off the television set to avoid the problem.

There are no simple and magical solutions to this complex problem. But there are many proven ways for dealing with important parts of it. We do not need yet another blue-ribbon panel to study the problem or lay out a 15-point program for action. Instead all of us in this community must pitch in to do everything we can to help, no matter how small our efforts seem. As a first step, we must accept the fact that we are faced with a major crisis that threatens the entire city. The most dramatic action, short of calling out the National Guard, is needed.

Here are some ways to begin: The first is stepping up efforts to take guns away from teen-agers. The police can't do this alone. They need strong community support, concern and vigilance. One way to provide it is by recruiting young black men to form neighborhood-watch programs as an adjunct to the police.

Next we need better ways to deal with high-school drop-outs—and to keep that critical middle group of kids from making the wrong choices before it's too late. There are models to draw upon from other cities and experimental federal programs, such as alternative schools and modified Job Corps programs. As Lee Brown, Houston's chief of police points out, "We will not be successful in diverting them away from crime unless decent-paying, meaningful jobs are made available to them."

More churches, schools, recreation centers and other institutions need to open their doors for after-school "learning centers" where youths can have a structured place to do their homework and enjoy recreational activities under the supervision of caring adults recruited from those communities. Many adults who have already successfully raised their own children have much to offer to such programs.

Parents, schools, churches, recreation centers and other institutions and individuals have to do more to teach young people how to handle conflict and stress without resorting to violence—again there are models from other cities. Many young people I talked to said that the few adults who do talk to them are not seriously interested in their views and, more often than not, talk down to them. We should set up youth forums and enlist the many young black leaders in our community as peer counselors to help these young people air their views.

Houston's Chief Brown also suggests that black leaders call a national summit on crime to share experiences and begin to develop new approaches. But first and foremost, there must be a call to arms to restore order in the streets and to make them safe again. If we do not act now, the cost in lost human life and potential will be incalculable. Washington must not become another Detroit, the teen-age murder capital of the world. We must find ways for our teen-agers to achieve their potential without being dragged down by the undertow of crime and violence.

CONGRATULATING MALCOLM A. BORG ON HIS 50TH BIRTHDAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TORRICELLI. Mr. Speaker, I rise today to congratulate Malcolm Austin Borg on the occasion of his 50th birthday on January 28. Malcolm has been an outstanding community leader in my district, the Ninth District of New Jersey, for over 15 years. His 50th birthday offers an appropriate occasion to mark Malcolm's accomplishments.

Malcolm ("Mac") began his career in communications as a general assignment reporter in 1960 and is presently the chief executive officer of Macromedia, the holding company for the Record, New Jersey's largest evening newspaper. While turning the Record into one of the Nation's most profitable daily newspapers, Mac, to his credit, has produced a paper with editorial integrity and honesty.

Mac's corporate success has not diminished his compassion to help his fellow man. While continuing to run a successful newspaper, Mac has still been able to become a community leader in New Jersey. He was chairman of the New Jersey Health Care Administration Board from 1974 to 1976, trustee of the Health Facilities Planning Council of New Jersey from 1965 to 1969, trustee of the Hackensack Area Community Chest from 1968 to 1971, and is currently the president of the Palisades Interstate Parkway Commission. In return for his altruistic dedication, he received the Service to Others Award from the New Jersey Salvation Army and a honorary doctorate from Ramapo College of New Jersey.

I hope Mac continues to help our community because everyone who has met him has been warmed by his compassion for his fellow man. His long list of accomplishments only marks the beginning of what Mac will do in the future. It will be a pleasure, as it always has been, to work with Mac. In conclusion, I would like to thank Mac for all he had done and wish him a very happy 50th birthday.

THE SELLING OF SAVIMBI?

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. COURTER. Mr. Speaker, Soviet communism is fighting rear-guard battles in many places in its empire, but few freedom fighters have actually "rolled back" Marxist imperialism as well as Dr. Jonas Savimbi. An important resistance figure in the fight against Portuguese colonialism, Dr. Savimbi (and the organization called UNITA) have been fighting ever since the departure of the Portuguese for the second decolonization of Angola. Already they have secured some one-third of their country from the MPLA and all of its Cuban, East European, and Soviet advisors and troops. UNITA asks for national reconciliation and elections; the MPLA and its imperial masters naturally have little interest in sharing their power over Angola.

As the fight for freedom goes on, however, an editor of the Arizona Republic returns from Angola deeply disturbed that the United States might be involved in preparing a false peace settlement in Angola. I would like today's RECORD to include his very interesting recent editorial.

[From the Arizona Republic, Feb. 4, 1988]

THE SELLING OF SAVIMBI

Is the U.S. Department about to snatch defeat from the jaws of victory in Angola? It is not unimaginable, given Foggy Bottom's well-known love affair with diplomatic equivocations.

While the White House fumbles and stumbles and Congress hems and haws over communist influence in Central America, the so-called "Reagan Doctrine" is succeeding spectacularly in Angola.

After six months of intense fighting, Jonas Savimbi's National Union for the Total Independence of Angola has delivered a resounding defeat to the pro-Soviet Marxist government in Luanda. Supported by South African long-range artillery and air cover, UNITA has driven the government army halfway back to its capital, despite the resistence of 40,000 Cuban troops.

Not only did UNITA stop the long-awaited government offensive dead in its tracks; it also destroyed the sprawling Cuban-Soviet air base at Cuito Cuanavale and has laid siege to the vital Benguela railroad. UNITA is now fighting closer to Luanda than it is to its provisional capital of Jamba in the remote southeast.

With only modest U.S. support—including Stinger anti-aircraft missiles—Savimbi is in a stronger position today than at any time since, after Portugal pulled out of its former colony in 1975, the Marxist regime seized power with Soviet and Cuban support. While not even Savimibi would claim UNITA is about to stroll victoriously into Luanda—the Soviets have lavished $1 billion in weaponry annually on their stooges, paid for with American oil revenues—Savimbi's goal of national reconciliation through a negotiated cease-fire and democratic elections is closer than ever.

That is why the recent activites of Chester Crocker, undersecretary of state of African affairs, is mildly troubling. Returning from talks in Luanda, Crocker announced that the Marxist government finally had agreed "in principle" to the total withdrawal of all Cuban troops. Crocker wants to broker a regional settlement whereby South Africa would pull out of Namibia (South-West Africa) in exchange for the removal of the Cubans from Angola.

The State Department is playing it coy, however, as to what else is on the table. Is the United States committed to supporting UNITA until a political settlement is reached? Will UNITA, an indigenous Angolan nationalist movement, be included in the talks along with the Cubans? What about the Soviet and Eastern bloc advisers in Luanda? Are they to come out along with the Cubans? Will Washington demand free and fair elections?

Getting firm answers to these questions has proved virtually impossible, even for Arizona Sen. Dennis DeConcini, who has played a prominent role in U.S.-Angola policy and who has helped abort previous grand solutions that might have sold Savimbi down the river.

To be sure, a regional settlement is desirable, and South Africa should pull its military out of Namibia. But South African fears of a Soviet client state in Angola and a pro-Soviet state in Namibia on its west and northwest flanks are legitimate. And a settlement in Namibia should not come at the expense of UNITA and freedom for Angola.

GOING BEYOND THE ISSUES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SCHUMER. Mr. Speaker, in its January 18 issue, Newsweek featured a piece in "My Turn" by Marshall Manley regarding the qualities he seeks in a Presidential candidate. Mr. Manley is the president and CEO of the Home Group, a New York based financial services company which includes one of the Nation's leading property and casualty insurance companies.

Among his many activities, Mr. Manley is a member of the Advisory Board of the Federal Home Loan Mortgage Corporation—Freddie Mac—chairman of the business committee of the New York Zoological Society, a trustee of the American Museum of Natural History, an associate of the Hayden Planetarium, and a member of the business committee of the Metropolitan Museum of Art.

Mr. Manley has substantial ties to Brooklyn. He received a BA from Brooklyn College in 1962 and graduated cum laude from the New York University School of Law. He is the president of the Brooklyn College Foundation. In 1987, Brooklyn College named him "Alumnus of the Year" and awarded Mr. Manley an honorary doctorate of humane letters.

Given Mr. Manley's impressive background, his insights into the selection of a President merit serious attention. I would like to share with my colleagues Marshall Manley's article in Newsweek, and ask that it be printed in the RECORD.

GOING BEYOND THE ISSUES

(By Marshall Manley)

For the life of me, I can't understand Gary Hart's fixation, and the fixation of many media people, on "the issues." When his integrity and deepest values were called into question by the Donna Rice scandal, Hart acted as if the whole episode had been trumped up to divert the public from something he called "the real issues." Hart left the race because of the character question. Now he has re-entered it for the sake of his "new ideas."

Issues are also the primary focus of many media commentators. And specific issues, they warn, are often obscured by the spotlight on a candidate's personality, or on his problems. They said this after Sen. Joseph Biden ended his campaign and when the Rev. Pat Robertson's claim of combat duty in Korea was challenged. I expect they will also say it now that Vice President George Bush's role in the Iran-contra affair has raised questions about his credibility.

But wait just one minute. Of course, issues are important. Of course we need to know what the candidates think about narrowing the deficit, improving international trade, defending vital interests and dealing with the Soviets. But can any issue be more important in a presidential election than character? Surely a campaign is something more, and something deeper, than a debate about the specifics of public policy.

In the final analysis, no matter how much we know about a candidate's views on specific issues, we can't really predict how he, or she, will react to the shifting demands and crises of an actual term in office. In 1932 there was little in Franklin Delano Roosevelt's conservative campaign rhetoric to suggest the innovative, experimental, even radical New Deal leader he would become in 1933. And it was FDR who became the great commander in chief of World War II after campaigning in 1940 (sincerely, I believe) on a categorical promise that "your boys are not going to be sent into any foreign wars."

Because a president's actual behavior in office is unknowable in advance, most voters wisely look beyond a candidate's stand on the issues to something more important: qualities of mind and character. And now that the first round of caucuses and primaries is almost here, and the candidates of both parties are fanning out across the country in the quadrennial ritual that has been called "the dance of democracy," I find myself measuring each one for five qualities that seem to me essential in a president. There may be others, of course, but these are the things I look for.

A president must be trustworthy. Integrity is hard to define. But as Justice Potter Stewart once said about pornography, "I know it when I see it." I can be only slightly more specific about the attribute of integrity. Though a white lie, or a lie told long ago, might not prevent a candidate for city hall or Congress or the Senate from getting my vote, I don't think we can afford to have serious doubts about the trustworthiness and integrity of the person who is the nation's chief executive.

A president must be tough. But this I don't mean harsh or ruthless. I mean he must have courage, stamina, a certain steely determination. I mean the capacity to endure exhausting days, moments of crisis and years of unremitting controversy without flinching. Journalist Ben Wattenberg says that a president needs to "wear steel tips in his shoes," and I agree. I want my president to be taught enough to face an adversary across the negotiating table without giving too much away. And I want my president to be tough enough, when he deems it wise to yield something in negotiations, to face the controversy that will inevitably follow. (A couple of questions come to mind: is George Bush's resolute loyaly to President Reagan a sign of toughness or of wimpishness? Are Bob Dole's war record, and the wounds he brought back from World War II, proof of courage—or just bad luck in combat, I don't really know. But both candidates, in my opinion, seem to have the backbone that is necessary for the job.)

A president must be gregarious. I can't think of a successful modern president who was a chilly loner except, perhaps, Woodrow Wilson. Politics is a communal and communitarian enterprise. It requires coalition building and consensus shaping. The gifts it demands are largely social gifts. And so as I study the candidates this year, I'll listen and look for reports from their colleagues: was candidate A a leader in Congress? How did candidate B work with his peers in his last job?

A president must have a sense of history. Harry Truman never went to college. But as he went through life and held positions of ever-increasing responsibility, he amazed his colleagues with the breadth of his scholarship. As a combat artillery officer in World War I, he displayed a knowledge of military tactics and leadership that came from his readings in history and the classics. As senator, vice president and president, he knew the troubles his predecessors faced—and the answers they found. Without a grounding in history, he might have been just another ward politican; with it he was, at the very least, a near-great chief executive.

A president must show a capacity for love. Sentimental as it may sound, I can't think of a better word—love of country, love of family, love of the rough and tumble of politics. Charles de Gaulle, whose love of France was magnificently public, was also driven by intense private love as well. He cared tenderly for his retarded daughter Anne. "No matter how busy he was in wartime London," a friend recalled, "he would try to be there when she was being put to bed, would hold her hand and tell her stories till she fell asleep." In a very different context, Ronald Reagan, whether gazing fondly at his wife or standing mournfully at attention on the beach at Normandy, has made it obvious that he's a man of tender feeling. I would want the next president to show a similar capacity for deep feeling.

I know that these qualities may not be sufficient to ensure that a candidate will be great, or even good, as president. But they do seem to be necessary. To me at least, questions of character are as important as any position a candidate might take on "the issues."

A TRIBUTE TO OLIVER W. WADDELL

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. McEWEN. Mr. Speaker, later this month Mr. Oliver W. Waddell will retire as chairman of the Greater Cincinnati Chamber of Commerce. His leadership and commitment to the greater Cincinnati business and civic community will be remembered for years to come.

Mr. Waddell's distinguished career has been a source of pride to Cincinnatians for a long time. He is one of our Nation's foremost financial leaders.

Mr. Speaker, I would like to command to the attention of my colleagues a brief biography of Mr. Waddell which details his many achievements and contributions:

OLIVER W. WADDELL

Graduate of Duke University. Law Degree from University of Kentucky.

Oliver W. Waddell has been a member of the staff of The First National Bank of Cincinnati since 1957, when he joined the Bank as a Management Trainee. In 1964 he was elected an Assistant Cashier and made Manager of the Hyde Park Office. In 1965 he became Assistant Vice President. In 1969 he left the Hyde Park Office to join Branch Administration. In 1971 he became Vice President and head of Branch Administration. In August, 1976, he was made a Senior Vice President.

He remained in that position until January 8, 1980, when he was made President and a Director, and in January 1982, Chief Executive Officer. On June 12, 1984, he became Chairman and Chief Executive Officer of The First National Bank of Cincinnati.

He was made a Director of First National Cincinnati Corporation in September, 1982, Vice Chairman in April, 1983, and Chairman and Chief Executive Officer on October 1, 1983.

Past member: Management Assistance Program, Community Chest, Neighborhood Community Development Task Force, Junior Achievement (Board of Directors), Shriners Hospital for Crippled Children, Inroads, Board of Directors, College of Mount St. Joseph, Trustee, Family Service of Greater Cincinnati.

Board of trustees: Berea College, Christ Hospital, Cincinnati Council on World Affairs, Cincinnati Music Hall Association, Cincinnati Zoo. Greater Cincinnati Center for Economic Education, Greater Cincinnati Chamber of Commerce, Greater Cincinnati Foundation, Ohio Public Expenditure Council.

Board of directors: American Red Cross, Cincinnati Chapter, Boy Scouts of America, Myers Y. Cooper Company, Ohio National Life Insurance Company.

IN MEMORY OF KATHERINE ARPEE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PORTER. Mr. Speaker, Katherine Arpee, a member of one of the founding families of Lake Forest, IL, died recently after a brief illness at the age of 84. Her passing is truly a sad moment in our area's history, for she was a woman of outstanding character and compassion and she was loved and cherished by all who knew her.

She was a granddaughter of Calvin Durand, one of the founders of Lake Forest, and attended Ferry Hall, Dobbs Ferry and Smith College. She was also one of the first couriers from the Chicago area in the Frontier Nursing Service of Andover, KY, and was active in the First Presbyterian Church of Lake Forest, the YMCA, and the Lake Forest-Lake Bluff Historical Society.

As a lasting tribute to a great lady, I would like to submit the following thoughts recently published in the Lake Forest newspaper by Lake Forest resident Susan Dart, a director of the Lake Forest-Lake Bluff Historical Society and local columnist:

Katherine Arpee died on February 1, 1988 in Washington D.C., which is somewhat ironic because she was born and lived all her life in Lake Forest. She had gone to her son's home temporarily to recouperate from a broken hip, but she had every intention of returning to Illinois to live out the rest of her life.

Her body will be returned to Lake Forest Cemetery where she will be buried beside her husband, Edward Arpee.

To say that Katherine Arpee was beloved in this town simply does not convey how people felt about her. We liked her as well as loved her, and that's important.

She was fun to be with. She was bright and she had a good sense of humor. She had friends of all ages, many of them considerably younger than she was, but any age gap vanished in seconds. She was Katherine, or Kate, to almost everyone.

And how she worked for the things she believed in—the Presbyterian Church and the Lake Forest-Lake Bluff Historical Society, to name just two. Her last work, almost completed, was a supplement to her husband's book, "Lake Forest, Illinois, History and Reminiscences."

She was, in fact, on a research errand for the supplement when she fell for the first time. But a broken hip hardly slowed her down. She pursued the task from her hospital bed and stuck with it almost to the end so that the work can probably be completed by others. But nothing can make up for her not being here with us in person.

Katherine, we miss you.

TRIBUTE TO EDWARD V. HICKEY, JR.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. CONTE. Mr. Speaker, 2 weeks ago this Nation lost a dedicated servant. Two weeks ago the President and his wife lost a very dear friend. Two weeks ago, seven young men lost their father. And Mr. Speaker, 2 weeks ago Barbara Burke Hickey lost her husband of 28 years. Edward V. Hickey, Jr., meant a lot to many people and we will all miss him.

Mr. Speaker, Ed Hickey was enjoying some of the most wonderful years in his life when he died at age 52. He had seven sons he couldn't stop talking about. He took pride in each of them and their newly emerging careers. As these young men began moving from their parents' home, he was looking forward to spending more time with his beautiful wife, Barbara. And as Chairman of the Federal Maritime Commission his own career was in full swing.

Ed's death was unexpected and abrupt and we will miss him sorely. Yet, Ed was a man who had taken time with those he loved. He asked questions of his sons. He let them know how much he cared. Fortunately for his friends and particularly for his family, Ed Hickey did not put his career before his loved ones. He didn't wait for retirement to spend time with his family and friends. And that makes his death just a little less painful.

Mr. Speaker, Ed Hickey was proud of his family. He enjoyed watching his sons confront life's experiences—partially because of the fond memories he had of his own life as a young man. In fact, judging by the stories he used to tell, some of his most happy years were spent as a young man at Boston College. I shared this experience with Ed and in fact, it was in the context of Boston College that I first met Ed. For Ed, graduation from Boston College marked the beginning of a lifelong commitment to the institution.

But perhaps no relationship was more significant for Ed, than his love for the Catholic Church and his Lord. He nurtured that relationship in every way. He was a member of the Catholic University of America's Board of Regents and was invested by Pope John Paul II as a Knight of Saint Gregory.

In Washington, Ed Hickey was best known as a distinguished public servant. After serving with the Secret Service, the California State Police, the State Department, and various positions within the Reagan administration, Ed Hickey became the Chairman of the Federal Maritime Commission. In 1985 he was the recipient of the Defense Department's highest civilian award, the Distinguished Public Service Medal.

But no matter how high the position or how lofty the title, Ed Hickey never forgot two very important things—his sense of humor and his appreciation of the "little guy." Ed Hickey always made the people who worked for him feel important. And he always shared a laugh with everyone he met.

Mr. Speaker, Ed Hickey was a good man, a good servant, and a good Christian. He has left all of us with fresh perspectives, valuable lessons, and wonderful memories.

A TRIBUTE TO NEW HAMPSHIRE'S FAMILY WEEK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LANTOS. Mr. Speaker, as we all know from reading statistics these days, the American family is under attack as never before—from divorce, from economic pressures that force mothers to go to work just to make ends meet, from excessive attention to the rights of individuals over their responsibilities as members of society.

I am happy to report that New Hampshire Gov. John Sunumu has declared a "Family Week" in his State, typically and appropriately observed around Thanksgiving, to honor the American family. His resolution setting up the week reads, in part, as follows:

> Whereas, the family unit remains the basic strength of this great society and is essential to shaping the individual's character, happiness and future success; and
>
> Whereas, the State of New Hampshire derives much of its strength and prosperity from the home and family, and will continue to do so in the future; and
>
> Whereas it is fitting that official recognition be given to the importance of family loyalty and ties . . . (I) urge each family member to join together to strengthen their home life through devotion, love, understanding and the enjoyment of working and living as a family unit.

Mr. Speaker, I believe the Governor has made an important statement on behalf of the family, and I enter it into the RECORD proudly. Whatever is lacking in family life—and there are perhaps some things—is no excuse to denigrate the institution that has built America.

TRIBUTE TO CHARLES S. LUBETKIN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to Charles S. Lubetkin, president of Brick Church Appliance, Inc., on the occasion of his being honored by the United Jewish Appeal Consumer Electronics—Major Appliance Division.

A native of Newark, Chuck Lubetkin was educated at the Newark College of Engineering, where he received the degree of bachelor of science in civil engineering in 1953. Chuck served in the U.S. Air Force, where he saw duty as a fighter pilot in Germany and attained the rank of first lieutenant.

Since 1956, Chuck has been employed by Brick Church Appliance, in Orange, NJ.

Brick Church Appliance, Inc. was founded by industry pioneer, Moe Zimmerman, in 1932. Moe began the business by supplying New Jersey's apartment house owners with everything from soap to nuts and bolts. When Moe received a number of requests for "ice boxes," Brick Church was born.

Under the guidance of president, Charles Lubetkin, and executive vice president, Stephen Weintraub, Brick Church has become the largest audio video, television and appliance chain in New Jersey. Brick Church stores now cover most of New Jersey and the Hudson Valley area of New York, perhaps the most active and competitive market in the Nation. Now encompassing 22 outlets, Brick Church has prospered by offering its valued customers the lowest prices guaranteed while providing a level of service unparalleled in the industry.

With the advent of third generation management by Jay and David Lubetkin, Brick Church has implemented an aggressive yet measured business plan that has yielded substantial sales increases. This growth coincides with Brick Church's substantial commitment to the audio and video specialty market.

During 1987, Brick Church reemphasized its superior sales training program and also installed a fully integrated point of sale computer system. By these measures, together with the refixturing of its older locations, and the opening of new superstores, Brick Church has positioned itself for market superiority through the remainder of the decade and beyond.

In addition to his professional career, Chuck has taken an active role in numerous community activities. He was the first chairman of the Economic Development Committee of Orange, and was appointed to the New Jersey Economic Development Council by Governors Byrne and Kean. Chuck has also served on the Newark Private Industry Council.

Mr. Speaker, it gives me great pleasure to recognize Chuck Lubetkin for his contribution to business and communal endeavors and to wish him and his family much success in the years ahead.

HONORING RALPH OPRE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SCHUMER. Mr. Speaker, I would like to recognize today Mr. Ralph Opre for his years of dedicated service to the community.

For decades, Ralph Opre has been a leader in Brooklyn. He is a past president and active member of the Marine Park Civic Association. He is a former chairman and remains a member of Community Board No. 18. His voice and effort have been felt on nearly every major issue affecting my district in Brooklyn.

Ralph has recently decided to step down from the community board. The community that he has worked so hard for will salute him at a testimonial dinner on March 2. With an immense admiration and not without a certain regret at his departure, I join in that tribute. I wish him the best for his future; I know he has done his best for Brooklyn.

WILLIAM D. ATTEBERRY, A GREAT CINCINNATIAN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. McEWEN. Mr. Speaker, for the past 21 years, the Greater Cincinnati Chamber of Commerce has selected outstanding individuals in the community to receive their "Great Living Cincinnatian Awards." Later this month, Mr. William D. Atteberry will be the recipient of this most deserving distinction.

The board of directors of the chamber selects honorees based on a set of criteria including community service, business and civic achievements, leadership and distinctive accomplishments. Mr. Atteberry's accomplishments and commitment to the Cincinnati community makes him a most deserving recipient of this award.

Mr. Speaker, I would like to commend to the attention of my colleagues a brief biography of Mr. Atteberry which details his many achievements:

> ATTEBERRY NAMED GREAT LIVING CINCINNATIAN
>
> CINCINNATI, OH, January 18, 1988.—William D. Atteberry, retired chairman of the board of Eagle-Picher Industries, Inc., is this year's recipient of the Great Living Cincinnatian Award presented annually by the Greater Cincinnati Chamber of Commerce.
>
> Atteberry joins 50 prior recipients of the award, which was first presented in 1967.
>
> Recipients are chosen by the executive committee of the Chamber's board of trustees based on the following criteria: community service; business and civic attainment on a local, state and national or international level; leadership; awareness of the needs of others; and distinctive accomplishments that have brought favorable attention to their community, institution, firm or organization.
>
> The award will be presented at the Chamber's Annual Dinner Feb. 19 at the Hyatt Regency Cincinnati.
>
> Atteberry, 67, a native of Decatur, Ill., and a resident of Cincinnati since 1952, is well known for his contributions to the success of Eagle-Picher Industries, Inc.
>
> Early in his career, Atteberry worked as an engineer for the P.R. Mallory Co. in Indianapolis and co-founded Western Lead Products Co. in Los Angeles. He served in the U.S. Marine Corps during World War II and earned a bachelor's degree in mechanical engineering at the University of Southern California.
>
> Atteberry joined Eagle-Picher in 1952 as an engineer. After serving as production manager, division manager and executive vice president of the company, he was named president in 1967. The following year he was named chief executive officer, and 1977 he was elected chairman of the board, the position he held until his retirement in 1985. He continues his relationship with Eagle-Picher as director and as chairman of the executive committee.
>
> Under his direction, Eagle-Picher made a number of significant acquisitions that enhanced its technological leadership. Those acquisitions included Hillsdale Tool and Manufacturing Co., Ross Aluminum Foundries, A.D. Weiss Lithograph Co. and Cincinnati Industrial Machinery.

Atteberry serves on the board of trustees of the Boys Club of Cincinnati. He has served Bethesda Hospital as a board member, board chairman, board vice chairman and committee chairman. He served as associate director of the Greater Cincinnati Foundation from 1979 through 1987 and now serves as director of the organization, which distributes funds from gifts and bequests to meet philanthropic, cultural, scientific and educational needs.

He is currently a member of the board of directors of Eagle-Picher, The Fifth Third Bank, The Kroger Co., Empire District Electric Co. and Vulcan Materials Co. As a member of the Cincinnati Business Committee, he served as co-chairman of the Local Government Task Force.

Atteberry and his wife, Doris, live in Indian Hill.

THE DEATH OF CHIANG CHING-KUO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PORTER. Mr. Speaker, on January 13 of this year the President of Taiwan, Chiang Ching-kuo, sadly passed away. His lasting legacy of a strong democracy was evident with the peaceful, orderly, and constitutional transition of power that followed his death. Thanks to Chiang Ching-kuo, the new President, Lee Teng-hui, will now preside over a country which is a free and peaceful democracy.

President Chiang Ching-kuo's last year was perhaps his most productive and successful. It was during this year that martial law was finally lifted, political parties were allowed to form, and the streets of Taiwan saw their first lawful public demonstrations in over a decade. Judicial rights were simultaneously restored and many political prisoners were released.

Over the course of his tenure, President Chiang Ching-kuo succeeded in depoliticizing the military. He also delicately balanced his fervent anticommunism with the desire of many of his citizens to visit family members on the mainland. By allowing these visits, the President displayed his humanitarian instincts at the same time he reasserted his belief that China would some day be reunified as one free and open democracy.

The new President, Lee Teng-hui, has big shoes to fill. It was Mr. Chiang Ching-kuo who set in motion the reforms which can eventually lead to complete democratic freedom. I trust that the new President will ensure that the political liberalization set in place by the late President will continue unabated.

UNION LODGE B'NAI B'RITH CITIZEN OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. RINALDO. Mr. Speaker, on March 13, 1988, Dr. Nathan Weiss, president of Kean College, Union, NJ, will receive the Union Lodge B'Nai B'rith Citizen of the Year Award.

Dr. Weiss joined the faculty of Kean College in 1961 and after 8 years of teaching assumed the presidency of the college.

His record of achievements during the past 18 years is commendable in all respects. He directed the transition of the school from teacher education to a multipurpose institution including four schools specializing in liberal arts, business, the sciences and education.

The college now offers 39 undergraduate major programs and 15 graduate degree programs ranging from computer science and health professions to technology and fine arts.

The growth of Kean College is attributable to the outstanding leadership and managerial capabilities of Dr. Weiss. In addition to his administrative responsibilities, Dr. Weiss continues to teach in the master of public administration and master of arts in liberal studies programs, specializing in government organizations.

He also has distinguished himself as a leader in numerous professional affiliations including the chairmanship of the New Jersey Association of Colleges and Universities.

His achievements in education have been recognized by several State and local organizations and he was named Outstanding Administrator by the American Society of Public Administration in 1985.

His selection as Citizen of the Year by the Union Lodge B'Nai B'rith is richly deserved, and I am proud to salute this outstanding individual for his contributions to higher education in our State.

IN HONOR OF THE SOUTH HILLS ELKS LODGE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. WALGREN. Mr. Speaker, today, the Pittsburgh South Hills Elks Lodge will be celebrating the 120th anniversary of the founding of this order. Because of the Elks' diverse services offered to communities throughout the country, the value of this organization can be measured in countless ways. One of their most valuable assets is the strong example of patriotism that is the cornerstone of their organization. What a wonderful role model they are to all Americans.

I take great pride in sharing with my colleagues the following background information on the Elks.

THE ELKS

The Benevolent and Protective Order of Elks is one of the oldest and largest fraternal organizations in the United States. The first formal meeting was held on February 16, 1868 in New York City. Fifteen persons turned out, most of them young, undiscovered but budding artists who had gathered for companionship and to help their other out-of-work peers.

The idea caught on and spread to other groups and other cities. As it grew, the new organization broadened its membership base to include businessmen, professionals, farmers and representatives from other occupations.

Today there are more than 1.6 million members of the Elks in 2,280 local lodges found throughout all 50 States and the District of Columbia. Over the years, these lodges have evolved into the primary building blocks of the highly decentralized Elks organization. They provide recreational facilities for the entire family, but the lodges are also the focal point for the many community service and charitable programs that have become an Elk tradition.

Early in its history, the Elks supported groups such as the Salvation Army and the Red Cross. In 1871, they staged a benefit for the victims of the great Chicago fire. They raised money for victims of the Seattle fire and the Johnstown flood in 1889. Today, disaster relief continues to play an important part in Elk activities.

Patriotism has also been a hallmark of the Elks. In 1907, the Elks became the first fraternal organization in the Nation to mandate observance of June 14 as Flag Day. More than 40 years later, fellow Elk, President Harry S. Truman signed an order declaring Flag Day as an official national holiday.

The Elks National Foundation, the philanthropic arm of the organization, was created in July 1929 as an income-producing fund to help support national Elk projects and to supplement programs at the State and local lodge levels. Each year, scholarships are awarded to 500 outstanding high school students across the Nation. Emergency education grants are also provided to children of members who have died or been disabled.

Foundation support of State association projects is based on a revenue sharing concept. Funds are provided to each State in proportion to the level of contributions made by individuals in the State. The Elks contributed $39 million in 1983 to support cerebral palsy, veterans' hospitals, child care for retarded children, wheelchairs, recreational facilities, and other aids to the handicapped.

The Elks devote a great deal of attention to youth programs. Lodges and individual members sponsor more than 1,000 Boy Scout troops and 3,000 Little League teams, as well as Boys' Clubs and Camp Fire Girls' Club.

One of the most important youth programs in recent years has been the annual "Elks Hoop Shoot," a national free-throw shooting contest, for boys and girls from ages 8 to 13. Over 3 million youngsters from all 50 States participate yearly in the "Hoop Shoot" from local contests to the national finals where six champions were named.

The program, begun in 1972 on a national basis, provides spirited competition and the chance for youngsters to develop new friendships. Winners and their families also travel to State, regional, and national competition courtesy of the Elks.

I commend the South Hills Elks Lodge for their dedication to their country and their many contributions to their community.

ECONOMIC VICTORY OVER SOCIALISM-COMMUNISM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LEWIS of Florida. Mr. Speaker, a constituent and good friend of mine from Florida, Mr. Arthur Burck, recently wrote an article for the Palm Beach Post newspaper entitled, "Bureaucratic Tangles Hinder Soviet Industry," which I would like to share with my colleagues.

In his article, Mr. Burck correctly points out an important truth which, in this era of glasnost, goes largely unnoticed. This tremendously relevant fact is that economically, the Western democracies have scored a total and complete victory over the Socialist-Communist totalitarian states.

I commend Arthur Burck for his insightful analysis and encourage my House colleagues to take the time to read his article to gain a broader perspective of this crucial facet of East-West relations.

Mr. Speaker, I ask that the full text of this article be inserted into the CONGRESSIONAL RECORD at this point:

BUREAUCRATIC TANGLES HINDER SOVIET INDUSTRY

(By Arthur Burck)

The visit of Soviet Premier Mikhail Gorbachev should remind us that in this fast-changing world so filled with immediate problems, it is easy to overlook what historians may eventually assess as the most significant development of our times. It is that on the economic front there has been complete and total victory over socialism and its offshoot, communism.

It was not always clear that victory would be ours. Those who grew up in the Great Depression remember the arguments from a surprisingly large and varied section of American life that communism was the wave of the future. With 25 percent unemployment and "a third ill-fed, ill-clad, and ill-housed," many dedicated Americans then flirted with the untried promises of communism.

PRIVATIZATION WINS

Indeed, as recent as the early 1980s, socialism was still on the move; the socialist government of France then took over 95 percent of the banking industry as well as many giant industrial firms so that government was in control of most of the 20 largest corporations. Moreover, 17 of the 50 largest industrials in Western Europe—and of course everything in Eastern Europe—were government owned.

In recent years the tide has turned. France, Britain and other nations have been busy returning many of these big companies to private ownership—"privatization." Why? Big businesses, already burdened by huge and inflexible bureaucracies, became evenmore stagnant under the heavy hand of government bureaucrats.

In the first several decades of the postwar period, the vigor of the Soviet economy surprised many Western economists.

Soviet Premier Nikita Khrushchev in the early '60s confidently thundered to American diplomats that, on the economic front, "We will bury you."

But over the past decade the Soviet economic engine has been malfunctioning. Today the Achilles' heel of the U.S.S.R. is its stagnating economy. Soviet industry is choked by a massive government bureaucracy that, like bureaucracies everywhere, tends to stifle innovation and needed change.

Gorbachev therefore faces the mind-boggling task of implementing a thorough reorganization of Soviet industry, a job of unprecedented difficulty and seemingly insuperable challenges.

However, Gorbachev has yet to make the crucial decision: To open up to free enterprise, significant sectors of the economy, as has been done in other communist countries such as Hungary, Yugoslavia, and more recently, China. It is unlikely he every will.

Why? Because once the gates are open and the public tastes the advantages of free enterprise, can the tide be stopped?

But before we write off the U.S.S.R., we should focus attention on our own economy to make sure we are not making the same mistakes.

Bureaucracy is inherent in communism. The free-enterprise system, on the other hand, thrives best when businesses are dynamic, nimble, and creative—where bureaucracies are minimal.

Yet the natural flows of events is toward ever-enlarging bureaucracies. America is entangled amid the bureaucracies of three intermingled areas: big business, big government and big labor.

Just as the U.S.S.R. has erred in building its economy around big, burgeoning bureaucracies, so to a degree we have done likewise. In America the giant corporation dominates most industrial activity. That was all right when American industry dominated world markets with its mass-produced products, but the world is now one of fast-moving change. Nimble small competitors, usually foreign, have been able to run rings around our giants that are hindered by slow-moving bureaucracies.

COMPETITION BEST

In view of the wreckage we now see on our industrial scene, we now have ample proof that the huge industrial bureaucracies have outgrown their day of usefulness in a hotly competitive world where innovation is the name of the game.

The clear lesson is that in today's changed cirumstances the nation is best served when there is the largest possible number of viable, independent companies engaged in vigorous competition.

THE NATION NEEDS THE VA IN THE CABINET

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MONTGOMERY. Mr. Speaker, in the days since President Reagan's endorsement of legislation to upgrade the Veterans' Administration to a Cabinet-level department and the subsequent overwhelming passage of that legislation in the House, many large city newspapers have expressed opposition to the change. In fact, the primary opposition has come from this one camp—large city newspaper editorial boards.

It is interesting to note, however, that the daily and weekly newspapers of some of our smaller cities and towns are taking a different position, perhaps a result of having carefully reviewed the facts.

The views of the Journal-Advocate of Sterling, CO, are typical of those I have seen recently from other smaller newspapers throughout the country.

VA CABINET POSITION MERITS SERIOUS THOUGHT

There is much pride among the United States population of service veterans, and with good reason. America's veterans have fought to preserve freedom within their own nation and abroad.

The sacrifices made by American servicemen and women are appreciated around the globe by the people who cherish liberty and morality as we do.

Although pride and morality may be among the reasons to elevate the Veterans Administration to a cabinet-level position, there are other good reasons as well.

Right now, when America is trying to meet its obligations to all of its citizens, while recognizing it must come to grips with the federal deficit, veterans across the nation are offering sound support for their cabinet position wishes.

The proposal to elevate the VA to cabinet status has been approved by the House of Representatives and has the backing of President Reagan. It now is being considered by the United States Senate.

The Veterans Administration impacts virtually every American family. Consider these facts when regarding the Veterans Administration, and whether the cabinet decision might make good sense:

The VA is the second-largest federal employer and third largest component of the federal budget.

It is the national resource which is involved in health care, defense, our national economy and is an integral part of the social fabric of our nation.

The VA is already larger than most cabinet-level agencies—State, Interior, Labor, Commerce, Education, Transportation, Energy, Justice, and Housing and Urban Development.

It administers the largest health care system in the free world; including 172 hospitals, 229 out-patient clinics, 117 nursing homes and 16 domiciliaries.

The VA has as its mission the provision of medical care to our nation's veterans and is the first line backup to the Department of Defense during times of national emergency.

It is the largest trainer of health care manpower in the U.S—with nearly half of the physicians in the U.S. today having received all or part of their training through the VA.

It provides innovative programs that affect millions of Americans, such as GI Home Loan and GI Bill Programs (which have improved the economy and have provided educational and training opportunities.

It undertakes medical research. The VA ranks second in size to the National Institutes of Health, and is working to confront the AIDS crisis and the mysteries of Alzheimer's Disease.

The VA administers America's largest vocational rehabilitation and training programs, with results in job opportunities, and employment for veterans with a disability.

It holds so many insurance policies that the VA would qualify to be one of America's largest insurance companies.

Yet, in spite of the above, it has been suggested the "elevation" only will benefit America's 27 million veterans.

This assumption is incorrect, as illustrated by these examples, which clearly indicate elevating the VA to cabinet-level status would not only benefit veterans, but would also assist most every citizen.

With these things in mind, perhaps it's time we welcome one more agency into cabinet ranks and help the VA perform the services it has been charged to deliver. Our veterans have made the sacrifice. It's time we acknowledge that.

THE 50TH ANNIVERSARY OF THE FEDERAL CROP INSURANCE CORPORATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. JONES of Tennessee. Mr. Speaker, today marks the fiftieth anniversary of the Federal Crop Insurance Corporation. In providing insurance protection for a rewarding but risky profession, the Federal Crop Insurance Corporation has come between disaster and millions of farm families over the last half-century.

The Federal Crop Insurance Corporation was created in 1938 during a year of major reorganization at the U.S. Department of Agriculture. Fifty years later, the Federal Crop Insurance Corporation is one of the few agencies created in that year that is still around—and has changed neither its name or its purpose.

That's because crop insurance was a good idea then and it's a good idea now. It offers affordable catastrophic insurance on crops damaged by weather, insects, diseases, and other adverse conditions. Crop insurance provides protection up front—before disaster strikes—and the policy is designed for the production and needs of the individual farmer.

Through the years, the Federal Crop Insurance Corporation has tried to balance the farmer's need to contain inherent agricultural risks with an actuarially sound program. And that balance is being perfected. 1988 marks two significant firsts in the Federal Crop Insurance Corporation: It is the first year that Federal crop insurance is being offered in all 50 States; and it is the first year since its major expansion—beginning in 1981—that insurance premiums are expected to be greater than losses.

This program not only provides the insurance protection the farmer needs, but something else even more valuable during the stressful times in which we live: peace of mind. When your cornfield is left looking like a rice paddy, you won't be wondering which Federal disaster program—if any—your farm qualifies for.

Mr. Speaker, please join me in extending my warmest congratulations to the Federal Crop Insurance Corporation—and especially, Mr. Speaker, on this occasion, to Mr. Frank Willard of Ottawa County, KS. Back in 1938, Mr. Willard signed a Federal Crop Insurance Corporation policy, and retained crop insurance on his farm until his retirement in 1980. As a member of the Ottawa County Agriculture Committee, he also sold FCIC policies until 1983, and for 45 years has advanced his community's economic stability through crop insurance.

Through this type of dedication, the Federal Crop Insurance Corporation has provided protection and peace of mind for half a century to American farmers. On behalf of those American producers, we express our appreciation today.

SURVEY SHOWS SHAREHOLDERS AND PUBLIC OPPOSE HOSTILE TAKEOVERS

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. THOMAS A. LUKEN. Mr. Speaker, I want to bring to the attention of my colleagues the following report of a survey conducted recently by Penn and Schoen Associates that demonstrates that large majorities of the American public—including shareholders—believe hostile takeovers are bad for the economy. As Congress considers legislation affecting takeovers, I believe it is imperative that we be aware of all the data available. I commend my colleagues to review this timely report.

SHAREHOLDERS AND PUBLIC OPPOSE HOSTILE TAKEOVERS

INTRODUCTION

This report summarizes the results of a national survey of 800 respondents who said that they were familiar with the issue of hostile takeovers of American corporations. Interviewing was done February 13th and 14th by our trained professional staff from our central telephone facility in New York. The sample was selected through the use of random digit dialing, which gives every American with a telephone a theoretically equal chance of being selected. The sampling error for this survey is 4.5 percent.

SUMMARY OF MAJOR FINDINGS

The survey found that a large majority of the American people believe that hostile takeovers are bad for the economy (63 percent), cause people to lose their jobs (71 percent), and result in additional speculation and stock market volatility (72 percent).

Only slightly more than one-quarter of our respondents say this type of takeovers make money for shareholders and help the economy by turning around poorly managed companies while more than three-fifths say this type of takeover forces companies to operate for short term results and benefits those who are in for quick profits.

Further, almost four-fifths of the sample favor legislation that would make takeovers more difficult and two-thirds believe that states should be permitted to continue to adopt laws making it more difficult to take over a company while only one-quarter want the federal government to stop states from passing this type of legislation.

Finally, solid majorities of the American people believe that corporations should have the right to engage in specific practices that make takeovers more difficult and less than one-third think the federal government should stop states from giving corporations these rights. Among the actions we tested in the survey were allowing corporate Boards of Directors to make takeovers more difficult; allowing shareholders of a corporation the right to vote to approve or disapprove a takeover; and allowing corporations the right to issue new stock and issue stock with different voting power as a means of blocking a takeover.

DISCUSSION

Initially, we told our sample that the questions would concern takeovers of corporations which their managements opposed. We further explained that these were what have been described as hostile takeovers. We only interviewed respondents who told our interviewers that they had heard something about takeovers of this type.

The first question raised the general issue of whether takeovers of this type were good or bad for the economy. As table 1 shows, a clear majority of all respondents, those who own stock, and those who participate in a pension plan said takeovers of this type were bad for the economy.

TABLE 1.—TAKEOVERS GOOD OR BAD FOR ECONOMY?

[In percent]

	Good	Bad	Don't know
All	15	63	22
Own stock	15	59	25
No stock	16	66	18
No pension	15	65	20
Has pension	16	61	23
Public pension	12	65	23
Private pension	18	59	23

The second question presented two alternative arguments about hostile takeovers to our respondents. The first was whether takeovers of this type make money for shareholders and help the economy by turning around poorly managed companies. The second was whether this type of takeover forces companies to operate only for short term results and benefits only those who are in for quick profits. We asked respondents to tell us which position was closer to their view. As table 2 shows, by better than a 2:1 margin, our sample, shareholders, and participants in a pension plan all said that this type of takeover forces companies to operate for short term results and benefits those who are in for quick profits.

TABLE 2.—TAKEOVERS MAKE MONEY FOR SHAREHOLDERS/IMPROVE ECONOMY OR FORCE COMPANIES TO OPERATE FOR SHORT-TERM RESULTS AND BENEFIT THOSE WHO SEEK QUICK PROFITS?

[In percent]

	Make money/ improve economy	Short term/quick profits	DK
All	27	62	11
Own stock	27	63	10
No stock	27	62	11
No pension	26	62	12
Has pension	29	62	9
Public pension	33	58	9
Private pension	27	64	10

We next asked our sample whether takeovers of this type caused people to lose their jobs. On this issue, our sample was very clear in suggesting that they do. Overall, 71 percent said that this type of takeover caused people to lose their jobs while only 22 percent said they did not cause people to lose their jobs. Those who own stock (71 percent) and those who have pensions (70 percent) agreed that this type of takeover resulted in people losing their jobs.

We followed up by asking whether takeovers of this type added to either stock market speculation or volatility. Seventy-two percent of our sample said they did add to stock market speculation or volatility while only 12% said they do not. Again, those who own stock (75 percent) and those with a pension (71 percent) said that takeovers of this type increased speculation and volatility on Wall Street.

The next question concerned whether certain persons who claim to represent shareholders' or pension plan participants' interests do in fact do so. We told our sample that some who claim to represent shareholders' interests and certain pension managers want laws passed to make takeovers easier and more frequent. We also explained that others who claim to represent shareholders' interests and certain other pension managers want laws passed to make takeovers more difficult and less frequent. We asked our sample to tell us which position was closer to their view. As table 3 shows, by about a 6:1 margin, all respondents, stock owners, and pension holders said that takeovers should be made harder and less frequent rather than easier and more frequent.

TABLE 3.—TAKEOVERS SHOULD BE EASIER AND MORE FREQUENT OR HARDER AND LESS FREQUENT?

[In percent]

	Easier and more frequent	Harder and less frequent	DK
All	12	79	9
Own stock	13	77	11
No stock	11	82	7
No pension	12	74	14
Has pension	12	82	6
Public pension	14	81	5
Private pension	11	83	6

We went on to ask whether our sample believed states should continue to be permitted to adopt laws making it more difficult to take over a company or whether the federal government should stop states from adopting laws making it more difficult to take over a company. As table 4 shows, two-thirds of our sample believe that states should continue to be permitted to adopt laws making takeovers more difficult while one-quarter believe the federal government should stop states from adopting this type of legislation.

TABLE 4.—SHOULD STATES CONTINUE TO PASS LAWS MAKING TAKEOVERS MORE DIFFICULT OR SHOULD FEDERAL GOVERNMENT STOP THIS TYPE OF LEGISLATION?

[In percent]

	States continue to pass laws	Fed. gov. stop legislation	DK
All	66	25	9
Own stock	68	23	10
No stock	65	27	9
No pension	64	26	10
Has pension	67	24	9
Public pension	60	28	12
Private pension	71	22	7

Finally, we asked our sample about a series of actions some states now allow corporations to take as a means of deterring takeovers. We asked our sample whether states should be continued to allow corporations to take each action or whether the federal government should stop states from allowing corporations to take each action.

As table 5 shows, solid majorities of our respondents believe that states should allow corporate Boards of Directors to make takeovers more difficult; believe shareholders should have the right to vote to approve or disapprove a takeover offer; believe corporations should have the right to issue new stock at a discount to current shareholders to block takeovers; and believe corporations should have the right to issue stock with different voting power as a means of blocking a takeover.

TABLE 5.—SHOULD STATES CONTINUE TO ALLOW CORPORATIONS TO ENGAGE IN CERTAIN ACTIONS TO BLOCK CORPORATE TAKEOVERS OR SHOULD FEDERAL GOVERNMENT STOP STATES FROM ALLOWING THIS PRACTICE?

[In percent]

	States allow practice	Federal Government stop	DK
Shareholders have the right to approve or disapprove a takeover	79	14	7
Corporate board of directors can make takeovers more difficult	59	30	11
Corporation can issue stock at a discount to make takeovers more difficult	58	27	14
Corporation can issue stock with different voting power to block takeovers	56	29	14

ABOUT PENN & SCHOEN ASSOCIATES

Penn & Schoen Associates Inc. is a diversified opinion research firm with offices in New York and Washington. The firm has conducted research for clients such as Texaco, Amerada Hess, Pepsico, Philip Morris, the Avis Rent-a-Car system, and General Foods. Also, PSA has provided research and strategic assistance to former Vice President Mondale, as well as Senators Edward Kennedy, Frank Lautenberg, Daniel P. Moynihan, Jay Rockefeller, and Richard Shelby. In addition, the firm has also conducted research for approximately 20 members of the U.S. House of Representatives.

A TRIBUTE TO LUCIA MENDEZ—MR. AMIGO 1987

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Lucia Mendez, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as honored guest of Charro Days. Charro Days is a 4-day event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During Charro Days, which originated as a prelenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many native south Texans as well as our winter visitors.

Mr. Amigo is selected on the basis of his or her contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States. It is for these reasons that Lucia Mendez is an excellent choice for this year's award.

Although primarily recognized in Mexico, her native country, as a singer and recording artist, Lucia Mendez has become a performer of truly international appeal. In addition to her singing career, Lucia Mendez has starred in 10 motion pictures and hosted her own television program. She is also known internationally as an accomplished model for her modeling appearances in American, Latin American, and French magazines.

In 1985, the Arts and Phonographic Sciences Academy of the United States nominated her to receive a Grammy Award in the category of "The most popular latin record of the year."

She has toured extensively in both the United States and Latin America and enjoys a record of sold out performances in New York, Los Angeles, Chicago, Miami, and San Juan.

Some of her outstanding achievements include her "Silver Goddess" award for her work as a movie actress; Heralds and Azteca de Oro Awards for her success as the most relevant personality in her genre; and Gold and Platinum Records for her high-selling musical recordings. In 1972, she was named "El Rostro mas Bello del Ano," which means "The Most Beautiful Face of the Year." In 1986, she also served as a judge in the Miss Universe Contest.

As Mr. Amigo, Lucia Mendez will receive the red-carpet treatment when she visits Brownsville as the city's honored guest during the upcoming Charro Days fiesta. During her 3-day stay on the border, she will make personal appearances in the Charro Days parades and at other fiesta events. Official welcome receptions will be staged by Cameron County, TX, and the cities of Brownsville and Matamoros, Mexico. The entertainer will also be the special guest at the Mr. Amigo Association luncheon and the president's party.

I ask my colleagues to join me in extending congratulations to Lucia Mendez for being honored with this special award.

A CONGRESSIONAL SALUTE TO STAN B. BOSLER, UPON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to bring to my colleagues' attention the long and distinguished career of an outstanding educator in my area, Stan Bosler. Stan will be the guest of honor at a retirement dinner on February 28, 1988, at the Cockatoo Inn in Hawthorne. This auspicious occasion gives me an opportunity to express my appreciation for his dedicated service on behalf of my hometown of Hawthorne and the surrounding community.

A lifelong resident of southern California, Stan graduated from Inglewood High School and began what would prove to be a successful career in education and community service.

Seizing opportunities for education and personal growth, he received a B.A. and a masters degree from California State University, Los Angeles. This was to be the pattern Stan would continue throughout his life, continuing after his college graduation to be involved with numerous community improvement projects and other civic-minded pursuits.

Stan began his career working for Trans World Airways in 1951 and continued with the company until he began teaching at Lennox High School in 1958. Besides teaching business related subjects, Stan also served as director of student activities and the business department. He has also volunteered his services to the athletic department, the student store, counseling programs for students with drug related problems, and was honored by the State of California for starting a business occupations laboratory. In 1973, Stan moved from Lennox High to Hawthorne High School where he continued his career in education. Since that time, he has been involved in a whole host of extracurricular activities. Among the long list of Stan's impressive accomplishments: Work experience coordinator; teacher of the month; recipient of the Air Force's "Technology 2001" award; and was responsible for starting a Career Center Program, a Military/Aviation Career Day, and an Exploratory and Work Experience Program.

While dedicated to a career in education, Stan has given an enormous amount of his time and energy to various civic duties. In addition to his participation in professional organizations, such as the California Work Experience Association and the California Business Educators Association, which he served as southern section president and vice president of legislation, Stan has also been active in the California Teachers Association and the National Education Association. He has made significant contributions of time and energy to the U.S. Forest Service, the Southern California Regional Occupational Center, the U.S. Olympics, the advisory committee for a civic auditorium, and the YMCA. In addition, he has held major leadership posts in the Hawthorne DeMolay and has had the distinction of receiving their highest honor, the degree of Chevalier. On top of all these civic activities, Stan has found the time to become an accomplished author. He has published numerous articles in the Heritage Quest magazine and is currently writing a book on geneology.

It gives me great pleasure to recognize and pay tribute to Stan Bosler on the occasion of his retirement from a long career of service to the education community in California. Clearly, Stan's numerous accomplishments highlight the truly remarkable contribution he has made during his long and distinguished career. My wife, Lee, and I would like to extend our gratitude to Stan for his civic sprirt and contributions to our community, and wish him all the best in the years ahead.

WHO WON'T VOTE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. FRENZEL. Mr. Speaker, on Saturday, February 6, the Washington Post editorialized about a recent study done by the Committee for the Study of the American Electorate about voter registration laws and voter turnout.

The Post was on target when it suggested that methods like election day registration and licensing deputy registrars might not work for all States, and that mandated Federal systems might not be appropriate in all instances. Congress should take a look at low voter turnout, registration laws, fraud, and state purging practices but we should exercise extreme caution before legislating in an area that has been traditionally a State perogrative.

But, Mr. Speaker, one area of election law which surely screams for reform is the presidential primary matching fund system. The State-by-State expenditure limitation is a sham.

Timely enforcement of the law is a joke—the Federal Election Commission still has cases pending from the 1984 election. Congress created an unnecessary barrier of State expenditure limitations which candidate's committees have regularly circumvented with cute gimmicks like: First, staying in Massachusetts instead of New Hampshire or flying out of Iowa after 4 days because on the 5th day of a trip, the expenses are counted against the limitation; second, advertising in one State messages aimed at another; third, calling advertising expenses general fundraising expenses; and fourth, letting personal PAC's pick up expenses.

Mr. Speaker, the window for reforming the Presidential system will be 1989. By 1990 the potential candidates will start organizing out in Dubuque again. We ought to be ready to act by next year.

WHO WON'T VOTE

In the 1984 presidential election, 80 million adults Americans didn't vote. Next fall the number almost certainly will be higher. Voter turnout, as a percentage of eligibles, was only 53 percent, a slight rise from 1980; but the turnout rate in the 1986 off-year election was down from four years before. Ours is the lowest turnout rate of any advanced democracy in the world, and no one is quite sure why.

In the 1970s low turnout seemed a plausible consequence of the widespread negative attitudes and pessimism among voters and nonvoters alike. In the 1980, when opinion has been more positive and sometimes almost sunny, you could argue that turnout is low because many Americans think things are going fairly well and see no urgent reason to vote. Yet even if you take that view, you probably find it perplexing that only a bare majority of Americans vote in our presidential general elections, and only minorities vote in other contests.

Can anything be done about low turnout? A recent study by Curtis Gans' Committee for the Study of the American Electorate provides modest but useful suggestions. New laws and regulations, it points out, cannot do much to change the attitudes—angry alienation or soggy satisfaction—that have accounted for most of the decline in turnout over the past 20 years. But they can do something to raise turnout at least marginally. Drawing on the experience of various states, the committee estimates that allowing voters to register on Election Day, as they can in Minnesota, would raise national turnout by 6 million over four years. Allowing citizens to register when they get their drivers' licenses, as they can in Michigan, would raise it some 800,000. Other methods are estimated to produce increases of different size: increasing the number of deputy registrars (2 million), having uniform registration hours and days (1.4 million), refraining from purging those who don't vote from the rolls (1.3 million), door-to-door registration (1.1 million), mail registration (only 255,000).

Not all these methods strike us as good ones. A state with a history of vote fraud should be reluctant to license deputy registrars or allow Election Day registration, for example. And a state must always be careful about tampering with an often fragile system of registering voters and regulating elections: this is one system where having zero defects is important. For that reason we're skeptical about federal legislation such as that sponsored by Sen. Alan Cranston and Rep. John Conyers mandating national mail and Election Day registration. Nor do we think most states will want to go as far as North Dakota, which has no voter registration at all. But we do suspect that many state legislatures can make registration and voting easier, without seriously increasing the risk of fraud. This is a good time, well before next fall's elections, for them to think about it.

TRIBUTE TO FATHER "MAC" OF LANSING

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TRAXLER. Mr. Speaker, I rise today in recognition of a unique American, a man who touched the lives of many in the mid-Michigan area, Rev. Msgr. Jerome V. MacEachin. Father "Mac," as he was affectionately known by so many, served as pastor of St. Thomas Aquinas Parish in East Lansing from 1943 until 1978, when he became Pastor Emeritus. Father Mac died on December 4, 1987, just 4 days before his 83d birthday.

Father Mac grew up in Ubly, MI, and entered the Sacred Heart Seminary in 1920. Ordained in 1932, Father Mac also earned his master's in education from the Catholic University of America in 1938. He served several parishes: Owosso, Battle Creek, and Charlotte, before coming to East Lansing.

Known for the twinkle in his eye, the shenanigans pulled to reach out to old and young, the magic tricks that delighted eager students, the devotion to his fatherland of Scotland, and the masterful way he could tell a story, Father Mac was also famed for his habit of approaching many a non-Catholic by telling them: "You are now an honorary Catholic."

Serving Michigan came easy for Father Mac. He served as State police chaplain from

1960 on. He was also active in the Greater Lansing Social Service Committees for Crippled Children and Mental Health, the Red Cross Executive Committee, and the National Youth Administration, to name only a few. Father Mac was also instrumental in establishing Lansing Catholic Central High School. Catholic Central recently received the Award for Excellence from the Department of Education.

Lansing Bishop Kenneth Povish, in eulogizing Father MacEachin, described him in four ways. "He was, first and always, a Catholic priest in every sense of the word. He was a sterling citizen, too. The entire Lansing area was his parish. Father Mac was next a Michigan State University Spartan * * * who promoted MSU at every opportunity. And finally, Father Mac was a unique human being, being an incurable optimist."

Father Mac's ties to Michigan State University will long be felt. He served as pastor to Catholic students, helped form the Cardinal Newman Club, was an unpaid lecturer in Catholic theology, and helped establish the St. John's Student Center. In 1978 the MSU Board of Trustees recognized Father Mac's 35 years of outstanding service to the university and to the East Lansing community.

Father Mac also served the MSU Spartan football team as Chaplain, a post he held since 1954 when his good friend Duffy Daugherty was coach. Coach Daugherty also died recently. Having traveled to three Rose Bowls, Father Mac told friends that he would be watching the 1988 Rose Bowl with Duffy, in heaven. I have no doubt they both enjoyed the outcome.

BICENTENNIAL OF SOUTHEAST

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. FISH. Mr. Speaker, I rise on this occasion to speak to this Chamber about a community in my home district, the town of Southeast, which is celebrating its bicentennial in 1988.

A Bicentennial Commission of Southeast, comprised of 60 members of the community and representing a broad cross section of the townspeople, is organizing a year of celebration and special observances. The town of Southeast, established by an act of the State legislature on March 7, 1788, plans the opening event of the bicentennial year to take place on Sunday, March 6. On that day a ceremony will be held at Electrazone Field, which has a gazebo and is the location of the town's veterans memorial.

On the afternoon of March 6, opening festivities will include a brief history of the town of Southeast presented by town historian Suzanne Truran which will be followed by an address by John Dunford, chairman of the bicentennial commission and former deputy supervisor of the town of Southeast. Dunford will explain to all those assembled at Electrazone Field how the town expects to celebrate the year of its 200th birthday.

That evening there will be a series of theatrical performances written by nationally renowned playwright Louise Bisonga and featuring school children from the Brewster School system. The night of theater will present in a musical-narrative genre a history of Southeast correlated with a history of the United States. The town of Southeast Bicentennial Choir will also perform that evening.

In April, a program entitled, "The Blessings of Liberty" will be held in the old town hall on Main Street, Brewster an incorporated village in the Town of Southeast. This is a display on the Constitution and its formation. Besides celebrating the bicentennial of their town, my constituents in Southeast are celebrating our Constitution.

The bicentennial commission has arranged for the Big Apple Circus to visit the town for a week and provide performances under the big top, which will be set up on the Brewster High School field.

The year of celebration will come to a close in March of 1989 with a bicentennial ball being put on by the commission and the Brewster Volunteer Fire Department. This grand finale is a fitting conclusion to a year filled with parades, plays, and picnics.

I am extremely proud of the spirit that exists in the town of Southeast. All those on the bicentennial commission and all others who will give of their time and energy can take pride in their efforts. The town of Southeast is an example for communities everywhere.

LIMIT MEDICARE PART B PREMIUM INCREASES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MAZZOLI. Mr. Speaker, today I am introducing legislation which would limit future increases in Medicare part B premiums to the rate of adjustment for Social Security cost of living.

The January 1, 1988, increase in Medicare part B premiums—38.5 percent—bears no relationship to the 4.2-percent cost-of-living adjustment for Social Security benefits. This needs to be corrected. My bill would make this correction.

The Social Security amendments of 1983—which I proudly supported—contained a provision which would have limited future Medicare part B premium increases to the cost-of-living rate. This provision was to be effective in 1989. However, a law President Reagan signed in December delayed this to 1990. My bill returns the effective date to 1989.

These Medicare premium hikes have a devastating effect on senior citizens who live in Louisville and Jefferson County and around the Nation as well. Not only are health care costs on the rise, but food, utilities, telephone service, and transportation are going up as well.

For all these reasons, I hope my bill will become law in this session. Our senior citizens need the assurance that next January their part B Medicare premiums will not increase more than the rate of increase they will get in their Social Security checks.

COMMEMORATING JOSEPH AND MARY HELEN BLASCO UPON THEIR INCLUSION INTO THE ORDER OF THE GAEL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. BILBRAY. Mr. Speaker, I rise today with great admiration and respect to pay tribute to two outstanding Nevada citizens, Joe and Mary Helen Blasco. On Tuesday, February 23, Joseph and Mary will be included in the Order of the Gael during ceremonies conducted by Bishop Gorman High School.

During the sixth annual "Knight of the Gael" ceremonies, Joe and Mary will receive a well-deserved honor for their many contributions as outstanding citizens of Nevada and Las Vegas. Dedicating themselves to serving Nevada's youth, Joe and Mary have given of their time, of their energy, and of their resources toward the betterment of youth in a measure equaled by few.

Married in 1938, Joe and Mary are the proud parents of 5 and grandparents of 16. In 1953, after making numerous contributions to the construction industry in California, the Blasco family moved to Las Vegas. The Blasco Development Co. served as an essential part of the development of a booming Las Vegas, building apartment housing, warehouses, stories, mobile home parks, and fulfilling other critical infrastructure needs. The Blasco family's firm all the while made significant contributions to the national defense, including important work at the Yucca Flats area of the Nevada test site.

While serving his community and State in a variety of capacities including as a special assistant to then-Governor Paul Laxalt, Joe gave generously of his time and efforts in the construction of St. Anne's School. Mary has served as an indispensible member of the Blasco family's efforts, raising five children and leading the family in three tours around the world. She is an exceptional golfer—a skill to which Joe can attest, having yet to defeat her on the links.

The Blascos have been instrumental in the construction and development of the Spanish Trail project in Las Vegas. Few facilities in the world can match the quality of the homes and course found in this magnificent southern Nevada community.

For these reasons and for numerous others too lengthy to detail, Mr. Speaker, I ask my colleagues to join with me today in acknowledging the tremendous contributions of Joe and Mary Blasco to Nevada and our Nation.

HONOR RELIGIOUS RIGHTS OF SOVIET CITIZENS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SYNAR. Mr. Speaker, throughout 1988 special ceremonies and church services will be held in the Soviet Union to commemorate the introduction of Christianity into Kievan-Rus', from which Ukrainians and many Russian Christians trace their rich religious and cultural heritage.

While the current Soviet regime sanctions this historical observance, there is compelling evidence that the officially atheistic government of the U.S.S.R. continues to violate the religious rights of its citizens, not only of Christians, but of Jews, Muslims, and others, as well. Severe restrictions are imposed on worship, religious education, evangelism, and the availability of religious literature. Additionally, there is a growing and apparently officially sanctioned anti-Semitism evident in Soviet society.

Glasnost does not yet extend to religious believers in the Soviet Union.

Some believers are imprisoned or confined in psychiatric hospitals as political dissidents because of their beliefs and conscientious convictions. Other acts of harassment, discrimination in housing, education, and employment, denial of emigration visas, and control of religious bodies by the State are all clearly incompatible with the free exercise of religious rights specified in the Universal Declaration on Human Rights and even recognized by the Constitution of the U.S.S.R.

Both the United States and the Soviet Union are signatories to the Helsinki accords of 1975, article 18, which reads as follows: "Everyone has the right to * * * manifest his religion or belief in teaching, practice, worship, and observance."

I recently joined with my colleagues to introduce legislation calling upon Soviet leaders to comply with its international obligations and allow religious believers to practice their faith freely.

House Concurrent Resolution 223 expresses the sense of Congress that in 1988, in celebration of the millennium of the evangelization of Kievan-Rus', the Soviet Union should proclaim a general amnesty for Christians imprisoned for their faith, permit unlimited public distribution and importation of religious materials, allow closed churches to reopen, new churches to be built, and theological seminaries to open or expand, and recognize the religious rights of all Soviet citizens.

Abraham Lincoln, speaking at Independence Hall in Philadelphia, referred to "that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but hope to all the world for all future time."

Lincoln's words enunciate the rationale of U.S. leadership in protecting liberty and standing firm in opposition to human rights abuses, wherever they occur.

In the Declaration of Independence, human rights are regarded as divinely "endowed" and "unalienable," thus transcending the powers of the state. The American tradition therefore regards freedom of religion as fundamental to human rights. The Soviet tradition, in contrast, regards human rights as granted by the state, and thus not having autonomy from the government which grants them. From this distinction stem the differences between the United States and the Soviet Union in practices regarding human rights, including their respective policies regarding freedom of religion.

The present mood of glasnost in the Soviet Union offers a new opportunity for active intervention on behalf of human rights. It is not enough merely to raise the issue of human rights. Our strategy for the protection of human rights will be most effective when linked to arms control and trade agreements.

Human rights interests cannot be separated from national security interests. Respect for human rights guarantees every nation's security and a peaceful and stable world. The Universal Declaration of Human Rights states: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

U.S. interests are best served when our domestic and foreign policies support the values embodied in the founding documents of our Nation: the Declaration of Independence and the Constitution. These values of individual liberty, freedom of expression, freedom of association and security of the person rightfully stand enshrined in the heritage of this country. We identify ourselves and our Government as instruments to promote and protect these rights.

Since 1988 marks the 1,000th anniversary of the introduction of Christianity into Kievan-Rus', it is particularly appropriate that at this time the United States call upon Soviet leaders to release those imprisoned for their faith and to recognize the religious rights of all people in the Soviet Union.

TRIBUTE TO CHARLES P. PIZZI

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Charles P. Pizzi, an outstanding public official, a great Philadelphian, and a very good friend.

After 12 years of public service, Charlie Pizzi is leaving the government arena. I want to take this opportunity to bring to the attention of Congress the many contributions that this man has made to the city of Philadelphia, and to the Delaware Valley.

As director of commerce for the city of Philadelphia since October 1986, Charlie Pizzi has lead the economic development effort for the mayor. During his tenure, Mr. Pizzi has attracted new businesses to the city, helped many organizations remain in the city, and set in motion a number of exciting economic development projects. Philadelphia is enjoying an economic resurgence, and Charlies Pizzi has played a major role in this positive trend.

The projects that Charles Pizzi has been active in include Penn's Landing, which will provide Philadelphia with one of the east-coast's premier waterfront attractions. Also under Charlie's tenure, the city broke ground for a new $77 million international terminal at Philadelphia International Airport. Mr. Pizzi has also attracted significant foreign investment to Philadelphia, including IKEA and Agusta Aviation. He has implemented such successful neighborhood development projects as the Ogontz Avenue Shopping Center and the Strawberry Square Shopping Center. In addition, Mr. Pizzi has been involved in a record number of sales of commercial and industrial properties, leading to the creation of thousands of jobs for Philadelphians. Most recently, Charlie was instrumental in persuading Cigna Corp. to remain in the city. After 4 months of negotiation, he successfully shaped a proposal which convinced Cigna to keep its corporate headquarters and 4,400 jobs in Philadelphia. It has been estimated that this action means a $340 million impact on the economy of the city.

Mr. Pizzi's many responsibilites on behalf of Philadelphia have brought him to Washington on many occasions. Charlie has testified before a number of congressional committees in support of legislation that benefits our Nation's cities. He has also been instrumental in securing million of dollars in new Federal funds for the city. From center city to the airport to the riverfront to Northeast Philadelphia and all over the city, Charlie Pizzi has left a mark on Philadelphia that will endure for many years to come.

I know that I share the sentiments of many, many people in Philadelphia when I say that he has earned the gratitude of our citizens for a job well done. We will all miss his capable talents in government. I want to wish Charlie Pizzi and his family—his wife, Elise, and their children, Justin, Gabriel, Christian, and their newborn son Keith—the very best in future endeavors.

GREENHOUSE EFFECT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. GREEN. Mr. Speaker, last week, Dr. Stephen H. Schneider, the head of the National Center for Atmospheric Research's climate system program, presented to members and staff an overview of the level of current scientific understanding of the greenhouse effect. He emphasized that the mechanisms of greenhouse heating of the atmosphere are well understood and that scientists agree that if carbon dioxide and other greenhouse gases continue to be released at current levels, an increase in global temperature is inevitable.

Researchers however, disagree as to the extent, rate and effect of future temperature increases. Such increases will depend, of course, on many factors, but especially on the level of fossil fuel use. Researchers generally predict, however, that we have already committed ourselves to an increase in temperature of 1.5–4.5 C in the next 100 years. Possible effects of this increase include shifts in the world's grain belts, coastal flooding and increased mortality due to heat.

Dr. Schneider explained that natural climactic variations have occurred throughout the history of the Earth. The danger of man induced greenhouse warming, however, is not only in the change itself, but in the rate of change. Given time, man, undoubtedly, would adapt to a warmer world. But the predicted rate of change due to greenhouse warming is about 10 times that of the natural rate of change since the last ice age. It is unlikely that man could adapt so quickly without substantial economic, social, and political dislocation.

What steps, then, can be taken to minimize greenhouse warming? Is there some principle that can help us choose which problems to spend our resources on? Dr. Schneider proposed a tie-in strategy in which those actions are taken which would provide widely agreed societal benefits even if greenhouse warming did not occur. For instance, one of the principal ways to slow down the rate of greenhouse warming is to invest in the efficient use of energy. Energy conservation would not only reduce the amount of carbon dioxide emitted into the atmosphere but also would reduce acid rain, negative health effects in urban areas from air pollution and dependence on foreign sources of fuel. Another tie-in strategy is the development of alternative energy technologies, as is the development of alternative crop strains more resistant to heat and dry soils.

Dr. Schneider emphasized that more and better data is needed for greenhouse effect climate models, especially data on tropical and global rainfall. The only method of obtaining comprehensive rainfall data is from space. It is unfortunate that existing satellites do not have the rainfall measurement capabilities that Dr. Schneider and his fellow climate scientists need to improve the accuracy of their models. Let us hope that NASA and the Congress will be responsive to the needs of greenhouse effect research efforts when planning for future space missions.

TRIBUTE TO DANIEL P. GALLAGHER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. ACKERMAN. Mr. Speaker, it is my great pleasure to rise today to recognize the 43 years of dedicated service Daniel P. Gallagher has provided to the U.S. Postal Service.

Dan's entire adult life has been devoted to Government service. In 1943, Dan began his postal career with the U.S. Postal Department as a "war service indefinite" clerk, while pursuing his high school education. After serving his country in the Army, Dan resumed his work in the post office as a subcarrier in the Madison Square Station, and, in 1951, he became a full-fledged carrier.

In 1966, Dan became a leader when he entered the supervisory ranks as a foreman at the Grand Central Station. Within 2 years, Dan was promoted to tour superintendent at Radio City Station. Never being a person who was content to stay put, Dan was promoted to superintendent of collection in 1973; in 1977, he attained the position of tour superintendent of operations; and, since 1980, he has served as operations manager at Madison Square Station.

Mr. Speaker, during Dan's long and dedicated postal career, he has served Branch 100 of the National Association of Postal Supervisors as secretary, executive vice president, and, since 1980, as president. Daniel Gallagher has accumulated numerous awards and commendations during his almost half-century career with the Postal Service.

Daniel Gallagher is representative of the over 800,000 hard-working postal employees who strive every day of the year to provide letter-perfect service to the citizens of our Nation.

On the occasion of his retirement, Dan's wife of 36 years, Gene, his children, and his extended family of members of Branch 100 of NAPS, can reflect on his achievements and be confident that in his years of retirement Dan will continue to have a positive impact upon his colleagues, friends, and family.

CHILD CARE

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. HOLLOWAY. Mr. Speaker, we have heard much about the need for action on the issue of child care. One question that I keep hearing is, "What role should the Federal Government play?", and "How can the Government respond to the needs of families while treating all women equally?"

Today, I am pleased to introduce legislation which would address the child care needs of all American families with preschool children. By eliminating restrictions on the current dependent care tax credit, not only will full-time mothers qualify for the dependent care tax credit, but working mothers will be allowed greater freedom of choice over who cares for their children.

As now written, the child care tax credit is restrictive, unwieldy and unfair, because parents who need it most don't qualify.

My proposal would establish child care tax credits of a fixed dollar amount, to be determined by a family's—or single parent's—earned income. This will give everyone with qualifying children the opportunity to make use of the tax credit regardless of whether the parents work. Caring for children is costly to both homemakers and working parents alike.

My proposal will allow families to fashion the child care arrangement that best meets their needs. This, Mr. Speaker, is sound policy. I believe that this proposal is the most realistic, effective, and efficient solution to the daycare dilemma facing American families, and I hope that my colleagues will join me in this effort.

FOUR CHAPLAINS HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to commemorate the heroic acts of four chaplains who sacrificed their lives during World War II.

The story of these four brave men is well-known. At around midnight on February 8, 1943, the ship they were on, the U.S.S. *Dorchester,* was torpedoed by an enemy submarine while most of the 900 troops on board lay in their bunks. As fire engulfed the ship, the chaplains offered reassurance and encouragement to the frightened soldiers, distributed life preservers, and helped the men into lifeboats. When the supply of life preservers was exhausted, the chaplains gave their own lifejackets to others, and then remained with the burning ship as it went down.

The four chaplains, George L. Fox, Alexander D. Good, Johnny P. Washington, and Clark V. Poling each received the Purple Heart and the Distinguished Service Cross posthumously for their extraordinary heroism. In addition, on July 14, 1960, Congress awarded each man with this Nation's highest distinction, the Congressional Medal of Honor.

Mr. Speaker, I am pleased to announce two services being held in my district to honor these brave men. The first memorial mass will be held on February 11 by the Murray-Reynolds American Legion Post 76 in North Haven, CT. The second mass will be held by Milford American Legion Post 34 in Milford, CT, on February 24. All of us owe a debt of gratitude to the members of Murray-Reynolds Post 76 and Milford Post 34 for perpetuating the spirit of these four men, and for reminding us of our capability as human beings for acts of heroism and bravery.

Mr. Speaker, I urge my colleagues and all our citizens to join me in paying tribute both to the valor of these four men, and to the people at American Legion Post 76 and Post 34 who have kept their memory alive.

NATIONAL MUSIC IN OUR SCHOOLS MONTH

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PURSELL. Mr. Speaker, I rise today to inform my colleagues in the House of Representatives that the month of March 1988 has been designated by the Music Educators National Conference as National Music in Our Schools Month. This observance is in honor of the 150th anniversary of American music education.

Whether through the inspiration of a school marching band, or through the sophistication of a school symphony, music influences the lives of millions of people who participate in performing and listening experiences developed through school music programs.

Being a member of the Labor, Health and Human Services, Education Appropriations Subcommittee, I have the great fortune of working with a variety of educational organizations from the college and university level, to grade school. It is truly a pleasure to see how music education develops sensitivity, esthetic awareness, and intellectual powers in young people.

Mr. Speaker, Music in Our Schools Month is a special opportunity for citizens to understand and support music education. I ask my colleagues to join me, and the Music Educators National Conference, in proclaiming March 1988 as Music in Our Schools Month.

FIFTY YEARS OF CROP INSURANCE

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MADIGAN. Mr. Speaker, the inability to control or accurately predict the behavior of the weather has always been one of the major risks faced by farmers. Drought, floods, hail, cold, and heat have plagued farmers since the beginning of time. Up until 50 years ago there was little farmers could do to protect themselves against the devastation of a drought or flood. On February 16, 1938 the Federal Crop Insurance Corporation was created to begin a program which would help the American farmer control the risk of weather and other nature related crop disasters.

Beginning with a pilot program for wheat growers in 1938 the program grew slowly covering certain commodities in selected counties. By the late 1970's, the program had expanded coverage to 27 commodities in 1,700 counties. The 1980 Federal Crop Insurance Act accelerated the expansion of crop insurance by authorizing an all-risk, all-crop nationwide program. By crop year 1982, nearly every county with acreage in wheat, corn, barley, grain sorghum, cotton, and rice had a crop insurance program. For crop year 1988, all-risk crop insurance is available for 54 types of crops in more than 3,000 counties throughout the United States.

While the crop insurance program has had its share of problems, some of which were related to the accelerated expansion of the program following implementation of the 1980 act, it serves a vital function in helping to protect thousands of farmers and millions of acres of cropland from the risks of weather related and other natural disasters. I am confident that the people of the Federal Crop Insurance Corporation are working diligently to make the program work better for the American farmer.

Mr. Speaker, I would ask my colleagues to join with me today in extending congratulations to the dedicated staff and employees of the Federal Crop Insurance Corporation on the occasion of the 50th anniversary of the creation of the Federal Crop Insurance Corporation.

THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. PETER SALOMONE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this Congress two fine constituents from my district, Mr. and Mrs. Peter Salomone. This year the Salomones celebrate their 50th wedding anniversary.

During their years together, they have been blessed with 4 children, 11 grandchildren, and 1 great-grandchild. Mr. and Mrs. Salomone's marriage is a tribute to the strength and stability of family life. In a time when many marriages are short-lived, it is encouraging to see such a wonderful example of love and commitment.

I am sure that my colleagues join me in congratulating Mr. and Mrs. Salomone on this joyous occasion.

IN HONOR OF 100 YEARS OF ADULT EDUCATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LEVINE of California. Mr. Speaker, this school year we are celebrating the 100th anniversary of adult education in Los Angeles. Over the years the adult schools of Los Angeles Unified School District have done an excellent job of offering the finest education possible to the adults of the greater Los Angeles area. The mission of adult school is to provide quality, life-long educational opportunities and services, responding to the unique needs of the individuals in the various communities it serves.

In 1887 the first night school in Los Angeles was opened in a public school building. It had 30 students. The curriculum was literacy. The year 1890 saw business courses introduced into evening school and in 1896 Superintendent J.A. Foshay introduced cookery, sewing, and manual training into the Los Angeles night school curriculum. In 1899, as a service to the public, the first lecture series was given. In 1902 Marcus C. Bettinger was appointed assistant superintendent, with the direction of the "night schools" as one of his responsibilities. In 1903 evening Americanization and citizenship classes were opened at Polytechnic High School. This was followed in 1911 by the organization of the first day class for "foreign women" at Macy Street School. This marked the beginning of the neighborhood adult school.

In 1949 the first gerontology class was opened by Franklin Adult School at Monte Vista Elementary School. This class and the many that followed help to meet the educational needs of our rapidly growing older adult population. Rapid advances in technology during this century mandated that our high school and adult population have access to centers where training or retraining in the newest vocational skills can be obtained. To meet this need, central city occupational center—Abram Friedman Occupational Center—was founded in 1963. It was determined at that time that the many members of our community were not receiving the type of education and/or training required to enable them to take advantage of the employment opportunities available. The adult education division was able, because of its unique ability to institute new programs, to have Watts, Pacoima, and East Los Angeles skills centers, which offer short term intense job training programs, functioning in 1966. By 1976 there were six of these very special employment preparation centers available to the people of the Los Angeles Unified School District.

A great deal has happened since one adult class with its 30 students was begun in 1887. As of last year, 1986-87, the district had 27 community adult schools, five occupational centers, six skills centers and its newest school, opened in 1986, the business school which prepares adult and high school students to meet the challenges of this age of technology.

In contrast to the 30 students in that first class in 1887, 446,132 students were served during the 1986-87 school year. As we enter our second century, adult educators look forward to even greater accomplishments sure that in the future as in the past the quest for learning never ends.

It is an honor to share the history of the Los Angeles Unified School District adult education program with my colleagues in the U.S. House of Representatives.

FRUITLESS ENDEAVORS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SMITH of Florida. Mr. Speaker, I have learned that the study mandated by the 1987 highway bill to identify measures that may improve the safety of schoolbus transportation will be fruitless. Despite my urging, the National Academy of Sciences [NAS] will not include crash testing in this study to determine the potential for future legislation requiring seatbelts on schoolbuses.

The NAS was directed to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to children riding in schoolbuses and the use of seatbelts in schoolbuses and of other measures that may improve the safety of schoolbus transportation. I informed NAS of my interest in crash testing and included a copy of the floor colloquy I had with Mr. ANDERSON, chairman of the Subcommittee on Surface Transportation.

But NAS simply will review existing studies without conducting crash tests or generating any new information. Opponents of my seatbelt bill cited this NAS study as the determining factor in the veracity of seatbelt legislation. In fact, some thought my bill was premature without the results of this study. Unfortunately, the study will not bring us one step closer to the truth that seatbelts belong on schoolbuses. Through crash testing, we would have learned, I believe, that seatbelts are the best safeguard against injuries sustained in schoolbus accidents.

The safety of our children who ride schoolbuses will be undermined by the unwillingness of the NAS to include realistic crash tests in this study. Crash testing in the NAS study would have provided the most up to date and critical information for the seatbelt in schoolbuses debate. Without crash testing of any sort, NAS will give us no new pivotal information.

TRIBUTE TO F. RITTER SHUMWAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. HORTON. Mr. Speaker, F. Ritter Shumway, a close personal friend of mine and a man who has contributed much to this country through his work in civic and national organizations, is being honored by the Rochester Power Squadron in Rochester, NY, on February 20. He is being honored for his substantial contributions to boating, and to safe boating in particular. I would like to insert in the RECORD a letter I am sending to pay tribute to this great American. I am indeed privileged to count such a man as Ritter Shumway as among my closest friends:

Tonight the Rochester Power Squadron of the United States Power Squadron celebrates the 50th anniversary of your founding and you honor an outstanding American, and your founder; F. Ritter Shumway. For decades, Ritter has worked tirelessly on behalf of the Greater Rochester area and of the people of this country. He has distinguished himself time and again and has served in a number of capacities, including the President of the United States Chamber of Commerce.

Tonight he is being honored for his contributions to safe boating. And how appropriate. For who has contributed more in the Rochester area than Ritter. Few have contributed more nationally. From his founding of the Rochester Power Squadron in 1938, to his serving as Chief Commander of the U.S. Power Squardons in 1948, Ritter Shumway continues his active interest in boating, boating safety and in bringing the pleasures of this great sport to more and more people.

Ritter Shumway feels strongly about boat safety and has overseen programs that have provided thousands of boaters with essential boat safety knowledge. We can assume from this training of novice and advanced boaters alike that hundreds of accidents have been prevented.

In his work with the U.S. Power Squadrons, Ritter has earned 50 Merit Marks. A Merit Mark is the only "pay" that a member receives for active contibutions of time to the workings of the U.S.P.S. Ritter personifies the spirit of volunteerism which is so essential to our society.

Finally, Ritter is a good and trusted friend, and a man who has played a key role in my Congressional career. Ritter, tonight I join your many boating friends in paying tribute to you and your work. Were it not that my schedule has me out of the country, I would be there personally. Nancy and I send our very best wishes for continued health and prosperity.

With kindest personal regards,

Sincerely,

FRANK HORTON.